

# *The Forest Resources Management Act*

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Chapter F-19.1\* of the *Statutes of Saskatchewan, 1996* (consult Table of Saskatchewan Statutes for effective dates). (Last proclamation date July 15, 1999) as amended by the *Statutes of Saskatchewan, 1997, c.W-13.11; 1998, c.W-13.12; 2000, c.46 and c.50; 2002, c.31; 2004, c.T-18.1; 2005, c.M-36.1; 2007, c.P-13.2 and c.29; and 2010, c.N-5-2, c.13 and c.11; 2013, c.R-9.11; 2014, c.E-13.1; 2016, c.P-31.1 and c.18; 2017, c.P-30.011; 2018, c.19; 2020, c.23; and 2021, c.19.*

**\*NOTE:** Pursuant to subsection 33(1) of *The Interpretation Act, 1995*, the Consequential Amendment sections, schedules and/or tables within this Act have been removed. Upon coming into force, the consequential amendments contained in those sections became part of the enactment(s) that they amend, and have thereby been incorporated into the corresponding Acts. Please refer to the Separate Chapter to obtain consequential amendment details and specifics.

## **NOTE:**

This consolidation is not official and is subject to House amendments and Law Clerk and Parliamentary Counsel changes to Separate Chapters that may be incorporated up until the publication of the annual bound volume. Amendments have been incorporated for convenience of reference and the official Statutes and Regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the official Statutes and Regulations, errors that may have appeared are reproduced in this consolidation.



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## CHAPTER F-19.1

### An Act respecting the Management of Forest Resources

#### PRELIMINARY

##### Short title

1 This Act may be cited as *The Forest Resources Management Act*.

##### Interpretation

2(1) In this Act:

(a) **“approved operating plan”** means an operating plan, including amendments to that plan, that:

(i) is prepared with respect to a forest management agreement, term supply licence or a forest product permit; and

(ii) is approved pursuant to section 39.1, 46.1 or 49.3;

(a.1) **“approved plan”** means any plan, including an approved operating plan mentioned in clause (a), that is:

(i) required to be prepared pursuant to this Act, the regulations or the code; and

(ii) approved by the minister;

(a.11) **“audit”** means an audit or examination by an auditor of the activities of a licensee as they relate to compliance with this Act, the regulations, the code and the terms of the licensee’s licence and approved plan;

(a.12) **“auditor”** means:

(i) a person appointed by the minister to conduct or assist with an audit; or

(ii) a person designated as an enforcement officer pursuant to section 8;

(a.13) **“code”** means the code adopted by the Lieutenant Governor in Council in the regulations;

(a.2) **“Crown”** means the Crown in right of Saskatchewan;

(a.3) **“Crown land”** means any land vested in the Crown in right of Saskatchewan;

(b) **“Crown resource land”** means all lands administered by ministry but does not include any Crown mineral or Crown mineral lands within the meaning of *The Crown Minerals Act*;

(c) **Repealed.** 2010, c.13, s.3.

(d) **“dues”** means any money owed to the Crown pursuant to this Act, the regulations or a licence, for rights to harvest forest products;

(e) **“fees”** means any money, other than dues, including administrative penalties, interest charges and fees for renewal of forest products, reforestation, fire protection and suppression, forest inventory, seedlings and insect and disease control, that is owed pursuant to this Act, the regulations or a licence, to:

- (i) the Crown; or
- (ii) a forest management fund;

(f) **“forest land”** means:

(i) any Crown resource land that is designated as a provincial forest pursuant to the regulations;

(ii) any Crown land described in a forest management agreement, a term supply licence or a forest product permit;

(iii) any Crown land administered by the Ministry of Agriculture or the Ministry of Environment that:

(A) in the opinion of the minister, has a forest ecosystem as the predominant ecosystem; or

(B) is prescribed as forest fringe timber supply land; and

(iv) an undeveloped road allowance that:

(A) in the opinion of the minister, has a forest ecosystem as the predominant ecosystem; and

(B) shares a boundary with lands described in subclauses (i) to (iii);

but does not include any Crown mineral or Crown mineral lands as those terms are defined in *The Crown Minerals Act*;

(g) **“forest management agreement”** means an agreement entered into by the minister pursuant to section 33;

(h) **Repealed.** 2010, c.13, s.3.

(i) **“forest management plan”** means a forest management plan required to be approved by the minister pursuant to clause 38(1)(a) or 45(a);

(j) **“forest product permit”** means a permit granted by the minister pursuant to section 49;

(k) **“forest products”** means all vegetation on or from forest land or waters on or associated with forest land, whether alive, dead or cut, and includes trees, shrubs, herbs, grasses, mosses, fungi and any parts or components of that vegetation, but does not include wild rice, peat moss or sphagnum moss;

- (l) **“forest resources”** means all resources and values associated with forest ecosystems, whether biotic, abiotic, social or economic, and includes animals, vegetation, land, water, air and recreational, spiritual and heritage values but does not include any Crown mineral within the meaning of *The Crown Minerals Act*;
- (m) **“harvest”** means to cut, pick, gather, collect, accumulate, alter, disturb or remove forest products by any means and includes the grazing of livestock;
- (m.1) **“infected material”** means either or both of the following:
- (i) any tree or arboraceous vegetation that is infected, may be infected or is likely to be infected with a disease designated by the Lieutenant Governor in Council pursuant to clause 63(2)(b), and includes:
    - (A) any part or component of a tree or arboraceous vegetation that is so infected, may be so infected or is likely to be so infected; or
    - (B) any product originating or manufactured from a tree or arboraceous vegetation, or any part or component of the tree or arboraceous vegetation, that is so infected, may be so infected or is likely to be so infected;
  - (ii) any tree or arboraceous vegetation that is infested, may be infested or is likely to be infested with an insect designated by the Lieutenant Governor in Council pursuant to clause 63(2)(b), and includes:
    - (A) any part or component of a tree or arboraceous vegetation that is so infested, may be so infested or is likely to be so infested; or
    - (B) any product originating or manufactured from a tree or arboraceous vegetation, or any part or component of the tree or arboraceous vegetation, that is so infested, may be so infested or is likely to be so infested;
- (m.2) **“inspector”** means a provincial inspector or a municipal inspector;
- (n) **Repealed.** 2016, cP-31.1, s.11-2.
- (o) **“licence”** means a licence that is required pursuant to this Act, the regulations or the code and that is issued for:
- (i) the harvesting of forest products, including a forest management agreement, term supply licence or forest product permit;
  - (ii) the scaling of a forest product; or
  - (iii) **Repealed.** 2010, c.13, s.3.
  - (iv) the doing of any other thing or activity mentioned in clause 99(1)(f) for which a licence is required pursuant to this Act, the regulations or the code;

- (p) **“licence area”** means an area with respect to which the right to harvest or manage forest products, exclusive or otherwise, has been granted to any person by a licence;
- (q) **Repealed.** 2010, c.13, s.3.
- (r) **“manufacture”** means any step taken to prepare a forest product for market, and includes the sawing, peeling, chipping, debarking, preserving, cleaning, drying, extracting and packaging of forest products, but does not include harvesting;
- (s) **“minister”** means the member of the Executive Council to whom for the time being the administration of this Act is assigned;
- (s.01) **“ministry”** means the ministry over which the minister presides;
- (s.1) **“municipal inspector”** means a municipal inspector designated by a municipality pursuant to section 8.2;
- (s.2) **“municipality”** includes:
- (i) a regional park established or continued pursuant to *The Regional Parks Act, 2013*;
  - (ii) the Meewasin Valley Authority constituted pursuant to *The Meewasin Valley Authority Act*;
  - (iii) the Wakamow Valley Authority constituted pursuant to *The Wakamow Valley Authority Act*;
  - (iv) the Provincial Capital Commission continued pursuant to *The Provincial Capital Commission Act*; and
  - (v) any other prescribed entity;
- (t) **“Northern Saskatchewan Administration District”** means the district as defined in *The Northern Municipalities Act, 2010*, not including any area within the boundaries of a resort subdivision consisting of six or more contiguous lots;
- (u) **“officer”** means any employee of the ministry designated as an enforcement officer by the minister pursuant to section 8, and includes:
- (i) a member of the Royal Canadian Mounted Police or of a police service within the meaning of *The Police Act, 1990*;
  - (ii) a traffic officer appointed for the purpose of enforcing *The Traffic Safety Act*;
- (v) **“operating plan”** means an operating plan required to be approved by the minister pursuant to clause 38(1)(b) or, 45(1)(b) or subsection 49.1(1);
- (v.2) **Repealed.** 2016, cP-31.1, s.11-2.



- (v.3) **“prescribed”** means prescribed in the regulations;
- (w) **“processing facility”** means a pulp mill, sawmill, plywood mill, fibre or strand board mill, post plant or any other facility, fixed or mobile, designed for manufacturing forest products and includes a slasher, chipper, debarker, fuelwood processor or any other mechanized equipment, fixed or mobile or any component of the equipment, designed for manufacturing forest products;
- (x) **“provincial forest”** means any Crown resource land designated by the Lieutenant Governor in Council pursuant to section 12;
- (x.1) **“provincial inspector”** means a provincial inspector designated by the minister pursuant to section 8.1;
- (x.2) **“qualified person”** means:
- (i) a member of a class of persons that is prescribed or is set out in the code; or
  - (ii) an individual designated by the minister for one or more purposes or activities that are governed by this Act;
- (y) **“reforestation”** means the natural or artificial restocking of an area with trees and includes any activity specified in a licence or approved plan that is associated with growing and maintaining the trees;
- (z) **“renewal”** means the natural or artificial renewal of any forest product and includes:
- (i) reforestation; or
  - (ii) any activity specified in a licence or an approved plan that is associated with growing and maintaining forest products;
- (aa) **“resource monitor”** means a person hired by a licensee and approved by the minister for the purposes of ensuring and verifying that specified obligations of the licensee are being met;
- (aa.1) **“road allowance”** means a road allowance:
- (i) as defined in the first, second and third Dominion Land Survey System; or
  - (ii) laid out pursuant to the authority of an Act or an Act of the Parliament of Canada;
- (bb) **“scale”** means to measure and determine the volume of any section of the stem, or of the thicker branches, of a tree that has been cut but has not been processed beyond being split or having the limbs or bark removed;
- (bb.1) **“standard”** means a specific measurable activity, result or unit of measure established by the minister and described as a standard in the code;
- (cc) **“term supply licence”** means a licence granted by the minister pursuant to section 42;

- (dd) **“traffic”** means to offer for sale, sell, buy, exchange, barter, deal, solicit or trade;
- (ee) **“vehicle”** means any conveyance for transporting people or forest products on land, over water or in the air.
- (2) Subject to *The Wildlife Act, 1998* and *The Fisheries (Saskatchewan) Act, 2020*, nothing in any licence granted pursuant to this Act, the regulations or the code abrogates or derogates from any right to hunt, trap or fish on Crown land.
- (3) The Crown is bound by this Act.
- (4) Nothing in this Act shall be construed or interpreted so as to abrogate or derogate, directly or indirectly, any treaty or aboriginal rights recognized and affirmed by subsection 35(1) of the *Constitution Act, 1982*.

1996, c.F-19.1, s.2; 1997, c.W-13.11, s.89; 1998, c.W-13.12, s.87; 2002, c.31, s.3; 2004, c.T-18.1, s.297; 2010, c.N-5.2, s.452 and c.13, s.3; 2013, c.R-9.11, s.36; 2016, cP-31.1, s.11-2; 2017, cP-30.011, s.10-2; 2020, c23, s.68.

#### Purpose

**3** The purpose of this Act is to promote the sustainable use of forest land for the benefit of current and future generations by balancing the need for economic, social and cultural opportunities with the need to maintain and enhance the health of forest land.

1996, c.F-19.1, s.3.

## ADMINISTRATION

#### Ministry to administer Act

**4** This Act, the regulations and the code are to be administered by the ministry.

2010, c.13, s.4.

#### Minister’s responsibilities

**5** The minister is responsible for all matters not by law assigned to any other minister, ministry, branch or agency of the Government of Saskatchewan relating to the acquisition, promotion, conservation, development, enhancement, maintenance, management, protection and utilization of forest resources.

1996, c.F-19.1, s.5; 2010, c.13, s.5.

#### Powers of minister

**6(1)** The minister, subject to the regulations, may:

- (a) **Repealed.** 2002, c.31, s.4.
- (b) specify procedures for the sale and disposition of forest products;

- (c) specify terms governing the harvesting, classifying, measuring, scaling, transporting, manufacturing, marking, branding, inspecting, exporting and importing of forest products;
  - (d) **Repealed.** 2010, c.13, s.6.
  - (e) control the use of pesticides on land within the provincial forest;
  - (f) specify procedures for the development, preparation, approval, implementation, amendment and revision of plans prepared pursuant to this Act;
  - (g) allocate forest products on forest land to any person or category of persons;
  - (h) specify terms to which a licensee is subject;
  - (h.1) specify requirements and procedures for the treatment, removal, storage, utilization, transportation, manufacturing and disposal of infected material;
  - (i) appoint members, assign duties and set out procedures for the operation of any advisory committee established pursuant to subsection 11(1);
  - (i.1) specify activities on forest land that are required to be registered with the ministry;
  - (i.2) specify conditions respecting financial assurances that must be provided to the minister, including their type, form and content and the circumstances under which those assurances may be realized;
  - (i.3) develop or establish standards or requirements respecting any matter governed by this Act; and
  - (j) do any thing the minister considers necessary to conserve, develop, enhance, maintain, manage, protect and utilize forest products on forest land in a sustainable manner.
- (2) The minister shall recommend to the Lieutenant Governor in Council the adoption of a code.
- (3) The minister shall cause notice of any standards or requirements that are developed or established pursuant to clause (1)(i.3) and that are set out in the code, and of any amendments to those standards and requirements, to:
- (a) be published in the Gazette; and
  - (b) be made public in any other manner that the minister considers appropriate.
- (4) Notwithstanding any other provision of this Act, the regulations or the code, at the request of a person proposing to engage in an activity governed by this Act, the minister may approve criteria, terms, conditions or requirements submitted by that person as an alternative to those set out in the code if the minister is satisfied that:
- (a) those alternative criteria, terms, conditions or requirements provide an equivalent or better level of protection to Crown resource lands or forest products on Crown resource lands; and
  - (b) it is in the public interest to do so.

