

1970

c 186 Game and Fish Act

Ontario

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CHAPTER 186

The Game and Fish Act

I. In this Act,

Interpre-
tation

1. "closed season" means a period that is not an open season;
2. "deer" includes wapiti (commonly called elk);
3. "Department" means the Department of Lands and Forests;
4. "dog" means any of the species *Canis familiaris* Linnaeus;
5. "domestic animals and domestic birds" includes any non-native species kept in captivity, except pheasants, but does not include native species kept in captivity or non-native species present in the wild state;
6. "farmer" means a person whose chief occupation is farming and,
 - i. who is living upon and tilling his own land, or land to the possession of which he is for the time being entitled, or
 - ii. who is a *bona fide* settler engaged in clearing land for the purpose of bringing it to a state of cultivation;
7. "ferret" means any of the domesticated forms of the old world polecat (*Putorius putorius*) used for hunting;
8. "fire-arm" includes an air or pellet gun and a longbow and a cross-bow;
9. "fishing preserve" means an artificial or man-made body of water lying wholly within the boundaries of privately-owned land, containing water from surface run-off, natural springs, ground water or water diverted or pumped from a stream or lake but not being composed of natural streams, ponds or lakes or water impounded by the damming of natural streams and in which fish propagated under a licence or fish taken under a commercial fishing licence are released for angling purposes;
10. "fur-bearing animal" means a beaver, fisher, fox, lynx, marten, mink, muskrat, otter, raccoon, skunk, red

squirrel, weasel, wolverine or any other animal that the Lieutenant Governor in Council declares to be a fur-bearing animal, and includes any part of such animal;

R.S.C. 1952,
c. 179

11. "game" means a game animal, game bird or fur-bearing animal, and includes any part of such animal;
12. "game animal" means any animal, except a fur-bearing animal, protected by this Act, and includes any part of such animal;
13. "game bird" means any bird protected by this Act or the *Migratory Birds Convention Act* (Canada), and includes any part of such bird;
14. "game bird hunting preserve" means any area in which pheasants or other game birds propagated under a licence are released for hunting purposes;
15. "holder of a licence" means the person named in the licence;
16. "hunting" includes chasing, pursuing, following after or on the trail of, searching for, shooting, shooting at, stalking or lying in wait for, worrying, molesting, taking or destroying any animal or bird, whether or not the animal or bird be then or subsequently captured, injured or killed, and "hunt", "hunted" and "hunter" have corresponding meanings;
17. "licence" means an instrument issued under this Act conferring upon the holder the privilege of doing the things set forth in it, subject to the conditions, limitations and restrictions contained in it and in this Act and in the regulations, but no licence is or shall operate as a lease;
18. "Minister" means the Minister of Lands and Forests;
19. "non-resident" means a person who has not actually resided in Ontario for a period of at least seven months during the twelve months immediately preceding the time that his residence becomes material under this Act;
20. "officer" means a Conservation Officer or a Deputy Conservation Officer and includes a member of the Royal Canadian Mounted Police Force or the Ontario Provincial Police Force or any other person authorized to enforce this Act;
21. "Ontario Fishery Regulations" means the Ontario Fishery Regulations made under the *Fisheries Act* (Canada);

R.S.C. 1952,
c. 119

22. "open season" means a specified period during which specified game or fish may be taken;
23. "owner", with reference to land, includes any person who is the owner of an interest in land entitling him to the possession of it, but does not include the holder of a timber licence;
24. "pelt" means the untanned skin of a fur-bearing animal;
25. "pheasant" means any of the species *Phasianus colchicus* Linnaeus;
26. "rabbit" includes cottontail rabbit, varying hare and European hare;
27. "regulations" means the regulations made under this Act;
28. "resident" means a person who has actually resided in Ontario for a period of at least seven months during the twelve months immediately preceding the time that his residence becomes material under this Act;
29. "snare" means a device for the taking of animals whereby they are caught in a noose, and "snaring" has a corresponding meaning;
30. "trap" means a spring trap, gin, deadfall, snare, box or net used to capture game, and "trapping" has a corresponding meaning;
31. "vehicle" means a vehicle that is drawn, propelled or driven by any kind of power, including muscular power, and includes the rolling stock of a railway;
32. "vessel" means a boat or ship, and includes a skiff, canoe, punt and raft;
33. "wolf" means any of the species *Canis lupus* L. or *Canis latrans* Say. 1961-62, c. 48, s. 1; 1964, c. 34, s. 1; 1970, c. 58, s. 1.

APPLICATION

2. This Act does not apply,

- (a) to domestic animals and domestic birds, except dogs;
- (b) to a person taking or destroying a hawk, kingfisher or owl or any animal, other than a caribou, deer or moose, on his own lands in defence or preservation of his property by any means at any time; or
- (c) to a person destroying a beaver dam in defence or preservation of his property. 1961-62, c. 48, s. 2.

Application
of Act

ADMINISTRATION

Purpose of
the Act

3. The purpose of this Act is to provide for the management, perpetuation and rehabilitation of the wildlife resources in Ontario, and to establish and maintain a maximum wildlife population consistent with all other proper uses of lands and waters. 1961-62, c. 48, s. 3.

Administra-
tion of Act

4. The administration of this Act is under the control and direction of the Minister. 1961-62, c. 48, s. 4.

Revenue

5. Except as otherwise provided by this Act, all rentals, licence fees, fines, penalties, proceeds of the sale of game and fish and of all property forfeited, and other receipts, fees and revenues under this Act or the regulations, or under any licence or instrument authorized by or under this Act, shall be paid to the Treasurer of Ontario. 1961-62, c. 48, s. 5.

Power to
acquire
lands under
R.S.O. 1970,
c. 393

6.—(1) Land may be acquired under *The Public Works Act* for the purposes of management, perpetuation and rehabilitation of the wildlife resources in Ontario.

Idem

(2) The Minister on behalf of Her Majesty in right of Ontario may receive and take from any person by grant, gift, devise, bequest or otherwise any property, real or personal, or any interest therein for the purposes mentioned in subsection 1. 1961-62, c. 48, s. 6.

Management
agreements

(3) The Minister or the Minister of Public Works may enter into agreements with the owners of lands respecting the management of the lands for the purposes mentioned in subsection 1, and such agreements may transfer to Her Majesty in right of Ontario the hunting and fishing rights in the lands and may authorize Her Majesty to carry out habitat improvement work, protective measures, stocking programs, fencing, erection of signs and any other management practice.

Registra-
tion of
agreements

(4) An agreement entered into under subsection 3 may be registered in the proper registry or land titles office, and thereupon such agreement is binding upon every subsequent owner and mortgagee of the lands during the term of the agreement. 1967, c. 30, s. 1.

Appoint-
ment of
conserva-
tion officers

7.—(1) The Minister may appoint conservation officers for carrying out this Act and the regulations.

Deputy con-
servation
officers

(2) The Minister may appoint deputy conservation officers in and for any part of Ontario to serve without remuneration.

