



PRINCE EDWARD ISLAND  
ÎLE-DU-PRINCE-ÉDOUARD

# INTERPRETATION ACT

## PLEASE NOTE

This document, prepared by the *Legislative Counsel Office*, is an office consolidation of this Act, current to May 13, 2021. It is intended for information and reference purposes only.

This document is *not* the official version of the Act. The Act and the amendments as printed under the authority of the Queen's Printer for the province should be consulted to determine the authoritative statement of the law.

For more information concerning the history of this Act, please see the *Table of Public Acts* on the Prince Edward Island Government web site ([www.princeedwardisland.ca](http://www.princeedwardisland.ca)).

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## CHAPTER I-8.1

## INTERPRETATION ACT

## PART 1 – PRELIMINARY MATTERS

## 1. Definitions

In this Act,

- (a) “**Chief Legislative Counsel**” means the person designated as Chief Legislative Counsel by the Minister of Justice and Public Safety and Attorney General under section 37;
- (b) “**enact**” includes issue, make, establish or prescribe;
- (c) “**enactment**” means an Act or regulation or a portion of an Act or regulation;
- (d) “**regulation**” means a regulation, order, rule, form, tariff of costs or fees, proclamation, letters patent, commission, bylaw or other instrument enacted
  - (i) in execution of a power conferred under an Act, or
  - (ii) by or under the authority of the Lieutenant Governor in Council,but, for certainty, does not include an order of a court or an order made by a public officer or an administrative tribunal with respect to a dispute between two or more persons;
- (e) “**repeal**” includes revoke, cancel or rescind. *2021,c.10,s.1.*

## 2. Application

Every provision of this Act applies to every enactment, whenever enacted, unless a contrary intention appears in this Act or in the enactment. *2021,c.10,s.2.*

## PART 2 – COMING INTO FORCE, REPEAL, EXPIRY

## 3. Coming into force of Act

- (1) An Act or a portion of an Act comes into force on the date or in the manner specified in the Act.

**Date of commencement of Act**

- (2) Where no date or manner of coming into force is specified, the Act or portion of the Act comes into force on the date the Act receives royal assent.

**Commencement provision**

- (3) Where a provision of an Act states that the Act or a portion of the Act is to come into force on a date that may be fixed by proclamation of the Lieutenant Governor in Council, on a specified date or in a specified manner, that provision comes into force on the date that the Act receives royal assent.

**Proclamation**

- (4) A proclamation referred to in subsection (3)
- (a) may apply to the coming into force of any provision of the Act or portion of the Act; and
  - (b) may be issued at different times for different provisions of the Act or portions of the Act.

**Date of royal assent**

- (5) In this section, “the date the Act receives royal assent”, in relation to an Act that has been reserved for the signification of the Governor General’s pleasure, means the date of the signification by the Lieutenant Governor that the Governor General in Council assented to the Act. *2021,c.10,s.3.*

**4. Content of proclamation**

- (1) Where a proclamation is issued pursuant to an order of the Lieutenant Governor in Council, it is not necessary to provide notice in the proclamation that it is issued pursuant to the order.

**Effective date of proclamation**

- (2) Where the Lieutenant Governor in Council has authorized the issue of a proclamation, the proclamation may provide it has been issued on the date its issue was authorized and shall be deemed to take effect on that date.

**Judicial notice of proclamation**

- (3) Where an Act or any portion of an Act is expressed to come into force on a day fixed by proclamation, judicial notice shall be taken of the issue of the proclamation and the day fixed by the proclamation. *2021,c.10,s.4.*

**5. Coming into force of regulation**

- (1) A regulation or a portion of a regulation comes into force on the date or in the manner specified in the regulation.

**Date of publication**

- (2) Where no date or manner of the coming into force is specified, the regulation or portion of the regulation comes into force on the date the regulation or portion of the regulation is published in the Gazette. *2021,c.10,s.5.*

**6. Time of commencement, repeal**

- (1) Unless otherwise provided,
- (a) an enactment comes into force at the beginning of the day on which it comes into force; and
  - (b) the repeal of an enactment takes effect at the beginning of the day of the repeal.

**Effect of expiry, etc.**

- (2) An enactment that has expired, is no longer authorized or has otherwise ceased to have effect is deemed repealed for the purposes of this Act.

**Cessation of enactment**

- (3) For the purposes of subsection (2), an enactment ceases to have effect at the beginning of the day on which it expires or otherwise ceases to have effect.

