

## **Animal Cruelty Prevention Act**

### CHAPTER 22 OF THE ACTS OF 1996

#### **An Act to Prevent Cruelty to Animals and to Aid Animals that are in Distress**

##### **Short title**

**1** This Act may be cited as the *Animal Cruelty Prevention Act*. 1996, c. 22, s. 1.

##### **Interpretation**

**2 (1)** In this Act,

- (a) "animal" means a non-human vertebrate;
- (b) "judge" means a judge of the provincial court;
- (c) "Minister" means the member of the Executive Council charged by Governor in Council with the administration of this Act;
- (d) "peace officer" means a member of the Royal Canadian Mounted Police, a police officer appointed by a city, town or municipality or special constable appointed under the *Police Act* for the purpose of this Act;
- (e) "Society" means the Society for the Prevention of Cruelty;
- (f) "veterinarian" means a person who is permitted to practise veterinary medicine in the Province.

**(2)** An animal is in distress, for the purpose of this Act, where the animal is

- (a) in need of adequate care, food, water or shelter; or
- (b) injured, sick, in pain, or suffering undue hardship, privation or neglect. 1996, c. 22, s. 2.

##### **Exceptions from application of Act**

**3 (1)** This Act does not apply to wildlife as defined in the *Wildlife Act* that is not in captivity.

**(2)** For greater certainty, nothing in this Act overrides Section 193 of the *Agriculture and Marketing Act* or Sections 7 and 10 of the *Sheep Protection Act*.

**(3)** This Act does not apply to mandatory testing procedures undertaken by a research laboratory that are required by Health Canada or the World Health Organization. 1996, c. 22, s. 3.

#### SOCIETY FOR THE PREVENTION OF CRUELTY

##### **Incorporation**

**4** The Nova Scotia Society for the Prevention of Cruelty is hereby continued as a body corporate. 1996, c. 22, s. 4.

##### **Objects**

**5** The object of the Society is to provide effective means for the prevention of cruelty to animals in the Province. 1996, c. 22, s. 5.

##### **Membership**

**6** The membership of the Society consists of

- (a) each person who was, immediately prior to the coming into force of this Act, a member of the Society; and
- (b) each person who, after the coming into force of this Act, becomes a member of the Society in accordance with its by-laws, as long as that person remains a member of the Society. 1996, c. 22, s. 6.

##### **Powers**

**7 (1)** The Society may carry on such activities and exercise such powers as are necessary or conducive to attaining its object and, without restricting the generality of the foregoing, may

- (a) investigate cases of cruelty or neglect of animals reported to it;
- (b) recommend agents for appointment as special constables under the *Police Act*;
- (c) inspect and monitor on an ongoing basis, facilities where animals, pets and livestock are housed or handled including, but not limited to, stables, kennels, agricultural shows, pet shops, research laboratories, farms, fur ranches and abattoirs;

- (d) promote both the humane education and treatment of animals and the principles of the Society through information booths, school visits and workshops;
  - (e) seek the aid of, when necessary, and co-operate with municipal police forces, the Royal Canadian Mounted Police, agricultural representatives and veterinarians;
  - (f) formulate and amend its constitution and make by-laws necessary to attain its object and, in particular, for the internal control, management and administration of its affairs, including by-laws
    - (i) respecting the manner in which persons are admitted to membership in the Society, establishing qualifications for membership, classes of members and determining the rights and duties of different classes of members,
    - (ii) fixing dues,
    - (iii) respecting patrons,
    - (iv) establishing a Board of Directors, an Executive and committees, imposing and conferring duties and powers on the Board, Executive and each committee and providing the manner in which the Board, the Executive and each committee is elected or appointed,
    - (v) respecting the manner in which the meetings of the Society, its Board of Directors, its Executive and its committees are called, the order of business and the procedure to be followed at each meeting and the method of voting at each meeting,
    - (vi) respecting the election or appointment of officers, and volunteer agents of the Society and conferring and imposing rights and duties on them,
    - (vii) respecting the manner in which documents are executed by the Society;
  - (g) encourage and assist in the formation of branches of the Society throughout the Province.
- (2) Each by-law of the Society in force immediately prior to the coming into force of this Act is a by-law of the Society until it is repealed or amended pursuant to this Act.
- (3) The constitution of the Society in force immediately prior to the coming into force of this Act is the constitution of the Society until it is amended or repealed pursuant to this Act.
- (4) The Society may delegate any of its powers to its Board of Directors. 1996, c. 22, s. 7.

