

EC2015-35

EXECUTIVE COUNCIL ACT
 MINISTER OF FINANCE, ENERGY AND MUNICIPAL AFFAIRS
 AUTHORITY TO ENTER INTO A MEMORANDUM OF UNDERSTANDING
 WITH
 THE NATIONAL ENERGY BOARD

Pursuant to clause 10(a) of the *Executive Council Act* R.S.P.E.I. 1988, Cap. E-12 Council authorized the Minister of Finance, Energy and Municipal Affairs to enter into a memorandum of agreement with the National Energy Board, as represented by its Chair and Chief Executive Officer, to provide for enhanced information sharing and dialogue between the parties with respect to National Energy Board regulatory activities, particularly those taking place within and adjacent to Prince Edward Island, such as more particularly described in the draft agreement.

EC2015-36

HOLLAND COLLEGE ACT
 BOARD OF GOVERNORS
 APPOINTMENT

Pursuant to subsection 6(1) of the *Holland College Act* R.S.P.E.I. 1988, Cap. H-6 Council made the following appointment:

NAME	TERM OF APPOINTMENT
via clause (d)	
Brad Colwill, Director Student Financial Assistance and Finance Department of Innovation and Advanced Learning (vice Susan MacKenzie, term expired)	4 February 2015 to 4 February 2018

Order-in-Council EC2014-707 dated December 9, 2014 is hereby rescinded.

EC2015-37

INNOVATION PEI ACT
 DECLARATION RE

Under authority of section 21 of the *Innovation PEI Act* Stats. P.E.I. 2014, c. 35 Council ordered that a Proclamation do issue proclaiming the said "Innovation PEI Act" to come into force effective February 14, 2015.

EC2015-38

INNOVATION PEI ACT
MINISTER OF INNOVATION AND ADVANCED LEARNING
DESIGNATION

Pursuant to clause 1(h) of the *Innovation PEI Act*, Stats. P.E.I. 2014, c.35 Council designated the Minister of Innovation and Advanced Learning to be responsible for administration of the said Act, effective February 14, 2015.

EC2015-39

INNOVATION PEI ACT
GENERAL REGULATIONS

Pursuant to section 18 of the *Innovation PEI Act* R.S.P.E.I. 1988, Cap. I-2.2, Council made the following regulations:

- | | |
|---|----------------------------|
| 1. (1) In these regulations | Definitions |
| (a) "Act" means the <i>Innovation PEI Act</i> R.S.P.E.I. 1988, Cap. I-2.2; | Act |
| (b) "affiliate" means any person | affiliate |
| (i) directly or indirectly controlling, or controlled by, or | |
| (ii) under direct, indirect or common control with, | |
| a person making an application pursuant to the Act and these regulations; | |
| (c) "employee of the Government" includes an employee or officer of any agency of the Crown, including any Crown corporation; | employee of the Government |
| (d) "fiscal year" means, in respect of the Corporation, the fiscal year as defined in the <i>Financial Administration Act</i> R.S.P.E.I. 1988, Cap. F-9; | fiscal year |
| (e) "person" includes any | person |
| (i) individual, partnership, body corporate or cooperative association, and | |
| (ii) any syndicate formed or existing for the purpose of jointly acquiring or administering assets. | |
| (2) For the purposes of these regulations, | Affiliated body corporate |
| (a) one body corporate is affiliated with another body corporate if | |
| (i) one of them is the subsidiary of the other or both are subsidiaries of the same body corporate, or | |
| (ii) each of them is controlled by the same person; | |
| (b) if two bodies corporate are affiliated with the same body corporate at the same time, they are deemed to be affiliated with each other; | |
| (c) a body corporate is controlled by a person or by two or more bodies corporate if | |
| (i) securities of the body corporate to which are attached more than fifty per cent of the votes that may be cast to elect directors of the body corporate are held, other than by way of security only, by or for the benefit of that person or by or for the benefit of those bodies corporate, and | |
| (ii) the votes attached to those securities are sufficient, if exercised, to elect a majority of the directors of the body corporate; | |
| (d) a body corporate is the holding body corporate of another if that other body corporate is its subsidiary; and | |
| (e) a body corporate is a subsidiary of another body corporate if | |
| (i) it is controlled by | |
| (A) that other body corporate, | |
| (B) that other body corporate and one or more bodies corporate each of which is controlled by that other body corporate, or | |

- (C) two or more bodies corporate each of which is controlled by that other body corporate, or
(ii) it is a subsidiary of a body corporate that is a subsidiary of that other body corporate.

- 2.** Each of the following sectors of the economy of Prince Edward Island is designated as an economic sector for the purposes of clause 14(f) of the Act: Economic sector
- (a) agriculture;
 - (b) fisheries and aquaculture;
 - (c) tourism and small business;
 - (d) financial and business services.

FINANCIAL ASSISTANCE

- 3.** (1) An application to the Corporation for financial assistance shall be made in writing and shall be in the form and provide the information and supporting documentation that the Chief Executive Officer requires for the proper assessment of the application, which may include, but is not limited to, financial information, shareholder information and business plans. Applications
- (2) An applicant for financial assistance who is an employee of the Government shall, in his or her application, advise the Corporation that the applicant is an employee of the Government. Applications by employees of Government
- (3) Every application to the Corporation for financial assistance shall be reviewed by the staff of the Corporation before the application is referred Review of application by staff
- (a) to the Chief Executive Officer for his or her review and determination under subsection 4(1); and
 - (b) to the Deputy Minister or Minister for his or her review and determination under subsection 4(2) or (3).
- 4.** (1) The Chief Executive Officer shall review and determine any application to the Corporation for financial assistance in an amount not exceeding \$500,000 and may advance financial assistance to an applicant where the total amount of financial assistance provided to the applicant in the fiscal year in which the application is made does not exceed \$500,000 in the aggregate. Financial assistance \$500,000 or less
- (2) The Deputy Minister shall review and determine any application to the Corporation for financial assistance in an amount that exceeds \$500,000 but does not exceed \$1,000,000 and may advance financial assistance to an applicant where the total amount of financial assistance provided to the applicant in the fiscal year in which the application is made does not exceed \$1,000,000 in the aggregate. Financial assistance in excess of \$500,000 but not more than \$1,000,000
- (3) The Minister shall review and determine any application to the Corporation for financial assistance in an amount that exceeds \$1,000,000 and may, with the approval of Treasury Board, advance financial assistance to an applicant where Idem, in excess of \$1,000,000
- (a) the amount of financial assistance requested by the applicant exceeds \$1,000,000; or
 - (b) the total amount of financial assistance provided to the applicant in the fiscal year in which the application is made exceeds \$1,000,000 in the aggregate.
- 5.** (1) Any financial assistance provided by the Corporation in the form of a grant or contribution shall be expended from the funds available to the Corporation. Funding for grants or contributions
- (2) Any financial assistance provided by the Corporation in the form of a grant or contribution shall be expended only from the budget approved by the Legislative Assembly for the purposes of the Corporation's programs under the Act. Expending amounts from approved program budget

FINANCIAL ASSISTANCE ELIGIBILITY RESTRICTIONS

- 6.** Financial assistance shall not be provided by the Corporation to any person for any business activity involving Ineligibility for financial assistance
- (a) the supply of residential accommodations;

(b) the supply of business premises to non-related persons; or
 (c) the lending of money or other activities of a finance company, loan company or trust company,
 or any other business activity excluded by the Corporation or by the Minister.

