



PLEASE NOTE

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This document is *not* the official version of the Act. The Act and the amendments as printed under the authority of the Queen's Printer for the province should be consulted to determine the authoritative statement of the law.

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

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CHAPTER P-29

PUBLIC DEPARTMENTS ACT

1. There shall be several departments of the government of the province, Departments
 named as in Column 1 of the Table, over which the several Ministers of
 the Crown, named as in Column 2, shall preside.

TABLE

Column 1	Column 2
DEPARTMENT	MINISTER
Department of Agriculture, Fisheries and Aquaculture	Minister of Agriculture, Fisheries and Aquaculture
Department of Community and Cultural Affairs	Minister of Community and Cultural Affairs
Department of Development and Technology	Minister of Development and Technology
Department of Education	Minister of Education
Department of Environment, Energy and Forestry	Minister of Environment, Energy and Forestry
Department of Health	Minister of Health
Department of the Provincial Treasury	Provincial Treasurer
Department of Tourism	Minister of Tourism
Department of Transportation and Public Works	Minister of Transportation and Public Works
Department of Social Services and Seniors	Minister of Social Services and Seniors
Office of the Attorney General	Attorney General

1980,c.2,s.1; 1983,c.1,s.5; 1984,c.1,s.1; 1986,c.5,s.1; 1989(2nd),c.1,s.1;
 1993,c.29,s.1; 1995,c.8,s.1; 1997,c.20,s.3; 1998,c.3,s.1; 2000,c.5,s.1;
 2004,c.36,s.1; 2005,c.40,s.29.

2. A Minister of the Crown may hold more than one of the offices set out in section 1. Holding two or more portfolios

3. Each Minister of the Crown shall perform the duties of his office and such other functions as may be assigned by the Lieutenant Governor in Council. 1980, c.2, s.1. Duties of Ministers

4. (1) Upon the death or resignation of any Minister of the Crown holding any of the offices set out in section 1, and pending the naming of a successor to the office, the Premier shall preside over the department of Death or resignation of Minister

the Minister so dying or resigning and shall perform all the duties incident thereto.

Acting Minister,
appointment

(2) Upon the incapacity of a Minister to carry out the duties of his office whether from illness, absence from the province or otherwise, the Lieutenant Governor may appoint a Minister to perform the duties and responsibilities of the incapacitated Minister for such length of time as the Lieutenant Governor may determine and according to such procedure as the Lieutenant Governor in Council by regulation may prescribe.

Powers

(3) A Minister appointed under subsection (2) has all such powers as may be exercisable by the incapacitated Minister.

Incapacitated
Minister, powers

(4) The incapacitated Minister continues, notwithstanding an appointment under subsection (2), to have the full power and authority of his office if his incapacity is caused by his absence from the province unless the Lieutenant Governor in an appointment under subsection (2) otherwise provides, and if the Lieutenant Governor wishes to otherwise provide, he may impose such limitations or restrictions on the duties and powers of such incapacitated Minister as he may consider advisable.

Ceremonies of
appointment

(5) A Minister appointed under subsection (2) is not required to take an oath of office or perform any customary or traditional ceremonies associated with the appointment of Ministers. 1980, c.2, s.1.

Transfers and
amalgamations

5. (1) The Lieutenant Governor in Council may, by order published in the Gazette,

(a) establish, vary or disestablish any department or transfer any powers, duties or functions or the control or supervision of any part of the public service from one Minister of the Crown to any other Minister of the Crown or from one department of the public service to any other department of the public service;

(b) amalgamate and combine any two or more departments under one Minister of the Crown and under one Deputy Minister or change the name of or reorganize any one or more departments;

(c) alter the style by which any Minister of the Crown or public officer is to be known.

Orders to be laid
before Legislative
Assembly

(2) All orders made under subsection (1) shall be laid before the Legislative Assembly within fifteen days after they are made if the Legislative Assembly is then sitting, and if not, then within fifteen days from the commencement of the next ensuing session of the Legislative Assembly. 1980, c.2, s.1.

Effect of transfer or
amalgamation

6. (1) Whenever under section 5, any power, duty or function, or the control or supervision of any part of the public service is transferred from one Minister of the Crown to any other Minister of the Crown, or

from one department of the public service to any other department of the public service, the Minister or department to which the power, duty, function, control or supervision is so transferred, and the appropriate officers of that department shall, in relation thereto, be substituted for and shall have and may exercise the respective powers and duties which formerly belonged to or were exercisable by the Minister or department and the respective officers of the department from which the power, duty, function, control or supervision is so transferred, and references in any statutory provision to the latter Minister, department or officers shall be read and construed as references to the Minister, department or officers to which the power, duty, function, control or supervision is so transferred.

