

# *The Wildlife Act*

*Repealed by*

Chapter W-13.11 of the *Statutes of Saskatchewan, 1997*  
(effective July 1, 1997).

*Formerly*

Chapter W-13.1 of the *Statutes of Saskatchewan 1979*,  
(effective September 14, 1979) as amended by the *Statutes of  
Saskatchewan 1982-83, c.20; 1983, c.11; 1983-84, c.64; 1986,  
c.21; 1988-89, c.62; and 1993, c.44.*

## **NOTE:**

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

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## CHAPTER W-13.1

### An Act respecting the Protection of Wildlife

#### SHORT TITLE

##### Short title

1 This Act may be cited as *The Wildlife Act*.

#### INTERPRETATION

##### Interpretation

2 In this Act:

- (a) **“camp”** means a temporary place to live while away from a person’s usual place of residence;
- (b) **“certificate”** means a certificate issued under this Act and the regulations;
- (c) **“Crown”** means Her Majesty in right of Saskatchewan;
- (d) **“department”** means the department over which the minister presides;
- (e) **“deputy wildlife officer”** means a person appointed under section 8;
- (f) **“director”** means the director appointed under section 7;
- (g) **“exotic wildlife”** means all birds, mammals and other vertebrates that are not indigenous to Saskatchewan and that in their natural habitat are usually found wild in nature, and includes any part of such birds, mammals or other vertebrates;
- (h) **“firearm”** means any device from which any shot, bullet or other missile can be discharged and, without limiting the generality of the foregoing, includes a rifle, shotgun, pellet gun, air gun, pistol, revolver, spring gun, longbow or crossbow;
- (i) **“fur animal”** means a fur animal as defined in the regulations;
- (j) **“fur dealer”** means a person who carries on the business of buying and selling the skins and pelts of fur animals;
- (k) **“habitat”** includes the soil, air, water, food and shelter components of the environment that are necessary to sustain wildlife;
- (l) **“hunting”** includes taking, wounding, killing, chasing, pursuing, worrying, capturing, following after or on the trail of, searching for, shooting at, trapping, setting snares for, stalking or lying in wait for any wildlife, whether or not the wildlife is subsequently captured, wounded or killed;

- (m) **“Indian”** means Indian as defined in the *Indian Act* (Canada), as amended from time to time;
- (n) **“judge”** means a provincial magistrate;
- (o) **“licence”** means a licence, certificate or permit issued under this Act or the regulations and includes any seal or corresponding document issued with the licence or permit;
- (p) **“licensee”** means a person to whom and in whose name a valid and subsisting licence has been issued under this Act or the regulations;
- (q) **“minister”** means the member of the Executive Council to whom for the time being the administration of this Act is assigned;
- (r) **“open season”** means a period of time specified in the regulations during which wildlife may be lawfully hunted or taken;
- (s) **“person”** means an individual, association, partnership or corporation;
- (t) **“seal”** means the portion of a licence that is required to be detached from the licence and cancelled immediately after the wildlife is killed, or a tag that may be supplied with a wildlife licence;
- (u) **“snare”** means a device for the taking of any wildlife whereby it is caught in a noose;
- (v) **“take”** includes taking dead or alive;
- (w) **“tanner”** means a person who carries on the business of dehairing, fleshing, tanning, plucking, dressing or dyeing the pelts, skins or hides of wildlife;
- (x) **“taxidermist”** means a person who carries on the business of preparing, preserving, stuffing or mounting the heads, pelts or skins of any wildlife;
- (y) **“traffic”** means offer for sale, expose for sale, advertise for sale, sell, buy, barter, exchange, deal, solicit or trade;
- (z) **“trap”** includes a spring trap, snare, deadfall, box or net or any device used to capture any wildlife;
- (aa) **“vehicle”** includes a motorized conveyance, trailer, tractor, aircraft or any other conveyance, other than a boat, that is drawn, propelled or driven by any mechanical means and includes any accessory attached to the vehicle;
- (bb) **“wildlife”** means:
  - (i) a vertebrate animal of any species, excluding fishes, that is wild by nature in Saskatchewan;
  - (ii) any part of an animal mentioned in subclause (i); and
  - (iii) any exotic wildlife;
- (cc) **“wildlife farm”** means a place on which wildlife or exotic wildlife are kept for sale, trade, barter, public exhibition, propagation or scientific purposes or for any other purposes;

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(dd) “**wildlife officer**” means any person appointed or authorized by the minister for the purpose of enforcing this Act and the regulations and includes a police officer or peace officer.

1979, c.W-13.1, s.2; 1982-83, c.20, s.3; 1983, c.11, s.99; 1993, c.44, s.3.

**Possession**

**3** For the purposes of this Act:

(a) a person has any thing in his possession when he has it in his personal possession or custody or when with his knowledge and consent it is:

(i) in the actual possession or custody of another person; or

(ii) in any place, whether or not that place belongs to or is occupied by him, for the use or benefit of himself or of another person; and

(b) where any person has any thing in his possession, within the meaning of clause (a), any person who has knowledge of and consents to such possession is deemed to also have the thing in his possession.

