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Legislative Assembly of British Columbia

BILL 23

REGULATIONS ACT

Honourable Niki Sharma
Attorney General and Deputy Premier

Explanatory Note

This Bill updates and clarifies requirements relating to the drafting, deposit and online publication of regulations and consolidations of regulations.

This Bill provides for an online regulation or online consolidation of a regulation to be relied on as an official version of the regulation for evidentiary purposes.

This Bill provides that certain portions of the proposed Act apply to orders in council and letters patent.

This Bill replaces the *Regulations Act*, R.S.B.C. 1996, c. 402.

BILL 23 – 2025
REGULATIONS ACT

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SCHEDULE 1

SCHEDULE 2

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:

PART 1 – INTERPRETATION AND APPLICATION

Definitions

1 In this Act:

“**adopted materials website**” means a website designated by regulation as an adopted materials website;

“**consolidation**”, in relation to a regulation, has the meaning set out in section 3;

“**domestic enactment**” has the same meaning as in section 32 (1) [*references to enactments*] of the *Interpretation Act*;

“**enacting authority**”, in relation to a regulation, means the person or body who is authorized under an Act to make the regulation but does not include either of the following:

(a) a person or body whose approval is required before the regulation is enacted;

(b) a person or body who is required to be consulted before the regulation is enacted;

“**federal regulation**” means a regulation within the meaning of paragraph (a) of the definition of “regulation” in section 2 (1) of the *Interpretation Act* (Canada);

“**foreign enactment**” has the same meaning as in section 32 (1) of the *Interpretation Act*;

“**legislative counsel**” means a lawyer employed as legislative counsel in the Office of Legislative Counsel;

“**material**” means a map, image, document or any other record, but does not include a domestic enactment, a foreign enactment or a recognized code;

“official website” means the website designated by regulation as the official website;

“online Gazette” means the Gazette Part II published on the official website;

“printed Gazette” means the Gazette Part II published in print form under section 7 [*publication of official Gazette and consolidations of regulations*] of the *King’s Printer Act*;

“recognized code” means a standard, code or rule set or published by

- (a) a provincial, national or international body, or
- (b) any other body that sets or publishes standards, codes or rules;

“registrar” means the person designated under section 50 as the Registrar of Regulations;

“regulation” has the meaning set out in section 2;

“revising authority”, in relation to a revision, means

- (a) the enacting authority for the regulation to which the revision relates, or
- (b) if the enacting authority is the Lieutenant Governor in Council, the minister charged with the administration of the Act or portion of the Act under which the regulation is authorized to be made;

“revision” means a revision under Part 7 [*Revisions*];

“statutory instrument” means a regulation as defined in section 1 of the *Interpretation Act*.

Meaning of “regulation” in this Act

- 2** (1) Each of the following is a regulation for the purposes of this Act:
- (a) subject to subsection (2), a statutory instrument enacted under a power in an Act that, in conferring the power, uses the word “regulation”, “regulations”, “prescribe”, “prescribes”, “prescribed” or “prescribing”;
 - (b) a statutory instrument identified in Schedule 1;
 - (c) a revision;
 - (d) subject to subsection (3), a federal regulation identified in Schedule 2.
- (2) A statutory instrument enacted by a corporation, or the governing body of a corporation, under a power described in subsection (1) (a) is not a regulation for the purposes of this Act unless the statutory instrument is identified in Schedule 1.
- (3) A regulation under section 57 [*Lieutenant Governor in Council regulations – Schedule 2*] may provide that only specified portions of this Act apply to a federal regulation identified in Schedule 2.
- (4) Unless the context indicates otherwise, a reference in this Act to a regulation is to be read as a reference to a regulation or portion of a regulation.

Meaning of “consolidation” in this Act

- 3** (1) A consolidation of a regulation is a record that, subject to sections 26 [*matters not required in consolidation*] and 30 [*retroactive portions and amendments*], sets out the portions of the regulation that are in force on the currency date, or during the currency period, indicated on the consolidation, as those portions read after incorporating the following:
- (a) the amendments, if any, made to the regulation by other enactments;
 - (b) changes or corrections, if any, made under
 - (i) section 19 (3) [*preparing and publishing Gazette*], or
 - (ii) section 27 [*changes to consolidation*].
- (2) Subject to sections 26 and 30 and in the absence of evidence to the contrary, a consolidation of a regulation is an accurate record of the law set out in the portions of the regulation described in subsection (1).
- (3) Each of the following is a consolidation for the purposes of this Act:
- (a) an initial consolidation prepared under section 25;
 - (b) an updated consolidation prepared under section 28;
 - (c) a previous consolidation prepared under section 29, also known as a point-in-time consolidation.
- (4) The currency date or currency period indicated on a consolidation
- (a) is not part of the law enacted in respect of the regulation, and
 - (b) may be added, updated or changed editorially.

Regulations to which Parts 2 to 5 do not apply

- 4** If a regulation is amended or repealed by an Act, the following portions of this Act do not apply to the amendment or repeal:
- (a) Part 2 [*Drafting and Examining Regulations*];
 - (b) Part 3 [*Depositing Regulations*];
 - (c) Part 4 [*Adopted Materials Website*];
 - (d) Part 5 [*Gazette*].

PART 2 – DRAFTING AND EXAMINING REGULATIONS

Drafting regulations

- 5** Regulations must be drafted under the direction of the Chief Legislative Counsel.

Examining regulations

- 6** (1) Before a regulation is enacted, the regulation must be examined by legislative counsel.

- (2) In examining a regulation, legislative counsel must consider whether any of the following matters apply:
 - (a) the regulation is not authorized by the enactment under which it is to be enacted;
 - (b) the regulation is an unusual or unexpected use of the authority under which it is to be enacted;
 - (c) the regulation trespasses unduly on existing rights and freedoms;
 - (d) the regulation is inconsistent with the *Canadian Charter of Rights and Freedoms*;
 - (e) the regulation is not drafted in accordance with standards established by the Chief Legislative Counsel;
 - (f) the regulation is inconsistent with prescribed criteria.
- (3) After considering whether any of the matters set out in subsection (2) apply, legislative counsel must
 - (a) indicate to the enacting authority that the regulation has been examined, and
 - (b) advise the enacting authority of the matters that apply, if any.

