

PROVINCE OF BRITISH COLUMBIA
ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

Order in Council No. 333 , Approved and Ordered June 08, 2015


Lieutenant Governor

Executive Council Chambers, Victoria

On the recommendation of the undersigned, made after consultation with the Chief Justice of the Supreme Court, the Lieutenant Governor, by and with the advice and consent of the Executive Council, orders that, effective July 1, 2015, the Supreme Court Family Rules, B.C. Reg. 169/2009, are amended as set out in the attached Schedule.

DEPOSITED

June 9, 2015

B.C. REG. 104/2015



Attorney General and Minister of Justice



Presiding Member of the Executive Council

(This part is for administrative purposes only and is not part of the Order.)

Authority under which Order is made:

Act and section: Court Rules Act, R.S.B.C. 1996, c. 80, s. 1

Other: OIC 303/2009

May 14, 2015

Resub R/328/2015/27

SCHEDULE

1 Rule 15-1 of the Supreme Court Family Rules, B.C. Reg. 169/2009, is amended

(a) in subrule (1) by adding the following paragraph:

(d.4) if the order is made under Rule 7-1 (15) at a judicial case conference, in Form F51.1; ,

(b) in subrule (3) (a) by striking out “subject to subrule (16),” and substituting “subject to subrules (16) and (16.1),” and

(c) by adding the following subrule:

Order must be drawn up by registrar

(16.1) Unless the court otherwise orders, an order referred to in subrule (1) (d.1) or (d.2) must be drawn up and entered by a registrar.

2 The title of Rule 20-5 is repealed and the following substituted:

RULE 20-5 – PERSONS WHO ARE NOT REQUIRED TO PAY FEES .

3 Rule 20-5 (1) is repealed and the following substituted:

Court may order that no fees are payable

(1) If the court, on application made in accordance with subrule (3) before or after the start of a family law case, finds that a person

(a) receives benefits under the *Employment and Assistance Act* or the *Employment and Assistance for Persons with Disabilities Act*, or

(b) cannot, without undue hardship, afford to pay the fees under Schedule 1 of Appendix C in relation to the family law case,

the court may order that no fees are payable by the person to the government under Schedule 1 of Appendix C in relation to the family law case unless the court considers that the claim or defence

(c) discloses no reasonable claim or defence, as the case may be,

(d) is scandalous, frivolous or vexatious, or

(e) is otherwise an abuse of the process of the court.

4 Form F44 in Appendix A is amended by striking out “I undertake to pay all hearing fees payable under Appendix C, Schedule 1, Item 10.”

5 Appendix A is amended by adding the following form:

FORM F51.1 (RULE 7-1 (15))

Court File No.:

Court Registry:

In the Supreme Court of British Columbia

Claimant:

Respondent:

ORDER MADE AT JUDICIAL CASE CONFERENCE

[Rule 21-1 of the Supreme Court Family Rules applies to all forms.]

[Complete the form in accordance with the instructions found in the bracketed italicized wording and then remove all bracketed italicized wording so that it does not appear in the form when the form is filed.]

	}	THE HONOURABLE JUSTICE	}
BEFORE	}	or	}
	}	MASTER	}
			}[dd/mmm/yyyy].....

AT A JUDICIAL CASE CONFERENCE in this family law case at, on[dd/mmm/yyyy]....., and on hearing[name of party/lawyer]..... and[name of party/lawyer].....;

THIS COURT ORDERS that:

[If any of the following orders are by consent, indicate that fact by adding the words "By consent," to the beginning of the description of the order.]

- 1
- 2
- 3

THE PARTIES APPROVE THE FORM OF THIS ORDER AND CONSENT TO EACH OF THE ORDERS, IF ANY, THAT ARE INDICATED ABOVE AS BEING BY CONSENT:

[A signature line in the following form must be completed and signed by or for each approving party.]

.....
Signature of
[] party [] lawyer for[name of party(ies)].....
.....[type or print name].....

.....
Signature of
[] party [] lawyer for[name of party(ies)].....
.....[type or print name].....

By the Court.

.....
Registrar