

Health of Animals Act

1990, c. 21

An Act respecting diseases and toxic substances that may affect animals or that may be transmitted by animals to persons, and respecting the protection of animals

[Assented to 19th June, 1990]

Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

SHORT TITLE

Short title

1. This Act may be cited as the *Health of Animals Act*.

INTERPRETATION

Definitions

2. (1) In this Act,

"analyst" « *analyste* »

"analyst" means a person designated as an analyst pursuant to section 32;

"animal" « *animal* »

"animal" includes an embryo and a fertilized egg or ovum;

"animal by-product" « *sous-produit animal* »

"animal by-product" includes blood or any of its components, bones, bristles, feathers, flesh, hair, hides, hoofs, horns, offal, skins and wool, and any thing containing any of those things;

"animal deadyard" « *atelier d'équarrissage* »

"animal deadyard" means a place where animal carcasses, animal by-products or disabled or diseased animals are brought when they are not to be prepared for human consumption;

"animal food" « *aliments pour animaux* »

"animal food" means any thing that is capable of being a nutriment for animals and includes any of the constituent elements of an animal ration;

"animal product" « *produit animal* »

"animal product" includes cream, eggs, milk, non-fertilized ova and semen;

"Assessor" « *évaluateur* »

"Assessor" means the Assessor or any Deputy Assessor appointed under Part II of the *Pesticide Residue Compensation Act*;

"conveyance" « *véhicule* »

"conveyance" means any aircraft, carriage, motor vehicle, trailer, railway car, vessel, cargo container or other contrivance used to move persons, animals or things;

"customs officer" «*agent des douanes*»

"customs officer" means a person employed in the administration and enforcement of the *Customs Act* and includes any member of the Royal Canadian Mounted Police;

"disease" «*maladie*»

"disease" includes

- (a) a reportable disease and any other disease that may affect an animal or that may be transmitted by an animal to a person, and
- (b) the causative agent of any such disease;

"dispose" *Version anglaise seulement*

"dispose" includes slaughter or otherwise destroy, bury or render;

"hatchery" «*couvoir*»

"hatchery" means, subject to any regulations made under subsection (2), a place where eggs are incubated or chicks are hatched;

"infected place" «*lieu contaminé*»

"infected place" means a place that is constituted to be an infected place under section 22 or 23 or under the regulations;

"inspector" «*inspecteur*»

"inspector" means a person designated as an inspector pursuant to section 32;

"justice" «*juge de paix*»

"justice" means a justice as defined in section 2 of the *Criminal Code*;

"Minister" «*ministre*»

"Minister" means the Minister of Agriculture and Agri-Food;

"officer" «*agent d'exécution*»

"officer" means a person designated as an officer pursuant to section 32, but does not include an analyst;

"peace officer" «*agent de la paix*»

"peace officer" means a peace officer as defined in section 2 of the *Criminal Code*;

"penalty" «*sanction*»

"penalty" means an administrative monetary penalty imposed under the *Agriculture and Agri-Food Administrative Monetary Penalties Act* for a violation;

"place" «*lieu*»

"place" includes a conveyance;

"prescribed" *Version anglaise seulement*

"prescribed" means prescribed by regulation;

"rendering plant" «*usine de traitement*»

"rendering plant" means a place

- (a) where animal by-products are prepared or treated for use in, or converted into, fertilizers, animal food, fats or oils, other than fats or oils used for human consumption,
- (b) where a substance resulting from a process mentioned in paragraph (a) is stored, packed or marked, or
- (c) from which a substance resulting from a process mentioned in paragraph (a) is shipped;

"reportable" «*déclarable*»

"reportable" means prescribed as reportable by the Minister;

"toxic substance" «*substance toxique*»

"toxic substance" means a substance prescribed as toxic by the Minister;

"Tribunal" «*Commission*»

"Tribunal" means the Review Tribunal continued by subsection 4.1(1) of the *Canada Agricultural Products Act*;

"vector" «*vecteur*»

"vector" means an animal that has the potential to transmit a disease, directly or indirectly, from one animal or its excreta to another animal;

"veterinary biologic" «*produit vétérinaire biologique*»

"veterinary biologic" means

- (a) a helminth, protozoa or micro-organism,
 - (b) a substance or mixture of substances derived from animals, helminths, protozoa or micro-organisms, or
 - (c) a substance of synthetic origin
- that is manufactured, sold or represented for use in restoring, correcting or modifying organic functions in animals or for use in the diagnosis, treatment, mitigation or prevention of a disease, disorder or abnormal physical state, or the symptoms thereof, in animals;

"veterinary inspector" «*vétérinaire-inspecteur*»

"veterinary inspector" means a veterinarian designated as an inspector pursuant to section 32;

"violation" «*violation*»

"violation" means

- (a) any contravention of any provision of this Act or of a regulation made under this Act, or
 - (b) any refusal or neglect to perform any duty imposed by or under this Act,
- that may be proceeded with in accordance with the *Agriculture and Agri-Food Administrative Monetary Penalties Act*.

Ministerial regulations

(2) The Minister may make regulations excluding places from the definition "hatchery" and prescribing reportable diseases and toxic substances.

Incorporation by reference

- (3) Toxic substances may be prescribed
- (a) in terms of the quantity or concentration in which substances are contained in other substances; and
 - (b) by reference to substances specified in any published document, as amended from time to time.
- 1990, c. 21, s. 2; 1994, c. 38, s. 25; 1995, c. 40, s. 54; 1997, c. 6, s. 67; 2001, c. 4, s. 173(F).

APPLICATION

Binding on Her Majesty

3. This Act is binding on Her Majesty in right of Canada or a province.

Limits of ports, etc.

4. The Governor in Council may, by order, define the limits of ports and of other places for the purposes of this Act.

CONTROL OF DISEASES AND TOXIC SUBSTANCES

Notification and Samples

Notification by owner, etc.

5. (1) A person who owns or has the possession, care or control of an animal shall notify the nearest veterinary inspector of the presence of a reportable disease or toxic substance, or any fact indicating its presence, in or around the animal, immediately after the person becomes aware of the presence or fact.

Notification by veterinarian, etc.

(2) Immediately after a person who is a veterinarian or who analyses animal specimens suspects that an animal is affected or contaminated by a reportable disease or toxic substance, the person shall so notify a veterinary inspector.

Samples of milk or cream

6. (1) The operator of a cheese factory, creamery or dairy shall, when requested to do so by the Minister, supply in the prescribed manner samples of milk or cream, identified as to the herd of origin, for inspection by an inspector.

Samples of animals or other things

(2) A person who owns or has the possession, care or control of an animal or of any other thing that is capable of being affected or contaminated by a disease or toxic substance shall supply in the prescribed manner such samples from the animal or other thing as the Minister may request.

