

Gouvernement du Québec

O.C. 1516-97, 26 November 1997

An Act respecting the conservation and development of wildlife
(R.S.Q., c. C-61.1)

Disposal of seized or confiscated property

Regulation respecting the disposal of seized or confiscated property

WHEREAS under paragraphs 3 and 3.1 of section 162 of the Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1), the Government may, in addition to the other regulatory powers conferred on it by that Act, make regulations

“(3) determining the manner of disposing of a seized object or animal confiscated under that Act or of an animal captured or object recovered pursuant to that Act;

(3.1) prescribing the manner in which a conservation officer may dispose of seized property that is perishable or likely to depreciate rapidly and, according to the class or kind of property seized, determining the amount, or a method for determining the amount of the indemnity payable to the person entitled in cases where the officer has disposed of the property;”;

WHEREAS the Regulation respecting the disposal of confiscated objects was made by Order in Council 427-82 dated 24 February 1982 under the Wild-life Conservation Act (R.S.Q., c. C-61) and it is expedient to replace it;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the draft Regulation respecting the disposal of seized or confiscated property was published in Part 2 of the *Gazette officielle du Québec* of 9 July 1997 with a notice that it could be made by the Government upon the expiry of 45 days following that publication;

WHEREAS it is expedient to make the Regulation respecting the disposal of seized or confiscated property;

IT IS ORDERED, therefore, upon the recommendation of the Minister of the Environment and Wildlife:

THAT the Regulation respecting the disposal of seized or confiscated property, attached to this Order in Council, be made.

MICHEL CARPENTIER,
Clerk of the Conseil exécutif

Regulation respecting the disposal of seized or confiscated property

An Act respecting the conservation and development of wildlife
(R.S.Q., c. C-61.1, ss. 18.1, 20 and 162, pars. 3 and 3.1)

DIVISION I
DISPOSAL OF SEIZED PROPERTY

1. Where property seized under the Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1) is perishable or likely to depreciate rapidly, a conservation officer may dispose of it within 30 days following seizure, as follows:

(1) in the case of a fish or an animal fit for consumption, a fur-bearing animal or an undressed pelt having a commercial value, he may remit it to a charitable or non-profit organization or sell it if that is permitted by that Act;

(2) in the case of a fish or an animal unfit for consumption, a fur-bearing animal or a pelt having no commercial value, he may remit it to a salvager or a dismembering plant referred to in the Regulation respecting food (R.R.Q., 1981, c. P-29, r. 1) or destroy it;

(3) notwithstanding paragraphs 1 and 2, in the case of an animal, regardless of whether it has a commercial value, he may remit it to an organization for educational purposes or for taxidermy; and

(4) notwithstanding paragraphs 1, 2 and 3, in the case of an animal killed by a vehicle or a train, he may remit it to a salvager or a dismembering plant referred to in paragraph 2 or to an organization for educational purposes or for taxidermy.

DIVISION II
DETERMINATION OF AN INDEMNITY

2. Where property referred to in section 1 has been disposed of and it later appears that there are no grounds for confiscation, a conservation officer shall, upon application by the person entitled thereto, remit to him the following indemnity as a replacement for that property:

(1) in the case of a moose that is whole or is divided into quarters equivalent to a whole animal:

\$1 500 a male moose one year old or older;
\$1 000 a female moose one year old or older;
\$750 a male or female moose less than one year old;
\$1 000 a moose whose age or sex cannot be determined;

(2) in the case of moose flesh:

\$10 per kilogram up to a maximum of \$1 500;

(3) in the case of a caribou that is whole or is divided into quarters equivalent to a whole animal:

\$1 000 a male caribou one year old or older;

\$750 a female caribou one year old or older;

\$500 a male or female caribou less than one year old;

\$750 a caribou whose age or sex cannot be determined;

(4) in the case of caribou flesh:

\$10 per kilogram up to a maximum of \$1 000;

(5) in the case of a white-tailed deer that is whole or is divided into quarters equivalent to a whole animal:

\$750 a male white-tailed deer one year old or older;

\$500 a female white-tailed deer one year old or older;

\$250 a male or female white-tailed deer less than one year old;

\$500 a white-tailed deer whose age or sex cannot be determined;

(6) in the case of white-tailed deer flesh:

\$10 per kilogram up to a maximum of \$750;

(7) in the case of a fur-bearing animal referred to in Column 1 of Schedule I to the Regulation respecting trapping and the fur trade made by Order in Council 1289-91 dated 18 September 1991 or an undressed pelt of any of those animals, the indemnity shall correspond to the proceeds of the sale if the seized property has been sold; if it has not been sold and if the animal or the pelt has a commercial value, the indemnity shall correspond to the average value of the prices obtained at the most recent auction preceding the date of the seizure.

In the case of a black bear or a beaver that is whole, the amount of the indemnity provided for in this paragraph shall be increased by 25 %; and

(8) in the case of any other animal or fish having a commercial value, the indemnity shall be equal to the selling price.

DIVISION III

DISPOSAL OF CONFISCATED PROPERTY

3. Where property seized under the Act respecting the conservation and development of wildlife has been confiscated, a conservation officer shall dispose of it as follows:

(1) in the case of property that is unusable and has no commercial value, he may remit it to a charitable organization;

(2) in the case of property having a commercial value, he shall remit it to Services gouvernementaux of the Conseil du trésor;

(3) in the case of a live animal of a native species, he may, if the animal is unharmed and after having verified that it is not diseased and does not carry any disease, set it free, or give it or sell it to a person legally authorized to keep it under the Regulation respecting animals in captivity made by Order in Council 1029-92 dated 8 July 1992 or have it put to sleep; otherwise, he shall remit it to a rehabilitation centre referred to in that Regulation;

(4) in the case of a live animal of a non-native species, he may, if the animal is unharmed, sell it or give it to a person legally authorized to keep it under the Regulation referred to in paragraph 3 or have it put to sleep; or

(5) where he cannot dispose of the property as indicated in paragraphs 1 to 4, he shall destroy it.

4. This Regulation replaces the Regulation respecting the disposal of confiscated objects made by Order in Council 427-82 dated 24 February 1982.

5. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

1882

Gouvernement du Québec

O.C. 1520-97, 26 November 1997

An Act respecting assistance for the development of cooperatives and non-profit legal persons (R.S.Q., c. A-12.1)

Program to foster the development of non-profit legal persons

Regulation respecting the program to foster the development of non-profit legal persons

WHEREAS under section 3 of the Act respecting assistance for the development of cooperatives and non-profit legal persons (R.S.Q., c. A-12.1), as amended by section 4 of Chapter 18 of the Statutes of 1997, the Government may, by regulation, establish any program