

INTERPRETATION ACT

R.S.B.C. 1996, c. 238

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Definitions

1 In this Act, or in an enactment:

“**Act**” means an Act of the Legislature, whether referred to as a statute, code or by any other name, and, when referring to past legislation, includes an ordinance or proclamation made before 1871, that has the force of law;

“**enact**” includes to issue, make, establish or prescribe;

“**enactment**” means an Act or a regulation or a portion of an Act or regulation;

“**public officer**” includes a person in the public service of British Columbia;

“**regulation**” means a regulation, order, rule, form, tariff of costs or fees, proclamation, letters patent, commission, warrant, bylaw or other instrument enacted

(a) in execution of a power conferred under an Act, or

(b) by or under the authority of the Lieutenant Governor in Council,

but does not include an order of a court made in the course of an action or an order made by a public officer or administrative tribunal in a dispute between 2 or more persons;

“**repeal**” includes to revoke, cancel or rescind.

Application

- 2 (1) Every provision of this Act applies to every enactment, whether enacted before or after the commencement of this Act, unless a contrary intention appears in this Act or in the enactment.
- (2) The provisions of this Act apply to this Act.
- (3) Nothing in this Act excludes the application to an enactment of a rule of construction applicable to it and not inconsistent with this Act.

Date of commencement

- 3 (1) In this section, “**the date of assent**” for an Act reserved for the signification of the Governor General’s pleasure, means the date of the signification by the Lieutenant Governor that the Governor General in Council assented to the Act.
- (2) The date of the commencement of an Act or of a portion of it for which no other date of commencement is provided in the Act is the date of assent to the Act.
- (3) If an Act contains a provision that the Act or a portion of it is to come into force on a day other than the date of assent to the Act or on proclamation or by regulation of the Lieutenant Governor in Council, that provision and the title of the Act are deemed to have come into force on the date of assent to the Act.
- (3.1) If an Act contains a provision to the effect that the Act, or a portion of it, comes into force on a date that is earlier than the date of assent, that Act or portion referred to in the provision
- (a) comes into force in accordance with the terms of the provision, and

- (b) on coming into force, is deemed to have come into force on the earlier date referred to in the provision and is retroactive to the extent necessary to give it force and effect on and after that earlier date.
- (4) The date of assent or signification is part of the Act.
- (5) Every regulation of a class that is exempted from the application of the *Regulations Act* or to which that Act does not apply and that is not expressed to come into force on a particular day comes into force the day the regulation was enacted.

Time of commencement or repeal

- 4 (1) An enactment must be construed as commencing at the beginning of the day on which it comes into force.
- (2) An enactment that is repealed and replaced ceases to have effect at the time the new enactment commences.
- (3) Any other enactment ceases to have effect at the end of the day on which it expires or otherwise ceases to have effect.
- (4) An enactment that has expired or otherwise ceased to have effect is deemed to be repealed for the purposes of this Act.

Preliminary proceedings and staggered commencement

- 5 (1) If an enactment that is not in force contains provisions conferring power to make regulations, or to do any other thing, to make the enactment effective on its coming into force, the power may be exercised before the enactment comes into force, but the regulation or the thing done has no effect until the enactment comes into force, except in so far as is necessary to make the enactment effective on its coming into force.
- (2) If an enactment is to come into force or be repealed on proclamation or by regulation of the Lieutenant Governor in Council,
 - (a) the proclamation or regulation may apply to the coming into force or repeal of any provision of the enactment, and
 - (b) proclamations or regulations may be issued at different times for different provisions of the enactment.

Effect of private Acts

- 6 A provision in a private Act does not affect the rights of any person, except only as referred to or mentioned in that Act.

Enactment always speaking

- 7 (1) Every enactment must be construed as always speaking.
- (2) If a provision in an enactment is expressed in the present tense, the provision applies to the circumstances as they arise.

Enactment remedial

- 8 Every enactment must be construed as being remedial, and must be given such fair, large and liberal construction and interpretation as best ensures the attainment of its objects.

Title and preamble

- 9 The title and preamble of an enactment are part of it and are intended to assist in explaining its meaning and object.

Enacting clause

- 10 The enacting clause of an Act of the Legislature may be in the following form: “Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:”.

Reference aids and clarifications

- 11 (1) In an enactment, a head note to a provision or a reference after the end of a section or other division
- (a) is not part of the enactment, and
 - (b) must be considered to have been added editorially for convenience of reference only.
- (2) In an enactment, if a reference to a provision of the enactment or any other enactment is followed by italicized text in square brackets that is or purports to be descriptive of the subject matter of the provision, subsection (1) (a) and (b) applies to the text in square brackets.
- (3) The Lieutenant Governor in Council may make regulations amending an enactment for the purpose of changing a reference to a specific minister or ministry in a provision of the enactment to the minister or ministry, as applicable, currently assigned responsibility in relation to the matter.

