



PRINCE EDWARD ISLAND  
ÎLE-DU-PRINCE-ÉDOUARD

## **KEEPING WILDLIFE IN CAPTIVITY**

## PLEASE NOTE

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This document is *not* the official version of these regulations. The regulations and the amendments printed in the *Royal Gazette* should be consulted on the Prince Edward Island Government web site to determine the authoritative text of these regulations.

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](http://www.princeedwardisland.ca)).

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## WILDLIFE CONSERVATION ACT

### CHAPTER W-4.1

## KEEPING WILDLIFE IN CAPTIVITY

Pursuant to sections 19 and 28 of the *Wildlife Conservation Act* R.S.P.E.I. 1988, Cap. W-4.1, Council made the following regulations:

#### 1. Definitions

In these regulations,

- (a) “**Act**” means the *Wildlife Conservation Act* R.S.P.E.I. 1988, Cap. W-4.1;
- (b) “**license**” means a valid and subsisting license issued pursuant to these regulations;
- (c) “**wild animal**” means wildlife that is a bird, mammal, reptile or amphibian, and includes but is not limited to wild animals of the species listed in the Schedule to these regulations. (EC535/19)

#### 2. Application of regulations

These regulations apply to

- (a) the keeping of wild animals in captivity; and
- (b) the sale of wild animals. (EC535/19)

#### 3. Prohibition

- (1) Unless a person holds a license issued under these regulations for that activity, no person shall
  - (a) keep a wild animal in captivity; or
  - (b) sell a wild animal.

##### Exception

- (2) Notwithstanding subsection (1), a person may keep a wild animal in captivity without a license, if the wild animal
  - (a) was lawfully purchased from a Class 4 licensed wildlife pet dealer;
  - (b) is to be used in the operation of a fur farm for the production of captive-bred ranched fox, or captive-bred ranched mink; or
  - (c) is a migratory bird for which the person holds a permit issued under the *Migratory Birds Convention Act* (Canada) S.C. 1994, c. 22. (EC535/19)

**4. Classes of license**

A person may apply for a license, in the form approved by the Minister, in any of the following classes:

- (a) Class 1 - authorizing the holder to keep wild animals in captivity for educational or scientific purposes;
- (b) Class 2 - authorizing the holder to keep wild animals in captivity where a fee or charge is levied for admission of the public;
- (c) Class 3 - authorizing the holder to keep in captivity a hawk, falcon or other raptorial bird for the purpose of hunting or training to hunt;
- (d) Class 4 - authorizing the holder to keep and sell wildlife in captivity in connection with the operation of a wildlife pet dealership, excluding the sale of wild animals listed in the Schedule to these regulations;
- (e) Class 5 - authorizing the holder to keep in captivity as a pet a wild animal that was lawfully imported. (EC535/19)

**5. Information to be provided**

- (1) An applicant for any class of license shall
  - (a) provide the applicant's full name and home address;
  - (b) provide the civic address or property identification number of the location where the wild animal will be kept;
  - (c) specify the class of license being applied for;
  - (d) specify the wild animal that will be kept;
  - (e) state the purpose for which the applicant intends to keep the wild animal;
  - (f) specify the number of wild animals to be kept; and
  - (g) provide any other information respecting the license being applied for that may be required by the Minister in order to assess the application.

**Criteria and qualifications**

- (2) An applicant for a license shall provide proof satisfactory to the Minister that the person
  - (a) is knowledgeable in the natural sciences, particularly those related to wildlife;
  - (b) possesses the necessary premises, enclosures and other resources to properly care for the wild animal, including plans of the premises and details of the construction and security measures that demonstrate they are adequate to prevent the escape of the wild animal;
  - (c) will ensure that appropriate measures are developed and will be implemented to maintain the health of the wild animal and to provide for veterinary services to the wild animal; and
  - (d) shall ensure that all necessary precautions are taken to ensure the safety of the public.

**Insurance required**

- (3) An applicant for a license in any of Classes 1 to 4 shall acquire and maintain sufficient liability insurance to indemnify against a claim for loss of life, bodily injury or property damage caused to any person as a result of the keeping of the wild animal, and shall provide proof of insurance that is satisfactory to the Minister with the application for the license. (EC535/19)



**6. Expiry**

A license expires three years from the date of issue. (EC535/19)

**7. Release prohibited without permission**

- (1) The holder of a license shall not release from captivity any wild animal kept under authority of the license without first obtaining the permission of the Minister.

**Escape of wild animal**

- (2) Where any wild animal kept in captivity under authority of a license is inadvertently or accidentally released or escapes to the wild, the holder of the license shall immediately advise the Minister and give full details of the release or escape.

