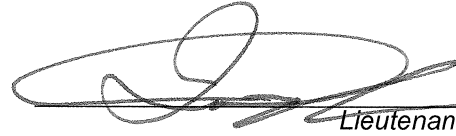


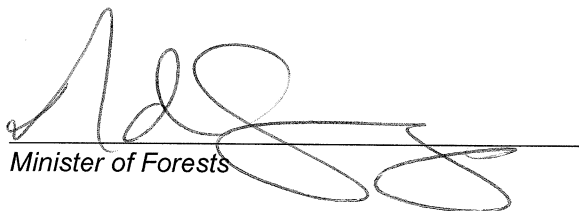
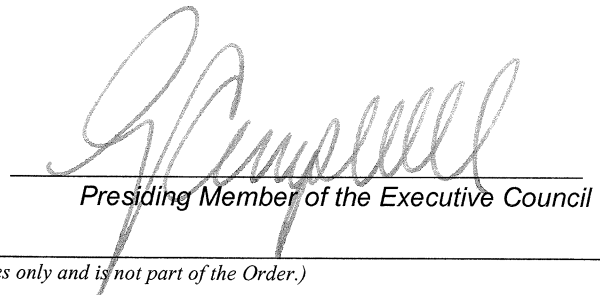
ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

Order in Council No. **257**, Approved and Ordered **MAR 17 2005**

  
Lieutenant Governor

Executive Council Chambers, Victoria

On the recommendation of the undersigned, the Lieutenant Governor, by and with the advice and consent of the Executive Council, orders that the Cut Control Regulation, B.C. Reg. 578/2004, is amended as set out in the attached Schedule.

  
Minister of Forests  
Presiding Member of the Executive Council

*(This part is for administrative purposes only and is not part of the Order.)*

**Authority under which Order is made:**

Act and section:- Forest Act, R.S.B.C. 1996, c. 157, s. 151.4

Other (specify):- oic 1242/2004

March 8, 2005

349 /2005/11

## SCHEDULE

- 1** *The Cut Control Regulation, B.C. Reg. 578/2004, is amended by adding the following Division:*

### **Division 3 – Licences affected by the *Forestry Revitalization Act***

#### **Definitions**

- 11** In this Division, “**group of licences**” means a group of licences as defined in section 1 (1) of the *Forestry Revitalization Act*;

#### **Inconsistency with section 75.91 of the Act**

- 12** Section 75.91 of the Act does not apply to or in respect of
- (a) a licence to which section 13 of this regulation applies, or
  - (b) the holder of that licence.

#### **Cut control limits adapted for licences affected by *Forestry Revitalization Act***

- 13** (1) The holder of a licence in a group of licences, for which licence the minister makes a written order under section 3 (2) of the *Forestry Revitalization Act*, must pay to the government the penalty determined under subsection (2) of this section
- (a) if
    - (i) by the next June 30 after the date the order is made the holder
      - (A) terminates the cut control period that is in effect on the date of delivery to the holder of notice of the order, or
      - (B) surrenders the licence, or
    - (ii) the cut control period, that is in effect for the licence on the date the order is made, expires on December 31 of the year in which the order is made, and
  - (b) if the volume of timber harvested during that cut control period exceeds 110% of the sum of the allowable annual cuts that would have been authorized under the licence if
    - (i) the cut control period for the licence had a term of 5 years, and
    - (ii) during that period the allowable annual cuts for the licence remained the same.
- (2) The penalty under subsection (1) is the product of
- (a) the volume of timber harvested that exceeds 110% of the sum of the allowable annual cuts referred to in subsection (1) (b), and
  - (b) twice the average stumpage rate that was applicable to timber harvested under the licence during the last year in which stumpage was payable in respect of that timber.

#### **Penalty in addition to stumpage**

- 14** A penalty under section 13 is in addition to
- (a) stumpage payable under the Act, or

(b) subject to section 12, another penalty under the Act or under another enactment.

**Inconsistency with section 75.7 of the Act**

- 15** Section 75.7 of the Act does not apply to or in respect of a holder of a licence if a written order under section 3 (2) of the *Forestry Revitalization Act* reduced the allowable annual cut of the licence to zero.