

Decree to amend the Decree respecting the cartage industry in the Québec region

An Act respecting collective agreement decrees (chapter D-2, ss. 2 and 6.1)

1. The Decree respecting the cartage industry in the Québec region (chapter D-2, r. 3) is amended by replacing section 25.01 by the following:

“**25.01.** An employee who has 3 months of active and continuous service with the same employer and who has worked at least 32 hours in each week included in the period is entitled to 7 days of sick leave per year. The first day of absence is not paid. For the other days, the employee receives 8 times his or her hourly wage provided for in the Decree.

The employee must produce a medical certificate attesting the absence on account of illness.”.

2. This Decree comes into force on the day of its publication in the *Gazette officielle du Québec*.

3108

M.O., 2013

Order of the minister of sustainable development, environment, wildlife and parks dated 17 October 2013

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

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

THE MINISTER OF SUSTAINABLE DEVELOPMENT, ENVIRONMENT, WILDLIFE AND PARKS,

CONSIDERING subparagraphs 1 and 3 of the first paragraph of section 163 of the Act respecting the conservation and development of wildlife (chapter C-61.1), which provide that the Minister may make regulations on the matters set forth therein, particularly to establish the conditions and requirements that holders of a licence to keep animals in captivity must satisfy;

CONSIDERING the first paragraph of section 164 of the Act, which provides in particular that a regulation made under subparagraphs 1 and 3 of the first paragraph of section 163 is not subject to the publication requirements set out in section 8 of the Regulations Act (chapter R-18.1);

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

CONSIDERING that it is expedient to amend certain provisions of the Regulation;

ORDERS AS FOLLOWS:

The Regulation to amend the Regulation respecting the classes of licences to keep animals in captivity and their term, attached to this Order in Council, is hereby made.

Québec, 17 October 2013

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

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

An Act respecting the conservation and development of wildlife (chapter C-61.1, s. 163, 1st par., subpars. 1 and 3)

1. The title of the Regulation respecting the classes of licences to keep animals in captivity and their term (chapter C-61.1, r. 10) is replaced by the following:

“Regulation respecting licences to keep animals in captivity”.

2. Section 1 is amended by replacing “under the Regulation respecting animals in captivity (chapter C-61.1, r. 5)” in the part preceding paragraph 1 by “are”.

3. The following is inserted after section 2:

“**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.”.

4. The Regulation is amended by replacing Division II by the following:

“DIVISION II ZOOLOGICAL GARDEN LICENCE

3. 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 capture an animal of a native species listed in Schedule I to the Regulation respecting animals in captivity for the purpose of keeping it in captivity.

4. To obtain a zoological garden licence, the applicant must, at the time of the written application to the Minister,

(1) 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;

(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 and provide a copy of his or her contract for services, 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 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 kept in captivity;

(2) plans and specifications for 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 in lieu 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 must

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

(b) describe the programs offered to visitors;

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

(a) the preventive and curative health programs;

(b) a 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; and

(6) payment of the fees prescribed by the Regulation respecting the scale of fees and duties related to the development of wildlife (chapter C-61.1, r. 32).

5. A zoological garden licence is renewable if its holder

(1) applies therefor in writing to the Minister;

(2) complies with the provisions of Divisions II and IV of the Regulation respecting animals in captivity and those of this Division;

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

(4) provides with the application 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;

(5) indicates the name of the new veterinary surgeon who will be employed by the zoological garden, unless only fish, amphibians or reptiles will be kept; in the latter case, the holder must indicate the name of the veterinary surgeon who will be responsible for supervising their care and provide a copy of his or her contract for services, as well as the name of the animal biological sciences technician or animal health technician who will be employed by the zoological garden; 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.

