

Bill No. 52 of 1955

A BILL TO AMEND THE FOREST RESERVES ACT

NOTE

This Bill amends *The Forest Reserves Act*, being chapter 25 of the Statutes of Alberta, 1950.

Section 2 is amended. Clause (d) is amended to re-define "forest officer". Clause (j) is amended to have "public lands" include other vegetation as well as trees on such land.

Section 4 is amended to correct a reference and for clarification.

Section 5 is amended. This section presently declares that a reserve is set apart "for the maintenance and protection of animal, bird and fish life" as well as for the conservation of vegetation and the maintenance of an optimum water supply. Other Acts serve that purpose, so the reference to matters other than vegetation and water supply is deleted from the new section.

Section 7, which prohibits road allowances in forest reserves in certain cases, is being repealed.

Section 8, subsection (1) is amended. This subsection authorizes the Minister to acquire land that, among other requirements, adjoins and "is surrounded on three sides by the forest reserve". This last requirement is removed by the amendment.

Section 11, subsection (1) is amended. This subsection authorizes the making of regulations. Clause (c) is amended to permit of regulations governing mineral exploration in a reserve. Clause (j), which refers to fish and game, is struck out. Clause (x) is amended to remove a reference to the "Eastern Rockies Forest Conservation Board".

Sections 12 to 18, inclusive, which provide for the expropriation of private land for road use in a forest reserve, are no longer required and are repealed.

Section 19 is amended for clarification.

Section 21, subsection (2) is amended. This subsection provides for the disposition of toll road collections, and permits the use of such funds by the Eastern Rockies Forest Conservation Board for the construction and maintenance of the local roads from which the toll originated. This restriction on the use of the toll funds is removed.

Section 23 is amended for clarification of the offence there set out.

Section 24 is repealed as similar provisions are being enacted in the general part of this Act.

Section 25 is amended to widen the power of the Minister to prohibit travelling, camping or lighting of fires in a reserve by permitting him to so prohibit for particular areas of a reserve as well as generally.

Section 31*a*, subsection (4) is amended. This subsection authorizes the sale, disposition or destruction of livestock found in a reserve after notice for the removal thereof has been given. The reference here to the administrative and liaison officer of the Department is widened.

A new section 33*a* is added. Subsection (1) is new and prohibits the placing of signs in a forest reserve without the consent of a forest officer. Subsection (2) is the former section 24.

Section 35 is amended to have the right to search without warrants apply in forest reserves only.

Section 41 is repealed. This section placed onus of proof of compliance with this Act on the person charged. It is struck out and replaced by a section empowering a forest officer to demand and see the permit of any person in a forest reserve.

Section 43 is repealed as the matter thereof relating to Indians is covered elsewhere.

Section 44, subsection (1), is amended to correct a reference.

Section 45 is repealed as the Acts therein mentioned as being made applicable to a forest reserve are applicable to a reserve.

This Bill comes into force upon assent.

J. W. RYAN,
Acting Legislative Counsel.

(This note does not form any part of the Bill but is offered in explanation of its provisions.)

BILL

No. 52 of 1955

An Act to amend The Forest Reserves Act

(Assented to _____, 1955)

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

1. *The Forest Reserves Act*, being chapter 25 of the Statutes of Alberta, 1950, is hereby amended.

2. Section 2 is amended

Section 2
amended

(a) by striking out clause (d) and by substituting the following:

“(d) ‘forest officer’ means a forest officer appointed under *The Public Service Act, 1954*, and such other person as the Minister may appoint to perform any function incidental to the administration of forest reserves;”,

“forest officer”

(b) as to clause (j) by striking out the word “timbers” and by substituting the words “other vegetation”,

(c) by adding immediately after clause (j) the following new clause:

“(k) ‘regulations’ means regulations made by the Lieutenant Governor in Council pursuant to this Act.”.

