



PRINCE EDWARD ISLAND
ÎLE-DU-PRINCE-ÉDOUARD

HAIRDRESSERS 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 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* on the Prince Edward Island Government web site (www.princeedwardisland.ca).

If you find any errors or omissions in this consolidation, please contact:

Legislative Counsel Office

Tel: (902) 368-4292

Email: legislation@gov.pe.ca



HAIRDRESSERS ACT

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HAIRDRESSERS ACT

CHAPTER H-1.01

INTERPRETATION AND APPLICATION

1. Definitions

(1) In this Act

- (a) “**Association**” means the Prince Edward Island Hairdressers’ Association continued under this Act;
- (b) “**barbering services**” includes
 - (i) shaving the face of a person, and
 - (ii) cutting, clipping, shaving or shampooing the hair or scalp of a person;
- (c) “**barbershop**” means a place at which
 - (i) barbering services are offered to the public for fee, gain or reward, and
 - (ii) a sign or advertisement is posted indicating the offering of such services;
- (d) “**bylaws**” means the bylaws of the Association made under section 26;
- (e) “**Council**” means the Council of the Association established under subsection 4(1);
- (f) “**former Act**” means *The Prince Edward Island Hairdressers’ Association Act* Stats. P.E.I. 1959, Cap. 42;
- (g) “**hairdresser’s licence**” means a hairdresser’s licence issued under subsection 12(2), (3) or (5);
- (h) “**hairdressing services**” includes
 - (i) the cutting, clipping, shaving or shampooing, bleaching, cleansing, colouring, curling, dressing, neutralizing, styling, waving or permanent waving or the performance of similar work on the hair of a person by hand or by the use of a mechanical applicator or device,
 - (ii) the performance of a scalp treatment on a person, and
 - (iii) the preparation of wigs or artificial hairpieces for a person;
- (i) “**licensed hairdresser**” means a person who holds a hairdresser’s licence issued under subsection 12(2) or (3) , or a conditional licence issued under subsection 12(5);
- (j) “**Minister**” means the Minister of Education;
- (k) “**permit**” means a permit to operate a salon issued under subsection 15(2);
- (l) “**Register**” means the Register required to be maintained under section 9;
- (m) “**Registrar**” means the Registrar of the Association elected by the members of the Council from its members under subsection 4(6);
- (n) “**salon**” means a place of business at which
 - (i) hairdressing services are offered to the public for fee, gain or reward, and

- (ii) a sign or advertisement is posted indicating the offering of such services;
- (o) “**salon operator**” means the person who holds a permit to operate a salon;
- (p) “**student**” means a person who is
 - (i) registered in a hairdressing program in a public school, a registered private training school, or an equivalent private training school or similar institution in another province or territory of Canada, or
 - (ii) a recent graduate of a school described in subclause (i);
- (q) “**student licence**” means a student licence issued to a student under subsection 12(6).

Application

- (2) Nothing in this Act prevents any person from
 - (a) providing hairdressing services as part of a school program offered by a school under the *Education Act* R.S.P.E.I. 1988, Cap. E-.02;
 - (b) providing hairdressing services as part of a training program offered by a private training school registered under the *Private Training Schools Act* R.S.P.E.I. 1988, Cap. P-20.1;
 - (c) providing hairdressing services while acting as an apprentice under the *Apprenticeship and Trades Qualification Act* R.S.P.E.I. 1988, Cap. A-15.1;
 - (d) providing hairdressing services for fee, gain or reward where that person does so at a location other than a salon; or
 - (e) providing barbering services at a barbershop. *2006,c.7,s.1; 2016,c.6,s.120.*

ASSOCIATION

2. Continuation

The Prince Edward Island Hairdressers’ Association established under the *Prince Edward Island Hairdressers’ Association Act* Stats. P.E.I. 1959, Cap. 42 is continued as a body corporate and the membership is composed of any person who

- (a) immediately before the date this section came into force, holds a licence issued under the former Act, unless the person subsequently ceases to hold a licence under this Act;
- (b) is a licensed hairdresser, unless the person subsequently ceases to hold a licence under this Act; or
- (c) is registered as a non-practising member under the bylaws. *2006,c.7,s.2.*

3. Powers of the Association

- (1) The Association has the power of purchasing or otherwise acquiring, holding or alienating property both real and personal, and performing all such acts and things a body corporate generally can do and perform under the *Companies Act* R.S.P.E.I. 1988, Cap. C-14.

