

2018

CHAPTER A-21.2

An Act respecting the Protection of Animals and
making consequential amendments to certain Acts

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(Assented to May 30, 2018)

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts as follows:

PART 1
Preliminary Matters

Short title

1 This Act may be cited as *The Animal Protection Act, 2018*.

Definitions and Interpretation for Parts 2, 4 and 5

2(1) In Parts 2, 4 and 5:

“abandoned animal” means an animal that:

- (a) is apparently ownerless and not running at large;
- (b) is found on rented premises after the expiration or termination of the tenancy agreement;
- (c) is found on premises after the owner has sold or vacated the premises;
or
- (d) by agreement between the animal’s owner and another person, has been left in the care of the other person and has not been retrieved from the other person more than 4 days after the agreed-on retrieval time;

“animal”, subject to the regulations, means any animal other than a human being;

“animal protection agency” means any organization that is designated as an animal protection agency pursuant to subsection 8(1) and includes a humane society designated pursuant to subsection 38(2);

“animal protection officer” means:

- (a) a member of the Royal Canadian Mounted Police;
- (b) a member of a municipal police service; or
- (c) a person appointed as an animal protection officer pursuant to section 9 for the purposes of Part 2 and includes a person appointed pursuant to subsection 38(3) or subsection 38(4);

“business day” means a day other than a Saturday, Sunday or holiday;

“caretaker” means an individual who:

- (a) has an appropriate facility in which to keep an animal; and
- (b) agrees to care for the animal in accordance with Part 2;

“corrective action order” means an order made pursuant to clause 13(3)(d);

“court”, other than in sections 21, 22 and 25, means the Provincial Court of Saskatchewan;

“**minister**” means the member of the Executive Council to whom for the time being the administration of this Act is assigned;

“**prescribed**” means prescribed in the regulations;

“**vehicle**” includes an aircraft or water craft;

“**veterinarian**” means a registered member of the Saskatchewan Veterinary Medical Association who is in good standing and who is licensed to practise veterinary medicine in Saskatchewan.

- (2) An animal is in distress if it is:
- (a) deprived of:
 - (i) food or water sufficient to maintain the animal in a state of good health;
 - (ii) care or shelter; or
 - (iii) veterinary care or medical attention;
 - (b) in need of reasonable protection from injurious heat or cold;
 - (c) wounded, ill, in pain, suffering, abused or neglected;
 - (d) kept in conditions that:
 - (i) are unsanitary;
 - (ii) will significantly impair the animal’s health or well-being over time;
 - (iii) cause the animal extreme anxiety or suffering; or
 - (iv) contravene the prescribed standards, codes of practice or guidelines;or
 - (e) abandoned by its owner or by a person responsible for the animal in a manner that causes, or is likely to cause, distress resulting from any or all of the factors listed in this section.
- (3) Notwithstanding anything in this Act, an animal is not considered to be in distress if it is handled:
- (a) in the case of a class of animals for which there is a standard, code of practice or guideline that is prescribed as acceptable, in a manner consistent with the standard, code of practice or guideline that is prescribed as acceptable;
 - (b) in accordance with generally accepted practices of animal management; or
 - (c) in a manner that is otherwise reasonable in the circumstances.
- (4) For the purposes of Parts 2 and 4, a person responsible for an animal includes a person who:
- (a) owns an animal;
 - (b) has custody or control of an animal; or
 - (c) has custody or charge of a minor who is the owner of an animal.

PART 2
Protection of Animals

DIVISION 1
Animal Care Duties and Prohibitions

Animal care duties

3(1) Subject to subsection (2), a person responsible for an animal:

- (a) shall ensure that the animal is provided with food and water sufficient to maintain the animal in a state of good health;
- (b) shall provide the animal with adequate veterinary care or medical attention when the animal is wounded or ill;
- (c) shall provide the animal with adequate shelter and reasonable protection from injurious heat or cold; and
- (d) shall not significantly impair the animal's health or well-being by confining the animal to an enclosure or area:
 - (i) with inadequate space;
 - (ii) with unsanitary conditions;
 - (iii) with inadequate ventilation or lighting; or
 - (iv) without providing an opportunity for exercise.