6. The holder of a zoological garden licence must

(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 4;

(3) comply with the provisions of Divisions II and IV of the Regulation respecting animals in captivity and those of this Division;

(4) 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;

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

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

(b) the 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;

(6) maintain a register of the information referred to in subparagraphs *b*, *c* and *d* of paragraph 5 and enter therein, where applicable, the name and address of each party to the transactions and the transaction dates; and

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

7. The holder of a zoological garden licence may exhibit the animals kept in captivity at a location other than that referred to in subparagraph 2 of the first paragraph of section 4, provided that the holder has a document issued by the municipality attesting that such exhibition at such location complies with municipal by-laws

DIVISION III

WILDLIFE OBSERVATION CENTRE

8. A wildlife observation centre licence authorizes its holder to keep animals of the species listed in Schedule II to the Regulation respecting animals in captivity or native species in captivity for conservation, research, educational, exhibition or recreational purposes, for at least 3 months per year. It also authorizes its holder to capture an animal of a native species listed in Schedule I to the Regulation respecting animals in captivity for the purpose of keeping it in captivity.

9. To obtain a wildlife observation centre licence, the applicant must, at the time of the written application to the Minister,

(1) 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;

(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 of the animals and provide a copy of his or her contract for services; 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 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 kept in captivity;

(2) plans and specifications for 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 in lieu 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 must

(a) explain the educational goals and objectives of the wildlife observation centre; and

(b) describe the programs offered to visitors;

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

(a) the preventive and curative health programs;

(b) a 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; and

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

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

(1) applies therefor in writing to the Minister;

(2) complies with the provisions of Divisions II and V of the Regulation respecting animals in captivity and those of this Division;

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

(4) provides with the application 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;

(5) indicates the name of the veterinary surgeon who will be responsible for supervising the care of the animals and provides a copy of his or her contract for services; 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.

11. The holder of a wildlife observation centre licence must

(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 9;

(3) comply with the provisions of Divisions II and V of the Regulation respecting animals in captivity and those of this Division;

(4) 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;

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

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

(b) the 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 escaped or 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;

(6) maintain a register of the information referred to in subparagraphs *b*, *c* and *d* of paragraph 5 and enter therein, where applicable, the name and address of each party to the transactions and the transaction dates; and

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

DIVISION IV **WILDLIFE REHABILITATION CENTRE**

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

13. To obtain a wildlife rehabilitation centre licence, the applicant must, at the time of the written application to the Minister,

(1) 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;

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

(3) indicate the name and address of each person under the applicant's supervision who keeps animals in captivity for rehabilitation purposes, and the locations where the animals will be kept;

(4) indicate the name of the veterinary surgeon who will be responsible for supervising the care of the animals kept for rehabilitation purposes and provide a copy of his or her contract for services;

(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;

(8) indicate the name of the person responsible for the care of the animals; and

(9) pay the fees prescribed by the Regulation respecting the scale of fees and duties related to the development of wildlife.

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

(1) applies therefor in writing to the Minister;

(2) complies with the provisions of Divisions II and VI of the Regulation respecting animals in captivity and those of this Division;

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

(4) indicates the name of the veterinary surgeon who will be responsible for supervising the care of the animals kept for rehabilitation purposes and provide a copy of his or her contract for services; 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.

15. The holder of a wildlife rehabilitation centre licence must

(1) 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;

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

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

(b) the origin of the animals received 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) maintain 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 on which it was put to death;

(4) maintain a list of the persons under the holder's 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 13.

DIVISION V **KEEPING OF AMPHIBIANS**

16. A licence to keep amphibians authorizes its holder to capture amphibians of the species listed in Schedule I for the purpose of keeping them in captivity and to keep them in captivity for commercial and breeding purposes.

17. To obtain a licence to keep amphibians, the applicant must, at the time of the written application to the Minister,

(1) 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;

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

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

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

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

(1) applies therefor in writing to the Minister;

(2) complies with the provisions of Divisions II and VII 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.

19. The holder of a licence to keep amphibians must submit a report to the Minister on or before 31 January of 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.

DIVISION VI

KEEPING OF WHITE-TAILED DEER

20. A licence to keep white-tailed deer authorizes its holder to keep in captivity no more than 5 white-tailed deer for personal purposes.

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

(1) applies therefor in writing to the Minister;

(2) complies with the provisions of Divisions II and VIII of the Regulation respecting animals in captivity 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.

