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c 182 Game and Fish Act

Ontario

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CHAPTER 182

Game and Fish Act

1. In this Act,

1. “amphibian” means any species of Amphibia that the Lieutenant Governor in Council declares to be an amphibian and includes any part and the eggs of such species;

2. “Board” means the Game and Fish Hearing Board referred to in section 38;

3. “body-gripping trap” means a trap designed to capture an animal by seizing and holding the animal by any part of its body but does not include a trap designed to capture a mouse or a rat;

4. “closed season” means a period that is not an open season;

5. “dog” means any of the species Canis familiaris Linnaeus;

6. “domestic animals and domestic birds” includes any non-native species kept in captivity, except pheasants, and any fur-bearing animal kept on a fur farm, as defined in the Fur Farms Act, but does not include native species otherwise kept in captivity or non-native species present in the wild state;

7. “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;

8. “ferret” means any of the domesticated forms of the old world polecat (Putorius putorius) used for hunting;

9. “fire-arm” includes an air or pellet gun and a long-bow and a cross-bow;
10. "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;

11. "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;

12. "game" means a game animal, game bird or fur-bearing animal, and includes any part of such animal;

13. "game animal" means any animal, except a fur-bearing animal, protected by this Act, and includes any part of such animal;

14. "game bird" means any bird protected by this Act or the Migratory Birds Convention Act (Canada), and includes any part of such bird;

15. "game bird hunting preserve" means any area in which pheasants or other game birds propagated under a licence are released for hunting purposes;

16. "holder of a licence" means the person named in the licence;

17. "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;

18. "leg-hold trap" means a trap designed to capture an animal by seizing and holding the animal by the leg or foot;

19. "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;

20. "Minister" means the Minister of Natural Resources;

21. "Ministry" means the Ministry of Natural Resources;

22. "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;

23. "officer" means a conservation officer or a deputy conservation officer and includes a member of the Royal Canadian Mounted Police, a member of a police force appointed under the Police Act and any other person authorized to enforce this Act;

24. "Ontario Fishery Regulations" means the Ontario Fishery Regulations made under the Fisheries Act, (Canada);

25. "open season" means a specified period during which specified game or fish may be taken;

26. "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;

27. "pelt" means the untanned skin of a fur-bearing animal;

28. "pheasant" means any of the species Phasianus colchicus Linnaeus;

29. "power-boat" means any device that is capable of floating and to which is affixed a motor as a means of propulsion and includes any floating device towed by a power-boat;

30. "rabbit" includes cottontail rabbit, varying hare and European hare;

31. "regulations" means the regulations made under this Act;

32. "reptile" means any species of Reptilia that the Lieutenant Governor in Council declares to be a reptile and includes any part and the eggs of such species;

33. "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;

34. "snare" means a device for the taking of animals where-
by they are caught in a noose, and "snaring" has a
 corresponding meaning;

35. "trap" means a spring trap, body-gripping trap, leg-hold
 trap, gin, deadfall, snare, box or net used to capture an
 animal, and "trapping" has a corresponding meaning;

36. "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;

37. "vessel" means a boat or ship, and includes a skiff,
canoe, punt and raft;

38. "wolf" means any of the species Canis lupus L. or Canis
 latrans Say. R.S.O. 1970, c. 186, s. 1; 1971, c. 30, s. 1;
 1972, c. 4, s. 12; 1973, c. 108, s. 1; 1980, c. 47, s. 1.

APPLICATION

 Application of Act

2.—(1) This Act does not apply,

(a) to domestic animals and domestic birds, except dogs, or,
 subject to subsection (2), fur-bearing animals kept on a
 fur farm as defined in the Fur Farms Act;

(b) to a person taking or destroying any animal, other than a
 caribou, deer, elk or moose or an animal protected under
 the Endangered Species Act, by any means that do not
 cause unnecessary suffering and at any time on his own
 land where he finds such animal damaging or destroying
 his property or, on reasonable grounds, he believes such
 animal is about to damage or destroy his property;

(c) to a person destroying a beaver dam in defence or pre-
servation of his property. R.S.O. 1970, c. 186, s. 2;
 1971, c. 30, s. 2 (1); 1980, c. 47, s. 2 (1).

(2) This Act applies to fur-bearing animals kept on a fur farm as
defined in the Fur Farms Act, in respect of offences against
sections 67 and 69. 1971, c. 30, s. 2 (2).

(3) Notwithstanding subsection (1), this Act applies to domestic
animals and to persons referred to in clause (1) (b) in respect of the
restrictions in section 30 on the use of body-gripping traps and
leg-hold traps. 1980, c. 47, s. 2 (2).
3. The purpose of this Act is to provide for the manage-
ment, perpetuation and rehabilitation of the wildlife re-
sources in Ontario, and to establish and maintain a maxi-
mum wildlife population consistent with all other proper
uses of lands and waters. R.S.O. 1970, c. 186, s. 3.

