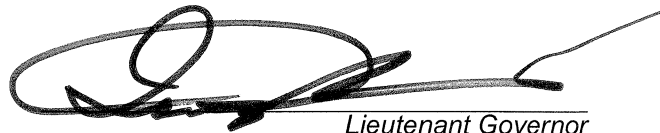


ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

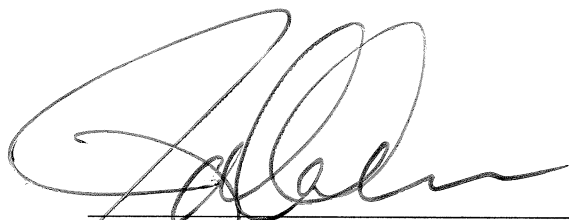
Order in Council No. 1253 , Approved and Ordered

DEC 11 2004

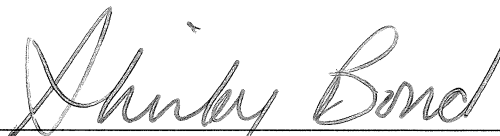
  
Lieutenant Governor

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 January 1, 2005, the Motor Dealer Act Regulation, B.C. Reg. 447/78, is amended as set out in the attached Schedule.



Minister of Small Business and  
Economic Development



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:- Motor Dealer Act, R.S.B.C. 1996, c. 316, s. 38

Other (specify):- OIC 2465/78

December 2, 2004

1553 /2004/12

## SCHEDULE

- I**     *The Motor Dealer Act Regulation, B.C. Reg. 447/78, is amended by adding the following section:*

***Business Practices and Consumer Protection Act powers***

- 29**     (1) For the purposes of section 8.1 of the Act, the following provisions of the *Business Practices and Consumer Protection Act* are prescribed:
- (a) sections 4 to 6 [*deceptive acts or practices*];
  - (b) sections 7 to 10 [*unconscionable acts or practices*].
- (2) Without limiting any other rights and powers of the registrar under the Act, the registrar may, in relation to the provisions prescribed in subsection (1), exercise
- (a) the rights and powers under the following sections of the Act:
    - (i) section 4 (5) [*impose condition on registration*];
    - (ii) section 5 [*refusal, suspension or termination of registration*];
    - (iii) section 7 (1) [*inquiries*];
    - (iv) section 25 (3) [*complaints*];
    - (v) section 27 (1) to (3) [*order to refrain from dealing with assets*];
    - (vi) section 28 (1) [*appointment of receiver*];
    - (vii) section 31 [*court order to comply*];
    - (viii) section 32 (1) [*financial statements*], and
  - (b) the rights and powers of the director under the following provisions of Part 10 of the *Business Practices and Consumer Protection Act*:
    - (i) sections 149 to 153 [*inspections*], except section 151 (2) and (3);
    - (ii) sections 154, 155 and 157 (1) [*undertakings and orders*];
    - (iii) sections 158 (2), 159, 161 (1), and 163 (1) [*appointment of receivers and property freezing orders*];
    - (iv) sections 164 (1), 166 and 168 (2) [*administrative penalties*];
    - (v) sections 172 and 173 (2) [*court proceedings*].
- (3) The following provisions of the Act apply to the exercise by the registrar of any of the rights or powers referred to in subsection (2):
- (a) section 6 [*hearing if requested*];
  - (b) section 7 (2) [*providing information and documents*];
  - (c) section 25 (1) and (2) [*complaints*];
  - (d) section 26 [*inspection*];
  - (e) section 27 (4) and (5) [*order to refrain from dealing with assets*];
  - (f) section 28 (2) to (4) [*appointment of receiver*];

- (g) section 29 [*confidentiality of information*];
  - (h) section 30 [*service of notices*];
  - (i) section 32 (2) [*financial statements*];
  - (j) section 33 [*admissibility of registrar's certificates*];
  - (k) section 35 [*offences*];
  - (l) section 35.1 [*penalties*];
  - (m) section 36 [*limitation period*];
  - (n) section 37 [*liability of registrar and others*].
- (4) The following provisions of Part 10 of the *Business Practices and Consumer Protection Act* apply to the exercise by the registrar of any of the rights or powers referred to in subsection (2):
- (a) section 151 (2) and (3) [*inspections*];
  - (b) section 157 (2) [*undertakings and orders*];
  - (c) sections 160, 161 (2) and (3), 162 and 163 (2) to (4) [*appointment of receivers and property freezing orders*];
  - (d) sections 164 (2) to (5), 165, 167, 168 (1) and 170 [*administrative penalties*];
  - (e) section 173 (1) and (3) [*court proceedings*].