

The Wildlife Act, 1998

being

Chapter W-13.12* of the *Statutes of Saskatchewan, 1998* (effective March 6, 2000, except s.87, effective April 1, 1999) as amended by the *Statutes of Saskatchewan, 2000, c.51 and 65; 2006, c.11; and 2007, c.43.*

***NOTE:** Pursuant to subsection 33(1) of *The Interpretation Act, 1995*, the Consequential Amendment sections, schedules and/or tables within this Act have been removed. Upon coming into force, the consequential amendments contained in those sections became part of the enactment(s) that they amend, and have thereby been incorporated into the corresponding Acts. Please refer to the Separate Chapter to obtain consequential amendment details and specifics.

NOTE:

This consolidation is not official and is subject to House amendments and Law Clerk and Parliamentary Counsel changes to Separate Chapters that may be incorporated up until the publication of the annual bound volume. Amendments have been incorporated for convenience of reference and the official Statutes and Regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the official Statutes and Regulations, errors that may have appeared are reproduced in this consolidation.

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CHAPTER W-13.12

An Act respecting the Protection of Wildlife and Wild Species at Risk and making consequential amendments to other Acts

PART I

Short Title and Interpretation

Short title

1 This Act may be cited as *The Wildlife Act, 1998*.

Interpretation

2 In this Act:

“**camp**” means a temporary place to live while away from a person’s usual place of residence; (*«camp»*)

“**certificate**” means a certificate issued pursuant to this Act or the regulations; (*«certificat»*)

“**Crown**” means the Crown in right of Saskatchewan; (*«Couronne»*)

“**department**” means the department over which the minister presides; (*«ministère»*)

“**deputy wildlife officer**” means a person appointed pursuant to section 7; (*«agent adjoint de protection de la faune»*)

“**director**” means the Director of Fish and Wildlife appointed pursuant to section 4; (*«directeur»*)

“**exotic wildlife**” means:

(a) a vertebrate animal of any species, excluding fish, that is:

(i) not native to Saskatchewan; and

(ii) usually found wild in nature in its natural habitat; and

(b) any part, tissue, genetic material, eggs, sperm, embryos or other forms of developmental life of a vertebrate animal mentioned in clause (a); (*«espèce exotique»*)

“**firearm**” means any device from which any shot, bullet or other missile can be discharged and, without limiting the generality of the foregoing, includes a rifle, shotgun, pellet gun, air gun, pistol, revolver, spring gun, longbow or crossbow; (*«arme à feu»*)

“**fur animal**” means a fur animal as defined in the regulations; (*«animal à fourrure»*)

“**fur dealer**” means a person who carries on the business of buying and selling the skins and pelts of fur animals; (*«commerçant de fourrures»*)

“**habitat**” includes the soil, air, water, food and shelter components of the environment that are necessary to sustain wildlife and wild species; (*«habitat»*)

“**hunting**” includes taking, wounding, killing, chasing, pursuing, worrying, capturing, following after or following on the trail of, searching for, shooting at, trapping, setting snares for, stalking or lying in wait for any wildlife, or attempting to do any of those things, whether or not the wildlife is then or subsequently captured, wounded or killed; (*«chasser»*)

“**Indian**” means Indian as defined in the *Indian Act* (Canada); (*«Indien»*)

“**licence**” means a licence, certificate, permit, quota or allocation issued pursuant to this Act or the regulations and includes any seal or corresponding document issued with the licence, certificate, permit, quota or allocation; (*«permis»*)

“**minister**” means the member of the Executive Council to whom for the time being the administration of this Act is assigned; (*«ministre»*)

“**native**” means a wild species that was not deliberately or accidentally introduced by humans and that:

- (a) is a breeding resident of Saskatchewan; or
- (b) in some manner or degree, exists naturally in Saskatchewan; (*«indigène»*)

“**open season**” means a period specified in the regulations during which wildlife may be lawfully hunted or taken; (*«saison de chasse»*)

“**person**” means an individual, association, partnership or corporation; (*«personne»*)

“**seal**” means the portion of a licence that is required to be detached from the licence and cancelled immediately after wildlife is killed, or a tag that may be supplied with a licence; (*«sceau»*)

“**snare**” means a device for the taking of any wildlife in which the wildlife is caught in a noose; (*«collet»*)

“**take**” includes taking dead or alive; (*«prendre»*)

“**tanner**” means a person who carries on the business of dehairing, fleshing, tanning, plucking, dressing or dyeing the pelts, skins or hides of wildlife; (*«tanneur»*)

“**taxidermist**” means a person who carries on the business of preparing, preserving, stuffing or mounting the heads, pelts or skins of any wildlife; (*«taxidermiste»*)

“**traffic**” means to offer for sale, expose for sale, sell, buy, barter, exchange, deal, solicit or trade, or advertise for the purpose of doing any of those things; (*«faire le commerce»*)

“**trap**” includes a spring trap, snare, deadfall, box or net or any other device used to capture any wildlife; (*«piège»*)

“**vehicle**” includes a motorized conveyance, trailer, tractor, snowmobile, aircraft or any other conveyance, other than a boat, that is drawn, propelled or driven by any mechanical means and includes any accessory attached to the vehicle; (*«véhicule»*)

“**wildlife**” means a vertebrate animal of any species, excluding fish, that is wild by nature in Saskatchewan and includes:

- (a) any part, tissue, genetic material, eggs, sperm, embryos or other forms of developmental life; and
- (b) any exotic wildlife found in Saskatchewan; (*«faune»*)

“**wildlife farm**” means a place on which wildlife is kept for sale, trade, barter, public exhibition, propagation or scientific purposes or for any other purposes; (*«centre de la faune»*)

“**wildlife officer**” means any person appointed or authorized by the minister for the purposes of administering and enforcing this Act and the regulations and includes a police officer or peace officer; (*«agent de protection de la faune»*)

“**wild species**” means any plant, animal or organism that is wild by nature and includes:

- (a) pollen, spores, eggs, sperm, embryos or other forms of developmental life; and
- (b) any part, tissue or genetic material of a plant, animal or organism; (*«espèce sauvage»*)

“**wild species at risk**” means any native wild species that have been designated and listed by the Lieutenant Governor in Council pursuant to subsection 49(1) as extirpated, endangered, threatened or vulnerable. (*«espèce sauvage en péril»*)

1998, c.W-13.12, s.2.

Possession

3 For the purposes of any provision of this Act creating an offence for possession of a thing:

- (a) a person has possession of any thing when it is in that person’s personal possession or custody or when, with that person’s knowledge and consent, it is:
 - (i) in the actual possession or custody of another person; or
 - (ii) in any place, whether or not that place belongs to or is occupied by that person, for the use or benefit of that person or of another person; and
- (b) a person has possession of any thing where that person is the owner or occupier of a place at which any thing is located and that person has knowledge of and consents to the thing being located at that place.

1998, c.W-13.12, s.3.

PART II
Administration

Administration of Act

4 The minister may appoint a Director of Fish and Wildlife, who is responsible to the minister, to manage and direct the administration of this Act.

1998, c.W-13.12, s.4.

5 Repealed. 2000, c.51, s.4.

Appointment of wildlife officers

6 The minister may appoint and designate any person or class of persons as wildlife officers.

1998, c.W-13.12, s.6.

Appointment of deputy wildlife officers

7(1) The director may appoint deputy wildlife officers to carry out, without remuneration, the administration and enforcement of any provision of this Act or the regulations.

(2) The appointment of a deputy wildlife officer is to be for a period not exceeding two years and may be cancelled at any time by the director.

1998, c.W-13.12, s.7.

Advisory committees

8(1) The minister may appoint advisory committees, which shall meet on the request of the minister or the director.

(2) An advisory committee shall act in an advisory capacity to the minister or the director on matters of general interest respecting the provisions of this Act.

