

1970

## c 22 Animals for Research Act

Ontario

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## CHAPTER 22

**The Animals for Research Act****1. In this Act,**Interpre-  
tation

- (a) "animal" means a live, non-human vertebrate;
- (b) "Director" means the Director of the Veterinary Services Branch of the Department of Agriculture and Food;
- (c) "inspector" means an inspector appointed under this Act;
- (d) "Minister" means the Minister of Agriculture and Food;
- (e) "pound" means premises that are used for the detention, maintenance or disposal of dogs or cats that have been impounded pursuant to a by-law of a municipality, but does not include any premises, or part thereof, that are not used by any person or body of persons, including the Ontario Society for the Prevention of Cruelty to Animals or any society affiliated therewith, for the detention, maintenance or disposal of dogs or cats so impounded;
- (f) "redemption period" means that period of time within which the owner of a dog or cat that has been impounded in a pound has the right to redeem it;
- (g) "regulations" means the regulations made under this Act;
- (h) "research" means the use of animals in connection with studies, investigation and teaching in any field of knowledge, and, without limiting the generality of the foregoing, includes the use of animals for the performance of tests, and diagnosis of disease and the production and testing of preparations intended for use in the diagnosis, prevention and treatment of any disease or condition;
- (i) "research facility" means premises on which animals are used in research and includes premises used for the collecting, assembling or maintaining of animals in connection with a research facility, but does not include a farm on which pregnant mares are kept for the collection of urine;

- (j) "Review Board" means the Licensing and Registration Review Board;
- (k) "supply facility" means premises, other than a research facility, that are used for the breeding and rearing of animals pursuant to a contract between the operator thereof and the operator of a research facility;
- (l) "veterinarian" means a person registered under *The Veterinarians Act*, 1968-69, c. 4, s. 1.

R.S.O. 1970,  
c. 480

Review  
Board  
established

**2.**—(1) A board to be known as the "Licensing and Registration Review Board" is hereby established and shall consist of not fewer than three persons appointed by the Lieutenant Governor in Council, none of whom shall be members of the public service in the employ of the Department of Agriculture and Food, and who shall, subject to subsection 3, hold office during pleasure.

Appointment  
to Board

(2) The Lieutenant Governor in Council shall offer an appointment to the Review Board to a person who is a member in good standing of the Ontario Society for the Prevention of Cruelty to Animals or of an incorporated society affiliated therewith.

Term of  
office

(3) No member of the Review Board shall hold office for more than five consecutive years.

Chairman  
and vice-  
chairman

(4) The Lieutenant Governor in Council may appoint one of the members of the Review Board as chairman and another of the members as vice-chairman.

Quorum

(5) A majority of the members of the Review Board constitutes a quorum.

Remunera-  
tion

(6) The members of the Review Board shall receive such remuneration and expenses as the Lieutenant Governor in Council determines. 1968-69, c. 4, s. 2.

Operator  
required  
to be  
licensed

**3.**—(1) No person shall commence or continue to be an operator of a supply facility without a licence as an operator of a supply facility from the Director unless he is exempt under this Act or the regulations.

Exception  
as to  
certain sales

R.S.O. 1970,  
c. 186

(2) An operator of a supply facility is exempt from subsection 1 respecting cattle, fish, goats, horses, poultry, reptiles, sheep, swine or game animals or fur-bearing animals as defined in *The Game and Fish Act*, but in all other respects he is subject to the provisions of this Act and the regulations.

Require-  
ments for  
licensing

(3) No person shall be granted a licence as an operator of a supply facility unless he,

- (a) is experienced in the proper care and handling of animals; and

- (b) possesses all pens, cages, compounds, vehicles, tools, implements, buildings and dietary materials necessary to properly care for and handle animals on his premises.

(4) A licence as an operator of a supply facility may be suspended or revoked where, Suspension or revocation of licence

- (a) the operator has not properly maintained any of the facilities, equipment or materials referred to in clause *b* of subsection 3; or
- (b) the operator or any person employed by him or associated with him in connection with his operation as an operator has failed to observe or carry out the provisions of,
- (i) this Act or the regulations, or
- (ii) any other Act relating to cruelty, maltreatment or neglect of animals. 1968-69, c. 4, s. 3.

