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## **LIVESTOCK DISEASES ACT**

### Chapter L-15

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HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Alberta,  
enacts as follows:

#### Definitions

1 In this Act,

- (a) “affected livestock” means livestock having a communicable disease;
- (b) “communicable disease” means a disease of livestock that is communicable in any manner;
- (c) “control area” means an area of land that is subject to a control order;
- (d) “control order” means an order of the Lieutenant Governor in Council concerning matters referred to in section 4;
- (e) “Director” means the person designated by the Minister as the Director for the purposes of this Act;
- (f) “inspector” means a veterinary inspector or other inspector appointed pursuant to section 2;
- (g) “livestock” means wild animals and birds whether captive or not and domestic animals and birds, but does not include fish;
- (h) “medicine” means drugs, vaccines and biological supplies for prevention, treatment, control or eradication of diseases of livestock;
- (i) “Minister” means the Minister determined under section 16 of the Government Organization Act as the Minister responsible for this Act;
- (j) “municipality” means a municipal district, Metis settlement, improvement district or special area;
- (k) “premises” means a place where livestock is ordinarily kept either permanently or temporarily for any purpose and includes farms, stables, stockyards, livestock depots, exhibition and show barns, markets and aviaries, but not a private dwelling house.

RSA 1980 cL-22 s1;1994 cG-8.5 s88;1995 c24 s99(14);  
1998 c22 s19;1998 c23 s14;1999 c32 s12

#### Inspectors

2(1) The Minister may appoint as veterinary inspectors to administer this Act persons who are registered veterinarians.

(2) The Minister may appoint any other inspectors who may be required for the administration of this Act.

(3) All inspectors who are not employed pursuant to the Public Service Act shall receive the remuneration and expenses that the Minister may from time to time determine.

RSA 1980 cL-22 s2;1984 cV-3.1 s77

#### Petition for control order

3(1) A petition may be presented to the Minister requesting the establishment of a control order and the petition shall be signed

- (a) by the chief elected official of a municipal district,
  - (b) by the council of a Metis settlement,
  - (c) by the Minister responsible for the Municipal Government Act for an improvement district, or
  - (d) by the Minister responsible for the Special Areas Act for a special area,
- in which the control order is requested to be established and by a registered veterinarian.

(2) The petition shall contain

- (a) the name of the communicable disease, if known,
- (b) the area over which the control order is to take effect,
- (c) the measures requested to be taken for the control and eradication of the communicable disease,
- (d) the estimated number of any class or type of livestock within the proposed control area that might be susceptible to the communicable disease,
- (e) the name of each owner whose livestock might be susceptible to the communicable disease within the proposed control area,
- (f) the names of persons who are willing to act as inspectors within the proposed control area, and
- (g) a declaration that 2/3 of the owners named in the petition are in favour of the control order being made.

(3) An irregularity in the manner of presenting a petition to the Minister does not invalidate a subsequent order of the Lieutenant Governor in Council.

RSA 1980 cL-22 s3;1984 cV-3.1 s77;1994 cM-26.1 s642(39);  
1995 c24 s99(14);1998 c22 s19

Control areas

4(1) The Minister,

- (a) on being satisfied that a communicable disease exists in an area, or
- (b) on receipt of a petition under section 3,

may in the Minister's discretion recommend that the Lieutenant Governor in Council make a control order.

(2) The Lieutenant Governor in Council may make a control order concerning all or any of the following:

- (a) naming the communicable disease to which the order applies;
- (b) describing the control area;
- (c) the tests to be used in the identification of the communicable disease;
- (d) isolation and segregation of livestock;
- (e) the destruction of any affected livestock that are or were in the control area and the method of disposal of the carcasses;
- (f) the cleansing and disinfecting of premises;
- (g) treatment or immunization of livestock;
- (h) the payment of compensation for livestock destroyed pursuant to the control order.

(3) The Director shall administer the control order.

(4) The Director shall publish a notice of the control order specifying its main provisions in 2 issues of a newspaper circulating within the control area and, notwithstanding the Regulations Act, the control order is effective the day following the day that notice of the control order is published in the 2nd issue of the newspaper.

(5) The Director shall ensure that the control order is filed under the Regulations Act within 10 days after its date and if it is not filed in that time the control order terminates.

RSA 1980 cL-22 s4

Quarantine areas

5(1) With the prior consent of the Minister, the Director may

- (a) establish a quarantine area within a control area, and
- (b) impose total or partial restrictions with or without conditions on the movement of
  - (i) livestock,
  - (ii) motor or other vehicles, including aircraft,
  - (iii) persons, or

- (iv) any material or articles likely to spread the communicable disease  
either on entering or leaving the quarantine area.

