

LEGISLATION
MADE EASY

3RD EDITION

by

BEVERLEY GAIL NASH

*Registrar of Regulations
Province of British Columbia*

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FOREWORD

The original version of this publication came to be because of the numerous requests I received over the years for “something in writing” as a guide to the complexities of the various aspects of statutes, regulations and orders.

This third edition has been produced mainly to update information about legislative sources and tools. Please note that internet addresses (URLs) may change after publication.

I trust that you will find this booklet useful.

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Gail Nash
Victoria, February 2010

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CONTENTS

<i>Chapter</i>		<i>Page</i>
	Glossary	1
1	Legislative Process	
	(1) The Legislative Assembly	11
	(2) Preparation of Legislation (Bills)	
	(A) Three Types of Bill	14
	(B) Steps for Processing Government Bills	14
	(C) Members' Bills	16
	(D) Private Bills	17
	(E) Bill Stages	17
	Flow Chart – Bills	21
	(3) Subordinate Legislation	
	(A) General	22
	(B) Orders	24
	Flow Chart – Orders	25
	(C) Regulations	26
	Flow Chart – Regulations	28
2	Coming into Force	
	(1) Statutes (Bills)	29
	(2) Regulations	30
	(3) Orders in Council	30
	(4) Other Orders	31
	(5) Time of Commencement	31
3	Publications	
	(1) Why is Legislation Published?	32
	(2) Bills and Acts	33
	(3) Regulations	35
	(4) Orders	36
4	Style of B.C. Legislation	37
5	Dates and Time	41
6	Information Sources	43
7	Suggested Readings	48
	About the Author	51

GLOSSARY

Act

A law or decree made by a sovereign or legislative authority¹. See also Bill; Public Acts; Statute.

Adjournment

A temporary suspension of regular sittings of the Legislative Assembly. Daily sittings are adjourned until the next sitting, and the Session as a whole may be adjourned. The advantage to adjourning the Session, rather than proroguing, is that the Legislative Assembly may be recalled on short notice, without formality, and all business before the Assembly at adjournment proceeds from where it left off after the Session resumes. See also Dissolution, Prorogation.

Administrator

A person appointed by the Governor General in Council under section 67 of *The Constitution Act, 1867* (Canada) “to execute the office and functions of Lieutenant Governor during his absence, illness or other inability.” Traditionally, the Chief Justice (Court of Appeal) of the province is appointed. If he or she is unavailable the appointment goes to the next senior judge in the B.C. Court of Appeal.

BC Laws

Free public access to unofficial current consolidations of statutes and regulations, at www.bclaws.ca.

Bill

The form in which proposed legislation is presented to the Legislative Assembly. A Bill that passes third reading becomes an Act. The 3 types of Bill are: Public (Government) Bill, Member’s Bill, Private Bill. See also First Reading Bill; Message Bill; Notice Bill; Report Bill; Third Reading Bill; see CHAPTER 1 (2) for greater detail.

Cabinet

Customarily, members of the governing party who have been appointed ministers (also called the Executive Council).

¹ Oxford English Dictionary, Oxford, Clarendon Press, 3rd Ed. 1955.

Citation

The numerical reference for a statute or regulation; for example, the citation for the *Adoption Act* is R.S.B.C. 1996, c. 5, and for the Motor Vehicle Act Regulations is B.C. Reg. 26/58. See also Historical Note; Session.

Commencement section

If there is one, the commencement section is usually the last section in an Act, preceding any schedules. This section gives information about when the Act is to come into force. If there is no commencement section the Act comes into force on the date of Royal Assent. See also CHAPTER 2 (1).

Committee of the Whole House

A committee composed of all M.L.A.s. Clause by clause debate of a Bill customarily takes place in the Committee of the Whole House. At this stage amendments to a Bill may be made by Notice or Message on a Proposed Amendment to Bill form, as well as from the floor of the House. All amendments must be presented in writing. The Estimates also are debated in this committee. See also CHAPTER 1 (2) (E) re Committee.

Consolidation

The published version of an Act or regulation in which the substance of any amendments has been blended into the original. Published periodically in looseleaf format and thus referred to as “the looseleaf”. Available also in electronic formats. Not to be confused with a revision, in which renumbering, reorganizing and updating of language may also be done. See also CHAPTER 3 (2) and (3) re Looseleaf Statutes and Regulations.

Dissolution

Dismissal of the Legislative Assembly by proclamation of the Lieutenant Governor for a general Provincial election. See also Adjournment; Prorogation.

Enactment

A general term used to mean either an Act or a piece of subordinate legislation.

Estimates

The Estimates are presented to the Legislative Assembly by the Minister of Finance. They outline the revenue and expenditure intentions of the government for the next fiscal year and form the basis for annual appropriations approved by the Legislative Assembly through a *Supply Act* or a specific provision in another statute.

Executive Council

See Cabinet.

First Reading

Introduction of a Bill. Second and third readings may follow. See also Bill.

First Reading Bill

A First Reading Bill is printed with a cover stating whether it is a government bill, member's bill or private bill, giving the name or title of the person sponsoring it, and the Session and Parliament during which it is introduced. It contains explanatory notes to assist the M.L.A.s during debate. See also Second Reading; Third Reading; CHAPTER 1 (1) re Numbering of Parliaments and Sessions.

Gazette

See CHAPTER 3 (3) and (4).

Government Bill

See Bill; see also CHAPTER 1 (2) (A) and (B).

Hansard

A printed record, essentially verbatim, of the debates of the Legislative Assembly. Based on the British version and named after Luke Hansard [1752-1828], the first compiler. As of the 2003 Session, video transcriptions of the proceedings, with closed captioning, have also been made available through the Legislative Assembly website – see: Hansard (Debates) at www.leg.bc.ca/hansard/.

Historical note

The historical note that follows a section of a regulation gives the history of that section by listing the citation for the enactment of the section plus citations for all amendments to it. Regulation citations take this form: B.C. Reg. 26/58, s. 2; meaning section 2 of the 26th regulation filed or deposited in 1958.

Statute citations are in this form: 1991-23-62; in which 1991=year, 23=chapter, 62=section. These statute citations no longer follow each provision in the consolidated statutes, but are published in a separate Table of Legislative Changes.

“en.” means enacted by; “am.” means amended by; “c.” means chapter; “s.” means section.

House

Another term for the Legislative Assembly. The term originally referred to the House of Assembly, but nowadays is used colloquially sometimes to describe the members collectively rather than the building.

Journals of the Legislative Assembly

Sessional bound volumes of the proceedings of the Legislative Assembly – the official record. The Journals are an edited version of the Votes and Proceedings.

Legislation Committee

The Cabinet Committee on Legislation and Regulations is made up of 6 to 8 Cabinet ministers and government caucus members and is usually chaired by the Attorney General. When a ministry is satisfied with a draft Bill, the draft goes to this committee for approval. If it is not approved at this first meeting changes may be made before the draft is returned to the committee. Significant draft regulations are also referred to this committee. See also CHAPTER 1 (2) (B) re Preliminary and Final Approvals.

Legislative Assembly

All the elected provincial representatives as a group, whether government or opposition.

Legislative Assembly website

As referred to in this publication, this means the portion of that website dedicated to legislation:

www.leg.bc.ca/legislation/index.htm.

Legislature

The Lieutenant Governor with the Legislative Assembly.

Legislative Counsel

A lawyer with specialized training who drafts or reviews proposed government legislation. The Legislative Counsel's Office forms part of the Ministry of Attorney General.

Lieutenant Governor

The monarch's representative in the Province. Appointed by the Governor General in Council under section 58 of the *Constitution Act, 1867* (Canada). The Federal counterpart is the Governor General. See also Administrator.

Lieutenant Governor in Council

The Lieutenant Governor plus the Cabinet ministers.

Local Acts

These are Acts which relate to a particular portion of the Province; for example: the *Columbia River Basin Inquiry Act*.

Looseleaf

See Consolidation; see also CHAPTER 3 (2) and (3).

Marginal note

In statutes and most regulations, this is the note (in some jurisdictions called a headnote) that accompanies each section and briefly summarizes its content. Up to 1977 these notes appeared in the margin alongside each section. In 1978 the printed format of legislation changed so that the note appeared above the section, but the term has been retained. Under section 11 of the *Interpretation Act*, marginal notes do not form part of the legislation and are for guidance only.

Member's Bill

See Bill; CHAPTER 1 (2) (A), (C) and (E).

Message Bill

Introduced by a message from the Lieutenant Governor recommending the Bill to the House; does not require notice in the Orders of the Day. All Bills involving taxation or expenditure of public money must be introduced by message. A message Bill is always a government Bill. See also Bill; Notice Bill.

M.L.A.

Abbreviation for Member of the Legislative Assembly; elected representative at the Provincial level.

Notice Bill

All Bills other than Message Bills require 2 days notice in the Orders of the Day before they may be introduced. See also Bill; Message Bill.

Order

Subordinate legislation made under the authority of a statute. Orders may be made by the Lieutenant Governor in Council, a minister, a superintendent or similar official, a board or similar body. Most orders are administrative in nature, but some may be classed as regulations. See also Regulation; CHAPTER 2 (3) and (4).

