



REVISED STATUTES OF BRITISH COLUMBIA, 1936.

CHAPTER 1.

An Act respecting the Form and Interpretation of the Statutes.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

Short Title.

1. This Act may be cited as the “ Interpretation Act.” R.S. Short title. 1924, c. 1, s. 1.

Application.

2. (1.) This Act, and each provision thereof, shall extend and apply to these Revised Statutes, and to every Act passed after these Revised Statutes take effect, and to all Statutes of the Legislature, except in so far as any provision thereof is inconsistent with the intention and object of any Act, or the interpretation which the provision would give to any word, expression, or clause is inconsistent with the context, and except in so far as any provision thereof is in any Act declared not applicable thereto. Application of Act.

(2.) The omission in any Act of a declaration that the “ Interpretation Act ” shall apply thereto shall not be construed to prevent it so applying, although such express declaration may be inserted in some other Act or Acts of the same session. R.S. 1924, c. 1, s. 2.

3. The provisions of this Act shall apply to the construction hereof, and to the words and expressions used herein. R.S. 1924, c. 1, s. 3. Construction of Act.

Form of Statutes.

Form of enacting clause.

4. The following words may be inserted in the preambles of Statutes, and shall indicate the authority by virtue of which they are passed: "His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows." R.S. 1924, c. 1, s. 4.

Clauses to follow preamble in concise form.

5. After the insertion of the words aforesaid, which shall follow the setting forth of the considerations or reasons upon which the law is grounded, if such considerations or reasons are set forth, and which shall, with such considerations or reasons, when given, constitute the entire preamble, the various clauses of the Statute shall follow in a concise and enunciative form. R.S. 1924, c. 1, s. 5.

Commencement.

Effect of endorsement of date of assent on Acts in determining date of their commencement.

6. The Clerk of the Legislative Assembly shall endorse on every Act of the Legislature, immediately after the title of the Act, the day, month, and year when the same was by the Lieutenant-Governor assented to, or reserved; and in the latter case, the Clerk of the Legislative Assembly shall also endorse thereon the day, month, and year when the Lieutenant-Governor has signified, either by speech or message to the Legislative Assembly, or by Proclamation, that the same was laid before the Governor-General in Council, and that the Governor-General was pleased to assent to the same; and such endorsement shall be taken to be a part of the Act, and the date of such assent or signification, as the case may be, shall be the date of the commencement of the Act, if no later commencement is therein provided. R.S. 1924, c. 1, s. 6.

Hour of commencement.

7. Where an Act or any Order in Council, order, warrant, scheme, letters patent, rule, regulation, or by-law made, granted, or issued under a power conferred by any Act is expressed to come into operation on a particular day, the same shall be construed as coming into operation immediately on the expiration of the previous day. R.S. 1924, c. 1, s. 7.

Exercise of statutory powers between passing and commencement of Act.

8. Where an Act is not to come into operation immediately on the passing thereof, and confers power:—

- (a.) To make any appointments:
- (b.) To make, grant, or issue any instrument (that is to say, any Order in Council, order, warrant, scheme, letters patent, rule, regulation, or by-law):
- (c.) To give notices:
- (d.) To prescribe forms; or
- (e.) To do any other thing for the purposes of the Act,—

that power, unless the contrary intention appears, may, so far as is necessary or expedient for the purpose of making the Act effective at the date of the commencement thereof, be exercised at any time after the passing of the Act, subject to this restriction, that any instrument made under the power shall not, unless the contrary intention appears in the Act, or the contrary is necessary for making the Act effective from its commencement, come into operation until the Act comes into operation. R.S. 1924, c. 1, s. 8.

Continuation.

9. Where any Bill is introduced in any session of the Legislature for the continuance of any Act which would expire in that session, and the Act expires before the Bill for continuing the same receives the assent of the Lieutenant-Governor, the continuing Act shall be deemed and taken to have effect from the date of the expiration of the Act intended to be continued, as fully and effectually, to all intents and purposes, as if the continuing Act had actually passed before the expiration of the Act intended to be continued, except it is otherwise especially provided in the continuing Act; but nothing herein contained shall extend, or be construed to extend, to affect any person with any punishment, penalty, or forfeiture whatsoever, by reason of anything done or omitted to be done by such person contrary to the provisions of the Act so continued, between the expiration of the same and the date on which the continuing Act receives the assent of the Lieutenant-Governor. R.S. 1924, c. 1, s. 9.

Effect of continuing Act passed after expiration of Act intended to be continued.

Amendment and Repeal.

10. An Act of the Legislature may be amended, altered, or repealed by any Act passed in the same session thereof. R.S. 1924, c. 1, s. 10.

Amendment or repeal of Act by another Act of same session.

11. Where any Act repeals in whole or in part any former Act, and substitutes some provision or provisions instead of the provision or provisions repealed, the provision or provisions so repealed shall remain in force until the substituted provision or provisions come into operation by force of the last-made Act. R.S. 1924, c. 1, s. 11.

Continuance of repealed provisions until substituted provisions come into force.

