



PLEASE NOTE

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For more information concerning the history of this Act, please see the [Table of Public Acts](#).

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CHAPTER W-4.1

WILDLIFE CONSERVATION ACT

INTERPRETATION

1. (1) In this Act

Definitions

- (a) “aboriginal person” means a person who
(i) is registered as an Indian pursuant to the *Indian Act* R.S.C. 1985, Chap. I-5, or
(ii) is a registered member of a *bona fide* aboriginal organization that requires as a condition of membership proof of aboriginal ancestry;
- (b) “angling” means fishing with a line to which one or more hooks are attached and that is held in the hand or attached to a rod that is held in the hand or closely attended;
- (c) “bow” means a tool for projecting arrows which consists of a handle and one or more flexible limbs which are held bent by a string or cable which is drawn, pulled or released or held in a drawn position by hand or hand-held release and not by any mechanical device attached to any portion of the bow other than the bowstring;
- (d) “closed season” means a specified period during which fish, game and fur-bearing animals are not to be taken or hunted under this Act;
- (e) “conservation officer” means a conservation officer appointed or designated under section 4, and includes the Director of Wildlife;
- (f) “endangered species” means a species considered to be threatened with imminent extinction that is designated as an endangered species in the regulations;
- (g) “exotic” in relation to wildlife, means any wildlife of a species or type that is not indigenous to the province and that in its natural habitat is usually found wild in nature, but does not include ratite birds;
- (g.1) “extinct species” means a species that no longer exists;
- (g.2) “extirpated species” means a species that no longer exists in the wild of this province but exists elsewhere in the wild;
- (h) “firearm” means any barrelled weapon from which any shot, bullet or other missile can be discharged and that is capable of causing serious bodily injury or death to a person, and includes any

	frame or receiver of such weapon and anything that can be adapted for use as such weapon;
fish	(i) “fish” where used as a noun, means any species of fish protected by regulations made under this Act, and where used as a verb, means to angle;
fishery regulations	(j) “fishery regulations” means the regulations made under the <i>Fisheries Act</i> (Canada) R.S.C. 1985, Chap. F-14;
fishing preserve	(k) “fishing preserve” means land on which, or part of which, fish have been reared or stocked for the purpose of angling;
fur-bearing animals	(l) “fur-bearing animals” means animals that are designated as fur-bearing animals in the regulations;
fur farm	(m) “fur farm” means any place where fur-bearing animals are kept in captivity for the purpose of propagation or for sale, gain or profit;
game	(n) “game” means any wildlife designated as game by the regulations;
game animal	(o) “game animal” means an animal designated as a game animal in the regulations;
game bird	(p) “game bird” means a bird of a species or type designated as a game bird in the regulations;
hunting	(q) “hunting” means any chasing, driving, flushing, attracting, pursuing, worrying, following after or on the trail of, searching for, trapping, attempting to trap, snaring or attempting to snare, shooting at, stalking or lying in wait for any wildlife whether or not the wildlife is then or subsequently captured, killed, taken or wounded, but does not include stalking, attracting, searching for or lying in wait for any wildlife by an unarmed person solely for the purpose of watching or taking pictures of it;
justice	(r) “justice” means a justice of the peace and includes a provincial court judge;
license	(s) “license” means a license granted under this Act;
loaded firearm	(t) “loaded firearm” means a firearm carrying a loaded shell, cartridge or other projectile in the chamber or magazine;
migratory birds	(u) “migratory birds” means migratory birds as defined in the <i>Migratory Birds Convention Act</i> (Canada) R.S.C. 1985, Chap. M-7 and regulations thereunder;
Minister	(v) “Minister” means the Minister of Environment, Energy and Forestry;

