

1970 Bill 109

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Third Session, 16th Legislature, 19 Elizabeth II

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

# **BILL 109**

**The Wildlife Act**

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THE MINISTER OF LANDS AND FORESTS

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First Reading .....

Second Reading .....

Third Reading .....

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THE WILDLIFE ACT  
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# BILL 109

1970

An Act for the Protection of Wildlife

(Assented to, , 1970)

HER 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 Wildlife Act*.
2. In this Act,
  1. "agent" means one who acts for another whether for any form of remuneration or not;
  2. "big game" means
    - (i) any bison except domestically raised bison situated south of the 22nd base-line, and any pronghorn antelope, mountain sheep or mountain goat,
    - (ii) any of the deer family whether known as elk, wapiti, caribou, moose, deer or otherwise,
    - (iii) any bear or cougar,
    - (iv) any other animals which may from time to time be declared to be big game by the regulations, and
    - (v) any part of such animals;
  3. "big game farm" means a place on which big game animals are kept for the purposes of propagation or for sale, gain, profit or pleasure;
  4. "bird of prey" means any hawk, falcon, eagle, owl, osprey, vulture or any other species of the families Falconidae or Cathartidae;
  5. "bird sanctuary" means an area designated as a bird sanctuary under this Act;
  6. "closed season", with reference to any species of wildlife, means a specified period during which, under this Act or the regulations, such wildlife may not be legally hunted or taken;

## **Explanatory Notes**

**1.** This Act will repeal and replace The Game Act, R.S.A. 1955, chapter 126, originally enacted in 1946. A section reference in an explanatory note indicates the number of the equivalent section in the present Game Act and whether it is changed in substance.

**2.** Clause 2. Cougars are now included as big game, rather than being classed as "fur-bearing carnivores". Some domestic bison excluded.

Clause 3. The words "or pleasure" are new in this definition.

Clause 4. This is a new definition.

Clause 5. This is a new definition.

Clause 6. The words "or taken" are new in this definition.

7. "Department" means the Department of Lands and Forests;
8. "Director" means the Director of Fish and Wildlife;
9. "exotic wildlife" means all birds, mammals and other vertebrates that are not indigenous to Alberta and that are declared to be exotic wildlife by the regulations, or any part of such birds, animals or other vertebrates;
10. "fur-bearing animal" means any beaver, bobcat, badger, fisher, fox, hare, lynx, marten, mink, muskrat, otter, rabbit, raccoon, skunk, squirrel or weasel and any other species declared to be fur-bearing animals by the regulations, or any part of such animals;
11. "fur-bearing carnivore" means a wolverine, coyote or wolf and any other species declared to be fur-bearing carnivores by the regulations, or any part of such animals;
12. "fur dealer" means a person who carries on or who is engaged in any manner in trafficking in the skins or pelts or parts thereof of fur-bearing animals or fur-bearing carnivores;
13. "furrier" means a person who buys or otherwise acquires the raw skins or pelts or parts thereof of fur-bearing animals or fur-bearing carnivores for the purpose of manufacture;
14. "game bird" includes
  - (i) ducks, geese, swans and all other species of the order called Anseriformes;
  - (ii) grouse, ptarmigan and all other species of the family called Tetraonidae;
  - (iii) pheasants, Hungarian or European grey partridge, Chukar partridge and all other species of the family called Phasianidae;
  - (iv) wild turkeys and all other species of the family called Meleagrididae;
  - (v) cranes and all other species of the family called Gruidae;
  - (vi) rails, coots and all other species of the family called Rallidae;
  - (vii) plovers, turningstones and all other species of the family called Charadriidae;
  - (viii) Wilson's snipes, curlews, sandpipers, greater and lesser yellowlegs, godwits and other snipe-like birds and all other species of the family called Scolopacidae;

Clause 9. This is a new definition.

Clause 10. Wolverines are no longer classed as “fur-bearing animals” but rather as “fur-bearing carnivores”.

Clause 11. Wolverines are now classed as fur-bearing carnivores. Cougars are removed from this definition and are now classed as big game.

Clause 14. Corrections made to subclause (i) and (ix).

- (ix) Columbidae, including mourning dove and other families of the order Columbiformes;
- (x) any part of such birds;
- 15. "game bird farm" means a place on which game birds are kept for the purposes of propagation, or for sale, gain, profit or pleasure;
- 16. "game guardian" means a person appointed as a game guardian by the Minister under this Act;
- 17. "Green Area" means the lands included in the area outlined and coloured green on the map established by Ministerial Order dated March 6, 1968 and published in the *Alberta Gazette* on March 15, 1968, as amended from time to time;
- 18. "hunt" means chase, pursue, worry, follow after or on the trail of, search for, shoot at, stalk or lie in wait for, and any deliberate attempt made in any manner to capture, kill or injure, any wildlife whether or not any wildlife is captured, killed or injured;
- 19. "illegal wildlife" means any wildlife or part thereof that has been hunted, trapped, taken or held in possession contrary to the provisions of this Act or the regulations;
- 20. "Minister" means the Minister of Lands and Forests;
- 21. "non-resident" means a person who is not a resident but who makes his home and is ordinarily present in Canada and who has resided in Canada for the 12 month period immediately prior to the date of his application;
- 22. "non-resident alien" means any person who is neither a resident nor a non-resident;
- 23. "open season", with reference to any species of wildlife, means a specified period during which, under this Act or the regulations, such wildlife may be lawfully hunted or taken;
- 24. "privately owned lands" means lands held under a certificate of title, agreement for sale, homestead lease, homestead sale, miscellaneous lease or cultivation lease issued under *The Public Lands Act, 1966*;
- 25. "pheasant shooting ground" means a parcel of land on which pen-reared pheasants are released for hunting;
- 26. "resident" means a person who makes his home and is ordinarily present in Alberta and

Clause 18. The words “and any deliberate attempt made in any manner to capture, kill or injure” are new in this definition.

Clause 21 is redefined.

Clause 25. This is a new definition and coincides with the regulations.

Clause 26 is redefined.



- (i) who has resided in Canada for the 12 month period immediately prior to the date of his application for a licence or permit, or
- (ii) who has not resided in Canada for the 12 month period immediately prior to the date of his application but is a Canadian citizen domiciled in Alberta,

but does not include a tourist, transient or visitor to Alberta.

- 27. "tanner" means a person who carries on the business of unhairing, fleshing, tanning, plucking, dressing or dyeing the pelts or skins of fur-bearing animals, fur-bearing carnivores or big game;
- 28. "taxidermist" means a person who carries on the business of preparing, preserving, stuffing or mounting the heads, pelts or skins of any wildlife;
- 29. "traffic" means any single act of selling, offering for sale, buying, bartering, soliciting or trading;
- 30. "trap" means catch a bird or animal with the aid of a contrivance or device;
- 31. "trap-line" means the area or location defined and registered under this Act for the taking of fur-bearing animals and fur-bearing carnivores thereon by a licensed trapper;
- 32. "unoccupied public lands" means all public lands that are not privately owned lands;
- 33. "wildlife " means big game, game birds, birds of prey, fur-bearing animals, fur-bearing carnivores and any other species of vertebrates designated as wildlife by the regulations and includes the heads, hides or other parts thereof;
- 34. "wildlife officer" means
  - (i) a wildlife officer appointed under section 5, and
  - (ii) a person who is an *ex officio* wildlife officer under section 6;
- 35. "wildlife sanctuary" means an area designated as a wildlife sanctuary under this Act.

3. For the purposes of this Act,

- (a) a person has any thing in possession when he has it in his personal possession or knowingly
    - (i) has it in the actual possession or custody of another person, or
    - (ii) has it in any place, whether or not that place belongs to or is occupied by him, for the use or benefit of himself or of another person,
- and

Clause 27. The words “fur-bearing carnivores” are new in this definition.

Clause 29. This is a new definition.

Clause 30. This is a new definition.

Clause 31. The words “fur-bearing carnivores” are new in this definition.

Clause 32. This definition has been simplified.

Clause 33. The general term “wildlife” will be used in the new Act in place of the term “game”.

**3.** This subsection replaces the present section 2 (ff) and is in identical terms to the definition of possession in section 3 (4) of the Criminal Code.

- (b) where one of two or more persons, with the knowledge and consent of the rest, has any thing in his custody or possession, it shall be deemed to be in the custody and possession of each and all of them.

4. This Act shall be read and construed with the *Migratory Birds Convention Act* (Canada) and the *Game Export Act* (Canada) and where any repugnancy or conflict occurs between any of the provisions of those Acts and this Act, the provisions of those Acts prevail.

#### **4. Prevalence of Acts. Section 145.**

## **PART 1**

### **GENERAL**

#### **Administration**

**5.** There may be appointed in accordance with *The Public Service Act, 1968* a Director of Fish and Wildlife and wildlife officers.

**6.** All members of the Royal Canadian Mounted Police, all forest officers and all fishery officers

- (a) are *ex officio* wildlife officers, and
- (b) have the same powers and duties as are conferred or imposed upon a wildlife officer by law.

**7.** (1) The Minister may appoint game guardians.

(2) Game guardians are, in the exercise of their powers and duties, under the direction of the Director.

#### **Regulations**

**8.** (1) In this section "Transfer Agreement" means the agreement in the Schedule to *The Alberta Natural Resources Act*, being chapter 21 of the Statutes of Alberta, 1930, and all amendments thereto.

(2) The Lieutenant Governor in Council may make regulations

- (a) designating any area or areas to be wildlife sanctuaries or bird sanctuaries,
- (b) providing for the control of wildlife sanctuaries or bird sanctuaries and for the protection of wildlife therein, and
- (c) declaring that any area previously designated to be a wildlife sanctuary or, subject to the Transfer Agreement, that any area previously designated to be a bird sanctuary shall cease to exist as such.

