



Province of Alberta

## CONSUMER PROTECTION ACT

# GIFT CARD REGULATION

### **Alberta Regulation 146/2008**

With amendments up to and including Alberta Regulation 245/2020

Current as of November 27, 2020

### Office Consolidation

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### **Note**

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(Consolidated up to 245/2020)

**ALBERTA REGULATION 146/2008**

**Consumer Protection Act**

**GIFT CARD REGULATION**

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**Definitions**

**1** In this Regulation,

(a) “Act” means the *Consumer Protection 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;56/2019

#### **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, 2023.

AR 146/2008 s8;173/2013;167/2016;173/2018;245/2020

**Coming into force**

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





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