**Repeal and replacement**

- (4) An enactment that is repealed and replaced by a new enactment ceases to have effect at the time the new enactment commences. *2021, c.10, s.6.*

**7. Preliminary proceedings**

A power in an enactment to enact regulations, or to do any other thing, may be exercised before the enactment comes into force but, except as is necessary to make the enactment effective when it comes into force, the regulations enacted or other thing done has no effect until the enactment comes into force. *2021, c.10, s.7.*

**8. Effect of repeal**

- (1) The repeal of an enactment does not
- (a) revive an enactment that is no longer in force, or a law that no longer exists, immediately before the time the repeal takes effect;
  - (b) affect the previous operation of the repealed enactment;
  - (c) affect a right, privilege, obligation or liability that came into existence under the repealed enactment and exists immediately before the time the repeal takes effect;
  - (d) affect a contravention of the repealed enactment or any penalty, fine, forfeiture or punishment incurred in connection with the contravention; or
  - (e) affect an investigation, proceeding or remedy in respect of
    - (i) a right, privilege, obligation or liability referred to in clause (c), or
    - (ii) a penalty, forfeiture or punishment referred to in clause (d).

**Investigation, proceeding**

- (2) An investigation or proceeding referred to in clause (1)(e) may be commenced or continued and a remedy referred to in that clause may be enforced as if the enactment had not been repealed.

**Penalty, etc., may be imposed**

- (3) Subject to subsection 9(5), a penalty, forfeiture or punishment referred to in clause (1)(d) may be imposed as if the enactment had not been repealed. *2021, c.10, s.8.*

**9. Definitions**

- (1) In this section,
- (a) **“former enactment”** means an enactment that has been
    - (i) repealed and replaced with a new enactment, or
    - (ii) amended in a manner that changes its application or operation;

- (b) “**new enactment**” means an enactment that replaces a former enactment, and includes an amendment to a former enactment that changes the former enactment’s application or operation.

**Person remains authorized**

- (2) A person authorized to act under a former enactment may continue to act under the new enactment until another person is authorized to do so.

**Proceeding may continue**

- (3) A proceeding commenced under a former enactment shall be continued under the new enactment in conformity with the procedures established by the new enactment, insofar as is practicable.

**Procedures under new enactment**

- (4) Procedures established by a new enactment shall be followed, with the necessary modifications, in relation to a matter that arose under the former enactment, including, without limitation,
- (a) procedures for the recovery or enforcement of penalties and forfeitures incurred under the former enactment;
  - (b) procedures for the enforcement of a right or privilege that exists when the new enactment comes into force; and
  - (c) proceedings relating to matters that arose under the former enactment that are commenced after the repeal of the former enactment.

**New enactment applies to penalty, etc.**

- (5) Where a penalty, forfeiture or punishment authorized under a former enactment is reduced or mitigated by the new enactment, the new enactment applies to any sanction imposed after the new enactment comes into force in respect of a matter that occurred under the former enactment.

**Regulations remain in force**

- (6) Regulations enacted under a former enactment remain in force and are deemed to have been enacted under the new enactment in so far as they are authorized by and not inconsistent with the new enactment.

**Reference in other enactment**

- (7) A reference in an unrepealed enactment to the former enactment shall, regarding a subsequent transaction, matter or thing, be construed as a reference to the provisions of the new enactment relating to the same subject matter as the former enactment, but where there are no provisions in the new enactment relating to the same subject matter, the former enactment shall be construed as being unrepealed in so far as is necessary to maintain or give effect to the unrepealed enactment.

**Change in authority**

- (8) Where
- (a) a former enactment conferred a power on a person or body to enact regulations; and
  - (b) the power is conferred by the new enactment on a different person or body,
- the person or body referred to in clause (b) has the power to repeal, amend or replace the regulations enacted by the person or body referred to in clause (a). *2021, c.10, s.9.*

**10. Power to enact includes repeal, amendment**

- (1) A power to enact regulations includes the power, exercisable in the same manner and subject to the same conditions, if any, to repeal or amend the regulations.

**Repeal of regulations**

- (2) The Lieutenant Governor in Council may, by regulation, repeal regulations for which the statutory authority to make the regulations has been repealed, has expired or is spent. *2021, c.10, s.10.*

**PART 3 – INTERPRETATION OF ENACTMENTS****11. Principles of interpretation**

- (1) The words of an Act and regulations authorized under an Act shall be read in their entire context, and in their grammatical and ordinary sense, harmoniously with the scheme of the Act, the object of the Act and the intention of the Legislative Assembly.

**Remedial construction**

- (2) Acts and regulations shall be construed as being remedial and shall be given the fair, large and liberal interpretation that best ensures the attainment of their objects. *2021, c.10, s.11.*

**12. Enactment always speaking**

Where a provision in an enactment is expressed in the present tense, the enactment shall be construed as applying to circumstances as they arise. *2021, c.10, s.12.*

**13. “Domestic enactment”, defined**

- (1) In this section, “**domestic enactment**” means an enactment of Prince Edward Island, Canada, or another province or territory of Canada.

**Reference to domestic enactment**

- (2) A reference in an enactment to a domestic enactment is a reference to the domestic enactment as amended or to the domestic enactment that replaced it.

**Application**

- (3) Subsection (2) applies whether the domestic enactment is amended or replaced before or after the coming into force of the enactment in which the reference to the domestic enactment appears.