**4.—**(1) Subject to subsection 1 of section 15, the Director shall issue a licence as an operator of a supply facility to an applicant therefor unless, in his opinion, the applicant does not comply with clauses *a* and *b* of subsection 3 of section 3. Issue of licence

(2) Where the Director is of the opinion that an applicant does not comply with clauses *a* and *b* of subsection 3 of section 3, he may refuse to issue the licence. Refusal of licence

(3) Where the Director is of the opinion, in the case of a licensee, that clause *a* or *b* of subsection 4 of section 3 applies, he may suspend or revoke the licence. Suspension or revocation of licence

(4) Where the Director refuses to issue or proposes to suspend or revoke a licence, he shall give notice thereof to the applicant or licensee, together with written reasons for his refusal or proposed suspension or revocation and a notice stating the right to a hearing by the Review Board, and the applicant or licensee may, by written notice given to the Director and the Review Board within fifteen days after receipt of the notice of refusal or proposed suspension or revocation, require a hearing by the Review Board. 1968-69, c. 4, s. 4. Where Director refuses to issue or proposes to suspend or revoke a licence

**5.—**(1) No person shall commence or continue to operate a research facility unless the research facility is registered under this Act. Research facility required to be registered

(2) No research facility shall be registered unless there are therein or adjacent thereto and in connection therewith all pens, cages, compounds, tools, implements, buildings and dietary materials necessary to properly care for and handle animals that are in the research facility. Requirements for registration

Suspension  
or revoca-  
tion of  
registration

(3) The registration of a research facility may be suspended or revoked where,

- (a) any of the facilities, equipment or materials referred to in subsection 2 have not been properly maintained therein; or
- (b) the operator or any person employed by him or associated with him in the operation of the research facility has failed to observe or carry out the provisions of,
  - (i) this Act or the regulations, or
  - (ii) any Act relating to cruelty, maltreatment or neglect of animals. 1968-69, c. 4, s. 5.

Registration

**6.**—(1) Subject to subsection 2 of section 15, the Director shall register a research facility in Ontario unless, in his opinion, it does not contain the facilities, equipment or materials referred to in subsection 2 of section 5.

Refusal of  
registration

(2) Where the Director is of the opinion that a research facility in respect of which an application for registration is made does not contain the facilities, equipment or materials referred to in subsection 2 of section 5, he may refuse to register the research facility.

Director  
may  
suspend  
or revoke  
registration

(3) Where the Director is of the opinion that clause *a* or *b* of subsection 3 of section 5 applies, he may suspend or revoke the registration of the research facility.

Where  
Director  
refuses to  
register or  
proposes to  
suspend or  
revoke  
registration

(4) Where the Director refuses to register or proposes to suspend or revoke the registration of a research facility he shall give notice thereof to the operator of the research facility, together with written reasons for his refusal or proposed suspension or revocation and a notice stating the right to a hearing by the Review Board and the operator may, by written notice given to the Director and the Review Board within fifteen days after receipt of the notice of refusal or proposed suspension or revocation, require a hearing by the Review Board. 1968-69, c. 4, s. 6.

Hearing  
by Review  
Board

**7.**—(1) The chairman of the Review Board shall fix a time, date and place at which the Review Board will hear the matter and shall serve notice of the hearing on the parties at least ten days before the day fixed.

Contents  
of notice

- (2) The notice of hearing shall contain,
  - (a) a statement of the time and place of the hearing;
  - (b) a reference to the rules of procedure applicable to the hearing; and

- (c) a statement that, if a party who has been duly notified does not attend at the hearing, the Review Board may proceed in his absence and he is not entitled to notice of any further proceedings. 1968-69, c. 4, s. 7.

**8.—**(1) The Director, the applicant or licensee and the operator of the research facility, as the case may be, and any other person specified by the Review Board are parties to the hearing. Parties

(2) If a person who has been duly notified of a hearing does not attend, the Review Board may proceed in his absence and he is not entitled to notice of any further proceedings. 1968-69, c. 4, s. 8. Failure to attend

**9.—**(1) A hearing may be adjourned from time to time by the Review Board on reasonable grounds, Adjournment

(a) on its own motion; or

(b) on the motion of any party to the hearing.

(2) The Review Board may command the attendance before it of any person as a witness. Subpoena

(3) The Review Board may require any person, Oaths

(a) to give evidence on oath or affirmation at a hearing; and

(b) to produce such documents and things as the Review Board requires.

