



THE NEWFOUNDLAND AND LABRADOR GAZETTE

PART I

PUBLISHED BY AUTHORITY

Vol. 87

ST. JOHN'S, FRIDAY, MAY 4, 2012

No. 18

URBAN AND RURAL PLANNING ACT, 2000

NOTICE OF REGISTRATION ST. JOHN'S DEVELOPMENT REGULATIONS AMENDMENT NO. 538, 2012

TAKE NOTICE that the St. John's Development Regulations Amendment Number 538, 2012 adopted on the 9th day of April, 2012 has been registered by the Minister of Municipal Affairs.

In general terms, the purpose of Development Regulations Amendment Number 538, 2012 is to rezone land at Civic No. 20 Incinerator Road from the Rural (R) Zone to the Industrial General (IG) Zone.

This amendment comes into effect on the date that this notice is printed in *The Newfoundland and Labrador Gazette*. Anyone who wishes to inspect a copy of the amendment may do so at the Department of Planning, 3rd Floor, St. John's City Hall during regular business hours.

CITY OF ST. JOHN'S
Cliff Johnston, MCIP - Director of Planning

May 4

NOTICE OF REGISTRATION TOWN OF LABRADOR CITY

MUNICIPAL PLAN AMENDMENT No. 4, 2012, and DEVELOPMENT REGULATIONS AMENDMENT No. 14, 2012

TAKE NOTICE that the TOWN OF LABRADOR CITY Municipal Plan Amendment No. 4, 2012, and Development Regulations Amendment No. 14, 2012, as approved by Council on the 6th day of March, 2012, has been registered by the Minister of Municipal Affairs.

In general terms, Municipal Plan Amendment No. 4, 2012, will re-designate an area of land located west off Booth Avenue from Commercial General to Residential and Public Use to Residential.

Development Regulations Amendment No. 14, 2012, will re-zone the same area of land from Commercial General to Residential-1 and Public Use to Residential-1.

The TOWN OF LABRADOR CITY Municipal Plan Amendment No. 4, 2012, and Development Regulations Amendment No. 14, 2012, comes into effect on the day that this notice is published in *The Newfoundland and Labrador Gazette*. Anyone who wishes to inspect a copy of the TOWN OF LABRADOR CITY Municipal Plan Amendment No. 4, 2012, and Development Regulations Amendment No. 14, 2012, may do so at the Town Office, Labrador City during normal working hours.

TOWN OF LABRADOR CITY
Diane Gear, Town Clerk

May 4

LANDS ACT

NOTICE OF INTENT

Lands Act, c36, SNL 1991, as amended

NOTICE IS HEREBY given that BAY BULLS PROPERTIES LTD. of St. John's, NL, intends to apply to the Department of Environment and Conservation, two months from the publication of this notice, to acquire title, pursuant to section 7(2) (e) of the said Act, to that piece of Crown Land situated within fifteen (15) meters of the waters of Forteau Bay in the Electoral District of Cartwright-L'Anse Au Clair for the purpose of Wharf Construction The land is described as follows:

*Bounded on the North by Crown Land
for a distance of 50 metres;
Bounded on the East by Crown Land
for a distance of 1,200 metres;
Bounded on the South by Forteau Bay
for a distance of 50 metres;
Bounded on the West by Forteau Bay
for a distance of 1,200 metres;
and containing an area of
approximately 60,000 square meters*

Any person wishing to object to the application must file the objection, in writing, within one month from the publication of this Notice, with reasons for it, to the Minister of Environment and Conservation, and mail to the nearest Regional Lands Office:

c/o Eastern Regional Lands Office, P.O. Box 8700, 5 Mews Place, St. John's, NL, A1B 4J6.

c/o Central Regional Lands Office, P.O. Box 2222, Gander, NL, A1V 1L7.

c/o Western Regional Lands Office, P.O. Box 2006, Noton Building, Corner Brook, NL, A2H 6J8.

c/o Labrador Regional Lands Office, P.O. Box 3014, Station "B", Happy Valley-Goose Bay, NL, A0P 1E0

For further information on the proposed application, please contact DHIRAJ RC, Telephone Number (709) 334-2820.

May 4

MECHANICS' LIEN ACT

**NOTICE OF INTENTION TO RELEASE
MECHANICS' LIEN HOLDBACK
PURSUANT TO SECTION 12 OF THE
MECHANICS' LIEN ACT
RSNL 1990, cM-3 (THE "ACT")**

PURSUANT TO section 12 of the Act, and in relation to a contract A4VI-30-CA0004 entered into between Vale Newfoundland and Labrador Limited and BMA Constructors which contract is dated as of August 11th, 2010, notice is hereby given of the intention of Vale Newfoundland and Labrador Limited, to the release of mechanics' lien holdback funds 30 days following the date of this notice.

Dated at St. John's, NL, this 13th day of April 2012.

FLUOR CANADA LIMITED
Troy Gilson, Project Contracts Manager
(acting as Agent for Vale NL Limited)

Apr 20, 27, May 4 & 11

**NOTICE OF INTENTION TO RELEASE
MECHANICS' LIEN HOLDBACK
PURSUANT TO SECTION 12 OF THE
MECHANICS' LIEN ACT
RSNL 1990, cM-3 (THE "ACT")**

PURSUANT TO section 12 of the Act, and in relation to a contract A4VI-90-CG0052 entered into between Vale Newfoundland and Labrador Limited and Compass Group Canada Limited which contract is dated as of March 5, 2010, notice is hereby given of the intention of Vale Newfoundland and Labrador Limited, to the release of mechanics' lien holdback funds 30 days following the date of this notice.

Dated at St. John's, NL, this 12th day of April 2012.

FLUOR CANADA LIMITED
Troy Gilson, Project Contracts Manager
(acting as Agent for Vale NL Limited)

Apr 20, 27, May 4 & 11

TRUSTEE ACT

ESTATE NOTICE

IN THE MATTER OF the Estate and Effects of late TERRY GILLINGHAM of the Town of Musgrave Harbour, in the Province of Newfoundland and Labrador, Fisherman, Deceased.

All persons claiming to be creditors of or who have any claims or demands upon or affecting the Estate of TERRY GILLINGHAM, the aforesaid deceased, who died at Town of Gander, in the Province of Newfoundland and Labrador on or about the 9th day of March, 2012, are hereby requested to send particulars thereof in writing, duly attested, to the undersigned Solicitor for the Executrix of the Estate on or before the 9th day of May, 2012 after which date the Executrix will proceed to distribute the said Estate having regard only to the claims of which she shall then have had notice.

DATED at the Town of Gander, Newfoundland and Labrador, this 24th day of April, 2012.

BONNELL LAW
Solicitor for the Executrix
PER: R. Archibald Bonnell

ADDRESS FOR SERVICE:

P.O. Box 563
218 Airport Boulevard
Gander, NL A1V 2E1

Tel: (709) 651-4949
Fax: (709) 651-4951

May 4 & 11



THE NEWFOUNDLAND AND LABRADOR GAZETTE

PART II

SUBORDINATE LEGISLATION FILED UNDER THE STATUTES AND SUBORDINATE LEGISLATION ACT

Vol. 87

ST. JOHN'S, FRIDAY, MAY 4, 2012

No. 18

NEWFOUNDLAND AND LABRADOR REGULATIONS

Correction NLR 26/12

NLR 32/12
NLR 33/12
NLR 34/12
NLR 35/12
NLR 35/12
NLR 37/12
NLR 38/12
NLR 39/12
NLR 40/12
NLR 41/12
NLR 42/12
NLR 43/12
NLR 44/12

Correction Notice

(May 4, 2012)

The *Pesticides Control Regulations, 2012*, Newfoundland and Labrador Regulation 26/12, published under the *Environmental Protection Act* on April 5, 2012 page 459, is corrected by deleting section 10 and replacing it with the following:

Vendor's licence

10. (1) A person shall not sell or distribute a pesticide without a valid vendor's licence.

(2) The minister may issue the following types of vendor licences:

(a) business vendor licences to businesses that desire to sell pesticides; and

(b) certified vendor licences to individuals who desire to sell pesticides and have passed the approved examination.

(3) An individual with a certified vendor licence may sell domestic, commercial and restricted class pesticides.

(4) A business with a business vendor licence may sell domestic class pesticides but may only sell commercial or restricted class pesticides where they employ a certified vendor licensee and the certified vendor licensee sells the pesticide.

(5) An application for a vendor's licence shall be made to the minister in the approved form and containing the information that the minister or a person designated by the minister may require.

(6) The minister or a person designated by the minister may require an applicant for a certified vendor licence or the renewal of a certified vendor licence to show, upon examination at a specified time and location, that he or she possesses adequate knowledge of the application, handling, storage and safe use of the pesticides which he or she intends to sell.

(7) The minister, or a person designated by the minister may require an applicant for a certified pesticide vendor licence to complete training courses respecting the storage, use, application, handling or disposal of pesticides.

(8) The minister or a person designated by the minister may direct that a licence be subject to specified terms and conditions which shall be indicated on the licence and the holder of the licence shall abide by those terms and conditions.

An incorrect numbering sequence was inadvertently included in the original publication.



**NEWFOUNDLAND AND LABRADOR
REGULATION 32/12**

Proclamation bringing the Act into force
(SNL2010 cA-9.1) (May 2, 2012)

under the
Animal Health and Protection Act
(O.C 2012-099)

(Filed May 2, 2012)

*ELIZABETH THE SECOND, by the Grace of God of the
United Kingdom, Canada and Her Other Realms and Territories
QUEEN, Head of the Commonwealth, Defender of the Faith.*

JOHN C. CROSBIE
Lieutenant Governor

DONALD BURRAGE
Deputy Attorney General

TO ALL TO WHOM THESE PRESENTS SHALL COME,

GREETING;

A PROCLAMATION

WHEREAS in and by section 82 of “*An Act Respecting the Health and Protection of Animals*,” SNL2010 Chapter A-9.1 (the “Act”) it is provided that the Act, or a provision or part of the Act, shall come into force on a date to be fixed by Proclamation of Our Lieutenant Governor in Council;

AND WHEREAS it is deemed expedient that the Act shall now come into force;

NOW KNOW YE, THAT WE, by and with the advice of Our Executive Council of Our Province of Newfoundland and Labrador, do by this our Proclamation declare and direct that “*An Act Respecting the Health and Protection of Animals*,” SNL2010 Chapter A-9.1 shall come into force on the date of publication of this proclamation in *The Newfoundland and Labrador Gazette*.

*Proclamation bringing an Act respecting
Animal Health and Protection into force
(In Force May 2, 2012)*

32/11

OF ALL WHICH OUR LOVING SUBJECTS AND ALL OTHERS
whom these Presents may concern are hereby required to take notice
and to govern themselves accordingly.

IN TESTIMONY WHEREOF WE have caused these Our Letters to be
made Patent and the Great Seal of Newfoundland and Labrador to
hereunto affixed.

WITNESS: Our trusty and well-beloved the
Honourable John Carnell Crosbie, Member of the,
Privy Council of Canada, Officer of the Order of
Canada, Chancellor of the Order of Newfoundland
and Labrador, and one of Her Majesty's Counsel
learned in the law, Lieutenant Governor in and for
Our Province of Newfoundland and Labrador.

AT OUR GOVERNMENT HOUSE in
Our City of St. John's this 2nd day of May
in the year of Our Lord two thousand and twelve
in the sixty-first year of Our Reign.

BY COMMAND,

SANDRA BARNES
Registrar General



NEWFOUNDLAND AND LABRADOR REGULATION 33/12

Animal Health Regulations
under the
Animal Health and Protection Act
(O.C. 2012-106)

(Filed May 2, 2012)

Under the authority of sections 8 and 66 of the *Animal Health and Protection Act*, the Lieutenant-Governor in Council makes the following regulations.

Dated at St. John's, May 2, 2012.

