



BILL NO. 55

Government Bill

*5th Session, 61st General Assembly
Nova Scotia
62 Elizabeth II, 2013*

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

CHAPTER 8
ACTS OF 2013

**AS ASSENTED TO BY THE ADMINISTRATOR OF THE PROVINCE
MAY 10, 2013**

The Honourable John M^{ac}Donell
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 This Act may be cited as the *Protection of Animal Welfare and Security Act*.

2 (1) Subsection 2(2) of Chapter 33 of the Acts of 2008, the *Animal Protection Act*, as amended by Chapter 50 of the Acts of 2011, is further amended by

(a) adding “anxiety” immediately after “hardship,” in the first line of clause (b);

(b) striking out “or” at the end of clause (c);

(c) striking out the period at the end of clause (d) and substituting a semicolon; and

(d) adding immediately after clause (d) the following clauses:

(e) kept in conditions that are unsanitary or that will significantly impair the animal’s health or well-being over time; or

(f) kept in conditions that contravene the standards of care prescribed by the regulations.

(2) Section 2 of Chapter 33 of the Acts of 2008, as amended by Chapter 50 of the Acts of 2011, is further amended by adding immediately after subsection (2) the following subsection:

(3) Where the owner or person in charge of an animal is a minor, the minor’s parent or guardian is deemed to be the owner or person in charge for the purpose of this Act.

3 Subsection 18A(1) of Chapter 33, as enacted by Chapter 50 of the Acts of 2011, is amended by striking out “house” in the fourth line.

4 Subsection 18AA(1) of Chapter 33, as enacted by Chapter 45 of the Acts of 2010 and amended by Chapter 50 of the Acts of 2011, is further amended by striking out “any site and inspect any place” in the fourth line and substituting “and inspect any premises”.

5 Section 18D of Chapter 33 is amended by

(a) striking out “An owner” in the first line and substituting “A person”;

(b) striking out “place” the first time it appears in the last line and substituting “premises”; and

(c) striking out “a place” in the last line and substituting “any premises”.

6 Section 21 of Chapter 33, as amended by Chapter 50 of the Acts of 2011, is further amended by adding immediately after subsection (5) the following subsection:

(6) Subject to the regulations, no person shall sell to a purchaser any dog that has not been certified to be in good health by a veterinarian, in the form prescribed by the regulations, whether or not the purchaser has waived the requirement for a certificate.

7 (1) Subsection 23(4) of Chapter 33, as amended by Chapter 50 of the Acts of 2011, is further amended by deleting “place” in the third line.

(2) Subsection 23(5) of Chapter 33 is amended by striking out “house” in the second and in the third lines.

(3) Subsection 23(8) of Chapter 33, as amended by Chapter 50 of the Acts of 2011, is further amended by

(a) striking out clauses (a) and (b) and substituting the following clauses:

- (a) enter onto premises, other than a private dwelling;
- (b) require any person in a private dwelling to produce any animal on the premises, including from within the private dwelling, for examination; and

8 (1) Section 26 of Chapter 33, as enacted by Chapter 50 of the Acts of 2011, is amended by adding immediately after subsection (7) the following subsection:

(7A) The Society or the Minister, as the case may be, may, on review, reverse, uphold or vary the decision that an animal will not be returned.

(2) Section 26 of Chapter 33, as enacted by Chapter 50 of the Acts of 2011, is further amended by adding immediately after subsection (11) the following subsections:

(12) Where the Society or the Minister

(a) reverses the decision under review or varies it such that the animal is to be returned under certain conditions, the animal must be returned to the owner subject to any conditions imposed by the Society or the Minister, as the case may be; or

(b) does not reverse the decision under review, the Society or the Minister, as the case may be, may sell, give away or euthanize the animal.

(13) The Minister may, in the Minister’s sole discretion, require that a review by the Minister pursuant to this Section proceed by way of written submissions only.

9 Subsection 27(1) of Chapter 33, as amended by Chapter 50 of the Acts of 2011, is further amended by adding a comma immediately after “brand” in the second line.

10 Section 32A of Chapter 33, as enacted by Chapter 45 of the Acts of 2010 and amended by Chapter 50 of the Acts of 2011, is further amended by striking out “33” in the third line and substituting “32”.