(4) The Review Board may admit evidence not given under oath. Idem

(5) Any person who, without lawful excuse, Offences

(a) on being duly summoned as a witness before the Review Board, makes default in attending; or

(b) being in attendance as a witness before the Review Board, refuses to take an oath or make an affirmation legally required by the Review Board to be taken or made, or to produce any document or thing in his power or control legally required by the Review Board to be produced by him, or to answer any question to which the Review Board may legally require an answer; or

(c) does any other thing that would, if the Review Board had been a court of law having power to commit for contempt, have been contempt of that court,

is guilty of an offence.

(6) The Review Board may certify an offence under subsection 5 to the High Court and that court may thereupon inquire into the offence and after hearing any witnesses who may be produced Enforcement

against or on behalf of the person charged with the offence, and after hearing any statement that may be offered in defence, punish or take steps for the punishment of that person in like manner as if he had been guilty of contempt of the court. 1968-69, c. 4, s. 9.

Right of party to counsel

**10.**—(1) Any party may be represented before the Review Board by counsel or agent.

Right of witness to counsel

(2) Any witness may be represented before the Review Board by counsel or agent, but at the hearing the counsel or agent may only advise the witness and state objections under the provisions of the relevant law.

Exclusion of counsel

(3) Where a hearing is *in camera*, a counsel or agent for a witness shall be excluded except when that witness is giving evidence. 1968-69, c. 4, s. 10.

Rights of parties at hearing

**11.** At a hearing before the Review Board, any party may call and examine his witnesses, cross-examine opposing witnesses and present his arguments and submissions. 1968-69, c. 4, s. 11.

Hearings to be open to public; exceptions

**12.**—(1) All hearings shall be open to the public except where the Review Board finds that,

- (a) public security may be involved; or
- (b) intimate financial or personal circumstances of any person may be disclosed,

in which case the Review Board shall hold the hearing as to any such matters *in camera*.

Idem

(2) Notwithstanding the exceptions mentioned in clauses *a* and *b* of subsection 1, the Review Board may, if in its opinion the public interest so requires, proceed without regard to such exceptions. 1968-69, c. 4, s. 12.

Evidence

**13.**—(1) At a hearing before the Review Board,

- (a) except where otherwise provided in this section, the common law and statutory rules of evidence apply;
- (b) evidence not admissible under clause *a* may be admitted by the Review Board in its discretion if to do so may expedite the hearing and will not prejudice any party; and
- (c) the Review Board may admit evidence in the form of a copy or an excerpt of a document if the document itself is not readily available.

Release of exhibits

(2) Documents and things put in evidence at a hearing shall, upon the request of the person who produced them, be released to

him by the Review Board within a reasonable time after the matter in issue has been finally determined. 1968-69, c. 4, s. 13.

**14.**—(1) The Review Board may, after the hearing, confirm or alter the decision of the Director or direct the Director to do any act the Director is authorized to do under this Act and as the Review Board considers proper, and for this purpose the Review Board may substitute its opinion for that of the Director.

Powers of Review Board

(2) A licence or registration that is suspended or revoked pursuant to a decision of the Review Board under subsection 1 shall, where an appeal is instituted under section 16, remain suspended or revoked until the appeal is determined.

Licence or registration to remain suspended or revoked

(3) The Review Board shall serve each party with a notice of its decision, together with the reasons therefor in writing and a notice stating the right to an appeal under section 16, either personally or by registered mail addressed to the party at his last known address.

Notice of decision and right to appeal

(4) The reasons for the decision shall contain,

Contents of reasons for decision

- (a) the findings of fact on the evidence and any information or knowledge used in reaching the decision;
- (b) any agreed findings of fact; and
- (c) the conclusions of law based on the findings mentioned in clauses *a* and *b*. 1968-69, c. 4, s. 14.

**15.**—(1) The Director shall not issue a licence to any person who formerly held a licence as an operator of a supply facility and whose licence was revoked less than one year before the date of the application.

When licence not to issue

(2) The Director shall not register a research facility that was formerly registered and the registration of which was revoked less than one year before the date of the application. 1968-69, c. 4, s. 15.