Notice forbidding entry

7. (1) Where

(a) there exists in an area a disease or toxic substance that is capable of affecting animals, and

(b) reasonable steps have been taken by the Minister to

(i) bring the existence of the disease or toxic substance to the attention of persons having the possession, care or control of animals in the area, and

(ii) make those persons aware of the requirements of this subsection,

every person in that area who owns or has the possession, care or control of an animal shall affix at the entrance to the building or other enclosed place in which the animal is kept a notice forbidding entry without the person's permission.

Notice forbidding entry without permission

(2) A person who owns or has the possession, care or control of an animal shall affix at the entrance to the building or other enclosed place in which the animal is kept a notice forbidding entry without the permission of an inspector or officer where there exists in the area a disease or toxic substance that is capable of affecting the animal and the inspector or officer requires such a notice to be so affixed.

Prohibition

(3) No person shall knowingly enter a building or other enclosed place in contravention of a notice affixed under this section, unless the person has a right of entry or way into the building or place or any part thereof or an inspector or officer has authorized the entry.

Prohibitions

Concealment

8. No person shall conceal the existence of a reportable disease or toxic substance among animals.

Keeping diseased animals

9. No person shall turn out, keep or graze on any undivided or unenclosed land any animal that the person knows is affected or contaminated by, or has been exposed to, any reportable disease or toxic substance.

Bringing diseased animals to market

10. No person shall, without a licence issued by an inspector or officer, bring into any market, fair or other place any animal that is known by the person to be affected or contaminated by, or has been exposed to, any reportable disease or toxic substance.

Selling or disposing of diseased animals

11. No person shall, without a licence issued by an inspector or officer, sell or offer or expose for sale or otherwise transfer the ownership of

- (a) any animal or any part of an animal that the person knows is affected or contaminated by, or has been exposed to, any reportable disease or toxic substance, or
- (b) any animal product or animal by-product that the person knows was obtained from an animal that was affected or contaminated by, or was exposed to, any reportable disease or toxic substance at the time of its death,

whether or not the person is the owner of the animal, animal product or animal by-product.

Throwing carcasses into water

12. No person shall throw or place in any body of water the carcass or any part of an animal that at the time of its death was to the person's knowledge affected or contaminated by, or was exposed to, any disease or toxic substance, or that was destroyed because it was, or was suspected of being, affected or contaminated by a disease or toxic substance.

Digging up carcasses

13. (1) No person shall, without lawful authority or excuse, dig up all or any part of the buried carcass of an animal that died or is suspected of having died as a result of being affected or contaminated by a disease or toxic substance, or that was destroyed because it was, or was suspected of being, affected or contaminated by a disease or toxic substance.

Experimentation and examination

- (2) The Minister may
 - (a) reserve for experimentation an animal required to be destroyed under this Act or the carcass of an animal destroyed under this Act; and
 - (b) authorize an inspector or officer to perform a *post mortem* examination of the carcass of an animal that has died or is suspected of having died from a disease or toxic substance and, if the carcass is buried, to dig it up for the purpose of the examination.

Importation

Regulations prohibiting importation

14. The Minister may make regulations prohibiting the importation of any animal or other thing into Canada, any part of Canada or any Canadian port, either generally or from any place named in the regulations, for such period as the Minister considers necessary for the purpose of preventing a disease or toxic substance from being introduced into or spread within Canada.

Prohibition of possession or disposition

15. (1) No person shall possess or dispose of an animal or thing that the person knows was imported in contravention of this Act or the regulations.

Presumption

(2) In any prosecution for an offence under subsection (1), an accused who is found to have been in possession of an animal or thing that was imported in contravention of this Act or the regulations shall be considered, in the absence of evidence to the contrary, to have known that the thing was so imported.

Importation into Canada

16. (1) Where a person imports into Canada any animal, animal product, animal byproduct, animal food or veterinary biologic, or any other thing used in respect of animals or contaminated by a disease or toxic substance, the person shall, either before or at the time of importation, present the animal, animal product, animal by-product, animal food, veterinary biologic or other thing to an inspector, officer or customs officer who may inspect it or detain it until it has been inspected or otherwise dealt with by an inspector or officer.

Regulations

(2) The Minister may make regulations for exempting animals or things from the application of this section and respecting the manner of presenting things for inspection.

Forfeiture of imports

17. Subject to section 18, where an animal or thing is imported or is attempted to be imported into Canada in contravention of this Act or the regulations, it shall be forfeited to Her Majesty in right of Canada and may be disposed of as the Minister may direct.

Removal of imports

18. (1) Where an inspector or officer believes on reasonable grounds that an animal or thing has been imported into Canada and that it

- (a) was imported in contravention of this Act or the regulations,
- (b) is or could be affected or contaminated by a disease or toxic substance, or
- (c) is a vector,

the inspector or officer may, whether or not the animal or thing is seized, require the owner or the person having the possession, care or control of the animal or thing to remove it from Canada.

Notice

(2) A requirement under subsection (1) shall be communicated by personal delivery of a notice to the person being required to remove the animal or thing or by sending the notice to the person, and the notice may specify the period within which and the manner in which the animal or thing is to be removed.

Non-forfeiture

(3) An animal or thing that is required to be removed from Canada shall be deemed not to have been forfeited under section 17.

Forfeiture where non-compliance

(4) Where the animal or thing is not removed from Canada as required under this section, it shall, notwithstanding section 45, be forfeited to Her Majesty in right of Canada and may be disposed of as the Minister may direct.

Exportation of Animals

Certificate required

- 19.** (1) No person shall export an animal from Canada by vessel or aircraft unless
- (a) prior notice of the export of the animal has been given to a customs officer in charge of the place where the animal is to board the vessel or aircraft and the animal has been presented to a veterinary inspector in accordance with subsection (2) at that place; and
 - (b) a certificate of the veterinary inspector has been received by the person certifying that all the prescribed requirements respecting the health, protection and transportation of the animal have been complied with.

Presentation of animal

(2) An animal that is required to be inspected shall be presented in such manner and under such conditions as the veterinary inspector considers necessary to carry out the inspection.

Copy of certificate

- (3) A copy of the certificate referred to in paragraph (1)(b) shall be delivered to
- (a) the master or agent of the vessel or the pilot in command or operator of the aircraft; and
 - (b) the chief officer of customs of the port or airport from which the vessel or aircraft is to depart.

No departure without certificate

- (4) Where a vessel or aircraft that is to depart from Canada has an animal on board,
- (a) no person shall send the vessel to sea or the aircraft on its flight, and
 - (b) no person in charge of the vessel or aircraft shall take the vessel to sea or the aircraft on its flight,

unless a copy of a certificate in respect of the animal has been delivered in accordance with subsection (3).

Detention

(5) The chief officer of customs referred to in paragraph (3)(b) shall detain animals until a copy of the certificate referred to in paragraph (1)(b) has been delivered to that officer.

