

CONSTITUTION ACT

[RSBC 1996] CHAPTER 66

- [1](#) [Definition](#)
- [2](#) [Act subject to *Constitution Act, 1867*](#)
- [3](#) [Lieutenant Governor](#)
- [4](#) [Appointment to public office](#)
- [5](#) [Assent or signification date for legislation](#)
- [6](#) [Record of Acts](#)
- [7](#) [Executive power](#)
- [8](#) [Commuting of sentence](#)
- [9](#) [Executive Council](#)
- [10](#) [Transfer of powers and duties](#)
- [11](#) [Acting ministers](#)
- [12](#) [Parliamentary secretaries](#)
- [13](#) [Organization of executive government](#)
- [14](#) [Transferred powers, duties and functions](#)
- [15](#) [Delegation by official](#)
- [16](#) [Agreements with others](#)
- [17](#) [Legislative Assembly](#)
- [18](#) [Members represent electoral districts](#)
- [19](#) [Repealed](#)
- [20](#) [Demise of the Crown](#)
- [21](#) [Summoning and proroguing](#)
- [22](#) [Yearly session](#)
- [23](#) [General elections](#)
- [24](#) [Oath of allegiance](#)
- [25](#) [Prohibited office or contract](#)
- [26](#) [Exceptions to prohibitions](#)
- [26.1](#) [Use of vehicles by Cabinet members](#)
- [27](#) [Procedure on prohibition](#)
- [28](#) [Judge disqualified](#)
- [29](#) [Election of disqualified person](#)
- [30](#) [Disqualified person may not sit or vote](#)
- [31](#) [Exceptions](#)
- [32](#) [Member of Legislative Assembly who sits as a member of the House of Commons](#)

- [33 Resignation of a member](#)
- [34 Forfeiture of a member's seat](#)
- [35 Issue of warrant for by-election](#)
- [36 Effect of vacancy or failure to elect](#)
- [37 Election of Speaker](#)
- [38 Vacancy in office of Speaker](#)
- [39 Appointment of staff](#)
- [40 Speaker to preside](#)
- [41 Deputy Speaker or other member presiding](#)
- [42 Quorum](#)
- [43 Decisions of Legislative Assembly by majority vote](#)
- [44 Tied vote](#)
- [45 Standing rules and orders](#)
- [46 Lieutenant Governor may initiate Bills](#)
- [47 Appropriation by message of Lieutenant Governor](#)
- [48 Lieutenant Governor may return Bills](#)
- [49 Accounting for fees](#)
- [50 Privileges of Legislative Assembly](#)
- [51 Privileges of members](#)
- [52 Select committee may examine witnesses](#)
- [53 Committees](#)
- [54 Committee may require oath](#)
- [55 Committee may require affidavit](#)
- [56 Former Attorney General as Crown Counsel](#)
- [57 Appropriation](#)

Definition

1 In this Act, "**leader of a recognized political party**" means a member of the Legislative Assembly other than the Premier or Leader of the Official Opposition, who is the leader in the Legislative Assembly of an affiliation of electors comprised in a political organization whose prime purpose is the fielding of candidates for election to the Legislative Assembly and that is represented in the Legislative Assembly by 2 or more members.

Act subject to *Constitution Act, 1867*

2 Despite anything in this Act to the contrary, this Act must be construed as subject to the *Constitution Act, 1867* and amending Acts applicable to British Columbia, and to the order

of Her late Majesty Queen Victoria in Council for the union of British Columbia with the Dominion of Canada under the authority of that Act.

Lieutenant Governor

- 3** (1) The Lieutenant Governor is a corporation sole.
- (2) A bond, recognizance and other instrument required by law to be taken to the Lieutenant Governor in the Lieutenant Governor's public capacity
- (a) must be taken to the Lieutenant Governor by the Lieutenant Governor's name of office, and
 - (b) may be sued for and recovered by the Lieutenant Governor, by the Lieutenant Governor's name of office.
- (3) A bond, recognizance and other instrument referred to in subsection (2) does not go to or vest in the personal representatives of the Lieutenant Governor during whose government they were taken.
- (4) With the advice and consent of the Executive Council, the Lieutenant Governor may appoint a person to be the Lieutenant Governor's deputy within any part of British Columbia, for executing money warrants or commissions under an Act.
- (5) If an appointment is made or rescinded, notice must be published in the Gazette.

