

Wildlife Act

CHAPTER 504 OF THE REVISED STATUTES, 1989

as amended by

1990, c. 50; 1993, c. 9, s. 8; 1995-96, c. 8, s. 22;
1995-96, c. 25; 1998, c. 11, s. 29; 2001, c. 46; 2010, c. 2, s. 156
2010, c. 4, ss. 41-43



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1995-96, c. 25; 1998, c. 11, s. 29; 2001, c. 46; 2010, c. 2, s. 156
2010, c. 4, ss. 41-43

**An Act to Provide for the Protection,
Management and Conservation of
Wildlife and Wildlife Habitats**

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Short title

1 This Act may be cited as the *Wildlife Act*. R.S., c. 504, s. 2.

Object and purpose

2 The object and purpose of this Act is to

(a) develop and implement policies and programs for wildlife designed to maintain diversity of species at levels of abundance to meet management objectives;

(b) integrate appropriate protective measures into policies for use on Crown lands and in guidelines for forest management and other programs on privately owned land to ensure adequate habitat for established populations of wildlife;

(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;

(c) provide for the regulation of hunting and fishing and the possession and sale of wildlife; and

(d) provide for the continuing renewal of the resource while managing for its optimum recreational and economic uses. R.S., c. 504, s. 2; 2001, c. 46, s. 1.

Interpretation

3 (1) In this Act,

(a) “analyst” means a person designated as an analyst pursuant to this Act;

(b) “automatic firearm” means a firearm that is capable of firing bullets in rapid succession during one press of the trigger;

(c) “bag limit” means the total number of a species that may be taken by a hunter, trapper or fisherman per day per season or for any time period specified in the regulations;

(d) “big game” means bear, moose, deer and any wildlife which may be designated as big game by the Governor in Council, and includes any part of such wildlife;

(e) “bow” means a tool for projecting arrows which consists of a handle and one or more flexible limbs which are held bent by a string or cable which is drawn, pulled or released or held in a drawn position by hand or hand held release and not by any mechanical device attached to any portion of the bow other than the bowstring;

(f) “camp” means a temporary residence other than a principal place of residence and includes a tent, trailer, vehicle or vessel

which may be used for the purpose of a shelter or temporary residence;

(g) “certificate” means an instrument issued pursuant to regulations made pursuant to Section 29;

(h) “climatologist” means a person who specializes in dealing with climates and their phenomena;

(i) “closed season” means a period other than the open season for the hunting or fishing of a species of wildlife during which that species is protected by this Act or the regulations;

(j) “conservation” means the wise use of the wildlife resource through management, including both complete protection and utilization, toward the maintenance of sustained, optimum populations of wildlife;

(k) “conservation officer” means any person designated a conservation officer pursuant to this Act or the *Forests Act*;

(l) “Crown lands” means land, whether or not it is covered by water, or an interest in land vested in Her Majesty in right of the Province;

(m) “deer family” means moose, caribou and deer;

(n) “Department” means the Department of Natural Resources;

(o) “Director of Wildlife” means a person appointed to the position of Director of Wildlife in the Department;

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

(p) “endangered species” means wildlife of a kind prescribed as such pursuant to this Act or the regulations;

(q) “exotic wildlife” means all birds, mammals and other vertebrates that are not indigenous to the Province and that in their natural habitat are usually wild by nature, and includes any part of such birds, mammals or other vertebrates;

(r) “firearm” means any barrelled weapon from which any shot, bullet or other missile can be discharged and that is capable of causing serious bodily injury or death to a person, and includes any frame or receiver of such a barrelled weapon and anything that can be adapted for use as a firearm;

(s) “fish” means all species of fish and any part of such fish found in Provincial waters;

(t) “fishing” means fishing for, catching or attempting to catch fish by any method;

(u) “forest land” means land bearing forest growth or land from which the forest has been removed but which shows surface evidence of past forest occupancy and is not now in other use;

(v) “fur buyer” means a person engaged in the business of buying, selling or trading in pelts or skins of fur-bearing animals or other wildlife designated by the Governor in Council;

(w) “fur-bearing animal” means beaver, muskrat, red squirrel, mink, otter, skunk, weasel, fisher, marten, lynx, bobcat, cougar, fox, coyote, raccoon and any other non-domesticated animal which may be designated as a fur-bearing animal by the Governor in Council, and includes any part of such animal, but does not include bear or snowshoe hare;

(x) “gallinaceous bird” includes all species of grouse, partridge, pheasant, quail, ptarmigan and wild turkey and the eggs of all such species;

(y) “game” means all big game, small game and fur-bearing animals, and all species of animals and birds which are wild by nature and designated as game by the Governor in Council;

(z) “game bird” means a wild gallinaceous bird or a migratory game bird as defined in the *Migratory Birds Convention Act* (Canada);

(aa) “green hide” means any fresh untanned hide or pelt;

(ab) “guide” means any person who meets the qualification requirements set out in the regulations and who, for compensation or reward received or contracted for, supervises and assists another person to hunt wildlife or angle for fish and is licensed by the Minister as a guide;

(ac) “highway” means a public highway, street, lane, road, alley, park or place and includes the bridges thereon;

(ad) “hunting” means chasing, driving, flushing, attracting, pursuing, worrying, following after or on the trail of, searching for, trapping, attempting to trap, snaring or attempting to snare, shooting at, stalking or lying in wait for any wildlife whether or not the wildlife is then or subsequently captured, killed, taken or wounded, but does not include stalking, attracting, searching for or lying in wait for any wildlife by an unarmed person solely for the purpose of watching or taking pictures of it;

(ae) “licence” or “permit” means an instrument issued pursuant to this Act or the regulations conferring upon the holder the privilege of doing the things set forth in it subject to the conditions, limitations and restrictions contained in it and in this Act and the regulations;

(af) “Minister” means the Minister of Natural Resources;

- (ag) “non-resident” means any person who is not a resident;
- (ah) “open season” means a period specified by the regulations during which time certain wildlife may be taken;
- (ai) “pelt” means the untanned skin of any wildlife but does not include the green hide of a moose or deer;
- (aj) “possession limit” means the maximum number of a wildlife species that may be possessed by a hunter, trapper or fisherman for any time period specified in the regulations;
- (ak) “prescribed” means prescribed by regulation;
- (al) “protected”, as applied to wildlife, means protected throughout the year or for any open or closed season, pursuant to this Act or the regulations;
- (am) “resident”, at any time, means a person permanently or ordinarily resident in the Province for the two months immediately preceding that time, and includes
- (i) an officer of the diplomatic or consular service of a foreign country stationed within the Province,
 - (ii) a member of the Royal Canadian Mounted Police or the Canadian Armed Forces stationed or born in the Province,
 - (iii) a person born in the Province and the owner of real property in the Province;
- (an) “shooting preserve” means land on which wildlife has been released for the purpose of hunting whether that wildlife has been raised in captivity on that land or other lands;
- (ao) “small game” means snowshoe hare and any gallinaeous bird or game bird as herein defined and any other animal or bird designated as small game by the Governor in Council;
- (ap) “snare” means a device for the taking of wildlife whereby they are caught in a noose;
- (aq) “snaring” means the placing of one or more snares in locations where wildlife are likely to be caught in a noose;
- (ar) “tag” means the instrument issued pursuant to this Act or the regulations and forms part of the licence or permit under which it was issued;
- (as) “take”, when used in relation to wildlife, includes the capturing or taking into possession of wildlife whether dead or alive;
- (at) “taxidermist” means any person who engages in the business of the preservation or mounting of wildlife or parts thereof or their eggs;

(au) “threatened species” means wildlife of a kind prescribed as such pursuant to this Act or the regulations;

(av) “trap” means a snare, spring trap, deadfall, box trap, net or device used to capture wildlife;

(aw) “trapping” means the placing of one or more traps in locations where wildlife may be trapped;

(ax) “vehicle” means any vehicle propelled or driven otherwise than by muscular power, whether or not the vehicle is registered pursuant to the *Motor Vehicle Act*, and includes an airplane;

(ay) “vendor” means a person who has been appointed a vendor of licences or permits by the Minister;

(az) “vessel” means a means of conveyance of a kind used on water and includes any accessory to the vessel;

(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;

(bb) “wildlife habitat” means any water or land where wildlife may be found and the roads and highways thereon;

(bc) “wildlife management” means any purposeful intervention designed to preserve, protect, control, maintain or enhance wildlife populations or wildlife habitats;

(bd) “wildlife management area” means an area designated pursuant to this Act for the management of wildlife;

(be) “wildlife park” means an area of land designated or licensed pursuant to this Act as a wildlife park;

(bf) “wildlife sanctuary” means an area of land designated pursuant to this Act as a wildlife sanctuary;

(bg) “woods” means forest land and rock barren, brushland, dry marsh, bog and muskeg.

(2) For the purpose of this Act,

- (a) a person is in possession of a thing when it is in that person's personal possession or when that person 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 that person, for the use or benefit of that person or of another person;
- (b) when one of two or more persons, with the knowledge and consent of the rest has anything in that person's custody or possession, it is in the possession of each of them. R.S., c. 504, s. 3; 1990, c. 50, s. 1; 1995-96, c. 8, s. 22; 2001, c. 46, s. 2.

Ownership of wildlife

4 (1) Subject to subsection (2), the property in all wildlife situate within the Province, while in a state of nature, is hereby declared to be vested in Her Majesty in right of the Province and no person shall acquire any right or property therein otherwise than in accordance with this Act and the regulations.

(2) A person who lawfully kills wildlife and complies with all applicable provisions of this Act and the regulations acquires the right of property in that wildlife.

