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**PART II**  
**REGULATIONS**

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**EC1999-206**

**GASOLINE TAX ACT**  
**REGULATIONS**  
**AMENDMENT**

(Approved by His Honour the Lieutenant Governor in Council dated 13 April 1999.)

Pursuant to section 9 of the *Gasoline Tax Act* R.S.P.E.I. 1988, Cap. G-3, Council made the following regulations:

**1. Subsection 1(1) of the Gasoline Tax Act Regulations (EC283/72) is amended**

**(a) by revoking clause (b.01) and substituting the following:**

(b.01) “aquaculturist” means a person, firm, corporation, or syndicate registered in this province and actively engaged in the production of aquatic plants and animals for sale and being in possession of the appropriate fish, shellfish, or other permits issued by the federal government;

**(b) by the addition of the following:**

(d.1) “farmer” means a person, firm, corporation, or syndicate registered in this province, actively engaged in farming and cultivating at least five acres of land;

**(c) by revoking clause (e) and substituting the following:**

(e) “fisherman” means a person, firm, corporation, or syndicate registered in this province, actively engaged in the commercial fishery and being in possession of the appropriate licenses or permits issued by the federal government;

**2. Clause 15(3)(a) of the regulations is amended by the insertion of the words “, undertaken by a farmer,” after the word “operations”.**

**3. These regulations come into force on April 24, 1999.**

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**EXPLANATORY NOTES**

This amendment

- (a) removes any reference to an income requirement for the issuing of marked fuel permits to licensed aquaculturists;
- (b) provides a definition of farmer for the purpose of issuing marked fuel permits to those actively engaged in farming;
- (c) removes the reference to an income requirement for the issuing of marked fuel permits to fishermen actively engaged in the commercial fishery;
- (d) provides for the issuing of marked fuel permits to firms, corporations or syndicates registered in this province and engaged in farming, the commercial fishery, or aquaculture.

There has been no legislative or regulatory authority in the *Gasoline Tax Act* and Regulations allowing for the issuing of marked fuel permits.

Certified a true copy,

Lynn E. Ellsworth  
Clerk of the Executive Council

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**EC1999-208****REVENUE TAX ACT  
REGULATIONS  
AMENDMENT**

(Approved by His Honour the Lieutenant Governor in Council dated 13 April 1999.)

Pursuant to section 57 of the *Revenue Tax Act* R.S.P.E.I. 1988, Cap. R-14, Council made the following regulations:

**1. Subsection 1(1) of the Revenue Tax Act Regulations (EC262/60) is amended by revoking clauses (b.1) and (g) and substituting the following:**

aquaculturist

- (b.1) “aquaculturist” means
  - (i) a person who earns at least 25% of the person’s gross annual income from the production of aquatic plants and animals for sale and has the appropriate fish, shellfish or other permits issued by the federal government;

(ii) a firm, corporation or syndicate registered in this province and having at least one officer who

(A) earns at least 25% of the officer's gross annual income from the aquaculture operations of the firm, corporation or syndicate, or

(B) being an aquaculturist for the purpose of subclause (i), owns not less than fifty per cent of the share capital of the firm, corporation or syndicate;

(g) "commercial fisherman" means

commercial  
fisherman

(i) a person who earns at least 25% of the person's gross annual income from fishing and has the appropriate license or permits issued by the federal government;

(ii) a firm, corporation or syndicate registered in this province and having at least one officer who

(A) earns at least 25% of the officer's gross annual income from the fishing operation of the firm, corporation or syndicate, or

(B) being a fisherman for the purposes of subclause (i), owns not less than fifty per cent of the share capital of the firm, corporation or syndicate.

**2. Subsection 12(8) of the regulations is revoked and the following substituted:**

(8) The Minister may refund the tax paid on the purchase of goods by a farmer while a part-time farmer, a commercial fisherman, or an aquaculturist where

Refund; part-time  
farmer, commercial  
fisherman, aqua-  
culturist

(a) application in writing is made by the person seeking the refund;

(b) receipts or other documentation verifying purchases by the person are presented;

(c) the goods were exempt to a farmer, commercial fisherman, or aquaculturist at the time of purchase;

(d) the goods were purchased within five years of the date of application;

(e) evidence is submitted that would support the person being considered a part-time farmer, a commercial fisherman, or an aquaculturist during the period covered by the application.

**3. Section 28 of the regulations is amended**

(a) by the insertion of the words "when purchased by a commercial fisherman for use in fishing" following the words "exempt from tax";

(b) by the addition in the exemption list of the following:

anti-fouling compound

cleaning tools including brushes, mops and brooms

**4. Section 28.1 of the regulations is revoked and the following substituted:**

Aquaculture  
supplies

**28.1** For the purpose of clause 12(1)(f.1) of the Act, the following goods are exempt from tax when purchased by an aquaculturist for use in the practice of aquaculture:

-A-

aerators  
alarms and monitoring equipment  
anaesthetics, antibiotics, disinfectants, medicaments,  
pharmaceuticals and vaccines for aquatic species  
anchors for mooring of boats, cages and lines  
anti-fouling compounds  
aprons  
augers for harvesting through ice  
axes for harvesting through ice

-B-

back up generators  
baler twine (to reinforce mussel stocking)  
batteries, marine type only  
boats, site servicing  
buoys, floats and markers

