



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 December 23, 2017. 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)).

If you find any errors or omissions in this consolidation, please contact:

*Legislative Counsel Office*  
*Tel: (902) 368-4292*  
*Email: [legislation@gov.pe.ca](mailto:legislation@gov.pe.ca)*



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## INTERPRETATION ACT

### CHAPTER I-8

#### 1. Definitions

In this Act

- (a) “**Act**” means an Act of the Legislature;
- (b) “**enact**” includes to issue, make, establish or prescribe;
- (c) “**enactment**” means an Act or a regulation or any portion of an Act or regulation;
- (d) “**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;
- (e) “**regulation**” means a regulation, order, rule, form, tariff of costs or fees, proclamation or bylaw enacted
  - (i) in the execution of a power conferred by or under the authority of an Act, or
  - (ii) by or under the authority of the Lieutenant Governor in Council,but does not include an order of a court or an order made by a public officer or administrative tribunal in a dispute between two or more persons;
- (f) “**repeal**” includes revoke, cancel or rescind. *1981,c.18,s.1.*

#### APPLICATION

#### 2. Application

- (1) Every provision of this Act extends and applies to every enactment, whether enacted before or after the commencement of this Act, unless a contrary intention appears in this Act or in the enactment.

##### **Application to this Act**

- (2) The provisions of this Act apply to the interpretation of this Act.

##### **Rules of construction not excluded**

- (3) Nothing in this Act excludes the application to an enactment of a rule of construction applicable thereto and not inconsistent with this Act. *1981,c.18,s.2.*

## OPERATION COMMENCEMENT

### 3. Date of commencement of Act

- (1) The date of the commencement of an Act or of any portion thereof for which no other date of commencement is provided in the Act is the date of assent to the Act.

#### Commencement provision

- (2) Where an Act contains a provision that the Act or any portion thereof is to come into force on a day later than the date of assent to the Act or on a day fixed by proclamation, that provision shall be deemed to have come into force on the date of assent to the Act.

#### Date of assent

- (3) In this section, “the date of assent”, with reference 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.

#### Commencement of regulation

- (4) Every regulation which is not expressed to come into force on a particular day comes into force on the day the regulation is published in the Gazette. *1981, c.18, s.3.*

## TIME OF COMMENCEMENT OR REPEAL

### 4. Time of commencement

- (1) An enactment shall be construed as commencing at the beginning of the day on which it comes into force.

#### Proclamations

- (2) Where an Act is to come into force on a day to be fixed by proclamation
- (a) the proclamation may apply to, and fix a day for the commencement of, any provision of the Act; and
  - (b) different days may be proclaimed for different provisions of the Act. *1981, c.18, s.4.*

### 5. Repeal and replacement

- (1) An enactment that is repealed and replaced by a new enactment ceases to have effect at the time the new enactment commences.

#### Expiration

- (2) Any other enactment ceases to have effect at the end of the day on which it expires or otherwise ceases to have effect.

#### Expired enactment deemed repealed

- (3) An enactment that has expired or otherwise ceased to have effect shall be deemed repealed for the purposes of this Act. *1981, c.18, s.5.*



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## REGULATION PRIOR TO COMMENCEMENT

### 6. Preliminary proceedings

Where an enactment that is not in force contains provisions conferring power

- (a) to make regulations; or
- (b) to do any other thing,

that power may be exercised at any time before the enactment comes into force, but a regulation so made or a thing so done has no effect until the enactment comes into force except in so far as may be necessary to make the enactment effective upon its coming into force. *1981,c.18,s.6.*

## RULES OF CONSTRUCTION PRIVATE ACTS

### 7. Effect of private Acts

No provision in a private Act affects the rights of any person, except only as therein mentioned or referred to. *1981,c.18,s.7.*

## ENACTMENT ALWAYS SPEAKING

### 8. Enactments always speaking

- (1) Every enactment shall be construed as always speaking.