“regulations”

3. Section 4 is amended

Section 4
amended

(a) by striking out the figures “1947” and by substituting the figures “1954”,

(b) by striking out the words “other officers and clerks” and by substituting the words “other employees”.

4. Section 5 is struck out and the following is substituted:

Section 5
amended

“5. All forest reserves within the Province are hereby set apart and established for the conservation of the forests and other vegetation therein and for the maintenance of conditions favourable to an optimum water supply.”.

Conservation

5. Section 7 is repealed.

Section 7
repealed

6. Section 8, subsection (1) is amended by striking out the words “and is surrounded on three sides by”.

Section 8
amended

Section 11
amended

7. Section 11, subsection (1) is amended

- (a) by adding immediately at the end of clause (c) the words "or required for the exploration for minerals or valuable stone",
- (b) by striking out clause (j),
- (c) as to clause (x)
 - (i) by striking out the words ", at the request of the Board,"
 - (ii) by adding immediately after the words "forest management," the words "range management, watershed management,".

Sections
12 to 18
repealed

8. The heading "Expropriation or Use of Freehold Land." and sections 12 to 18, inclusive, are repealed.

Section 19
amended

9. Section 19 is amended by striking out the words "and for" and by substituting the words "or for".

Section 21
amended

10. Section 21, subsection (2) is amended by striking out the words "from which the toll has been collected".

Section 23
amended

11. Section 23 is struck out and the following is substituted:

Penalty for
travelling on
closed road

"23. (1) No person shall use a highway, development road, local road, trail or bridge while traffic thereon is prohibited, or a detour sign is erected to direct traffic elsewhere.

"(2) A person who contravenes subsection (1) is guilty of an offence and liable upon summary conviction to a fine of not less than ten dollars and costs nor more than fifty dollars and costs and in default of payment to imprisonment for a term not exceeding thirty days."

Section 24
repealed

12. Section 24 is repealed.

Section 25
amended

13. Section 25 is amended by striking out subsection (3) and by substituting the following:

"(3) The Minister may, by order, prohibit travelling, camping or kindling of open fires without a special permit in a forest reserve or in any specified part or parts of a forest reserve.

"(3a) Notice of a prohibition under subsection (3) shall be posted at the boundary of the area within which the prohibition applies.

"(3b) The Minister may, by order, delegate to the Board or to any person the powers conferred upon him by subsection (3)."

Section 31a
amended

14. Section 31a, subsection (4) is amended by striking out the words "administrative and liaison officer of the Department" and by substituting the words "forest officer, or any other person who is authorized by the Minister to do so,".

15. The following new section is added immediately after section 33: New
section 33a

"33a. (1) No signs shall be placed in a forest reserve unless a forest officer consents thereto. Posting
of signs

"(2) A person who wilfully defaces, knocks down, removes or otherwise renders illegible or injures any sign, signal or obstruction erected or placed for the direction or safety of traffic or for any other purpose, is guilty of an offence and liable upon summary conviction to a fine of not less than ten dollars and costs nor more than fifty dollars and costs, and in default of payment to imprisonment for not more than thirty days." Fine

16. Section 35 is amended by striking out the words "or within twenty-five miles of the outer boundaries of a reserve,". Section 35
amended

17. Section 41 is struck out and the following is substituted: Section 41
amended

"41. Upon a demand of a forest officer any person in a forest reserve shall produce and deliver to the forest officer any permit or license issued to that person pursuant to this Act." Demand for
permit or
license

18. Section 43 is repealed. Section 43
repealed

19. Section 44, subsection (1) is amended by adding immediately before the words "*The Forests Act*" the words and numerals "Part II of". Section 44
amended

20. Section 45 is repealed. Section 45
repealed

21. This Act comes into force on the day upon which it is assented to. Coming
into force

THIRD SESSION
TWELFTH LEGISLATURE
4 ELIZABETH II
1955

BILL

An Act to amend The Forest
Reserves Act

Received and read the

First time.....

Second time.....

Third time.....

HON. MR. CASEY
