



THE PROVINCIAL COURT  
OF BRITISH COLUMBIA

Effective Date: *07 October 2020*

**NP 14**

## **COURT SERVICES JUSTICES OF THE PEACE ASSIGNMENT OF DUTIES PURSUANT TO S. 11 OF THE *PROVINCIAL COURT ACT***

The following are the duties, classes of cases or matters to which Court Services Justices of the Peace (JPs) are assigned:

1. a. All matters relating to receiving informations.  
b. Issuing process compelling the attendance of a person except:
  - i. Private informations pursuant to ss. 507.1 and 810 of the *Criminal Code*;
  - ii. Where such process requires a warrant or authorization to enter a dwelling house, premises or other place;
  - iii. Subpoenas requiring opposing counsel to give evidence.
2. a. Consent remand(s) of persons in custody pursuant to s. 516 of the *Criminal Code* where the accused is represented. This assignment does not include making no contact orders under s. 516(2) of the *Criminal Code*.  
b. All matters relating to voluntary appearances on unexecuted small claims warrants of arrest issued under Small Claims Rule 14(6) and releases of persons arrested on warrants issued under Provincial Court (Family) Rule 6(13), Provincial Court (Adult Guardianship) Rule 3(8), and *Family Maintenance Enforcement Act*, s. 23(6).  
c. Where a youth court judge is not reasonably available, giving directions regarding the giving of notice pursuant to the *Youth Criminal Justice Act (YCJA)*, s. 26(5) (as connected with any youth bail); and adjourning proceedings or dispensing with notice pursuant to *YCJA*, s. 26(10).
3. All matters relating to the approval of sureties, the perfection of bail, and the rendering of an adult or youth by a surety or responsible person under s. 766, 767, or 767.1 of the *Criminal Code* or s. 31(5) of the *YCJA*.

4. a. Orders for the initial detention of seized items and further orders for detention of seized items, where the application is uncontested.
4. b. Orders for the return or forfeiture of seized items where application is made by a prosecutor, peace officer or other person having custody of the items seized and there is no dispute or uncertainty as to the lawful owner or the lawful owner is unknown.
5. Applications for time to pay or extensions of time to pay unless otherwise ordered by a provincial court judge. A JP who can grant time to pay can also issue a warrant of committal for a person who voluntarily chooses to serve time in custody rather than pay.
6. Adjournments (i) in the context of performing assigned duties or (ii) on the direction of a judge (and where jurisdiction to grant adjournments is given to a judge or the court under an enactment, authorization is given pursuant to s. 31(1) of the *Provincial Court Act* to exercise all the powers and jurisdiction of the court with respect to adjournments).
7. When exercising the functions of a CSB trial scheduler, fixing of dates for preliminary inquiry, trial, hearing, conference or other proceeding.
8. Receiving oaths, affirmations, affidavits and declarations as required by federal or provincial *Evidence Acts* or otherwise by law.
9. Desk Orders for Accredited Journalists, who are provided audio recordings of Court proceedings on removable media (such as compact disk) pursuant to the [Access to Court Records Policy](#) or by file transfer protocol pursuant to [NM 01 Accredited Media Access to Provincial Court Proceedings during COVID-19](#).
10. Where approved by the Chief Judge, and as required for backup coverage of Judicial Case Managers, any matter that a Judicial Case Manager is assigned to perform.
11. Applications by mail to unseal an applicant's own adult criminal pardoned or suspended files for travel purposes.

### **History of Notice to the Profession and Public**

- Original Notice to the Profession and Public issued on August 22, 2018 and effective October 1, 2018 (removes from previous Assignment: (i) “all matters involving judicial interim release that are uncontested as to release and the form and conditions of release including uncontested variations of existing release orders and making a detention order where counsel consent”; and (ii) making a no contact order under s. 516(2) of the *Criminal Code of Canada* where the accused is represented and by consent).
- Amended Notice to the Profession and Public issued on November 27, 2018 and effective December 1, 2018 (adds “Applications by mail to unseal an applicant’s own adult criminal pardoned or suspended files for travel purposes”).
- Amended Notice to the Profession and Public effective July 13, 2020 (adds “*Family Maintenance Enforcement Act*, s. 23(6)” to para. 2b and adds “or by file transfer protocol pursuant to [NM 01 Accredited Media Access to Provincial Court Proceedings during COVID-19](#)” to para. 9).
- Amended Notice to the Profession and Public effective October 7, 2020 (adds reference to s. 810 of the *Criminal Code* to para. 1bi).

Melissa Gillespie  
Chief Judge  
Provincial Court of British Columbia