

QUEBEC ANIMAL HEALTH PROTECTION ACT
R.S.Q. c. P-42
in force since June 14, 2006

Paragraphs 1 to 55.9 deal with various regulations with respect to infection, contagious diseases, and health risks to other animals and/or to humans, artificial insemination, and auction of livestock.

Not until Division IV.1.1, beginning at paragraph 55.9.1, does the Act address Safety and Welfare of Animals.

SECTION	DIVISION IV.1.1 SAFETY AND WELFARE OF ANIMALS
55.9.1	The provisions of this Division apply to domestic animals and animals kept in captivity, <u>not wildlife</u>
55.9.2	SAFETY AND WELFARE DEFINED: owners and custodians of animals must ensure safety and welfare of the animal is not jeopardized. Animal safety and welfare is jeopardized where the animal does not have access to food or water in quality and quantities in keeping with the biological needs of its species; the animal is not kept in suitable healthy living conditions or is not properly transported in an appropriate vehicle; the animal is wounded or sick and does not receive the health care required by its state; the animal is subject to abuse or ill-treatment that may affect its health; the animal is kept or transported in contravention of the regulatory standards established pursuant to sec. 55.9.14.1
55.9.3	Every owner or custodian of animals kept for sale or breeding shall ensure that the premises in which the animals are kept are clean, and installations must not affect the safety and welfare of the animals
55.9.4	Inspectors – Inspectors responsible for the enforcement of the provisions of this division shall be designated by the Minister . The Minister may also enter into an Agreement with any person,

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	municipality or community to establish a program of inspection
SECTION	SAFETY AND WELFARE OF ANIMALS (continued)
55.9.5	<p>Applicability – Sections 55.10 to 55.15, 55.19 and 55.24 apply to this division, with the necessary modifications.</p> <p>Search Warrant – Where an animal is in a dwelling-house, the inspector may enter without the authorization of the occupant only if he gets a search warrant in accordance with the Code of Penal Procedure (chap. C-25.1)</p>
55.9.6	<p>Immediate Danger – If, in the Minister’s opinion, the safety and welfare of animals are in immediate danger, the Minister may for a period not exceeding 15 days, order the owner or custodian of the animals kept for sale or breeding, to cease his activities, or subject the exercise of those activities to certain conditions, by way of an Order. If the Minister issues a second Order within 2 years of the first, the Court of Quebec may issue an Order prohibiting the owner or custodian from keeping animals for sale or breeding or limiting the number of animals kept for that purpose for a period of up to 2 years</p>
55.9.7	<p>Confiscation – If an inspector has reasonable grounds to believe that the safety and welfare of an animal are jeopardized so that treatment would cause it needless suffering, may obtain written notice from a veterinary surgeon, confiscate the animal so that it may be slaughtered. All other animal carcasses shall also be confiscated during the inspection</p>
55.9.8	The seizer shall have custody of the seized animal, and he may keep the animal or entrust it to another person
55.9.10	The seized animal must be returned to the person from whom it was seized if no proceedings have been instituted within 90 days after the date of seizure. A justice of the peace may order the

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	<p>period of seizure extended by up to 90 more days. However, if the owner or custodian of the animal is unknown or cannot be found, the seized animal shall be confiscated by the seizer after 7 days after the date of seizure</p>
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SECTION	SAFETY AND WELFARE OF ANIMALS (continued)	EXCEPTIONS
55.9.12	The owner of the seized animal may apply to have the animal returned	
55.9.13	Conviction – if the owner is convicted under section 55.9.2 or section 55.9.3, a judge of the Court of Quebec or of a municipal court may issue an order prohibiting the person found guilty from keeping animals, or limiting the number of animals for a period of up to 2 years . The judge shall confiscate any said animals and determine their disposal	
55.9.14	Expenses – Expenses for the animal’s keep, disposal or slaughter shall be paid by the owner or custodian of the animal, except where no proceedings are instituted	
55.9.14.1	Standards – The Government may by regulation fix, for the purposes of section 55.9.2, standards for the custody and transportation of animals	
55.9.15		Exceptions – Notwithstanding the provisions of this division, the following activities and practices continue to be permitted: agricultural , teaching or scientific research