1979, c.W-13.1, s.3.

## PROPERTY IN WILDLIFE

**Property in wildlife**

**4** The property in all wildlife within the province, including any wildlife that has been unlawfully hunted, is hereby declared to be vested in the Crown, and no person shall acquire any right or property in any wildlife otherwise than in accordance with this Act and the regulations.

1979, c.W-13.1, s.4.

**Captivity of wildlife**

**5** No person shall take into or keep in captivity or wilfully destroy or disturb any wildlife or the eggs or nests of any bird protected under this Act or the regulations or under the *Migratory Birds Convention Act* (Canada), as amended from time to time, or the regulations made under that Act without the written permission of the director or without a licence to do so.

1979, c.W-13.1, s.5.

**Property rights in captive animals**

**6(1)** Any person who is in possession of any wildlife and who has a licence authorizing such possession has all property rights, title and interest in and to the wildlife subject to this Act and the regulations.

(2) Where a person mentioned in subsection (1) violates any of the provisions of this Act or the regulations with respect to the wildlife under his control or fails to comply with any of the terms or conditions to which the licence is subject, all property rights, title and interest in and to the wildlife may be forfeited to the Crown at the discretion of the minister, and the minister may cancel the licence.

**c. W-13.1****WILDLIFE**

(3) The minister may dispose of any wildlife in captivity that is the property of the Crown by sale, donation or destruction or by setting it free.

1979, c.W-13.1, s.6.

**ADMINISTRATION****Administration of Act**

7(1) This Act and the regulations shall be administered by the department.

(2) The minister may appoint a director to manage and direct the administration of this Act, and the director is responsible to the minister.

1979, c.W-13.1, s.7; 1982-83, c.20, s.4.

**Appointment of deputy wildlife officers**

8(1) The director may appoint deputy wildlife officers to carry out, without remuneration, any provisions of this Act or the regulations that may be specified by the director.

(2) The appointment of a deputy wildlife officer shall be for a period not exceeding two years and may be cancelled at any time by the director.

1979, c.W-13.1, s.8.

**Advisory committee**

9(1) The minister may, in each year, appoint an advisory committee, consisting of not more than 10 members, who shall meet upon the request of the minister and shall act in an advisory capacity to the minister and the director on matters of general interest respecting the carrying out of the provisions of this Act.

(2) The members of the committee shall receive any remuneration that the minister may determine.

1979, c.W-13.1, s.9; 1982-83, c.20, s.5.

**Agreements**

10 The minister may, subject to the regulations, enter into and carry out the terms of an agreement with any person for the purpose of protecting, managing, conserving or encouraging the propagation of wildlife or for the purpose of encouraging programs to promote public safety, education or other conservation-oriented programs.

1979, c.W-13.1, s.10.

**Payment for damage**

11 The minister may, subject to the regulations:

- (a) provide compensation to any person suffering property loss or damage caused by wildlife or hunters;

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(b) enter into an agreement with any person for the purpose of insuring or indemnifying against loss resulting from damage caused by wildlife or hunters;

(c) pay to any person providing insurance or indemnification pursuant to clause (b) a portion, for each licence issued, of the fees collected or to be collected under this Act or the regulations in respect of any or all classes of licences.

1979, c.W-13.1, s.11.

**12 Repealed.** 1983-84, c.64, s.3.

**Constitution of trapping area**

**13** The minister may, subject to the regulations, constitute any area of provincial land as a registered trapline district, a fur conservation area or a fur conservation block, and may amend or repeal any order made for that purpose and rescind any order made pursuant to this section.

1979, c.W-13.1, s.13.

## LICENCES

**Issue, revocation of licences**

**14** The minister may issue or revoke any licence provided for by this Act or the regulations.

1979, c.W-13.1, s.14.

**Licence not transferable**

**15** No licence issued pursuant to this Act is transferable, and no person shall:

- (a) allow his licence or seal to be used or carried by any other person while hunting; or
- (b) while hunting use or carry another person's licence or seal.

1979, c.W-13.1, s.15.

**Production of licence or permit**

**16** Every person who has a licence shall, upon request by a wildlife officer or deputy wildlife officer, immediately produce it for examination.

1979, c.W-13.1, s.16.

**Licence revoked upon conviction**

**17** Any licence held by a person convicted of a violation of this Act or the regulations is revoked upon such conviction without any further action or notice.

1979, c.W-13.1, s.17.

**Period licence revoked**

**18(1)** No person convicted of a violation of:

- (a) section 37 shall apply for or obtain a licence during the period of three years from the date of the conviction;
- (b) section 41 shall apply for or obtain a licence during the period of five years from the date of the conviction;
- (c) clause 28(1)(a), section 31 or those provisions of the regulations that are prescribed in the regulations, shall apply for or obtain a licence during:
  - (i) the period of one year from the date of the conviction; or
  - (ii) any longer period that a convicting judge may order pursuant to subsection (2);
- (d) any provision of this Act or the regulations, other than one mentioned in clause (a), (b) or (c), shall apply for or obtain a licence during the period of one year from the date of the conviction.

