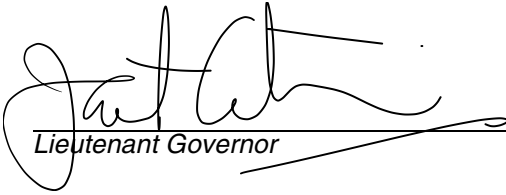


**PROVINCE OF BRITISH COLUMBIA**  
**ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL**

Order in Council No. 403

, Approved and Ordered July 5, 2024

  
\_\_\_\_\_  
Lieutenant Governor

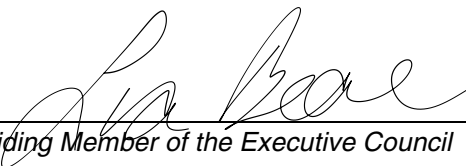
**Executive Council Chambers, Victoria**

On the recommendation of the undersigned, the Lieutenant Governor, by and with the advice and consent of the Executive Council, orders that, effective July 5, 2024,

- (a) section 3 of the *Miscellaneous Statutes Amendment Act, 2022*, S.B.C. 2022, c. 14, is repealed,
- (b) the Fines Enforcement Regulation, B.C. Reg. 187/96, is amended as set out in the attached Schedule 1, and
- (c) the Offence Act Forms Regulation, B.C. Reg. 422/90, is amended as set out in the attached Schedule 2.



\_\_\_\_\_  
Attorney 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: *Miscellaneous Statutes Amendment Act, 2022*, S.B.C. 2022, c. 14, s. 16; *Offence Act*, R.S.B.C. 1996, c. 338, s. 132 (2)

Other: O.C. 843/96; O.C. 1642/90

R10789802

## SCHEDULE 1

**1 Section 1 of the Fines Enforcement Regulation, B.C. Reg. 187/96, is amended by adding the following definition:**

“**Yuulu?i?ath**” means the Ucluelet First Nation as defined in section 29.1.1 of the Maa-nulth First Nations Final Agreement.

**2 Section 2 is amended**

**(a) by renumbering it as section 2 (1),**

**(b) by striking out** “are designated for the purpose of filing certificates under section 82 (6) of the Act” **and substituting** “are designated for the purpose of filing certificates under section 82 (6) of the Act respecting fines, victim surcharge levies and ticketed amounts payable to the government, a municipality or a regional district”, **and**

**(c) by adding the following subsection:**

(2) For the purposes of section 132 (2) (f) of the Act, the following persons are designated for the purpose of filing certificates under section 82 (6) of the Act respecting fines and ticketed amounts payable to the treaty first nation:

- (a) Tsawwassen First Nation;
- (b) Huu-ay-aht First Nations;
- (c) Ka:’yu:’k’t’h’ /Che:k’les7et’h’ First Nations;
- (d) Toquaht Nation;
- (e) Uchucklesaht Tribe;
- (f) Yuulu?i?ath;
- (g) Tla’amin Nation.

**3 Section 3 and the certificate attached to that section are repealed and the following substituted:**

**Forms of certificates**

**3** For the purposes of section 82 (6) of the Act, the following certificates are prescribed:

- (a) The certificate respecting fines, victim surcharge levies and ticketed amounts payable to the government, a municipality or a regional district is the certificate attached as Appendix A;
- (b) The certificate respecting fines and ticketed amounts payable to a treaty first nation is the certificate attached as Appendix B.

# APPENDIX A

## CERTIFICATE

*[Select from the two options below and remove the option that has not been selected and the italicized instructions so that they do not appear in the form when the form is filed].*

*[Option 1] In the Provincial Court of British Columbia (Small Claims Court)*  
*[Option 2] In the Supreme Court of British Columbia*

|                       |
|-----------------------|
| Registry File Number: |
| Registry Location:    |

