



PLEASE NOTE

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CHAPTER A-11.1

ANIMAL HEALTH AND PROTECTION ACT

PART I INTERPRETATION AND ADMINISTRATION

1. In this Act	Definitions
(a) “animal” means (i) any livestock, (ii) any other animal, including any wild animal, of a prescribed type or class, and includes, where the regulations so provide, the embryos, eggs and sperm of any animal referred to in subclause (i) and (ii);	animal
(a.1) “appeals officer” means the veterinarian appointed as the appeals officer by the Minister under subsection 13(1);	appeals officer
(b) “disease” means any condition that adversely affects the health of an animal;	disease
(c) “inspector” means an inspector appointed under section 2;	inspector
(d) “livestock” means (i) horses, (ii) cattle, (iii) sheep, (iv) swine, (v) goats, (vi) poultry, (vii) fox, (viii) mink, (ix) chinchilla, (x) rabbits kept for agricultural purposes;	livestock
(e) “owner” includes a person having an animal in his possession or under his charge;	owner
(f) “Minister” means the Minister of Agriculture, Fisheries and Aquaculture;	Minister
(f.1) “named disease” means a disease designated as such by the regulations, or by the Minister pursuant to section 3.1;	named disease
(g) “poultry” means domestic fowl, ratites and pigeons, and includes any bird that is kept for agricultural purposes.	poultry

premises	(g.1) “premises” means lands and buildings where animals are situated and includes any stable, yard and sales barn, but does not include a dwelling place;
provincial veterinarian	(g.2) “provincial veterinarian” means the provincial veterinarian appointed under section 2;
restricted area	(g.3) “restricted area” means an area of the province that is declared to be a restricted area under section 3.3;
sales barn	(g.4) “sales barn” means a place of business for the purpose of selling animals;
veterinarian	(h) “veterinarian” means a person licensed to practise clinical veterinary medicine under the <i>Veterinary Profession Act</i> R.S.P.E.I. 1988, Cap. V-3 and includes veterinary clinics incorporated and operating in the province. 1988,c.11,s.1; 1993,c.29,s.4; 1997,c.20,s.3; 2001,c.4,s.19; 2004,c.36,s.3; 2004,c.1,s.1.
Provincial veterinarian	2. (1) The Minister shall appoint a person who is a member in good standing with the Veterinary Medical Association to be the provincial veterinarian.
Functions	(2) The duties of the provincial veterinarian include the administration, under the control of the Minister, of this Act and the regulations.
Inspectors and staff	(3) The Minister may appoint such inspectors and other officers as are necessary for the administration of this Act or any Part of it.
Professional expertise	(4) The Minister may engage upon such terms and conditions as he thinks fit the services of such professional or technical persons and experts to advise him on such matters as he thinks necessary for the efficient administration of this Act and the regulations. 1988,c.11,s.2; 1999,c.1,s.1.

PART II ANIMAL HEALTH

Object	3. The object of this Part is to promote animal health and to eradicate, prevent or control the spread of disease among animals in the province. 1988,c.11,s.3.
Named diseases	3.1. (1) The Minister may by order designate any disease of an animal as a named disease if the Minister is satisfied that the disease requires extraordinary means for control.
Term of order	(2) An order made by the Minister under subsection (1) ceases to have effect six months after the day it is made unless sooner revoked by the Minister.

(3) Where the Minister designates a disease as a named disease pursuant to subsection (1), the Minister shall cause a notice of the designation specifying the named disease to be published as soon as is reasonably possible in the Gazette. 2004,c.1,s.2. Notice

3.2. (1) An inspector may, for the purpose of ascertaining the existence of any named disease, Inspectors, entry and search powers

- (a) enter, without a warrant, and search any premises where animals are present or where the inspector believes on reasonable grounds that animals are present;
- (b) stop and search any vehicle that contains animals or that the inspector believes on reasonable grounds contains animals;
- (c) inspect and take samples from any animal that is infected with, or that the inspector believes on reasonable grounds is infected with, a named disease.

