



## **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 Queen'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](#).

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## CHAPTER A-10.1

### AMUSEMENT DEVICES ACT

#### 1. In this Act,

#### Definitions

- (a) “amusement device” means any device or machine intended to amuse or entertain persons by moving them, and includes any structure or installation required to operate the amusement device; amusement device
- (b) “chief inspector” means the chief inspector designated pursuant to section 2 of this Act; chief inspector
- (c) “inspector” means an inspector appointed pursuant to section 2 of this Act; inspector
- (d) “Minister” means the Minister of Communities, Cultural Affairs and Labour; Minister
- (e) “owner” means any person, corporation, unincorporated association, syndicate, or club operating or managing an amusement device and includes a manager, lessee, transferee, or partner of an owner, but does not include an attendant employed to operate an amusement device. 1998,c.80,s.1; 2000,c.5,s.3; 2009,c.73,s.2. owner

#### ADMINISTRATION

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

#### Minister responsible for Act Inspectors

#### (2) The Minister shall

- (a) appoint persons from within the Civil Service to be inspectors for the purposes of this Act; and
- (b) designate one of the inspectors to be chief inspector.

#### (3) An inspector may, at reasonable times and on production of proof of appointment as an inspector,

#### Powers of inspectors

- (a) enter upon property where there is an amusement device or where the inspector has reasonable grounds for believing there is an amusement device;
- (b) require the owner or operator of an amusement device to prepare the amusement device, or any part of it, for inspection; and
- (c) inspect an amusement device by removing parts and doing any other thing necessary to ensure the amusement device is safe and complies with the prescribed standards.

#### (4) An inspector may by written notice

#### Written notice

- (a) require the owner of an amusement device to do or refrain from doing any thing that the inspector considers necessary for compliance with this Act; and
- (b) require the attendance before the chief inspector, or any other person designated by the Minister, of any person that the inspector feels necessary to examine under oath or affirmation in relation to an inspection. 1998,c.80,s.2.

Power of chief inspector

- 3.** (1) The chief inspector may
- (a) require the production of and inspect drawings and specifications for an amusement device;
  - (b) require from the owner any further information in relation to the amusement device that, in the opinion of the chief inspector, is necessary to ensure compliance with this Act.

Delegation of power

- (2) The chief inspector may authorize one or more inspectors to exercise or perform the chief inspector’s powers or duties upon conditions or in circumstances that the chief inspector may prescribe. 1998,c.80,s.3.

PERMITS

Permit required

- 4.** (1) No owner of an amusement device shall operate the amusement device, or allow any other person to operate the amusement device, unless the owner
- (a) holds a valid permit under this Act in respect of the amusement device; and
  - (b) ensures that the amusement device is operated in accordance with the conditions of the permit.

Certificate posted

- (2) Every owner of an amusement device shall ensure a permit to operate that amusement device is posted in a conspicuous position on or close to that amusement device. 1998,c.80,s.4.

Prohibition

- 5.** No person shall use or operate an amusement device
- (a) in an unsafe manner;
  - (b) in a manner that does not comply with this Act or the regulations, or
  - (c) where the person has reasonable cause to believe that the amusement device is unsafe. 1998,c.80,s.5.

Application

- 6.** In order to apply for a permit in respect of an amusement device the owner shall
- (a) notify the chief inspector in writing at least 5 days before the date on which the owner intends to operate the amusement device that a permit is required; and

(b) provide at the time of notification in clause (a) the following information to the chief inspector:

- (i) the date on which the owner intends to start operation of the amusement device,
- (ii) the place where the owner intends to operate the amusement device, and
- (iii) the number of days during which the owner intends to operate the amusement device. 1998,c.80,s.6.

**7.** An owner is not entitled to a permit under this Act until the owner has exhibited to the chief inspector proof of financial responsibility to satisfy claims for damages suffered by a person because of an act or omission

Financial responsibility

- (a) on the part of the owner; or
- (b) on the part of the owner's agent or employee,

in the operation, design, construction, assembling, disassembling or maintaining of an amusement device. 1998,c.80,s.7.

**8.** (1) The chief inspector shall issue to the owner a permit for an amusement device where

Permit issued

- (a) the chief inspector or inspector is satisfied that the amusement device complies with the prescribed standards;
- (b) the chief inspector is satisfied that the owner of the amusement device has complied with section 7; and
- (c) the owner has paid all the prescribed fees.

(2) For the purposes of subsection (1), the chief inspector or an inspector may require the owner to produce any document or information that is, in the opinion of the chief inspector or inspector, necessary to ensure compliance with prescribed standards including, but not limited to

Documents required

- (a) a certificate from a certification or testing agency accredited by the Standards Council of Canada; or
- (b) a certificate from a professional engineer licensed to practise in Prince Edward Island.

(3) For the purposes of subsection (1), the chief inspector or an inspector may accept a valid certification by another provincial jurisdiction which enforces safety standards that are, in the opinion of the chief inspector, equivalent to the prescribed standards, as proof that the amusement device complies with the prescribed standards.

Extra-provincial certification

(4) Notwithstanding subsections (1) and (3), whenever an amusement device is disassembled and re-assembled in the province, the chief inspector or an inspector shall inspect the amusement device.

Inspection on assembly or re-assembly

(5) A permit issued under subsection (1) shall state the conditions under which it is issued. 1998,c.80,s.8.