**BETWEEN:** \_\_\_\_\_ **CREDITOR**

**AND:** \_\_\_\_\_ **DEBTOR**

### CERTIFICATE (Section 82(6) of the *Offence Act*)

I, \_\_\_\_\_, *[select one]*  
Print Name

being a person or within a class of persons designated to file certificates for the purpose of section 82(6) of the *Offence Act*,

having been authorized to file certificates on behalf of \_\_\_\_\_, who is within a class  
Print Name of municipality or regional district  
of persons designated to file certificates for the purpose of section 82(6) of the *Offence Act*,

hereby certify:

1. \_\_\_\_\_ (the "Debtor"), having an address at

|  |   |
|--|---|
| <small>Name of Individual or Corporation</small> |   |
| <small>Address</small>                           |   |
| <small>City, town, municipality</small>          | <small>Tel# and/or email address (Optional)</small> |
| <small>Prov.</small>                             | <small>Postal code</small>                          |

was convicted of or deemed to have pleaded guilty to an offence or offences created under an enactment of the Province, or a municipal or regional district bylaw. As a result of the conviction(s) or deemed guilty plea(s), the Debtor is required to pay the fine(s), victim surcharge levy(ies) or ticketed amount(s) (the "Payable Amount(s)") listed below.

2. The Debtor has failed to pay all or part of the Payable Amount(s) so that, as of the date of this Certificate, the amounts listed in column 4 are due and owing.

|    | 1<br>Date of Conviction<br>or<br>Deemed Guilty<br>Plea<br><br>(dd/mm/yy) | 2<br>Amount of<br>Payable Amount<br><br>(\$) | 3<br>Date Payable<br>Amount was<br>Payable<br><br>(dd/mm/yy) | 4<br>Amount of Payable<br>Amount remaining<br>unpaid as of the date<br>of this Certificate (\$) |
|----|--|--|--|---|
| 1. |  |  |  |   |
| 2. |  |  |  |   |
| 3. |  |  |  |   |
| 4. |  |  |  |   |
| 5. |  |  |  |   |
| 6. |  |  |  |   |
| 7. |  |  |  |   |
| 8. |  |  |  |   |
|    |  |  | <b>Total</b>   |   |

*[Add more rows as required on additional pages]*

3. The attached copy or copies form part of this Certificate *[check as appropriate]*:

for the Payable Amount(s) for the deemed guilty plea(s), the attached copy or copies of the following violation ticket(s): \_\_\_\_\_, and  
Violation Ticket number(s)

for the Payable Amount(s) for the conviction(s), the attached copy or copies of the following Provincial Court Order(s): \_\_\_\_\_.  
Court file number(s)

This Certificate is not complete unless all relevant violation ticket(s) and court order(s) are attached.

Signed at \_\_\_\_\_, British Columbia, on \_\_\_\_\_  
[DD/MM/YYYY]

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title

\_\_\_\_\_  
Address

## APPENDIX B

### CERTIFICATE

*[Select from the two options below and remove the option that has not been selected and the italicized instructions so that they do not appear in the form when the form is filed].*

*[Option 1] In the Provincial Court of British Columbia (Small Claims Court)*  
*[Option 2] In the Supreme Court of British Columbia*

|                       |
|-----------------------|
| Registry File Number: |
| Registry Location:    |
| Treaty First Nation:  |

**Between:** \_\_\_\_\_ CREDITOR

**and:** \_\_\_\_\_ DEBTOR

### CERTIFICATE

(Section 82(6) of the *Offence Act*: Amounts Owing to a Treaty First Nation)

I, \_\_\_\_\_, having been authorized to file certificates on behalf of  
Print Name  
 \_\_\_\_\_, a person designated to file certificates for the purpose of section 82(6) of the  
Print Name of Treaty First Nation  
*Offence Act*, hereby certify that:

1. \_\_\_\_\_ (the "Debtor"), having an address at  
Name of Individual or Corporation  
 \_\_\_\_\_  
Address  
 \_\_\_\_\_  
City, town, municipality \_\_\_\_\_ Tel# and/or email address (Optional) \_\_\_\_\_  
Prov. \_\_\_\_\_ Postal code \_\_\_\_\_  
 was convicted of or deemed to have pleaded guilty to an offence or offences created under a Treaty First Nation law. As a result of the conviction(s) or deemed guilty plea(s), the Debtor is required to pay the fine(s) or ticketed amounts (the "Payable Amount(s)") listed below.