(3) Notwithstanding subsection (2), no wildlife sanctuary or bird sanctuary shall be hereafter constituted upon land other than unoccupied public land unless in the opinion of the Minister it is expedient to do so.

**9.** (1) The Lieutenant Governor in Council may by regulation require the purchaser of a licence or permit issued under this Act to purchase a Wildlife Certificate for the purpose of establishing a fund to operate a wildlife damage plan.

**5. Personnel. Section 122.**

**6. Ex officio wildlife officers. Section 124.**

**7. Game guardians. Section 123.**

**8. Wildlife sanctuaries and bird sanctuaries. Section 125.**

**9. Wildlife damage plan. Section 125a. Subsection (4) added to authorize borrowing for the purpose of meeting the obligations payable under the plan. Subsection (5), clause (c) added to authorize expenditure on a wildlife depredation control program. Subsections (6) and (7) added to limit liability of Fund.**

(2) The fees paid under subsection (1) shall constitute a fund to be known as the "Wildlife Damage Fund".

(3) The Minister shall pay the fees collected into the Wildlife Damage Fund.

(4) The Lieutenant Governor in Council may from time to time direct the Provincial Treasurer to advance to the Minister from the General Revenue Fund any amounts required for the purpose of meeting the obligations payable from the Wildlife Damage Fund as they become due, and any order made under this subsection may prescribe the terms and conditions upon which any amounts so advanced are to be repaid from the Wildlife Damage Fund to the Provincial Treasurer and the rate of interest payable on those amounts.

(5) The Minister may make payments out of the Wildlife Damage Fund with respect to

- (a) claims arising against the Wildlife Damage Fund,
- (b) the expense of operating the Wildlife Damage Fund,
- (c) the operation of a wildlife degradation control program, and
- (d) any other purposes provided for in the regulations.

(6) From the amounts received from the sale of Wildlife Certificates in each calendar year there shall be set aside 10 per cent thereof for the purposes of making payments under subsection (5), clause (c).

(7) The amount payable by the Minister under subsection (5), clauses (a), (b) and (d) shall not in any one year exceed in the aggregate

- (a) 90 per cent of the amount standing to the credit of the Wildlife Damage Fund on December 31 of the year in which the claims are received, and
- (b) the full amount received from inspection fees arising from claims against the Wildlife Damage Fund, less the amounts payable under subsection (4).

**10.** (1) The Lieutenant Governor in Council may by regulation authorize the sale of habitat stamps for the purpose of establishing a fund to create and maintain fish and wildlife habitats and for such other purposes as the Lieutenant Governor in Council may designate.

(2) The fees paid under subsection (1) together with donations and bequests from time to time received by the Minister for that purpose shall constitute a fund to be known as the "Fish and Wildlife Habitat Fund".

**10.** Fish and wildlife habitats. This is a new section to create a special fund for establishing and maintaining habitats.



(3) The Minister may make payments out of the Fish and Wildlife Habitat Fund with respect to

- (a) the creation of habitats for any species of fish or wildlife,
- (b) the maintenance of habitats, and
- (c) any other purposes provided for in the regulations.

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

- 1. for the designation of any species of vertebrates as wildlife,
- 2. for the designation of any species of animal as big game,
- 3. for the designation of any species of bird as a game bird or as a bird of prey,
- 4. for the designation of any species of animal as a fur-bearing animal,
- 5. for the designation of any species of animal as a fur-bearing carnivore,
- 6. for the designation of any bird, animal or other vertebrate as exotic wildlife,
- 7. for the operation of the Wildlife Damage Fund,
- 8. for the issue of hunting and trapping licences and permits required by the provisions of this Act,
- 9. for the restriction of the operations under any class of licence, to
  - (i) any specified area, or
  - (ii) any specified time, or
  - (iii) any specified area and specified time,
- 10. for the maximum number of any kind of wildlife that may be taken during any one day, or other specified period,
- 11. as to the period of open season for the hunting of any kind or kinds of wildlife and as to the prohibition of the hunting thereof,
  - (i) absolutely, or
  - (ii) during a specified period, or
  - (iii) within a specified area,
- 12. for the designation of any wildlife that may be hunted without a licence or permit
  - (i) in any specified area, or
  - (ii) during any specified time, or

**11. Regulations by Lieutenant Governor in Council. Section 126.**

- (iii) in any specified area and during any specified time,
- 13. for the establishment of areas in which big game, grouse or ptarmigan may be hunted on Sunday in that part of the Green Area lying north of the North Saskatchewan River,
- 14. for the prohibition of access to any area for the purpose of protecting designated wildlife,
- 15. designating the manner of identifying trap-lines and traps,
- 16. for the prohibition or restriction of the use or possession, in any part of Alberta of
  - (i) any shotgun, rifle or other firearm,
  - (ii) any particular calibre of shotgun, rifle or other firearm, or
  - (iii) any ammunition of any type,
- 17. for the prohibition or restriction of the use or operation of any kind of vehicle to hunt wildlife,
- 18. for the establishment of safety standards including the regulation of types of clothing and equipment,
- 19. for the marking, by means of tags or seals, of any wildlife lawfully killed or taken alive, and for fixing the amount of fees to be charged for such tags or seals,
- 20. for the regulation of hunting of trophy big game and for establishing the minimum standards of trophy big game which may be hunted,
- 21. for the regulation of cold storage of big game, game birds, and pelts or skins of fur-bearing animals or fur-bearing carnivores,
- 22. for the issue of a permit to a person killing or lawfully acquiring any big game or game bird for the transportation of the big game or game bird out of Alberta.
- 23. for the issue of permits for the collection and disposition, and the fees for possession, of any wildlife, and the nests and eggs of game birds and other birds,
- 24. for the transport into and out of Alberta of any species of wildlife,
- 25. for the licensing and regulating of big game farms,
- 26. for the licensing and regulating of game bird farms,
- 27. for the licensing and regulating of pheasant shooting grounds,



28. for the issue of licences or permits regulating the transport, possession and use of wildlife or exotic wildlife, for public performance or display,
29. for the licensing of fur dealers, tanners and furriers,
30. for the licensing of taxidermists,
31. for the licensing of dog trainers,
32. for the fees to be charged in respect of any licence or permit,
33. for the records to be kept and the returns to be made by the holder of any licence or permit,
34. for the amount of the tax to be paid in respect of any skin or pelt,
35. for the manner in which and the persons to whom the said amounts are to be paid,
36. for governing the licensing, qualifications and activities of guides and outfitters,
37. for the issuing, wearing and standard of uniforms for wildlife officers,
38. generally with regard to
  - (i) any matter or thing the doing of which is permitted by this Act, or
  - (ii) any case that arises and for which no specific provision is made by this Act,
 for the purpose of carrying out the provisions of this Act according to the true intent thereof.

#### **Powers of the Minister**

#### **12.** The Minister may from time to time

- (a) issue permits to keepers of hotels and restaurants and to caterers permitting, subject to such terms and conditions as may be prescribed, the keeping and preparation of the carcasses of big game and game birds lawfully acquired by a person who is a guest or boarder at the permittee's hotel or restaurant or a *bona fide* customer and for the personal use of the guest, boarder or customer,
- (b) issue permits to organizations and associations permitting, subject to such terms and conditions as may be prescribed, the preparation and serving of the flesh of big game or game birds at banquets or dinners where the big game or game birds have been lawfully acquired and have been donated to the organization or association by the members thereof,

**12.** Powers of Minister. Section 127 with certain powers omitted.

- (c) prescribe the time and conditions limiting the keeping and disposition of any flesh of any big game or game bird by any keeper of a hotel or restaurant pursuant to a permit granted under this section,
- (d) issue permits for the trapping or hunting of any specified big game, fur-bearing animals, fur-bearing carnivores or game birds with the object of preventing damage to farm crops or other property,
- (e) issue to a resident a permit to buy the carcass of unskinned rabbits and to sell the pelts thereof,
- (f) in his discretion
  - (i) issue or refuse to issue a permit or licence, or
  - (ii) unless otherwise provided for by this Act, cancel or suspend any such licence or permit upon such terms as he considers just,
- (g) as a condition precedent to the issue of any licence or permit in any case or class of cases, require the applicant therefor to furnish a bond or such other form of security as the Minister considers necessary to secure the observance of this Act and the regulations,
- (h) appoint persons as authorized issuers of any class of licences or permits and provide for the remuneration of persons so appointed,
- (i) issue to any person resident within the boundaries of a wildlife sanctuary or bird sanctuary a permit for the keeping of traps, snares or firearms at his place of residence,
- (j) issue permits to hunt or trap within a wildlife sanctuary or bird sanctuary, and
- (k) issue complimentary licences to hunt to distinguished persons as he considers desirable, and
- (l) prescribe the form of any licence or permit or any other document used in the administration of this Act.

#### **Property in Wildlife**

**13.** (1) The property in all wildlife within the Province is vested in the Crown in right of Alberta.

(2) No person shall acquire any right of property therein otherwise than in accordance with the provisions of this Act.

(3) Notwithstanding anything in this Act, no right of action lies and no right of compensation exists against the Crown for death, personal injury or property damage caused by any wildlife declared to be the property of the Crown by this Act or the regulations.

**13.** Property in wildlife vested in Crown. Section 3. Subsection (3) added to negate Crown liability.



### **General Prohibitions**

**14.** No person shall within Alberta hunt or trap any wildlife unless

- (a) he is the holder of a licence or permit authorizing him to do so, or
- (b) this Act or the regulations authorize the hunting or trapping of that species of wildlife without the authority of a licence or permit.

**15.** No person shall hunt or trap any wildlife of any species or sex at any time or at any place within Alberta other than at the times and in the places prescribed by the regulations as the times within which and the places at which wildlife of that species and sex may be hunted or trapped.

**16.** No person shall be in possession of any wildlife unless expressly permitted by this Act, the regulations or by *The Fur Farms Act* or the regulations thereunder.