When examination not required

- 7 Legislative counsel is not required to examine under section 6 any of the following:
 - (a) a domestic enactment or foreign enactment adopted, by reference, in a regulation;
 - (b) a recognized code adopted, by reference, in a regulation;
 - (c) material adopted, by reference, in a regulation, other than material required to be examined under section 14 (1) (a) [*criteria for publication on adopted materials website*].

Solicitor-client privilege

- 8 (1) In this section:
 - “**external enacting authority**” means an enacting authority other than an internal enacting authority;
 - “**internal enacting authority**” means any of the following:
 - (a) the Lieutenant Governor in Council;
 - (b) a minister;
 - (c) the Treasury Board;
 - (d) a person appointed under the *Public Service Act*.

- (2) Communications and records relating to the drafting and examination of a regulation proposed by an external enacting authority are subject to solicitor-client privilege as if the external enacting authority were an internal enacting authority.
- (3) The duties of legislative counsel in relation to the drafting and examination of a regulation proposed by an external enacting authority do not limit the duties of legislative counsel in relation to the *Attorney General Act*.

PART 3 – DEPOSITING REGULATIONS

Regulation not effective unless deposited

- 9** (1) A regulation has no effect unless the regulation or a copy of the regulation is accepted for deposit by the registrar.
- (2) A regulation or copy of a regulation may not be accepted for deposit unless the registrar is satisfied that the regulation has been examined by legislative counsel.

Assigning regulation number

- 10** (1) The registrar must assign a number to each regulation accepted for deposit.
- (2) The number assigned under subsection (1) must indicate the year in which the regulation is deposited.
- (3) The registrar must mark on each regulation accepted for deposit
 - (a) the word “Deposited”, followed by the date of deposit, and
 - (b) the expression “B.C. Reg.” or “B.C. Regulation”, followed by the number assigned to the regulation under subsection (1).

When regulation comes into force

- 11** A regulation comes into force on the date the regulation is deposited unless
 - (a) a later date is specified in the regulation, or
 - (b) an earlier date is specified in the regulation and the earlier date is authorized by the Act under which the regulation is made.

Power to specify date of deposit

- 12** (1) If the Attorney General considers it to be in the public interest, the Attorney General may, by regulation, do any of the following:
 - (a) provide that a regulation is deemed to have been deposited on a specified date that is
 - (i) on or after the date of enactment of the regulation, and
 - (ii) before the actual date of deposit of that regulation;

- (b) vary the effect of the regulation during the period between the deemed date of deposit and the actual date of deposit.
- (2) If the Attorney General makes a regulation under subsection (1),
 - (a) the regulation that is deemed to have been deposited on the specified date is retroactive to the extent necessary to give that regulation force and effect on and after that date, and
 - (b) any variation made under subsection (1) (b) is retroactive to the extent necessary to give that variation force and effect during the period referred to in that subsection.

Index of B.C. regulations

- 13** The registrar must
- (a) maintain an index of deposited regulations, and
 - (b) arrange for the index to be published on the official website at least twice a year.

PART 4 – ADOPTED MATERIALS WEBSITE

**Criteria for publication on
adopted materials website**

- 14**
- (1) A regulation that is being examined by legislative counsel may adopt, by reference, material published on an adopted materials website if, before the examination of the regulation is complete, the material has been
 - (a) examined by legislative counsel, and
 - (b) submitted to and accepted by the registrar.
 - (2) The registrar may accept material submitted for publication on an adopted materials website if the registrar considers that the material
 - (a) is in a format acceptable for publication on the adopted materials website, and
 - (b) meets standards established by the Chief Legislative Counsel.
 - (3) The registrar must
 - (a) assign a reference number to material accepted under subsection (2), and
 - (b) mark the assigned reference number on the material.
 - (4) For certainty, this Part does not limit other means by which material may be adopted, by reference, in a regulation.

Publishing material on website

- 15** If material accepted under section 14 (2) is adopted, by reference, in a regulation, the registrar must arrange for the material to be published on an adopted materials website as soon as practicable after the regulation has been deposited.

Publishing notices in material

- 16** In respect of a regulation that adopts, by reference, material published on an adopted materials website, the registrar may arrange for a notice to be published with or included in the material if any of the following occurs:
- (a) the regulation no longer adopts the material;
 - (b) the regulation has expired or been repealed;
 - (c) the registrar considers that the regulation has ceased to have effect.

Disposal of material if regulation not enacted

- 17** If material has been accepted under section 14 (2) [*criteria for publication on adopted materials website*] but the regulation to which the material relates is not enacted, the registrar may dispose of the material after giving notice to
- (a) the enacting authority, or
 - (b) if the enacting authority is the Lieutenant Governor in Council, the minister charged with the administration of the Act or portion of the Act under which the regulation was to be enacted.

Reference and deeming rules

- 18** The following rules apply in relation to a regulation that adopts, by reference, material to be published on an adopted materials website:
- (a) until the material is published on the adopted materials website, the reference to the material is to be read as if it were a reference to the material accepted by the registrar under section 14 (2);
 - (b) on being published on the adopted materials website, the material is deemed to have been published immediately before the regulation was enacted.

PART 5 – GAZETTE

Preparing and publishing Gazette

- 19** (1) After a regulation is deposited, the registrar must do the following:
- (a) prepare the regulation for publication in the printed Gazette;
 - (b) arrange for the regulation to be published in the online Gazette.
- (2) For a regulation published in the printed Gazette before the date subsection (1) (b) comes into force, the registrar may arrange for the regulation to be published in the online Gazette.

