

ACTS IN FORCE
September 25, 2012 to November 20, 2012

**ATTORNEY GENERAL AND PUBLIC SAFETY AND SOLICITOR GENERAL STATUTES
AMENDMENT ACT, 2011, S.B.C. 2012, C. 6 (BILL 15)**

Amended: *Armoured Vehicle and After-Market Compartment Control Act*, S.B.C. 2010, c. 8;
Body Armour Control Act, S.B.C. 2009, c. 24; *Coroners Act*, S.B.C. 2007, c. 15;
Expropriation Act, R.S.B.C. 1996, c. 125; *Fraudulent Conveyance Act*, R.S.B.C.
1996, c. 163; *Judicial Compensation Act*, S.B.C. 2003, c. 59; *Jury Act*, R.S.B.C.
1996, c. 242; *Security Services Act*, S.B.C. 2007, c. 30

Transition

Provisions: None

Repealed: None

Summary: Section 2(a) of Bill 15 amends the *Body Armour Control Act* to add an offence of failure to surrender body armour permit and body armour upon permit cancellation or suspension.

In Force: Section 2(a) is in force September 30, 2012

See related regulations under the *Offence Act*

BUDGET MEASURES IMPLEMENTATION ACT, 2012, S.B.C. 2012, C. 8 (BILL 21)

Amended: *Gaming Control Act*, S.B.C. 2002, c. 14; *Members' Remuneration and Pensions Act*, R.S.B.C. 1996, c. 257; *Carbon Tax Act*, S.B.C. 2008, c. 40; *Family Law Act*, S.B.C. 2011, c. 25; *Home Owner Grant Act*, R.S.B.C. 1996, c. 194; *Income Tax Act*, R.S.B.C. 1996, c. 215; *Land Tax Deferral Act*, R.S.B.C. 1996, c. 249; *Motor Fuel Tax Act*, R.S.B.C. 1996, c. 317; *Police Act*, R.S.B.C. 1996, c. 367; *Property Transfer Tax Act*, R.S.B.C. 1996, c. 378; *School Act*, R.S.B.C. 1996, c. 412; *Small Business Venture Capital Act*, R.S.B.C. 1996, c. 429; *Taxation (Rural Area) Act*, R.S.B.C. 1996, c. 448; *Taxation Statutes Amendment Act, 1999*, S.B.C. 1999, c. 47; *Taxation Statutes Amendment Act, 2004*, S.B.C. 2004, c. 28

Transitional

Provisions: *Carbon Tax Act*, *Income Tax Act*, *Motor Fuel Tax Act*, *Taxation (Rural Area) Act*

Statutes

Repealed: None

Summary: Sections 50, 53 to 56 and 93 of Bill 21 all amend the *Income Tax Act*.

Section 50 adds definitions of "government assistance" and "non-government assistance".

Section 53 adds the definition of "applicable period".

Section 54 provides that an eligible employer who is an eligible industry employer may not claim tax credits under specified sections of the Act.

Section 55 adds a new Division 3.1 (Tax Credits for Shipbuilding and Ship Repair Industry Employers).

Section 56 permits regulations to be made regarding the definitions of "applicable period" and "ship".

Section 93 is a transition provision for the Income Tax Act regarding training credits.

In Force: Sections 50, 53 to 56 and 93 are in force October 1, 2012
See related regulations under the *Income Tax Act*

CRIMINAL ASSET MANAGEMENT ACT, S.B.C. 2012, C. 10 (BILL 28)

Amended: Consequential amendments made to the *Special Accounts Appropriation and Control Act*, R.S.B.C. 1996, c. 436

Transitional
Provisions: None

Statutes
Repealed: None

Summary: Bill 28 provides for the management of assets restrained, seized and forfeited under the *Criminal Code* and other statutes.

Bill 28 permits the appointment of the Director of Criminal Asset Management, whose duties include: preserving, managing, disposing of or otherwise dealing with property that is subject to a management order, restraint order or forfeited to the government.

Bill 28 provides that any money not yet been forfeited to the government must be held in trust by the Director.

Bill 28 permits a person to apply as for compensation as victim of crime and authorizes the Director to make payments from the compensation fund to eligible victims.

Bill 28 requires that, if a victim receives excess compensation, the victim is liable to repay that excess to the Director.

Bill 28 creates the Criminal Asset Management Fund which is the new name for the Forfeited Crime Proceeds Fund, established under the *Special Accounts Appropriation and Control Act* and permits regulations to be made.

In Force: Act is in force September 30, 2012

See related regulations under the *Criminal Asset Management Act* and the *Special Accounts Appropriation and Control Act*

ENERGY AND MINES STATUTES AMENDMENT ACT, 2012, S.B.C. 20012, C. 27
(BILL 30)

Amended: *Clean Energy Act*, S.B.C. 2010, c. 22; *Expropriation Act*, R.S.B.C. 1996, c. 125; *Forest Act*, R.S.B.C. 1996, c. 157; *Forest and Range Practices Act*, S.B.C. 2002, c. 69; *Greenhouse Gas Reduction (Emissions Standards) Statutes Amendment Act, 2008*, S.B.C. 2008, c. 20; *Oil and Gas Activities Act*, S.B.C. 2008, c. 36; *Strata Property Act*, S.B.C. 1998, c. 43; *Utilities Commission Act*, R.S.B.C. 1996, c. 473.

