



Regulation Bulletin

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Administrative Review and Appeal Procedure

Background

On August 17 1995, B.C. Reg. 342/95 clarified the process for challenging a determination made under the *Forest Act*, for a contravention occurring before the *Forest Practices Code of British Columbia Act* (Code) came into force. This clarification was approved under the authority of section 221 of the Code, which allows for amendments to the Code by regulation to fix transitional difficulties encountered during implementation. Amendments made under this section may be retroactive to June 15, 1995 and remain in effect for up to one year from the date of enactment.

Under section 221 of the Code, the above amendment would have expired on August 16, 1996. To address this, B.C. Reg. 108/96 was approved on April 25 1996, further extending section 16 of the Administration Review and Procedure (Forest Practices) Regulation, and including reference to determinations made under the *Range Act*. Therefore, the process of review and appeal for any determination made under the *Forest Act* or *Range Act*, for contraventions occurring prior to June 15, 1995 is dictated by the legislation in force at the time of the determination - **not** the time of the offence.

Please see [Regulation Bulletin #01](#), dated September 11, 1995 for cross-reference and further background.

Recommendations

It is recommended that district managers and their staff make themselves familiar with the above amendment to the administrative review and appeal process.

This amendment is included within the Unofficial Consolidated Administrative Review and Appeal Procedure (Forest Practices) Regulation dated May 3, 1996.

Contact

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