

**ACTS IN FORCE**  
**July 18 to September 25, 2012**

***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 Deferment 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Statutes Repealed: None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 84 and 85 of Bill 21 amend the *Small Business Venture Capital Act*. Section 84 provides, for purposes relating to the allocation of the annual maximum venture capital tax credit, for a class of eligible business corporations known as eligible new corporations.

Section 85 allows, for the 2012 to 2014 calendar years, an allocation by regulation of the annual maximum venture capital tax credit to eligible new corporations.

In Force: Sections 84 and 85 are in force July 19, 2012  
See related regulations under the *Small Business Venture Capital Act*

***FINANCE STATUTES AMENDMENT ACT, 2011, S.B.C. 2011, C. 29 (BILL 17)***

Amended: *Business Corporations Act, S.B.C. 2002, c. 57; Credit Union Incorporation Act, R.S.B.C. 1996, c. 82; Financial Administration Act, R.S.B.C. 1996, c. 138; Financial Institutions Act, R.S.B.C. 1996, c. 141; Finance Statutes Amendment Act, 2010, S.B.C. 2010, c. 4; Securities Act, R.S.B.C. 1996, c. 418; Society Act, R.S.B.C. 1996, c. 433. Consequential amendments made to the: *Infants Act, R.S.B.C. 1996, c. 223;**

*Trade, Investment and Labour Mobility Agreement Implementation Act, S.B.C. 2008, c. 39*

Transitional

Provisions: Administrative integration of Canada Student Loans Program and BC Student Assistance Program, pre-existing trust companies and pre-existing insurance companies, conclusiveness of certificate of incorporation, first annual reference date, regulations

Statutes

Repealed: None

Summary: Sections 1 to 17 of Bill 17 amend the *Business Corporations Act*.

Section 1 adds new definitions of: "commission", "financial institution", "insurance company", "pre-existing insurance company", "pre-existing trust company", "superintendent" and "trust company". Section 1 repeals and replaces definitions of: "company", "insolvent" and "pre-existing company".

Section 2 provides that a pre-existing trust company or pre-existing insurance company is, for the purposes of the Act, deemed to have been recognized under a former *Companies Act* when the company became a trust company or an insurance company.

Section 3 permits regulations to be made adding special act corporations to which the Act will apply.

Section 4 permits the superintendent to notify the registrar of the superintendent's disapproval of the name of a trust company or an insurance company so that the registrar can require the company to change its name.

Section 5 requires a financial institution to keep superintendent's or commission's orders at its records office unless an order provides otherwise.

Section 6 requires a financial institution to maintain corporate records under the Act such records that a financial institution is required to keep under the *Financial Institutions Act*.

Section 7 applies to financial institutions this provision respecting inspection of corporate records.

Section 8 requires notice to be given to the superintendent before a court orders that an individual convicted of an offence may become a director of a financial institution.

Section 9 applies registers of members and debentureholders provisions to financial institutions.

Section 10 applies changes of auditors provisions to financial institutions.

Section 11 applies audit committee provisions to financial institutions.

Section 12 applies court ordered liquidations and dissolutions provisions to financial institutions.

Section 13 applies filing provisions of the Act to other enactments.

Section 14 permits the registrar to issue records relating to any register maintained by the registrar, not just the corporate registrar. Section 14 also provides that if the registrar issues a certified copy of any record filed with the registrar, that copy is admissible in evidence to the same extent as the original record.

Sections 15 to 17 provide that regulations may be made regarding the application of Statutory Reporting Company Provisions to pre-existing trust companies and insurance companies.

Sections 18 to 62 of Bill 17 amend the *Credit Union Incorporation Act*.

Section 18 changes a heading.

Section 19 adds definitions: "auditor", "charter", "class meeting", "corporation", "debt obligation", "director", "document", "financial statements", "general meeting", "insolvent", "mortgage", "ordinary resolution", "printed", "proxy", "registrar", "series meeting" and "special rights or restrictions".

Sections 20 to 27 import concepts as specified from the *Company Act* to the Act or harmonizes language.

Section 28 modernizes and parallel drafting used in the *Business Corporations Act* regarding: capacity and powers of credit unions, restricted businesses and powers, application to restrain.

Section 29 imports into the Act a provision from the *Company Act* regarding the inability of a credit union to carry on business without members.

Sections 30 and 31 adopt corporate name reservation process of the *Business Corporations Act* for credit unions.

Section 32 repeals a provision requiring consent in relation to a *Company Act* procedure.

Section 33 clarifies that each shareholder in a class vote has one vote regarding asset transfer agreement or an amalgamation agreement.

