

Gouvernement du Québec

O.C. 253-99, 24 March 1999

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

Animals in captivity
— **Amendments**

Regulation to amend the Regulation respecting animals in captivity

WHEREAS under section 42 of the Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1) to keep an animal in captivity or to capture it with a view to keeping it in captivity and, where such is the case, to dispose thereof, a person must hold a licence issued for such purpose and comply with the norms, number and conditions prescribed by regulation; however, the licence is not required for such animals and in such cases as are determined by regulation;

WHEREAS under section 43 of the Act, notwithstanding any other provision of this Act or any regulation under it, any person may kill any animal or any animal of a class of animals kept in captivity in accordance with the first paragraph of section 42; he must, however, do so in accordance with the regulations;

WHEREAS under paragraphs 1, 7, 9, 14 and 22 of section 162 of the Act, amended by section 22 of Chapter 29 of the Statutes of 1998, the Government may make regulations

“(1) determining the classes of animals and the animals belonging to those classes;

(7) determining the animals for which no licence is required for keeping them in captivity, capturing them for the purpose of keeping them in captivity or disposing of them;

(9) determining the conditions that must be fulfilled by the applicant or holder of a licence or certificate, and the obligations with which the holder of a licence or certificate must comply; the conditions and obligations may vary, namely according to the age of the applicant or holder;

(14) determining the provisions of a regulation the infringement of which constitutes an offence;

(22) fixing the norms and conditions respecting the capture of animals to be kept in captivity, the keeping of

animals in captivity, the killing and, where such is the case, the disposal of animals, and fixing their number;”;

WHEREAS the Regulation respecting animals in captivity was made under the Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1) by Order in Council 1029-92 dated 8 July 1992;

WHEREAS it is expedient to amend the Regulation respecting animals in captivity in order to provide for norms, conditions and obligations with respect to holders of the new licences to keep exotic species and white-tailed deer;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the draft Regulation to amend the Regulation respecting animals in captivity was published in Part 2 of the *Gazette officielle du Québec* of 8 July 1998 with a notice that it could be made by the Government upon the expiry of 45 days following that publication;

WHEREAS amendments were made to the draft Regulation since that publication;

WHEREAS it is expedient to make the Regulation to amend the Regulation respecting animals in captivity, attached to this Order in Council;

IT IS ORDERED, therefore, upon the recommendation of the Minister responsible for Wildlife and Parks:

THAT the Regulation to amend the Regulation respecting animals in captivity, attached to this Order in Council, be made.

MICHEL NOËL DE TILLY,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting animals in captivity*

An Act respecting the conservation and development of wildlife
(R.S.Q., c. C-61.1, ss. 42, 43 and 162, pars. 1, 7, 9, 14 and 22; 1998, c. 29, s. 22)

1. The words “Subject to section 59.1, no” are substituted for the word “No” in section 9.

* The Regulation respecting animals in captivity, made by Order in Council 1029-92 dated 8 July 1992 (1992, *G.O.* 2, 3447), was amended once by the Regulation made by Order in Council 310-93 dated 10 March 1993 (1993, *G.O.* 2, 1817).

2. Section 10 is amended

(1) by substituting the words “such animal; in the case of a boar, peccary, buffalo or cervidae mentioned in that Schedule, the person shall comply with the provisions of paragraph 3 of section 55 and those of section 56 relating to enclosures except for a buffalo in the latter case” for the words “such animal” in the first paragraph; and

(2) by inserting the following paragraph after the second paragraph:

“Anyone who keeps in captivity a cervidae referred to in Schedule II, a boar or a peccary shall erect any new enclosure by surrounding it with a fence in accordance with the relevant provisions of paragraph 1 or 2 of section 59.5.”

3. Sections 12, 22, the second paragraph of section 30, sections 50, 51 52 and 59 are revoked.

4. The following is added at the end of section 54:

“(4) as of 31 March 2001, keeps in captivity no more than five white-tailed deer, provided that they all bear the tag recognized by the Minister responsible for Wildlife and Parks.