Exemptions

(6) The Minister may make regulations exempting animals or categories of animals and shipments and categories of shipments from the application of this section.

Certain Acts not affected

20. Nothing in this Act affects

- (a) the provisions of the *Canada Shipping Act* respecting port wardens,
- (b) chapter 33 of the Statutes of Canada, 1871, entitled *An Act to provide for the appointment of a Port Warden for the Harbor of Quebec*,
- (c) chapter 11 of the Statutes of Canada, 1873, entitled *An Act to amend the Acts relating to Port Wardens at Montreal and Quebec*, or
- (d) chapter 45 of the Statutes of Canada, 1882, entitled *An Act to amend and consolidate the Acts relating to the office of Port Warden for the Harbour of Montreal*,

and this Act shall, with respect to the ports to which the Acts referred to in paragraphs (a) to (d) apply, be construed as having been enacted in addition to and not in derogation from those Acts.

International Assistance

Assistance

21. The Minister may provide assistance, both financial and technical, to any person or government outside Canada in controlling or eradicating a disease or toxic substance that affects or could affect persons or animals in Canada.

INFECTED PLACES AND CONTROL AREAS

Declaration of infected place

22. (1) Where an inspector or officer suspects or determines that a disease or toxic substance exists in a place and is of the opinion that it could spread or that animals or things entering the place could become affected or contaminated by it, the inspector or officer may in writing declare that the place is infected and identify the disease or toxic substance that is believed to exist there, and such a declaration may subsequently be amended by the inspector or officer.

Delivery of declaration

(2) When the declaration is delivered to the occupier or owner of the place to which it relates, the place, together with all contiguous lands, buildings and other places occupied or owned by the occupier or owner, constitutes an infected place.

Further declaration

23. (1) For the purpose of preventing the spread of a disease or toxic substance, an inspector or officer may in writing declare that any land, building or other place, any part of which lies within five kilometres of the limits of a place declared to be infected under section 22, is infected and identify the disease or toxic substance that could spread there.

Delivery of declaration

(2) When the declaration has been delivered to the occupier or owner of any land, building or other place mentioned in subsection (1), the land, building or other place, together with all contiguous lands, buildings and other places occupied or owned by the same occupier or owner, constitutes an infected place.

Where occupier or owner not found

24. Where an inspector or officer cannot, after the exercise of due diligence, find the occupier or owner of any land, building or other place, delivery of a declaration may be effected by posting it on the building or on any building or conspicuous object on the land or at the place.

Animals and things not to be removed from or taken into infected places

25. (1) Subject to any regulations made under paragraph 64(1)(k), no person shall, without a licence issued by an inspector or officer, remove from or take into an infected place any animal or thing.

Return

(2) Where an inspector or officer believes on reasonable grounds that any animal or thing has been removed from or taken into an infected place in contravention of subsection (1), the inspector or officer may, whether or not the animal or thing is seized,

(a) return it to or remove it from the infected place, or move it to any other place; or

(b) require its owner or the person having the possession, care or control of it to return it to or remove it from the infected place, or move it to any other place.

Notice

(3) A requirement under paragraph (2)(b) shall be communicated by personal delivery of a notice to the owner or person having the possession, care or control of the animal or thing or by sending the notice to the owner or person, and the notice may specify the period within which and the manner in which the animal or thing is to be returned or removed.

Declaration that a place is no longer infected

26. A place, or any part of a place, that has been constituted to be an infected place by the delivery of a declaration under section 22 or 23 ceases to be an infected place when an inspector or officer declares in writing that the disease or toxic substance described in the declaration

(a) does not exist in, or will not spread from, the place or the part of the place; or

(b) is not injurious to the health of persons or animals.

Control areas

27. (1) Where the Minister believes that a disease or toxic substance exists in an area, the Minister may declare the area to be a control area, describe the area and identify the disease or toxic substance that is believed to exist there.

Measures

(2) The Minister may take all reasonable measures consistent with public safety to remedy any dangerous condition or mitigate any danger to life, health, property or the environment that results, or may reasonably be expected to result, from the existence of a disease or toxic substance in a control area.

Regulations

(3) The Minister may make regulations for the purposes of controlling or eliminating diseases or toxic substances in a control area and of preventing their spread, including regulations

(a) prohibiting or regulating the movement of persons, animals or things, including conveyances, within, into or out of a control area;

- (b) providing for the establishment of zones within a control area and varying measures of control for each zone; and
- (c) authorizing the disposal or treatment of animals or other things that are or have been in a control area.

Return

- (4) Where an inspector or officer believes on reasonable grounds that any animal or thing has been removed from, moved within or taken into a control area in contravention of a regulation made under subsection (3), the inspector or officer may, whether or not the animal or thing is seized,
- (a) return it to or remove it from the control area, or move it to any other place; or
 - (b) require its owner or the person having the possession, care or control of it to return it to or remove it from the control area, or move it to any other place.

Notice

- (5) A requirement under paragraph (4)(b) shall be communicated by personal delivery of a notice to the owner or person having the possession, care or control of the animal or thing, or by sending the notice to the owner or person, and the notice may specify the period within which and the manner in which the animal or thing is to be returned or removed.

Not a statutory instrument

- 28.** For greater certainty, a declaration under section 22, 23, 26 or 27 is not a statutory instrument for the purposes of the *Statutory Instruments Act*, but the Minister shall take such steps as may be practicable in the circumstances to bring any declaration under section 27 to the notice of persons likely to be affected by it.

ADMINISTRATION

Facilities

Operation of services and facilities

- 29.** The Minister may operate, provide or approve any diagnostic, research, laboratory or other services or facilities required for the purposes of this Act or any regulations.

Designation of facilities

- 30.** The Minister may designate areas, offices, laboratories or other facilities inside or outside Canada for a specified purpose or generally for the administration of this Act or the regulations and may at any time amend, cancel or reinstate any such designation.

Definition of "international transportation undertaking"

- 31.** (1) For the purposes of this section, "international transportation undertaking" means
- (a) an undertaking that transports persons or things internationally;
 - (b) an international road, railway, bridge or tunnel;
 - (c) an airport that receives any aircraft operating on an international flight;
 - (d) a port that receives any ship sailing on an international voyage; and
 - (e) a warehouse or other facility that receives any international air, water, rail or road traffic.

Required facilities

- (2) The owner or operator of an international transportation undertaking shall, where required in writing by the Minister, provide and maintain adequate areas, offices, laboratories and other facilities, including buildings, accommodation, equipment, furnishings and fixtures, for inspection or for any other purpose related to the administration of this Act or the regulations.

Powers of Minister

- (3) The Minister may

- (a) cause to be made such improvements as the Minister considers desirable to any area, office, laboratory or other facility provided pursuant to subsection (2);
- (b) post, on or about the area, office, laboratory or other facility, any signs that the Minister considers appropriate for its operation or safe use or for the administration of this Act or the regulations; and
- (c) continue to use the area, office, laboratory or other facility for as long as the Minister requires it for the administration of this Act or the regulations.

