

TIMBER LICENCES SETTLEMENT ACT

CHAPTER 102

Assented to December 2, 2003

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

Definitions

1 In this Act:

“holder of a timber licence” includes a person eligible for a timber licence, a person claiming through the holder of a timber licence and a successor or assign of either of them;

“licence to cut” means a licence to cut under the *Forest Act*, and includes a licence to cut issued under the *Forest Act*, R.S.B.C. 1979, c. 140, and a licence to cut issued under the former Act as defined in section 1 of the *Forest Act*;

“old temporary tenure” means an old temporary tenure as defined in section 1 of the *Forest Act*, R.S.B.C. 1979, c. 140;

“right” includes entitlement and privilege;

“timber licence” means a timber licence under the *Forest Act*, and includes

- (a) a timber licence issued under the *Forest Act*, R.S.B.C. 1979, c. 140, and a timber licence issued under the former Act as defined in section 1 of the *Forest Act*,
- (b) a licence to cut, and
- (c) an old temporary tenure.

Rights, if any, to elect to pay royalty or stumpage extinguished

- 2** (1) The following rights, if any, subsisting at the end of the day on March 31, 1995, of the holder of a timber licence are extinguished:

Section 3

- (a) the right to elect under section 23 of the *Forest Act*, R.S.B.C. 1979, c. 140, to pay to the Crown either royalty or stumpage for timber harvested under the timber licence;
- (b) the right to pay to the Crown royalty for timber harvested under the timber licence, because of
 - (i) an election made under section 23 of the *Forest Act*, R.S.B.C. 1979, c. 140,
 - (ii) any provision of the *Forest Act*, R.S.B.C. 1979, c. 140,
 - (iii) any provision of the timber licence,
 - (iv) any agreement, arrangement or approval, or
 - (v) any combination of 2 or more of the things referred to in subparagraphs (i) to (iv).
- (2) Any agreement, arrangement, approval or timber licence, or any combination of 2 or more of those things, whether made, granted or entered into before or after the coming into force of this subsection, is and always has been without effect to the extent, if any, that it limits or limited, or purports or purported to limit, the amounts payable to the government, in respect of timber cut under the timber licence, or under any timber licence, and scaled, to amounts that are less than the pertinent amounts of stumpage ascertained by reference to Part 7 of the *Forest Act*, as amended from time to time.

No compensation or damages payable by government

- 3** Nothing in this Act or the *Forest Amendment Act, 1995*, S.B.C. 1995, c. 24, gives rise to a claim for compensation or damages.

Certain actions and proceedings prohibited

- 4** No action lies, and an action or other proceeding must not be brought or maintained, against the government for
- (a) compensation,
 - (b) damages, or
 - (c) any other remedy
- arising as a direct or indirect consequence of
- (d) section 2,
 - (e) the repeal of section 23 of the *Forest Act*, R.S.B.C. 1979, c. 140, by section 2 of the *Forest Amendment Act, 1995*, S.B.C. 1995, c. 24,
 - (f) the amendments made by the *Forest Amendment Act, 1995*, S.B.C. 1995, c. 24, as they pertain to royalty, stumpage or both,
 - (g) an election made under section 23 of the *Forest Act*, R.S.B.C. 1979, c. 140, before the repeal of that section,
 - (h) a timber licence as it pertains to royalty, stumpage or both,

- (i) any agreement, arrangement or approval respecting
 - (i) royalty,
 - (ii) stumpage, or
 - (iii) bothunder a timber licence, or
- (j) any combination of 2 or more of the things referred to in paragraphs (d) to (i).

Legal effect of timber licences

- 5** Except as provided in section 2, this Act does not alter the legal effect of any timber licence.

This Act to be given specific legal effect

- 6** (1) This Act must be applied to and must be given effect in every action or proceeding, whether commenced before, on or after the date this Act receives Royal Assent.
- (2) This Act must not be construed as lacking effect, whether retroactive or otherwise, in relation to any matter because of making no specific reference to that matter.

Commencement

- 7** Sections 1 to 3 are deemed to have come into force on April 1, 1995 and are retroactive to the extent necessary to give sections 1 to 3 effect on and after that date.