

## **Halfway River First Nation**

### **By-law No. 2016-001**

#### **A By-law for the Observance of Law and Order**

**WHEREAS** the Council of the Halfway River First Nation desires to make a by-law governing the observance of law and order of Members and other persons on the Halfway River Reserve No. 168 (the “Reserve”) with respect to any matter arising out of or ancillary to the exercise of powers under section 81 of the *Indian Act*, and for the imposition of a penalty for a violation thereof;

**AND WHEREAS** the Council of the Halfway River First Nation is empowered to make such a by-law pursuant to section 81(1) paragraphs (c), (d), (p), (p.1), (q), (r); 81(2); and 81(3) of the *Indian Act*, R.S.C., c. I-5;

**AND WHEREAS** it is considered to be expedient and necessary for the benefit, comfort and safety of the inhabitants of the Halfway River First Nation Reserve to provide for the observance of law and order by Members and other persons on the Reserve;

**NOW THEREFORE** the Council of the Halfway River First Nation hereby enacts the following by-law:

#### **1. SHORT TITLE**

- 1.1. This by-law may be cited as the “*Halfway River First Nation Law and Order By-law*”.

#### **2. INTERPRETATION**

- 2.1. In this by-law:

“**Council**” means the Chief and Council of the Halfway River First Nation, as defined in the *Indian Act* and lawfully elected in accordance with the *Indian Act* or custom election code, as the case may be;

“**Criminal History Information Check**” means a search being made by a police enforcement agency of the automated criminal records retrieval system maintained by the Royal Canadian Mounted Police (“RCMP”).

“**Criminal History Information Request**” means a request issued by Council for an individual to obtain a Criminal Information History Check from the RCMP or other appropriate policing agency.

“**Dangerous Person**” means a person that has been convicted, without receiving a pardon and/or a record suspension, of one or more of the offences listed in s. 752 of the *Criminal Code* of Canada as a “designated primary offence” and any person designated as a “dangerous person” pursuant to this by-law;<sup>1</sup>

“**First Nation**” means the Halfway River First Nation, a band within the meaning of the *Indian Act*;

“**Information**” includes

(a) a count in an Information; and

(b) a complaint in respect of which a justice is authorized to make an order;

“**Justice**” means a Justice of the Peace, and includes 2 or more Justices, if 2 or more Justices act or have jurisdiction, and a judge of the Provincial Court or any person who has the power or authority of 2 or more Justices of the Peace;

“**Legal Justification**” means, an individual entitled to be present on Reserve, either by being a Resident on Reserve, being a member of the Halfway River First Nation, or on an implied invitation to the public;

“**Occupier**” means, in relation to premises:

- (a) Chief and Council of the First Nation, or
- (b) a person lawfully entitled to occupation of those premises;

“**Officer**” means any peace officer or other person charged with the duty to preserve and maintain the public peace, a by-law enforcement officer, or any other person appointed by the Council for the purpose of maintaining law and order on the Reserve;

“**Order**” includes an Order for the payment of money;

“**Proceedings**” means:

- (a) proceedings in respect of offences, and
- (b) proceedings in which a Justice is authorized by an enactment to make an Order;

“**Prohibited Purpose**” means for the purpose of conducting illegal activities, including any activity that is contrary to a by-law of the First Nation, law of Canada, or law of British Columbia applicable on Reserve. For greater certainty, this does not apply to a person who is a Member or a lawful Resident, unless that person is otherwise prohibited from entering the Reserve by operation of a by-law of the First Nation;

“**Prosecutor**” means an informant, Council, or the Attorney General or their respective counsel or agents;

“**Reserve**” means the Halfway River Indian Reserve No. 168, any land held for the use and benefit of the First Nation pursuant to section 36.1 of the *Indian Act*, and any future reserve set aside by Her Majesty for the use and benefit of the First Nation;

“**Resolution**” means a decision made at a duly-convened meeting of a quorum of Council, and recorded in writing;

“**Resident**” means any person that ordinarily resides on the Reserve pursuant to the provisions of By-law No.2016-002 the *Halfway River First Nation Residency By-law*;

“**Territorial Division**” means a district, county, township, city, town or other judicial division or place; and

“**Trial**” includes the hearing of a complaint.