Construction and repairs

(4) Where an area, office, laboratory or other facility that is provided by an owner or operator pursuant to subsection (2) is not adequate for the purposes mentioned in that subsection, the Minister may require the owner or operator to carry out any construction or repairs in order to render the area, office, laboratory or other facility adequate for those purposes, and if the owner or operator fails to do so, the Minister may cause the construction or repairs to be carried out and the owner or operator shall be liable for all reasonable costs incurred by the Minister and those costs may be recovered by Her Majesty in right of Canada.

Notice

(5) A requirement under subsection (4) shall be communicated by personal delivery of a notice to the owner or operator or by sending the notice to the owner or operator, and the notice may specify the period within which or the manner in which the construction or repairs are to be carried out.

Arbitration

(6) Subject to subsection (7) and any regulations made under subsection (8), a dispute over the adequacy of any area, office, laboratory or other facility may be resolved by arbitration in accordance with the *Commercial Arbitration Act*.

Canada Labour Code

(7) Any area, office, laboratory or other facility that fails to meet the applicable requirements of Part II of the *Canada Labour Code* shall be deemed to be not adequate for the purposes mentioned in subsection (2).

Regulations

(8) The Governor in Council may make regulations for determining the adequacy of any area, office, laboratory or other facility for the purposes mentioned in subsection (2).

Inspectors and Officers

Designation

32. (1) The President of the Canadian Food Inspection Agency may designate under section 13 of the *Canadian Food Inspection Agency Act* analysts, inspectors, veterinary inspectors and officers for the purposes of this Act.

Certificate to be produced

(2) Inspectors, officers and veterinary inspectors shall be given certificates in a form established by the President of the Canadian Food Inspection Agency attesting to their designation and, on entering any place under this Act, an inspector, officer or veterinary inspector shall show the certificate to the person in charge of the place if the person requests proof of the designation.

1990, c. 21, s. 32; 1997, c. 6, s. 68.

Inspectors and officers may exercise Minister's powers

33. An inspector or officer may, subject to any restrictions or limitations specified by the Minister, exercise any of the powers and perform any of the duties or functions of the Minister under this Act, except the powers mentioned in section 27.

Agreements

34. For the purposes of this Act, the Minister may enter into an agreement with any qualified person to perform such duties or functions as the Minister may specify, on such terms and conditions as the Minister may specify.

Impeding analyst, inspector or officer

35. (1) No person shall obstruct or hinder or make any false or misleading statement either orally or in writing to an analyst, inspector or officer who is performing duties or functions under this Act or the regulations.

Assistance to inspectors and officers

(2) The owner or the person in charge of a place entered by an inspector or officer under section 38 and every person found in the place shall

(a) give the inspector or officer all reasonable assistance in the owner's or person's power to enable the inspector or officer to perform duties and functions under this Act or the regulations; and

(b) furnish the inspector or officer with such information relevant to the administration of this Act or the regulations as the inspector or officer may reasonably require.

Assistance of peace officer

(3) A peace officer shall provide such assistance as an inspector or officer may request for the purpose of enforcing this Act or the regulations.

Power of arrest

36. For the purpose of ensuring compliance with this Act and the regulations, an inspector or officer may exercise the power of arrest conferred on a peace officer under subsection 495(2) of the *Criminal Code* if the requirements of that subsection are complied with and, where the power is exercised, the inspector or officer is entitled to the benefit of subsection 495(3) of that Act.

Seals

Broken seal

37. (1) Where a seal or other identifying device authorized by the regulations has been affixed to a conveyance, container or other thing and the seal or device is broken, altered, tampered with or removed in contravention of the regulations, an inspector or officer may require that the conveyance, container or other thing, or any animal or thing contained in it, be placed in quarantine, disposed of or returned to its place of origin or to such other place as the inspector or officer may direct.

Notice

(2) A requirement under subsection (1) shall be communicated by personal delivery of a notice to the owner or person having the possession, care or control of the conveyance, container or other thing or by sending the notice to the owner or person, and the notice may specify the period within which and the manner in which it is to be quarantined, disposed of or returned.

Inspection

Inspection

38. (1) For the purpose of detecting diseases or toxic substances or ensuring compliance with this Act and the regulations, an inspector or officer may

(a) subject to section 39, at any reasonable time, enter and inspect any place, or stop any conveyance, in which the inspector or officer believes on reasonable grounds there is any animal or thing in respect of which this Act or the regulations apply;

(b) open any receptacle, baggage, package, cage or other thing that the inspector or officer believes on reasonable grounds contains any animal or thing in respect of which this Act or the regulations apply;

(c) require any person to present any animal or thing for inspection in such manner and under such conditions as the inspector considers necessary to carry out the inspection;

- (d) examine any animal or thing in respect of which this Act or the regulations apply and take samples of it;
- (e) require any person to produce for inspection or copying, in whole or in part, any record or document that the inspector or officer believes on reasonable grounds contains any information relevant to the administration of this Act or the regulations; and
- (f) conduct any tests or analyses or take any measurements.

Operation of data processing systems and copying equipment

- (2) In carrying out an inspection at any place under this section, an inspector or officer may
- (a) use or cause to be used any data processing system at the place to examine any data contained in or available to the system;
 - (b) reproduce any record or cause it to be reproduced from the data in the form of a print-out or other intelligible output and take the print-out or other output for examination or copying; and
 - (c) use or cause to be used any copying equipment at the place to make copies of any record or other document.

Warrant required to enter dwelling-place

39. (1) An inspector or officer may not enter a dwelling-place except with the consent of the occupant of the dwelling-place or under the authority of a warrant.

Authority to issue warrant

- (2) Where on *ex parte* application a justice is satisfied by information on oath that
- (a) the conditions for entry described in section 38 exist in relation to a dwelling-place,
 - (b) entry to the dwelling-place is necessary for any purpose relating to the administration of this Act or the regulations, and
 - (c) entry to the dwelling-place has been refused or there are reasonable grounds to believe that entry will be refused,

the justice may at any time sign and issue a warrant authorizing the inspector or officer named in the warrant to enter the dwelling-place, subject to any conditions that may be specified in the warrant.

Use of force

(3) The inspector or officer who executes a warrant shall not use force unless the inspector or officer is accompanied by a peace officer and the use of force is specifically authorized in the warrant.

Seizure

40. Where an inspector or officer believes on reasonable grounds that a violation, or an offence under this Act, has been committed, the inspector or officer may seize and detain any animal or thing

- (a) by means of or in relation to which the inspector or officer believes on reasonable grounds the violation or offence was committed; or
- (b) that the inspector or officer believes on reasonable grounds will afford evidence in respect of the commission of a violation, or of an offence under this Act.

