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## ***The Animal Protection Act***

being Chapter A-21 of *The Revised Statutes of Saskatchewan, 1978* (effective February 26, 1979) as amended by the *Statutes of Saskatchewan, 1994*, c.13.

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### **CHAPTER A-21**

An Act respecting the Protection of Animals

#### **Short title**

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

### PART I

#### **Animals in Distress**

##### **Interpretation**

2 In this Part:

(a) "**animal**" includes birds, fish and reptiles;

(b) "**distress**" means the state of being in need of proper care, food or shelter or of being injured, sick, abused, in pain or suffering or being subject to undue or unnecessary hardship, privation or neglect;

(c) "**humane society**" means an organization that is approved as a humane society under section 9;

(d) "**minister**" means the member of the Executive Council to whom for the time being is assigned the administration of this Act;

(e) "**peace officer**" means a member of the Royal Canadian Mounted Police, a member of a municipal police force or a peace officer appointed for the purposes of this Part;

(f) "**veterinarian**" means a member in good standing of the Saskatchewan Veterinary Medical Association.

1972, c.5, s.2; R.S.S. 1978, c.A-21, s.2.

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

3(1) Where an animal is found in distress in a public place or, subject to section 4, in any other place and:

(a) the owner or person in charge of the animal does not forthwith take appropriate steps to relieve its distress; or

(b) the owner or person in charge of the animal is not present and cannot be found promptly;

a peace officer may, subject to this Part, take such action as he considers necessary to relieve its distress and for that purpose he may:

- (c) take custody of the animal;
- (d) arrange for any necessary transportation, food, care, shelter and medical treatment for the animal; and
- (e) deliver the animal into the custody of a humane society;

if that appears to him to be necessary or desirable.

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

(3) If the owner of the animal is not present or promptly found and informed of the animal's distress, the peace officer or a humane society into whose custody the animal is delivered shall take reasonable steps to find the owner and, if found, to inform him of the action taken.

1972, c.5, s.3; R.S.S. 1978, c.A-21, s.3.

#### **Entry of premises, etc.**

4(1) Where a peace officer has reasonable and probable grounds for believing that an animal is in distress:

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

the peace officer may, without a warrant or with a warrant and by force, if necessary, enter the premises, vehicle or chattel and search for the animal and may exercise his powers under section 3 with respect to any animal in distress found therein.

(2) Where it appears to a magistrate or justice of the peace, on information laid before him on oath, that there are reasonable and probable grounds for believing that there is an animal in distress in any dwelling place or any other premises or vehicle or chattel within his jurisdiction, the magistrate or justice of the peace may issue a warrant authorizing a peace officer to enter, by force if necessary, the dwelling place or other premises or vehicle or chattel specified in the warrant and search for the animal, and the peace officer may exercise his powers under section 3 with respect to any animal in distress found therein.

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

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

1972, c.5, s.4; R.S.S. 1978, c.A-21, s.4.

#### **Destruction of animal**

5(1) Notwithstanding anything in this Part, where an animal that has been taken into custody pursuant to section 3 is in such distress that:

- (a) in the opinion of a veterinarian;
- (b) if a veterinarian is not readily available, in the unanimous opinion of a peace officer and two reputable citizens; or

(c) in a critical situation where a veterinarian or two reputable citizens are not readily available, in the opinion of the peace officer;

the animal cannot be relieved of its distress so as to live thereafter without undue suffering, a peace officer may destroy the animal or cause the animal to be destroyed.

(2) Where a peace officer or humane society intends to destroy an animal or to have an animal destroyed under this section and the animal will not suffer unduly by reason of delay in its destruction, the peace officer or humane society having custody of the animal shall take reasonable steps to find the owner of the animal and endeavour to obtain his consent to its destruction.

1972, c.5, s.5; R.S.S. 1978, c.A-21, s.5.

### **Lien for expenses**

6(1) A humane society has a lien upon any animal delivered into its custody under this Part for any expenses properly incurred with respect to the animal for transportation, food, care, shelter and medical treatment and may require the owner to pay those expenses before delivering the animal to the owner.

(2) Where the expenses properly incurred exceed \$25, the expenses may be recovered by the humane society in an action in debt against the owner.

1972, c.5, s.6; R.S.S. 1978, c.A-21, s.6.

### **Sale or giving away of animal**

7(1) Where the owner of an animal is not found within seventy-two hours after the animal came into the custody of a humane society pursuant to this Part or, if the owner is found he:

(a) does not, within seventy-two hours after the animal came into the custody of the society:

(i) pay to the society; or

(ii) undertake to pay 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 upon under subclause (ii) of clause (a);

the society may sell or give the animal to any person.

(2) Notwithstanding subsection (1), where the animal appears to be a valuable purebred animal or bears an obvious identification tattoo, brand, mark, tag or licence, the applicable time limit under subsection (1) shall be ten days and not seventy-two hours.

(3) Where a humane society sells or gives an animal to any person pursuant to this section the animal becomes the property of the person to whom it is sold or given and, subject to subsection (4), any money paid to the society with respect to the animal is the property of the society.

(4) Where within thirty days of the date of the sale or other disposition of an animal the person who owned the animal immediately before the sale or disposition requests from the society the proceeds of the sale or disposition, the society shall pay to the owner, upon its being satisfied that the person was the lawful owner of the animal, any money it received from the sale or disposition less its reasonable expenses to cover costs resulting from veterinary expenses or seizing, feeding, transporting or otherwise handling the animal.

