



Regulation Bulletin

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Regulation Amendment to Clarify Administrative Review and Appeal Process

Background

Section 221 of the *Forest Practices Code of British Columbia Act* (Act) allows for amendments to the Code and regulations to remedy transitional difficulties encountered during code implementation. Amendments may be retroactive to June 15, 1995.

On August 17, 1995, an Order In Council was approved amending the Administrative Review and Appeal Procedure (Forest Practices) Regulation.

The amendment adds a part to the regulation clarifying that if a section under the *Forest Act*, that was repealed and replaced by provisions under the *Forest Practices Code of British Columbia Act*, was contravened before June 15, 1995, the *Forest Act* provision in effect at the time of the determination specifies the review/appeal process.

This clarification was required because a new *Forest Act* appeal process was established on the same day the Code came into force, and it was not clear whether an appeal in this case should be conducted under the new or old appeal process. The amendment ensures that determinations made before June 15, 1995 are subject to the old *Forest Act* appeal process, and determinations made after that date are subject to the new *Forest Act* review and appeal process (as amended by Bill 34).

Recommendations

It is recommended that district managers and their staff make themselves familiar with this amendment and the administrative review and appeal process to ensure reviews of determinations are addressed under the correct process.

This amendment is consistent with direction given by the Assistant Deputy Minister, Operations, in a note dated June 1, 1995, regarding *Making Determinations before and after June 15, 1995*.

Contact

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