

PROVINCE OF BRITISH COLUMBIA

ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

Order in Council No. 312, Approved and Ordered MAY 15 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

- (a) the Employment and Assistance Regulation, B.C. Reg. 263/2002, is amended as set out in sections 1 and 2 of the schedule to this order, and
- (b) the Employment and Assistance for Persons with Disabilities Regulation, B.C. Reg. 265/2002, is amended as set out in sections 3 and 4 of the Schedule to this order.

  
Minister of Employment and Income Assistance

  
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:- *Employment and Assistance Act, S.B.C. 2002, c. 40, s. 35;*  
*Employment and Assistance for Persons with Disabilities Act, S.B.C. 2002, c. 41, s. 26*

Other (specify):- OIC 873/2002; OIC 874/2002

May 1, 2008

R /418 /2008/14

## SCHEDULE

### EMPLOYMENT AND ASSISTANCE REGULATION

1 *Section 39 (1) (a) of the Employment and Assistance Regulation, B.C. Reg. 263/2002, is amended by striking out “sections 41 to 47,” and substituting “sections 41 to 47.1,”.*

2 *The following section is added:*

#### **Family units ineligible or declared ineligible in relation to convictions or judgments**

47.1 (1) In the circumstances described in subsection (2), the minister may provide hardship assistance to a family unit that under section 15 (5) (a) [*consequences for conviction or judgment in relation to Act*] of the Act is not eligible for income assistance because it includes only

(a) persons convicted of an offence under the *Criminal Code*, this Act or the *Employment and Assistance for Persons with Disabilities Act* in relation to obtaining money under this Act or the *Employment and Assistance for Persons with Disabilities Act* by fraud or false or misleading representation,

(b) persons convicted of an offence under this Act or the *Employment and Assistance for Persons with Disabilities Act*, or

(c) persons in respect of whom

(i) a court has given judgment in favour of the government in an action for debt for obtaining income assistance, hardship assistance or a supplement under this Act or disability assistance, hardship assistance or a supplement under the *Employment and Assistance for Persons with Disabilities Act*, for which he or she was not eligible, and

(ii) the minister has made a declaration under section 15 (3) of the Act.

(2) The minister may provide hardship assistance to a family unit described in subsection (1) if the minister considers that otherwise

(a) the family unit will experience undue hardship, and

(b) the physical health of a person in the family unit will be in imminent danger.

### EMPLOYMENT AND ASSISTANCE FOR PERSONS WITH DISABILITIES REGULATION

3 *Section 35 (1) (a) of the Employment and Assistance for Persons with Disabilities Regulation, B.C. Reg. 265/2002, is amended by striking out “sections 37 to 42,” and substituting “sections 37 to 42.1,”.*

4 *The following section is added:*

**Family units ineligible or declared ineligible in relation to convictions or judgments**

- 42.1** (1) In the circumstances described in subsection (2), the minister may provide hardship assistance to a family unit that under section 14 (5) (a) [*consequences for conviction or judgment in relation to Act*] of the Act is not eligible for disability assistance because it includes only
- (a) persons convicted of an offence under the *Criminal Code*, this Act or the *Employment and Assistance Act* in relation to obtaining money under this Act or the *Employment and Assistance Act* by fraud or false or misleading representation,
  - (b) persons convicted of an offence under this Act or the *Employment and Assistance Act*, or
  - (c) persons in respect of whom
    - (i) a court has given judgment in favour of the government in an action for debt for obtaining disability assistance, hardship assistance or a supplement under this Act or income assistance, hardship assistance or a supplement under the *Employment and Assistance Act*, for which he or she was not eligible, and
    - (ii) the minister has made a declaration under section 14 (3) of the Act.
- (2) The minister may provide hardship assistance to a family unit described in subsection (1) if the minister considers that otherwise
- (a) the family unit will experience undue hardship, and
  - (b) the physical health of a person in the family unit will be in imminent danger.