**Repealed domestic enactment**

- (4) A reference in an enactment to a domestic enactment that has been repealed and not replaced is a reference to the domestic enactment as it read immediately before its repeal. *2021, c.10, s.13.*

**14. “Foreign enactment”, defined**

- (1) In this section, “**foreign enactment**” means an enactment of a jurisdiction outside Canada.

**Reference to foreign enactment**

- (2) A reference in an enactment to a foreign enactment is a reference to the foreign enactment as it read on the date on which the enactment containing the reference was enacted. *2021, c.10, s.14.*

**15. Amending enactment**

An amending enactment shall be construed as part of the enactment that it amends.  
*2021,c.10,s.15.*

**16. Effect of repeal, etc.**

- (1) The repeal of an enactment, the repeal and replacement of an enactment or the amendment of an enactment shall not be construed to be or to involve
- (a) a declaration that the enactment was or was considered by the Legislature or other body or person by whom it was enacted to have been previously in force; or
  - (b) a declaration as to the previous state of the law.

**Amendment does not imply change in law**

- (2) The amendment of an enactment shall not be construed to be or to involve a declaration that the law under the enactment prior to the amendment was or was considered by the Legislature or other body or person who enacted it to be different from the law under the enactment as amended.

**Judicial construction not adopted**

- (3) A re-enactment in the same words, revision, consolidation or amendment of an enactment shall not be construed to be or to involve an adoption of the construction that has by judicial decision or otherwise been placed on the language used in the enactment or on similar language. *2021,c.10,s.16.*

**17. Reference to regulations**

- (1) A reference in an enactment to regulations is a reference to regulations made under the enactment.

**Reference to Act**

- (2) A reference in regulations to the Act is a reference to the Act under which the regulations are made. *2021,c.10,s.17.*

**18. Common names**

Where the name commonly applied to a country, place, body, corporation, society, officer, functionary, person, party or thing is used in an enactment, that name means the country, place, body, corporation, society, officer, functionary, person, party or thing to which the name is commonly applied, even though that name is not the formal or extended designation of it. *2021,c.10,s.18.*

**19. “Section heading”, defined**

- (1) In this section, “**section heading**” means a heading that appears in an enactment immediately above or beside a section or a provision of a section.

**Preamble, etc., part of enactment**

- (2) The following are part of an enactment:
- (a) a preamble;
  - (b) headings other than section headings.



**Reference aids not part of enactment**

- (3) The following are not part of an enactment and are to be considered to have been included editorially and for convenience of reference only:
- (a) section headings;
  - (b) tables of contents. *2021,c.10,s.19.*

**20. Government bound**

- (1) Every Act and every regulation made under it is binding on the Government unless the Act specifically provides otherwise.

**Application**

- (2) This section applies to Acts enacted on or after December 31, 1988. *2021,c.10,s.20.*

**21. Demise of the Crown**

- (1) A change of reigning sovereign does not affect anything done or begun under the previous reigning sovereign and all matters continue as if no succession had occurred.

**References to “the King”, etc.**

- (2) Where the reigning sovereign is a Queen, a reference in an enactment to “the King”, “the King’s”, “His Majesty” or “His Majesty’s”, unless the context requires otherwise, shall be interpreted to mean respectively “the Queen”, “the Queen’s”, “Her Majesty” or “Her Majesty’s”.

**References to “the Queen”, etc.**

- (3) Where the reigning sovereign is a King, a reference in an enactment to “the Queen”, “the Queen’s”, “Her Majesty” or “Her Majesty’s”, unless the context requires otherwise, shall be interpreted to mean respectively “the King”, “the King’s”, “His Majesty” or “His Majesty’s”. *2021,c.10,s.21.*

**22. Authority to appoint**

- (1) Authority under an enactment to appoint a person to an office includes the authority to
- (a) appoint the person either for a fixed term or during pleasure;
  - (b) provide for the appointee’s remuneration;
  - (c) provide for payment of the appointee’s expenses;
  - (d) remove or suspend the appointee;
  - (e) reappoint or reinstate the person as appointee;
  - (f) appoint a deputy who has the same powers as the appointee
    - (i) subject to the conditions, or
    - (ii) with the limitation of powers specified in the appointment; and
  - (g) appoint another person to act temporarily in the office where
    - (i) the office is vacant,
    - (ii) the appointee is absent or unable to act for any reason, including, without limitation, illness or incapacity or a conflict of interest in respect of a matter, or
    - (iii) the appointee gives prior notice of a temporary absence or resignation.

**Appointment at pleasure**

- (2) A person who is appointed to a public office holds office during pleasure unless the contrary intention is expressed
- (a) in the enactment under which the person is appointed; or
  - (b) in the instrument by which the person is appointed.

**Revocation of appointment**

- (3) An appointment during pleasure may be revoked at any time without cause or notice.

**Effective time of appointment**

- (4) An appointment is effective at the beginning of the day on which the appointment is to take effect.