Definitions and interpretation provisions

- 12 Definitions or interpretation provisions in an enactment, unless the contrary intention appears in the enactment, apply to the whole enactment including the section containing a definition or interpretation provision.

Application of expressions in enactments to regulations

- 13 An expression used in a regulation has the same meaning as in the enactment authorizing the regulation.

Government bound by enactments; exception

- 14 (1) Unless it specifically provides otherwise, an enactment is binding on the government.
- (2) Despite subsection (1), an enactment that would bind or affect the government in the use or development of land, or in the planning, construction, alteration,

servicing, maintenance or use of improvements, as defined in the *Assessment Act*, does not bind or affect the government.

Power of repeal and amendment

- 15** (1) Every Act must be construed as to reserve to the Legislature the power of repealing or amending it, and of revoking, restricting or modifying a power, privilege or advantage that it vests in or grants to any person.
- (2) An Act may be amended or repealed by an Act passed in the same session of the Legislature.

Proclamation

- 16** (1) In a proclamation, it is not necessary to mention that it is issued under an order of the Lieutenant Governor in Council.
- (2) If a proclamation is authorized, the proclamation may be dated the day its issue was authorized, and, despite the *Regulations Act*, the day on which it so purports to have been issued is deemed to be the day on which the proclamation takes effect.
- (3) If an enactment is expressed to come into force on proclamation, judicial notice must be taken of the issue of the proclamation without being specially pleaded.

Corporate rights and powers

- 17** (1) A corporation has perpetual succession and may do the following:
- (a) sue and be sued in its corporate name;
 - (b) contract and be contracted with in its corporate name;
 - (c) have a common seal and may alter or change it;
 - (d) acquire and dispose of property other than land for its purposes;
 - (e) regulate its own procedure and business;
 - (f) in the case of a corporation with a name consisting of an English and a French form or a combined English and French form, use either the English or French form of its name or both forms and show on its seal both the English and French forms of its name or have 2 seals, one showing the English and the other showing the French form of its name.
- (2) A majority of the members of the corporation may bind the others and the corporation by their acts.
- (3) Individual members of a corporation established by an enactment who do not contravene the enactment are exempt from personal liability for the corporation's debts, obligations or acts.

Majority and quorum

- 18** (1) If in an enactment an act or thing is required or authorized to be done by more than 2 persons, a majority of them may do it.

- (2) If an enactment establishes a board, commission or other body consisting of 3 or more members, in this subsection called the “association”, the following rules apply:
- (a) if the number of members of the association provided for by the enactment is a fixed number, at least 1/2 of that number of members constitutes a quorum at a meeting of the association;
 - (b) if the number of members of the association provided for by the enactment is not a fixed number, at least 1/2 of the number of members in office constitutes a quorum at a meeting of the association, as long as the number of members is within the maximum or minimum number, if any, authorized by the enactment;
 - (c) an act or thing done by a majority of the members of the association present at a meeting, if the members present constitute a quorum, is deemed to have been done by the association;
 - (d) a vacancy in the membership of the association does not invalidate the constitution of the association or impair the right of the members in office to act, if the number of members in office is not less than a quorum.

Powers to judges and court officers

- 19** (1) If by an enactment judicial or quasi judicial powers are given to a judge or officer of a court, the judge or officer in exercising the powers does so in his or her official capacity and representing the court.
- (2) Without restricting subsection (1), if under an enactment an appeal is given from a person, board, commission or other body to a court or judge, an appeal lies from the decision of the court or judge as in the case of any other proceeding in that court or in the court of which the judge is a member.

Appointments of officers

- 20** (1) An authority under an enactment to appoint a public officer is authority to appoint during pleasure.
- (2) If a person is appointed by or under an enactment to an office effective on a specified day, the appointment is effective immediately on the commencement of that day.
- (3) If the appointment of the person is terminated effective on a specified day, the termination is effective immediately on the commencement of that day.

Demise of Crown

- 21** On a demise of the Crown, it is not necessary to renew a commission or appointment by which a person in British Columbia held or exercised their office or profession during the previous reign, but all persons who held or exercised an office or profession under the late Sovereign continue in the exercise of the duties and functions of their respective offices and professions as fully as if newly appointed by commission or appointment from the Sovereign for the time being from the date of

his or her accession, and it is not necessary for those persons to take an oath of allegiance to the new Sovereign.

Included powers

- 22** Words in an enactment authorizing the appointment of a public officer include power to do the following:
- (a) set his or her term of office;
 - (b) terminate his or her appointment or remove or suspend the public officer;
 - (c) reappoint or reinstate the public officer;
 - (d) set the public officer's remuneration and vary or terminate it;
 - (e) appoint another in his or her place or to act in his or her place;
 - (f) appoint a person as the public officer's deputy.