(2) A person responsible for an animal for which there is a standard, code of practice or guideline that is prescribed as acceptable is deemed to have complied with subsection (1) if that person has complied with the standard, code of practice or guideline.

Prohibition

4(1) No person shall cause an animal to be in distress.

(2) No person responsible for an animal shall cause or permit the animal to be or to continue to be in distress.

(3) This section does not apply if the distress results from an activity carried on in accordance with the regulations or in accordance with reasonable and generally accepted practices of animal care, management, husbandry, hunting, fishing, trapping, pest control or slaughter.

Prohibition re transporting unfit animals

5(1) No person shall load or transport an animal, or permit an animal to be loaded or transported, in a vehicle if, by reason of infirmity, illness, injury, fatigue or any other cause, the animal is unable to stand or would suffer unduly during transport.

(2) Notwithstanding subsection (1), as long as the animal is loaded and transported humanely, a person may transport it to or from a veterinary clinic or the nearest suitable place to obtain veterinary care or medical attention.

Humane slaughter and euthanasia

6(1) If an animal is to be slaughtered or euthanized, the person responsible for the animal or the person who is to slaughter or euthanize the animal shall ensure that the circumstances of its death cause the animal a minimum of pain and anxiety.

(2) Euthanasia must be carried out in a manner that is consistent with the prescribed standards, codes of practice or guidelines and that:

- (a) results in the animal's immediate loss of sensibility; and
- (b) is followed by rapid progression to death.

Veterinarian's duty to report contraventions

7(1) A veterinarian shall, without delay, report to an animal protection officer or agency any event that the veterinarian believes on reasonable grounds is a contravention of sections 3 to 6.

(2) An animal protection officer or agency may require the veterinarian to provide the animal protection officer with additional information relevant to the event that is known by, or readily available to, the veterinarian.

DIVISION 2 Administration

Animal protection agencies

8(1) Any of the following is designated as an animal protection agency for the purposes of this Part:

- (a) subject to the regulations, any organization approved by the minister that:
 - (i) is incorporated, continued or registered as a non-profit corporation pursuant to an Act; and
 - (ii) has as a principal object the prevention of cruelty to animals;
 - (b) any prescribed organization.
- (2) The minister may suspend or cancel the approval mentioned in clause (1)(a) in accordance with the regulations.
- (3) In designating an organization as an animal protection agency, the minister may impose any terms and conditions that the minister considers appropriate.
- (4) No animal protection agency shall fail to comply with any term or condition imposed pursuant to subsection (3).

Animal protection officers

9(1) Subject to the regulations, the minister may appoint any person as an animal protection officer for the purposes of this Part who:

- (a) meets the prescribed qualifications; and
 - (b) satisfies the minister that he or she is suitable to be appointed as an animal protection officer.
- (2) In appointing an animal protection officer, the minister may impose any terms and conditions that the minister considers appropriate.

(3) No animal protection officer shall fail to comply with any term or condition imposed pursuant to subsection (2).

Prescribed animal protection officers as peace officers

10 All prescribed animal protection officers or prescribed classes of animal protection officers have the powers of peace officers to enforce this Part and the regulations made pursuant to this Part and are entitled, while performing their duties, to all the protection to which peace officers are entitled pursuant to the *Criminal Code*.

Identification

11 On request, an animal protection officer shall produce his or her certificate of appointment.

DIVISION 3

Intervention and Relief of Distress

Inspection

12(1) Any animal protection officer, without a warrant, during ordinary business hours, may enter and inspect any vehicle, place or premises where animals are kept for sale, adoption, slaughter, hire or exhibition or for the provision of a service with respect to the animal, other than a private dwelling, for the purpose of enforcing this Part and the regulations made pursuant to this Part.

