


PROVINCE OF BRITISH COLUMBIA

ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

Order in Council No. 467

, Approved and Ordered July 12, 2024



Lieutenant Governor

Executive Council Chambers, Victoria

On the recommendation of the undersigned, the Lieutenant Governor, by and with the advice and consent of the Executive Council, orders that, effective August 1, 2024,

- (a) the attached Victoria and Esquimalt Municipal Policing Reorganization Regulation is made, and
- (b) Order in Council 1137/2002 and Ministerial Order 365/2002 are rescinded.



Minister of Public Safety and Solicitor General and
Deputy Premier



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: *Police Act*, R.S.B.C. 1996, c. 367, ss. 4 and 74

Other: O.C. 1137/2002; M.O. 365/2002

R10802810

VICTORIA AND ESQUIMALT MUNICIPAL POLICING REORGANIZATION REGULATION

Contents

PART 1 – DEFINITIONS

- 1 Definitions

PART 2 – POLICING AND LAW ENFORCEMENT FOR VICTORIA AND ESQUIMALT

- 2 Reorganization of policing and law enforcement continued
- 3 Amalgamated board continued
- 4 Term of membership on amalgamated board
- 5 Chair and vice chair of amalgamated board
- 6 Powers, duties and functions of amalgamated board
- 7 Amalgamated department continued
- 8 Powers, duties and functions of amalgamated department
- 9 Division of expenditures for amalgamated board and amalgamated department

PART 3 – TRANSITIONAL PROVISIONS

- 10 Transition – appointment of Victoria council member to amalgamated board
- 11 Transition – appointment of Esquimalt council member to amalgamated board
- 12 Transition – election of chair and vice chair of amalgamated board
- 13 Transition – pre-existing appointments continued

PART 1 – DEFINITIONS

Definitions

- 1 In this regulation:
 - “**Act**” means the *Police Act*;
 - “**amalgamated board**” means the amalgamated municipal police board continued under section 3 (1) [*amalgamated board continued*];
 - “**amalgamated department**” means the amalgamated municipal police department continued under section 7 [*amalgamated department continued*];
 - “**Esquimalt**” means, as applicable, the corporation of the Township of Esquimalt or the geographic area of that corporation;
 - “**reorganization order**” means Ministerial Order 365/2002;
 - “**Victoria**” means, as applicable, the corporation of the City of Victoria or the geographic area of that corporation.

PART 2 – POLICING AND LAW ENFORCEMENT FOR VICTORIA AND ESQUIMALT

Reorganization of policing and law enforcement continued

- 2 The reorganization of policing and law enforcement in Victoria and Esquimalt, as made by the reorganization order, is continued in accordance with this regulation.

Amalgamated board continued

- 3** (1) The amalgamated municipal police board established by the reorganization order is continued.
- (2) The amalgamated board consists of the following members:
- (a) a member of the council of Victoria appointed by the council of Victoria;
 - (b) a member of the council of Esquimalt appointed by the council of Esquimalt;
 - (c) one person appointed by the council of Victoria;
 - (d) one person appointed by the council of Esquimalt;
 - (e) not more than 6 persons appointed, after consultation with the director, by the Lieutenant Governor in Council.
- (3) A person may not be appointed under subsection (2) (c), (d) or (e) if
- (a) the person is a councillor, or
 - (b) the person is not eligible to be a councillor.

Term of membership on amalgamated board

- 4** (1) In respect of the member of the council who is appointed under section 3 (2) (a) or (b) [*amalgamated board continued*], the council member's membership on the amalgamated board is for the term that the council determines, subject to the following restrictions:
- (a) the term must not be longer than 4 years;
 - (b) the term ends if the person ceases to be a member of the council.
- (2) In respect of a person who is appointed under section 3 (2) (c), (d) or (e), the person's membership on the amalgamated board is for the term, not longer than 4 years, that,
- (a) in the case of an appointment under section 3 (2) (c) or (d), the council determines, or
 - (b) in the case of an appointment under section 3 (2) (e), the Lieutenant Governor in Council determines.
- (3) A person may be reappointed as a member of the amalgamated board, but a person appointed under paragraph (c), (d) or (e) of section 3 (2) must not, by way of appointments under one or more of those paragraphs, be an appointed member for a period of more than 6 consecutive years.

Chair and vice chair of amalgamated board

- 5** (1) Once every 2 calendar years, the amalgamated board must elect one of its members as chair and another member as vice chair.
- (2) Despite subsection (1), if the office of the chair or vice chair becomes vacant, the amalgamated board must elect a new chair or vice chair at the next meeting of the board after the vacancy occurs.
- (3) The vice chair must act as chair if the chair is absent or unable to act.