Powers to act for ministers, deputy ministers and public officers

- 23** (1) Words in an enactment directing or empowering a minister of the government to do something, or otherwise applying to the minister by his or her name of office, include a minister designated to act in the office and the deputy or associate deputy of the minister.
- (2) If a deputy minister is absent or unable to act, an assistant deputy minister, or some other official authorized by the minister, has the powers and must perform the duties of the deputy minister.
- (3) Words in an enactment directing or empowering a public officer to do something, or otherwise applying to the public officer by his or her name of office, include a person acting for the public officer or appointed to act in the office and the deputy of the public officer.
- (4) This section applies whether or not the office of a minister or public officer is vacant.
- (5) Subsection (1) does not authorize a deputy or an associate deputy of a minister to exercise an authority conferred on the minister to enact a regulation as defined in the *Regulations Act*.

Documentary evidence

- 24** If an enactment provides that a document is evidence or proof of a fact, unless the context indicates that the document is conclusive evidence, the document is admissible in evidence in any proceeding, and the fact is deemed to be established in the absence of any evidence to the contrary.

Calculation of time or age

- 25** (1) This section applies to an enactment and to a deed, conveyance or other legal instrument unless specifically provided otherwise in the deed, conveyance or other legal instrument.
- (2) 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.

- (3) If the time for doing an act in a business office falls or expires on a day when the office is not open during regular business hours, the time is extended to the next day that the office is open.
- (4) In the calculation of time expressed as clear days, weeks, months or years, or as “at least” or “not less than” a number of days, weeks, months or years, the first and last days must be excluded.
- (5) In the calculation of time not referred to in subsection (4), the first day must be excluded and the last day included.
- (6) If, under this section, the calculation of time ends on a day in a month that has no date corresponding to the first day of the period of time, the time ends on the last day of that month.
- (7) A specified time of day is a reference to Pacific Standard time, or 8 hours behind Greenwich mean time, unless Daylight Saving time is being used or observed on that day.
- (8) A person reaches a particular age expressed in years at the start of the relevant anniversary of his or her date of birth.

Daylight Saving time

- 26** The Lieutenant Governor in Council may make regulations
- (a) prescribing a period in each year, known as Daylight Saving time, in which the time, for general purposes in British Columbia, is 7 hours behind Greenwich mean time, and
 - (b) varying the reckoning of Pacific Standard time.

Ancillary powers

- 27**
- (1) If in an enactment anything is required or authorized to be done by or before a judge, justice, coroner or public officer, it must be done by or before one whose jurisdiction or powers extend to the place where the thing is to be done.
 - (2) If in an enactment power is given to a person to do or enforce the doing of an act or thing, all the powers that are necessary to enable the person to do or enforce the doing of the act or thing are also deemed to be given.
 - (3) If in an enactment a power is conferred or a duty imposed, the power may be exercised and the duty must be performed from time to time as occasion requires.
 - (4) If in an enactment a power is conferred to make regulations, the power includes a power exercisable in the same manner, and subject to the same consent and conditions, if any, to repeal or amend the regulations and make others.
 - (5) If in an enactment the doing of an authorized act is dependent on an act of the Lieutenant Governor in Council or of a public officer, the Lieutenant Governor in Council or public officer has the power to do that other act or thing.

- (6) Power given to a person in an enactment to enter into an agreement includes the power for the person with whom the agreement is to be made to enter into the agreement and to carry out its terms, subject to conditions that apply to that person in the exercise of the power.
- (7) If in an enactment power is given to a person to inspect or to require the production of records, the power includes the power to make copies or extracts of the records.

Use of forms and words

- 28**
- (1) If a form is prescribed by or under an enactment, deviations from it not affecting the substance or calculated to mislead, do not invalidate the form used.
 - (2) Gender specific terms include both genders and include corporations.
 - (3) In an enactment words in the singular include the plural, and words in the plural include the singular.
 - (4) If a word or expression is defined in an enactment, other parts of speech and grammatical forms of the same word or expression have corresponding meanings.

Expressions defined

- 29** In an enactment:
- “**acquire**” means to obtain by any method and includes accept, receive, purchase, be vested with, lease, take possession, control or occupation of, and agree to do any of those things, but does not include expropriate;
 - “**affidavit**” or “**oath**” includes an affirmation, a statutory declaration, or a solemn declaration made under the *Evidence Act*, or under the *Canada Evidence Act*; and the word “swear” includes solemnly declare or affirm;
 - “**bank**” or “**chartered bank**” means a bank to which the *Bank Act* (Canada) applies;
 - “**barrister**” or “**solicitor**” or “**barrister and solicitor**” means a practising lawyer as defined in section 1 (1) of the *Legal Profession Act*;
 - “**British Columbia land surveyor**” means a person entitled to practise as a land surveyor under the *Land Surveyors Act*;
 - [“*calendar year*”, see “*year*”]
 - [“*Canada*”, see “*government of Canada*”]
 - “**Cascade Mountains**”, means the line described in the Schedule to this Act;
 - [“*chartered bank*”, see “*bank*”]
 - [“*civil engineer*”, see “*professional engineer*”]
 - “**commencement**”, with reference to an enactment, means the date on which the enactment comes into force;
 - “**commercial paper**” includes a bill of exchange, cheque, promissory note, negotiable instrument, conditional sale agreement, lien note, hire purchase

agreement, chattel mortgage, bill of lading, bill of sale, warehouse receipt, guarantee, instrument of assignment, things in action and any document of title that passes ownership or possession and on which credit can be raised;