Orders of the Day

Proposed proceedings in the House; a daily agenda.

Private Act

A private Act is put forward to reflect the private interests of a person or group; for example: the *Association of Former M.L.A.s of British Columbia Act*, or the *Bishop of Vancouver Island Incorporation Act*. Corporations created under private Acts reflect the private interests of their promoter. A government would be far more likely to support the creation of a company with a charitable public purpose than a commercial company that should incorporate under the *Business Corporations Act* or register under the *Society Act*.

Private Bill

See Bill; CHAPTER 1 (2) (D)².

Proclamation

Proclamations by the Lieutenant Governor are used to convene, prorogue or dissolve the Legislative Assembly. They are also used for non-statutory purposes, for example, to give official support to a cause by declaring such an event as Boy Scout Week. Acts requiring a further step after Royal Assent used to be proclaimed into force; however this step has been done by regulation since

² See Standing Orders of the Legislative Assembly of British Columbia for details on how to petition for introduction of a Private Bill.

October 26, 1983 when the *Regulations Act* of 1983 became effective. See also CHAPTER 2 re Coming into Force; CHAPTER 1 (1) re Proclamation.

Prorogation

The closing, by the Crown, of a Session of the Legislature, the effect of which is to put an end to that Session but not to that Legislative Assembly (Parliament). After the House has prorogued it must be reconvened by Proclamation (with accompanying pageantry). Any business still on the Order paper at prorogation does not proceed unless ordered to do so at that time³. See also Adjournment; Dissolution.

Public Acts

A public Act is put forward by the government as part of its public policy direction; for example: *Water Act*; *Employment and Assistance Act*. Corporations created under public Acts are generally vehicles by which the government intends to have its public policy carried out, such as the *Insurance Corporation Act*. See also Bill; CHAPTER 1 (2) (A) and (B).

QP LegalEze

An internet service for legislative materials, by subscription, hosted by Queen's Printer at www.qplegaleze.ca.

Regulation

Subordinate legislation made under the authority of a statute. Whereas an Act gives the policy and framework, a regulation generally gives detail. Regulations may be enacted whether or not the Legislative Assembly is in session at the time. Since October 1983, regulations have been used instead of proclamations to bring Acts into force. See also Order; CHAPTER 1 (3) (C).

Report Bill

Using a technique called redlining (striking out material to be deleted and underscoring material to be added), amendments passed in the Committee stage are incorporated into the Bill to make it easy to see the changes when the Bill is reported back to the House. The next step is for the Bill to be presented in the House

³ See Beauchesne's Parliamentary Rules and Forms, 6th ed., section 235.

for third reading and final debate (if any). See also Bill; First Reading Bill; Third Reading Bill.

R.S.B.C.

Abbreviation for Revised Statutes of British Columbia. The citation “R.S.B.C. 1996, c. 22” indicates the statute was revised and republished as chapter 22 of the 1996 Revision.

Revised Statutes of British Columbia

Periodically (every 10 to 20 years in B.C.) the public Acts are revised for various reasons, primarily to consolidate amendments, simplify the numbering and update the language. To date there have been 10 revisions in B.C., done in 1871, 1877, 1888, 1897, 1911, 1924, 1936, 1948, 1960, 1979 and 1996. Revisions are published in hardcover and looseleaf versions. The most recent revision in 1996 was also published electronically on CD-ROM and on the Legislative Assembly website. 1996 may have been the last full revision because the *Statute Revision Act* now contemplates that individual Acts or portions of Acts may be revised as the need arises.

Revision

See REVISED STATUTES OF BRITISH COLUMBIA. To the date of this writing, no complete revision of regulations has been undertaken, although some individual regulations have been revised under the authority of Part 2 of the Regulations Regulation, B.C. Reg. 394/83.

Royal Assent

In order to have legal effect, all Bills must be given Royal Assent after they have passed Third Reading. The Lieutenant Governor assents to Bills on the monarch’s behalf. Unless a Bill contains a stated effective date, or a provision requiring that it be brought into force by regulation, it comes into force on the day Royal Assent is given. See also Commencement Section; Proclamation; CHAPTER 2 (1).

Second Reading

At second reading stage the principle of the Bill is debated. See also First Reading; Third Reading.

Session

The legislative sittings of each government are divided into several Sessions, and at least one Session of the Legislative Assembly is held each year. If more than one Session per calendar year is held, citations for statutes from the second session for that year may be denoted by “(Second Session)” after the year, for example: 1961 (Second Session) or 1961 (2). See also CHAPTER 1 (1).

Sessional Order

A procedural rule in place for one Session only.

Standing Orders

Short for “Standing Orders of the Legislative Assembly of British Columbia”. These rules of order govern the day to day workings of the Legislative Assembly.⁴

Statute

Alternate name for Act. See also Bill.

S.B.C.

Abbreviation for Statutes of British Columbia. The citation “S.B.C. 2003, c. 25” denotes chapter 25 of the statutes passed in 2003. See also Citation; R.S.B.C.

Third Reading

The final reading of a Bill before the Legislative Assembly. See also First Reading; Second Reading.

Third Reading Bill

A Bill which has been voted on and passed by the Legislative Assembly, with or without amendment. Third Reading Bills are certified correct by the Law Clerk before being printed in this form. See also First Reading Bill; Report Bill.

Votes and Proceedings

Official printed record of the proceedings of daily sittings of the Legislative Assembly. Includes records of Bills and petitions presented, votes taken and a table tracking the progress of Bills. The Votes and Proceedings are in the form of minutes, not a

⁴ See the website for the Legislative Assembly under “Standing Orders” for the current version.

verbatim record like Hansard⁵. See also Journals of the Legislative Assembly.

⁵ See the website for the Legislative Assembly under “Votes and Proceedings” for the Votes and Proceedings dating back to 1992.

CHAPTER 1

LEGISLATIVE PROCESS

(1) THE LEGISLATIVE ASSEMBLY

Formation

The Legislative Assembly consists of all elected representatives at the Provincial level (M.L.A.s). Each election forms a new Legislative Assembly (also called a Parliament). The election held May 12, 2009 created the 39th Parliament.

Each time a Legislative Assembly meets in its place of assembly (the House), that meeting is called a sitting – current practice is to have the M.L.A.s sit regular hours from Monday to Thursday each week, while Friday is set aside to allow members to work in their constituencies.⁶

A group of sittings is called a Session. Under section 22 of the *Constitution Act*, “there must be a session of the Legislative Assembly at least once every year, so that 12 months must not intervene between the last sitting of the Legislative Assembly in one session and its first sitting in the next session.” A Legislative Assembly may hold more than one Session, but until recently only occasionally held more than one Session per calendar year. Present practice is to hold a fairly lengthy Spring Session starting mid-February plus a shorter Fall Session. In 2001, 3 distinct Sessions were held:

- the 5th Session of the 36th Parliament (New Democratic Party government)
- the 1st Session of the 37th Parliament (Liberal government; only one Bill passed)
- the 2nd Session of the 37th Parliament (Liberal government)

The Lieutenant Governor summons (or convokes) each Session and prorogues each Session at its end. Before an election is held the Lieutenant Governor dissolves the Legislative Assembly.

⁶ See Standing Orders, section 2 re Daily sittings, at www.leg.bc.ca

In 2001, section 23 of the *Constitution Act* was amended to set “the second Tuesday in May in the fourth calendar year following the general voting day for the most recently held general election” as the next general election date. Prior to that change M.L.A.s could hold their seats for no longer than 5 years.

Numbering of Parliaments and Sessions

Parliaments are numbered, starting with the first one which convened February 15, 1872. The number of a parliament changes after an election. At the 2005 Provincial election voters elected M.L.A.s for the 38th Parliament, which had 5 Sessions. The following list shows the progress of those Sessions:

- 1st Session convened September 12, 2005
 adjourned November 24, 2005
 prorogued February 14, 2006

- 2nd Session convened February 14, 2006
 adjourned May 18, 2006
 reconvened November 22, 2006
 adjourned November 27, 2006
 prorogued February 13, 2007

- 3rd Session convened February 13, 2007
 adjourned May 31, 2007
 reconvened October 15, 2007
 adjourned November 29, 2007
 prorogued February 12, 2008

- 4th Session convened February 12, 2008
 adjourned May 29, 2008
 reconvened November 20, 2008
 adjourned November 27, 2008
 reconvened February 9, 2009
 prorogued February 16, 2009

5th Session convened February 16, 2009
adjourned March 31, 2009
dissolved April 14, 2009

As you can see, in British Columbia usually the practice has been not to prorogue one Session until just before the next Session is convened.

The 38th Parliament was dissolved April 14, 2009. Because the House was adjourned at the time the election writ was dropped, there was no need to prorogue the 5th Session – it was considered closed by dissolution. The Provincial election held May 12, 2009 created the 39th Parliament.

First Reading Bills refer on the cover page to the Session of a particular parliament, for example: 5th Session, 38th Parliament.