4. The administration of this Act is under the control
and direction of the Minister. R.S.O. 1970, c. 186, s. 4.

5. Except as otherwise provided by this Act, all rentals,
llicence 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. R.S.O. 1970, c. 186,
s. 5.

6.—(1) Land may be acquired under the Ministry of Govern-
ment Services Act for the purposes of management, perpetua-
tion and rehabilitation of the wildlife resources in Ontario. R.S.O.
1970, c. 186, s. 6 (1); 1973, c. 2, s. 2.

(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 per-
sonal, or any interest therein for the purposes mentioned in
subsection (1). R.S.O. 1970, c. 186, s. 6 (2).

(3) The Minister or the Minister of Government Services
may enter into agreements with the owners of lands re-
specting 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 manage-
ment practice. R.S.O. 1970, c. 186, s. 6 (3); 1973, c. 2, s. 2.

(4) An agreement entered into under subsection (3) may be
registered in the proper land registry office, and thereupon such
agreement is binding upon every subsequent owner and
mortgagee of the lands during the term of the agreement. R.S.O.
1970, c. 186, s. 6 (4).

7.—(1) The Minister may appoint conservation officers for
carrying out this Act and the regulations. R.S.O. 1970, c. 186,
s. 7 (1).
Deputy conservation officers

The Minister may appoint deputy conservation officers in and for any part of Ontario. 1980, c. 47, s. 3.

Termination of appointments

Every appointment under subsection (2) shall be for the period stated in the appointment. R.S.O. 1970, c. 186, s. 7 (3).

Search of vehicles, vessels, etc.

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

(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.

(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,

(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). R.S.O. 1970, c. 186, s. 8.

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. R.S.O. 1970, c. 186, s. 9.
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. R.S.O. 1970, c. 186, s. 10.

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. R.S.O. 1970, c. 186, s. 11.

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.

(2) Subsection (1) does not apply to contraventions of sub-section 18 (1). R.S.O. 1970, c. 186, s. 12.

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. R.S.O. 1970, c. 186, s. 13.

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. R.S.O. 1970, c. 186, s. 14.

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. R.S.O. 1970, c. 186, s. 15.

16.—(1) An officer may, without a warrant, seize any vessel, vehicle, aircraft, implement, appliance, material, container, goods, equipment, game or fish where the officer on reasonable grounds believes that,

(a) the vessel, vehicle, aircraft, implement, appliance, material, container, goods or equipment has been used in
connection with the commission of an offence against this Act;

(b) the game or fish or any part thereof has been hunted, taken, killed, transported, bought, sold or had in possession contrary to any provision of this Act or the regulations; or

(c) the game or fish or part thereof has been intermixed with any game or fish referred to in clause (b).

(2) Subject to subsections (4), (5) and (6), any thing seized under subsection (1) shall be delivered into the custody of such person as the Minister directs for safekeeping pending the conclusion of any investigation or the disposition by a court of any charge laid as a result of the investigation.

(3) Where,

(a) no charge is laid at the conclusion of an investigation; or

(b) any charge that has been laid is withdrawn or dismissed,

any thing seized under subsection (1), other than game or fish that has been disposed of under subsection (4), shall be returned to the person from whom it was seized or to his personal representative.

(4) Where, in the opinion of the person having custody of any game or fish seized under subsection (1), such game or fish will rot, spoil or otherwise perish, that person may dispose of the game or fish by donation to any charitable organization.

(5) Where the ownership of any implement, appliance, material, container, goods, equipment, game or fish seized under subsection (1) cannot, at the time of seizure, be ascertained, such implement, appliance, material, container, goods, equipment, game or fish is, upon the seizure thereof, forfeited to the Crown in right of Ontario as represented by the Minister and may be disposed of as the Minister directs.

(6) Where a person is convicted of an offence against this Act, the court, in addition to any fine imposed, may order that any vessel, vehicle, aircraft, implement, appliance, material, container, goods, equipment, game or fish seized under subsection (1) be forfeited, and upon such order being made, such vessel, vehicle, aircraft, implement, appliance, material, container, goods, equipment, game or fish ordered to be forfeited is forfeited to the Crown in right of Ontario as represented by the Minister and may be disposed of as the Minister directs. 1980, c. 47, s. 4.


Sec. 18 (5) (a)  
GAME AND FISH  
Chap. 182  
377

GENERAL PROVISIONS

17.—(1) Except with the written authority of the Minister and subject to such terms and conditions as he may impose, no person shall,

(a) hunt for hire, gain or reward, or hope thereof, or employ, hire or, for valuable consideration, induce any other person to hunt; or

(b) trap for hire, gain or reward, or hope thereof, or employ, hire or, for valuable consideration, induce any other person to trap.

(2) Clause (1) (b) does not apply to the holder of a licence to hunt or trap fur-bearing animals or a person who is nominated by the holder of the licence in accordance with the regulations to trap in his stead. 1980, c. 47, s. 5.