“**consolidated revenue fund**”, “**consolidated revenue**” or “**consolidated revenue fund of the Province**” means the consolidated revenue fund of British Columbia;

“**corporation**” means an incorporated association, company, society, municipality or other incorporated body, where and however incorporated, and includes a corporation sole other than Her Majesty or the Lieutenant Governor;

“**correctional centre**” means a correctional centre under the *Correction Act*;

“**county**” means a county constituted and defined in the *County Boundary Act*;

“**Court of Appeal**” means the court continued by the *Court of Appeal Act*;

“**credit union**” means a credit union or extraprovincial credit union authorized to carry on business under the *Financial Institutions Act*;

“**Criminal Code**” means the *Criminal Code* (Canada);

[“*Crown, the*”, see “*Her Majesty*”]

“**deliver**”, with reference to a notice or other document, includes mail to or leave with a person, or deposit in a person’s mail box or receptacle at the person’s residence or place of business;

“**Deputy Provincial Secretary**” includes the Deputy Provincial Secretary and Deputy Minister of Government Services;

“**dispose**” means to transfer by any method and includes assign, give, sell, grant, charge, convey, bequeath, devise, lease, divest, release and agree to do any of those things;

“**electoral district**” means an electoral district referred to in section 18 of the *Constitution Act*;

“**Executive Council**” means the Executive Council appointed under the *Constitution Act*;

“**Gazette**” means The British Columbia Gazette published by the Queen’s Printer of British Columbia;

“**government**” or “**government of British Columbia**” means Her Majesty in right of British Columbia;

“**government agent**” means a person appointed under the *Public Service Act* as a government agent;

“**government of Canada**” or “**Canada**” means Her Majesty in right of Canada or Canada, as the context requires;

“**Governor**”, “**Governor of Canada**” or “**Governor General**” means the Governor General of Canada and includes the Administrator of Canada;

“**Governor in Council**” or “**Governor General in Council**” means the Governor General acting by and with the advice of, or by and with the advice and consent of, or in conjunction with, the Queen’s Privy Council for Canada;

- “**Great Seal**” means the Great Seal of the Province;
- “**herein**” used in a section or part of an enactment must be construed as referring to the whole enactment and not to that section or Part only;
- “**Her Majesty**”, “**His Majesty**”, “**the Queen**”, “**the King**”, “**the Crown**” or “**the Sovereign**” means the Sovereign of the United Kingdom, Canada, and Her other realms and territories, and Head of the Commonwealth;
- “**holiday**” includes
- (a) Sunday, Christmas Day, Good Friday and Easter Monday,
 - (b) Canada Day, Victoria Day, British Columbia Day, Labour Day, Remembrance Day and New Year’s Day,
 - (c) December 26, and
 - (d) a day set by the Parliament of Canada or by the Legislature, or appointed by proclamation of the Governor General or the Lieutenant Governor, to be observed as a day of general prayer or mourning, a day of public rejoicing or thanksgiving, a day for celebrating the birthday of the reigning Sovereign, or as a public holiday;
- “**insurance company**” means
- (a) an insurance company, or
 - (b) an extraprovincial insurance corporation
- authorized to carry on insurance business under the *Financial Institutions Act*;
- “**judicial district**” means a judicial district defined in the *Supreme Court Act*;
- “**justice**” means a justice of the peace and includes a judge of the Provincial Court;
[“*King, the*”, see “*Her Majesty*”]
- “**land**” includes any interest in land, including any right, title or estate in it of any tenure, with all buildings and houses, unless there are words to exclude buildings and houses, or to restrict the meaning;
- “**land title legislation**”, prior to October 31, 1979 means the *Land Registry Act* and after October 30, 1979 means the *Land Title Act*;
- “**lawyer**” means a practising lawyer as defined in section 1 (1) of the *Legal Profession Act*;
- “**Legislative Assembly**” means the Legislative Assembly of British Columbia constituted under the *Constitution Act*;
- “**Legislature**” means the Lieutenant Governor acting by and with the advice and consent of the Legislative Assembly;
- “**Lieutenant Governor**” means the Lieutenant Governor of British Columbia and includes the Administrator of British Columbia;
- “**Lieutenant Governor in Council**” means the Lieutenant Governor acting by and with the advice of, or by and with the advice and consent of, or in conjunction with, the Executive Council;