GENERAL

- 7.** In preparing an annual audit report for a fiscal year pursuant to subsection 12(2) of the Act, the Chief Executive Officer shall Annual audit report
 (a) include in the annual audit report the independently audited financial statements of the Corporation for the fiscal year; and
 (b) address in the annual audit report such other matters as the Minister may request.
- 8.** Upon default in the obligations owed to the Corporation by any person, the Corporation may take steps to enforce the performance of the obligations and to realize on any security held by the Corporation in accordance with policies and procedures adopted by the Board. Power of Corporation on default
- 9.** The *Innovation PEI Act* General Regulations (EC562/09) are revoked. Revocation
- 10.** These regulations come into force on February 14, 2015. Commencement

EXPLANATORY NOTES

SECTION 1 establishes definitions for the purposes of the regulations and explains how the defined term “affiliate” applies to a body corporate.

SECTION 2 designates the listed sectors of the economy of Prince Edward Island as economic sectors for the purposes of clause 14(f) of the Act.

SECTION 3 provides for an application for financial assistance to be made to Innovation PEI. It also requires an applicant who is an employee of the Government to advise Innovation PEI of that fact. The section further provides that applications shall be reviewed by the staff of Innovation PEI prior to being referred to the Chief Executive Officer for review and determination under subsection 4(1) or the Deputy Minister or the Minister for review and determination under subsection 4(2) or (3).

SECTION 4 authorizes the Chief Executive Officer to review and determine applications for financial assistance in an amount not exceeding \$500,000 and to advance financial assistance to an applicant if the total amount of financial assistance provided to the applicant in the fiscal year in which the application was made does not exceed \$500,000 in the aggregate. The section also authorizes the Deputy Minister to review and determine applications for financial assistance in an amount that exceeds \$500,000 but does not exceed \$1,000,000 and to advance financial assistance to an applicant if the total amount of financial assistance provided to the applicant in the fiscal year in which the application was made does not exceed \$1,000,000 in the aggregate. The section also authorizes the Minister to review and determine applications for financial assistance in an amount that exceeds \$1,000,000 and, with the approval of Treasury Board, to advance financial assistance to an applicant if the amount requested by the applicant exceeds \$1,000,000 or the total amount of financial assistance provided to the applicant in the fiscal year in which the application was made exceeds \$1,000,000 in the aggregate.

SECTION 5 requires that financial assistance that is provided in the form of a grant or contribution must be expended only from the funds available to Innovation PEI that were approved by the Legislative Assembly for the purposes of the Corporation’s programs under the Act.

SECTION 6 establishes certain restrictions on the financial assistance that may be provided by the Corporation. Financial assistance shall not be provided for the business activities specified in clauses (a) to (c) or for any other business activity excluded by the Corporation or the Minister.

SECTION 7 provides for the content of the annual audit report to be prepared by the Chief Executive Officer for the purposes of subsection 12(2) of the Act.

SECTION 8 provides that in the event of default in the obligations owed by any person to the Corporation, the Corporation may take steps to enforce the performance of the obligations and to realize on any security held by the Corporation in accordance with the policies and procedures adopted by the Board.

SECTION 9 revokes the *Innovation PEI Act* General Regulations (EC562/09).

SECTION 10 provides for the commencement of these regulations.

EC2015-40

AN ACT TO AMEND THE INSURANCE ACT (NO. 2) DECLARATION RE

Under authority of subsection 18(2) of *An Act to Amend the Insurance Act* (No. 2), Stats. P.E.I. 2014, c. 36, Council ordered that a Proclamation do issue proclaiming section 14 of the said "An Act to Amend the Insurance Act (No. 2)" to come into force effective October 1, 2015.

EC2015-41

INSURANCE ACT AUTOMOBILE INSURANCE FAULT DETERMINATION REGULATIONS

Pursuant to section 254.4 of the *Insurance Act* R.S.P.E.I. 1988, Cap. I-4, Council made the following regulations:

Interpretation and Application

1. In these regulations

- | | |
|--|----------------|
| | Definitions |
| (a) "Act" means the <i>Insurance Act</i> R.S.P.E.I. 1988, Cap. I-4; | Act |
| (b) "centre line" means any of the following: | centre line |
| (i) a single or double, solid or broken line marked in the middle of the roadway, | |
| (ii) for a roadway without a line marked in the middle, | |
| (A) if the roadway is unobstructed, the middle of the roadway measured from the curbs, or in the absence of curbs, from the edges of the roadway, | |
| (B) if a portion of the roadway is obstructed by parked automobiles, snowbanks or other objects blocking traffic along the edge or edges of the roadway and two-way traffic past the obstructions is still possible without difficulty, the middle of the unobstructed portion of the roadway, | |
| (iii) for a roadway with more lanes available for traffic in one direction than the other direction, the line dividing the lanes for traffic in different directions; | |
| (c) "chain reaction" means a series of successive impacts among three or more automobiles travelling in the same direction one behind the other in the same lane; | chain reaction |
| (d) "collision" means | collision |
| (i) impact between two or more automobiles or parts of automobiles being detached without the involvement of the insured, or | |
| (ii) impact between an automobile and the load of another automobile; | |