22. The holder of a licence to keep white-tailed deer must

(1) comply with the provisions of Divisions II and VIII of the Regulation respecting animals in captivity and those of this Division;

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

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

(4) submit to the Minister, 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 and received 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 that died or were killed during the year.

DIVISION VII

GAME RANCHES

§1. Game ranches for various species

23. A game ranch licence for various species authorizes the keeping in captivity of animals of the various species listed in Schedule II.

24. To obtain a game ranch licence for various species, the applicant must, at the time of the written application to the Minister,

(1) 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;

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

(3) indicate 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) describe the layout of the enclosures, which must comply with the provisions of section 53 of the Regulation respecting animals in captivity; and

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

25. A game ranch licence for various species is renewable if its holder

(1) applies therefor in writing to the Minister;

(2) complies with the provisions of Divisions II and XI of the Regulation respecting animals in captivity 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.

26. The holder of a game ranch licence for various species must

(1) comply with the provisions of Divisions II and IX of the Regulation respecting animals in captivity and those of this Subdivision;

(2) notify the Minister in writing of any alteration the holder wishes to make to the fence referred to in paragraph 1 or 2 of section 53 of the Regulation respecting animals in captivity;

(3) notify without delay a wildlife protection officer upon discovering that an animal other than a bird, except a wild turkey in the areas referred to in section 12 of the Regulation respecting animals in captivity, has escaped from the enclosure;

(4) 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; and

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

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

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

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

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

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

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

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

27. A breeding and game ranch 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.

28. A breeding and game ranch licence for white-tailed deer is renewable if its holder

(1) applies therefor in writing to the Minister;

(2) complies with the provisions of Division II and Subdivision 2 of Division IX of the Regulation respecting animals in captivity 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.

Upon renewing a 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 22.

29. A game ranch and breeding licence for white-tailed deer may be transferred with the Minister's authorization.

To obtain the Minister's authorization, the person who wants to acquire the licence must

(1) file a written application with the Minister that contains the following information and documents:

(a) the person's name and address; in the case of a legal person or 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;

(b) a copy of the plans of the facilities that will be used to keep the deer in captivity;

(2) comply with the provisions of Division II and Subdivision 2 of Division IX of the Regulation respecting animals in captivity and those of this Subdivision;

(3) acquire all the white-tailed deer held by the former licence holder;

(4) pay the fees payable for the licence transfer prescribed by the Regulation respecting the scale of fees and duties related to the development of wildlife.

30. A game ranch and breeding licence for white-tailed deer may not be transferred if the chronic wasting disease of cervidae was detected within the hunting areas where the game ranches are located.

31. The holder of a breeding and game ranch licence for white-tailed deer must

(1) comply with the provisions of Division II and Subdivision 2 of Division IX of the Regulation respecting animals in captivity and those of this Subdivision;

(2) give advance notice to the Minister in writing of any alteration the holder wishes to make to the fence referred to in section 57 of the Regulation respecting animals in captivity or of any change in the location of the premises on which the animals are kept;

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

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

(5) submit to the Minister, on or before 31 January of each year, a report containing the following information for the preceding year:

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

(b) the number of deer born during the year;

(c) the number of deer that died during the year;

(c.1) the number of deer purchased or sold 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; and

(6) maintain a 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 of death or, as the case may be, the date on which the animal was killed and the name and address of the person who killed it.

A copy of the register referred to in subparagraph 6 of the first paragraph may stand in lieu of the report referred to in subparagraph 5 of that paragraph if it contains the same information.

DIVISION VIII KEEPING OF ANIMALS IN CAPTIVITY FOR COMMERCIAL PURPOSES

32. 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 purpose of taking certain by-products on live animals.

33. To obtain one of the licences provided for in section 32, the applicant must, at the time of the written application to the Minister,

(1) 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;

(2) specify the location where the animals will be kept;

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

(4) provide the plans and specifications for the shelters, cages, or enclosures;

(5) submit a business plan accepted by a financial institution and pertaining to the applicant's proposed activities; and

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

34. Every licence provided for in section 32 is renewable if its holder

(1) applies therefor in writing to the Minister;

(2) complies with the provisions of Divisions II and X of the Regulation respecting animals in captivity 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; and

(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 professional 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.