When research facility not to be registered

**16.**—(1) Any party to the hearing before the Review Board may appeal from the decision of the Review Board to the Court of Appeal and the practice and procedure as to appeal proceedings incidental thereto are the same *mutatis mutandis* as upon an appeal from the High Court.

Appeal to Court of Appeal

(2) The Minister may designate counsel to assist the court upon the hearing of an appeal under this section.

Counsel

(3) The chairman of the Review Board shall certify to the Registrar of the Supreme Court,

Material on appeal

- (a) the notices referred to in subsection 4 of section 4 or subsection 4 of section 6, as the case may be, and in subsection 1 of section 7 and subsection 3 of section 14;



- (b) the written reasons for the decision of the Review Board; and
- (c) all written submissions to the Review Board and other material, including documentary evidence received by it in connection with the hearing.

Decision of court

(4) An appeal under this section may be made on questions of law or fact or both and the court may confirm or alter the decision of the Review Board or direct the Director to do any such act as the Director is authorized to do under this Act and as the court considers proper and the court may substitute its opinion for that of the Review Board and may exercise the same powers as it exercises on an appeal from a judge of the High Court sitting without a jury. 1968-69, c. 4, s. 16 (1-4).

Animals to be kept separate

**17.** Animals that are bred and reared in a supply facility shall, at all times, be maintained by the operator thereof in such manner that they are separate from any other animals owned by him. 1968-69, c. 4, s. 17.

Purchase or other acquisition of animals

**18.—(1)** No person shall purchase or otherwise acquire an animal from any person in Ontario for use in a research facility except from,

- (a) the operator of a registered research facility;
- (b) the operator of a pound, under section 24;
- (c) the operator of a supply facility who is,
  - (i) the holder of a licence as an operator of a supply facility, or
  - (ii) exempt under this Act or the regulations from the provisions of subsection 1 of section 3 in respect of the animal.

Sale or other disposition of dog or cat

(2) No operator of a research facility shall sell or otherwise dispose of any dog or cat purchased or otherwise acquired under section 24 to any person other than the operator of a registered research facility in Ontario.

Exceptions

- (3) Nothing in this section prevents,
  - (a) the acquisition by a research facility of a dog or cat that has been donated to the research facility by the owner thereof;
  - (b) the return by the research facility of a dog or cat acquired under clause c of subsection 6 of section 24 to the person who was the owner thereof before it came into possession of the operator of the pound; or
  - (c) the acquisition by the operator of a supply facility of breeding stock from any person not referred to in subsection 1. 1968-69, c. 4, s. 18.

**19.** The operator of a registered research facility shall submit to the Director such reports respecting animals used in the research facility for research as may be prescribed in the regulations. 1968-69, c. 4, s. 19.

Reports

**20.—(1)** Every animal used in a registered research facility in any experiment that is likely to result in pain to the animal shall be anaesthetized so as to prevent the animal from suffering unnecessary pain.

Animals to be anaesthetized

(2) The operator of a research facility shall provide analgesics adequate to prevent an animal from suffering unnecessary pain during the period of its recovery from any procedure used in an experiment. 1968-69, c. 4, s. 20.

Analgesics to be provided

**21.—(1)** Every person or body of persons having control of a registered research facility or facilities shall establish in connection therewith an animal care committee, one of the members of which shall be a veterinarian.

Animal care committee

(2) Every animal care committee established under subsection 1 shall be responsible for co-ordinating and reviewing,

Responsibility of committee

- (a) the activities and procedures relating to the care of animals;
- (b) the standards of care and facilities for animals;
- (c) the training and qualifications of personnel that are engaged in the care of animals; and
- (d) procedures for the prevention of unnecessary pain including the use of anaesthetics and analgesics,

in every research facility in connection with which the animal care committee is established, having regard to the requirements of this Act and the regulations.

(3) The operator of a research facility shall, prior to conducting any research project in which animals are to be used, file, or cause to be filed, with the animal care committee a research project proposal setting forth the nature of all procedures to be used in connection with such animals, the number and type of animals to be used and the anticipated pain level that any such animal is likely to experience.

Filing of research project proposal with animal care committee

(4) Where an animal care committee has reason to believe that there is, will be or has been an offence committed against section 20 in any research facility in connection with which it is established, the animal care committee shall order,

Committee to make orders

- (a) that any research in connection with such offence be stopped or not proceeded with; and

- (b) that where such research has caused, in any animal, severe pain or illness that cannot be alleviated, such animal be forthwith humanely destroyed. 1968-69, c. 4, s. 21.

