

1960

## c 405 Transportation of Fowl Act

Ontario

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## CHAPTER 405

## The Transportation of Fowl Act

1. In this Act, "fowl" means live fowl and dressed or undressed poultry. R.S.O. 1950, c. 397, s. 1. Interpretation

2.—(1) Subject to subsection 2, this Act does not apply to, Non-application of Act

(a) a *bona fide* producer or breeder of fowl;

(b) a *bona fide* purchaser for his own use or a donee of twelve fowl or less; or

(c) a person licensed under *The Public Commercial Vehicles Act*. R.S.O. 1960, c. 319

(2) In a prosecution for a contravention of this Act, the onus is on the person charged to prove that he comes within the provisions of clause *a* or *b* of subsection 1. R.S.O. 1950, c. 397, s. 2. Onus of proof

3.—(1) No person shall carry or transport fowl on any highway in Ontario unless he holds a permit for that purpose granted by the clerk of the county in which he resides or carries on business and, where he does not reside or carry on business in any county in Ontario, unless he holds such a permit granted by the clerk of that county in Ontario nearest to his place of residence or business. Permit required for transportation of fowl

(2) In unorganized territory, a permit required under this Act shall be granted by the clerk of the municipality in which the person requiring the permit resides or carries on business or, where he resides or carries on business in territory without municipal organization, he may obtain the necessary permit from the clerk of the municipality nearest to his place of residence or business. R.S.O. 1950, c. 397, s. 3. In unorganized territory

4.—(1) The clerk may grant such permits without the passing of any by-law for that purpose by the council and may revoke any permit granted and has the same discretion as to the granting or refusing to grant or the revoking of permits as the council has with reference to licences under *The Municipal Act*. Clerk to issue permits R.S.O. 1960, c. 249

(2) The fee for the permit is \$1 and belongs to the county or municipality, as the case may be. R.S.O. 1950, c. 397, s. 4. Fee

Contents of  
permit

**5.** The permit shall contain the name of the person to whom it is granted, the address of his residence or place of business, and set out that the holder is authorized to transport fowl on the highways in Ontario and remains in force for the calendar year in which it is issued. R.S.O. 1950, c. 397, s. 5.

Record  
by clerk

**6.** The clerk of the council shall keep a record of all permits issued, which shall be open to inspection by any constable or peace officer. R.S.O. 1950, c. 397, s. 6.

Permit and  
book for  
entry as to  
fowl to be  
carried

**7.** The holder of a permit shall carry with him at all times when he is transporting fowl his permit and a book in which he shall enter at the time he receives them the number and kind of fowl and the name and address of the person from whom he received them, and to whom he is to deliver them, and in case of a purchase the price paid, and, whether or not he is transporting fowl, he shall produce the permit and the book when required by a constable or peace officer. R.S.O. 1950, c. 397, s. 7.

Inspection  
of premises  
of permit  
holder

**8.** Any constable or peace officer may inspect the premises of the holder of a permit and any vehicle in his possession and no person shall obstruct or interfere with such constable or peace officer when making such inspection. R.S.O. 1950, c. 397, s. 8.

Right of  
constable to  
stop person  
on highway  
for purposes  
of Act

**9.** Any constable or peace officer may order any person on the highway to stop for the purpose of ascertaining by search if he thinks it necessary, whether such person is carrying or transporting fowl, and, if he is, of requiring him to produce his permit, and, if he has not a permit, to give his name and address and the name and address of the person from whom the fowl were obtained, and no person shall fail to stop when ordered or refuse to give the information required or obstruct or interfere with the constable or peace officer in the performance of his duty under this section. R.S.O. 1950, c. 397, s. 9.

Offence

**10.** Every person who contravenes any of the provisions of this Act is guilty of an offence and on summary conviction is liable, for a first offence, to a fine of not more than \$50 and, for any subsequent offence, to a fine of not less than \$50 and not more than \$100 or to imprisonment for a term of not more than six months, or to both. R.S.O. 1950, c. 397, s. 10, *amended*.

Limitation

**11.** An information for an offence under this Act may be laid at any time within twelve months after the offence was committed. R.S.O. 1950, c. 397, s. 11, *amended*.