“**mail**” refers to the deposit of the matter to which the context applies in the Canada Post Office at any place in Canada, postage prepaid, for transmission by post, and includes deliver;

“**may**” is to be construed as permissive and empowering;

“**medical practitioner**” means a person entitled to practise under the *Medical Practitioners Act*;

“**mentally disordered person**”, “**mentally incompetent person**”, “**mentally ill person**”, or “**person with a mental disorder**” means a person with a mental disorder as defined in section 1 of the *Mental Health Act*;

[“*mining engineer*”, see “*professional engineer*”]

“**minister**” means that member of the Executive Council charged by order of the Lieutenant Governor in Council with the administration of the enactment;

“**minor**” means a person under the age of majority;

“**month**” means a period calculated from a day in one month to a day numerically corresponding to that day in the following month, less one day;

“**municipality**” means, as applicable,

- (a) the corporation into which the residents of an area are incorporated as a municipality under the *Local Government Act*, the *Vancouver Charter* or any other Act, or
- (b) the geographic area of the municipal corporation;

“**must**” is to be construed as imperative;

“**newspaper**”, in a provision requiring publication in a newspaper, means a printed publication in sheet form, intended for general circulation, published regularly at intervals of not longer than a week, consisting in great part of news of current events of general interest;

“**now**” must be construed as referring to the time of commencement of the enactment containing the word;

[“*oath*”, see “*affidavit*”]

“**obligation**” includes a duty and a liability;

“**peace officer**” includes

- (a) a mayor, sheriff and sheriff’s officer,
- (b) a warden, correctional officer, and any other officer or permanent employee of a penitentiary, prison, correctional centre or youth custody centre, and
- (c) a police officer, police constable, constable or other person employed for the preservation and maintenance of the public peace;

“**person**” includes a corporation, partnership or party, and the personal or other legal representatives of a person to whom the context can apply according to law;

“**personal representative**” includes an executor of a will and an administrator with or without will annexed of an estate, and, if a personal representative is also a

trustee of part or all of the estate, includes the personal representative and trustee;

“**prescribed**” means prescribed by regulation;

“**proclamation**” means a proclamation of the Lieutenant Governor under the Great Seal issued under an order of the Lieutenant Governor in Council;

“**professional engineer**”, “**civil engineer**” or “**mining engineer**” or words implying recognition of any person as a professional engineer or member of the engineering profession means a person registered or licensed under the *Engineers and Geoscientists Act*;

“**property**” includes any right, title, interest, estate or claim to or in property;

“**Province**” means the Province of British Columbia or Her Majesty in right of British Columbia as the context requires;

“**province**”, when used as meaning a part of Canada, includes the Northwest Territories, the Yukon Territory and Nunavut;

“**Provincial Court**” means the Provincial Court of British Columbia;

“**Provincial Treasurer**” or “**Treasurer**” means the Minister of Finance and includes the Deputy Minister of Finance;

“**Provincial Treasury**” or “**Treasury**” means the Ministry of Finance constituted under the *Financial Administration Act*;

[“*Queen, the*”, see “*Her Majesty*”]

“**Railway Belt**” means the land on the mainland of British Columbia expressed to be granted to Canada by section 2 of chapter 14 of the Statutes of British Columbia, 1884;

“**record**” includes books, documents, maps, drawings, photographs, letters, vouchers, papers and any other thing on which information is recorded or stored by any means whether graphic, electronic, mechanical or otherwise;

“**regional district**” means a regional district as defined in the *Local Government Act*;

“**registered mail**” includes certified mail;

“**registrar**” of a court includes the clerk of the court;

“**Registrar of Companies**” means the person appointed to that office under the *Business Corporations Act*;

“**Registrar of Titles**” or “**registrar**” means the registrar of a land title district appointed to that office under the *Land Title Act*;

“**right**” includes a power, authority, privilege and licence;

“**Rules of Court**”, when used in relation to a court, means rules made under

(a) the Court Rules Act, or

(b) under any other enactment that empowers the making of rules governing practice and procedure in that court;

“**rural area**” means territory that is not in a municipality;

“savings institution” means

- (a) a bank,
- (b) a credit union,
- (c) a extraprovincial trust corporation authorized to carry on deposit business under the *Financial Institutions Act*,
- (d) a corporation that is a subsidiary of a bank and is a loan company to which the *Trust and Loan Companies Act* (Canada) applies, or
- (e) the B.C. Community Financial Services Corporation established under the *Community Financial Services Act*;

“school district” means a school district as defined in the *School Act*;

“security” includes a security as defined in the *Securities Act*; [see also *“sureties”*]

“shall” is to be construed as imperative;

[*“solicitor”*, see *“barrister”*]

[*“Sovereign, the”*, see *“Her Majesty”*]

