

RSA 2000 ANIMAL PROTECTION ACT**Chapter A-41***Table of Contents*

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HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of Alberta, enacts as follows:

Interpretation

1(1) In this Act,

- (a) “animal” does not include a human being;
- (b) “business day” means a day on which
 - (i) if an animal is delivered to a humane society under section 3(2)(a), the humane society, or
 - (ii) if an animal is delivered to a caretaker under section 3(2)(b), the office of the peace officer who delivered the animalis open for business;
- (c) “caretaker” means an individual who has an appropriate facility in which to keep an animal and agrees to care for the animal in accordance with this Act;
- (d) “Court”, except in section 13, means the Provincial Court;

- (e) “humane society” means an organization that is approved as a humane society under section 9;
- (f) “Minister” means the Minister determined under section 16 of the *Government Organization Act* as the Minister responsible for this Act;
- (g) “peace officer” means
 - (i) a member of the Royal Canadian Mounted Police,
 - (ii) a member of a municipal police service, or
 - (iii) a special constable appointed under the *Police Act* for the purposes of this Act;
- (h) “registered veterinarian” means a registered veterinarian as defined in the *Veterinary Profession Act*.
- (2) For the purposes of this Act, an animal is in distress if it is
 - (a) deprived of adequate food, water, care or shelter,
 - (b) injured, sick, in pain or suffering, or
 - (c) abused or subjected to undue hardship, privation or neglect.

1988 cA-42.1 s1;1989 c17 s3

Prohibition against causing distress

2(1) No person shall cause or permit an animal of which the person is the owner or the person ordinarily in charge to be or to continue to be in distress.

(2) Subsection (1) does not apply if the distress results from an activity carried on in accordance with reasonable and generally accepted practices of animal management, husbandry or slaughter.

1988 cA-42.1 s2

Powers of peace officer

3(1) If an animal is in distress and

- (a) the owner or person in charge of the animal does not forthwith take steps that will relieve its distress, or
- (b) the owner or person in charge of the animal cannot be found immediately and informed of the animal’s distress, a peace officer may, in accordance with section 4, take any action the peace officer considers necessary to locate the animal and relieve its distress, including taking custody of the animal in accordance with the regulations and arranging for transportation, food, water, care, shelter and veterinary treatment for the animal, if necessary.

(2) A peace officer who takes custody of an animal pursuant to subsection (1) shall deliver the animal

- (a) to a humane society, or
- (b) to a caretaker, if there is no humane society close to the location where the animal is found or if the humane

society does not have an appropriate facility in which to keep the animal.

(3) If an animal is found to be in such distress that, in the opinion of

- (a) a registered veterinarian, or
- (b) if a registered veterinarian is not readily available, a peace officer,

the animal cannot be relieved of its distress and live without undue suffering, the peace officer may destroy the animal or cause the animal to be destroyed and the owner of the animal is liable for the costs of destroying it.

1988 cA-42.1 s3

Authority to enter premises

4(1) A peace officer who on reasonable and probable grounds believes

- (a) that there is an animal that is in distress on any land or in any vehicle or place other than a private dwelling house, and
- (b) that obtaining a warrant is not practical in the circumstances

may enter the land, vehicle or place for the purpose of determining whether the animal is in distress and, if necessary, carrying out the peace officer's duties under section 3.

(2) A peace officer who on reasonable and probable grounds believes that there is an animal that is in distress in a private dwelling house shall obtain a warrant to enter the private dwelling house for the purpose of carrying out the peace officer's duties under section 3.

(3) A peace officer acting under the authority of this section shall, on request, produce the peace officer's certificate of appointment to the owner or occupant of any land, vehicle or place entered pursuant to this section.

(4) A peace officer shall use no more force than is reasonably required to enter or search any land, vehicle or place.

1988 cA-42.1 s4

Duty to provide care

5(1) A peace officer who takes custody of an animal pursuant to section 3(1) shall take reasonable steps to ensure that the animal is provided with transportation, food, water, care, shelter and veterinary treatment, if necessary.

(2) A caretaker to whom an animal is delivered under section 3(2)(b) may recover any expenses incurred in respect of the animal from the Minister.

(3) A humane society to which an animal is delivered under section 3(2)(a) or the Minister may recover any expenses incurred in respect of an animal from the owner of the animal and may require the owner to pay the expenses before the animal is returned to the owner.

(4) A humane society or the Minister may recover unpaid expenses incurred in respect of an animal in an action in debt against the owner of the animal.

1988 cA-42.1 s5

Duty to locate owner

6 If an animal is delivered

- (a) under section 3(2)(a), the humane society, or
- (b) under section 3(2)(b), the peace officer who delivered the animal

shall take reasonable steps to locate the owner of the animal, including a search of the brand record under the *Brand Act*, and shall notify the owner of the actions taken in respect of the animal.

