

# *The Stray Animals Act*

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Chapter S-60 of *The Revised Statutes of Saskatchewan, 1978* (effective February 26, 1979) as amended by the *Statutes of Saskatchewan, 1979-80, c.M-32.01; 1982-83, c.16; 1983, c.77; 1989-90, c.61; and 1998, c.15.*

## **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.**

## Table of Contents

	SHORT TITLE		FEES AND PENALTIES
1	Short title	18	Fees, etc.
	INTERPRETATION		
2	Interpretation	19	Liability of owner for fees and charges; municipality to pay finder and poundkeeper
2.1	Administrator appointed	20	Release of stray to owner
	ANIMALS RUNNING AT LARGE	21	Penalty
3	Animals not to run at large		SALE OF IMPOUNDED STRAYS
4	Time and place which animals may run at large	22	Sale of stray by auction
5	Limitation on the number of animals that may run at large	23	Record of sale
6	Form of bylaw	24	Distribution of proceeds of sale
7	Repealed		VALUELESS AND DANGEROUS STRAYS
	POUNDS AND POUNDKEEPERS	25	Valueless stray
8	Location of pounds and appointment of poundkeepers	25.1	Dangerous stray
9	Repealed	26	Expenses re valueless and dangerous strays
10	Special pounds		LIABILITIES
11	Liability of the municipality	27	Liability of owner
12	Operation of pounds and fee for service	28	Liability of proprietor
	RESTRAINT AND IMPOUNDMENT	29	Lawful fence
13	Repealed		OFFENCES AND PENALTIES
14	Restraint	30	Offences and penalties
15	Release of stray on payment		GENERAL
15.1	Where fees not paid, etc.	31	Regulations
15.2	Where owner unknown	32	Records
16	Finder to provide food and shelter	33	Information to be supplied
17	Impoundment of stray	34	Immunity

## CHAPTER S-60

### An Act respecting the Restraining of Animals from Running at Large

#### SHORT TITLE

##### Short title

- 1 This Act may be cited as *The Stray Animals Act*.

#### INTERPRETATION

##### Interpretation

- 2 In this Act:

- (a) **“administrator”** means:
- (i) the person appointed by the council of a municipality pursuant to section 2.1 to act as the administrator for the purposes of this Act; and
  - (ii) with respect to the Northern Saskatchewan Administration District, the member of the Executive Council to whom for the time being the administration of *The Northern Municipalities Act* is assigned or any other person that may be designated in the regulations;
- (b) **“animal”** means any of the following:
- (i) any cattle or other animal of the bovine species;
  - (ii) any horse or other animal of the equine species;
  - (iii) any sheep, goat or swine;
  - (iv) any inter-species hybrid of any of the animals mentioned in subclauses (i) to (iii);
  - (v) any other animal that may be designated in the regulations as an animal for the purposes of this Act;
- (c) **“dangerous stray”** means a stray that, in the opinion of a veterinarian appointed by the administrator for the purpose of determining whether or not the stray should be tranquilized or destroyed, is likely to:
- (i) harm, endanger or pursue any person, livestock or wildlife; or
  - (ii) harm, damage or destroy property;
- (d) **“finder”** means a person who restrains a stray;
- (e) **“impoundment”** means the confining or holding of a stray by a poundkeeper for the period prescribed in this Act;
- (f) **“inspector”** means a person appointed as or authorized to be an inspector pursuant to *The Animal Products Act*;
- (g) **“lawful fence”** means, subject to section 29, a fence constructed and maintained in the manner prescribed in the regulations;

- (h) **“livestock auction market”** means a place where animals are sold by public auction;
- (i) **“minister”** means the member of the Executive Council to whom for the time being the administration of this Act is assigned;
- (j) **“owner”** means the person who owns an animal or who has care or control of an animal;
- (k) **“pound”** means the premises where strays are confined;
- (l) **“poundkeeper”** means a person appointed as a poundkeeper pursuant to this Act;
- (m) **“property”** means all or any type of property;
- (n) **“proprietor”** means the owner, lessee or other person in lawful possession of any property;
- (o) **“restrain”** means to capture, seize or distrain and confine or hold a stray in an area surrounded by a lawful fence or in a building, before impoundment, pursuant to this Act;
- (p) **“running at large”** means, with respect to an animal, not being on the premises of its owner and not under the immediate, continuous and effective control of its owner;
- (q) **“stray”** means an animal that is unlawfully running at large or that has broken into premises enclosed by a lawful fence;
- (r) **“valueless stray”** means a stray that has no commercial value, other than potential value as dead salvage, in the opinion of a veterinarian appointed by the administrator for the purpose of determining whether or not the stray should be destroyed;
- (s) **“yardage”** means the cost of caring for, handling, feeding, watering and bedding an animal.