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.

(2) No person shall,

(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.

(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. R.S.O. 1970, c. 186, s. 18 (1-4).

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

(a) authority; or
(b) paying the fee prescribed by the regulations. 1973, c. 108, s. 2 (1).

(6) No person shall tear down, remove, damage, deface or interfere with any notice or sign of the Ministry put up, posted or placed for the purposes of this Act. R.S.O. 1970, c. 186, s. 18 (6); 1972, c. 1, s. 1.

(7) Nothing in this section limits or in any way affects the remedy at common law of an owner 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. R.S.O. 1970, c. 186, s. 18 (7, 8).

(9) A copy of a letter purporting to be signed by the Minister authorizing any person to give the notice referred to in subsection (1) in respect of any land owned by the Crown is prima facie evidence of such letter and of the contents thereof. 1973, c. 108, s. 2 (2).

(10) Except in accordance with a system established or approved by the Lieutenant Governor in Council, no patente of railway lands and no owner or tenant who is a subsidiary of or affiliated with a patente of railway lands shall charge any fee for the use of his railway lands for the purpose of hunting or fishing, and no such patente, owner or tenant shall prohibit any person from hunting or fishing on such railway lands.

(11) In this section, "railway lands" includes all lands heretofore or hereafter set apart under any general or special Act of the Legislature as a land subsidy or otherwise in aid of any railway or of any works in connection therewith or of any works to be established, maintained or carried on by any railway. 1980, c. 10, s. 2 (1).

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 $5,000, or to imprisonment for a term of not more than one year, or to both. R.S.O. 1970, c. 186, s. 19; 1980, c. 47, s. 6.

20.—(1) Except as provided in the regulations, no person shall use an aircraft while hunting.
(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.

(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. R.S.O. 1970, c. 186, s. 20.

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, or any regional municipality that consists of lands that were formerly in a 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 or regional municipality 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. R.S.O. 1970, c. 186, s. 21 (1), revised.

(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. R.S.O. 1970, c. 186, s. 21 (2).

(3) Notwithstanding clause (1) (a) and subsection (2), if the Minister is satisfied that the holder of licence to hunt is incapable of walking and is thereby required to use a wheelchair or other similar means of locomotion, he may in writing authorize that person to have a loaded fire-arm in or on, and to discharge a loaded fire-arm from, a vehicle or power-boat that is not in motion. 1980, c. 47, s. 7.

(4) 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. R.S.O. 1970, c. 186, s. 21 (3).

22.—(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.

(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. R.S.O. 1970, c. 186, s. 23.

23. Subject to section 21 and notwithstanding section 22, 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 and a light for the purpose of hunting raccoon during the open season therefor when accompanied by a dog licensed therefor, provided that no person, while so hunting, shall use a light that is attached to a vehicle or is shone from or in a vehicle. 1980, c. 47, s. 8.

24.—(1) In this section, "chase" includes pursuing, following after and searching for but does not include taking or capturing, shooting at or shooting.

(2) The holder of a licence to chase raccoon at night may chase raccoon at night during such times and upon such terms and conditions as are prescribed in the regulations.

(3) The holder of a licence to chase fox, coyote or wolf may chase fox, coyote or wolf, as the case may be, during the day or night at such times and upon such terms and conditions as are prescribed in the regulations. 1980, c. 47, s. 9, part.

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. R.S.O. 1970, c. 186, s. 25.

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.

(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. R.S.O. 1970, c. 186, s. 26.

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. R.S.O. 1970, c. 186, s. 27.
28. Except as provided in the regulations, no person shall use a ferret in hunting game animals. R.S.O. 1970, c. 186, s. 28.

29. No person shall use a set-gun in hunting game. R.S.O. 1970, c. 186, s. 29.

30.—(1) In this section, "animal" includes any domestic, fur-bearing or game animal.

(2) No person shall trap or attempt to trap any animal by means of a body-gripping trap or leg-hold trap.

(3) Subsection (2) does not apply,

(a) to a person who holds a licence to hunt or trap fur-bearing animals;

(b) to a farmer who uses a body-gripping trap or leg-hold trap on his own lands in defence or preservation of his property or in circumstances referred to in subsection 62 (7);

(c) to a person who uses a body-gripping trap or leg-hold trap designated by the Minister as a humane trap.

(4) The Minister may, with the approval of the Lieutenant Governor in Council, make an order designating areas or municipalities in Ontario in which the prohibition set out in subsection (2) does not apply.

(5) The Minister may, with the approval of the Lieutenant Governor in Council, make an order designating any body-gripping trap or leg-hold trap as a humane trap for the purpose of clause (3) (c). 1980, c. 47, s. 9, part.

31. No person who has taken or killed an animal, bird or fish suitable for food shall allow the flesh to be destroyed or spoiled. R.S.O. 1970, c. 186, s. 30.

32.—(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.