-C-

cages and tanks  
cement troughs for dipping oyster collectors  
chain saws for harvesting through ice  
cleaning tools including brushes, mops and brooms  
collector supports, including stands, flotation devices and long  
lines  
complete parts for any goods in this schedule  
counters, tallying, measuring boards and weigh scales  
crates, scale baskets and stowage and storage boxes

-D-

depth sounders  
dimmers to control lighting  
dinghies  
dipnets  
dissolved oxygen metres

-E-

electric motors for operating pumps and equipment  
electric light bulbs (6, 12 and 32 volts)

-F-

fan belts designed for machinery and equipment used by  
aquaculturists  
fans for hatchery ventilation  
feed storage boxes and bins  
feeders  
fish eggs  
fish feed  
fish feed additives  
fish feed mixers and grinders  
fish grading equipment  
fish tags and tagging devices  
fishing nets  
freezers for quick freezing, except cold storage units

-G-

gas tanks for boats  
gear boxes for operating pumps and equipment  
GPS equipment

-H-

hoists for feed and fish handling  
hydraulic pumps, motors, hoses, valves and fittings  
hydrometers, PH metres, temperature and salinity metres and  
thermometers

-I-

ice-making machines  
incubators

-K-

knives for filleting, gutting and shucking and other such  
equipment

## -L-

lime (bluestone) used to kill starfish  
live fish  
live spat

## -M-

marine paints  
marine toilets, galley stoves, refrigerators and furnaces that are  
designed for use on boats  
measuring boards  
microscopes and laboratory glassware  
motors, inboard and outboard for fishing boats  
mussel de-clumping, debasing, washing and grading equipment

## -N-

netting for cages and pens  
netting floats, mending twine and needles

## -O-

oyster harrows, rakes, scoops, scythes spreaders and threshers  
oxygen generating equipment

## -P-

pails and scoops  
plastic stockings, mesh bags and Japanese lanterns  
pre-manufactured fish feeders  
pre-manufactured fish tanks having a minimum volume of one  
cubic metre

## -R-

radar equipment and parts.  
radio telephones, ship-to-shore, V.H.F., S.S.B. and C.B.  
refrigeration equipment for the preservation of fish food and fish  
before delivery to the buyer  
resin and fibreglass matting  
rope, wire cable, shackles and chains

-S-

scoops for feeding  
service to any of the goods in this schedule  
smokers  
spat collectors and Chinese hats  
stocking-stuffer tables

-T-

taraulins  
temperature chart recorders  
timers to control lighting

-W-

water and soil analysers  
water circulation systems including pumps, pipes, valves, filters  
and fittings  
water heaters  
water testing equipment  
water treatment chemicals  
weigh scales for determining food requirements, antibiotic  
applications and marketability of live fish  
winches, pulleys, towing devices and lifters

**5. These regulations come into force on April 24, 1999.**

**EXPLANATORY NOTES**

**SECTION 1**

- The new definition “**aquaculturist**” establishes an income threshold that must be met prior to an aquaculturist being issued with a marked gasoline or marked diesel permit allowing the purchase of goods which are exempt of revenue (sales) tax for use in aquaculture.

This definition also provides for a firm, corporation or syndicate to apply for and receive a marked gasoline or marked diesel permit allowing the purchase of goods which are exempt of revenue (sales) tax to be used in aquaculture.

- The new definition “**commercial fisherman**” establishes an income threshold that must be met by a commercial fisherman prior to being issued with a marked gasoline or marked diesel permit allowing for the purchase of goods used in fishing exempt of revenue (sales) tax.

The definition also provides for a firm, corporation or syndicate to qualify for a marked gasoline or diesel permit allowing for the

purchase of goods used in the fishery exempt of revenue (sales) tax when purchased by the firm, corporation or syndicate.

#### **SECTION 2**

This amendment provides the regulatory authority for the Minister to give equal consideration to commercial fishermen, aquaculturists, and farmers when they apply for refunds of tax paid on purchases of goods to be used in their occupations.

The amendment also extends the refund period from four years to five to allow for cranberry and blueberry farmers to harvest their first cash crop and qualify as bona fide farmers.

#### **SECTION 3**

(a) This amendment makes clear that the list of exempt items in section 28 may be purchased only by a commercial fisherman for use in the commercial fisherman's occupation.

(b) This amendment adds the above items to the list of goods that may be purchased, exempt from revenue (sales) tax, by a commercial fisherman for use in the commercial fisherman's occupation.

#### **SECTION 4**

This amendment provides the list of items in section 28.1 that may only be purchased exempt of tax by a registered aquaculturist in possession of a valid marked gasoline or marked diesel permit when used in the aquaculturist's occupation.

Certified a true copy,

Lynn E. Ellsworth  
Clerk of the Executive Council

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**EC1999-210**

### **VICTIMS OF FAMILY VIOLENCE ACT REGULATIONS AMENDMENT**

(Approved by His Honour the Lieutenant Governor in Council dated 13 April 1999.)

