



## ACTS IN FORCE

November 27, 2018 up to and including January 25, 2019

### **ADMINISTRATIVE TRIBUNALS ACT, S.B.C. 2004, C. 45 (BILL 56)**

Amended: Consequential amendments are made to the: *Agricultural Land Commission Act*, S.B.C. 2002, c. 36; *Assessment Act*, R.S.B.C. 1996, c. 20; *Business Practices and Consumer Protection Act*, S.B.C. 2004, c. 2; *Community Care and Assisted Living Act*, S.B.C. 2002, c. 75; *Employment and Assistance Act*, S.B.C. 2002, c. 40; *Employment Standards Act*, R.S.B.C. 1996, c. 113; *Expropriation Act*, R.S.B.C. 1996, c. 125; *Financial Institutions Act*, R.S.B.C. 1996, c. 14; *Forest and Range Practices Act*, S.B.C. 2002, c. 69; *Hospital Act*, R.S.B.C. 1996, c. 200; *Human Rights Code*, R.S.B.C. 1996, c. 210; *Industry Training Authority Act*, S.B.C. 2003, c. 34; *Labour Relations Code*, R.S.B.C. 1996, c. 244; *Local Government Act*, R.S.B.C. 1996, c. 323; *Manufactured Home Park Tenancy Act*, S.B.C. 2002, c. 77; *Mental Health Act*, R.S.B.C. 1996, c. 288; *Natural Products Marketing (BC) Act*, R.S.B.C. 1996, c. 330; *Parole Act*, R.S.B.C. 1996, c. 346; *Passenger Transportation Act*, S.B.C. 2004; *Petroleum and Natural Gas Act*, R.S.B.C. 1996, c. 361; *Residential Tenancy Act*, S.B.C. 2002, c. 78; *Safety Standards Act*, S.B.C. 2003, c. 39; *Securities Act*, S.B.C. 2004; *Utilities Commission Act*, R.S.B.C. 1996, c. 47; *Workers Compensation Act*, R.S.B.C. 1996, c. 492

Transitional  
Provisions: Existing appointments

Statutes  
Repealed: *Administrative Tribunals Appointment and Administration Act*, S.B.C. 2003, c. 47

Summary: Section 190 of Bill 56 repeals the 2003 *Administrative Tribunals Appointment and Administration Act*.

In Force: Section 190 is in force December 3, 2018

***FAMILY MAINTENANCE ENFORCEMENT AMENDMENT ACT, 2018 S.B.C. 2018, C.14 (BILL 10)***

Amended: *Family Maintenance Enforcement Act, R.S.B.C. 1996, c. 127*

Transitional  
Provisions: None

Statutes  
Repealed: None

Summary: Section 1 of Bill 10 amends the *Family Maintenance Enforcement Act* to repeal the requirement to file a copy of a maintenance order when registering the maintenance order in a land title office with a requirement to file a notice of maintenance order instead.

In Force: Section 1 is in force January 1, 2019

***MISCELLANEOUS STATUTES AMENDMENT ACT, 2018, S.B.C. 2018, C. 5 (BILL 7)***

Amended: *Building Act, S.B.C. 2015, c. 2; Cooperative Association Act, S.B.C. 1999, c. 28; Crown Proceeding Act, R.S.B.C. 1996, c. 89; Fire Services Act, R.S.B.C. 1996, c. 144; Interpretation Act, R.S.B.C. 1996, c. 238; Ministry of Provincial Secretary and Government Services Act, R.S.B.C. 1996, c. 309. Consequential amendments are made to the: *Community Charter, S.B.C. 2003, c. 26; Election Act, R.S.B.C. 1996, c. 106; Fire Safety Act, S.B.C. 2016, c. 19; Local Government Act, R.S.B.C. 2015, c. 1; Mineral Tenure Act, R.S.B.C. 1996, c. 292; Public Guardian and Trustee Act, R.S.B.C. 1996, c. 383; Vancouver Charter, S.B.C. 1953, c. 55**

Transitional  
Provisions: *Interpretation Act*

Statutes  
Repealed: None

Summary: Sections 2 to 6 and 8 of Bill 7 amend the *Interpretation Act*.

Section 2 clarifies the dates when appointments of officers begin and end.

Section 3 provides general rules to determine the beginning or end of periods of time regarding:

- Calculating a person's age;
- Determining the beginning or end of periods of days or weeks;
- Determining the beginning or end of periods of months;
- Determining the beginning or end of periods of years;
- If a day specified is holiday or office closed.

Section 4 defines "Pacific Standard Time" and "Pacific Daylight Saving Time". Section 4 also provides that references to time are to Pacific Standard Time unless a regulation prescribing the period for Daylight Saving Time is applicable at the time.