(2) No person operating or in charge of any vehicle, place or premises, other than a private dwelling, where animals are kept for the purposes mentioned in subsection (1) shall refuse to permit an animal protection officer to enter the vehicle, place or premises during ordinary business hours for the purposes of inspection mentioned in subsection (1).

Relief of distress

13(1) This section applies if, in a public place, or subject to section 14, in any other place:

- (a) an animal is found in distress; or
- (b) an animal protection officer has reasonable grounds to believe that an animal is likely to be in distress without the animal protection officer acting pursuant to this section.

(2) In the circumstances mentioned in subsection (1), an animal protection officer may take any action that the animal protection officer considers necessary to relieve or prevent the animal's distress if the person responsible for the animal:

- (a) does not promptly take steps to relieve or prevent the animal's distress; or
- (b) cannot be found immediately and informed of the animal's distress or the likelihood of its distress.

(3) Without limiting the generality of the foregoing, the animal protection officer may do all or any of the following:

- (a) take custody of the animal;
- (b) arrange for transportation, food, water, care, shelter and veterinary care or medical attention for the animal;

- (c) deliver the animal into the custody of:
 - (i) an animal protection agency; or
 - (ii) a caretaker, if there is no animal protection agency near the location where the animal is found or if the animal protection agency does not have an appropriate facility in which to keep the animal;
 - (d) if the person responsible for the animal is present or may be promptly found, order that person to take any corrective action that, in the opinion of the animal protection officer, is necessary to relieve or prevent the animal's distress.
- (4) An order made pursuant to clause (3)(d) must:
- (a) be in writing;
 - (b) state that there is a right to appeal pursuant to section 21; and
 - (c) include any other prescribed matters.
- (5) An animal protection officer who makes an order pursuant to clause (3)(d) shall specify in the order the period within which any action required by the order is to be performed.
- (6) Every person who is served with an order pursuant to clause (3)(d) shall comply with the order in accordance with its terms until the time that the order is varied, confirmed or cancelled and, if it is varied or confirmed, shall comply with the order as varied or confirmed.
- (7) If an order made pursuant to clause (3)(d) remains in force and has not been appealed or, if it has been appealed, the order has been confirmed, an animal inspection officer may:
- (a) enter without a warrant any vehicle, place or premises, other than a private dwelling, where the animal that is the subject of the order is located; and
 - (b) inspect the animal and the vehicle, place or premises for the purpose of determining whether the order has been complied with, and if the animal protection officer is satisfied that the animal is in distress or is likely to be in distress unless the animal protection officer acts pursuant to this section, may act pursuant to clauses (3)(a), (b) and (c).
- (8) If, in the opinion of an animal protection officer, the order made pursuant to clause (3)(d) has been complied with, the animal protection officer shall:
- (a) cancel the order; and
 - (b) promptly serve written notice of the cancellation on the person responsible for the animal that is the subject of the order.
- (9) Notwithstanding any other provision of this Part, an animal protection officer may destroy an animal, or have an animal destroyed, if the animal is in such distress that, in the opinion of a veterinarian, or if a veterinarian is not readily available, in the opinion of the animal protection officer, the animal cannot be relieved of its distress.
- (10) If at any time an animal protection officer no longer believes that an animal would be or likely be in distress if returned to the person responsible for the animal, the animal protection officer shall return the animal to that person.

Authority to enter premises

14(1) A justice of the peace or a judge of the court may issue a warrant in the prescribed form authorizing an animal protection officer to enter and search any place or premises named, or stop and search any vehicle described, in the warrant if the justice or judge is satisfied by information on the oath or affirmation of the animal protection officer in the prescribed form that there are reasonable grounds to believe:

- (a) that an animal is or is likely to be in distress in any place, premises or vehicle; or
- (b) that an offence against this Part has occurred and evidence of that offence is likely to be found in the place, premises or vehicle to be searched.

