

# Royal Gazette

Prince Edward Island

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**Charlottetown, Prince Edward Island, December 31, 2005**

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**CANADA  
PROVINCE OF PRINCE EDWARD ISLAND  
IN THE SUPREME COURT - ESTATES DIVISION**

TAKE NOTICE that all persons indebted to the following estates must make payment to the personal representative of the estates noted below, and that all persons having any demands upon the following estates must present such demands to the representative within six months of the date of the advertisement:

<b>Estate of: Date of the Advertisement</b>	<b>Personal Representative: Executor/Executrix (Ex) Administrator/Administratrix (Ad)</b>	<b>Place of Payment</b>
BLANCHARD, Yvonne M. Charlottetown Queens Co., PE December 31st, 2005 (53-13)*	The Canada Trust Company (EX.)	Carr Stevenson & MacKay PO Box 522 Charlottetown, PE
DILLON, James Richmond New York, USA December 31st, 2005 (53-13)*	Lydia Dillon (EX.)	Campbell Lea PO Box 429 Charlottetown, PE
DODDRIDGE, Robert Charlottetown Queens Co., PE December 31st, 2005 (53-13)*	Allan Ford (EX.) (Bob) Frederick	E. W. Scott Dickieson PO Box 1453 Charlottetown, PE
HEAD, Doreen Elizabeth Toronto Ontario December 31st, 2005 (53-13)*	Jennifer Duchesne Willard Thurston (EX.)	Foster Hennessey MacKenzie PO Box 38 Charlottetown, PE
HILTON, Violet Alberton Prince Co., PE December 31st, 2005 (53-13)*	Linda Elaine Blanchard Gloria Rose "Diane" Reid (EX.)	Key McKnight & Maynard PO Box 177 O'Leary, PE
HOLLAND, Anna G. East Point Kings Co., PE	Gladys Holland (EX.)	Campbell Lea PO Box 429 Charlottetown, PE

*\*Indicates date of first publication in the Royal Gazette.*

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Estate of: Date of the Advertisement	Personal Representative: Executor/Executrix (Ex) Administrator/Administratrix (Ad)	Place of Payment
December 31st, 2005 (53-13)*		
LIVINGSTONE, Donald Hopefield Kings Co., PE December 31st, 2005 (53-13)*	Dawn "Lynn" Livingston (EX.)	Catherine M. Parkman Law Office PO Box 1056 Charlottetown, PE
MacFARLANE, Horace Richard Summerside Prince Co., PE December 31st, 2005 (53-13)*	Richard Garth MacFarlane Janet Elizabeth MacFarlane (EX.)	Key McKnight & Maynard PO Box 1570 Summerside, PE
O'NEILL, John Newsom Charlottetown Queens Co., PE December 31st, 2005 (53-13)*	Philip Gordon O'Neill (EX.)	Reagh & Reagh 17 West Street Charlottetown, PE
SHEA, Reverend Howard J. Tignish Prince Co., PE December 31st, 2005 (53-13)*	Leonard Shea (EX.)	Patterson Palmer PO Box 429 Charlottetown, PE
STEWART, Charles Everett Crapaud Queens Co., PE December 31st, 2005 (53-13)*	Rodney Hickey Beverly McCormick (EX.)	Ramsay & Clark PO Box 96 Summerside, PE
WEDGE, Julien Joseph (also known as Joseph Julien Wedge; Julien Wedge and Julien J. Wedge) Victoria, BC December 31st, 2005 (53-13)*	Royal Trust Corporation of Canada (EX.)	Campbell Lea PO Box 429 Charlottetown, PE
ACORN, Frederick Merrill Murray River Kings Co., PE December 31st, 2005 (53-13)*	Donald Johnston (AD.)	Law Office of Alfred K. Fraser, QC PO Box 516 Montague, PE
CONNOLLY, Agnes Gertrude Charlottetown (Formerly of Iona) Queens Co., PE December 31st, 2005 (53-13)*	Joyce M. C. Oulton Donna K. MacLauchlan (AD.)	Patterson Plamer PO Box 486 Charlottetown, PE

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CONNOLLY, John Francis Montague Kings Co., PE December 31st, 2005 (53-13)*	Joyce M. C. Oulton Donna K. MacLauchlan (AD.)	Patterson Palmer PO Box 486 Charlottetown, PE
DOUCETTE, Winnifred St. Louis Prince Co., PE December 31st, 2005 (53-13)*	Wanda Doucette (AD.)	J. Allan Shaw Law Corporation PO Box 40 Alberton, PE
ROBERTS, Robert Orville Pleasant Grove Queens Co., PE December 31st, 2005 (53-13)*	Hugh Genge (AD.)	Paul J. D. Mullin, QC 14 Great George Street Charlottetown, PE
BERTRAM, Waldon A. Hazel Grove Queens Co., PE December 24th, 2005 (52-12)	E. Irene Bertram (EX.)	Carr Stevenson & MacKay PO Box 522 Charlottetown, PE
DOUCETTE, Ronald (Ron) Eugene Cornwall Queens Co., PE December 24th, 2005 (52-12)	Sarah Frances(Fran) M. Doucette (EX.)	Stewart McKelvey Stirling Scales PO Box 2140 Charlottetown, PE
MacDOUGALL, Neil F. Argyle Shore Queens Co., PE December 24th, 2005 (52-12)	Roma N. MacDougall Fraser MacDougall (EX.)	The Law Office of Kathleen Loo Craig PO Box 11 Summerside, PE
TREMBLAY, Ann G. Charlottetown Queens Co., PE December 24th, 2005 (52-12)	Roger Tremblay (EX.)	T. Daniel Tweel PO Box 3160 Charlottetown, PE
GETSON, James Erskine Kildare Capes Prince Co., PE December 24th, 2005 (52-12)	Isabel Mae Getson (AD.)	J. Allan Shaw Law Corporation PO Box 40 Alberton, PE
BUCHANAN, Angus Preston Mount Buchanan Queens Co., PE	Sandra MacPhail (EX.)	Campbell Lea PO Box 429 Charlottetown, PE

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IN THE SUPREME COURT - ESTATES DIVISION**

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Estate of: Date of the Advertisement	Personal Representative: Executor/Executrix (Ex) Administrator/Administratrix (Ad)	Place of Payment
December 17th, 2005 (51-11)		
DUNN, Shirley Marie Charlottetown Queens Co., PE December 17th, 2005 (51-11)	John R. Dunn (EX.)	Patterson Palmer PO Box 486 Charlottetown, PE
MOSSEY, Kenneth Hamilton Ontario December 17th, 2005 (51-11)	Caroline (Carolyn) Matilda Mossey (EX.)	Allen J. MacPhee Law Corporation PO Box 40 Alberton, PE
PETERS, Norbert North Rustico Queens Co., PE December 17th, 2005 (51-11)	Millie Doucette Geraldine Doucette (EX.)	E. W. Scott Dickieson PO Box 1453 Charlottetown, PE
READY, Catherine Elaine Charlottetown Queens Co., PE December 17th, 2005 (51-11)	Thomas Hum (EX.)	Birt & McNeill 138 St. Peters Road Charlottetown, PE
STEAD, Evelyn Mae Stratford Queens Co., PE December 17th, 2005 (51-11)	Donald C. Nichol (EX.)	Carr Stevenson & MacKay PO Box 522 Charlottetown, PE
STEVENSON, Priscilla R. Winsloe Queens Co., PE December 17th, 2005 (51-11)	Byron R. Stevenson (EX.)	Carr Stevenson & MacKay PO Box 522 Charlottetown, PE
GAUDET, Albina Summerside Prince Co., PE December 17th, 2005 (51-11)	Teresa Arsenault (AD.)	Key McKnight & Maynard PO Box 1570 Summerside, PE
WILSON, Leo Bernard Hermitage Queens Co., PE December 17th, 2005 (51-11)	John Andrew Wilson Robert Justin Wilson (AD.)	Law Office of Alfred K. Fraser, QC PO Box 516 Montague, PE
ANDREW, William Benjamin Summerside Prince Co., PE	James Bennett Andrew Diane Karen Conrad (EX.)	Ramsay & Clark PO Box 96 Summerside, PE

**CANADA  
PROVINCE OF PRINCE EDWARD ISLAND  
IN THE SUPREME COURT - ESTATES DIVISION**

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Estate of: Date of the Advertisement	Personal Representative: Executor/Executrix (EX) Administrator/Administratrix (Ad)	Place of Payment
December 10th, 2005 (50-10)		
JELKS, Frank W. Charlottetown Queens Co., PE December 10th, 2005 (50-10)	Michael Roy Jelks Janet Hurry (EX.)	McInnes Cooper BDC Place Suite 620, 119 Kent Street Charlottetown, PE
MacRAE, Blair A. Montague Kings Co., PE December 10th, 2005 (50-10)	Donald MacRae Kirk MacRae (EX.)	Campbell Stewart PO Box 485 Charlottetown, PE
POIRIER, Mary Doris Josephine Miscouche Prince Co., PE December 10th, 2005 (50-10)	Joseph Melvin Poirier (EX.)	Key McKnight & Maynard PO Box 1570 Summerside, PE
TURNER, Lona I. Charlottetown Queens Co., PE December 10th, 2005 (50-10)	Orville R. Turner (EX.)	McInnes Cooper BDC Place Suite 620, 119 Kent Street Charlottetown, PE
CROCKETT, William L. York Queens Co., PE December 10th, 2005 (50-10)	Lenore A. Andrew (AD.)	McInnes Cooper BDC Place Suite 620, 119 Kent Street Charlottetown, PE
ANDERSON, Mary Theresa Farmington Kings Co., PE December 3rd, 2005 (49-09)	Frederick Paul Anderson William Anderson (EX.)	Allen J. MacPhee Law Corporation PO Box 238 Souris, PE
COUGHLIN, Mary Helena Charlottetown Queens Co., PE December 3rd, 2005 (49-09)	Kathleen Kearney (EX.)	McInnes Cooper BDC Place Suite 620, 119 Kent Street Charlottetown, PE
GILLIS, Bessie Lorne Point Pleasant Kings Co., PE December 3rd, 2005 (49-09)	Margaret Murphy Verna Osborne (EX.)	Law Office of Alfred K. Fraser, QC PO Box 516 Montague, PE
HAGGERTY, Theresa M. Montague Kings Co., PE	Rita Donahoe Richard H. Campbell (EX.)	Campbell Stewart PO Box 485 Charlottetown, PE

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December 3rd, 2005 (49-09)		
MacDONALD, J. J. O'Leary Little Pond Kings Co., PE December 3rd, 2005 (49-09)	Arthur J. MacDonald (EX.)	Campbell Stewart PO Box 485 Charlottetown, PE
MacMILLAN, Marion I. Charlottetown Queens Co., PE December 3rd, 2005 (49-09)	Wayne Gillis (EX.)	Campbell Stewart PO Box 485 Charlottetown, PE
MILLER, James Meadowbank Queens Co., PE December 3rd, 2005 (49-09)	Wendell Feener (EX.)	Foster Hennessey MacKenzie PO Box 38 Charlottetown, PE
PERRY, Charles A. Alberton Prince Co., PE December 3rd, 2005 (49-09)	Mary Graham (EX.)	J. Allan Shaw Law Corporation PO Box 40 Alberton, PE
ACORN, John Dan Mount Vernon Queens Co., PE November 26th, 2005 (48-08)	Lauretta May Acorn (EX.)	Campbell Lea PO Box 429 Charlottetown, PE
HAWKINS, Edna Mary Stratford Queens Co., PE November 26th, 2005 (48-08)	Anne MacLeod (EX.)	Patterson Palmer PO Box 486 Charlottetown, PE
HEMPHILL, Esther Nellie Whitby Ontario November 26th, 2005 (48-08)	Lorne John Hemphill (EX.)	Campbell Stewart PO Box 485 Charlottetown, PE
JAY, Ethel May Summerside Prince Co., PE November 26th, 2005 (48-08)	Roland Blair Jay (EX.)	Patterson Palmer 82 Summer Street Summerside, PE
STURMEY, Anne Noreen Charlottetown	Jean Irene Doyle (EX.)	McInnes Cooper BDC Place

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Queens Co., PE November 19th, 2005 (47-07) WILLIAMS, Constance M. Charlottetown Queens Co., PE November 19th, 2005 (47-07)	Janet Dawson-Brock (EX.)	Suite 620, 119 Kent Street Charlottetown, PE Cox Hanson O'Reilly Matheson PO Box 875 Charlottetown, PE
DOYLE, Allan McCormac Charlottetown Queens Co., PE November 19th, 2005 (47-07)	Jean Irene Doyle (AD.)	McInnes Cooper BDC Place Suite 620, 119 Kent Street Charlottetown, PE
MAEDER, Alice McKenna Hyattsville District of Columbia, USA November 19th, 2005 (47-07)	David Russell Percy (AD.)	Law Office of Alfred K. Fraser, QC PO Box 516 Montague, PE
RAYNER, Douglas Grand Tracadie Queens Co., PE November 19th, 2005 (47-07)	Lloyd Rayner (AD.)	Regena Kaye Russell Law Corp. PO Box 383 O'Leary, PE
ADAMS, Louis J. Seaview Prince Co., PE November 12th, 2005 (46-06)	Brian Adams (EX.)	McLellan Brennan PO Box 35 Summerside, PE
CLAY, Henry Jones Greenwich Connecticut, USA November 12th, 2005 (46-06)	Marcia Clay Hamilton (EX.)	Stewart McKelvey Stirling Scales PO Box 2140 Charlottetown, PE
MacLEAN, Florence Dianne Quispamsis New Brunswick November 12th, 2005 (46-06)	Lorna MacLean-Quinn William Roy (Billy) MacLean (EX.)	Stewart McKelvey Stirling Scales PO Box 2140 Charlottetown, PE
MATTHEWS, Thelma Summerside Prince Co., PE November 12th, 2005 (46-06)	Diane Carol Irving George Elmer MacCaull (EX.)	Ramsay & Clark PO Box 96 Summerside, PE
SHELFOON, Helen Catherine Charlottetown	V. Allan (Bud) MacDonald Robin McGuigan (EX.)	Patterson Palmer PO Box 486

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Queens Co., PE November 12th, 2005 (46-06) YEARWOOD, Felix Ronald Stratford Queens Co., PE November 12th, 2005 (46-06)	E. Graham Yearwood (EX.)	Charlottetown, PE  Catherine M. Parkman Law Office PO Box 1056 Charlottetown, PE
LAYBOLT, Jason Alfred Morell Kings Co., PE November 12th, 2005 (46-06)	George Alfred Laybolt (AD.)	Foster Hennessey MacKenzie PO Box 38 Charlottetown, PE
MAEDER, Harold Cecil Reed Washington District of Columbia, USA November 12th, 2005 (46-06)	David Russell Percy (AD.)	Law Office of Alfred K. Fraser, QC PO Box 516 Montague, PE
VILLET, Gordon Hampton Queens Co., PE November 5th, 2005 (45-05)	George H. Villett (AD.)	Cox Hanson O'Reilly Matheson PO Box 875 Charlottetown, PE
AHEARN, Mary Agatha Mississauga Ontario October 29th, 2005 (44-04)	Brian Ahearn Bob Ahearn (EX.)	J. Allan Shaw Law Corporation PO Box 40 Alberton, PE
GAMBLE, Helen Gertrude Summerside Prince Co., PE October 29th, 2005 (44-04)	David Wedge (EX.)	Patterson Palmer 82 Summer Street Summerside, PE
KENT, Alan Gordon Victoria Queens Co., PE October 29th, 2005 (44-04)	Janice Marie Beaveridge (EX.)	Stewart McKelvey Stirling Scales PO Box 2140 Charlottetown, PE
MacDONALD, Margaret Isabel Montague Kings Co., PE October 29th, 2005 (44-04)	Orville Chester MacDonald (EX.)	Law Office of Alfred K. Fraser, QC PO Box 516 Montague, PE
O'BRIEN, Horace Leonard Dock Road	Hilda O'Brien (EX.)	J. Allan Shaw Law Corporation PO Box 40



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Prince Co., PE October 29th, 2005 (44-04)		Alberton, PE
RAMSAY, Lloyd Albany Prince Co., PE October 29th, 2005 (44-04)	Marion Ramsay (EX.)	Ramsay & Clark PO Box 96 Summerside, PE
RAMSAY, Marjorie Irene Kensington Prince Co., PE October 29th, 2005 (44-04)	Cleveland Baker Glendon L. Crozier (EX.)	Ramsay & Clark PO Box 96 Summerside, PE
ADAMS, Charles William (Jr.) Elmsdale Prince Co., PE October 29th, 2005 (44-04)	Dorothy Ann Ashley (AD.)	Regena Kaye Russell Law Corp. PO Box 383 O'Leary, PE
DOUGHERTY, Margaret Elizabeth Eldon (Formerly of Belle River) Queens Co., PE October 29th, 2005 (44-04)	Michael Dougherty (AD.)	Law Office of Alfred K. Fraser, QC PO Box 516 Montague, PE
ROGERS, Leonard E. Linkletter RR#2 Summerside Prince Co., PE October 29th, 2005 (44-04)	Earl Rogers (AD.)	Ramsay & Clark PO Box 96 Summerside, PE
COLES, James Gordon Charlottetown Queens Co., PE October 22nd, 2005 (43-03)	Thelma Elaine Morrison Marlene Ferne Proude (EX.)	Catherine M. Parkman Law Office PO Box 1056 Charlottetown, PE
MacMILLAN, Sybil Charlottetown Queens Co., PE October 22nd, 2005 (43-03)	Heather MacMillan (EX.)	Heather MacMillan 3 Yorkshire Drive Charlottetown, PE
MacSWAIN, Blair Lawrence Alliston Kings Co., PE October 22nd, 2005 (43-03)	William Millar Chester MacSwain (EX.)	Carr Stevenson & MacKay PO Box 522 Charlottetown, PE

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MAHAR, Oscar Edward Gaspereaux Kings Co., PE October 22nd, 2005 (43-03)	Margaret L. Mahar (EX.)	Law Office of Alfred K. Fraser, QC PO Box 516 Montague, PE
WOOD, Bruce Raymond Charlottetown Queens Co., PE October 22nd, 2005 (43-03)	Monique Marie Wood (EX.)	Birt & McNeill PO Box 20063 Sherwood, PE
PENNY, Scott Everett Vernon River Queens Co., PE October 22nd, 2005 (43-03)	Elvert Penny Frances Penny (AD.)	Foster Hennessey MacKenzie PO Box 38 Charlottetown, PE
QUINN, Mary Frances Cardigan Kings Co., PE October 22nd, 2005 (43-03)	Joseph Quinn (AD.)	Stewart McKelvey Stirling Scales PO Box 2140 Charlottetown, PE
RYAN, Peter Charlottetown Queens Co., PE October 22nd, 2005 (43-03)	Hubert Ryan (AD.)	Carr Stevenson & MacKay PO Box 522 Charlottetown, PE
ARSENAULT, Mary J. Haverhill Massachusetts, USA October 15th, 2005 (42-02)	Roselaine M. LaBonte (EX.)	J. Allan Shaw Law Corporation PO Box 40 Alberton, PE
GIDDINGS, Oliver Angus Warren Murray River Kings Co., PE October 15th, 2005 (42-02)	Evan Courtney Wayne MacKay (EX.)	Patterson Palmer PO Box 486 Charlottetown, PE
NOONAN, Walter Augustine Summerside Prince Co., PE October 15th, 2005 (42-02)	Thomas Noonan Kenneth Noonan Gardiner MacNeill (EX.)	The Law Office of Kathleen Loo Craig PO Box 11 Summerside, PE
BLANCHARD, Leo Francis St. Patrick's, St. Ann's Queens Co., PE October 15th, 2005 (42-02)	Theresa McIsaac (AD.)	T. Daniel Tweel 105 Kent Street Charlottetown, PE

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BUOTE, Ann Marie Summerside Prince Co., PE October 15th, 2005 (42-02)	Donna Evans (AD.)	Lyle & McCabe PO Box 300 Summerside, PE
MacLEOD, Ida Elizabeth Summerside Prince Co., PE October 15th, 2005 (42-02)	Steven MacLeod Donald Wood Kent Wood Isabell Hughes (AD.)	Patterson Palmer 82 Summer Street Summerside, PE
CAIRNS, Marion Ruth Cornwall Queens Co., PE October 8th, 2005 (41-01)	Shirley Cairns Dianne Boulter (EX.)	McInnes Cooper BDC Place Suite 620, 119 Kent Street Charlottetown, PE
GILLIS, Irene C. Belle River Queens Co., PE October 8th, 2005 (41-01)	Norman L. Gillis (EX.)	Law Office of Alfred K. Fraser, QC PO Box 516 Montague, PE
MacPHERSON, John Gordon Belfast Queens Co., PE October 8th, 2005 (41-01)	Josephine Elizabeth MacPherson (EX.)	Collins & Associates National Bank Tower Suite 200, 134 Kent Street Charlottetown, PE
McGUIGAN, Jean Elizabeth Cornwall Queens Co., PE October 8th, 2005 (41-01)	Francis Edward McGuigan (EX.)	Carr Stevenson & MacKay PO Box 522 Charlottetown, PE
MILLAR, Doris Katherine Brudenell Kings Co., PE October 8th, 2005 (41-01)	E. Jean Millar James MacPhee (EX.)	Law Office of Alfred K. Fraser, QC PO Box 516 Montague, PE
ROGERS, Helen Patricia Charlottetown Queens Co., PE October 8th, 2005 (41-01)	Andrew (Andy) L. Lambe Merrill T. (Bud) Whelan (EX.)	Reagh & Reagh 17 West Street Charlottetown, PE
FARRAR, Kenneth M. Harrington Queens Co., PE October 8th, 2005 (41-01)	Gerald K. Farrar (AD.)	Stewart McKelvey Stirling Scales PO Box 2140 Charlottetown, PE

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HENNESSEY, Lois Winnifred Charlottetown Queens Co., PE October 1st, 2005 (40-53)	Millicent Elizabeth Jean Durant (EX.)	Philip Mullally Law Office PO Box 2560 Charlottetown, PE
MEEK, Horace Spring Brook Queens Co., PE October 1st, 2005 (40-53)	Lola Meek Ogilvie Amy Dawn McCarville (EX.)	Patterson Palmer 82 Summer Street Summerside, PE
NEWSON, Howard Frank Rose Valley Queens Co., PE October 1st, 2005 (40-53)	Michele M. Murphy, QC (EX.)	McInnes Cooper BDC Place Suite 620, 119 Kent Street Charlottetown, PE
REEVES, Margaret Bernadine South Freetown Prince Co., PE October 1st, 2005 (40-53)	Connie Doucette (EX.)	Campbell Stewart PO Box 485 Charlottetown, PE
MacLEOD, Kenneth "Garth" Cardigan Kings Co., PE October 1st, 2005 (40-53)	Harvey MacLeod (AD.)	Law Office of Alfred K. Fraser, QC PO Box 516 Montague, PE
WARMAN, Harold Alfred Upper Sackville Nova Scotia October 1st, 2005 (40-53)	Donna D. Wade (AD.)	Patterson Palmer PO Box 486 Charlottetown, PE

## PROCLAMATION

CANADA  
PROVINCE OF PRINCE EDWARD ISLAND

*(Great Seal)*  
ELIZABETH THE SECOND, by the  
Grace of God of the United Kingdom,  
Canada and Her other Realms and  
Territories, QUEEN, Head of the  
Commonwealth, Defender of the Faith.

HON. J. LÉONCE BERNARD  
Lieutenant Governor

TO ALL TO WHOM these presents shall come or whom the same may in any wise concern:

GREETING  
A PROCLAMATION

WHEREAS in and by section 41 of Chapter 28 of the Acts passed by the Legislature of Prince Edward Island in the 2nd Session thereof held in the year 2005 and in the fifty-fourth year of Our Reign intituled "Community Hospital Authorities Act" it is enacted as follows:

"This Act comes into force on a date that may be fixed by proclamation of the Lieutenant Governor in Council."