Appoint-  
ment of  
chief  
inspector  
and  
inspectors

**22.**—(1) The Minister shall appoint a chief inspector who is a veterinarian and such other inspectors as he considers necessary, and, notwithstanding any other Act, such inspectors have exclusive authority to initiate proceedings to enforce the provisions of this Act and the regulations.

Certificate  
of  
appoint-  
ment

(2) The production by an inspector of a certificate of his appointment purporting to be signed by the Minister is admissible in evidence as *prima facie* proof of his appointment without further proof of the signature or authority of the Minister.

Powers of  
inspectors

(3) Subject to subsections 4, 5, 6, 7 and 8, an inspector, for the purpose of carrying out his duties under this Act, may, upon production of a certificate of his appointment,

- (a) enter any premises, car, truck or other conveyance in which he believes on reasonable and probable grounds there are animals that are used, or that are intended to be used, in research and inspect the premises, car, truck or other conveyance, any facilities or equipment therein and any animal therein;
- (b) enter any pound and inspect the pound, any facilities or equipment therein and any animals therein; and
- (c) demand the production or furnishing by the owner or custodian thereof of any books, records, documents or of extracts therefrom relating to animals that,
  - (i) are in a pound, or
  - (ii) he believes on reasonable and probable grounds are used or intended to be used in research.

Entry of  
dwellings  
R.S.O. 1970,  
c. 450

(4) Except under the authority of a warrant under section 14 of *The Summary Convictions Act*, an inspector shall not enter any part of a dwelling without the consent of the owner or tenant unless,

- (a) the occupant is a licensed operator of a supply facility; and
- (b) he has reasonable grounds for believing that the occupant is maintaining in such part animals that are used or intended to be used in research.

When  
powers  
to be  
exercised

(5) An inspector shall exercise his powers under subsection 3 only between sunrise and sunset, but nothing in this section affects the issuance and execution of a warrant under section 14 of *The Summary Convictions Act*.

2. Section 22 of the said Act is repealed and the following substituted therefor:

22.—(1) Except in the case of the Provisional County of Haliburton, the instruments mentioned in the preceding sections shall be registered within thirty days after the execution thereof in the office of the branch registrar of the county or district in which the property mortgaged or sold is at the time of the execution thereof.

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(2) Where the property is situate in the Provisional County of Haliburton, the instrument shall be registered within thirty days after the execution thereof in the office of the branch registrar for the County of Victoria.

(3) The branch registrar shall, Filing and endorsing

(a) file the instrument; and

(b) where the instrument,

(i) is accompanied by a statement in the prescribed form, endorse a registration number on the statement, or

(ii) is not accompanied by a statement in the prescribed form, endorse on the instrument the date and time of receiving it.

Certificate of registration

(4) The branch registrar shall give to a person registering an instrument a certificate of its registration if so requested.

Computation of time for registration

(5) Where there are more mortgagors or grantors than one, the time shall be computed from the execution of the instrument by the last mortgagor or grantor.

Application of Act

3. This Act applies to a mortgage or conveyance executed on or after the 1st day of July, 1972.

Commencement

4. This Act comes into force on the day it receives Royal Assent. *Apr 27/72*

Short title

5. This Act may be cited as *The Bills of Sale and Chattel Mortgages Amendment Act, 1972.*



(6) Where an inspector demands the production or furnishing of books, records, documents or extracts therefrom, the person having custody thereof shall produce or furnish them to the inspector and the inspector may detain them for the purpose of photocopying them, if such photocopying is carried out with reasonable dispatch, and the inspector shall forthwith thereafter return them to the person who produced or furnished them.

Production and photocopying of records, etc.

(7) Where a book, record, document or extract has been photocopied under subsection 6, a photocopy purporting to be certified by the Minister, or a person thereunto authorized by the Minister, to be a copy made pursuant to subsection 6 is admissible in evidence and has the same probative force as the original document would have had if it had been proven in the ordinary way.

Certification of photocopy

(8) Where an inspector makes a demand under clause c of subsection 3, the demand shall be in writing and shall include a statement of the nature of the investigation and the general nature of the books, records, documents or extracts required.

