

Fish and Wildlife Conservation Act, 1997
Loi de 1997 sur la protection du poisson et de la faune

ONTARIO REGULATION 666/98

POSSESSION, BUYING AND SELLING OF WILDLIFE

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PART I

DEFINITIONS

1. In this Regulation,

“carcass” includes any part of a carcass;

“cast antlers” means antlers that have dropped naturally from living woodland caribou, American elk, white-tailed deer or moose, are intact and have not been treated;

“cervid” means a member of a species of the deer family;

“chronic wasting disease” means a transmissible animal disease of the nervous system that afflicts cervids and that belongs to the group of diseases known as transmissible spongiform encephalopathies;

“district manager” means the district manager of an administrative district of the Ministry;

“hide” means the untanned and untreated skin,

(a) of a black bear, including the head and claws attached to the skin, or

(b) of a white-tailed deer or moose, but not its head;

“treating” includes taxidermy;

“working day” means any day other than a Saturday or a holiday. O. Reg. 666/98, s. 1; O. Reg. 561/05, s. 1; O. Reg. 324/10, s. 1.

PART II

POSSESSION

REPORT OF ACQUISITION

2. (1) A person who acquires the carcass of a black bear, woodland caribou, white-tailed deer, American elk or moose shall report the acquisition immediately to a district manager and, on so doing, may receive a certificate of reporting. O. Reg. 666/98, s. 2 (1).

(2) A person who acquires the carcass of a specially protected raptor shall report the acquisition to a district manager within two working days of acquiring it and take it to the district manager’s office within five working days thereof for registration and, on so doing, may receive a certificate of reporting. O. Reg. 666/98, s. 2 (2).

(3) A person who acquires the carcass of a furbearing mammal shall report the acquisition to the district manager within two working days of acquiring it and, on so doing, may receive a licence to possess a pelt. O. Reg. 666/98, s. 2 (3).

(4) A report under subsection (1), (2) or (3) shall be made in person or by telephone and shall provide the name and address of the person reporting, the number of carcasses acquired, by species, and the date, place and circumstances of the acquisition. O. Reg. 666/98, s. 2 (4).

(5) The following persons are not required to report an acquisition under subsection (1), (2) or (3):

1. A person who lawfully kills the wildlife.

2. A person who receives a carcass, other than the carcass of a furbearing mammal, as a gift from a person described in paragraph 1.

3. A person engaged in business as a taxidermist who receives a carcass from a person described in paragraph 1 or 2 or from a person who holds a certificate of reporting or a licence to possess pelts.

4. A person who lawfully possesses a furbearing mammal, including its pelt, under a licence that is not a hunting or trapping licence.

5. A person who kills the wildlife under a Minister’s authorization. O. Reg. 666/98, s. 2 (5).

(6) Despite paragraphs 1 and 5 of subsection (5), a person who kills a black bear, specially protected raptor or furbearing mammal under section 31 of the Act and keeps its carcass shall comply with subsection (1), (2), (3) or (4). O. Reg. 666/98, s. 2 (6).

PELTS

3. (1) A person shall not possess a pelt without holding one of the following licences:

1. A trapping licence, in respect of furbearing mammals killed under the licence.

2. A farmer’s licence to sell pelts and carcasses, in respect of furbearing mammals killed under subsection 6 (3) of the Act.

3. A fur dealer’s licence.

4. A licence to possess a pelt, in respect of pelts specified in the licence.

5. A small game licence, in respect of furbearing mammals killed under the licence. O. Reg. 666/98, s. 3 (1).

(2) Subsection (1) does not apply to,

(a) a person who hunts or traps a furbearing mammal under subsection 6 (3) of the Act but does not hold a farmer's licence to sell pelts and carcasses for the year at the time of coming into possession of the pelt; or

(b) a common carrier who possesses a pelt only for the purpose of transportation. O. Reg. 666/98, s. 3 (2).