**Effective time of expiry, etc.**

- (5) Subject to subsection (6), an appointment for a term that is to conclude or expire on a specified day includes that day.

**Effective time of revocation, etc.**

- (6) An appointment that is terminated, revoked or rescinded effective on a specified day is terminated, revoked or rescinded, as the case may be, with effect at the beginning of the specified day. *2021,c.10,s.22.*

**23. Corporate rights and powers**

- (1) An enactment establishing or continuing a corporation shall be construed as vesting in the corporation the authority to
- (a) have perpetual succession;
  - (b) sue and be sued in its corporate name;
  - (c) contract and be contracted with in its corporate name;
  - (d) have a common seal and alter or change it;
  - (e) acquire, hold and dispose of real and personal property for its purposes; and
  - (f) in the case of a corporation that has a name consisting of an English and a French form or a combined English and French form, the power to use either the English or French form of its name or both forms and to show on its seal both the English and French forms of its name or to have two seals, one showing the English and other showing the French form of its name.

**Effect on members**

- (2) An enactment establishing or continuing a corporation shall be construed as
- (a) vesting in the majority of its members the ability to bind the others; and
  - (b) exempting its individual members from personal liability for the corporation's debts, obligations or acts where the members have not contravened the enactment.  
*2021,c.10,s.23.*

**24. Ancillary powers**

- (1) Where an enactment confers a power, all the powers that are necessary to exercise the power are also conferred.

**Power, duty, from time to time**

- (2) Where in an enactment a power is conferred or a duty imposed, the power shall be exercised and the duty shall be performed from time to time as the occasion requires.

**Included powers**

- (3) Where in an enactment the performance of an authorized action is dependent on the Lieutenant Governor in Council or a person performing another action, the Lieutenant Governor in Council or the person has the power to perform that other action.

**Powers on inspection**

- (4) Where in an enactment power is given to a person to inspect or to require the production of records, the power includes power to make copies or extracts of those records. *2021,c.10,s.24.*

**25. Gender**

In an enactment, gender-specific words refer to any gender and include corporations. *2021,c.10,s.25.*

**26. Number**

In an enactment, words in the singular include the plural and words in the plural include the singular. *2021,c.10,s.26.*

**27. Effect of delegation**

- (1) Where an enactment authorizes the holder of an office or position to delegate a power granted or a duty imposed on the office or position by the enactment, the holder, despite any delegation made, may exercise the power or perform the duty.

**Duration of delegation**

- (2) A delegation made under the authority of an enactment remains valid and in effect until the delegation is revoked or expires unless
- (a) the enactment providing the delegated power or duty is repealed or is amended in a manner that changes the application or operation of the delegated power or duty; or
  - (b) the enactment authorizing the delegation is repealed or amended so that the delegation is no longer authorized.

**Power to make regulations not included**

- (3) An authority conferred by an Act to delegate a power or duty does not include the power to delegate a power to make regulations unless specifically authorized. *2021,c.10,s.27.*

**28. Power to act for Minister**

- (1) Words in an enactment directing or empowering a Minister include
- (a) a Minister acting for the Minister; and
  - (b) the Minister's deputy.

**Power to act for office holder**

- (2) Words in an enactment directing or empowering the holder of a position or an office, other than a judicial office, referred to in the enactment include
- (a) a person appointed to act for the holder; and

- (b) the holder's deputy.

**Exception - delegation**

- (3) For certainty, if a power or duty referred to in subsection (1) or (2) is delegated under a statutory power of delegation, those subsections do not apply in respect of the power or duty.

**Vacancy not determinative**

- (4) Subsections (1) and (2) apply whether or not the office or position is vacant.

**Does not apply to regulation-making power**

- (5) Despite this section, a power to make regulations conferred by an Act may be exercised only by the Minister or other person upon whom the power is conferred by the Act. *2021,c.10,s.28.*

**29. Power to make regulations**

- (1) A power conferred by an Act to make regulations includes the power to make regulations that
- (a) are general or particular in application;
  - (b) are different for different classes; and
  - (c) establish classes for the purposes of clause (b).

**Included powers**

- (2) The power conferred by an Act to make regulations includes the power to make regulations
- (a) to provide for administrative and procedural matters for which no express, or only partial, provision has been made in the Act;
  - (b) to limit the application of regulations as to time or place or both;
  - (c) to prescribe the amount of any fee authorized by the enactment, including the power to make regulations setting out the manner of calculating or otherwise determining those fees;
  - (d) to provide, with respect to any provision of regulations made or approved by the Lieutenant Governor in Council, that its contravention constitutes an offence; and
  - (e) to provide that a person who is guilty of an offence for contravening a provision of regulations made pursuant to clause (d) is liable to a penalty specified in the regulations. *2021,c.10,s.29.*

**30. Effect of deviation from specified form**

Where an enactment requires the use of a specified form, deviations from the form do not invalidate a form used if