(2) If a person is convicted of a violation of clause 28(1)(a), section 31 or those provisions of the regulations that are prescribed in the regulations, a convicting judge may order that the person so convicted shall not apply for or obtain a licence during a period of two years or three years from the date of the conviction, whichever period the convicting judge considers most appropriate.

1979, c.W-13.1, s.18; 1986, c.21, s.3.

**Circumstances where licence not revoked**

**18.1(1)** Subject to subsection (2), sections 17 and 18 do not apply to a violation of any provision prescribed in the regulations for the purposes of this section.

(2) Subsection (1) does not apply where a person is convicted of the same offence twice within an 18-month period.

1993, c.44, s.4.

**Application for licence by person causing accident prohibited**

**19(1)** Where a person while hunting discharges or causes to be discharged a firearm and death or injury to any person results therefrom, the person causing the death or injury shall not apply for or obtain a licence during the period of five years from the date of that event, and if any licence is issued to that person during that time it is deemed to be void.

(2) If the person is, at the time of the event, the holder of a licence, the licence is revoked forthwith upon the happening of the event and without any further action or notice.

1979, c.W-13.1, s. 19.



**Power of reinstatement**

**20** Notwithstanding any other provision of this Act, the minister may, in his absolute discretion, reinstate the privilege to purchase a licence where such privilege has been revoked pursuant to this Act.

1979, c.W-13.1, s.20.

**Careless hunting**

**21** Every person who, being in possession of a firearm for the purpose of hunting, discharges or causes to be discharged or handles that firearm without reasonable consideration for persons or property or without due care and attention is guilty of an offence.

1979, c.W-13.1, s.21.

**22 Repealed.** 1983-84, c.64, s.4.

**Detaching or mutilating seals**

**23** Where any licence is tampered with, altered or mutilated in any manner or any seal is detached from a licence in any manner not permitted by this Act or the regulations, the licence is void.

1979, c.W-13.1, s.23.

**Special permit to hunt from vehicle**

**24** Notwithstanding anything to the contrary in this Act, the director may issue, to any person who is physically disabled and unable to hunt normally, a special permit to hunt from a vehicle.

1979, c.W-13.1, s.24.

**Complimentary licences**

**25** Notwithstanding anything to the contrary in this Act, the minister may grant to the Governor General of Canada, the Prime Minister of Canada, the Lieutenant Governor, or the Premier of any province or to any distinguished visitor to Saskatchewan complimentary permission to hunt in accordance with this Act.

1979, c.W-13.1, s.25.

**Permit for propagation and scientific reasons**

**26(1)** The director may grant a licence, to any person or the government of any province or country, to secure by any method for propagation or for scientific purposes:

- (a) a specified number of any species of wildlife;
- (b) a specified number of eggs of any wildlife.

(2) The director may specify the terms and conditions of a licence issued under subsection (1).

1979, c.W-13.1, s.26; 1988-89, c.62, s.3.

**Special permit for food**

**27** Notwithstanding anything to the contrary in this Act, the minister or the director may issue a licence, to a resident of Saskatchewan, permitting him to take wildlife for the purpose of providing food for himself and his family.

1979, c.W-13.1, s.27.

## PROHIBITIONS, OFFENCES, PROSECUTIONS AND PENALTIES

**Protection against hunting wildlife**

**28(1)** No person shall hunt any wildlife within the province:

- (a) other than at the times, in the places and in the manner prescribed by this Act and the regulations; or
  - (b) without a licence where a licence is required by this Act or the regulations.
- (2) Notwithstanding anything in any other provision of this Act or anything in the regulations, a wildlife officer may hunt any wildlife in:
- (a) the exercise of his powers or the performance of his duties pursuant to this Act and the regulations; and
  - (b) the manner, at the times and in the places that the director may designate.
- (3) Where a wildlife officer hunts any wildlife in accordance with subsection (2), he is deemed not to be violating this Act or the regulations.

1979, c.W-13.1, s.28; 1988-89, c.62, s.4.

**Carrying of a gun *prima facie* proof**

**29** The carrying of a firearm in a locality where any wildlife may reasonably be expected to be found is *prima facie* proof of hunting.

1979, c.W-13.1, s.29.

**Export and import of wildlife**

**30(1)** Subject to the regulations, no person shall:

- (a) take out or export or cause to be exported from Saskatchewan any wildlife or the egg of any wildlife;
  - (b) import, release or introduce into Saskatchewan any wildlife or the egg of any wildlife;
- without having first obtained a licence issued under this Act or the regulations.
- (2) No person shall ship or transport out of the province any wildlife without first paying the prescribed royalties.

1979, c.W13.1, s.30.