#### Present tense

- (2) Where a provision in an enactment is expressed in the present tense, the provision shall be applied to the circumstances as they arise. *1981,c.18,s.8.*

## ENACTMENTS REMEDIAL

### 9. Enactments remedial

Every enactment shall be construed as being remedial, and shall be given such fair, large and liberal construction and interpretation as best ensures the attainment of its objects. *1981,c.18,s.9.*

## PREAMBLES

### 10. Preambles part of enactments

The title and preamble of an enactment shall be construed as part thereof intended to assist in explaining its purport and object. *1981,c.18,s.10.*

## MARGINAL NOTES, ETC.

### 11. Reference aids not part of enactments

In an enactment marginal notes and historical references to other enactments after the end of a section form no part of the enactment, but shall be construed as being inserted for convenience of reference only. *1981,c.18,s.11.*

## APPLICATION OF DEFINITIONS

### 12. Definitions and interpretation provisions

Definitions or interpretation provisions in an enactment shall, unless the contrary intention appears in the enactment, be construed as being applicable to the whole enactment including the section containing the definitions or interpretation provisions. *1981,c.18,s.12.*

### 13. Application of expressions in enactments to regulations

Where an enactment confers power to enact regulations, expressions used in the regulations have the same respective meanings as in the enactment conferring the power. *1981,c.18,s.13.*

## HER MAJESTY

### 14. Crown bound

- (1) Unless an Act otherwise specifically provides, every Act and every regulation made thereunder, is binding on Her Majesty.

#### Application of section

- (2) This section applies only to Acts enacted after this Act comes into force. *1981,c.18,s.14.*

## PROCLAMATIONS

### 15. Proclamations

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

#### Date of proclamation

- (2) Where the Lieutenant Governor in Council has authorized the issue of a proclamation, the proclamation may purport to have been issued on the day its issue was so authorized, and the day on which it so purports to have been issued shall be deemed to be the day on which the proclamation takes effect.

#### Judicial notice of proclamation

- (3) Where an Act or any portion thereof 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 thereby. *1981,c.18,s.15.*





## CORPORATIONS

### 16. Corporate rights and powers

Words in an enactment establishing a corporation shall be construed

- (a) to vest in the corporation power
  - (i) to sue in its corporate name,
  - (ii) to contract and be contracted with by its corporate name,
  - (iii) to have a common seal and to alter or change it at pleasure,
  - (iv) to have perpetual succession,
  - (v) to acquire and hold real and personal property or movables for the purposes for which the corporation is established and to alienate the same at pleasure, and
  - (vi) to regulate its own procedure and business;
- (b) to make the corporation liable to be sued in its corporate name;
- (c) to vest in a majority of the members of the corporation the power to bind the others by their acts;
- (d) to exempt from personal liability for its debts, obligations or acts such individual members of the corporation as do not contravene the provisions of the enactment establishing the corporation;
- (e) in the case of a corporation having a name consisting of an English and a French form or a combined English and French form, to vest in the corporation 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 the other showing the French form of its name. *1981, c. 18, s. 16.*

## MAJORITY AND QUORUM

### 17. 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.

#### Quorum

- (2) Where an enactment establishes a board, commission or other body consisting of three or more members (in this section called the “association”),
  - (a) if the number of members of the association provided for by the enactment is a fixed number, then at least one-half of that number of members constitutes a quorum at a meeting of the association;
  - (b) if the number of members of the association provided for by the enactment is not a fixed number, then at least one-half of the number of members in office constitutes a quorum at a meeting of the association, provided the number of members is within the maximum or minimum number, if any, authorized by the enactment;
  - (c) an act or thing done by a majority of the members of the association present at a meeting, if the members present constitute a quorum, shall be deemed to have been done by the association;

- (d) a vacancy in the membership of the 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;
- (e) a member of the association whose term of office has expired may continue to act as, and shall be deemed to continue to be, a member of the association until such time as the appointment of his successor takes effect. *1981,c.18,s.17.*

## JUDGES AND COURT OFFICERS

### 18. Powers to judges and court officers

- (1) Where by an enactment judicial or quasi-judicial powers are given to a judge or officer of a court, the judge or officer in exercising the judicial or quasi-judicial powers given to him by the enactment does so in his official capacity and representing the court.

#### Appeals

- (2) Where under any enactment an appeal is given from any 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 Rule 61 of the rules of court shall apply with the necessary changes. *1981,c.18,s.18; 2008,c.20,s.72(48).*

## APPOINTMENT, RETIREMENT AND POWERS OF OFFICERS

### 19. Appointments of officers

- (1) The authority under an enactment to appoint a public officer is authority to appoint during pleasure.

