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Legislative Assembly of British Columbia

BILL 8

CIVIL FORFEITURE AMENDMENT ACT, 2026

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Minister of Public Safety and Solicitor General

Explanatory Notes

CLAUSE 1: *[Civil Forfeiture Act, section 5]* provides that specified particulars be included in a response to proceedings commenced under section 3 of the Act.

CLAUSE 2: *[Civil Forfeiture Act, section 7.1]* provides for the granting of forfeiture orders in default if one or more parties to the proceedings fail to file and serve a response.

BILL 8 – 2026

CIVIL FORFEITURE AMENDMENT ACT, 2026

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:

1 Section 5 of the Civil Forfeiture Act, R.S.B.C. 2024, c. 1, is repealed and the following substituted:

Response must identify interest in property

- 5** (1) A person who files a response to proceedings commenced under section 3 must set out in the response full particulars of the nature of the interest or the portion of an interest that the person claims in the property that is the subject of the application for forfeiture, including all of the following:
- (a) the extent of the interest or the portion of the interest in the property;
 - (b) the material facts in support of the claim, including how and when the interest or the portion of the interest in the property was acquired and the value of the consideration given, if any;
 - (c) whether the interest or the portion of the interest in the property is held, directly or indirectly, on behalf of another person and, if so,
 - (i) the identity of the person on whose behalf the interest or the portion of the interest is held,
 - (ii) how the person filing the response came to hold the interest or the portion of the interest on behalf of the other person, and
 - (iii) the nature and extent of the other person’s interest in the property, to the extent known.
- (2) Without limiting section 92 *[rules of court]*, Rule 22-7 (2) *[Effect of Non-compliance]* of the Supreme Court Civil Rules applies in relation to a failure to comply with subsection (1) of this section.

2 The following section is added:

Default judgment

- 7.1** (1) In this section, “**party in default**” means a party to the proceedings who has failed to file and serve a response to the proceedings.

CLAUSE 2: *[Civil Forfeiture Act, section 7.1 – continued]*

- (2) This section applies if
 - (a) all parties to the proceedings commenced under section 3 have been notified in accordance with section 4 (3),
 - (b) one or more of the parties are a party in default, and
 - (c) the time for filing and serving a response has expired.
- (3) On application by the director, if the court is satisfied that the requirements of this section are met, the court may make an order referred to in section 6 (1) or (2), as applicable, as follows:
 - (a) the court may make an order in relation to any interest or portion of an interest that a party in default may have in the property or the whole or the portion of the interest in property that is subject to forfeiture;
 - (b) if no party has filed and served a response to the proceedings, in addition to an order under paragraph (a), the court may make an order in relation to the property or the whole or the portion of the interest in property that is subject to forfeiture.
- (4) An application under this section must include the following:
 - (a) an affidavit or other evidence establishing the matters referred to in subsection (2) (a), (b) and (c);
 - (b) an affidavit setting out the value of the property or the whole or the portion of the interest in property that is subject to forfeiture;
 - (c) an affidavit of the director stating that the director
 - (i) has no reason to believe that any person, other than a party to the proceedings, if any, is a registered or unregistered owner of the property or the whole or the portion of the interest in the property that is subject to forfeiture,
 - (ii) knows of no fact that would constitute a defence to the application for a forfeiture order, and
 - (iii) knows of no reason that the application for a forfeiture order should not be granted;
 - (d) any prescribed information;
 - (e) a requisition endorsed by the registrar with a notation that no response to the proceedings has been filed;
 - (f) a draft of the proposed forfeiture order.
- (5) An order may be made under this section without notice to any person.
- (6) An application under this section may be brought under Rule 8-4 *[Applications of Which Notice Is Not Required]* of the Supreme Court Civil Rules.
- (7) The court may set aside or vary an order made under this section.

CLAUSE 3: *[Civil Forfeiture Act, section 36]* amends the period in which the director must take the actions specified in the section.

CLAUSE 4: *[Civil Forfeiture Act, section 37]* clarifies the meaning of the section.