#### **Branches**

- 8 (1)** Each branch of the Society in existence prior to the coming into force of this Act is a body corporate.
- (2) Each branch of the Society formed pursuant to this Act and registered with the Society
- (a) is a body corporate; and
  - (b) has all the powers of the Society set out in clauses 7(1)(a) to (f).
- (3) The Society shall formulate the constitution, by-laws and policies of its branches.
- (4) A certificate purporting to be signed by an officer of the Society and certifying that a branch is registered with the Society is conclusive evidence that the branch is a body corporate under this Act.
- (5) The boundaries of the area for which the branch is formed are as approved by the Society.
- (6) A branch of the Society ceases to be a body corporate upon being removed from the register of the Society in accordance with the by-laws of the Society.
- (7) For the purposes of Sections 12, 13, 14, 15 and 17, a reference to the Society includes a branch of the Society. 1996, c. 22, s. 8.

#### **Powers of Society and branches**

- 9** The Society and each branch may exercise such powers as may be necessary to achieve its objects and, without restricting the generality of the foregoing, may
- (a) receive, acquire and hold gifts, grants, donations and legacies;
  - (b) acquire by way of grant, gift, purchase, bequest, devise or otherwise, real and personal property and use and apply such property in the attainment of its object;
  - (c) buy, own, hold, lease, mortgage, sell and convey real and personal property;
  - (d) borrow money and mortgage its property or any part thereof to secure repayment thereof or performance of any obligation. 1996, c. 22, s. 9.

#### **Control of branches**

- 10** Each branch is subject to the control and direction of the Society and may, in accordance with the by-laws of the Society, be
- (a) dissolved by the Society; or
  - (b) suspended by the Society or its executive committee. 1996, c. 22, s. 10.

### **PREVENTION OF CRUELTY TO ANIMALS**

#### **Prohibitions**

**11 (1)** No person shall wilfully cause an animal unnecessary pain, suffering or injury.

**(2)** No owner of an animal or person in charge of an animal shall cause or permit the animal to be or to continue to be in distress.

**(3)** For the purposes of subsection (2), the owner of an animal or the person in charge of an animal does not permit the animal to be in distress where the owner or person in charge takes appropriate steps to relieve the distress.

**(4)** Subsections (1) and (2) do not apply where the distress, pain, suffering or injury result from an activity carried on in accordance with reasonable and generally accepted practices of animal management, husbandry or slaughter or an activity exempted by the regulations. 1996, c. 22, s. 11.

#### **Powers of peace officer**

**12 (1)** Where a peace officer finds an animal in distress 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 or cannot be found promptly,

the peace officer may, subject to this Act, take such action as the peace officer considers necessary to relieve the distress including, without restricting the generality of the foregoing,

(c) taking custody of the animal;

(d) arranging for any necessary transportation, food, water, care, shelter and medical treatment, or any one or more of them;

(e) delivering the animal into the custody of the Society or a suitable caretaker.

**(2)** Before taking action pursuant to subsection (1), a peace officer shall take reasonable steps to find the owner or person in charge of the animal and, if the owner is found, shall endeavour to obtain the owner's co-operation to relieve the animal's distress.

**(3)** Where the owner of the animal is not present or not found and informed of the animal's distress, the peace officer, or the Society in whose custody the animal is delivered, shall take reasonable steps to find the owner and inform the owner of the action taken.

**(4)** Where the peace officer has reasonable and probable grounds for believing that an animal is in distress

(a) in or upon any premises other than a private dwelling place; or

(b) in any vehicle or thing,

the peace officer may, with or without a warrant, and by force, if necessary, enter the premises, vehicle or thing and search for the animal and exercise the powers conferred on the peace officer by this Section with respect to any animal in distress found therein.

**(5)** A peace officer who, on reasonable and probable grounds, believes that there is an animal in distress in a private dwelling house, shall obtain a warrant to enter the private dwelling house for the purpose of carrying out duties pursuant to this Section.

