

---

---

Third Session, Forty-second Parliament  
1 Charles III, 2022  
Legislative Assembly of British Columbia

---

---

**BILL 27**

**ATTORNEY GENERAL STATUTES  
AMENDMENT ACT (No. 2), 2022**

---

---

Honourable Murray Rankin  
Attorney General and Minister Responsible for Housing

---

---

## Explanatory Notes

CLAUSE 1: *[Election Act, section 98]* updates a cross-reference.

CLAUSE 2: *[Lobbyists Transparency Act, section 4.01]* requires a designated filer to file information requested by the registrar within 30 days of the request.

CLAUSE 3: *[Lobbyists Transparency Act, section 4.2]*

- updates a cross-reference;
- removes a requirement that is being relocated to section 4.01 of the Act, as added by this Bill.

CLAUSE 4: *[Lobbyists Transparency Act, section 7]*

- updates a cross-reference;
- provides for removing a return from the registry if the designated filer does not file information requested by the registrar.

**BILL 27 – 2022**

**ATTORNEY GENERAL STATUTES  
AMENDMENT ACT (No. 2), 2022**

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

*Election Act*

- 1** *Section 98 (3) (b) of the Election Act, R.S.B.C. 1996, c. 106, is amended by striking out “section 96 (2) (d) to (f)” and substituting “section 96 (2) (e) to (g)”.*

*Lobbyists Transparency Act*

- 2** *The Lobbyists Transparency Act, S.B.C. 2001, c. 42, is amended by adding the following section:*

**Requirement to file clarifying information**

- 4.01** (1) A designated filer who has filed a registration return under section 3 must file with the registrar any information requested by the registrar to clarify information supplied by the designated filer under section 4.
- (2) Information requested by the registrar under subsection (1) must be filed within 30 days after the information is requested.

- 3** *Section 4.2 (2) (e) is amended*

*(a) by striking out “filed under section 4” and substituting “filed under section 3”, and*

*(b) by repealing subparagraph (iii).*

- 4** *Section 7 (4) (c) is repealed and the following substituted:*

(c) remove a return from the registry if the designated filer who filed the return does not comply with section 4.01; .

CLAUSE 5: *[Lobbyists Transparency Act, section 10]* makes a contravention of section 4.01 of the Act, as added by this Bill, an offence.

CLAUSE 6: *[Power of Attorney Act, section 17.1]* provides that specified witnessing requirements for signing and dating an enduring power of attorney may be satisfied in accordance with an alternative process established by regulation.

CLAUSE 7: *[Power of Attorney Act, section 41]* is consequential to the addition by this Bill of sections 41.1 and 41.2 to the Act.

CLAUSE 8: *[Power of Attorney Act, sections 41.1 and 41.2]*

- adds regulation-making authority for the signing and dating of enduring powers of attorney;
- relocates the content of section 41 (4).

**5 Section 10 (1) is repealed and the following substituted:**

- (1) A person who contravenes section 2.1 (2), 2.2, 2.4, 3 (1) or (3), 4, 4.01, 4.1 or 4.2 commits an offence.

***Power of Attorney Act***

**6 The Power of Attorney Act, R.S.B.C. 1996, c. 370, is amended by adding the following section to Division 2 of Part 2:**

**Signing enduring power of attorney – alternative process**

- 17.1** (1) A requirement in section 16 (1) that a person sign and date an enduring power of attorney in the presence of another person is satisfied if the enduring power of attorney is signed and dated in accordance with an alternative process established by regulation, if any, for witnessing the signing and dating.
- (2) The requirement in section 17 (1) that a person sign an enduring power of attorney in the presence of another person is satisfied if the enduring power of attorney is signed in accordance with an alternative process established by regulation, if any, for witnessing the signing.

**7 Section 41 is amended**

**(a) by adding the following subsection:**

- (2.1) The authority to make regulations under another provision of this Act does not limit subsection (1) or (2). , **and**

**(b) by repealing subsection (4).**

**8 The following sections are added:**

**Regulations in relation to signing enduring power of attorney – alternative process**

- 41.1** (1) The Lieutenant Governor in Council may make regulations establishing an alternative process for witnessing the signing and dating of an enduring power of attorney, including
- (a) prescribing what being in the presence of another person, as referred to in sections 16, 17 and 17.1, means,
  - (b) respecting the signing and dating, in counterpart, of an enduring power of attorney,
  - (c) prescribing required qualifications of a witness, and
  - (d) prescribing additional information that must be included in an enduring power of attorney.