(2) An inspector may, for the purposes of diagnosing, treating and controlling a named disease, by order in writing, Orders

- (a) require the owner of an animal, at the owner's expense, to
 - (i) treat the animal, in such manner and within such period of time as the inspector considers appropriate,
 - (ii) retain the animal at such location and for such period of time as the inspector considers appropriate,
 - (iii) destroy and dispose of the animal, or hay, straw, fodder or other items that may have come in contact with the animal, in such manner, at such place and within such period of time as the inspector considers appropriate,
 - (iv) move the animal to such location and in such manner as the inspector considers appropriate,
 - (v) clean and disinfect such premises and vehicles and in such manner as the inspector considers appropriate,
 - (vi) produce for inspection all books, records or other documents relating to the animal in the possession of the owner; and
- (b) prohibit the owner of the animal from selling or otherwise disposing of the animal,

if the animal is infected with a named disease or the inspector believes on reasonable grounds that the animal is infected with a named disease.

(3) Every written order made under subsection (2) shall be served on the owner of the animal either by personally serving the owner, by posting it in a prominent place at the premises of the owner, or by registered mail addressed to the owner at his or her last known address. Service

(4) Any written order served on an owner of an animal under subsection (3) shall be deemed to have been served on the owner on *Idem*

- (a) the day it is that is served personally on the owner;

	(b) the day it is posted in a prominent place on the premises of the owner; or
	(c) the day that is five days after the day the notice was sent by registered mail, unless the contrary is proven.
Compliance	(5) Every owner who is served with an order made under subsection (2) shall comply with the order in accordance with its terms.
Inspection to ensure compliance	(6) Where an order made under subsection (2) remains in force, an inspector may, for the purpose of determining compliance with the order, enter without a warrant any premises or place where the animal is located and inspect and take samples from the animal.
Peace officer	(7) An inspector may request the assistance of, and may be assisted by, a peace officer in the performance of the inspector's duties and the exercise of the inspector's powers under this section. 2004,c.1,s.2.
Order declaring an area to be restricted	3.3 (1) Where the provincial veterinarian is satisfied that the presence of a named disease in animals in an area of the province requires an extraordinary means for control, the provincial veterinarian may issue a written order that declares the area to be a restricted area for the purpose of this Act during the term of the order.
Contents	(2) An order made under subsection (1) shall <ul style="list-style-type: none"> (a) set out the geographical limits of the restricted area; (b) indicate the named disease that is present and that requires the declaration of a restricted area; (c) indicate the class or types of animals that the order applies to; and (d) explain the restrictions set out in subsection (4) that apply in respect of those animals during the term of the order.
Publication	(3) Where an order is made under subsection (1), the provincial veterinarian shall cause a copy of the order to be published in the Gazette as soon as possible.
Compliance	(4) Where an order declaring an area to be a restricted area is made under subsection (1) in respect of a class or type of animal, no person shall transport any animal of a class or type to which the order applies, or cause it to be transported, into or out of the restricted area unless the animal <ul style="list-style-type: none"> (a) is accompanied by a certificate of health signed by a licensed veterinarian in the province of origin of the animal certifying that the animal is free from the named disease referred to in the order; and (b) the animal is free from the named disease referred to in the order. 2004,c.1,s.2.

