

chapter E-12.01

**ACT RESPECTING THREATENED OR VULNERABLE SPECIES**

**TABLE OF CONTENTS**

<b>DIVISION I</b>	
INTERPRETATION AND SCOPE.....	<b>1</b>
<b>DIVISION II</b>	
POWERS AND DUTIES.....	<b>6</b>
<b>DIVISION III</b>	
DESIGNATION OF THREATENED OR VULNERABLE SPECIES AND DEMARCATIION OF THEIR HABITATS.....	<b>9</b>
<b>DIVISION IV</b>	
ACTIVITIES HAVING AN IMPACT ON A THREATENED OR VULNERABLE PLANT SPECIES OR ITS HABITAT.....	<b>16</b>
<b>DIVISION V</b>	
INSPECTION, SEIZURE, CONFISCATION AND ARREST.....	<b>27</b>
<b>DIVISION VI</b>	
REGULATIONS.....	<b>39</b>
<b>DIVISION VII</b>	
PENAL PROVISIONS.....	<b>40</b>
<b>DIVISION VIII</b>	
AMENDING AND FINAL PROVISIONS.....	<b>50</b>

**REPEAL SCHEDULE**

## DIVISION I

### INTERPRETATION AND SCOPE

**1.** This Act applies to the threatened or vulnerable wildlife and plant species designated under this Act which live in Québec or are imported into Québec.

1989, c. 37, s. 1.

**2.** For the purposes of this Act, a subspecies, a geographically isolated population or a strain or variety of wildlife or of plants is considered to be a species.

1989, c. 37, s. 2.

**3.** This Act binds the Government and its departments and agencies that are mandataries of the State.

1989, c. 37, s. 3; 1999, c. 40, s. 122.

**4.** This Act applies subject to the Act respecting hunting and fishing rights in the James Bay and New Québec territories (chapter D-13.1).

1989, c. 37, s. 4.

**5.** The threatened or vulnerable wildlife species designated under this Act and their habitats are governed by the Act respecting the conservation and development of wildlife (chapter C-61.1), subject to the provisions of this Act.

1989, c. 37, s. 5.

## DIVISION II

### POWERS AND DUTIES

**6.** The Minister of Sustainable Development, Environment and Parks shall propose to the Government a policy of protection and management of designated threatened or vulnerable species or of species likely to be so designated, or of their habitats, coordinate the application of the policy and see to its implementation.

With regard to species of wildlife, the policy shall be proposed jointly with the minister designated by the Government, and implemented by that minister.

The Minister of Sustainable Development, Environment and Parks shall hold prior consultation with the Minister of Agriculture, Fisheries and Food, the Minister of Natural Resources and Wildlife and the Minister of Municipal Affairs, Regions and Land Occupancy.

1989, c. 37, s. 6; 1990, c. 64, s. 38; 1994, c. 13, s. 15, s. 16; 1994, c. 17, s. 46; 1999, c. 43, s. 13; 1999, c. 36, s. 128; 2003, c. 8, s. 6; 2003, c. 19, s. 250; 2005, c. 28, s. 196; 2006, c. 3, s. 35; 2009, c. 26, s. 109.

**7.** The Minister of Sustainable Development, Environment and Parks or the Minister of Natural Resources and Wildlife may, according to their respective responsibilities,

(1) carry out or cause the carrying out of research, studies or surveys respecting species which appear to require protection or respecting their habitats, and grant subsidies therefor;

(2) establish programs to promote the survival of designated threatened or vulnerable species or of species likely to be so designated, and the protection and development of existing habitats, the restoration of damaged habitats or the creation of new habitats;

(3) delegate the establishment or implementation of the programs contemplated in paragraph 2 to any person, and grant subsidies therefor;

(4) enter into an agreement with any person for the purpose of achieving the objectives of this Act;

(5) enter, according to law, into an agreement with any government or any governmental or international agency for the purpose of achieving the objectives of this Act.

1989, c. 37, s. 7; 1994, c. 17, s. 47; 1999, c. 36, s. 129; 2004, c. 11, s. 70; 2006, c. 3, s. 35.

