

July 5, 2021

CONSULTATION DRAFT

AN ACT TO AMEND THE STATUTE OF LIMITATIONS

BILL NO.

2021

BE IT ENACTED by the Lieutenant Governor and the Legislative Assembly of the Province of Prince Edward Island as follows:

1. **The *Statute of Limitations* R.S.P.E.I. 1988, Cap. S-7, is amended in clause 2(1)(d) by the addition of the words “subject to section 5.1,” before the words “actions for trespass to the person”.**

2. **The Act is amended by the addition of the following after section 5:**

5.1 Exception - sexual assault, etc.

- (1) There is no limitation period in respect of
- (a) a claim that relates to a sexual assault or battery;
 - (b) a claim that relates to any misconduct of a sexual nature, other than a sexual assault or battery, if, at the time of the misconduct, the person with the claim
 - (i) was a minor,
 - (ii) was in an intimate relationship with the person who committed the misconduct,
 - (iii) was dependent, whether financially, emotionally, physically or otherwise, on the person who committed the misconduct, or
 - (iv) was a person under disability; or
 - (c) a claim that relates to an assault or battery, other than a sexual assault or battery, if, at the time of the assault or battery, the person with the claim
 - (i) was in an intimate relationship with the person who committed the assault or battery, or
 - (ii) was dependent, whether financially, emotionally, physically or otherwise, on the person who committed the assault or battery.

Application

- (2) Subsection (1) applies to a claim in respect of an act that occurred before or after the coming into force of this section, regardless of the expiry of any previously applicable limitation period set out in section 2.

3. Section 52 of the Act is repealed and the following substituted:

52. Limitation periods exclusive of stays of proceedings

The limitation periods referred to in this Act shall be determined exclusive of the time during which rights of action against any party pleading this Act are subject to a stay of proceedings pursuant to

- (a) the *Bankruptcy and Insolvency Act* (Canada);
- (b) the *Companies Creditors Arrangement Act* (Canada); or
- (c) the *Farm Debt Mediation Act* (Canada).

4. Section 53 of the Act is repealed.

5. The Act to Amend the Statute of Limitations S.P.E.I. 1992, c.63, is repealed.

EXPLANATORY NOTES

SECTION 1 amends clause 2(1)(d) of the Act to clarify that the limitation period provided in that clause is now subject to the specific rules set out in the new section 5.1 in respect of the matters set out in that section.

SECTION 2 amends the Act by adding a new section 5.1 that provides that there is no limitation period in respect of the matters set out in the section.

SECTION 3 repeals section 52 of the Act and substitutes a new section 52 that updates references to three federal Acts that may impose a stay of proceedings in a matter under the Act. The limitation periods referred to in the Act are to be determined exclusive of a stay of proceedings under those Acts.

SECTION 4 repeals section 53 of the Act. This section is no longer necessary.

SECTION 5 repeals the *Act to Amend the Statute of Limitations* S.P.E.I. 1992, c.63. This Act was never proclaimed and is now outdated. The substance of its amendment is now set out in more detail in the new section 5.1.