Pursuant to section 19 of the *Victims of Family Violence Act* R.S.P.E.I. 1988, Cap. V-3.2, Council made the following regulations:



**1. Clause 3(b) of the Victims of Family Violence Act Regulations (EC558/96) is amended by the deletion of the words “the Coordinator,”.**

**2. Section 7 of the regulations is amended**

**(a) in clause (1)(a), by the insertion of the words “or by affirmation” after the words “under oath”; and**

**(b) in subsection (2), by the insertion of the words “or affirmation” after the words “an oath”.**

**3. Section 15 of the regulations is amended**

**(a) by renumbering the existing section as subsection (1);**

**(b) in subsection (1) as renumbered,**

**(i) by the deletion of the words “clause 6(2)(b) or subsection 6(7)” and the substitution of the words “clause 6(2)(b), subsection 6(7), or subsection 10(1)”;**

**(ii) by the deletion of the word “and” immediately before the words “to Victim Services” and the addition of the words “and, where a child is identified on the order, to the Director of Child Welfare” immediately after the words “Victim Services”;**

**(c) by the addition of the following:**

(2) The form of orders made pursuant to subsection (1) is prescribed in Form of order Schedule 13.

**4. Clause 18(b) of the regulations is amended by the deletion of the words “and to Victim Services” and the insertion of the words “, to Victim Services and, where a child is identified on the order, to the Director of Child Welfare”.**

**5. Section 26 of the regulations is amended by the deletion of the words “and to Victim Services” and the insertion of the words “, to Victim Services and, where a child is identified on the order, to the Director of Child Welfare”.**

**6. (1) Schedules 1, 3, 4, and 12 are revoked and the following are substituted:**

**SCHEDULE 1**

(Section 4 of the *Victims of Family Violence Act*)

PART 1 -

**EMERGENCY PROTECTION ORDER**

**SUPREME COURT OF PRINCE EDWARD ISLAND  
(TRIAL DIVISION)**

(Court file no.) \_\_\_\_\_

BETWEEN \_\_\_\_\_ Victim  
(name)  
and \_\_\_\_\_ Respondent  
(name)  
\_\_\_\_\_  
(address)

**TO THE RESPONDENT:**

You are subject to this EMERGENCY PROTECTION ORDER made by a designated justice of the peace pursuant to the *Victims of Family Violence Act*. A judge of the Supreme Court shall review this ORDER within five working days. IF THE JUDGE VARIES THE ORDER, YOU WILL BE NOTIFIED, IN ACCORDANCE WITH THE ACT AND REGULATIONS. OTHERWISE, TAKE NOTICE THAT THIS ORDER SHALL BECOME AN EX PARTE ORDER OF THE SUPREME COURT OF PRINCE EDWARD ISLAND AND SHALL REMAIN IN EFFECT FOR THE DURATION OF THE ORDER OR UNTIL A REHEARING IS HELD.

YOU MUST OBEY THE PROVISIONS OF THIS ORDER. Failure to obey this ORDER may be an offence. Upon receipt of this ORDER, you have the right to apply to the Supreme Court at \_\_\_\_\_ to either set aside or vary this ORDER. You have the right to be heard and to call evidence on this matter. You MAY WISH TO CONTACT A LAWYER for advice respecting this ORDER.

**PROVISIONS:**

Having heard the evidence, I find that the victim is in need of immediate protection pursuant to section 4 of the *Victims of Family Violence Act*.

**I DO ORDER THAT:**

1. \_\_\_\_\_ is granted exclusive occupation of the following residence:  
\_\_\_\_\_ from (date) \_\_\_\_\_ until (date) \_\_\_\_\_ .
2. A peace officer remove the respondent from the following residence \_\_\_\_\_ immediately \_\_\_\_\_ OR on or before \_\_\_\_\_ .
3. A peace officer accompany \_\_\_\_\_ to the residence to supervise the removal of personal belongings on or before \_\_\_\_\_ .
4. The respondent shall refrain from any contact, direct or indirect, in person, by telephone, by \_\_\_\_\_ mail \_\_\_\_\_ or \_\_\_\_\_ otherwise \_\_\_\_\_ with \_\_\_\_\_ . The respondent may have contact with \_\_\_\_\_ on the following terms:  
\_\_\_\_\_  
\_\_\_\_\_
5. The respondent shall not attend at any of the following places: \_\_\_\_\_

6. \_\_\_\_ Temporary care and custody \_\_\_\_ or day-to-day care of the following child(ren):  
\_\_\_\_\_ is awarded to \_\_\_\_\_.

7. Temporary possession of the following personal property \_\_\_\_\_ is awarded to \_\_\_\_\_.

8. The respondent shall not take, convert, damage, or otherwise deal with property in which the victim has an interest as defined in the *Victims of Family Violence Act*.

9. The respondent shall not commit any further acts of family violence against the victim.

10. Publication of the name and address of the victim is prohibited.

11. Other: \_\_\_\_\_

This ORDER is effective immediately and remains in force until (month) \_\_\_\_\_ (day) \_\_\_\_\_ (year) \_\_\_\_\_.

Dated at \_\_\_\_\_, Prince Edward Island on (month) \_\_\_\_\_ (day) \_\_\_\_\_ (year) \_\_\_\_\_, \_\_\_\_\_ a.m./p.m.

