

# **Retail Business Uniform Closing Day Act**

CHAPTER 402 OF THE REVISED STATUTES, 1989

*as amended by*

1993, c. 41; 2003 (2nd Sess.), c. 7, ss. 1-3; 2013, c. 35, s. 5



© 2016 Her Majesty the Queen in right of the Province of Nova Scotia  
Published by Authority of the Speaker of the House of Assembly  
Halifax

This page is intentionally blank.

CHAPTER 402 OF THE REVISED STATUTES, 1989  
amended 1993, c. 41; 2003 (2nd Sess.), c. 7, ss. 1-3; 2013, c. 35, s. 5

**An Act Respecting Uniform  
Closing Day for Retail Businesses**

**Table of Contents**

(The table of contents is not part of the statute)

	Section
Short title.....	1
Interpretation.....	2
Uniform closing day.....	3
Exceptions.....	3A
Municipal powers.....	4
Offences and penalties.....	5
Collective agreement unaffected.....	6
Court may order compliance with Act.....	7
Regulations.....	8
Regulations Act.....	9
Plebiscite.....	10

---

**Short title**

**1** This Act may be cited as the *Retail Business Uniform Closing Day Act*. R.S., c. 402, s. 1.

**Interpretation**

**2** In this Act,

- (a) “goods” means personal property;
- (b) “municipality” means a city, incorporated town or municipality of a county or district;
- (c) “performance” includes any game, match, sport, contest, exhibition, entertainment, dance, program, theatrical presentation or motion picture presentation;
- (d) “retail business” means the selling or offering for sale of goods or services by retail;
- (e) “uniform closing day” means
  - (i) Boxing Day,
  - (ii) Canada Day,
  - (iii) Christmas Day,
  - (iv) Good Friday,

- (v) Labour Day,
- (vi) New Year's Day,
- (vii) Sunday,
- (viii) Thanksgiving Day,
- (viiiia) third Monday in February,
- (ix) any other day the Governor in Council orders and declares by proclamation to be a uniform closing day for the purposes of this Act. R.S., c. 402, s. 2; 2013, c. 35, s. 5.

### Uniform closing day

**3 (1)** No person shall on a uniform closing day

- (a) sell, offer for sale or purchase any goods or services by retail; or
- (b) admit the public to any premises where a retail business is carried on

except as otherwise provided in this Act.

**(2)** This Section does not apply in respect of

- (a) the operation of a drug store except in a department store;
- (b) the sale of agricultural products by the producer at the farm;
- (c) the sale of maple sugar products;
- (d) the sale of Christmas trees;
- (e) the operation of a motor vehicle service station;
- (f) the operation of a restaurant;
- (g) the provision of accommodation, camping, food, beverage, recreation, related services and facilities, and tourist information;
- (h) the operation of a private club, fraternal organization or veterans organization;
- (i) any public game or contest for gain or for any prize or reward;
- (j) any performance or public meeting at which a fee is charged directly or indirectly either for admission to such performance or meeting or to any place within which the same is provided or for any service or privilege thereat, but not including the operation of a public dance hall;

(k) the hiring of motor vehicles or small boats for the personal use of the hirer or his family for any purpose not prohibited by this Act;

(l) the operation of any excursion on which passengers are conveyed for hire and having for its principal or only object the carriage of such passengers for amusement or pleasure;

(m) the conveying of goods or travellers on railways, buses or other public conveyances;

(n) the operation of any ferry or boat authorized by competent authority to carry passengers on a uniform closing day;

(o) receiving, transmitting or delivering telegraph or telephone messages;

(p) broadcasting as defined by the *Defamation Act*;

(q) the publication of a newspaper including all work necessary for, or incidental to the preparation, printing and distribution thereof;

(r) the provision of goods or services on an emergency basis;

(s) goods and services prescribed by the Governor in Council. R.S., c. 402, s. 3.

### Exceptions

**3A (1)** Subsection (1) of Section 3 does not apply in respect of a Sunday between one o'clock in the afternoon and six o'clock in the afternoon

(a) from the sixteenth day of November, 2003, to the twenty-first day of December, 2003; or

(b) as permitted by regulations implementing the decision of the plebiscite held pursuant to Section 10.

**(2)** Notwithstanding any lease or agreement, no owner or operator of a retail business is required, and no person shall require the owner or operator of a retail business, to operate on Sunday as permitted by or pursuant to subsection (1).

