
Sixth Session, Fortieth Parliament
66 Elizabeth II, 2017
Legislative Assembly of British Columbia

BILL M 2**

Right to Roam ACT, 2017

Dr. Andrew Weaver

Explanatory Note

This Bill will ensure the right of British Columbians to access public lands, rivers, streams, and lakes, and to use these spaces to hunt, fish, and enjoy outdoor recreation in accordance with the law.

BILL M * – 2017**

RIGHT TO ROAM ACT, 2017

Preamble

WHEREAS hunting, fishing and outdoor recreation are an important part of British Columbia's heritage and form an important part of the fabric of present-day life in British Columbia;

WHEREAS hunters and anglers contribute to the funding, understanding, conservation, and management of habitat, fish, and wildlife in British Columbia;

WHEREAS hunting and fishing are preferred means of food security for many British Columbians.

THEREFORE HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:

Part I - Definitions

Definitions

1 In this Act:

"lawfully fishing" means fishing in accordance with the fisheries act of the Province and the laws of the Dominion of Canada and any regulations made thereunder for the purpose of sport, and includes the taking and carrying away of any fish lawfully caught;

"occupant" means a person having the right, exclusive of the public, to fish in any river, stream or lake either as the owner of the lands abutting thereon or otherwise;

"owner" means a person having the rightful possession of and control over lands, either as holder of the legal title, as tenant or otherwise, and includes joint owners and tenants in common;

"roam" means non-motorized travel for the purpose of lawful recreation;

"timberland" means uncultivated land used or held only or primarily for lumber purposes;

"uncultivated land" means land that is in its natural wild state, and includes also land that has been wholly or partially cleared, but is otherwise in its natural state.

Part 2 – Right to hunt, fish, and roam

Right to hunt, fish, and roam

- 2 (1) A person has the right to hunt, fish, and roam in accordance with the law.

Right to go upon land, river, stream or lake

- 3 (1) Any resident of the Province shall have the right to go on foot along the banks of any river, stream or lake, upon and across any uncultivated lands and Crown lands, whether or not the rights to that land have been leased, for the purpose of:
- (a) lawfully fishing with rod and line in such rivers, streams or lakes;
 - (b) lawfully walking, hiking, or roaming as recreation.
- (2) Any resident of the Province shall have the right to go on, upon or across any river, stream or lake in boat or canoe or otherwise, for the purpose of recreation or lawfully fishing with rod and line in such rivers, streams or lakes.
- (3) The rights conferred by this Section shall not in any way limit or restrict the right of any owner or occupant to compensation for actual damages caused by any person going upon or across such lands for the purpose aforesaid, and shall not be construed to give the right to build any fires upon such lands.

Repeal

- 4 The *Hunting and Fishing Heritage Act* [S.B.C 2002] Chapter 79, is repealed.