**8.** The Minister of Sustainable Development, Environment and Parks may, for the purposes of protection and management of designated threatened or vulnerable plant species or of plant species likely to be so designated,

(1) lease or acquire by agreement or expropriation, with the authorization of the Government, any immovable property or immovable real right;

(2) accept any movable or immovable property as a gift or legacy.

The Minister may also, for the purposes of protection and management of designated threatened or vulnerable plant species, take all measures necessary to repair or mitigate damage caused to a designated threatened or vulnerable plant species or to its habitat and, in the manner of any debt owed to the Government, claim reimbursement of the costs entailed by these measures from the author of the damage.

1989, c. 37, s. 8; 1994, c. 17, s. 48; 1999, c. 36, s. 133; 2006, c. 3, s. 35.

### DIVISION III

#### DESIGNATION OF THREATENED OR VULNERABLE SPECIES AND DEMARCATION OF THEIR HABITATS

**9.** The Minister of Sustainable Development, Environment and Parks and the Minister of Natural Resources and Wildlife may establish jointly, by order, a list of threatened or vulnerable species which are likely to be so designated.

The order shall be published in the *Gazette officielle du Québec*.

1989, c. 37, s. 9; 1994, c. 17, s. 49; 1999, c. 36, s. 130; 2004, c. 11, s. 70; 2006, c. 3, s. 35.

**10.** Upon the joint recommendation of the Minister of Sustainable Development, Environment and Parks and the Minister of Natural Resources and Wildlife, and after consultation with the other ministers mentioned in the third paragraph of section 6, the Government may, by regulation,

(1) designate, as a threatened or vulnerable species, any species requiring it;

(2) determine the features or conditions by which the habitats of threatened or vulnerable species may be identified, according to their biological features, such as sex or age, or according to their number, density or location, the time of year or environmental features, and, as the case may be, determine which habitats of threatened or vulnerable species must be demarcated on a chart prepared according to sections 11 to 15.

1989, c. 37, s. 10; 1994, c. 17, s. 50; 1999, c. 36, s. 131; 2004, c. 11, s. 70; 2006, c. 3, s. 35.

**11.** Where the Government determines that the habitat of a threatened or vulnerable wildlife species must be demarcated on a chart, the Minister of Natural Resources and Wildlife shall prepare the chart according to sections 128.2 to 128.5 of the Act respecting the conservation and development of wildlife (chapter C-61.1), giving attention to the features or conditions determined by the Government under this Act.

1989, c. 37, s. 11; 1994, c. 17, s. 51; 1999, c. 36, s. 132; 2004, c. 11, s. 70; 2006, c. 3, s. 35.

**12.** Where the Government determines that the habitat of a threatened or vulnerable plant species must be demarcated on a chart, the Minister of Sustainable Development, Environment and Parks shall prepare the chart in cooperation with, as the case may be, the Minister of Natural Resources and Wildlife, the Minister of Agriculture, Fisheries and Food, the Minister of Transport or the Minister of Municipal Affairs, Regions and Land Occupancy.

He may amend, replace or cancel a chart in the same manner.

1989, c. 37, s. 12; 1990, c. 64, s. 39; 1994, c. 13, s. 15, s. 16; 1994, c. 17, s. 52; 1999, c. 43, s. 13; 1999, c. 36, s. 133; 2003, c. 8, s. 6; 2003, c. 19, s. 250; 2005, c. 28, s. 196; 2006, c. 3, s. 35; 2009, c. 26, s. 109.

**13.** The Minister of Sustainable Development, Environment and Parks shall publish a notice in the *Gazette officielle du Québec* indicating that the chart of a habitat of a threatened or vulnerable plant species has been prepared, or, as the case may be, amended, replaced or cancelled.

The notice shall name the plant species concerned and briefly indicate the location of its habitat.

The chart comes into force 15 days after publication of the notice or on any later date indicated therein.

1989, c. 37, s. 13; 1994, c. 17, s. 53; 1999, c. 36, s. 133; 2006, c. 3, s. 35.

**14.** The Minister of Sustainable Development, Environment and Parks shall have custody of the originals of the charts he prepares, and he shall transmit a copy thereof to any person on request.

1989, c. 37, s. 14; 1994, c. 17, s. 53; 1999, c. 36, s. 133; 2006, c. 3, s. 35.

