

THE JUSTICE SYSTEM



Under Canada's constitution, both the federal and provincial governments are responsible for the administration of justice. The courts play two major roles in Canada: they interpret laws and enforce the principle of the rule of law.

THE RULE OF LAW AND THE INDEPENDENCE OF THE JUDICIARY

The laws of British Columbia are introduced and approved by the Legislative Assembly of British Columbia; the legislative branch of government. The role of the judicial branch is to interpret the law, settle questions about specific legal issues, and hear cases to determine questions of innocence, guilt, or liability.

The courts must be independent in order to uphold the rule of law, so the legal system is designed to separate judges from political interference. For example, the practice of appointing judges until retirement is to prevent the possibility of arbitrary removal. Judges' salaries are set independently by a special commission. The court system also relies on administrative independence, meaning government does not control which judges hear which cases .

The Lieutenant Governor in Council (also known as Cabinet) appoints judges to provincial courts, while the federal Governor General in Council appoints judges to the Supreme Court of British Columbia and the British Columbia Court of Appeal. Indigenous justice systems in B.C. are all localized and vary based on the needs of their communities, but they offer culturally reflective sentencing and rehabilitation programs to Indigenous offenders as an alternative the provincial justice system.



The British Columbia Court of Appeal in 1895.
Image PR-0252-M08528 courtesy of the City of Victoria Archives.

There are several levels of court in British Columbia:

Provincial Court - This is the first level of court in British Columbia. Provincial court judges hear criminal cases. They also hear family, child protection, small claims, and traffic cases, as well as criminal cases involving youth offenders. There are no jury trials in provincial court.

Supreme Court of British Columbia - The British Columbia Supreme Court is the superior trial court for the province and hears both civil and criminal cases, as well as some appeals from the Provincial Court. The court has jurisdiction for the trial of serious crimes within British Columbia.

Court of Appeal of British Columbia - The Court of Appeal for British Columbia is the highest court in the province. It hears appeals from the Supreme Court of British Columbia and some criminal matters from the Provincial Court. The court sits as a panel of three judges most of the time. For some important cases, the court will sit as a panel of five judges.

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