Adjournment

A Session may be adjourned temporarily to reassemble later without the necessity of being formally summoned. A Session may be adjourned more than once, as was the 4th Session of the 38th Parliament. Following an adjournment the Session number does not change.

Proclamation

Proclamations are issued for convening, dissolving and proroguing Sessions of the Legislative Assembly. Original copies of these proclamations are in the custody of the Order in Council Office and copies are published in the B.C. Gazette Part I.

“Budget Day”

Under section 6 of the *Budget Transparency and Accountability Act*, the main estimates for a fiscal year must be presented to the Legislative Assembly on the third Tuesday in February.

(2) PREPARATION OF LEGISLATION (BILLS)

(A) THREE TYPES OF BILL

Government Bills may be numbered from 1 to 200 and are introduced by a Minister. They reflect government policy and their purpose is to amend existing law, consolidate several existing laws or enact new law of general application.

Members' Bills may be numbered from M 201 to M 400 and are introduced by an opposition M.L.A. or government backbencher. Their purpose is to enact new law or amend existing law, but they don't necessarily reflect government policy. They are also called Public Bills in the Hands of Private Members.

Private Bills may be numbered from Pr 401 on. They are introduced by petition to the House under the sponsorship of an M.L.A.⁷ Their purpose is to enact a provision, which does not appear in the general law, for the benefit of a particular person or group. A Private Bill may not proceed to second reading without being favourably reported on by the Private Bills Committee. The contents of the Bill must be advertised prior to a hearing before the committee, at which submissions against the Bill may be received from interested parties. Because these Bills are of very limited application they are not consolidated in the looseleaf or various internet versions of the statutes or revised during a revision of statutes. The only Private Act that has been consolidated is the *Vancouver Charter* (because it has such wide application.)

(B) STEPS FOR PROCESSING GOVERNMENT BILLS

Policy

An initiative for new legislation begins with a sponsoring minister preparing a submission to be presented to Cabinet. This is true whether the proposed legislation is an amendment to an existing Act or an entirely new Act. Before the submission is presented, considerable work is involved:

- policy issues must be settled
- proposed administrative framework must be established

⁷ See Chapter IX of the Standing Orders of the Legislative Assembly of British Columbia for details on petitions.

- financial impact must be analyzed
- consultation with other affected ministries must be undertaken
- in the case of legislation involving authority for extensive regulations, the nature of those regulations must be worked out in some detail.

Sometimes interested non-government bodies (stakeholder groups) are consulted on the proposed policy before the final details are decided.

Preliminary Approval

A submission is usually made to Cabinet at least 4 to 5 months before the start of the Legislative Session for which the legislation is proposed. “Requests for Legislation” are sent by ministries to legislative counsel, who advise regarding the complexity of the proposal, what consultations may be required, whether the policy instructions are complete enough, whether subordinate legislation or consequential legislation will be required, and how long drafting is likely to take. This report is considered by the Cabinet Committee on Legislation and Regulations, whose recommendations are then taken to full Cabinet. Once Cabinet approval is given, drafting by Legislative Counsel begins.

Drafting

Specially trained lawyers called Legislative Counsel draft the Bills, and are responsible for setting standards for language, style and format. The length of time required for drafting depends on the complexity of the legislation, the number of unresolved policy issues and the priority of demands for drafting other legislation.

Editing

As the drafts are fleshed out any number of experts may be called upon for guidance. An important member of the team is the Legislative Editor, who reads the draft with a fresh eye. The editor is responsible for checking not only grammar and punctuation, but also internal cross references and references to other legislation, language, style and format, and for ambiguities and inconsistencies.

Final Approval

The final draft of the legislation, as approved by the sponsoring ministry, is again presented to Legislation Committee for recommendation to full Cabinet. Sometimes during the drafting process fresh issues arise that need consideration. New policy direction may be given for the preparation of further drafts before legislation is approved for introduction as a government Bill. If the legislation involves the establishment of new regulatory schemes, Cabinet might require that the proposed regulations be prepared for presentation at the same time.

Printing

When the government is satisfied that the Bill is ready, a copy is sent to the Queen's Printer. There the necessary copies are printed for distribution after the Bill has been introduced at first reading in the Legislature. Queen's Printer also prints and distributes Report and Third Reading copies when and if a Bill reaches those stages.

Notice of Bills

Two days' notice in the Orders of the Day must be given for introduction of a Bill other than a Bill by Message. Any Bill involving taxation or expenditure of public money must be presented by message.

(C) MEMBERS' BILLS

Because of the many restrictions on form and content of a Bill, few Members' Bills reach second reading. They are usually drafted without assistance from Legislative Counsel and presented to the House in manuscript form. Members' Bills require 2 days' notice in the Orders of the Day. Public Bills in the Hands of Private Members must not

- involve expenditure of public funds
- provide for imposition of penalties
- impose an obligation on the Crown
- define an offence
- contain a tax.

An example of a recent Member's Bill is the *Cosmetic Pesticide and Carcinogen Control Act, 2009*, M 206-2009

(D) PRIVATE BILLS

Private Bills are presented by petition from a special interest group or individual, under the sponsorship of an M.L.A.⁸ An example of a recent Private Bill is the *Verigin Memorial Park Amendment Act, 2009*, Pr 401-2009.

(E) BILL STAGES

The stages Bills must pass before becoming law are as follows: first reading, second reading, committee, report, third reading, Royal Assent. Not all Bills complete the process.

First Reading

First reading introduces a Bill to the House. This reading is purely formal and the Bill is not debated, although the Bill's sponsor may make a 2 minute statement. Copies of the Bill are made available for distribution after this reading and it is placed on the Order paper for second reading on the next sitting day.

Some Bills are diverted for committee study at this point. An example was the *Builders Lien Act* (Bill 52 of the 1990 Session). Interested persons are invited to submit proposals for change before the Bill is reintroduced in the House.

Second Reading

A Bill must be printed and distributed before it is eligible for second reading. When the Bill is called for second reading its sponsor explains to the Legislative Assembly the purpose of the Bill in general terms and then moves second reading. The debate at this stage is concerned with the main principles of the Bill as a whole. If it passes second reading the Bill is then referred to a committee for detailed consideration.

⁸ See Chapter IX of the Standing Orders of the Legislative Assembly of British Columbia for details on petitions.

Committee

Clause by clause debate of the Bill takes place in committee, usually in Committee of the Whole House. During this debate amendments to the Bill may be proposed. Notice of proposed amendments, if given in advance, is published in the Orders of the Day, but amendments may also be moved from the floor; it is customary to give a copy of the amendment to the Chair before the amendment is moved. Consideration of the preamble⁹ and title is postponed until after the remainder of the Bill is considered.

If the Bill is amended it must be reprinted for the Report stage unless unanimous consent is given to dispense with reprinting.

If the Bill is not amended it may move directly to third reading during the same sitting or be placed on the Order paper for third reading on the next sitting day.

Report

A Report Bill is prepared by Legislative Counsel's Office at this stage using redlining¹⁰ to indicate changes.

Third Reading

Third Reading is the final reading, and the Bill is customarily not debated at this stage. Once a Bill has passed third reading the Speaker announces that it is an Act of the Legislative Assembly.

Royal Assent

An Act which passes third reading must await formal approval (Royal Assent) by the Lieutenant Governor before it becomes law. The whole process from introduction to Royal Assent can take as little time as a day or as long as several weeks. Usually a number of Bills that have passed third reading are amassed before the Lieutenant Governor is requested to give assent. See also CHAPTER 2 (1) regarding coming into force.

⁹ See CHAPTER 4 re Preamble.

¹⁰ See Glossary.

Chapter Numbers

For the purposes of future publication and reference, as soon as a Bill receives Royal Assent it is assigned a chapter number by Legislative Counsel's Office. The Bill number is not retained for permanent citation purposes because not all Bills pass third reading and also because sequential numbering of Bills is sacrificed when necessary to reflect the category of Bill (Government Bill, Member's Bill or Private Bill). Once it has been assigned a chapter number a Bill may be cited by its year of passage and chapter number; for example, the *Protected Areas of British Columbia Act*, introduced as Bill 17 of 2000, was coincidentally assigned chapter 17 after Royal assent in 2000¹¹ and is now cited as S.B.C. 2000, c. 17.

Coming into force

See CHAPTER 2 (1).

Certified copies

Bills that have passed Third Reading are certified by the Law Clerk. Third Reading Bills are prepared for publication by Legislative Counsel staff as soon as possible after third reading and are available from Crown Publications¹², on the Legislative Assembly website¹³ and in QP LegalEze. Persons who have an interest in a particular Bill should ascertain, by using the Progress of Bills Table (printed at the back of the Votes and Proceedings and published in QP Legaleze and on the Legislative Assembly website), whether or not the Bill was amended during debate, and should obtain a certified third reading copy if it was amended.