- (w) “open season” means a specified period during which fish, game and fur-bearing animals may be lawfully taken or hunted under this Act; open season
- (x) “owner” means the actual owner of any parcel of land or thing and includes the lessee or other person having possession or control over those lands or things; owner
- (y) “permit” means a permit granted under this Act; permit
- (z) “regulations” means regulations made under section 28; regulations
- (aa) “resident” means a person who has resided in Prince Edward Island for a period of six months immediately preceding the time that residence becomes material under this Act or regulations; resident
- (bb) “shooting preserve” means land on which, or part of which, game birds that have been raised in captivity are released for the purpose of hunting; shooting preserve
- (bb.1) “species of special concern” means a species that is designated as a species of special concern in the regulations; species of special concern
- (cc) “snare” where used as a noun, means any noose or any device commonly used as a noose for the purpose of catching game or fur-bearing animals and where used as a verb, means to snare; snare
- (dd) “taking” means capturing, killing or taking into possession any wildlife, whether dead or alive; taking
- (ee) “threatened species” means a species considered to be likely to become endangered if the factors affecting its vulnerability are not reversed that is designated as a threatened species in the regulations; threatened species
- (ff) “trap” means a snare, spring trap, deadfall, box trap, net or device used to capture wildlife; trap
- (gg) “trapping” means to place and tend one or more traps in locations where wildlife may be trapped; trapping
- (hh) “vehicle” means a conveyance of any kind other than a boat and includes a wagon, sleigh, bicycle, motorcycle, automobile, tractor, snowmobile, toboggan, aircraft and all other motor-driven conveyances; vehicle
- (ii) repealed by 2004,c.23,s.1. vulnerable species
- (jj) “wildlife” means wild life, wild mammals, birds, reptiles, amphibians, fish, invertebrates, plants, fungi, algae, bacteria and other wild organisms as prescribed by the regulations; wildlife

wildlife habitat	(kk) “wildlife habitat” means breeding, nursery, feeding and migration areas and includes areas that provide food, cover and water on which wildlife depend, directly or indirectly, in order to carry out their life processes.
Possession	<p>(2) For the purpose of this Act</p> <p>(a) a person is in possession of a thing when it is in that person’s personal possession or when that person knowingly</p> <p style="padding-left: 40px;">(i) has it in the actual possession or custody of another person, or</p> <p style="padding-left: 40px;">(ii) has it in any place, whether or not that place belongs to or is occupied by that person, for the use or benefit of that person or of another person;</p> <p>(b) when one of two or more persons, with the knowledge and consent of the rest has anything in that person’s custody or possession, it is in the possession of each of them. 1998,c.107,s.1; 2000,c.5,s.3; 2001,c.59,s.1; 2004,c.36,s.3; 2004,c.23,s.1.</p>
Ownership of wildlife	2. (1) Subject to subsection (2), the property in all wildlife situate within the province, while in a state of nature, is hereby declared to be vested in Her Majesty in right of the province and no person shall acquire any right or property therein otherwise than in accordance with this Act and the regulations.
Property right of individual	(2) A person who lawfully takes wildlife and complies with all applicable provisions of this Act and the regulations acquires the right of property in that wildlife.
No action against province	(3) Notwithstanding anything in this Act, no right of action lies and no right of compensation exists against Her Majesty in right of the province for death, personal injury or property damage caused by wildlife, or any wildlife that escapes or is released from captivity or is abandoned within the province. 1998,c.107,s.2.

ADMINISTRATION

Minister, responsibility	3. (1) The Minister is responsible for the protection, management and conservation of wildlife and wildlife habitat in the province.
Delegation of authority	(2) For the purpose of administering this Act the Minister may designate persons to act on behalf of the Minister.
Powers	<p>(3) The Minister may</p> <p style="padding-left: 20px;">(a) undertake, promote or recommend measures allowing for public co-operation in wildlife conservation;</p>

- (b) co-ordinate and implement wildlife policies and programs in co-operation with a federal, provincial or municipal government or agency thereof;
- (c) co-ordinate the development and implementation of policies and programs designed to protect and conserve wildlife and wildlife habitat;
- (d) develop and implement suitable programs of education, safety, training and certification for hunters and trappers;
- (e) enter into an agreement with any person to provide for the undertaking of
 - (i) conservation programs and measures and the administration of lands for such purposes,
 - (ii) wildlife research by persons authorized by the Minister;
- (f) take such measures as the Minister considers necessary for the protection of endangered, threatened or vulnerable wildlife and their habitat;
- (g) initiate conferences and meetings respecting wildlife;
- (h) develop suitable guidelines and standards to optimize the impacts of land use practices on wildlife and wildlife habitat. 1998,c.107,s.3.

4. (1) There may be appointed in accordance with the *Civil Service Act* R.S.P.E.I. 1988, Cap. C-8 a Director of Wildlife, conservation officers and such other employees as may be considered necessary for the administration of this Act. Director of Wildlife and officers
- (2) The Minister may designate persons, by notice in the Gazette, as conservation officers. Conservation officers
- (3) It is the responsibility of conservation officers to enforce this Act and the regulations in accordance with general policy directions issued by the Minister. Function of conservation officers
- (4) The following are conservation officers by virtue of their office: Conservation officers
- (a) members of the Royal Canadian Mounted Police;
 - (b) game officers of the Canadian Wildlife Service;
 - (c) fisheries officers of Fisheries and Oceans Canada;
 - (d) park wardens employed by Parks Canada.
- (5) The Minister may designate persons, by notice in the Gazette, as auxiliary conservation officers, but an auxiliary conservation officer has no power of arrest or search. 1998,c.107,s.4; 2004,c.23,s.2. Auxiliary conservation officers
5. (1) A conservation officer has all the powers, authorities and immunities of a peace officer as defined in the *Criminal Code*. Powers of conservation officers
Oaths
- (2) A conservation officer may administer an oath to any person making a declaration or affidavit pursuant to this Act.