- (e) “controlled access highway” means a highway designated as a controlled access highway under the *Highway Traffic Act* R.S.P.E.I. 1988, Cap. H-5; controlled access highway
- (f) “damage” means any of the following: damage
- (i) damage caused to an insured automobile,
 - (ii) loss of use of an insured automobile,
 - (iii) loss of or damage to property owned by an insured while being transported in an insured automobile;
- (g) “highway” means highway as defined in the *Highway Traffic Act*; highway
- (h) “intersection” means the area enclosed within the lateral boundary lines of two or more roadways, or two or more lanes in a parking lot, that join one another at an angle, and lines drawn at right angles across each of the roadways, or lanes in the parking lot, from the points where the lateral boundary lines intersect; intersection
- (i) “private road or driveway” means a road or driveway not open to the use of the public for purposes of vehicular traffic; private road or driveway
- (j) “roadway” means that portion of a highway ordinarily used for vehicular travel, exclusive of the shoulder unless the shoulder is paved; roadway
- (k) “traffic signal” means a manually, electrically or mechanically operated device by which traffic is alternately directed to stop and to proceed. traffic signal
- 2.** (1) Except as provided in subsection (2), these regulations apply to all automobiles. Application of regulations
- (2) These regulations do not apply to an automobile exempted from registration under the *Highway Traffic Act*, unless the automobile is insured by a motor vehicle liability policy. *Idem*
- (3) References in these regulations to “automobile A”, “automobile B” and “automobile C” are for ease of reference to the automobiles that may be involved in an incident and have no meaning other than as labels applied to distinguish between the automobiles. Interpretation
- (4) The diagrams in these regulations are merely illustrative of the situations described. Diagrams illustrative
- 3.** An insurer shall determine the degree of fault of an insured for loss or damage arising directly or indirectly from the use or operation of an automobile in accordance with these regulations. Degree of fault determined in accordance with regulations
- 4.** The degree to which an insured is at fault in an incident shall be determined without reference to any of the following: Factors not included in degree of fault
- (a) the circumstances in which the incident occurs, including weather conditions, road conditions, visibility or the actions of pedestrians;
 - (b) where the point of contact between the insured’s automobile and any other automobile involved in the incident is located on the insured’s automobile.
- 5.** (1) Except as provided in subsection (2), if more than one provision of these regulations applies to an insured, the provision that attributes the least degree of fault to the insured is the one that shall apply. If more than one provision of these regulations applies
- (2) If two provisions of these regulations apply to an incident involving two automobiles and an insured would be 100 per cent at fault under one provision and not at fault under the other, the insured shall be determined to be 50 per cent at fault for the incident. Exception
- 6.** (1) If an incident is not described in any of the provisions of these regulations, the degree to which an insured is at fault shall be determined in accordance with the ordinary rules of law. Ordinary rules of law
- (2) If there is not enough information about an incident to determine the degree to which an insured is at fault, the degree of fault shall be determined in accordance with the ordinary rules of law unless these regulations require otherwise. *Idem*

Fault Determination

7. (1) This section applies to an incident in which automobile A is struck from the rear by automobile B, and both automobiles are travelling in the same direction and in the same lane.

Automobiles travelling in the same direction and lane

(2) If automobile A is stopped or is in forward motion when the incident occurs, then:

Automobile stopped or moving forward

- (a) the driver of automobile A is not at fault for the incident;
- (b) the driver of automobile B is 100% at fault for the incident.

Diagram 7.2



(3) If the incident occurs when automobile A is turning, either to the right or to the left, in order to enter a side road, private road or driveway, then:

Automobile turning

- (a) the driver of automobile A is not at fault for the incident;
- (b) the driver of automobile B is 100% at fault for the incident.

Diagram 7.3

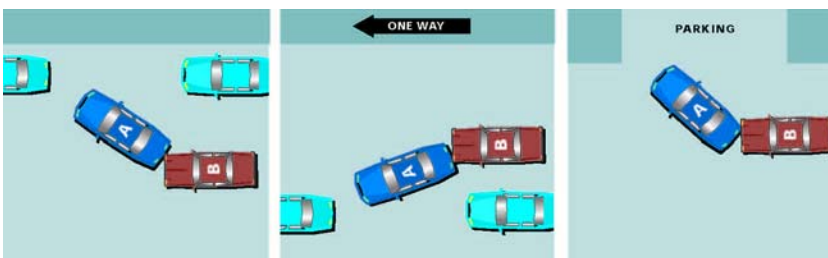


(4) If the incident occurs when automobile A is in forward motion and is entering a parking place on either the right or the left side of the road, then:

Automobile moving into parking place

- (a) the driver of automobile A is not at fault for the incident;
- (b) the driver of automobile B is 100% at fault for the incident.

Diagram 7.4



8. (1) This section applies when automobile A collides with automobile B while automobile B is entering a road from a parking place, private road or driveway.

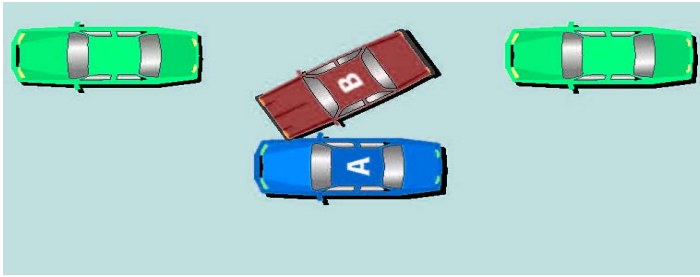
Automobiles entering road from parking place, private road or driveway

(2) If the incident occurs when automobile B is leaving a parking place and automobile A is passing the parking place, then:

Idem

- (a) the driver of automobile A is not at fault for the incident;
- (b) the driver of automobile B is 100% at fault for the incident.

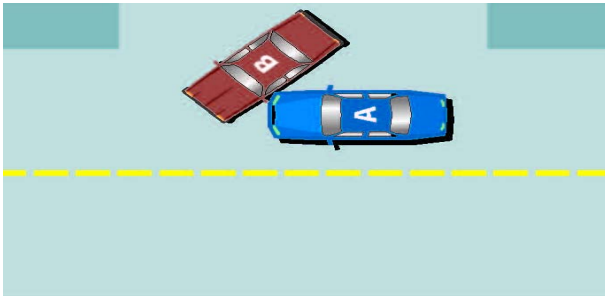
Diagram 8.2



(3) If the incident occurs when automobile B is entering a road from a private road or a driveway and automobile A is passing the private road or driveway, and there are no traffic signals or signs, then: *Idem*

- (a) the driver of automobile A is not at fault for the incident;
- (b) the driver of automobile B is 100% at fault for the incident.

Diagram 8.3

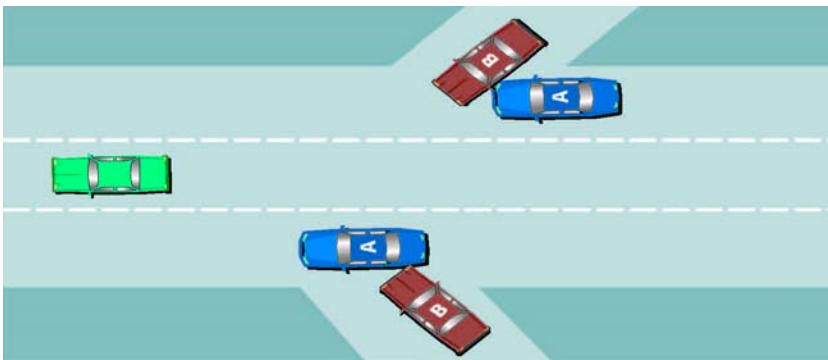


9. If automobile A collides with automobile B on a controlled access highway while automobile B is entering the highway from an entrance lane, then:

Automobile entering controlled access highway

- (a) the driver of automobile A is not at fault for the incident;
- (b) the driver of automobile B is 100% at fault for the incident.

Diagram 9.1



10. (1) This section applies to chain reactions.

Chain reactions

(2) The degree of fault for each collision between two automobiles involved in a chain reaction is determined without reference to any related collisions involving either of the automobiles and another automobile.

