



PRINCE EDWARD ISLAND  
ÎLE-DU-PRINCE-ÉDOUARD

# **WILDLIFE CONSERVATION ACT**

## PLEASE NOTE

This document, prepared by the *Legislative Counsel Office*, is an office consolidation of this Act, current to June 16, 2021. It is intended for information and reference purposes only.

This document is *not* the official version of the Act. The Act and the amendments as printed under the authority of the Queen's Printer for the province should be consulted to determine the authoritative statement of the law.

For more information concerning the history of this Act, please see the *Table of Public Acts* on the Prince Edward Island Government web site ([www.princeedwardisland.ca](http://www.princeedwardisland.ca)).

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## WILDLIFE CONSERVATION ACT

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## WILDLIFE CONSERVATION ACT

### CHAPTER W-4.1

### INTERPRETATION

#### 1. Definitions

##### (1) In this Act

- (a) “**aboriginal person**” means a person who
  - (i) is registered as an Indian pursuant to the *Indian Act* R.S.C. 1985, Chap. I-5, or
  - (ii) is a registered member of a *bona fide* aboriginal organization that requires as a condition of membership proof of aboriginal ancestry;
- (b) “**angling**” means fishing with a line to which one or more hooks are attached and that is held in the hand or attached to a rod that is held in the hand or closely attended;
- (c) “**bow**” means a tool for projecting arrows which consists of a handle and one or more flexible limbs which are held bent by a string or cable which is drawn, pulled or released or held in a drawn position by hand or hand-held release and not by any mechanical device attached to any portion of the bow other than the bowstring;
- (c.1) “**cadet conservation officer**” means a cadet conservation officer appointed under subsection 3.2(1);
- (c.2) “**Chief Conservation Officer**” means the Chief Conservation Officer appointed under subsection 3.1(1);
- (d) “**closed season**” means a specified period during which fish, game and fur-bearing animals are not to be taken or hunted under this Act;
- (e) “**conservation officer**” means a conservation officer appointed under subsection 3.1(1), and includes the Chief Conservation Officer;
- (f) “**endangered species**” means a species that is designated as an endangered species in the regulations;
- (g) “**exotic**” in relation to wildlife, means any wildlife of a species or type that is not indigenous to the province and that in its natural habitat is usually found wild in nature, but does not include ratite birds;
- (g.1) “**extinct species**” means a species that no longer exists;
- (g.2) “**extirpated species**” means a species that no longer exists in the wild of this province but exists elsewhere in the wild;
- (h) “**firearm**” means a barrelled weapon from which a shot, bullet or other projectile can be discharged and that is capable of causing serious bodily injury or death to a person, and includes a frame or receiver of such weapon and anything that can be adapted for use as a firearm;

- (i) “**fish**” where used as a noun, means any species of fish protected by regulations made under this Act, and where used as a verb, means to angle;
- (j) “**fishery regulations**” means the regulations made under the *Fisheries Act* (Canada) R.S.C. 1985, Chap. F-14;
- (k) “**fishing preserve**” means land on which, or part of which, fish have been reared or stocked;
- (l) “**fur-bearing animals**” means animals that are designated as fur-bearing animals in the regulations;
- (m) “**fur farm**” means any place where fur-bearing animals are kept in captivity and are bred and sold for, gain or profit;
- (n) “**game**” means any wildlife designated as game by the regulations;
- (o) “**game animal**” means an animal designated as a game animal in the regulations;
- (p) “**game bird**” means a bird of a species or type designated as a game bird in the regulations;
- (q) “**hunting**” means any chasing, driving, flushing, attracting, pursuing, worrying, following after or on the trail of, searching for, trapping, attempting to trap, snaring or attempting to snare, shooting at, stalking or lying in wait for any wildlife whether or not the wildlife is then or subsequently captured, killed, taken or wounded, but does not include stalking, attracting, searching for or lying in wait for any wildlife by an unarmed person solely for the purpose of watching or taking pictures of it;
- (r) “**justice**” means a justice of the peace or a provincial court judge appointed under the *Provincial Court Act* R.S.P.E.I 1988, Cap. P-25;
- (s) “**license**” means a valid and subsisting license issued under this Act;
- (t) “**loaded firearm**” means a firearm that has a propellant powder, projectile or cartridge that
  - (i) is capable of being discharged from the firearm, and
  - (ii) is contained in the breech or firing chamber or in a cartridge magazine attached to or inserted into the firearm;
- (u) “**migratory birds**” means migratory birds as defined in the *Migratory Birds Convention Act* (Canada) R.S.C. 1985, Chap. M-7 and regulations thereunder;
- (v) “**Minister**” means the Minister of Environment, Energy and Climate Action;
- (v.1) “**natural resource inspector**” means a natural resource inspector appointed under subsection 3.1(1);
- (w) “**open season**” means a specified period during which fish, game and fur-bearing animals may be lawfully taken or hunted under this Act;
- (x) “**owner**” means
  - (i) the owner of any real or personal property, or
  - (ii) the lessee or other person having possession or control of real or personal property;
- (y) “**permit**” means a valid and subsisting permit issued under this Act;
- (z) repealed by 2008, c.64, s.1;
- (aa) “**resident**” means a person who
  - (i) has resided in the province for a period of six months immediately prior to making an application for a licence,
  - (ii) has resided in the province for a period of two weeks immediately prior to making an application for a licence, where that person proves to the



- satisfaction of the Minister that he or she was required to take up residence in the province as a result of being transferred to the province by his or her employer,
- (iii) is taking educational training of a three-month minimum duration within the province and has resided in the province for a period of two weeks immediately prior to making an application for a licence,
  - (iv) is taking educational training outside the province and resided in the province for a period of six months immediately prior to taking the educational training,
  - (v) proves to the satisfaction of the Minister that he or she has resided in the province for the purpose of employment for an aggregate period of six months within the twelve months immediately preceding the making of an application, or
  - (vi) was born in the province and owns real property in the province;
- (bb) “**shooting preserve**” means land on which, or part of which, game birds that have been raised in captivity are released for the purpose of hunting;
  - (bb.1) “**species of special concern**” means a species that is designated as a species of special concern in the regulations;
  - (cc) “**snare**” means any device for the taking of wildlife in which the wildlife is caught in a noose;
  - (dd) “**taking**” means capturing, killing or taking into possession any wildlife, whether dead or alive;
  - (ee) “**threatened species**” means a species that is designated as a threatened species in the regulations;
  - (ff) “**trap**” means a snare, spring trap, deadfall, box trap, net or any other device used to capture wildlife;
  - (gg) “**trapping**” means taking or attempting to take wildlife by means of a trap, whether the wildlife is killed or not;
  - (hh) “**vehicle**” means a motor vehicle as defined in the *Highway Traffic Act* R.S.P.E.I. 1988, Cap.H-5;
  - (ii) repealed by 2004,c.23,s.1.
  - (jj) “**wildlife**” means wild life, wild mammals, birds, reptiles, amphibians, fish, invertebrates, plants, fungi, algae, bacteria and other wild organisms as prescribed by the regulations;
  - (kk) “**wildlife habitat**” means breeding, nursery, feeding and migration areas and includes areas that provide food, cover or water.