“Supreme Court” means the Supreme Court of British Columbia;

“sureties” means sufficient sureties, and **“security”** means sufficient security, and one person is sufficient for either unless otherwise expressly required;

[*“swear”*, see *“affidavit”*]

[*“Treasurer”*, see *“Provincial Treasurer”*]

[*“Treasury”*, see *“Provincial Treasury”*]

“Surveyor General” or **“Surveyor General of British Columbia”** means the Surveyor General appointed under the *Land Title and Survey Authority Act*;

“trust company” means

- (a) a trust company authorized under the *Financial Institutions Act* to carry on trust business, or
- (b) an extraprovincial trust corporation authorized under the *Financial Institutions Act* to carry on trust business, deposit business or both;

“will” means a will as defined in the *Wills Act*;

“words” includes figures, punctuation marks, and typographical, monetary and mathematical symbols;

“writing”, **“written”**, or a term of similar import includes words printed, typewritten, painted, engraved, lithographed, photographed or represented or reproduced by any mode of representing or reproducing words in visible form;

“year” means any period of 12 consecutive months; but a reference to a **“calendar year”** means a period of 12 consecutive months beginning on January 1, and a reference by number to a dominical year means a period of 12 consecutive months beginning on January 1 of that dominical year;

“youth custody centre” means a youth custody centre as defined in the *Youth Justice Act*.

Metric expressions

- 30 In an enactment, metric expressions and symbols have the meaning given to them in the *Weights and Measures Act* (Canada) and if not mentioned there, have the meaning given to them in the International System of Units established by the General Conference of Weights and Measures.

Common names

- 31 In an enactment, the name commonly applied to a country, place, body, corporation, society, officer, functionary, person, party or thing means the country, place, body, corporation, society, officer, functionary, person, party or thing to which the name is commonly applied, although the name is not the formal or extended designation of it.

Citation includes amendments

- 32 In an enactment a reference to another enactment of the Province or of Canada is a reference to the other enactment as amended, whether amended before or after the commencement of the enactment in which the reference occurs.

References in enactments

- 33
- (1) A reference in an enactment to a series of numbers or letters by the first and last numbers or letters of the series includes the number or letter first and last mentioned.
 - (2) A reference in an enactment to a Part, division, section, schedule, appendix, or form is a reference to a Part, division, section, schedule, appendix or form of the enactment in which the reference occurs.
 - (3) A reference in an enactment to a subsection, paragraph, subparagraph or clause is a reference to a subsection, paragraph, subparagraph or clause of the section, subsection, paragraph or subparagraph in which the reference occurs.
 - (4) A reference in an enactment to regulations is a reference to regulations made under the enactment in which the reference occurs.
 - (5) A reference in an enactment by number or letter to a section, subsection, paragraph, subparagraph, clause or other division or line of another enactment must be construed as a reference to the division or line of the other enactment as printed under the *Queen's Printer Act*.

Amending enactment part of enactment amended

- 34 An amending enactment must be construed as part of the enactment that it amends.

Repeal

- 35
- (1) If all or part of an enactment is repealed, the repeal does not
 - (a) revive an enactment or thing not in force or existing immediately before the time when the repeal takes effect,
 - (b) affect the previous operation of the enactment so repealed or anything done or suffered under it,

- (c) affect a right or obligation acquired, accrued, accruing or incurred under the enactment so repealed,
 - (d) subject to section 36 (1) (d), affect an offence committed against or a contravention of the repealed enactment, or a penalty, forfeiture or punishment incurred under it, or
 - (e) affect an investigation, proceeding or remedy for the right, obligation, penalty, forfeiture or punishment.
- (2) Subject to section 36 (1), an investigation, proceeding or remedy described in subsection (1) (e) may be instituted, continued or enforced and the penalty, forfeiture or punishment imposed as if the enactment had not been repealed.

Repeal and replacement

- 36** (1) If an enactment (the “former enactment”) is repealed and another enactment (the “new enactment”) is substituted for it,
- (a) every person acting under the former enactment must continue to act as if appointed or elected under the new enactment until another is appointed or elected in his or her place,
 - (b) every proceeding commenced under the former enactment must be continued under and in conformity with the new enactment so far as it may be done consistently with the new enactment,
 - (c) the procedure established by the new enactment must be followed as far as it can be adapted in the recovery or enforcement of penalties and forfeitures incurred under the former enactment, in the enforcement of rights existing or accruing under the former enactment, and in a proceeding relating to matters that happened before the repeal,
 - (d) when a penalty, forfeiture or punishment is reduced or mitigated by the new enactment, the penalty, forfeiture or punishment if imposed or adjusted after the repeal must be reduced or mitigated accordingly,
 - (e) all regulations made under the former enactment remain in force and are deemed to have been made under the new enactment, in so far as they are not inconsistent with the new enactment, until they are repealed or others are made in their place, and
 - (f) a reference in an unrepealed enactment to the former enactment must, for a subsequent transaction, matter or thing, be construed as a reference to the provision of the new enactment relating to the same subject matter, but if there is no provision in the new enactment relating to the same subject matter, the former enactment must be construed as being unrepealed so far as is necessary to give effect to the unrepealed enactment.
- (2) If all or part of an enactment of any other province of Canada or of Canada is repealed and another provision is substituted by way of amendment, revision or consolidation, a reference in an enactment of the Province to the repealed enactment must, for a subsequent transaction, matter or thing, be construed to be a reference to the provision of the substituted enactment relating to the same subject matter.