Sections 34 and 35 harmonize language and permit publication of various records as required by regulation.

Section 36 repeals an unnecessary provision.

Section 37 imports into the Act the winding up, offices and records, audits, alteration of constitution and rules provisions from the *Company Act* or the *Business Corporations Act* as the case may be.

Section 38 imports into the Act the share provisions from the *Company Act* or the *Business Corporations Act* as the case may be.

Section 39 clarifies that each shareholder has, in a class vote, one vote for each equity share of that class held by that shareholder.

Section 40 clarifies that the provision relates to equity shares.

Section 41 imports into the Act the share certificate provisions from the *Company Act* or the *Business Corporations Act* as the case may be.

Section 42 provides that the *Securities Transfer Act* does not apply to the transfer of membership shares of a credit union.

Section 43 imports into the Act *Company Act* financial reporting requirements and minute-taking requirements.

Section 44 harmonizes language.

Section 45 deems all references in constitutions or rules of credit unions to extraordinary resolutions to be references to special resolutions.

Section 46 imports into the Act contract, document and insider provisions that were contained in the *Company Act* or the *Business Corporations Act* as the case may be.

Section 47 imports into the Act debenture provisions that were contained in the *Company Act* or the *Business Corporations Act* as the case may be.

Section 48 adds a heading.

Section 49 changes a reference to a *Company Act* provision to a reference to a similar *Credit Union Incorporation Act* provision.

Section 50 imports into the Act director provisions that were contained in the *Company Act* or the *Business Corporations Act* as the case may be.

Section 51 imports into the Act officer provisions that were contained in the *Company Act* or the *Business Corporations Act* as the case may be.

Section 52 imports into the Act court proceedings provisions that were contained in the *Company Act* or the *Business Corporations Act* as the case may be.

Section 53 removes a cross reference.

Section 54 imports into the Act offence provisions that were contained in the *Company Act* or the *Business Corporations Act* as the case may be.

Section 55 adds penalties for the new offences added by Bill 17.

Sections 56 and 57 remove references to the *Company Act*.

Section 58 provides that if a provision of the *Company Act* made a transaction illegal, void or unenforceable, that does not extinguish the rights of another party to the transaction who acted in good faith in that transaction.

Section 59 provides that the court may make orders in response to a breach of the *Credit Union Incorporation Act* or the *Company Act*, as it used to apply, and removes a reference to the *Company Act*.

Section 60 imports into the Act a provision regarding the requirement to make returns.

Section 61 imports into the Act administration provisions that were contained in the *Company Act*.

Section 62 removes references to the *Company Act*.

Sections 64 to 81 of Bill 17 amend the *Financial Institutions Act*.  
Section 64 adds and repeals definitions.

Section 65 provides that specified provisions of the *Business Corporations Act* do not apply to trust companies, insurance companies or credit unions.

Section 66 makes a consequential amendment.

Section 67 replaces provisions regarding:

- names;
- formation and alteration of charter of trust companies and insurance companies;
- consents regarding alteration of memorandum, notice of articles or articles;
- continuation, amalgamation or arrangements, acquisitions or dispositions by trust companies and insurance companies;
- background for consents; and
- dissolution and winding up of trust companies and insurance companies.

Sections 68 to 72 change references, make consequential amendments, harmonize language and repeals provisions as specified.

Section 73 adds a provision regarding cumulative voting for directors.

Sections 74 and 75 change references.

Section 76 requires that every director and officer of a financial institution must act in accordance with this Act and the regulations under it.

Section 77 provides that the commission is a party to any proceedings in which a director of a trust company or an insurance company applies to the Supreme Court under specified sections of the *Business Corporations Act*.

Section 78 makes references.

Section 79 replaces a reference to *Company Act* qualification requirements for auditors with *Business Corporations Act* and *Credit Union Incorporation Act* qualification requirements.

Section 80 changes references to *Company Act* auditor disqualification provisions to references to comparable *Business Corporations Act* and *Credit Union Incorporation Act* provisions.

Section 81 harmonizes the audit committee provisions of the Act.

Sections 83 to 85 of Bill 17 amend the *Financial Institutions Act*.

Section 83 changes references to *Company Act* auditor appointment and removal provisions to references to comparable *Business Corporations Act* and *Credit Union Incorporation Act* provisions.

Sections 84 and 85 harmonize language and change references.

Sections 87 to 116 of Bill 17 amend the *Financial Institutions Act*.

Sections 87 to 93 change references, harmonize language, repeal provisions or make consequential amendments as specified.

Section 94 imports from the *Company Act* financial assistance provisions.