**15.** The Minister of Sustainable Development, Environment and Parks shall transmit a copy of the chart of the habitat of a plant species to

(1) the Minister of Natural Resources and Wildlife, who shall enter it on the land use plan prepared in accordance with section 21 of the Act respecting the lands in the domain of the State (chapter T-8.1);

(2) the regional county municipality whose territory is included on the chart so that it may enter the chart on the land use planning and development plan provided for in the Act respecting land use planning and development (chapter A-19.1);

(3) the local municipality whose territory is included on the chart so that it may take it into account in carrying on its functions;

(4) the registry office of the registration division of the territory included on the chart so that all persons concerned may examine it.

1989, c. 37, s. 15; 1994, c. 17, s. 53; 1994, c. 13, s. 15; 1996, c. 2, s. 672; 1999, c. 40, s. 122; 1999, c. 36, s. 133; 2002, c. 68, s. 52; 2003, c. 8, s. 6; 2006, c. 3, s. 35.

## DIVISION IV

### ACTIVITIES HAVING AN IMPACT ON A THREATENED OR VULNERABLE PLANT SPECIES OR ITS HABITAT

**16.** No person may have any specimen of a threatened or vulnerable plant species or any of its parts, including its progeny, in his possession outside its natural environment, or harvest, exploit, mutilate, destroy, acquire, transfer, offer to transfer or genetically manipulate it.

The prohibition in the first paragraph does not apply to

(1) an activity exempted by regulation;

(2) an activity carried on in accordance with the standards or conditions of management prescribed by regulation;

(3) an activity required for educational, scientific or management purposes carried on in accordance with the conditions of an authorization from the Minister of Sustainable Development, Environment and Parks;

(4) an activity required to repair damage caused by a catastrophe or to prevent possible damage from an apprehended catastrophe.

1989, c. 37, s. 16; 1994, c. 17, s. 53; 1999, c. 36, s. 133; 2006, c. 3, s. 35.

**17.** No person may, in the habitat of a threatened or vulnerable plant species, carry on an activity that may alter the existing ecosystem, the present biological diversity or the physical or chemical components peculiar to that habitat.

The prohibition in the first paragraph does not apply to

(1) an activity exempted by regulation;

(2) an activity carried on in accordance with the standards or conditions of management prescribed by regulation;

(3) an activity authorized by the Minister of Sustainable Development, Environment and Parks or the Government;

(4) an activity required to repair damage caused by a catastrophe or to prevent possible damage from an apprehended catastrophe;

(5) an activity required for educational, scientific or management purposes carried on in accordance with an authorization from the Minister of Sustainable Development, Environment and Parks.

1989, c. 37, s. 17; 1994, c. 17, s. 53; 1999, c. 36, s. 133; 2006, c. 3, s. 35.

**18.** The Minister of Sustainable Development, Environment and Parks may authorize the carrying on of

(1) an activity required for educational, scientific or management purposes;

(2) an activity that alters the habitat of a threatened or vulnerable plant species.

He may attach such conditions to the authorization as he determines, in particular the requirement that the applicant furnish security in accordance with the regulations.

Before issuing an authorization, the Minister shall take into account, in particular but not exclusively, the objectives pursued by the applicant, the nature of the proposed activities and their impact on the threatened or vulnerable plant species and on their habitats, the competence and experience of the applicant, and the precautionary, mitigating and monitoring measures necessary to ensure favourable living conditions for the threatened or vulnerable plant species or for their habitats.

1989, c. 37, s. 18; 1994, c. 17, s. 53; 1999, c. 36, s. 133; 2006, c. 3, s. 35.

**19.** The Government, upon the advice of the Minister of Sustainable Development, Environment and Parks and after a public hearing by the Minister or his representative, may, on such conditions as it determines, authorize the carrying on of an activity that alters the habitat of a threatened or vulnerable plant species if it considers that the consequences of not carrying on or of abandoning the activity would be more harmful to the public than the alteration of the habitat of the plant species concerned.

1989, c. 37, s. 19; 1994, c. 17, s. 53; 1999, c. 36, s. 133; 2006, c. 3, s. 35.