**17.** Unless authorized by a licence or permit issued by the Minister pursuant to this Act or *The Fur Farms Act* or the regulations thereunder, no person shall

- (a) pick up, handle, possess or transport any wildlife or in any way disturb the young thereof, or
- (b) keep in captivity any wildlife except rabbits, hares, skunks or squirrels, or
- (c) release to the wild within the Province
  - (i) any wildlife, or
  - (ii) any exotic wildlife,or
- (d) transport or control or have possession of any exotic wildlife or bird of prey for any purpose.

**18. (1)** No common carrier or any other person shall receive or have in possession for shipment, carrying, conveying or transporting to any point or place within Alberta any wildlife without first obtaining the shipper's hunting licence number or other authority that has been issued by the Minister.

**(2)** The licence number or other authorization referred to in subsection (1) shall be set out in the bill of lading accompanying the shipment.

**14.** No hunting except by authority of statute, regulation, licence or permit. Section 5.

**15.** Hunting and trapping at unauthorized times. Section 6.

**16.** Possession of wildlife. Section 19. This prohibition broadened to include wildlife.

**17.** Prohibitions re possession, keeping in captivity, releasing, etc. Section 7 varied to extend the prohibitions to all wildlife.

**18.** Shipper's hunting licence. Section 41 broadened to apply to all wildlife.

**19.** No agent of any common carrier shall receive for transportation beyond the boundaries of Alberta any wildlife unless the same is accompanied by and the transportation thereof is authorized by an export permit issued under authority of this Act.

**20.** (1) In this section, "occupied lands" means

- (a) privately-owned lands under cultivation or enclosed by a fence of any kind and not exceeding one section in area upon which the owner or occupant actually resides, and
- (b) any other privately-owned land which is within one mile of the section referred to in clause (a) and which is owned or leased by the same owner or occupant.

(2) No person shall hunt any wildlife upon or over occupied lands or enter upon such lands for the purpose of doing so, without the consent of the owner or occupant thereof.

**21.** (1) No hotel or restaurant keeper or caterer or any person in his employ shall keep, process, dispose of or in any way serve any big game, game bird or part thereof for the use of any guest, boarder or customer unless he has first obtained a permit from the Minister authorizing him to do so.

(2) No organization or association shall prepare and serve the flesh of big game or game birds at banquets or dinners unless it has first obtained a permit from the Minister authorizing it to do so.

**22.** (1) No person who is the owner or who has the management or control of any premises used for the purpose of merchandising, storing or preparing for market any commodity shall in any way handle, process or have in his possession any big game or game bird unless he is the holder of a valid and subsisting butcher's and hide dealer's licence issued under *The Alberta Livestock and Livestock Products Act* or a licence issued under *The Frozen Food Act*.

(2) Every person licensed as mentioned in subsection (1) shall keep such records with respect to the processing and storage of game as may be prescribed by the regulations.

(3) No person who is the owner or who has the management or control of any premises shall use them for handling or processing big game or game birds for hire, gain or hope of reward unless he keeps such records with respect to processing as may be prescribed by regulation.

**19.** No extra-provincial transport without export permit. Section 73.

**20.** Consent required to hunt on occupied lands. Areas limited to one section.

**21.** Permit to serve game. Section 104 expanded and subsection (2) added to cover section 11(1), (a)-(c).

**22.** Licence requirements. Section 105.

(4) Any licensee found in possession of any big game or game bird, save and except as is expressly provided for by this Act shall be deemed to be dealing in big game or game birds in contravention of section 37.

**23.** (1) No person shall directly or indirectly sell, trade or barter or offer for sale access to any lands for the purpose of hunting or trapping any big game or any fur-bearing animals on any lands.

(2) No person shall directly or indirectly sell, trade or barter or offer for sale access to any lands for the purpose of hunting or trapping any game bird except as provided in subsection (3).

(3) No person shall directly or indirectly sell, trade or barter or offer for sale access to any lands for the purpose of hunting or trapping pheasants

- (a) on unoccupied public lands, or
- (b) on lands other than unoccupied public lands, unless he holds a licence issued to him for that purpose pursuant to this Act and except in accordance with the regulations.

**24.** (1) No person shall for the purpose of hunting any wildlife set out, use, employ or have in his possession

- (a) any poison or drug except as provided for by *The Setting of Poison Act, The Agricultural Pests Act, 1960* or the regulations under this Act, or
- (b) a sunken punt, a night light, a swivel set or spring gun of any description, a spring-pole trap, a cross-bow or any shotgun of a gauge larger than 10 gauge, or
- (c) a pistol or revolver, or
- (d) any contrivance for the purpose of deadening the sound of the report of any firearm, or
- (e) any automatic firearm of any description being a firearm that is capable of firing more than one bullet during one pressure of the trigger, or
- (f) any firearm which can be altered to operate as an automatic firearm, or
- (g) any arrow equipped with an explosive type of head of any description.

(2) No person shall have in his possession, use or employ for the purpose of trapping, hunting or injuring any wildlife,

- (a) a snare, or

**23.** Prohibition re disposition of access to lands for hunting or trapping. Section 8a. The section previously referred to a right to hunt—etc. rather than a right to go on the land. This is now clarified.

**24.** Prohibited equipment, apparatus, etc. Section 9, varied. Under subsection (1), possession of any of the enumerated things will be prohibited. Clauses (c), (f) and (g) of subsection (1) are new. Permits under subsections (2) and (4) may be issued by the Director instead of the Minister.

(b) any material suitable for the making of a snare, except as expressly permitted by this Act or the regulations.

(3) Any such snare or material suitable for the making of a snare used, set or held in possession in contravention of this Act may be seized or destroyed by a wildlife officer by a person on his own land without incurring any liability for so doing.

(4) No person shall traffic in, or have in his possession, the skin or pelt of any wildlife that has been snared, unless the skin or pelt has been taken under authority of a permit issued pursuant to subsection (2).

**25.** (1) Except in the case of a boat propelled by muscular power, no person

(a) shall have a loaded firearm in or on any kind of vehicle or boat, or

(b) shall discharge a firearm from any kind of vehicle or boat,

whether the vehicle or boat is moving or stationary.

(2) Any firearm having a live shell or cartridge in the breech or chamber shall be deemed to be loaded within the meaning of subsection (1).

(3) No person shall hunt from an aircraft.

(4) No person, except the owner or occupant, shall

(a) discharge a firearm, or

(b) cause a projectile from a firearm to pass within 200 yards of any occupied building.

(5) No person shall

(a) discharge a firearm from, or

(b) cause a projectile from a firearm to pass along or across,

a highway designated as a primary highway under *The Public Highways Development Act*.

(6) Every person who is driving a vehicle shall, immediately upon being signalled or requested to stop by a wildlife officer in uniform, bring the vehicle to a stop and shall not proceed until he is permitted to do so by the wildlife officer.

**26.** (1) No person who has killed or is in possession of a game bird or a big game animal shall allow the edible flesh thereof to be wasted, destroyed or spoiled except as authorized by this Act or the regulations.

(2) No person who has killed or is in possession of a fur-bearing animal, fur-bearing carnivore, grizzly bear

**25.** Prohibitions re hunting and shooting. Section 10(2) to (7). Reference to route signs deleted from subsection (5). Subsection (6) is new.

**26.** Prohibitions re waste of animal flesh or pelt. Section 11. Fur-bearing carnivore added to subsection (2).



or cougar shall allow the skin or pelt thereof to be wasted, destroyed or spoiled except for skunks or coyotes killed by a person on his own land.

**27.** (1) No person shall remove, molest, spring or in any way interfere with traps set by any other person for the taking of fur-bearing animals or fur-bearing carnivores, except as provided for in section 65.

(2) No person shall, without the authorization of the Director, erect or place or cause to be erected or placed a sign purporting to designate an area to be a sanctuary for any wildlife, and any such sign may be summarily removed and destroyed by a game guardian or wildlife officer.

(3) No person shall post or cause to be posted on any unoccupied public lands any sign purporting to prohibit hunting or shooting thereon.

**28.** (1) No person shall hunt any big game or game birds on Sunday.

(2) Subsection (1) does not apply to hunting in those areas designated by the Lieutenant Governor in Council under section 11, clause 13.

(3) No person shall hunt wildlife during the period commencing at one-half hour after sunset and ending at one-half before sunrise.

**29.** No person shall hunt, take or trap any wildlife while intoxicated or under the influence of a narcotic drug or while his ability to hunt is impaired by alcohol or a drug.

#### **Wildlife Sanctuaries, Bird Sanctuaries and Parks**

**30.** (1) No person shall at any time hunt, take or trap any wildlife in a wildlife sanctuary, unless he is the holder of a licence or permit expressly authorizing him to do so.

(2) No person shall at any time hunt, disturb or take any game bird in a bird sanctuary, unless he is the holder of a licence or permit expressly authorizing him to do so.

(3) Except as otherwise provided in this Act, no person shall at any time carry or be in possession of a firearm within the boundaries of a wildlife sanctuary.

(4) Except as otherwise provided in this Act, no person shall at any time be in possession of a shotgun within the boundaries of a bird sanctuary.

(5) A person who wishes to cross a wildlife sanctuary while in possession of a firearm may retain it in his pos-

**27.** Removal of traps and signs. Section 12 (1), (3) and (4).

**28.** Sunday hunting. Section 28 and section 10 (1). Clothing requirements to go in regulations.

**29.** Impairment by alcohol or drug. Section 36.

**30.** Hunting in game preserve and bird sanctuary. Section 13.

session while crossing the wildlife sanctuary if the firearm does not contain a shell or shells either in the breech, chamber or magazine, and

- (a) if the firearm is of the kind commonly known as a "take down" model it is carried in a "take down" condition, that is to say, the barrel and stock are separated and then taken apart, or
- (b) if the firearm is not of the "take down" model, and it is carried in a closed case or canvass covering and not exposed.