1988 cA-42.1 s6

Sale or gift of animal

7(1) If the owner of an animal that has been delivered to a humane society or caretaker under section 3(2)

- (a) is not located and notified within 3 business days after the date on which the animal was delivered, or
- (b) is located and notified but does not, within 3 business days after the date on which the animal was delivered, pay the expenses incurred in respect of the animal pursuant to sections 3(1) and 5 or enter into an agreement for the payment of the expenses that is satisfactory to the humane society or the peace officer who delivered the animal, as the case may be,

the animal may be sold or given to any person by the humane society, if the animal was delivered to a humane society, or the peace officer who delivered the animal, if the animal was delivered to a caretaker, and the animal becomes the property of the person to whom it is sold or given.

(2) Notwithstanding subsection (1), if in the opinion of the humane society or a peace officer the animal appears to be a purebred animal or if it bears an obvious identification tattoo, brand, mark, tag or licence, the applicable time limit under subsection (1) is 10 days after the date on which the animal was delivered.

- (3)** The proceeds of a sale of an animal pursuant to subsection (1) shall be disbursed in the following order of priority, on proof of the expenses having been incurred:
- (a) to pay the expenses of selling the animal;
 - (b) to pay the expenses incurred in respect of the animal under sections 3(1) and 5.
- (4)** The balance of the sale proceeds remaining after the payment of the expenses referred to in subsection (3) shall be
- (a) paid to the former owner of the animal, if the former owner has been located at the date of distribution of the sale proceeds, or
 - (b) held by the Minister for a period of one year after the date of the sale, if the former owner has not been located.
- (5)** The Minister may pay the balance remaining
- (a) to a person who claims within the period set out in subsection (4)(b) and establishes to the satisfaction of the Minister that the person was the owner of the animal prior to the sale, or
 - (b) if no claim is made under clause (a), into the General Revenue Fund on the expiration of the period set out in subsection (4)(b).

1988 cA-42.1 s7

Destruction of animal

8 A humane society, in respect of an animal that has been delivered to it, or a peace officer, in respect of an animal that has been delivered to a caretaker, may destroy the animal or cause the animal to be destroyed if it has not been claimed by its owner and in the opinion of the humane society or peace officer, as the case may be, the animal is not suitable to be sold or given away in accordance with section 7.

1988 cA-42.1 s8

Approval of humane society

9 Subject to the regulations, the Minister may approve as a humane society an organization that

- (a) has as one of its principal objects the prevention of cruelty to animals, and
- (b) meets the requirements of the Minister and may suspend or revoke the approval.

1988 cA-42.1 s9

Inspection re standards

10(1) A peace officer may without a warrant during ordinary business hours enter

(a) any premises, other than a private dwelling house, where animals are kept for sale, hire or exhibition, or

(b) any vehicle used to transport animals to inspect the animals or any vehicle in which animals are transported for the purpose of enforcing this Act, the regulations under this Act and any regulations prescribing standards for vehicles used to transport animals.

(2) A peace officer acting under the authority of this section shall, on request, produce the peace officer's certificate of appointment to the owner or occupant of any premises or vehicle entered pursuant to subsection (1).

1988 cA-42.1 s10

Prohibition against obstruction

11 No person shall in any manner hinder or obstruct a peace officer in the performance of the peace officer's duties under this Act or the regulations.

1988 cA-42.1 s11

Offence

12(1) A person who contravenes this Act or the regulations is guilty of an offence and liable to a fine of not more than \$20 000.

(2) If the owner of an animal is found guilty of an offence under section 2, the Court may make an order restraining the owner from continuing to have custody of an animal for a period of time specified by the Court.

(3) The Court may make an order under subsection (2) on any terms and conditions it considers appropriate.

RSA 2000 cA-41 s12;2001 c10 s2

Order of custody

13(1) A peace officer may apply by originating notice to the Court of Queen's Bench for an order granting to the peace officer custody of an animal in respect of which a charge has been laid under section 12.

(2) An applicant under subsection (1) may retain custody of an animal in respect of which the application is made pending the outcome of any proceedings under section 12, notwithstanding that the owner of the animal

(a) pays the expenses incurred in respect of the animal under sections 3(1) and 5, and

(b) requests the peace officer, or any humane society or caretaker to whom the peace officer has delivered the animal, to return the animal to the owner.

(3) The Court may make an order under this section on any terms and conditions it considers appropriate.

1988 cA-42.1 s13

Protection from action

14 No action lies against a peace officer, registered veterinarian, caretaker, humane society or an officer or employee of a humane society for anything done in good faith under this Act or the regulations.

1988 cA-42.1 s14

Regulations

15 The Lieutenant Governor in Council may make regulations

- (a) respecting the approval of organizations as humane societies and the suspension and revocation of approvals;
- (b) respecting the manner in which animals may be taken into custody.

1988 cA-42.1 s15;1989 c17 s3

Tariff of expenses

16 The Minister may make regulations prescribing a tariff of expenses that may be charged by a humane society or a caretaker for the provision of transportation, food, water, care, shelter and veterinary treatment of an animal that has been taken into custody under this Act.

1989 c17 s3