

Regulations and other Acts

Gouvernement du Québec

O.C. 802-2010, 22 September 2010

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 sections 42 and 43 and paragraphs 7 and 22 of section 162 of the Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1), the Government may, by regulation, determine the norms and conditions according to which a person may keep an animal in captivity;

WHEREAS the Government made the Regulation respecting animals in captivity (R.R.Q., c. C-61.1, r. 5);

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation to amend the Regulation respecting animals in captivity was published in Part 2 of the *Gazette officielle du Québec* of 10 March 2010 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS it is expedient to make the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister of Natural Resources and Wildlife and the Minister for Natural Resources and Wildlife:

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

GÉRARD BIBEAU,
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. 7 and 22)

1. The Regulation respecting animals in captivity (R.R.Q., c. C-61.1, r. 5) is amended by inserting the following after the heading of Division II “GENERAL OBLIGATIONS”:

“**2.1.** Only holders of a zoological garden licence, a wildlife observation centre licence, a licence to keep animals for exhibition purposes or a non-resident’s circus licence may display the animals they keep in captivity to the public for remuneration.”

2. Section 3 is amended in the part preceding paragraph 1 by inserting “, except an amphibian listed in Schedule I, kept in the fishing area and for fishing purposes,” after “animal in captivity”.

3. Section 8 is amended by replacing “personal or breeding purposes” by “personal, breeding or commercial purposes”.

4. Section 9 is amended

(1) by inserting “and maintain” after “erect” and “and the fence must be stretched tight near the ground so that no cervidae may pass under it “ after “minimum height of 2.4 metres” in the first paragraph;

(2) by adding “; in addition, the gates of the perimeter fence must remain closed, even in the absence of animals” at the end of the second paragraph.

5. Section 10 is amended

(1) by inserting “and maintain” in the part preceding subparagraph 1 of the first paragraph after “erect”;

(2) by replacing “30 centimetres above ground level” in subparagraph 2 of the first paragraph by “between 15 and 45 centimetres above ground level”;

(3) by adding “; in addition, the gates of the perimeter fence must remain closed, even in the absence of animals” at the end of the second paragraph.

6. Section 12 is amended by replacing “and 8” in the second paragraph by “, 7, 8, 9 and 10”.

7. Section 13 is amended

(1) by inserting “for fur trade” after “for breeding purposes”;

(2) by adding the following paragraph:

“The keeper referred to in the first paragraph must allow a wildlife protection officer or a person accompanying the officer to take samples from the animals kept in captivity or from the premises where they are kept.”

8. Section 16 is amended by inserting “listed in Schedule II” after “exotic species”.

9. Section 17 is amended by replacing “an aviculture permit” by “a permit”.

10. Section 18 is amended

(1) by adding “; the veterinary surgeon or licence holder must take all necessary means to avoid the domestication of the animals” at the end of the first paragraph;

(2) by adding “; the wildlife protection officer may kill the animal or entrust it to any person entitled to keep it” at the end of the second paragraph.

11. Section 19 is amended

(1) by inserting “in the case of a licence holder or veterinary surgeon,” at the beginning of paragraph 1;

(2) by inserting “in the case of a licence holder,” at the beginning of paragraph 2;

(3) by adding the following paragraph:

“(3) in the case of a veterinary surgeon, maintain a register and enter therein, for each animal received, its species, origin, the date of receipt, the date on which it was set free and the location, or the date on which it was put to death; the veterinary surgeon must also show that register upon request from a wildlife protection officer.”

12. Section 23 is amended by adding the following paragraph:

“(8) notify without delay a wildlife protection officer upon discovering that an animal has escaped from the zoological garden where it was kept.”

13. Section 29 is amended

(1) by inserting “, at least 30 hours a week,” in paragraph 5 after “employ”;

(2) by adding the following paragraph:

“(9) notify without delay a wildlife protection officer upon discovering that an animal has escaped from the wildlife observation centre where it was kept.”

14. Section 36 is amended

(1) by adding “; the licence holder must take all necessary means to avoid the domestication of the animal” at the end of the first paragraph;

(2) by adding “; the wildlife protection officer may kill the animal or entrust it to any person entitled to keep it” at the end of the second paragraph.

15. Section 46 is amended by replacing “no more than five white-tailed deer that must bear the tag used commercially to mark swine and sheep” in paragraph 3 by “at least 1 and not more than 5 white-tailed deer that must bear a tag, visible to the naked eye at least 10 metres from the animal”.

16. Section 47 is amended

(1) by adding “; the fence must be stretched tight near the ground so that no cervidae may pass under it” at the end of paragraph 1;

(2) by inserting “and the fence must be stretched tight near the ground so that no cervidae may pass under it” in paragraph 2 after “minimum height of 2.4 metres”;

(3) by replacing “, received or given away” in subparagraph *b* of paragraph 7 by “and received”;

(4) by replacing “no more than five white-tailed deer that must bear the tag used commercially to mark swine and sheep” in paragraph 8 by “at least 1 and not more than 5 white-tailed deer that must bear a tag, visible to the naked eye at least 10 metres from the animal”.