AND WHEREAS it is deemed expedient that all sections except subsection 40(4) of the said Act, Stats. P.E.I. 2005, 2nd Session, c. 28 should come into force on the 1st day of January, 2006,

NOW KNOW YE that We, by and with the advice and consent of our Executive Council for Prince Edward Island, do by this Our Proclamation ORDER AND DECLARE that all sections except subsection 40(4) of the said Act being the "Community Hospital Authorities Act" passed in the fifty-fourth year of Our Reign shall come into force on the first day of January, two thousand and six of which all persons concerned are to take notice and govern themselves accordingly.

IN TESTIMONY WHEREOF We have caused these Our Letters to be made Patent and the Great Seal of Prince Edward Island to be hereunto affixed.

WITNESS the Honourable J. Léonce Bernard, Lieutenant Governor of the Province of Prince Edward Island, at Charlottetown this twentieth day of December in the year of Our Lord two thousand and five and in the fifty-fourth year of Our Reign.

By Command,

W. ALEXANDER (SANDY) STEWART  
Clerk of the Executive Council

## PROCLAMATION

CANADA  
PROVINCE OF PRINCE EDWARD ISLAND

*(Great Seal)*  
ELIZABETH THE SECOND, by the  
Grace of God of the United Kingdom,  
Canada and Her other Realms and  
Territories, QUEEN, Head of the  
Commonwealth, Defender of the Faith.

HON. J. LÉONCE BERNARD  
Lieutenant Governor

TO ALL TO WHOM these presents shall come or whom the same may in any wise concern:

GREETING  
A PROCLAMATION

WHEREAS in and by section 18 of Chapter 39 of the Acts passed by the Legislature of Prince Edward Island in the 2nd Session thereof held in the year 2005 and in the fifty-fourth year of Our Reign intituled the "Health and Community Services Reorganization Act" it is enacted as follows:

“This Act comes into force on a date that may be fixed by proclamation of the Lieutenant Governor in Council.”,

AND WHEREAS it is deemed expedient that all sections except section 17 of the said Act, Stats. P.E.I. 2005, 2nd Session, c. 39 should come into force on the 1st day of January, 2006,

NOW KNOW YE that We, by and with the advice and consent of our Executive Council for Prince Edward Island, do by this Our Proclamation ORDER AND DECLARE that all sections except section 17 of the said Act being the "Health and Community Services Reorganization Act" passed in the fifty-fourth year of Our Reign shall come into force on the first day of January, two thousand and six of which all persons concerned are to take notice and govern themselves accordingly.

IN TESTIMONY WHEREOF We have caused these Our Letters to be made Patent and the Great Seal of Prince Edward Island to be hereunto affixed.

WITNESS the Honourable J. Léonce Bernard, Lieutenant Governor of the Province of Prince Edward Island, at Charlottetown this twentieth day of December in the year of Our Lord two thousand and five and in the fifty-fourth year of Our Reign.

By Command,

W. ALEXANDER (SANDY) STEWART  
Clerk of the Executive Council

## PROCLAMATION

CANADA  
PROVINCE OF PRINCE EDWARD ISLAND

*(Great Seal)*  
ELIZABETH THE SECOND, by the  
Grace of God of the United Kingdom,  
Canada and Her other Realms and  
Territories, QUEEN, Head of the  
Commonwealth, Defender of the Faith.

HON. J. LÉONCE BERNARD  
Lieutenant Governor

TO ALL TO WHOM these presents shall come or whom the same may in any wise concern:

GREETING  
A PROCLAMATION

WHEREAS in and by section 6 of Chapter 42 of the Acts passed by the Legislature of Prince Edward Island in the 2nd Session thereof held in the year 2005 and in the fifty-fourth year of Our Reign intituled the "Health Services Act" it is enacted as follows:

“This Act comes into force on a date that may be fixed by proclamation of the Lieutenant Governor in Council.”,

AND WHEREAS it is deemed expedient that the said Act, Stats. P.E.I. 2005, 2nd Session, c. 42 should come into force on the 1st day of January, 2006,

NOW KNOW YE that We, by and with the advice and consent of our Executive Council for Prince Edward Island, do by this Our Proclamation ORDER AND DECLARE that the said Act being the "Health Services Act" passed in the fifty-fourth year of Our Reign shall come into force on the first day of January, two thousand and six of which all persons concerned are to take notice and govern themselves accordingly.

IN TESTIMONY WHEREOF We have caused these Our Letters to be made Patent and the Great Seal of Prince Edward Island to be hereunto affixed.

WITNESS the Honourable J. Léonce Bernard, Lieutenant Governor of the Province of Prince Edward Island, at Charlottetown this twentieth day of December in the year of Our Lord two thousand and five and in the fifty-fourth year of Our Reign.

By Command,

W. ALEXANDER (SANDY) STEWART  
Clerk of the Executive Council

## PROCLAMATION

CANADA  
PROVINCE OF PRINCE EDWARD ISLAND

*(Great Seal)*  
ELIZABETH THE SECOND, by the  
Grace of God of the United Kingdom,  
Canada and Her other Realms and  
Territories, QUEEN, Head of the  
Commonwealth, Defender of the Faith.

HON. J. LÉONCE BERNARD  
Lieutenant Governor

TO ALL TO WHOM these presents shall come or whom the same may in any wise concern:

GREETING  
A PROCLAMATION

WHEREAS in and by section 21 of Chapter 16 of the Acts passed by the Legislature of Prince Edward Island in the 2nd Session thereof held in the year 2004 and in the fifty-third year of Our Reign intituled "Renewable Energy Act" it is enacted as follows:

“This Act comes into force on a date that may be fixed by proclamation of the Lieutenant Governor in Council.”,

AND WHEREAS it is deemed expedient that all sections except subsections 3(7), 3(8), and 3(9) of the said Act, Stats. P.E.I. 2004, 2nd Session, c. 16 should come into force on the 20th day of December, 2005,

NOW KNOW YE that We, by and with the advice and consent of our Executive Council for Prince Edward Island, do by this Our Proclamation ORDER AND DECLARE that all sections except subsections 3(7), 3(8), and 3(9) of the said Act being the "Renewable Energy Act" passed in the fifty-third year of Our Reign shall come into force on the 20th day of December, two thousand and five of which all persons concerned are to take notice and govern themselves accordingly.

IN TESTIMONY WHEREOF We have caused these Our Letters to be made Patent and the Great Seal of Prince Edward Island to be hereunto affixed.

WITNESS the Honourable J. Léonce Bernard, Lieutenant Governor of the Province of Prince Edward Island, at Charlottetown this 20th day of December in the year of Our Lord two thousand and five and in the fifty-fourth year of Our Reign.

By Command,

W. ALEXANDER (SANDY) STEWART  
Clerk of the Executive Council



**INDEX TO NEW MATTER  
December 31, 2005**

**ESTATE ACT NOTICES**

**Administrators' Notices**

Acorn, Frederick Merrill .....	1124
Connolly, Agnes Gertrude .....	1124
Connolly, John Francis .....	1125
Doucette, Winnifred .....	1125
Roberts, Robert Orville .....	1125

**Executors' Notices**

Blanchard, Yvonne M. ....	1123
Dillon, James .....	1123
Doddridge, Robert .....	1123
Head, Doreen Elizabeth .....	1123

Hilton, Violet .....	1123
Holland, Anna G. ....	1123
Livingstone, Donald .....	1124
MacFarlane, Horace Richard .....	1124
O'Neill, John Newsom .....	1124
Shea, Reverend Howard J. ....	1124
Stewart, Charles Everett .....	1124
Wedge, Julien Joseph .....	1124

**PROCLAMATIONS**

Community Hospital Authorities Act ...	1135
Health and Community Services Reorganization Act .....	1136
Health Services Act .....	1137
Renewable Energy Act .....	1138

The ROYAL GAZETTE is issued every Saturday from the office of Michael Fagan, Acting Queen's Printer, PO Box 2000, Charlottetown, PEI C1A 7N8. All copy must be received by the Tuesday preceding day of publication. The subscription rate is \$55.00 per annum, postpaid.

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**PART II**  
**REGULATIONS**

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**EC2005-719**

**ADOPTION ACT**  
**SUPPORTED ADOPTION REGULATIONS**  
**AMENDMENT**

(Approved by His Honour the Lieutenant Governor in Council dated 20 December 2005.)

Pursuant to section 57 of the *Adoption Act* R.S.P.E.I. 1988, Cap. A-4.1, Council made the following regulations:

**1. Section 1 of the *Adoption Act* Supported Adoption Regulations (EC124/02) is amended**

**(a) in subclause (f)(xi), by the deletion of the semicolon and the substitution of a period; and**

**(b) by the revocation of clauses (g) and (h).**

**2. Subsection 2(5) of the regulations is amended by the deletion of the words “memorandum of understanding between the Director and the appropriate regional authority specifying the forms of assistance to be delivered by the regional authority to the family” and the substitution of the words “schedule specifying the assistance and services that will be provided to the family pursuant to the agreement”.**

**3. Subsection 7(4) of the regulations is revoked.**

**4. These regulations come into force on January 1, 2006.**

**EXPLANATORY NOTES**

These regulations remove references to the health authorities and provide for a schedule of services to a family to be appended to an adoption support agreement with the Minister.

Certified a true copy,

W. Alexander (Sandy) Stewart  
Clerk of the Executive Council

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**EC2005-720****CHILD PROTECTION ACT  
REGULATIONS  
AMENDMENT**

(Approved by His Honour the Lieutenant Governor in Council dated 20 December 2005.)

Pursuant to section 60 of the *Child Protection Act* R.S.P.E.I. 1988, Cap.-5.1, Council made the following regulations:

**1. Clause 15(1)(b) of the *Child Protection Act* Regulations (EC526/93) is revoked and the following substituted:**

(b) five employees of the Department who are knowledgeable about child welfare services;

**2. These regulations come into force on January 1, 2006.**

**EXPLANATORY NOTES**

These regulations provide for the appointment of members of an advisory committee. The previous provisions provided for members to be appointed from the regional authorities.

Certified a true copy,

W. Alexander (Sandy) Stewart  
Clerk of the Executive Council

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**EC2005-721****CIVIL SERVICE ACT  
REGULATIONS  
AMENDMENT**

(Approved by His Honour the Lieutenant Governor in Council dated 20 December 2005.)

Pursuant to section 6 of the *Civil Service Act* R.S.P.E.I. 1988, Cap. C-8, Council made the following regulations:

**1. Clause 92(1)(f) of the *Civil Service Act* Regulations (EC709/83) is revoked and the following substituted:**

(f) employees covered under the Master Agreement between the Government and the Medical Society of Prince Edward Island, and employees who are subject to the terms and conditions of

employment for excluded supervisory and confidential employees in the Health Sector;

**2. These regulations come into force on January 1, 2006.**

**EXPLANATORY NOTES**

These regulations specify which employees are not represented by the union (authorized representative).

Certified a true copy,

W. Alexander (Sandy) Stewart  
Clerk of the Executive Council

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**EC2005-722**

**CIVIL SERVICE SUPERANNUATION ACT  
PARTICIPATING EMPLOYER REGULATIONS  
AMENDMENT**

(Approved by His Honour the Lieutenant Governor in Council dated 20 December 2005.)

Pursuant to 28 of the *Civil Service Superannuation Act* R.S.P.E.I. 1988, Cap. C-9, Council made the following regulations:

**1. Section 1 of the *Civil Service Superannuation Act* Participating Employer Regulations (EC414/01) is amended**

**(a) by the revocation of clause (2)(c);**

**(b) in subsection (3),**

**(i) in clause (o), by the deletion of the period and the substitution of a semicolon; and**

**(ii) by the addition of the following after clause (o):**

(p) health authorities established under the *Health and Community Services Act* R.S.P.E.I. 1988, Cap. H-1.1.

**(c) by the revocation of subsection (4).**

**2. These regulations come into force on January 1, 2006.**

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**EXPLANATORY NOTES**

These regulations remove the health authorities from the list of employers who participate in the Fund and add the health authorities to the list of inactive employers who participated in the Fund. The amendments also remove a spent reference to the health authorities.

Certified a true copy,

W. Alexander (Sandy) Stewart  
Clerk of the Executive Council

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**EC2005-724**

**COMMUNITY HOSPITAL AUTHORITIES ACT  
REGULATIONS**

(Approved by His Honour the Lieutenant Governor in Council dated 20 December 2005.)

Pursuant to section 39 of the *Community Hospital Authorities Act* R.S.P.E.I. 1988, Cap. C-13.1, Council made the following regulations:

Bylaws of board	<b>1.</b> (1) The board of a community hospital authority shall establish and maintain bylaws to ensure regular and meaningful consultation with, and involvement of, the medical practitioners and other staff working at the community hospital administered by the community hospital authority.
Consultation	(2) Where the board of a community hospital authority, pursuant to section 28 of the Act, consults with the residents of the community hospital region in which the community hospital is located, the board shall consider the needs of any ethnic or linguistic minorities who reside within the board's community hospital region.
Quarterly report to Department	<b>2.</b> The board of a community hospital authority shall prepare and submit a report to the Department, on a quarterly basis, outlining any actions taken in respect of the community hospital authority's approved business plan, including the results achieved by the implementation of the business plan.
Annual financial statement to Minister	<b>3.</b> (1) The board of a community hospital authority shall prepare and submit to the Minister, on an annual basis, a financial statement outlining how the funds that have been allocated to the community hospital authority have been expended in respect of the community hospital authority's approved business plan.
Annual report	(2) The board of a community hospital authority shall, at the annual meeting required by section 16 of the Act, table an annual report

outlining actions taken during the fiscal year in respect of the community hospital authority's approved business plan, including the results achieved by the implementation of the business plan.

4. Where the Minister appoints a trustee pursuant to subsection 20(2) of the Act, the trustee

Trustee

- (a) shall assume the duties and powers of a community hospital authority for the term specified in the order, except as set out herein;
- (b) shall ensure that he or she has no beneficial interest in the community hospital;
- (c) shall not invest funds associated with the community hospital;
- (d) shall not be liable for losses or deficits caused by the community hospital authority;
- (e) is entitled to review and investigate the financial information and other records of the community hospital authority;
- (f) shall advise the Minister concerning the community hospital authority's failure to comply with either a statutory duty or with its approved business plan; and
- (g) is entitled to fair and reasonable compensation for his or her work and time expended.

5. (1) The administrator of a community hospital authority shall be responsible for the direct management and superintendence of the day-to-day operations of the community hospital.

Powers and responsibilities of administrator

(2) The administrator of a community hospital authority may make recommendations to the board of a community hospital authority in respect of the day-to-day operations of the community hospital.

*Idem*

6. (1) In this section, "interim board" means the board composed of persons appointed pursuant to section 19 of the Act.

Interim board

(2) For the year 2006, the interim board of each community hospital authority shall, at its annual meeting, table the community hospital authority's approved business plan and report on its progress to date.

Transitional

(3) This section is revoked on January 1, 2007.

Repeal

7. These regulations come into force on January 1, 2006.

Commencement

### EXPLANATORY NOTES

**SECTION 1** provides clarification respecting the roles and responsibilities of the community hospital authority boards.

**SECTIONS 2 and 3** outline the need for the boards to provide quarterly reports and annual financial statements.

**SECTION 4** outlines the requirements, roles and responsibilities of any trustee appointed pursuant to subsection 20(2) of the Act.

**SECTION 5** outlines the powers and responsibilities of an administrator.

**SECTION 6** provides a definition for “interim board” and is a transitional provision for the year 2006 in respect of interim boards.

**SECTION 7** provides for the commencement of these regulations.

Certified a true copy,

W. Alexander (Sandy) Stewart  
Clerk of the Executive Council

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**EC2005-726**

**FINANCIAL ADMINISTRATION ACT  
SPECIAL PROJECTS FUND REGULATIONS  
AMENDMENT**

(Approved by His Honour the Lieutenant Governor in Council dated 20 December 2005.)

Pursuant to section 14.8 of the *Financial Administration Act* R.S.P.E.I. 1988, Cap. F-9, Council made the following regulations:

- 1. Clause 1(a) of the *Financial Administration Act*, Special Projects Fund Regulations (EC639/99) is revoked.**
- 2. The heading before section 2 and section 2 of the regulations are revoked.**
- 3. These regulations come into force on January 1, 2006.**

**EXPLANATORY NOTES**

These regulations revoke the references to the Health Care Support Program which is no longer in operation.

Certified a true copy,

W. Alexander (Sandy) Stewart  
Clerk of the Executive Council

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**EC2005-727****FREEDOM OF INFORMATION AND  
PROTECTION OF PRIVACY ACT  
REGULATIONS  
AMENDMENT**

(Approved by His Honour the Lieutenant Governor in Council dated 20 December 2005.)

Pursuant to section 77 of the *Freedom of Information and Protection of Privacy Act* R.S.P.E.I. 1988, Cap. F-15.01, Council made the following regulations:

- 1. Clause 14(f) of the *Freedom of Information and Protection of Privacy Act Regulations* (EC564/02) is revoked.**
- 2. These regulations come into force on January 1, 2006.**

**EXPLANATORY NOTES**

This amendment removes a reference to a repealed Act.

Certified a true copy,

W. Alexander (Sandy) Stewart  
Clerk of the Executive Council

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**EC2005-728****HEALTH AND COMMUNITY SERVICES ACT  
REGULATIONS  
REVOCATION**

(Approved by His Honour the Lieutenant Governor in Council dated 20 December 2005.)

Pursuant to section 19 of the *Health and Community Services Act* R.S.P.E.I. 1988, Cap. H-1.1, Council made the following regulations:

- 1. The *Health and Community Services Act Regulations* (EC598/99) are revoked.**
- 2. These regulations come into force on December 31, 2005.**



**EXPLANATORY NOTES**

These regulations revoke the regulations made under the *Health and Community Services Act*.

Certified a true copy,

W. Alexander (Sandy) Stewart  
Clerk of the Executive Council

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**EC2005-731****HEALTH SERVICES PAYMENT ACT  
REGULATIONS  
AMENDMENT**

(Approved by His Honour the Lieutenant Governor in Council dated 20 December 2005.)

Pursuant to section 5 of the *Health Services Payment Act* R.S.P.E.I. 1988, Cap. H-2, Council made the following regulations:

**1. Clause 1(g) of the *Health Services Payment Act* Regulations (EC453/96) is amended by the deletion of the words “a region” and the substitution of the words “the province”.**

**2. Section 25 of the regulations is amended**

**(a) in subsection (2),**

**(i) by the deletion of the word “regional” and the substitution of the words “community hospital”, and**

**(ii) by the addition of the words “and the appropriate division of the Department,” after the word “authorities”; and**

**(b) in clause (3)(c),**

**(i) by the deletion of the word “regional” and the substitution of the words “community hospital”, and**

**(ii) by the addition of the words “, the appropriate division of the Department” after the word “authorities”.**

**3. Clause 27(2)(b) of the regulations is amended,**

**(a) by the deletion of the word “regional” and the substitution of the words “community hospital”; and**

**(b) by the addition of the words “and the appropriate division of the Department,” after the word “authorities”.**

**4. Subsection 29(1) of the regulations is amended**

**(a) by the deletion of the word “regional” and the substitution of the words “community hospital”; and**

**(b) by the addition of the words “or as the Minister considers necessary,” after the word “authority.”.**

**5. These regulations come into force on January 1, 2006.**

#### EXPLANATORY NOTES

These regulations remove references to the health authorities and substitute the appropriate division of the Department. The amendments to subsection 29 provide that a temporary authorization application may be made as the Minister considers necessary.

Certified a true copy,

W. Alexander (Sandy) Stewart  
Clerk of the Executive Council

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#### EC2005-732

#### HIGHWAY TRAFFIC ACT FEES REGULATIONS AMENDMENT

(Approved by His Honour the Lieutenant Governor in Council dated 20 December 2005.)

Pursuant to section 65 of the *Highway Traffic Act* R.S.P.E.I. 1988, Cap. H-5, Council made the following regulations:

**1. Section 11 of the *Highway Traffic Act* Fees Regulations (EC309/93) is revoked and the following substituted:**

**11.** (1) The fees for inspections and related services and documents set out in column 1 of Table 6 are as set out in column 2 thereof. Inspection fees

(2) The fee for the inspection of commercial vehicles of a type set out in column 1 of Table 6.1 is calculated by using the following formula: Fee charged for commercial vehicles

$$\frac{A}{60} \times B$$

where

A is the lesser of

- (i) the number of minutes of shop time taken to conduct the inspection,
- (ii) the maximum number of minutes of shop time chargeable for the vehicle;

B is the hourly shop labour rate charged by the motor vehicle inspection station when the commercial vehicle is inspected.

Maximum minutes of shop time (3) The maximum number of minutes of shop time chargeable for the inspection of a commercial vehicle of a type set out in column 1 of Table 6.1 is the amount of shop time set out in column 2 thereof.

Posting hourly shop labour rate (4) The owner or operator of a motor vehicle inspection station shall post and make clearly visible, for customers, the hourly shop labour rate.

**2. Table 6 of the Act is revoked and the following substituted:**

**TABLE 6**  
MOTOR VEHICLE INSPECTION FEES

COLUMN 1	COLUMN 2
INSPECTION LICENSES	
(a) Official Inspection Station License	\$150
(b) Renewal of Official Inspection Station License	50
(c) Reinstatement of Official Inspection Station License	150
(d) Authorized Inspection Mechanic License (one time only)	100
INSPECTION STICKERS	
(a) Car/truck approval stickers (to official inspection stations)	2
(b) Trailer/motorcycle approval sticker (to official inspection stations)	1
(c) Replacement car/truck and trailer/motorcycle approval stickers (to public)	10
(d) Reject stickers (to official inspection stations)	No charge
(e) Unsafe stickers (to official inspections stations)	No charge
INSPECTION FEES	
(a) Motor vehicles including passenger cars, taxicabs, station wagons and any truck, bus or motor home having a single rear axle designed for two wheels	24
(b) Trailers and semi-trailers not equipped with brakes	18
(c) Motorcycles	24
(d) Reinspection (if repair work not done by station that conducted initial inspection)	12

**TABLE 6.1**  
MOTOR VEHICLE INSPECTIONS OF COMMERCIAL VEHICLES  
Maximum Chargeable Shop Time

COLUMN 1	COLUMN 2
INSPECTION OF COMMERCIAL VEHICLES	
	Shop Time
(a) Trucks, buses or motor homes equipped with hydraulic brakes and having one or two rear axles, each designed for four wheels (maximum allowable shop time)	90 minutes
(b) Trailers or semi-trailers equipped with electric or hydraulic brakes (maximum allowable shop time)	45 minutes

(c) Trucks, buses or motor homes equipped with air brakes and having a single rear axle designed for four wheels or two rear axles (maximum allowable shop time)	90 minutes
(d) Trailers or semi-trailers or A, B or C trailer dollies equipped with air brakes (maximum allowable shop time)	60 minutes
(e) Farm Trucks (maximum allowable shop time)	45 minutes

**2. These regulations come into force on December 31, 2005.**

**EXPLANATORY NOTES**

The amendment provides for new motor vehicle inspection fee amounts and provides a formula, based on minutes as opposed to a flat fee, for determining the fee charged for the inspection of commercial vehicles. The amendment mandates that the owner or operator of a motor vehicle inspection station shall post, for customers, the hourly shop labour rate.

Certified a true copy,

W. Alexander (Sandy) Stewart  
Clerk of the Executive Council

**EC2005-733**

**HIGHWAY TRAFFIC ACT  
MOTOR VEHICLE INSPECTION REGULATIONS  
AMENDMENT**

(Approved by His Honour the Lieutenant Governor in Council dated 20 December 2005.)

