

PROVINCE OF BRITISH COLUMBIA

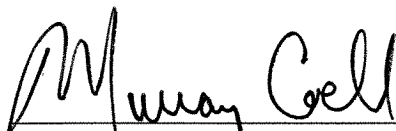
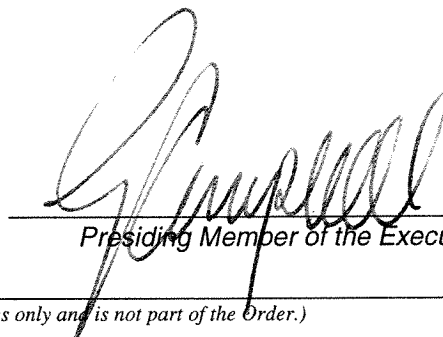
ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

Order in Council No. — 239 , Approved and Ordered MAR 17 2005


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 March 31, 2005, the attached Monetary Penalties Regulation is made.


Minister of Community, Aboriginal and Women's Services
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:- Safety Standards Act, S.B.C. 2003, c. 39, s. 89

Other (specify):- _____

MONETARY PENALTIES REGULATION

Definition

- 1 In this regulation, “Act” means the *Safety Standards Act*.

Prescribed provisions of the Act

- 2 For the purpose of section 40 (1) (a) [*monetary penalties*] of the Act, the following provisions of the Act are prescribed:
 - (a) section 63 (b) [*general prohibitions – regulated work*];
 - (b) section 63 (c) [*general prohibitions – regulated product*];
 - (c) section 68 [*alteration of regulated products*];
 - (d) section 69 (2) (a) [*use or possession of a regulated product*];
 - (e) section 70 (1) [*disposal of regulated products – certification mark*];
 - (f) section 70 (2) [*disposal of regulated products – unsafe operation*].

Criteria

- 3 Before a safety manager imposes a monetary penalty on a person, the safety manager must consider the following:
 - (a) previous enforcement actions under the Act for contraventions of a similar nature by the person;
 - (b) the extent of the harm, or of the degree of risk of harm, to others as a result of the contravention;
 - (c) whether the contravention was deliberate;
 - (d) whether the contravention was repeated or continuous;
 - (e) the length of time during which the contravention continued;
 - (f) any economic benefit derived by the person from the contravention.