

Draft Regulations

Draft Regulation

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

Animals in captivity

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation respecting animals in captivity, the text of which appears below, may be made by the Government upon the expiry of 45 days following this publication.

The purpose of the draft Regulation is to update the standards governing the keeping in captivity of animals according to the social evolution and to rectify the unfairness between the obligations of holders of zoological garden and wildlife observation centre licences and persons who keep exotic species without a licence and who exhibit them to the public. It is also intended to amend various technical standards concerning the keeping of animals in captivity.

To that end, the draft Regulation proposes to allow the keeping without a licence of pygmy hedgehogs and flying squirrels and the keeping with a licence of birds of prey. It also provides that persons who exhibit animals to the public must hold a licence to keep animals for exhibition purposes and comply with standards governing the keeping of animals in captivity. Finally, it proposes to amend certain technical standards to take into account current practices in order to improve the application of the Regulation and to ensure public safety.

To date, study of the matter has revealed no negative impact on the public since the amendments are intended to allow the keeping in captivity of new animal species and comply with current standards. Businesses and individuals that exhibit animals that may be kept without a licence for remuneration will have to hold a licence to keep animals for exhibition purposes and comply with standards similar to those imposed on holders of wildlife observation centre licences.

Further information may be obtained by contacting :

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Any interested person having comments to make on the matter is asked to send them in writing, before the expiry of the 45-day period, to the Minister responsible for Wildlife and Parks, 700, boulevard René-Lévesque Est, 29^e étage, Québec (Québec) G1R 5H1.

GUY CHEVRETTE,
*Minister responsible
for Wildlife and Parks*

Regulation respecting animals in captivity

An Act respecting the conservation and development of wildlife
(R.S.Q., c. C-61.1, ss. 42, 43, 55 and 162, pars. 1, 7, 9, 14, 16, 22 and 23)

DIVISION I

SCOPE AND INTERPRETATION

1. This Regulation applies to the keeping of animals in captivity, catching an animal with a view to keeping it in captivity and, where applicable, disposal of animals.
2. In this Regulation, area numbers refer to the areas established by the Fishing and Hunting Areas Regulation, made by Order in Council 27-90 dated 10 January 1990.

DIVISION II

GENERAL OBLIGATIONS

3. Any person who keeps an animal in captivity shall

(1) provide it with drinking water and food in sufficient quantity and of sufficient quality to meet its physiological needs;

(2) keep it in a clean place suitable for the needs of its species;

(3) ensure that it has access at all times to a shelter suitable for the needs of its species; and

(4) ensure that it receives the care required by its health condition.

4. Any person who kills an animal kept in captivity shall do so using a method that causes instant death or that does not cause the animal to suffer unnecessarily.

DIVISION III

KEEPING OF ANIMALS IN CAPTIVITY WITHOUT A LICENCE AND DISPOSAL

5. No licence is required to keep animals in captivity for personal purposes, to capture them for the purpose of such keeping in captivity and, where applicable, to dispose of eggs or tadpoles of the amphibians listed in Schedule I or no more than 10 animals of the native species listed in Schedule I, including no more than two bullfrogs.

6. Anyone who captures an animal of a native species listed in Schedule I without a licence for the purpose of keeping it in captivity shall use a method, other than fire, that does not injure the animal.

Captures may be made at any time of the year, except for bullfrogs and northern leopard frogs, which may be captured only during the period extending from 15 July to 15 November.

Amphibians listed in Schedule I may be caught in all fishing and hunting areas except areas, 17, 19 northern part, 22, 23 and 24.

7. Anyone who keeps animals, eggs or tadpoles of a native species listed in Schedule I in captivity without a licence may dispose of them otherwise than by selling them or killing them.

8. No licence is required to keep in captivity, for personal or breeding purposes, or, where applicable, to dispose of an animal of a species listed in Schedule II.

9. Anyone who keeps cervidae listed in Schedule II in captivity without a licence shall erect 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.

Furthermore, the perimeter fence of the enclosure shall have no trap or barrier intended to capture animals outside the enclosure.

10. Anyone who keeps peccaries or boars in captivity without a licence shall erect an enclosure surrounded by a fence at least 1.8 m above ground level and made of

(1) 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 fence; or

(2) steel chain links of gauge 13 minimum, from 92 cm to 1.24 m high and the 88 or 56 additional centimetres may be made of game fence; 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 voltage in the wire must be 10 joules.

Furthermore, the perimeter fence of the enclosure shall have no trap or barrier intended to capture animals outside the enclosure.

11. Anyone who keeps in captivity boars, peccaries, buffalos or cervidae listed in Schedule II without a licence shall notify without delay a wildlife protection officer where he notices that an animal has escaped from the enclosure.

12. Anyone who keeps in captivity an animal of a species listed in Schedule II without a licence may dispose of it by selling it, giving it away or killing it.

The person may dispose of a quail, northern bobwhite, pheasant, francolin, rock partridge or chukar, red-legged partridge, guinea fowl or rock dove by setting it free in the wild. The person may also dispose of a wild turkey by setting it free in the wild, except in fishing and hunting areas 4, 5, 6 and 8.

Where an animal of a species listed in Schedule II is sold by a retail merchant, excluding bovidae, camelidae, cervidae, boar or ratitae, the merchant must provide the purchaser with an information sheet on which he must indicate the name of the species, its normal adult size and the conditions essential to its well-being.