**20.** To obtain authorization, a person must apply in writing to the Minister.

The Minister may demand any information he considers necessary for his decision.

1989, c. 37, s. 20.

**21.** Where the Minister denies an application for authorization, he shall notify the applicant in writing, giving his reasons.

1989, c. 37, s. 21.

**22.** The Minister may demand any information relating to the carrying on of an activity in the habitat of a plant species.

1989, c. 37, s. 22.

**23.** Where the holder of an authorization fails to comply with the conditions attached to the authorization, the Minister of Sustainable Development, Environment and Parks may suspend or revoke the authorization or confiscate the security furnished by the holder and use it to repair the damage caused to a threatened or vulnerable plant species or its habitat.

1989, c. 37, s. 23; 1994, c. 17, s. 53; 1999, c. 36, s. 133; 2006, c. 3, s. 35.

**24.** Before denying, suspending or revoking an authorization or confiscating security, the Minister shall notify the applicant or holder in writing as prescribed by section 5 of the Act respecting administrative justice (chapter J-3) and allow the applicant or holder at least 10 days to present observations.

1989, c. 37, s. 24; 1997, c. 43, s. 230.

**25.** The Minister of Sustainable Development, Environment and Parks may make an order on ascertaining that an activity that may result in serious or irreparable damage to a threatened or vulnerable plant species or its habitat

- (1) has begun or is about to begin without authorization;
- (2) violates the conditions attached to the authorization;
- (3) violates the standards or conditions of management prescribed by regulation.

The order shall require the person concerned to suspend the activity until he obtains the required authorization or, as the case may be, to observe the conditions attached to the authorization or the standards or conditions of management prescribed by regulation.

The order must give the reasons on which it is based; it comes into force on its date of notification.

A person to whom such an order is notified without prior notice because, in the opinion of the Minister, urgent action is required or there is a danger of irreparable damage being caused, may, within the time specified in the order, present observations so that the order may be reviewed by the Minister.

Where a person to whom an order is made refuses or neglects to follow it, the Minister may, in addition to any other remedy, apply to the Superior Court for an injunction ordering the person to comply with the order.

1989, c. 37, s. 25; 1994, c. 17, s. 53; 1997, c. 43, s. 231; 1999, c. 36, s. 133; 2006, c. 3, s. 35.

**26.** The Minister of Sustainable Development, Environment and Parks, by memorandum of agreement, on such conditions and for such activities or such habitats of a threatened or vulnerable plant species as he

determines, may entrust to a municipality, the exercise in its territory of the powers provided in sections 18 and 20 to 24 and the second paragraph of section 8.

The memorandum may also provide the conditions on which the powers entrusted to the municipality may be subdelegated to its employees.

The Minister shall publish a notice in the *Gazette officielle du Québec* indicating that a memorandum of agreement has been subscribed with a municipality and giving the date of its coming into force.

From the given date, the municipality party to the memorandum of agreement has the necessary authority for the exercise of the powers delegated pursuant to this section.

1989, c. 37, s. 26; 1990, c. 85, s. 123; 1994, c. 17, s. 53; 1999, c. 36, s. 133; 2000, c. 56, s. 141; 2006, c. 3, s. 35.

### DIVISION V

#### INSPECTION, SEIZURE, CONFISCATION AND ARREST

**27.** In this division,

“dwelling-house” means a building or structure or a part thereof kept or occupied as a permanent or temporary residence, and a building or structure or a part thereof connected to it by a doorway or by a covered and enclosed passageway.

1989, c. 37, s. 27.

**28.** To ensure the enforcement of the provisions of this Act and the regulations thereunder pertaining to a plant species, the Minister of Sustainable Development, Environment and Parks may generally or specially authorize any person to act as an inspector of plant life.

1989, c. 37, s. 28; 1994, c. 17, s. 53; 1999, c. 36, s. 133; 2006, c. 3, s. 35.

**29.** For the purposes of an inspection, an inspector of plant life may

(1) have access, at any reasonable time, to any place other than a dwelling-house where an activity contemplated in the second paragraph of section 16 or of section 17 is carried on in respect of a threatened or vulnerable plant species or its habitat;

(2) photograph such places, take samples and make analyses;

(3) enter and pass on private land;

(4) require any information relating to this Act and the regulations thereunder pertaining to a threatened or vulnerable plant species or its habitat.

