

POLICE ACT**CHAPTER 53***Assented to June 29, 1988.***Contents****PART 1****INTERPRETATION**

Section

Section

1. Interpretation**PART 2****THE MINISTER**

- | | |
|---|---|
| <ul style="list-style-type: none"> 2. Adequate level of policing 3. Responsibilities of Provincial and municipal governments for providing policing services 4. Minister may provide policing 5. Provincial police force 6. Constables and employees 7. Duties and functions of commissioner and police force | <ul style="list-style-type: none"> 8. Auxiliary constables 9. Special provincial constables 10. Jurisdiction and power of provincial constable 11. Ministerial liability for torts of provincial police force and municipal constables 12. Assistance for costs of criminal proceedings 13. Aid to dependants - auxiliaries |
|---|---|

PART 3**AGREEMENTS TO USE R.C.M.P.**

- 14. Royal Canadian Mounted Police as provincial police force

PART 4**MUNICIPALITIES**

- | | |
|--|--|
| <ul style="list-style-type: none"> 15. Duties of a municipality 16. Municipal policing by R.C.M.P. 17. Failure of municipality to police 18. Amalgamation of municipal police forces | <ul style="list-style-type: none"> 19. Aid to dependants 20. Municipal liability for torts 21. Personal liability 22. Assistance for costs of criminal proceedings |
|--|--|

PART 5**POLICE BOARDS**

- | | |
|---|---|
| <ul style="list-style-type: none"> 23. Establishment of boards 24. Membership of boards 25. Chairman and quorum 26. Board to establish municipal police force | <ul style="list-style-type: none"> 27. Estimates and expenditures 28. Rules 29. Studies 30. Keeping of provincial prisoners |
|---|---|

PART 6
POLICE COMMITTEES

Section	Section
31. Local police committees	33. Functions of committees
32. Chairman and quorum	

PART 7
MUNICIPAL POLICE FORCE

34. Duties and functions of chief constable and municipal police	36. Bylaw enforcement officers
35. Special municipal constables	37. Enforcement officers - provincial enactments
	38. Jurisdiction of municipal constables

PART 8
POLICE COMMISSION

39. Commission continued	44. Research studies
40. Chairman and quorum	45. Inquiries
41. Employees	46. Special investigations
42. Function of commission	47. Delegation
43. Practice and procedure	48. Annual report

PART 9
CITIZEN COMPLAINT PROCEDURE

49. Interpretation	58. Frivolous and vexatious complaints
50. Duties of complaint commissioner	59. Notice of results of investigation
51. Application of this Part	60. Request for inquiry
52. Complaint made	61. Inquiries open to public
53. Complaint form/information to complainant	62. Inquiries respecting provincial constables
54. Complaint commissioner to monitor	63. Inquiries respecting municipal constables
55. Status reports to be given	64. Leave to appeal to the commission
56. Informal disposition of complaints	65. Appeal to commission
57. Investigation of complaints	66. Powers and privileges at inquiries

PART 10
GENERAL

67. Evidentiary effect of orders	72. Ombudsman
68. Request for assistance of other police forces	73. Service of notices
69. Meetings and hearings open to public	74. Regulations
70. Oaths and affirmations	75. <i>Offence Act</i>
71. Minutes and records	76. Repeal
	77. Commencement

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

PART 1

INTERPRETATION

Interpretation

1. In this Act

- "auxiliary constable" means a constable appointed under section 8 (1);
- "board" means a municipal police board established under section 23;
- "bylaw enforcement officer" means a bylaw enforcement officer appointed under section 36;
- "chief constable" means the chief constable of a municipal police force;
- "commission" means the British Columbia Police Commission continued under section 39;
- "commissioner" means the commissioner of the provincial police force;
- "committee" means a local police committee established under section 31;
- "enforcement officer" means an enforcement officer appointed under section 37;
- "municipal constable" means a constable appointed under section 26;
- "municipal police force" means a municipal police force established under section 26;
- "municipality" includes the City of Vancouver, but does not include a regional or improvement district;
- "provincial constable" means a constable who is a member of the provincial police force continued under section 5, or who is appointed a constable under section 6;
- "provincial police force" means the provincial police force continued under section 5;
- "special municipal constable" means a constable appointed under section 35;
- "special provincial constable" means a constable appointed under section 9.

PART 2

THE MINISTER

Adequate level of policing

2. The minister shall ensure that an adequate and effective level of policing is maintained throughout the Province.

Responsibilities of Provincial and municipal governments for providing policing services

3. (1) The government shall provide policing services for the following:
- (a) unincorporated areas of the Province;
 - (b) municipalities with a population up to 5 000 persons;
 - (c) municipalities with a population of more than 5 000 persons that contract with the minister to engage the provincial police force to act as the municipal police force in their municipalities.
- (2) A municipality having a population of more than 5 000 persons shall provide policing in accordance with this Act and the regulations by means of one of the following:
- (a) establishing a municipal police force;
 - (b) entering into an agreement with the minister under which policing in the municipality will be provided by the provincial police force;
 - (c) with the approval of the minister, entering into an agreement with another municipality that has a municipal police force under which policing in the

municipality will be provided by the municipal police force of that municipality.

(3) An agreement under subsection (2) (b) or (c) shall contain terms that the Lieutenant Governor in Council approves.

Minister may provide policing

4. (1) Notwithstanding section 3, where the minister considers that it is necessary or desirable, he may, on terms approved by the Lieutenant Governor in Council, provide or reorganize the policing

- (a) in a municipality to which section 3 (2) applies, or
- (b) in an area or region of the Province.

(2) Costs incurred by the Province under subsection (1) (a) constitute a debt due to and recoverable by the Province from the municipality.

Provincial police force

5. The provincial police force is continued.

Constables and employees

6. (1) *The Public Service Act* does not apply to the provincial police force, a provincial constable, an auxiliary constable, a special provincial constable or an employee of the provincial police force.

(2) The Lieutenant Governor in Council may appoint to the provincial police force the constables and other employees he considers necessary to carry out the force's business.

(3) The Lieutenant Governor in Council may appoint a commissioner and a deputy commissioner of the provincial police force.

(4) The commissioner, deputy commissioner, constables and employees of the provincial police force shall be appointed for a term and shall be paid the remuneration that the Lieutenant Governor in Council determines.

(5) A person shall not be appointed commissioner, deputy commissioner or a constable or employee of the provincial police force unless he is a Canadian citizen.