1990, c. 21, s. 40; 1995, c. 40, s. 55.

Search

Warrant

41. (1) Where on *ex parte* application a justice is satisfied by information on oath that there are reasonable grounds to believe that there is in any place any animal or thing

- (a) by means of or in relation to which a violation, or an offence under this Act, has been committed or is suspected of having been committed, or
- (b) that there are reasonable grounds to believe will afford evidence in respect of the commission of a violation, or an offence under this Act,

the justice may at any time sign and issue a warrant authorizing an inspector or officer to enter and search the place for the animal or thing and, subject to any conditions that may be specified in the warrant, to seize and detain it.

Search and seizure powers

(2) The inspector or officer who executes a warrant may exercise the powers described in section 38 and may seize and detain, in addition to any animal or thing mentioned in the warrant, any animal or thing

(a) by means of or in relation to which the inspector or officer believes on reasonable grounds a violation, or an offence under this Act, has been committed; or

(b) that the inspector or officer believes on reasonable grounds will afford evidence in respect of the commission of a violation, or an offence under this Act.

Execution of search warrant

(3) A warrant shall be executed by day unless the justice authorizes its execution by night.

Where warrant not necessary

(4) An inspector or officer may exercise any of the powers mentioned in subsections (1) and (2) without a warrant if the conditions for obtaining a warrant exist but, by reason of exigent circumstances, it would not be practical to obtain a warrant.

1990, c. 21, s. 41; 1995, c. 40, s. 56.

Disposition of Animals and Things Seized

Notice of reason for seizure

42. An inspector or officer who seizes and detains an animal or thing under this Act shall, as soon as is practicable, advise its owner or the person having the possession, care or control of it at the time of its seizure of the reason for the seizure.

Storage and removal

43. (1) An inspector or officer who seizes and detains an animal or thing under this Act, or any person designated by the inspector or officer, may

(a) store it at the place where it was seized or remove it to any other place for storage; or

(b) require its owner or the person having the possession, care or control of it at the time of the seizure to remove it to any other place and to store it.

Notice

(2) A requirement under paragraph (1)(b) shall be communicated by personal delivery of a notice to the owner or person having the possession, care or control of the thing or by sending a notice to the owner or person, and the notice may specify the period within which and the manner in which the animal or thing is to be removed and stored.

Proceeds

(3) An inspector or officer who seizes and detains an animal or a perishable thing under this Act may dispose of it and any proceeds realized from its disposition shall be paid to the Receiver General.

Interference with seized animals or things

44. Except as authorized in writing by an inspector or officer, no person shall remove, alter or interfere in any way with an animal or thing seized and detained under this Act.

Detention

45. (1) An animal or thing seized and detained under this Act, or any proceeds realized from its disposition, shall not be detained after

(a) a determination by an inspector or officer that the animal or thing is in conformity with the provisions of this Act and the regulations, or

(b) the expiration of one hundred and eighty days after the day of seizure, or such longer period as may be prescribed,

unless before that time proceedings are instituted in relation to the animal or thing, in which case it, or the proceeds from its disposition, may be detained until the proceedings are finally concluded.

Application for return

(2) Where proceedings are instituted in accordance with subsection (1) in respect of the animal or thing and it has not been disposed of or forfeited under this Act, the owner of the animal or thing or the person having the possession, care or control of it at the time of its seizure may apply

(a) in the case of a violation, to the Tribunal, or

(b) in the case of an offence, to the court before which the proceedings are being held, for an order that it be returned.

Order

(3) The Tribunal or court, as the case may be, may order that the animal or thing be returned to the applicant, subject to such conditions as the Tribunal or court may impose to ensure that it is preserved for any purpose for which it may subsequently be required, where the Tribunal or court is satisfied that sufficient evidence exists or may reasonably be obtained without detaining the animal or thing and that it is not, or is not suspected of being, affected or contaminated by a disease or toxic substance.

1990, c. 21, s. 45; 1995, c. 40, s. 57.

Forfeiture

46. (1) Where the Tribunal decides that a person has committed a violation, or a person is convicted of an offence under this Act, the Tribunal or the convicting court, as the case may be, may, on its own motion or at the request of any party to the proceedings, in addition to any penalty or punishment imposed, order that any animal or thing by means of or in relation to which the violation or offence was committed, or any proceeds realized from its disposition, be forfeited to Her Majesty in right of Canada.

Forfeiture without conviction

(2) Where the owner of an animal or thing seized and detained under this Act consents to its forfeiture, it is thereupon forfeited to Her Majesty in right of Canada and shall be disposed of as the Minister may direct.

1990, c. 21, s. 46; 1995, c. 40, s. 58.

Disposal of forfeited animals and things

47. (1) Where proceedings mentioned in subsection 45(1) are instituted within the time provided in that subsection and, at the final conclusion of those proceedings, the Tribunal, in the case of a violation, or the court, in the case of an offence, orders the forfeiture of an animal or thing that was seized and detained, it shall be disposed of as the Minister may direct.

Return of seized animals and things where no forfeiture ordered

(2) Where the Tribunal or court, as the case may be, does not order the forfeiture of an animal or thing, it or any proceeds realized from its disposition shall be returned to the owner of the animal or thing or the person having the possession, care or control of it at the time of its seizure.

Exception

(3) Where the Tribunal decides that the owner of an animal or thing or the person having the possession, care or control of it at the time of its seizure has committed a violation, or the owner of an animal or thing or the person having the possession, care or control of it at the time of its seizure is convicted of an offence under this Act, and a penalty or fine, as the case may be, is imposed,

(a) the animal or thing may be detained until the penalty or fine is paid;

(b) the animal or thing may be sold under execution in satisfaction of the penalty or fine; or

(c) any proceeds realized from its disposition under paragraph (b) or section 43 may be applied in payment of the penalty or fine.

1990, c. 21, s. 47; 1995, c. 40, s. 59.

DISPOSAL AND TREATMENT

Disposal of affected or contaminated animals and things

48. (1) The Minister may dispose of an animal or thing, or require its owner or any person having the possession, care or control of it to dispose of it, where the animal or thing

(a) is, or is suspected of being, affected or contaminated by a disease or toxic substance;

- (b) has been in contact with or in close proximity to another animal or thing that was, or is suspected of having been, affected or contaminated by a disease or toxic substance at the time of contact or close proximity; or
- (c) is, or is suspected of being, a vector, the causative agent of a disease or a toxic substance.

Treatment

(2) The Minister may treat any animal or thing described in subsection (1), or require its owner or the person having the possession, care or control of it to treat it or to have it treated, where the Minister considers that the treatment will be effective in eliminating or preventing the spread of the disease or toxic substance.

