



# **BILL NO. 45**

*Government Bill*

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*1st Session, 60th General Assembly  
Nova Scotia  
55 Elizabeth II, 2006*

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## **An Act to Amend Chapter 246 of the Revised Statutes, 1989, the Labour Standards Code**

CHAPTER 10  
ACTS OF 2006

**AS ASSENTED TO BY THE LIEUTENANT GOVERNOR  
JULY 14, 2006**

The Honourable Mark Parent  
*Minister of Environment and Labour*

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*Halifax, Nova Scotia  
Printed by Authority of the Speaker of the House of Assembly*

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**An Act to Amend Chapter 246  
of the Revised Statutes, 1989,  
the Labour Standards Code**

Be it enacted by the Governor and Assembly as follows:

**1 Section 2 of Chapter 246 of the Revised Statutes, 1989, the *Labour Standards Code*, as amended by Chapter 14 of the Acts of 1991 and Chapter 7 of the Acts of 2003 (Second Session), is further amended by**

**(a) striking out clause (pa) and substituting the following clause:**

(pa) "retail business" means the selling or offering for sale of goods or services by retail;

**and**

**(b) adding immediately after clause (s) the following clause:**

(sa) "uniform closing day" means a uniform closing day as defined in the *Retail Business Uniform Closing Day Act*;

**2 Section 7 of Chapter 246, as amended by Chapter 14 of the Acts of 1991 and Chapter 4 of the Acts of 2003 (Second Session), is further amended by adding immediately after clause (bd) the following clause:**

(be) exempting classes of retail business from the application of Section 66A;

**3 Clause 30(1)(e) of Chapter 246, as enacted by Chapter 7 of the Acts of 2003 (Second Session), is amended by striking out "Sunday" in the second, in the fifth and in the fifth and sixth lines and substituting in each case "uniform closing day".**

**4 Section 30A of Chapter 246, as enacted by Chapter 7 of the Acts of 2003 (Second Session), is amended by adding "or, with respect to the *Retail Business Uniform Closing Day Act*, clause (b) of subsection (1) of Section 30" immediately after "30" in the second line.**

**5 (1) Subsection 66A(1) of Chapter 246 is repealed and the following subsection substituted:**

(1) Notwithstanding any contract of employment or agreement made before or after the coming into force of this subsection, no employee is required, and no employer shall require an employee, to work or to sign a contract of employment or agreement that requires the employee to work in a retail business on a uniform closing day unless the retail business is of a class of retail business exempted from the application of this Section.

**(2) Subsection 66A(2) of Chapter 246, as enacted by Chapter 7 of the Acts of 2003 (Second Session), is amended by**

(a) striking out “Sundays” in the second and in the third lines and substituting in each case “uniform closing days”; and

(b) striking out “Sunday” in the third line and substituting “uniform closing day”.

**6 Chapter 450 of the Revised Statutes, 1989, the *Summary Proceedings Act*, is amended by adding immediately after Section 17 the following Section:**

18 (1) The Governor in Council may make regulations adding enactments to or deleting enactments from Schedule B.

(2) The exercise by the Governor in Council of the authority contained in subsection (1) is regulations within the meaning of the *Regulations Act*.

**7 Chapter 464 of the Revised Statutes, 1989, the *Tenancies and Distress for Rent Act*, is amended by adding immediately after Section 21 the following heading and Section:**

RETAIL BUSINESS LEASE

22 (1) In this Section,

(a) "retail business" means the selling or offering for sale of goods or services by retail;

(b) “uniform closing day” means a uniform closing day as defined in the *Retail Business Uniform Closing Day Act*.

(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 a uniform closing day as permitted by or pursuant to subsection 3(2) of the *Retail Business Uniform Closing Day Act*.

(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 3(2) of the *Retail Business Uniform Closing Day Act*.

**8 This Act comes into force on such day as the Governor in Council orders and declares by proclamation.**

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