Transitional
Provisions: None

Statutes
Repealed: None

Summary: Sections 36, 37, 40(b) and (c), 43, 44 and 46 of Bill 30 amend the *Utilities Commission Act*.

Section 36 provides for an appeal to the Supreme Court of a decision by the Commission to impose an administrative penalty.

Section 37 provides that an appeal to the Supreme Court regarding imposition of an administrative penalty operates as a stay of the decision, unless the court orders otherwise.

Section 40(b) provides that, if a person is charged with an offence an administrative penalty may not be imposed on the person in respect of the same circumstances that gave rise to the charge and that nothing done affects the liability of a public utility otherwise existing or prejudices enforcement of an order of the commission in any way otherwise available.

Section 40(c) prohibits prosecution for an offence if an administrative penalty has been imposed with respect to the same contravention.

Section 43 is a consequential amendment as a result of the addition by Part 8.1 (Administrative Penalties) by section 44 to Bill 30.

Section 44 adds a new Part 8.1 permitting the Commission to impose an administrative penalty for contravention of the Act, regulations, orders, standards or rules of the Commission.

Section 46 is a consequential amendment as a result of the addition by Part 8.1 (Administrative Penalties) by section 44 to Bill 30.

In Force: Sections 36, 37, 40(b) and (c), 43, 44 and 46 are in force November 9, 2012
See related regulations under the *Utilities Commission Act*

FAMILY LAW ACT, S.B.C. 2011, C. 25 (BILL 16)

Amended: Consequential amendment made to the: *Adoption Act*, R.S.B.C. 1996, c. 5; *Adult Guardianship Act*, R.S.B.C. 1996, c. 6; *Business Corporations Act*, S.B.C. 2002, c. 57; *Carbon Tax Act*, S.B.C. 2008, c. 40; *Child Care BC Act*, S.B.C. 2001, c. 4; *Child Care Subsidy Act*, R.S.B.C. 1996, c. 26; *Child, Family and Community Service Act*, R.S.B.C. 1996, c. 46; *Commercial Arbitration Act*, R.S.B.C. 1996, c. 55; *Consumption Tax Rebate and Transition Act*, S.B.C. 2010, c. 5; *Court of Appeal Act*, R.S.B.C. 1996, c. 77; *Court Order Enforcement Act*, R.S.B.C. 1996, c. 78; *Court Rules Act*, R.S.B.C. 1996, c. 80; *Credit Union Incorporation Act*, R.S.B.C. 1996, c. 82; *Cremation, Interment and Funeral Services Act*, S.B.C. 2004, c. 35; *Criminal Injury Compensation Act*, R.S.B.C. 1996, c. 8; *Election Act*, R.S.B.C. 1996, c. 106; *Employee Investment Act*, R.S.B.C. 1996, c. 112; *Employment and Assistance Act*, S.B.C. 2002, c. 40; *Employment and Assistance for Persons with Disabilities Act*, S.B.C. 2002, c. 41; *Employment Standards Act*, R.S.B.C. 1996, c. 113; *Enforcement of Canadian Judgments and Decrees Act*, S.B.C. 2003, c. 29; *Estate Administration Act*, R.S.B.C. 1996, c. 122; *Evidence Act*, R.S.B.C. 1996, c. 124; *Expropriation Act*, R.S.B.C. 1996, c. 125; *Family Compensation Act*, R.S.B.C. 1996, c. 12; *Family Maintenance Enforcement Act*, R.S.B.C. 1996, c. 127; *Family Relations Act*, R.S.B.C. 1996, c. 128; *Financial Disclosure Act*, R.S.B.C. 1996, c. 139; *Financial Institutions Act*, R.S.B.C. 1996, c. 141; *Forest Act*, R.S.B.C. 1996, c. 157; *Gaming Control Act*, S.B.C. 2002, c. 14; *Health Care (Consent) and Care Facility (Admission) Act*, R.S.B.C. 1996, c. 181; *Health Professions Act*, R.S.B.C. 1996, c. 183; *Home Owner Grant Act*, R.S.B.C. 1996, c. 194; *Hotel Room Tax Act*, R.S.B.C. 1996, c. 207; *Human Tissue Gift Act*, R.S.B.C. 1996, c. 211; *Independent School Act*, R.S.B.C. 1996, c. 216; *Indian Self Government Enabling Act*, R.S.B.C. 1996, c. 219; *Industrial Roads Act*, R.S.B.C. 1996, c. 189; *Infants Act*, R.S.B.C. 1996, c. 223;