12. Where any Act is repealed in whole or in part, and other provisions substituted, or where any regulation is revoked and other provisions substituted:—

Effect of repeal of Act or regulation on persons acting under it.

- (a.) All officers, persons, bodies politic or corporate, acting under the old law or regulation shall continue to act as if appointed under the new law or regulation until others are appointed in their stead:

- (b.) All proceedings taken under the old law or regulation shall be taken up and continued under the new law or regulation when not inconsistent therewith:
- (c.) All penalties and forfeitures may be recovered, and all proceedings had in relation to matters which have happened before the repeal or revocation, in the same manner as if the law or regulation were still in force, pursuing the new provisions as far as they can be adapted to the old law or regulations. R.S. 1924, c. 1, s. 12.

Effect of repeal of Act or regulation on acts done, offences committed, and rights under it.

13. (1.) The repeal of an Act in whole or in part or the revocation of a regulation at any time shall not affect:—

- (a.) Any act done, or any right, privilege, right of action, obligation, or liability existing, accrued, accruing, incurred, or established, under the Act or regulation repealed or revoked:
- (b.) Any offence committed, or penalty, forfeiture, or punishment incurred, under the Act or regulation repealed or revoked:
- (c.) Any investigation, legal proceeding, or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture, or punishment.

Remedies preserved.

(2.) Any such investigation, legal proceeding, or remedy may be instituted, continued, or enforced, and any such penalty, forfeiture, or punishment may be imposed, as if the repealing Act or regulation had not been passed.

Proceedings.

(3.) The proceedings in all such cases shall be conformable, so far as they consistently can be, to the repealing Act or regulation. R.S. 1924, c. 1, s. 13.

Provisions as to mitigation to extend to judgment under repealed provisions.

14. Where any penalty, forfeiture, or punishment is mitigated by any of the provisions of the repealing Act or regulation, such provision shall be extended and applied to any judgment to be pronounced after such repeal or revocation. R.S. 1924, c. 1, s. 14.

Appointments and bonds given before repeal.

15. All appointments, and all bonds and securities given by the parties appointed under any Act at any time passed and repealed, shall not be affected thereby, but remain in full force; and all offices, establishments, books, papers, and other things made or used under any repealed Act shall continue as before the repeal. R.S. 1924, c. 1, s. 15.

Regulations under repealed Act to continue valid until annulled.

16. Where any Act is repealed in whole or in part, and other provisions are substituted, all by-laws, orders, regulations, rules, and ordinances made under the repealed Act shall continue good and valid in so far as they are not inconsistent with the substi-

tuted Act, or enactment, until they are annulled or others made in their stead. R.S. 1924, c. 1, s. 16.

17. Where any Act is repealed in whole or in part, and other provisions are substituted by way of amendment, revision, or consolidation, any reference in any unrepealed Act, or in any rule, order, or regulation made thereunder to the repealed Act or enactment, shall, as regards any subsequent transaction, matter, or thing, be held and construed to be a reference to the provisions of the substituted Act or enactment, relating to the same subject-matter as the repealed Act or enactment; but where there is no provision in the substituted Act or enactment relating to the same subject-matter, the repealed Act or enactment shall stand good, and be read and construed as unrepealed, in so far, but in so far only, as is necessary to support, maintain, or give effect to the unrepealed Act, or the rule, order, or regulation made thereunder. R.S. 1924, c. 1, s. 17.

Reference to Act repealed to hold as to substituted Act.

18. An amending Act shall, so far as is consistent with the tenor thereof, be construed as one with the Act which it amends. R.S. 1924, c. 1, s. 18.

Construction of amending Acts.

19. The amendment of any Act shall not be deemed to be or to involve a declaration that the law under the Act was or was considered by the Legislature to have been different from the law as it has become under the Act as so amended. R.S. 1924, c. 1, s. 19.

Amendment of Act not a declaration that law is changed.

20. The repeal or amendment of any Act shall not be deemed to be or to involve any declaration whatsoever as to the previous state of the law. R.S. 1924, c. 1, s. 20.

Repeal or amendment not a declaration of previous state of law.

21. The repeal of any Act or part of an Act shall not be deemed to be or to involve a declaration that the Act or the part thereof so repealed was or was considered by the Legislature to have been previously in force. R.S. 1924, c. 1, s. 21.

Repeal of Act not a declaration that it was in force.

22. The repeal of any Act or part of an Act shall not revive any Act or provision of law repealed by such Act or part of an Act, or prevent the effect of any saving clause therein. R.S. 1924, c. 1, s. 22.

Repeal of Act not to revive any provision repealed by such Act.

Rules of Construction.

23. In construing this or any Act of the Legislature, unless it is otherwise provided, or there is something in the context or other provisions thereof indicating a different meaning, or calling for a different construction:—

How enactments shall be construed.

- (1.) The word "shall" is to be construed as imperative, and the word "may" as permissive:

"Shall" and "may."

Number and gender.