Sections 95 to 99 change references and make consequential amendments as specified.

Section 100 provides that the special Act corporation provision of the *Business Corporations Act* does not apply to a society with a business authorization.

Sections 101 to 105 make consequential amendments, remove references as specified.

Section 106 adds a power for the commission to order assets be held for persons appointed under the *Credit Union Incorporation Act*.

Sections 107 to 112 harmonize language and remove references as specified.

Section 113 provides that if a provision of the *Company Act* made a transaction illegal, void or unenforceable, that does not extinguish the rights to the transaction of another party who acted in good faith in that transaction.

Section 114 provides that the court may make orders after a breach of the *Business Corporations Act* or the *Company Act* as it used to apply.

Sections 115 and 116 remove references and make consequential amendments as specified.

Sections 117 and 118 of Bill 17 amend the *Finance Statutes Amendment Act, 2010* and change references and repeal and unnecessary section.

Sections 143 to 146 of Bill 17 are transitional provisions.

Section 148 of Bill 17 amends the *Trade, Investment and Labour Mobility Agreement Implementation Act* to allow regulations to be made to permit publication of a notice of business acquisition.

In force: Sections 1 to 62, 64 to 81, 83 to 85, 87 to 118, 143 to 146 and 148 are in force November 1, 2012

### ***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: Section 73 of Bill 23 amends the *Credit Union Incorporation Act* to repeal an unnecessary provision.



Section 74 of Bill 23 amends the *Finance Statutes Amendment Act, 2011* to repeal unnecessary provisions.

Section 75 of Bill 23 amends the *Financial Institutions Act* to apply provisions of the *Business Corporations Act* that apply to corporations generally to credit unions.

In Force: Sections 73 to 75 are brought into force on November 1, 2012

### **MISCELLANEOUS STATUTES AMENDMENT ACT, 2006, S.B.C. 2006, C. 15 (BILL 15)**

Amended: *Employee Investment Act*, R.S.B.C. 1996, c. 112; *Environmental Management Act*, S.B.C. 2003, c. 53; *Financial Information Act*, R.S.B.C. 1996, c. 140; *Freedom of Information and Protection of Privacy Act*, R.S.B.C. 1996, c. 165; *Greater Vancouver Transportation Authority Act*, S.B.C. 1998, c. 30; *Human Resource Facility Act*, R.S.B.C. 1996, c. 209; *Innovation and Science Council Act*, R.S.B.C. 1996, c. 415; *Integrated Pest Management Act*, S.B.C. 2003, c. 58; *Motor Vehicle Act*, R.S.B.C. 1996, c. 318; *Protected Areas of British Columbia Act*, S.B.C. 2000, c. 17; *Small Business Venture Capital Act*, R.S.B.C. 1996, c. 429; *Transportation Act*, S.B.C. 2004, c. 44; *University Act*, R.S.B.C. 1996, c. 468

Transitional

Provisions: *Employee Investment Act and Greater Vancouver Transportation Authority Act*

Statutes

Repealed: None

Summary: Section 33(a) of Bill 15 amends the *Protected Areas of British Columbia Act* to repeal the descriptions of Barkerville Park and Sudeten Park.

In force: Section 33(a) is in force July 19, 2012

See related regulations under the *Heritage Conservation Act*

### **MISCELLANEOUS STATUTES AMENDMENT ACT (No. 3), 2010, S.B.C. 2010, C. 21 (BILL 20)**

Amended: *Adoption Act*, R.S.B.C. 1996, c. 5; *Carbon Tax Act*, S.B.C. 2008, c. 40; *Civil Forfeiture Act*, S.B.C. 2005, c. 29; *Coastal Ferry Act*, S.B.C. 2003, c. 14; *Community Charter*, S.B.C. 2003, c. 26; *Environmental Management Act*, S.B.C. 2003, c. 53; *Evidence Act*, R.S.B.C. 1996, c. 124; *Final Agreement Consequential Amendments Act, 2007*, S.B.C. 2007, c. 36; *Forest Act*, R.S.B.C. 1996, c. 157; *Freedom of Information and Protection of Privacy Act*, R.S.B.C. 1996, c. 165; *Gaming Control Act*, S.B.C. 2002, c. 14; *Gas Utility Act*,

