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Fifth Session, Forty-second Parliament  
2 Charles III, 2024  
Legislative Assembly of British Columbia

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**BILL 22**

**SAFE ACCESS TO SCHOOLS ACT**

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Honourable Niki Sharma  
Attorney General

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### **Explanatory Note**

This Bill protects access to schools by authorizing the Lieutenant Governor in Council to establish access zones around schools and prohibiting protests and other conduct in those zones that impedes access, disrupts the provision of educational programs or extracurricular school activities or causes concern for a person's physical or mental safety.

**BILL 22 – 2024**

**SAFE ACCESS TO SCHOOLS ACT**

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

**Definitions**

**1** In this Act:

“**access zone**” means an access zone established under section 3;

“**board of education**” has the same meaning as in section 1 (1) of the *School Act*;

“**Community Education Authority**” means a Community Education Authority established by one or more participating First Nations under the *First Nations Jurisdiction over Education in British Columbia Act* (Canada);

“**education authority**” means any of the following:

- (a) a board of education;
- (b) a francophone education authority;
- (c) an independent school authority;
- (d) a first nation;
- (e) a Community Education Authority;
- (f) a treaty first nation;

“**educational program**” means an organized set of learning activities of a nature generally provided to students from kindergarten to grade 12;

“**first nation**” has the same meaning as in section 1 (1) of the *School Act*;

- “**francophone education authority**” has the same meaning as in section 1 (1) of the *School Act*;
- “**independent school authority**” means an authority as defined in section 1 (1) of the *Independent School Act*;
- “**interference**” means advising or persuading, or attempting to advise or persuade, by any means, including, without limitation, graphic, verbal or written means, a person to refrain from participating in or providing an educational program;
- “**multi-use building**” does not include a building that is used for activities in addition to the provision of an educational program and extracurricular school activities if the use of the building for those additional activities is authorized by the education authority that provides the educational program;
- “**parcel**” means a lot, block or other area in which land is held or into which land is subdivided;
- “**police officer**” means a person who, under the *Police Act*, is
- (a) a provincial constable,
  - (b) a municipal constable, or
  - (c) if a designated policing unit is prescribed under this Act, a designated constable of the designated policing unit;
- “**school**” means a facility or part of a facility operated by an education authority at which students receive instruction in an educational program;
- “**school year**” has the same meaning as in section 1 (1) of the *School Act*.

**Access protected**

- 2 (1) Subject to this section, a person must not, in an access zone for a school,
- (a) impede access to or egress from the school,
  - (b) disrupt the provision of an educational program or extracurricular school activity,
  - (c) participate in a protest,
  - (d) engage in interference, or
  - (e) intimidate or attempt to intimidate a person or otherwise do or say anything that could reasonably be expected to cause concern for a person’s physical or mental safety.
- (2) Subject to this section, a person must not, in an access zone for a school, wilfully participate in a gathering whose participants are contravening subsection (1) (a), (b), (c), (d) or (e).

- (3) The prohibition in subsection (1) does not apply if
  - (a) the person is
    - (i) enrolled in an educational program provided at the school, or
    - (ii) registered with the school under section 13 of the *School Act*, and
  - (b) the person is within the parcel on which the school is located or, in the case of a school that is in a multi-use building, in the school.
- (4) The prohibition in subsection (2) does not apply if
  - (a) the person and each participant in the gathering is
    - (i) enrolled in an educational program provided at the school, or
    - (ii) registered with the school under section 13 of the *School Act*, and
  - (b) the gathering is within the parcel on which the school is located or, in the case of a school that is in a multi-use building, in the school.
- (5) The prohibitions in subsections (1) and (2) do not apply in relation to any of the following:
  - (a) anything done or said in the course of a person's work;
  - (b) anything done or said in an access zone for a school in the course of an educational program or extracurricular school activity;
  - (c) a strike, a lockout or picketing, as those terms are defined in section 1 (1) of the *Labour Relations Code*, that is carried out in accordance with that Act;
  - (d) a prescribed activity or class of activities.

**Establishment of access zones**

- 3 (1) The Lieutenant Governor in Council may, by regulation, establish access zones for a school or class of schools.
- (2) In making a regulation under subsection (1), the Lieutenant Governor in Council is to have regard to
  - (a) the importance of the education, health, safety and well-being of the students attending the school,
  - (b) the importance of the health, safety and well-being of persons providing educational programs and extracurricular school activities at the school, and
  - (c) the need to protect access to schools.

**What is included in an access zone**

- 4 (1) Subject to subsection (2), an access zone for a school includes the following areas, unless different areas are prescribed for the school:
  - (a) the parcel on which the school is located;
  - (b) the area that extends 20 metres from the boundaries of the parcel.

- (2) If a school is in a multi-use building, the access zone for the school covers the following areas, unless different areas are prescribed for the school:
  - (a) the school;
  - (b) the area that extends 20 metres from each entrance to and exit from the building;
  - (c) passageways, 20 metres wide, along the routes from each entrance to and exit from the building to each entrance to and exit from the school.
- (3) Despite subsections (1) and (2) and the regulations, an access zone does not include a private residence.

**When an access zone is in effect**

- 5 An access zone for a school is in effect during the following times, unless different times are prescribed for the school:
  - (a) from 7 a.m. to 6 p.m., Monday to Friday, other than holidays;
  - (b) at any time that an extracurricular school activity is provided at the school.

**Arrest without warrant**

- 6 A police officer may arrest, without a warrant, a person who the police officer believes on reasonable grounds is contravening section 2.

**Injunction**

- 7 (1) On application by the Attorney General or any other person, the Supreme Court may grant an injunction restraining a person from contravening section 2 if the court is satisfied that there are reasonable grounds to believe that the person has contravened or is likely to contravene the section.
  - (2) An application under this section may be made without notice to any person.
  - (3) The Supreme Court may grant an interim injunction until the disposition of an application under this section.
  - (4) A contravention of section 2 may be restrained under this section whether or not a penalty or other remedy is provided by this Act.

**Regulations**

- 8 (1) The Lieutenant Governor in Council may make regulations referred to in section 41 of the *Interpretation Act*.
  - (2) Without limiting subsection (1), the Lieutenant Governor in Council may make regulations as follows:
    - (a) prescribing designated policing units for the purposes of the definition of “police officer” in section 1;

- (b) providing that section 2 (5) (a) or (b) includes or does not include an activity or class of activities or does not apply in relation to a class of persons;
  - (c) prescribing an activity or class of activities for the purposes of section 2 (5) (d);
  - (d) providing that section 4 (1) or (2) does not apply in relation to a school or class of schools and specifying different areas;
  - (e) providing that section 5 does not apply in relation to a school or class of schools and specifying different times.
- (3) A regulation under this section or section 3
- (a) may be different for different schools or activities or classes of schools, activities or persons, and
  - (b) is repealed at the end of the school year in which it is made.

**Repeal of this Act**

- 9 This Act is repealed on July 1, 2026 or on an earlier date prescribed by the Lieutenant Governor in Council.

**Commencement**

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