(5) Notwithstanding any other provision of this Act, the regulations or the code, a person may comply with the alternative criteria, terms, conditions or requirements approved by the minister pursuant to subsection (4) instead of the criteria, terms, conditions or requirements set out in the code

1996, c.F-19.1, s.6; 2002, c.31, s.4; 2010, c.13, s.6.

**Power to enter into agreements**

7(1) The minister may enter into agreements with the Government of Canada, the government of any other province or territory of Canada, or a minister, agent, or official of that government, or any person, agency, board, commission, organization, association, institution, body or advisory committee for the purposes of furthering activities authorized by this Act, including the following:

- (a) the protection, on any land, of forests, trees or other arboraceous vegetation from damage due to insects, diseases, animals or abiotic factors;
  - (b) the protection of watersheds;
  - (c) the renewal and reclamation of all components of a forest ecosystem;
  - (d) the acquisition, promotion, conservation, development, enhancement, maintenance, management, protection and utilization of forest resources;
  - (e) the development, operation and maintenance of forest inventories and other information systems;
  - (f) the publication of information respecting forests;
  - (g) research;
  - (h) education and training;
  - (i) the location, development, improvement, maintenance, closure, management and reclamation of roads, road allowances and rights of way within the provincial forest;
  - (j) the preparation of a report on the state of provincial forests or the preparation, amendment or revision of a forest management plan or operating plan;
  - (k) the management of any land, including community forests, woodlots, land owned by the Government of Canada, privately owned land or land owned by a municipality, for the purposes of conserving, developing, enhancing, maintaining, managing, protecting and utilizing forest resources in a sustainable manner.
- (2) Subject to subsection (3), the minister shall obtain the approval of the Lieutenant Governor in Council before entering into an agreement pursuant to subsection (1) whereby the Government of Saskatchewan is liable to make expenditures in excess of \$50,000 in any fiscal year.
- (3) The Lieutenant Governor in Council may prescribe, by regulation, the agreements or categories of agreements to which subsection (2) does not apply.

1996, c.F-19.1, s.7; 2010, c.13, s.7; 2016, cP-31.1, s.11-3 and c 18, s.3.

**Designation of officers**

8 The minister may designate any employee of the ministry as an enforcement officer or any category of employees of the ministry as enforcement officers for the purposes of enforcing this Act, the regulations and the code.

2010, c.13, s.8.

**Designation of provincial inspector**

8.1 The minister may designate any person as a provincial inspector, or any category of persons as provincial inspectors, for the purpose of exercising all or any of the powers given to a provincial inspector or inspector pursuant to this Act and the regulations.

2002, c.31, s.5.

**Designation of municipal inspector**

8.2 A municipality may designate any person or any employee of the municipality as a municipal inspector, or any category of persons or employees as municipal inspectors, for the purpose of exercising all or any of the powers given to a municipal inspector or inspector pursuant to this Act and the regulations.

2002, c.31, s.5.

**Limitation on powers of municipal inspector**

8.3(1) A municipal inspector may exercise the powers mentioned in section 8.2 only on land within the municipality or municipalities that designated the municipal inspector.

(2) No municipal inspector shall exercise any powers mentioned in section 8.2 on Crown land.

(3) In the case of any conflict between an order made by the minister, an officer or a provincial inspector and an order made by a municipal inspector, the order made by the minister, officer or provincial inspector prevails.

2002, c.31, s.5.

**Liability of municipality**

8.4 The municipality or municipalities that designate a municipal inspector pursuant to section 8.2 are liable for loss or injury arising from any act or omission of that municipal inspector acting in the course of the municipal inspector's duties.

2002, c.31, s.5.

## MANAGEMENT OF FOREST RESOURCES

**State of the forest report**

9(1) At least once every 10 years commencing on the day this Act comes into force, the ministry shall prepare and submit to the minister a report on the state of provincial forests.

(2) The minister, in accordance with section 13 of *The Executive Government Administration Act*, shall lay before the Assembly each report prepared pursuant to subsection (1).

1996, c.F-19.1, s.9; 2010, c.13, s.9; 2014, c.E-13.1, s.62.

**10 Repealed.** 2010, c.13, s.10.

**Advisory committee**

11(1) The minister may establish one or more advisory committees to advise and assist the minister with respect to any matter concerning forest resources that the minister considers appropriate.

(2) The minister shall obtain the approval of the Lieutenant Governor in Council before appointing an advisory committee.

(3) An advisory committee shall report to the minister within the time that the minister may direct.

2010, c.13, s.11.

**Provincial forests**

12(1) The Lieutenant Governor in Council, by regulation, may designate any Crown resource land as a provincial forest to be managed in a sustainable manner for the purposes of conserving, developing, enhancing, maintaining, managing, protecting and utilizing the forest resources on that land.

(2) All lands designated as provincial forest are withdrawn from disposition, sale, settlement or occupancy except pursuant to the authority of this Act and the regulations.

(3) All statutory road allowances, surveyed roads, streets, lanes and public reserves between or within parcels of land in a provincial forest, for the purposes of forest administration, are part of the provincial forest, subject to:

- (a) *The Highways and Transportation Act* respecting highways; and
- (b) the exercise of the powers conferred on a rural municipality by *The Municipalities Act* respecting the construction, repair and maintenance of roads, lanes, bridges and culverts.

- (4) The following lands are deemed to be withdrawn from the provincial forest:
- (a) all lands within the boundaries of resort subdivisions and towns as those terms are defined in *The Northern Municipalities Act, 2010*;
  - (b) all lands within the boundaries of northern hamlets, northern villages and northern settlements.

1996, c.F-19.1, s.12; 2005, c.M-36.1, s.429; 2010, c.13, s.12.

**13 Repealed.** 2016, cP-31.1, s.11-4.

**14 Repealed.** 2016, cP-31.1, s.11-4.

**15 Repealed.** 2016, cP-31.1, s.11-4.

**16 Repealed.** 2016, cP-31.1, s.11-4.

## HARVESTING OF FOREST PRODUCTS

### Forest products Crown property

**17(1)** All forest products, including forest products resulting from renewal, are property of the Crown.

(2) Subject to subsections (3), (5) and (6) and section 17.1, no person shall harvest or acquire any right or property in any forest product except in accordance with this Act, the regulations or the code.

(3) A person may engage in subsistence gathering without a licence.

(4) In subsection (3), “**subsistence gathering**” means gathering on Crown land of any forest product solely for the ceremonial, consumptive or medicinal use of:

- (a) the person gathering; or
- (b) a member of that person’s immediate family;

but does not include gathering of trees, other than dead or down trees for fuelwood.

(5) A person may, without a licence, harvest berries, fruits, renewable parts of plants and mushrooms for sale or barter only if the harvesting does not damage the plant or otherwise permanently affect the growth, health or reproductive capacity of the plant.

(6) A person may, without a licence, harvest a reasonable number of trees for his or her personal use only if:

- (a) the trees are harvested for the purpose of being used as Christmas trees;
- (b) each tree does not exceed a height of four metres; and
- (c) the trees are not the result of actions or activities undertaken by the ministry or by a licensee pursuant to the requirements of this Act, the regulations or the code.

- (7) Nothing in this Act precludes:
- (a) the Minister of Agriculture from issuing or continuing with dispositions pursuant to *The Provincial Lands Act, 2016* on forest lands administered by the Ministry of Agriculture; or
  - (b) the holder of a disposition mentioned in clause (a) from engaging in the activities that are specifically authorized by the disposition.

2010, c.13, s.17; 2016, cP-31.1, s.11-5.

**Forest lands used for agricultural purposes**

**17.1(1)** Subject to subsections (2) and (3), a person may, without a licence, harvest timber from forest land administered by the Minister of Agriculture when, in the opinion of that minister, the forest land is suitable for the production of cereal or other seed or forage crops and can be improved for those purposes by clearing the timber.

- (2) A licence is required if the timber harvested pursuant to subsection (1) is to be:
- (a) manufactured into products; or
  - (b) removed from the land on which it was harvested.

(3) Subsection (1) does not apply with respect to lands designated as wildlife habitat lands pursuant to *The Wildlife Habitat Protection Act*.

2010, c.13, s.17.

**Minister may grant licences**

**18(1)** Subject to subsection (2), the minister may grant licences to harvest forest products.

(2) No licence to harvest forest products on forest lands administered by the Ministry of Agriculture pursuant to *The Provincial Lands Act* is effective unless the Minister of Agriculture consents to the granting of the licence.

- (3) Every licence is to describe:
- (a) the area within which the licence rights apply;
  - (b) the location, quantity and type of forest products that may be harvested;
  - (c) the dues and fees payable;
  - (d) the date it is granted and the date it expires; and
  - (e) any terms that are specific to the licence area.

(4) Notwithstanding anything in any licence, a licence does not confer on the licensee any interest in land or any right to exclusive possession of land.



(5) Notwithstanding anything in any licence, nothing in any licence prevents or impedes the Crown from using, or granting the use of, land within the licence area for any purpose that, in the opinion of the minister, is compatible with the rights granted by the licence.

1996, c.F-19.1, s.18; 2010, c.13, s.18.

**18.1 Repealed.** 2010, c.13, s.19.

**Processing facility records**

**18.2** Every person who operates a processing facility shall:

- (a) maintain records in accordance with this Act, the regulations and the code; and
- (b) produce those records for inspection on the request of an officer or an auditor.

2010, c.13, s.20.

**License and licensee to comply with this Act etc.**

**19(1)** No licensee shall fail to comply with:

- (a) this Act and the regulations;
- (b) the terms imposed on the licensee's licence;
- (c) the terms imposed in any approved plan prepared with respect to the licensee's licence; and
- (d) subject to section 19.1, the code.

(2) Subject to any other provision in this Act and any amendment provisions set out in a licence, the minister may impose any terms that the minister considers appropriate on a licence at the time the licence is issued, renewed or amended.

(3) Compliance with this Act, the regulations and the code by the licensee is deemed to be a term of every licence.

2002, c.31, s.9; 2010, c.13, s.21.

**Licensee to comply with code**

**19.1** A licensee shall comply with the code unless otherwise specified in a licence or an approved plan.

2010, c.13, s.22.

**19.2 Repealed.** 2010, c.13, s.23.

**19.3 Repealed.** 2010, c.13, s.23.

**19.4 Repealed.** 2010, c.13, s.23.

**19.5 Repealed.** 2010, c.13, s.23.

**Designations by the minister**

**20** Subject to the regulations, the minister, in any licence respecting the harvesting of forest products, may set out the following:

- (a) the size of harvest areas;
- (b) harvest methods;
- (c) forest product utilization requirements;
- (d) terms applicable to harvesting and renewing forest products for the purpose of ensuring that forest products are used in accordance with the terms of any plan made pursuant to this Act;
- (e) conditions governing location, construction and use of roads;
- (f) any other terms that the minister considers appropriate.

1996, c.F-19.1, s.20; 2002, c.31, s.10; 2010, c.13, s.24.

**Licensees liable for dues**

**21(1)** A licensee who holds a licence respecting the harvesting of forest products shall pay the dues in the prescribed amount and in the prescribed manner.

(2) Dues payable on all forest products harvested under a licence are a debt due to and recoverable by the Crown from the licensee.

(3) Property in forest products that may be harvested under a licence remains in the Crown until all dues on those forest products have been paid.

(4) A person in possession of forest products on which dues are owing holds those forest products in trust for the Crown.

2016, c18, s.4.

**Licensees liable for fees**

**22(1)** A licensee who holds a management licence issued pursuant to section 19 of *The Forest Act* shall pay fees in the amount and in the manner set out in that licence until the first extension date of that licence after the coming into force of this section.

(2) Following the first extension date of the licence mentioned in subsection (1) after the coming into force of this section and following every second extension date after that, the licensee shall pay fees:

- (a) where the amount of fees and manner of payment are set out in the licence for the 10-year period following the extension date, in the amount and in the manner set out in that licence; or
- (b) where the amount of fees and manner of payment are not set out in the licence for the 10-year period following the extension date, in the amount and in the manner prescribed in the regulations.

- (3) A licensee who holds a licence respecting a forest management agreement entered into after the coming into force of this section shall pay fees:
- (a) where the amount of fees and manner of payment are set out in the forest management agreement for the 10-year period after the agreement is entered into, in the amount and in the manner set out in that agreement; or
  - (b) where the amount of fees and manner of payment are not set out in the forest management agreement for the 10-year period after the agreement is entered into, in the amount and in the manner prescribed in the regulations.
- (4) Following the second extension date of the agreement mentioned in sub-section (3) and following every second extension date after that, the licensee shall pay fees:
- (a) where the amount of fees and manner of payment are set out in the agreement for the 10-year period following the extension date, in the amount and in the manner set out in that agreement; or
  - (b) where the amount of fees and manner of payment are not set out in the agreement for the 10-year period following the extension date, in the amount and in the manner prescribed in the regulations.
- (5) Notwithstanding any other provision in this Act, where fees and the manner of payment are set out in a licence or agreement respecting a period mentioned in this section, no changes may be made during that period respecting those fees or the manner of payment except in accordance with the licence or agreement.
- (6) Unless otherwise specified in a licensee's licence, a licensee who holds a licence respecting the harvesting of forest products, other than a licensee mentioned in subsection (1) or (3), shall pay the fees in the prescribed amount and in the prescribed manner.
- (7) Fees payable by a licensee are a debt due to and recoverable by the Crown from the licensee.

1996, c.F-19.1, s.22; 2016, c18, s.5.

#### **Lien for dues and fees**

- 23(1)** Dues and fees owing on forest products are a lien and charge in favour of the Crown on any forest products harvested by the person owing the dues or fees, and on any prescribed products manufactured from those forest products, in preference and priority to all other claims.
- (2) The minister may give notice of the lien and charge in accordance with subsection (3) if forest products or prescribed products manufactured from forest products are subject to a lien and charge pursuant to subsection (1) and:
- (a) are under seizure or attachment by a sheriff or bailiff of a court;
  - (b) are claimed by or in the possession of an assignee for the benefit of creditors, a liquidator, a receiver or a secured creditor; or
  - (c) have been converted into cash that has not been distributed or placed into a deposit or account with a deposit-taking institution.

- (3) If one or more of the conditions mentioned in clauses (2)(a) to (c) apply:
- (a) the minister may give written notice to the sheriff, bailiff, assignee, liquidator, receiver, deposit-taking institution or secured creditor, setting out the amount owing under the lien and charge; and
  - (b) on receipt of the notice mentioned in clause (a), the person to whom the notice is directed shall pay the amount owing to the Crown in preference to and priority over all other claims.