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* Motor Vehicle Inspection Regulations (EC441/91) is amended**

**(a) by the addition of the following after clause (f):**

(f.1) “converter dolly” means a vehicle that is designed and normally used to convert a semi-trailer to a full trailer, and consists of a drawbar, a frame, one or more axles and the lower half of a fifth wheel assembly; converter dolly

(f.2) “dealer” means a person, other than a salesperson, who carries on or conducts, either full or part time, the business of buying, selling or dealing in motor vehicles, trailers or semi-trailers, and who maintains an established place of business in the province; dealer

**(b) by the addition of the following after clause (h):**

drawbar

(h.1) “drawbar” means a structure connected to the chassis frame of a trailer or converter dolly that includes a device for coupling to a hitch on a towing vehicle;

**(c) by the addition of the following after clause (k):**fifth wheel  
assembly

(k.1) “fifth wheel assembly” means a coupling device whose lower half consists of a plate and locking jaws mounted on the rear portion of the frame of a vehicle or converter dolly and whose upper half consists of a plate and a kingpin fastened to the underside of the forward portion of a semi-trailer for the purpose of supporting and towing the semi-trailer;

**(d) by the addition of the following after clause (p):**

kingpin

(p.1) “kingpin” means the pin that couples a semi-trailer to the lower half of a fifth wheel assembly;

**(e) by the revocation of clause (dd).**

**2. Section 3 of the regulations is amended in clause (1)(a) by the addition of the words “but where the vehicle is a bus, it shall be inspected at least once every six months” after the words “at a periodic inspection at least once every 12 months”.**

**3. Clause 4(1)(l) of the regulations is amended by the addition of the words “and cross members” after the word “frame”.**

**4. Subsection 4(2) of the regulations is amended**

**(a) by the deletion of the word “school” before the word “bus”;**

**(b) in clause (d), by the deletion of the word “and”;**

**(c) in clause (e), by the deletion of the period and the substitution of a semicolon; and**

**(d) by the addition of the following after clause (e):**

- (f) accelerator pedal;
- (g) drive belts;
- (h) drive shafts;
- (i) clutch (if so equipped);
- (j) engine shut down;
- (k) shift pattern;
- (l) engine starter;

- (m) neutral safety switch (if so equipped);
- (n) fire extinguisher;
- (o) hazard warning kit;
- (p) electrical system;
- (q) first aid kit;
- (r) service and emergency doors;
- (s) step well;
- (t) sun visors;
- (u) heaters and defrosters;
- (v) seats and interior;
- (w) mud flaps;
- (x) auxiliary compartments;
- (y) engine and transmission mounts.

**5. Subsection 4(4) of the regulations is amended**

**(a) by the addition of the words “or converter dolly” after the word “trailer”;**

**(b) in clause (f), by the addition of the words “and cross members” after the word “frame”;**

**(c) in clause (g), by the deletion of the word “and”;**

**(d) in clause (h), by the deletion of the period and the substitution of a semicolon; and**

**(e) by the addition of the following after clause (h):**

- (i) landing gear (if so equipped);
- (j) mud flaps or fenders;
- (k) cargo body;
- (l) steering (if so equipped);
- (m) retro-reflective markings;
- (n) load securement devices;
- (o) under ride protection devices.

**6. Section 4 of the regulations is amended by the addition of the following after subsection (6):**

(6.1) The following parts of a commercial vehicle shall be inspected during an inspection made pursuant to these regulations:

- (a) those parts of a motor vehicle referred to in subsection (1);
- (b) accelerator pedal;
- (c) drive shaft;
- (d) clutch;
- (e) engine shut down;
- (f) fire extinguisher;
- (g) hazard warning kit;
- (h) headache rack;
- (i) electrical system;

Commercial vehicle  
parts for inspection

- (j) cargo body;
- (k) load securement device;
- (l) under ride protection devices;
- (m) sun visors;
- (n) mud flaps;
- (o) retro-reflective markings.

**7. These regulations come into force on December 31, 2005.**

**EXPLANATORY NOTES**

The amendments adopt a new set of inspection standards for commercial vehicles. The amendments reflect a Memorandum of Understanding, endorsed in September, 1991, by the Council of Ministers responsible for transportation. The MOU mandates that all jurisdictions are to implement a compulsory periodic inspection program for commercial vehicles.

Certified a true copy,

W. Alexander (Sandy) Stewart  
Clerk of the Executive Council

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**EC2005-734**

**HOSPITAL AND DIAGNOSTIC SERVICES INSURANCE ACT  
REGULATIONS  
AMENDMENT**

(Approved by His Honour the Lieutenant Governor in Council dated 20 December 2005.)

Pursuant to section 11 of the *Hospital and Diagnostic Services Insurance Act* R.S.P.E.I. 1988, Cap. H-8, Council made the following regulations:

**1. Section 1 of the *Hospital and Diagnostic Services Insurance Act* Regulations (EC539/63) is amended**

**(a) by the addition for the following after clause (a):**

administrator

(a.1) “administrator” means an administrator as defined under the *Hospitals Act* R.S.P.E.I. 1988, Cap. H-10.1;

**(b) in clause (e), by the deletion of the words “, as considered necessary by the Minister”;**

**(c) by the revocation of clause (g);**

**(d) by the revocation of clause (h) and the substitution of the following:**

(h) “hospital” means a hospital as defined in clause 1(1)(d) of the *Hospitals Act*; hospital

**(e) by the revocation of clause (i);**

**(f) in clause (k),**

**(i) in subclauses (i) to (vii), by the deletion of the semicolon and the substitution of a comma, and**

**(ii) by the revocation of clause (viii) and the substitution of the following:**

(viii) use of various therapy facilities where available, including physiotherapy, speech therapy and occupational therapy, and

**(g) by the revocation of clause (l) and the substitution of the following:**

(l) “insured services” means the in-patient and out-patient hospital services available to an entitled person without charge, as determined by the Minister but does not include any services to which a person is entitled, and for which a person is eligible, under any law mentioned in Schedule C; insured services

**(h) in subclause (o)(ix), by the deletion of the word “physiotherapy” and the substitution of the word “various”;**

**(i) by the revocation of clause (s); and**

**(j) in clause (x),**

**(i) by addition of the word “a” before the word “bed”, and**

**(ii) by the deletion of the words “by the hospital and approved”.**

**2. The heading before section 2 and section 2 of the regulations are revoked and the following substituted:**

#### PROVINCIAL HEALTH CARD

2. (1) A resident shall present a Provincial Health Card upon admission to the hospital as a means of identification. Provincial Health Card

(2) A resident shall notify the Minister of a birth, marriage or change of address of the resident or a member of the resident’s family. Notify Minister of change

**3. Section 4 of the regulations is amended**

**(a) by the revocation of subsection (1); and**

**(b) in subsections (2) and (3), by the deletion of the word “Board” and the substitution of the word “administrator”.**

**4. Section 5 of the regulations is revoked and the following substituted:**



Notification to  
Minister

- 5.** Every approved hospital in the province shall forward to the Minister, or the Minister's delegate, a notice in the prescribed form respecting
- (a) the admission, discharge or death of a patient in the hospital; and
  - (b) the provision of out-patient services to a patient of the hospital.

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

**(a) in subsection (1), by the deletion of the words "Except as in subsection 6(2), each hospital" and the substitution of the words "Except as provided in subsection 6(2), each hospital and facility"; and**

**(b) by the revocation of subsection (2).**

**6. Section 8 of the regulations is amended**

**(a) in subsection (1),**

**(i) by the deletion of the words ", Class I and Class II", and**

**(ii) by the revocation of the words "R.S.P.E.I. 1988, Cap. H-10" and the substitution of the words "R.S.P.E.I. 1988, Cap. H-10.1"; and**

**(b) by the revocation of subsection (3).**

**7. Section 10 of the regulations is amended**

**(a) in subsection (1), by the addition of the words "at least" before the words "two full consecutive months"; and**

**(b) by the addition of the following after subsection (1):**

Person becomes  
entitled person

(1.1) A person becomes an entitled person under these regulations on the commencement of the first day of the third month after the person has established residence in the province under subsection 9(1).

**8. Subsection 14(1) of the regulations is amended by the deletion of the word "its" and the substitution of the words "the Minister's".**

**9. Section 16 of the regulations is amended**

**(a) in subclause (1.1)(d)(ii), by the deletion of the words "is a federal hospital or";**

**(b) by the revocation of subsection (2); and**

**(c) by the revocation of subsections (3) and (4) and the substitution of the following;**

Amount payable

(3) Where insured services are provided to an entitled person in a hospital in a participating province under clause (1)(a) or (b), or where approval of the Minister is obtained, the amount payable by the Minister shall be determined in accordance with the reciprocal billing agreement

made with the participating province in which the services are provided to the entitled person.

(4) Where in-patient services are provided to an entitled person in a hospital outside of Canada *Idem*

(a) where the services are required as a result of sudden illness or emergency, the amount payable by the Minister shall not exceed the average of the standard ward charges of the provincial hospitals in Prince Edward Island;

(b) with the approval of the Minister and where the required services are not available in Prince Edward Island, the amount payable by the Minister shall be the rate of the hospital in which the services were rendered; or

(c) for services not falling within clause (a) or (b) and with the approval of the Minister, the amount payable by the Minister shall be as determined by the Minister.

**10. Subsection 18(1) of the regulations is amended**

**(a) in subsection (1), by the deletion of the words “not exceeding twelve months” and the substitution of the words “of up to three months”; and**

**(b) by the addition of the following after subsection (1):**

(1.1) A person described in subsection (1) ceases to be an entitled person at midnight of the last day of the second month following the person's date of departure from this province or the date on which the person established residence in the new province, whichever is earlier. Ceases to be entitled person

**11. The heading before section 19 and section 19 of the regulations are revoked.**

**12. Section 21 of the regulations is amended by the deletion of the words “The Board of every hospital shall provide to entitled persons,” and the substitution of the words “The Minister shall ensure that entitled persons receive.”.**

**13. Sections 23 to 26 of the regulations are revoked.**

**14. Clause 27(1)(b) of the regulations is amended by the addition of the word “Accreditation” after the words “Canadian Council on Health Services”.**

**15. Schedule A to the regulations is revoked and Schedule A as set out in the Schedule to these regulations is substituted.**

**16. These regulations come into force on January 1, 2006.**

**SCHEDULE****SCHEDULE A**

## PROVINCIAL HOSPITALS

- |                             |               |
|-----------------------------|---------------|
| 1. Queen Elizabeth Hospital | Charlottetown |
| 2. Prince County Hospital   | Summerside    |

## COMMUNITY HOSPITALS

- |                                    |             |
|------------------------------------|-------------|
| 1. Western Hospital                | Alberton    |
| 2. King's County Memorial Hospital | Montague    |
| 3. Community Hospital              | O'Leary     |
| 4. Souris Hospital                 | Souris      |
| 5. Stewart Memorial Health Centre  | Tyne Valley |

## PROVINCIAL FACILITY

- |   |               |
|---|---------------|
| 1. Provincial Addictions Treatment Facility | Mount Herbert |
|---|---------------|

**EXPLANATORY NOTES**

**SECTION 1** adds definitions of administrator and hospital, updates the definition of "insured services" and corrects other definitions.

**SECTION 2** requires the use of a Provincial Health Card as identification on admission to a hospital and requires a resident to notify the Minister of changes of address or birth, death, marriage, etc changes.

**SECTION 3** revokes an outdated provision and changes the reference to a board to administrator.

**SECTION 4** requires a hospital to forward information on admission, discharge or death of a patient, and of the provision of out-patient services to a patient.

**SECTION 5** adds a reference to a facility and revokes an outdated provision.

**SECTION 6** removes a reference to Class I and Class II hospitals because the definition of hospital is now tied to the *Hospitals Act* and updates the citation of that Act.

**SECTION 7** deals with when a person becomes an entitled person after moving to the province.

**SECTION 8** corrects a reference to the Minister.

**SECTION 9** removes a reference to a federal hospital, removes outdated provisions and provides for the calculation of amounts to be paid by the province for insured services received by a resident outside the province and outside the country.

**SECTION 10** clarifies who is an entitled person when moving from or to the province.

**SECTION 11** revokes outdated provisions.

**SECTION 12** changes a reference to the Board to a reference to the Minister.

**SECTION 13** revokes outdated provisions.

**SECTION 14** corrects the title of the accreditation council.

**SECTION 15** replaces the schedule of approved hospitals.

**SECTION 16** is the commencement of these regulations.

Certified a true copy,

W. Alexander (Sandy) Stewart  
Clerk of the Executive Council

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**EC2005-735**

**HOSPITALS ACT  
HOSPITAL MANAGEMENT REGULATIONS  
AMENDMENT**

(Approved by His Honour the Lieutenant Governor in Council dated 20 December 2005.)

Pursuant to section 14 of the *Hospitals Act* R.S.P.E.I. 1988, Cap. H-10, Council made the following regulations:

**1. Section 1 of the *Hospitals Act* Hospital Management Regulations (EC574/76) is amended**

**(a) by the revocation of clauses (b.1), (e.1), (i), (j), (k) and (n);**

**(b) in clause (x), by the addition of the word “registered” before the word “nursing”;**

**(c) in clause (y), by the addition of the words “occupational therapist, radio therapist, dietician” after the words “physical therapist”.**

**2. Sections 2 and 3 of the regulations are revoked and the following substituted:**

Governance

2. (1) A provincial hospital shall be governed by the department and a community hospital shall be governed by the community hospital board.

Management

(2) A hospital shall be managed by the administrator.

**3. Sections 5, 6, 10 and 12 of the regulations are revoked.**

**4. Section 11 of the regulations is revoked and the following substituted:**

Surveyor may  
examine books and  
records

11. An administrator of a hospital shall permit a surveyor authorized by the Canadian Council on Health Services Accreditation

(a) to examine and audit all hospital books, accounts and records;  
and

(b) to inspect or receive information from any book or record relating to patients,

at any time, for the purpose of carrying out an accreditation survey.

**5. Section 13 of the regulations is revoked and the following substituted:**

Application for  
approval of hospital

13. A person who seeks the approval of the Lieutenant Governor in Council for a hospital under section 4 of the Act shall send an application to the Minister and shall include with the application

(a) a copy of the architect's plan in triplicate, showing

(i) the proposed number and arrangement of beds and services,  
and

(ii) a block plan of the property and elevations of the buildings,  
and

(b) such other information as the Minister may require.

**6. Section 14 of the regulations is amended by the deletion of the words "and approved by the Agency" and the substitution of the words "the Minister and approved by the Lieutenant Governor in Council".**

**7. Section 19 of the regulations is revoked.**

**8. Subsections 24(2) and (3) of the regulations are amended by the deletion of the word "Agency" and the substitution of the word "Minister".**

**9. Section 36 of the regulations is amended**

**(a) in subsection (1), by the deletion of the words "the board shall cause a medical practitioner to" and the substitution of the words "the medical practitioner shall"; and**

**(b) in subsection (2), by the deletion of the words “the board shall cause the attending dentist to” and the substitution of the words “the attending dentist shall”.**

**10. Section 37 of the regulations is amended by the deletion of the words “The board shall cause to be compiled for each patient a medical record including” and the substitution of the words “The medical record compiled for each patient shall include”.**

**11. Subsection 38(3) of the regulations is amended by the deletion of the words “should be completed and signed off by the attending physician or his designate within fourteen days” and the substitution of the words “shall be completed by the attending physician or his or her designate in accordance with the written provincial policy of the department”.**

**12. Section 39 of the regulations is amended by the deletion of the words “Cap. V-4” and the substitution of the words “Cap. V-4.1”.**

**13. Section 47(4) of the regulations is amended**

**(a) in subsection (4), by the deletion of the word “Agency” and the substitution of the word “administrator”**

**(b) in subsection (5),**

**(i) in clause (d.1), by the deletion of the words “of Health and Social Services”, and**

**(ii) by the revocation of clause (f);**

**(c) in subsection (5.1), by the deletion of the words “under subsection 14(2) of the *Family and Child Services Act* R.S.P.E.I. 1988, Cap. F-2” and the substitution of the words “*Child Protection Act* R.S.P.E.I. 1988, Cap. C-5.1”; and**

**(d) by the revocation of subsection (6).**

**14. Clause 56(e) of the regulations is revoked and the following substituted:**

(e) ward clerks;

(e.1) orderlies;

**15. Sections 56.1 and 57-59 are revoked.**

**16. Subsection 60(3) of the regulations is amended by the deletion of the words “, any officer of the Agency authorized by the chairperson,”.**

**17. Sections 61- 64 are revoked.**

**18. The headings before sections 65 and 66 and sections 65 and 66 are revoked.**

**19. Sections 67-72 of the regulations are revoked.**

**20. The regulations are amended by the revocation of Form 1 and Form 1A.**

**21. These regulations come into force on January 1, 2006.**

#### EXPLANATORY NOTES

**SECTION 1** revokes definitions related to the Agency, corrects a reference to a registered nurse and other health professionals to the definition of “allied health professionals”.

**SECTION 2** provides for the governance and management of a hospital.

**SECTION 3** revokes sections dealing with the regional authority, bylaws and inspectors.

**SECTION 4** removes a reference to an inspector and provides for a surveyor to examine the records for the purpose of an accreditation survey.

**SECTION 5** deals with the information to be provided to the Minister on an application for the approval of a hospital under section 4 of the Act.

**SECTION 6** removes a reference to the Agency.

**SECTION 7** removes a section dealing with the assignment of patient numbers.

**SECTION 8** removes references to the Agency.

**SECTIONS 9 and 10** remove references to the board.

**SECTION 11** provides for discharge records to be completed in accordance with the written provincial policy of the department.

**SECTION 12** corrects the citation of the *Vital Statistics Act*.

**SECTION 13** removes references to the Agency, corrects a reference to the Minister, removes a reference to the *Family and Child Services Act* and adds a reference to the *Child Protection Act*.

**SECTION 14** updates the references to ward clerks and orderlies.

**SECTION 15** removes a reference to the Agency.

**SECTION 16** revokes outdated headings.

**SECTION 17** revokes outdated provisions related to the Agency, TB tests, etc., hospitals for the chronically ill and fire precautions.

**SECTION 18** revokes outdated provisions related to hospitals for chronically ill persons and fire precautions.

**SECTION 19** revokes outdated forms.

**SECTION 20** is the commencement of these regulations.

Certified a true copy,

W. Alexander (Sandy) Stewart  
Clerk of the Executive Council

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**EC2005-736**

**HOUSING CORPORATION ACT  
LOW INCOME ASSISTED HOME OWNERSHIP SUPPLEMENT  
PROGRAM REGULATIONS  
AMENDMENT**

(Approved by His Honour the Lieutenant Governor in Council dated 20 December 2005.)

Pursuant to section 15 of the *Housing Corporation Act* R.S.P.E.I. 1988, Cap. H-11.1, Council made the following regulations:

- 1. Subsection 19(8) and section 24 of the *Housing Corporation Act*, Low Income Assisted Home Ownership Supplement Program Regulations (EC658/76) are amended by the deletion of the word “Board” and the substitution of the word “Corporation”.**
- 2. These regulations come into force on January 1, 2006.**

**EXPLANATORY NOTES**

These regulations correct the term “board” to refer to the proper term “Corporation”.

Certified a true copy,

W. Alexander (Sandy) Stewart  
Clerk of the Executive Council

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**EC2005-737****HOUSING CORPORATION ACT  
PROVINCIAL CONTRIBUTION TO SENIORS –  
HOME REPAIR REGULATIONS  
AMENDMENT**

(Approved by His Honour the Lieutenant Governor in Council dated 20 December 2005.)

Pursuant to section 15 of the *Housing Corporation Act* R.S.P.E.I. 1988, Cap. H-11.1, Council made the following regulations:

- 1. Section 24 of the *Housing Corporation Act*, Provincial Contribution to Seniors – Home Repair Regulations (EC1135/80) is amended by the deletion of the word “Board” and the substitution of the word “Corporation”.**
- 2. These regulations come into force on January 1, 2006.**

**EXPLANATORY NOTES**

This amendment corrects the term “board” to refer to the proper term “Corporation”.

Certified a true copy,

W. Alexander (Sandy) Stewart  
Clerk of the Executive Council

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**EC2005-738****HOUSING CORPORATION ACT  
SERVICED LOT SUBSIDY REGULATIONS  
AMENDMENT**

(Approved by His Honour the Lieutenant Governor in Council dated 20 December 2005.)

Pursuant to section 15 of the *Housing Corporation Act* R.S.P.E.I. 1988, Cap. H-11.1, Council made the following regulations:

- 1. Subsection 10(8) and section 19 of the *Housing Corporation Act*, Serviced Lot Subsidy Regulations (EC687/76) are amended by the deletion of the word “Board” and the substitution of the word “Corporation”.**
- 2. These regulations come into force on January 1, 2006.**

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**EXPLANATORY NOTES**

This amendment corrects the term “board” to refer to the proper term “Corporation”.

Certified a true copy,  
W. Alexander (Sandy) Stewart  
Clerk of the Executive Council

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**EC2005-760****MENTAL HEALTH ACT  
REGULATIONS  
AMENDMENT**

(Approved by His Honour the Lieutenant Governor in Council dated 20 December 2005.)

Pursuant to section 43 of the *Mental Health Act* R.S.P.E.I. 1988, Cap. M-6.1, Council made the following regulations:

**1. Clause 2(2)(c) of the *Mental Health Act Regulations (EC328/96)* is amended by the deletion of the words “Queens Regional Health and Community Services Authority established under section 19 of the *Health and Community Services Act* R.S.P.E.I. 1988, Cap. H-1.1” and the substitution of the word “Department”.**

**2. Subsection 3(5) of the regulations is amended**

**(a) in clause (b), by the deletion of the words “East Prince Regional Health and Community Services Authority established under section 19 of the *Health and Community Services Act*” and the substitution of the word “Department”; and**

**(b) in clause (c), by the deletion of the words “Eastern Kings Regional Health and Community Services Authority established under section 19 of the *Health and Community Services Act*” and the substitution of the word “Department”.**

**3. These regulations come into force on January 1, 2006.**

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**EXPLANATORY NOTES**

These regulations change the references to the health authorities to the Department.

Certified a true copy,  
W. Alexander (Sandy) Stewart  
Clerk of the Executive Council

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**EC2005-761**

**PESTICIDES CONTROL ACT  
REGULATIONS**

(Approved by His Honour the Lieutenant Governor in Council dated 20 December 2005.)