Federal approval

As soon as is practicable after the conclusion of each annual Session, bound certified copies of all Bills passed during that Session are forwarded via the Clerk's Office to the federal government for approval. The Governor General has the power to disallow provincial legislation that is contra-

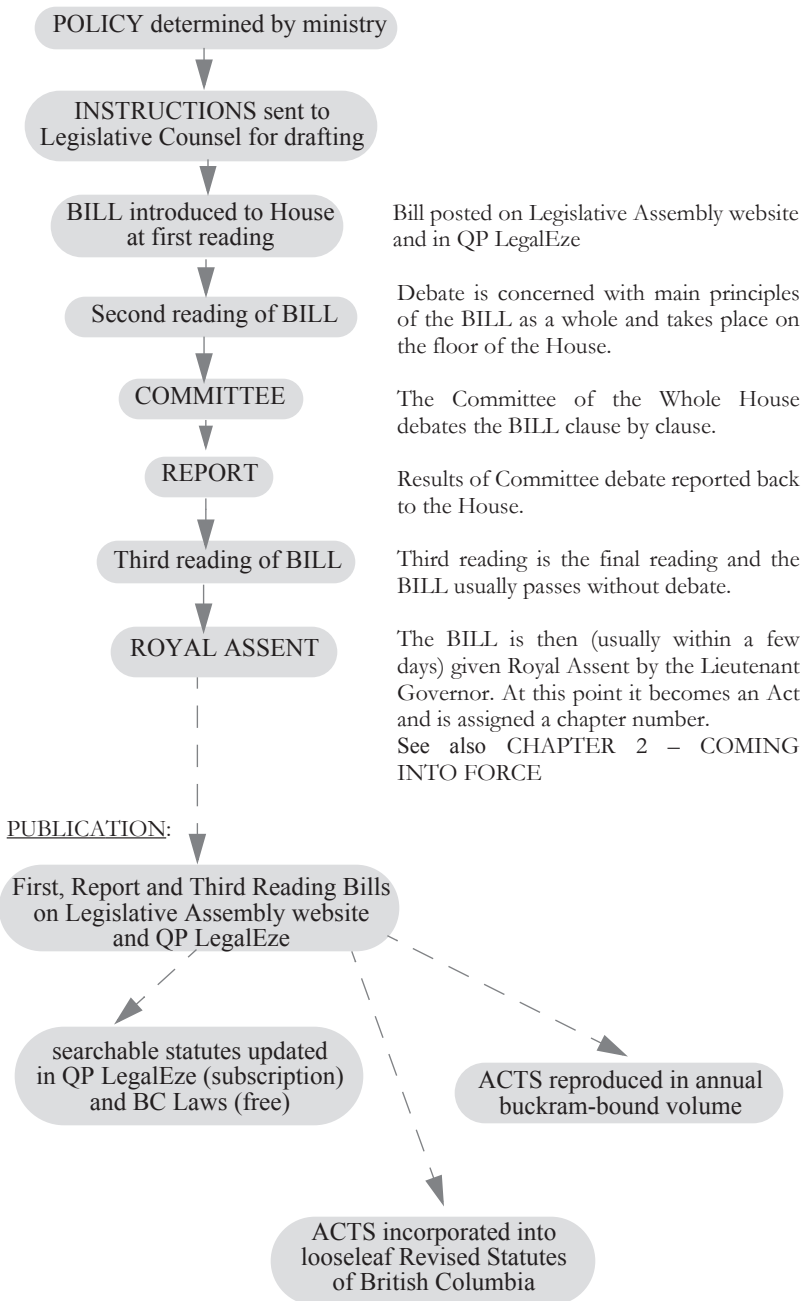
¹¹ See also CHAPTER 1 (1) re Numbering of Sessions and Adjournment.

¹² See CHAPTER 6 for address.

¹³ See www.leg.bc.ca/proceedings.

vention of federal legislation, although this power has not been exercised in many years. The last piece of B.C. legislation to be disallowed was chapter 49 of the First Session in 1921. No legislation has been disallowed by the Governor General anywhere in Canada since 1934.

PROGRESS OF BILLS (ACTS)



(3) SUBORDINATE LEGISLATION

(A) GENERAL

What is it?

Regulations, orders, directives, bylaws and proclamations are classed as subordinate legislation. The statutes under which they are made set the general policy and give the authority for their making, while the regulations, etc. fill out the details. With one exception, a regulation or order may not be made unless there is a statute which specifically allows such making. The exception is the rare case in which an order is made under Crown Prerogative – the Crown’s historic right to act in a particular way although not authorized to do so by legislation.

Policy

As in the case of Bills, the policy behind subordinate legislation is determined by the ministries or other enacting authorities. In some cases a rough draft of the entire regulation or order has been prepared by the sponsoring ministry or authority; in others instructions for drafting are presented to the Legislative Counsel’s Office in the form of an idea or policy statement. In either case, the Legislative Counsel is responsible for drafting the regulation or order in appropriate language and style.

Inspection

All draft orders and regulations must be submitted to the Legislative Counsel’s Office for inspection before passage by the enacting authority. Inspection includes checking for

- statutory authority
- conflict with the *Canadian Charter of Rights and Freedoms* and other legislation
- unusual use or abuse of a power
- consistency of language.

Editing

In the case of draft regulations, the inspection includes editing for

- grammar

- punctuation
- style
- format
- in the case of amendments, certainty that there is no conflict between new material and old
- accuracy of internal cross references and references to other legislation
- elimination of ambiguities.

Process

After a draft order or regulation has been inspected, it is returned to the originating ministry or other authority to be enacted. The originating ministry or authority is responsible for providing any pertinent materials explaining the background and genesis of the legislation.

The empowering provision of the parent statute details whether the proposed order is an administrative order or a regulation,¹⁴ and determines who has the authority to make the regulation or order. It may be made by

- the Lieutenant Governor in Council
- a minister
- a director or superintendent
- a commission or board (such as Treasury Board)
- a professional body (such as the College of Pharmacists)
- judges (in the case of Rules of Court).

Significant regulations should be examined by Legislation Committee before presentation to full Cabinet.

Enacting

In the case of orders or regulations made by the Lieutenant Governor in Council, the sponsoring Cabinet minister presents the proposed order for discussion with his or her colleagues at the weekly Cabinet meeting. If the order is approved, it is signed by the presenting minister and the presiding member of the Executive Council (usually the Premier). After that it is presented to the Lieutenant

¹⁴ See *Regulations Act*, section 1, definition of “regulation”; see also CHAPTER 1 (3) (C).

Governor (or in his or her absence, the Administrator) for signature.

In the case of orders, regulations or directives made by an authority other than the Lieutenant Governor in Council, the signature of the enacting authority (for example, the Assessment Commissioner or the Chair of the Board of Directors of the Workers' Compensation Board) is the only one required.

(B) ORDERS

What are they?

Orders, particularly orders in council, are used to handle day to day administrative matters, for example:

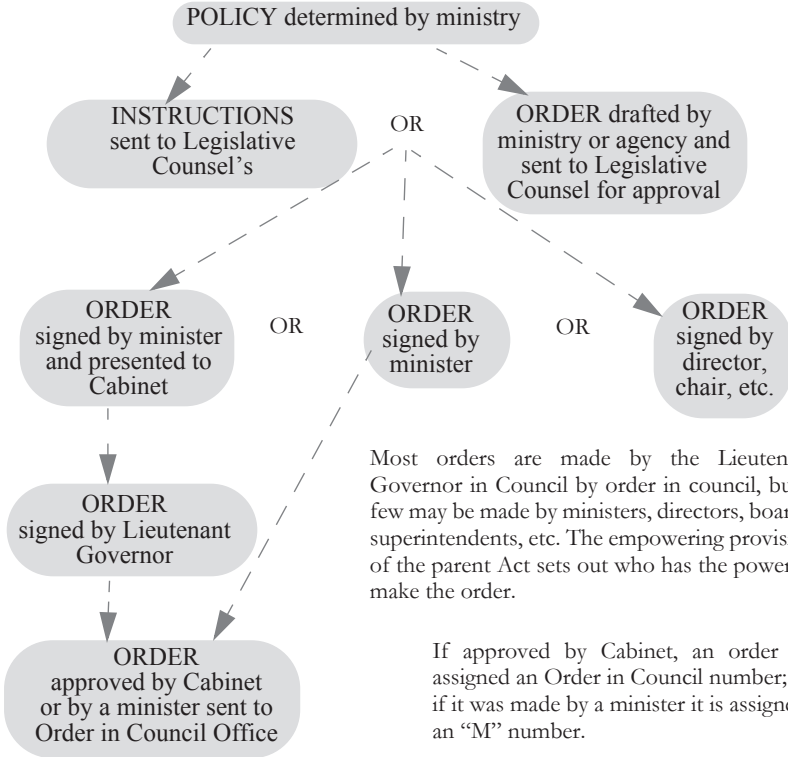
- appointments of persons
- approval of Letters Patent
- transfer of powers between ministers and between ministries
- transfer of land between British Columbia and the federal government
- lumber export permits
- park land designation
- Crown grants of land
- highway closures
- approval of regulations.

Ministerial orders are not approved by Cabinet and the authority delegated for these is generally much narrower than for orders in council.

Some orders, or notices of them, are required by the enacting statute to be published in Part I of the B.C. Gazette¹⁵; for example, highway closures.

