



PLEASE NOTE

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For more information concerning the history of this Act, please see the [Table of Public Acts](#).

This document is *not* the official version of the statute printed pursuant to the authority of the [Queen's Printer Act](#) R.S.P.E.I. 1988, Cap. Q-1.

This Act and the amendments as printed under the authority of the Queen's Printer for the province should be consulted when determining the authoritative statement of the law.

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CHAPTER A-17

ARCHAEOLOGICAL SITES PROTECTION ACT

- 1. In this Act** Definitions
- (a) “Advisory Board” means the Board established under section 9; Advisory Board
- (b) “agency” includes an agency of the Crown; agency
- (c) “archaeological investigation” means an investigation made in or on land, or on the bed or subsoil of inland or territorial waters of the province, for the purpose of recovering objects of prehistorical or historical significance; archaeological investigation
- (d) “archaeological site” means land of prehistorical or historical significance designated under section 2; archaeological site
- (e) “artifact” means an object of prehistorical or historical significance; artifact
- (f) “Minister” means the Minister of Community and Cultural Affairs; Minister
- (g) “permit” means a permit issued under section 4; permit
- (h) “Provincial Museum” means the Prince Edward Island Museum and Heritage Foundation. 1987, c.4, s.1; 1993, c.29, s.4; 1995, c.8, s.1; 2000,c.5,s.3. Provincial Museum
- 2.** The Minister may designate any land as an archaeological site. 1987, c.4, s.2. Designation of site
- 3.** (1) The Minister may acquire, by purchase, gift or otherwise, any archaeological site or artifact. Acquisition
- (2) The Minister may direct that any artifact acquired under subsection (1) be deposited with the Provincial Museum or other public institution to be held on trust for the people of Prince Edward Island. 1987, c.4, s.3. Deposit of artifacts
- 4.** (1) No person or agency shall excavate or alter any archaeological site, remove any artifact therefrom or carry on any archaeological investigation unless the person or agency is the holder of a permit issued by the Minister. Requirement for permit
- (2) An application for a permit shall be made to the Minister in such form as he may determine. Application

Consultation	(3) Before issuing a permit the Minister shall consult the Advisory Board.
Terms	(4) A permit is effective only in respect of the geographical area defined therein, expires on the date of expiry specified therein and may contain such particular terms and conditions as the Minister may direct.
General conditions	(5) Without prejudice to subsection (4), a permit is issued subject to the following general conditions: <ul style="list-style-type: none"> (a) the investigation is to be conducted for the sole purpose of recovering information and materials for scientific and historical study; (b) the investigation shall be conducted in accordance with generally accepted scientific and professional standards.
Private land, consent of owner	(6) No permit for any archaeological investigation shall be issued without the prior written consent of the owner of the land on which the investigation is conducted.
Revocation	(7) The Minister may at any time revoke a permit where the continuation of operations under the permit would constitute an immediate threat to the public interest. 1987, c.4, s.4.
Liability	5. The Minister, any agency or any person employed or engaged in the administration or enforcement of this Act, is not liable for any loss or damage suffered by any person as a result of any act done in good faith and without negligence in the course of the administration or enforcement of this Act. 1987, c.4, s.5.
Reports	6. Within twelve months of the date of issue of a permit for any season, the permit holder shall furnish to the Minister a report containing a summary of the field work done in that season. 1987, c.4, s.6.
Artifacts to be property of the Crown	7. (1) All artifacts recovered from an archaeological site are hereby declared to be the property of the Crown in right of the province.
Deposit	(2) The Minister may direct that any artifact recovered from an archaeological site be deposited with the Provincial Museum or other public institution to be held on trust for the people of Prince Edward Island. 1987, c.4, s.7.
Definitions	8. (1) In this section
site investigation	(a) “site investigation” means the examination or excavation of a site for the purpose of recording, salvaging or removing artifacts;
site survey	(b) “site survey” means the examination of any land for the purpose of determining the potential archaeological resources therein.

(2) Where the Minister, after consultation with the Advisory Board, has reason to believe that

- (a) particular land contains a site of prehistorical or historical archaeological significance; and
- (b) the site is likely to be altered, damaged or destroyed as the result of development or other activity,

he may, by order published in the Gazette,

- (c) direct a site survey or site investigation, or both; and
- (d) direct that the development or activity be suspended in whole or in part for a period not exceeding six months to enable a site survey or investigation to be conducted.

Examination of
archaeological
resources

(3) Where a site survey or investigation is directed pursuant to an order under subsection (2), the person conducting it shall proceed with all reasonable speed and in such a manner as to cause the minimum interference upon the site. 1987, c.4, s.8.

Conduct of survey
or investigation

9. (1) The Minister shall establish an Advisory Board to advise and make recommendations with respect to all matters to which this Act refers.

Advisory Board

(2) The Advisory Board shall include

- (a) a representative of the Prince Edward Island Museum and Heritage Foundation;
- (b) the Provincial Archivist;
- (c) a representative of the University of Prince Edward Island.

Composition

(3) Members of the Advisory Board shall receive such expense allowances as the Minister may determine. 1987, c.4, s.9.

Expenses

10. Any person or agency who contravenes any provision of this Act, the terms of a permit or any direction of the Minister is guilty of an offence and liable on summary conviction to a fine not exceeding \$2,000. 1987,c.4,s.10.

Offence and penalty

11. The Lieutenant Governor in Council may make regulations. 1987,c.4,s.11.

Regulations