(3) The Minister may issue a licence to possess a pelt to the following persons:

1. The holder of a trapping licence who has, despite the exercise of all due diligence, killed a furbearing mammal in the area set out in his or her licence during the closed season for the species or in excess of the number of the species that may be killed under the licence during the open season.

2. A person who has reported the acquisition of a furbearing mammal under subsection 2 (3).

3. A person who buys and possesses pelts for his or her own use.

4. A person trapping under subsection 6 (3) of the Act who has, despite the exercise of all due diligence, killed a furbearing mammal during the closed season for the species.

5. A holder of a small game licence who has killed a furbearing mammal during the open season and wishes to possess it during the closed season.

6. A person who transports a pelt into Ontario for his or her own use. O. Reg. 666/98, s. 3 (3).

(4) The licence to possess a pelt shall specify the number of pelts and the species for which the licence is issued. O. Reg. 666/98, s. 3 (4).

(5) With the following exceptions, a person shall not possess a pelt during the closed season:

1. The holder of a fur dealer's licence.

2. The holder of a licence to possess pelts in respect of the number of pelts and the species for which the licence is issued.

3. The holder of a trapping licence who completes the season-end harvest report in accordance with section 13 of Ontario Regulation 667/98 (Trapping), in respect of the number of pelts and the species reported that are still in the holder's possession.

4. The holder of a farmer's licence to sell pelts and carcasses who completes the season-end harvest report in accordance with section 13 of Ontario Regulation 667/98 (Trapping), in respect of the number of pelts and the species reported still in the person's possession that were killed under subsection 6 (3) of the Act.

5. A common carrier who possesses a pelt only for the purpose of transporting it on behalf of a holder of a licence described in paragraphs 1 to 4. O. Reg. 666/98, s. 3 (5).

4. (1) A person who holds a valid trapping licence or a person who traps under subsection 6 (3) of the Act and who also keeps farmed animals that are furbearing mammals shall retain for two years invoices, bills of lading or other similar documents showing the number of farmed animals or pelts of farmed animals, and their species, that the person raises, buys or otherwise acquires or sells or otherwise disposes of. O. Reg. 666/98, s. 4 (1).

(2) The invoice, bill of lading or other document shall set out the name and address of the other person involved in the transaction and the date of the transaction. O. Reg. 666/98, s. 4 (2).

PART II.1

REGULATING POSSESSION OF CERVIDS TO PREVENT CHRONIC WASTING DISEASE

4.1 This Part applies to cervids that are killed outside Ontario and transported into Ontario. O. Reg. 561/05, s. 2.

4.2 (1) A person shall not possess in Ontario the whole or any part of the antlers, head, brain, eyes, tonsils, hide, hooves, lymph nodes, spleen, mammary glands, entrails, internal organs or spinal column of a cervid that has been killed outside Ontario. O. Reg. 561/05, s. 2.

(2) Subsection (1) does not apply to a person who possesses,

(a) finished taxidermy mounts;

(b) tanned skin;

(c) canine teeth with no tissue attached; or

(d) antlers or a skull cap with antlers attached, as long as there is no tissue or skin attached to them and they are separate from the skull. O. Reg. 561/05, s. 2.

(3) Subsection (1) does not apply to a person who possesses a hide or the skin of the head if,

(a) it is kept in a container from which nothing can escape until it is processed by a tanner or taxidermist and all other tissue has been removed; and

(b) the person delivers the hide or skin of the head to a tanner or taxidermist for processing within five days of it coming into Ontario. O. Reg. 561/05, s. 2.

(4) A person who possesses a hide or skin under subsection (3) and disposes of it shall do so in a waste disposal site as defined in Part V of the Environmental Protection Act. O. Reg. 561/05, s. 2.

(5) Subsection (1) does not apply to a person who possesses a thing referred to in subsection (1) for the purposes of research at a laboratory research facility certified to handle prion disease agents under the Health of Animals Act (Canada) if, from the time it is brought into Ontario until the time it is used, the thing is sealed in a container from which nothing can escape. O. Reg. 561/05, s. 2.