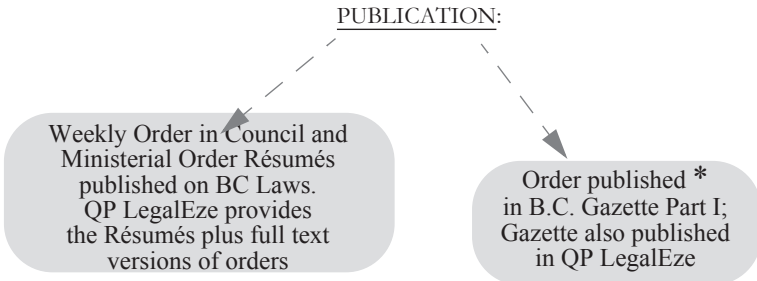
¹⁵ See also CHAPTER 3 PUBLICATIONS.

PROGRESS OF ORDERS



Most orders are made by the Lieutenant Governor in Council by order in council, but a few may be made by ministers, directors, boards, superintendents, etc. The empowering provision of the parent Act sets out who has the power to make the order.

If approved by Cabinet, an order is assigned an Order in Council number; if it was made by a minister it is assigned an "M" number.



*Certain types of orders are required to be published in the B.C. Gazette. This is done either by the enacting ministry/agency or by the Order in Council Office. See CHAPTER 3 (4).

(C) REGULATIONS

What are they?

Section 1 of the *Regulations Act*, R.S.B.C. 1996, c. 402, defines what is and is not a regulation. Two key words are used for determining what is a regulation: if the empowering legislation says that a regulation may be made or that something may be prescribed then the resulting order is a regulation. In general, a regulation is an order that

- directs the way someone must act
- limits rights and freedoms
- sets fees
- affects the public, rather than an individual or small group
- is more than merely administrative.

Approximately 1/4 of the orders in council passed each year are also classed as regulations. The *Regulations Act* also sets out procedures for recording and publishing regulations.

The definition in the *Regulations Act* must be read in conjunction with the definition of “regulation” in section 1 of the *Interpretation Act*. That definition excludes court orders and includes orders, etc. “enacted in execution of a power conferred under an Act”. Because “Act” is defined in the *Interpretation Act* as an Act of the Legislature, this means that regulations made by the Lieutenant Governor in Council under the authority of a federal Act do not qualify as provincial regulations under the *Regulations Act*.

Deposit

All regulations must be deposited with the Registrar of Regulations and published before they are enforceable. In the case of orders in council and ministers’ orders which meet the definition of a regulation, the Order in Council Office receives them from the enacting authorities and forwards them to the Registrar. In the case of regulations made by any other authority, the responsibility for sending orders to the Registrar lies with that authority.

History

Prior to 1958, when the first *Regulations Act* was enacted, there were regulations, but there was no central repository for

them. Each department (as the ministries were then called) was responsible for keeping track of its own regulations and having them published in the British Columbia Gazette.

The first *Regulations Act* (S.B.C. 1958, c. 49) gave the departments until December 31, 1959 to collect any regulations in force at the time that Act came into force (March 20, 1958), file them with the Registrar of Regulations, and have them published in the British Columbia Gazette Part II. Any regulations that had been amended up to that date could be filed in consolidated form.

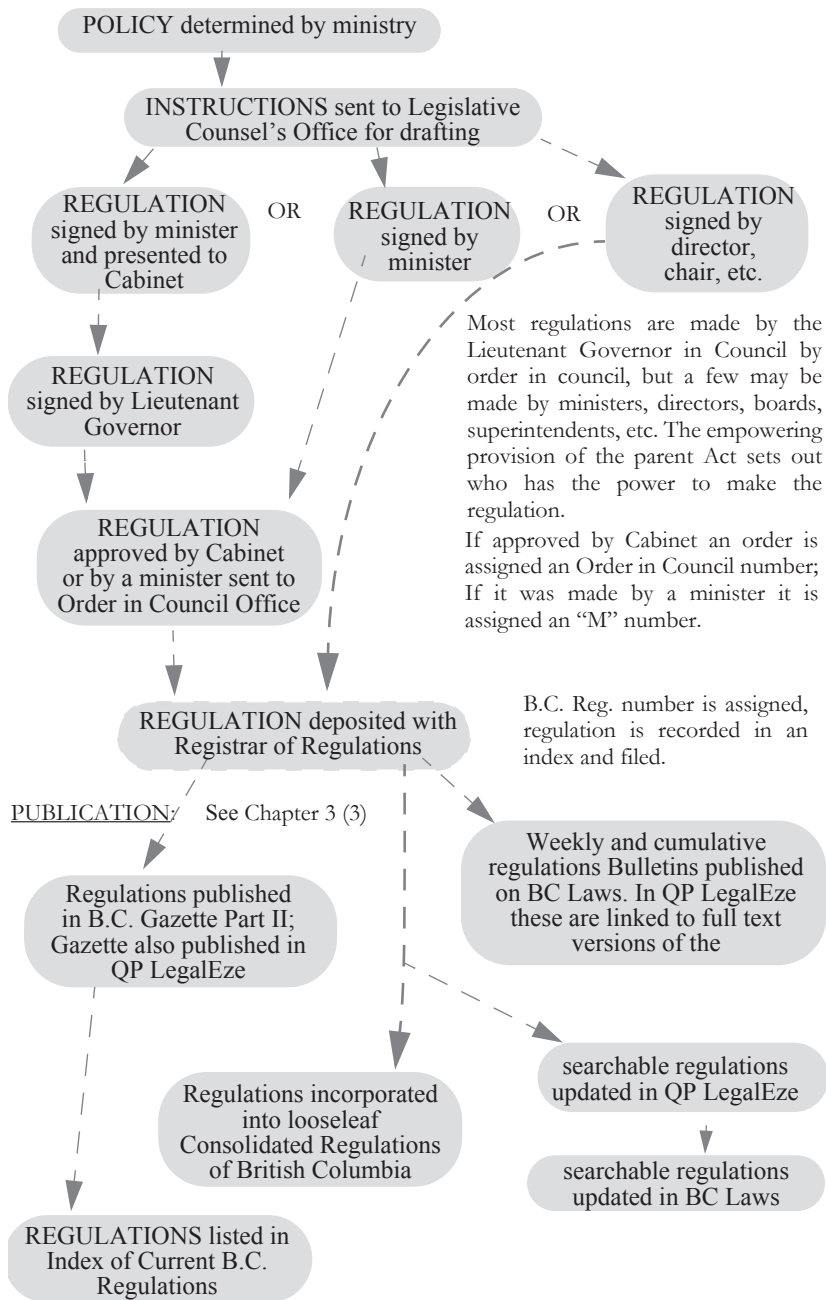
A few regulations were, inevitably, missed during this process. An example is the Flood Relief Act Regulations, originally enacted June 29, 1955. They were missed during the roundup and ceased to have effect after December 31, 1959. During the autumn of 1978 heavy rains caused flooding in parts of the Province and someone remembered the existence of the old regulation. It was unearthed, filed November 7, 1978, and had ongoing effect until its repeal March 31, 1995.

Gazetting

Under section 5 of the *Regulations Act*, all regulations must be published in the British Columbia Gazette. Part II of the Gazette is produced every second week and is used for this purpose. The Registrar of Regulations has authority under the *Regulations Act* to exempt lengthy regulations from publication if they will be made available in some other way to persons who may be affected by them. Maps, graphs, photographs, etc. may similarly be exempted.¹⁶

¹⁶ See *Regulations Act*, sections 5 and 6.

PROGRESS OF REGULATIONS



Most regulations are made by the Lieutenant Governor in Council by order in council, but a few may be made by ministers, directors, boards, superintendents, etc. The empowering provision of the parent Act sets out who has the power to make the regulation.

If approved by Cabinet an order is assigned an Order in Council number; If it was made by a minister it is assigned an "M" number.

B.C. Reg. number is assigned, regulation is recorded in an index and filed.

CHAPTER 2

COMING INTO FORCE

(1) STATUTES (BILLS)

Under the *Interpretation Act*, R.S.B.C. 1996, c. 238, all Acts must receive Royal Assent before they become statutes. For many, that is all that is required. Some, however, have a Commencement section, which details how the statute will come into force, often in one or more of the following ways:

- the Act (or part of it) may be effective on a specified future date
- the Act (or part of it) may be retroactive to an earlier date (taxation statutes are usually made retroactive to Budget Day)
- the Act (or part of it) may come into force by regulation of the Lieutenant Governor in Council
- the Act (or part of it) may come into force when a specified event occurs.

Coming into force by regulation

If an Act is required to be brought into force by regulation, the ministry responsible for the Act decides the appropriate time to do so. Instructions are given to Legislative Counsel's Office and the necessary regulation is drafted and forwarded for Cabinet approval. The Act will then come into force on the day specified in the regulation or the day the regulation is deposited under the *Regulations Act*, whichever is later.

