



Province of Alberta

# **ANIMAL PROTECTION ACT**

Revised Statutes of Alberta 2000  
Chapter A-41

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Office Consolidation

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### Note

All persons making use of this consolidation are reminded that it has no legislative sanction, that amendments have been embodied for convenience of reference only. The official Statutes and Regulations should be consulted for all purposes of interpreting and applying the law.

### Regulations

The following is a list of the regulations made under the *Animal Protection Act* that are filed as Alberta Regulations under the Regulations Act

	<b>Alta. Reg.</b>	<i>Amendments</i>
<b>Animal Protection Act</b>		
Animal Protection .....	203/2005 .....	210/2008, 170/2012, 73/2014, 123/2016

# **ANIMAL PROTECTION ACT**

## Chapter A-41

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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 animal

is 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 peace officer appointed under the *Peace Officer 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 shelter, ventilation, space, food, water or veterinary care or reasonable protection from injurious heat or cold,
- (b) injured, sick, in pain or suffering, or
- (c) abused or subjected to undue hardship, privation or neglect.

RSA 2000 cA-41 s1;2005 c22 s2;2006 cP-3.5 s33

### **Prohibition against causing distress**

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

**(1.1)** No person shall cause an animal to be in distress.

**(2)** This section does not apply if the distress results from an activity carried on in accordance with the regulations or in accordance with reasonable and generally accepted practices of animal care, management, husbandry, hunting, fishing, trapping, pest control or slaughter.

RSA 2000 cA-41 s2;2005 c22 s3

### **Animal care duties**

**2.1** A person who owns or is in charge of an animal

- (a) must ensure that the animal has adequate food and water,
- (b) must provide the animal with adequate care when the animal is wounded or ill,
- (c) must provide the animal with reasonable protection from injurious heat or cold, and
- (d) must provide the animal with adequate shelter, ventilation and space.

2005 c22 s4

### **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,
- (a.1) a peace officer is of the opinion, on reasonable and probable grounds, that the owner or person in charge of the animal is not likely to ensure that the animal's distress is relieved or to ensure that the animal's distress will continue to be relieved, 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.

RSA 2000 cA-41 s3;2005 c22 s5

#### **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

#### **Abandoned animal**

**4.1(1)** In this section, “abandoned animal” includes an animal that

- (a) is left for more than 24 hours without adequate food or water or shelter,
- (b) is left for 5 days or more after the expected retrieval time from a registered veterinarian or from a person who for money consideration or its equivalent stables, boards or cares for the animal, or
- (c) is found on premises with respect to which the tenancy agreement has been terminated.

**(2)** A peace officer may take an abandoned animal into custody whether or not it is in distress.

**(3)** A peace officer who takes an animal into custody pursuant to subsection (2) shall deliver the animal to a humane society or caretaker.

2005 c22 s6

#### **Duty to provide care**

**5(1)** A peace officer who takes custody of an animal pursuant to section 3(1) or 4.1(2) shall take reasonable steps to ensure that the animal is provided with transportation, food, water, care, shelter and veterinary treatment, if necessary.

**(2)** Repealed 2005 c22 s7.

**(3)** A humane society to which or a caretaker to whom an animal is delivered under section 3(2) or 4.1(3) may, in accordance with the tariff provided for in the regulations, recover any expenses incurred in respect of the animal from the owner of the animal and may require the owner to pay those expenses before the animal is returned to the owner.

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

RSA 2000 cA-41 s5;2005 c22 s7

#### **Duty to locate owner**

**6** If an animal is delivered

- (a) to a humane society under section 3(2)(a) or 4.1(3), the humane society, or
- (b) to a caretaker under section 3(2)(b) or 4.1(3), the peace officer who delivered the animal

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

RSA 2000 cA-41 s6;2005 c22 s8;2006 cL-16.2 s95

#### **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) or 4.1(3)

- (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 section 3(1) or 4.1 and section 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 device, 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 section 3(1) or 4.1 and section 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).

RSA 2000 cA-41 s7;2005 c22 s9

#### **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 administering this Act, the regulations under this Act and any regulations prescribing standards for vehicles used to transport animals.

**(1.1)** In order to conduct an inspection under subsection (1), a peace officer may signal or otherwise order a person operating a vehicle to stop forthwith or to move the vehicle to a particular place and then stop it, and that person shall forthwith comply with that signal or order and shall not proceed until the peace officer has had a reasonable amount of time to inspect the vehicle and the animals in or on the vehicle.

**(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).

RSA 2000 cA-41 s10;2005 c22 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 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.

RSA 2000 cA-41 s13;2009 c53 s22

#### **Protection from action**

**14(1)** 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.

**(2)** If a person, on reasonable and probable grounds, believes an animal is in distress and reports the distress to a peace officer, no action lies against that person for reporting unless that person reports maliciously or without reasonable or probable grounds for the belief.

RSA 2000 cA-41 s14;2005 c22 s11

#### **Regulations**

**15(1)** The Minister may make regulations

- (a) respecting how animals may be taken into custody;

- (b) respecting the care of animals;
- (c) respecting the approval of organizations as humane societies and the suspension and revocation of approvals;
- (d) respecting a tariff of expenses that may be charged by a humane society or a caretaker for the care provided to an animal that has been taken into custody under this Act;
- (e) respecting any matter the Minister considers necessary to administer this Act.

**(2)** A regulation under subsection (1)(a) or (b) may adopt or incorporate, in whole or in part or with modifications, published documents that set out standards, codes, guidelines or other rules relating to any matter in respect of which a regulation may be made under subsection (1)(a) or (b).

**(3)** If a standard, code, guideline or other rule is adopted or incorporated by regulation under this section, the Minister shall ensure that a copy of the standard, code, guideline or other rule is made available to a person on request.

RSA 2000 cA-41 s15;2005 c22 s12

**16** Repealed 2005 c22 s13.









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