

EC2017-193**ANIMAL WELFARE ACT
DECLARATION RE**

Under authority of section 50 of the *Animal Welfare Act* Stats. P.E.I. 2015, c. 2 Council ordered that a Proclamation do issue proclaiming the said "Animal Welfare Act" to come into force effective April 15, 2017.

EC2017-194**ANIMAL WELFARE ACT
ANIMAL WELFARE REGULATIONS**

Pursuant to section 45 of the *Animal Welfare Act* R.S.P.E.I. 1988, Cap. A-11.2, Council made the following regulations:

GENERAL MATTERS**Interpretation**

1. (1) The following terms are defined for the purposes of these regulations, Definitions
- (a) "Act" means the *Animal Welfare Act* R.S.P.E.I. 1988, Cap. A-11.2; Act
- (b) "boarding facility" means a cattery, kennel or other premises where companion animals are kept, bred, boarded or trained; boarding facility
- (c) "Cattery Code" means *A Code of Practice for Canadian Cattery Operations*, published by the Canadian Veterinary Medical Association, 2009; Cattery Code
- (d) "CCAC" means the Canadian Council on Animal Care; CCAC
- (e) "enclosure" means a cage, pen, stall or enclosed space to hold or house an animal; enclosure
- (f) "exotic companion animal" means any companion animal other than
 (i) a domestic cat (*Felis silvestris catus*), and
 (ii) a domestic dog (*Canis lupus familiaris*); exotic companion animal
- (g) "food animal" means an animal slaughtered and processed as a meat product for human consumption and for which an inspection system has been established under the laws of Prince Edward Island or Canada; food animal
- (h) "handler" means a person responsible for the care of an animal; handler
- (i) "Kennel Code" means *A Code of Practice for Canadian Kennel Operations*, published by the Canadian Veterinary Medical Association, 2007; Kennel Code
- (j) "NFACC" means the National Farm Animal Care Council; NFACC
- (k) "tether" means to restrain an animal by attaching one end of a rope, leash, chain or similar restraint to an animal or a collar, halter or hobble on the animal and affixing the other end to a stationary object. tether
- (2) A reference in the Act or regulations made under the Act to an animal includes a male, female, adult or juvenile of that species or breed of animal. Age and sex of animal
- (3) A domesticated water buffalo is prescribed as a "commercial animal" under subclause 1(1)(h)(xx) of the Act. Domesticated water buffalo

Accepted Activities

2. For greater certainty, the following are prescribed as accepted activities for the purpose of clause 7(1)(m) of the Act, if conducted in accordance with the Act and these regulations:

Prescribed accepted activities

- (a) keeping, breeding, boarding or training companion animals at a boarding facility;
- (b) keeping, handling, displaying and selling companion animals in or for a licensed companion animal retail store.

Standards and Codes

3. (1) All standards, codes of practice, criteria, guidelines, reports, policies, practices, procedures and other documents referred to or adopted by these regulations are incorporated by reference as amended from time to time.

Standards, etc. incorporated as amended

(2) The standards, codes of practice, criteria, guidelines, reports, policies, practices, procedures and other documents set out in these regulations are acceptable activities for the purposes of clause 7(2)(a) of the Act.

Acceptable codes, standards and other documents

Euthanasia

4. (1) No person shall euthanize an animal except in accordance with the procedure applicable to the animal as set out in the following:

Applicable procedures

- (a) the *2013 Report of the American Veterinary Medical Association Panel on Euthanasia*, published by the American Veterinary Medical Association;
- (b) the provisions related to euthanasia in the *Kennel Code* and the *Cattery Code*;
- (c) the provisions related to euthanasia in the codes of practice listed in Schedule B;
- (d) the *CCAC guidelines on: euthanasia of animals used in science*, published by the CCAC, 2010.

(2) If no procedure for euthanasia is applicable to an animal under subsection (1), the animal may be euthanized in accordance with the *Guidelines for Euthanasia of Domestic Animals by Firearms*, published in the *Canadian Veterinary Journal*, volume 32, December 1991, page 724.

Idem

Unacceptable Activities

5. (1) No person shall tether a horse or a dog, unless the tether

Tethering standards for horses and dogs

- (a) allows the animal to reach its food and water and a place to lie down that provides protection from extremes of heat or cold and other adverse weather conditions;
- (b) allows the animal to move in a manner that is safe and not restricted except by the length of the tether;
- (c) has a minimum length of at least the greater of
 - (i) five metres, and
 - (ii) five times the length of the animal, as measured from the tip of its nose to the base of its tail;
- (d) is configured to prevent the animal from
 - (i) becoming entangled with other objects or animals, or
 - (ii) moving in a manner that could result in strangulation or injury to the animal; and
- (e) does not otherwise cause the animal distress.

(2) No person shall tether a horse outdoors, unless the tethering complies with the *Code of Practice for the Care and Handling of Equines* referred to in item 12 of Schedule B.

Tethering a horse outdoors

(3) Subject to subsection 5(1), no person shall tether a dog outdoors unless,

Tethering dogs outdoors

- (a) in the case of a sled dog, the tethering complies with the *Sled Dog Code of Practice* referred to in section 23; and
- (b) in the case of any other dog, the tethering complies with the *Kennel Code* and the dog is not tethered for more than 30 minutes during the period from 11 p.m. to 6 a.m.

(4) In the case of animals other than horses and dogs, no person shall tether the animal contrary to any code or standard adopted by these regulations.

Tethering other animals

6. (1) No person shall transport a companion animal in the open back of a pickup truck in any manner or circumstances that exposes the animal to a high risk of injury.

Animals in pickup truck

(2) Despite subsection (1), no person shall transport a companion animal in the open back of a pickup truck on a highway, as defined in the *Highway Traffic Act* R.S.P.E.I. 1988, Cap. H-5, unless the animal is placed in a suitable enclosure or otherwise restrained by a device that ensures the safety and protection of the animal.

Pickup truck on highway

Payments and Costs of Care

7. Any fee or amount payable to the province shall be paid in the form of a cheque or money order payable to the Minister of Finance.

Form of payment

8. (1) The costs of care payable to the Government or the Society for the care and maintenance of an animal under section 25 of the Act are as follows:

Costs of care

- (a) for the costs associated with providing food and shelter,
 - (i) \$15 per commercial animal per day, and
 - (ii) \$22 per companion animal per day;
- (b) the actual amount of any costs incurred in transporting the animal;
- (c) the actual amount of any costs incurred in seizing or taking the animal into custody;
- (d) the actual amount of any costs incurred in relieving the distress of the animal, including euthanasia;
- (e) for veterinary care,
 - (i) the actual amount of any overtime wages paid to a veterinarian who is an employee of the Society,
 - (ii) the actual amount of any fees and expenses paid to a veterinarian who is engaged by the Department or the Society, and
 - (iii) the actual amount of any costs for medical supplies or other services provided or used in the course of the veterinary care.

(2) Where a cost in subsection (1) is prescribed as an amount per day, the amount is payable for each 24-hour period or part of that period.

Daily amounts

(3) Where any costs payable to the Society under subsection 27(5) of the Act are outstanding for more than one year, the Minister may reimburse the Society for all or part of those outstanding costs.

Reimbursement of Society

Form and Content of Orders

9. (1) An order made under the Act shall include the following information:

Contents of orders

- (a) the name or identity of the person or persons to whom the order applies;
- (b) the legal authority for the order and the reasons for making the order;
- (c) a description of each animal, thing or premises that is subject to the order;
- (d) a description of any action required to be performed or ceased under the order, including a reference to any applicable standard, code of practice, criterion, guideline, report, policy, practice, procedure, other document or recommendation of a veterinarian;
- (e) any specific time limits applicable in the order, including the time to comply, and any other applicable conditions;
- (f) the date of the order and the name, title and signature of the person issuing the order;
- (g) a statement advising how a person affected by the order may have the order appealed;
- (h) a statement advising that the order is in effect during any appeal.

(2) The Director may determine the form of an order.

Form of order

Consents and Notices

10. (1) Where the Act provides for the consent of a person, that consent shall be in writing and contain the following information: Content of consent

- (a) the name and address of the person;
- (b) a description of the animal to which the consent applies;
- (c) a description of the decision or action to which the person is consenting;
- (d) the date of the consent;
- (e) the signature of the person.

(2) A notice to an owner under section 22 of the Act regarding actions taken in respect of an animal shall contain the following information: Contents of notice to owner

- (a) the name and address of the owner, or if that is not known, a location associated with the owner or a means of identifying the owner;
- (b) a description of the animal to which the notice applies;
- (c) a description of the decision or action taken by the animal protection officer;
- (d) a reference to any statutory authority for the decision or action taken by the animal protection officer;
- (e) the date of the notice and the name and title of the person issuing the notice;
- (f) a statement advising how a person affected by the notice may recover possession of the animal or appeal the notice;
- (g) a statement advising that the decision or action is in effect during any appeal.

(3) The Director may determine the form of a consent or notice referred to in this section. Form of documents

Time Periods

11. For the purposes of subsection 23(2) of the Act, the time period within which an owner may recover possession of an animal is five days, not including weekends and holidays, after the day the notice under section 23 of the Act was served on the owner. Time for recovery of animal

Appeals

12. (1) A notice of appeal under subsection 29(4) of the Act shall be in a form determined by the Appeal Board that Content of notice of appeal

- (a) is signed and dated by the appellant or counsel for the appellant; and
- (b) sets out the name, address and telephone number of the appellant and any counsel for the appellant.

(2) Members of the Appeal Board shall receive remuneration for the work they perform on an appeal as follows: Appeal Board

- (a) the Chair shall be paid \$70 per hour worked to a maximum of \$1,000 per appeal;
- (b) the Vice Chair shall be paid \$40 per hour worked to a maximum of \$572 per appeal;
- (c) every other member shall be paid \$40 per hour worked to a maximum of \$572 per appeal.

Service of Documents

13. (1) A notice, order or other document may be sent or served on a person to whom it pertains Manner of service

- (a) by personally delivering it to the person;
- (b) by mailing or delivering it to the person at their last known address, according to the most recent information of the person serving it, using a mail or delivery service that provides an acknowledgment of receipt; or
- (c) in the case of service on an owner of an animal, by leaving or posting it at the place where
 - (i) the animal referred to in it was seized or taken into custody, or
 - (ii) the person serving it believes on reasonable grounds the animal is located.

(2) A document sent or served in accordance with subsection (1) is deemed to have been served on and received by the person on the earliest of the day that

- (a) it is personally delivered to the person;
- (b) its receipt is acknowledged in accordance with clause (1)(b); or
- (c) it is left at the place referred to in clause (1)(c).

Date of service

COMPANION ANIMALS

Adoptions by the Society

14. Before placing a companion animal for adoption, the Society shall, in addition to any other conditions that the Society may require, ensure that

Adoption conditions

- (a) the animal has no apparent health or behavioural problems that would make it unsuitable for adoption;
- (b) the prospective owner provides proof of his or her identity in a form satisfactory to the Society;
- (c) the prospective owner is provided with advice about the proper care of and any appropriate training for the animal;
- (d) the prospective owner is, in the Society's opinion, suitable to adopt the animal; and
- (e) the adoption is documented in writing.

