



PRINCE EDWARD ISLAND  
ÎLE-DU-PRINCE-ÉDOUARD

# **EMERGENCY MEASURES ACT**

## 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 King'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](http://www.princeedwardisland.ca)).

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## EMERGENCY MEASURES ACT

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## EMERGENCY MEASURES ACT

### CHAPTER E-6.1

### INTERPRETATION

#### 1. Definitions

In this Act

- (a) “**Director**” means the Director of the Emergency Measures Organization;
- (b) “**disaster**” means any real or anticipated occurrence such as disease, pestilence, fire, flood, tempest, explosions, enemy attack or sabotage, which endangers property, the environment or the health, safety or welfare of the civil population;
- (c) “**emergency**” means a present or imminent event in respect of which the Minister or municipality believes prompt co-ordination of action or special regulation of persons or property must be undertaken to protect the health, safety or welfare of people or to limit damage to property;
- (d) “**Emergency Measures Organization**” means the Prince Edward Island Emergency Measures Organization established under section 3;
- (e) “**emergency measures plan**” means any plan, program or procedure prepared by the province or a municipality that is intended to mitigate the effects of an emergency or disaster and to provide for the safety, health or welfare of the civil population and the protection of property and the environment in the event of such an occurrence;
- (f) “**Fire Marshal**” means the fire marshal appointed pursuant to the *Fire Prevention Act* R.S.P.E.I. 1988, Cap. F-11;
- (g) “**local authority**” means
  - (i) the council of a municipality,
  - (ii) the Park Superintendent of a National Park or his delegate where an agreement is entered into with the Government of Canada in which it is agreed that the Park Superintendent is a local authority for the purposes of this Act,
  - (iii) the Band Council of an Indian Band where an agreement is entered into with the Government of Canada in which it is agreed that the Band Council is a local authority for the purposes of this Act,
  - (iv) in the case of special areas or districts, the Minister responsible for emergency measures;
- (h) “**Minister**” means the member of the Executive Council charged by the Lieutenant Governor in Council with the administration of this Act;
- (i) “**municipality**” means a municipality as defined in the *Municipal Government Act* R.S.P.E.I. 1988, Cap. M-12.1;

- (j) “**state of emergency**” means a state of emergency declared by the Minister pursuant to subsection 9(1);
- (k) “**state of local emergency**” means a state of local emergency declared by a local authority pursuant to subsection 9(2) or by the mayor of a municipality pursuant to subsection 9(2.1);
- (l) “**Workers’ Compensation Board**” means the Workers’ Compensation Board of Prince Edward Island established pursuant to the *Workers’ Compensation Act* R.S.P.E.I. 1988, Cap. W-7. 1990,c.11,s.1; 1999,c.2,s.1; 2016,c.44,s.269; 2020,c.76,s.29.

## ADMINISTRATION

### 2. Administration

- (1) The Minister is responsible for the administration of this Act.

#### Responsibilities of Minister

- (2) The Minister shall co-ordinate emergency measures plans within the province and may delegate powers vested in the Minister by or under this Act. 1990,c.11,s.2; 2015,c.36,s.23.

### 3. Establishment

- (1) The Prince Edward Island Emergency Measures Organization is hereby established.

#### Director

- (2) The Lieutenant Governor in Council may appoint a person to be known as the Director of the Emergency Measures Organization who shall, under the direction of the Minister, be responsible for the administration of the Emergency Measures Organization.

#### Emergency Measures Organization, powers

- (3) The Emergency Measures Organization has and shall exercise and perform such powers and duties as are vested in it by or under this Act and those assigned to it by the Minister. 1990,c.11,s.3.

### 4. Committees

The Minister may appoint such committees as he considers necessary or desirable to advise and assist him in the administration of this Act. 1990,c.11,s.4.

## EMERGENCY PLAN

### 5. Agreements

Subject to the approval of the Lieutenant Governor in Council, the Minister may

- (a) enter into agreements with the Government of Canada or with a province or an agent of either of them in respect of emergency measures plans;
- (b) enter into agreements with the Government of Canada and the Workers’ Compensation Board for the administration and payment of compensation benefits to persons engaged in training or carrying out duties related to a state of emergency or a state of local emergency. 1990,c.11,s.5.

