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**IMPORTANT INFORMATION**

B.C. Reg. 340/82  
O.C. 1491/82

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***Wildlife Act***

**WILDLIFE ACT GENERAL REGULATION**

[includes amendments up to B.C. Reg. 340/2005, November 25, 2005]

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**Repealed**

1 Repealed. [B.C. Reg. 166/2001, s. 6.]

**Division 1 — Release of Animals**

**Falconry exemption**

- 1.01 Where a person is legally in possession of a raptor and he uses the bird for the purposes of falconry, he is for those purposes exempted from section 77 (2) of the Act.

**Native non-wildlife exemption**

- 1.02 Where a person keeps an animal that
- (a) is not designated as wildlife, and
  - (b) is native to the Province or occurs naturally in the wild in the Province
- and releases the animal in an area of the Province where it naturally occurs, he is for that purpose exempted from section 77 (2) of the Act.

**Repealed**

- 1.03 Repealed. [B.C. Reg. 220/2000, s. 1.]

**Captive game bird exemption — private land**

- 1.04 A person who releases on private land a pheasant, quail, partridge or wild turkey which is hatched and raised in captivity is for that purpose exempt from section 77 of the Act.

[en. B.C. Reg. 151/83, s. (a).]

**Division 2****Repealed**

- 2.01 - 2.02 Repealed. [B.C. Reg. 168/90, s. 2.]

**Division 3 — Information for Search Warrant****Form of information**

- 3.01 An information for the purposes of section 92 of the *Wildlife Act* may be in the form provided as Form 1 in the Schedule to the *Offence Act*.

**Division 4 — Transporting Wildlife or Fish****Transport by hunter**

- 4.01 For the purposes of section 37 of the Act, a person may ship or transport wildlife or fish or parts of them where

- (a) he has killed or taken them,
- (b) he personally accompanies them, and
- (c) he has in his immediate possession
  - (i) all the licences he was required to hold in order to kill or take the wildlife or fish lawfully, or
  - (ii) a permit.

### **Transport for another person**

**4.02** For the purposes of section 37 of the Act, a person may offer to ship or transport, or engage another person to ship or transport, wildlife or fish or parts of them where they are lawfully in his possession or in the possession of the person on whose behalf he offers to ship or transport or engages another person to ship or transport them.

### **Transport with record of receipt**

**4.03** For the purposes of section 37 of the Act, a person may ship or transport wildlife or fish killed or taken by another person or parts of them where he has in his immediate possession a record of receipt of the wildlife or fish or parts of them showing

- (a) the date and place of receipt,
- (b) the name and address of the person who killed or took the wildlife or fish or from whom the wildlife or fish or parts of them were acquired,
- (c) the number of the licence or permit of the person who killed or took the wildlife or fish,
- (d) the name and address of the person to whom the wildlife or fish or parts are to be delivered, and
- (e) the species and sex of the animal if it is a big game animal.

[am. B.C. Reg. 239/84, s. 1.]

### **Transport by trapper, trader, taxidermist or tanner**

**4.04** For the purposes of section 37 of the Act,

- (a) a person who holds a trapping licence or fur traders licence,
- (b) a taxidermist, or

(c) a tanner

may ship or transport wildlife or fish or parts of them lawfully in his possession where

(d) he personally accompanies them, or

(e) he identifies each package with his name and address and completes a written declaration that accompanies the shipment stating

(i) the contents of the shipment,

(ii) the number of packages in the shipment,

(iii) the name and address of the consignee, and

(iv) the royalty fur export permit number or game export permit number as appropriate.

### **Other transport**

**4.05** For the purposes of section 37 of the Act, a person, other than

(a) a fur trader,

(b) a taxidermist, or

(c) a tanner

engaged in his calling, may ship or transport, or offer to ship or transport, dead wildlife or fish or parts of them

(d) that have been tanned or processed into manufactured items, or

(e) obtained from a licenced commercial outlet.

### **Repealed**

**4.06** Repealed. [B.C. Reg. 91/96, s. 1.]

## **Division 5**

### **Repealed**

**5.01** Repealed. [B.C. Reg. 168/90, s. 2.]

## **Division 6 — Commercial Vendors**

### **Commercial vendor commission**

**6.01** A commercial vendor of licences issued under the Act may retain a

commission of \$1.50 per licence issued by him or her.

[en. B.C. Reg. 85/2003.]