**31.** No person shall hunt or trap wildlife in a provincial park established under *The Provincial Parks Act, 1964* unless he is authorized to do so by the regulations.

**32.** (1) No person shall engage in or assist in the business of training dogs as "bird dogs", unless he is the holder of a dog trainer's licence under this Act authorizing him to do so.

(2) An application for a dog trainer's licence shall show

- (a) the area over which it is proposed to run the dogs, giving township, range and post office address of the trainer while at work, and
- (b) any further information that may be required under the regulations.

(3) A dog trainer's licence does not authorize the holder thereof to enter upon privately-owned lands without having first obtained the consent of the owner or occupant of such lands.

**33.** (1) No person or association shall conduct a field trial or competition for dogs used in the hunting or retrieving of game birds, unless that person or association is the holder of a permit issued by the Minister authorizing him to do so.

(2) A field trial or competition in connection with which blank cartridges only are used shall not be considered hunting within the meaning of this Act.

(3) During the time it is lawful to hunt a game bird, a person taking part in any field trials or competition, and taking birds while at work with his dogs, shall obtain a game bird licence.

#### **Licences and Permits**

**34.** (1) A person who has not attained his 14th birthday shall not, either directly or indirectly, apply for or in any way obtain or have in his possession a licence or permit.

**31.** Hunting and trapping in provincial parks. Section 14 (1).

**32.** Dog trainer's licence. Sections 89 and 90.

**33.** Field trials permits. Section 91.

**34.** Age limits. Section 17. An authorized person 21 or over added to clause (b).

(2) A person who has not attained his 16th birthday shall not hunt unless

- (a) he is the holder of a licence authorizing him to do so where a licence is required by this Act or the regulations, and
- (b) he is accompanied by his parent or legal guardian or by a person 21 years of age or over who is so authorized in writing by the parent or legal guardian.

**35.** A non-resident or non-resident alien shall not apply for or in any way obtain or have in his possession a resident licence or resident permit under this Act unless expressly authorized to do so by the regulations.

**36.** Except as authorized by section 71, no person shall

- (a) transport out of Alberta any wildlife, or
- (b) have in his possession any wildlife for the purpose of transporting it out of Alberta,

unless he is the holder of a permit authorizing him to do so.

**37.** No person shall traffic in any big game or any game bird except as is expressly permitted by this Act or by the regulations.

**38.** Where a licence or permit issued has been lost or destroyed, the Director, upon proof to his satisfaction of the loss or destruction and upon payment of the fee prescribed by the regulations may issue another licence or permit.

**39.** A licence to hunt or trap issued pursuant to this Act shall authorize the licensee to hunt or trap only such wildlife as may be named therein

- (a) in such places, and
- (b) at such times,

as are specified on his licence or prescribed by regulation.

**40.** A licence or permit expires on the 31st day of March following the date of issue, unless otherwise specified in the licence or permit.

**41.** (1) Except as otherwise provided by this Act or the regulations, no person shall hunt or trap any wildlife un-

**35.** Licences to non-residents. Section 18 (1). Subsection (2) removed.

**36.** Export permit. Section 20.

**37.** Unauthorized buying and selling of big game or game bird. Section 21.

**38.** Replacement licence or permit. Section 22 (1).

**39.** Licence to hunt or trap limited. Section 23.

**40.** Term of licence. Section 24.

**41.** Carrying of licence and tags. Section 25.

less the licence or permit and the tag or tags issued pursuant to this Act or the regulations authorizing him to hunt are carried on his person.

(2) A licence or permit and any tag or tags issued pursuant to this Act or the regulations shall be produced by the licensee at the request of a wildlife officer or a game guardian.

(3) A licence, permit or tag issued pursuant to this Act or the regulations is not transferable.

(4) A person who knowingly

(a) allows his licence, permit, tag or tags to be used or carried by another person, or

(b) uses or carries another person's licence, permit, tag or tags,

is guilty of an offence.

(5) Except as provided in section 38, no person shall apply for or acquire more than one of the same kind of licence for the hunting of wildlife for the same open season.

**42.** Unless otherwise provided in this Act or the regulations, a licence or permit may be issued by the Minister, the Director or any employee of the Department authorized by the Minister to do so or any person appointed by the Minister under section 12, subsection (1), clause (h).

**42.** Issue, etc., of licences and permits. Section 26 (1).



## **PART 2**

### **BIG GAME AND GAME BIRDS**

#### **Big Game**

**43.** Except as authorized by this Act or the regulations, no person shall hunt or have in his possession any big game which

- (a) is under the age of one year, or
- (b) is a female big game animal, or
- (c) in the case of big game animals with horns or antlers, has horns or antlers less than four inches in length.

**44.** No person shall use or have in his possession for the purpose of hunting big game during an open season

- (a) any ammunition of less than .23 calibre or having an empty cartridge case measuring less than 1.75 inches in length, or
- (b) any ammunition that contains non-expanding or steel-jacketed bullets, or
- (c) an autoloading firearm that has a capacity of more than five cartridges in the magazine, or
- (d) a .410 gauge shotgun, or
- (e) a shotgun of any description that is capable of holding more than three shells in the magazine and chamber combined, or that has not been permanently plugged or altered so as to reduce the capacity of the gun to not more than three shells in the magazine and chamber combined.

**45.** No person shall for the purpose of hunting or taking big game set out, use or employ

- (a) any wildlife, or
- (b) any bait of any kind, or
- (c) any traps or nets of any kind, or
- (d) any night light, including any searchlight, spotlight, flashlight, jacklight, pit lamp, headlight or any other light of any description, or
- (e) any recorded game calls or sounds or any mechanically or electrically operated calling device of any description.

**46.** (1) No person shall

- (a) use or be accompanied by a dog while hunting big game, or

**43.** Restrictions on big game which may be hunted or possessed. Section 27 combined into one section.

**44.** Prohibitions re ammunition. Section 29 with clause (a) deleted.

**45.** Prohibitions re use of bait, lights, calls and sounds. Section 30, with the addition of clause (e).

**46.** Use of dogs to hunt big game. Section 31 with the addition of subsection (3).

(b) allow a dog to pursue big game.

(2) Any person may at any time without incurring any liability kill a dog found running, pursuing or molesting big game.

(3) Subsections (1) and (2) do not apply in any case where the use of a dog for the hunting of cougar is permitted by the regulations.

**47.** (1) No person shall remove or destroy the distinctive evidence of the sex and species of any big game until he has

(a) conveyed the big game to his residence if he is a resident of the Province, or

(b) had it inspected by a wildlife officer or a game guardian if he is a non-resident of the Province.

(2) No person shall have in his possession any big game whose distinctive evidence of sex and species have been removed or destroyed contrary to subsection (1).

(3) For the purpose of this section the distinctive evidence of the sex and species of big game is

(a) where the big game is a male animal

(i) the head with antlers or horns, or

(ii) the testicles attached to the scrotum,  
or

(b) where the big game is a female animal

(i) the head, or

(ii) the udder.

**48.** No person shall hunt, kill or molest any big game animal while it is swimming.

**49.** No person shall break into, destroy or partially destroy any bear den.

**50.** (1) There may be issued with each licence to hunt big game a non-transferable metal tag for each animal that the licensee is licensed to hunt.

(2) The tags are valid only during the term of the licence with which they are issued and shall bear the serial letters and numbers that appear on the licence.

(3) The holder of any big game licence shall immediately after the killing of any big game securely affix to such part of the carcass as may be prescribed by the regulations the proper tag issued to him with the big game licence.

**47.** Retention of evidence of sex and species. Section 38.

**48.** Swimming of big game protected. Section 37.

**49.** Destroying bear dens.

**50.** Metal tags. Section 40.

(4) The tag shall remain affixed to the animal until the animal is to be consumed, or until the animal or parts thereof have been inspected and cleared by a wildlife officer or game guardian.

(5) No person shall be in possession of the carcass of any big game unless the big game has a tag affixed thereto as and when required by subsections (3) and (4).

### **Game Birds**

**51.** (1) No person shall use or have in his possession for the purpose of hunting any game bird a shotgun of any description

- (a) that is capable of holding more than three shells in the magazine and chamber combined, or
- (b) that has not been permanently plugged or altered to reduce the capacity of the gun to not more than three shells at any one time in the magazine and chamber combined.

(2) No person shall use or have in his possession for the purpose of hunting any migratory waterfowl or migratory game birds

- (a) a rifle, or
- (b) a shotgun loaded with shotgun slugs, or
- (c) any other weapon using ball cartridges.

(3) No person shall use or employ live decoys for the purpose of hunting any migratory waterfowl.

**52.** No person shall for the purpose of hunting or taking any game bird, set out, use or employ traps or nets.

**53.** No person having the custody or control of a retriever dog, setter dog or pointer dog or any other dog used for the hunting of game birds shall allow any such dog to run at large outside the boundaries of an urban centre or farmstead at any time between May 1 and August 1 in any year, unless he is expressly authorized to do so by the regulations.

**54.** (1) No person shall remove or destroy the distinctive evidence of the sex and species of any game bird until he has

- (a) conveyed the game bird to his residence if he is a resident of Alberta, or
- (b) had it inspected by a wildlife officer or game guardian.

**51.** Prohibitions re certain shotguns and live decoys. Section 45.

**52.** Use of traps, nets, prohibited. Section 43.

**53.** Running at large of dogs. Section 44.

**54.** Retention of evidence of sex and species. Section 48a with the addition in subsection (3) of the reference to the wing and wing feathers as evidence of sex and species. Subsection (1), clause (b) made general to all hunters.

(2) No person shall have in his possession any game bird whose distinctive evidence of sex or species has been removed or destroyed contrary to subsection (1).