Appointment to public office

- 4** (1) The appointment to public office under the government of British Columbia, whether vacant or created and whether salaried or not, is vested in the Lieutenant Governor, with the advice of the Executive Council, with the exception of the appointment
- (a) of the officials who are also appointed members of the Executive Council, which appointments are vested in the Lieutenant Governor alone, or
 - (b) for which other provision is expressly made by an Act.
- (2) All officers appointed by the Lieutenant Governor, whether by commission or otherwise, remain in office during pleasure only.

Assent or signification date for legislation

- 5** (1) The Clerk of the Legislative Assembly must endorse on every Act
- (a) the date when the Act was assented to by the Lieutenant Governor, or
 - (b) if an Act is reserved for the signification of the Governor General's pleasure, the date when the Lieutenant Governor signified, by speech or message to the Legislative Assembly or by proclamation, that the Governor General assented to the Act.

(2) Every Bill reserved by the Lieutenant Governor for the signification of the Governor General must be endorsed by the Clerk of the Legislative Assembly with the date of the reservation.

Record of Acts

6 All original Acts are to remain of record in the custody of the Clerk of the Legislative Assembly or other person designated by the Lieutenant Governor in Council.

Executive power

7 Executive power continues, so far as it is unaltered by this Act, as it existed on February 14, 1871, subject to sections 58, 59, 60, 61, 62, 66 and 67 of the *Constitution Act, 1867*, and to any other part of that Act affecting it and to the order of Her late Majesty in Council.

Commuting of sentence

8 The executive power includes the power of commuting and remitting sentences for offences against the laws of British Columbia, or offences over which the legislative authority of British Columbia extends.

Executive Council

9 (1) The Executive Council is composed of the persons the Lieutenant Governor appoints, including the Premier of British Columbia, who is president of the Executive Council.

(2) The Lieutenant Governor in Council must from among those persons appointed under subsection (1) designate

(a) those officials with portfolio and must designate the portfolio for each official, and

(b) those officials without portfolio.

Transfer of powers and duties

10 (1) Any of the powers and duties assigned by law to any of the officials constituting the Executive Council may, by order in council, be assigned and transferred for any period to any other of the officials.

(2) If any or all of the powers and duties of an official are transferred to another, the official to whom the powers and duties are transferred may exercise the powers and perform the duties under his or her own title or the title of the official from whom the powers and duties are transferred.

(3) If, in an Act, there is reference by title to an official appointed under this Act, the Lieutenant Governor in Council may designate another official by name, title or otherwise, who is to be considered the official to whom reference is made in the enactment.

(4) Notice of an appointment, assignment or transfer under this section, or of an appointment as acting minister must be published in the Gazette, and a similar notice must be published if an appointment, assignment or transfer is rescinded.

Acting ministers

11 (1) The Lieutenant Governor in Council may appoint any member of the Executive Council holding a salaried position as acting minister in the place of any other member, if the other member is deceased or while the other member is absent from the capital or otherwise unable to perform the duties of his or her office.

(2) All acts of an acting minister have the same effect as if done by the minister in whose place he or she is acting.

Parliamentary secretaries

12 The Lieutenant Governor in Council may appoint members of the Legislative Assembly to be parliamentary secretaries to members of the Executive Council.

Organization of executive government

13 (1) Despite any Act, the Lieutenant Governor in Council may determine the organization of the executive government and the various ministries.

(2) For the purposes of subsection (1), the Lieutenant Governor in Council may do one or more of the following:

- (a) establish, vary or disestablish a ministry;
- (b) determine the ministry that will exercise any of the duties or functions under an enactment;
- (c) transfer duties and functions from one ministry to another;
- (d) determine or change the name of a ministry.

Transferred powers, duties and functions

14 If, under section 10 or 13, powers, duties and functions of an official or ministry are transferred to another official or ministry, the Lieutenant Governor in Council may order that all or part of the money authorized by the Legislature to be paid and applied for the purposes of those powers, duties and functions and remaining unexpended, be expended by and through the other official or ministry to whom, or to which those powers, duties and functions are transferred, and that money may be expended for those powers, duties and functions.