(3) Notwithstanding anything in this Act, no right of action lies and no right of compensation exists against Her Majesty in right of the Province for death, personal injury or property damage caused by wildlife, or any wildlife that escapes or is released from captivity or is abandoned within the Province. R.S., c. 504, s. 4.

Declaration of organism as wildlife

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. 2001, c. 46, s. 3.

Supervision and management

5 (1) The Minister has the general supervision and management of this Act and the regulations.

(2) The Minister may from time to time designate persons to act on behalf of the Minister. R.S., c. 504, s. 5.

Responsibilities and powers of ministers

6 (1) The Minister is responsible for overseeing the protection, management and conservation of wildlife in the Province.

(2) The Minister may

(a) undertake, promote or recommend measures allowing for public co-operation in wildlife conservation;

(b) co-ordinate and implement wildlife policies and programs in co-operation with a federal, provincial or municipal government or agency thereof;

(c) co-ordinate the development and implementation of policies and programs designed to protect and conserve wildlife and wildlife habitats;

(d) develop and implement suitable programs of education, safety, training and certification for hunters and trappers;

(e) enter into an agreement with any person to provide for the undertaking of wildlife research and conservation programs and measures and the administration of lands for such purposes;

(f) take such measures as the Minister deems necessary for the protection of threatened or endangered wildlife;

(g) initiate conferences and meetings respecting wildlife;

(h) develop suitable guidelines and standards to optimize the impacts of various forest management practices on wildlife and wildlife habitats, taking into consideration the provisions of the *Forests Act* and the *Forest Enhancement Act*;

(i) undertake matters that may be assigned pursuant to this Act and the regulations.

(3) Except with respect to licensing, enforcement and wildlife habitat, where wildlife management involves fish, the primary responsibility is that of the Minister of Fisheries. R.S., c. 504, s. 6.

7 *repealed 1993, c. 9, s. 8.*

Director of Wildlife, conservation officers and other personnel

8 (1) The Minister may appoint a Director of Wildlife and conservation officers to administer and enforce this Act and the regulations.

(2) The Director of Wildlife, conservation officers and other persons required for the administration of this Act and the regulations shall be appointed in accordance with the *Civil Service Act*.

(3) Notwithstanding subsection (2), the Minister may utilize, upon such terms and conditions as the Minister deems fit, the services of such persons as the Minister considers necessary for the efficient carrying out of the intent and purpose of this Act and the regulations.

(4) A member of the Royal Canadian Mounted Police and a police officer of a city or incorporated town is by virtue of office a conservation officer pursuant to this Act and has the powers of a conservation officer.

(5) A conservation officer, in carrying out duties pursuant to this Act and the regulations, has and may exercise in any part of the Province all the powers, authorities and immunities of a peace officer as defined in the *Criminal Code* (Canada).

(6) The protection afforded by this Act and any other enactment to a conservation officer extends to any other person while and to the extent that that person is in the course of assisting a conservation officer under the conservation officer's direction.

(7) A conservation officer may administer oaths to any person making a declaration or affidavit pursuant to this Act.

(8) No person, except a conservation officer, shall use or wear a uniform or badge identifying that person as a conservation officer. R.S., c. 504, s.8; 1990, c. 50, s. 2.

Oath or affirmation

9 (1) A conservation officer, before commencing duties pursuant to this Act, shall take an oath or affirmation as prescribed by the regulations.

(2) Subsection (1) does not apply to members of the Royal Canadian Mounted Police, federal fisheries officers, national park wardens or conservation officers who have already taken and subscribed an oath of office.

(3) A copy of an identification card purporting to be signed by the Minister is proof in any court of law that the individual named therein is a conservation officer pursuant to this Act or the regulations without any further proof. R.S., c. 504, s.9.

Duty to report violations

10 (1) Every conservation officer having knowledge of any violation of this Act or the regulations shall report the violation and act in accordance with the directions of the Department.

(2) A conservation officer, who is furnished with information respecting a violation of this Act or the regulations, is not required to disclose the name of the informant. R.S., c. 504, s. 10.

Agreements

11 The Minister may, on behalf of the Province, enter into an agreement with the Government of Canada, the government of a province or the government of a foreign country, or state thereof, or an agency of any of the foregoing, or with a municipality or local government district or any society, group, organization, person or individual for

- (a) the joint management of wildlife or mutual assistance in the enforcement of laws relative to wildlife;
- (b) the development and implementation of joint informational, educational or training programs;
- (c) the conduct of joint biological or ecological investigations;
- (d) reciprocal arrangements for fees to be charged for licences, permits or wildlife certificates issued pursuant to this Act and their counterparts issued in the other jurisdictions;
- (e) the joint management of wildlife habitats;
- (f) the development and implementation of joint programs for the prevention of damage caused by wildlife;
- (g) the development and implementation of joint programs for the control of wildlife,

and the agreement may include provisions for contributions by the Province toward the cost of implementing the provisions thereof. R.S., c. 504, s. 11.

Habitat Conservation Fund

12 (1) There is hereby established the Habitat Conservation Fund for the purpose of funding programs for the protection and enhancement of wildlife and wildlife habitats.

- (2)** There shall be paid into the Habitat Conservation Fund
- (a) money acquired by gift, donation and bequest or by disposition of any land acquired for the purposes of the Fund;
 - (b) income accruing to the Fund; and
 - (c) in accordance with the *Finance Act*, money that accrues from any programs of the Province, including programs conducted under agreements with other governments, entered into for any of the purposes for which the Fund is established.

(3) The Minister may expend, in accordance with the *Finance Act*, money from the Habitat Conservation Fund for

- (a) the enhancement of wildlife and wildlife habitats;
- (b) the acquisition of land with the approval of the Governor in Council for the maintenance and management of a population of any species of wildlife and wildlife habitats;

(c) the furthering, stimulation and encouragement of knowledge and awareness of the Fund and of wildlife generally by way of promotional, educational or other programs;

(d) research pertaining to wildlife and wildlife habitats. R.S., c. 504, s. 12; 2010, c. 2, s. 156.

Acquisition of land

13 The Minister, with the approval of the Governor in Council, may, for the purpose of access to or the protection, management or conservation of wildlife, purchase, lease or otherwise acquire title to land. R.S., c. 504, s. 13.

Wildlife sanctuary

14 The Governor in Council may

(a) declare any Crown lands or, with the consent of the landowner, privately owned land a wildlife sanctuary and make such regulations as may be necessary for the control thereof and the protection of wildlife and associated habitats therein;

(b) add to or subtract from the area of any wildlife sanctuary;

(c) declare any area previously declared to be a wildlife sanctuary to no longer be a wildlife sanctuary. R.S., c. 504, s. 14.

Wildlife management area

15 The Governor in Council may

(a) declare any Crown lands or, with the consent of the landowner, privately owned land a wildlife management area and make such regulations as may be necessary for the control thereof and the management of wildlife and associated habitats therein;

(b) add to or subtract from any wildlife management area;

(c) declare any area previously declared to be a wildlife management area to no longer be a wildlife management area. R.S., c. 504, s. 15.

Wildlife park

16 (1) The Governor in Council may declare any Crown lands or, with the consent of the landowner, privately owned land a wildlife park and make such regulations as may be necessary for the control thereof and the management of wildlife and wildlife habitats.

(2) Wildlife parks established pursuant to subsection (1) shall be used for the primary purpose of nature education where

(a) wildlife may be exhibited;

(b) research may be performed;

- (c) breeding programs of certain wildlife species may be established;
- (d) nature reserves may be established;
- (e) camping or travelling may be prohibited or may be permitted subject to restrictions; and
- (f) other public activities may be held subject to conditions set forth in the regulations.

(3) No person shall operate a privately owned wildlife park without first obtaining a licence or permit from the Minister. R.S., c. 504, s. 16.

Wildlife research

17 The Minister may undertake studies and carry out programs on wildlife and wildlife habitats to

- (a) identify, evaluate, monitor and study wildlife and wildlife habitats;
- (b) provide for inventories of wildlife and wildlife habitats throughout the Province;
- (c) assess the impacts of land-use activities on particular wildlife and wildlife habitats;
- (d) establish priorities for wildlife conservation based on consistent evaluation systems of wildlife and wildlife habitats throughout the Province;
- (e) assess the ~~forests~~ [forestry] and wildlife interface and the environmental impact of various forestry practices;
- (f) promote the long-term productivity, diversity and stability of forest and wetlands systems. R.S., c. 504, s. 17.

Wildlife education

18 In an effort to promote greater public awareness and understanding of wildlife and wildlife habitats, the Minister may

- (a) work with private agencies and individuals to achieve the objectives of the Minister with respect to wildlife and wildlife habitats;
- (b) promote educational programs with a focus on natural resource conservation and the role of safe and ethical hunting and fishing practices in the overall management of the wildlife resource;
- (c) encourage an exchange of information between the public and private sectors with a view to a significant improvement in wildlife habitats;
- (d) establish positive management measures which will allow acceptable economic uses of the land to coexist with wildlife. R.S., c. 504, s. 18; revision corrected 1999.

19 *repealed 1998, c. 11, s. 29.*

Export for scientific or educational purposes

20 (1) The Minister may grant a permit to any person or the government of any province or state to secure and export, for propagation or for scientific, educational or other purpose that the Minister deems to be in the public interest,

- (a) a specified number of any species of wildlife;
- (b) a specified number of nests or eggs of any species of bird,

and the Minister may specify the time, place and method of taking such wildlife, nests or eggs.

(2) A detailed statement of the wildlife secured pursuant to subsection (1) shall be returned to the Department as required by the permit. R.S., c. 504, s. 20.

Order of Minister respecting hunting or trapping

21 (1) Notwithstanding anything contained in this Act, the Minister may, by order, either prohibit or allow hunting or trapping, or a method of hunting or trapping, in any defined area of the Province for a period considered necessary for the proper management of wildlife in that area.