1996, c.F-19.1, s.23; 2002, c.31, s.11.

#### **Import controls**

**24** No person, without the written authority of the minister, shall import any thing into Saskatchewan that, in the minister's opinion, could cause the spread of insects or diseases harmful to Saskatchewan's forests, trees or other arboraceous vegetation.

1996, c.F-19.1, s.24.

#### **Minister may invite offers**

**25(1)** The minister may invite offers to pay a bonus, in addition to prescribed dues and fees, for the rights to be granted in a licence to harvest forest products.

(2) Before inviting offers respecting forest management agreements, the minister must obtain approval from the Lieutenant Governor in Council.

1996, c.F-19.1, s.25.

#### **Fees for forest management**

**26(1)** In this section, "**trustee**" means a person appointed by the licensee and approved by the Lieutenant Governor in Council to act as a trustee pursuant to a licence and includes a substituted trustee.

(1.1) The fees for the renewal, protection, development and management of forest products are to be paid, in accordance with section 22, to:

- (a) the Crown; or
- (b) a forest management fund established:
  - (i) by the minister, in conjunction with a licensee and a trustee; or
  - (ii) by any person designated by the minister.

(2) Where those fees are paid into a forest management fund established and administered by the minister or any person designated by the minister, the minister or other person shall ensure that those fees are used for the purposes of renewal, protection, development and management of forest products as set out in the licence, the regulations or the code, as the case may be.

1996, c.F-19.1, s.26; 2010, c.13, s.25.

**Renewal activities**

**27** A licensee shall carry out renewal activities in accordance with the regulations and the terms of the licensee's licence.

1996, c.F-19.1, s.27.

**Information**

**28** The minister may require a licensee or an applicant for a licence to provide the minister with any information prescribed in the regulations.

1996, c.F-19.1, s.28.

**Prior rights**

**29** If, as a result of any error, a licence is found to include any land previously sold, granted, leased or lawfully set apart for any public purpose pursuant to this Act or any other Act, the licence is void to the extent that it interferes with any prior sale, grant, lease or setting apart.

1996, c.F-19.1, s.29.

**Disputes between licensees**

**30(1)** A licence may be granted respecting forest products on land that is subject to another licence.

(2) If more than one licence is granted for the same land, the licensees shall make every reasonable effort to co-operate in the exercise of their respective rights and, in the event of a dispute between licensees, the minister may direct that the dispute be resolved in accordance with procedures prescribed in the regulations.

1996, c.F-19.1, s.30.

**Transfer of licence**

**31(1)** No licence, or any right, benefit or obligation pursuant to a licence, is to be assigned, transferred, charged or otherwise disposed of without the minister's written consent provided in accordance with the regulations.

(1.1) A licence, or any right, benefit or obligation pursuant to a licence, is considered to have been assigned, transferred, charged or otherwise disposed of where:

- (a) an interest in the licence is transferred, assigned, charged or otherwise disposed of;
- (b) an issue, cancellation, conversion, surrender or transfer of securities has directly or indirectly affected the control of a corporation that holds a licence; or
- (c) a corporation that holds the licence amalgamates with another corporation.

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- (1.2) Subsection (1.1) does not apply:
- (a) where a corporation that holds a licence amends its articles of incorporation to change the name of the corporation and no other change is made; or
  - (b) to any circumstances prescribed in the regulations.
- (2) No person shall:
- (a) allow his or her licence to be used or carried by any other person unless authorized in writing to do so by the minister; or
  - (b) use or carry another person's licence unless authorized in writing to do so by the minister.

1996, c.F-19.1, s.31; 2000, c.46, s.3; 2002, c.31, s.12.

**Production of licence**

**32** On the request of an officer, every person who has a licence shall immediately produce it for examination.

1996, c.F-19.1, s.32.

## FOREST MANAGEMENT AGREEMENTS

**Forest management agreement**

**33** Subject to the approval of the Lieutenant Governor in Council, the minister may enter into a forest management agreement with any person.

1996, c.F-19.1, s.33.

**Term of forest management agreement**

**34(1)** Subject to subsection (2), the term of a forest management agreement is not to exceed 20 years.

(2) A forest management agreement may provide that in every fifth year of the agreement a forest management agreement may be extended for five years so that the term of the agreement after each extension is 20 years.

- (3) An extension is subject to:
- (a) the licensee not being in default of any part of the agreement;
  - (b) where the licensee must obtain the minister's approval of a revised forest management plan pursuant to subsection 38(3), the minister reviewing and approving that plan; and
  - (c) those terms that are not inconsistent with this Act, the regulations and the code and that are approved by the Lieutenant Governor in Council.

1996, c.F-19.1, s.34; 2010, c.13, s.26.

**Licensee's rights**

**35** Every forest management agreement shall contain provisions:

- (a) setting out the rights of the licensee for the harvesting of forest products and the responsibilities of the licensee for the renewal of specified forest products;
- (b) entitling the licensee, respecting the withdrawal of land from the licence area:
  - (i) to be consulted respecting proposed land withdrawals; and
  - (ii) to be compensated for the loss of improvements and forest products on the withdrawn land; and
- (c) entitling the licensee to be notified by the minister of every grant, lease, licence or permit that affects the rights conferred by the agreement.

1996, c.F-19.1, s.35.

**Changes, amendments and alterations**

**36(1)** In this section, “**terms**” means those provisions in a management licence issued pursuant to section 19 of *The Forest Act* or in a forest management agreement entered into after the coming into force of this Act respecting:

- (a) the rights of the holder of the licence or agreement for the harvesting of forest products;
  - (b) the area within which the licence rights apply and the location, quantity and type of forest products specified in a licence or agreement; and
  - (c) the compensation for the loss of improvements and forest products respecting land withdrawals.
- (2) No changes, amendments or alterations shall be made to terms set out in a management licence issued pursuant to section 19 of *The Forest Act*, except in accordance with the licence, until the first extension date of that licence after the coming into force of this Act.
- (3) At the first extension date of the licence mentioned in subsection (2) and at every second extension date after that, the licensee and the minister may agree in the licence to the manner of changing, amending or altering the terms, and no changes, amendments or alterations shall be made to those terms for the 10-year period following that extension date except in accordance with that licence or an agreement between the licensee and the minister.
- (4) At each extension date mentioned in subsection (3), where the licensee and the minister do not agree in the licence to the manner of changing, amending or altering the terms, the Lieutenant Governor in Council may make regulations respecting those terms.
- (5) Subsections (3) and (4) apply, with any necessary modification, to a forest management agreement.

1996, c.F-19.1, s.36; 2010, c.13, s.27.

**Right of Crown**

**37(1)** Every forest management agreement is subject to the right of the Crown pursuant to any Act to make dispositions of land or other Crown rights within the boundaries of the licence area.

(2) Any person who receives a disposition pursuant to subsection (1):

(a) has the right to use and occupy the land described in the disposition for the purposes stated; and

(b) shall pay to the licensee who holds the licence respecting the forest management agreement, in accordance with the regulations, the value of all forest products to which that licensee is entitled and that have been cut, damaged or destroyed as a consequence of anything done by the person receiving the disposition.

(3) A forest management agreement is to set out the circumstances in which a disposition mentioned in subsection (1) entitles the licensee to be compensated for a withdrawal of land from the licence area.

1996, c.F-19.1, s.37.

**Forest management plans and operating plans**

**38(1)** Subject to subsection (1.1), before commencing any activity authorized by a forest management agreement, the licensee shall submit to the minister for approval:

(a) a forest management plan for the full term of the agreement; and

(b) a five-year operating plan.

(1.1) If specified in a forest management agreement, a licensee shall submit a forest management plan mentioned in clause (1)(a) in the manner and time set out in the agreement.

(2) Subject to subsection (2.1), the licensee shall annually:

(a) produce the five-year operating plan mentioned in clause (1)(b), commencing on the dates set out in the agreement; and

(b) submit the five-year operating plan on the dates set out in the agreement.

(2.1) The minister may authorize the licensee, in writing, to produce and submit a five-year operating plan at a time or times other than those required pursuant to subsection (2) if the minister is satisfied that the plan submitted pursuant to clause (1)(b) is:

(a) prepared in accordance with the requirements of this Act, the regulations and the code; and

(b) signed by a qualified person.

(3) Once every 10 years, before a forest management agreement is extended pursuant to section 34, the licensee shall submit to the minister for approval a revised forest management plan for the full term of the agreement.

2002, c.31, s.13; 2010, c.13, s.28; 2016, c18, s.6.



**Preparation of plans**

**39(1)** A licensee who holds a licence respecting a forest management agreement shall prepare the forest management plan and the operating plan in accordance with:

- (a) this Act and the regulations;
  - (a.1) the code;
  - (b) **Repealed.** 2016, cP-31.1, s.11-6.
  - (c) the terms of the forest management agreement.
- (2) Forest management plans are to do the following to the minister's satisfaction:
  - (a) describe how the licensee proposes to manage the forest in the licence area;
  - (b) indicate how Aboriginal and other people using land within the licence area and other persons interested in the licensee's activities have been consulted;
  - (c) indicate as a consequence of the consultations mentioned in clause (b) what concerns and issues were brought to the licensee's attention and what the licensee will do in response to the concerns and issues raised;
  - (d) if the plan is a development within the meaning of *The Environmental Assessment Act*, include the requirements of that Act;
  - (e) contain any information that the minister may require.
- (3) Operating plans are to do the following to the minister's satisfaction:
  - (a) describe the manner in which the licensee proposes to implement the forest management plan during the five years to which the operating plan relates; and
  - (b) contain any information the minister may require.

1996, c.F-19.1, s.39; 2002, c.31, s.14; 2010, c.13, s.29; 2016, cP-31.1, s.11-6.

**Approval or refusal of plan re forest management agreement**

**39.1(1)** In this section, "**plan**" includes a proposed amendment to a plan.

(2) The minister shall review a plan submitted to the minister pursuant to section 38 and:

- (a) approve the plan if, in the minister's opinion:
  - (i) the plan complies with this Act;
  - (ii) in the case of a plan that is a development within the meaning of *The Environmental Assessment Act*, the plan complies with the requirements set out in clause 39(2)(d); and
  - (iii) it is in the public interest to do so; or
- (b) refuse to approve the plan if the minister is not satisfied that:
  - (i) the plan complies with this Act;

(ii) in the case of a plan that is a development within the meaning of *The Environmental Assessment Act*, the plan complies with the requirements set out in clause 39(2)(d); or

(iii) it is in the public interest to do so.

(2.1) Before the minister acts pursuant to clause (2)(b), the minister shall provide the licensee with:

(a) written notice of the minister's intended action and the reasons for that intended action; and

(b) an opportunity to make written representations to the minister, within a period set by the minister, as to why the intended action should not be taken.

(2.2) The minister is not required to give an oral hearing to any licensee to whom a notice has been provided pursuant to subsection (2.1).

(2.3) Subject to subsection (2.4), after considering the representations mentioned in subsection (2.1), the minister shall issue a written decision and shall serve a copy of the decision on the licensee.

(2.4) In the prescribed circumstances, the minister shall obtain the approval of the Lieutenant Governor in Council before issuing a written decision pursuant to subsection (2.3).

(3) Notwithstanding any provision in a licence, on approving a plan pursuant to this section, the minister may impose on the plan any terms that the minister considers necessary or advisable.

(4) An approval granted pursuant to this section with respect to a plan that is a development within the meaning of *The Environmental Assessment Act* is deemed to be an approval pursuant to section 15 or 16 of that Act.

2002, c.31, s.15; 2010, c.13, s.30.

#### Activities to conform to plans

**40(1)** Subject to subsection (2), the operations of a licensee who holds a licence respecting a forest management agreement are to conform to:

(a) the approved forest management plan, including any terms imposed pursuant to subsection 39.1(3); and

(b) the approved operating plan, including any terms imposed pursuant to subsection 39.1(3).

(2) In exceptional circumstances, the minister may waive compliance with the terms of an approved forest management plan or approved operating plan prepared by a licensee.

2002, c.31, s.16.

**Salvage of damaged timber**

41 Except where specifically provided in a licence respecting a forest management agreement, the minister, in order to minimize the waste of merchantable timber damaged or likely to be damaged by fire, pests or other destructive agents, may direct a licensee who holds a licence respecting a forest management agreement to conduct harvesting operations in an area designated by the minister by amending an operating plan respecting the forest management agreement.

1996, c.F-19.1, s.41.

**TERM SUPPLY LICENCES****Term supply licence**

42 The minister, in accordance with the regulations, may grant a term supply licence conferring the right to harvest specified forest products.

1996, c.F-19.1, s.42.

**Duration of term supply licence**

43(1) The term of a term supply licence is not to exceed 10 years.

(2) On the expiration of the term supply licence, the minister, if the licensee is not in default of any part of the licence and there is a sufficient supply of the forest product as determined by the minister, may renew the expired term supply licence subject to any terms the minister specifies.

1996, c.F-19.1, s.43.

**Right of Crown re term supply licence**

44(1) Every term supply licence is subject to the right of the Crown pursuant to any Act to make dispositions of land or other Crown rights within the boundaries of the licence area.

(2) Any person who receives a disposition pursuant to subsection (1):

(a) has the right to use and occupy the land described in the disposition for the purposes stated; and

(b) shall pay to the licensee who holds the term supply licence, in accordance with the regulations, the value of all forest products to which that licensee is entitled and that have been cut, damaged or destroyed as a consequence of anything done by the person receiving the disposition.

(3) A term supply licence may set out the circumstances in which a disposition mentioned in subsection (1) entitles the licensee to be compensated for a withdrawal of land from the licence area.

1996, c.F-19.1, s.44.

**Plans re term supply licence**

**45(1)** Subject to the regulations, before commencing any activity authorized by a term supply licence, a licensee shall submit to the minister for approval:

- (a) a forest management plan for the full term of the licence to be revised at times specified in the term supply licence; and
- (b) an operating plan.

(1.1) Following the second renewal of a term supply licence, if, in the opinion of the minister, the level of harvest activities has the potential to significantly impact the sustainability of the forest resources in the licence area, a licensee shall, before commencing any activity authorized by the term supply licence, submit to the minister for approval a forest management plan for the full renewal term of the licence to be revised at times specified in the term supply licence.