(2) With a warrant issued pursuant to subsection (1), an animal protection officer may:

- (a) enter at any time and search any place or premises named in the warrant for the purpose of taking any action authorized by this Part to relieve or prevent the animal's distress;
- (b) stop and search any vehicle described in the warrant for the purpose of taking any action authorized by this Part to relieve or prevent the animal's distress;
- (c) open and examine any trunk, box, bag, parcel, closet, cupboard or other receptacle that the animal protection officer finds in the place, premises or vehicle; and
- (d) seize and remove from any place, premises or vehicle searched anything that may be evidence of an offence against this Part, including the carcass of a dead animal.

(3) Subject to subsection (4), an animal protection officer may exercise all or any of the powers mentioned in subsection (2) without a warrant if:

- (a) the conditions for obtaining a warrant exist; and
- (b) the animal protection officer has reasonable grounds to believe that the delay necessary to obtain a warrant would result in:
 - (i) the death of an animal; or
 - (ii) the loss, removal or destruction of evidence.

(4) An animal protection officer shall not enter a private dwelling without a warrant issued pursuant to subsection (2) unless the occupant of the private dwelling consents.

(5) When exercising any power pursuant to this section, an animal protection officer may be accompanied by any specialist or expert whom the animal protection officer considers necessary to carry out the search and seizure or to diagnose and assist an animal in distress or likely to be in distress.

(6) When an animal protection officer removes the carcass of a dead animal from any place, premises or vehicle pursuant to this section, the person responsible for that animal has no right in or claim to:

- (a) the carcass; or
- (b) the value of the carcass, if any.

(7) No person shall obstruct any person who is authorized to make an entry pursuant to this section.

Custody of abandoned animals

15(1) An animal protection officer may take an animal into custody if the animal protection officer believes on reasonable grounds that the animal is an abandoned animal.

(2) An animal protection officer who takes an animal into custody pursuant to subsection (1) shall deliver the animal to an animal protection agency or caretaker.

Notification of person responsible for animal

16(1) If an animal protection officer intends to destroy an animal or have an animal destroyed pursuant to subsection 13(9), the animal protection officer shall take reasonable steps to locate the person responsible for the animal and to obtain that person's consent to the destruction of the animal.

(2) If, pursuant to subsection 13(3) or 15(2), an animal protection officer delivers an animal into the custody of a caretaker, the animal protection officer shall notify an animal protection agency of the actions taken with respect to the animal.

(3) After an animal is delivered to an animal protection agency pursuant to subsection 13(3) or 15(2) or after an animal protection agency is notified pursuant to subsection (2) that an animal has been delivered to a caretaker, the animal protection agency shall take reasonable steps to locate the person responsible for the animal and, if that person is located, shall notify that person of the actions taken with respect to the animal.

Sale, gift or other disposition of animal

17(1) If the person responsible for an animal that has been delivered into custody pursuant to subsection 13(3) or 15(2) is not located and notified within 5 business days after the day on which the animal was delivered to the animal protection agency or the caretaker, the animal protection agency may sell or give the animal to any person.

(2) An animal protection agency may sell or give an animal delivered into custody pursuant to subsection 13(3) or 15(2) to any person if the person responsible for an animal is located and notified but does not within 5 business days after the day on which the animal was found in or likely to be in distress:

- (a) in the case of an animal with respect to which a corrective action order was made, comply with the corrective action order; and
- (b) in accordance with section 19:
 - (i) pay the expenses incurred with respect to the animal; or
 - (ii) enter into an agreement for the payment of the expenses that is satisfactory to the animal protection agency.