Licensing Companion Animal Retail Stores

15. A person applying for a license to operate a companion animal retail store shall submit to the Director

License applications

- (a) a completed application in a form determined by the Director;
- (b) a statement of the types and breeds of animal to be housed or bred and the number of breeding and non-breeding adult animals that will be kept at the companion animal retail store;
- (c) a scale drawing or blueprint of the premises; and
- (d) a license fee in the amount of \$250.

16. (1) No person shall alter or modify the premises or operation of a licensed companion animal retail store without the prior written approval of the Director.

No alteration of licensed premises without approval

(2) An application for approval to alter or modify the premises or operation of a licensed companion animal retail store shall be made in the same manner as an application for a license under section 15.

Application for approval

17. (1) The holder of a license for a companion animal retail store who wishes to renew the license shall, no later than 30 days before the expiry of the license, submit to the Director

Renewal of license

- (a) an application for renewal in a form approved by the Director;
- (b) a current inventory of the species, breeds and quantity of animals in the companion animal retail store; and
- (c) a license fee in the amount of \$250.

(2) Before renewing a license, the Director may require the premises of the companion animal retail store to be inspected by an inspector or by another person designated by the Director.

Inspection before renewal

(3) A person who performs the inspection under subsection (2) shall submit a report regarding the results of the inspection to the Director in accordance with the requirements of the Director.

Report on results of inspection

18. The holder of a license for a companion animal retail store shall, when selling an animal, ensure that the sales staff gives the buyer a document that

Brochure

- (a) states the scientific or common name of the animal;
- (b) certifies that the animal is healthy; and
- (c) provides the prospective owner with advice about the proper care of and any appropriate training for the animal.

19. (1) The holder of a license for a companion animal retail store shall keep records of

Maintenance of Records

- (a) the name, address and contact information of each supplier that supplies an animal to the companion animal retail store;

- (b) the species, breeds and quantity of animals obtained from each supplier; and
 - (c) any other records that may be required under these regulations.
- (2) The holder of a license for a companion animal retail store shall
- (a) keep each record for at least two years from the date it is made; and
 - (b) provide any of these records to the Director or an animal protection officer upon request.

Records retention and production

Housing and Construction Standards

20. (1) Every holder of a license for a companion animal retail store and every owner and operator of a boarding facility shall comply with the codes and standards adopted by this section in respect of the store or facility and the animals in the store or facility.

Application to retail stores and boarding facilities

(2) That portion of the premises where dogs are kept shall be constructed in accordance with the standards in the *Kennel Code*.

Construction standards for kennels

(3) That portion of the premises where cats are kept shall be constructed in accordance with the standards in the *Cattery Code*.

Construction for catteries

(4) That portion of the premises where exotic companion animals are kept shall be constructed in accordance with the standards in Schedule A.

Standards for exotic companion animals

(5) Where a combination of the species referred to in subsections (2) to (4) are kept on the same premises,

Standards for mixed species

(a) the codes and standards referred to in those subsections applies to those parts or areas of the premises in which the applicable species is kept, handled or displayed; and

(b) parts or areas of the premises where more than one species are kept, handled or displayed shall comply with the combination of those codes and standards that best ensures the well-being of all the animals that are kept, handled or displayed in the part or area of the premises.

(6) If the license holder of a companion animal retail store or the owner or operator of a boarding facility is unable to comply with clause (5)(b), he or she shall not keep, handle or display an animal of a species covered by a code or standard in a part or area of the premises that does not comply with that clause.

Separation of species

General Standards of Care

21. (1) Every holder of a license for a companion animal retail store and every owner and operator of a boarding facility shall comply with the codes and standards adopted by this section in respect of the store or facility and the animals in the store or facility.

Application to stores and facilities

(2) The litter or bedding material in every enclosure in the premises shall be changed as often as is necessary to keep the litter or bedding dry, clean and free of noxious fumes.

Standards for litter and bedding

(3) Any enclosure using any specialized method for collecting excreta and other waste shall be cleaned and the excreta removed as often as is necessary to maintain the health and comfort of every animal in the premises.

Other standards for excreta and waste

(4) No animal shall be placed in a vacant enclosure of which it has not been the last occupant, unless the enclosure and any equipment in it has first been cleaned and disinfected.

Sanitizing enclosures

(5) The walls, floors and holding enclosures in the premises shall be constructed so as to prevent wastes from contaminating adjacent rooms or enclosures.

Prevention of contamination

(6) Every device used to supply drinking water to animals in the premises shall be

Standards for watering

(a) maintained in a sanitary condition; and

(b) constructed and maintained so as to ensure that the animals are receiving clean and potable water in volumes and at intervals sufficient to meet the requirements of their species.

- (7) Food supplied for animals in the premises shall be of a type and amount that provides a nutritionally adequate diet for each species and is palatable and free from contamination. Standards for food
- (8) No animal in the premises shall be deprived of food for longer than the lesser of 24 hours or the period recommended by the code or standard applicable to that animal under these regulations. Period of feeding
- (9) Dogs on the premises shall be cared for in accordance with the guidelines for immunization and health care set out in the *Kennel Code*. Standards of care for dogs
- (10) Cats on the premises shall be cared for in accordance with the guidelines for immunization and health care set out in the *Cattery Code*. Standards of care for cats
- (11) The licensed premises shall be operated in accordance with a health management program that is approved by a veterinarian and includes a written protocol for Health management program
- (a) preventive veterinary care;
- (b) vaccination;
- (c) parasite control; and
- (d) euthanasia, when required.
- (12) Any animal on the premises that becomes ill shall be presented to a veterinarian for timely diagnosis and treatment. Veterinary care

Special Standards for Exotic Companion Animals

- 22.** Every holder of a license for a companion animal retail store and every owner and operator of a boarding facility with an exotic companion animal shall comply with the codes and standards adopted or required by Schedule A in respect of the store or facility and every exotic companion animal in the store or facility. Standards in Schedule A

Sled Dogs

- 23.** Every owner of a sled dog shall comply with the *Sled Dog Code of Practice*, January 30, 2012, published by the Ministry of Agriculture, Government of British Columbia. Sled dogs

Standards of Operation of Boarding Facilities

- 24.** (1) Every owner and operator of a boarding facility for dogs shall operate the facility in compliance with the *Kennel Code*. Code applicable to kennel
- (2) Every owner and operator of a boarding facility for cats shall operate the facility in compliance with the *Cattery Code*. Code applicable to cattery

Standards for Operation of Companion Animal Retail Stores

- 25.** (1) Every holder of a license for a companion animal retail store shall comply with the codes and standards adopted by this section in respect of the store and the animals in the store. Application to animal retail stores
- (2) Dogs shall be kept, handled and displayed in accordance with the standards in the *Kennel Code*. Standards for dogs
- (3) Cats shall be kept, handled and displayed in accordance with the standards in the *Cattery Code*. Standards for cats
- (4) Birds shall be kept, handled and displayed in accordance with the standards in the *Recommended space requirements for birds kept in a pet retail environment*, published by the Pet Industry Joint Advisory Council of Canada. Standards for birds
- (5) Small animals shall be kept, handled and displayed in accordance with the standards in the *Recommended space requirements for juvenile small animals kept in a pet retail environment*, published by the Pet Industry Joint Advisory Council of Canada. Standards for small animals

COMMERCIAL ANIMALS

Codes of Practice for Commercial Animals

26. Every owner of a commercial animal shall comply with the codes of practice listed in Schedule B in respect of the commercial animal to which the code applies. Codes of practice

Loading Commercial Animals

27. (1) No person shall load into a vehicle any animal that, by reason of infirmity, illness, injury, fatigue or any other cause, would suffer unduly while in the vehicle. Animals unfit for loading

(2) Despite subsection (1), a person may load into a vehicle an animal for transportation 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 will be transported humanely. Exception

(3) No person shall load commercial animals into a vehicle in a manner that is likely to cause the animals pain, suffering, harm or impairment of health from crowding or any other reason. Pain, suffering, harm or impairment of health prohibited

(4) No person shall beat or, by use of a prod, goad or other instrument, cause injury to a commercial animal being loaded into a vehicle. Prohibited devices

(5) No person shall load into a vehicle a commercial animal that is likely to give birth while in the vehicle, unless the animal is being transported for health reasons. No pregnant animals

(6) No person shall load a commercial animal into a vehicle that has insufficient space for all the animals to stand in their natural position at the same time without coming into contact with a deck or roof. Insufficient space

(7) A person who loads commercial animals into a vehicle shall ensure that the vehicle meets the following requirements: Suitable vehicle

- (a) the area of the vehicle used by the animals is adequately cleaned prior to loading and is maintained in a clean state;
- (b) exhaust fumes are not able to enter the area of the vehicle used by the animals and cause distress to the animals;
- (c) the front of the area of the vehicle used by the animals is of sufficient height to protect the animals from direct exposure to any adverse condition;
- (d) the deck surface consists of a suitable non-slip flooring or is covered with straw, dry sand or other suitable material that is uniformly spread.

(8) No person shall load a commercial animal into a vehicle that has Unsuitable vehicle

- (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 of the vehicle used by the animal;
- (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 the animal pain, suffering, harm or impairment of health.

(9) No person shall load a commercial animal into a vehicle in a manner that could cause undue exposure of the animal to extreme or injurious heat or cold and other adverse weather conditions. Extreme heat or cold

Unloading Commercial Animals

28. (1) No person shall unload any commercial animal at a commercial market or assembly yard that, by reason of infirmity, illness, injury, fatigue or other cause, is unable to stand or is unduly suffering. Prohibited unloading

(2) No person shall unload a commercial animal in a manner that is likely to cause it pain, suffering, harm or impairment of health. Injury or undue suffering prohibited

(3) No person shall beat or, by use of a prod, goad or other instrument, cause injury to a commercial animal being unloaded from a vehicle. Prohibited devices

(4) No person shall unload a commercial animal from a vehicle for rest, food or water, unless the premises into which the animal is unloaded Premises for unloading

- (a) provides sufficient space for all the animals to lie down at the same time;
- (b) provides for adequate feeding and watering of the animals;
- (c) has an adequate amount of straw or other suitable material to bed the animals; and
- (d) provides protection from extreme or injurious heat or cold and other adverse weather conditions.

Commercial Markets

29. (1) The operator of a commercial market shall ensure that it is maintained so that Maintenance requirements

- (a) adequate protection is provided to all calves weighing less than 115 kilograms and all swine that are present at the market;
- (b) any commercial animal that, by reason of infirmity, illness, injury, fatigue or other cause, is unable to stand or unable to compete with other animals for space, feed or water is kept separated from the other animals;
- (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 enclosures;
- (e) boars or stags that weigh less than 150 kilograms are kept separate from sows; and
- (f) adequate shelter from extreme or injurious heat or cold and other adverse weather conditions is provided that is appropriate for the species of commercial animal.