Notwithstanding the foregoing, newborn white-tailed deer referred to in subparagraph 4 of the first paragraph may be kept by the holder of the licence for a period not exceeding 1 April following the date of their birth without their bearing the tag within the meaning of that subparagraph.”

5. Section 55 is amended

(1) by substituting “2.4” for “2.5” in paragraph 1;

(2) by inserting the following after paragraph 1:

“(1.1) erect and maintain any new enclosure by surrounding it with a fence in accordance with the provisions of paragraph 1 of section 59.5;”;

(3) by adding the words “without delay” after the word “notify” in paragraph 3; and

(4) by adding the following after paragraph 4:

“(5) as of 31 March 2001, keep in captivity no more than five white-tailed deer, provided that they bear the tag recognized by the Minister responsible for Wildlife and Parks.

Notwithstanding the foregoing, newborn white-tailed deer referred to in subparagraph 5 of the first paragraph may be kept by the holder of the licence for a period not exceeding 1 April following the date of their birth without their bearing the tag within the meaning of that subparagraph.”.

6. Section 56 is amended

(1) by inserting the words “to keep or” after the word “prohibited”; and

(2) by inserting the words “outside or” before the words “on the fence”.

7. Section 57 is amended

(1) by substituting the words “A holder of a licence to keep white-tailed deer may kill a deer he keeps in captivity; he may also, until 31 March 2001, dispose” for the words “A holder of a licence to keep white-tailed deer may dispose”; and

(2) by substituting the words “, of an animal broker’s licence or of a game ranch and breeding licence for white-tailed deer” for the words “or of an animal broker’s licence”.

8. The following Division is inserted after Division VIII:

**“DIVISION VIII.1
GAME RANCH**

§1. Game ranch for exotic species

59.1. A game ranch licence for exotic species authorizes the keeping in captivity of buffalo, cervidae that may be kept in captivity without a licence, peccaries or boar for the purposes of operating a game ranch.

59.2. To obtain a game ranch licence for exotic species, the applicant shall provide the following information:

(1) his full name and address; in the case of a legal person, its name and the address of its principal place of business; in the case of a partnership, its name and the address of its principal place of business; in the case of a natural person doing business under another name, that name, the applicant’s name and the address of his principal place of business;

(2) the exotic species the applicant wishes to keep in captivity;

(3) the site where those species will be kept in captivity and its features with respect to the percentage of wooded area and its main tree species;

(4) the layout of the enclosures, which must be surrounded by a fence complying with the relevant provisions of paragraph 1 or 2 of section 59.5.

In addition to the information required under the first paragraph, the applicant shall demonstrate that each enclosure has a minimum area of 10 hectares.

59.3 The Minister shall issue a game ranch licence for exotic species provided that the applicant:

(1) pays the fees determined by the Regulation respecting the scale of fees and duties related to the development of wildlife;

(2) meets with the requirements of section 59.2.

59.4. The Minister shall renew such licence where its holder:

(1) applies for renewal thereof;

(2) pays the fees determined by the Regulation respecting the scale of fees and duties related to the development of wildlife;

(3) has complied with the provisions of Division II, section 10 and Subdivision 1 of this Division.

59.5. A holder of a game ranch licence for exotic species shall:

(1) maintain, in the case of cervidae and buffalo, an enclosure surrounded by a game fence at least 2.4 metres high, having square meshes not larger than 15 cm between the vertical strands and at least 20 horizontal strands; the outside and inside lateral clearance of that perimeter fence must be at least 3 m from any obstacle that could reduce the minimum height of 2.4 metres; the distance between the posts of the fence may not exceed 8 metres;

(2) maintain, in the case of peccaries and boars, an enclosure surrounded by a fence at least 1.8 m above ground level and made of:

(a) steel chain links of gauge 13 minimum, 1.24 m high including 30 cm in the ground. The 86 additional centimetres may be made of game fencing; or

(b) steel chain links of gauge 13 minimum, from 92 cm to 1.24 m high. The 88 or 56 additional centimetres

may be made of game fencing. That enclosure must be fitted on the inside with an electric wire running 30 cm above ground level and situated 30 cm from the fence, and the minimum tension in the wire must be 10 joules;

