

RSNL1990 CHAPTER A-10

**ANIMAL PROTECTION ACT**

Amended:

1995 c20; 2004 cV-4.1 s54; 2006 c40 s21

CHAPTER A-10

AN ACT RESPECTING THE PROTECTION OF ANIMALS

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#### Short title

1. This Act may be cited as the Animal Protection Act.

1978 c56 s1

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#### Definitions

2. In this Act

- (a) "animal" means all non-human vertebrates;
- (b) "distress" means the state of being in need of proper care, food or shelter, or of being injured, sick or in pain or of suffering undue or unnecessary hardship, privation or neglect;
- (c) "minister" means the minister appointed under the Executive Council Act to administer this Act;

(d) "peace officer" means a member of the Royal Canadian Mounted Police, a member of the Royal Newfoundland Constabulary or a special constable appointed for the purpose of this Act;

(e) "SPCA" means the corporation known as "The Society for the Prevention of Cruelty to Animals ( Newfoundland and Labrador )";

(f) "staff veterinarian" means a veterinarian employed in that capacity by the province; and

(g) "veterinarian" means a legally qualified veterinarian as provided in the Veterinary Medical Act, 2004.

1978 c56 s2; 1979 c49 Sch B; 1979 c51 s3; 1989 c18 Sch B; 2004 cV-4.1 s54; 2006 c40 s21

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Purpose of Act

3. The purpose of this Act is to provide for a method to help animals that are in distress and to prevent cruelty to or other mistreatment of animals.

1978 c56 s3

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Prohibited activities

4. (1) A person shall not mistreat an animal.

(2) A person who cuts the solid part of the tail of a horse, commonly known as "docking", mistreats an animal.

(3) A person who cuts or crops the ear of a dog mistreats an animal.

(4) A person who uses or drives a cart with more than 2 wheels, a sleigh, slide, catamaran or other vehicle on runners that is pulled by a draught animal without the use of a whiffle-tree installed so as to best relieve the hauling strain and friction on that animal mistreats an animal.

(5) A person mistreats an animal where the person causes the animal to be in need of proper care, food or shelter or causes the animal to be injured, sick or in pain or suffer undue or unnecessary privation or neglect.

1978 c56 s4

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Animal found in distress

5. (1) Where an animal is found in distress in a public place or in another place and the owner or person in charge of the animal

- (a) does not immediately take appropriate steps to relieve its distress; or
- (b) is not present and cannot be found promptly,

a peace officer may take the action that he or she considers necessary to relieve its distress.

(2) A peace officer may in the circumstances described in subsection (1)

- (a) take custody of the animal;
- (b) arrange for necessary transportation, food, care, shelter and veterinary medical treatment; and
- (c) deliver the animal into the custody of the SPCA.

(3) Before acting under subsection (2), a peace officer shall take reasonable steps to find the owner or person in charge of the animal and, if found, shall try to obtain that person's co-operation to relieve the animal's distress.

(4) Where the owner of the animal is not present or where not promptly found and informed of the animal's distress, the peace officer or the SPCA into whose custody the animal is delivered shall take reasonable steps to find the owner and inform him or her of the action taken.

1978 c56 s5

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Power to search for animal

6. (1) Notwithstanding subsection 5(1), where a peace officer has reasonable grounds for believing an animal is in distress

- (a) in or upon any premises, other than a dwelling place; or
- (b) in a vehicle or other thing,

a peace officer may, with or without a warrant and by force where necessary, enter the premises, vehicle or thing and search for the animal and may exercise his or her powers under section 5 with respect to an animal found there in distress.

(2) Where it appears to a Provincial Court judge on information laid before him or her on oath or affirmation that there are reasonable grounds for believing there is an animal in distress in any premises or vehicle or thing, the Provincial Court judge may issue a warrant authorizing a peace officer to enter, by force where necessary, the premises or vehicle or thing specified in the warrant and search for the animal, and the peace officer may exercise his or her powers under section 5 with respect to an animal found there in distress.

