



Enabling Statute: [Canada National Parks Act](#)

National Parks of Canada Businesses Regulations (SOR/98-455)

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Regulation current to June 5th, 2007

Attention: See coming into force provision and notes, where applicable.

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National Parks of Canada Businesses Regulations

SOR/98-455

Registration September 15, 1998

CANADA NATIONAL PARKS ACT

National Parks of Canada Businesses Regulations

P.C. 1998-1575 September 15, 1998

His Excellency the Governor General in Council, on the recommendation of the Minister of Canadian Heritage, pursuant to paragraph 7(1)(p) of the *National Parks Act*, hereby makes the annexed *National Parks Businesses Regulations, 1998*.

NATIONAL PARKS OF CANADA BUSINESSES REGULATIONS

INTERPRETATION

1. The definitions in this section apply in these Regulations.

"Act" means the *Canada National Parks Act*. (*Loi*)

"business" means any trade, industry, employment, occupation, activity or special event carried on in a park for profit, gain, fund raising or commercial promotion, and includes an undertaking carried on in a park by a charitable organization, or by an organization or individual on a non-profit basis. (*commerce*)

"charitable organization" means a charitable organization within the meaning of subsection 149.1(1) of the *Income Tax Act*, and includes an organization that is a registered charity as defined in subsection 248(1) of that Act. (*oeuvre de bienfaisance*)

"Chief Executive Officer" has the same meaning as in subsection 2(1) of the *Parks Canada Agency Act*. (*directeur général*)

"licence" means a licence issued by the superintendent under section 4.1, or issued or reinstated under subsection 10.1(2), as the case may be. (*permis*)

"licensee" means the holder of a valid licence. (*titulaire de permis*)

"special event" means a planned temporary activity conducted for recreation, entertainment or promotional purposes, and includes a parade, concert, theatrical or musical performance, sports event, fair, circus, contest and show. (*événement spécial*)

"year" means the 12-month period beginning on April 1st in each year and ending on March 31st in the next year. (*année*) SOR/2002-370, s. 2.

APPLICATION

2. (1) Subject to subsection (2), these Regulations apply to parks and, subject to sections 40 and 41 of the Act, to park reserves as if they were parks.

(2) These Regulations do not apply in the town of Banff. SOR/2002-370, s. 3.

LICENCES

3. No person shall carry on, in a park, any business unless that person is the holder of a licence or an employee of a holder of a licence.

4. (1) A person who wishes to carry on a business in a park, or their agent authorized in writing to act on their behalf, shall apply for a licence to the superintendent and shall provide the following information:

- (a) the name, address and telephone number of the applicant;
- (b) a description of the types of goods and services that the applicant proposes to offer in the business;
- (c) a description of the types of equipment that the applicant proposes to use in the business;
- (d) the address, if any, at which, or a description of the area in the park in which, the applicant proposes to carry on the business;
- (e) a copy of any documentation relevant to the applicant's ability to carry on the business; and
- (f) in the case of an application for a licence to carry on a guiding business, a summary of the education, skills and experience that qualify the applicant and each of the applicant's employees to carry on the business safely.

(2) An application must be accompanied by the applicable fee fixed under section 24 of the *Parks Canada Agency Act*. SOR/2002-370, ss. 4, 10(F).

4.1 The superintendent may, on application by a person in accordance with section 4, and having regard to the matters to be considered under subsection 5(1), issue a licence to that person to carry on the business indicated in the application.

SOR/2002-370, s. 5.

5. (1) In determining whether to issue a licence and under what terms and conditions, if any, the superintendent shall consider the effect of the business on

- (a) the natural and cultural resources of the park;
- (b) the safety, health and enjoyment of persons visiting or residing in the park;
- (c) the safety and health of persons availing themselves of the goods or services offered by the business; and
- (d) the preservation, control and management of the park.

(2) The superintendent must set out as terms and conditions in a licence

- (a) the types of goods and services that will be offered by the business; and

(b) the address, if any, at which, or a description of the area in the park in which, the business is to be carried on.

(3) Depending on the type of business, the superintendent may, in addition to the terms and conditions mentioned in subsection (2), set out in a licence terms and conditions that specify

(a) the hours of operation;

(b) the equipment that shall be used;

(c) the health, safety, fire prevention and environmental protection requirements; and

(d) any other matter that is necessary for the preservation, control and management of the park. SOR/2002-370, s. 10(F).

6. Before issuing a licence for any business, the superintendent may require the applicant to furnish a certificate from a medical health officer or sanitary inspector, or both, certifying that the premises in which the business is to be carried on are in a sanitary condition.

SOR/2002-370, s. 10(F).

7. (1) The superintendent may

(a) suspend a licence where the licensee fails to comply with

(i) these Regulations,

(ii) the terms and conditions of the licence, or

(iii) the terms and conditions of a lease or licence of occupation issued in respect of the business under the *National Parks Lease and Licence of Occupation Regulations (1991)*; and

(b) reinstate a suspended licence when the failure that gave rise to the suspension has been remedied.

(2) The superintendent may revoke a licence where

(a) the licensee is convicted of a contravention of these Regulations; or

(b) the licence has been suspended three times in the year in which it was issued. SOR/2002-370, s. 6(F).

7.1 If the superintendent refuses to issue a licence in respect of an application referred to in section 4.1, or suspends or revokes a licence under section 7, the superintendent shall, as soon as possible after making a decision, provide written notice of the decision, including reasons, to the applicant or licensee, as applicable.

SOR/2002-370, s. 7.

8. The licensee shall permit the superintendent, any park warden or any enforcement officer to inspect, for the purposes of these Regulations, at any reasonable time, any premises or place used by the licensee in carrying on the licensee's business.

SOR/2002-370, s. 8.

9. The licensee shall post their licence in a conspicuous place on the premises or at the place where the licensee is carrying on their business, and shall produce the licence on the request of the superintendent, a park warden or any enforcement officer during an inspection of those premises or that place under section 8.

SOR/2002-370, s. 8.

10. A licence expires on the earliest of

- (a) the date of expiry stated in the licence,
- (b) the date of revocation, if any, of the licence, and
- (c) the sale of the business.

REVIEW

10.1 (1) Any person to whom the superintendent has refused to issue a licence in respect of an application referred to in section 4.1, or whose licence has been suspended or revoked by the superintendent under section 7, may request a review of the superintendent's decision by submitting a request in writing to the Chief Executive Officer within 30 days following receipt by that person of the notice referred to in section 7.1.

(2) Upon receipt of a written request for review, the Chief Executive Officer shall require that the superintendent issue or reinstate the licence if the Chief Executive Officer determines that the superintendent's decision was incorrect with regard

(a) in the case of a decision made under section 4.1, to the requirements set out in section 4 or the matters to be considered under subsection 5(1), or both; and

(b) in the case of a decision made under section 7, to the reasons for suspension and revocation set out in subsections 7(1) and (2), respectively.

(3) The Chief Executive Officer shall provide written notice of his or her decision, including reasons, to the person that requested the review. SOR/2002-370, s. 9.

GENERAL

11. Every person to whom a licence to sell intoxicating beverages has been issued shall keep a record of all the person's purchases of spirits, wine, beer, ale and lager and shall produce that record for inspection upon request by the superintendent.

SOR/2002-370, s. 10(F).

REPEAL

12. The National Parks Businesses Regulations¹ are repealed.

¹ C.R.C., c. 1115

COMING INTO FORCE

13. These Regulations come into force on September 15, 1998.