(2) When a quarantine area is established by the Director and restrictions imposed in consequence, the Director shall publish a notice of the quarantine area together with the main restrictions, or in the case of a material variation in the area or restrictions then notice of the variation,

(a) in 2 issues of a newspaper circulating within the area affected, and

(b) by any other means that the Director considers most likely to bring those matters to the attention of livestock owners affected or likely to be affected by them,

and, notwithstanding the Regulations Act, the quarantine area established and the restrictions imposed and any variations become effective the day following the day that the notice is published in the 2nd issue of the newspaper.

(3) The Director shall file the order establishing the quarantine area or imposing the restrictions or setting out the variations under the Regulations Act within 10 days after its date and in default the order terminates.

(4) With the prior consent of the Minister, the Director may discontinue the quarantine area or any restrictions or conditions imposed on it.

RSA 1980 cL-22 s5

#### Administration expenses

6(1) The council of a municipal district or Metis settlement, the Minister responsible for the Municipal Government Act in the case of an improvement district or the Minister responsible for the Special Areas Act in the case of a special area, may pay out of the funds of the municipality any money the council, the Minister responsible for the Municipal Government Act or the Minister responsible for the Special Areas Act, as the case may be, considers necessary in connection with the expense of the administration of a control order.

(2) The Minister may from time to time, out of money voted by the Legislature for the purpose, make grants to municipalities to assist in the control or eradication of communicable disease.

RSA 1980 cL-22 s6;1994 cM-26.1 s642(39);1995 c24 s99(14);  
1998 c22 s19

#### Payment by municipality

7(1) If a control order has been made and an owner of livestock defaults in paying a veterinarian's bill incurred as a result of the existence of the control order, then the municipality in which the owner resides shall pay it.

(2) When a municipality pays a veterinarian's bill pursuant to subsection (1), the municipality is subrogated to all rights of recovery of that amount that the veterinarian would otherwise have had.

RSA 1980 cL-22 s7

#### Right of entry

8(1) Whether a control order has been made or not, an inspector and any person acting in aid of an inspector may, with or without a warrant and by force if necessary, enter at any reasonable hour in or on any premises and take all tests and specimens that the inspector in the inspector's absolute discretion considers necessary to determine whether a communicable disease exists in livestock.

(2) When it appears to a justice, on information laid before the justice on oath, that there are reasonable and probable grounds for believing that there is any affected livestock in a private dwelling house, the justice may issue a warrant authorizing a named inspector, by force if necessary, to

(a) enter the private dwelling house,

(b) search for any livestock that may be affected, and

(c) take all tests and specimens that the inspector in the inspector's absolute discretion considers necessary to determine whether any livestock is affected livestock.

(3) Before entering any premises or private dwelling house pursuant to this section, an inspector shall take reasonable steps to find the owner or person in charge of the premises or private dwelling house and endeavour to obtain the owner's or person's co-operation.

(4) If an inspector uses force in entering or searching any premises or private dwelling house or in taking tests or specimens, the inspector shall use no more force than is reasonably necessary under the circumstances.

RSA 1980 cL-22 s8

#### Control of sale of medicine

9 The Lieutenant Governor in Council may make regulations concerning the conditions under which, notwithstanding Schedule 7.1 to the Government Organization Act and the Pharmacy and Drug Act, persons other than persons authorized under section 3 of Schedule 7.1 to the Government Organization Act, regulated members of the Alberta College of Pharmacists under the Health Professions Act or registered veterinarians or permit holders under the Veterinary Profession Act may sell medicine, and

(a) providing for the licensing of a person to sell medicine,

(b) specifying which medicine may be sold, and

(c) prescribing any other conditions concerning the sale and handling of medicine.

RSA 2000 cL-15 s9;RSA 2000 cH-7 s150

#### Appeal procedure

10(1) A person who has been refused a licence, or whose licence has been cancelled or suspended pursuant to the regulations, may appeal the refusal, cancellation or suspension by serving the Minister with a notice of appeal in the form prescribed in the regulations within 30 days after being notified in writing of the refusal, cancellation or suspension.

(2) The Minister shall, within 30 days after being served with a notice of appeal, appoint an appeal board to hear the appeal.

(3) An appeal board shall consist of not fewer than 3 nor more than 5 persons, one of whom shall be designated as chair by the Minister.

(4) The Minister may prescribe the time within which an appeal board is to hear an appeal and render a decision and the Minister may extend that time.

(5) An appeal board that hears an appeal under this section may, by order,

- (a) confirm the refusal, cancellation or suspension,
- (b) direct that a licence or renewal of licence be issued,
- (c) reinstate the cancelled licence, or
- (d) remove or vary a suspension.

