

► WHY WE COUNT?

The regulatory requirements count is an indicator of the overall regulatory burden on citizens, businesses and government in British Columbia. It is a simple measure that approximates the aggregate regulatory burden by counting the total number of required actions.

► DEFINITION

A regulatory requirement is any action or step that must be taken, or information that must be provided to access services, carry out business, or meet legal responsibilities under provincial legislation, regulation, policy, or forms.

► THE COUNTING PROCESS

Counting regulatory requirements is a process that requires thorough consideration of legislative language. No matter what the specific wording in legislation, regulation or policy, it is the actions resulting from the wording that are taken into account.

On the pages that follow you will find excerpts from legislation or regulation that illustrate how items are counted and the rationale for the count, as well as examples of items that are not considered a regulatory requirement.





► WHAT WE COUNT

General Requirements are actions or steps that must be taken, or pieces of information that must be provided, to access services, carry out business or pursue legislated privileges. The words “must” or “shall” are strong indicators of a requirement.

STATUTE, REGULATION, POLICY OR FORM PROVISION	THE COUNT
A person who holds a permit under this Act must produce it on demand	Count = 1, must produce
The society [for the prevention of cruelty to animals] must notify the registrar when a branch ceases to exist.	Count = 1, must notify
A person must not move beekeeping equipment used in an apiary to a different place without a permit from an inspector.	Count = 1, must have permit to move equipment
I declare the information on this form is correct. X _____.	Count = 1, signature validates form

Multiple Requirements may be listed within a single provision. Each piece of information or action is counted as one requirement.

STATUTE, REGULATION, POLICY OR FORM PROVISION	THE COUNT
a) The notice [of intended sale] must state the b) name of the guest, boarder or lodger, c) amount of that person's indebtedness, d) description of the baggage or other property to be sold, e) time and place of sale, and f) name of auctioneer.	Count = 6 , must state: 1. name 2. amount 3. description 4. time 5. place 6. name of auctioneer
If the Society establishes a branch, it must promptly send the Registrar of Companies a notice setting out the date the branch was formed, the title of the branch, the locality and powers of the branch.	Count = 4, must send notice setting out: 1. date 2. title 3. locality 4. powers



► WHAT WE COUNT

Conditional Requirements apply when an optional course of action is pursued. To illustrate, getting a licence to drive a car in BC is an optional course of action, but you cannot drive without a licence. If you choose to get a driver's licence, you must meet certain requirements (e.g. pass a road test).

STATUTE, REGULATION, POLICY OR FORM PROVISION	THE COUNT
(1) A licensee may request the director to reconsider a decision or an order made under this Act. (2) On receiving a request for reconsideration, the director must reconsider the decision.	Count = 1 (1) may request: is a voluntary action and is not counted (2) must reconsider: is not a voluntary action and is counted
(15) An authorized agent may enter a [business] during regular business hours for the purposes of determining whether an animal is in distress on the premises. (16) An authorized agent exercising a power under section 15 must , on demand, produce his or her certificate of appointment.	Count = 1 (15) may enter: is a voluntary action and is not counted (16) must produce: is not a voluntary action and is counted

Options occur when two or more parallel courses of action are offered, but only one must be taken. In most of the cases, because only one option must be taken, the set of options is equal to one requirement. Often, the word "or" indicates an option as does the phrase, "must not unless".

STATUTE, REGULATION, POLICY OR FORM PROVISION	THE COUNT
A person must not practice or offer to practice the profession of architecture unless the person a) is a holder of a current certificate of practice , or b) practices as authorized by this Act through an architectural firm that is a holder of a current certificate of practice.	Count = 1 , person is only required to meet one of the criteria



▶ WHAT WE COUNT

On forms, a regulatory requirement is a 'complete piece of information' that must be provided, regardless of the form design or layout. We count requirements, not boxes.

Some forms are designed for multiple uses and not every person needs to complete all sections. In this case, the average or most reasonable use of that form is considered when calculating the regulatory requirements.

STATUTE, REGULATION, POLICY OR FORM PROVISION		THE COUNT
_____ First Name	_____ Last Name	Count = 1 Full name is a complete piece of information.
_____ Apt#	_____ Street	Count = 1 Address is a complete piece of information and is counted as 1, not 5.
_____ City	_____ Province	
_____ Postal code		
_____ Legal Name		Count = 3 Each item is a complete piece of information that provides unique data.
_____ Mailing Address		
_____ Phone Number		



► WHAT WE DO NOT COUNT

Discretionary Actions usually speak to the rights endowed by the legislation, regulation or policy that may be exercised, if chosen. They are descriptions of liberties, entitlements or limits under legislation, not requirements. Voluntary actions are not counted.

STATUTE, REGULATION, POLICY OR FORM PROVISION	THE COUNT
An inspector who believes on reasonable grounds that food... is contaminated or otherwise unfit for human consumption may seize the food or have it seized.	Count = 0, may seize is a voluntary action and is not counted
The board is entitled to be a party to the hearing of the appeal and may take part in the proceedings.	Count = 0 is entitled: is a voluntary right and is not counted may take part: is a voluntary action and is not counted

Qualifiers describe how a requirement is to be undertaken or done. The requirement is counted, but not the qualifier. A qualifier can be removed without affecting the number of steps involved in a process or action.

STATUTE, REGULATION, POLICY OR FORM PROVISION	THE COUNT
A host local government must notify, in writing, each potentially affected local government.	Count = 1 must notify: is not voluntary and is counted in writing: describes the format of the notification and is not counted
The Registrar must appoint a replacement for a period of not more than six months.	Count = 1 must appoint: is not voluntary and is counted for a period: describes the time limit on the appointment and is not counted



▶ WHAT WE DO NOT COUNT

Prohibitions – A requirement is an action that must be taken or information that must be provided.

A prohibition, in contrast, is a required inaction. It is the opposite of a requirement and is not counted.

STATUTE, REGULATION, POLICY OR FORM PROVISION	THE COUNT
The council must not implement , a resolution if to do so would constitute a breach of statutory duty.	Count = 0
A collector must not communicate or attempt to communicate with a debt- or in a manner or with a frequency as to constitute harassment.	Count = 0

Duplications occur when the same requirement is stated and then repeated elsewhere, usually in the associated regulation or policy or in another piece of legislation. Requirements can also be repeated within the same piece of legislation. To make it easier for people to find all of the applicable requirements, the exact same requirements may be listed for each user category. For example, the requirement to keep records may be stated in the section for vegetable growers as well as the section related to fruit growers.

Providing the requirement is identical for each user category, it should only be counted once.

STATUTE, REGULATION, POLICY OR FORM PROVISION	THE COUNT
Act – “The board must make its final decision, with reasons, in writing and must make any final order in writing. ” Regulation – “the boards final decision and reason must be in writing. ” Policy – “(4) An applicant for a security worker licence or its renewal must meet all conditions, qualifications and requirements imposed by this Act and the regulation. ”	Act Count = 1, must make final order in writing Regulation Count = 0, requirement is already counted in the Act Policy Count = 0, all requirements are stated in the Act and the regulation and already counted
Liquor primary licences – Section 10 (1) (b) subject to limitation by the general manager, hours of liquor service must start no earlier than 9 a.m. and end no later than 4 a.m. the next day; Food primary licences – Section 18 (1) (c) subject to limitation by the general manager, hours of liquor service must start no earlier than 9 a.m. and end no later than 4 a.m. the next day;	Regulation Count = 1, the identical requirement is counted once in s.10 (1)(b).