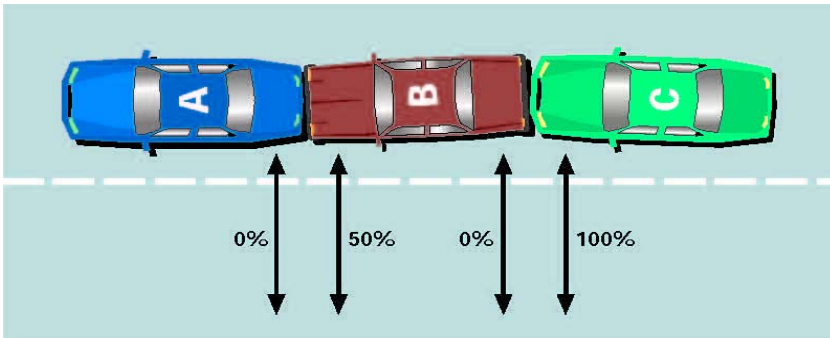
Determination of fault, rule

(3) If all automobiles involved in a chain reaction are in motion and automobile A is the leading automobile, automobile B is second and automobile C is the third automobile, then:

All automobiles in motion

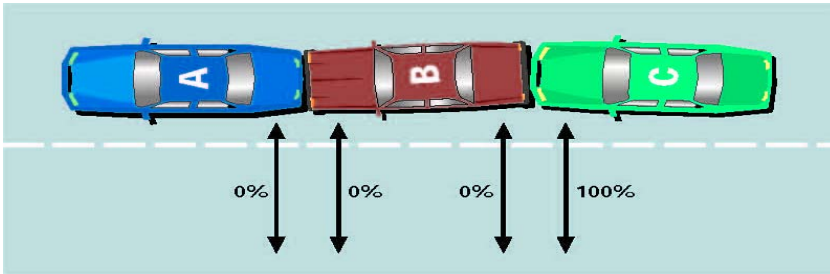
- (a) in the collision between automobiles A and B,
 - (i) the driver of automobile A is not at fault for the incident,
 - (ii) the driver of automobile B is 50% at fault for the incident;
 and
- (b) in the collision between automobiles B and C,
 - (i) the driver of automobile B is not at fault for the incident,
 - (ii) the driver of automobile C is 100% at fault for the incident.

Diagram 10.3



- (4) If only automobile C in a chain reaction is in motion when the incident occurs, then: One automobile in motion
- (a) in the collision between automobiles A and B, neither driver is at fault for the incident; and
 - (b) in the collision between automobiles B and C,
 - (i) the driver of automobile B is not at fault for the incident,
 - (ii) the driver of automobile C is 100% at fault for the incident.

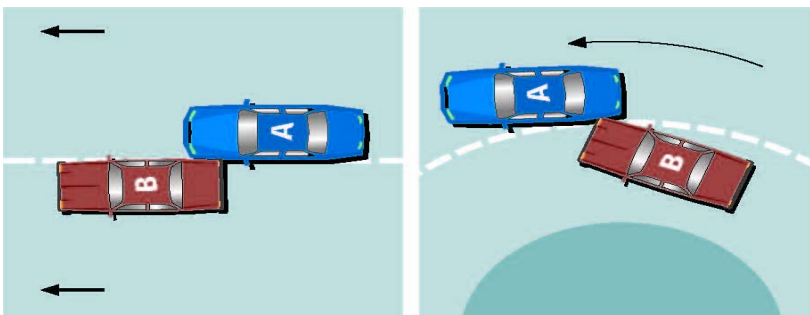
Diagram 10.4



11. (1) This section applies to an incident in which automobile A collides with automobile B, and both automobiles are travelling in the same direction and in adjacent lanes. Rules for automobiles travelling in the same direction in adjacent lane

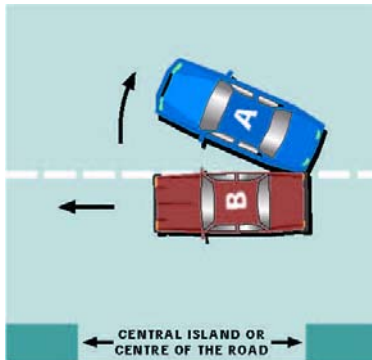
(2) If neither automobile A nor automobile B changes lanes, and both automobiles are on or over the centre line when the incident occurs, then the driver of each automobile is 50% at fault for the incident. No change of lane

Diagram 11.2 (sideswipe)



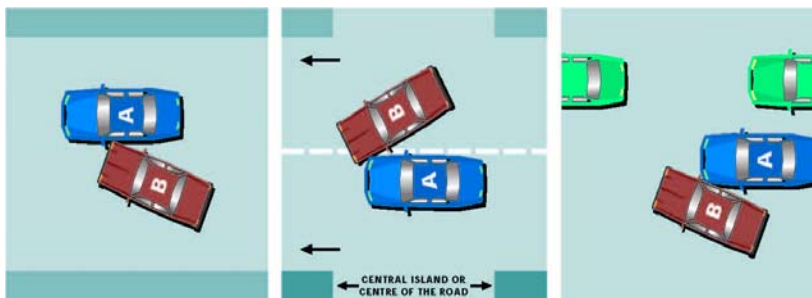
(3) If the location on the road of automobiles A and B when the incident occurs cannot be determined, then the driver of each automobile is 50% at fault for the incident. Location not determined

Diagram 11.3 (sideswipe)



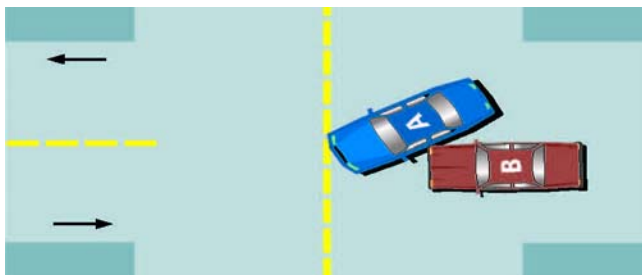
- (4) If the incident occurs when automobile B is changing lanes, then: Changing lanes
- (a) the driver of automobile A is not at fault for the incident;
 - (b) the driver of automobile B is 100% at fault for the incident.

Diagram 11.4 (sideswipe)



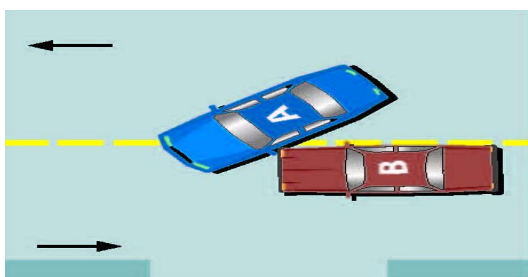
- (5) If the incident occurs when automobile A is turning left at an intersection and automobile B is overtaking automobile A to pass it, then: Left turn, intersection
- (a) the driver of automobile A is not at fault for the incident;
 - (b) the driver of automobile B is 100% at fault for the incident.

