

General Information on Judicial Justice of the Peace positions:

The *Justice of the Peace Act* was passed by the Prince Edward Island Legislature and received Royal Assent on December 5, 2018 http://www.assembly.pe.ca/bills/pdf_chapter/65/3/chapter-52.pdf.

On February 9th, 2019 selected parts of the *Justice of the Peace Act* were proclaimed in effect. https://www.princeedwardisland.ca/sites/default/files/legislation/j-06-justice_of_the_peace_act_0.pdf
The remainder awaits further proclamation.

For ease of reference, the following excerpts from the *Act* are provided.

Salary and benefits:

- to be determined in accordance with Part 3 of the *Justice of the Peace Act*

Eligibility to be appointed

14(5) Subject to subsection (6), a person is eligible to be appointed as a judicial justice of the peace if the person

- (a) has been recommended for appointment as a judicial justice of the peace by the advisory committee under subsection 6(4);
- (b) is 18 years of age or older but not over the age of 70; and
- (c) ordinarily resides in the province at the time of the appointment.

Persons who are ineligible for appointment

14 (6) The following persons shall not be appointed or continue to serve as a judicial justice of the peace:

- (a) a sheriff, bailiff or any other person employed for the service or execution of documents in a civil proceeding;
- (b) a member of a police service;
- (c) a person who prosecutes provincial or federal offences;
- (d) a person who is employed by the Government or the Government of Canada to work in a penitentiary, correctional institution or correctional services;
- (e) a member of
 - (i) the Legislative Assembly or the Parliament of Canada, or
 - (ii) a council as defined in the Municipal Government Act R.S.P.E.I. 1988, Cap. M-12.1;
- (f) a sitting judge of the Provincial Court or Supreme Court;
- (g) a person who has attained the age of 70 years; or
- (h) a person who is employed as an administrative support person to a person referred to in clauses (a) to (f).

Authority of Chief Judge

16 (1) The Chief Judge has responsibility for

- (a) general supervision of the conduct of judicial justices of the peace in matters that are

assigned by law to justices of the peace;

(b) providing general direction with respect to proceedings heard by judicial justices of the peace; and

(c) the assignment of duties to judicial justices of the peace.

Code of conduct

(2) The Chief Judge may establish a code of conduct for judicial justices of the peace, including rules respecting conflict of interest.

Powers and duties

17. Subject to any limitation placed on the jurisdiction in the appointment, a judicial justice of the peace has jurisdiction throughout the province to exercise the powers and perform the duties conferred or imposed on a justice of the peace by or under an enactment or federal legislation, including

(a) enforcing the attendance of witnesses and compelling persons to produce evidence and give testimony under oath;

(b) solemnizing marriages under the Marriage Act, where designated pursuant to that Act;

(c) making protection orders under the Victims of Family Violence Act, where designated pursuant to section 14 of that Act;

(d) conducting judicial interim release hearings;

(e) issuing search warrants, authorizations and other orders that a justice is authorized to issue under an enactment, the Criminal Code (Canada) or other federal legislation; and

(f) hearing and deciding a matter specified in the regulations.