(2) The operator of a commercial market shall not allow the following animals to be present at the commercial market: No sale of young animals

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

(3) If any animal described in subsection (2) is present at a commercial market, the operator shall Notice to remove young animals

- (a) keep it separate from other commercial animals; and
- (b) notify, as soon as possible, the person who delivered the animal to remove it immediately.

(4) A person who receives notice under clause (3)(b) shall immediately remove the animal from the commercial market. Removal of young animals

Care and Handling of Commercial Animals

30. (1) The operator of a commercial market or assembly yard shall not allow commercial animals to remain at the market or yard for a period exceeding 144 hours, unless so directed by an animal protection officer or another officer or inspector appointed under an enactment of Prince Edward Island or Canada. Maximum period at market or yard

(2) If a commercial animal remains at a commercial market or assembly yard for a period of 36 hours, the operator of the market or yard shall provide sufficient space, shelter, feed, water and bedding for that animal for as long as it remains at the market or yard. Provision of care

(3) If any commercial animal at a commercial market or assembly yard becomes unable, by reason of infirmity, illness, injury, fatigue or other cause, to stand or to compete with other animals for space, food or water, the operator of the market or yard shall Notice of unfit animal

- (a) keep that animal separate from the other animals; and
- (b) provide the care or treatment appropriate to that animal.

Slaughtering Animals for Food

31. (1) No person shall slaughter a food animal except in accordance with the provisions of sections 77 to 80 of the *Meat Inspection* Slaughter

Regulations, 1990, including any amendments made to, or successor legislation enacted to replace, those provisions.

(2) No person shall slaughter an animal for food, unless it is a food animal.

Prohibition on slaughtering non-food animals

Research Animals

32. (1) The owner and any other person who has control of animals bred, kept or used for the purpose of research or teaching activities shall keep them in accordance with the following guides, policies and guidelines, published by the Canadian Council on Animal Care:

Research and teaching animals

- (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* (2006);
- (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 assessment reports* (2012);
- (q) *CCAC policy statement on: confidentiality of assessment information* (2010);
- (r) *CCAC policy statement on: CCAC assessment panel policy* (1999);
- (s) *CCAC Certification of Animal Care and Use Programs* (2012);
- (t) *CCAC policy statement on: the importance of independent peer review of the scientific merit of animal based research projects* (2000);
- (u) *CCAC policy statement on: animal based projects involving two or more institutions* (2003);
- (v) *CCAC Guidelines on: the Care and Use of Farm Animals in Research, Teaching and Testing*.

(2) No owner or any other person who has control of animals bred, kept or used for the purpose of research or teaching activities shall conduct a study or research involving the animals, unless the study or research is reviewed and approved by an animal care committee structured according to the criteria set out in the policy referred to in clause (1)(k).

Animal care committee

Exhibitions and Fairs

33. (1) The owner and person in charge of animals present at an exhibition or fair shall ensure that

Duties of owner and person in charge

- (a) any companion animal in the exhibition or fair is cared for in accordance with the provisions of sections 20 to 25, including Schedule A, applicable to that animal;
- (b) any commercial animal in the exhibition or fair is cared for in accordance with the provisions of sections 26 to 28 applicable to that animal;

- (c) an experienced handler is within eye contact of an animal when it is in the presence of the public; and
- (d) the public is not allowed to approach, touch or feed an animal, unless the interaction is supervised by an experienced handler and the safety of the animal and the public is assured.
- (2) For greater certainty, these regulations do not apply to animals in a circus governed by the Circus Animals Regulations. Circus animals
- 34.** These regulations come into force on April 15, 2017. Commencement

SCHEDULE A

(Section 22)

Standards for Exotic Companion Animals

Application

- 1.** This Schedule applies only in respect of exotic companion animals in a companion animal retail store or a boarding facility. Exotic companion Animals

Housing and Enclosures

- 2.** (1) An animal's enclosure shall be constructed to reflect the animal's natural habitat, such as aquatic, terranean or arboreal. Natural enclosures
- (2) An animal's enclosure shall be constructed so that Standards of construction
- (a) it is situated away from areas of disruptive traffic and noise;
 - (b) it can be maintained in a manner that causes minimal disturbance to the animals in it and elsewhere in the premises;
 - (c) it does not contain sharp edges or anything else that can harm the animal; and
 - (d) it is built with materials, such as glass, plexiglass, plastic or steel, that are smooth, non-abrasive, non-absorbent and easy to clean and disinfect.
- (3) If all or part of the floor of an animal's enclosure is wire, Wire enclosures
- (a) the wire shall be coated with an impervious material;
 - (b) the floor shall be sufficiently strong to support the combined weight of the animals in the enclosure plus any equipment that rests on the wire floor;
 - (c) the floor shall have a mesh size that will not injure any animal in the enclosure but will allow faecal matter to fall freely through the mesh;
 - (d) the floor shall be set up so that there is no contamination of the enclosure underneath; and
 - (e) the floor shall include a partial solid area such as a bed or blanket.
- (4) The size of each enclosure shall generally be large enough to allow the animal enough room to move around and to exhibit normal behaviours such as climbing and burrowing. Size of enclosure
- (5) If the enclosure contains branches, perches or other structures, they shall be stable, not prone to collapse and capable of being adequately cleaned and disinfected. Stable branches and perches
- 3.** (1) A water habitat in an enclosure shall be constructed so that Water habitats
- (a) it is large enough to accommodate the animal;
 - (b) it provides shallow areas for rest, respiration and basking;
 - (c) except in the case of aquatic species and species that require soaking, it is not deeper than the chin of the animal being housed; and
 - (d) in the case of an enclosure for an aquatic turtle, it is at least as deep as the width of the turtle's carapace to prevent drowning.

- (2) If the enclosure is an aquarium or contains a water habitat, only glues approved for use in aquariums shall be used on the enclosure's glass components. Glues for aquariums and water habitats
- 4.** (1) An enclosure for birds shall be larger than the largest wingspan of any bird housed in the enclosure. Size of bird enclosure
- (2) An enclosure for birds shall be built with several perches that
- (a) are easy to clean and disinfect;
 - (b) are of more than one size and texture;
 - (c) allow for proper distribution of the birds' weight; and
 - (d) promote avian foot health.
- Construction of bird enclosures
- 5.** An animal's enclosure shall be provided with hiding areas that are Hiding areas
- (a) adequate in number for the species and number of animals being housed;
 - (b) located across a range of temperature and humidity within the enclosure;
 - (c) constructed so as to prevent animals from moving them or becoming trapped inside of them; and
 - (d) easy to clean and disinfect.
- 6.** Outdoor premises used to house animals shall Outdoor premises
- (a) have a perimeter and an enclosed roof, when appropriate, that is reinforced to prevent animal escapes;
 - (b) be monitored regularly for signs of escape activity, especially along the perimeter;
 - (c) have fencing buried adequately to prevent escapes by underground burrowing;
 - (d) not use chicken wire to secure a perimeter; and
 - (e) not contain toxic plants, pesticides or other harmful substances.
- 7.** (1) A snake enclosure shall have two contiguous sides with a total length, measured on their inside surfaces, that is equal to or greater than the fully extended length of the longest snake in the enclosure. Snake enclosures
- (2) Snakes shall be kept in a latched or locked escape-proof enclosure. Escape-proof snake enclosures
- 8.** (1) species may be housed together only if they do not affect each other negatively. Housing different species together
- (2) Species or animals that are cannibalistic shall be housed individually. Cannibalistic species or animals
- (3) Prey species shall not be housed with predators, except for a prey animal that is placed in a predator's enclosure as food. Housing predators and prey species
- 9.** An animal shall not be subject to predation or harassment by another animal, except for a prey animal that is placed in a predator's enclosure as food. Predation and harassment
- 10.** An animal shall be provided with bedding or surface material that is Bedding
- (a) not toxic or otherwise harmful;
 - (b) not irritating to the animal's skin or respiratory tract;
 - (c) either smooth and large enough to prevent its ingestion or small enough to pass uninhibited through the animal's intestinal tract;
 - (d) in an amount adequate to permit nesting, egg-laying and burrowing, if applicable; and
 - (e) in amount and absorbent capability adequate to contain excreta.
- 11.** Water comprising an aquatic or water habitat in an enclosure shall be Cleanliness of water in water habitats
- (a) changed at least weekly, and more frequently for an aquarium smaller than 45.5 litres;
 - (b) kept as free of contamination as reasonably possible, especially with species that defecate in their water source;
 - (c) free of harmful substances;
 - (d) aged and acclimatized to the enclosure temperature prior to being added to the animal's environment;
 - (e) aerated for water-dwelling species; and
 - (f) if the source water is chlorinated or contains other chemicals harmful to the animal, passed through a filter prior to being added to the animal's environment.

- 12.** (1) The temperature, humidity, precipitation and lighting conditions in an enclosure shall replicate those of the animal's natural habitat as closely as possible while still allowing for appropriate hygiene, breeding and management of the animal. Temperature, humidity, precipitation and lighting
- (2) An amphibian or reptile enclosure shall have Amphibian or reptile enclosure
- (a) a range of temperatures appropriate to the species it contains; and
- (b) different temperature zones within the enclosure if moving between such zones is a part of the animal's usual routine in its natural habitat.
- (3) The temperature in an enclosure shall not exceed the optimum body temperature for the species it contains. Temperature limit
- (4) The premises shall be equipped with a thermometer capable of measuring air temperature and, for species that thermoregulate, the temperature of the surface of the floors of their enclosures in the premises. Thermometers
- (5) The source of heat in the premises shall not be capable of burning an animal. Heating source for exotic companion animals
- (6) A rock with a heating element shall not be used or placed in an enclosure in such a manner that an animal in the enclosure is able to come into direct contact with the rock. Hot rocks
- (7) An amphibian or reptile enclosure shall have a source of ultraviolet-B radiation, preferably sunlight, if appropriate for the species contained in the enclosure. Ultraviolet-B
- (8) An amphibian or reptile enclosure shall have a range of humidity appropriate for the species contained in it. Humidity range
- (9) The level of humidity required in the premises shall not be provided by excluding ventilation. Humidity through lack of ventilation
- 13.** (1) The premises shall be provided with adequate ventilation. Ventilation
- (2) An enclosure shall have a top or side that is not solid, unless the enclosure is otherwise adequately ventilated. Top and sides
- Food and Water**
- 14.** Utensils and dishes used to provide food and water to animals shall be Sanitation of feeding and watering equipment
- (a) cleaned daily; and
- (b) disinfected before being used for another animal.
- 15.** (1) An animal shall be provided with a diet that is nutritionally balanced and adequate for its species and age. Diet
- (2) An animal shall be fed at regular intervals appropriate for its species, and individual animals in a group of animals housed together shall be monitored for adequate nutrient intake. Regular feeding
- (3) Animals shall not be fed live prey as food, unless necessary for that animal. Live prey
- (4) All practicable measures to reduce the suffering of live prey used as food shall be taken, including the following: Conditions for live prey
- (a) the prey shall be provided with shelter, food and water;
- (b) in the case of a sociable species of prey, such as guinea pigs, the prey shall not be put in the predator's enclosure alone as a single animal;
- (c) any live prey not eaten after six hours shall be removed from the predator's enclosure;
- (d) any prey that is injured or obviously and excessively frightened as a result of the predator attacking, but not eating, it shall be removed from the predator's enclosure and, if necessary, euthanized.
- (5) Dietary changes shall be made gradually and avoided in species that cannot adapt to variety. Change of diet

