



1st SESSION, 66th GENERAL ASSEMBLY
Province of Prince Edward Island
69 ELIZABETH II, 2020

CHAPTER 50

(Bill No. 42)

An Act to Amend the Lotteries Commission Act

Hon. Darlene Compton
Minister of Finance

GOVERNMENT BILL

Carol Mayne
Acting Queen's Printer
Charlottetown, Prince Edward Island



CHAPTER 50

AN ACT TO AMEND THE LOTTERIES COMMISSION ACT

(Assented to July 14, 2020)

BE IT ENACTED by the Lieutenant Governor and the Legislative Assembly of the Province of Prince Edward Island as follows:

1. Section 1 of the *Lotteries Commission Act* R.S.P.E.I. 1988, Cap. L-17, is repealed and the following substituted:

1. Definitions

In this Act,

- (a) “**bet**” has the same meaning as that set out in subsection 197(1) of the *Criminal Code*;
- (b) “**Commission**” means the Prince Edward Island Lotteries Commission;
- (c) “**game**” has the same meaning as that set out in subsection 197(1) of the *Criminal Code* and, for greater certainty, includes a game that is not connected to a lottery scheme;
- (d) “**lottery scheme**” has the same meaning as that set out in subsection 207(4) of the *Criminal Code*;
- (e) “**Minister**” means the member of Executive Council designated by the Lieutenant Governor in Council as the Minister responsible for the administration of this Act.

2. Section 3 of the Act is amended by the addition of the following after subsection (2):

Protection from personal liability

- (3) The members of the Commission are not personally liable for any loss or damage suffered by any person by reason of anything done or omitted to be done in good faith by all or any of them in the purported exercise of any power pursuant to this Act.

3. The Act is amended by the addition of the following after section 16:

16.1 Immunity from liability

- (1) Except as provided in subsection (2),
 - (a) no cause of action arises against the Government, the Commission or Atlantic Lottery Corporation Inc., or any officer, director, employee or agent of the Commission or

- Atlantic Lottery Corporation Inc., as a direct or indirect result of, relating to or arising from a person playing a game or placing a bet, whether in connection with a lottery scheme or not;
- (b) no proceeding based on a purported cause of action set out in clause (a) shall be instituted or continued against the Government, the Commission or Atlantic Lottery Corporation Inc., or any officer, director, employee or agent of the Commission or Atlantic Lottery Corporation Inc., regardless of whether the cause of action on which the proceeding is purportedly based arose before or after the coming into force of this section; and
 - (c) a proceeding referred to in clause (b) that was commenced before this section came into force is deemed to have been dismissed without costs on the day this section comes into force.

Negligent act or omission

- (2) Notwithstanding subsection (1), a person who has played a game or placed a bet may bring an action against Atlantic Lottery Corporation Inc. to recover an amount equal to the loss or damage proved to have been suffered by that person caused by a negligent act or omission of Atlantic Lottery Corporation Inc. related to the operation of the game or the taking of the bet, but the recoverable damages shall be compensatory only and shall not include punitive or exemplary damages.

Class action barred

- (3) Notwithstanding any other enactment, an action permitted under subsection (2) shall not be instituted or continued by way of a class action or representative proceeding.

No cause of action

- (4) No cause of action arises against the Government, the Commission or Atlantic Lottery Corporation Inc., or any officer, director, employee or agent of the Commission or Atlantic Lottery Corporation Inc., as a direct or indirect result of the coming into force of subsections (1) and (3).

4. This Act is deemed to have come into force on June 20, 1991.



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<i>STAGE:</i>	<i>DATE:</i>
<i>1st Reading:</i>	June 19, 2020
<i>2nd Reading:</i>	July 14, 2020
<i>To Committee:</i>	July 14, 2020
<i>Reported:</i>	July 14, 2020
<i>3rd Reading and Pass:</i>	July 14, 2020
<i>Assent:</i>	July 14, 2020

SIGNATURES:

Honourable Antoinette Perry, Lieutenant Governor

Honourable Colin LaVie, Speaker

Joseph Jeffrey, Clerk

Hon. Darlene Compton
Minister of Finance

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