**Possession of wildlife**

**31(1)** No person shall possess any wildlife taken in contravention of this Act or the regulations.

(2) No person shall possess any wildlife without a licence where, pursuant to this Act or the regulations, a licence is required to possess that wildlife.

1993, c.44, s.5.

**Possession of wildlife**

**32(1)** No person other than an Indian shall accept or have in his possession wildlife which has been taken by an Indian for food as permitted under section 12 of the agreement between the Government of Canada and the Government of Saskatchewan ratified by chapter 87 of the *Statutes of Saskatchewan, 1930*.

(2) No person other than an Indian may assist, aid or hunt with any Indian hunting wildlife for food as permitted under section 12 of the agreement mentioned in subsection (1).

(3) Notwithstanding subsection (1), a non-Indian may possess wildlife that has been taken for food as permitted under section 12 of the agreement mentioned in subsection (1) by an Indian who is a father, mother, grandfather, grandmother, brother, sister, child or commonlaw spouse of the non-Indian.

(4) Notwithstanding subsection (2), where it would otherwise be lawful for a non-Indian to hunt, the minister may issue a permit to the non-Indian to hunt with an Indian who is:

- (a) a father, mother, grandfather, grandmother, brother, sister, child, spouse or common-law spouse of the non-Indian; and
- (b) hunting wildlife for food as permitted under section 12 of the agreement mentioned in subsection (1).

(5) Where a permit is issued to a non-Indian pursuant to subsection (4), the non-Indian may only hunt in accordance with this Act and the regulations and any licence issued to the non-Indian.

(6) Notwithstanding subsection (2), the minister may issue a permit to a non-Indian to assist or aid an Indian who is:

- (a) a father, mother, grandfather, grandmother, brother, sister, child, spouse or common-law spouse of the non-Indian; and
- (b) hunting wildlife for food as permitted under section 12 of the agreement mentioned in subsection (1).

1979, c.W-13.1, s.32; 1993, c.44, s.6.

**Licence revoked on taking limit**

**33(1)** No person shall take, kill or possess more wildlife in one day or during any other specified period than the maximum allowable under this Act or the *Migratory Birds Convention Act* (Canada), as amended from time to time, or the regulations under either of those Acts.

**c. W-13.1****WILDLIFE**

(2) Where the holder of a licence takes or kills the limit authorized to be taken or killed by virtue of the licence, the licence shall thereby be automatically revoked and the holder shall, immediately upon request, surrender the licence to a wildlife officer.

1979, c.W-13.1, s.33.

**Hunting by persons under sixteen years of age**

**34(1)** No person under sixteen years of age shall hunt any wildlife with a firearm unless he is under the direct supervision of his parent or guardian, or of an adult.

(2) No person under sixteen years of age shall purchase a licence without the written consent of his parent or guardian.

(3) No person under twelve years of age shall purchase a licence other than a trapping licence.

(4) Where:

(a) an adult supervises a person under 16 years of age in accordance with subsection (1);

(b) a parent or guardian provides the consent to a person under 16 years of age as required under subsection (2); or

(c) a parent or guardian of a person under 16 years of age knows that the person under 16 years of age is hunting without supervision;

and the person under 16 years of age is guilty of a violation of this Act or the regulations, the adult or parent or guardian is guilty of an offence and liable on summary conviction to the penalties imposed by this Act with respect to the provision that was violated by the person under 16 years of age.

1979, c.W-13.1, s.34; 1982-83, c.20, s.6.

**Hunting while intoxicated**

**35** No person shall hunt any wildlife while intoxicated or under the influence of a narcotic or alcohol.

1979, c.W-13.1, s.35.

**Carrying loaded firearms in vehicle or while on horseback**

**36** No person shall, at any time, except as authorized by the minister:

(a) carry a loaded firearm in or on a vehicle or while on horseback; or

(b) discharge a firearm from a vehicle or while on horseback.

1979, c.W-13.1, s.36.

**Use of lights for hunting prohibited**

**37** No person shall, at any time, use a searchlight, spotlight, flashlight, jacklight, night light, headlight or any other light or cast a ray of light for the purpose of hunting any wildlife.

1979, c.W-13.1, s.37.

**Hunting on certain lands**

**38(1)** Where there are legible signs, of a size specified in the regulations, prominently placed along the boundaries of any land so as to provide reasonable notice bearing the words “No Trespassing”, “No Hunting”, “No Shooting” or words or symbols to a like effect, no person shall hunt any wildlife within the boundaries of such land except with the consent of the owner or occupant.

(2) Subject to this Act and the regulations, where there are legible signs of the size specified in the regulations prominently placed along the boundaries of any land so as to provide reasonable notice of instructions concerning the method of hunting or the use of vehicles connected with hunting, no person shall hunt any wildlife on such land except in accordance with the posted instructions.

(3) No person shall erect or place or cause to be erected or placed a sign mentioned in subsection (1) or (2) along the boundary of any land of which he is not the owner or occupant, except with the consent of the owner or occupant.