Section 5 clarifies that references in enactments of BC to enactments of Canada or another province or territory of Canada are references to those enactments as amended, if they have been amended, or as replaced, if they have been repealed and replaced, revised or consolidated and such references to foreign enactments are to the foreign enactment as it read on the day the enactment in which the reference is made was enacted.

Section 6 is a consequential amendment as a result of section 5 of Bill 7.

Section 8 is a transitional provision regarding section 3 of Bill 7.

Section 9 of Bill 7 amends the *Community Charter* and is a consequential amendment as a result of section 3 of Bill 7.

Section 10 of Bill 7 amends the *Election Act* and is a consequential amendment as a result of section 4 of Bill 7.

Sections 11 and 12 of Bill 7 amend the *Local Government Act* and are consequential amendments as a result of section 3 of Bill 7.

Section 13 of Bill 7 amends the *Mineral Tenure Act* and is a consequential amendment as a result of section 3 of Bill 7.

Sections 15 and 16 of Bill 7 amend the *Vancouver Charter* and are consequential amendments as a result of section 3 and 4 of Bill 7.

In Force: Sections 2 to 6, 8 to 13, 15 and 16 are in force January 1, 2019

### **MOTOR VEHICLE AMENDMENT ACT, 2018, S.B.C. 2018, C. 18 (BILL 17)**

Amended: *Motor Vehicle Act*, R.S.B.C. 1996, c. 318. Consequential amendments are made to the: *Motor Vehicle Amendment Act, 2010*, S.B.C. 2010, c. 14; *Motor Vehicle Amendment Act (No. 2), 2012*, S.B.C. 2012, c. 34; *Public Safety and Solicitor General Statutes Amendment Act, 2009*, S.B.C. 2009, c. 10

#### Transitional

Provisions: Period of driving prohibition, duties of a peace officer, consideration on review of driving prohibition

#### Statutes

Repealed: None

Summary: The following provisions of Bill 17 amend the *Motor Vehicle Act*:

- Sections 1 and 15;
- Section 16(a) as it enacts section 210(2)(a.11) of the *Motor Vehicle Act*, R.S.B.C. 1996, c. 318; and
- Section 19.

Section 1 repeals and replaces the definition of "motor vehicle related *Criminal Code* offence".

Section 15 adds a reference to dangerous operation of a conveyance from the *Criminal Code* (Canada) to the Act.

Section 16(a), as it enacts section 210(2)(a.11) of the *Motor Vehicle Act*, R.S.B.C. 1996, c. 318, permits regulation to be made regarding the definition of "motor vehicle related *Criminal Code* offence".

Section 19 makes a consequential amendment.

Sections 25 and 26 of Bill 17 are consequential amendments that amend the *Motor Vehicle Amendment Act, 2010*.

Sections 27 and 28 of Bill 17 are consequential amendments that amend the *Motor Vehicle Amendment Act (No. 2), 2012*.

The following provisions of Bill 17 amend the *Motor Vehicle Act*:

- Section 5(a), except as it enacts the definition of "evaluating officer";
- Sections 5(b), (c) and (e), 6(b) and (d) and 8 to 12;
- Section 13(a), except as it enacts section 94.6(1)(a.1), (a.2) and (a.3) of the *Motor Vehicle Act*;
- Sections 13(b), (c) and (d) and 14 (a), (b) and (c);
- Section 16 (b), as it enacts section 210 (3. 1) (t) of the *Motor Vehicle Act*;  
and
- Sections 21 to 23.

Section 5(a), except as it enacts the definition of "evaluating officer", adds a definition of "operate".

Section 5(b) changes the grounds for serving a notice of driving prohibition from a peace officer having "reasonable and probable grounds to believe" to having "reasonable grounds to believe".

Section 5(c) to remove reference to "care or control" of a motor vehicle regarding serving a notice of driving prohibition.

Section 5(e) strikes out references to breath or blood sample and "care or control" of a motor vehicle regarding serving a notice of driving prohibition.

Section 6(b) and (d) revises the grounds for serving a notice of driving prohibition under the section for consistency with the *Criminal Code*.

Section 8 requires a peace officer who serves a notice of driving prohibition, or another peace officer, to promptly forward to the superintendent specified documents and information.

Section 9 updates a reference to the *Criminal Code*.

Section 10 makes a consequential amendment.

Section 11 updates a reference to the *Criminal Code* and makes a consequential amendment.

Section 12 updates a reference to the *Criminal Code*.

