

Draft Regulations

Draft Regulation

An Act respecting the conservation and development of wildlife
(chapter C-61.1)

Animals in captivity — Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation to amend the Regulation respecting animals in captivity, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation revokes sections that will be reintroduced in the Regulation respecting licences to keep animals in captivity (chapter C-61.1, r. 10).

Those amendments are necessary considering the amendments made to the Act respecting the conservation and development of wildlife by An Act to amend the Act respecting the conservation and development of wildlife (2009, chapter 49), which transferred several regulatory powers previously exercised by the Government to the Minister.

Study of the matter has revealed no negative impact on enterprises, including small and medium-sized businesses.

Further information on the draft Regulation may be obtained by contacting Mrs. Véronique Michaud, Direction Réglementation, Tarification and Permits, Ministry of Sustainable Development, Environment, Wildlife and Parks, 880, chemin Sainte-Foy, 2^e étage, Québec (Québec) G1S 4X4; phone: 418 521-3888, extension 7395, fax: 418-646-5179; email: veronique.michaud@mrn.gouv.qc.ca

Any person wishing to comment on the matter is requested to submit written comments before the expiry of the 45 days period to Mrs. Nathalie Camden, Deputy Associate Ministry for Faune Québec, Ministry of Sustainable Development, Environment, Wildlife and Parks, 675, boulevard René-Lévesque Est, 30^e étage, Québec (Québec) G1R 5V7.

YVES-FRANÇOIS BLANCHET,
*Minister of Sustainable Development, Environment,
Wildlife and Parks*

Regulation to amend the Regulation respecting animals in captivity

An Act respecting the conservation and development of wildlife
(chapter C-61.1, ss. 42, 43 and 162, pars. 7 and 22)

1. The Regulation respecting animals in captivity (chapter C-61.1, r. 5) is amended by striking out section 2.1.

2. Sections 20 to 24 are revoked.

3. Section 25 is amended by replacing “by selling it, by giving it” in the first paragraph by “by selling or giving it”.

4. Sections 26 to 29 are struck out.

5. Section 31 is amended by replacing “by selling it, giving it” in the first paragraph by “by selling or giving it”.

6. Sections 32 to 35 are struck out.

7. Section 36 is replaced by the following:

“**36.** An animal may be kept in captivity for rehabilitation purposes for no more than 1 year; all necessary means must be taken to avoid the domestication of the animal.

Once an animal is rehabilitated, it must be set free in the wild if it is fit to survive there. If not, the animal may be killed or given to a wildlife protection officer; the wildlife protection officer may kill the animal or entrust it to any person entitled to keep it.”

8. Sections 37 and 38 are struck out.

9. Sections 40 and 41 are struck out.

10. Section 42 is amended by replacing “IV” in the first paragraph by “I to the Regulation respecting licences to keep animals in captivity (chapter C-61.1, r. 10)”.

11. Section 43 is amended by replacing “IV” by “I to the Regulation respecting licences to keep animals in captivity”.

12. Sections 45 and 46 are struck out.

13. Section 47 is replaced by the following:

“47. Enclosures where white-tailed deer are kept must comply with the following requirements:

(1) existing enclosures must be surrounded by a fence at least 2.4 m high and the deer must have access to shade and shelter at all times; the fence must be stretched tight near the ground so that no cervidae may pass under it;

(2) new enclosures must be surrounded by a game fence at least 2.4 m high that has 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 m and the fence must be stretched tight near the ground so that no cervidae may pass under it; the distance between the posts of the fence may not exceed 8 m;

(3) the perimeter fence of any enclosure must have no trap or barrier to capture animals outside the enclosure; and

(4) the gates of the perimeter fence must be kept closed, even in the absence of deer.”

14. Section 48 is replaced by the following:

“48. The holder of a licence to keep white-tailed deer may keep in captivity, on 1 April of each year, at least 1 and no more than 5 white-tailed deer which must be marked by means of a tag, visible to the naked eye at a distance of at least 10 m from the animal.