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		activities involving animals, practiced in accordance with generally recognized rules; and ritual practices involving animals prescribed by the laws of a religion
SECTION	DIVISION IV.2	INSPECTION, SEIZURE AND CONFISCATION
55.10 to 55.12	Inspection – Every veterinary surgeon or other person authorized by the Minister to act as an inspector, who believes on reasonable grounds that there is an animal to which this Act applies, may enter at any reasonable time a vehicle or premises where the animal is kept, and may inspect the animal, equipment, vehicle, premises. The owner or person in charge is required to cooperate and assist the inspector, and must not obstruct the inspector	
55.13	Immunity - In no case may the Minister, a veterinary surgeon or other person authorized under section 2.0.1, be prosecuted for acts done in good faith in the performance of his duties	
55.14	Seizure – A veterinary surgeon, inspector or analyst may seize any animal, product or equipment to which this Act applies if he believes on reasonable grounds that an offence against this Act or the regulations has been committed, or where the owner or custodian of the animal has failed to comply with an Order	
55.18 and 55.19	Custody – The owner or custodian of the seized animal still has custody of the animal even though the inspector may remove the animal to other premises. Custody is maintained until a decision is made to give the animal back, or proceedings are instituted, or until a decision is made by a judge. No person may remove a seized animal without the authorization of the veterinary surgeon, inspector or analyst	
55.20	Return of Seized Animal – the seized animal will be returned to its owner within 90 days if (1) no legal proceedings have been commenced; or (2) if the vet, inspector or analyst is satisfied after	

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	verification that there was no offence committed under this Act, or regulations, or if the owner complies with an order or this Act
55.21	The owner of the seized animal may apply to a judge to obtain release of the animal
55.22	Confiscation – if the owner of the animal cannot be found or is unknown, the animal will be transferred to the Minister of Revenue 90 days from the date of seizure
55.23	Period of Retention – on the application of the seizer, a judge may order the period of retention to be extended for not more than 90 days
SECTION	DIVISION IV.3 PERMITS
55.26	Every application for a permit shall be submitted to the Minister by the person who intends to use it
55.27	The Minister may refuse to deliver a permit for reasons of public interest
55.29	A permit is valid for a period of 12 months, or a lesser period if the Minister so prescribes
55.31	The Minister may suspend, cancel or refuse to renew someone’s permit if the holder does not meet the requirements of this Act, or if he fails to comply with any condition indicated on the permit, or if he has been convicted of an offence under this Act or the regulations
	DIVISION IV.4 CONTESTATION
55.35	A person whose application for a permit is refused on grounds other than that of public interest, or a person whose permit is suspended, cancelled or not renewed may contest the decision of the Minister before the Administrative Tribunal of Quebec within 30 days of notification of the decision
	DIVISION IV.5 PENAL PROVISIONS AND OTHER SANCTIONS

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55.43	Offences and Penalties – Every person who contravenes section 55.11; 55.12; 55.18; 55.19 is liable to a fine from \$250 to \$2,450 if an ordinary person; and a fine from \$625 to \$6,075 in the case of a business or company
	Subsequent Conviction – the offender is liable to a fine from \$1,225 to \$12,150 if an ordinary person; and a fine from \$3,650 to \$36,425 in the case of a business or company (legal person)
55.43.1	Every owner other than an owner keeping animals for the purpose of sale or breeding, who contravenes section 55.9.2 is liable to a fine from \$200 to \$600; in the case of any subsequent offence within 2 years, to a fine from \$600 to \$1,800

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SECTION	DIVISION IV.5 PENAL PROVISIONS AND OTHER SANCTIONS (continued)
	Every owner keeping animals for the purpose of sale or breeding who contravenes section 55.9.2 or section 55.9.3 is liable to a fine from \$400 to \$1,200; in the case of any subsequent offence within 2 years, to a fine from \$1,200 to \$3,600
	Every owner keeping animals for the purpose of sale or breeding who contravenes an order made under section 55.9.6 is liable to a fine from \$1,600 to \$5,000; and in the case of any subsequent offence, to a fine from \$3,200 to \$15,000
55.46	Every person who, by his consent, encouragement, advice or order, induces another person to commit an offence is guilty of the offence as if he had committed it himself
55.47	Every person who, by his act or omission, aids another person to commit an offence is guilty of the offence as if he had committed it himself