(6) The animal's food shall be provided separately from its source of drinking water and the drinking water shall be changed within 12 hours after feeding. Separate water and feeding

(7) Animals shall be provided with an adequate source of essential vitamins and minerals, including calcium and vitamin D for amphibians and reptiles. Vitamins and minerals

16. (1) Drinking water shall be provided in a manner accessible for the species, such as shallow containers on the ground, containers mounted in trees and misting on vegetation or enclosure walls. Drinking water

(2) Sipper bottles shall be checked daily to ensure that they are flowing. Sipper bottles

Care and Handling

17. Several sources of environmentally enriching items appropriate for the species housed in an enclosure shall be provided in it, such as an exercise wheel for small fur-bearing species. Activities and exercise

18. (1) An animal shall not be caught or handled by its tail. Handling

(2) An amphibian shall be handled with gloved or wet hands. Amphibians

(3) An animal shall be handled in a way that does not cause undue stress to it and in a room or place that is enclosed and has as few places as reasonably practical for an escaped animal to hide. No undue stress

(4) Hands and handling equipment shall be washed and disinfected after an animal is handled. Hand washing

19. An animal shall be quarantined for a period of time recommended by a veterinarian before it is introduced into the enclosure of another animal. Quarantine

20. A sick or injured animal shall be treated in its home enclosure if possible and, if this is not possible, a second unoccupied enclosure shall be used for the animal's treatment. Sick or injured animals

21. (1) Brumation shall be permitted if it is appropriate for the species. Brumation

(2) A minimum period from November to February is recommended for brumation for temperate terrestrial reptiles. Minimum period

(3) An animal that brumates shall be provided with a preconditioning period before brumation that includes Preconditioning period

- (a) a physical exam of the animal; and
- (b) a period for the animal to acclimatize to room temperature.

(4) An animal that brumates shall be monitored for weight loss and hydration during its brumation period. Weight and hydration

(5) An animal that loses over 7% of its body weight during its brumation period shall be examined for disease or other problems. Examination for weight loss

(6) During an animal's brumation period, it shall be provided with drinking water that is changed regularly. Drinking water

22. A chinchilla or degu shall be provided with Specific provisions for chinchillas and degus

- (a) access to a sanitized dust bath several times per week; and
- (b) the opportunity to chew and wear down its incisors.

23. If neither the length nor the width of a snake enclosure is longer than the full length of a snake contained in the enclosure, the snake shall be allowed out for exercise with direct supervision several times per week. Specific provisions for snakes

24. Birds shall be provided water in a manner suitable for bathing. Specific provisions for birds

Transportation

25. Animals shall be transported Transportation

- (a) in a dark, confined and secure enclosure; and
- (b) at a temperature within their preferred temperature range.

26. Hands and equipment shall be washed and disinfected after transporting an animal. Sanitation of hands and equipment

SCHEDULE B

(Section 26)

1. *Code of Practice for the Care and Handling of Beef Cattle*, published by NFACC (2013)
2. *Code of Practice for the Care and Handling of Dairy Cattle* published by NFACC (2009)
3. *Code of Practice for the Care and Handling of Veal Calves*, published by NFACC
4. *Code of Practice for the Care and Handling of Pigs*, published by NFACC (2014)
5. *Code of Practice for the Care and Handling of Sheep*, published by NFACC (2013)
6. *Codes of Practice for the Care and Handling of Goats*, published by NFACC (2003)
7. *Code of Practice for the Care and Handling of Hatching Eggs, Breeders, Chickens, and Turkeys* published by NFACC (2012)
8. *Code of Practice for the Care and Handling of Rabbits* published by NFACC
9. *Code of Practice for the Care and Handling of Farmed Deer (Cervidae)* published by NFACC (1996)
10. *Code of Practice for the Care and Handling of Farmed Fox (Vulpes vulpes)* published by NFACC (2013)
11. *Code of Practice for the Care and Handling of Farmed Mink*, published by NFACC (2013)
12. *Code of Practice for the Care and Handling of Equines*, published by the NFACC (2013)
13. *Recommended Code of Practice for the Care and Handling of Horses in PMU Operations*, approved by Manitoba Agriculture
14. *Code of Practice for the Care and Handling of Bison*, published by NFACC (2001)
15. *CCAC Guidelines on: the Care and Use of Farm Animals in Research, Teaching and Testing*, published by the Canadian Council on Animal Care
16. *Code of Practice for the Care and Handling of Farm Animals: Transportation*, published by NFACC (2001)

EXPLANATORY NOTES

SECTION 1 establishes definitions for the purposes of the regulations.

SECTION 2 specifies accepted activities for the purposes of clause 7(1)(m) of the Act.

SECTION 3 provides for the adoption of standards, codes of practice and other documents as amended from time to time.

SECTION 4 prohibits euthanizing an animal except in accordance with the specified procedure applicable to the animal.

SECTION 5 prohibits the tethering of specified types of animals except in accordance with the section or as otherwise specified.

SECTION 6 prohibits the transportation of companion animals in the open back of a pickup truck, as specified.

SECTION 7 provides for the form of payment of required fees and other amounts.

SECTION 8 specifies the authorized costs of care and maintenance for an animal for the purposes of section 25 of the Act.

SECTION 9 specifies the form and required content of orders issued for the purposes of the Act.

SECTION 10 establishes the requirements respecting consents and notices for the purposes of the Act.

SECTION 11 establishes the time period for the recovery of possession of an animal by the owner for the purposes of subsection 23(2) of the Act.

SECTION 12 authorizes the content of a notice of appeal under subsection 29(4) of the Act and the remuneration payable to the members of the Appeal Board.

SECTION 13 provides for the manner in which documents may be sent or served for the purposes of the Act.

SECTION 14 establishes conditions that must be observed by the Humane Society prior to placing an animal for adoption.

SECTION 15 establishes the requirements for an application for a license to operate a companion animal retail store.

SECTION 16 prohibits alterations or modifications to the premises or operation of a licensed companion animal retail store except with the prior written approval of the Director.

SECTION 17 establishes the requirements for the renewal of a license for a companion animal retail store.

SECTION 18 requires the holder of a license for a companion animal retail store to provide the buyer of an animal with specified information about the animal and to certify that the animal is healthy.

SECTION 19 specifies the records that the holder of a license for a companion animal retail store is required to keep and to provide to the Director or an animal protection officer on request.

SECTION 20 provides that the holder of a license for a companion animal retail store and each owner and operator of a boarding facility is required to comply with the codes and standards respecting construction and housing for animals specified in the section.

SECTION 21 provides that the holder of a license for a companion animal retail store and each owner and operator of a boarding facility is required to comply with the general standards of care for animals specified in the section.

SECTION 22 provides that the holder of a license for a companion animal retail store and each owner and operator of a boarding facility is required to comply with the codes and standards specified in Schedule A to the regulations in respect of exotic companion animals.

SECTION 23 provides that the owner of a sled dog is required to comply with the specified code of practice.

SECTION 24 provides that the owner and operator of a boarding facility for dogs or cats is required to comply with the applicable standard as specified.

SECTION 25 establishes specified standards for the operation of companion animal retail stores.

SECTION 26 provides that the owner of a commercial animal is required to comply with the applicable codes of practice listed in Schedule B to the regulations.

SECTION 27 establishes rules that apply to the loading of commercial animals into a vehicle, including rules that govern the suitability of the vehicle for the transportation of the animals.

SECTION 28 establishes rules that apply to the unloading of commercial animals from a vehicle.

SECTION 29 establishes rules respecting the operation of commercial markets and the housing of animals present at the market.

SECTION 30 establishes rules respecting the care and handling of animals at a commercial market.

SECTION 31 prohibits the slaughtering of food animals except in accordance with the specified sections of the *Meat Inspection Regulations, 1990*.

SECTION 32 establishes the standards that apply to animals bred, kept or used for research or teaching activities, and to studies or research involving those animals.

SECTION 33 establishes the requirements that must be complied with by a person in charge of animals in an exhibition or fair.

SECTION 34 provides for the commencement of the regulations.

EC2017-195

ANIMAL WELFARE ACT CIRCUS ANIMALS REGULATIONS

Pursuant to section 45 of the *Animal Welfare Act R.S.P.E.I. 1988, Cap. A-11.2*, Council made the following regulations:

Interpretation

1. The following terms are defined for the purposes of these regulations, Definitions
- (a) "Act" means the *Animal Welfare Act R.S.P.E.I. 1988, Cap. A-11.2*; Act
- (b) "Chief Conservation Officer" means the Chief Conservation Officer appointed under the *Wildlife Conservation Act R.S.P.E.I. 1988, Cap. W-4.1*; Chief Conservation Officer

- (c) “circus” means a travelling establishment that keeps, trains or exhibits animals to perform behaviours for the entertainment or education of the public; circus
- (d) “circus license” means a license to operate a circus under these regulations; circus license
- (e) “equine” means a horse or pony (*Equus ferus*), a donkey (*Equus africanus asinus*) or a mule; equine
- (f) “escape and recapture plan” means a written plan describing the measures used by a circus to prevent the escape of animals from the circus and the measures it would use to recapture any animal that does escape; escape and recapture plan
- (g) “handler” means the person responsible for the care of an animal in a circus; handler
- (h) “operator” means the person responsible for operating the circus while it is in the province; operator
- (j) “tether” means to restrain an animal by attaching one end of a rope, leash, chain or similar restraint to an animal or a collar, halter or hobble on the animal and affixing the other end to a stationary object; tether
- (i) “trainer” means the person responsible for training an animal to perform in a circus. trainer

Licensing Circuses

- 2.** (1) No person shall operate a circus unless the person holds a license issued by the Director for that purpose under section 11 of the Act. Circus license
- (2) For greater certainty, these regulations do not apply to an exhibition or fair where animals do not perform behaviours for the entertainment or education of the public. Not applicable to exhibitions and fairs
- 3.** (1) A person applying for a license to operate a circus shall submit to the Director License applications
- (a) a completed application in a form approved by the Director;
- (b) a list of all the animals in the circus and the documents establishing the identity and ownership of each animal;
- (c) a copy of any import permit required under the *Wildlife Conservation Act* and any other federal and provincial import and export permits required for the animals;
- (d) a list of all the activities that each animal would perform while in the province;
- (e) copies of all health certificates and medical records for each animal and a certificate signed by a veterinarian, licensed or registered in the jurisdiction in which the animals are located, that each animal was examined within the previous 30 days and is in good health;
- (f) a description of all the enclosures used to transport and display each animal, including their dimensions and the materials used in their construction;
- (g) a signed and dated declaration from the operator that each handler understands the level of animal care expected under the Act and these regulations;
- (h) a letter, signed by the person responsible for operating each venue hosting the circus, confirming that he or she is able and willing to provide the facilities required for operating the circus under the Act and these regulations;
- (i) a copy of the circus’s escape and recapture plan;
- (j) certified copies of the insurance policies or related documentation, in a form and content acceptable to the Director, documenting compliance with section 4;
- (k) a copy of the letter to the police required under subsection 5(3); and
- (l) the license fee set out in subsection (2). License fee
- (2) The fee for a circus license is \$500 and shall be paid in the form of a cheque or money order payable to the Minister of Finance.