(3) Before entering any premises, vehicle or thing under this section a peace officer shall take reasonable steps to find the owner or person in charge of the premises, vehicle or thing, and try to obtain that person's co-operation.

(4) Where a peace officer uses force in entering or searching any premises, vehicle or thing, the peace officer shall use no more force than is reasonably required under the circumstances.

1978 c56 s6

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Animal found by member of public

7. (1) Where a person other than a peace officer finds an animal in distress he or she may, upon signing a release in the prescribed form, deliver the animal into the custody of the SPCA.

(2) A release signed under subsection (1) does not affect liability under section 9.

1978 c56 s7

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Destruction of animal

8. (1) A peace officer may destroy an animal that is in custody under section 5 or 6 or in the custody of the SPCA when the animal is in such distress that it cannot,

(a) in the opinion of a veterinarian;

(b) in the unanimous opinion of a peace officer and 2 citizens; or

(c) in the opinion of a peace officer alone in a critical situation where a veterinarian or 2 reputable citizens are not available to the peace officer,

be relieved of its distress or live without undue suffering.

(2) Where suffering of an animal described in subsection (1) will not be unduly prolonged, the peace officer or the SPCA having custody of the animal is under a duty to take reasonable steps to find the owner of the animal and to try to obtain that person's consent to its destruction.

(3) Notwithstanding subsection (2), where an animal may be destroyed under subsection (1) and the owner of the animal does not consent to its destruction, the peace officer may override the objections of the owner and destroy the animal.

1978 c56 s8; 1979 c51 s3

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Expenses to be paid

9. (1) The owner of an animal in the custody of the SPCA is liable in a court in an action for debt for expenses properly incurred by the SPCA with respect to transportation, food, care, shelter or veterinary medical treatment provided for the animal and its destruction if the animal is destroyed.

(2) The SPCA may require the owner to pay the expenses referred to in subsection (1) before delivery of the animal to the owner.

1978 c56 s9

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Disposal of animals

10. (1) Where the owner of an animal that is in the custody of the SPCA is not found within 72 hours after the animal came into the custody of the SPCA or, where found,

(a) does not, within 72 hours after the animal came into the custody of the SPCA,

(i) pay to the SPCA, or

(ii) undertake to pay to the SPCA within an agreed time the expenses properly incurred by the SPCA with respect to the animal; or

(b) does not pay those expenses within the time agreed upon under subparagraph (a)(ii), the SPCA may sell or give the animal to a person.

(2) Notwithstanding subsection (1), where the animal

(a) appears to be a valuable purebred animal; or

(b) bears an obvious identification tattoo, brand mark, tag or licence,

the applicable time limit under subsection (1) shall be 10 days instead of 72 hours.

(3) Where the SPCA sells or gives an animal to a person under this section,

(a) the animal becomes the property of the person to whom it is sold or given; and

(b) money paid to the SPCA with respect to the animal is the property of the SPCA.

(4) Where an animal is in the custody of the SPCA and, after the end of the period required under this section, the SPCA is unable to sell or give the animal to a suitable person, the SPCA may destroy the animal.

1978 c56 s10

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## Inspection of premises

11. For the purpose of enforcing this Act and the regulations, a peace officer may at reasonable times and without a warrant enter and inspect premises, other than a dwelling place, where animals are kept for sale, hire or exhibition if the peace officer is authorized to do so under the regulations.

1978 c56 s11

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## Peace officers

12. (1) For the purpose of this Act, a peace officer is responsible to the minister.

(2) A person shall not obstruct a peace officer in the exercise of his or her powers under this Act.

1978 c56 s12

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## Special constables

13. (1) The minister may appoint special constables for the purpose of this Act.

(2) A person is not eligible to be a special constable unless he or she is

(a) an agent of the SPCA approved by the executive of the SPCA;

(b) a staff veterinarian; or

(c) an employee of the department.