(2.) Words importing the singular number or the masculine gender only shall include more persons, parties, or things of the same kind than one, and females as well as males, and the converse, and any corporation to which the context may extend :

“ Herein.”

(3.) Where the word “ herein ” is used in any section of an Act, it is to be understood to relate to the whole Act, and not to that section only, unless the context otherwise requires :

Application of expressions in present tense.

(4.) The law is to be considered as always speaking, and whenever any matter or thing is expressed in the present tense, the same is to be applied to the circumstances as they arise, so that effect may be given to each Act, and every part thereof, according to its spirit, true intent, and meaning :

Preamble to be a part of Act.

(5.) The preamble of every Act shall be deemed a part thereof intended to assist in explaining the purport and object of the Act :

All Acts deemed remedial.

(6.) Every Act and every provision or enactment thereof shall be deemed remedial, whether its immediate purport be to direct the doing of anything which the Legislature deems to be for the public good, or to prevent or punish the doing of anything which it deems contrary to the public good ; and shall accordingly receive such fair, large, and liberal construction and interpretation as will best ensure the attainment of the object of the Act, and of such provision or enactment, according to their true intent, meaning, and spirit :

All Acts deemed public Acts.

(7.) Every Act shall, unless by express provision it is declared to be a private Act, be deemed to be a public Act, and shall be judicially noticed by all Judges, Magistrates, and others, without being specially pleaded :

Power to the Legislature to repeal or amend any Act.

(8.) Every Act shall be construed as to reserve to the Legislature the power of repealing or amending it, and of revoking, restricting, or modifying any power, privilege, or advantage thereby vested in or granted to any person or party whenever such repeal, amendment, revocation, restriction, or modification is deemed by the Legislature to be required for the public good :

References to Minister or officer to include his deputy.

(9.) Words directing or empowering a Minister of the Crown to do any act or thing, or otherwise applying to him by his name of office, shall include a Minister acting for or, if the office is vacant, in the place of such Minister, under authority of an Order in Council, and also his successors in such office, and his or their lawful deputy ; and words directing or empowering any other

public officer or functionary to do any act or thing, or otherwise applying to him by his name of office, shall include his successors in such office, and his or their lawful deputy:

- (10.) If anything is directed to be done by or before a Magistrate or other public functionary or officer, it shall be done by or before one whose jurisdiction or power extends to the place where such thing is to be done: Jurisdiction.
- (11.) Where power is given to any person, officer, or functionary to do or to enforce the doing of any act or thing, all such powers shall be understood to be also given as are necessary to enable that person, officer, or functionary to do or enforce the doing of the act or thing: Implied powers.
- (12.) Where an oath or affirmation or declaration is directed to be made before any person or officer, such person or officer shall have full power and authority to administer the same; and to certify its having been made: Power to administer oath.
- (13.) Words making any association or number of persons a corporation or body politic and corporate shall vest in such corporation:—
- (a.) Power to sue and be sued, contract and be contracted with, by its corporate name, to have a common seal, and to alter or change the same at its pleasure, and to have perpetual succession:
- (b.) Power to acquire and hold personal property or movables for the purposes for which the corporation is constituted, and to alienate the same at pleasure:
- (c.) And in any majority of the members of the corporation the power to bind the others by their acts:
- (d.) And shall also exempt the individual members of the corporation from personal liability for its debts, or obligations, or acts, if they do not contravene the provisions of the Act incorporating them:
- (14.) Definitions or rules of interpretation contained in any Act shall, unless the contrary intention appears, apply to the construction of the sections of the Act which contain those definitions or rules of interpretation, as well as to the other provisions of the Act: Interpretation sections.
- (15.) Every Schedule to an Act shall be deemed to be part of the Act. Schedules. R.S. 1924, c. 1, s. 23; 1934, c. 1, s. 2.

Definitions.

24. In every Act of the Legislature, unless the context otherwise requires:— Expressions defined.

- (1.) " Act," when referring to past legislation, shall include any Ordinance or Proclamation having the force of law:
- (2.) " Cascade Mountains " shall be construed to mean the line described as follows: Commencing at Boundary Point No. 7 (formerly known as Point " D "), being a monument set by survey upon the ground on the International Boundary between the Dominion of Canada and Alaska; thence in a straight line to the nearest point on the westerly boundary of the watershed of the Bear River; thence northerly along said westerly boundary to the point of junction thereof with the southerly boundary of the watershed of the Nass River; thence northerly, easterly, and southerly following the southerly and westerly boundaries of the watershed of Nass River to the point thereon which lies due west of the north-west corner of Lot 1704, Cassiar Land District; thence east to said corner; thence easterly following the northerly boundary of said lot to the north-east corner thereof; thence southerly following the westerly boundary of Indian Reserve No. 1 (Aiyansh) to the most southerly corner thereof, being a point on the northerly bank of Nass River; thence in a straight line across said river to the northerly extremity of the westerly boundary of the watershed of the Tseax River; thence in a general southerly direction along said westerly boundary and that of the watershed of the Kitsumgallum River to the southerly boundary of the watershed of Alice Creek, a tributary of said Kitsumgallum River; thence easterly along said southerly boundary to the point thereon which lies due west of the north-west corner of Lot 1410, Range 5, Coast Land District; thence east to said corner; thence southerly and easterly following the boundaries of said lot to the south-east corner thereof; thence southerly following the westerly boundary of Lot 1409 to the south-west corner thereof; thence easterly following the southerly boundary of said lot to the point thereon which lies due north of the more northerly north-east corner of Lot 701; thence south to said corner; thence southerly following the easterly boundary of said lot to the re-entrant angle thereof; thence easterly following the northerly boundary of said lot produced to the westerly boundary of the Kitsumkaylum Indian Reserve No. 1; thence southerly following said boundary of said Indian reserve to the south-west corner thereof; thence due south to the