### 3. CRIMINAL HISTORY INFORMATION PRODUCTION ORDER

3.1. If Council reasonably believes that the presence of a person on the Reserve may pose a threat to the observance of law and order on the Reserve, Council may, by Resolution, order a Criminal History Information Request requiring that person to provide to Council, within 30 days of receiving the Order:

- (a) a completed Criminal History Information Check (also referred to as a Police Information Check) provided by the RCMP or other appropriate policing agency; or
- (b) a signed declaration indicating whether the person been convicted, without receiving a pardon and/or a record suspension, of one or more of the offences listed as a “designated offence” in s. 752 of the *Criminal Code* of Canada, and where the person has been so convicted, a signed declaration listing which of these offences the person has received a conviction.

3.2. If:

- (a) Council believes on the basis of a Criminal History Information Check conducted pursuant to section 3.1(a) or a written declaration received pursuant to section 3.1(b) that a person has been convicted of one or more of the offences listed as a “designated offence” in s. 752 of the *Criminal Code* of Canada; or
- (b) a person fails or refuses within 30 days to comply with an Order to complete a Criminal History Information Request pursuant to section 3.1;

then Council may, by Resolution pursuant to this by-law, designate such a person as a Dangerous Person.

#### 4. DANGEROUS PERSONS ON RESERVE

4.1. Subject to the limitations imposed by law and subject to sections 4.2 and 4.3, Council may, by Resolution, do one or more of the following to restrict or prohibit the residence of a Dangerous Person on Reserve:

- (a) post the name of a Dangerous Person in a public place, or otherwise inform Residents of the presence of a Dangerous Person on the Reserve;
- (b) issue a direction to:
  - i. prohibit or restrict the Dangerous Person from attending specified locations or events on the Reserve;
  - ii. prohibit a Dangerous Person from being within a prescribed distance from a particular person or persons;
  - iii. limit the duration for which a Dangerous Person may occupy the Reserve on a given visit;
  - iv. limit the number of times a Dangerous Person may frequent the Reserve within a specified period of time;
  - v. remove a Dangerous Person from housing on Reserve;
  - vi. restrict a Dangerous Person from using, occupying, or possessing land on the Reserve, either for a specified duration or until express permission is granted in the form of a Resolution, for a period not exceeding one (1) year; or
  - vii. obtain a court Order, pursuant to subsection 81(3) of the *Indian Act*, restraining a person from acting in contravention of this by-law.

4.2. When considering whether to impose any prohibitions or conditions pursuant to subsection 4.1, Council may consider the following:

- (a) whether the behaviour for which the conviction was received, if repeated, poses any threat to the peace or safety of Residents or to Council's ability to ensure the observation of law and order on Reserve;
- (b) the circumstances and the particulars of the offence or offences for which the Dangerous Person has been convicted, including:
  - i. whether the offence or offences occurred on the Reserve;
  - ii. whether the offence or offences involved a Resident;
  - iii. the age of the Dangerous Person when the offence or offences occurred;
  - iv. any extenuating circumstances;
  - v. the length of time that has elapsed between the commission of the offence or offences, including:
    - a) what the Dangerous Person has done during that period of time;
    - b) whether the Dangerous Person has shown any tendencies to repeat the kind of behaviour for which he or she received the conviction or convictions;
  - vi. whether the Dangerous Person has shown a firm intention to rehabilitate himself or herself;
  - vii. whether the Dangerous Person has failed to comply with previous Orders issued pursuant to section 4; and
  - viii. any other factor that Council reasonably believes is relevant to the determination of whether the residence of the Dangerous Person on the Reserve represents a threat to the peace and safety of Residents or to the observance of law and order on the Reserve.

- 4.3. Prior to imposing any prohibitions or conditions pursuant to section 4, Council shall give a reasonable opportunity for and shall consider the views of the Dangerous Person and Residents concerning whether the Dangerous Person represents a threat to the peace and safety of Residents or to the observance of law and order on the Reserve.