(2) The Minister shall endeavour to give notice of any order made pursuant to subsection (1) by whatever method the Minister considers most appropriate to all those who may be affected by the order.

(3) No person shall, without permission from a conservation officer, hunt or trap in an area closed pursuant to subsection (1). R.S., c. 504, s. 21.

Vendors

22 (1) The Minister may

- (a) appoint a vendor to sell licences or permits pursuant to this Act;
- (b) require a vendor to provide a bond or other security for the faithful discharge of the vendor's duties in such amount and with such sureties as the Minister considers necessary;
- (c) terminate the appointment of any vendor at any time without notice.

(2) No person shall issue a licence or permit pursuant to this Act or the regulations or collect any fees in respect thereof unless appointed as a vendor pursuant to this Act. R.S., c. 504, s. 22.

Issue of licences and permits

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

(2) No licence or permit is valid unless the name, address and signature of the applicant is plainly and legibly written thereon.

(3) The vendor may require the applicant to furnish proof of age, residency, identity and other qualifications before any licence or permit is issued.

(4) No licence or permit shall be issued to a person who does not comply with the age, residency, identity and other qualifications set out in this Act or the regulations.

- (5) No person shall issue or possess a licence or permit that
- (a) does not bear the name and address of the applicant;
 - (b) *repealed 2001, c. 46, s. 4.*
 - (c) is not dated; or
 - (d) is incomplete in some material respect.

(6) No person shall back date any licence or permit issued pursuant to this Act or the regulations.

(7) Except as provided in the regulations, no vendor shall issue to any person in the same year more than one of the same type of licence or permit. R.S., c. 504, s. 23; 2001, c. 46, s. 4.

Fees, returns and examination of books

24 (1) Every vendor of a licence or permit issued pursuant to this Act or the regulations shall be deemed to be a trustee of the Crown for any fee collected for the licence or permit.

(2) Every vendor shall complete, at such times as the Minister directs, such returns and deliver to the Minister all unsold licences or permits, all stubs of sold licences or permits and all money received from the sale of a licence or permit less any percentage allowed by way of commission.

(3) The Minister may prescribe the fees to be paid to vendors as a commission for the sale of any licence or permit issued pursuant to this Act or the regulations.

(4) Every vendor of a licence or permit shall permit a conservation officer or a designated employee of the Department to examine any books or records required by the Minister to be kept by the vendor. R.S., c. 504, s. 24.

Appointment of vendor terminated

25 Where a vendor

- (a) fails or refuses to comply with the provisions of this Act or the regulations;
- (b) fails or refuses to comply with an order of the Minister; or
- (c) is convicted of an offence pursuant to this Act or the regulations,

the Minister may terminate the appointment of the vendor and the vendor shall return to the Minister all unsold licences or permits and the stubs of all sold licences and permits together with money received from the sale of licences or permits less any percentage allowed by way of commission. R.S., c. 504, s. 25.

Requirement for licence or permit

26 Except as provided by this Act or the regulations or any other enactment, no person shall hunt or fish or pursue with the intent to hunt or fish any wildlife without a valid licence or permit issued pursuant to this Act or the regulations. R.S., c. 504, s. 26.

Form, terms and conditions of licence or permit

27 (1) All licences or permits shall be signed by the Minister or other person authorized in writing by the Minister and no licence or permit is valid unless it contains such signature.

(2) Unless provided otherwise by the regulations, a licence or permit issued pursuant to this Act is in force from the date on which it is issued until the thirty-first day of December of the year in which the licence or permit is issued.

(3) The rights attached to any licence or permit are subject to the terms and conditions as provided in this Act and the regulations or as may be endorsed by the Minister on the licence or permit.

(4) The Minister may issue with and as a part of a licence or permit a tag for each species of wildlife that may be killed under the licence or permit.

(5) No person shall contravene the terms and conditions of a licence or permit.

(6) Where a licence or permit is tampered with, altered or mutilated in any manner or any tag or seal is detached from the licence or permit in any manner not permitted by the Act or the regulations, the licence or permit is void.

(7) No licence or permit is valid unless the signature and address of the person to whom it is issued is written thereon. R.S., c. 504, s. 27.

Control of nuisance wildlife

28 (1) Notwithstanding Section 26, where wildlife is found doing or is in a position where it may cause actual damage to a growing cultivated crop, an orchard, livestock or private property, the owner or occupier of the property may use all reasonable methods to scare away the offending wildlife.

(2) Where a conservation officer is satisfied that

- (a) the scaring of wildlife did not work; or
- (b) the scaring of wildlife will not be a sufficient deterrent,

a permit may be issued to the owner or occupier to destroy the offending wildlife.

(3) A permit issued pursuant to subsection (2) may cover the growing season for the cultivated crop which is being or may be damaged by the wildlife.

(4) All wildlife destroyed pursuant to subsection (2) shall be reported to the Department within twenty-four hours and the carcass shall be disposed of as the Minister may order. R.S., c. 504, s. 28.

Hunter safety program

29 The Governor in Council may make regulations

- (a) requiring a person, before being entitled to hunt, to successfully complete a course of training;
- (b) prescribing fees for the course and examinations in the course;
- (c) respecting the issuance of a certificate which must be obtained before a person applies for a licence or permit. R.S., c. 504, s. 29.

Issuance, refusal to issue, cancellation or reinstatement of licence, etc.

30 (1) The issuance of any licence, permit or certificate pursuant to this Act or the regulations is in the discretion of the Minister.

(2) The Minister may refuse to issue a licence, permit or certificate to any person found guilty of an offence pursuant to this Act, the regulations or any other enactment relating to wildlife.

(3) The Minister may at any time cancel a licence, permit or certificate issued pursuant to this Act or the regulations.

(4) The Minister may reinstate any licence, permit or certificate cancelled pursuant to this Act or the regulations, subject to any conditions the Minister deems appropriate.

(5) The Minister may cancel any licence, permit or certificate by having a notice of cancellation served personally on the holder of the licence or per-

mit or by mailing by registered mail a notice to the address of the holder as noted on the licence or permit.

(6) A notice of cancellation is effective on the date of delivery or five business days after the mailing, after which the licence, permit or certificate is void and of no effect.

(7) It is an offence for the holder of a licence, permit or certificate cancelled or forfeited pursuant to this Act or the regulations to fail upon request to deliver the same to the Department. R.S., c. 504, s. 30; 2001, c. 46, s. 5.

Forfeiture of licence

31 (1) Upon the conviction of any person of an offence pursuant to this Act or the regulations as designated by order of the Minister made pursuant to this Section, the licence or permit relating to the offence and held by that person is deemed forfeited in addition to any other penalty which is imposed.

(2) Where any person has a licence or permit forfeited pursuant to subsection (1), that person may not obtain or apply for the same form of licence or permit for a period of time as prescribed in this Act or the regulations or as ordered by the Minister from the date of conviction. R.S., c. 504, s. 31; 2001, c. 46, s. 6.

Hunting accident

32 (1) Where a person inadvertently or otherwise discharges a firearm or bow which causes injury or death to a person, the Minister may cancel any licence or permit issued to the person who discharged the firearm or bow for such time period as the Minister deems fit and proper.

(2) Except with the permission of the Minister, no person having had a licence or permit cancelled as a result of a hunting accident shall have in his possession a firearm or bow in a wildlife habitat or hunt, take or kill or pursue with intent to hunt, take or kill any wildlife except the snaring of snowshoe hare.

(3) Every person involved in a hunting accident involving a firearm or bow who fails to immediately report the accident to a conservation officer is guilty of an offence. R.S., c. 504, s. 32.

Offences respecting licences, etc.

33 Every person who

(a) obtains or attempts to obtain a licence, permit or tag to which that person is not entitled;

(b) obtains a licence, permit or tag by false or misleading information; or

(c) possesses a licence, permit or tag to which that person is not entitled,

is guilty of an offence. R.S., c. 504, s. 33.

Purchase of only one licence or permit

34 (1) Except as provided in this Act or the regulations, no person to whom a licence or permit has been issued to hunt or fish shall in the same year purchase or attempt to purchase an identical licence or permit.

(2) Where a licence, permit or tag issued pursuant to this Act or the regulations has been lost or destroyed or needs to be replaced for any other reason, the Minister may replace it.

(3) Notwithstanding subsection (1), any person who lawfully kills wildlife subsequently found to be diseased shall report that fact to a conservation officer and the Minister, when satisfied that the wildlife is diseased, may issue a replacement licence, permit or tag and direct how to dispose of the carcass. R.S., c. 504, s. 34.

Duty to carry licence, permit or certificate

35 (1) Every person, while hunting or fishing or attempting to hunt or fish, shall carry the licence, permit or certificate issued to that person pursuant to this Act or the regulations and shall produce the same for inspection upon demand by a conservation officer.

(2) Every person who, without reasonable excuse, fails to produce or carry a licence, permit or certificate, as required by subsection (1), is guilty of an offence. R.S., c. 504, s. 35.

Use of licence or tag by another

36 Except as provided in this Act or the regulations, every person who

(a) furnishes to another person or permits another person to have or to use a licence or permit or tags issued to that person; or

(b) carries a licence or permit or tags issued to another person,

is guilty of an offence. R.S., c. 504, s. 36.

Information returns

37 (1) Every person who holds a licence or permit pursuant to this Act or the regulations shall complete such information returns as the Minister may require.

(2) A person who fails to complete and submit any returns required pursuant to subsection (1) is guilty of an offence. R.S., c. 504, s. 37.

