



Province of Alberta

## ANIMAL PROTECTION ACT

# ANIMAL PROTECTION REGULATION

### **Alberta Regulation 203/2005**

With amendments up to and including Alberta Regulation 81/2019

Current as of September 1, 2019

### Office Consolidation

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(Consolidated up to 81/2019)

**ALBERTA REGULATION 203/2005**

**Animal Protection Act**

**ANIMAL PROTECTION REGULATION**

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## Schedule

**Definitions****1** In this Regulation,

- (a) “Act” means the *Animal Protection Act*;
- (b) “Director” means an employee under the administration of the Minister designated as the Director for the purposes of this Regulation;
- (c) “livestock” means horses, cattle, sheep, swine, goats, poultry and bees and means fur-bearing animals, alpacas, lamas, ratites, elk, deer and bison raised in captivity;
- (d) “livestock assembling station” means any place, including buildings, pens, fences, gates, chutes, weigh scales and any other equipment located on the land that is operated to assemble livestock for shipment by any form of transportation;
- (e) “livestock market” means a place that is operated as a public market for the purchase or sale of livestock;
- (f) “operator” means the operator of a livestock market or a livestock assembling station.
- (g) repealed AR 210/2008 s2.

AR 203/2005 s1;210/2008

**Standards**

**2(1)** A person who owns or has custody, care or control of an animal for research activities must comply with the following Canadian Council on Animal Care documents:

- (a) *CCAC Guide to the Care and Use of Experimental Animals*, Vol. 1, 2nd ed. (1993);
- (b) *CCAC Guide to the Care and Use of Experimental Animals*, Vol. 2 (1984);
- (c) *CCAC guidelines on: animal use protocol review* (1997);
- (d) *CCAC guidelines on: transgenic animals* (1997);
- (e) *CCAC guidelines on: choosing an appropriate endpoint in experiments using animals for research, teaching and testing* (1998);

- (f) *CCAC guidelines on: institutional animal user training program (1999);*
  - (g) *CCAC guidelines on: antibody production (2002);*
  - (h) *CCAC guidelines on: the care and use of wildlife (2003);*
  - (i) *CCAC guidelines on: laboratory animal facilities-characteristics, design and development (2003);*
  - (j) *CCAC guidelines on: the care and use of fish in research, teaching and testing (2005);*
  - (k) *CCAC policy statement on: terms of reference for animal care committees (2000);*
  - (l) *CCAC policy statement on: ethics of animal investigation (1989);*
  - (m) *CCAC policy statement on: social and behavioural requirements of experimental animals (SEBREA) (1990);*
  - (n) *CCAC policy statement on: acceptable immunological procedures (1991);*
  - (o) *CCAC policy statement on: categories of invasiveness in animal experiments (1991);*
  - (p) *CCAC policy statement on: definitions of recommendations made in CCAC reports (1996);*
  - (q) *CCAC policy statement on: confidentiality of assessment information (1999);*
  - (r) *CCAC policy statement on: CCAC assessment panel policy (1999);*
  - (s) *CCAC policy statement on: compliance and non-compliance (2000);*
  - (t) *CCAC policy statement on: the Assessment Program of the CCAC (2000);*
  - (u) *CCAC policy statement on: the importance of independent peer review of the scientific merit of animal-based research projects (2000);*
  - (v) *CCAC policy statement on: animal-based projects involving two or more institutions (2003).*
- (2) In this section, “research activities” includes the use of animals in

- (a) scientific investigation,
- (b) scientific teaching or training other than as part of a school or in a school building, as defined in the *Education Act*, and
- (c) testing of products, including medical devices and biological, chemical and pharmacological products.

**(3)** A person who owns or controls a zoo for which a zoo permit is issued under the *Wildlife Act* must comply with the *Government of Alberta Standards for Zoos in Alberta*, prepared by the Alberta Zoo Standards Committee of Alberta Environment and Sustainable Resource Development and Alberta Agriculture, Food and Rural Development, published September 30, 2005.