#### Effective day of appointment

- (2) Where a person is appointed by or under the authority of an enactment to an office effective on a specified day, the appointment shall be deemed to have been effected immediately upon the commencement of that day.

#### Effective day of termination

- (3) Where the appointment of a person by or under the authority of an enactment is terminated effective on a specified day, the termination shall be deemed to be effective immediately upon the commencement of that day. *1981,c.18,s.19.*

### 20. Included powers

Words in an enactment authorizing the appointment of a public officer include power in the appointing authority to

- (a) fix his term of office;
- (b) terminate his appointment or remove or suspend him;
- (c) reappoint or reinstate him;
- (d) fix his remuneration and vary or terminate it;
- (e) appoint another in his stead or to act in his stead whether or not the office is vacant;
- (f) appoint a person as his deputy,



but this section is subject to the provisions of the *Civil Service Act* R.S.P.E.I. 1988, Cap. C-8. *1981, c.18, s.20.*

**21. Power to act for Ministers**

- (1) Words in an enactment directing or empowering a Minister of the Crown to do something, or otherwise applying to him by his name of office, include
- (a) a Minister designated to act in the office; and
  - (b) the deputy of the Minister.

**Public officer, power to act includes deputy**

- (2) Words in an enactment directing or empowering any public officer to do something, or otherwise applying to him by his name of office, include
- (a) a person acting for him or appointed to act in the office; and
  - (b) the deputy of the public officer.

**Vacancies**

- (3) This section applies whether or not the office of a Minister or public officer is vacant.

**Regulation-making power excluded**

- (4) Subsection (1) does not authorize a deputy of a Minister to enact a regulation. *1981, c.18, s.21.*

## EVIDENCE

**22. 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, then, in any judicial proceedings, the document is admissible in evidence and the fact shall be deemed to be established in the absence of any evidence to the contrary. *1981, c.18, s.22.*

## COMPUTATION OF TIME

**23. Application**

- (1) This section applies to an enactment and to a deed, conveyance, or other legal instrument unless specifically provided otherwise in the deed, conveyance, or other legal instrument.

**Holidays**

- (2) Where the time for doing an act falls or expires on a holiday, the time is extended to the next day that is not holiday.

**Business offices**

- (3) Where the time for doing an act in a business office falls or expires on a day when the office is not open during its regular hours of business, the time is extended to the next day that the office is open.

**Clear days, etc.**

- (4) In the calculation of time expressed as clear days, weeks, months, or years, or as “at least” or “not less than” a number of days, weeks, months, or years, the first and last day, week, month or year shall be excluded.

**Not clear days, etc.**

- (5) In the calculation of time not expressed as clear days, or other period of time not referred to in subsection (4), the first day shall be excluded and the last day included.

**Where no corresponding date in month**

- (6) Where, under this section, the calculation of a period of time consisting of a number of months ends on a day in a month that has no date corresponding to the first day of the period of time, the time ends on the last day of that month.

**Atlantic Standard time**

- (7) 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-3.1.

**Attainment of particular age**

- (8) The time at which a person attains a particular age expressed in years shall be the commencement of the relevant anniversary of the date of his birth. *1981, c.18, s.23; 1995, c.41, s.4.*

## MISCELLANEOUS RULES

**24. Reference to judge, etc.**

- (1) Where in an enactment anything is required or authorized to be done by or before a judge, justice of the peace or public officer, it shall be done by or before one whose jurisdiction or powers extend to the place where that thing is to be done.

**Ancillary powers**

- (2) Where in an enactment power is given to a person to do or enforce the doing of any act or thing, all such powers shall be deemed to be also given as are necessary to enable the person to do or enforce the doing of the act or thing.

**Powers to be exercised as required**

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

**Power to make regulations**

- (4) Where in an enactment a power is conferred to make regulations, the power shall be construed as including a power exercisable in the like manner, and subject to the like consent and conditions, if any, to repeal or amend the regulations and make others.

**Included powers**

- (5) Where in an enactment the doing of an act that is expressly authorized is dependent upon the doing of any other act by the Lieutenant Governor in Council or by a public officer, the Lieutenant Governor in Council or public officer, as the case may be, has the power to do that other act.