Interference or disturbance of hunting, fishing or wildlife

38 (1) No person shall interfere with the lawful hunting or fishing of wildlife by another person, or with any lawful activity preparatory to such hunting

or fishing, with the intention of preventing or impeding hunting or fishing or the continuation of the hunting or fishing.

(2) No person shall disturb, or engage in an activity that will tend to disturb, wildlife with the intention of preventing or impeding its being lawfully hunted or fished.

(3) No person shall disturb another person who is engaged in the lawful hunting or fishing of wildlife or in any lawful activity preparatory to such hunting or fishing with the intention of dissuading that person from hunting or fishing or otherwise preventing the hunting or fishing.

(4) Nothing in this Section authorizes a person who is lawfully hunting to trespass on privately owned land. R.S., c. 504, s. 38.

Prohibition by sign

38A (1) In this Section,

(a) “forest land” means forest land as defined in Section 15 of the *Protection of Property Act*; and

(b) “occupier” means occupier as defined in the *Protection of Property Act*.

(2) Notwithstanding Section 15 of the *Protection of Property Act*, where an occupier of forest land posts notice in writing by means of a sign prohibiting trapping, without permission, on the forest land, no person shall trap wildlife on the forest land without the permission of the occupier.

(3) A sign referred to in subsection (2) shall include the name and telephone number of the occupier or, where regulations are passed respecting the posting of forest land, the occupier shall post the land in accordance with the regulations.

(4) Every person who, without legal justification, the proof of which rests upon the person asserting justification, removes a notice posted by an occupier is guilty of an offence.

(5) Every person who, not being an occupier of forest land or acting on behalf of the occupier, posts a notice on forest land is guilty of an offence.

(6) It is a defence to a charge pursuant to subsection (2) that the person charged reasonably believed that the person had permission of the occupier to trap on the forest land.

(7) It is a defence to a charge of trapping without permission that the person was unable to see or understand the notice referred to in subsection (2).

(8) Nothing contained in this Section restricts or shall be deemed to restrict the availability of injunctive relief or any other civil remedy for trespass to property that is otherwise available and, where the occupier has not posted the forest land in accordance with this Section, that fact alone does not imply permission of the occupier to enter upon the forest land for the purpose of trapping.

(9) In this Section, trapping does not include the snaring of snowshoe hare. 1995-96, c. 25, s. 1.

Open season and bag limits

39 (1) The Governor in Council may prescribe open seasons for the taking of wildlife in the Province, bag limits and possession limits.

(2) Except as provided in this Act or the regulations, no person shall

(a) take, hunt or kill or attempt to take, hunt or kill any wildlife except during the open season for that species of wildlife; or

(b) exceed the bag limit or possession limit for that species.

(3) The Governor in Council may prescribe wildlife that may be taken, hunted or killed at any time during the year. R.S., c. 504, s. 39.

Deer, moose and bear

40 (1) A person who hunts a moose or deer by means of a trap or snare is guilty of an offence.

(2) A person who kills a deer, moose or bear while it is swimming is guilty of an offence.

(3) Every person who at any time has in his possession the carcass or any part thereof of a member of the deer family, except in accordance with this Act or the regulations, is guilty of an offence. R.S., c. 504, s. 40.

Dog at large in wildlife habitat

41 (1) In this Section,

(a) a person who has the custody, care or control of a dog or who harbours a dog shall be deemed to be the owner of the dog; and

(b) a dog is deemed to be running at large when it is found running unaccompanied by the owner.

(2) Where a conservation officer has reasonable and probable grounds to believe that a dog is running at large in a wildlife habitat, the conservation officer may order the owner to confine the dog in the manner directed by the

conservation officer or order the owner to destroy the dog, and the owner shall comply with the order.

(3) Any person may lawfully destroy a dog that is attacking a moose, deer or bear.

(4) Where a dog is found running at large in a wildlife habitat and a conservation officer has reasonable and probable grounds to believe that the dog is harassing wildlife and the conservation officer is unable, after reasonable inquiry, to ascertain the owner of the dog, the conservation officer may destroy the dog or cause the same to be destroyed.

(5) The owner of a dog shall not allow the dog to run at large in a wildlife habitat. R.S., c. 504, s. 41; 1995-96, c. 25, s. 2.

Hunting with dog

42 Except as provided in this Act or the regulations, no person shall take, hunt or kill or pursue with intent to take, hunt or kill any wildlife with a dog. R.S., c. 504, s. 42.

Field trials for dogs and dog training areas

43 (1) The Minister may issue a permit to any person to hold a field trial for one or more breeds of dogs, including the hunting or killing of wildlife and the use of a firearm or a bow.

(2) A field trial for which a permit is issued shall be organized and conducted in accordance with the conditions stated in the permit.

(3) The Minister may designate areas of Crown lands and, with the consent of the land owner, privately owned land as a dog training area and prescribe regulations to administer such areas. R.S., c. 504, s. 43.

Hunting or trapping fur-bearing animals

44 (1) The Governor in Council may prescribe the type of snare or trap or other device that may be used to take fur-bearing animals.

(2) Except as provided in this Act or the regulations or the *Fur Industry Act*, no person shall

(a) hunt, take or kill or pursue to hunt, take or kill or possess any fur-bearing animal;

(b) set, attempt to set or maintain any trap, snare or other device capable of taking a fur-bearing animal; or

(c) have possession of any such trap, snare or other device, in a place where fur-bearing animals may be found. R.S., c. 504, s. 44; 2010, c. 4, s. 41.

Sale, possession or disposal of fur-bearing animal or pelt

45 Except as provided in this Act and the regulations or the *Fur Industry Act*, no person shall

- (a) buy or sell, barter, offer for sale or barter or have in that person's possession any fur-bearing animal, whether dead or alive;
- (b) buy or sell, barter, offer for sale or barter or have in that person's possession the green hide or untanned pelt or any part thereof of a fur-bearing animal; or
- (c) release or dispose of a fur-bearing animal. R.S., c. 504, s. 45; 2010, c. 4, s. 42.

Fur buyer or green-hide dealer licence

46 (1) The Minister may issue a licence authorizing a person to

- (a) buy, sell or barter or offer for sale or barter the pelt of fur-bearing animals and carry on the business of a fur buyer in the Province;
- (b) buy, sell or barter or offer for sale or barter the green hides of deer or moose and carry on the business of a green-hide dealer in the Province.

(2) The Minister may prescribe the records that shall be kept and returns to be completed by fur buyers and green-hide dealers in the Province.

(3) It is an offence to fail to complete the records and submit any information returns prescribed by the Minister.

(4) Upon request, a conservation officer or a designated employee of the Department is permitted access to the records provided for by this Section.

(5) It is an offence for a person licensed pursuant to subsection (1) to buy a pelt or green hide from a person who does not hold a valid licence or permit to take, hunt or kill that species of wildlife. R.S., c. 504, s. 46.

Export or storage permit

47 (1) The Minister may issue an export permit to

- (a) a fur buyer authorizing the exporting of pelts bought or otherwise acquired;
- (b) a green-hide dealer authorizing the exporting of green hides bought or otherwise acquired.

(2) No person shall export, cause to be exported or possess for the purpose of export from the Province any live fur-bearing animal, or any carcass, skin or pelt of a fur-bearing animal, except in accordance with this Act or the regulations or the *Fur Industry Act*.

(3) The Minister may issue a storage permit authorizing a person, for such time period as the Minister deems fit, to possess at that person's residence or some other identified place the green hides of fur-bearers lawfully killed.

(4) The Minister may prescribe export returns to be completed by fur buyers and green-hide dealers.

(5) Every person who fails to submit the returns prescribed by the Minister pursuant to subsection (4) is guilty of an offence. R.S., c. 504, s. 47; 2010, c. 4, s. 43.

Carcass or pelt, traps and dens or dams

48 (1) No person shall send or have sent any fur-bearer, its carcass or its pelt to a tanner or taxidermist to be tanned, plucked or treated in any way except as provided in this Act or the regulations.

(2) A person who has set a snare or trap for fur-bearers shall take up and remove the same at the end of the open season during which the snare or trap may be legally set.

(3) Except with the permission of the Department, no person shall damage, disturb or destroy or attempt to do the same to the den or usual place of habitation of a fur-bearer or to a beaver dam.

(4) No person shall knowingly touch or interfere with any trap set in accordance with this Act or the regulations unless authorized to do so by this Act or the regulations. R.S., c. 504, s. 48.

Game-farming licence

49 (1) The Minister may issue a game-farming licence authorizing a person to keep in captivity on premises defined in the licence any wildlife for any and all purposes of sale, barter, exchange, preservation, consumption and propagation.

(2) Such licence may be revoked at any time by the Minister for any reason which the Minister deems sufficient.

(3) Notice of revocation shall be sent to the licensee by registered mail and the revocation shall be effective five business days after being sent.

(4) Any wildlife kept in captivity pursuant to this Section and the places in which they are kept shall at all times be open to the inspection of any conservation officer. R.S., c. 504, s. 49.

Protected wildlife

50 (1) Except with a permit issued by the Minister, no person shall take, hunt or kill or attempt to take, hunt or kill or possess any

- (a) eagle;
- (b) osprey;
- (c) falcon;
- (d) hawk;
- (e) owl;
- (f) *repealed 1990, c. 50, s. 3.*
- (g) wildlife declared by regulation to be protected wildlife pursuant to this Act.

(2) Except with a permit issued by the Minister, no person shall buy, barter, offer for sale or sell protected wildlife whether dead or alive or any part thereof. R.S., c. 504, s. 50; 1990, c. 50, s. 3.

Prohibition

51 Except with a permit issued by the Minister, no person shall

- (a) destroy, take, possess, buy or sell any egg of a bird or turtle or disturb the nest of a bird or turtle; or
- (b) use a snare, net or trap to take any bird. 1995-96, c. 25, s. 3.

