

1984, chapter 17

AN ACT TO AMEND THE ACT RESPECTING COMMERCIAL ESTABLISHMENTS BUSINESS HOURS

Bill 59

Introduced by Mr Rodrigue Biron, Minister of Industry, Commerce and Tourism

Introduced 20 December 1983

Passage in principle 13 June 1984

Passage 19 June 1984

Assented to 20 June 1984

Coming into force: by proclamation of the Government

— 15 August 1984: ss. 1 to 8

G.O., 1984, Part 2, p. 3344

Act amended:

Act respecting commercial establishments business hours (R.S.Q., chapter H-2)





CHAPTER 17

An Act to amend the Act respecting commercial establishments business hours

[Assented to 20 June 1984]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

c. H-2, s. 1,
replaced

1. Section 1 of the Act respecting commercial establishments business hours (R.S.Q., chapter H-2) is replaced by the following section:

Interpre-
tation

“1. In this Act,

“customer”

(1) **“customer”** means any person, excepting an employee, agent or mandatary of the owner of a commercial establishment, present in the establishment or on the premises thereof in such a manner that he may purchase products sold by the establishment;

“commercial
establish-
ment”

(2) **“commercial establishment”** means any establishment or other place where products are sold or offered for sale at retail in Québec.”

c. H-2, s. 2,
replaced

2. Section 2 of the said Act is replaced by the following section:

Days when
customers
not admitted

“2. No customer may be admitted to a commercial establishment on the following days or parts of days:

- (1) Sundays;
- (2) the 1st of January;
- (3) the 2nd of January;
- (4) the day after Easter Sunday;

(5) the 24th of June, the National Holiday, or the 25th of June if the 24th falls on a Sunday;

(6) the 1st of July, or the 2nd of July if the 1st falls on a Sunday;

(7) the first Monday in September;

(8) the 25th of December;

(9) the 26th of December, before one o'clock in the afternoon;

(10) any other day fixed by order of the Government."

c. H-2, s. 3,
replaced

Hours when
customers
not admitted

3. Section 3 of the said Act is replaced by the following section:

"3. No customer may be admitted to a commercial establishment

(1) before half past eight in the morning from Monday to Saturday;

(2) after six o'clock in the evening on Mondays, Tuesdays or Wednesdays;

(3) after nine o'clock in the evening on Thursdays or Fridays;

(4) after five o'clock in the afternoon on Saturdays.

Hours when
customers
not admitted

Subject to the prohibition relating to Sundays, no customer may be admitted to a commercial establishment after

(1) nine o'clock in the evening on the fourteen days preceding the 24th of December;

(2) five o'clock in the afternoon on the 24th and 31st of December."

c. H-2, s. 5,
replaced, ss.
5.1-5.3,
added

Exceptions

4. Section 5 of the said Act is replaced by the following sections:

"5. This Act does not apply to a commercial establishment the sole activity whereof is the sale of:

(1) newspapers, periodicals or books;

(2) tobacco or articles required for the use of tobacco;

(3) newspapers, periodicals, books, tobacco or articles required for the use of tobacco;

(4) meals or food to be consumed on the premises;

(5) pastries or confectionery;

(6) food products, if there are never more than three persons in the establishment at the same time to attend to its operation on any day that it is open;

(7) pharmaceutical, hygienic or sanitary products;

(8) alcoholic beverages, if there are never more than three persons in the establishment at the same time to attend to its operation on any day that it is open;

(9) gasoline, motor oil or fuel oil;

(10) road vehicles, trailers or boats;

(11) agricultural machinery;

(12) flowers or horticultural products;

(13) school supplies if they are sold by school cooperatives;

(14) handicrafts, if they are fashioned by a Québec craftsman and sold by him or by one or more representatives of a group or association to which he belongs;

(15) works of art, if they are executed by a Québec artist and sold by him or by one or more representatives of a group or association to which he belongs;

(16) antiques or secondhand merchandise;

(17) swimming pools or accessories necessary for their operation;

(18) tombstones;

(19) any other product determined by regulation of the Government.

Presumption

For the purposes of this section, any separate and partitioned section of a commercial establishment is deemed to be a commercial establishment.

Exceptions

“5.1 This Act does not apply to a commercial establishment the main activity whereof is the sale of products referred to in paragraph 1, 2, 3, 5, 7, 8 or 9 of section 5 and, where food products are sold as well, provided there are never more than three persons in the establishment at the same time to attend to its operation, or the operation of the segregated and partitioned section where the food products are sold, on any day that it is open.