**Power to inspect**

- (6) 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.

**Affirmation**

- (7) Where in an enactment an oath is required or provided for, the person to be sworn may substitute for the oath a solemn affirmation in the same form as the oath with the necessary changes. *1981, c.18, s.24; 1987, c.6, s.9.*

**24.1 Personal Property Security Act**

Where, in this Act and every enactment made at the time, before or after the coming into force of this section, there is a reference to any interest in personal property to secure the payment or performance of an obligation, including a charge, lien, mortgage or pledge, that reference, unless the context otherwise requires, includes a security interest as defined in the *Personal Property Security Act* R.S.P.E.I. 1988, Cap. P-3.1. *1997, c.33, Schedule.*

**25. Forms**

- (1) Where a form is prescribed by or under an enactment, deviations therefrom not affecting the substance or calculated to mislead, do not invalidate the form used.

**Gender**

- (2) In an enactment words importing male persons include female persons and words importing a female person include a male person, and in either case include a corporation.

**Number**

- (3) In an enactment words in the singular include the plural, and words in the plural include the singular.

**Parts of speech and grammatical forms**

- (4) 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. *1981, c.18, s.25.*

**26. General**

In an enactment

- (a) “**act**” in relation to an offence or a civil wrong, includes
- (i) a series of acts, and
  - (ii) an omission or series of omissions;
- (b) “**Act**” means an Act of the Legislature;
- (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* R.S.C. 1985, Chap. C-5;
- (d) “**Assembly**” means the Legislative Assembly of the province;
- (e) “**Auditor General**” means the person appointed under the *Audit Act* R.S.P.E.I. 1988, Cap. A-24 to hold the office of Auditor General of Prince Edward Island;
- (f) “**bank**” or “**chartered bank**” means a bank to which the *Bank Act* (Canada) R.S.C. 1985, Chap. B-1 applies;

- (g) “**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;
- (h) “**commencement**” when used with reference to an enactment, means the date upon which the enactment comes into force;
- (ha) “**court**” means the Supreme Court;
- (hb) “**Court of Appeal**” means the Court of Appeal of Prince Edward Island’;
- (i) “**Operating Fund**” means the Operating Fund of the province;
- (j) “**Criminal Code**” means the *Criminal Code* (Canada) R.S.C. 1985, Chap. C-46;
- (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 residence or place of business;
- (l) “**Executive Council**” means the Executive Council of the province;
- (m) “**functions**” includes powers and duties;
- (n) “**Gazette**” means the Royal Gazette published by the Queen’s Printer of the province;
- (o) “**Government**” or “**Government of Prince Edward Island**” means Her Majesty in right of the province;
- (p) “**Government of Canada**” means Her 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 acting by and with the advice of, or by and with the advice and consent of, or in conjunction with, the Queen’s Privy Council for Canada;
- (s) “**Great Seal**” means the Great Seal of the province;
- (t) “**hereafter**” shall be construed as referring to the time after the commencement of the enactment containing that word;
- (u) “**herein**” used in a section or part of an enactment, shall be construed as referring to the whole enactment and not to that section or part only;
- (v) “**Her Majesty**”, “**His Majesty**”, “**the Queen**”, “**the King**”, “**the Crown**” or “**the Sovereign**” means the Sovereign of the United Kingdom, Canada and Her other realms and territories and Head of the Commonwealth;
- (w) “**holiday**” includes
- (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;
- (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;
- (a.1) “**Legislative Assembly**” means the Legislative Assembly of the province constituted under the *Legislative Assembly Act* R.S.P.E.I. 1988, Cap. L-7;
- (b.1) “**Legislature**” means the Lieutenant Governor acting by and with the advice and consent of the Legislative Assembly;
- (c.1) “**Lieutenant Governor**” means the Lieutenant Governor of the province and includes the Administrator of the province;
- (d.1) “**Lieutenant Governor in Council**” means the Lieutenant Governor acting by and with the advice of, or by and with the advice and consent of, or in conjunction with, the Executive Council;
- (e.1) “**may**” is to be construed as permissive and empowering;
- (f.1) “**medical practitioner**” means a person entitled to practise under the *Medical Act* R.S.P.E.I. 1988, Cap. M-5;
- (f.01) “**member of a police department**” means a member of a police department as defined in section 1 of the *Police Act* R.S.P.E.I. 1988, Cap. P-11.1;
- (f.02) “**member of the Royal Canadian Mounted Police**” means a member of the Royal Canadian Mounted Police as defined in section 1 of the *Police Act*;
- (g.1) “**Minister**” means that member of the Executive Council charged by Order of the Lieutenant Governor in Council with the administration of the enactment;
- (h.1) “**minor**” means a person under the age of majority;
- (i.1) “**month**” means a period calculated from a day in one month to a day numerically corresponding to that day in the following month;
- (j.1) “**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;
- (k.1) “**now**” shall be construed as referring to the time of commencement of the enactment containing the word;
- (l.1) “**oath**” includes a solemn affirmation or declaration, whenever the context applies to any person by whom and in which case a solemn affirmation or declaration may be made instead of an oath; and in like cases the expression “**sworn**” includes the expression “**affirmed**” or “**declared**”;
- (m.1) “**obligation**” includes duty and liability;
- (n.1) “**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 or other person employed for the preservation and maintenance of the public peace;
- (o.1) “**person**” includes a corporation;
- (p.1) “**personal representative**” includes an executor of a will and an administrator with or without will annexed of an estate; and, where a personal representative is also a trustee of part or all of the estate, includes the personal representative and trustee;
- (p.01) “**police department**” means a police department as defined in section 1 of the *Police Act*;

