



PRINCE EDWARD ISLAND
ÎLE-DU-PRINCE-ÉDOUARD

PROVINCIAL COURT ACT REGULATIONS

PLEASE NOTE

This document, prepared by the *Legislative Counsel Office*, is an office consolidation of this regulation, current to March 31, 2022. It is intended for information and reference purposes only.

This document is *not* the official version of these regulations. The regulations and the amendments printed in the *Royal Gazette* should be consulted on the Prince Edward Island Government web site to determine the authoritative text of these regulations.

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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PROVINCIAL COURT ACT

Chapter P-25.1

REGULATIONS

Pursuant to section 52 of the *Provincial Court Act* R.S.P.E.I. 1988, Cap. P-25.1, Council made the following regulations:

1. Definitions

In these regulations,

- (a) “**Act**” means the *Provincial Court Act* R.S.P.E.I. 1988, Cap. P-25.1;
- (b) “**enactment**” means an Act, regulation or municipal bylaw.

Powers of the Chief Judge

2. Powers of Chief Judge

For the purposes of clause 5(1)(f) of the Act,

- (a) the Chief Judge may impose remedial or corrective measures on a judge for the purposes of enforcing compliance with the Code of Conduct under subsection 5(4) of the Act;
- (b) the Chief Judge may refer a complaint made under subsection 28(1) of the Act to a mediator for mediation prior to dismissing the complaint under subsection 28(6) or requesting an investigation under subsection 28(7), if
 - (i) the Chief Judge is satisfied that the referral is appropriate in the circumstances and not contrary to the public interest, and
 - (ii) the complainant and the respondent agree to participate in mediation;
- (c) where a matter has been referred to the Chief Judge under subclause 33(1)(a)(ii) of the Act, the Chief Judge may refer the matter to a mediator for mediation prior to taking corrective action, if
 - (i) the Chief Judge is satisfied that the referral is appropriate in the circumstances and not contrary to the public interest, and
 - (ii) the complainant and the respondent agree to participate in mediation.

Procedural Matters

3. 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.

4. Appointment of clerk

A judge may appoint one or more justices of the peace as a clerk.

Remuneration – Investigators

5. Remuneration - investigator

- (1) A person who is an investigator appointed under subsection 30(2) of the Act is entitled to remuneration approved by the Lieutenant Governor in Council, on the recommendation of the chairperson of the Judicial Council.

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.

Revocation, Commencement

6. Revocation

The *Provincial Court Act Regulations* (EC946/76) are revoked.