- 4.** (1) The Lieutenant Governor in Council may make regulations
- Regulations
- (a) generally for the purpose of eradicating, preventing or controlling the spread of disease among animals in the province;
 - (b) providing that no person may have in his possession an animal infected with a disease;
 - (c) providing that no animal may be admitted into the province without a certificate, issued by such person or agency as may be designated by regulation, as to the freedom of such animal from disease;
 - (d) providing the terms and conditions upon which any person may have in his possession at any time an animal that the Minister thinks likely to convey a disease to any other animal or to a person;
 - (e) providing for the treatment and method of treatment to be given to any animal or premises to eradicate, control or prevent the spread of a disease and requiring that the treatment be given by the owner or by a person appointed for the purpose;
 - (f) providing for the treatment, prior to sale or disposal, of an animal infected or suspected of being infected with a disease;
 - (g) prohibiting of the sale of any animal infected with a disease;
 - (h) providing that the owner of any animal which is infected with a disease and any veterinarian who examines it shall immediately notify the Minister in the manner prescribed;
 - (i) respecting restricted areas;
 - (j) repealed by 2004,c.1,s.3;
 - (k) repealed by 2004,c.1,s.3;
 - (k.1) prescribing criteria for disease-free zones and designating disease-free zones for animals or particular classes of animals;
 - (k.2) controlling or prohibiting the movement of specified animals or classes of livestock into a disease-free zone and the rearing of such animals or livestock within that zone;
 - (l) providing for the segregation or destruction and disposal of an animal infected with a disease;
 - (m) repealed by 2004,c.1,s.3;
 - (n) providing for payment by the owner of an animal of the expense of any treatment required by the regulations;
 - (o) designating the diseases that are named diseases.
 - (p) repealed by 2004,c.1,s.3. 1988,c.11,s.4; 1997,c.4,s.1; 2004,c.1,s.3.
- 5.** Repealed by 2004,c.1,s.4. Offence and penalty
- 6.** Repealed by 2004,c.1,s.5. Payment for
veterinary services
- 7.** Repealed by 2004,c.1,s.5. Regulations

PART IV
ANIMAL PROTECTION

Animal in distress	<p>8. (1) For the purposes of this Part an animal is deemed to be in a state of distress if it</p> <ul style="list-style-type: none"> (a) is in need of food, water, care or treatment; (b) is sick, in pain or suffering or has been injured; or (c) is abused or subjected to cruelty or neglect.
Animal not in distress	<p>(2) For the purposes of this Part an animal is deemed not to be in a state of distress if any deprivation, pain, suffering, injury, abuse, neglect or other distress the animal experiences result from an activity that</p> <ul style="list-style-type: none"> (a) is carried on in a manner consistent with generally accepted practices of animal management, husbandry or slaughter; or (b) is exempted by the regulations from the application of this Part. 1988,c.11,s.8; 2004,c.1,s.6.
Causing unnecessary pain, suffering or injury	<p>8.1 (1) No person shall cause an animal unnecessary pain, suffering or injury.</p>
Causing or permitting distress	<p>(2) No owner of an animal shall cause or permit the animal to be, or continue to be, in distress.</p>
<i>Idem</i>	<p>(3) For the purposes of subsection (2), the owner of an animal does not permit the animal to be in distress where the owner, on becoming aware of the distress, immediately takes reasonable steps to relieve the distress of the animal. 2004,c.1,s.7.</p>
Inspectors have powers of peace officers	<p>9. (1) For the purposes of enforcement of this or any other enactment pertaining to the welfare of or the prevention of cruelty to animals, every inspector may exercise any powers of a peace officer;</p>
Assistance by peace officers	<p>(2) Subject to the terms of any agreement respecting the policing of the province, every peace officer shall assist an inspector in the enforcement of this or any other enactment relating to the prevention of cruelty to animals. 1988,c.11,s.9.</p>
Offence	<p>10. Repealed by 2004,c.1,s.8.</p>
Entry and inspection	<p>11. (1) Subject to subsections (2) and (3), where an inspector believes on reasonable grounds that an animal is in distress in any premises or vehicle, the inspector may, without a warrant and to determine whether an animal therein is in distress,</p> <ul style="list-style-type: none"> (a) enter the premises or vehicle at any time either alone or accompanied by a veterinarian; and (b) inspect the place or vehicle and any animal found therein.