(3) For the purpose of this section the distinctive evidence of the sex and species of a game bird is the complete head and head feathers and one complete wing and wing feathers, except in the case of an upland game bird as designated in the regulations for which the distinctive evidence of sex is one complete wing and wing feathers.

**55.** No person shall hunt any migratory game birds or migratory waterfowl that are on or within 200 yards of any place where captive ducks or geese are kept or within 200 yards of any island where captive ducks or geese are kept.

**56.** No person shall at any time wilfully disturb, destroy or take the eggs or nest of any bird except as authorized by the regulations.

**57.** A resident who

- (a) is the owner, homesteader or lessee of not less than 40 acres of land that is used for farming or ranching purposes,
- (b) resides on the land, and
- (c) carries on the business of farming or ranching, and any member of such resident's immediate family who actually resides upon the land may, without a licence or permit, hunt game birds during the open season therefor upon such land but not elsewhere.

**55.** Prohibition re hunting migratory birds in area containing captive ducks or geese. Section 46 (2). The island need no longer be “inhabited”.

**56.** Disturbing of eggs or nest. Section 47.

**57.** Hunting game birds without a licence. Section 49.



### **PART 3**

#### **FUR**

##### **Fur-bearing Animals and Fur-bearing Carnivores**

**58.** (1) No person shall molest or destroy a den or usual place of habitation of any fur-bearing animal or fur-bearing carnivore other than that of a coyote or skunk on privately owned land.

(2) If a fur-bearing animal or fur-bearing carnivore is destructive of private property or a danger to public safety, the Director may issue a special permit to destroy the animal and allow the doing of any thing prohibited by this section or section 59.

**59.** (1) No person shall cut, spear, open, break, partially destroy or destroy

(a) a beaver house or beaver dam,

(b) a muskrat runway or muskrat den except

(i) the holder of a licence or permit under section 61, or

(ii) the holder of a certificate under section 64.

(2) No person shall set or place a trap in a beaver house or burrow or within five feet of a beaver house.

**60.** No person shall, for the purpose of trapping fur-bearing animals or fur-bearing carnivores, set out, use or employ in any manner any birds, big game or parts thereof, protected by this Act other than the feathers of game birds lawfully taken.

##### **Trappers' Licences**

**61.** No licence or permit to hunt or trap any fur-bearing animal shall be issued to a non-resident or non-resident alien.

**62.** A licence to trap does not authorize the holder thereof to hunt or trap fur-bearing animals or fur-bearing carnivores on lands lying within a wildlife sanctuary, forest reserve, Indian reserve, Metis area established under *The Metis Betterment Act* or over a trap-line held under certificate of registration by any other person.

**63.** No person who is the holder of a licence to trap in British Columbia, Saskatchewan, the Northwest Territories or the Wood Buffalo National Park, shall apply for or be issued or possess a licence to trap in Alberta.

**58.** (1) Destroying animal dens. Section 50 (3) without exceptions for dens of timber wolf, cougar and wolverine.

(2) Permit to destroy dangerous animal. Section 50 (4).

**59.** Beaver and muskrat. Section 50 (1) and (2). Subsection (2) presently extends to setting traps in muskrat runways and dens.

**60.** Use of birds, etc., for trapping. Section 54.

**61.** No trapper's licence to non-resident. Section 51 (2).

**62.** Prohibited areas to licensed trappers. Section 52.

**63.** No trapper's licence to licensees in other areas. Section 53.

#### **Trap-lines**

**64.** (1) No person shall hunt or trap fur-bearing animals within the limits of a trap-line without having first obtained a certificate of registration for that trap-line under this Act authorizing him to do so.

(2) Notwithstanding subsection (1), the holder of a certificate of registration may allow his spouse, or a child of his under 18 years of age, to trap fur-bearing animals within the limits of the trap-line.

**65.** Where the holder of a certificate of registration of a trap-line discovers any traps or snares other than his own within the limits of his trap-line,

- (a) he may remove such traps or snares, and
- (b) he shall deliver them to the nearest justice or wildlife officer to be disposed of as set out in section 104.

**66.** (1) A person who in the course of any trapping operations accidentally takes a fur-bearing animal or fur-bearing carnivore other than as authorized by this Act or the regulations shall forthwith deliver,

- (a) to the Director, or
- (b) to a wildlife officer,

the skin or pelt thereof together with a declaration in writing signed by him and setting out the circumstances of the taking thereof.

(2) All such skins or pelts shall be disposed of in such manner and by such persons as the Director may direct, and in the event of their being sold, all or part of the net proceeds may be paid to the person making delivery thereof.

#### **Fur Taxes**

**67.** (1) A fur tax in such amount as may from time to time be fixed by the regulations shall be paid in respect of each skin or pelt purchased

- (a) by a person licensed to carry on the business of trafficking in the skins or pelts of fur-bearing animals or fur-bearing carnivores, or
- (b) by a furrier or tanner.

(2) Notwithstanding subsection (1), a licensed trapper or a person holding a special permit under section 58, subsection (2) shall, after May 31 and not later than September 1 in the same year, pay the fur tax on the skins and pelts of any fur-bearing animals or fur-bearing carnivores in his possession.

**64.** Hunting for fur-bearing animals on trap-line. Section 55.

**65.** Unauthorized traps. Section 61 (3).

**66.** Accidental trapping of unauthorized animals. Section 63.

**67.** Tax on skins or pelts purchased. Section 64. Subsection (2) added from the regulations to tie in with subsection (2) of the following section.

**68.** (1) The tax payable for the skin or pelt of a fur-bearing animal or fur-bearing carnivore shall be paid on the demand of a wildlife officer.

(2) No demand for payment of the fur tax shall be made on a licensed trapper before August 1 in any year.

(3) Where no demand is made, the tax shall be paid to a wildlife officer by the first purchaser not later than 10 days after the skin or pelt is acquired.

**69.** The tax receipt obtained upon payment of the tax for a skin or pelt of any fur-bearing animal or fur-bearing carnivore shall be delivered to every purchaser of the skin or pelt.

**70.** (1) Where the skins or pelts of fur-bearing animals or fur-bearing carnivores have been received from a place outside Alberta, any person who receives them and desires an exemption from the tax on such skins or pelts, shall maintain the shipment intact until they have been inspected by a wildlife officer or any authorized tax collector.

(2) Before an exemption from the tax is granted, documentary proof of the place of origin of the skins or pelts, satisfactory to the Director, shall be submitted and delivered to the wildlife officer or tax collector.

#### **Export of Skins or Pelts**

**71.** (1) No person shall

(a) transport from Alberta, or

(b) have in his possession for the purpose of transporting from Alberta,

the skin or pelt of a fur-bearing animal or fur-bearing carnivore or part thereof, without obtaining a permit.

(2) Each applicant

(a) shall deliver to the issuer a statement in writing setting forth a description of the skins or pelts, and the number of each species to be exported, and

(b) shall pay to the issuer the fur tax, if any, payable in respect of such skins or pelts.

(3) The number and species of the skins or pelts to be transported out of Alberta shall be shown on the permit.

(4) Upon delivery of such skins or pelts to any carrier or any other person for transport out of Alberta, the permit

(a) shall be delivered to the carrier or other person,

**68.** Payment of tax. Section 65.

**69.** Tax receipt. Section 66.

**70.** Exemption from tax. Section 67.

**71.** Export permit. Section 69.

(b) shall accompany the skins or pelts to their destination, and

(c) shall, if there is a waybill in respect of such skins or pelts, be attached to the waybill by the carrier.

(5) Every bale, box, parcel, package or other receptacle containing skins or pelts to be transported out of Alberta shall have attached thereto a declaration tag showing the true number of pelts or skins of each species contained therein.

(6) A bale, box, parcel, package or other receptacle found without such declaration tag attached may be seized forthwith.

**72.** (1) The agent of a common carrier shall permit any wildlife officer to inspect every bale, box, parcel, package or other receptacle containing the skins or pelts of fur-bearing animals or fur-bearing carnivores on arrival at their destination or in transit.

(2) No such bale, box, parcel, package or other receptacle shall be taken from the premises of such common carrier by a wildlife officer, except as provided by section 93.

**73.** The agent of a common carrier shall at the request of a wildlife officer, furnish the wildlife officer with a list of the shipments of the skins or pelts of fur-bearing animals or fur-bearing carnivores received by the common carrier on any given date, and the list shall contain the names and addresses of the consignees.

#### **Traders and Dealers**

**74.** No person either by himself, his employee or agent, or by any person on his premises, shall directly or indirectly on any pretence or by any device at any time traffic in or have in his possession, any skin or pelt or part thereof of any fur-bearing animal or fur-bearing carnivore which he knows or ought reasonably to know was acquired other than as permitted by this Act or the regulations.

**75.** (1) No person either by himself, his employee or agent, shall

(a) traffic in or be in possession of the skin, pelt or part thereof, of any fur-bearing animal or fur-bearing carnivore, or

(b) conduct any sale of such skin, pelt, or part thereof, either by tender or by auction, or

(c) being a furrier, acquire any skin, pelt, or part thereof, of any fur-bearing animal or fur-bearing carnivore for the purpose of manufacture, or

**72.** Inspection. Section 70.

**73.** List of shipments. Section 71.

**74.** Possession of and traffic in illegal skins or pelts. Section 74.

**75.** Licences required by traders, furriers and tanners. Section 75 with the bonding requirement removed.



(d) being a tanner, receive any skin, pelt, or part thereof, of any fur-bearing animal or fur-bearing carnivore for processing in any manner whatsoever, unless he is the holder of a licence under this Act authorizing him to do so.

(2) No person who is the holder of a licence as provided for in subsection (1) shall traffic in, or be a party to traffic in, any raw or undressed skin or pelt or part thereof, of any fur-bearing animal or fur-bearing carnivore, with any person in Alberta except where that person is

- (a) the holder of a licence as provided for in subsection (1), or
- (b) a licensed trapper or licensed fur farmer, or
- (c) a person selling fur for which no trapper's licence is required.