Termination
of appoint-
ments

(3) Every appointment under subsection 2 shall be for the period stated in the appointment. 1961-62, c. 48, s. 7.

8.—(1) An officer may, without a search warrant,

Search of
vehicles,
vessels, etc.

- (a) stop, enter and search any aircraft, vehicle or vessel;
- (b) enter and search any fishing, hunting, mining, lumber or construction camp, or any office of any common carrier, or any premises where pelts are bought or sold; and
- (c) open and inspect any trunk, box, bag, parcel or receptacle,

if he has reasonable grounds to believe that any of them contains any game or fish killed, taken, shipped or had in possession in contravention of this Act or the regulations. 1961-62, c. 48, s. 8 (1); 1966, c. 60, s. 1.

(2) An officer who has reasonable grounds to believe that it is necessary to enter any building, which by this Act he is not authorized to enter without a search warrant, shall make a deposition before a justice of the peace, and, where the justice is satisfied that there is reasonable ground for believing that there is in the building,

Search
warrant

- (a) anything upon or in respect of which an offence against this Act or the regulations has been or is suspected to have been committed; or
- (b) anything that there is reasonable ground to believe will afford evidence as to the commission of any such offence,

he may at any time issue a search warrant.

(3) An officer may use as much force as is necessary for him to exercise the powers conferred upon him by subsection 1 or in the execution of a search warrant issued under subsection 2. 1961-62, c. 48, s. 8 (2, 3).

Use of
force

9. An officer may inspect any fire-arm in a locality in which game may be found or on any highway or road leading thereto or on waters adjacent thereto. 1966, c. 60, s. 2.

Inspection of
fire-arms

10. An officer on view may arrest without process any person found committing a contravention of this Act or of the regulations, in which case he shall bring him with reasonable diligence before a competent court to be dealt with according to law. 1961-62, c. 48, s. 9.

Arrest on
view

11. An officer in the discharge of his duties and any person by him accompanied or authorized for the purpose may enter upon and pass through or over private lands without being liable for trespass. 1961-62, c. 48, s. 10.

Entry upon
private
property

Authority
to prosecute

12.—(1) An officer shall investigate all contraventions of this Act and the regulations brought to his notice and may prosecute any person who he has reasonable cause to believe is guilty of an offence against this Act. 1961-62, c. 48, s. 11.

Where
subs. 1 not
to apply

(2) Subsection 1 does not apply to contraventions of subsection 1 of section 18. 1962-63, c. 48, s. 2.

Obstructing
officers

13. No person shall obstruct, hinder or delay or interfere with an officer in the discharge of his duty by violence or threats or by giving false information, or in any other manner. 1961-62, c. 48, s. 12.

Authority
to stop
vehicles,
vessels

14. An officer may stop a vehicle or vessel for the purpose of,
(a) determining whether the occupants of the vehicle or vessel have been hunting or fishing; or
(b) obtaining information as to the number and species of game or fish taken. 1961-62, c. 48, s. 13.

Power of
inspection of
documents
by officers

15. No person shall refuse to allow an officer to examine any book, invoice or document containing any entry or memorandum relating to game or fish that the officer suspects of being taken or possessed in contravention of this Act or the regulations, and he shall afford every reasonable facility for the examination, and, upon refusal, the officer may, without a search warrant, break any lock or fastening that may be necessary in order to conduct the examination and remove any such book, invoice or document to safekeeping. 1961-62, c. 48, s. 14; 1966, c. 60, s. 3.

Seizure of
game and
other
property

16.—(1) Any game or fish suspected of having been taken or possessed and any thing, except an aircraft, vehicle or vessel, suspected of having been used in contravention of this Act or the regulations shall be seized. 1961-62, c. 48, s. 15 (1); 1966, c. 60, s. 4 (1).

Seizure of
aircraft, etc.

(2) An aircraft, vehicle or vessel,
(a) suspected of having been used; or
(b) used in transporting game or fish suspected of having been taken or possessed,

in contravention of this Act or the regulations may be seized. 1961-62, c. 48, s. 15 (2); 1966, c. 60, s. 4 (2).

Forfeiture
of property
seized

(3) Upon conviction, any property seized under this section is forfeited to the Crown in right of Ontario as represented by the Minister. 1961-62, c. 48, s. 15 (3).

GENERAL PROVISIONS

Hunting for
hire pro-
hibited

17. No person shall for hire, gain or reward, or hope thereof, hunt game, or employ, hire or, for valuable consideration, induce any other person to hunt game. 1961-62, c. 48, s. 16.

18.—(1) No person shall hunt or fish or with any gun or sporting implement, fishing rod or tackle in his possession go upon any enclosed or unenclosed land or water after he has had oral or written notice not to hunt or fish thereon by the owner or by a person authorized by the owner to give such notice. Entry after notice

- (2) No person shall, Wrongful erection or destruction of notices
 - (a) without authority give or cause to be given the notice mentioned in subsection 1; or
 - (b) tear down, remove, deface, damage or interfere with any notice put up, posted or placed pursuant to subsection 1.

(3) No person shall, for the purpose of hunting or fishing, enter into or allow a dog to enter into growing or standing grain or any other crop, whether of one kind or not, without the permission of the owner or a person authorized by the owner to give such permission. Growing crops

(4) No person in a party of more than twelve persons shall hunt or with any gun or sporting implement enter upon any enclosed or unenclosed land in a county without the permission of the owner or a person authorized by the owner to give such permission. Hunting in parties exceeding twelve

(5) No person shall without authority enter or attempt to enter upon lands owned by the Crown that are used for the purpose of propagating or retaining game or fish. Entry on Crown lands used for propagating or retaining game or fish

(6) No person shall tear down, remove, damage, deface or interfere with any notice or sign of the Department put up, posted or placed for the purposes of this Act. Destruction of notices or signs

(7) Nothing in this section limits or in any way affects the remedy at common law of an owner for trespass. Common law remedy for trespass

(8) Every person found contravening any provision of this section may be apprehended without warrant by a constable or by the owner of the land on which the contravention takes place, or by the servant of or by any person authorized by such owner, and be taken forthwith to a justice of the peace to be dealt with according to law. 1961-62, c. 48, s. 17. Right of apprehension

19. Every person is guilty of the offence of hunting carelessly who, being in possession of a fire-arm for the purpose of hunting, discharges or causes to be discharged or handles such fire-arm without due care and attention or without reasonable consideration for persons or property and is liable to a fine of not more than \$1,000, or to imprisonment for a term of not more than one year, or to both. 1961-62, c. 48, s. 18; 1964, c. 34, s. 2. Offence of hunting carelessly

20.—(1) Except as provided in the regulations, no person shall use an aircraft while hunting. 1961-62, c. 48, s. 19. Use of aircraft

Use of
vehicles
and vessels

(2) No person shall use a vehicle or vessel for the purpose of chasing, pursuing, worrying, molesting, killing, injuring or destroying any animal or bird.

