


PROVINCE OF BRITISH COLUMBIA

ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

Order in Council No. 459

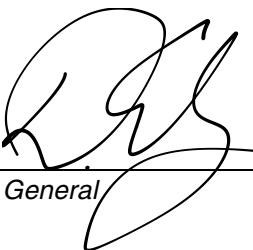
, Approved and Ordered August 6, 2020


Lieutenant Governor

Executive Council Chambers, Victoria

On the recommendation of the undersigned, the Lieutenant Governor, by and with the advice and consent of the Executive Council, orders that

- (a) effective January 1, 2020, the attached COVID-19 (Limits on Actions and Proceedings) Regulation is made, and
- (b) the *COVID-19 Related Measures Act*, S.B.C. 2020, c. 8, is amended by repealing items 10 and 20 in Schedule 2.


Attorney General
Presiding Member of the Executive Council

(This part is for administrative purposes only and is not part of the Order.)

Authority under which Order is made:

Act and section: *COVID-19 Related Measures Act*, S.B.C. 2020, c. 8, ss. 3 and 5

Other:

R10433196

COVID-19 (LIMITS ON ACTIONS AND PROCEEDINGS) REGULATION

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Definitions

1 In this regulation:

“**Act**” means the *COVID-19 Related Measures Act*;

“**emergency and public health guidance**”, in relation to the acts prescribed under section 3 (3), means any of the following with respect to the COVID-19 pandemic:

- (a) a COVID-19 provision;
- (b) a regulation made under the *Emergency Program Act*;
- (c) an instruction or order of a health officer, as defined in the *Public Health Act*;
- (d) guidelines of the British Columbia Centre for Disease Control;
- (e) guidelines of the Public Health Agency of Canada;
- (f) guidelines published on a website maintained by or on behalf of the government;
- (g) guidelines of a health authority;
- (h) guidelines of a regulatory authority or body having jurisdiction with respect to a person engaging in a prescribed act;

“**essential service**” means a service that is essential to maintain during an emergency, including a service provided by a class of persons, or that is within a class or type of service, set out in the Schedule of item 10 in Schedule 2 of the Act, as that item read immediately before its repeal;

“**exposed**”, in relation to SARS-CoV-2, means to have been in contact with, or near, a person or thing that is or may be infected with SARS-CoV-2, in such a manner as to be at risk of being infected with SARS-CoV-2;

“**health authority**” means

- (a) a regional health board designated under the *Health Authorities Act*,
- (b) the First Nations Health Authority, or
- (c) the Provincial Health Services Authority.

Interpretation

2 This regulation is not to be read as affecting, limiting or abrogating the protection from liability, or other defences from liability, that may otherwise be available to a person or entity.

Prescribed damages, persons and acts

- 3** (1) For the purposes of section 5 (1) [*no actions or proceedings*] of the Act, the damages resulting, directly or indirectly, from an individual being or likely being infected with or exposed to SARS-CoV-2 are prescribed damages.
- (2) For the purposes of section 5 (1) of the Act, any person engaged in an act prescribed under subsection (3) of this section, including in any capacity on behalf of another person or entity, is a prescribed person.
- (3) For the purposes of section 5 (1) of the Act, the following acts are prescribed:
- (a) the operation or provision of an essential service;
 - (b) an activity that has the purpose of benefiting the community or any aspect of the community, including in relation to
 - (i) the relief of poverty,
 - (ii) the advancement of education or religion,
 - (iii) the promotion of health,
 - (iv) the protection of the environment,
 - (v) the provision of services to a vulnerable or disadvantaged person or group, or
 - (vi) the provision of community recreation or leisure activities;
 - (c) an activity, including a business, that is carried on for direct or indirect gain or profit.

Conditions for protection

- 4** The protection provided under section 5 (1) of the Act is only available if, at the relevant time when engaged in an act prescribed under section 3 (3) of this regulation, a person prescribed under section 3 (2) of this regulation
- (a) was engaging in the act in accordance with all applicable emergency and public health guidance, or
 - (b) had a reasonable belief that the person was engaging in the act in accordance with all applicable emergency and public health guidance.