

**BRITISH COLUMBIA
PREVENTION OF CRUELTY TO ANIMALS ACT [RSBC 1996]
Chapter 372 as amended by Bill 9 April 2008**

- BC SPCA takes its powers to act and investigate from this Act.
- This Act does not apply to wildlife as defined in the *Wildlife Act*, that is not in captivity

SECTION	PROVISIONS	EXEMPTIONS
1	Definitions – “animal in distress” defined	
	Part 3 – RELIEVING ANIMALS IN DISTRESS	
10	SPCA may appoint an Authorized Agent for purposes of the Act. Authorized Agent only has authority to act if he/she is appointed as a Special Provincial Constable under the Police Act	
10.1	“abandoned animal” is defined. Authorized Agent may take custody of abandoned animal and arrange for its care	
11	If Authorized Agent sees an animal in distress and if the owner of the animal does not promptly take steps to relieve the distress, or if the owner cannot be found, the Authorized Agent can, in accordance with sections 13 & 14, take action to relieve the animal’s distress	

BRITISH COLUMBIA PREVENTION OF CRUELTY TO ANIMALS ACT

SECTION	PROVISIONS - RELIEVING ANIMALS IN DISTRESS - continued	EXEMPTIONS
14 (1) (2)	<p><u>Authority to Enter Without a Warrant</u> If the animal is in “critical distress” – <u>critical distress</u> is defined here</p> <p>An Authorized Agent who believes an animal is in critical distress on any premises (other than a dwelling house) or in any vehicle, aircraft or vessel, may enter such premises ... without a warrant, to take action authorized by the Act to relieve the critical distress.</p>	
15	<p><u>Inspection</u> An Authorized Agent, without a warrant, during ordinary business hours, may enter any premises, other than a dwelling house, where animals are kept for sale, hire or exhibit, to determine whether an animal is in distress</p>	
16	<p><u>Identification</u> The Authorized Agent must produce his/her identification to the owner, if requested, if he/she enters the premises</p>	
17	<p><u>Disposition of Animals Taken Into Custody</u> If an animal is taken into custody under section 10.1, and the owner is unknown, the SPCA may destroy, sell or dispose of the animal after 4 days; or if the owner is known, the SPCA can destroy, sell or dispose of the animal 4 days after <u>Notice</u> has been given to the owner, in accordance with section 19</p>	
18	<p>If an animal is removed under section 11, SPCA can destroy, sell or dispose of the animal 14 days after <u>Notice</u> is given to the owner, in accordance with section 19</p>	

BRITISH COLUMBIA PREVENTION OF CRUELTY TO ANIMALS ACT

SECTION	PROVISIONS - RELIEVING ANIMALS IN DISTRESS - continued	EXEMPTIONS
19	<u>Form of Notice</u>	
19.1	Animal is property of new owner	
20 (1) (2) (3) (4)	<u>Costs of Taking Action and Proceeds of Disposition</u> - Owner is liable to SPCA for costs incurred by SPCA - Owner to pay costs before SPCA returns the animal - SPCA may keep proceeds of sale of seized animal -owner of seized animal may claim balance of proceeds of sale of seized animal after SPCA sells the animal	
	Part 4 - GENERAL	
21	<u>Aid by Police</u> – A peace officer must assist the Authorized Agent in enforcing this or any other law regarding the prevention of cruelty to animals	
22	<u>Police Powers</u> – In parts of BC where there is no SPCA, a peace officer who has jurisdiction in that part can exercise the same powers of an Authorized Agent under this Act	
23	<u>Obstruction</u> – a person who willfully or knowingly interferes with or obstructs an Authorized Agent or a peace officer commits an offence	

BRITISH COLUMBIA PREVENTION OF CRUELTY TO ANIMALS ACT

SECTION	Part 4 – GENERAL - continued	EXEMPTIONS
24	OFFENCE	
(1)	A person responsible for an animal who causes or permits an animal to be or continue to be in distress, commits an offence	(2) subsection (1) does not apply if the distress results from activity in accordance with reasonable and generally accepted practices of animal management
(3)	If a person is convicted of an offence, a justice may, in addition to any other penalty, prohibit the person from owning an animal for a period of time ... (5) a person who fails to comply commits an offence	
24.1	PENALTIES	
(1)	A person who commits an offence under section 23 (Obstruction) is liable on conviction to a fine of up to \$2,000 or imprisonment up to 6 months, or both	
(2)	Someone who commits an offence under section 24 is liable on conviction (a) for a first offence to a fine of up to \$5,000 , or to imprisonment for up to 6 months, or both, AND (b) for a second or subsequent offence , to a fine of up to \$10,000 or imprisonment for up to 6 months, or both	
24.2		Sections 23 to 24.2 of the <i>Offence Act</i> do not apply to an animal taken into custody under this Act

BRITISH COLUMBIA PREVENTION OF CRUELTY TO ANIMALS ACT

SECTION	Part 4 – GENERAL - continued	EXEMPTIONS
25	ORDER OF CUSTODY	
(1)	An Authorized Agent can apply to the Supreme Court for an order of custody of an animal	
(2)	Even if the animal's owner has paid costs and requested the return of the animal, the SPCA can keep custody of the animal until proceedings under section 24 have concluded	
25.1	IMMUNITY	
	No legal proceedings for damages may be commenced against the SPCA or an Authorized Agent because of anything done in the performance of any duty under the Act, except if the Authorized Agent acted in bad faith	
26	Power to Make Regulations The Lieutenant Governor in Council may make regulations	