Bringing an Act into force by regulation allows time for setting up administrative mechanisms, hiring staff, acquiring office space and drafting subordinate legislation before the Act actually becomes enforceable.

Before the coming into force of the current *Regulations Act* on October 26, 1983, an Act was brought into force by a proclamation authorized by an order in council. The present practice of bringing an Act into force by regulation is more streamlined because the wording is briefer and only one document is required instead of two.

Coming into force if and when a specified event occurs

Commencement provisions relating to a specified event are uncommon. One example is section 51 of the *Adoption Act*, which provides that the Hague Convention on Intercountry Adoptions has “the force of law in British Columbia as soon as the Convention comes into force in British Columbia” – which is a matter of international treaty law.

(2) REGULATIONS

Under the *Regulations Act*, a regulation¹⁷ usually comes into force on the later of

- the day it was deposited, or
- an effective date stated in it.

A regulation can be made retroactive to an earlier date only if there is authority for such retroactivity in the empowering statute (such as in some Budget related legislation.)

Commencement provisions relating to a specified event are uncommon, but do occur. An example is an amendment to the Motor Vehicle Act Regulations, B.C. Reg. 26/58, enacted by B.C. Reg. 116/96, that will come into force on the date to be specified in a subsequent order of the Lieutenant Governor in Council.

Occasionally, through misadventure, a regulation is not deposited as soon as expected by those who administer it, and it begins to be enforced before it is legally enforceable. Under section 4 (2) of the *Regulations Act* the minister may make a regulation deeming the subject regulation to have been deposited or filed on any specified date on or after its enactment. This authority is used only in special cases.

(3) ORDERS IN COUNCIL

An order in council¹⁸ comes into force on the later of

- the day it is signed by the Lieutenant Governor, or
- an effective date stated in it.

¹⁷ See CHAPTER 1 (3) (C).

¹⁸ See CHAPTER 1 (3) (B).

An order in council can be made retroactive to an earlier date only if there is authority for such retroactivity in the empowering statute.

(4) OTHER ORDERS

An order or directive which is not an order in council or a regulation comes into force on the later of

- the day it is made (signed), or
- an effective date stated in it.

An order can be made retroactive to an earlier date only if there is authority for such retroactivity in the empowering statute.

(5) TIME OF COMMENCEMENT

Under section 4 of the *Interpretation Act*:

- an enactment (defined as an Act or a regulation or a portion of an Act or regulation) commences at the beginning of the day on which it comes into force
- an enactment that is repealed and replaced ceases to have effect at the time the new enactment commences
- any other enactment ceases to have effect at the end of the day on which it expires or otherwise ceases to have effect.

CHAPTER 3

PUBLICATIONS

(1) WHY IS LEGISLATION PUBLISHED?

Access to the law

In Douglas Adams' story The Hitchhiker's Guide to the Galaxy, spaceships arrive to demolish Earth to make way for a hyperspatial express route. When someone on Earth questions why Earth was not informed of the plans in time to save the people, the response, in a tone of reproof, is that there is no excuse for Earth's surprise: all the plans and orders have been on display for the past 50 years in the local planning department in Alpha Centauri – only 4 light years away!

Access to the law is the right of all citizens. The reason for publication is to make the public aware of laws, both beneficial and restrictive, that may affect them. A person may not be convicted of an offence against an Act or regulation unless it can be shown that reasonable steps were taken by the time of the offence to bring the substance of that Act or regulation to the notice of persons likely to be affected by it.

Judicial notice

Under section 24 of the *Evidence Act*, courts must take notice of all regulations published in the British Columbia Gazette and all statutes. Under section 25 of that Act, existence of any state document may be proved by production of a gazetted copy or a copy purporting to have been printed by or for Queen's Printer.

(2) BILLS AND ACTS

*First Reading Bill*¹⁹

For its introduction in the House a Bill is printed in first reading format. The cover of a Bill in this format includes the name of the M.L.A. introducing the Bill and the text has accompanying explanatory notes about the purpose of the Bill.

Report Bill

If a Bill has been amended during debate it is reprinted in a version which shows the changes and is headed “Report Bill”.

*Third Reading Bill*²⁰

Once the Bill has passed third reading it is printed incorporating any amendments which have passed, but without the explanatory notes, as a “Third Reading Bill”, certified as correct by the Law Clerk.

Annual bound statutes

As early as possible in the following calendar year, the annual hard cover version of the statutes is produced, which uses chapter numbers²¹ instead of Bill numbers. In the case of private Acts, the annual hard cover edition is probably the final publication; most private Acts are not consolidated or revised. Private and local Acts usually appear at the end of each volume. Publication of the annual volume is timed to incorporate in the historical tables all pertinent data for that calendar year, so the volumes become available as soon as possible in the ensuing year.

¹⁹ Available from Crown Publications, on the Legislative Assembly website and in QP LegalEze.

²⁰ Available from Crown Publications, on the Legislative Assembly website and in QP LegalEze.

²¹ See CHAPTER 1 (2) (E) re chapter numbers.

Looseleaf Statutes

Public Acts are consolidated and published in a looseleaf format. This publication is updated as soon as possible after the end of each Session and includes

- new Acts and any amendments which are in force at the cut-off date for publication of that instalment
- a table of legislative changes by which the enactment and amendment history of each section may be traced
- listings of any amendments not in force to alert the user to any provisions of or amendments to an Act which are not in force at the cut-off date and thus not incorporated.

The equivalent electronic version of this publication is available on BC Laws (free) and by subscription to QP LegalEze.

Table of Legislative Changes

At the back of each annual hard cover volume is a cumulative Table of Legislative Changes. This table lists the titles and current citations of public Acts, amending Acts and any private or local Acts that have been enacted or amended since the previous revision, and includes a listing of any provisions amended since the last revision as well as citations and effective dates for those amendments. Accompanying the consolidated Acts in the looseleaf publication and in QP LegalEze are individual Tables of Legislative Changes for any public Acts which have been amended.

*Table of Private, Local and Special Acts and**Unconsolidated Acts*

This table includes listings from 1872 to the present and is updated annually. At present it is available only in PDF format as part of QP Legaleze. It was previously published in hardback as part of the 1979 statute revision. This electronic edition has been completely revised to correct incorrect citations, expand cross-references, and add more helpful citations and notes.

Table of Statutes – Repealed, Replaced and Renamed

This table also is available only as part of QP Legaleze. It is intended as an aid for anyone who is trying to track statute

references if the statute of interest does not appear in current legislation listings and textbases. The table covers public statutes since 1897. It is updated several times per year.

(3) REGULATIONS

B.C. Gazette Part II

Under the *Regulations Act*, all regulations must be published in the British Columbia Gazette. Part II of the Gazette was created in 1958 to publish both general regulations and those which bring Acts into force. (Part I Gazette contains all other orders and notices required by law to be published.) The Registrar of Regulations has authority under the *Regulations Act* to exempt lengthy regulations from publication if they will be made available in some other way to persons who may be affected by them. Maps, graphs, photographs, etc. may similarly be exempted. Each issue of the British Columbia Gazette Part II has an index of its contents, and a cumulative annual index is produced at the end of each calendar year. QP LegalEze contains electronic versions of Part II back to 2001.

B.C. Regulations Bulletins

Weekly regulations indices and the cumulative annual versions are posted on BC Laws as B.C. Regulations Bulletins. In QP LegalEze these Bulletins are linked electronically to scanned images of the regulations.

Consolidated Regulations

Regulations of general public interest are published in a looseleaf format – the Consolidated Regulations of British Columbia. This publication incorporates amendments, includes historical notes and a Regulation/Statute title concordance, and is updated approximately every 4 months. The equivalent electronic version of this publication may be found on QP LegalEze and for free on BC Laws.

Index of Current B.C. Regulations

Every 6 months (cut-off dates June 30 and December 31) a listing of all current regulations and amending regulations is produced in a soft-cover publication. This index is also updated and reproduced as part of the looseleaf regulations.

(4) ORDERS*B.C. Gazette Part I*

Although orders in council and other orders or directives are usually not published they may be published in the British Columbia Gazette Part I, if the empowering legislation requires publication. In some cases an order, or notice of it, may be published in a newspaper circulating in the affected area of the Province. Beginning with those for 2003, Part I Gazettes are available in QP LegalEze.

Order in Council Résumé

Following each Cabinet meeting, the Order in Council Office prepares a résumé which lists any orders in council passed plus any ministers' orders that have been registered in that office. The résumé is distributed according to a mailing list by the government postal branch, by fax or by email by the Order in Council Office, and the résumés for 1992 and later years are posted as Order in Council and Ministerial Order Résumés on BC Laws. Scanned images of the actual text of each order are linked to the résumés in QP LegalEze, beginning with those listed in Number 8 of 2002.

CHAPTER 4

STYLE OF B.C. LEGISLATION

Titles

An Act or regulation (but not an amending regulation) must have a reasonably brief title descriptive of its contents.

Preamble

Occasionally an Act (usually a private Act) has a preamble, which explains the purpose and genesis of the Act and precedes the enacting clause.

