

LEGISLATION

TRANSPORTATION

FEDERAL: HEALTH OF ANIMALS ACT 1990 c.21

<http://laws.justice.gc.ca/en/H-3.3/index.html>

The majority of the Act deals with the health of animals as it pertains to disease control. These are the sections that cover the welfare of animals:

PART XII Transportation of Animals

<http://laws.justice.gc.ca/en/H-3.3/C.R.C.-c.296/244514.html>

SICK, PREGNANT AND UNFIT ANIMALS

138. (2) Subject to subsection (3), no person shall load or cause to be loaded on any railway car, motor vehicle, aircraft or vessel and no one shall transport or cause to be transported an animal

(a) that by reason of infirmity, illness, injury, fatigue or any other cause cannot be transported without undue suffering during the expected journey;

(b) that has not been fed and watered within five hours before being loaded, if the expected duration of the animal's confinement is longer than 24 hours from the time of loading; or

(c) if it is probable that the animal will give birth during the journey.

(2.1) For the purpose of paragraph (2)(a), a non-ambulatory animal is an animal that cannot be transported without undue suffering during the expected journey.

(2.2) Despite paragraph (2)(a), a non-ambulatory animal may be transported for veterinary treatment or diagnosis on the advice of a veterinarian.

(3) Paragraph (2)(b) does not apply to a chick of any species if the expected duration of the chick's confinement is less than 72 hours from the time of hatching.

(4) No railway company or motor carrier shall continue to transport an animal that is injured or becomes ill or otherwise unfit for transport during a journey beyond the nearest suitable place at which it can receive proper care and attention.

SOR/97-85, s. 76; SOR/2005-181, s. 2.

LOADING AND UNLOADING EQUIPMENT

139. (1) No person shall beat an animal being loaded or unloaded in a way likely to cause injury or undue suffering to it.

(2) No person shall load or unload, or cause to be loaded or unloaded, an animal in a way likely to cause injury or undue suffering to it.

(3) Every ramp, gangway, chute, box or other apparatus used by a carrier in loading or unloading animals shall be so maintained and used as not to cause injury or undue suffering to animals and where livestock is loaded or unloaded by a ramp, gangway, chute or other apparatus, the slope shall not be greater than 45 degrees.

(4) Every ramp and gangway used by a carrier in loading or unloading animals shall have sides of sufficient strength and height to prevent animals from falling off the ramp or gangway.

(5) Every ramp used by a carrier in loading or unloading animals shall be so placed that no unprotected gap exists between the ramp or either side thereof and the railway car, motor vehicle, vessel or aircraft.

(6) Subject to subsection (7), every motor vehicle and aircraft in which livestock is transported shall be provided by the carrier with a loading gate or chute that is

(a) fitted with safe and secure footholds; and

(b) suitable for the loading and unloading of livestock.

(7) Subsection (6) does not apply to an aircraft equipped for the loading of livestock in containers.

SOR/97-85, s. 77.

PROHIBITION OF OVERCROWDING

140. (1) No person shall load or cause to be loaded any animal in any railway car, motor vehicle, aircraft, vessel, crate or container if, by so loading, that railway car, motor vehicle, aircraft, vessel, crate or container is crowded to such an extent as to be likely to cause injury or undue suffering to any animal therein.

(2) No person shall transport or cause to be transported any animal in any railway car, motor vehicle, aircraft, vessel, crate or container that is crowded to such an extent as to be likely to cause injury or undue suffering to any animal therein.

SOR/82-590, s. 11; SOR/97-85, s. 78

SEGREGATION

141. (1) Subject to this section, no person shall load on any railway car, motor vehicle, aircraft or vessel and no carrier shall transport animals of different species or of substantially different weight or age unless those animals are segregated.

(2) Subsection (1) does not apply to a female animal and its suckling offspring.

(3) Every cow, sow or mare with its suckling offspring shall be segregated from all other animals during transport.

(4) Animals of the same species that are incompatible by nature shall be segregated during transport.

