



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 T-5

TRANSBOUNDARY POLLUTION (RECIPROCAL ACCESS) ACT

- 1.** In this Act Interpretation
- (a) “person” means a natural person, corporation, business trust, estate, trust, partnership, association, joint venture, government in its private or public capacity, governmental subdivision or agency, or any other legal entity; person
- (b) “reciprocating jurisdiction” means a state of the United States of America, the District of Columbia, the Commonwealth of Puerto Rico, a territory or possession of Canada, which has enacted this Act or provides substantially equivalent access to its courts and administrative agencies. 1985, c.43, s.1. reciprocating jurisdiction
- 2.** An action or other proceeding for injury or threatened injury to property or person in a reciprocating jurisdiction caused by pollution originating, or that may originate, in Prince Edward Island may be brought in Prince Edward Island. 1985, c.43, s.2. Forum
- 3.** A person who suffers or is threatened with injury to his person or property in a reciprocating jurisdiction caused by pollution originating, or that may originate, in Prince Edward Island has the same rights to relief with respect to the injury or threatened injury, and may enforce those rights in Prince Edward Island, as if the injury or threatened injury occurred in Prince Edward Island. 1985, c.43, s.3. Right to relief
- 4.** The law to be applied in an action or other proceeding brought pursuant to this Act, including what constitutes “pollution”, is the law of Prince Edward Island excluding choice of law rules. 1985, c.43, s.4. Applicable law
- 5.** This Act does not accord a person injured or threatened with injury in another jurisdiction any rights superior to those that the person would have if injured or threatened with injury in Prince Edward Island. 1985, c.43, s.5. Equality of rights
- 6.** The right provided in this Act is in addition to and not in derogation of any other rights. 1985, c.43, s.6. Right additional to those now existing
- 7.** This Act binds the Crown in right of Prince Edward Island only to the extent that the Crown would be bound if the person were injured or threatened with injury in Prince Edward Island. 1985, c.43, s.7. Act binds crown

Regulations

8. Notwithstanding clause 1(b), the Lieutenant Governor in Council may by regulations declare a jurisdiction to be a reciprocating jurisdiction for the purposes of this Act. 1985, c.43, s.8.

Uniformity of
application and
construction

9. This Act shall be applied and construed to carry out its general purpose to make uniform the law with respect to the subject of this Act among jurisdictions enacting it. 1985, c.43, s.9.