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

36. The holder of a licence provided for in section 32 must

(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;

(2) 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 of the Regulation respecting animals in captivity;

(3) 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;

(4) 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) except in the case of animals kept by the holder of a by-product collector's licence, post the following information on each cage or enclosure in such a manner that it is visible from the outside:

(a) the animal owner's name and address;

(b) the number of the related licence to keep animals;

(c) the name of the animal species and the number of animals;

(d) in the case of the holder of an animal broker's licence, the origin of each animal and the date on which it was received; and

(e) in the case of the holder of an animal broker's licence, the destination of each animal and the anticipated shipment date;

(6) build and maintain every shelter, cage, or enclosure in accordance with the plans and specifications referred to in paragraph 4 of section 33;

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

(8) in the case of the holder of a by-product collector's licence who keeps cervidae, boars or peccaries in captivity, maintain an enclosure complying with the provisions of section 53 of the Regulation respecting animals in captivity.

DIVISION XI
KEEPING ANIMALS IN CAPTIVITY FOR
EXHIBITION PURPOSES

37. A licence to keep animals for exhibition purposes authorizes its holder to keep in captivity, for remunerated exhibition purposes, the animals of the species listed in Schedule II to the Regulation respecting animals in captivity, animals indicated on the licence for provisional custody referred to in section 55 or animals referred to in Schedule III for the holder of a hawker's licence.

The licence provided for in the first paragraph is not required from a producer within the meaning of the Farm Producers Act (chapter P-28) if the producer complies with the provisions of Division II and section 9 or 10 of the Regulation respecting animals in captivity, as the case may be, and paragraphs 2, 4, 5, and 6 of section 40 of this Regulation. 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.

38. To obtain a licence to keep animals for exhibition purposes, the applicant must, at the time of the written application to the Minister,

(1) 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;

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

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

(4) indicate the name of the veterinary surgeon who will be responsible for supervising the care of the animals and provide a copy of his or her contract for services;

(5) 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; and

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

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 kept in captivity;

(2) plans and specifications for 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 in lieu of the plans and specifications;

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

(a) the preventive and curative health programs;

(b) a 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;

(4) a copy of the civil liability insurance contract referred to in subparagraph 6 of the first paragraph, where applicable; and

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

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

(1) applies therefor in writing to the Minister;

(2) complies with the provisions of Divisions II and XI of the Regulation respecting animals in captivity and those of this Division;

(3) states in the application that the animals kept in captivity are of the same species as the species that were declared when the licence was applied for, indicates any new species of animals that are being kept in captivity, and submits the plans and specifications for 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;

(5) provides with the application a report drawn up by a veterinary surgeon, 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;

(6) indicates the name of the veterinary surgeon who will be responsible for supervising the care of the animals and provides a copy of his or her contract for services; and

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

40. The holder of a licence to keep animals for exhibition purposes must

(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 38 and comply with the standards provided for in sections 9 and 10 of the Regulation respecting animals in captivity, as the case may be;

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

(3) make sure that the civil liability insurance policy referred to in subparagraph 6 of the first paragraph of section 38 remains in force throughout the term of the licence;

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

(5) comply with the provisions of Divisions II and XI of the Regulation respecting animals in captivity and those of this Division;

(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; and

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

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

(b) the 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 **CIRCUS**

41. 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.

42. 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 locations where the animals will be kept in captivity and 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.

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 or are receiving the care required by their health condition;

(3) a copy of the civil liability insurance contract referred to in subparagraph 6 of the first paragraph;

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

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

43. 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 subparagraph 1 of the second paragraph of section 42;

(2) comply with the provisions of Divisions II and XII of the Regulation respecting animals in captivity and those of this Division;

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

(4) make sure that the civil liability insurance policy referred to in subparagraph 6 of the first paragraph of section 42 remains 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 from its cage; and

(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.

DIVISION XII **FALCONRY**

§1. *Apprentice hawkers*

44. An apprentice hawker's licence authorizes its holder to keep in captivity one bird of prey of a species listed in Schedule III or a hybrid between those species, for the purpose of learning falconry.