(3) An application for a circus licence shall be submitted at least 180 days in advance of the first day that the circus proposes to operate in the province. 180 days in advance

Insurance Requirements

4. (1) The operator shall, at the operator's own expense, obtain liability insurance to protect the Government of Prince Edward Island, the circus and its contractors and sub-contractors, their successors and assigns and their respective directors, officers, employees, agents and servants. Liability insurance

(2) The insurance shall provide commercial general liability protection for liabilities arising out of property damage, personal injury, bodily injury and death resulting from any activity connected with the existence, management or operation of the circus. Scope of coverage

(3) For greater certainty, the insurance shall be extended or endorsed to include coverage related to expenses arising from any costs associated with or incurred by any provincial, municipal or police agency in the recapture of any animal that may escape from the circus. Recapture costs

(4) The insurance coverage shall be written on an occurrence basis with a limit of liability of not less than two million dollars per occurrence. Limits

Escape and Recapture Plan

5. (1) The operator shall develop and maintain an escape and recapture plan that includes the following information: Contents of plan

(a) a description of the point after an escape when the circus will notify the local police, the Director and the Chief Conservation Officer;

(b) the name and telephone number of the person responsible for notifying the authorities referred to in clause (a);

(c) a list of the equipment that would be used for crowd control and to recapture any escaped animal, such as vehicles, public address system and related items;

(d) a description of how the venue hosting the circus and the circus will coordinate their activities if an animal does escape;

(e) a list of the personnel responsible for recapturing an escaped animal that clearly indicates their individual responsibilities and duties.

(2) The escape and recapture plan shall not include or rely upon any drugs that are not carried by the circus. Available drugs

(3) The operator of the circus shall, in writing, provide the police at each venue with Advise police

(a) a list of the types of firearms, ammunition and drugs held by the circus at each venue; and

(b) a written and signed undertaking that these firearms, ammunition and drugs will remain under the control of the circus at all times.

Authorized Circus Animals

6. (1) A license may only be issued for a circus that keeps, trains or exhibits any of the following animals: List of authorized animals

(a) a domestic cat (*Felis silvestris catus*);

(b) a domestic dog (*Canis lupus familiaris*);

(c) an equine;

(d) a domesticated pigeon or dove (*Columba livia*);

(e) domestic poultry (*Gallus gallus domesticus*).

(2) No operator of a circus shall allow any animal not authorized under subsection (1) to be in a circus. Prohibition

Circus Standards

7. (1) Every operator shall comply with, and ensure that the circus and its personnel comply with, the Schedule to these regulations, including, in particular, the standards in the Schedule respecting treatment, care, safety, transportation, display, housing, health, hygiene, exercise, Standards for circuses

training, handling, veterinary care, drug administration, euthanasia, public interaction, record keeping, and the specific standards respecting individual species of circus animals.

(2) Subject to any standard expressly provided in these regulations, including the Schedule, every operator shall comply with, and ensure that the circus and its personnel comply with, the standards applicable to an animal as set out in the following:

Other codes of practice

- (a) *A Code of Practice for Canadian Cattery Operations*, published by the Canadian Veterinary Medical Association, 2009;
- (b) *A Code of Practice for Canadian Kennel Operations*, published by the Canadian Veterinary Medical Association, 2007;
- (c) the *Code of Practice for the Care and Handling of Equines*, published by the National Farm Animal Care Council, 2013.

(3) All standards and codes of practice referred to or adopted by these regulations are incorporated by reference as amended from time to time.

Standards and codes incorporated as amended

License Conditions

8. (1) It is a condition of a circus license that the operator complies with provisions of these regulations, including the Schedule.

Compliance with Schedule a license condition

(2) It is a condition of a circus license that the operator review the escape and recapture plan on a regular basis and hold a drill at least once a month to make circus staff aware of the plan and how to put its measures into action.

Regular review

(3) It is a condition of a circus license that any escape of any animal shall be immediately reported to the local police, the Director and the Chief Conservation Officer.

Report of escape

9. These regulations come into force on April 15, 2017.

Commencement

SCHEDULE

(Subsection 7(1))

STANDARDS FOR CIRCUS ANIMALS

1. This Schedule applies in respect of a circus and every animal in a circus.

Animal Dignity

2. (1) The circus audience shall be encouraged to treat the animals with respect during all stages of the animals' performance.

(2) All trainers and handlers shall demonstrate respect, knowledge and humane treatment of the animals in the circus.

(3) All trainers and handlers shall develop a solid relationship with the animals in their care.

(4) No person shall dress an animal in a costume that belittles the animal.

(5) Subject to subsection (4), it is an acceptable activity for performance purposes to ceremonially dress an animal in a manner traditionally or culturally practised.

Housing – General Requirements

3. (1) The dimensions of the housing provided to the animals shall meet or exceed the minimum sizes set out in this Schedule.

(2) Each animal shall be securely contained and, for greater certainty, the minimum dimensions for housing required under these regulations do not necessarily assure secure containment.

(3) Animals shall not be housed on a sealed surface, such as asphalt or concrete, unless covered by a suitable material that insulates the animal from the heat and cold effects of the sealed surface.

(4) Animals shall be provided with suitable bedding material for insulation that is maintained in a dry and clean condition at all times.

(5) Facilities for exercising animals shall be provided for the animals at each venue.

Safety

4. (1) The circus shall use mobile communications that enable fast access to police, ambulance and veterinarians.

(2) All animals shall be under the direct supervision of a handler at all times during the animals' performances.

(3) A reasonable inventory of emergency medical supplies shall be available at the circus.

(4) Each handler shall, at a minimum, have the following equipment under his or her immediate control at all times:

- (a) a dart gun in good working condition that is effective to a minimum distance of 30 metres;
- (b) multiple dart needles of a length appropriate for each species under the handler's control;
- (c) multiple dart barrels of a volume appropriate for each species and appropriate for the drug being used;
- (d) all associated equipment necessary for the preparation and use of darts and the dart gun.

(5) Each handler shall be able to demonstrate proficiency with the equipment referred to in subsection (4).

(6) The entrances to the circus ring, and any exercise yards, shall be installed so that the entrance's gate or door only swings inwards.

(7) The circus ring shall be adequately illuminated whenever animals are within it.

(8) Warning signs shall be placed on all entrances to the circus ring that warn when animals are in the ring outside of performance times.

(9) Standoff barriers with a minimum distance of two metres beyond the maximum reach of animals in display housing shall be placed if members of the public are able to approach the animals.

(10) Any incident caused by an animal involving the death of a person, or any injury to a person that requires medical treatment, shall be immediately reported to the Director and the local police.

Transportation

5. (1) When transporting animals, a regular rest stop shall be made after a maximum duration of two hours of travel in order to

- (a) inspect the animals and their facilities;
- (b) offer potable water to the animals; and
- (c) offer food to the animals if necessary.

(2) Water shall be removed from the animal housing before the vehicle transporting animals resumes transportation after the rest stop.

(3) If a vehicle transporting animals in a circus stops for a period longer than 15 minutes in an area away from a populated area, the vehicle shall be opened to allow fresh air to enter the animal housing, when weather permits.

(4) Each vehicle transporting the animals shall

- (a) be fitted with mobile communication equipment;
- (b) enable appropriate transport of the animals from venue to venue;
- (c) include adequate ventilation for the animals that provides a minimum of 12 to 15 complete air exchanges per hour; and
- (d) provide adequate insulation to protect the animals from environmental extremes while still maintaining the ventilation required for the vehicle.

(5) When circuses are at a layover site or performance venue, the animal housing provided shall comply with the standards for display housing required under these regulations.

(6) When animals, such as retired animals, breeding animals or display animals being rested, are held in holding parks, the animal housing shall comply with the requirements for each species set out in these regulations.

(7) The operator shall comply with all other laws respecting transportation, in addition to the provisions respecting the transportation of animals under these regulations.

Display Housing – General Requirements

6. (1) No vehicle or trailer shall be used for the display housing of animals.

(2) If an animal trailer forms the basis for the display facilities, it shall contain a platform that is

- (a) raised off floor level;
- (b) kept dry and clean; and
- (c) provides an area that the animals can retreat to while the floor is cleaned and while it dries.

(3) Display facilities shall, where practicable, maximize the size of the temporary housing used for the animals.

Health and Hygiene

7. (1) All animals shall be provided with dry shelter and protection from extremes of heat or cold and other adverse weather conditions at all times, and access to potable drinking water when the circus is not travelling.

(2) Animal excrement shall be removed from the animal's environment as soon as possible and in a manner that is not a source of stress to the animal.

(3) Since most caged animals tend to defecate in one given area of their housing cage, commonly called "cage discipline",

- (a) each animal's food presentation and sleeping areas shall be set as far away as possible from areas of defecation to prevent faecal contamination of food and bedding; and
- (b) when animals are seen not to practise "cage discipline", containers and bedding areas shall be raised above cage floor level.

(4) All food offered to animals shall be clean, fresh, appropriate and wholesome.

(5) Water and food containers shall never be placed under perches of birds.

(6) All tools, utensils and working surfaces associated with the preparation of food for animal consumption shall be kept clean and in good repair.

(7) Circus personnel shall regularly inspect and evaluate animal housing, when feeding and cleaning, to monitor hygiene levels and potential health problems.

(8) Circus personnel shall be trained to recognize the following signs of possible animal stress:

- (a) self-mutilation of no dermatological cause;
- (b) unusual hair loss, dermatitis, scouring or excessive self-grooming;
- (c) repetitive stereotypical behaviour or abnormal activity levels;
- (d) weight loss or changes in eating, defecating and urination habits;
- (e) abnormal aggression or withdrawal toward cage mates, handlers or trainers;
- (f) catatonia, depression or elevated aggression levels;
- (g) increased incidence of illness or disease.

- (9) The operator shall ensure that
- (a) circus personnel ascertain the cause of any stress;
 - (b) the causes of any stress is removed or alleviated as much as is possible; and
 - (c) veterinary advice is obtained where the cause of stress cannot be identified.

Exercise

8. (1) Daily exercise periods shall be provided to the animals in a form and duration appropriate for the well being of the individual species.

(2) Each animal shall be provided with at least 45 minutes of exercise each day in the form of training sessions or public performance.

(3) Animals shall be provided with opportunities for enrichment based on species-appropriate fixed and movable furnishings within the animal's environment and procedures to increase both physical and mental activity.

Training – General Requirements

9. (1) No person shall use a training method that causes distress to any animal.

