

PRIVATE BILLS

Applying

for a

Private Bill

PETITION No.	BILL No.	
1	50	Vancouver
2.	52.	Victoria C
3.	51	Dental Tea
50		Seaboard



LEGISLATIVE ASSEMBLY
of BRITISH COLUMBIA



APPLYING FOR A PRIVATE BILL

Distinct from a Public Bill, which relates to a matter of public policy and has broad application to all British Columbians, a Private Bill confers a benefit to, or relates to a particular interest of, an individual, group or corporate entity. A Private Bill affects only one or a few persons or a corporate entity, but not the general population as a whole. Section 6 of the *Interpretation Act*, R.S.B.C. 1996, c. 238, states: “A provision in a private Act does not affect the rights of any person, except only as referred to or mentioned in that Act.”

A private bill affects only one or a few persons or a corporate entity, but not the general population as a whole.

An applicant for a Private Bill may seek a remedy to a matter that is not possible under existing laws or might wish to obtain an exemption from the general application of public statute that governs the population (*Parliamentary Practice in British Columbia*, 5th ed.).

PREPARING THE APPLICATION

The procedures for applying for a Private Bill are found in the *Standing Orders*, which set out the procedural rules that govern the proceedings of the Legislative Assembly. Before submitting an application, the applicant must ensure that the remedy sought is within provincial jurisdiction. The applicant should also be aware that a Private Bill can only be dealt with while the Legislative Assembly is sitting. All documents, proof of publications of the notice, and payment of fees must be received by the Office of the Clerk no later than 14 calendar days after the opening of a Session to be considered in that Session. The procedure for applying for a Private Bill is prescribed by Standing Orders 97-115 as well as Appendix B – Private Bills in the [Standing Orders of the Legislative Assembly of British Columbia](#).

The applicant must file an application consisting of the documents listed below to the Office of the Clerk on or before the application deadline. Samples of the required documents are provided to applicants upon request.

Petition

The applicant must prepare a petition to the Legislative Assembly that briefly describes the objective of and reasons and background for the Private Bill.

Bill

The applicant must also submit a draft of the Private Bill that the applicant would like passed. The Office of the Clerk will provide a copy of the draft Private Bill to the Office of Legislative Counsel with the Ministry of Attorney General. The Office of Legislative Counsel will review the draft Private Bill to ensure that it has been drafted in accordance with drafting conventions used in British

Columbia. The Office of the Clerk will advise the applicant of any required revisions to the Private Bill prior to its introduction and first reading.

Depending on the subject matter of Private Bill requested, government ministries or other authorities may need to be consulted by the applicant.

Notice

Standing Order 98 requires that the applicant publish a notice that states clearly the nature and objects of the proposed Private Bill and the name and address of the applicant. This notice must be published in two issues of *The British Columbia Gazette* and once a week for two consecutive weeks in a newspaper having a general circulation in the area(s) where the applicant lives or in the locality to be most affected by the Private Bill. At least one of the notices must have been published at the time of filing the application with the Office of the Clerk.

Statutory Declaration or Affidavit

Publication of the required notices must be verified by a statutory declaration or affidavit. The statutory declaration or affidavit must be filed with the Office of the Clerk prior to the introduction and first reading of the Private Bill with copies of the published advertisements attached as an exhibit.

Sponsor of Private Bill

Only a Private Member, i.e., a Member of the Legislative Assembly who is not a member of the Executive Council (Cabinet), may sponsor a Private Bill. Any Private Member may sponsor the Private Bill regardless of whether they are part of the government caucus or an opposition caucus. Although sponsored by a Member, it is for the Legislative Assembly and its designated committee to consider and determine the passage of the Private Bill. It is the responsibility of the applicant to confirm the Private Member sponsoring the Private Bill, and to provide their name to the Office of the Clerk.

Fees and Printing Costs

A fee of \$500 is required at the time of filing the application. Remittance should be made by certified cheque made payable to the "Legislative Assembly of British Columbia". Additionally, printing costs for the first reading version the Private Bill and any subsequent reprinted versions resulting from any amendments made during the legislative process are the responsibility of the applicant. Applicants will be billed directly for these costs by the King's Printer.

Parliamentary Agent

The Parliamentary Agent of the applicant is responsible to the Legislative Assembly for the observance of the *Standing Orders* including the filing of all the requisite application components and payment of all fees. Examples of past Parliamentary Agents include an officer or legal counsel of the applicant. An individual named by the applicant may act as a Parliamentary Agent upon receipt of a certificate from the Clerk of the Legislative Assembly, pursuant to Standing Order 112.