- (3) In preparing a regulation for publication in the printed Gazette, online Gazette or any other King's Printer publication, the registrar may do any of the following:
- (a) add a descriptive title to the regulation;
 - (b) make changes in the regulation respecting
 - (i) form, style or numbering,
 - (ii) typographical or reference errors, or
 - (iii) inaccuracies similar to those referred to in subparagraph (i) or (ii).

Correcting preparation and publication errors

- 20** (1) The registrar must arrange for a regulation published in the online Gazette to be corrected, and for notice of the correction to be published in the online Gazette, if the registrar determines that an error was made
- (a) in preparing the regulation for publication in the online Gazette, or
 - (b) in publishing the regulation in the online Gazette.
- (2) The registrar must notify the King's Printer if the registrar determines that an error was made
- (a) in preparing a regulation for publication in the printed Gazette, or
 - (b) in publishing a regulation in the printed Gazette.

**Exemption from publication
in printed Gazette**

- 21** (1) The registrar may exempt a regulation from publication in the printed Gazette if the registrar considers that both of the following apply:
- (a) because of the length of the regulation, printing is not practicable or is unduly expensive;
 - (b) the regulation is or will be available to persons who are likely to be affected by that regulation.
- (2) If a regulation includes material or a recognized code, the registrar may exempt the material or recognized code from publication in the printed Gazette.

**Exemption from publication
in online Gazette**

- 22** (1) The registrar may exempt a regulation from publication in the online Gazette if the registrar considers that both of the following apply:
- (a) online publication is not practicable;
 - (b) the regulation is or will be available to persons who are likely to be affected by that regulation.

- (2) Material or a recognized code included in a regulation may be exempted from publication in the online Gazette if the registrar considers that publication is not practicable because of the formatting of the material or recognized code.

Exemption notices

- 23** (1) If a regulation, material or a recognized code is exempted from publication in the printed Gazette or online Gazette, or both, the registrar must arrange for publication of the following, as applicable:
- (a) a notice in the printed Gazette indicating that the regulation, material or recognized code is published in the online Gazette only;
 - (b) a notice in the online Gazette indicating that the regulation, material or recognized code is published in the printed Gazette only;
 - (c) in the case of a regulation, material or recognized code exempted from publication in both the printed Gazette and online Gazette, a notice in the printed Gazette and online Gazette indicating where and when the regulation, material or recognized code may be inspected.
- (2) The registrar must arrange for publication of a new notice if the registrar becomes aware that information given in a notice under this section is no longer accurate.

**Enforcement prohibited in absence
of publication or notice**

- 24** (1) A determination that a person has contravened a regulation may not be made unless, at the time of the alleged contravention, one or more of the following have occurred:
- (a) the regulation has been published in the online Gazette or printed Gazette;
 - (b) a consolidation that includes the portion of the regulation to which the contravention relates has been published on the official website;
 - (c) reasonable steps have been taken to bring the substance of the regulation to the attention of the public or persons likely to be affected by the regulation.
- (2) After publication of a notice under section 23 (1), subsection (1) of this section does not apply to the regulation, material or recognized code exempted from publication.
- (3) If a regulation adopts, by reference, a statutory instrument, a determination that a person has contravened the statutory instrument may not be made unless, at the time of the alleged contravention, one or more of the following have occurred:
- (a) the regulation has been published in the online Gazette or printed Gazette;

- (b) a consolidation that includes the portion of the regulation that adopts, by reference, the statutory instrument has been published on the official website;
- (c) reasonable steps have been taken to bring the substance of the statutory instrument to the attention of the public or the persons likely to be affected by the statutory instrument.

PART 6 – CONSOLIDATIONS OF REGULATIONS

Initial consolidation

- 25** (1) After a regulation is deposited, the registrar must prepare an initial consolidation of the regulation, unless one or more of the following apply:
- (a) the registrar considers that the regulation has effect for a limited time or is transitional in nature;
 - (b) the regulation brings into force, amends or repeals an Act;
 - (c) the registrar considers that the regulation primarily amends or repeals other regulations;
 - (d) the regulation is exempted under section 22 (1) from publication in the online Gazette;
 - (e) the regulations under this Act provide that a consolidation of the regulation is not required.
- (2) If an initial consolidation is not prepared for the reason set out in subsection (1) (d), the registrar must arrange for publication on the official website of the same notice required under section 23 (1) (b) or (c) [*exemption notices*].
- (3) The registrar may prepare an initial consolidation of the following:
- (a) a regulation for which a consolidation is not required under subsection (1);
 - (b) a regulation enacted before the date subsection (1) comes into force.
- (4) After an initial consolidation has been prepared under this section, the registrar must arrange for the consolidation to be published on the official website.

Matters not required in consolidation

- 26** The registrar is not required to include in a consolidation any of the following portions of or amendments to a regulation:
- (a) a portion that is not in force;
 - (b) a portion that brings into force, amends or repeals an Act;
 - (c) a portion that amends or repeals another regulation;

- (d) a portion that has expired or been repealed;
- (e) a portion that the registrar considers has ceased to have effect;
- (f) a portion consisting of material or a recognized code that is exempted under section 22 (2) from publication in the online Gazette;
- (g) a portion that, under the regulations under this Act, is not required to be included in a consolidation;
- (h) an amendment that is not in force;
- (i) an amendment to a portion described in this section.

Changes to consolidation

- 27** In preparing a consolidation of a regulation, the registrar may make changes respecting any of the following:
- (a) form, style or numbering;
 - (b) typographical or reference errors;
 - (c) inaccuracies similar to those referred to in paragraph (a) or (b).

