



Judicial Council of British Columbia

Procedure Bylaw

Effective Date:	Policy Code:
December 17, 2021	PRO-1
Scope of Application	
Applies to:	
Business and operations of Judicial Council	

Procedure Bylaw

In this bylaw:

- (1) “Applicant” means an applicant for appointment or reappointment as a Provincial Court Judge, Judicial Justice or Justice of the Peace.
 - (2) “Council” means the Judicial Council of British Columbia.
 - (3) “Chair” means the Chief Judge or the alternate presiding member, appointed under the *Provincial Court Act*, where the Chief Judge does not attend a meeting of the Council or otherwise designates the alternate presiding member to be the Chair.
1. The Council is a continuing body notwithstanding any change in membership. The Council may complete any proceedings commenced before a change in membership.
 2. The majority of the members of the Council are a quorum. A quorum must be present to hold any meeting, or to pass any resolution.
 3. All powers of the Council may be exercised by resolution. An act or proceeding of the Council is valid when authorized or adopted by resolution at a meeting of the Council, provided that:
 - (a) A resolution to approve an applicant for appointment or reappointment will be defeated if two or more members vote against approval. Members present for such resolutions may not abstain.
 - (b) A resolution to approve an applicant for interview by the Council will succeed if three or more members vote in favour of the resolution.
 - (c) To pass any other resolution at a meeting of the Council, there must be a majority vote of the quorum in favour of the resolution. Each member has



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one vote but, in the event of a tie, the presiding member must cast a second and deciding vote.

4. Where any member has a conflict with respect to an applicant, or where there may be a reasonable apprehension of bias in respect to a member, that member must advise Council and shall be disqualified from participating in the interview of the applicant and shall not participate in any vote with respect to the applicant. Such member shall refrain from involvement in all proceedings or discussions relating to the applicant. Any question regarding whether a member is in conflict or whether there is a reasonable apprehension of bias shall be resolved by general resolution. If disqualification of a member through conflict or bias reduces the number of members present below a quorum, the interview or vote in respect to the applicant must be adjourned to a time when a quorum is present.
5. The Chair will preside at all meetings of the Council.
6. The Council will meet approximately 10 times per year, as scheduled from time to time by the members at a meeting. Notice of the time and place of meetings will be given by the Chair to each member. Any member may attend any meeting of the Council.
7. The Council and its committees may meet in-person, virtually by audioconference or videoconference or a combination of both. All in-person meetings of the Council will be held in Vancouver unless the Council resolves to hold a meeting elsewhere within British Columbia. All in-person meetings of committees of the Council will be held in British Columbia at a place resolved by each committee.
8. Meetings of the Council are private and confidential, but the Council may invite non members, or future confirmed members to attend all or part of a meeting of the Council, except that only Council members are permitted to be present during the Council's deliberation process for any judicial justice or judicial candidate. The Council may invite future confirmed members to attend all or part of any Council meeting in advance of their appointment or designation as a member of the Council.
9. The Chair will preserve order at meetings and decide all points of order which may arise, subject to an appeal of any other member present. If an appeal is taken by a member from a decision of the Chair, the question will be decided, without debate, by a majority vote of the quorum.



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10. A bylaw relating to the procedure of the Council may be made or amended by a general resolution passed at a meeting of the Council of which written notice was given in advance to all members.
11. The minutes of all meetings of the Council will be distributed to the members, and presented for adoption or amendment, and approval by resolution at the next meeting of the Council.
12. Where appropriate, the agenda of meetings of the Council will include:
 - (a) minutes of previous Council meetings or committee meetings;
 - (b) matters arising out of the minutes;
 - (c) communications and inquiries;
 - (d) reports from the Chair, or a committee;
 - (e) applications for appointment;
 - (f) disciplinary matters;
 - (g) new business;
 - (h) approval of expenses; and
 - (i) next meeting.
13. The Council may, from time to time, by general resolution, establish standing committees, as required. The chair of each standing committee will be named by the Chief Judge, and the chair and the members will be approved by the Council.
14. In addition to the standing committees, the Chair, or Council, by general resolution, may establish a select committee to consider any matter. The Chair will name the chair of such committees and the Council may name its members. A select committee may only consider the matter specifically referred to it by the Council or by the Chair.
15. The proceedings of all committees will be subject to the approval of the Council. The minutes of all committee meetings will be circulated to all members of the Council in advance of the Council meeting next following the meeting of the committee.
16. Minutes of a committee and resolutions set out in a committee's minutes will be deemed approved by the Council as of the date of the next Council meeting following their circulation, unless a Council member requests the Chair to call a vote at such meeting. The effective date of a committee resolution must be no earlier than the date of the next Council meeting following the meeting of the committee.



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17. Except for judicial members, a member attending a meeting of the Council, a meeting of a committee, or other business on behalf of the Council as authorized by the Chair, is entitled to receive payment of an allowance in such amount the Lieutenant Governor in Council considers appropriate and any travel or out-of-pocket expenses.
18. This bylaw does not apply to the Council acting as a tribunal of inquiry under the *Provincial Court Act*.
19. With respect to procedural issues not covered by this bylaw, *Roberts Rules of Order* shall govern.

Contact:

Administrative Coordinator

Reference(s):

Provincial Court Act, section 21

Procedure Bylaw History:

March 23, 2001: Procedure Bylaw adopted at a meeting of the Judicial Council of British Columbia.

History of Revisions:

- May 24, 2013: Minor amendments to the Procedural Bylaw were adopted.
- December 17, 2021: Definition of applicant revised to include “Judicial Justice and Justice of the Peace” and “reappointments”; s. 3(c) revised to change “Chair” to “presiding member” to be consistent with the Provincial Court Act; s. 7 revised to update the reference to virtual meetings; s. 8 revised to add a sentence about future confirmed members attending meetings; and, other housekeeping changes made to reflect current practices.