(2) No person shall permit any animal or bird imported into Ontario or propagated from stock imported into Ontario to escape. R.S.O. 1970, c. 186, s. 31.

33. 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. R.S.O. 1970, c. 186, s. 32.
34. 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. R.S.O. 1970, c. 186, s. 33.

35. 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. R.S.O. 1970, c. 186, s. 34.

**Licences**

36. Except under the authority of a licence, no person shall hunt or trap or attempt to trap animals or birds. R.S.O. 1970, c. 186, s. 35.

37.—(1) No person shall contravene the terms or conditions of his licence.

(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. R.S.O. 1970, c. 186, s. 36 (1, 2).

(3) Any person who applies in accordance with this Act and the regulations for,

(a) an angling licence;

(b) a licence to hunt game; or

(c) a licence referred to in section 79,

and who meets the requirements of this Act and the regulations and who pays the prescribed fee is entitled to be issued the licence. 1973, c. 108, s. 4 (1).

(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.

(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.

(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.

(7) The holder of a licence shall produce and show it to any officer whenever requested by the officer. R.S.O. 1970, c. 186, s. 36 (4-7).

(8) The holder of a licence of a class designated in the regulations shall, while hunting in such parts of Ontario as are prescribed in the regulations, wear in a conspicuous place on his person a badge furnished by the Ministry clearly showing the number of the licence. 1980, c. 47, s. 10.

(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. R.S.O. 1970, c. 186, s. 36 (9).

38.—(1) The Game and Fish Hearing Board is continued and shall be composed of not more than five members who shall be appointed by the Lieutenant Governor in Council, who shall hold office during pleasure and none of whom shall be members of the public service in the employ of the Ministry.

(2) The Lieutenant Governor in Council may appoint one of the members of the Board as chairman.

(3) Three members of the Board constitute a quorum.

(4) The members of the Board shall be paid such remuneration and expenses as the Lieutenant Governor in Council from time to time determines. 1973, c. 108, s. 5, part.

39.—(1) In this section and in sections 40 and 41, “licence” means a licence other than a licence referred to in subsection 37 (3).

(2) An issuer of licences may refuse to issue a licence where the refusal is reasonably necessary for the achievement of the purpose of this Act.

(3) Where an issuer of licences refuses to issue a licence he shall serve notice of the refusal on the applicant for the licence. 1973, c. 108, s. 5, part.
40.—(1) The Minister may cancel a licence where the continued existence of the licence is not in accordance with the purpose of this Act.

(2) Where the Minister proposes to cancel a licence under this Act, he shall serve or cause to be served notice of his proposal, together with written reasons therefor, on the holder of the licence. 1973, c. 108, s. 5, part.

(3) The Minister may direct the refund, in whole or in part, of the fee paid for any licence that has been cancelled under this Act. 1980, c. 47, s. 11.

41.—(1) A notice under section 39 or 40 shall inform the applicant or holder of the licence that he is entitled to a hearing by the Board if he mails or delivers to the Minister and to the Board, within fifteen days after the notice under section 39 or 40 is served on him, notice in writing requiring a hearing by the Board, and he may so require such a hearing.

(2) Where an applicant or holder of the licence requires a hearing by the Board in accordance with subsection (1), the Board shall appoint a time for and hold the hearing and shall report thereon to the Minister.

(3) The report of the Board shall contain a summary of the facts presented at the hearing and its opinion on the merits of the issuing or cancellation of the licence, as the case may be, in light of the facts and in view of the purpose of this Act, together with its reasons for its opinion.

(4) The Minister, after receiving and considering the report of the Board, may direct or refuse to direct the issuance of the licence or may carry out or refrain from carrying out his proposal to cancel the licence, as the case may be.

(5) The applicant or holder of the licence who has required the hearing and such other persons as the Board may specify are parties to the hearing.

(6) The Minister is entitled to be heard, by counsel or otherwise, upon a hearing under this section.

(7) Sections 6 to 16 and 21 to 23 of the Statutory Powers Procedure Act apply with respect to a hearing under this section.

(8) The Board may extend the time for the giving of notice requiring a hearing by an applicant or holder of the licence under this section either before or after expiration of such time where it is satisfied that there are...
prima facie grounds for granting relief to the applicant or holder of the licence and that there are reasonable grounds for applying for the extension and the Board may give such directions as it considers proper consequent upon the extension.

(9) An applicant or holder of the licence who is a party to a hearing under this section shall be afforded an opportunity to examine before the hearing any written or documentary evidence that will be produced, or any report the contents of which will be given in evidence at the hearing.

(10) Notice of a hearing under this section shall afford to the holder of the licence a reasonable opportunity to show or to achieve compliance before the hearing with all lawful requirements for the retention of the licence.

(11) Any notice required by section 39 or 40 to be served may be served personally or by registered mail addressed to the person upon whom notice is to be served at his latest known address, and where notice is served by registered mail it shall be deemed to be served on the fifth day after the day of mailing unless the person on whom notice is to be served establishes that he did not, acting in good faith, through absence, accident, illness or other cause beyond his control receive the notice until a later date. 1973, c. 108, s. 5, part.