Exception

(3) Subsection 2 does not apply to a farmer in the defence or preservation of his property or to a party of farmers in the defence or preservation of the property of one or more of them. 1970, c. 58, s. 2.

Fire-arms
in game
areas

21.—(1) No person, while engaged in hunting or trapping game or while going to or returning from a hunting camp or locality in which game may be found, shall,

- (a) have a loaded fire-arm in or on, or discharge a loaded fire-arm from, an aircraft or a vehicle; or
- (b) in any county designated in the regulations, discharge a fire-arm from or across a highway, road, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, used or intended for use by the public for the passage of vehicles; or
- (c) in any part of Ontario that is not in a county designated in the regulations, discharge a fire-arm from or across the travelled portion of a highway, road, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, used or intended for use by the public for the passage of vehicles. 1966, c. 60, s. 5.

Fire-arms
in power-
boats
R.S.C. 1952,
c. 179

(2) Except as otherwise provided in the *Migratory Birds Convention Act* (Canada) or the regulations made under that Act, no person shall have a loaded fire-arm in or on or discharge the same from a power-boat. 1961-62, c. 48, s. 20 (2); 1964, c. 34, s. 3 (3).

Interpre-
tation

(3) A fire-arm having an unfired shell or cartridge in the chamber or in a magazine attached to the fire-arm shall be deemed to be loaded within the meaning of this section. 1961-62, c. 48, s. 20 (3).

Hunting
wolves

22. Notwithstanding section 20 and clause *a* of subsection 1 of section 21, wolves may be hunted from an aircraft or a vehicle under the authority of a licence issued by the Minister and subject to such terms and conditions as are prescribed in the regulations. 1961-62, c. 48, s. 21, *amended*.

Prohibition
as to guns

23.—(1) In a locality that game usually inhabits or in which game is usually found, no person shall have a fire-arm in his possession, unless it is unloaded and encased, between one-half hour after sunset and one-half hour before sunrise of any day. 1961-62, c. 48, s. 22; 1964, c. 34, s. 4.

Night
hunting

(2) No person shall hunt any animal or bird between one-half hour after sunset and one-half hour before sunrise of any day.

(3) No person shall use, while hunting, any device capable of throwing or casting rays of light on any object. 1970, c. 58, s. 3.

Devices capable of throwing or casting rays of light

24. Notwithstanding section 23, the holder of a licence to hunt raccoon at night may possess or use a fire-arm of a calibre or type prescribed in the regulations or a light for the purpose of hunting raccoon at night during the open season therefor when accompanied by a dog licensed therefor. 1970, c. 58, s. 4, *amended*.

Exception raccoon hunting

25. No person shall hunt any animal or bird with a repeating, automatic or auto-loading shot-gun that has not been permanently plugged or altered so that it is incapable of holding a total of more than three shells at one time in the chamber and magazine. 1961-62, c. 48, s. 24.

Automatic shot-guns

26.—(1) Except as provided in the regulations, no person shall hunt, trap or possess, or attempt to trap, any animal or bird in a provincial park or in a Crown game preserve.

Hunting, etc., in provincial parks

(2) Except as provided in the regulations, no person shall possess in a provincial park or in a Crown game preserve any trap, explosive, gun or sporting implement. 1961-62, c. 48, s. 25.

Weapons in provincial parks

27. Except as provided in the regulations, no person shall take or kill or attempt to take or kill any animal by means of poison. 1961-62, c. 48, s. 26.

Poison prohibited

28. Except as provided in the regulations, no person shall use a ferret in hunting game animals. 1961-62, c. 48, s. 27.

Ferrets

29. No person shall use a set-gun in hunting game. 1964, c. 34, s. 6.

Set-guns

30. No person who has taken or killed an animal, bird or fish suitable for food shall allow the flesh to be destroyed or spoiled. 1961-62, c. 48, s. 28.

Flesh not to be wasted

31.—(1) Without the written authority of the Minister, no person shall release any animal or bird imported into Ontario or propagated from stock imported into Ontario.

Release of imported stock

(2) No person shall permit any animal or bird imported into Ontario or propagated from stock imported into Ontario to escape. 1970, c. 58, s. 5.

Control of imported stock

32. Nothing in this Act prevents the bringing of game into Ontario from a place outside Ontario or the possession in Ontario of game taken outside Ontario if the game was legally taken. 1961-62, c. 48, s. 30.

Importation of game

Hotels,
restaurants,
etc.

33. Except with the written authority of the Minister, no construction camp, lumber camp, mining camp, hotel, restaurant, boarding-house or other commercial premises shall mention on a bill of fare or serve any game, other than game that has been propagated or sold under a licence. 1961-62, c. 48, s. 31; 1962-63, c. 48, s. 3.

Offence to
make false
statement

34. Any person who knowingly makes any false statement in any application, statement under oath, report or return required by this Act or the regulations is, in addition to any other penalty for which he may be liable, guilty of an offence against this Act. 1961-62, c. 48, s. 32.

LICENCES

Licences

35. Except under the authority of a licence, no person shall hunt or trap or attempt to trap animals or birds. 1961-62, c. 48, s. 33.

Contraven-
tion of
terms, etc.

36.—(1) No person shall contravene the terms or conditions of his licence. 1961-62, c. 48, s. 34 (1).

Transfer of
licence,
coupon or
seal

(2) Except as provided in the regulations, no licence shall be transferred and no person shall buy, sell, exchange or in any way be a party to the transfer of a licence, coupon or seal, or in any way use or attempt to use a licence, coupon or seal issued to any other person. 1961-62, c. 48, s. 34 (2); 1970, c. 58, s. 6 (1), *amended*.

Issue of
licence dis-
cretionary

(3) The issue of a licence is in the discretion of the Minister. 1961-62, c. 48, s. 34 (3).

Refund
of fees

(4) The Minister may direct the refund of the fee paid for any licence where, owing to the licence not having been used by reason of sickness, accident or death, he considers it just, and the Treasurer of Ontario, upon the written request of the Minister, shall cause the refund to be made. 1964, c. 34, s. 7, *amended*.

Cancellation
of licence
in event
of error

(5) The Minister may cancel any licence where an error has been made from any cause when issuing it, and the holder has no claim for indemnity or compensation with respect to it other than the adjustment or refund of any fee collected.

Licence to
be carried

(6) Except as provided in the regulations, no holder of a licence shall hunt game unless at that time he has the licence on his person.

Production
of licence
on demand

(7) The holder of a licence shall produce and show it to any officer whenever requested by the officer. 1961-62, c. 48, s. 34 (5-7).

Wearing
of badge

(8) The holder of a licence of a class designated in the regulations shall, while hunting, wear in a conspicuous place on his person a badge clearly showing the number of the licence. 1967, c. 30, s. 2; 1970, c. 58, s. 6 (2), *amended*.

