



PRINCE EDWARD ISLAND
ÎLE-DU-PRINCE-ÉDOUARD

JUSTICE OF THE PEACE ACT REGULATIONS

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For more information concerning the history of these regulations, please see the *Table of Regulations* on the Prince Edward Island Government web site (www.princeedwardisland.ca).

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JUSTICE OF THE PEACE ACT REGULATIONS

Pursuant to section 46 of the *Justice of the Peace Act* R.S.P.E.I. 1988, Cap. J-6, Council made the following regulations:

1. Definitions

In these regulations,

- (a) “**Act**” means the *Justice of the Peace Act* R.S.P.E.I. 1988, Cap. J-6;
- (b) “**enactment**” means an Act, regulation or municipal bylaw. (EC349/23)

Jurisdiction

2. Referral to youth justice court judge

Where a judicial justice of the peace considers that any matter over which the judicial justice of the peace has jurisdiction pursuant to subsection 2(3) of the *Youth Justice Act* R.S.P.E.I. 1988, Cap. Y-3, would best be dealt with before a youth justice court judge, the judicial justice of the peace shall refer the matter to a youth justice court judge. (EC349/23; 725/23)

3. Additional jurisdiction - judicial justice of the peace

- (1) For the purposes of clause 17(f) of the Act, a judicial justice of the peace has jurisdiction, in addition to those matters described in clauses 17(a) to (e) of the Act, to hear and decide the following types of matters:
 - (a) matters in which there is a judicial determination affecting the liberty of a person taken into custody, other than matters under the exclusive jurisdiction of a Provincial Court judge or Supreme Court judge;
 - (b) an arraignment, entering of a plea, and imposition of a penalty and administrative charge required under section 13 of the *Summary Proceedings Act* R.S.P.E.I. 1988, Cap. S-9, in respect of a ticket issued pursuant to an enactment or federal legislation;
 - (c) any matter described in clauses (2)(a) to (c).

Jurisdiction - staff justice of the peace

- (2) For the purposes of clause 23(1)(g) of the Act, a staff justice of the peace has jurisdiction, in addition to those matters described in clauses 23(1)(a) to (f) of the Act, to perform the following duties:

- (a) conduct an arraignment and enter a not guilty plea in respect of a ticket issued pursuant to an enactment or federal legislation;
- (b) conduct an arraignment and enter a guilty plea in respect of an offence under an enactment for which a ticket has been issued, and
 - (i) impose the minimum penalty authorized by law for the offence or the penalty agreed to for out of court settlement, and any administrative charge required under section 13 of the *Summary Proceedings Act*,
 - (ii) grant time to pay the fine and administrative charge, if any, and
 - (iii) if a portion of the ticket is not complete and regular on its face, quash the proceeding;
- (c) administratively release a person on a release order made by a judge or judicial justice of the peace;
- (d) adjourn a matter without the consent of the parties, if exercising the authority of a judge in the absence of a judge;
- (e) confirm or cancel an appearance notice, a promise to appear or a recognizance made before a peace officer. (EC349/23)

4. Restrictions - judicial justice of the peace

A judicial justice of the peace may not be assigned to hear, try or determine

- (a) a complaint or information that involves the death of a person;
- (b) a complaint or information that involves a determination whether any rights under the *Canadian Charter of Rights and Freedoms* have been infringed or denied;
- (c) any issue relating to the constitutional validity of a law; or
- (d) any complaint or information that involves a determination of an aboriginal or treaty right. (EC349/23)

Procedure

5. Application of procedure

The procedure described in Part XXVII of the *Criminal Code* (Canada) applies with respect to the following matters:

- (a) all summary prosecutions for the enforcement of enactments;
- (b) the recovery or imposition of a fine, imprisonment, or other penalty described in an enactment. (EC349/23)

Remuneration and Benefits

6. Full-time judicial justice of the peace - remuneration

- (1) A full-time judicial justice of the peace is entitled to remuneration as recommended by the Commission and adopted by the Legislative Assembly in accordance with section 13 of the Act.

Benefits

- (2) A full-time judicial justice of the peace is entitled to benefits as recommended by the Commission and adopted by the Legislative Assembly in accordance with section 13 of the Act.

Holidays, sick leave

- (3) A full-time judicial justice of the peace
- (a) may observe the same holidays as are observed by employees under the *Civil Service Act* R.S.P.E.I. 1988, Cap. C-8; and
 - (b) is entitled to sick leave as established for employees under the *Civil Service Act*.

Other benefits

- (4) In addition to the benefits specified in subsections (2) and (3), a full-time judicial justice of the peace is entitled to
- (a) an annual professional allowance, as recommended by the Commission and adopted by the Legislative Assembly in accordance with section 13 of the Act; and
 - (b) reimbursement for expenses incurred by the person in carrying out the person's duties as a judicial justice of the peace, as recommended by the Commission and adopted by the Legislative Assembly in accordance with section 13 of the Act. (EC349/23)

7. Part-time judicial justice of the peace - remuneration

- (1) A part-time judicial justice of the peace is entitled to remuneration as recommended by the Commission and adopted by the Legislative Assembly in accordance with section 13 of the Act.

Expenses

- (2) A part-time judicial justice of the peace is entitled to reimbursement of expenses incurred by the person in carrying out the person's duties as a judicial justice of the peace, as recommended by the Commission and adopted by the Legislative Assembly in accordance with section 13 of the Act.

Time worked

- (3) For the purposes of remuneration of part-time judicial justices of the peace,
- (a) a judicial justice of the peace is deemed to have worked a full day if the judicial justice of the peace has completed a shift of eight hours;
 - (b) a judicial justice of the peace is deemed to have worked a half day if the judicial justice of the peace has completed a shift of four hours. (EC349/23)

8. No reduction without authority

For greater certainty, entitlement to remuneration and benefits under these regulations shall not be reduced except as recommended by the Commission and adopted by the Legislative Assembly in accordance with section 13 of the Act. (EC349/23)

9. Tribunal member, remuneration

- (1) A person who is a member of a tribunal appointed under subsection 32(1) of the Act and who is not a judge or a full-time judicial justice of the peace is entitled to remuneration, for each full day of service, to an amount equal to the amount paid as remuneration to a member of the Indemnities and Allowances Commission.

No additional remuneration

- (2) Except as provided under subsection (3), no judge or full-time justice of the peace shall be entitled to remuneration for acting as a member of a tribunal.

Expenses

- (3) Every person who is a member of a tribunal shall, subject to Treasury Board policy, be reimbursed for reasonable transportation, travel and other expenses incurred by the person while acting as a member of a tribunal. *(EC349/23)*

10. Investigator - remuneration

- (1) A person who is an investigator appointed under subsection 27(2) of the Act is entitled to remuneration approved by the Lieutenant Governor in Council, on the recommendation of the Chief Judge.

Expenses

- (2) A person who is an investigator referred to in subsection (1) shall, subject to Treasury Board Policy, be reimbursed for reasonable transportation, travel and other expenses incurred by the person while acting as an investigator. *(EC349/23)*