(2) No person shall use fire in an animal's training or performance.

(3) The skeleton and musculature of the animals shall be developed, or developing, sufficiently to meet the demands placed on it by its exercise or training and special care shall be used and training regimes modified for young growing animals and old animals.

(4) No person shall exercise or train an animal or cause it to perform if a worsening musculoskeletal condition manifests in the animal, until this condition and its cause are properly diagnosed and treated by a veterinarian experienced with the species of animal involved.

(5) If an animal is clinically ill, no person shall exercise or train the animal or cause it to perform until a veterinarian experienced with that species of animal states that the animal has fully recovered or is capable of exercising, training or performing.

(6) All training methods shall be based on a positive reinforcement approach, namely the anticipation of a reward for successfully completing a desired behaviour.

(7) The reward for the successful completion of a desired behaviour shall be immediate and tangible for the animal.

(8) No person shall physically punish any animal.

- (9) The operator shall ensure that
- (a) any props used with the animals are well designed and as simple as possible;
 - (b) any stools, ladders, planks or steps used as props are either fixed to the sides of the circus ring or have a wide enough base to be sufficiently stable;
 - (c) any wood elements in the props are not splintery or split; and
 - (d) the colour and shape of any props are designed to enhance their visibility to the animal.

Veterinary Care

10. (1) The circus shall establish a regular arrangement with a veterinarian who has knowledge of the animals in the circus.

(2) The circus shall have a medical record for each animal in the circus showing that each animal was examined by a veterinarian at least once every six months, regardless of its state of health, and showing the results of that examination.

(3) The operator shall maintain all medical records pertaining to each animal in the circus and ensure that copies of these records travel with

the animals in a single, accessible location that is available for immediate review by any consulting veterinarian.

(4) Circuses shall maintain an up-to-date list of suitably qualified local veterinarians and have ready access to the name and location of the nearest veterinarian upon arriving at a given venue.

(5) If a sick or injured animal's regular veterinarian is unavailable, the animal shall be examined by a local veterinarian who is provided with the regular veterinarian's contact address and phone number.

(6) If the medical treatment of an animal involves the use of a prescription or scheduled drug, the advice and attendance of a veterinarian, licensed to practise in the province, shall be sought.

(7) If a suitably qualified veterinarian is not available, the advice of a veterinarian shall be obtained verbally by telephone and later confirmed in writing by an email, fax or letter that is placed in the animal's medical record.

(8) If an animal is diagnosed with a disease by a veterinarian and the animal requires hospitalization, the animal shall be removed for treatment or, if the space is available, a separated area may be set up within the circus where the animal can be contained, isolated, monitored and nursed if necessary.

(9) If the animal's disease involves an infectious agent that is communicable to other animals or to humans,

- (a) any separated area containing the animal within the circus shall be isolated;
- (b) only selected personnel shall have access to the area; and
- (c) disinfection measures shall be implemented under the guidance of the attending veterinarian to prevent the spread of the disease.

(10) No person, other than a veterinarian, shall perform surgery on an animal.

(11) A veterinarian's opinion shall be sought before moving an animal in late stages of pregnancy.

Drug Administration

11. (1) No drugs under the *Controlled Drugs and Substances Act* (Canada) shall be administered to an animal unless prescribed by a veterinarian.

- (2) Circus personnel may administer drugs to an animal if
 - (a) they have previous experience in the procedure; and
 - (b) they do so under the direction of a veterinarian.

(3) Circus personnel shall be aware of and comply with the limitations that the *Veterinary Profession Act* places on what procedures may be performed by lay people.

(4) Circus personnel administering non-prescription drugs shall follow the labelled directions.

(5) Sterile disposable needles and syringes shall be used for all injections.

(6) Darts may be used to administer drugs if necessary.

(7) Adequate equipment and facilities to restrain the animals shall be part of the circus inventory.

Euthanasia

12. (1) The operator of the circus shall develop and maintain a protocol on animal euthanasia and ensure that pertinent personnel are familiar with the protocol.

(2) The protocol on animal euthanasia must comply with the codes and standards on animal euthanasia in the Animal Welfare Regulations relevant to the animals in the circus.

(3) Subject to the powers of the Director or an animal welfare officer under the Act to euthanize an animal, the operator or his or her delegate is responsible for making the decision to perform euthanasia under the protocol on animal euthanasia.

(4) No person other than a veterinarian shall euthanize an animal.

(5) Despite subsection (4), in an emergency when a veterinarian is not available, a person with knowledge of, or prior experience with, the methods of successful euthanasia for that particular species of animal may perform the euthanasia if the person acts in accordance with the advice of a veterinarian obtained verbally by telephone before an animal is euthanized.

(6) The only method of non-veterinary euthanasia that is permissible for birds is cervical dislocation.

(7) Suitable methods of euthanasia shall be available for all animals.

Training and Handling

13. (1) No training or command implement shall be used in a manner that causes distress to an animal.

(2) Collars, head collars or leads shall not be jerked or pulled forcefully in order to guide an animal.

(3) Rattans, canes and other types of rods may be used to push or guide an animal, and they may be struck against each other or against another object to provide a noise stimulus, but they shall not be used to strike an animal and the ends shall always be blunt.

(4) The composition and construction of all training implements shall be non-toxic to animals.

(5) No person shall strike an animal with any training device, unless the safety of humans or animals is under direct threat.

(6) Trained behaviours shall incorporate bodily movements that are within the normal physical capability of the animal.

(7) Animals shall not be made to perform movements that have a high risk of injury.

(8) The apparatus that animals may make use of in the course of their trained behaviours shall be easy for them to use and have no foreseeable potential to cause them injury.

(9) No person shall force an animal to continue to perform a desired behaviour if the animal is unwilling.

(10) Animals shall be constantly provided with minor changes in their behavioural repertoire to provide a constant level of mental stimulation.

14. (1) Trainers shall halt a training session if a decreased attention span and an increasing level of unwillingness to perform a behaviour by the animal become apparent.

(2) A secondary handler or trainer shall be on site if the primary handler or trainer is sick, injured or unavailable.

(3) If a trained act is to change hands, the trainer or handler shall undertake a transfer period in the presence of the new handler or trainer until the new handler or trainer can satisfactorily work the act and gain the confidence of the animals.

(4) Each handler or trainer shall be committed to the welfare of the animals under that person's care and understand the important relationship between animal and human in the circus environment.

(5) Trainers shall aim to relate to their charges on an individual basis in order to detect problems, whether physical, medical or psychological, and hidden talents in their animals before anybody else.

(6) Handlers shall develop educational information on the animals in their care to promote better understanding and respect for the animals.

(7) Each handler or trainer shall be thoroughly competent with and knowledgeable about the following:

- (a) the behavioural tendencies of the species in their care;
- (b) the potential physical capabilities of the species in their care;
- (c) the accepted methods of handling, physically restraining and training of the species in their care;
- (d) proper hygiene, cleanliness and neatness in regard to facilities, equipment and feed;
- (e) basic skills in visually assessing animal demeanour, physical condition, fecal output, feed intake and other behavioural factors;
- (f) the ability to maintain coherent, comprehensive and relevant records in relation to the animals in their care;
- (g) the ability to liaise with the circus management;
- (h) the ability to delegate responsibility appropriately where circumstances warrant;
- (i) the ability to recognize and carry out safe work practices;
- (j) the ability to liaise with and answer questions from the public;
- (k) the ability and willingness to consult and communicate with veterinary consultants.

(8) Circus personnel involved in the care and handling of animals shall have access to the following avenues for obtaining the necessary skills and competencies regarding animals:

- (a) undertaking formal courses dealing specifically with specialized animal care, such as animal husbandry, zoo keeping and animal ethics;
- (b) regular access to relevant new literature in order to keep abreast of recent developments in animal care, husbandry and training;
- (c) regular opportunities to attend conferences or visit other circuses or circus personnel.

(9) Interested members of the public shall be encouraged to watch training sessions and to ask questions and all handlers shall be prepared to answer their questions at reasonable times regarding the animals in their care.

(10) Circus personnel involved in the care of animals shall first undergo work experience on an apprenticeship basis with a person who is recognized as having experience in animal care with the relevant species.

(11) Each animal act shall have two handlers or trainers capable of working the act or exercising the animals, so that the absence from the circus by one handler or trainer does not cause the animals stress through separation from their familiar trainer or handler or a lack of training, performance or exercise.

Public Interaction with Animals

15. (1) The circus shall provide a place for any injured or otherwise compromised animal to have privacy from the public.

(2) When an animal is in the presence of the public, an experienced handler shall be within eye contact of the animal.

(3) The public shall not be allowed to feed the animals or perform with them.

(4) No member of the public shall be allowed to directly approach an animal, unless under the direct supervision of an experienced animal handler or trainer and the public's safety is assured.

(5) Circus personnel shall ensure that no animal is tormented or otherwise abused by members of the public.

Record Keeping

16. Records shall be maintained for each animal that include the following information:

- (a) its species, referring to its common and scientific names;
- (b) its gender;

- (c) its given name, if any;
- (d) its date of birth;
- (e) its current owner;
- (f) its insurer and the name, address and phone number of a contact person with the insurer;
- (g) the person responsible for the animal while in the circus;
- (h) the name, address and phone number of its regular veterinarian;
- (i) the name of its breeder and the place of its birth;
- (j) the names of its sire and dam, if known;
- (k) the date of its acquisition by the circus;
- (l) the names of all its previous owners and the dates of their ownership;
- (m) its breeding history, including mating dates, mating partners, the number and gender of any offspring and the fate of those offspring;
- (n) its medical history, including a description and the dates of any diagnoses of disease, medical treatments or procedures, surgeries, weight and vaccinations;
- (o) any scarring or distinguishing marks;
- (p) any noteworthy incidents involving the animal;
- (q) any comments or precautions relevant to the animal, such as the side effects of certain drugs;
- (r) any permanent identification of the animal, such as a permanently locked wing band or ear tag, microchip, tattoo number or appropriate photograph;
- (s) any dietary preferences and its current diet;
- (t) its routine husbandry procedures, such as nail trimming, hoof trimming and deworming.