No implications from repeal, amendment, etc.

- 37 (1) The repeal of all or part of an enactment, or the repeal of an enactment and the substitution for it of another enactment, or the amendment of an enactment must not be construed to be or to involve either a declaration that the enactment was or was considered by the Legislature or other body or person who enacted it to have been previously in force, or a declaration about the previous state of the law.
- (2) The amendment of an enactment must not be construed to be or to involve a declaration that the law under the enactment prior to the amendment was or was considered by the Legislature or other body or person who enacted it to have been different from the law under the enactment as amended.
- (3) An amendment, consolidation, re-enactment or revision of an enactment must not be construed to be or to involve an adoption of the construction that has by judicial decision or otherwise been placed on the language used in the enactment or on similar language.

Notice by newspaper

- 38 If an enactment provides that notice must or may be given by publication in a newspaper published in a particular municipality, district, county, jurisdiction or other place, the provision must be construed to mean that the notice may be sufficiently given, if no newspaper is published at the time when the notice is to be given in the particular place, by publishing or advertising the notice in a newspaper published in British Columbia, nearest to the place mentioned.

Application of definitions in *Supreme Court Act* to other enactments

- 39 The definitions section of the *Supreme Court Act*, so far as the terms defined can be applied, extends to all enactments relating to legal proceedings.

Definitions in *Community Charter* and *Local Government Act* apply to other enactments

- 40 (1) So far as the terms defined can be applied, the definitions established by or applicable under
- (a) the schedule to the *Community Charter*, and
 - (b) section 5 of the *Local Government Act*
- extend to all enactments relating to municipal and regional district matters.
- (2) As an exception, subsection (1) does not apply in relation to the definition of “municipality” in the *Community Charter*.

Powers to make regulations

- 41 (1) If an enactment provides that the Lieutenant Governor in Council or any other person may make regulations, the enactment must be construed as empowering the Lieutenant Governor in Council or that other person, for the purpose of carrying out the enactment according to its intent, to
- (a) make regulations as are considered necessary and advisable, are ancillary to it, and are not inconsistent with it,

- (b) provide for administrative and procedural matters for which no express, or only partial, provision has been made,
- (c) limit the application of a regulation in time or place or both,
- (d) prescribe the amount of a fee authorized by the enactment,
- (e) provide, for a regulation made by or with the approval of the Lieutenant Governor in Council, that its contravention constitutes an offence, and
- (f) provide that a person who is guilty of an offence created under paragraph (e) is liable to a penalty not greater than the penalties provided in the *Offence Act*.

(2) A regulation made under the authority of an enactment has the force of law.

Subdivisions of Act

- 42** (1) A section is divided into subdivisions known in descending order as subsections, paragraphs, subparagraphs and clauses.
- (2) In an enactment enacted before July 1, 1974
- (a) a reference to a clause is deemed to be a reference to a paragraph,
 - (b) a reference to a paragraph is deemed to be a reference to a subparagraph, and
 - (c) a reference to a subparagraph is deemed to be a reference to a clause.

Citation of Acts

- 43** An Act may be cited by reference to
- (a) its chapter number in the Revised Statutes of British Columbia,
 - (b) its chapter number in the volume of Acts for the year or regnal year in which it was enacted, or
 - (c) its long or short title, with or without reference to its chapter number.

Mutatis mutandis

- 44** If an enactment provides that another enactment applies, it applies with the necessary changes and so far as it is applicable.

