

## EC2018-587

**ENVIRONMENTAL PROTECTION ACT  
MATERIALS STEWARDSHIP AND  
RECYCLING REGULATIONS  
AMENDMENT**

Pursuant to section 25 of the *Environmental Protection Act* R.S.P.E.I. 1988, Cap. E-9, Council made the following regulations:

**1. The *Environmental Protection Act* Materials Stewardship and Recycling Regulations (EC349/14) are amended by the addition of the following after section 84:**

**DIVISION 5.1**

**Rechargeable and Single-Use Batteries**

**Interpretation**

- 84.1** In this Part
- |  | Definitions   |
|--|---------------|
| (a) “administrator” means an administrator appointed under section 84.7;   | administrator |
| (b) “agent” means an agent of a brand owner designated under section 84.4;   | agent         |
| (c) “brand owner” means, in respect of a rechargeable or single-use battery sold, offered for sale or otherwise distributed in or into the province,   | brand owner   |
| <ul style="list-style-type: none"> <li>(i) a manufacturer of the rechargeable or single-use battery,</li> <li>(ii) a distributor of the rechargeable or single-use battery in or into the province,</li> <li>(iii) where the rechargeable or single-use battery is imported into the province, the first person to sell the rechargeable or single-use battery in or into the province;</li> </ul> |               |
| (d) “retailer” means a person who sells or offers for sale rechargeable or single-use battery directly to consumers.   | retailer      |
- 84.2** (1) For the purposes of the Act and these regulations, rechargeable and single-use batteries are designated materials.
- |   |   |
|---|---|
| (2) For greater certainty, and subject to subsection (3), the term “rechargeable or single-use battery” includes a small sealed lead-acid battery of less than five kilograms regardless of whether the small sealed lead-acid battery is still contained in the device or product in which it was sold or not. | Includes small sealed lead-acid battery |
|---|---|
- (3) In the case of a rechargeable or single-use battery that is contained in a device or product that is a designated material under these regulations,
- |  |           |
|--|-----------|
| <ul style="list-style-type: none"> <li>(a) subsections (1) and (2) do not apply; and</li> <li>(b) the rechargeable or single-use battery shall be dealt with in accordance with the stewardship program for the device or product in which it is contained.</li> </ul> | Exception |
|--|-----------|

### Rechargeable and Single-Use Battery Stewardship Program

**84.3** (1) No brand owner of a rechargeable or single-use battery shall sell, offer for sale or otherwise distribute a rechargeable or single-use battery in or into the province unless the brand owner, or an agent of the brand owner of the rechargeable or single-use battery operates a rechargeable and single-use battery stewardship program in respect of the rechargeable or single-use battery. Prohibition

(2) No retailer shall sell, offer for sale or otherwise distribute a rechargeable or single-use battery in or into the province unless the brand owner of the rechargeable or single-use battery, or an agent of the brand owner of the rechargeable or single-use battery, operates a rechargeable and single-use battery rechargeable stewardship program in respect of the rechargeable or single-use battery. *Idem*

**84.4** A brand owner may, by written agreement with any person, designate that person as the agent of the brand owner to operate a rechargeable and single-use battery stewardship program on the brand owner's behalf. Designation of agent

### Application

**84.5** (1) A brand owner who wishes to apply for approval of a rechargeable and single-use battery stewardship program shall file with the Minister a completed application on a form approved by the Minister. Application for approval of rechargeable and single-use battery stewardship program

(2) An agent of a brand owner who wishes to operate a rechargeable and single-use battery stewardship program on the brand owner's behalf and who wishes to apply for approval of the program shall file with the Minister a completed application on a form approved by the Minister. *Idem*

(3) An applicant shall submit with an application made under subsection (1) or (2) a detailed written proposal outlining Material to be submitted

- (a) the management structure of the program;
- (b) how rechargeable and single-use batteries will be collected;
- (c) the plans for the receipt of rechargeable and single-use batteries and the policies and procedures to be followed by the applicant;
- (d) the recycling options for rechargeable and single-use batteries;
- (e) the quality control and assurance aspects of the program, including tracking and auditing mechanisms; and
- (f) an education and awareness program for consumers of rechargeable or single-use batteries that includes information about
  - (i) the rechargeable and single-use battery stewardship program, specifying products accepted by the program,
  - (ii) how and when consumers can return rechargeable and single-use batteries,
  - (iii) the environmental benefits of participating in the rechargeable and single-use battery stewardship program, and
  - (iv) a description of the proposed methods for reusing and recycling rechargeable and single-use batteries.

(4) The Minister may require an applicant to provide any additional information that the Minister requires to consider the application. Additional information

(5) The Minister shall approve a rechargeable and single-use battery stewardship program if the Minister is satisfied that Requirements for approval of rechargeable and single-use battery stewardship program

- (a) the application has been made in accordance with the requirements of these regulations;
- (b) the proposal submitted under subsection (3)
  - (i) includes the information referred to in clauses (3)(a) to (f) and is otherwise acceptable to the Minister, and
  - (ii) adequately provides for the operation of the rechargeable and single-use battery stewardship program in compliance with the Act and these regulations; and
- (c) approval of the program is in the public interest having regard to the matters referred to in clauses (3)(a) to (f).

(6) Where the Minister refuses to approve a rechargeable and single-use battery stewardship program, the Minister shall provide written reasons for the refusal to the applicant. Refusal to approve rechargeable and single-use battery stewardship program

(7) Where the Minister approves a rechargeable and single-use battery stewardship program, the applicant shall, not later than the commencement date of the program, pay the fee prescribed by subsection (8).

Approval of rechargeable and single-use battery stewardship program

(8) The fee for an approval of a rechargeable and single-use battery stewardship program is \$5,000 and shall be made payable to the Minister of Finance.

Fee

**84.6** (1) A brand owner or an agent who operates a rechargeable and single-use battery stewardship program shall, on or before July 31 of each year, pay the annual fee prescribed by subsection (2).

Annual fee

(2) The annual fee for a rechargeable and single-use battery stewardship program is \$5,000 and shall be made payable to the Minister of Finance.

*Idem*

**84.7** The Minister may

Administrator

- (a) appoint any person as the administrator of a rechargeable and single-use battery stewardship program; and
- (b) specify the duties and responsibilities of an administrator appointed under clause (a).

### Information

**84.8** A brand owner or an agent who operates a rechargeable and single-use battery stewardship program shall, upon request in writing from the Minister, provide the Minister with any information about the rechargeable and single-use battery stewardship program, including any of the following:

Request for information from Minister

- (a) the types of processes used to reuse and recycle the rechargeable and single-use batteries;
- (b) the location of any long-term containment or final treatment and processing facilities for rechargeable and single-use batteries;
- (c) records showing that the program adheres to established industry vendor qualification standards, or information demonstrating that the rechargeable and single-use batteries collected are managed in a manner that employs environmental and human health and safety standards meeting or exceeding applicable federal, provincial and local regulations.

**84.9** No retailer shall charge a consumer any separate fee with respect to the costs associated with implementing a rechargeable and single-use battery stewardship program.

Internalization of fees

**84.91** A retailer shall prominently display, at the point of display or the point of sale of rechargeable and single-use batteries, the education and awareness program information referred to in clause 84.5(3)(f) that is supplied to it by the brand owner or the brand owner's agent.

