
Notice to Criminal Defence Bar: Retroactive Compensation Process for Section 530 Transition (**Application Deadline: May 2, 2025**)

Context

In the June 2024 Legal Aid Brief, following the Supreme Court of Canada's decision in *R. v. Tayo Tompouba*, 2024 SCC 16, LABC recognized the impact of the change in procedure for canvassing *Criminal Code* s. 530(3) language rights and committed to exploring options for compensating counsel for the additional time and effort required to adapt to this change.

As this was a time-limited issue, LABC will not be creating a new tariff item. Instead, as a one-time measure, we have developed a process to retroactively compensate counsel for additional work done in the transitional period between May 3 and August 1, 2024, when the BC Provincial Court introduced an alternate s.530 process. LABC has allocated a fund of up to \$250,000 to compensate counsel.

Compensation process

Counsel can be compensated once per Information for separate appearances required to canvass s. 530(3), to a maximum of \$138.39 per Information. Depending on how many Informations are claimed for compensation, LABC may be required to reduce the payment amount per Information to stay within the \$250,000 budget.

The s. 530(3) compensation may be requested when counsel appeared in court with the client to canvass s. 530(3) of the *Criminal Code* in the following circumstances:

1. Counsel was required to make a court appearance with a client that was primarily to canvass section 530(3) of the *Criminal Code* (including pre-scheduled Supreme Court fix dates where the client was required to attend court by video when their attendance by video otherwise would not have been required);
2. Counsel was required to make specific arrangements for a client to attend court in-person for s. 530(3) to be canvassed (where the client would otherwise not have been required to personally attend court); or
3. Counsel was required to make a special arrangement with a client to complete the “*Language of Accused – Notification and Application in the Provincial Court of British Columbia*” form.

Compensation cannot be claimed where:

1. Counsel has billed another tariff item, including another s. 530(3) appearance on another Information for the same client on the same half day as the s. 530(3) appearance;
2. Counsel canvassed s. 530(3) at the first appearance in Court on that Information, at the bail hearing, or any other subsequent substantive court appearance including arraignment hearings;
3. Counsel completed the “Language of Accused – Notification and Application in the Provincial Court of British Columbia” form as part of the initial client meeting;
4. The s. 530(3) appearance took place outside the specified date range of May 3 to August 1, 2024.

In order to request retroactive compensation, please complete the application form (see below), indicating for each Information for which compensation is requested:

- Client name
- Contract number
- Information number
- Date of section 530 appearance/occurrence
- AM or PM

Please return the spreadsheet by email to DutyCounsel@legalaidsbc.ca by **5:00 PM on May 2, 2025**. Please use the email subject line “**Section 530 - Counsel Compensation**”.

Requests submitted after the deadline will not be considered.

After the application period closes, LABC will review the volume of requests and compensate counsel by direct payment in accordance with the above process.

Application - Retroactive Compensation for Section 530 Transition

Lawyer name: _____

Lawyer email: _____

Date: _____

I request compensation for the following items and certify that they are eligible for compensation in accordance with criteria set out in LABC's March 31, 2025 notice.

	Client Surname	Contract #	Information # (only 1 required)	s.530 Date (MMDD)	AM/PM
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	Client Surname	Contract #	Information # (only 1 required)	s.530 Date	AM/PM
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	Client Surname	Contract #	Information # (only 1 required)	s.530 Date	AM/PM
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