(4) No person shall tear down, remove, damage, deface or cover up a sign erected or placed in accordance with subsection (1), (2) or (3).

(5) In a prosecution for a contravention of subsection (1) or (2), the onus is on the person charged to prove:

(a) that he had obtained the consent of the owner or occupant to carry out such actions;

(b) that land was not posted with signs as set out in subsection (1) or (2).

(6) Nothing in this section limits or affects any rights or remedies of an owner or occupier of land for trespass at common law, and, where he has not erected or placed signs along the boundaries of his land in accordance with subsection (1) or (2), that fact alone is not to be deemed to imply consent by him to entry upon his land or to imply a right of access to his land for the purpose of hunting.

1979, c.W-13.1, s.38; 1982-83, c.20, s.7.

**Liability of occupier**

**39** An occupier of land owes no duty of care to a person who is hunting upon the land except the duty not to create a danger, with the deliberate intent of doing harm or damage to the person, and the duty not to do a wilful act with reckless disregard of the presence of the person.

1979, c.W-13.1, s.39.

**Sale of hunting rights**

**40** Subject to this Act and the regulations, no person shall, directly or indirectly, sell, trade or barter or offer for sale, trade or barter the hunting rights for wildlife on any land.

1979, c.W-13.1, s.40.

**c. W-13.1****WILDLIFE****Selling and dealing in wildlife**

**41** Subject to this Act and the regulations, every person who traffics in any wildlife is guilty of an offence.

1979, c.W-13.1, s.41.

**Injury to property**

**42** No person shall injure, damage or, without permission, make use of any property owned or maintained by the Government of Saskatchewan and no person shall injure, deface or remove any notice, sign or signboard erected, placed or maintained by or on behalf of the Government of Saskatchewan.

1979, c.W-13.1, s.42.

**43 Repealed.** 1988-89, c.62, s.5.

**False information**

**44** No person shall:

(a) provide a wildlife officer with false information relating to an offence or alleged offence against this Act or the regulations;

(b) **Repealed.** 1988-89, c.62, s.6.

(c) falsify, in any particular, any application, licence, record or return required by this Act or the regulations to be made or kept.

1979, c.W-13.1, s.44; 1988-89, c.62, s.6.

**Obstruction**

**45** No person shall obstruct, hinder, delay or interfere with a wildlife officer or deputy wildlife officer in the discharge of his duty.

1979, c.W-13.1, s.45.

**WILDLIFE OFFICERS****General powers of wildlife officers**

**46** All wildlife officers and deputy wildlife officers have the power of peace officers to enforce this Act and the regulations and shall be entitled while performing their duties to all protection to which peace officers are entitled under the *Criminal Code*.

1979, c.W-13.1, s.46.

**Same**

**47** Where a wildlife officer is conducting a search under any of the provisions of this Act, he may be accompanied by any person or persons who, by virtue of their expertise in a particular field or their knowledge of facts relevant to the matter being investigated, may be of assistance to him in carrying out his duties.

1979, c.W-13.1, s.47.

**Arrest without warrant**

**48** Any wildlife officer may, without warrant, arrest any person found committing an offence against this Act or the regulations.

1979, c.W-13.1, s.48.

**Investigations**

**49(1)** On the oath of a wildlife officer that there are reasonable and probable grounds to believe that an offence against this Act or the regulations has occurred, a justice of the peace or a judge of the Provincial Court of Saskatchewan may issue a warrant to:

- (a) enter into and search any premises named in the warrant;
  - (b) search any vehicle or boat;
  - (c) seize anything that may be evidence of an offence against this Act or the regulations.
- (2) A wildlife officer with a warrant issued pursuant to subsection (1) may:
- (a) enter and search any place or premises named in the warrant;
  - (b) search any vehicle or boat described in the warrant;
  - (c) open and examine any trunk, box, bag, parcel, closet, cupboard or receptacle that he finds in the place or premises mentioned in clause (a) or the vehicle or boat mentioned in clause (b);
  - (d) require the production of and examination of any books, records, papers and other documents that he believes, on reasonable and probable grounds, may contain information related to an offence against this Act or the regulations;
  - (e) subject to subsection (3), on the giving of a receipt for the books, papers, records or documents, remove any books, papers, records or documents examined pursuant to this section for the purpose of making copies or extracts of those books, papers, records or documents; or
  - (f) seize and remove anything that may be evidence of an offence against this Act or the regulations.
- (3) The minister or any person authorized by the minister shall carry out the copying of books, papers, records or documents removed pursuant to clause (2)(e) with reasonable dispatch and shall, subject to subsection (4), promptly return the books, papers, records or documents in reasonably the same condition after copying them to the person who produced or furnished them.
- (4) Books, papers, records or documents returned pursuant to subsection (3) shall be returned to:
- (a) the place from which they were removed; or
  - (b) any other place that may be agreed to by the person who produced or furnished them and the wildlife officer.