- (4) If both the chair and vice chair are absent or unable to act, the amalgamated board members present at a meeting of the board must elect from among themselves a chair to preside at the meeting.
- (5) The chair is a non-voting member of the amalgamated board, with the exception that if there is a tie vote at a meeting of the board, the chair must cast the deciding vote.

Powers, duties and functions of amalgamated board

- 6** The amalgamated board and its members have the powers, duties and functions under the Act of a municipal police board and its members, respectively.

Amalgamated department continued

- 7** The amalgamated municipal police department established by the reorganization order is continued.

Powers, duties and functions of amalgamated department

- 8** (1) The amalgamated department and its chief constable, its other constables and its employees have the powers, duties and functions under the Act of a municipal police department and its chief constable, its other constables and its employees, respectively.
- (2) The powers, duties and functions described in subsection (1) apply in relation to the combined area of Victoria and Esquimalt.

Division of expenditures for amalgamated board and amalgamated department

- 9** (1) Victoria and Esquimalt continue to be liable for the expenditures necessary for the provision, in accordance with the Act, the regulations and the director's standards, of
 - (a) policing and law enforcement in the combined area of Victoria and Esquimalt with an amalgamated department of sufficient numbers
 - (i) to adequately enforce municipal bylaws, the criminal law and the laws of British Columbia, and
 - (ii) to maintain law and order in that combined area,
 - (b) adequate accommodation, equipment and supplies for
 - (i) the operations of and use by the amalgamated department required under paragraph (a), and
 - (ii) the detention of persons required to be held in police custody other than on behalf of the government, and
 - (c) the care and custody of persons held in a place of detention required under paragraph (b) (ii).
- (2) The allocation of responsibility for the expenditures under subsection (1) between Victoria and Esquimalt is based on a converted assessment unless the councils of Victoria and Esquimalt agree on a different allocation of this responsibility between Victoria and Esquimalt.

- (3) In subsection (2), “converted assessment” describes how allocations between municipalities are generally established within the Capital Regional District for expenditures described under subsection (1).

PART 3 – TRANSITIONAL PROVISIONS

Transition – appointment of Victoria council member to amalgamated board

- 10** (1) The council of Victoria must, on or before October 1, 2024, appoint a council member under section 3 (2) (a) [*amalgamated board continued*].
- (2) Until the appointment made in accordance with subsection (1) takes effect, the mayor of Victoria continues to be a member of the amalgamated board.
- (3) Unless the mayor of Victoria is appointed in accordance with subsection (1), the mayor’s membership on the amalgamated board ends when the Victoria council member’s appointment takes effect.

Transition – appointment of Esquimalt council member to amalgamated board

- 11** (1) The council of Esquimalt must, on or before October 1, 2024, appoint a council member under section 3 (2) (b).
- (2) Until the appointment made in accordance with subsection (1) takes effect, the mayor of Esquimalt continues to be a member of the amalgamated board.
- (3) Unless the mayor of Esquimalt is appointed in accordance with subsection (1), the mayor’s membership on the amalgamated board ends when the Esquimalt council member’s appointment takes effect.

Transition – election of chair and vice chair of amalgamated board

- 12** (1) Despite section 5 (1) [*chair and vice chair of amalgamated board*], the amalgamated board must elect a chair and vice chair at the next meeting of the board after both of the following have taken effect:
 - (a) the appointment of the Victoria council member in accordance with section 10 (1);
 - (b) the appointment of the Esquimalt council member in accordance with section 11 (1).
- (2) Unless elected as chair at the meeting described in subsection (1), the mayor of Victoria ceases to be the chair when the member elected at that meeting becomes chair.
- (3) Unless elected as vice chair at the meeting described in subsection (1), the mayor of Esquimalt ceases to be the vice chair when the member elected at that meeting becomes vice chair.

Transition – pre-existing appointments continued

- 13** (1) The appointment of a person as a member of the amalgamated board is continued if, on July 31, 2024, the person is a member of the amalgamated board.

- (2) The appointment or employment of a person as a chief constable or other constable or employee of the amalgamated department is continued if, on July 31, 2024, the person is, respectively, a chief constable or other constable or employee of the amalgamated department.
- (3) The continuation of a person's appointment or employment under this section does not require the person to take an oath or affirmation under section 70 of the Act.