Identification	(3) A copy of an identification card purporting to be signed by the Minister is proof that the individual named therein is a conservation officer.
Offence	(4) No person, except a conservation officer, shall use or wear a uniform or badge identifying that person as a conservation officer. 1998,c.107,s.5.
Liability	5.1 The Minister, the Director of Wildlife, a conservation officer or other person employed or engaged in the administration or enforcement of this Act or the regulations, is not liable for any loss or damage suffered by any person as a result of any act done in good faith or omitted to be done in the course of the administration or enforcement of this Act or the regulations. 2004,c.23,s.3.
Wildlife inventory and report	6. The Minister shall monitor the state of wildlife and, in 1997 and within the first three years of each decade thereafter, shall provide to the Lieutenant Governor in Council a report which includes <ul style="list-style-type: none"> (a) an inventory of wildlife habitat, including wetland, sand dune and riverine habitat, and recommendations to conserve and enhance that habitat; (b) a summary of wildlife initiatives and programs for both Crown land and private land implemented during each year of the 10 year reporting period; (c) an assessment of the state of wildlife resources and in particular, endangered and threatened species and species of special concern; and (d) an analysis of the effect of land use and environmental activities on wildlife and wildlife habitat. 1998,c.107,s.6; 2004,c.23,s.4.

ENDANGERED AND THREATENED SPECIES AND SPECIES OF SPECIAL CONCERN

Endangered species	7. (1) Where the Minister considers that a species of wildlife is threatened with imminent extinction, the Lieutenant Governor in Council may, by regulations, designate the species as an endangered species.
Threatened species	(2) Where the Minister considers that a species of wildlife is likely to become endangered if the factors affecting its vulnerability are not reversed, the Lieutenant Governor in Council may, by regulations, designate the species as a threatened species.
Species of special concern	(3) Where the Minister considers that a species of wildlife is of special concern due to characteristics that make it particularly sensitive to human activities or natural events, the Lieutenant Governor in Council may, by regulations, designate the species as a species of special concern.

(4) Except where authorized by a permit under section 10, no person shall

Offence

- (a) kill, injure, possess, disturb, take or interfere with or attempt to kill, injure, possess, disturb, take or interfere with an endangered or threatened species;
- (b) possess for sale, offer for sale, sell, buy, trade or barter any individual, or part, derivative, or developmental stage of any individual, belonging to an endangered, or threatened species;
- (c) destroy, disturb or interfere with or attempt to destroy, disturb or interfere with the wildlife habitat of any individual belonging to an endangered or threatened species. 1998,c.107,s.7; 2004,c.23,s.6.

8. The Minister may

Powers to create advisory committee and take other conservation measures

- (a) establish an advisory committee
 - (i) to advise the Minister on the creation of a list of endangered and threatened species and species of special concern based on biological and scientific information,
 - (ii) to assess the state of wildlife resources and in particular, endangered and threatened species and species of special concern,
 - (iii) to analyse the effect of land use and environmental activities on wildlife and wildlife habitat,
 and to make recommendations for the conservation of wildlife and wildlife habitat;
- (b) acquire land necessary for the protection of endangered and threatened species;
- (c) make agreements with landowners and conservation groups for the protection and recovery of endangered and threatened species. 1998,c.107,s.8; 2004,c.23,s.7.

MIGRATORY BIRDS

9. A person may hunt, take and be in possession of migratory birds in the province in accordance with the provisions of the *Migratory Birds Convention Act* (Canada) and regulations. 1998,c.107,s.9.

