

This Act is current to September 1, 2021

See the [Tables of Legislative Changes](#) for this Act's legislative history, including any changes not in force.

ANIMAL HEALTH ACT

[SBC 2014] CHAPTER 16

Assented to May 29, 2014

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Part 1 — Interpretation and General Requirements

Division 1 — Definitions and Interpretation

Definitions

1 In this Act:

"affected",

(a) in relation to an animal, means an animal that

(i) is or is likely suffering from a notifiable or reportable disease, or

(ii) has been or has likely been exposed to a notifiable or reportable disease,

regardless of whether the animal suffers, or exhibits any sign of suffering, any adverse effect from the notifiable or reportable disease, and

(b) in relation to an animal product or byproduct, means an animal product or byproduct that came from, or may have come from, an animal referred to in paragraph (a);

"animal" means, subject to the regulations,

(a) a species of the animal kingdom, and

(b) any organism prescribed as an animal;

"animal byproduct" means prescribed material, taken from the body of an animal, that is not intended to be used for human consumption;

"animal health" means the health of a population or subpopulation of animals, and includes the preservation of a population or subpopulation of animals that is at risk of being exposed to or affected by a notifiable or reportable disease;

"animal product" means prescribed material, taken from the body of an animal, that is intended to be used for human consumption;

"animal product or byproduct" means an animal product, an animal byproduct or both, as applicable;

"chief veterinarian" means the person appointed under section 68 [*chief veterinarian*] as the chief veterinarian for British Columbia;

"contact information" means information sufficient to contact a person, including the person's home, business and email addresses, and telephone number;

"control zone" means the area described in an order made under section 36 [*deemed control zones*] or in a regulation made under section 94 [*regulations respecting disease prevention and control*];

"diagnostic examination" includes, for the purposes of determining the presence or identity of a notifiable or reportable disease,

- (a)collecting bodily fluids and substances for examination,
- (b)diagnostic imaging examinations,
- (c)skin testing, and
- (d)physical examinations;

"environmental toxin" means

- (a)a chemical, a toxic substance or another deleterious substance, or
- (b)a thing that contains a chemical, a toxic substance or another deleterious substance;

"exposed" means to have been

- (a)in contact with, or near, an animal or an animal product or byproduct affected by a notifiable or reportable disease, or
- (b)in a place in which a notifiable or reportable disease is or is likely present,

in such a manner as to be at risk of being affected by the notifiable or reportable disease;

"facility" includes a laboratory;

"infestation" means infestation by an organism;

"inspector" means

- (a)the chief veterinarian, and
- (b)a person appointed or retained as an inspector under section 71 [*appointment of inspectors*], subject to any limits or conditions of the appointment or retainer;

"laboratory" includes

- (a)a veterinary diagnostic or research laboratory,
- (b)a medical or clinical diagnostic laboratory,
- (c)a medical research laboratory,

(d) a laboratory that tests environmental samples, and
(e) a laboratory, or a laboratory within a class of laboratories,
designated by order of the minister as a laboratory for the purposes
of this Act and the regulations made under it;

"licence" means a licence issued under section 11 [*licences and permits*];

"notifiable and reportable disease" or "notifiable or reportable disease" means a
notifiable disease, a reportable disease or both, as applicable;

"notifiable disease" means an environmental toxin, infestation, syndrome or
transmissible disease that is prescribed as a notifiable disease for the purpose
of implementing monitoring measures

(a) to determine its presence, identity, nature, effects or spread,
(b) to avoid barriers to trade, or
(c) for other reasons in the public interest;

"operator" means a person who

(a) engages in a regulated activity, or
(b) assists, directs, supervises or employs a person referred to in
paragraph (a) for the purpose of engaging in the regulated activity;

"permit" means a permit issued under section 11;

"person responsible", in relation to an animal or a thing, includes a person who

(a) owns the animal or thing,
(b) has custody or control of the animal or thing, or
(c) is an operator in relation to the animal or thing;

"personal information" means recorded information about an identifiable individual;

"preventive measures" means preventive measures as described in section 5

(2) [*preventive measures*];

"private dwelling" means a place, or part of a place, used exclusively for residential
purposes;

"quarantine zone" means the area described in an order made under section
27 [*quarantine zone orders*];

"registration" means a registration granted under section 12 [*registrations*];

"regulated activity" means an activity that is prescribed as a regulated activity;

"reportable disease" means an environmental toxin, infestation, syndrome or transmissible disease that is prescribed as a reportable disease for the purpose of implementing preventive, control or eradication measures

- (a) to safeguard animal health,
- (b) to safeguard public health in relation to environmental toxins, infestations, syndromes or transmissible diseases that are or may be transmissible from animals to humans,
- (c) to avoid barriers to trade, or
- (d) for other reasons in the public interest;

"surveillance zone" means the area described in an order made under section 28 [*surveillance zone orders*];

"syndrome" means a condition that

- (a) is characterized by or associated with a group of signs, and
- (b) has an adverse effect on animal health;

"traceability system" means a system designed to track the location or transport of one or more of the following:

- (a) animals;
- (b) animal products or byproducts;
- (c) prescribed things in relation to animals, or animal products or byproducts;

"transmissible disease" means a disease that

- (a) is caused by an infectious agent or its toxic products, and
- (b) may be transmitted in any manner and at any distance through an animal, a person, a thing, the environment or any other means;

"vary", in relation to an order, a licence, a permit or a registration, includes to vary existing terms or conditions of, and to attach new terms or conditions to, the order, licence, permit or registration;

"vehicle" means a device, whether self-propelled or propelled by other means, designed to transport people, animals or things on, under or over land, including by rail, or in or on water, and includes machinery, equipment or an apparatus mounted on or attached to the device;

"veterinarian" means an individual who is authorized to practise veterinary medicine under the *Veterinarians Act*.

Interpretation

2 (1) Unless a contrary intention is expressed, a reference in this Act or a regulation made under it to

(a) a building or structure includes part of the building or structure,
or

(b) a place includes part of the place, any natural or artificial feature on or in the place and any building or structure located on the place.

(2) For the purposes of this Act and the regulations made under it, a condition, situation or thing is caused by a person or another thing if the person or other thing

(a) contributes beyond a minimal extent to the happening or existence of the condition, situation or thing, or

(b) directly or indirectly causes the condition, situation or thing.

Division 2 — General Prevention and Control

Must not cause disease

3 A person responsible for an animal must not, in keeping or dealing with animals or in engaging in a regulated activity, act in a manner that the person knows, or ought to know,

(a) may cause conditions that contribute to

(i) the presence of a notifiable or reportable disease,

(ii) the transmission or spread of a notifiable or reportable disease between animals, or

(iii) the transmission of disease from animals to humans, or

(b) may interfere with the prevention, control or eradication of a notifiable or reportable disease.

Duty to train and equip

4 (1) In this section, "employee" includes a person providing services, in relation to an animal,

(a) under contract, or

(b) under the direction or supervision of the person responsible for the animal, whether or not for a fee.

(2) A person responsible for an animal must ensure that the person's employees are adequately trained and sufficiently equipped to

(a) prevent, to the extent reasonably possible, the presence, transmission or spread of notifiable and reportable diseases, and

(b) respond to notifiable and reportable diseases.

Preventive measures

5 (1) A person responsible for an animal must

- (a) take prescribed preventive measures, and
- (b) take preventive measures consistent with reasonable and generally accepted practices of animal management.

(2) Without limitation, preventive measures include the following:

- (a) administering a treatment, vaccination or medication;
- (b) washing with or applying a substance, or having a substance injected or inserted;
- (c) applying disinfection and decontamination measures;
- (d) using a type of equipment or implementing a process, or removing or altering equipment or processes;
- (e) any measure set out in the regulations;
- (f) any measure required by an inspector for the purpose of
 - (i) preventing notifiable or reportable diseases in animals,
 - (ii) preventing the transmission or spread of notifiable or reportable diseases between animals,
 - (iii) preventing the transmission of diseases from animals to humans, or
 - (iv) promoting animal health.

Must comply with veterinary advice

6 (1) A person responsible for an animal who is informed by a veterinarian that the animal is or may be affected by a notifiable or reportable disease must comply with the instructions of the veterinarian, including instructions respecting diagnostic examinations and preventive measures.

(2) If, in the opinion of a veterinarian, a person who receives information under subsection (1) is not complying with instructions given under that subsection, the veterinarian must report the non-compliance to the chief veterinarian in accordance with the regulations.

Must not keep or deal with affected animals

7 (1) Except with the permission and in accordance with the instructions of an inspector, a person must not keep or deal with, in British Columbia, an animal that

- (a) was imported into British Columbia, and
- (b) the person knows, or ought to know, is affected by a notifiable or reportable disease.

(2) An inspector may conduct an inspection under Division 1 [*Inspections*] of Part 4 for the purposes of subsection (1) of this section.

Must not slaughter, destroy or dispose of affected or harmful things

8 A person must not slaughter, destroy or dispose of any of the following except with the permission and in accordance with the instructions of an inspector, or in accordance with the regulations:

- (a) an animal or an animal product or byproduct the person knows to be, or has reason to believe may be, affected by a notifiable or reportable disease;
- (b) an animal the person knows has been, or has reason to believe may have been, administered medication, if the medication's withdrawal period, as indicated on the medication's packaging, has not yet expired;
- (c) an animal or an animal product or byproduct the person knows has been, or has reason to believe may have been, exposed to an environmental toxin that may be harmful to human health or the environment, regardless of whether the environmental toxin has been prescribed as a notifiable or reportable disease.

Disease control orders

9 If a person has reason to believe that

- (a) the person is entering or is about to enter a quarantine zone, a surveillance zone or a control zone, or
- (b) an animal, an animal product or byproduct, or a thing is subject to a quarantine zone order made under section 27 [*quarantine zone orders*],

the person must comply with all applicable prohibitions, limits or requirements imposed under an order or a regulation that applies to the quarantine zone, surveillance zone, control zone, animal, animal product or byproduct, or thing.

Part 2 — Regulated Activities

Duties of operators

10 (1) In this section, "employee" includes a person providing services, in relation to an animal or an animal product or byproduct,

- (a) under contract, or
- (b) under the direction or supervision of the person responsible for the animal or for the animal product or byproduct, whether or not for a fee.

(2) An operator who engages in a regulated activity must comply with any requirement or duty set out in a regulation respecting the regulated activity.

(3) An operator must ensure that his or her employees are adequately trained and sufficiently equipped to comply with any requirement or duty set out in a regulation respecting a regulated activity in which the employees are engaged.

Licences and permits

11 (1) If a person is required by regulation to have a licence or permit to engage in a regulated activity, the person may apply for the licence or permit by submitting to the chief veterinarian, in the form and manner required by the chief veterinarian,

(a) an application, and

(b) the prescribed records and fees, if any.

(2) On receiving an application for a licence or permit under subsection (1), the chief veterinarian may do one or more of the following:

(a) request, in writing, from the applicant or from a person referred to by the applicant further information, samples, proof of a fact, records or any other thing necessary to evaluate the application;

(b) conduct an inspection under Division 1 [*Inspections*] of Part 4;

(c) refer the application for review and comment to a veterinarian, a public officer, an employee of a local government or a person having special expertise;

(d) issue a temporary licence or permit with or without terms or conditions, valid for a period of no more than 3 months;

(e) issue the licence or permit with or without terms or conditions;

(f) reject the application, providing to the applicant, in writing, the reason for the rejection.

(3) An operator who has a licence or permit may request a variation of the licence or permit by

(a) submitting to the chief veterinarian

(i) an application in the form and manner required by the chief veterinarian, and

(ii) the prescribed records and fees, if any, and

(b) providing to the chief veterinarian information, samples, proof of a fact, records or any other thing necessary to evaluate the application.

(4) On receiving an application under subsection (3), the chief veterinarian may do the following:

- (a) exercise any of the powers set out in subsection (2) (a) to (c) and (f);
- (b) vary the licence or permit.

(5) A licence or permit is not transferable.

Registrations

12 (1) If a person is required by regulation to be registered to engage in a regulated activity, the person may apply to register by submitting to the chief veterinarian, in the form and manner required by the chief veterinarian,

- (a) registration information, and
- (b) the prescribed records and fees, if any.