(2) Where under section 5 the name of any department or the style of any Minister of the Crown or public officer is changed, references in any statutory provision to the department, Minister or public officer in the old name or style thereof, shall be read and construed as referring to the department, Minister or public officer according to the new name or style thereof.

Effect of changes of name or style

(3) The Lieutenant Governor in Council may, by regulation, amend any regulation made under another Act for the purpose of replacing a reference in the regulation to the name of any department or the title of any Minister of the Crown or public officer that has been changed under this Act. 1980, c.2, s.1; 2004,c.36,s.1.

Regulations

7.(1) The Lieutenant Governor in Council may appoint a Deputy Minister for each department to be styled in accordance with the name of the department who shall hold office during pleasure.

Deputy Ministers

(2) The Lieutenant Governor in Council may appoint Assistant Deputy Ministers in any department who shall hold office during pleasure. 1980, c.2, s.1; 1983, c.1, s.5.

Assistant Deputy Ministers

8.(1) Upon the demise of the Crown it shall not be necessary to renew any Commission, by virtue whereof any public officer in this province held his office during the previous reign, but a proclamation shall be issued by the Lieutenant Governor authorizing all persons in office, who held Commissions under the late Sovereign, to continue in the due exercise of their respective duties, and the public officers shall, as soon thereafter as may be, take the oath of allegiance before the proper officer thereunto appointed.

Demise of Crown, effect on appointments etc.

(2) Upon the proclamation referred to in subsection (1) being issued and oath taken, every public officer shall continue in the lawful exercise of the duties of his office, as fully as if appointed anew by Commission

Proclamation of Lieutenant Governor, effect of

derived from the Sovereign for the time being, and all acts and things in good faith done and performed by the public officers in their respective offices, and in the due and faithful performance of their duties, between the time of the demise and the proclamation so to be issued (the oath of allegiance being always duly taken) shall be deemed to be legally done and valid accordingly. R.S.P.E.I. 1974, Cap. P-28, s.27.

Royal prerogative,
effect on

9. Nothing in section 8 prejudices or affects the right or prerogatives of the Crown with respect to any office or appointment derived or held by authority from it, nor prejudices nor affects the rights or prerogatives thereof in any other respect whatsoever. R.S.P.E.I. 1974, Cap. P-28, s.28.

Effect on legal
actions

10. No writ, cause, action, suit, plea, judgment or process or any other proceeding whatsoever, in or issuing out of any court, shall be determined, abated or discontinued by the demise of the Crown, but every such writ, cause, action, suit, plea, judgment, process or other proceeding shall remain in full force and virtue to be proceeded upon or with notwithstanding any demise of the Crown. R.S.P.E.I. 1974, Cap. P-28, s.29.

Oaths of allegiance
and office

11. It shall not be necessary for any person appointed to any civil office in this province or any mayor or other officer or member of any corporation therein, or for any person admitted, called or received as a barrister, notary public, attorney, or solicitor, to make any declaration or subscription, or to take or subscribe any other oath than the oath following, that is to say:

“I, A.B. do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second, (or as the case may be), her heirs and successors, according to law. So help me God”.

And also such oath for the faithful performance of the duties of his office, or for the due exercise of his profession or calling, as may be required by any law in that behalf. R.S.P.E.I. 1974, Cap. P-28, s.30.

Form of oath

12. The form in section 11, and no other, shall be that of the oath of allegiance to be administered to and taken by every person in this province either of his own accord or in compliance with any lawful requirement made on him or in obedience to the directions of any statute of the Legislature desires to take an oath of allegiance. R.S.P.E.I. 1974, Cap. P-28, s.31.

Who may
administer oaths of
allegiance

13. The Lieutenant Governor, the Chief Justice or any judge of the Supreme Court, or any provincial court judge or officer lawfully authorized by special commission from the Crown for that purpose, may administer the oath of allegiance or of the duties of office in any part of this province. R.S.P.E.I. 1974, Cap. P-28, s.32; 1975, c.27, s.5; 1975, c.78, s.3.

14. The oath of allegiance in section 11, together with the oath of office, or oath for the due exercise of any profession or calling, shall be taken within the period, and in the manner, and subject to the disabilities and penalties for the omission thereof by law provided with respect to the oaths in all such cases respectively. R.S.P.E.I. 1974, Cap. P-28, s.33.

Time and manner of taking oath

15. All persons allowed by law to affirm instead of swearing in civil cases, shall be received to take an affirmation of allegiance in the like terms with the necessary changes as the oath of allegiance, and the affirmation of allegiance taken before the proper officer shall in all cases be accepted from those persons in lieu of the oath and shall as to the affirmants have the same effect as the oath of allegiance; and all provincial court judges and other officers lawfully authorized either by virtue of their office or by special commission from the Crown for that purpose may administer the affirmation of allegiance in any part of this province. R.S.P.E.I. 1974, Cap. P-28, s.34.

Affirmations