Conditions

- Permit transferred **9.** The chief inspector may transfer a permit for amusement device to a new owner of the amusement device where
- (a) the permit is still valid; and
  - (b) the new owner has complied with section 7. 1998,c.80,s.9.
- Permit revoked **10.** An inspector may suspend or revoke a permit for an amusement device where, in the inspector's opinion
- (a) the amusement device is unsafe or does not comply with the prescribed standards; or
  - (b) the owner of the amusement device is not complying with this Act or the regulations. 1998,c.80,s10.
- Closure of amusement device **11.** (1) Where, as a result of an inspection of documentation or information received in conjunction with an application for a permit, or as result of an inspection, an inspector determines that an amusement device is unsafe to operate or does not satisfy the minimum requirements of the regulations pertaining to safety, the inspector shall direct in writing the owner of the amusement device
- (a) to take the action that the inspector considers necessary to make the amusement device safe to operate or comply with the requirements of the regulations; and
  - (b) not to operate the amusement device or permit or direct any other person to operate it, except with the approval of the chief inspector, until all actions required by the inspector pursuant to clause (a) have been taken.
- Notice or seal (2) Where an inspector directs an owner not to operate an amusement device under subsection (1), the inspector shall
- (a) secure a notice of that direction to the amusement device; or
  - (b) seal the amusement device,
- or both.
- Prohibition (3) Where an inspector has secured a notice to or sealed an amusement device pursuant to subsection (2), no person shall, unless authorized by the chief inspector
- (a) use the amusement device until the directions of the inspector are complied with; or
  - (b) remove the notice or break the seal. 1998,c.80,s.11.

#### ACCIDENTS

- Injury **12.** (1) Where a person is injured as a result of being in, near or upon an amusement device, the owner shall provide written notice of the facts surrounding the injury to the chief inspector within 24 hours of the injury.

(2) Where a person is killed as a result of being in, near or upon an amusement device, the owner of that amusement device shall

Death

(a) notify the chief inspector as soon as practicable; and

(b) provide written notice of the facts surrounding the death to the chief inspector within 24 hours of the death. 1998,c.80,s.12.

**13.** Except as otherwise directed by the chief inspector or an inspector a person shall not disturb the scene of an accident that results in serious injury or death except as necessary

Accident scene

(a) to attend to persons injured or killed;

(b) to prevent further injuries; or

(c) to protect property that is endangered as a result of the accident. 1998,c.80,s.13.

**14.** The chief inspector or an inspector shall, where practicable, go to the scene of an accident reported pursuant to section 12 and may make all inquiries necessary to determine the cause of the accident. 1998,c.80,s.14.

Chief inspector to attend accident scene

**15.** Every person who

Information to chief inspector

(a) is present at an accident involving an amusement device; or

(b) has information relating to an accident involving an amusement device

shall provide all information respecting the accident requested by the chief inspector. 1998,c.80,s.15.

#### ENFORCEMENT

**16.** (1) Any person who

Offences

(a) contravenes this Act or the regulations;

(b) wilfully makes a false or misleading statement to an inspector;

(c) interferes with or obstructs an inspector in the exercise of the inspector's duties; or

(d) fails to comply with a direction of an inspector,

is guilty of an offence and is liable on summary conviction to a fine not exceeding \$5,000.

(2) In addition to a fine imposed under subsection (1) the court may impose a fine not exceeding \$1,000 for each day during which the offence occurs. 1998,c.80,s.16.

*Idem*

**17.** The chief inspector may apply to the Supreme Court of Prince Edward Island for

Application for declaration

(a) a declaration that an act engaged in or about to be engaged in by a person is or will be a breach of any regulation or provision of this Act;

- (b) an injunction restraining any person from breaching or continuing to breach any such regulation or provision;
  - (c) an order directing any person to comply with the requirements of any regulation or provision and directing that compliance be carried out under the supervision of a named person;
  - (d) any other order the court finds appropriate in the circumstances.
- 1998,c.80,s.17.

#### LIABILITY

- Action barred **18.** No action lies against
- (a) the Minister;
  - (b) any inspector of officer; or
  - (c) any other person,
- for any act in good faith done or purporting to have been done or performed pursuant to Act and the regulations. 1998,c.80,s.18.
- Owner's liability **19.** An owner of an amusement device is not in any way relieved of responsibility respecting its safety and safe operation nor the obligation for full compliance with this Act or the regulations only by reason of
- (a) the examination and approval or acceptance by an inspector of the plans or specifications for an amusement device;
  - (b) an inspector's examination, inspection or approval of an amusement device; or
  - (c) the granting of a permit pursuant to the provisions of this Act or the regulations. 1998,c.80,s.19.

#### REGULATIONS

- Regulations **20.** The Lieutenant Governor in Council may make regulations
- (a) exempting certain types of amusement devices from the provisions of this Act and the regulations;
  - (b) prescribing conditions whereby the chief inspector may exempt amusement devices or persons from strict compliance with the standards prescribed by regulation;
  - (c) prescribing acceptable proof of the owner's financial responsibility to satisfy claims for any damages suffered by a person as a result of an act or omission in the operation, design, construction, assembling, disassembling or maintaining of an amusement device;
  - (d) prescribing or adopting standards for the construction, design, installation, operation, testing and inspection of amusement devices or equipment used in connection with the devices;
  - (e) adopting a specified edition, or part thereof, of any published code, rule or standard pertaining to the safety of amusement devices

and recognized by the Standards Council of Canada and as amended from time to time;

(f) prescribing requirements as to the preparation, quantity, form, substance and layout of drawings and specifications of amusement devices;

(g) governing the conduct and duty of owners and of persons in, on or near amusement devices;

(h) prescribing the form and location of directions, notices and markings that shall be kept in, on or about amusement parks, amusement devices and structures;

(i) prescribing the form and content of all applications for permit;

(j) prescribing the fees to be paid for inspections or for the transfer of permits by an inspector;

(k) respecting notices to close amusement devices; and

(l) generally, to give effect to the provisions of this Act. 1998,c.80,s.20.