

The Animal Protection Act, 1999

being

Chapter A-21.1* of *The Statutes of Saskatchewan, 1999* (effective November 1, 2000) as amended by the *Statutes of Saskatchewan, 2010, c.38*.

***NOTE:** Pursuant to subsection 33(1) of *The Interpretation Act, 1995*, the Consequential Amendment sections, schedules and/or tables within this Act have been removed. Upon coming into force, the consequential amendments contained in those sections became part of the enactment(s) that they amend, and have thereby been incorporated into the corresponding Acts. Please refer to the Separate Chapter to obtain consequential amendment details and specifics.

NOTE:

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

Table of Contents

	PART I		PART III
	Short Title		Protection of Certain Animals against Dogs
1	Short title	19	Interpretation of Part
	PART II	20	Dogs causing injury or damage
	Animals in Distress	21	Offences and penalty
2	Interpretation of Part	22	Action for damages
3	Humane societies	23	Regulations
4	Prohibition		PART III.1
5	Inspection		Protection of Service Animals
6	Relieving animals in distress	23.1	Interpretation of Part
7	Authority to enter	23.2	Interference with service animal prohibited
8	Identification	23.3	Offences and penalties
9	Notification	23.4	Limitation on prosecution
10	Sale or gift of animal		PART IV
11	Destruction of animal		Repeal, Transitional and Coming into Force
12	Liability for expenses incurred	24	R.S.S. 1978, c.A-21 repealed
13	Lien on animals	25	S.S. 1928, c.89, sections 6 to 8a repealed
14	Offences and penalties	26	Transitional – humane societies
15	Order for custody	27	Transitional – prosecutions
16	Duty of court	28	Coming into force
17	Immunity		
18	Regulations		

CHAPTER A-21.1

An Act respecting the Protection of Animals

PART I Short Title

Short title

1 This Act may be cited as *The Animal Protection Act, 1999*.

PART II Animals in Distress

Interpretation of Part

2(1) In this Part and Part III.1:

- (a) **“animal”** means any animal other than a human being;
- (b) **“animal protection officer”** means:
 - (i) a member of the Royal Canadian Mounted Police;
 - (ii) a member of a municipal police service; or
 - (iii) a person appointed as an animal protection officer pursuant to subsection 3(2) for the purposes of this Part;
- (c) **“business day”** means a day on which the relevant humane society is open for business;
- (d) **“caretaker”** means an individual who:
 - (i) has an appropriate facility in which to keep an animal; and
 - (ii) agrees to care for the animal in accordance with this Part;
- (e) **“court”** means the Provincial Court of Saskatchewan;
- (f) **“humane society”** means:
 - (i) The Saskatchewan Society for the Prevention of Cruelty to Animals;
or
 - (ii) any organization that is approved as a humane society pursuant to subsection 3(1) or that is deemed to be approved as a humane society pursuant to section 26;
- (g) **“minister”** means the member of the Executive Council to whom for the time being the administration of this Act is assigned;
- (h) **“prescribed”** means prescribed in the regulations made pursuant to this Part;

- (i) “**vehicle**” includes an aircraft or water craft;
 - (j) “**veterinarian**” means a registered member of the Saskatchewan Veterinary Medical Association who is in good standing and who is licensed to practise veterinary medicine in Saskatchewan.
- (2) Subject to subsection (3), for the purposes of this Part, an animal is in distress if it is:
- (a) deprived of adequate food, water, care or shelter;
 - (b) injured, sick, in pain or suffering; or
 - (c) abused or neglected.
- (3) An animal is not considered to be in distress if it is handled:
- (a) in a manner consistent with a standard or code of conduct, criteria, practice or procedure that is prescribed as acceptable; or
 - (b) in accordance with generally accepted practices of animal management.
- (4) For the purposes of this Part and Part III.1, a person responsible for an animal includes a person who:
- (a) owns an animal;
 - (b) has custody or control of an animal; or
 - (c) has custody or charge of a minor and the minor is the owner of an animal.

1999, c.A-21.1, s.2; 2010, c.38, s.3.

Humane societies

- 3(1) Subject to the regulations, the minister may:
- (a) approve as a humane society for the purposes of this Part any organization that:
 - (i) is incorporated or registered as a corporation pursuant to an Act; and
 - (ii) has as a principal object the prevention of cruelty to animals; and
 - (b) suspend or revoke the approval mentioned in clause (a).
- (2) Subject to the regulations, the minister may appoint any person as an animal protection officer for the purposes of this Part who:
- (a) meets the prescribed criteria; and
 - (b) demonstrates to the minister that he or she is suitable to be appointed as an animal protection officer.