(2) Subject to subsection (3), the licensee shall submit the operating plan mentioned in clause (1)(b) annually, commencing on the dates set out in the term supply licence.

(3) The minister may authorize the licensee, in writing, to produce and submit an operating plan at a time or times other than those required pursuant to subsection (2) if the minister is satisfied that the plan submitted pursuant to clause (1)(b) is:

- (a) prepared in accordance with the requirements of this Act, the regulations and the code; and
- (b) signed by a qualified person.

2002, c.31, s.17; 2010, c.13, s.31; 2016, c18, s.7.

**Preparation of plans**

**46(1)** A licensee who holds a term supply licence shall prepare the forest management plan and the operating plan in accordance with:

- (a.1) the code;
- (a.2) if the plan is a development within the meaning of *The Environmental Assessment Act*, the requirements of that Act;
- (b) **Repealed.** 2016, cP-31.1, s.11-7.
- (c) the terms of the term supply licence.

(2) Plans prepared by the licensee are to do the following to the minister's satisfaction:

- (a) describe how the licensee proposes to manage the forest in the licence area;
- (b) contain any information that the minister may require.

1996, c.F-19.1, s.46; 2002, c.31, s.18; 2010, c.13, s.32; 2016, cP-31.1, s.11-7.

**Approval or refusal of plan re term supply licence**

**46.1(1)** In this section, “**plan**” includes a proposed amendment to a plan.

(2) The minister shall review a plan submitted to the minister pursuant to section 45 and:

- (a) approve the plan if, in the minister’s opinion:
  - (i) the plan complies with this Act;
  - (ii) in the case of a plan that is a development within the meaning of *The Environmental Assessment Act*, the plan complies with the requirements set out in clause 46(1)(a.2); and
  - (iii) it is in the public interest to do so; or
- (b) refuse to approve the plan if the minister is not satisfied that:
  - (i) the plan complies with this Act;
  - (ii) in the case of a plan that is a development within the meaning of *The Environmental Assessment Act*, the plan complies with the requirements set out in clause 46(1)(a.2); or
  - (iii) it is in the public interest to do so.

(2.1) Before the minister acts pursuant to clause (2)(b), the minister shall provide the licensee with:

- (a) written notice of the minister’s intended action and the reasons for that intended action; and
- (b) an opportunity to make written representations to the minister, within a period set by the minister, as to why the intended action should not be taken.

(2.2) The minister is not required to give an oral hearing to any licensee to whom a notice has been provided pursuant to subsection (2.1).

(2.3) Subject to subsection (2.4), after considering the representations mentioned in subsection (2.1), the minister shall issue a written decision and shall serve a copy of the decision on the licensee.

(2.4) In the prescribed circumstances, the minister shall obtain the approval of the Lieutenant Governor in Council before issuing a written decision pursuant to subsection (2.3).

(3) Notwithstanding any provision in a licence, on approving a plan pursuant to this section, the minister may impose on the plan any terms that the minister considers necessary or advisable.

(4) An approval granted pursuant to this section with respect to a plan that is a development within the meaning of *The Environmental Assessment Act* is deemed to be an approval pursuant to section 15 or 16 of that Act.

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**Activities to conform to plans**

**47(1)** The operations of a licensee who holds a term supply licence are to conform to:

- (a) the approved forest management plan, including any terms imposed pursuant to subsection 46.1(3); and
- (b) the approved operating plan, including any terms imposed pursuant to subsection 46.1(3).

(2) In exceptional circumstances, the minister may waive compliance with the terms of an approved forest management plan or approved operating plan prepared by a licensee.

2002, c.31, s.20.

**Salvage of damaged timber**

**48** Except where specifically provided in a term supply licence, the minister, in order to minimize the waste of merchantable timber damaged or likely to be damaged by fire, pests or other destructive agents, may direct a licensee who holds a term supply licence to conduct harvesting operations in an area designated by the minister by amending an operating plan respecting the term supply licence.

1996, c.F-19.1, s.48.

## FOREST PRODUCT PERMITS

**Forest product permit**

**49(1)** The minister, in accordance with the regulations, may grant forest product permits conferring the right to harvest specified forest products.

(2) Every forest product permit expires on the sooner of the date specified in the permit or the March 31 following the date that it is granted.

1996, c.F-19.1, s.49.

**Plan re forest product permit**

**49.1(1)** Prior to commencing any activity authorized by a forest product permit, the minister may require the licensee to submit for approval an operating plan for the full term of the permit.

(2) If the licensee wishes to amend the operating plan mentioned in subsection (1), the licensee shall submit the proposed amendment to the minister for approval in accordance with the regulations.

2002, c.31, s.21.

**Preparation of plan**

**49.2(1)** If an operating plan is required pursuant to section 49.1, the licensee who holds the forest product permit shall prepare the operating plan in accordance with:

- (a) this Act and the regulations;

- (b) the code;
  - (c) **Repealed.** 2016, cP-31.1, s.11-8.
  - (d) the terms of the forest product permit.
- (2) Plans prepared by the licensee who holds a forest product permit are to contain any information the minister may require.

2002, c.31, s.21; 2010, c.13, s.34; 2016, cP-31.1, s.11-8.

**Approval or refusal of plan re forest product permit**

**49.3(1)** In this section, “**plan**” includes a proposed amendment to a plan.

(2) The minister shall review a plan submitted to the minister pursuant to section 49.1 and:

- (a) approve the plan if, in the minister’s opinion, the plan complies with this Act and it is in the public interest to do so; or
- (b) refuse to approve the plan if the minister is not satisfied that:
  - (i) the plan complies with this Act; or
  - (ii) it is in the public interest to approve the plan.

(3) Notwithstanding any provision in a licence, on approving a plan pursuant to this section, the minister may impose on the plan any terms that the minister considers necessary or advisable.

2002, c.31, s.21.

**Activities to conform to plans**

**49.4(1)** Subject to subsection (2), a licensee who holds a licence respecting a forest product permit shall ensure that the operations of the licensee conform to the approved operating plan, including any terms imposed pursuant to subsection 49.3(3).

(2) In exceptional circumstances, the minister may waive compliance with the terms of an approved operating plan prepared by a licensee.

2002, c.31, s.21.

**Salvage of damaged timber**

**50** Except where specifically provided in a forest product permit, the minister, in order to minimize the waste of merchantable timber damaged or likely to be damaged by fire, pests or other destructive agents, may direct a licensee who holds a forest product permit to conduct harvesting operations in an area designated by the minister by amending the forest product permit.

1996, c.F-19.1, s.50.

**Changes to approval**

**50.1(1)** The minister may cancel, amend, alter or suspend any approved operating plan or any licence other than a licence issued with respect to a forest management agreement, in whole or in part, if:

- (a) the minister is satisfied, based on any information that comes to the attention of the minister, that the activity of a licensee pursuant to an approved operating plan or a licence has resulted or will result in a contravention of any Act or regulation or any other law;
  - (b) in the case of a licensee that is exempt from the requirement to submit an operating plan, the licensee has contravened any Act or regulation or any other law; or
  - (c) the minister is satisfied that it is in the public interest to do so.
- (2) Before the minister does any of the things mentioned in subsection (1), the minister shall give the licensee:
- (a) written notice of the minister's intended action and the reasons for that intended action; and
  - (b) an opportunity to make written representations to the minister, within 30 days after the written notice mentioned in clause (a) is given, as to why the intended action should not be taken.
- (3) The minister is not required to give an oral hearing to any licensee to whom a notice has been given pursuant to subsection (2).
- (4) After considering the representations mentioned in subsection (2), the minister shall issue a written decision and shall serve a copy of the decision on the person who made the representations as soon as is practicable after the decision is made.

2010, c.13, s.35.

**SCALING AND MEASUREMENTS****Dues and fees based on scale or other measurement**

**51** Dues and fees payable on the number or amount of forest products harvested, or to be harvested, under authority of a licence are to be based on a scale or other measurement taken prior to manufacture that is in accordance with the code, an approved scaling plan, and the regulations.

1996, c.F-19.1, s.51; 2002, c.31, s.22; 2010, c.13, s.36.

**Persons authorized to scale and measure**

**52** No person, other than an officer, is authorized to scale or measure forest products for the purpose mentioned in section 51 unless that person is:

- (a) licensed in accordance with the regulations; or
- (b) authorized in writing by the minister.

1996, c.F-19.1, s.52.



## WOOD RESIDUE

**Wood by-products**

**53(1)** In this section:

- (a) **“timber”** means any trees or parts of trees from Crown land, whether standing, fallen, cut, alive or dead;
- (b) **“wood by-products”** means:
  - (i) wood chips from timber;
  - (ii) wafers from timber; or
  - (iii) all timber or parts of timber that:
    - (A) result from a harvesting operation or from a processing facility; and
    - (B) have not been manufactured into a useable product;

but, in the minister’s opinion, could be manufactured into a useable product without undue financial hardship to either party mentioned in this section.

(2) Unless otherwise specified in a licence, if the minister considers it necessary to maximize the use of wood by-products or to prevent damage to forest resources on Crown land, the minister may:

- (a) direct a person licensed to operate a processing facility or harvest timber to deliver any or all wood by-products resulting from the operation of the processing facility or harvesting activity to any place that the minister may designate; and
- (b) direct that person to sell the wood by-products to the owner of any processing facility that the minister may specify.

(3) If the parties agree to an acceptable price at the place of delivery, the party receiving the delivery shall offer to buy the wood by-products at that price.

(4) If the parties cannot agree on a price at the place of delivery or on any other term, the price to be paid or other term is to be fixed by arbitration.

(5) For the purposes of an arbitration pursuant to section 54, the person directed to deliver the wood by-products is deemed to be the party demanding the arbitration.

2002, c.31, s.23.

**Arbitration**

**54(1)** An arbitration pursuant to this Act is to be before three arbitrators, and *The Arbitration Act, 1992* applies to the arbitration.

(2) The party demanding the arbitration shall inform the other party of the name of the person he or she names as one of the arbitrators, and within 15 days of receiving that name, the other party shall name a person as one of the arbitrators.

(3) The two arbitrators shall choose a third arbitrator, who is the chairperson of the arbitrators.

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(4) In the event the party receiving the demand for arbitration fails to name a person as one of the arbitrators within the time specified, a judge of the Court of Queen's Bench may name a person as one of the arbitrators on behalf of that party.

(5) In the event the two arbitrators named fail to name a person as the third arbitrator, the Chief Justice of the Queen's Bench may name a judge of the Court of Queen's Bench or any other judge or person as the third arbitrator, who shall be chairperson of the arbitrators.

1996, c.F-19.1, s.54.

## ZONING AND DEVELOPMENT

**Application of *The Planning and Development Act, 2007***

**55** Notwithstanding section 4 and subsection 5(1) of *The Planning and Development Act, 2007*, neither that Act nor any provision of any official community plan, zoning bylaw or interim development control bylaw made pursuant to that Act or any former Act relating to urban and rural planning and development applies to:

- (a) the harvesting of forest products in a provincial forest; or
- (b) any activities relating to or in any way connected with forest management carried out in a provincial forest pursuant to this Act, the regulations or any plan approved by the minister pursuant to this Act.

1996, c.F-19.1, s.55; 2007, c.P-13.2, s.259.

## ROADS AND RAILWAYS

**Minister may establish roads**

**56(1)** Notwithstanding anything in any other Act, the minister may construct roads within a provincial forest and may:

- (a) maintain and administer those roads;
  - (b) limit the loads carried by vehicles using those roads; and
  - (c) by order, close the whole or any specified part of those roads.
- (2) Nothing in this section operates to withdraw any road from a provincial forest.

1996, c.F-19.1, s.56.

**Construction of roads**

**57(1)** Notwithstanding anything in this Act or any other Act but subject to subsection (2), no person shall clear any forest land for the purpose of constructing a road, trail or other right of way, except with prior authorization from the minister or in accordance with the regulations.

(2) On forest land administered by the Ministry of Agriculture, the minister presiding over that ministry may control any clearing for purposes of constructing a road, trail or other right of way and may issue dispositions for that purpose.

(3) The sale or disposal of any forest products taken from land mentioned in subsection (2) is subject to this Act.

1996, c.F-19.1, s.57; 2010, c.13, s.37.

#### Closure of roads

**58(1)** In this section and in section 59, “**close**”, with respect to a road, means to decommission, barricade, place a gate on or place a sign on a road or road allowance with the intent of preventing travel by a vehicle on that road or road allowance.

(1.1) Notwithstanding anything in any licence or agreement, if the minister considers it necessary for the purposes of managing or protecting forest resources, the minister may close, by order, or require any person responsible for the construction or maintenance of the road to close, any road within a provincial forest.

(2) If a road is closed pursuant to subsection (1.1), no person shall operate a vehicle on that road, and no person shall be a passenger in or on a vehicle that is on that road, unless the person is specifically authorized to do so by an officer or in an approved operating plan.

1996, c.F-19.1, s.58; 2002, c.31, s.24; 2010, c.13, s.38.

#### Exceptions to road closures

**59(1)** Section 58 does not apply respecting:

- (a) provincial highways established pursuant to *The Highways and Transportation Act*; or
- (b) roads administered by a rural municipality pursuant to *The Municipalities Act*.

(2) No person shall travel on any road closed pursuant to section 58 unless authorized to do so by an officer.

1996, c.F-19.1, s.59; 2005, c.M-36.1, s.429.

#### Land required for railway purpose

**60(1)** The Lieutenant Governor in Council may sell or lease land within a provincial forest when the land is required for the right of way or station grounds of a railway, but the land, subject to the use for which it is sold or leased, remains part of the provincial forest within which it is situated.

(2) If any land sold or leased pursuant to subsection (1) is no longer used for the purpose for which it was sold or leased, it reverts to the Crown.

1996, c.F-19.1, s.60.