Objects

- (2) The objects of the Association are
 - (a) to promote and improve the education and training of its members;
 - (b) to encourage members to interact professionally in their interests, the interests of their clients and the interests of the hairdressing industry;



- (c) to set standards for members to maintain efficient and safe hairdressing services and sanitary facilities in providing services to the public;
- (d) to represent the members with respect to other provincial or national bodies; and
- (e) to foster public awareness of the hairdressing industry. *2006,c.7,s.3.*

THE COUNCIL

4. Council

- (1) There is established a council to be known as the Council of the Association which shall manage the affairs of the Association.

Transitional

- (2) The persons who, immediately before the date this section comes into force, were members of the Council established under the former Act are deemed to be members of the Council under this Act, until their successors are elected by the Association.

Members of the Council

- (3) The Council of the Association shall be comprised of
 - (a) eight to 15 members elected from the membership of the Association in the number and manner established by the bylaws; and
 - (b) one member, appointed by the Minister, who shall be a layperson representing the interests of the general public.

Term of office

- (4) The term of office of a member of the Council shall be as determined by the bylaws.

Additional terms of office

- (5) A member may, subject to the bylaws, serve additional terms of office.

Executive of the Council

- (6) The members of the Council shall elect the following executive of the Council from its members who are elected under clause (3)(a):
 - (a) the President;
 - (b) the Vice-president;
 - (c) the Secretary-treasurer;
 - (d) the Registrar.

Deputy Registrar

- (7) The Council may appoint any person to act as the Deputy Registrar who shall, where directed by the Council or the Registrar, perform the duties of the Registrar under this Act. *2006,c.7,s.4.*

5. Eligibility

- (1) A person is eligible for election as a member of the Council if the person
 - (a) is an individual who is at least 18 years of age;
 - (b) is a member in good standing of the Association;
 - (c) is a resident of the province;

- (d) is not subject to guardianship or supervision by the order of a court;
- (e) has not been charged or convicted, within the previous five years, of fraud, an offence under this Act or an offence related to the functions or duties of a corporate director, unless the person has been pardoned under the *Criminal Records Act* (Canada); and
- (f) meets such other eligibility requirements as may be set out in the bylaws.

Termination of membership

- (2) A member of the Council ceases to hold office if the member
 - (a) is convicted of an offence described in clause (1)(e);
 - (b) dies, resigns or ceases to reside in the province;
 - (c) was elected to the Council under clause 4(3)(a) and ceases to hold a licence under this Act;
 - (d) misses three consecutive meetings of the Council, without reasonable excuse in the opinion of the Council, as determined by a majority vote of the other members of the Council;
 - (e) has committed an act that undermines the ability of the member to act credibly as a Council member, as determined by the unanimous resolution of the remaining Council members; or
 - (f) is more than three months in arrears of Association dues. *2006, c.7, s.5.*

6. Vacancy and quorum

- (1) Where there is a vacancy on the Council and there is a quorum of members remaining, the remaining members of the Council may continue to exercise all of the powers of the Council.

Vacancy and no quorum

- (2) Where there is a vacancy on the Council and there is not a quorum of members remaining, the remaining members of the Council shall call a general meeting of the Association for the purpose of holding an election to fill the vacancy on the Council.

No sitting Council members

- (3) Where there are no sitting licensed hairdresser members of the Council, any ten members of the Association may, in writing, call a general meeting of the Association for the purpose of holding an election to fill the vacancies on the Council.

Lay member vacancy

- (4) Where a member of the Council appointed under clause 4(3)(b) ceases to hold office before completing his or her term, of which the remaining term is six months or more, the Minister may appoint a new member of the Council under clause 4(3)(b) to serve the balance of that term. *2006, c.7, s.6.*

7. Objects of Council

- (1) The objects of the Council are
 - (a) to regulate the provision of hairdressing services by licensed hairdressers under this Act;
 - (b) to regulate the operation of salons;
 - (c) to establish and promote standards for the qualifications and safety of hairdressers; and



- (d) to safeguard the welfare of the public with regard to hairdressing services provided by licensed hairdressers.

