

NOVA SCOTIA ANIMAL CRUELTY PREVENTION ACT

replaced by
An Act to Protect Animals and to Aid Animals in Distress

- On May 27, 2008, legislation was introduced to replace the Animal Cruelty Prevention Act With an Act to Protect Animals and to Aid Animals in Distress
- Dept. of Agriculture will look after agriculture-related cruelty complaints
- SPCA will handle cruelty complaints re domestic animals
- Inspectors will be appointed as “special constables” in the Dept. of Agriculture and in the SPCA by Dept. of Justice
- Veterinarians must report neglect or abuse to SPCA
- Animal Cruelty Appeal Board to be established to hear animal seizure & investigation issues
- SPCA remains independent and reports to the Dept. of Agriculture
- (check the Agriculture & Marketing Act, also Animal Health Protection Act)

SECTION	PROVISIONS	EXEMPTIONS
2	Distress Animal is in distress where the animal is in need of adequate care, food, water, shelter, or is injured, sick, in pain, suffering undue hardship, privation or neglect	<ul style="list-style-type: none">- wildlife- animals under the Agriculture & Marketing Act- mandatory testing procedures in research labs required by Health Canada or by the World Health Organization

SECTION	PROVISIONS	EXEMPTIONS
	SPCA POWERS	
7	<p>SPCA may – investigate cases of cruelty or neglect of animals</p> <ul style="list-style-type: none"> - may recommend agents as special constables under the <i>Police Act</i> - may inspect and monitor facilities where animals are kept, including stables, kennels, agricultural shows, pet shops, research labs, farms, fur ranches, abattoirs - SPCA may get aid and support from RCMP or veterinarians 	
8	SPCA has branches within Nova Scotia and each branch has boundaries	
11 (1) & (2)	No person shall willfully cause an animal unnecessary pain, suffering or injury, or allow an animal to continue to be in distress	Animal distress, pain, suffering or injury is ok if as a result of reasonable and generally accepted practices of animal husbandry or slaughter, or as a result of an activity exempted by the Regulations.
11 (3)	If the owner takes steps to relieve animal's distress, then that person is not guilty of allowing the animal to suffer	
	PEACE OFFICERS	
12 (1)	Peace Officer may relieve distress of animal by removing animal, arranging proper care of animal	

SECTION	PROVISIONS	EXEMPTIONS
12 (2)	the Peace Officer shall take reasonable steps to find the owner & try to get owner's co-operation in relieving animal's distress	
12 (4)	if reasonable and probable grounds for believing animal is distress in premises (other than private dwelling), or vehicle, peace officer can enter with or without a warrant, by force if necessary, the premises or vehicle to inspect	
12 (5)	if peace officer has reasonable and probable grounds to believe the animal in distress is in a private dwelling house, the peace office has to get a warrant to enter the home to inspect	
12 (6)	Before entering any premises or vehicle, a Peace Officer shall take reasonable steps to find owner and get his/her co-operation	
12 (8)	If someone other than a Peace Officer finds an animal in distress, that person may give the animal to the SPCA	
13	if the animal is in critical distress, the peace officer may humanely destroy the animal, and the animal may be humanely destroyed without the owner's consent	
14	Owners must pay expenses of any care, transport, food, shelter or medical treatment of seized animal before the animal can be returned to the owner. If owner doesn't pay, SPCA may sell the animal or give it away	
15 & 17	SPCA has power to sell, give away or destroy seized animals	

SECTION	PROVISIONS	EXEMPTIONS
	INSPECTION POWERS	
16 (1)	Subject to the Regulations, a Peace Officer may inspect any premises other than private dwelling house , where animals are kept for slaughter, sale, hire, exhibition, transportation, boarding, breeding, training, research or any activity prescribed by Governor in Council	
16 (2)	If belief that an offence is being committed, if animal is agricultural , the Peace Officer SHALL consult or go in with a vet or a livestock specialist, before taking further action	
16 (3)	If belief that an offence is being committed, if the animal is a research animal , the peace officer SHALL consult a lab research vet, or Canadian Council on Animal Care if facility is run by a CCAC program, before taking further action	
17	A Court Order can be served on an owner to hand over the distressed animal to the SPCA if judge deems the person unfit to care for the animal	
	GENERAL OFFENCES and PENALTIES	
18 (1)	<ul style="list-style-type: none"> - First or 2nd offence – fine of not more than \$5,000 or if default, to prison for not more than 6 months, or both fine & prison - Third or subsequent offence – fine not more than \$10,000 or if default to prison for not more than 6 months or both fine & prison 	

SECTION	PROVISIONS	EXEMPTIONS
18 (2)	- Owner may be prohibited from owning animals for a length of time specified by judge	
20	Immunity from Liability – no one can be sued who acts in good faith for anything done pursuant to this Act	
21	where conflict exists between this Act and other Acts, other than <i>Animal Health & Protection Act</i> , this Act prevails	
22	the Regulations can prescribe standards of construction, maintenance of facilities where animals are kept, standards of care of the animals, prescribing humane euthanasia practices. Regulations cannot conflict with standards for agricultural codes of practice for livestock, nor can they be contrary to Canadian Council on Animal Care Guidelines in the case of research animals	
23	Governor in Council may prescribe activities in s.s. 11 (4) or 16 (1). Governor in Council may make Regulations exempting research from s.s. 22 if it is a Canadian Council on Animal Care approved program	