



PLEASE NOTE

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For more information concerning the history of these regulations, please see the [Table of Regulations](#).

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CHAPTER F-7

FENCES AND DETENTION OF STRAY LIVESTOCK ACT

REGULATIONS

Pursuant to section 10 of the *Fences and Detention of Stray Livestock Act* R.S.P.E.I. 1988, Cap. F-7, Council made the following regulations:

1. The certificate of costs issued pursuant to subsection 3(6) of the Act shall be in Form 1 of the Schedule. (EC495/87) Certificate of costs
2. The order of the fence viewer issued pursuant to subsection 4(3) of the Act shall be in Form 2 of the Schedule. (EC495/87) Order
3. The minimum requirements for the design, dimensions and materials of fences required to be built or repaired under the provisions of the Act shall be as follows: Requirements for fences
 - (a) all fence posts shall be spaced no more than 15 feet apart unless wood stakes support the wire between the fence posts, in which case the fence posts may be spaced not more than 22 feet apart;
 - (b) all fence posts shall be embedded into the ground a minimum of 2 feet 6 inches and shall extend not less than 4 feet above the ground;
 - (c) all fence posts shall be either wood posts or steel T-bar fence posts;
 - (d) where wood posts are used, the posts shall be structurally sound and shall have a diameter of not less than 4 inches;
 - (e) where wood stakes are used in addition to posts, the wood stakes shall be structurally sound and shall have a diameter of not less than 2 inches;
 - (f) fencing material shall consist of one of the following materials:
 - (i) barbed wire,
 - (ii) energized electric wire,
 - (iii) commercially woven wire, or
 - (iv) high tensile smooth wire;
 - (g) where barbed wire is used, there shall be 3 strands of barbed wire, each strand fastened securely to each fence post, and the top strand of barbed wire shall be located on the fence posts not less than 3 feet 6 inches from the ground and the bottom strand of barbed wire shall be located not less than 1 foot from the ground;
 - (h) where energized electric wire is used, there shall be 2 strands of energized electric wire so located that any livestock challenging the fence would receive a shock to the face or ears of the livestock;

(i) where commercially woven wire fencing is used, the top edge of the woven wire fencing shall be located not less than 3 feet 6 inches above the ground and the woven wire fencing shall be fastened securely to each fence post;

(j) where high tensile smooth wire fence is used, there shall be 5 strands of smooth wire with a 300 pound tension, each strand shall be fastened securely to each fence post, and the top strand of high tensile smooth wire shall be located on the fence posts not less than 3 feet 6 inches from the ground and the bottom strand of high tensile smooth wire shall be located not less than 1 foot from the ground. (EC495/87)

Alternative
materials

4. Notwithstanding the provisions of section 3, other fencing materials may be used in substitution, providing these materials are equivalent to or in excess of the specifications contained in section 3 and providing there is agreement between the adjacent landowners and the fence viewer on the use of such materials. (EC495/87)

SCHEDULE

FORM 1

FENCES AND DETENTION OF STRAY LIVESTOCK ACT

CERTIFICATE OF COSTS

I, of
 (name of fence viewer) (address)
 fence viewer appointed by the Minister of Agriculture and Forestry in accordance with
 subsection 4(1) of the *Fences and Detention of Stray Livestock Act*, have viewed the
 division fence in dispute and have examined the cost incurred in the construction of the said
 fence between the property of
 (name of livestock farm)
 of and
 (mailing address) (owner or occupier of adjoining land)
 of on
 (mailing address) (date)

In accordance with the provisions of subsection 3(6) of the *Fences and Detention of Stray
 Livestock Act*, the itemized account of the costs incurred by (name of owner of livestock
 farm) and verified by his/her affidavit has been submitted to me and I am satisfied that the
 costs have been properly incurred.

I hereby direct
 (name of adjoining land owner)
 of
 (mailing address)
 to make payment of \$to
 (name of owner of livestock farm)
 of as the adjoining land owner's proportionate share
 (mailing address)
 of the fencing costs and I further direct that all of the said payment is to be made within
 thirty days of the date of this certificate (or state alternative direction for payment).....

DATED this..... day of, 20

.....
 Signature of Fence Viewer

(EC495/87; 639/93)

FORM 2
FENCES AND DETENTION OF STRAY LIVESTOCK ACT

ORDER

I, of
(name of fence viewer) (address)
fence viewer appointed by the Minister of Agriculture and Forestry in accordance with
subsection 4(1) of the *Fences and Detention of Stray Livestock Act*, have received a notice
in writing from
(owner of adjoining land)
of that
(mailing address) (owner of livestock farm)
of has failed to comply with section 3 of the
(mailing address)
Fences and Detention of Stray Livestock Act.

I have viewed the division fence or the location of a proposed fence running between the
property of and
(owner of adjoining land)

..... I have interviewed and received
(owner of livestock farm)
representations from the owners and endeavoured to resolve the matter in accordance with
subsection 4(2) of the *Fences and Detention of Stray Livestock Act*.

In accordance with the provisions of subsection 4(3) of the *Fences and Detention of Stray
Livestock Act* and the regulations made by the Lieutenant Governor in Council pursuant to
section 10 of the *Fences and Detention of Stray Livestock Act*

I HEREBY ORDER

Description of action (to be taken by owner of livestock farm) and/or
Description of action (to be taken by owner of adjoining property)

DATED this day of 20

To:
(name of livestock owner)
(signature of fence viewer)
.....
(address of livestock owner)

And To:
(name of owner of adjoining land)
.....
(address)

(EC495/87; 639/93)