Enacting clause

In a Bill, the formula “HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:” precedes the first section. In an order in council the wording used is “On the recommendation of the undersigned, the Lieutenant Governor, by and with the advice and consent of the Executive Council, orders that...”. Enacting clauses for other types of order vary a bit according to type and are not completely standardized.

Parts/Divisions

If an Act or regulation is very lengthy or complex, it may be divided into Parts and/or Divisions. See the *Financial Institutions Act*, R.S.B.C. 1996, c. 141, as an example.

Marginal notes

All statutes and most regulations use marginal notes as guides to the content of each section. In some jurisdictions these are known as “headnotes”.

These notes don’t actually appear in the margin anymore, but at the left margin. In publications prior to 1977 they were in the margin, but starting in 1978 the method of typesetting Bills and statutes changed from the old mechanical “hot lead” process to an electronic one, and the marginal notes couldn’t be put in the margins because the software of the day was not capable of producing that effect. Although the software of today can create notes in the margin, the present

style was kept because the larger font is easier to read for aging eyes, and the format is easier to convert for presentation on the internet.

Definitions and language

Terms which are used in a sense different from the usual dictionary meaning, for example, a more restricted or more expanded meaning, or technical terms or other specialized vocabulary, are specifically defined in legislation. These definitions usually may be found in a Definition section, which is generally the first section of the Act or regulation. In lengthy enactments that are divided into Parts or Divisions there may be more than one Definition section, with definitions applicable to the enactment generally at the beginning of the enactment, and those specific only to the particular Part or Division within the relevant Part or Division. Section 29 of the *Interpretation Act* defines a number of expressions commonly used in legislation to save the necessity of repeating them in individual enactments. Standard English and plain, gender neutral language are preferred wherever possible.

Parts of sections

Subdivisions used are as follows:

- 1 section
 - (2) subsection
 - (c) paragraph
 - (iv) subparagraph
 - (E) clause
 - (VI) subclause.

Structure

The following sections illustrate the present structure used for B.C. statutes and regulations:²²

²² Adapted from copy supplied by J. Erasmus, Legislative Counsel, and used with her permission.

Sections having one sentence

- 1 If a section contains only one sentence, it has no subsections.

Sections having more than one sentence

- 2 (1) If a section contains more than one sentence, each sentence is a separate subsection.
- (2) Despite subsection (1), a section in a statute or regulation that was drafted prior to 1979 may contain more than one sentence. When a section containing 2 sentences is revised it is usually split into subsections.

Structure of sentences

- 3 (1) A sentence may be divided into paragraphs that are given consecutive lower case letters.
- (2) A sentence may be subdivided into paragraphs
 - (a) to list different matters,
 - (b) to clarify parallel applications of an expression that
 - (i) precedes, or
 - (ii) followsthe subdivided expressions,
 - (c) subject to ease of reading,
 - (i) to avoid repetition of an expression that precedes the subdivided expressions, or
 - (ii) to avoid repetition of an expression that follows the subdivided expressions,
 - (d) to allow specific reference in another provision,
 - (e) to clarify whether the subdivided expressions are to be read
 - (i) conjunctively, by use of the word “and” preceding the last subdivided expression, or
 - (ii) alternatively, by use of
 - (A) the word “or” preceding the last subdivided expression, or

- (B) the word “and” in a permissive and empowering provision, and
 - (f) to make it easier to read.
- (3) A paragraph may, for one or more of the purposes referred to in subsection (2) (a) to (f), be subdivided into subparagraphs
 - (a) that are given consecutive lower case roman numerals, and
 - (b) that may be further subdivided into clauses, subject to subsection (4) (b), for one or more of the purposes referred to in subsection (2) (a) to (f).
- (4) Clauses, as in subsection (2) (e) (ii) (A) and (B),
 - (a) are given consecutive upper case letters, and
 - (b) are generally avoided.
- (5) Subclauses, which are not illustrated here,
 - (a) are given consecutive upper case Roman numerals, and
 - (b) are generally avoided.

CHAPTER 5

DATES AND TIME

Time, age and calendar dates are dealt with in enactments (and in deeds, conveyances or other legal instruments) according to the provisions of sections 4, 25 and 26 of the *Interpretation Act*, R.S.B.C. 1996, c. 238.

An enactment comes into force at the beginning of a day, unless another time is specified²³.

“Year”, including “calendar year” and “dominical year”, are defined in section 29 of the *Interpretation Act*.

Standard time

Section 25 (7) of the *Interpretation Act* provides that a specified time of day is to be read as a reference to Pacific Standard time or Pacific Daylight time, as applicable. Pacific Standard time is not used throughout British Columbia, but only one Act makes special provision for this. Section 6.2 of the *Local Government Act* provides an exception to the general rule: for those municipalities that use Mountain time, references in the *Local Government Act* to specified times are references to Mountain Standard time and Mountain Daylight time, as applicable.

General rule for calculating time periods

If an Act establishes a time period for doing something, the general calculation rule is established by section 25 (5) of the *Interpretation Act*: “the first day must be excluded and the last day included.” This works in the same way as if the dentist were to tell you to “come back in 7 days”. You know to book an appointment for the same day next week.

Special rule for calculating time periods

Section 25 (4) of the *Interpretation Act* establishes a special rule if the enactment or legal instrument expresses the period of time as:

- “clear” days, weeks, months or years,

²³ See *Interpretation Act*, section 4.

- “at least” a specified number of days, weeks, months or years, or
- “not less than” a specified number of days, weeks, months or years.

In these cases, you add an extra day to the time period by excluding both the first and last days of the period. Consider the example of an Act, which provides that a bylaw must not be adopted until “at least 7 days after it has received second reading.” If the bylaw was given second reading on Monday of one week, it may not be adopted earlier than Tuesday of the following week.

Time extension

Section 25 (2) of the *Interpretation Act* provides that “If the time for doing an act falls or expires on a holiday, the time is extended to the next day that is not a holiday.” Section 29 of the *Interpretation Act* defines “holiday”.

Section 25 (3) of the *Interpretation Act* establishes a similar extension in relation to business offices, but “regular business hours” is not defined, and so is left to be determined on a case-by-case basis.

Regnal year

- *Dating* – A regnal year is any year of a sovereign’s reign, reckoned from the date of accession. Elizabeth II came to the throne on February 6, 1952, which was the first day of the first year of her reign (although she wasn’t crowned until June 2, 1953); while she reigns a regnal year runs from February 6 to the following February 5.
- *References* – Running heads in bound and looseleaf statutes give, on even numbered pages, the regnal year of the monarch, rather than the usual citation of year and chapter number which appears on odd numbered pages.
- *Examples* – The legislative Session in 1980 convened February 29, 1980, during the 29th year of Her Majesty’s reign. This is written 29 Eliz. II (or 29 Eliz. 2). The 1981 Session convened in December 1980, continued after the succession anniversary, and so stretched over the 29th and 30th years of her reign. This is written 29-30 Eliz. II (or 29-30 Eliz. 2).

CHAPTER 6

INFORMATION SOURCES

B.C. Courthouse Library Society

800 Smithe St., Vancouver, B.C. [phone 604-660-2841]
[fax 604-660-2821] [phone toll-free 1-800-665-2570]

- reference service
- information about Provincial and Federal legislation
- subscriptions to B.C. Legislative Digest and Canada Legislative Index
- photocopy service
- computer assisted legal research
- marginal annotations for decisions judicially considered
- Supreme Court of Canada index for tracking cases
- courthouse libraries throughout the Province.

BC Laws

[phone 1-866-236-5544] Free access to consolidations of current public statutes and regulations, résumés of orders in council and ministerial orders, and regulation bulletins.
www.bclaws.ca.

Crown Publications

563 Superior St., Victoria, B.C. V8V 1T7
Mailing address: P.O. Box 9452 Stn. Prov. Govt, Victoria,
B.C. V8W 9V7

[phone 250-387-6409, toll-free: 1-800-663-6105]
[fax 250-387-1120] www.crownpub.bc.ca

Bookstore hours 9:00 a.m. to 5:30 p.m. Monday to Friday
(except B.C. statutory holidays)

- government documents including individual copies of all current Public Acts and regulations are available for purchase
- subscriptions to looseleaf editions of Acts and regulations and B.C. Gazette Parts I and II
- hard bound annual statutes and revised statutes
- Third Reading Bills
- subscriptions for Orders of the Day, Votes and Proceedings, Hansard
- Law Reform Commission and other commission reports

- publications by B.C. and Canadian authors.
- a complete online listing of all BC government publications including Ministry of Education curriculum and Trades Training curriculum
- many publications viewable and downloadable free of charge; printed copies available on a user-pay basis
- ministry annual reports

Legislative Assembly website

Legislation home page: www.leg.bc.ca/legislation. Links to the following legislation-related material:

- First Reading, Report and Third Reading Bills: current Session plus previous Sessions [1992-present]
- links to BC Laws, Provisions in Force, B.C. Regulations Bulletins; Order in Council Résumés, tables of Act/Ministry Responsibilities.