13. No licence is required to keep an animal of a species listed in Schedule III in captivity for breeding purposes or, where applicable, to dispose of it provided that at least 10 adult females of the same species are kept.

14. Anyone who keeps in captivity without a licence an animal of a species listed in Schedule III may dispose of it by selling it, giving it away or killing it.

15. No licence is required for the keeping in captivity of a monkey by a training institute or a person under contract to such institute where such monkey is trained for the purpose of compensating for a person's physical disability.

No licence is required to keep a trained monkey in captivity if such monkey is required to compensate for a person's physical disability.

16. No licence is required for the keeping in captivity and, where applicable, the disposal of exotic species or native amphibians, other than threatened or vulnerable species designated in the Act respecting threatened or vulnerable species (R.S.Q., c. E-12.01), by a teaching institution or a research agency.

17. No licence is required for the keeping in captivity, catching with a view to keeping in captivity and, where applicable, the disposal of a migratory bird or its eggs by the holder of an avicultural permit issued under the Migratory Birds Regulations (C.R.C., c. 1035).

18. No licence is required by a veterinary surgeon or by the holder of a zoological garden licence or of a wildlife observation centre licence to keep injured or orphaned animals of native species in captivity for rehabilitation purposes, provided that the captivity does not exceed one year.

Once an animal is rehabilitated, the veterinary surgeon or the licence holder shall set it free in the wild if it is fit to survive there. If not, he may kill it or give it to a wildlife protection officer.

19. A licence holder or a veterinary surgeon who keeps an animal in captivity without a licence for rehabilitation purposes shall

(1) permit a wildlife protection officer or a person accompanying him to take samples from the animals kept in captivity or from the premises on which they are kept;

(2) submit to the Société de la faune et des parcs du Québec, on or before 31 January of each year, a report indicating

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

(b) the origin of the animals received during the year and the date of their receipt; and

(c) the number of animals of each species that died, that were killed or that were disposed of during the year.

DIVISION IV ZOOLOGICAL GARDENS

20. A zoological garden licence authorizes its holder to keep animals of native or exotic species in captivity for conservation, research, educational, exhibition and recreational purposes. It also authorizes its holder to catch an animal of a native species listed in Schedule I with a view to keeping it in captivity.

21. To obtain a zoological garden licence, a person shall, at the time of his written application to the Société,

(1) provide his name and address; in the case of a legal person, its firm name and the address of its head office; in the case of a partnership, its name and the address of its main place of business; in the case of a natural person doing business under another name, that name, the person's name and address and the address of his main place of business;

(2) specify the proposed location and area of the zoological garden;

(3) specify the animal species the applicant wishes to keep in captivity;

(4) indicate the name of the veterinary surgeon who will be employed by the zoological garden, unless only fish, amphibians or reptiles will be kept; in the latter case, the applicant must indicate the name of the veterinary surgeon who will be responsible for supervising their care, as well as the name of the animal biological sciences technician or animal health technician who will be employed by the zoological garden; and

(5) explain how the buildings, cages, enclosures and shelters of the animals kept in captivity will be designed or built so as to prevent any animal attack and any transmission of fatal infectious diseases.

The application shall be accompanied by

(1) a land-use plan for the site, to a scale that makes it possible to locate the infrastructures for receiving the public and for providing access to the public, the buildings, cages, enclosures, shelters and drinking water outlets for the animals kept in captivity;

(2) plans and specifications of new structures, in particular cages, enclosures, shelters and drinking water outlets for the animals kept in captivity; where the structures are already in place, their dimensions may be provided instead of the plans and specifications;

(3) a description of the proposed educational program to inform visitors about the animals kept in captivity and their habitat; such program shall explain

(a) the educational goals and objectives of the zoological garden; and

(b) the programs offered to visitors;

(4) a description of the animal health program, with details specifying

(a) preventive and curative health programs;

(b) the list of the equipment to be used for veterinary care;

(c) the policy for acquiring and disposing of animals; and

(d) the procedure for disposing of dead animals; and

(5) a list of the animals and the number of each species that will be kept.

22. A zoological garden licence is renewable if its holder

(1) applies therefor in writing to the Société;

(2) complies with the provisions of Division II and those of this Division;

(3) states that he keeps animals of the same species as the species that he declared when he applied for a licence, indicates any new species of animals that he keeps in captivity and submits the plans and specifications of new structures, in particular cages, enclosures, shelters and drinking water outlets for those species;

(4) supplies a report drawn up by the veterinary surgeon employed by the zoological garden or by the veterinary surgeon responsible for supervising the care of the fish, amphibians or reptiles, dated not more than 3 months before the application for renewal, attesting that the animals or fish, amphibians or reptiles kept in captivity are in good health and are receiving the care required by their health condition; and

(5) includes with the application the fees prescribed by the Regulation respecting the scale of fees and duties related to the development of wildlife, made by Order in Council 1291-91 dated 18 September 1991.

