PLEASE NOTE

This document, prepared by the Legislative Counsel Office, is an office consolidation of this regulation, current to February 14, 2015. It is intended for information and reference purposes only.

This document is not the official version of these regulations. The regulations and the amendments printed in the Royal Gazette should be consulted to determine the authoritative text of these regulations.

For more information concerning the history of these regulations, please see the Table of Regulations.

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CHAPTER I-2.2

INNOVATION PEI ACT

GENERAL REGULATIONS

Pursuant to section 18 of the Innovation PEI Act R.S.P.E.I. 1988, Cap. I-2.2, Council made the following regulations:

1. (1) In these regulations

(a) “Act” means the Innovation PEI Act R.S.P.E.I. 1988, Cap. I-2.2;

(b) “affiliate” means any person

(i) directly or indirectly controlling, or controlled by, or

(ii) under direct, indirect or common control with,

a person making an application pursuant to the Act and these regulations;

(c) “employee of the Government” includes an employee or officer of any agency of the Crown, including any Crown corporation;

(d) “fiscal year” means, in respect of the Corporation, the fiscal year as defined in the Financial Administration Act R.S.P.E.I. 1988, Cap. F-9;

(e) “person” includes any

(i) individual, partnership, body corporate or cooperative association, and

(ii) any syndicate formed or existing for the purpose of jointly acquiring or administering assets.

(2) For the purposes of these regulations,

(a) one body corporate is affiliated with another body corporate if

(i) one of them is the subsidiary of the other or both are subsidiaries of the same body corporate, or

(ii) each of them is controlled by the same person;

(b) if two bodies corporate are affiliated with the same body corporate at the same time, they are deemed to be affiliated with each other;

(c) a body corporate is controlled by a person or by two or more bodies corporate if

(i) securities of the body corporate to which are attached more than fifty per cent of the votes that may be cast to elect directors of the body corporate are held, other than by way of security only, by or for the benefit of that person or by or for the benefit of those bodies corporate, and
2. Each of the following sectors of the economy of Prince Edward Island is designated as an economic sector for the purposes of clause 14(f) of the Act:
   (a) agriculture;
   (b) fisheries and aquaculture;
   (c) tourism and small business;
   (d) financial and business services. (EC39/15)

FINANCIAL ASSISTANCE

3. (1) An application to the Corporation for financial assistance shall be made in writing and shall be in the form and provide the information and supporting documentation that the Chief Executive Officer requires for the proper assessment of the application, which may include, but is not limited to, financial information, shareholder information and business plans.

   (2) An applicant for financial assistance who is an employee of the Government shall, in his or her application, advise the Corporation that the applicant is an employee of the Government.

   (3) Every application to the Corporation for financial assistance shall be reviewed by the staff of the Corporation before the application is referred

      (a) to the Chief Executive Officer for his or her review and determination under subsection 4(1); and
      (b) to the Deputy Minister or Minister for his or her review and determination under subsection 4(2) or (3). (EC39/15)

4. (1) The Chief Executive Officer shall review and determine any application to the Corporation for financial assistance in an amount not
Financial assistance exceeding $500,000 and may advance financial assistance to an applicant where the total amount of financial assistance provided to the applicant in the fiscal year in which the application is made does not exceed $500,000 in the aggregate.

(2) The Deputy Minister shall review and determine any application to the Corporation for financial assistance in an amount that exceeds $500,000 but does not exceed $1,000,000 and may advance financial assistance to an applicant where the total amount of financial assistance provided to the applicant in the fiscal year in which the application is made does not exceed $1,000,000 in the aggregate.

(3) The Minister shall review and determine any application to the Corporation for financial assistance in an amount that exceeds $1,000,000 and may, with the approval of Treasury Board, advance financial assistance to an applicant where
   (a) the amount of financial assistance requested by the applicant exceeds $1,000,000; or
   (b) the total amount of financial assistance provided to the applicant in the fiscal year in which the application is made exceeds $1,000,000 in the aggregate. (EC39/15)

5. (1) Any financial assistance provided by the Corporation in the form of a grant or contribution shall be expended from the funds available to the Corporation.

   (2) Any financial assistance provided by the Corporation in the form of a grant or contribution shall be expended only from the budget approved by the Legislative Assembly for the purposes of the Corporation’s programs under the Act. (EC39/15)

FINANCIAL ASSISTANCE ELIGIBILITY RESTRICTIONS

6. Financial assistance shall not be provided by the Corporation to any person for any business activity involving
   (a) the supply of residential accommodations;
   (b) the supply of business premises to non-related persons; or
   (c) the lending of money or other activities of a finance company, loan company or trust company,
   or any other business activity excluded by the Corporation or by the Minister. (EC39/15)

GENERAL

7. In preparing an annual audit report for a fiscal year pursuant to subsection 12(2) of the Act, the Chief Executive Officer shall
(a) include in the annual audit report the independently audited financial statements of the Corporation for the fiscal year; and
(b) address in the annual audit report such other matters as the Minister may request. (EC39/15)

8. Upon default in the obligations owed to the Corporation by any person, the Corporation may take steps to enforce the performance of the obligations and to realize on any security held by the Corporation in accordance with policies and procedures adopted by the Board. (EC39/15)

9. The Innovation PEI Act General Regulations (EC562/09) are revoked. (EC39/15)