Despite the foregoing, the licence holder may, until 31 March of each year, keep more than 5 white-tailed deer provided that the additional deer are the newborn of the deer referred to in the first paragraph; in that case, the licence holder is not required to mark them.”

15. Sections 50, 51 and 52 are struck out.**16.** Section 53 is replaced by the following:

“53. Enclosures where the various species are kept must have an area of 10 ha each and be surrounded by a fence that complies with the following requirements:

(1) in the case of cervidae and buffalo, the enclosure must be surrounded by a game fence at least 2.4 m high that has 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 m and the fence must be stretched tight near the ground so that no cervidae or buffalo may pass under it; the distance between the posts of the fence may not exceed 8 m;

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

(a) steel chain links of minimum 13 gauge, 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 minimum 13 gauge, 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 between 15 and 45 cm above ground level situated 30 cm from the fence, and the minimum voltage in the wire must be 10 joules;

(3) the perimeter fence of the enclosures referred to in paragraphs 1 and 2 must have no trap or barrier to capture animals outside the enclosure; and

(4) the gates of the perimeter fence must be kept closed, even in the absence of animals.”

17. The following is inserted after section 53:

“53.1. The holder of a game ranch licence for various species may dispose of an animal kept in captivity by the holder by selling or giving it to a person entitled to keep it, or by killing it.”

18. Section 54 is amended by replacing “V” in the first paragraph by “II to the Regulation respecting licences to keep animals in captivity”.

19. Section 55 is struck out.

20. Section 56 is replaced by the following:

“56. The holder of a breeding and game ranch licence for white-tailed deer may keep in captivity at least 25 white-tailed deer that must be identified while they are alive. 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.

Identification consists of

(1) a tag complying with the provisions of the Regulation respecting the identification and traceability of certain animals (chapter 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.”

21. Section 57 is replaced by the following:

“**57.** Enclosures where white-tailed deer are kept must have an area of 10 ha each and be surrounded by a fence that complies with the following requirements:

(1) the enclosure must be surrounded by a game fence at least 2.4 m high that has 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 m and the fence must be stretched tight near the ground so that no cervidae may pass under it; the distance between the posts of the fence may not exceed 8 m;

(2) the perimeter fence of the enclosures must have no trap or barrier to capture animals outside the enclosure; and

(3) the gates of the perimeter fence must be kept closed, even in the absence of animals.”

22. Sections 63 to 67 are struck out.

23. Section 68 is amended by replacing “a licence provided for in section 63” by “an animal broker's licence, an animal trainer's licence or a by-product collector's licence”.

24. Sections 69 to 74 are struck out.

25. The following is inserted after section 74:

“**74.0.1.** The holder of a licence to keep animals for exhibition purposes may dispose of an animal kept in captivity by the holder in accordance with the first paragraph of section 12, section 75.1, section 85.1 or section 87 of this Regulation.

74.0.2. Animals must be kept in buildings, cages, enclosures and shelters designed or built so as to prevent any animal attack and any transmission of fatal infectious diseases.”

26. Sections 74.1 to 74.4 are struck out.

27. The following is inserted after section 74.4:

“**74.5.** Animals must be kept in buildings, cages, enclosures and shelters designed or built so as to prevent any animal attack and any transmission of fatal infectious diseases.”

28. Sections 75 and 76 to 85 are struck out.

29. Section 86 is replaced by the following:

“**86.** Every person who contravenes any provision of sections 3 to 19, 25, 30, 31, 36, 42 to 44, 47 to 49, 53, 54, 56, 57, 60 to 62, 68, 74.0.1 and 74.5 commits an offence.”

30. Section 87 is replaced by the following:

“**87.** The holder of 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, may not transfer the animal indicated on the licence to any person other than a person entitled to keep it in captivity.

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

31. Schedules IV, V and VI are struck out.

32. 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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