*R.S.B.C. 1996, c. 170; Greenhouse Gas Reduction (Cap and Trade) Act, S.B.C. 2008, c. 32; Hydro and Power Authority Act, R.S.B.C. 1996, c. 212; Land Act, R.S.B.C. 1996, c. 245; Land Title Act, R.S.B.C. 1996, c. 250; Liquor Control and Licensing Act, R.S.B.C. 1996, c. 267; Liquor Distribution Act, R.S.B.C. 1996, c. 268; Liquor Statutes Amendment Act, 1999, S.B.C. 1999, c. 36; Local Government Act, R.S.B.C. 1996, c. 323; Maa-nulth First Nations Final Agreement Act, S.B.C. 2007, c. 43; Mineral Tenure Act, R.S.B.C. 1996, c. 292; Motor Fuel Tax Act, R.S.B.C. 1996, c. 317; Motor Vehicle Act, R.S.B.C. 1996, c. 318; Municipalities Enabling and Validating Act (No. 3), S.B.C. 2001, c. 44; New Relationship Trust Act, S.B.C. 2006, c. 6; Police Act, R.S.B.C. 1996, c. 367; Representative for Children and Youth Act, S.B.C. 2006, c. 29; Safety Standards Act, S.B.C. 2003, c. 39; School Act, R.S.B.C. 1996, c. 412; Small Business Venture Capital Act, R.S.B.C. 1996, c. 429; South Coast British Columbia Transportation Authority Act, S.B.C. 1998, c. 30; Tobacco Control Act, R.S.B.C. 1996, c. 451; Transportation Act, S.B.C. 2004, c. 44; Trespass Act, R.S.B.C. 1996, c. 462; Vancouver Charter, S.B.C. 1953, c. 55; Vital Statistics Act, R.S.B.C. 1996, c. 479*

Transitional

Provisions: *Forest Renewal Act* transition administration of community business loans Program, *Greenhouse Gas Reduction (Renewable and Low Carbon Fuel Requirements) Act* retroactive regulations, *Liquor Distribution Act* appointments, *Coastal Ferry Act* BCFS and authority

Statutes

Repealed: None

Summary: Section 118 of Bill 20 amends the *Liquor Control and Licensing Act* to permit assisted living residences, community care facilities or hospitals to serve liquor to patients, residents or guests and to charge for the liquor.

In Force: Section 118 is in force July 23, 2012

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

Amended: Amendments made to the: *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:  
In Force: Sections 108 to 117 of Bill 13 amend the *Medicare Protection Act*.

Section 108 adds definition of “adult” and repeals definitions.

Section 109 permits the Medical Services Commission (Commission) to determine whether a person is a member of a prescribed class and permits collection, use and disclosure of personal information under information-sharing agreements.

Section 110 permits the Commission may investigate as specified.

Section 111 requires beneficiaries to apply for enrollment, and authorizes the Commission to exempt persons from requirements respecting renewal and proof of identity or residency.

Sections 112 and 113 make consequential amendments.

Section 114 expand the order-making powers of the Commission to include beneficiaries who provide their identity numbers to persons who would, or would likely, use the number to receive benefits to which they were not entitled.

Section 115 requires persons prescribed by regulation to report to the Commission, including if another person has provided to the Commission false or misleading information about the other person's identity, residency or children or has obtained benefits for which a person is not entitled.

Section 116 provides that no action for damages can be brought against a person who makes a report in good faith based solely on the fact that the report was made.

Section 117 permits regulations to be made regarding enrollment of beneficiaries, the payment of premiums and the requirements for verifying identity and enrollment before providing services.

Section 118 of Bill 13 amends the *Health Care Costs Recovery Act* to include former beneficiaries within the definition of "beneficiary".

Section 119 of Bill 13 amends the *Insurance Corporation Act* to permit the Insurance Corporation of British Columbia (ICBC) to receive fees, collected under the Medicare Protection Act for the government.

Sections 120 to 123 of Bill 13 amend the *Motor Vehicle Act*.

Section 120 permits drivers' licences to indicate that licence holders are beneficiaries under the Medicare Protection Act.

Section 121 permits ICBC to enter into an information-sharing agreement with the Commission under the *Medicare Protection Act*.

Sections 122 and 123 are consequential amendments.

Section 124 of Bill 13 is a transitional provision regarding the *Medicare Protection Act*.

In Force: Sections 108 to 124 are in force November 30, 2012  
See related regulations under the *Medicare Protection Act*

***PROTECTED AREAS OF BRITISH COLUMBIA AMENDMENT ACT, 2010, S.B.C. 2010, C. 13 (BILL 15)***

Amended: Protected Areas of British Columbia Act, S.B.C. 2000, c. 17

Transitional  
Provisions: None

Statutes

Repealed: None

Summary: Section 5(b) of Bill 15 amends the Protected Areas of British Columbia Act to repeal and substitute the description of Skaha Bluffs Park.

In Force: Section 5(b) is in force July 19, 2012.

END