



PLEASE NOTE

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CHAPTER S-8.1

Stray Livestock Act

BE IT ENACTED by the Lieutenant Governor and the Legislative Assembly of the Province of Prince Edward Island as follows:

- 1. In this Act,** Definitions
- (a) “at large” means , in respect of livestock, livestock that is at large
(i) not under the direct or continuous control of a person,
(ii) not securely confined within a structure or a vehicle,
(iii) not on the enclosed land of the owner, or
(iv) not on enclosed land with the permission of the landowner;
- (b) “drover” means a person appointed as a drover under subsection 5(1); drover
- (c) “enclosed land” means land that is surrounded by a barrier that is sufficient to exclude or contain livestock; enclosed land
- (d) “livestock” means livestock
(i) cattle, horses, sheep, swine, goats, or
(ii) animals of a class or type designated in the regulations as livestock;
- (d.1) “livestock farm” means land on which livestock is kept; livestock farm
- (e) “Minister” means the Minister of Agriculture, Fisheries and Aquaculture; Minister
- (f) “owner” means a person who owns or has care or control of livestock. 2004,c.18,s.1. owner
- 2. (1)** The Minister is responsible for the administration and enforcement of this Act. Administration
- (2) The Minister may delegate to employees of the Department any of the powers, responsibilities and functions of the Minister as the Minister considers advisable. 2004,c.18,s.2. Delegation
- 3.** The purpose of this Act is to require an owner to take responsibility for stray livestock and to set out procedures to capture livestock at large. 2004,c.18,s.3. Purpose
- 4. (1)** No owner shall permit his or her livestock to be at large. Prohibition

Deeming provision	(2) Where livestock is found at large, the owner of the livestock is deemed, in the absence of evidence to the contrary, to have permitted the livestock to be at large.
Fencing, cost of materials	(3) The cost of all materials for building and maintaining a fence between a livestock farm and other adjoining land shall be borne equally by the owner of the livestock farm and the owner of the adjoining land.
Fencing, cost of labour	(4) The cost of all labour involved in building or maintaining a fence shall be borne by the owner of the livestock farm, and where the fence separates two livestock farms, the cost of the labour shall be borne equally by the owners. 2004,c.18,s.4.
Minister appoints drovers	5. (1) The Minister may appoint drovers to capture and impound, in accordance with this Act and the regulations, livestock at large.
Livestock at large	(2) A peace officer who believes that livestock is at large in the province may capture the livestock or request a drover to capture and impound the livestock, if <ul style="list-style-type: none"> (a) the owner is not known or cannot be found promptly; or (b) the owner is known but the owner does not promptly take control of the livestock.
Impoundment	(3) A drover shall impound livestock captured by a peace officer at the request of the peace officer.
Entry of property without warrant	(4) A peace officer or a drover may enter property without a warrant to capture livestock at large.
Notice to owner	(5) Where livestock has been captured and impounded under this section, the peace officer who requested the drover to impound the livestock shall serve notice in writing on the owner if known, of the capture and impoundment of the livestock.
Obstruction prohibited	(6) No person shall obstruct a peace officer or a drover carrying out his or her duties under this Act.
<i>Trespass to Property Act</i> does not apply	(7) The <i>Trespass to Property Act</i> R.S.P.E.I. 1988, Cap. T-6 does not apply to a peace officer or drover in the performance of his or her duties under this Act. 2004,c.18,s.5.
Owner may recover livestock	6. (1) An owner is entitled to recover his or her livestock from a drover if its owner pays to the drover the costs and expenses that the drover incurred to capture, impound and keep the livestock and that are allowed to be recovered under the regulations.
Livestock forfeited	(2) Livestock impounded under section 5 that is not recovered by the owner pursuant to the regulations within 10 days of impoundment shall be forfeited and may be sold as set out in the regulations. 2004,c.18,s.6.

7. (1) A person who contravenes a provision of this Act or the regulations is guilty of an offence and on summary conviction is liable to a fine of not less than \$100 and not more than \$500. Offence

(2) A contravention of this Act or the regulations that is of a continuing nature constitutes a separate offence in respect of each day or part of a day that it continues. 2004,c.18,s.7. Continuing offence

8. (1) No action or other proceeding for damages lies or shall be instituted against the Minister, a peace officer or a drover or any other person involved in the administration of this Act or the regulations for anything done or omitted to be done in good faith pursuant to or in the exercise or intended exercise of any power or function under this Act or the regulations. Limitation of liability

(2) No action or other proceeding for damages lies or shall be instituted against any person who, in good faith, assists an officer or a drover in capturing livestock under this Act or the regulations. 2004,c.18,s.8. Idem

9. The Lieutenant Governor in Council may make regulations Regulations

- (a) designating a class or type of animals as livestock;
- (b) respecting the powers and duties of an officer;
- (c) respecting the powers and duties of a drover;
- (d) respecting the forfeiture of impounded livestock;
- (e) respecting the costs and expenses that may be recovered in respect of the capture and impoundment of livestock;
- (e.1) respecting the cost of building and maintaining a fence; and
- (f) respecting any other matters that the Lieutenant Governor in Council considers necessary and advisable to carry out the purposes and provisions of this Act. 2004,c.18,s.9.

10. The *Fences and Detention of Stray Livestock Act* R.S.P.E.I. 1988, Cap. F-7 is repealed. 2004,c.18,s.10. Repeal