Functions of Council

- (2) The functions of the Council are to
 - (a) establish initial and continuing educational, proficiency and other qualifications or requirements for licences;
 - (b) approve applications for licences and permits, where appropriate;
 - (c) establish, or adopt from another regulating body in another jurisdiction, professional ethical guidelines and standards of practice respecting the provision of hairdressing services;
 - (d) monitor the adherence by licensed hairdressers and salon operators to the established guidelines and standards, investigate complaints regarding licensed hairdressers, salons and salon operators, and exercise disciplinary action by the suspension or revocation of a licence, imposition of conditions on a licence, or by reprimand or other means; and
 - (e) establish the fees payable for licences and permits and their renewals, including late fees and such other fees as the Council may consider reasonably necessary for the administration of the Association. *2006,c.7,s.7.*

8. Meetings, procedure

- (1) The Council
 - (a) shall meet at least six times per year; and
 - (b) may determine its rules of procedure.

Quorum

- (2) The quorum for a meeting of the Council is one-half of the elected members of the Council, including at least one member of the executive. *2006,c.7,s.8.*

9. Register

The Registrar shall

- (a) maintain a Register in which shall be entered
 - (i) the names of licensed hairdressers,
 - (ii) the names of persons who are registered under the bylaws as non-practising members of the Association,
 - (iii) the names of persons who hold a student licence, and
 - (iv) such other information as may be required by this Act or the bylaws;
- (b) remove from the Register the names of any person whose licence is cancelled or whose licence expires without renewal;
- (c) make such other entries to the Register as may be required by the bylaws; and
- (d) perform such other duties as may be required by this Act, the regulations or the Council. *2006,c.7,s.9.*

10. Executive Director

- (1) The Council may appoint an Executive Director who shall

- (a) be employed on the terms and conditions of employment as agreed by the Council; and
- (b) perform such duties as may be assigned by the Council.

May be appointed Deputy Registrar

- (2) The Executive Director may be appointed as the Deputy Registrar under subsection 4(7). *2006, c.7, s.10.*

11. Annual report

The Council shall make an annual report to the Minister and to the Association concerning its general operation and the performance of its duties, and shall provide such information to the Minister as the Minister may request. *2006, c.7, s.11.*

LICENCES

12. Application for licence

- (1) A person who wishes to apply for a hairdresser's licence and for registration as a member of the Association shall
 - (a) submit an application to the Registrar on a form approved by the Council;
 - (b) provide such proof of the matters referred to in subsection (2) and such other information as the Registrar or the Council may require; and
 - (c) pay the required fees.

Issuance of licence, qualifications

- (2) The Registrar shall, and the Council may, review an application completed in accordance with subsection (1) and, subject to the direction of the Council, if any, the Registrar shall issue a hairdresser's licence to the applicant and enter the applicant in the Register if, after reviewing the application, the Registrar or the Council is satisfied that the applicant
 - (a) has completed a hairdressing program at
 - (i) a school operated under the *School Act*,
 - (ii) a private training school in the province licensed under the *Private Training Schools Act*,
 - (iii) a school outside the province that the Council considers to be equivalent to a school or a private training school referred to in subclause (i) or (ii),
 - (iv) Holland College, or
 - (v) a community college outside the province that the Council considers to be equivalent to Holland College;
 - (b) is professionally competent as demonstrated by
 - (i) the successful completion within the previous two years of a hairdressing program described in clause (a);
 - (ii) holding a current licence in another jurisdiction in Canada, or
 - (iii) the successful completion by the applicant of such examination as may be established and administered, adopted or accepted by the Council;
 - (c) has knowledge of the professional ethical guidelines and standards of practice established or adopted by the Council under clause 7(2)(c);



- (d) has professional knowledge and skills that are current, as indicated by such requirements as may be set out in the bylaws respecting
 - (i) the recency of the applicant's professional education,
 - (ii) the examination of the applicant under subclause (b)(iii),
 - (iii) the active practice of the applicant, or
 - (iv) the taking of a refresher course or program or continuing education courses by the applicant; and
- (e) if licensed or authorized in another jurisdiction in Canada, is not currently under investigation or subject to disciplinary sanctions by a professional body for professional misconduct, negligence or incompetence.