Migratory birds

PERMITS AND LICENSES

10. (1) The Minister may, on such terms and conditions as the Minister thinks fit, issue a permit authorizing the holder

Permits

- (a) to trap or kill any wildlife specified in the permit;
 - (a.1) to capture and mark any wildlife specified in the permit;
 - (a.2) to be in possession of the green hide, carcass or any portion of a fur-bearing animal;
- (b) to import, export or engage in the interprovincial transportation of any wildlife;

	(c) to salvage dead wildlife for educational, ornamental or other purposes;
	(d) to collect or possess an endangered and threatened species and species of special concern for scientific, educational or other purposes related to the conservation of that species;
	(e) to remove or destroy a beaver dam.
Revocation	(2) The Minister may refuse to issue a permit to any person or may revoke a permit for any contravention of this Act, the regulations or any other enactment relating to wildlife.
Terms	(3) A permit is not transferable and expires on the date specified in the permit. 1998,c.107,s.10; 2001,c.59,s.2; 2003,c.46,s.1,2; 2004,c.23,s.8.
Licenses	11. (1) The Minister may issue licenses to hunt, fish or trap and may charge fees for a license as prescribed in the regulations.
Revocation	(2) The Minister may refuse to issue a license to any person or may revoke a license for any contravention of this Act, the regulations or any other enactment relating to wildlife.
Terms	(3) A license is not transferable and expires on the date specified in the license. 1998,c.107,s.11; 2003,c.46,s.3.
Permit, license required	12. (1) No person shall (a) take trout or salmon by angling or by any other means; (b) hunt any game, game bird or migratory game bird; or (c) trap any fur-bearing animal, unless authorized to do so by a license or permit issued to that person under this Act.
Exception	(2) Subsection (1) does not apply to (a) aboriginal persons; or (b) persons under the age of sixteen years while angling for trout. 1998,c.107,s.12; 2003,c.46,s.4.
Exception	13. No person under the age of sixteen years shall use or carry a loaded firearm except in company with a responsible adult and subject to the provisions of the <i>Criminal Code</i> . 1998,c.107,s.13; 2004,c.23,s.9.
Trapping permitted	14. Any resident having a valid trapping license may trap at such times and at such places as may be designated by regulations. 1998,c.107,s.14.
Offences	15. Every person is guilty of an offence who (a) makes in any application for a license or permit or in any book, record, certificate or report or return made, kept, or furnished by such person under this Act, any false statement or entry, or who in any way interferes with or wilfully furnishes false information to

any conservation officer or license vendor while in the discharge of his or her duties under this Act;

(b) being the holder of any license or permit issued under this Act neglects or refuses to produce it for examination when requested or required to do so by any conservation officer;

(c) sells, transfers or assigns a license issued to that person;

(d) knowingly allows his or her license to be used by another person, or knowingly uses the license of another person. 1998,c.107,s.15.

FISHING AND SHOOTING PRESERVES
AND WILDLIFE MANAGEMENT AREAS

16. (1) The Lieutenant Governor in Council may, by regulations, designate land Designation of land
by regulation

(a) as a fishing preserve to be maintained for the primary purpose of angling;

(b) as a shooting preserve to be maintained for the primary purpose of hunting;

(c) as a wildlife management area to be maintained for the protection, management and conservation of wildlife and wildlife habitat.

(2) No designation shall be made or revoked under clause (1)(c) unless the Minister has first published a notice in the Gazette indicating the intention to designate or revoke the designation of a wildlife management area and has invited public representations on the matter. Public notice and
consultation

(3) The Minister may Agreements

(a) enter into agreements respecting cooperative programs for joint management of wildlife and wildlife habitat the preservation, maintenance and restoration of wildlife habitat and public access to land;

(b) purchase lease or acquire title to land for wildlife;

(c) assess the impact of land use and management activities on wildlife and wildlife habitat;

(d) prohibit alteration of wildlife habitat except as permitted by the regulations or authorized by the Minister;

(e) designate particular areas as habitat for threatened or endangered wildlife;

(f) designate certain wetlands, marshes and rivers as of historical and biological value and regulate the standards for the preservation and management of such designated areas. 1998,c.107,s.16.

GOVERNMENT- STOCKED PONDS

Public angling	17. (1) Ponds and watercourses in which fish from government hatcheries or rearing ponds are distributed free of charge shall, subject to subsection (2), be open to the public for angling subject to the fishery regulations.
Exception	(2) Subsection (1) does not apply at times when a pond or watercourse is closed by a government agency for the purpose of any investigation or experiment.
Ponds restored or created by dams	(3) Ponds restored or created by dams that the Government of Prince Edward Island may assist in any way to build, repair, maintain or restore shall be open to the public for angling subject to the prevailing fishery regulations. 1998,c.107,s.17.