## 5. TRESPASSING

- 5.1. A person commits an offence of trespass if the person does any of the following:
- (a) enters the Reserve without Legal Justification;
  - (b) frequents the Reserve for a Prohibited Purpose;
  - (c) enters premises without the Occupier's permission;
  - (d) has been directed, either orally or in writing to leave the premises and does not vacate the premises as soon as practicable after receiving the direction;
  - (e) engages in an activity on or in a premise after the person has had notice from the Occupier of the premises that the activity is prohibited; or
  - (f) re-enters the premises or resumes the activity on or in the premises.
- 5.2. An Officer may take such reasonable measures as may be necessary to remove a person from the Reserve who is trespassing pursuant to subsection 5.1 or where a person fails or refuses to comply with an Order revoking or limiting a person from occupying the Reserve under section 4 of this by-law, or where a Person Resides on the Reserve without being entitled to do so pursuant to section 4 of the *Halfway First Nation Residency By-law*, or where a Resident fails or refuses to comply with an Order revoking their right to Reside on the Reserve pursuant to subsection 9(1) of the *Halfway First Nation Residency By-law*.

**6. OFFENCE AND PENALTY**

- 6.1. A person commits an offence who fails or refuses to comply with a request, Resolution or direction made under sections 4 or 5 of this by-law.
- 6.2. A person who commits an offence under this section is liable on summary conviction to a fine not exceeding one thousand dollars (\$1000) or to imprisonment for a term not exceeding thirty (30) days, or to both fine and imprisonment.
- 6.3. Each day that a contravention of this by-law persists constitutes a separate offence.

**7. BY-LAW ENFORCEMENT OFFICER**

- 7.1. Council may, by Resolution, provide for the appointment and the reasonable remuneration of a by-law enforcement officer.

**8. COMMENCING ENFORCEMENT PROCEEDINGS**

- 8.1. Proceedings alleging a contravention of this by-law must be commenced by the laying of an Information in the form set out in Form 1 attached to this by-law.
- 8.2. Proceedings alleging a contravention of this by-law must not be instituted more than six (6) months after the time when the subject matter of the proceedings arose

**9. FORMALITIES OF AN INFORMATION**

- 9.1. An Information:
  - (a) must be in writing and must be under oath; and
  - (b) may charge more than one offence or relate to more than one matter of complaint, but if more than one offence is charged or the Information



relates to more than one matter of complaint, each offence or matter of complaint must be set out in a separate count.

9.2. An Information in respect of an offence for which, because of previous convictions, a greater punishment may be imposed must not contain any reference to previous convictions.

## **10. POWER TO LAY INFORMATION OR COMPLAINT**

10.1. A person may, on reasonable and probable grounds,

(a) lay an Information before a Justice;

i. that any person, being within the jurisdiction of that Justice, has committed or is suspected of having committed an offence or act in contravention of this by-law for which the person is liable by law, on conviction, to be fined or imprisoned, or otherwise punished; or

10.2. The Information or complaint may be in Form 1 of this by-law or of similar effect.

## **11. JUSTICE TO HEAR INFORMANT OR WITNESSES AND ISSUE A SUMMONS OR WARRANT**

11.1. A Justice who receives an Information must:

(a) hear and consider without the necessity of notice to any other person;

i. the allegations of the informant; and

ii. the evidence of witnesses if the Justice considers it desirable or necessary; and

(b) if the Justice considers that a case for doing so is made out, issue a summons or warrant to compel the defendant to attend before the Justice.

## **12. SUMMONS**

12.1. A summons may be in one of the prescribed forms and must:

- (a) be directed to the defendant;
- (b) set out briefly the offence in respect of which the defendant is charged;  
and
- (c) require the defendant to appear at a time and place stated in the summons.

## **13. SERVICE ON INDIVIDUAL**

13.1. Subject to subsection 13.3, a summons must be served by an Officer or enforcement officer, who must deliver it personally to the person to whom it is directed, or, if that person cannot conveniently be found, must leave it for the person at the person's last or usual residence with an occupant of it who appears to be at least 16 years of age.

13.2. A summons in respect of an alleged offence under this by-law may be served in the manner set out in subsection 13.1 by a person appointed for that purpose by Council.

13.3. For the purposes of this section, a person appointed under subsection 13.2 has the legal status of an Officer.

## **14. SERVICE OF A COPY**

14.1. If there is any reference in this by-law to service of a summons, or to a summons, being served, a summons is sufficiently served if a copy of it is served.

14.2. If a copy of a summons is served, the certificate referred to in section 15.1(b) may be endorsed on another copy of, or on the summons.

