Provincial Parks Act
P-35 RSA 2000

MINISTERIAL ORDER
47/2021

Provincial Parks (General) Amendment Regulation

I, Jason Nixon, Minister of Environment and Parks, pursuant to section 12(2) of the Provincial Parks Act, make the regulation in the attached Appendix, being the Provincial Parks (General) Amendment Regulation.

DATED at the City of Edmonton, in the Province of Alberta, this 27th day of May, 2021.

Jason Nixon
Minister

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THE REGULATIONS ACT
as ALBERTA REGULATION 110 2021
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APPENDIX

Provincial Parks Act

PROVINCIAL PARKS (GENERAL) AMENDMENT REGULATION

1 The *Provincial Parks (General) Regulation* (AR 102/85) is amended by this Regulation.

2 Section 1 is amended

   (a) by adding the following after clause (d):

   (d.01) “commercial vehicle” means a commercial vehicle as defined in the *Traffic Safety Act*;

   (b) by adding the following after clause (k):

   (k.1) “private passenger vehicle” means a private passenger vehicle as defined in the *Traffic Safety Act*;

3 Section 2 is amended by striking out “engaging in an activity under this Regulation shall pay the fee in respect of that activity” and substituting “engaging in an activity under this Regulation, or entering on an access pass area established under section 43.1, shall pay the applicable fees in respect of that activity or area”.

4 The following is added after section 43:

Access Pass Areas

Access pass requirement

43.1(1) In this section and section 43.4, “owner” means an owner as defined in the *Traffic Safety Act* of a commercial vehicle or a private passenger vehicle.

(2) The Minister may establish, by order in accordance with this section, an access pass area that includes the following:

   (a) provincial park or recreation area land;

   (b) a highway or trail under the direction, management and control of the Minister;
(c) a road, including the road's right of way or undeveloped road allowance that passes through but does not form part of a park or recreation area and is bordered, either continuously or discontinuously, on both sides by land or water that forms part of a park or recreation area.

(3) An order made under subsection (2) may exempt a member of a category of persons from the requirement to obtain an access pass.

(4) An order made under subsection (2) may

(a) designate activities in respect of which

(i) an access pass is required within the access pass area,

and

(ii) an access pass is not required within the access pass area,

(b) specify the fees, if any, that a person must pay in respect of an access pass, including, where authorized, the fees applicable in respect of a private passenger vehicle or a commercial vehicle in the access pass area,

(c) specify the rules, if any, that apply with respect to an access pass area, including whether or not an access pass in respect of the access pass area may authorize access to the area by a private passenger vehicle or a commercial vehicle,

(d) specify the rules, if any, that apply to persons who are exempt from the requirement to obtain an access pass in respect of their entry on the access pass area, and

(e) include any other requirements, terms or conditions that the Minister considers appropriate.

(5) Where an access pass area is established under subsection (2), the requirement to comply with this section and the order under subsection (2) is in addition to any other permission required under the Act and regulations.

(6) Where an access pass area is established under subsection (2), as required by and in accordance with the order under subsection (2), a person
(a) shall comply with any rules, requirements, terms or conditions set out in the order, including rules, requirements, terms or conditions that apply to that person

(i) as the owner of a private passenger vehicle, and

(ii) as the owner of a commercial vehicle,

and

(b) shall, unless exempt under subsection (3),

(i) obtain an access pass, and

(ii) on the request of an officer, produce the access pass for inspection.

Pass issuance

43.2 Where an access pass area is established under section 43.1(2), the Minister or a person authorized by the Minister may issue an access pass for the access pass area.

Prohibition

43.3 No person shall enter, in contravention of an order under section 43.1(2), on an access pass area established under section 43.1(2) except in accordance with the applicable order or as otherwise authorized by the Act and regulations.

Liability of owner

43.4(1) Where a contravention of section 2, 3, 43.1(6) or 43.3 is committed by means of a commercial vehicle or a private passenger vehicle, the owner of the vehicle is guilty of the contravention and liable to any administrative penalty or fine imposed under the Act or this Regulation in respect of it, whether or not any other person is charged with or prosecuted in respect of the contravention.

(2) In the case of a vehicle in motion, subsection (1) does not apply if

(a) the owner was not driving the vehicle, and

(b) no other person was driving the vehicle with the owner’s expressed or implied consent.
(3) In the case of a parked vehicle, subsection (1) does not apply if

(a) the owner did not park the vehicle, and

(b) no other person parked the vehicle with the owner's expressed or implied consent.