Delegation by official

15 (1) If, under an enactment, power or authority is granted to or vested in an official appointed under section 9, the official may, by written authority approved by the Lieutenant Governor in Council, delegate that power or authority to a person employed under him or her in the executive government, subject to limitations, restrictions and conditions the official or the Lieutenant Governor in Council may impose and as are set out in the written authority.

(2) In exercising a power or authority delegated under subsection (1), a person is bound by, and must observe and conform to, any limitations, restrictions and conditions imposed by the official or to which the official is subject.

(3) This section does not restrict or limit the authority in section 23 of the *Interpretation Act*.

(4) This section does not authorize a person to whom power or authority is delegated under this section to exercise any authority conferred on that official to enact a regulation as defined in the *Regulations Act*.

Agreements with others

16 The Lieutenant Governor in Council may authorize an official appointed under section 9, for or on behalf of the government or an agency of the government, to enter into an agreement authorized by an enactment with any of the following:

(a) the government of Canada or an official or agency of that government;

(b) the government of another province or an official or agency of that government;

(c) a municipality, improvement district, regional district, board of education, francophone education authority as defined in the *School Act* or other local authority;

(d) any person or group of persons.

Legislative Assembly

17 There must be in British Columbia a Legislative Assembly constituted as provided by this Act, and the Lieutenant Governor has the power, by and with the advice and consent of the Legislative Assembly, to make laws in and for British Columbia in all cases, subject to the *Constitution Act, 1867*, and to the order of Her late Majesty in Council.

Members represent electoral districts

18 (1) For returning members of the Legislative Assembly, there are to be the number of electoral districts established by the *Electoral Districts Act*, with the names, boundaries and areas determined in the manner provided for by the *Electoral Boundaries Commission Act*.

(2) The Legislative Assembly consists of the members elected in the manner provided for by the [Election Act](#).

(3) A member represents the electoral district for which the member was elected.

Repealed

19 [Repealed 1999-31-6.]

Demise of the Crown

20 (1) A Legislative Assembly summoned or called is not determined or dissolved by a demise of the Crown, but continues, and may meet, convene, sit, proceed and act, despite the demise of the Crown, as if the demise had not happened.

(2) This section does not alter or abridge the power of the Crown to prorogue or dissolve the Legislative Assembly.

Summoning and proroguing

21 (1) The Lieutenant Governor must, by proclamation in Her Majesty's name, summon and call together the Legislative Assembly.

(2) It is not necessary for the Lieutenant Governor, in proroguing the Legislative Assembly, to name any day to which it is prorogued, or to issue a formal proclamation for a meeting of the Legislative Assembly, unless it is intended that the meeting is to be for the dispatch of business.

Yearly session

22 There must be a session of the Legislative Assembly at least once every year, so that 12 months must not intervene between the last sitting of the Legislative Assembly in one session and its first sitting in the next session.

General elections

23 (1) The Lieutenant Governor may, by proclamation in Her Majesty's name, prorogue or dissolve the Legislative Assembly when the Lieutenant Governor sees fit.

(2) Subject to subsection (1), a general voting day must occur on the third Saturday in October in the fourth calendar year following the general voting day for the most recently held general election.

(3) As an exception to subsection (2), if the campaign period for a general election to be held under that subsection would overlap with the campaign period for a general local election to be held under section 52 of the [Local Government Act](#) or the election period for a federal general election to be held under section 56.1 (2) or section 56.2 of the [Canada Elections Act](#), the general voting day for the general election must be held instead on a

date to be specified under the *Election Act* that the Lieutenant Governor in Council determines to be suitable after consulting the Chief Electoral Officer, the Leader of the Official Opposition and each leader of a recognized political party.

(4) In this section, "**general election**" and "**general voting day**" have the same meaning as in section 1 of the *Election Act*.

Oath of allegiance

24 (1) A member of the Legislative Assembly must not vote or sit until he or she has taken and subscribed the following oath before the Lieutenant Governor, or some other person authorized by the Lieutenant Governor to administer the oath:

I, A.B., swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II [or her successor], her heirs and successors, according to law. So help me God.

(2) A person authorized by law to make a solemn affirmation or declaration instead of taking an oath may make a solemn affirmation or declaration instead of taking the oath required by subsection (1).

