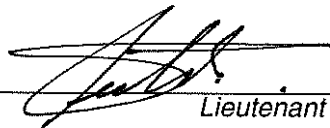


PROVINCE OF BRITISH COLUMBIA

ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

Order in Council No. 791, Approved and Ordered NOV 22 2007


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and consent of the Executive Council, orders that the Insurance Company Exemption Regulation B.C. Reg. 323/90, is repealed and the attached Insurance Company Exemption Regulation is enacted.


Minister of Finance


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:- Financial Institutions Act, R.S.B.C. 1996, c. 141, s. 289

Other (specify):- oic 1347/90

INSURANCE COMPANY EXEMPTION REGULATION

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Interpretation

- 1 In this regulation, "Act" means the *Financial Institutions Act*.

Exemption from application of Parts 1 to 10 of the Act

- 2 Parts 1 to 10 of the Act do not apply to the following:
 - (a) the deposit insurance corporation;
 - (b) the Canada Deposit Insurance Corporation;
 - (c) the Canadian Investor Protection Fund;
 - (d) the government, or a corporation that is an agent of the Crown, in respect of a program established under the *Insurance for Crops Act* or the *Farm Income Insurance Act*;
 - (e) the Real Estate Compensation Fund Corporation established under the *Real Estate Services Act*.

Exemption from application of Parts 1 to 6 of the Act

- 3 Parts 1 to 6 of the Act do not apply to the following:
 - (a) the Canadian Life and Health Insurance Compensation Plan administered by the Canadian Life and Health Insurance Compensation Corporation;
 - (b) the Property and Casualty Insurance Compensation Plan;
 - (c) the Real Estate Errors and Omissions Insurance Fund continued under the *Real Estate Services Act*

Manufacturer's and retailer's warranties

- 4 Section 75 of the Act does not apply to
 - (a) a manufacturer or a retailer
 - (b) a corporation of which the manufacturer or retailer is a wholly owned subsidiary, or
 - (c) a wholly owned subsidiary of the manufacturer or retailerthat provides vehicle warranty insurance or product warranty insurance that is solely incidental to the sale of the vehicle or product by the manufacturer or retailer.

Employee benefits

- 5 (1) In this section:

“employee benefits” means one or more of the following that are provided to employees or their dependants:

- (a) accident and sickness insurance;
- (b) disability insurance;
- (c) life insurance;

“employees” includes former employees, directors, former directors, officers, former officers and, in respect of a union or society, members and former members;

“employer” includes

- (a) a group of employers,
- (b) a union or group of employers, and
- (c) an entity formed by an employer to provide employee benefits to the employer’s employees.

(2) Section 75 of the Act does not apply to an employer that provides employee benefits to employees or their dependants, on the condition that the employer discloses in writing to the employer’s employees that

- (a) the employee benefits are not insured by an insurance company regulated under the Act, and
- (b) the employer is exempt from the regulatory requirements of the Act.

Charitable gift annuities

6 (1) In this section:

“charitable gift annuity” means an annuity

- (a) provided by a charitable organization in return for a transfer of cash or other property by a donor to the charitable organization, and
- (b) with a value that is less than the value of the cash or other property transferred, and the difference in value is a charitable deduction under the *Income Tax Act* (Canada);

“charitable organization” means a charitable organization that is a registered charity, as defined in section 248 of the *Income Tax Act* (Canada).

(2) Section 75 of the Act does not apply to a charitable organization that provides a charitable gift annuity to a donor, on the condition that the charitable organization discloses in writing to the donor, when entering into an agreement with the donor, that

- (a) the charitable gift annuity is not insured by an insurance company regulated under the Act, and
- (b) the charitable organization is exempt from the regulatory requirements of the Act.

Extraprovincial insurance agencies

7 Division 1 of Part 6 of the Act does not apply to an extraprovincial corporation that

- (a) is licensed under Division 2 of the Part 6 as an insurance agent or insurance adjuster, and

(b) carries on insurance business only in its capacity as an insurance agent or insurance adjuster.

BCAA Insurance Corporation

8 Section 131 of the Act does not apply to the BCAA Insurance Corporation, on condition that its financial year end is September 30.