



PRINCE EDWARD ISLAND
ÎLE-DU-PRINCE-ÉDOUARD

STRAY LIVESTOCK ACT CAPTURE AND IMPOUNDMENT REGULATIONS

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For more information concerning the history of these regulations, please see the *Table of Regulations* on the Prince Edward Island Government web site (www.princeedwardisland.ca).

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STRAY LIVESTOCK ACT

Chapter S-8.1

CAPTURE AND IMPOUNDMENT REGULATIONS

Pursuant to section 9 of the *Stray Livestock Act* R.S.P.E.I. 1988, Cap. S-8.1, Council made the following regulations:

1. Definitions

In these regulations

- (a) “**Act**” means the *Stray Livestock Act* R.S.P.E.I. 1988, Cap. S-8.1;
- (b) “**Department**” means the Department of Agriculture;
- (c) “**employee of the Department**” means an employee of the Department to whom the Minister has delegated, pursuant to subsection 2(2) of the Act, any of the Minister’s powers, responsibilities and functions;
- (d) “**recoverable costs and expenses**” means the recoverable costs and expenses that a drover or an agent of a drover has incurred and is authorized to charge an owner of livestock, in respect of the capture and impoundment of livestock at large, as set out in section 7. (EC626/08)

2. Responsibilities of drover

- (1) Where a drover has captured and impounded livestock pursuant to a request from a peace officer under subsection 5(2) of the Act, the drover shall,
 - (a) within 48 hours of the capture and impoundment of the livestock, notify the peace officer and an employee of the Department that such action has been taken and provide the peace officer and employee of the Department with a copy of the information collected by the drover under section 5; and
 - (b) within five days of the livestock’s capture and impoundment, give public notice of the capture and impoundment of the livestock by advertising, in a provincial newspaper,
 - (i) a description of the livestock captured and impounded, including any marks, brands, tattoos, tags, or other identifying features unique to the livestock, and
 - (ii) the location at which the livestock is impounded and may be collected on payment of the recoverable costs and expenses of the drover.

Ownership of livestock

- (2) Where, within 10 days of the capture and impoundment of livestock by a drover, a person claims ownership of any livestock captured and impounded by a drover, the drover shall, if satisfied that the person is the owner of the livestock,
- (a) provide the owner and an employee of the Department with a written statement of the recoverable costs and expenses that the drover is authorized to charge under section 7 in respect of the capture and impoundment of the livestock; and
 - (b) release the livestock to the owner of the livestock if the owner pays such recoverable costs and expenses.

Sale of livestock

- (3) If the owner of any livestock, after being notified of the written statement of the recoverable costs and expenses of the drover, does not pay the drover the amount of such recoverable costs and expenses within five days after receiving the statement, the drover shall conduct the sale of the livestock, by public auction, and notify an employee of the Department of the sale.

Idem

- (4) If livestock captured and impounded by a drover is not claimed within 10 days after its capture and impoundment by a person the drover is satisfied is the owner of the livestock, the drover shall conduct the sale of the livestock, by public auction, and notify an employee of the Department of the sale. (EC626/08)

3. Employee of the Department to be notified

- (1) Where an owner or occupier of land captures livestock at large on the owner's or occupier's land, the owner or occupier shall, within 48 hours after the time that the livestock is captured, notify an employee of the Department of the capture.

Release of livestock

- (2) No owner or occupier of land who captures livestock at large on his or her land shall release the captured livestock to any person other than a drover, the owner of the livestock, or an agent of the owner of the livestock. (EC626/08)

4. Destruction of livestock

A peace officer who believes, on reasonable grounds, that

- (a) livestock is at large;
- (b) the attempted capture of the livestock will likely result in injury to any person or any other livestock; and
- (c) the owner of the livestock
 - (i) is unknown, or
 - (ii) is known but is unwilling or unable to take any action necessary to prevent the livestock from being at large,

may destroy the livestock or authorize another person to destroy the livestock and may request an employee of the Department to arrange for the disposal of the destroyed livestock. (EC626/08)



5. Information to be collected and recorded

- (1) Where a drover has captured and impounded livestock, the drover shall keep a record, in writing, and provide a copy of the record to an employee of the Department, in respect of the following information:
 - (a) the date and time of the capture and impoundment of the livestock;
 - (b) a description of the type of livestock captured and impounded;
 - (c) a description of any marks, brands, tattoos, tags, or other unique identification in respect of the livestock;
 - (d) a description of the location where the livestock has been captured and impounded.