- (3) If an animal protection agency sells or gives an animal to any person pursuant to subsection (1) or (2), the animal becomes the property of the person to whom it is sold or given.
- (4) The proceeds of a sale of an animal pursuant to subsection (1) or (2) shall be disbursed in the following order of priority:
- (a) to pay the expenses of selling the animal;
 - (b) to pay the other expenses reasonably incurred with respect to the animal pursuant to this Part.
- (5) Subject to subsection (6), the animal protection agency may retain the balance of the sale proceeds remaining after the payment of the expenses mentioned in subsection (4).
- (6) If the sale proceeds exceed the expenses mentioned in subsection (4), within 30 days after the date of the sale of the animal, the person formerly responsible for the animal may claim the balance from the animal protection agency, and the animal protection agency shall pay the balance to that person, on being satisfied that the person was the person responsible for the animal at the time the animal was delivered into custody.

Destruction of animal

- 18(1)** An animal protection agency may destroy an animal delivered into custody pursuant to subsection 13(3) or 15(2) or have the animal destroyed if, at the expiration of the 5-business day period mentioned in section 17:
- (a) the person responsible for the animal has not claimed the animal in accordance with section 17; and
 - (b) the animal protection agency is unable to sell the animal or give the animal away.
- (2) Any person charged with the destruction of an animal pursuant to this Part shall destroy the animal in a humane manner.

Liability for expenses incurred

- 19(1)** The person responsible for an animal taken into custody pursuant to subsection 13(3) is liable to the animal protection agency for the expenses reasonably incurred by the animal protection agency, or by a caretaker on behalf of the animal protection agency, pursuant to this Part with respect to the animal.
- (2) The animal protection agency may require the person responsible for the animal to pay the expenses for which he or she is liable pursuant to subsection (1) before returning the animal to that person.
- (3) If an animal is destroyed pursuant to subsection 13(9), the person responsible for the animal is liable for the expenses of destroying the animal and disposing of the carcass and has no right or claim to any damages resulting from the destruction of the animal.
- (4) For the purposes of subsection (3), the expenses of destroying an animal include any veterinarian's inspection fee and any veterinarian's fee for providing an opinion with respect to the animal.

(5) The animal protection agency may recover the expenses mentioned in this section against the person responsible for the animal in any manner provided by law.

(6) If an animal is delivered into the custody of a caretaker pursuant to subsection 13(3), the animal protection agency that is notified of the actions taken with respect to the animal pursuant to subsection 16(2) is liable to the caretaker for the expenses reasonably incurred by the caretaker pursuant to this Part with respect to the animal.

Lien on animals

20(1) An animal protection agency:

(a) has a lien on any animal delivered into the custody of the animal protection agency, or delivered into the custody of a caretaker on behalf of the animal protection agency, pursuant to this Part; and

(b) in addition to the remedies mentioned in section 19, may detain the animal in the custody of the animal protection agency, or in the custody of a caretaker on behalf of the animal protection agency, and may sell the animal, subject to the regulations, if the person responsible for the animal is indebted to the animal protection agency for the expenses mentioned in section 19.

(2) The right of the animal protection agency pursuant to subsection (1) has priority over, and is not subject to, any existing lien, security interest, purchase-money security interest or any other charge or encumbrance affecting the animal.

DIVISION 4
General

Appeal to Court of Queen's Bench

21(1) A person who is directly affected by an order of an animal protection officer made pursuant to clause 13(3)(d) may appeal the order to a judge of the Court of Queen's Bench.

(2) A person who is directly affected by an order of an animal protection officer and who intends to appeal that order shall file the appeal within 5 business days after the date of service of the order.

(3) A notice of appeal is to be served on:

(a) the animal protection officer;

(b) if the animal has been delivered into the custody of an animal protection agency or a caretaker, the animal protection agency or the caretaker;

(c) the minister; and

(d) any other person the Court of Queen's Bench may direct.

(4) The record of an appeal is to consist of:

(a) the order made by the animal protection officer;

(b) the notice of appeal commencing the appeal; and

(c) any other material that the Court of Queen's Bench may require.

(5) If an appeal is taken pursuant to this section, a judge of the Court of Queen's Bench may:

- (a) dismiss the appeal;
- (b) allow the appeal;
- (c) allow the appeal subject to terms;
- (d) confirm or vary the order of the animal protection officer; or
- (e) make any other order that the judge considers appropriate.