(6) Subsection (1) does not apply to a person who is temporarily in transit through Ontario and possesses a thing referred to in that subsection in a container from which nothing can escape. O. Reg. 561/05, s. 2.

4.3 A person shall not possess a thing in a container under subsection 4.2 (3) or (6) unless the container is labeled to show the species from which the thing comes, the name and address of the person to whom the container belongs and the place where the thing was acquired. O. Reg. 561/05, s. 2.

4.4 A person who possesses a cervid that was killed outside Ontario and transported into Ontario shall, within 24 hours of learning that the cervid has tested positive for chronic wasting disease,

- (a) notify a district manager of the Ministry of that fact; and
- (b) submit to the district manager details of the transportation and disposition of the cervid, and any other information required by the district manager. O. Reg. 561/05, s. 2.

PART III

TANNING, PLUCKING OR TREATING

5. (1) A person shall not engage in, carry on or be concerned in the tanning, plucking or treating of pelts without holding a fur dealer's licence authorizing tanning. O. Reg. 666/98, s. 5 (1).

(2) Subsection (1) does not apply to a person who, himself or herself, tans, plucks or treats pelts for the person's own use. O. Reg. 666/98, s. 5 (2).

(3) Subsection (1) does not apply to a person who engages in the tanning, plucking or treating of pelts of farmed animals that are furbearing mammals unless the person possesses furbearing mammals that are not farmed animals. O. Reg. 666/98, s. 5 (3).

(4) The holder of a fur dealer's licence authorizing tanning shall not accept pelts for tanning, plucking or treating except from a person who holds a licence to send pelts to a tanner. O. Reg. 666/98, s. 5 (4).

(5) The holder of a fur dealer's licence authorizing tanning shall obtain the licence to send pelts to a tanner referred to in subsection (4) and, on completion of the tanning, plucking or treating, shall mail it to the district manager. O. Reg. 666/98, s. 5 (5).

6. (1) A person shall not send a pelt to a tanner or taxidermist for tanning, plucking or treating in any way, or have such a pelt sent, without holding a licence to send pelts to a tanner. O. Reg. 666/98, s. 6 (1).

(2) The licence expires one year after the day on which it was issued. O. Reg. 666/98, s. 6 (2).

PART IV

BUYING OR SELLING OF PELTS

GENERAL

7. Despite subsection 48 (2) of the Act, subsection 48 (1) of the Act and a provision of this Part and Part V do not apply to a person who buys or sells pelts of farmed animals that are furbearing mammals unless the person also buys and sells the pelts of furbearing mammals that are not farmed animals. O. Reg. 666/98, s. 7.

8. A person may buy or sell pelts if the person holds a dealer's licence authorizing the buying or selling of pelts. O. Reg. 666/98, s. 8.

8.1 A holder of a licence authorizing the selling of pelts or carcasses of furbearing mammals under this Part shall not sell a pelt or carcass, except to a person who may buy it lawfully. O. Reg. 263/05, s. 1.

SELLING

9. The holder of a fur dealer's licence authorizing the buying or selling of pelts shall not sell pelts except to,

- (a) another holder of a fur dealer's licence authorizing the buying or selling of pelts;
- (b) a person who accepts delivery of the pelts outside Ontario; or
- (c) a person who holds a licence to possess a pelt under paragraph 3 of subsection 3 (3) and who buys pelts in accordance with the licence. O. Reg. 666/98, s. 9.

10. (1) For the purpose of subsection 48 (1) of the Act, a person who hunts or traps under subsection 6 (3) of the Act may sell the carcasses of furbearing mammals killed under that subsection, including their pelts, under a farmer's licence to sell pelts and carcasses. O. Reg. 666/98, s. 10 (1).

(2) A farmer's licence to sell pelts and carcasses shall not be issued to an applicant unless the applicant submits with the application,

(a) a farmer's licence to sell pelts and carcasses or a trapping licence issued to the applicant at any time during the five years immediately prior to the application and any season-end Harvest Report completed by the person in accordance with section 13 of Ontario Regulation 667/98 (Trapping) for the most recent year in which the applicant carried on trapping, or evidence of having filed the report; or

(b) a certificate issued to the applicant at any time during the five years prior to the application by the Minister or a person designated by the Minister certifying that the applicant has successfully completed the course of instruction in fur harvest, fur management and conservation approved by the Minister. O. Reg. 666/98, s. 10 (2).

