

TRESPASS ACT

CHAPTER 411

Interpretation

- 1.** In this Act
“enclosed land” includes land in a rural area that is
- (a) surrounded by a lawful fence defined by or under this Act,
 - (b) surrounded by a lawful fence and a natural boundary or by a natural boundary alone, or
 - (c) being used for agricultural, pastoral or horticultural purposes, and at the corners, gates and points of access of which are posted notices prohibiting trespass,
- “owner”, of land, includes any person entitled to maintain an action of trespass
- RS1960 387 2 1962 64 2 1967 54 2

Definition of lawful fence

- 2.** The Lieutenant Governor in Council may
- (a) define a lawful fence for the purpose of this Act in the portion of rural area described in the order,
 - (b) define a lawful fence for the purpose of dividing the right of way, grounds or property of a railway company to which the *Railway Act* applies from other land, whether belonging to the railway company or not, or
 - (c) define a lawful fence for the purpose of protecting any stack of hay or grain

RS1960 387-3 1962 64 3

Owners responsible for lawful fence

- 3.** Unless otherwise agreed, the owners of adjoining land in a rural area shall make, keep up and repair the lawful fence and any natural boundary between their respective land, and each is liable to the other for 1/2 of any cost reasonably incurred for that purpose This section is not binding on Her Majesty

1971 66-1, 1978-11 14

Definition of trespasser

- 4.** A person found inside enclosed land without the consent of its owner, lessee or occupier shall be deemed a trespasser

RS1960 387-4

Prosecution not defeated

- 5.** A prosecution of a person under this Act shall not be defeated by reason only that the fence is not of a uniform height, or that the spaces between the bars, boards or rails of the fence, or any of them, exceed 150 mm

RS1960 387 5 1967 54 3 1978 11 14

Penalty for trespassers

6. A person who is, within the meaning of this Act, a trespasser or who continues or enters again on enclosed land after having been notified or required by or on behalf of its owner, lessee or occupier to quit the land commits an offence.

RS1960-387-6; 1967-54-4.

Power to demand name

7. The owner, lessee or occupier of land on which a trespass has been committed, or a person authorized by him in that behalf, may demand the name and address of any person trespassing or who has trespassed on the land.

RS1960-387-7.

Penalty for refusing to give name

8. (1) Anyone who has committed a trespass by entering or being on enclosed land, and on demand made by or on behalf of the owner, lessee or occupier of the land refuses or omits to give his name and address, or gives a false name or address, commits an offence.

(2) Anyone who has entered enclosed land, and has refused or omitted, on demand made by or on behalf of the owner, lessee or occupier of the land, to give his name and address, and continues on it, commits an offence.

RS1960-387-8; 1967-54-5.

Trespasser to make good damage

9. Where a trespasser commits actual damage on land on which he has trespassed, the Provincial Court may, on the complaint in a summary way of the owner, lessee or occupier of the land, or other party injured, order the trespasser to make good all the damage.

RS1960-387-9; 1967-54-6.

No action where order made

10. No action of damage for trespass lies against a trespasser in a case where the Provincial Court, under this Act, has made an order against him to make good the damage.

RS1960-387-10; 1967-54-7.

Land surveyors

11. A British Columbia land surveyor and a person assisting him shall, when actually engaged in the discharge of his duties, be permitted to pass over all land, enclosed or otherwise, without hindrance from any person.

RS1960-387-11.

Penalty

12. A person refusing to permit a British Columbia land surveyor or a person assisting him to enter on land, whether cultivated or otherwise, or interfering with the surveyor or his assistant in the discharge of his duties, commits an offence and on conviction is liable to imprisonment for a period not exceeding 2 months, or to a fine of not more than \$50.

RS1960-387-12.

Damage by land surveyor

13. Where a British Columbia land surveyor or his assistant commits damage on land, the Provincial Court, on the complaint in a summary way of the owner or occupier of the land or other party injured, may order the land surveyor to make good all the damage.

RS1960-387-13; 1967-54-8.

Regulations

14. The Lieutenant Governor in Council may make regulations.

1962-64-4.