



PRINCE EDWARD ISLAND
ÎLE-DU-PRINCE-ÉDOUARD

PUBLIC DEPARTMENTS ACT

PLEASE NOTE

This document, prepared by the *Legislative Counsel Office*, is an office consolidation of this Act, current to June 28, 2019. 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).

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PUBLIC DEPARTMENTS ACT

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PUBLIC DEPARTMENTS ACT

CHAPTER P-29

1. Departments

There shall be several departments of the Government of Prince Edward Island, named as in Column 1 of the Table, over which the several Ministers of the Crown, named as in Column 2, shall preside.

Table

Column 1	Column 2
Department	Minister
Department of Agriculture and Land	Minister of Agriculture and Land
Department of Economic Growth, Tourism and Culture	Minister of Economic Growth, Tourism and Culture
Department of Education and Lifelong Learning	Minister of Education and Lifelong Learning
Department of Environment, Water and Climate Change	Minister of Environment, Water and Climate Change
Department of Finance	Minister of Finance
Department of Fisheries and Communities	Minister of Fisheries and Communities
Department of Health and Wellness	Minister of Health and Wellness
Department of Justice and Public Safety	Minister of Justice and Public Safety and Attorney General
Department of Social Development and Housing	Minister of Social Development and Housing
Department of Transportation, Infrastructure and Energy	Minister of Transportation, Infrastructure and Energy

1980, c.2, s.1; 1983, c.1, s.5; 1984, c.1, s.1; 1986, c.5, s.1; 1989(2nd), c.1, s.1; 1993, c.29, s.1; 1995, c.8, s.1; 1997, c.20, s.3; 1998, c.3, s.1; 2000, c.5, s.1; 2004, c.36, s.1; 2005, c.40, s.29; 2009, c.73, s.1; 2010, c.31, s.1; 2010, c.14, s.1; 2012, c.17, s.1; 2015, c.28, s.1; 2019, c.1, s.1.

2. Holding two or more portfolios

A Minister of the Crown may hold more than one of the offices set out in section 1.

3. Duties of Ministers

Each Minister of the Crown shall perform the duties of his office and such other functions as may be assigned by the Lieutenant Governor in Council. *1980, c.2, s.1.*

4. Death or resignation of Minister

- (1) Upon the death or resignation of any Minister of the Crown holding any of the offices set out in section 1, and pending the naming of a successor to the office, the Premier shall preside over the department of the Minister so dying or resigning and shall perform all the duties incident thereto.

Acting Minister, appointment

- (2) Upon the incapacity of a Minister to carry out the duties of his office whether from illness, absence from the province or otherwise, the Lieutenant Governor may appoint a Minister to perform the duties and responsibilities of the incapacitated Minister for such length of time as the Lieutenant Governor may determine and according to such procedure as the Lieutenant Governor in Council by regulation may prescribe.

Powers

- (3) A Minister appointed under subsection (2) has all such powers as may be exercisable by the incapacitated Minister.

Incapacitated Minister, powers

- (4) The incapacitated Minister continues, notwithstanding an appointment under subsection (2), to have the full power and authority of his office if his incapacity is caused by his absence from the province unless the Lieutenant Governor in an appointment under subsection (2) otherwise provides, and if the Lieutenant Governor wishes to otherwise provide, he may impose such limitations or restrictions on the duties and powers of such incapacitated Minister as he may consider advisable.

Ceremonies of appointment

- (5) A Minister appointed under subsection (2) is not required to take an oath of office or perform any customary or traditional ceremonies associated with the appointment of Ministers. *1980, c.2, s.1.*

5. Transfers and amalgamations

- (1) The Lieutenant Governor in Council may, by order published in the Gazette,
- (a) establish, vary or disestablish any department or transfer any powers, duties or functions or the control or supervision of any part of the public service from one Minister of the Crown to any other Minister of the Crown or from one department of the public service to any other department of the public service;
 - (b) amalgamate and combine any two or more departments under one Minister of the Crown and, subject to subsections 7(3) and (4), under one Deputy Minister or change the name of or reorganize any one or more departments;
 - (c) alter the style by which any Minister of the Crown or public officer is to be known.

Orders to be laid before Legislative Assembly

- (2) All orders made under subsection (1) shall be laid before the Legislative Assembly within fifteen days after they are made if the Legislative Assembly is then sitting, and if not, then



within fifteen days from the commencement of the next ensuing session of the Legislative Assembly. 1980, c.2, s.1; 2012, c.15, s.18(2).

6. Effect of transfer or amalgamation

- (1) Whenever under section 5, any power, duty or function, or the control or supervision of any part of the public service is transferred from one Minister of the Crown to any other Minister of the Crown, or from one department of the public service to any other department of the public service, the Minister or department to which the power, duty, function, control or supervision is so transferred, and the appropriate officers of that department shall, in relation thereto, be substituted for and shall have and may exercise the respective powers and duties which formerly belonged to or were exercisable by the Minister or department and the respective officers of the department from which the power, duty, function, control or supervision is so transferred, and references in any statutory provision to the latter Minister, department or officers shall be read and construed as references to the Minister, department or officers to which the power, duty, function, control or supervision is so transferred.

