

LIVESTOCK PROTECTION ACT

[RSBC 1996] CHAPTER 273

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Definitions

1 (1) In this Act:

"commissioner" means the commissioner as defined in the *Police Act*;

"dog" means an animal of the species canine that is apparently over the age of 4 months;

"domestic animal" means an animal that is

(a) tame or kept, or that has been or is being sufficiently tamed or kept, to serve some purpose for the use of people, and

(b) designated by order of the Lieutenant Governor in Council to be a domestic animal;

"domestic animal protection officer" means a person or a class of persons designated by the minister to be a domestic animal protection officer for the purposes of this Act or any provision of this Act, and includes, subject to the terms and conditions imposed by the commissioner, a peace officer;

"livestock" means domestic animal;

"minister" includes any person designated in writing by the minister;

"pack" means 2 or more dogs that are running at large.

(2) For the purposes of this Act, a dog is

- (a) "ownerless" if it does not have attached to its collar or harness a valid and subsisting licence tag, and
- (b) "running at large" if it is not under control by being
 - (i) on the property of its owner or of another person who has the care and control of the dog,
 - (ii) in direct and continuous charge of a person who is competent to control it,
 - (iii) securely confined within an enclosure, or
 - (iv) securely fastened so that it is unable to roam.

Application of Act

2 (1) This Act does not apply within a municipality, but the minister may, either at a municipality's request, or if the minister is of the opinion that a municipality is not adequately providing for the protection of domestic animals or for the payment of compensation resulting from damage caused by dogs, order that this Act, or any provision of it, applies to that municipality.

(2) If the minister makes an order under subsection (1) the minister may

- (a) order that that municipality is responsible for administering, and for the cost of administering, this Act in the municipality, and
- (b) make orders the minister considers necessary to facilitate the application of this Act in that municipality.

(3) The Lieutenant Governor in Council may, by order, exempt any area of British Columbia described in the order from the operation of all or part of this Act.

Licensing

3 (1) A person must not keep a dog unless a valid and subsisting licence has been issued for that dog under this Act or under a municipal bylaw.

(2) An application for a licence under this Act may be made by paying the prescribed fee and applying as prescribed to a domestic animal protection officer or to the person or class of persons designated by the minister.

(3) The minister may, by order, authorize payment to a person to whom a fee is paid under this section of a portion of the fee as remuneration for the person's services.

Licences and licence tags

4 (1) A licence and corresponding licence tag issued under this Act

- (a) expires on December 31 of the year in which it is issued,
- (b) is valid only in respect of the dog for which it is issued, and
- (c) must be issued in prescribed form.

(2) The person to whom a licence is issued under the Act must, while the licence is valid and subsisting, attach and keep attached the corresponding licence tag to a collar or harness worn at all times by the dog for which the licence is issued.

(3) If a licence or licence tag is lost or destroyed, the person to whom the original licence was issued may, by paying the prescribed fee and applying as prescribed, apply to a domestic animal protection officer for a

replacement licence or licence tag.

Dog packs

5 (1) If a peace officer or any other person or class of persons authorized by the commissioner for the purposes of this section, finds a dog running in a pack, the peace officer or person may kill the dog.

(2) An authorization under subsection (1) must be in writing, but the commissioner may, if of the opinion that the situation is urgent, grant authority verbally or by means of an electronic communications device.

Dogs causing injury or damage

6 A person may kill a dog if the person finds the dog

(a) running at large, and

(b) attacking or viciously pursuing a person or a domestic animal.

Dogs running at large

7 (1) A domestic animal protection officer may take a dog that is running at large into custody, and impound the dog under the regulations.

(2) If a dog that is taken into custody under subsection (1) is apparently ownerless, the domestic animal protection officer may

(a) release the dog to any person who

(i) obtains a valid and subsisting licence for the dog, and pays the prescribed impounding fee, and

(ii) is, in the opinion of the domestic animal protection officer, capable of owning and being responsible for, the dog, or

(b) kill the dog.

(3) If a dog that is taken into custody under subsection (1) is licensed or if the owner of the dog is ascertained, the domestic animal protection officer must, subject to section 9, release the dog to the owner on payment of the prescribed impounding fee.

Order to kill dog

8 (1) The Provincial Court may, on application and on being satisfied that a dog has killed or injured, or is likely to kill or injure, a person or a domestic animal, order that the dog be killed in a manner specified in the order.

(2) A peace officer may, with the consent of the commissioner, or the person whom the commissioner may in writing designate, and on being satisfied that the situation is urgent and an application cannot reasonably be made to the court under subsection (1), make an order under subsection (1).

(3) A consent under subsection (2) must be in writing, but the commissioner or the person designated under subsection (2) may, if the commissioner or the person designated is of the opinion that the situation is urgent, give a consent verbally or by means of an electronic communications device.

Violation reports

9 (1) If a domestic animal protection officer has reasonable grounds to believe that a dog for which a valid and subsisting licence has been issued is, or has been, running at large, the officer must issue to, and serve personally or by registered mail on the person to whom the licence was issued, an initial violation report in prescribed form.

(2) A person on whom an initial violation report is served may, not more than 5 days from the date on the report, submit to the domestic animal protection officer who issued the report a written explanation of the circumstances in which the dog was running at large.

(3) If an initial violation report has been issued under subsection (1) and, before December 31 in the same year, a domestic animal protection officer finds the same dog again running at large, the officer must issue to, and serve personally or by registered mail on the person to whom the initial violation report was issued, a final violation report in prescribed form.