17. Section 49 is amended by adding “or by authorizing any person to hunt it in accordance with the law” at the end.

18. The heading of subdivision 1 of Division IX is replaced by the following:

“Game ranches for various species”.

19. Section 50 is amended

(1) by replacing “for exotic species” by “for various species”;

(2) by replacing “the exotic species” by “the various species”.

20. Sections 51, 52, 53 and 54 are amended by replacing the words “game ranch licence for exotic species” wherever they appear by “game ranch licence for various species”.

21. Section 51 is amended by striking out “exotic” in paragraph 2.

22. Section 53 is amended

(1) by inserting “and the fence must be stretched tight near the ground so that no cervidae or buffalo may pass under it” in paragraph 1 after “minimum height of 2.4 metres”;

(2) by replacing “30 centimetres above ground level” in subparagraph *b* of paragraph 2 by “between 15 and 45 centimetres above ground level”;

(3) by adding “and keep the barriers of the perimeter fence closed, even in the absence of animals” at the end of paragraph 3;

(4) by inserting “other than a bird, except a wild turkey in the areas referred to in section 12,” in paragraph 5 after “animal”;

(5) by replacing “exotic species” in paragraph 6 by “animals”.

23. Section 54 is amended by replacing “or a boar” in the first paragraph by “, a boar or a bird listed in Schedule V”.

24. Section 56 is amended

(1) by striking out “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 subparagraph 3 of the first paragraph;

(2) by adding the following paragraph:

“For the purposes of subparagraph 3 of the first paragraph of this section, identification is

(1) a tag complying with the provisions of the Regulation respecting the identification and traceability of certain animals (c. P-42, r. 7);

(2) a tattoo indicating the letters identifying the breeder, a unique sequential number and the letter corresponding to the year, provided by the Minister of Agriculture, Fisheries and Food or, as the case may be, the identification tattoo affixed to a white-tailed deer from outside Québec and approved by the body having jurisdiction in the deer’s place of origin.”.

25. Section 57 is amended

(1) by replacing paragraph 1 by the following:

“(1) keep a minimum of 25 white-tailed deer which must be identified, while they are alive, in accordance with the third paragraph of section 56; in the case of newborn deer, it must be identified before being moved to other premises, not later than 31 December following the date of birth;”;

(2) by inserting “and the fence must be stretched tight near the ground so that no cervidae may pass under it” in paragraph 2 after “minimum height of 2.4 metres”;

(3) by replacing “notify” in paragraph 5 by “give advance notice to”;

(4) by replacing “indicating” in the part preceding subparagraph *a* of paragraph 8 by “containing the following information for the preceding year.”;

(5) by inserting the following after subparagraph *c* of paragraph 8:

“(c.1) the number of deer purchased or sold during the year;”;

(6) by adding “the date of death or, as the case may be,” at the beginning of subparagraph *l* of paragraph 9;

(7) by adding the following paragraph:

“A copy of the register referred to in subparagraph 9 of the first paragraph may stand in lieu of the report referred to in subparagraph 8 of that paragraph if it contains the same information.”.

26. Section 58 is amended by adding “; to that end, the licence holder may sell or give away a live deer to a person entitled to keep it, or kill it” at the end.

27. The heading of Division X is replaced by the following:

“KEEPING OF ANIMALS IN CAPTIVITY FOR COMMERCIAL PURPOSES”.

28. Section 63 is replaced by the following:

63. The holder of an animal broker's licence, an animal trainer's licence or a by-product collector's licence may keep animals in captivity for commercial purposes other than public display.

An animal broker's licence authorizes the keeping in captivity of animals of native or exotic species for purposes of brokerage, purchase or sale.

An animal trainer's licence authorizes the keeping in captivity of animals of native or exotic species that are trained for promotion purposes or for the filming of commercials or movies.

A by-product collector's licence authorizes the keeping in captivity of native species for the purposes of taking certain by-products on live animals."

29. Section 64 is amended

(1) by replacing "an animal broker's licence" in the part preceding paragraph 1 by "one of the licences provided for in section 63";

(2) by inserting the following after paragraph 2:

"(2.1) specify for what purposes the applicant intends to keep the animals;"

(3) by adding the following paragraph:

"(4) submit a business plan accepted by a financial institution and pertaining to the applicant's proposed activities."

30. Section 65 is amended

(1) by replacing "An animal broker's licence" in the part preceding paragraph 1 by "Every licence provided for in section 63";

(2) by adding the following paragraph:

"(4) in the case of the holder of an animal trainer's licence or a by-product collector's licence, includes a certificate from a chartered accountant establishing that the income derived from the use of the animals kept in captivity for the purposes stipulated in the licence has been \$10,000 or more during the preceding year."