Duties and functions of commissioner and police force

7. (1) The commissioner, under the minister's direction, has general supervision over the provincial police force and shall perform the other functions and duties assigned to him under the regulations or under this or any other Act.

(2) The provincial police force, under the commissioner's direction, shall perform the duties and functions respecting the preservation of peace, the prevention of crime and offences against the law and the administration of justice assigned to it or generally to peace officers by the commissioner, under the regulations or under any Act.

Auxiliary constables

8. (1) On the recommendation of the commissioner, the minister may appoint persons he considers suitable as auxiliary constables.

(2) An auxiliary constable shall assist the provincial police force in the performance of its duties.

(3) Subject to the regulations, an auxiliary constable has the powers, duties and immunities of a provincial constable.

Special provincial constables

9. (1) The minister may appoint persons he considers suitable as special provincial constables.

(2) A special provincial constable appointed under subsection (1) shall be appointed for the term the minister specifies in the appointment.

(3) Subject to the restrictions the minister specifies in the appointment, a special provincial constable has the powers, duties and immunities of a provincial constable.

Jurisdiction and power of provincial constable

10. (1) Subject to the regulations, a provincial constable, an auxiliary constable or a special provincial constable has, while carrying out the duties of his appointment, jurisdiction throughout the Province to exercise and carry out the powers, duties, privileges and responsibilities that a police constable or peace officer is entitled or required to exercise or carry out at law or under an enactment

(2) Where a provincial constable, auxiliary constable or special provincial constable exercises his jurisdiction under subsection (1) in a municipality having a municipal police force, he shall, if possible, notify the municipal police force in advance, but in any case shall promptly after exercising his jurisdiction notify the municipal police force of the municipality.

Ministerial liability for torts of provincial police force and municipal constables

11. (1) The minister, on behalf of the Province, is jointly and severally liable for torts committed by

- (a) provincial constables, auxiliary constables and special provincial constables, in the performance of their duties, and
- (b) municipal constables and special municipal constables in the performance of their duties when acting in other than the municipality where they normally perform their duties.

(2) Notwithstanding that a constable referred to in subsection (1) (a) or (b) is not found liable for a tort allegedly committed by him in the performance of his duties, the minister may pay the amount he considers necessary to

- (a) settle a claim against a constable for a tort allegedly committed by him in the performance of his duties, or
- (b) reimburse a constable for reasonable costs incurred by him in defending a claim against him for a tort allegedly committed in the performance of his duties.

(3) The Minister of Finance and Corporate Relations shall pay out of the consolidated revenue fund, on the requisition of the minister, sums required for the purposes of subsection (2).

Assistance for costs of criminal proceedings

12. Where

- (a) an auxiliary constable, or
- (b) a municipal constable or a special municipal constable acting in other than the municipality in which he normally performs his duties

has been charged with an offence against an enactment of the Province, Canada, a municipality or a regional district in connection with the performance of his duties, the minister may, to the extent that he considers appropriate in the circumstances, pay the

costs incurred and not recovered by the auxiliary constable, municipal constable or special municipal constable in the proceedings following or otherwise connected with the charge.

Aid to dependants - auxiliaries

13. Notwithstanding any other Act, the minister may grant pecuniary aid to the spouse or children of an auxiliary constable who is killed or injured in the performance of his duties

PART 3

AGREEMENTS TO USE R.C.M.P.

Royal Canadian Mounted Police as provincial police force

14. (1) Subject to the approval of the Lieutenant Governor in Council, the minister, on behalf of the Province, may enter into, execute and carry out agreements with Canada, or with a department, agency or person on its behalf, authorizing the Royal Canadian Mounted Police to carry out powers and duties of the provincial police force specified in the agreement

(2) Where an agreement is entered into under subsection (1),

- (a) the Royal Canadian Mounted Police shall, subject to the agreement, be deemed a provincial police force,
- (b) every member of the Royal Canadian Mounted Police shall, subject to the agreement, be deemed a provincial constable,
- (c) the provisions of this Act respecting the powers and duties of the provincial police force and provincial constables shall apply, subject to the agreement, and with the necessary changes and insofar as applicable, to the Royal Canadian Mounted Police and its members, and
- (d) the officer commanding the division of the Royal Canadian Mounted Police referred to in the agreement and the second in command of the division shall be deemed the commissioner and deputy commissioner, respectively, appointed under this Act

(3) Where a power or duty given under the regulations or under any Act to the provincial police force or a provincial constable is expressly excluded from the powers and duties given by agreement under subsection (1) to the Royal Canadian Mounted Police or its members, the Lieutenant Governor in Council may make the regulations he considers necessary to authorize or require, as the case may be, a member of the public service of the Province to carry out the power or duty

(4) This section applies to an agreement made under the *Police Act*, R.S.B.C. 1979, c. 331, that was in force on April 1, 1981, and every order made or act done by the commanding officer of the division referred to in the agreement, or the second in command,

- (a) as commissioner or deputy commissioner, respectively, or
- (b) in the exercise or purported exercise of the powers and duties of a commissioner or deputy commissioner

under this Act and the Act repealed by this Act, is hereby confirmed and validated.

PART 4
MUNICIPALITIES

Duties of a municipality

15. (1) Subject to subsection (2), a municipality having a population of more than 5 000 persons shall provide, in accordance with this Act and the regulations,

- (a) policing in the municipality with a police force of sufficient numbers
 - (i) to adequately enforce municipal bylaws, the criminal law and the laws of the Province, and
 - (ii) to maintain law and order in the municipality, and
- (b) adequate accommodation and materiel for
 - (i) the operations of and use by the police force required under paragraph (a), and
 - (ii) the detention of persons required to be held in custody.

(2) Where, due to special circumstances or abnormal conditions in a municipality, the minister believes it is unreasonable to require a municipality to provide policing under subsection (1), he may, subject to the terms the Lieutenant Governor in Council approves, provide policing in the municipality.

Municipal policing by R.C.M.P.

16. Where, under an agreement made under section 3 (2) (b), members of the Royal Canadian Mounted Police provide policing in a municipality, the municipality shall

- (a) pay to the Province, or
- (b) on the direction of the minister, pay directly to Canada

a sum equal to that payable by the Province to Canada respecting the use of those members of the Royal Canadian Mounted Police used to provide policing in the municipality.