Legislative Counsel's Office

Ministry of Attorney General, P.O. Box 9280 Stn Provincial Government, Victoria, B.C. V8W 9J7 [phone 250-356-5592] [fax 250-356-5758]

- drafting of Bills, regulations, orders
- Publications Department produces post-Sessional versions of Bills, Acts, looseleaf statutes, Table of Statutes
- Registrar of Regulations (see separate listing).

Legislative Library

Parliament Buildings, Victoria, B.C. [phone 250-387-6510] [fax 250-356-1373]

Part III of the Standing Orders governs the management of the Library. Services include

- reference and research service to M.L.A.s and their staff, Cabinet, Officers of the House, all legislative support staff, Press Gallery, ministry research staff
- Cataloguing in Publication (CIP) for B.C. government publications
- special bibliographic collections, including B.C. newspapers, government publications and periodicals

When the House is in Session public access is restricted – check with the library for hours of service.

Ministry contacts for legislation

See printed version of most recent Order in Council and Ministerial Order Résumé for current list.

Office of the Clerk of the House

Parliament Buildings, Victoria, B.C. [phone 250-387-3785]
[fax 250-387-0924]

The Office of the Clerk provides Sessional information, current and historical, and is the repository for public disclosure statements of Members of the Legislative Assembly.

The Clerk, Deputy Clerk and Law Clerk provide procedural advice to the Speaker and Members of the Legislative Assembly.

The Clerk of the House has the duties set out in section 92 of the Standing Orders, and is responsible for

- the safekeeping of all papers and records of the House (the Journals of the Legislative Assembly of British Columbia being the official record of proceedings)
- the provision of an Order Paper for each sitting of the House (the Orders of the Day)
- the provision of a daily record of proceedings (Votes and Proceedings) which includes a daily Progress of Bills chart.

The Law Clerk has the duties described in section 94 of the Standing Orders, including:

- certifying Bills before the House, including amendments
- advising on Bill procedure
- advising Committees on Bills
- advising the Private Bills Committee
- revising Bills under Standing Orders 87 and 88.

Order in Council Office

Ministry of Attorney General, room 208, 553 Superior Street, Victoria, B.C. [phone 250-387-0724/5] [fax 250-387-4349]

- complete records of orders in council from 1872 to the present
- records of ministerial orders from 1980
- certificates of authentication for signatures
- authentication of notarized documents

- certification of statutes which require signature of Lieutenant Governor
- preparation of commissions and oaths of office regarding judicial and quasi-judicial appointments (judges, court referees, justices of the peace, notaries public, etc.)
- application of Great Seal
- preparation of proclamations
- preparation of message and related documents for Bills by Message
- file of extra-Provincial agreements
- preparation of public inquiry appointments
- preparation and distribution of Order in Council Résumé.

QP LegalEze

[phone 1-866-236-5544] A user-pay service of a fully searchable, comprehensive database of current and historical B.C. legislative information. Day passes, monthly passes and annual subscriptions available. www.qplegaleze.ca

- Revised Statutes of British Columbia and Consolidated Regulations of British Columbia; selected private/local statutes
- Table of Private, Local and Special Acts and Unconsolidated Acts
- Table of Repealed, Replaced and Renamed Public Statutes
- point-in-time tables for statutes and regulations,
- Provisions in Force: listings for each year of all Bills passed, including new Acts, amendments, repeals, Bill and chapter numbers, effective dates [1997-present]
- B.C. Regulations Bulletins [1999-present]
- Order in Council and Ministerial Order Résumés [1999-present]
- the only online source for full-text Orders in Council
- tables of Act/Ministry Responsibilities: listings both by ministry and alphabetically by title of all current public Acts and which ministry is responsible for administration
- B.C. Gazettes
- Tables of Legislative Changes and Historical Tables for statutes
- Hansard
- archive consolidations of statutes since 1991

- archive consolidations of regulations since April 2003
- historical Supreme Court Rules as originally enacted
- Corporate Registry notices.

Registrar of Regulations

Ministry of Attorney General, P.O. Box 9280, Stn. Provincial Government, Victoria, B.C. V8W 9J7
[phone 250-356-5747/8112/5741] [fax 250-356-5758]

- complete records of regulations since 1958
- up to date records of legislation in force
- preparation of Index of Current B.C. Regulations and Consolidated Regulations of British Columbia
- preparation of Table of Repealed, Replaced and Renamed Public Statutes and Table of Private, Local and Special Statutes
- updating and maintenance of Table of Private, Local and Special Acts and Unconsolidated Acts
- records of ministry statute responsibilities
- editing of B.C. Gazette Part II.

CHAPTER 7

SUGGESTED READINGS

(A) Legislation:

- Constitution Act*, R.S.B.C. 1996, c. 66,
Election Act, R.S.B.C. 1996, c. 106,
Electoral Districts Act, R.S.B.C. 1996, c. 108,
Interpretation Act, R.S.B.C. 1996, c. 238,
Regulations Act, R.S.B.C. 1996, c. 402,
Statute Revision Act, R.S.B.C. 1996, c. 440,
Regulations Regulation, B.C. Reg. 394/83.

(B) Books:

- Electoral History of British Columbia, 1871-1986. Victoria, B.C.: Elections British Columbia, 1988.
Prepared by Elections B.C. and the Legislative Library. Results for all general elections and by-elections in B.C. from 1871 to 1986. Supplement, 1987-2001 also available.
- Beauchesne, Fraser, Dawson, Holtby. Beauchesne's Parliamentary Rules and Forms. Toronto, Ont.: The Carswell Company Limited. A collection of established principles of parliamentary procedure and rulings of Speakers of the House of Commons.
- British Columbia Legislative Assembly. Members' Handbook. Victoria, B.C.: Queen's Printer, 1996-2008.
Looseleaf for updating, prepared for use of members of the Legislative Assembly.
- MacMinn, E. George. Parliamentary Practice in British Columbia. Victoria, B.C.: Queen's Printer, 1997. 3rd ed.
An annotated guide to the Standing Orders of the Legislative Assembly of British Columbia.
- Roberts, Tim. Taking the Law into Your Own Hands: a guide to legal research. Vancouver, B.C.: Library Services Program, Legal Services Society, 1984. 2nd ed.

Updating Statutes and Regulations for all Canadian Jurisdictions.
Sinclair, Mary Jane T., ed. Ottawa, Ont.: Canadian Law
Information Council, 1989. 3rd ed.

(C) Sessional publications:²⁴

Orders of the Day

Printed agenda of proposed daily proceedings in the House. It includes notice of: Bills to be introduced, questions posed by opposition members to government M.L.A.s, proposed amendments to Bills, motions, Committee meetings, Private Members' statements.

Votes and Proceedings

Official printed record of proceedings of daily sittings in the House (the minutes of the sittings). It includes at the back a very useful table tracing the progress of Bills through the House, indicating the dates for various readings, amendments, Royal Assent and assigned chapter number.

Hansard

Verbatim record of the daily proceedings in the House; available the second morning after the debates recorded in it.

(D) Non-government Publications:

B.C. Decisions Statute Citator. Vancouver, B.C.: Western Legal Publications, 1978-.
looseleaf service; citations of cases under B.C. statutes.

B.C. Courthouse Library Society, ed. B.C. Legislative Digest. Vancouver, B.C.: B.C. Courthouse Library Society, 1977-.
weekly synopsis of Bills in the House during the Legislative Session; alphabetical listing of regulations by statute.

British Columbia Statute Citator. Aurora, Ont.: Canada Law Book Inc., 1981-.
looseleaf service.

²⁴ Available from Crown Publications.

Canadian Citations. Toronto, Ont.: Carswell, 1988-.
citations of federal and provincial legislation.

Statutes of British Columbia Judicially Considered. Toronto,
Ont.: Carswell, 1960-.
looseleaf service.

(E) On-line Resources

British Columbia Legislative Assembly. Standing Orders of the
Legislative Assembly of British Columbia. Victoria, B.C.

The guide to procedure for the business of the Legislative
Assembly. Amended periodically. leg.bc.ca – see under “Docu-
ments and Proceedings” and select the most recent Parliament.

About the Author

This is Gail Nash's third edition of *Legislation Made Easy*. Previous editions have sold over 4,000 copies. *Legislation Made Easy* is essential reading in our office, and can be found on the desks of civil servants and legal professionals across the Province.

Gail attended Simon Fraser University studying languages, linguistics and education before she became Registrar of Regulations in 1974.

She was instrumental in helping the Queen's Printer develop QP LegalEze, a professional research website that, for almost a decade now, has provided the most comprehensive online collection of British Columbia laws.

Gail's professional contribution is invaluable. So too is her involvement in the local arts community. She is vice-president of the West Shore Arts Council's board of directors; an instrumentalist with the Civic Orchestra, playing oboe and cor anglais; and an alto singer with the Ekoos vocal ensemble. She has also enjoyed playing in pit orchestras for musicals such as "Beauty and the Beast", "A Christmas Carol" and "The Gondoliers", to name just a few.

Thank you Gail, for all your work, and for making legislation easier for all of us.

— Spencer Tickner,
Supervisor of Electronic Publications,
Queen's Printer, Victoria, B.C.