1978 c56 s13; 1995 c20 s1

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## Duty of staff veterinarian

14. Where a staff veterinarian is aware that an animal is in distress, he or she shall exercise those powers under this Act that are necessary to relieve the distress.

1978 c56 s14

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## Animals at large

15. Subject to the Dog Act, a person shall not shoot at, kill or wound an animal found at large unless

(a) the animal is doing damage or some other reasonable cause or necessity is shown for the shooting, killing or wounding; and

(b) there is no other reasonable means for stopping the damage, cause or necessity

and the burden of proving paragraphs (a) and (b) is on the person who shot at, killed or wounded the animal.

1978 c56 s15

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Person not appropriate to own animal

16. (1) Upon application or in a proceeding for an offence against this Act a Provincial Court judge may order a person who claims to own or care for an animal to deliver that animal into the custody of the SPCA where in the opinion of the judge that person is not an appropriate person to care for an animal.

(2) The SPCA may sell or give away an animal delivered into its custody under subsection (1) but money received by the SPCA as a result of selling that animal shall be returned to the person described in subsection (1) less an amount to cover expenses properly incurred by the SPCA with respect to that animal.

(3) The SPCA may destroy the animal delivered into its custody under subsection (1) only where the SPCA after reasonable attempts is unable to sell or give the animal to a suitable person.

1978 c56 s16

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Animal injured or killed by vehicle

17. (1) For the purpose of this section "motor vehicle" means a motor vehicle as defined in the Highway Traffic Act.

(2) A person who, in the course of driving a bicycle, or motor vehicle, injures an animal shall, where possible, stop and provide the care and attention to the animal that is necessary to relieve its pain and help its recovery.

(3) A person who, in the course of driving a bicycle, or motor vehicle, kills an animal shall immediately notify a peace officer of that fact and provide the information that the peace officer may require.

1978 c56 s17

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Protection to peace officers and others

18. An action does not lie against a person acting in good faith for anything done or purporting to be done under this Act or the regulations.

1978 c56 s18

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Regulations

19. The Lieutenant-Governor in Council may make regulations

(a) governing the approval and the suspension and revocation of approval of organizations as humane societies;

(b) respecting the manner of taking an animal into custody;

(c) defining what constitutes taking reasonable steps to find and notify the owner of an animal;

(d) prescribing a tariff of expenses to be charged to the owner of an animal taken into custody under this Act for transportation, food, care, shelter, veterinary medical treatment and destruction of the animal;

(e) prescribing, with respect to animals kept for sale, hire or exhibitions,

(i) standards of design, construction and maintenance of the facilities in which the animals are kept, and

(ii) the standard of care with which the animals are to be maintained;

(f) respecting the authorization of peace officers, in general or in particular to exercise the powers under this Act subject to the conditions and restrictions that are considered desirable in the public interest;

(g) prescribing the form of release to be signed by the finder of an animal under section 7;

(h) exempting from this Act animals that may be used for laboratory or research purposes as the minister may prescribe; and

(i) generally, to give effect to the purpose of this Act.

1978 c56 s19; 1983 c23 s2

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Penalties

20. (1) A person who contravenes this Act or the regulations is guilty of an offence and liable on summary conviction,

(a) for a 1st or 2nd offence, to a fine of not less than \$50 and not more than \$200 and in default of payment to imprisonment for a term not exceeding 3 months, or to both a fine and imprisonment; and

(b) for a 3rd or subsequent offence, to a fine of not less than \$200 and not more than \$500 and in default of payment to imprisonment for a term not exceeding 6 months, or to both a fine and imprisonment.

(2) One-half of the amount of each fine paid under this Act shall be paid out of the Consolidated Revenue Fund to the SPCA.

1978 c56 s20

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[Conflicting Acts](#)

21. Nothing in this Act shall be construed as affecting a right, power, duty or prohibition relating to animals conferred or imposed under another Act and where a conflict exists between this Act and that other Act, that other Act prevails.

1978 c56 s21

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