

## Regulations and other acts

### M.O., 2005

#### Order number 2005-01 of the Minister of Agriculture, Fisheries and Food dated 3 November 2005

Animal Health Protection Act  
(R.S.Q., c. P-42)

Regulation respecting the designation of a contagious disease and an infectious agent, and the confinement of captive birds

THE MINISTER OF AGRICULTURE, FISHERIES AND FOOD,

CONSIDERING the first paragraph of paragraph 1 of section 3 of the Animal Health Protection Act (R.S.Q., c. P-42) pursuant to which the Minister of Agriculture, Fisheries and Food may make regulations to designate the contagious or parasitic diseases and the infectious agents or the syndromes for the purposes of the provisions set out in that paragraph;

CONSIDERING the second paragraph of paragraph 1 of section 3 of that Act pursuant to which the diseases, infectious agents or syndromes so designated may vary according to the species or category of animal;

CONSIDERING paragraph 3 of section 3 of that Act pursuant to which the Minister may make regulations to regulate, among other things, the sanitary condition of rearing premises;

CONSIDERING section 12 of the Regulations Act (R.S.Q., c. R-18.1) which provides that a proposed regulation may be made without having been published if the authority making it is of the opinion that the urgency of the situation requires it;

CONSIDERING section 18 of that Act which provides that a regulation may come into force on the date of its publication in the *Gazette officielle du Québec* where the authority that has made it is of the opinion that the urgency of the situation requires it;

CONSIDERING sections 13 and 18 of that Act which provide that the reason justifying the absence of prior publication and such coming into force must be published with the regulation;

CONSIDERING that, in the opinion of the Minister, avian influenza is a disease that may cause mortality and disturbances which can quickly reach epizootic proportions liable to present a serious threat to animal health, that certain migratory birds are vectors of the avian influenza virus, that testing of migratory birds in Québec has shown the presence of the avian influenza type A virus in some samples, and that it is important to ensure that all contact between domestic and wild bird populations is eliminated, it is expedient that the Regulation attached hereto be made as soon as possible without prior publication, to come into force on the date of its publication in the *Gazette officielle du Québec*;

ORDERS AS FOLLOWS:

The Regulation respecting the designation of a contagious disease and an infectious agent, and the confinement of captive birds, attached hereto, is hereby made.

LAURENT LESSARD,  
*Minister of Agriculture, Fisheries and Food*

### Regulation respecting the designation of a contagious disease and an infectious agent, and the confinement of captive birds

Animal Health Protection Act  
(R.S.Q., c. P-42, s. 3, pars. 1 and 3)

**1.** The following are designated for the purposes of the provisions of subparagraphs *b* to *d* of the first paragraph of paragraph 1 of section 3 of the Animal Health Protection Act (R.S.Q., c. P-42):

(1) the following infectious agent: avian influenza virus, type A;

(2) the following contagious disease: highly pathogenic avian influenza.

**2.** For the purposes of sections 3 to 8, “birds” means all birds reared or kept in captivity for the production of meat, eggs for consumption or other commercial products, for restocking supplies of game or for breeding those categories of birds, and includes show fowl.

**3.** Every owner or custodian of birds must take all the measures necessary to prevent the birds from entering into direct or indirect contact with wild birds.

**4.** Every owner or custodian of birds other than ostriches, emus or rheas must confine the birds within a facility erected and laid-out in a manner that prevents any direct or indirect contact with wild birds.

**5.** Despite section 4, an owner or custodian of birds for whom, on 4 November 2005, it is impossible to confine the birds as provided in section 4 must inform the Minister of Agriculture, Fisheries and Food of that fact in writing before 12 November 2005. The owner or custodian must feed and water the birds within covered premises or using feeders and water fountains that are protected in such a manner that wild birds cannot have access to them or soil them.

An owner or custodian of birds to whom the first paragraph applies must comply with the provisions of section 4 before 1 January 2006.

In addition, that owner or custodian must immediately inform the Minister of any mortality that does not result from slaughtering, an accident or an injury.

**6.** An owner or custodian of ostriches, emus or rheas must feed and water them within covered premises or using feeders and water fountains that are protected in such a manner that wild birds cannot have access to them or soil them.

In addition, that owner or custodian must immediately inform the Minister of any mortality that does not result from slaughtering, an accident or an injury.

**7.** The owners or custodians of birds to whom the first paragraph of sections 5 and 6 apply must have the birds seen by a veterinary surgeon before 26 November 2005. The veterinary surgeon must examine the birds, take samples and report the results to the Minister as soon as possible.

**8.** No owner or custodian of birds may use surface water to clean the rearing premises, buildings or equipment or to water the birds.

**9.** This Regulation comes into force on 4 November 2005.