



PRINCE EDWARD ISLAND
ÎLE-DU-PRINCE-ÉDOUARD

RETAIL BUSINESS HOLIDAYS ACT

PLEASE NOTE

This document, prepared by the *Legislative Counsel Office*, is an office consolidation of this Act, current to September 22, 2014. It is intended for information and reference purposes only.

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



RETAIL BUSINESS HOLIDAYS ACT

CHAPTER R-13.02

1. Definitions

In this Act

- (a) “**holiday**” means
- (i) Boxing Day,
 - (ii) Christmas Day,
 - (iii) Good Friday,
 - (iii.1) Islander Day,
 - (iv) Labour Day,
 - (v) New Year’s Day,
 - (vi) Remembrance Day,
 - (vii) Thanksgiving Day,
 - (viii) repealed by 2010,c.31,s.1,
 - (ix) every Sunday during the time period between 12:00 a.m. and 11.59 a.m., and
 - (x) such other day as may be declared by order of the Lieutenant Governor in Council to be a holiday for the purposes of this Act;
- (b) “**retail business**” means the selling or offering for sale of goods or services by retail. 1992, c.77, s.1; 2006,c.21,s.1, 2008,c.48,s.3; 2010,c.31,s.1.

1.1 Remembrance Day, Christmas Day on Sunday

For the avoidance of doubt, where Remembrance Day, Christmas Day, Boxing Day or New Year’s Day falls on a Sunday, the entire day is a holiday. 2007,c.28,s.1; 2010,c.31,s.2.

2. Prohibitions

- (1) Subject to sections 3 and 4, no person shall on a holiday
- (a) sell, offer for sale or purchase any goods or services by retail;
 - (b) admit members of the public to any premises where a retail business is carried on.

Counselling etc. offence

- (2) No person shall authorize, counsel, require, direct or knowingly permit anything to be done in violation of subsection (1). 1992, c.77, s.2.

3. Permitted activities

- (1) Section 2 does not apply in respect of the operation or conduct of the following activities:
- (a) motor vehicle service stations;
 - (b) convenience stores selling food products, newspapers and magazines, tobacco products and confectionery, or any of them, the area of which stores does not exceed such limit as may be prescribed in the regulations and in which not more than three persons, including the proprietor or owner, are employed at the time of sale;
 - (c) automatic laundries;
 - (d) any restaurant, dining-room, drive-in restaurant or other eating establishment;
 - (e) the provision of accommodation, camping, recreational services and facilities and tourism information;
 - (f) tourism operations conducted by a tourism operator registered under the *Tourism Market Development Act* Stats. P.E.I. 1991, c.45 provided that the regulations made under the *Liquor Control Act* R.S.P.E.I. 1988, Cap. L-14 take precedence over this permitted activity;
 - (g) drug stores the area of which does not exceed such limit as may be prescribed in the regulations and while a registered pharmacist is on duty;
 - (h) taxis and other transportation services;
 - (i) telephone, telecommunication and broadcasting services;
 - (j) video stores;
 - (k) bakeries;
 - (l) flower shops;
 - (m) yard sales and flea markets at which second-hand goods, home-made crafts and home-made food products are offered for sale;
 - (n) mobile canteens;
 - (o) roadside fruit and vegetable stands, including stands for the sale of Christmas trees and bedding plants;
 - (p) “open houses” for the purpose of showing real estate to potential purchasers;
 - (q) craft fairs operated by the Prince Edward Island Crafts Council;
 - (r) such other activities as may be prescribed in the regulations.

Characterization, principal business

- (2) For the purposes of subsection (1) a retail business shall be characterized by reference to the principal business conducted on the premises. *1992, c.77, s.3; 2014, c.39, s.70.*

4. Exercise of conscience or religion

Section 2 does not prevent the operation of a retail business on a holiday by a person who, on grounds of conscience or religion, observes a day without labour and closes his or her retail business on a day in each week other than a holiday. *1992, c.77, s.4.*

5. Application

This Act prevails over any other enactment or any bylaw of a municipality regulating business hours. *1992, c.77, s.5.*



6. Offence and penalty

Any person who contravenes section 2 is guilty of an offence and is liable on summary conviction to a fine not exceeding \$10,000. *1992, c.77, s.6.*

7. Regulations

The Lieutenant Governor in Council may make regulations. *1992, c.77, s.7.*

8. Repeal

Repealed by *1992, c.77, s.8.*