## PROTECTION OF FOREST PRODUCTS, FORESTS AND TREES

**Damage prevention and repair**

**61(1)** An officer may make an order requiring any person to stop harvesting or to stop any activity where the officer believes, on reasonable grounds, that:

- (a) the person has harvested or is harvesting forest products without authority to do so pursuant to this Act, the regulations or the code; or
  - (b) the person has done or is doing anything that:
    - (i) has damaged, is damaging or is likely to damage Crown resource land or forest products on Crown land; or
    - (ii) is not authorized by a licence or other privilege granted pursuant to this Act, the regulations or the code or any other Act or regulations administered by the minister.
- (2) The officer's order remains in effect for seven days or any shorter period designated by the officer.
- (3) The officer may rescind an order made pursuant to subsection (1) before the time set for its expiration if the person to whom the order is directed has done all of the following to the officer's satisfaction:
- (a) stopped doing any activity mentioned in clauses (1)(a) and (b);
  - (b) prevented further damage from occurring by an activity mentioned in clauses (1)(a) and (b);
  - (c) repaired any damage caused by an activity mentioned in clauses (1)(a) and (b).
- (4) During the period of the officer's order, the minister may make an order:
- (a) confirming the officer's order and directing the person to stop the activity mentioned in clause (1)(a) or (b) for any period designated by the minister;
  - (b) directing the person to take any action the minister considers appropriate to repair the damage or prevent further damage;
  - (c) specifying the manner, method or procedures to be used in carrying out the measures required by the minister;
  - (d) specifying the time that any measure required by the minister is to begin and the period within which the order or any portion of the order is to be complied with; and
  - (e) specifying that the person to whom it is directed pay for the appointment of a resource monitor approved by the minister in accordance with the regulations.
- (5) The minister may make an order rescinding or amending an order made pursuant to subsection (1) or (4).

(6) Neither the minister nor an officer is required to grant any person a hearing or an opportunity to make representations prior to making an order pursuant to this section.

(7) An order made pursuant to this section must be served on the person to whom it is directed.

1996, c.F-19.1, s.61; 2002, c.31, s.25; 2010, c.13, s.39.

**Minister may take action**

**62(1)** The minister may do all or any of the things mentioned in subsection (2) if a person on whom an order is served pursuant to section 61 fails to comply with that order:

- (a) within the period specified in that order; or
- (b) if no period is specified in the order, within a reasonable period after the order was served.

(2) In the circumstances mentioned in subsection (1), the minister may:

- (a) carry out the order; and
- (b) recover the costs and expenses incurred pursuant to clause (a) on behalf of the Crown as a debt due and recoverable by the Crown from the person who failed to comply with the order.

2010, c.13, s.40.

**Forest remediation order**

**62.1(1)** If the minister is satisfied that activities being carried out on Crown resource land are being carried out in contravention of this Act, the regulations or the code and may cause, are causing or have caused damage to Crown resource lands or forest products on Crown resource lands, the minister may issue a forest remediation order against a person responsible directing that person to take any measures that the minister considers necessary.

(2) The minister shall cause the measures mentioned in subsection (3) to be set out in the forest remediation order.

(3) For the purposes of subsection (1), the minister may, in a forest remediation order, require a person to whom the forest remediation order is directed to do all or any of the following:

- (a) investigate the situation;
- (b) lessen or prevent further damage to the Crown resource land or forest products;
- (c) remedy the damage;
- (d) restore the Crown resource land or forest products to a condition satisfactory to the minister;

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- (e) maintain records on any matter relevant to the measures specified in the order;
  - (f) report periodically to the minister or a person designated by the minister with respect to the measures specified in the order;
  - (g) cease or suspend any activity for a period specified in the order or permanently;
  - (h) take any measure, in addition to or other than one described in clauses (a) to (g), that the minister considers necessary to:
    - (i) facilitate compliance with any forest remediation order; or
    - (ii) protect or restore the Crown resource lands or forest products.
- (4) A forest remediation order may specify:
- (a) the method or procedures to be used in carrying out the measures required by the order and the manner in which those methods or procedures are to be carried out; and
  - (b) the period within which any measure required by the order is to be commenced and the period within which the order or any portion of the order is to be complied with.

2010, c.13, s.40.

**Service of forest remediation order**

**62.2** The minister shall serve a copy of a forest remediation order on the person to whom the order is directed.

2010, c.13, s.40.

**Process for issuing and amending forest remediation orders**

**62.3(1)** The minister may amend, alter or replace a forest remediation order, in whole or in part, if:

- (a) the person to whom the forest remediation order is issued fails to comply with the terms of the order; or
  - (b) the minister considers it appropriate to do so.
- (2) Before the minister issues a forest remediation order, or takes any action pursuant to subsection (1), the minister shall give to the person to whom the order is intended to be issued or whose order is to be amended, altered or replaced:
- (a) written notice of the minister's intended action and the reasons for that intended action; and
  - (b) an opportunity to make written representations to the minister, within 30 days after the written notice mentioned in clause (a) is given, as to why the intended action should not be taken.
- (3) The minister is not required to give an oral hearing to any person to whom a notice has been given pursuant to subsection (2).

- (4) After considering the representations mentioned in clause (2)(b), the minister shall issue a written decision:
- (a) confirming the forest remediation order;
  - (b) amending, altering or replacing the forest remediation order; or
  - (c) revoking the forest remediation order.
- (5) The minister shall serve a copy of the decision made pursuant to this section on the person who made the representations as soon as is practicable after the decision is made.

2010, c.13, s.40.

**When minister may carry out forest remediation order**

- 62.4(1)** The minister may do all or any of the things mentioned in subsection (2) if a person on whom a forest remediation order is served fails to comply with that order:
- (a) within the period specified in that order; or
  - (b) if no period is specified in the order, within a reasonable period after the order was served.
- (2) In the circumstances mentioned in subsection (1), the minister may:
- (a) carry out the order; and
  - (b) recover the costs and expenses incurred pursuant to clause (a) on behalf of the Crown as a debt due and recoverable by the Crown from the person who failed to comply with the forest remediation order.

2010, c.13, s.40.

**Recovery of minister's costs – filing of certificate**

- 62.5(1)** If the minister undertakes any work for the purposes of this Part and incurs any costs and expenses as a result, the minister may file in the office of the local registrar of the Court of Queen's Bench at the judicial centre nearest to the place where the work or the greatest portion of the work was done a certificate that is signed by the minister and that sets out:
- (a) the amount of the costs and expenses; and
  - (b) the person from whom the costs and expenses are recoverable.
- (2) If the minister files a certificate pursuant to subsection (1), the minister shall serve a copy of the certificate on the person from whom the certificate states the costs and expenses are recoverable.
- (3) A certificate filed pursuant to this section has the same force and effect as if it were a judgment obtained in the Court of Queen's Bench for the recovery of a debt in the amount specified in the certificate, together with any reasonable costs and expenses with respect to its filing.

- (4) A person who has been served with a copy of a certificate pursuant to subsection (2) may, within 30 days after receiving the copy, make written representations to the minister requesting the minister to reconsider the amount of the costs and expenses.
- (5) After considering the representations mentioned in subsection (4), the minister may:
- (a) withdraw the certificate;
  - (b) vary the amount of the costs and expenses and, for that purpose, withdraw the certificate and file a new certificate with the new costs and expenses; or
  - (c) confirm the certificate.
- (6) The minister shall serve a copy of the decision made pursuant to this section on the person who made the representations as soon as is practicable after the decision is made.

2010, c.13, s.40.

**Appeals to Court of Queen's Bench re forest remediation order or certificate**

- 62.6(1)** Any person aggrieved by a forest remediation order may appeal the order on a question of law to a judge of the Court of Queen's Bench within 30 days after the date of service of the order.
- (2) The record of an appeal pursuant to subsection (1) consists of:
- (a) the forest remediation order;
  - (b) the written representations made to the minister by the person named in the forest remediation order;
  - (c) the minister's decision pursuant to subsection 62.3(4); and
  - (d) any other material that the Court of Queen's Bench may require.
- (3) A person with respect to whom a certificate has been entered as a judgment pursuant to section 62.5 may appeal to a judge of the Court of Queen's Bench only on the grounds that the costs and expenses set out in the certificate are not reasonable.
- (4) An appeal pursuant to subsection (3) must be made within:
- (a) 30 days after the date of service of the certificate; or
  - (b) if the person has made representations to the minister pursuant to section 62.5, within 30 days after the minister has issued a decision.
- (5) On hearing an appeal pursuant to this section, the judge of the Court of Queen's Bench may issue an order:
- (a) confirming the forest remediation order or the entering of the certificate against the appellant, as the case may be;
  - (b) amending the forest remediation order or the certificate, as the case may be;



- (c) quashing the forest remediation order or the certificate, as the case may be; or
  - (d) doing any other thing that the judge considers appropriate.
- (6) In an order issued pursuant to subsection (5), the judge of the Court of Queen's Bench may specify the period within which the forest remediation order must be complied with.

2010, c.13, s.40.

**Appeal does not stay order or decision**

**62.7** An appeal pursuant to section 62.6 does not stay the operation of the forest remediation order or the certificate with respect to which the appeal is taken, unless a judge of the Court of Queen's Bench orders otherwise.

2010, c.13, s.40.

**Designation of insects and diseases**

**63(1)** In this section, sections 63.1 to 63.4, and sections 77 and 99:

- (a) **“designated insects or diseases”** means those insects or diseases designated by the Lieutenant Governor in Council;
  - (b) **“designated lands”** means any lands that are within those areas designated by the Lieutenant Governor in Council.
- (2) The Lieutenant Governor in Council may designate:
- (a) any lands for the purposes of this section, sections 63.1 to 63.4 and section 77, and may designate different lands for different insects or diseases; and
  - (b) any insects or diseases for the purposes of this section, sections 63.1 to 63.4 and section 77.

2002, c.31, s.26.

**Duty re designated insects and diseases**

**63.1(1)** Every person who owns, occupies or controls any land that is designated land shall take measures to remove, dispose of, control and prevent the spread of all designated insects or diseases on that land.

(2) Subject to the regulations, every person who owns, occupies or controls any land that is designated land shall take measures to remove or dispose of any infected material on that land that may contribute to the spread of any designated insect or disease.

2002, c.31, s.26.

**Powers re control of designated insects and diseases**

**63.2(1)** If the minister, an officer or an inspector determines that there are on any designated lands designated insects or diseases that are causing or are likely to cause damage to forests, trees or other arboraceous vegetation, the minister, officer or inspector may make an order requiring the person who owns, occupies or controls the designated lands to:

- (a) take measures to destroy, control and prevent the spread of designated insects or diseases in a manner specified by the minister, officer or inspector; or
  - (b) remove or dispose of the trees or vegetation in a manner specified by the minister, officer or inspector.
- (2) Clauses 61(4)(b) to (d) and subsections 61(5) to (7) apply, with any necessary modification, to an order made by the minister, officer or inspector respecting designated insects or diseases.
- (3) An order made pursuant to this section must be served on the person to whom it is directed.
- (4) The minister, an officer or an inspector may take any action that the minister, officer or inspector considers necessary to remove, dispose of, control or prevent damage from designated insects or diseases to forests, trees or other arboraceous vegetation on any designated lands if:
- (a) the minister, officer or inspector considers it in the public interest to take immediate action; or
  - (b) the person who is served with an order made pursuant to subsection (1) fails to comply with the order within the specified time.
- (5) Without limiting the generality of subsection (4), in the circumstances mentioned in that subsection, the minister, an officer or an inspector may take any action mentioned in section 77.

2002, c.31, s.26.

**Minister, officers, inspectors powers re control of designated insects and diseases**

**63.3** For the purposes of carrying out any of his or her duties or exercising any of his or her powers pursuant to this Act or the regulations with respect to designated insects or diseases, the minister, an officer or an inspector may do any or all of the following on any land:

- (a) take any samples that may be necessary;
- (b) monitor or record the extent and severity of designated insect or disease infestations on any land with forests, trees or other arboraceous vegetation.

2002, c.31, s.26.

**Recovery from owner or occupant**

**63.4(1)** Any cost or expense incurred with respect to any action taken pursuant to subsection 63.2(4) by the minister, an officer or a provincial inspector is a debt due to and recoverable by the Crown from the owner or occupant of those lands.

(2) The costs and expenses incurred with respect to any action taken pursuant to subsection 63.2(4) by a municipal inspector may be recovered from the owner or occupant of the land in the same manner as rates and taxes.

(3) Every amount described in subsection (2) is to be immediately added to and forms part of the taxes on the parcel of land on which the work was done.

(4) The treasurer of each municipality in which any expenditure has been made pursuant to subsection 63.2(4) shall, on or before November 30 in each year, notify every owner or occupant of land with respect to which an expenditure has been made of the amount chargeable against his or her land.

2002, c.31, s.26.

**Appeal**

**64(1)** Any person aggrieved by an order of the minister, an officer or an inspector made pursuant to section 61 or 63.2 may appeal the order on a question of law or jurisdiction to a judge of the Court of Queen's Bench within 30 days after the date of service of the order.

(2) The record of an appeal pursuant to subsection (1) consists of:

- (a) the order;
- (b) the notice of motion commencing the appeal to the Court of Queen's Bench; and
- (c) any other material that the Court of Queen's Bench may require.

(3) On hearing an appeal pursuant to this section, the judge of the Court of Queen's Bench may issue an order:

- (a) confirming the order;
- (b) amending the order;
- (c) quashing the order; or
- (d) doing any other thing that the judge considers appropriate.

(4) In an order issued pursuant to subsection (3), the judge of the Court of Queen's Bench may specify the period within which the order must be complied with.

(5) With leave of a judge of the Court of Appeal, any person who is a party to an appeal and is aggrieved by a decision of the judge of the Court of Queen's Bench may appeal the decision to the Court of Appeal.

(6) An appeal does not stay the operation of the order with respect to which the appeal is taken unless a judge of the court to which the appeal is taken orders otherwise.

2010, c.13, s.41; 2021, c.19, s.13.

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**Order enjoining person**

**65(1)** The minister may apply, by notice of motion, to the Court of Queen’s Bench for an order enjoining any person from proceeding contrary to this Act, the regulations or a term of a licence.

(2) The Court of Queen’s Bench may grant the order on any terms that it considers appropriate.

(3) With leave of a judge of the Court of Appeal, the minister or any person against whom an order is made may appeal the order to the Court of Appeal.

1996, c.F-19.1, s.65; 2021, c.19, s.13.

## ENFORCEMENT

**Interpretation of sections 66.1 to 75**

**66** In sections 66.1 to 75:

(a) “**Act**” includes the regulations;

(b) “**forest product**” includes infected material and any products manufactured from forest products or infected materials;

(c) “**record**” includes any books, papers, documents, information or electronic books, papers, documents or information.

2007, c.29, s.3.

**General powers of officers**

**66.1** All officers have the power of peace officers to enforce this Act and are entitled, while performing their duties, to all the protection that peace officers are entitled to pursuant to the *Criminal Code*.