Diagram 11.5



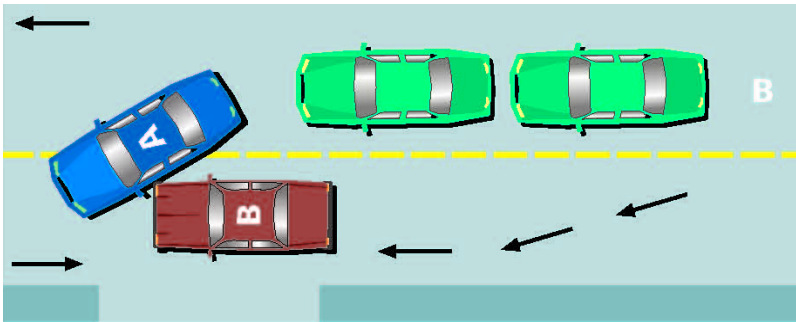
- (6) If the incident occurs when automobile A is turning left at a private road or a driveway and automobile B is overtaking automobile A to pass it, then: Left turn, driveway
- (a) the driver of automobile A is 75% at fault for the incident;
 - (b) the driver of automobile B is 25% at fault for the incident.

Diagram 11.6



- (7) If the incident occurs when automobile A is turning left at a private road or a driveway and automobile B is passing one or more automobiles stopped behind automobile A, then: Idem
- (a) the driver of automobile A is not at fault for the incident;
 - (b) the driver of automobile B is 100% at fault for the incident.

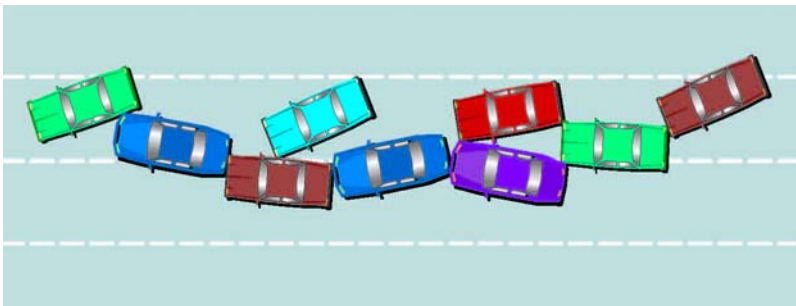
Diagram 11.7



12. (1) This section applies to pile-ups; that is, incidents involving a series of impacts among three or more automobiles travelling in the same direction and in adjacent lanes. Pile-ups

(2) For each collision between two automobiles involved in a pile-up, the driver of each automobile is 50% at fault for the incident. Each driver at fault

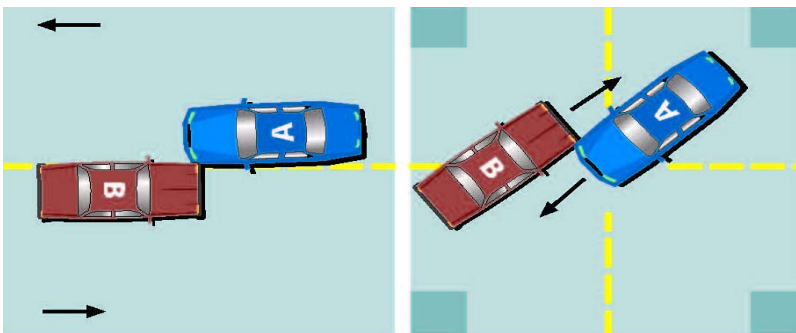
Diagram 12.2



13. (1) This section applies to an incident in which automobile A collides with automobile B, and the automobiles are travelling in opposite directions and in adjacent lanes. Automobiles travelling in opposite directions

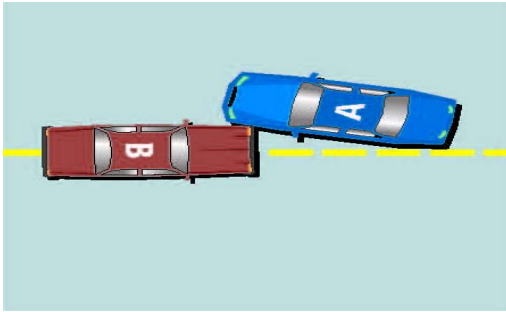
(2) If neither automobile A nor automobile B changes lanes and both automobiles are on or over the centre line when the incident occurs, then the driver of each automobile is 50% at fault for the incident. Over centre line

Diagram 13.2 (sideswipe)



(3) If the location on the road of automobiles A and B when the incident occurs cannot be determined, then the driver of each automobile is 50% at fault for the incident. Location not determined

Diagram 13.3 (sideswipe)

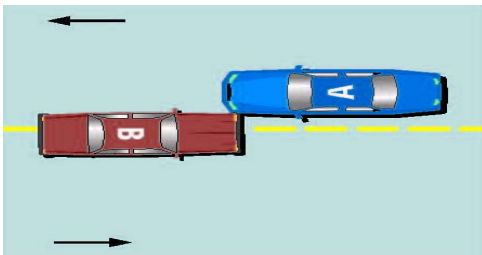


(4) If only automobile B is over the centre line of the road when the incident occurs, then:

One automobile over centre line

- (a) the driver of automobile A is not at fault for the incident;
- (b) the driver of automobile B is 100% at fault for the incident.

Diagram 13.4

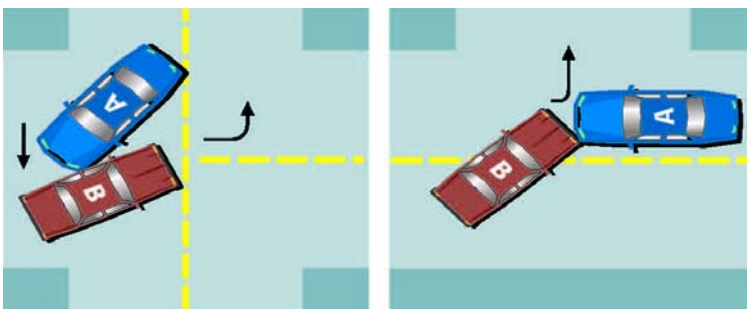


(5) If the incident occurs when automobile B turns left into the path of automobile A, then:

One automobile turning left

- (a) the driver of automobile A is not at fault for the incident;
- (b) the driver of automobile B is 100% at fault for the incident.

Diagram 13.5

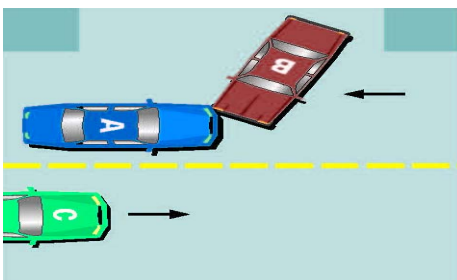


(6) If automobile B is leaving a parking place or is entering the road from a private road or driveway and automobile A is overtaking to pass another automobile when the incident occurs, then:

Entering traffic

- (a) the driver of automobile A is not at fault for the incident;
- (b) the driver of automobile B is 100% at fault for the incident.