45. To obtain an apprentice hawker's licence, the applicant must, at the time of the written application to the Minister,

- (1) provide his or her name and address;
- (2) be at least 16 years of age;
- (3) specify the location where the bird of prey will be kept;
- (4) not have held such a licence more than once; and
- (5) pay the fees prescribed by the Regulation respecting the scale of fees and duties related to the development of wildlife

46. An apprentice hawker's licence may be renewed only once if its holder

(1) applies therefor in writing to the Minister;

(2) complies with the provisions of Division II and Subdivision 1 of Division XII of the Regulation respecting animals in captivity and those of this Subdivision;

(3) includes with the application the register referred to in paragraph 3 of section 47 attesting that the holder 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.

47. The holder of an apprentice hawker's licence must

(1) have the bird of prey ringed within 15 days of its receipt, if the bird is not already ringed;

(2) send to the Minister, 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 ring number; and

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

48. The holder of an apprentice hawker's licence must 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.

§2. *Hawkers*

49. A hawker's licence authorizes its holder to keep in captivity birds of prey of the species listed in Schedule III or a hybrid between those species, for falconry purposes.

50. To obtain a hawkler's licence, the applicant must, at the time of the written application to the Minister,

(1) provide his or her name and address;

(2) be at least 18 years of age;

(3) have successfully completed a course in falconry and provide a written attestation from the person who gave the course, or have received 30 hours of training from the holder of a hawkler's licence and submit the register attesting that the training was received with the trainer's signature for each hour entered, or hold a hawkler's licence issued outside Québec and include a copy thereof with the application;

(4) specify the location where the birds of prey will be kept in captivity;

(5) indicate the ring number of each bird the applicant intends to keep in captivity; and

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

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

(1) applies therefor in writing to the Minister;

(2) complies with the provisions of Division II and Subdivision 2 of Division XII of the Regulation respecting animals in captivity and those of this Subdivision;

(3) includes with the application a copy of the register referred to in paragraph 3 of section 52; 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.

52. The holder of a hawkler's licence must

(1) have each bird of prey ringed within 15 days of its birth or receipt, if the bird is not already ringed;

(2) send to the Minister, 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 ring number; and

(3) keep a register and enter therein

(a) the number of birds of each species kept in captivity and each bird's ring number;

(b) the number of birds of each species born during the year, their hatching date, ring 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 acquired, sold or given away during the year, the name and address of each party to the transactions and the transaction dates.

53. The holder of a hawkler's licence must 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

54. Every person who contravenes any provision of sections 2.1, 6, 7, 11, 15, 19, 22, 26, 31, 35, 36, 40, 43, 47, 48, 52, 53 and 55 commits an offence.

DIVISION XIV

TRANSITIONAL

55. 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 Minister that includes the fees prescribed by the Regulation respecting the scale of fees and duties related to the development of wildlife. Despite the foregoing, the licence may not be renewed after an animal has died or been disposed of.

Within 15 days of the death of an animal, the person who had custody of the animal must turn it over to a wildlife protection officer or send to the Minister 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 indicated on the licence provided that the holder obtains a licence to keep animals for exhibition purposes."

5. The Regulation is amended by adding Schedules I, II and III attached hereto.

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

SCHEDULE I

(s. 17)

NATIVE AMPHIBIANS KEPT FOR
COMMERCIAL PURPOSES

Wood frog

Mink frog

Northern leopard frog

Green frog

Bullfrog

SCHEDULE II

(s. 24)

SPECIES AUTHORIZED FOR GAME RANCHES
FOR VARIOUS SPECIES

A – Mammals Class

Buffalo

Cervidae referred to in Schedule II

Peccaries

Boars

B – Birds Class

Wild turkey

Quail

Northern bobwhite

Pheasant

Francolin

Rock partridge

Chukar

Red-legged partridge

Guinea fowl

SCHEDULE III

(ss. 45 and 50)

SPECIES AUTHORIZED FOR FALCONRY

Goshawks

Buzzards

Kestrels

Hawks

Falcons

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