Licence for shooting preserve

52 No person shall own or operate a shooting preserve for gallinaceous birds or other wildlife except under the authority of a licence or permit issued pursuant to this Act or the regulations. R.S., c. 504, s. 52.

Fishing licence

53 (1) In this Section, "Provincial waters" means such of the waters upon any shore or land, or on or in any lake, river, stream or watercourse, wholly or partially within the Province, over or in respect of which the Province has authority to legislate with respect to fishing.

(2) The Governor in Council may make regulations with respect to licences issued to persons who fish in Provincial waters and provide for the tagging of any fish taken.

(3) No person shall angle or fish in Provincial waters without a valid licence issued pursuant to this Act or the regulations.

(4) Every person is guilty of an offence who is found in possession of a fish which is not tagged in the manner prescribed by the regulations. R.S., c. 504, s. 53.

Hunting of snowshoe hare

54 No person shall take, hunt or kill or attempt to take, hunt or kill or snare any snowshoe hare except as provided by the regulations. R.S., c. 504, s. 54.

Guide licence or permit

55 (1) The Minister may license as a guide a person who meets the qualifications set out in the regulations or the Minister may issue a special permit to authorize a person to act as a guide.

(2) The terms and conditions of a licence to guide and a special permit to guide may be prescribed by the regulations. R.S., c. 504, s. 55; 1995-96, c. 8, s. 22.

Outfitter licence

55A (1) In this Section, “outfitter” means a person who carries on a business that provides lodging to the public along with supplies and services for the purpose of hunting or fishing.

(2) The Minister may issue a licence to an outfitter in the Province.

(3) Except as provided in this Act or the regulations, every person who acts as an outfitter without a licence commits an offence.

(4) The Governor in Council may make regulations respecting

(a) classes of licences, the term and cost of an outfitter's licence and the maximum number of each class of licence to be issued;

(b) conditions for obtaining, transferring and renewing licences;

(c) obligations with which the holder of an outfitter's licence of each class must comply;

(d) standards respecting the quality of services of each class of outfitter's licence;

(e) cases where an outfitter's licence is not required;

(f) standards relating to the protection of users of the services of an outfitter;

(g) information reports to be filed by an outfitter who has an outfitter's licence pursuant to this Act;

(h) the designation of persons to enforce the provisions of this Act and the regulations respecting outfitters. 1990, c. 50, s. 4.

Guide for non-residents

56 (1) Except as provided in this Act or the regulations, every person who

(a) has not been issued a licence or special permit to act as a guide; and

(b) acts as a guide for non-residents for the purpose of hunting wildlife or fishing whether or not for fee or reward,

is guilty of an offence.

(2) Where a licensed guide believes or has reason to believe that a person whom the guide is guiding has violated the Act or regulations, the guide shall report the violation immediately to a conservation officer and if the guide neglects or omits to do so the guide is guilty of an offence.

(3) No person shall knowingly use another person as a guide unless that person is satisfied that the person acting as a guide holds a valid licence or special permit issued pursuant to this Act and the regulations.

(4) Every licensed guide or special permit holder who

(a) fails to supervise the persons being guided;

(b) supervises more than the number of persons the guide is authorized by regulation to guide; or

(c) supervises a person who has not been issued a licence pursuant to the Act or the regulations,

is guilty of an offence. R.S., c. 504, s. 56.

Supervision of non-resident

57 (1) Except as provided in this Act or the regulations, a non-resident shall be supervised by a guide while hunting in the Province or fishing Atlantic salmon on rivers prescribed by the Governor in Council.

(2) A non-resident who hunts or fishes Atlantic salmon on rivers prescribed by the Governor in Council while not supervised by a guide is guilty of an offence.

(3) Notwithstanding subsection (1), a non-resident may hunt while accompanied by a guide who has a special permit to guide. R.S., c. 504, s. 57; 1995-96, c. 8, s. 22.

Information returns to be filed by guide

58 (1) The Minister may prescribe information returns to be filed by a guide containing such information as the Minister may deem necessary.

(2) Every guide who fails to file the returns referred to in subsection (1) is guilty of an offence. R.S., c. 504, s. 58.

Taxidermist licence

59 (1) The Minister may issue a licence to any person to carry on the business of a taxidermist at the location described in the licence.

(2) No person shall engage in the business of a taxidermist unless licensed pursuant to this Act and the regulations. R.S., c. 504, s. 59.

Duties of taxidermist

60 (1) No taxidermist shall receive or accept wildlife for preservation or mounting unless the specimens are accompanied by a statement in writing signed by the owner giving the date on which such specimens were taken, the circumstances in which they were obtained and the full name and address of the owner.

(2) Every taxidermist shall keep such books and records as are prescribed by the Minister.

(3) Every taxidermist shall permit a conservation officer or a designated employee of the Department to examine any books and records required to be kept by the taxidermist pursuant to this Section.

(4) Every taxidermist shall submit such information returns as are required by the Act or the regulations.

(5) Every taxidermist who fails to submit the returns required pursuant to subsection (4) is guilty of an offence. R.S., c. 504, s. 60.

Preservation of carcass

61 No person, having taken or killed any wildlife, shall allow the carcass, pelt or green hide thereof to be destroyed, wasted, abandoned or spoiled except as provided in this Act or the regulations. R.S., c. 504, s. 61.

Wildlife in captivity

62 (1) Except as provided in this Act or the regulations or any other enactment, no person shall keep in captivity any wildlife or exotic wildlife.

(2) The Minister may issue a permit authorizing a person to capture or obtain wildlife and to keep the same in captivity, to take or kill wildlife for preservation as specimens of natural history or for scientific purposes, to export out of the Province any wildlife held in captivity or to release wildlife held in captivity.

(3) Every person who, without a permit issued pursuant to subsection (2), releases from captivity any wildlife or exotic wildlife is guilty of an offence. R.S., c. 504, s. 62; 2001, c. 46, s. 7.

Export of wildlife

63 (1) Every person commits an offence who exports or attempts to export out of the Province any live wildlife or the green hide or pelt or carcass or any part thereof except where that person is the holder of an export permit issued pursuant to this Act or the regulations.

(2) Notwithstanding subsection (1), the holder of a valid non-resident licence issued pursuant to this Act or the regulations may export from the Province any wildlife lawfully taken by that person.

(3) Every common carrier who transports out of the Province any live wildlife or the green hide or pelt or carcass or any part thereof of wildlife, except as authorized to be exported by this Act or the regulations, is guilty of an offence. R.S., c. 504, s. 63.

Importing of wildlife

64 (1) Except as provided in this Act or the regulations, no person shall import into the Province any live wildlife or exotic wildlife or any part thereof except where the person is the holder of an import permit issued pursuant to this Act or the regulations.

(2) Nothing in this Act prevents the importing of dead wildlife into the Province or the possession in the Province of wildlife taken outside of the Province if the wildlife has been legally taken. R.S., c. 504, s. 64.

Sale or purchase of wildlife carcass

65 Except as provided in an enactment, every person commits an offence who at any time offers or exposes for sale, purchases or offers to purchase the carcass of wildlife or any part thereof. R.S., c. 504, s. 65.

Possession of green hide, pelt or carcass

66 (1) The Minister may make regulations dealing with the possession of the green hide or pelt or carcass or any part thereof of wildlife, except fish, during the closed season for that wildlife.

(2) Every person who possesses the green hide or pelt or carcass or any part thereof of wildlife during the closed season for that wildlife, in contravention of the regulations made pursuant to subsection (1), is guilty of an offence. R.S., c. 504, s. 66.

Hunting with poisons, drugs or explosives

67 (1) Except with the permission of the Minister, no person shall take, hunt or kill or attempt to take, hunt or kill any wildlife by means of a poison, drug, explosive, deleterious substance or electrical charge in any place where wildlife is or may be found.

(2) Notwithstanding subsection (1), poison may be used for the control of rats and mice in the protection of property. R.S., c. 504, s. 67.

Hunting with light

68 (1) Except as provided in this Act or the regulations, every person is guilty of an offence who takes, hunts or kills or pursues with intent to take, hunt or kill wildlife by means of, or with the assistance of, a light or flambeau. R.S., c. 504, s. 68.

Shining light in wildlife habitat

69 (1) Except as provided in this Act or the regulations, no person shall shine a light having a voltage of more than four and one-half volts in or upon any wildlife habitat not owned by that person at times when hunting is not permitted.

(2) For the purpose of subsection (1), it is *prima facie* evidence that the light or lights of a vehicle are more than four and one-half volts when the source of energy or energy for such light or lights is the electrical system of the vehicle. R.S., c. 504, s. 69.

Use of vehicle or vessel to hunt or chase wildlife

70 (1) Except as provided in an enactment, no person shall use any air, land or water vehicle or vessel to chase, pursue, worry, molest, take, hunt or kill any wildlife or wilfully destroy wildlife habitat.

(2) Subsection (1) does not apply when nuisance wildlife is being sought with the consent of the Minister. R.S., c. 504, s. 70.

Hunting on Sunday

71 (1) Except as provided in this Act or the regulations, no person shall take, hunt or kill or pursue with intent to take, hunt or kill, any wildlife, or carry any firearm or bow in any place frequented by wildlife on the first day of the week commonly known as Sunday.

(2) Notwithstanding subsection (1), the holder of a valid licence or permit may set or visit any trap or snare and remove any wildlife caught therein and relocate the trap or snare. R.S., c. 504, s. 71; 1990, c. 50, s. 5.

Hunting on highway

72 (1) Except as provided by the regulations, no person shall take, hunt or kill or attempt to take, hunt or kill any wildlife while such wildlife is within the boundaries of any common or public highway or within one hundred feet of such boundary.