Failure of municipality to police

17. (1) Where the commission considers that a municipality to which section 15 (1) applies is not complying with that section, the commission shall send to it and to its board, if any, a notice that

- (a) identifies the non-compliance,
- (b) directs the municipality to correct the failure to comply, and
- (c) specifies the manner in which and the time within which the failure is to be corrected.

(2) On being notified by the commission that a notice sent under subsection (1) has not been complied with, the minister may, on terms he considers appropriate,

- (a) appoint persons as constables to police the municipality,
- (b) use the provincial police force to police the municipality, or
- (c) take other steps he considers necessary.

(3) All costs of policing incurred under subsection (2) shall be paid by the municipality, and costs incurred by the Province under that subsection constitute a debt due to and recoverable by the Province from the municipality..

Amalgamation of municipal police forces

18. (1) Subject to the minister's approval, the councils of 2 or more municipalities may enter into an agreement providing for the amalgamation of their boards and municipal police forces.

(2) Subject to the minister's approval, the councils of 2 or more municipalities who have entered into an agreement with the minister under section 3 (2) (b) may enter into an agreement providing for the amalgamation of their police forces.

(3) An agreement under subsection (1) shall contain terms respecting a municipal police force and policing by a municipal police force, the establishment of a joint board, membership on the joint board and division of expenditures by the municipal councils

(4) An agreement under subsection (2) shall contain terms respecting the provision of policing in the municipalities by the provincial police force and division of expenditures by the municipal councils.

Aid to dependants

19. Notwithstanding any other Act, a municipal council, or a regional board, in the case of an enforcement officer employed by it, may, in its discretion, grant pecuniary aid to the spouse or children of a municipal constable, special municipal constable, auxiliary constable, enforcement officer or bylaw enforcement officer who is killed or injured in the performance of his duties.

Municipal liability for torts

20. (1) Subject to an agreement under section 18 (1) and 23 (2), a municipality, or a regional district, in the case of an enforcement officer employed by it, is jointly and severally liable for a tort committed in the performance of his duties by a municipal constable, special municipal constable, enforcement officer, bylaw enforcement officer or employee of the board employed by the board on behalf of the municipality.

(2) Where it is alleged or established that a municipal constable, special municipal constable, enforcement officer, bylaw enforcement officer or employee of a board has committed a tort in the performance of his duties, the board and members of the board are not liable for the claim, but the municipality, or the regional district, in the case of an enforcement officer employed by it, in which he is employed may, in the discretion of the council of the municipality, or the board of the regional district, as the case may be, pay an amount it considers necessary to

- (a) settle the claim or a judgement against him, and
- (b) reimburse him for reasonable costs incurred by him in opposing the claim.

Personal liability

21. (1) No action for damages lies against a police officer or any other person appointed under this Act for anything said or done or omitted to be said or done by him in the performance or intended performance of his duty or in the exercise of his power or for any alleged neglect or default in the performance or intended performance of his duty or exercise of his power.

(2) In this section "police officer" means a person holding an appointment as a constable under this Act.

- (3) Subsection (1) does not provide a defence where
- (a) the police officer or other person appointed under this Act has, in relation to the conduct that is the subject matter of action, been guilty of dishonesty, gross negligence or malicious or wilful misconduct, or
 - (b) the cause of action is libel or slander.
- (4) Subsection (1) does not absolve
- (a) a municipality, in the case of a constable, or other person appointed under this Act, who is employed by a board on behalf of the municipality,
 - (b) a regional district, in the case of an enforcement officer employed by it, or
 - (c) the minister in a case to which section 11 applies

from vicarious liability arising out of a tort committed by the constable or other person appointed under this Act for which the municipality, the regional district or the minister, as the case may be, would have been liable had this section not been in force.

Assistance for costs of criminal proceedings

22. Notwithstanding section 262 of the *Municipal Act*, where a municipal constable, special municipal constable, enforcement officer, bylaw enforcement officer or employee of a board has been charged with an offence against an enactment of the Province or Canada or a municipal or regional district bylaw in connection with the performance of his duties, the council of the municipality, or the board of a regional district, in the case of an enforcement officer employed by it, in which he is employed may,

(a) on the recommendation of its board where the person is an employee of the board, and

(b) to the extent that it considers appropriate in the circumstances, pay the costs incurred and not recovered by him in the proceedings following or otherwise connected with the charge.

PART 5

POLICE BOARDS

Establishment of boards

23. (1) The council of a municipality required to provide policing under section 15 may, subject to the minister's approval, provide policing by means of a municipal police force governed by a municipal police board consisting of the mayor of the council, one person appointed by the council and not more than 5 persons appointed, after consultation with the commission, by the Lieutenant Governor in Council.

(2) The councils of 2 or more municipalities may, subject to the approval of the minister, enter into an agreement to establish a joint municipal police board under subsection (1).

(3) An agreement under subsection (2) shall contain terms respecting the establishment of the board, membership on the board and division of expenditures.

Membership of boards

24. (1) A person who is an alderman on council or, except the mayor, is ineligible to be elected as an alderman on council shall not be appointed to a board.

(2) A person appointed to a board shall hold office for a term, not exceeding 4 years, that the Lieutenant Governor in Council determines, and may be reappointed; but a person shall not hold office for a period of more than 6 successive years.

Chairman and quorum

25. (1) The mayor of the council shall be chairman of the board.

(2) Where the mayor is absent, the other board members present shall elect from among themselves a chairman to preside at the meeting.

(3) In case of a tie vote, the chairman shall have a second or casting vote.

Board to establish municipal police force

26. (1) A board shall establish a municipal police force and appoint a chief constable and other constables and employees the board considers necessary to provide policing in the municipality.

(2) The duties and functions of a municipal police force are, under the direction of the board, to

- (a) enforce, in the municipality, municipal bylaws, the criminal law and the laws of the Province,
- (b) generally maintain law and order in the municipality, and
- (c) prevent crime.

(3) Subject to a collective agreement as defined in the *Industrial Relations Act*, the chief constable and every constable and employee of a municipal police force shall be

- (a) employees of the board,
- (b) provided with the accommodation and materiel the board considers necessary for his duties and functions, and
- (c) paid the remuneration the board determines.

(4) Part 6 of the *Industrial Relations Act* does not apply to discipline or dismissal of a constable appointed under this Act.

(5) The board shall, in consultation with the chief constable, determine the priorities, goals and objectives of the municipal police force, and the chief constable shall report to the board each year on the implementation of programs and strategies to achieve the priorities, goals and objectives.