Robert Thompson
Clerk of the Executive Council

REGULATIONS

Analysis

- | | |
|---------------------------------------|---------------------------------------|
| 1. Short title | 8. Maintenance of sanitary conditions |
| 2. Interpretation | 9. Prohibitions |
| 3. Orders for destruction or disposal | 10. Sale of antibiotic for animal use |
| 4. Detention on entry | 11. Repeal |
| 5. Quarantine | 12. Commencement |
| 6. Permit required | |
| 7. Entry of honeybees | |

Short title

1. These regulations may be cited as the *Animal Health Regulations*.

Interpretation

2. (1) In these regulations

- (a) "accredited veterinarian" means a veterinarian authorized to perform tests and inspections under the *Health of Animals Act* (Canada);
- (b) "antibiotic" has the same meaning as in Part C of the *Food and Drug Regulations* (Canada);
- (c) "consumer"
 - (i) means a person who obtains an antibiotic for the purpose of administering that antibiotic to an animal and not for resale or retransfer, and
 - (ii) excludes a person listed in section C.01.043 of the *Food and Drug Regulations* (Canada);
- (d) "feed" has the same meaning as in the *Feeds Act* (Canada);
- (e) "licensed veterinarian" means a registered veterinarian licensed to practise in the province, another province of Canada or in Canada;
- (f) "official veterinarian" means a veterinarian employed by a provincial government;
- (g) "medicating ingredient" has the same meaning as in the *Feeds Act* (Canada);
- (h) "person" includes a partnership or association of persons;
- (i) "premises" includes a yard, field, corral, farm and garden whether or not they are enclosed with fences or walls and an abattoir, shed, barn, cabin, shack or other building or erection;
- (j) "prescription" means an instruction that an antibiotic be dispensed to a person for an animal; and
- (k) "sell" has the same meaning as in the *Food and Drugs Act* (Canada).

- (2) An antibiotic for animal use is
 - (a) an antibiotic that is not in a form suitable for human use; or
 - (b) an antibiotic that is labelled in accordance with paragraph C.01.046(b) of the *Food and Drug Regulations* (Canada).

Orders for destruction or disposal

3. (1) The minister or the Chief Veterinary Officer may order the disposal of an animal believed to have an infectious or contagious disease.

(2) The minister or the Chief Veterinary Officer may order the destruction or disposal of an animal by-product, animal product, bedding, food, or other thing related to an animal that is believed to be infected or contaminated with an infectious or contagious disease.

(3) The Chief Veterinary Officer may order the destruction of an animal believed to have an infectious or contagious disease.

(4) The destruction or disposal of an animal, animal by-product, animal product, bedding, food, or other thing related to an animal pursuant to an order made under section 7 of the Act or under subsection (1), (2) or (3) shall be in a manner approved by the Chief Veterinary Officer.

(5) Notwithstanding subsection (4), the minister or the Chief Veterinary Officer may require in an order to dispose of an animal under subsection (1) that the animal be returned from the port of entry or another place where it is detained to the place of origin of the animal.

(6) An order made under section 7 of the Act or under subsection (1), (2) or (3) may require that the disposal or destruction of an animal, animal by-product, animal product, bedding, food, or other thing related to an animal be at the cost or expense of an owner of an animal or another person.

- (7) A person shall comply with
 - (a) an order made under subsection (1) where the order has been issued to that person under subsection (1);
 - (b) an order made under subsection (2) where the order has been issued to that person under subsection (2); and

- (c) an order made under subsection (3) where the order has been issued to that person under subsection (3).

Detention on entry

4. (1) An inspector who has reasonable cause to believe that an infectious or contagious disease exists in an animal brought or being brought into the province may order the animal to be detained at the port of entry or another place designated by the inspector at the cost or expense of an owner of the animal or another person.

(2) A person to whom an order is issued under subsection (1) shall comply with that order.

Quarantine

5. (1) The Chief Veterinary Officer may order an animal suspected of having an infectious or contagious disease to be quarantined in or on the premises of an owner of the animal or in a place and for a period of time that the Chief Veterinary Officer considers appropriate and if no infectious or contagious disease is found in the animal then the animal shall be released from quarantine.

(2) Where an animal was quarantined in a place that was not the premises of the owner of the animal and it has been released from quarantine, the animal shall be returned to its owner.

(3) A term and condition of an order made under subsection (1) is that the person to whom the order is issued shall not remove or release an animal from quarantine without prior authority from an inspector.

(4) A place designated for the quarantine of an animal shall be considered to be an infected place.

(5) An order made under subsection (1) may be at the cost or expense of an owner of the animal or another person.

(6) Notwithstanding section 7, honeybees (*Apis mellifera*) and honeybee hives may be quarantined under subsection (1).

(7) A person to whom an order is issued under subsection (1) shall comply with that order.

Permit required

6. (1) A person shall not bring honeybees (*Apis mellifera*) or honeybee hives into the province unless that person has first obtained a permit to do so from the minister.

(2) A permit may be issued, renewed, cancelled or suspended subject to the terms and conditions that the minister may determine.

(3) A person to whom a permit is issued shall comply with the terms and conditions of the permit including the period of time for which it is valid.

Entry of honeybees

7. (1) A person shall not bring honeybees (*Apis mellifera*) or honeybee hives into the province unless accompanied by a certificate signed by an official veterinarian or licensed veterinarian in the place of origin of the honeybees or hives or by an accredited veterinarian or other person approved by the Chief Veterinary Officer certifying that:

(a) the honeybees and hives are free from the following pests:

(i) honeybee tracheal mite (*Acarapis woodi*),

(ii) varroa mite (*Varroa destructor*),

(iii) greater wax moth (*Galleria mellonella*), and

(iv) small hive beetle (*Aethina tumida*);

(b) the apiary from which the honeybees or hives originated was completely free from the pests described in paragraph (a) when the honeybees or hives were taken from the apiary and in the 12 months immediately preceding their departure; and

(c) the honeybees or hives were tested for the pests described in paragraph (a) with negative test results within the 30 days, or such other time as the Chief Veterinary Officer may in his or her discretion prescribe in a particular case, preceding entry to the province.

(2) A person who imports honeybees or honeybee hives shall ensure that honeybees and hives are not exposed to other honeybees or hives during shipment.

(3) Upon entry into the province all honeybees and honeybee hives, regardless of compliance with subsection (1), shall be quarantined on the premises of the importer for a period of 12 months from the date of entry.

(4) Honeybees and honeybee hives shall not be moved from the premises of the importer during the period of quarantine set out in subsection (3).

(5) All cases of illness or death of imported honeybees that occur within 12 months of importation shall be reported to an inspector.

(6) Where there is a contravention of this section or section 6, the Chief Veterinary Officer may order, at the expense of the importer, the owner of the honeybees, a person owning or having possession, custody or control of the hives, or another person, that

(a) the honeybees and hives be quarantined; or

(b) the honeybees and hives be seized and returned to their place of origin.

(7) A person to whom an order is issued under subsection (6) shall comply with that order.

Maintenance of
sanitary conditions

8. (1) Animals shall be transported, detained, maintained and kept in a place in a safe, clean and sanitary manner which ensures the healthy condition of animals and which prevents the

(a) infection of that animal with disease; and

(b) spread of infectious or contagious diseases to other animals.

(2) The Chief Veterinary Officer may determine the manner in which a place is to be cleaned or disinfected to prevent the spread of contagious diseases among animals.

(3) The Chief Veterinary Officer may order that a place be cleaned or disinfected in accordance with this section at the cost or expense of an owner of the animal or another person.

(4) A person to whom an order is issued under subsection (3) shall comply with that order.

(5) A person who transports an animal into the province in contravention of this section bears the cost or expense of returning the animal from the point of entry into the province to the place of origin of

the animal or disposing of the animal in another manner determined by the Chief Veterinary Officer.

Prohibitions

9. (1) A person shall not without the permission of an inspector remove or release an animal from a place where the animal is being detained by an inspector for the purpose of the Act or these regulations.

(2) A person shall not remove or release an animal or a honeybee hive from quarantine without prior authority from an inspector.

(3) Subsection (2) does not apply to a person to whom an order is issued under section 5 of these regulations.

(4) Subsection (2) does not apply to honeybees (*Apis mellifera*) or honeybee hives that are quarantined unless the quarantine is in accordance with section 5 of the Act or section 5 of these regulations.

Sale of antibiotic
for animal use

10. (1) Notwithstanding section 45 of the *Pharmacy Regulations* and section C.01.046 of the *Food and Drug Regulations* (Canada), a person shall not sell directly to a consumer an antibiotic for animal use listed or described in Part II of Schedule F to the *Food and Drug Regulations* (Canada) that is in a form for injection or oral, intramammary or intrauterine administration, unless the sale is made under a prescription by a veterinarian.

(2) Subsection (1) does not apply to an antibiotic that is used as a medicating ingredient in a feed under the *Feeds Act* (Canada).

(3) A list of the antibiotics for which a prescription of a veterinarian is required under subsection (1) is on file with the minister and may be examined or obtained during regular business hours.

Repeal

11. The *Livestock Health Regulations, Consolidated Newfoundland and Labrador Regulation 1081/96*, are repealed.

Commencement

12. These regulations come into force on May 2, 2012.

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NEWFOUNDLAND AND LABRADOR REGULATION 34/12

Animal Health and Protection Ticket Offences Regulations
under the
Animal Health and Protection Act
(O.C. 2012-102)

(Filed May 2, 2012)

Under the authority of section 66 of the *Animal Health and Protection Act*, the Lieutenant-Governor in Council makes the following regulations.

Dated at St. John's, May 2, 2012.

Robert Thompson
Clerk of the Executive Council

REGULATIONS

Analysis

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Schedule B	
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*Animal Health and Protection Ticket
Offences Regulations*

34/12

Short title	1. These regulations may be cited as the <i>Animal Health and Protection Ticket Offence Regulations</i> .
Definitions	2. In these regulations, "service animal" means an animal trained to be used by a person with a disability for reasons relating to his or her disability.
Ticketable offence	3. A violation of a provision of the Act or the regulations listed in the Schedules, is an offence for which a ticket may be issued under the <i>Provincial Offences Act</i> and regulations.
Penalty for offence	4. (1) A person who contravenes a provision of the Act or the regulations is guilty of an offence and where the complaint is laid and summons issued by means of a ticket is liable for a first offence or subsequent offence, where applicable, to a fine in the amount prescribed in the Schedules. (2) Where a complaint is laid and a summons issued other than by way of a ticket, the penalties set out in the Act apply.
Subsequent offences	5. (1) With respect to those provisions of the Act referred to in Schedule A, a person shall be considered to be convicted of a second, third or subsequent offence when convicted of an offence within 12 months of the date of the last conviction for the same offence under that Act. (2) With respect to those provisions of the <i>Animal Health Regulations</i> referred to in Schedule B, a person shall be considered to be convicted of a second, third or subsequent offence when convicted of an offence within 12 months of the date of the last conviction for the same offence under those regulations. (3) With respect to those provisions of the <i>Animal Protection Regulations</i> referred to in Schedule C, a person shall be considered to be convicted of a second, third or subsequent offence when convicted of an offence within 12 months of the date of the last conviction for the same offence under those regulations. (4) With respect to those provisions of the <i>Animal Protection Standards Regulations</i> referred to in Schedule D, a person shall be considered to be convicted of a second, third or subsequent offence when convicted of an offence within 12 months of the date of the last conviction for the same offence under those regulations.

(5) With respect to those provisions of the *Animal Reportable Diseases Regulations* referred to in Schedule E, a person shall be considered to be convicted of a second, third or subsequent offence when convicted of an offence within 12 months of the date of the last conviction for the same offence under those regulations.

(6) With respect to those provisions of the *Fur Farming Regulations* referred to in Schedule F, a person shall be considered to be convicted of a second, third or subsequent offence when convicted of an offence within 12 months of the date of the last conviction for the same offence under those regulations.

(7) With respect to those provisions of the *Newfoundland Pony Regulations* referred to in Schedule G, a person shall be considered to be convicted of a second, third or subsequent offence when convicted of an offence within 12 months of the date of the last conviction for the same offence under those regulations.