southerly bank of Hellsgate Slough; thence easterly along said southerly bank and that of the Skeena River to the north-west corner of Lot 373; thence following the northerly and easterly boundaries of said lot to the south-east corner thereof; thence easterly following the northerly boundaries of Lots 1429 and 1051 to the north-east corner of Lot 1051—all the above-mentioned lots, beginning with Lot 1410, being in Range 5, Coast Land District; thence due east to the south-westerly boundary of the watershed of the Zymoetz River; thence in a general south-easterly direction along said south-westerly boundary and the easterly boundaries of the watersheds of the Kitimat, Kildala, Kemano, Tsaytis, Kitlope, and Kimsquit Rivers to the northerly boundary of the watershed of the Dean River; thence easterly along said northerly boundary to the easterly boundary of the watershed of the Sakumtha River; thence southerly along said easterly boundary and that of the watershed of Bernhardt Creek to the southerly boundary of the watershed of the streams flowing into Sigutlat Lake; thence easterly along said southerly boundary to the point thereon which lies due north of the northerly extremity of the westerly boundary of the watershed of Takia River; thence south to said northerly extremity; thence southerly along said watershed boundary to the southerly boundary of the watershed of the Dean River; thence in a general south-easterly direction along said southerly boundary and the northerly boundary of the watershed of the Klinaklini River to the easterly boundary of the watershed of the Klinaklini River; thence south-easterly along said easterly boundary and the easterly boundary of the watershed of the Homathko River to the point thereon which lies due north of the north-east corner of Lot 333, Range 2, Coast Land District; thence south to said corner; thence southerly following the easterly boundaries of said Lot 333 and Lot 334 of said Range 2 to the south-east corner of said Lot 334; thence westerly following the southerly boundary of said lot to the south-west corner thereof; thence due south to the westerly boundary of the watershed of the Chilko River; thence southerly and south-easterly along said boundary and the south-westerly boundary of the watershed of the Bridge River to its junction with the northerly boundary of the watershed of the Birkenhead River; thence easterly and southerly along the northerly and

easterly boundaries of the watershed of the Birkenhead River to the westerly prolongation of the northerly boundary of Lot 1577, Lillooet Land District; thence easterly along said prolongation to the north-west corner of said lot; thence southerly, westerly, and southerly following the boundaries of said Lot 1577 and Lot 1251, Lillooet Land District, to the south-west corner of said Lot 1251; thence due south to the easterly boundary of the watershed of the Birkenhead River; thence south-easterly along said boundary and the easterly boundary of the watershed of Lillooet Lake, Lillooet River, and Harrison Lake to the westerly boundary of Township 5, Range 26, west of the sixth meridian; thence southerly following said boundary of said township to the south-west corner thereof; thence due south to the northerly boundary of the watershed of the Chilliwack River; thence in an easterly direction along said boundary and continuing southerly along the easterly boundary of said watershed to the southerly boundary of the Province:

- (3.) "Chartered bank" or "bank" means an incorporated bank carrying on the business of banking under the "Bank Act" of the Dominion:
- (4.) "Commencement," when used with reference to an Act, means the time at which the Act comes into operation:
- (5.) "Consolidated Revenue Fund," "Consolidated Revenue," or "Consolidated Revenue Fund of the Province" means the Consolidated Revenue Fund of British Columbia:
- (6.) "Corporation" means any incorporated company, association, society, municipality, or body politic and corporate, howsoever and wheresoever incorporated, and includes a corporation sole:
- (7.) "County" or "district" includes two or more counties or districts united for purposes to which the enactment relates:
- (8.) "County Court" means any County Court within and for any county or portion of a county established pursuant to the "County Courts Act":
- (9.) "Court of Appeal" means the Court constituted by Act of the Legislature, 1907, chapter 10:
- (10.) "Court (or Courts) of Assize," "Assize," or "Assizes," shall, when used in any Act, Proclamation, notice, or document, be construed to include Courts of Assize, Nisi Prius, Oyer and Terminer, and General Gaol Delivery:

- (11.) "Dominion" means the Dominion of Canada:
- (12.) "Felony" means any crime which immediately before the passing of "The Criminal Code, 1892," of Canada would have been a felony under the criminal law in force in the Province at that date; and "misdemeanour" means any crime which immediately before the passing of the said Code would have been a misdemeanour under the said law:
- (13.) "Gazette" means The British Columbia Gazette:
- (14.) "Governor-General" and "Governor in Council" shall have the meaning given to them by the "Interpretation Act" of "The Revised Statutes of Canada, 1927":
- (15.) "Great Seal" means the Great Seal of the Province:
- (16.) "Great War" means any war carried on by His Majesty at any time during the period from the fourth day of August, 1914, to midnight of the thirty-first day of August, 1921:
- (17.) "His Majesty," "the King," or "the Crown" means His Majesty, his heirs and successors, Sovereigns of Great Britain, Ireland, and the British Dominions beyond the Seas:
- (18.) "Holiday" includes Sundays, Christmas Day and the day immediately following, New Year's Day, Good Friday, Easter Monday, Dominion Day, Victoria Day, Labour Day, Remembrance Day, the birthday, or the day fixed by Proclamation of the Governor in Council for the celebration of the birthday, of the reigning Sovereign, and any day fixed by the Parliament of the Dominion or appointed by Proclamation of the Governor in Council for a general fast or thanksgiving or as a holiday of general application throughout the Dominion, and any day appointed by Proclamation or Order of the Lieutenant-Governor in Council as a holiday:
- (19.) "Judge of Assize" or "Assize Judge" means any person lawfully acting as Judge of any Court of Assize, Nisi Prius, Oyer and Terminer, and General Gaol Delivery:
- (20.) "Land" includes all messuages, tenements, and hereditaments, houses and buildings of any tenure, unless where there are words to exclude houses and buildings, or to restrict the meaning to tenements of some particular tenure:
- (21.) "Legally qualified medical practitioner," or "duly qualified medical practitioner," or any other words implying legal recognition of any person as a medical practitioner or member of the medical profession means a person registered under the "Medical Act":

- (22.) "Legislative Assembly" or "Legislature" means the Legislative Assembly of the Province of British Columbia:
- (23.) "Lieutenant-Governor" means the Lieutenant-Governor for the time being of British Columbia, or other the Chief Executive Officer or Administrator for the time being carrying on the Government of British Columbia, by whatever title he is designated:
- (24.) "Lieutenant-Governor in Council" means the Lieutenant-Governor of British Columbia, or person administering the Government of British Columbia for the time being, acting by and with the advice of the Executive Council of British Columbia:
- (25.) "Magistrate" or "Justice" means a Justice of the Peace, or two or more Justices of the Peace assembled or acting together, or a Stipendiary or Police Magistrate, or a Deputy Police Magistrate having the power of a Police Magistrate under the laws of the Province; "two Justices" or "two Justices of the Peace" means two or more Justices of the Peace assembled or acting together, or any Magistrate or functionary invested by the proper legislative authority with power alone to do such acts as are usually required to be done by two or more Justices of the Peace:
- (26.) "Mail," "mailing," and "mailed" refer to the deposit of the matter to which the context applies in His Majesty's post-office at any place within the Province, postage prepaid, for transmission by post:
- (27.) "Month" means a calendar month:
- (28.) "Municipality" includes every municipal area or corporation incorporated as a city, city municipality, district municipality, or township municipality, by or under any general or special Act of the Legislature, and "municipal" shall have a corresponding meaning:
- (29.) "Now" or "next," with reference to the commencement of an Act, shall be construed as having reference to the time when the Act received the Royal assent:
- (30.) "Oath" or "affidavit" shall, in the case of persons for the time being allowed or required by law to affirm or declare instead of swearing, include affirmation and declaration; the word "swear" in the like case shall include affirm and declare; and the word "sworn" shall include the word "affirmed" or "declared":
- (31.) "Person" includes any corporation, partnership, or party, and the heirs, executors, administrators, or other legal representatives of such person, to whom the context can apply according to law:

- (32.) "Proclamation" means a Proclamation under the Great Seal:
- (33.) "Professional engineer," or "civil engineer," or "mining engineer," or words implying recognition of any person as a professional engineer or member of the engineering profession mean a person registered or licensed under the provisions of the "Engineering Act":
- (34.) "Province" means the Province of British Columbia:
- (35.) "Provincial" means some one or something pertaining to the Province of British Columbia:
- (36.) "Provincial land surveyor" or "British Columbia land surveyor" means a person authorized to practise and registered as a land surveyor under the "Land Surveyors Act":
- (37.) "Provincial Treasurer" or "Treasurer" means the Minister of Finance, and shall include the Deputy Minister of Finance:
- (38.) "Provincial Treasury," "Treasury of the Province," "Treasury of British Columbia," "Treasury Department," or "Treasury" means the Department of the Civil Service of the Province constituted under the "Revenue Act":
- (39.) "Railway Belt" means the land on the Mainland of the Province expressed to be granted to the Government of the Dominion by section 2 of chapter 14 of the Statutes of 1884:
- (40.) "Registrar," in any Ordinance or Act in which the Registrar of the Supreme Court is mentioned or referred to, means any District Registrar indicated by the "Supreme Court Act," or by Rules of Court, or by any order made by the Lieutenant-Governor in Council in that behalf:
- (41.) "Registrar" includes Registrars and their deputies respectively, and Acting-Registrars:
- (42.) "Registrar of Companies" means the person appointed to that office under the "Companies Act":
- (43.) "Registrar of Titles" means the Registrar of a land registration district under the "Land Registry Act":
- (44.) "Rules of Court," when used in relation to any Court, means rules made by the authority having for the time being power to make rules or orders regulating the practice and procedure of that Court:
- (45.) "Statutory declaration" or "solemn declaration" means a solemn declaration in the form and manner provided in the "Evidence Act" of the Province or in the "Canada Evidence Act" of the Dominion:

- (46.) "Supreme Court" means the Supreme Court of British Columbia:
- (47.) "Sureties" means sufficient sureties, and "security" means sufficient security, and where these words are used one person shall be sufficient therefor unless otherwise expressly required:
- (48.) "The United States" means The United States of America:
- (49.) "United Kingdom" means Great Britain and Northern Ireland:
- (50.) "Unorganized territory" means territory without municipal organization:
- (51.) "Writing," "written," or any term of like import shall include words printed, painted, engraved, lithographed, typewritten, photographed, or any other mode of representing or reproducing words in a visible form:
- (52.) "Year" means a calendar year:
- (53.) Generally, the name commonly applied to any country, place, body, corporation, society, officer, functionary, person, party, or thing means such country, place, body, corporation, society, officer, functionary, person, party, or thing, although such name is not the formal and extended designation thereof. R.S. 1924, c. 1, s. 24; 1925, c. 1, s. 2; 1929, c. 1, s. 2; 1930, c. 1, s. 2; 1934, c. 1, s. 4; 1936, c. 2, s. 2.

Boxing Day a non-juridical day.

25. The day immediately following Christmas Day, included in the definition of "holiday" in clause (18) of section 24, shall be a non-juridical day. 1935, c. 1, s. 2.

Miscellaneous Powers, Directions, and Provisions.

Lieut.-Governor acting by Proclamation.

26. Where the Lieutenant-Governor is authorized to do any act by Proclamation, such Proclamation is to be understood to be a Proclamation issued under an order of the Lieutenant-Governor in Council, but it shall not be necessary that it be mentioned in the Proclamation that it is issued under such order. R.S. 1924, c. 1, s. 25.

Implied powers of appointing deputies, removing and reappointing officers.

27. (1.) Words authorizing the appointment of any public officer or functionary shall include the power of appointing one or more deputies of such officer or functionary, and every such deputy shall have all the powers of such officer or functionary. The said words shall further (in the discretion of the authority in whom the power of appointment is vested) include the power of removal, reappointment, or appointment of another in the place of the officer, functionary, or deputy removed.

(2.) Words authorizing the appointment of any public officer or functionary shall, in case a vacancy exists in the office of that public officer or functionary, include the power of appointing a person to that office as an acting officer or functionary; and every person so appointed shall, during the continuance of his appointment and pending the appointment of a person as such public officer or functionary, have all the powers and be charged with the performance of all the duties of such public officer or functionary. Where the person so appointed acts in the exercise of any power or the performance of any duty within the scope of his appointment under the provisions of this subsection, the fact that he has so acted shall be prima facie evidence that an occasion which warranted him in so acting had arisen. R.S. 1924, c. 1, s. 26; 1936, c. 2, s. 3.

Implied power of appointing acting officers.

28. (1.) Where an Act confers a power or imposes a duty, the power may be exercised and the duty shall be performed from time to time as occasion requires.

Construction of provisions as to exercise of powers and duties.

(2.) Where an Act confers a power or imposes a duty on the holder of an office, as such, the power may be exercised and the duty shall be performed by the holder for the time being of the office.

(3.) Where an Act confers a power to make by-laws, regulations, rules, or orders, the power shall be construed as including a power, exercisable in the like manner and subject to the like consent and conditions (if any), to amend, vary, rescind, or revoke the by-laws, regulations, rules, or orders and make others. 1934, c. 1, s. 5.

29. The power to make Rules of Court shall include a power to make Rules of Court for the purpose of any Act directing or authorizing anything to be done by Rules of Court. R.S. 1924, c. 1, s. 28.

Power to make Rules of Court.

30. Where forms are prescribed, slight deviations therefrom not affecting the substance or calculated to mislead shall not vitiate them. R.S. 1924, c. 1, s. 29.

Deviation from forms.

31. Where by an Act of the Legislature, or by a rule of the Legislative Assembly, or by an order, regulation, or Commission made or issued by the Lieutenant-Governor in Council, under a law authorizing him to require the taking of evidence under oath, evidence under oath is authorized or required to be taken, or an oath is authorized or directed to be made, taken, or administered, the oath may be administered and a certificate of its having been made, taken, or administered may be given by any one authorized by the Act, rule, order, regulation, or Commission to take the evidence, or by a Judge of any Court, a Notary Public, a Justice of

Implied power to administer oath in the taking of evidence.

the Peace, or a Commissioner for taking Affidavits having authority or jurisdiction within the place where the oath is administered. R.S. 1924, c. 1, s. 30.