Prohibited office or contract

25 A member of the Legislative Assembly must not

(a) accept from the government

(i) money for the supply to the government of any goods, service or work, or

(ii) money from an office or employment to which the government has appointed the member, or

(b) be, in respect of a corporation that accepts money from the government for the supply to the government of any goods, service or work, or be, in respect of that corporation's affiliate,

(i) a director or senior officer as defined in the *Business Corporations Act*, or

(ii) a person to whom, as a shareholder, section 5 (1) of the *Financial Disclosure Act* would apply, if that section applied to the member.

Exceptions to prohibitions

26 (1) Section 25 does not apply in any of the following circumstances:

(a) if the money accepted by a member of the Legislative Assembly is

(i) basic compensation, as defined in the *Members' Remuneration and Pensions Act*, or any salary payable under section 4 (1) or (6) of that Act, or

(ii) the Capital City allowance under section 3 (1) (d.1) of the *Legislative Assembly Management Committee Act* or any other payment that is authorized by the Legislative Assembly Management Committee and required to be provided or paid by the government pursuant to section 3 of that Act;

(b) if the money accepted is for the reasonable out of pocket, travelling and other expenses incurred by a member in the discharge of the member's duties

(i) as a member of the Legislative Assembly or of its committees,

(ii) as a member of the Executive Council,

(iii) as a member of a board, council, commission, body or other entity created or established by an Act, by the Executive Council or by the Legislative Assembly, or

(iv) in attending or acting in an official capacity at any meeting, conference, task force, committee, visitation or function or working on a project to which the member has been designated by the Speaker on behalf of the Legislative Assembly, or by the Provincial Secretary on behalf of the Executive Council;

(c) if the money is accepted or authorized under an enactment or an order of the Legislative Assembly or for the performance of a statutory duty;

(d) if the money is accepted as an allowance for expenses incurred by a member in the discharge of the member's duties for office space, office equipment and telephone service, stenographic, secretarial and research assistance, transportation, stationery, office supplies and mail service, or any other facility or service;

(e) if the money is accepted as an indemnity under a scheme of insurance or in satisfaction of a judgment for damages;

(f) if the money that is accepted arises out of a contract or benefit available under an enactment or a program of the government without competition to any person or corporation meeting the qualifications set out in the enactment or program, as long as the contract or benefit is associated with a business in respect of which the member is required to disclose his or her interest under the *Members' Conflict of Interest Act*, and he or she has made that disclosure.

(2) Section 25 does not apply if the corporation referred to in section 25 (b) is an agent of the Crown.

(3) Subsection (1) (b) also applies to payments of the expenses mentioned in that subsection to a member of the Legislative Assembly elected, appointed or otherwise properly chosen to attend, as a representative of the British Columbia branch of the

Commonwealth Parliamentary Association, an area, regional or other meeting or conference of that association or one of its components.

Use of vehicles by Cabinet members

- 26.1** (1) A member of the Legislative Assembly who is a member of the Executive Council may accept for personal as well as official use a vehicle provided by the government.
- (2) This section applies to the acceptance or use of a vehicle on or after April 1, 2001.

Procedure on prohibition

- 27** (1) If a member of the Legislative Assembly alleges that another member has contravened section 25 and that the money was accepted with the approval of the contravening member, the alleging member must
- (a) table a notice of motion in accordance with the standing orders of the Legislative Assembly setting out the particulars of the allegations, and
 - (b) move without leave under routine proceedings of the Legislative Assembly that the matter be referred forthwith to a committee to be forthwith named by the special committee appointed under Standing Order 68 (1).
- (2) A committee named under subsection (1) (b)
- (a) has all the powers necessary to inquire into and consider the matter, and
 - (b) must report its finding to the Legislative Assembly.
- (3) If the committee reports to the Legislative Assembly that the member has contravened section 25 and the Legislative Assembly adopts the report, the member ceases to be a member and the seat of the member is vacant.

Judge disqualified

- 28** A judge of the Court of Appeal or the Supreme Court may not be elected a member of the Legislative Assembly while he or she holds the office of judge.

Election of disqualified person

- 29** If a person disqualified or declared incapable of being elected a member of the Legislative Assembly by this Act, or by any other law in force in British Columbia, is elected and returned as a member, the person's election and return is void.

Disqualified person may not sit or vote

- 30** A person disqualified by this Act, or by any other law, to be elected a member of the Legislative Assembly, or to sit or vote, must not sit or vote while he or she remains under disqualification.