CONSERVATION AGREEMENTS

Agreements	18. (1) For the purpose of protecting the habitat of wildlife the Minister may enter into an agreement with a private landowner.
Conservation covenant or easement	(2) An agreement under subsection (1) may impose a conservation covenant or easement in respect of land owned by the private landowner.
Purposes	(3) A conservation covenant or easement may be granted for any of the following purposes: <ul style="list-style-type: none"> (a) the protection, enhancement or restoration of natural ecosystems, wildlife habitat or habitat of rare, threatened or endangered plant or animal species; (b) the retention of significant botanical, zoological, geological or morphological features of land; (c) the conservation of soil, air or water.
Terms	(4) A conservation covenant or easement shall <ul style="list-style-type: none"> (a) run with the land and be binding on the landowner and his or her successors in title; (b) have effect notwithstanding the absence of a dominant tenement that would benefit therefrom; (c) be either positive or negative in nature; (d) be enforceable by either party to the agreement or any conservation agency to which benefit of the covenant or easement is assigned by the agreement; (e) have effect for such period as is specified in the agreement and, if no period is specified, in perpetuity; (f) be registered as a deed under the <i>Registry Act</i> R.S.P.E.I. 1988, Cap. R-10.

(5) Notwithstanding any other provision of this section, the Crown or the owner of an estate in fee simple may grant a conservation covenant or easement over their own land.

Grant of easement,
etc.

(6) For the avoidance of doubt it is declared that the requirements of common law respecting restrictive covenants and easements do not apply to a conservation covenant or easement created by an agreement under this section. 1998,c.107,s.18.

Abrogation of
common law
requirements

PROHIBITED ACTIVITIES

19. (1) No person shall

Offences

- (a) take, hunt or kill any game or wildlife designated in the regulations except as may be prescribed in the regulations or by the *Migratory Birds Convention Act* or regulations or the fishery regulations;
- (b) feed any game taken or killed in the province to foxes, mink or other animals;
- (c) while engaged in hunting be in possession, or under the influence of, an intoxicant;
- (d) wilfully waste game taken in accordance with this Act or the *Migratory Birds Convention Act*;
- (e) subject to subsection (2), hunt on Sunday;
- (f) shoot at any game within 200 metres of any school, church, meeting place or any dwelling, farm building, or livestock, without the permission of the owner thereof or shoot at any game within 300 metres of a location where migratory birds are kept pursuant to a permit issued under the *Migratory Birds Convention Act*;
- (g) while in or on any boat or floating blind have in possession a loaded firearm unless the boat or floating blind is at anchor, beached or being propelled by poles or paddles only;
- (h) have a firearm that is not cased or broken in his or her possession in the field between one hour after sunset and one hour before sunrise unless authorized by a permit to hunt at night;
- (i) discharge or have in his or her possession a loaded firearm while in or on any vehicle;
- (j) not being the owner of the land on which it is erected, remove, destroy, disfigure or otherwise mutilate any sign erected lawfully pursuant to this Act;
- (k) obstruct, cause to obstruct, incite others to obstruct or assault a conservation officer while the officer is exercising authority pursuant to this Act or any other enactment;
- (l) take any egg or young of any fish, bird or fur-bearing animal unless authorized by the regulations;

- (m) sell any wildlife or part, derivative, or developmental stage of wildlife of such description as may be prescribed except fur-bearing animals and snowshoe hare taken under an authority conferred by this Act;
- (n) exceed the bag limit or possession limit for a species of wildlife;
- (o) do any other act that is prohibited by the regulations.

Exception, trapping
fur-bearing animals

(2) Clause (1)(e) does not prohibit a person who holds a valid license to trap fur-bearing animals designated by regulation from trapping such animals on a Sunday during a period of the year when, and in an area where, the trapping of that animal is permitted under the regulations. 1998,c.107,s.19; 2003,c.46,s.5.

ENFORCEMENT

Arrest without
warrant

20. (1) A conservation officer may arrest without a warrant a person whom

- (a) the conservation officer finds committing an offence pursuant to this Act or the regulations; or
- (b) on reasonable and probable grounds, the conservation officer believes is committing or has recently committed an offence pursuant to this Act or the regulations.

Search with warrant

(2) Every conservation officer who has reasonable and probable grounds to believe a firearm or bow, wildlife or part thereof or any other item is being held or possessed in contravention of this Act or the regulations may, with a search warrant,

- (a) enter and search any residence, dwelling-house, camp or other structure; and
- (b) seize such articles as may be found in contravention of the Act or the regulations.