### Possession

- (2) For the purpose of this Act
  - (a) a person is in possession of a thing when it is in that person’s personal possession or when that person knowingly
    - (i) has it in the actual possession or custody of another person, or
    - (ii) has it 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;
  - (b) when one of two or more persons, with the knowledge and consent of the rest has anything in that person’s custody or possession, it is in the possession of each and all of them. 1998,c.107,s.1; 2000,c.5,s.3; 2001,c.59,s.1; 2004,c.36,s.3; 2004,c.23,s.1; 2008,c.64,s.1; 2012,c.17,s.2; 2015,c.28,s.3; 2019,c.1,s.3; 2021,c.8,s.3.

## 2. Ownership of wildlife

- (1) Subject to subsection (2), the property in all wildlife situate within the province, while in a state of nature, is hereby declared to be vested in Her Majesty in right of the province and no person shall acquire any right or property therein otherwise than in accordance with this Act and the regulations.

### Property right of individual

- (2) A person who lawfully takes wildlife and complies with all applicable provisions of this Act and the regulations acquires the right of property in that wildlife.

### No action against province

- (3) Notwithstanding anything in this Act, no right of action lies and no right of compensation exists against Her Majesty in right of the province for death, personal injury or property damage caused by wildlife, or any wildlife that escapes or is released from captivity or is abandoned within the province. *1998, c.107, s.2.*

## ADMINISTRATION

## 3. Administration of Act

- (1) The Minister is responsible for the administration of this Act.

### Designation or delegation by Minister

- (2) The Minister may, in writing,
- (a) designate persons to act on his or her behalf; and
  - (b) delegate to any person any of the functions of the Minister under this Act.

### Designation or delegation in effect until revoked

- (2.1) A written designation or delegation issued by the Minister under subsection (2) remains in effect until revoked by the Minister.

### Powers

- (3) The Minister may
- (a) undertake, promote or recommend measures allowing for public co-operation in wildlife conservation;
  - (b) co-ordinate and implement wildlife policies and programs in co-operation with a federal, provincial or municipal government or agency thereof;
  - (c) co-ordinate the development and implementation of policies and programs designed to protect and conserve wildlife and wildlife habitat;
  - (d) develop and implement suitable programs of education, safety, training and certification for hunters and trappers;
  - (e) enter into an agreement with any person to provide for the undertaking of
    - (i) conservation programs and measures and the administration of lands for such purposes,
    - (ii) wildlife research by persons authorized by the Minister;
  - (f) take such measures as the Minister considers necessary for the protection of endangered, threatened or vulnerable wildlife and their habitat;
  - (g) initiate conferences and meetings respecting wildlife;





- (h) develop suitable guidelines and standards to optimize the impacts of land use practices on wildlife and wildlife habitat. 1998, c.107, s.3; 2008, c.64, s.2.

### 3.1 Chief Conservation Officer, conservation officers and natural resource inspectors

- (1) There may be appointed in accordance with the *Civil Service Act* R.S.P.E.I. 1988, Cap. C-8 a Chief Conservation Officer, conservation officers, natural resource inspectors and such other employees as the Minister considers necessary for the administration of this Act and regulations.

#### Qualifications for appointment

- (2) No person shall be appointed as Chief Conservation Officer or as a conservation officer unless the person has the qualifications in respect of the appointment that are required by the regulations.

#### Appointments in Gazette

- (3) Notice shall be published in the Gazette of every appointment of a conservation officer.

#### Oath or affirmation of office

- (4) A conservation officer, before commencing the performance of his or her duties, shall take the oath or solemn affirmation of office as prescribed by the regulations.

#### Identification card

- (5) The Chief Conservation Officer shall ensure that an identification card containing the information required by the regulations is issued to a conservation officer before the conservation officer commences the performance of his or her duties.

#### Conservation officers

- (6) The following persons are conservation officers by virtue of their office:
- (a) an officer or member of the Royal Canadian Mounted Police;
  - (b) a game officer designated under the *Migratory Birds Convention Act* (Canada) R.S.C. 1985, c. M-7;
  - (c) a fisheries officer appointed under the *Fisheries Act* (Canada) R.S.C. 1985, c. F-14;
  - (d) a park warden designated under the *Canada National Parks Act*, S.C. 2000, c. 32.

#### Transitional, conservation officers

- (7) Every person who, immediately before the day this section comes into force, holds an appointment as a conservation officer, shall be deemed to have been appointed as a conservation officer under subsection (1).

#### Application

- (8) For greater certainty, subsections (2), (3) and (4) do not apply in respect of any person referred to in subsection (7). 2008, c.64, s.3.

### 3.2 Cadet conservation officers

- (1) The Minister may appoint cadet conservation officers as the Minister considers necessary for the administration of this Act and the regulations, in accordance with the requirements set out in the regulations.

**Appointments in Gazette**

- (2) Notice shall be published in the Gazette of every appointment of a cadet conservation officer.

**Conditions or restrictions on appointment**

- (3) The appointment of a cadet conservation officer shall
- (a) be in writing; and
  - (b) specify any conditions or restrictions that are attached to the appointment.

**Term of appointment**

- (4) The term of an appointment of a cadet conservation officer expires on the date specified in the appointment unless the Minister sooner revokes the appointment.

**Oath or affirmation of office**

- (5) Every cadet conservation officer, before commencing the performance of his or her duties, shall take the oath or solemn affirmation of office as prescribed by the regulations.

**Identification card**

- (6) The Chief Conservation Officer shall ensure that an identification card containing the information required by the regulations is issued to a cadet conservation officer before the cadet conservation officer commences the performance of his or her duties. *2008, c.64, s.3.*

**4. Powers and duties**

- (1) The Chief Conservation Officer, conservation officers, cadet conservation officers, natural resource inspectors and any other employees appointed under subsection 3.1(1) may exercise the powers and shall perform the duties
- (a) set out in this Act and the regulations; and
  - (b) as may from time to time be assigned by the Minister.

**Powers and duties of Chief Conservation Officer**

- (2) The Chief Conservation Officer
- (a) shall supervise conservation officers in the exercise of their powers and the performance of their duties; and
  - (b) may exercise the powers and perform the duties of a conservation officer, under this Act and the regulations and any other enactment.

**Powers and duties**

- (3) A conservation officer
- (a) may exercise the powers and shall perform the duties of a conservation officer under this Act and the regulations, in accordance with the general policy directions issued by the Minister; and
  - (b) may exercise the powers and shall perform the duties held by a conservation officer under any other enactment by virtue of his or her office under this Act, in accordance with the general policy directions issued by
    - (i) the Minister, if the Minister is responsible for the administration of the other enactment, or
    - (ii) the Minister in consultation with the Minister responsible for the administration of the other enactment.



