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Forest

First Nation Tenures Regulation

Contents

- 1 Definitions
- 2 Representative — direct award of community forest agreement
- 3 Representative — first nations woodland licence
- 4 Representative — replaceable forest licence
- 5 Change to area of first nations woodland licence

Definitions

1 In this regulation:

"Act" means the Forest Act;

"company" means a company as defined in the Business Corporations Act;

"extraprovincial company" means an extraprovincial company as defined in the Business Corporations Act;

"society" means a society incorporated under the Society Act.

Representative — direct award of community forest agreement

2 (1) For the purposes of paragraph (b) of the definition of "representative" in section 43.51 (0.1) of the Act, the minister must be satisfied that the person or other legal entity is

(a) a company or extraprovincial company that meets the requirements set out in subsection (2), or

(b) a society that meets the requirements set out in subsection (3).

(2) For the purposes of subsection (1) (a), the company or extraprovincial company must be a company or extraprovincial company in which the first nation owns sufficient voting shares to

(a) elect more than 50% of the effective directors of that company or extraprovincial company, or

(b) otherwise effectively control the operations and direction of the company or extraprovincial company.

(3) For the purposes of subsection (1) (b),

(a) holding a community forest agreement must be one of the purposes of the society, and

(b) the society must not be prohibited under section 2 (2) of the Society Act from holding a community forest agreement.

Representative — first nations woodland licence

3 (1) For the purposes of paragraph (b) of the definition of "representative" in section 43.54 (1) of the Act, the minister must be satisfied that the person or other legal entity is

(a) a company or extraprovincial company that meets the requirements set out in subsection (2), or

(b) a society that meets the requirements set out in subsection (3).

(2) For the purposes of subsection (1) (a), the company or extraprovincial company must be a company or extraprovincial company in which the first nation owns sufficient voting shares to

(a) elect more than 50% of the effective directors of that company or extraprovincial company, or

(b) otherwise effectively control the operations and direction of the company or extraprovincial company.

(3) For the purposes of subsection (1) (b),

(a) holding a first nations woodland licence must be one of the purposes of the society, and

(b) the society must not be prohibited under section 2 (2) of the Society Act from holding a first nations woodland licence.

Representative — replaceable forest licence

4 (1) In this section, "replaceable forest licence" means a replaceable forest licence entered into with a first nation or its representative under section 47.3 (1) (a) of the Act.

(2) For the purposes of paragraph (b) of the definition of "representative" in section 47.3 (0.1) of the Act, as that section relates to a replaceable forest licence, the minister must be satisfied that the person or other legal entity is

(a) a company or extraprovincial company that meets the requirements set out in subsection (3), or

(b) a society that meets the requirements set out in subsection (4).

(3) For the purposes of subsection (2) (a), the company or extraprovincial company must be a company or extraprovincial company in which the first nation owns sufficient voting shares to

(a) elect more than 50% of the effective directors of that company or extraprovincial company, or

(b) otherwise effectively control the operations and direction of the company or extraprovincial company.

(4) For the purposes of subsection (2) (b),

(a) holding a replaceable forest licence must be one of the purposes of the society, and

(b) the society must not be prohibited under section 2 (2) of the Society Act from holding a replaceable forest licence.

Change to area of first nations woodland licence

5 Under section 43.57 of the Act, the minister may change the boundary or area of a first nations woodland licence if satisfied that

(a) the boundary or area change will

(i) improve forest resource management, or

(ii) further a development objective of the government or the holder of the licence,

(b) rights under the licence are not under suspension, and

(c) all money

(i) required to be paid to the government under the circumstances set out in section 130 (1.1) of the Act, and

(ii) due and payable to the government

in respect of the licence

(iii) has been paid, or

(iv) is the subject of an arrangement for payment approved by the minister responsible for collecting the money.

[Provisions relevant to the enactment of this regulation: Forest Act, R.S.B.C. 1996, c. 157, sections 43.51, 43.54, 43.57, 47.3, 151.51 and 151.7]