Pursuant to section 22 of the *Pesticides Control Act* R.S.P.E.I. 1988, Cap. P-4, Council made the following regulations:

Definitions	<b>1. (1)</b> In these Regulations
Act	(a) "Act" means the <i>Pesticides Control Act</i> R.S.P.E.I. 1988, Cap. P-4;
Agreement	(b) "Agreement" means the Pesticide Recertification Continuing Education Credit Program Agreement, between the Department of Fisheries, Aquaculture and Environment and the Federation of Agriculture, dated April 25, 2003 and amended on June 3, 2003;
agricultural operation	(c) "agricultural operation" means an agricultural operation operated for the purpose of producing agricultural products or services in the expectation of gain or reward, including <ul style="list-style-type: none"> <li>(i) clearing, draining, irrigating and cultivating land,</li> <li>(ii) raising or keeping livestock, including cattle, horses, sheep, swine and poultry,</li> <li>(iii) raising or keeping fur-bearing animals, game birds, game animals and honey bees,</li> <li>(iv) producing agricultural, horticultural, or silvicultural crops, including non-food crops,</li> <li>(v) operating agricultural machinery and equipment, including noise-scare devices,</li> <li>(vi) preparing a farm product for distribution from the farm gate, including cleaning, grading and packaging,</li> <li>(vii) on-farm processing of farm products for the purpose of preparing farm products for wholesale or retail distribution and consumption,</li> </ul>

- (viii) applying fertilizers, soil conditioners and pesticides, including ground and aerial application,
- (ix) storing, using or disposing of organic wastes for farm purposes, and
- (x) operating pick-your-own farms, road-side farm produce stands and farm tourist operations as part of the farm operation;
- (d) “apply” means to release a pesticide into the environment; apply
- (e) “buffer zone” means a buffer zone as defined in the *Environmental Protection Act* R.S.P.E.I. 1988, Cap. E-9; buffer zone
- (f) “certified applicator” means a person who holds a Pesticide Applicator Certificate issued by the Minister under section 6; certified applicator
- (g) “concentrated pesticide” means any non-domestic pesticide product that requires mixing or dilution prior to application and which has not yet been mixed or diluted; concentrated pesticide
- (h) “continuing education credits” or “CECs” means continuing education credits that may be earned by an individual in accordance with section 3; continuing education credits or CECs
- (i) “domestic pesticide” means a pesticide registered as domestic pursuant to the regulations made under the *Pest Control Products Act* (Canada); domestic pesticide
- (j) “enclosed leak proof container” means a container that is impermeable to a liquid and has an obvious top and a bottom; enclosed leak proof container
- (k) “label” has the same meaning as it does in the *PCP Act* (Canada); label
- (l) “Loader/mixer Certificate” means a Loader/mixer Certificate issued by the Minister under section 10; Loader/mixer Certificate
- (m) “non-domestic pesticide” means a pesticide registered as commercial, industrial, agricultural, or restricted by the regulations made under the *PCP Act* (Canada); non-domestic pesticide
- (n) “Non-domestic Pesticide Vendor Business Licence” means a licence issued by the Minister under section 13; Non-domestic Pesticide Vendor Business Licence
- (o) “Non-domestic Pesticide Vendor Certificate” means a certificate issued by the Minister under section 14; Non-domestic Pesticide Vendor Certificate
- (p) “noxious weed” means a weed designated as a noxious weed under the *Weed Control Act* R.S.P.E.I. 1988, Cap. W-2.1; noxious weed
- (q) “package” includes any container, wrapping, covering or holder in which any pesticide is wholly or partly contained, placed or packed; package
- (r) “*PCP Act* (Canada)” means the *Pest Control Products Act* (Canada); *PCP Act* (Canada)
- (s) “Pesticide Application Business Licence” means a Pesticide Application Business Licence issued by the Minister under section 5; Pesticide Application Business Licence

pesticide application equipment	(t) "pesticide application equipment" means equipment that is used to apply a pesticide and includes <ul style="list-style-type: none"> <li>(i) a tractor and a tow-behind unit,</li> <li>(ii) a self-propelled unit, and</li> <li>(iii) a truck with a spray tank and pump affixed within the cargo compartment of the truck;</li> </ul>
Pesticide Application Permit	(u) "Pesticide Application Permit" means a Pesticide Application Permit issued by the Minister under section 19
Pesticide Applicator Certificate	(v) "Pesticide Applicator Certificate" means a Pesticide Applicator Certificate issued by the Minister under section 6;
Pesticide Purchase Permit	(w) "Pesticide Purchase Permit" means a Pesticide Purchase Permit issued by the Director under section 16;
Phase III storage facility	(x) "Phase III storage facility" means a storage facility designed to store domestic or non-domestic pesticides in accordance with the Canadian Warehousing Standards for the Storage of Agrichemical Products, Crop Life Canada, January 2002 as amended;
prior regulations	(y) "prior regulations" means the prior regulations (EC583/84) made under the Act and revoked by these regulations;
Steering Committee	(z) "Steering Committee" means the Pesticide Recertification Continuing Education Steering Committee appointed under the Agreement;
training event	(aa) "training event" means a class or program that provides training in a subject within a pesticide training category listed in section 2;
WHMIS	(bb) "WHMIS" means the Workplace Hazardous Materials Information System.
Application	(2) These regulations do not apply to the pesticides listed in Schedule 2 of these regulations.
Research not prevented	(3) Nothing in these regulations shall be construed to prevent the use of a pesticide under the authority of a permit for the purposes of research or testing by officials or other qualified persons employed by a university or other institution of research and higher learning or by agencies of the federal or provincial Government.
Pesticide standards	(4) The standards and requirements for registration, packaging and labelling, efficacy and safety, in respect of the sale, handling and use of any pesticide shall be the standards and requirements established by the <i>PCP Act</i> (Canada) and the regulations made under that Act together with the Act and these regulations.

#### PESTICIDE TRAINING EVENTS

Categories of pesticide training events	<b>2.</b> For the purposes of these regulations, the following categories of pesticide training events are prescribed:
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- (a) General Information Training, respecting the general application, handling or storage of regulated pesticides;
- (b) Pesticide Law Training, respecting federal and provincial laws relating to regulated pesticides;
- (c) Pesticide Label Training, identifying pesticides and using the information on pesticide labels;
- (d) Human Health Effects Training, respecting the effect of pesticides on human health, including
  - (i) acute and chronic toxicity,
  - (ii) routes of exposure,
  - (iii) factors affecting exposure,
  - (iv) reducing exposure and risk, and
  - (v) recognition of pesticide poisoning;
- (e) Pesticide Safety Training, including
  - (i) attitudes toward pesticide application and safety,
  - (ii) general precautions in the use of or exposure to pesticides,
  - (iii) selecting and purchasing pesticides,
  - (iv) protective clothing and equipment,
  - (v) transportation, storage and disposal,
  - (vi) mixing and loading,
  - (vii) safety during application,
  - (viii) re-entry of places where application has occurred, and
  - (ix) application records;
- (f) Environmental Impact Training, including
  - (i) residual impact of pesticides,
  - (ii) aquatic impact, and
  - (iii) land impact;
- (g) Pest Management Training, including
  - (i) integrated pest management,
  - (ii) pest identification and biology, and
  - (iii) monitoring methods, action and injury levels;
- (h) Pesticide Application Technology Training, including
  - (i) equipment selection,
  - (ii) proper equipment set up, use and maintenance,
  - (iii) equipment calibration and pesticide use calculations, and
  - (iv) pesticide products, and factors affecting their use and performance;
- (i) Emergency Response Training, including
  - (i) pesticide spills,
  - (ii) fire and pesticides, and
  - (iii) first aid,
- (j) Professional Conduct Training, including dealing effectively with clients and with the public regarding the use of pesticides;
- (k) other pesticide issues training, as may be approved by the Director.

3. (1) Any person who wishes to take or wishes to offer a training event, Training events for which CECs may be earned by the person or by a participant, shall

submit a training event proposal form to the Steering Committee, including

- (a) the proposed dates;
- (b) the name of the proposed trainer;
- (c) the nature and scope of the training event; and
- (d) such other information as the Committee may require.

Approval of training event

(2) The Steering Committee shall review a submission under subsection (1) and the Steering Committee may approve the person's participation in, or offering of, the training event if the Steering Committee is satisfied that the training event is

- (a) directly related to the application of regulated pesticides in the province;
- (b) led by a trainer who
  - (i) is acceptable to the Director, and
  - (ii) is representative of one or more of the following groups:
    - (A) a pesticide user group or agricultural organization;
    - (B) a private or academic training group;
    - (C) an agribusiness consultant;
    - (D) a professional association;
    - (E) a provincial or federal government department or agency.

Earning CECs

(3) A person who attends a training event approved by the Steering Committee shall earn CECs on an hour-for-hour basis as specified in the approval for the following types of training events:

- (a) trainer-led courses including seminars, field days, user-group meetings, or workshops where
  - (i) pesticide-related topics are covered, and
  - (ii) the continued attendance and active participation of the person claiming CECs can be verified by the Director;
- (b) interactive computer programs approved by the Director;
- (c) the proctored viewing of video materials;
- (d) the self-study of pesticide education materials with verified testing;
- (e) courses in first aid or WHMIS only if such courses are specifically designed to address pesticide-related issues.

Written record

(4) A trainer who conducts a training event approved by the Steering Committee shall provide each participant in the training event with a written record, on the form approved by the Director, of the participant's attendance at the training event.

#### LICENCES, CERTIFICATES, PERMITS

Fees

4. (1) The fees for an application for, or renewal of, a licence, certificate or permit under these regulations shall be payable to the Provincial Treasurer in the amount set out in Schedule 4 of these regulations.

(2) An application, and a licence, certificate or permit issued by the Minister under these regulations shall be in the appropriate form set out in Schedule 3 of these regulations. Forms

(3) All applicants for a licence, certificate or permit issued by the Minister shall be at least 18 years of age and pay the required fee at the time of the application. Applicants shall be  
18

**5. (1)** The Minister may, on application, issue one or more of the Pesticide Application Business Licences described in subsection (2) to a person who Licences

- (a) provides proof of a current policy of insurance coverage for a minimum of \$500,000 for limited pollution liability and a minimum of \$1,000,000 for general public liability;
- (b) provides proof of the ownership of, or access to, a pesticide storage facility described in subsection 20(2); and
- (c) provides proof that the business for which the licence is intended employs at least one person who holds a Pesticide Applicator Certificate appropriate to the Pesticide Application Business Licence applied for.

(2) The following classes of Pesticide Application Business Licences may be issued by the Minister under subsection (1) in respect of the activities herein described: Classes of licence

- (a) a Class A Pesticide Application Business Licence authorizes the holder of the licence to operate ground agricultural equipment, if
  - (i) the person uses the equipment to apply a pesticide for a fee, charge or other valuable consideration, and
  - (ii) fifty per cent or more of the annual usage of the equipment is a use described in subclause (i);
- (b) a Class B Pesticide Application Business Licence authorizes the holder of the licence to offer a service involving the application of a pesticide for the control of mosquitoes or biting flies;
- (c) a Class C-1 Pesticide Application Business Licence authorizes the holder of the licence to offer a service involving the application of a non-fumigant pesticide to stored feed, or to dwellings or other structures;
- (d) a Class C-2 Pesticide Application Business Licence authorizes the holder of the licence to offer a service involving the application of a fumigant pesticide to stored feed, or to dwellings or other structures;
- (e) a Class D Pesticide Application Business Licence authorizes the holder of the licence to offer a service involving the application of a seed or seed-piece treatment pesticide;
- (f) a Class E Pesticide Application Business Licence authorizes the holder of the licence to offer a service involving the application of a pesticide to ornamental vegetation and other non-crop areas not referred to in clause (c) or (d);



- (g) a Class F-1 Pesticide Application Business Licence authorizes the holder of the licence to offer a pesticide application service for forestry herbicide application;
- (h) a Class F-2 Pesticide Application Business Licence authorizes the holder of the licence to supervise the application of a pesticide for the production of tree seedlings for reforestation purposes;
- (i) a Class G Pesticide Application Business Licence authorizes the holder of the licence to supervise the application of a pesticide in a greenhouse other than a person who holds a Class F-2 licence;
- (j) a Class H Pesticide Application Business Licence authorizes the holder of the licence to offer a service involving the application of a soil fumigant pesticide;
- (k) a Class I Pesticide Application Business Licence authorizes the holder of the licence to offer a pesticide application service not specified in clauses (a) to (j).

Conditions on licence

(3) The Minister may impose any conditions on a Pesticide Application Business Licence issued or renewed under this section that the Minister considers necessary for the protection of human health and the environment.

Expiry

(4) A Pesticide Application Business Licence shall be issued on Form 4 of Schedule 3 and expires on December 31 of the year in which the licence is issued.

Effective date of clause (2)(e)

(5) Clause (2)(e) comes into force on April 1, 2007.

Applicator certificates

6. (1) The Minister may, on application, issue one or more of the Pesticide Applicator Certificates listed in subsection (2) to a person who has successfully completed a written examination approved by the Director and appropriate to the class of certificate applied for, with a mark in the examination of not less than 75%.

Classes of certificate

(2) The following classes of certificate may be issued by the Minister under subsection (1) in respect of the activities herein described:

(a) a Class A Pesticide Applicator Certificate authorizes the holder of the licence to apply a pesticide to control pests on an agricultural crop or product, or on agricultural land;

(b) a Class B Pesticide Applicator Certificate authorizes the holder of the licence to apply a pesticide to control mosquitoes or biting flies;

(c) a Class C-1 Pesticide Applicator Certificate authorizes the holder of the licence to apply a non-fumigant pesticide to stored feed, dwellings or other structures;

(d) a Class C-2 Pesticide Applicator Certificate authorizes the holder of the licence to apply a fumigant pesticide to stored feed, dwellings or other structures;

(e) a Class D Pesticide Applicator Certificate authorizes the holder of the licence to apply a pesticide as a seed or seed-piece treatment;

- (f) a Class E Pesticide Applicator Certificate authorizes the holder of the licence to apply a pesticide to ornamental vegetation and other non-crop areas not referred to in clause (c) or (d);
- (g) a Class F-1 Pesticide Applicator Certificate authorizes the holder of the licence to apply a forestry herbicide;
- (h) a Class F-2 Pesticide Applicator Certificate authorizes the holder of the licence to apply a pesticide for the production of tree seedlings for reforestation purposes;
- (i) a Class G Pesticide Applicator Certificate authorizes the holder of the licence to apply a pesticide in a greenhouse, other than a person who holds a Class F-2 licence;
- (j) a Class H Pesticide Applicator Certificate authorizes the holder of the licence to apply a soil fumigant pesticide;
- (k) a Class I Pesticide Applicator Certificate authorizes the holder of the licence to apply a pesticide for any purpose not specified in Classes A to H.

(3) The Minister may impose any conditions on a Pesticide Applicator Certificate issued under this section that the Minister considers necessary for the protection of human health and the environment. Conditions

(4) A Pesticide Applicator Certificate shall be issued on Form 5 of Schedule 3 and expires five years from the date of issue. Expiry

(5) The Minister may, at the Minister's discretion, waive the examination requirement in clause (1)(a) for any person who, between January 1, 2002 and January 1, 2006, has Waiver of exam requirement

- (a) successfully completed a written examination approved by the Minister appropriate to the class of certificate applied for; and
- (b) attained a mark in the examination of not less than 75%.

(6) Clause (2)(e) comes into force on April 1, 2007. Effective date of clause (1)(e)

(7) Subsection (5) is revoked on January 1, 2011. Subsection (5) revoked

7. (1) Subject to subsection (3), the Minister shall, on application, renew a Class A Pesticide Applicator Certificate issued under subsection 6(2) if, before the expiry of the certificate, the holder of the certificate Renewal of Class A Pesticide Applicator Certificate

- (a) has earned a total of not less than 15 CECs in the pesticide training categories listed in section 2 as follows:
  - (i) at least 10 CECs in the categories described as Pest Management Training, Pesticide Application Technology Training, Effects on Human Health Training, and Pesticide Safety Training,
  - (ii) the remaining 5 CECs in any other category described in section 2; or
- (b) has
  - (i) successfully completed a written examination approved by the Director, with a mark in the examination of not less than 75%, and

	(ii) demonstrated to the Director that he or she has the knowledge and skills necessary to safely and effectively handle, store and apply pesticides.
Acceptable CECs	(2) The Minister may not accept, for the purposes of subsection (1), (a) more than 5 CECs in any one pesticide training category; (b) more than 5 CECs earned in a 12-month period.
Expiry	(3) A Class A Pesticide Applicator Certificate renewed under subsection (1) is valid until (a) the date of expiry shown in the certificate; or (b) five years from the date the certificate was issued, whichever is earlier.
Conditional Class A Pesticide Applicator Certificate	<b>8.</b> (1) The Director shall, on the application of an individual, issue a conditional Class A Pesticide Applicator Certificate to the individual if the individual (a) either (i) held a pesticide use certificate, issued under the prior regulations, that expired not earlier than May 1, 2002, or (ii) holds a pesticide use certificate that will expire not later than December 31, 2007; and (b) has provided proof, satisfactory to the Director, of the number of CECs earned within the time period required by Schedule 3.
Expiry	(2) A conditional Class A Pesticide Applicator Certificate issued under subsection (1) expires on the expiry date shown on the certificate.
Revocation	(3) This section is revoked on January 1, 2008.
Records of pesticide use or application	<b>9.</b> (1) Every person who holds a Pesticide Applicator Certificate shall, in such manner as may be required by the Minister, keep records of each pesticide use or application, which shall include the following: (a) the name, address and telephone number, and Pesticide Applicator Certificate Number of the pesticide applicator; (b) the name, address, and telephone number of the person for whom the pesticide is being applied; (c) the location and dimensions of the area where the pesticide was applied; (d) the date and start time of the pesticide application; (e) the air temperature, wind speed, and wind direction at the start time of the pesticide application; (f) the name of any pest to be controlled or the purpose of the pesticide application; (g) the trade name and <i>PCP Act</i> (Canada) number of the pesticide applied; (h) the rate of pesticide application.
Record to be made within 72 hours	(2) Every person required to keep records under subsection (1) shall enter the use or application of a pesticide in the records not later than 72 hours after a pesticide use or application.

- (3) A person who made, or caused to be made, the records under this section shall
- Records to be kept at least 3 years
- (a) keep the records for a period of at least three years from the date of the use or application of the pesticide; and
- (b) make the records available to any environment officer appointed under the *Environmental Protection Act*, environmental health officer appointed under the *Public Health Act* R.S.P.E.I. 1988, Cap. P-30, medical practitioner registered under the *Medical Act* R.S.P.E.I. 1988, Cap. M-5 or conservation officer appointed or designated under the *Wildlife Conservation Act* R.S.P.E.I. 1988, Cap. W-4.1.
- 10.** (1) The Minister may, on application, issue a Loader/mixer Certificate to a person who has successfully completed a loader/mixer training program approved by the Director.
- Loader/mixer certificate
- (2) The Minister may impose any conditions on a Loader/mixer Certificate issued under subsection (1) that the Minister considers necessary for the protection of human health and the environment.
- Conditions
- (3) A Loader/mixer Certificate shall be issued on Form 1 of Schedule 3 and expires five years from the date of issue.
- Expiry
- (4) A valid Level 2 Agricultural Pesticide Use Certificate that was issued by the Minister prior to January 1, 2006 under the prior regulations shall
- Transitional
- (a) be deemed to be a Loader/mixer Certificate; and
- (b) expire on the date shown in the Level 2 Agricultural Pesticide Use Certificate when it was issued.
- 11.** Every Level 2 Biting Fly Pesticide Use Certificate issued by the Minister under the prior regulations shall immediately expire on the date these regulations come into force.
- Level 2 Biting Fly Certificate expires
- 12.** (1) Not later than January 31 of each year, every person who operates a business involving the sale or supply of a domestic or non-domestic pesticide shall provide the Minister with sales data for all domestic and non-domestic pesticides sold to retail customers for the previous calendar year.
- Sales data
- (2) For the purposes of this section, “sales data” means
- “sales data”, defined
- (a) the trade or product name of the domestic or non-domestic pesticide;
- (b) the *PCP Act* (Canada) number; and
- (c) the quantity sold, including the unit measure.
- 13.** (1) The Minister may, on application, issue a Non-domestic Pesticide Vendor Business Licence to a person who
- Non-domestic Pesticide Vendor Business Licence
- (a) has provided proof that the person for which the licence is intended

	<p>(i) owns, or has arrangements to use, a Phase III storage facility to store non-domestic pesticides, and</p> <p>(ii) employs at least one person who holds a Non-domestic Pesticide Vendor Certificate; and</p> <p>(b) has provided the sales data required by section 12 for the calendar year previous to the year the licence is requested.</p>
Fee based on sales data	(2) The fee payable for an application or a renewal of a Non-domestic Pesticide Vendor Business Licence under subsection (1) shall be based on the sales data provided in clause (1)(c) as determined in Schedule 4.
Where no historical sale data available	(3) Where there is no historical pesticides sales data available on which to base the fee payable for a Non-domestic Pesticide Vendor Business Licence, the fee payable may be based on reasonable projections of sales data provided by the applicant and approved by the Minister, as determined in Schedule 4.
Conditions on licence	(4) The Minister may impose any conditions on a Non-domestic Pesticide Vendor Business Licence issued or renewed under this section that the Minister considers necessary for the protection of human health and the environment.
Expiry	<p>(5) A Non-domestic Pesticide Vendor Business Licence shall be issued on Form 2 of Schedule 3 and expires</p> <p>(a) on the last day of February of the year following the date of issue of the licence; or</p> <p>(b) when the person for which the licence is issued no longer employs at least one person who holds a Non-domestic Pesticide Vendor Certificate,</p> <p>whichever occurs earlier.</p>
Transitional	(6) A valid Pesticide Sales Licence issued in 2005 under the prior regulations is deemed to be a Non-domestic Pesticide Vendor Business Licence and expires on the date of expiry in the Pesticide Sales Licence.
Licence under prior regulations	<p>(7) A valid Pesticide Sales Licence issued under the prior regulations to a person who successfully completed an examination on or after January 1, 2002 for the purpose of obtaining a Pesticide Sales Licence, personally or on behalf of their employer,</p> <p>(a) is deemed to be a Non-domestic Pesticide Vendor Certificate; and</p> <p>(b) expires five years from the date on which the person completed the examination.</p>
Effective date of clause (5)(b)	(8) Clause (5)(b) comes into force on March 1, 2006.
Revocation	(9) Subsections (6) and (7) are revoked on February 28, 2006.
Non-domestic Pesticide Vendor Certificate	<b>14.</b> (1) The Minister may, on application, issue a Non-domestic Pesticide Vendor Certificate to a person who has successfully completed a written examination, approved by the Director, with a mark in the examination of not less than 75%.

(2) The Minister may impose any conditions on a Non-domestic Pesticide Vendor Certificate issued under this section that the Minister considers necessary for the protection of human health and the environment. Conditions

(3) A Non-domestic Pesticide Vendor Certificate shall be issued on Form 3 of Schedule 3 and expires five years from the date of examination. Expiry

**15.** (1) Where, in the opinion of the Minister, a holder of a licence, certificate or permit has contravened a provision of the Act or these regulations or a condition of the licence, certificate or permit, the Minister may revoke the licence or certificate. Revocation of licence, certificate or permit

(2) Notice of the revocation of a licence, certificate or permit pursuant to subsection (1) may be given by Notice of revocation

- (a) personal service; or
- (b) by registered mail to the last known address of the holder of the licence, certificate or permit as shown in the records of the Minister.

(3) A notice mailed pursuant to clause (2)(b) shall be deemed to be served on the holder of the licence or certificate Deemed service

- (a) on the date the holder of the licence or certificate actually receives the notice; or
- (b) 5 days after the date on which the notice was mailed,

whichever is earlier.

**16.** (1) The Director may, on application, issue a Pesticide Purchase Permit to a holder of a Pesticide Application Business Licence or to the operator of an agricultural operation that employs at least one person who holds a Pesticide Applicator Certificate. Pesticide Purchase Permit

(2) A Pesticide Purchase Permit expires Expiry

- (a) on December 31 of the year in which the Permit was issued;
- (b) on the expiry date of the Pesticide Applicator Certificate of the individual listed as the certified applicator on the Pesticide Purchase Permit application form submitted pursuant to subsection (1); or
- (c) on the date when the operator of the agricultural operation ceases to employ the individual listed as the certified applicator on the Pesticide Purchase Permit application form submitted pursuant to subsection (1),

whichever is earlier.

**17.** (1) A person who sells a non-domestic pesticide shall prepare a written record of sale within 24 hours of the sale indicating the name, number and expiry date on the purchaser's Pesticide Applicator Certificate or Pesticide Purchase Permit. Record of sale

(2) A person who sells a Schedule 1 pesticide shall prepare a written record of sale within 24 hours of the sale indicating the Idem

- (a) name, number and expiry date on the purchaser's Pesticide Applicator Certificate or Pesticide Purchase Permit; and
- (b) number of the purchaser's Pesticide Application Permit.

Authorize employee to use permit **18.** (1) An operator of an agricultural operation or a holder of a Pesticide Application Business Licence may, in writing, authorize an employee to use a Pesticide Purchase Permit issued under subsection 16(1) for the purpose of purchasing a regulated pesticide for the use of the operator of the agricultural operation or the holder of a Pesticide Application Business Licence.

Expiry of authorization (2) An authorization under subsection (1) expires on the date that
 

- (a) is specified on the authorization;
- (b) the employee is no longer employed by the operator of the agricultural operation or the holder of a Pesticide Application Business Licence; or
- (c) the operator of the agricultural operation or the holder of a Pesticide Application Business Licence rescinds the authorization.

Permit to be returned (3) An employee who is no longer authorized to use a Pesticide Purchase Permit shall return the Permit immediately to the operator of the agricultural operation or the holder of a Pesticide Application Business Licence.

Pesticide Application Permit **19.** (1) Subject to subsection (2), the Minister may, on application, issue a Pesticide Application Permit to a person who
 

- (a) has submitted the application at least ten days prior to the planned date of pesticide application; and
- (b) has provided such information as the Minister may request.

Use limited in buffer zone (2) A Pesticide Application Permit for use in a buffer zone may only be issued under subsection (1) for the purpose of controlling noxious weeds.

Form, contents of permit (3) A Pesticide Application Permit shall be in such form and contain such particulars as the Minister may determine and expires on the date shown on the permit.

Make copy of permit available (4) Every person who holds a Pesticide Application Permit shall, immediately upon the request of an environment officer, make available a copy of that Permit to that environment officer.