Final Application

When the documents are complete and in final form, and no later than 14 calendar days after the commencement of a Session, the applicant must file the following with the Office of the Clerk:

- Signed petition to the Legislative Assembly.
- Copy of the draft Private Bill. (Although the *Standing Orders* refer to 200 copies of the draft Private Bill, in practice only one copy is required to be submitted.)
- Statutory declaration or affidavit verifying the publication of the notice in two issues of *The British Columbia Gazette* and in two issues of a newspaper having a general circulation in the region where the applicant lives or is located, or in the locality to be most affected by the Private Bill. A copy of the published advertisements must also be attached.
- Name of the Member who has agreed to sponsor the Private Bill.
- Required fee made payable by certified cheque to the “Legislative Assembly of British Columbia.”
- The written authority for an individual to act on behalf of the applicant as Parliamentary Agent.

Once all the documents have been received by the Office of the Clerk, the application will be certified by the Law Clerk and the Private Bill will then be placed in the *Orders of the Day* for introduction and first reading. If the application does not comply with the *Standing Orders*, the matter may be referred to the Select Standing Committee on Parliamentary Reform, Ethical Conduct, Standing Orders and Private Bills (“Committee”) for consideration and decision.

In practice, drafts of the petition, notice, statutory declaration or affidavit, and Private Bill or text of the proposed amendments, may be provided to the Office of the Clerk for review by the Law Clerk to ensure their proper form in accordance with the *Standing Orders* and legislative drafting conventions in use in British Columbia. **It is highly recommended that the notice be published after the draft bill or proposed amendments have been reviewed to ensure that the notice accurately describes the contents and intent of the Private Bill.**

PREPARING TO APPEAR BEFORE THE COMMITTEE

Once the complete application is received by the Office of the Clerk, and the documents are in order, the sponsoring Member will introduce the Private Bill in the House and move that it be read a first time. Upon being read a first time (adoption of the motion), the Private Bill is immediately referred to the Committee.

The Committee may meet to consider the Private Bill after providing five calendar days’ notice of the meeting. Notice of the meeting is sent to the sponsoring Member, the applicant, the applicant’s Parliamentary Agent and any others who indicate to the Office of the Clerk that they have an interest in the Private Bill. Once the applicant is advised of the meeting date, the applicant, its officials and Parliamentary Agent are expected to attend at the designated time and location. The Committee may determine that it wishes to hear from witnesses who have an interest in – whether in favour of or opposed to – the Private Bill (e.g., officials of an affected government

ministry). Should an individual or organization object to the Private Bill or have an interest or property that may be affected by it, they may be permitted to appear before the Committee provided that both the applicant and the Committee have received, in writing, at least three days' written notice of the nature of such objection.

The Committee meeting typically opens with the applicant and Parliamentary Agent making a brief presentation to the Committee about the reasons why the Private Bill is being requested and taking questions from the Committee. Any other witnesses in attendance would then have an opportunity to speak to the Private Bill and take questions from the Committee.

The Office of the Clerk will advise on all procedural issues and is available to answer any questions prior to the meeting of the Committee. Proceedings before the Committee are open to the public, as well as to interested parties and other Members who are not members of the Committee.

NEXT STEPS

Following the Committee's meeting(s) and deliberations on a Private Bill, the Committee may recommend that the Private Bill proceed with or without amendment, or that it not proceed. If amended, the Private Bill must be reprinted before further consideration or report. Should the Committee report unfavourably to the House on a Private Bill, the Committee must state its reasons for arriving at such a decision.

If the Committee recommends that the Private Bill proceed to second reading stage of the legislative process, it will be automatically placed on the *Orders of the Day* for second reading. The Private Bill then proceeds through the usual stages of the legislative process for all Bills: Second Reading, Committee Stage, Report Stage, Third Reading, and Royal Assent. Unless otherwise provided for in its commencement clause, the Private Bill will come into effect on the day it receives Royal Assent.

The applicant is kept apprised of the progress and status of the Private Bill by the Office of the Clerk.

QUESTIONS AND CONTACT INFORMATION

The Office of the Clerk is pleased to assist with any questions at any stage in the application process. Please contact us by e-mail at OfficeoftheClerk@leg.bc.ca or by telephone at 250-387-3785 for further information.

Example – Form of Petition

IN THE MATTER OF AN APPLICATION FOR A PRIVATE BILL
- AND -
IN THE MATTER OF *[insert brief description]*

PETITION

To the Honourable the Legislative Assembly of the Province of British Columbia, in Legislature Assembled:

The petition of the undersigned, *[Petitioner]*, of the *[Town/City]*, states that: *[here state the object of the petition, briefly setting forth the reasons therefor].*

Your petitioners respectfully request that the Honourable House pass a Bill to [take such action as may be deemed appropriate].

Dated _____ day of _____, 20____.

[Signature of Petitioner]

Example – Notice of Private Bill

NOTICE OF A PETITION FOR A PRIVATE BILL

Notice is hereby given that a petition will be presented by [the Petitioner] of [Town/City] to the Legislative Assembly of the Province of British Columbia at its next legislative session, to pass a bill to [brief description of purpose of Private Bill].