23. The holder of a zoological garden licence shall

(1) provide educational activities to enable visitors to learn about the animals kept in captivity and their habitat;

(2) build and maintain every shelter, cage or enclosure in accordance with the plans and specifications referred to in subparagraph 2 of the second paragraph of section 21;

(3) keep the animals in buildings, cages, enclosures or shelters designed or built to prevent any animal attack and any transmission of fatal infectious diseases;

(4) have in his employ a veterinary surgeon at least 30 hours a week, unless he keeps in captivity only fish, amphibians or reptiles; in the latter case, he must ensure that their care is supervised by a veterinary surgeon whose contract for services provides for at least 1 visit per month and must have in his employ an animal biological sciences technician or animal health technician;

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

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

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

(b) the origin of the animals acquired during the year;

(c) the number of animals of each species that were given away, exchanged or loaned and the name and address of each party to the transactions and the transaction dates;

(d) the number of animals of each species that died or that were killed or sold during the year;

(e) the educational activities offered to visitors during the year; and

(f) alterations made to the premises on which the animals are kept in captivity; and

(7) keep a register containing the information referred to in subparagraphs *b*, *c* and *d* of paragraph 6 and enter therein, where applicable, the name and address of each party to the transactions and the transaction dates.

24. The holder of a zoological garden licence may exhibit the animals that he keeps in captivity at a location other than that referred to in subparagraph 2 of the first paragraph of section 21, provided that he has a document issued by the municipality attesting that such exhibition at such location complies with municipal by-laws.

25. The holder of a zoological garden licence may dispose of an animal that he keeps in captivity, including an animal listed in Schedule I, by selling it, by giving it to another person entitled to keep it or by killing it.

In the case of an animal listed in Schedule I, he may also dispose of it by setting it free in the wild or, in the case of an animal referred to in the second paragraph of section 12, by setting it free in the wild in accordance with that section.

DIVISION V WILDLIFE OBSERVATION CENTRES

26. A wildlife observation centre licence authorizes its holder to keep in captivity animals of the species listed in Schedule II, of native species or naturalized species for conservation, research, educational, exhibitional or recreational purposes, for at least three months per year. It also authorizes its holder to catch an animal of a native species listed in Schedule I with a view to keeping it in captivity.

27. To obtain a wildlife observation centre licence, a person shall, at the time of his written application to the Société,

(1) provide his name and address; in the case of a legal person, its firm name and the address of its head office; in the case of a partnership, its name and the address of its main place of business; in the case of a natural person doing business under another name, that name, the person's name and address and the address of his main place of business;

(2) specify the proposed location and area of the observation centre;

(3) specify the animal species the applicant wishes to keep in captivity and their origin;

(4) indicate the name of the veterinary surgeon who will be responsible for supervising the care given to the animals; and

(5) explain how the buildings, cages, enclosures and shelters of the animals kept in captivity will be designed or built so as to prevent any animal attack and any transmission of fatal infectious diseases.

The application shall be accompanied by

(1) a land-use plan for the site, to a scale that makes it possible to locate the infrastructures for receiving the public and for providing access to the public, the buildings, cages, enclosures, shelters and drinking water outlets for the animals kept in captivity;

(2) plans and specifications of new structures, in particular cages, enclosures, shelters and drinking water outlets for the animals kept in captivity; where the structures are already in place, their dimensions may be provided instead of the plans and specifications;

(3) a description of the proposed educational program to inform visitors about the animals kept in captivity and their habitat; such program shall explain

(a) the educational goals and objectives of the wild-life observation centre; and

(b) the programs offered to visitors;

(4) a description of the animal health program, with details specifying

(a) preventive and curative health programs;

(b) the list of the equipment to be used for veterinary care;

(c) the policy for acquiring and disposing of animals; and

(d) the procedure for disposing of dead animals; and

(5) a list of the animals and the number of each species that will be kept.

28. A wildlife observation centre licence is renewable if its holder

(1) applies therefor in writing to the Société;

(2) complies with the provisions of Division II and those of this Division;

(3) states that he keeps animals of the same species as the species that he declared when he applied for a licence, indicates any new species of animals that he

keeps in captivity and submits the plans and specifications of new structures, in particular cages, enclosures, shelters and drinking water outlets for those species;

(4) supplies a veterinary surgeon's report dated not more than 3 months before the application for renewal describing the health of the animals kept in captivity, on the basis of a visual examination, and the conditions in which the animals are kept; and

(5) includes with the application the fees prescribed by the Regulation respecting the scale of fees and duties related to the development of wildlife.

29. The holder of a wildlife observation centre licence shall

(1) provide educational activities to enable visitors to learn about the animals kept in captivity and their habitat;

(2) build and maintain every shelter, cage or enclosure in accordance with the plans and specifications referred to in subparagraph 2 of the second paragraph of section 27;

(3) keep the animals in buildings, cages, enclosures or shelters designed or built to prevent any animal attack and any transmission of fatal infectious diseases;

(4) have the care given to the animals supervised by a veterinary surgeon whose contract for services provides for at least 1 visit per month;

(5) have in his employ a person responsible for taking care of the animals, who must have a diploma at the college or university level in a field related to animal biological sciences or animal health;

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

(7) submit to the Société, on or before 31 January of each year, a report indicating

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

(b) the origin of the animals acquired during the year;

(c) the number of animals of each species that were given away, exchanged or loaned and the name and address of each party to the transactions;

(d) the number of animals of each species that died or that were killed or sold during the year;

(e) the educational activities offered to visitors during the year; and

(f) alterations made to the premises on which the animals are kept in captivity; and

(8) keep a register containing the information referred to in subparagraphs *b*, *c* and *d* of paragraph 7 and enter therein, where applicable, the name and address of each party to the transactions and the transaction dates.