Updated consolidation

- 28** (1) If an initial consolidation of a regulation has been published under section 25, the registrar must prepare an updated consolidation of the regulation each time another portion of or an amendment to the regulation comes into force, other than a portion or amendment described in section 26 *[matters not required in consolidation]*.
- (2) If a regulation includes material or a recognized code that is exempted under section 22 (2) from publication in the online Gazette,
- (a) the registrar is not required to prepare an updated consolidation that incorporates another portion of or an amendment to the material or recognized code, and
 - (b) unless an updated consolidation that incorporates the portion or amendment is prepared under subsection (3) of this section, the registrar must arrange for publication on the official website of the same notice required under section 23 (1) (b) or (c) *[exemption notices]*.
- (3) The registrar may prepare an updated consolidation in circumstances other than those for which consolidation is required under subsection (1).
- (4) After an updated consolidation has been prepared under this section, the registrar must arrange for the updated consolidation to be published on the official website.

Point-in-time consolidation

- 29** (1) If an updated consolidation of a regulation is published under section 28, the registrar must prepare and arrange for the continued publication on the official website of the previous consolidation of the regulation.
- (2) If a consolidation of a regulation has been published on the official website and the regulation expires, is repealed or, in the opinion of the registrar, ceases to have effect, the registrar must do the following:
- (a) notify the King's Printer;
 - (b) arrange for notice of the expiry, repeal or cessation to be published on the official website;
 - (c) prepare and arrange for the continued publication on the official website of the previous consolidation of the regulation.
- (3) A previous consolidation, as referred to in subsections (1) and (2) (c), is also known as a point-in-time consolidation of the regulation.

Retroactive portions and amendments

- 30** If a point-in-time consolidation of a regulation has been published under section 29, the registrar is not required to make changes to the consolidation to incorporate a portion or amendment that comes into force on a date that is earlier than both of the following:
- (a) the date on which the portion or amendment is enacted;
 - (b) the currency date, or the end date of the currency period, indicated on the consolidation.

Additional information in consolidation

- 31** The registrar may arrange for the following information to be published with or included in a consolidation of a regulation:
- (a) a table of legislative changes to the regulation;
 - (b) a portion or amendment described in section 26 [*matters not required in consolidation*];
 - (c) transitional provisions that relate to the regulation but are in another enactment;
 - (d) notations that provide information about a portion of the regulation, including notations that do any of the following:
 - (i) indicate that the portion is not in force;
 - (ii) indicate that the portion
 - (A) has expired or been repealed, or
 - (B) has ceased to have effect;
 - (iii) indicate the enactment that resulted in the expiry, repeal or cessation referred to in subparagraph (ii);

- (e) historical references;
- (f) other information that the registrar considers useful.

Correcting preparation and publication errors

- 32** (1) The registrar must arrange for a consolidation published on the official website to be corrected, and for notice of the correction to be published on the official website, if the registrar determines that an error was made
- (a) in preparing the consolidation for publication on the official website, or
 - (b) in publishing the consolidation on the official website.
- (2) The registrar must notify the King's Printer if the registrar determines that an error was made
- (a) in preparing a consolidation of a regulation for publication in print form, or
 - (b) in publishing the consolidation in print form.

PART 7 – REVISIONS

Preparing revision

- 33** Legislative counsel may prepare a revision consisting of a regulation or portion of a regulation.

Revision powers – general

- 34** (1) In preparing a revision, legislative counsel may do any or all of the following:
- (a) combine regulations or provisions of regulations;
 - (b) separate a regulation or provision of a regulation into 2 or more regulations or provisions;
 - (c) alter the numbering and the arrangement of regulations or provisions;
 - (d) rename a regulation or a Part or Division of a regulation;
 - (e) alter language and punctuation to achieve a clear, consistent and gender neutral style;
 - (f) make minor amendments to
 - (i) clarify the intent of the enacting authority,
 - (ii) reconcile inconsistent provisions,
 - (iii) alter form or style,
 - (iv) correct grammatical, typographical or reference errors or similar inaccuracies, or
 - (v) maintain consistency with drafting standards of the Chief Legislative Counsel;

- (g) make minor amendments to other regulations made by the same enacting authority to reconcile the other regulations with the revision and, for this purpose, the minor amendments are to be made as consequential amendments;
 - (h) include in the revision those provisions of the regulation that, although enacted, are not in force, and indicate when those provisions are to come into force;
 - (i) omit provisions that are repealed or expired or, in the opinion of legislative counsel, have ceased to have effect;
 - (j) omit provisions that can be implemented through administrative direction or are unnecessary to achieve the intent of the regulation.
- (2) A revision must include a provision to repeal the regulation or portion to be replaced by the revision.
 - (3) Subject to section 35 (3), legislative counsel is not required to examine a revision under section 6.

Revision powers – adopting material by reference

- 35**
- (1) In preparing a revision, legislative counsel may omit or alter portions of a regulation in order to adopt, by reference,
 - (a) material published on an adopted materials website, or
 - (b) material included in the regulation, as the regulation read immediately before the enactment of the revision.
 - (2) Without limiting subsection (1) (a), legislative counsel may do any of the following:
 - (a) omit a written description of an area and adopt, by reference, a map that
 - (i) shows the area, and
 - (ii) is published on the adopted materials website;
 - (b) omit material included in a regulation and adopt the material, by reference, as material published on an adopted materials website;
 - (c) if a regulation adopts material by a means other than publication on an adopted materials website, adopt the material, by reference, as material published on an adopted materials website.
 - (3) In preparing a revision, legislative counsel may not adopt, by reference, material published on an adopted materials website unless the material has been examined and accepted under section 14 [*criteria for publication on adopted materials website*].

Approval by revising authority

- 36**
- (1) A revising authority may, by regulation, approve a revision.
 - (2) The revision must be attached to the regulation referred to in subsection (1).

- (3) On deposit, a revision is deemed to be a regulation made by the enacting authority.
- (4) Despite section 9 (2) [*registrar may not deposit if regulation not examined*], a revision that has not been examined by legislative counsel may be accepted for deposit.

Legal effect of revision

- 37** A revision does not operate as new law but has effect and must be interpreted as a consolidation of the law contained in the regulations and portions of regulations replaced by the revision.