(5) Groups of bulls, de-tusked boars, rams and goat bucks, if mature, shall be segregated from all other animals during transport.

(6) Every mature boar that has not been de-tusked and every mature stallion shall be segregated from all other animals during transport.

(7) An equine shall, unless its hind feet are unshod, be segregated from other equines during transport.

(8) Every equine over 14 hands in height shall be segregated from all other animals during transport by air.

(9) Every mature bull shall be securely tied during transport by air.

(10) Every horse shall be segregated from all other animals during transport by sea.

SOR/80-428, s. 12.

142. No person shall transport or cause to be transported animals in a railway car, motor vehicle, aircraft or vessel unless

(a) each animal is able to stand in its natural position without coming into contact with a deck or roof; and

(b) provision is made for the drainage or absorption of urine from all decks or levels.

SOR/95-475, s. 4; SOR/97-85, s. 79.

PROTECTION OF ANIMALS FROM INJURY OR SICKNESS

143. (1) No person shall transport or cause to be transported any animal in a railway car, motor vehicle, aircraft, vessel, crate or container if injury or undue suffering is likely to be caused to the animal by reason of

(a) inadequate construction of the railway car, motor vehicle, aircraft, vessel, container or any part thereof;

(b) insecure fittings, the presence of bolt-heads, angles or other projections;

(c) the fittings or other parts of the railway car, motor vehicle, aircraft, vessel or container being inadequately padded, fenced off or otherwise obstructed;

(d) undue exposure to the weather; or

(e) inadequate ventilation.

(2) Subject to subsection (3), every railway car, motor vehicle, aircraft or vessel used to transport livestock shall be

- (a) strewn with sand or fitted with safe and secure footholds for the livestock; and
- (b) littered with straw, wood shavings or other bedding material.

SOR/97-85, s. 80.

CONTAINERS

144. (1) No person shall load or transport or cause to be loaded or transported a container used in the transportation of animals unless the container is constructed and maintained so that

- (a) animals therein may, where required, be fed and watered without being removed therefrom;
- (b) animals therein may be readily inspected; and
- (c) the escape of any liquid or solid waste therefrom is prevented.

SOR/97-85, s. 81.

FOOD AND WATER FOR ANIMALS IN TRANSIT

148. (1) Subject to subsections (2), (3) and (7), no person shall confine in a railway car, motor vehicle, aircraft or vessel

- (a) equines, swine or other monogastric animals for longer than 36 hours; or
- (b) cattle, sheep, goats or other ruminants for longer than 48 hours.

(2) Subsection (1) does not apply to ruminants that will reach their final destination in Canada where they may be fed, watered and rested without being confined longer than 52 hours.

(3) No person shall confine chicks of any species without food and water for longer than 72 hours from the time of hatching.

(4) Livestock that is unloaded from a railway car, motor vehicle, aircraft or vessel to be fed, watered and rested before the livestock is re-loaded, shall be unloaded into a pen, rested for not less than five hours, provided with an ample quantity of suitable food and potable ice-free water, and before the livestock is re-loaded, the floor of the railway car, motor vehicle, aircraft or vessel shall be littered with straw, wood shavings or other bedding material.

- (5) A pen in which livestock is unloaded pursuant to subsection (4) shall provide
 - (a) sufficient space for all the livestock to lie down at the same time;
 - (b) properly designed racks and troughs for feeding and watering the livestock;

(c) well-drained and clean floors of concrete or gravel that provide safe footing;

(d) an adequate amount of straw or other litter to bed the livestock; and

(e) protection from inclement weather.

(7) Subsection (1) does not apply to animals if

(a) the railway car, motor vehicle, aircraft or vessel is suitably equipped to feed, water and rest the animals; and

(b) the animals are fed, watered and rested at intervals of not more than 48 hours in the case of ruminants and not more than 36 hours in the case of monogastric animals.

SOR/97-85, s. 82.