(2) On receiving a registration form under subsection (1) of this section, the chief veterinarian may do one or more of the following:

- (a) do anything under section 11 (2) (a), (b) or (c) [*licences and permits*] as if the registration were an application for a licence or permit;
- (b) grant the registration by issuing a producer number;
- (c) refuse to grant the registration, providing to the person, in writing,
 - (i) the reason for the refusal, and
 - (ii) if applicable, notice of the terms and conditions the person would need to meet for a registration to be granted.

(3) A producer number issued under subsection (2) (b) is not transferable.

Certification programs

13 If a certification program is prescribed for the purposes of a regulated activity,

- (a) a person must not hold himself or herself out as being certified unless the person is certified in accordance with the regulations, and
- (b) a person who is certified must meet all prescribed standards.

Taking administrative action

14 (1) In this section, "administrative action" means

- (a) to suspend, cancel or vary an operator's licence or permit, or
- (b) to suspend or cancel an operator's registration.

(2) In addition to any other action that may be taken under this Act, the chief veterinarian may take an administrative action if the operator

- (a) has contravened a provision of this Act or the regulations made under it,

- (b) has contravened an order made under this Act,
- (c) has contravened a term or condition of the operator's licence or permit,
- (d) is carrying out a regulated activity in a manner that may endanger
 - (i) animal health, or
 - (ii) public health in relation to diseases that are or may be transmissible from animals to humans, or
- (e) has abandoned a regulated activity.

(3) Before taking an administrative action, the chief veterinarian must provide to the operator

- (a) a written notice stating
 - (i) the administrative action the chief veterinarian proposes to take,
 - (ii) the reason for taking the proposed administrative action,
 - (iii) the date the proposed administrative action is to take effect, and
 - (iv) the manner in which the operator may respond to the proposed administrative action, and
- (b) a reasonable opportunity to respond, in writing, to the proposed administrative action.

(4) After providing the operator with a reasonable opportunity to respond in accordance with the manner set out in the notice provided under subsection (3) (a), the chief veterinarian may do one or both of the following:

- (a) delay the date the administrative action is to take effect or suspend the administrative action, if satisfied that the delay or suspension would not be detrimental to
 - (i) animal health, or
 - (ii) public health in relation to diseases that are or may be transmissible from animals to humans;
- (b) after considering the operator's response, if any, and any supporting records or written submissions of the operator,
 - (i) take the proposed administrative action,
 - (ii) take a different administrative action, or
 - (iii) rescind the notice and take no administrative action.

(5) The chief veterinarian must provide written reasons for a decision made under subsection (4) (b) (i) or (ii).

Reconsideration

- 15** (1) In this section, "decision" means a decision of the chief veterinarian to
- (a) reject an application for a licence or permit, or an application to vary a licence or permit,
 - (b) refuse to grant a registration,
 - (c) issue a licence or permit subject to terms and conditions,
 - (d) suspend, cancel or vary a licence or permit, or
 - (e) suspend or cancel a registration.

(2) On receiving notice of a decision, a person may request the chief veterinarian to reconsider the decision by submitting to the chief veterinarian, within 30 days after receiving the notice, a request in the form and manner required by the chief veterinarian.

(3) After considering a request for reconsideration, the chief veterinarian may take, as applicable, one or more of the actions described in section 11 (2) or (4) (b), 12 (2) or 14 (4).

(4) The chief veterinarian must provide written reasons for an action taken under subsection (3) of this section, and a person may not request further reconsideration.

(5) If the chief veterinarian is unable or unavailable to reconsider his or her decision, a person acting for the chief veterinarian may act under this section in respect of the decision as if that person had made the decision.

Part 3 — Records and Information

Division 1 — Collection, Use and Disclosure of Information

Protected information

16 (1) Except as permitted under section 17 [*duty to keep information confidential*] or 18 [*personal information*], a person described in section 17 (1) or 18 (1) must refuse to disclose the following:

- (a) information that would identify a person responsible for an animal or for an animal product or byproduct;
- (b) information that would identify an animal or an animal product or byproduct that is located at or in a specific place or on or in a specific vehicle;
- (c) information that would identify a specific place at which an animal or an animal product or byproduct is located;
- (d) information that would reveal that a notifiable or reportable disease is or may be present in a specific place or on or in a specific vehicle;

(e) information that would reveal that an animal or an animal product or byproduct affected by a notifiable or reportable disease is

(i) located at or in a specific place or on or in a specific vehicle, or

(ii) owned, or in the custody or control of, an identifiable person or body, or that an identifiable person or body is an operator in relation to the animal or the animal product or byproduct;

(f) information that is derived from a sample taken under this Act or that is submitted to the ministry of the minister or a laboratory identified in an order of the minister.

(2) Despite the *Freedom of Information and Protection of Privacy Act*, a person who would otherwise be required under that Act to disclose information described in subsection (1) of this section is not required to disclose the information except as required under section 25 of that Act.

Duty to keep information confidential

17 (1) In this section, "person engaged in the administration of this Act" includes the following persons:

(a) each employee and former employee of the ministry of the minister;

(b) each inspector and former inspector;

(c) any person engaged or previously engaged in the administration of this Act;

(d) a person responsible for administering a laboratory identified for the purposes of section 16 (1) (f) [*protected information*];

(e) each employee and former employee of a laboratory identified for the purposes of section 16 (1) (f).

(2) A person engaged in the administration of this Act must keep confidential the information described in section 16 (1) that comes to the person's knowledge in the course of that person's employment or duties, and must not communicate any of those matters except as follows:

(a) to administer this Act or another enactment or a program administered by the minister;

(b) to make a report that the person is required to make under this Act;

(c) to disclose, in accordance with the regulations, prescribed information contained in a traceability system;

(d) to disclose prescribed information in respect of an order made under this Act;

(e) to publish or disclose information that, in the opinion of the minister, must be published or disclosed in the public interest.

(3) For greater certainty, information may be disclosed outside British Columbia for the purposes of subsection (2) regardless of whether there is a threat to animal health or public health, or to an animal's health or a person's health, in British Columbia.

Personal information

18 (1) A person may collect, use or disclose personal information under this Act for one or more of the purposes listed in subsection (2) if the person is one of the following:

(a) an employee of the ministry of the minister;

(b) an inspector;

(c) currently engaged in the administration of this Act;

(d) responsible for administering a laboratory identified for the purposes of section 16 (1) (f) [*protected information*];

(e) an employee of a laboratory identified for the purposes of section 16 (1) (f);

(f) a prescribed person.

(2) The purposes referred to in subsection (1) are as follows:

(a) to identify a person who may have been exposed to an affected animal or an affected animal product or byproduct;

(b) to identify a person who was, is or is expected to be a person responsible for an affected animal or for an affected animal product or byproduct;

(c) to identify a person who is or may be engaged in a regulated activity;

(d) to determine the presence of, identify, prevent, control or eradicate a notifiable or reportable disease;

(e) to notify a person or body responsible for animal health or public health, including public officers responsible for animal health or public health in other jurisdictions, that an order has been made under Division 2 [*General Disease Control Orders*] or 3 [*Temporary Disease Control Orders*] of Part 4, and of the contents of the order;

(f) to engage in animal health program planning, delivery, evaluation and monitoring, including

(i) compilation of statistical information, and

- (ii) animal health surveillance;
- (g) to conduct or facilitate research into animal health management and animal disease control;
- (h) to assess and address threats to animal health;
- (i) to assess and address threats to public health in relation to diseases that are or may be transmissible from animals to humans;
- (j) to implement and maintain a traceability system;
- (k) to monitor compliance with this Act and the regulations made under it;
- (l) without limiting any other purpose listed in this subsection, if necessary for the effective operation of a provision of this Act or a regulation made under it.

(3) For greater certainty, personal information may be disclosed outside British Columbia for the purposes of subsection (2) regardless of whether there is a threat to animal health or public health, or to an animal's health or a person's health, in British Columbia.

(4) A person listed in subsection (1) must not collect, use or disclose personal information except as permitted under this Act or another enactment.

Division 2 — Duty to Keep Records and Make Reports

Duty to keep records

19 A person responsible for an animal or for an animal product or byproduct, and a prescribed person, must

- (a) keep, in accordance with the regulations, the prescribed records, and
- (b) produce those records on the request of an inspector within the time requested.

Mandatory reporting

20 (1) This section applies to each of the following persons who becomes aware of a matter referred to in subsection (2):

- (a) a person responsible for an animal or for an animal product or byproduct;
- (b) an inspector, a veterinarian and a person responsible for administering a laboratory, acting in the course of his or her duties.

(2) A person to whom this section applies must report, in accordance with subsection (3), the following matters:

- (a) that an animal is affected by or has been exposed to a notifiable or reportable disease;

- (b) that an animal has died, or may have died, as a result of a notifiable or reportable disease;
- (c) that an animal
 - (i) is exhibiting signs of illness that are unusual in nature, or
 - (ii) has died of an illness that is unusual in nature;
- (d) that an animal product or byproduct
 - (i) is or may be affected by a notifiable or reportable disease, or
 - (ii) came from, or may have come from, an animal described in paragraph (c) of this subsection.

(3) A person to whom this section applies must promptly report to the chief veterinarian the following information, to the extent of the person's knowledge:

- (a) the identity and contact information, if known, of a person responsible for the animal or for the animal product or byproduct;
- (b) if the information described in paragraph (a) is unavailable, or if there is no person responsible for the animal or for the animal product or byproduct,
 - (i) the last known location of the animal or the animal product or byproduct, and
 - (ii) information that would assist in identifying the animal or the animal product or byproduct;
- (c) the identity or nature of the notifiable or reportable disease, or illness, including any signs;
- (d) if a diagnostic examination or other examination was done, the type of examination and the results;
- (e) any preventive measures taken;
- (f) any prescribed information;
- (g) any other relevant information requested by the chief veterinarian.

(4) A person to whom this section applies must

- (a) make records and take samples as prescribed, and
- (b) take other prescribed actions.

Mandatory diagnostic examination and reporting

21 (1) The chief veterinarian may, on the chief veterinarian's own initiative or on receiving a report under this Division, order a person responsible for administering a laboratory, or another person, to perform a diagnostic

examination and make a report of findings if the chief veterinarian reasonably believes it is necessary to do one or more of the following:

- (a) determine the identity or presence of a notifiable or reportable disease;
- (b) monitor the incidence and nature of
 - (i) a notifiable or reportable disease, or
 - (ii) signs of illness that are unusual in nature;
- (c) control or eradicate a notifiable or reportable disease.

(2) A person subject to an order under this section must comply with the order.

Traceability systems

22 (1) In this section:

"traceability program" means a program established and maintained, or designated, under subsection (2) (b);

"traceable animal" means an animal that is subject to a traceability system;

"traceable item" means an animal product or byproduct, or a prescribed thing in relation to an animal product or byproduct, that is subject to a traceability system.

(2) The minister may, for the purposes of this Act, establish and maintain, or designate, one or more of the following:

- (a) traceability systems;
- (b) programs that, in the opinion of the minister,
 - (i) facilitate the effectiveness of a traceability system, or
 - (ii) are an integral part of a traceability system.

(3) A program may be designated under subsection (2) (b) whether

- (a) the program is established or maintained by a public or private body, including, without limitation, the government of another jurisdiction and a voluntary association, or
- (b) the traceability system to which the program relates, or is intended to relate, has not yet been established or designated.

(4) A person who is responsible for a traceable animal or for a traceable item, or for a place, vehicle or thing that is subject to a traceability program, must do all of the following if and as required by a regulation made under section 96 (3):

- (a) obtain a unique identifier for the traceable animal, traceable item, place, vehicle or thing;

(b) attach the identifier or notice of the identifier to the corresponding traceable animal, traceable item, place, vehicle or thing;

(c) make records respecting the traceable animal, traceable item, place, vehicle or thing and, if applicable, take samples;

(d) report to the minister or a prescribed person all prescribed information respecting

(i) the traceable animal, traceable item, place, vehicle or thing,

(ii) places, vehicles or things used in connection with a traceable animal or traceable item, even if those places, vehicles or things are not themselves subject to a traceability program, and

(iii) the transport or other movement of a traceable animal or traceable item, including the means of transport or movement and the destination;

(e) take other prescribed actions.