- 11 (1) Subsection 35(1) of Chapter 33 is amended by**
- (a) striking out “ten thousand dollars” in the first line of clause (a) and substituting “\$25,000”;**
 - (b) adding “or to imprisonment for a term not exceeding six months,” immediately after “months,” in the last line of clause (a);**
 - (c) striking out “twenty-five thousand dollars” in the first and second lines of clause (b) and substituting “\$50,000”;**
 - (d) adding “or to imprisonment for a term not exceeding six months,” immediately after “months,” in the last line of clause (b); and**
 - (e) striking out clauses (c) and (d) and substituting the following clauses:**
 - (c) for a third or subsequent offence, to a fine of not more than \$75,000 and, in default of payment, to imprisonment for a term not exceeding two years, or to imprisonment for a term not exceeding two years, or to both fine and imprisonment; or
 - (d) for a first offence involving harm to a law enforcement animal, to a fine of not more than \$25,000 and, in default of payment, to imprisonment for a term not exceeding six months, or to imprisonment for a term not exceeding six months, or to both fine and imprisonment.
- (2) Subsection 35(2) of Chapter 33 is amended by**
- (a) striking out “an owner of an animal” in the first line and substituting “a person”;**
 - (b) striking out “owner” in the second line and substituting “person”; and**
 - (c) striking out “continuing to have custody” in the third line and substituting “having custody, care or control”.**
- 12 (1) Subsection 39(1) of Chapter 33 is amended by**
- (a) striking out clause (a) and substituting the following clauses:**
 - (a) respecting, with respect to animals, including non-farm animals for sale or that are impounded, boarded or kept for breeding, other than those animals referred to in clause 40(1)(a)
 - (i) standards of design, construction and maintenance of shelters, facilities, restraints and tethers,
 - (ii) standards of care with which the animals are to be maintained,
 - (iii) standards with respect to the sale of non-farm animals;
 - (aa) determining what are reasonable steps to find and notify an owner of an animal, other than an animal referred to in clause 40(1)(a);
 - (ab) determining reasonable expenses to be charged to the owner of an animal, other than an animal referred to in clause 40(1)(a), taken

into custody pursuant to this Act for transportation of the animal, food, care, shelter and veterinary medical treatment provided to the animal and for the euthanasia of the animal;

(ac) prescribing activities that are deemed to cause animals, other than those animals referred to in clause 40(1)(a), to be in distress;

(ad) prescribing or adopting acceptable codes of practice respecting animals, other than those animals referred to in clause 40(1)(a).

and

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

(ba) prescribing the form of the certificate to be issued for the purpose of subsection 21(6);

(bb) prescribing exemptions from the requirement under subsection 21(6);

(2) Section 39 of Chapter 33 is further amended by adding immediately after subsection (1) the following subsections:

(1A) No regulation may be made pursuant to subsection (1) that conflicts with standards established in nationally developed codes of practice for the care and housing of animals published by organizations prescribed in the regulations.

(1B) No regulation may be made pursuant to subsection (1) that is not consistent with the Canadian Council on Animal Care Guidelines for the scientific use of animals.

(1C) A regulation made pursuant to this Section may be of general application or may apply to such animals, such class or classes of animals, such class or classes of places or such class or classes of matters or things as the Minister determines and there may be different regulations with respect to different animals, different classes of animals, different classes of places and different classes of matters or things.

13 (1) Subsection 40(1) of Chapter 33 is amended by

(a) striking out “prescribing, with respect to animals kept for sale, hire, exhibition, research, or” in the first three lines of clause (a) and substituting “respecting, with respect to farm animals kept for sale, animals kept for hire, exhibition, research or farm animals”.

(b) adding “of an animal referred to in clause (1)(a)” immediately after “owner” in the second line of clause (b);

(c) adding “referred to in clause (1)(a)” immediately after “animal” in the second line of clause (c);

(d) striking out “an” in the last line of clause (c) and substituting “the”;

(e) striking out “or 28(1)” in the second line of clause (g);

(f) adding “referred to in clause (1)(a)” immediately after “animals” in the first line of clause (n);

(g) adding immediately following clause (n) the following clause:

(na) respecting the transportation of animals; and

(h) adding “referred to in clause (1)(a)” immediately after “animals” in the last line of clause (o).

(2) Section 40 of Chapter 33 is further amended by adding immediately after subsection (3) the following subsection:

(3A) A regulation made pursuant to this Section may be of general application or may apply to such animals, such class or classes of animals, such class or classes of places or such class or classes of matters or things as the Governor in Council determines and there may be different regulations with respect to different animals, different classes of animals, different classes of places and different classes of matters or things.

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