CLAUSE 5: *[Civil Forfeiture Act, section 39]* amends the provision to revise the circumstances in which a claimant may commence proceedings under the section.

CLAUSE 6: *[Civil Forfeiture Act, section 45.1]* provides for the examination for discovery of the director.

CLAUSE 7: *[Civil Forfeiture Act, section 59.1]* adds a presumption that the value of motor vehicles will decrease over time.

3 *Section 36 is amended by striking out “30 days” and substituting “60 days”.*

4 *Section 37 (1) is amended by striking out “by the seventh day” and substituting “within 7 days”.*

5 *Section 39 is amended*

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

(1) This section applies to a person who claims to have had an interest in subject property at the time of its forfeiture under section 37 if either of the following apply:

- (a) the director did not receive a notice of dispute to forfeiture of the property from the claimant;
- (b) the director received a notice of dispute to forfeiture of the property from the claimant more than 7 days after expiry of the dispute period. , **and**

(b) by repealing subsection (3) (a) and substituting the following:

- (a) the circumstances referred to in subsection (1) (a) or (b), as the case may be, were not the result of any wilful or deliberate action on the part of the claimant, and .

6 *The following section is added:*

Examination of director

45.1 Unless the court orders otherwise, if in a proceeding under this Act the director is to be examined for discovery,

- (a) the examining party may examine only one representative of the director, and
- (b) the director must nominate as the director’s representative an individual, who is knowledgeable concerning the matters in question in the proceeding, to be examined on behalf of the director.

7 *The following section is added to Part 5:*

Presumption – motor vehicles depreciate

59.1 In an application for an order under section 9 (4) [*interim preservation order*] for the disposition of a motor vehicle or the whole or a portion of an interest in a motor vehicle it must be presumed, unless the contrary is proved, that the value of the motor vehicle will decrease over time.

CLAUSE 8: *[Civil Forfeiture Act, section 67.01]* authorizes the director to collect information from, and disclose specified information to, certain jurisdictions, persons and entities.

CLAUSE 9: *[Civil Forfeiture Act, section 67.1]*

- amends the provision to remove the 6-month limit from the prohibition on disclosure of the director’s request to disclose personal information;
- requires the director to, within the specified period, give notice to the individual affected by the director’s request to disclose personal information.

CLAUSE 10: *[Civil Forfeiture Act, section 73]* amends the period in which the director must take the actions specified in subsection (4) of the section.

CLAUSE 11: *[Civil Forfeiture Act, section 95]* provides for regulation-making authority in relation to notice or service of an order made under section 13 of the Act.

CLAUSE 12: *[Transition – response must identify interest in property]* provides a transitional rule in relation to section 5 (1) of the Act as amended by this Bill.

8 *The following section is added:*

Information sharing with other jurisdictions

67.01 (1) In this section, “**specified information**” means the following:

- (a) information that is made available to the public under an enactment of British Columbia, another province or Canada that authorizes or requires the information to be made public;
 - (b) prescribed information.
- (2) The director may collect information from, and disclose specified information to, any of the following, if the collection or disclosure is reasonably required by the director in order to exercise the director’s powers or perform the director’s duties or functions under this Act:
- (a) Canada, a province or another jurisdiction in or outside Canada;
 - (b) a person or entity in a province or another jurisdiction in or outside Canada.

9 *Section 67.1 is amended*

(a) in subsection (2) by striking out “, during the six-month period after the organization receives the request,” and

(b) by adding the following subsection:

- (2.1) The director must, as soon as practicable after expiry of the 6-month period after the organization receives the request referred to in subsection (2), give written notice to the individual of the matters referred to in subsection (2) (a) and (b), as applicable.

10 *Section 73 (4) (a) and (b) (i) is amended by striking out “30 days” and substituting “60 days”.*

11 *Section 95 (2) is amended by adding the following paragraph:*

- (a.1) respecting notice or service of an order made under section 13 [*order to produce information or records*], including the matters referred to in paragraph (a) of this subsection; .

