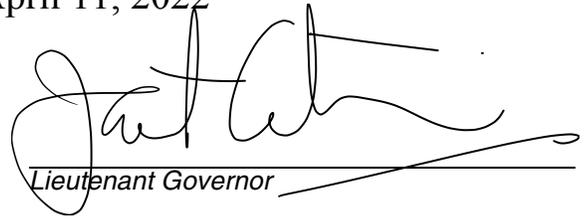


PROVINCE OF BRITISH COLUMBIA

ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

Order in Council No. 207

, Approved and Ordered April 11, 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 May, 1, 2021, the Income Replacement and Retirement Benefits and Benefits for Students and Minors Regulation, B.C. Reg. 60/2021, is amended as set out in the attached Schedule.



Minister of Public Safety and Solicitor General and
Deputy Premier



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: *Insurance (Vehicle) Act*, R.S.B.C. 1996, c. 231, ss. 169 and 181

Other: O.C. 112/2021

R10565633

SCHEDULE

1 *The Income Replacement and Retirement Benefits and Benefits for Students and Minors Regulation, B.C. Reg. 60/2021, is amended in section 1 by adding the following subsections:*

(0.1) In the Act and this regulation, “**unable**”, in relation to the employment of an insured, means that the insured is fully or substantially unable to perform the essential duties of the employment.

(1.1) In sections 138, 139, 143 and 144 of the Act “**employment**”, in relation to an insured, means the employment that the insured would have held but for the accident.

2 *Section 2 (7) is amended by adding “for each of the 12 months of the calendar year preceding April 1 before the date on which the accident occurred” after “on the basis of the industrial average wage”.*

3 *Section 4 (1) (c) is amended by striking out “all employments” and substituting “all employment”.*

4 *Section 54 (1) (c) is amended by striking out “that student is unable” and substituting “that the student is unable”.*

5 *Section 60 (2) is amended by striking out “19 years of age” and substituting “18 years of age”.*

6 *Section 62 is repealed and the following substituted:*

Benefit for minor unable to begin or continue studies

62 (1) Subject to subsection (2), the income replacement benefit to which a minor is entitled under section 143 of the Act is based on a gross yearly employment income equal to a yearly average calculated on the basis of the industrial average wage for each of the 12 months preceding July 1 of the year before the end of the school year during which the minor reaches 18 years of age.

(2) Despite section 143 of the Act, which provides that a minor is entitled to the benefit under that section from the end of the school year in which the minor reaches 18 years of age, a minor who would have had, but for the accident, a date scheduled as the date of the end of the minor’s studies in a particular school year before the school year during which the minor reaches 18 years of age, is entitled to the benefit under that section from the end of that particular school year.

(3) For the purpose of subsection (2), the income replacement benefit is based on a gross yearly employment income equal to a yearly average calculated on the basis of the industrial average wage for each of the 12 months preceding July 1 of the year before the end of that particular school year.

7 ***Sections 63 (1) and 65 (1) are amended by striking out “July 1 of the year in which the minor reaches 19 years of age” and substituting “the date scheduled, at the time of the accident, as the date of the end of the minor’s studies”.***