Insurance Act, R.S.B.C. 1996, c. 226; *Insurance Amendment Act, 2009*, S.B.C. 2009, c. 16; *Insurance (Vehicle) Act*, R.S.B.C. 1996, c. 231; *Insurance Premium Tax Act*, R.S.B.C. 1996, c. 232; *Interjurisdictional Support Orders Act*, S.B.C. 2002, c. 29; *Judicial Compensation Act*, S.B.C. 2003, c. 59; *Land (Spouse Protection) Act*, R.S.B.C. 1996, c. 246; *Land Tax Deferment Act*, R.S.B.C. 1996, c. 249; *Land Title Act*, R.S.B.C. 1996, c. 250; *Law and Equity Act*, R.S.B.C. 1996, c. 253; *Legal Profession Act*, S.B.C. 1998, c. 9; *Local Government Act*, R.S.B.C. 1996, c. 323; *Logging Tax Act*, R.S.B.C. 1996, c. 277; *Marriage Act*, R.S.B.C. 1996, c. 282; *Medicare Protection Act*, R.S.B.C. 1996, c. 286; *Members' Conflict of Interest Act*, R.S.B.C. 1996, c. 287; *Mental Health Act*, R.S.B.C. 1996, c. 288; *Miscellaneous Statutes Amendment Act, 2009*, S.B.C. 2009, c. 22; *Miscellaneous Statutes Amendment Act (No. 2), 2011*, S.B.C. 2011, c. 13; *Motor Fuel Tax Act*, R.S.B.C. 1996, c. 317; *Name Act*, R.S.B.C. 1996, c. 328; *Notaries Act*, R.S.B.C. 1996, c. 334; *Parental Responsibility Act*, S.B.C. 2001, c. 45; *Pension Benefits Standards Act*, R.S.B.C. 1996, c. 352; *Personal Property Security Act*, R.S.B.C. 1996, c. 359; *Property Law Act*, R.S.B.C. 1996, c. 377; *Property Transfer Tax Act*, R.S.B.C. 1996, c. 378; *Provincial Court Act*, R.S.B.C. 1996, c. 379; *Public Guardian and Trustee Act*, R.S.B.C. 1996, c. 383; *Public Sector Pension Plans Act*, S.B.C. 1999, c. 44; *Rent Distress Act*, R.S.B.C. 1996, c. 403; *Representation Agreement Act*, R.S.B.C. 1996, c. 405; *Residential Tenancy Act*, S.B.C. 2002, c. 78; *School Act*, R.S.B.C. 1996, c. 412; *Securities Act*, R.S.B.C. 1996, c. 418; *Small Business Venture Capital Act*, R.S.B.C. 1996, c. 429; *Social Service Tax Act*, R.S.B.C. 1996, c. 431; *South Coast British Columbia Transportation Authority Act*, S.B.C. 1998, c. 30; *Supplements Repeal Act*, S.B.C. 2006, c. 33; *Taxation (Rural Area) Act*, R.S.B.C. 1996, c. 448; *Tobacco Tax Act*, R.S.B.C. 1996, c. 452; *Utilities Commission Act*, R.S.B.C. 1996, c. 473; *Victims of Crime Act*, R.S.B.C. 1996, c. 478; *Vital Statistics Act*, R.S.B.C. 1996, c. 479; *Wills Act*, R.S.B.C. 1996, c. 489; *Wills, Estates and Succession Act*, S.B.C. 2009, c. 1; *Wills, Estates and Succession Amendment Act, 2011*, S.B.C. 2011, c. 6; *Wills Variation Act*, R.S.B.C. 1996, c. 490; *Workers Compensation Act*, R.S.B.C. 1996, c. 492; *Youth Justice Act*, S.B.C. 2003, c. 85

Transitional

Provisions: Care of and time with children, proceeding respecting property division, pension benefits, changing, suspending or terminating orders, restraining orders and regulations

Statutes

Repealed: *Family Relations Act*, R.S.B.C. 1996, c. 128

Summary:

Sections 377 and 378 of Bill 16 are consequential amendments to the *Insurance Act* regarding the definition of “spouse”.

Sections 379 and 380 of Bill 16 are consequential amendments to the *Insurance Amendment Act, 2009* regarding the definition of “spouse”.

Note: The balance of the *Family Law Act* is to come into force on March 18, 2013 (B.C. Reg. 131/2012).

In Force: Sections 377 to 380 are repealed March 18, 2013

FINANCE STATUTES AMENDMENT ACT, 2012, S.B.C. 2012, C. 12 (BILL 23)

Amended: *British Columbia Innovation Council Act*, R.S.B.C. 1996, c. 415; *British Columbia Transit Act*, R.S.B.C. 1996, c. 38; *Business Corporations Act*, S.B.C. 2002, c. 57; *College and Institute Act*, R.S.B.C. 1996, c. 52; *Columbia Basin Trust Act*, R.S.B.C. 1996, c. 53; *Cooperative Association Act*, S.B.C. 1999, c. 28; *Credit Union Incorporation Act*, R.S.B.C. 1996, c. 82; *Finance Statutes Amendment Act, 2011*, S.B.C. 2011, c. 29; *Financial Institutions Act*, R.S.B.C. 1996, c. 141; *First Peoples' Heritage, Language and Culture Act*, R.S.B.C. 1996, c. 147; *Flood Relief Act*, R.S.B.C. 1996, c. 151; *Forensic Psychiatry Act*, R.S.B.C. 1996, c. 156; *Gaming Control Act*, S.B.C. 2002, c. 14; *Health Authorities Act*, R.S.B.C. 1996, c. 180; *Hydro and Power Authority Act*, R.S.B.C. 1996, c. 212; *Industry Training Authority Act*, S.B.C. 2003, c. 34; *Insurance Corporation Act*, R.S.B.C. 1996, c. 228; *Insurance for Crops Act*, R.S.B.C. 1996, c. 229; *Partnership Act*, R.S.B.C. 1996, c. 348; *Pension Benefits Standards Act*, R.S.B.C. 1996, c. 352; *School Act*, R.S.B.C. 1996, c. 412; *Transportation Act*, S.B.C. 2004, c. 44; *University Foundations Act*, R.S.B.C. 1996, c. 471

