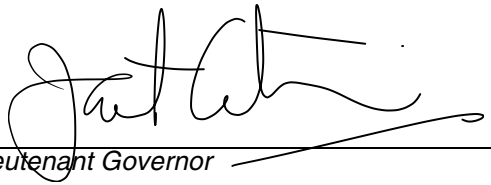


PROVINCE OF BRITISH COLUMBIA

ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

Order in Council No. 309

, Approved and Ordered June 8, 2020


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 the Correction Act Regulation, B.C. Reg. 58/2005, is amended as set out in the attached Schedule.



Minister of Public Safety and Solicitor General



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: Correction Act, S.B.C. 2004, c. 46, s. 33 (2)

Other: OIC 161/2005

R10354122

SCHEDULE

- 1** *Section 2 (1) (b) of the Correction Act Regulation, B.C. Reg. 58/2005, is amended by adding “the opportunity for at least 2.5 hours per day out of the inmate’s cell, including the opportunity for” before “a daily exercise period” and by striking out “hour, in” and substituting “hour that is in”.*
- 2** *Section 5 (1) (d) is amended*

 - (a) in subparagraph (ii) by striking out “and”, and*
 - (b) by adding the following subparagraph:*

 - (ii.1) how to make submissions about why separate confinement under section 18 should not continue or should be for a shorter period of time, and .
- 3** *Section 9 (1) (d) is amended by striking out “to”.*
- 4** *Section 17 (1) (a) (v) by adding “or” after “reason,”.*
- 5** *Section 25 is amended*

 - (a) by repealing subsection (1) and substituting the following:*

 - (1) A disciplinary hearing must be presided over by a person appointed by the assistant deputy minister. ,
 - (b) by repealing subsection (2), and*
 - (c) in subsection (3) by striking out “(1) (b)” and substituting “(1)”.*
- 6** *Section 26 is amended by adding the following subsection:*

 - (5) The person presiding over the disciplinary hearing may conduct the hearing in person or by way of telephone, video conference or other communication medium.
- 7** *Section 27 is amended*

 - (a) in subsection (1) (d) by striking out “subsections (2) and (3),” and substituting “subsection (3),” and by striking out “30” and substituting “15”,*
 - (b) by repealing subsection (2),*
 - (c) by repealing subsection (3) (a) and substituting the following:*

 - (a) while the inmate is confined to a cell in the segregation unit under subsection (1) (d) for one or more previous breaches, the penalties must be served concurrently with confinement ending on the latest end date of those penalties, or , *and*
 - (d) by repealing subsection (5) and substituting the following:*

- (5) If an inmate applies to the person who presided over a disciplinary hearing for a reduction or suspension of the penalty imposed, the person who presided over the disciplinary hearing or, if that person is not available, an employee under the *Public Service Act* who is either designated by the assistant deputy minister or in a class of persons designated by the assistant deputy minister, must make a decision within 5 days of receipt of the application and advise the inmate of the decision, the reasons and any conditions in writing.

8 *Section 29 is amended*

- (a) *in subsection (4) (c) (ii) by striking out* “and presided over by a person appointed by the assistant deputy minister”, *and*
- (b) *in subsection (5) (a) by striking out* “the assistant deputy minister must” *and substituting* “the assistant deputy minister, or an employee under the *Public Service Act* who is either designated by the assistant deputy minister or in a class of persons designated by the assistant deputy minister, must”.

9 *Section 38 (3) (c) is amended by striking out* “practices” *and substituting* “practises”.