**c. W-13.1****WILDLIFE**

(5) Subject to subsection (6), a wildlife officer may exercise all or any of the powers mentioned in subsection (2) without a warrant issued pursuant to this section if:

- (a) the conditions for obtaining a warrant exist; and
- (b) the person has reasonable and probable grounds to believe that the delay necessary to obtain the warrant would result in danger to human life or safety or the loss, removal or destruction of evidence.

(6) No wildlife officer shall enter premises that are ordinarily occupied as a private residence without a warrant issued pursuant to this section unless the occupant of those premises consents to the entry.

1988-89, c.62, s.7.

**Inspections**

**49.01** Subject to subsection 49(6), for the purpose of ensuring compliance with this Act or the regulations, a wildlife officer may, at any reasonable time without a warrant:

- (a) enter and inspect any premises used for taxidermy, fur dealing, game meat processing or keeping or propagating wildlife by a person required to be licensed pursuant to this Act or the regulations;
- (b) enter and inspect any premises for which a licence or permit has been issued pursuant to this Act or the regulations; or
- (c) enter any premises containing any books, records, papers or other documents that are required to be kept pursuant to this Act or the regulations, and the person required to keep the books, records, papers or other documents shall produce them on request of the wildlife officer, who may examine them and make copies in accordance with subsections 49(3) and (4).

1993, c.44, s.7.

**Search of vehicle or boat**

**49.1(1)** Where a wildlife officer has reasonable and probable grounds to believe that there is in a vehicle or boat evidence of an offence against this Act or the regulations, the wildlife officer may request or signal to the person in charge of or operating the vehicle or boat to stop the vehicle or boat and may search it for evidence of an offence against this Act or the regulations and seize anything that may be evidence of such an offence.

(2) The person in charge of or operating a vehicle or boat shall, upon being requested to do so by a wildlife officer pursuant to subsection (1), immediately bring the vehicle or boat to a safe stop, and the operator of the vehicle or boat shall, upon request, permit the wildlife officer to search the vehicle or boat.

1988-89, c.62, s.7.



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**Search of vehicle or boat**

**49.2(1)** Where due to the circumstances, the time or the location there could reasonably be expected to be a high incidence of offences against this Act or the regulations in any area, a wildlife officer may request or signal to the person in charge of or operating a vehicle or boat in the area to stop the vehicle or boat and may search it for evidence of an offence against this Act or the regulations and seize anything that may be evidence of such an offence.

(2) The person in charge of or operating a vehicle or boat shall, upon being requested to do so by a wildlife officer pursuant to subsection (1), immediately bring the vehicle or boat to a safe stop, and the operator of the vehicle or boat shall, upon request, permit the wildlife officer to search the vehicle or boat.

1988-89, c.62, s.7.

**Search of person**

**49.3** A wildlife officer may search any person where the wildlife officer has reasonable and probable grounds to believe that the person has concealed on his person any evidence of an offence against this Act or the regulations.

1988-89, c.62, s.7.

**Entry on land**

**50** A wildlife officer, a deputy wildlife officer and any person or persons lawfully accompanying him may, for the purposes of carrying out his duties, enter upon or pass over any land, whether enclosed or not, and while so engaged he is liable only for any damage that he may wilfully cause.

1979, c.W-13.1, s.50.

**51 Repealed.** 1988-89, c.62, s.8.

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**Certificate and reports evidence**

**52(1)** In a prosecution for a violation of this Act or the regulations, the certificate or report of the person in charge of a laboratory designated in the regulations or maintained by Saskatchewan or the Royal Canadian Mounted Police, or of the assistant to the person or of a person employed in the laboratory, is admissible as prima facie evidence of the facts stated therein with respect to any wildlife, article or material that, according to the certificate or report, has been examined in that laboratory without proof of the office or signature of the person appearing to have signed the certificate or report.

(2) In a prosecution for a violation of this Act or the regulations, the certificate or report of the person in charge of a meteorological station maintained by Saskatchewan or the Government of Canada, or of the assistant to the person or of a person employed in the station, is admissible as prima facie evidence of the facts stated therein with respect to the time of sunrise or the time of sunset in any area on any day without proof of the office or signature of the person appearing to have signed the certificate or report.

1988-89, c.62, s.9.

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**53** The certificate of the director that a licence, seal or notice has or has not been issued or given to a person under this Act or the regulations is admissible in evidence as *prima facie* proof that the licence, seal or notice has or has not been issued or given, without proof of the office or signature of the director.

1979, c.W-13.1, s.53.

**Onus on person charged**

**54** Where it is alleged or charged in a prosecution under this Act or the regulations that any wildlife was unlawfully hunted, procured, kept or disposed of, the onus is upon the person charged to prove the time and locality of the hunting, procuring, keeping or disposal of the wildlife.

1979, c.W-13.1, s.54; 1983-84, c.64, s.5.

**Aiding and abetting**

**55** Any person who aids, abets, counsels or procures the violation of a provision of this Act or the regulations is guilty of an offence and liable on summary conviction to the penalties imposed by the section or sections against which that violation took place.