(3) The minister may pay remuneration for services and may reimburse the expenses of a member of an advisory committee at the rates established by Treasury Board.

1998, c.W-13.12, s.8.

Agreements

9 Subject to the regulations, the minister may enter into an agreement with any person, Indian band or government for any of the following purposes:

(a) protecting, managing, conserving, reintroducing or encouraging the propagation of wildlife and wild species and protecting, managing and conserving their habitats;

(b) establishing and promoting programs respecting public safety, education about wildlife or wild species or other conservation-oriented programs;

(c) respecting any matter considered to be necessary by the minister to carry out the provisions of this Act or the regulations.

1998, c.W-13.12, s.9.

Payment for damage

10 Subject to this Act and the regulations, the minister may:

- (a) provide compensation to any person suffering property loss or damage caused by wildlife, wild species at risk or hunters;
- (b) enter into an agreement with any person for the purpose of insuring or indemnifying against loss resulting from damage caused by wildlife, wild species at risk or hunters; and
- (c) pay to any person providing insurance or indemnification pursuant to clause (b) a portion, for each licence issued, of the fees collected or to be collected pursuant to this Act or the regulations respecting any or all classes of licences.

1998, c.W-13.12, s.10.

11 Repealed. 2000, c.65, s.3.

PART III Licences

Application for licence

12 Every person who wishes to obtain a licence required pursuant to this Act or the regulations shall:

- (a) apply in the form prescribed in the regulations;
- (b) pay the fee prescribed in the regulations; and
- (c) provide the minister with any information that the minister requests and considers relevant to the application.

1998, c.W-13.12, s.12.

Issue of licence on terms and conditions

13(1) The minister may issue any licence required pursuant to this Act or the regulations.

(2) When issuing a licence, the minister may impose any terms and conditions on the licence that the minister considers appropriate.

(3) No person shall fail to comply with any term or condition imposed on his or her licence.

1998, c.W-13.12, s.13.

Licence not transferable

14(1) A licence issued pursuant to this Act or the regulations is not transferable or assignable.

(2) A person shall not:

- (a) allow his or her licence or seal to be used or carried by another person; or
- (b) use or carry another person's licence or seal.

1998, c.W-13.12, s.14.

Production of licence

15 A person who has a licence shall immediately produce it for examination on request by a wildlife officer or deputy wildlife officer.

1998, c.W-13.12, s.15.

Altering licence or seal

16 Where any licence is tampered with, altered or mutilated in any manner or any seal is detached from a licence in any manner not permitted by this Act or the regulations, the licence is void.

1998, c.W-13.12, s.16.

Amendment, suspension or cancellation of licence

17(1) In this section and section 21, “**amend**” means:

- (a) making the licence subject to new or additional terms and conditions; or
 - (b) modifying, removing or substituting terms and conditions to which the licence is subject.
- (2) The minister may amend, suspend or cancel a licence or cancel a person’s licence and prohibit that person from applying for or obtaining a licence where, in the opinion of the minister:
- (a) the person has contravened this Act, the regulations or a term or condition imposed on the licence;
 - (b) the person has contravened any provision respecting firearms, hunting or the protection of wildlife or wild species at risk of any other Act, Act of the Parliament of Canada or regulation made pursuant to any other Act or Act of the Parliament of Canada;
 - (c) it is necessary for the protection of wildlife or wild species at risk; or
 - (d) it is in the public interest to do so.

1998, c.W-13.12, s.17.

Notice of cancellation of licence

18(1) Subject to this Act and the regulations, where the minister cancels a person’s licence or cancels a person’s licence and prohibits the person from applying for or obtaining a licence, the minister shall serve the person with written notice of the cancellation and prohibition by personal service or registered mail.

(2) Subject to this Act and the regulations, a cancellation or cancellation and prohibition from applying for or obtaining a licence takes effect on the latest of:

- (a) the date, if any, specified on the notice;
- (b) the date on which it is served in the case of personal service; and
- (c) the delivery date shown on the signed post office receipt card or, where the delivery date is not shown, on the date the signed post office receipt is returned to the sender in the case of service by registered mail.

(3) Subject to this Act and the regulations, the decision of the minister to cancel a licence or to cancel a person's licence and prohibit the person from applying for or obtaining a licence is final.

1998, c.W-13.12, s.18.

Automatic cancellation on conviction

19(1) Subject to subsection (2), if a person is convicted of an offence pursuant to this Act or the regulations, the following licences issued to that person pursuant to this Act or the regulations are automatically cancelled on the date of conviction, without further action or notice:

- (a) all big game licences, game bird licences and fur licences; and
- (b) any other licence that the minister may determine.

(1.1) The minister shall provide notice to a person mentioned in subsection (1) of any licence cancelled pursuant to clause (1)(b).

(2) Subject to subsection (3), a person's licence is not automatically cancelled on conviction for an offence pursuant to this Act or the regulations where so prescribed in the regulations.

(3) Subsection (2) does not apply where a person is convicted of the same offence twice within an 18-month period.

1998, c.W-13.12, s.19; 2006, c.11, s.3.

Licence void

20 Where a licence is issued to a person who is prohibited from applying for or obtaining a licence pursuant to this Act, the licence is deemed to be void.

1998, c.W-13.12, s.20.

Licence for propagation, rehabilitation and scientific purposes

21(1) Notwithstanding any other provisions of this Act, the director may, for the purposes of propagation, reintroduction, rehabilitation, protection or scientific research, issue a licence to any person or the government of any province or country:

- (a) to take a specified number of any wildlife or wild species at risk; or
- (b) to take a specified number or amount of parts, tissues, genetic material, eggs, sperm, embryos or other forms of developmental life of any wildlife or wild species at risk.

(2) Subject to subsection (3), before amending, suspending or cancelling the licence, issued pursuant to subsection (1), the director shall provide the holder of the licence with:

- (a) reasonable notice of the intended action, including written reasons; and
- (b) an opportunity to the holder of the licence to make written representations to the director.

(3) Where in the opinion of the director an emergency exists, the director may amend, suspend or cancel a licence issued pursuant to subsection (1) without notice and opportunity to make written representations.

1998, c.W-13.12, s.21.

Vendors may issue licences

22(1) Subject to subsection (2), the minister may authorize by agreement a vendor to issue licences on the minister's behalf.

(2) The licences issued by a vendor are to be subject to the terms and conditions that the minister may impose.

(3) Every vendor:

(a) shall collect from a person the fees prescribed by regulation on the issuing of a licence;

(b) is liable for any uncollected fees respecting the issuing of licences and is deemed to have collected that uncollected amount;

(c) is deemed to be a trustee of the Crown for any fees collected or deemed to be collected respecting the issuing of licences;

(d) shall promptly remit to the minister all fees collected or deemed to be collected respecting the issuing of licences less a deduction for any commission payable to the vendor as prescribed in the regulations.

(4) The provisions in subsections (2) and (3) are deemed to be part of every agreement in force with a vendor.

1998, c.W-13.12, s.22.

**PART IV
Hunting, Trapping and Taking**

**DIVISION I
Property Rights in Wildlife**

Property in wildlife in the Crown

23(1) Subject to section 24, the property in all wildlife within Saskatchewan, including any wildlife that has been unlawfully hunted, is vested in the Crown.

(2) No person shall acquire any right or property in any wildlife otherwise than in accordance with this Act and the regulations.

1998, c.W-13.12, s.23.

Property rights in captive wildlife

24(1) Subject to this Act and the regulations, a person has all property rights, title and interest in and to any wildlife where that person:

(a) is in possession of the wildlife; and

(b) has a licence authorizing possession of the wildlife.

(2) Where a person mentioned in subsection (1) contravenes any of the provisions of this Act or the regulations respecting the wildlife under his or her control, all property rights, title and interest in and to the wildlife may be forfeited to the Crown at the discretion of the minister.

