

SUPREME COURT ACT  
[RSBC 1996] CHAPTER 443

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#### *Definitions*

##### **1** In this Act:

"associate judge" means an associate judge of the court;

"court" means the Supreme Court of British Columbia;

"judge" means a judge of the court;

"judicial district" means a judicial district defined by this Act;

"order" includes a judgment and a decree;

"proceeding" includes an action, suit, cause, matter, appeal, petition proceeding or requisition proceeding;

"registry" means an office of the Supreme Court in a judicial district.

#### *Supreme Court of British Columbia*

**2** (1) The Supreme Court of British Columbia is continued under the name and style of the "Supreme Court of British Columbia".

(2) The court consists of

- (a) a Chief Justice, who is called "Chief Justice of the Supreme Court",
- (b) an Associate Chief Justice, and
- (c) 95 other judges.

(3) The court has for each office established under subsection (2) an additional office of supernumerary judge.

(4) The judges appointed to the offices established under subsections (2) and (3) are and are to be called "judges of the Supreme Court".

(5) For the office of Chief Justice, there is, subject to subsection (2), an additional office of judge that the Chief Justice may elect, under the *Judges Act* (Canada), to hold.

(6) The court is properly constituted despite a vacancy in the office of Chief Justice, of Associate Chief Justice or of a judge.

#### *Powers of Chief Justice*

**2.1** (1) The Chief Justice has responsibility for

- (a) the administration of the judges of court, and

(b)the administration of associate judges, registrars and district registrars.

(2)Powers of the Chief Justice may be delegated to the Associate Chief Justice.

(3)If the Chief Justice and the Associate Chief Justice are absent or unable to act, the powers of the Chief Justice may be exercised by the next senior non-supernumerary judge who resides in the judicial district of Vancouver Westminster.

(4)Each judge, associate judge, registrar and district registrar must, as soon as practicable after being appointed, reside at the place or within the area approved in writing by the Chief Justice.

(5)Before giving approval under subsection (4), the Chief Justice must consult with the Attorney General.

(6)A judge, associate judge, registrar or district registrar must not change their residence from the place or area referred to in subsection (4) unless

(a)the judge, associate judge, registrar or district registrar, as applicable, consents to the move, and

(b)the Chief Justice approves the move.

(7)Before giving approval under subsection (6), the Chief Justice must consult with the Attorney General.

(8)The Chief Justice may direct that a judge, associate judge, registrar or district registrar sit at a location other than the one in which the judge, associate judge, registrar or district registrar resides.

(9)The Chief Justice may require a judge, associate judge, registrar or district registrar to attend a meeting, conference or seminar for a purpose relating to the administration of justice.

#### *Powers and privileges*

**3** (1)The Chief Justice, Associate Chief Justice and judges have all the powers, rights, incidents, privileges and immunities of a judge of a superior court of record, and all other powers, rights, incidents, privileges and immunities that on March 29, 1870, were vested in the Chief Justice and the other justices of the court.

(2)The court may be held before the Chief Justice or before any one of the judges.

#### *Precedence*

**4** (1)The Chief Justice and the Associate Chief Justice have the rank and precedence set out in section 7 of the *Court of Appeal Act*.

(2)The judges have rank and precedence immediately after the most junior justice of the Court of Appeal, and among themselves, according to the seniority of their appointment to the court.

(3)Those judges of the County Courts who were appointed on the occasion of the merger of the County Courts and Supreme Court as a result of the enactment of this Act, have rank and precedence after all judges then holding office, and among themselves, after the Chief Judge of the County Courts, according to the seniority of their first appointment to a County Court.

*Repealed*

4.1 [Repealed 2018-36-11.]

*Repealed*

5 [Repealed 2018-36-11.]

*Powers after leaving office — judges*

6 (1)A judge who resigns the judge's office, is appointed to another court or ceases to hold office under section 99 (2) of the *Constitution Act, 1867*, may, after the resignation, appointment or ceasing to hold office, give judgment in a proceeding the judge heard while holding office, and the judgment is effective as though the judge still held office.

(2)A judge who is appointed to another court may continue with the hearing of any proceeding of which the judge was seized, and the jurisdiction to hear the proceeding and give judgment is effective as though the judge still held office.

*Seal*

7 (1)The court must have a seal bearing Her Majesty's Royal Arms and the name "Supreme Court of British Columbia" and other words the Attorney General considers necessary.

(2)The seal is to be used by the court as the occasion requires.

(3)A print of the seal stamped on a document requiring a seal of the court is, for all purposes, deemed to be an impression of the seal of the court.

*Judicial districts*

8 (1)Judicial districts are constituted by counties, as defined by the *County Boundary Act*, such that:

(a)the County of Victoria is a judicial district under the name of the "Victoria Judicial District";

(b)the County of Nanaimo is a judicial district under the name of the "Nanaimo Judicial District";

(c) and (d)[Repealed 1997-28-17.]

