

# REGULATORY REFORM POLICY

March 2002

## Definitions

1. The following definitions apply in this policy:

“**government’s deregulation commitment**” means the government’s New Era commitment to reduce the red tape and regulatory burden in British Columbia by 1/3 over 3 years;

“**legislation**” means legislation that is drafted for inclusion in a Government Bill;

“**regulation**” means a regulation that must be deposited with the Registrar of Regulations under section 3 of the *Regulations Act*;

“**regulatory authority**” means a person or entity that has authority under a British Columbia statute to enact regulations that are not subject to Executive Council approval.

## Purpose

2. This Regulatory Reform Policy (the “policy”) is directed by Executive Council to ensure that legislation and regulations meet Regulatory Criteria approved by the Executive Council on August 15, 2001.
3. The policy is based on the framework for carrying out the government’s deregulation commitment approved by Executive Council on August 15, 2001.

## Application

4. This policy applies to all proposed legislation and regulations.

## Compliance with Regulatory Criteria Checklist

5. The responsible minister or head of a regulatory authority, as the case may be, must ensure that proposed legislation and regulations are evaluated according to the Regulatory Criteria set out in the Regulatory Criteria Checklist attached to this policy.

## Exemptions from Regulatory Criteria

6. The Regulatory Criteria contained in Regulatory Criteria Checklist do not apply if the responsible minister or head of a regulatory authority, as the case may be, certifies that, in his or her opinion, the legislation or regulation satisfies one or more of the following conditions:
  - (a) is non-regulatory in nature;

- (b) changes fees in respect of a financial year by an annual rate that has been approved by Treasury Board;
- (c) relates only to the procedures or practices of a court or tribunal;
- (d) is required under a national uniform legislation or regulatory scheme or by federal legislation that has already been assessed against criteria similar to that provided in the Regulatory Criteria Checklist;
- (e) is fundamentally declaratory or machinery in nature such as housekeeping changes that clarify or correct a provision without changing procedural requirements;
- (f) provides for the commencement of an Act or regulation or the commencement of a provision of an Act or regulation;
- (g) is consolidated and revised under the revision powers in Part 2 of the Regulations Act Regulation;
- (h) is transitional in nature;
- (i) the special circumstances of the case, as identified by the responsible minister or head of the regulatory authority, make it impracticable to comply with the Regulatory Criteria.

## **Regulatory Criteria Forms**

7. The responsible minister must attach a signed copy of the Regulatory Criteria Checklist or a signed copy of the Regulatory Criteria Exemption Form to:
  - a) legislation that is submitted as a draft for Executive Council review;
  - b) an Order in Council that is being recommended by the responsible minister to the Executive Council to enact a regulation.
8. The head of a regulatory authority must attach a signed copy of the Regulatory Criteria Checklist or a signed copy of the Regulatory Criteria Exemption Form to a regulation that is not subject to Executive Council approval when that regulation is made public

## **Regulatory Criteria Checklist Made Public**

9. The responsible minister or of head of a regulatory authority, as the case may be, must make the signed Regulatory Criteria Checklist available to the public at no charge when the legislation to which the Checklist applies is introduced, or the regulation to which the Checklist applies is enacted.

Attachment: Regulatory Criteria Exemption Form  
Regulatory Criteria Checklist  
Regulatory Criteria Checklist Explanation and Guidelines