



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 S-8
STORE HOURS ACT

- 1.** In this Act and any bylaw passed hereunder Definitions
- (a) “area” means an incorporated city, town or community in the province and an area of five miles from the boundary line of the incorporated city, town or community; area
- (b) “closed” means not open for the serving of any customer; closed
- (c) “shop” means a building or part of a building, booth, stall or place where goods are exposed or offered for sale by retail, but does not include a place where the only trade or business carried on is that of a hotel, motel or other place of lodging. R.S.P.E.I. 1974, Cap. S-10, s.1; 1983, c.33, s.66. shop
- 2.** The council of a municipality may by bylaw require Store closing bylaws
- (a) that during the whole or any part or parts of the year all or any class or classes of shops in an area shall be closed and remain closed on each or any day of the week at and during any time or hours between six o'clock in the afternoon of any day and five o'clock in the forenoon of the next following day;
- (b) that during the whole or any part or parts of the year all or any class or classes of shops in an area shall be closed and remain closed on one particular day of the week during any time or hours between twelve-thirty o'clock in the afternoon and five o'clock in the forenoon of the next following day;
- (c) that during the whole or any part or parts of the year all or any class or classes of shops in an area shall be closed and remain closed on one particular day of the week during the whole of such day and until five o'clock in the forenoon of the next following day. R.S.P.E.I. 1974, Cap. S-10, s.2; 1983, c.33, s.66.
- 3.** Notwithstanding section 2, should there be one or more incorporated cities, towns or communities within a distance of five miles from the boundary line of an incorporated city, town or community, then no bylaw becomes law and is effective until all incorporated cities, towns or communities in the area have passed similar bylaws. R.S.P.E.I. 1974, Cap. S-10, s.3; 1983, c.33, s.66. When bylaw to become effective
- 4.** Nothing in this Act renders unlawful any bylaw passed by an incorporated city, town or community notwithstanding that the area covered by any bylaw includes an area of five miles from the boundary Effect on other bylaws

line of an incorporated city, town or community. R.S.P.E.I. 1974, Cap. S-10, s.4; 1983, c.33, s.66.

Serving of customers in store before closing time

5. Nothing in this Act or any bylaw passed thereunder renders unlawful the continuance in a shop after the hour appointed for the closing thereof of any customers who were in the shop immediately before that hour or the serving of those customers during their continuance therein. R.S.P.E.I. 1974, Cap. S-10, s.5.

Where number of trades carried on in shop

6. A shop in which trades of two or more classes are carried on shall be closed for the purpose of all such trades during the hours in which it is by any bylaw required to be closed for the purpose of that one of the trades that is the principal trade carried on in the shop. R.S.P.E.I. 1974, Cap. S-10, s.6.

Agent liable

7. Where an offence, for which the occupier of a shop is liable under any such bylaws to a penalty, has in fact been committed by some agent or servant of the occupier, such agent or servant is liable to the same penalty as if he were the occupier. R.S.P.E.I. 1974, Cap. S-10, s.7.

Occupier may charge other person with offence

8. Where the occupier of a shop is charged with an offence against a bylaw, he is entitled, upon information duly laid by him, to have any other person whom he alleges to be the actual offender brought before a provincial court judge at the time appointed for hearing the charge, and, if, after the commission of the offence has been proved, the occupier proves to the satisfaction of the provincial court judge that he used due diligence to enforce the execution of the bylaw and that the other person committed the offence without his knowledge, consent or connivance, such other person may be summarily convicted of the offence and is liable to the same penalty or punishment as if he were the occupier, and the occupier is exempt from any penalty. R.S.P.E.I. 1974, Cap. S-10, s.8.

Injunction

9. (1) Upon coming into force of a bylaw referred to in section 2, any act done or commenced contrary to the bylaw may be restrained by injunction in the Supreme Court in an action at the suit of the incorporated city, town or community.

Offences and penalties

(2) Any occupier of a shop who violates or attempts to violate any provision of this Act or any bylaw made thereunder is guilty of an offence and upon summary conviction is liable

(a) in the case of a first offence, to a fine not exceeding \$100;

(b) in the case of a second or subsequent offence, to a fine not exceeding \$500; in all cases together with the costs of prosecution.

R.S.P.E.I. 1974, Cap. S-10, s.9.

Application of Act

10. This Act does not apply to any shop with three or fewer persons regularly employed therein. R.S.P.E.I. 1974, Cap. S-10, s.10.

