

PACIFIC NATIONAL EXHIBITION ENABLING AND VALIDATING ACT

CHAPTER 76

Assented to November 17, 2003

Contents

Section

- 1 Definitions
- 2 Terms of trust condition
- 3 Previous activities deemed to have been in compliance with trust
- 4 Power to make regulations
- 5 Transitional
- 6 – 11 Consequential Amendments
- 12 Commencement

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:

“Crown grant” means the Crown grant effected by Letters Patent numbered 1404A/42 and dated August 2, 1889, as authorized by Order in Council 234/1889;

“exhibition” means the Pacific National Exhibition continued under the *Pacific National Exhibition Incorporation Act*;

“Hastings Park” means the lands and premises more particularly known and described as

Parcel Identifier: 008-348-219

Lot 90, except part in Plan 13045, Town of Hastings Suburban Lands,

Plan 100;

“trust condition” means the trust condition, contained in the Crown grant, that Hastings Park be maintained and preserved by the Corporation of the City of Vancouver and their successors for the use, recreation and enjoyment of the public.

Section 2

Terms of trust condition

- 2 (1) The trust condition is deemed to include authorization to the City of Vancouver and its successors to do, or to authorize, instruct or allow others, including, without limitation, the exhibition, to do, any or all of the following:
- (a) at Hastings Park,
 - (i) to hold or conduct fairs, exhibitions, expositions, displays, shows, plays, concerts, sports, sporting events and public presentations of any kind,
 - (ii) to hold race meetings involving mechanical devices or animals, and to allow pari-mutuel betting,
 - (iii) to provide entertainment, amusement and recreation to and for persons visiting the fairs, exhibitions, expositions, displays, shows, plays, concerts, sports, sporting events and public presentations referred to in subparagraph (i) and the race meetings referred to in subparagraph (ii), and to sell or otherwise furnish those persons with food, drinks, refreshments and other services,
 - (iv) to undertake the recording in any medium of moving or still images and sound recordings,
 - (v) to charge fees, including, without limitation, admission fees, and
 - (vi) to award, give or pay prizes, medals and honorary decorations;
 - (b) to authorize a person holding a gaming event licence issued under the *Gaming Control Act* to conduct and manage gaming events, within the meaning of that Act, that are licensed under that Act and undertaken at Hastings Park;
 - (c) to authorize an agent of the government to conduct and manage other lottery schemes, within the meaning of the *Gaming Control Act*, at Hastings Park;
 - (d) to charge for any advertising conducted at Hastings Park and for the right to name any facility at Hastings Park;
 - (e) to implement security procedures including, without limitation, the restriction or prohibition of access to all or any part of Hastings Park;
 - (f) to develop, construct and provide facilities for any use or activity authorized under this Act;
 - (g) to do one or more of develop, undertake and provide any other uses and activities that are or may be engaged in at Hastings Park if the council of the City of Vancouver determines under subsection (2) that such uses and activities are consistent with the uses and activities referred to in paragraphs (a) to (f) of this subsection;
 - (h) to do anything that is authorized under the regulations.
- (2) The council of the City of Vancouver may, in its absolute discretion, determine the uses or activities that are consistent with the uses and activities referred to in subsection (1) (a) to (f).

Previous activities deemed to have been in compliance with trust

- 3** (1) The following are deemed to be and to have always been in compliance with section 201 of the *Municipal Act*, 1889, S.B.C. 1889, c. 18, and any other subsequent enactment of similar intent or effect:
- (a) Order in Council 234/1889;
 - (b) the grant and conveyance of Hastings Park effected by the Crown grant;
 - (c) the trust condition.
- (2) All things done, and all actions and activities undertaken, at Hastings Park since the Crown grant and before October 10, 2003 are conclusively deemed to have been done or undertaken, as the case may be, in accordance with the trust condition.
- (3) Without limiting subsection (2), all resolutions, bylaws and actions of the City of Vancouver passed, adopted or undertaken in relation to Hastings Park and the exhibition since the Crown grant and before October 10, 2003 are conclusively deemed to have been passed, adopted or undertaken in accordance with the trust condition.
- (4) This section is retroactive to the extent necessary to give it effect on and after July 30, 1889 and must not be construed as lacking retroactive effect in relation to any matter because it makes no specific reference to that matter.

Power to make regulations

- 4** (1) The Lieutenant Governor in Council may make regulations referred to in section 41 of the *Interpretation Act*.
- (2) Without limiting subsection (1), the Lieutenant Governor in Council may make regulations allowing uses of and activities at Hastings Park.

Transitional

- 5** The term of office of each director, within the meaning of the *Pacific National Exhibition Incorporation Act*, appointed by the Lieutenant Governor in Council expires December 31, 2003.

Consequential Amendments*Pacific National Exhibition Incorporation Act*

- 6** *Section 1 of the Pacific National Exhibition Incorporation Act, S.B.C. 1973, c. 66, is amended by repealing the definition of “minister” .*
- 7** *Section 4 is amended*
- (a) by repealing subsection (1) and substituting the following:*

Section 8

(1) Without limiting the powers contained in section 3, the exhibition has the following powers:

- (a) to hold or conduct fairs, exhibitions, expositions, displays, shows, plays, concerts, sports, sporting events and public presentations of any kind;
- (b) to hold race meetings involving mechanical devices or animals, and to allow pari-mutuel betting;
- (c) to provide entertainment, amusement and recreation to and for persons visiting the fairs, exhibitions, expositions, displays, shows, plays, concerts, sports, sporting events and public presentations referred to in paragraph (a) and the race meetings referred to in paragraph (b), and to sell or otherwise furnish those persons with food, drinks, refreshments and other services;
- (d) to undertake or authorize others to undertake the recording in any medium of moving or still images and sound recordings;
- (e) to charge fees, including, without limitation, admission fees and fees for any advertising conducted at, and fees for the right to name any facility at, any location at which it conducts any activity it is authorized to conduct under this subsection;
- (f) to award, give or pay prizes, medals and honorary decorations;
- (g) to conduct and manage gaming events, within the meaning of the *Gaming Control Act*, that are licensed under that Act;
- (h) to implement security procedures including, without limitation, the restriction or prohibition of access to all or any part of any location at which it conducts any activity it is authorized to conduct under this subsection;
- (i) to develop, construct and provide facilities for any use or activity authorized under this subsection;
- (j) to do one or more of develop, undertake and provide any other uses and activities that are or may be engaged in at Hastings Park, within the meaning of the *Pacific National Exhibition Enabling And Validating Act*, if the council of the City of Vancouver determines under section 2 (2) of that Act that such uses and activities are consistent with the uses and activities referred to in section 2 (1) (a) to (f) of that Act;
- (k) to do anything that is authorized under the regulations made under the *Pacific National Exhibition Enabling And Validating Act* .,

(b) in subsection (2) by striking out “and the Company Clauses Act apply” and substituting “applies”, and

(c) in subsection (2) by striking out “Company Act” in both places and substituting “Business Corporations Act”.

8 Section 6 is repealed.

9 Section 7 is repealed and the following substituted:

Appointment of the board

7 The board is to consist of directors appointed by the City of Vancouver.

10 *Sections 10 to 14 are repealed.*

11 *Section 15 is amended by striking out “Province.” and substituting “City of Vancouver.”*

Commencement

- 12** (1) Sections 1 and 2 of this Act are deemed to have come into force on October 10, 2003 and are retroactive to the extent necessary to give them effect on and after that date.
- (2) Sections 6, 7 (a) and (b) and 8 to 11 come into force on January 1, 2004.
- (3) Section 7 (c) comes into force by regulation.