**76.** No person shall traffic in skins or pelts or parts thereof of fur-bearing animals or fur-bearing carnivores unless he is the holder of a fur dealer's licence issued to him pursuant to this Act.

**77.** (1) No employee shall travel on behalf of his employer for the purpose of trafficking in the skins or pelts or parts thereof of fur-bearing animals or fur-bearing carnivores, unless he is the holder of a licence under this Act authorizing him to do so.

(2) Such licence shall, upon the cessation of the employment, be returned by the employee forthwith to the Department and thereupon a new licence may, on payment of the prescribed fee, be issued to any other employee nominated by the employer.

**78.** (1) Where it appears to a game guardian or wildlife officer that a person licensed under section 76

- (a) is not keeping the records of all skins, pelts or parts thereof purchased or sold by him as required by the regulations, or
- (b) has failed to forward any required statements to the Department at the times and in the manner prescribed by the regulations,

the game guardian or wildlife officer may seize without a warrant and retain the books and records of the licensed person.

(2) A game guardian or wildlife officer who seizes any books or records furnished by the Department shall leave, at the time of making the seizure, with the person whose books or records are seized, a new set of books furnished by the Department.

**76.** Dealing in skins or pelts of fur-bearing animals and fur-bearing carnivores. Section 76. Licence provisions will be in regulations.

**77.** Travelling licences. Section 78.

**78.** Seizure of records. Section 79 (7)-(9). Records to be kept by licensees to go in regulations.

(3) A person convicted for a contravention of this section shall immediately return to the Department any books or records that have been supplied to him by the Department.

#### **Furriers**

**79.** No person shall buy or otherwise acquire or have in his possession the raw skins or pelts or parts thereof of fur-bearing animals or fur-bearing carnivores for manufacture unless he is the holder of a furrier's licence under this Act authorizing him to do so.

**80.** A furrier's licence does not authorize the holder thereof to traffic in the skins or pelts or parts thereof of fur-bearing animals or fur-bearing carnivores or otherwise engage in the business of a fur dealer.

**81.** (1) No furrier either by himself, his employee or agent shall tan, dress, pluck or in any way treat the skins or pelts or parts thereof of fur-bearing animals or fur-bearing carnivores, unless such skins or pelts are accompanied by a fur tax receipt showing that the fur tax payable on such skins or pelts has been paid.

(2) Every such fur tax receipt shall be retained by the furrier in his possession.

#### **Tanners**

**82.** No person shall engage in or carry on the business of tanning, dressing, unhairing, fleshing, plucking, dyeing or in any way undertake to dress, tan, unhair, flesh, pluck or treat the skins or pelts or parts thereof of fur-bearing animals, fur-bearing carnivores or big game animals unless he is the holder of a tanner's licence under this Act authorizing him to do so.

**83.** (1) No tanner either by himself, his employee or agent shall tan, dress, unhair, flesh, pluck or in any way treat the skins or pelts or parts thereof of fur-bearing animals, fur-bearing carnivores or big game animals, unless such skins or pelts are accompanied by a fur tax receipt showing that the fur tax payable on such skins or pelts has been paid.

(2) Every such fur tax receipt shall be retained by the tanner in his possession.

**84.** A tanner's licence does not authorize the holder thereof to traffic in the skins or pelts or parts thereof of fur-bearing animals or fur-bearing carnivores or otherwise engage in the business of a fur dealer.

**79.** Furrier's licence. Section 80.

**80.** Furrier's licence limited. Section 82.

**81.** No treatment of skins without fur tax receipt. Section 83.

**82.** Tanner's licence. Section 84.

**83.** No treatment of skins, etc. without fur tax receipt. Section 86.

**84.** Tanner's licence limited. Section 87.

### **Taxidermists**

**85.** No person shall for gain or reward practise the art of taxidermy or solicit or receive any wildlife to be taxidermized unless he is the holder of a taxidermist's licence under this Act authorizing him to do so.

**85.** Taxidermist licences. Section 88. The prohibition in subsection (1) will now extend to soliciting and receiving any wildlife to be taxidermized. Records to be kept will be set out in the regulations.

## **PART 4**

### **ENFORCEMENT**

#### **Powers of Wildlife Officers and Others**

**86.** A game guardian or wildlife officer may administer an oath as effectually as if he were a commissioner for oaths to any person making any declaration in writing or affidavit authorized or required by the provisions of this Act or the regulations.

**87.** A game guardian or wildlife officer may enter upon or pass over any lands whether enclosed or not for the purpose of discharging his duties and while so engaged he shall be liable only for damage that he wilfully causes.

**88.** (1) A wildlife officer may without warrant arrest any person found committing an offence under the provisions of this Act or the regulations.

(2) A game guardian or wildlife officer in the exercise and discharge of his powers and duties is a person employed for the preservation and maintenance of the public peace.

**89.** A person shall produce and show to a game guardian or wildlife officer his licence or permit when requested to do so by the game guardian or wildlife officer.

**90.** A game guardian or wildlife officer

- (a) may inspect all camps occupied by a hunter or hunting party, and
- (b) may direct what arrangements shall be made with regard to sanitary matters, the disposal of refuse and the extinguishing of fires.

**91.** (1) A game guardian or wildlife officer may, if in uniform or upon production of his badge or certificate of appointment, without obtaining a warrant, search any vehicle, boat, canoe, dugout, shed, tent, shelter, packsack, rucksack, or other sack or container, or the pack on any pack horse, if he has reason to believe and does believe that there is concealed therein any illegal wildlife.

(2) A wildlife officer may, if in uniform or upon production of his badge or certificate of appointment, without obtaining a search warrant, search any building or other place and in particular, but without limiting the generality of the foregoing, search any aircraft, vessel, launch or

**86.** Administration of oaths by officer. Section 128.

**87.** Right to enter land. Section 129.

**88.** (1) Power to arrest. Section 130. (2) New. The new subsection is added to make it clear that a wildlife officer or game guardian is a peace officer within the definition in the Criminal Code.

**89.** Producing licence or permit on request. Section 131.

**90.** Inspection of camps. Section 132.

**91.** Right of search. Section 133. Reference to untaxed pelts removed from subsection (1) as useless under existing procedure set out in section 93 following.



railway car, including a caboose and a baggage or express car, if he has reason to believe and does believe that there is concealed therein any illegal wildlife, or any skin or pelt in respect of which any tax payable pursuant to this Act is unpaid.

**92.** Upon information on oath by any person who suspects or has reason to believe that there is in any building or premises or in any place or any part thereof any illegal wildlife, a justice by warrant under his hand may authorize and empower any wildlife officer or any other person to enter and search the building, premises or other place and every part thereof, and for that purpose, where the owner or person in charge of such building, premises or other place obstructs or refuses to facilitate the search, to use all necessary force and to break open any door, lock or fastening of the building, premises or other place or any part thereof, or any closet, cupboard, box or any other receptacle therein.

**93. (1)** Where a game guardian or wildlife officer

- (a) finds anywhere, including any building, premises, shack, tent, shelter or vehicle, aircraft, railway car, vessel, boat or dugout, whether in the possession or control of any person or not, any wildlife that he has reason to believe is illegal wildlife, or
- (b) finds any vehicle, aircraft, vessel, launch, boat, canoe, firearms, ammunition, decoys, traps, snares, gear, materials or implements or appliances for hunting, trapping or snaring wildlife, that he has reason to believe were illegally held, kept or used for or in connection with the violation of this Act or the regulations,

he may forthwith seize the wildlife, pelts or skins or any parts thereof and the containers in which they are found or the vehicle, aircraft, vessel, launch, boat, canoe, firearms, ammunition, decoys, traps, snares, gear, materials or implements or appliances for hunting, trapping or snaring wildlife, together with any papers, books, documents and records at or in the place, building or premises or upon the person of any person found there or connected therewith, or in the possession or control of such person, that might afford evidence of the commission of an offence under this Act or the regulations.

(2) The game guardian or wildlife officer shall, upon seizing any thing under subsection (1),

- (a) give a receipt therefor to the person, if any, having possession or custody of the things, and
- (b) furnish the justice with an affidavit

**92.** Search warrant. Section 134.

**93.** Seizure by officer. Section 135 with the exception of the provision requiring the officer to deliver the things seized to a justice.

- (i) stating that he has reason to believe that an offence has been committed in respect of the things seized, and
- (ii) setting out the name of the person, if any, having possession or custody of the things seized at the time they were seized.

**94.** A wildlife officer may kill or destroy any wildlife at any time

- (a) if he has written permission from the Director, or
- (b) if he finds that such wildlife is destructive of private property or a danger to public safety, or
- (c) if the wildlife is wounded or diseased.

**95.** A fur dealer, furrier, taxidermist or tanner licensed under this Act shall upon demand being made by a game guardian or wildlife officer between the hours of 8 o'clock in the morning and 6 o'clock in the evening forthwith produce to such game guardian or wildlife officer

- (a) the records that he is required to keep pursuant to this Act or the regulations, and
- (b) for the inspection of the game guardian or wildlife officer, all skins or pelts or parts thereof then in his possession.

**96.** (1) Where a wildlife officer finds skins or pelts or parts thereof of any fur-bearing animal or fur-bearing carnivore in respect of which any sum payable pursuant to this Act by way of tax has not been paid, the sum shall be paid forthwith by the person having possession of them upon demand being made therefor by the wildlife officer.

(2) If default is made in the payment of any such sum so demanded, the wildlife officer may forthwith seize any pelt or skin or part thereof in respect of which the sum so payable has not been paid, and take it before a justice.

(3) The person in whose possession the skins or pelts have been found shall submit to the wildlife officer on demand any evidence that he has by way of proof that the tax has been paid in respect of any such skin or pelt or part thereof.