Demand to be in writing

(9) *The Ontario Society for the Prevention of Cruelty to Animals Act, 1955* does not apply in respect of animals in the possession of the operator of a registered research facility or of a licensed operator of a supply facility. 1968-69, c. 4, s. 22.

1955, c. 58, not to apply

**23.** No person shall hinder or obstruct an inspector in the course of his duties or furnish him with false information or refuse to furnish him with information. 1968-69, c. 4, s. 23.

Obstruction of inspector

**24.**—(1) The minimum redemption period shall be three days, excluding the day on which the dog or cat was impounded, or such longer period as the regulations prescribe and holidays shall not be included in calculating any redemption period.

Redemption period

(2) The council of a local municipality may, by by-law, fix a redemption period that is longer than the minimum redemption period prescribed by or under this Act and shall file a copy of any such by-law with the Director.

Idem

(3) Except with the approval in writing of the Director, no by-law referred to in subsection 2 shall be repealed or amended.

Repeal or amendment of by-law

(4) Where the operator of a pound has impounded a dog or cat that has a tag, name plate or other means of identification, he shall,

Notification by operator

(a) notify the nearest office of the Ontario Society for the Prevention of Cruelty to Animals or any society affiliated therewith, except where the pound is operated by such society or affiliated society; and

- (b) take all reasonable steps to find the owner of the dog or cat and shall forthwith notify the owner, if found, that the dog or cat has been impounded.

Dog or cat  
not to be  
destroyed

(5) During the redemption period and subject to subsection 7, the operator of a pound shall not destroy or cause or permit to be destroyed any dog or cat that is in the pound but he may return the dog or cat to the person who owned it before it came into his possession, subject to the payment of such damages, fines and expenses as are required by law.

Idem

(6) After the redemption period has expired and subject to subsection 7, the operator of a pound shall not destroy or cause or permit to be destroyed any dog or cat that is in the pound but he may,

- (a) return the dog or cat to the person who owned it before it came into the possession of the operator of the pound, subject to the payment of such damages, fines and expenses as are required by law;
- (b) sell the dog or cat, dispose of it by gift or hold it in possession for sale or disposal by gift to a *bona fide* purchaser or donee,
  - (i) as a pet,
  - (ii) for use in hunting, or
  - (iii) for working purposes; or
- (c) sell the dog or cat to the operator of a registered research facility in Ontario who has requested the operator of the pound to sell him a dog or cat, as the case may be.

Where  
dog or cat  
may be  
destroyed

(7) Notwithstanding subsection 5 or 6, the operator of a pound may destroy or cause or permit to be destroyed any dog or cat that has been impounded in the pound where,

- (a) the person who owned the dog or cat before it came into the possession of the operator of the pound has requested in writing that the dog or cat be destroyed;
- (b) an inspector or veterinarian has ordered that the dog or cat be destroyed pursuant to subsection 11;
- (c) the dog or cat has been impounded in the pound for the redemption period and the operator of the pound has satisfied all requests referred to in clause *c* of subsection 6 from operators of research facilities; or
- (d) during the redemption period, the dog or cat is in a pound and,
  - (i) is ill or injured and in his opinion is incapable of being so cured or healed as to live thereafter without suffering, and

(ii) he has satisfied all requests referred to in clause *c* of subsection 6 from operators of research facilities.

(8) Where the operator of a pound sells a dog or cat to the operator of a research facility under subsection 6, the price of the dog or cat, Sale price of dog or cat

- (a) where no maximum price has been prescribed in the regulations in respect of the dog or cat, shall not exceed a price that is reasonable having regard to all the circumstances; or
- (b) shall not exceed the maximum price prescribed in the regulations in respect of the dog or cat.

(9) In addition to the price paid for a dog or cat under clause *b* of subsection 8, the operator of a pound may require the operator of a research facility to pay such amount as is prescribed in the regulations in respect of the care, treatment, food and accommodation of a dog or cat. Additional amount payable

(10) Where a dog or cat is sold or otherwise disposed of in a manner referred to in subsection 6, no person shall make any payment in respect of the dog or cat to the operator of the pound or any person employed therein but shall make such payment in the manner and to such other person as is prescribed in the regulations. No payment to be made to operator of pound

(11) An inspector or veterinarian may order a dog or cat to be destroyed, Order for destruction of dog or cat

- (a) where, during the redemption period, the dog or cat is in a pound and is ill or injured and, in the opinion of the inspector or veterinarian, is incapable of being so cured or healed as to live thereafter without suffering; or
- (b) where the dog or cat,
  - (i) is in a pound, supply facility or research facility,
  - (ii) has not, where it is in a pound, been redeemed by its owner within the redemption period, and
  - (iii) is, in the opinion of the inspector or veterinarian, not suitable for use in research by reason of ill health, injury, malnutrition, excessive age or other infirmity.