11. (1) A holder of a farmer's licence to sell pelts and carcasses shall complete the form entitled Trappers Season-end Harvest Report in accordance with section 13 of Ontario Regulation 667/98 (Trapping) and submit the report to the address indicated on the report on or before June 10 following the issuance of the licence. O. Reg. 666/98, s. 11 (1).

(2) The holder who sells a pelt under subsection 10 (1) shall produce the licence or proof of the existence of the licence at the time of sale. O. Reg. 666/98, s. 11 (2).

12. (1) For the purpose of subsection 48 (1) of the Act, a holder of a small game licence may, without any other licence, sell pelts of furbearing mammals killed under the licence or under a licence to hunt raccoon at night. O. Reg. 666/98, s. 12 (1).

(2) If the holder also holds a licence to possess a pelt under paragraph 5 of subsection 3 (3), he or she may sell the pelt of a species of furbearing mammal that may be killed under a small game licence issued under Ontario Regulation 665/98 (Hunting). O. Reg. 666/98, s. 12 (2).

(3) The holder shall produce the licence or proof of the existence of the licence under which the furbearing mammal was killed or possessed at the time of sale. O. Reg. 666/98, s. 12 (3).

13. A holder of a trapping licence shall not sell a pelt under subsection 48 (3) of the Act unless he or she produces the licence or proof of the existence of the licence at the time of sale. O. Reg. 666/98, s. 13.

14. A holder of a trapping licence or a farmer's licence to sell pelts and carcasses shall not sell more pelts than the number specified in the licence unless, at the time of sale, the holder holds a licence to possess a pelt issued in respect of the pelts that are being sold. O. Reg. 666/98, s. 14.

15. (1) A person shall not sell pelts of furbearing mammals killed during the closed season. O. Reg. 666/98, s. 15 (1).

(2) Subsection (1) does not apply to,

(a) a holder of a small game hunting licence, a trapping licence or a farmer's licence to sell pelts and carcasses who also holds a licence to possess a pelt authorizing the possession of the number of pelts of the species that are being sold;

(b) a holder of a fur dealer's licence who has lawfully bought the pelt from a person referred to in clause (a); or

(c) a holder of a seal authorizing the sale of a polar bear pelt. O. Reg. 666/98, s. 15 (2).

BUYING

16. (1) The holder of a fur dealer's licence authorizing the buying or selling of pelts or the holder of a licence to possess a pelt authorizing the purchase of pelts for his or her own use shall not buy pelts except from the following persons:

1. Another holder of a fur dealer's licence authorizing the buying or selling of pelts.

2. A trapper who sells pelts under subsection 48 (3) of the Act.

3. A hunter who sell pelts under section 12.

4. A person who may sell pelts under subsection 10 (1).

5. A person mentioned in paragraph 2, 3 or 4 who has a licence to possess a pelt in respect of the pelt being sold.

6. A person entitled to sell the pelt of a polar bear under clause 15 (2) (c). O. Reg. 666/98, s. 16 (1).

(2) The holder of a licence to possess a pelt authorizing the purchase of pelts for his or her own use may buy pelts of the number and species specified in the licence. O. Reg. 666/98, s. 16 (2).

FUR AUCTION HOUSE

17. (1) A person who is registered to buy or sell pelts at a fur auction house is exempt from the requirement for a licence under subsection 48 (1) of the Act. O. Reg. 666/98, s. 17 (1).

(2) The person who buys a pelt at a fur auction house under subsection (1) shall not accept delivery of the pelt in Ontario and shall not sell it anywhere else but at that fur auction house. O. Reg. 666/98, s. 17 (2).