Commencement

6. These regulations come into force on May 2, 2012.

Schedule A

Animal Health and Protection Act

Penalties

Section and subsection or paragraph	Offence	Penalty		
		A fine in the dollar amount indicated		
		First offence	Second offence	Third and subsequent offence
18(1)	Causing an animal to be in distress	100	250	500
18(1) (service animal)	Causing a service animal to be in distress	250	500	1000
18(2)	Owner permitting animal to be in distress	100	250	500
19	Harming or causing harm to animal used for law enforcement purposes	250	500	1000

*Animal Health and Protection Ticket
Offences Regulations*

34/12

Section and subsection or paragraph	Offence	Penalty		
		A fine in the dollar amount indicated		
		First offence	Second offence	Third and subsequent offence
20(a)	Maintaining or keeping an animal for the purpose of fighting	250	500	1000
20(b)	Allowing or permitting an animal to be used for the purpose of fighting	250	500	1000
21	Transporting or permitting to be transported an animal in a motor vehicle outside passenger compartment and not confining or securing the animal	100	250	500

*Animal Health and Protection Ticket
Offences Regulations*

34/12

Section and subsection or paragraph	Offence	Penalty		
		A fine in the dollar amount indicated		
		First offence	Second offence	Third and subsequent offence
22	Confining or permitting to be confined an animal in an enclosed space, including motor vehicle, without adequate ventilation	100	250	500
23(1)	Transporting or permitting to be transported an animal in the trunk of a motor vehicle	100	250	500
24(1)	Permitting an animal to be hitched, tied or fastened to a fixed object where a choke collar or choke chain forms part of securing apparatus	100	250	500

*Animal Health and Protection Ticket
Offences Regulations*

34/12

Section and subsection or paragraph	Offence	Penalty		
		A fine in the dollar amount indicated		
		First offence	Second offence	Third and subsequent offence
24(2)	Permitting an animal to be hitched, tied or fastened to a fixed object by means of a rope or cord tied around the animal's neck	100	250	500
25	Cutting or permitting to be cut the solid part of the tail of a horse	100	250	500
26	Cutting or cropping or permitting to be cut or cropped the ear of a dog	100	250	500

*Animal Health and Protection Ticket
Offences Regulations*

34/12

Section and subsection or paragraph	Offence	Penalty		
		A fine in the dollar amount indicated		
		First offence	Second offence	Third and subsequent offence
27(1)(a)	Failure of veterinarian to promptly report to the Chief Veterinary Officer	100	250	500
27(1)(b)	Failure of veterinarian to provide information that the Chief Veterinary Officer requests	100	250	500
28(1)	Failure of person who, while operating bicycle or motor vehicle, injures an animal, to stop and provide care and attention to animal	100	250	500

*Animal Health and Protection Ticket
Offences Regulations*

34/12

Section and subsection or paragraph	Offence	Penalty		
		A fine in the dollar amount indicated		
		First offence	Second offence	Third and subsequent offence
28(2)	Failure of person who, while operating a bicycle or motor vehicle, kills an animal, to notify inspector	100	250	500
28(2)	Failure of person who, while operating a bicycle or motor vehicle, kills an animal, to provide information that the inspector requires	100	250	500
31	Permitting a companion animal or livestock to cause a hazard	50	100	250

*Animal Health and Protection Ticket
Offences Regulations*

34/12

Section and subsection or paragraph	Offence	Penalty		
		A fine in the dollar amount indicated		
		First offence	Second offence	Third and subsequent offence
32(1)	Failure of owner to keep dog safely tethered or penned	50	100	250
33(a)	Permitting a bull over the age of 9 months to run at large	50	100	250
33(b)	Permitting a stallion over the age of one year to run at large	50	100	250
33(c)	Permitting a ram over the age of 4 months to run at large	50	100	250

*Animal Health and Protection Ticket
Offences Regulations*

34/12

Section and subsection or paragraph	Offence	Penalty		
		A fine in the dollar amount indicated		
		First offence	Second offence	Third and subsequent offence
40(2)	Permitting the running at large or the keeping of an animal within the province at large or an area specified in an order made under subsection 40(1)	50	100	250
49(1)	Destroying, interfering with or disposing a heritage animal	100	250	500
55(3)	Owning or operating an establishment, or breeding or keeping an animal without a licence	50	100	250

*Animal Health and Protection Ticket
Offences Regulations*

34/12

Section and subsection or paragraph	Offence	Penalty		
		A fine in the dollar amount indicated		
		First offence	Second offence	Third and subsequent offence
56(4)	Making a false statement of fact or misrepresenting a fact or circumstance in an application or document submitted to minister	50	100	250
58(3)	Failure of licensee to comply with terms, conditions and restrictions to which licence is subject	50	100	250

*Animal Health and Protection Ticket
Offences Regulations*

34/12

Section and subsection or paragraph	Offence	Penalty		
		A fine in the dollar amount indicated		
		First offence	Second offence	Third and subsequent offence
60	Failure of licensee to produce licence for inspection when requested	100	250	500
63(a)	Failure of licensee to notify minister of change of address for service	50	100	250
63(b)	Failure of licensee to notify minister of change in partners	50	100	250
63(c)	Failure of licensee to notify minister of change in directors	50	100	250
64(1)	Failure of licensee to file annual return	50	100	250

*Animal Health and Protection Ticket
Offences Regulations*

34/12

Section and subsection or paragraph	Offence	Penalty		
		A fine in the dollar amount indicated		
		First offence	Second offence	Third and subsequent offence
64(2)	Failure of licensee to include information in annual return that the minister may require	50	100	250
73(5)	Person who is not a custodian in law selling, bargaining or assigning ownership or otherwise alienating title to or interest in an animal	100	250	500

*Animal Health and Protection Ticket
Offences Regulations*

34/12

Section and subsection or paragraph	Offence	Penalty		
		A fine in the dollar amount indicated		
		First offence	Second offence	Third and subsequent offence
74(a)	Failure of person occupying, in charge of, or in a place entered by inspector to give all reasonable assistance to enable the carrying out of an action authorized under the Act	100	250	500
74(b)	Failure of person occupying, in charge of, or in a place entered by inspector to furnish inspector with the record or thing that the inspector may reasonably require to carry out authorized action	100	250	500

*Animal Health and Protection Ticket
Offences Regulations*

34/12

Section and subsection or paragraph	Offence	Penalty		
		A fine in the dollar amount indicated		
		First offence	Second offence	Third and subsequent offence
74(c)	Failure of person occupying, in charge of, or in a place entered by inspector to produce an animal that the inspector requires for viewing or examination	100	250	500
75(a)	Obstructing or interfering with an inspector or other person engaged in the execution of the Act or the regulations	100	250	500

*Animal Health and Protection Ticket
Offences Regulations*

34/12

Section and subsection or paragraph	Offence	Penalty		
		A fine in the dollar amount indicated		
		First offence	Second offence	Third and subsequent offence
75(b)	Providing an inspector or other person engaged in the execution of the Act or the regulations with false information	100	250	500

Schedule B

Animal Health Regulations

Penalties

Section and subsection or paragraph	Offence	Penalty		
		A fine in the dollar amount indicated		
		First offence	Second offence	Third and subsequent offence
3(7)(a)	Contravention of order under subs. 3(1) (disposal of animal)	100	250	500
3(7)(b)	Contravention of order under subs. 3(2) (destruction or disposal of a thing)	100	250	500
3(7)(c)	Contravention of order under subs. 3(3) (destruction of animal)	100	250	500

*Animal Health and Protection Ticket
Offences Regulations*

34/12

Section and subsection or paragraph	Offence	Penalty		
		A fine in the dollar amount indicated		
		First offence	Second offence	Third and subsequent offence
4(2)	Contravention of order under subs. 4(1) (detention on entry)	100	250	500
5(7)	Contravention of order under subs. 5(1) (quarantine)	100	250	500
6(1)	Failure to obtain permit to import honeybees or hives	100	250	500
6(3)	Failure to comply with terms and conditions of permit	100	250	500
7(1)	Failure to have certificate respecting honeybees or hives as required	100	250	500

*Animal Health and Protection Ticket
Offences Regulations*

34/12

Section and subsection or paragraph	Offence	Penalty		
		A fine in the dollar amount indicated		
		First offence	Second offence	Third and subsequent offence
7(2)	Failure to ensure honeybees and hives are not exposed to other honeybees or hives during shipment	100	250	500
7(3)	Failure to quarantine honeybees or hives	100	250	500
7(4)	Moving quarantined honeybees or hives	100	250	500
7(5)	Failure to report illness or death of imported honeybees	100	250	500
7(7)	Contravention of order under subs. 7(6) respecting honeybees or hives	100	250	500

*Animal Health and Protection Ticket
Offences Regulations*

34/12

Section and subsection or paragraph	Offence	Penalty		
		A fine in the dollar amount indicated		
		First offence	Second offence	Third and subsequent offence
8(1)	Failure to transport, detain, maintain or keep animal as required	100	250	500
8(4)	Contravention of order under subs. 8(3) (clean or disinfect place)	100	250	500
9(1)	Removal or release of animal from place of detention	100	250	500
9(2)	Removal or release of animal or honey-bee hive from quarantine	100	250	500
10(1)	Sale of antibiotic for animal use without a prescription	100	250	500

Schedule C

Animal Protection Regulations

Penalties

Section and subsection or paragraph	Offence	Penalty		
		A fine in the dollar amount indicated		
		First offence	Second offence	Third and subsequent offence
8(1)	Cutting or permitting to be cut the solid part of the tail of a dog, sheep or other animal excluding horse	100	250	500
9(1)	Performing cosmetic surgery on animal	100	250	500
10(1)	Performing onychectomy (declawing) in a cat	100	250	500
11(1)	Using a prohibited chemical method of euthanasia	100	250	500

*Animal Health and Protection Ticket
Offences Regulations*

34/12

Section and subsection or paragraph	Offence	Penalty		
		A fine in the dollar amount indicated		
		First offence	Second offence	Third and subsequent offence
11(2)	Using a prohibited mechanical method of euthanasia	100	250	500
15	Carrying out a practice or procedure that is prohibited in a code or standard, to the extent that the code or standard is adopted in the <i>Animal Protection Standards Regulations</i>	100	250	500
16(1)	Pet retail store owner or operator carrying out a prohibited sale of a dog	100	250	500

*Animal Health and Protection Ticket
Offences Regulations*

34/12

Section and subsection or paragraph	Offence	Penalty		
		A fine in the dollar amount indicated		
		First offence	Second offence	Third and subsequent offence
16(2)	Pet retail store owner or operator carrying out a prohibited sale of a cat	100	250	500

Schedule D

Animal Protection Standards Regulations

Penalties

Section and subsection or paragraph	Offence	Penalty		
		A fine in the dollar amount indicated		
		First offence	Second offence	Third and subsequent offence
4(2)	Non-compliance with requirements in Code of Practice (livestock owner)	100	250	500
4(3)	Non-compliance with requirements in Code of Practice (owner or operator of place where livestock kept)	100	250	500

*Animal Health and Protection Ticket
Offences Regulations*

34/12

Section and subsection or paragraph	Offence	Penalty		
		A fine in the dollar amount indicated		
		First offence	Second offence	Third and subsequent offence
5(3)	Non-compliance with requirements in Code of Practice (dairy cattle owner)	100	250	500
5(4)	Non-compliance with requirements in Code of Practice (owner or operator of place where dairy cattle kept)	100	250	500
6(4)	Non-compliance with requirements in Code of Practice (kennel)	100	250	500

*Animal Health and Protection Ticket
Offences Regulations*

34/12

Section and subsection or paragraph	Offence	Penalty		
		A fine in the dollar amount indicated		
		First offence	Second offence	Third and subsequent offence
7(4)	Non-compliance with requirements in Code of Practice (cat-tery)	100	250	500
8(2)	Non-compliance with requirements in Code of Practice (mink)	100	250	500
9(2)	Non-compliance with requirements in Code of Practice (fox)	100	250	500