\_\_\_\_\_  
(Signature of Justice of the Peace or designated person) (Justice of the Peace Number)

\_\_ Confirmed \_\_ Varied or \_\_\_\_ Rehearing Ordered by \_\_\_\_\_,  
(date) \_\_\_\_\_ (Signature of Supreme Court Judge)

PART I - Original (Court Copy) \_\_\_\_\_

PART 2 -

**EMERGENCY PROTECTION ORDER**

**SUPREME COURT OF PRINCE EDWARD ISLAND  
(TRIAL DIVISION)**

(Court file no.) \_\_\_\_\_

BETWEEN \_\_\_\_\_ Victim  
(name)

and \_\_\_\_\_ Respondent  
(name)

\_\_\_\_\_  
(address)

**TO THE RESPONDENT:**

You are subject to this EMERGENCY PROTECTION ORDER made by a designated justice of the peace pursuant to the *Victims of Family Violence Act*. A judge of the Supreme Court shall review this ORDER within five working days. IF THE JUDGE VARIES THE ORDER, YOU WILL BE NOTIFIED, IN ACCORDANCE WITH THE ACT AND REGULATIONS. OTHERWISE, TAKE NOTICE THAT THIS ORDER SHALL BECOME AN EX PARTE ORDER OF THE SUPREME COURT OF PRINCE EDWARD ISLAND AND SHALL REMAIN IN EFFECT FOR THE DURATION OF THE ORDER OR UNTIL A REHEARING IS HELD.

YOU MUST OBEY THE PROVISIONS OF THIS ORDER. Failure to obey this ORDER may be an offence. Upon receipt of this ORDER, you have the right to apply to the Supreme Court at \_\_\_\_\_ to either set aside or vary this ORDER. You have the right to be heard and to call evidence on this matter. You MAY WISH TO CONTACT A LAWYER for advice respecting this ORDER.

**PROVISIONS:**

Having heard the evidence, I find that the victim is in need of immediate protection pursuant to section 4 of the *Victims of Family Violence Act*.

I DO ORDER THAT:

1. \_\_\_\_\_ is granted exclusive occupation of the following residence:  
\_\_\_\_\_ from (date) \_\_\_\_\_ until (date) \_\_\_\_\_ .
  2. A peace officer remove the respondent from the following residence \_\_\_\_\_ immediately \_\_\_\_\_ OR on or before \_\_\_\_\_ .
  3. A peace officer accompany \_\_\_\_\_ to the residence to supervise the removal of personal belongings on or before \_\_\_\_\_ .
  4. The respondent shall refrain from any contact, direct or indirect, in person, by telephone, by \_\_\_\_\_ mail \_\_\_\_\_ or \_\_\_\_\_ otherwise \_\_\_\_\_ with \_\_\_\_\_ . The respondent may have contact with \_\_\_\_\_ on the following terms:  
\_\_\_\_\_  
\_\_\_\_\_
  5. The respondent shall not attend at any of the following places: \_\_\_\_\_
  6. \_\_\_ Temporary care and custody \_\_\_ or day-to-day care of the following child(ren): \_\_\_\_\_ is awarded to \_\_\_\_\_ .
  7. Temporary possession of the following personal property \_\_\_\_\_ is awarded to \_\_\_\_\_ .
  8. The respondent shall not take, convert, damage, or otherwise deal with property in which the victim has an interest as defined in the *Victims of Family Violence Act*.
  9. The respondent shall not commit any further acts of family violence against the victim.
  10. Publication of the name and address of the victim is prohibited.
  11. Other: \_\_\_\_\_
- This ORDER is effective immediately and remains in force until (month)\_\_\_\_\_(day)\_\_\_\_\_(year)\_\_\_\_\_  
Dated at \_\_\_\_\_, Prince Edward Island on (month)\_\_\_\_\_(day)\_\_\_\_\_(year)\_\_\_\_\_, \_\_\_\_\_ a.m./p.m.

\_\_\_\_\_  
(Signature of Justice of the Peace or designated person) (Justice of the Peace Number)  
Part 2 (Respondent's Copy)

PART 3 -

**EMERGENCY PROTECTION ORDER**

**SUPREME COURT OF PRINCE EDWARD ISLAND  
(TRIAL DIVISION)**

(Court file no.) \_\_\_\_\_

BETWEEN \_\_\_\_\_ Victim  
(name)  
and \_\_\_\_\_ Respondent  
(name)  
\_\_\_\_\_  
(address)

TO THE RESPONDENT:

You are subject to this EMERGENCY PROTECTION ORDER made by a designated justice of the peace pursuant to the *Victims of Family Violence Act*. A judge of the Supreme Court shall review this ORDER within five working days. IF THE JUDGE VARIES THE ORDER, YOU WILL BE NOTIFIED, IN ACCORDANCE WITH THE ACT AND REGULATIONS. OTHERWISE, TAKE NOTICE THAT THIS ORDER SHALL BECOME AN EX PARTE ORDER OF THE SUPREME COURT OF PRINCE EDWARD ISLAND AND SHALL REMAIN IN EFFECT FOR THE DURATION OF THE ORDER OR UNTIL A REHEARING IS HELD.

YOU MUST OBEY THE PROVISIONS OF THIS ORDER. Failure to obey this ORDER may be an offence. Upon receipt of this ORDER, you have the right to apply to the Supreme Court at \_\_\_\_\_ to either set aside or vary this ORDER. You have the right to be heard and to call evidence on this matter. You MAY WISH TO CONTACT A LAWYER for advice respecting this ORDER.

PROVISIONS:

Having heard the evidence, I find that the victim is in need of immediate protection pursuant to section 4 of the *Victims of Family Violence Act*.