2007, c.29, s.3.

**Officer may be accompanied**

**67** If an officer is conducting an inspection or investigation pursuant to this Act, the officer may be accompanied by any person who, in the opinion of the officer, by virtue of his or her expertise in a particular field or his or her knowledge of facts relevant to the matter being inspected or investigated, may assist the officer in carrying out the officer’s duties.

2007, c.29, s.3.

**Arrest without warrant**

**68** An officer may arrest, without a warrant, any person found committing an offence against this Act.

2007, c.29, s.3.

**Search of person**

**69** An officer may search any person if the officer has reasonable grounds to believe that the person has concealed on his or her person any evidence of an offence against this Act.

2007, c.29, s.3.

**Entry on land**

**70(1)** For the purposes of carrying out any of his or her duties or exercising any of his or her powers pursuant to this Act, the minister, an officer or an inspector may enter on or pass over any lands, whether enclosed or not, and while so engaged he or she is liable only for any damage that he or she may wilfully cause.

(2) In carrying out any of his or her duties or exercising any of his or her powers pursuant to this Act, the minister, an officer or an inspector may enter on any lands with any machinery, equipment or materials that the minister, officer or inspector considers necessary to carry out the purposes of the entry.

2007, c.29, s.3.

**Inspections**

**71(1)** Subject to subsection 73(4), for any purpose relating to the administration or enforcement of this Act, an officer may do all or any of the following:

- (a) enter at any reasonable time and inspect:
  - (i) any premises required to be licensed pursuant to this Act; or
  - (ii) any commercial premises used by a person required to be licensed pursuant to this Act;
- (b) enter at any reasonable time and inspect any place, including any premises or vehicle, in which the officer has reasonable grounds to believe that:
  - (i) there is any forest product or other thing to which this Act applies;
  - (ii) any activity to which this Act applies has been carried on, is being carried on or is likely to be carried on; or
  - (iii) there are records that are required to be kept pursuant to this Act or that relate to the administration of this Act;
- (c) require the owner or any person in possession of a place, including any premises or vehicle, being inspected pursuant to this section and any agent, representative, partner, director, officer or employee of the owner or person, to:
  - (i) answer any questions that may be relevant to the administration or enforcement of this Act; and
  - (ii) provide the officer with all reasonable assistance;
- (d) for the purposes of clause (c), require any of the persons mentioned in that clause to attend at a place and time set by the officer;

- (e) require any of the persons mentioned in clause (c) to produce:
    - (i) any forest product or other thing to which this Act applies; or
    - (ii) any records that:
      - (A) are required to be kept pursuant to this Act or that relate to the administration of this Act; and
      - (B) the officer reasonably requires;
  - (f) inspect any forest product or other thing to which this Act applies or record that is required to be kept pursuant to this Act or that relates to the administration of this Act.
- (2) If the officer requires any records to be produced pursuant to this section, the officer may examine the records and make copies of the records in accordance with section 74.
- (3) For the purposes of producing a readable record from a computer system or other data storage, processing or retrieval device belonging to or used by a person who is required to produce any records pursuant to this section, the officer may use that computer system, including the computer hardware or software, or other data storage, processing or retrieval device.
- (4) If an officer is unable to produce a readable record from a computer system or other data storage, processing or retrieval device belonging to or used by a person who is required to produce any records pursuant to this section, the officer may, after giving a receipt:
- (a) remove any computer hardware and software and any other data storage, processing or retrieval device required to produce a readable record;
  - (b) produce that record with reasonable dispatch; and
  - (c) promptly return the computer hardware and software and any other data storage, processing or retrieval device to:
    - (i) the place from which they were removed; or
    - (ii) any other place that may be agreed to by the officer and the person from whom they were taken.

2007, c.29, s.3.

**Additional powers on inspection**

**71.1** In addition to the powers mentioned in section 71, in carrying out an inspection pursuant to this Act, an officer may do all or any of the following:

- (a) open or cause to be opened any container found in the place that the officer believes on reasonable grounds contains any forest product or other thing to which this Act applies;
- (b) take samples of any forest product or other thing to which this Act applies;
- (c) conduct any tests or analyses and take any measurements.

2007, c.29, s.3.

**Duty to assist**

**72(1)** No person shall fail to answer questions or to provide reasonable assistance in accordance with section 71 or 71.1 in the manner and within the period specified by the officer.

(2) No person shall fail to produce any records, forest product or other thing to which this Act applies in accordance with section 71 or 71.1 within the period reasonably required by the officer.

(3) No person shall refuse to produce the person's licence to an officer or the ministry when requested to do so.

2007, c.29, s.3; 2010, c.13, s.42.

**Stopping and detaining a vehicle**

**72.1(1)** For any purpose relating to the administration or enforcement of this Act, including conducting an inspection pursuant to section 71 or 71.1 or carrying out an investigation pursuant to section 73, an officer may:

(a) require any vehicle to be stopped;

(b) require the vehicle to be moved to a place where the inspection pursuant to section 71 or 71.1 or the investigation pursuant to section 73 can be carried out; and

(c) detain the vehicle for a reasonable time.

(2) Every operator or person in charge of the vehicle shall comply with the requirements of an officer made pursuant to this section.

2007, c.29, s.3.

**Investigations**

**73(1)** If a justice or provincial court judge is satisfied by information on the oath of an officer that there are reasonable grounds to believe that an offence against this Act has occurred and that evidence of that offence is likely to be found, the justice or provincial court judge may issue a warrant to do all or any of the following:

(a) enter and search any place, including any premises or vehicle, named or described in the warrant;

(b) seize and remove anything that may be evidence of an offence against this Act.

(2) With a warrant issued pursuant to subsection (1), an officer may:

(a) enter at any time and search any place, including any premises or vehicle, named or described in the warrant;

(b) open and examine anything that the officer finds in the place, premises or vehicle;

(c) require the production of and examine any records or other things to which this Act applies that the officer has reasonable grounds to believe may contain information related to an offence against this Act;

- (d) remove, for the purpose of making copies, any records examined pursuant to this section and any computer hardware and software and other data storage, processing or retrieval device required to produce a readable record;
  - (e) do any of the things mentioned in clauses 71.1(b) and (c);
  - (f) do any of the things mentioned in section 72.1; and
  - (g) do any of the things mentioned in section 77.
- (3) Subject to subsection (4), an officer may exercise all or any of the powers mentioned in subsection (2) without a warrant issued pursuant to this section if:
- (a) the conditions for obtaining a warrant exist; and
  - (b) the officer has reasonable grounds to believe that the delay necessary to obtain a warrant would result:
    - (i) in danger to human life or safety; or
    - (ii) in the loss, removal or destruction of evidence.
- (4) No officer shall enter premises that are ordinarily occupied as a private residence without a warrant issued pursuant to this section unless the occupant of those premises consents to the entry.
- (5) If, pursuant to this section, an officer removes any computer hardware and software and any other data storage, processing or retrieval device required to produce a readable record, the officer shall:
- (a) produce that record with reasonable dispatch; and
  - (b) promptly return the computer hardware and software and any other data storage, processing or retrieval device to:
    - (i) the place from which they were removed; or
    - (ii) any other place that may be agreed to by the officer and the person from whom they were taken.

2007, c.29, s.3.

**Copies of records**

- 74(1) If any records are inspected, examined, removed, produced or provided pursuant to section 71 or 73, an officer may make copies of those records.
- (2) An officer shall:
- (a) make those copies with reasonable dispatch; and
  - (b) promptly return the originals of the records to:
    - (i) the place from which they were removed; or
    - (ii) any other place that may be agreed to by the officer and the person who furnished them or from whom they were taken.



(3) If the originals of any record are to be removed from a place, the officer shall take all reasonable steps to ensure that a copy of the record is left at the place to allow business to be carried on.

(4) A document certified by the minister, an officer or any person authorized by the minister to be a copy of a record made pursuant to this section:

- (a) is admissible in evidence without proof of the office or signature of that person; and
- (b) has the same probative force as the original record.

2007, c.29, s.3.

#### **Obstruction**

**75** No person shall resist, obstruct, hinder, delay or interfere with an officer, or a person aiding an officer, in the performance of the officer's duties.

2007, c.29, s.3.

#### **Audits**

**75.1** Sections 71, 71.1, 74 and 75 apply, with any necessary modification, to an audit conducted pursuant to this Act.

2010, c.13, s.43.

**76 Repealed.** 2007, c.29, s3.

#### **Seizure of forest products and infected materials**

**77(1)** In this section, "**forest products**" includes any product manufactured from a forest product.

(2) The minister or an officer may seize any forest products or infected materials if:

- (a) the person in possession or control of the forest products or infected materials refuses or fails to inform the minister or officer of the name and address of the person from whom the forest products or infected materials were received, or of any fact within the person's knowledge respecting the forest products or infected materials;
- (b) the minister or officer believes, on reasonable grounds, that the forest products have not been scaled or measured as required by this Act, the regulations or the code;
- (c) the minister or officer believes, on reasonable grounds, that dues or fees are owing respecting the forest products;
- (d) the minister or officer believes, on reasonable grounds, that the forest products or infected materials were harvested in contravention of this Act, the regulations or the code;
- (e) the minister or officer believes, on reasonable grounds, that the forest products are subject to a lien pursuant to section 23;

- (f) **Repealed.** 2010, c.13, s.44.
  - (g) the minister or officer believes on reasonable grounds that the seizure is necessary to control or prevent damage from designated insects or diseases to forests, trees or other arboraceous vegetation.
- (3) An inspector may seize any infected materials if:
- (a) the person in possession or control of the infected materials refuses or fails to inform the inspector of the name and address of the person from whom the infected materials were received, or of any fact within the person's knowledge respecting the infected materials;
  - (b) the inspector believes, on reasonable grounds, that the infected materials were removed, stored, utilized, transported, pruned or marketed in contravention of this Act, the regulations or the code; or
  - (c) the inspector believes on reasonable grounds that the seizure is necessary to control or prevent damage from designated insects or diseases to forests, trees or other arboraceous vegetation.
- (4) Forest products or infected material that are seized pursuant to subsection (2) or (3) may be removed to any place that the minister, officer or inspector, as the case may be, considers appropriate for the preservation and containment of the forest products or infected materials.
- (5) The minister or an officer seizing forest products or infected materials pursuant to subsection (2) may also seize any vehicle that is being used for the purpose of transporting the forest products or infected materials, and may impound the vehicle for any reasonable period, not exceeding 30 days, that the minister or officer considers necessary to determine the disposition of the seized forest products or infected materials.
- (6) Any person in charge of or operating:
- (a) a vehicle being used to transport forest products or infected materials that have been seized by the minister or an officer pursuant to subsection (2) shall convey the seized forest products or infected materials to any place that the minister or officer may direct; and
  - (b) a vehicle being used to transport infected materials that have been seized pursuant to subsection (3) shall convey the infected materials to any place that an inspector may direct.
- (7) If forest products or infected materials liable to seizure by the minister, an officer or an inspector have been mixed with other similar products so as to render it impractical or difficult to distinguish or separate the forest products or infected materials liable to seizure from the other products or materials with which they are mixed, all of those products or materials so mixed may be seized.

(8) The minister, an officer or a provincial inspector who has custody of any forest products or infected materials seized pursuant to this Act may dispose of them, in whole or in part, in any manner that the minister, officer or provincial inspector considers appropriate and any proceeds realized from the disposition are to be dealt with in the manner set out in the regulations.

(9) A municipal inspector who has custody of any infected materials seized pursuant to this Act may dispose of them, in whole or in part, in the manner set out in the regulations and any proceeds realized from the disposition are to be dealt with in any manner that the municipality or municipalities that designated the municipal inspector consider appropriate.

2002, c.31, s.29; 2010, c.13, s.44.

## ADMINISTRATIVE PENALTIES, PROSECUTIONS AND FORFEITURE

### **Administrative penalty**

**78(1)** The minister may assess a penalty in the prescribed amount against any person if the person:

- (a) fails to pay dues or fees owing in the amount or by the time specified pursuant to this Act or a licence;
- (b) harvests forest products in excess of the volume permitted by a licence or an approved plan;
- (c) harvests forest products in contravention of the terms of a licence, an approved plan or the code;
- (d) conducts renewal activities in contravention of the terms of a licence, an approved plan or the code;
- (e) fails to submit any records or documents with respect to the transportation, scaling, measurement, harvesting, renewal or manufacturing of forest products by the time or in the manner specified pursuant to a licence, an approved plan or the code;
- (f) grazes livestock in contravention of the terms of a licence or an approved plan;
- (g) scales forest products in contravention of the terms of a licence, an approved scaling plan or the code; or
- (h) contravenes any other prescribed provision of this Act, the regulations or the code.

(2) Before assessing a penalty, the minister shall provide notice to the person:

- (a) setting out the facts and circumstances that, in the minister's opinion, render the person liable to a penalty;

- (b) specifying the amount of the penalty that the minister considers appropriate in the circumstances; and
  - (c) informing the person of the person's right to make representations to the minister.
- (3) No penalty is to be assessed by the minister more than three years after the act or omission that renders the person liable to a penalty first came to the knowledge of the minister.
- (4) A person to whom notice is sent pursuant to subsection (2) may make representations to the minister respecting whether or not a penalty should be assessed and the amount of any penalty.
- (5) Representations pursuant to subsection (4) must be made within 30 days after the person received the notice pursuant to subsection (2).
- (6) After considering any representations, the minister may:
- (a) assess a penalty and set a date by which the penalty is to be paid in full; or
  - (b) determine that no penalty should be assessed.
- (7) The minister shall serve a copy of his or her decision pursuant to subsection (6) on the person who made the representations.
- (8) The minister may file in the Court of Queen's Bench a certificate signed by the minister and setting out:
- (a) the amount of the penalty assessed pursuant to subsection (6); and
  - (b) the person from whom the penalty is to be recovered.
- (9) A certificate filed pursuant to this section has the same force and effect as if it were a judgment obtained in the Court of Queen's Bench for the recovery of a debt in the amount set out in the certificate, together with reasonable costs and charges with respect to its filing.
- (10) The minister may assess a penalty pursuant to this section notwithstanding that the facts and circumstances giving rise to the penalty arose due to the actions of an employee, helper, contractor or agent of the person required to pay the penalty.

2010, c.13, s.45.