SLAUGHTER

MEAT INSPECTION ACT

<http://laws.justice.gc.ca/en/m-3.2/250736.html>

PART III – EXAMINATION, INSPECTION, HUMANE TREATMENT AND SLAUGHTER, PACKAGING AND LABELING

<http://laws.justice.gc.ca/en/M-3.2/SOR-90-288/247244.html#rid-247248>

Ante-Mortem Examination, Ante-Mortem Inspection and Humane Treatment and Slaughter of Food Animals

61. Every operator and every person engaged in the handling and slaughtering of a food animal in a registered establishment shall comply with sections 61.1 to 80.

SOR/2001-111, s. 1.

SOR/2001-111, s. 2; SOR/2001-167, s. 27(F).

62. (1) No food animal shall be handled in a manner that subjects the animal to avoidable distress or avoidable pain.

(2) No goad or electrical prod shall be applied to the anal, genital or facial region of a food animal.

63. (1) Different species of food animals shall be kept separate from each other.

(2) Every food animal that is obviously diseased or injured shall immediately be segregated from apparently healthy food animals.

(3) Every food animal that is a potential danger to other food animals shall immediately be segregated from those other food animals.

64. Every holding pen that is used for food animals awaiting slaughter shall be provided with adequate ventilation and shall not be used in a manner that results in their overcrowding.

65. Every food animal in a holding pen awaiting slaughter shall be provided with access to potable water and shall, if held for more than 24 hours, be provided with feed.

SOR/2001-167, s. 11; SOR/2004-280, s. 19.

67. (1) Subject to subsection (9), every operator who slaughters a bird, other than an ostrich, a rhea or an emu, shall perform, within 24 hours before the time of slaughter, an ante mortem examination of the bird under the supervision of an official veterinarian.

(2) Subject to subsection (9), no food animal shall be slaughtered in a registered establishment unless the animal has been subjected, within 24 hours before the time of slaughter, to

(a) an ante-mortem examination performed under subsection (1), or

(b) an ante-mortem inspection performed by an official veterinarian or by an inspector under the supervision of an official veterinarian.

(3) No food animal shall be slaughtered in a registered establishment unless the slaughter has been authorized by an inspector.

68. (1) An operator shall comply with any instructions from an official veterinarian that a food animal must be condemned or must be held and segregated from all other food animals for rest, treatment or slaughter.

77. Despite section 79, every food animal that is ritually slaughtered in accordance with Judaic or Islamic law shall be restrained and slaughtered by means of a cut resulting in rapid, simultaneous and complete severance of the jugular veins and carotid arteries, in a manner that causes the animal to lose consciousness immediately.

SOR/99-369, s. 4.

78. No food animal, other than a bird or domesticated rabbit, shall be suspended for the purpose of slaughter unless, immediately before being suspended, it is rendered unconscious or killed by a method set out in section 79.

SOR/99-369, s. 4.

79. Every food animal that is slaughtered shall, before being bled,

(a) be rendered unconscious in a manner that ensures that it does not regain consciousness before death, by one of the following methods:

(i) by delivering a blow to the head by means of a penetrating or non-penetrating mechanical device in a manner that causes immediate loss of consciousness,

(ii) by exposure to a gas or a gas mixture in a manner that causes a rapid loss of consciousness, or

(iii) by the application of an electrical current in a manner that causes immediate loss of consciousness; or

(b) be killed by one of the methods set out in paragraph (a) or, in the case of a bird or a domesticated rabbit, by rapid decapitation.

SOR/93-160, s. 9; SOR/99-369, s. 4.

80. No equipment or instrument for restraining, slaughtering or rendering unconscious any food animal shall be used by any person for those purposes

(a) unless the person is, by reason of the person's competence and physical condition, able to do so without subjecting the animal to avoidable distress or avoidable pain; or

(b) where the condition of the equipment or instrument or the manner in which or the circumstances under which the equipment or instrument is used might subject the animal to avoidable distress or avoidable pain.