## **15. PROOF OF SERVICE**

15.1. Service of a summons, may be proved by:

- (a) the oral evidence given under oath of a person who served it; or
- (b) the certificate of a person who served it, if the certificate is endorsed on a copy of the summons.

15.2. The certificate referred to in subsection 15.1(b) is proof of the authority of the person who signed it.

## **16. SERVICE ON SUNDAY OR HOLIDAY**

16.1. A warrant or summons authorized may be issued or executed on a Sunday or statutory holiday.

## **17. COPY OF WARRANT TO BE SERVED**

17.1. If a warrant is issued for the arrest of a defendant, a copy of it must be served on the person who is arrested under it.

## **18. CONTENTS OF A WARRANT TO ARREST**

18.1. A warrant may be in Form 2 attached to this by-law and must:

- (a) name or describe the defendant;
- (b) set out briefly the offence in respect of which the defendant is charged;  
and
- (c) Order that the defendant be arrested and brought before the Justice who issued the warrant or before another Justice who has jurisdiction in the same Territorial Division, to answer to the charge and be further dealt with according to law.

18.2. A warrant remains in force until it is executed and need not be made returnable at any particular time.

**19. FORMALITIES OF A WARRANT**

19.1. A warrant must be signed by a Justice and may be directed:

- (a) to an Officer by name;
- (b) to an Officer by name and all other Officers in the Territorial Division of the Justice; or
- (c) generally to all Officers within the Territorial Division of the Justice.

**20. SUMMONS NOT TO PREVENT A WARRANT**

20.1. A Justice may issue a warrant:

- (a) in Form 2 attached to this by-law, for the arrest of a defendant even if a summons has already been issued to require the appearance of the defendant; or
- (b) in the prescribed forms; if
  - i. service of a summons is proved and the defendant does not appear;  
or
  - ii. it appears that a summons cannot be served because the defendant is evading service.

**21. EXECUTION OF A WARRANT**

21.1. A warrant may be executed by arresting the defendant wherever the defendant is found within the territorial jurisdiction of the Justice who issued the warrant.

21.2. A warrant may be executed by a person who is the Officer named in the warrant or one of the Officers to whom it is directed, whether or not the place in which the warrant is to be executed is in the territory for which the person is an Officer.

## 22. ENDORSEMENT OF WARRANT

- 22.1. If a warrant for the arrest of a defendant cannot be executed in accordance with section 21, a Justice in whose jurisdiction the defendant is, or is believed to be, must, on application and on proof on oath, or by affidavit, of the signature of the Justice who issued the warrant, authorize the execution of the warrant in his or her jurisdiction by making an endorsement, which may be in Form 3 attached to this by-law, on the warrant.
- 22.2. An endorsement made on a warrant under subsection 21.1 is sufficient authority to the Officers to whom it was originally directed and to all Officers in the Territorial Division of the Justice by whom it is endorsed to execute the warrant and to take the defendant before the Justice who issued the warrant or before another Justice for the same Territorial Division.

## 23. PROMISE TO APPEAR

- 23.1. In this section, “**officer in charge**” means:
- (a) the officer in command of the police force or police department, or of the designated policing unit or designated law enforcement unit as those terms are defined in section 1 of the *Police Act* [R.S.B.C. 1996] c.37, who is responsible for the lockup or other place to which a defendant is taken after arrest; or
  - (b) an Officer designated by the officer referred to in subsection 23.1(a) for this section who is in charge of the lockup or other place at the time the defendant is taken to that place to be detained in custody.
- 23.2. If a Justice issues a warrant under this by-law for the arrest of a defendant, the Justice may authorize the release of the defendant under subsection 23.3 by making an endorsement on the warrant in Form 4 attached to this by-law.
- 23.3. If a person who has been arrested with a warrant issued under this by-law is taken into custody, the officer in charge may, if the warrant has been endorsed by a

Justice under subsection 23.2, release the defendant on the defendant giving his or her promise to appear.

23.4. A promise to appear must be in a prescribed form.

23.5. A person who fails to comply with the conditions set out in a promise to appear commits an offence.

## **24. ADJOURNMENT**

24.1. A Justice may in his or her discretion, before or during a Trial, adjourn the Trial.

(a) The parties to a Trial adjourned under subsection 24.1 must be notified of the time and place appointed for their next appearance before the court.