Estimates and expenditures

27. (1) Every board shall, on or before November 30 in each year, prepare and submit to the council for its approval a provisional budget for the following year to provide policing in the municipality.

(2) Any changes to the provisional budget under subsection (1) shall be submitted to council on or before March 1 of the year to which the provisional budget relates.

(3) Where a council does not approve an item in the budget, the commission, on application by the council or the board, shall determine whether the item or amount should be included in the budget, and shall report its findings to the board, the council and the minister.

(4) Subject to subsection (3), a council shall include in its budget the costs in the provisional budget prepared by the board.

(5) On certification by the board members that an expenditure is within the budget prepared by the board, the council shall pay the amount of the expenditure.

(6) Unless the council otherwise approves, a board shall not make an expenditure or enter an agreement to make an expenditure that is not specified in the board's budget and approved by the council.

Rules

28. (1) Every board shall make rules not inconsistent with this Act and the regulations respecting the

- (a) standards, guidelines and policies for the administration of the municipal police force,
- (b) prevention of neglect and abuse by its municipal constables, and
- (c) efficient discharge of duties and functions by the municipal police force and municipal constables.

(2) A rule under subsection (1) shall not be enforceable against any person until it is filed with the commission.

Studies

29. (1) A board may study, investigate and prepare a report on matters respecting law enforcement, crime prevention, police and policing in its municipality.

(2) A board shall submit its report of a study under subsection (1),

- (a) on request, to the commission,
- (b) where the report suggests a breach of discipline by a municipal constable, special municipal constable, enforcement officer or bylaw enforcement officer, to the chief constable, and
- (c) where the report suggests criminal liability of a municipal constable, special municipal constable, enforcement officer or bylaw enforcement officer, to the minister.

Keeping of provincial prisoners

30. The minister may, out of monies appropriated for the purpose, make payments to municipalities having a population of more than 5 000 persons in order to reimburse the municipalities to the extent he considers appropriate in each case, for the expenses incurred under section 702 of the *Municipal Act* and section 481 of the *Vancouver Charter*, as the case may be, for the care and custody of persons who are detained in a place of detention.

PART 6

POLICE COMMITTEES

Local police committees

31. (1) The Lieutenant Governor in Council, after consulting the councils of municipalities situated in whole or in part in the area of the Province in which the committee is to have jurisdiction, may establish a local police committee consisting of not less than 3 members appointed by the Lieutenant Governor in Council.

(2) A member of a committee shall be appointed for a term not exceeding 3 years that the Lieutenant Governor in Council determines, and may be reappointed; but a person shall not be a member of a committee for a period of more than 5 successive years.

(3) A member of a committee shall not be a judge of a court.

Chairman and quorum

32. (1) The Lieutenant Governor in Council may designate one member of a committee as chairman.

(2) In the absence or inability of the chairman to act, the other committee members shall elect a chairman.

(3) A simple majority of the committee constitutes a quorum.

(4) In case of a tie vote, the chairman shall have a second or casting vote.

Functions of committees

33. It is the duty of a committee

- (a) to promote a good relationship between the provincial police force and residents of the area of the Province in which the committee has jurisdiction,
- (b) to bring to the attention of the minister and the provincial police force matters respecting the adequacy of policing in the area of the Province in which the committee has jurisdiction, and to make recommendations to the minister and the provincial police force respecting those matters, and
- (c) perform such other duties as the minister may specify.

PART 7

MUNICIPAL POLICE FORCE

Duties and functions of chief constable and municipal police

34. (1) The chief constable of a municipal police force has, under the direction of the board, general supervision and command over the municipal police force and shall perform the other functions and duties assigned to him under the regulations or under any Act

(2) The municipal police force, under the chief constable's direction, shall perform the duties and functions respecting the preservation of peace, the prevention of crime and offences against the law and the administration of justice assigned to it or generally to peace officers by the chief constable, under the regulations or under any Act.

Special municipal constables

35. (1) After consultation with the chief constable, a board may appoint persons considered suitable as special municipal constables.

(2) A special municipal constable shall assist the municipal police force in the performance of its duties.

(3) Subject to a collective agreement as defined in the *Industrial Relations Act*, a special municipal constable may be paid the remuneration and shall be appointed for the term the board determines.

(4) Subject to the restrictions the board specifies in the appointment, a special municipal constable has, while carrying out the duties of his appointment, the powers, duties and immunities of a municipal constable.

Bylaw enforcement officers

36. (1) Bylaw enforcement officers may be appointed,

(a) by a board, or

(b) where there is no board in a municipality, by the municipal council.

(2) A bylaw enforcement officer shall be paid the remuneration and shall be appointed for the term that the board or municipal council, as the case may be, determines.

(3) A bylaw enforcement officer shall, under the direction of the chief constable or officer in charge of the detachment of police operating in the municipality, perform the functions and duties, and has the powers, privileges and responsibilities respecting the enforcement of municipal bylaws, that the board or municipal council, as the case may be, specifies in the appointment.

Enforcement officers - provincial enactments

37. (1) Subject to the approval of the minister, a board, municipal council or board of a regional district may appoint, in writing, one or more of its employees to enforce one or more provincial enactments, specified in the appointment, within the boundaries of the municipality or regional district, as the case may be.

(2) A person appointed as an enforcement officer shall meet the standards for training specified by the minister.

(3) An enforcement officer is a peace officer for the purposes of enforcing the enactments specified in his appointment within the jurisdiction for which he is appointed.

Jurisdiction of municipal constables

38. (1) A municipal constable or a special municipal constable has jurisdiction throughout the Province while carrying out the powers, duties, privileges and responsibilities that a police constable or peace officer is entitled or required to exercise or carry out at law or under any Act.

(2) Where the minister believes an emergency exists outside the municipality in which a municipal constable or special municipal constable is employed, he may direct one or more municipal constables or special municipal constables to the part of the Province in which the emergency exists

(3) Where the minister makes a direction under subsection (2), the Minister of Finance and Corporate Relations shall pay, from the consolidated revenue fund, the salary and other expenses of the municipal constable or special municipal constable during the period he is performing duties in the part of the Province in which the emergency exists.

(4) Where a municipal constable or special municipal constable performs his duties outside the municipality, he shall, if possible, notify the provincial police force or municipal police force of the area in which he performs his duties in advance, but in any case shall promptly after performing his duties notify the provincial police force or municipal police force.