Display of education and awareness program information

**84.92** A brand owner or an agent who operates a rechargeable and single-use battery stewardship program shall review the program and

Review of rechargeable and single-use battery stewardship program

- (a) submit to the Minister all proposed amendments to the rechargeable and single-use battery stewardship program; or
- (b) advise the Minister in writing that in its opinion no amendments to the rechargeable and single-use battery stewardship program are necessary.

**84.93** A brand owner or an agent who operates a rechargeable and single-use battery stewardship program shall, on or before June 30 of each year, or on or before the date set by the Minister, inform the Minister in writing of the total quantity of batteries collected during the previous calendar year.

Information to Minister of quantity of rechargeable and single-use batteries collected

**84.94** (1) No brand owner who operates a rechargeable and single-use battery stewardship program shall fail to operate the rechargeable and single-use battery stewardship program in accordance with the program as approved under subsection 84.5(5).

Operation of rechargeable and single-use battery stewardship program

(2) No agent who has been designated to operate a rechargeable and single-use battery stewardship program on a brand owner's behalf shall fail to operate the rechargeable and single-use battery stewardship

*Idem*

program in accordance with the program as approved under subsection 84.5(5).

**2. These regulations come into force on October 13, 2018.**

**EXPLANATORY NOTES**

**SECTION 1** amends the *Environmental Protection Act* Materials Stewardship and Recycling Regulations to add a new Division 5.1 that deals with rechargeable and single-use batteries.

- The new section 84.1 establishes definitions that apply to the new Division.
- The new section 84.2 designates rechargeable and single-use batteries as designated materials for the purposes of the Act and regulations.
- The new section 84.3 prohibits selling, offering to sell and distributing rechargeable and single-use batteries in the province unless the brand owner or agent operates a rechargeable and single-use battery stewardship program.
- The new section 84.4 authorizes a brand owner to designate in writing a person as agent for the purpose of operating a rechargeable and single-use battery stewardship program on the brand owner's behalf.
- The new section 84.5 authorizes the application process for approval of a rechargeable and single-use battery stewardship program by a brand owner or agent, specifies the information that must be provided to the Minister and the criteria to be considered by the Minister and, in the event of a refusal, requires the Minister to provide written reasons to the applicant. The fee for an approval is \$5,000.
- The new section 84.6 establishes the annual fee for the operation of a rechargeable and single-use battery stewardship program and requires that it be paid on or before July 31 of each year.
- The new section 84.7 authorizes the Minister to appoint a person as the administrator of a rechargeable and single-use battery stewardship program and to specify the administrator's duties and responsibilities.
- The new section 84.8 requires a brand owner or agent who operates a rechargeable and single-use battery stewardship program to provide specified information about the program to the Minister on request.
- The new section 84.9 prohibits a retailer from charging a fee to a consumer with respect to the costs of implementing a rechargeable and single-use battery stewardship program.
- The new section 84.91 requires a retailer to prominently display specified information respecting a brand owner's rechargeable or single-use batteries.
- The new section 84.92 requires a brand owner or agent who operates a rechargeable and single-use battery stewardship program to review the program and either submit proposed amendments to the Minister or advise the Minister that no amendments to the program are needed.
- The new section 84.93 requires a brand owner or agent who operates a rechargeable and single-use battery stewardship program to inform the Minister on or before June 30 in each

year of the total quantity of batteries collected during the previous calendar year.

- The new section 84.94 requires the brand owner or agent, as the case may be, to operate the rechargeable and single-use battery stewardship program in accordance with the approval granted under subsection 84.5(5).

**SECTION 2** provides for the commencement of the regulations.

**EC2018-588**

**HIGHWAY TRAFFIC ACT  
ADMINISTRATIVE DRIVING PROHIBITION AND VEHICLE  
IMPOUNDMENT REGULATIONS  
AMENDMENT**

Pursuant to section 312 of the *Highway Traffic Act* R.S.P.E.I. 1988, Cap. H-5, Council made the following regulations:

- 1. Section 1 of the *Highway Traffic Act* Administrative Driving Prohibition and Vehicle Impoundment Regulations (EC161/00) is amended by the deletion of the words “contain the information”.**
- 2. Schedule 1 “Notice of Impoundment” to the regulations is revoked and Schedule 1 as set out in the Schedule I to these regulations is substituted.**
- 3. Forms 1, 2 and 3 of Schedule 4 to the regulations are revoked and Forms 1, 2 and 3 of Schedule 4 as set out in Schedule II to these regulations are substituted.**
- 4. These regulations come into force on October 17, 2018.**

**SCHEDULE I**

**SCHEDULE 1**

**NOTICE OF IMPOUNDMENT**  
(s. 255.3 of the *Highway Traffic Act*)

NAME .....  
 (Last) (First) (Other)  
 ADDRESS .....  
 (Number & Street) (Municipality) (Province) (Telephone)  
 DRIVER INFO .....  
 (License No.) (Prov.) (D.O.B.) (Sex)  
 VEHICLE INFO .....  
 (Plate No.) (Year) (Make) (V.I.N.) (Province)  
 OWNER INFO .....  
 (Name) (Address)  
 LOCATION ..... DATE ..... TIME .....  
 dd mm yy

This is official notification that the above-noted motor vehicle is being impounded under the authority specified below for the period of time specified below from the following date .....  
 (Date of Impoundment)

- The above-noted vehicle is being impounded pursuant to subsection 255.1(1) of the *Highway Traffic Act* for one of the following periods of time in accordance with subsections 255.2(1) and (2) of the Act:
  - 30 days; or
  - 60 days, where the registered owner of the motor vehicle was the owner of a motor vehicle that was impounded within two years before the date of impoundment.

**REASON:**  
 The undersigned peace officer is satisfied that, on or about ....., you operated a motor vehicle or had care or control of a motor vehicle while you were prohibited from doing so, by reason of the suspension or cancellation of your driver’s

license, and that you have been convicted, in the past two years, of an offence under subsection 271(1) of the *Highway Traffic Act* or under subsection 259(4) of the *Criminal Code* (Canada).

- The above-noted vehicle is being impounded pursuant to subsection 255.1(1.01) of the *Highway Traffic Act* for 30 days in accordance with subsection 255.2(2.01) of the Act.

**REASON:**

The undersigned peace officer is satisfied that, on or about ....., by means of or in relation to your operation of the motor vehicle, you committed an offence under one of the following provisions of the *Criminal Code* (Canada): 253(1)(a) or (b), 253(3)(a), (b) or (c) or 254(5).

- The above-noted vehicle is being impounded pursuant to subsection 255.1(1.1) of the *Highway Traffic Act* for 6 months in accordance with subsection 255.2(2.1) of the Act.

**REASON:**

The undersigned peace officer is satisfied that, on or about .....

- you committed an offence under one of the following provisions of the *Criminal Code* (Canada) as set out in 255.1(1.1)(a) of the *Highway Traffic Act*: 220, 221, 236, 249(3), 249(4), 249.1(4)(a) or (b), 249.2, 249.3, 249.4(3), 249.4(4), 255(2), 255(2.1), 255(2.2), 255(3), 255(3.1) or 255(3.2); or
- you committed an offence under one of the following provisions of the *Criminal Code* (Canada) as set out in 255.1(1.1)(b) of the *Highway Traffic Act*: 249(2), 249.1(2), 249.4(1), 252, 253(1)(a) or (b), 253(3)(a), (b) or (c), 254(5) or 259(4), and within 10 years before the commission of the offence you were also convicted of one of the offences listed in 255.1(1.1)(a) or two or more of the offences listed in 255.1(1.1)(b).