42. Except as provided in the regulations, no licence shall be issued to any person under the age of sixteen years. R.S.O. 1970, c. 186, s. 37.

43.—(1) No person shall issue any licence or collect any fee in respect thereof unless authorized by the Minister.

(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.

(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.

(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.

(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. R.S.O. 1970, c. 186, s. 38.
(1) Subject to subsection (5), 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. 1973, c. 108, s. 6 (1).

(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.

(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.

(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. R.S.O. 1970, c. M-12, s. 39 (2-4).

(5) The Minister may in his written authority referred to in subsection (1) exempt from the operation of subsection (1) any land of the Crown situate within the municipality or any land within the municipality, the owner of which has entered into an agreement under section 6, respecting such land. 1973, c. 108, s. 6 (2).

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

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

(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.
(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. R.S.O. 1970, c. 186, s. 40 (1-4).

(5) No non-resident shall hunt deer, elk 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. R.S.O. 1970, c. 186, s. 40 (5); 1980, c. 47, s. 12.

ILLEGAL POSSESSION OF GAME

46. No person shall knowingly possess any game hunted in contravention of this Act or the regulations. R.S.O. 1970, c. 186, s. 41.

GAME ANIMALS

47.—(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, elk or moose. R.S.O. 1970, c. 186, s. 42 (1); 1980, c. 47, s. 13 (1).

(2) Except as provided in the regulations, no person shall be the holder of more than one licence to hunt caribou, deer, elk or moose in any year. R.S.O. 1970, c. 186, s. 42 (2); 1980, c. 47, s. 13 (2).

48.—(1) No person shall take or kill a black bear, polar bear, caribou, deer, elk or moose by means of a trap, net, baited line or other similar contrivance or set any of them for any such animal. R.S.O. 1970, c. 186, s. 44 (1); 1980, c. 47, s. 14.

(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. R.S.O. 1970, c. 186, s. 44 (2).

49. No person shall hunt a caribou, deer, elk or moose while it is swimming. R.S.O. 1970, c. 186, s. 45; 1980, c. 47, s. 15.

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 the Minister prescribes, no person shall hunt or trap or attempt to trap any rabbit or any black, grey or fox squirrel. R.S.O. 1970, c. 186, s. 46.

51.—(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. R.S.O. 1970, c. 186, s. 47 (1).
(2) Except under the authority of a licence and subject to the regulations, no person shall propagate a game animal or possess a game animal for propagation. 1980, c. 47, s. 16.

52. Except with the written authority of the Minister and subject to such terms and conditions as he may impose, no person shall take a game animal by any means for educational or scientific purposes. 1980, c. 47, s. 17.

53. 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. R.S.O. 1970, c. 186, s. 49.

GAME BIRDS

54. 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. R.S.O. 1970, c. 186, s. 50.

55. 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 32. R.S.O. 1970, c. 186, s. 51.

56. 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. R.S.O. 1970, c. 186, s. 52.

57. No person shall hunt pheasant with a rifle. R.S.O. 1970, c. 186, s. 53.

58. 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. R.S.O. 1970, c. 186, s. 54.

59.—(1) Except under the authority of a licence and subject to the regulations, no person shall own or operate a game bird hunting preserve.

(2) Subsection (1) does not apply to a person or a game bird hunting preserve exempted under the regulations. R.S.O. 1970, c. 186, s. 55.

60.—(1) Except with the written authority of the Minister and subject to such terms and conditions as he may impose, no person
shall take a game bird by any means for educational or scientific purposes.

(2) 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. 1980, c. 47, s. 18.

FUR-BEARING ANIMALS

61. 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. R.S.O. 1970, c. 186, s. 57.

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

(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.

(3) No non-resident shall be the holder of a licence to hunt or trap fur-bearing animals. R.S.O. 1970, c. 186, s. 58 (1-3).

(4) Notwithstanding anything in this Act, no person shall sell, offer for sale, purchase or barter a live fur-bearing animal or live wolf, except with the written authority of the Minister and subject to the regulations.

(5) The holder of a licence to hunt or trap fur-bearing animals may sell the carcass or any part thereof, including the pelt, of any fur-bearing animal taken by him under that licence. 1980, c. 47, s. 19 (1).

(6) Subject to sections 26 and 44, 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, elk or moose. R.S.O. 1970, c. 186, s. 58 (5); 1980, c. 47, s. 19 (2).

(7) A farmer or any member 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, elk or moose, during the open seasons.
(8) Except under the authority of a licence and subject to this Act and the regulations, no farmer and no member of his family residing with him upon his lands shall sell the carcass or any part thereof, including the pelt, of any fur-bearing animal taken by him under the provisions of subsection (7). 1980, c. 47, s. 19 (3).