Search without
warrant

(3) Every conservation officer who has reasonable and probable grounds to believe a firearm or bow, wildlife or part thereof or any other item is being possessed or held in contravention of this Act or the regulations may, without a warrant,

- (a) stop, enter and search any vehicle or vessel or conveyance of any other description for evidence of a violation pursuant to this Act or the regulations; or
- (b) open and inspect any box, bag, parcel, barrel, container or other receptacle.

Order of Minister or
conservation officer

(4) Where the Minister or a conservation officer believes, on reasonable grounds, that a person is carrying out or contributing to an action or an activity that

- (a) is detrimental to wildlife or to wildlife habitat; and

(b) contravenes a provision of this Act or the regulations or a permit or a license issued under this Act,
the Minister or a conservation officer, as the case may be, may issue an order requiring any person carrying out or contributing to the action or activity to stop the action or activity by the date named in the order.

(5) The issue of an order under subsection (4) does not preclude the prosecution of an offence under this Act. Effect of order

(6) An order referred to in subsection (4) shall be personally served on the person who is the subject of the order or sent to the person by registered mail addressed to the person at his or her last known address. Service of order

(7) Notwithstanding subsection (6), where, in the opinion of the Minister or a conservation officer, an emergency exists and an order must be issued under subsection (4), the Minister or a conservation officer, as the case may be, may issue a verbal or a written order to the person who is carrying out or contributing to the action or activity that is detrimental to wildlife or to wildlife habitat. Emergency order

(8) A written order issued under subsection (7) shall take effect from the time it is issued. Order effective when issued

(9) A verbal order issued under subsection (7) shall have the same force and effect as a written order. Effect of verbal order

(10) An order issued under subsection (7) shall be served in written form in accordance with subsection (6) as soon as is practicable after it is issued. Service in written form

(11) The Minister may, as the Minister considers necessary,
(a) impose terms and conditions on any order issued under this section;
(b) alter any terms and conditions of any such order; and
(c) revoke any order issued under this section. Revocation, terms and conditions

(12) Every person who fails to comply or contravenes an order issued under this section is guilty of an offence and is liable, on summary conviction,

(a) to a fine of not less than \$200 and not more than \$2,000 where the person is a natural person; or

(b) to a fine of not less than \$2,000 and not more than \$10,000 where the person is a corporation. 1998,c.107,s.20; 2004,c.23,s.10.

21. (1) A conservation officer, in the discharge of the conservation officer's duties, and any person accompanying the conservation officer Liability for trespass

may enter upon and pass through privately-owned land without being liable for trespass.

Liability for actual damages	(2) A person entering upon privately-owned land pursuant to subsection (1) is only liable for actual damages caused by such entry. 1998,c.107,s.21.
Seizure by conservation officer	22. Every conservation officer may seize anything, including a vehicle or vessel, that the conservation officer believes on reasonable and probable grounds may afford evidence of an offence pursuant to this Act or the regulations. 1998,c.107,s.22.
Detention of seized property	23. (1) Except as provided in this Act or the regulations, a conservation officer who has seized property pursuant to this Act or the regulations may detain the same pending disposition of the prosecution.
Disposition of seized property	(2) A conservation officer may <ul style="list-style-type: none"> (a) return the seized property to the person from whom it was seized or to whom it belongs before it is dealt with in the courts; (b) in the case of dead wildlife or exotic wildlife, dispose, in accordance with the discretion of the Minister, of any part of it that is not required as evidence; or (c) in the case of live wildlife or exotic wildlife, <ul style="list-style-type: none"> (i) in accordance with the direction of the Minister, keep it in captivity or deliver it to another person to have it kept in captivity, kill it or otherwise dispose of it, or (ii) dispose of it in any manner agreed to by the owner.
Costs recoverable as debt due the Crown	(3) Where wildlife is delivered to another person, the Minister may assess the cost of keeping it in captivity to the owner or person in possession, or both, and that cost shall be paid on demand by the person assessed and is recoverable by the Minister as a debt due the Crown.
Release of seized vehicle or vessel	(4) Where any vehicle or vessel has been seized pursuant to this Act or the regulations, the registered owner or any person on the owner's behalf may file with the Minister a bond in favour of the province that is executed by two personal sureties considered satisfactory by the Minister or an approved guarantee or surety company and that is conditional on payment of all damages and costs that may be recovered against the accused, whereupon the Minister may release the seized property to the owner or the owner's agent upon payment to the Minister of all fees and expenses incurred in connection with the seizure and detention of the seized property. 1998,c.107,s.23.
Return of seized property	24. (1) Where a person charged with an offence pursuant to this Act or the regulations is acquitted, any seized property shall be returned.