(d.1)the County of Vancouver and the County of Westminster are collectively a judicial district under the name of the "Vancouver Westminister Judicial District";

(e)the County of Yale is a judicial district under the name of the "Yale Judicial District";

(f)the County of Cariboo is a judicial district under the name of the "Cariboo Judicial District";

(g)the County of Kootenay is a judicial district under the name of the "Kootenay Judicial District";

(h)the County of Prince Rupert is a judicial district under the name of the "Prince Rupert Judicial District".

(2) and (3)[Repealed 2013-7-30.]

(4)[Repealed 2002-37-21.]

(5)[Repealed 2018-36-11.]

#### *Jurisdiction and sittings*

**9** (1)The court continues to be a court of original jurisdiction and has jurisdiction in all cases, civil and criminal, arising in British Columbia.

(2)The court may sit and act, at any time and at any place, for the transaction of any part of its business, civil or criminal, or for the discharge of any duty.

(2.1)Without limiting subsection (2), and despite any rule of law or enactment to the contrary, any criminal or civil matter that under any rule of law or enactment is to be or must be heard, or that an accused or a party is entitled to have heard, by the court in one of the County of Vancouver or the County of Westminster may be heard at any place within the Vancouver Westminster Judicial District that the court appoints.

(3)Subject to the direction of the Chief Justice, the court must sit in each place where there is a registry of the court as often as is necessary for the reasonable dispatch of civil trials and other business.

(4)The registrar must prepare a calendar of the dates when the court proposes to sit in any place to be published in the registry located there.

#### *Repealed*

**10** [Repealed 2018-36-11.]

#### *Appointment of associate judges*

**11** (1)On the recommendation of the Attorney General after consultation with the Chief Justice, the Lieutenant Governor in Council may appoint one or more associate judges of the court.

(2)A person must not be appointed as an associate judge unless that person is a member in good standing of the Law Society of British Columbia at the time of appointment.

(3)An associate judge is entitled to the remuneration, allowances and benefits established under the following sections of the *Judicial Compensation Act*, as those sections apply to Provincial Court judges:

(a) and (a.1)[Repealed 2023-47-3.]

(a.2)section 5.1 (3), (4) and (6) [*Lieutenant Governor in Council may accept all recommendations*];

(a.3)section 6 (2) to (6) [*reports before the Legislative Assembly*];

(b)section 8 [*salary of judges*];

(c)section 10 [*expenses reimbursed*];

(d)section 11 [*vacation leave*];

- (e) section 12 [*leave of absence*];
- (f) section 13 [*sickness or disability benefit plan*].

*Associate judges electing senior status*

- 11.1** (1) On or after reaching 55 years of age, an associate judge with at least 10 years' service as an associate judge may elect to hold office part time as a senior associate judge under this section, with judicial duties assigned by the Chief Justice.
- (2) Unless otherwise approved by the Chief Justice, an associate judge who wishes to elect senior status under subsection (1) must give notice to the Chief Justice and the Attorney General at least 6 months before the date on which the associate judge wishes to cease full time service.
- (3) The Chief Justice may specify the form and manner in which notice is to be given under subsection (2).
- (4) An election of senior status under subsection (1) is irrevocable once the associate judge begins service as a senior associate judge under subsection (1), and the senior associate judge may not resume full time service.
- (5) The number of sitting days in each year of a senior associate judge's service is calculated according to the following formula:

$$\frac{\text{PT annual salary}}{\text{FT annual salary}} \times 1.25 \times \text{FT sitting days} = \text{number of sitting days}$$

FT annual salary

where

PT annual salary is the annual salary of the senior associate judge,

FT annual salary is the annual salary of an associate judge who has not elected senior status under this section, and

FT sitting days is the annual number of sitting days, set by the Chief Justice, of an associate judge who has not elected senior status under this section.

*Term of office of associate judge*

- 11.2** (1) Subject to this Act, an associate judge holds office during good behaviour.
- (2) An associate judge may resign by submitting to the Attorney General and the Chief Justice a notice of resignation in writing that states the effective date of the resignation, and the resignation becomes effective on that date.

- (3) An associate judge ceases to hold office as an associate judge on the earliest of the following:
- (a) the end of the month in which the associate judge reaches 75 years of age;
  - (b) 7 years from the date that the associate judge elects senior status and ceases full time service;
  - (c) the effective date of a resignation submitted under subsection (2).

*Duties and powers of associate judge*

**11.3** (1) Associate judges must devote themselves exclusively to judicial duties and must not engage, directly or indirectly, in any other occupation, profession or business.

(2) Subject to the limitations of section 96 of the *Constitution Act, 1867*, an associate judge has the same jurisdiction under any enactment or the Rules of Court as a judge in chambers unless, in respect of any matter, the Chief Justice has given a direction that an associate judge is not to exercise that jurisdiction.

(3) Wherever a power is given to the registrar, a district registrar or a deputy district registrar under an enactment, that power may be exercised by an associate judge.

(4) An associate judge may administer an oath.