## **Division 7 — Licence Cancellation and Ineligibility**

### **Definition**

**7.01** In this Division, "**conviction**" includes the granting of an absolute or conditional discharge.

[en. B.C. Reg. 426/98.]

### **Prescribed offences**

**7.02** (1) It is a second or subsequent offence for the purpose of section 24 (8) (e) of the Act to commit an offence under the regulations made under the Act, or under the Act and not listed in section 24 (8) (a) to (d) of the Act, within 2 years from conviction for an offence under the *Firearm Act*, the Act or the regulations made under the Act.

(2) Repealed. [B.C. Reg. 340/2005, s. 13.]

(3) It is a second or subsequent offence for the purpose of section 24 (10) (c) of the Act to commit an offence under the regulations made under the Act, or under the Act and not listed in section 24 (10) (a) to (b) of the Act, within 2 years from conviction for an offence under the *Firearm Act*, the Act or the regulations made under the Act.

[en. B.C. Reg. 426/98; am. B.C. Reg. 340/2005, s. 13.]

### **Calculation of a period of ineligibility**

**7.03** (1) For the purposes of section 7.04, a period of ineligibility is calculated from:

(a) the date of conviction, or

(b) the date a court makes a disposition under the *Young Offenders (British Columbia) Act*.

(2) Despite subsection (1), if a person is convicted of offences that result in more than one period of ineligibility under this Division, those periods run consecutively.

(3) Despite subsection (1), if a person is ineligible to hold a licence on the date referred to in subsection (1) (a) or (b), the period of ineligibility described in section 7.04 runs consecutively with the person's current period of ineligibility.

[en. B.C. Reg. 426/98.]

**Periods of ineligibility for a licence**

- 7.04** (1) A person convicted of an offence listed in Column 1 of the Table in this section, is ineligible to obtain a hunting licence for the period for that offence indicated in Column 4 of the Table.
- (2) A person convicted of an offence listed in Column 2 of the Table in this section, is ineligible to obtain an angling licence for the period for that offence indicated in Column 4 of the Table.
- (3) Repealed. [B.C. Reg. 340/2005, s. 14 (a).]
- (4) Despite subsection (1), a person is ineligible to obtain a hunting licence for one year, if
- (a) the person is convicted of an offence under the *Firearm Act*, under the Act, or under regulations made under the Act, not relating to angling or an angling licence, and
  - (b) the person has within the 2 years prior to the conviction been convicted of an offence under the *Firearm Act*, under the Act, or under regulations made under the Act.
- (5) Despite subsection (2), a person is ineligible to obtain an angling licence for one year, if
- (a) the person is convicted of an offence under the Act, or under regulations made under the Act, relating to angling or an angling licence, and
  - (b) the person has within the 2 years prior to the conviction been convicted of an offence under the *Firearm Act*, under the Act, or under regulations made under the Act.
- (6) Despite subsections (1) to (5), if a person is convicted of
- (a) an offence listed in Column 1 of the Table in this section and the person has within 2 years prior to the conviction been convicted of an offence under the *Firearm Act*, under the Act, or under regulations made under the Act, not relating to angling or an angling licence, the person is ineligible to obtain a hunting licence for 3 years,
  - (b) an offence listed in Column 2 of the Table in this section and the person has within 2 years prior to the conviction been convicted of an offence under the Act, or under regulations made under the Act, relating to angling or an angling licence, the person is ineligible to obtain an angling licence for 3 years,

and

(c) Repealed. [B.C. Reg. 340/2005, s. 14 (a).].

(7) Despite subsections (1) to (6), if a person is convicted of an offence under section 26 (1) (a), (e) or (g) of the Act and the person has within 2 years prior to the conviction been convicted under the *Firearm Act*, under the Act, or under regulations made under the Act, not relating to angling or an angling licence, the person is ineligible to obtain a hunting licence for 5 years.