2. The Debtor has failed to pay all or part of the Payable Amount(s) so that, as of the date of this Certificate, the amounts listed in column 4 are due and owing.

|    | 1<br>Date of Conviction<br>or<br>Deemed Guilty<br>Plea<br><br>(dd/mm/yy) | 2<br>Amount of<br>Payable Amount<br><br>(\$) | 3<br>Date Payable<br>Amount was<br>Payable<br><br>(dd/mm/yy) | 4<br>Amount of Payable<br>Amount remaining<br>unpaid as of the date<br>of this Certificate (\$) |
|----|--|--|--|---|
| 1. |  |  |  |   |
| 2. |  |  |  |   |
| 3. |  |  |  |   |
| 4. |  |  |  |   |
| 5. |  |  |  |   |
| 6. |  |  |  |   |
| 7. |  |  |  |   |
| 8. |  |  |  |   |
|    |  |  | <b>Total</b>   |   |

*[Add more rows as required on additional pages]*

3. The attached copy or copies form part of this Certificate *[check as appropriate]*:

for the Payable Amount(s) for the deemed guilty plea(s), the attached copy or copies of the following violation ticket(s): \_\_\_\_\_, and  
Violation Ticket number(s)

for the Payable Amount(s) for the conviction(s), the attached copy or copies of the following Provincial Court Order(s): \_\_\_\_\_  
Court file number(s)

This Certificate is not complete unless all relevant violation ticket(s) and court order(s) are attached.

Signed at \_\_\_\_\_, British Columbia, on \_\_\_\_\_  
[DD/MM/YYYY]

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title

\_\_\_\_\_  
Address

## SCHEDULE 2

- 1 Section 2 of the Offence Act Forms Regulation, B.C. Reg. 422/90, is amended**
  - (a) in subsection (1) by striking out “other than a violation ticket that is an eTicket” and substituting “other than a violation ticket that is an eTicket or a violation ticket issued under a treaty first nation law”,**
  - (b) in subsection (2) by striking out “The instructions” and substituting “Except in the case of a violation ticket issued under a treaty first nation law, the instructions”, and**
  - (c) in subsection (3) by striking out “other than a violation ticket that is an eTicket” and substituting “other than a violation ticket that is an eTicket or a violation ticket issued under a treaty first nation law”.**
- 2 Section 3 is amended by striking out “shall” and substituting “must”.**
- 3 Section 4 is amended by striking out “shall” and substituting “must”.**
- 4 Section 5 is amended by striking out “shall” and substituting “must”.**
- 5 Section 6 is amended by repealing subsections (1) and (2) and substituting the following:**
  - (1) Subject to subsection (1.1), an affidavit under section 15 (10) of the Act must be in Form F.
  - (1.1) In the case of a violation ticket issued under a treaty first nation law, an affidavit under section 15 (10) of the Act must be in Form F.1.
  - (2) Subject to subsection (2.1), an affidavit under section 16 (2) of the Act must be in Form G.
  - (2.1) In the case of a violation ticket issued under a treaty first nation law, an affidavit under section 16 (2) of the Act must be in Form G.1.
- 6 The following forms are added:**

# FORM F.1

## AFFIDAVIT

Under Section 15 (10) of the *Offence Act* (for a violation ticket issued under a Treaty First Nation law)

DL#

DOB  YY  MM  DD

Violation Ticket #

I, \_\_\_\_\_  
Last Name First Name  
 of \_\_\_\_\_  
Mailing Address  
 \_\_\_\_\_  
City Prov. Postal Code  
 swear or affirm that:

Please select the Treaty First Nation under whose law the violation ticket was issued.