Diagram 13.6



14. (1) This section applies to an incident in which automobile A collides with automobile B at an intersection that does not have traffic signals or traffic signs.

Automobiles in intersection without traffic signals or signs

(2) If automobile A enters the intersection before automobile B, then:

Idem

- (a) the driver of automobile A is not at fault for the incident;
- (b) the driver of automobile B is 100% at fault for the incident.

(3) If automobiles A and B enter the intersection at the same time and automobile A is to the right of automobile B when in the intersection, then: Automobile at right not at fault

- (a) the driver of automobile A is not at fault for the incident;
- (b) the driver of automobile B is 100% at fault for the incident.

(4) If it cannot be determined whether automobile A or B entered the intersection first, then the driver of each automobile is 50% at fault for the incident. Determination not possible

15. (1) This section applies to an incident in which automobile A collides with automobile B at an intersection with traffic signs. Automobiles at intersection with traffic signs

(2) If the incident occurs when the driver of automobile B fails to obey a stop sign, yield sign or a similar sign or flares or other signals on the ground, then: Failure to obey sign

- (a) the driver of automobile A is not at fault for the incident;
- (b) the driver of automobile B is 100% at fault for the incident.

(3) If the driver of each automobile fails to obey a stop sign, the driver of each automobile is 50% at fault for the incident. Both drivers fail to obey sign

(4) If it cannot be determined who failed to obey a stop sign, then the driver of each automobile is 50% at fault for the incident. Determination not possible

(5) If automobile A arrives at an all-way stop intersection first and stops, then: Collision after stop

- (a) the driver of automobile A is not at fault for the incident;
- (b) the driver of automobile B is 100% at fault for the incident.

(6) If both automobiles arrive at an all-way stop intersection at the same time and stop, with automobile A to the right of automobile B, then: *Idem*

- (a) the driver of automobile A is not at fault for the incident;
- (b) the driver of automobile B is 100% at fault for the incident.

(7) If it cannot be determined who arrived at an all-way stop intersection first, then the driver of each automobile is 50% at fault for the incident. Determination not possible

16. (1) This section applies to an incident in which automobile A collides with automobile B at an intersection with traffic signals. Automobiles at intersection with traffic signals

(2) If the driver of automobile B fails to obey a traffic signal, then:

- (a) the driver of automobile A is not at fault for the incident;
- (b) the driver of automobile B is 100% at fault for the incident.

(3) If it cannot be determined whether the driver of either automobile failed to obey a traffic signal, then the driver of each automobile is 50% at fault for the incident. Determination not possible

(4) If the traffic signals at an intersection are inoperative, then the degree to which each of the drivers is at fault is determined in accordance with these regulations as if the intersection were an all-way stop intersection. Inoperative signal

17. (1) The following definitions apply in this section: Definitions

(a) "feeder lane" means a road in a parking lot other than a thoroughfare; feeder lane

(b) "thoroughfare" means a main road for passage into, through or out of a parking lot. thoroughfare

(2) This section applies to an incident in which automobile A collides with automobile B in a parking lot. Collisions in parking lots

(3) The degree to which a driver is at fault in an incident that occurs on a thoroughfare is determined in accordance with these regulations as if the thoroughfare were a roadway. Rules for thoroughfare

(4) If the incident occurs when automobile A is leaving a feeder lane and fails to yield the right of way to automobile B on a thoroughfare, then: Driver fails to yield, feeder lane

- (a) the driver of automobile A is 100% at fault for the incident;
- (b) the driver of automobile B is not at fault for the incident.

(5) If the incident occurs when automobile A is leaving a parking space and fails to yield the right of way to automobile B on a feeder lane or a thoroughfare, then: *Idem, parking space*

- (a) the driver of automobile A is 100% at fault for the incident;
- (b) the driver of automobile B is not at fault for the incident.

18. (1) Except as provided in subsection (2), if automobile A is parked when automobile B collides with it, then: *Automobiles that are parked*

- (a) the driver of automobile A is not at fault for the incident;
- (b) the driver of automobile B is 100% at fault for the incident.

(2) If automobile A is illegally parked, stopped or standing when automobile B collides with it and the incident occurs outside a city, town, village or rural community, then: *Exception*

- (a) the driver of automobile A is 100% at fault for the incident;
- (b) the driver of automobile B is not at fault for the incident.

19. The driver of automobile A is 100% at fault and the driver of automobile B is not at fault for an incident in which automobile A collides with automobile B when the driver of automobile A fails to obey any of the following: *Driver fails to obey specified sign or direction*

- (a) a peace officer's direction;
- (b) a "do not enter" sign;
- (c) a prohibited passing sign;
- (d) a prohibited turn sign.

20. The driver of automobile A is 100% at fault and the driver of automobile B is not at fault for an incident that occurs when: *Backing up, making U-turn or opening door*

- (a) automobile A is backing up;
- (b) automobile A is making a U-turn; or
- (c) the driver of, or a passenger in, automobile A opens the automobile door or leaves the door open.

21. (1) For the purposes of these regulations, any one of the following that occurs as a result of an incident constitutes a driving offence: *Driver charged with a driving offence*

- (a) a driver is charged with operating an automobile while the driver's ability to operate the automobile was impaired by alcohol or a drug;
- (b) a driver is charged with driving while the driver's blood alcohol level exceeded the limits permitted by law;
- (c) a driver is charged with an indictable offence related to the operation of an automobile;
- (d) a driver is asked to provide a breath sample and the driver is charged with failing or refusing to provide the sample;
- (e) a driver is charged with exceeding the speed limit by 25 or more kilometres per hour.

(2) The degree to which an insured is at fault in an incident is determined in accordance with the ordinary rules of law and not in accordance with these regulations if both of the following apply: *Exception to these rules*

- (a) the driver of automobile A involved in the incident is charged with a driving offence;
- (b) the driver of automobile B is wholly or partly at fault, as otherwise determined under these regulations, for the incident.

22. These regulations come into force on October 1, 2015. *Commencement*

EXPLANATORY NOTES

SECTION 1 establishes definitions for the purposes of the regulations.

SECTION 2 provides that the regulations apply to all automobiles except an automobile exempted from registration under the *Highway Traffic Act*, unless that automobile is insured by a motor vehicle liability policy. The section also explains that references in the regulations to “automobile A”, “automobile B” and so on are for ease of reference, and that the diagrams set out in the regulations are for illustrative purposes.

SECTION 3 requires an insurer to determine the degree of fault of an insured for loss or damage arising from the use or operation of an automobile in accordance with the regulations.

SECTION 4 provides that the degree of fault of an insured referred to in section 3 shall be determined without reference to factors such as weather conditions, road conditions, visibility, the actions of pedestrians and other conditions, and the location of the point of contact on the insured’s automobile.

SECTION 5 provides that where more than one provision of the regulations would otherwise apply to an insured, the provision that attributes the least degree of fault is the one that shall apply, except where under one provision the insured would be 100 per cent at fault and under the other the insured would be not at fault. In that case, the insured shall be determined to be 50 per cent at fault.