1998, c.15, s.3.

**Administrator appointed**

**2.1(1)** The council of a municipality shall appoint the administrator, clerk, secretary or secretary treasurer of the municipality or any other person:

- (a) as the administrator for the purposes of this Act; and
  - (b) as acting administrator when the administrator is absent or unable to act or when the office of the administrator is vacant.
- (2) An acting administrator appointed pursuant to clause (1)(b) may exercise all the powers conferred and shall perform all the duties imposed on the administrator pursuant to this Act.

1998, c.15, s.3.

## ANIMALS RUNNING AT LARGE

**Animals not to run at large**

**3** Subject to other provisions of this Act and to any bylaw no owner shall at any time allow any of his animals to run at large within the province.

R.S.S. 1978, c.S-60, s.3; 1979-80, c.M-32.01, s.70.

**Time and place which animals may run at large**

**4** Notwithstanding section 3, a municipality may by bylaw define the portion of the municipality within which and determine the period of the year during which any or all animals may be permitted to run at large.

R.S.S. 1978, c.S-60, s.4; 1979-80, c.M-32.01, s.70.

**Limitation on the number of animals that may run at large**

**5** A municipality may by bylaw determine the maximum number of each kind of animal that an owner may graze in the municipality on unfenced lands of which the owner is not the proprietor.

R.S.S. 1978, c.S-60, s.5; 1979-80, c.M-32.01, s.70.

**Form of bylaw**

**6** A municipal bylaw shall be in a form prescribed in the regulations.

R.S.S. 1978, c.S-60, s.6; 1982-83, c.16, s.63.

**7 Repealed.** 1989-90, c.61, s.4.

## POUNDS AND POUNDKEEPERS

**Location of pounds and appointment of poundkeepers**

**8(1)** A municipality may determine where any pound shall be located within the municipality and may appoint any poundkeepers it considers necessary for the proper impounding and care of strays.

(2) Every poundkeeper appointed pursuant to subsection (1) shall hold office at the pleasure of the municipality that appointed him.

(3) No person shall be appointed as poundkeeper unless he is in a position to discharge the duties imposed upon poundkeepers by this Act and the regulations.

R.S.S. 1978, c.S-60, s.8.

**9 Repealed.** 1989-90, c.61, s.5.

**Special pounds**

**10(1)** Any stray found in a pasture operated by the Government of Saskatchewan or by the Government of Canada shall be deemed to be impounded and for that purpose the pasture is deemed to be a pound and the person in charge of that pasture is deemed to be the poundkeeper.

(2) A municipality may, subject to the consent of the owner of the livestock auction market, designate a livestock auction market as a pound, and the manager of the livestock auction market or his agent shall be deemed to be the poundkeeper.

R.S.S. 1978, c.S-60, s.10.

**c. S-60**

## STRAY ANIMALS

**Liability of the municipality**

**11** A municipality shall be responsible for any negligent acts or omissions of its poundkeepers in the performance of their duties, and shall be liable for all resulting loss and damage.

R.S.S. 1978, c.S-60, s.11.

**Operation of pounds and fee for service**

**12(1)** Every poundkeeper shall maintain and operate his pound at his own expense and for the services provided shall be entitled to the fees prescribed for those services in the regulations.

(2) Pounds must be maintained and operated in the manner prescribed in the regulations.

(3) Every poundkeeper shall detain in his custody all strays lodged in his pound until notified by the administrator that such strays are to be released.

R.S.S. 1978, c.S-60, s.12; 1989-90, c.61, s.6;  
1998, c.15, s.4 and 22.

## RESTRAINT AND IMPOUNDMENT

**13 Repealed.** 1998, c.15, s.5.

**Restraint**

**14(1)** Any person may restrain a stray in accordance with this Act.

(2) Where a person restrains a stray, the owner of which is known to him, the person shall immediately notify the owner of the discovery of the stray and the subsequent restraint of the stray.

1989-90, c.61, s.7; 1998, c.15, s.6.

**Release of stray on payment**

**15** Notwithstanding subsection 19(1), where the owner of a stray that has been discovered and restrained pays to the finder, within 12 hours of receipt of the notification pursuant to subsection 14(2), with respect to the stray, the amount of fees that the finder has agreed to accept with respect to the restraint of the stray, the finder shall deliver the stray to the owner.