- (p.02) “**police officer**” means a police officer as defined in subsection 15(1) of the *Police Act*;
- (p.03) “**police service**” means a police service as defined in section 1 the *Police Act*;
- (p.04) “**security police officer**” means a security police officer as defined in section 1 of the *Police Act*;
- (q.1) “**prescribed**” means prescribed by regulation;
- (r.1) “**proclamation**” means a proclamation of the Lieutenant Governor under the Great Seal;
- (s.1) “**property**” includes any right, title, interest, estate or claim to or in property;
- (t.1) “**province**” means the Province of Prince Edward Island;
- (t.1a) “**Prothonotary**” means the Prothonotary as defined in the *Judicature Act*;
- (u.1) “**province**” when used as meaning a part of Canada other than Prince Edward Island includes the Northwest Territories, Yukon Territory and Nunavut Territory;
- (v.1) “**provincial court**” means the Provincial Court of Prince Edward Island;
- (w.1) “**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;
- (x.1) “**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;
- (y.1) “**registered mail**” includes
- (i) any mail service; and
  - (ii) any service provided by a private courier,
- which requires a written acknowledgement of receipt upon delivery of an item mailed or couriered;
- (z.1) “**Revised Statutes**” means the Revised Statutes of Prince Edward Island 1988;
- (a.2) “**Revised Regulations**” means the Revised Regulations of Prince Edward Island and includes the continuing office consolidation thereof;
- (b.2) “**right**” includes power, authority, privilege and license;
- (c.2) “**rules of court**” means the rules of court made by the Rules Committee continued under subsection 34(1) of the *Judicature Act* R.S.P.E.I. 1988, Cap. J-2.1;
- (d.2) “**savings institution**” means a bank, credit union, or a trust company;
- (e.2) “**shall**” is to be construed as imperative;
- (e.2.1) “**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;
- (f.2) “**Supreme Court**” means the Supreme Court of Prince Edward Island;
- (g.2) “**sureties**” means sufficient sureties, and “**security**” means sufficient security, and, where these words are used, one person shall be sufficient therefor unless otherwise expressly required;
- (h.2) “**will**” means a will as defined in the *Probate Act* R.S.P.E.I. 1988, Cap. P-21;
- (i.2) “**words**” includes figures, punctuation marks, and typographical, monetary and mathematical symbols;
- (j.2) “**writing**” includes words printed, typewritten, painted, engraved, lithographed, photographed or represented or reproduced by any mode of representing or reproducing words in visible form;





- (k.2) “**year**” means any period of twelve consecutive months; but a reference to a “**calendar year**” means a period of twelve consecutive months commencing on the first day of January, and a reference by number to a dominical year means a period of twelve consecutive months commencing on the first day of January of that dominical year. *1981, c.18, s.26; 1983, c.33, s.66; 1997, c.20, s.3; 1999, c.31, s.1; 2000, c.14, s.1; 2006, c.16, s.63(6); 2008, c.20, s.72(48); 2008, c.8, s.16; 2015, c.36, s.34; 2016, c.44, s.274.*

