

For information about eligibility, relevant documents, and the application process when applying for a new or modifying an existing Guiding Territory Certificate, please click [here](#) to open the B.C. government webpage on Guiding Territory Certificates.

It is the responsibility of the holder(s) of a Guiding Territory Certificate to be aware of provisions in the *Wildlife Act* and its regulations that apply to guiding territory certificates. Please see the advisory below.

ADVISORY GUIDING TERRITORY CERTIFICATE

GENERAL

- It is the holder's responsibility to be aware of all applicable laws and the limits of this certificate. For example,
 - Only a licenced guide may exercise the guiding privileges controlled by the holder.
 - This certificate does not authorize the use of land within a provincial park, conservancy or recreation area without a park use permit or the use of private land without the landowner's permission.
- If applicable, the holder is responsible for renewing his or her own certificate. The issuer is not obliged to send a reminder notice.

LEGISLATION

Here are some, but not all, relevant sections of the *Wildlife Act*:

WILDLIFE ACT [RSBC 1996] CHAPTER 488

Guiding territory certificate

- 59** (1) A regional manager may issue a guiding territory certificate to a person who, or to a group of persons each of whom,
- (a) [Repealed]
 - (b) in the case of an individual, is 19 years of age or older, and
 - (c) has the qualifications prescribed by regulation, if any.
- (2) The director may specify the form of and conditions contained in a guiding territory certificate.
- (3) Subject to a permit issued under section 70 (1) (b), a guiding territory certificate grants to the holder the exclusive control over guiding privileges in the area described in the certificate for the period stated in the certificate, which may not exceed 25 years.
- (4) The issuance of a guiding territory certificate to more than one person creates a tenancy in common in the rights granted by the certificate.
- (5) If a guiding territory certificate is issued to more than one person, the guiding territory certificate must
- (a) identify a person as the agent of the holders of the certificate and
 - (b) specify the interest held in the certificate by each holder of the certificate.
- (6) A regional manager may rely on information provided in an application or submission made by the agent identified in the guiding territory certificate as if that information were provided or that application or submission were made by all the holders of the certificate.
- (7) A regional manager may, on application by the holder of the guiding territory certificate, issue a new guiding territory certificate for a period not exceeding 25 years if
- (a) more than 5 years have elapsed since the date of issue of a guiding territory certificate issued before this subsection comes into force, or
 - (b) more than 3/5 of the period of a guiding territory certificate issued after this subsection comes into force has elapsed.

Non-use of guiding territory

- 59.1** (1) On application by the holder of a guiding territory certificate who does not intend to consent to guiding in a year in the guiding territory described in the guiding territory certificate, the regional manager may give permission for the temporary or partial discontinuance of the use of that guiding territory for guiding.
- (2) If, in the opinion of the regional manager, there is no guiding in a year in a guiding territory described in a guiding territory certificate,
- (a) the regional manager may review the operation of the holder of the guiding territory certificate, and
 - (b) after affording the holder an opportunity to be heard, the regional manager may suspend, cancel or refuse to renew the guiding territory certificate.

Transfers

- 62** (1) The following may not be transferred without the authorization of the regional manager:
- (a) the privileges conferred in a guide outfitter licence;
 - (b) the privileges conferred in a portion of the guiding area described in a guide outfitter licence.
- (2) The following may not be transferred except in accordance with and subject to the regulations:
- (a) the privileges conferred in a guide outfitter certificate;
 - (b) the privileges conferred in a portion of the guiding territory held under a guiding territory certificate;
 - (c) a guiding territory certificate or an interest in a guiding territory certificate.
- (3) For greater certainty, none of the following constitutes a transfer for the purposes of subsection (2):
- (a) the granting of a security interest in a guiding territory certificate or in an interest in a guiding territory certificate by the holder of the certificate or interest;
 - (b) the transmission of a privilege, certificate or interest referred to in subsection (2) (a), (b) or (c) to
 - (i) a trustee in bankruptcy of the holder of the privilege, certificate or interest, or
 - (ii) a personal representative of the holder of the privilege, certificate or interest, in the event of the holder's death.

Certificate or licence is part of estate

- 64** (1) An interest in a guiding territory certificate is part of the estate of the holder of that interest and, subject to section 62 (2), the heirs or administrators of a deceased holder may transfer, within 2 years of the holder's death, the holder's interest in the guiding territory certificate to a person who qualifies under section 59 (1).
- (1.1) If an interest in a guiding territory certificate is not transferred in accordance with subsection (1) after the death of a holder, the deceased holder's interest in the guiding territory certificate is forfeited to the government.
- (2) An angling guide licence, including any angler day quota attached to it, is part of the estate of the angling guide and, subject to the regulations, the heirs or administrators of a deceased angling guide may transfer, within 2 years after the angling guide's death, the privileges conferred by the angling guide licence and any angler day quota attached to it.
- (3) If an annual fee for a guide outfitter licence or an angling guide licence becomes due in the interval between the death of the licence holder and the date of a transfer under this section, no annual fee is payable.
- (4) If privileges conferred by a guide outfitter's certificate or an angling guide licence are not transferred in accordance with this section, the heirs or administrators must surrender the guide outfitter's certificate or the angling guide licence, as the case may be, to the regional manager.