Transitional Provisions: None

Statutes Repealed: None

Summary: Sections 1(b), 7, 17 to 32, 33(b), 36, 37(a) to (g) and 38 of Bill 23 amend the *Business Corporations Act*.

Section 1(b) is a consequential amendment by adding a reference to "court".

Section 7 permits the use by federal corporations of names that include "Unlimited Liability Company", "Unlimited Liability Corporation" or "ULC";

Section 17 requires that court orders be obtained to restore an unlimited liability company and allows restored unlimited liability companies to take as their names on restoration the incorporation number of the company followed by "B.C. Unlimited Liability Company".

Section 18 clarifies that the restoration application provision of the Act applies to

unlimited liability companies with the exception that restored unlimited liability companies may take as their names on restoration the incorporation number of the company followed by "B.C. Unlimited Liability Company" instead of that incorporation number followed by "B.C. Ltd."

Section 19 clarifies that, on the restoration of an unlimited liability company, the restored unlimited liability company has as its name the reserved name shown for it on its restoration application or, if no name is shown, the incorporation number of the company followed by "B.C. Unlimited Liability Company".

Section 20 is a consequential amendment and clarifies that the failure of a foreign entity that has had its registration as an extraprovincial company cancelled to cease carrying on business after that cancellation does not, by itself, invalidate an act of that foreign entity.

Section 21 expands the scope of records to be filed with the Registrar to include not only the Act but any other enactment.

Section 22 expands applicable requirements for filing records with the Registrar to include not only the Act and regulations but requirements of any applicable enactment. Section 22 also permits court orders to be filed with the Registrar.

Section 23 expands the scope of records to be filed with the Registrar to include not only the Act but any other enactment regarding future dated filing of records.

Section 24 modernizes the wording regarding companies and extraprovincial companies in default of filing.

Section 25 provides that a record converted from paper to electronic format is, for the purposes of the corporate registrar or any other register kept by the Registrar, deemed to be the record photographed, stored or reproduced.

Section 26 expands the scope of records to include not only the Act, but any other enactment regarding deficient filings.

Section 27 provides that the validity of the corporate register includes any other register kept by the Registrar.

Section 28 provides that the beginning of date of a record issued under the Act, includes a reference to any other register kept by the Registrar.

Section 29 permits searches of registers, other than the corporate register, kept by the Registrar.

Section 30 permits the Registrar to issue records, not only under the Act, but under any other enactment as well.

Section 31 provides that records are evidence as they relate to not only the corporate register but to any other register kept by the Registrar and that a copy of a record filed with the Registrar, certified by the Registrar, is admissible in evidence.

Section 32 permits the Registrar to suspend, for a limited period, the dissolution of a company or the cancellation of the registration of an extraprovincial company and requires a foreign entity that has had its registration as an extraprovincial company cancelled to cease carrying on business.

Section 33(b) makes it an offence for a foreign entity to carry on business in British Columbia after its registration as an extraprovincial company has been cancelled.

Section 36 clarifies that the fee schedule under the Act relates to companies and extraprovincial companies.

Section 37(a) to (g) permits regulations to be made for matters permitted not only under the Act but permitted by other enactments and other prescribed matters.

Section 38 clarifies that no fee is payable under the Act for the filing of a record to be filed under another enactment if no fee is now payable for that filing.

Sections 39 to 44, 48 to 72 of Bill 23 amend the *Cooperative Association Act*.

Sections 39 and 40 remove an unnecessary reference and harmonize language regarding filing.

Section 41 removes the requirement that the Registrar review an association's rules to determine if they meet the requirements of the Act, and harmonizes language regarding filing.

Section 42 permits publication in specified provisions by publication in the Gazette or in any other prescribed manner.

Section 43 harmonizes language regarding filing.

Section 44 changes the name reservation period from 2 months to 56 days.

Sections 48 and 49 harmonize language regarding filing.

Section 50 removes authority to prescribe information that must be included in an association's annual report.

Sections 51 to 54 harmonize language regarding filing and remove references to debentureholder lists.

Section 55 gives the court power to make orders regarding corporate mistakes.

Section 56 provides that Division 1 (Housing Cooperatives) of Part 11 (Special Purpose Associations) applies only to housing cooperatives, rather than the whole of Part 11.

Sections 57 and 58 clarify that liabilities and the costs, charges and expenses are "properly incurred in the dissolution or winding up" regarding special provisions on dissolution or winding up of a housing cooperative.