The inspector shall, upon request, identify himself and show the certificate issued by the Minister of Sustainable Development, Environment and Parks attesting his capacity.

1989, c. 37, s. 29; 1994, c. 17, s. 53; 1999, c. 36, s. 133; 2006, c. 3, s. 35.

**30.** In carrying out an inspection, an inspector of plant life may seize any specimen of a threatened or vulnerable plant species or one of its parts, or anything in the possession of an offender that has been used for the commission of the offence and that is required for purposes of expertise, if he has reasonable grounds to believe that an offence has been committed in violation of this Act or the regulations thereunder, or is being committed, in respect thereof.

1989, c. 37, s. 30.

**31.** No person may knowingly give false information to an inspector of plant life or hinder him in the performance of his duties.

1989, c. 37, s. 31.

**32.** *(Repealed).*

1989, c. 37, s. 32; 1992, c. 61, s. 295.

**33.** Every inspector of plant life shall, without delay, make a written report to the Minister of Sustainable Development, Environment and Parks of every seizure made by him under this Act.

1989, c. 37, s. 33; 1994, c. 17, s. 53; 1999, c. 36, s. 133; 2006, c. 3, s. 35.

**34.** Every inspector of plant life is responsible for the custody of a thing he has seized until it is confiscated or until a judge orders it returned to the person from whom it was seized or the person who claims title to it. In addition, he is entrusted with the custody of the things seized and submitted in evidence, unless the judge to whom they were submitted in evidence decides otherwise.

However, in the case of a person resident in Québec, an inspector of plant life who seizes a vehicle, aircraft or boat shall, after making any appropriate expertise, entrust it to the custody of the person from whom it was seized or the person who claims to have title to it; the person is bound to accept its custody until a judge has declared it confiscated or ordered it returned to the person from whom it was seized or the person who claims title to it.

The person to whose custody a vehicle, aircraft or boat seized by an inspector of plant life is entrusted shall not remove, deteriorate or alienate the thing under pain of a fine equal to the value of the thing seized.

1989, c. 37, s. 34; 1992, c. 61, s. 296; 1997, c. 11, s. 1.

**34.1.** Where the thing seized is perishable or likely to depreciate rapidly, the inspector of plant life may dispose of it in the manner prescribed by regulation.

If the inspector of plant life has disposed of such a thing and it subsequently appears that there is no cause for confiscation, he shall, at the request of the person entitled thereto, pay to him the indemnity determined in accordance with the regulation, as replacement for the property.

1997, c. 11, s. 2.

**35.** Anything seized by an inspector of plant life must, at the request of the person from whom it was seized or the person who claims title to it, be returned to him if no charge is laid in respect of the thing within 120 days from the date of seizure.

The justice of the peace may, however, order the period of seizure extended by not over 90 days.

1989, c. 37, s. 35; 1997, c. 11, s. 3.

**36.** Where the owner of a thing seized by an inspector of plant life is unknown or untraceable, the thing shall be transferred to the Minister of Revenue 60 days from the date of seizure with a statement describing the thing and indicating, where applicable, the name and last known address of the owner.

The Unclaimed Property Act (chapter B-5.1) applies to a thing so transferred to the Minister of Revenue.

1989, c. 37, s. 36; 1997, c. 80, s. 65; 2005, c. 44, s. 54; 2011, c. 10, s. 98.

**37.** The owner of a seized thing may claim the ownership thereof in penal proceedings and thereafter until final judgment, by presenting to the judge a petition alleging the nature of his right in the thing seized and proving his title of ownership.



The judge to whom the petition is presented may order the thing to be delivered to the petitioner.

1989, c. 37, s. 37.

**38.** Where unlawful possession of the thing seized prevents its return to the person from whom it was seized or to the person who claims to have title to it, the judge shall order it confiscated on application by the plaintiff; if unlawful possession is not established, the judge shall designate the person to whom the thing may be delivered.

Prior notice of the application shall be given to the person from whom the thing was seized and to the other person who may file the application.

1989, c. 37, s. 38; 1992, c. 61, s. 297; I.N. 2016-01-01 (NCCP).