1999, c.A-21.1, s.3.

Prohibition

- 4(1) No person shall cause an animal to be in distress.
- (2) No person responsible for an animal shall cause or permit the animal to be or to continue to be in distress.

2010, c.38, s.4.

Inspection

- 5(1) Any animal protection officer, without a warrant, during ordinary business hours, may enter any premises, other than a private dwelling, where animals are kept for sale, hire or exhibition for the purpose of enforcing this Part and the regulations.
- (2) No person operating or in charge of any premises, other than a private dwelling, where animals are kept for sale, hire or exhibition shall refuse to permit an animal protection officer to enter the premises during ordinary business hours for the purposes mentioned in subsection (1).

1999, c.A-21.1, s.5.

Relieving animals in distress

- 6(1) Where an animal is found in distress in a public place or, subject to section 7, in any other place, an animal protection officer may take any action that the animal protection officer considers necessary to relieve the animal's distress where the person responsible for the animal:
- (a) does not promptly take steps to relieve the animal's distress; or
 - (b) cannot be found immediately and informed of the animal's distress.
- (2) Without limiting the powers of an animal protection officer acting in accordance with subsection (1), the animal protection officer may:
- (a) take custody of the animal;
 - (b) arrange for transportation, food, water, care, shelter and veterinary treatment for the animal; and
 - (c) deliver the animal into the custody of:
 - (i) a humane society; or
 - (ii) a caretaker, if there is no humane society near the location where the animal is found or if the humane society does not have an appropriate facility in which to keep the animal.
- (3) Notwithstanding any other provision of this Part, an animal protection officer may destroy an animal, or have an animal destroyed, where the animal is in such distress that it cannot be relieved of its distress in the opinion of:
- (a) a veterinarian; or
 - (b) if a veterinarian is not readily available, the animal protection officer.

1999, c.A-21.1, s.6.

Authority to enter

7(1) A justice of the peace or a provincial court judge may issue a warrant in the prescribed form authorizing an animal protection officer to enter and search any place or premises named, or stop and search any vehicle described, in the warrant if the justice or judge is satisfied by information on the oath of the animal protection officer in the prescribed form that there are reasonable grounds to believe:

- (a) that an animal is in distress in any place, premises or vehicle; or
- (b) that an offence against this Part has occurred and evidence of that offence is likely to be found in the place, premises or vehicle to be searched.

(2) With a warrant issued pursuant to subsection (1), an animal protection officer may:

- (a) enter at any time and search any place or premises named in the warrant for the purpose of taking any action authorized by this Part to relieve the animal's distress;
- (b) stop and search any vehicle described in the warrant for the purpose of taking any action authorized by this Part to relieve the animal's distress;
- (c) open and examine any trunk, box, bag, parcel, closet, cupboard or other receptacle that the animal protection officer finds in the place, premises or vehicle; and
- (d) seize and remove from any place, premises or vehicle searched anything that may be evidence of an offence against this Part, including the carcass of a dead animal.

(3) Subject to subsection (4), an animal protection officer may exercise all or any of the powers mentioned in subsection (2) without a warrant if:

- (a) the conditions for obtaining a warrant exist; and
- (b) the animal protection officer has reasonable grounds to believe that the delay necessary to obtain a warrant would result in:
 - (i) the death of an animal; or
 - (ii) the loss, removal or destruction of evidence.

(4) An animal protection officer shall not enter a private dwelling without a warrant issued pursuant to subsection (2) unless the occupant of the private dwelling consents.

(5) When exercising any power pursuant to this section, an animal protection officer may be accompanied by any specialist or expert whom the animal protection officer considers necessary to carry out the search and seizure or to diagnose and assist an animal in distress.

(6) When an animal protection officer removes the carcass of a dead animal from any place, premises or vehicle pursuant to this section, the person responsible for that animal has no right in or claim to:

- (a) the carcass; or
- (b) the value of the carcass, if any.

(7) No person shall obstruct any person who is authorized to make an entry pursuant to this section.

1999, c.A-21.1, s.7.

Identification

8 An animal protection officer who is appointed pursuant to subsection 3(2) and who is exercising a power pursuant to section 5, 6 or 7, must, on demand, produce his or her certificate of appointment to the owner or occupant of any place or premises entered or vehicle stopped pursuant to those sections.

1999, c.A-21.1, s.8.

Notification

9(1) If an animal protection officer intends to destroy an animal or have an animal destroyed pursuant to subsection 6(3), the animal protection officer shall take reasonable steps to locate the person responsible for the animal and to obtain that person's consent to the destruction of the animal.