Part 4 — Inspections and Orders

Division 1 — Inspections

When inspections may be made

23 (1) Subject to section 25 [*entering to inspect*] and subsection (2) of this section, an inspector may do one or more of the following:

(a) stop a person who the inspector reasonably believes is a person responsible for an animal or for an animal product or byproduct;

(b) stop a vehicle if the inspector has reason to believe that an animal or an animal product or byproduct affected by a notifiable or reportable disease is present or has been kept in the vehicle;

(c) enter and inspect a vehicle or place if the inspector has reason to believe that an animal or an animal product or byproduct is present or has been kept in the vehicle or place.

(2) An action may be taken under subsection (1) for one or more of the following purposes only:

(a) if there is reason to believe that a notifiable or reportable disease may be present, to determine

(i) the presence of a notifiable or reportable disease, or

- (ii) whether there is otherwise a significant risk to animal health, or to public health in relation to diseases that are or may be transmissible from animals to humans;
- (b) if a report is made under section 20 [*mandatory reporting*] or 21 [*mandatory diagnostic examination and reporting*], to confirm the information provided in the report or to obtain further information;
- (c) to determine whether
 - (i) a licence or permit should be issued, or a registration should be granted, or
 - (ii) a term or condition of a licence or permit, or of an order made under this Act, should be varied or rescinded;
- (d) to monitor animal health within a quarantine zone, surveillance zone or control zone in relation to the notifiable or reportable disease for which the order or regulation establishing the zone was made;
- (e) to monitor or confirm compliance with
 - (i) a provision of this Act or a regulation made under it,
 - (ii) an order made under this Act, or
 - (iii) a term or condition of a licence or permit;
- (f) to determine whether an order made under this Act should be varied or terminated;
- (g) if an inspector has the power to monitor or confirm compliance with a provision of another enactment, including an enactment of Canada, to monitor or confirm compliance with that provision;
- (h) for any purpose for which an inspection by an inspector is expressly authorized under this or any other enactment, including an enactment of Canada;
 - (i) for a prescribed purpose.

Inspection powers

24 (1) An inspector may do one or more of the following for the purposes of an inspection:

- (a) pass through a place to reach a vehicle or place that is to be the subject of an inspection;
- (b) be accompanied or assisted by a person who has special, expert or professional knowledge of a matter relevant to the inspection;

- (c) require a person to produce, including assembling animals and opening cages or containers, relevant records or things in the person's possession or control;
- (d) inspect, copy or remove relevant records or things;
- (e) make records in respect of a person, place or thing;
- (f) require a person to stop engaging in an activity, or stop the operation of a thing;
- (g) require a person whom the inspector reasonably believes to have relevant information to answer questions and otherwise provide that information;
- (h) take samples and perform analyses and tests;
- (i) conduct a post-mortem examination of an animal and, for this purpose,
 - (i) exhume a dead animal, and
 - (ii) transport or require the transport of the animal to the place where the post-mortem examination will be conducted;
- (j) require that a place or thing not be altered or disturbed for a reasonable period of time;
- (k) require a person to operate a thing, carry out a procedure or demonstrate a relevant skill, as directed by the inspector;
- (l) attach to an animal or an animal product or byproduct an identifying mark or tag that permits identification of the animal or the animal product or byproduct as having been inspected;
- (m) make an order that is necessary for the purpose of exercising a power of inspection, including ordering a person found in a vehicle or place under inspection to assist in the inspection.

(2) If an inspector removes records or things under subsection (1) (d), the inspector must do both of the following:

- (a) provide a receipt for the records or things to the person from whom they were taken;
- (b) subject to a power under this or any other enactment to order a thing destroyed, promptly return the records or things
 - (i) when the records or things have served the purposes for which the records or things were taken, or
 - (ii) if a proceeding is taken under this or any other enactment as a result of an inspection, and the records or

things are relevant to the proceeding, no later than 3 months after the conclusion of the proceeding.

Entering to inspect

25 (1) An inspector may conduct an inspection at any reasonable hour.

(2) Before entering a place, an inspector must

- (a) take reasonable steps to notify the owner or occupier of the place of the date and time that the inspector will be entering, and
- (b) if the place is a private dwelling, obtain either the consent of the owner or occupier or a warrant to enter.

(3) Despite subsection (2) (a), an inspector may conduct an inspection without providing notice in any of the following circumstances:

- (a) the thing to be inspected is on display in a public place;
- (b) providing notice would not be reasonably possible or practicable in the circumstances;
- (c) in the case of a regulated activity, providing notice might frustrate the purposes of the inspection.

Voluntary inspections

26 (1) A person responsible for an animal or for an animal product or byproduct, or for a thing related to an animal or an animal product or byproduct, may request an inspection of the animal, the animal product or byproduct, or the thing.

(2) A request under this section must be

- (a) made in the form and manner required by the chief veterinarian, and
- (b) accompanied by payment of the prescribed fee, if any.

(3) Section 23 (2) [*when inspections may be made*] does not apply to an inspection made under this section.

Division 2 — General Disease Control Orders

Quarantine zone orders

27 (1) If the chief veterinarian reasonably believes, based on the results of a diagnostic examination, that a reportable disease is present, the chief veterinarian may make an order establishing a quarantine zone on an area described in the order.

(2) A quarantine zone order must describe

- (a) the reportable disease that gave rise to the order, and

(b) the species of animal, the types of animal products or byproducts, or the types of things that are the subject of the order.

(3) A quarantine zone order may include any terms and conditions the chief veterinarian considers necessary to minimize the risk of the reportable disease being transmitted or spread, including one or more of the following:

- (a) prohibiting, limiting or imposing requirements in respect of
 - (i) the movement of persons into, from or within the quarantine zone,
 - (ii) the possession of animals, animal products or byproducts, or things within the quarantine zone,
 - (iii) the transport of animals, animal products or byproducts, or things into, from or within the quarantine zone, and
 - (iv) dealing with quarantined animals, animal products or byproducts, or things;
- (b) requiring the isolation and segregation of quarantined animals;
- (c) requiring a person to take specific preventive measures within the quarantine zone or in respect of quarantined animals, animal products or byproducts, or things;
- (d) requiring a person to make specified records and reports in respect of the quarantine zone or the location and condition of quarantined animals, animal products or byproducts, or things.

Surveillance zone orders

28 (1) The chief veterinarian may make an order establishing a surveillance zone around a quarantine zone.

(2) A surveillance zone order must

- (a) identify the quarantine zone order made under section 27 [*quarantine zone orders*] and the reportable disease to which the quarantine zone order relates, and
- (b) describe the area of the surveillance zone.

(3) A surveillance zone order may include any terms and conditions the chief veterinarian considers necessary to do one or both of the following:

- (a) monitor the surveillance zone for the presence of the reportable disease that is or is likely present within the quarantine zone, including requiring a person to make specified records and reports;
- (b) prevent the transmission into the surveillance zone of the reportable disease that is or is likely present within the quarantine zone.

Reason for seizure, slaughter or destruction

29 (1) An order may be made under section 30 [*seizure orders*] only if the chief veterinarian

(a) reasonably believes that one or both of the circumstances referred to in subsection (2) of this section may exist,

(b) reasonably believes that

(i) an operator has contravened a provision of this Act or the regulations or an order made under it, or a term or condition of the operator's licence or permit, and

(ii) a failure to comply with the provision, order, term or condition may result in a significant risk that an animal or an animal product or byproduct may become affected, or

(c) reasonably believes that a former operator has abandoned an animal, an animal product or byproduct, or a thing, and the animal, animal product or byproduct, or thing

(i) is an animal, animal product or byproduct, or thing described in subsection (2) of this section,

(ii) may endanger animal health, or

(iii) may endanger public health in relation to diseases that are or may be transmissible from animals to humans.

(2) Subject to section 30 (4), an order may be made under section 31 [*slaughter or destruction orders*] only if one or both of the following circumstances exist:

(a) an animal or an animal product or byproduct is affected by a reportable disease;

(b) a thing has been exposed to an animal or an animal product or byproduct affected by a reportable disease and the chief veterinarian reasonably believes that preventive measures would be inadequate to protect

(i) animal health, or

(ii) public health in relation to diseases that are or may be transmissible from animals to humans.

Seizure orders

30 (1) Subject to section 29 [*reason for seizure, slaughter or destruction*], the chief veterinarian may make an order to seize one or more of the following:

(a) an animal;

(b) an animal product or byproduct;

(c) a thing in relation to an animal or an animal product or byproduct.

(2) On making a seizure under this section, the chief veterinarian may

(a) return the animal, the animal product or byproduct, or the thing to a person responsible for it, with or without an order imposing conditions on the return, or

(b) dispose of the animal, the animal product or byproduct, or the thing, including by sale.

(3) If an action is taken under subsection (2) (b),

(a) each person responsible for the animal, the animal product or byproduct, or the thing ceases to have any rights and interests in the animal, the animal product or byproduct, or the thing, and

(b) if the animal, the animal product or byproduct, or the thing is disposed of to another person, all rights and interests in the animal, the animal product or byproduct, or the thing vest in the person to whom it is disposed of.

(4) If an animal, an animal product or byproduct, or a thing was seized in the circumstances set out in section 29 (1) (c), a disposition under subsection (2) (b) of this section by slaughter or destruction may be made

(a) regardless of whether either of the circumstances set out in section 29 (2) exists, and

(b) without the need to make a further order under section 31 [*slaughter or destruction orders*].

(5) Nothing in section 29 prevents a person who acquires an animal, an animal product or byproduct, or a thing, disposed of under subsection (2) (b) of this section, from slaughtering or destroying the animal, animal product or byproduct, or thing, regardless of the reason for which the animal, animal product or byproduct, or thing was seized.

Slaughter or destruction orders

31 Subject to section 29 [*reason for seizure, slaughter or destruction*], the chief veterinarian may order the slaughter of an animal, or the destruction of an animal product or byproduct, or a thing, and, for this purpose, may order that

(a) the slaughter or destruction be carried out by a specified person, or under the supervision or instructions of a specified person,

(b) the animal, the animal product or byproduct, or the thing be transported to a specified place for the purpose of destruction, and

(c) the slaughter or destruction, and subsequent disposal, be carried out in accordance with specified procedures.

General orders may be included

32 Despite section 39 [*when general orders may be made*], if the chief veterinarian considers it necessary or advisable for the purposes of an order made under this Division, the chief veterinarian may include in the order any order that may be made under section 40 [*power to do anything reasonably necessary*] or 41 [*general orders*].

Costs due to orders

33 (1) A person subject to an order made under this Division is responsible for all costs incurred to comply with the order and all costs or losses incurred as a result of the order, including, without limitation,

(a) costs of keeping or transporting an animal, an animal product or byproduct, or a thing,

(b) costs of taking preventive measures,

(c) costs of examination and sampling incurred to determine the presence or identity, or continued presence, of a reportable disease, and

(d) market or other economic losses sustained

(i) while animals, animal products or byproducts, or things were the subject of the order, or

(ii) due to the slaughter of an animal or the destruction of an animal product or byproduct or a thing.

(2) Without limiting section 55 [*recovery of costs*], that section applies to costs incurred by an inspector as described in subsection (1) (a), (b) or (c) of this section.

Compensation

34 (1) A person has no right of action as a result of an order made under this Division and must not commence or maintain proceedings

(a) to claim damages or compensation of any kind from the government, or

(b) to obtain a declaration that damages or compensation is payable by the government.

(2) to (7) [*Not in force.*]

Division 3 — Temporary Disease Control Orders

Deemed diseases

35 (1) This section applies if the minister reasonably believes that

(a) either

(i) an environmental toxin, an infestation or a transmissible disease is present in an area, or

- (ii) a significant number of animals within an area are exhibiting signs of illness that are unusual in nature, or have died of an illness that is unusual in nature,
- (b) the matter described in paragraph (a) may be a significant risk to
 - (i) animal health, or
 - (ii) public health in relation to diseases that are or may be transmissible from animals to humans, and
- (c) the matter described in paragraph (a) is not an environmental toxin, infestation or transmissible disease, or evidence of a syndrome, that is prescribed as either a notifiable disease or a reportable disease.

(2) In the circumstances set out in subsection (1), the minister may order that, for the purposes of one or more provisions of this Act or the regulations made under it,

- (a) the environmental toxin, infestation or transmissible disease is deemed, or
- (b) a condition that is characterized by or associated with a group of signs or an illness as described in subsection (1) (a) (ii) is deemed

as being prescribed as either a notifiable disease or a reportable disease.