30. The holder of a wildlife observation centre licence may not acquire an animal of a species whose keeping requires a licence under this Regulation, unless he acquires the animal from a person entitled to keep an animal of that species.

31. The holder of a wildlife observation centre licence may dispose of an animal that he keeps in captivity, including an animal listed in Schedule I, by selling or giving it to another person entitled to keep it or by killing it.

In the case of an animal listed in Schedule I, he may also dispose of it by setting it free in the wild or, in the case of an animal referred to in the second paragraph of section 12, by setting it free in the wild in accordance with that section.

DIVISION VI **WILDLIFE REHABILITATION CENTRES**

32. A wildlife rehabilitation centre licence authorizes its holder to keep in captivity, for rehabilitation purposes, injured or orphaned animals of native species.

33. To obtain a wildlife rehabilitation centre licence, a person shall, at the time of his written application to the Société,

(1) provide his name and address; in the case of a legal person, its firm name and the address of its head office; in the case of a partnership, its name and the address of its main place of business; in the case of a natural person doing business under another name, that name, the person's name and address and the address of his main place of business;

(2) specify the proposed location of the rehabilitation centre;

(3) indicate the name and address of the persons who keep animals in captivity under his supervision, for rehabilitation purposes, and the locations where the animals will be kept;

(4) indicate the name of the veterinary surgeon with whom the applicant has signed a services contract for the provision of the health care required by the animals kept for rehabilitation purposes;

(5) provide the plans and specifications for the premises on which the animals will be kept;

(6) provide the list of the equipment to be used for veterinary care;

(7) indicate the procedure for disposing of dead animals; and

(8) indicate the name of the person responsible for taking care of the animals.

34. A wildlife rehabilitation centre licence is renewable if its holder

(1) applies therefor in writing to the Société;

(2) complies with the provisions of Division II and those of this Division;

(3) includes with the application an attestation from the veterinary surgeon with whom he has signed a services contract for the provision of the health care required by the animals kept for rehabilitation purposes, to the effect that the services contract is still in force;

(4) indicates in his application the name and address of each person under his supervision who keeps animals in captivity for rehabilitation purposes and the locations where they will be kept; and

(5) includes with the application the fees prescribed by the Regulation respecting the scale of fees and duties related to the development of wildlife.

35. The holder of a wildlife rehabilitation centre licence shall

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

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

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

(b) the origin of the animals acquired during the year; and

(c) the number of animals of each species that died or that were killed or otherwise disposed of during the year;

(3) keep a register and enter therein, for each animal received, its origin, the names and addresses of the persons who provided the licence holder with it, the date of receipt, the date on which it was set free and the location or the date it was put to death;

(4) keep up to date a list of the persons under his supervision who keep animals in captivity for rehabilitation purposes; and

(5) build and maintain every shelter, cage or enclosure in accordance with the plans and specifications referred to in paragraph 5 of section 33.

36. The holder of a wildlife rehabilitation centre licence may not keep an animal for rehabilitation purposes for more than one year.

Once an animal is rehabilitated, the licence holder shall set it free in the wild if it is fit to survive there. If not, he may kill it or give it to a wildlife protection officer.

DIVISION VII

KEEPING OF AMPHIBIANS

37. A licence to keep amphibians authorizes its holder to capture the species listed in Schedule IV with a view to keeping them in captivity and to keep them in captivity for commercial and breeding purposes.

38. To obtain a licence to keep amphibians, a person shall, at the time of his written application to the Société,

(1) provide his name and address; in the case of a legal person, its firm name and the address of its head office; in the case of a partnership, its name and the address of its main place of business; in the case of a natural person doing business under another name, that name, the person's name and address and the address of his main place of business;

(2) indicate the species that he wishes to capture and keep; and

(3) indicate the premises on which they will be kept.

39. The family members of the holder of a licence to keep amphibians, where they have the same domicile as the licence holder, as well as the shareholders and employees of a legal person, the partners and employees of a partnership and the employees of a person doing

business under another name and holding a licence to keep amphibians, may capture amphibians, under the same licence.

40. A licence to keep amphibians is renewable if its holder

- (1) applies therefor in writing to the Société;
- (2) complies with the provisions of Division II and those of this Division;
- (3) includes with the application the fees prescribed by the Regulation respecting the scale of fees and duties related to the development of wildlife.

41. The holder of a licence to keep amphibians shall submit a report to the Société on or before 31 January each year, indicating

- (1) where the amphibians were captured and how many amphibians of each species were captured at each place of capture;
- (2) the number of amphibians purchased and their origin; and
- (3) the number of amphibians of each species that were sold.

42. The holder of a licence to keep amphibians and the persons referred to in section 39 may catch the amphibians listed in Schedule IV at any time of the year, except bullfrogs, northern leopard frogs and green frogs, which may be captured from 15 July to 15 November.

Those amphibians may be caught in all fishing and hunting areas except areas, 17, 19 northern part, 22, 23 and 24.

43. The holder of a licence to keep amphibians and the persons referred to in section 39 who capture an amphibian listed in Schedule IV shall use a method, other than fire, that does not injure the animal.

44. The holder of a licence to keep amphibians and the persons referred to in section 39 may dispose of the amphibians they keep in captivity, excluding their eggs or tadpoles, by giving, selling or killing them or by setting them free in the wild.

DIVISION VIII **KEEPING OF WHITE-TAILED DEER**

45. A licence to keep white-tailed deer authorizes its holder to keep in captivity no more than five white-tailed deer for personal purposes.

