

INFORMATION BULLETIN:

COVID-19 RELATED MEASURES ACT

COVID-19 Related Measures Act:

On July 10, 2020, the *COVID-19 Related Measures Act*, S.B.C. 2020, c. 8 (CRMA) came into force. The CRMA addresses legal and practical issues related to supporting BC's Restart Plan for the COVID-19 pandemic.

The CRMA:

1. makes targeted amendments to the *Emergency Program Act*, RSBC 1996, c. 111 (EPA) to clarify the power of the Minister to make orders under section 10 (1) of the EPA, and elevates the ability to temporarily modify or alter the application of an enactment to the Lieutenant Governor in Council;
2. provides a temporary legal framework to enact as COVID-19 provisions under the CRMA ministerial orders and regulations made under the EPA in relation to the COVID-19 pandemic, and to allow the effects of such orders and regulations to continue after the state of emergency ends; and
3. protects prescribed persons or classes of persons from proceedings for civil liability for damages related to the COVID-19 pandemic, and provides authority for government to make regulations for that purpose.

Part 2 of the *COVID-19 Related Measures Act*: COVID-19 Provisions

Purpose

On March 18, 2020, in response to the global COVID-19 pandemic, the Minister of Public Safety and Solicitor General (Minister) declared a state of emergency under the EPA.

Following the declaration, the Minister made a number of ministerial orders under the EPA to prevent, respond to or alleviate effects of the pandemic. Without the CRMA, those orders would have expired when the provincial state of emergency ends.

The CRMA provides a temporary legal framework to enact ministerial orders and regulations made under the EPA during the state of emergency, and to allow for flexibility to extend those orders and regulations beyond the end of the state of emergency. The CRMA, therefore, provides government with the tools it needs to continue to assist and protect British Columbians following the expiry of the state of emergency, and to ensure that British Columbians are not faced with unintended practical and legal consequences.

Effect

Part 2 (COVID-19 Provisions) of the CRMA:

- Enacts some COVID-19-related ministerial orders or regulations made under section 10 or 10.1 of the EPA as provisions of the CRMA, and simultaneously repeals those orders or regulations under the EPA.
- Extends some of the ministerial orders made under the EPA during the state of emergency for 45 days or 90 days after the date on which the last extension of the state of emergency expires or is cancelled. The details of which orders have been extended and for how long can be found in sections 3 (5) (a) and (b) of the CRMA and regulations made pursuant to sections 3 (5) (c) and 3 (6).
- Provides authority for the Lieutenant Governor in Council to make regulations to:
 - provide for a different expiry date for some ministerial orders (i.e., other than 45 or 90 days);
 - add additional COVID-19-related EPA orders or regulations to the Schedules to the CRMA (i.e., to enact them as provisions of the CRMA and extend their application);
 - repeal an order or regulation (or part of one) that was enacted as a provision of the CRMA.

Orders or regulations enacted under the CRMA may be further extended by regulation, for a maximum period of up to one year from the date that the CRMA came into force. The CRMA and any regulations made under it will be automatically repealed on that date.

The details of which orders have been added to the Schedules to CRMA and extended or repealed can be found by reviewing the CRMA and the list of regulations made under the CRMA.

The Minister must report orders and regulations made under section 10 (1) or section 10.1 of the EPA to the Speaker of the Legislative Assembly within 5 days of making that order or regulation. Similarly, the Attorney General must report to the Speaker of the Legislative Assembly within 5 days of making a regulation under the CRMA.

Violation Ticket Administration and Fines Regulation

Contravention of ministerial orders and regulations under the EPA is a ticketable offence. Some of the ministerial orders and regulations made under the EPA have been enacted as provisions of the CRMA. To ensure that the enforcement mechanism continues to apply, OIC 392/2020 amends the Violation Ticket Administration and Fines Regulation under the *Offence Act*. This ensures that the fines for contravention of a ministerial order or regulation under the EPA continue to apply to contravention of the order or regulation enacted as a provision of the CRMA.

When did the *COVID-19 Related Measures Act* come into force?

The CRMA came into force on July 10, 2020.

Links to the CRMA and OIC No. 392/2020:

COVID-19 Related Measures Act:

<https://www.bclaws.ca/civix/document/id/complete/statreg/20008>

Order in Council No. 391/2020:

https://www.bclaws.ca/civix/document/id/oic/oic_cur/0391_2020