1989-90, c.61, s.7.

**Where fees not paid, etc.**

**15.1(1)** Where:

- (a) the owner of a stray and the finder do not reach agreement respecting the fees to be paid with respect to the restraint of the stray; or
- (b) the owner fails to pay the amount agreed to or to remove the stray from the premises of the finder after having paid the fees;

the finder shall notify the administrator of the municipality in which the stray is restrained of the restraint, the location of the stray and the date and time of the commencement of the restraint.

(2) The administrator to whom notice is given pursuant to subsection (1) shall immediately provide the owner of the stray with particulars of its restraint by the finder.

1989-90, c.61, s.7; 1998, c.15, s.22.

**Where owner unknown**

**15.2(1)** Where:

- (a) a stray is restrained; and
- (b) the owner of the stray is unknown to the finder;

the finder shall immediately notify a livestock inspector, or the Royal Canadian Mounted Police, and the administrator of the municipality in which the stray was discovered of the restraint, the location of the stray and the date and time of the commencement of the restraint.

(2) An administrator to whom notice is given pursuant to subsection (1) shall advertise, in the manner prescribed in the regulations, the restraint of the stray to which the notice relates.

1989-90, c.61, s.7; 1998, c.15, s.7.

**Finder to provide food and shelter**

**16** The finder shall, during the period of restraint, supply the stray with sufficient wholesome sustenance and such shelter as is commonly provided at the time and in the vicinity for animals of similar age and class, and with veterinary care if necessary.

R.S.S. 1978, c.S-60, s.16; 1998, c.15, s.8.

**Impoundment of stray**

**17(1)** Where the stray has not been released to the owner, the finder shall, within seventy-two hours following notification pursuant to subsection 14(2) or 15.2(1), deliver the stray to the keeper of the nearest accessible pound in the municipality in which the stray was discovered, or to the keeper of such pound as the administrator may direct.

(1.1) Notwithstanding subsection (1), where a finder does not have the necessary equipment or resources to deliver a stray to the appropriate pound, the administrator shall arrange for the stray to be delivered to the pound.

(2) Notwithstanding subsection (1) or (1.1), the administrator may appoint the finder as poundkeeper if, in the administrator's opinion, it is more reasonable to impound the stray on the finder's land than to deliver the stray to a pound.

(3) Where the finder is appointed poundkeeper pursuant to subsection (2), such appointment shall be confirmed in writing and shall be for a period of time specified by the administrator.

(4) Where no pound is available in the municipality in which the stray was discovered and where the finder is not appointed poundkeeper pursuant to subsection (2), the administrator shall arrange for the stray to be delivered to the keeper of a pound outside the boundaries of the municipality.

(5) Where the administrator fails to arrange for the impoundment of the stray as required by subsection (4), the minister, or a person authorized by him to do so, may appoint the finder as poundkeeper or may authorize the delivery of the stray to the keeper of a pound outside the boundaries of the municipality.

R.S.S. 1978, c.S-60, s.17; 1989-90, c.61, s.8;  
1998, c.15, s.9 and 22.

## FEES, CHARGES AND PENALTIES

### Fees, etc.

**18** Finders, poundkeepers, veterinarians, municipalities and other persons who provide assistance with respect to restraining, impounding, caring for, handling, feeding, watering, bedding, maintaining or transporting strays and for giving any notice or performing any other duty required by this Act are to be compensated in accordance with the fees prescribed, or other compensation determined, pursuant to the regulations.

1998, c.15, s.10.

### Liability of owner for fees and charges; municipality to pay finder and poundkeeper

**19(1)** The owner of a stray is:

- (a) liable for the fees or other compensation payable pursuant to section 18 with respect to the stray; and
  - (b) subject to section 15, shall pay those fees or other compensation to the municipality in which the stray was discovered.
- (2) Whether or not the owner has complied with subsection (1) or where the owner is unknown, the municipality shall pay to the finder, the poundkeeper and any other person mentioned in section 18 those fees or other compensation to which they are entitled pursuant to this Act and the regulations.
- (3) The municipality may maintain an action against the owner for the recovery of any amounts paid pursuant to subsection (2) or for the recovery of any amounts owing to the municipality pursuant to subsection (1).

R.S.S. 1978, c.S-602, s.19; 1989-90, c.61, s.10;  
1998, c.15, s.11.