No proprietary rights in wildlife

- 67** A guiding territory certificate or angling guide's licence does not
- (a) give the holder any proprietary rights in wildlife or fish, or
 - (b) restrict the rights of a resident to hunt or fish.

Here are some, but not all, relevant sections of the Guiding Territory Certificate Regulation, made under *Wildlife Act*:

GUIDING TERRITORY CERTIFICATE REGULATION

Transfer of certificate or interest

- 3** A person who holds a guiding territory certificate or an interest in a guiding territory certificate must not transfer any of the following without the authorization of a regional manager:
- (a) the privileges conferred in a guiding territory certificate;
 - (b) the privileges conferred in a portion of the guiding territory held under a guiding territory certificate;
 - (c) a guiding territory certificate or an interest in a guiding territory certificate.

Control of corporation

- 5 (1) A person, or a group of persons not dealing with each other at arm's length, has control of a corporation that holds an interest in a guiding territory certificate if the person or group holds shares in the corporation that, if exercised and considered in the aggregate, carry sufficient voting rights
- (a) to elect 50% or more of the effective directors of the corporation, or
 - (b) to otherwise effectively control the operations and direction of the corporation.
- (2) Subsection (1) applies whether the shares are held directly by the person or group or for the benefit of the person or group.
- (3) Subsection (1) does not apply to shares held by way of security only.

Change to control of corporation

- 6 (1) For the purposes of this regulation, there is a change to the control of a corporation that holds an interest in a guiding territory certificate if any of the following circumstances apply:
- (a) the certificate holder amalgamates with another corporation;
 - (b) through one or more transactions, control of the certificate holder changes or is acquired or disposed of;
 - (c) through one or more transactions, control of a corporation having control of the certificate holder changes or is acquired or disposed of.
- (2) For greater certainty, none of the circumstances described in section 62 (3) of the Act constitutes a change to the control of a corporation that holds an interest in a guiding territory certificate for the purposes of subsection (1).

Must notify if change to control of corporation

- 7 (1) Within 30 days after a change to the control of a corporation that holds an interest in a guiding territory certificate, the corporation must do both of the following:
- (a) send to a regional manager a written notice setting out the details of the change;
 - (b) pay a reviewing fee of \$500.
- (2) A regional manager who receives a notice under subsection (1) may
- (a) request further information from the corporation, and
 - (b) include in the request the date by which that corporation must provide the information.
- (3) A corporation that receives a request under subsection (2) must comply with the request.

Actions of regional manager if notice of change to control

- 8 (1) If a regional manager receives a notice under section 7 [*must notify if change to control of corporation*], the regional manager may
- (a) give to the corporation written notice that hearing is required to determine whether that regional manager should take an action referred to in section 64.1 (1)(d)(iii) (A) or (B) of the Act, or
 - (b) take no further action.
- (2) A regional manager may give a notice referred to in subsection (1) (a) no later than 120 days after receiving notice under section 7.
- (3) Despite subsection (2), a regional manager may give notice under that subsection after the 120 day period has expired if, before expiry of the period,
- (a) the director approves, in writing, an extension, and
 - (b) written notice of the extension and the reasons for it are given to the corporation.

Actions of regional manager if belief of change to control

- 9 (1) If a regional manager has reason to believe that there may have been a change to the control of a corporation that holds interest in a guiding territory certificate, the regional manager may give to the corporation
- (a) written notice of the reasons for the regional manager's belief, and
 - (b) a request for further information, and include in the request the date by which that corporation must provide the information.
- (2) A corporation that receives a notice under subsection (1)(a) must comply with a request made under subsection (1)(b).
- (3) Section 8 [*actions of regional manager if notice of change to control*] applies as follows:

(a) if the regional manager is satisfied that the corporation has complied with subsection (2) of this section, as if the information provided by the corporation under that subsection was a notice given under section 7 [must notify if change to control of corporation];

(b) if any other case, as if the notice given to the corporation by the regional manager under subsection (1)(a) of this section was the notice given by the corporation under section 7.

Hearing respecting change to control

10 (1) If a hearing is required under section 8 [actions of regional manager if change to control], the regional manager must include in the notice referred to in section 8 (1)(a) all of the following:

(a) the manner and form of the hearing;

(b) the date by which, and the manner in which, the corporation must respond to the notice.

(2) The regional manager is authorized to take any action referred to in section 64.1 (1)(d)(iii) (A) or (B) of the Act.

(a) after a hearing, or

(b) after the date referred to in subsection (1)(b) of the section has passed, if the corporation fails to respond to the notice.

Offences

11 A person who contravenes any of the following commits an offence for the purposes of section 84 (1) (b) (ii) of the Act:

(a) section 7 (1) [must notify if change to control of corporation];

(b) section 7 (3) or 9 (2) [must comply with request of regional manager].



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