CLAUSE 8: *[Power of Attorney Act, sections 41.1 and 41.2 – continued]*

CLAUSE 9: *[Queen’s Counsel Act, title]* changes the title of the Act.

CLAUSE 10: *[Queen’s Counsel Act, section 1]* changes a reference from Her Majesty to His Majesty.

- (2) In making a regulation under subsection (1), the Lieutenant Governor in Council may
- (a) make different regulations for different provisions of the Act, different persons or circumstances or different classes of persons or circumstances, and
  - (b) establish different classes of persons or circumstances.

**Regulations in relation to  
extrajurisdictional powers of attorney**

**41.2** The Lieutenant Governor in Council may make regulations respecting extrajurisdictional powers of attorney for the purposes of section 38, including

- (a) limiting the application of section 38 according to
  - (i) the jurisdiction in which the extrajurisdictional power of attorney was made, or
  - (ii) the manner in which the extrajurisdictional power of attorney was made or signed,
- (b) respecting conditions or limitations on the operation of the extrajurisdictional power of attorney,
- (c) respecting the exercise of powers or performance of duties by a person authorized to act in respect of the extrajurisdictional power of attorney,
- (d) respecting the application of any provision of this Act or the regulations to a person acting in respect of the extrajurisdictional power of attorney, and
- (e) prescribing circumstances in which section 38 does not apply, or ceases to apply.

*Queen's Counsel Act*

**9** *The title of the Queen's Counsel Act, R.S.B.C. 1996, c. 393, is repealed and the following substituted:*

**KING'S COUNSEL ACT .**

**10** *Section 1 is amended by striking out "Her Majesty's" and substituting "His Majesty's".*

CLAUSE 11: *[Queen’s Counsel Act, section 2]*

- changes a reference from Her Majesty to His Majesty;
- adds the Chief Judge of the Provincial Court to the list of individuals the Attorney General must consult.

CLAUSE 12: *[Queen’s Counsel Act, section 3]* changes a reference from Her Majesty to His Majesty.

CLAUSE 13: *[Queen’s Counsel Act, section 4]* makes a housekeeping amendment.

CLAUSE 14: *[Queen’s Counsel Act, section 6]* provides that precedence is established in the appointment instruments.

CLAUSE 15: *[Queen’s Counsel Act, sections 9 and 10]*

- provides discretionary power to revoke an appointment;
- requires the Attorney General to consult with specified individuals before making a recommendation to revoke an appointment;
- provides for an automatic revocation of an appointment if the individual with the appointment is disbarred.



**11 Section 2 is amended**

**(a) in subsection (1) by striking out “Her Majesty’s” and substituting “His Majesty’s”, and**

**(b) in subsection (2) by striking out “and” at the end of paragraph (b) and by adding the following paragraph:**

(b.1) the Chief Judge of the Provincial Court, and .

**12 Section 3 is amended by striking out “Her Majesty’s” and substituting “His Majesty’s”.**

**13 Section 4 is amended by striking out “he or she” and substituting “the person”.**

**14 Section 6 is amended**

**(a) by repealing subsection (2) and substituting the following:**

(2) All persons mentioned in subsection (1) (e) have precedence among themselves in the order established in the letters patent issued under section 2. , **and**

**(b) by adding the following subsection:**

(3) Any precedence established in letters patents issued before the date this subsection comes into force in relation to persons mentioned in subsection (1) (e) continues to apply.

**15 The following sections are added:**

**Power of Lieutenant Governor in Council to revoke King’s Counsel appointment**

- 9**
- (1) On the recommendation of the Attorney General, the Lieutenant Governor in Council, by letters patent under the Great Seal, may revoke an appointment made under section 2.
  - (2) Before making a recommendation referred to in subsection (1), the Attorney General must consult with
    - (a) the Chief Justice of British Columbia,
    - (b) the Chief Justice of the Supreme Court,
    - (c) the Chief Judge of the Provincial Court, and
    - (d) 2 members of the Law Society of British Columbia appointed by the benchers for that purpose.

