

CHAPTER 15

Archæological and Historic Sites Protection Act

- Title.** **1.** This Act may be cited as the *Archæological and Historic Sites Protection Act*. 1960, c. 2, s. 1.
- Interpretation.** **2.** In this Act, unless the context otherwise requires,
“archæological site” means an archæological site designated as such under section 3;
“historic site” means a historic site designated as such under section 3;
“archæological object” means any object in or from an archæological site;
“historic object” means any object of historical significance found in or on a historic site;
“Minister” means the member of the Executive Council charged for the time being with the administration of this Act;
“permit” means a valid and subsisting permit issued under this Act. 1960, c. 2, s. 2.
- Designations by Minister.** **3.** (1) The Minister may designate any
 (i) Indian kitchen-midden;
 (ii) Indian shell-heap;
 (iii) Indian house-pit;
 (iv) Indian cave;
 (v) other Indian habitation;
 (vi) cairn;
 (vii) mound;
 (viii) fortification;
 (ix) structure;
 (x) painting or carving on rock;
 (xi) grave or other burial-place; or
 (xii) other prehistoric or historic remain
as an archæological site.
 (2) The Minister may designate any site, parcel of land, or structure of historical significance as a historic site. 1960, c. 2, s. 3.
- Acquisition of site.** **4.** (1) The Minister may, with the consent of the Lieutenant-Governor in Council and on behalf of Her Majesty, acquire, by purchase, gift, or otherwise, any archæological or historic site or object.
 (2) The Minister shall pay as compensation to the owner of any archæological or historic site or object acquired under subsection (1) an amount to be fixed by the Lieutenant-Governor in Council. 1960, c. 2, s. 4.

Prohibitions.

5. (1) No person shall knowingly destroy, desecrate, deface, move, excavate, or alter in any way an archæological or historic site or remove or cause to be removed therefrom any archæological or historic object, except to the extent that he is authorized to do so by a valid and subsisting permit issued under this Act.

(2) No person shall knowingly destroy, desecrate, or alter any burial-place in the Province, or remove therefrom any skeletal remains, except to the extent that he is authorized to do so by a valid and subsisting permit issued under this Act.

(3) No person shall knowingly destroy, deface, or otherwise alter any Indian painting or carving on rock in the Province, except to the extent that he is authorized to do so by a valid and subsisting permit issued under this Act.

(4) No person shall knowingly destroy, deface, or otherwise alter, excavate, or dig in any Indian kitchen-midden, shell-heap, house-pit, cave, or other habitation site, or any cairn, mound, fortification, or other structure, or any other archæological remain on Crown lands, whether designated as an archæological site or not, under the provisions of this Act, except to the extent that he is authorized to do so by a valid and subsisting permit issued under this Act. 1960, c. 2, s. 5.

Issue of permits.

6. (1) Upon application made to him in writing, the Minister may issue a permit to any person to excavate or alter an archæological site and remove archæological objects therefrom, or to remove, move, or alter a historic site and remove historic objects therefrom.

(2) The Minister may limit a permit as to time and location, may require such reports as he deems proper, and may impose such other terms and conditions as he considers proper.

(3) The Minister may cancel a permit at any time. 1960, c. 2, s. 6.

Consent to and compensation for excavations, alterations, and removals.

7. (1) A person shall not excavate or alter an archæological or historic site or remove any archæological or historic object therefrom without the consent in writing of the owner of such site or object.

(2) When, as a result of excavation or alteration of an archæological or historic site or the removal therefrom of an archæological or historic object, it is shown that the value of the interest of any person in any site, parcel of land, building, or structure affected thereby is diminished, the person carrying out or causing to be carried out the excavation, alteration, or removal shall pay to such person in respect of such diminution in value such compensation as may be mutually agreed upon or, in the absence of agreement, an amount to be assessed upon application to a Judge of the Supreme Court. 1960, c. 2, s. 7.

Seizure of objects.

8. (1) Any archæological or historic object that is taken by a person who is not a permit-holder or by a permit-holder in contravention of his permit may be seized by a person authorized to do so by the Minister

and turned over to and deposited in such public institution as the Minister may designate.

(2) The Minister may direct that any archæological or historic object or material taken under the authority of a permit be turned over to and deposited in such public institution as he may designate.

(3) The Minister may direct that any Indian skeletal remains in the possession of a private individual be turned over to and deposited in such public institution as he may designate. 1960, c. 2, s. 8.

Penalty.

9. A person who contravenes any provision of this Act or a permit or direction of the Minister under this Act is guilty of an offence and, on summary conviction, is liable to a penalty of not more than five hundred dollars or to imprisonment for a term of not more than six months, or to both fine and imprisonment. 1960, c. 2, s. 9.

**Preventive and
recording
measures.**

10. Whenever, in the opinion of the Minister, any prehistoric or historic remain, whether or not designated as a part of an archæological or historic site under this Act, is threatened with destruction by reason of commercial, industrial, or other activity, the Minister may require the persons undertaking the activity to provide for adequate investigation, recording, and salvage of archæological or historic objects threatened with destruction as the Minister may direct. 1960, c. 2, s. 10.

Notices.

11. The Minister may make provision for the erection and maintenance on or near any archæological or historic site of an appropriate notice referring to this Act. 1960, c. 2, s. 11.

Agreements.

12. The Minister may make provision or enter into agreement with other authorities to develop any archæological or historic site as a permanent monument by the erection of appropriate buildings, cairns, notices, or by other means. 1960, c. 2, s. 12.

**Advisory
Boards.**

13. (1) The Lieutenant-Governor in Council, upon the recommendation of the Minister, may establish an Advisory Board or Boards to advise and make recommendations to him on any or all matters to which this Act refers or arising out of the operation thereof.

(2) Any Advisory Board or Boards established under subsection (1) shall include the Director of the Provincial Museum of Natural History and Anthropology or his representative, the Provincial Archivist or his representative, and a representative from the appropriate department of the University of British Columbia, or any two of them.

(3) The members of the Advisory Board or Boards shall serve without remuneration, but each member shall be paid his proper travelling and other expenses incurred in the work of the Board or Boards. 1960, c. 2, s. 13.

Regulations.

14. The Lieutenant-Governor in Council may make such regulations and orders not inconsistent with this Act as are necessary to carry out

the provisions of this Act according to their obvious intent or to meet any cases that arise and for which no provision is made in this Act, and, without restricting the generality of the foregoing, may make regulations or orders

- (a) nominating that member of the Executive Council who shall be the Minister charged with the administration of this Act;
 - (b) appointing the members of the Advisory Board or Boards, fixing the number of members of such Board or Boards, fixing the term of office of the members, and prescribing the quorum and procedure at meetings of the Board or Boards;
 - (c) approving orders made by the Minister as provided herein.
- 1960, c. 2, s. 14.

Repeal.

15. The *Historic Objects Preservation Act*, being chapter 145 of the *Revised Statutes of British Columbia, 1948*, is repealed, but each site declared to be a "historic object" under that Act is an archæological or historic site within the meaning of this Act. 1960, c. 2, s. 15.

Expenses.

16. Any expenses incurred in the administration of this Act during the fiscal year ending on the thirty-first day of March, 1961, shall be a charge on and paid out of the Consolidated Revenue Fund. 1960, c. 2, s. 16.