



## **PLEASE NOTE**

This document, prepared by the [Legislative Counsel Office](#), is a consolidation of this statute current to November 1, 2003. It is intended for information and reference purposes only.

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

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

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

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## CHAPTER P-11

### POLICE ACT

- 1.** There shall be a force of police officers and police constables to be known as the Prince Edward Island Provincial Police. R.S.P.E.I. 1974, Cap. P-9, s.1. Provincial Police
- 2.** (1) The force includes all officers, inspectors, constables, and men specially appointed for the enforcement of any statute of Prince Edward Island. Force includes
- (2) All the officers, members, clerks and employees of the force are responsible to the Attorney General and shall perform such duties and exercise such powers as may be prescribed under the provisions, rules and regulations made by or under this Act. R.S.P.E.I. 1974, Cap. P-9, s.2; 1993, c.29, s.4; 1997,c.20,s.3; 2000,c.5,s.3. Responsible to and duties & powers
- 3.** The officer commanding the force may hold an inquiry into the conduct of any member of the force or of any officer or employee under his control and upon the inquiry has and may exercise the powers and authority conferred by the rules and regulations made pursuant to this Act. R.S.P.E.I. 1974, Cap. P-9, s.3. Inquiries into conduct of members of force etc.
- 4.** Each officer and member of the said force shall, before entering upon the duties of his office, take, subscribe and deposit with the Registrar of the Supreme Court, the following oath: Oath of office required
- I, having been appointed Commissioner of Police (or Police Constable as the case may be) for Prince Edward Island do swear that I will truly, faithfully and impartially perform the duties appertaining to the office according to the best of my skill and ability.  
Sworn, etc. So help me God.  
R.S.P.E.I. 1974, Cap. P-9, s.4; 1992, c.65, s.4.
- 5.** (1) The force consists of such officers, clerks and members as may be prescribed by the regulations made by or under this Act, and every officer and member of the force has authority to act as a constable throughout Prince Edward Island. Force includes; province-wide authority
- (2) Every officer and member of the force shall be deemed to be a peace officer with power and authority to investigate breaches of provincial statutes and offences under the *Criminal Code* (Canada) R.S.C. 1985, Chap. C-46, and shall have the powers of peace officers and constables with regard to the arrest and detention of offenders. R.S.P.E.I. 1974, Cap. P-9, s.5. Peace officer, member is

Employees of force	<b>6.</b> The Lieutenant Governor in Council may appoint such other officers, clerks and servants of the Prince Edward Island Provincial Police as he may consider advisable. R.S.P.E.I. 1974, Cap. P-9, s.6.
Special appointments	<b>7.</b> The Minister may authorize any person not a member of the force to exercise the powers of a provincial police constable and may place such restrictions or conditions on the appointment as he considers appropriate. 1992, c.54, s.1.
Auxiliary police officers	<b>7.1</b> The Minister may appoint persons as auxiliary police officers who shall act and have the powers and immunities of a police officer only when accompanied by or under the supervision of a police officer or a member of the Royal Canadian Mounted Police. 1994, c.48, s.13.
Powers, privileges & immunities	<b>8.</b> The officers, constables, and members of the force shall have all the powers, privileges, rights and immunities conferred upon any policeman, police constable, constable or peace officer under the <i>Criminal Code</i> or under any statute of the province not inconsistent with the provisions in this Act. R.S.P.E.I. 1974, Cap. P-9, s.8.
Fish and Game Protection Act	<b>9.</b> Every member of the force shall be by virtue of his office a constable under the <i>Fish and Game Protection Act</i> R.S.P.E.I. 1988, Cap. F-12. R.S.P.E.I. 1974, Cap. P-9, s.9.
Liquor Control Act	<b>10.</b> Every officer or member of the force shall be a constable under the <i>Liquor Control Act</i> R.S.P.E.I. 1988, Cap. L-14, and shall have all the powers, authorities, and immunities of a constable under the provisions of that Act. R.S.P.E.I. 1974, Cap. P-9, s.10.
Highway Traffic Act	<b>11.</b> Every officer and member of the force shall be an inspector for the enforcement of the <i>Highway Traffic Act</i> R.S.P.E.I. 1988, Cap. H-5. R.S.P.E.I. 1974, Cap. P-9, s.11.
Limitation of action	<b>12.</b> (1) No action shall be brought against any officer, constable or member of the said force for anything done by him in the reasonable discharge of his duty.
Reasonable, defined	(2) What shall be reasonable under this section shall be a question of fact.
Pleadings	(3) The defendant may plead the general issue and give this statute and the special matter in evidence. R.S.P.E.I. 1974, Cap. P-9, s.12.
Exemption from liability for violating laws of P.E.I.	<b>13.</b> (1) A member of the force, or any person acting under instructions given by the Attorney General or by the officer commanding the force, shall not be convicted for the violation of any provincial Act if it is made to appear to a justice or provincial court judge before whom the