(2) An inspector may not enter any premises that is a dwelling place without the consent of the owner of the dwelling place, or a person in charge of it, except under the authority of a warrant issued under subsection (3). Dwelling places

(3) A justice who is satisfied by information on oath that there are reasonable and probable grounds to believe that there is an animal in distress in a dwelling place may issue a warrant authorizing the inspector named therein, together with a veterinarian and such peace officers as are required to assist, to enter and inspect that dwelling place and inspect any animal found therein, subject to such conditions as may be specified in the warrant. Warrant

(4) An inspector shall use no more force that is reasonably required to enter and inspect a place or vehicle under this section. Use of force

(5) A veterinarian who has, under this section, entered any place or vehicle with an inspector, may inspect any animal found therein for the purposes of determining whether the animal is in distress. Inspection by veterinarian

(6) Where an inspector has entered any place or vehicle and finds that an animal is in distress, the inspector may, in addition to any other action he or she is authorized to take under this Act and the regulations, supply the animal with food, water or any immediate or emergency care that may be necessary to alleviate the distress. 1988,c.11,s.11; 2004,c.1,s.9. Relief of distress

12. (1) Where an inspector has reasonable grounds to believe that an animal is in distress and the owner of the animal is present or may be found promptly, the inspector may order the owner to Order to owner

- (a) take such action as may, in the opinion of the inspector, be necessary to relieve the animal of its distress; or
- (b) have the animal examined and, if necessary in the opinion of the inspector, treated by a veterinarian at the expense of the owner.

(2) Every order under subsection (1) shall be in writing. Writing

(3) Every order under subsection (1) shall be served upon the owner personally or by registered mail addressed to the owner at his latest known address. Service

(4) Where an inspector makes an order under subsection (1), he shall specify in the order the time within which any action required by the order shall be performed. Time for compliance

(5) Every person who is served with an order under subsection (3) shall comply with the order in accordance with its terms. Compliance

Inspection to ensure compliance	(6) Where an order made under subsection (1) remains in force, an inspector may, for the purpose of determining whether the order has been complied with, enter without a warrant any premises or vehicle where the animal is located and inspect the animal and that premises or vehicle where the animal is kept.
Appeal	(7) Repealed by 2004,c.1,s.10. 1988,c.11,s.12; 2004,c.1,s.10.
Appeals officer	13. (1) The Minister shall appoint a veterinarian to serve as the appeals officer.
Duties	(2) The appeals officer shall hear and determine appeals made under section 13.1.
When owner may appeal	13.1. (1) An owner of a animal who is aggrieved by an order made under section 12 may appeal the order to the appeals officer within seven days after the service on the owner of the order.
Appeal in writing	(2) The appeal shall be <ul style="list-style-type: none"> (a) made in writing and in a form approved by the appeals officer; (b) filed with the provincial veterinarian within the time period specified in subsection (1); and (c) forwarded to the appeals officer after filing with the provincial veterinarian.
Review	(3) The appeals officer shall review the order that is the subject of an appeal within five days of the receipt of the appeal by the provincial veterinarian.
Order continues in force	(4) An order that is the subject of an appeal remains in force pending the determination of the appeal, unless the appeals officer determines otherwise.
Decision	(5) The appeals officer, on reviewing an appeal, may confirm, vary or rescind the order appealed.
Notice	(6) The appeals officer shall provide notice of his or her decision to <ul style="list-style-type: none"> (a) the owner who made the appeal; and (b) the inspector who made the order that is the subject of the appeal. 1988,c.11,s.13; 2004,c.1,s.11.
Removal of animal	14. (1) An inspector may remove an animal from the premises or vehicle where it is and take possession thereof for the purpose of providing it with food, water, care or treatment of its distress where <ul style="list-style-type: none"> (a) a veterinarian has examined the animal and has advised the inspector that the health and well-being of the animal necessitates its removal;

- (b) the inspector has inspected the animal and has reasonable grounds for believing that the animal is in distress and the owner of the animal is not present and cannot be found promptly; or
- (c) an order respecting the animal has been made under section 12 and the order has not been complied with.

(2) An inspector may destroy an animal

Destruction of animal

- (a) with the consent of the owner;
- (b) where a veterinarian has examined the animal and has advised the inspector that the animal is ill or injured and, in his opinion, is incapable of being so cured or healed as to live thereafter without suffering; or
- (c) notwithstanding clauses (a) and (b), where
 - (i) the owner cannot be promptly found, or a veterinarian is not able to provide his opinion within a reasonable time, and
 - (ii) the animal's injury or illness is of such seriousness as to cause severe distress.