**38.1.** A conviction for an offence against any of the provisions of this Act or the regulations entails the confiscation of any specimen of a threatened or vulnerable plant species, or part thereof, that has been seized by an inspector of plant life.

1997, c. 11, s. 4.

## DIVISION VI

### REGULATIONS

**39.** In addition to its regulation-making powers under section 10, the Government may, by regulation,

(1) withdraw certain activities from the application of section 16 in respect of a threatened or vulnerable plant species designated by virtue of this Act;

(2) determine activities that may alter the ecosystem, biological diversity and physical or chemical components of the habitat of a threatened or vulnerable plant species for which no authorization is required;

(3) prescribe management standards or conditions, as the case may be, applicable to activities contemplated in paragraphs 1 and 2;

(4) prescribe the cases and manner in which a habitat of a threatened or vulnerable plant species must be indicated;

(5) require as a condition precedent to the issue of an authorization, in such cases as it prescribes, that a person furnish security to enable the Minister of Sustainable Development, Environment and Parks to take or cause the taking of the required measures pursuant to the second paragraph of section 8 or to section 23, and fix the nature and amount of the security according to the class of person or habitat or to the kind of activity;

(6) *(paragraph repealed)*;

(6.1) prescribe the manner in which an inspector of plant life may dispose of a thing seized that is perishable or likely to depreciate rapidly and, according to the category or species of the thing seized, determine the amount or the method to be used for determining the amount of the indemnity payable to the person entitled to it when the inspector has disposed of it;

(7) prescribe any provision of the regulations the violation of which is an offence.

The activities or the management standards or conditions prescribed in subparagraphs 1, 2 and 3 of the first paragraph may vary according to the plant species, the kind of activity, the class of habitat of a plant species or its location, the time of year or environmental features.

1989, c. 37, s. 39; 1994, c. 17, s. 53; 1997, c. 11, s. 5; 1997, c. 80, s. 66; 1999, c. 36, s. 133; 2006, c. 3, s. 35.

**DIVISION VII**

**PENAL PROVISIONS**

**40.** Every person who contravenes any provision of section 16 or 17 or an order made under section 25 or who does not respect a condition of an authorization issued under section 18 or 19 or a standard or condition of management determined by regulation is guilty of an offence and is liable

(1) in the case of a natural person, to a fine of not less than \$500 nor more than \$20,000 for a first offence and to a fine of not less than \$1,000 nor more than \$40,000 for any subsequent conviction within three years;

(2) in the case of a legal person, to a fine of not less than \$1,000 nor more than \$40,000 for a first offence and to a fine of not less than \$2,000 nor more than \$80,000 for any subsequent conviction within three years.

1989, c. 37, s. 40; 1990, c. 4, s. 974.

**41.** The owner of private land on which a habitat of a threatened or vulnerable plant species demarcated on a chart prepared by the Minister of Sustainable Development, Environment and Parks is situated cannot be convicted of an offence under section 17 or for violation of a standard or condition of management prescribed by regulation committed in that habitat unless he had prior notification of the existence of the habitat.

The Minister of Sustainable Development, Environment and Parks may request the registration, in the land register, of a reference to the existence of a habitat of a threatened or vulnerable plant species on the land. The request of the Minister is made by means of a notice filed at the registry office; such notice shall be in lieu of a notice of the existence of a habitat of a threatened or vulnerable plant species on that land in respect of any person who becomes the owner thereof after the registration.

1989, c. 37, s. 41; 1994, c. 17, s. 53; 1999, c. 40, s. 122; 1999, c. 36, s. 133; 2000, c. 42, s. 166; 2006, c. 3, s. 35.

**42.** In the cases prescribed by the Government, by regulation, in which a habitat of a threatened or vulnerable plant species must be indicated, a person cannot be convicted of an offence under section 17 or for violation of a standard or condition of management prescribed by regulation committed in that habitat unless prior indication of the habitat had been given in the manner prescribed by regulation or unless the person had prior notification of the existence of the habitat.

1989, c. 37, s. 42.

**43.** Every person who refuses or neglects to provide information required by virtue of section 22 is guilty of an offence and is liable to a fine of not under \$200 nor over \$600.