(3) The minister may dispose of any wildlife in captivity that is the property of the Crown by sale, donation or destruction or by setting it free.

1998, c.W-13.12, s.24.

DIVISION II

Licence Required for Hunting

Licence required for hunting wildlife

25(1) Subject to subsection (2), no person shall hunt any wildlife within Saskatchewan:

- (a) other than at the times, in the places and in the manner prescribed by this Part and the regulations; and
 - (b) without a licence where a licence is required by this Part or the regulations.
- (2) A wildlife officer may hunt any wildlife in:
- (a) the exercise of his or her powers or the performance of his or her duties pursuant to this Part or the regulations; and
 - (b) the manner, at the times and in the places that the director may specify.

1998, c.W-13.12, s.25.

Special licences issued

26 Notwithstanding anything to the contrary in this Part or the regulations, the minister may issue a special licence to:

- (a) any person who is physically disabled and unable to hunt without the aid of a vehicle to hunt from a vehicle;
- (b) the Governor General of Canada, the Prime Minister of Canada, the Lieutenant Governor, or the Premier of any province or any distinguished visitor to Saskatchewan to hunt in accordance with this Part and the regulations; or
- (c) a resident of Saskatchewan permitting that resident to hunt wildlife for the purpose of providing food for himself or herself and his or her family.

1998, c.W-13.12, s.26.

Constitution of trapping area

27 Subject to the regulations, the minister may, by order, constitute any area of provincial land as a registered trapline district, a fur conservation area or a fur conservation block, and the minister may amend, repeal, or rescind any order for that purpose.

1998, c.W-13.12, s.27.

Licence of person causing accident

28(1) Subject to this Part, if a person who is hunting discharges or causes to be discharged a firearm and death or injury to any person results, the person causing the death or injury is prohibited from applying for or obtaining a licence for five years from the date of that event.

(2) If the person, at the time of the event, is the holder of a licence, the licence is automatically cancelled on the happening of the event without any further action or notice.

1998, c.W-13.12, s.28.

Power of reinstatement

29(1) Subject to subsection (2), if a person's licence has been cancelled pursuant to any of the provisions of this Act and the person is prohibited from applying for or obtaining a licence, the director, in his or her absolute discretion, may waive that prohibition and allow the person to apply for or obtain a licence.

(2) Subsection (1) does not apply where a convicting judge has prohibited the person from applying for or obtaining a licence pursuant to subsection 76(2).

1998, c.W-13.12, s.29.

DIVISION III Prohibitions and Prosecutions

Carrying of a firearm proof of hunting

30 Carrying a firearm in a locality where any wildlife may reasonably be expected to be found is, in the absence of evidence to the contrary, proof of hunting.

1998, c.W-13.12, s.30.

Export and import of wildlife

31(1) Subject to the regulations, no person shall, without having first obtained an export or import licence issued pursuant to this Act or the regulations:

- (a) export or cause to be exported from Saskatchewan any wildlife; or
- (b) import, release or introduce into Saskatchewan any wildlife.

(2) No person shall ship or transport out of the province any wildlife without first paying the royalties prescribed in the regulations.

1998, c.W-13.12, s.31.

Captivity of wildlife

32 No person shall take into or keep in captivity or wilfully destroy or disturb any wildlife, or the eggs or nests of any bird protected pursuant to this Part or the regulations or pursuant to the *Migratory Birds Convention Act, 1994* (Canada) or the regulations made pursuant to that Act without the written permission of the director or without a licence to do so.

1998, c.W-13.12, s.32.

Possession of wildlife

33(1) No person shall possess any wildlife taken in contravention of this Part or the regulations.

(2) No person shall possess any wildlife without a licence where, pursuant to this Part or the regulations, a licence is required to possess that wildlife.

1998, c.W-13.12, s.33.

Possession of wildlife by Indian

34(1) In this section and section 35, “**agreement**” means the agreement between the Government of Canada and the Government of Saskatchewan ratified by chapter 87 of the *Statutes of Saskatchewan, 1930*.

(2) Subject to subsection (3), no person other than an Indian shall accept or have in his or her possession wildlife that has been taken by an Indian for food as permitted pursuant to section 12 of the agreement.

(3) A non-Indian may possess wildlife that has been taken for food as permitted pursuant to section 12 of the agreement by an Indian who is a father, mother, grandfather, grandmother, brother, sister, child, spouse or common-law spouse of the non-Indian.

1998, c.W-13.12, s.34.

Hunting of wildlife by Indian

35(1) Subject to subsections (2) and (3), no person other than an Indian may assist, aid or hunt with any Indian hunting wildlife for food as permitted pursuant to section 12 of the agreement.

(2) The minister may issue to a non-Indian a licence to assist or aid, or a licence to hunt with, an Indian who:

(a) is a father, mother, grandfather, grandmother, brother, sister, child, spouse or common-law spouse of the non-Indian; and

(b) is hunting wildlife for food as permitted pursuant to section 12 of the agreement.

(3) Where a licence to hunt is issued to a non-Indian pursuant to subsection (2), the non-Indian may only hunt in accordance with this Part and the regulations and the terms and conditions of any licence issued to the non-Indian.

1998, c.W-13.12, s.35.

Licence cancelled on taking limit

36(1) No person shall take, kill or possess more wildlife in one day or during any other specified period than the maximum allowable pursuant to this Part or the regulations or the *Migratory Birds Convention Act, 1994* (Canada) or the regulations made pursuant to that Act.

(2) Where the holder of a licence takes, kills or possesses the limit authorized to be taken, killed or possessed, by virtue of the licence, the licence is automatically cancelled without further action or notice and the holder, immediately on request by a wildlife officer, shall surrender the licence to the wildlife officer.

1998, c.W-13.12, s.36.

c. W-13.12**WILDLIFE, 1998****Hunting by persons under 16 years of age**

37(1) No person under 16 years of age shall hunt any wildlife with a firearm unless he or she is under the direct and proper supervision of his or her parent or guardian or an adult.

(2) No person under 16 years of age shall purchase a licence without the written consent of his or her parent or guardian.

(3) No person under 12 years of age shall purchase a licence other than a trapping licence.

(4) Where an adult or a parent or guardian fails to directly and properly supervise a person under 16 years of age, or a parent or guardian of a person under 16 years of age knows that the person under 16 years of age is hunting without supervision, the adult or parent or guardian, as the case may be, is guilty of an offence and liable on summary conviction.

(5) For the purposes of subsection (4), a failure by an adult or a parent or a guardian to directly and properly supervise a person under 16 years of age is established where the person under 16 years of age is guilty of a contravention of this Part or the regulations.

1998, c.W-13.12, s.37.

Careless hunting

38 No person in possession of a firearm for the purpose of hunting shall discharge or cause to be discharged or handle the firearm without reasonable consideration for persons or property or without due care and attention.

1998, c.W-13.12, s.38.

Hunting while intoxicated

39 No person shall hunt any wildlife while intoxicated or under the influence of a narcotic or alcohol.

1998, c.W-13.12, s.39.

Carrying loaded firearms in vehicle or while on horseback

40 No person shall, at any time, except as authorized by the minister:

- (a) carry a loaded firearm in or on a vehicle or while on horseback; or
- (b) discharge a firearm from a vehicle or while on horseback.

1998, c.W-13.12, s.40.

Hunting on certain lands

41(1) Where there are legible signs, of a size specified in the regulations, prominently placed along the boundaries of any land so as to provide reasonable notice bearing the words "No Trespassing" or «Entrée interdite», "No Hunting" or «Défense de chasser», "No Shooting" or «Tir interdit», or words or symbols to a similar effect, no person shall hunt any wildlife within the boundaries of that land except with the consent of the owner or occupant.