**Function of cadet conservation officer**

- (4) A cadet conservation officer shall, when accompanied by and under the direct supervision of a conservation officer, assist the conservation officer in the exercise of the powers and the performance of the duties of the conservation officer under this Act and the regulations and any other enactment.

**Production of identification card**

- (5) A conservation officer or cadet conservation officer shall, on demand by any person, produce his or her identification card for inspection, unless in the opinion of the conservation officer or cadet conservation officer it would be dangerous for the conservation officer or cadet conservation officer to comply with the demand. *1998, c.107, s.4; 2004, c.23, s.2; 2006, c.16, s.63(14)(a); 2008, c.64, s.4, 5.*

**4.1 Function of natural resource inspector**

A natural resource inspector shall perform the following functions:

- (a) the management and monitoring of wildlife and wildlife habitat, including, but not limited to, wildlife health and populations and human impact on wildlife and wildlife habitat;
- (b) the conduct of inspections for the purpose of ensuring compliance with this Act and the regulations;
- (c) the issuance of licenses and permits under this Act and the regulations, if the Minister has delegated the power to issue licenses and permits to the natural resource inspector. *2008, c.64, s.6.*

**5. Peace officer**

- (1) A conservation officer is a peace officer, and has all the powers, authority, privileges, rights and immunities of a peace officer under the common law, the *Criminal Code* (Canada) and any other federal or provincial enactment, for the purposes of
- (a) exercising the powers and performing the duties of a conservation officer under this Act or the regulations; and
  - (b) exercising the powers and performing the duties held by a conservation officer under any other enactment by virtue of his or her office under this Act.

**Assistance**

- (2) A conservation officer, while
- (a) exercising the powers and performing the duties of a conservation officer under this Act or the regulations; and
  - (b) exercising the powers and performing the duties held by a conservation officer under any other enactment by virtue of his or her office under this Act,

may call upon any person for assistance and that person, while giving the assistance, is a conservation officer for the purposes of this Act, the regulations or the other enactment.

**Identification**

- (3) Repealed by *2008, c.64, s.7(b)*.

**Offence**

- (4) Repealed by *2008, c.64, s.7(b)*. *1998, c.107, s.5; 2006, c.16, s.63(14)(b); 2008, c.64, s.7.*

### 5.1 Liability of Minister, person appointed or designated

- (1) No action or other proceeding for damages lies or shall be instituted against
- (a) the Minister;
  - (b) any cadet conservation officer;
  - (c) any person designated by the Minister to act on his or her behalf under clause 3(2)(a);
  - (d) any person delegated any function of the Minister under clause 3(2)(b); or
  - (e) any other person, other than a conservation officer or a natural resource inspector,

for anything done in good faith in the performance or intended performance of any duty or in the exercise or in the intended exercise of any power under this Act, or for any neglect or default in the performance or exercise in good faith of any such duty or power.

#### Liability of conservation officer

- (2) No action or other proceeding for damages lies or shall be instituted against a conservation officer or natural resource inspector for anything done in good faith in the performance or intended performance of any duty or in the exercise or intended exercise of any power
- (a) under this Act or the regulations; or
  - (b) under any other enactment under which a conservation officer has powers and duties by virtue of his or her office under this Act,

or for any neglect or default in the performance or exercise of any such duty or power.

#### Conservation officer may not be convicted

- (3) A conservation officer who is charged with an offence under a provincial enactment shall not be convicted if it is made to appear to the justice before whom the offence is being prosecuted that the conservation officer
- (a) committed the offence while discharging his or her responsibilities;
  - (b) was reasonably justified in committing the offence having regard to the responsibility being discharged; and
  - (c) conducted himself or herself in a reasonable manner having regard to all of the circumstances.

#### Person appointed or delegated may not be convicted

- (4) A natural resource inspector who is charged with an offence under a provincial enactment shall not be convicted if it is made to appear to the justice before whom the offence is being prosecuted that the person charged
- (a) committed the offence while discharging his or her responsibilities;
  - (b) was reasonably justified in committing the offence having regard to the responsibility being discharged; and
  - (c) conducted himself or herself in a reasonable manner having regard to all of the circumstances. *2004, c.23, s.3; 2006, c.16, s.63(14)(c); 2008, c.64, s.8.*

### 5.2 Evidence of authorization

- (1) A document purporting to be issued and signed by the Minister authorizing the person to whom it is issued to
- (a) act as the Minister's designate; or
  - (b) perform any functions of the Minister delegated by the Minister,



is, without proof of the Minister's appointment, authority or signature, admissible in evidence and is in the absence of evidence to the contrary, proof of the matters stated in the document.

**Evidence of appointment**

- (2) A document purporting to be issued and signed by the Minister to the effect that the person to whom it is issued has a current appointment under section 3.1 or 3.2 is, without proof of the Minister's appointment, authority or signature, admissible in evidence and is in the absence of evidence to the contrary, proof of the matters stated in the document.

**Identification card**

- (3) An identification card purporting to be issued and signed by the Minister to the effect that the person to whom it is issued is a conservation officer or a cadet conservation officer is, without proof of the Minister's appointment, authority or signature, admissible in evidence and is in the absence of evidence to the contrary, proof of the matters stated in the identification card.

**Presumption of identity**

- (4) A person in possession of a document referred to in subsection (1) or (2) or an identification card referred to in subsection (3) shall, on proof that his or her name is the same as the person named in the document or identification card, be presumed, in the absence of evidence to the contrary, to be the person named in the document or identification card. *2008,c.64,s.9.*

**6. Wildlife inventory and report**

The Minister shall monitor the state of wildlife and, in 1997 and within the first three years of each decade thereafter, shall provide to the Lieutenant Governor in Council a report which includes

- (a) an inventory of wildlife habitat, including wetland, sand dune and riverine habitat, and recommendations to conserve and enhance that habitat;
- (b) a summary of wildlife initiatives and programs for both Crown land and private land implemented during each year of the 10 year reporting period;
- (c) an assessment of the state of wildlife resources and in particular, endangered and threatened species and species of special concern; and
- (d) an analysis of the effect of land use and environmental activities on wildlife and wildlife habitat. *1998,c.107,s.6; 2004,c.23,s.4.*

**ENDANGERED AND THREATENED SPECIES AND SPECIES OF SPECIAL CONCERN**

**7. Endangered species**

- (1) Where the Minister considers that a species of wildlife is threatened with imminent extinction, the Lieutenant Governor in Council may, by regulations, designate the species as an endangered species.

**Threatened species**

- (2) Where the Minister considers that a species of wildlife is likely to become endangered if the factors affecting its vulnerability are not reversed, the Lieutenant Governor in Council may, by regulations, designate the species as a threatened species.

**Species of special concern**

- (3) Where the Minister considers that a species of wildlife is of special concern due to characteristics that make it particularly sensitive to human activities or natural events, the Lieutenant Governor in Council may, by regulations, designate the species as a species of special concern.