Persona designata,
rule as to.

32. Notwithstanding the provisions of section 2, where by any Act of the Legislature judicial or quasi-judicial powers are given to a Judge or an officer of any Court of record, whether individually or as a member of a class, those powers shall be deemed for all purposes to be given to the Judge or the officer to be exercised by him in his capacity as Judge or officer of the Court, as if the Court itself had jurisdiction in respect thereof and not as a persona designata, unless the Act contains express provision to the contrary. 1926-27, c. 1, s. 2.

Publication of
notices.

33. Where by any Act, or by any rule, regulation, or by-law made pursuant thereto, it is provided that notice shall or may be given, by the same being published or advertised in a newspaper published in a particular city, town, municipality, county, jurisdiction, or other place or district, such provision shall, unless the context otherwise requires, be taken and construed to mean that such notice shall or may be well and sufficiently given, if no newspaper is published at the time when the notice is to be given in the particular city, town, municipality, county, jurisdiction, or other place or district, as the case may be, by publishing or advertising the same in the newspaper which is published in the Province nearest to such city, town, municipality, county, jurisdiction, or other place or district, as the case may be. R.S. 1924, c. 1, s. 31.

Effect of private
Acts.

34. No Act of the nature of a private Act shall affect the rights of any person, or of any body politic, corporate, or collegiate (such only excepted as are therein mentioned or referred to). R.S. 1924, c. 1, s. 32.

Acts not to affect
the Crown unless
specially declared
to do so.

35. No provision or enactment in any Act shall affect in any manner or way whatsoever the rights of His Majesty, his heirs or successors, unless it is expressly stated therein that His Majesty shall be bound thereby. R.S. 1924, c. 1, s. 33.

Recovery and
appropriation
of penalties.

36. Where any pecuniary penalty or any forfeiture is imposed for any contravention of any Act, then, if no other mode is prescribed for the recovery thereof, such penalty or forfeiture shall be recoverable with costs by civil action or proceeding at the suit of the Crown only, or of any private party suing as well for the Crown as for himself, in any form allowed in such case by the law of the Province, before any Court having jurisdiction to the amount of the penalty in cases of simple contract, upon the evidence of any one credible witness other than the plaintiff or party interested; and if no other provision is made for the appropria-

tion of such penalty or forfeiture, one-half thereof shall belong to the Crown, and the other half shall belong to the private plaintiff, if any, and if there is none the whole shall belong to the Crown. R.S. 1924, c. 1, s. 34.

37. Any duty, penalty, or sum of money, or the proceeds of any forfeiture which is by any Act given to the Crown shall, if no other provision is made respecting it, form part of the Consolidated Revenue Fund of the Province and be accounted for and otherwise dealt with accordingly. R.S. 1924, c. 1, s. 35.

Penalties, when not otherwise appropriated, to form part of Consolidated Revenue Fund.

38. Where under any Act any forfeiture or penalty is payable to a party aggrieved, it shall be payable to a corporation where the corporation is the party aggrieved. R.S. 1924, c. 1, s. 36.

Corporations may recover penalties.

39. Every provision of an Act relating to offences punishable on summary conviction shall, unless the contrary intention appears, be deemed to refer to corporations as well as to persons. R.S. 1924, c. 1, s. 37.

Corporations may be convicted of summary conviction offences.

40. If in any Act any person is directed to be imprisoned or committed to prison, the imprisonment or committal shall, if no other place is mentioned or provided by law, be in or to the common gaol of the locality in which the order for imprisonment or committal is made, or if there is no common gaol there, then in or to that common gaol which is nearest to such locality; and the keeper of any such common gaol shall receive such person, and him safely keep and detain in the common gaol under his custody until discharged in due course of law, or bailed in cases in which bail may by law be taken. R.S. 1924, c. 1, s. 38.

Imprisonment in common gaol when no special place is mentioned.

41. Where an act or omission constitutes an offence under two or more Acts, or an offence both under an Act and at common law, the offender shall, unless the contrary intention appears, be liable to be prosecuted and punished under either or any of those Acts, or at common law, but shall not be liable to be punished twice for the same offence. R.S. 1924, c. 1, s. 39.

Offence under two or more Acts, how punishable.

42. No action, suit, or information shall be brought or laid for any penalty or forfeiture under any Act except within six months after the cause of action arises or after the offence is committed, unless the time is otherwise limited by the Act. R.S. 1924, c. 1, s. 40.

Limitation of actions for penalties.

43. Where in an Act, Order in Council, or any regulation made pursuant to any Act any period of time dating from a given day, act, or event is prescribed or allowed for any purpose, the time

Reckoning of time.

shall, unless the contrary intention appears, be reckoned exclusive of such day or of the day of such act or event. R.S. 1924, c. 1, s. 41.

