



THE PROVINCIAL COURT
OF BRITISH COLUMBIA

Effective Date: 09 January 2023

Notice 31

NOTICE

PROCESSING OUTSTANDING ARREST WARRANTS FOR ACCUSED WITH EXISTING BAIL¹ DURING COURTHOUSE REGISTRY BUSINESS HOURS

Purpose

To describe the process to be followed when an adult or youth accused with existing bail attends a courthouse during courthouse registry business hours to voluntarily deal with an outstanding arrest warrant issued by the Provincial Court of British Columbia. This process was previously set out in Appendix “C” to Criminal Practice Direction 14 (CRIM 14). This Notice replaces that appendix and applies throughout the province.

Application

This Notice applies to endorsed and unendorsed arrest warrants issued by the Provincial Court in adult criminal and youth court matters where the accused has existing bail on all files that the arrest warrants apply to. The exceptions are that this Notice does not apply to warrants specifically issued under *Criminal Code* s. 597, *Criminal Code* s. 766, or *Youth Criminal Justice Act* s. 31(5); warrants issued under these sections should always be executed or deemed executed in court.

Notice

1. When an adult or youth accused attends the courthouse to voluntarily deal with an outstanding warrant, the accused will be directed to go to the court registry.
2. A Court Services Branch Justice of the Peace (JP) will contact Crown counsel² to determine whether the warrant can be vacated or the matter should be scheduled into court.
3. **If both the Crown and the accused consent to the warrant being vacated and are not seeking to change the accused’s bail or to address the matter in court**, the JP may vacate

¹ In this Notice, “existing bail” includes all forms of interim release as well as any other process that compels the accused’s appearance in court, such as a summons.

² For the BC Prosecution Service (BCPS), the JP will contact the local BCPS office.

the warrant, adjourn the accused's file(s) to a new court date, and confirm with the accused that the existing bail (whether police or court) is still in effect. If Crown counsel is not already aware of the next court date, the JP will advise them of it.

4. **If the Crown or the accused do not consent to the warrant being vacated, are seeking to change the accused's bail, or wish to address the matter in court**, the accused must appear in court before a judge or judicial justice. The registry will contact a judicial case manager (JCM) to arrange the court appearance. In these circumstances:
 - a. If sheriffs are available, the sheriffs will determine whether the warrant should be executed prior to the accused's court appearance. Where appropriate, efforts will be made to avoid executing the warrant, but that may not be operationally possible. The sheriffs will provide the accused with access to counsel. If the sheriffs execute the warrant and the matter cannot be scheduled into court that day during regular daytime court sitting hours, the sheriffs must transport the accused to the local police station to be dealt with in accordance with local practice.
 - b. If no sheriff is available, the JP must contact the local police to attend the courthouse to execute the warrant unless the Crown advises it is not seeking to have the accused detained and the JCM advises that the matter can be addressed in court that day during regular daytime court sitting hours. If the police execute the warrant, the matter will be dealt with in accordance with local practice. If the police are contacted to attend the courthouse to execute the warrant and the accused leaves the courthouse before police arrive, the registry should notify the police and Crown and report the incident in the Incident Reporting and Information System (IRIS).
 - c. The accused may appear in court in person, by videoconference, or by audioconference, provided that the method of appearance is satisfactory to the presiding judge or judicial justice.
 - d. If the accused is arrested and does not wish to have their bail hearing that day and the requirements for the use of a consent remand form in the [CPD-1](#) and [CRIM 08](#) Practice Directions are satisfied, a consent remand form may be used to adjourn to another date.

History of Notice

- Original notice issued January 9, 2023, replacing Appendix "C" of Criminal Practice Direction CRIM 14.

Melissa Gillespie
Chief Judge
Provincial Court of British Columbia