**Offence**

- (4) Except where authorized by a permit under section 10, no person shall
- (a) kill, injure, possess, disturb, take or interfere with or attempt to kill, injure, possess, disturb, take or interfere with an endangered or threatened species;
  - (b) possess for sale, offer for sale, sell, buy, trade or barter any individual, or part, derivative, or developmental stage of any individual, belonging to an endangered, or threatened species;
  - (c) destroy, disturb or interfere with or attempt to destroy, disturb or interfere with the wildlife habitat of any individual belonging to an endangered or threatened species.
- 1998, c.107, s.7; 2004, c.23, s.6.*

**8. Powers to create advisory committee and take other conservation measures**

The Minister may

- (a) establish an advisory committee
  - (i) to advise the Minister on the creation of a list of endangered and threatened species and species of special concern based on biological and scientific information,
  - (ii) to assess the state of wildlife resources and in particular, endangered and threatened species and species of special concern,
  - (iii) to analyse the effect of land use and environmental activities on wildlife and wildlife habitat,

and to make recommendations for the conservation of wildlife and wildlife habitat;

- (b) acquire land necessary for the protection of endangered and threatened species;
- (c) make agreements with landowners and conservation groups for the protection and recovery of endangered and threatened species. *1998, c.107, s.8; 2004, c.23, s.7.*

## MIGRATORY BIRDS

**9. Migratory birds**

A person may hunt, take and be in possession of migratory birds in the province in accordance with the provisions of the *Migratory Birds Convention Act* (Canada) and regulations. *1998, c.107, s.9.*

## PERMITS AND LICENSES

**10. Permits**

- (1) The Minister may, on such terms and conditions as the Minister thinks fit, issue a permit authorizing the holder



- (a) to trap or kill any wildlife specified in the permit;
- (a.1) to capture and mark any wildlife specified in the permit;
- (a.2) to be in possession of the green hide, carcass or any portion of a fur-bearing animal;
- (b) to import, export or engage in the interprovincial transportation of any wildlife;
- (c) to salvage dead wildlife for educational, ornamental or other purposes;
- (d) to collect or possess an endangered and threatened species and species of special concern for scientific, educational or other purposes related to the conservation of that species; or
- (e) to remove or destroy a beaver dam.

**Revocation**

- (2) The Minister may refuse to issue a permit to any person or may revoke a permit for any contravention of this Act, the regulations or any other enactment relating to wildlife.

**Terms**

- (3) A permit is not transferable and expires on the date specified in the permit. *1998,c.107,s.10; 2001,c.59,s.2; 2003,c.46,s.1,2; 2004,c.23,s.8; 2015,c.36,s.49.*

**11. Licenses**

- (1) The Minister may issue licenses to hunt, fish or trap and may charge fees for a license as prescribed in the regulations.

**Revocation**

- (2) The Minister may refuse to issue a license to any person or may revoke a license for any contravention of this Act, the regulations or any other enactment relating to wildlife.

**Terms**

- (3) A license is not transferable and expires on the date specified in the license. *1998,c.107,s.11; 2003,c.46,s.3.*

**12. Permit, license required**

- (1) No person shall
  - (a) take trout or salmon by angling or by any other means;
  - (b) hunt any game, game bird or migratory game bird; or
  - (c) trap any fur-bearing animal,

unless authorized to do so by a license or permit issued to that person under this Act.

**Exception**

- (2) Subsection (1) does not apply to
  - (a) aboriginal persons; or
  - (b) persons under the age of sixteen years while angling for trout. *1998,c.107,s.12; 2003,c.46,s.4.*

**13. Exception**

No person under the age of sixteen years shall use or carry a loaded firearm unless under the direct and immediate supervision of a person over the age of eighteen years who holds the

required authorizations under this Act and the regulations, the *Criminal Code* (Canada) and the *Firearms Act* (Canada). 1998,c.107,s.13; 2004,c.23,s.9; 2008,c.64,s.11.

**14. Trapping permitted**

Any resident having a valid trapping license may trap at such times and at such places as may be designated by regulations. 1998,c.107,s.14.

**14.1 Production of license or permit**

Every person, when hunting, trapping or snaring wildlife or angling, shall

- (a) carry on his or her person the licence or permit under which the person is authorized to hunt, trap, snare or angle; and
- (b) produce the licence or permit for inspection upon the demand of a conservation officer or a natural resource inspector. 2008,c.64,s.12.

**15. Prohibitions**

No person shall

- (a) knowingly give false or misleading information, either orally or in writing to a conservation officer, natural resource inspector or license vendor acting under this Act or the regulations;
- (b) being the holder of any license or permit issued under this Act, neglect or refuse to produce it for examination when requested or required to do so by a conservation officer or natural resource inspector;
- (c) sell, transfer or assign a license issued to the person;
- (d) cause or permit his or her license to be used by another person; or
- (e) use the license of another person. 1998,c.107,s.15; 2008,c.64,s.12.

## FISHING AND SHOOTING PRESERVES AND WILDLIFE MANAGEMENT AREAS

**16. Designation of land by regulation**

- (1) The Lieutenant Governor in Council may, by regulations, designate land
  - (a) as a fishing preserve to be maintained for the primary purpose of angling;
  - (b) as a shooting preserve to be maintained for the primary purpose of hunting;
  - (c) as a wildlife management area to be maintained for the protection, management and conservation of wildlife and wildlife habitat.

**Public notice and consultation**

- (2) No designation shall be made or revoked under clause (1)(c) unless the Minister has first published a notice in the Gazette indicating the intention to designate or revoke the designation of a wildlife management area and has invited public representations on the matter.





**Agreements**

- (3) The Minister may
- (a) enter into agreements respecting cooperative programs for joint management of wildlife and wildlife habitat the preservation, maintenance and restoration of wildlife habitat and public access to land;
  - (b) purchase lease or acquire title to land for wildlife;
  - (c) assess the impact of land use and management activities on wildlife and wildlife habitat;
  - (d) prohibit alteration of wildlife habitat except as permitted by the regulations or authorized by the Minister;
  - (e) designate particular areas as habitat for threatened or endangered wildlife;
  - (f) designate certain wetlands, marshes and rivers as of historical and biological value and regulate the standards for the preservation and management of such designated areas. *1998, c.107, s.16.*

**GOVERNMENT- STOCKED PONDS****17. Public angling**

- (1) Ponds and watercourses in which fish from government hatcheries or rearing ponds are distributed free of charge shall, subject to subsection (2), be open to the public for angling subject to the fishery regulations.

**Exception**

- (2) Subsection (1) does not apply at times when a pond or watercourse is closed by a government agency for the purpose of any investigation or experiment.

**Ponds restored or created by dams**

- (3) Ponds restored or created by dams that the Government of Prince Edward Island may assist in any way to build, repair, maintain or restore shall be open to the public for angling subject to the prevailing fishery regulations. *1998, c.107, s.17.*

**CONSERVATION AGREEMENTS****18. Agreements**

- (1) For the purpose of protecting the habitat of wildlife the Minister may enter into an agreement with a private landowner.

