



Province of Alberta

CONSUMER PROTECTION ACT

GIFT CARD REGULATION

Alberta Regulation 146/2008

With amendments up to and including Alberta Regulation 173/2018

Current as of September 26, 2018

Office Consolidation

© Published by Alberta Queen's Printer

Alberta Queen's Printer
Suite 700, Park Plaza
10611 - 98 Avenue
Edmonton, AB T5K 2P7
Phone: 780-427-4952
Fax: 780-452-0668

E-mail: qp@gov.ab.ca
Shop on-line at www.qp.alberta.ca

Copyright and Permission Statement

Alberta Queen's Printer holds copyright on behalf of the Government of Alberta in right of Her Majesty the Queen for all Government of Alberta legislation. Alberta Queen's Printer permits any person to reproduce Alberta's statutes and regulations without seeking permission and without charge, provided due diligence is exercised to ensure the accuracy of the materials produced, and Crown copyright is acknowledged in the following format:

© Alberta Queen's Printer, 20__.*

*The year of first publication of the legal materials is to be completed.

Note

All persons making use of this consolidation are reminded that it has no legislative sanction, that amendments have been embodied for convenience of reference only. The official Statutes and Regulations should be consulted for all purposes of interpreting and applying the law.

(Consolidated up to 173/2018)

ALBERTA REGULATION 146/2008

Consumer Protection Act

GIFT CARD REGULATION

Table of Contents

- 1 Definitions
- 1.1 Non-application
- 2 Prohibition against expiry date
- 3 Fees
- 4 Unfair practices
- 5 Disclosure requirements
- 6 Proof of purchase
- 7 Offences
- 8 Expiry
- 9 Coming into force

Definitions

1 In this Regulation,

(a) “Act” means the *Fair Trading Act*;

(a.1) “financial institution” means

(i) a bank listed in Schedule I, II or III of the *Bank Act* (Canada),

(ii) a treasury branch,

(iii) a credit union, or

(iv) a trust corporation or loan corporation registered under the *Loan and Trust Corporations Act*;

(b) “prepaid purchase card” means a written certificate, electronic card or other voucher or payment device with a monetary value for which a purchaser provides consideration and that

(i) may or may not be increased in value or reloaded,

- (ii) is purchased or loaded on a prepaid basis in a specific amount for the future purchase or delivery of goods or services, and
- (iii) is honoured on presentation to a supplier, and includes a gift card and gift certificate;
- (c) “supplier” means a person who, in the course of the person’s business,
 - (i) sells or offers for sale prepaid purchase cards, or
 - (ii) honours prepaid purchase cards on presentation, and includes any salesperson, employee, representative or agent of the person.

AR 146/2008 s1;162/2009

Non-application

1.1 This Regulation does not apply to a prepaid purchase card if there is a direct agreement between the cardholder and the financial institution relating to the use of the card and that agreement includes a provision that the financial institution promises that the cardholder may make purchases with the card up to the amount of the card in accordance with the agreement, subject to any fees payable to the institution under the agreement.

AR 162/2009 s3

Prohibition against expiry date

2(1) No supplier shall offer for sale or sell a prepaid purchase card that has an expiry date.

(2) If a prepaid purchase card has an expiry date that has not expired on the coming into force of this Regulation, the expiry date has no effect.

Fees

3(1) A supplier may charge a purchaser a one-time fee for activating a prepaid purchase card at the time the prepaid purchase card is purchased.

(2) A supplier may charge a fee for replacing a lost or stolen prepaid purchase card.

(3) A supplier may charge a fee to customize a prepaid purchase card.

(4) No supplier may charge a fee other than those authorized in this section.

(5) Subsection (4) applies to prepaid purchase cards sold before, on or after the day on which this Regulation comes into force.

Unfair practices

4 The following activities are unfair practices for the purposes of the Act:

- (a) the offering for sale and the sale of prepaid purchase cards in contravention of section 2;
- (b) the charging or deduction of a fee from the balance remaining on a prepaid purchase card in contravention of section 3;
- (c) the refusal to accept a prepaid purchase card as partial payment on a purchase;
- (d) the withholding of any unused balance remaining after a prepaid purchase card has been used.

Disclosure requirements

5(1) A supplier that sells a prepaid purchase card shall, in a clear and concise manner, disclose any terms and conditions that affect the use of the prepaid purchase card on the prepaid purchase card itself and on any packaging or promotional materials associated with the prepaid purchase card.

(2) Without limitation, the terms and conditions that must be disclosed include the following:

- (a) contact information for the purpose of obtaining information about the prepaid purchase card, including the balance remaining on the prepaid purchase card;
- (b) any restrictions, limitations or conditions that the supplier imposes on the use of the prepaid purchase card, including without limitation
 - (i) that the prepaid purchase card cannot be exchanged for cash,
 - (ii) that the prepaid purchase card cannot be used to make a payment on a credit account, and

- (iii) the return policy that will apply to purchases made with the prepaid purchase card.

AR 146/2008 s5;162/2009

Proof of purchase

- 6** A supplier that sells a prepaid purchase card must provide the purchaser with a receipt as proof of purchase at the time of the sale.

Offences

- 7** Any supplier that contravenes section 2, 3(4), 4, 5 or 6 is guilty of an offence.

Expiry

- 8** For the purpose of ensuring that this Regulation is reviewed for ongoing relevancy and necessity, with the option that it may be repassed in its present or an amended form following a review, this Regulation expires on October 31, 2020.

AR 146/2008 s8;173/2013;167/2016;173/2018

Coming into force

- 9** This Regulation comes into force on November 1, 2008.



Printed on Recycled Paper 