AR 203/2005 s2;170/2012;81/2019

## Humane Societies

### Application

**3(1)** An organization incorporated under the laws of Alberta may apply in writing to the Minister for approval as a humane society for the purposes of the Act.

**(2)** An application under this section must contain the following information:

- (a) evidence that the applicant has been incorporated under the laws of Alberta, including a copy of its constitutional documents;
- (b) the names of the applicant's directors and officers;
- (c) the addresses of the applicant's principal headquarters and its registered office in Alberta;
- (d) the general geographical area within which the applicant carries on activities;
- (e) a copy of the applicant's most recent financial statements;
- (f) the applicant's sources of revenue;
- (g) information relating to any organization affiliated with or sponsored by the applicant;
- (h) a description of the facilities, if any, in which the applicant may keep animals;
- (i) further information as required by the Minister.

**Approval**

**4(1)** If the Minister is satisfied as to the suitability of an applicant under section 3, the Minister may approve it as a humane society.

**(2)** Within 120 days after the end of its fiscal year, a humane society must file with the Minister an annual return containing the following information:

- (a) a summary of its activities during the previous fiscal year;
- (b) a copy of its financial statements for the previous fiscal year;
- (c) changes to the information provided under section 3 or in a previous annual return;
- (d) any other information as required by the Minister.

**Suspension and revocation**

**5(1)** The Minister may suspend or revoke an approval under section 4(1) if the humane society

- (a) fails to file an annual return in accordance with section 4(2),
- (b) is no longer incorporated under the laws of Alberta, or
- (c) fails to comply with a provision of the Act.

**(2)** If the Minister suspends or revokes the approval of an organization as a humane society, the Minister must provide the organization with at least 10 days' written notice of the suspension or revocation setting out the reasons for the suspension or revocation.

**(3)** If the organization, within the time referred to in subsection (2), desires that the Minister review the suspension or revocation, the Minister must give the applicant an opportunity to give reasons why the suspension or revocation should not be effected.

**(4)** Until the Minister makes a decision after a review under subsection (3), the decision of the Minister under subsection (2) is stayed.

**Livestock Market and Assembling Stations****Maintenance requirements**

**6** The operator of a livestock market must ensure that it is maintained so that

- (a) adequate protection is provided to all calves weighing less than 115 kilograms and all swine that are present at the facility,
- (b) livestock that, by reason of infirmity, illness, injury, fatigue or other cause, is unable to stand or unable to compete with other livestock for space, feed or water is kept separated from other livestock,
- (c) sows, boars or stags that weigh more than 150 kilograms are kept separate from market hogs,
- (d) boars or stags with tusks are kept in individual pens,
- (e) boars or stags that weigh less than 150 kilograms are kept separate from sows, and
- (f) adequate shelter from the weather is provided that is appropriate for the species of livestock.

**Sale of young livestock**

**7(1)** The following may not be present at a livestock market:

- (a) a weaned foal that is less than 30 days old;
- (b) a weaned pig that weighs less than 10 kilograms;
- (c) any other species of weaned livestock that is less than 8 days old.

**(2)** If any animal described in subsection (1) is present at a livestock market, the operator

- (a) must keep it separate from other livestock, and
- (b) must as soon as possible notify the person who delivered the animal to remove it forthwith.

**(3)** A person who receives notice under subsection (2)(b) must immediately make arrangements to remove the animal forthwith from the livestock market.

**Unloading livestock**

**8** No person shall unload any livestock at a livestock market or livestock assembling station that, by reason of infirmity, illness, injury, fatigue or other cause, is unable to stand or is unduly suffering.