(9) The holder of a licence obtained by any false or misleading statement made in respect of any information required for the issue of the licence shall be deemed to be the holder of a void licence and the holder may be prosecuted under this Act in the same manner and with the same effect as he could be prosecuted if he were not the holder of a licence. 1961-62, c. 48, s. 34 (9).

Licence
obtained by
misrepresentation

37. Except as provided in the regulations, no licence shall be issued to any person under the age of sixteen years. 1961-62, c. 48, s. 35.

Minors

38.—(1) No person shall issue any licence or collect any fee in respect thereof unless authorized by the Minister. 1961-62, c. 48, s. 36 (1).

Issuers of
licences

(2) The Minister may authorize any person to issue licences, and such issuers of licences shall have the powers and duties prescribed by the manual of licence-issuing instructions authorized by the Minister.

Idem

(3) Every issuer of licences shall be deemed to be a trustee of the Crown of the licence fees collected by him or on his behalf.

Licence
issuers as
trustees

(4) Every issuer of licences shall comply with the manual of licence-issuing instructions, and, if he fails so to do, he is guilty of an offence against this Act.

Duties,
etc., of
licensees

(5) No person shall possess a licence that does not exhibit the name of the holder or that is ante-dated or undated or a material part of which is not completed. 1964, c. 34, s. 8.

Licence
in blank

39.—(1) The Minister may in writing authorize any municipality to pass by-laws for issuing and fixing the maximum number of licences to hunt, during the open season, pheasants, rabbits and foxes and for charging such fees therefor as he authorizes, and the Minister may fix the minimum number of such licences that the by-law shall provide for.

Municipal
licences
to hunt
pheasants,
etc.

(2) Where a municipality has passed a by-law under subsection 1, no person shall hunt pheasants, rabbits or foxes in the municipality during the open season without a licence from the municipality.

Where
municipal
licence
required

(3) Where a municipality has passed a by-law under subsection 1, the Minister may in writing authorize the municipality to pass a further by-law to provide that a licence to hunt animals and birds not protected by this Act or the regulations or the *Migratory Birds Convention Act* (Canada) or the regulations made under that Act, during the period between the 1st day of March and the 31st day of August, is not valid in that municipality unless it is signed by the clerk of the municipality or by a person authorized by him. 1961-62, c. 48, s. 37.

Validity of
licence

R.S.C. 1952,
c. 179

Repeal of
by-laws

(4) The Minister may in writing authorize the repeal of a by-law passed under subsection 1, and the repealing by-law may provide for the refund, in whole or in part, of licence fees paid for licences issued under the repealed by-law. 1964, c. 34, s. 9.

Interpre-
tation

40.—(1) In this section, “guide” means a person who for reward carries out the customary duties of a hunting or angling guide.

Guides

(2) Except under the authority of a licence, no person shall act as a guide in any part of Ontario designated in the regulations.

Employment
of guides

(3) In any part of Ontario designated as an area in which no person shall act as a guide except under the authority of a licence, no person shall employ as a guide a person who is not the holder of a guide’s licence.

Limitation
of guides

(4) The holder of a guide’s licence shall not act as a guide for any person for any purpose for which that person is required to have a licence under this Act or the Ontario Fishery Regulations unless that person is the holder of a licence for the purpose.

Guides for
non-resident
hunters

(5) No non-resident shall hunt deer or moose in any part of Ontario designated in the regulations without employing or being accompanied by a licensed guide, but, where two or more non-residents hunt together, the number of guides employed need not be more than one guide for each two non-residents. 1962-63, c. 48, s. 4.

ILLEGAL POSSESSION OF GAME

Possession
of game

41. No person shall knowingly possess any game hunted in contravention of this Act or the regulations. 1964, c. 34, s. 10.

GAME ANIMALS

Open
seasons

42.—(1) Except under the authority of a licence and during such times and on such terms and conditions and in such parts of Ontario as are prescribed in the regulations, no person shall hunt black bear, polar bear, caribou, deer or moose.

Multiplicity
of licences

(2) Except as provided in the regulations, no person shall be the holder of more than one licence to hunt caribou, deer or moose in any year. 1961-62, c. 48, s. 38.

Caribou,
deer and
moose that
may be
taken

43.—(1) Subject to subsections 2, 3 and 4, no person shall, during the open season, take or kill more than one caribou under a licence to hunt caribou, one deer under a licence to hunt deer, or one moose under a licence to hunt moose.

Exception,
party
hunting
caribou

(2) Where two or more persons who hold licences to hunt caribou are hunting as a party, any member of the party may take or kill the number of caribou that is equal to the number of such licences held by the members of the party, but in no case shall the

total number of caribou taken or killed by the members of the party exceed the total number of such licences held by the members of the party.

(3) Where two or more persons who hold licences to hunt deer are hunting as a party, any member of the party may take or kill the number of deer that is equal to the number of such licences held by the members of the party, but in no case shall the total number of deer taken or killed by the members of the party exceed the total number of such licences held by the members of the party. Exception,
party
hunting
deer

(4) Where two or more persons who hold licences to hunt moose are hunting as a party, any member of the party may take or kill the number of moose that is equal to the number of such licences held by the members of the party, but in no case shall the total number of moose taken or killed by the members of the party exceed the total number of such licences held by the members of the party. 1961-62, c. 48, s. 39. Exception,
party
hunting
moose

(5) Subject to subsection 6, no non-resident shall, during the open season, take or kill more than one black bear under a licence to hunt bear. Bear that
may be
taken

(6) Where two or more non-residents who hold licences to hunt bear are hunting as a party, any member of the party may take or kill the number of bear that is equal to the number of such licences held by the members of the party, but in no case shall the total number of bear taken or killed by the members of the party exceed the total number of such licences held by the members of the party. Exception,
party
hunting bear

(7) Where a party of hunters is composed of residents and non-residents, the non-residents shall, for the purposes of subsection 6, be deemed to be a party. 1970, c. 58, s. 7. Idem

44.—(1) No person shall take or kill a black bear, polar bear, caribou, deer or moose by means of a trap, net, baited line or other similar contrivance or set any of them for any such animal. 1961-62, c. 48, s. 40. Traps, nets,
snares, etc.,
prohibited

(2) Notwithstanding subsection 1, black bear may be trapped during such times and subject to such terms and conditions as are prescribed in the regulations. 1962-63, c. 48, s. 5. Exception

45. No person shall hunt a caribou, deer or moose while it is swimming. 1961-62, c. 48, s. 41. Swimming
caribou,
deer or
moose

46. Except under the authority of a licence and during such times and on such terms and conditions and in such parts of Ontario as the Minister prescribes, no person shall hunt or trap or attempt to trap any rabbit or any black, grey or fox squirrel. 1961-62, c. 48, s. 42. Hunting,
trapping,
etc.

Licence
for sale
of game
animal

47.—(1) Except under the authority of a licence and subject to the regulations, no person shall sell, offer for sale, purchase or barter, or be concerned in the sale, purchase or barter of a game animal or possess a game animal for sale. 1961-62, c. 48, s. 43 (1); 1964, c. 34, s. 11.