PART 8

POLICE COMMISSION

Commission continued

39. (1) The British Columbia Police Commission is continued and consists of not less than 3 members appointed by the Lieutenant Governor in Council to hold office during a term, not exceeding 5 years, determined by him.

(2) In addition to persons appointed to the commission under subsection (1), the Lieutenant Governor in Council may appoint persons to the commission limited to the purpose of serving on panels established by the chairman to hear applications for leave to appeal under section 64 and appeals under section 65

(3) Each member of the commission shall be reimbursed for reasonable travelling or out of pocket expenses necessarily incurred by him in discharging his duties, and in addition shall be paid the remuneration for his services the Lieutenant Governor in Council determines.

(4) The minister, on behalf of the government, may enter into an agreement with a member of the commission containing terms of employment.

Chairman and quorum

40. (1) The Lieutenant Governor in Council shall designate one member of the commission as chairman and one member as deputy chairman.

(2) Any 2 members of the commission constitute a quorum, and a vacancy in the membership of the commission does not impair the authority of the other members to act.

(3) In case of a tie vote, the chairman shall have a second or casting vote.

(4) The chairman may appoint a panel for hearing an application for leave to appeal under section 64 or an appeal under section 65.

(5) A panel shall consist of 3 members of the commission, at least one of whom shall be a person appointed under section 39 (1).

(6) The chairman shall designate the person to act as chairman of the panel.

(7) The quorum for a panel shall be 3.

(8) The member of the commission appointed by the minister to perform the duties of the complaint commissioner shall not be a member of a panel.

Employees

41. (1) The commission may, subject to the *Public Service Act*, employ or retain the persons it considers necessary to carry out the commission's business.

(2) The commission may, subject to the *Public Service Act*, designate the title, office and responsibilities of persons employed or retained under subsection (1).

(3) The commission may, notwithstanding the *Public Service Act* but subject to the approval of the minister, engage and retain persons it considers necessary as consultants, experts or specialists.

Function of commission

42. (1) It is the commission's function to

- (a) administer, pursuant to Part 9, complaints about the conduct of provincial and municipal constables,
- (b) hear appeals from decisions of police boards in disciplinary matters as provided by the regulations,
- (c) inspect and report upon the quality and standard of police services delivery, including without limiting the foregoing,
 - (i) inspecting police operations and procedures,
 - (ii) evaluating programs for training persons who intend to become constables, constables who require retraining and constables who are eligible for advanced training, and
 - (iii) evaluating standards of policing,
- (d) maintain a system of statistical records as required to carry out inspections, evaluations and research studies,
- (e) consult with and give information and advice to chief constables, boards and committees on matters related to police and policing,
- (f) make recommendations to the minister in regard to the appointment of members of municipal police boards,
- (g) make recommendations to the minister on minimum standards respecting selection and training of constables, the use of firearms and equipment and any other matter relating to police and policing,
- (h) establish and carry out, or approve and supervise, programs to promote cooperative and productive relationships between constables and the public,
 - (i) assist in the coordination of policing by the provincial police force and municipal police forces, and
 - (j) perform other functions and duties assigned to the commission pursuant to this Act or the regulations.

(2) The commission shall submit copies of a report completed under subsection (1) (c) to

- (a) the minister, and
 - (b) the board or, where no board exists, the municipality,
- and may submit a copy to those persons the commission considers appropriate.

(3) The commission may, after written notice to the chairman of the board and the minister, inspect the records, operations and systems of administration of a municipal police force.

(4) If requested by the minister the commission shall, after notice to the chairman of the board, conduct the investigation under subsection (3).

Practice and procedure

43. (1) The commission shall make rules, not inconsistent with this Act and the regulations, respecting its practice and procedure and the exercise of its powers and may establish forms required to be used for those purposes.

(2) No rule under subsection (1) is binding on a person unless it is approved by the minister.

Research studies

44. (1) The commission shall, on the request of the minister, and may, on its own or on the request of a council or a board, study, investigate and prepare a report on matters respecting law enforcement, crime prevention, police and policing in the Province or in a designated area of the Province.

(2) A study under subsection (1) may be carried out by the commission or by a member or employee of the commission designated by the chairman for the purpose.

(3) Where the minister requests a study under subsection (1), the minister responsible for finance shall pay the costs of the study from the consolidated revenue fund.

(4) The commission shall submit the report under subsection (1) to the minister.

Inquiries

45. On request of the minister, the commission shall inquire into and report to the minister on matters respecting crime and its investigation and control, and of law enforcement.

Special investigations

46. (1) Notwithstanding this Act,

(a) the minister, or

(b) the commission, either on its own initiative or on receiving a request from the complaints commissioner or a board,

may at any time order an investigation to be made respecting an act or omission of any person appointed under this Act.

(2) An investigation under subsection (1) shall be made by the persons and in the manner the minister or the commission specifies in the order.

(3) Where the minister orders an investigation under subsection (1), the minister responsible for finance shall pay the costs of the investigation from the consolidated revenue fund.

Delegation

47. The chairman of the commission may authorize one or more members of the commission to exercise the powers and perform the duties and functions of the commission under sections 42 and 44 to 46.

Annual report

48. The commission shall submit annually to the minister

(a) a report of the operation of the commission for the immediately preceding fiscal year, and

(b) a financial statement showing the business of the commission for that fiscal year,

and the report and financial statement shall be laid before the Legislative Assembly within 15 days after commencement of the first session in the following year.

PART 9

CITIZEN COMPLAINT PROCEDURE

Interpretation

49. In this Part

"complainant" means a member of the public who has submitted a complaint;

"complaint" means an allegation in writing made by a member of the public respecting the conduct of a municipal constable or a provincial constable which, if proven, would constitute a disciplinary default under a code of conduct established by regulation;

"complaint commissioner" means the member of the commission appointed by the minister to perform the duties of the complaint commissioner;

"constable" means a municipal constable, a provincial constable or both, as the context requires;

"disciplinary authority" means, where a complaint is made against

- (a) the commissioner, the minister or a person, including the commission, the minister appoints in writing,
- (b) a provincial constable, the commissioner or a member of the provincial police force the commissioner appoints in writing,
- (c) the chief constable of a municipal police force, the board responsible for the municipal police force or a person, including the commission, the board appoints by resolution, and
- (d) a municipal constable, the chief constable of that municipal police force or a member the chief constable appoints in writing;

"disciplinary tribunal" means, where an inquiry is requested under section 60 in respect of a complaint made against

- (a) a provincial constable, the disciplinary tribunal directed by the minister under section 60 (4) to hold the inquiry, or
- (b) a municipal constable, the board responsible for the municipal constable;

"municipal constable" includes a special municipal constable;

"provincial constable" includes an auxiliary constable and a special provincial constable but does not include a member of the Royal Canadian Mounted Police serving the Province.