Exception

- (3) Notwithstanding subsection (2), the Registrar shall, upon application, issue a hairdresser's licence to, and enter into the Register, an applicant who
 - (a) as of the date this section comes into force, had provided hairdressing services in the province for two of the previous four years; and
 - (b) did not hold a licence issued under the former Act between April 1, 2003 and the date this section comes into force.

If applicant not qualified

- (4) If the Registrar is not satisfied that the applicant is qualified for a hairdresser's licence, the Registrar shall refer the application to the Council for a decision.

Conditional licence

- (5) Where an applicant, referred to the Council under subsection (4), fails to satisfy the Council that he or she has all of the qualifications required under subsection (2), the Council may, if it considers it appropriate to do so, direct the Registrar
 - (a) to issue a conditional licence to the applicant, subject to such terms and conditions as the Council considers appropriate; and
 - (b) to register the applicant as a member of the Association and record the terms and conditions respecting the conditional licence in the Register.

Student licence

- (6) The Registrar may, on application and in accordance with the bylaws, issue a student licence to a student
 - (a) on the condition that the student provides hairdressing services only at a salon and under the supervision of a licensed hairdresser; and
 - (b) on such other conditions as may be set out in the bylaws.

Not a member of Association

- (7) For greater certainty, the holder of a student licence is not a member of the Association.
2006, c.7, s.12.

13. Transitional

- (1) A person who, immediately before the date this section comes into force, holds a licence issued under the former Act is deemed to hold a hairdresser's licence under this Act.

Expiry of licence

- (2) Every hairdresser's licence expires on the date shown on the licence, unless the hairdresser's licence is sooner cancelled under this Act.

Grace period

- (3) Notwithstanding subsection (2), a hairdresser's licence that has expired may be renewed by the Council as if it had not expired if the holder of the hairdresser's licence has applied for a renewal not later than 30 days after the date of the expiry of the hairdresser's licence.
2006,c.7,s.13.

14. Renewal

- (1) A licensed hairdresser may apply to the Registrar for a renewal of his or her hairdresser's licence.

Renewal of 12(2) or 12(3)(b) licence

- (2) Where the applicant held a hairdresser's licence issued under subsection 12(2), the Registrar shall renew that licence if
- (a) the applicant meets the professional currency requirements of the bylaws;
 - (b) the Registrar has no reason to believe that the applicant is, at the time of the application, contravening any provision of this Act or the bylaws; and
 - (c) the applicant pays the required fees.

Renewal of subsection 12(3) licence

- (3) Where the applicant held a hairdresser's licence issued under subsection 12(3), the Registrar shall subsequently renew that licence if
- (a) the Registrar has no reason to believe that the applicant is, at the time of the application, contravening any provision of this Act or the bylaws; and
 - (b) the applicant pays the required fees.

Loss of membership

- (4) A licensed hairdresser who fails to renew his or her licence under this section ceases to be registered as a member of the Association and shall be removed from the Register.

Application after licence expires

- (5) A person who does not renew a hairdresser's licence under subsection (2) may apply for a new licence under subsection 12(1). *2006,c.7,s.14.*

PERMITS

15. Salon operator

- (1) A person who wishes to obtain or renew a permit to operate a salon shall
- (a) submit an application to the Registrar on a form approved by the Council;
 - (b) provide such proof that the salon meets the requirements of the bylaws respecting the operation of a salon;
 - (c) provide such other information as the Registrar or the Council may require; and
 - (d) pay the required fees.



Investigation, issuance of permit

- (2) The Registrar, on receipt of an application for a permit or a renewal of a permit,
- (a) shall carry out such investigation of the information contained in the application as the Council considers necessary; and
 - (b) shall, if satisfied that the applicant has met the requirements of the bylaws, issue or renew a permit to the salon operator on such terms and conditions as the Council considers appropriate or necessary.

Transitional

- (3) A person who, immediately before the date this section comes into force, holds a permit to operate a salon under the former Act is deemed to hold a permit under this Act.

Expiry

- (4) Every permit expires on the date shown on the permit, unless the permit is sooner revoked under this Act.

Revocation of permit

- (5) The Council may revoke a permit if, in the opinion of the Council, the salon in respect of which it is issued no longer meets the requirements of the bylaws or if the salon operator fails to meet any of the terms or conditions of the permit.