Exception

(2) Subsection 1 does not apply to European hare or varying hare. 1961-62, c. 48, s. 43 (2).

Taking
of game
animal for
scientific
purposes

48. Except with the written authority of the Minister, no person shall, during a closed season, take a game animal for educational or scientific purposes. 1961-62, c. 48, s. 44.

Dealing in
bear meat

49. Notwithstanding anything in this Act, any person may under the authority of a licence sell the meat of a bear if taken lawfully, and any person may without a licence possess or buy any bear meat for his own use. 1961-62, c. 48, s. 45.

GAME BIRDS

Grouse,
partridge,
etc.

50. Except under the authority of a licence and during such times and on such terms and conditions and in such parts of Ontario as are prescribed in the regulations, no person shall hunt ruffed grouse, spruce grouse, Hungarian partridge, pheasant, sharp-tailed grouse, greater prairie-chicken, ptarmigan, bob-white quail or wild turkey. 1961-62, c. 48, s. 46.

Hunting
birds

51. No person shall hunt any game bird during the closed season or any other bird at any time, except crows, cowbirds, blackbirds, starlings, house-sparrows and birds, other than pheasants or Hungarian partridge, released under section 31. 1961-62, c. 48, s. 47; 1964, c. 34, s. 12.

Traps and
snares
prohibited

52. No person shall use, set or maintain a net, trap, spring, cage or other similar contrivance for the purpose of taking or killing any game bird. 1961-62, c. 48, s. 48.

Use of rifle
to hunt
pheasant
prohibited

53. No person shall hunt pheasant with a rifle. 1961-62, c. 48, s. 49.

Licence for
propagation,
etc., of
game birds

54. Except under the authority of a licence and subject to the regulations, no person shall propagate or sell a game bird or possess a game bird for propagation or sale. 1961-62, c. 48, s. 50.

Game bird
hunting
preserves

55.—(1) Except under the authority of a licence and subject to the regulations, no person shall own or operate a game bird hunting preserve. 1961-62, c. 48, s. 51.

Exception

(2) Subsection 1 does not apply to a person or a game bird hunting preserve exempted under the regulations. 1970, c. 58, s. 8.

56. No person shall take, destroy or possess the eggs or nests of any game bird, except with the written authority of the Minister to take, destroy or possess the eggs or nests for educational or scientific purposes. 1961-62, c. 48, s. 52.

Eggs and
nests
protected

FUR-BEARING ANIMALS

57. Except under the authority of a licence and during such times and on such terms and conditions and in such parts of Ontario as the Minister prescribes, no person shall hunt or trap or attempt to trap any fur-bearing animal. 1961-62, c. 48, s. 53.

Hunting,
trapping,
etc.

58.—(1) The Minister may, in a licence to hunt or trap fur-bearing animals,

Licence to
trap

- (a) fix the number of each species of fur-bearing animal that may be taken thereunder; and
- (b) designate the area in which fur-bearing animals may be taken thereunder by the holder of the licence.

(2) The Minister may limit the number of licences to hunt or trap fur-bearing animals in any area.

Idem

(3) No non-resident shall be the holder of a licence to hunt or trap fur-bearing animals.

Non-
residents

(4) The holder of a licence to hunt or trap fur-bearing animals may sell any fur-bearing animal taken by him under the authority of the licence or the pelt of any such animal.

Authority
to sell

(5) Subject to sections 26 and 39, the holder of a licence to hunt or trap fur-bearing animals may, under the authority of that licence and without any other licence, hunt, in the area described in the licence during the open seasons between the 15th day of October and the 30th day of June in the year next following, any bird or animal, other than caribou, deer or moose.

Exceptions
as to
trappers

(6) A farmer or any of his family residing with him upon his lands may without a licence hunt or trap thereon fur-bearing animals during the open seasons and may hunt thereon birds or animals, other than caribou, deer or moose, during the open seasons, and, subject to this Act, any farmer may without a licence sell the fur-bearing animals so hunted or trapped or the pelts thereof, but he shall keep such records and make such returns relating thereto as are prescribed in the regulations. 1961-62, c. 48, s. 54.

Exceptions
as to
farmers

59. No person shall touch or interfere with any set trap, unless authorized so to do by law or by the owner thereof. 1966, c. 60, s. 6.

Interference
with traps

Animals
taken in
preservation
of property

60. Where a person has taken or killed any fur-bearing animal in the closed season on his own lands in defence or preservation of his property, he shall within ten days thereof report the facts to the Department, and he shall not offer the pelt of such fur-bearing animal for sale or barter during the closed season except under a licence, and any fur dealer possessing such a pelt shall hold the licence and forward it to the Department when applying for a licence to ship it out of Ontario or to dress or tan it. 1961-62, c. 48, s. 55.

Possession
of fur-
bearing
animals in
closed
season

61. Except as provided in the regulations, no person shall during the closed season have in his possession or in that of his servant or agent, or in that of any other person on his behalf, any fur-bearing animal wherever killed,

(a) except that a pelt of an animal killed in Ontario may be possessed during the closed season under a licence if applied for within ten days after the end of the open season in which it was killed, but this clause does not apply to the pelts of beaver, fisher, lynx, marten, mink and otter that have been sealed or marked in accordance with this Act or to the pelts of mink raised on a fur farm; and

(b) except that a pelt of an animal killed outside Ontario may be possessed during the closed season under a licence if applied for within forty-eight hours after the pelt is received. 1961-62, c. 48, s. 56, *amended*.

Licences:

62.—(1) Except under the authority of a licence, no person shall,

fur tanner's

(a) engage in or carry on, or be concerned in, the tanning, plucking or treating of pelts; or

fur dealer's

(b) possess, engage in or carry on, or be concerned in, the trading, buying or selling of fur-bearing animals or pelts.

Trade only
between
licensed fur
dealers

(2) No holder of a licence under clause *b* of subsection 1 shall sell, trade or barter, or be concerned in the selling, trading or bartering, of pelts to or with any other person in Ontario, except where that other person holds a licence under clause *b* of subsection 1. 1961-62, c. 48, s. 57.

Sealing and
marking of
skins and
pelts

63.—(1) The pelts of beaver, fisher, lynx, marten, mink, and otter shall be sealed or marked by a duly authorized person before sale, and no person licensed under clause *b* of subsection 1 of section 62 shall have unsealed or unmarked beaver, fisher, lynx, marten, mink or otter pelts in his possession.

Exception

(2) Subsection 1 does not apply to the pelts of mink raised on a fur farm.