**Conservation covenant or easement**

- (2) An agreement under subsection (1) may impose a conservation covenant or easement in respect of land owned by the private landowner.

**Purposes**

- (3) A conservation covenant or easement may be granted for any of the following purposes:
- (a) the protection, enhancement or restoration of natural ecosystems, wildlife habitat or habitat of rare, threatened or endangered plant or animal species;

- (b) the retention of significant botanical, zoological, geological or morphological features of land;
- (c) the conservation of soil, air or water.

**Terms**

- (4) A conservation covenant or easement shall
  - (a) run with the land and be binding on the landowner and his or her successors in title;
  - (b) have effect notwithstanding the absence of a dominant tenement that would benefit therefrom;
  - (c) be either positive or negative in nature;
  - (d) be enforceable by either party to the agreement or any conservation agency to which benefit of the covenant or easement is assigned by the agreement;
  - (e) have effect for such period as is specified in the agreement and, if no period is specified, in perpetuity;
  - (f) be registered as a deed under the *Registry Act* R.S.P.E.I. 1988, Cap. R-10.

**Grant of easement, etc.**

- (5) Notwithstanding any other provision of this section, the Crown or the owner of an estate in fee simple may grant a conservation covenant or easement over their own land.

**Abrogation of common law requirements**

- (6) For the avoidance of doubt it is declared that the requirements of common law respecting restrictive covenants and easements do not apply to a conservation covenant or easement created by an agreement under this section. *1998, c.107, s.18.*

## PROHIBITED ACTIVITIES

### 19. Offences

- (1) No person shall
  - (a) take, hunt or kill any game or wildlife designated in the regulations except as may be prescribed in the regulations or by the *Migratory Birds Convention Act* or regulations or the fishery regulations;
  - (b) feed any game taken or killed in the province to foxes, mink or other animals;
  - (c) while engaged in hunting be in possession, or under the influence of, an intoxicant;
  - (d) wilfully waste game taken in accordance with this Act or the *Migratory Birds Convention Act*;
  - (e) subject to subsection (2), hunt on Sunday;
  - (f) shoot at any game within 200 metres of any school, church, meeting place, farm building, occupied dwelling, or livestock, without the permission of the owner thereof or shoot at any game within 300 metres of a location where migratory birds are kept pursuant to a permit issued under the *Migratory Birds Convention Act*;
  - (g) while in or on any boat or floating blind have in possession a loaded firearm unless the boat or floating blind is at anchor, beached or being propelled by poles or paddles only;
  - (h) have a firearm that is not cased or broken in his or her possession in the field between one hour after sunset and one hour before sunrise unless authorized by a permit to hunt at night;



- (i) discharge or have in his or her possession a loaded firearm while in or on any vehicle;
- (j) not being the owner of the land on which it is erected, remove, destroy, disfigure or otherwise mutilate any sign erected lawfully pursuant to this Act;
- (k) obstruct, cause to obstruct, incite others to obstruct or assault a conservation officer while the officer is exercising authority pursuant to this Act or any other enactment;
- (l) take any egg or young of any fish, bird or fur-bearing animal unless authorized by the regulations;
- (m) sell any wildlife or part, derivative, or developmental stage of wildlife of such description as may be prescribed except fur-bearing animals and snowshoe hare taken under an authority conferred by this Act;
- (n) exceed the bag limit or possession limit for a species of wildlife;
- (o) do any other act that is prohibited by the regulations.

**Exception, trapping fur-bearing animals**

- (2) Clause (1)(e) does not prohibit a person who holds a valid license to trap fur-bearing animals designated by regulation from trapping such animals on a Sunday during a period of the year when, and in an area where, the trapping of that animal is permitted under the regulations. *1998, c.107, s.19; 2003, c.46, s.5; 2008, c.64, s.13.*

**19.1 Wearing uniform or badge**

No person, except a conservation officer shall use or wear a uniform or badge identifying that person as a conservation officer, or shall in any way represent himself or herself to be a conservation officer. *2008, c.64, s.14.*

## ENFORCEMENT

**20. Arrest without warrant**

- (1) A conservation officer may arrest without a warrant a person whom
  - (a) the conservation officer finds committing an offence pursuant to this Act or the regulations; or
  - (b) on reasonable and probable grounds, the conservation officer believes is committing or has recently committed an offence pursuant to this Act or the regulations.

**Search with warrant**

- (2) Repealed by *2008, c.64, s.15.*

**Search without warrant**

- (3) Repealed by *2008, c.64, s.15.*

**Order of Minister or Conservation Officer**

- (4) Where the Minister or a conservation officer believes, on reasonable grounds, that a person is carrying on or contributing to an action or an activity that
  - (a) is detrimental to wildlife or to wildlife habitat; or
  - (b) contravenes a provision of this Act or the regulations or a permit or a license issued under this Act,

the Minister or a conservation officer, as the case may be, may issue an order requiring any person carrying out or contributing to the action or activity to do any or all of the following, at the person's own cost:

- (c) meet with a representative of the Department and other persons for the purposes that are specified by the order;
- (d) carry out or permit inspections, testing and sampling, as specified in the order;
- (e) cease an activity specified in the order either permanently or for a period of time, as specified in the order;
- (f) clean, repair, and restore the area affected by the action or activity to the extent specified in the order, or to the satisfaction of the Minister;
- (g) take specified action to prevent or avoid danger to wildlife or damage to wildlife habitat or property;
- (h) submit a written report with respect to his or her activities pursuant to clauses (d), (f) and (g).

**Idem**

- (4.1) An order made under subsection (4) may require the person who is the subject of the order to comply with the order without delay or as of a future date specified in the order.

**Effect of order**

- (5) The issue of an order under subsection (4) does not preclude the prosecution of an offence under this Act, the *Water Act* R.S.P.E.I. 1988, Cap. W-1.1, or the *Environmental Protection Act* R.S.P.E.I. 1988, Cap. E-9.

**Service of order**

- (6) An order referred to in subsection (4) shall be personally served on the person who is the subject of the order or sent to the person by registered mail addressed to the person at his or her last known address.

**Emergency order**

- (7) Notwithstanding subsection (6), where, in the opinion of the Minister or a conservation officer, an emergency exists and an order must be issued under subsection (4), the Minister or a conservation officer, as the case may be, may issue a verbal or a written order to the person who is carrying out or contributing to the action or activity that is detrimental to wildlife or to wildlife habitat.

**Order effective when issued**

- (8) A written order issued under subsection (7) shall take effect from the time it is issued.

**Effect of verbal order**

- (9) A verbal order issued under subsection (7) shall have the same force and effect as a written order.

**Service in written form**

- (10) An order issued under subsection (7) shall be made in written form by the Minister or the conservation officer, as the case may be, and served in accordance with subsection (6) as soon as is practicable after it is issued.