*Animal Health and Protection Ticket
Offences Regulations*

34/12

Section and subsection or paragraph	Offence	Penalty		
		A fine in the dollar amount indicated		
		First offence	Second offence	Third and subsequent offence
10(2)	Non-compliance with requirements in adopted Canadian Council on Animal Care code or standard	100	250	500
11(2)	Non-compliance with requirements in Manual (circus)	100	250	500
11(3)	Failure of circus owner or operator to provide written record	100	250	500
12(2)	Non-compliance with requirements in Guidelines (pet retail store)	100	250	500

*Animal Health and Protection Ticket
Offences Regulations*

34/12

Section and subsection or paragraph	Offence	Penalty		
		A fine in the dollar amount indicated		
		First offence	Second offence	Third and subsequent offence
13(1)	Non-compliance with standards in Schedule B (dog owner)	100	250	500
13(2)	Non-compliance with standards in Schedule B (kennel)	100	250	500
14(1)	Failure to provide attention or care to sled dog (sled dog owner)	100	250	500
14(2)	Failure to provide attention or care to sled dog (kennel)	100	250	500

Schedule E

Animal Reportable Diseases Regulations

Penalties

Section and subsection or paragraph	Offence	Penalty		
		A fine in the dollar amount indicated		
		First offence	Second offence	Third and subsequent offence
3(1)	Failure to report	100	250	500
3(2)	Failure of veterinarian to report	100	250	500
3(3)	Failure of laboratory to report	100	250	500

Schedule F

Fur Farming Regulations

Penalties

Section and subsection or paragraph	Offence	Penalty		
		A fine in the dollar amount indicated		
		First offence	Second offence	Third and subsequent offence
5	Failure to maintain fur farm or captive fur bearing animal as required	100	250	500
6	Failure to construct or maintain a protective barrier as required	100	250	500
7	Failure to remove snow immediately inside and outside a protective barrier	100	250	500

*Animal Health and Protection Ticket
Offences Regulations*

34/12

Section and subsection or paragraph	Offence	Penalty		
		A fine in the dollar amount indicated		
		First offence	Second offence	Third and subsequent offence
8	Failure to report escape of captive fur bearing animal	100	250	500
9	Failure to re-capture captive fur bearing animal as required	100	250	500
9(4)	Failure to destroy or dispose of recaptured captive fur bearing animal as required	100	250	500
13	Releasing or permitting the escape of, or attempting to release or permit the escape of, a captive fur bearing animal	100	250	500

*Animal Health and Protection Ticket
Offences Regulations*

34/12

Section and subsection or paragraph	Offence	Penalty		
		A fine in the dollar amount indicated		
		First offence	Second offence	Third and subsequent offence
14(1)	Operation of fur farm without permission while licence is suspended	100	250	500
14(2)	Failure to adhere to requirements while licence is suspended	100	250	500
15(1)	Operation of fur farm without permission while licence is cancelled	100	250	500
15(2)	Failure to adhere to requirements while licence is cancelled	100	250	500
17	Failure to permit inspection of fur farm	100	250	500

Schedule G

Newfoundland Pony Regulations

Penalties

Section and subsection or paragraph	Offence	Penalty		
		A fine in the dollar amount indicated		
		First offence	Second offence	Third and subse- quent offence
3	Disposal of record filed with Registry of Newfoundland Ponies	50	100	250

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NEWFOUNDLAND AND LABRADOR REGULATION 35/12

Animal Protection Regulations
under the
Animal Health and Protection Act
(O.C. 2012-105)

(Filed May 2, 2012)

Under the authority of sections 29 and 66 of the *Animal Health and Protection Act*, the Lieutenant-Governor in Council makes the following regulations.

Dated at St. John's, May 2, 2012.

Robert Thompson
Clerk of the Executive Council

REGULATIONS

Analysis

- | | |
|--|---|
| 1. Short title | 8. Prohibition - docking of tail of other animals |
| 2. Definitions | 9. Prohibition - cosmetic surgery |
| 3. Interpretation - codes or standards | 10. Declawing in a cat |
| 4. Inspection | 11. Prohibited methods of euthanasia |
| 5. Destruction or disposal | 12. Euthanasia - accepted activity |
| 6. Accepted activity - docking of horse's tail | 13. Euthanasia - critical situation |
| 7. Accepted activity - cropping of dog's ears | 14. Euthanasia - other legislation |

15. Prohibited practices and procedures

16. Prohibition - sale from pet retail stores
17. Commencement

Short title

1. These regulations may be cited as the *Animal Protection Regulations*.

Definitions

2. In these regulations

(a) "animal shelter" means a place that provides stray, abandoned or abused animals a sanctuary or where permanent or temporary adoptive homes are sought for animals;

(b) "fur farm" has the same definition as in the *Fur Farming Regulations*; and

(c) "pet retail store" has the same definition as in the *Animal Protection Standards Regulations*.

Interpretation - codes or standards

3. (1) Where there is a reference in these regulations to a code or standard adopted in another regulation made under the Act, it is a reference to the code or standard to the extent that the code or standard is adopted in that other regulation.

(2) A provision of a code or standard that is adopted in the *Animal Protection Standards Regulations* may be considered a requirement where

(a) the word "must," "shall" or "require" is contained in the provision of the code or standard; or

(b) the *Animal Protection Standards Regulations* specify that a provision of a code or standard is a requirement.

Inspection

4. (1) An animal shelter may be subject to an inspection under section 10 of the Act.

(2) A fur farm may be subject to an inspection under section 10 of the Act.

Destruction or disposal

5. (1) An animal may be destroyed or disposed of under paragraph 17(1)(c) of the Act, where an owner of the animal is not found within 5

days after the animal is delivered into the custody of the SPCA, a municipal authority or the minister.

(2) Euthanasia of an animal under section 17 of the Act shall be conducted in accordance with these regulations.

Accepted activity -
docking of horse's
tail

6. An accepted activity in which the solid part of the tail of a horse may be cut or permitted to be cut is the surgical removal of the tail by a veterinarian as a result of an injury to the horse or other medical necessity as determined by a veterinarian.

Accepted activity -
cropping of dog's
ears

7. An accepted activity in which the ear of a dog may be cut or cropped or permitted to be cut or cropped is the surgical removal of part of a dog's ear by a veterinarian as a result of an injury to the dog or other medical necessity as determined by a veterinarian.

Prohibition - dock-
ing of tail of other
animals

8. (1) A person shall not cut, or permit to be cut, the solid part of the tail of a dog, sheep or other animal, commonly known as "docking", unless

(a) docking is permitted in a code or standard adopted in the *Animal Protection Standards Regulations* respecting the care of that animal; or

(b) the tail is surgically removed as a result of an injury to the animal or other medical necessity as determined by a veterinarian.

(2) This section does not apply to horses.

Prohibition - cos-
metic surgery

9. (1) Cosmetic surgery in domestic animals is prohibited unless it is permitted in a code or standard adopted in the *Animal Protection Standards Regulations* respecting the care of that animal.

(2) For the purpose of this section, "cosmetic surgery" means a non-therapeutic surgical procedure which alters the appearance of an animal for purely cosmetic purposes.

(3) The definition of "cosmetic surgery" in subsection (2) does not include

- (a) surgery that is considered by a veterinarian to be necessary as a result of an injury to an animal or for another medical reason concerning the health of an animal;
- (b) an onychectomy (declawing) in a cat; and
- (c) dewclaw removal from a dog.

(4) This section does not apply to the docking of a tail of an animal or the cropping of the ears of a dog.

Declawing in a cat

10. (1) A person shall not conduct an onychectomy (declawing) in a cat.

(2) Notwithstanding subsection (1), a veterinarian or a person under the supervision of a veterinarian may conduct an onychectomy (declawing) in a cat.

Prohibited methods of euthanasia

11. (1) The following chemical methods of euthanasia are prohibited:

- (a) the combination of embutramide, mebezonium and tetracaine when
 - (i) administered without sedation, or
 - (ii) administered other than by intravenous injection;
- (b) chloral hydrate;
- (c) nitrous oxide, when administered alone;
- (d) ether;
- (e) chloroform;
- (f) cyanide;
- (g) strychnine;
- (h) neuromuscular blocking agents (nicotine, magnesium sulphate, potassium chloride, and all curariform agents);

- (i) formalin; and
 - (j) household products and solvents.
- (2) The following mechanical methods of euthanasia are prohibited:
- (a) air embolism on a conscious animal;
 - (b) burning;
 - (c) exsanguination of a conscious animal;
 - (d) decompression;
 - (e) drowning;
 - (f) hypothermia and rapid freezing;
 - (g) stunning by delivering a blow to the head by manual means;
 - (h) kill-trapping;
 - (i) electrocution of a conscious animal; and
 - (j) smothering.

(3) Paragraph (2)(i) does not apply to the euthanasia of a fox that is conducted in accordance with a code or standard adopted in the *Animal Protection Standards Regulations*.

Euthanasia - accepted activity

12. (1) Euthanasia of a dog or cat is an accepted activity where it is conducted in accordance with one of the following methods:

- (a) by injection or another method under the supervision or authority of a veterinarian;
- (b) by shooting with a firearm;
- (c) by means of a captive bolt gun; or

- (d) by inhalation of compressed carbon monoxide, from which substantially all impurities have been removed, in a controlled gas chamber.

(2) Euthanasia of an animal is an accepted activity where it is conducted in accordance with a code or standard adopted in the *Animal Protection Standards Regulations* and applied to the animal that is the subject of that code or standard.

(3) Euthanasia of an animal is an accepted activity where it is conducted in accordance with the latest edition of the *Guidelines on Euthanasia*, published by the American Veterinary Medical Association.

(4) Where there is a conflict between a code or standard respecting euthanasia that is adopted in a regulation made under the Act and section 11, section 11 shall prevail.

(5) Notwithstanding subsection (4), where an animal is being used for research, teaching or testing and there is a conflict between a code or standard published by the Canadian Council on Animal Care that is adopted in the *Animal Protection Standards Regulations* and subsection (1), (2) or (3) or section 11, the code or standard published by the Canadian Council on Animal Care shall prevail.

Euthanasia - critical situation

13. Notwithstanding sections 11 and 12, euthanasia through delivery by manual means of a blow to the head of an animal is an accepted activity where

- (a) it is conducted in a critical situation where an animal is in such distress that it cannot be relieved of its distress or live without undue suffering, a veterinarian is unavailable and there is no other reasonable way to relieve the animal of its distress; or
- (b) it is conducted under paragraph 35(1)(a) or section 37 of the Act.

Euthanasia - other legislation

14. Notwithstanding sections 11 and 12, euthanasia is an accepted activity where it is conducted in accordance with another regulation made under the Act, the *Meat Inspection Act*, the *Wild Life Act*, or regulations or orders made under those Acts.

Prohibited practices and procedures

15. (1) A practice or procedure that is prohibited in a code or standard that is adopted in the *Animal Protection Standards Regulations* is a prohibited practice or procedure.

(2) Subsection (1) applies to a person who is required to comply with a code or standard adopted in the *Animal Protection Standards Regulations*, or the requirements in the code or standard.

Prohibition - sale from pet retail stores

16. (1) An owner or operator of a pet retail store shall not sell a dog unless the dog was bred and raised in an establishment that meets the requirements in *A Code of Practice for Canadian Kennel Operations*, to the extent that they are adopted in the *Animal Protection Standards Regulations*, or equivalent standards.

(2) An owner or operator of a pet retail store shall not sell a cat unless the cat was bred and raised in an establishment that meets the requirements in *A Code of Practice for Canadian Cattery Operations*, to the extent that they are adopted in the *Animal Protection Standards Regulations*, or equivalent standards.

(3) Subsection (1) does not apply where a pet retail store provides space to an animal shelter that meets the requirements in *A Code of Practice for Canadian Kennel Operations* and the Basic Standards for Dog Care, to the extent that they are adopted and prescribed respectively in the *Animal Protection Standards Regulations*, and the animal shelter arranges an adoption of a dog.

(4) Subsection (2) does not apply where a pet retail store provides space to an animal shelter that meets the requirements in *A Code of Practice for Canadian Cattery Operations*, to the extent that they are adopted in the *Animal Protection Standards Regulations*, and the animal shelter arranges an adoption of a cat.