## 27. Common names

In an enactment the name commonly applied to any country, place, body, corporation, society, officer, functionary, person, party or thing, means the country, place, body, corporation, society, officer, functionary, person, party or thing to which the name is commonly applied, although the name is not the formal or extended designation thereof. *1981, c.18, s.27.*

## REFERENCES AND CITATIONS

### 28. Citation of Acts

- (1) In an enactment or document, an Act may be cited by reference to
- its chapter number in the Revised Statutes;
  - its chapter number in the volume of Acts for the year or regnal year in which it was enacted;
  - its chapter number in the continuing office consolidation of the statutes established under section 31; or
  - its title or short title, with or without reference to its chapter number.

#### Citation of regulations

- (2) In an enactment or document, a regulation may be cited by reference to
- its title;
  - its title and the chapter number and title of the Act under which it was made; or
  - the number or designation assigned to it 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 the province or of Canada shall be construed as a citation of or reference to the other statutory provision as amended from time to time whether before or after the commencement of the enactment in which the citation or reference occurs. *1981, c.18, s.28.*

### 29. References to be 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.

**Idem**

- (3) A reference in an enactment to a subsection, clause, sub-clause, 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.

**Reference is to enactment as printed by authority**

- (5) A reference in an enactment by number or letter to any section, subsection, clause, subclause, paragraph, subparagraph or other division of another enactment shall be construed as a reference to the section, subsection, clause, paragraph, subparagraph or other division of such other enactment as printed by authority of the *Queen's Printer Act R.S.P.E.I. 1988, Cap. Q-1. 1981, c.18, s.29.*

**30. Amending enactments**

An amending enactment shall be construed as part of the enactment that it amends.  
*1981, c.18, s.30.*

**31. Definition**

- (1) In this section, “**designated person**” means the person designated by the Minister under subsection (2).

**Continuing office consolidation**

- (2) The Minister may designate a person employed in the department under the administration of the Minister to establish and maintain a continuing office consolidation of the public statutes of the province in the form the Minister considers appropriate.

**Updating consolidation**

- (3) The designated person shall ensure that the continuing office consolidation is brought up to date by including in it all amendments to the public statutes and all new public statutes passed by the Legislature as soon as reasonably possible after they come into force, with the exception of those that are spent or have otherwise ceased to have effect.

**Exclusion of enactments not in force**

- (4) The designated person 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) The designated person may assign to a new Act added to the continuing office consolidation of the public statutes of the province a chapter number 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 by the designated person 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. *1981,c.18,s.31; 2015,c.32,s.1.*

## REPEAL AND AMENDMENT

### 32. Repeal

Where an enactment is repealed in whole or in part, whether or not another enactment is substituted for it, the repeal does not

- (a) revive an enactment or thing not in force or existing immediately before the time when the repeal takes effect;
- (b) affect the previous operation of the enactment so repealed or anything done or suffered thereunder;
- (c) affect any right, privilege, obligation or liability acquired, accrued, accruing or incurred under the enactment so repealed;
- (d) subject to clause 33(1)(d), affect any offence committed against or a contravention of the provisions of the enactment so repealed, or any penalty, forfeiture or punishment incurred in respect of or under the enactment so repealed; or
- (e) subject to clause 33(1)(b), affect any investigation, proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment,

and subject to subsection 33(1), an investigation, proceeding or remedy as described in clause (e) may be instituted, continued or enforced and the penalty, forfeiture or punishment imposed as if the enactment had not been repealed. *1981,c.18,s.32.*