46. A licence to keep white-tailed deer is renewable if its holder

- (1) applies therefor in writing to the Société;
- (2) complies with the provisions of Division II and those of this Division;
- (3) keeps in captivity, on 1 April of each year, no more than five white-tailed deer that must bear the tag used commercially to mark swine and sheep; and
- (4) includes with the application the fees prescribed by the Regulation respecting the scale of fees and duties related to the development of wildlife.

47. The holder of a licence to keep white-tailed deer shall

(1) maintain an enclosure surrounded by a fence at least 2.4 metres high in which the deer have access to shade and shelter at all times;

(2) erect and maintain any new enclosure by surrounding it with 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;

(3) make sure that the perimeter fence has no trap or barrier intended to capture animals outside the enclosure;

(4) keep the gates of the perimeter fence closed, even in the absence of deer;

(5) allow a wildlife protection 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) notify without delay a wildlife protection officer when he notices that an animal has escaped from the enclosure;

(7) submit to the Société, on or before 31 January of each year, a report indicating

(a) the number of deer kept in captivity;

(b) the number of deer purchased, received or given away and, where applicable, the name and address of each party to the transactions and the transaction dates;

(c) the number of deer born from the deer kept in captivity; and

(d) the number of deer kept in captivity who died or were killed during the year; and

(8) keep in captivity, on 1 April of each year, no more than five white-tailed deer that must bear the tag used commercially to mark swine and sheep.

48. The holder of a licence to keep white-tailed deer may, until 31 March of each year, keep more than five white-tailed deer provided that the additional deer are the newborn of the deer referred to in paragraph 3 of section 46; in that case, he is not required to mark them in accordance with that paragraph.

49. The holder of a licence to keep white-tailed deer may dispose of a deer he keeps in captivity by killing it.

DIVISION IX GAME FARMS

§1. Game ranches for exotic species

50. A game ranch licence for exotic species authorizes the keeping in captivity of animals of the exotic species listed in Schedule V for the purpose of operating a game ranch.

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

(1) his name and address; in the case of a legal person, its firm name and the address of its head office; in the case of a partnership, its name and the address of its main place of business; in the case of a natural person doing business under another name, that name, the person's name and address and the address of his main 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 53; each enclosure must have a minimum area of 10 hectares.

52. A game ranch licence for exotic species is renewable if its holder

(1) applies therefor in writing to the Société;

(2) complies with the provisions of Division II, those of the first paragraph of section 12 and those of this Subdivision; and

(3) includes with the application the fees prescribed by the Regulation respecting the scale of fees and duties related to the development of wildlife.

53. The 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 fence; 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 fence; 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 voltage in the wire must be 10 joules;

(3) make sure that the perimeter fence of the enclosures referred to in paragraphs 1 and 2 has no trap or barrier intended to capture animals outside the enclosure; and

(4) notify the Société of any modification he wishes to make to the fence referred to in paragraph 1 or 2;

(5) notify without delay a wildlife protection officer when he notices that an animal has escaped from the enclosure;

(6) allow a wildlife protection 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;

(7) submit to the Société, 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 parties; and

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

54. Any person may kill a buffalo, a cervidae listed in Schedule II, a peccary or a boar kept in captivity by the 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.

To that end, 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 53.

§2. *Breeding and game ranches for white-tailed deer*

55. 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 purpose of operating a game ranch.

56. A game ranch licence for white-tailed deer is renewable if its holder

(1) applies therefor in writing to the Société;

(2) complies with the provisions of Division II and those of this Subdivision;

(3) keeps at least 25 white-tailed deer in captivity which must be identified by the tattoo indicating the breeder code provided by the Minister of Agriculture, Fisheries and Food and by the tag used commercially to mark swine and sheep; and

(4) includes with the application the fees prescribed by the Regulation respecting the scale of fees and duties related to the development of wildlife.

Upon renewing his licence, the licence holder may request that it be renewed as a licence to keep white-tailed deer provided that the licence holder meets the requirements of section 46.

57. The holder of a game ranch and breeding licence for white-tailed deer shall

(1) keep a minimum of 25 white-tailed deer, which must be identified, while they are alive, by the tattoo indicating the breeder code provided by the Minister of Agriculture, Fisheries and Food and by the tag used commercially to mark swine and sheep; in the case of a newborn deer, it must be identified no later than 31 December following the date of its birth;

(2) maintain an enclosure having at least 10 hectares in area, 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) make sure that the perimeter fence has no trap or barrier intended to capture animals outside the enclosure;

(4) keep the gates of the perimeter fence closed, even in the absence of animals;

(5) notify the Société 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;

(6) notify without delay a wildlife protection officer when he notices that an animal has escaped from the enclosure;

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

(8) submit to the Société, on or before 31 January of each year, a report indicating

(a) the number of deer 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; and

(f) the number of deer sent to the slaughterhouse during the year;

(9) 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, such as its purchase, sale, donation or delivery to a slaughterhouse, and the name and address of each party to those transactions; and

(e) the date on which the animal was killed and the name and address of the person who killed it.

58. The holder of a game ranch and breeding licence for white-tailed deer may dispose of a live or dead deer or any of its parts otherwise than by setting it free in the wild.

59. The holder of a 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 Food Products 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 Act because he is operating a plant registered under the Meat Inspection Act (Revised Statutes of Canada (1985), c. 25, 1st Supp.).