Section 59 provides that if the registration of an extraprovincial corporation as an extraprovincial association is cancelled under the Act, the extraprovincial corporation must cease carrying on business in British Columbia under a name that includes the word "cooperative" or any expression, word or abbreviation that indicates or implies that the extraprovincial corporation is an association or cooperative, or is organized on a cooperative basis.

Sections 60 to 64 harmonize language regarding filing and remove an unnecessary reference.

Section 65 clarifies that liabilities and the costs, charges and expenses are "properly incurred in the dissolution or winding up" regarding a resolution or order for winding up.

Sections 66 to 68 harmonize language regarding filing and remove an unnecessary reference.

Section 69 removes the requirement that the letter the Registrar must send a registered letter regarding dissolutions and cancellations of registrations.

Section 70 harmonizes language regarding filing.

Section 71 makes it an offence for an extraprovincial corporation to carry on business under a name that includes the word "cooperative" after its registration has been cancelled.

Section 72 repeals Division 1 of Part 16 (Administration) so that similar *Business Corporations Act* provisions can apply to the Act.

In Force: Sections 1(b), 7, 17 to 32, 33(b), 36, 37(a) to (g), 38 to 44 and 48 to 72 are in force November 1, 2012

FORESTS, LANDS AND NATURAL RESOURCE OPERATIONS STATUTES AMENDMENT ACT, 2012, S.B.C. 2012, C. 14 (BILL 26)

Amended: *Forest Act*, R.S.B.C. 1996, c. 157; *Forestry Service Providers Protection Act*, S.B.C. 2010, c. 16; *Forests and Range Statutes Amendment Act, 2006*, S.B.C. 2006, c. 13; *Tugboat Worker Lien Act*, R.S.B.C. 1996, c. 466; *Wildfire Act*, S.B.C. 2004, c. 31; *Occupiers Liability Act*, R.S.B.C. 1996, c. 337; *Personal Property Security Act*, R.S.B.C. 1996, c. 359

Transitional
Provisions: None

Statutes
Repealed: None

Summary: Sections 1, 2, 3 and 4 of Bill 26 amend the *Forest Act*.

Section 1 requires applicants and agreement holders to submit complete and accurate information to the government.

Section 2 permits the Minister to make a form of road closure notice and publish or broadcast these road closure notices.

Sections 3 and 4 are consequential amendments made as a result of the changes made by section 1 of Bill 26.

In Force: Sections 1, 3 and 4 are in force November 16, 2012. Section 2 is in force September 26, 2012

INSURANCE ACT, S.B.C. 2012, C. 37

Amended: Consequential amendments are made to the: *Financial Institutions Act*, R.S.B.C. 1996, c. 141; *Homeowner Protection Act*, S.B.C. 1998, c. 31; *Insurance Act*, S.B.C. 2012, c. 37; *Law and Equity Act*, R.S.B.C. 1996, c. 253; *Real Estate Development Marketing Act*, S.B.C. 2004, c. 41; *Survivorship and Presumption of Death Act*, R.S.B.C. 1996, c. 444; *Wills, Estates and Succession Act*, S.B.C. 2009, c. 13

Transitional

Provisions: None

Statutes

Repealed: None

Summary: Effective July 1, 2012, the *Insurance Act*, R.S.B.C. 1996, c. 226 was revised and renamed as the *Insurance Act*, S.B.C. 2012, c. 37 (by B.C. Regs. 191/2012 and 194/2012).

Section 155 of the *Insurance Act* Statute Revision is a consequential amendment to the *Insurance Act* Statute Revision that repeals the definition of spouse and substitutes "spouse" to mean a person who is married to another person, or is living with another person in a marriage-like relationship.

In Force: Section 155 is in force March 18, 2013

See related statutory amendment under the *Family Law Act*

JUSTICE STATUTES AMENDMENT ACT, 2012, S.B.C. 2012, C. 11 (BILL 33)

Amended: *Commercial Arbitration Act*, R.S.B.C. 1996, c. 55; *Court of Appeal Act*, R.S.B.C. 1996, c. 77; *Election Act*, R.S.B.C. 1996, c. 106; *Enforcement of Canadian Judgments and Decrees Act*, S.B.C. 2003, c. 29; *Family Law Act*, S.B.C. 2011, c. 25; *Interjurisdictional Support Orders Act*, S.B.C. 2002, c. 29; *Motor Vehicle Act*, R.S.B.C. 1996, c. 318; *Offence Act*, R.S.B.C. 1996, c. 338

Transitional

Provisions: *Interjurisdictional Support Orders Act*

Statutes

Repealed: None

Summary: Sections 14 to 28 amend the *Interjurisdictional Support Orders Act*.

Section 14 clarifies that recalculations of support orders by administrative bodies are included in the definition of "support order".

Sections 15 to 18 harmonize the language of the Act, regarding residence, with other provincial legislation and with the Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance, as the case may be.

Section 19 reduces from 18 months to 12 months the period within which a claimant must provide further information or documents requested before the court may dismiss a support application or support variation application and terminate an interim support order or an interim support variation order.

Section 20 requires that, for an application to establish a support order, the court must first apply the law of British Columbia and then, if under that law there is no entitlement to support for a child, apply the law of the jurisdiction in which the child habitually resides.

