



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 R-13.02

RETAIL BUSINESS HOLIDAYS ACT

1. In this Act

Definitions

(a) "holiday" means

holiday

- (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) every Sunday that falls between December 25 of any year and the Friday before Victoria Day of the following year,
- (ix) every Sunday that falls between the Friday before Victoria Day and Christmas 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.

retail business

1.1 For the avoidance of doubt, where Remembrance Day or Christmas Day falls on a Sunday, the entire day is a holiday. 2007,c.28,s.1.

Remembrance Day,
Christmas Day on
Sunday

2. (1) Subject to sections 3 and 4, no person shall on a holiday

Prohibitions

- (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.

(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.

Counselling etc
offence

3. (1) Section 2 does not apply in respect of the operation or conduct of the following activities:

Permitted 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 licensed 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.
Exercise of conscience or religion	4. 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.
Application	5. This Act prevails over any other enactment or any bylaw of a municipality regulating business hours. 1992, c.77, s.5.
Offence and penalty	6. 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.
Regulations	7. The Lieutenant Governor in Council may make regulations. 1992, c.77, s.7.

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 Repealed by 1992,c.77,s.8.

Repeal