Dogs

- 17.** (1) Since dogs have a strong hierarchical tendency that tends to make colony situations self-regulating, therefore
- (a) protective measures to intervene shall only be taken if one individual is being constantly attacked or if an attack is likely to lead to serious injury or death for the loser; and
 - (b) a retreat area shall always be provided for individuals from the group.
- (2) Dogs shall be provided with stimulation through
- (a) interacting with people;
 - (b) training and learning new performance behaviours; and
 - (c) interacting with other dogs.
- (3) Dogs may be trained to perform the following basic behaviours on command:
- (a) assemblage;
 - (b) stationing;
 - (c) bipedal walking and dancing;
 - (d) vocalizing;
 - (e) leaping on or over various objects;
 - (f) rolling;
 - (g) retrieving objects.
- (4) Dogs shall be housed together wherever possible.
- (5) Enclosures for dogs shall be constructed of material that is suitably strong to contain the dogs.
- (6) Enclosures for dogs shall have an interior height sufficient to allow the dogs to stand fully and comfortably.
- (7) The dimensions for enclosures or housing for dogs weighing less than 15 kilograms shall comply with the following standards:
- (a) the minimum floor space for one pair is 4.5 square metres;
 - (b) the minimum floor space for each additional animal is 2.25 square metres; and
 - (c) the minimum width is 3 metres.
- (8) The dimensions for enclosures or housing for dogs weighing 15 kilograms or more shall comply with the following standards:
- (a) the minimum floor space for one pair is 6 square metres;

- (b) the minimum floor space for each additional animal is 3 square metres; and
 - (c) the minimum width is 3 metres.
- (9) The area in which the dogs are kept while not performing shall have access to sunlight and shade from direct sunlight during daylight hours.
- (10) An area free of bedding shall also be available for each dog at night.
- (11) No dog shall be transported in the back of an open vehicle unless the dog is placed in a suitable enclosure or otherwise restrained by a device that ensures the safety and protection of the animal.
- (12) Dogs shall not be confined in a manner that make it impossible for them to retreat from members of the public and they shall always be provided with an area where they can remove themselves from public attention while still receiving socialization from other dogs.
- (13) Dogs may be tethered via a running lead that
- (a) has a minimum length of 4 metres; and
 - (b) has a lead with swivels to prevent tangling.
- (14) Non-chafing collars may be worn by dogs at all times.
- (15) Collars for dogs shall be regularly checked to ensure that they have not become too tight or too loose.
- (16) Non-chafing shoulder harnesses may be worn by dogs during performances and training sessions.

Equines

- 18.** (1) An equine shall be transported in a vehicle that has
- (a) internal partitioning or stalls to safely restrain each individual animal;
 - (b) roofing to provide shade and shelter from rain or other inclement weather; and
 - (c) solid sides with apertures to admit light and adequate ventilation and to allow visual inspection of all animals contained within.
- (2) When transporting an equine
- (a) animals of the same size may be housed together and need not be provided with separate stalls;
 - (b) animals of differing sizes and weights shall be provided with separate stalls to eliminate crushing of smaller animals;
 - (c) each animal shall be sufficiently contained so that it cannot turn around; and
 - (d) as added protection, a padded breast bar is compulsory within each stall.
- (3) While the circus is at a performance site, equines shall have access to overnight shelter and shall not be housed only in their vehicle, unless
- (a) the vehicle is the best form of shelter for a sick animal or to protect it from inclement weather; and
 - (b) proper bedding, ventilation and hygienic conditions are maintained in the vehicle.
- (4) Equines shall be confined in a compound by ordinary or electric fencing when at the performance site.
- (5) Since equines are social herd animals, they shall
- (a) be housed with their own kind wherever possible, unless sharing the same enclosure results in constant fighting or bullying; and
 - (b) always have visual access to others of their species.
- (6) The compound for an equine shall have access to sunlight and shade from direct sunlight during daylight hours and the ground underfoot shall be clean, well drained, non-abrasive and not stony.
- (7) Equines may be contained by stabling them, if an outdoor compound is not available for this purpose.

- (8) Stables for equines shall be
- (a) provided with appropriate bedding and drainage for the animals;
 - (b) adequately ventilated; and
 - (c) provided with lighting that is as natural as possible.
- (9) The dimensions for an enclosure or housing for an equine shall comply with the following standards:
- (a) the minimum floor space for one animal is an area, measured in square metres, equal to twice the height of the animal at its withers squared;
 - (b) the interior height is sufficient to allow 0.61 metres of clearance above the animal's head when standing.
- (10) Equines shall be confined so that they can avoid the attentions of members of the public, if the animals wish to do so.
- (11) Feed and suitable areas of the enclosure shall be made equally available to all equines.
- (12) Feed cribs may only be used for equines if the feed cribs cannot cause the animals injury in any way.
- (13) An equine may be trained to perform the following basic behaviours on command:
- (a) assemblage;
 - (b) stationing;
 - (c) gait changes on command;
 - (d) dancing;
 - (e) rearing;
 - (f) bipedal walking;
 - (g) foot tapping;
 - (h) vocalizing;
 - (i) retrieving objects;
 - (j) wheeling;
 - (k) synchronized movement.
- (14) During performances, halters, bridles with bits, saddles, trap and carriage harnesses may be used on equines only if
- (a) they have no components which may injure the animals; and
 - (b) they are applied so that no galls, rubs, bruises or cuts result.
- (15) Equines shall not be tethered while they are in a stable.
- (16) When an equine is tethered or not performing,
- (a) no harnesses of any sort except a light headstall shall be worn by the animal; and
 - (b) the headstall shall not rub around the animal's ears or cheeks.
- (17) Tethers for an equine shall be constructed of rope or other material that is strong enough to contain the animal, but does not weigh the animal's head down.
- (18) A metal chain shall only be used as part of a tether for an equine if
- (a) the animal is to be staked outdoors;
 - (b) the chain forms the extreme lower section of the tether nearest the ground; and
 - (c) the chain does not exceed 0.3 metres in length.
- (19) Equines shall have their coats groomed sufficiently often to maintain the desired level of cleanliness.
- (20) The teeth of an equine shall be inspected once every three months to ensure that no sharp points are developing and any sharp points shall be rasped back.

Birds

- 19.** (1) During transportation, birds shall be contained in small cages to provide them with physical protection.
- (2) Once the circus has arrived at the performance venue, birds shall be released as soon as possible from their travelling cages into their display cages.

- (3) Display cages for birds shall be provided with
- (a) perches of uneven diameter made of natural tree branches that do not have an abrasive surface; and
 - (b) at least one perch high enough above the cage floor that the bird using the perch has all its extremities, including its feathers, at least six centimetres above the cage floor, regardless of the posture of the bird.
- (4) Within their display cages, birds shall have high perches or night boxes that
- (a) provide shelter for them when they roost for the night; and
 - (b) are set well away from the sides of the cages to prevent cage panic.
- (5) Each display cage shall be large enough that the bird contained within it can extend its head, feet, wingtips and any feathers, and be able to turn around regardless of its posture, whether or not it is on its perch, without touching any cage walls, ceiling or solid cage furniture.
- (6) If the species of bird is capable of flight, the dimensions of the display cage shall comply with the following standards:
- (a) the cage shall be large enough for a bird of that species to be able to attain active flight within the cage by taking five unhurried wing beats along the length of the cage;
 - (b) the cage width for a single bird shall be a minimum of 1.5 times the wingspan of an adult of that species; and
 - (c) for each additional bird, the cage width shall be increased by at least half the wingspan of an adult of that species.
- (7) Compatible birds may be housed together, if the display cage is large enough to prevent harassment by cage mates, after considering that the personal space required by each bird is entirely dependent on the species and temperament of the individual.
- (8) Incompatible individual birds shall be assigned separate, appropriately dimensioned cages.
- (9) Cages holding birds shall
- (a) have access to sunlight and shade from direct sunlight during daylight hours;
 - (b) be placed well away from any animals that may cause them to injure themselves through cage panic; and
 - (c) be set above ground to provide the birds with protection from predators.
- (10) If impervious flooring is to be used for birdcages, the bedding or litter for birds shall be plentiful and absorbent.
- (11) Display cages for birds shall include some form of solid partition or small box to which they can remove themselves from public view if they wish.
- (12) Birds may be trained to perform the following basic behaviours on command:
- (a) assemblage;
 - (b) stationing;
 - (c) vocalizing;
 - (d) dancing;
 - (e) balancing acts, which may involve the use of apparatus;
 - (f) retrieving objects.
- (13) Birds shall not be tethered.
- (14) Birds shall be provided with
- (a) access to baths;
 - (b) access to cuttlebone and similar substances to aid beak and claw maintenance; and
 - (c) perches made of natural branches of varying diameter and bedding or litter made of natural material to maintain the birds' claws.

EXPLANATORY NOTES

SECTION 1 establishes definitions for the purposes of the regulations.

SECTION 2 prohibits any person from operating a circus except under the authority of a license issued under section 11 of the Act.

SECTION 3 establishes the requirements for an application for a license to operate a circus, including the fee.

SECTION 4 establishes the insurance requirements that the operator of a circus must comply with.

SECTION 5 requires the operator of a circus to develop and maintain an escape and recapture plan for the animals in the circus that includes the specified information.

SECTION 6 specifies the animals that are permitted to be kept, trained and exhibited in a circus for which a license has been issued.

SECTION 7 provides for the adoption of standards, including standards set out in the Schedule to the regulations, applicable to the housing, care, handling, training and exhibition of animals in a circus and requires compliance by the operator and other circus personnel with the standards as adopted.

SECTION 8 specifies conditions that apply to every circus license.

SECTION 9 provides for the commencement of these regulations.

EC2017-196

**EXECUTIVE COUNCIL ACT
MINISTER OF EDUCATION, EARLY LEARNING AND CULTURE
AUTHORITY TO ENTER INTO AN AGREEMENT
(GRADE 10 SECONDARY LITERACY ASSESSMENT MATERIALS)
WITH
PROVINCE OF ONTARIO,
EDUCATION QUALITY AND ACCOUNTABILITY OFFICE**

Pursuant to clause 10(b) of the *Executive Council Act* R.S.P.E.I. 1988, Cap. E-12 Council authorized the Minister of Education, Early Learning and Culture to enter into an agreement with the Province of Ontario, Education Quality and Accountability Office for the purchase of assessment materials for the PEI Grade 10 Secondary Literacy Assessment, such as more particularly described in the draft agreement.

EC2017-197

EXECUTIVE COUNCIL ACT
 MINISTER OF HEALTH AND WELLNESS
 AUTHORITY TO ENTER INTO AN AGREEMENT
 (TOLLFREE QUITLINE NUMBERS
 ON TOBACCO PACKAGING INITIATIVE)
 WITH
 PUBLIC WORKS AND GOVERNMENT SERVICES CANADA

Pursuant to clause 10(a) of the *Executive Council Act* R.S.P.E.I. 1988, Cap. E-12 Council authorized the Minister of Health and Wellness to enter into an agreement with Public Works and Government Services Canada, on behalf of Health Canada, to continue support of toll-free quitline numbers and cessation web portal address on tobacco packaging for the period April 1, 2017 to March 31, 2019, such as more particularly described in the draft agreement.

EC2017-198

PRINCE EDWARD ISLAND
 LANDS PROTECTION ACT
 PETITION TO ACQUIRE A LAND HOLDING
 LAURANCE BASCHKIN AND MELANIE BASCHKIN
 (APPROVAL)

Pursuant to section 4 and section 9 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to Laurance Baschkin and Melanie Baschkin, both of Pound Ridge, New York to acquire a land holding of approximately seventy-eight (78) acres of land at Belle River, Lot 62, Queens County, Province of Prince Edward Island being acquired from the Trustees of the Jean Ross Irrevocable Trust of Exeter, Maine PROVIDED THAT the said real property is identified for non-development use pursuant to the Land Identification Regulations (EC606/95) made under the said Act.