**6. Emergency Measures Organization, powers**

The Emergency Measures Organization may, subject to the approval of the Minister,

- (a) produce a provincial emergency measures plan;
- (b) review and approve, or require modification to provincial and municipal emergency measures plans;
- (c) make surveys and studies to identify and record actual and potential hazards which may cause an emergency or disaster;
- (d) make surveys and studies of resources and facilities to provide information for the effective preparation of emergency measures plans;
- (e) conduct public information programs related to the prevention and mitigation of damage by disaster;
- (f) conduct training and training exercises for the effective implementation of emergency measures plans;
- (g) procure food, clothing, medicine, equipment and goods of any nature or kind for the purposes of mitigating emergencies and disasters; and
- (h) authorize or require the implementation of any emergency measures plan. *1990,c.11,s.6.*

**7. Minister, powers**

The Minister may

- (a) divide the province into areas for the purpose of this Act;
- (b) request municipalities to prepare emergency measures plans including mutual assistance programs, and to submit them to the Emergency Measures Organization for review for adequacy and integration with the provincial emergency plan;
- (c) establish procedures for the prompt and effective implementation of emergency measures plans;
- (d) request any person to develop emergency measures plans in conjunction with the Emergency Measure Organization or the municipalities to remedy or alleviate any hazard to persons, property or the environment that is or might be created
  - (i) by a condition that exists or may exist on that person's property,
  - (ii) by that person's use of property,
  - (iii) by an operation in which that person is or may be engaged,
  - (iv) by a process that that person is or may be utilizing; and
- (e) issue directions with respect to any other matter or thing that the Minister considers necessary for the administration of this Act. *1990,c.11,s.7.*

**8. Municipality, powers**

Each municipality

- (a) may establish and maintain a municipal emergency measures organization by passage of a bylaw;
- (b) may appoint a co-ordinator of the municipal emergency organization, and prescribe duties that contain the preparation and co-ordination of emergency measures plans for the municipality;
- (c) may appoint a committee to advise it on the development of emergency measures plans;
- (d) pursuant to clause 7(b), may prepare and approve emergency measures plans;

- (e) may enter into agreements with and make payments to persons and organizations for the provisions of services in the development and implementation of emergency measures plans;
- (f) may use employees, property or equipment of the municipality within or outside the municipality. *1990,c.11,s.8.*

## STATES OF EMERGENCY

### 9. Declaration, state of emergency

- (1) The Minister may at any time, when he is satisfied that an emergency exists or may exist, declare a state of emergency in respect to all or any area of the province.

#### *Idem*, local authority

- (2) A local authority may, when satisfied that an emergency exists, declare a state of local emergency.

#### **Council unable to act promptly**

- (2.1) Where the council of a municipality is unable to act promptly in declaring a state of local emergency in a municipality pursuant to subsection (2), the mayor of the municipality may, after consulting a majority of the members of the council of the municipality where practicable, declare a state of local emergency in the municipality.

#### *Idem*, nature of

- (3) A declaration under this section shall identify the nature of the emergency and the area in which it exists.

#### **Effective date of declaration**

- (4) A declaration of a state of emergency is effective on the date on which it is issued. *1990,c.11,s.9; 1999,c.2,s.2; 2020,c.76,s.29.*

### 10. Publication

When a state of emergency or a state of local emergency has been declared pursuant to this Act, the Minister or the local authority, as the case may be, shall immediately cause the details of the declaration to be communicated or published by such means as it is considered the most likely to make the contents of the declaration known to the population of the area affected. *1990,c.11,s.10.*

### 11. Powers exercisable when state of emergency declared

Upon a state of emergency being declared in respect to the province or an area thereof, or upon a state of local emergency being declared in respect to a municipality or an area thereof, the Minister may, during the state of emergency, in respect of the province or an area thereof, or the municipality may during the state of local emergency, in respect of such municipality or an area thereof, as the case may be, do everything necessary for the protection of property, the environment and the health or safety of persons therein, including

- (a) cause an emergency measures plan to be implemented;
- (b) acquire or utilize or cause the acquisition or utilization of any personal property by confiscation or any means considered necessary;



- (c) authorize or require any qualified person to render assistance of such type as that person may be willing and qualified to perform;
- (d) control or prohibit travel to or from any area or on any road, street or highway;
- (e) provide for the maintenance and restoration of essential facilities, the distribution of essential supplies and the maintenance and co-ordination of emergency medical, social and other essential services;
- (f) cause the evacuation of persons and the removal of livestock and personal property threatened by a disaster or emergency, and make arrangements for the adequate care and protection thereof;
- (g) authorize any person properly identified as authorized by the Minister, by the Emergency Measures Organization, or by the municipal emergency measures organization, to enter into any building or upon any land without warrant;
- (h) prohibit persons from entering into or upon any building, structure, premises, land, place or area;
- (i) cause the demolition or removal of any building, structure, tree or crop where the demolition or removal is necessary or advisable for the purposes of reaching the scene of a disaster, in attempting to forestall its occurrence or combating its progress;
- (j) procure food, clothing, fuel, equipment, medical or other essential supplies and the use of property, services, resources or equipment; and
- (k) order the assistance, with or without remuneration of persons needed to carry out the provisions mentioned in this section,

and in addition, the Minister may authorize or require a municipality to cause an emergency measures plan for the municipality or any part thereof to be implemented. *1990,c.11,s.11.*

## **12. State of local emergency**

Upon declaring a state of local emergency, the local authority

- (a) shall immediately forward a copy of the declaration to the Minister; and
- (b) may authorize any person or committee to exercise any power vested in it under section 11. *1990,c.11,s.12.*

## **13. Co-ordinators**

During a state of emergency

- (a) the Fire Marshal is the co-ordinator of all efforts in relation to the suppression and prevention of fires;
- (b) the officer commanding "L" Division of the Royal Canadian Mounted Police is the co-ordinator of all efforts in relation to law enforcement. *1990,c.11,s.13.*

## **14. Termination by Minister**

(1) The Minister may

- (a) terminate a state of emergency with respect to an area identified by him in his declaration of a state of emergency when he believes on reasonable grounds an emergency no longer exists in such area; and
- (b) terminate a state of local emergency with respect to an area identified by a local authority in its declaration of a state of local emergency when he believes on reasonable grounds an emergency no longer exists in such area.

