

1967 Bill 80

---

---

Fifth Session, 15th Legislature, 15 Elizabeth II

---

---

THE LEGISLATIVE ASSEMBLY OF ALBERTA

**BILL 80**

**An Act for the Protection of Animals in Distress**

---

---

THE ATTORNEY GENERAL

---

---

First Reading .....

Second Reading .....

Third Reading .....

---

---

Printed by L. S. Wall, Queen's Printer, Edmonton

# BILL 80

1967

An Act for the Protection of Animals in Distress

(Assented to \_\_\_\_\_, 1967)

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

1. This Act may be cited as *The Animal Protection Act*.
2. In this Act,
  - (a) "animal" includes birds and fish;
  - (b) "distress" means the state of being in need of proper care, food or shelter or being injured, sick, or in pain or suffering or being abused or 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 charged with 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 special constable appointed for the purposes of this Act;
  - (f) "veterinary surgeon" means a member of the Alberta Veterinary Medical Association.
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 Act, 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, and
  - (e) deliver the animal into the custody of a humane society,

## **Explanatory Notes**

**1.** The purpose of this Bill is to authorize and establish procedures under which animals in distress may be rescued and taken care of.

**2.** Definitions.

**3.** Peace officers authorized to take necessary action to relieve an animal's distress.

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 found, 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.

4. (1) Where he has reasonable and probable grounds for believing an animal is in distress

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

(b) in any vehicle or other chattel,

a 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 justice, on information laid before him on oath, that there are reasonable and probable grounds for believing there is an animal in distress in any dwelling place (or any other premises or vehicle or chattel) within his jurisdiction, the justice 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.

5. (1) Notwithstanding anything in this Act, where an animal taken into custody pursuant to section 3 is in such distress that

(a) in the opinion of a veterinary surgeon, or

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

(c) in a critical situation where a veterinary surgeon 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

**4.** Peace officers authorized to enter upon private property if necessary to relieve an animal's distress. A warrant is required before entering a dwelling place without the occupier's consent.

**5.** Authority to destroy animals when suffering cannot be relieved.

thereafter without undue suffering, a peace officer may cause the animal to be destroyed.

(2) Where an animal should be destroyed pursuant to this section and if the animal's suffering will not be unduly prolonged thereby, the peace officer or a 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.

**6.** (1) A humane society has a lien upon any animal delivered into its custody under this Act 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.

**7.** (1) Where the owner of an animal is not found within 72 hours after the animal came into the custody of a humane society pursuant to this Act or, if found,

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

(i) pay to the society, or

(ii) undertake 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 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

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

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

the applicable time limit under subsection (1) shall be 10 days and not 72 hours.

(3) Where a humane society sells or gives an animal to any person pursuant to this section,

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

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

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

**6. Right of a humane society to recover its expenses from the owner of an animal placed in its custody pursuant to the Act.**

**7. Unclaimed animals may be sold or given away.**

**8. Animals that can't be sold or given away may 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.

**9.** (1) Subject to the regulations, the Minister

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

(b) may suspend or revoke the approval.

(2) The Attorney General may, pursuant to *The Police Act*, appoint any officer or employee of a humane society as a special constable with authority to exercise the powers of a peace officer for the purposes of this Act.

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

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

(b) for the purpose of enforcing this Act and the regulations,

may enter and inspect any premises (other than a dwelling place) where animals are kept for sale, hire or exhibition.

**11.** The Lieutenant Governor in Council may make regulations:

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

(b) prescribing the qualifications required of persons to be appointed special constables for the purposes of this Act;

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

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

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

(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 in the public interest;



**9.** Approval of humane societies.

**10.** Inspection of premises where animals kept for sale, hire or exhibition.

**11.** Regulations authorized.

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

**12.** 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 \$200 and in default of payment to imprisonment for a term not exceeding three months, or to both fine and imprisonment, and

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

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

**14.** Nothing in this Act 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 Act or the regulations hereunder and that other Act or the regulations thereunder, the provisions of that other Act or regulations prevail.

**15.** This Act comes into force on the first day of July, 1967.

**12. Offence and penalty.**

**13. Protection from actions.**

**14. The provisions of any other Act that relate to animals are paramount over the provisions of this Act.**