Commencement

17. These regulations come into force on May 2, 2012.

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NEWFOUNDLAND AND LABRADOR REGULATION 36/12

Animal Protection Standards Regulations
under the
Animal Health and Protection Act

(Filed May 2, 2012)

Under the authority of sections 29 and 66 of the *Animal Health and Protection Act*, I make the following regulations.

Dated at St. John's, May 1, 2012.

Jerome P. Kennedy, Q.C.
Minister Responsible for the Forestry and Agrifoods Agency

REGULATIONS

Analysis

- | | |
|--|------------------------------------|
| 1. Short title | 10. Research, teaching and testing |
| 2. Interpretation | 11. Circuses |
| 3. Interpretation - adopted codes or standards | 12. Pet retail stores |
| 4. Livestock | 13. Dogs |
| 5. Dairy Cattle | 14. Sled dogs |
| 6. Kennels | 15. Commencement |
| 7. Catteries | |
| 8. Mink | Schedule A |
| 9. Fox | Schedule B |

Short title

1. These regulations may be cited as the *Animal Protection Standards Regulations*.

Interpretation

2. (1) In these regulations

- (a) "animal shelter" has the same definition as in the *Animal Protection Regulations*;
- (b) "cattery" includes a breeding facility, boarding facility, housing facility or animal shelter where a cat is maintained or kept but does not include a pet retail store and a veterinary clinic;
- (c) "circus" means a mobile place in which animals held and exhibited are made to perform behaviours at the direction of a human handler or trainer for the entertainment or education of members of the public and excludes a dog show, a horse show and a livestock fair;
- (d) "fur farm" has the same definition as in the *Fur Farming Regulations*;
- (e) "kennel" includes a breeding facility, boarding facility, housing facility, training facility or animal shelter where a dog is maintained or kept but does not include a pet retail store and a veterinary clinic;
- (f) "person" includes a partnership or association of persons;
- (g) "pet retail store" means a place where live dogs, cats, rodents, reptiles, amphibians, fish, birds, or other animals are kept for sale and excludes an animal shelter, a cattery and a kennel; and
- (h) "veterinary clinic" has the same definition as in the *Veterinary Medical Act, 2004*.

(2) For the purpose of these regulations, a provision of a code or standard that is adopted in these regulations may be considered a requirement where

- (a) the word "must," "shall," or "require" is contained in the provision of the code or standard; or

- (b) these regulations specify that a provision of a code or standard is a requirement.

Interpretation -
adopted codes or
standards

3. (1) A reference to a code or standard adopted in these regulations is a reference to the edition of the code or standard that is referred to in Schedule A.

(2) A reference to a code or standard in this section, subsection 2(2) and Schedule A, is a reference to the code or standard to the extent that it is adopted in other sections of these regulations.

(3) Where there is a conflict between a definition in a regulation made under the Act and a definition in a code or standard adopted in these regulations, the definition in the regulation made under the Act shall prevail.

(4) Where there is a conflict between a regulation made under the Act and a provision of a code or standard adopted in these regulations, the regulation made under the Act shall prevail.

(5) Notwithstanding subsection (4), a regulation made under the Act may provide that a code or standard adopted in these regulations shall prevail in the event of a conflict between a regulation and a code or standard.

Livestock

4. (1) The following codes or standards are adopted but their provisions respecting transportation and appendices are not adopted unless it is specified in this subsection:

- (a) *Recommended Code of Practice for the Care and Handling of Farm Animals - Beef Cattle*, published by Agriculture Canada;
- (b) *Recommended Code of Practice for the Care and Handling of Farm Animals - Veal Calves*, including Appendix A entitled "Guidelines to Euthanasia of Calves by Firearms," published by the Canadian Agri-Food Research Council;
- (c) *Recommended Code of Practice for the Care and Handling of Sheep*, including Appendix 3 entitled, "Guidelines for Humane Killing of Sheep by Firearms," published by the Canadian Agri-Food Research Council;

- (d) *Recommended Code of Practice for the Care and Handling of Farm Animals - Goats*, including Appendix D entitled, "Guidelines for Humane Killing of Goats by Firearms," published by the Canadian Agri-Food Research Council;
- (e) *Recommended Code of Practice for the Care and Handling of Farm Animals - Pigs*, including Appendix 3 entitled, "Guidelines for Humane Killing of Pigs on Farm," published by Agriculture Canada;
- (f) *Recommended Code of Practice for the Care and Handling of Farm Animals - Early Weaned Pigs - Addendum to Pig Code*, published by the Canadian Agri-Food Research Council;
- (g) *Recommended Code of Practice for the Care and Handling of Farm Animals - Chicken, Turkeys and Breeders from Hatchery to Processing Plant*, published by the Canadian Agri-Food Research Council;
- (h) *Recommended Code of Practice for the Care and Handling of Pullets, Layers and Spent Fowl - Poultry - Layers*, published by the Canadian Agri-Food Research Council;
- (i) *Recommended Code of Practice for the Care and Handling of Farm Animals - Bison*, published by the Canadian Agri-Food Research Council; and
- (j) *Recommended Code of Practice for the Care and Handling of Farm Animals - Horses*, published by the Canadian Agri-Food Research Council, including Appendix 8 entitled, "Guidelines for Euthanasia of Horses by Firearms."

(2) An owner of beef cattle, veal calves, sheep, goats, pigs, poultry, bison or horses shall comply with the requirements in the respective codes or standards for that animal to the extent that they are adopted under subsection (1).

(3) An owner or operator of a place where beef cattle, veal calves, sheep, goats, pigs, poultry, bison or horses are kept or permitted to live or remain shall comply with the requirements in the respective codes or standards to the extent that they are adopted under subsection (1).

Dairy Cattle

5. (1) The *Code of Practice for the Care and Handling of Dairy Cattle*, published by the National Farm Animal Care Council, is adopted except for

- (a) the requirement that all cattle be identified using an approved ear tag;
- (b) the section entitled, "Transportation"; and
- (c) the appendices to the code.

(2) Notwithstanding paragraph (1)(c), the following appendices to the *Code of Practice for the Care and Handling of Dairy Cattle*, published by the National Farm Animal Care Council, are adopted:

- (a) Appendix A entitled, "Section 7. Assembly Yards and Sales Yards;" and
- (b) Appendix J entitled, "Euthanasia of Cattle."

(3) An owner of dairy cattle shall comply with the requirements in the *Code of Practice for the Care and Handling of Dairy Cattle* to the extent that they are adopted under subsections (1) and (2).

(4) An owner or operator of a place where dairy cattle are kept or permitted to live or remain shall comply with the requirements in the *Code of Practice for the Care and Handling of Dairy Cattle* to the extent that they are adopted under subsections (1) and (2).

(5) Notwithstanding subsection 2(2), for the purpose of this section, a "requirement" is clearly delineated as a requirement in the *Code of Practice for the Care and Handling of Dairy Cattle*.

Kennels

6. (1) A *Code of Practice for Canadian Kennel Operations*, published by the Canadian Veterinary Medical Association, is adopted except for

- (a) the section entitled, "Transportation"; and
- (b) the appendices of the code.

(2) Notwithstanding paragraph (1)(b), Appendix A entitled, "Minimal Space Requirements for a Dog," to A *Code of Practice for*

Canadian Kennel Operations, published by the Canadian Veterinary Medical Association, is adopted.

(3) The minimal space requirements for dogs provided in Appendix A to *A Code of Practice for Canadian Kennel Operations* are requirements for the purpose of this section.

(4) An owner or operator of a kennel shall comply with the requirements in *A Code of Practice for Canadian Kennel Operations* to the extent that they are adopted under subsections (1) and (2).

Catteries

7. (1) *A Code of Practice for Canadian Cattery Operations*, published by the Canadian Veterinary Medical Association, is adopted except for

(a) the section entitled, "Transportation"; and

(b) the appendices to the code.

(2) Notwithstanding paragraph (1)(b), Appendix D entitled, "Recommended Minimum Space Requirements for Cats," to *A Code of Practice for Canadian Cattery Operations*, published by the Canadian Veterinary Medical Association, is adopted.

(3) The recommended minimum space requirements for cats provided in Appendix D to *A Code of Practice for Canadian Cattery Operations* are requirements for the purpose of this section.

(4) An owner or operator of a cattery shall comply with the requirements in *A Code of Practice for Canadian Cattery Operations* to the extent that they are adopted under subsections (1) and (2).

Mink

8. (1) *The Recommended Code of Practice for the Care and Handling of Mink*, published by Agriculture Canada, is adopted except for

(a) subsection 1.1 entitled, "Site";

(b) the provision respecting the manner in which dead mink are to be disposed; and

(c) the section respecting transportation.

(2) An owner or operator of a fur farm shall comply with the requirements in the *Recommended Code of Practice for the Care and Handling of Mink*, to the extent that they are adopted under subsection (1).

Fox

9. (1) The *Recommended Code of Practice for the Care and Handling of Ranched Fox*, published by Agriculture Canada, is adopted, except for the section respecting transportation.

(2) An owner or operator of a fur farm shall comply with the requirements in the *Recommended Code of Practice for the Care and Handling of Ranched Fox*, to the extent that they are adopted under subsection (1).

Research, teaching
and testing

10. (1) The following codes and standards published by the Canadian Council on Animal Care are adopted:

- (a) *The Care and Use of Experimental Animals*, Volume 1;
- (b) *Guide to the Care and Use of Experimental Animals*, Volume 2;
- (c) *The Care and Use of Farm Animals in Research, Teaching and Testing*;
- (d) *Laboratory Animal Facilities - Characteristics, Design, and Development*;
- (e) *The Care and Use of Fish in Research, Teaching and Testing*;
- (f) *Guidelines on: procurement of animals used in science*;
- (g) *CCAC guidelines on: transgenic animals*; and
- (h) *CCAC guidelines on: euthanasia of animals used in science*.

(2) A corporation, partnership, or association of persons which is responsible for research, teaching or testing involving animals or which has custody, care or control of an animal for research, teaching or testing shall comply with the requirements in the codes and standards published by the Canadian Council on Animal Care that are adopted under subsection (1).

Circuses

11. (1) The *Canadian Association of Zoo and Aquaria Animal Care and Housing Manual*, published by the Canadian Association of Zoo and Aquaria, is adopted.

(2) An owner or operator of a circus shall comply with the requirements in the *Canadian Association of Zoo and Aquaria Animal Care and Housing Manual* that are adopted under subsection (1).

(3) Upon the request of an inspector, the owner or operator of a circus shall provide the inspector with a written record

- (a) listing the species of animals kept, used, handled and displayed in relation to the circus;
- (b) describing their housing conditions; and
- (c) describing the acts they are to perform in the province.

Pet retail stores

12. (1) The *Animal Care Guidelines for the Retail Pet Industry*, published by the Pet Industry Joint Advisory Council, are adopted.

(2) An owner or operator of a pet retail store shall comply with the *Animal Care Guidelines for the Retail Pet Industry* that are adopted under subsection (1).

Dogs

13. (1) An owner of a dog shall comply with the basic standards for dog care that are prescribed in Schedule B.

(2) An owner or operator of a kennel shall comply with the basic standards for dog care that are prescribed in Schedule B.

(3) Subsections (1) and (2) do not apply to a sled dog.

Sled dogs

14. (1) An owner of a sled dog shall provide a sled dog with

- (a) adequate veterinary attention; and
- (b) care that is necessary for the general welfare of the sled dog.

(2) An owner or operator of a kennel shall provide a sled dog with

- (a) adequate veterinary attention; and

(b) care that is necessary for the general welfare of the sled dog.