Separate storage from food **20.** (1) Every person who
 

- (a) keeps or stores a pesticide; or
- (b) has kept or stored a pesticide,

 shall do so in a manner that ensures that the pesticide or any container that holds a pesticide is kept and stored separately from any foodstuffs, feeds or any other material intended for consumption by humans or animals.

Storage facility (2) Every operator of an agricultural operation and every holder of a Pesticide Application Business Licence who possess pesticides in

amounts in excess of 100 kilograms or 100 litres of formulated product shall ensure that the pesticide is stored in a storage facility that

- (a) is maintained and used exclusively for the storage of a pesticides;
- (b) is free of an accumulation of waste materials other than pesticide containers;
- (c) has a floor that is constructed to contain and control up to 150% of the volume of any pesticide product stored in the facility;
- (d) has a floor that is constructed of concrete or another water-impervious material and recessed a minimum of 10 centimetres, or have a liquid-tight sill raised to a minimum height of 10 centimetres;
- (e) provides adequate ventilation, either mechanical or natural;
- (f) has conspicuously placed 'NO SMOKING' signs;
- (g) has a sign that states 'WARNING—PESTICIDE STORAGE AREA' on all doors;
- (h) is not accessible to the public and is locked when the holder of the licence or an employee of the that person is not present on the premises on which the pesticide is stored;
- (i) has properly maintained and approved safety equipment to be used in emergency situations;
- (j) includes secure shelving, raised flooring, or otherwise provide for 'off the floor' product storage;
- (k) has no floor drainage;
- (l) is positioned not less than 8.0 metres from incompatible materials (e.g., fuels, fertilizers);
- (m) has posted, by the nearest phone, the following emergency telephone numbers:
  - (i) 911 (fire, police, ambulance),
  - (ii) provincial pesticide enforcement office,
  - (iii) provincial or regional poison control centre,
  - (iv) provincial environmental emergency office;
- (n) includes an up-to-date product storage inventory; and
- (o) includes, on-site, reference Material Safety Data Sheets (MSDSs) for all stored pesticides.

(3) Subsection (2) comes into force on April 1, 2007.

Effective date

**21.** (1) Every person who handles, loads, transports, mixes or applies a Schedule 1 pesticide shall carry on their person a Pesticide Application Permit at all times when the person is handling, loading, transporting, mixing or applying the Schedule 1 pesticide.

Permit to be carried, when

(2) Every person who transports on a highway seed treated with a pesticide or who sells or supplies seed treated with a pesticide to any other person, shall label all containers "Seed treated with -- (name of pesticide). Do not use for food or feed".

Labels

**22.** Every person who applies a pesticide shall apply it in the manner specified on the label of the package of the pesticide.

Application as specified on label



## OFFENCES

- Disposal of pesticide, etc      **23.** No person who disposes of  
     (a) a pesticide;  
     (b) a mixture containing a pesticide; or  
     (c) a material treated with a pesticide,  
 shall carry out the disposal other than in the manner and using the method recommended by the manufacturer or the Minister.
- Prior notice of application      **24.** (1) No person shall apply a non-domestic pesticide for the control of a landscape, structural, greenhouse or soil-based pest unless the person has provided notice, in accordance with subsection (2), to all persons who own property that is located within 25 metres of the proposed pesticide application, measured from the edge of the area to which the pesticide is to be applied,  
     (a) in writing, at least 24 hours but not more than 48 hours prior to the pesticide application; or  
     (b) by phone, at least 24 hours but not more than 48 hours prior to the pesticide application and in writing immediately prior to the pesticide application.
- Contents of notice      (2) The notice required in subsection (1) shall include  
     (a) the trade name of the pesticide being applied;  
     (b) the active ingredient or ingredients of the pesticide or pesticides being applied;  
     (c) the pest or pests for which control is being undertaken;  
     (d) the proposed date and time of the application;  
     (e) the name and phone number of the pesticide applicator; and  
     (f) the recommended caution interval and re-entry time, if such is available from the pesticide manufacturer, or as appears on the pesticide label.
- Posting notices      **25.** (1) No person shall apply a non-domestic pesticide for the control of a landscape, structural, greenhouse or soil-based pest unless, immediately prior to the pesticide application, the person posts a notice, in accordance with subsection (2), on the area to which the pesticide is to be applied.
- Contents of notice      (2) The notice required in subsection (1) shall include  
     (a) the trade name of the pesticide being applied;  
     (b) the active ingredient or ingredients of the pesticide or pesticides being applied;  
     (c) the pest or pests for which control is being undertaken;  
     (d) the date and time, or proposed date and time, of the application;  
     (e) the name and phone number of the pesticide applicator;  
     (f) the recommended caution interval and re-entry time, if such is available from the pesticide manufacturer, or as appears on the pesticide label  
 and be posted on a sign or signs that  
     (g) measure not less than 22 cm by 28 cm;  
     (h) are constructed of weather-resistant materials;

- (i) have all the required information printed, in weather-resistant ink, on both sides of the sign; and
- (j) are positioned in such a manner, and in such quantity, as to make them clearly visible to the public.
- (3) No person shall apply a pesticide to, or within, a structure, or engage in the fumigation of a structure, unless the person first ensures that signs, in accordance with subsection (2), are posted at all entrances and exits to the structure. Signs at entrances and exits
- (4) Every owner of a property on which notice is posted under subsection (1) shall ensure that all posted signs remain in place and are clearly visible to the general public for a period of at least 48 hours following the pesticide application, or for the label-recommended caution period, whichever is greater. Owner to ensure notices remain for 48 hours
- 26.** No person who holds a Non-domestic Pesticide Vendor Business Licence shall store pesticides in a facility other than a Phase III storage facility. Storage of pesticides
- 27.** (1) No person shall transport in, or on, a vehicle a pesticide together with commodities that are Transportation of pesticide
- (a) foodstuffs, feeds or any other material intended for consumption by humans or animals;
- (b) household furnishings; or
- (c) toiletries, clothes, bedding or similar commodities,
- unless the pesticide being transported is separated from such commodities in a manner sufficient to prevent their contamination or likely contamination by the concentrated pesticide.
- (2) No person shall transport a concentrated pesticide in, or on, a vehicle unless the concentrated pesticide *Idem*
- (a) is in the original manufacturer's sealed container;
- (b) is within
- (i) an enclosed leak proof compartment, separate from but securely affixed to the application equipment, or
- (ii) in the case of the application equipment being a pickup truck, a locked cap; and
- (c) is packaged in a manner that will ensure that a spillage of the concentrated pesticide will not occur.
- (3) Clause 2(b) does not apply to a concentrated pesticide packaged in a manufacturer's drum, or to other bulk containers if they are secured to the transport vehicle in accordance with the *Highway Traffic Act* Commercial Vehicle (Cargo Securement) Regulations. Exception
- (4) Every person who owns, or has possession of, pesticide application equipment shall ensure that the equipment is locked while unattended. Equipment to be locked
- 28.** (1) No person shall Licence mandatory
- (a) operate ground agricultural equipment, if

- (i) the person uses the equipment to apply a pesticide for a fee, charge or other valuable consideration, and
  - (ii) fifty per cent or more of the annual usage of the equipment is a use described in subclause (i),
- unless the person holds a Class A Pesticide Application Business Licence;
- (b) offer a service involving the application of a pesticide for the control of mosquitoes or biting flies unless the person holds a Class B Pesticide Application Business Licence;
  - (c) offer a service involving the application of a non-fumigant pesticide to stored feed, or to dwellings or other structures unless the person holds a Class C-1 Pesticide Application Business Licence;
  - (d) offer a service involving the application of a fumigant pesticide to stored feed, or to dwellings or other structures unless the person holds a Class C-2 Pesticide Application Business Licence;
  - (e) offer a service involving the application of a seed or seed-piece treatment pesticide unless the person holds a Class D Pesticide Application Business Licence;
  - (f) offer a service involving the application of a pesticide to ornamental vegetation and other non-crop areas not referred to in clause (c) or (d) unless the person holds a Class E Pesticide Application Business Licence;
  - (g) offer a pesticide application service for forestry herbicide application unless the person holds a Class F-1 Pesticide Application Business Licence;
  - (h) supervise the application of a pesticide for the production of tree seedlings for reforestation purposes unless the person holds a Class F-2 Pesticide Application Business Licence;
  - (i) supervise the application of a pesticide in a greenhouse other than a person who holds a Class F-2 licence unless the person holds a Class G Pesticide Application Business Licence;
  - (j) offer a service involving the application of a soil fumigant pesticide unless the person holds a Class H Pesticide Application Business Licence; and
  - (k) offer a pesticide application service not specified in clauses (a) to (j) unless the person holds a Class I Pesticide Application Business Licence.

Certificate  
mandatory

- (2) No person shall
  - (a) apply a non-domestic pesticide to control pests on an agricultural crop or product, or on agricultural land unless the person holds a Class A Pesticide Applicator Certificate;
  - (b) apply a non-domestic pesticide to control mosquitoes or biting flies unless the person holds a Class B Pesticide Applicator Certificate;
  - (c) apply a non-domestic, non-fumigant pesticide to stored feed, dwellings or other structures unless the person holds a Class C-1 Pesticide Applicator Certificate;

- (d) apply a fumigant pesticide to stored feed, dwellings or other structures unless the person holds a Class C-2 Pesticide Applicator Certificate;
- (e) apply a non-domestic pesticide as a seed or seed-piece treatment unless the person holds a Class D Pesticide Applicator Certificate;
- (f) apply a non-domestic pesticide to ornamental vegetation and other non-crop areas not referred to in clause (c) or (d) unless the person holds a Class E Pesticide Applicator Certificate;
- (g) apply a non-domestic forestry herbicide unless the person holds a Class F-1 Pesticide Applicator Certificate;
- (h) apply a non-domestic pesticide for the production of tree seedlings for reforestation purposes unless the person holds a Class F-2 Pesticide Applicator Certificate;
- (i) apply a non-domestic pesticide in a greenhouse, other than a person who holds a Class F-2 licence unless the person holds a Class G Pesticide Applicator Certificate;
- (j) apply a soil fumigant pesticide unless the person holds a Class H Pesticide Applicator Certificate; and
- (k) apply a non-domestic pesticide for any purpose not specified in Classes A to H unless the person holds a Class I Pesticide Applicator Certificate.

**29.** (1) No person shall handle or transport on a highway a non-domestic pesticide unless that person holds *Idem*

- (a) a Loader/mixer Certificate;
- (b) a Pesticide Applicator Certificate; or
- (c) a Non-domestic Pesticide Vendor Certificate.

(2) No person shall mix a non-domestic pesticide unless that person holds *Idem*

- (a) a Loader/mixer Certificate; or
- (b) a Pesticide Applicator Certificate.

**30.** No person shall operate a business involving the sale or supply of a non-domestic pesticide unless the person holds a Non-domestic Pesticide Vendor Business Licence. *Licence mandatory*

**31.** (1) No person shall sell a non-domestic pesticide or a Schedule 1 pesticide to any person unless the person holds a Non-domestic Pesticide Vendor Certificate. *Certificate required*

(2) No person, while acting as an employee of a business that is licensed to sell non-domestic pesticides, shall provide pesticide related information or recommendations to another person unless the person holds a Non-domestic Pesticide Vendor Certificate. *Information or recommendations*

**32.** (1) No person shall sell or offer to sell a non-domestic pesticide to a purchaser unless the purchaser *Certificate, permit or licence mandatory*

- (a) holds a Pesticide Applicator Certificate;
- (b) holds or is authorized to use a Pesticide Purchase Permit; or
- (c) holds a Pesticide Applicator Business Licence.

Certificate or permit mandatory	(2) No person shall purchase a non-domestic pesticide unless the person holds <ul style="list-style-type: none"> <li>(a) a Pesticide Applicator Certificate; or</li> <li>(b) is authorized to use a Pesticide Purchase Permit.</li> </ul>
<i>Idem</i>	(3) No person shall purchase a Schedule 1 pesticide unless the person <ul style="list-style-type: none"> <li>(a) holds a Pesticide Applicator Certificate or is authorized to use a Pesticide Purchase Permit; and</li> <li>(b) holds a Pesticide Application Permit.</li> </ul>
<i>Idem</i>	(4) No person shall sell or offer to sell a Schedule 1 pesticide to a purchaser unless the purchaser <ul style="list-style-type: none"> <li>(a) holds a Pesticide Applicator Certificate, is authorized to use a Pesticide Purchase Permit or holds a Pesticide Applicator Business Licence; and</li> <li>(b) holds a Pesticide Application Permit.</li> </ul>
Permit not to be used for another purpose	<b>33.</b> No person authorized under section 18 to use a Pesticide Purchase Permit shall use the Permit for any purpose other than to purchase a regulated pesticide for the use of the person authorizing the use of the permit.
Permit not transferable	<b>34.</b> No person shall give, transfer, sell, lend or assign a Pesticide Purchase Permit to any other person, except as authorized by the Director, or by an operator or a holder under section 18.
"Prohibition	<b>35.</b> No person shall apply <ul style="list-style-type: none"> <li>(a) a pesticide to any open body of water;</li> <li>(b) a pesticide to control mosquitoes or biting flies;</li> <li>(c) a pesticide within a buffer zone; or</li> <li>(d) a Schedule 1 pesticide anywhere in the province,</li> </ul> unless the person holds a Pesticide Application Permit.
No application of Schedule 6 pesticide	<b>36.</b> No person shall apply a pesticide that is listed in Schedule 6 of these regulations.
No application by aircraft	<b>37.</b> No person shall use an aircraft to apply a pesticide or pesticide mixture.
Open body of water	<b>38.</b> (1) No person shall permit or cause any sprayer or other equipment used to apply pesticides to be filled, discharged, washed or flushed out within 25 metres, measured horizontally, of the water's edge of any open body of water or a water well.
<i>Idem</i>	(2) No person shall permit or cause any sprayer or other equipment used to apply pesticides to be filled from an open body of water or a water well.
<i>Idem</i>	(3) No person shall permit or cause any container in which any pesticide is, or has been stored, to be brought, used or abandoned within 25 metres, measured horizontally, of the water's edge of any open body of water.

39. No person shall apply a pesticide when the wind speed, measured at the point of application, exceeds 20 km/h. Wind speed
40. No person shall allow any pesticide, pesticide mixture or solution containing a pesticide to be discharged from any equipment used in the transport, storage or application of pesticides except in a manner permitted by the manufacturer's label. Discharge in accordance with label
41. The *Pesticides Control Act* Regulations (EC543/84) are revoked. Revocation
42. These regulations come into force on December 31, 2005. Commencement

**SCHEDULE 1**  
**PESTICIDES FOR WHICH A PERMIT IS REQUIRED**

1. Dinoseb 300 EC	<i>PCP Act</i> No. 15086
2. Vecto Bac 200 G	<i>PCP Act</i> No. 18158
3. Vecto Bac 600L	<i>PCP Act</i> No. 19455
4. Vecto Bac 1200L	<i>PCP Act</i> No. 21062
5. Guthion Spray Concentrate	<i>PCP Act</i> No. 8106
6. Guthion Spray Concentrate Insecticide	<i>PCP Act</i> No. 9398
7. Guthion 50% WP Crop Insecticide	<i>PCP Act</i> No. 10101
8. Azinphos Methyl 50W Wettable Powder 50%	<i>PCP Act</i> No. 15645
9. APM 50W Wettable Powder Insecticide	<i>PCP Act</i> No. 16412
10. Azinphos Methyl 240 EC	<i>PCP Act</i> No. 17533
11. Guthion Solupak	<i>PCP Act</i> No. 21374
12. Clean Crop Azinphos-M 50W	<i>PCP Act</i> No. 22087
13. Azinphos Methyl 35W	<i>PCP Act</i> No. 22265
14. Clean Crop Azinphos-M 240 EC	<i>PCP Act</i> No. 22562
15. APM 50W Instapak	<i>PCP Act</i> No. 22864
16. Sniper 50W	<i>PCP Act</i> No. 23287
17. Sniper 50W Clean Pak	<i>PCP Act</i> No. 23323
18. Sniper 240 E	<i>PCP Act</i> No. 23337
19. Vapam Liquid Solution Soil Fumigant	<i>PCP Act</i> No. 6453
20. Terr-o-gas 67 Preplant Soil Fumigant	<i>PCP Act</i> No. 13477
21. BASF Basamid Granular (Soil Fumigant)	<i>PCP Act</i> No. 15032
22. Busan 1020	<i>PCP Act</i> No. 19421
23. TCC Methyl Bromide Fumigant	<i>PCP Act</i> No. 19498
24. BASF Metam Fluid 380 G/L	<i>PCP Act</i> No. 19556
25. Chloropicrin 100 Liquid Soil Fumigant	<i>PCP Act</i> No. 25863

**SCHEDULE 2**  
**EXCLUDED PESTICIDES**

- An excluded pesticide is any pesticide that is used,
- (a) as a bactericide in cutting oils or aviation and marine fuels;
  - (b) in household
    - (i) cleansers,
    - (ii) deodorizers,
    - (iii) disinfectants, or
    - (iv) soaps;
  - (c) as a dust control agent;
  - (d) as a fabric softener;
  - (e) as a bactericide or algaecide for use in swimming pools, domestic water supplies, industrial cooling systems, home aquaria, aquaculture facilities, or ornamental pools;
  - (f) as a surfactant, preservative or adjuvant;
  - (g) to control, destroy, mitigate, attract or repel any organism that is injurious to or noxious or troublesome for humans or domestic animals;

- (h) as bait for flies, powder or liquid formulations for lice or in a commercial rodenticide or barn spray;
- (i) in pesticide analysis and research work in a laboratory or experimental research plot;
- (j) in an industrial process incorporating a pesticide into a manufactured product on the premises where the product is manufactured; or
- (k) by medical practitioners, veterinarians or health officers for the purpose of treatment, control, mitigation or prevention of pests in or on humans or animals.

**SCHEDULE 3**

**FORMS**

**FORM 1 – LOADER/MIXER CERTIFICATE**

<b>LOADER/MIXER CERTIFICATE</b>	
Name: ..... Address: ..... Phone: ..... Certificate Number: ..... Expiry Date: ..... Authorized Signature: .....	Photo here

**FORM 2 –NON-DOMESTIC PESTICIDE VENDOR BUSINESS LICENSE**

Province of Prince Edward Island Department of Environment, Energy and Forestry  <b>Non-Domestic Pesticide                  Vendor Business Licence</b>  This certifies that a licence was issued by the Minister to  <i>(Company Name)</i>  to sell pesticides in the Province of Prince Edward Island pursuant to section 13 of the <i>Pesticides Control Act</i> regulations.
Licence Number: ..... Issue Date: ..... Expiry Date: ..... Authorized Signature .....

**FORM 3 – NON-DOMESTIC PESTICIDE  
VENDOR CERTIFICATE**

NON-DOMESTIC PESTICIDE VENDOR CERTIFICATE	
Name: ..... Address: ..... ..... Phone: ..... Certificate Number: ..... Expiry Date: ..... Authorized Signature: .....	<div style="border: 1px solid black; width: 100%; height: 100%; display: flex; align-items: center; justify-content: center;"> <span>Photo here</span> </div>

**FORM 4 - PESTICIDE APPLICATION BUSINESS LICENCE**

Province of Prince Edward Island Department of Environment, Energy and Forestry  <b>Pesticide Application Business Licence</b>  This certifies that a licence was issued by the Minister to  <i>(Company Name)</i>  to operate a <i>(Class of Licence)</i> pesticide application service in the Province of Prince Edward Island pursuant to section 5 of the <i>Pesticides Control Act</i> regulations.
Licence Number: ..... Issue Date: ..... Expiry Date: ..... Authorized Signature: .....



**FORM 5 - PESTICIDE APPLICATOR CERTIFICATE**

PESTICIDE APPLICATOR CERTIFICATE	
Contact Name: .....	Photo here
Address: .....	
Phone: .....	
Applicator Class: .....	
Certificate Number: .....	
Expiry Date: .....	
Authorized Signature: .....	

**FORM 6 – PESTICIDE PURCHASE PERMIT**

PESTICIDE PURCHASE PERMIT	
Company Name: .....	
Contact Name: .....	
Address: .....	
Phone: .....	
Certificate Number: .....	
Expiry Date: .....	
Authorized Signature: .....	

## FORM 7

## APPLICATION FOR PESTICIDE APPLICATION BUSINESS LICENCE

Under section 28 of the *Pesticide Control Act* Regulations, a person who operates a business or provides a service that involves the application of a domestic or non-domestic pesticide for a fee must hold a Pesticide Application Business Licence.

Personal information on this form is collected under section 5 of the *Pesticide Control Act* Regulations as it relates directly to and is necessary for an application for a Pesticide Application Business Licence. If you have any questions about this collection of personal information, you may contact the Manager of the Pesticide Regulatory Program, 11 Kent Street, Jones Building, Charlottetown, PEI C1A 7N8, Phone: (902) 368-5474.

Applicant Contact Information	
Company Name:	
Contact Name:	
Phone:	Fax:
Mailing Address:	
Postal Code:	Email:

Applicant's Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
 (Where applicant is a partnership or a corporation, the signature of a partner, or an authorized officer of the corporation is required.)

Licence Class – check one	
<input type="checkbox"/> Class A, Agricultural – operating ground agricultural equipment for pesticide application	
<input type="checkbox"/> Class B, Mosquito & Biting Fly - application of a pesticide for the control of mosquitoes or biting flies	
<input type="checkbox"/> Class C-1, Structural - application of a non-fumigant pesticide to stored feed, dwellings or other structures	
<input type="checkbox"/> Class C-2, Structural Fumigation - application of a fumigant pesticide to stored feed, dwellings or other structures	
<input type="checkbox"/> Class D, Seed/Seed-piece Treatment - application of a seed or seed-piece treatment pesticide	
<input type="checkbox"/> Class E, Landscape - application of a pesticide to ornamental vegetation	
<input type="checkbox"/> Class F-1, Forestry Herbicides - forestry herbicide application	
<input type="checkbox"/> Class F-2, Reforestation - application of a pesticide for the production of tree seedlings for reforestation purposes	
<input type="checkbox"/> Class G, Greenhouse - application of a pesticide in greenhouses	
<input type="checkbox"/> Class H, Soil Fumigation - application of a soil fumigant pesticide	
<input type="checkbox"/> Class I, Other – other pesticide applications	
<input type="checkbox"/> New Applicant	<input type="checkbox"/> Renewal of Licence
Present Licence Number: _____	
Certified Applicator Information ( <i>Pesticide Applicator Certificate Holder</i> )	
Name:	
Phone:	Fax:
Mailing Address:	
Postal Code:	Email:
Certified Applicator Status: <input type="checkbox"/> Owner of Company <input type="checkbox"/> Employee of Company	
Certificate Class and No.:	
Certificate Expiry Date:	

Signature of Certified Applicator: \_\_\_\_\_ Date: \_\_\_\_\_  
 (if not company owner)

- The application fee for a Pesticide Application Business Licence is \$200 per licence
- A separate application is required for each licence applied for
- A copy of the insurance policy required by clause 5(1)(a) of the regulations (limited pollution liability and general public liability) must accompany all applications

**Method of Payment**  
(Check appropriate box)

- Cheque  
 Money Order  
 Cash or Debit Card  
 Credit Card

**Amount Enclosed:** \$ \_\_\_\_\_

**Please forward application and payment to:**

Department of Environment, Energy and Forestry  
 Pollution Prevention Division  
 Pesticide Regulatory Program  
 PO Box 2000, 11 Kent Street  
 Charlottetown, PE C1A 7N8  
 Tel: (902) 368-5474

**Cheques or money orders should be made payable to the Provincial Treasurer. Pesticide Application Business Licences will be mailed to the applicant's address above. Please allow two weeks for delivery.**

**FORM 8**

**APPLICATION FOR PESTICIDE APPLICATOR CERTIFICATE**

Under subsection 28(2) of the *Pesticide Control Act* Regulations, a person who applies a non-domestic pesticide must hold a Pesticide Applicator Certificate.

Personal information on this form is collected under section 6 of the *Pesticide Control Act* Regulations as it relates directly to and is necessary for an application for a Pesticide Applicator Certificate. If you have any questions about this collection of personal information, you may contact the Manager of the Pesticide Regulatory Program, 11 Kent Street, Jones Building, Charlottetown, PEI C1A 7N8, Phone: (902) 368-5474.