(2) Notwithstanding subsection (1), if the seized property is wildlife, the Minister may return the item if it has not perished or pay such value for the item as is determined by the Minister.

Return of wildlife

(3) Where anything is seized pursuant to this Act and the regulations and the owner is unknown or cannot be ascertained or cannot be found within three months of the seizure, it may be disposed of in such manner as the Minister may direct.

Owner of seized property unknown

(4) The Minister shall not be liable for damages or costs for items seized and detained if there were reasonable and probable grounds for the seizure. 1998,c.107,s.24.

Liability for damages or costs

25. (1) Where any person is convicted

Sale of equipment seized

(a) of a second or subsequent offence under this Act; or

(b) of any of the following offences:

(i) taking, hunting, trapping or killing any wildlife during a closed season,

(ii) any offence under subsection 31(3), or

(iii) any offence involving the possession or discharge of a loaded firearm in a vehicle or boat,

the equipment used in respect of the offence shall, notwithstanding sections 23 and 24, be forfeited to the Crown and destroyed or offered for sale by public auction or used for such purposes as the Minister may direct.

(2) The Lieutenant Governor in Council may, by regulations, identify violations of this Act or the regulations for which there will be an automatic forfeiture to Her Majesty in right of the province of seized property upon conviction.

Automatic forfeiture of seized property

(3) Where the property seized by a conservation officer is a vehicle or vessel, the justice who enters the conviction may order the seized property to be forfeited to Her Majesty in right of the province and direct the registered owner to complete an appropriate form of transfer. 1998,c.107,s.25.

Seizure of vehicle or vessel

26. The Minister may dispose of forfeited items at public auction or in such manner and at such times as the Minister may direct. 1998,c.107,s.26.

Disposal at public auction

27. (1) It is an offence for any person to refuse or fail to comply with any order, visible signal or direction given by a conservation officer in uniform or displaying proper identification.

Failure to comply with order

Stopping vehicles,
etc.

(2) It is an offence for any person to fail to stop a vehicle, vessel or other conveyance when so required by a conservation officer in uniform or displaying proper identification. 1998,c.107,s.27.

REGULATIONS

Regulations

- 28.** The Lieutenant Governor in Council may make regulations
- (a) promoting firearm safety, imposing requirements with respect to the holding of firearm safety certificates and generally with respect to the issue, suspension and revocation of firearm safety certificates;
 - (b) prescribing the terms and conditions of, and the fees for, any license or permit;
 - (c) respecting the licensing of taxidermists;
 - (d) governing the keeping of wildlife in captivity;
 - (e) respecting the taking or capturing of wildlife for educational, scientific, display, falconry, fur farming or pet purposes;
 - (f) regarding the export, import, transfer and sale of wildlife;
 - (g) requiring applicants for a trapping license who have not previously held a license or a junior trapping permit to undergo a trapper education program of such description as may be prescribed;
 - (h) respecting the farming of game animals and licensing and regulating the operation of game farms;
 - (i) protecting the habitat of wildlife including their nests, dens, dams and burrows;
 - (j) respecting the capture and removal or destruction of nuisance wildlife;
 - (k) providing for the capture, identification and release of wildlife for the purpose of scientific study of wildlife and wildlife habitats;
 - (l) respecting the use of guides by non-resident hunters and fishers and regulating the licensing and activities of guides;
 - (m) for the licensing of fishing preserves and shooting preserves and the management and use of such areas;
 - (n) designating wildlife management areas and regulating the taking of wildlife within those areas, including open seasons and bag limits;
 - (o) providing for the issue of tags to holders of licenses and permits and the manner in which tags are to be affixed to wildlife;
 - (p) prescribing open seasons and the days and hours during which a person may hunt wildlife and prescribing the time of sunrise and sunset;
 - (q) prohibiting and regulating methods and devices for hunting, trapping, snaring and taking wildlife;
 - (r) designating endangered and threatened species and species of special concern and providing for the conservation, protection and management of such species and their habitat;
 - (r.1) designating extinct species and extirpated species;