I DO ORDER THAT:

- 1. \_\_\_\_\_ is granted exclusive occupation of the following residence: \_\_\_\_\_ from (date) \_\_\_\_\_ until (date) \_\_\_\_\_ .
- 2. A peace officer remove the respondent from the following residence \_\_\_\_\_ immediately \_\_\_\_\_ OR on or before \_\_\_\_\_ .
- 3. A peace officer accompany \_\_\_\_\_ to the residence to supervise the removal of personal belongings on or before \_\_\_\_\_ .
- 4. The respondent shall refrain from any contact, direct or indirect, in person, by telephone, by \_\_\_\_\_ mail \_\_\_\_\_ or \_\_\_\_\_ otherwise \_\_\_\_\_ with \_\_\_\_\_ . The respondent may have contact with \_\_\_\_\_ on the following terms: \_\_\_\_\_  
\_\_\_\_\_
- 5. The respondent shall not attend at any of the following places: \_\_\_\_\_
- 6. \_\_\_ Temporary care and custody \_\_\_ or day-to-day care of the following child(ren): \_\_\_\_\_ is awarded to \_\_\_\_\_ .
- 7. Temporary possession of the following personal property \_\_\_\_\_ is awarded to \_\_\_\_\_ .
- 8. The respondent shall not take, convert, damage, or otherwise deal with property in which the victim has an interest as defined in the *Victims of Family Violence Act*.
- 9. The respondent shall not commit any further acts of family violence against the victim.
- 10. Publication of the name and address of the victim is prohibited.
- 11. Other: \_\_\_\_\_

This ORDER is effective immediately and remains in force until (month) \_\_\_\_\_ (day) \_\_\_\_\_ (year) \_\_\_\_\_  
Dated at \_\_\_\_\_, Prince Edward Island on (month) \_\_\_\_\_ (day) \_\_\_\_\_ (year) \_\_\_\_\_, \_\_\_\_\_ a.m./p.m..

\_\_\_\_\_  
(Signature of Justice of the Peace or designated person) (Justice of the Peace Number)

PART 4 -

**EMERGENCY PROTECTION ORDER****SUPREME COURT OF PRINCE EDWARD ISLAND  
(TRIAL DIVISION)**

(Court file no.) \_\_\_\_\_

BETWEEN \_\_\_\_\_ Victim  
(name)

and \_\_\_\_\_ Respondent  
(name)

\_\_\_\_\_ (address)

**TO THE RESPONDENT:**

You are subject to this EMERGENCY PROTECTION ORDER made by a designated justice of the peace pursuant to the *Victims of Family Violence Act*. A judge of the Supreme Court shall review this ORDER within five working days. IF THE JUDGE VARIES THE ORDER, YOU WILL BE NOTIFIED, IN ACCORDANCE WITH THE ACT AND REGULATIONS. OTHERWISE, TAKE NOTICE THAT THIS ORDER SHALL BECOME AN EX PARTE ORDER OF THE SUPREME COURT OF PRINCE EDWARD ISLAND AND SHALL REMAIN IN EFFECT FOR THE DURATION OF THE ORDER OR UNTIL A REHEARING IS HELD.

YOU MUST OBEY THE PROVISIONS OF THIS ORDER. Failure to obey this ORDER may be an offence. Upon receipt of this ORDER, you have the right to apply to the Supreme Court at \_\_\_\_\_ to either set aside or vary this ORDER. You have the right to be heard and to call evidence on this matter. You MAY WISH TO CONTACT A LAWYER for advice respecting this ORDER.

**PROVISIONS:**

Having heard the evidence, I find that the victim is in need of immediate protection pursuant to section 4 of the *Victims of Family Violence Act*.

**I DO ORDER THAT:**

1. \_\_\_\_\_ is granted exclusive occupation of the following residence:  
\_\_\_\_\_ from (date) \_\_\_\_\_ until (date) \_\_\_\_\_ .
2. A peace officer remove the respondent from the following residence \_\_\_\_\_ immediately \_\_\_\_\_ OR on or before \_\_\_\_\_ .
3. A peace officer accompany \_\_\_\_\_ to the residence to supervise the removal of personal belongings on or before \_\_\_\_\_ .
4. The respondent shall refrain from any contact, direct or indirect, in person, by telephone, by \_\_\_\_\_ mail \_\_\_\_\_ or \_\_\_\_\_ otherwise \_\_\_\_\_ with \_\_\_\_\_ . The respondent may have contact with \_\_\_\_\_ on the following terms:  
\_\_\_\_\_  
\_\_\_\_\_
5. The respondent shall not attend at any of the following places: \_\_\_\_\_
6. \_\_\_ Temporary care and custody \_\_\_ or day-to-day care of the following child(ren):  
\_\_\_\_\_ is awarded to \_\_\_\_\_ .
7. Temporary possession of the following personal property \_\_\_\_\_ is awarded to \_\_\_\_\_ .
8. The respondent shall not take, convert, damage, or otherwise deal with property in which the victim has an interest as defined in the *Victims of Family Violence Act*.

9. The respondent shall not commit any further acts of family violence against the victim.

10. Publication of the name and address of the victim is prohibited.

11. Other: \_\_\_\_\_

This Order is effective immediately and remains in force until (month)\_\_\_\_\_ (day)\_\_\_\_ (year)\_\_\_.