Interim corrections to revision

- 38** (1) The Attorney General, after consulting with the revising authority, may make regulations to correct, in a manner consistent with the revision powers in this Part, any error in a revision.
- (2) If made within 2 years after the date a revision comes into force, a regulation made under this section may be made retroactive to that date or a later date.

How references are to be interpreted

- 39** A reference in any of the following to a regulation or portion of a regulation included in a revision must be interpreted, in relation to any transaction, matter or thing after the coming into force of the revision, as a reference to the revised regulation or portion having the same effect as the regulation or portion replaced by the revision:
- (a) an Act enacted before the coming into force of the revision;
 - (b) a regulation or portion of a regulation that
 - (i) is enacted before the coming into force of the revision, and
 - (ii) is not included in the revision;
 - (c) a statutory instrument, other than a regulation, enacted before the coming into force of the revision;
 - (d) a record existing before the coming into force of the revision.

PART 8 – OFFICIAL VERSIONS OF REGULATIONS AND CONSOLIDATIONS

Official version of regulation or consolidation

- 40** (1) A regulation accessed from the Gazette on the official website, or a consolidation accessed from the official website, is an official version of the regulation or consolidation if both of the following requirements are met:
- (a) the regulation or consolidation is in a prescribed format;

- (b) the regulation or consolidation is published with or includes a statement, in a form approved by the registrar, indicating that the regulation or consolidation is an official version.
- (2) A statement referred to in subsection (1) (b) may indicate that a regulation or consolidation published on the official website is an official version of only a specified portion of the regulation or consolidation.
- (3) A regulation or consolidation is presumed to be accessed from the official website if the regulation or consolidation is submitted with an oral or written statement indicating that it was accessed from the official website.

Official version of material on adopted materials website

- 41** (1) In respect of a regulation that adopts, by reference, material published on an adopted materials website, the material accessed from the adopted materials website is an official version if both of the following requirements are met:
- (a) the material is in a prescribed format;
 - (b) the material is published with or includes a statement, in a form approved by the registrar, indicating that the material is an official version.
- (2) A statement referred to in subsection (1) (b) may indicate that material published on an adopted materials website is an official version of only a specified portion of the material.
- (3) Material is presumed to be accessed from an adopted materials website if the material is submitted with an oral or written statement indicating that it was accessed from the adopted materials website.

PART 9 – ORDERS IN COUNCIL AND LETTERS PATENT

Division 1 – Orders in Council

Meaning of “order in council”

- 42** In this Division, “**order in council**” means an order made by the Lieutenant Governor in Council, other than an order that is also a regulation.

Parts 2 and 4 apply to orders in council

- 43** The following Parts of this Act apply in relation to orders in council, as if orders in council were regulations:
- (a) Part 2 [*Drafting and Examining Regulations*];
 - (b) Part 4 [*Adopted Materials Website*].

Publication on website of material adopted by orders in council

- 44 If material accepted under section 14 (2) [*criteria for publication on adopted materials website*] is adopted, by reference, in an order in council, the duty of the registrar under section 15 [*publishing material on website*] must be exercised as soon as practicable after the registrar becomes aware that the order in council has been enacted.

Division 2 – Letters Patent

Meaning of “letters patent”

- 45 In this Division, “**letters patent**” means letters patent issued under any of the following enactments:
- (a) the *Hospital District Act*;
 - (b) the *Local Government Act*;
 - (c) prescribed enactments.

Parts 2, 4 and 7 apply to letters patent

- 46 The following Parts of this Act apply in relation to letters patent, as if letters patent were regulations:
- (a) Part 2 [*Drafting and Examining Regulations*];
 - (b) Part 4 [*Adopted Materials Website*];
 - (c) Part 7 [*Revisions*], other than section 36 [*approval by revising authority*].

Approval of revision of letters patent

- 47 (1) A revising authority may, by order, approve a revision of letters patent or a portion of letters patent.
- (2) The revision must be attached to the order referred to in subsection (1).
- (3) On approval under subsection (1), a revision is deemed to be letters patent or a portion of letters patent enacted and issued by the enacting authority.

Additional information in revision of letters patent

- 48 (1) Legislative counsel may arrange for the following information to be published with or included in a revision of letters patent or a portion of letters patent:
- (a) notations that provide information about a portion of the letters patent, including notations that do any of the following:
 - (i) indicate that the portion is not in force;
 - (ii) indicate that the portion
 - (A) has expired or been repealed, or
 - (B) has ceased to have effect;

- (iii) indicate the enactment that resulted in the expiry, repeal or cessation referred to in subparagraph (ii);
 - (b) historical references;
 - (c) other information that legislative counsel considers useful.
- (2) If information described in subsection (1) is published with or included in a revision of letters patent or a portion of letters patent,
 - (a) the information is not part of the revision and must be considered to have been provided editorially for convenience of access or reference only, and
 - (b) legislative counsel may arrange for updates or changes to be made to the information.

Publication on website of material adopted by letters patent

- 49** If material accepted under section 14 (2) [*criteria for publication on adopted materials website*] is adopted, by reference, in letters patent, the duty of the registrar under section 15 [*publishing material on website*] must be exercised as soon as practicable after the registrar becomes aware that the letters patent have been enacted.

PART 10 – GENERAL

Registrar of Regulations

- 50** (1) Subject to subsection (2), the Chief Legislative Counsel is designated as the Registrar of Regulations.
- (2) The Chief Legislative Counsel may designate another legislative counsel as the Registrar of Regulations.
- (3) The Chief Legislative Counsel may designate a person employed in the Office of Legislative Counsel as the acting registrar.

Reference rule

- 51** (1) In this section:
- “**amending regulation**” means a regulation that amends or repeals another regulation;
- “**Consolidated Regulations**” means the Consolidated Regulations of British Columbia published in print form by the King’s Printer;
- “**pre-existing regulation**” means a regulation published in the printed Gazette or online Gazette.