Commencement

15. These regulations come into force on May 2, 2012.

Schedule A

Applicable edition of a code or standard to the extent
that it is adopted in the regulations

1. *Code of Practice for the Care and Handling of Dairy Cattle* (2009), published by the National Farm Animal Care Council.
2. *Recommended Code of Practice for the Care and Handling of Farm Animals - Goats* (2003), published by the Canadian Agri-Food Research Council.
3. *Recommended Code of Practice for the Care and Handling of Farm Animals - Horses* (1998), published by the Canadian Agri-Food Research Council.
4. *Recommended Code of Practice for the Care and Handling of Pullets, Layers and Spent Fowl - Poultry - Layers* (2003), published by the Canadian Agri-Food Research Council.
5. *Recommended Code of Practice for the Care and Handling of Sheep* (1995), published by the Canadian Agri-Food Research Council.
6. *Recommended Code of Practice for the Care and Handling of Farm Animals - Beef Cattle* (1991), published by Agriculture Canada.
7. *Recommended Code of Practice for the Care and Handling of Farm Animals - Veal Calves* (1998), published by the Canadian Agri-Food Research Council.
8. *Recommended Code of Practice for the Care and Handling of Farm Animals - Pigs* (1993), published by Agriculture Canada.
9. *Recommended Code of Practice for the Care and Handling of Farm Animals - Early Weaned Pigs - Addendum to Pig Code* (2003), published by the Canadian Agri-Food Research Council.

10. *Recommended Code of Practice for the Care and Handling of Farm Animals - Chicken, Turkeys and Breeders from Hatchery to Processing Plant* (2003), published by the Canadian Agri-Food Research Council.
11. *Recommended Code of Practice for the Care and Handling of Farm Animals - Bison* (2001), published by the Canadian Agri-Food Research Council.
12. *A Code of Practice for Canadian Kennel Operations* (Second edition: 2007), published by the Canadian Veterinary Medical Association.
13. *A Code of Practice for Canadian Cattery Operations* (First edition: 2009), published by the Canadian Veterinary Medical Association.
14. *Recommended Code of Practice for the Care and Handling of Mink* (1988), published by Agriculture Canada.
15. *Recommended Code of Practice for the Care and Handling of Ranched Fox* (1989), published by Agriculture Canada.
16. *Canadian Association of Zoo and Aquaria Animal Care and Housing Manual* (2008), published by the Canadian Association of Zoo and Aquaria.
17. *The Care and Use of Experimental Animals, Volume 1* (Second edition: 1993), published by the Canadian Council on Animal Care.
18. *Guide to the Care and Use of Experimental Animals, Volume 2* (1984), published by the Canadian Council on Animal Care.
19. *The Care and Use of Farm Animals in Research, Teaching and Testing* (2009), published by the Canadian Council on Animal Care.
20. *Laboratory Animal Facilities - Characteristics, Design, and Development* (2003), published by the Canadian Council on Animal Care.

21. *The Care and Use of Fish in Research, Teaching and Testing* (2005), published by the Canadian Council on Animal Care.
22. *Guidelines on: procurement of animals used in science* (2007), published by the Canadian Council on Animal Care.
23. *CCAC guidelines on: transgenic animals* (1997), published by the Canadian Council on Animal Care.
24. *CCAC guidelines on: euthanasia* (2010), published by the Canadian Council on Animal Care.
25. *Animal Care Guidelines for the Retail Pet Industry* (2006), published by the Pet Industry Joint Advisory Council.

Schedule B
Basic Standards of Dog Care

Interpretation

1. The height of a dog in a standing position shall be measured from the top of the dog's shoulder to the ground.
2. The height of a dog in a sitting position shall be measured from the top of the dog's head to the ground.
3. The length of a dog shall be measured from the tip of the nose to the base of the tail of the dog.

Care

4. A dog shall be provided with the following:
 - (a) clean, fresh, unfrozen drinking water, at all times;
 - (b) sufficient quantity and quality of food to allow for normal, healthy growth and the maintenance of normal, healthy bodyweight;
 - (c) clean food and water receptacles located in a manner that prevents spillage and contamination by excreta;
 - (d) adequate veterinary attention when necessary; and
 - (e) care that is necessary for the general welfare of the dog.
5. A dog that is kept outside in weather conditions that may pose a risk to the health of the dog or that is housed outside shall be provided with a shelter in accordance with these standards.

Design of a basic shelter or dog house

6. A shelter for a dog shall be weather-proof, water-proof and insulated.
7. A shelter for a dog shall be sufficiently ventilated in a manner that prevents the accumulation of moisture and odours.

8. The size and design of a shelter for a dog shall be adequate and appropriate for the size of the dog.

9. A shelter for a dog shall

(a) contain an entrance and a hallway that are separate from a sleeping area; and

(b) have a canvas or rubber flap attached at the entrance.

10. The minimum floor space of the sleeping area in a shelter for a dog shall comprise 232 square centimetres for each 2.5 centimetres of the height of the dog in a standing position.

11. The minimum ceiling height of the sleeping area in a shelter for a dog shall be 5 centimetres greater than the height of the dog in a sitting position.

12. A shelter for a dog shall

(a) be sufficiently elevated off the ground to ensure that the floor is kept dry; and

(b) contain in the sleeping area bedding of sufficient depth to provide insulation from cold weather conditions.

13. Straw, woodchips, a blanket or other bedding in a shelter for a dog shall be changed every 7 to 14 days, or as otherwise required to keep the interior of the shelter clean and dry.

14. A mechanism outside of a shelter for a dog shall be provided to hold food and water receptacles in a manner that prevents spillage.

Basic requirements for a pen or enclosure

15. A pen or enclosure in which a dog is confined shall be in a good state of repair and made of materials that are not toxic to the dog.

16. The flooring of a pen or enclosure in which a dog is confined

(a) shall be made of a texture and design that prevents the dog from being injured; and

(b) shall not be made of wire mesh, metal or wood.

17. A pen or enclosure in which a dog is confined shall not be stacked with another pen or enclosure.

18. The location of a pen or enclosure in which a dog is confined shall not pose a high risk of injury or other distress to the confined dog.

19. A pen or enclosure in which a dog is confined shall not contain more than 3 dogs.

20. A pen or enclosure in which a dog is confined shall not contain a dog that may pose a danger to another dog in the same pen or enclosure.

21. A pregnant or nursing dog that is confined in a pen or enclosure shall not be confined with a dog other than its nursing offspring.

22. Notwithstanding section 19 of this Schedule, there is no maximum number of its nursing offspring that may be confined in a pen or enclosure with a nursing dog.

23. The size of the floor of a pen or enclosure in which one dog is confined shall not be less than 9 square metres.

24. The length and width of a floor of a pen or enclosure in which more than one dog is confined shall each be increased by one metre for each additional dog.

25. The minimum height of a pen or enclosure shall be one metre greater than the height of the tallest dog in a standing position that is confined in that pen or enclosure.

26. A pen or enclosure shall contain at least one shelter for a dog that is designed, built and maintained in accordance with these standards.

27. A pen or enclosure in which a dog is confined shall have an area that provides the dog with shade at all times.

28. A pen or enclosure in which a dog is confined shall be cleaned and have excreta removed from it on a daily basis.

29. A dog that is confined to a pen or enclosure shall be provided

- (a) daily social interaction with people or animals or both;
- (b) toys and other enrichments that are appropriate for the dog's well-being; and
- (c) daily access to exercise that is adequate and appropriate for that dog outside of the pen or enclosure.

Tethering

30. A dog that is tethered, unsupervised, outside shall be

- (a) tethered in a location that does not pose a high risk of injury or other distress to the tethered dog; and
- (b) tethered in an environment that is free of debris and does not cause harm or undue strain or stress on the tethered dog.

31. The area in which a dog is tethered, unsupervised, outside shall be cleaned and have excreta removed from it on a daily basis.

32. The restraining device used to tether a dog that is tethered, unsupervised, outside

- (a) shall be at least 5 times the length of the dog;
- (b) shall allow the dog to move in a manner that is safe and unrestricted excepted by its length; and
- (c) shall not weigh more than 10 per cent of the dog's body weight.

33. A dog that is tethered, unsupervised, outside shall be provided

- (a) daily social interaction with people or animals or both;
- (b) toys and other enrichments that are appropriate for the dog's well-being; and
- (c) daily access to exercise that is adequate and appropriate for that dog and that is unfettered from a fixed area.

34. A dog that is young, aged or infirm shall not be tethered, unsupervised, outside for an extended period of time.

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NEWFOUNDLAND AND LABRADOR REGULATION 37/12

Animal Reportable Diseases Regulations
under the
Animal Health and Protection Act

(Filed May 2, 2012)

Under the authority of section 8 of the *Animal Health and Protection Act*, I make the following regulations.

Dated at St. John's, May 1, 2012.

Jerome P. Kennedy, Q.C.
Minister responsible for the Forestry and Agrifoods Agency

REGULATIONS

Analysis

- | | |
|------------------------|-----------------|
| 1. Short title | 4. Commencement |
| 2. Interpretation | Schedule |
| 3. Reportable diseases | |

Short title

1. These regulations may be cited as the *Animal Reportable Diseases Regulations*.

Interpretation

2. (1) In these regulations, a disease of an animal that may be considered infectious or contagious includes an organism that may cause or spread an infectious or contagious disease in an animal, an animal product, or a honeybee hive.

(2) An organism that may cause or spread an infectious or contagious disease may be found in or on

- (a) an animal, animal product, animal by-product, waste material, bedding, food, water, drugs or other thing related to an animal;
- (b) a honeybee hive;
- (c) an enclosure of an animal;
- (d) a premises where an animal is kept or maintained; or
- (e) the natural environment of that animal.

Reportable diseases

3. (1) An owner, breeder, importer of, or dealer in an animal or a honeybee hive who suspects or notices that the animal or honeybee hive has or appears to have an infectious or contagious disease listed in the Schedule shall immediately report that disease to the Chief Veterinary Officer.

(2) A veterinarian who suspects or notices that an animal or a honeybee hive has or appears to have an infectious or contagious disease listed in the Schedule shall immediately report that disease to the Chief Veterinary Officer.

(3) Where an animal, honeybee hive, animal by-product, animal product, waste material, bedding, food, water, drugs, or other thing related to an animal, or a specimen of it, is examined in a laboratory and it has or appears to have an infectious or contagious disease listed in the Schedule, the manager of the laboratory shall immediately report that disease to the Chief Veterinary Officer.

Commencement

4. These regulations come into force on May 2, 2012.

Schedule

Infectious or Contagious Diseases

1. All diseases listed in the Schedule to the *Reportable Diseases Regulations*, SOR/91-2, made under the *Health of Animals Act* (Canada).

2. All diseases listed in Schedule VII (Immediately Notifiable Diseases) to the *Health of Animals Regulations*, C.R.C., c. 296, made under the *Health of Animals Act* (Canada).

3. One of the following organisms:

- (a) *Coxiella burnetii* (Q Fever);
- (b) *Chlamydophila abortus* (ovine chlamydiosis, enzootic abortion of ewes);
- (c) *Salmonella* species;
- (d) *Paenibacillus larvae* subsp. *larvae* (American foulbrood);
- (e) *Melissococcus pluton* (European foulbrood);
- (f) *Nosema apis* (nosema);
- (g) *Acarapis woodi* (honey bee tracheal mite);
- (h) *Francisella tularensis* (tularemia);
- (i) influenza A virus;
- (j) *Borrelia burgdorferi* (Lyme disease);
- (k) Hantavirus;
- (l) *Yersinia pestis* (plague);
- (m) *Yersinia pseudotuberculosis*;
- (n) Aleutian disease virus;

- (o) *Varroa destructor* (varroa mite);
- (p) *Galleria mellonella* (greater wax moth);
- (q) *Ixodes scapularis* (deer or black-legged tick);
- (r) *Giardia* species;
- (s) *Toxoplasma gondii*;
- (t) *Leptospira interrogans*; and
- (u) *Listeria monocytogenes*.

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NEWFOUNDLAND AND LABRADOR REGULATION 38/12

Fur Farming Regulations
under the
Animal Health and Protection Act
(O.C. 2012-104)

(Filed May 2, 2012)

Under the authority of sections 8, 45, 65 and 66 of the *Animal Health and Protection Act*, the Lieutenant-Governor in Council makes the following regulations.

Dated at St. John's, May 2, 2012.