31. Section 66 is replaced by the following:

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

32. Section 67 is amended

(1) by replacing "an animal broker's licence" in the part preceding paragraph 1 by "a licence provided for in section 63";

(2) by replacing paragraph 1 by the following:

"(1) maintain a register of commercial transactions and enter therein, for each animal,

(a) its scientific name;

(b) the nature and, in the case of the holder of an animal trainer's licence, duration of the activity;

(c) the name and address of the parties involved in each transaction and each transaction date; and

(d) the number of animals that were born or died;"

(3) by inserting the following after paragraph 1:

"(1.1) if the licence holder holds a by-product collector's licence and keeps white-tailed deer or moose, identify them in accordance with section 56;"

(4) by replacing paragraph 3 by the following:

"(3) submit to the Minister, on or before 31 January of each year, a copy of the register referred to in paragraph 1 or a report containing the same information;"

(5) by adding "except in the case of animals kept by the holder of a by-product collector's licence," at the beginning of paragraph 4;

(6) by replacing "broker's" in subparagraph *a* of paragraph 4 by "animal owner's";

(7) by replacing "broker's licence number" in subparagraph *b* of paragraph 4 by "number of the related licence to keep animals";

(8) by adding "in the case of the holder of an animal broker's licence," at the beginning of subparagraph *d* of paragraph 4;

(9) by adding "in the case of the holder of an animal broker's licence," at the beginning of subparagraph *e* of paragraph 4;

(10) by adding the following paragraphs:

"(6) notify without delay a wildlife protection officer upon discovering that an animal has escaped from the enclosure or cage where it was kept;

(7) in the case of the holder of a by-product collector's licence who keeps cervidae, boars or peccaries in captivity, maintain an enclosure in compliance with paragraphs 1, 2 and 3 of section 53.”.

33. Section 68 is amended

(1) by replacing “an animal broker's licence” by “a licence provided for in section 63”;

(2) by adding “, or kill the animal” at the end.

34. Section 69 is amended

(1) by striking out “resident's”;

(2) by replacing “or animals indicated on the licence for provisional custody referred to in section 87” by “, animals indicated on the licence for provisional custody referred to in section 87 or animals referred to in Schedule VI for the holder of a hawker's licence”;

(3) by adding the following paragraph:

“The licence provided for in the first paragraph is not required from a producer within the meaning of the Farm Producers Act (R.S.Q., c. P-28) if the producer complies with the provisions of Division II, section 9 or 10, as the case may be, and paragraphs 2, 4, 5, and 6 of section 74. The producer must also keep an annual register indicating the number of animals exhibited per species, the exhibition period, the number of animals that have escaped, where applicable, and the educational activities offered to visitors.”.

35. Section 70 is struck out.

36. Section 71 is amended

(1) by striking out “resident's” in the part of the first paragraph preceding subparagraph 1;

(2) by striking out subparagraph 1 of the first paragraph;

(3) by adding the following at the end of the first paragraph:

“(6) in the case of a non-resident, indicate the date of arrival in Québec of the animal species kept in captivity for exhibition purposes and their scheduled date of exhibition;

(7) in the case of a non-resident, hold civil liability insurance in the minimum amount of \$2,000,000.”;

(4) by adding the following at the end of the second paragraph:

“(4) a copy of the civil liability insurance contract referred to in subparagraph 7 of the first paragraph, where applicable.”.

37. Section 72 is struck out.

38. Section 73 is amended by striking out “resident's” in the part preceding paragraph 1.

39. Section 74 is amended

(1) by striking out “resident's or non-resident's” in the part of the first paragraph preceding paragraph 1;

(2) by adding “and comply with the standards provided for in sections 9 and 10, as the case may be” at the end of subparagraph 1 of the first paragraph;

(3) by replacing subparagraph 3 of the first paragraph by the following:

“(3) make sure that the civil liability insurance contract referred to in subparagraph 7 of the first paragraph of section 71 remains in force throughout the term of the licence;”;

(4) by adding “or from its cage” at the end of subparagraph 4 of the first paragraph;

(5) by striking out the part of the second paragraph preceding subparagraph 1;

(6) by replacing the numbering of subparagraphs “(1)” and “(2)” of the second paragraph by “(6)” and “(7)”.

40. The following is inserted after Division XI:

**“DIVISION XLI
CIRCUS**

74.1. A non-resident's circus licence authorizes the keeping in captivity of animals of native or exotic species, for exhibition or entertainment purposes, for remuneration, in Québec.