- (2) If an amending regulation refers to a pre-existing regulation and, at the time the amending regulation is enacted, a consolidation of the pre-existing regulation is published in the Consolidated Regulations or on the official website, the reference must, unless a contrary intention appears in the amending regulation, be construed as a reference to the consolidation, as published in the Consolidated Regulations or on the official website.

Accessibility features and information features

- 52** (1) In this section:

“**accessibility features**” means hyperlinks, alternative text or other features;

“**alternative text**” means metadata that communicates the nature or content of any of the following:

- (a) material or a recognized code included in a regulation published in the online Gazette;
- (b) material published on an adopted materials website;
- (c) material or a recognized code included in a consolidation published on the official website;

“**information features**” means information described in section 31 [*additional information in consolidation*].

- (2) The registrar may arrange for accessibility features to be added to or included with any of the following:
- (a) a regulation published in the online Gazette;
 - (b) a consolidation published on the official website;
 - (c) material published on an adopted materials website.
- (3) The registrar may arrange for updates or changes to be made to any of the following:
- (a) accessibility features;
 - (b) information features;
 - (c) notices referred to in section 16 [*publishing notices in material*].
- (4) Accessibility features, information features and notices referred to in section 16
- (a) are not part of a regulation, a consolidation or material, and
 - (b) must be considered to have been provided editorially for convenience of access or reference only.

Proof of deposit

- 53 (1) A certificate purporting to be signed by the registrar certifying the date of deposit of a regulation
- (a) is admissible in a proceeding without proof of the signature or the registrar's authority, and
 - (b) is proof of the deposit date.
- (2) If a person requests a copy of a regulation deposited with the registrar, the registrar may require the person to pay a prescribed fee for the copy.

Conflicts with *King's Printer Act*

- 54 If there is a conflict or inconsistency between this Act and the *King's Printer Act*, this Act prevails.

Section 5 of *Offence Act* does not apply

- 55 Section 5 of the *Offence Act* does not apply to this Act or the regulations.

PART 11 – REGULATIONS UNDER THIS ACT

Lieutenant Governor in Council regulations – Schedule 1

- 56 The Lieutenant Governor in Council may, by regulation, amend Schedule 1 by doing any of the following:
- (a) adding statutory instruments to the Schedule;
 - (b) removing from the Schedule a statutory instrument added under paragraph (a).

Lieutenant Governor in Council regulations – Schedule 2

- 57 The Lieutenant Governor in Council may, by regulation, amend Schedule 2 by doing any of the following:
- (a) adding a federal regulation to the Schedule;
 - (b) specifying portions of this Act that apply to a federal regulation added under paragraph (a);
 - (c) removing from the Schedule a federal regulation added under paragraph (a).

Attorney General regulations – general powers

- 58 (1) The Attorney General may make regulations referred to in section 41 of the *Interpretation Act*.
- (2) The Attorney General may make regulations respecting any matter for which regulations are contemplated by this Act, other than matters for which regulations are expressly contemplated to be made by the Lieutenant Governor in Council.

- (3) The authority of the Attorney General to make regulations under another provision of this Act does not limit subsection (1) or (2).
- (4) In making regulations under this Act, the Attorney General may do any of the following:
 - (a) confer a discretion on an employee of the government;
 - (b) delegate a matter to an employee of the government;
 - (c) make different regulations for different persons or things or different classes of persons or things.

Attorney General regulations – official website

- 59** (1) The Attorney General may make regulations designating as the official website a website maintained by the King's Printer.
- (2) The Attorney General may make regulations respecting the official website.

Attorney General regulations – adopted materials website

- 60** (1) The Attorney General may make regulations designating a website as an adopted materials website.
- (2) The Attorney General may make regulations respecting an adopted materials website.

**PART 12 – TRANSITIONAL PROVISION, REPEAL, CONSEQUENTIAL AND
RELATED AMENDMENTS AND AMENDMENT TO THIS ACT**

Division 1 – Transitional Provision

Transitional regulations – substitution of in-force dates

- 61** The Lieutenant Governor in Council may, by regulation, do the following:
- (a) amend section 19 (2) [*preparing and publishing Gazette*] by striking out “the date subsection (1) (b) comes into force” and substituting the date section 19 (1) (b) comes into force;
 - (b) amend section 25 (3) (b) [*initial consolidation*] by striking out “the date subsection (1) comes into force” and substituting the date section 25 (1) comes into force.

Division 2 – Repeal

Repeal of former Act

- 62** The *Regulations Act*, R.S.B.C. 1996, c. 402, is repealed.

Division 3 – Consequential and Related Amendments

Balanced Budget and Ministerial Accountability Act

- 63** *Section 1 (1) of the Balanced Budget and Ministerial Accountability Act, S.B.C. 2001, c. 28, is amended in the definition of “government reorganization” by striking out “by Order in Council”.*

Constitution Act

- 64** *Section 10 of the Constitution Act, R.S.B.C. 1996, c. 66, is amended*
- (a) in subsection (1) by striking out “by order in council,” and substituting “by regulation of the Lieutenant Governor in Council,”*
 - (b) in subsection (3) by striking out “may designate another official” and substituting “may, by regulation, designate another official”, and*
 - (c) by repealing subsection (4).*
- 65** *Section 11 (1) is amended by striking out “The Lieutenant Governor in Council may appoint any member of the Executive Council holding a salaried position as acting minister” and substituting “Any member of the Executive Council holding a salaried position may, by regulation of the Lieutenant Governor in Council, be designated as acting minister”.*
- 66** *Section 13 is amended*
- (a) in subsection (1) by striking out “the Lieutenant Governor in Council may determine” and substituting “the Lieutenant Governor in Council may, by regulation, determine”, and*
 - (b) in subsection (2) by striking out “For the purposes of subsection (1),” and substituting “In making a regulation under subsection (1),”.*
- 67** *Section 14 is amended by striking out “the Lieutenant Governor in Council may order that” and substituting “the Lieutenant Governor in Council may, by regulation, provide that”.*