- The above-noted vehicle is being impounded pursuant to subsection 277.11(1) of the *Highway Traffic Act* for one of the following periods of time in accordance with subsection 277.11(2) of the Act:

- 3 days, where a driving suspension has been imposed under subsection 277.1(3.2) of the Act for 7 days;
- 7 days, where a driving suspension has been imposed under subsection 277.1(3.3) of the Act for 30 days; or
- 30 days, where a driving suspension has been imposed under subsection 277.1(3.5) of the Act for 90 days.

**REASON:**

The undersigned peace officer is satisfied that, on or about ....., you were served with a notice of driving suspension under section 277.1 of the *Highway Traffic Act*.

- The above-noted vehicle is being impounded pursuant to subsection 277.93(4) of the *Highway Traffic Act* for 30 days in accordance with subsection 277.93(5) of the Act.

**REASON:**

The undersigned peace officer is satisfied that, on or about ....., you, a person who is a graduated driver or under the age of 19 years or 22 years, as applicable, were served with a notice of driving suspension under section 277.9 or 277.92 of the *Highway Traffic Act*.

Vehicle stored at: .....

PEACE OFFICER'S NAME (PRINT) .....

PEACE OFFICER'S SIGNATURE .....

PIN/BADGE NUMBER ..... POLICE AGENCY .....

**REVIEW INSTRUCTIONS:**

The owner of a motor vehicle has the right to have the impoundment reviewed by the Registrar under section 255.5 of the *Highway Traffic Act*. You may, within 30 days of becoming aware of the impoundment, apply to the Registrar for a review of the impoundment by filing an application for review with the Registrar of Motor Vehicles at Highway Safety Division, 33 Riverside Drive, Charlottetown, or Access PEI, 120 Heather Moysse Drive, Summerside, and paying to the Registrar the prescribed fee(s). An application for review must be in the form, contain the information and be completed in the manner required by the Registrar. You may attach to the application for review any sworn statements or other evidence that you wish the Registrar to consider. To ensure all written evidence will be considered by the Registrar, it must be attached at the time of filing the application for review. The Registrar is not required to hold an oral hearing unless you request an oral hearing at the time of filing the application for review and pay the prescribed oral hearing fee. If you request an oral hearing and fail to appear on the date and at the time and place arranged for the hearing, without prior notice to the Registrar, your right to an oral hearing is deemed to have been waived. The filing of an application for a review under section 255.5 of the *Highway Traffic Act* does not stay the impoundment of

the motor vehicle. Subject to the result of a review under section 255.5 of the *Highway Traffic Act*, the motor vehicle will be impounded for the period authorized by section 255.2, 277.11 or 277.93 of the *Highway Traffic Act*, as the case may be.

The owner of the motor vehicle shall be responsible to pay all costs and charges in relation to the impoundment and storage of the motor vehicle permitted by subsection 255.4(2) of the *Highway Traffic Act*, which costs and charges shall constitute a lien on the motor vehicle. Failure to pay such costs and charges may result in the disposal of the motor vehicle under the *Garage Keepers' Lien Act* or subsection 255.4(6) of the *Highway Traffic Act*.

**SCHEDULE II  
SCHEDULE 4**

**FORM 1  
NOTICE OF DRIVING SUSPENSION (FOR 7, 30 OR 90 DAYS)**  
(Section 277.1 of the *Highway Traffic Act*)

**DRIVER INFORMATION:**

NAME .....  
 (Last) (First) (Other)  
 ADDRESS .....  
 (Number & Street) (Municipality) (Province) (Telephone)  
 LICENSE NO. .... PROV. ....  
 DRIVER'S DATE OF BIRTH ..... SEX .....  
 day month year  
 NSC NO. ....  
 VEHICLE INFO .....  
 (Plate No.) (Year) (Make) (Province)  
 LOCATION ..... DATE ..... TIME .....  
 day month year

**NOTICE**

This is official notification that your driver's license is suspended and invalid for any purpose for the periods set out below:

**7 days** from the date and time written above under the authority of subsection 277.1(3.2) of the *Highway Traffic Act* because the undersigned peace officer has reasonable grounds to believe that you, as the driver of a motor vehicle or a person with the care or control of a motor vehicle,

- provided a sample of your breath, which sample, on analysis by an approved screening device or an approved instrument, indicates that the proportion of alcohol in your blood is 50 milligrams or more of alcohol in 100 millilitres of blood but is less than 100 milligrams of alcohol in 100 millilitres of blood, and has requested the surrender of your driver's license under clause 277.1(1)(a); or
- performed a physical coordination test or any other test for drugs or a combination of drugs and alcohol and, based on your performance of the test, the peace officer who requested it believes that you are unable to safely operate or have care or control of a motor vehicle, and has requested the surrender of your driver's license under clause 277.1(1)(c).

**30 days** from the date and time written above under the authority of subsection 277.1(3.3) of the *Highway Traffic Act* because the undersigned peace officer has reasonable grounds to believe that you, as the driver of a motor vehicle or a person with the care or control of a motor vehicle,

- provided a sample of your breath, which sample, on analysis by an approved screening device or an approved instrument, indicates that the proportion of alcohol in your blood is 50 milligrams or more of alcohol in 100 millilitres of blood but is less than 100 milligrams of alcohol in 100 millilitres of blood, and has requested the surrender of your driver's license under clause 277.1(1)(a); or
- performed a physical coordination test or any other test for drugs or a combination of drugs and alcohol and, based on your performance of the test, the peace officer who requested it believes that you are unable to safely operate or have care or control of a motor vehicle, and has requested the surrender of your driver's license under clause 277.1(1)(c),

and the peace officer has reasonable grounds to believe that this is the second time that a peace officer has requested the surrender of your driver's license under any of clause 277.1(1)(a), clause 277.1(1)(c) or section 277.2 within the last 3 years.

**90 days** from the date and time written above under the authority of subsection 277.1(3.5) of the *Highway Traffic Act* because the undersigned peace officer has reasonable grounds to believe that you, as the driver of a motor vehicle or a person with the care or control of a motor vehicle,

- provided a sample of your breath, which sample, on analysis by an approved screening device or an approved instrument, indicates that the proportion of alcohol in your blood is 50 milligrams or more of alcohol in 100 millilitres of blood but is less than 100 milligrams of alcohol in 100 millilitres of blood, and has requested the surrender of your driver's license under clause 277.1(1)(a),

and the peace officer has reasonable grounds to believe that this is the third or subsequent time that a peace officer has requested the surrender of your driver's

license under any of clause 277.1(1)(a), clause 277.1(1)(c) or section 277.2 within the last 3 years.

**DRIVING PROHIBITION:**

You are prohibited from operating a motor vehicle during the period of your suspension, as indicated above.

**SURRENDER OF DRIVER'S LICENSE:**

License surrendered \_\_\_\_\_ Yes \_\_\_\_\_ No

License May Be Claimed At .....

**RETURN OF DRIVER'S LICENSE:**

Date and Time of Return ..... Personal ..... Mail .....  
 Returned by ..... Receipt of License .....