(3) Where an inspector has removed or destroyed an animal under subsection (1) or (2), he shall forthwith notify the owner of the animal, if known, of his action by notice in writing served upon the owner in the manner prescribed for service of an order under subsection 12(3). 1988,c.11,s.14; 2004,c.1,s.12.

Notice

15. (1) Where

Statement of account

- (a) an inspector or veterinarian has, under subsection 11(6), provided an animal with food, water, care or treatment to relieve its distress; or
- (b) an inspector has, under section 14, removed and taken possession of an animal, or destroyed it,

an inspector may serve on the owner of the animal a statement of account respecting the costs incurred for such relief, removal or destruction by mailing the statement by registered mail to the owner at his or her latest known address.

(1.1) The owner of an animal is liable to pay the costs set out in a statement of account after the service of the statement.

Owner liable

(1.2) A statement of account is deemed to be served 5 business days after the day on which it was served in accordance with subsection (1).

Deemed service

(2) Where the owner refuses to pay an account for which he is liable under subsection (1.1) within ten days after service of the statement of account or where the owner after reasonable inquiry, cannot be found, the inspector may sell the animal and be reimbursed out of the proceeds,

Sale

holding the balance in trust for the owner or other person entitled thereto or otherwise dispose of the animal.

Unclaimed balance (3) Any balance remaining unclaimed after sixty days from the date of sale of the animal shall revert to the province. 1988,c.11,s.15; 2004,c.1,s.13.

Regulations **16.** The Lieutenant Governor in Council may make regulations

- (a) prescribing the qualifications of persons to be appointed inspectors for the purposes of this Act;
- (b) respecting the manner of taking an animal into custody;
- (c) prescribing a tariff of expenses which may be charged to the owner of an animal taken into custody under this Act for transportation, food, care, shelter and medical treatment of the animal;
- (d) prescribing, with respect to animals kept for sale, hire or exhibition,
 - (i) standards of design, construction and maintenance of the facilities in which the animals are kept, and
 - (ii) the standard of care with which the animals shall be maintained;
- (e) respecting the use of animals for the purposes of medical or scientific research;
- (f) prescribing procedures for an appeal;
- (g) designating animals or classes thereof to which this Part is not applicable, either in whole or in part;
- (h) restricting the application of provisions to certain class or classes of animals;
- (h.1) exempting types or classes of activities concerning animals from the application of Part IV;
- (i) regarding the payment of expenses incurred in connection with animal protection in addition to the provisions of section 15;
- (j) generally for the better administration of animal protection. 1988,c.11,s.16; 2004,c.1,s.14.

PART V GENERAL

Liability **17.** No action lies against an inspector or veterinarian or any person acting as the agent of an inspector or veterinarian for anything done in good faith and purporting to be done under this Act or regulations. 1988,c.11,s.17.

Obstructing
inspector **18.** No person shall

- (a) obstruct or interfere with, or
- (b) give false information to,

an inspector or the provincial veterinarian in the performance of his or her duties or the exercise of his or her powers under this Act or the regulations. 1988,c.11,s.18; 2004,c.1,s.15.

19. (1) Every person who contravenes a provision of this Act or the regulations is guilty of an offence and liable on summary conviction to a fine of not less than \$100 and not more than \$2,000. Offence

(2) Where a contravention of a provision of this Act or the regulations continues for more than one day, the person committing the contravention is guilty of a separate offence for each day that the contravention continues. 2004,c.1,s.15. Continuing offence

20. The Lieutenant Governor in Council may make regulations Regulations

- (a) prescribing the types or classes of animals, other than livestock, that are animals to which this Act and the regulations apply;
- (b) respecting the embryos, eggs and sperm of the animals to which this Act and the regulations apply;
- (c) designating a disease of an animal as a named disease;
- (d) defining any word or phrase used in this Act that is not defined; and
- (e) generally for carrying out any of the purposes or provisions of this Act. 2004,c.1,s.15.