(2) For the purpose of this Act, the width of all common and public highways shall, unless the contrary is proven, be deemed to be sixty-six feet in width. R.S., c. 504, s. 72.

Hours of hunting

73 (1) The Governor in Council may prescribe the hours of the day during which a person may take, hunt or kill wildlife or discharge a firearm or bow.

(2) Any person who takes, hunts or kills wildlife or discharges a firearm or bow during hours other than those prescribed pursuant to subsection (1) is guilty of an offence. R.S., c. 504, s. 73.

Tags

74 Every person is guilty of an offence who

(a) having killed wildlife does not immediately affix to it the tag in the manner prescribed by the regulations; or

(b) is found in possession of wildlife which is not tagged in accordance with this Act or the regulations. R.S., c. 504, s. 74.

Survival equipment

75 (1) No person shall enter any woods for the purpose of hunting unless that person possesses survival equipment that includes

(a) a compass in working order;

(b) a hand axe, or hunting knife or jack-knife;

(c) a supply of waterproof matches or matches in a waterproof container or a source that is capable of producing a flame; and

(d) any other item prescribed by regulation.

(2) Any person required by subsection (1) to possess a compass who fails to demonstrate ability to operate the compass to the satisfaction of a conservation officer is guilty of an offence.

(3) Any person who fails, upon request, to produce for inspection by a conservation officer the articles described in subsection (1) is guilty of an offence. R.S., c. 504, s. 75.

Erection of sign, poster or notice by Minister

76 (1) The Minister may erect any sign, poster or notice considered necessary or advisable in order to carry out the provisions of this Act or the regulations.

(2) No person shall deface, displace, destroy or remove any sign, poster or notice placed or erected pursuant to subsection (1). R.S., c. 504, s. 76.

Hunter clothing

77 (1) The Governor in Council may prescribe the type and colour of external garments and headgear to be worn while hunting in the Province.

(2) A person who does not wear the clothing prescribed pursuant to subsection (1) is guilty of an offence. R.S., c. 504, s. 77.

Restricted access or no hunting area by order of Minister

78 (1) If the Minister believes that

(a) the health or safety of the public is in jeopardy in any area owing to the presence of wildlife; or

(b) the continuation of hunting in an area constitutes a safety hazard to any person,

the Minister may make an order that the area be closed or access restricted for the period specified in the order.

(2) The Minister shall endeavour to give notice of any order made pursuant to subsection (1) by whatever method the Minister considers most appropriate to all those who may be affected by the order.

(3) No person shall, without permission from a conservation officer, enter or hunt in an area closed pursuant to subsection (1). R.S., c. 504, s. 78.

Possession of weapon

79 Except as provided in this Act or the regulations, every person commits an offence who, not being the holder of a permit and not being a conservation officer exercising authority pursuant to this Act or any other enactment, takes, carries or possesses in and upon a wildlife habitat a firearm or bow. R.S., c. 504, s. 79; 1990, c. 50, s. 6.

Transportation of weapon

80 (1) Except as provided in this Act or the regulations, every person, other than a conservation officer exercising authority pursuant to this Act or any other enactment, commits an offence who transports or possesses a firearm or bow in a wildlife habitat on Sunday.

(2) Where a member of the public is issued a permit pursuant to this Act or the regulations authorizing that person to discharge a firearm or bow on an approved rifle or archery range, that person may transport a firearm or bow to and from the range if the firearm or bow is

(a) in a case which is properly fastened;

(b) completely wrapped in material which is securely tied around the firearm or bow; or

(c) in the locked luggage compartment of a vehicle and the contents of the compartment are not accessible to the occupants of the vehicle from inside the vehicle.

(3) Where a person is the holder of a valid hunting licence, that person may

(a) two days before the opening and two days after the close of the open season on wildlife; or

(b) on a Sunday during the open season on wildlife,

transport a firearm or bow to and from a camp which the person is to occupy or has occupied if the firearm or bow is

(c) in a case which is properly fastened;

(d) completely wrapped in material which is securely tied around the firearm or bow; or

(e) in the locked luggage compartment of a vehicle and the contents of the compartment are not accessible to the occupants of the vehicle from inside the vehicle.

(4) Except as authorized by this Act or the regulations, no person shall transport or possess a firearm or bow in a wildlife habitat at night unless the firearm or bow is

(a) in a case which is properly fastened;

(b) completely wrapped in material which is securely tied around the firearm or bow; or

(c) in the locked luggage compartment of a vehicle and the contents of the compartment are not accessible to the occupants of the vehicle from inside the vehicle. R.S., c. 504, s. 80; 1990, c. 50, s. 7.

Prohibited weapons

81 Every person is guilty of an offence who uses or possesses, in a wildlife habitat, any

(a) automatic firearm;

(b) prohibited or restricted firearm, except under the authority of the *Criminal Code* (Canada);

(c) firearm which has been altered to operate as an automatic firearm;

(d) bullet of a tracer or incendiary type;

(e) arrow equipped with an explosive type of head of any description or tipped or carrying any poison or drug of any description;

(f) full metal cased non-mushrooming or non-expanding bullet or ball; or

(g) item prescribed by regulation. R.S., c. 504, s. 81.

Permitted types of weapons and ammunition

82 The Governor in Council may prescribe the quantity and the type of firearm or bow and ammunition or arrows which may be used to hunt, take or kill wildlife during the open season for a species. R.S., c. 504, s. 82.

Set firearm or bow prohibited

83 No person shall, in a wildlife habitat, use a device connecting a firearm or bow to a mechanism that may cause the firearm or bow to discharge or shoot without that person operating it. R.S., c. 504, s. 83.

Loaded firearm

84 (1) In subsection (2), “loaded firearm” includes

(a) in the case of a ~~breach-loading~~ [breech-loading] firearm, a firearm carrying shells or cartridges in the ~~breach~~ [breech] or in a magazine attached to the firearm;

(b) in the case of a percussion muzzle-loading firearm, a firearm charged with powder and projectile when the percussion cap is in place on the firearm; and

(c) in the case of a ~~flint lock~~ [flintlock] muzzle-loading firearm, a firearm the barrel of which is charged with powder and projectile and the frizzen or pan of which is charged with powder.

(2) Except as provided in the regulations, no person shall have a loaded firearm on or in a vehicle or vessel.

(3) Subsection (2) does not apply to a disabled person who is the holder of a valid licence issued pursuant to Section 113 and who is complying with its terms and conditions. R.S., c. 504, s. 84.

Discharge of weapon across highway

85 Except as authorized by the Minister, no person shall at any time discharge any firearm or bow within or across the travelled portion of any highway or within one hundred feet of the travelled portion of any such highway. R.S., c. 504, s. 85.

Discharge of weapon or hunting near dwelling or public building

86 (1) No person shall at any time discharge any firearm or bow or hunt, take or kill wildlife or attempt to hunt, take or kill wildlife within such distances as may be prescribed by the Governor in Council from a dwelling house unless such person is the owner or occupier of the same or has the permission of the owner or occupier.

(2) No person shall at any time discharge a firearm or bow within such distances as may be prescribed by the Governor in Council from any public building or other place or any woods operation.

(3) Subsections (1) and (2) do not apply to a rifle or bow range approved by the Minister. R.S., c. 504, s. 86.

Possession of weapon when impaired or careless hunting

87 (1) No person shall be in possession of a firearm or bow that is not in a properly fastened case or completely wrapped in material that is securely tied around the firearm or bow with ammunition or arrows readily available in a wildlife habitat while impaired by alcohol or a drug.

(2) Every person who, while possessing a firearm or bow for the purposes of hunting, discharges or causes to be discharged or handles a firearm or bow without due care and attention commits the offence of careless hunting.

(3) For the purpose of subsection (2), every person in possession of a firearm or bow in a wildlife habitat shall be deemed to be in possession of a firearm or bow for the purpose of hunting. R.S., c. 504, s. 87.

Obstruction of conservation officer

88 No person shall

- (a) obstruct;
- (b) cause to obstruct;
- (c) incite others to obstruct; or
- (d) assault,

a conservation officer while the conservation officer is exercising authority pursuant to this Act or the regulations or any person assisting that conservation officer. R.S., c. 504, s. 88.

False information

89 Everyone who makes a false statement to a conservation officer respecting

- (a) the existence or the place of concealment or storage of any wildlife, whether dead or alive, or the carcass of wildlife or any portion thereof or the green hide or pelt thereof; or
- (b) a violation of this Act or the regulations,

is guilty of an offence. R.S., c. 504, s. 89.

Identification on department vehicles

90 For the purpose of enforcing this Act and the regulations, any vehicles used by a conservation officer in the execution of the conservation officer's

duty may be equipped with such special equipment and markings as may be authorized by the Minister of Transportation and Communications. R.S., c. 504, s. 90.

Failure to comply with order

91 (1) It is an offence for any person to refuse or fail to comply with any order, visible signal or direction of any conservation officer in uniform.

(2) Where a conservation officer gives a direction to stop by means of a siren or audible signal, the driver of the vehicle which is directed to stop shall drive to a position as near as possible and parallel to the right-hand edge of the highway and shall stop and remain in that position until otherwise directed by the conservation officer. R.S., c. 504, s. 91.

Identification of owner or operator of vehicle

92 (1) Where a vehicle is operated in violation of any of the provisions of this Act, the owner of the vehicle on the request of a conservation officer shall, within forty-eight hours of the request, supply the conservation officer with the name and address of the person in charge of the vehicle at the time of such violation.

(2) Where, pursuant to this Section, the owner of a vehicle, at the request of a conservation officer, supplies the name of a person who had the vehicle with the consent of the owner, that person on the request of a conservation officer shall, within forty-eight hours of the request, supply the conservation officer with the name and address of the person operating the vehicle at the time of the violation.