**Care and handling of livestock**

- 9(1)** An operator of a livestock market or livestock assembling station shall not allow livestock to remain at the market or station for a period exceeding 144 hours unless so directed by a peace officer.
- (2)** If livestock remains at a livestock market or livestock assembling station for a period of 48 hours, the operator must after that time provide sufficient space, shelter, feed, water and bedding for that livestock for as long as it remains at the marker or station.
- (3)** If any livestock at a livestock market or a livestock assembling station becomes unable, by reason of infirmity, illness, injury, fatigue or other cause, to stand or to compete with other livestock for space, feed or water, the operator
- (a) must keep that livestock separate from other livestock, and
  - (b) must as soon as possible notify the person who delivered the livestock to the market or station of the condition of the livestock.
- (4)** A person who receives notice under subsection (3)(b) must immediately make arrangements that are satisfactory to the operator to remove the livestock that is the subject of the notice from the livestock market or the livestock assembling station.

**Transportation of Animals****Animals unfit for transport**

- 10(1)** No person shall load or transport animals that, by reason of infirmity, illness, injury, fatigue or any other cause, would suffer unduly during transport.
- (2)** Despite subsection (1), a person may transport animals to or from a veterinary clinic, a designated confinement area or the nearest suitable place to deal with health concerns as long as the animal is loaded and transported humanely.
- (3)** No person shall continue to transport an animal that becomes injured, ill or otherwise unfit for transport during a journey beyond the nearest suitable place where it can receive proper care and attention.

AR 203/2005 s10;210/2008

**Crowding prohibited**

**11** No person shall load or transport animals in a vehicle in a manner that is likely to cause injury or undue suffering to the animals due to crowding.

**Livestock loading**

**12(1)** No person shall load or unload livestock in a manner that is likely to cause injury or undue suffering to it.

**(2)** No person shall load or transport livestock that is likely to give birth during transport unless the livestock is being transported for health reasons.

**(3)** No person shall beat or, by use of a prod, goad or other instrument, cause injury to livestock being loaded into or unloaded from a vehicle.

**(4)** No person shall load into or transport livestock in a vehicle where there is not sufficient space for all the livestock to stand in their natural position at the same time without coming into contact with a deck or roof.

**(5)** A pen into which livestock is unloaded during transport for rest, feed and water must

- (a) provide sufficient space for all the livestock to lie down at the same time,
- (b) provide for adequate feeding and watering of the livestock,
- (c) have an adequate amount of straw or other suitable material to bed the livestock, and
- (d) provide protection from extremes of heat or cold and other adverse weather conditions.

**Vehicle**

**13(1)** A person who loads or transports animals must ensure that the vehicle used to transport the animals meets the following requirements:

- (a) exhaust fumes are not able to enter the box and cause distress to the animals;
- (b) the box front is of sufficient height to protect the animals from direct exposure to any adverse condition;

- (c) the deck surface is suitable non-slip flooring or is covered with straw, dry sand or other suitable material that is uniformly spread.

(2) A person who loads or transports animals must ensure that the vehicle is

- (a) adequately cleaned prior to the loading of the animals, and
- (b) maintained in a clean state.

#### **Unsuitable vehicle**

**14(1)** No person shall load or transport an animal in a vehicle that has

- (a) a box or stock rack of a strength and height that is insufficient to adequately protect and contain the animal at all times,
- (b) fittings that are not secure or are inadequately padded, fenced off or obstructed,
- (c) bolt-heads or other objects projecting into the area where the animals are held,
- (d) any broken, cracked or damaged siding or flooring material,
- (e) inadequate ventilation,
- (f) unsafe footholds or footholds that are not secure, or
- (g) any other equipment in such a condition that it is likely to cause injury or undue suffering to the animals.

(2) No person shall load or transport an animal in a vehicle in a manner that could cause undue exposure of the animal to extreme injurious heat or cold.

#### **Duty to keep livestock segregated**

**15** A person transporting livestock must segregate the livestock during transport as follows:

- (a) livestock of the same species that are incompatible by nature and livestock of different species are segregated from one another;
- (b) groups of mature bulls, de-tusked boars, rams and goat bucks are segregated from all other livestock;

- (c) cows, sows and mares with suckling offspring are segregated from all other livestock;
- (d) a mature boar that is not de-tusked is segregated from all other livestock;
- (e) a mature stallion is segregated from all other livestock, including other mature stallions;
- (f) livestock of the same species but of substantially different weight or age are segregated from one another.