Exceptions

31 This Act does not render ineligible or disqualify as a member of the Legislative Assembly

(a) a person on whom the completion of an agreement, expressed or implied, devolves by descent, limitation or marriage, or as devisee, legatee, executor or administrator, until 12 months have elapsed after the agreement has devolved, or

(b) a contractor for the loan of money, or of securities for the payment of money to the government of British Columbia, under the authority of the Legislature, after public competition, or for the purchase or payment of the public stock or debentures of British Columbia, on terms common to all persons.

Member of Legislative Assembly who sits as a member of the House of Commons

32 If a person who is a member of the Legislative Assembly sits or votes as a member of the House of Commons of Canada,

(a) the person ceases to be a member of the Legislative Assembly and the seat of the member is vacant, and

(b) for as long as the person continues as a member of the House of Commons, the person is disqualified from being nominated as a candidate or being elected or holding office as a member of the Legislative Assembly.

Resignation of a member

33 (1) A member of the Legislative Assembly who wishes to resign may do so

(a) by declaring in the member's place in the Legislative Assembly during its proceedings the member's intention to resign, or

(b) by delivering to the Speaker a resignation signed by the member and attested by 2 witnesses.

(2) A resignation under subsection (1) (b) may be delivered to the Clerk of the Legislative Assembly if there is no Speaker, if the Speaker is absent from British Columbia or if the member in question is the Speaker.

(3) An entry of a resignation delivered under subsection (1) (b) must be made in the Journals of the Legislative Assembly.

(4) At the time the declaration is made or the written resignation is delivered under subsection (1), the person tendering the resignation ceases to be a member and the seat of the member is vacant.

Forfeiture of a member's seat

34 A person ceases to be a member of the Legislative Assembly and the seat of the member becomes vacant if any of the following circumstances apply:

- (a) without the permission of the Legislative Assembly, the member fails to attend the Legislative Assembly during a whole session;
- (b) the member takes an oath or makes a declaration or acknowledgement of allegiance, obedience or adherence to a foreign state or power;
- (c) the member does or concurs in or adopts an act by which the member may become the subject or citizen of any foreign state or power;
- (d) the member is convicted of an indictable offence that may only be prosecuted by way of indictment.

Issue of warrant for by-election

35 (1) If any of the following circumstances apply, the Speaker must issue and deliver to the Chief Electoral Officer a warrant for the issue of a writ for a by-election:

- (a) the Speaker is informed of a vacancy caused by the death of a member of the Legislative Assembly by notice
 - (i) being given by another member in that other member's place in the Legislative Assembly, or
 - (ii) in writing signed by 2 members and delivered to the Speaker;
- (b) there is a vacancy in the Legislative Assembly caused by the adoption of a report under section 27;
- (c) there is a vacancy in the Legislative Assembly by reason of a resignation under section 33;
- (d) there is a vacancy in the Legislative Assembly by reason of section 34;
- (e) the Chief Electoral Officer reports under the *Election Act* to the Speaker or Clerk of the Legislative Assembly that
 - (i) no member was elected for an electoral district because 2 or more candidates in an election had the same number of votes,
 - (ii) on the final determination of an application under Part 8 of that Act, the court has declared that an election was invalid or that the seat of a member of the Legislative Assembly is vacant,
 - (iii) the seat of a member has become vacant under section 217 of that Act because the election expenses of the member were greater than permitted under that Act,
 - (iv) the seat of a member has become vacant under section 221 of that Act because the member failed to file the election financing report required under that Act,

(v) the seat of a member has become vacant under section 222 of that Act because the member failed to file the leadership contestant financing report required under that Act, or

(vi) the seat of a member has become vacant under section 226 of that Act in relation to a conviction for making a false or misleading report under that Act;

(f) the Chief Electoral Officer reports under the *Recall and Initiative Act* to the Speaker or Clerk of the Legislative Assembly that the seat of a member has become vacant under section 25 of that Act.

(2) The Speaker must deliver a copy of the warrant to the Clerk of the Executive Council.

(3) The Clerk of the Legislative Assembly has the duties and powers of the Speaker under this section if there is no Speaker, if the Speaker is absent from British Columbia or if the member in question is the Speaker.