(3) An owner or other person who is requested pursuant to this Section to supply the name and address of the person operating a vehicle and who refuses, fails, neglects or is unable to supply the name and address of the person operating the vehicle within forty-eight hours after being so requested is liable on summary conviction to a penalty prescribed for the offence of the operator.

(4) In any prosecution pursuant to this Section, it is a defence if the owner or the person who had the vehicle with the consent of the owner, as the case may be, can prove that the vehicle was being operated at the time of the violation without the knowledge or consent of the owner, either expressed or implied. R.S., c. 504, s. 92.

Arrest without warrant

93 A conservation officer may arrest without a warrant a person whom

(a) the conservation officer finds committing an offence pursuant to the Act or the regulations; or

(b) on reasonable and probable grounds the conservation officer believes is committing or has recently committed an offence pursuant to this Act or the regulations. R.S., c. 504, s. 93.

Search with warrant

94 Every conservation officer who has reasonable and probable grounds to believe a firearm or bow, wildlife or part thereof or any other item is being held or possessed in contravention of this Act or the regulations may, with a search warrant,

- (a) enter and search any residence, camp or other structure; and
- (b) seize such articles as may be found in contravention of the Act or the regulations. R.S., c. 504, s. 94.

Search without warrant

95 Every conservation officer who has reasonable and probable grounds to believe a firearm or bow, wildlife or part thereof or any other item is being possessed or held in contravention of this Act or the regulations may, without a warrant,

- (a) stop, enter and search any air, land or water vehicle or vessel or conveyance of any other description for evidence of a violation pursuant to this Act or the regulations; or
- (b) open and inspect any box, bag, parcel, barrel, container or other receptacle. R.S., c. 504, s. 95.

Liability for trespass

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. 2001, c. 46, s. 8.

Seizure by conservation officer

97 Every conservation officer, may seize anything, including a vehicle or vessel, that the conservation officer believes on reasonable and probable grounds may afford evidence of an offence pursuant to this Act or the regulations. R.S., c. 504, s. 97.

Detention and disposition of seized property

98 (1) Except as provided in this Act or the regulations, a conservation officer who has seized property pursuant to this Act or the regulations may detain the same pending disposition of the prosecution.

- (2) A conservation officer may
 - (a) return the seized property to the person from whom it was seized or to whom it belongs before it is dealt with in the courts;
 - (b) in the case of dead wildlife or exotic wildlife, dispose, in accordance with the discretion of the Minister, of any part of it that is not required as evidence; or

- (c) in the case of live wildlife or exotic wildlife,
 - (i) in accordance with the direction of the Minister, keep it in captivity or deliver it to another person to have it kept in captivity, kill it or otherwise dispose of it, or
 - (ii) dispose of it in any manner agreed to by the owner.

(3) Where wildlife is delivered to another person, the Minister may assess the cost of keeping it in captivity to the owner or person in possession or both and that cost shall be paid on demand by the person assessed and is recoverable by the Minister as a debt due the Crown.

(4) Where any vehicle or vessel has been seized pursuant to this Act or the regulations, the registered owner or any person on the owner's behalf may file with the Minister a bond in favour of the Province that is executed by two personal sureties deemed satisfactory by the Minister or an approved guarantee or surety company and that is conditional on payment of all damages and costs that may be recovered against the accused, whereupon the Minister may release the seized property to the owner or the owner's agent upon payment to the Minister of all fees and expenses incurred in connection with the seizure and detention of the seized property. R.S., c. 504, s. 98.

Interest of third party in seized property

99 (1) Where any property has been seized pursuant to this Act or the regulations, any person other than the person accused of an offence resulting in such seizure or the person in whose possession the property was when seized who claims an interest in it as owner, mortgagee, lien-holder or holder of any like interest may, within sixty days after such seizure, apply by notice in writing to a judge of a county court or the Supreme Court for an order declaring that the interest is not affected by such seizure.

(2) The judge shall fix a day not less than thirty days after the date of the filing of the application for the hearing thereof.

(3) The claimant shall serve notice of the application and of the hearing upon the Minister at least fifteen clear days before the day fixed for the hearing.

(4) Where, upon the hearing of an application, it is made to appear to the satisfaction of the judge that

(a) the claimant is innocent of any complicity in the offence resulting in such seizure or of any collusion with the offender in relation thereto; and

(b) the claimant exercised all reasonable care, in respect of the person permitted to obtain the possession of such property, to satisfy the claimant that it was not likely to be used contrary to this Act

or the regulations or, if a mortgagee or lien-holder, the claimant exercised reasonable care with respect to the mortgagor or person giving the lien,

the claimant is entitled to an order that the claimant's interest is not affected by such seizure.

(5) The claimant or the Crown may appeal to the Appeal Division of the Supreme Court from an order of a judge given pursuant to this Section and the appeal shall be asserted, heard and decided according to the ordinary procedure governing appeals to that Court. R.S., c. 504, s. 99.

Return of seized property

100 (1) Where a person charged with an offence pursuant to this Act or the regulations is acquitted, any seized property shall be returned.

(2) Notwithstanding subsection (1), if the seized property is wildlife, the Minister may return the item if it has not perished or pay such value for the item as is determined by the Minister.

(3) Where anything is seized pursuant to this Act and the regulations and the owner is unknown or cannot be ascertained or cannot be found within three months of the seizure, the Minister may direct that it be disposed of in any manner the Minister may see fit.

(4) The Minister shall not be liable for damages or costs for items wrongfully seized and detained if there were reasonable and probable grounds for the seizure. R.S., c. 504, s. 100.

Forfeiture of seized property

101 (1) Subject to subsection (2), the Governor in Council or the Minister may, by order, identify violations of this Act or the regulations for which there will be an automatic forfeiture to Her Majesty in right of the Province of seized property upon conviction.

(2) Where the property seized by a conservation officer is an air, land or water vehicle or vessel, the justice or judge who enters the conviction may order the seized property to be forfeited to Her Majesty in right of the Province and direct the registered owner to complete an appropriate form of transfer. R.S., c. 504, s. 101.

Disposal at public auction

102 The Minister may dispose of forfeited items at public auction or in such manner and at such times as the Minister deems fit. R.S., c. 504, s. 102.

Possession as evidence

103 (1) Where, in a prosecution of a person with respect to an offence pursuant to this Act or the regulations, it is proved that the person possessed the species of wildlife or any part thereof in respect of which that person is charged at a time during which the hunting of that species is prohibited, the possession of the species is *prima facie* evidence that the wildlife was hunted, killed, taken or possessed in the Province contrary to the provisions of this Act or the regulations.

(2) The possession of any protected wildlife illegally taken or killed or any portion thereof is *prima facie* evidence of the illegal killing or taking of such wildlife by the person having possession of it. R.S., c. 504, s. 103.

Parties to an offence

104 A person over the age of majority, who accompanies or assists another person at the time when the other person commits an offence contrary to this Act or the regulations, is a party to the offence and is liable to the penalty prescribed for the offence unless that person proves that the offence was committed without that person's knowledge and consent. R.S., c. 504, s. 104.

Prima facie evidence of jacking

105 Where, on a prosecution of a person with respect to an offence contrary to Section 68, it is proved that the person charged or any person accompanying the person charged with such offence was, at the time and place where and when the offence is alleged to have been committed, in possession of

- (a) a firearm or bow; and
- (b) a light capable of being used to attract or locate wildlife,

it is *prima facie* evidence that that person did commit the offence charged. R.S., c. 504, s. 105.

Certificate as evidence

106 (1) In a prosecution or proceeding pursuant to this Act or the regulations in which proof is required with regard to

- (a) the issuance, cancellation, suspension or reinstatement of any licence or permit;
- (b) the identity of a person who is the licensee or permit holder named in a licence or permit;
- (c) the delivery, serving or mailing of any document or notice to be given by the Minister, the Deputy Minister of Natural Resources or a designated employee of the Department;
- (d) whether or not any required return has been received by the Department; or
- (e) a previous conviction of a person,

a certificate purporting to be signed by the Minister or the Deputy Minister certifying with respect to the same is *prima facie* proof of the facts stated in the certificate and of the authority of the person who has signed the certificate, without further proof of appointment or signature.

(2) In any prosecution for an offence contrary to this Act or the regulations, a certificate stating the time of sunset or sunrise for any area of the Province and purporting to be signed by a climatologist or a climatology specialist in the employment of the Department of the Environment (Canada) or its successor shall be received in evidence without proof of the signature or of the official character of the person who signed the certificate and the certificate is *prima facie* proof of the facts stated therein.

(3) The Minister may designate a person as an analyst for the purpose of this Act or the regulations who, in the opinion of the Minister, is qualified to be so designated.

(4) Subject to this Section, a certificate purporting to be the certificate of an analyst stating that the analyst has analyzed or examined a substance, product, firearm, ammunition, meat or any other article or thing and the results of the analysis or examination are admissible in evidence in any prosecution for an offence pursuant to this Act or the regulations and, in absence of evidence to the contrary, are proof of the statement contained in the certificate without proof of the signature or the official character of the person appearing to have signed the certificate.

(5) The party against whom a certificate of an analyst is produced pursuant to subsection (4) may, with leave of the court, require the attendance of the analyst for the purposes of cross-examination.

(6) No certificate shall be received in evidence pursuant to this Section unless the party intending to produce it has given, to the party against whom it is intended to be produced, reasonable notice of such intention, together with a copy of the certificate.

(7) Notice may be served on the accused by registered mail sent to the address given by the accused when that person was charged or the address which appears on that person's licence or permit. R.S., c. 504, s. 106; 2001, c. 46, s. 9.