(3) No person shall present or permit to be presented for sealing or marking the pelt of a beaver, fisher, lynx, marten, mink or otter that was not taken by him under the authority of his licence to hunt or trap fur-bearing animals or under subsection 6 of section 58. Offence

(4) No person shall be party to having or attempting to have sealed or marked the pelt of a beaver, fisher, lynx, marten, mink or otter that was not taken under the authority of the licence that is presented with the pelt. 1961-62, c. 48, s. 58. Idem

64. Except under the authority of a licence, no person shall propagate a fur-bearing animal or possess a fur-bearing animal for propagation. 1961-62, c. 48, s. 59. Licence for propagation of fur-bearing animal

65. Subject to section 2 and except under the authority of a licence to hunt or trap fur-bearing animals, no person shall molest, damage or destroy, Dens of fur-bearing animals

(a) a den or usual place of habitation of a fur-bearing animal, other than that of a fox or skunk; or

(b) a beaver dam. 1961-62, c. 48, s. 60.

66.—(1) No person shall take or ship or attempt to take or ship to a point outside Ontario any fur-bearing animal or its pelt without a licence and without paying the royalty prescribed in the regulations. Royalties payable

(2) No person shall send or have sent any fur-bearing animal or its pelt to a tanner or taxidermist to be tanned, plucked or treated in any way without a licence and without paying the royalty prescribed in the regulations. 1961-62, c. 48, s. 61. Idem

67. No person who has taken or killed a fur-bearing animal shall allow the pelt to be destroyed or spoiled. 1961-62, c. 48, s. 62. Pelts not to be destroyed

68. Notwithstanding anything in this Act, any person may under the authority of a licence sell the meat of a beaver, muskrat or raccoon if taken lawfully, and any person may without a licence possess or buy any such meat for his own use. 1961-62, c. 48, s. 63. Dealing in muskrat, etc.

FISH

69.—(1) No person shall sell, offer for sale, purchase or barter, or be concerned in the sale, purchase or barter, of an Atlantic salmon (also known as ouananiche) taken from Ontario waters, a smallmouth bass, largemouth bass, maskinonge, brook trout, brown trout, rainbow trout or Aurora trout, but, under the authority of a licence to propagate and sell bass and trout and subject to such terms and conditions as are prescribed in the regulations, a person may sell, No traffic in certain fish

- (a) smallmouth bass, largemouth bass, brook trout or rainbow trout for the purpose of stocking; and
- (b) brook trout and rainbow trout for human consumption. 1964, c. 34, s. 13; 1970, c. 58, s. 9 (1).
- Idem (2) No person shall sell, offer for sale, purchase or barter, or be concerned in the sale, purchase or barter, of yellow pickerel (also known as pike-perch, walleye or dore), pike, lake trout or sturgeon taken from Ontario waters by angling or taken in any other manner by a person without a commercial fishing licence. 1961-62, c. 48, s. 64 (2); 1970, c. 58, s. 9 (2).
- Idem (3) No person shall buy, sell or possess a fish or part of a fish taken from Ontario waters during the closed season for that fish. 1961-62, c. 48, s. 64 (3);
- Fishing preserves **70.**—(1) Except under the authority of a licence and subject to the regulations, no person shall own or operate a fishing preserve.
- Exception (2) Subsection 1 does not apply to a person or a fishing preserve exempted under the regulations. 1970, c. 58, s. 10.
- Fish nets, possession **71.**—(1) Except under the authority of a licence, no person shall possess a gill, hoop, pound, seine, trap or trawl net.
- Idem (2) No person shall sell a gill, hoop, pound, seine, trap or trawl net to any person not the holder of a commercial fishing licence or a licence under subsection 1. 1961-62, c. 48, s. 65.
- Right to fish **72.** The ownership of the bed of a navigable water or of a lake or river does not include the exclusive right of fishing in the water that covers or flows over the bed unless that exclusive right is expressly granted by the Crown. 1961-62, c. 48, s. 67.

FROGS

- Waters set apart **73.** No person shall take or attempt to take frogs by any means from waters set apart for the conservation or propagation of frogs, but the Minister may, in writing, authorize frogs to be taken from such waters for scientific purposes. 1966, c. 60, s. 8, *part*.
- Closed season **74.** No person shall take a bullfrog during a closed season. 1966, c. 60, s. 8, *part*.
- Taking bullfrogs for sale **75.** Except under the authority of a licence and on such terms and conditions and in such parts of Ontario as the Lieutenant Governor in Council prescribes, no person shall take bullfrogs for the purpose of sale or barter. 1966, c. 60, s. 8, *part*.

DOGS

76. Except under the authority of a licence issued for the dog, no person shall use or be accompanied by a dog while hunting caribou, deer or moose. 1961-62, c. 48, s. 68. Use of dogs in hunting deer, etc.

77.—(1) No person owning, claiming to own or harbouring a dog shall allow it to run at large during the closed season for deer in a locality that deer usually inhabit or in which they are usually found, and a dog found running deer during the closed season for deer in such a locality may be killed on sight by an officer without incurring any liability or penalty therefor. Dogs running at large, etc.

(2) No person shall use or be accompanied by a dog while hunting deer in a part of Ontario that is designated in the regulations, and a dog found running at large in such a designated part of Ontario may be killed on sight by an officer without incurring any liability or penalty therefor. 1961-62, c. 48, s. 69. Use of dogs in hunting deer prohibited in designated areas, etc.

78. Except in a field trial approved in writing by the Minister, no person owning, claiming to own or harbouring a dog shall allow it to molest or follow upon the track of any game bird during the months of April, May, June and July in any year or disturb its nest at any time. 1961-62, c. 48, s. 70. Restricted use of dogs

LIVE GAME AND WOLVES

79.—(1) Except under the authority of a licence issued on such terms and conditions as are prescribed in the regulations, no person shall keep live game or a wolf in captivity for more than ten days. 1961-62, c. 48, s. 71 (1); 1964, c. 34, s. 14, *amended*. Live game kept in captivity

(2) Live game or a wolf kept in captivity contrary to this section and any cage, pen, crate, shelter or other enclosure used in connection therewith shall be seized, and, upon conviction of the person in possession or control thereof, becomes the property of the Crown in right of Ontario and may be disposed of by the Minister. Seizure of animals cages, etc.

(3) This section does not apply where live game or a wolf is kept in captivity in a public zoo or for scientific or educational purposes in a public institution. 1961-62, c. 48, s. 71 (2, 3). Application of section

TRANSPORTATION AND EXPORT

80.—(1) No non-resident entitled to hunt under a licence shall export more game than the number he is authorized to possess by this Act or the regulations or the *Migratory Birds Convention Act* (Canada) or the regulations made under that Act. Export of game by non-residents R.S.C. 1952, c. 179

(2) No person shall ship or transport or cause to be shipped or transported, or receive or possess for shipment or transport, fish or game caught, taken or killed in Ontario during the closed season. Transport of fish or game illegally taken

Transport
of game
under
permit

(3) The Minister may issue a permit not inconsistent with any law of Canada to export from Ontario or to transport in Ontario at any time any game, whether dead or alive, upon proof under oath satisfactory to him that the game has been lawfully taken. 1961-62, c. 48, s. 72.

