

## MISCELLANEOUS STATUTES AMENDMENT ACT, 1985

### CHAPTER 13

*Assented to February 21, 1985.*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:

#### *Adoption Act*

1. Section 15 of the *Adoption Act*, R.S.B.C. 1979, c. 4, is amended by adding the following after subsection (1):

(1.1) Notwithstanding subsection (1), where the superintendent is satisfied that an adoption order does not contain the name of the child as registered at birth or the name of the natural parent he may, on application, supply the applicant with a copy of the adoption order and subsection (2) applies to that copy.

#### *Apprenticeship Act*

2. Section 11 (d) of the *Apprenticeship Act*, R.S.B.C. 1979, c. 17, is repealed and the following substituted:

(d) the fee to be paid by an applicant

(i) to be examined by a board of examiners, and

(ii) who receives a certificate of apprenticeship or of qualification.

#### *Cremation Act*

3. Section 5 of the *Cremation Act*, R.S.B.C. 1979, c. 81, is repealed and the following substituted:

##### **Prohibition as to location of crematoria**

5. No crematorium shall be constructed in the consecrated part of a burial ground.

#### *Guaranteed Available Income for Need Act*

4. Section 19 (1) of the *Guaranteed Available Income for Need Act*, R.S.B.C. 1979, c. 158, is amended

(a) by striking out "notify the minister of" and substituting "forthwith give notice of", and

(b) by striking out "and" at the end of paragraph (a) and substituting "or".

5. The following section is added:

##### **Limited period**

20.1 (1) In this section "proceedings" means proceedings as defined in the *Offence Act*.

(2) No proceedings shall be instituted for an offence under section 19 or 20 more than 18 months after the time when the subject matter of the proceedings arose.

*Land Act*

6. Section 101 of the *Land Act*, R.S.B.C. 1979, c. 214, is amended
- (a) in subsection (2) by striking out "Lieutenant Governor in Council" and substituting "minister" and by adding "or may accept a transfer of Crown land from any ministry of the government to his ministry" at the end, and
  - (b) in subsection (4) by striking out "by the Lieutenant Governor in Council".

*Provincial Home Acquisition Act*

7. Section 3A (6) of the *Provincial Home Acquisition Act*, S.B.C. 1967, c. 39, is amended by striking out "who was under the age of sixty years at the date of application for a loan, and".

*Securities Act*

8. Section 144.1 (1) (c) (ii) of the *Securities Act*, R.S.B.C. 1979, c. 380, is amended by striking out "to the council," and substituting "to a designated organization,".

*Seed Grower Act*

9. Section 4 (1) of the *Seed Grower Act*, R.S.B.C. 1979, c. 382, is amended by striking out ", together with one other person nominated by the Minister of Agriculture and Food,".
10. Section 5 (2) is repealed and the following substituted:
- (2) New members of the committee may be elected under the regulations, and where they are elected the term of office of the members appointed under section 4 (1) expires.
  - (3) In addition to members appointed under section 4 (1) or elected under the regulations, the Minister of Agriculture and Food may appoint one member of the committee.
  - (4) Only owners of land in a seed control area or their nominees shall be eligible under the regulations to elect members of the committee for that area.
11. Section 9 (2) (b) is amended by striking out "nominating and appointing" and substituting "electing".

*Seed Potato Act*

12. Section 4 (1) of the *Seed Potato Act*, R.S.B.C. 1979, c. 383, is amended by striking out ", together with one other person nominated by the Minister of Agriculture and Food,".
13. Section 5 (3) is repealed and the following substituted:
- (3) New members of the committee may be elected under the regulations, and where they are elected the term of office of the members appointed under section 4 (1) expires.

(4) In addition to members appointed under section 4 (1) or elected under the regulations, the Minister of Agriculture and Food may appoint one member of the committee.

(5) Only owners of land in a seed potato control area or their nominees shall be eligible under the regulations to elect members of the committee for that area.