SECTION 6 provides that, in a situation not described in the regulations, fault shall be determined in accordance with the ordinary rules of law, and where there is not enough information, fault shall be determined in accordance with the ordinary rules of law unless the regulations require otherwise.

SECTION 7 provides the rules for determining fault where one automobile is struck from the rear by another and both are travelling in the same direction and the same lane.

SECTION 8 provides the rules for determining fault where one automobile collides with another while the other automobile is entering a road from a parking place, private road or driveway.

SECTION 9 provides the rule for determining fault where one automobile collides with another on a controlled access highway while the other automobile is entering the highway from an entrance lane.

SECTION 10 provides the rules for determining fault for each collision in a chain reaction.

SECTION 11 provides the rules for determining fault where one automobile collides with another while both are travelling in the same direction and in adjacent lanes.

SECTION 12 provides the rules for determining fault in incidents involving pile-ups; that is, a series of impacts among three or more automobiles travelling in the same direction and in adjacent lanes.

SECTION 13 provides the rules for determining fault where one automobile collides with another while they are travelling in opposite directions and in adjacent lanes.

SECTION 14 provides the rules for determining fault where one automobile collides with another at an intersection that does not have traffic signals or traffic signs.

SECTION 15 provides the rules for determining fault where one automobile collides with another at an intersection that has traffic signs.

SECTION 16 provides the rules for determining fault where one automobile collides with another at an intersection that has traffic signals.

SECTION 17 provides the rules for determining fault where one automobile collides with another in a parking lot.

SECTION 18 provides the rules for determining fault where one automobile collides with another that is parked.

SECTION 19 provides the rules for determining fault where one automobile collides with another having failed to obey a specified sign or a direction of a peace officer.

SECTION 20 provides the rules for determining fault where one automobile collides with another while backing up, making a U-turn or opening the door of the automobile.

SECTION 21 provides that specified charges resulting from an incident constitute driving offences for the purposes of the regulations, and also provides that where the driver of one of the automobiles involved in the incident is charged with a driving offence, and the driver of the other automobile is wholly or partly at fault, as determined under the regulations, the degree of fault of the insured shall be determined in accordance with the ordinary rules of law and not in accordance with the regulations.

SECTION 22 provides for the commencement of the regulations.

EC2015-42

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
MURRAY BILZ
(APPROVAL)

Pursuant to section 4 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to Murray Bilz of Thornhill, Ontario to acquire a land holding of approximately fifteen decimal three six (15.36) acres of land at North Lake in Lot 47, Kings County, Province of Prince Edward Island, being acquired from Betty Alene Markillie of El Monte, California and Mark Markillie of Richland Michigan.

EC2015-43

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
DEBBIE CARSLAKE AND CHARMAYNE KOCSIS
(APPROVAL)

Pursuant to section 4 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to Debbie Carslake and Charmayne Kocsis, both of Warsaw, Ontario to acquire a land holding of approximately one decimal nine two (1.92) acres of land at Stanley Bridge in Lot 22, Queens County, Province of Prince Edward Island, being acquired from Daniel Kocsis and Lois Kocsis, both of Woodstock, Ontario.

EC2015-44

PRINCE EDWARD ISLAND
 LANDS PROTECTION ACT
 PETITION TO ACQUIRE A LAND HOLDING
 MARTIN J. GALLANT AND SUSAN I. GALLANT
 (APPROVAL)

Pursuant to section 4 and section 9 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to Martin J. Gallant and Susan I. Gallant, both of Milton, Ontario to acquire a land holding of approximately eight decimal eight seven (8.87) acres of land at Bloomfield Corner, Lot 5, Prince County, Province of Prince Edward Island, being acquired from the Estate of Leo Gallant of Kinkora, Prince Edward Island PROVIDED THAT the said real property is identified for non-development use pursuant to the Land Identification Regulations (EC606/95) made under the said Act.

EC2015-45

PRINCE EDWARD ISLAND
 LANDS PROTECTION ACT
 PETITION TO ACQUIRE A LAND HOLDING
 MARTIN J. GALLANT AND SUSAN I. GALLANT
 (APPROVAL)

Pursuant to section 4 and section 9 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to Martin J. Gallant and Susan I. Gallant, both of Milton, Ontario to acquire a land holding of approximately forty-seven decimal six seven (47.67) acres of land at Bloomfield Corner, Lot 5, Prince County, Province of Prince Edward Island, being acquired from the Estate of Leo Gallant of Kinkora, Prince Edward Island PROVIDED THAT the portion of the said real property that has not received planning approval, approximately twenty-six decimal eight (26.8) acres, is identified for non-development use pursuant to the Land Identification Regulations (EC606/95) made under the said Act.

EC2015-46

PRINCE EDWARD ISLAND
 LANDS PROTECTION ACT
 PETITION TO ACQUIRE A LAND HOLDING
 JAMES HEUVELMANS AND MARIELLE HEUVELMANS
 (APPROVAL)

Pursuant to section 4 and section 9 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to James Heuvelmans and Marielle Heuvelmans, both of Alfred, Ontario to acquire a land holding of approximately eighty-five (85) acres of land at North Enmore, Lot 10, Prince County, Province of Prince Edward Island, being acquired from Edgar J.R. Oatway of Summerside, Prince Edward Island PROVIDED THAT the said real property is identified for non-development use pursuant to the Land Identification Regulations (EC606/95) made under the said Act.

EC2015-47

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
COMPTON BROS. INC.
(APPROVAL)

Pursuant to section 5 and section 9 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to Compton Bros. Inc. of Morell, Prince Edward Island to acquire a land holding of approximately sixteen (16) acres of land at Martinvale, Lot 53, Kings County, Province of Prince Edward Island, being acquired from Harlene Melva Fraser of Charlottetown, Prince Edward Island PROVIDED THAT the said real property is identified for non-development use pursuant to the Land Identification Regulations (EC606/95) made under the said Act.

EC2015-48

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
HARRIS BROS. INC.
(APPROVAL)

Pursuant to section 5 and section 9 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to Harris Bros. Inc. of O'Leary, Prince Edward Island to acquire a land holding of approximately eighteen decimal five (18.5) acres of land at Howlan, Lot 5, Prince County, Province of Prince Edward Island, being acquired from Smallman Farms Ltd. of Knutsford, Prince Edward Island PROVIDED THAT the said real property is identified for non-development use pursuant to the Land Identification Regulations (EC606/95) made under the said Act.

EC2015-49

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
M & R FARMS INC.
(APPROVAL)

Pursuant to section 5 and section 9 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to M & R Farms Inc. of Charlottetown, Prince Edward Island to acquire a land holding of approximately three hundred and seventy-nine decimal zero three (379.03) acres of land at Glenmartin, Lot 61; Glenwilliam, Lot 63; and Summerville, Lot 66; all in Kings County, Province of Prince Edward Island, being acquired from MacRae Produce Inc. of Charlottetown, Prince Edward Island PROVIDED THAT the said real property is identified for non-development use pursuant to the Land Identification Regulations (EC606/95) made under the said Act.

