

# BILL NO. 89

(as passed)



*2nd Session, 58th General Assembly  
Nova Scotia  
50 Elizabeth II, 2001*

Government Bill

## Wildlife Act

CHAPTER 46 OF THE ACTS OF 2001

The Honourable Ernest L. Fage  
Minister of Natural Resources

[First Reading](#): November 13, 2001 (LINK TO BILL AS INTRODUCED)

Second Reading: November 15, 2001

[Third Reading](#): November 20, 2001

Royal Assent: November 22, 2001



**An Act Recognize Heritage Angling,  
Hunting and Trapping and to Amend**

## Chapter 504 of the Revised Statutes, 1989, the Wildlife Act

Be it enacted by the Governor and Assembly as follows:

**1** Section 2 of Chapter 504 of the Revised Statutes, 1989, the *Wildlife Act*, is amended by adding immediately after clause (b) the following clause:

(ba) recognize that angling, hunting and trapping are valued and safe parts of the heritage of the Province and that the continuing opportunity to participate in those activities will be maintained in accordance with this Act and the regulations;

**2** Section 3 of Chapter 504, as amended by Chapter 50 of the Acts of 1990 and Chapter 8 of the Acts of 1995-96, is further amended by

(a) striking out "Lands and Forests" in the second line of clause (n) and substituting "Natural Resources";

(b) adding immediately after clause (o) the following clause:

(oa) "domestic organism" means an organism that has been substantially altered from its wild progenitor through a long process of selective breeding;

(c) striking out "Lands and Forests" in the second line of clause (af) and substituting "Natural Resources"; and

(d) striking out clause (ba) and substituting the following clause:

(ba) "wildlife" means vertebrates that, in their natural habitat, are usually wild by nature and includes

(i) domestic organisms that are physically similar to their wild counterparts,

(ii) exotic wildlife,

(iii) hybrid descendants of wildlife or of wildlife and a domestic organism,

(iv) the eggs, sperm or embryos of wildlife, and

(v) any other organism designated as wildlife by the Governor in Council in accordance with this Act and the regulations;

**3** Chapter 504 is further amended by adding immediately after Section 4 the following Section:

4A (1) Where it is made to appear to the Governor in Council that an organism should be treated as wildlife, the Governor in Council may, by the regulations, declare the organism to be wildlife.

(2) A copy of a declaration made pursuant to subsection (1) shall be published in the Royal Gazette and in such other manner as the Governor in Council directs.

**4 (1)** Subsection 23(1) of Chapter 504 is repealed and the following subsection substituted:

(1) All licences or permits issued by a vendor shall indicate the date of issue.

**(2)** Clause 23(5)(b) of Chapter 504 is repealed.

**5** Subsection 30(4) of Chapter 504 is amended by adding ", subject to any conditions the Minister deems appropriate" immediately after "regulations" in the second and third line.

**6** Subsection 31(1) of Chapter 504 is amended by adding "as designated by order of the Minister made pursuant to this Section" immediately after "regulations" in the second line.

**7** Subsection 62(1) of Chapter 504 is amended by striking out "for the purpose of sale, barter, exchange, preservation, consumption or propagation" in the third and fourth lines.

**8** Section 96 of Chapter 504 is repealed and the following Section substituted:

96 A conservation officer or employee of the Department, acting in the discharge of the person's duties pursuant to this Act or the regulations, and any person assisting the conservation officer or employee, may enter upon any lands without being liable for trespass, but the person is not exempted from liability for actual damage caused by such entry.

**9** Clause 106(1)(c) of Chapter 504 is amended by striking out "Lands and Forests" in the third line and substituting "Natural Resources".

**10** Chapter 504 is further amended by adding immediately after Section 107 the following Section:

107A A prosecution for an offence under this Act may not be commenced more than two years after

(a) the date on which the offence was committed; or

(b) the date on which evidence of the offence first came to the attention of a conservation officer, an employee of the Department or the Minister,

whichever is later.

**11** Section 109 of Chapter 504 is amended by striking out "or permit" in the first, in the second and in the fourth lines and substituting in each case ", permit or certificate".

**12** Subsection 113(1) of Chapter 504, as amended by Chapter 9 of the Acts of 1993, Chapters 8 and 25 of the Acts of 1995-96 and Chapter 11 of the Acts of 1998, is further amended by

(a) repealing clause (at) and substituting the following clause:

(at) prescribing the terms and conditions under which wildlife may be kept in or released from captivity and respecting permits to keep wildlife in or release wildlife from captivity;

and

(b) adding immediately after clause (bo) the following clauses:

(boa) respecting the recapture and management of captive wildlife that has escaped;

(bob) respecting the recovery of costs incurred by the Department in the recapture and management of captive wildlife that has escaped;

(boc) declaring organisms to be wildlife for the purpose of this Act;

**13** This Act comes into force on such day as the Governor in Council orders and declares by proclamation.