1972, c.5, s.7; R.S.S. 1978, c.A-21, s.7.

### **Destruction of animal**

**8(1)** Where an animal has been delivered into the custody of a humane society pursuant to this Part and, after the expiry of the appropriate period mentioned in section 7, the society is unable to sell or give the animal away, the society may cause the animal to be destroyed.

(2) Where an animal is given to a humane society and the society is unable to sell or give the animal away, the society may cause the animal to be destroyed.

1972, c.5, s.8; R.S.S. 1978, c.A-21, s.8.

### **Humane societies**

**9(1)** Subject to the regulations, the minister may:

(a) approve as a humane society for the purposes of this Part any organization having as a principal object the prevention of cruelty to animals; and

(b) suspend or revoke the approval.

(2) The minister may appoint any officer or employee of a humane society as a peace officer for the purposes of this Part.

1972, c.5, s.9; R.S.S. 1978, c.A-21, s.9.

### **Inspection of premises**

**10** If authorized by or under the regulations, and subject thereto, a peace officer may:

(a) without a warrant and in ordinary business hours; and

(b) for the purpose of enforcing this Part and the regulations;

enter and inspect any premises, other than a dwelling place, where animals are kept for sale, hire, exhibition or owner's use.

1972, c.5, s.10; R.S.S. 1978, c.A-21, s.10.

### **Regulations**

**11** The Lieutenant Governor in Council may make regulations for the purposes of this Part:

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

(b) prescribing the qualifications required of persons to be appointed peace officers for the purposes of this Part;

(c) respecting the manner of taking custody of an animal;

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

(e) prescribing amounts that may be charged against an owner of an animal in respect of transportation, food, care, shelter and medical treatment where the animal is taken into custody pursuant to this Part;

(f) 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 shall be maintained;

(g) respecting the authorization of peace officers, in general or in particular, to exercise the powers specified in section 10 subject to such conditions and restrictions as are considered desirable and in the public interest;

(h) respecting any other matter necessary or desirable to give effect to the intent of this Part.

1972, c.5, s.11; R.S.S. 1978, c.A-21, s.11.

#### **Protection to peace officers, etc.**

**12** No action lies against a peace officer or a humane society or any officer or employee of a humane society for anything done in good faith and purporting to be done under this Part or the regulations.

1972, c.5, s.12; R.S.S. 1978, c.A-21, s.12.

#### **Construction of Part**

**13** Nothing in this Part shall be construed as affecting any right, power, duty or prohibition relating to animals conferred or imposed by or under any other Act and where any conflict exists between the provisions of this Part or the regulations hereunder and that other Act or the regulations thereunder, the provisions of that other Act or regulations prevail.

1972, c.5, s.13; R.S.S. 1978, c.A-21, s.13.

#### **Protected animals**

**13.1(1)** In this Part, "**protected animal**" means any animal that is raised in captivity on a farm for the purpose of producing animals or animal products as defined in *The Animal Products Act*.

(2) For the purposes of this Part, the minister may make regulations excluding any category of animal from the definition of protected animal.

1994, c.13, s.3.

## **PART II**

### **Protection of Certain Domestic Animals from Dogs**

#### **Vicious dogs**

**14** Any person may kill a dog that is in the act of pursuing, worrying or destroying any protected animal elsewhere than on the enclosed land occupied by the owner of the dog.

1972, c.5, s.14; R.S.S. 1978, c.A-21, s.14; 1994, c.13, s.4.

#### **Proceedings against owner**

**15** On complaint made on oath before a justice of the peace that a person owns or has in his possession a dog that has within the preceding three months worried, injured or destroyed any protected animal outside of the enclosed land occupied by the owner of the dog, the justice of the peace may issue his summons directed to that person stating shortly the matter of complaint and requiring that person to appear before him at a time and place therein stated to answer the complaint; and upon summary conviction on the evidence of one credible witness, other than the

complainant, of the person's having such dog in his possession, the justice of the peace may make an order for the killing of the dog within three days, and in default thereof may in his discretion impose a fine upon the person not exceeding \$100.

1972, c.5, s.15; R.S.S. 1978, c.A-21, s.15; 1994, c.13, s.5.

#### **Action for damages not barred**

**16** No order or fine under this Part shall be a bar to an action by the owner or possessor of any protected animal for the recovery of damages for injury done thereto by a dog.

1972, c.5, s.16; R.S.S. 1978, c.A-21, s.16; 1994, c.13, s.6.

#### **Proof of knowledge of owner unnecessary**

**17** It shall not be necessary for the plaintiff in an action for the recovery of damages for injury done to any protected animal to prove that the defendant knew of the dog's propensity to pursue and injure animals, nor shall the defendant's liability depend upon such previous knowledge.

1972, c.5, s.17; R.S.S. 1978, c.A-21, s.17; 1994, c.13, s.7.

### **PART III**

#### **Offences and Penalties**

##### **Contravention of regulations**

**18** Every person who does an act in contravention of the regulations or who omits or fails to do something required by the regulations is guilty of an offence and liable on summary conviction to a fine of not less than \$100 or more than \$1000 and in default of payment to imprisonment for a term of not less than seven days.

1972, c.5, s.18; R.S.S. 1978, c.A-21, s.18; 1994, c.13, s.8.