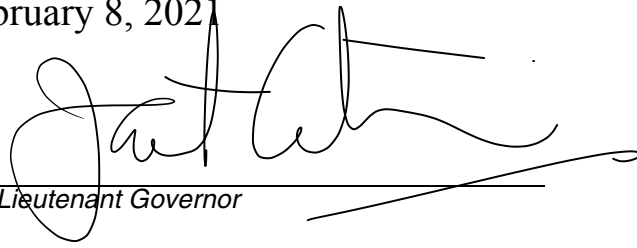


PROVINCE OF BRITISH COLUMBIA

ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

Order in Council No. 061

, Approved and Ordered February 8, 2021

  
Lieutenant Governor

Executive Council Chambers, Victoria

On the recommendation of the undersigned, the Lieutenant Governor, by and with the advice and consent of the Executive Council, orders that

- (a) effective March 18, 2020, the attached COVID-19 (Provincial Court Proceedings) Regulation is made,
- (b) effective March 18, 2020, Schedule 1 of the *COVID-19 Related Measures Act*, S.B.C. 2020, c. 8, is amended by adding the following rows after item 6:

Item	Column 1 <i>(for Items 7 and following)</i>  <b>EPA Instrument Title</b>	Column 2 <i>(for Items 7 and following)</i>  <b>EPA Instrument Number</b>
7	COVID-19 (Provincial Court Proceedings) Regulation	

, and

- (c) effective July 10, 2021, item 7 in Schedule 1 of the *COVID-19 Related Measures Act*, S.B.C. 2020, c. 8, is repealed.



\_\_\_\_\_  
*Attorney General and Minister Responsible for Housing*



\_\_\_\_\_  
*Minister of Public Safety and Solicitor General*



\_\_\_\_\_  
*Presiding Member of the Executive Council*

*(This part is for administrative purposes only and is not part of the Order.)*

**Authority under which Order is made:**

Act and section: *Emergency Program Act*, R.S.B.C. 1996, c. 111, s. 10.1;  
*COVID-19 Related Measures Act*, S.B.C. 2020, c. 8, s. 3 (5) and (8)

Other: \_\_\_\_\_

# COVID-19 (PROVINCIAL COURT PROCEEDINGS) REGULATION

## *Contents*

- 1 Definitions
- 2 Direction or order – exception to *Court Rules Act* and *Small Claims Act*
- 3 Direction – exception to *Interjurisdictional Support Orders Act*
- 4 Direction or order – exception to Interjurisdictional Support Orders Regulation

## **Definitions**

- 1 In this regulation:
  - “**associate chief judge**” means an associate chief judge of the Provincial Court;
  - “**chief judge**” means the chief judge of the Provincial Court;
  - “**COVID-19 pandemic**” has the same meaning as in section 1 of the *COVID-19 Related Measures Act*;
  - “**procedure**” means a step in a proceeding or before a proceeding is commenced;
  - “**proceeding**” means a civil matter, cause or action before the Provincial Court.

## **Direction or order – exception to *Court Rules Act* and *Small Claims Act***

- 2 (1) As an exception to sections 1 to 4 of the *Court Rules Act*, sections 2 (2), 4, 17 (1) and 18 of the *Small Claims Act* and any other provision of the *Court Rules Act*, the Provincial Court (Adult Guardianship) Rules, the Provincial Court (*Child, Family and Community Service Act*) Rules, the Provincial Court (Family) Rules and the Small Claims Rules and subject to subsection (2) of this section, the chief judge and an associate chief judge may
  - (a) give a direction or make an order that a class of procedures or a procedure in a specific proceeding may be conducted by written submission or be heard by way of audio conference, video conference or other communication medium,
  - (b) give a direction or make an order respecting the manner of service, delivery, filing or submission of materials in relation to a class of procedures or a procedure in a specific proceeding, and
  - (c) give any other directions or make any other orders for the hearing or determination of a class of procedures or a procedure in a specific proceeding or the manner in which a class of procedures or a procedure in a specific proceeding is to be conducted.
- (2) The chief judge and an associate chief judge may give a direction or make an order under subsection (1) only if it is reasonably necessary to do so as a result of the COVID-19 pandemic or for consistency with public health advisories issued to reduce the threat of COVID-19 to the health and safety of persons.

**Direction – exception to  
*Interjurisdictional Support Orders Act***

- 3** (1) The definitions in the *Interjurisdictional Support Orders Act* apply to this section and section 4.
- (2) As an exception to section 9 (1) of the *Interjurisdictional Support Orders Act* and subject to subsections (2) and (3) of that section and subsection (4) of this section, if the designated authority receives a support application from an appropriate authority in a reciprocating jurisdiction, with information that the respondent named in the support application habitually resides in British Columbia, the designated authority
- (a) must send the support application to the British Columbia court, and
  - (b) must serve on the respondent
    - (i) a copy of the support application, and
    - (ii) a notice requiring the respondent to
      - (A) as the court directs, appear at a place and time, or at a time and by audio conference, video conference or other communication medium, set out in the notice, and
      - (B) provide the information or documents required by the regulations.
- (3) As an exception to section 29 (1) of the *Interjurisdictional Support Orders Act* and subject to subsections (2) and (3) of that section and subsection (4) of this section, if the designated authority receives a support variation application from an appropriate authority in a reciprocating jurisdiction, with information that the respondent named in the support variation application habitually resides in British Columbia, the designated authority
- (a) must send the support variation application to the British Columbia court, and
  - (b) must serve on the respondent
    - (i) a copy of the support variation application, and
    - (ii) a notice requiring the respondent to
      - (A) as the court directs, appear at a place and time, or at a time and by audio conference, video conference or other communication medium, set out in the notice, and
      - (B) provide the information or documents required by the regulations.
- (4) For the purposes of subsections (2) and (3), the court may direct a respondent to appear by audio conference, video conference or other communication medium only if it is reasonably necessary to do so as a result of the COVID-19 pandemic or for consistency with public health advisories issued to reduce the threat of COVID-19 to the health and safety of persons.

**Direction or order – exception to  
Interjurisdictional Support Orders Regulation**

- 4** (1) As an exception to section 3 (2) of the Interjurisdictional Support Orders Regulation and subject to subsection (2) of this section, the chief judge and an associate chief judge may, for the purposes of section 19 (2) of the *Interjurisdictional Support Orders Act*, give a direction or make an order respecting the requirements for
- (a) service of notice of an application to set aside the registration of a foreign order on the designated authority, and
  - (b) filing proof of the service of the notice with the court in which the application is to be heard.
- (2) The chief judge and an associate chief judge may give a direction or make an order under subsection (1) only if it is reasonably necessary to do so as a result of the COVID-19 pandemic or for consistency with public health advisories issued to reduce the threat of COVID-19 to the health and safety of persons.