



Notice to Members Wishing to Stand for Election to the Board of Directors of BCPWA

The provincial *Business Corporations Act* establishes restrictions concerning eligibility to serve on the Boards of Directors of incorporated bodies, including societies incorporated under the *Society Act*. These restrictions apply to would-be members of the BCPWA Board of Directors.

Specifically, the *Business Corporations Act* provides:

- 124** (1) A person must not become or act as a director of a company unless that person is an individual who is qualified to do so.
- (2) An individual is not qualified to become or to act as a director of a company if that individual is
- (a) under the age of 18 years,
 - (b) found by a court, in Canada or elsewhere, to be incapable of managing the individual's own affairs,
 - (c) an undischarged bankrupt, or
 - (d) convicted in or out of British Columbia of an offense in connection with the promotion, formation or management of a corporation or unincorporated business, or of an offence involving fraud, unless
 - (i) the court orders otherwise,
 - (ii) 5 years have elapsed since the last to occur of
 - (A) the expiration of the period set for suspension of the passing of sentence without a sentence having been passed,
 - (B) the imposition of a fine,
 - (C) the conclusion of the term of any imprisonment, and
 - (D) the conclusion of the term of any probation imposed, or
 - (iii) a pardon was granted or issued under the under the *Criminal Records Act* (Canada).
- (3) A director who ceases to be qualified to act as a director of a company must promptly resign.