(3) If the minister makes an order under subsection (2),

- (a) the provisions identified in the order apply in respect of the matter described in subsection (1) (a) as if it were prescribed as either a notifiable disease or a reportable disease, as applicable, and
- (b) the minister may include in the order any prohibition, requirement, limit or condition necessary to
 - (i) determine the presence and identity of, and monitor, the deemed notifiable or reportable disease, and
 - (ii) prevent, control or eradicate the deemed notifiable or reportable disease.

Deemed control zones

36 (1) If the minister reasonably believes that it is necessary for one or both of the following purposes, the minister may make an order deeming an area described in the order to be a temporary control zone:

- (a) preventing a notifiable or reportable disease from entering British Columbia;
- (b) establishing or protecting an area that is free of a notifiable or reportable disease that is present elsewhere in British Columbia.

(2) A control zone order must describe

- (a) the notifiable or reportable disease that gave rise to the order, and
- (b) the species of animal, the types of animal products or byproducts, or the types of things that are the subject of the order.

(3) A control zone order may include any terms and conditions the minister considers necessary for a purpose set out in subsection (1), including one or more of the following:

- (a) prohibiting, limiting or imposing requirements in respect of the movement of persons into or within the control zone;
- (b) prohibiting, limiting or imposing requirements in respect of the possession or transport of animals, animal products or byproducts, or things into or within the control zone;
- (c) requiring a person to take specific preventive measures within the control zone;
- (d) requiring a person to make specified records and reports in respect of
 - (i) the control zone, or
 - (ii) the condition of animals, or animal products or byproducts, within the control zone;
- (e) requiring proof, in the form and manner satisfactory to the minister, that an animal, an animal product or byproduct, or a thing is not affected by the notifiable or reportable disease that is the subject of the control zone.

Publication of temporary orders

37 An order made under this Division

- (a) must be published in the Gazette or in any other prescribed manner, and
- (b) takes effect on the date it is made, regardless of when publication occurs.

End of temporary orders

38 An order made under this Division ceases to have effect 42 days after it is made and must not be extended past that period.

Division 4 — General Orders

When general orders may be made

39 (1) An inspector may make an order under this Division only if the inspector reasonably believes that

(a) an animal is or may be affected by, or is at risk of being exposed to an animal affected by, a notifiable or reportable disease,

(b) an animal product or byproduct is or may be affected by a notifiable or reportable disease,

(c) a condition, a thing or an activity presents a significant risk of causing a threat to

(i) animal health, or

(ii) public health in relation to diseases that are or may be transmissible from animals to humans, or

(d) a person has contravened

(i) a provision of this Act, or a regulation or an order made under it, or

(ii) a term or condition of the person's licence or permit.

(2) For greater certainty, an inspector may make an order under this Division even if the person subject to the order is complying with all terms and conditions of a licence or permit issued under this or any other enactment.

(3) An order may be made based on a diagnostic examination, the circumstances or health history of an animal, or the history of an animal product or byproduct, even if the animal or the animal product or byproduct has been examined and the examination did not reveal the presence of a notifiable or reportable disease.

Power to do anything reasonably necessary

40 If the circumstances described in section 39 [*when general orders may be made*] apply, an inspector may order a person to do anything that the inspector reasonably believes is necessary for one or more of the following purposes:

(a) to determine the presence of a notifiable or reportable disease;

(b) to identify, prevent, control or eradicate a notifiable or reportable disease;

(c) to bring the person into compliance with this Act or a regulation made under it, or a term or condition of that person's licence or permit.

General orders

41 Without limiting section 40 [*power to do anything reasonably necessary*], an inspector may order a person to do one or more of the following:

(a) keep an animal, an animal product or byproduct, or a thing in a specified place;

(b) prevent an animal, an animal product or byproduct, or a thing from

- (i) being transported to or from a place,
- (ii) being unloaded from a vehicle, or
- (iii) entering a specified place;

(c) prevent persons or animals from being exposed to an animal, an animal product or byproduct, or a thing;

(d) provide to the inspector or a specified person information, records, samples or other things relevant to an animal's possible exposure to a notifiable or reportable disease, including information respecting

- (i) persons who and animals that may have been exposed to the animal,
- (ii) animal products or byproducts that may have come from the animal, and
- (iii) a thing that may have been used in relation to the animal;

(e) have an animal placed under the supervision or care of a specified person;

(f) have an animal, an animal product or byproduct, or a thing examined by a specified person or under the supervision or instructions of a specified person, including

- (i) transporting the animal, the animal product or byproduct, or the thing to a specified place for the purpose of examination, and
- (ii) having the animal, the animal product or byproduct, or the thing examined before a particular date or according to a schedule;

(g) take preventive measures, including

- (i) complying with preventive measures set out in the order, specified by a veterinarian or both, as applicable,
- (ii) transporting an animal, an animal product or byproduct, or a thing to a specified place for the purpose of preventive measures, and
- (iii) beginning preventive measures before a particular date and continuing until a particular date or event;

- (h) do specific work in respect of a place, including removing or altering things found in the place and altering or locking the place to restrict or prevent entry to the place;
- (i) not deal with or dispose of an animal, an animal product or byproduct, or a thing, or do so only in accordance with a specified procedure;
- (j) stop operating, or not operate, a thing;
- (k) to protect the health of animals or of persons who may be exposed to diseases that are or may be transmissible from animals to humans,
 - (i) wear a type of clothing or personal protective equipment, or change, remove or alter clothing or personal protective equipment, or
 - (ii) use a type of equipment or implement a process, or remove equipment or alter equipment or processes;
- (l) attach an identifying mark or tag to an animal, an animal product or byproduct, or a thing;
- (m) provide evidence of complying with the order, including
 - (i) getting specified evidence of compliance from a veterinarian or specified person, and
 - (ii) providing to an inspector any relevant record;
- (n) make or keep a specific record;
- (o) take a prescribed action.

Division 5 — Making and Reviewing Orders

Application of this Division

42 This Division applies in respect of an order made under Division 2 [*General Disease Control Orders*] or 4 [*General Orders*] of this Part.

Who may be the subject of an order

43 Any of the following persons may be the subject of an order:

- (a) a person responsible for an animal that is or may be affected by, or at risk of being exposed to an animal affected by, a notifiable or reportable disease;
- (b) a person responsible for an animal product or byproduct that is or may be affected by a notifiable or reportable disease;
- (c) a person who has custody or control of a condition, thing or activity that presents a significant risk of causing a threat to

- (i) animal health, or
- (ii) public health in relation to diseases that are or may be transmissible from animals to humans;
- (d) a person who has contravened
 - (i) a provision of this Act or a regulation or an order made under it, or
 - (ii) a term or condition of the person's licence or permit;
- (e) the owner or occupier of a place where
 - (i) an animal, animal product or byproduct, condition, thing or activity described in paragraph (a), (b) or (c) is located, or
 - (ii) an activity is occurring that is not in compliance with this Act or a regulation or an order made under it, or a term or condition of a licence or permit.

Contents of orders

- 44** (1) An order must be made in writing and describe all of the following:
- (a) who must comply with the order;
 - (b) what must be done or not done, and any conditions, including, if applicable, the date by which something must be done;
 - (c) the date on which, or the circumstances under which, the order is to terminate, if the date or circumstances are known;
 - (d) subject to the regulations, information sufficient to enable a person to contact the person who made the order;
 - (e) how the person subject to the order may have the order reconsidered;
 - (f) any prescribed matter.

(2) Two or more orders may be combined in a single written notice.

(3) An order may be made in respect of a class of persons or things.

Instructions to another person

45 (1) If an inspector orders an animal or an animal product or byproduct to undergo a diagnostic examination, the inspector must include with the order an instruction to the examiner to provide a copy of the results of the examination to the person responsible for the animal or for the animal product or byproduct.

(2) An order made under subsection (1) may

- (a) authorize the examiner to provide recommendations to the person subject to the order, and

- (b) instruct the examiner to provide to the inspector
 - (i) a copy of the results of the examination, and
 - (ii) a report respecting the examiner's recommendations and the compliance, by the person subject to the order, with the examiner's recommendations.

(3) An examiner given instructions under subsection (2) (b) must comply with the instructions.

Service of orders

46 An order must be served in accordance with the regulations.

Variation and reassessment of orders

47 (1) An inspector who makes an order may vary or terminate the order, at any time, on the inspector's own initiative.

(2) Subject to the regulations, a person subject to an order may request the inspector who made the order to

- (a) reassess the relevant circumstances,
- (b) assess the extent to which the order has been complied with, and
- (c) determine whether the order continues to be necessary to protect
 - (i) animal health, or
 - (ii) public health in relation to diseases that are or may be transmissible from animals to humans.

(3) A request under subsection (2) must be made in the form and manner required by the chief veterinarian.

(4) On receiving a request under subsection (2), the inspector who made the order may, based on the matters referred to in that subsection,

- (a) confirm or vary the order, or
- (b) terminate the order.

Reconsideration of orders

48 (1) A person subject to an order made under this Part may request the person who made the order to reconsider the order if

- (a) the person subject to the order has additional relevant information that was not reasonably available at the time the order was made, and
- (b) less than 20 days has passed since the order was made.

(2) A request for reconsideration must be made in the form and manner required by the chief veterinarian.

(3) After considering a request for reconsideration, the inspector who made the order may do one or more of the following:

(a) reject the request on the basis that the information submitted in support of the request is not relevant or was reasonably available at the time the order was made;

(b) delay the date the order is to take effect or suspend the order, if satisfied that the delay or suspension would not be detrimental to

(i) animal health, or

(ii) public health in relation to diseases that are or may be transmissible from animals to humans;

(c) confirm, vary or rescind the order.

(4) The inspector who made the order must provide written reasons for a decision to reject the request under subsection (3) (a) or to confirm or vary the order under subsection (3) (c), and a person may not request further reconsideration.

(5) An order is not suspended during the period of reconsideration unless the inspector who made the order agrees, in writing, to suspend it.

(6) For the purposes of this section,

(a) if a class of persons is subject to an order, a request for reconsideration may be made by one person on behalf of the class, and

(b) if multiple orders are made in respect of a class of persons, or that address related matters or issues, the inspector who made the orders may reconsider the orders separately or together.

(7) If the inspector is unable or unavailable to reconsider an order he or she made, a person designated by the chief veterinarian may act under this section in respect of the order as if the designated person had made the order.

Review of orders

49 (1) Subject to subsection (2), a person subject to an order made under section 40 [*power to do anything reasonably necessary*] or 41 [*general orders*] may request a review of the order under this section.

(2) This section does not apply to an order made under section 40 or 41 if the order is made in the circumstances described in section 32 [*general orders may be included*].

(3) A request for a review may be made,

(a) in the case of an order made by the chief veterinarian, to the minister, or

(b) in the case of an order made by an inspector, to the chief veterinarian.

(4) A request for a review

(a) must be made in the form and manner required by the chief veterinarian, and

(b) may be made only if less than 20 days has passed since

(i) the order was made, if reconsideration is not available under section 48 (1) [*reconsideration of orders*], or

(ii) an action was taken under section 48 (3).

(5) A review must be based on the record.

(6) After considering a request for a review, a reviewer may do one or more of the following:

(a) delay the date the order is to take effect or suspend the order, if satisfied that the delay or suspension would not be detrimental to

(i) animal health, or

(ii) public health in relation to diseases that are or may be transmissible from animals to humans;

(b) confirm, vary or rescind the order;

(c) refer the matter back to the person who made the order, with or without directions.

(7) A reviewer must provide written reasons for an action taken under subsection (6) (b) or (c), and a person may not request further review of an order.

Termination of orders

50 An order ceases to have effect on the date or in the circumstances stated in the order, or if no date or circumstances are stated, as follows:

(a) if an order is served by posting the order, or notice of the order, in or on a place, on the date the order or notice is removed from the place by the minister or the inspector who made the order, or by a person acting under the direction of either of them;

(b) if an order is served by publishing the order, or notice of the order, on the date the inspector who made the order publishes a notice that the order has been terminated;

(c) if an order is made under section 41 (m) [*general orders*], on the date the person subject to the order provides evidence of compliance as required by the order;

(d) in any other case, on the date the inspector who made the order provides notice by any means to the person subject to the order that the order is terminated.