#### **Evidence, Onus, Presumptions**

**97.** In any proceedings authorized by this Act or the regulations, and in any prosecution for any offence against this Act or the regulations, the fact that any wildlife is found in Alberta, is *prima facie* proof that the wildlife was hunted or taken within Alberta.

**94.** Destruction of wildlife. Section 136.

**95.** Production of records upon request. Section 137.

**96.** Seizure of pelt or skin on which fur tax is unpaid. Section 138.

**97.** Wildlife found in Alberta is presumed killed, etc. in Alberta. Section 140.

**98.** The possession of any species of wildlife in a part of Alberta at a time during which the hunting of that species in that part of Alberta is prohibited by this Act or the regulations, is *prima facie* proof that the wildlife so possessed was hunted in contravention of this Act.

**99.** (1) Where the carcass of any big game or game bird or any part thereof is found in, on or about the premises, camp buildings or vehicles used wholly or partly in connection with any logging operations or in connection with any sawmill, tie-camp, lumber camp, oil exploration camp or construction camp, the owner of the premises, camp buildings or vehicles and the person who has the management and control thereof shall be deemed to be dealing in big game or game birds or part thereof in contravention of section 37.

(2) Subsection (1) does not apply to possession of big game or game birds lawfully killed by a person and retained by him for consumption by himself and his family.

**100.** The finding of any poison or any poisonous substance in the operation of any trapper or person engaged in trapping, is *prima facie* proof of the fact that the trapper or person was using the same in contravention of this Act and the regulations.

**101.** (1) In a prosecution or proceeding under this Act or the regulations in which proof is required with regard to

- (a) the issue, cancellation, suspension or reinstatement of any licence or permit, or
- (b) the person who is the licensee or permittee named in a licence or permit, or
- (c) the appointment or authority of a game guardian or wildlife officer, or
- (d) the delivery, serving or mailing of any document or the giving of any notice by an official of the Department, or
- (e) whether any land is unoccupied public land, or
- (f) whether or not any tax has been received by the Department,

a certificate signed by the Director certifying with respect to the same shall be admitted in evidence as *prima facie* proof of the facts stated in the certificate and of the authority of the Director without further proof of his appointment or signature.

(2) The fact that the person charged in an information laid in respect of an offence under this Act or the regula-

**98.** Presumption of unlawful hunting when wildlife is found in a place in which a closed season is in effect. Section 141 revised.

**99.** Presumption of unlawful dealing in game by camp owner or manager. Section 143. Subsection (2) is new.

**100.** Use of poison. Section 144 (2).

**101.** Presumptions re evidence. Section 144 (5), (6), (7), (8) and (9).

tions has the same name as the person who is referred to as being the licence holder or permit holder in any certificate issued pursuant to subsection (1), clause (b) is *prima facie* proof that the person so charged is the holder of the licence or permit, as the case may be.

(3) In a prosecution in respect of wildlife, a certificate signed by the Director certifying that the wildlife has been examined by a person qualified to judge and classify wildlife, who states that the wildlife is of a certain species or sex or in a certain condition, shall be admitted in evidence as *prima facie* proof of the facts stated in the certificate and of the authority of the Director without further proof of his appointment or signature.

(4) Where an offence under this Act or any regulation is committed by a corporation, the officer, employee or agent of the corporation who is in charge of the premises in which the offence is committed shall *prima facie* be deemed to be a party to the offence so committed, and is personally liable to penalties prescribed for the offence as a principal offender, but nothing in this subsection relieves the corporation or the person who actually committed the offence from liability therefor.

(5) Where an offence under this Act or any regulation is committed by the agent of any person, such person shall *prima facie* be deemed to be a party to the offence so committed, and is liable to the penalties prescribed for the offence as a principal offender, notwithstanding the fact that the offence was committed by a person who is not proved to have committed it under or by the direction of such person, but nothing in this subsection relieves the person actually committing the offence from liability therefor.

**102.** In a prosecution under this Act or the regulations where it is alleged or charged that any wildlife was unlawfully taken, hunted, procured or possessed, the onus is upon the person taking, hunting, procuring or possessing the wildlife to prove

- (a) the time and locality of the taking or hunting of the wildlife, and
- (b) that it was lawfully taken, killed, procured or kept.

#### **Procedure, Offences and Penalties**

**103.** (1) A prosecution for an offence under this Act or the regulations shall be commenced within one year after the commission of the offence, except in the case of a prosecution for failure to make any return required by this Act or the regulations when it may be commenced at any time after the offence is alleged to have been committed.

**102.** When onus of proof on defendant. Section 144 (1).

**103.** Section 146.

(1) Prosecutions to be commenced in one year.

(2) Separate fines for each article of wildlife involved. Section 146 (2) and (3).



(2) Notwithstanding anything to the contrary contained in this Act, any fine imposed upon a conviction for an offence involving more than a single article of wildlife may be computed in respect of each such article as though each such article had been the subject of a separate count, and the fine imposed shall then be the sum payable in the aggregate as a result of such computation.

**104.** (1) Where any thing is seized under the authority of section 93, subsection (1) the justice shall

- (a) order the thing seized to be confiscated to the Crown in right of Alberta where
  - (i) he is satisfied that its owner is unknown and that it has been used in connection with a contravention of this Act or the regulations, or
  - (ii) it is used in connection with an offence under section 24, 45 or 52 in respect of which a conviction is adjudged,
- (b) in any case where the thing seized is wildlife, order the wildlife confiscated to the Crown in right of Alberta upon a conviction for any offence under this Act or the regulations, and
- (c) return the thing seized to the person from whom it was seized after the trial, if the thing seized is not wildlife and if clause (a), subclause (ii) does not apply.

(2) When a justice returns something seized after a trial in which a not guilty plea was entered, the justice may order the person to whom the article is returned

- (a) to hold the thing as bailee for the Crown during the time limited for appeal, or any extension thereof, and
- (b) to produce the thing if it is required in an appeal.

(3) Notwithstanding subsection (1), the justice may in any case direct the immediate disposal of any perishable game for the benefit of any charitable institution or needy person.

(4) If a conviction is for an offence against section 71, the Lieutenant Governor in Council, if satisfied that the confiscation of a chattel would work undue hardship or injustice, may grant relief against the confiscation and direct the return of the chattel to the person from whom it has been taken, upon such terms as are considered just.

**105.** (1) The justice to whom any skins or pelts are delivered pursuant to section 96,

- (a) shall at the same time take an affidavit from the wildlife officer setting out

**104.** Disposition of things seized pursuant to section 90. Section 148, with the exception of the power of the Minister to order return of confiscated articles.

**105.** Disposition of skins or pelts seized pursuant to section 96. Section 147 and section 144 (3).

- (i) the fact of the seizure,
  - (ii) the date and place of the seizure, and
  - (iii) the name of the person from whose possession the skins and pelts were taken,
- and
- (b) shall thereupon notify the last mentioned person that he will at a certain time and place proceed to inquire with regard to whether or not the amount payable by way of tax in respect of the skins or pelts has been paid.
- (2) The notice of inquiry to be given by the justice shall be deemed to be duly served
- (a) if left with any person of 18 years of age or over who is in the apparent charge of the premises upon which the seizure was made, or
  - (b) if there is no such person upon such premises, then by posting it upon any conspicuous part of such premises.
- (3) At the time and place appointed in the notice the justice shall,
- (a) upon the appearance before him of the person to whom the notice was addressed, or
  - (b) in his absence, upon being satisfied that the notice has been duly served,
- proceed to inquire with regard to whether or not the amount payable by way of tax in respect of the pelts and skins delivered to the justice has been paid.
- (4) In any proceedings hereunder, the onus of proving that the amount payable by way of tax has been paid in respect of such skins or pelts is upon the defendant.
- (5) Unless the justice is so satisfied, he shall proceed to make an order
- (a) for the payment forthwith of the amount payable by way of tax in respect of the pelts and skins,
  - (b) specifying any sum payable as a penalty for non-payment, together with costs of seizure and of the hearing,
  - (c) that in default of payment the pelts and skins shall be sold in such manner and upon such notice as the justice may prescribe,
  - (d) that the amount of the taxes and costs, together with the amount of any other penalty imposed for any other offence in respect of the pelts and skins, be paid out of the proceeds of such sale, and
  - (e) that the surplus, if any, shall be paid in the discretion of the justice



- (i) to the person in whose possession the pelts and skins were at the time of seizure, or
- (ii) to the owner of the pelts and skins, or
- (iii) to the Minister.

**106.** A contravention of this Act or of the regulations or of the terms or conditions of a permit or licence constitutes an offence under this Act.

**107.** (1) In this section the words "guide" and "outfitter" means a guide or outfitter respectively as defined in the regulations.

(2) A guide or outfitter licensed pursuant to the regulations who so acts for any person who is engaged in the hunting of any wildlife but is not the holder of a licence or permit to hunt pursuant to this Act or the regulations is guilty of an offence and shall, in addition to any other penalty he might incur for so doing, forfeit his licence as a guide or outfitter.

**108.** Every person who, when applying for a licence or permit or any other document required under this Act, makes a false or misleading statement relating to his name, age, occupation, nationality, place of residence, place of business or any other information required by the issuer, is guilty of an offence under this Act.

