



PRINCE EDWARD ISLAND  
ÎLE-DU-PRINCE-ÉDOUARD

# **GIFT CARDS ACT**

## 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 King'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* on the Prince Edward Island Government web site ([www.princeedwardisland.ca](http://www.princeedwardisland.ca)).

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## GIFT CARDS ACT

### CHAPTER G-4.1

#### 1. Gift Cards Act

In this Act, “**gift card**” means, subject to the regulations, an electronic card, written certificate or other voucher or device with a monetary value, that is issued or sold in exchange for the future purchase or delivery of goods or services, and includes a gift certificate. *2010, c.30, s.1.*

#### 2. Application

This Act applies to gift cards issued or sold on or after the day this Act comes into force, except as may be provided in the regulations. *2010, c.30, s.2.*

#### 3. No expiry date

- (1) No person shall issue or sell a gift card that has an expiry date, except as may be provided in the regulations.

***Idem***

- (2) A gift card that is issued or sold with an expiry date in contravention of subsection (1) is redeemable as if it had no expiry date if the gift card is otherwise valid.

***Idem***

- (3) A gift card that is issued or sold without an expiry date is valid until fully redeemed or replaced. *2010, c.30, s.3.*

#### 4. Value of card

- (1) No person shall issue or sell a gift card for less than the value of the payment made by the purchaser of the gift card.

**Limit on fees**

- (2) No person shall charge a fee to the purchaser or holder of a gift card for anything in relation to the gift card, except as may be permitted by the regulations.

**Refund of fee**

- (3) A purchaser or holder of a gift card who paid a fee that was charged in contravention of subsection (2) may demand a refund of that fee by giving written notice to the person who charged the fee within one year after the date on which the fee was paid.

**Idem**

- (4) A person who receives a notice demanding a refund under subsection (3) shall provide the refund within 15 days after receiving the notice. *2010, c.30, s.4.*

**5. Disclosure of information**

- (1) A person who issues or sells a gift card shall, at the time the gift card is issued or sold, clearly disclose
- (a) all of the restrictions, limitations, terms and conditions that are imposed in respect of the use, redemption or replacement of the gift card, including any permitted fee or expiry date;
  - (b) a description of the way in which a purchaser or holder of a gift card can obtain information respecting the gift card, including any remaining balance; and
  - (c) any other information as may be required by the regulations.

**Idem**

- (2) The information described in subsection (1) shall be provided in the manner and form as may be prescribed by the regulations. *2010, c.30, s.5.*

**6. Offence and penalty**

- (1) Any natural person who contravenes or violates any provision of this Act or the regulations is guilty of an offence and is liable, on summary conviction, to a fine of not less than \$200 and not more than \$10,000, or to imprisonment for 90 days, or to both.

**Idem**

- (2) Any corporation which contravenes or violates any provision of this Act or the regulations is guilty of an offence and is liable, on summary conviction, to a fine of not less than \$1,000 and not more than \$500,000.

**Personal liability of corporate officers**

- (3) Any officer, director or agent of a corporation who directs, authorizes, assents to, acquiesces in or participates in the commission of an offence by that corporation under subsection (2) is a party to and guilty of an offence and is liable, on summary conviction, to any penalty set out in subsection (1), whether or not the corporation has been prosecuted for the offence. *2010, c.30, s.6.*

**7. Regulations**

The Lieutenant Governor in Council may make regulations

- (a) extending or limiting the meaning of “gift card”;
- (b) exempting classes of gift cards from the application of this Act or any provision of it;
- (c) exempting classes of persons who issue, sell or redeem gift cards from the application of this Act or any provision of it;
- (d) governing the use of expiry dates for gift cards that are exempt from subsection 3(1);
- (e) respecting the imposition of restrictions, prohibitions and other terms and conditions on the issuance, sale, redemption, replacement and use of gift cards;
- (f) governing any fees that may be charged in relation to gift cards, including prescribing the amount of a fee or a method of determining the amount of a fee;

- (g) prescribing information to be provided in relation to gift cards, and the manner and form of providing that information;
- (h) defining, for the purposes of this Act and the regulations, any word or phrase that is used in this Act or the regulations but not defined in this Act;
- (i) respecting any matter that the Lieutenant Governor in Council considers necessary for the administration of this Act. *2010, c.30, s.7.*