Section 21 requires that, for support orders, if a support order does not specify the law that was applied to determine child support, it is presumed that the British Columbia court applied the law of British Columbia for that purpose.

Section 22 clarifies that the duration of support for an extra-provincial or foreign order is governed by the law under which that order was made but if the director is unable to determine the duration support based on information received from the person seeking to have the order enforced in British Columbia or from the reciprocating jurisdiction, the director may apply British Columbia law to determine the duration of the obligation to pay support.

Section 23 provides that a person required to pay support under a foreign order is notified of the registration of a foreign order, whether or not that person habitually resides in British Columbia. Also, section 23 clarifies that the court must apply British Columbia's conflict of laws rules when determining whether or not a foreign court or administrative body had jurisdiction over a party to a foreign order.

Section 24 provides that, for a support order variation application, the court must first apply the law of British Columbia and then, if under that law there is no entitlement to support for a child, apply the law of the jurisdiction in which the child habitually resides. Also, section 24s require the British Columbia court to apply British Columbia law when determining the amount of child support to be paid.

Section 25 removes "Registered" from the heading in Division 3 of Part 4, so it reads "Variation of Orders if Jurisdiction of British Columbia Court Accepted".

Section 26 clarifies the power of the British Columbia court to vary support orders made in British Columbia and provide that the British Columbia court must, when varying a support order, apply the law that would have applied if the order had been made in British Columbia.

Section 27 adds definitions of "foreign support amount" and "foreign support order". Section 27 also requires the designated authority to convert the foreign support amount into Canadian currency. Further, section 27 permits the director or the designated authority to subsequently revise the conversion of the foreign support amount from time to time to reflect current conversion rates.

Section 28 is a transitional provision.

In Force: Sections 14 to 28 are in force October 12, 2012
See related regulations under the *Interjurisdictional Support Orders Act*

LIMITATION ACT, S.B.C. 2012, C. 13 (BILL 34)

Amended: Consequential amendments made to the: *Adult Guardianship and Planning Statutes Amendment Act, 2007*, S.B.C. 2007, c. 34; *Age of Majority Act*, R.S.B.C. 1996, c. 7; *Apology Act*, S.B.C. 2006, c. 19; *Business Practices and Consumer Protection Act*, S.B.C. 2004, c. 2; *Environmental Management Act*, S.B.C. 2003, c. 53; *Family Law Act*, S.B.C. 2011, c. 25; *Financial Administration Act*, R.S.B.C. 1996, c. 138; *Forest Act*, R.S.B.C. 1996, c. 157; *Infants Act*, R.S.B.C. 1996, c. 223; *Insurance Act*, R.S.B.C. 1996, c. 226; *Insurance Amendment Act, 2009*, S.B.C. 2009, c. 16; *Miscellaneous Statutes Amendment Act (No. 2), 2000*, S.B.C. 2000, c. 26; *Settlement of International Investment Disputes Act*, S.B.C. 2006, c. 16

Transitional
Provisions: Pre-existing claims

Statutes
Repealed: *Limitation Act*, R.S.B.C. 1996, c. 266

Summary: Bill 34 repeals and replaces the *Limitation Act*.

Sections 1 to 31 are the substantive parts of Bill 34.

Part 1 (Interpretation)

Sections 1 to 5 are Part 1 (Interpretation), including definitions, exempted court proceedings and claims.

Bill 34 does not apply to court proceedings including:

- appeals;
- judicial review applications;
- specified court proceedings; and
- court proceedings regarding aboriginal and treaty rights.

Regarding claims, Bill 34 does not apply to:

- limitation periods established by an international convention or treaty that is adopted by an Act;
- specified claims for possession of land;
- claims by parties possessing collateral to redeem or realize on that collateral;
- sexual assault or conduct claims;
- assault or battery claims if the claimant is a minor or adult living in a dependant relationship with the person alleged to have committed the assault or battery;
- child or spousal support claims;
- fines under the *Offence Act*; and
- limitation periods established under other enactments.

Part 2 (Basic Limitation Period)

Sections 6 to 20 are Part 2 (Basic Limitation Period), including a 2 year limitation period except for enforcement of civil judgments which are governed by a 10 year limitation instead of limitations of 2, 6 or 10 years under the former Act.

Also, Part 2 has special discovery rules:

- based on fraud or recovery of trust property;
- for future interest in trust property;
- for demand obligations;
- to realize or redeem security;
- for contribution or indemnity;
- for successors, predecessors, principals and agents;
- involving minors; and
- for persons under disability.

Part 3 (Ultimate Limitation Period)

Section 21 is Part 3 (Ultimate Limitation Period). Bill 34 provides for a 15 year ultimate limitation period instead of the 30 years under the former Act. Bill 34 does not provide for the special medical ultimate limitation period of 6 years for hospitals and medical practitioners as provided for under the former Act.

Part 4 (Factors Affecting Limitation Periods)

Sections 22 to 24 are Part 4 (Factors Affecting Limitation Periods). These factors include counterclaims, enforcement and acknowledgement of liability.

Part 5 (Suspension of Limitation Periods)

Sections 25 and 26 are Part 5 (Suspension of Limitation Periods). Bill 34 provides that the running of limitation periods are suspended for minors or when a

person is under a disability while the person continues to be a person under a disability.

