

**EC2006-291****PRINCE EDWARD ISLAND LANDS PROTECTION ACT  
EXEMPTION REGULATIONS  
AMENDMENT**

Pursuant to clause 17(1)(b) of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5, Council made the following regulations:

**1. Section 1.1 of the *Prince Edward Island Lands Protection Act Exemption Regulations (EC368/88)* is amended****(a) in subsection (1),**

**(i) in subclause (b)(i), by the deletion of the word “member” and the substitution of the word “shareholder”,**

**(ii) by the revocation of subclause (b)(ii) and the substitution of the following:**

(ii) are financially and operationally independent from each other except for the purposes of the cooperative venture;

**(iii) in clause (c),**

**(A) by the addition of the words “having two or more shareholders” after the word “corporation”, and**

**(B) by the deletion of the words “or members”, and**

**(iv) in clause (d), by the deletion of the word “membership” and the substitution of the words “shareholders”;**

**(b) by the addition of the following after subsection (2):**

(2.1) The shareholders of an approved cooperative venture are exempt from sections 4 and 5 of the Act in respect of the land holdings identified in the approval issued under subsection (6). Shareholders  
exempt

**2. These regulations come into force on May 27, 2006.****EXPLANATORY NOTES**

The amendments clarify the definitions of “arm’s length” and “cooperative venture” and adds a provision respecting the exemption of shareholders of a cooperative venture. The amendment also changes references to “members” to references to “shareholders”.

**EC2006-292****PUBLIC DEPARTMENTS ACT  
ACTING MINISTER  
APPOINTMENT**

Under authority of subsection 4(2) of the *Public Departments Act*, R.S.P.E.I. 1988, Cap. P-29 the following appointment was made:

Honourable Mitch Murphy to be Acting Minister of Education and Acting Attorney General commencing on the 20th day of May 2006, and continuing for the duration of the absence from the Province of Honourable Mildred Dover.

## EC2006-293

**TOBACCO SALES AND ACCESS ACT  
REGULATIONS  
AMENDMENT**

Pursuant to section 9 of the *Tobacco Sales and Access Act* R.S.P.E.I. 1988, Cap. T-3.1, Council made the following regulations:

**1. (1) The *Tobacco Sales and Access Act* Regulations (EC414/05) are amended**

**(a) by renumbering section 1 as section 2; and**

**(b) by renumbering section 2 as section 3.**

**(2) The regulations are amended by the addition of the following before section 2:**

**1. In these regulations,**

Definitions

(a) “Act” means the *Tobacco Sales and Access Act* R.S.P.E.I. 1988, Cap. T-3.1;

Act

(b) “product display space” means any space within a tobacconist shop in which tobacco products are displayed for customers, and includes floor space, shelf space, wall display space and space on displays suspended from a ceiling.

product display space

**2. The regulations are amended by the addition of the following after section 1:**

**1.1** For the purpose of clause 5.1(3)(a) of the Act, the primary business conducted in a place or premises is the retail sale of tobacco if at least 50% of the product display space within the place or premises is devoted to the sale of tobacco.

Retail sale of tobacco

**1.2 (1)** For the purpose of clause 5.2(3)(a) of the Act, a sign listing the types of tobacco offered for sale and their prices may be displayed in a place or premises in which tobacco is sold or offered for sale at retail if the sign meets the following requirements:

Signage requirements

(a) the maximum size of the sign shall not exceed 968 square centimetres (150 square inches);

(b) the sign shall be white, except for its text, which must be black;

(c) the maximum height of a letter in the sign’s text shall not exceed 18 millimetres;

(d) the text size and style shall be consistent in all parts of the sign, and the text shall not contain italics, bold type or underlining;

(e) the text of the sign shall not identify or reflect a brand of tobacco.

**(2)** In a place or premises in which tobacco is sold or offered for sale at retail,

Number of signs

(a) no more than one sign that complies with the requirements of subsection (1) may be displayed per till;

(b) each sign referred to in clause (a) shall be affixed to the counter or wall near a till; and

(c) a sign referred to in clause (b) may be kept under the counter available for reference by the cashier.

**(3)** For greater certainty, “types of tobacco”, in respect of a sign referred to in subsection (1), means types of tobacco such as full price, mid price or budget price cigarettes, smokeless tobacco, cigars, and loose tobacco by pouch or tub, without reference to a brand.

Types of tobacco

**(4)** A sample of a sign referred to in subsection (1), and its requirements, is set out in the Schedule to these regulations.

Signage

**3. Section 2 of the regulations is amended**

**(a) in subsection (2), by the deletion of the words “section 1” and the substitution of the words “subsection (1)”;** and

**(b) by the addition of the following after subsection (4):**

(5) A notice required to be posted by a retail vendor under section 6.1 of the Act shall Posted notice

(a) contain the following message:

“Notice - Tobacco cannot be sold at this location - we are prohibited from selling tobacco under the *Health Tax Act* R.S.P.E.I. 1988, Cap. H-3”; and

(b) include the following information:

(i) the name and address of the premises to which the prohibition from selling tobacco applies,

(ii) the length of the prohibition.

**4. Section 3 of the regulations is revoked and the Schedule as set out in the Schedule to these regulations is substituted.**

**5. These regulations come into force on June 1, 2006.**

### SCHEDULE

#### SCHEDULE

##### SAMPLE SIGN

Tobacco Pricing				
	20s	25s	Carton	
<b>Cigarettes</b>				
full price	*\$(x)	*\$(x)	*\$(x)	
mid price	*\$(x)	*\$(x)	*\$(x)	
budget price	*\$(x)	*\$(x)	*\$(x)	
Smokeless tobacco	*\$(x)	to	*\$(x)	
Cigars	*\$(x)	to	*\$(x)	
<b>Loose tobacco</b>				
Pouch	*\$(x)	to	*\$(x)	
Tub	*\$(x)	to	*\$(x)	

\*Insert price wherever “\$(x)” occurs

\*\*The maximum height of a letter in the sign’s text shall not exceed 18 millimetres

### EXPLANATORY NOTES

**SECTION 1** renumbers sections of the regulations and creates new definitions.

**SECTION 2** describes a tobacconist shop; outlines signage requirements for the types of tobacco offered for sale; describes the number of signs permitted in a place or premises in which tobacco is sold or offered for sale, and defines the phrase “types of tobacco”.

**SECTION 3** outlines the information that is to be included in respect of a notice that must be posted by a retailer who is prohibited from selling tobacco.

**SECTION 4** adds a Schedule to the regulations that provides a sample of a sign and its requirements.

**SECTION 5** provides for the commencement of these regulations.