SCHEDULE

Commencing at Boundary Point No. 7 (formerly known as Point “D”), being a monument set by survey upon the ground on the International Boundary between Canada and Alaska; thence in a straight line to the nearest point on the westerly boundary of the watershed of Bear River; thence northerly along said westerly boundary to the point of junction thereof with the westerly boundary of the watershed of Nass River; thence northerly, easterly and southerly along the westerly boundary of the watershed of Nass River to the point thereon which lies due West of the northwest corner of Lot 1704, Cassiar Land District; thence East to said corner; thence easterly along the northerly boundary of said lot to the most westerly northwest corner of former Aiyansh (Kitladas) Indian Reserve No. 1; thence southerly along the westerly boundary of former Aiyansh (Kitladas) Indian Reserve No. 1 to the most southerly corner thereof, being a point on the right bank of Nass River; thence due South to intersect the left bank of said river; thence easterly along the left bank of Nass River to the northwest corner of Lot 4827, Cassiar Land District; thence southerly along the westerly boundary of Lot 4827 to the southwest corner thereof; thence due South to the westerly boundary of the watershed of Tseax River; thence in a general southerly direction along said westerly boundary and continuing in a general southerly and easterly direction along the westerly and southerly boundaries of the watershed of Kitsumkalum River to the southerly boundary of the watershed of Alice Creek, a tributary of said Kitsumkalum River; thence easterly along said southerly boundary to the point thereon which lies due West of the northwest corner of Lot 1410, Range 5, Coast Land District; thence East to said corner; thence southerly and easterly along the westerly and southerly boundaries of said lot to the southeast corner thereof; thence southerly along the westerly boundary of Lot 1409 to the southwest corner thereof; thence easterly along the southerly boundary of said lot to the point thereon which lies due North of the more northerly northeast corner of Lot 701; thence South to said corner; thence southerly along the easterly boundary of said lot to the re-entrant angle thereof; thence easterly along the northerly boundary of said lot produced to the westerly boundary of Kitsumkalum Indian Reserve No. 1; thence southerly along said boundary of said Indian reserve produced to the middle line of Skeena River; thence southwesterly along said middle line to a point due West of the left bank of Hellsgate Slough; thence East to said left bank and continuing easterly along the left bank of Hellsgate Slough and that of Skeena River to the northwest corner of Lot 373; thence easterly and southerly along the northerly and easterly boundaries of said lot to the southeast corner thereof; thence easterly along the northerly boundaries of Lots 1429 and 1051 to the northeast corner of Lot 1051 — all the above-mentioned lots, beginning with Lot 1410, being in Range 5, Coast Land District; thence due East to the southwesterly boundary of the watershed of Zymoetz River; thence in a general southeasterly direction along said southwesterly boundary and the easterly boundaries of the watersheds of Kitimat, Kildala, Kemano, Tsaytis, Kitlope and Kimsquit Rivers to the northerly boundary of the watershed of Dean River; thence easterly along said northerly boundary to the easterly boundary of the watershed of Sakumtha River; thence southerly along said easterly boundary and that of the watershed of Bernhardt Creek to the southerly boundary of the watershed of the streams flowing into Sigutlat Lake; thence easterly along said southerly boundary to the point thereon which lies due North of the northerly extremity of the westerly boundary of the watershed of Takia River; thence South to said northerly extremity; thence southerly along said watershed boundary to the southerly boundary of the watershed of Dean River; thence in a general southeasterly direction along said southerly boundary and the northerly boundary of the watershed of Klinaklini River to the easterly boundary of this said watershed; thence southeasterly along said easterly boundary and the northerly boundary of the watershed of Homathko River to the point thereon which lies due North of the northeast corner of Lot

333, Range 2, Coast Land District; thence South to said corner; thence southerly along the easterly boundaries of said Lot 333 and Lot 334 of said Range 2 to the southeast corner of Lot 334; thence westerly along the southerly boundary of said lot to the southwest corner thereof; thence due South to the westerly boundary of the watershed of Chilko River; thence southerly and southeasterly along said boundary and the southwesterly boundary of the watershed of Bridge River to the northerly boundary of the watershed of Birkenhead River; thence easterly and southerly along the northerly and easterly boundaries of the watershed of Birkenhead River to a point due North of the northeast corner of Lot 742, Lillooet District; thence South to the said northeast corner; thence southerly along the easterly boundary of Lot 742 to the southeast corner thereof; thence due South to the northerly boundary of Lot 969, Lillooet District; thence southeasterly, southerly, and westerly along the northerly, easterly and southerly boundaries of said lot to the intersection of said southerly boundary with the easterly boundary of the watershed of the Birkenhead River; thence southwesterly along said boundary to its intersection with the northerly boundary of Lot 1251, Lillooet Land District; thence westerly, southerly and easterly along the northerly, westerly and southerly boundaries of said lot to the southwest corner of Lot 5146; thence due South to the easterly boundary of the watershed of Birkenhead River; thence southeasterly along said boundary and the easterly boundary of the watershed of Lillooet Lake, Lillooet River, and Harrison Lake to the easterly boundary of the watershed of Garnet Creek; thence southerly along said boundary and the westerly and southerly boundaries of the watershed of American Creek to its intersection with the westerly boundary of Township 5, Range 26, West of the sixth meridian; thence southerly along said boundary and the westerly boundaries of Townships 4 and 3, Range 26, West of the sixth meridian, to the southwest corner of Township 3; thence due South to the northerly boundary of the watershed of Chilliwack River; thence in a general southeasterly direction along the northerly and easterly boundaries of the watershed of Chilliwack River to the southerly boundary of the Province.