(2) Where, pursuant to subsection 6(2), an animal protection officer delivers an animal into the custody of a caretaker, the animal protection officer shall notify a humane society of the actions taken with respect to the animal.

(3) After an animal is delivered to a humane society or after a humane society is notified pursuant to subsection (2) that an animal has been delivered to a caretaker, the humane society shall take reasonable steps to locate the person responsible for the animal and, where that person is located, shall notify that person of the actions taken with respect to the animal.

1999, c.A-21.1, s.9.

Sale or gift of animal

10(1) The humane society may sell or give the animal to any person if the person responsible for the animal:

- (a) is not located and notified within three business days after the day on which the animal was delivered; or
- (b) is located and notified but does not, within three business days after the day on which the animal was delivered:
 - (i) in accordance with section 12, pay the expenses incurred with respect to the animal; or
 - (ii) enter into an agreement for the payment of the expenses that is satisfactory to the humane society.

(2) Where a humane society sells or gives an animal to any person pursuant to subsection (1), the animal becomes the property of the person to whom it is sold or given.

(3) The proceeds of a sale of an animal pursuant to subsection (1) shall be disbursed in the following order of priority:

- (a) to pay the expenses of selling the animal;
- (b) to pay the other expenses reasonably incurred with respect to the animal pursuant to this Part.

(4) Subject to subsection (5), the humane society may retain the balance of the sale proceeds remaining after the payment of the expenses mentioned in subsection (3).

(5) If the sale proceeds exceed the expenses mentioned in subsection (3), within 30 days after the date of the sale of the animal, the person formerly responsible for the animal may claim the balance from the humane society, and the humane society shall pay the balance to that person, on being satisfied that the person was the person responsible for the animal at the time the animal was taken into custody.

1999, c.A-21.1, s.10.

Destruction of animal

11(1) A humane society may destroy the animal or have the animal destroyed if, at the expiration of the three-day period mentioned in subsection 10(1):

- (a) the person responsible for the animal has not claimed the animal in accordance with subsection 10(1); and
- (b) the humane society is unable to sell or give the animal away.

(2) Where an animal is given to a humane society and the society is unable to sell or give the animal away or, in the opinion of the humane society, the animal is not suitable to be sold or given away, at the expiration of three business days after receiving the animal, the humane society may destroy the animal or have the animal destroyed.

(3) Any person charged with the destruction of an animal pursuant to this Part must destroy the animal in a humane manner.

1999, c.A-21.1, s.11.

Liability for expenses incurred

12(1) The person responsible for an animal taken into custody pursuant to subsection 6(2) is liable to the humane society for the expenses reasonably incurred by the humane society, or by a caretaker on behalf of the humane society, pursuant to this Part with respect to the animal.

(2) The humane society may require the person responsible for the animal to pay the expenses for which he or she is liable pursuant to subsection (1) before returning the animal to that person.

- (3) Where an animal is destroyed pursuant to subsection 6(3), the person responsible for the animal is liable for the expenses of destroying the animal and disposing of the carcass and has no right or claim to any damages resulting from the destruction of the animal.
- (4) For the purposes of subsection (3), the expenses of destroying an animal include any veterinarian's inspection fee and any veterinarian's fee for providing an opinion with respect to the animal.
- (5) The humane society may recover the expenses mentioned in this section against the person responsible for the animal in any manner provided by law, including an action in debt.
- (6) Where an animal is delivered into the custody of a caretaker pursuant to subsection 6(2), the humane society that is notified of the actions taken with respect to the animal pursuant to subsection 9(2) is liable to the caretaker for the expenses reasonably incurred by the caretaker pursuant to this Part with respect to the animal.

1999, c.A-21.1, s.12.

Lien on animals

13(1) A humane society:

- (a) has a lien on any animal delivered into the custody of the humane society, or delivered into the custody of a caretaker on behalf of the humane society, pursuant to this Part; and
- (b) in addition to the remedies mentioned in section 12, may detain the animal in the custody of the humane society, or in the custody of a caretaker on behalf of the humane society, and may sell the animal, subject to the regulations, where the person responsible for the animal is indebted to the humane society for the expenses mentioned in section 12.

(2) The right of the humane society pursuant to subsection (1) has priority over, and is not subject to, any existing lien, security interest, purchase-money security interest or any other charge or encumbrance affecting the animal.

1999, c.A-21.1, s.13.

Offences and penalties

14(1) A person who contravenes this Part or the regulations or an order made pursuant to this Part is guilty of an offence and liable on summary conviction to a fine of not more than \$25,000, to imprisonment for not more than two years or to both.