(6) The Minister may pay those fees and reasonable living and travelling expenses that the Minister considers proper to the members of an appeal board.

(7) The Minister or a person whose appeal is heard by an appeal board may appeal the decision of the appeal board by filing an originating notice with the Court of Queen's Bench within 30 days after being notified in writing of the decision, and the Court may make any order that an appeal board may make pursuant to subsection (5).

1981 c21 s2

#### Reinstatement procedure

11(1) A person

(a) whose licence has been cancelled or suspended under the regulations,  
and

(b) who has in respect of that cancellation or suspension commenced an appeal under section 10,

may by filing an originating notice with the Court of Queen's Bench apply for an order reinstating the cancelled licence or removing the suspension, as the case may be, pending the determination of the appeal.

(2) The Court of Queen's Bench may hear an application made under this section not less than 2 days after the originating notice has been served on the Minister.

(3) On hearing an application made under this section, the Court of Queen's Bench may, subject to conditions that it considers proper, if any, reinstate the cancelled licence or remove the suspension, as the case may be, pending the determination of the appeal under section 10.

1981 c21 s2

## Regulations

12 The Lieutenant Governor in Council may make regulations concerning

- (a) the inspection of livestock by inspectors;
- (b) the inspection of premises by inspectors;
- (c) the construction and standard of sanitation of premises;
- (d) the manner and condition under which livestock is kept, transported and otherwise handled;
- (e) the control of communicable disease in grazing reserves and community pastures and the inspection and supervision of health of livestock on those reserves or pastures;
- (f) the establishment and administration of livestock health programs;
- (g) the procedure to be followed in controlling or eradicating any disease not being controlled under any other Act and in distributing drugs and biological supplies used for it;
- (h) the fees to be charged to the owner of livestock for an official inspection of premises and livestock made by an inspector and for any veterinary service provided under this Act;
- (i) the methods and devices for the humane slaughter of livestock for food and the method of disposal of the carcasses;
- (j) the means of identification of livestock;
- (k) the disposition of affected livestock;
- (l) the records to be kept and the returns to be made by owners, transporters or handlers of livestock;

- (m) the form of a notice of appeal under section 10(1);
- (n) the closing of premises;
- (o) the control and eradication of communicable diseases of livestock generally.

RSA 1980 cL-22 s10;1981 c21 s3

#### Communicable diseases

13(1) The Minister by regulation shall make a list designating certain communicable diseases for the purposes of this section.

(2) A person knowing of or suspecting an outbreak of a listed communicable disease shall report the fact in writing to the Director within 30 days from the person's knowledge or suspicion.

(3) No person shall sell or offer for sale any livestock for breeding purposes that the person knows or ought reasonably to know is infected with a listed communicable disease without first advising the proposed purchaser or the proposed purchaser's agent of the fact that the animal is so infected.

RSA 1980 cL-22 s11

#### Sale of affected livestock

14(1) No person shall sell any meat, offal or product from the carcass of affected livestock unless it has been rendered safe by sterilization.

(2) The Minister shall make regulations specifying what constitutes sterilization.

RSA 1980 cL-22 s12

#### Offence

15 No person, other than an inspector, shall remove, move, render illegible or otherwise mar any quarantine sign, seal, earmark or other identification mark or symbol used or applied by an inspector or under the supervision and direction of an inspector.

RSA 1980 cL-22 s13

#### Seizure of livestock

16(1) When an inspector has by identification of livestock in any manner or by written order directed that any livestock be, within a specified time, detained on any premises or marketed for slaughter and the livestock is not so detained or marketed for slaughter within that specified time, an inspector may seize the livestock and cause it to be detained or marketed for slaughter at the expense of the owner of the livestock.

(2) The inspector shall pay the proceeds from the sale of livestock seized and slaughtered in accordance with subsection (1) to the person who owned the livestock at the time of the seizure, after deducting all costs incurred in the seizure, slaughter and sale.

RSA 1980 cL-22 s14

#### Penalties

17(1) Subject to subsection (3), a person who contravenes this Act or a notice, order, direction or regulation made under it is guilty of an offence and liable to a fine of not more than \$10 000 or to imprisonment for a term of not more than one year or to both fine and imprisonment.

(2) A prosecution under subsection (1) may be commenced within 2 years of the commission of the alleged offence but not afterwards.

(3) A person resisting or wilfully obstructing an inspector or any person acting in aid of an inspector in the execution of the inspector's duty is guilty of an offence and liable to a fine of not more than \$5000.

RSA 1980 cL-22 s15;1998 c2 s5

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