Dated at \_\_\_\_\_, Prince Edward Island on (month)\_\_\_\_\_ (day) \_\_\_\_ (year) \_\_\_\_\_, \_\_\_\_\_ a.m./p.m.

(Signature of Justice of the Peace or designated person) (Justice of the Peace Number)

PART 4 - (Peace Officer's Copy - Affidavit of Service on Reverse)

Reverse of PART 4 -

**AFFIDAVIT OF SERVICE**

I, \_\_\_\_\_ of \_\_\_\_\_,  
(full name) (place)

MAKE OATH AND SAY (or AFFIRM):

*(Personal service)*

1. THAT on \_\_\_\_\_, at \_\_\_\_\_, I served \_\_\_\_\_ with this  
(date) (time) (identity of person served)  
emergency protection order by leaving a true copy with him/her at

\_\_\_\_\_  
(address where service was made)

2. THAT I determined the identity of the person by means of \_\_\_\_\_

OR

*(Substituted service)*

1. THAT I served \_\_\_\_\_ with this emergency protection order by  
(identity of person served)  
serving a true copy on \_\_\_\_\_, at \_\_\_\_\_, with a person \_\_\_\_\_ who appeared  
(date) (time) (name)

to be an adult:

- \_\_\_\_ (a) with whom the respondent is residing;
- \_\_\_\_ (b) who is a member of the respondent's family; or
- \_\_\_\_ (c) who is able to bring the order to the respondent's attention.

2. THAT I ascertained that \_\_\_\_\_ was an adult by means of  
(name)

Sworn (or Affirmed) before me at \_\_\_\_\_ )  
\_\_\_\_\_ in the county of \_\_\_\_\_, )  
Province of Prince Edward Island, on \_\_\_\_\_ )  
(date) )  
\_\_\_\_\_ )

\_\_\_\_\_  
Commissioner for Taking Affidavits) Signature

**SCHEDULE 3**(Section 6 of the *Victims of Family Violence Act*)**S U M M O N S****SUPREME COURT OF PRINCE EDWARD ISLAND  
(TRIAL DIVISION)**

(Court file no.) \_\_\_\_\_

BETWEEN \_\_\_\_\_ Victim  
(name)  
and \_\_\_\_\_ Respondent  
(name)  
\_\_\_\_\_  
(address)

You are subject to the attached EMERGENCY PROTECTION ORDER.

The ORDER was made by a designated justice of the peace

on \_\_\_\_\_,  
(month) (day) (year)

The Supreme Court has ordered a rehearing to determine whether or not the order should be confirmed.

You must appear before a judge of the Supreme Court at: \_\_\_\_\_

(Address of Courthouse)

Your court appearance is scheduled for \_\_\_\_\_ at  
\_\_\_\_\_.  
(date) (time)

Dated at \_\_\_\_\_ Prince Edward Island on \_\_\_\_\_,  
\_\_\_\_\_.  
(month) (day) (year)

\_\_\_\_\_  
(Signature of Registrar)

If you think that the attached ORDER should not be confirmed, this court appearance will give you the opportunity to explain why.

Pursuant to section 6(6) of the Act, the court may confirm the EMERGENCY PROTECTION ORDER in your absence if you do not attend this rehearing.

Pursuant to section 10(4) of the Act, the EMERGENCY PROTECTION ORDER continues in force until the rehearing.

The EMERGENCY PROTECTION ORDER continues in force upon confirmation by the court unless the court varies, terminates or revokes it pursuant to the Act.

Pursuant to section 16 of the Act, it is an offence under the Act to disobey this order.





**SCHEDULE 13**

(Section 6(2)(b); 6(7); or 10(1) of the *Victims of Family Violence Act*)

**ORDER FOR CONFIRMATION, REVOCATION, VARIATION OR TERMINATION**

**SUPREME COURT OF PRINCE EDWARD ISLAND  
(TRIAL DIVISION)**

(Court file no.) \_\_\_\_\_

BETWEEN \_\_\_\_\_ Victim  
(name)  
and \_\_\_\_\_ Respondent  
(name)  
\_\_\_\_\_  
(address)

UPON REVIEW of an Emergency Protection Order dated \_\_\_\_\_  
(month) (day) (year)  
made by justice of the peace # \_\_\_\_\_

IT IS HEREBY ORDERED that the said Order be:  
\_\_\_\_ confirmed  
\_\_\_\_ revoked  
\_\_\_\_ terminated; OR  
\_\_\_\_ varied/changed as follows:

Dated at \_\_\_\_\_, Prince Edward Island on \_\_\_\_\_  
(month) (day) (year)

\_\_\_\_\_  
Signature of Supreme Court Justice

**SCHEDULE 14**

(Section 6(4)(d) of the *Victims of Family Violence Act*)

**SUBPOENA TO THE APPLICANT**

**SUPREME COURT OF PRINCE EDWARD ISLAND  
(TRIAL DIVISION)**

(Court file no.) \_\_\_\_\_

BETWEEN \_\_\_\_\_ Victim  
(name)  
and \_\_\_\_\_ Respondent  
(name)  
\_\_\_\_\_

The Supreme Court has ordered a rehearing of the EMERGENCY PROTECTION ORDER made by a designated justice of the peace on \_\_\_\_\_  
(month) (day) (year)

You, \_\_\_\_\_, are required to attend the rehearing before a judge of the  
(Name of the applicant)  
Supreme Court at \_\_\_\_\_:on \_\_\_\_\_ a.m p.m.  
(Address of Courthouse) (month) (day) ( year) ( time)

Pursuant to section 10(4) of the *Act*, the EMERGENCY PROTECTION ORDER continues in force until the rehearing.