Notice

(3) A requirement under this section shall be communicated by personal delivery of a notice to the owner or person having the possession, care or control of the thing or by sending a notice to the owner or person, and the notice may specify the period within which and the manner in which the requirement is to be met.

SAMPLES

Disposition of samples

49. A sample taken under this Act or the regulations may be disposed of in such manner as the Minister considers appropriate.

LIMITATION ON LIABILITY

Her Majesty not liable

50. Where a person must, by or under this Act or the regulations, do anything, including provide and maintain any area, office, laboratory or other facility under section 31, or permit an inspector or officer to do anything, Her Majesty is not liable

- (a) for any costs, loss or damage resulting from the compliance; or
- (b) to pay any fee, rent or other charge for what is done, provided, maintained or permitted.

COMPENSATION

Compensation to owners of animals

51. (1) The Minister may order compensation to be paid from the Consolidated Revenue Fund to the owner of an animal that is

- (a) destroyed under this Act or is required by an inspector or officer to be destroyed under this Act and dies after the requirement is imposed but before being destroyed;
- (b) injured in the course of being tested, treated or identified under this Act by an inspector or officer and dies, or is required to be destroyed, as a result of the injury; or
- (c) reserved for experimentation under paragraph 13(2)(a).

Amount of compensation

(2) Subject to subsections (3) and (4), the amount of compensation shall be

- (a) the market value, as determined by the Minister, that the animal would have had at the time of its evaluation by the Minister if it had not been required to be destroyed

minus

- (b) the value of its carcass, as determined by the Minister.

Maximum value

(3) The value mentioned in paragraph (2)(a) shall not exceed any maximum amount established with respect to the animal by or under the regulations.

Additional compensation

(4) In addition to the amount calculated under subsection (2), compensation may include such costs related to the disposal of the animal as are permitted by the regulations.
1990, c. 21, s. 51; 1997, c. 6, s. 69.

Compensation to owners of things

52. The Minister may order compensation to be paid from the Consolidated Revenue Fund to the owner of a thing that is destroyed under this Act and the amount of compensation shall be the market value, as determined by the Minister, that the thing would have had at the time of its evaluation if it had not been required to be destroyed, up to a prescribed amount, less any amount received in respect of it.
1990, c. 21, s. 52; 1997, c. 6, s. 70.

Compensation for costs of treatment

53. The Minister may order compensation to be paid from the Consolidated Revenue Fund to a person for costs incurred with respect to treatment required under subsection 48(2) and the amount of compensation shall be the costs reasonably incurred by the person, as determined by the Minister.
1990, c. 21, s. 53; 1997, c. 6, s. 70.

Compensation withheld

- 54.** (1) Compensation may be withheld in whole or in part where, in the opinion of the Minister,
- (a) the owner of, or the person having the possession, care or control of, the animal or thing in respect of which compensation is claimed has committed a violation, or an offence under this Act, by means of or in relation to that thing;
 - (b) the animal or thing, at the time it was imported into Canada, was affected or contaminated by a disease or toxic substance; or
 - (c) the animal or thing was a vector, the causative agent of a disease or a toxic substance.

Compensation forfeited

(2) A person who contravenes section 16 or a regulation made under section 14 or 16, or who breaks, alters, tampers with or removes a seal or other identifying device in contravention of the regulations, forfeits any claim to compensation in respect of an animal or thing by means of or in relation to which the contravention occurred.
1990, c. 21, s. 54; 1995, c. 40, s. 60.

Regulations

55. The Minister may make regulations

- (a) respecting the method of calculating the market value of animals for which the Minister considers there is no readily available market;
- (b) establishing maximum amounts, or the manner of calculating maximum amounts, for the purpose of subsection 51(3) or section 52; and
- (c) permitting compensation for any costs related to the disposal of animals and things and for determining the amounts of the compensable costs, including prescribing maximum amounts.

1990, c. 21, s. 55; 1997, c. 6, s. 71.

Appeal

56. (1) A person who claims compensation and is dissatisfied with the Minister's disposition of the claim may bring an appeal to the Assessor, but the only grounds of appeal are that the failure to award compensation was unreasonable or that the amount awarded was unreasonable.

Time limit for bringing appeal

(2) An appeal shall be brought within three months after the claimant receives notification of the Minister's disposition of the claim, or within such longer period as the Assessor may in any case for special reasons allow.

Powers of Assessor

57. (1) On hearing an appeal, the Assessor may confirm or vary the Minister's disposition of the claim or refer the matter back to the Minister for such further action as the Assessor may direct.

Costs

(2) Costs may be awarded to or against the Minister in an appeal.

Decisions final

(3) The decision of the Assessor on an appeal is final and conclusive and not subject to appeal to or review by any court.

Sittings and hearings

58. (1) The Assessor may sit and hear appeals at any place or places and shall arrange for sittings and hearings as may be required.

Travel allowances

(2) The Assessor is entitled to be paid such travel allowances as are payable for the attendances of a judge of the Federal Court under the *Judges Act*.

Procedure

59. (1) Subject to the approval of the Governor in Council, the Assessor may make rules respecting the conduct of appeals and the procedure for the bringing of appeals.

Transitional

(2) Subject to any rules made under subsection (1), all rules respecting the conduct of appeals and the procedure for bringing appeals to the Assessor made under section 18 of the *Pesticide Residue Compensation Act* that are in force at the time this section comes into force shall, to the extent that they are not inconsistent with sections 56 to 58, apply in respect of appeals brought under section 56.

Registrar

(3) The functions of the registrar of appeals and any other person necessary to carry out the purposes of sections 56 to 58 shall be carried out by the persons who carry out similar functions under Part II of the *Pesticide Residue Compensation Act*.
1990, c. 21, s. 59; 2001, c. 4, s. 173(F).

FEES, CHARGES AND COSTS

Fees, charges and costs for inspections, etc.

60. (1) Her Majesty, and any person who has entered into an agreement with the Minister under section 34, may recover from any person referred to in subsection (2) any prescribed fees or charges and any costs incurred by Her Majesty or the other person, as the case may be, in relation to anything required or authorized under this Act or the regulations, including, without restricting the generality of the foregoing,

- (a) the inspection, treatment, segregation, quarantine, testing or analysis of a place, animal or thing, as the case may be, or the identification, storage, removal, disposal or return of an animal or thing, required or authorized under this Act or the regulations; and
- (b) the forfeiture, disposal, seizure or detention of an animal or thing under this Act or the regulations.

Persons liable

(2) The fees, charges and costs are recoverable jointly and severally from the owner or occupier of the place or the owner of the animal or thing and from the person having the possession, care or control of it immediately before its inspection, treatment, segregation, detention, forfeiture, quarantine, testing, analysis, identification, storage, removal, return or disposal or, in the case of an animal or thing seized under this Act, immediately before its seizure.