EC2015-50

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
M & R FARMS INC.
(APPROVAL)

Pursuant to section 5 and section 9 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to M & R Farms Inc. of Charlottetown, Prince Edward Island to acquire a land holding of approximately two thousand, four hundred and thirty-six decimal six nine (2,436.69) acres of land at Lyndale and Uigg, Lot 50, Queens County; Union Road and Woodgate, Lot 51; New Perth, Lot 52; Head of Montague, Greenfield, and Victoria Cross, Lots 51 and 66; Glenwilliam, Lot 63; all in Kings County, Province of Prince Edward Island, being acquired from MacRae Farms Inc. of Charlottetown, Prince Edward Island PROVIDED THAT the said real property is identified for non-development use pursuant to the Land Identification Regulations (EC606/95) made under the said Act.

EC2015-51

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
M & R FARMS INC.
(APPROVAL)

Pursuant to section 5 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to M & R Farms Inc. of Charlottetown, Prince Edward Island to acquire a land holding of approximately seven decimal zero five (7.05) acres of land at Union Road and Victoria Cross, Lot 51, Kings County, Province of Prince Edward Island, being acquired from MacRae Farms Inc. of Charlottetown, Prince Edward Island.

EC2015-52

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
M & R FARMS INC.
(APPROVAL)

Pursuant to section 5 and section 9 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to M & R Farms Inc. of Charlottetown, Prince Edward Island to acquire a land holding of approximately thirty-two decimal five (32.5) acres of land at Victoria Cross, Lot 51, Kings County, Province of Prince Edward Island, being acquired from MacRae Farms Inc. of Charlottetown, Prince Edward Island PROVIDED THAT the said real property is identified for non-development use pursuant to the Land Identification Regulations (EC606/95) made under the said Act.

EC2015-53

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
POLSTRA HOLDINGS LTD.
(APPROVAL)

Pursuant to section 5 and section 9 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to Polstra Holdings Ltd. of Morell, Prince Edward Island to acquire a land holding of approximately forty-six decimal eight four (46.84) acres of land at Byrnes Road, Lot 51, Kings County, Province of Prince Edward Island, being acquired from B & R Farms Ltd. of Heatherdale, Prince Edward Island PROVIDED THAT the said real property is identified for non-development use pursuant to the Land Identification Regulations (EC606/95) made under the said Act.

EC2015-54

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
SUMMERFIELD FARMS LTD.
(APPROVAL)

Pursuant to section 5 and section 9 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to Summerfield Farms Ltd. of Norboro, Prince Edward Island to acquire a land holding of approximately one hundred and thirty-seven decimal seven four (137.74) acres of land at Kelvin Grove and Kensington, Lot 19, Prince County, Province of Prince Edward Island, being acquired from G. Morris Caseley and George Caseley, both of Summerside, Prince Edward Island PROVIDED THAT the said real property is identified for non-development use pursuant to the Land Identification Regulations (EC606/95) made under the said Act.

EC2015-55

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PROPERTY NO. 249862, LOT 67, QUEENS COUNTY
IDENTIFICATION FOR NON-DEVELOPMENT USE
AMENDMENT

Pursuant to subsection 9(2) of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5, Council amended the condition of non-development use made pursuant to section 2 of the Land Identification Regulations (EC606/95) in respect of approximately ninety-seven decimal five six (97.56) acres of land, being Provincial Property No. 249862 located at Shamrock, Lot 67, Queens County, Prince Edward Island and currently owned by Hilltop Produce Ltd. of Kinkora, Prince Edward Island.

Council noted that this amendment will enable subdivision of a parcel of land of approximately two (2) acres and is SUBJECT TO the subdivided parcel being consolidated with the adjacent Provincial Property No. 771477. Further, Council determined that following subdivision, identification for non-development use shall continue to apply to the subdivided parcel and the remaining land.

This Order-in-Council comes into force on February 4, 2015.

EC2015-56

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PROPERTY NO. 127985, LOT 51, KINGS COUNTY
IDENTIFICATION FOR NON-DEVELOPMENT USE
AMENDMENT

Pursuant to subsection 9(2) of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5, Council amended the condition of non-development use made pursuant to section 2 of the Land Identification Regulations (EC606/95) in respect of approximately fifty (50) acres of land, being Provincial Property No. 127985 located at Victoria Cross, Lot 51, Kings County, Prince Edward Island and currently owned by MacRae Farms Inc. of Charlottetown, Prince Edward Island.

Council noted that this amendment will enable subdivision of a parcel of land of approximately seventeen decimal five (17.5) acres, and determined that following subdivision, identification for non-development use shall continue to apply to the subdivided parcel and the remaining land.

This Order-in-Council comes into force on February 4, 2015.

EC2015-57

PROVINCIAL EMBLEMS AND HONOURS ACT
ORDER OF PRINCE EDWARD ISLAND ADVISORY COUNCIL
APPOINTMENT

Pursuant to clause 6(2)(d) of the *Provincial Emblems and Honours Act* R.S.P.E.I. 1988, Cap. P-26.1, Council made the following appointment:

NAME	TERM OF APPOINTMENT
for Prince County	
Doug Leblanc	4 February 2015
Victoria West	to
(vice Eleanor Barlow, term expired)	4 February 2018

EC2015-58

PUBLIC DEPARTMENTS ACT
ACTING MINISTERS
APPOINTMENTS

Under authority of subsection 4(2) of the *Public Departments Act*, R.S.P.E.I. 1988, Cap. P-29 the following appointments were made:

1. Honourable George Webster to be Acting Premier and Acting President of the Executive Council commencing on the 28th day of January 2015, and continuing for the duration of the absence from the Province of Honourable Robert Ghiz.
2. Honourable Valerie Docherty to be Acting Minister of Finance, Energy and Municipal Affairs commencing on the 31st day of January 2015, and continuing for the duration of the absence from the Province of Honourable Wes Sheridan.

3. Honourable Robert Vessey to be Acting Minister of Innovation and Advanced Learning commencing on the 31st day of January 2015, and continuing for the duration of the absence from the Province of Honourable Allen Roach.

EC2015-59

**SOCIAL ASSISTANCE ACT
SOCIAL ASSISTANCE APPEAL BOARD
APPOINTMENTS**

Pursuant to section 5 of the *Social Assistance Act* R.S.P.E.I. 1988, Cap. S-4.3, Council made the following appointments:

NAME	TERM OF APPOINTMENT
Allan Glover	4 February 2015
Murray Harbour	to
(vice Claire Acorn, term expired)	4 February 2018
Stu Lavers	4 February 2015
Charlottetown	to
(vice Joey Toombs, term expired)	4 February 2018
Angela Pursey	4 February 2015
Charlottetown	to
(vice Rachel McPhee, term expired)	4 February 2018