Duties of complaint commissioner

50. (1) The duties of the complaint commissioner are

- (a) to receive complaints from the public against constables,
- (b) to record complaints received and forward them to the disciplinary authority,
- (c) to establish and maintain a record of all complaints received by municipal police forces against the conduct of municipal constables, and their disposition,
- (d) to inform, advise and assist complainants, constables complained against, disciplinary authorities, boards and the commission, in respect of the handling of citizen complaints,
- (e) to monitor the handling of complaints and act in the public interest to ensure complaints are handled in the manner specified by this Act and the regulations,
- (f) to inspect annually, or as required, the records, operations and systems of administration for handling of citizen complaints by municipal police forces, and
- (g) to publicize the function and duties of the complaint commissioner.

(2) In exercising his duties under this section, the complaint commissioner may receive and obtain information respecting a complaint from the parties and the

disciplinary authority in the manner he considers appropriate and, without limiting the generality of the foregoing, shall have access to any files or other material relating to a complaint and may interview and take statements from the disciplinary authority, the complainant and the constable complained against.

(3) Subject to subsection (4), no oral or written statement made to the complaint commissioner shall be used or received as evidence in any civil or administrative proceeding and the complaint commissioner or a person to whom he delegates his powers shall not be required to give testimony or to produce a statement obtained in exercising his powers under this section.

(4) Subsection (3) does not apply to a proceeding under a prescribed code of discipline respecting an allegation that, with intent to mislead, a constable made a statement to the complaint commissioner, or person to whom the complaint commissioner delegated his powers, knowing that it was false.

(5) Where the complaint commissioner as a result of information obtained under subsection (2) believes there has been an inadequacy in the investigation of the complaint, he may advise the disciplinary authority and request a reinvestigation of the complaint.

(6) The complaint commissioner may delegate, in writing, his powers under subsection (2) subject to such conditions as he may specify.

Application of this Part

51. (1) Subject to subsection (2), this Part does not preclude the taking or continuing of

- (a) civil or criminal proceedings against a constable,
- (b) internal disciplinary proceedings under a prescribed code of discipline, or
- (c) proceedings under the *Industrial Relations Act* as to the interpretation, application or operation of a collective agreement

(2) Notwithstanding a contrary provision in another Act or in a collective agreement, where a complainant requests an inquiry under section 60, the provisions of this Act apply to the complaint, inquiry and disposition of the complaint.

Complaint made

52. A person having a complaint against a constable shall complain to one of the following:

- (a) the disciplinary authority;
- (b) the complaint commissioner;
- (c) in the case of a municipal constable, the senior constable on duty at the time the complaint is made.

Complaint form/information to complainant

53. The person who receives the complaint shall record the complaint in the prescribed form and shall furnish the complainant with a prescribed statement that sets out the procedures that will be followed respecting the complaint and the rights of the complainant, together with a copy of the complaint form.

Complaint commissioner to monitor

54. Where a complaint is made to

- (a) the disciplinary authority or he receives a complaint under paragraph (c), he shall forthwith send a copy of it to the complaint commissioner,

- (b) the complaint commissioner, he shall forthwith send a copy of it to the disciplinary authority, or
- (c) the constable in charge of a municipal police force, he shall forthwith send a copy to the disciplinary authority.

Status reports to be given

55. In the case of a complaint against a constable, the disciplinary authority shall notify, in writing, the complainant, the constable complained against and the complaint commissioner of the status of the complaint not later than 45 days after the date the complaint is recorded by the person who received it and every 30 days thereafter during the course of the investigation unless, in the disciplinary authority's opinion, to do so might adversely affect or hinder any investigation in respect of the complaint, in which case he shall, on request, notify the complaint commissioner of the reasons for his decision.

Informal disposition of complaints

56. (1) The disciplinary authority receiving a complaint may informally hear and attempt to resolve the complaint.

(2) Where a complaint is resolved informally, a record shall be made of the manner in which the complaint was resolved.

(3) The disciplinary authority shall notify the complainant, the constable complained against and the complaint commissioner of the results of the attempt at informal resolution, if any.

Investigation of complaints

57. (1) Where the disciplinary authority does not attempt to resolve the complaint informally, he shall forthwith conduct an investigation into the complaint.

(2) Where the disciplinary authority receiving a complaint is unsuccessful in resolving the complaint informally, the complainant may, in writing, request that the complaint be investigated by the disciplinary authority, who shall notify the constable complained against and the complaint commissioner and forthwith comply with the request.

Frivolous and vexatious complaints

58. (1) The disciplinary authority may refuse to investigate or further investigate a complaint against a constable where the disciplinary authority is satisfied that

- (a) the complaint is frivolous, vexatious, not made in good faith or concerns a trivial matter,
- (b) the conduct complained of primarily affects a person other than the complainant and the complainant does not have sufficient personal interest in the subject matter of the complaint, or
- (c) the complainant knew or ought to have known, more than 6 months before making the complaint, of the act or omission to which his complaint refers.

(2) Where the disciplinary authority refuses to investigate or to further investigate a complaint against a constable,

- (a) the disciplinary authority shall, in writing, promptly notify the complainant, the constable complained against and the complaint commissioner of the disciplinary authority's refusal to investigate or further investigate, the reasons for the refusal and the recourse under this section that is available to the complainant, and

(b) the complainant may, within 10 days after he receives the notification referred to in paragraph (a), by written request delivered to the disciplinary authority, require a review of the disciplinary authority's decision.

(3) On receipt of the complainant's written request under subsection (2) (b), the disciplinary authority shall notify the complaint commissioner and the constable complained against of the request and shall, where the complaint is against

(a) a provincial constable, deliver to the commission, or

(b) a municipal constable, deliver to the board responsible for the municipal constable

a copy of the complainant's written request for a review together with particulars of the complaint and the disciplinary authority's reasons for the refusal and, where the complaint is against

(c) a provincial constable, the chairman of the commission shall appoint 2 persons he considers suitable, or

(d) a municipal constable, the chairman of the board shall appoint 2 of the board's members

as a review panel to review the disciplinary authority's decision.

