

2019 Retention & Weeding Guidelines

Along with the new *Law Books for Libraries* format, our *Retention and Weeding Guides* has also been revised. Rather than a detailed title by title excel sheet to be used in conjunction with a set of general guidelines, we now offer a more general guide in the hope that it will be a more efficient way of assessing the currency and validity of your collections and easier to use in practice. The 2017 Weeding list will remain available on the website, but will no longer be updated. Please let us know if you found it useful and would prefer it be maintained. We are open to feedback and will reevaluate if need be.

If you have questions about individual titles, the merits of keeping historical materials, or anything not covered in this guide, please call us and we would be more than happy to talk it through with you.

General Guidelines for Legal Collections

Similar to the *Selection Guidelines*, jurisdiction and currency are important factors in retention and weeding. The jurisdiction should be Canada focused and/or British Columbia focused. The currency can get a little tricky:

In general a title may be considered current if **published within the last 5 years**. However, there are some important exceptions due to significant changes in law. In these cases, older material can be potentially harmful due to outdated information no longer reflective of current law. As a general rule, in the following areas of law, items should be discarded and replaced if they are published before the following dates:

- **Criminal Law** – Most current possible, and this year especially.
 - The *Criminal Code* is amended every year, but underwent significant amendments in 2018 & 2019. Changes of note relate to Cannabis law, Charter issues, and sexual assault trial procedure. Anything published before 2020 will not reflect these changes. With the increased funding available, now is a great time to purchase new Martin's Criminal Codes (Pocket version or fully annotated) and discard copies predating 2020.
- **Family Law** – Current as possible, nothing before March 2013
 - New Family Law Act repealed and replaced the old Family Relations Act, effective March 2013. Any family law materials you have on your shelves published before 2013 should be discarded.
- **Immigration Law** – Most current possible (within 2-3 years max)
 - The Immigration and Refugee Protection has had massive changes in 2008, 2010, 2012, 2013, 2014, 2015; there are changes made fairly regularly.

- **Wills, Estates, and Personal Planning** – Nothing before 2014
 - Effective March 2014, the Wills, Estates, and Succession Act (WESA) repealed and replaced:
 - Estate Administration Act
 - Probate Recognition Act, R.S.B.C. 1996, c. 376
 - Wills Act, R.S.B.C. 1996, c. 489
 - Wills Variation Act, R.S.B.C. 1996, c. 490
 - And parts of...
 - Law and Equity Act
 - Survivorship and Presumption of Death Act
 - Any material on this topic that predates 2014 should be discarded. Please note that SCP kits (eg: *Write Your Will in 3 Easy Steps*) should be used with caution. The court forms contained within them may not be consistent with the BC Court forms. Contact us for alternative options.

Specific Acts that have had significant changes affecting multiple subject areas:

- **Civil Resolution Tribunal Act** – New changes as of 2019
 - Initially passed in 2013, this act has recently seen significant changes related to jurisdiction. The Civil Resolution Tribunal now has jurisdiction over Small Claims disputes of \$5000 or less, Motor Vehicle injury disputes up to \$50 000, Strata Property disputes of any amount, and Societies or Cooperative Association disputes of any amount. Given that this is a changing area of law affecting multiple subjects, try to keep resources as current as possible.
- **Insurance Act** – July 2012
 - The Insurance Act was revised in 2012 consolidating the previously existing act and its amendments. Any material before 2012 should be discarded.
- **Local Government Act** – January 2016
 - This act governs municipalities –if your library collects municipal legal information, update to reflect the latest updates.
- **Societies Act** – November 2016
 - A new Societies Act replaced the old Society Act effective November 2016. This act governs how societies (not-for-profit corporations) are created and run in BC. Discard any materials predating 2016.

Subject areas affected by these changes include: **Housing, Property & Tenancy** (as related to Strata property issues), **Accidents & Injuries, Courts & Tribunals/Legal Procedure, Government & Legislation, and Not-for-Profit Organizations**. If you have any questions about resources on these topics, please contact me.

Legislation at your Library

Whether or not you want to keep or collect print legislation at your library depends on your community's needs, your shelf space, circulation etc.

This section may apply to you if your library collects legislation and/or is subscribed to BC legislative updates from the following:

- Revised Statutes of British Columbia (1996) (grey binders)
- Consolidated Regulations of British Columbia (green binders)

The main benefit of these binders is that one can see, in print, a fairly up-to-date version of British Columbian laws. The '1996' refers to the last time the laws were consolidated; subscription filings are what make them current.*

Fortunately, this information is all freely available now on www.bclaws.ca. The online versions will be the most current, but historical point-in-time consolidations** are also available there. These binders are updated by subscription so if you are thinking of weeding these binders, make sure your subscription is not still active.

If you are receiving bound (federal) legislative volumes, before weeding your legislation, it might be a good idea to check if your library is actually designated as a depository for those materials: You may have to refer to the [Depository Services Program of Canada](#) and [contact them](#) to see what requirements are needed for your library.

* Please note that the online version of BC laws and the content in the binders are not considered the 'official' versions; the official laws are bound in statute volumes. Conversely, Federal Laws online at <http://laws.justice.gc.ca/> are considered official.

**Point-in-time [archived consolidations](#) can tell someone exactly what a statute looked like a particular point in time, with all amendments reflected. For example, if someone asks you what the Bee Act looked like in 1992, you can find it on the BC Laws website: <http://www.bclaws.ca/civix/document/id/92consol16/92consol16/79027>

If you have any questions about weeding your collection, or these guidelines, please contact:

Megan Smiley

LawMatters Program Coordinator

lawmatters@courthouselibrary.ca

t: 604.660.9204 or 250.939.8718

1.800.665.2570