Application for new permit

- (6) A salon operator who does not renew a permit may apply for a new permit under subsection (1). *2006, c. 7, s. 15.*

INSPECTION**16. Inspector**

- (1) The Council may appoint any person as an inspector to inspect any salon, during business hours, for the purpose of determining compliance with this Act or the bylaws.

Idem

- (2) An inspector appointed under subsection (1) may be a member of the Council. *2006, c. 7, s. 16.*

17. DISCIPLINE

- (1) In this section and section 18, “affected person” means a licensed hairdresser or a salon operator who is the subject of an investigation under subsection (2).

Investigation

- (2) Subject to subsection (3), where the Council
- (a) has reason to believe that a licensed hairdresser is
 - (i) in violation of this Act or the bylaws,
 - (ii) unfit to provide hairdressing services, or
 - (iii) guilty of conduct contrary to the public interest by reason of negligence, professional misconduct, mental or professional incompetence or other comparable failing which may harm a client;
 - (b) has received a complaint,

- (i) concerning a matter referred to in clause (a) or (c), and
- (ii) which, in the Council's opinion, is not frivolous or vexatious; or
- (c) has reason to believe that a salon operator is operating a salon in violation of this Act or the bylaws or that a person providing hairdressing services in a salon is violating this Act or the bylaws,

the Council shall appoint an investigator who shall investigate the matter and shall submit a report to the Council.

Hearing

- (3) The Council shall not appoint an investigator until it gives written notice of its intention to the affected person and such notice shall include
 - (a) a statement of the Council's concern or a copy of the complaint received, if any; and
 - (b) a statement of the affected person's right to a hearing of the matter and the right to be represented by legal counsel.

Idem

- (4) An investigator appointed under subsection (2) may be
 - (a) a licensed hairdresser;
 - (b) a person licensed or authorized to provide hairdressing services under the laws of another jurisdiction in Canada; or
 - (c) any person that the Council considers appropriate.

Hearing

- (5) Where the investigator finds that there may be sufficient evidence to support a finding that the affected person is
 - (a) in violation of this Act or the bylaws;
 - (b) unfit to provide hairdressing services or to operate a salon; or
 - (c) guilty of conduct referred to in clause (2)(c),

the Council shall hold a hearing on the matter.

Right to be heard and to counsel

- (6) The affected person has the right to be heard and the right to legal counsel respecting an investigation and hearing under this section.

Discipline

- (7) Where, after a hearing, the Council determines that the affected person is in violation of this Act or the bylaws, is unfit to provide hairdressing services or operate a salon, or is guilty of conduct referred to in clause (2)(a)(iii), the Council may
 - (a) suspend or cancel the affected person's licence or permit;
 - (b) impose conditions on the affected person's licence or permit;
 - (c) report the circumstances of the affected person to an appropriate government department or agency;
 - (d) require the affected person to take an educational or rehabilitative treatment program;
 - (e) require the affected person to pay the costs of the investigation and discipline; or
 - (f) impose any combination of the preceding measures or take such other disciplinary measures as it may consider appropriate. *2006, c.7, s.17.*

18. Appeal

- (1) Where, under subsection 17(7), the Council suspends or cancels a licence or permit, or imposes a condition on a licence or a permit, the affected person may appeal the suspension or cancellation of, or imposition of a condition on, the licence or permit to the Supreme Court by filing a notice of appeal with the court and serving a notice on the Council within 30 days of receiving notification of the decision of the Council.

Effective date

- (2) A suspension or cancellation of, or imposition of a condition on, a licence or permit shall take effect from the later of
- (a) the expiry of the time for appeal under subsection (1), if no appeal is filed; or
 - (b) the date on which the appeal is decided or abandoned if an appeal is filed under subsection (1).

Reinstatement

- (3) The Council may reinstate a cancelled licence or permit or remove a suspension or condition on a licence or permit. *2006,c.7,s.18; 2008,c.20,s.72(38).*

GENERAL**19. Council not to set prices, hours**

The Council may not, by bylaw or in any other manner, regulate, govern, increase or decrease, require changes or otherwise interfere with

- (a) the prices charged by any person for hairdressing services; or
- (b) the opening or closing hours of any salon or other establishment providing hairdressing services. *2006,c.7,s.19.*

20. Licence to be posted

- (1) A licensed hairdresser shall post the licence held by the licensed hairdresser in a conspicuous place near the entrance to the salon where the licensed hairdresser provides hairdressing services.

