



BILL NO. 110

Government Bill

*2nd Session, 61st General Assembly
Nova Scotia
59 Elizabeth II, 2010*

An Act to Amend Chapter 33 of the Acts of 2008, the Animal Protection Act

CHAPTER 45
ACTS OF 2010

**AS ASSENTED TO BY THE LIEUTENANT GOVERNOR
DECEMBER 10, 2010**

The Honourable John MacDonell
Minister of Agriculture

*Halifax, Nova Scotia
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**An Act to Amend Chapter 33
of the Acts of 2008,
the Animal Protection Act**

Be it enacted by the Governor and Assembly as follows:

1 Chapter 33 of the Acts of 2008, the *Animal Protection Act*, is amended by adding immediately after Section 15 the following Section:

15A (1) Where a Minister, or a representative of the Minister, suspects a farm animal has been abandoned and the farm animal's owner or custodian cannot be located, the Minister may inquire about the animal's ownership by publishing an advertisement in the Royal Gazette or in a newspaper circulated in the county where the farm animal is located, once a week for four consecutive weeks with a description of the farm animal and its location.

(2) Where no person is identified as the farm animal's owner or custodian within thirty days after the last advertisement under subsection (1), the Minister, or a representative of the Minister, may enter upon the lands where the animal is located to take custody of the animal.

(3) The Minister may sell, cause to be permanently adopted or euthanize a farm animal that has been taken into custody under subsection (2).

(4) Where more than one person identifies himself or herself as the owner of the farm animal, the Minister may select one of those persons to be responsible for care of the farm animal until such time as those persons determine the question of ownership.

2 Section 18 of Chapter 33 is amended by adding “, or an inspector appointed under Section 17,” immediately after “Minister” in the first line.

3 Chapter 33 is further amended by adding immediately after Section 18 the following Sections:

18A (1) For the purpose of ensuring compliance with this Act or the regulations, or any direction made pursuant to this Act or the regulations, an inspector may, at any reasonable hour of the day or night, enter any site and inspect any place, conduct any test, seize any animal or carcass to conduct tests, take samples and make any investigations considered necessary or advisable.

(2) Upon the request of an inspector, the owner or a representative appointed by the owner shall accompany the inspector during an inspection or investigation pursuant to subsection (1).

(3) An inspector may

(a) require the production of any records relating to the animal care and remove them temporarily for the purpose of making copies;

(b) take photographs or recordings of the premises, including animals, or any activity taking place around the premises;

(c) make an inspection, investigation or inquiry considered necessary to ascertain whether this Act or the regulations, or any direction made pursuant to this Act or the regulations, are being complied with;

(d) exercise such other powers as may be necessary or incidental to the carrying out of the functions of the inspector pursuant to this Act or the regulations.

18B (1) No person shall interfere with or obstruct a person in the exercise of the powers given to the person by this Act or the regulations.

(2) No person shall knowingly furnish an inspector with false information or neglect or refuse to furnish information required by an inspector in the exercise of the powers or the performance of the duties of an inspector pursuant to this Act or the regulations.

18C (1) An inspector may give directions orally or in writing for the carrying out of this Act or the regulations and may require that such directions be carried out within such time as is specified.

(2) Directions given orally pursuant to subsection (1) must be confirmed in writing as soon as practicable.

18D An owner shall comply with every direction given pursuant to this Act or the regulations and shall furnish any assistance required for the purpose of entering, inspecting or examining any place or making an inquiry concerning a place.

4 Chapter 33 is further amended by adding immediately after Section 30 the following Section:

30A (1) Where an application is made for judicial review of the actions taken by the inspector under Section 23 with respect to a farm animal, the Minister or caretaker shall retain custody of the animal until such time as a decision of the Court has been made respecting the custody and ownership of the animal;

(2) The Minister may sell, cause to be permanently adopted or euthanize an animal that has been taken into custody under Section 23 if no application has been filed for judicial review by the required deadline.

5 Chapter 33 is amended by adding immediately after Section 32 the following Section:

32A The Minister may sell, cause to be permanently adopted or euthanize an animal that has been taken into custody under Section 23 if no appeal has been filed under Section 33 by the required deadline.

6 Subsection 33(2) of Chapter 33 is amended by adding “or retained by or returned to the Society or Minister, as the case may be, to be sold, adopted by another person or euthanized” immediately after “custodian” in the last line.

7 Chapter 33 is further amended by adding immediately after Section 33 the following Section:

33A Any money received by the Society or the Minister as a result of selling that animal must be returned to the person who was ordered pursuant to subsection 33(1) to deliver the animal to the custody of the Society or the Minister, as the case may be, less any amount to cover expenses properly incurred by the Society or the Minister with respect to that animal.

8 Chapter 33 is further amended by adding immediately after Section 35 the following Section:

35A A prosecution of an offence contrary to this Act or the regulations may not be commenced more than two years after the date on which the act or omission that is alleged to constitute the offence occurred.

9 Upon the coming into force of Sections 31 to 33 of Chapter 33, Section 30A of Chapter 33 is repealed.
