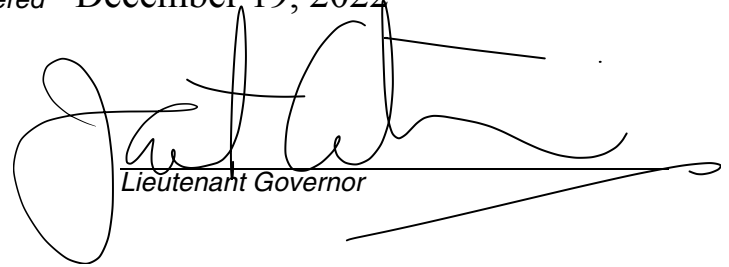


PROVINCE OF BRITISH COLUMBIA

ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

Order in Council No. 678

, Approved and Ordered December 19, 2022

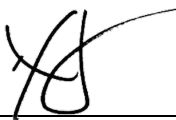


Lieutenant Governor

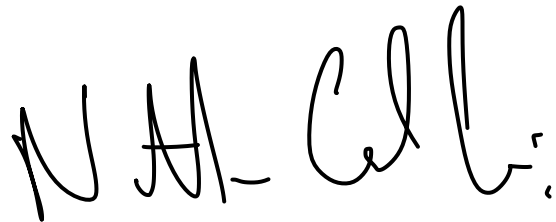
**Executive Council Chambers, Victoria**

On the recommendation of the undersigned, the Lieutenant Governor, by and with the advice and consent of the Executive Council, orders that, effective January 1, 2023,

- (a) sections 6 to 8 of the *Attorney General Statutes Amendment Act (No. 2, 2022)*, S.B.C. 2022, c. 31, are brought into force, and
- (b) the Power of Attorney Regulation, B.C. Reg. 20/2011, is amended as set out in the attached Schedule.



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: *Power of Attorney Act*, R.S.B.C. 1996, c. 370, s. 41.1  
*Attorney General Statutes Amendment Act (No. 2), 2022*, S.B.C. 2022, c. 31, s. 20

Other: O.C. 30/2011

R20640433

## SCHEDULE

*1 The Power of Attorney Regulation, B.C. Reg. 20/2011, is amended by adding the following section:*

### **Alternative process for witnessing signing and dating**

**2.1** (1) In this section:

“**communicate**” means communicate using audiovisual communication technology, including assistive technology for individuals who are hearing impaired or visually impaired, that enables individuals to communicate with each other by hearing and seeing each other;

“**electronic presence**” or “**electronically present**” means the circumstances in which 2 or more individuals in different locations communicate simultaneously to an extent that is similar to communication that would occur if all the individuals were physically present in the same location.

(2) For the purposes of section 17.1 (1) [*signing enduring power of attorney – alternative process*] of the Act, an enduring power of attorney may be signed and dated while the following are in each other’s electronic presence:

(a) the adult who makes the enduring power of attorney, and, if applicable, the person signing the enduring power of attorney on behalf of the adult who makes the enduring power of attorney;

(b) the witness.

(3) For the purposes of section 17.1 (2) of the Act, before exercising authority granted in an enduring power of attorney, the enduring power of attorney may be signed while the attorney and the witness are in each other’s electronic presence.

(4) For certainty, in the case of a person signing the enduring power of attorney on behalf of the adult who makes the enduring power of attorney,

(a) the adult who makes the enduring power of attorney and the person signing on behalf of that adult must be in each other’s physical presence, and

(b) the person signing on behalf of the adult who makes the enduring power of attorney and the witness may be in each other’s electronic presence.

(5) The witness referred to in subsections (2), (3) and (4) must be a lawyer or a member in good standing of the Society of Notaries Public of British Columbia.

(6) An enduring power of attorney may be signed and dated, as applicable, by signing and dating, complete and identical copies of the enduring power of attorney in counterpart.

(7) Copies of an enduring power of attorney are identical even if there are nonsubstantive differences in the format between the copies.

(8) An enduring power of attorney made in accordance with the alternative process established in this section must include a statement that it was signed and dated in accordance with the alternative process.