(4) The review panel shall consider the complaint and the reasons for the disciplinary authority's decision and shall, not more than 30 days after its appointment,

(a) unanimously confirm the decision of the disciplinary authority,

(b) unanimously direct the disciplinary authority to cause the complaint to be investigated under section 57, or

(c) where the review panel is unable to reach a unanimous decision, so signify and shall promptly give written notice of the result of its considerations to the complainant, the complaint commissioner, the constable complained against and the disciplinary authority, giving its reasons where it has confirmed a decision under paragraph (a) or made a direction under paragraph (b).

(5) Where a review panel makes a unanimous direction under subsection (4) (b) or signifies under subsection (4) (c) its inability to reach a unanimous decision, the disciplinary authority shall promptly cause the complaint to be investigated.

(6) Where a review panel makes a unanimous confirmation under subsection (4) (a), no further action shall be taken on the complaint and the decision of the review panel is final and binding.

(7) Before unanimously confirming the decision of a disciplinary authority, the review panel shall give the complainant an opportunity to be heard.

Notice of results of investigation

59. Where a disciplinary authority has investigated a complaint, he shall, not more than 7 days after the investigation is completed, send a notice to the complainant, the complaint commissioner and the constable against whom the complaint is made, setting out

(a) a summary of the investigation and the results of the investigation,

(b) any disciplinary action intended to be taken by the disciplinary authority, and

(c) the right of the complainant or constable against whom the written complaint is made to request an inquiry.

Request for inquiry

60. (1) A complainant who alleges he is personally affected by an act or omission set out in the complaint, or a constable against whom the complaint is made, may, not more than 30 days after the date he receives a notice under section 59, send the disciplinary authority a notice requesting an inquiry.

(2) Where a notice requesting an inquiry is not sent within the time limited by subsection (1), the disciplinary authority may deal with the complaint as an internal disciplinary proceeding under a prescribed code of discipline.

(3) Subject to subsection (2), the disciplinary authority shall promptly submit a copy of the notice to the complaint commissioner, the minister and, where the inquiry is requested in respect of a complaint against a municipal constable, the disciplinary tribunal responsible for the municipal police force.

(4) Where the minister receives a copy of a notice requesting an inquiry in respect of a complaint against a provincial constable, the minister shall direct that the inquiry be held by a disciplinary tribunal consisting of the commission, a committee the minister designates or jointly by the commission and a committee the minister designates and shall give a copy of the notice to the tribunal.

(5) A disciplinary tribunal shall, forthwith after it receives a copy of a notice requesting an inquiry, send a notice specifying the date and place of the inquiry to

- (a) the complainant,
- (b) the constable against whom the complaint is made,
- (c) the disciplinary authority, and
- (d) the complaint commissioner,

and the disciplinary tribunal shall hold the inquiry on the date and at the place specified in the notice.

(6) An inquiry shall be a new hearing at which the persons referred to in subsection (5) (a), (b) and (c) may, and shall if required by the disciplinary tribunal, give evidence *viva voce*.

Inquiries open to public

61. An inquiry by a disciplinary tribunal shall be open to the public.

Inquiries respecting provincial constables

62. A disciplinary tribunal holding an inquiry respecting a complaint against a provincial constable shall

- (a) review the complaint,
- (b) review the investigation made, and any disciplinary action intended to be taken by the disciplinary authority,
- (c) determine whether the complaint is justified, and
- (d) not more than 10 days after it concludes the inquiry, submit its findings and recommendations to the complainant, the provincial constable against whom the complaint is made, the minister, the disciplinary authority and the complaint commissioner.

Inquiries respecting municipal constables

63. (1) After holding an inquiry respecting a complaint against a municipal constable, the disciplinary tribunal shall

- (a) approve, or approve subject to the terms it specifies, the disciplinary action intended to be taken by the disciplinary authority,
- (b) reject the disciplinary action intended to be taken by the disciplinary authority and order that it take the disciplinary action the disciplinary tribunal specifies,
- (c) request the commission to order that a further investigation be made of the complaint, or
- (d) make an order it considers appropriate in the circumstances.

(2) The disciplinary tribunal shall, not more than 10 days after the date it makes its decision under subsection (1), serve a notice of its decision on the complainant, the municipal constable against whom the complaint was made, the disciplinary authority and the complaint commissioner.

(3) For the purposes of this section, "disciplinary action" includes a decision not to take disciplinary action.

Leave to appeal to the commission

64. (1) A complainant or municipal constable affected by a decision of a disciplinary tribunal may, not more than 30 days after the date he receives notice of the decision, serve on the commission a notice of application for leave to appeal all or part of the decision to the commission.

(2) An application under subsection (1) shall be in writing and shall set out the reasons for requesting leave to appeal.

(3) The disciplinary tribunal that made the decision appealed from shall, on the request of the commission, submit to the commission the record of the inquiry and every report or other information considered by the disciplinary tribunal during the inquiry.

(4) The commission shall grant leave to appeal where, after considering the record, report and other information, and calling witnesses and hearing evidence it considers necessary, the commission has reasonable doubt of the thoroughness or fairness of the investigation by the disciplinary authority or the inquiry by the disciplinary tribunal, or believes the disciplinary action imposed is not comparable to disciplinary action imposed in respect of similar complaints.

Appeal to commission

65. (1) Where the commission grants leave to appeal, it shall serve a notice specifying the date and place of the appeal on the complainant, the municipal constable against whom the complaint was made, the disciplinary authority and the disciplinary tribunal, all of whom shall be parties to the appeal.

(2) An appeal shall be a new hearing at which the persons referred to in subsection (1) may, and shall if required by the commission, give evidence *viva voce*.

(3) After holding an inquiry respecting a complaint against a municipal constable, the commission shall

(a) approve, or approve subject to the terms it specifies, the disciplinary action intended to be taken by the disciplinary authority or disciplinary tribunal,

(b) reject the disciplinary action intended to be taken by the disciplinary authority or disciplinary tribunal and order that the disciplinary authority take such disciplinary action as the commission may specify, or

(c) make an order it considers appropriate in the circumstances.

(4) The hearing of an appeal under this section shall be open to the public.

(5) A decision or order of the commission under subsection (3) is final and binding.