**Termination by local authority**

- (2) The local authority may terminate a state of local emergency with respect to an area identified by it in its declaration of a state of local emergency when it believes on reasonable grounds, an emergency no longer exists in such area. *1990,c.11,s.14.*

**15. Termination conditions**

- (1) A state of emergency ends
- (a) when it is terminated by the Minister pursuant to clause 14(1)(a); or
  - (b) subject to subsection (2), fourteen days after the day on which it was declared.

**Renewal**

- (2) A state of emergency may be renewed by the Minister with the approval of the Lieutenant Governor in Council if it has not been terminated pursuant to clause 14(1)(a). *1990,c.11,s.15.*

**16. Termination**

- (1) A state of local emergency ends
- (a) when the area identified by the local authority in its declaration of a state of local emergency is included in an area identified by the Minister in his declaration of a state of emergency;
  - (b) when it is terminated by the Minister pursuant to clause 14(1)(b) or by the local authority pursuant to subsection 14(2);
  - (c) subject to subsection (2), seven days after the day on which it was declared.

**Renewal**

- (2) A state of local emergency may be renewed by the local authority with approval of the Minister if it has not ended pursuant to subsection (1).

**Idem**

- (3) The provisions of this Act, respecting a state of local emergency, or the declaration thereof, apply to a renewal of a state of local emergency. *1990,c.11,s.16.*

**LIABILITY FOR DAMAGE**

**17. Liability**

- (1) The Minister, the local authority, a committee established under this Act or a member thereof, any duly organized Emergency Measures Organization, or any other person
- (a) are not liable for any damage arising out of any action taken pursuant to this Act or the regulations;
  - (b) are not subject to any proceedings by prohibition, or injunction with respect to any action taken pursuant to this Act or the regulations.

**Absenteeism**

- (2) Every person who with proper authority is absent from his accustomed employment or duty authorized by the Minister or by the local authority for the purpose of this Act shall, while so absent, for all purposes relative to retention of employment, of seniority rights, of pension

benefits, be deemed to have been in his accustomed employment during the period of absence.

### **Compensation**

- (3) The Lieutenant Governor in Council may order compensation for damage arising out of any action taken pursuant to this Act where he has reason to believe a person, local authority or committee may have been, except for operation of subsection (1), liable therefor. *1990,c.11,s.17; 2020,c.60,s.21.*

## **ENFORCEMENT**

### **18. Right of entry**

When implementing an emergency measures plan pursuant to this Act or the regulations, any person properly identified as authorized by the Minister, the Emergency Measures Organization or the municipal emergency measures organization has the right at any time to enter upon any property. *1990,c.11,s.18.*

### **19. Offence and penalty**

Every person who obstructs the Minister, the local authority, the Emergency Measures Organization, a committee established pursuant to this Act or any person in the performance of any action, matter or thing authorized by this Act or who contravenes or fails to comply

- (a) with any provision of this Act or any regulations under this Act; or
- (b) with any direction, order or requirement made pursuant to this Act or the regulations

commits an offence and is liable on summary conviction, in the case of an individual, to a fine of not less than \$100 and not more than \$2,000 or in the case of a corporation, of not less than \$100 and not more than \$10,000, or to imprisonment for a term not more than six months, or to both. *1990,c.11,s.19.*

## **REGULATIONS**

### **20. Regulations**

The Lieutenant Governor in Council may, on the recommendation of the Minister, make regulations respecting

- (a) emergency planning for the continuity of functions of departments, boards, commissions, corporations and other agencies of the government of Prince Edward Island;
- (b) the vesting of special powers and duties in various departments and agencies of the government for the purposes of emergency planning and the implementation of emergency measures plans;
- (c) the organization, responsibilities, powers, duties and operation of fire auxiliary forces throughout the province or any part thereof;
- (d) authority to be delegated under this Act;
- (e) cost incurred in emergency and disaster operations;
- (f) the sharing of costs incurred by the province or by a municipality in implementing emergency measures plans;

- (g) the administration of an disbursement from a disaster relief fund;
- (h) any matter or thing that the Lieutenant Governor in Council considers necessary for the administration of this Act. *1990,c.11,s.20; 2006,c.16,s.63(3).*

**21. Repeal**

Act repealed. *1990,c.11,s.21.*