PEACE OFFICER'S NAME (PRINT) .....

PEACE OFFICER'S SIGNATURE .....

PIN/BADGE NUMBER ..... POLICE AGENCY .....

**FORM 2**  
**NOTICE OF 24-HOUR DRIVING SUSPENSION**  
 (Sections 277.2, 277.9 and 277.92 of the *Highway Traffic Act*)

**A. DRIVER INFORMATION:**

NAME .....  
 (Last) (First) (Other)

ADDRESS .....  
 (Number & Street) (Municipality) (Province) (Telephone)

LICENSE NO. .... PROV. ....

DRIVER'S DATE OF BIRTH ..... SEX .....  
 day month year

NSC NO. ....

VEHICLE INFO .....  
 (Plate No.) (Year) (Make) (Province)

LOCATION ..... DATE ..... TIME .....  
 day month year

**B.1 NOTICE OF 24-HOUR DRIVING SUSPENSION (FOR DRIVER OTHER THAN A GRADUATED DRIVER OR A DRIVER UNDER THE AGE OF 19 YEARS OR 22 YEARS, AS APPLICABLE)**

This is official notification that your driver's license is suspended and invalid for any purpose for a period of **24 hours** from the date and time written above under the authority of subsection 277.2(1.1) of the *Highway Traffic Act*.

**REASON:**

The undersigned peace officer has reasonable grounds to believe that

on .....  
 day month year

you operated a motor vehicle or had care or control of a motor vehicle and

you did so while your ability to operate the motor vehicle was impaired by alcohol or a drug or a combination of alcohol and a drug (clause 277.2(1)(a) of the *Highway Traffic Act*);

you did so having, as shown by an analysis of your breath or blood, consumed alcohol in such a quantity that the concentration of alcohol in your blood exceeded 80 milligrams of alcohol in 100 millilitres of blood (clause 277.2(1)(b) of the *Highway Traffic Act*);

you did so having, as shown by an analysis of your bodily substance(s), a blood drug concentration that equalled or exceeded any blood drug concentration for the drug prescribed under the *Criminal Code* (clause 277.2(1)(c) of the *Highway Traffic Act*);

you did so having, as shown by an analysis of your breath, blood or other bodily substance(s), a blood alcohol concentration and a blood drug concentration that equalled or exceeded the concentrations prescribed under the *Criminal Code* for that alcohol-drug combination (clause 277.2(1)(c.1) of the *Highway Traffic Act*); or

you failed or refused, without a reasonable excuse, to comply with a demand made on you under section 254 of the *Criminal Code* (clause 277.2(1)(c.2) of the *Highway Traffic Act*).

you performed a physical coordination test or any other test for drugs or a combination of drugs and alcohol and, based on your performance of the test, the peace officer believes that you are unable to safely operate or have care or control of a motor vehicle, and has requested the surrender of your driver's license under clause 277.1(1)(c), and the peace officer has reasonable grounds to believe that this is the third or subsequent time that a



peace officer has requested the surrender of your driver's license under any of clause 277.1(1)(a), clause 277.1(1)(c) or section 277.2 within the last 3 years.

**B.2 NOTICE OF 24-HOUR DRIVING SUSPENSION (FOR A GRADUATED DRIVER OR A DRIVER UNDER THE AGE OF 19 YEARS OR 22 YEARS, AS APPLICABLE)**

This is official notification that your driver's license is suspended and invalid for any purpose for a period of **24 hours** from the date and time written above under the authority of subsection 277.9(4) or 277.92(1) or section 277.2 of the *Highway Traffic Act*.

REASON:

The undersigned peace officer has reasonable grounds to believe that

on .....  
day month year

- you operated a motor vehicle or had care or control of a motor vehicle and
  - you did so having, as shown by an analysis of your breath or blood, consumed alcohol in such a quantity that the concentration of alcohol in your blood exceeded 0 milligrams of alcohol in 100 millilitres of blood (s. 277.9(2) or (3) and 277.9(4) of the *Highway Traffic Act*);
  - you did so having, as shown by an analysis of your bodily substance(s), a drug in such a quantity in your body that the analysis indicated its presence (clause 277.91(1)(c) and s. 277.92(1) of the *Highway Traffic Act*);
  - you did so while your ability to operate the motor vehicle was impaired by alcohol or a drug or a combination of alcohol and a drug (s. 277.91(9) and clause 277.2(1)(a) of the *Highway Traffic Act*); or
  - you failed or refused, without a reasonable excuse, to comply with a demand made on you under section 254 of the *Criminal Code* or section 277.8 or 277.91 of the *Highway Traffic Act* (clause 277.2(1)(c.2); s. 277.9(4) or 277.91 (4) and 277.92(1) of the *Highway Traffic Act*).

C. DRIVING PROHIBITION:

You are prohibited from operating a motor vehicle during the period of your suspension, as indicated above.

D. SURRENDER OF DRIVER'S LICENSE:

License surrendered: \_\_\_\_ Yes \_\_\_\_ No

License May Be Claimed At .....

E. RETURN OF DRIVER'S LICENSE:

Date and Time of Return ..... Personal ..... Mail .....  
Returned by ..... Receipt of License .....

PEACE OFFICER'S NAME (PRINT) .....

PEACE OFFICER'S SIGNATURE .....

PIN/BADGE NUMBER ..... POLICE AGENCY.....

**FORM 3**

**NOTICE OF DRIVING PROHIBITION**

(Section 277.2 (and subsection 277.1(3.51), 277.9(15) or 277.92(5), if applicable) of the *Highway Traffic Act*)

A. DRIVER INFORMATION:

NAME .....  
(Last) (First) (Other)

ADDRESS .....  
(Number & Street) (Municipality) (Province) (Telephone)

LICENSE NO. .... PROV. ....

DRIVER'S DATE OF BIRTH ..... SEX .....  
day month year

VEHICLE INFO .....  
(Plate No.) (Year) (Make) (Province)

LOCATION ..... DATE ..... TIME .....  
day month year

**B.1 NOTICE OF 90-DAY DRIVING PROHIBITION (FOR DRIVER OTHER THAN A GRADUATED DRIVER OR DRIVER UNDER THE AGE OF 19 YEARS OR 22 YEARS, AS APPLICABLE)**

This is official notification that you are prohibited from operating a motor vehicle for a period of 90 days from .....under the authority of section 277.2 of the *Highway Traffic Act*.

