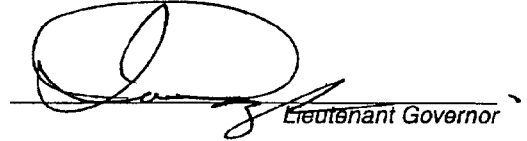


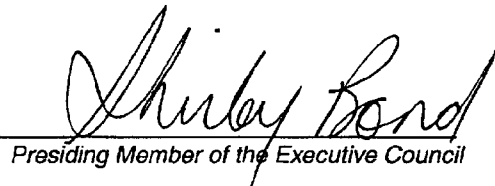
PROVINCE OF BRITISH COLUMBIA
ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

Order in Council No. **1040**, Approved and Ordered NOV 28 2002


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 March 3, 2003, the attached regulation be made, as the Lieutenant Governor in Council is of the opinion that the matters set out in the attached regulation are insufficiently provided for, or are not provided for, in Part 2 of the *Workers Compensation Amendment Act (No. 2), 2002*, S.B.C. 2002, c. 66, and are necessary for the orderly transition to the appeal tribunal of proceedings before the review board and the appeal division.


Minister of Skills Development and Labour
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:- Workers Compensation Amendment Act (No. 2), 2002, section 44

Other (specify):- _____

November 18, 2002

1260 12002/4

TRANSITIONAL REVIEW AND APPEAL REGULATION

Definitions

1 In this regulation:

“Act” means the *Workers Compensation Act*;

“amendment Act” means the *Workers Compensation Amendment Act (No. 2), 2002*;

“appeal division” means the appeal division, as defined in section 79 of the Act, immediately before that definition was repealed by the amendment Act;

“review board” means the review board, as defined in section 1 of the Act, immediately before that definition was repealed by the amendment Act;

“transition date” means the date section 232 (1) of the Act, as enacted by the amendment Act, comes into force.

Unexercised rights

2 (1) If, before the transition date,

(a) a person has not exercised a right under the Act to appeal a decision of the Board to the review board, and

(b) the time period within which the person must exercise that right has expired, the person may apply to the chief review officer under section 96.2 (4) of the Act, as enacted by the amendment Act, to extend the time to request a review under that section and the chief review officer may extend the time to file the request for review under that section.

(2) If, before the transition date,

(a) a person has not exercised a right under the Act to appeal

(i) a decision of the Board to the appeal division, or

(ii) a finding of the review board to the appeal division, and

(b) the time period within which the person must exercise that right has expired, the person may apply to the chair under section 243 (3) of the Act, as enacted by the amendment Act, to extend the time to file a notice of appeal under that section and the chair may extend the time to file the notice of appeal under that section.

(3) A person who is granted an extension of time to file a request for review or a notice of appeal under subsection (1) or (2) may request a review or appeal the decision or finding, as the case may be, within the extended period.