CLAUSE 15: *[Queen’s Counsel Act, sections 9 and 10 – continued]*

CLAUSE 16: *[Representation Agreement Act, section 13]*

- clarifies witnessing requirements for witnessing the signing of a representation agreement;
- provides that specified witnessing requirements for signing a representation agreement may be satisfied in accordance with an alternative process established by regulation.

- (3) This section applies in relation to an appointment whether
  - (a) the appointment is made before or after the date this section comes into force, or
  - (b) the reason for the revocation occurs before or after the date this section comes into force.

**Automatic revocation of King’s Counsel  
appointment on disbarment**

- 10 (1) If a person who is appointed under section 2 is disbarred under the *Legal Profession Act* on or after the date this section comes into force, the person’s appointment is revoked on the date of the disbarment.
- (2) Subsection (1) applies in relation to an appointment whether the appointment is made before or after the date this section comes into force.
- (3) If a person who is appointed under section 2 is disbarred under the *Legal Profession Act* before the date this section comes into force, the person’s appointment is revoked on the date this section comes into force.

***Representation Agreement Act***

**16 Section 13 of the Representation Agreement Act, R.S.B.C. 1996, c. 405, is amended**

***(a) by repealing subsection (3.01) and substituting the following:***

- (3.01) Subject to subsection (3.02), the adult must sign the representation agreement in the presence of 2 witnesses, each of whom must sign the representation agreement in the presence of the adult and one another. , ***and***

***(b) by adding the following subsections:***

- (8) The requirement in subsection (3.01) that a person sign a representation agreement in the presence of another person is satisfied if the representation agreement is signed in accordance with an alternative process established by regulation, if any, for witnessing the signing.
- (9) For certainty, a requirement in a certificate referred to in subsection (6) that a person be present when witnessing the signing of a representation agreement is satisfied if the representation agreement is signed in accordance with the alternative process referred to in subsection (8).

CLAUSE 17: *[Representation Agreement Act, section 42]* is consequential to the addition by this Bill of section 42.1 to the Act.

CLAUSE 18: *[Representation Agreement Act, section 42.1]* adds regulation-making authority for the signing of representation agreements.

CLAUSE 19: *[Wills, Estates and Succession Act, section 130]* adds persons to whom the court may grant administration of a deceased person's estate.

**17 Section 42 is amended by adding the following subsection:**

- (2.1) The authority to make regulations under another provision of this Act does not limit subsection (1) or (2).

**18 The following section is added:**

**Regulations in relation to signing representation agreement**

- 42.1** (1) The Lieutenant Governor in Council may make regulations establishing an alternative process for witnessing the signing of a representation agreement, including
- (a) prescribing what being in the presence of another person, as referred to in section 13 (8), means,
  - (b) respecting the signing, in counterpart, of a representation agreement,
  - (c) prescribing required qualifications of a witness, and
  - (d) prescribing additional information that must be included in a representation agreement.
- (2) In making a regulation under subsection (1), the Lieutenant Governor in Council may
- (a) make different regulations for different provisions of the Act, different persons or circumstances or different classes of persons or circumstances, and
  - (b) establish different classes of persons or circumstances.

***Wills, Estates and Succession Act***

**19 Section 130 of the *Wills, Estates and Succession Act, S.B.C. 2009, c. 13*, is amended by adding the following paragraph:**

- (f.1) in the case of a deceased person whose estate would pass to the government and would be subject to the *Escheat Act*, a person nominated by the government; .



**Commencement**

**20** The provisions of this Act referred to in column 1 of the following table come into force as set out in column 2 of the table:

Item	Column 1 <b>Provisions of Act</b>	Column 2 <b>Commencement</b>
1	Anything not elsewhere covered by this table	The date of Royal Assent
2	Sections 6 to 8	By regulation of the Lieutenant Governor in Council
3	Sections 16 to 18	By regulation of the Lieutenant Governor in Council