Computation of time where time limited expires on a holiday.

44. If the time limited by an Act for any proceeding or for the doing of anything under its provisions expires or falls upon a holiday, the time so limited shall extend to, and such thing may be done on, the day next following which is not a holiday. R.S. 1924, c. 1, s. 42.

Pacific Standard time.

45. (1.) Where an expression of time occurs in any Act of the Legislature, or in any Rule of Court, by-law, deed, or other legal instrument, or where any hour or other period of time is stated either orally or in writing, or where any question as to a period of time arises, the time referred to or intended shall, unless it is otherwise specifically stated, be held to be what is known as Pacific Standard time, and, subject to the provisions of the "Day-light Saving Act," Pacific Standard time shall be reckoned as eight hours behind Greenwich time.

Numbering of hours of day.

(2.) The hours of the day may in any locality be numbered in one series up to twenty-four according to the "twenty-four-hour notation" so called, and the numbers so used shall be equally valid with the numbers used in the division of the day into two series of twelve hours, distinguished as "a.m." and "p.m." R.S. 1924, c. 1, s. 43.

Construction of instruments made under an Act.

46. Where any Act confers power to make, grant, or issue any instrument (that is to say, any Order in Council, order, warrant, scheme, letters patent, rule, regulation, or by-law), expressions used in the instrument shall, unless the contrary intention appears, have the same respective meanings as in the Act conferring the power. R.S. 1924, c. 1, s. 44.

Arbitration.

47. Where in any Act, or in any order made in pursuance of any Act, it is provided that any matter, dispute, or question shall be decided by arbitration, or under or pursuant to the "Arbitration Act," such provision shall be deemed to be a "submission" within the meaning of the "Arbitration Act." R.S. 1924, c. 1, s. 45.

Application of interpretation section of "Supreme Court Act."

48. The interpretation section of the "Supreme Court Act," so far as the terms defined can be applied, shall extend to all enactments relating to legal matters. R.S. 1924, c. 1, s. 46.

Application of interpretation section of "Municipal Act."

49. The interpretation section of the "Municipal Act," so far as the terms defined can be applied, shall extend to any Act which relates to municipalities. R.S. 1924, c. 1, s. 47.

Power of majority to do act required to be done by more than two.

50. When any act or thing is required to be done by more than two persons, a majority of them may do it. R.S. 1924, c. 1, s. 48.

51. Nothing in this Act shall exclude the application to any Act of any rule of construction applicable thereto, and not inconsistent with this Act. R.S. 1924, c. 1, s. 49.

Application of rules of construction.

52. (1.) Where in any Act reference is made to a preamble, part, division, section, schedule, or form, without anything in the context to indicate that a preamble, part, division, section, schedule, or form of some other Act is intended to be referred to, the reference shall be deemed to be a reference to a preamble, part, division, section, schedule, or form of the Act in which the reference is made.

Construction of references in Acts to sections, parts, etc.

(2.) Where in any section of an Act reference is made to a subsection, clause, or paragraph, without anything in the context to indicate that a subsection, clause, or paragraph of some other section is intended to be referred to, the reference shall be deemed to be a reference to a subsection, clause, or paragraph of the section in which the reference is made.

Construction of references in Acts to subsections, etc.

(3.) Where reference is made by number or letter to two or more parts, divisions, sections, subsections, clauses, paragraphs, or forms in any Act, both the number or letter first mentioned and the number or letter last mentioned shall be deemed to be included in the reference. R.S. 1924, c. 1, s. 50.

Construction of references by numbers or letters.

53. Where in any Act reference is made to rules or regulations, without anything in the context to indicate that rules or regulations made under some other Act are intended to be referred to, the reference shall be deemed to be a reference to rules or regulations made under the Act in which the reference is made. R.S. 1924, c. 1, s. 51.

Construction of references in Acts to regulations.

54. (1.) An Act included in any revision of the Statutes of British Columbia may be cited:—

Citation of Acts.

(a.) By its title as an Act or by its short title (if any), and, in the case of any revision prior to the revision of which this Act forms part, by reference also to such revision; or

(b.) By reference to the revision and the chapter therein of the Act.

(2.) Any other Act may be cited by reference to its short title (if any), or by reference to the regnal year or to the year of our Lord in which it was passed, and the chapter; and any reference to a year shall, unless the contrary is expressed, be deemed to be a reference to a year of our Lord.

(3.) Where two or more Acts bear the same short title, any citation by reference to that short title shall be deemed to be a citation of the latest Act of the Legislature which bears that short title.

(4.) Any citation of or reference to any Act or enactment shall, unless the contrary intention appears, be deemed to be a citation of or a reference to that Act or enactment as amended. R.S. 1924, c. 1, s. 52.

Evidence of Acts.

55. All copies of Acts, public or private, printed by the King's Printer shall be evidence of such Acts, and of their contents; and every copy purporting to be printed by the King's Printer shall be deemed to be so printed unless the contrary is shown. R.S. 1924, c. 1, s. 53.

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