Exceptions

This Act does not apply, further, to a commercial establishment the main activity whereof is the sale of products referred to in any of paragraphs 1 to 8 or 12 of section 5, provided nothing additional is sold

there apart from sundries. For the purposes of this paragraph, a separate and partitioned section of a commercial establishment is deemed to be a commercial establishment.

Authori-
zations

“5.2 A commercial establishment operating with more than three persons that sells products referred to in paragraph 7 of section 5 as well as food products and sundries on the date of assent to this Act is not required to reduce its personnel to three persons or to partition the section where food products are sold if it receives the authorization of the Minister and provided that the total amount of space set aside for the sale of food products in the commercial establishment is not increased.

Request

Request for authorization under this section must be made to the Minister before 1 September 1984.

Publication

The Minister's authorization shall be published in the *Gazette officielle du Québec*.

Special
authori-
zations

“5.3 The Minister may authorize commercial establishments to carry on their activities during periods in which such activities are prohibited by this Act in the case of establishments situated in a tourist area or near the territorial limits of Québec, or on the occasion of a special event, such as a festival, fair, show or exhibition.

Special
authori-
zations

The Minister may also, on such conditions as may be determined by the Government, authorize commercial establishments to carry on their activities on Sundays if the establishments carry on their activities regularly and according to law from Monday to Friday, if they are closed from sunset on Fridays and all day on Saturdays, and if there are never more than three persons in the establishment at the same time to attend to its operation on any day that it is open.

Publication

The Minister's authorization shall be published in the *Gazette officielle du Québec*.”

c. H-2, ss.
7-9, replaced

5. Sections 7, 8 and 9 of the said Act are replaced by the following sections:

Publication
of draft
regulation

“7. Every draft regulation of the Government is published in the *Gazette officielle du Québec* with a notice indicating that it may be adopted with or without amendment at the expiry of thirty days from that publication.

Coming into
force

“7.1 Every regulation of the Government made under this Act comes into force fifteen days after the date of its publication in the *Gazette officielle du Québec* or on such later date as is fixed therein.

Enforcement

“8. Every person authorized by the Minister of Justice to inquire into the enforcement of this Act may enter any commercial establishment while it is open to the public.

Information	The person may require any information relating to his inquiry.
Certificate of capacity	The person shall, on request, produce a certificate attesting his capacity, signed by the Minister of Justice.
Prohibition	“9. No person may admit a customer to a commercial establishment or tolerate his presence there contrary to this Act.
Prohibition	“9.1 No person may advertise that a commercial establishment is open for business at any time or day when being open for business is prohibited under this Act.
Obstruction and false declarations	“9.2 No person may hinder the work of a person authorized by the Minister of Justice to inquire into the enforcement of this Act, mislead him by concealment or false declarations, refuse to provide him with information or conceal or destroy any information or document relating to an inquiry.
Offences and penalties	“9.3 Every person who contravenes section 9, 9.1 or 9.2 is guilty of an offence and liable, on summary proceedings, in addition to costs, to a fine of \$200 to \$5 000 and, in the case of a subsequent offence within two years of conviction for the same offence, to a fine of \$400 to \$10 000.
Fine	In determining the amount of the fine, the court shall take particular account of the profit derived by the offender from the offence.
Party to the offence	“9.4 Where an offence is committed against this Act and the owner of the commercial establishment is not the owner of the immovable in which the commercial establishment is situated, the owner of the immovable, if he ordered, authorized or recommended the commission of the offence or consented thereto or was informed thereof beforehand, is deemed a party to the offence and is liable to the fine prescribed for the offence.”
Extension	6. The Minister may, before 31 December 1984, on such conditions as he may determine, allow a commercial establishment in operation on the date of assent to this Act an extension of time to comply with this Act. In no case may the time allowed go beyond 31 December 1986.
Publication	The Minister’s authorization shall be published in the <i>Gazette officielle du Québec</i> .
Exception	7. This Act shall operate notwithstanding the provisions of sections 2 and 7 to 15 of the Constitution Act, 1982 (Schedule B of the Canada Act, chapter 11 in the 1982 volume of the Acts of the Parliament of the United Kingdom).
Coming into force	8. This Act will come into force on the date fixed by proclamation of the Government, except those provisions excluded by the proclamation, which will come into force on such later dates as are fixed by proclamation of the Government.