(6) Unless the Court of Queen's Bench orders otherwise, the commencement of an appeal pursuant to this section does not stay the effect of the order being appealed.

Appeal to Court of Appeal

22 With leave of a judge of the Court of Appeal, an appeal from any order of the Court of Queen's Bench made pursuant to this Act may be made to the Court of Appeal on a question of law within 20 business days after the date of the order unless otherwise provided in this Act.

Offence and penalty

23(1) No person shall:

- (a) fail to comply with a corrective action order;
- (b) fail to comply with a compliance order made pursuant to section 25; or
- (c) contravene any other provision of this Part or the regulations.

(2) Every person who contravenes any provision of subsection (1) is guilty of an offence and liable on summary conviction:

- (a) for a first offence:
 - (i) in the case of an individual, to a fine of not more than \$25,000, to imprisonment for not more than 2 years or to both;
 - (ii) in the case of a corporation, to a fine of not more than \$25,000; and
- (b) in the case of a second or subsequent offence:
 - (i) in the case of an individual:
 - (A) to a fine of not more than \$25,000 and, in the case of a continuing offence, to a further fine of \$1,000 for each day or part of a day during which the offence continues after the first day or part of a day;
 - (B) to imprisonment for not more than 2 years; or
 - (C) to both the fine and imprisonment; and
 - (ii) in the case of a corporation, to a fine of not more than \$25,000 and, in the case of a continuing offence, to a further fine of \$1,000 for each day or part of a day during which the offence continues after the first day or part of a day.

(3) If a corporation commits an offence pursuant to this Part, any officer or director of the corporation who directed, authorized, assented to, acquiesced in or participated in the commission of the offence is guilty of the offence and liable on summary conviction to the penalties provided for the offence whether or not the corporation has been prosecuted or convicted.

(4) In addition to any penalty imposed pursuant to subsection (2), if a person is found guilty of an offence pursuant to section 4, the court may make an order prohibiting that person from owning or having custody or control of any animal for a period specified by the court.

(5) The court may make an order pursuant to subsection (4) on any terms and conditions that the court considers appropriate, including a term or condition that:

- (a) the person provide the applicable animal protection agency with a current address of residence; and
- (b) the person allow for inspections by an animal protection officer, without a warrant, to ensure compliance with the order imposed.

Order for custody

24(1) An animal protection agency may apply to the court for an order of custody of an animal with respect to which a charge has been laid pursuant to section 23.

(2) On an application pursuant to this section, the court may make an order on any terms and conditions it considers appropriate, including granting the animal protection agency, or a caretaker on behalf of the animal protection agency, custody of the animal pending the outcome of any proceeding pursuant to section 23, notwithstanding that the person responsible for the animal:

- (a) has, in accordance with section 19, paid the expenses incurred with respect to the animal; and
- (b) has requested the return of the animal.

Animal protection agency or minister may apply for compliance order

25(1) Subject to any directions of the minister, an animal protection agency or the minister may apply to a judge of the Court of Queen's Bench for all or any of the following:

- (a) an order compelling a person to comply with this Act, the regulations or an order made pursuant to this Act;
- (b) an order enjoining any person from proceeding contrary to this Act, the regulations or an order made pursuant to this Act.

(2) If an animal protection agency makes an application pursuant to subsection (1), the animal protection agency shall serve notice of an application pursuant to this section on:

- (a) the person against whom the order is being sought; and
- (b) the minister.

(3) On an application pursuant to this section, the judge of the Court of Queen's Bench may:

- (a) make the order requested or any other order that the judge considers appropriate on any terms and conditions that the judge considers appropriate; or
- (b) dismiss the application.

(4) The animal protection agency or the minister may apply for an order pursuant to this section whether or not an order pursuant to this Act has been made with respect to the matter.