**Responsibility of license holder**

- (3) Where a wild animal referred to in subsection (2) is released or escapes, the holder of the license
  - (a) is deemed to have been in possession of the wild animal at the time of the release or escape;
  - (b) is responsible for the recapture of the wild animal; and
  - (c) if the resources of the Government are used for the purpose of recapture, shall pay all the costs incurred by the Government in recapturing the wild animal.

**Exception**

- (4) Subsection (1) shall not be construed to preclude the ordinary practice of the art of falconry. (EC535/19)

**8. Banding required**

- (1) The holder of a Class 3 license shall ensure that the raptorial birds in the holder's possession are banded and shall record the band numbers on the holder's license.

**Removal of band**

- (2) No person, other than the license holder or a person authorized by him or her, or a conservation officer or natural resource inspector, shall remove a band from a raptorial bird

**Prohibition**

- (3) No person shall tamper with the band of a raptorial bird. (EC535/19)

**9. Prohibition - import of wild animal**

No person shall bring into the province any wild animal except under the authority of a permit issued by the Minister under section 6 of the *Wildlife Conservation Act* General Regulations. (EC535/19)

**10. Premises - entry and inspection**

A conservation officer or natural resource inspector may at all reasonable times, with a warrant in the case of a private dwelling and without a warrant in other cases, enter and search the premises of any license holder and inspect the holder's records for the purpose of determining the number, species, sex and condition of wildlife on the premises and generally for the purposes of enforcement of the Act and these regulations. (EC535/19)

**11. Terms and conditions**

- (1) The Minister may at any time impose any terms or conditions on a license that the Minister considers necessary.

**Suspension of license**

- (2) Where the Minister has reasonable cause to believe that a wild animal kept in captivity under authority of a license is being kept in unsanitary conditions or without adequate food and water or otherwise in contravention of any condition of the license or any provision of the *Animal Welfare Act* R.S.P.E.I. 1988, Cap. A-11.2, whether or not any person has been charged with an offence under that Act in respect of the wild animal, the Minister may suspend the license and issue directions respecting the care, maintenance and disposition of the wild animal.

**Responsibility for costs**

- (3) Where the Minister assumes the care and maintenance of a wild animal under subsection (2), the Minister may order that the costs incurred shall be paid by the holder of the license.

**Requirement to comply**

- (4) A person whose license is suspended under subsection (2) shall comply with directions issued by the Minister.

**Cancellation of license**

- (5) The Minister may, by notice in writing, cancel the license of a person who fails to comply with directions issued by the Minister under subsection (2) or a term or condition imposed on the person's license, where the Minister believes it is in the public interest to do so. (EC535/19)

**12. Offence**

A person who contravenes these regulations or any term or condition attached to a license is guilty of an offence and liable on summary conviction to the penalty specified under the Act. (EC535/19)

**13. Schedule adopted**

The Schedule to these regulations is adopted and forms part of these regulations. (EC535/19)



## SCHEDULE

### PROHIBITED WILDLIFE SPECIES

**Wild animals of the following species shall not be sold or kept in captivity as pets:**

1. All Artiodactyls ungulates, except domestic goats, sheep, pigs and cattle.
2. All Canidae, except the domestic dog.
3. All Crocodylia (such as alligators and crocodiles).
4. All Edentates (such as anteaters, sloths and armadillos).
5. All Elephantidae (elephants).
6. All Erinaceidae, except the African pigmy hedgehog.
7. All Felidae, except the domestic cat.
8. All Hyaenidae (hyenas).
9. All Marsupials, except sugar gliders.
10. All Mustelidae (such as skunks, otters and weasels), except the domestic ferret.
11. All Primates (such as gorillas and monkeys).
12. All Pinnipeds (such as seals, fur seals and walruses).
13. All Perissodactyls ungulates, except the domestic horse and ass.
14. All Procyonidae (such as raccoons, coatis and cacomistles).
15. All Pteropodidae (bats).
16. All Raptors, diurnal and nocturnal (such as eagles, hawks and owls).
17. All Sciuridae, including prairie dogs and woodchucks.
18. All Ratites (such as ostriches, rheas and cassowaries).
19. All Ursidae (bears).
20. All venomous wild animals, including snakes, toads, insects, spiders and fish.
21. All Viverridae (such as mongooses, civets and genets).
22. All Testudines (turtles and tortoises).
23. All threatened or endangered species protected by the Convention on International Trade in Endangered Species (CITES).
24. All wildlife that has not been captive bred, unless otherwise exempted.
25. All species of Serpentes (snakes) that can grow to an average size or size range greater than 3 meters.

(EC535/19)