Tsawwassen First Nation

Huu-ay-aht First Nations

Ka:'yu:'k't'h' /Che:k'tles7et'h' First Nations

Toquaht Nation

Uchucklesaht Tribe

Yuu7if?ath

Tla'amin Nation

1. On  YY  MM  DD  
Date I was to appear at a hearing to dispute the following contravention(s):

### Treaty First Nation Law

| <small>Act / Reg. (Specify)</small>                     | <small>Description of Offence</small>                   | <small>Section</small>                                  |
|---|---|---|
| <input style="width: 100%; height: 100%;" type="text"/> | <input style="width: 100%; height: 100%;" type="text"/> | <input style="width: 30px; height: 30px;" type="text"/> |
| <input style="width: 100%; height: 100%;" type="text"/> | <input style="width: 100%; height: 100%;" type="text"/> | <input style="width: 30px; height: 30px;" type="text"/> |
| <input style="width: 100%; height: 100%;" type="text"/> | <input style="width: 100%; height: 100%;" type="text"/> | <input style="width: 30px; height: 30px;" type="text"/> |

2. I had a genuine intention to appear at the scheduled hearing.
3. Not more than 30 days have passed since the hearing date.
4. Through no fault of my own, I failed to appear before the Provincial Court for the following reason(s):

(Check box if more space is required and add another page) \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Sworn/affirmed before me  
 on  YY  MM  DD  
Date at \_\_\_\_\_  
City  
 in the Province of British Columbia.

Signature  
  
A Commissioner for taking Affidavits for British Columbia

### CERTIFICATE

I order that the application is:

Allowed. A new date must be set for the hearing of this matter, and the Treaty First Nation must cancel or cease any administrative actions that have been taken or commenced as a consequence of the failure to appear at the hearing.

Denied, for the following reason(s): \_\_\_\_\_  
 \_\_\_\_\_

as of  YY  MM  DD  
Date \_\_\_\_\_  
Signature of Justice



# FORM G.1

## AFFIDAVIT

Under Section 16 (2) of the *Offence Act* (for a violation ticket issued under a Treaty First Nation law)

DL#

DOB  YY  MM  DD

Violation Ticket #

Missed Hearing (Over 30 days)

I,  Last Name  First Name  
of  Mailing Address  
 City  Prov.  Postal Code

swear or affirm that:

1. On  YY  MM  DD  
Date I was deemed to have pleaded guilty to the following contravention(s):

- Please select the Treaty First Nation under whose law the violation ticket was issued.
- Tsawwassen First Nation
  - Huu-ay-aht First Nations
  - Ka:'yu:'k't'h' /Che:k'tles7et'h' First Nations
  - Toquaht Nation
  - Uchucklesaht Tribe
  - Yuułu?if?ath
  - Tla'amin Nation

### Treaty First Nation Law

| Act / Reg. (Specify)                                    | Description of Offence                                  | Section   |
|---|---|---|
| <input style="width: 100%; height: 100%;" type="text"/> | <input style="width: 100%; height: 100%;" type="text"/> | <input style="width: 100%; height: 100%;" type="text"/> |
| <input style="width: 100%; height: 100%;" type="text"/> | <input style="width: 100%; height: 100%;" type="text"/> | <input style="width: 100%; height: 100%;" type="text"/> |
| <input style="width: 100%; height: 100%;" type="text"/> | <input style="width: 100%; height: 100%;" type="text"/> | <input style="width: 100%; height: 100%;" type="text"/> |

2. I had a genuine intention to dispute the ticket before the dispute period expired.
3. Through no fault of my own, I did not have an opportunity to dispute the allegation or the amount of the fine for the following reason(s):  
 (Check box if more space is required and add another page) \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
4. I have an arguable defence to the violation ticket, as follows:  (Check box if more space is required and add another page)  
 \_\_\_\_\_  
 \_\_\_\_\_
5. I believe that no undue prejudice will result from the extension of the dispute period.
6. I believe that it is in the interests of justice to allow the dispute to proceed.

Sworn/affirmed before me

YY  MM  DD  
on \_\_\_\_\_ at \_\_\_\_\_  
Date City  
in the Province of British Columbia.

Signature

A Commissioner for taking Affidavits for British Columbia

### CERTIFICATE

I order that the application is:

Allowed.

Denied, for the following reason(s): \_\_\_\_\_

as of  YY  MM  DD  
Date

Signature of Justice