1979, c.W-13.1, s.55.

**Limitation of prosecution**

**56** No prosecution for violation of any of the provisions of this Act or the regulations shall be commenced after eighteen months from the date of the violation.

1979, c.W-13.1, s.56.

**General penalty**

**57(1)** Any person who violates a provision of this Act or the regulations for which no penalty is specified is guilty of an offence and liable on summary conviction to a fine of not more than \$1,000.

(1.1) Any person who violates:

- (a) clause 28(1)(a);
- (b) section 31; or
- (c) those provisions of the regulations that are prescribed in the regulations;

is guilty of an offence and liable on summary conviction to a fine of not more than \$5,000;

(2) Any person who violates section 37 is guilty of an offence and liable on summary conviction to a fine of not less than \$500 and not more than \$5,000.

(3) Any person who violates section 41 is guilty of an offence and liable on summary conviction to a fine of not less than \$1,000 and not more than \$25,000 or to imprisonment for a period of not more than two years less a day, or both.

1979, c.W-13.1, s.57; 1986, c.21, s.4.

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**Certain articles forfeited, vehicles impounded**

**58(1)** Where a person is convicted of a violation of section 37 or 41:

- (a) any of the articles seized in connection with the offence, other than a vehicle, shall be forfeited to the Crown;
  - (b) subject to clause (c), any vehicle that is seized in connection with the offence shall be impounded by the department for 60 days, and at the end of that period it shall, on payment of storage charges, be returned to the person from whom it was seized; and
  - (c) in the case of a violation of section 41, the judge may order that any vehicle seized in connection with the offence be forfeited to the Crown.
- (2) Where a person is convicted of a violation of any provision of this Act or the regulations other than section 37 or 41, the judge may order that any of the articles seized in connection with the offence, other than a vehicle, be forfeited to the Crown.

1988-89, c.62, s.10.

**Disposal of unclaimed articles**

**59** Where anything is seized under this Act or the regulations and the owner is unknown or cannot be found within six months of the seizure, the minister may direct that it be disposed of in any manner he may specify.

1979, c.W-13.1, s.59.

**Return of things seized**

**60(1)** Where any wildlife, article or thing is seized pursuant to this Act and:

- (a) no prosecution for an offence in respect of which the wildlife, article or thing is seized is brought within 30 days after the date of seizure; or
- (b) a prosecution in respect of which the wildlife, article or thing is seized results in an acquittal and no appeal is taken within the time limited for the appeal;

the wildlife, article or thing seized shall be returned to the person from whom it was seized.

(1.1) No wildlife, article or thing shall be returned pursuant to subsection (1) where it is:

- (a) required for evidence in connection with another offence; or
- (b) subject to forfeiture or impoundment pursuant to section 58.

(2) For the purposes of subsection (1), a prosecution is deemed to be brought when the information is sworn or the summons is issued respecting the offence.

1979, c.W-13.1, s.60; 1988-89, c.62, s.11.

**Disposal of wildlife seized**

**61** Where a person is convicted of an offence in respect of which wildlife is seized, the wildlife shall be forfeited and becomes the property of the Crown to be sold or otherwise disposed of by a wildlife officer in accordance with the instructions of the minister.

1979, c.W-13.1, s.61.

**Proceeds from disposal**

**62** Proceeds received from the disposal of any article or wildlife under any provision of this Act shall be deposited in the consolidated fund.

1979, c.W-13.1, s.62.

**Regulations**

**63(1)** The Lieutenant Governor in Council may make regulations:

- (a) defining any word or expression used in this Act but not defined in this Act;
- (b) constituting any area of the province as an area for protecting, propagating, perpetuating, managing, harvesting, controlling or regulating wildlife or its habitat;
- (c) respecting the management, control and protection of any of the areas designated in accordance with clause (b) and the wildlife or habitat therein and regulating hunters, trappers and other persons therein;
- (d) respecting the protection, management, regulation and use of any wildlife or habitat;
- (e) **Repealed.** 1983-84, c.64, s.6.
- (f) prescribing species of wildlife to be protected and respecting the management and control of such wildlife and any products thereof;
- (g) respecting the issuing of licences;
- (h) respecting the hunting or trapping of wildlife during open seasons;
- (i) respecting fur dealers, tanners, taxidermists and persons engaged in the business of storing wildlife;
- (j) respecting the importation into the province, the sale and the exportation from the province of wildlife;
- (k) respecting hunting dog training and authorizing persons to act as hunting dog trainers;
- (l) respecting the operation of wildlife farms and authorizing persons to operate wildlife farms;
- (m) respecting and governing the keeping and propagation of wildlife;
- (m.1) defining the following:
  - (i) species of wildlife that may be held in captivity;
  - (ii) species of wildlife that are dangerous;

