

PROHIBITION REGULATION No. 9

The Prohibition of Unrestricted Snowmobile Use on Meadow Mountain (SWS Tenure)

The Land Act/Motor Vehicle (All Terrain) Act Prohibition Regulation No. 9 has the same force and effect of laws under any statute of British Columbia. The Interpretation Act of BC, Section 41(2) provides that “**a regulation made under the authority of an enactment has the force of law**”. Section 41 also provides any breach of any such Regulation are an offence and contemplates penalties that are prescribed by the relevant statutes, in this case, the Land Act and the Motor Vehicle Act (All Terrain) Act.

Upon submission to the BC Government in 2002, it became apparent that conflicts in the use of the SWS tenure by snowmobilers, and the hazards caused thereby, had risen to a degree that the BC Government decided there was a compelling need for specific legislation in the form of **Prohibition Regulation No. 9** under the Land Act and the Motor Vehicle (All Terrain) Act to prohibit unrestricted use of the SWS terrain by snowmobilers. Hence the subject **Prohibition No. 9** was passed into law under section 66 of the Land Act and Section 7 of the Motor Vehicle (All Terrain) Act.

Section 66 of the Land Act provides:

- (1) The Lieutenant Governor in Council may, by regulation, **prohibit a specific use of Crown Land in a designated area.**
- (2) **A person who uses Crown land in a designated area** in a manner prohibited under subsection (1) **commits an offence.**

Section 68 of the Land Act sets out the penalty for person(s) who violate **Prohibition No. 9** which prohibits snowmobiling on the SWS terrain other than on designated roads and in a limited area (traditionally known as the “Back Meadows”) that is designated on a map appended to **Prohibition No. 9**.

Section 68 of the Land Act provides:

Every person who is convicted of an offence against this Act for which no penalty is provided is liable upon conviction to **a fine of not more than \$20,000 or to imprisonment for a term not longer than 60 days**, or to **both the fine and imprisonment**. **Penalties prescribed under the Motor Vehicle (All Terrain) Act may be imposed upon conviction including cancellation of snowmobile registrations and licences.**

The relevant prohibition is **Section 2 of Prohibition No. 9: Land Act: Motor Vehicle (All Terrain) Act Prohibition Regulation No. 9**

Snowmobile prohibition – Beginning in December 2003

2. The use of snowmobiles is prohibited, beginning in December 2003, from December 1 to April 16 within the area outlined in black on the attached map, with the following exceptions:
 - (a) the trails shown in dashed lines;
 - (b) the shaded area.