(2) In addition to any penalty imposed pursuant to subsection (1), if a person is found guilty of an offence pursuant to section 4, the court may make an order prohibiting that person from owning or having custody or control of any animal for a period specified by the court.

c. A-21.1**ANIMAL PROTECTION, 1999**

(3) The court may make an order pursuant to subsection (2) on any terms and conditions that the court considers appropriate, including a term or condition that:

- (a) the person provide the applicable humane society with a current address of residence; and
- (b) the person allow for inspections by an animal protection officer, without a warrant, to ensure compliance with the order imposed.

1999, c.A-21.1, s.14; 2010, c.38, s.5.

Order for custody

15(1) A humane society may apply to the court for an order of custody of an animal with respect to which a charge has been laid pursuant to section 14.

(2) On an application pursuant to this section, the court may make an order on any terms and conditions it considers appropriate, including granting the humane society, or a caretaker on behalf of the humane society, custody of the animal pending the outcome of any proceeding pursuant to section 14, notwithstanding that the person responsible for the animal:

- (a) has, in accordance with section 12, paid the expenses incurred with respect to the animal; and
- (b) has requested the return of the animal.

1999, c.A-21.1, s.15.

Duty of court

16 Not more than 15 days after a person is convicted of an offence pursuant to section 14, the court shall send a record of the conviction and a certified copy of any order made pursuant to subsection 14(2) by ordinary mail to The Saskatchewan Society for the Prevention of Cruelty to Animals at the prescribed address.

1999, c.A-21.1, s.16.

Immunity

17(1) No action lies or shall be instituted against any animal protection officer, veterinarian, caretaker, humane society or officer or employee of a humane society for any loss or damage suffered by reason of anything in good faith done, caused, permitted or authorized to be done, attempted to be done or omitted to be done, by any of them, pursuant to or in the exercise or supposed exercise of any power conferred by this Part or the regulations or in the carrying out or supposed carrying out of any duty imposed by this Part or the regulations.

(2) No action lies or shall be instituted against the minister or the Crown in right of Saskatchewan for any act or omission of any animal protection officer, veterinarian, caretaker, humane society or officer or employee of a humane society, in connection with this Act or the regulations.

1999, c.A-21.1, s.17.

Regulations

18 For the purpose of carrying out this Part according to its intent, the Lieutenant Governor in Council may make regulations:

- (a) defining, enlarging or restricting the meaning of any word or phrase used in this Part but not defined in this Part;
- (b) prescribing acceptable standards or codes of conduct, criteria, practice or procedure for the care and handling of animals;
- (c) respecting the approval of organizations as humane societies and the suspension and revocation of approvals;
- (d) prescribing the qualifications required of persons to be appointed animal protection officers for the purposes of this Part;
- (e) respecting the manner in which animals may be taken into custody;
- (f) defining what constitutes taking reasonable steps to locate and notify a person responsible for an animal;
- (g) prescribing, with respect to animals kept for sale, hire or exhibition:
 - (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;
- (h) respecting liens on animals pursuant to section 13 and providing for the detention and sale of the animals and for the disposition of the sale proceeds;
- (i) for the purposes of section 16, prescribing the address of The Saskatchewan Society for the Prevention of Cruelty to Animals;
- (j) prescribing any forms required for this Part or the regulations;
- (k) prescribing any matter or thing required or authorized by this Part to be prescribed in the regulations;
- (l) respecting any other matter or thing that the Lieutenant Governor in Council considers necessary to carry out the intent of this Part.

1999, c.A-21.1, s.18.

PART III**Protection of Certain Animals against Dogs****Interpretation of Part**

19 In this Part:

- (a) **“dog”** means an animal of the canine species;
- (b) **“prescribed”** means prescribed in the regulations made pursuant to this Part;

c. A-21.1

ANIMAL PROTECTION, 1999

(c) “**protected animal**” means, subject to the regulations, any animal that is raised in captivity on a farm for the purpose of producing:

- (i) offspring; or
- (ii) animal products, as defined in *The Animal Products Act*;

(d) “**running at large**” means, with respect to a dog, not being on the premises of its owner and not being under the immediate, continuous and effective control of its owner.

1999, c.A-21.1, s.19.

Dogs causing injury or damage

20(1) Any person may destroy a dog if the person finds the dog:

- (a) running at large; and
- (b) attacking or viciously pursuing a protected animal.

(2) A person who destroys a dog pursuant to this Part shall destroy and dispose of the dog in the prescribed manner.

1999, c.A-21.1, s.20.

Offences and penalty

21(1) Every person is guilty of an offence who destroys or disposes of a dog pursuant to this Part other than in the prescribed manner.

