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CRIMINAL JUSTICE BRANCH, MINISTRY OF ATTORNEY GENERAL  
**CROWN COUNSEL POLICY MANUAL**

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ARCS/ORCS FILE NUMBER: <b>56160-00</b>	EFFECTIVE DATE: <b>March 15, 2004</b>	POLICY CODE: <b>TRA 1</b>
SUBJECT: <b>Transfer (Interprovincial) of Probation Orders and Conditional Sentence Orders</b>		CROSS-REFERENCE: <b>Practice Directive</b>

### Policy

The requisite consent of the Attorney General to the inter-provincial transfer of a probation order under section 733 of the *Criminal Code* or a conditional sentence order under section 742.5, may be given by every Crown Counsel (see the Practice Directive entitled Consent of the Attorney General). The probation officer should provide the necessary documents to Crown Counsel (see below).

### Discussion

The Practice Directive entitled Consent of the Attorney General describes the authority of every Crown Counsel to give “the consent of the Attorney General” for certain provisions which include sections 733 and 742.5.

#### Procedure / Practice

The local probation officer has the responsibility for preparing the following documents, as appropriate, and providing them to Crown Counsel:

1. a form entitled “Transfer of Probation Order” or “Transfer of a Conditional Sentence Order” (see attached) which will provide the consent of the Attorney General when signed by Crown Counsel as “Agent of the Attorney General”;
2. a letter setting out where the accused is to reside, the name of the supervising probation officer in that place, and the name and address of the court of equivalent jurisdiction in the other province; and
3. a copy of the existing probation order or conditional sentence order.

The probation officer will take the signed transfer document and make the application before the applicable judge. When the order has been made, the court administrator will transmit the documentation to the court in the other province.

**TRANSFER OF PROBATION ORDER**

**CONSENT OF THE ATTORNEY GENERAL OF BRITISH COLUMBIA:**

I hereby consent to the Probation Order made by the \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ at \_\_\_\_\_ in the Province of British Columbia, against \_\_\_\_\_, a copy of which is annexed hereto, being transferred to \_\_\_\_\_ in the Province of \_\_\_\_\_.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, at the \_\_\_\_\_ in the Province of British Columbia.

\_\_\_\_\_  
Agent of the Attorney General

BEFORE

) On the \_\_\_\_\_ day of  
)  
) \_\_\_\_\_, \_\_\_\_\_  
)  
)

**ORDER**

UPON THE APPLICATION OF \_\_\_\_\_, Probation Officer, and with the foregoing consent of the Attorney General of British Columbia, the Probation Order made in the \_\_\_\_\_ in the Province of British Columbia, is hereby transferred to the \_\_\_\_\_ in the Province of \_\_\_\_\_.

\_\_\_\_\_  
Judge or Justice

Section 742.5(1)

CANADA  
 PROVINCE OF BRITISH COLUMBIA

**TRANSFER OF A CONDITIONAL SENTENCE ORDER**

CONSENT OF THE ATTORNEY GENERAL  
 OF BRITISH COLUMBIA

I hereby consent to the Conditional Sentence Order made by the \_\_\_\_\_  
 \_\_\_\_\_ on the  
 \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ at \_\_\_\_\_ in the Province of British  
 Columbia, against \_\_\_\_\_, a copy of which is annexed hereto, being  
 transferred to \_\_\_\_\_ in the Territorial Division of  
 \_\_\_\_\_. DATED this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, at the  
 \_\_\_\_\_ in the Province of British Columbia.

\_\_\_\_\_  
 Agent of the Attorney General

BEFORE \_\_\_\_\_ ) On the \_\_\_\_\_ day of  
 \_\_\_\_\_ ) \_\_\_\_\_,  
 \_\_\_\_\_ ) \_\_\_\_\_

**ORDER**

UPON THE APPLICATION of Prosecutor and with the foregoing consent of the Attorney General of  
 British Columbia, the Conditional Sentence Order made in the \_\_\_\_\_  
 \_\_\_\_\_ in the Province of  
 British Columbia is hereby transferred to the \_\_\_\_\_ in the  
 Territorial Division of \_\_\_\_\_.

\_\_\_\_\_  
 JUDGE

ATTACHED:

- |                          |                          |   |
|--------------------------|--------------------------|---|
| YES                      | NO                       |   |
| <input type="checkbox"/> | <input type="checkbox"/> | Change of Personal Information form.  |
| <input type="checkbox"/> | <input type="checkbox"/> | Written permission of the supervisor to re-locate to another Province or Territory. |