(4) The writ for a by-election authorized by a warrant under this section must be issued

(a) in the case of a warrant under subsection (1) (a) to (e), within 6 months after the receipt of the warrant by the Chief Electoral Officer, and

(b) in the case of a warrant under subsection (1) (f), within 90 days after the receipt of the warrant by the Chief Electoral Officer.

Effect of vacancy or failure to elect

36 A failure to elect a member in an electoral district or a vacancy in a seat or the setting aside of a member's election, does not make the Legislative Assembly incomplete, invalidate its proceedings or prevent the Legislative Assembly from meeting and dispatching business, so long as there is a quorum of members present.

Election of Speaker

37 (1) On its first meeting and before proceeding to business, the Legislative Assembly must elect one of its members to be Speaker.

(2) On being confirmed by the Lieutenant Governor, the election of a Speaker under subsection (1) is effective until the general voting day for the next general election, or until the Speaker dies, resigns the office by writing addressed to the Lieutenant Governor, or ceases to be a member of the Legislative Assembly.

(3) At the beginning of every session, or as the need arises, the Legislative Assembly may appoint one of its members to be Deputy Speaker.

Vacancy in office of Speaker

38 If there is a vacancy in the office of Speaker, the Legislative Assembly must proceed with all practicable speed to elect another of its members to be Speaker.

Appointment of staff

- 39** (1) The appointment of all permanent officers of the Legislative Assembly must be made by resolution of the Legislative Assembly or, during the interval between 2 sessions, by the Lieutenant Governor in Council.
- (2) All appointments of permanent officers of the Legislative Assembly made during any interval between sessions must be ratified by the Legislative Assembly at its next session.
- (3) The appointment of all other officers and employees of the Legislative Assembly must be made
- (a) by the Speaker, or
 - (b) by the Provincial Secretary, if there is no Speaker or the Speaker is absent or unable to Act.
- (4) A person occupying the position of a permanent officer of the Legislative Assembly is deemed to have occupied that position on and after the date of his or her appointment until the person dies, resigns or is removed from office.
- (5) If a person referred to in subsection (4) dies while in office, the remuneration to which the person would have been entitled, had he or she lived until the end of the sixth month after the month in which he or she died, must be paid to the person's estate.

Speaker to preside

- 40** The Speaker must preside at all meetings of the Legislative Assembly, unless, under the Standing Orders of the Legislative Assembly, the Deputy Speaker or another member presides.

Deputy Speaker or other member presiding

- 41** (1) Every Act passed, order made and thing done by the Legislative Assembly while the Deputy Speaker or a member is presiding or acting as Speaker is as valid as if the Speaker were presiding.
- (2) Every act done, and every warrant, order or other document issued, signed or published by the Deputy Speaker or a member presiding or acting as Speaker, in relation to proceedings of the Legislative Assembly, or which under any statute could be done, issued, signed or published by the Speaker if then present and acting, has the same effect as if it had been done, issued, signed or published by the Speaker.

Quorum

- 42** (1) The Legislative Assembly is not competent to conduct business, except to adjourn, unless 10 members are present.
- (2) The Speaker, if present, is a member for the purpose of determining a quorum under subsection (1).

Decisions of Legislative Assembly by majority vote

43 All questions must be determined by a majority of votes of the members present, other than the Speaker.

Tied vote

44 If a vote in the Legislative Assembly is tied, the Speaker has a casting vote.

Standing rules and orders

45 At its first meeting, and afterwards as may be required, the Legislative Assembly must adopt standing rules and orders for the orderly conduct of its business.

Lieutenant Governor may initiate Bills

46 The Lieutenant Governor may transmit, by message to the Legislative Assembly, the draft of any law that appears to the Lieutenant Governor desirable to introduce, and all drafts must be taken into consideration by the Legislative Assembly in a manner provided by the rules and orders.

Appropriation by message of Lieutenant Governor

47 The Legislative Assembly must not originate or pass any vote, resolution, address or Bill for the appropriation of any part of the consolidated revenue fund, or of any tax or impost, to any purpose that has not been first recommended by a message of the Lieutenant Governor to the Legislative Assembly during the session in which the vote, resolution, address or Bill is proposed.

Lieutenant Governor may return Bills

48 If a Bill is presented to the Lieutenant Governor for the Lieutenant Governor's assent, the Lieutenant Governor may return it, by message, for the reconsideration of the Legislative Assembly, with amendments the Lieutenant Governor thinks fit.