REASON:

The undersigned peace officer has reasonable grounds to believe that on or about ..... you operated a motor vehicle or had care or control of a motor vehicle and

- you did so while your ability to operate the motor vehicle was impaired by alcohol, a drug or a combination of alcohol and a drug (clause 277.2(1)(a) of the *Highway Traffic Act*);
  - you did so having, as shown by an analysis of your breath or blood, consumed alcohol in such a quantity that the concentration of alcohol in your blood exceeded 80 milligrams of alcohol in 100 millilitres of blood (clause 277.2(1)(b) of the *Highway Traffic Act*);
  - you did so having, as shown by an analysis of your bodily substance(s), a blood drug concentration that equalled or exceeded any blood drug concentration for the drug prescribed under the *Criminal Code* (clause 277.2(1)(c) of the *Highway Traffic Act*);
  - you did so having, as shown by an analysis of your breath, blood or other bodily substance(s), a blood alcohol concentration and a blood drug concentration that equalled or exceeded the concentrations prescribed under the *Criminal Code* for the alcohol-drug combination (clause 277.2(1)(c.1) of the *Highway Traffic Act*);
  - you failed or refused, without a reasonable excuse, to comply with a demand made on you under section 254 of the *Criminal Code* (clause 277.2(1)(c.2) of the *Highway Traffic Act*); or
  - you performed a physical coordination test or any other test for drugs or a combination of drugs and alcohol and, based on your performance of the test, the peace officer believes that you are unable to safely operate or have care or control of a motor vehicle, and has requested the surrender of your driver's license under clause 277.1(1)(c), and the peace officer has reasonable grounds to believe that this is the third or subsequent time that a peace officer has requested the surrender of your driver's license under any of clause 277.1(1)(a), clause 277.1(1)(c) or section 277.2 within the last 3 years.
- ..... Breath/blood alcohol content

**TEMPORARY DRIVER'S LICENSE:**

This notice serves as your temporary driver's license which is effective from ..... and expires at the end of 7 days. This temporary driver's license is only valid on the expiry of the 24-hour roadside suspension under subsection 277.2(1.1) of the *Highway Traffic Act*.

**B.2 NOTICE OF 90-DAY DRIVING PROHIBITION (FOR A GRADUATED DRIVER OR DRIVER UNDER THE AGE OF 19 YEARS OR 22 YEARS, AS APPLICABLE)**

This is official notification that you are prohibited from operating a motor vehicle for a period of 90 days from .....under the authority of section 277.2 and subsection 277.9(15) or 277.92(5) of the *Highway Traffic Act*.

**REASON:**

The undersigned peace officer has reasonable grounds to believe that on or about ..... you, being a graduated driver or under the age of 19 years or 22 years, as applicable, operated a motor vehicle or had care or control of a motor vehicle and

- you did so having, as shown by an analysis of your breath or blood, consumed alcohol in such a quantity that the concentration of alcohol in your blood exceeded 0 milligrams of alcohol in 100 millilitres of blood (clause 277.2(1)(b) and s. 277.9(15) of the *Highway Traffic Act*);
- you did so having, as shown by an analysis of your bodily substance(s), a drug in such a quantity in your body that the analysis indicated its presence (clause 277.2(1)(c) and s. 277.92(5) of the *Highway Traffic Act*);
- you did so while your ability to operate the motor vehicle was impaired by alcohol or a drug or a combination of alcohol and a drug (clause 277.2(1)(a) of the *Highway Traffic Act*); or
- you failed or refused, without a reasonable excuse, to comply with a demand made on you under section 254 of the *Criminal Code* or section 277.9 or 277.91 of the *Highway Traffic Act* (clause 277.2(1)(c.2), s. 277.9(15) or s. 277.92(5) of the *Highway Traffic Act*).

..... Breath/blood alcohol content

**TEMPORARY DRIVER'S LICENSE:**

This notice serves as your temporary driver's license which is effective from ..... and expires at the end of 7 days. This temporary driver's license is only valid on the expiry of the 24-hour roadside suspension under s. 277.2, 277.9(4) or 277.92(1) of the *Highway Traffic Act*.

**C. SURRENDER OF DRIVER'S LICENSE:**

License surrendered: \_\_\_\_ Yes \_\_\_\_ No

License May Be Claimed At .....

**D. RETURN OF DRIVER'S LICENSE:**

Date and Time of Return ..... Personal ..... Mail .....

Returned by ..... Receipt of License .....

**D.1 NOTICE - CHILD PRESENT (subsection 264.1(2) Highway Traffic Act):**

indicate presence of child/children under the age of 16 when offence was committed.

Name of Child	Date of Birth
Name of Child	Date of Birth
Name of Child	Date of Birth

**E. PEACE OFFICER:**

PEACE OFFICER'S NAME (PRINT) .....  
 PEACE OFFICER'S SIGNATURE .....  
 PIN/BADGE NUMBER ..... POLICE AGENCY .....

**F. REVIEW INSTRUCTIONS:**

You have the right to have the driving prohibition reviewed by the Registrar under section 277.5 of the *Highway Traffic Act*. You may, within 7 days of being served with this notice of driving prohibition, apply to the Registrar for a review of the driving prohibition by filing an application for review with the Registrar of Motor Vehicles at the Highway Safety Division, 33 Riverside Drive, Charlottetown, or Access PEI, 120 Heather Moysse Drive, Summerside, and paying to the Registrar the prescribed fee(s). If your license or permit to operate a motor vehicle issued under the *Highway Traffic Act* was not taken by the peace officer or sent to the Registrar under section 277.2 of the *Highway Traffic Act*, you must surrender it to the Registrar, unless you complete and file with the Registrar a statutory declaration in the prescribed form stating that the license or permit has been lost, stolen or destroyed. An application for review must be in the form, contain the information and be completed in the manner required by the Registrar. You may attach to the application for review any sworn statements or other evidence that you wish the Registrar to consider. To ensure all written evidence will be considered by the Registrar, it must be attached at the time of filing the application for review. The Registrar is not required to hold an oral hearing unless you request an oral hearing at the time of filing the application for review and pay the prescribed oral hearing fee. If you request an oral hearing and fail to appear on the date and at the time and place arranged for the hearing, without prior notice to the Registrar, your right to an oral hearing is deemed to have been waived. The filing of an application for a review under section 277.5 of the *Highway Traffic Act* does not stay the driving prohibition. If you do not apply for a review of the driving prohibition within 7 days, or if the review is unsuccessful, you will be prohibited from operating a motor vehicle for a period of 90 days.

**EXPLANATORY NOTES**

**SECTION 1** deletes some unnecessary words from section 1 of the regulations.

**SECTIONS 2 and 3** replace Schedule 1 "Notice of Impoundment" to the regulations and Forms 1, 2 and 3 of Schedule 4 to the regulations with new versions that incorporate the changes being made to the *Criminal Code* and the *Highway Traffic Act* related to testing for drugs, zero tolerance for drugs for certain drivers and the increase in the age limit in certain situations from 19 years of age to 22 years of age, and amends Schedule 1 and Form 3 of Schedule 4 to move the "Review Instructions" to the end of each of those forms.

**SECTION 4** provides for the commencement of these regulations.

**EC2018-589**

**PRINCE EDWARD ISLAND  
 LANDS PROTECTION ACT  
 PETITION TO ACQUIRE A LAND HOLDING  
 ROSE ARSENAULT AND LEONCE ARSENAULT  
 (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 Rose Arsenault and Leonce Arsenault, both of Flamborough, Ontario to acquire a land holding of approximately thirty-eight (38) acres of land at Egmont Bay, Lot 15, Prince County, Province of Prince Edward Island, being acquired from Donald C. Arsenault of Wellington, 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.

**EC2018-590**

PRINCE EDWARD ISLAND  
 LANDS PROTECTION ACT  
 PETITION TO ACQUIRE A LAND HOLDING  
 CHRIS S. BATES  
 (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 Chris S. Bates of New Denmark, New Brunswick to acquire a land holding of approximately forty (40) acres of land at Riverton, Lot 39, Kings County, Province of Prince Edward Island, being acquired from Ananda Ranjit Durairajan Sinnaduray and Prashanti Sukheswary Sakuntala Sinnaduray, both of Auckland, New Zealand 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.