Environmental Assessment Act

- 68 *Section 1 of the Environmental Assessment Act, S.B.C. 2018, c. 51, is amended in the definition of “responsible minister” by striking out “the member of the Executive Council that the Lieutenant Governor in Council designates by order as the minister responsible” and substituting “the member of the Executive Council that the Lieutenant Governor in Council designates, by regulation, as the minister responsible”.*

Evidence Act

- 69 *The Evidence Act, R.S.B.C. 1996, c. 124, is amended by adding the following section:*

Proof of regulations and adopted material by producing online official versions

25.2 (1) In this section:

“**adopted materials website**”, “**consolidation**”, “**material**”, “**official website**” and “**regulation**” have the same meaning as in section 1 of the *Regulations Act*;

“**online official version**” means the following:

- (a) in relation to a regulation or consolidation published on the official website, an official version within the meaning of section 40 of the *Regulations Act*;
 - (b) in relation to material published on an adopted materials website, an official version within the meaning of section 41 of the *Regulations Act*.
- (2) The existence and contents, in whole or in part, of a regulation may be proved by producing either of the following:
- (a) an online official version of the regulation;
 - (b) an online official version of a consolidation of the regulation.
- (3) If material published on an adopted materials website is adopted, by reference, in a regulation or consolidation of a regulation, the existence and contents, in whole or in part, of the material may be proved by producing an online official version of the material.
- (4) This section does not limit any of the methods of proof under section 25 (4).

Interpretation Act

- 70 *Section 3 (5) of the Interpretation Act, R.S.B.C. 1996, c. 238, is repealed.*

71 *The following section is added:*

Date of commencement of regulations

- 3.1** (1) If a regulation within the meaning of the *Regulations Act* contains a provision that the regulation or a portion of it is to come into force on a day other than the date of deposit of the regulation, that provision and the title, if any, of the regulation are deemed to have come into force on the date of deposit.
- (2) If a regulation within the meaning of the *Regulations Act* contains a provision authorized by an Act to the effect that the regulation, or a portion of it, comes into force on a date that is earlier than the date of deposit, the regulation or portion referred to in the provision
- (a) comes into force, on deposit of the regulation, in accordance with the terms of the provision, and
- (b) on coming into force, is deemed to have come into force on the earlier date referred to in the provision and is retroactive to the extent necessary to give the regulation or portion force and effect on and after that earlier date.
- (3) Unless the regulation indicates otherwise, a regulation to which the *Regulations Act* does not apply comes into force on the date the regulation is enacted.

72 *Section 11 is amended by repealing subsections (1) and (2) and substituting the following:*

- (1) In an enactment, the following are not part of the enactment and must be considered to have been added editorially for convenience of reference only:
- (a) a table of contents;
- (b) a headnote to a provision;
- (c) a descriptor;
- (d) a reference after the end of a section or other portion of the enactment.
- (2) In subsection (1) (c), “**descriptor**” means italicized text in square brackets that
- (a) follows a reference to a provision of an enactment of British Columbia or Canada, and
- (b) is set out for the purpose of describing the subject matter of the provision.

73 *Section 16 (2) is amended by striking out “the day its issue was authorized, and, despite the *Regulations Act*,” and substituting “the day its issue was authorized and”.*

74 *Section 23 is amended by adding the following subsection:*

- (6) Subsection (3) does not authorize a person to exercise an authority conferred on the public officer to enact a regulation, as defined in the *Regulations Act*, unless the person is appointed to act as the public officer.

75 *Section 27 is amended by adding the following subsection:*

- (4.1) If in an enactment a power is conferred to establish or prescribe a form, the power includes a power exercisable in the same manner, and subject to the same consent and conditions, if any, to instead make regulations respecting one or more of the following:
 - (a) the fields, questions or other matters to be included in the form;
 - (b) the information or records to be provided by persons completing the form;
 - (c) the use of interfaces or software applications to guide persons through the steps required to complete the fields, questions or other matters included in the form;
 - (d) the electronic means by which persons may sign the form;
 - (e) the means by which a form completed online may be accessed or retained by the person who completed the form.

76 *Section 29 is amended in the definition of “minister” by striking out “charged by order of the Lieutenant Governor in Council” and substituting “charged by regulation of the Lieutenant Governor in Council”.*

77 *The following section is added:*

Citation of regulations

- 43.1** (1) A regulation, as defined in the *Regulations Act*, may be cited as follows:
- (a) as “B.C. Reg.” or “B.C. Regulation”, followed by the number assigned to the regulation under the *Regulations Act*;
 - (b) by reference to its title, with or without reference to
 - (i) the citation referred to in paragraph (a) of this subsection, or
 - (ii) the enactment under which the regulation was made.
- (2) In citing a number assigned to a regulation deposited before January 1, 2000, the 2-digit portion of the number indicating the year of deposit may be cited using 4 digits to indicate the year of deposit.

Queen's Printer Act

78 *Section 7 of the Queen's Printer Act, R.S.B.C. 1996, c. 394, is repealed and the following substituted:*

**Publication of official Gazette
and consolidations of regulations**

- 7 (1) The King's Printer must publish the official Gazette of British Columbia, known as The British Columbia Gazette.
- (2) The Gazette is to be published in 2 parts, as follows:
- (a) Part I is for the publication of every proclamation, notice and other matter, other than the matters referred to in paragraph (b), that is required or authorized to be published in the Gazette;
 - (b) Part II is for the publication of every regulation, notice and other matter that, under the *Regulations Act* or another enactment, is required or authorized to be published in the Gazette Part II.
- (3) The King's Printer must publish the copies of regulations provided to the King's Printer for the purposes of section 19 (1) (b) [*publication of regulation in online Gazette*] of the *Regulations Act*.
- (4) The King's Printer must publish the copies of regulations and consolidations of regulations provided to the King's Printer for the purposes of the following provisions of the *Regulations Act*:
- (a) section 19 (2) [*publication of pre-existing regulation in online Gazette*];
 - (b) section 25 (4) [*publication of initial consolidation on official website*];
 - (c) section 28 (4) [*publication of updated consolidation on official website*];
 - (d) section 29 (1) and (2) (c) [*publication of point-in-time consolidation on official website*].
- (5) The King's Printer may make arrangements for
- (a) the publishing of printed copies of the regulations and consolidations referred to in subsection (4), and
 - (b) the sale or transfer, with or without charge, of those printed copies.