### Release of stray to owner

**20(1)** Upon receipt of payment of any fees that may be owing pursuant to subsection 19(1) and any penalty that may be assessed pursuant to section 21, the administrator shall, by notice to the finder or poundkeeper, order the release of the stray to the owner.

(2) The administrator, before making the order mentioned in subsection (1), or the poundkeeper, before releasing the stray to the person claiming ownership, shall require from that person a statutory declaration of ownership in the form prescribed in the regulations.

R.S.S. 1978, c.S-60, s.20; 1989-90, c.61, s.11;  
1998, c.15, s.12 and 22.



## STRAY ANIMALS

c. S-60

**Penalty**

**21** The administrator of the municipality in which a stray is discovered may assess, in addition to any other fees prescribed by this Act or the regulations, a penalty against the owner of the stray for each day that the stray is restrained or impounded, and that penalty shall not exceed the amount prescribed in the regulations and shall be paid to the municipality.

R.S.S. 1978, c.S-60, s.21; 1989-90, c.61, s.12;  
1998, c.15, s.22.

## SALE OF IMPOUNDED STRAYS

**Sale of stray by auction**

**22(1)** Where the owner of a stray has not made the necessary or required arrangements for the release of the stray from a pound within 14 days after impoundment, or where the owner remains unknown after reasonable inquiry by the municipality in which the stray was discovered and the municipality has waited seven days after impoundment, the administrator shall give notice to the poundkeeper to deliver the stray to a livestock auction market.

(1.1) On receipt of the notice mentioned in subsection (1), the poundkeeper shall deliver the stray to the livestock auction market as directed by the administrator.

(2) Upon receipt of a stray, the livestock auction market shall sell the stray by public auction to the highest bidder and from the proceeds of the sale may deduct any sales commission fee, yardage, veterinary costs and any required statutory charges or deductions relating to the sale.

(3) The livestock auction market shall, immediately after the sale of a stray, forward to the administrator of the municipality in which the stray was discovered the proceeds of the sale remaining after deduction of the fees mentioned in subsection (2), along with a report giving a description of the stray sold, the date of the sale, the record of weight, the name of the buyer and a statement of the amount realized and the disposition of the proceeds of the sale.

R.S.S. 1978, c.S-60, s.22; 1989-90, c.61, s.13;  
1998, c.15, s.13 and 22.

**Record of sale**

**23(1)** The administrator shall maintain a record, in the form prescribed in the regulations, giving a description of the stray sold, the date of the sale, the record of weight, the name of the buyer and a statement of the amount realized and the disposition of the proceeds of the sale.

(2) The administrator shall retain the record mentioned in subsection (1) for at least 24 months after the date of the sale.

1998, c.15, s.14.

**Distribution of proceeds of sale**

**24(1)** The municipality in which a stray is discovered shall be responsible for the full amount of any fees or other compensation to which the finder, poundkeeper, livestock auction market or any other person mentioned in section 18 is entitled pursuant to this Act or the regulations, whether or not the proceeds of the sale of the stray are sufficient to meet that amount, and the administrator shall pay those fees or other compensation within 30 days after the date of the sale of the stray.

**c. S-60**

## STRAY ANIMALS

(2) After payment of the amount mentioned in subsection (1), the administrator shall apply the funds, if any, remaining from the proceeds received by the municipality pursuant to subsection 22(3) in priority of payment as follows:

- (a) the fees, charges and expenses of the municipality;
- (b) any penalty assessed by the municipality pursuant to section 21;
- (c) where the owner of the stray is not known, the reasonable damage claim of the finder, as agreed on by the finder and the administrator.

(3) Any funds remaining after payments are made pursuant to subsection (2) shall be paid to the owner if he is known.

(4) Where the owner is not known at the time of the sale, any funds mentioned in subsection (3) shall be held for a period of twelve months by the administrator and, after the expiration of the twelve-month period, shall become a part of the general funds of the municipality and the owner shall no longer have any right or claim to such funds.

(5) The administrator shall pay, to a person who, prior to the expiry of the twelve-month period mentioned in subsection (4), provides proof of ownership of a stray sold pursuant to this Act, any funds to which that person is entitled pursuant to subsection (3), but the administrator shall require from that person a statutory declaration of ownership in the form prescribed in the regulations.

R.S.S. 1978, c.S-60, s.24; 1989-90, c.61, s.14;  
1998, c.15, s.15 and 22.