(3) A person who holds a fur dealer's licence shall not register to buy or sell pelts under subsection (1). O. Reg. 666/98, s. 17 (3).

(4) A person who is registered to buy or sell pelts at a fur auction house may cancel the registration and obtain a fur dealer's licence. O. Reg. 666/98, s. 17 (4).

(5) A person who surrenders a fur dealer's licence shall not register to buy or sell pelts at a fur auction house until July 1 immediately following the date on which the licence was issued. O. Reg. 666/98, s. 17 (5).

PART V

RECORDS — FUR DEALERS, TANNERS, TAXIDERMISTS

18. (1) Each time a holder of a fur dealer's licence purchases or otherwise receives a pelt, sells or otherwise disposes of a pelt or tans, plucks or treats a pelt, the holder shall record the occurrence in triplicate at the time it occurs. O. Reg. 666/98, s. 18 (1).

(2) The holder shall,

(a) submit copies of the records for each month's occurrences to the district manager on or before the 10th day of the following month; and

(b) retain the triplicate original of the records intact for not less than two years after the day on which the fur dealer's licence expires. O. Reg. 666/98, s. 18 (2).

(3) The holder may, with the district manager's permission, submit the required records electronically as specified by the Ministry. O. Reg. 666/98, s. 18 (3).

(4) The holder who, in any month, does not receive or dispose of any pelts, or tan, pluck or treat any pelts, shall so report to the district manager in the manner required by the district manager. O. Reg. 666/98, s. 18 (4).

(5) The holder who buys or receives pelts of farmed animals shall obtain an invoice, bill of lading or similar document describing them, setting out the name and address of the person from whom the holder obtained the pelts, the number of pelts obtained and of what species and the date on which they were obtained. O. Reg. 666/98, s. 18 (5).

19. A person who carries on business as a taxidermist shall record the following information:

1. The name and address of every person from whom the taxidermist receives the carcass of a specimen of game wildlife or specially protected wildlife and the date of receipt.

2. The number of carcasses received and of what species.

3. At the time the taxidermist received the carcass, a certificate of reporting or a licence to possess a pelt, and if no certificate or licence to possess a pelt is produced, a notation of the authority under which the wildlife was killed. O. Reg. 666/98, s. 19.

PART VI

BUYING AND SELLING CARCASSES

20. (1) This section applies to carcasses of furbearing mammals but not to pelts. O. Reg. 666/98, s. 20 (1).

(2) The holder of a licence to hunt raccoon may, without any other licence, sell the carcass of a raccoon that the holder has lawfully killed. O. Reg. 666/98, s. 20 (2).

(3) A person may buy the carcass of a raccoon for the person's own use without a licence. O. Reg. 666/98, s. 20 (3).

(4) A person may buy the carcass of a furbearing mammal that has been lawfully killed from the holder of a trapping licence or a farmer's licence to sell pelts and carcasses. O. Reg. 666/98, s. 20 (4).

(5) A person who buys a carcass under subsection (4) for his or her personal use may do so without a licence under subsection 48 (1) of the Act. O. Reg. 666/98, s. 20 (5).

(6) An invoice issued by a seller to a person who buys a carcass under subsection (4) for a purpose other than his own personal use shall be deemed to be a licence to buy the carcass referred to in the invoice. O. Reg. 666/98, s. 20 (6).

(7) The invoice shall list the number of carcasses sold, species involved, the name of the trapper or farmer who is selling, the name of the buyer and the date of the sale. O. Reg. 666/98, s. 20 (7).

(8) A person shall not buy or sell the carcass of a furbearing mammal for consumption by a person other than the buyer or his or her immediate family. O. Reg. 666/98, s. 20 (8).

(9) A person shall not sell the carcass of a furbearing mammal for consumption by a person unless the seller advises the buyer in writing that the meat has not been inspected under the Food Safety and Quality Act, 2001. O. Reg. 666/98, s. 20 (9); O. Reg. 263/05, s. 2.

