



PRINCE EDWARD ISLAND
ÎLE-DU-PRINCE-ÉDOUARD

AGRICULTURAL CROP ROTATION 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 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).

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AGRICULTURAL CROP ROTATION ACT

CHAPTER A-8.01

1. Definitions

In this Act

- (a) “**grower**” means a person who is responsible for the planting, managing, maintaining and harvesting of regulated crops on land, and includes employees or agents of such a person;
- (b) “**inspector**” means a person appointed by the Minister pursuant to subsection 3(1);
- (c) “**land**” means an outdoor location where regulated crops may be planted;
- (d) “**landowner**” means the registered owner of land whether or not the land is under the management of the registered owner;
- (e) “**management plan**” means a plan that
 - (i) is approved by a management specialist,
 - (ii) conforms to all provincial and federal laws, and
 - (iii) contains a soil and crop management component and a nutrient management component that address crop sequences, tillage practices, planting of cover crops, nitrogen and phosphorous management practices, and any other soil conservation and nutrient management practices that may be prescribed by the regulations;
- (f) “**management specialist**” means a person appointed by the Minister pursuant to subsection 3(1) who is an agrologist registered pursuant to the provisions of *Agrologists Act* R.S.P.E.I. 1988, Cap. A-10 or an agricultural engineer registered pursuant to the provisions of the *Engineering Profession Act* R.S.P.E.I. 1988, Cap. E-8.1;
- (g) “**Minister**” means the Minister of Environment, Energy and Climate Action;
- (h) “**potatoes**” means a growing crop of potatoes excluding volunteers as defined in the *Plant Health Act* Potatoes Regulations (EC 138/95);
- (i) “**regulated crop**” means potatoes and other crops which are planted and harvested within one calendar year, excluding cereals and forages. *2001,c.25,s.1; 2001,c.1,s.1; 2004,c.36,s.3; 2008,c.4,s.1; 2012,c.17,s.2; 2015,c.28,s.3; 2019,c.1,s.3; 2023,c.20,s.2.*

2. Purposes

The purposes of this Act, through crop rotation and responsible land management, are

- (a) to maintain and improve surface water quality by reducing run-off and soil erosion;
- (b) to maintain and improve groundwater quality;
- (c) to maintain and improve soil quality; and
- (d) to preserve soil productivity. *2001,c.25,s.2.*

3. Appointment of inspectors

- (1) The Minister may appoint inspectors and management specialists as necessary for the administration and enforcement of this Act and the regulations.

Inspector

- (1.1) A conservation officer appointed under the *Wildlife Conservation Act* R.S.P.E.I. 1988, Cap. W-4.1 is an inspector by virtue of his or her office.

Powers

- (2) For the administration and enforcement of this Act and the regulations, an inspector may
- (a) enter upon land where regulated crops are growing or may be growing;
 - (b) enter upon a person's property for the purpose of gaining access to land where regulated crops are growing or may be growing;
 - (c) inspect and take samples of vegetative matter on land to ascertain a crop's identity; and
 - (d) require a grower or landowner to produce for inspection, records concerning matters relevant to the administration or enforcement of this Act and the regulations.

Records

- (3) An inspector may receive copies of records produced under subsection (2) or receive records for the purpose of copying and returning them. *2001, c.25, s.3; 2006, c.16, s.63(1).*

4. Assistance to inspector

- (1) Landowners and growers shall give an inspector all reasonable assistance to enable the inspector to carry out the inspector's functions under this Act and the regulations, and shall furnish the inspector with information reasonably required to administer or enforce this Act and the regulations.

Obstruction of inspector

- (2) No person shall obstruct or hinder or knowingly make false or misleading statements to an inspector engaged in carrying out the inspector's functions under this Act or the regulations. *2001, c.25, s.4.*

5. Expertise

The Minister may engage the services of professional or technical persons and experts to advise on such matters as may be necessary for the efficient administration of this Act or the regulations. *2001, c.25, s.5.*

6. Responsibility of landowner for crop planted

Evidence that regulated crops have been grown on land is *prima facie* evidence that the landowner authorized regulated crops to be grown on the land. *2001, c.25, s.6.*

7. Sod

- (1) For the purposes of subsection (4), "sod" means the condition of having perennial forage crop cover.

Crop rotation

- (2) Subject to subsections (3) and (4), no grower shall plant and no landowner shall permit regulated crops to be planted on any area of land greater than 1.0 hectares at any time for more than one calendar year in any three consecutive calendar years.

Exemptions

- (3) A grower may plant and a landowner may permit regulated crops to be planted on land which is subject to a management plan if the grower of the regulated crops adheres to all aspects of the management plan.

Permit

- (4) Where land has been in sod for a significant period of time, the Minister may issue a permit to a grower to plant regulated crops or to a landowner to permit regulated crops to be planted on land, subject to conditions as may be prescribed by the regulations. *2001,c.25,s.7.*

8. Slope greater than 9%

Repealed by *2008,c.4,s.2. 2001,c.25,s.8; 2001,c.1,s.2; 2008,c.4,s.2.*

9. Liability

No action lies against the Minister, an inspector or against employees or agents of the Minister for acts performed in good faith pursuant to this Act or the regulations. *2001,c.25,s.9.*

10. Appeals

- (1) There shall be an appeals process.

Appeals board

- (2) The Farm Practices Review Board established pursuant to the *Farm Practices Act R.S.P.E.I. 1988, Cap. F-4.1* shall be the appeals board. *2001,c.25,s.10.*

11. Offences

Unless otherwise provided in the regulations,

- (a) a person who contravenes a provision of this Act, other than section 7, or of the regulations is guilty of an offence, and is liable on summary conviction to a fine of not less than \$1,000 and of not more than \$50,000; and
- (b) a person who contravenes section 7 of this Act is guilty of an offence, and is liable on summary conviction to a fine of \$1,000 per hectare of land planted in violation of section 7. *2001,c.25,s.11; 2008,c.4,s.3.*

12. Limitation period

Proceedings in respect to an offence under this Act or the regulations may be instituted at any time within two years after the time when the subject matter of the proceedings arose. *2001,c.25,s.12.*

13. Regulations

The Lieutenant Governor in Council may make regulations

- (a) designating specific crops as cereals and forages for the purposes of this Act;

- (b) prescribing qualifications and identification for inspectors and management specialists;
- (c) respecting management plans, including the soil and crop management components and nutrient management components of management plans, and prescribing the nature and duration of management plans;
- (d) respecting the issuance of permits to plant regulated crops;
- (e) repealed by *2008, c.4, s.4*;
- (f) prescribing fines for specific offences, which fines may differ from those set out in section 11;
- (g) prescribing fees, including fees for the production and maintenance of management plans, or other charges payable pursuant to this Act or the regulations;
- (h) prescribing forms and procedures to be used under this Act;
- (i) generally providing for the better administration of this Act. *2001, c.25, s.13; 2001, c.1, s.3; 2008, c.4, s.4.*