### Rest stops

**16(1)** If livestock that are horses, swine or other monogastric animals are transported for more than 36 hours, the person transporting them must, at intervals not exceeding 36 hours, unload them for rest, feed and water for at least 5 hours at a location that has all the facilities necessary for loading, unloading, resting, feeding and watering them and for inspecting them under the *Livestock Identification and Commerce Act*.

**(2)** If livestock that are cattle, sheep, goats or other ruminants are transported for more than 48 hours, the person transporting them must, at intervals not exceeding 48 hours, unload them for rest, feed and water for at least 5 hours at a location that has all the facilities necessary for loading, unloading, resting, feeding and watering them and for inspecting them under the *Livestock Identification and Commerce Act*.

AR 203/2005 s16;210/2008

### Custody

#### Notice of custody

**17(1)** If a peace officer takes custody of an animal under section 3 of the Act, the peace officer must give to the owner or person in charge of the animal a notice in the form set out in the Schedule.

**(2)** If the owner or person in charge of the animal cannot be found or a peace officer takes custody of an animal under section 4.1 of the Act, the peace officer must post the notice in a prominent place where the animal was found.

### Expenses

#### Tariff

**18(1)** The following is a tariff of expenses that may be charged pursuant to section 5 of the Act in respect of animals that have been taken into custody under the Act:

- (a) for the reasonably necessary transportation of livestock from the point of departure of the transporting vehicle to the point of delivery and return to the point of departure,
    - (i) \$500 for a trip of 50 kilometres or less, and
    - (ii) \$3.50 for each kilometre for a trip of more than 50 kilometres;
  - (b) for the reasonably necessary transportation of animals other than livestock,
    - (i) a maximum of \$30 per trip for 50 kilometres or less, or
    - (ii) \$1 for each kilometre for a trip of more than 50 kilometres;
  - (c) for food, water, care and shelter for an animal,
    - (i) a maximum of \$15 per day for an animal weighing 20 kg or less,
    - (ii) a maximum of \$30 per day for an animal weighing more than 20 kg but less than 200 kg, and
    - (iii) a maximum of \$50 per day for an animal weighing 200 kg or more;
  - (d) for necessary veterinary treatment of an animal, including drugs and medicines, the actual cost of the treatment;
  - (e) the costs of destroying an animal under section 8 of the Act.
- (2)** If in the opinion of the Director special circumstances exist, the Director may
- (a) approve a higher tariff of expenses than the tariff under subsection (1) if the higher tariff is related to the actual cost of the transportation, food, water, care and shelter of animals, and
  - (b) approve the actual cost of necessary expenses, approved by the Director, other than those expenses referred to in clause (a).

### **Repeals, Expiry and Coming into Force**

#### **Repeal**

**19(1)** The *Animal Protection Regulation* (AR 298/96) is repealed.

(2) The *Tariff of Expenses Regulation* (AR 307/96) is repealed.

#### Expiry

**20** For the purpose of ensuring that this Regulation is reviewed for ongoing relevancy and necessity, with the option that it may be repassed in its present or an amended form following a review, this Regulation expires on July 30, 2020.

AR 203/2005 s20;73/2014;123/2016

#### Coming into force

**21** This Regulation comes into force on the coming into force of section 12 of the *Animal Protection Amendment Act, 2005*.

### Schedule

#### Form Notice of Seizure of Animal

Take notice that on (date) under the *Animal Protection Act* the following animal(s) was (were) taken into custody:

\_\_\_\_\_ (describe animal(s)) \_\_\_\_\_

by (insert name of peace officer, the name of the service that employs the peace officer and the service's address and telephone number) and pursuant to

- section 3 of the Act, or  
 section 4.1 of the Act

the animal(s) was (were) delivered to

- a humane society, or  
 a caretaker.

If the animal is not claimed or the payment of expenses is not made, the animal may be sold, given away or, in accordance with section 8 of the *Animal Protection Act*, destroyed.

\_\_\_\_\_ (signature of peace officer)





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