Robert Thompson
Clerk of the Executive Council

REGULATIONS

Analysis

- | | |
|-----------------------------------|---|
| 1. Short title | 10. Duty to recapture escaped animal |
| 2. Definitions | 11. Inspector may capture animal at large |
| 3. Licence required | 12. Disposal |
| 4. Conditions of licensure | 13. Minister may recover expenses |
| 5. Clean and sanitary condition | 14. Prohibition |
| 6. Protective barrier | 15. Suspended licence |
| 7. Protective barrier - mink farm | 16. Cancelled licence |
| 8. Snow removal | 17. Suspension or cancellation |
| 9. Duty to report escape | |

18. Inspection

19. Commencement

Short title
Definitions

1. These regulations may be cited as the *Fur Farming Regulations*.

2. In these regulations

- (a) "fur farm" means a place where fur bearing animals are maintained or kept in captivity for a commercial purpose or a breeding purpose;
- (b) "fur farm licence" means a licence issued under the Act in respect of a fur farm;
- (c) "licensee" means the holder of a fur farm licence;
- (d) "pelt" means the unprocessed skin of a fur bearing animal;
- (e) "premises" includes yard, field, corral, farm and garden whether or not they are enclosed with fences or walls and an abattoir, shed, barn, cabin, shack or other building or erection;
- (f) "skin" means the unprocessed skin of a fur bearing animal which has been removed from the carcass of that animal; and
- (g) "Wild Life Division" means the division of the government of the province with the mandate to protect and conserve the province's biodiversity and manage the wild life resources of the province for the benefit of present and future generations.

Licence required

3. (1) A person shall obtain a fur farm licence for each site from which he or she intends to own or operate a fur farm.

(2) A fur farm licence shall specify the species of fur bearing animal that may be maintained or kept in captivity on the fur farm.

(3) A species of fur bearing animal that may be maintained or kept in captivity on a fur farm is one

- (a) for which a permit has been received under section 82.1 of the *Wild Life Regulations*;

(b) for which written permission has been received under section 83.1 of the *Wild Life Regulations*; or

(c) to which section 82.1 or 83.1 of the *Wild Life Regulations* does not apply.

(4) A fur farm licence may not be transferred or assigned without the approval of the minister.

Conditions of
licensure

4. (1) A condition of licensure is compliance with the provisions of the *Animal Protection Standards Regulations* that apply to the species of fur bearing animal maintained or kept in captivity on the fur farm.

(2) Euthanasia of a fur bearing animal that is maintained or kept in captivity on a fur farm shall be in accordance with the *Animal Protection Regulations*.

Clean and sanitary
condition

5. A licensee shall maintain the fur farm in a clean and sanitary condition and ensure that a fur bearing animal is maintained or kept in captivity in it in a manner that would not cause it avoidable suffering or injury.

Protective barrier

6. A licensee of a fur farm where a fur bearing animal other than mink is maintained or kept in captivity shall construct and maintain a protective barrier to prevent the escape of the captive fur bearing animal from the fur farm and the entrance of a wild fur bearing animal onto the fur farm.

Protective barrier -
mink farm

7. (1) A licensee of a fur farm where mink are maintained or kept in captivity shall construct and maintain a protective barrier to prevent the entrance of a wild mink onto the fur farm and to prevent the escape of a captive mink from the fur farm.

(2) The protective barrier shall comprise a fence

(a) that is a 9 gauge galvanized chain link fence with a mesh size of 3.81 centimetres;

(b) that has the fence mesh extending 1.8288 metres in height above grade and 30.48 centimetres in height below grade for a total fence mesh height of 2.1336 metres; and

(c) that is installed using standard grade steel posts and a top rail.

(3) Spacing of vertical fenceposts shall not exceed 2.4384 metres.

(4) The seams of a gate of the fence shall not exceed 2.54 centimetres in width.

(5) The fence shall be topped for its entirety with an 18 gauge sheet metal roof that

(a) is constructed of stock that is 30.48 centimetres wide;

(b) has a 1.27 centimetre fold along each lengthwise edge;

(c) is creased at its midpoint to a 45 degree angle; and

(d) is securely affixed lengthwise on top of the top rail pipe of the fence.

(6) Notwithstanding paragraph (2)(b), a fence in a region with an average maximum snow depth in excess of 99 centimetres as determined by Natural Resources Canada and published in *The Atlas of Canada*, shall be erected with a height above grade of 2.4384 metres and a height below grade of 30.48 centimetres for a total height of 2.7432 metres.

(7) Notwithstanding paragraphs (2)(a), (2)(c) and subsection (5), the minister may, in his or her discretion, accept wood, metal or a material other than that which is prescribed.

(8) Notwithstanding subsection (5), the minister may, in his or her discretion, accept a manner of construction of a fence that prevents the entrance of a wild mink onto the fur farm and the escape of a captive mink from the fur farm, other than the prescribed roofing requirements.

(9) Notwithstanding subsections (2) to (6), the minister may, in his or her discretion, accept as a protective barrier or as part of a protective barrier a building or another structure that is constructed in a manner that prevents the entrance of a wild mink onto the fur farm and the escape of a captive mink from the fur farm.

Snow removal Duty to report escape	<p>8. A licensee shall remove snow inside and outside a protective barrier immediately.</p>
	<p>9. A licensee or custodian of a captive fur bearing animal shall immediately report to an inspector the escape of a captive fur bearing animal from the fur farm.</p>
Duty to recapture escaped animal	<p>10. (1) A licensee or custodian of a captive fur bearing animal shall immediately recapture a captive fur bearing animal that has escaped from the fur farm.</p>
	<p>(2) A licensee or custodian of a captive fur bearing animal may direct his or her agent to recapture or attempt to recapture the animal under subsection (1).</p>
	<p>(3) A licensee or custodian of a captive fur bearing animal or his or her agent directed under subsection (2) may destroy or dispose of a captive fur bearing animal that has escaped from the fur farm or the pelt or other product of that animal.</p>
	<p>(4) The recapture or attempt to recapture, destruction or disposal of a captive fur bearing animal or the pelt or other product of that animal under this section shall be in accordance with</p>
	<p>(a) the <i>Wild Life Act</i> and regulations and orders made under that Act; and</p>
	<p>(b) the direction of the minister under section 12.</p>
Inspector may capture animal at large	<p>11. (1) An inspector may recapture or attempt to recapture a captive fur bearing animal that has escaped or has been released from a fur farm, upon the request of the licensee or where in the opinion of the inspector it is necessary to do so.</p>
	<p>(2) An inspector may direct that his or her delegate or agent recapture or attempt to recapture the animal under subsection (1).</p>
	<p>(3) An inspector or his or her delegate or agent directed under subsection (2) may destroy or dispose of a captive fur bearing animal that has escaped or has been released from a fur farm or the pelt or other product of that animal.</p>

(4) The recapture or attempt to recapture, destruction or disposal of a captive fur bearing animal or the pelt or other product of that animal under this section shall be in accordance with

(a) the *Wild Life Act* and regulations and orders made under that Act; and

(b) the direction of the minister under section 12.

Disposal

12. The minister may, in cooperation with the Wild Life Division and consistent with the *Wild Life Act* and regulations made under that Act, determine the manner of disposal of a captive fur bearing animal that has escaped or has been released from a fur farm.

Minister may recover expenses

13. (1) Where the minister incurs costs, expenses or charges to recapture, attempt to recapture, destroy or dispose of a captive fur bearing animal that has escaped or has been released from a fur farm, or the pelt or other product of that animal, the reasonable costs, expenses or charges are recoverable from the licensee as a debt owed to the Crown.

(2) The minister shall notify the licensee of his or her determination of the amount of recoverable costs, expenses or charges within 3 months of the conclusion of the recapture period as determined by the minister.

Prohibition

14. A person shall not release or permit the escape of, or attempt to release or permit the escape of, a captive fur bearing animal from a fur farm.

Suspended licence

15. (1) Where a fur farm licence is suspended under section 57 of the Act, the person whose licence is suspended shall not destroy, sell or otherwise dispose of the captive fur bearing animals, the pelts or other products of the captive fur bearing animals or otherwise operate the fur farm for a commercial purpose or a breeding purpose, without the permission of the minister or an inspector.

(2) A person whose fur farm licence is suspended in its entirety or in part shall, during the period of the suspension,

(a) maintain the site of the fur farm in accordance with sections 4, 5, 7 and 8;

- (b) maintain the captive fur bearing animals at the fur farm in accordance with sections 4 and 5, unless this would be inconsistent with the permission under subsection (1) or the terms and conditions of the suspension; and
- (c) report the escape of captive fur bearing animals and carry out acts in accordance with sections 9 and 10.

(3) A person whose fur farm licence is suspended in its entirety or in part shall be responsible for the payment of costs, expenses or charges which the minister recovers under section 13.

Cancelled licence

16. (1) Where a fur farm licence is cancelled under section 57 of the Act, the person whose licence is cancelled shall not destroy, sell or otherwise dispose of the captive fur bearing animals, the pelts or other products of the captive fur bearing animals or otherwise operate the fur farm for a commercial purpose or a breeding purpose, without the permission of the minister or an inspector.

(2) A person whose fur farm licence is cancelled in its entirety or in part shall, from the time the licence is cancelled until the captive fur bearing animals are disposed of,

- (a) maintain the site of the fur farm and the captive fur bearing animals at that site in accordance with sections 4, 5, 7 and 8; and
- (b) report the escape of captive fur bearing animals and carry out acts in accordance with sections 9 and 10.

(3) A person whose fur farm licence is cancelled in its entirety or in part shall be responsible for payment of costs, expenses or charges which the minister recovers under section 13.

(4) The minister may require as a condition of licensure that a licensee have a plan for the closure of the fur farm and the disposal of the captive fur bearing animals upon cancellation of the fur farm licence.

Suspension or
cancellation

17. (1) The minister may prescribe terms and conditions respecting the cancellation or suspension of a fur farm licence under section 57 of the Act.

(2) Where a fur farm licence is suspended or cancelled, the suspension or cancellation may apply to the licence in its entirety or to one or more of the operations of the fur farm that are authorized by the licence.

(3) The suspension or cancellation of a fur farm licence may be in addition to another penalty.

Inspection **18.** A licensee shall permit the fur farm to be inspected at all reasonable times by an inspector.

Commencement **19. These regulations come into force on May 2, 2012.**

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NEWFOUNDLAND AND LABRADOR REGULATION 39/12

Newfoundland Pony Regulations
under the
Animal Health and Protection Act
(O.C. 2012-107)

(Filed May 2, 2012)

Under the authority of section 53 of the *Animal Health and Protection Act*, the Lieutenant-Governor in Council makes the following regulations.

Dated at St. John's, May 2, 2012.

Robert Thompson
Clerk of the Executive Council

REGULATIONS

Analysis

- | | |
|----------------|-------------------------------|
| 1. Short title | 3. Record disposal prohibited |
| 2. Definitions | 4. Commencement |

Short title

1. These regulations may be cited as the *Newfoundland Pony Regulations*.

Definitions

2. In these regulations

- (a) "Newfoundland Pony" means the Newfoundland Pony designated under the *Newfoundland Pony Designation Order, 2012*;

(b) "Registry of Newfoundland Ponies" means the registry established by the society; and

(c) "society" means the Newfoundland Pony Society designated under the *Newfoundland Pony Designation Order, 2012*.

Record disposal
prohibited

3. A person shall not dispose of a record filed with the Registry of Newfoundland Ponies.

Commencement

4. These regulations come into force on May 2, 2012.

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**NEWFOUNDLAND AND LABRADOR
REGULATION 40/12**

Newfoundland Pony Designation Order, 2012
under the
Animal Health and Protection Act

(Filed May 2, 2012)

Under the authority of sections 48, 49 and 50 of the *Animal Health and Protection Act*, I make the following Order.

Dated at St. John's, May 1, 2012.