Effect of changes of name or style

- (2) Where under section 5 the name of any department or the style of any Minister of the Crown or public officer is changed, references in any statutory provision to the department, Minister or public officer in the old name or style thereof, shall be read and construed as referring to the department, Minister or public officer according to the new name or style thereof.

Regulations

- (3) The Lieutenant Governor in Council may, by regulation, amend any regulation made under another Act for the purpose of replacing a reference in the regulation to the name of any department or the title of any Minister of the Crown or public officer that has been changed under this Act. 1980, c.2, s.1; 2004, c.36, s.1.

7. Deputy Ministers

- (1) The Lieutenant Governor in Council may appoint a Deputy Minister for each department to be styled in accordance with the name of the department who shall hold office during pleasure.

Assistant Deputy Ministers

- (2) The Lieutenant Governor in Council may appoint Assistant Deputy Ministers in any department who shall hold office during pleasure.

Secretary to Treasury Board, assignment of powers and duties

- (3) The Lieutenant Governor in Council may by order published in the Gazette assign, or transfer from any Deputy Minister or other public officer, to the Secretary to Treasury Board such powers, duties and functions, or such control or supervision, of any department, or part of a department, or other part of the public service, as the Lieutenant Governor in Council considers appropriate.

Idem

- (4) On the assignment or transfer to the Secretary to Treasury Board, under subsection (3), of a power, duty or function, or any control or supervision, of any department, or part of a department, or other part of the public service,
 - (a) the Secretary shall, in respect of the power, duty or function, or the control or supervision,

- (i) hold the rank, and have all the powers and duties, of a Deputy Minister, and
 - (ii) be responsible in that capacity to the Minister presiding over, or charged with the administration of, the department or other part of the public service, as the case may be; and
- (b) any reference in an enactment to the Deputy Minister or other public officer from whom such power, duty and function, or such control or supervision, is transferred, shall be read and construed as a reference to the Secretary to Treasury Board. *1980, c.2, s.1; 1983, c.1, s.5; 2012, c.15, s.18(3).*

8. Demise of the Crown

When there is a demise of the Crown,

- (a) the demise does not affect any commission or appointment under which a public office holder or provincial officer holds office, and no new appointment is necessary by reason of the demise; and
- (b) it is not necessary for a person who has taken an oath of allegiance or an oath of office, before the demise, to retake the oath by reason of the demise. *R.S.P.E.I. 1974, Cap. P-28, s.27; 2018, c.57, s.1.*

9. Royal prerogative, effect on

Nothing in section 8 prejudices or affects the right or prerogatives of the Crown with respect to any office or appointment derived or held by authority from it, nor prejudices nor affects the rights or prerogatives thereof in any other respect whatsoever. *R.S.P.E.I. 1974, Cap. P-28, s.28.*

10. Effect on legal actions

No writ, cause, action, suit, plea, judgment or process or any other proceeding whatsoever, in or issuing out of any court, shall be determined, abated or discontinued by the demise of the Crown, but every such writ, cause, action, suit, plea, judgment, process or other proceeding shall remain in full force and virtue to be proceeded upon or with notwithstanding any demise of the Crown. *R.S.P.E.I. 1974, Cap. P-28, s.29.*

11. Oaths of allegiance and office

It shall not be necessary for any person appointed to any civil office in this province or any mayor or other officer or member of any corporation therein, or for any person admitted, called or received as a barrister, notary public, attorney, or solicitor, to make any declaration or subscription, or to take or subscribe any other oath than the oath following, that is to say:

“I, A.B. do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second, (or as the case may be), her heirs and successors, according to law. So help me God”.

And also such oath for the faithful performance of the duties of his office, or for the due exercise of his profession or calling, as may be required by any law in that behalf. *R.S.P.E.I. 1974, Cap. P-28, s.30.*

12. Form of oath

The form in section 11, and no other, shall be that of the oath of allegiance to be administered to and taken by every person in this province either of his own accord or in compliance with



any lawful requirement made on him or in obedience to the directions of any statute of the Legislature desires to take an oath of allegiance. *R.S.P.E.I. 1974, Cap. P-28, s.31.*

13. Who may administer oaths of allegiance

The Lieutenant Governor, the Chief Justice or any judge of the Supreme Court, or any provincial court judge or officer lawfully authorized by special commission from the Crown for that purpose, may administer the oath of allegiance or of the duties of office in any part of this province. *R.S.P.E.I.1974, Cap.P-28,s.32;1975,c.27,s.5; 1975,c.78,s.3.*

14. Time and manner of taking oath

The oath of allegiance in section 11, together with the oath of office, or oath for the due exercise of any profession or calling, shall be taken within the period, and in the manner, and subject to the disabilities and penalties for the omission thereof by law provided with respect to the oaths in all such cases respectively. *R.S.P.E.I. 1974, Cap. P-28, s.33.*

15. Affirmations

All persons allowed by law to affirm instead of swearing in civil cases, shall be received to take an affirmation of allegiance in the like terms with the necessary changes as the oath of allegiance, and the affirmation of allegiance taken before the proper officer shall in all cases be accepted from those persons in lieu of the oath and shall as to the affirmants have the same effect as the oath of allegiance; and all provincial court judges and other officers lawfully authorized either by virtue of their office or by special commission from the Crown for that purpose may administer the affirmation of allegiance in any part of this province. *R.S.P.E.I. 1974, Cap. P-28, s.34.*