- (s) prescribing courses relating to safety and education for hunters, trappers and fishers and appointing instructors to teach courses;
- (t) providing for returns and reports to be submitted by holders of licenses and permits;
- (u) regulating the training and use of dogs for hunting;
- (v) prescribing the conditions and types of traps or snares that may be set or maintained for trapping wildlife, prescribing times when such traps or snares must be tended and providing means to identify the owner thereof;
- (w) regulating the destruction of, or interference with the den or nest of any other wildlife;
- (x) regulating the possession or release of exotic wildlife;
- (y) regulating the trapping of fur-bearing animals and game;
- (y.1) respecting the buying, selling and bartering of the green hides and raw furs of fur-bearing animals;
- (z) regulating angling in ponds and watercourses that have been stocked from a government hatchery;
- (z.1) regulating angling of salmon and trout;
- (z.2) prescribing open seasons, daily limits and possession limits in respect of hunting and trapping;
- (z.3) establishing a Wildlife Conservation Fund and setting out the requirements to obtain a Wildlife Conservation Fund license;
- (aa) designating wildlife or particular species of wildlife for particular purposes under the regulations;
- (bb) establishing, conducting and monitoring programs for the conservation of wildlife;
- (cc) generally for the purpose of carrying out the intent of the provisions of this Act. 1998,c.107,s.28; 2001,c.59,s.3; 2003,c.46,s.6; 2004,c.23,s.11.

PROSECUTIONS

- 29.** The *Summary Proceedings Act* R.S.P.E.I. 1988, Cap. S-9 applies to all prosecutions and proceedings under this Act. 1998,c.107,s.29. Summary proceedings
- 30.** In any prosecution of a person charged as a non-resident the onus of proving that the person is a resident shall be on the accused. 1998,c.107,s.30. Residence
- 31.** (1) Upon the conviction of a person for a violation of this Act or the regulations or the *Migratory Birds Convention Act* (Canada) or the regulations made under that Act or the *Fisheries Act* (Canada) R.S.C. 1985, Chap. F-14 or the regulations made under that Act respecting fishing for trout and salmon and netting in inland waters, the hunting, fishing or trapping privileges of the person shall be suspended from the Conviction or offence, effect of

date of the conviction in the case of a first offence, for one year and in the case of a second or subsequent offence, for two years.

Suspension of
license for
conviction

(2) Where a violation of this Act is committed while a person was hunting, fishing or trapping under the authority of a valid license issued pursuant to this Act, the license shall be suspended from the date of conviction, in the case of a first offence, for one calendar year and in the case of a second or subsequent offence, for two years.

Offence of hunting,
fishing, trapping
when suspended

(3) Every person who hunts, fishes or traps when
(a) his or her privilege to do so is suspended under subsection (1);
or
(b) his or her license is suspended under subsection (2),
is guilty of an offence and be liable on summary conviction to the fine of not less than \$300.

Application of
subsection (1)

(4) For the avoidance of doubt it is declared that subsection (1) applies to persons who are exempted from the requirement to be licensed pursuant to subsection 12(2). 1998,c.107,s.31.

GENERAL

Fines

32. (1) Every person who violates or attempts to violate any provision of this Act or the regulations is guilty of an offence and is liable on summary conviction to the fine specified in this Act or prescribed in the regulations and, if no fine is specified or prescribed, is liable
(a) in the case of a first offence, to a fine not exceeding \$2,000 and not less than \$200;
(b) in the case of a second or subsequent offence, to a fine not exceeding \$10,000 and not less than \$400.

Continuing offence

(2) A person who commits or continues an offence on more than one day may be convicted of a separate offence for each day on which the offence is committed or continued.

Order for remedial
action or costs
thereof

(3) Where a person is convicted of an offence the justice who enters the conviction may, in addition to any penalty imposed pursuant to this Act or the regulations, make an order directing the person
(a) to take any action specified in the order to remedy or avoid any harm to any wildlife or wildlife habitat that resulted or may result from the commission of the offence;
(b) to pay the Minister compensation in whole or in part, for the cost of any remedial or preventive action taken by the Minister as a result of the commission of the offence.

Liability of officers
of corporations

(4) Where a corporation commits an offence under this Act, any officer, director or agent of the corporation who directed, authorized,

assented to or acquiesced or participated in the commission of the offence is a party to and guilty of the offence and is liable on conviction to the punishment provided for the offence, whether or not the corporation has been prosecuted or convicted. 1998,c.107,s.32; 2001,c.59,s.4; 2003,c.46,s.7,8; 2004,c.23,s.12.

33. (1) The *Fish and Game Protection Act* R.S.P.E.I. 1988, Cap. F-12 is repealed. Repeal

(2) Pursuant to clause 33(1)(e) of the *Interpretation Act* R.S.P.E.I. 1988, Cap. I-8, the regulations made under the repealed Act are deemed to be made under this Act and remain in force until revoked or others are made in their stead. 1998,c.107,s.33; 2001,c.59,s.5; 2003,c.46,s.9. Regulations under repealed Act

34. Consequential amendment. 1998,c.107,s.34. Amendment