(5) An action must not be brought against an associate judge for damages for anything done or omitted in good faith by the associate judge

- (a) in the performance or intended performance of any duty, or
- (b) in the exercise or intended exercise of any power.

(6) Subsection (5) does not absolve the government from vicarious liability for an act or omission for which the government would be vicariously liable if subsection (5) were not in force.

*Powers after leaving office — associate judges*

**11.4** An associate judge who resigns an appointment as associate judge or who is appointed as a judge may, within 180 days after the resignation or appointment, give judgment in a proceeding the associate judge heard while holding office, and the judgment is effective as though the associate judge still held office.

*Pensions for associate judges*

**12** (1) Subject to this section, an associate judge is entitled to the pension benefits established under sections 16 to 24 of the *Judicial Compensation Act*.

(2) For purposes of giving effect to subsection (1),

- (a) "December 1, 2002" is substituted for "January 1, 2001" wherever it appears in sections 16 to 24 of the *Judicial Compensation Act*, and
- (b) sections 16 to 24 of the *Judicial Compensation Act* are to be read with necessary changes.



*Pensions for senior associate judges*

**12.1** (1) This section applies to associate judges who have elected senior status under section 11.1.

(2) In this section:

"pension plan rules" means the rules of the Public Service Pension Plan;

"Public Service Pension Plan" means the Public Service Pension Plan continued under the Public Service Pension Plan Joint Trust Agreement;

"Public Service Pension Plan Joint Trust Agreement" means the agreement established under section 18 of Schedule C of the *Public Sector Pension Plans Act*.

(3) Despite section 18 of the *Judicial Compensation Act*, a senior associate judge is not entitled to make contributions or have contributions made on the senior associate judge's behalf to the Public Service Pension Plan in respect of service as a senior associate judge.

(4) A senior associate judge is, on the date that the associate judge's full time service ceases, entitled to receive a pension under the Public Service Pension Plan in accordance with the pension plan rules and with Part 3 of the *Judicial Compensation Act*, as that Part applies to Provincial Court judges, and the cessation of full time service is deemed to be a termination of the senior associate judge's employment, but only for the purposes of those pension plan rules.

(5) Service as a senior associate judge does not, for any purpose, count as contributory service or pensionable service.

*Registrars*

**13** (1) A registrar and one or more district registrars, deputy district registrars and persons necessary to assist them may be appointed under the *Public Service Act*.

(2) The registrar, district registrars and deputy district registrars may carry out the duties assigned to a registrar by the rules and under any other enactment.

(3) The registrar may appoint a person to act temporarily as a district registrar or a deputy district registrar.

(4) Registrars and district registrars must devote themselves exclusively to judicial duties and must not engage, directly or indirectly, in any other occupation, profession or business.

*Trial and subsequent proceedings*

**14** (1) All proceedings in the court and all business arising from those proceedings, if practicable and convenient, must be heard, determined and disposed of before a single judge.

(2) All proceedings subsequent to the hearing or trial including the final order, except as otherwise provided, and on a rehearing must, if practicable and convenient, be before the judge before whom the trial or hearing took place.

### *Transfer to Provincial Court*

**15** A judge or associate judge may transfer proceedings to the Provincial Court of British Columbia if

- (a) the proceedings are within the jurisdiction of the Provincial Court under the *Small Claims Act*,
- (b) a party to the proceedings applies to the judge or associate judge, or all parties to the proceedings agree to the transfer, and
- (c) the judge or associate judge considers it appropriate to do so.

### *Power to reserve decision*

**16** A judge, associate judge, registrar or district registrar may reserve their own decision.

### *Issues may be submitted to jury*

**17** Nothing in an Act or the rules takes away or prejudices the right of a party to an action to have the issues for trial by jury submitted and left by the judge to the jury before whom the party comes for trial, with a proper and complete direction to the jury on the law and the evidence applicable to the issues.

### *Vexatious proceedings*

**18** If, on application by any person, the court is satisfied that a person has habitually, persistently and without reasonable grounds, instituted vexatious legal proceedings in the Supreme Court or in the Provincial Court against the same or different persons, the court may, after hearing that person or giving the person an opportunity to be heard, order that a legal proceeding must not, without leave of the court, be instituted by that person in any court.

### *Court administration*

**18.1** (1) The Attorney General is responsible for the provision, operation and maintenance of court facilities, registries and administrative services.

(2) A chief administrator of court services, an administrator of court services for each registry and other persons necessary to carry out this Act and the duties assigned to a registry may be appointed under the *Public Service Act*.

(3) Subject to the direction of the Attorney General, and to the direction of the Chief Justice in matters of judicial administration and the use of courtroom facilities, the chief administrator of court services must direct and supervise registries and administrative services for the court.

(4) The chief administrator of court services, for the purposes of carrying out the duties of that person under this Act, may disclose to the Chief Justice information regarding the conduct of persons appointed under subsection (2) in the performance of their duties under this Act.