(3) notify the Minister responsible for Wildlife and Parks of any modification he wishes to make to the fence referred to in paragraph 1 or 2;

(4) notify without delay a wildlife conservation officer where he notices that an animal has escaped from the enclosure;

(5) allow a wildlife conservation officer or a person accompanying him to take samples from the exotic species kept in captivity or from the premises on which they are kept;

(6) submit to the Minister, on or before 31 January of each year, a report indicating:

(a) the number of animals of each species kept in captivity;

(b) the number of animals of each species born during the year;

(c) the number of animals of each species that died during the year;

(d) the number of animals of each species that escaped and the number of animals recovered, if any, during the year;

(e) the number of animals of each species killed by the licence holder during the year and the number of animals killed by third persons;

(f) the number of animals of each species sent to the slaughterhouse during the year;

(7) comply with the provisions of Division II, section 10 and section 56 respecting enclosures.

59.6. Any person may kill a buffalo, a cervidae that may be kept in captivity without a licence, a peccary or a boar kept in captivity by a holder of a game ranch licence for exotic species, provided that the animal is killed using a method that causes instant death or that does not cause the animal to suffer unnecessarily.

For the purposes of the killing referred to in the first paragraph, the holder of a game ranch licence for exotic species shall keep the animals to be killed in an enclosure having at least 10 hectares and no more than 200 hectares in area and at least 100 metres in width; at

least 80 % of the area of the enclosure must be wooded land and be surrounded by a fence complying with the relevant provisions of paragraph 1 or 2 of section 59.5.

§2. Breeding and game ranch for white-tailed deer

59.7. A game ranch and breeding licence for white-tailed deer authorizes the keeping in captivity of white-tailed deer for breeding purposes or for the purposes of operating a game ranch.

59.8. To obtain a game ranch and breeding licence for white-tailed deer, a person shall hold, on 22 April 1999, the licence to keep white-tailed deer issued under the Regulation respecting animals in captivity made by Order in Council 1029-92 dated 8 July 1992 and shall fulfil the following conditions:

(1) keep at least 25 white-tailed deer in captivity;

(2) submit a development plan for the site where the animals will be kept indicating its features with respect to the percentage of wooded land and its main tree species, and the layout of the enclosures, which must be surrounded by a fence complying with the provisions of paragraph 2 of section 59.11;

(3) demonstrate that each enclosure has a minimum area of 10 hectares;

(4) indicate the breeder code related to the tattoo provided by the Minister of Agriculture, Fisheries and Food;

(5) apply therefor before 15 May 1999.

59.9. The Minister shall issue a game ranch and breeding licence for white-tailed deer provided that the applicant:

(1) pays the fees determined by the Regulation respecting the scale of fees and duties related to the development of wildlife;

(2) meets the requirements of section 59.8;

(3) remits to him his licence to keep white-tailed deer.

59.10. The Minister shall renew such licence where its holder:

(1) applies for the renewal thereof;

(2) pays the fees determined by the Regulation respecting the scale of fees and duties related to the development of wildlife;

(3) keeps in captivity a minimum of 25 white-tailed deer which must be identified by the tattoo referred to in paragraph 4 of section 59.8 and by a tag recognized by the Minister responsible for Wildlife and Parks for that purpose;

(4) has complied with the provisions of Division II and Subdivision 2 of this Division.

Upon renewing the licence referred to in the first paragraph, the Minister may convert it into a licence to keep white-tailed deer referred to in section 75.1, upon application by the licence holder and provided that the latter meets the requirements of section 54; the converted licence shall be renewable on the conditions provided for in section 75.1.