- (2) Subject to this Part and the regulations, where there are legible signs, of a size specified in the regulations, prominently placed along the boundaries of any land so as to provide reasonable notice of instructions concerning the method of hunting or the use of vehicles connected with hunting, no person shall hunt any wildlife on that land except in accordance with the posted instructions.
- (3) No person shall erect or place or cause to be erected or placed a sign mentioned in subsection (1) or (2) along the boundary of any land of which he or she is not the owner or occupant, except with the consent of the owner or occupant.
- (4) No person shall tear down, remove, damage, deface or cover up a sign erected or placed in accordance with subsection (1), (2) or (3).
- (5) In a prosecution for a contravention of subsection (1) or (2), the onus is on the person charged to prove:
- (a) that he or she had obtained the consent of the owner or occupant to hunt on the land of that person; or
 - (b) that the land was not posted with signs as set out in subsection (1) or (2).
- (6) Where an owner or occupier of land has not erected or placed signs along the boundaries of his or her land in accordance with subsection (1) or (2), that fact alone:
- (a) is not to be deemed to imply consent by him or her to entry on the land; or
 - (b) does not imply a right of access to his or her land for the purpose of hunting.
- (7) Nothing in this section limits or affects any rights or remedies of an owner or occupier at common law.

1998, c.W-13.12, s.41.

Liability of occupier

- 42** An occupier of land owes no duty of care to a person who is hunting on the land except the duty not to:
- (a) create a danger with the deliberate intent of doing harm or damage to the person; and
 - (b) do a wilful act with reckless disregard of the presence of the person.

1998, c.W-13.12, s.42.

Sale of hunting rights

- 43** Subject to this Act and the regulations, no person shall, directly or indirectly, sell, trade or barter or offer for sale, trade or barter the hunting rights for wildlife on any land.

1998, c.W-13.12, s.43.

Trafficking

44 Subject to this Act and the regulations, no person shall:

- (a) traffic in any wildlife; or
- (b) possess any wildlife for the purpose of trafficking.

2000, c.65, s.4.

PART V
Protection of Wild Species at Risk

Interpretation of Part

45 In this Part:

“designated species” means any extirpated, endangered or threatened native wild species designated and listed in the regulations pursuant to section 49; (*«espèce désignée»*)

“endangered” means any native wild species that is threatened with imminent extirpation or extinction; (*«espèce menacée d’extinction»*)

“extirpated” means any native wild species that no longer exists in the wild in Saskatchewan, but exists in the wild outside of Saskatchewan; (*«espèce disparue de la Saskatchewan»*)

“management plan” means a statement of requirements, and specific steps to be taken, to prevent a vulnerable native wild species designated and listed in the regulations pursuant to section 49 from being at increased risk; (*«plan de gestion»*)

“recovery plan” means a document that outlines specific steps to be taken for the recovery and conservation of designated species; (*«plan de rétablissement»*)

“threatened” means any native wild species that is likely to become endangered if the factors leading to its endangerment are not reversed; (*«espèce menacée»*)

“vulnerable” means any native wild species that is of special concern because of low or declining numbers due to human activities or natural events but that is not endangered or threatened. (*«espèce vulnérable»*).

2000, c.65, s.5.

Rights and privileges subject to this Part

46 Notwithstanding any other provision in this Act, the provisions in this Part supersede all rights and privileges given to a person pursuant to any other Part or the regulations.

1998, c.W-13.12, s.46.

Crown bound

47 The Crown is bound by this Part.

1998, c.W-13.12, s.47.

Minister determines wild species to be at risk

48(1) The minister may determine any of the following:

- (a) whether or not a wild species is to be classified as extirpated, endangered, threatened or vulnerable;
 - (b) whether or not a wild species at risk is to be reclassified or is to be deleted from the list mentioned in section 49;
 - (c) whether or not a wild species is to be added to the list mentioned in section 49.
- (2) In making the determination in subsection (1), the minister may request and consider scientific and community-based advice from an advisory committee appointed pursuant to section 8.

1998, c.W-13.12, s.48.

Designation and listing of wild species

49(1) Where the minister determines that a wild species is to be classified as extirpated, endangered, threatened or vulnerable, the Lieutenant Governor in Council may, by regulation, designate and list the wild species as:

- (a) extirpated;
 - (b) endangered;
 - (c) threatened; or
 - (d) vulnerable.
- (2) Where the minister determines that a wild species at risk is to be reclassified or is to be deleted from the list established in subsection (1) or that a wild species is to be added to the list, the Lieutenant Governor in Council may, by regulation, amend the designation and the list.

1998, c.W-13.12, s.49.

Recovery plans

50(1) Subject to the regulations, the minister may prepare and implement a recovery plan to protect each designated species.

- (2) A recovery plan may identify any of the following:
- (a) the needs of and threats to any designated species or its habitat;
 - (b) the viable status needed for recovery of any designated species;
 - (c) the options for the recovery of any designated species;
 - (d) the costs and benefits of the options mentioned in clause (c);
 - (e) a course of action or a combination of actions for the recovery of any designated species.
- (3) A recovery plan may include provisions respecting:
- (a) one or more designated species; and
 - (b) ecosystem management.
- (4) The minister may determine the priority with which any recovery plan or any portion of a recovery plan will be implemented.

(5) The factors that the minister may take into consideration when determining the priority to be assigned to a recovery plan or any portion of a recovery plan include:

- (a) whether scientific evidence indicates that the designated species mentioned in the recovery plan is naturally becoming extirpated;
- (b) whether it is technically or economically feasible to recover the designated species; and
- (c) the status of the designated species elsewhere.

(6) The minister may, to the extent possible, prepare a recovery plan in co-operation with other jurisdictions where the designated species is also found.

(7) Where a recovery plan is in existence before the coming into force of this Act or where a recovery plan has been prepared in another jurisdiction for the designated species, the minister may adopt, in whole or in part, that recovery plan.

(8) Subject to the regulations, the minister may prepare and implement a management plan.

1998, c.W-13.12, s.50; 2000, c.65, s.6.

Activity prohibited

51(1) Subject to subsections (2) and (3), no person shall do any of the following:

- (a) kill, injure, possess, disturb, take, capture, harvest, genetically manipulate or interfere with or attempt to do any of those things to any designated species;
- (b) export or cause to be exported from Saskatchewan any designated species;
- (c) traffic in any designated species.

(2) Subsection (1) does not apply to a person who:

- (a) holds a licence issued pursuant to this Act or the regulations that authorizes activities that would otherwise be prohibited; or
- (b) engages, in compliance with a recovery plan, in activities that would otherwise be prohibited.

(3) A person in possession of a wild species at risk does not contravene subsection (1) where the person:

- (a) had lawful possession of a wild species at risk at the time of its designation and listing pursuant to section 49;
- (b) legally acquired a wild species in another province or country that is a wild species at risk in Saskatchewan and legally imported it into Saskatchewan; or
- (c) is, or acts on behalf of, a museum, zoo, educational institution, scientific society or government and the person acquired it from a person who was entitled to possess it pursuant to this subsection.

1998, c.W-13.12, s.51; 2000, c.65, s.7.

Licence to protect health and property

52 Notwithstanding anything in any other provision of this Part or the regulations, the director may issue a licence to remove, capture, kill or destroy any wild species at risk where, in the opinion of the director, it is necessary to do so:

- (a) to protect human health; or
- (b) to prevent property loss.

1998, c.W-13.12, s.52.

Powers of wildlife officer

53 Notwithstanding anything in any other provision of this Part or the regulations, a wildlife officer may kill, injure, possess, disturb, capture, harvest, take or interfere with any wild species at risk:

- (a) in the exercise of his or her powers or the performance of his or her duties pursuant to this Part or the regulations; and
- (b) in the manner, at the time and in the places that the director may specify.

1998, c.W-13.12, s.53.