(4) A person on whom a final violation report is served must, not more than 10 days from the date on the final violation report, pay into the consolidated revenue fund, by paying to a domestic animal protection officer, a prescribed penalty of not less than \$25.

(5) If a final violation report is issued under subsection (3), the domestic animal protection officer who issues the report may, after considering the initial violation report and the written explanation, if any, and with the consent of the commissioner,

(a) take the dog into custody and kill it, and

(b) order that the person to whom the final violation report is issued is prohibited from owning or keeping any other dog for a period of one year from the date of the order.

(6) An order made under subsection (5) (b) must be personally served on the person against whom the order is made.

(7) If a person owns or keeps a dog in contravention of an order made under subsection (5) (b), a domestic animal protection officer may take the dog into custody and kill it.

Recovery of compensation

10 (1) Subject to section 3 (3), all money paid under sections 3, 4 and 7 must be paid into the consolidated revenue fund.

(2) The owner of a domestic animal that is killed or injured by a dog that is not owned or kept by that owner may apply for compensation, in an amount prescribed to be paid to an owner, by

(a) submitting to a domestic animal protection officer, not more than 48 hours after the owner becomes aware of the killing or injury, a report in prescribed form, and

(b) applying as prescribed to the minister.

(3) The minister must not pay compensation unless all of the following requirements are met:

(a) a report was submitted as required by subsection (2) (a);

(b) the applicant is the owner of the domestic animal that was killed or injured;

(c) the killing or injury was caused by one or more dogs;

(d) the applicant took reasonable steps to prevent or discourage the killing or injury;

(e) the application complies with the regulations.

(4) For the purposes of deciding whether compensation should be paid and deciding the amount of compensation to be paid, the minister may rely on the evidence, either verbal or by means of a certificate, of a domestic animal protection officer, and, without limiting that discretion, the evidence may purport to show any or all of the following:

(a) the cause of the killing or injury;

- (b) the extent to which the owner of the domestic animal contributed to its killing or injury;
- (c) the identity of the owner or other person responsible for the dog that killed or injured the domestic animal;
- (d) if a domestic animal is killed or injured by more than one dog, the apportionment of blame attributable to each dog.

(5) If compensation is paid under this section and at any time the minister is of the opinion that the owner of a dog that killed or injured, or contributed to the killing or injury, of the domestic animal is known, the minister may order that the owner pay into the consolidated revenue fund an amount, not exceeding 1/2 of the compensation paid and attributable to the dog, as the minister may order.

Warning

11 Despite any other provision of this Act, if a domestic animal protection officer or a peace officer has reasonable grounds to believe that a person is not complying with a provision of this Act, the domestic animal protection officer or a peace officer may give that person a warning.

Killing and disposing of dogs

12 (1) For the purposes of this Act or of an order made under this Act, a domestic animal protection officer may enter any land during reasonable hours if the officer

- (a) is acting under this Act or an order made under this Act, to take a dog into custody or to kill a dog,
- (b) has reasonable grounds to believe that a dog is ownerless, or
- (c) has reasonable grounds to believe that a dog is, or has been, running at large.

(2) A person who kills a dog under this Act or an order made under this Act must kill and dispose of the dog, or cause the dog to be killed and disposed of, in the prescribed manner.

(3) A person who kills and disposes of a dog under section 6 must, not more than 2 days after killing the dog, submit to the nearest domestic animal protection officer a written report containing the person's name and address, a description of the dog, and the circumstances surrounding the killing and disposition of the dog.

Transient dogs

13 A dog that has attached to its collar or harness a valid and subsisting licence tag issued by any jurisdiction outside British Columbia must not be considered ownerless, but it is subject to every other provision of this Act.

Appropriation

14 (1) Money may be paid out of the consolidated revenue fund

- (a) to administer this Act,
- (b) to pay compensation under section 10, and
- (c) to give financial assistance, in an amount the minister considers advisable, to an association that, in the minister's opinion, is undertaking effective programs to encourage good dog care practices in British Columbia.

(2) The cumulative total of amounts paid out under this section must not exceed the cumulative total of the following amounts:

- (a) the cash balance of the Domestic Animal Protection Fund as at March 31, 1982;

(b) money received under section 10 (1) after March 31, 1982.

Power to make regulations

15 The Lieutenant Governor in Council may make regulations referred to in section 41 of the *Interpretation Act*.

Offence and penalty

16 (1) A person commits an offence if the person does any of the following:

- (a) fails or refuses to keep attached a valid and subsisting licence tag to a collar or harness worn at all times by the dog for which the corresponding licence is issued;
- (b) fails or refuses to pay the penalty under section 9 (4);
- (c) fails or refuses to comply with an order made under section 9 (5) (b);
- (d) fails or refuses to comply with an order made under section 10 (5);
- (e) fails or refuses to kill and dispose of a dog in the prescribed manner;
- (f) fails or refuses to submit the report required by section 12 (3);
- (g) obstructs or interferes with a domestic animal protection officer in the exercise of duties under this Act or under an order made under this Act;
- (h) contravenes any other provision of this Act or the regulations or any provision of an order made under this Act.

(2) A person who commits an offence under subsection (1) is, in addition to any other remedies under this Act, liable on conviction to a penalty of not less than \$50 and not more than \$500.