## VALUELESS AND DANGEROUS STRAYS

**Valueless stray**

**25(1)** If a poundkeeper or a finder has in his or her custody a stray that he or she believes may be valueless, the poundkeeper or the finder, as the case may be, may apply to the administrator of the municipality in which the stray was discovered for permission to destroy the stray.

(2) On the receipt of an application pursuant to subsection (1), the administrator shall appoint a veterinarian who shall inspect the stray and provide the administrator with a written opinion as to whether the stray is a valueless stray and should be destroyed.

(3) Notwithstanding subsection (2), where, in the veterinarian's opinion, it is unreasonable in the circumstances to inspect the stray and provide a written opinion, the veterinarian may give an oral opinion on the stray based on the information conveyed by the administrator.

(4) If, in the veterinarian's opinion, the stray is a valueless stray and should be destroyed, the administrator may authorize, in writing, the destruction of the valueless stray.

1998, c.15, s.16.

**Dangerous stray**

**25.1(1)** If a poundkeeper or a finder has in his or her custody a stray that he or she believes may be a dangerous stray, the poundkeeper or the finder, as the case may be, may apply to the administrator of the municipality in which the stray was discovered for permission to:

- (a) tranquilize the stray; or
- (b) destroy the stray.

(2) After an application has been made pursuant to subsection (1), the administrator shall appoint a veterinarian who shall inspect the stray and provide the administrator with a written opinion as to whether the stray is a dangerous stray and should be tranquilized or destroyed.

(3) Notwithstanding subsection (2), where, in the veterinarian's opinion, it is unreasonable in the circumstances to inspect the stray and provide a written opinion, the veterinarian may give an oral opinion on the stray based on the information conveyed by the administrator.

(4) If, in the veterinarian's opinion, the stray is a dangerous stray and should be tranquilized or destroyed, the administrator may authorize, in writing, the tranquilization of the dangerous stray or the destruction of the dangerous stray.

(5) Any tranquilization of a dangerous stray that is authorized pursuant to this section is to be performed only by or under the supervision of a veterinarian.

(6) Notwithstanding any other provision of this Act, a person may kill a stray where the stray is in the act of harming, endangering or pursuing any person or livestock.

(7) Notwithstanding any other provision of this Act, a proprietor may kill a stray if all of the following conditions are met:

- (a) the stray has repeatedly harmed, damaged or destroyed the proprietor's property or any wildlife on the property;
- (b) the stray is on the proprietor's land and the proprietor has no reasonable means to capture or restrain the stray;
- (c) the proprietor has notified the administrator of the harm, damage or destruction caused by the stray to the property or wildlife;
- (d) the administrator authorizes the proprietor to kill the stray.

1998, c.15, s.16.

**Expenses re valueless and dangerous strays**

**26(1)** The owner of a stray that is destroyed pursuant to section 25 or 25.1 shall be liable for the expenses of destroying the stray and disposing of the carcass and shall have no right or claim for any damages resulting from the destruction of the stray except for the value of any dead salvage.

(2) The owner of a stray that is tranquilized pursuant to section 25.1 shall be liable for the expenses of tranquilizing the stray.

(3) For the purposes of subsections (1) and (2), the expenses of destroying or tranquilizing a stray include any veterinarian's inspection fee and the veterinarian's fee for providing an opinion with respect to the stray.

**c. S-60**

## STRAY ANIMALS

(4) Where the owner of a stray that is tranquilized or destroyed pursuant to section 25 or 25.1, as the case may be, is not known, the municipality in which the stray was discovered shall be liable for the expenses of tranquilizing the stray or destroying the stray and disposing of the carcass.

1998, c.15, s.16.

## LIABILITIES

**Liability of owner**

**27(1)** The owner of a stray shall be liable to a proprietor for any damage caused by the stray to the property of the proprietor.

(2) No action for damages to property caused by an animal while lawfully running at large shall be maintained.

(3) No animal that is lawfully running at large shall be liable to be restrained or impounded for causing damage to property unless the property is surrounded by a lawful fence.

R.S.S. 1978, c.S-60, s.27.

**Liability of proprietor**

**28(1)** Subject to subsection (2), no proprietor shall be liable for the injury or death of a stray while the stray is on the proprietor's land.

(2) Nothing in subsection (1) authorizes a proprietor to wilfully injure or cause the death of a stray.

1998, c.15, s.17.

**Lawful fence**

**29(1)** Notwithstanding clause 2(g), any fence enclosing property shall be deemed to be a lawful fence if it is established that an animal broke through or passed over or under any part thereof that is a lawful fence, although any other part or parts thereof may not be lawful.