24.2. If the Justice adjourns a Trial, the Justice may, on condition that the defendant appear at the time and place set for resumption of the Trial,

(a) permit the defendant to be at large;

(b) commit the defendant by warrant, in Form 5 attached to this by-law to a prison in the Territorial Division for which the Justice has jurisdiction, or to any other safe custody the Justice thinks fit; or

(c) discharge the defendant on the defendant's recognizance, in Form 6 attached to this by-law

i. with or without sureties; or

ii. on depositing a sum of money the Justice directs.

## **25. ABSENCE OF DEFENDANT**

25.1. If the defendant does not appear at the time and place appointed for the Trial, and service of the summons within a reasonable period before the appearance was required is proved, or if the defendant does not appear for the resumption of a Trial that has been adjourned in accordance with section 24, the Justice may:

- (a) proceed to hear and determine the Proceedings in the absence of the defendant as fully and effectually as if the defendant had appeared; or
- (b) if the Justice thinks fit, issue a warrant in a prescribed form or Form 7 for the arrest of the defendant, and adjourn the Trial to await the defendant's appearance to it.

**26. ABSENCE OF PROSECUTOR**

26.1. If the Prosecutor does not appear at the time and place appointed for the resumption of an adjourned Trial, the Justice may dismiss the Information, with or without costs.

**27. CONVICTION ORDER OR DISMISSAL**

27.1. When the Justice has heard the Prosecutor, defendant and witnesses, the Justice must, after considering the matter:

- (a) convict the defendant;
- (b) make an Order against the defendant; or
- (c) dismiss the Information.

**28. POWER TO RESTRAIN**

28.1. In addition to any other remedy or any other penalty imposed by this by-law, any court of competent jurisdiction may make an Order prohibiting the continuation or repetition of offence by any person convicted of contravening this by-law.

**29. MEMORANDUM OF CONVICTION OR ORDER**

29.1. If a defendant is convicted or if an Order is made against the defendant:

- (a) a minute or memorandum of the conviction or Order may be made, without fee, but whether or not a minute or memorandum is made, the

conviction or Order must be drawn up by the Justice in Form 9 or Form 10 attached to this by-law; and

- (b) the Justice must issue a warrant of committal in Form 8 attached to this by-law and section 22 of this by-law applies to the warrant of committal.

### **30. EXECUTION OF WARRANT OF COMMITTAL**

30.1. An Officer or other person to whom a warrant of committal authorized by this by-law must convey the person named or described in the warrant to the jail or other prison mentioned in the warrant and deliver the person, together with the warrant, to the keeper of the jail or prison, who must then give to the Officer or other person who delivers the prisoner a receipt, in Form 11, setting out the state and condition of the prisoner when delivered into his or her custody.

30.2. It is not necessary to give a receipt to an Officer or other person delivering a prisoner to the custody of the keeper or other person in charge of a municipal lockup or of a prison which is not a common jail of any county.

### **31. ORIGINATING DOCUMENT MUST CONTAIN SUBSTANCE OF EVIDENCE**

31.1. An Information, complaint, warrant, conviction or other proceeding under this by-law must in general apply to a single transaction, and must contain, and is sufficient if it contains in substance, a statement that the defendant committed an offence or act specified in the proceeding and punishable on summary conviction.

31.2. The statement referred to in subsection 31.1 may be:

- (a) in popular language without technical averments or allegations of matters that are not essential to be proved;
- (b) in the words of the enactment that describes the offence or declares the matters charged to be an offence or act punishable on summary conviction; or



(c) in words that are sufficient to give to the defendant notice of the offence with which the defendant is charged.

31.3. An Information must contain sufficient detail of the circumstances of the alleged offence to give to the defendant reasonable information with respect to the act or omission to be proved against the defendant and to identify the transaction referred to, but otherwise the absence or insufficiency of details does not vitiate the Information.

31.4. An Information may refer to any section, subsection, paragraph, subparagraph or clause of the enactment that creates the offence charged, and for determining whether an Information is sufficient, consideration must be given to any such reference.

31.5. Nothing in this by-law relating to matters that do not render an Information insufficient is deemed to restrict or limit the application of this section.