Game
export
permits

(4) The Minister may issue to a non-resident entitled to hunt under a licence a permit not inconsistent with any law of Canada to export from Ontario or to transport in Ontario at any time any animal or bird killed by him under the licence upon proof satisfactory to the Minister that the animal or bird has been lawfully taken and upon payment of the fee prescribed in the regulations and any such permit shall be deemed to be a permit mentioned in subsection 3. 1970, c. 58, s. 11.

Receptacles
to be
marked

81. No person shall ship or transport or cause to be shipped or transported, or receive or possess for shipment or transport, a receptacle containing game or fish that is not plainly marked on the outside in such a manner as to give a description of the contents and the name and address of the consignee and of the consignor. 1961-62, c. 48, s. 73.

PROCEDURE

Offence

82. A contravention of this Act or the regulations or of the terms and conditions of a licence is an offence against this Act. 1961-62, c. 48, s. 74.

Description
of offence

83. The description of an offence in the words of this Act or of the regulations, as the case may be, or in any words to the like effect, is sufficient, and an information may be for more than one offence, and more than one offence may be set out in one count. 1961-62, c. 48, s. 75.

Similar
offence on
the same
day

84. Where in a prosecution under this Act it appears in evidence that more than one offence of the same kind was committed at the same time or on the same day, the court shall in one conviction impose all the penalties at the same time. 1961-62, c. 48, s. 76.

Procedure
R.S.O. 1970,
c. 450

85. Except where otherwise provided, *The Summary Convictions Act* applies to all prosecutions under this Act. 1961-62, c. 48, s. 77.

Money
payment as
security for
appearance
in court

86.—(1) The Minister may authorize any officer to collect a money payment as security for appearance in court from any person against whom the officer is about to lay an information for an offence against this Act or the regulations. 1961-62, c. 48, s. 78 (1); 1966, c. 60, s. 9.

(2) Where a money payment has been collected under subsection 1 and the person charged does not appear in court, he may be tried *in absentia* and, upon conviction, whether or not he has appeared in court, the money payment shall be applied to the payment of any fine imposed and the costs, and the balance, if any, shall be remitted to the person convicted, and, where no conviction is made, the money payment shall be remitted to the person who made it. 1961-62, c. 48, s. 78 (2).

Disposition of money payments

87.—(1) All property forfeited to the Crown under this Act may be disposed of by the Minister, and, where the seizure has been made from a person unknown, perishable game or fish may be disposed of forthwith, and any other property seized may be disposed of by the Minister after the expiration of thirty days.

Disposition of forfeited property

(2) Where the Minister is satisfied that the forfeiture of any property, other than game or fish, would work undue hardship or injustice, he may grant relief from forfeiture, in whole or in part, and direct its return to the person from whom it was taken upon such terms and conditions as he considers proper. 1961-62, c. 48, s. 79.

Relief from forfeiture

88.—(1) Upon the conviction of any person of an offence against this Act or the Ontario Fishery Regulations, any licence, except a licence to hunt, other than a licence to hunt or trap fur-bearing animals, which is held by him and which is related to the offence, shall be deemed to be cancelled without further action or notice, but the Minister may revive the licence upon such terms and conditions as he considers proper. 1961-62, c. 48, s. 80 (1).

Cancellation and revival of licences after conviction

(2) Upon the conviction of any person of an offence against this Act or under *The Forest Fires Prevention Act*, the *Migratory Birds Convention Act* (Canada) or the regulations made under that Act, or under section 165, 191, 192, 193, 372, 373, 374, 375, 377, 383, 384, 385, 386 or 387 of the *Criminal Code* (Canada) as amended or re-enacted from time to time, committed while using or in possession of a fire-arm for the purpose of hunting, the court may cancel any licence to hunt, except a licence to hunt or trap fur-bearing animals, issued to such person, and, upon such conviction, the court may order that such person shall not apply for or procure any licence to hunt, except a licence to hunt or trap fur-bearing animals, during the period stated in the order. 1961-62, c. 48, s. 80 (2); 1964, c. 34, s. 15; 1970, c. 58, s. 12 (1).

Cancellation and prohibition against issue of licences
R.S.O. 1970, c. 179
R.S.C. 1952, c. 179
1953-54, c. 51 (Can.)

(3) Upon the conviction of a holder of a licence mentioned in subsection 1 of section 79 of an offence against section 386 or 387 of the *Criminal Code* (Canada) committed in respect of live game or a wolf held under the licence, the court may cancel the licence.

Idem

Idem (4) Upon conviction of any person of an offence against section 19, the court, in addition to making an order under subsection 2, may order that the convicted person shall not apply for or procure a licence to hunt, except upon the successful completion of an examination for applicants for licences. 1970, c. 58, s. 12 (2).

Offence (5) Every person who fails to comply with an order made against him under subsection 2 or 3 is guilty of an offence against this Act. 1961-62, c. 48, s. 80 (3); 1970, c. 58, s. 12 (3).

Evidence **89.** In prosecutions under this Act in respect of,

- (a) taking, killing, procuring or possessing game or fish, or any part thereof, the onus is upon the person charged to prove that the game or fish or part thereof was lawfully taken, killed, procured or possessed by him;
- (b) hunting or trapping, the possession of a gun, decoy or other implement for hunting or trapping in or near a place that game inhabits or where game is usually found is *prima facie* proof that the person in possession of it was hunting or trapping, as the case may be; or
- (c) making of returns by a licensee or an issuer of licences, the production of a return is *prima facie* proof of the making of such return and the contents thereof. 1961-62, c. 48, s. 81.

General
penalty

90. Except where otherwise provided, every person who commits an offence against this Act is liable to a fine of not more than \$1,000. 1961-62, c. 48, s. 82.

REGULATIONS

Regulations
by Lt. Gov.
in Council

91. The Lieutenant Governor in Council may make regulations,

1. establishing classes for licences referred to in this Act or the regulations or the Ontario Fishery Regulations, governing the issue, form, renewal, transfer, refusal and cancellation of licences or any class of them, prescribing their duration, territorial limitations, terms and conditions and the fees payable therefor, and limiting the number of licences of any class that may be issued; 1961-62, c. 48, s. 83, par. 1.
2. requiring and prescribing the issue, form, duration and terms and conditions of coupons or tags to be issued with any licence, and requiring the licensee to make such use thereof as is prescribed;
3. prescribing the calibre and type of fire-arms that may be used under section 24; 1964, c. 34, s. 16 (1), *part*.