Permit to be posted

- (2) A salon operator shall
- (a) post the permit held by the salon operator inside the salon near the entrance; and
 - (b) ensure that the licensed hairdressers working at the salon post their licences as required by subsection (1). *2006,c.7,s.20.*

21. Prohibition

No person shall

- (a) call himself or herself a licensed hairdresser, or use any title, abbreviation or description implying or designed to lead the public into believing that the person is a licensed hairdresser unless the person holds a hairdresser's licence;
- (b) offer any hairdressing services in a manner implying or designed to lead the public into believing that the person is a licensed hairdresser or a licensed student, unless the person holds a hairdresser's licence or a student licence; or

- (c) operate a salon unless the person holds a permit. *2006,c.7,s.21.*

22. Offence

- (1) A person who violates section 20 or 21 is guilty of an offence and is liable on summary conviction to a fine of not less than \$200 and not more than \$1,000.

Continuing offence

- (2) Where a contravention of this Act continues for more than one day, the person commits a separate offence for each day that the contravention continues. *2006,c.7,s.22.*

23. Prosecution

A prosecution for an offence under this Act must be brought within two years of the alleged commission of the offence. *2006,c.7,s.23.*

24. Liability of Council

No action lies against the executive of the Association, the Council, their members, officers or employees for anything done or not done in good faith with respect to its functions under this Act or the bylaws. *2006,c.7,s.24.*

25. Limitation of action

- (1) No action against a licensed hairdresser for negligence or malpractice in the provision of hairdressing services shall be brought later than two years after the date of the discovery of the cause of action.

Manner of ownership

- (2) The relationship of a licensed hairdresser to a professional corporation, whether as a shareholder, director, officer or employee, does not affect, modify or diminish the application to him or her of this Act or the bylaws of the Association.

Action for recovery of fee, etc.

- (3) No person is entitled to bring an action in any court of competent jurisdiction for the recovery of any fee, reward or remuneration for the provision of hairdressing services unless the person was the holder of a licence or a permit issued under this Act at the time of providing the hairdressing services. *2006,c.7,s.25.*

26. Bylaws

- (1) The Council may, with the approval of the membership of the Association, make bylaws not inconsistent with this Act to govern the affairs of the Association respecting
- (a) officers and employees of the Association or Council, including the election or appointment, qualifications, duties, terms of office, remuneration and removal of such officers and employees;
 - (b) the calling and conduct of meetings of the Association, including voting rights, procedures and the fixing of quorums;
 - (c) the regulation of the members of the Association, including
 - (i) the establishment of classes of members,
 - (ii) the terms and conditions under which members are entitled to provide hairdressing services,



- (iii) the renewal, suspension or revocation of licences, and
- (iv) the continuing education requirements for members,
- (d) the currency of professional qualifications and continuing education requirements for members;
- (e) the requirements for permits and the renewal, suspension or revocation of permits;
- (f) the manner in which the Council may establish guidelines and standards for licensed hairdressers and salon operators under this Act;
- (g) the monitoring of the adherence by members to guidelines and standards established by the Council for the provision of hairdressing services and the operation of salons;
- (h) the investigation of complaints and concerns respecting members or salons;
- (i) the discipline process and hearings;
- (j) the duties and functions of the Registrar;
- (k) the making and amendment of bylaws;
- (l) the seal of the Association;
- (m) the auditing or examining of the spending of the funds of the Association or the Council;
- (n) such other matters as may be necessary for the administration of the Association.

Transitional

- (2) The bylaws of the Association in effect immediately before the date on which this section comes into force remain in effect until revoked or replaced under subsection (1).

Validity of bylaws

- (3) No bylaw or amendment or revocation of a bylaw comes into effect until it has been approved by a majority of the members who
 - (a) are present and voting at a general meeting of the Association; or
 - (b) vote in a mail vote or other form of vote conducted in accordance with the bylaws.

Inspection of bylaws

- (4) The bylaws shall be kept at the office of the Association and any member is entitled to inspect them at any reasonable time without charge. *2006, c.7, s.26.*

27. Repeal

The *Prince Edward Island Hairdressers' Association Act* Stats. P.E.I. 1959, c. 42 is repealed. *2006, c.7, s.27.*