1989, c. 37, s. 43; 1990, c. 4, s. 975.

**44.** Every person who contravenes any provision of section 31 is guilty of an offence and is liable to a fine of not less than \$200 nor more than \$1,000.

1989, c. 37, s. 44; 1990, c. 4, s. 976.

**45.** Every person who knowingly performs or omits to perform an act in view of aiding a person to commit an offence in respect of this Act or the regulations thereunder, or who advises, encourages or incites a person to commit an offence is himself guilty of the offence and liable to the same penalty as that provided for the person who has committed the offence, whether or not the latter has been prosecuted or found guilty.

1989, c. 37, s. 45.

**46.** Every director or officer of a legal person who induces the legal person, by order, authorization, permission or encouragement to commit an offence referred to in section 40 is himself guilty of the offence and is liable to the penalty provided in paragraph 1 of that section.

1989, c. 37, s. 46.

**47.** Penal proceedings for a false or misleading declaration made to the Minister of Sustainable Development, Environment and Parks or to an inspector of plant life shall be prescribed, where applicable, by one year from the date of the inspection which led to the discovery of the offence or after the date on which the investigation record relating to the offence was opened.

The certificate of the Minister or the inspector, as the case may be, indicating the date on which the investigation or inspection began constitutes, failing any evidence to the contrary, conclusive proof of such fact.

1989, c. 37, s. 47; 1992, c. 61, s. 298; 1994, c. 17, s. 53; 1999, c. 36, s. 133; 2006, c. 3, s. 35.

**48.** *(Repealed).*

1989, c. 37, s. 48; 1990, c. 4, s. 977; 1992, c. 61, s. 299.

**49.** A municipality party to a memorandum of agreement in accordance with section 26 may, in respect of activities contemplated in the memorandum of agreement, institute proceedings for an offence under section 40 or 43, in which case the amount of the fine shall be paid to the municipality.

1989, c. 37, s. 49; 1992, c. 61, s. 300; 2000, c. 56, s. 142.

## DIVISION VIII

### AMENDING AND FINAL PROVISIONS

**50.** *(Amendment integrated into c. C-61.1, s. 1).*

1989, c. 37, s. 50.

**51.** *(Amendment integrated into c. C-61.1, s. 1.1).*

1989, c. 37, s. 51.

**52.** *(Amendment integrated into c. C-61.1, s. 128.3).*

1989, c. 37, s. 52.

**53.** *(Amendment integrated into c. C-61.1, s. 128.4).*

1989, c. 37, s. 53.

**54.** *(Amendment integrated into c. C-61.1, s. 162).*

1989, c. 37, s. 54.

**55.** *(Amendment integrated into c. C-61.1, s. 171.1).*

1989, c. 37, s. 55.

**56.** *(Inoperative, 1990, c. 4, s. 339).*

1989, c. 37, s. 56.

**57.** The Minister of Sustainable Development, Environment and Parks is responsible for the administration of this Act, except where it applies to the protection and management of wildlife species and their habitats; the administration of the provisions relating to wildlife species and their habitats shall be under the responsibility of the Minister of Natural Resources and Wildlife.

1989, c. 37, s. 57; 1994, c. 17, s. 54; 1999, c. 36, s. 134; 2000, c. 8, s. 242; 2004, c. 11, s. 69, s. 70; 2006, c. 3, s. 35.



*The functions of the Minister of Natural Resources and Wildlife provided for in this Act are assigned to the Minister of Forests, Wildlife and Parks. Order in Council 420-2014 dated 7 May 2014, (2014) 146 G.O. 2 (French), 1906.*

**58.** Sections 52, 53 and 56 have effect from the date of the coming into force of sections 128.3, 128.4 and 171.2, respectively, of the Act respecting the conservation and development of wildlife (chapter C-61.1).

1989, c. 37, s. 58.

**59.** *(Omitted).*

1989, c. 37, s. 59.

REPEAL SCHEDULE

In accordance with section 9 of the Act respecting the consolidation of the statutes and regulations (chapter R-3), chapter 37 of the statutes of 1989, in force on 1 March 1990, is repealed, except section 59, effective from the coming into force of chapter E-12.01 of the Revised Statutes.