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

(1) the animal must be killed using a method that causes instant death or that does not cause the animal to suffer unnecessarily;

(2) the identification tag must remain on the animal until it is stored or dressed.

To that end, 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 53.

61. The holder of a game ranch and breeding licence for white-tailed deer shall remit to the person who kills a white-tailed deer in accordance with section 60 a proof of purchase of the killed animal.

62. Any person who carries a white-tailed deer killed under section 59 or 60 shall have in his possession a proof of purchase of the animal.

DIVISION X **ANIMAL BROKERS**

63. An animal broker's licence authorizes its holder to keep animals of native or exotic species in captivity for commercial purposes other than exhibition.

64. To obtain an animal broker's licence, a person shall, at the time of his written application to the Société,

(1) provide his name and address; in the case of a legal person, its firm name and the address of its head office; in the case of a partnership, its name and the address of its main place of business; in the case of a natural person doing business under another name, that name, the person's name and address and the address of his main place of business;

(2) indicate the premises on which the animals are kept; and

(3) provide the plans and specifications of the shelters, cages or enclosures.

65. An animal broker's licence is renewable if its holder

(1) applies therefor in writing to the Société;

(2) complies with the provisions of Division II and those of this Division; and

(3) includes with the application the fees prescribed by the Regulation respecting the scale of fees and duties related to the development of wildlife.

66. The holder of an animal broker's licence may not keep an animal for more than

- (1) six months, in the case of an animal that is neither imported nor exported;
- (2) seven months, in the case of an imported animal; or
- (3) six months, in the case of an exported animal.

67. The holder of an animal broker's licence shall

(1) keep a transaction register that indicates, for each animal traded, its scientific name, its origin and destination, the names and addresses of the parties to the transaction and the transaction date;

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

(3) submit to the Société, on or before 31 January of each year, a copy of his transaction registers or a report indicating the number and species of animals kept in captivity, the origin and destination of each animal, the transaction dates and the number of animals that died in transit;

(4) post the following information on each cage or enclosure in such a manner that it is visible from the outside:

- (a) the broker's name and address;
- (b) the broker's licence number;
- (c) the name of the animal species and the number of animals;
- (d) the origin of each animal and the date on which it was received; and

(e) the destination of each animal and the anticipated shipment date; and

(5) build and maintain any shelter, cage or enclosure in accordance with the plans and specifications mentioned in paragraph 3 of section 64.

68. The holder of an animal broker's licence may transfer an animal of any species only to a person entitled to keep such animal in captivity.

DIVISION XI **ANIMALS KEPT IN CAPTIVITY FOR EXHIBITION PURPOSES**

69. A licence to keep animals for exhibition purposes authorizes its holder to keep in captivity, for exhibition purposes, the animals of the species listed in Schedule II or animals mentioned on the licence for provisional custody referred to in section 87.

70. A non-resident licence to keep animals for exhibition purposes authorizes its holder to keep in captivity, for exhibition purposes, animals of native, naturalized or exotic species.

71. To obtain a resident licence to keep animals for exhibition purposes, a person shall, at the time of his written application to the Société,

(1) be a resident;

(2) provide his name and address; in the case of a legal person, its firm name and the address of its head office; in the case of a partnership, its name and the address of its main place of business; in the case of a natural person doing business under another name, that name, the person's name and address and the address of his main place of business;

(3) specify the animal species the applicant wishes to keep in captivity for exhibition purposes, their number and origin;

(4) specify the location where the animal species will be kept in captivity and the location where they will be exhibited; and

(5) indicate the name of the veterinary surgeon who will be responsible for supervising the care given to the animals.

The application shall be accompanied by

(1) a land-use plan for the site, to a scale that makes it possible to locate the infrastructures for receiving the public and for providing access to the public, the buildings, cages, enclosures, shelters and drinking water outlets for the animals kept in captivity;

(2) plans and specifications of new structures, in particular cages, shelters and drinking water outlets for the animals; where the structures are already in place, their dimensions may be provided instead of the plans and specifications;

(3) a description of the animal health program, with details specifying

(a) the preventive and curative health programs ;

(b) the list of the equipment to be used for veterinary care ;

(c) the policy for acquiring and disposing of animals ; and

(d) the procedure for disposing of dead animals ; and

(4) a copy of the document issued by the municipality attesting that such exhibition at the location specified in subparagraph 4 of the first paragraph complies with municipal by-laws.

72. To obtain a non-resident licence to keep animals for exhibition purposes, a person shall, at the time of his written application to the Société,

(1) be a non-resident ;

(2) provide his name and address ; in the case of a legal person, its firm name and the address of its head office ; in the case of a partnership, its name and the address of its main place of business ; in the case of a natural person doing business under another name, that name, the person's name and address and the address of his main place of business ;

(3) specify the animal species the applicant wishes to keep in captivity for exhibition purposes and their number ;

(4) specify the location where the animal species will be exhibited ;

(5) indicate the date of arrival in Québec of the animal species kept in captivity for exhibition purposes and the date of such exhibition ; and

(6) specify the name of the insurance company, the amount of coverage for civil liability, which must be sufficient to cover the risks involved in exhibiting animals in captivity, and the number of the insurance policy.