- (a) the deviations do not affect the substance;
- (b) the deviations are not likely to mislead; and
- (c) the form used is organized in the same way or substantially the same way as the form the use of which is required. *2021,c.10,s.30.*

**31. Parts of speech, grammatical forms**

Where a word or expression is defined in an enactment, other parts of speech and grammatical forms of the same word or expression have corresponding meanings. *2021,c.10,s.31.*

**32. Application to regulations**

A word or expression used in regulations has the same meaning as in the Act authorizing the regulations, whether or not the word or expression is defined in the authorizing Act. *2021, c.10, s.32.*

**33. Time excludes specified day**

- (1) A period of time expressed in days and described as beginning on, at or with a specified day excludes the specified day.

**Time includes specified day**

- (2) A period of time expressed in days and described as ending on, at or with a specified day includes the specified day.

**Time excludes specified day**

- (3) A period of time expressed in days and described as beginning before, after or from a specified day excludes the specified day.

**Days between events**

- (4) A period of time described by reference to a number of days between two events excludes the day on which the first event happens and the day on which the second event happens.

**Application**

- (5) Subsections (1) to (4) apply even where the period is expressed as “at least” or “not less than” a number of days or as requiring clear days.

**Holiday**

- (6) A time limit for the doing of anything that falls or expires on a holiday is extended to include the next day that is not a holiday.

**Business offices**

- (7) A time limit for registering or filing documents or for doing anything else that falls or expires on a day on which the place for doing so is not open during its regular hours of business is extended to include the next day the place is open during its regular hours of business.

**Consecutive months**

- (8) A period of time expressed as one or more consecutive months beginning or ending on, at, with, before, after or from a specified day, is counted to the date numerically corresponding to the date of the specified day in the last or first month of the period, as the case requires.

**Consecutive years**

- (9) A period of time expressed as one or more consecutive years beginning or ending on, at, with, before, after or from a specified day, is counted to the same date as the specified day in the last or first year of the period, as the case requires.

**No corresponding date**

- (10) Where a period of time would end on a date in a month that has no date numerically corresponding to the first date in the period, the period ends on the last day of that month.

**Atlantic Standard Time**

- (11) A specified time of day is a reference to Atlantic Standard Time, or four hours behind Greenwich Mean Time, unless Daylight Saving Time is being observed on that day pursuant to section 2 of the *Time Uniformity Act* R.S.P.E.I. 1988, Cap. T-3.01.

**Attainment of particular age**

- (12) A person reaches a particular age expressed in years at the beginning of the relevant anniversary of the person's birth date. *2021, c. 10, s. 33.*

**34. Applicable definitions**

In an enactment, a word or expression defined in the Schedule to this Act has the meaning assigned to it. *2021, c. 10, s. 34.*

**PART 4 – REFERENCES AND CITATIONS**

**35. Citation of Acts**

- (1) In an enactment or document, an Act of Prince Edward Island, Canada, or another province or territory may be cited by reference to
- (a) its title or its short title, with or without reference to its chapter number;
  - (b) the number of the chapter of the Revised Statutes, or of the Statutes for the calendar year in which the Act was passed; or
  - (c) its chapter number in the continuing office consolidation of the statutes authorized under section 37.

**Citation of regulations**

- (2) In an enactment or document, regulations of Prince Edward Island, Canada, or another province or territory may be cited by reference to
- (a) the title of the regulations; or
  - (b) the number or designation assigned to the regulations by Executive Council and published in the Gazette.

**Citation includes amendments**

- (3) In an enactment, a citation of or reference to another statutory provision of Prince Edward Island, Canada, or another province or territory is a citation of or reference to the other statutory provision as amended from time to time. *2021, c. 10, s. 35.*

**36. References inclusive**

- (1) A reference in an enactment to a series of numbers or letters by the first and last numbers or letters of the series shall be construed as including the number or letter first mentioned and the number or letter last mentioned.

**Internal references**

- (2) A reference in an enactment to a part, division, section, schedule, appendix or form shall be construed as a reference to a part, division, section, schedule, appendix or form of the enactment in which the reference occurs.

**Other internal references**

- (3) A reference in an enactment to a subsection, clause, subclause, paragraph or subparagraph shall be construed as a reference to a subsection, clause, subclause, paragraph or subparagraph of the section, subsection, clause, subclause or paragraph, as the case may be, in which the reference occurs.

**Reference to regulations**

- (4) A reference in an enactment to regulations shall be construed as a reference to regulations made under the enactment in which the reference occurs.

**Printed by authority**

- (5) A reference in an enactment by number or letter to any section, subsection, clause, subclause, paragraph or subparagraph or other division of an enactment shall be construed as a reference to the section, subsection, clause, subclause, paragraph or subparagraph or other division of the other enactment as printed by authority of the *King's Printer Act* R.S.P.E.I. 1988, Cap. K-1. 2021, c.10, s.36; 2022, c.80, s.7.