EC2017-199

PRINCE EDWARD ISLAND
 LANDS PROTECTION ACT
 PETITION TO ACQUIRE A LAND HOLDING
 MAHMOOD NANJI
 (APPROVAL)

Pursuant to section 4 and section 9 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to Mahmood Nanji of Oakville, Ontario to acquire a land holding of approximately twenty-three decimal seven (23.7) acres of land at Panmure Island, Lot 61, Kings County, Province of Prince Edward Island, being acquired from Robert Leftwich and Marsha Leftwich, both of Ormond Beach, Florida SUBJECT TO the condition that the said real property not be subdivided. The condition preventing subdivision shall be binding on the said Mahmood Nanji and on all successors in title.

EC2017-200

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
SCOTT SEENEY
(APPROVAL)

Pursuant to section 4 and section 9 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to Scott Seeneey of Janetville, Ontario to acquire a land holding of approximately eleven decimal five (11.5) acres of land at Green Meadows, Lot 39, Kings County, Province of Prince Edward Island being acquired from Edward McCarthy of Mount Stewart, Prince Edward Island PROVIDED THAT the said real property is identified for non-development use pursuant to the Land Identification Regulations (EC606/95) made under the said Act.

EC2017-201

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
TRUSTEES OF THE JEAN ROSS IRREVOCABLE TRUST
(APPROVAL)

Pursuant to section 4 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to the Trustees of the Jean Ross Irrevocable Trust of Hollis, New Hampshire to acquire a land holding of approximately seventy-eight (78) acres of land at Belle River, Lot 62, Queens County, Province of Prince Edward Island, being acquired from Jean Ross and James Ferris Ross, both of Cornville, Maine.

EC2017-202

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
101722 P.E.I. INC.
(APPROVAL)

Pursuant to section 5 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to 101722 P.E.I. Inc. of Winsloe, Prince Edward Island to acquire a land holding of approximately four (4) acres of land at Savage Harbour, Lot 38, Kings County, Province of Prince Edward Island, being acquired from Albert MacDonald and Wendy MacDonald, both of Mount Stewart, Prince Edward Island.

EC2017-203

PRINCE EDWARD ISLAND
 LANDS PROTECTION ACT
 PETITION TO ACQUIRE A LAND HOLDING
 102016 P.E.I. INC.
 (TO RESCIND)

Council, having under consideration Order-in-Council EC2016-831 of December 6, 2016, rescinded the said Order forthwith, thus rescinding permission for 102016 P.E.I. Inc. of Hunter River, Prince Edward Island to acquire, by way of share purchase, an interest in a land holding of approximately six decimal five seven (6.57) acres of land at North Rustico, Lot 24, Queens County, Province of Prince Edward Island, being acquired from Ronald Toombs of Hunter River, Prince Edward Island.

EC2017-204

PRINCE EDWARD ISLAND
 LANDS PROTECTION ACT
 PETITION TO ACQUIRE A LAND HOLDING
 102079 P.E.I. INC.
 (APPROVAL)

Pursuant to section 5 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to 102079 P.E.I. Inc. of Mount Albion, Prince Edward Island to acquire a land holding of approximately nine decimal four eight (9.48) acres of land at Stratford, Lot 48, Queens County, Province of Prince Edward Island, being acquired from Home Hardware Stores Limited of St. Jacobs, Ontario.

EC2017-205

PRINCE EDWARD ISLAND
 LANDS PROTECTION ACT
 PETITION TO ACQUIRE A LAND HOLDING
 ISLAND COASTAL SERVICES LTD.
 (APPROVAL)

Pursuant to section 5 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to Island Coastal Services Ltd. of Charlottetown, Prince Edward Island to acquire a land holding of approximately zero decimal five (0.5) of an acre of land at Stanley Bridge, Lot 22, Queens County, Province of Prince Edward Island, being acquired from Gloria Rosela Askew of Summerside, Prince Edward Island.

EC2017-206

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
THUNDERBOLT ENERGY ASSETS GP INC.
(APPROVAL)

Pursuant to section 5 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to Thunderbolt Energy Assets GP Inc. of Houston, Texas to acquire a land holding of approximately three decimal four (3.4) acres of land and all easements appurtenant thereto, at Charlottetown, Queens County, Province of Prince Edward Island, being acquired from Veresen Energy Infrastructure Inc. of Calgary, Alberta.

EC2017-207

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
THUNDERBOLT ENERGY ASSETS GP INC.
(APPROVAL)

Pursuant to section 5 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to Thunderbolt Energy Assets GP Inc. of Houston, Texas to acquire, by lease, an interest in a land holding of approximately one decimal three three (1.33) acres of land, at Charlottetown, Queens County, Province of Prince Edward Island, being acquired from the Province of Prince Edward Island.

EC2017-208

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
TRIPLE M FARMS LTD.
(APPROVAL)

Pursuant to section 5 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to Triple M Farms Ltd. of Summerside, Prince Edward Island to acquire a land holding of approximately forty-five (45) acres of land at Summerside, Lot 17, Prince County, Province of Prince Edward Island, being acquired from The Estate of Benjamin Mills of Summerside, Prince Edward Island.

EC2017-209

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
WATERWALKER FISHING CO. LTD.
(APPROVAL)

Pursuant to section 5 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to Waterwalker Fishing Co. Ltd. of Alberton, Prince Edward Island to acquire a land holding of approximately zero decimal eight five (0.85) of an acre of land at Northport, Lot 5, Prince County, Province of Prince Edward Island, being acquired from The Estates of Mary Elizabeth Kinch and Phillip Kinch, both of Alberton, Prince Edward Island.

EC2017-210

ROADS ACT
HIGHWAY ACCESS REGULATIONS
AMENDMENT

Pursuant to subsection 29(1) of the *Roads Act* R.S.P.E.I. 1988, Cap. R-15, Council made the following regulations:

1. Schedule C-2, LOCAL (CLASS 2) HIGHWAYS, to the *Roads Act* Highway Access Regulations (EC580/95) is amended by the addition of the following after subsection (192):

(192.1) **Lambs Lane RI11015:** The paved portion of the Lambs Lane commencing at the intersection of Route 12 in the settlement of Anglo Tignish.

2. Schedule C-3, LOCAL (CLASS 3) HIGHWAYS, to the regulations is amended

(a) by the revocation of subsection (386); and

(b) by the addition of the following after subsection (291):

(291.1) **Lambs Lane RI11015:** The unpaved portion of the Lambs Lane in the settlement of Anglo Tignish, commencing at the end of the pavement, to a point 0.82 km from the intersection of Route 12.

3. Schedule D, SEASONAL HIGHWAYS, to the regulations is amended

(a) by the revocation of subsection (440); and

(b) by the addition of the following after subsection (314):

(314.1) **Lambs Lane RI11015:** The unpaved portion of the Lambs Lane in the settlement of Anglo Tignish, commencing at a point 0.82 km from the intersection of Route 12, to the end of the road, a distance of approximately 0.06 km.

4. These regulations come into force on April 15, 2017.

EXPLANATORY NOTES

SECTION 1 classifies approximately 0.16 km of Lambs Lane (RI11015) in the Settlement of Anglo Tignish as a Local Class 2 (year-round paved) highway. This portion (actually 0.1 km) was previously classified as a Local Class 3 (year-round unpaved) highway and was also referred to as Palm Lane (RI11015). Not including the length of the pavement will negate the need for further reclassification should the pavement be extended. The remainder of the road will be classified as a Local Class 3 (year-round unpaved) and Seasonal highways, also being corrected in clauses 2(a) and 3(a) respectively of the amendments.

SECTION 2 corrects the name (formerly Palm Lane) of Lambs Lane and redefines the length of the Local Class 3 (year-round unpaved) highway. Formerly the Local Class 3 portion began at Route 12 and was only 0.1 km in length. The new length of Local Class 3 (year-round unpaved) portion will begin at the end of the pavement, which is approximately 0.16 km from Route 12 and extends to a point 0.82 km from Route 12 which coincides with the beginning of the sandstone section as well as the intersection of the eastern intersection of a private road referred to as Ballyvaughn Rd. Using the reference to the start of this section beginning at the end of the pavement will negate the need for further reclassification should the pavement be extended. The remainder of the road will remain classified as a Seasonal Highway, also being corrected in 3(a) of the amendments.

SECTION 3 corrects the name (formerly Palm Lane) of Lambs Lane and redefines the length of the Seasonal Highway. Formerly the Seasonal portion began at 0.1 km from Route 12 and extended to the end of the road a distance of 0.7 km. The new length of the Seasonal portion will now begin at a distance of 0.82 km from Route 12 and extend to the end of the road, a distance of approximately 0.06 km.

SECTION 4 provides for the commencement of these regulations.

EC2017-211

SHERIFFS ACT FEES REGULATIONS REVOCATION

Pursuant to section 11 of the *Sheriffs Act* R.S.P.E.I. 1988, Cap. S-4.1 Council made the following regulations:

1. **The Fees Regulations (EC303/93) are revoked.**
2. **These regulations come into force on April 15, 2017.**

EXPLANATORY NOTES

SECTION 1 revokes the Fees Regulations made under the *Sheriffs Act*. These fees are now prescribed in the *Court Fees Act* Fees Regulations (EC446/12).

SECTION 2 provides for the commencement of these regulations.

EC2017-212**PROVINCE OF PRINCE EDWARD ISLAND
ESTIMATE OF CURRENT EXPENDITURE
FISCAL YEAR 2017-2018**

This Council in Committee, having under consideration the Estimates of Current Expenditure required to carry on the Public Service of the Province for the Fiscal Year ending March 31, 2018, and amounting in all to the sum of One Billion, Seven Hundred and Thirty-Nine Million, Seven Hundred and Eighty-Seven Thousand, Four Hundred Dollars (\$1,739,787,400), together with a sum sufficient for similar expenditure, to carry on the Public Service of the Province from the expiration of the Fiscal Year ending March 31, 2018 up to and until the final passage of the Current Estimates for the Fiscal Year ending March 31, 2019, it was and is hereby recommended that the Current Estimates be approved by His Honour, the Lieutenant Governor of the Province of Prince Edward Island, and be presented to the Legislative Assembly during the present session thereof.

EC2017-213**EXECUTIVE COUNCIL ACT
MINISTER OF ECONOMIC DEVELOPMENT AND TOURISM
AUTHORITY TO ENTER INTO AN AGREEMENT
(CANADIAN FREE TRADE AGREEMENT)
WITH THE
GOVERNMENTS OF CANADA, THE OTHER PROVINCES
AND THE TERRITORIES**

Pursuant to clauses 10(a) and (b) of the *Executive Council Act* R.S.P.E.I. 1988, Cap. E-12 Council authorized the Minister of Economic Development and Tourism to enter into an agreement with the Governments of Canada, the other Provinces and the Territories, as represented by their respective Ministers Responsible for Trade, to reduce and eliminate, to the extent possible, barriers to the free movement of persons, goods, services and investments within Canada and to establish an open, efficient and stable domestic market, such as more particularly described in the draft agreement.