**Revocation, terms and conditions**

- (11) The Minister may, as the Minister considers necessary,



- (a) impose terms and conditions on any order issued under this section;
- (b) alter any terms and conditions of any such order; and
- (c) revoke any order issued under this section.

**Offence**

- (12) Every person who fails to comply or contravenes an order issued under this section is guilty of an offence and is liable, on summary conviction,
- (a) to a fine of not less than \$200 and not more than \$2,000 where the person is a natural person; or
  - (b) to a fine of not less than \$2,000 and not more than \$10,000 where the person is a corporation. *1998, c.107, s.20; 2004, c.23, s.10; 2008, c.64, s.15; 2017, c.17, s.83.*

**21. Liability for trespass**

- (1) A conservation officer and a natural resource inspector, and any person accompanying a conservation officer or a natural resource inspector, may, without being liable for trespass, enter upon and pass through privately-owned land for the purpose of
- (a) managing and monitoring wildlife and wildlife habitat;
  - (b) investigating threats to wildlife or wildlife habitat; or
  - (c) otherwise ensuring compliance with this Act or the regulations.

**Liability for actual damages**

- (2) A person entering upon privately-owned land pursuant to subsection (1) is only liable for actual damages caused by such entry. *1998, c.107, s.21; 2008, c.64, s.16.*

**21.1 Natural resource inspector or conservation officer may enter and inspect**

- (1) For the purpose of ensuring compliance with this Act or the regulations, a natural resource inspector or a conservation officer may, subject to section 21.2, at any reasonable time enter and inspect
- (a) any premises in respect of which a license has been issued, or an application for a license has been made, under this Act or regulations; or
  - (b) any place or vehicle in which the natural resource inspector or conservation officer believes on reasonable grounds there is
    - (i) any wildlife,
    - (ii) any equipment or implement for the taking of wildlife,
    - (iii) any record or other document relevant to the administration of this Act or the regulations, or
    - (iv) any other thing to which this Act or the regulations apply.

**Inspection**

- (2) In carrying out an inspection under this section, a natural resource inspector or conservation officer may
- (a) open any container that the natural resource inspector or conservation officer believes on reasonable grounds contains anything referred to in subclauses 21.1(1)(b)(i) to (iv);
  - (b) inspect anything referred to in subclauses 21.1(1)(b)(i) to (iv) and take photographs, samples, and measurements, and conduct any tests and analyses, free of charge;

- (c) require any person to produce for inspection or copying, in whole or in part, any record or other document relevant to the administration of this Act or the regulations;
- (d) use any computer or data processing system at the place to examine any data contained in or available to the computer or data processing system;
- (e) reproduce any record from the data in the form of a printout or other intelligible output and take the printout or other output for examination or copying; and
- (f) use any copying equipment at the place to make copies of any record or other document.

**Assistance and information**

- (3) The owner or person in charge of any premises, place or vehicle referred to in subsection (1) and every person found there shall
  - (a) give the natural resource inspector or conservation officer all reasonable assistance to enable the natural resource inspector or conservation officer to carry out his or her duties and functions under this Act; and
  - (b) provide the natural resource inspector or conservation officer any information with respect to the administration of this Act or the regulations as the natural resource inspector or conservation officer may reasonably require.

**Signal to stop**

- (4) A conservation officer may, for the purpose of enforcing this Act and the regulations, signal or request any person driving a vehicle to stop.

**Driver to stop**

- (5) Where a conservation officer signals or requests a person driving a vehicle to stop, the person shall immediately bring the vehicle to a safe stop and shall not proceed until permitted to do so by the conservation officer. *2008,c.64,s.17.*

**21.2 Natural resource inspector shall not enter dwelling-place**

- (1) A natural resource inspector shall not enter a dwelling-place for the purpose of an inspection under section 21.1. **Entry to dwelling-place by conservation officer**
- (2) A conservation officer may enter a dwelling-place for the purpose of an inspection under section 21.1
  - (a) with the consent of the occupant; or
  - (b) under the authority of a warrant issued under subsection (3).

**Authority to issue warrant**

- (3) Where on ex parte application a justice is satisfied by information on oath that
  - (a) the conditions for entry described in section 21.1 exist in relation to a dwelling-place;
  - (b) entry to the dwelling-place is necessary for any purpose relating to the administration of this Act or the regulations; and
  - (c) entry to the dwelling-place has been refused or there are reasonable grounds for believing that entry will be refused,

the justice may issue a warrant authorizing the conservation officer named in the warrant to enter the dwelling-place subject to such conditions as may be specified in the warrant.



**Use of force**

- (4) A conservation officer who executes a warrant shall not use force in the execution of a warrant issued under subsection (3) unless the use of force is specifically authorized in the warrant.

**Obstruction**

- (5) No person shall obstruct, impede or refuse to admit, or aid or assist any person in obstructing, impeding or refusing to admit, a conservation officer or other person acting in execution of a warrant issued under subsection (3). *2008, c.64, s.17.*

**21.3 Things liable to seizure**

- (1) Subject to subsection (2), where a natural resource inspector or conservation officer believes on reasonable grounds that a person has contravened this Act or the regulations, the natural resource inspector or conservation officer may seize and detain anything, including wildlife,
- (a) by means of or in relation to which the natural resource inspector or conservation officer believes on reasonable grounds the Act or the regulations has been contravened; or
  - (b) that the natural resource inspector or conservation officer believes on reasonable grounds will afford evidence in respect of a contravention of this Act or the regulations.

**Production of firearm and ammunition**

- (2) Every person, upon being requested to do so by a conservation officer, shall without delay produce and allow the conservation officer to inspect any firearm and ammunition in that person's possession or under that person's control. *2008, c.64, s.17.*

**21.4 Authority to issue warrant**

- (1) Where on ex parte application a justice is satisfied by information on oath that there are reasonable grounds to believe that there is in any place anything, including wildlife,
- (a) by means of or in relation to which this Act or the regulations have been contravened or are suspected of having been contravened; or
  - (b) that there are reasonable grounds to believe will afford evidence in respect of a contravention of this Act or the regulations,

the justice may at any time issue a warrant authorizing a conservation officer to enter and search the place for the thing or record or document and to seize it.

**Things liable to seizure**

- (2) A conservation officer who executes a warrant issued under subsection (1) may exercise the powers described in section 21.1 and may seize, in addition to any thing mentioned in the warrant, any other thing, including wildlife,
- (a) by means of or in relation to which the conservation officer believes on reasonable grounds this Act or the regulations have been contravened; or
  - (b) that the conservation officer believes on reasonable grounds will afford evidence in respect of a contravention of this Act or the regulations.

**Execution of warrant**

- (3) A warrant issued under subsection (1) shall be executed by day unless the justice authorizes its execution by night.