**Appeal to Court of Queen's Bench re administrative penalty**

**78.1(1)** Any person aggrieved by a decision of the minister to impose a penalty pursuant to section 78 may appeal that decision on a question of law to a judge of the Court of Queen's Bench within 30 days after the date of service of the minister's decision.

- (2) The record of an appeal pursuant to subsection (1) consists of:
- (a) the minister's decision;

- (b) any written representations made to the minister by the person named in the decision;
  - (c) the notice of motion commencing the appeal; and
  - (d) any other material that the Court of Queen's Bench may require.
- (3) On hearing an appeal pursuant to this section, the judge of the Court of Queen's Bench may issue an order:
- (a) confirming the penalty;
  - (b) amending or varying the amount of the penalty; or
  - (c) quashing the minister's decision to assess a penalty.

2010, c.13, s.45.

**Offences and penalties**

**79(1)** No person shall:

- (a) harvest forest products except in accordance with this Act, the regulations and the code;
- (b) possess any forest products that the person knows or ought to have known were taken in contravention of this Act, the regulations or the code;
- (c) possess any forest products without a licence where, pursuant to this Act, the regulations or the code, a licence is required to possess those products;
- (d) fail to comply with the terms of any licence or plan approved pursuant to this Act, the regulations or the code;
- (e) fail to comply with an order made pursuant to section 61, 62.1 or 63.2;
- (f) traffic in forest products unless authorized to do so pursuant to this Act, the regulations or the code;
- (g) treat, remove, store, transport or utilize any infected material except in accordance with this Act, the regulations or the code;
- (h) without lawful authority, damage, deface or remove any notice, poster or sign posted or placed by the minister, a licensee or an officer pursuant to this Act, the regulations or the code;
- (i) provide an officer with false information relating to an offence or alleged offence against this Act, the regulations or the code;
- (j) falsify, in any particular, any application, licence, record or return required by this Act, the regulations or the code to be made or kept;
- (k) apply for a licence when prohibited from doing so; or
- (l) fail to comply with any provision of this Act, the regulations or the code.

- (2) Any person who contravenes any provision of this Act, the regulations or the code is guilty of an offence and liable on summary conviction:
- (a) in the case of an individual, to a fine not exceeding \$250,000, to imprisonment for a term not exceeding five years or to both;
  - (b) in the case of a corporation, to a fine not exceeding \$1,000,000.
- (3) A person shall not be convicted of an offence pursuant to this section respecting the same act or omission for which a penalty was imposed on the person pursuant to section 78.

1996, c.F-19.1, s.79; 2002, c.31, s.31; 2007, c.29, s.3; 2010, c.13, s.46.

**On conviction, person prohibited from obtaining a licence for a specific time**

**79.1(1)** A person who is convicted of a contravention of subsection 79(1) may be prohibited by the minister from applying for or obtaining a licence for the longer of:

- (a) any period to a maximum of three years from the date of conviction; and
  - (b) any period that the convicting judge may order to a maximum period of five years from the date of conviction.
- (2) The minister shall give written notice of the prohibition as soon as possible to the person mentioned in subsection (1).
- (3) If a person is convicted of a contravention of a provision of this Act or the regulations, in addition to any other penalty imposed, the convicting judge, having regard to the nature of the offence and the circumstances surrounding its commission, may prohibit the person from doing any act or engaging in any activity that could, in the opinion of the convicting judge, result in the continuation or repetition of the offence.
- (4) If a licence is issued to a person who is prohibited from applying for or obtaining a licence, the licence is deemed to be void.

2016, c18, s.8.

**Additional powers of court**

**80(1)** In addition to any penalty imposed on a person pursuant to subsection 79(2), the court, having regard to the nature of the offence and the circumstances surrounding its commission, may make an order doing any one or more of the following:

- (a) prohibiting the person from doing any act or engaging in any activity that, in the opinion of the court, may result in the continuation of the offence;
- (b) directing the person to take any action the court considers appropriate to:
  - (i) repair any damage to any Crown resource land or forest products on Crown land that resulted from the commission of the offence; or
  - (ii) prevent any damage to any Crown resource land or forest products on Crown land that may result from the commission of the offence;

- (c) directing the person to pay the minister an amount of money as compensation, in whole or in part, for:
- (i) dues payable respecting forest products;
  - (ii) fees owing;
  - (iii) the costs associated with the seizure, transportation and storage of articles seized;
  - (iv) the cost of any remedial or preventative action taken by or at the direction of the minister as a result of the commission of the offence;
- (d) **Repealed.** 2002, c.31, s.32.
- (e) directing the person to provide a surety instrument or pay into the court an amount of money the court considers appropriate for the purpose of ensuring compliance with any prohibition, direction or requirement mentioned in this subsection;
- (f) requiring the person to comply with any terms that the court considers appropriate for securing the person's good conduct and for preventing the person from repeating the offence or committing other offences pursuant to this Act or the regulations;
- (g) cancelling any licence held by the person;
- (h) cancelling any licence held by the person and prohibiting the person from applying for or obtaining a licence for not more than five years from the date of conviction.
- (2) Where a person has been convicted of an offence pursuant to this Act or the regulations and the court is satisfied that as a result of the commission of the offence the person benefitted monetarily, the court, notwithstanding the maximum amount of any fine that may otherwise be imposed pursuant to this Act, may order the person to pay an additional fine in an amount equal to the court's finding of the amount of those monetary benefits.

1996, c.F-19.1, s.80; 2002, c.31, s.32.

**Offences by officers, directors or agents**

**81** Every director, officer or agent of a corporation who directed, authorized, assented to, acquiesced in or participated in an act or omission of the corporation that would constitute an offence by the corporation is guilty of that offence and is liable on summary conviction to the penalties provided for that offence whether or not the corporation has been prosecuted or convicted.

2010, c.13, s.47.

**Vicarious liability**

**82** In any prosecution for an offence, it is sufficient proof of the offence to establish that it was committed by an employee, helper, contractor or agent of the defendant, whether or not the employee, helper, contractor or agent is identified or has been prosecuted or convicted for the offence, in the absence of any evidence that the offence was committed without the defendant's knowledge.

1996, c.F-19.1, s.82; 2016, c18, s.9.

**Limitation on prosecutions**

**83** No prosecution for a contravention of this Act, the regulations or the code is to be commenced more than three years after the facts on which the alleged contravention is based first came to the knowledge of the minister.

2010, c.13, s.48.

**Proof of licence**

**84(1)** The certificate of the minister that a licence or notice has or has not been granted or given pursuant to this Act is, in the absence of evidence to the contrary, proof of its contents without proof of the office or signature of the minister.

(2) A copy of a licence certified by the minister to be a correct copy is, in the absence of evidence to the contrary, proof of its contents without proof of the office or signature of the minister.

1996, c.F-19.1, s.84.

**Certificate re evidence**

**85** In a prosecution for a contravention of this Act, the regulations or the code, the certificate or report of any of the following persons is admissible in evidence as proof of its contents, in the absence of evidence to the contrary, respecting any forest product or thing that, according to the certificate or report, has been examined in a laboratory by that person without proof of the office or signature of that person:

- (a) a person in charge of a laboratory:
  - (i) designated in the regulations;
  - (ii) maintained by the Government of Saskatchewan; or
  - (iii) maintained by the Royal Canadian Mounted Police;
- (b) any person employed in a laboratory mentioned in clause (a).

1996, c.F-19.1, s.85; 2010, c.13, s.49.



**Onus on person charged**

**86** In any prosecution pursuant to this Act in which the validity or existence of a licence is in question, the onus is on the person charged to prove the validity or existence of the licence.

1996, c.F-19.1, s.86.

**Seizure and return or forfeiture of forest products and manufactured products**

**87(1)** Any forest products or manufactured products seized pursuant to this Act, or any proceeds realized from their disposition, shall be returned to the person from whom they were seized if, within 30 days after the seizure:

(a) no prosecution is commenced for an offence in relation to the seized products; and

(b) the minister or an officer is satisfied that the seized forest products, or any other forest products from which the seized products were manufactured, were harvested in accordance with this Act, the regulations and the code and that all dues and fees that may be a lien on the seized products have been paid.

(2) If no prosecution is commenced for an offence in relation to seized forest products or manufactured products within 30 days of the seizure, but the person from whom the products were seized fails to satisfy the minister or an officer as to the matters mentioned in clause (1)(b), the seized products, or any proceeds realized from their disposition, shall be forfeited to the Crown and disposed of in a manner prescribed in the regulations.

(2.1) Where forest products that have been seized are forfeited to the Crown pursuant to this Act, the Crown is not required to pay any compensation to the person from whom the forest products were seized:

(a) on account of any costs and expenses incurred or work done by that person respecting the planting, growing or harvesting of the forest products seized; or

(b) respecting any forest products subsequently grown on or harvested from the same land that the seized forest products were grown on or harvested from.

(3) If a prosecution is commenced within 30 days of the seizure of forest products or manufactured products, those products, or any proceeds realized from their disposition, may be retained by the minister or an officer until they are forfeited or proceedings relating to them are finally concluded.

(4) Where a person is convicted of an offence, any forest products, or products manufactured from forest products, seized respecting the offence, or any proceeds realized from their disposition, shall be forfeited to the Crown and disposed of in a manner prescribed in the regulations.

1996, c.F-19.1, s.87; 2000, c.46, s.5; 2010, c.13, s.50.

**Consequences where no conviction obtained**

**88(1)** Where a person is not convicted of an offence, any forest products or products manufactured from forest products seized respecting the alleged offence, or any proceeds realized from their disposition, shall be returned to the person from whom they were seized within 60 days after the date that:

- (a) the person is found not guilty, unless the verdict is appealed within 60 days;
  - (b) the charge is dismissed or stayed, unless the dismissal or stay is appealed within 60 days; or
  - (c) the proceedings are finally concluded, in the event of an appeal.
- (2) Notwithstanding subsection (1), where a person is not convicted of an offence but it is proved that the seized forest products, or any other forest products from which the seized products were manufactured, were harvested in contravention of this Act, the regulations or the code, the court may order that the seized products, or any proceeds realized from their disposition, be forfeited to the Crown and disposed of in a manner prescribed in the regulations.

1996, c.F-19.1, s.88; 2010, c.13, s.51.

**Seizure and return or forfeiture of equipment, etc.**

**89(1)** Any equipment, vehicle or other article seized pursuant to this Act, other than forest products or products manufactured from forest products, shall be returned to the person from whom it was seized:

- (a) if no prosecution is commenced within 30 days of the seizure;
  - (b) subject to subsection (2), if a prosecution is commenced within 30 days of the seizure, within 60 days after the date that:
    - (i) the person is found not guilty, unless the verdict is appealed within the 60 days;
    - (ii) the charge is dismissed or stayed, unless the dismissal or stay is appealed within 60 days; or
    - (iii) the proceedings are finally concluded, in the event of an appeal.
- (2) Where a person is convicted of an offence, the court may order that any equipment, vehicle or other article seized respecting the offence, other than forest products or products manufactured from forest products, be forfeited to the Crown and disposed of in a manner prescribed in the regulations.

1996, c.F-19.1, s.89.

**Forfeiture where person cannot be located**

**90** Where any property is to be returned pursuant to sections 87 to 89 to the person from whom it was seized and that person and anyone authorized to act on that person's behalf cannot be located, the item seized shall be forfeited to the Crown and disposed of in a manner prescribed in the regulations.

1996, c.F-19.1, s.90.

**Crown not liable**

**91** The Crown, the minister or any person appointed, retained or employed by the minister or the ministry is not liable for:

- (a) any damages sustained by any person or his or her vehicle by reason of disrepair or non-repair of any of the following:
  - (i) a road closed pursuant to section 58;
  - (ii) a road allowance in the provincial forest that is not developed;
  - (iii) a road made or laid out by a licensee;
  - (iv) a road made or laid out in the provincial forest;
  - (v) any other work performed on a road in the provincial forest by a licensee or any other person; or
- (b) any deterioration, diminution or other devaluation of property seized pursuant to this Act but not forfeited to the Crown, including any loss resulting from the disposal of any property pursuant to subsection 77(8).

2010, c.13, s.52.

**Possession**

**92** For the purposes of any provision of this Act and the regulations creating an offence for possession of a thing:

- (a) a person has possession of any thing when it is in that person's personal possession or custody or when, for that person's use or benefit and with that person's knowledge and consent, it is:
  - (i) in any place, whether or not that place belongs to or is occupied by that person; or
  - (ii) in the actual possession or custody of another person;
- (b) a person has possession of any thing where that person is the owner or occupier of a place at which any thing is located and that person has knowledge of and consents to the thing being located at that place.

1996, c.F-19.1, s.92.

## GENERAL

- 93** The minister may suspend or cancel a licence, in whole or in part, where:
- (a) the licensee:
    - (i) has failed to comply with the licence;
    - (ii) has contravened this Act, the regulations or any order made pursuant to this Act or the regulations;
    - (iii) has failed to pay dues or fees or has made a fraudulent return respecting dues or fees;
    - (iv) becomes insolvent; or
    - (v) has failed to provide information to the minister, an officer or the ministry as required pursuant to this Act or the regulations; and
  - (b) the period, if any, provided in the licence within which the holder may cure his or her default has expired.
- (2) Before suspending or cancelling a licence, the minister shall:
- (a) give the licensee written notice of the minister's intention to suspend or cancel the licence and the reasons for the suspension or cancellation; and
  - (b) give the licensee an opportunity to make representations to the minister on why the licence should not be suspended or cancelled.
- (3) The minister shall not suspend or cancel a forest management agreement, without the approval of the Lieutenant Governor in Council.

1996, c.F-19.1, s.93; 2016, c18, s.10.

**93.1 Repealed.** 2018, c19, s.7.

**Delegation**

**94(1) Repealed.** 2000, c.50, s.9.

- (2) The minister may delegate the exercise of any of the minister's powers, or the carrying out of any of the minister's responsibilities, pursuant to this Act, the regulations or the code that are prescribed in the regulations for the purposes of this section to:
- (a) any advisory committee; or
  - (b) any person or category of persons.
- (3) The exercise by an advisory committee, person or category of persons of any of the minister's powers, or the carrying out of any of the minister's responsibilities, delegated pursuant to this section is deemed to be the exercise or the carrying out, as the case may be, by the minister.

1996, c.F-19.1, s.94; 2000, c.50, s.9; 2010, c.13, s.54.