Pursuant to section 6(7) of the *Act*, at the rehearing the court may confirm, vary, terminate, or revoke the EMERGENCY PROTECTION ORDER.

Dated at \_\_\_\_\_, Prince Edward Island, on \_\_\_\_\_  
(month) (day) (year)

\_\_\_\_\_  
Signature of Registrar

**SCHEDULE 15**  
(Section 6(9) of the *Victims of Family Violence Act*)

**SUBPOENA TO THE VICTIM**

**SUPREME COURT OF PRINCE EDWARD ISLAND**  
**(TRIAL DIVISION)**

(Court file no.) \_\_\_\_\_

BETWEEN \_\_\_\_\_ Victim  
(name)  
and \_\_\_\_\_ Respondent  
(name)  
\_\_\_\_\_  
(address)

The Supreme Court has ordered a rehearing of the EMERGENCY PROTECTION ORDER made by a designated justice of the peace on \_\_\_\_\_  
\_\_\_\_\_ (month) (day) (year)

You, \_\_\_\_\_, are required to attend the rehearing before a judge of the  
the (name of victim)

Supreme Court at: \_\_\_\_\_ on \_\_\_\_\_ a.m.  
p.m.  
(Address of Courthouse) (month) (day) (year) (time)

Pursuant to section 10(4) of the *Act*, the EMERGENCY PROTECTION ORDER continues in force until the rehearing.

Pursuant to section 6(7) of the *Act*, at the rehearing the court may confirm, vary, terminate, or revoke the EMERGENCY PROTECTION ORDER.

Dated at \_\_\_\_\_, Prince Edward Island, on \_\_\_\_\_  
\_\_\_\_\_ (month) (day) (year)

\_\_\_\_\_  
Signature of Supreme Court Judge

SCHEDULE 16

VICTIM ASSISTANCE ORDER

SUPREME COURT OF PRINCE EDWARD ISLAND  
(TRIAL DIVISION)

(Court file no.) \_\_\_\_\_

BETWEEN \_\_\_\_\_ Victim  
(name)  
and \_\_\_\_\_ Respondent  
(name)  
\_\_\_\_\_  
(address)

UPON THE APPLICATION OF \_\_\_\_\_ for a Victim Assistance Order;  
AND UPON REVIEWING the documents filed;  
AND UPON CONSIDERING the evidence given at the hearing;  
AND UPON HEARING submissions on behalf of the parties;  
AND UPON FINDING that family violence has occurred:

IT IS ORDERED that a Victim Assistance Order shall be issued under Section 7 of the  
*Victims of Family Violence Act* containing the following terms:

**I order that:**  
(Judge's Initials)

- \_\_\_\_\_ 1. \_\_\_\_\_ is granted exclusive occupation of the following residence:  
from \_\_\_\_\_ (date) until \_\_\_\_\_ (date)
- \_\_\_\_\_ 2. A peace officer shall remove the respondent from the residence located at:  
\_\_\_\_\_ immediately OR on or  
before \_\_\_\_\_
- \_\_\_\_\_ 3. A peace officer shall accompany \_\_\_\_\_ to the residence to supervise the removal of  
personal belongings within a specified time, namely:  
\_\_\_\_\_
- \_\_\_\_\_ 4. The respondent shall refrain from any contact, directly or indirectly, with \_\_\_\_\_  
\_\_\_\_\_ or \_\_\_\_\_
- \_\_\_\_\_ 5. The respondent shall stay away from the following places: \_\_\_\_\_  
\_\_\_\_\_
- \_\_\_\_\_ 6. Temporary care and custody of the following child(ren): \_\_\_\_\_ is awarded to \_\_\_\_\_  
\_\_\_\_\_
- \_\_\_\_\_ 7. Temporary possession of the following personal property \_\_\_\_\_  
\_\_\_\_\_ is awarded to \_\_\_\_\_  
\_\_\_\_\_
- \_\_\_\_\_ 8. The respondent shall not take, convert, damage, or otherwise deal with property  
as defined in the *Victims of Family Violence Act* and in particular the following  
property:  
\_\_\_\_\_
- \_\_\_\_\_ 9. The respondent shall not commit any further acts of family violence against the  
victim.
- \_\_\_\_\_ 10. Publication of the name and address of the victim is prohibited.

\_\_\_ 11. The respondent shall have reasonable access to the children, namely: \_\_\_\_\_  
\_\_\_\_\_ on the following terms  
\_\_\_\_\_

\_\_\_ 12. Other: (e.g. financial support, compensation, counselling/treatment, etc.)  
\_\_\_\_\_  
\_\_\_\_\_

THIS ORDER shall remain in effect until otherwise ordered by a court.

Dated this \_\_\_\_\_ day of \_\_\_\_\_

(where on consent)  
CONSENTED TO AS TO FORM  
AND SUBSTANCE

CONSENTED TO AS TO  
FORM AND SUBSTANCE:

\_\_\_\_\_  
Solicitor for the Applicant

\_\_\_\_\_  
Solicitor for the Respondent

**7. These regulations come into force on April 24, 1999.**

EXPLANATORY NOTES

These amendments are made for consistency with the amended *Victims of Family Violence Act* and in response to suggestions made by officials responsible for administering the Act and regulations.