63. No person shall touch or interfere with any set trap, unless authorized so to do by law or by the owner thereof. R.S.O. 1970, c. 186, s. 59.

64. 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 pelt of a fur-bearing animal that has been sealed or marked in accordance with this Act; 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. R.S.O. 1970, c. 186, s. 61; 1971, c. 30, s. 3; 1980, c. 47, s. 21.

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

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

(b) engage in or carry on, or be concerned in, the trading, buying or selling of pelts; or

(c) possess any pelt. R.S.O. 1970, c. 186, s. 62 (1); 1980, c. 47, s. 22.

(2) No holder of a licence under clause (1) (b) 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 (1) (b). R.S.O. 1970, c. 186, s. 62 (2).

66.—(1) The pelt of any fur-bearing animal, other than a muskrat, shall be sealed or marked by a duly authorized person before sale, and no person licensed under clause 65 (1) (b) or (c) shall have the unsealed or unmarked pelt of any fur-bearing animal, other than a muskrat, in his possession.
(2) No person shall present or permit to be presented for sealing or marking the pelt of any fur-bearing animal required to be sealed under subsection (1) that was not taken by him under the authority of his licence to hunt or trap fur-bearing animals or under subsection 62 (7).

(3) No person shall be party to having or attempting to have sealed or marked the pelt of any fur-bearing animal that was not taken under the authority of the licence that is presented with the pelt. 1980, c. 47, s. 23.

67. Except with the written authority of the Minister and subject to such terms and conditions as he may impose, no person shall hunt or trap or attempt to trap a fur-bearing animal in the wild state for,

(a) the purpose of transfer to a fur farm as defined in the Fur Farms Act; or

(b) educational or scientific purposes. 1980, c. 47, s. 24.

68. 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,

(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. R.S.O. 1970, c. 186, s. 65.

69.—(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. R.S.O. 1970, c. 186, s. 66 (1).

(2) No person shall take or ship or attempt to take or ship to a fur farm as defined in the Fur Farms Act any fur-bearing animal taken under section 67 without paying the royalty prescribed by the regulations. 1971, c. 30, s. 7.

(3) 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. R.S.O. 1970, c. 186, s. 66 (2).

70. No person who has taken or killed a fur-bearing animal shall allow the pelt to be destroyed or spoiled. R.S.O. 1970, c. 186, s. 67.

71. 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. R.S.O. 1970, c. 186, s. 68.

FISH

72.—(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, or any part thereof, including the eggs thereof, but subject to such terms and conditions as are prescribed by the regulations,

(a) under the authority of a licence to propagate and sell bass and trout, a sale may be made of smallmouth bass, largemouth bass, brook trout or rainbow trout propagated in Ontario for the purpose of stocking and of brook trout and rainbow trout for human consumption; and

(b) under the authority of a licence to sell trout, a sale may be made for human consumption of,

(i) brook trout and rainbow trout taken from waters outside Ontario,

(ii) live brook trout and rainbow trout propagated in Ontario and offered for sale in a restaurant or a retail shop, or

(iii) surplus stocks of brook trout and rainbow trout held under a fishing preserve licence. 1973, c. 108, s. 8; 1980, c. 47, s. 25 (1).

(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, dore or blue pickerel) pike, lake trout, sturgeon or sauger, or any part thereof, taken from Ontario waters by angling or taken in any other manner by a person who is not the holder of a commercial fishing licence. 1980, c. 47, s. 25 (2).

(3) No person shall buy, sell or possess a fish or part of a fish, including the eggs thereof, taken from Ontario waters during the closed season for that fish. R.S.O. 1970, c. 186, s. 69 (3); 1980, c. 47, s. 25 (3).

73.—(1) Except under the authority of a licence and subject to the regulations, no person shall own or operate a fishing preserve.

(2) Subsection (1) does not apply to a person or a fishing preserve exempted under the regulations. R.S.O. 1970, c. 186, s. 70.
74.—(1) Except under the authority of a licence, no person shall possess a gill, hoop, pound, seine, trap or trawl net.

(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). R.S.O. 1970, c. 186, s. 71.

(3) Subsection (1) does not apply to a manufacturer, merchant or common carrier that possesses any net referred to in subsection (1) for the purpose of sale or transportation. 1980, c. 47, s. 26.

75. 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. R.S.O. 1970, c. 186, s. 72.

AMPHIBIANS AND REPTILES

76. 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 or attempt to hunt or possess any amphibian or reptile. 1980, c. 47, s. 27, part.

77. 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 any amphibian or reptile, or possess an amphibian or reptile for sale. 1980, c. 47, s. 27, part.

78. Except with the written authority of the Minister and subject to such terms and conditions as he may impose, no person shall take an amphibian or reptile by any means for educational or scientific purposes. 1980, c. 47, s. 27, part.

DOGS

79. 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, elk, or moose. R.S.O. 1970, c. 186, s. 76; 1980, c. 47, s. 28.