| <b>Column 1<br/>(hunting)</b>  | <b>Column 2<br/>(angling)</b>   | <b>Column 3<br/>Repealed.<br/>[B.C. Reg. 340/2005,<br/>s. 14 (d).]</b> | <b>Column 4<br/>(period)</b> |
|--|---|--|------------------------------|
| <i>Firearm Act</i> - section 3                                       |   |  | 3 years                      |
| <i>Wildlife Act</i> - section 22                                     |   |  | 2 years                      |
| <i>Wildlife Act</i> - section 24 (6) (a) or (b)                      | <i>Wildlife Act</i> - section 24 (6) (a) or (d)                       |  | 2 years                      |
| <i>Wildlife Act</i> - section 24 (7) (a) or (b)                      | <i>Wildlife Act</i> - section 24 (7) (a) or (d)                       |  | 3 years                      |
| <i>Wildlife Act</i> - section 24 (14) (a) or (b) (i)                 | <i>Wildlife Act</i> - section 24 (14) (a) or (b) (iii)                |  | 3 years                      |
| <i>Wildlife Act</i> - section 26 (1) (a), (e) or (g)                 |   |  | 5 years                      |
| <i>Wildlife Act</i> - section 26 (1) (f)                             |   |  | 3 years                      |
| <i>Wildlife Act</i> - section 28                                     |   |  | 3 years                      |
| <i>Wildlife Act</i> - section 81 with reference to a hunting licence | <i>Wildlife Act</i> - section 81 with reference to an angling licence |  | 1 year                       |
| <i>Wildlife Act</i> - section 82 with reference to a hunting licence | <i>Wildlife Act</i> - section 82 with reference to an angling licence |  | 2 years                      |

[en. B.C. Reg. 426/98; am. B.C. Regs. 220/2000, s. 2; 340/2005, s. 14.]

### **Prescribed limits under section 24 (5) and (12) of Act**

**7.05** The prescribed limit for purposes of section 24 (5) and (12) of the Act is 30 years.

[en. B.C. Reg. 426/98; am. B.C. Reg. 368/99, s. 1.]

### **Offence**

**7.06** (1) A person whose hunting licence is cancelled or who has been



prohibited from hunting under the Act must immediately deliver the person's hunter number card to the director on request by the director.

(2) A person who fails to comply with subsection (1) commits an offence.

[en. B.C. Reg. 426/98; am. B.C. Reg. 198/99, s. 1.]

### **Division 8**

#### **Repealed**

8.01 Repealed. [B.C. Reg. 157/92, s. 1(a).]

#### **Repealed**

8.02 Repealed. [B.C. Reg. 17/89, App. 1, s. 1.]

### **Division 9 — Licence Year**

#### **Definition**

9.01 For section 9.02, "**licence year**" means the period ending on the expiry date indicated on the licence and commencing on April 1 of the previous calendar year.

#### **Licence year**

9.02 Except as otherwise provided in the Act and regulations, a licence is valid from and including the later of

- (a) April 1 of the licence year for which it is issued, or
- (b) the date of issue

to March 31 of the licence year.

#### **Spent**

9.03 Spent.

### **Division 10 — Captive Wildlife Import and Transport Exemptions**

#### **Licence under *Fur Farm Act* exemption**

10.01 (1) A person who possesses or transports fur bearing animals under a licence issued under the *Fur Farm Act* is exempt from sections 33 (1) and 37 of the Act.

(2) A person who holds a licence for a particular species of fur bearing

animal under the *Fur Farm Act* and who imports or exports live fur bearing animals of that species from or to another province, is exempt from section 21 (1) of the Act.

[en. B.C. Reg. 220/2000, s. 3.]

### **Circus exemption**

**10.02** (1) A person who imports wildlife from, and exports that same wildlife to, another province, as part of a circus whose main place of business is outside British Columbia, is exempt from section 21 (1) of the Act.

(2) A person who imports wildlife in the circumstances described in subsection (1) is exempt from sections 33 (1) and 37 of the Act.

[en. B.C. Reg. 220/2000, s. 4.]

### **Repealed**

**10.03** Repealed. [B.C. Reg. 220/2000, s. 5.]

## **Division 11 — Residency Exemption**

### **Residency exemptions**

**11.01** A person who

(a) is a member of the armed services of Her Majesty raised by Canada and enrolled in continuing full time military service who has made his or her permanent residence in British Columbia for 30 consecutive days immediately before making an application under the Act or doing another thing relevant to the operation of the Act,

(b) is a Canadian citizen or permanent resident of Canada, who leaves British Columbia to attend a recognized educational institution, and who returns to British Columbia on completion of studies at the institution concerned, or

(c) is under 19 years of age, has resided with a parent or guardian in another province and returns to British Columbia to reside with another parent or guardian who is a resident,

is, for the purpose of qualifying as a resident, exempt from the requirements set out in paragraph (a) of the definition of "resident" in section 1 of the *Wildlife Act*.