**Exercise of powers without a warrant**

- (4) A conservation officer may exercise any of the powers referred to in subsections (1) and (2) without a warrant if the conditions for obtaining a warrant exist but by reason of exigent circumstances it would not be practicable to obtain a warrant. *2008,c.64,s.17.*

**22. Seizure of wildlife**

- (1) A natural resource inspector or a conservation officer who suspects on reasonable grounds that any wildlife has a disease may seize the wildlife for the purpose of performing a biological or scientific examination of it.

**Diseased wildlife**

- (2) Where wildlife seized under subsection (1) is found to have a disease, the Minister may direct that it be treated, destroyed, or otherwise disposed of in such manner as is reasonably required under the circumstances.

**Incapacitated or nuisance wildlife**

- (3) A natural resource inspector or a conservation officer may seize and may destroy, if necessary, any wildlife that has become incapacitated or is a nuisance or a menace to lives and property. *1998,c.107,s.22; 2008,c.64,s.18.*

**23. Detention of seized property**

- (1) Except as provided in this Act or the regulations, a conservation officer who has seized property pursuant to this Act or the regulations may detain the same pending disposition of the prosecution.

**Disposition of seized property**

- (2) A conservation officer may
- (a) return the seized property to the person from whom it was seized or to whom it belongs before it is dealt with in the courts;
  - (b) in the case of dead wildlife or exotic wildlife, dispose, in accordance with the discretion of the Minister, of any part of it that is not required as evidence; or
  - (c) in the case of live wildlife or exotic wildlife,
    - (i) in accordance with the direction of the Minister, keep it in captivity or deliver it to another person to have it kept in captivity, kill it or otherwise dispose of it, or
    - (ii) dispose of it in any manner agreed to by the owner.

**Costs recoverable as debt due the Crown**

- (3) Where wildlife is delivered to another person, the Minister may assess the cost of keeping it in captivity to the owner or person in possession, or both, and that cost shall be paid on demand by the person assessed and is recoverable by the Minister as a debt due the Crown.

**Release of seized vehicle or vessel**

- (4) Where any vehicle or vessel has been seized pursuant to this Act or the regulations, the registered owner or any person on the owner's behalf may file with the Minister a bond in favour of the province that is executed by two personal sureties considered satisfactory by the Minister or an approved guarantee or surety company and that is conditional on payment of all damages and costs that may be recovered against the accused, whereupon the Minister may release the seized property to the owner or the owner's agent upon payment to the





Minister of all fees and expenses incurred in connection with the seizure and detention of the seized property. *1998, c.107, s.23.*

**24. Return of seized property**

- (1) Where a person charged with an offence pursuant to this Act or the regulations is acquitted, any seized property shall be returned.

**Return of wildlife**

- (2) Notwithstanding subsection (1), if the seized property is wildlife, the Minister may return the item if it has not perished or pay such value for the item as is determined by the Minister.

**Owner of seized property unknown**

- (3) Where anything is seized pursuant to this Act and the regulations and the owner is unknown or cannot be ascertained or cannot be found within three months of the seizure, it may be disposed of in such manner as the Minister may direct.

**Liability for damages or costs**

- (4) The Minister shall not be liable for damages or costs for items seized and detained if there were reasonable and probable grounds for the seizure. *1998, c.107, s.24.*

**25. Sale of equipment seized**

- (1) Where any person is convicted
- (a) of a second or subsequent offence under this Act; or
  - (b) of any of the following offences:
    - (i) taking, hunting, trapping or killing any wildlife during a closed season,
    - (ii) any offence under subsection 31(3), or
    - (iii) any offence involving the possession or discharge of a loaded firearm in a vehicle or boat,

the equipment used in respect of the offence shall, notwithstanding sections 23 and 24, be forfeited to the Crown and destroyed or offered for sale by public auction or used for such purposes as the Minister may direct.

**Automatic forfeiture of seized property**

- (2) The Lieutenant Governor in Council may, by regulations, identify violations of this Act or the regulations for which there will be an automatic forfeiture to Her Majesty in right of the province of seized property upon conviction.

**Seizure of vehicle or vessel**

- (3) Where the property seized by a conservation officer is a vehicle or vessel, the justice who enters the conviction may order the seized property to be forfeited to Her Majesty in right of the province and direct the registered owner to complete an appropriate form of transfer. *1998, c.107, s.25.*

**26. Disposal at public auction**

The Minister may dispose of forfeited items at public auction or in such manner and at such times as the Minister may direct. *1998, c.107, s.26.*

**27. Failure to comply with order**

- (1) No person shall fail or refuse to comply with any order, visible signal or direction given by a conservation officer in uniform or displaying proper identification.

**Stopping vehicles, etc.**

- (2) No person shall fail to stop a vehicle, vessel or other conveyance when so required by a conservation officer in uniform or displaying identification as a conservation officer.

*1998, c.107, s.27; 2008, c.64, s.19.*

## REGULATIONS

**28. Regulations**

The Lieutenant Governor in Council may make regulations

- (a) promoting firearm safety, imposing requirements with respect to the holding of firearm safety certificates and generally with respect to the issue, suspension and revocation of firearm safety certificates;
- (a.1) respecting the qualifications required for appointment as Chief Conservation Officer or as a conservation officer;
- (a.2) respecting the requirements for appointment as a cadet conservation officer;
- (a.3) prescribing the oath or solemn affirmation of office of a conservation officer and a cadet conservation officer;
- (a.4) respecting the information required to be contained in an information card issued to a conservation officer or a cadet conservation officer;
- (b) prescribing the terms and conditions of, and the fees for, any license or permit;
- (c) respecting the licensing of taxidermists;
- (d) governing the keeping of wildlife in captivity;
- (e) respecting the taking or capturing of wildlife for educational, scientific, display, falconry, fur farming or pet purposes;
- (f) regarding the export, import, transfer and sale of wildlife;
- (g) requiring applicants for a trapping license who have not previously held a license or a junior trapping permit to undergo a trapper education program of such description as may be prescribed;
- (h) respecting the farming of game animals and licensing and regulating the operation of game farms;
- (i) protecting the habitat of wildlife including their nests, dens, dams and burrows;
- (j) respecting the capture and removal or destruction of nuisance wildlife;
- (k) providing for the capture, identification and release of wildlife for the purpose of scientific study of wildlife and wildlife habitats;
- (l) respecting the use of guides by non-resident hunters and fishers and regulating the licensing and activities of guides;
- (m) for the licensing of fishing preserves and shooting preserves and the management and use of such areas;
- (n) designating wildlife management areas and regulating the taking of wildlife within those areas, including open seasons and bag limits;



