

# MOTION IN AMENDMENT

## BILL 21

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I, Honourable Niki Sharma, move, in Committee of the Whole, on

### Bill 21

#### *Legal Professions Act*

to amend as follows:

**CLAUSE 78, by adding the underlined text as shown and deleting the text shown as struck out:**

#### **Entry and inspection**

- 78** (1) For the purpose of an investigation, the chief executive officer may, subject to any limit or condition established in the rules, do any of the following without a warrant:
- (a) during business hours, enter the business premises in which a licensee, trainee or law firm practises law;
  - (b) inspect or examine the records, or any other thing, of a licensee, trainee or law firm that relate to the practice of law by the licensee, trainee or law firm;
  - (c) observe the practice of law by the licensee, trainee or law firm or the licensee's supervision of the practice of law.
- (2) Despite subsection (1), the chief executive officer may enter business premises located in the private residence of a licensee or trainee only with the consent of the licensee or trainee or under the authority of a warrant issued under section 79 (3).
- (3) For the purpose of an investigation, the chief executive officer may order a licensee, a trainee, the representative of a law firm or any other person who may have information or records that are relevant to the investigation to do one or more of the following:
- (a) attend, in person or by electronic means, before the chief executive officer to answer questions on oath or in any other manner;
  - (b) provide written answers to written questions;

- (c) produce for the chief executive officer a record or thing in the custody or under the control of the licensee, trainee, ~~or law firm~~ or person.
- (4) The chief executive officer may apply to the Supreme Court for an order directing a person subject to an order under subsection (3) to comply with the order.
- (5) In granting an order under subsection (4), the court may do the following:
  - (a) modify an order under subsection (3);
  - (b) make an order for costs of the proceeding.
- (6) If a licensee, a trainee or the representative of a law firm fails to comply with an order under subsection (3), the chief executive officer may make an order suspending the licensee's licence, the trainee's enrolment as a trainee or the permit of the law firm until the licensee, trainee or representative complies with the order.
- (7) An order under subsection (6) must
  - (a) be in writing,
  - (b) include reasons for the order,
  - (c) specify the duration of the suspension,
  - (d) be delivered to the licensee, trainee or law firm subject to the order, and
  - (e) inform the licensee, trainee or law firm subject to the order of the right to apply, under subsection (8), for a review of the order.
- (8) A licensee, trainee or law firm subject to an order under subsection (6) may, at any time while the order is effective, apply to the tribunal for a review of the order.

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**The Honourable Niki Sharma**

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I, Honourable Niki Sharma, move, in Committee of the Whole, on

#### **Bill 21**

#### ***Legal Professions Act***

to amend as follows:

**CLAUSE 225, by deleting the text shown as struck out and adding the underlined text as shown:**

#### **Transition – advisory committee**

- 225** (1) An advisory committee is established for the purpose of advising the transitional board and the transitional Indigenous council on the following:
- (a) the transition from the operation of the former Acts to the operation of this Act;
  - (b) the first rules of the board.
- (2) The advisory committee consists of the following members:
- (a) the executive director of the Law Society or a designate of the executive director;
  - (b) the executive director of the Society of Notaries Public or a designate of the executive director;
  - (c) the executive director of the Law Foundation of British Columbia or a designate of the ~~chief executive officer~~ executive director;
  - (d) one member who is an employee of the government appointed by the Attorney General to act as a liaison between the government and the advisory committee.

(3) The advisory committee is dissolved on the amalgamation date.

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**The Honourable Niki Sharma**