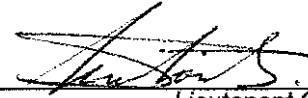


PROVINCE OF BRITISH COLUMBIA
ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

Order in Council No. **748**, Approved and Ordered **OCT 16 2008**

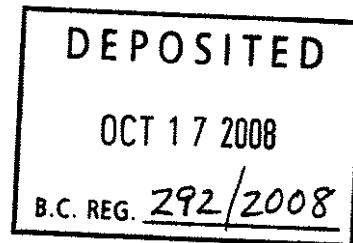


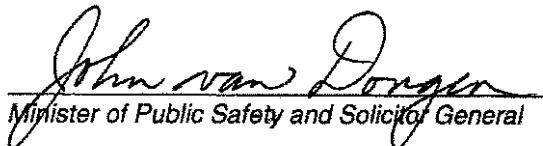
Lieutenant Governor

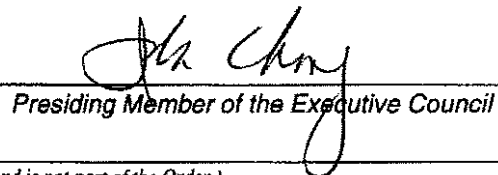
Executive Council Chambers, Victoria

On the recommendation of the undersigned, the Lieutenant Governor, by and with the advice and consent of the Executive Council, orders that, effective November 1, 2008,

- (a) sections 1 to 4 of the *Public Safety and Solicitor General (Gift Card Certainty) Statutes Amendment Act, 2008*, S.B.C. 2008, c. 15, are brought into force, and
- (b) the attached Prepaid Purchase Cards Regulation is made.




Minister of Public Safety and Solicitor 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: Public Safety and Solicitor General (Gift Card Certainty) Statutes Amendment Act, 2008, S.B.C. 2008, c. 15, s. 24

Other (specify): Business Practices and Consumer Protection Act, S.B. C. 2004, c. 2, ss. 56.2 (1), 56.3 (1), 56.4 (1) (c) and (2), 56.5, 194 and 201

July 4, 2008

PREPAID PURCHASE CARDS REGULATION

Contents

- 1 Definitions
- 2 Exemptions from expiry date prohibition
- 3 Permitted fees in relation to prepaid purchase cards
- 4 Manner of providing information required under section 56.4 of the Act

Definitions

- 1 In this regulation, “Act” means the *Business Practices and Consumer Protection Act*.

Exemptions from expiry date prohibition

- 2 Section 56.2 (1) [*no expiry date*] of the Act does not apply to any of the following:
 - (a) a prepaid purchase card that is issued or sold for a specific good or service;
 - (b) a prepaid purchase card that is issued or sold for a charitable purpose;
 - (c) a prepaid purchase card that is issued or sold
 - (i) for a marketing, advertising or promotional purpose, and
 - (ii) to a person who
 - (A) provides nothing of value in exchange for the card, or
 - (B) purchased the card for an amount less than its full monetary value.

Permitted fees in relation to prepaid purchase cards

- 3 (1) A supplier may charge a fee
 - (a) for replacing a lost or stolen prepaid purchase card, or
 - (b) to customize a prepaid purchase card.
- (2) A supplier that sells a prepaid purchase card entitling a consumer to apply it towards purchasing goods or services from multiple unaffiliated sellers may do the following:
 - (a) at the time the card is purchased, charge a maximum purchase fee of \$1.50;
 - (b) subject to section 4 (2) and subsection (3) of this section, charge a post-purchase fee in relation to the card if
 - (i) the fee is charged no earlier than
 - (A) 15 months after the end of the month in which the card is purchased, if the consumer holding the card does not deliver written notice to the supplier requesting an extension in that 15th month, or
 - (B) 18 months after the end of the month in which the card is purchased, if the consumer holding the card delivers written notice to the supplier requesting an extension in the 15th month after the end of the month in which the card is purchased, and
 - (ii) the fee does not exceed \$2.50 per month.

- (3) A post-purchase fee permitted under subsection (2) (b) may only be charged as a deduction from the balance of the monetary value remaining on the prepaid purchase card.

Manner of providing information required under section 56.4 of the Act

- 4 (1) At the time a prepaid purchase card is issued or sold, the supplier must provide the information required under section 56.4 (1) of the Act clearly and in a manner that is likely to bring it to the attention of the person to whom the card is issued or sold.
- (2) Without limiting subsection (1), a supplier who sells a prepaid purchase card entitling a consumer to apply it towards purchasing goods or services from multiple unaffiliated sellers and wishes to charge post-purchase fees permitted under section 3 (2) (b) in respect of that card must prominently display on the card itself, in a clear and comprehensible manner, the information described in section 3 (2) (b).