Division 6 — Compliance with and Enforcement of Orders

Application of this Division

51 This Division applies in respect of an order made under this Part.

Duty to comply with orders

52 A person named or described in an order must comply with the order.

Postings and identification

53 (1) If the minister or an inspector, or a person acting under the direction of either of them, posts an order or a notice under this Act, a person other than the minister or an inspector, or a person acting under the direction of either of them, must not remove, deface or alter the posted order or notice.

(2) If the minister or an inspector requires that an animal or an animal product or byproduct have an identifying mark or tag, a person other than the minister or an inspector, or a person acting with the permission of either of them, must not remove, deface or alter the identifying mark or tag.

Entering to take action

54 (1) If an inspector believes that a person is inadequately complying with, or has inadequately complied with, an order, the inspector may take action to fulfill the requirements of the order, including authorizing a person to carry out work on behalf of the inspector.

(2) Subsection (1) applies whether or not the inspector was the person who made the order.

(3) Subject to subsection (4), an inspector or a person acting on behalf of an inspector may enter on or into a place for the purpose of taking an action under subsection (1).

(4) Section 25 [*entering to inspect*] applies to entry under subsection (3) of this section as if the inspector, or the person acting on behalf of the inspector, were conducting an inspection of the place.

Recovery of costs

55 (1) If an inspector does work or contracts for work to be done under section 54 [*entering to take action*], the inspector may, by filing a certificate in the prescribed form in the Supreme Court, recover reasonable costs for the work from the person subject to the order in relation to which the work was done.

(2) A certificate must be filed within 2 years of the work being done.

(3) A certificate must be signed by the inspector or the chief veterinarian, and it must include all of the following information:

(a) the details of the order referred to in subsection (1), including the date the order was made;

(b)the total amount owing;

(c)the name of the person subject to the order referred to in subsection (1);

(d)the date, and the manner in which, the costs were incurred.

(4)Subject to the regulations, a certificate has the same effect, and proceedings may be taken on it, as if the certificate were a judgment of the Supreme Court for the recovery of a debt in the amount stated against the person who was subject to the order referred to in subsection (1).

(5)A certificate is

(a)admissible in any proceedings to recover the certified debt without proof of the signature or official position of the person appearing to have signed the certificate, and

(b)proof of the certified facts.

(6)A copy of the filed certificate must be served in the prescribed manner on the person who was subject to the order referred to in subsection (1).

(7)A person who has been served with a copy of the filed certificate under subsection (6) may, within 30 days of being served, request the Supreme Court to review, in accordance with the regulations, the amount owing.

(8)After reviewing the amount owing, the Supreme Court may rescind or modify the certificate if satisfied that the amount owing is not reasonable.

Warrants

56 (1)Without notice to any person, an inspector may apply, in the manner set out in the regulations, to a justice of the peace for an order under this section.

(2)A justice of the peace may issue a warrant in the prescribed form authorizing an inspector, or a person acting on behalf of an inspector, to enter and search a place, including a private dwelling, and take any necessary action if satisfied by evidence on oath or affirmation that doing so is necessary for the purposes of

(a)taking an action authorized under this Act, or

(b)determining whether an action authorized under this Act should be taken.

(3)If an inspector believes that it would be impracticable to appear personally before a justice of the peace to apply for a warrant under this section, the inspector may submit an information on oath by telephone or other means of telecommunication and, for this purpose, section 22 of the *Offence Act* applies.

Injunctions

57 (1)Without notice to any person, an inspector may apply, in the manner set out in the regulations, to a judge of the Supreme Court for an order under this section.

(2)A judge of the Supreme Court may grant an injunction restraining a person from contravening, or requiring a person to comply with,

(a)a provision of this Act or a regulation or an order made under it,

or

(b)a term or condition of the person's licence or permit,

if satisfied by evidence on oath or affirmation that there has been or will be a contravention of this Act, the regulations, the order, the licence or the permit.

(3)A judge of the Supreme Court may order a person to do or refrain from doing those things the judge considers necessary if satisfied by evidence on oath or affirmation that the person is interfering with or obstructing, or will likely interfere with or obstruct, a person who is exercising powers or performing duties under this Act.

(4)A judge of the Supreme Court may grant an interim injunction or order until the outcome of an application commenced under this section.

Part 5 — Emergency Powers

Division 1 — Application of this Part

Emergency defined

58 In this Part, "emergency" means an emergency declared under section 59 [*conditions to be met before this Part applies*].

Conditions to be met before this Part applies

59 (1)The chief veterinarian may declare that an emergency exists in one or more areas of British Columbia if the chief veterinarian reasonably believes that at least 2 of the following criteria exist:

(a)the presence, or suspected presence, of a reportable disease in the area could have a serious impact on

(i)animal health, or

(ii)public health in relation to diseases that are or may be transmissible from animals to humans;

(b)there is an immediate and significant risk of a reportable disease being transmitted into, or spread in, the area;

(c)the incidence of a reportable disease in the area is unusual or unexpected;

(d)there is a significant risk of travel or trade restrictions as a result of the presence, or suspected presence, of a reportable disease in the area.

(2) If an emergency is declared, a person must not exercise powers under this Part unless the person reasonably believes that

- (a) the action is immediately necessary to address a matter referred to in subsection (1), and
- (b) compliance with this Act, other than this Part, or a regulation made under this Act would hinder that person from acting in a manner that would avoid or mitigate an immediate and significant harm or loss that may reasonably result from a matter referred to in subsection (1).

Part applies despite other enactments

60 During an emergency, this Part applies despite any provision of this or any other enactment, including,

- (a) in respect of the collection, use or disclosure of personal information, the *Freedom of Information and Protection of Privacy Act* and the *Personal Information Protection Act*, and
- (b) in respect of a specific person or thing, a provision that would impose a specific duty, limit or procedural requirement,

to the extent there is any inconsistency or conflict with the provision or other enactment.

Division 2 — Emergency Powers

General emergency powers

- 61** (1) An inspector may, in an emergency, do one or more of the following:
- (a) act in a shorter or longer time period than is otherwise required;
 - (b) not provide a notice that is otherwise required;
 - (c) do orally what must otherwise be done in writing;
 - (d) suspend or vary a licence, permit or registration, and do so without approval of the chief veterinarian or providing an opportunity to
 - (i) respond to the action under section 14 (3) (b) [*taking administrative action*], or
 - (ii) have the action reconsidered under section 15 [*reconsideration*];
 - (e) specify in an order a facility that does not meet the standards or qualifications established under section 69 (g) [*general powers of chief veterinarian*], unless an order under that section states that the order applies in an emergency;
 - (f) omit from an order things that are otherwise required;

- (g) serve an order in any manner;
- (h) not reassess, reconsider or review an order under section 47 [*variation and reassessment of orders*], 48 [*reconsideration of orders*] or 49 [*review of orders*], as applicable;
- (i) conduct an inspection at any time, with or without a warrant, including of a private dwelling;
- (j) collect, use or disclose information, including personal information,
 - (i) that could not otherwise be collected, used or disclosed, or
 - (ii) in a form or manner other than the form or manner required.

(2) An order that may be made under this Part may be made in respect of a class of persons or things and may make different requirements for different persons or things, or classes of persons or things, or for different geographic areas.

Emergency inspectors and veterinarians

62 Despite section 71 [*appointment of inspectors*] of this Act and section 46 of the *Veterinarians Act*, the chief veterinarian may, in an emergency, make an order designating a person to exercise the powers or perform the duties of an inspector or a veterinarian for the purposes of this Act, and that person may exercise a power or perform a duty of an inspector or a veterinarian under this Act in accordance with the terms of the designation for the period of the emergency.

Emergency powers respecting reporting

63 (1) The chief veterinarian may, in an emergency, order that any matter in relation to the reportable disease referred to in section 59 [*conditions to be met before this Part applies*] be reported under this section.

(2) If an order is made under this section, a person required by the order to make a report must promptly report, to the extent of the person's knowledge, to an inspector the information required by the order.

(3) If a person is required to make a report under this Act, the chief veterinarian may, in an emergency, order the person exempt from the requirement, or vary the requirement.

Emergency powers to make regulations

64 The minister may, in an emergency, make regulations as follows:

- (a) exempting a person, place or thing from a provision of this Act or the regulations made under it;
- (b) modifying a requirement of this Act or the regulations made under it;

(c)authorizing the chief veterinarian to make an exemption or modify a requirement as described in paragraphs (a) and (b);
(d)applying or modifying a regulation made under section 97 (4) (b) or (c) [*regulations respecting inspections, orders and enforcement*] for the purposes of applications to the court.

Division 3 — When Authority to Act under this Part Ends

When authority to act under this Part ends

65 Unless otherwise expressed, the authority to act under this Part ends when the chief veterinarian provides notice that the emergency has passed.

Duties when authority to act ends

66 (1)Subject to subsection (2), if a person exercises a power under this Part, the person must, as soon as reasonably practicable after the person's authority ends under section 65 [*when authority to act under this Part ends*], take any reasonable action to do the following:

(a)unless it would serve no reasonable purpose, do a thing that the person would otherwise have been required to do under this Act if this Part did not apply;

(b)in the case of a power exercised in respect of a person under section 61 [*general emergency powers*], provide to the person written reasons for exercising the power;

(c)rescind an order that was made under this Part and give notice of the rescission to persons subject to the order, or, if necessary to protect animal health or to protect public health in relation to diseases that are or may be transmissible from animals to humans,

(i)reissue the order in accordance with sections 44 [*contents of orders*] and 46 [*service of orders*], and

(ii)provide to persons subject to the order the right to reconsideration, reassessment or review available under sections 15 [*reconsideration*], 47 [*variation and reassessment of orders*], 48 [*reconsideration of orders*] and 49 [*review of orders*], as applicable;

(d)repeal a regulation made under section 64 [*emergency powers to make regulations*].

(2)In respect of powers exercised under this Part by a person designated as an inspector under section 62 [*emergency inspectors or veterinarians*], the chief veterinarian may require a person appointed or retained as an inspector under section 71 [*appointment of inspectors*] to take one

or more actions referred to in subsection (1) of this section on behalf of a person designated under section 62.

Part 6 — Animal Health Officials and Other Matters

Division 1 — Minister

Role and general powers of minister

67 (1)The minister may establish programs and engage in planning in respect of animal health promotion and protection.

(2)The minister may enter into agreements with any person or body, including the government of another jurisdiction, for one or more of the following purposes:

- (a)to administer this Act;
- (b)to exercise powers or perform duties in relation to animal health under an enactment of another jurisdiction;
- (c)to engage in animal health program planning, delivery, evaluation and monitoring;
- (d)to exchange information, including personal information,
 - (i)under an agreement referred to in paragraph (a), (b) or (c),
 - (ii)for the purposes of a traceability system, or
 - (iii)if necessary for the protection of animal health and public health in relation to diseases that are or may be transmissible from animals to humans.

Division 2 — Chief Veterinarian

Chief veterinarian

68 (1)The minister may appoint as the chief veterinarian a person who is

- (a)an employee within the ministry of the minister, and
- (b)a veterinarian.

(2)The chief veterinarian is the senior animal health official for British Columbia.

(3)The chief veterinarian must advise the minister on

- (a)animal health issues, including animal health promotion and protection,
- (b)legislation, policies and practices respecting those issues, and
- (c)any matter arising from the exercise of the chief veterinarian's powers or the performance of the chief veterinarian's duties under this or any other enactment.

(4) If the minister appoints a deputy or person to act for the chief veterinarian, the appointed person must meet the requirements of subsection (1).

General powers of chief veterinarian

69 In addition to any other power of the chief veterinarian under this Act, the chief veterinarian may do one or more of the following:

- (a) establish training and qualifications for inspectors, including requiring ongoing training;
- (b) establish standards of practice for inspectors in relation to the exercise of their powers and the performance of their duties under this or any other enactment;
- (c) establish procedures for the conduct of an inspection requested under section 26 [*voluntary inspections*];
- (d) establish procedures for the disinfection of persons and equipment during and after an inspection;
- (e) issue instructions to inspectors in relation to preventive measures generally;
- (f) issue instructions to inspectors for the purposes of fulfilling their duties under Part 5 [*Emergency Powers*];
- (g) set standards and qualifications that facilities must meet for the purposes of the examination or testing of, or the analysis of samples from, animals, animal products or byproducts, or things related to any of these, under this Act.