Part 6 (General)

Sections 27 to 31 are Part 6 (General). Bill 34 has provisions regarding: non-judicial remedies, adverse possession and power to make regulations. Section 30 is a transition. Section 31 repeals the 1996 *Limitation Act*.

Sections 32 to 44 are consequential amendments.

Section 45(a) makes an amendment to Bill 34 in the definition of “caregiver” regarding the *Adult Guardianship Act*. Section 45(a) comes into force by future regulation.

Section 45(b) makes amendments to Bill 34 regarding the definition of “local judgment”.

Section 46 makes amendments to Bill 34 regarding references to the Family Relations Act.

Note: Sections 42, 45(a) and 45(c) come into force by future regulation.

In Force: Sections 1 to 40, 43, 44, 45(b) and 46 are in force June 1, 2013
See related regulations under the *Statute Revision Act*

MISCELLANEOUS STATUTES AMENDMENT ACT, (NO. 2), 2008, S.B.C. 2008, C. 42 (BILL 43)

Amended: *Attorney General Statutes Amendment Act, 2007*, S.B.C. 2007, c. 14; *Builders Lien Act*, S.B.C. 1997, c. 45; *Community Charter*, S.B.C. 2003, c. 26; *Employment Standards Act*, R.S.B.C. 1996, c. 113; *Environmental Management Act*, S.B.C. 2003, c. 53; *Final Agreement Consequential Amendments Act, 2007*, S.B.C. 2007, c. 36; *Home Owner Grant Act*, R.S.B.C. 1996, c. 194; *Insurance (Vehicle) Act*, R.S.B.C. 1996, c. 231; *Interpretation Act*, R.S.B.C. 1996, c. 238; *Judicial Compensation Act*, S.B.C. 2003, c. 59; *Law and Equity Act*, R.S.B.C. 1996, c. 253; *Legal Profession Act*, S.B.C. 1998, c. 9; *Local Government Act*, R.S.B.C. 1996, c. 323; *Miscellaneous Statutes Amendment Act, 2000*; *Miscellaneous Statutes Amendment Act, 2007*, S.B.C. 2007, c. 8; *Motor Vehicle Act*, R.S.B.C. 1996, c. 318; *Municipal Finance Authority Act*, R.S.B.C. 1996, c. 325; *Municipalities Enabling and Validating Act (No. 3)*, S.B.C. 2001, c. 44; *Petroleum and Natural Gas Act*, R.S.B.C. 1996, c. 361; *Private Career Training Institutions Act*, S.B.C. 2003, c. 79; *Provincial Court Act*, R.S.B.C. 1996, c. 379; *Representative for Children and Youth*

Act, S.B.C. 2006, c. 29; *Supreme Court Act*, R.S.B.C. 1996, c. 443; *Transportation Investment Act*, S.B.C. 2002, c. 6; *Transportation Investment (Port Mann Twinning) Amendment Act, 2008* (Bill 14); *Treaty First Nation Taxation Act*, S.B.C. 2007, c. 38; *Vancouver Charter*, S.B.C. 1953, c. 55

Transitional

Provisions: Disposal well leases, supplementary letters patent, validation of letters patent and confirmation of corrections to statutes

Statutes

Repealed: None

Summary: Section 124 of Bill 43 amends the *Supreme Court Act* to increase the number of judges of the Supreme Court from 88 to 92 in total (Chief Justice, Associate Chief Justice and 90 other judges).

In Force: Section 124 is in force October 26, 2012

MISCELLANEOUS STATUTES AMENDMENT ACT (No. 2), 2011, S.B.C. 2011, C. 13 (BILL 13)

Amended: *Child, Family and Community Service Act*, R.S.B.C. 1996, c. 46; *Clean Energy Act*, S.B.C. 2010, c. 22; *Environment and Land Use Act*, R.S.B.C. 1996, c. 117; *Environmental Management Act*, S.B.C. 2003, c. 53; *Family Relations Act*, R.S.B.C. 1996, c. 128; *Forest Act*, R.S.B.C. 1996, c. 157; *Forest and Range Practices Act*, S.B.C. 2002, c. 69; *Greenhouse Gas Reduction (Emissions Standards) Statutes Amendment Act, 2008*, S.B.C. 2008, c. 20; *Health Care Costs Recovery Act*, S.B.C. 2008, c. 27; *Insurance Corporation Act*, R.S.B.C. 1996, c. 228; *Law and Equity Act*, R.S.B.C. 1996, c. 253; *Legislative Assembly Management Committee Act*, R.S.B.C. 1996, c. 258; *Medicare Protection Act*, R.S.B.C. 1996, c. 286; *Members' Remuneration and Pensions Act*, R.S.B.C. 1996, c. 257; *Milk Industry Act*, R.S.B.C. 1996, c. 289; *Ministry of Forests and Range Act*, R.S.B.C. 1996, c. 300; *Motor Vehicle Act*, R.S.B.C. 1996, c. 318; *Motor Vehicle Amendment Act, 2010*, S.B.C. 2010, c. 14; *Protected Areas of British Columbia Act*, S.B.C. 2000, c. 17; *Special Accounts Appropriation and Control Act*, R.S.B.C. 1996, c. 436

Transitional Provisions: None

Statutes Repealed: None

Summary: Sections 12 to 28 of Bill 13 amend the *Child, Family and Community Service Act*.