The application shall be accompanied by

(1) a land-use plan for the site, to a scale that makes it possible to locate the infrastructures for receiving the public and for providing access to the public, the buildings, cages, enclosures, shelters and drinking water outlets for the animals kept in captivity ;

(2) a copy of the civil liability insurance policy referred to in subparagraph 6 of the first paragraph ; and

(3) a copy of the document issued by the municipality attesting that such exhibition at the location specified in subparagraph 4 of the first paragraph complies with municipal by-laws.

73. A resident licence to keep animals for exhibition purposes is renewable if its holder

(1) applies therefor in writing to the Société ;

(2) complies with the provisions of Division II and those of this Division ;

(3) states that he keeps animals of the same species as the species that he declared when he applied for a licence, indicates any new species of animals that he keeps in captivity and submits the plans and specifications of new structures, in particular cages, enclosures, shelters and drinking water outlets for those species ;

(4) indicates in the application the location where the animal species will be exhibited and includes a copy of the document issued by the municipality attesting that such exhibition complies with municipal by-laws ;

(5) supplies a report drawn up by a veterinary surgeon, dated not more than 3 months before the application for renewal and describing the health of the animals kept in captivity, on the basis of a visual examination, and the conditions in which the animals are kept ; and

(6) includes with the application the fees prescribed by the Regulation respecting the scale of fees and duties related to the development of wildlife.

74. The holder of a licence to keep animals for exhibition purposes shall

(1) build and maintain every shelter, cage or enclosure in accordance with the plans and specifications referred to in subparagraph 2 of the second paragraph of section 71 ;

(2) have the care given to animals supervised by a veterinary surgeon whose contract for services provides for at least 1 visit per month ; and

(3) in the case of a non-resident licence, make sure that the civil liability insurance policy referred to in subparagraph 6 of the first paragraph of section 72 remains in force for all the term of the licence.

Furthermore, the holder of a resident licence to keep animals for exhibition purposes shall

(1) have in his employ a person responsible for the care given to the animals who has a college diploma or university degree in a field related to biological sciences;

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

(3) submit to the Société, on or before 31 January of each year, a report indicating

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

(b) the origin of the animals acquired during the year;

(c) the number of animals of each species that were given away or exchanged or loaned for reproduction purposes;

(d) the number of animals of each species that died or that were killed or sold during the year; and

(e) alterations made to the premises on which the animals are kept in captivity.

DIVISION XII FALCONRY

§1. Apprentice hawkers

75. An apprentice hawker's licence authorizes its holder to keep in captivity one bird of prey of a species listed in Schedule VI or a hybrid between those species.

76. To obtain an apprentice hawker's licence, a person shall, at the time of his written application to the Société,

(1) provide his name and address;

(2) be at least 16 years of age;

(3) indicate the location where the bird of prey will be kept; and

(4) not already hold an apprentice hawker's licence on the date of the application.

77. An apprentice hawker's licence is renewable if its holder

(1) applies therefor in writing to the Société;

(2) complies with the provisions of Division II and those of this Subdivision;

(3) includes with the application the register referred to in paragraph 3 of section 78 attesting that he received at least 15 hours of training in falconry; and

(4) includes with the application the fees prescribed by the Regulation respecting the scale of fees and duties related to the development of wildlife.

78. The holder of an apprentice hawker's licence shall

(1) have a leg band placed on the bird of prey by a wildlife protection officer within 15 days of its receipt, if the bird does not already have one;

(2) send to the Société, within 30 days of receiving the bird of prey, a report indicating the species kept in captivity, the bird's sex, age, origin, breeding and band number; and

(3) enter in the register each hour of training in falconry received from the holder of a hawker's licence and have it signed by the latter.

79. The holder of an apprentice hawker's licence shall remain in contact with his bird of prey at all times during flying activities; to that end, the licence holder must be equipped with a receiver and the bird with a transmitter making it possible to trace it.

§2. Hawkets

80. A hawker's licence authorizes its holder to keep in captivity birds of prey of the species listed in Schedule VI or a hybrid between those species.

81. To obtain a hawker's licence, a person shall, at the time of his written application to the Société,

(1) be a resident;

(2) be at least 18 years of age;

(3) provide his name and address;

(4) have successfully completed a course in falconry and provide an attestation from the person who gave the course, or have received 30 hours of training from the holder of a hawker's licence and submit the register attesting that he received such training with the signature of the trainer for each hour, or hold a hawker's licence and include a copy thereof with the application; and

(5) indicate the location where the birds of prey will be kept in captivity.

82. To obtain a non-resident hawkler's licence, a person shall, at the time of his written application to the Société,

(1) be a non-resident;

(2) hold a hawkler's licence for his place of residence and include a copy thereof with the application and

(3) indicate the location where the birds of prey will be kept.

83. A resident hawkler's licence is renewable if its holder

(1) applies therefor in writing to the Société;

(2) complies with the provisions of Division II and those of this Subdivision;

(3) includes with the application the register referred to in paragraph 3 of section 84; and

(4) includes with the application the fees prescribed by the Regulation respecting the scale of fees and duties related to the development of wildlife.

84. A holder of a hawkler's licence shall

(1) have a leg band placed on each bird of prey by a wildlife protection officer within 15 days of its receipt, if the bird does not already have a leg band;

(2) send to the Société, within 30 days of receiving a bird of prey, a report indicating the species kept in captivity, the bird's sex, age, origin, breeding and band number; and

(3) keep a register and enter therein

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

(b) the number of birds of each species born during the year, their hatching date, leg band number, sex, origin and breeding;

(c) the number of birds of each species that were lost during the year;

(d) the number of birds of each species that died during the year; and

(e) the number of birds of each species that were sold or given away during the year, the name and address of each party to the transactions and the transaction dates.