Fees, charges and costs related to control areas

61. (1) Her Majesty may recover from any person mentioned in subsection (2) any prescribed fees or charges and any costs incurred by Her Majesty in relation to taking any measures under section 27 in respect of a control area.

Persons liable

(2) The fees, charges and costs are recoverable from any persons who through their fault or negligence, or that of others for whom in law they are responsible, caused or contributed to the causation of the existence or spread of the disease or toxic substance in respect of which the control area was declared.

Fees, charges, and costs for requested services

62. Her Majesty may recover from any person who requests a service or the issue, renewal or amendment of a licence, permit, approval, certificate or other document under this Act or the regulations any prescribed fee or charge and any costs incurred by Her Majesty in relation to rendering the service or issuing, renewing or amending the document.

Unpaid fees, charges or costs

63. Any fees, charges or costs that are recoverable by Her Majesty under this Act or the regulations may be recovered as a debt due to Her Majesty.
1990, c. 21, s. 63; 1993, c. 34, s. 75.

REGULATIONS

Regulations -- generally

64. (1) The Governor in Council may make regulations for the purpose of protecting human and animal health through the control or elimination of diseases and toxic substances and generally for carrying out the purposes and provisions of this Act, including regulations

- (a) prohibiting or regulating the importation, exportation and possession of animals and things in order to prevent the introduction of any vector, disease or toxic substance into Canada or into another country from Canada;
- (b) for subjecting animals and things that may transmit a disease or toxic substance to quarantine or requiring their destruction on importation into Canada and for requiring the disposal on importation into Canada of things that may transmit a disease or toxic substance;
- (c) requiring proof of the fact that animals imported into or passing through Canada have not been brought from any place where there was, at the time of their embarkation, a disease or toxic substance;
- (d) prohibiting or regulating the importation of garbage into Canada and regulating the handling and disposal of garbage imported into Canada;
- (e) governing the use of food lockers on ships in Canadian waters in order to prevent the introduction of any disease or toxic substance into Canada;
- (f) for controlling or eradicating, or preventing the spread of, vectors, diseases and toxic substances and for quarantining, segregating, treating or disposing of, or for dealing generally with, animals or things that
 - (i) are, or are suspected of being, affected or contaminated by a disease or toxic substance,
 - (ii) have been in contact with or in close proximity to animals or things that were, or are suspected of having been, affected or contaminated by a disease or toxic substance at the time of contact or close proximity, or
 - (iii) are, or are suspected of being, vectors, the causative agents of disease or toxic substances;
- (g) for segregating and confining animals within certain limits, establishing areas of inspection or quarantine and establishing eradication areas where animals may be inspected, segregated and tested for any disease or toxic substance;
- (h) prohibiting or regulating the movement in Canada of
 - (i) animals, animal products, animal by-products, vectors, the causative agents of disease, animal food, hay, straw and fodder, and
 - (ii) things that are used in respect of animals and that may be affected or contaminated by a disease or toxic substance;
- (i) for the humane treatment of animals and generally
 - (i) governing the care, handling and disposition of animals,
 - (ii) governing the manner in which animals are transported within, into or out of Canada, and
 - (iii) providing for the treatment or disposal of animals that are not cared for, handled or transported in a humane manner;

- (j) for declaring as infected, and constituting as an infected place, any airport, market, pen, railway yard, stockyard, conveyance or wharf on or in which any animal, animal product, animal by-product, animal food, hay, straw or fodder, or any other thing used in respect of animals, is exposed for sale or is placed for the purpose of transit;
- (k) prohibiting or regulating the movement of persons and conveyances within, into or out of infected places;
- (l) for purifying any place or thing that is likely to contain a vector or be contaminated by any disease or toxic substance;
- (m) for causing or requiring notice to be given of the appearance of any disease or toxic substance among animals;
- (n) prohibiting or regulating the holding of markets, fairs, exhibitions or sales of animals;
- (o) for exempting any disease or toxic substance from the operation of any of the provisions of this Act or any regulation, for the imposition of terms and conditions governing the exemption and for otherwise dealing with the disease or toxic substance;
- (p) regulating the conduct and operation of zoos and game farms;
- (q) prescribing sanitary and health measures for establishments in which animal semen and animal embryos are collected, stored, frozen or processed and generally regulating the manner in which they are collected, stored and distributed;
- (r) prohibiting or regulating testing for diseases;
- (s) prohibiting or regulating the importation, preparation, manufacturing, preserving, packing, labelling, storing, testing, transportation, sale, conditions of sale, advertising for sale, use and disposal of veterinary biologics and regulating their purity, potency, efficacy and safety;
- (t) prohibiting or regulating the feeding to animals of any thing that could introduce or spread any disease or toxic substance to animals;
- (u) regulating the construction, operation and maintenance of animal deadyards, rendering plants and animal food factories;
- (v) regulating the importation, preparation, manufacturing, preserving, packaging, labelling, storing, distribution, sale, conditions of sale and advertising for sale of products of animal deadyards, rendering plants and animal food factories;
- (w) governing the issue, renewal, amendment, suspension and revocation of licences, permits, approvals, certificates or other documents on such terms and conditions as may be required for the purposes of this Act;
- (x) requiring animals and things to be marked or to have affixed to them tags, seals or other devices for the purposes of this Act, authorizing inspectors or officers to mark animals and things or to affix to them tags, seals or other devices for the purposes of this Act, and prohibiting the removal, breaking, tampering with or altering of those marks, tags, seals or other devices;
- (y) establishing and governing a national identification system for animals that provides for standards and means of identification;
- (z) requiring animals to be identified under the system established under paragraph (y) when the ownership or possession of them changes or when they are transported or otherwise dealt with;
- (z.1) governing the manufacture, sale, distribution and use of the means of identification to be used in the system established under paragraph (y);
- (z.2) governing the collection of information and statistics, the publication of studies and the conduct of surveys on any matter related to this Act or the regulations;
- (z.3) requiring records to be kept respecting activities in respect of which this Act or the regulations apply;
- (z.4) prescribing any fees or charges, or the manner of calculating any fees or charges, required for carrying out the purposes and provisions of this Act or the regulations; and
- (z.5) prescribing anything required by this Act to be prescribed, other than anything to be prescribed by the Minister.

Regulations respecting birds

(2) The Governor in Council may make regulations for the purposes of maintaining or improving the quality of bird stock and of controlling or eliminating diseases and toxic substances among birds, including regulations

- (a) regulating the production, marketing and distribution of birds and hatching eggs;
- (b) prohibiting or regulating the movement of birds and hatching eggs;
- (c) requiring hatchery operators to register with the Minister annually the names and addresses of persons who act as agents in the marketing of birds produced at the operators' hatcheries;

- (d) prescribing the types, sizes, specifications and labelling of packages used by hatchery operators for the marketing of chicks; and
- (e) governing sanitation in or about hatcheries.

