

**SOIL CONSERVATION ACT**  
[RSBC 1996] CHAPTER 434

Definitions

1 In this Act:

"agricultural land reserve" means a reserve of agricultural land established under the Agricultural Land Commission Act;

"commission" means the Provincial Agricultural Land Commission continued under the Agricultural Land Commission Act;

"fill" means any material brought on land in an agricultural land reserve;

"local authority" means the regional board of a regional district, or, if a municipality within a regional district gives written notice to the regional board of that regional district that it wishes to be the local authority in respect of the municipality, the council of that municipality;

"permit" means a permit issued under section 5;

"remove" means to take, move or transport soil from land in an agricultural land reserve;

"soil" includes the entire mantle of unconsolidated material above bedrock other than minerals as defined in the Mineral Tenure Act.

Prohibition of soil removal and land fill

2 (1) A person must not remove soil from or place fill on land in an agricultural land reserve unless

- (a) the commission approves in writing,
- (b) the local authority where the land is located issues a permit, and
- (c) the soil is removed or the fill is placed in accordance with the regulations and the terms and conditions in the permit.

(2) The commission in granting an approval under subsection (1) (a) may impose terms and conditions it considers advisable.

(3) The commission must promptly inform the applicant and the local authority of the commission's decision whether or not to grant the approval and of any terms and conditions imposed by the commission under subsection (2).

Applications

3 (1) A person may apply in respect of land in a municipality or regional district to a local authority for a permit under section 5 and to the commission for an approval under section 2 (1)

(a) by

(a) submitting an application in the prescribed form and manner, and containing or accompanied by the prescribed information or types of information, and

(b) paying the prescribed application fee, to the local authority.

(2) The local authority that receives an application under subsection (1) must retain a copy of the application for its purposes relating to the permit applied for and forward the application to the commission for the commission's purposes relating to the approval applied for.

Application fees

4 (1) A local authority that receives application fees under section 3 (1)

(a) may retain a prescribed portion of the application fees, and

(b) must remit the balance of the application fees to the commission at the prescribed times.

(2) Subject to the approval of the commission, if the secretary of, or other official authorized by, the local authority considers that a case of hardship exists, he or she may waive the application fee payable under section 3 (1).

- (3) The commission, as soon as practical, must pay the money remitted to it under subsection (1)
- (b) into the consolidated revenue fund.
- (4) This section applies despite the Financial Administration Act.

#### Permit

5 (1) On application in accordance with section 3 (1), if a local authority where land is located is satisfied that

- (a) approval of the grant of a permit has been given by the commission, and
  - (b) the applicant has complied with the regulations,
- the local authority may grant a permit to remove soil from or place fill on land in an agricultural land reserve.

(2) A permit is subject to the prescribed terms and conditions and to any additional terms and conditions that are

- (a) imposed by the local authority or by the commission, and
- (b) included by the local authority in the permit.

#### Suspension and cancellation

6 If a local authority or the commission determines that a person

- (a) has contravened a permit, or
  - (b) is removing soil from, or placing fill on, an agricultural land reserve without a permit,
- the local authority or the commission may
- (c) suspend the permit until satisfied the contravention has ceased,
  - (d) cancel the permit, if satisfied that the person has because of the contravention put it beyond his or her power to comply with the terms and conditions of the permit,
  - (e) place notices on land at or near the place of contravention stating that removing soil or placing fill is contrary to this Act,
  - (f) order the person to stop the contravention,
  - (g) order the person who caused fill to be placed on the land without a permit or in contravention of the terms and conditions of the permit, to remove the fill, or
  - (h) order a person who removed soil from the land without a permit, or in contravention of the terms and conditions of a permit, to rehabilitate the land so that it is suitable for agricultural purposes.

#### Permit

7 Removing soil from or placing fill on land in an agricultural land reserve in accordance with a permit is not a contravention of the Agricultural Land Commission Act.

#### Enforcement officer

8 (1) The local authority must appoint an enforcement officer to administer and enforce within its area this Act and the regulations, subject to the directions of the local authority.

(2) The local authority must inform the commission of the name of the officer appointed.

(3) The minister must appoint one or more employees in the ministry as inspectors to assist in the administration of this Act and the regulations.

#### Powers and duties of officers

9 (1) An enforcement officer or inspector appointed under section 8 may exercise the powers, and take the steps necessary to enforce this Act and the regulations.

(2) For the purposes of subsection (1) an enforcement officer or inspector appointed under section 8 may enter, inspect or place notices on land.

#### Offence

10 (1) A person commits an offence who does any of the following:

- (a) contravenes section 2 or the regulations;
- (b) fails to comply with an order or direction of the minister, an inspector or an enforcement officer under this Act;
- (c) interferes with an inspector or enforcement officer who is carrying out his or her duties under this Act.

(2) In addition to any other penalty, if the offence is a continuing one, a person who commits the offence is liable to a fine of not more than \$500 for each day on which the offence is continued.

Power to make regulations

11 (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) establishing different application fees for different types of applications and applications in different circumstances;
- (b) exempting classes of persons from payment of a prescribed application fee;
- (c) prescribing conditions precedent to the granting of an approval of the commission under section 2 (1) (a) or of a permit by a local authority under section 5 (1);
- (d) exempting from this Act the removal of soil or placing of fill
  - (i) from or on the right of way of a highway or drainage work,
  - (ii) for the purpose of clearing, preparing or cultivating land in accordance with good agricultural practice, or
  - (iii) for the genuine purpose of carrying out a farming or horticultural operation designated by the regulations;
- (e) prescribing the terms and conditions of exemptions granted under paragraph (d).