Delegation by chief veterinarian

70 The chief veterinarian may, in writing, delegate to a person or class of persons any of the chief veterinarian's powers or duties under this Act, except the following:

- (a) a power to further delegate the power or duty;
- (b) a duty to advise the minister under section 68 (3) [*chief veterinarian*].

Division 3 — Inspectors

Appointment of inspectors

71 (1) Subject to subsection (6), the chief veterinarian may appoint employees within a ministry of the government as inspectors under this Act and, for this purpose, may

- (a) name a specific person, or

(b) provide that a person holding a specified title or position is an inspector.

(2) The chief veterinarian may, in an appointment under subsection (1),

(a) limit the person's powers and duties as an inspector

(i) to a geographic area, and

(ii) to a class of animals or a class of animal products or byproducts, and

(b) require the person to hold specified credentials as a condition of the appointment.

(3) Despite subsection (1) but subject to subsection (6), the chief veterinarian may retain persons as necessary to be inspectors and, for this purpose, delegate to those persons any power or duty of an inspector.

(4) A person retained under subsection (3) may be remunerated in accordance with the prescribed fees for being an inspector.

(5) The *Public Service Act* does not apply to a person retained under subsection (3).

(6) A person must not be appointed or retained as an inspector unless the person

(a) is a veterinarian, or

(b) has, in the opinion of the chief veterinarian, sufficient training, knowledge, skills and experience to exercise the powers and perform the duties of an inspector.

Compliance by inspectors

72 An inspector must comply with all applicable standards and procedures established, and instructions issued, under section 69 [*general powers of chief veterinarian*].

Division 4 — Other Matters

Peace officer assistance

73 (1) An inspector may call on the assistance of a peace officer for the purpose of taking an action authorized under this or any other enactment, including, without limitation, either of the following purposes:

(a) making or enforcing an order or carrying out an inspection;

(b) assisting a person to comply with or to carry out an order of the inspector.

(2) A peace officer called on under this section may take any action that is necessary for a purpose described in subsection (1) and may use such force as is reasonably required for that purpose.

Immunity from legal proceedings

74 No legal proceeding for damages lies or may be commenced or maintained against the minister, an inspector or a person acting under the order or direction of either of them, because of anything done or omitted

(a) in the exercise or intended exercise of a power under this or any other enactment, or

(b) in the performance or intended performance of a duty under this or any other enactment.

Immunity for persons required to act

75 (1) No legal proceeding for damages lies or may be commenced or maintained against a veterinarian, a person responsible for administering a laboratory, or another person who, under this Act,

(a) makes a report that the person is required to make, or

(b) takes another action that the person is required to take.

(2) No legal proceeding for damages lies or may be commenced or maintained against an employer of a person described in subsection (1).

Protection against adverse actions

76 (1) In this section, "adverse action" means an action that would adversely affect, or that threatens to adversely affect, the personal, financial or other interests of a person, or a relative, dependent, friend, or business or other close associate of the person, and includes any prescribed action.

(2) A person must not take an adverse action against another person because the other person, acting in good faith, does any of the following:

(a) makes a report or takes another action under this Act;

(b) assists in, or provides information during, an inspection or a proceeding under this Act;

(c) complies with, or assists in carrying out, an order made under this Act;

(d) refuses to take an action that is or may be a contravention of this Act or a regulation made under it;

(e) discloses to an inspector that a person has contravened or is about to contravene this Act or a regulation made under it.

(3) Nothing in this section prevents an inspector from taking enforcement action in respect of a violation or contravention of

(a) this Act or a regulation or an order made under it, or

(b) a term or condition of a licence or permit.

Test results as evidence

77 For the purposes of a proceeding under this Act, a report or certificate from

(a) a laboratory, or

(b) a facility specified in an order made under this Act

stating the result or interpretation of a test or an analysis made in the laboratory or facility is evidence of the facts stated in the report or certificate.

Part 7 — Administrative Penalties, Offences and Sentencing

Division 1 — Administrative Penalties

Imposing administrative penalties

78 (1) If a person is authorized by regulation to impose an administrative penalty, the person may impose an administrative penalty in the amount permitted by the regulations if satisfied on a balance of probabilities that another person has done any of the following:

(a) contravened a prescribed provision of this Act or a regulation made under it;

(b) failed to comply with an order made under this Act;

(c) failed to comply with a term or condition of that other person's licence or permit.

(2) An administrative penalty may be imposed by serving notice of the administrative penalty in the prescribed manner.

(3) If a person is subject to an administrative penalty, the person must do one of the following within the prescribed time:

(a) pay the administrative penalty;

(b) dispute the administrative penalty in accordance with the regulations, including disputing the amount of the administrative penalty on any ground permitted by the regulations;

(c) agree, in writing, with the person who imposed the administrative penalty to do one or more things, including paying a reduced administrative penalty, that the person who imposed the administrative penalty reasonably believes would

(i) be sufficient for the protection of animal health and public health in relation to diseases that are or may be transmissible from animals to humans, and

(ii) if applicable, bring the person into compliance with this Act, the regulations or an order made under it, or a term or condition of the person's licence or permit.

(4) If an administrative penalty is disputed or made the subject of an agreement under subsection (3) (c), the person subject to the administrative penalty must pay the administrative penalty or any part of it that remains outstanding

(a) under the terms of the agreement,

(b) on receiving notice, following a dispute, that the person remains subject to all or part of the administrative penalty, or

(c) on receiving notice that the person failed to meet the terms of the agreement to the satisfaction of the person who imposed the administrative penalty.

(5) If a corporation contravenes this Act or a regulation made under it, or fails to comply with an order made under this Act or a term or condition of a licence or permit, an employee, officer, director or agent of the corporation who authorized, permitted or acquiesced in the contravention or failure to comply is also liable under this section even though the corporation is liable for or pays an administrative penalty.

Person not to be charged with both administrative penalty and offence

79 (1) A person subject to an administrative penalty must not be prosecuted for an offence in respect of the same incident that gave rise to the administrative penalty.

(2) A person prosecuted for an offence must not be subject to an administrative penalty in respect of the same incident that gave rise to the prosecution.

Recovery of administrative penalties

80 (1) An administrative penalty under this Act may be recovered as a debt due to the government.

(2) If a person fails to pay an administrative penalty as required, the person who imposed the administrative penalty may file a certificate with a court that has jurisdiction and, on filing, the certificate has the same force and effect, and all proceedings may be taken on it, as if it were a judgment of the court with which it is filed.

(3) A certificate under subsection (2) must be in the prescribed form, be signed by the person who imposed the administrative penalty and contain

(a) the name of the person who is liable for the administrative penalty,

(b) the contravention or failure in relation to which the administrative penalty is imposed, and

(c) the amount of the administrative penalty.

(4) All administrative penalties received under this Division must be paid into the consolidated revenue fund.

Division 2 — Offences

Offences

81 (1) A person who contravenes any of the following provisions commits an offence:

- (a) section 5 (2) *[fails to take preventive measures]*;
- (b) section 6 (1) *[fails to comply with veterinary advice]*;
- (c) section 9 *[fails to comply with disease control order]*;
- (d) section 19 *[fails to keep or produce records]*;
- (e) section 20 (2), (3) or (4) *[fails to make reports and records, take samples or do other required things]*;
- (f) section 45 (3) *[fails to comply with instructions]*;
- (g) section 52 *[fails to comply with order]*;
- (h) section 53 *[removes, defaces or alters a notice, mark or tag]*;
- (i) section 63 (2) *[fails to make a report in an emergency]*;
- (j) section 76 (2) *[takes an adverse action against a person]*.

(2) A person who contravenes any of the following provisions commits an offence:

- (a) section 3 *[causes disease or its transmission or spread, or interferes with disease prevention, control or eradication]*;
- (b) section 4 (2) *[fails to train or equip employees]*;
- (c) section 7 *[keeps or deals with affected animals]*;
- (d) section 8 *[slaughters, destroys or disposes of affected or harmful things]*;
- (e) section 10 (2) or (3) *[fails to comply with regulations or to train or equip employees]*;
- (f) section 17 (2) *[fails to keep information confidential]*;
- (g) section 18 (4) *[collects, uses or discloses personal information without authorization]*;
- (h) section 22 (4) *[fails to do a required thing in respect of a traceability system]*.

(3) A person who does either of the following commits an offence:

- (a) knowingly provides false or misleading information to a person who is exercising a power or performing a duty under this Act, or a person acting under the order or direction of that person;
- (b) wilfully interferes with, or obstructs, a person who is exercising a power or performing a duty under this Act, or a person acting under the order or direction of that person.

(4) A person who commits an offence under this Act may be liable for the offence whether or not an order is made under this Act in respect of the matter.

(5) A proceeding for an offence under this Act may not be commenced in any court more than 2 years after the facts on which the proceeding is based first come to the knowledge of the minister.

Offence by corporation or employee

82 (1) If a corporation commits an offence under this Act, an employee, officer, director or agent of the corporation who authorized, permitted or acquiesced in the offence commits the offence whether or not the corporation is convicted.

(2) If an employee commits an offence under this Act, an employer who authorized, permitted or acquiesced in the offence commits the offence whether or not the employee is identified or convicted.

Continuing offences

83 (1) In this section, "order" means an order that may be made under this Act by an inspector or the court.

(2) If a person commits an offence under this Act and continues to commit the offence, separate penalties may be imposed in respect of the offence for each day the original offence continues.

(3) If a person commits an offence under this Act and an order is made in respect of the matter that is the subject of the offence, but the offence continues after the date by which the order is to be complied with,

(a) subsection (2) applies from the date by which the order is to be complied with, and

(b) the person may be prosecuted both for the original offence and for the additional offence of contravening the order.

Offence Act application

84 Sections 4 and 5 of the *Offence Act* do not apply in respect of this Act or the regulations made under it.

Defences

85 A person must not be convicted of an offence under this Act if the person proves that the person

(a) exercised due diligence by taking all reasonable steps to avoid committing the offence,

(b) reasonably believed in the existence of facts that, if true, would establish that the person did not contravene this Act or a regulation made under it,

(c)relied on information or an instruction provided to the person by another person who was exercising a power or performing a duty under this Act, if the first person had no reason to believe that the information may have been false or the instruction may have been unauthorized, or

(d)acted under the order of another person who was exercising a power or performing a duty under this Act, if the first person had no reason to believe that the order may have been unauthorized under this Act or any other enactment.

Division 3 — Sentencing

Determining sentence

86 (1)Before imposing a sentence, a sentencing judge may request a joint submission from the offender and the prosecutor setting out any agreement on

(a)the circumstances that should be considered by the sentencing judge as either mitigating or aggravating the offence, and

(b)the penalty to be imposed.

(2)In determining the appropriate sentence, the sentencing judge must consider, in accordance with the regulations, circumstances that aggravate or mitigate the offence.

(3)In determining the appropriate sentence, a sentencing judge must do the following:

(a)consider the purposes of sentencing set out in section 87 [*purposes of sentencing*];

(b)to give effect to those purposes,

(i)first, consider as a penalty one or more of the orders that may be made under section 88 [*alternative penalties*],

(ii)second, consider whether an order should be made under section 89 [*no animal order*], and

(iii)third, consider whether a fine or incarceration under section 90 [*finest and incarceration*] is also necessary.

Purposes of sentencing

87 (1)In imposing a sentence, a sentencing judge may impose one or more penalties that, in order, achieve the following:

(a)first,

(i)if harm was caused, remedy the harm or compensate a person who remedied or suffered the harm, including the government, or

(ii) if no harm was caused, acknowledge the potential harm or further the regulatory objective underlying the provision that was contravened;

(b) second, if the offence was committed in relation to a regulated activity or other activity that the offender is reasonably likely to continue to engage in, rehabilitate the offender.

(2) In addition to a penalty imposed under subsection (1), a sentencing judge may impose one or more penalties under subsection (3) or (4), or both, unless it would be disproportionate to the offence, given the offender, the nature of the offence and the total of the penalties imposed under this section.

(3) A sentencing judge may impose a penalty for the purpose of achieving general deterrence if the sentencing judge reasonably believes that the additional penalty would have a deterrent effect, including because

(a) the penalty imposed under subsection (1) is inadequate to address the circumstances related to the offence, or

(b) the nature of the penalty may

(i) assist others similarly situated to the offender to avoid committing a similar offence, or

(ii) educate others similarly situated to the offender respecting the seriousness of the offence.