**EC2018-591**

PRINCE EDWARD ISLAND  
 LANDS PROTECTION ACT  
 PETITION TO ACQUIRE A LAND HOLDING  
 RANDY BRADFORD AND JUDITH BRADFORD  
 (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 Randy Bradford and Judith Bradford, both of Cambridge, Ontario to acquire a land holding of approximately thirty-five (35) acres of land at Cape Wolfe, Lot 7, Prince County, Province of Prince Edward Island, being acquired from Susan Deipolyi of Westport, Connecticut 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.

**EC2018-592**

PRINCE EDWARD ISLAND  
 LANDS PROTECTION ACT  
 PETITION TO ACQUIRE A LAND HOLDING  
 ADAM CAMPBELL  
 (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 Adam Campbell of Vancouver, British Columbia to acquire a land holding of approximately seventy-two (72) acres of land at Maple Plains, Lot 27, Prince County, Province of Prince Edward Island, being acquired from Paul Bochen and Christina Bochen, 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.

**EC2018-593**

PRINCE EDWARD ISLAND  
 LANDS PROTECTION ACT  
 PETITION TO ACQUIRE A LAND HOLDING  
 KENNETH MATTHEW CROCKETT AND SARA FAITH CROCKETT  
 (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 Kenneth Matthew Crockett and Sara Faith Crockett, both of Elk City, Kansas to acquire a land holding of approximately eighty-eight decimal seven one (88.71) acres of land at Glenwood, Lot 8, Prince County, Province of Prince Edward Island, being acquired from the Estate of Barbara MacLean of Glenwood, 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.

**EC2018-594**

PRINCE EDWARD ISLAND  
 LANDS PROTECTION ACT  
 PETITION TO ACQUIRE A LAND HOLDING  
 KENNETH CURREN  
 (DENIAL)

Council, having under consideration an application (#N5806) for acquisition of a land holding under authority of section 4 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap L-5, denied permission to Kenneth Curren of Burlington, Ontario to acquire a land holding of approximately twelve decimal six (12.6) acres of land at Cardigan North, in Lot 54, Kings County, currently owned by Linda Cahill of Souris West, Prince Edward Island.

**EC2018-595**

PRINCE EDWARD ISLAND  
 LANDS PROTECTION ACT  
 PETITION TO ACQUIRE A LAND HOLDING  
 SCOTT ANDREW JOHNSON AND DOUGLAS SCOTT JOHNSON  
 (TO RESCIND)

Council, having under consideration Order-in-Council EC2017-648 of November 7, 2017, rescinded the said Order forthwith, thus rescinding permission for Scott Andrew Johnson and Douglas Scott Johnson, both of Kanata, Ontario to acquire a land holding of approximately twenty-four decimal six one (24.61) acres of land at Tyne Valley, Lot 13, Prince County, Province of Prince Edward Island, being acquired from Hubert Lloyd Barnes, Mary Barnes, Catherine Barnes and Susan Barnes, all of State College, Pennsylvania.

**EC2018-596**

PRINCE EDWARD ISLAND  
 LANDS PROTECTION ACT  
 PETITION TO ACQUIRE A LAND HOLDING  
 JOSEPH ANDREW STEVEN KUMP AND NICOLE EMILY MACKINNON  
 (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 Joseph Andrew Steven Kump and Nicole Emily MacKinnon, both of New Westminister, British Columbia to acquire a land holding of approximately ten decimal three five (10.35) acres of land at Kingsboro, Lot 47, Kings County, Province of Prince Edward Island, being acquired from Frank Spitters and Nancy Spitters, both of Plainwell, Michigan; Michael Spitters of Frisco, Texas; and Chris Spitters of Stevensville, Michigan.

**EC2018-597**

PRINCE EDWARD ISLAND  
 LANDS PROTECTION ACT  
 PETITION TO ACQUIRE A LAND HOLDING  
 JONATHAN M. LANDSMAN  
 (DENIAL)

Council, having under consideration an application (#N5817) for acquisition of a land holding under authority of section 4 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap L-5, denied permission to Jonathan M. Landsman of New York, New York to acquire a land holding of approximately forty-five (45) acres of land at Murray Harbour North, in Lot 63, Kings County, currently owned by the Estate of Eldon Clinton of Charlottetown, Prince Edward Island.

**EC2018-598**

PRINCE EDWARD ISLAND  
 LANDS PROTECTION ACT  
 PETITION TO ACQUIRE A LAND HOLDING  
 CHRISTOPHER DAVID LITNER AND CATHERINE ELIZABETH LITNER  
 (DENIAL)

Council, having under consideration an application (#N5816) for acquisition of a land holding under authority of section 4 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap L-5, denied permission to Christopher David Litner and Catherine Elizabeth Litner, both of Etobicoke, Ontario to acquire a land holding of approximately twenty-five (25) acres of land at Desable, in Lot 29, Queens County, currently owned by the Estate of Darrell MacNevin and Pamela Florence Ann MacNevin of Argyle Shore, Prince Edward Island.

**EC2018-599**

PRINCE EDWARD ISLAND  
 LANDS PROTECTION ACT  
 PETITION TO ACQUIRE A LAND HOLDING  
 DAVID MEW AND JEFFREY MEW  
 (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 David Mew and Jeffrey Mew, both of Etobicoke, Ontario to acquire a land holding of approximately five (5) acres of land at Grahams Road, Lot 20, Queens County, Province of Prince Edward Island, being acquired from Mull Na Beinne Farms Ltd. of Kensington, 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.

**EC2018-600**

PRINCE EDWARD ISLAND  
 LANDS PROTECTION ACT  
 PETITION TO ACQUIRE A LAND HOLDING  
 LEE-ANNE MARGARET WADE  
 (DENIAL)

Council, having under consideration an application (#N5810) for acquisition of a land holding under authority of section 4 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap L-5, denied permission to Lee-Anne Margaret Wade of East Uniacke, Nova Scotia to acquire a land holding of approximately one hundred and thirty-six decimal five (136.5) acres of land at St. Lawrence, in Lot 3, Prince County, currently owned by George MacKay of St. Louis, Prince Edward Island.

**EC2018-601**

PRINCE EDWARD ISLAND  
 LANDS PROTECTION ACT  
 PETITION TO ACQUIRE A LAND HOLDING  
 100461 P.E.I. 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 100461 P.E.I. Inc. of Brudenell, Prince Edward Island to acquire a land holding of approximately sixty-two decimal five four (62.54) acres of land at Albion, Lot 59, Kings County, Province of Prince Edward Island, being acquired from Allen Edward Eagle of Sidney, British Columbia.

**EC2018-602**

PRINCE EDWARD ISLAND  
LANDS PROTECTION ACT  
PETITION TO ACQUIRE A LAND HOLDING  
101564 P.E.I. 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 101564 P.E.I. Inc. of Charlottetown, Prince Edward Island to acquire a land holding of approximately one decimal two three (1.23) acres of land at Cornwall, Lot 32, Queens County, Province of Prince Edward Island, being acquired from the Town of Cornwall of Cornwall, Prince Edward Island.