PART VI Enforcement

Interpretation of Part

54 In this Part:

- (a) “**Act**” includes the regulations; (« *Loi* »)
- (b) “**record**” includes any books, papers, documents, information or electronic books, papers, documents or information; (« *document* »)
- (c) “**vehicle**”, notwithstanding section 2, also includes a boat or other watercraft and any accessory attached to a boat or watercraft; (« *véhicule* »)
- (d) “**wildlife officer**” includes a deputy wildlife officer. (« *agent de protection de la faune* »)

2007, c.43, s.3.

General powers of wildlife officers

54.1 All wildlife officers have the power of peace officers to enforce this Act and are entitled, while performing their duties, to all the protection that peace officers are entitled to pursuant to the *Criminal Code*.

2007, c.43, s.3.

Wildlife officer may be accompanied

55 If a wildlife officer is conducting an inspection or investigation pursuant to this Act, the wildlife officer may be accompanied by any person who, in the opinion of the wildlife officer, by virtue of his or her expertise in a particular field or his or her knowledge of facts relevant to the matter being inspected or investigated, may assist the wildlife officer in carrying out the wildlife officer's duties.

2007, c.43, s.3.

Arrest without warrant

56 A wildlife officer may arrest, without a warrant, any person found committing an offence against this Act.

2007, c.43, s.3.

Search of person

57 A wildlife officer may search any person if the wildlife officer has reasonable grounds to believe that the person has concealed on his or her person any evidence of an offence against this Act.

2007, c.43, s.3.

Entry on land

58 A wildlife officer and any person or persons lawfully accompanying a wildlife officer for the purposes of carrying out the wildlife officer's duties may enter on or pass over any land, whether enclosed or not, and while so engaged he or she is liable only for any damage that he or she may wilfully cause.

2007, c.43, s.3.

Inspections

59(1) Subject to subsection 61(4), for any purpose relating to the administration or enforcement of this Act, a wildlife officer may do all or any of the following:

- (a) enter at any reasonable time and inspect:
 - (i) any premises for which a licence has been issued pursuant to this Act; or
 - (ii) any commercial premises used by a person required to be licensed pursuant to this Act;
- (b) enter at any reasonable time and inspect any place, including any premises or vehicle, in which the wildlife officer has reasonable grounds to believe that:
 - (i) there is anything to which this Act applies;
 - (ii) any activity to which this Act applies has been carried on, is being carried on or is likely to be carried on; or
 - (iii) there are records that are required to be kept pursuant to this Act or that relate to the administration of this Act;

- (c) require the owner or any person in possession of a place, including any premises or vehicle, being inspected pursuant to this section and any agent, representative, partner, director, officer or employee of the owner or person, to:
- (i) answer any questions that may be relevant to the administration or enforcement of this Act; and
 - (ii) provide the wildlife officer with all reasonable assistance;
- (d) for the purposes of clause (c), require any of the persons mentioned in that clause to attend at a place and time set by the wildlife officer;
- (e) require any of the persons mentioned in clause (c) to produce:
- (i) anything to which this Act applies; or
 - (ii) any records that:
 - (A) are required to be kept pursuant to this Act or that relate to the administration of this Act; and
 - (B) the wildlife officer reasonably requires;
- (f) inspect anything to which this Act applies or any record that is required to be kept pursuant to this Act or that relates to the administration of this Act.
- (2) If the wildlife officer requires any records to be produced pursuant to this section, the wildlife officer may examine the records and make copies of the records in accordance with section 62.
- (3) For the purposes of producing a readable record from a computer system or other data storage, processing or retrieval device belonging to or used by a person who is required to produce any records pursuant to this section, the wildlife officer may use that computer system, including the computer hardware or software, or other data storage, processing or retrieval device.
- (4) If a wildlife officer is unable to produce a readable record from a computer system or other data storage, processing or retrieval device belonging to or used by a person who is required to produce any records pursuant to this section, the wildlife officer may, after giving a receipt:
- (a) remove any computer hardware and software and any other data storage, processing or retrieval device required to produce a readable record;
 - (b) produce that record with reasonable dispatch; and
 - (c) promptly return the computer hardware and software and any other data storage, processing or retrieval device to:
 - (i) the place from which they were removed; or
 - (ii) any other place that may be agreed to by the wildlife officer and the person from whom they were taken.

Additional powers on inspection

59.1 In addition to the powers mentioned in section 59, in carrying out an inspection pursuant to this Act, a wildlife officer may do all or any of the following:

- (a) open or cause to be opened any container found in the place that the wildlife officer believes on reasonable grounds contains anything to which this Act applies;
- (b) take samples of anything to which this Act applies;
- (c) conduct any tests or analyses and take any measurements.

2007, c.43, s.3.

Duty to assist

60(1) No person shall fail to answer questions or to provide reasonable assistance in accordance with section 59 or 59.1 in the manner and within the period specified by the wildlife officer.

(2) No person shall fail to produce any records or thing to which this Act applies in accordance with section 59 or 59.1 within the period reasonably required by the wildlife officer.

(3) No person shall refuse to produce the person's licence to a wildlife officer or the department when requested to do so.

2007, c.43, s.3.

Stopping and detaining a vehicle

60.1(1) For any purpose relating to the administration or enforcement of this Act, including conducting an inspection pursuant to section 59 or 59.1 or carrying out an investigation pursuant to section 61, a wildlife officer may:

- (a) require any vehicle to be stopped;
- (b) require the vehicle to be moved to a place where the inspection pursuant to section 59 or 59.1 or the investigation pursuant to section 61 can be carried out; and
- (c) detain the vehicle for a reasonable time.

(2) Every operator or person in charge of the vehicle shall comply with the requirements of a wildlife officer made pursuant to this section.

2007, c.43, s.3.

Investigations

61(1) If a justice or provincial court judge is satisfied by information on the oath of a wildlife officer that there are reasonable grounds to believe that an offence against this Act has occurred and that evidence of that offence is likely to be found, the justice or provincial court judge may issue a warrant to do all or any of the following:

- (a) enter and search any place, including any premises or vehicle, named or described in the warrant;
- (b) seize and remove anything that may be evidence of an offence against this Act.

- (2) With a warrant issued pursuant to subsection (1), a wildlife officer may:
- (a) enter at any time and search any place, including any premises or vehicle, named or described in the warrant;
 - (b) open and examine anything that the wildlife officer finds in the place, premises or vehicle;
 - (c) require the production of and examine any records or other things to which this Act applies that the wildlife officer has reasonable grounds to believe may contain information related to an offence against this Act;
 - (d) remove, for the purpose of making copies, any records examined pursuant to this section and any computer hardware and software and other data storage, processing or retrieval device required to produce a readable record;
 - (e) do any of the things mentioned in clauses 59.1(b) and (c);
 - (f) do any of the things mentioned in section 60.1; and
 - (g) do any of the things mentioned in section 63.
- (3) Subject to subsection (4), a wildlife officer may exercise all or any of the powers mentioned in subsection (2) without a warrant issued pursuant to this section if:
- (a) the conditions for obtaining a warrant exist; and
 - (b) the wildlife officer has reasonable grounds to believe that the delay necessary to obtain a warrant would result:
 - (i) in danger to human life or safety; or
 - (ii) in the loss, removal or destruction of evidence.
- (4) No wildlife officer shall enter premises that are ordinarily occupied as a private residence without a warrant issued pursuant to this section unless the occupant of those premises consents to the entry.
- (5) If, pursuant to this section, a wildlife officer removes any computer hardware and software and any other data storage, processing or retrieval device required to produce a readable record, the wildlife officer shall:
- (a) produce that record with reasonable dispatch; and
 - (b) promptly return the computer hardware and software and any other data storage, processing or retrieval device to:
 - (i) the place from which they were removed; or
 - (ii) any other place that may be agreed to by the wildlife officer and the person from whom they were taken.