Interpretation

(3) Subsection (2) shall not be construed so as to limit the application of subsection (1) in respect of birds.

Definitions of "bird" and "chick"

(4) For the purposes of subsections (2) and (3), "bird" means a bird that is or has been in captivity and "chick" means a bird that is less than seventy-two hours old.

1990, c. 21, s. 64; 1993, c. 34, s. 76.

OFFENCES AND PUNISHMENT

General offence

65. (1) Every person who contravenes any provision of this Act, other than section 15, or the regulations or who refuses or neglects to perform any duty imposed by or under the Act or the regulations is guilty of

- (a) an offence punishable on summary conviction and liable to a fine not exceeding fifty thousand dollars or to imprisonment for a term not exceeding six months, or to both; or
- (b) an indictable offence and liable to a fine not exceeding two hundred and fifty thousand dollars or to imprisonment for a term not exceeding two years, or to both.

Possession and disposal

(2) Every person who contravenes section 15 is guilty of an offence punishable on summary conviction and liable to a fine not exceeding fifty thousand dollars.

No imprisonment

(3) Notwithstanding the *Criminal Code*, no person shall be committed to prison for default of payment of a fine imposed under subsection (2).

1990, c. 21, s. 65; 1995, c. 40, s. 61.

Failure to comply with notices

66. Every person who fails to comply with a notice delivered to the person under section 18, 25, 27, 37, 43 or 48 or the regulations is guilty of

- (a) an offence punishable on summary conviction and liable to a fine not exceeding fifty thousand dollars or to imprisonment for a term not exceeding six months, or to both; or
- (b) an indictable offence and liable to a fine not exceeding two hundred and fifty thousand dollars or to imprisonment for a term not exceeding two years, or to both.

1990, c. 21, s. 66; 1995, c. 40, s. 62.

Fine of vessel

67. Where a person is convicted of an offence arising out of a contravention of subsection 19(3) in relation to a vessel, the vessel is liable to a fine not exceeding fifty thousand dollars.

Limitation period

68. (1) Proceedings by way of summary conviction in respect of an offence under this Act may be instituted at any time within, but not later than, two years after the time when the Minister became aware of the subject-matter of the proceedings.

Minister's certificate

(2) A document purporting to have been issued by the Minister, certifying the day on which the Minister became aware of the subject-matter of any proceedings, is admissible in evidence without proof of the signature or official character of the person appearing to have signed the document and, in the absence of any evidence to the contrary, is proof of the matter asserted in it.

Ticket offences

69. The Governor in Council may make regulations designating the contravention of any provision of this Act or the regulations as an offence with respect to which, notwithstanding the provisions of the *Criminal Code*,

(a) an inspector or officer may lay an information and issue and serve a summons by completing a ticket in the prescribed form, affixing the inspector's or officer's signature thereto and delivering the ticket to the person alleged to have committed the offence specified therein at the time the offence is alleged to have been committed, or

(b) the summons may be served on an accused by mailing the summons to the accused at the accused's latest known address,

and any regulations made under this section shall establish a procedure for voluntarily entering a plea of guilty and paying a fine in respect of each offence to which the regulations relate and shall prescribe the amount of the fine to be paid in respect of each offence.

Recovery of fines

70. Where a person is convicted of an offence under this Act and a fine that is imposed as punishment is not paid when required, the prosecutor may, by filing the conviction, enter as a judgment the amount of the fine and costs, if any, in the superior court of the province in which the trial was held, and the judgment is enforceable against the convicted person in the same manner as if it were a judgment obtained by Her Majesty in right of Canada against the person in that court in civil proceedings.

Officers, etc., of corporations

71. Where a corporation commits an offence under this Act, any officer, director or agent of the corporation who directed, authorized, assented to or acquiesced or participated in the commission of the offence is a party to and guilty of the offence and is liable on conviction to the punishment provided for the offence, whether or not the corporation has been prosecuted or convicted.

Offences by employees or agents

72. In any prosecution for an offence under this Act, it is sufficient proof of the offence to establish that it was committed by an employee or agent of the accused, whether or not the employee or agent is identified or has been prosecuted for the offence, unless the accused establishes that

(a) the offence was committed without the knowledge or consent of the accused; and

(b) the accused exercised all due diligence to prevent the commission of the offence.

Place of trial

73. A prosecution for an offence under this Act may be instituted, heard and determined in the place where

(a) the offence was committed or the subject-matter of the prosecution arose;

(b) the accused was apprehended; or

(c) the accused happens to be, or is carrying on business.

EVIDENCE

Certificates and reports

74. (1) In any proceedings for a violation, or for an offence under this Act, a declaration, certificate, report or other document of the Minister or an analyst, inspector or officer, purporting to have been signed by the Minister or the analyst, inspector or officer, is admissible in evidence without proof of the signature or official character of the person appearing to have signed it and, in the absence of evidence to the contrary, is proof of the matters asserted in it.

Copies of documents

(2) In any proceedings for a violation, or for an offence under this Act, a copy of or an extract from any record or other document that is made by the Minister or an analyst, inspector or officer under this Act or the regulations and that appears to have been certified under the signature of the Minister or the analyst, inspector or officer as a true copy or extract is admissible in evidence without proof of the signature or official character of the person appearing to have signed it and, in the absence of evidence

to the contrary, has the same probative force as the original would have if it were proved in the ordinary way.

Presumed date of issue

(3) Any document referred to in subsection (1) or (2) shall, in the absence of evidence to the contrary, be deemed to have been issued on the date that it bears.

Notice

(4) No declaration, certificate, report, copy, extract or other document referred to in this section shall be received in evidence unless the party intending to produce it has, before the trial, served on the party against whom it is intended to be produced reasonable notice of that intention, together with a duplicate of the declaration, certificate, report, copy or extract.

1990, c. 21, s. 74; 1995, c. 40, s. 63.

TRANSITIONAL

Orders continued as regulations

75. Any orders made under section 16 of the *Animal Disease and Protection Act* and in force immediately before the repeal of that Act by section 76 of this Act shall continue in force as if they were regulations made under section 14 of this Act.

1990, c. 21, s. 75; 1993, c. 34, s. 77(F).

CONSEQUENTIAL AMENDMENTS

76. [Repeal]

77. [Amendment]

COMING INTO FORCE

Coming into force

***78.** This Act or any provision thereof shall come into force on a day or days to be fixed by order of the Governor in Council.

*[Note: Act in force January 1, 1991, *see* SI/91-2.]

AMENDMENTS NOT IN FORCE

-- **1992, c. 47, s. 84 (Sch., s. 7):**

7. Section 69 is repealed.

-- **2001, c. 26, s. 304:**

304. Paragraph 20(a) of the *Health of Animals Act* is replaced by the following:

(a) the provisions of the *Canada Shipping Act, 2001* respecting inspections authorized under paragraph 11(2)(e) of that Act to be carried out,