

This Act is Current to July 5, 2017

GAME FARM ACT

[RSBC 1996] CHAPTER 168

Contents

- 1 [Definitions](#)
- 2 [Licences](#)
- 3 [Inspectors](#)
- 4 [Suspension and cancellation of licence](#)
- 5 [Appeal of suspension or cancellation](#)
- 6 [Game at large](#)
- 7 [Officials not liable](#)
- 8 [Power to make regulations](#)
- 9 [Offences](#)

Definitions

- 1 In this Act:

"game" means fallow deer, bison and reindeer;

"inspector" means an inspector appointed under this Act.

Licences

- 2 (1) Subject to the regulations, the minister may, on receiving an application in the prescribed form together with the prescribed fee, issue a licence or a renewal of a licence to a person to raise a type of game for agricultural purposes.
- (2) A licence issued under this Act is effective on a date and for a term specified in the licence.
- (3) The minister may exempt a person from paying the licence fee or renewal fee.
- (4) Subject to the regulations, a licence may contain terms and conditions the minister determines, including specifying the type of game that may be raised, and the minister may set different terms and conditions for different licensees.

Inspectors

- 3 (1) The minister may appoint inspectors for the purposes of this Act.
- (2) A licensee must,
- (a) at any reasonable time, allow an inspector to inspect all parts of the licensee's operation and all game in the licensee's possession, and
 - (b) on request, make available for inspection all records required to be

maintained.

Suspension and cancellation of licence

- 4** (1) The minister may, in writing, suspend or cancel a licence if
- (a) a person knowingly gives false information on an application for the licence,
 - (b) the licensee neglects or refuses to comply with a term or condition of the licence or a provision of this Act or the regulations, or
 - (c) the minister believes the licensee has done or failed to do something that the minister considers inconsistent with the responsibilities of a licensee.
- (2) If a licence has been suspended, the minister may lift the suspension and may attach additional terms and conditions to the licence.
- (3) Notice of suspension or cancellation of a licence must be served personally on the licensee or sent by registered mail to the licensee's last known address.
- (4) If the notice is sent by registered mail, it is deemed to be received by the licensee 14 days after the day it is mailed.

Appeal of suspension or cancellation

- 5** (1) Not more than 30 days after receiving a notice of suspension or cancellation, a licensee may appeal the suspension or cancellation by sending to the minister a written notice of appeal.
- (2) The notice must be received by the minister before the end of the 30 day period.
- (3) Not more than 30 days after receiving notice of the appeal, the minister must appoint to hear the appeal an appeal board consisting of not more than 3 persons, one of whom must be appointed as the chair.
- (4) An appeal board may confirm, reverse or vary the decision being appealed.
- (5) The Lieutenant Governor in Council must set the remuneration to be received by a chair and members for each day they are engaged in an appeal.
- (6) The Lieutenant Governor in Council may establish the procedure to be followed on an appeal.
- (7) By application made to the Supreme Court within 21 days after a decision of an appeal board is received, the appellant or the minister may appeal the decision of the appeal board on a question of law or jurisdiction.
- (8) An appeal from a decision of the Supreme Court lies to the Court of Appeal with leave of a justice of the Court of Appeal.

Game at large

- 6** Section 76 of the *Wildlife Act* does not apply to game that escapes from a farm being operated by a person who holds a valid licence issued under this Act, if the licensee recaptures the game within a prescribed period after its escape.

Officials not liable

- 7** No action or other proceeding for damages lies against an inspector or the inspector's agents, officers, employees, representatives and persons acting on the inspector's behalf

for loss or damage suffered by a person because of anything done or omitted to be done in good faith in the exercise or purported exercise of powers given by this Act.

Power to make regulations

8 (1) The Lieutenant Governor in Council may make regulations referred to in section 41 of the *Interpretation Act*.

(2) Without limiting subsection (1), the Lieutenant Governor in Council may make regulations as follows:

- (a) on the recommendation of the minister and the minister responsible for the administration of the *Wildlife Act* specifying regions of British Columbia in which a licence for a specified type of game must not be issued;
- (b) establishing terms and conditions to be complied with by licensees;
- (c) establishing records that must be maintained by licensees;
- (d) prescribing the period within which escaped game must be recaptured under section 6.

(3) For the purposes of subsection (2) (b) the Lieutenant Governor in Council may establish different terms and conditions for different licensees based on geographical area or the type of game the licensee is licensed to raise, or both.

(4) For the purposes of subsection (2) (d) the Lieutenant Governor in Council may prescribe different periods for different types of game.

Offences

9 (1) Section 5 of the *Offence Act* does not apply to this Act.

(2) A person who wilfully obstructs an inspector in the exercise of the inspector's powers under this Act commits an offence.

(3) A person who possesses game without holding either a valid licence issued under this Act or a permit to possess that game issued under the *Wildlife Act* commits an offence.