complaint is heard, that the person charged with the offence committed it while acting under the instructions for the purpose of obtaining evidence.

(2) A certificate that the person so charged was acting under the instructions purporting to be signed by the Attorney General or officer commanding the force, without proof of the signature, shall be conclusive evidence of the fact that the person so charged was duly instructed under the provisions of subsection (1). R.S.P.E.I. 1974, Cap. P-9, s.13; 1993, c.29, s.4; 1997,c.20,s.3; 2000,c.5,s.3.

Proof of instruction  
to act

**14.** The Lieutenant Governor in Council may make rules and regulations with respect to

Regulations

- (a) ranks and promotions within the Prince Edward Island Provincial Police;
- (b) the duties of the force, and of officers appointed for the enforcement of provincial statutes;
- (c) providing clerical and other assistance;
- (d) providing accommodation and office equipment for any officer of the force;
- (e) the payment or compensation of officers of the force, and clerks or officials of the force;
- (f) the qualifications, training and length of appointment of persons appointed pursuant to this Act;
- (g) regulating the employment of municipal police forces and persons authorized pursuant to section 7;
- (h) establishing the qualifications for permanent or temporary members of police forces. R.S.P.E.I. 1974, Cap. P-9, s.14; 1994, c.48, s.13.

**15.** (1) The Lieutenant Governor in Council may enter into an agreement with the appropriate branch of the Government of Canada for the policing of the province by the Royal Canadian Mounted Police.

Royal Canadian  
Mounted Police

(2) The officers and other ranks of the Royal Canadian Mounted Police stationed in the province shall be and constitute the Prince Edward Island Provincial Police. R.S.P.E.I. 1974, Cap. P-9, s.15; 1991, c.2, s.1.

Constitute  
Provincial Police

**16.** No officer nor any other rank of the Royal Canadian Mounted Police who is duly sworn to perform his duty in accordance with the regulations of that force shall be required to take the oath prescribed by section 4. R.S.P.E.I. 1974, Cap. P-9, s.16.

Requirement to take  
oath

**17.** Every member of the Royal Canadian Mounted Police shall have all the powers, authorities, privileges, rights and immunities possessed and enjoyed by any policeman, police constable, constable or peace officer

Powers, rights &  
immunities

under any law of this province. R.S.P.E.I. 1974, Cap. P-9, s.17; 1991, c.2, s.2.

Peace officer, as

**18.** Every member of the Royal Canadian Mounted Police shall be deemed to be a peace officer with power and authority to investigate breaches of provincial statutes and offences under the *Criminal Code* and shall have the powers of peace officers and constables with regard to the arrest and detention of offenders. R.S.P.E.I. 1974, Cap. P-9, s.18; 1991, c.2, s.2.

Officer in command  
of R.C.M.P.,  
powers etc.

**19.** The officer in command of the Royal Canadian Mounted Police in this province, shall, during the continuance of the agreement have all the powers, authorities, privileges, rights and immunities conferred upon the Officer Commanding the Prince Edward Island Provincial Police and all other ranks of the Royal Canadian Mounted Police shall, during the continuance of the agreement, have all the powers, authorities, privileges, rights and immunities conferred on the officers, constables or members of the Prince Edward Island Provincial Police. R.S.P.E.I. 1974, Cap. P-9, s.19; 1991, c.2, s.3.