Record retained

- (2) Where an employee of the Department receives a copy of a record referred to in subsection (1), the Department shall retain the record for a period of 15 years, in accordance with the Department's records management retention schedule. *(EC626/08)*

6. Costs and expenses

- (1) Where a drover sells livestock pursuant to subsections 2(3) and (4), the drover shall
 - (a) submit the proceeds of sale to the Department to be disbursed in accordance with this section; and
 - (b) provide a detailed statement and receipts, of costs and expenses incurred by the drover to an employee of the Department for payment in respect of the following costs and expenses:
 - (i) the capture and impoundment of the livestock sold,
 - (ii) the transport of the livestock sold,
 - (iii) maintaining the livestock sold prior to its sale,
 - (iv) determining the identity of and contacting the owner of, or the last person in possession of the livestock,
 - (v) advertising the capture and impoundment of the livestock,
 - (vi) selling the livestock.

Payment of costs and expenses

- (2) On receipt of a statement of the costs and expenses incurred by a drover, an employee of the Department shall review the statement and pay to the drover such amount for the costs and expenses incurred by the drover as the employee of the Department considers reasonable.

Idem

- (3) Where, after the payment of any costs and expenses of the drover under subsection (2), the Department holds any remaining proceeds from the sale of livestock, the Department shall, on receipt of a claim in respect of those remaining proceeds of sale that is made within 14 days after the date of the sale of the livestock, pay those proceeds to a claimant if the claimant establishes to the satisfaction of the Department that the person was the owner of the livestock prior to the sale of the livestock.

Balance from proceeds of sale

- (4) Where no claim has been made by the owner of any livestock within 14 days after the date of the sale of the livestock, the Department shall transfer or pay any balance from the proceeds of the sale of the livestock to the Provincial Treasurer if not otherwise claimed by the owner of the livestock under subsection (3).

Debt due to the Government

- (5) Where the proceeds from the sale of livestock are less than the incurred costs and expenses referred to in subsection (1), the difference is a debt due to the Government and shall be paid by the owner of the livestock, if known, within 30 days after the owner being served by the Department with the invoice for any such amounts that are owed in respect of the sale of the livestock.

Idem

- (6) If the owner of the livestock fails to pay any debt due under subsection (5) within the time required by that subsection in respect of the sale of the livestock,
- (a) the Minister may issue a certificate stating the amount due and payable on the date of the certificate, including interest, if any, and penalty, if any;
 - (b) upon its production to and filing with the Registrar of the Supreme Court at any time 30 days after it is issued, the certificate shall be entered and recorded in the court, and when so entered it has the same force and effect, and all proceedings may be taken thereunder, as if it were a judgment obtained in the court by the Government against the person named in the certificate; and
 - (c) all reasonable costs and expenses attendant upon the production and registration of the certificate shall be recovered in the same manner as if the amount thereof had been included in the certificate. (EC626/08)

7. Recoverable costs and expenses

- (1) A drover or an agent of a drover may charge an owner of livestock the following recoverable costs and expenses in respect of the capture and impoundment of livestock at large:
- (a) the costs associated with providing care and feed for livestock captured and impounded,
 - (i) the actual cost of care and feed, or
 - (ii) a fee per head of livestock for each 24-hour period or part thereof that the livestock is captured and impounded,whichever is less;
 - (b) for transporting livestock,
 - (i) a fee for a trip of 50 kilometres or less, or
 - (ii) a fee for each kilometre for a trip of more than 50 kilometres;
 - (c) for carrying out the work in respect of the capture and impoundment of livestock, a fee for each hour or part thereof to a maximum fee for each 24-hour period;
 - (d) the cost of advertising in the provincial newspaper.

Fees

- (2) The fees referred to in subsection (1) shall be established by the Minister. (EC626/08)

8. Civil Service Act not applicable

The *Civil Service Act* R.S.P.E.I. 1988, Cap. C-8 shall not apply to any drover appointed by the Minister under subsection 5(1) of the Act. (EC626/08)

