

RSNL1990 CHAPTER P-32

PROVINCIAL PARKS ACT

Amended:

1992 c14 s1; 1993 cD-19.1; 1996 c8; 1997 c13 s56; 1997 c29;
2001 c38; 2001 cN-3.1 s2; 2004 cL-3.1 s55

CHAPTER P-32

AN ACT RESPECTING PROVINCIAL PARKS

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Short title

1. This Act may be cited as the Provincial Parks Act.

RSN1970 c312 s1

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Definitions

2. In this Act

(a) "minister" means the minister appointed under the Executive Council Act to administer this Act;

(b) "provincial park" means a provincial park constituted under this Act; and

(c) "waterway provincial park" means an area of the province designated as a provincial park for the management of a river or a portion of a river together with adjacent land for outdoor recreational purposes or natural and cultural heritage values.

RSN1970 c312 s2; 1972 No7 s2; 1972 No11 s2; 1973 No18 Sch B; 1979 c49 Sch D; 1981 c4 Sch F; 1981 c4 s55(5); 1989 c21 Sch B; 1993 cD-19.1 s21; 1997 c29 s1

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Labrador Inuit rights

2.1 This Act shall be read and applied in conjunction with the Labrador Inuit Land Claims Agreement Act and, where a provision of this Act is inconsistent or conflicts with a provision, term or condition of the Labrador Inuit Land Claims Agreement Act, the provision, term or condition of the Labrador Inuit Land Claims Agreement Act shall have precedence over the provision of this Act.

2004 cL-3.1 s55

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Lands for provincial parks

3. The Lieutenant-Governor in Council may

(a) acquire by purchase, lease or otherwise land within the province as a provincial park or a part of it, out of money provided by the Legislature for that purpose;

(b) accept a gift of land from a person for a provincial park or a part of it; and

(c) set apart Crown lands as provincial parks.

RSN1970 c312 s3

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Constitution of provincial parks

4. (1) The Lieutenant-Governor in Council may by order published in the Gazette constitute an area within the province as a provincial park within the meaning of this Act and may by order increase or decrease the area of a provincial park.

(2) Notwithstanding subsection (1), the minister may increase or decrease the area of the Newfoundland and Labrador T'Railway Provincial Park.

(3) Land removed from the Newfoundland and Labrador T'Railway Provincial Park under subsection (2) shall revert to the Crown.

(4) The Lieutenant-Governor in Council may make a park available for public use for those purposes and activities that are established for that park under section 5.

(5) Notwithstanding subsection (4), a park may not be utilized in any manner for

(a) mineral exploration;

(b) mining;

(c) logging;

(d) hydro electric development; or

(e) private cottages.

RSN1970 c312 s4; 1981 c89 s1; 1997 c13 s56; 1997 c29 s2; 2001 cN-3.1 s2

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Control and management

5. (1) The minister shall control and manage provincial parks and may prescribe activities which may or may not take place within provincial parks.

(2) Notwithstanding subsection 4(5), the minister may permit the use of the Newfoundland and Labrador T'Railway Provincial Park for the purpose of transportation associated with logging, mining, mineral exploration or hydro-electric development.

RSN1970 c312 s5; 1997 c29 s3; 2001 c38 s1

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Appointment of officers

6. (1) The minister may appoint officers who shall exercise and perform the powers and duties that are conferred or imposed upon them by this Act or the regulations or assigned to them by the minister.

(2) An officer appointed under subsection (1) has and may exercise within provincial parks the power and authority of a member of the Royal Newfoundland Constabulary with respect to this Act.

(3) An officer appointed under subsection (1) may, within a provincial park, exercise the powers and authority of

- (a) a forestry officer under the Forestry Act ;
- (b) a peace officer under the Highway Traffic Act ; and
- (c) a wild life officer under the Wild Life Act .

RSN1970 c312 s6; 1981 c79 s8; 1997 c29 s4

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Boards or committees

7. The Lieutenant-Governor in Council may appoint the boards or committees that he or she thinks necessary to help and advise the minister in the control and management of provincial parks and may appoint different boards or committees for different provincial parks.

RSN1970 c312 s7

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Regulations

8. The minister may make regulations

- (a) for the preservation, protection and use of animate and inanimate resources within provincial parks;
- (b) designating parts of provincial parks in which land may be leased or occupied under a licence of occupation for commercial purposes;
- (c) for regulating, controlling and governing air, land and water traffic in provincial parks and prohibiting the use of a defined class of aircraft, boat, or land vehicle, whether power driven or not;
- (d) for regulating the use, setting out and extinguishment of fires in provincial parks;
- (e) for prohibiting or regulating and governing horses, dogs and other animals in provincial parks; and
- (f) generally, to give effect to the purpose of this Act

and in respect of the preceding matters different regulations may be made in respect of different provincial parks or parts of them.

1997 c29 s5

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Minister may issue leases

8.1 (1) Notwithstanding section 8 or a regulation made under that section, the minister may issue leases or licences of occupation to parts of provincial parks for commercial purposes.

(2) A lease or licence of occupation issued under subsection (1) shall not exceed 5 hectares in area.

(2.1) Subsection (2) does not apply to the Newfoundland and Labrador T'Railway Provincial Park.

(3) In a lease or licence of occupation issued under subsection (1) the minister may prescribe the terms and conditions governing the cost or type of construction and the location of buildings or structures that may be erected.

1992 c14 s1; 1997 c29 s6; 2001 cN-3.1 s2

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T'Railway existing interest and reversion

8.2 The minister may confirm a pre-existing interest in the Newfoundland and Labrador T'Railway Provincial Park as defined by the regulations and in accordance with them.

1997 c29 s7; 2001 cN-3.1 s2

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Penalty

9. A person who fails to comply with this Act or the regulations is guilty of an offence and liable on summary conviction to a fine of not less than \$100 or more than \$10,000.

RSN1970 c312 s9; 1973 No68 s2; 1997 c29 s8

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Limited liability

10. (1) A user of the Newfoundland and Labrador T'Railway or a waterway provincial park voluntarily assumes all risks that may be encountered on the land and water included in those parks when using them, whether the person is within those parks or not.

(2) The Crown, as owner or occupier of land and water included in the Newfoundland and Labrador T'Railway or a waterway provincial park, together with the agents, employees or servants of the Crown does not owe a duty of care towards a person using those parks or that person's property, whether the person is within those parks or not.

1997 c29 s9; 2001 cN-3.1 s2

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