PART VII

BUYING AND SELLING HIDES AND CAST ANTLERS

21. Despite subsection 48 (1) of the Act, a licence to sell game wildlife is not required if,

(a) a hunter sells the hide of a black bear, white-tailed deer or moose that he or she has lawfully killed or cast antlers;

(b) a trapper sells the hide of a black bear that he or she has lawfully killed or cast antlers; or

(c) a person sells not more than a single hide and a single set of cast antlers in a year, if they were lawfully acquired. O. Reg. 666/98, s. 21.

22. Despite subsection 48 (1) of the Act, a licence to buy game wildlife is not required if,

(a) a person buys a single hide or a single set of cast antlers in each year for his or her own use;

(b) a person accepts delivery of hides or cast antlers outside Ontario, if they were obtained from a person who sold them under a hides and cast antlers dealer's licence; or

(c) a person trades or barter the hides for a token of little or no value as part of a program approved or sponsored by the Ministry to facilitate the provision of hides to artisans. O. Reg. 666/98, s. 22.

23. A person who holds a hides and cast antlers dealer's licence may,

(a) buy hides and cast antlers from a person who lawfully sells them; or

(b) sell hides and cast antlers to a person who lawfully buys them. O. Reg. 666/98, s. 23.

24. (1) The holder of a hides and cast antlers dealer's licence shall record the following information on each purchase of a hide or cast antlers:

1. The date of the purchase.

2. The name and address of the person from whom the hide or cast antlers are being bought.

3. If the hide is bought from a licensed hunter or trapper, the number of the licence under which the game mammal was killed.

4. If the hide is bought from a person who is not a licensed hunter or trapper, the kind of document and its number, if any, under which the game mammal was lawfully acquired.

5. If the hide or cast antlers are bought from another holder of a hides and cast antlers dealer's licence, the number of that dealer's licence.

6. The number of hides bought and the species of animal involved.

7. The number of cast antlers and the species of animal involved. O. Reg. 666/98, s. 24 (1).

(2) The holder of a hides and cast antlers dealer's licence shall record the following information at the time of tanning or treating a hide, of selling or otherwise disposing of a hide and at the time of treating cast antlers or selling or otherwise disposing of cast antlers:

1. The date of the tanning, treating, selling or other disposal.

2. The name, address and licence number of the holder of a hides and cast antlers licence to whom the hides or cast antlers were sent for tanning or treating, or both, as the case may be, or were sold or disposed of.

3. The number of hides sent for tanning or treating, sold or otherwise disposed, and the species of animal involved.

4. The number of cast antlers sent for treating, sold or otherwise disposed of. O. Reg. 666/98, s. 24 (2).

PART VIII

BUYING AND SELLING GAME BIRDS

25. (1) A holder of a licence to keep game birds in captivity may, without any other licence, keep in captivity, propagate or buy or sell live game birds of the species that the holder is authorized to keep and their eggs to another holder of a licence to keep game birds in captivity. O. Reg. 666/98, s. 25 (1).

(2) If authorized to keep Northern bobwhite or wild turkey under such a licence, the holder of the licence may, without any other licence, sell them and their eggs to the holder of a licence to own or operate a game bird hunting preserve. O. Reg. 666/98, s. 25 (2).

(3) If authorized to keep ring-necked pheasants under such a licence, the holder of the licence may sell them or their eggs to any person without any other licence. O. Reg. 666/98, s. 25 (3).

(4) The purchaser of a live ring-necked pheasant may keep the bird in captivity for a period of 10 days without a licence under subsection 40 (1) of the Act. O. Reg. 666/98, s. 25 (4).

26. (1) A holder of a licence to keep game birds in captivity shall not sell a live game bird or the carcass of a ring-necked pheasant to a purchaser without giving the purchaser an invoice showing,

- (a) the holder's name;
- (b) the number of the holder's licence;
- (c) the date of the sale;
- (d) the purchaser's name and address;
- (e) the number of the purchaser's licence, if any; and
- (f) the number of game birds sold and the species involved and the number of carcasses of ring-necked pheasant sold. O. Reg. 666/98, s. 26 (1).