59.11. A holder of a game ranch and breeding licence for white-tailed deer shall:

(1) keep a minimum of 25 white-tailed deer, which shall be identified, alive, by the tattoo referred to in paragraph 4 of section 59.8 and by a tag recognized by the Minister responsible for Wildlife and Parks for that purpose; in the case of a newborn deer, the holder shall have until 31 December following the date of its birth to identify the deer in the manner provided for in this paragraph;

(2) maintain an enclosure surrounded by a game fence at least 2.4 metres high, having square meshes not larger than 15 cm between the vertical strands and at least 20 horizontal strands; the outside and inside lateral clearance of that perimeter fence shall be at least 3 m from any obstacle that could reduce the minimum height of 2.4 metres; the distance between the posts of the fence may not exceed 8 metres;

(3) notify the Minister responsible for Wildlife and Parks of any modification he wishes to make to the fence referred to in paragraph 2 or of any change in the location of the premises where the animals are kept;

(4) notify without delay a wildlife conservation officer where he notices that an animal has escaped from the enclosure;

(5) allow a wildlife conservation officer or a person accompanying him to take samples from the deer kept in captivity or from the premises on which they are kept;

(6) submit to the Minister, on or before 31 January of each year, a report indicating:

(a) the number of deer kept in captivity during the year;

- (b) the number of deer born during the year;
- (c) the number of deer that died during the year;
- (d) the number of deer that escaped and the number of deer recovered, if any, during the year;
- (e) the number of deer killed by the licence holder during the year and the number of deer killed by third persons;
- (f) the number of deer sent to the slaughterhouse during the year;
- (7) keep an up-to-date register, indicating for each animal:
 - (a) the tattoo and tag numbers;
 - (b) the animal's sex;
 - (c) the year of birth;
 - (d) the dates of the various transactions concerning the animal, i.e purchase, sale, donation or delivery to a slaughterhouse, and the name and address of the persons who are parties to those transactions;
 - (e) the date on which the animal was killed and the name and address of the person who killed it;
- (8) comply with the provisions of Division II, section 56 respecting the enclosure and sections 58 and 59.

59.12. A holder of game ranch and breeding licence for white-tailed deer may dispose of a live or dead deer or any of its parts.

59.13. A holder of game ranch and breeding licence for white-tailed deer may have a deer killed by a slaughterhouse provided that its operator:

- (1) holds the permit referred to in subparagraph *a* of the first paragraph of section 9 of the Agricultural Products, Marine Products and Food Act (R.S.Q., c. P-29) authorizing him to kill cervidae; or
- (2) is exempt from the obligation to hold a permit referred to in paragraph 1, under the second paragraph of section 9 of the Agricultural Products, Marine Products and Food Act, because he is operating a plant registered under the Meat Inspection Act (Revised Statutes of Canada (1985), c. 25, 1st Supp.).

59.14. Any person may kill a white-tailed deer kept in captivity by a holder of a game ranch and breeding licence for white-tailed deer on the following conditions:

- (1) the animal shall be killed using a method that causes instant death or that does not cause the animal to suffer unnecessarily;
- (2) the identification tag shall remain on the animal until it is stored or cut up.

For the purposes of the killing referred to in the first paragraph, the holder of a game ranch and breeding licence for white-tailed deer shall keep the animals to be killed in an enclosure having at least 10 hectares and no more than 200 hectares in area and at least 100 metres in width; at least 80 % of the area of the enclosure must be wooded land and be surrounded by a fence complying with the relevant provisions of paragraph 1 or 2 of section 59.5.

59.15. Any person who carries a white-tailed deer killed under section 59.13 or 59.14 shall have in his possession a proof of purchase of the animal.”

9. Section 69 is amended by substituting the following for the second paragraph:

“Upon written request, the Minister shall issue a licence to keep animals for exhibition purposes.”

10. The following is substituted for section 70:

“**70.** Any person who contravenes sections 2, 3, 5, 6, 7, 8, 10, 11, 13, 21, 23, 29, 30, 31, 36, 38, 39, 46, 47, 48, 55, 56, 57, 58, 59.5, 59.6, 59.11, 59.13, 59.14, 59.15, 65, 68 or 74 is guilty of an offence.”

11. The following is inserted after section 75:

“**75.1.** A licence to keep white-tailed deer, under the Regulation respecting animals in captivity made by Order in Council 1029-92 dated 8 July 1992 issued before 22 April 1999 remains in force; it authorizes the keeping in captivity of white-tailed deer for recreational purposes and it may be renewed yearly in accordance with section 54.”

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