79 *Section 8 is amended*

(a) in subsection (1) by striking out "The printing and publication of the Gazette" and substituting "The publication of the Gazette and consolidations of regulations", and

(b) by adding the following subsection:

- (3) For the purposes of section 7 (5) (b),
- (a) the King's Printer may set prices that may be charged, and

(b) a person must not charge more than the price set by the King’s Printer.

80 *Section 8.1 is amended by striking out “or of the Gazette,” and substituting “or of the Gazette or a regulation or consolidation referred to in section 7,”.*

Division 4 – Amendment to This Act

81 *The Regulations Act is amended*

(a) in the heading before section 78 by striking out “Queen’s Printer Act” and substituting “King’s Printer Act”, and

(b) in section 78 by striking out “Queen’s Printer Act” and substituting “King’s Printer Act”.

Commencement

82 This Act comes into force by regulation of the Lieutenant Governor in Council.

SCHEDULE 1 – STATUTORY INSTRUMENTS

(section 2 (1) (b))

Item	Column 1 Authorizing Act	Column 2 Enacting Authority	Column 3 Statutory Instruments
1	<i>Adult Guardianship Act</i>	Public Guardian and Trustee	Regulations under section 61 <i>[designated agencies and organization of community agencies]</i> of the Act
2	<i>Assessment Act</i>	British Columbia Assessment Authority	Regulations under any of the following provisions of the Act: (a) section 19 (8) <i>[valuation for purposes of assessment]</i> ; (b) section 20 (8) or (10) <i>[major industry valuation]</i> ; (c) section 21 <i>[valuation for certain purposes not actual value]</i> ; (d) section 23 (1) or (7) <i>[classification of land as a farm]</i> ; (e) section 24 <i>[classification and valuation of forest land]</i>

Item	Column 1 Authorizing Act	Column 2 Enacting Authority	Column 3 Statutory Instruments
3	<i>Energy Resource Activities Act</i>	Board of the British Columbia Energy Regulator	Regulations under any of the following provisions of the Act: (a) section 47 [<i>orphan site restoration levy</i>]; (b) Division 2 [<i>Regulations of the Board</i>] of Part 9
4	<i>Financial Institutions Act</i>	BC Financial Services Authority	Rules under section 201.1 [<i>rules of the Authority</i>] of the Act
5	<i>Geothermal Resources Act</i>	Board of the British Columbia Energy Regulator	Regulations of general application under section 23 [<i>regulations and orders made by board</i>] of the Act
6	<i>Mortgage Services Act</i>	BC Financial Services Authority	Rules within the meaning of section 1 of the Act
7	<i>Pharmacy Operations and Drug Scheduling Act</i>	Board of the College of Pharmacists	Regulations under section 22 [<i>drug schedules</i>] of the Act
8	<i>Private Managed Forest Land Act</i>	Private Managed Forest Land Council	Regulations under section 43 [<i>power of council to make regulations</i>] of the Act
9	<i>Real Estate Services Act</i>	BC Financial Services Authority	Rules within the meaning of section 1 of the Act
10	<i>Renewable Energy Projects (Streamlined Permitting) Act</i>	Board of the British Columbia Energy Regulator	Regulations under section 11 (2) [<i>fees</i>] of the Act
11	<i>Securities Act</i>	British Columbia Securities Commission	A commission rule within the meaning of section 1 of the Act

Item	Column 1 Authorizing Act	Column 2 Enacting Authority	Column 3 Statutory Instruments
12	<i>Workers Compensation Act</i>	Workers' Compensation Board	<p>Regulations or rules under any of the following provisions of the Act:</p> <ul style="list-style-type: none"> (a) regulations that make rules under section 8 (2) <i>[commercial fishing industry]</i>; (b) regulations under Part 2 <i>[Occupational Health and Safety]</i>; (c) regulations under section 138 (1) or (2) <i>[Board powers in relation to recognition of occupational diseases]</i>; (d) regulations under section 150 (7) <i>[employer obligation to report injury or disease to Board]</i>; (e) regulations under section 203 (1) <i>[reconsideration of prescribed compensation claims]</i>; (f) regulations under section 237 (2) <i>[additional authority for regulations respecting compensation provisions]</i>; (g) regulations under section 245 (1) (c) (ii) or (2) (a) <i>[employer obligation to provide payroll estimates and reports]</i>; (h) regulations under section 253 (2) <i>[assessment operates by Board notice]</i>; (i) regulations under section 261 (1) <i>[penalty for default in payment or return]</i>
13	<i>Workers Compensation Act</i>	Workers' Compensation Board	Adjustments under section 333 <i>[annual adjustment of dollar amounts referred to in Act]</i> of the Act

SCHEDULE 2 – REGULATIONS UNDER FEDERAL ACTS

(section 2 (1) (d))

Item	Column 1 Federal Act	Column 2 Enacting Authority	Column 3 Instrument	Column 4 Applicable Portions of This Act
1	<i>Civil Marriage Act</i>	Lieutenant Governor in Council	Regulations under section 12 [<i>court rules in proceedings for dissolution of marriage of non-resident spouses</i>] of the Act	All portions of this Act
2	<i>Divorce Act</i>	Lieutenant Governor in Council	Regulations under section 25 [<i>court rules in divorce proceedings</i>] of the Act	All portions of this Act
3	<i>Family Homes on Reserves and Matrimonial Interests or Rights Act</i>	Lieutenant Governor in Council	Regulations under section 47 [<i>court rules in proceedings under Act</i>] of the Act	All portions of this Act