Transitional Provisions

Transition – response must identify interest in property

- 12** The amendments made by this Act to section 5 of the *Civil Forfeiture Act* apply to a response, including an amended response, that is filed after the date this section comes into force, regardless of the date on which the proceedings under section 3 of the *Civil Forfeiture Act* were commenced.

CLAUSE 13: *[Transition – default judgment]* provides a transitional rule in relation to the addition of section 7.1 to the Act by this Bill.

CLAUSE 14: *[Transition – time periods]* provides a transitional rule in relation to sections 36 and 73 (4) of the Act as amended by this Bill.

CLAUSE 15: *[Transition – innocent failure – notice of dispute]* provides a transitional rule in relation to section 39 (1) of the Act as amended by this Bill.

CLAUSE 16: *[Transition – examination of director]* provides a transitional rule in relation to the addition of section 45.1 to the Act by this Bill.

CLAUSE 17: *[Transition – presumption – motor vehicles depreciate]* provides a transitional rule in relation to the addition of section 59.1 to the Act by this Bill.

CLAUSE 18: *[Transition – requirement to not disclose request]* provides a transitional rule in relation to section 67.1 of the Act as amended by this Bill.

CLAUSE 19: *[Offence Act, section 24.2]* is consequential to amendments made by this Bill to section 73 of the *Civil Forfeiture Act*.

Transition – default judgment

- 13 Section 7.1 of the *Civil Forfeiture Act*, as enacted by this Act, applies to all proceedings under Part 2 of the *Civil Forfeiture Act*, whether or not the proceedings were commenced before the date this section comes into force.

Transition – time periods

- 14 The amendments made by this Act to sections 36 and 73 (4) of the *Civil Forfeiture Act* do not apply in relation to a notice received or delivered, as applicable, before the date this section comes into force.

Transition – innocent failure – notice of dispute

- 15 (1) Section 39 (1) of the *Civil Forfeiture Act*, as enacted by this Act, applies in relation to property forfeited under section 37 of the *Civil Forfeiture Act* on or after the date that is 30 days before the date this section comes into force.
- (2) Despite section 39 (3) (b) of the *Civil Forfeiture Act*, if the property referred to in subsection (1) of this section was forfeited before the date this section comes into force, in proceedings commenced under section 39 (2) of the *Civil Forfeiture Act*, the claimant must establish that the proceedings were commenced as soon as reasonably possible after the date this section comes into force.

Transition – examination of director

- 16 Section 45.1 of the *Civil Forfeiture Act*, as enacted by this Act, applies to all proceedings under Part 2 or 3 or section 39 of the *Civil Forfeiture Act*, whether or not the proceedings were commenced before the date this section comes into force.

Transition – presumption – motor vehicles depreciate

- 17 Section 59.1 of the *Civil Forfeiture Act*, as enacted by this Act, does not apply in relation to an application for an order under section 9 of the *Civil Forfeiture Act* that is filed before the date this section comes into force.

Transition – requirement to not disclose request

- 18 Section 67.1 of the *Civil Forfeiture Act*, as amended by this Act, does not apply in relation to a request referred to in that section that is made before the date this section comes into force.

Consequential Amendments

Offence Act

- 19 *Section 24.2 (1.1) (b) of the Offence Act, R.S.B.C. 1996, c. 338, is amended by striking out “30 day” and substituting “60 day”.*

CLAUSE 20: *[Unclaimed Property Act, section 1.1]* is consequential to amendments made by this Bill to section 73 of the *Civil Forfeiture Act*.

Unclaimed Property Act

20 *Section 1.1 (1) (b) of the Unclaimed Property Act, S.B.C. 1999, c. 48, is amended by striking out “30 day” and substituting “60 day”.*

Commencement

21 The provisions of this Act referred to in column 1 of the following table come into force as set out in column 2 of the table:

Item	Column 1 Provisions of Act	Column 2 Commencement
1	Anything not elsewhere covered by this table	The date of Royal Assent
2	Section 8	May 11, 2023