

PROVINCE OF BRITISH COLUMBIA

ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

Order in Council No. 459

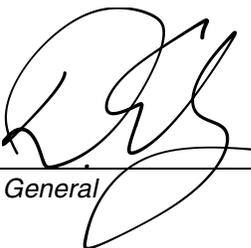
, Approved and Ordered August 6, 2020

  
\_\_\_\_\_  
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.