**Immunity**

**95** No action or other proceeding lies or shall be commenced against the minister, the ministry, the minister's designate, any inspector, any municipality, any municipal council, any person appointed, retained or employed by a municipality if that person is acting pursuant to the authority of this Act, the regulations or the code, any officer, any person lawfully accompanying an officer, the Crown or officers and employees of the Crown for any loss or damage suffered by a person by reason of anything in good faith done, caused, permitted or authorized to be done, attempted to be done or omitted to be done by any one or more of them, pursuant to or in the exercise or supposed exercise of any power conferred by this Act, the regulations or the code or in the carrying out or supposed carrying out of any function or duty imposed by this Act, the regulations or the code.

2010, c.13, s.55.

**Collection of debts**

**96(1)** Where a person owes any debt due to the Crown pursuant to this Act, the regulations or the code and the amount owing has remained unpaid for at least 30 days since it became owing, the minister may:

- (a) certify the amount due in a certificate in the prescribed form; and
  - (b) file that certificate at any judicial centre with the local registrar of the Court of Queen's Bench.
- (2) A certificate filed pursuant to subsection (1):
- (a) is to be served, within 30 days of filing, on the person who is the subject of the certificate, but failure to serve the certificate within 30 days does not affect the validity of the certificate; and
  - (b) has the same force and effect as if it were a judgment obtained in the Court of Queen's Bench for the recovery of a debt in the amount specified in the certificate, together with any reasonable costs and charges respecting its filing.
- (3) A person against whom a certificate is issued may appeal the amount of the certificate to a judge of the Court of Queen's Bench at any time within 30 days after the certificate is served.
- (4) With leave of a judge of the Court of Appeal, any person who is a party to an appeal and is aggrieved by a decision of the judge of the Court of Queen's Bench may appeal the decision to the Court of Appeal.
- (5) An appeal does not stay the operation of the certificate with respect to which the appeal is taken unless a judge of the court to which the appeal is taken orders otherwise.

1996, c.F-19.1, s.96; 2010, c.13, s.56; 2021, c.19, s.13.

**Collection from third parties**

**97(1)** In this section, “**third party**” means a person who is, or is about to become, indebted to or liable to pay money to a person liable to pay a debt due to the Crown pursuant to this Act, the regulations or the code.

(2) Where a certificate has been filed pursuant to section 96, the minister may serve a notice of intention in the prescribed form on the person liable to pay the debt advising that person of the minister’s intention to serve a demand on a third party.

(3) No sooner than seven days after serving the notice of intention, the minister may serve a demand in the prescribed form on a person who is a third party in relation to the person who is the subject of the certificate requiring that all or any part of the money payable by the third party to that person be paid to the minister immediately on it becoming payable to that person.

(4) A demand does not apply to any amount payable by a third party where that amount is payable:

- (a) after 30 days following the day on which the demand is served; or
- (b) after a period not greater than six months following the day on which the demand is served that the minister may specify in the demand.

(5) Payment to the minister by a third party of an amount pursuant to this section discharges the liability of the third party to the person who is the subject of the certificate to the extent of that amount.

(6) Where a third party is served with a demand pursuant to this section and subsequently discharges any liability to the person who is the subject of the certificate or fails to comply with the demand, that third party is liable to the Crown to the extent of the lesser of:

- (a) the amount of liability discharged to the person who is the subject of the certificate; and
- (b) the amount specified in the demand.

1996, c.F-19.1, s.97; 2010, c.13, s.57.

**Service of notice or documents**

**98(1)** In this section, “**business day**” means a day other than a Saturday, Sunday or holiday.

(2) Any notice, order or decision required by this Act or the regulations to be given or served is to be served personally or mailed by ordinary or registered mail to the last known address of the person being served or by any other prescribed means.

(3) A document served by ordinary mail or registered mail is deemed to have been received on the tenth business day following the day of its mailing, unless the person to whom it was mailed establishes that, through no fault of the person, he or she did not receive the document or that he or she received it at a later date.

(4) Irregularity in the service of a notice, order or decision does not affect the validity of an otherwise valid notice, order or decision.

2010, c.13, s.58.

**Regulations**

**99(1)** The Lieutenant Governor in Council may make regulations:

- (a) defining, enlarging or restricting the meaning of any word or expression used in this Act but not defined in this Act;
- (a.1) prescribing other entities for the purpose of subclause 2(1)(s.2)(v);
- (a.2) for the purposes of clause 2(1)(x.2), prescribing a class of persons;
- (b) **Repealed.** 2010, c.13, s.59.
- (b.1) **Repealed.** 2010, c.13, s.59.
- (c) **Repealed.** 2016, cP-31.1, s.11-9.
- (d) prescribing products for the purposes of section 23;
- (e) **Repealed.** 2016, cP-31.1, s.11-9.
- (f) respecting the harvesting, classifying, measuring, scaling, transporting, manufacturing, marking, branding, inspecting, exporting and importing of forest products;
- (f.1) prohibiting the doing of any activity or thing mentioned in clause (f) on forest land without holding a licence authorizing that activity or thing;
- (f.2) for the purposes of clause (f.1), respecting all or any of the following:
  - (i) the eligibility for a licence;
  - (ii) the terms to which a licence is subject;
  - (iii) the duties and responsibilities of a person holding a licence;
  - (iv) the information and material to be submitted to the minister;
  - (v) the transfer and assignment of a licence;
  - (vi) the amendment, renewal, cancellation and suspension of a licence;
- (g) governing the alteration or disturbance of any forest vegetation on Crown land;
- (h) respecting procedures for the sale and disposition of forest products;
- (i) **Repealed.** 2010, c.13, s.59.
- (j) respecting the licensing of persons to harvest forest products or to scale or measure including:
  - (i) eligibility for a licence;
  - (ii) terms to which a licence is subject;
  - (iii) the duties and responsibilities of a person holding a licence;
  - (iv) the information and material to be submitted to the minister;
  - (v) the transfer and assignment of a licence; and
  - (vi) the amendment, renewal, revocation and suspension of a licence;

- (k) prescribing the fee for any licence granted pursuant to this Act or the regulations;
- (l) prescribing dues and fees and respecting the collection of dues and fees;
- (m) respecting the charging of interest and respecting and authorizing the waiving or reducing of dues or fees;
- (m.1) **Repealed.** 2010, c.13, s.59.
- (n) respecting procedures for obtaining the consent of the Minister of Agriculture for the purposes of section 18;
- (o) designating laboratories for the purposes of section 85;
- (p) **Repealed.** 2010, c.13, s.59.
- (q) respecting fire and the management of forest resources when matters pertaining to the control and use of fire are not regulated pursuant to any other Act;
- (r) respecting tree preservation and the renewal, reforestation or reclamation of Crown resource land or portions of Crown resource land;
- (s) respecting the use and application of pesticides on land within the provincial forest;
- (s.1) respecting the registration with the ministry of activities on forest land;
- (s.2) respecting financial assurances to be provided to the minister, including their type, form and content and the circumstances under which those assurances may be realized;
- (s.3) for the purposes of sections 39.1 and 46.1, prescribing circumstances when the minister shall obtain the approval of the Lieutenant Governor in Council before issuing a written decision pursuant to subsection 39.1(2.3) or 46.1(2.3);
- (t) **Repealed.** 2010, c.13, s.59.
- (u) respecting the development, preparation, implementation, amendment and revision of operating plans and forest management plans;
- (v) respecting applying for any authority pursuant to this Act;
- (w) **Repealed.** 2010, c.13, s.59.
- (x) respecting the resolution of disputes between licensees;
- (y) respecting the collection of any money owing pursuant to this Act;
- (z) respecting programs, procedures, measures and orders for the control of damage to forests, trees or other vegetation by insects, diseases, animals or abiotic factors;
- (z.1) for the purposes of subsection 77(8), respecting the manner in which proceeds realized from the disposition of the forest products and infected materials are to be dealt with;



- (z.2) for the purposes of subsection 77(9), respecting the manner in which infected materials may be disposed of;
- (z.3) respecting the identification, treatment, utilization, storage, transportation, marketing, removal and disposal of infected material, including prescribing terms and conditions pursuant to which a person may do all or any of those things and authorizing the minister to establish any additional terms and conditions;
- (z.4) respecting the qualification of persons who, for remuneration, prune trees or arboraceous vegetation that is either infected or threatened by infection by designated insects or diseases on designated lands, including the following:
- (i) prohibiting persons who are not qualified from doing those things;
  - (ii) prescribing terms and conditions pursuant to which a person may do all or any of those things and authorizing the minister to establish any additional terms and conditions;
- (z.5) respecting the licensing of persons to do any of the activities or things mentioned in clauses (z.3) and (z.4), including prohibiting the doing of any activity or thing mentioned in those clauses without holding a licence authorizing that activity or thing, and respecting all or any of the following:
- (i) the eligibility for a licence;
  - (ii) the terms to which a licence is subject;
  - (iii) the duties and responsibilities of a person holding a licence;
  - (iv) the information and material to be submitted to the minister;
  - (v) the transfer and assignment of a licence;
  - (vi) the amendment, renewal, cancellation and suspension of a licence;
- (aa) prescribing penalties that may be assessed by the minister;
- (bb) respecting the right of licensees to be compensated for damage to improvements and forest products and for the loss of improvements and forest products on withdrawn land;
- (cc) respecting the seizure and disposal of things seized;
- (dd) respecting the seizure and disposal of animals trespassing on any Crown resource land and prescribing the dues and fees payable by the owner in connection with the trespass, seizure and disposal, including the costs of care and sustenance of animals seized;
- (ee) respecting the construction and use of roads, trails, streets or lanes within provincial forests, other than provincial highways established pursuant to *The Highways and Transportation Act* or roads administered by rural municipalities pursuant to *The Municipalities Act*, including the compensation of licensees or other persons for the use of roads maintained by them;

- (ff) respecting the granting of authorization to clear forest land for the purposes of constructing any road, trail or right of way;
  - (gg) subject to subsection (2), respecting the use of roads constructed by the minister within provincial forests, including:
    - (i) the speeds of vehicles on those roads;
    - (ii) designating the routes that any vehicle or class of vehicles is required to follow in entering or crossing a provincial forest;
    - (iii) preventing, restricting, controlling or regulating the parking of vehicles on those roads;
    - (iv) authorizing the erection of traffic and other signs on those roads;
  - (hh) respecting the right of officers to remove or cause the removal of a vehicle that is unlawfully placed, left or kept on any road, trail, street, lane, parking place or other area within Crown resource land, to impound or store the vehicle and to release it to the owner on payment of the cost of removal and impoundment or storage;
  - (ii) respecting the right of officers to remove or cause the removal of any personal property that has apparently been abandoned by the owner within Crown resource land or placed within Crown resource land without proper authority and to dispose of it and recover the cost of the disposal from the owner as a debt due to the Crown;
  - (jj) respecting the keeping of books, records, paper or documents;
  - (kk) respecting the exemption of any person or category of persons from any or all of the provisions of this Act, the regulations, the code or the requirements of a licence;
  - (ll) prescribing the minister's powers and responsibilities that may be delegated pursuant to subsection 94(2);
  - (ll.1) adopting a code;
  - (mm) prescribing any other matter or thing that is required or authorized by this Act to be prescribed in the regulations;
  - (nn) respecting any other matter or thing that the Lieutenant Governor in Council considers necessary to carry out the intent of this Act.
- (2) A regulation made pursuant to clause (1)(gg) that is inconsistent with *The Traffic Safety Act* is subject to the approval of the Highway Traffic Board.
- (2.1) The code may contain all or any of the following provisions:
- (a) provisions respecting any matter, activity or thing that is governed by this Act or that may be prescribed;

(b) provisions determining any criteria, terms, conditions or requirements that must be met in order to carry out any activity governed by this Act and set out in the code;

(c) provisions adopting a standard, including a standard developed or established by the minister, as amended from time to time or otherwise.

1996, c.F-19.1, s.99; 2000, c.46, s.6; 2002, c.31, s.34; 2005, c.M-36.1, s.429; 2004, c.T-18.1, s.297; 2007, c.P-13.2, s.258; 2010, c.13, s.59; 2016, cP-31.1, s.11-9.

### CONSEQUENTIAL AMENDMENTS

**100 to 106 Dispensed.** These sections make consequential amendments to other Acts. The amendments have been incorporated into the corresponding Acts.

### TRANSITION, REPEAL AND COMING INTO FORCE

#### Transition

**107(1)** Subject to subsection (2), a management licence, term cutting agreement or timber permit issued pursuant to *The Forest Act* as that Act existed immediately prior to the day this section comes into force:

- (a) continues in effect according to its terms until it expires; and
- (b) notwithstanding its terms, is deemed to be a forest management agreement, term supply licence or forest product permit, as the case may be, entered into or granted pursuant to this Act and is subject to the provisions of this Act and the regulations.

(2) Where a management licence issued pursuant to section 19 of *The Forest Act* contains provisions that are expressly inconsistent with this Act or the regulations:

- (a) those provisions are void to the extent that they are inconsistent with this Act and the regulations; and
- (b) within one year of the coming into force of this section, the management licence is to be amended to make its provisions consistent with this Act and the regulations.

(3) **Repealed.** 2010, c.11, s.26.

(4) Notwithstanding anything in any licence, no action or other proceeding lies or shall be instituted against any of the following based on any claim for loss or damage arising from the enactment or application of this section:

- (a) the Crown;
- (b) any member or former member of the Executive Council; or
- (c) any officer, director, employee or agent or former officer, director, employee or agent, of the Crown.

(5) Every claim for loss or damage resulting from the enactment or application of this section is extinguished.

1996, c.F-19.1, s.107; 2010, c.11, s.26.

**Transition re licences**

**107.1(1)** Notwithstanding anything in any licence, no action or other proceeding lies or shall be instituted against any of the following based on any claim for loss or damage arising from the enactment or application of *The Forest Resources Management Amendment Act, 2002*:

- (a) the Crown;
  - (b) any member or former member of the Executive Council; or
  - (c) any officer, director, employee or agent, or former officer, director, employee or agent, of the Crown.
- (2) Every claim for loss or damage resulting from the enactment or application of *The Forest Resources Management Amendment Act, 2002* is extinguished.

2002, c.31, s.35.

**108 Dispensed.** This section makes consequential amendments to another Act. The amendments have been incorporated into the corresponding Act.

**Coming into force**

**109** This Act comes into force on proclamation.

1996, c.F-19.1, s.109.