**SECTION 1.** “The Coordinator” is deleted from clause 3(b) so that, in addition to police, only field staff of Victim Services will be designated persons who may apply for Emergency Protection Orders.

**SECTION 2.** Section 7 is amended to clarify that an affirmation may be administered instead of an oath at a hearing for an Emergency Protection Order.

**SECTION 3.** The addition of “or subsection 10(1)” in subsection 15(1) corrects an oversight. Subsection 15(2) is added to indicate the appropriate form for an Order for Confirmation, Revocation, Variation, or Termination.

**SECTIONS 3, 4, AND 5.** Amendments to sections 15, 18, and 26 of the regulations provide that the Director of Child Welfare will receive notice of hearings and copies of orders in appropriate cases.

**SECTION 6.** Schedule 1, the form for an Emergency Protection Order, is revoked and replaced with a new Schedule 1 that conforms with amendments to the *Victims of Family Violence Act* regarding notice to the respondent and changes certain wording as suggested by officials responsible for administering the Act and regulations.

Schedules 3 and 4 are revoked and replaced with new Schedules 3 and 4 to correct minor errors.

Schedule 12 is revoked for consistency with revoking section 9 of the Act.

Schedules 13 to 16 are added to conform with amendments to the Act and at the request of officials responsible for administering the Act.

Certified a true copy,

Lynn E. Ellsworth  
Clerk of the Executive Council

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**EC1999-211**

**WILDLIFE CONSERVATION ACT  
WILDLIFE CONSERVATION FUND REGULATIONS**

(Approved by His Honour the Lieutenant Governor in Council dated 13 April 1999.)

Pursuant to section 28 of the *Wildlife Conservation Act* R.S.P.E.I. 1988, Cap. W-4.1, Council made the following regulations:

Wildlife  
Conservation Fund

**1.** (1) The Wildlife Conservation Fund is continued pursuant to the *Wildlife Conservation Act* R.S.P.E.I. 1988, Cap. W-4.1.

Fee

(2) Every person who obtains a license or permit for angling, hunting, or trapping pursuant to the Act or any regulations made or continued pursuant to the Act shall pay a Wildlife Conservation Fund fee of \$12.15.

Wildlife  
Conservation Fund  
license

(3) Where a person has paid the Wildlife Conservation Fund fee pursuant to subsection (2), the Department shall issue a Wildlife Conservation Fund license to the person.

- 
- (4) Every Wildlife Conservation Fund license shall expire on March 31 of the year immediately following the issue of the license. Expiry of license
- (5) No person shall angle, hunt, or trap without being in possession of a valid Wildlife Conservation Fund license. Prohibition
- (6) Wildlife Conservation Fund fees collected pursuant to subsection (2) shall be paid into the Wildlife Conservation Fund. Fees paid to Fund
- (7) Where a person holds more than one license pursuant to the Act or any regulations made or continued pursuant to the Act, only one Wildlife Conservation Fund fee shall be collected from that person annually. Multiple licenses
- (8) These regulations do not apply to aboriginal persons or persons under the age of sixteen years. Exception

**2. The Fish and Game Protection Act General Regulations (EC818/66) are amended**

- (a) by the revocation of section 3.1;
- (b) in Schedule IV, by the deletion of section 8.

**3. These regulations come into force on April 24, 1999.**

**EXPLANATORY NOTES**

These regulations continue the Wildlife Conservation Fund to support efforts to manage and conserve wildlife in the province. The fee has been set at \$12.15.

Certified a true copy,  
Lynn E. Ellsworth  
Clerk of the Executive Council

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**PART II**  
**REGULATIONS INDEX**

Chapter Number	Title	Original Order Reference	Amendment	Authorizing Order and Date	Page
F-12	<b>Fish and Game Protection Act</b> General Regulations	EC818/66	s.3.1[rev] Schedule IV [eff] Apr. 24/99	EC1999-211 (13.04.99)	37
G-3	<b>Gasoline Tax Act</b> Regulations	EC283/72	s.1(1)(b.01) [R&S] s.1(1)(d.1) [added] s.1(1)(e) [R&S] s.15(3)(a) [eff] Apr. 24/99	EC1999-206 (13.04.99)	15-16
R-14	<b>Revenue Tax Act</b> Regulations	EC262/60	s.1(1)(b.1) [R&S] s.1(1)(g) [R&S] s.12(8) [R&S] s.28 s.28.1 [R&S] [eff] Apr. 24/99	EC1999-208 (13.04.99)	16-22
V-3.2	<b>Victims of Family Violence Act</b> Regulations	EC558/96	s.3(b) s.7(1)(a) s.7(2) s.15 [renum] 15(1) s.15(1) s.15(2) [added] s.18(b) s.26 Schedules 1, 2, 3, and 4 [R&S] Schedule 12 [rev] Schedules 13, 14, 15 and 16 [added] [eff] Apr. 24/99	EC1999-210 (13.04.99)	22-36
W-4.1	<b>Wildlife Conservation Act</b> Wildlife Conservation Fund Regulations		[new] [eff] Apr. 24/99	EC1999-211 (13.04.99)	36-37