Section 13(a), except as it enacts section 94.6(1)(a.1), (a.2) and (a.3) of the *Motor Vehicle Act*, provides that a person operated a motor vehicle having consumed alcohol in such a quantity that the concentration of alcohol in the person's blood exceeded 80 milligrams of alcohol in 100 millilitres of blood at any time within 3 hours after operating the motor vehicle, regarding driving prohibition.

Sections 13(b), (c) and (d) make consequential amendments.

Sections 14(a), (b) and (c) make a consequential amendment and add new grounds for the superintendent to revoke a driving prohibition under the section and revises other grounds for consistency with the *Criminal Code*.

Section 16(b), as it enacts section 210(3. 1)(t) of the *Motor Vehicle Act* adds regulation-making powers prescribing documents and information.

Sections 21 to 23 are transitional provisions regarding driving prohibitions.

In Force: Sections 1 and 15, section 16(a) as it enacts section 210(2)(a.11) of the *Motor Vehicle Act*, R.S.B.C. 1996, c. 318 and sections 19 and 25 to 28 are in force December 18, 2018. Section 5(a), except as it enacts the definition of "evaluating officer", sections 5(b), (c) and (e), 6(b) and (d) and 8 to 12, section 13(a), except as it enacts section 94.6(1)(a.1), (a.2) and (a.3) of the *Motor Vehicle Act*, sections 13(b), (c) and (d) and 14 (a), (b) and (c), section 16(b), as it enacts section 210(3. 1)(t) of the *Motor Vehicle Act* and sections 21 to 23 are in force January 7, 2019  
See related regulations under the *Insurance (Vehicle) Act*, *Motor Vehicle Act* and *Offence Act*

## **PILL PRESS AND RELATED EQUIPMENT CONTROL ACT, S.B.C. 2018, C. 24 (BILL 27)**

Amended: None

Transitional  
Provisions: Continuing controlled activities

Statutes  
Repealed: None

Summary: Bill 27 has 4 Parts.

### **Part 1 – Definitions**

Part 1 lists specified definitions.

### **Part 2 – Dealing With Controlled Equipment**

Part 2 specifies who may own, possess or use controlled equipment, such as automated pill presses, gel cap machines and pharmaceutical mixers, subject to express exceptions.

Part 2 specifies who sell controlled equipment.

An authorized owner must ensure that controlled equipment is stored securely and in accordance with the regulations, if any.

An authorized owner must keep specified records for prescribed time period.

The registrar may grant to an applicant a waiver to own, possess or use controlled equipment, with or without limits and conditions. If the registrar refuses to grant a waiver or registration, the registrar must give written notice to the applicant for the refusal and process for requesting a reconsideration of the refusal.

Police must provide police records that the registrar may require, except records:

- Subject to solicitor-client privilege; or
- That would result in an offence under an enactment of BC or Canada; or
- Where disclosure would reasonably be harmful to law enforcement under the *Freedom of Information and Protection of Privacy Act*.

### **Part 3 – Administration and Enforcement**

The registrar may establish one or more registries for the purpose of recording information, including personal information, regarding:

- Controlled equipment in BC; and
- Authorized owners.

The Minister may enter into information sharing agreements, including personal information, with any person or group of persons for the purpose of

administering the Act or enactment of another jurisdiction having a similar purpose.

Inspectors may inspect premises, obtain search warrants from a

A due diligence defence is available to avoid liability under the Act.

Maximum penalties on a person for committing an offence are:

- On a first conviction, a \$200,000 fine;
- On a second conviction for the same offence or another offence, a \$350,000;
- On each subsequent conviction for the same offence or another offence, a \$500,000 fine or to a 6 month term in prison, or both.

#### **Part 4 – General**

Regulations are permitted to be made.

In Force: The Act, except section 1 as it enacts the definition of "authorized health professional", sections 2(1)(a) and (b) and (2) regarding an authorized health professional or other specified persons who may own, possess or use controlled equipment, section 5(2)(d) and (e), if an authorized owner is an authorized health professional, section 17(1)(a) and (b) regarding specified persons under the *Health Professions Act* or the *Pharmacy Operations and Drug Scheduling Act*, as the case may be, to act as an inspector, section 20(2)(c)(ii) and (3)(b) and (c) regarding specified persons under the *Health Professions Act* or the *Pharmacy Operations and Drug Scheduling Act*, as the case may be, to exercise powers of an inspector in the event of a seizure during an inspection and section 27(2)(a) and (c) regarding regulations that prescribe health colleges for the purposes of the definition of "authorized health professional" and regulations for who may own, possess or use controlled equipment under sections 2(1)(a) and (b), are in force January 15, 2019

See related regulations under the *Pill Press and Related Equipment Control Act* and *Offence Act*

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