(6) For the purposes of this section, "disciplinary action" includes a decision not to take disciplinary action.

Powers and privileges at inquiries

66. (1) The following bodies have and may exercise the powers of a commissioner under sections 15 and 16 of the *Inquiry Act*:

(a) the commission,

(i) for the purposes of a study under section 44 or an inquiry under section 45 or 60,

(ii) for the purposes of an investigation under section 46,

- (iii) during the hearing of an application for leave to appeal under section 64, and
 - (iv) during the hearing of an appeal under section 65;
 - (b) a committee designated by the minister to hold an inquiry under section 60;
 - (c) a disciplinary tribunal, for the purposes of an inquiry under section 60;
 - (d) a board, for the purposes of a study under section 29.
- (2) Every person required to attend and give evidence before a body that is exercising its powers under subsection (1) has a right to
- (a) be represented by counsel, and
 - (b) call and examine witnesses.
- (3) On the request of, or with the consent of, a person required by the commission to attend and give evidence at an inquiry under section 45, the commission may take his evidence in private.
- (4) Where evidence is taken in private under subsection (3), no person shall, without the consent of the commission, disclose or communicate the evidence to another person.
- (5) At the hearing of internal disciplinary proceedings and appeals under a prescribed code of discipline, the presiding officer, the board and the commission have power to
- (a) hear and receive evidence on oath, and
 - (b) compel witnesses to attend by notice in writing, and to pay those witnesses to the extent that witnesses are remunerated for attendance at a County Court.
- (6) A witness who fails, without reasonable excuse, to attend the proceedings after service on him of notice in writing under subsection (5) requiring his attendance, commits an offence.

PART 10

GENERAL

Evidentiary effect of orders

67. An order, rule, report, record or certificate signed by a disciplinary authority or by a member of the commission or a board, committee or disciplinary tribunal that made the order, rule, report or certificate is, in any proceeding, evidence of the facts stated in the order, rule, report or certificate, and of the authority of the member or disciplinary authority without proof of his appointment, authority or signature.

Request for assistance of other police forces

68. The provincial police force or a municipal police force, on receiving a request for temporary assistance made by another police force, shall assign to the police force making the request the constables it is practicable to assign for the purpose.

Meetings and hearings open to public

69. (1) Subject to subsection (2), every meeting and hearing of the commission, a board or a committee shall be open to the public.

(2) Where the commission or a board or committee believes, in respect of a meeting or hearing held by it, that

- (a) a matter respecting public security will arise, and its disclosure could reasonably be expected to seriously impair effective law enforcement,
- (b) a financial or personal matter respecting a person will arise, and his interest in the matter outweighs the public's interest in the matter,

(c) a matter respecting labour contract discussions, labour management relations, layoffs or another personnel matter will arise, or

(d) a matter will arise respecting information a person has requested he be allowed to give in private to the commission, board or a committee,

the commission, board or committee, as the case may be, may order that the portion of the meeting or hearing during which the matter will arise shall be held in camera.

(3) Where the commission, or a board or committee makes an order under subsection (2), it shall forthwith submit to the minister a copy of the minutes of the meeting or hearing and a statement of the reasons for holding the meeting or hearing in camera.

Oaths and affirmations

70. (1) A person shall not assume office or exercise any powers or perform any duties as a provincial constable, auxiliary constable, municipal constable, special municipal constable, special provincial constable, enforcement officer, bylaw enforcement officer or member of the commission or a board or committee unless he takes, before he assumes office, an oath or affirmation in the prescribed form and manner.

(2) The minister may prescribe different forms of oaths and affirmations for provincial constables, auxiliary constables, municipal constables, special municipal constables, special provincial constables, enforcement officers, bylaw enforcement officers and members of the commission, boards and committees.

(3) The minister may, by regulation, require that an employee of the commission or the provincial police force take an oath or affirmation in the form and manner he prescribes.

(4) An oath or affirmation required to be taken under this section shall be filed with the person designated in the regulations.

(5) Subsection (3) does not apply to a person referred to in subsection (2).

Minutes and records

71. The commission and every board, committee and disciplinary tribunal shall keep minutes of its meetings and hearings and records of its inquiries.

Ombudsman

72. The *Ombudsman Act* does not apply to this Act or the regulations.

Service of notices

73. (1) Every notice required under this Act shall be in writing and shall be served personally or mailed by registered mail.

(2) Where a notice under this Act is mailed by registered mail, the addressee shall be deemed to have received the notice on the fifth day after the date of mailing.

Regulations

74. The Lieutenant Governor in Council may make regulations and, without limiting the foregoing, the Lieutenant Governor in Council may make regulations

- (a) providing for or granting financial aid to the administration and course of study in a police training school or other educational institution,
- (b) developing procedures for the handling of complaints from members of the public against police constables,
- (c) for the government of police forces and governing the qualifications, ranks, conduct, training, duties, suspension, promotion, dismissal and punishment of members of police forces,

- (d) prescribing the minimum salary or other remuneration and allowances to be paid to members of police forces,
- (e) prescribing the minimum remuneration to be paid to the members of boards or committees who are designated by the Lieutenant Governor in Council or appointed by the minister,
- (f) prescribing the minimum number of members of police forces that shall be employed either on a basis of population, area, property assessment or a combination of them, or on another basis,
- (g) prescribing requirements respecting offices, buildings, places of detention and materiel to be provided by municipalities,
- (h) prescribing or regulating the number of meetings to be held by boards and committees, the times and places they are to be held and the public notices and methods to be employed regarding the meetings,
- (i) prescribing the records, returns, books and accounts to be kept and made by police forces or the members,
- (j) prescribing the method of accounting for fees, costs and other money that comes into the hands of members of police forces,
- (k) providing for the payment of fees and expenses to witnesses at hearings or appeals under this Act,
- (l) prescribing the deployment, deportment, discipline and training of auxiliary constables,
- (m) prescribing the administration of rewards offered in respect of an offence, and
- (n) providing for the disposal of property where the provincial police force obtains custody of stolen or abandoned personal property

Offence Act

- 75.** (1) Section 5 of the *Offence Act* does not apply to this Act or the regulations.
(2) A person who contravenes section 6C (4) commits an offence.

Repeal

- 76.** The *Police Act*, R.S.B.C. 1979, c. 331, is repealed

Commencement

- 77.** This Act comes into force by regulation of the Lieutenant Governor in Council.