Applicant Contact Information	
Name:	
Phone:	Fax:
Mailing Address:	
Postal Code:	Email:
Are you over the age of 18? Yes <input type="checkbox"/> No <input type="checkbox"/>	

Applicant's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

<b>Certificate Class – check one</b>	
<input type="checkbox"/>	Class A, Agricultural – operating ground agricultural equipment for pesticide application
<input type="checkbox"/>	Class B, Mosquito & Biting Fly - application of a pesticide for the control of mosquitoes or biting flies
<input type="checkbox"/>	Class C-1, Structural - application of a non-fumigant pesticide to stored feed, dwellings or other structures
<input type="checkbox"/>	Class C-2, Structural Fumigation - application of a fumigant pesticide to stored feed, dwellings or other structures
<input type="checkbox"/>	Class D, Seed/Seed-piece Treatment - application of a seed or seed-piece treatment pesticide
<input type="checkbox"/>	Class E, Landscape - application of a pesticide to ornamental vegetation
<input type="checkbox"/>	Class F-1, Forestry Herbicides - forestry herbicide application
<input type="checkbox"/>	Class F-2, Reforestation - application of a pesticide for the production of tree seedlings for reforestation purposes
<input type="checkbox"/>	Class G, Greenhouse - application of a pesticide in greenhouses
<input type="checkbox"/>	Class H, Soil Fumigation - application of a soil fumigant pesticide
<input type="checkbox"/>	Class I, Other – other pesticide applications
<b>Office Use Only</b>	
Examination Date:	
Examination Mark:	
Certificate Status:	
<input type="checkbox"/>	Approved
<input type="checkbox"/>	Denied

- The application fee for a Pesticide Applicator Certificate is \$75
- A separate application is required for each certificate
- Prior to a certificate being issued, the applicant must successfully complete a written examination appropriate to the class of certificate applied for, with a mark in the examination of not less than 75%

**Method of Payment**  
(Check appropriate box)

- Cheque  
 Money Order  
 Cash or Debit Card  
 Credit Card

**Amount Enclosed:** \$ \_\_\_\_\_

**Please forward application and payment to:**  
 Department of Environment, Energy and Forestry  
 Pollution Prevention Division  
 Pesticide Regulatory Program  
 PO Box 2000, 11 Kent Street  
 Charlottetown, PE C1A 7N8  
 Tel: (902) 368-5474

**Cheques or money orders should be made payable to the Provincial Treasurer. Pesticide Applicator Certificates will be mailed to applicant's address above. Please allow two weeks for delivery.**

## FORM 9

## APPLICATION FOR LOADER/MIXER CERTIFICATE

Under clauses 29(1)(a) and (2)(a) of the *Pesticide Control Act* Regulations, a person who transports or mixes a non-domestic pesticide must hold a Loader/Mixer Certificate or other certificate identified in section 29.

Personal information on this form is collected under section 10 of the *Pesticide Control Act* Regulations as it relates directly to and is necessary for an application for a Loader/Mixer Certificate. If you have any questions about this collection of personal information, you may contact the Manager of the Pesticide Regulatory Program, 11 Kent Street, Jones Building, Charlottetown, PEI C1A 7N8, Phone: (902) 368-5474.

Applicant Contact Information	
Name:	
Phone:	Fax:
Mailing Address:	
Postal Code:	Email:
Are you over the age of 18? Yes <input type="checkbox"/> No <input type="checkbox"/>	
Applicant Experience	
Describe successful completion of a relevant loader/mixer training program (include dates):	

Applicant's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

The application fee for a Loader/Mixer Certificate is \$50

**Method of Payment**

(Check appropriate box)

- Cheque  
 Money Order  
 Cash or Debit Card  
 Credit Card

Amount Enclosed: \$ \_\_\_\_\_

**Please forward application and payment to:**

Department of Environment, Energy and Forestry  
 Pollution Prevention Division  
 Pesticide Regulatory Program  
 PO Box 2000, 11 Kent Street  
 Charlottetown, PE C1A 7N8  
 Tel: (902) 368-5474

**Cheques or money orders should be made payable to the Provincial Treasurer.  
 Loader/Mixer Certificates will be mailed to the applicant's address above. Please  
 allow two weeks for delivery.**

## FORM 10

## APPLICATION FOR NON-DOMESTIC PESTICIDE VENDOR BUSINESS LICENCE

Under section 30 of the *Pesticide Control Act* Regulations, a person who operates a business involving the sale or supply of non-domestic pesticides must hold a Non-Domestic Pesticide Vendor Business Licence.

Personal information on this form is collected under section 13 of the *Pesticide Control Act* Regulations as it relates directly to and is necessary for an application for a Non-Domestic Pesticide Vendor Business Licence. If you have any questions about this collection of personal information, you may contact the Manager of the Pesticide Regulatory Program, 11 Kent Street, Jones Building, Charlottetown, PEI C1A 7N8, Phone: (902) 368-5474.

Applicant Contact Information	
Company Name:	
Contact Name:	
Phone:	Fax:
Mailing Address:	
Postal Code:	Email:

Applicant's Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
 (Where applicant is a partnership or a corporation, the signature of a partner, or an authorized officer of the corporation is required).

Licence Details	
<input type="checkbox"/> New Applicant	<input type="checkbox"/> Renewal of Licence Present Licence Number: _____
Type of Sales to be made ( <i>check all that apply</i> ): <input type="checkbox"/> Retail <input type="checkbox"/> Wholesale	
Storage Facility	
CropLife Canada Phase III Compliance Number: _____	
Status of Storage Facility: <input type="checkbox"/> Own <input type="checkbox"/> Lease <input type="checkbox"/> Other (specify): _____	
Certified Vendor Information ( <i>Non-Domestic Pesticide Vendor Certificate Holder</i> )	
Name: _____	
Phone:	Fax:
Mailing Address: _____	
Postal Code:	Email:
Certified Vendor Status: <input type="checkbox"/> Owner of Company <input type="checkbox"/> Employee of Company	
Certificate Expiry Date: _____	

Signature of Certified Vendor: \_\_\_\_\_ Date: \_\_\_\_\_  
 (*if not company owner*)

The application fee for a Non-Domestic Pesticide Vendor Business Licence is as follows:

- where up to 10,000 kg of active ingredients sold in the previous year - \$100
- where between 10,001 kg and 30,000 kg of active ingredients sold in the previous year - \$500
- where between 30,001 kg and 50,000 kg of active ingredients sold in the previous year - \$1,000
- where over 50,000 kg of active ingredients sold in the previous year - \$2,500

**The sales data for all domestic and non-domestic pesticides sold to retail customers for the previous calendar year must be included with the application.**

**Method of Payment**  
(Check appropriate box)  
 Cheque  
 Money Order  
 Cash or Debit Card  
 Credit Card  
**Amount Enclosed: \$** \_\_\_\_\_

**Please forward application and payment to:**  
 Department of Environment, Energy and Forestry  
 Pollution Prevention Division  
 Pesticide Regulatory Program  
 PO Box 2000, 11 Kent Street  
 Charlottetown, PE C1A 7N8  
 Tel: (902) 368-5474

**Cheques or money orders should be made payable to the Provincial Treasurer. Non-Domestic Pesticide Vendor Certificates will be mailed to the applicant's address above. Please allow two weeks for delivery.**

### FORM 11

#### APPLICATION FOR NON-DOMESTIC PESTICIDE VENDOR CERTIFICATE

Under section 31 of the *Pesticide Control Act* Regulations, a person who sells non-domestic pesticides or Schedule 1 pesticides, to another person or while acting as an employee of a business that is licensed to sell non-domestic pesticides or provide pesticide related information or recommendations to another person, must hold a Non-Domestic Pesticide Vendor Certificate.

Personal information on this form is collected under section 14 of the *Pesticide Control Act* Regulations as it relates directly to and is necessary for an application for a Non-Domestic Pesticide Vendor Certificate. If you have any questions about this collection of personal information, you may contact the Manager of the Pesticide Regulatory Program, 11 Kent Street, Jones Building, Charlottetown, PEI C1A 7N8, Phone: (902) 368-5474.

Applicant Contact Information	
Name:	
Phone:	Fax:
Mailing Address:	
Postal Code:	Email:

Applicant's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Office Use Only
Examination Date:
Examination Mark:
Certificate Status: Approved <input type="checkbox"/> Denied <input type="checkbox"/>

- The application fee for a Non-Domestic Pesticide Vendor Certificate is \$75 per certificate
- Prior to a certificate being issued, the applicant must successfully complete a written examination appropriate to the class of certificate applied for, with a mark in the examination of not less than 75%.

**Method of Payment**  
(Check appropriate box)  
 Cheque  
 Money Order  
 Cash or Debit Card  
 Credit Card  
**Amount Enclosed: \$** \_\_\_\_\_

**Please forward application and payment to:**  
 Department of Environment, Energy and Forestry  
 Pollution Prevention Division  
 Pesticide Regulatory Program  
 PO Box 2000, 11 Kent Street  
 Charlottetown, PE C1A 7N8  
 Tel: (902) 368-5474

**Cheques or money orders should be made payable to the Provincial Treasurer. Non-Domestic Pesticide Vendor Certificates will be mailed to applicant's address above. Please allow two weeks for delivery.**

**FORM 12**

**APPLICATION FOR PESTICIDE PURCHASE PERMIT**

Under section 32 of the *Pesticide Control Act* Regulations, a person who buys non-domestic pesticides must hold, or be authorized to use a Pesticide Purchase Permit or a licence or certificate identified in the section.

Personal information on this form is collected under section 16 of the *Pesticide Control Act* Regulations as it relates directly to and is necessary for an application for a Pesticide Purchase Permit. If you have any questions about this collection of personal information, you may contact the Manager of the Pesticide Regulatory Program, 11 Kent Street, Jones Building, Charlottetown, PEI C1A 7N8, Phone: (902) 368-5474.

<b>Applicant (Agricultural Operation) Information</b>	
Company Name:	Phone:
Contact Name:	Fax:
Mailing Address:	
Number of Permits Requested:	Postal Code:

Signature of Applicant \_\_\_\_\_ Date \_\_\_\_\_

<b>Certified Applicator Information</b>	
Name:	Phone:
Mailing Address:	Postal Code:
Pesticide Applicator Certificate No.:	
Pesticide Applicator Class:	
Pesticide Applicator Certificate Expiry Date:	
Are you currently employed by the Applicant? Yes <input type="checkbox"/> No <input type="checkbox"/>	

Signature of Certified Applicator: \_\_\_\_\_ Date: \_\_\_\_\_

- The application fee for one or more Pesticide Purchase Permit is \$50.
- Payment must be received by the Department before the application will be processed.

**Method of Payment**  
(Check appropriate box)

- Cheque  
 Money Order  
 Cash or Debit Card  
 Credit Card

**Amount Enclosed: \$** \_\_\_\_\_

**Please forward application and payment to:**  
 Department of Environment, Energy and Forestry  
 Pollution Prevention Division  
 Pesticide Regulatory Program  
 PO Box 2000, 11 Kent Street  
 Charlottetown, PE C1A 7N8  
 Tel: (902) 368-5474

**Cheques or money orders should be made payable to the Provincial Treasurer. Pesticide Purchase Permits will be mailed to agricultural operation address above. Please allow two weeks for delivery.**



## FORM 13

## APPLICATION FOR PESTICIDE APPLICATION PERMIT

Under section 35 of the *Pesticide Control Act* Regulations, a person who applies pesticides to an open body of water, to control mosquitoes or biting flies within a designated protected zone, or apply Schedule 1 pesticides must hold a Pesticide Application Permit.

Personal information on this form is collected under section 19 of the *Pesticide Control Act* Regulations as it relates directly to and is necessary for an application for a Pesticide Application Permit. If you have any questions about this collection of personal information, you may contact the Manager of the Pesticide Regulatory Program, 11 Kent Street, Jones Building, Charlottetown, PEI C1A 7N8, Phone: (902) 368-5474.

Section 1 - Applicant Contact Information	
Name:	
Phone:	Fax:
Mailing Address:	
Postal Code:	Email:

Section 2 - Complete for Mosquito & Biting Fly Control						
<b>Type of Application:</b>						
<input type="checkbox"/> New Permit		<input type="checkbox"/> Modification of Permit				
		Existing Permit Number:				
<b>Treatment Type:</b>						
<input type="checkbox"/> Water Treatment		<input type="checkbox"/> Private Treatment				
<input type="checkbox"/> Land Treatment		<input type="checkbox"/> Commercial Treatment				
<b>Applicators/Certificates (list all applicators):</b>						
Applicator Names		Pesticide Applicator Certificate No.		Class		
<b>Treatment Details:</b>						
Treatment	Pest to be controlled	Pesticide Name	PCP No.	Proposed Date of Treatment	Proposed Rate of Application	Total Amount of Pesticide Used
1						
2						
3						
4						
5						
<b>Describe the process and level of community support for the program:</b>						
Are "Permission to Enter Private Property" authorizations required? Yes <input type="checkbox"/> No <input type="checkbox"/>						
If "Yes", include authorizations with application						

<b>Requirements:</b> A map (1:25,000 scale) must be attached and identify: (a) all property lines, fields, and treatment areas; and (b) all open bodies of water, as defined under the Prince Edward Island <i>Pesticides Control Act</i> ; saltwater environments and perimeter coastline.							
<b>Section 3 – Complete for Application to Open Body of Water</b>							
<b>Type of Application:</b> <input type="checkbox"/> New Permit <input type="checkbox"/> Modification of Permit <span style="margin-left: 200px;">Existing Permit Number:</span>							
<b>Treatment Type:</b> <input type="checkbox"/> Private Treatment <input type="checkbox"/> Commercial Treatment							
<b>Pesticide Applicator Certificate</b> Name: Number: Class: Expiry date:							
<b>Treatment Details:</b>							
Treat ment	Total Treatment Area Acres Hectares	Pest to be controlled	Pesticide Name	PCP No.	Proposed Date of Treatment	Proposed Rate of Application	Total Amount of Pesticide Used
1.							
2.							
3.							
4.							
5.							
<b>Requirements:</b> A map (1:10,000 scale) must be attached and identify: (a) all property lines, fields, and treatment areas; and (b) all open bodies of water, as defined under the Prince Edward Island <i>Pesticides Control Act</i> ; saltwater environments and perimeter coastline.							
<b>Section 4 – Complete for Schedule 1 Pesticides (Soil Fumigant Formulations)</b>							
<b>Type of Application:</b> <input type="checkbox"/> New Permit <input type="checkbox"/> Modification of Permit <span style="margin-left: 200px;">Existing Permit Number:</span>							
<b>Pesticide Applicator Certificate</b> Name: Number: Class: Expiry date:							
<b>Treatment Details:</b>							
Property Identifica tion No.	Field No.	Crop	Pesticide Name	PCP * No.	Total Treatment Area <input type="checkbox"/> Acres <input type="checkbox"/> Hectares		
* Pest Control Product Registration Number							

<b>Time of Proposed Treatment:</b>				
<input type="checkbox"/> Spring    proposed treatment date(s): _____				
<input type="checkbox"/> Fall        proposed treatment date(s): _____				
<b>Distance to Wells/Residences:</b>				
Property Identification No.	Field No.	Distance (m) to nearest well (indicate private or municipal)	Distance (m) to nearest occupied habitation	Distance (m) to nearest property line
<b>REQUIREMENTS:</b>				
<ol style="list-style-type: none"> <li>1. An Environmental Farm Plan must be completed for all owned properties.</li> <li>2. Product use must be in compliance with the product label, and with all additional legal requirements, including the PEI <i>Environmental Protection Act</i> and the PEI <i>Agricultural Crop Rotation Act</i>.</li> <li>3. A map (1:10,000 scale) must be attached and identify: <ol style="list-style-type: none"> <li>a. all property lines, fields, and treatment areas;</li> <li>b. all occupied habitations within 1,000 metres of the treatment area;</li> <li>c. all municipal and/or private drinking water wells within 1,000 metres of the treatment area; and</li> <li>d. all open bodies of water, as defined under the PEI <i>Pesticides Control Act</i>; saltwater environments; and/or perimeter coastline.</li> </ol> </li> <li>4. Application for a permit must be made at least 4 weeks in advance of anticipated or planned product application.</li> </ol>				
<b>Section 5 – Complete for Application to Designated Protected Zone</b>				
<b>Type of Application:</b>				
<input type="checkbox"/> New Permit <input type="checkbox"/> Modification of Permit Existing Permit Number: _____				
<b>Pesticide Applicator Certificate</b>				
Name: _____				
Number: _____				
Class: _____				
Expiry date: _____				

<b>Treatment Details:</b>					
<b>Property Identifi- cation No.</b>	<b>Total Treatment Area</b> <input type="checkbox"/> Acres <input type="checkbox"/> Hectares	<b>Pest*</b>	<b>Pesticide Name</b>	<b>PCP ** No.</b>	<b>Rate of Application</b>

\* A Pesticide Application Permit will only be issued for the control of a noxious weed, as designated under the *Weed Control Act*.  
 \*\* Pest Control Product Registration Number

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**Requirements:**  
 A map (1:10,000 scale) must be attached and identify:  
 (a) all property lines, fields, and treatment areas; and  
 (b) all open bodies of water, as defined under the Prince Edward Island *Pesticides Control Act*; saltwater environments and perimeter coastline.

By signing below, I acknowledge that all information that I have provided is, to my knowledge, true and accurate, and that I understand the above listed criteria for approval of a Pesticide Application Permit.

Applicant Signature: \_\_\_\_\_ Date: \_\_\_\_\_

- The application fee for a Pesticide Application Permit is \$50 per permit.
- A separate application is required for each Pesticide Application Permit.

**Method of Payment**

(Check appropriate box)

- Cheque
- Money Order
- Cash or Debit Card
- Credit Card

Amount Enclosed: \$ \_\_\_\_\_

**Please forward application and payment to:**

Department of Environment, Energy and Forestry  
 Pollution Prevention Division  
 Pesticide Regulatory Program  
 PO Box 2000, 11 Kent Street  
 Charlottetown, PE C1A 7N8  
 Tel: (902) 368-5474

**Cheques and money orders should be made payable to the Provincial Treasurer.  
 Pesticide Application Permit will be mailed to the applicant's address above. Please allow two weeks for delivery.**

**SCHEDULE 4  
APPLICATION FEES**

**Part 1 – Licences**

**Non-domestic Pesticide Vendor Business Licence**

(a) where up to 10,000 kg of active ingredients sold in the previous year	\$100
(b) where between 10,001 kg and 30,000 kg of active ingredients sold in the previous year	\$500
(c) where between 30,001 kg and 50,000 kg of active ingredients sold in the previous year	\$1,000
(d) where over 50,000 kg of active ingredients sold in the previous year	\$2,500

**Pesticide Applicator Business Licence**

\$200 per class of licence

**Part 2 – Certificates**

**Non-Domestic Pesticide Vendor**

Certificate	\$75
Pesticide Applicator Certificate	\$75 per class of certificate
Loader/Mixer Certificate	\$50

**Part 3 – Permits**

Pesticide Application Permit	\$50
Pesticide Purchase Permit	50

**SCHEDULE 5  
PHASE-IN OF CONTINUING EDUCATION CREDITS**

Expiry Date of Existing Pesticide Use Certificate	Number of CECs Required for Recertification					
	By the expiry date of the PUC	Within 12 months*	Within 24 months*	Within 36 months*	Within 48 months*	Within 60 months*
May 01, 2002 to December 31, 2002		3**	6	9	12	15
January 01, 2003 to December 31, 2003			6	9	12	15
January 01, 2004 to December 31, 2004		6	9	12	15	
January 01, 2005 to December 31, 2005	6	9	12	15		
January 01, 2006 to December 31, 2006	9	12	15			
January 01, 2007 to December 31, 2007	12	15				
January 01, 2008 to December 31, 2008	15					
January 01, 2009 to December 31, 2009	15					
January 01, 2010 to December 31, 2010	15					
January 01, 2011 to December 31, 2011	15					

\* Of the expiry date noted on the candidate's pesticide use certificate.

\*\* For an individual whose Pesticide Applicator Certificate expired during the period January 1 to December 31, 2002, the 3 credits required must be earned not later than 01 May 2004.

**SCHEDULE 6  
PROHIBITED PESTICIDES**

1. Telone II Liquid Soil Fumigant	<i>PCP Act No. 15893</i>
2. Telone C-17 Liquid Soil Fungicide and Nematicide	<i>PCP Act No. 16324</i>
3. Vorlex Plus Liquid Soil Fumigant	<i>PCP Act No. 18353</i>
4. Vorlex Plus CP Liquid Soil Fumigant	<i>PCP Act No. 18354</i>

**EXPLANATORY NOTES**

**SECTION 1** is the definition and application section and provides that these regulations do not prevent research. The section also provides that the standards and requirements in respect of the sale, handling and use of pesticides is covered by the federal Act and regulations and the provincial Act and these regulations.

**SECTION 2** sets out the categories of pesticide training events.

**SECTION 3** deals with the submission, and approval of, pesticide training events and the earning of CECs (continuing education credits).

**SECTION 4** provides that the fees are found in Schedule 4, refers to the forms in Schedule 3 and requires that all applicants must be at least 18 years of age.

**SECTION 5** deals with the issuance of Pesticide Application Business Licences and specifies the various services authorized by the various classes of such licences.

**SECTION 6** deals with the issuance of Pesticide Applicator Certificates and specifies the various applications of pesticides authorized by the various classes of such certificates.

**SECTION 7** provides for the renewal of a Class A Pesticide Applicator Certificate.

**SECTION 8** deals with a conditional Class A Pesticide Applicator Certificate.

**SECTION 9** deals with the records that must be kept by the holder of a Pesticide Applicator Certificate of each pesticide use or application.

**SECTION 10** deals with the issuance of a Loader/mixer Certificate.

**SECTION 11** provides that every Biting Fly Pesticide Use Certificate expires on the coming into force of these regulations.

**SECTION 12** requires that sales data be provided to the Minister by January 31 of each year.

**SECTION 13** deals with the issuance of a Non-domestic Pesticide Vendor Business Licence. It also deems a Pesticide Sales Licence under the old regulations to be a Non-domestic Pesticide Vendor Business Licence.

**SECTION 14** deals with the issuance of a Non-domestic Pesticide Vendor Certificate.

**SECTION 15** provides for the revocation of a licence, certificate or permit.

**SECTION 16** provides for the Director to issue a Pesticide Purchase Permit.

**SECTION 17** requires that a record of sale be made within 24 hours of the sale of a non-domestic pesticide or a Schedule 1 pesticide.

**SECTION 18** provides for the operator of an agricultural operation to give written authorization to an employee to use a Pesticide Purchase Permit.

**SECTION 19** provides for the issuance of a Pesticide Application Permit and limits the application of a pesticide in a buffer zone only for the purpose of controlling noxious weeds.

**SECTION 20** requires pesticides to be stored separately from food or feed and sets out the requirements for a storage facility to store large amounts of pesticides.

**SECTION 21** requires that a person handling, transporting, etc. a Schedule pesticide carry, on their person, their Pesticide Application Permit at all times when handling, transporting, etc. such a pesticide.

**SECTION 22** requires that a pesticide be applied in the manner specified on the label of the pesticide.

**SECTION 23** requires that the disposal of a pesticide be as recommended by the manufacturer or the Minister.

**SECTIONS 24 and 25** deal with prior notice of the application of a pesticide and the contents of signs and notices.

**SECTION 26** prohibits a holder of a Non-domestic Pesticide Vendor Business Licence from storing pesticides anywhere other than a Phase III storage facility.



**SECTION 27** prohibits the transportation of a pesticide on a highway together with food or unless a concentrated pesticide is in the original container.

**SECTION 28** prohibits the operation of a business providing a pesticide application service without the specified licence. The section also prohibits the application of a pesticide without the specified certificate.

**SECTION 29** requires a person to have the specified certificate before handling or transporting a pesticide on a highway.

**SECTION 30** prohibits operating a business involving the sale or supply of pesticides without a licence issued under these regulations. The section also a certificate issued under these regulations.