**(6)** Before entering any premises, vehicle or thing pursuant to this Section, a peace officer shall take reasonable steps to find the owner or person in charge and endeavour to obtain the co-operation of the owner or the person in charge.

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

**(8)** Where a person other than a peace officer finds an animal in distress, that person may, upon signing a release in the form prescribed by the regulations, turn the animal over to the custody of the Society. 1996, c. 22, s. 12.

#### **Animals in critical distress**

**13 (1)** In this Section, "critical distress" means distress in an animal of such nature that

(a) immediate veterinary treatment cannot prolong the animal's life; or

(b) prolonging the animal's life would result in the animal suffering unduly.

**(2)** Where, in the opinion of

(a) a registered veterinarian; or

(b) a peace officer, if a registered veterinarian is not readily available,

an animal is in critical distress, the peace officer may humanely destroy the animal or have the animal humanely destroyed.

**(3)** Where suffering of an animal referred to in subsection (1) is not unduly prolonged thereby, the peace officer, or the Society having custody of the animal, shall take reasonable steps to find the owner and endeavour to obtain the owner's consent to its humane destruction.

(4) Where an animal may be destroyed pursuant to subsection (2) and the owner does not consent to its humane destruction, the peace officer may destroy the animal without the owner's consent. 1996, c. 22, s. 13.

#### **Animal owners**

**14 (1)** The owner of an animal in the custody of the Society pursuant to this Act shall, when requested to do so by the Society, pay to the Society any expense incurred by the Society with respect to any transportation, food, care, shelter or medical treatment provided for the animal and, if the animal is destroyed, its humane destruction.

(2) Where the Society requires the owner to pay any of the expenses referred to in subsection (1) before return of the animal to the owner, those expenses are due and payable before the animal is returned to the owner.

(3) Where the owner of an animal that is in the custody of the Society is not found within seventy-two hours after the animal has come into the custody of the Society or, if found,

(a) does not within seventy-two hours after the animal has come into the custody of the Society either pay or agree to pay to the Society within an agreed time the expenses properly incurred by the Society with respect to the animal; or

(b) does not pay those expenses within the time agreed pursuant to this subsection, the Society may sell or give the animal to any person that, in the opinion of the Society, will properly care for the animal. 1996, c. 22, s. 14.

#### **Power to sell or destroy**

**15 (1)** Notwithstanding subsection 14(3), where the animal bears an obvious identification tattoo, brand mark, tag or licence, the time limit referred to in that clause is ten days instead of seventy-two hours.

(2) Where the Society sells or gives an animal to any person pursuant to this Act

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

(b) any money paid to the Society as a result of the sale of the animal is the property of the Society.

(3) Where an animal is in the custody of the Society and, after the expiry of the time period required by this Section, the Society is unable to sell or give the animal to a suitable person, the Society may cause the animal to be humanely destroyed. 1996, c. 22, s. 15.

#### **Inspections**

**16 (1)** For the purpose of enforcing this Act and the regulations, a peace officer may, subject to the regulations at all reasonable times, inspect any premises, other than a private dwelling house, in which animals are kept for

(a) slaughter;

(b) sale;

(c) hire;

(d) exhibition,

(e) transportation;

(f) boarding;

(g) breeding;

(h) training;

(i) research; or

(j) any activity prescribed by the Governor in Council.

(2) Where a peace officer is of the opinion that an offence pursuant to this Act is being committed with regard to an agricultural animal, the peace officer shall consult or be accompanied by a veterinarian and either a livestock specialist or an agriculture representative appointed by the Minister of Agriculture and Marketing before taking any further action.

(3) Where a peace officer is of the opinion that an offence pursuant to this Act is being committed with regard to research animals, the peace officer shall

(a) consult or be accompanied by a laboratory-research veterinarian; or

(b) consult with the Canadian Council on Animal Care where the facility is part of the Canadian Council on Animal Care audit program,

before taking any further action. 1996, c. 22, s. 16.

#### **Court orders**

**17 (1)** Upon application, or in any proceeding for an offence against this Act, the judge may order a person who claims to own or care for an animal to deliver the animal to the custody of the Society if, in the opinion of the judge, that person is not fit to care for the animal.