Copies of records

62(1) If any records are inspected, examined, removed, produced or provided pursuant to section 59 or 61, a wildlife officer may make copies of those records.

(2) A wildlife officer shall:

- (a) make those copies with reasonable dispatch; and
- (b) promptly return the originals of the records to:
 - (i) the place from which they were removed; or
 - (ii) any other place that may be agreed to by the wildlife officer and the person who furnished them or from whom they were taken.

(3) If the originals of any record are to be removed from a place, the wildlife officer shall take all reasonable steps to ensure that a copy of the record is left at the place to allow business to be carried on.

(4) A document certified by the minister, a wildlife officer or any person authorized by the minister to be a copy of a record made pursuant to this section:

- (a) is admissible in evidence without proof of the office or signature of that person; and
- (b) has the same probative force as the original record.

2007, c.43, s.3.

Seizure of certain objects

63(1) In addition to the powers mentioned in sections 59, 59.1 and 61, in conducting an inspection pursuant to section 59 or 59.1 or in carrying out an investigation pursuant to section 61, a wildlife officer may seize anything to which this Act applies, including a vehicle, that the wildlife officer has reasonable grounds to believe:

- (a) was used in the commission of an offence or is something in relation to which an offence against this Act has been committed;
- (b) will provide evidence with respect to the commission of an offence against this Act; or
- (c) was taken or obtained by the commission of an offence against this Act.

(2) Anything to which this Act applies that is seized pursuant to subsection (1) may be removed to any place that the wildlife officer considers appropriate for the preservation and containment of the thing to which this Act applies.

(3) If a vehicle is being used to transport anything to which this Act applies and the thing has been seized by the wildlife officer pursuant to subsection (1), any person in charge of or operating the vehicle shall convey the seized thing to which this Act applies to any place that the wildlife officer may direct.

(4) If anything to which this Act applies is liable to seizure by a wildlife officer and has been mixed with other similar products so as to render it impractical or difficult to distinguish or separate the thing from the other products or materials with which it is mixed, all of those products or materials so mixed may be seized.

(5) Notwithstanding section 80, if a wildlife officer has custody of anything to which this Act applies that is seized pursuant to this Act and that is perishable or susceptible to deterioration, the minister, the department or the wildlife officer may dispose of it, in whole or in part, in any manner approved by the minister, and any proceeds realized from the disposition are to be dealt with in the manner set out in the regulations.

2007, c.43, s.3.

Obstruction

63.1 No person shall resist, obstruct, hinder, delay or interfere with a wildlife officer, or a person aiding a wildlife officer, in the performance of the wildlife officer's duties.

2007, c.43, s.3.

PART VII Offences and Penalties

False information

64 No person shall:

- (a) provide false or misleading information to the minister, the director, the department or a wildlife officer; or
- (b) falsify, in any manner, any application, licence, record or return required by this Act or the regulations.

1998, c.W-13.12, s.64.

65 Repealed. 2007, c.43, s.4.

Injury to property

66 No person shall injure, damage or, without permission, make use of any property owned or maintained by the Government of Saskatchewan, and no person shall tear down, remove, damage, deface or cover up any notice, sign or signboard erected, placed or maintained by or on behalf of the Government of Saskatchewan.

1998, c.W-13.12, s.66.

Certificate and reports of evidence

67(1) In a prosecution for a contravention of this Act or the regulations, the certificate or report of any of the following persons is admissible in evidence as proof of its contents, in the absence of evidence to the contrary, respecting any wildlife, wild species at risk, article or material that, according to the certificate or report, has been examined in a laboratory by that person without proof of the office or signature of that person:

- (a) a person in charge of a laboratory:
 - (i) designated in the regulations;
 - (ii) maintained by the Government of Saskatchewan; or
 - (iii) maintained by the Royal Canadian Mounted Police;
- (b) any person employed in a laboratory mentioned in clause (a).

(2) In a prosecution for a contravention of this Act or the regulations, the certificate or report of any of the following persons is admissible in evidence as proof of its contents, in the absence of evidence to the contrary, respecting the time of sunrise or the time of sunset in any area on any day, without proof of the office or signature of that person:

- (a) a person in charge of a meteorological station:
 - (i) maintained by the Government of Saskatchewan; or
 - (ii) maintained by the Government of Canada;
- (b) any person employed in a meteorological station mentioned in clause (a).

1998, c.W-13.12, s.67.

Proof of licence or permit, etc.

68(1) The certificate of the director that a licence, seal or notice has or has not been issued or given to a person pursuant to this Act or the regulations is admissible, in the absence of evidence to the contrary, as proof that the licence, seal or notice has or has not been issued or given, without proof of the office or signature of the director.

(2) In any prosecution pursuant to this Act in which the validity or existence of a licence is in question, the onus is on the person charged to prove the validity or existence of the licence.

1998, c.W-13.12, s.68.

Aid and abet

69 Any person who aids, abets, counsels or procures the contravention of a provision of this Act or the regulations is guilty of an offence and liable on summary conviction to the penalties for the offence that the person has aided, abetted, counselled or procured.

1998, c.W-13.12, s.69.

Limitation period on prosecutions

70 No prosecution for an alleged contravention of this Act or the regulations shall be commenced more than two years after the day on which the minister becomes aware of the alleged contravention.

2006, c.11, s.4.

Directors liable

71 Any officer, director or agent of a corporation who directed, authorized, assented to, acquiesced in or participated in an act or omission by a corporation that would constitute an offence by that corporation with respect to any wild species at risk is guilty of that offence, and is liable on summary conviction to the punishment set out in section 75, whether or not the corporation has been prosecuted or convicted.

1998, c.W-13.12, s.71.

Vicarious liability

72 In any prosecution for an offence relating to wild species at risk, it is sufficient proof of the offence to establish, in the absence of any evidence that the offence was committed without the defendant's knowledge, that it was committed by an employee, helper or agent of the defendant, whether or not the employee, helper or agent is identified or has been prosecuted or convicted for the offence.

1998, c.W-13.12, s.72.

Penalty for contravention of Act

73 Subject to section 75, any person who contravenes any provision of this Act or the regulations for which no monetary penalty is specified is guilty of an offence and liable on summary conviction to a fine of not more than \$100,000.

1998, c.W-13.12, s.73.

Offences and penalties - Part IV

74(1) Any person who contravenes a provision of Part IV or the regulations with respect to wildlife for which no monetary penalty is specified is guilty of an offence and liable on summary conviction to a fine of not more than \$100,000.

(2) Any person who contravenes clause 25(1)(a), section 33 or those provisions of the regulations that are prescribed in the regulations is guilty of an offence and liable on summary conviction to a fine of not less than \$500 and not more than \$100,000.

(3) Subject to subsection (4), any person who contravenes a provision of the regulations respecting hunting safety is guilty of an offence and liable on summary conviction to a fine of not less than \$1,000 and not more than \$100,000.

(4) Subsection (3) applies to a provision of the regulations respecting hunting safety only if that provision contains a statement that subsection (3) applies to contraventions of that provision.

(5) Any person who contravenes section 44 is guilty of an offence and liable on summary conviction to a fine of not less than \$2,000 and not more than \$100,000, to imprisonment for a period not exceeding two years less a day or to both.

1998, c.W-13.12, s.74.