**SECTION 31** prohibits the sale of a pesticide without the specified certificate. The section also prohibits a person from offering advice without the specified certificate.

**SECTION 32** prohibits the sale, offering for sale or purchase of a pesticide without a certificate, permit or licence issued under these regulations.

**SECTION 33** prohibits a person from using a permit for any other purpose.

**SECTION 34** prohibits the transfer of a permit issued under these regulations.

**SECTION 35** prohibits the application of a pesticide to specified areas without a permit issued under these regulations.

**SECTION 36** prohibits the application of a Schedule 6 pesticide.

**SECTION 37** prohibits the use of an aircraft to apply a pesticide.

**SECTION 38** prohibits the filling of pesticide equipment or causing equipment to be filled or washed from an open body of water or a water well.

**SECTION 39** prohibits the application of a pesticide when the wind speed exceeds 20 km/h.

**SECTION 40** prohibits the discharge of a pesticide from equipment except in a manner permitted by the label on the pesticide.

**SECTION 41** revokes the current regulations.

**SECTION 42** is the commencement of these regulations.

Certified a true copy,  
W. Alexander (Sandy) Stewart  
Clerk of the Executive Council

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**EC2005-762**

**PUBLIC HEALTH ACT  
NOTIFIABLE AND COMMUNICABLE DISEASES  
REGULATIONS  
AMENDMENT**

(Approved by His Honour the Lieutenant Governor in Council dated 20 December 2005.)

Pursuant to section 23 of the *Public Health Act* R.S.P.E.I. 1988, Cap. P-30, Council made the following regulations:

- 1. Section 8 of the *Public Health Act* Notifiable and Communicable Diseases Regulations (EC330/85) is amended by the addition of the word “public” before the words “health authority”.**
- 2. These regulations come into force on January 1, 2006.**

**EXPLANATORY NOTES**

This amendment clarifies that the chief health officer must forward information respecting a person with a regulated disease to a public health authority in the district (inside or outside the province) of destination of the person.

Certified a true copy,  
W. Alexander (Sandy) Stewart  
Clerk of the Executive Council

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## EC2005-764

**RENEWABLE ENERGY ACT  
MINIMUM PURCHASE PRICE REGULATIONS**

(Approved by His Honour the Lieutenant Governor in Council dated 20 December 2005.)

Pursuant to section 18 of the *Renewable Energy Act* R.S.P.E.I. 1988, Cap. R-12.1, Council made the following regulations:

Definitions	<b>1. (1)</b> In these Regulations
Act	(a) “Act” means the <i>Renewable Energy Act</i> R.S.P.E.I. 1988, Cap. R-12.1;
Consumer Price Index or CPI	(b) “Consumer Price Index” or “CPI” means the All-Items Consumer Price Index for the province as reported annually by Statistics Canada;
interconnection agreement	(c) “interconnection agreement” means an interconnection agreement made for the purchase of electric energy by a public utility from a renewable energy generator;
minimum purchase price	(d) “minimum purchase price” or “mpp” means the minimum purchase price at which a public utility is required to purchase electric energy from a renewable energy generator as established under subsection 2(1);
operating cost	(e) “operating cost” means \$0.02 per kilowatt hour.
Application	<b>(2)</b> These regulations apply (a) to a renewable energy generator referred to in section 8 of the Act; and (b) to an interconnection agreement made after the date these regulations come into force.
Minimum purchase price	<b>2. (1)</b> Subject to section 3, the minimum purchase price established for the purchase of electric energy by a public utility from a renewable energy generator under an interconnection agreement is \$0.0775 per kilowatt-hour.
Application of tariff	<b>(2)</b> The minimum purchase price established under subsection (1) that is in effect when an interconnection agreement is entered into continues to apply in respect of the purchase of electricity under the interconnection agreement, despite any amendment of subsection (1), during the greater of the following periods: (a) the term of the interconnection agreement; or (b) a period of 20 years.
Exception	<b>(3)</b> Subsection (1) does not apply to a renewable energy generator that produces electric energy using wind power if, on the date of signing of an

interconnection agreement, the public utility has achieved the minimum energy requirements of subsection 3(1) of the Act.

**3.** The minimum purchase price established under subsection (1) shall be adjusted on April 1, 2008 and April 1 thereafter by using the following formula: Adjustment, wind  
energy project

$A + (B \times C)$

where

A = mpp

B = CPI

C = operating cost

**4.** These regulations come into force on December 31, 2005.

Commencement

### EXPLANATORY NOTES

**SECTION 1** is the definition section.

**SECTION 2** sets the amount of the minimum purchase price for the purchase of electric energy by a public utility from a renewable energy generator and sets the duration for which that price is in effect. This section does not apply to a renewable energy generator that generates with wind power, if the deadline for the percentage of wind power generation is met by the public utility under subsection 3(1) of the Act.

**SECTION 3** provides for annual cost adjustments beginning on April 1, 2008.

**SECTION 4** is the commencement of these regulations.

Certified a true copy,

W. Alexander (Sandy) Stewart

Clerk of the Executive Council

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EC2005-765

### RENEWABLE ENERGY ACT NET-METERING SYSTEM REGULATIONS

(Approved by His Honour the Lieutenant Governor in Council dated 20 December 2005.)

Pursuant to section 18 of the *Renewable Energy Act* R.S.P.E.I. 1988, Cap. R-12.1, Council made the following regulations:

**1.** In these Regulations

Definitions

Act	(a) "Act" means the <i>Renewable Energy Act</i> R.S.P.E.I. 1988, Cap. R-12.1;
SCRE generator	(b) "SCRE generator" means a small capacity renewable energy generator.
Conditions in Schedule	<b>2.</b> A net-metering system agreement entered into under section 11 of the Act shall contain and is deemed to contain the conditions set out in Schedule A.
No tapping of distribution facilities	<b>3.</b> No SCRE generator shall use the distribution facilities of a public utility to transmit electrical energy to the load of the SCRE generator.
Commencement	<b>4.</b> These regulations come into force on December 31, 2005.

#### SCHEDULE A

#### CONDITIONS APPLICABLE TO A NET-METERING SYSTEM AGREEMENT MADE UNDER SECTION 11 OF THE ACT

##### 1. Compliance

The parties to a net-metering agreement shall ensure that the generating and interconnection systems between them are compliant with the practices, methods and equipment, as changed from time to time, that are commonly accepted practice in electrical engineering operations to operate electric equipment lawfully and with safety and dependability and that such systems comply with the *Electrical Inspection Act* R.S.P.E.I. 1988, Cap. E-3, the latest authorized edition of the Canadian Electrical Code and generally accepted electrical utility practice.

##### 2. Installation of the Disconnect

The design, installation, operation and maintenance of the SCRE generator's facility shall include appropriate control and protection equipment and a manual load-break disconnect device lockable in the open position and accessible by the public utility as a means of electrically isolating the SCRE generator's system from the public utility's system, and to establish working clearance for maintenance and repair work in accordance with accepted electrical practice. The load-break disconnect device shall be furnished and installed by the SCRE generator and is to be connected between the SCRE generator's system and the public utility's distribution system. The disconnect device shall be located in the immediate vicinity of the electric meters serving the SCRE generator, but with the permission of the public utility, the disconnect may be located at an alternative location which is accessible to the public utility's personnel on a 24-hour basis. The disconnect device shall be clearly labelled "Net-Metering System Disconnect". Upon reasonable notice to the SCRE generator, the public utility shall

have the right to inspect the small capacity renewable energy generating system.

### **3. Notice**

A SCRE generator shall provide the public utility with an advance written notice of thirty (30) days of any proposed material changes to the small capacity renewable energy system, including any change in ownership or any increase in electrical capacity. If the ownership of a SCRE generator changes, the public utility may require the new owner to have the system re-inspected.

### **4. Permits and Licenses**

The SCRE generator shall obtain, at its expense, any and all authorizations, permits and licenses required for the construction and operation of its small capacity renewable energy generating system.

### **5. Metering**

The public utility shall supply, own, maintain and read all necessary meters utilized for billing. The SCRE generator shall supply, at no expense to the public utility, a suitable location for meters utilized for billing.

### **6. Indemnification**

Each party as indemnitor shall hold harmless and indemnify the other party and the directors, officers, authorized agents, and employees of such other party against and from any and all loss and liability for injuries to persons including employees and authorized agents of either party, and damages, including property of either party, resulting from or arising out of (i) the engineering, design, construction, maintenance, or operation of, or (ii) the making of replacements, additions, or betterments to the indemnitor's facilities which are required for the interconnection and parallel operation of the SCRE generator's system with the public utility's distribution system and the generation of energy by the SCRE generator. Neither party shall be indemnified for liability or loss resulting from its sole negligence or wilful misconduct. Nothing in this agreement shall create any duty to, any standard of care with reference to, or any liability to any person not a party to it.

### **7. Continuity of Service**

The public utility may require the SCRE generator to temporarily curtail, interrupt or reduce deliveries of electrical energy: (a) when necessary in order for the public utility to construct, install, maintain, repair, replace, remove, investigate or inspect any of its equipment or any part of its system; or (b) if the public utility determines that such curtailment,

interruption or reduction is necessary because of a system emergency, forced outage, or compliance with accepted electrical practice. A SCRE generator shall not be entitled to any priority for restoration of service after a power outage.

#### **8. Additional Equipment**

The public utility is not required to install any additional distribution equipment for a SCRE generator that would not normally be afforded to other customers in a similar rate class and a similar location. If the SCRE generator requests any such additional distribution equipment to be installed, the full cost of these additions shall be at the expense of the SCRE generator.

#### **9. Personnel and System Safety**

If at any time the public utility determines that the continued operation of the small capacity renewable energy generation system may endanger any person or property or the public utility's distribution system, or have an adverse effect on the safety or power quality of other customers of the public utility, the public utility shall have the right to disconnect the SCRE generator's system from the public utility's distribution system. The SCRE generator's system shall remain disconnected until such time as the public utility is satisfied that the endangering or power quality conditions have been corrected, and the public utility shall not be obligated to accept any electrical energy from the SCRE generator during such period. The public utility shall not be liable directly or indirectly for permitting or continuing to allow an attachment of a small capacity renewable energy generation system or for the acts or omissions of the SCRE generator that causes loss or injury, including death, to any third party. It is the responsibility of the SCRE generator to protect its system from voltage imbalances within the public utility's distribution system or reclosing operations after a power interruption.

#### **10. Power Factor**

The SCRE generator shall ensure that its system operates at a power factor of at least 0.90; in the event that the SCRE generator does not operate at this power factor, the net-metering agreement may be immediately declared void by the public utility.

#### **11. Additional Information**

The public utility reserves the right to require additional information, where necessary, to serve the SCRE generator.

**12. Termination of Agreement**

The SCRE generator may terminate a net-metering agreement at any time by giving written notice to the public utility that specifies the date of termination. The public utility may terminate a net-metering agreement at any time if the SCRE generator violates the *Renewable Energy Act* or regulations made under the Act.

**EXPLANATORY NOTES**

**SECTION 1** is the definition section.

**SECTION 2** provides for Schedule A which sets out the mandatory conditions of a net-metering system agreement.

**SECTION 3** prohibits a SCRE generator from using the distribution facilities of a public utility to transmit electrical energy to its own load.

**SECTION 4** is the commencement of these regulations.

Certified a true copy,

W. Alexander (Sandy) Stewart  
Clerk of the Executive Council

**EC2005-766**

**RENEWABLE ENERGY ACT**  
**RENEWABLE ENERGY DESIGNATED AREAS REGULATIONS**

(Approved by His Honour the Lieutenant Governor in Council dated 20 December 2005.)

Pursuant to section 18 of the *Renewable Energy Act* R.S.P.E.I. 1988, Cap. R-12.1, Council made the following regulations:

**1. In these Regulations**

Definitions

(a) “Act” means the *Renewable Energy Act* R.S.P.E.I. 1988, Cap. R-12.1; Act

(b) “zone of inclusion” means a zone of inclusion described in the Schedule. zone of inclusion

**2.** These regulations apply to renewable energy generation facilities that utilize wind power and have a name plate capacity greater than 100kW. Application



Operation of renewable energy generation	<p><b>3.</b> (1) No person shall operate a renewable energy generation facility in any area of the province unless</p> <p style="padding-left: 20px;">(a) the facility is located in a zone of inclusion; or</p> <p style="padding-left: 20px;">(b) if the facility is located outside a zone of inclusion, the person has an authorization issued by the Minister under subsection (2).</p>
Exception	<p>(2) The Minister may, on application, issue an authorization to an applicant for the development of a renewable energy generation facility outside of a zone of inclusion, if</p> <p style="padding-left: 20px;">(a) the Minister is satisfied that the site of the proposed facility has an average annual wind speed of 7.5 metres per second or greater at a height of 50 metres; and</p> <p style="padding-left: 20px;">(b) the proposed facility meets all other requirements of any applicable Acts, regulations and bylaws.</p>
Boundary of zone of inclusion	<p><b>4.</b> Where any boundary of a zone of inclusion crosses a property line, the entire area of that property shall be deemed to be in the zone of inclusion.</p>
Other enactments prevail over these regulations	<p><b>5.</b> Nothing in these regulations enables the development of any renewable energy generation facility that would otherwise be in contravention of any</p> <p style="padding-left: 20px;">(a) law or regulation; or</p> <p style="padding-left: 20px;">(b) existing bylaw or covenant in a deed.</p>
Commencement	<p><b>6.</b> These regulations come into force on December 31, 2005.</p>

**SCHEDULE**  
**Zones of Inclusion in the Province**

The zones of inclusion in the province shall be as determined using the topographic coordinates below together with the descriptions and maps found in the Appendix to this Schedule.

**1. Zone of Inclusion No. 1 - Western Prince County**

An area northerly of the boundary described by a line connecting the following points:

	<b>X-Coordinate</b>	<b>Y-coordinate</b>
Point 1	291923	737122
Point 2	306513	753068
Point 3	315359	765072
Point 4	320121	766839
Point 5	322866	756299

**2. Zone of Inclusion No. 2 - Acadian Peninsula**

An area westerly of the boundary described by a line connecting the following points:

	<b>X-Coordinate</b>	<b>Y-coordinate</b>
Point 1	317392	722974
Point 2	315973	709254
Point 3	319933	705289

**3. Zone of Inclusion No. 3 - Lennox Island**

All of the land mass of Lennox Island in Prince County

**4. Zone of Inclusion No. 4 - Slemon Park**

An area northerly of the boundary described by a line connecting the following points:

	<b>X-Coordinate</b>	<b>Y-coordinate</b>
Point 1	339255	710318
Point 2	341333	708447
Point 3	343938	709818

**5. Zone of Inclusion No. 5 - Borden-Carleton**

An area southwesterly of the boundary described by a line connecting the following points:

	<b>X-Coordinate</b>	<b>Y-coordinate</b>
Point 1	342166	699785
Point 2	355221	685121

**6. Zone of Inclusion No. 6 - North Shore**

An area northerly of the boundary described by a line connecting the following points:

	<b>X-Coordinate</b>	<b>Y-coordinate</b>
Point 1	345520	710768
Point 2	346655	712154
Point 3	348734	715603
Point 4	354238	715918
Point 5	360591	713220
Point 6	372250	704519

Point 7	377612	705919
Point 8	387389	700928
Point 9	404318	701190
Point 10	417350	706506
Point 11	427130	705523
Point 12	441515	712280
Point 13	446659	711371
Point 14	456167	711631
Point 15	465448	711981
Point 16	469744	709199
Point 17	471114	705717

#### 7. Zone of Inclusion No. 7 - Hillsborough Bay

An area southerly of the boundary described by a line connecting the following points:

	<b>X-Coordinate</b>	<b>Y-coordinate</b>
Point 1	394389	683249
Point 2	403022	685103
Point 3	405262	675096
Point 4	404253	670239
Point 5	405330	667573

### APPENDIX

#### Descriptions and Maps of Zones of Inclusion in the Province

##### ZONE 1 -Western Prince County

All that tract, piece or parcel of land situate, lying and being North of the boundary line described as follows:

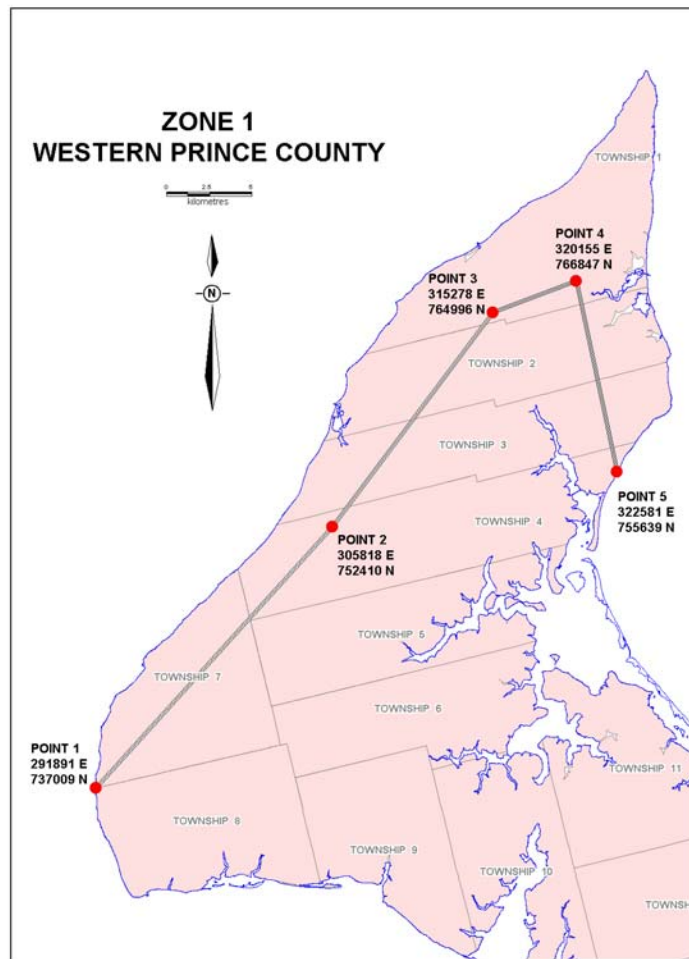
Commencing at a point on the shore of the Gulf of St. Lawrence at West Cape, at the division line between Township Number Seven and Township Number Eight, in Prince County, Province of Prince Edward Island, said point having coordinates 291981E and 737009N (Point 1);

Thence in a Northeasterly direction to a point having coordinates 305818E and 752410N (Point 2);

Thence continuing in a Northeasterly direction to a point having coordinates 315278E and 764996N (Point 3);

Thence in a Northeasterly direction to a point having coordinates 320155E and 766847N (Point 4);

Thence in a Southeasterly direction to a point having coordinates 322581E and 755639N (Point 5) on the shore of the Gulf of St. Lawrence in Township Number Four, Prince County.



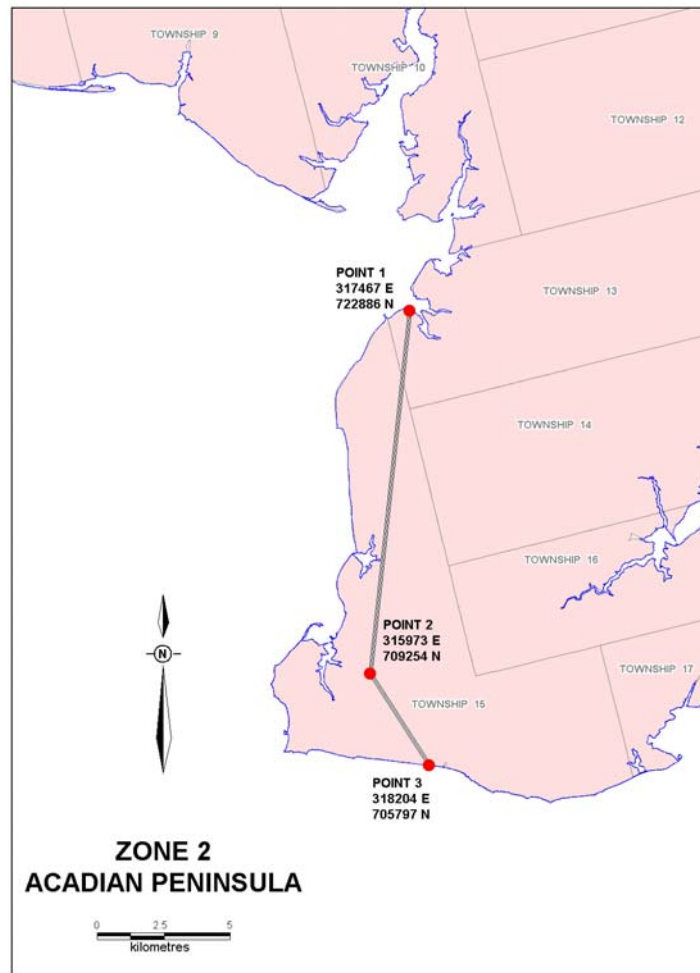
### **ZONE 2 - Acadian Peninsula**

All that tract, piece or parcel of land situate, lying and being West of the boundary line described as follows:

Commencing at a point on the shore of Egmont Bay in Victoria West, Township Number Thirteen, Prince County, Province of Prince Edward Island, said point having coordinates 317467E and 722886N (Point 1);

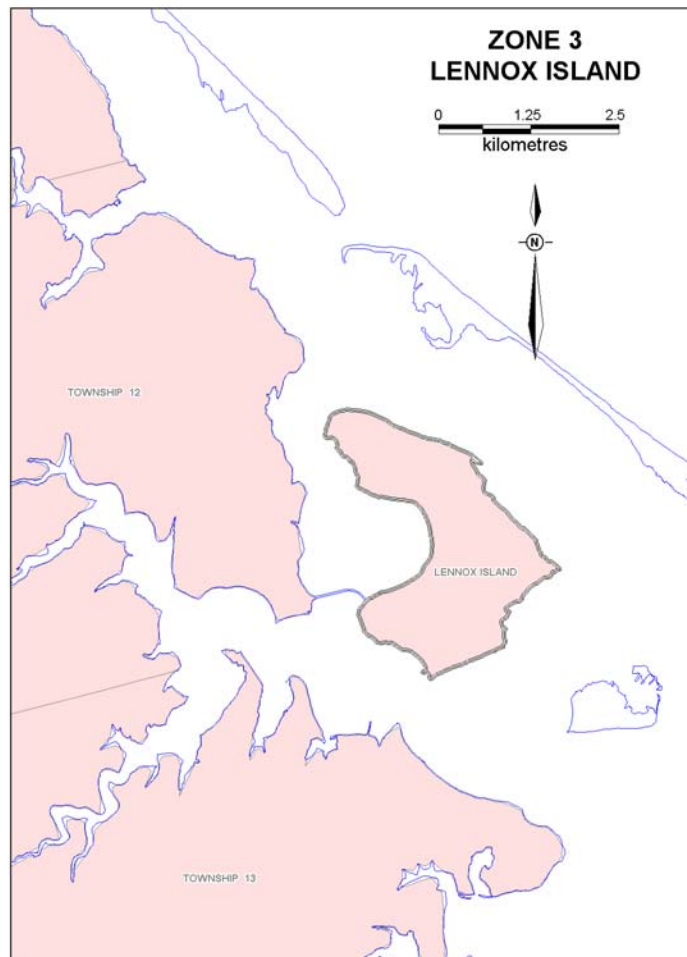
Thence in a Southerly direction to a point having coordinates 315973E and 709254N (Point 2);

Thence in a Southeasterly direction to a point having coordinates 318204E and 705797N (Point 3) on the shore of Bedeque Bay in Mont-Carmel, Township Number Fifteen, Prince County.



**ZONE 3 - Lennox Island**

All that tract, piece or parcel of land situate, lying and being in Township Number Twelve, Prince County, Province of Prince Edward Island being and intended to be the land mass of Lennox Island.