Jerome P. Kennedy, Q.C.
Minister Responsible for the Forestry and Agrifoods Agency

ORDER

Analysis

- | | |
|--|-----------------------|
| 1. Short title | 4. Exemption |
| 2. Heritage animal designation continued | 5. Society designated |
| 3. Characteristics of Newfoundland Pony | 6. Repeal |
| | 7. Commencement |

Short title

1. This Order may be cited as the *Newfoundland Pony Designation Order, 2012*.

Heritage animal designation continued

2. The designation of the Newfoundland Pony as a heritage animal is continued under section 48 of the Act.

Characteristics of Newfoundland Pony

3. For the purpose of this Order, the Newfoundland Pony is a vertebrate of the species *Equus caballus* that

- (a) stands from 11.0 to 14.2 hands in height;
- (b) has a body structure that may vary from fine-boned to stocky;
- (c) has a black, brown, grey, chestnut, white or bays to roan colour, but is not piebald or skewbald in colour;
- (d) has a heavy coat that may change colour and character seasonally, feather fetlocks with hair extending below the fetlock points, flint hard hooves, a thick low set tail and thick mane;
- (e) is sure footed and is a good winter animal;
- (f) has a good temperament;
- (g) has dark limb points, but may also have white or light colour on the animal's limbs;
- (h) is free from hereditary defects which endanger the animal's ability to live a normal healthy life; and
- (i) was born in the province or whose ancestry may be traced to the province.

Exemption

4. Subsection 49(1) of the Act does not apply to the Newfoundland Pony.

Society designated

5. (1) The designation of the Newfoundland Pony Society as a society to act in the preservation of the Newfoundland Pony is continued under paragraph 50(a) of the Act.

(2) The Newfoundland Pony Society shall carry out the objects and the duties described in sections 51 and 52 of the Act.

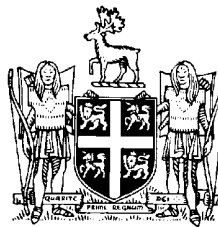
Repeal

6. The Newfoundland Pony Designation Order, Newfoundland and Labrador Regulation 114/97, is repealed.

Commencement

7. This Order comes into force on May 2, 2012.

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NEWFOUNDLAND AND LABRADOR REGULATION 41/12

Nuisance Animals Regulations
under the
Animal Health and Protection Act
(O.C. 2012-103)

(Filed May 2, 2012)

Under the authority of sections 45 and 66 of the *Animal Health and Protection Act*, the Lieutenant-Governor in Council makes the following regulations.

Dated at St. John's, May 2, 2012.

Robert Thompson
Clerk of the Executive Council

REGULATIONS

Analysis

- | | |
|--|--|
| 1. Short title | 5. Non-application to islands - Labrador Inuit Lands |
| 2. Definitions | 6. Impounding - time periods |
| 3. Exception to tethering outside local government areas | 7. Impounding |
| 4. Exception to tethering - dog park | 8. Repeal |
| | 9. Commencement |

Short title

1. These regulations may be cited as the *Nuisance Animals Regulations*.

Definitions

2. In these regulations

- (a) "Act" means the *Animal Health and Protection Act* except where the context indicates otherwise;
- (b) "Labrador Inuit Lands" means Labrador Inuit Lands as defined under the *Labrador Inuit Land Claims Agreement Act*; and
- (c) "local government area" means an area within the boundaries of the City of St. John's, the City of Corner Brook, the City of Mount Pearl, a municipality or local service district continued or established under the *Municipalities Act, 1999*, a community established under a land claims agreement made under section 35 of the *Constitution Act, 1982* (Canada), a reserve established under the *Indian Act* (Canada), or a community established by a self-government agreement under provincial law.

Exception to tethering outside local government areas

3. Notwithstanding subsection 32(1) of the Act, a dog need not be tethered or penned up outside of a local government area where

- (a) it is kept under the direct control of its owner; and
- (b) the keeping of the dog outside the local government area is not prohibited or otherwise regulated under another law, including the following Acts and regulations, by-laws and orders made under those Acts respecting the keeping of dogs:
 - (i) *Fish Inspection Act*;
 - (ii) *Labrador Inuit Land Claims Agreement Act*;
 - (iii) *Lands Act*;
 - (iv) *Provincial Parks Act*;
 - (v) *Wilderness and Ecological Reserves Act*; and
 - (vi) *Wild Life Act*.

Exception to tethering - dog park

4. Notwithstanding subsection 32(1) of the Act, a dog need not be tethered or penned up where it is in a recognized dog park.

Non-application to
islands - Labrador
Inuit Lands

5. Section 32 of the Act and section 3 of these regulations do not apply to islands that are Labrador Inuit Lands on which sled dogs are kept not tethered, penned or under the direct control of the sled dog owner.

Impounding - time
periods

6. (1) The time period in which an owner shall pay reasonable costs under subsection 39(3) of the Act to an impounder is 10 days following the day that the owner's animal is impounded.

(2) The time period in which an owner may apply to the minister under subsection 39(6) of the Act is one year following the date of the sale of that owner's animal.

Impounding

7. The minister may set terms and conditions in the authorization to a person to impound livestock under section 39 of the Act.

Repeal

8. The *Livestock Regulations*, Consolidated Newfoundland and Labrador Regulation 19/96, are repealed.

Commencement

9. These regulations come into force on May 2, 2012.

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**NEWFOUNDLAND AND LABRADOR
REGULATION 42/12**

Designation of Inspectors Order Repeal Order
under the
Heritage Animals Act

(Filed May 2, 2012)

Under the authority of section 6 of the *Heritage Animals Act*, I
make the following Order.

Dated at St. John's, May 1, 2012.

Jerome P. Kennedy, Q.C.
Minister Responsible for the Forestry and Agrifoods Agency

ORDER

Analysis

- | | |
|----------------|-----------------|
| 1. Short title | 3. Commencement |
| 2. Repeal | |

Short title

1. This Order may be cited as the *Designation of Inspectors Order Repeal Order*.

Repeal

2. The *Designation of Inspectors Order*, Newfoundland and Labrador Regulation 113/97, is repealed.

Commencement

3. This Order comes into force on May 2, 2012.

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NEWFOUNDLAND AND LABRADOR REGULATION 43/12

Provincial Offences Ticket Regulations, 1999 (Amendment)
under the
Provincial Offences Act
(O.C. 2012-101)

(Filed May 2, 2012)

Under the authority of section 31 of the *Provincial Offences Act*,
the Lieutenant-Governor in Council makes the following regulations.

Dated at St. John's, May 2, 2012.

Robert Thompson
Clerk of the Executive Council

REGULATIONS

Analysis

- | | |
|-------------------------------|-----------------|
| 1. S.2 Amdt.
Contravention | 2. Commencement |
|-------------------------------|-----------------|

NLR78/99
as amended

1. Section 2 of the *Provincial Offences Ticket Regulations, 1999* is amended by adding immediately after paragraph (k.2) the following:

(k.3) a provision of the *Animal Health and Protection Act* or a regulation made under that Act as set out in the *Animal Health and Protection Ticket Offences Regulations* or a schedule to those regulations;

Commencement

2. These regulations come into force on May 2, 2012.

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NEWFOUNDLAND AND LABRADOR REGULATION 44/12

Wild Life Regulations (Amendment)
under the
Wild Life Act
(O.C. 2012-100)

(Filed May 2, 2012)

Under the authority of section 7 of the *Wild Life Act*, the minister, with the approval of the Lieutenant-Governor in Council, makes the following regulations.

Dated at St. John's, May 2, 2012.

Terry French
Minister of Environment and Conservation

Robert Thompson
Clerk of the Executive Council

REGULATIONS

Analysis

- | | |
|-----------------------------|--|
| 1. S.2 Amdt.
Definitions | 2. Ss.2.1 and 2.2 Added
2.1 Application - fur farms
2.2 Application - circuses |
|-----------------------------|--|

- | | |
|---|--|
| 3. S.10 Amdt.
Licences and badges | 7. S.83.1 Added
Import of captive furbearing animals |
| 4. S.17 Amdt.
Prohibited activities | 8. S.84.1 Added
Release of animals from fur farm prohibited |
| 5. S.20 R&S
Fur Farms | 9. Commencement |
| 6. S.82.1 Added
Possession of live captive fur bearing animals | |

CNLR 1156/96
as amended

1. (1) Section 2 of the *Wild Life Regulations* is amended by adding immediately after paragraph (g) the following:

(g.1) "fur farm" means a fur farm as defined in the *Fur Farming Regulations* made under the *Animal Health and Protection Act*;

(2) Section 2 of the regulations is amended by adding immediately after paragraph (k) the following:

(k.1) "licensed fur farm" means a fur farm for which a licence has been issued and is in force under the *Animal Health and Protection Act* and the *Fur Farming Regulations* made under that Act;

2. The regulations are amended by adding immediately after section 2 the following:

Application - fur
farms

2.1 (1) These regulations do not apply to a fur bearing animal that is maintained or kept in captivity on a licensed fur farm, or the pelt or other parts of that animal.

(2) Notwithstanding subsection (1), these regulations apply to a fur bearing animal that escapes or is released from a licensed fur farm, or the pelt or other parts of that animal.

(3) Notwithstanding subsection (1), these regulations apply to a wild fur bearing animal that was not previously maintained or kept in captivity on a licensed fur farm and is captured in the province and subsequently maintained or kept in captivity on a licensed fur farm, or the pelt or other parts of that animal.

Application -
circuses

2.2 (1) These regulations do not apply to an animal that is maintained or kept in captivity in a circus.

(2) Notwithstanding subsection (1), sections 82, 83 and 84 apply to an animal that is maintained or kept in captivity in a circus.

(3) Notwithstanding subsection (1), these regulations apply to an animal that escapes or is released from a circus.

(4) For the purpose of this section,

(a) "circus" means a mobile place in which animals held and exhibited are made to perform behaviours at the direction of a human handler or trainer for the entertainment or education of members of the public and excludes a dog show, a horse show and a livestock fair; and

(b) "place" includes commercial or private premises, land, a container, vehicle, vessel or aircraft.

3. Paragraph 10(1)(b) of the regulations is repealed.

4. Paragraphs 17(b) and (c) of the regulations are repealed.

5. Section 20 of the regulations is repealed and the following substituted:

Fur farms

20. The owner or operator of a licensed fur farm or custodian of a fur bearing animal on a licensed fur farm shall not feed or cause to be fed the meat of any game animal to fur bearing animals maintained or kept in captivity on the licensed fur farm except under a permit from the minister.

6. The regulations are amended by adding immediately after section 82 the following:

Possession of live
captive fur bearing
animals

82.1 (1) Notwithstanding subsection 2.1(1), every person in possession or control of a live furbearing animal that has been born or bred in captivity and is to be maintained or kept in captivity on a licensed fur farm shall, immediately upon coming into that possession or control, apply in writing to the minister for a permit to keep the live furbearing animal in captivity.

(2) This section does not apply to *Mustela vison* (mink), *Vulpes vulpes* (Coloured fox) or *Alopex lagopus* (Blue (Arctic) Fox) but does apply to a hybrid of one or both of those species.

7. The regulations are amended by adding immediately after section 83 the following:

Import of captive
furbearing animals

83.1 (1) Notwithstanding subsection 2.1(1), except with the prior written permission of the minister, a person shall not

(a) import or bring into the province; or

(b) bring into the island portion of the province from Labrador

a furbearing animal that has been born or bred in captivity and is to be maintained or kept in captivity on a licensed fur farm.

(2) A person shall not have possession of a furbearing animal that has been born or bred in captivity and is maintained or kept in captivity on a licensed fur farm, which has been imported into the province or has been brought into the island portion of the province from Labrador without the prior written permission of the minister.

(3) This section does not apply to *Mustela vison* (mink), *Vulpes vulpes* (Coloured fox) or *Alopex lagopus* (Blue (Arctic) Fox) but does apply to a hybrid of one or both of those species.

8. The regulations are amended by adding immediately after section 84 the following:

Release of animals
from fur farm
prohibited

84.1 Notwithstanding subsection 2.1(1), a person shall not release or permit the escape of, or attempt to release or permit the escape of, a furbearing animal that is maintained or kept in captivity on a licensed fur farm.

Commencement

9. These regulations come into force on May 2, 2012.

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Wildlife Act			
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