**(3)** No person shall discriminate or retaliate against, penalize or refuse to renew the lease of any person because that person refuses to operate a retail business as permitted by or pursuant to subsection (1).

**(4)** Notwithstanding subsection (2) of Section 4 or any other enactment, a municipality or council of a municipality may not prohibit or restrict the operation of a retail business as permitted by or pursuant to subsection (1). 2003 (2nd Sess.), c. 7, s. 1.

**Municipal powers**

4 (1) Notwithstanding any other Act, any other Act empowering a municipality or the council of a municipality to regulate the closing or hours of operation of a business, including a retail business, does not include the power to permit the carrying on of the retail business on a uniform closing day where to do so is prohibited by this Act.

(2) Nothing in this Act affects or shall be construed to affect any power conferred on a municipality or the council of a municipality to prohibit the operation of a business, including a retail business, on a day when the operation of the retail business is not prohibited by this Act.

(3) Notwithstanding that Remembrance Day within the meaning of the *Remembrance Day Act* may also be a uniform closing day within the meaning of this Act, nothing in this Act empowers a municipality or the council of a municipality to permit the operation of an industry within the meaning of the *Remembrance Day Act* on Remembrance Day in contravention of the *Remembrance Day Act* and nothing in the *Remembrance Day Act* permits a retail business to operate in contravention of this Act. R.S., c. 402, s. 4.

**Offences and penalties**

5 (1) Any person who contravenes, disobeys or refuses, neglects, omits or fails to observe and comply with any provision of this Act is guilty of an offence and is liable on summary conviction to a fine not exceeding one thousand dollars.

(2) A person who authorizes, counsels, requires, directs or knowingly permits anything to be done in violation of any provision of this Act is guilty of an offence and is liable on summary conviction to a fine not exceeding fifteen thousand dollars. R.S., c. 402, s. 5.

**Collective agreement unaffected**

6 Nothing in this Act affects the meaning of any provision in a collective agreement. R.S., c. 402, s. 6.

**Court may order compliance with Act**

7 (1) Upon application by the Attorney General to the Trial Division of the Supreme Court, the Court may make any order that is necessary to ensure compliance with this Act or the regulations by any party named in the application.

(2) An order made pursuant to subsection (1) shall be in addition to any penalty otherwise imposed pursuant to this Act. R.S., c. 402, s. 7.

**Regulations**

8 The Governor in Council may make regulations

- (a) defining a word or expression used in this Act and not defined herein;
- (b) determining or modifying the meaning of a clause of subsection (2) of Section 3;
- (ba) permitting a retail business to operate on Sunday between one o'clock in the afternoon and six o'clock in the afternoon in order to implement the result of the plebiscite held pursuant to Section 10;
- (c) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act. R.S., c. 402, s. 8; 2003 (2nd Sess.), c. 7, s. 2.

### Regulations Act

**9** The exercise by the Governor in Council of the authority contained in clause (ix) of Section 2, clause (s) of subsection (2) of Section 3 and Section 8 shall be regulations within the meaning of the *Regulations Act*. R.S., c. 402, s. 9.

### Plebiscite

**10 (1)** The words and expressions used in this Section have same meaning as in the *Municipal Elections Act*.

**(2)** At the next regular election to be held under the *Municipal Elections Act* after the coming into force of this Section, the returning officer shall take a vote of the electors in the manner prescribed in the *Municipal Elections Act* at which the ballot reads as follows:

Please note that if there is to be Sunday shopping

- (a) it would only be from 1:00 p.m. to 6:00 p.m.; and
- (b) it would not be on New Year's Day, Easter Sunday, July 1st, Remembrance Day, Christmas Day or Boxing Day.

**Please answer both questions.**

**1** Should there be Sunday shopping (in retail businesses not now permitted to be open on Sunday)?

- yes
- no

**2** If there is to be Sunday shopping (in retail businesses not now permitted to be open on Sunday), should it be

- on every Sunday (except as noted above)?
- on only the six Sundays immediately before Christmas?

**(3)** The answer given to either of the questions set out in subsection (2) is not invalid by reason only of the failure to answer both questions or of the spoiling of the ballot with respect to the other question.

**(4)** The Minister of Justice shall give such directions and make such regulations and prepare such forms as may appear necessary for the purpose of

this Section and for the guidance of the returning officers and other persons employed in the taking of the vote and may apply, modify or alter any of the provisions of the *Municipal Elections Act* and make due provision for circumstances that may arise and that are not otherwise provided for. 2003 (2nd Sess.), c. 7, s. 3.

---