74.2. To obtain a non-resident's circus licence, a person must apply in writing to the Minister and

(1) be a non-resident;

(2) provide his or her 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 the main place of business;

(3) specify the animal species that will be kept in captivity;

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

(5) indicate the date of arrival of the animals kept in captivity in Québec and their date of departure and the date of their exhibition;

(6) specify the name of the insurance company, the amount of civil liability coverage, which must be at least \$2,000,000 and sufficient to cover the risks involved in exhibiting animals kept in captivity, and the number of the insurance policy; and

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

74.3. The application must be accompanied by

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

(2) a report by a veterinary surgeon drawn up not more than 3 months before the application for a licence, attesting that the animals kept in captivity are in good health and are receiving the care required by their health condition;

(3) a copy of the civil liability insurance contract referred to in paragraph 6 of section 74.2; and

(4) a document in writing issued by the municipality attesting that such exhibition at such location complies with municipal by-laws.

74.4. The holder of a non-resident's circus licence must

(1) lay out and maintain every shelter, cage or enclosure in accordance with the plan referred to in paragraph 1 of section 74.3;

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

(3) have the care of the animals supervised by a veterinary surgeon;

(4) make sure that the civil liability insurance contract referred to in paragraph 6 of section 74.2 stays in force throughout the term of the licence;

(5) notify without delay a wildlife protection officer upon discovering that an animal has escaped from the enclosure or cage;

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

41. Section 75 is amended by adding “, for the purposes of learning falconry” at the end.

42. The following is inserted after section 75:

“**75.1.** The holder of an apprentice hawkler's licence may transfer the bird of prey he or she keeps in captivity to a person entitled to keep it, or kill it.”.

43. Section 76 is amended

(1) by striking out paragraph 1;

(2) by replacing paragraph 5 by the following:

“(5) not have held such a licence more than once.”.

44. Section 77 is amended by replacing “is renewable” in the part preceding paragraph 1 by “may be renewed only once”.

45. Section 80 is amended

(1) by striking out “resident or non-resident”;

(2) by adding “, for falconry purposes” at the end.

46. Section 81 is amended

(1) by striking out “resident” in the part preceding paragraph 1;

(2) by striking out paragraph 1;

(3) by adding the following paragraph:

“(6) indicate the ring number of each bird the applicant intends to keep in captivity.”.

47. Section 82 is struck out.

48. Section 84 is amended

(1) by striking out “resident” in the part preceding paragraph 1;

(2) by inserting “birth or” in paragraph 1 after “days of its”.

49. Section 85 is amended by striking out “resident or non-resident”.

50. The following is inserted after section 85:

“**85.1.** The holder of a hawk’s licence may transfer a bird of prey he or she keeps in captivity to a person entitled to keep it, or kill it.”.

51. Section 86 is replaced by the following:

“**86.** Every person who contravenes any provision of sections 2.1 to 20, 23 to 26, 29 to 32, 35 to 37, 41 to 45, 47 to 50, 53, 54, 55, 57 to 63, 66 to 70, 74, 74.1, 74.4, 75, 78 to 80, 84, 85 and 87 commits an offence.”.

52. Schedule II of the French text is amended by replacing “Les Dégoux” by “Les Dégus”.

53. Schedule V is replaced by the following:

“**SCHEDULE V**
SPECIES THAT MAY BE KEPT BY A GAME
RANCH FOR VARIOUS SPECIES
(s. 50)

A- Mammals Class

Buffalo
Cervidae mentioned in Schedule II
Peccaries
Boars

B- Birds Class

Wild turkey
Quail
Northern bobwhite
Pheasant
Francolin
Rock partridge
Chukar
Red-legged partridge
Guinea fowl”

TRANSITIONAL

54. Every holder of a game ranch licence for exotic species becomes, as of the date of coming into force of this Regulation, a holder of a game ranch licence for various species.

55. Every holder of a resident or non-resident hawk’s licence becomes, as of the date of coming into force of this Regulation, a holder of a hawk’s licence.

56. Every holder of a non-resident’s licence to keep animals for exhibition purposes becomes, as of the date of coming into force of this Regulation, the holder of a non-resident’s circus licence for the term indicated on the non-resident’s licence to keep animals for exhibition purposes.

FINAL

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

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M.O., 2010

Order number AM 2010-037 of the Minister of Natural Resources and Wildlife and the Minister for Natural Resources and Wildlife dated 31 August 2010

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

CONCERNING the Regulation to amend the Regulation respecting the classes of licences to keep animals in captivity and their term

THE MINISTER OF NATURAL RESOURCES AND WILDLIFE AND THE MINISTER FOR NATURAL RESOURCES AND WILDLIFE,

CONSIDERING subparagraph 1 of the first paragraph of section 163 of the Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1), which provides that the Minister may make regulations determining, in particular, classes of licences and their duration;

CONSIDERING the making of the Regulation respecting the classes of licences to keep animals in captivity and their term (R.R.Q., c. C-61.1, r. 10);