Accounting for fees

49 (1) The Clerk of the Legislative Assembly must pay to the Minister of Finance all fees paid to the Clerk under the standing rules and orders of the Legislative Assembly.
(2) The fees must be accounted for as part of the consolidated revenue fund.

Privileges of Legislative Assembly

50 (1) The Legislature may define the privileges, immunities and powers to be held, enjoyed and exercised by the Legislative Assembly and by the members of the Legislative Assembly.

(2) Despite subsection (1), the privileges, immunities or powers must not exceed those held, enjoyed and exercised by the Commons House of Parliament of the United Kingdom, and by the members of it, on February 14, 1871.

Privileges of members

51 (1) This Act does not exclude any rights, immunities or privileges of members of the Legislative Assembly not expressly recognized or enacted.

(2) An action at law or other civil proceeding must not be brought against a member of the Legislative Assembly for

(a) words spoken by the member in the Legislative Assembly, or

(b) introducing into or laying before the Legislative Assembly, without actual and express malice, any documents or papers.

(3) An action at law or other civil proceeding must not be brought against a member, or against any person, because of the printing or publication of documents or papers printed or published by order of the Legislative Assembly or the Speaker.

(4) A suit in equity must not be brought to restrain the publication or printing of any papers or documents.

Select committee may examine witnesses

52 (1) Any select committee of the Legislative Assembly to which a private Bill has been referred by the Legislative Assembly may examine witnesses on oath on matters relating to the Bill.

(2) For the purpose of examining witnesses under oath under subsection (1), the chair, or any member of the committee, may administer an oath in the following form:

The evidence I am about to give to the committee concerning the Bill entitled "[insert the title here]," which has been referred to this committee, will be the truth, the whole truth and nothing but the truth; so help me God.

Committees

53 (1) A select standing or special committee of the Legislative Assembly may, if authorized by resolution of the Legislative Assembly, sit

(a) during a period in which the Legislative Assembly is adjourned, or

(b) during the recess after prorogation until the next following session.

(2) A committee authorized to sit under subsection (1) must report to the Legislative Assembly on the matters referred to it following the adjournment, or at the next session, as the case may be.

(3) A select standing or special committee of the Legislative Assembly authorized under subsection (1) may sit at times and places and examine witnesses and documents and hear representations from persons and organizations

(a) as the Legislative Assembly, by resolution, may direct, or

(b) as the committee decides, if there is no direction by the Legislative Assembly.

(4) For the purposes of subsection (3), the committee

(a) may compel the attendance of witnesses and the production of documents, and

(b) has all the powers and privileges of the Legislative Assembly under the *Legislative Assembly Privilege Act*.

(5) A warrant or subpoena issued by the chair of the committee has the same effect as if it were issued by the Speaker under section 3 of the *Legislative Assembly Privilege Act*.

Committee may require oath

54 (1) A select standing or special committee of the Legislative Assembly may

(a) require that facts, matters and things relating to the subject of inquiry be verified or otherwise ascertained by the oral examination of witnesses, and

(b) examine witnesses on oath.

(2) For the purposes of subsection (1), a select standing or special committee of the Legislative Assembly may administer an oath to a witness.

Committee may require affidavit

55 If witnesses are not required to be orally examined before a committee, any affidavit that is required to be made, or taken, by or according to any rule or order of the Legislative Assembly, or by the direction of the committee, and for any matter or thing pending or proceeding before the committee, may be made and taken before the Clerk of the Legislative Assembly, the Clerk of the committee, or a person authorized to take affidavits for use in the Supreme Court.

Former Attorney General as Crown Counsel

56 (1) Despite anything in this Act, any member of the Legislative Assembly who is not a member of the Executive Council, but who has at any time held the office of Attorney General, may be employed as counsel for the Crown in the conduct of any proceeding which was pending at the time he or she ceased to hold the office of Attorney General.

(2) A person who has been employed as counsel for the Crown as permitted by subsection (1), and has been paid or is entitled to be paid remuneration for work done or expenses incurred by the person as counsel is not ineligible for election as a member of the Legislative Assembly or disqualified to sit and vote in the Legislative Assembly.

Appropriation

57 There is granted to the government, annually out of the consolidated revenue fund, sums required to pay the necessary expenses of the Legislative Assembly.