**37. Designation of Chief Legislative Counsel**

- (1) The Minister of Justice and Public Safety and Attorney General may designate an employee of the Department of Justice and Public Safety as the Chief Legislative Counsel.

**Continuing office consolidation**

- (2) The Chief Legislative Counsel shall maintain a continuing office consolidation of the public Acts of Prince Edward Island in the form the Minister of Justice and Public Safety considers appropriate.

**Updating consolidation**

- (3) The Chief Legislative Counsel shall ensure that the continuing office consolidation includes all amendments to the public Acts and all new public Acts passed by the Legislature as soon as practicable after they come into force, with the exception of those Acts that are spent or have otherwise ceased to have effect.

**Exclusion - not in force**

- (4) The Chief Legislative Counsel may exclude from the continuing office consolidation any Act or provision of an Act which has not come into force.

**Assignment of chapter number**

- (5) Where a new Act is added to the continuing office consolidation, the Chief Legislative Counsel may assign a chapter number to the new Act that is different from the chapter number assigned to it in the annual volume of statutes.

**Form of chapter number**

- (6) The chapter number assigned to a new Act under subsection (5) shall be in the same form as the chapter numbering in the Revised Statutes of Prince Edward Island 1988, and shall reflect the alphabetic position of the first substantive word of the title in the list of public Acts included in the continuing office consolidation. 2021, c.10, s.37.

## PART 5 – OTHER MATTERS

### 38. Effect of private Act

No provision in a private Act affects the rights of any person, except as provided in the private Act with respect to a person mentioned or referred to in that Act. *2021,c.10,s.38.*

### 39. Majority may act

- (1) Where in an enactment an act or thing is required or authorized to be done by more than two persons, a majority of them may do it.

#### “Association”, defined

- (2) In subsections (3) to (6), “association” means a board, commission or other body established by an enactment and consisting of three or more members.

#### Quorum - fixed number

- (3) Where the number of members of the association provided for by the enactment under which it is established is a fixed number, at least one-half of that number constitutes quorum at a meeting of the association.

#### Quorum - variable number

- (4) Where the number of members of the association provided for by the enactment under which it is established is not a fixed number, at least one-half of the number of members in office constitutes quorum at a meeting of the association, where the number of members complies with the maximum or minimum number, if any, permitted or required by the enactment.

#### Effect of quorum

- (5) An act or thing done by a majority of the members of an association present at a meeting, where the members present constitute a quorum, shall be deemed to have been done by the association.

#### Effect of vacancy

- (6) A vacancy in the membership of an association does not invalidate the constitution of the association or impair the right of the members in office to act, if the number of members in office is not less than a quorum. *2021,c.10,s.39.*

### 40. Continuation after expiry

- (1) Where the term of office of a member of a board, commission or other body established by an enactment has expired, the member may continue to act as, and shall be deemed to continue to be, a member of the board, commission or other body until the member’s reappointment or the appointment of the member’s successor takes effect.

#### No retroactive appointment

- (2) Notwithstanding the continuation of a member’s appointment pursuant to subsection (1), the member’s reappointment, or the appointment of the member’s successor, to the board, commission or other body shall not be given an effective date that is earlier than the date on which the reappointment or appointment, as the case may be, is made.



**Exception**

- (3) For greater certainty, subsection (1) does not apply where the member does not act as a member of the board, commission or other body after the date that the member's term of office expires. *2021,c.10,s.40.*

**41. Judges, court officers**

Where an enactment gives judicial or quasi-judicial powers to a judge or officer of a court, the judge or officer in exercising the powers given by the enactment does so in the judge's or officer's official capacity and representing the court. *2021,c.10,s.41.*

**42. Appeals**

Where under an enactment an appeal is given from a decision of a person, board, commission or other body to a court or judge, the court or judge shall proceed by way of rehearing and the provisions of the Rules of Civil Procedure shall apply with any necessary changes. *2021,c.10,s.42.*

**43. Application of other enactment**

Where an enactment provides that another enactment applies, it applies with the necessary changes and so far as it is applicable. *2021,c.10,s.43.*

**44. Solemn affirmation, etc.**

Where an enactment requires or provides for an oath to be sworn, the person to be sworn may substitute for the oath a solemn affirmation or declaration in the same form as the oath with the necessary changes. *2021,c.10,s.44.*

**45. Personal Property Security Act**

A reference in an enactment to any interest in personal property to secure the payment or performance of an obligation, including a charge, lien, mortgage or pledge shall, unless the context requires otherwise, include a security interest as defined in the *Personal Property Security Act* R.S.P.E.I. 1988, Cap. P-3.1. *2021,c.10,s.45.*

**46. Documentary evidence**

Where an enactment provides that a document is evidence or proof of a fact without anything in the context to indicate that the document is conclusive proof,

- (a) the document is admissible in evidence in a judicial proceeding; and
  - (b) the fact shall be deemed to be established in the absence of evidence to the contrary.
- 2021,c.10,s.46.*

**PART 6 – CONSEQUENTIAL AMENDMENTS, REPEALS AND COMMENCEMENT**

**Sections 47 to 63** make consequential amendments to other Acts. The amendments have been incorporated into those Acts.