**EC2018-603**

PRINCE EDWARD ISLAND  
LANDS PROTECTION ACT  
PETITION TO ACQUIRE A LAND HOLDING  
101852 P.E.I. 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 101852 P.E.I. Inc. of Summerside, Prince Edward Island to acquire a land holding of approximately forty-two (42) acres of land at Sherbrooke, Lot 19, Prince County, Province of Prince Edward Island, being acquired from Mary Eileen Waite of Sherbrooke, Prince Edward Island.

**EC2018-604**

PRINCE EDWARD ISLAND  
LANDS PROTECTION ACT  
PETITION TO ACQUIRE A LAND HOLDING  
102265 P.E.I. 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 102265 P.E.I. Inc. of Montague, Prince Edward Island to acquire a land holding of approximately forty-one decimal seven seven (41.77) acres of land at Cardigan North, Lot 54, Kings County, Province of Prince Edward Island, being acquired from Heather Brown, of Charlottetown, Prince Edward Island SUBJECT TO the condition that the said real property not be subdivided. The condition preventing subdivision shall be binding on the said 102265 P.E.I. Inc. and on all successors in title.



**EC2018-605**

PRINCE EDWARD ISLAND  
LANDS PROTECTION ACT  
PETITION TO ACQUIRE A LAND HOLDING  
BELL CANADA  
(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 Bell Canada of Verdun, Quebec to acquire, by lease, an interest in a land holding of approximately zero decimal zero two (0.02) of an acre of land at Tracadie Cross, Lot 36, Queens County, Province of Prince Edward Island, being acquired from Gary Joseph Griffin and Gloria Griffin, both of Mount Stewart, Prince Edward Island.

**EC2018-606**

PRINCE EDWARD ISLAND  
LANDS PROTECTION ACT  
PETITION TO ACQUIRE A LAND HOLDING  
CAMPBELL'S CONCRETE 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 Campbell's Concrete Ltd. of Charlottetown, Prince Edward Island to acquire a land holding of approximately fifteen decimal four (15.4) acres of land at Rice Point, Lot 65, Queens County, Province of Prince Edward Island, being acquired from Jay Lilge of Toronto, Ontario 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.

**EC2018-607**

PRINCE EDWARD ISLAND  
LANDS PROTECTION ACT  
PETITION TO ACQUIRE A LAND HOLDING  
CROW'S RUN DISC GOLF INC.  
(TO RESCIND)

Council, having under consideration Order-in-Council EC2018-378 of June 19, 2018, rescinded the said Order forthwith, thus rescinding permission for Crow's Run Disc Golf Inc. of Charlottetown, Prince Edward Island to acquire a land holding of approximately forty-five (45) acres of land at Springton, Lot 67, Queens County, Province of Prince Edward Island, being acquired from Preston Cameron and Mary Cameron, both of Cornwall, Prince Edward Island.

**EC2018-608**

PRINCE EDWARD ISLAND  
LANDS PROTECTION ACT  
PETITION TO ACQUIRE A LAND HOLDING  
HARBOUR AUTHORITY OF GRAHAM'S POND  
(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 Harbour Authority of Graham's Pond of Montague, Prince Edward Island to acquire a land holding of approximately zero decimal five (0.5) of an acre of land at Gaspereaux, Lot 63, Kings County, Province of Prince Edward Island, being acquired from Barrie Hicken and Louise Hicken, both of Gaspereaux, Prince Edward Island.

**EC2018-609**

PRINCE EDWARD ISLAND  
LANDS PROTECTION ACT  
PETITION TO ACQUIRE A LAND HOLDING  
HICKEY FARMS LIMITED  
(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 Hickey Farms Limited of Darnley, Prince Edward Island to acquire a land holding of approximately forty-six decimal four six (46.46) acres of land at Malpeque, Lot 18, Prince County, Province of Prince Edward Island, being acquired from Charles MacDonald and Ingrid MacDonald, both of Kensington, 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.

**EC2018-610**

PRINCE EDWARD ISLAND  
LANDS PROTECTION ACT  
PETITION TO ACQUIRE A LAND HOLDING  
JAMWALL HOLDINGS 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 Jamwall Holdings Inc. of Charlottetown, Prince Edward Island to acquire a land holding of approximately six decimal three (6.3) acres of land at New Glasgow, Lot 23, Queens County, Province of Prince Edward Island, being acquired from Richard David Turner of Stratford, 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.

**EC2018-611**

PRINCE EDWARD ISLAND  
LANDS PROTECTION ACT  
PETITION TO ACQUIRE A LAND HOLDING  
MACDUFF HOLDINGS 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 MacDuff Holdings Inc. of Freetown, Prince Edward Island to acquire a land holding of approximately nine decimal three two (9.32) acres of land at Charlottetown, Queens County, Province of Prince Edward Island, being acquired from 100529 P.E.I. Inc. of Mermaid, Prince Edward Island.

**EC2018-612**

PRINCE EDWARD ISLAND  
LANDS PROTECTION ACT  
PETITION TO ACQUIRE A LAND HOLDING  
MACSWAIN HOLDINGS 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 MacSwain Holdings Inc. of Morell, Prince Edward Island to acquire a land holding of approximately twenty decimal five (20.5) acres of land at Morell East, Lot 40, Kings County, Province of Prince Edward Island, being acquired from M. Lisa MacIntyre, Executrix of the Estate of Herman Bennett James of Morell, 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.

**EC2018-613**

PRINCE EDWARD ISLAND  
LANDS PROTECTION ACT  
PETITION TO ACQUIRE A LAND HOLDING  
NOBRA HOLSTEINS 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 Nobra Holsteins Inc. of Kensington, Prince Edward Island to acquire a land holding of approximately thirty-seven decimal one eight (37.18) acres of land at Sea View, Lot 20, Queens County, Province of Prince Edward Island, being acquired from Hickey Farms Limited of Darnley, 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.

**EC2018-614**

PRINCE EDWARD ISLAND  
LANDS PROTECTION ACT  
PETITION TO ACQUIRE A LAND HOLDING  
QUINN AND MCNALLY CONSTRUCTION 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 Quinn and McNally Construction Inc. of Stratford, Prince Edward Island to acquire a land holding of approximately two decimal four (2.4) acres of land at DeGros Marsh, Lot 54, Kings County, Province of Prince Edward Island, being acquired from Fred Garafalo and Darlene Garafalo, both of Culebra, Puerto Rico.

**EC2018-615**

PRINCE EDWARD ISLAND  
LANDS PROTECTION ACT  
PETITION TO ACQUIRE A LAND HOLDING  
RIVER'S EDGE HOMEOWNER'S ASSOCIATION 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 River's Edge Homeowner's Association Inc. of Richmond, Prince Edward Island to acquire a land holding of approximately five decimal seven zero seven (5.707) acres of land at Grand River, Lot 14, Prince County, Province of Prince Edward Island, being acquired from Proman Ltd. of Rice Point, Prince Edward Island.

**EC2018-616**

PRINCE EDWARD ISLAND  
LANDS PROTECTION ACT  
PETITION TO ACQUIRE A LAND HOLDING  
SUNNY MEADOW 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 Sunny Meadow Farms Inc. of North Milton, Prince Edward Island to acquire a land holding of approximately eighty-four decimal one eight (84.18) acres of land at Ebenezer, Lot 24, Queens County, Province of Prince Edward Island, being acquired from Lori Kirkpatrick of Ebenezer, Prince Edward Island SUBJECT TO the condition that the said real property not be subdivided. The condition preventing subdivision shall be binding on the said Sunny Meadow Farms Inc. and on all successors in title.