(4) A sentencing judge may impose a penalty for the purpose of punishing the offender if

(a) the offender committed the offence knowingly or deliberately, or was reckless as to the commission of the offence, or

(b) sufficient aggravating circumstances exist that the offender should be punished for the offence.

Alternative penalties

88 (1) To give effect to the purposes of sentencing as set out in section 87 [*purposes of sentencing*], a sentencing judge may order a person convicted of an offence under this Act to do one or more of the following:

(a) do a thing, or not do a thing, as set out in a joint submission under section 86 (1) [*determining sentence*];

(b) take any action the court considers appropriate to remedy or stop the transmission or spread, caused by the commission of the offence, of a notifiable or reportable disease;

(c) pay a person an amount of money as compensation, in whole or in part, for the cost of a remedial or preventive action taken by or on behalf of the person as a result of the commission of the offence;

- (d) perform community service for a period of up to 3 years;
- (e) not do any act or engage in any activity that may, in the opinion of the court, result in the continuation or repetition of the offence or the commission of a similar offence under this Act;
- (f) comply with any conditions that the court considers appropriate for preventing the person from continuing or repeating the offence or committing a similar offence under this Act;
- (g) submit to the minister or an inspector information respecting the activities of the person that the court considers appropriate in the circumstances, for a period of up to 3 years;
- (h) if the person is a corporation, designate a senior official within the corporation as the person responsible for monitoring compliance with this Act or the regulations or an order made under it, or the terms or conditions of a licence or permit held by the corporation under this Act;
- (i) develop guidelines or standards in respect of a matter, implement a process or do another thing, for the purposes of preventing the person from continuing or repeating the offence, or committing a similar offence;
- (j) make available, either free of charge or for a fee, to another person or class of persons guidelines or standards developed under paragraph (i) of this subsection, in any manner and under any conditions the court considers appropriate, for up to 3 years from the date by which the guidelines or standards must be developed;
- (k) publish, in any manner the court considers appropriate, the facts relating to the commission of the offence and any other information the court considers appropriate;
- (l) post a bond for an amount of money the court considers appropriate for the purpose of ensuring compliance with a prohibition, direction or requirement under this section;
- (m) submit to inspections, submit samples or analyses, or do any other thing necessary to permit an inspector or other person specified by the court to monitor compliance, for a period of up to 3 years, with an order made under this section.

(2) For the purposes of subsection (1) (j), the court may set or limit the amount of the fee or put conditions on the charging of the fee.

(3) A person who contravenes an order under this section or section 91 [*variation of orders imposed at sentencing*] commits an offence and is liable to the penalties provided for the offence in relation to which the order was made.

No animal order

89 (1) If a person is convicted of an offence under this Act, a sentencing judge may, in addition to a penalty imposed under section 88 [*alternative penalties*], prohibit the person from owning or having custody or control of an animal.

(2) If a sentencing judge makes an order under subsection (1), the judge may

- (a) limit the order to a period of time specified by the judge, and
- (b) make the order on any terms the judge considers appropriate.

Fines and incarceration

90 (1) In addition to a penalty imposed under section 88 [*alternative penalties*], a person who commits an offence listed in

- (a) section 81 (1) [*offences*] is liable on conviction to a fine not exceeding \$25 000 or to imprisonment for a term not exceeding 6 months, or to both, or
- (b) section 81 (2) or (3) is liable on conviction to a fine not exceeding \$75 000 or to imprisonment for a term not exceeding 2 years, or to both.

(2) In determining the fine to be imposed on conviction, a sentencing judge must consider the means and ability of the offender to pay the fine, and, if the sentencing judge believes that the offender is unable to pay the amount of the fine that the sentencing judge would otherwise impose, the sentencing judge may impose a fine in a lesser amount that the sentencing judge considers appropriate.

Variation of orders imposed at sentencing

91 (1) An application for variation of an order made under section 88 [*alternative penalties*] may be made to the court that made the order by

- (a) an inspector, or
- (b) the person subject to the order.

(2) Before hearing an application for variation, the court may order the applicant to provide notice of the application in accordance with the directions of the court.

(3) On an application for variation, if the court considers variation appropriate because the circumstances have changed, the court may make an order to do one or more of the following:

- (a) change the original order or conditions specified in it;
- (b) relieve the person subject to the original order absolutely or partially from compliance with all or part of that order;

(c) reduce the period for which the original order is to remain in effect;

(d) extend, for not longer than one year, the period for which the original order is to remain in effect.

(4) If an application for variation has been heard by a court, no other application for variation may be made in respect of the order except with leave of the court.

Recovery of penalties

92 (1) If a person fails to comply with an order referred to in section 88 (1) (k) [*alternative penalties*], the chief veterinarian may publish the facts and information referred to in the order, including any personal information contained in the order, and recover the costs of publication from the person.

(2) If

(a) an order under section 88 directs a person to pay an amount of money as compensation or for any other purpose, or

(b) the chief veterinarian incurs publication costs under subsection (1) of this section,

the amount and any interest payable on that amount constitute a debt due to the government and may be recovered as such in any court of competent jurisdiction.

(3) Except as set out in subsection (2), every penalty imposed under this Division may be recovered by proceedings under the *Offence Act*.

Part 8 — Regulations

Regulations respecting terms

93 (1) The Lieutenant Governor in Council may make regulations respecting terms as follows:

(a) prescribing organisms as animals;

(b) prescribing animals to which this Act does not apply;

(c) prescribing material as an animal product or byproduct;

(d) for the purposes of the definition of "regulated activity", prescribing trades, businesses and activities, whether or not the activities are commercial in nature, that

(i) involve keeping or dealing with animals, or animal products or byproducts,

(ii) may have an impact on animal health,

(iii) may cause or contribute to, or otherwise be associated with, the transmission or spread of a notifiable or reportable disease between animals, or

(iv) may cause or contribute to, or otherwise be associated with, the transmission of diseases that are or may be transmissible from animals to humans;

(e) prescribing actions for the purposes of section 76 (1) [*protection against adverse actions*];

(f) respecting what it means to keep or deal with an animal for the purposes of this Act or a regulation made under it.

(2) The Lieutenant Governor in Council may make regulations prescribing environmental toxins, infestations, syndromes or transmissible diseases as either notifiable diseases or reportable diseases and, for this purpose, may do the following:

(a) provide the name or other common description of organisms and animals;

(b) provide the name or other common description of a disease, chemical, toxic substance or other deleterious substance, thing, organism or condition;

(c) provide the names or other common descriptions of

(i) one or more infectious agents or syndromes associated with infection by a disease,

(ii) contamination by a chemical, toxic substance or other deleterious substance or thing, or

(iii) infestation by an organism;

(d) describe the signs or indicators of the presence of an environmental toxin, an infestation, a syndrome or a transmissible disease.

Regulations respecting disease prevention and control

94 (1) The Lieutenant Governor in Council may make regulations respecting the prevention, control and eradication of notifiable and reportable diseases as follows:

(a) respecting reports of non-compliance under section 6 [*must comply with veterinary advice*];

(b) respecting the circumstances in which a person must take preventive measures;

- (c) respecting the prevention of the presence, transmission or spread of notifiable and reportable diseases, including providing for particular preventive measures for particular purposes;
- (d) placing restrictions or prohibitions on persons who have not taken preventive measures, including restrictions or prohibitions on the disposition of animals, or animal products or byproducts;
- (e) respecting the disposition of animals, and animal products or byproducts, for the purposes of section 8 [*must not slaughter, destroy or dispose of affected or harmful things*], including setting limits and conditions on disposition;
- (f) respecting facilities, equipment, management, sanitation, operation and maintenance in relation to activities in respect of keeping or dealing with animals, or animal products or byproducts, whether or not the activity is prescribed as a regulated activity;
- (g) respecting the transportation of animals, and animal products or byproducts;
- (h) respecting the establishment and maintenance of animal health programs.

(2) The Lieutenant Governor in Council may make regulations establishing control zones for a purpose described in section 36 (1) [*deemed control zones*] in respect of a notifiable or reportable disease.

(3) In a regulation made under subsection (2) of this section, the Lieutenant Governor in Council must do the things described in section 36 (2) and may do one or more of the things described in section 36 (3).

(4) Despite section 38 [*end of temporary orders*], if a regulation made under subsection (2) of this section establishes a control zone over an area that is subject to an order made under section 36, the order ceases to have effect on the date the regulation is effective.

Regulations respecting operators and regulated activities

95 (1) The Lieutenant Governor in Council may make regulations respecting operators and regulated activities as follows:

- (a) prohibiting matters in respect of regulated activities, and restricting or putting conditions on the performance of a regulated activity;
- (b) respecting the monitoring of regulated activities for conditions that may cause or contribute to the transmission or spread of notifiable and reportable diseases, including requiring a program of self-monitoring;

- (c) respecting training and qualifications for operators and employees, including
 - (i) requiring ongoing training, and
 - (ii) setting examinations and charging fees for taking examinations;
- (d) respecting information that must be provided by an operator to the government and the public about an animal or an animal product or byproduct for which the operator is responsible;
- (e) respecting standards that must be met in respect of an animal product or byproduct for which the operator is responsible.

(2) The Lieutenant Governor in Council may make regulations respecting licences, permits and registrations as follows:

- (a) requiring licences, permits or registration to engage in regulated activities, including requiring registration of the place at which a regulated activity is to be engaged in;
- (b) respecting applications and renewals;
- (c) prescribing factors that may or must be considered in determining whether to issue a licence or permit or to grant a registration;
- (d) respecting conditions that may be attached to a licence or permit;
- (e) prescribing fees for applications, registrations, changes and renewals, and prescribing different fees based on the type of regulated activity and the number or type of animals for which an operator is responsible;
- (f) requiring operators to have and provide evidence of financial security as a condition of a licence or permit, or to have a registration granted, and respecting the type and amount of security;
- (g) respecting bonding;
- (h) respecting service and deemed receipt of a notice for the purposes of section 14 [*taking administrative action*];
- (i) respecting actions operators must take during a suspension or cancellation of a licence or permit, or after cancellation of a licence, permit or registration, in relation to their premises or animals.

(3) The Lieutenant Governor in Council may make regulations as follows:

- (a) limiting the number of animals for which operators may be responsible;

(b) designating areas of British Columbia for one or more purposes in relation to the management of populations or subpopulations of animals;

(c) prohibiting or putting limits or conditions on species, races, strains or ages of animals

(i) for which operators may be responsible, or

(ii) that may be kept or dealt with in an area designated under paragraph (b);

(d) prohibiting or putting limits or conditions on keeping or dealing with animal products or byproducts, or equipment related to a regulated activity, in an area designated under paragraph (b);

(e) prescribing periods for the purposes of section 76 of the *Wildlife Act*.

(4) The Lieutenant Governor in Council may make regulations respecting certification programs as follows:

(a) prescribing certification programs;

(b) respecting applications and fees for certification;

(c) respecting the training and qualifications an operator must have to be certified;

(d) respecting standards that a certified operator must meet.

Regulations respecting reporting

96 (1) The Lieutenant Governor in Council may make regulations respecting the following:

(a) the making and keeping of records, and the making of reports, by persons referred to in section 19 [*duty to keep records*];

(b) prescribing additional persons for the purposes of section 19;

(c) respecting fees that may be charged in relation to the taking or analysis of samples, whether or not the taking or analysis of samples is

(i) required under section 20 [*mandatory reporting*] or

21 [*mandatory diagnostic examination and reporting*], or

(ii) done during the course of an inspection.

(2) The Lieutenant Governor in Council may make regulations for the purposes of sections 20 and 21 as follows:

(a) prescribing additional persons who may collect, use and disclose information under this Act;

(b) respecting the making of reports, including

- (i) the form of a report and the manner of making the report,
 - (ii) information, in addition to anything described in this Act, that must be reported, and
 - (iii) records or analyses that must accompany a report;
- (c) respecting actions that must be taken on the making of a report, including requiring monitoring, making records and taking samples;
- (d) respecting conditions under which a person may be exempted from a requirement to make a report under this Act.