**64. Schedule adopted**

The Schedule to this Act is adopted and forms part of this Act. *2021,c.10,s.64.*

**65. Repeal**

The *Interpretation Act* R.S.P.E.I. 1988, Cap. I-8, is repealed. *2021,c.10,s.65.*

## SCHEDULE

### DEFINED TERMS

1. In an enactment,
- (a) “**Act**” means an Act of the Legislature;
  - (b) “**act**”, in relation to an offence or a civil wrong, includes
    - (i) a series of acts, and
    - (ii) an omission or series of omissions;
  - (c) “**affidavit**” includes an affirmation, a statutory declaration or a solemn declaration made under the *Evidence Act* R.S.P.E.I. 1988, Cap. E-11, or the *Canada Evidence Act*;
  - (d) “**Auditor General**” means the person appointed under the *Audit Act* to hold the office of Auditor General of Prince Edward Island;
  - (e) “**bank**” or “**chartered bank**” means “**bank**” as defined in the *Bank Act* (Canada);
  - (f) “**barrister**” or “**barrister, solicitor and attorney**” means a person entitled to practise under the *Legal Profession Act* R.S.P.E.I. 1988, Cap. L-6.1;
  - (g) “**commencement**”, when used with reference to an enactment, means the date on which the enactment comes into force;
  - (h) “**court**” means the Supreme Court, unless the context requires otherwise;
  - (i) “**Court of Appeal**” means the Prince Edward Island Court of Appeal;
  - (j) “**Criminal Code**” means the *Criminal Code* (Canada);
  - (k) “**deliver**”, with reference to a notice or other document, includes mail to or leave with a person, or deposit in a person’s mail box or receptacle at the person’s place of residence or place of business;
  - (l) “**Executive Council**” means the Executive Council of Prince Edward Island;
  - (m) “**functions**” includes powers and duties;
  - (n) “**Gazette**” means the Royal Gazette published by the Queen’s Printer;
  - (o) “**Government**” or “**Government of Prince Edward Island**” means His Majesty in right of Prince Edward Island;
  - (p) “**Government of Canada**” means His Majesty in right of Canada;
  - (q) “**Governor**”, “**Governor of Canada**” or “**Governor General**” means the Governor General of Canada and includes the Administrator of Canada;
  - (r) “**Governor in Council**” or “**Governor General in Council**” means the Governor General of Canada acting on the advice and with the consent of the King’s Privy Council for Canada;
  - (s) “**Great Seal**” means the Great Seal of Prince Edward Island;
  - (t) “**Her Majesty**”, “**His Majesty**”, “**the Queen**”, “**the King**”, “**the Crown**” or “**the Sovereign**” means the Sovereign of the United Kingdom, Canada and the Sovereign’s other realms and territories, and Head of the Commonwealth;
  - (u) “**hereafter**” shall be construed as referring to the time after the commencement of the enactment containing the word;
  - (v) “**herein**”, used in a section or part of an enactment, shall be construed as referring to the whole enactment and not only to that section or part;
  - (w) “**holiday**” means
    - (i) Sunday, Christmas Day, Good Friday and Easter Monday,

- (ii) New Year's Day, Victoria Day, Canada Day, Labour Day, Remembrance Day and Boxing Day, and
- (iii) a day fixed by the Parliament of Canada or by the Legislature, or appointed by proclamation of the Governor General or the Lieutenant Governor, to be observed
  - (A) as a day of general prayer or mourning,
  - (B) as a day of public rejoicing or thanksgiving,
  - (C) as a day for celebrating the birth of the reigning Sovereign, or
  - (D) as a public holiday;
- (x) "**judge**" means a judge of the Supreme Court, unless the context requires otherwise;
- (y) "**justice**" means a justice of the peace;
- (z) "**land**" includes land covered by water and any building erected on land, and any estate, interest, right or easement in or over any land or building;
- (aa) "**Legislative Assembly**" means the Legislative Assembly of Prince Edward Island;
- (bb) "**Legislature**" means the Lieutenant Governor acting by and with the advice and consent of the Legislative Assembly;
- (cc) "**Lieutenant Governor**" means the Lieutenant Governor of Prince Edward Island and includes the Administrator of Prince Edward Island;
- (dd) "**Lieutenant Governor in Council**" means the Lieutenant Governor acting on the advice and with the consent of the Executive Council;
- (ee) "**may**" is to be construed as permissive and empowering;
- (ff) "**medical practitioner**" means a person entitled under an enactment to practise medicine in the province;
- (gg) "**Minister**" means the member of Executive Council charged by Order of the Lieutenant Governor in Council with the administration of an enactment;
- (hh) "**minor**" means an individual who has not attained 18 years of age;
- (ii) "**month**" means a period calculated from a day in one month to a day numerically corresponding to that day in the following month;
- (jj) "**municipality**" means, in accordance with the context, either an area incorporated as a municipality as defined in the *Municipal Government Act* R.S.P.E.I. 1988, Cap. M-12.1, or the corporation into which the residents of the area have been incorporated as a municipality;
- (kk) "**now**" shall be construed as referring to the time of commencement of the enactment containing the word;
- (ll) "**oath**" includes a solemn affirmation or declaration and, where a person makes a solemn affirmation or declaration, "sworn" includes the expressions "affirmed" or "declared";
- (mm) "**obligation**" includes duty and liability;
- (nn) "**Operating Fund**" means the Operating Fund as defined in clause 1(p) of the *Financial Administration Act* R.S.P.E.I. 1988, Cap. F-9;
- (oo) "**peace officer**" includes
  - (i) a mayor, sheriff and sheriff's officer,
  - (ii) a warden, correctional officer, and any other officer or permanent employee of a penitentiary, prison or correctional centre, and