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- (iii) species of wildlife that are domestic;
- (m.2) respecting and governing all matters concerning the keeping of wildlife in captivity including marking and identification, and prescribing the records to be kept;
- (m.3) respecting and governing the testing and treatment for diseases of wildlife held in captivity or wildlife that is intended to be imported or exported;
- (n) respecting the rent, hire or use of boats, vehicles and other equipment to hunters or fishermen;
- (o) respecting the guiding of hunters or fishermen;
- (p) respecting all matters relating to any licence, registered mark, permission or other right secured pursuant to this Act including, without limiting the generality of the foregoing:
  - (i) the conditions under which and the persons to whom that licence, registered mark, permission or other right may be granted;
  - (ii) the terms and conditions to which that licence, registered mark, permission or other right is subject and its duration, suspension and cancellation;
  - (iii) the fees to be paid;
  - (iv) the time and area and the wildlife to which that licence, registered mark, permission or other right relates;
  - (v) the returns to be made to the department and the records to be kept regarding that licence, registered mark, permission or other right;
  - (vi) the buttons, badges, seals or identifying marks to be used and the manner of use;
  - (vii) the return of that licence, registered mark, permission or other right;
  - (viii) the delivery of any wildlife taken, for the purposes of management or research of wildlife;
  - (ix) the wildlife operations or concerns in respect of which that licence is issued;
  - (x) the furnishing of a bond by a licensee to the minister in any form and amount that the minister may determine;
- (p.1) prescribing the offences to which sections 17 and 18 do not apply for the purposes of section 18.1;
- (q) authorizing persons to act on behalf of the minister in the issue of any licence subject to any terms and conditions that the minister may prescribe;

- (r) regulating hunters, the number of hunters, and the manner of hunting at any time and in any area;
- (s) regulating the use, manner of use or possession of different types of firearms, ammunition, missiles or associated apparatus for any purpose related to the hunting of wildlife and prescribing the area in which they may be used;
- (t) regulating the use, manner of use or possession of different types of traps, snares, poisons, drugs, nets, recordings, decoys or other articles used in the hunting of wildlife and prescribing the area in which they may be used;
- (u) notwithstanding any other Act, specifying the time to be used for the purposes of this Act and the regulations;
- (v) prescribing the wearing apparel to be worn by hunters;
- (w) regulating and prohibiting the use of certain vehicles, boats or aircraft in any area for any purpose related to the hunting of wildlife;
- (x) regulating the use of dogs for hunting wildlife;
- (y) respecting trapping and the designation of trapping areas and the marketing of wildlife;
- (z) regulating the shipping, transporting or storing of wildlife;
- (aa) regulating the sale or other disposition by a trapper, fur dealer or other person of skins or pelts of fur animals;
- (bb) regulating the purchase of raw furs by individuals for personal purposes;
- (cc) prescribing the royalties to be paid on wildlife and regulating the method of collection and all matters relating thereto and prescribing records to be kept with respect to transactions in wildlife on which royalties are payable;
- (dd) respecting the killing or disturbing of wildlife in order to prevent damage to property;
- (ee) respecting the removal or destruction of wildlife causing a nuisance;
- (ff) prescribing the disposal of wildlife, firearms, snares, traps and other property forfeited pursuant to this Act;
- (gg) respecting the provisions of indemnification and the payment of compensation for damage to property caused by wildlife or hunters;
- (hh) respecting programs of land use as to the preservation, maintenance and restoration of habitat and public access to land;
- (ii) respecting co-operative programs to maintain wildlife habitat and public access to land;
- (jj) specifying the size of signs for the purposes of section 38;

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- (jj.1) prescribing provisions of the regulations for the purposes of section 18 and subsection 57(1.1);
  - (jj.2) designating laboratories for the purposes of subsection 52(1);
  - (kk) respecting any other matters relating to wildlife.
- (2) The minister may make regulations:
- (a) defining and declaring open seasons during which and areas within which a person may hunt certain wildlife;
  - (b) prescribing a maximum number of wildlife that may be hunted in any area during an open season;
  - (c) regulating hunters and hunting in any area during an open season.

1979, c.W-13.1, s.63; 1983-84, c.64, s.6; 1986, c.21, s.6; 1988-89, c.62, s.12; 1993, c.44, s.8.

**Minister may delegate**

**64** The minister may, with respect to any duties or powers imposed or conferred upon him by this Act or the regulations, authorize any officer who is a member of the department to perform any of those duties or to exercise any of those powers.

1979, c.W-13.1, s.64.

**Ratification and confirmation**

**64.1(1)** Saskatchewan Regulations 119/87 are declared to have come into force and to have been in effect on and from August 1, 1987.

(2) Any fees charged or other acts or things done pursuant to Saskatchewan Regulations 119/87 which would have been lawful had it come into force and been in effect on and from August 1, 1987 are hereby ratified, confirmed and declared to have been lawfully done.

1988-89, c.62, s.13.

**R.S.S. 1978, c.F-24, c.G-1 and c.W-15 repealed**

**65** *The Fur Act, The Game Act and The Wolf and Coyote Bounty Act* are repealed.

1979, c.W-13.1, s.65.