Section 12 adds references.

Section 13 requires notice of a hearing regarding permanent transfer of custody before continuing custody order to a person other than the child's parent or a Director, as specified.

Section 14 requires the Director to remove a child subject to a supervision order made as a result of a permanent transfer of custody hearing.

Section 15 requires notice to be given to specified persons under a supervision order made as a result of a permanent transfer of custody hearing.

Section 16 permits an extension of temporary custody order if a permanent transfer of custody planned.

Section 17 provides that, if custody of a child is transferred after a permanent transfer of custody hearing, the total period during which the child may be the subject of a temporary custody order is to be measured from the date of the initial order until custody is transferred.

Section 18 requires notice to be served regarding a continuing custody hearing and allows the court to order that a child remain in the temporary custody of a person other than the child's parent.

Section 19 adds a new heading: Division 5.1 — Permanent Transfers of Custody .

Section 20 permits the Director to apply to court for a permanent transfer of custody before a continuing custody order.

Section 21 sets out the effect of a transfer of custody regarding guardianship, inheritance and access and requires a copy of the order to be sent to the Public Guardian and Trustee.

Sections 22 and 23 exclude the application of the Act as specified.

Section 24 provides for the making of an order for access to a child if an application is made to permanently transfer custody of the child.

Section 25 clarifies the operation of a consent order regarding the permanent transfer custody of the child.

Section 26 preserves the effect of a temporary custody order if that order expires during the adjournment of an application to transfer permanent custody of a child.

Section 27 provides that the Director may make agreements with a person who has permanent custody of a child for contributions to that child's support.

Sections 28 to 30 of Bill 13 amend the *Family Relations Act*.

Section 28 provides that a parent of a child is not entitled to be served with notice of a proceeding under Part 2 or 3 of the *Family Relations Act* if custody of the child was permanently transferred under the *Child, Family and Community Service Act*.

Section 29 provides that a person awarded permanent custody of a child under the *Child, Family and Community Service Act* is a guardian for the purposes of the *Family Relations Act*. Further, a court may appoint or remove a guardian under the *Family Relations Act* without the consent of the parent if custody of the child was permanently transferred under the *Child, Family and Community Service Act*.

Section 30 provides that a specified access order under the *Child, Family and Community Service Act*, is an access order under the *Family Relations Act*.

In Force: Sections 12 to 30 are in force February 1, 2013
See related regulations under the *Child, Family and Community Service Act*

NEW HOUSING TRANSITION TAX AND REBATE ACT, S.B.C. 2012, C. 31 (BILL 56)

Amended: None

Transitional
Provisions: Regulation

Statutes
Repealed: None

Summary: Bill 56 set outs transitional rules for newly built residential housing in anticipation of the government's legislation to move from the 12% Harmonized Sales Tax (HST) back to the 7% Provincial Sales Tax (PST).

The transition tax and rebate are effective after March 31, 2013 and before April 1, 2015.

Bill 56 has 9 Parts.

Part 1 lists definitions. Part 1 also provides that the Act applies to applicable First

Nations law. Part 1 lists what Canadian provisions apply to the Act.

Part 2 imposes 2% tax on purchases of new housing that are not subject to HST and where construction is at least 10 percent complete before April 1, 2013.

Part 3 provides for rebates for suppliers (builders) of materials for PST payable with the intent that there be no double taxation for residential home purchasers.

Part 3 also provides for rebates regarding the Nisga'a Nation Taxation Agreement and treaty First Nation tax treatment agreements. The limitation for a rebate and an action regarding a rebate must be made no later than 2 years after the date on which the amount claimed was paid.

Part 4 provides for information requirements for residential home purchase agreements before the Act comes into force and before April 1, 2015, so that vendors must include information required by regulation is included in the these agreement.

Part 5 provides for the collection and remittance of tax, including filing of returns. Suppliers have a right to sue for tax that a recipient does not remit to government.

Part 6 sets out miscellaneous provisions, including:

- application of Canadian provisions;
- amalgamations;
- winding-up;
- partnerships;
- joint ventures;
- anti-avoidance; and
- appropriation.

Part 7 provides for administration and enforcement. The Canada Revenue Agency, by agreement, will administer the programs under the Act on behalf of the BC government. The Act requires returns to be filed and penalties and interest for non-compliance of the Act. Part 7 requires records to be kept and the application of Canadian provisions regarding: inspections, documents, warrants and privilege.

Part 7 also provides for assessments, objections and appeals. The limitation period for assessments is 4 years after the return is due, date return is filed, date tax payable or when liability for tax is due, as specified. Appeals are to the

Supreme Court of British Columbia. Part 7 also has provisions regarding collection, offences, evidence and procedure.

Part 8 permits administrative agreements to be made between the BC government and the Canadian government.

Part 9 permits regulations to be made.

In Force: Act is in force November 13, 2012

See related regulations under the *New Housing Transition Tax And Rebate Act*

END