



## Provincial Court of British Columbia

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In Canada, an accused in a criminal matter has the right before their trial or preliminary hearing is set to apply to have their trial or preliminary inquiry in either of Canada's two official languages (English and French) or in both languages. This is set out in section 530 of the *Criminal Code*. An accused may ask for a French trial even if the accused speaks fluent English so long as the accused has the ability to properly conduct a trial in French. The Judge must make an order for a French trial or for a bilingual trial if a French-speaking accused applies for one.

When the trial is conducted in French, the judge, lawyers and accused all speak French during the trial. If a witness must give testimony in a language other than French, that testimony is translated into French for the accused. When the trial is conducted in both languages the lawyers, the accused and the judge may speak in either official language.

Even if the accused does not ask for a French trial, the judge before whom the accused is to be tried may order a French or bilingual trial if it is in the interests of justice to do so.

All accused must be advised of their right to a French-language trial or preliminary inquiry.

For traffic court hearings a disputant can also apply for a French or bilingual trial prior to their trial date.

If an accused or disputant would like to apply for a French or bilingual trial after the date that the trial or preliminary inquiry is set, they may wish to talk to a lawyer to get legal advice.

There is no right to have your family trial or your small claims trial held in French.

[\*Criminal Code, s. 530\*](#)

## CRIM 20

Language of Accused: explanation of the form counsel may submit for the Court to consider if counsel has advised their client of their language rights under section 530 of the Criminal Code.



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