80.—(1) No person owning, claiming to own or harbouring a dog shall allow it to run at large during the closed season for deer, elk, moose or bear in a locality that deer, elk, moose or bear usually inhabit or in which they or any of them are usually found, and a dog found running deer, elk, moose or bear during the closed season for deer, elk, moose or bear in such a locality may be killed on sight by an officer without incurring any liability or penalty therefor.
(2) No person shall use or be accompanied by a dog while hunting deer, elk, moose or bear 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. 1980, c. 47, s. 29.

81.—(1) In this section,

(a) "field trial" means an activity, the objective of which is to test the hunting skills of a dog;

(b) "training" means the process of teaching a dog,

(i) hunting skills, or

(ii) such skills as are necessary for participation in a field trial.

(2) Except with the written authority of the Minister and subject to such terms and conditions as he may impose, no person shall conduct,

(a) a field trial; or

(b) training,

that involves a game animal or a game bird during any closed season therefor. 1980, c. 47, s. 30.

LIVE GAME AND WOLVES

82.—(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.

(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. R.S.O. 1970, c. 186, s. 79 (1, 2).

(3) This section does not apply where live game or a wolf is kept in captivity in a zoo operated by a municipality or for scientific or educational purposes in a public institution. 1973, c. 108, s. 9.

TRANSPORTATION AND EXPORT

83.—(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.
(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.

(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.

(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). R.S.O. 1970, c. 186, s. 80.

84. 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. R.S.O. 1970, c. 186, s. 81.

PROCEDURE

85. A contravention of this Act or the regulations or of the terms and conditions of a licence is an offence against this Act. R.S.O. 1970, c. 186, s. 82.

86. 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. R.S.O. 1970, c. 186, s. 84.

87. Except where otherwise provided, the Provincial Offences Act applies to all prosecutions under this Act. R.S.O. 1970, c. 186, s. 85.

88.—(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 commence proceed-
ings for an offence against this Act.

(2) Where a money payment has been collected under sub-
section (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. R.S.O. 1970, c. 186, s. 86.

89.—(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.

(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 176, 202, 203, 204, 387, 388, 389, 390, 392, 398, 399, 400, 401 or 402 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.

(3) Upon the conviction of a holder of a licence mentioned in subsection 82 (1) of an offence against section 401 or 402 of the Criminal Code (Canada) committed in respect of live game or a wolf held under the licence, the court may cancel the licence.

(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.

(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. R.S.O. 1970, c. 186, s. 88.

90. 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. R.S.O. 1970, c. 186, s. 89.

91. Except where otherwise provided, every person who commits an offence against this Act is liable to a fine of not more than $5,000. R.S.O. 1970, c. 186, s. 90; 1980, c. 47, s. 32.

92. 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;

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 23; R.S.O. 1970, c. 186, s. 91, pars. 1-3.

4. regulating, restricting or prohibiting the use of blinds and decoys; 1973, c. 108, s. 10 (1), *part*.

5. prescribing the fees payable for game export permits for any species of animal or bird;

6. 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;

7. providing for licensing persons to hunt in any provincial park in which hunting is permitted under paragraph 32 or on Crown lands in any part of Ontario designated under paragraph 33; R.S.O. 1970, c. 186, s. 91, pars. 4-6.

8. prescribing the fee to enter upon lands owned by the Crown that are used for the purpose of propagating or retaining game or fish; 1973, c. 108, s. 10 (1), *part*.
9. establishing or approving one or more systems for the use of designated railway lands for hunting or fishing as provided for in the exception mentioned in subsection 18 (10); 1980, c. 10, s. 2 (2).

10. prescribing the terms and conditions upon which licences may be issued to persons under sixteen years of age; R.S.O. 1970, c. 186, s. 91, par. 7.

11. designating classes of licences and prescribing parts of Ontario for the purposes of subsection 37 (8); 1980, c. 47, s. 33 (1).

12. declaring animals, other than those mentioned in paragraph 11 of section 1, to be fur-bearing animals; R.S.O. 1970, c. 186, s. 91, par. 9.

13. declaring a species of Amphibia to be an amphibian;

14. declaring a species of Reptilia to be a reptile; 1980, c. 47, s. 33 (2), part.

15. 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 Ministry 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; R.S.O. 1970, c. 186, s. 91, par. 10; 1972, c. 1, s. 1.

16. designating the species of game birds that may be propagated, sold or possessed for propagation or sale under a licence mentioned in section 58; R.S.O. 1970, c. 186, s. 91, par. 11.

17. designating the species of game animals that may be propagated or possessed for propagation under a licence mentioned in subsection 51 (2); 1980, c. 47, s. 33 (2), part.

18. 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; R.S.O. 1970, c. 186, s. 91, par. 12.

19. prescribing the number, age or sex of game animals or game birds that may be taken or possessed; 1978, c. 52, s. 2 (1).