(2) The holder named as seller in an invoice shall retain a copy of the invoice for at least two years. O. Reg. 666/98, s. 26 (2).

(3) The purchaser of a live bird shall retain the invoice for at least two years. O. Reg. 666/98, s. 26 (3).

(4) The purchaser of a carcass of a ring-necked pheasant shall retain the invoice for at least two years or until the carcass is consumed or otherwise disposed of, whichever occurs first. O. Reg. 666/98, s. 26 (4).

(5) The invoice shall be deemed to be a licence to buy the game bird or carcass of a ring-necked pheasant specified in it for the purpose of subsection 48 (1) of the Act. O. Reg. 666/98, s. 26 (5).

27. Subsection 48 (1) of the Act does not apply to a ring-necked pheasant that is sold in a dressed condition and in a container or package that clearly shows the name and address of the person who sold it. O. Reg. 666/98, s. 27.

PART IX

BUYING AND SELLING BULLFROGS

28. (1) A resident who holds a licence to capture or kill bullfrogs for sale may, without any other licence, sell bullfrogs captured in the areas named in the licence. O. Reg. 666/98, s. 28 (1).

(2) The holder of the licence shall, at the time of sale, give the purchaser of bullfrogs an invoice that, for the purposes of subsection 48 (1) of the Act, shall be deemed to be a licence allowing the purchaser to buy the bullfrogs referred to in the invoice. O. Reg. 666/98, s. 28 (2).

(3) The seller shall retain a copy of the invoice for at least two years. O. Reg. 666/98, s. 28 (3).

(4) The seller shall make an annual report in the form required by the Ministry and submit it within 30 days of the last day of the open season for bullfrogs. O. Reg. 666/98, s. 28 (4).

(5) Any limit on the number of bullfrogs that may be possessed set out in Ontario Regulation 670/98 (Open Seasons — Wildlife) does not apply to a person buying or selling under this section. O. Reg. 666/98, s. 28 (5).

PART X

TRANSPORTATION

29. Subsection 57 (1) of the Act does not apply to,

(a) a person who keeps farmed animals that are furbearing mammals and who transports their pelts, unless the person transports the pelts of furbearing mammals that are not farmed animals at the same time;

(b) a hunter or trapper who transports wildlife that he or she has killed in accordance with the Act and the regulations if the hunter or trapper accompanies the wildlife during transportation. O. Reg. 666/98, s. 29.

30. (1) Subject to subsection (2), a person shall not transport out of Ontario without an export permit,

(a) black bear, white-tailed deer or moose killed in Ontario;

(b) a furbearing mammal, its pelt or the pelt of a farmed animal that is a furbearing mammal; or

(c) hides and cast antlers exported by the holder of a hides and cast antlers dealer's licence. O. Reg. 666/98, s. 30 (1).

(2) A resident may temporarily transport any of the wildlife referred to in clause (1) (a) out of Ontario without an export permit if the resident is on the way to a location in Ontario and does not leave any of the wildlife outside Ontario. O. Reg. 666/98, s. 30 (2).

(3) A non-resident entitled to hunt under a licence shall not transport out of Ontario more game wildlife than the number that he or she may kill or possess under the regulations. O. Reg. 666/98, s. 30 (3).

30.1 (1) For the purposes of section 53 of the Act, a permit is required for the transport by any person of a live woodland caribou, white-tailed deer, American elk or moose into Ontario, whether or not the animal is intended to be kept as a farmed animal. O. Reg. 324/10, s. 2.

(2) The Minister shall not issue a permit referred to in subsection (1) to a person unless,

(a) the person provides the Minister with a written notice issued by the Minister of Agriculture, Food and Rural Affairs and described in subsection (3), and

(b) the qualifications described in subsection (4) are met. O. Reg. 324/10, s. 2.