**ZONE 4 - Sherbrooke**

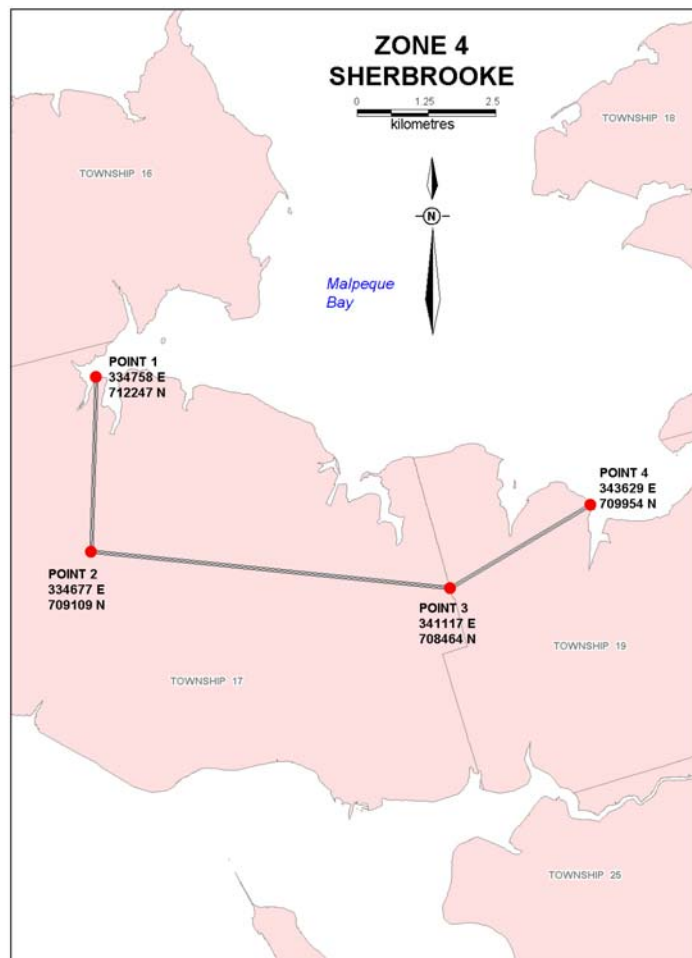
All that tract, piece or parcel of land situate, lying and being North of the boundary line described as follows:

Commencing at a point on the shore of Malpeque Bay in Sherbrooke, Township Number Seventeen, Prince County, Province of Prince Edward Island, said point having coordinates 334758E and 712247N (Point 1);

Thence in a Southerly direction to a point having coordinates 334677E and 709109N (Point 2);

Thence in an Easterly direction to a point having coordinates 341117E and 708464N (Point 3);

Thence in a Northeasterly direction to a point having coordinates 343629E and 709954N (Point 4) on the shore of Webber Cove in Lower New Annan, Township Number Nineteen, Prince County.

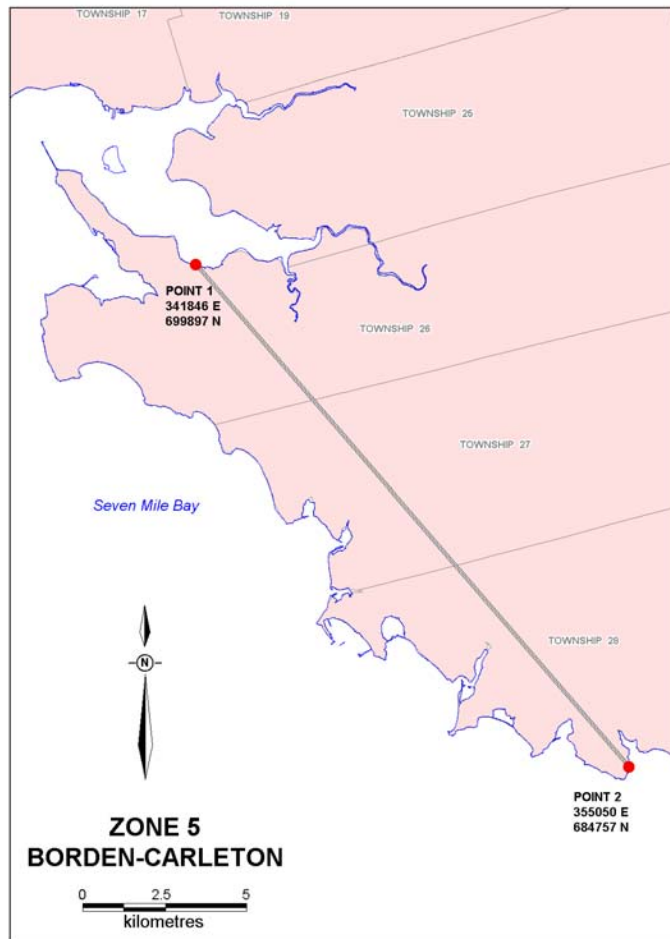


**ZONE 5 - Borden-Carleton**

All that tract, piece or parcel of land situate, lying and being West of the boundary line described as follows:

Commencing at a point on the shore of the Dunk River in Bedeque, Township Number Twenty-six, Prince County, Province of Prince Edward Island, said point having coordinates 341846E and 699897N (Point 1);

Thence in a Southeasterly direction to a point having coordinates 355050E and 684757N (Point 2) on the shore of Cumberland Cove in Township Number Twenty-eight, Prince County.





**ZONE 6 - North Shore**

All that tract, piece or parcel of land situate, lying and being North of the boundary line described as follows:

Commencing at a point on the shore of Webber Cove in Township Number Nineteen, Prince County, Province of Prince Edward Island, said point having coordinates 345390E and 711082N (Point 1);

Thence in a Northeasterly direction to a point having coordinates 346623E and 713045N (Point 2);

Thence continuing in a Northeasterly direction to a point having coordinates 348607E and 715972N (Point 3);

Thence in a Easterly direction to a point having coordinates 354233E and 715918N (Point 4) on the County line between Prince County and Queens County;

Thence in a Southeasterly direction to a point having coordinates 361056E and 713433N (Point 5);

Thence continuing in a Southeasterly direction to a point having coordinates 372537E and 704811N (Point 6);

Thence in an Easterly direction to a point having coordinates 377318E and 705945N (Point 7);

Thence in a Southeasterly direction to a point having coordinates 388781E and 700898N (Point 8);

Thence in an Easterly direction to a point having coordinates 404928E and 701181N (Point 9);

Thence in a Northeasterly direction, traversing the County line into Kings County to a point having coordinates 417665E and 706596N (Point 10);

Thence in an Easterly direction to a point having coordinates 426757E and 705506N (Point 11);

Thence in a Northeasterly direction to a point having coordinates 432226E and 707268N (Point 12);

Thence continuing in a Northeasterly direction to a point having coordinates 441692E and 712411N (Point 13);

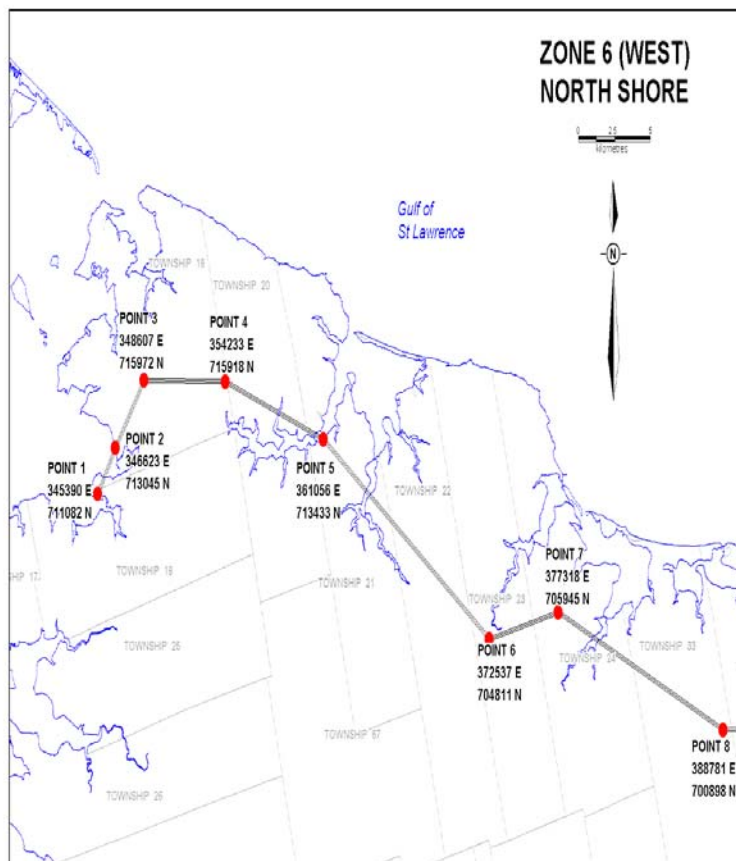
Thence in an Easterly direction to a point having coordinates 447656E and 711336N (Point 14);

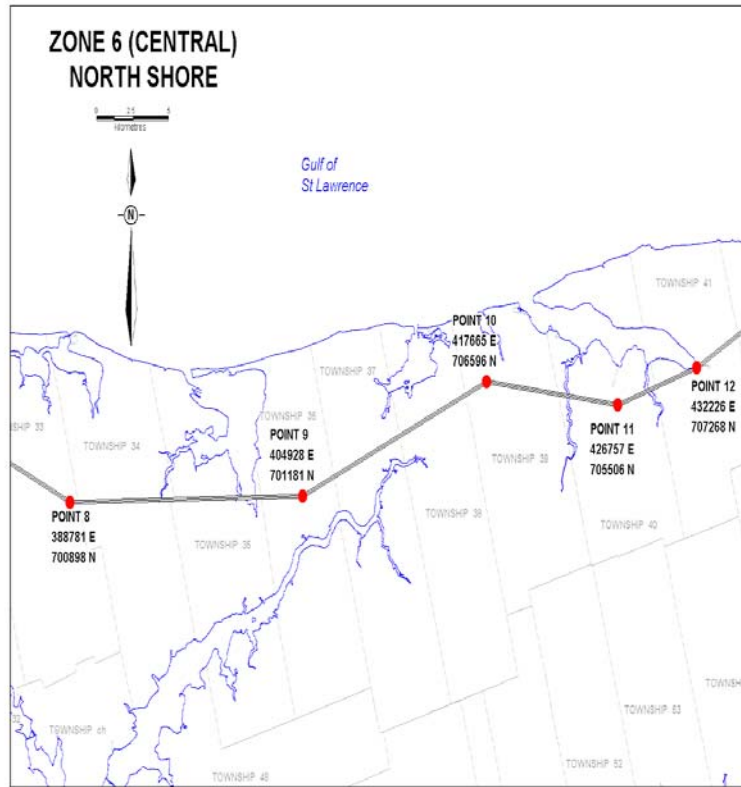
Thence continuing in an Easterly direction to a point having coordinates 455870E and 711712N (Point 15);

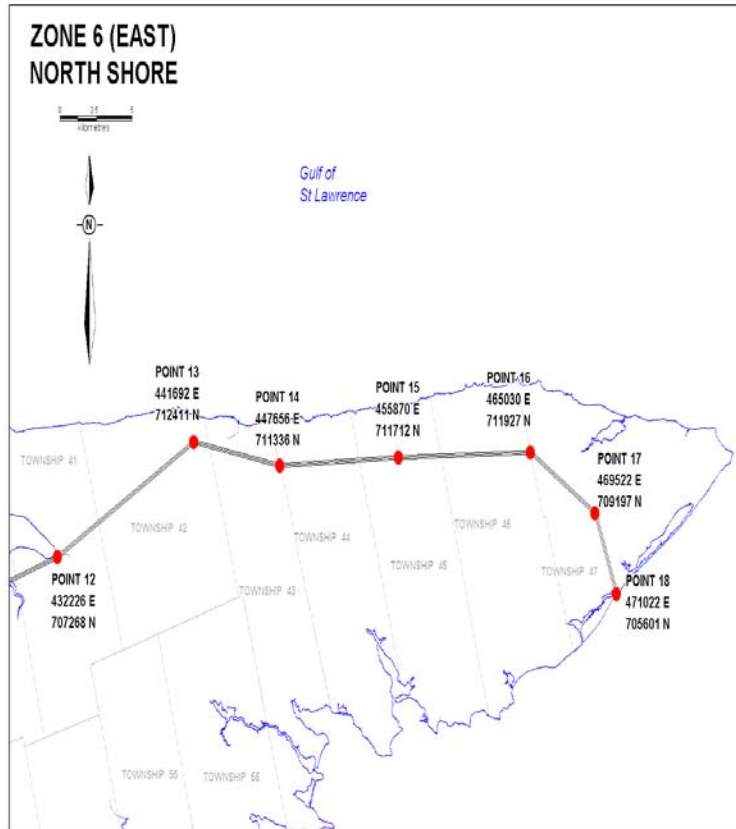
Thence continuing in an Easterly direction to a point having coordinates 465030E and 711927N (Point 16);

Thence in a Southeasterly direction to a point having coordinates 469522E and 709197N (Point 17);

Thence in a Southerly direction to a point having coordinates 471022E and 705601N (Point 18) on the shore of the Gulf of St. Lawrence at Bothwell, Township Number Forty-seven in Kings County.







### **ZONE 7- Hillsborough Bay**

All that tract, piece or parcel of land situate, lying and being South and West of the boundary line described as follows:

Commencing at a point in the Town of Stratford, Township Number Forty-eight, Prince County, Province of Prince Edward Island, said point having coordinates 391340E and 682824N (Point 1);

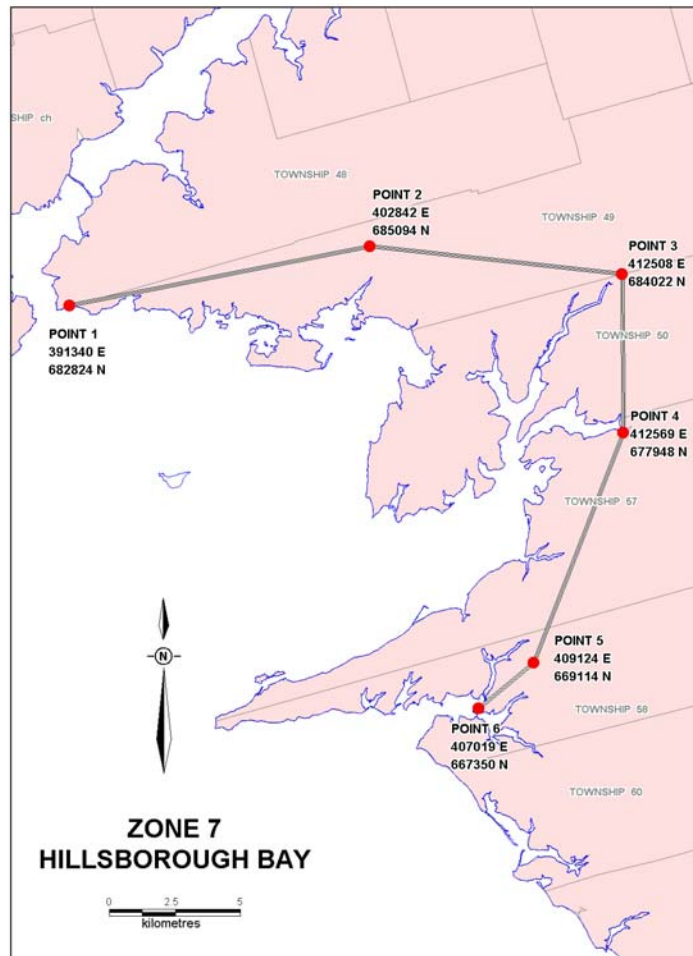
Thence in an Easterly direction to a point having coordinates 402842E and 685094N (Point 2);

Thence continuing in an Easterly direction to a point having coordinates 412508E and 684022N (Point 3);

Thence in a Southerly direction to a point having coordinates 412569E and 77948N (Point 4);

Thence in a Southwesterly direction to a point having coordinates 409124E and 669114W (Point 5);

Thence in a Southwesterly direction to a point having coordinates 407019E and 667350N (Point 6) on the shore of the Pinette Harbour in Township Number Fifty-eight, Queens County.



Points are referenced to the PEI Survey Reference System with all coordinates being expressed in metres. The projection (Double Stereographic), is referenced to the North American Datum of 1983 realized from the Canadian Spatial Reference System (NAD83(CSRS)).

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**EXPLANATORY NOTES**

**SECTION 1** is the definition section.

**SECTION 2** deals with the application of the regulations.

**SECTION 3** provides for areas of inclusion for wind power development and sets out an exception to the requirement for placement in a zone of inclusion.

**SECTION 4** provides that where a zone of inclusion crosses a property boundary line the entire property is within the zone of inclusion.

**SECTION 5** provides that these regulations do not prevail over any contrary law or regulation, or existing bylaw or covenant in a deed.

**SECTION 6** is the commencement of these regulations.

Certified a true copy,

W. Alexander (Sandy) Stewart  
Clerk of the Executive Council

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**EC2005-767**

**FISHERIES ACT  
REGULATIONS  
AMENDMENT**

(Approved by His Honour the Lieutenant Governor in Council dated 20 December 2005.)

Pursuant to section 9 of the *Fisheries Act* R.S.P.E.I. 1988, Cap. F-13.01, Council made the following regulations:

**1. Schedule 6 of the *Fisheries Act* Regulations (EC873/95) is revoked and the Schedule 6 as set out in the Schedule to these regulations is substituted.**

**2. These regulations come into force on December 31, 2005.**

**SCHEDULE****SCHEDULE 6****DEPARTMENT OF FISHERIES, AQUACULTURE AND ENVIRONMENT  
LICENSE FEES**

<b><u>LICENSE</u></b>	<b><u>FEE</u></b>
Primary Processing License	\$200 per establishment
Secondary Processing License	\$200 per establishment
Lobster Cookroom Processing License	\$75 per establishment
Groundfish Processing License	\$75 per establishment
Fish Buying License	\$50 per license class per buying station
Fish Peddling License	\$25 per vehicle

**EXPLANATORY NOTES**

This amendment replaces Schedule 6 of the regulations with a new Schedule for the purposes of changing the license fees.

Certified a true copy,  
W. Alexander (Sandy) Stewart  
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
A-4.1	<b>Adoption Act</b> Supported Adoption Regulations	EC124/02	s.1(g) [rev] s.1(h) [rev] s.2(5) s.7(4) [rev] [eff] Jan. 1/06	EC2005-719 (20.12.05)	299
C-5.1	<b>Child Protection Act</b> Regulations	EC526/93	s.15(1)(b) [R&S] [eff] Jan. 1/06	EC2005-720 (20.12.05)	300
C-8	<b>Civil Service Act</b> Regulations	EC709/83	s.92(1)(f) [R&S] [eff] Jan. 1/06	EC2005-721 (20.12.05)	300-301
C-9	<b>Civil Service Superannuation Act</b> Participating Employer Regulations	EC414/01	s.1(2)(c) [rev] s.1(3)(p) [added] s.1(4) [rev] [eff] Jan. 1/06	EC2005-722 (20.12.05)	301-302
C-13.1	<b>Community Hospital Authorities Act</b> Regulations		[new] [eff] Jan. 1/06	EC2005-724 (20.12.05)	302-304
F-9	<b>Financial Administration Act</b> Special Projects Fund Regulations	EC639/99	s.1(a) [rev] s.2 [rev] [eff] Jan. 1/06	EC2005-726 (20.12.05)	304
F-15.01	<b>Freedom of Information and Protection of Privacy Act</b> Regulations	EC564/02	s.14(f) [rev] [eff] Jan. 1/06	EC2005-727 (20.12.05)	305
H-1.1	<b>Health and Community Services Act</b> Regulations Revocation	EC598/99	[rev] [eff] Dec. 31/05	EC2005-728 (20.12.05)	305-306
H-2	<b>Health Services Payment Act</b> Regulations	EC453/96	s.1(g) s.25(2) s.25(3)(c) s.27(2)(b) s.29(1) [eff] Jan. 1/06	EC2005-731 (20.12.05)	306-307
H-5	<b>Highway Traffic Act</b> Fees Regulations	EC309/93	s.11 [R&S] Table 6 [R&S] Table 6.1 [added] [eff] Dec. 31/05	EC2005-732 (20.12.05)	307-309



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

Chapter Number	Title	Original Order Reference	Amendment	Authorizing Order and Date	Page
	Motor Vehicle Inspection Regulations	EC441/91	s.1(f.1) [added] s.1(f.2) [added] s.1(h.1) [added] S.1(k.1) [added] s.1(p.1) [added] s.1(dd) [rev] s.3(1)(a) s.4(1)(l) s.4(2) s.4(2)(d) s.4(2)(f)-(y)[added] s.4(4) s.4(4)(f) s.4(4)(g) s.4(4)(i)-(o) [added] s.4(6.1) [added] [eff] Dec. 31/05	EC2005-733 (20.12.05)	309-312
H-8	<b>Hospital and Diagnostic Services Insurance Act Regulations</b>	EC539/63	s.1(a.1) [added] s.1(e) s.1(g) [rev] s.1(h) [R&S] s.1(i) [rev] s.1(k)(viii) [R&S] s.1(l) [R&S] s.1(o)(ix) s.1(s) [rev] s.1(x) s.2 [R&S] s.4(1) [rev] s.4(2) s.4(3) s.5 [R&S] s.7(1) s.7(2)[rev] s.8(1) s.8(3) [rev] s.10(1) s.10(1.1) [added] s.14(1) s.16(1.1)(d)(ii) s.16(2) [rev] s.16(3) [R&S] s.16(4) [R&S] s.18(1) s.18(1.1) [added] s.19 [rev] s.21 s.23-s.26 [rev] s.27(1)(b)	EC2005-734 (20.12.05)	312-317

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

Chapter Number	Title	Original Order Reference	Amendment	Authorizing Order and Date	Page
			Sched. A [R&S] [eff] Jan. 1/06		
H-10	<b>Hospitals Act</b> Hospital Management Regulations	EC574/76	s.1(b.1),(e.1)(i),(j), (k),(n) [rev] s.1(x) s.1(y) s.2 [R&S] s.3 [rev] s.5,6,10,12 [rev] s.11 [R&S] s.13 [R&S] s.14 s.19 [rev] s.24(2) s.24(3) s.36(1) s.36(2) s.37 s.38(3) s.39 s.47(4) s.47(5)(d.1) s.47(5)(f) [rev] s.47(5.1) s.47(6) s.56(e) [R&S] s.56(e.1) [added] s.56.1 [rev] s.57-s.59 [rev] s.60(3) s.61-s.66 [rev] s. 67-s.72 [rev] Form 1 [rev] Form 1A [rev] [eff] Jan. 1/06	EC2005-735 (20.12.05)	317-321
H-11.1	<b>Housing Corporation Act</b> Low Income Assisted Home Ownership Supplement Program Regulations	EC658/76	s.19(8) s.24 [eff] Jan. 1/06	EC2005-736 (20.12.05)	321
	Provincial Contribution to Seniors- Home Repair Regulations	EC1135/80	s.24 [eff] Jan. 1/06	EC2005-737 (20.12.05)	322
	Serviced Lot Subsidy Regulations	EC687/76	s.10(8) s.19 [eff] Jan. 1/06	EC2005-738 (20.12.05)	322-323

M-6.1	<b>Mental Health Act</b> Regulations	EC328/96	s.2(2)(c) s.3(5)(b) s.3(5)(c) [eff] Jan. 1/06	EC2005-760 (20.12.05)	323-324
P-4	<b>Pesticides Control Act</b> Regulations	EC543/84	[rev] [eff] Dec. 31/05	EC2005-761 (20.12.05)	343
	Regulation		[new] [eff] Dec. 31/05	EC2005-761 (20.12.05)	324-363
P-30	<b>Public Health Act</b> Notifiable and Communicable Diseases Regulations	EC330/85	s.8 [eff] Jan. 1/06	EC2005-762 (20.12.05)	363
R-12.1	<b>Renewable Energy Act</b> Minimum Purchase Price Regulations		[new] [eff] Dec. 31/05	EC2005-764 (20.12.05)	364-365
	Net-Metering System Regulations		[new] [eff] Dec. 31/05	EC2005-765 (20.12.05)	365-369
	Renewable Energy Designated Areas Regulations		[new] [eff] Dec. 31/05	EC2005-766 (20.12.05)	369-383
F-13.01	<b>Fisheries Act</b> Regulations	EC873/95	Sched. 6 [R&S] [eff] Dec. 31/05	EC2005-767 (20.12.05)	383-384