**EC2018-617**

PRINCE EDWARD ISLAND  
LANDS PROTECTION ACT  
PETITION TO ACQUIRE A LAND HOLDING  
TOTAL PROPERTY DEVELOPMENT 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 Total Property Development Inc. of Enmore, Prince Edward Island to acquire a land holding of approximately twenty-three decimal two three (23.23) acres of land at Harmony, Lot 13, Prince County, Province of Prince Edward Island, being acquired from League Savings and Mortgage Company, mortgagee in possession, of Halifax, Nova Scotia SUBJECT TO the condition that the said real property not be subdivided. The condition preventing subdivision shall be binding on the said Total Property Development Inc. and on all successors in title.

**EC2018-618**

REGISTERED HEALTH PROFESSIONS ACT  
DECLARATION RE

Under authority of section 76 of the *Registered Health Professions Act* Stats. P.E.I. 2017, c. 71 Council ordered that a Proclamation do issue proclaiming the said "Registered Health Professions Act" to come into force effective October 13, 2018.

**EC2018-619**

REGISTERED HEALTH PROFESSIONS ACT  
GENERAL REGULATIONS

Pursuant to subsection 73(1) of the *Registered Health Professions Act* R.S.P.E.I. 1988, Cap. R-8.01, Council made the following regulations:

1. In these regulations, "Act" means the *Registered Health Professions Act* R.S.P.E.I. 1988, Cap R-8.01. Definitions
2. For the purpose of subsection 4(2) of the Act, the application fee for designation as a registered health profession is \$500. Application Fee
3. (1) For the purpose of an investigation respecting the designation of a health profession under the Act, the Minister or the Registrar, as the case may be, may consider, in addition to the criteria set out in subsection 6(1) of the Act, the following: Criteria to be considered
  - (a) the extent to which the health profession has demonstrated that there is a public interest in ensuring the availability of services provided by the health profession;
  - (b) the extent to which the services of the health profession provide a recognized and demonstrated benefit to the health, safety or well-being of the public;
  - (c) the extent to which there exists a body of knowledge that forms the basis of the standards of practice of the health profession;
  - (d) whether practitioners of the health profession are awarded a certificate or degree from a recognized post-secondary educational institution;
  - (e) whether it is important that continuing competence of a practitioner of the health profession be monitored;

- (f) the extent to which there exists within the health profession recognized leadership which has expressed a commitment to regulating the health profession in the public interest;
- (g) the extent to which regulation of the health profession is likely to enhance inter-professional collaboration and the labour mobility of its practitioners.
- (2) For the purposes of section 6(2) of the Act, the costs that may be charged include, but are not limited to, all disbursements incurred by the Minister or the Registrar, as the case may be, in the conduct of the investigation of an application, including
- Costs may be charged
- (a) fees and reasonable expenses for experts or investigators whose reports or attendance were reasonably necessary for the investigation; and
- (b) long distance telephone and facsimile charges, courier delivery charges and similar miscellaneous expenses.
4. For the purpose of clause 11(2)(b) of the Act, an applicant is considered to be reasonably proficient in English if the applicant
- Proficiency in English
- (a) obtained, within the 24 months immediately preceding the application, the minimum score required by the Registrar on an English language proficiency test administered by a language testing agency approved by the Registrar;
- (b) completed both primary and secondary education in English;
- (c) obtained the prescribed educational requirements for registration as a member from an educational institution in which the language of instruction, including the language used in any practicum, was English;
- (d) did one or a combination of the following in a jurisdiction where the language of instruction or practice, as the case may be, was English:
- (i) completed postgraduate education consisting of a minimum term of study specified by the Registrar,
- (ii) practised the regulated health profession, unsupervised and in good standing, for a minimum period of time specified by the Registrar;
- (e) held, immediately preceding the application and continuously for a minimum period of time specified by the Registrar, a senior teaching appointment at an educational institution approved by the Registrar, in which the language of instruction, including the language used in any patient care, was English; or
- (f) otherwise satisfies the Registrar that the applicant is reasonably proficient in English.
5. (1) For the purpose of subsection 14(1) of the Act, the following information shall be entered into a register:
- Information to be registered
- (a) whether the registrant is not authorized to provide a reserved activity that is normally provided by registrants of that health profession;
- (b) the date and circumstances of the surrender of the registration of a registrant.
- (2) For the purpose of section 14 of the Act, a Registrar shall provide on request to an employer or prospective employer of a registrant the nature of any ongoing complaint, investigation or hearing in respect of that registrant.
- Information to employer
6. For the purpose of clause 47(2)(h) of the Act, the criteria to be considered by a hearing committee in imposing a fine shall include
- Criteria to be considered
- (a) the extent of the registrant's awareness of fault;
- (b) the degree of risk or harm to the general public;
- (c) the potential further risk to the general public;
- (d) the potential effect on the health profession;
- (e) the potential effect on the registrant's livelihood; and
- (f) any restitution or remediation voluntarily undertaken by the registrant.
7. (1) For the purpose of clause 51(2)(c) of the Act, the name of a corporation applying for a permit to carry on the business of providing the professional services of a registrant shall be, in the opinion of the Registrar, in good taste, dignified and professional.
- Requirements for name

(2) Before changing its name a health profession corporation shall obtain the written approval of the Registrar that the proposed name meets the requirements of subsection (1). Written acknowledgement

8. These regulations come into force on October 13, 2018. Commencement

### EXPLANATORY NOTES

**SECTION 1** defines “Act” for the purposes of the regulations.

**SECTION 2** sets out the application fee for a health profession to be designated as a registered health profession pursuant to subsection 4(2) of the Act.

**SECTION 3** establishes additional criteria to be considered in investigating whether a health profession should be designated as a registered health profession, and establishes the costs incurred in an investigation that may be charged by the Minister or the Registrar, as the case may be.

**SECTION 4** establishes the criteria to be considered in evaluating an applicant’s proficiency in English for the purposes of clause 11(2)(b) of the Act.

**SECTION 5** specifies information about a registrant that is required to be entered into a register, and information that the Registrar is required to provide on request to an employer or prospective employer of a registrant.

**SECTION 6** specifies criteria to be considered for the purpose of clause 47(2)(h) of the Act by a hearing committee in imposing a fine.

**SECTION 7** sets out the criteria applicable to the name of a corporation applying for a permit to carry on the business of providing the professional services of a registrant, and also the criteria applicable to a proposed change of name of a health profession corporation.

**SECTION 8** provides for the commencement of the regulations.

### EC2018-620

#### ISLAND INVESTMENT DEVELOPMENT ACT FINANCIAL ASSISTANCE REGULATIONS 102253 P.E.I. INC. AUTHORIZATION

Pursuant to subsection 2(3) of the *Island Investment Development Act* Financial Assistance Regulations (EC2005-686), Council authorized Island Investment Development Inc. to provide a five-year term loan in the amount of four million (\$4,000,000.00) dollars at a rate of four (4%) percent to 102253 P.E.I. Inc. for the purchase of Capital assets, on terms and conditions satisfactory to the Board of Directors of Island Investment Development Inc.