[en. B.C. Reg. 340/2005, s. 15.]

## Division 12 — Retrieval of Wildlife Killed

### Fur bearing animals

**12.01** A person is exempt from section 35 (2) (b) of the Act if that person kills a grizzly bear, cougar or a fur bearing animal other than a black bear, and removes the hide to a place described in section 35 (2) (b) of the Act or to a taxidermist, tanner or fur trader.

[en. B.C. Reg. 198/99, s. 2.]

### Food use

**12.02** (1) For the purpose of section 35 (2) (b) of the Act, "**edible portions**" with respect to big game, excluding grizzly bear, cougar, wolf, lynx, bobcat and wolverine, means the edible portions of the four quarters and the loins of the animal.

(2) For the purpose of section 35 (2) (b) of the Act, "**edible portions**" with respect to game birds means the edible portions of both breasts of the bird.

(3) Despite subsections (1) and (2), "**edible portions**" do not include meat that has been damaged and made inedible by the method of taking.

[en. B.C. Reg. 198/99, s. 2; am. B.C. Reg. 479/2004.]

### Transfer of carcass

**12.03** A person who kills wildlife and transfers possession of that wildlife to another person is exempt from section 35 (2) (b) of the Act, if the person who receives the wildlife complies with section 35 (2) (b) of the Act.

[en. B.C. Reg. 198/99, s. 2.]

### Exemption

**12.04** A person is exempt from section 35 (2) (b) of the Act if that person kills wildlife of a species not described in section 12.01 or 12.02.

[en. B.C. Reg. 198/99, s. 2.]

## Division 13

### Repealed

**13.01-13.02** Repealed. [B.C. Reg. 168/90, s. 2.]

## Division 14

### Repealed

14.01 to 14.03 Repealed. [B.C. Reg. 168/90, s. 2.]

## Division 15 — Minimum Hunting Age

### Minimum hunting age

15.01 (1) A person under the age of 10 years may not hunt wildlife.

(2) A person who causes or allows a person under the age of 10 years to hunt wildlife commits an offence.

[en. B.C. Reg. 198/99, s. 3.]

## Division 16 — Licence Conditions

### Conditions must be complied with

16.01 A person commits an offence where he fails to comply with a condition of or an instruction in

- (a) a hunting licence,
- (b) a species licence,
- (c) a special area licence,
- (d) a limited entry hunting authorization,
- (e) an angling licence,
- (f) a non-tidal classified waters angling licence,
- (g) Repealed. [B.C. Reg. 125/89, s. 2.]
- (h) a hunter number card,
- (i) a guide outfitter licence,
- (j) an assistant guide licence,
- (k) a fur trader's licence,
- (l) a trapping licence, or
- (m) a transporter licence.

[en. B.C. Reg. 151/83, s. (c); am. B.C. Regs. 97/87, s. (a); 158/88; 17/89, s. 6; 125/89, s. 2; 157/92, s. 1; 220/2000, s. 7; 25/2005, s. 8.]

### Adult chinook defined

**16.02** For the purpose of the recording instructions set out on the back of an angling licence, an adult chinook is defined as

(a) measuring over 62 cm from the tip of the nose to the fork of the tail in the non-tidal waters of the

- (i) Fraser River from the CPR bridge at Mission upstream to the powerline crossing situated about 1 km upstream from the Agassiz-Rosedale bridge, from September 5 to December 31,
- (ii) Harrison River downstream from white fishing boundary signs situated near the mouth of Harrison River, from September 5 to December 31,
- (iii) Chilliwack/Vedder River downstream from Slesse Creek, from July 1 to December 31, and
- (iv) Sumas River downstream from the Barrowtown pumping station, from July 1 to December 31,

(b) measuring over 65 cm from the tip of the nose to the fork of the tail in the non-tidal waters of the

- (i) Bella Coola and Atnarko Rivers and tributaries, all year
- (ii) Iknouk River and tributaries, all year
- (iii) Kemano River and tributaries, all year
- (iv) Khutzeymateen River and tributaries, all year
- (v) Kildala River and tributaries, all year
- (vi) Kincolith River and tributaries, all year
- (vii) Kitimat River and tributaries, all year
- (viii) Kitlope River and tributaries, all year
- (ix) Kwinimass River and tributaries, all year,
- (x) Nass River and tributaries, all year, and
- (xi) Skeena River and tributaries, all year, and

(c) measuring over 50 cm from the tip of the nose to the fork of the tail in all other non-tidal waters.