85. The holder of a hawkler's licence shall remain in contact with the bird of prey at all times during flying activities; to that end, the licence holder must be equipped with a receiver and the bird with a transmitter making it possible to trace it.

DIVISION XIII PENAL

86. Every person who contravenes any provision of sections 3 to 19, 23 to 25, 29 to 31, 35, 36, 41 to 44, 47, 48, 49, 53, 54, 55, 59 to 62, 66, 67, 74, 78, 79, 84, 85 and 87 commits an offence.

DIVISION XIV TRANSITIONAL AND FINAL

87. A licence for provisional custody issued under section 74 of the Regulation respecting animals in captivity, made by Order in Council 1029-92 dated 8 July 1992, is renewable if the licence holder submits an application in writing to the Société that includes the fees prescribed by the Regulation respecting the scale of fees and duties related to the development of wildlife. Notwithstanding the foregoing, the licence may not be renewed after the animal has died or been disposed of.

Within 15 days of the death of an animal, the person who had custody shall turn it over to a wildlife protection officer or send to the Société written confirmation by a veterinary surgeon of the animal's death, together with its microchip.

The holder of a licence for provisional custody may exhibit the animal mentioned on his licence provided that he obtains a licence to keep animals for exhibition purposes.

The licence holder may transfer the animal mentioned on his licence only to a person entitled to keep it in captivity.

If the animal is transferred to a person residing outside Québec, the holder of the licence shall so inform the Société in writing within 15 days of such transfer.

88. This Regulation replaces the Regulation respecting animals in captivity, made by Order in Council 1029-92 dated 8 July 1992.

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

SCHEDULE I

(ss. 5, 6, 7, 20, 25, 26 and 31)

NATIVE SPECIES THAT MAY BE KEPT IN
CAPTIVITY WITHOUT A LICENCE**Amphibians Class**American toad (*Bufo americanus*)Wood frog (*Rana sylvatica*)Mink frog (*Rana septentrionalis*)Northern leopard frog (*Rana pipiens*)Green frog (*Rana clamitans*)Mudpuppy (*Necturus maculosus*)Bullfrog (*Rana catesbeiana*)Eastern newt (*Notophthalmus viridescens*)**Reptiles Class**Common garter snake (*Thamnophis sirtalis*)**Mammals Class**Grey squirrel (*Sciurus carolinensis*)American red squirrel (*Tamiasciurus hudsonicus*)Eastern chipmunk (*Tamias striatus*)**SCHEDULE II**

(ss. 8, 9, 11, 12, 26, 54 and 69)

SPECIES THAT MAY BE KEPT IN CAPTIVITY
WITHOUT A LICENCE**(A) Exotic species****Reptiles Class**

All species except:

Crocodiles

Poisonous lizards

Poisonous snakes

Sea turtles

Turtles (family Tryonychidae)

Amphibians Class

All species

Birds Class

Anatidae

Capitonidea

Colombidae

Emberizidae

Estrildidae

Fringillidae

Irenidae

Javan Hill mynah (Sturnidae)

Meleagrididae

Musophagidae

Osteropidae

Phasianidae

Ploceidae

Psittacidae

Pycnonotidae

Ramphastidae

Ratitae

Timaliidae

Turdidae

Zosteropidae

Mammals Class

Bovidae

Camelidae

Cervidae except the mule deer and the black-tailed deer

Chinchillas (family Chinchillidae)

Guinea pigs (family Caviidae)

Degus (family Octodontidae)

Gerbils (family Cricetidae)

Jerboas (family Dipodidae)

Hamsters (family Muridae)

Hedgehogs except *Erinaceus* hedgehogs

Peccaries (family Tyassuidae)

Flying squirrels (*Petaurus brevicepts*)

Boars (family Suidae)

(B) Native species

Birds Class

Wild turkey (*Meleagris gallopardo*)

Ring-necked pheasant (*Phasianus colchicus*)

Rock dove (*Columba livia*)

The taxonomical classification is that of Grizmek's *Animal Life Encyclopedia*, 1984.

SCHEDULE III

(ss. 13 and 14)

NATIVE SPECIES THAT MAY BE KEPT FOR BREEDING PURPOSES WITHOUT A LICENCE

Mammals Class

Fox (*Vulpes vulpes*)

Mink (*Mustela vison*)

SCHEDULE IV

(ss. 37, 42 and 43)

NATIVE AMPHIBIANS KEPT FOR COMMERCIAL PURPOSES

Wood frog (*Rana sylvatica*)

Mink frog (*Rana septentrionalis*)

Northern leopard frog (*Rana pipiens*)

Green frog (*Rana clamitans*)

Bullfrog (*Rana catesbeiana*)

SCHEDULE V

SPECIES THAT MAY BE KEPT BY A GAME RANCH FOR EXOTIC SPECIES

(s. 50)

Buffalos

Cervidae listed in Schedule II

Peccaries

Boars

SCHEDULE VI

(ss. 75 and 80)

SPECIES AUTHORIZED FOR FALCONRY

Goshawks

Buzzards

Kestrels

Hawks

Falcons

4719