### 33. Repeal and replacement

- (1) Where an enactment (in this section called the “former enactment”) is repealed and another enactment (in this section called the “new enactment”) is substituted therefor,
  - (a) every person acting under the former enactment shall continue to act as if appointed or elected under the new enactment until another is appointed or elected in his stead;
  - (b) every proceeding commenced under the former enactment shall be continued under and in conformity with the new enactment so far as it may be done consistently with the new enactment;
  - (c) the procedure established by the new enactment shall be followed as far as it can be adapted thereto
    - (i) in the recovery or enforcement of penalties and forfeitures incurred under the former enactment,
    - (ii) in the enforcement of rights existing or accruing under the former enactment, and
    - (iii) in a proceeding in relation to matters that have happened before the repeal;
  - (d) when any penalty, forfeiture or punishment is reduced or mitigated by the new enactment, the penalty, forfeiture or punishment if imposed or adjudged after the repeal shall be reduced or mitigated accordingly;
  - (e) all regulations made under the former enactment remain in force and shall be deemed to have been made under the new enactment in so far as they are not inconsistent with the new enactment, until they are repealed or others made in their stead; and
  - (f) any reference in an unrepealed enactment to the former enactment shall, as regards 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.

#### Reference to repealed enactments of Canada

- (2) Where an enactment of Canada is repealed in whole or in part and other provisions are substituted by way of amendment, revision or consolidation, a reference in an enactment of Prince Edward Island to the repealed enactment shall, as regards a subsequent transaction, matter or thing be construed to be a reference to the provisions of the substituted enactment relating to the same subject matter as the repealed enactment.

#### Repeal of regulations

- (3) The Lieutenant Governor in Council may, by regulation, repeal a regulation for which the statutory authority to make the regulation has been repealed, has expired or is spent. *1981, c.18, s.33; 2000, c.13, s.1.*

### 34. No implications from repeal

- (1) The repeal of an enactment in whole or in part, the repeal of an enactment and the substitution therefor of another 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 the enactment was enacted to have been previously in force; or
  - (b) a declaration as to the previous state of the law.

#### Amendment does not imply a 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 thereof was or was considered by the Legislature or other body or person by whom the enactment was enacted to have been different from the law as it is under the enactment as amended.

#### Judicial construction not adopted

- (3) A *re*-enactment, 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 upon the language used in the enactment or upon similar language. *1981, c.18, s.34.*

### 35. Effect of revision on unproclaimed Acts

- (1) Where any provision of an Act which comes into force on proclamation is enacted prior to the coming into force of the new law and repeals or amends any provision of the old law or inserts any new provision therein, the repeal, amendment or insertion made by that provision to or in terms of the old law shall be deemed to have been made to or in terms of the corresponding provision of the new law with effect from the date on which the relevant provision of that Act is proclaimed.

#### Definitions

- (2) In subsection (1)  
 “**new law**” means the *Revised Statutes of Prince Edward Island 1974* or any subsequent revision of the statutes of Prince Edward Island;



“old law” means the statutes in force prior to the coming into force of the *Revised Statutes of Prince Edward Island* 1974 or of any subsequent revision of the statutes of Prince Edward Island. 1981,c.18,s.35.

## MISCELLANEOUS

### 36. Arbitration

Where an enactment or any order made in pursuance of an enactment provides that a matter, dispute, or question shall be decided by arbitration, or under or pursuant to the *Arbitration Act* R.S.P.E.I. 1988, Cap. A-17, the provision shall be deemed to be a submission within the meaning of the *Arbitration Act*. 1981,c.18,s.36.

### 37. Legal matters

Repealed by 2008,c.20,s.72. 1981, c.18, s.37; 2008,c.20,s.72(48).

### 38. Regulations

- (1) Where an enactment provides that the Lieutenant Governor in Council or any other person may make regulations, the enactment shall be construed as empowering the Lieutenant Governor in Council or such other person, for the purpose of carrying out the provisions of the enactment according to their intent,
- (a) to make such regulations as are considered necessary and advisable, are ancillary thereto, and are not inconsistent therewith;
  - (b) to provide for administrative and procedural matters for which no express, or only partial, provision has been made;
  - (c) to limit the application of a regulation as to time or place or both;
  - (d) to prescribe the amount of any fee authorized by the enactment;
  - (e) to provide, with respect to any provision of a regulation made or approved by the Lieutenant Governor in Council, that its contravention constitutes an offence; and
  - (f) to provide that a person who is guilty of an offence created under clause (e) is liable to a penalty specified in the regulations.

#### *Idem*

- (2) Every regulation made under the authority of an enactment has the force of law. 1981,c.18,s.38.

### 39. Application

Where an enactment provides that another enactment applies, it applies with the necessary changes and so far as it is applicable. 1981,c.18,s.39.