14. Section 9 (2) (b) is amended by striking out "nominating and appointing" and substituting "electing".

*Water Act*

15. Section 29 of the *Water Act*, R.S.B.C. 1979, c. 429, is amended by striking out ", engineer or water recorder" and substituting "or engineer".
16. Section 30 is amended by striking out ", water recorder".
17. Section 37 (2) is repealed.

*Wildlife Act*

18. Section 1 (1) of the *Wildlife Act*, S.B.C. 1982, c. 57, is amended
- (a) by adding the following:  
"assistant director" means the assistant director of the Wildlife Branch of the Ministry of Environment; ,
  - (b) by repealing the definition of "director" and substituting the following:  
"director" means the director of the Wildlife Branch of the Ministry of Environment; ,  
and
  - (c) in the definition of "officer" by adding "assistant director," after "director,".
19. Section 12 (6) (d) is amended by striking out "that is designated as an arterial or secondary highway under the *Highway Act*." and substituting "as defined in the *Highway Act*."
20. Section 25 (3) is repealed.
21. Section 37 is amended
- (a) by striking out ", except as provided in section 36 (b),", and
  - (b) by renumbering the section as section 37 (1) and adding the following subsection:
    - (2) Subsection (1) only applies until the carcass
      - (a) is given to the owner or operator of a cold storage locker or meat cutting plant to be recorded in accordance with section 34 (4),
      - (b) arrives at the person's normal dwelling place and is butchered and stored there for consumption on the premises, or
      - (c) is presented to an employee of the Ministry of Environment or other person specified by the Lieutenant Governor in Council for inspection,
- whichever first occurs.

**22. Section 62 is amended****(a) by repealing subsection (1) and substituting the following:**

(1) Where a person who holds a guide outfitter's licence, assistant guide licence or another licence to guide for game, angling guide licence, assistant angling guide licence, trapping licence or fur trader's licence is convicted of an offence under this Act or the regulations or does not comply with the conditions contained in his licence or certificate or for another cause that the regional manager considers reasonable, the regional manager may conduct a hearing to determine whether the person should continue to enjoy the privileges afforded him by the licence or certificate and may do any one or more of the following:

- (a) suspend, cancel or refuse to renew the person's licence or certificate;
  - (b) amend the licence or certificate to specify a different area in which the person is authorized to operate;
  - (c) in the case of a guide outfitter, amend the licence or certificate to further limit the numbers, age and sex of big game in respect of which he may guide;
  - (d) amend the licence or certificate to require the person to meet other restrictions considered appropriate. , and
- (b) in subsection (2) by striking out "guide outfitter or angling guide," and substituting "person," and by adding "and the provisions of section 103 apply" at the end.

**23. Section 75 (2) is repealed.****24. Section 103 is amended**

- (a) in subsection (1) by striking out all the words after "to the director",
- (b) in subsection (3) by striking out all the words after "to the Environmental Appeal Board", and
- (c) by adding the following subsections:

(3.1) Notice of a decision of the regional manager or the director referred to in subsection (1) or (3) shall be served on the person or sent by registered mail to the last known address of the person and, in the case of service by mail, the notice shall be conclusively deemed to be served on the fourteenth day after its deposit in Canada Post at any place in Canada.

(3.2) An appeal under subsection (1) or (3) shall be in writing and shall be served on the director not later than 30 days after the day the person is served or is deemed to have been served with the notice under subsection (3.1).

**25. Section 110 (2) is amended****(a) by repealing paragraph (g) and substituting the following:**

- (g) prescribing surcharges, royalties and fees, including fees for applications, licences, permits and limited entry hunting authorizations, and may establish different surcharges or fees for different classes including, without limiting the generality of the foregoing, classes based on the following:
  - (i) age;
  - (ii) residence;
  - (iii) the nature of the activity;
  - (iv) the manner of collection of the surcharge or fee;
  - (v) the person entitled to collect the surcharge or fee, , and

- (b) in paragraph (x) by adding "or a person specified by the Lieutenant Governor in Council" at the end.

**Commencement**

- 26.** This Act comes into force by regulation of the Lieutenant Governor in Council.

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