



PRINCE EDWARD ISLAND
ÎLE-DU-PRINCE-ÉDOUARD

APPORTIONMENT ACT

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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* on the Prince Edward Island Government web site (www.princeedwardisland.ca).

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APPORTIONMENT ACT

CHAPTER A-14

1. Definitions

(1) In this Act

- (a) “**rents**” include rent service, rent-charge and rent-seck, and all periodical payments or renderings in lieu of or in the nature of rent;
- (b) “**annuities**” include salaries and pensions;
- (c) “**dividends**” include, besides dividends properly so called, all payments made by the name of dividend, bonus or otherwise out of the revenue of trading or other public companies, divisible between all or any of the members of such respective companies, whether the payments are usually made or declared at any fixed times or otherwise.

Accrues in increments

- (2) All divisible revenue included in clause (1)(c) is deemed to accrue by equal daily increment during and within the period for or in respect of which the payment of the revenue is declared or expressed to be made, but the word “dividend” does not include payments in the nature of a return or reimbursement of capital. *R.S.P.E.I. 1974, Cap. A-12, s.1.*

2. Rents, annuities etc. apportionable

All rents, annuities, dividends and other periodical payments in the nature of income whether reserved or made payable under an instrument in writing, or otherwise, are, like interest on money lent, considered as accruing from day to day, and are apportionable in respect of time accordingly. *R.S.P.E.I. 1974, Cap. A-12, s.2.*

3. Apportioned part, payable or recoverable

The apportioned part of any rent, annuity, dividend or other payment referred to in section 2 is payable or recoverable

- (a) in the case of a continuing rent, annuity or other payment, when the entire portion of which the apportioned part forms part, becomes due and payable, and not before; and
- (b) in the case of a rent, annuity or other payment determined by *re-entry*, death or otherwise, when the next entire portion of the same would have been payable if the same had not been so determined, and not before. *R.S.P.E.I. 1974, Cap. A-12, s.3.*

4. Remedies at law for recovery

- (1) All persons and their respective heirs, executors, administrators and assigns, and also the executors, administrators and assigns respectively of persons whose interests determine with their own deaths, have the same remedies at law and in equity for recovering apportioned

parts when payable, allowing apportionate parts of all just allowances, as they respectively would have had for recovering the entire portions, if entitled thereto respectively.

Recovery

- (2) Notwithstanding subsection (1), persons liable to pay rents reserved out of or charged on lands or other hereditaments of any tenure, and the same lands or other hereditaments, shall not be resorted to for any such apportioned part forming part of an entire or continuing rent as aforesaid specifically, but the entire or continuing rent including such apportioned part, shall be recovered and received by the heir or other person who, if the rent had not been apportionable under this Act or otherwise, would have been entitled to the entire or continuing rent, and the apportioned part shall be recoverable from the heir or other person by the executors or other parties entitled under this Act to the same by action at law or suit in equity. *R.S.P.E.I. 1974, Cap. A-12, s.4.*

5. Insurance policies, application of Act to

Nothing in this Act renders apportionable any annual sums made payable in policies of assurance of any description. *R.S.P.E.I. 1974, Cap. A-12, s.5.*

6. Extent of Act

This Act does not extend to any case in which it is or shall be expressly stipulated that no apportionment shall take place. *R.S.P.E.I. 1974, Cap. A-12, s.6.*

