

(Consolidated up to 220/2008)

ALBERTA REGULATION 59/94

Stray Animals Act

HORSE CAPTURE REGULATION

Table of Contents

- 1 Definitions
- 2 Application for licence
- 3 Eligibility for licence
- 4 Fees and security
- 5 Licences
- 6 Employment of others and vicarious liability
- 7 Capturing
- 8 Welfare of captured horses
- 9 Removal of corrals, etc.
- 10 Provision of information
- 11 Description of horses captured
- 12 Reporting of capture
- 13 Expiry

Definitions

1 In this Regulation,

- (a) “Act” means the Stray Animals Act;
- (b) “capture” means capture, bait, chase, pursue, follow after or on the trail of or stalk, on designated land;
 - (b.1) “designated land” means public land designated for the licensed capture of horses under section 9(1) of the Act;
- (c) “licence” means a licence under section 9 of the Act, excluding a licence that is under suspension;
- (d) “licence holder” means the holder of a licence;
- (e) “Minister” means the Minister responsible for the administration of the Public Lands Act.

(f) repealed AR 5/2008 s2.

AR 59/94 s1;251/2001;5/2008

Application for licence

2(1) Any person who is eligible to obtain a licence may apply to the Minister for a licence in the form required by the Minister.

(2) A person shall not provide any false information in an application form.

Eligibility for licence

3 A person is not eligible to apply for, obtain or hold a licence unless the person

(a) is an adult individual,

(b) is a Canadian citizen or has been lawfully admitted into Canada for permanent residence, and

(c) is, in the opinion of the Minister, a suitable person, with sufficient means and facilities at his disposal, to provide adequately for the welfare of horses.

Fees and security

4(1) The fees payable for applying for or obtaining a licence, or both, are to be those specified by the Minister.

(2) The Minister may, before granting a licence, require the prospective licence holder to provide any security for the licensed activities that the Minister considers appropriate in the circumstances.

(3) The Minister may waive or refund any fee or portion of any fee where considered appropriate.

AR 59/94 s4;5/2008

Licences

5(1) The Minister may grant or refuse the application for a licence.

(2) Subject to this section, a licence is to be in the form specified by the Minister.

(3) A licence must include the following:

(a) the areas of designated land where horses may be captured under the licence;

(b) the locations on designated land where corrals, if any, may be constructed;

(c) subject to section 7, restrictions, if any, on the methods of capture that may be used or the equipment that may be used in any capture;

(d) any other information required or allowed by this section or section 7, 9 or

11;

(e) any other terms or conditions that the Minister considers ought to be attached to the licence.

(4) A licence may specify the maximum number of horses that may be captured under the licence.

(5) Nothing in this Regulation requires the Minister to issue a licence to any person, and the Minister may limit the total number of licences to be issued during any licence year.

(6) The Minister may, by giving notice in writing to a licence holder, add further conditions to the licence, and the further conditions are deemed, on receipt of the notice, to form part of the licence.

(7) Unless the licence states otherwise and subject to section 10 of the Act, the term of a licence is from November 1 in one year to March 1 in the next.

(8) The holding of a licence does not determine ownership of a horse.

AR 59/94 s5;251/2001;5/2008

Employment of others and vicarious liability

6(1) A licence holder may employ other persons to carry on some or all of the activities authorized by and pursuant to the licence and where the licence holder does so, shall give those persons detailed directions as to how those activities are to be performed so as to ensure compliance with the Act, this Regulation and the terms and conditions of the licence.

(2) A person employed by a licence holder to perform activities under the licence shall comply with the Act, this Regulation and the terms and conditions of the licence as if he were the licence holder.

(3) Without limiting the application of subsection (2), the licence holder is vicariously liable for all the acts and omissions of the employed persons and, if an offence is committed by any such person, it is deemed to be committed also by the licence holder.

Capturing

7(1) A licence holder shall not use a snare, weapon or vehicle to capture or attempt to capture a horse.

(2) In this section,

(a) “snare” means a device that consists of or includes a cable, rope, wire or other form of material and that is used or set to capture a horse by tightening a loop around the neck, foot or leg, with the energy to tighten it coming from the horse or from a spring, triggering device or other mechanism;

(b) “vehicle” means a motorized device, including a boat or aircraft, in or by which a person or thing may be transported;

(c) “weapon” means a firearm or other projectile propelling device used to frighten, injure or kill.

AR 59/94 s7;5/2008

Welfare of captured horses

8(1) A licence holder shall ensure the welfare of each horse captured under the licence.

(2) A licence holder shall attend a captured horse at least once each day and shall ensure that it has an adequate supply of food and water.

Removal of corrals, etc.

9 A licence holder shall, within the period of time specified in the licence, remove from public land all corrals, all materials used in the construction of the corrals and all other equipment used in the capture, confinement and transportation of the horses.

Provision of information

10 A licence holder shall forthwith produce to an inspector or a forest officer, on being requested to do so, any documents that are relevant to the activities licensed.

Description of horses captured

11 A licence holder shall, within the period of time specified in the licence, provide to the Minister in writing a description, including details of colour, sex, unique marks, scars and other individual characteristics of each horse captured under the licence.

Reporting of capture

12(1) A licence holder shall report to an inspector or forest officer

(a) the capture of any horse carrying a brand or other identifier as defined in the Livestock Identification and Commerce Act within 48 hours after the capture, and

(b) the expenses referred to in section 5(b) of the Act, relating to the horse.

(2) If a report is made to a forest officer under subsection (1), the forest officer shall forthwith report to an inspector the matters communicated.

(3) On receiving the report under subsection (1) or (2), the inspector shall impound the horse and otherwise deal with and dispose of it pursuant to section 16 of the Act.

AR 59/94 s12;251/2001;220/2008

Expiry

13 For the purpose of ensuring that this Regulation is reviewed for ongoing relevancy and necessity, with the option that it may be repassed in its present or an amended form following a review, this Regulation expires on June 30, 2017.

AR 59/94 s13;200/98;63/2003;5/2008

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