## **32. INFORMATION SUFFICIENT DESPITE CERTAIN OMISSIONS**

32.1. No Information, complaint, warrant, conviction or other proceeding under this by-law is insufficient because of the absence of details if, in the opinion of the Justice, the Information otherwise fulfils the requirements of section 31.

32.2. Without restricting subsection 32.1, no Information is insufficient merely because it fails to:

- (a) name the person injured or intended or attempted to be injured;
- (b) name the person who owns or has a special property or interest in property mentioned in the Information;
- (c) specify the means by which the alleged offence was committed;
- (d) name or describe with precision any person, place or thing; or

- (e) if the consent of a person, official or authority is required before proceedings may be instituted for an offence, state that the consent has been obtained.

32.3. The Justice may, if satisfied that it is necessary for a fair Trial, Order that a particular, further describing any matter relevant to the proceedings, be furnished to the defendant.

### **33. NO ACTION AGAINST OFFICIAL WHEN CONVICTION, ORDER OR PROCEEDING QUASHED**

33.1. If an application is made to quash a conviction, Order or other proceeding made or held by a Justice on the ground that the Justice exceeded his or her jurisdiction, the court to which the application is made may, in quashing the conviction, Order or other proceeding, order that civil proceedings must not be taken against the Justice or against any Officer who acted under the conviction, Order or other proceeding, or under any warrant issued to enforce it.

### **34. FORMS**

34.1. No Justice is required to attach or affix a seal to any writing or process that the Justice is authorized to issue and in respect of which a form is set out in the attached Schedule.

### **35. AMENDMENT**

35.1. This by-law may only be amended by a quorum of the Council at a duly convened Council meeting.

### **36. REPEAL**

36.1. Any previous Halfway River First Nation Law and Order By-laws are repealed and replaced by this by-law: *By-law No. 2016-001 A By-law for the Observance of Law and Order.*

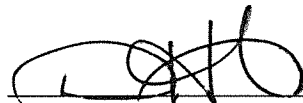
### 37. ENACTMENT

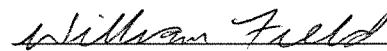
37.1. This by-law comes into force after it is executed by a quorum of Council of Halfway River First Nation and on the date that the by-law is first published in either the *First Nations Gazette* or on Halfway River First Nation's website.

37.2. If a court determines that a provision of this by-law is invalid for any reason, then the provision shall be severed from the by-law and the validity of the rest of the by-law shall not be affected.

The quorum of Council is two (2).

The following members of the Council, constituting a majority, voted in favour of this by-law at a duly convened meeting held this 8 day of MARCH, 2016:

  
Chief Darlene Hunter

  
Councillor William Field

  
Councillor Cynthia Wolter

<sup>i</sup> Section 752:

"primary designated offence" means

(a) an offence under any of the following provisions:

- (i) section 151 (sexual interference),
- (ii) section 152 (invitation to sexual touching),
- (iii) section 153 (sexual exploitation),
- (iv) section 155 (incest),
- (v) section 239 (attempt to commit murder),
- (vi) section 244 (discharging firearm with intent),
- (vii) section 267 (assault with weapon or causing bodily harm),
- (viii) section 268 (aggravated assault),
- (ix) section 271 (sexual assault),
- (x) section 272 (sexual assault with weapon, threats to third party or causing bodily harm),
- (xi) section 273 (aggravated sexual assault), and
- (xii) subsection 279(1) (kidnapping),

(b) an offence under any of the following provisions of the *Criminal Code*, chapter C-34 of the Revised Statutes of Canada, 1970, as they read from time to time before January 4, 1983:

- (i) section 144 (rape),
- (ii) section 145 (attempt to commit rape),

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- (iii) section 149 (indecent assault on female),
  - (iv) section 156 (indecent assault on male),
  - (v) subsection 245(2) (assault causing bodily harm), and
  - (vi) subsection 246(1) (assault with intent) if the intent is to commit an offence referred to in any of subparagraphs (i) to (v) of this paragraph,
- (c) an offence under any of the following provisions of the *Criminal Code*, chapter C-34 of the Revised Statutes of Canada, 1970, as enacted by section 19 of *An Act to amend the Criminal Code in relation to sexual offences and other offences against the person and to amend certain other Acts in relation thereto or in consequence thereof*, chapter 125 of the Statutes of Canada, 1980-81-82-83:
- (i) section 246.1 (sexual assault),
  - (ii) section 246.2 (sexual assault with weapon, threats to third party or causing bodily harm), and
  - (iii) section 246.3 (aggravated sexual assault),
- (d) an offence under any of the following provisions of the *Criminal Code*, chapter C-34 of the Revised Statutes of Canada, 1970, as they read from time to time before January 1, 1988:
- (i) subsection 146(1) (sexual intercourse with female under age of 14), and
  - (ii) paragraph 153(1)(a) (sexual intercourse with step-daughter), or
- (e) an attempt or conspiracy to commit an offence referred to in any of paragraphs (a) to (d);

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**FORM 1**

**Information**

**Canada:**

**Province of British Columbia:**

**County of**

This is the information of *C.D.*, of ..... [*occupation*], called the "informant".

The informant says that [*if the informant has not personal knowledge, state that he or she has reasonable and probable grounds to believe and does believe and state the offence*].

Sworn before me, .....

..... [*month, day, year*], at .....

.....

.....(*Signature of Informant*)

A ..... in and for the Province of British Columbia.

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**FORM 2**

**Warrant to Arrest a Person Charged with an Offence**

**Canada:**

**Province of British Columbia:**

**County of**

*To the peace officers in [Territorial Division]:*

*A .B., of ....., [occupation], called the “defendant”, has been charged that [state the offence as in the information]:*

This is to command you, in Her Majesty's name, at once to arrest the defendant and to bring the defendant before ..... or any justice in and for [*Territorial Division*], to answer to the charge and to be dealt with according to law.

Dated ..... [*month, day, year*], at .....

.....

A ..... in and for the Province of British Columbia

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**FORM 3**

**Endorsement of Warrant**

**Canada:**

**Province of British Columbia:**

**County of**

Under an application made today to me, I authorize the execution of this warrant in [*Territorial Division*].

Dated ..... [*month, day, year*], at .....

.....

A ..... in and for the Province of British Columbia

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**FORM 4**

**Endorsement of Warrant - Release**

**Canada:**

**Province of British Columbia:**

**County of**

To the peace officers in the *[Territorial Division]*:

I authorize the release of the defendant under section 23 of this by-law.

Dated ..... *[month, day, year]*, at .....

.....

A ..... in and for the Province of British Columbia



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**FORM 5**

**Warrant Remanding a Prisoner**

**Canada:**

**Province of British Columbia:**

**County of**

*To the peace officers in* [Territorial Division]:

You are commanded at once to convey to the [prison] at ..... the persons named in the following schedule, each of whom has been remanded to the time mentioned in the schedule:

Person Charged	Offence	Remanded to —
.....	.....	.....

And I command you, the keeper of the prison, to receive each of the persons into your custody in the prison and keep each person safely until the day when his or her remand expires and then to have each person before me or any other justice at ..... at ..... [time (AM or PM)] to answer the charge and to be dealt with according to law, unless you are otherwise ordered before that time.

Dated ..... [month, day, year], at .....

.....

A ..... in and for the Province of British Columbia

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**FORM 6**

**Recognizance**

**Canada:**

**Province of British Columbia:**

**County of**

Today the persons named in the following schedule personally came before me and separately acknowledged themselves to owe to Her Majesty the Queen the several amounts set opposite their respective names, namely:

Name	Address	Occupation	Amount
A.B.			
C.D.			
E.F.			

to be made and levied of their individual property, respectively, to the use of Her Majesty the Queen, if *A.B.* fails in the following condition:\*

Taken and acknowledged before me on ..... [*month, day, year*], at .....

.....

A..... in and for the Province of British Columbia

\* Use whichever of the following conditions is appropriate:

(a) *A.B.* has been charged [state offence as in the information]: The condition of the above written recognizance is that if *A.B.* appears before the [*state justice*] on ..... [*month, day, year*], at ..... [(AM or PM)], at [place], to answer to the charge and to be dealt with according to law, the recognizance is void, otherwise it stands in full force.

(b) The condition of the above written recognizance is that if *A.B.* keeps the peace and is of good behaviour for the term of ..... beginning on ....., the recognizance is void, otherwise it stands in full force.