Offences and penalties – Part V

75(1) Any person who contravenes any provision of Part V or the regulations with respect to wild species at risk for which no monetary penalty is specified is guilty of an offence and liable on summary conviction:

- (a) in the case of an individual:
 - (i) for a first offence, to a fine of not more than \$5,000; and
 - (ii) for a second or subsequent offence, to a fine of not more than \$10,000;
 - (b) in the case of a corporation:
 - (i) for a first offence, to a fine of not more than \$20,000; and
 - (ii) for a second or subsequent offence, to a fine of not more than \$50,000.
- (2) Any person who contravenes clause 51(1)(a) is guilty of an offence and liable on summary conviction:
- (a) in the case of an individual:
 - (i) for a first offence, to a fine of not more than \$50,000, to imprisonment for a period not exceeding six months or to both; and
 - (ii) for a second or subsequent offence, to a fine of not more than \$100,000, to imprisonment for a period not exceeding one year or to both;
 - (b) in the case of a corporation:
 - (i) for a first offence, to a fine of not less than \$10,000 and not more than \$100,000; and
 - (ii) for a second or subsequent offence, to a fine of not less than \$20,000 and not more than \$200,000.
- (3) Any person who contravenes clause 51(1)(c) is guilty of an offence and liable on summary conviction:
- (a) in the case of an individual:
 - (i) for a first offence, to a fine of not less than \$10,000 and not more than \$100,000, to imprisonment for a period not exceeding two years less a day or to both; and
 - (ii) for a second or subsequent offence, to a fine of not less than \$20,000 and not more than \$200,000, or to imprisonment for a period not exceeding two years less a day or to both;
 - (b) in the case of a corporation:
 - (i) for a first offence, to a fine of not less than \$50,000 and not more than \$500,000; and
 - (ii) for a second or subsequent offence, to a fine of not less than \$100,000 and not more than \$1,000,000.

On conviction, person prohibited for certain period from obtaining licence, etc.

76(1) A person who is convicted of a contravention of:

(a) section 38 or, subject to subsection (2), a provision of the regulations respecting hunting safety is prohibited for three years from the date of conviction from applying for or obtaining any big game licence, game bird licence or fur licence issued pursuant to this Act or the regulations;

(b) section 44 is prohibited for five years from the date of conviction from applying for or obtaining any licence issued pursuant to this Act or the regulations that the minister may determine; or

(c) any provision of this Act or the regulations not mentioned in clause (a) or (b) is, subject to subsection 19(2), prohibited from applying for or obtaining any big game licence, game bird licence or fur licence issued pursuant to this Act or the regulations for the longer of:

(i) one year from the date of conviction; and

(ii) any period that the convicting judge may order to a maximum period of five years from the date of conviction.

(2) Clause (1)(a) applies to a provision of the regulations respecting hunting safety only if that provision contains a statement that clause (1)(a) applies to contraventions of that provision.

(3) If a person is convicted of a contravention of a provision of this Act or the regulations, in addition to any other penalty imposed, the convicting judge, having regard to the nature of the offence and the circumstances surrounding its commission, may prohibit the person from doing any act or engaging in any activity that could, in the opinion of the convicting judge, result in the continuation or repetition of the offence.

2006, c.11, s.5.

PART VIII General Provisions

Immunity

77 No action or other proceeding lies or shall be instituted or commenced against the minister, the director, any wildlife officer or deputy wildlife officer, the Crown or officers and employees of the Crown for any loss or damage suffered by a person by reason of anything in good faith done, caused, permitted or authorized to be done, attempted to be done or omitted to be done by any one or more of them, pursuant to or in the exercise or supposed exercise of any power conferred by this Act or the regulations or in the carrying out or supposed carrying out of any function or duty imposed by this Act or the regulations.

1998, c.W-13.12, s.77.

Service of notice or documents

78(1) Any notice required by this Act or the regulations to be given or served is, unless otherwise provided for, to be served personally or mailed by ordinary or registered mail to the last known address of the person being served.

(2) A document served by ordinary mail or registered mail is deemed to have been received on the seventh day following the day of its mailing, unless the person to whom it was mailed establishes that, through no fault of the person, he or she did not receive the document or that he or she received it at a later date.

1998, c.W-13.12, s.78.

Certain articles forfeited, vehicles impounded

79(1) Where a person is convicted of a contravention of any provision of this Act or the regulations, any wildlife or designated species as defined in Part V seized in connection with the offence is forfeited to the Crown and may be disposed of in a manner approved by the minister.

(2) Where a person is convicted of a contravention of section 44 or clause 51(1)(a) or (c) of this Act or, subject to subsection (3), a provision of the regulations respecting hunting safety:

(a) any articles seized in connection with the offence, other than a vehicle, are forfeited to the Crown and are to be disposed of in a manner approved by the minister; and

(b) the court may order that any vehicle or boat seized in connection with the offence is forfeited to the Crown.

(3) Subsection (2) applies to a provision of the regulations respecting hunting safety only if that provision contains a statement that subsection (2) applies to contraventions of that provision.

(4) Where a person is convicted of a contravention of any provision of this Act or the regulations other than an offence mentioned in subsection (2), the court may order that any article or vehicle seized in connection with the offence is forfeited to the Crown and is to be disposed of in a manner approved by the minister.

1998, c.W-13.12, s.79; 2000, c.65, s.8.

Return of things seized

80(1) Subject to subsections (1.1) and (2), where any wildlife, article, vehicle or thing is seized pursuant to this Act, it shall be returned to the person from whom it was seized if:

(a) no prosecution for an offence is brought within 90 days after the date of seizure;

(b) a prosecution results in an acquittal, unless the verdict is appealed within 60 days; or

(c) the charge is dismissed or stayed, unless the dismissal or stay is appealed within 60 days.

(1.1) On application by the minister, the director or a wildlife officer on at least three days' notice to the person from whom any wildlife, article, vehicle or thing was seized, a provincial court judge may order the continued detention of the wildlife, article, vehicle or thing for a specified period if the judge is satisfied that:

- (a) the continued detention might reasonably be required for the purpose of an investigation, trial, inquiry or hearing pursuant to this Act; and
- (b) it is in the interests of justice to make the order.

(1.2) A provincial court judge may impose any conditions that the judge considers appropriate in an order made pursuant to subsection (1.1)

(2) No wildlife, article, vehicle or thing shall be returned pursuant to subsection (1):

- (a) if it is required for evidence in connection with another offence;
- (b) if it is subject to forfeiture or impoundment pursuant to section 79;
- (c) in the case of a vehicle, until all storage charges have been paid; or
- (d) if an order is made by a provincial court judge pursuant to subsection (1.1), until the expiration of the specified period.

(3) For the purposes of subsection (1), a prosecution is brought when the information is sworn or the summons is issued respecting the offence.

(4) Where anything is to be returned to the person from whom it was seized and that person or anyone authorized to act on that person's behalf cannot be located within six months of the seizure, the item seized shall be disposed of in any manner directed by the minister.

(5) Notwithstanding subsection (1), if the article or thing seized is live wildlife, the wildlife is to be maintained or disposed of in the manner approved by the minister, which may include any or all of the following:

- (a) seizure and confinement at the location where the wildlife was seized, or at any other location approved by the minister, with the person in possession or charge of the wildlife being responsible for housing and care of the wildlife;
- (b) deportation;
- (c) release to the wild;
- (d) sale;
- (e) destruction in a humane manner.

(6) For the purposes of subsection (5), the existence of the live wildlife as set out in the information sworn respecting the offence pursuant to this Act or the regulations constitutes proof of the existence of the live wildlife.

c. W-13.12

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(7) If the person from whom live wildlife is seized and disposed of pursuant to this Act was the owner of the wildlife and is convicted of an offence pursuant to this Act or the regulations in relation to that wildlife, the Crown is not liable to that person for any disposition by the Crown of the wildlife pursuant to subsection (5).

(8) If the person from whom live wildlife is seized and disposed of pursuant to this Act was the owner of the wildlife and is not convicted of an offence pursuant to this Act or the regulations in relation to that wildlife, the Crown's liability for any wildlife disposed of pursuant to subsection (5) is limited to the fair market value of the wildlife as at the time of its seizure.

1998, c.W-13.12, s.80; 2006, c.11, s.6.

Proceeds from disposal

81 Proceeds received from the disposal of any article, wildlife or wild species at risk pursuant to any provision of this Act shall be deposited in the general revenue fund.