(3) The Lieutenant Governor in Council may make regulations for the purposes of section 22 [*traceability systems*] as follows:

- (a) prescribing traceability systems and traceability programs in respect of which section 22 (4) applies;
- (b) prescribing things that are traceable items for the purposes of the definition of "traceable item" in section 22 (1);
- (c) respecting unique identifiers, including respecting fees for the issuance of unique identifiers and their replacement;
- (d) respecting the making of reports, including
 - (i) prescribing persons to whom reports must be made or persons who must receive a copy of a report,
 - (ii) the form of a report and the manner of making the report,
 - (iii) information, in addition to anything described in this Act, that must be reported, and
 - (iv) records or analyses that must accompany a report;
- (e) respecting actions that must be taken, including taking samples, by a person subject to section 22 (4);
- (f) without limiting paragraphs (d) and (e) of this subsection and despite section 20 (1), respecting circumstances in which a person responsible for a place, vehicle or thing that is subject to a traceability program must make a report under that section even if the person is not responsible for an animal or for an animal product or byproduct;
- (g) prohibiting or putting conditions on the distribution or disposition of animals, animal products or byproducts, or things subject to a traceability system or traceability program;
- (h) respecting audits of traceability systems and traceability programs;

- (i) respecting the types of, the linking and disclosure of, and access to information kept in respect of a traceability system or traceability program, including for the purposes of an enactment of British Columbia or Canada in relation to animal health, public health in relation to diseases that are or may be transmissible from animals to humans, or emergency planning;
- (j) respecting the participation by British Columbia in extrajurisdictional traceability systems or extrajurisdictional traceability programs;
- (k) authorizing the collection, use and disclosure of information contained in the assessment roll, as that term is defined in the *Assessment Act*, for the purposes of a traceability system or traceability program;
- (l) despite section 22 (4), permitting, with or without conditions, a person responsible for a class of traceable animals or traceable items, or for a class of places, vehicles or things that are subject to a traceability program, to meet a requirement under this Act in respect of a group of traceable animals, traceable items, places, vehicles or things rather than in respect of each traceable animal, traceable item, place, vehicle or thing.

Regulations respecting inspections, orders and enforcement

97 (1) The Lieutenant Governor in Council may make regulations respecting inspectors and inspections as follows:

- (a) authorizing further purposes for which an inspection may be made;
- (b) respecting fees for the conduct of inspections under section 26 [*voluntary inspections*];
- (c) respecting the remuneration of persons retained as inspectors under section 71 (3) [*appointment of inspectors*].

(2) The Lieutenant Governor in Council may make regulations respecting orders made under this Act as follows:

- (a) respecting actions that an inspector may by order require for the purposes of section 41 (n) [*general orders*];
- (b) respecting the contents of an order for the purposes of section 44 [*contents of orders*];
- (c) respecting service of orders, including service by posting or publishing notice of the order or by any other means;

- (d) respecting reassessments under section 47 [*variation and reassessment of orders*], including limiting how often a request may be made;
- (e) respecting the disclosure of information in respect of an order;
- (f) respecting the publication of orders.

(3) The Lieutenant Governor in Council may make regulations respecting compensation for the purposes of section 34 [*compensation*] as follows:

- (a) prescribing additional costs that may be the subject of compensation;
- (b) respecting the circumstances under which compensation may and may not be authorized;
- (c) respecting applications for, and the determination of, compensation;
- (d) if compensation is to be paid to a class of persons, respecting the determination of proportionate amounts of compensation within the class and between classes;
- (e) respecting the manner in which compensation may be paid;
- (f) prescribing the maximum amount of compensation that may be paid to a person or a class of persons;
- (g) authorizing compensation that would be paid to a person to be applied to a debt owed by the person to the government, without consent of the person.

(4) The Lieutenant Governor in Council may make regulations respecting enforcement as follows:

- (a) respecting certificates for the recovery of costs under section 55 [*recovery of costs*], including
 - (i) service of the certificate, and
 - (ii) prescribing that the Supreme Court Civil Rules apply to a review of a certificate, or modifying those rules;
- (b) respecting the process for making an application to the court, including
 - (i) authorizing applications to be made electronically or by any other means,
 - (ii) respecting the giving of notice of an application, and
 - (iii) respecting affidavits or other evidence that must accompany an application;
- (c) prescribing that the Supreme Court Civil Rules apply to the hearing of an application by the court, or modifying those rules;

- (d) prescribing the form of a warrant for the purposes of section 56 [*warrants*];
- (e) respecting circumstances to be considered as aggravating or mitigating an offence for the purposes of section 86 (2) [*determining sentence*].

Regulations respecting personal information

98 The Lieutenant Governor in Council may make regulations respecting personal information as follows:

- (a) if necessary for the effective operation of a provision of this Act or a regulation made under it, authorizing the collection, use and disclosure of personal information for a purpose set out in section 18 (2) [*personal information*];
- (b) if the collection, use or disclosure of personal information is authorized under this Act,
 - (i) clarifying or limiting the purposes for which collection, use or disclosure is authorized, and
 - (ii) limiting or putting conditions, in addition to any limits or conditions already provided for in this Act, on that collection, use or disclosure;
- (c) requiring the keeping of records or the making of reports respecting the collection, use or disclosure of personal information under this Act;
- (d) prescribing additional persons for the purposes of section 18.

Regulations respecting administrative penalties

99 (1) The Lieutenant Governor in Council may make regulations respecting administrative penalties under Division 1 [*Administrative Penalties*] of Part 7 as follows:

- (a) authorizing the imposition of administrative penalties by one or more persons;
- (b) prescribing provisions of this Act or the regulations made under it in respect of which administrative penalties may be imposed;
- (c) respecting an administrative penalty that may be imposed in respect of a provision of this Act or the regulations made under it, or any failure to comply with an order made under this Act or a term or condition of a licence or permit, including
 - (i) providing for greater penalties for subsequent contraventions,

(ii) setting the maximum and minimum penalty that may be imposed,

(iii) providing, if the penalty is expressed as a range, factors to be considered in the determination of the appropriate penalty, and

(iv) prescribing the grounds on which a penalty may be reduced;

(d) respecting notices for the purposes of the Division, including the form, content and service of the notice;

(e) prescribing the time in which an administrative penalty must be paid, disputed or made the subject of an agreement, including the time in which the penalty must be paid following a dispute, an agreement or a failure to meet the terms of an agreement;

(f) providing for payment, by instalments, of an administrative penalty;

(g) respecting disputes of administrative penalties, including

(i) providing for a reconsideration of the penalty, and

(ii) authorizing a reconsideration of the penalty to be considered together with a reconsideration of an order made under this Act;

(h) respecting the form of a certificate under section 80 [*recovery of administrative penalties*].

(2) A penalty prescribed under subsection (1) (c) must not be greater than \$25 000.

Other regulation-making powers

100 (1) The Lieutenant Governor in Council may make regulations exempting a person, place or thing from one or more provisions of the regulations.

(2) To the extent that regulation-making authority has not already been provided for in this Part, the Lieutenant Governor in Council may make regulations respecting any matter for which regulations are contemplated by this Act.

(3) The Lieutenant Governor in Council may make regulations authorizing a person to exercise a power or perform a duty under this Act and, for this purpose, may

(a) delegate a power of inspection, regulation or control, including a power to

(i) establish a licence, permit or registration scheme,

(ii) retain a fee authorized to be charged under this Act, and

(iii) issue one or more orders in relation to the delegated power, and

(b) specify requirements that must be met in exercising the power or performing the duty.

(4) The Lieutenant Governor in Council may make regulations

(a) designating laboratories as provincial laboratories, and

(b) respecting fees that may be charged by provincial laboratories for services performed in connection with an inspection or order made under this Act, a term or condition of a licence or permit, a registration, or the engagement, by an operator, in a regulated activity, including fees for

(i) diagnostic examinations and post-mortem services,

(ii) services performed for the purpose of gathering evidence for a legal proceeding,

(iii) providing analytical or interpretive reports, and

(iv) services related to a matter described in this paragraph.

(5) Without limiting section 101 (3) [*general powers respecting regulations*], a regulation made under subsection (4) of this section may provide for different fees based on the purpose for which the service or report was requested.

(6) The Lieutenant Governor in Council may make regulations defining "fur bearing animal", "fur farm animal", "game" and "game farm animal" for the purposes of another enactment that refers to a regulation made under this Act.

General powers respecting regulations

101 (1) The Lieutenant Governor in Council may make regulations referred to in section 41 of the *Interpretation Act*.

(2) A person must not read any section of this Part as limiting the general powers to make regulations described in subsection (1) of this section or as limiting the specific powers to make regulations described in each section.

(3) A regulation made under this Act may

(a) establish classes of persons, animals, animal products or byproducts, places or things, and

(b) make regulations that are different for different classes.

(4) A regulation made under this Act may limit the application of the regulation

(a) to one or more geographic areas, and

(b) to one or more classes of persons, animals, animal products or byproducts, places or things.

(5) A regulation made under this Act may confer a discretion on the minister or an inspector.

(6) A regulation made under this Act may adopt by reference, in whole or in part and with any changes the Lieutenant Governor in Council considers appropriate, a regulation, code, standard or rule

(a) enacted as or under a law of another jurisdiction, including a foreign jurisdiction, or

(b) set by a provincial, national or international body or any other body that may make codes, standards or rules.

(7) If, in a regulation made under this Act, the Lieutenant Governor in Council provides that contravention of the regulation is an offence, the Lieutenant Governor in Council may provide that a person who commits the offence is, in addition to a penalty imposed under section 88 [*alternative penalties*], liable on conviction to a fine not exceeding \$75 000 or to imprisonment for a term not exceeding 6 months, or to both.

Part 9 — Transitional Provisions, Repeals and Consequential Amendments

Transitional Provisions

Transition — regulated activities

102 (1) If

(a) a person holds a valid and subsisting licence issued under section 18.1 of the *Animal Disease Control Act*, section 2 of the *Fur Farm Act* or section 2 of the *Game Farm Act* at the time that Act is repealed by this Act, and

(b) a regulation made under this Act prescribes the activity the person is engaged in as a regulated activity and requires a licence or permit to engage in that activity,

the person is deemed to hold a licence or permit, as applicable, issued under this Act, subject to any limits and conditions set out in the regulation or attached to the licence or permit.

(2) If

(a) a person and the person's land are registered under section 4 of the *Bee Act* at the time that Act is repealed, and

(b) a regulation made under this Act prescribes beekeeping as a regulated activity and requires registration to engage in that activity,

the person and the person's land are deemed to be registered as required under this Act, subject to any limits and conditions set out in the regulation.

(3) If

- (a) a person holds a valid and subsisting permit under section 16, 23 or 28 of the *Bee Act* at the time that Act is repealed, and
- (b) a regulation made under this Act prescribes beekeeping as a regulated activity and requires a permit for a purpose described in section 16, 23 or 28 of the *Bee Act*, as those sections read immediately before their repeal,

the person is deemed to hold a permit as required under this Act, subject to any limits and conditions set out in the regulation.

Transition — orders and regulations

103 (1) An order, direction or instruction of an inspector, issued under the *Animal Disease Control Act*, the *Bee Act*, the *Fur Farm Act* or the *Game Farm Act*, that is in force at the time that Act is repealed by this Act is deemed to be an order issued under this Act.

(2) The Lieutenant Governor in Council may make regulations the Lieutenant Governor in Council considers necessary or advisable for the orderly transition to this Act from the *Animal Disease Control Act*, the *Bee Act*, the *Fur Farm Act* or the *Game Farm Act*.

(3) The authority to make or amend a regulation made under subsection (2), but not the authority to repeal a regulation made under that subsection, ends 3 years after the date on which that subsection comes into force.

Repeals

Editorial Note

Section(s)	Affected Act
104	<i>Animal Disease Control Act</i> <i>Food Safety Act</i> <i>Fur Farm Act</i> <i>Game Farm Act</i> <i>Milk Industry Amendment Act, 1997</i>

Consequential Amendments

Section(s)	Affected Act
105	<i>Agricultural Produce Grading Act</i>
106	<i>Business Practices and Consumer Protection Act</i>
107	<i>Farm Practices Protection (Right to Farm) Act</i>
108-109	<i>Livestock Act</i>
110-111	<i>Livestock Identification Act</i>
112	<i>Milk Industry Act</i>

113	<i><u>Ministry of Agriculture and Food Act</u></i>
114	<i>Veterinary Drugs Act</i>
115-117	<i>Wildlife Act</i>
118	<i>Wildlife Amendment Act, 2004</i>

Commencement

119 This Act comes into force by regulation of the Lieutenant Governor in Council.