- (o) providing for the issue of tags to holders of licenses and permits and the manner in which tags are to be affixed to wildlife;
- (p) prescribing open seasons and the days and hours during which a person may hunt wildlife and prescribing the time of sunrise and sunset;
- (q) prohibiting and regulating methods and devices for hunting, trapping, snaring and taking wildlife;
- (r) designating endangered and threatened species and species of special concern and providing for the conservation, protection and management of such species and their habitat;
- (r.1) designating extinct species and extirpated species;
- (s) prescribing courses relating to safety and education for hunters, trappers and fishers and appointing instructors to teach courses;
- (t) providing for returns and reports to be submitted by holders of licenses and permits;
- (u) regulating the training and use of dogs for hunting;
- (v) prescribing the conditions and types of traps or snares that may be set or maintained for trapping wildlife, prescribing times when such traps or snares must be tended and providing means to identify the owner thereof;
- (w) regulating the destruction of, or interference with the den or nest of any other wildlife;
- (x) regulating the possession or release of exotic wildlife;
- (y) regulating the trapping of fur-bearing animals and game;
- (y.1) respecting the buying, selling and bartering of the green hides and raw furs of fur-bearing animals;
- (z) regulating angling in ponds and watercourses that have been stocked from a government hatchery;
- (z.1) regulating angling of salmon and trout;
- (z.2) prescribing open seasons, daily limits and possession limits in respect of hunting and trapping;
- (z.3) establishing a Wildlife Conservation Fund and setting out the requirements to obtain a Wildlife Conservation Fund license;
- (aa) designating wildlife or particular species of wildlife for particular purposes under the regulations;
- (bb) establishing, conducting and monitoring programs for the conservation of wildlife;
- (cc) generally for the purpose of carrying out the intent of the provisions of this Act.  
*1998, c.107, s.28; 2001, c.59, s.3; 2003, c.46, s.6; 2004, c.23, s.11; 2008, c.64, s.20.*

## PROSECUTIONS

### 29. Summary proceedings

The *Summary Proceedings Act* R.S.P.E.I. 1988, Cap. S-9 applies to all prosecutions and proceedings under this Act. *1998, c.107, s.29.*

### 30. Residence

- (1) In any prosecution of a person charged as a non-resident the onus of proving that the person is a resident shall be on the accused.

**Burden of proof**

- (2) In any prosecution arising out of the possession of anything, the burden of proof is on the accused to prove that he or she did not have possession of the thing within the meaning of subsection 1(2).

**Place of origin**

- (3) In the absence of evidence to the contrary, wildlife found within the province shall be presumed to have its place of origin in the province, and where the wildlife is dead it shall be presumed to have been killed within the province.

**Possession or control of wildlife or article**

- (4) Where a person is charged with a contravention of any provision of this Act or the regulations by reason of the person having
- (a) taken or kept any wildlife, the taking or keeping of which is prohibited;
  - (b) taken or kept any wildlife in an area where, or during a period or at a time when, the taking or keeping was prohibited;
  - (c) had in his or her possession any article the possession of which is prohibited; or
  - (d) had in his or her possession any article in an area where, or during a period or at a time when, possession of the article was prohibited,

if it is shown to the satisfaction of a justice that the wildlife or the article was found in the person's possession or under the person's control, the person shall be presumed, in the absence of evidence to the contrary, to have committed the offence with which the person is charged.

**No exception required to be negated**

- (5) No exception, exemption, proviso, excuse or qualification prescribed by law is required to be set out or negated, as the case may be, in an information or a summary offence ticket respecting an offence under this Act or the regulations.

**Burden of proving exception**

- (6) In any prosecution for an offence under this Act or the regulations, the burden of proving that any exception, exemption, proviso, excuse or qualification prescribed by law operates in favour of the defendant is on the defendant, to prove on a balance of probabilities, and the prosecutor is not required, except by way of rebuttal, to prove that the exception, exemption, proviso, excuse or qualification does not operate in favour of the defendant, whether or not it is set out in the information or summary offence ticket. *1998, c.107, s.30; 2008, c.64, s.21.*

**31. Conviction or offence, effect of**

- (1) Upon the conviction of a person for a violation of this Act or the regulations or the *Migratory Birds Convention Act* (Canada) or the regulations made under that Act or the *Fisheries Act* (Canada) R.S.C. 1985, Chap. F-14 or the regulations made under that Act respecting fishing for trout and salmon and netting in inland waters, the hunting, fishing or trapping privileges of the person shall be suspended from the date of the conviction in the case of a first offence, for one year and in the case of a second or subsequent offence, for two years.

**Suspension of license for conviction**

- (2) Where a violation of this Act is committed while a person was hunting, fishing or trapping under the authority of a valid license issued pursuant to this Act, the license shall be suspended from the date of conviction, in the case of a first offence, for one calendar year and in the case of a second or subsequent offence, for two years.



**Offence of hunting, fishing, trapping when suspended**

- (3) Every person who hunts, fishes or traps when
- (a) his or her privilege to do so is suspended under subsection (1); or
  - (b) his or her license is suspended under subsection (2),
- is guilty of an offence and be liable on summary conviction to the fine of not less than \$300.

**Application of subsection (1)**

- (4) For the avoidance of doubt it is declared that subsection (1) applies to persons who are exempted from the requirement to be licensed pursuant to subsection 12(2). *1998,c.107,s.31.*

**GENERAL****32. Fines**

- (1) Every person who violates or attempts to violate any provision of this Act or the regulations is guilty of an offence and is liable on summary conviction to the fine specified in this Act or prescribed in the regulations and, if no fine is specified or prescribed, is liable
- (a) in the case of a first offence, to a fine not exceeding \$2,000 and not less than \$200;
  - (b) in the case of a second or subsequent offence, to a fine not exceeding \$10,000 and not less than \$400.

**Continuing offence**

- (2) A person who commits or continues an offence on more than one day may be convicted of a separate offence for each day on which the offence is committed or continued.

**Order for remedial action or costs thereof**

- (3) Where a person is convicted of an offence the justice who enters the conviction may, in addition to any penalty imposed pursuant to this Act or the regulations, make an order directing the person
- (a) to take any action specified in the order to remedy or avoid any harm to any wildlife or wildlife habitat that resulted or may result from the commission of the offence;
  - (b) to pay the Minister compensation in whole or in part, for the cost of any remedial or preventive action taken by the Minister as a result of the commission of the offence.

**Liability of officers of corporations**

- (4) Where a corporation commits an offence under this Act, any officer, director or agent of the corporation who directed, authorized, assented to or acquiesced or participated in the commission of the offence is a party to and guilty of the offence and is liable on conviction to the punishment provided for the offence, whether or not the corporation has been prosecuted or convicted. *1998,c.107,s.32; 2001,c.59,s.4; 2003,c.46,s.7,8; 2004,c.23,s.12.*

**33. Repeal**

- (1) The *Fish and Game Protection Act* R.S.P.E.I. 1988, Cap. F-12 is repealed.

**Regulations under repealed Act**

- (2) Pursuant to the *Interpretation Act* R.S.P.E.I. 1988, Cap. I-8.1, the regulations made under the repealed Act are deemed to be made under this Act and remain in force until revoked or others are made in their stead. *1998,c.107,s.33; 2001,c.59,s.5; 2003,c.46,s.9.*

**34. Amendment**

Consequential amendment. *1998, c.107, s.34.*