1998, c.W-13.12, s.81.

Liability exemption for property seized

82 The Crown or any officer or employee of the Crown is not liable for any deterioration, diminution, or other devaluation of property seized pursuant to this Act but not forfeited to the Crown.

1998, c.W-13.12, s.82.

Regulations

83(1) The Lieutenant Governor in Council may make regulations:

- (a) defining, enlarging or restricting the meaning of any word or expression used in this Act but not defined in this Act;
- (b) constituting any area of the province as an area for protecting, propagating, perpetuating, managing, harvesting, controlling or regulating wildlife or wild species at risk or protecting, controlling or managing habitat;
- (c) respecting the management, control and protection of any of the areas constituted in accordance with clause (b) and the wildlife, wild species at risk or habitat in those areas, and regulating hunters, trappers and other persons in those areas;
- (d) respecting the protection, management, regulation and use of any wildlife, wild species at risk or habitat;
- (e) prescribing species of wildlife to be protected and respecting the management and control of that wildlife and any products of or from it;
- (f) respecting the issuing of licences;
- (g) respecting the hunting or trapping of wildlife during open seasons;

- (h) respecting fur dealers, tanners, taxidermists and persons engaged in the business of storing wildlife, and horticulturalists;
- (i) respecting the importation into the province, the sale, and the exportation from the province of wildlife or wild species at risk;
- (j) respecting hunting-dog training and authorizing persons to act as hunting-dog trainers;
- (k) respecting the operation of wildlife farms and authorizing persons to operate wildlife farms;
- (l) respecting and governing the keeping and propagation of wildlife or wild species at risk;
- (m) identifying the following:
 - (i) species of wildlife or wild species at risk that may be held in captivity;
 - (ii) species of wildlife or wild species at risk that are dangerous;
 - (iii) species of wildlife that are domestic;
- (n) respecting and governing all matters concerning the keeping of wildlife or wild species at risk in captivity, including marking and identification, and prescribing the records to be kept;
- (o) respecting and governing the testing and treatment for diseases of wildlife or wild species at risk held in captivity or wildlife or wild species at risk that are intended to be imported or exported;
- (p) respecting the rent, hire or use of boats, vehicles and other equipment by hunters or fishermen;
- (q) respecting the guiding of hunters or fishermen;
- (r) respecting all matters relating to any licence, registered mark, permission or other right secured pursuant to this Act, including, without limiting the generality of the foregoing:
 - (i) the conditions under which and the persons to whom that licence, registered mark, permission or other right may be granted;
 - (ii) the terms and conditions to which that licence, registered mark, permission or other right is subject and its duration, suspension or cancellation;
 - (iii) the fees to be paid;
 - (iv) the time and area and the wildlife or wild species at risk to which that licence, registered mark, permission or other right relates;
 - (v) the returns to be made to the department and the records to be kept regarding that licence, registered mark, permission or other right;
 - (vi) the buttons, badges, seals or identifying marks to be used and the manner of use;
 - (vii) the return of that licence, registered mark, permission or other right;

- (viii) the delivery of any wildlife or wild species at risk taken for the purposes of management or research of wildlife or wild species at risk;
- (ix) the wildlife operations or concerns with respect to which that licence is issued;
- (x) the furnishing of a bond by a holder of a licence to the minister in any form and amount that the minister may determine;
- (s) prescribing the offences for the purposes of subsection 19(2);
- (t) respecting agreements with vendors to issue licences on behalf of the minister and prescribing the commissions payable to vendors;
- (u) regulating hunters, the number of hunters, and the manner of hunting at any time and in any area;
- (v) regulating the use, manner of use or possession of different types of firearms, ammunition, missiles or associated apparatus for any purpose related to the hunting of wildlife and prescribing the area in which they may be used;
- (w) regulating the use, manner of use or possession of different types of traps, snares, poisons, drugs, nets, recordings, decoys or other articles used in the hunting of wildlife and prescribing the area in which they may be used;
- (x) notwithstanding any other Act, specifying the time to be used for the purposes of this Act and the regulations;
- (y) prescribing the apparel to be worn by hunters;
- (z) regulating and prohibiting the use of certain vehicles or boats in any area for any purpose related to the hunting of wildlife;
- (aa) regulating the use of dogs for hunting wildlife;
- (bb) respecting trapping and the designation of trapping areas and the marketing of wildlife;
- (cc) regulating the shipping, transporting or storing of wildlife or wild species at risk;
- (dd) regulating the sale or other disposition by a trapper, fur dealer or other person of skins or pelts of fur animals;
- (ee) regulating the purchase of raw furs by individuals for personal purposes;
- (ff) prescribing the royalties to be paid on wildlife and regulating the method of collection and all matters relating to collection and prescribing records to be kept with respect to transactions in wildlife on which royalties are payable;
- (gg) respecting the removing, capturing, killing or destroying of wildlife or wild species at risk in order to prevent damage to property or protect human health;
- (hh) respecting the removal, capture, killing or destruction of wildlife or wild species at risk causing a nuisance;

- (ii) prescribing the disposal of wildlife, wild species at risk, firearms, snares, traps and other property forfeited pursuant to this Act;
 - (jj) respecting the provisions of indemnification and the payment of compensation for damage to property caused by wildlife, wild species at risk or hunters;
 - (kk) respecting programs of land use as to the preservation, maintenance and restoration of habitat and public access to land;
 - (ll) respecting co-operative programs to maintain the habitat of wildlife or wild species at risk and public access to land;
 - (mm) specifying the size of signs for the purposes of section 41;
 - (mm.1) for the purposes of subsection 63(5), respecting the manner in which proceeds realized from the disposition of the thing to which this Act applies are to be dealt with;
 - (nn) prescribing provisions of the regulations for the purposes of section 76 and subsection 74(2);
 - (oo) designating laboratories for the purposes of section 67;
 - (pp) respecting the designation and listing of wild species at risk, including the establishment, maintenance, amendment and distribution of the list;
 - (qq) respecting programs to prepare status reports with respect to wild species at risk and to prepare and implement recovery plans;
 - (rr) respecting emergency provisions to designate and list wild species at risk and protect their habitats;
 - (ss) respecting the monitoring, assessment and reporting of the status of wild species at risk;
 - (tt) respecting any other matters relating to wildlife, wild species or wild species at risk;
 - (uu) prescribing any other matter or thing that is required or authorized by this Act to be prescribed;
 - (vv) respecting any matter or thing that the Lieutenant Governor in Council considers necessary to carry out the intent of this Act.
- (2) The minister may make regulations:
- (a) defining and declaring open seasons during which and areas within which a person may hunt certain wildlife;
 - (b) prescribing a maximum number of wildlife that may be hunted in any area during an open season;
 - (c) regulating hunters and hunting in any area during an open season.

PART IX

Repeal, Transitional, Consequential and Coming into Force**S.S. 1997, c.W-13.11 repealed**

84 Sections 1 to 85 and 87 to 92 of *The Wildlife Act, 1997* are repealed.

1998, c.W-13.12, s.84.

Transitional - licence, permit or certificate

85 A licence issued pursuant to *The Wildlife Act, 1997* or any former Act that is valid on the day before section 1 of this Act comes into force continues to be valid as if it were issued pursuant to this Act until the expiry date shown on the licence, and the licence may be amended, suspended, cancelled or otherwise dealt with pursuant to this Act.

1998, c.W-13.12, s.85.

86 to 90 **Dispensed.** These sections make consequential amendments to other Acts. The amendments have been incorporated into the corresponding Acts.

Coming into force

91(1) Subject to subsection (2), this Act comes into force on proclamation.

(2) Section 87 of this Act comes into force on the coming into force of subsection 2(2) of *The Forest Resources Management Act*.

1998, c.W-13.12, s.91.