- (iii) a police officer, a security police officer as defined in the *Police Act* R.S.P.E.I. 1988, Cap. P-11.1, or other person employed for the preservation and maintenance of the public peace;
- (pp) “**person**” includes a corporation;
- (qq) “**personal representative**” means a personal representative as defined in the *Probate Act* R.S.P.E.I. 1988, Cap. P-21;
- (rr) “**police officer**” means a police officer as defined in subsection 15(1) of the *Police Act*;
- (ss) “**prescribed**” means prescribed by regulation;
- (tt) “**proclamation**” means a proclamation of the Lieutenant Governor issued under the Great Seal by order of the Lieutenant Governor in Council;
- (uu) “**property**” includes any right, title, interest, estate or claim to or in property;
- (vv) “**Prothonotary**” means the Prothonotary as defined in the *Judicature Act* R.S.P.E.I. 1988, Cap. J-2.1;
- (ww) “**province**”, unless the context requires otherwise, means the Province of Prince Edward Island and when used as meaning a province of Canada other than Prince Edward Island includes the Northwest Territories, Yukon Territory and Nunavut Territory;
- (xx) “**provincial court**” means the Provincial Court of Prince Edward Island;
- (yy) “**provision of law**” means any provision of law which has effect for the time being in the Province, including any statutory provision, any provision of the common law and any right or power which may be exercised by virtue of the Royal Prerogative;
- (zz) “**public officer**” includes any person in the public service of the Province
- (i) who is authorized by or under an enactment to do or enforce the doing of an act or thing or to exercise a power, or
- (ii) upon whom a duty is imposed by or under an enactment;
- (aaa) “**record**” includes books, documents, maps, drawings, photographs, letters, vouchers, papers and any other thing on which information is recorded or stored by any means, whether graphic, electronic, mechanical or otherwise;
- (bbb) “**registered mail**” means a mail or private courier service which requires a written acknowledgment of receipt upon delivery of an item mailed or couriered;
- (ccc) “**Revised Statutes**” means the Revised Statutes of Prince Edward Island 1988;
- (ddd) “**Revised Regulations**” means the Revised Regulations of Prince Edward Island and includes the continuing office consolidation of the Revised Regulations;
- (eee) “**right**” includes power, authority, privilege and license;
- (fff) “**rules of court**” or “**Rules of Civil Procedure**” means the rules of court made by the Rules Committee continued under subsection 34(1) of the *Judicature Act*;
- (ggg) “**savings institution**” means a bank, credit union, or a trust company;
- (hhh) “**shall**” is to be construed as imperative;
- (iii) “**spouse**” means a spouse as defined in clause 29(1)(b) of the *Family Law Act* R.S.P.E.I. 1988, Cap. F-2.1;
- (jjj) “**statutory declaration**” or “**solemn declaration**” means a sworn declaration made under the *Evidence Act* or the *Canada Evidence Act*;
- (kkk) “**Supreme Court**” means the Supreme Court of Prince Edward Island;

- (lll) “**sureties**” means sufficient sureties, and “**security**” means sufficient security, and where these words are used one person shall be sufficient for the purpose unless otherwise expressly required;
- (mmm) “**swear**” includes solemnly affirm or declare;
- (nnn) “**will**” means a will as defined in the *Probate Act* R.S.P.E.I. 1988, Cap. P-21;
- (ooo) “**words**” includes figures, punctuation marks, and typographical, monetary and mathematical symbols;
- (ppp) “**writing**” includes words printed or otherwise represented or reproduced in visible form;
- (qqq) “**year**” means any period of 12 consecutive months, “**calendar year**” means a period of 12 consecutive months commencing on January 1, and a reference to a dominical year means a period of 12 consecutive months commencing on January 1 of that dominical year. 2022,c.80,s.7.