

CARRIER LUMBER LTD. FOREST LICENCE COMPENSATION ACT

CHAPTER 38

Assented to May 30, 2002

Contents

Section

- 1 Definition
- 2 Direct award
- 3 Criteria for award
- 4 Effect of the forest licence
- 5 Commencement

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

Definition

- 1 In this Act:

“forest licence” means an agreement in the form of a forest licence under the *Forest Act*;

“minister” means the minister responsible for the administration of the *Forest Act*.

Direct award

- 2 Despite sections 11 and 13 of the *Forest Act*, the minister, without advertising or inviting applications, may direct the regional manager to enter into a forest licence with Carrier Lumber Ltd. in furtherance of the settlement of all matters outstanding between Carrier Lumber Ltd., Plaintiff, and Her Majesty the Queen in Right of the Province of British Columbia, Defendant, in Supreme Court Action No. 30093, Prince George Registry.

Criteria for award

- 3 The forest licence with Carrier Lumber Ltd. referred to in section 2 of this Act
- (a) despite section 14 (d) of the *Forest Act*, must provide that its holder is not required to pay any stumpage under Part 7 of that Act,
 - (b) despite section 63 of the *Forest Act*, must provide that the forest licence is not subject to a reduction imposed under section 63 (2) of that Act in the allowable annual cut authorized under the forest licence,
 - (c) despite section 111 of the *Forest Act*, must provide that its holder is not required to pay annual rent under that section,

Section 4

- (d) must provide for special identification and special selection of the timber harvested under the forest licence,
- (e) must include any other provisions that the minister
 - (i) considers necessary or desirable in order to give effect to the settlement referred to in section 2, and
 - (ii) by written direction to the regional manager requires to be included in the forest licence,
- (f) must provide for a term of 5 years beginning on the date this paragraph comes into force, and
- (g) for the purposes of section 15 (1) of the *Forest Act*, must provide that a replacement for the forest licence must not be offered.

Effect of the forest licence

- 4 (1) The provisions that under section 3 (a) to (c) of this Act are required to be included in the forest licence with Carrier Lumber Ltd. referred to in section 2 must be given legal effect despite
- (a) section 14 (d) of the *Forest Act*, in relation to stumpage,
 - (b) section 63 of that Act, in relation to a reduction in allowable annual cut imposed under that section, and
 - (c) section 111 of that Act, in relation to annual rent.
- (2) Subject to this Act, the law respecting forest licences as it was at the end of the day on March 28, 2002, including without limitation the law respecting offences and administrative remedies, applies and continues to apply to the forest licence with Carrier Lumber Ltd. referred to in section 2.
- (3) If this Act or any of the provisions included in the forest licence with Carrier Lumber referred to in section 2 is inconsistent or in conflict with the *Forest Act*, the *Forest Practices Code of British Columbia Act*, the regulations under either of those Acts or the standards made under the *Forest Practices Code of British Columbia Act*, this Act or that provision, as the case may be, prevails.

Commencement

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