Dated at [City and Province of Petitioner], this _____ day of _____, 20 ____.

[Petitioner]
[Address in full]

Example – Sample Statutory Declaration

CANADA)		IN THE MATTER OF...
PROVINCE OF BRITISH COLUMBIA)	
TO WIT:)	

STATUTORY DECLARATION

I,, of [Town/City], of the Province of British Columbia, DO SOLEMNLY DECLARE that:

I am [insert title, such as “a legal assistant in the law firm of”], counsel to [the Applicant] and have personal knowledge of the matters herein declared.

1. A notice regarding the Private Bill petition of the [the Applicant] was published in the on, 20..... . Attached and marked Exhibit “A” to this Declaration is a true copy of the notice.
2. A notice regarding the Private Bill petition of the [the Applicant] was published in the on, 20..... . Attached and marked Exhibit “B” to this Declaration is a true copy of the notice.
3. A notice regarding the Private Bill petition of the [the Applicant] was published in the on, 20..... . Attached and marked Exhibit “C” to this Declaration is a true copy of the notice.
4. A notice regarding the Private Bill petition of the [the Applicant] was published in the on, 20..... . Attached and marked Exhibit “D” to this Declaration is a true copy of the notice.
5. I declare this Statutory Declaration in support of [the Applicant’s] Private Bill.

AND I make this solemn declaration, conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of the *Canada Evidence Act*.

DECLARED BEFORE ME at.....)
British Columbia, this..... day of.....)
....., 20.....)

.....
Signature

.....)
A Commissioner for Taking Affidavits)
for British Columbia)

Example – Sample Private Bill

Private Bill

Fourth Session, Forty-second Parliament
1 Charles III, 2023
Legislative Assembly of British Columbia

BILL Pr 4XX

TITLE

[Sponsoring Member of the Legislative Assembly]

[MEMBER]

BILL Pr 4XX – 20XX

TITLE

WHEREAS ...;

AND WHEREAS ...;

AND WHEREAS ...;

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:

Commencement

X. This Act comes into force on the date of Royal Assent.

RELEVANT EXCERPTS OF THE *STANDING ORDERS*

Standing Order 97 – Application for Private Bills.

97. Any person may apply for a Private Bill by filing with the Clerk of the House not later than 14 days after the opening of a Session:
- (a) a petition in the form prescribed by Appendix A,
 - (b) 200 copies of the Bill,
 - (c) a fee of \$500,
 - (d) a copy of the Notice published,
 - (e) the authority of the agent or attorney in fact of the applicant, and
 - (f) the name of the Member sponsoring the Bill.

Standing Order 98 – Notice of application for Private Bill to be advertised.

98. (1) The applicant for a Private Bill shall publish a Notice stating clearly the nature and objects of the proposed Act and the name and address of the applicant,
- (a) in 2 issues of *The British Columbia Gazette*, and
 - (b) once a week for 2 consecutive weeks in a newspaper having a general circulation in the area where reside the parties or the majority of the parties likely to be particularly interested in, and affected by, the proposed Act.
- (2) At least one of the Notices must have been published at the time of filing the application.
- (3) Publication of the Notices shall be verified by an affidavit or statutory declaration which shall be filed with the Law Clerk, before First Reading of the Bill.

APPENDIX A - FORM OF PETITION (For Private Bill or Other Purposes)

To the Honourable the Legislative Assembly of the Province of British Columbia, in Legislature Assembled:

The petition of the undersigned, _____, of the _____, states that: [*here state the object of the petition, briefly setting forth the reasons therefor*].

Your petitioners respectfully request that the Honourable House [*take such action as may be deemed appropriate*].

Dated _____ day of _____, 20 __.

(Signatures)

APPENDIX B - PRIVATE BILLS

1. (a) When all requirements for an application for a Private Bill have been met, the Law Clerk will so certify and the Bill will be placed on Orders of the Day for Introduction and First Reading.
(b) If all the requirements have not been met, the Law Clerk will place the application before the Committee on Parliamentary Reform, Ethical Conduct, Standing Orders and Private Bills. The Committee will then determine if and when and upon what conditions (if any) the Bill will be placed on the Order Paper for Introduction and First Reading.
2. After the Bill has obtained its first reading, without further order it stands referred to and in charge of the Committee.
3. When the Committee favourably reports upon the Bill, the Bill will automatically be placed on the Orders of the Day for second reading on the day following the report.

Office of the Clerk | Room 221, Parliament Buildings | p. 250.387.3785 | e. officeoftheclerk@leg.bc.ca



LEGISLATIVE ASSEMBLY
of BRITISH COLUMBIA

January 2023