(2) The onus of establishing that a fence is lawful under subsection (1) shall be on the proprietor.

R.S.S. 1978, c.S-60, s.29; 1998, c.15, s.18.

## OFFENCES AND PENALTIES

**Offences and penalties**

**30(1)** Any person who:

- (a) impounds or assists, incites or employs a person to impound an animal that is not a stray;
- (b) demands or receives any fees not authorized by this Act or the regulations;
- (c) neglects to provide sustenance and proper shelter for a stray, or necessary veterinary care, as required by this Act;

## STRAY ANIMALS

c. S-60

- (d) works or uses a stray in any manner while it is restrained or impounded;
- (e) knowingly allows an animal affected with a contagious or infectious disease to be in the same enclosure with a stray not so affected;
- (f) fails to give any notice required by this Act or the regulations;
- (g) neglects to provide the administrator with any report or information required by this Act or the regulations;
- (h) harbours, transports, offers for sale or otherwise disposes of a stray except in a manner that is in compliance with the provisions of this Act and the regulations;
- (h.1) removes a restrained animal from the place where the animal is restrained without the consent of the finder who restrained it or of the administrator of the municipality in which the stray was restrained;
- (h.2) removes an impounded animal from the pound without the consent of the poundkeeper or of the administrator of the municipality in which the pound is situated;
- (h.3) **Repealed.** 1998, c.15, s.19.
- (i) violates any of the provisions of this Act or the regulations or neglects to do anything required by this Act or the regulations;

is guilty of an offence and is liable on summary conviction to a fine of not more than \$5,000 or to imprisonment for a term of not more than six months, or to both such fine and imprisonment, and in default of payment is liable to imprisonment for a term of not more than six months.

(2) Notwithstanding that any action may have been taken by any person for the restraint, impoundment or disposition of a stray, the owner of the stray is guilty of an offence and is liable on summary conviction to a fine of not more than \$5,000 or to imprisonment for a term of not more than six months, or to both such fine and imprisonment, and in default of payment is liable to imprisonment for a term of not more than six months.

R.S.S. 1978, c.S-60, s.30; 1989-90, c.61, s.16;  
1998, c.15, s.19 and 22.

## GENERAL

**Regulations**

**31** For the purpose of carrying out this Act according to its intent, the Lieutenant Governor in Council may make regulations:

- (a) defining, enlarging or restricting the meaning of any word or phrase used in this Act but not defined in this Act;
- (b) designating any animal as an animal for the purposes of this Act;
- (c) prescribing the manner in which lawful fences are to be constructed and maintained;
- (d) prescribing the manner in which pounds are to be maintained and operated;
- (e) prescribing the duties of finders and poundkeepers;

- (f) prescribing the form and manner in which the impoundment and sale of strays may be advertised;
- (g) prescribing the manner in which strays may be sold;
- (h) prescribing fees, or directing the manner of determining the compensation payable, for services performed pursuant to this Act;
- (i) prescribing the manner in which fees are to be administered;
- (j) prescribing the forms required by this Act;
- (k) prescribing the form of notices that may be used or are required to be used pursuant to this Act;
- (l) prescribing the form in which records are to be kept;
- (m) prescribing procedures for parties under this Act to resolve their disputes by means of mediation;
- (n) prescribing any other matter or thing required or authorized by this Act to be prescribed in the regulations;
- (o) respecting any other matter or thing that the Lieutenant Governor in Council considers necessary to carry out the intent of this Act.

1998, c.15, s.20.

#### **Records**

**32** The administrator shall keep a complete record, in the form prescribed in the regulations, of any strays found in the municipality.

R.S.S. 1978, c.S-60, s.32; 1998, c.15, s.22.

#### **Information to be supplied**

**33** A finder, poundkeeper or livestock auction market shall on request furnish the administrator or minister with such information as is required with regard to a stray and its disposition.

R.S.S. 1978, c.S-60, s.33; 1998, c.15, s.22.

#### **Immunity**

**34** No action lies or shall be instituted against any person, where that person is acting pursuant to the authority of this Act or the regulations, for any loss or damage suffered by reason of anything in good faith done, caused, permitted or authorized to be done, attempted to be done or omitted to be done by that person:

- (a) pursuant to or in the exercise or supposed exercise of any power conferred by this Act or the regulations; or
- (b) in the carrying out or supposed carrying out of any duty imposed by this Act or the regulations.

1998, c.15, s.21.