Summary Proceedings Act

107 The *Summary Proceedings Act* and forms authorized thereunder apply to all prosecutions and proceedings pursuant to this Act and the regulations as far as they are applicable and are not inconsistent with this Act and the regulations. R.S., c. 504, s. 107.

Limitation period

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. 2001, c. 46, s. 10.

Rewards

108 The Minister may pay a financial reward from any fines collected for information that will lead to the conviction of any person for a violation of this Act or the regulations. R.S., c. 504, s. 108.

Disentitlement to licence

109 Where any person has had a licence, permit or certificate or the privilege of obtaining a licence, permit or certificate cancelled or forfeited pursuant to this Act, that person shall not be entitled to apply for and hold any licence, permit or certificate for such time as prescribed by this Act or the regulations or as ordered by the Minister from the date of conviction. R.S., c. 504, s. 109; 2001, c. 46, s. 11.

Loss of licence or imprisonment for jacking conviction

110 (1) Where a person has had a licence or permit forfeited by virtue of a conviction pursuant to Section 68, that person shall not be entitled to obtain or apply for the same form of licence or permit or carry a firearm or a bow in a wildlife habitat for a period of at least three years from the date of conviction.

(2) In addition to the penalty provided for in subsection (1), every person convicted of an offence pursuant to Section 68 may be imprisoned for a term of one month for the first offence and two to six months for a second or subsequent offence. R.S., c. 504, s. 110.

Penalties

111 (1) Everyone who is guilty of an offence contrary to this Act or the regulations is liable to the penalties provided by the *Summary Proceedings Act*.

(2) Notwithstanding subsection (1), a person convicted of an offence pursuant to regulations made pursuant to Section 14 or 15 or an offence contrary to clause (a) or (b) of subsection (2) of Section 39, Section 50 or 69, subsections (1) and (2) of Section 87 or clause (d) of Section 88 is liable to a fine of not less than two thousand dollars and not more than three thousand dollars.

(3) Notwithstanding subsection (1), a person convicted of an offence pursuant to Section 68, is liable to a fine of not less than two thousand dollars and not more than three thousand five hundred dollars. R.S., c. 504, s. 111; 1995-96, c. 25, s. 4.

Former regulations and designations

112 (1) Regulations made by the Governor in Council pursuant to Chapter 163 of the Revised Statutes, 1967, remain in force until otherwise determined.

(2) All game sanctuaries and wildlife management areas designated pursuant to said Chapter 163 are and are deemed to be wildlife sanctuaries and wildlife management areas pursuant to this Act until otherwise determined.
R.S., c. 504, s. 112.

Regulations

113 (1) The Governor in Council may make regulations

(a) designating wildlife which are to be classed as big game, small game, fur-bearers, fish and protected wildlife and designating wildlife not subject to the Act;

(b) *repealed 1993, c. 9, s. 8.*

(c) respecting the operation and administration of the Habitat Conservation Fund;

(d) providing the designation of wildlife sanctuaries and wildlife management areas and establishing regulations for their management;

(e) providing for the designation of wildlife parks, licensing privately owned wildlife parks and establishing regulations for their management;

(f) providing for the protection, inventories, management, and scientific studies of wildlife and wildlife habitats;

(g) *repealed 1998, c. 11, s. 29.*

(h) prescribing the powers, duties and obligations of vendors appointed pursuant to this Act;

(i) prescribing the type of licence or permit required to take, hunt or kill wildlife in the Province and the conditions of eligibility to apply for such licences or permits;

(j) respecting the duties of conservation officers and the oath or affirmation of office to be taken on appointment;

(k) limiting the number of licences or permits and prescribing the manner in which they are to be allotted;

(l) fixing fees for a licence or permit and prescribing the manner of their collection and persons entitled to collect them;

(m) providing for the appointment of examiners and for the examination of applicants for licences or permits and prescribing the fees for the examinations;

- (n) exempting persons or classes of persons from the application of provisions of this Act or the regulations;
- (o) governing the issuance, cancellation, suspension, forfeiture, refusal and reinstatement of a licence or permit issued pursuant to this Act or the regulations and designating periods of ineligibility for a licence or permit;
- (p) respecting hunting accidents and the cancellation of permits or licences issued;
- (q) relating to the removal or destruction of nuisance wildlife;
- (r) prescribing the conditions under which licences or permits may be exchanged, replaced or transferred;
- (s) prescribing the number of licences or permits which may be held by an applicant;
- (t) prescribing courses relating to safety and education for hunters, trappers and fishermen, prescribing any certificate to be obtained before a licence or permit is issued and appointing instructors to teach courses;
- (u) providing for the returns and reports to be submitted by holders of licences and permits;
- (v) providing for the delivery of wildlife or parts thereof to the Department and establishing registration stations for such wildlife;
- (w) providing for the issuance and replacement of tags to holders of licences or permits and requiring where they be affixed to the carcass of any wildlife killed;
- (x) respecting the open season for hunting, trapping, snaring or taking any wildlife including special seasons for hunting with a bow or muzzle-loaded firearm;
- (y) respecting the hours of the day during which a person may hunt wildlife;
- (ya) respecting signs and the posting of signs for the purpose of Section 38A;
- (z) respecting the bag limit and possession limit of any species of wildlife in any described area which a person may take in any one day, year or season;
- (aa) prohibiting and regulating methods and devices for hunting, trapping, snaring, capturing and taking wildlife, including falconry, and respecting safety in those activities [activities];
- (ab) prescribing the terms and conditions relating to the issuance of storage permits to store or possess wildlife;

- (ac) prescribing when dogs may be used to hunt or be in a wildlife habitat;
- (ad) respecting field trials for dogs and designating dog hunting areas;
- (ae) prescribing terms and conditions under which fur-bearing animals may be trapped, hunted, possessed, utilized, sold or exported;
- (af) prescribing the conditions and types of traps or snares that may be set or maintained for wildlife, prescribing times when such traps and snares must be tended and providing means to identify the owner of such traps or snares;
- (ag) respecting fur buyers and green-hide dealers carrying on business in the Province;
- (ah) prescribing terms and conditions of a game-farming licence;
- (ai) prescribing protected wildlife;
- (aj) respecting the establishment, operation, maintenance and licensing of shooting preserves for wildlife;
- (ak) respecting the angling of fish in Provincial waters;
- (al) respecting the tagging of wildlife;
- (am) respecting the hunting or taking of deer, moose, bear, small game and fur-bearing animals;
- (an) establishing firearm and bow ranges and prescribing the terms and conditions when they may be used;
- (ao) respecting the qualifications and licensing of guides and prescribing the rules governing the conduct of their activities;
- (ap) respecting the use of guides by non-resident hunters and fishermen and identifying when guides are not required by non-residents;
- (aq) respecting the issuance of a special permit to guide and the fee to be charged for the permit;
- (ar) respecting the establishment and operation of wildlife registration stations, the examination and tagging of wildlife at such stations and the issuance of registration permits;
- (as) prescribing the terms and conditions under which a person requires a licence or permit to engage in the business of taxidermy or the buying or selling of the green hides, skins, pelts or fur of wildlife;

- (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;
- (au) respecting the conditions under which any wildlife may be exported or imported into the Province;
- (av) prescribing the terms and conditions governing the buying or selling of wildlife;
- (aw) prescribing the terms and conditions relevant to the commercial marketing and processing of wildlife;
- (ax) respecting the times and terms and conditions upon which a raccoon, fox or coyote may be taken;
- (ay) respecting the hunting of certain wildlife during the hours of the day when hunting is prohibited;
- (az) respecting the hunting of snowshoe hare;
- (ba) respecting the terms and conditions for transporting wildlife within the Province;
- (bb) respecting hunting or the discharge of a firearm by certain persons within the boundaries of a highway;
- (bc) respecting the hours when a firearm or bow may be discharged;
- (bd) respecting survival equipment to be possessed by a person while hunting, fishing or trapping;
- (be) prescribing the proper clothing to be worn while hunting and when exemptions may be granted;
- (bf) designating areas in which hunting is prohibited;
- (bg) prescribing when and how a firearm or bow may be transported during the open and closed seasons;
- (bh) designating prohibited weapons;
- (bi) designating the quantity and types of firearms or bows and the ammunition or arrows that may be used to hunt wildlife;
- (bj) prescribing the conditions when an air, land or water vehicle or vessel may be used to hunt wildlife;
- (bk) prescribing when a loaded firearm may be used from an air, land or water vehicle or vessel;
- (bl) prescribing the distance for the discharge of a firearm or bow from a dwelling house, public or other building or woods operation;
- (bm) respecting the appointment of an analyst pursuant to the Act and certificates to be issued by the analyst;

(bn) prescribing the minimum and maximum fines to be paid for a violation of the regulations;

(bo) prescribing when seized property is to be forfeited;

(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;

(bp) defining any word or expression used in the Act but not defined therein;

(bq) respecting the procedure and forms to be used;

(br) respecting any matter necessary or advisable to carry out effectively the intent and purpose of the Act.

(2) Notwithstanding any provision in this Act, the Governor in Council may make regulations

(a) defining the expression “disabled person”;

(b) regulating the hunting, taking and killing of wildlife by a disabled person;

(c) providing for the issuance, cancellation and suspension of a licence for hunting wildlife by a disabled person;

(d) prescribing the terms and conditions of such licences and fees therefor.

(3) The exercise by the Governor in Council of the authority contained in subsections (1) and (2) shall be regulations within the meaning of the *Regulations Act*. R.S., c. 504, s. 113; 1993, c. 9, s. 8; 1995-96, c. 8, s. 22; 1995-96, c. 25, s. 5; 1998, c. 11, s. 29; 2001, c. 46, s. 12.