(12) Where the operator of a pound has in his possession a dog or cat that is impounded pursuant to a by-law of a local municipality, he shall at all times identify the dog or cat in such manner as is prescribed in the regulations. Identification of dog or cat

(13) This section does not apply to an animal that by reason of being suspected of being infected with any communicable disease is confined in a pound pursuant to *The Public Health Act* or the *Animal Contagious Diseases Act* (Canada). 1968-69, c. 4, s. 24. Exception as to certain animals  
R.S.O. 1970, c. 377  
R.S.C. 1952, c. 9



Offence

**25.**—(1) Every person who contravenes any of the provisions of this Act, other than section 19, or the regulations, other than a regulation made under clause *h, j* or *l* of section 27, or of an order made under subsection 3 of section 21, is guilty of an offence and on summary conviction is liable for a first offence to a fine of not more than \$500 or to imprisonment for a term of not more than three months, or to both, and for a subsequent offence to a fine of not more than \$1,000 or to imprisonment for a term of not more than six months, or to both.

Idem

(2) Every person who contravenes the provisions of section 19 or of a regulation made under clause *h, j* or *l* of section 27, is guilty of an offence and on summary conviction is liable for a first offence to a fine of not more than \$25 and for a subsequent offence to a fine of not more than \$100. 1968-69, c. 4, s. 25.

Injunction proceedings

**26.** Where it is made to appear from the material filed or evidence adduced that any offence against this Act or the regulations or against any Act relating to cruelty, maltreatment or neglect of animals has been or is being committed by any person who is the operator of a pound, research facility or supply facility or who is employed by or associated with any such person, the Supreme Court or a judge thereof may, upon the application of the Director, enjoin any such person from being engaged in any way in the operation of such pound, research facility or supply facility absolutely or for such period as seems just. 1968-69, c. 4, s. 26.

Regulations

**27.** The Lieutenant Governor in Council may make regulations,

- (a) providing for the manner of issuing licences, prescribing their duration and the fees payable therefor;
- (b) providing for the manner of registering research facilities in Ontario, prescribing the fees payable therefor, and prescribing terms and conditions for such registration;
- (c) prescribing further procedures for hearings before the Review Board;
- (d) prescribing the buildings, facilities and equipment to be provided by the operator of a research facility, supply facility or pound or any class thereof;
- (e) prescribing standards for the health, welfare and care of animals, or any class thereof, in a research facility, supply facility or pound;
- (f) prescribing facilities and equipment for the transportation of animals that are used or are intended to be used by a research facility;

- (g) classifying research facilities, requiring the operators of any class of research facility to provide for the services of a veterinarian in connection with the care of animals in the research facility and prescribing the terms and conditions on which such services shall be provided in respect of any such class;
  - (h) prescribing the records to be made and kept by the operator of a research facility, supply facility or pound, or any class thereof, and prescribing the places at which such records shall be kept;
  - (i) prescribing reports to be submitted to the Director by the operator of a research facility;
  - (j) prescribing methods for the identification of animals;
  - (k) subject to subsection 1 of section 24, prescribing the redemption period in respect of dogs or cats or any class thereof;
  - (l) determining from time to time the maximum prices that shall be paid for dogs or cats or any class thereof by the operators of research facilities, to the operators of pounds, determining different prices for different parts of Ontario and prescribing the manner in which and the person to whom such prices shall be paid;
  - (m) prescribing for the purposes of subsection 9 of section 24, an amount or amounts that the operator of a pound may require the operator of a research facility to pay respecting the care, treatment, food and accommodation of a dog or cat;
  - (n) providing for the exemption from this Act or the regulations, or any provision thereof, of any person or class of persons, or any animal or class of animals and prescribing the terms and conditions therefor;
  - (o) prescribing forms and providing for their use;
  - (p) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act. 1968-69, c. 4, s. 27.
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