(2) Notwithstanding anything contained in this Act, the Society may sell or give away an animal delivered into its custody pursuant to subsection (1) but any money received by the Society as a result of selling that animal shall be returned to the person who was ordered pursuant to subsection (1) to deliver the animal to the custody of the Society, less any amount to cover expenses properly incurred by the Society with respect to that animal.

(3) The Society may cause an animal delivered to its custody pursuant to subsection (1) to be destroyed only if the Society, after reasonable attempts, is unable to sell or give the animal to a suitable person. 1996, c. 22, s. 17.

## GENERAL

### **Offence and penalties**

**18 (1)** Any person who contravenes this Act or the regulations is guilty of an offence and liable on summary conviction

(a) for a first or second offence, to a fine of not more than five thousand dollars and in default of payment to imprisonment for a term not exceeding six months, or to both fine and imprisonment;

(b) for a third or subsequent offence, to a fine of not more than ten thousand dollars and in default of payment to imprisonment for a term not exceeding six months, or to both fine and imprisonment.

(2) If an owner of an animal is found guilty of an offence under this Act or the regulations, the judge may make an order restraining the owner from continuing to have custody of animals for such period of time as is specified by the court.

(3) A person who contravenes an order made by a judge pursuant to subsection (2) is guilty of an offence and liable to the penalties set out in subsection (1). 1996, c. 22, s. 18.

### **Prohibition respecting peace officer**

**19** No person shall obstruct a peace officer in the exercise of any powers pursuant to this Act. 1996, c. 22, s. 19.

### **Immunity from liability**

**20** No action lies against any person acting in good faith for anything done pursuant to this Act. 1996, c. 22, s. 20.

### **Conflict with another enactment**

**21** Where a conflict exists between any provision of this Act and any other enactment, other than the *Animal Health and Protection Act*, the provisions of this Act prevail. 1996, c. 22, s. 21.

### **Society regulations**

**22 (1)** Subject to the approval of Governor in Council, the Society may make regulations

(a) prescribing, with respect to animals kept for sale, hire, exhibition, research, or that are impounded, boarded or kept for breeding

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

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

(b) defining reasonable steps to find and notify an owner;

(c) defining reasonable expenses to be charged to the owner of an animal taken into custody pursuant to this Act for transportation of the animal, food, care, shelter and veterinary medical treatment provided to the animal and for the humane destruction of an animal;

(d) prescribing humane euthanasia practices;

(e) prescribing a form of release for the purpose of subsection 12(8).

(2) No regulation may be made pursuant to subsection (1) that conflicts with standards established in nationally-developed agriculture codes of practice for care and housing of livestock animals now published by Agriculture and Agri-Food Canada or the Canadian Agri-Food Research Council, or any other agency that succeeds them in publishing such codes.

(3) No regulation may be made pursuant to subsection (1) that is not consistent with the Canadian Council on Animal Care Guidelines for the scientific use of animals.

(4) No action may be taken against a person under this Act if the person complies with the standards set out in subsection (2) or the Guidelines referred to in subsection (3). 1996, c. 22, s. 22.

### **Governor in Council regulations**

**23 (1)** The Governor in Council may make regulations

- (a) prescribing societies, organizations, institutions or persons to which this Act applies for the purpose of enforcing this Act and determining the extent to which this Act applies to the society, organization, institution or person;
  - (b) exempting research from the requirements of subsection 22(1) where the research is being conducted pursuant to an audit program approved by the Canadian Council on Animal Care;
  - (c) prescribing activities for the purpose of subsection 11(4) or 16(1);
  - (d) defining any word or expression used but not defined in this Act;
  - (e) deemed necessary or advisable to carry out effectively the intent and purpose of this Act.
- (2) The exercise by the Governor in Council of the authority contained in subsection (1) is regulations within the meaning of the *Regulations Act*. 1996, c. 22, s. 23.

**Repeal**

24 Chapter 86 of the Acts of 1877, *An Act to Incorporate the Society for the Prevention of Cruelty to Animals*, is repealed. 1996, c. 22, s. 24.

**Proclamation**

25 This Act comes into force on such day as the Governor in Council orders and declares by proclamation. 1996, c. 22, s. 25.

Proclaimed - January 28, 1997

In force - February 1, 1997

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