

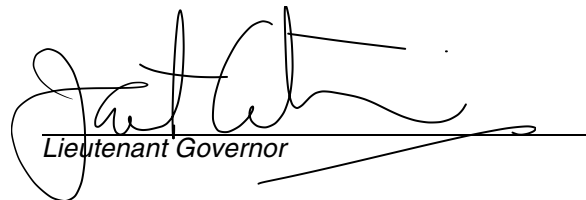
PROVINCE OF BRITISH COLUMBIA

ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

Order in Council No. 365

, Approved and Ordered

June 29, 2020



Lieutenant Governor

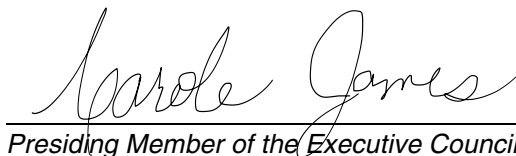
Executive Council Chambers, Victoria

On the recommendation of the undersigned, the Lieutenant Governor, by and with the advice and consent of the Executive Council, orders that, effective September 1, 2020,

- (a) sections 1 to 80 of *Arbitration Act*, S.B.C. 2020, c. 2, are brought into force,
- (b) the *Arbitration Act Application Regulation*, B.C. Reg. 96/2019, is repealed, and
- (c) the attached *Arbitration Regulation* is made.



Attorney 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: *Arbitration Act*, S.B.C. 2020, c. 2, ss. 2, 67, 69 and 82

Other:

R10410477

ARBITRATION REGULATION

Contents

- 1 Definitions
- 2 Designated appointing authority
- 3 Prescribed agreements
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Definitions

1 In this regulation:

“**Act**” means the *Arbitration Act*;

“**AIT**” means the Agreement on International Trade entered into by the governments of Canada, the provinces, Yukon and the Northwest Territories and includes amendments to the agreement;

“**BPM**” means Division C of the BPMA;

“**BPMA**” means the Agreement Among the Parties to the New West Partnership Establishing the Bid Protest Mechanism entered into by the governments of Alberta, British Columbia, Manitoba and Saskatchewan, effective January 1, 2019, and includes amendments to the agreement;

“**CETA**” means the Canada-European Union Comprehensive Economic and Trade Agreement entered into by the government of Canada and includes amendments to the agreement;

“**CFTA**” means the Canadian Free Trade Agreement entered into by the governments of Canada, the provinces, Yukon, the Northwest Territories and Nunavut and includes amendments to the agreement;

“**CPTPP**” means the Comprehensive and Progressive Agreement for Trans-Pacific Partnership entered into by the government of Canada and includes amendments to that agreement;

“**GPA**” means the World Trade Organization Agreement on Government Procurement entered into by the government of Canada and includes the Protocol Amending the Agreement on Government Procurement, done at Geneva on March 30, 2012, and amendments to those agreements;

“**NWPTA**” means the New West Partnership Trade Agreement entered into by the governments of British Columbia, Alberta and Saskatchewan on April 30, 2010, and by the government of Manitoba on December 16, 2016, and includes amendments to the agreement;

“**TILMA**” means the Trade, Investment and Labour Mobility Agreement entered into by the governments of British Columbia and Alberta and includes amendments to the agreement.

Designated appointing authority

- 2** The Vancouver International Arbitration Centre is designated to act as the designated appointing authority under the Act.

Prescribed agreements

- 3** For the purposes of section 2 (5) (c) [*agreements the Act does not apply to*] of the Act, the following agreements are prescribed:
- (a) the AIT;
 - (b) the BPMA;
 - (c) the CFTA;
 - (d) the NWPTA;
 - (e) the TILMA.

Exceptions in relation to prescribed agreements

- 4**
- (1) For the purposes of Article 8 (3) of Division A of the BPMA and Article 41 of the NWPTA as that agreement read at the beginning of the day on December 31, 2018, section 58 (1) (c) and (f) to (i) [*application for setting aside arbitral awards*] of the Act applies to an arbitrator's final report issued under Article 38 (5) of the NWPTA, as that agreement read at the beginning of the day on December 31, 2018.
 - (2) For the purposes of Article 9 of the BPM as it relates to a specific procurement covered by any one of the CETA, CFTA, CPTPP, GPA or NWPTA, section 58 (1) (c) and (f) to (i) of the Act applies to an arbitrator's report issued under Article 5 (5) of the BPM.
 - (3) For the purposes of Article 31 of the NWPTA as that Article applies to the BPMA, section 58 (1) (c) and (f) to (i) of the Act applies to
 - (a) a panel report considered final under Article 27 (16) or (17) of the NWPTA,
or
 - (b) a compliance report issued under Article 29 (6) of the NWPTA.
 - (4) For the purposes of Article 31 of the NWPTA, section 58 (1) (c) and (f) to (i) of the Act applies to
 - (a) a panel report considered final under Article 27 (16) or (17) of the NWPTA,
or
 - (b) a compliance report issued under Article 29 (6) of the NWPTA.
 - (5) For the purposes of Article 31 of the TILMA, section 58 (1) (c) and (f) to (i) of the Act applies to a compliance report that has awarded a monetary award under Article 29 (7).
 - (6) Section 70 [*transition*] of the Act applies for the purposes of this section.