4. prescribing the fees payable for game export permits for any species of animal or bird; 1970, c. 58, s. 13 (1), *part.*
5. respecting the issue of licences to trap fur-bearing animals on Crown lands and dividing Ontario or any part thereof into trap-line areas and designating such areas by identifying numbers and initials;
6. providing for licensing persons to hunt in any provincial park in which hunting is permitted under paragraph 23 or on Crown lands in any part of Ontario designated under paragraph 24;
7. prescribing the terms and conditions upon which licences may be issued to persons under sixteen years of age; 1961-62, c. 48, s. 83, pars. 2-4.
8. designating classes of licences for the purposes of subsection 8 of section 36; 1967, c. 30, s. 3.
9. declaring animals, other than those mentioned in paragraph 10 of section 1, to be fur-bearing animals;
10. governing the sale of or traffic in any game, prescribing the fees payable for a seal, tag or other means of identification that is furnished by the Department to the holder of a licence to sell any such game, and requiring such holder to use such seal, tag or other means of identification in the manner prescribed; 1961-62, c. 48, s. 83, pars. 5, 6.
11. designating the species of game birds that may be propagated, sold or possessed for propagation or sale under a licence mentioned in section 54; 1966, c. 60, s. 10 (1).
12. authorizing and regulating the sale of game brought into Ontario and lawfully hunted or procured according to the law of the place in which it was hunted or procured;
13. prescribing the number of game animals, game birds or fur-bearing animals that may be possessed;
14. prescribing the open seasons during which and the terms and conditions upon which black bear, polar bear, caribou, deer or moose may be hunted;
15. prescribing the open seasons during which and the terms and conditions upon which ruffed grouse, spruce grouse, Hungarian partridge, pheasant, sharptailed grouse, greater prairie-chicken, ptarmigan, bob-white quail or wild turkey may be hunted;

16. designating any parts of Ontario in which no person shall use or be accompanied by a dog while hunting deer; 1961-62, c. 48, s. 83, pars. 7-11.
17. limiting the number of licences that may be issued to own or operate game bird hunting preserves, designating the species of game birds that may be possessed under such a licence, prescribing minimum and maximum areas for preserves, requiring and regulating the posting of boundaries of preserves and the release of game on preserves, and regulating the spacing of preserves, the taking or killing of game on preserves and the use of preserves for hunting; 1961-62, c. 48, s. 83, par. 12; 1966, c. 60, s. 10 (2).
18. providing for the exemption from subsection 1 of section 55 and from the regulations or any provision thereof, of any person or class of persons or any game bird hunting preserve or class thereof, and prescribing the terms and conditions therefor;
19. limiting the number of licences that may be issued to own or operate fishing preserves, designating the species of fish that may be possessed under such a licence, prescribing minimum and maximum areas for preserves, requiring and regulating the posting of boundaries of preserves and the release of fish on preserves, and regulating the spacing of preserves, the taking or killing of fish on preserves and the use of preserves for fishing;
20. providing for the exemption from subsection 1 of section 70 and from the regulations or any provision thereof, of any person or class or persons, or any fishing preserve or class thereof, and prescribing the terms and conditions therefor; 1970, c. 58, s. 13 (1), *part.*
21. designating parts of Ontario as Crown game preserves and providing for licensing persons to possess guns in Crown game preserves; 1961-62, c. 48, s. 83, par. 13.
22. prohibiting and regulating entry on Crown game preserves on Crown land; 1964, c. 34, s. 16 (1), *part.*
23. prescribing the conditions under which animals or birds may be hunted in provincial parks or Crown game preserves, providing for and regulating the possession or use of traps, explosives, guns or sporting implements in provincial parks or Crown game preserves, and prohibiting the use of motor-boats for trolling in provincial parks; 1961-62, c. 48, s. 83, par. 14.
24. designating Crown lands or lands in which the Crown has acquired an interest or in respect of which an

- agreement has been entered into under section 6 on which hunting may be regulated, limiting and regulating the number of hunters that may hunt at any time and the hours during which hunting may be carried on, and prescribing the fees that may be charged for the use of equipment and facilities supplied by the Department; 1961-62, c. 48, s. 83, par. 15; 1962-63, c. 48, s. 6 (1).
25. designating parts of Ontario as "hinterland areas" and prohibiting persons, other than residents of the areas, from entering and travelling about therein for the purpose of fishing or hunting;
 26. prescribing the terms and conditions upon which aircraft may be used while hunting;
 27. prescribing the terms and conditions upon which wolves may be hunted from an aircraft or vehicle;
 28. prescribing the terms and conditions upon which a person may use a ferret for hunting game animals;
 29. prescribing the terms and conditions upon which a person may use poison for taking or killing any animal;
 30. regulating or prohibiting the use of snares; 1961-62, c. 48, s. 83, pars. 16-21.
 31. regulating, restricting or prohibiting the possession or use of fire-arms for the purpose of hunting; 1961-62, c. 48, s. 83, par. 22; 1964, c. 34, s. 16 (2).
 32. prescribing the times during which and the terms and conditions on which black bear may be trapped; 1962-63, c. 48, s. 6 (2).
 33. providing for and establishing a program to promote the safe handling of fire-arms by hunters;
 34. providing for the appointment of examiners and for the examination of applicants for licences and prescribing fees for examinations; 1966, c. 60, s. 10 (3).
 35. governing the sale under subsection 1 of section 69 of smallmouth bass, largemouth bass, brook trout or rainbow trout, prescribing the fees payable for a seal, tag or other means of identification that is furnished by the Department to the holder of a licence to propagate and sell any such fish, and requiring such holder to use such seal, tag or other means of identification in the manner prescribed; 1964, c. 34, s. 16 (3); 1970, c. 58, s. 13 (2).
 36. prescribing the royalties payable in respect of fish or under section 66, and excepting any fish or fur-bearing animal therefrom; 1961-62, c. 48, s. 83, par. 25.

37. designating counties for the purpose of subsection 1 of section 21;
38. prescribing the open seasons during which bullfrogs may be taken, the number of bullfrogs that may be possessed by a person who is not the holder of a licence to take bullfrogs for the purpose of sale or barter, the methods by which the holder of such a licence may take bullfrogs, and the parts of Ontario in which bullfrogs may be taken for the purpose of sale or barter; 1966, c. 60, s. 10 (4).
39. permitting residents of any province extending a similar right to Ontario residents to be classed as Ontario residents for the purpose of any specified licence under this Act;
40. requiring any person to keep such records and make such reports and returns as are prescribed;
41. respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act. 1961-62, c. 48, s. 83, pars. 26-28.

Regulations
by Minister

92. The Minister may make regulations,

1. prescribing the open seasons during which and the terms and conditions upon which any fur-bearing animal may be hunted or trapped or the pelt of any of them may be possessed;
2. prescribing the open seasons during which and the terms and conditions upon which rabbits or black, grey or fox squirrels may be hunted or trapped;
3. setting apart waters for the conservation or propagation of frogs;
4. regulating or prohibiting the placing of huts on ice for the purpose of fishing and regulating their use and requiring and regulating their removal;
5. for the purposes of section 40, designating parts of Ontario as areas in which no person shall act as a guide except under the authority of a licence;
6. designating parts of Ontario as areas in which no non-resident shall hunt deer or moose without employing or being accompanied by a licensed guide. 1961-62, c. 48, s. 84; 1962-63, c. 48, s. 7; 1966, c. 60, s. 11.

Regulations
may be
limited

93. Any regulation may be limited territorially or as to time or otherwise. 1961-62, c. 48, s. 85.