**109.** (1) When any person is convicted of an offence against this Act or the regulations

- (a) all licences and permits authorizing him to hunt and kill big game shall be deemed to be cancelled on the date of the conviction if the offence for which he is convicted relates to the exercise of any of the privileges granted to him by a licence or permit to hunt and kill any big game,
- (b) all licences and permits authorizing him to hunt and kill game birds shall be deemed to be cancelled on the date of the conviction if the offence for which he is convicted relates to the exercise of any of the privileges granted to him by a licence or permit to hunt and kill any game bird,
- (c) all licences, permits and certificates authorizing him to trap, hunt and kill fur-bearing animals shall be deemed to be cancelled on the date of the conviction if the offence for which he is convicted relates to the exercise of any of the privileges granted to him by a licence, permit or certificate to trap, hunt and kill any fur-bearing animals, and

**106.** Contravention of Act is an offence. Section 149 (1).

**107.** Penalty for guide or outfitter acting for unlicensed hunter.  
Section 150.

**108.** False statements in application. Section 152.

**109.** Cancellation of licence or permit on conviction. Section  
154 with the exception of provisions empowering reinstatement of  
licences and permits by the Minister.

(d) all licences and permits other than those referred to in clauses (a), (b) and (c) shall be deemed to be cancelled on the date of the conviction if the offence for which he is convicted relates to the exercise of any of the privileges granted to him by any licence or permit other than those referred to in clauses (a), (b) and (c).

(2) Subsection (1) does not apply to convictions for a contravention of section 25, subsection (2).

(3) When a licence is cancelled pursuant to subsection (1), the person convicted shall deliver the licence to the justice who convicts him and the justice shall endorse the licence with the word "cancelled" and record the conviction on the Wildlife Certificate to which the licence is affixed.

(4) When a licence or certificate that is not affixed to a Wildlife Certificate is cancelled pursuant to subsection (1), the person convicted shall deliver the licence or certificate forthwith to a wildlife officer who shall forward it to the Director.

(5) Where a licence or permit is cancelled pursuant to subsection (1) upon a conviction for an offence against section 74 or any provision of this Act or the regulations that relates to beaver or the pelts or skins of beaver, no licence or permit of the same kind as that cancelled shall be issued to the person so convicted until the expiration of one year from the date of conviction.

(6) Notwithstanding subsection (5), where a fur dealer's licence, furrier's licence or tanner's licence is cancelled pursuant to subsection (1) upon a conviction for a third or successive offence against section 74 or any provision of this Act or the regulations that relates to beaver or the skins or pelts of beaver, no licence of the same kind as that cancelled shall be issued to the person so convicted unless

- (a) one year has expired from the date of the conviction, and
- (b) the Lieutenant Governor in Council consents to the issue of such licence.

**110.** (1) No person shall apply for, obtain or have in his possession

- (a) a licence or permit to hunt or kill big game if any licence or permit issued to him to hunt or kill any big game animal is cancelled, or
- (b) a licence or permit to hunt or kill game birds if any licence or permit issued to him to hunt or kill any game bird is cancelled, or

**110.** Convicted person not eligible to obtain another licence for one year. Section 155 with the addition of subsection (2), (3) and (4).



- (c) a licence or certificate to trap, hunt or kill fur-bearing animals if any licence or certificate issued to him to trap, hunt or kill any fur-bearing animal is cancelled, or
- (d) any licences or permits other than those referred to in clauses (a), (b) and (c) if any licence or permit other than those referred to in clauses (a), (b) and (c) is cancelled,

until a period of 12 months has elapsed following the date of the cancellation.

(2) When any person is convicted of not being the holder of a licence, permit or certificate required by this Act or the regulations, that person shall not apply for, obtain or have in his possession the type of licence, permit or certificate referred to in his conviction, until a period of 12 months has elapsed following the date of his conviction.

(3) When any person is convicted of an offence against this Act or the regulations, that person shall not apply for, obtain or have in his possession

- (a) a licence or permit to hunt big game if the offence for which he is convicted relates to big game,
- (b) a licence or permit to hunt game birds if the offence for which he is convicted relates to game birds,
- (c) a licence, permit or certificate to trap and hunt fur-bearing animals if the offence for which he is convicted relates to fur-bearing animals or fur-bearing carnivores,

until a period of 12 months has elapsed following the date of conviction.

**111.** A person who obliterates, alters, imitates or duplicates any stamp, tag, seal, brand, mark or signature that is placed on any wildlife or document pursuant to this Act or the regulations, is guilty of an offence and liable on summary conviction to a fine of not less than \$10 and not more than \$20 for each article or document in respect of which the offence has been committed, and in default of payment to imprisonment for a term of not more than three months.

**112.** A person who defaces, destroys, damages, knocks down or removes a sign or notice that has been posted up under the authority of the Director, is guilty of an offence and liable on summary conviction to a fine of not less than \$10 and not more than \$50, or in default of payment to imprisonment for a term not exceeding one month.

**111.** Offence re obliterating any brand, etc. Section 157.

**112.** Offence re defacing, etc. sign or notice. Section 12 (2).

**113.** A person who

- (a) wears a wildlife officer's uniform, or
- (b) wears a game guardian's or wildlife officer's badge, or
- (c) carries a game guardian's or wildlife officer's certificate of appointment, or
- (d) impersonates a game guardian or wildlife officer, or
- (e) in any way exercises or attempts to exercise any of the powers of a game guardian or wildlife officer,

and who is not a game guardian or wildlife officer, as the case may be, is guilty of an offence and liable on summary conviction to a fine of not less than \$25 and in default of payment to imprisonment for a term of not more than six months.

**114.** A fur dealer, tanner or furrier who contravenes any of the provisions of section 74 is guilty of an offence and liable on summary conviction to a fine of not less than \$200 and not more than \$1,000, and in default of payment to imprisonment for a term not exceeding six months.

**115.** (1) A person who

- (a) contravenes the provisions of
  - (i) section 24, or
  - (ii) section 25, subsection (1), or
  - (iii) section 28, subsection (1), or
  - (iv) section 43, or
  - (v) section 47, or
  - (vi) section 49, or
  - (vii) section 55, or
  - (viii) section 71, or
  - (ix) section 78, or
  - (x) section 110,or
- (b) contravenes the provisions of
  - (i) section 14, or
  - (ii) section 15, or
  - (iii) section 16, or
  - (iv) section 30, subsection (1), or
  - (v) section 41, subsection (4) or (5)in relation to big game,

**113.** Impersonation, etc. of officer. Section 159.

**114.** Penalty for violation of section 74. Section 161.

**115.** Penalties. Section 162.

is liable on summary conviction to a fine of not less than \$50 and not more than \$300, and in default of payment to imprisonment for a term not exceeding three months.

(2) A person who contravenes the provisions of section 14, 15 or 16, section 30, subsection (1) or (2) or section 41, subsection (4) or (5) in relation to game birds or fur-bearing animals is liable on summary conviction to a fine of not less than \$25 and not more than \$300, and in default of payment to imprisonment for a term of not more than three months.

(3) A person who contravenes the provisions of section 25, subsection (3), or section 28, subsection (3) or of section 35, 37 or 45 is guilty of an offence and liable on summary conviction to a fine of not less than \$100 and not more than \$500, and in default of payment to imprisonment for a term of not more than six months.

**116.** A person who contravenes any provision of this Act or the regulations for the contravention of which no specific penalty is provided is guilty of an offence and liable on summary conviction to a fine of not less than \$10 and not more than \$300, and in default of payment to imprisonment for a term not exceeding three months.

**117.** A person convicted of a third or subsequent offence against any of the provisions of this Act or the regulations for which no specific penalty is provided is liable on summary conviction to a fine of not less than \$50 and not more than \$400, and in default of payment to imprisonment for a term not exceeding three months.

**118.** (1) A justice may order costs to be paid in addition to the amount of any fine imposed pursuant to this Act.

(2) The costs when so ordered to be paid shall be considered part of the fine.

**116.** General penalty. Section 163.

**117.** Penalty for third offence. Section 164.

**118.** Costs. Section 166.

## PART 5

### TRANSITIONAL AND CONSEQUENTIAL

**119.** *The Game Act*, being chapter 126 of the Revised Statutes, is repealed.

**120.** (1) In this section “former Act” means *The Game Act*, being chapter 126 of the Revised Statutes.

- (2) Upon the commencement of this Act,
- (a) every licence, permit, certificate of registration of a trap-line or other document in force under the former Act continues in force as if issued or made under this Act,
  - (b) any suspension of a licence, permit, certificate of registration or other document in force under the former Act continues in force as if made under this Act,
  - (c) the Wildlife Damage Fund under the former Act becomes the Wildlife Damage Fund under this Act, and
  - (d) any proceeding or prosecution commenced under the former Act or the regulations thereunder shall be continued and completed as though this Act had not been passed.

**121.** (1) *The Provincial Parks Act, 1964* is amended

- (a) as to section 9 by striking out clause (i) and by substituting the following:
  - (i) controlling livestock or any other animals not defined as wildlife under *The Wildlife Act*.
- (b) as to section 11, subsection (1), by striking out the words “*The Game Act*,” and by substituting the words “*The Wildlife Act*,”.

(2) *The Setting of Poison Act* is amended

- (a) as to section 3, by striking out the words “*The Game Act*” wherever they occur and by substituting the words “*The Wildlife Act*”,
- (b) as to section 9, by striking out subsection (2) and by substituting the following:

(2) The poison, guns and shells referred to in subsection (1) shall be distributed and set out only in areas where coyotes or wolves are prevalent, and shall be distributed only to wildlife officers appointed pursuant to *The Wildlife Act* or to persons recommended by a member of the Royal Canadian Mounted Police force or by a wildlife officer.

**119.** Chapter 126 of the Revised Statutes repealed.

**120.** Transitional.

**121.** Consequential.



(3) The words "*The Game Act*" wherever they occur in the following enactments are struck out and the words "*The Wildlife Act*" are substituted:

Section 2 of *The Brand Act*;

Section 8 of *The Fur Farms Act*;

Section 7 and 22 of *The Metis Betterment Act*;

Section 4 of *The Police Act*;

Section 8 of *The Willmore Wilderness Park Act*.

**122.** This Act comes into force on July 1, 1970 and upon so coming into force section 9 shall be deemed to have been in force at all times on and after January 1, 1970.

