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For more information concerning the history of these regulations, please see the [Table of Regulations](#).

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CHAPTER B-2.1

BEVERAGE CONTAINERS ACT

RECYCLABLE BEVERAGE CONTAINER DEPOSIT REGULATIONS

Pursuant to section 33 of the *Beverage Containers Act* R.S.P.E.I. 1988, Cap. B-2.1, Council made the following regulations:

1. In these regulations, “Act” means the *Beverage Containers Act* R.S.P.E.I. 1988, Cap. B-2.1. (EC275/08) Act, defined
2. The Provincial Treasurer may delegate to any officer or employee of the Provincial Treasury any function of the Provincial Treasurer under these regulations or under subsection 10(8) of the Act. (EC275/08) Delegation by
Provincial Treasurer
3. (1) On or before the twentieth day of each calendar month, every registered distributor shall Requirement to file
a return and make
remission on a
monthly basis
 - (a) make a return to the Provincial Treasurer in such form as may be approved by the Provincial Treasurer respecting
 - (i) the deposits that are required under subsection 10(4) of the Act to be remitted by the registered distributor to the Provincial Treasurer for the recyclable beverage containers sold by the registered distributor during the immediately preceding calendar month, and
 - (ii) the deposits that are required under subsection 10(6) of the Act to be paid by the registered distributor to the Provincial Treasurer for the recyclable beverage containers that were given away by the registered distributor during the immediately preceding calendar month;
 - (b) remit to the Provincial Treasurer with the return the deposits referred to in subclause (a)(i); and
 - (c) pay to the Provincial Treasurer with the return the deposits referred to in subclause (a)(ii).
- (2) Notwithstanding subsection (1), a registered distributor shall, at any time required by the Provincial Treasurer, Returns and
remissions made on
request of
Provincial Treasurer
 - (a) make a return to the Provincial Treasurer for such period of time as the Provincial Treasurer may determine respecting
 - (i) the deposits that are required under subsection 10(4) of the Act to be remitted by the registered distributor to the Provincial Treasurer for the recyclable beverage containers sold by the registered distributor during such period, and

- (ii) the deposits that are required under subsection 10(6) of the Act to be remitted by the registered distributor to the Provincial Treasurer for the recyclable beverage containers that are given away by the registered distributor during such period; and
- (b) remit to the Provincial Treasurer with the return the deposits referred to in subclause (a)(i); and
- (c) pay to the Provincial Treasurer with the return the deposits referred to in subclause (a)(ii).

Return where no sales

(3) Where a registered distributor has not sold or given away any beverages in recyclable beverage containers during the immediately preceding calendar month, the registered distributor shall make a return in accordance with subsection (1) setting forth that fact. (EC275/08)

Books and records required

4. (1) Every registered distributor shall keep and maintain books of account, records and documents sufficient to furnish the Provincial Treasurer with the necessary particulars of

- (a) the number of each of the following types of recyclable beverage containers that are delivered by the registered distributor into the province:
 - (i) the beverage containers that are filled with liquor and that have a capacity of 500 millilitres or less,
 - (ii) the beverage containers that are filled with liquor and that have a capacity of more than 500 millilitres,
 - (iii) the beverage containers that are filled with a beverage other than liquor;
- (b) the amount of the deposits that are payable for each of the types of recyclable beverage containers referred to in subclauses (a)(i), (ii) and (iii) that are sold by the registered distributor; and
- (c) the amount of the deposits collected for each of the types of recyclable beverage containers referred to in subclauses (a)(i), (ii) and (iii) that are sold by the registered distributor;
- (d) the number of each of the following types of recyclable beverage containers that are given away by the registered distributor:
 - (i) the beverage containers that are filled with liquor and that have a capacity of 500 millilitres or less,
 - (ii) the beverage containers that are filled with liquor and that have a capacity of more than 500 millilitres,
 - (iii) the beverage containers that are filled with a beverage other than liquor;
- (e) the amount of the deposits that are payable for each of the types of recyclable beverage containers referred to in subclauses (f)(i), (ii) and (iii) that are given away by the registered distributor; and
- (f) the disposition of the deposits for recyclable beverage containers that are due from or collected by the registered distributor.

(2) Every registered distributor shall preserve all books of account, records and documents until such time as the Provincial Treasurer may authorize their destruction. (EC275/08)

Preservation and
destruction

5. Where a registered distributor has made sales of beverages in recyclable beverage containers on a charge basis without collecting the deposits for the recyclable beverage containers at the time of sale, the registered distributor shall report such deposits in the monthly return of the registered distributor. (EC275/08)

Deposit due on
credit sales

6. For the purposes of subsection 10(9) of the Act, the prescribed rate of interest payable on overdue deposits is 1.5 per cent per month. (EC275/08)

Interest rate
applicable

7. (1) A registered distributor may apply under subsection 10(8) of the Act for a refund of a deposit paid by the registered distributor to the Provincial Treasurer by filing an application for the refund in the manner set out in subsection (2) within four years of the date the wrongful payment or overpayment was made by the registered distributor.

Refunds

(2) An application for a refund of an amount paid as a deposit for a recyclable beverage container shall be made, in writing, to the Provincial Treasurer and shall include

Idem

- (a) the reason for requesting the refund; and
- (b) such information or documents, including invoices and receipts, as the Provincial Treasurer may require, respecting the payment of the amount of the deposit for which the refund is requested.

(3) Any information or documents required by the Provincial Treasurer in respect of an application under this section shall be provided or presented by the applicant in such form or manner as the Provincial Treasurer may require.

Idem

(4) Notwithstanding subsection (1), where an amount is paid as a deposit for a recyclable beverage container and it is subsequently determined that the amount was paid under a mistake in law, no action shall be maintainable against the Government for return of the amount so paid. (EC275/08)

Payment under
mistake of law

8. In making an assessment pursuant to the Act, the Provincial Treasurer shall not consider a period prior to the sixty months immediately preceding the month in which the assessment is made, except where there is a reasonable appearance of wilful default or fraud to the Provincial Treasurer. (EC275/08)

Assessment period