Immunity

26 No action or proceeding lies or shall be commenced against the minister, the Crown in right of Saskatchewan, any animal protection officer, veterinarian, caretaker, animal protection agency or officer or employee of an animal protection agency if that person is acting pursuant to the authority of this Part or the regulations made pursuant to this Part, for anything in good faith done, caused or permitted or authorized to be done, attempted to be done or omitted to be done by that person or by any of those persons pursuant to or in the exercise or supposed exercise of any power conferred by this Part or the regulations made pursuant to this Part or in the carrying out or supposed carrying out of any order made pursuant to this Part or any duty imposed by this Part or the regulations.

Service

27(1) Any notice, order, decision or other document required by this Act or the regulations to be given or served is to be served personally or mailed by ordinary or registered mail to the last known address of the person being served or by any other prescribed means.

(2) A document served by ordinary mail or registered mail is deemed to have been received on the tenth business day following the day of its mailing, unless the person to whom it was mailed establishes that, through no fault of the person, he or she did not receive the document or that he or she received it at a later date.

(3) Irregularity in the service of a notice, order or decision does not affect the validity of an otherwise valid notice, order or decision.

PART 3

Protection of Certain Animals against Dogs

Definitions for Part

28 In this Part:

“**dog**” means a domestic animal of the canine species;

“**protected animal**” means, subject to the regulations, any animal that is raised in captivity on a farm for the purpose of producing:

- (a) offspring; or
- (b) animal products, as defined in *The Animal Products Act*;

“**running at large**” means, with respect to a dog, not being on the premises of its owner and not being under the immediate, continuous and effective control of its owner.

Dogs causing injury or damage

29(1) Any person may destroy a dog if the person finds the dog:

- (a) running at large; and
- (b) attacking or viciously pursuing a protected animal.

(2) A person who destroys a dog pursuant to this Part shall destroy and dispose of the dog in the prescribed manner.

Offence and penalty

30(1) Every person is guilty of an offence who destroys or disposes of a dog pursuant to this Part other than in the prescribed manner.

(2) A person who is guilty of an offence pursuant to subsection (1) is liable on summary conviction to a fine not exceeding \$5,000.

Action for damages

31(1) No penalty imposed pursuant to section 30 bars an action by the owner or possessor of a protected animal for the recovery of damages for injury done to the protected animal by a dog.

(2) In an action for the recovery of damages for injury done to a protected animal by a dog:

- (a) it is not necessary for the plaintiff to prove that the defendant knew of the dog's propensity to pursue and injure animals; and
- (b) the defendant's liability does not depend on any previous knowledge of the dog's propensity to pursue and injure animals.

PART 4

Protection of Service Animals**Definition for Part**

32 In this Part, "**service animal**" means an animal that is trained to be used by:

- (a) a person with a disability for reasons relating to his or her disability;
- (b) a peace officer in the execution of his or her duties; or
- (c) a person who is authorized by a peace officer to assist peace officers in their duties.

Interference with service animal prohibited

33(1) No person shall harm, attempt to harm, touch, feed, impede or interfere with a service animal without lawful excuse or authority.

(2) No person responsible for an animal shall allow that animal to harm, attempt to harm, touch, impede or interfere with a service animal without lawful excuse or authority.

Offence and penalty

34(1) A person who contravenes section 33 is guilty of an offence and liable on summary conviction to a fine of not more than \$25,000, to imprisonment for not more than 2 years or to both.

(2) In addition to any penalty imposed pursuant to subsection (1), the court may order the convicted person to pay compensation to the person responsible for the service animal for loss or damage suffered as a consequence of the commission of the offence, in an amount that the court may determine.

(3) The person to whom compensation is payable pursuant to subsection (2) may file a certified copy of the order in the office of the local registrar of the Court of Queen's Bench at the judicial centre nearest to the place where the person resides.

(4) A certified copy filed pursuant to subsection (3) has the same force and effect as if it were a judgment obtained in the Court of Queen's Bench for the recovery of a debt in the amount specified in the order, together with any reasonable costs and charges with respect to its filing.