[en. B.C. Reg. 88/94, App. I.]

### **Chinook caught in Kispiox river**

**16.03** For the purpose of the recording instructions on the back of an angling licence, an adult chinook caught and retained from the waters within

three white fishing boundary signs located at the confluence of the Skeena and Kispiox Rivers shall be recorded as caught from the Kispiox River.

[en. B.C. Reg. 88/94, App. I.]

## **Division 17 — Exemptions (General)**

### **Sale of birds held under permit**

**17.01** A person who holds a permit under section 2 (j) of the Permit Regulation, B.C. Reg. 253/2000, to possess live upland game birds in captivity is exempt from

(a) section 22 of the Act, and

(b) section 37 of the Act

for the purpose of selling birds he holds under permit.

[en. B.C. Reg. 239/84, s. 5; am. B.C. Reg. 253/2000, App. 3, s. 1.]

### **Captive bird or animal exemptions**

**17.02** A person who possesses a quail, pheasant, partridge, wild turkey or European rabbit that was hatched or born, and raised, in captivity is exempt from

(a) section 22 of the Act,

(b) section 33 of the Act,

(c) section 37 of the Act, and

(d) section 21 of the Act but only if the import or export is from or to another province in Canada.

[en. B.C. Reg. 253/2000, App. 3, s. 2.]

### **Sale of wildlife meat under permit**

**17.03** (1) A person who holds a permit under section 2 (f) (i) of the Permit Regulation, B.C. Reg. 253/2000, is exempt from section 21 of the Act for the purpose of exporting meat sold under the authority of the permit.

(2) A person buying wildlife meat from or selling wildlife meat to a person who holds a permit under section 2 (f) of the Permit Regulation, B.C. Reg. 253/2000, is exempt from

(a) section 22 of the Act,

(b) section 37 of the Act, and

(c) section 21 of the Act,  
for that purpose.

[en. B.C. Reg. 239/84, s. 5; am. B.C. Regs. 91/96, s. 3; 253/2000, App. 3, s. 3.]

### **Captive turtle exemptions**

**17.04** A person who possesses a *Trachemys scripta*, a slider turtle, that is kept in captivity is exempt from section 33 (1) of the Act.

[en. B.C. Reg. 253/2000, App. 3, s. 4.]

## **Division 18 — Penalties**

### **Trafficking penalty**

**18.01** An offence under section 2.08 (3) of B.C. Reg. 338/82, the Wildlife Act Commercial Activities Regulation, is prescribed as an offence for the purpose of section 84 (1) (a) (ii) of the Act.

[en. B.C. Reg. 368/99, s. 3.]

### **Increased penalties**

**18.02** (1) Offences under the following provisions are prescribed as offences for the purposes of section 84 (1) (b) (ii) of the Act:

(a) the following sections of B.C. Reg. 338/82, the Wildlife Act Commercial Activities Regulation:

- (i) section 1.05 (2) or (3);
- (ii) section 2.08 (1) or (2);
- (iii) section 2.09 (1);
- (iv) section 3.04 (3) (c);
- (v) section 5.02 (2);

(b) section 9 (1) of B.C. Reg. 134/93, the Limited Entry Hunting Regulation;

(c) section 17 (1) (m) of B.C. Reg. 190/84, the Hunting Regulation.

(2) The following offences are prescribed for the purposes of section 84 (1) (b) (ii) of the *Wildlife Act*:

(a) an offence under section 16.01 (i) of this regulation of failing to comply with the term or condition in section 1.041 of the Wildlife Act Commercial Activities Regulation, B.C. Reg.

338/82;

(b) an offence under section 16.01 (m) of this regulation of failing to comply with a term or condition under section 5.04 (1) (a) or imposed under section 5.04 (2) of the Wildlife Act Commercial Activities Regulation, B.C. Reg. 338/82.

[en. B.C. Reg. 368/99, s. 3; am. B.C. Reg. 25/2005, s. 9.]

## **Division 19**

### **Repealed**

**19.01** Repealed. [B.C. Reg. 137/2002.]

[Provisions of the *Wildlife Act*, R.S.B.C. 1996, c. 488, relevant to the enactment of this regulation: sections 1 (1) and 108]

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