(c) The condition of the above written recognizance is that if *A.B.* appears and receives judgment when called on during the term of ..... beginning on ....., and during

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that term keeps the peace and is of good behaviour [*add special conditions as authorized and applicable*], the recognizance is void, otherwise it stands in full force.

(d) *A.B.*, called the "appellant", has appealed against his or her conviction [*or against an order or by way of stated case*] in respect of the following matter [*set out offence, subject matter, of order or question of law*]:

The condition of the above written recognizance is that if the appellant personally appears at the sittings of the court at which the appeal [*or stated case*] is to be heard and abides the judgment of the court, the recognizance is void, otherwise it stands in full force.

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FORM 7

**Warrant if Defendant Fails to Appear after Adjournment**

**Canada:**

**Province of British Columbia:**

**County of**

*To the peace officers in the [Territorial Division]:*

*A .B., of ....., called the "defendant", appeared before me on .....  
[month, day, year], on a charge that [state the offence as in the information]:*

*And the trial [or inquiry, etc.] was adjourned to ..... [month, day, year]:*

*And the defendant failed to appear at the time and place to which the trial [or inquiry, etc.] was adjourned:*

*This is to command you, in Her Majesty's name, at once to arrest the defendant and to bring the defendant before me or any justice in and for [Territorial Division], to answer to the charge and to be dealt with according to law.*

*Dated ..... [month, day, year], at .....*

.....

*A ..... in and for the Province of British Columbia*

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**FORM 8**

**Warrant of Committal on Conviction**

**Canada:**

**Province of British Columbia:**

**County of**

*To the peace officers in [Territorial Division] and to the keeper of the [prison] at .....*:

*A.B., called the "defendant", was convicted today on a charge that [state offence as in the information], and it was adjudged that the defendant for his or her offence\* .....*:

You are commanded, in Her Majesty's name, to take the defendant and convey the defendant safely to the [prison] at ....., and deliver the defendant to the keeper, together with the following:

You, the keeper, are commanded to receive the defendant into custody in the prison and imprison the defendant there.

Dated ..... [month, day, year], at .....

.....

A ..... in and for the Province of British Columbia

\* Use whichever of the following forms of sentence is applicable:

(a) be imprisoned in the [prison] at ..... for the term of .....

(b) forfeit and pay the sum of \$....., to be applied according to law, and also pay to ..... the sum of \$....., in respect of costs.

(c) be imprisoned in [prison] at ..... for the term of..... and pay the sum of \$....., to be applied according to law, and also pay to ..... the sum of \$....., in respect of costs.

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**FORM 9**

**Conviction**

**Canada:**

**Province of British Columbia:**

**County of**

On ..... [month, day, year], A.B. called the "defendant", was tried under the Offence Act on the charge that [state fully the offence of which defendant was convicted], was convicted of the offence, and the following punishment was imposed on the defendant, namely:\*

Dated ..... [month, day, year], at .....

.....

A ..... in and for the Province of British Columbia

\* Use whichever of the following forms of sentence is applicable:

(a) That the defendant be imprisoned in the [prison] at ..... for the term of .....

(b) That the defendant forfeit and pay the sum of \$....., to be applied according to law, and also pay to ..... the sum of \$..... in respect of costs.

(c) That the defendant be imprisoned in the [prison] at ..... for the term of ....., and in addition forfeit and pay the sum of \$....., to be applied according to law, and also pay to the sum of \$ ..... in respect of costs.

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**FORM 10**

**Order Against a Defendant**

**Canada:**

**Province of British Columbia:**

**County of**

On ..... [month, day, year], A.B., of ....., was tried on an information alleging that [set out matter of complaint], and it was ordered and adjudged that [set out the order made].

Dated ..... [month, day, year], at .....

.....

A ..... in and for the Province of British Columbia

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**FORM 11**

**Jailer's Receipt to Peace Officer for Prisoner**

I certify that I have received from *X.Y.*, a peace officer for [*Territorial Division*], one *A.B.*, together with a warrant [*or order*] issued by [*set out court or justice*].\*

Dated ..... [*month, day, year*], at .....

.....

Keeper of [*prison*].

\*Add a statement of the condition of the prisoner.