PART 5 Other Matters

Limitation on prosecution

35 No prosecution for a contravention of this Act or the regulations is to be commenced more than one year after the facts on which the alleged contravention is based first came to the knowledge of the minister.

Regulations

36 The Lieutenant Governor in Council may make regulations:

- (a) defining, enlarging or restricting the meaning of any word or expression used in this Act but not defined in this Act;
- (b) prescribing acceptable standards, codes of practice and guidelines for the care and handling of animals;
- (c) prescribing organizations as animal protection agencies;
- (d) respecting the approval of organizations as animal protection agencies and the suspension and cancellation of approvals;
- (e) for the purposes of Part 2, prescribing the qualifications required of persons to be appointed animal protection officers;
- (f) prescribing animal protection officers or classes of animal protection officers that have the powers of peace officers to enforce Part 2;
- (g) respecting the manner in which animals may be delivered into custody;
- (h) for the purposes of clause 13(4)(c), prescribing the contents of a corrective action order;
- (i) describing what constitutes taking reasonable steps to locate and notify a person responsible for an animal;

- (j) prescribing, with respect to animals that are kept for sale, adoption, slaughter, hire or exhibition or for the provision of a service with respect to the animal:
 - (i) standards of design, construction and maintenance of the facilities in which the animals are kept; and
 - (ii) the standards, codes of practice and guidelines for the care with which the animals are to be maintained;
- (k) respecting liens on animals pursuant to section 20 and providing for the detention and sale of the animals and for the disposition of the sale proceeds;
- (l) for the purposes of subsection 27(1), prescribing other means of service;
- (m) prescribing any forms required for this Act or the regulations;
- (n) for the purposes of Part 3, prescribing the manner in which dogs that are subject to that Part are to be destroyed and disposed of;
- (o) prescribing a date for the purposes of subsection 38(5);
- (p) prescribing any matter or thing required or authorized by this Act to be prescribed in the regulations;
- (q) respecting any other matter or thing that the Lieutenant Governor in Council considers necessary to carry out the intent of this Act.

PART 6

Repeal, Transitional, Consequential Amendments and Coming into Force

SS 1999, c A-21.1 repealed

37 *The Animal Protection Act, 1999* is repealed.

Transitional

38(1) In this section, “**former Act**” means *The Animal Protection Act, 1999* as that Act existed on the day before the coming into force of this Act.

(2) The minister may, by order, designate a humane society that on the day before this section comes into force was providing enforcement of the former Act and that was approved pursuant to *The Animal Protection Regulations, 2000*, as those regulations existed on the day before the coming into force of this section, as an approved animal protection agency.

(3) If an animal protection officer was appointed pursuant to *The Animal Protection Regulations, 2000*, as those regulations existed on the day before the coming into force of this section, and the appointment for that animal protection officer is valid and not under suspension or cancellation on the day on which this section comes into force, the animal protection officer is deemed to be appointed as an animal protection officer for the purposes of this Act.

(4) If an animal protection officer was conditionally appointed as an animal protection officer pursuant to *The Animal Protection Regulations, 2000*, as those regulations existed on the day before the coming into force of this section, and the conditional appointment for that animal protection officer is valid and not under suspension or cancellation on the day on which this section comes into force, the animal protection officer is deemed to be conditionally appointed as an animal protection officer for the purposes of this Act.

(5) A designation pursuant to this section remains in force for the period commencing on the day on which this section comes into force and ending on a prescribed date.

SS 2005, c M-36.1, section 374 amended

39 Subclause 374(b)(iv) of *The Municipalities Act* is amended by striking out “operating pursuant to *The Animal Protection Act, 1999*”.

SS 2010, c N-5.2, section 395 amended

40 Subclause 395(b)(iv) of *The Northern Municipalities Act, 2010* is amended by striking out “operating pursuant to *The Animal Protection Act, 1999*”.

Coming into force

41 This Act comes into force on proclamation.