20. prohibiting the taking or possession of game animals or game birds in excess of the number prescribed under paragraph 19 or 22;
21. prohibiting the taking or possession of any game animal or game bird other than a game animal or game bird of the age or sex prescribed under paragraph 19 or 22;

22. defining “hunting in a party”, prescribing the number, age or sex of game animals or game birds that may be taken or possessed by members of a party; designating parts of Ontario where persons may hunt in a party and regulating or prohibiting hunting in a party in any area. 1978, c. 52, s. 2 (2).

23. prescribing the open seasons during which and the terms and conditions upon which black bear, polar bear, caribou, deer, elk or moose may be hunted; R.S.O. 1970, c. 186, s. 91, par. 14; 1980, c. 47, s. 33 (3).

24. 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; R.S.O. 1970, c. 186, s. 91, par. 15.

25. designating any parts of Ontario in which no person shall use or be accompanied by a dog while hunting deer, elk, moose or bear; R.S.O. 1970, c. 186, s. 91, par 16; 1980, c. 47, s. 33 (4).

26. 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;

27. providing for the exemption from subsection 59 (1) 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;

28. 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;
29. providing for the exemption from subsection 73 (1) and from the regulations or any provision thereof, of any person or class of persons, or any fishing preserve or class thereof, and prescribing the terms and conditions therefor;

30. designating parts of Ontario as Crown game preserves and providing for licensing persons to possess guns in Crown game preserves;

31. prohibiting and regulating entry on Crown game preserves on Crown land;

32. 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; R.S.O. 1970, c. 186, s. 91, pars. 17-23.

33. 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 Ministry; R.S.O. 1970, c. 186, s. 91, par. 24; 1972, c. 1, s. 1.

34. designating parts of Ontario as "hintérland areas" and prohibiting persons, other than residents of the areas, from entering and travelling about therein for the purpose of fishing or hunting;

35. prescribing the terms and conditions upon which aircraft may be used while hunting; R.S.O. 1970, c. 186, s. 91, pars. 25, 26.

36. prescribing the terms and conditions upon which a person may use a ferret for hunting game animals;

37. prescribing the terms and conditions upon which a person may use poison for taking or killing any animal; R.S.O. 1970, c. 186, s. 91, pars. 28, 29.

38. regulating, restricting or prohibiting the possession or use of traps; 1980, c. 47, s. 33 (5).
39. regulating, restricting or prohibiting the possession or use of fire-arms for the purpose of hunting;

40. prescribing the times during which and the terms and conditions on which black bear may be trapped; R.S.O. 1970, c. 186, s. 91, pars. 31, 32.

41. providing for and establishing a program for the education of trappers, including the appointment of instructors; 1980, c. 47, s. 33 (6).

42. providing for and establishing a program to promote the safe handling of fire-arms by hunters;

43. providing for the appointment of examiners and for the examination of applicants for licences and prescribing fees for examinations; R.S.O. 1970, c. 186, s. 91, pars. 33, 34.

44. governing the sale under subsection 72 (1) 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 Ministry 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; R.S.O. 1970, c. 186, s. 91, par. 35; 1972, c. 1, s. 1.

45. prescribing the royalties payable in respect of fish or under section 69, and excepting any fish or fur-bearing animal therefrom; R.S.O. 1970, c. 186, s. 91, par. 36.

46. designating counties and regional municipalities for the purpose of subsection 21 (1); R.S.O. 1970, c. 186, s. 91, par. 37, revised.

47. prescribing the open seasons during which amphibians and reptiles may be taken, the number and size of amphibians and reptiles that may be taken or possessed and the methods whereby amphibians and reptiles may be taken and designating the parts of Ontario where amphibians and reptiles may be taken;

48. governing the sale, purchase and barter of amphibians and reptiles; 1980, c. 47, s. 33 (7).

49. 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;
50. requiring any person to keep such records and make such reports and returns as are prescribed; R.S.O. 1970, c. 186, s. 91, pars. 39, 40.

51. designating parts of Ontario as wildlife management units;

52. limiting and regulating the number of hunters that may hunt at any time in a wildlife management unit and the hours during which hunting may be carried on in a wildlife management unit;

53. establishing a system for registering or reporting game taken or possessed;

54. prescribing the time or times and the terms and conditions upon which raccoon may be chased under section 24;

55. prescribing the time or times and the terms and conditions upon which fox, coyote or wolf may be chased under section 24; 1980, c. 47, s. 33 (8).

56. respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act. R.S.O. 1970, c. 186, s. 91, par. 41.

Regulations by Minister

93.—(1) 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 45, 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, elk or moose without employing
or being accompanied by a licensed guide. R.S.O. 1970, c. 186, s. 92; 1980, c. 47, s. 34.

(2) Paragraph 4 of subsection (1) is repealed on a day to be named by proclamation of the Lieutenant Governor. 1973, c. 174, ss. 1, 2.

94. Any regulations may be limited territorially or as to time or otherwise. R.S.O. 1970, c. 186, s. 93.