(3) A notice issued by the Minister of Agriculture, Food and Rural Affairs shall indicate that that minister is satisfied that the animal being transported into Ontario,

(a) is from a herd that,

(i) participates in a chronic wasting disease surveillance programme established in the herd's home jurisdiction, and

(ii) is certified by a qualified veterinarian in accordance with that programme; and

(b) is unlikely to be at risk of spreading chronic wasting disease based on,

(i) a qualified veterinarian's assessment of the animal's health, and

(ii) the animal's history of movement over the last 36 months. O. Reg. 324/10, s. 2.

(4) It is a qualification for any permit for the transport into Ontario of a live woodland caribou, white-tailed deer, American elk or moose that the animal being transported be delivered to,

(a) a place for slaughtering in which the animal is slaughtered immediately upon arrival; or

(b) a place of captivity that meets the requirements set out in subsection (5). O. Reg. 324/10, s.

2.

(5) A place of captivity to which a live woodland caribou, white-tailed deer, American elk or moose is delivered must have adopted the following measures in order to prevent the introduction and spread of disease:

1. The place has a two gate system through which vehicles transporting animals must pass before the animals are released and the gates are separated by sufficient space so as to allow vehicles to stop between the gates as the first gate is being shut and the second gate is being opened.

2. The place is enclosed by a system of double fencing that is designed to prevent a captive woodland caribou, white-tailed deer, American elk or moose from escaping or has one of the following means of preventing such animals from escaping that is as effective as a system of double fencing:

i. The place is enclosed by a single fence and a system of electrified fencing.

ii. The place is enclosed by a single fence that is sufficiently high and solid to prevent the animals from escaping.

iii. The place has a system of landscaping arrangements and natural barriers that are sufficient to prevent the animals from escaping.

3. The place ensures that all captive woodland caribou, white-tailed deer, American elk or moose that are kept in the place are identified with a unique number. O. Reg. 324/10, s. 2.

PART XI

EXEMPTIONS

31. (1) Subsections 48 (1) and 57 (1) of the Act and the requirement for an export permit do not apply with respect to,

(a) hides, cast antlers, pelts or other parts of furbearing mammals that have been lawfully bought or sold and that have been tanned, plucked or treated, or manufactured into commercial products;

(b) artwork or jewellery made from game wildlife the commercial value of which is primarily in the artwork or jewellery and not in the wildlife. O. Reg. 666/98, s. 31 (1).

(2) For the purposes of clause (1) (b),

“artwork” does not include a wildlife specimen that has been treated by a taxidermist, whether in whole or in part, or mounts of such specimens. O. Reg. 666/98, s. 31 (2).

PART XII

ROYALTIES

32. (1) A person shall not transport a furbearing mammal or its pelt to any of the following without paying the required royalty:

1. A place outside Ontario.

2. A tanner or taxidermist to be tanned, plucked or treated in any way.

3. A building or place where furbearing mammals are kept in captivity under section 40 of the

Act.

4. A building or place where farmed animals that are furbearing mammals are kept. O. Reg. 666/98, s. 32 (1).

(2) The royalties for furbearing mammals or their pelts are established and calculated as follows:

1. Ascertain the calendar year of the October 1 that preceded the act that gives rise to the royalty obligation.

2. Determine the average of all sale prices obtained for individual furbearing mammals and individual pelts of the species in auction houses in Ontario during the 12-month period ending on July 1 of the calendar year ascertained under paragraph 1.

3. Multiply the average obtained under paragraph 2 by 5.5 per cent.

4. Round off the results obtained under paragraph 3 to the nearest five cents. O. Reg. 666/98, s. 32 (2).

(3) Despite subsection (1), no royalties are payable,

(a) in respect of a furbearing mammal or its pelt if the average sale price determined for it under paragraph 2 of subsection (2) is less than one dollar; and

(b) in respect of a furbearing mammal or pelt imported from a place outside of Ontario. O. Reg. 666/98, s. 32 (3).

33. OMITTED (REVOKES OTHER REGULATIONS). O. Reg. 666/98, s. 33.

34. OMITTED (PROVIDES FOR COMING INTO FORCE OF PROVISIONS OF THIS REGULATION). O. Reg. 666/98, s. 34.