(2) A person who is guilty of an offence pursuant to subsection (1) is liable on summary conviction to a fine not exceeding \$1,000.

1999, c.A-21.1, s.21.

Action for damages

22(1) No penalty imposed pursuant to section 21 bars an action by the owner or possessor of a protected animal for the recovery of damages for injury done to the protected animal by a dog.

(2) In an action for the recovery of damages for injury done to a protected animal by a dog:

- (a) it is not necessary for the plaintiff to prove that the defendant knew of the dog’s propensity to pursue and injure animals; and
- (b) the defendant’s liability does not depend on any previous knowledge of the dog’s propensity to pursue and injure animals.

1999, c.A-21.1, s.22.

Regulations

23 For the purpose of carrying out this Part according to its intent, the Lieutenant Governor in Council may make regulations:

- (a) defining, enlarging or restricting the meaning of any word or phrase used in this Part but not defined in this Part;
- (b) prescribing the manner in which dogs are to be destroyed and disposed of for the purposes of this Part;
- (c) prescribing any matter or thing required or authorized by this Part to be prescribed in the regulations;
- (d) respecting any other matter or thing that the Lieutenant Governor in Council considers necessary to carry out the intent of this Part.

1999, c.A-21.1, s.23.

PART III.1
Protection of Service Animals

Interpretation of Part

23.1 In this Part, “**service animal**” means an animal that is trained to be used by:

- (a) a person with a disability for reasons relating to his or her disability;
- (b) a peace officer in the execution of his or her duties; or
- (c) a person who is authorized by a peace officer to assist peace officers in their duties.

2010, c.38, s.6.

Interference with service animal prohibited

23.2(1) No person shall harm, attempt to harm, touch, feed, impede or interfere with a service animal without lawful excuse or authority.

(2) No person responsible for an animal shall allow that animal to harm, attempt to harm, touch, impede or interfere with a service animal without lawful excuse or authority.

2010, c.38, s.6.

Offences and penalties

23.3(1) A person who contravenes section 23.2 is guilty of an offence and liable on summary conviction to a fine of not more than \$25,000, to imprisonment for not more than two years or to both.

(2) In addition to any penalty imposed pursuant to subsection (1), the court may order the convicted person to pay compensation to the person responsible for the service animal for loss or damage suffered as a consequence of the commission of the offence, in an amount that the court may determine.

c. A-21.1

ANIMAL PROTECTION, 1999

(3) The person to whom compensation is payable pursuant to subsection (2) may file a certified copy of the order in the office of the local registrar of the Court of Queen's Bench at the judicial centre nearest to the place where the person resides.

(4) A certified copy filed pursuant to subsection (3) has the same force and effect as if it were a judgment obtained in the Court of Queen's Bench for the recovery of a debt in the amount specified in the order, together with any reasonable costs and charges with respect to its filing.

2010, c.38, s.6.

Limitation on prosecution

23.4 No prosecution for a contravention of this Part is to be commenced more than one year from the date on which the offence is alleged to have been committed.

2010, c.38, s.6.

PART IV

Repeal, Transitional and Coming into Force**R.S.S. 1978, c.A-21 repealed**

24 *The Animal Protection Act* is repealed.

1999, c.A-21.1, s.24.

25 **Dispensed.** This/these section(s) makes consequential amendments to another/ other Act(s). Pursuant to subsection 33(1) of *The Interpretation Act, 1995*, the amendments have been incorporated into the corresponding Act(s). Please refer to the Separate Chapter to obtain consequential amendment details and specifics.

Transitional – humane societies

26(1) Every organization is deemed to be approved as a humane society pursuant to section 3 if, on the day before the coming into force of this Act, it is:

- (a) incorporated or registered as a corporation pursuant to an Act; and
- (b) recognized as a humane society by The Saskatchewan Society for the Prevention of Cruelty to Animals.

(2) Subsection (1) applies notwithstanding that the organization was not approved by the minister as a humane society pursuant to *The Animal Protection Act* or any former *Animal Protection Act*.

(3) Nothing in this section prevents the minister from suspending or revoking the approval of a humane society pursuant to section 3.

1999, c.A-21.1, s.26.

Transitional – prosecutions

27 A summary offence ticket issued or a prosecution commenced pursuant to *The Animal Protection Act* before the coming into force of this Act remains valid and is to be dealt with pursuant to the provisions of *The Animal Protection Act* as it existed on the day before the coming into force of this Act.

1999, c.A-21.1, s.27.

Coming into force

28 This Act comes into force on proclamation.

1999, c.A-21.1, s.28.

