

ONTARIO FALCONRY REGULATIONS

PART III SPECIALLY PROTECTED RAPTORS AND OTHER BIRDS OF PREY

10. In this Part,

"falconry birds" means Peregrine Falcon, Northern Goshawk, Gyrfalcon, Cooper's Hawk, Red-tailed Hawk, Sharp-shinned Hawk, Merlin, American Kestrel, Bald Eagle, Great Horned Owl, Northern Hawk Owl, Golden Eagle, Broad-winged Hawk, Red-shouldered Hawk, Snowy Owl and Northern Harrier;

"non-indigenous falconry birds" means Prairie Falcon, Saker Falcon, Lanner Falcon, Lager Falcon, Harris' Hawk, Ferruginous Hawk, Swainson's Hawk, Bonelli's Eagle, European Kestrel, European Sparrow-hawk, Tawny Eagle and Steppe Eagle. O. Reg. 668/98, s. 10.

11. A person may keep falconry birds in captivity under a general falconry licence, a commercial falconry licence or an apprentice falconry licence issued under subsection 40 (1) of the Act. O. Reg. 668/98, s. 11.

12. (1) A person may be issued a general falconry licence if, during the year following the day this Regulation comes into force, the person provides proof of having possessed a specially protected raptor or other bird of prey continuously for two years during the five-year period prior to the date of applying for the licence. O. Reg. 668/98, s. 12 (1).

(2) The following persons may be issued a general falconry licence more than one year after the day this Regulation comes into force:

1. A person who provides proof that he or she possessed, in a jurisdiction other than Ontario, a specially protected raptor or other bird of prey continuously for two years during the five-year period prior to the date of applying for a general falconry licence.

2. A person who has successfully completed an apprenticeship described in section 14 as certified by the person's sponsor.

3. A person who has held a general falconry licence or a commercial falconry licence issued under this Regulation at any time in the five-year period prior to the date of applying for the licence. O. Reg. 668/98, s. 12 (2).

(3) The holder of a general falconry licence may keep up to three falconry birds in captivity and may, in addition, keep any number of falconry birds for a person who holds any licence under this Part for a period of up to three months for each falconry bird. O. Reg. 668/98, s. 12 (3).

13. (1) The following persons may be issued a commercial falconry licence:

1. A person who propagated specially protected raptors or other birds of prey continuously for two years during the five-year period prior to applying for the licence.
2. A person who has held a general falconry licence issued under this Regulation for a period of at least five years.
3. A person who provides proof that he or she has kept specially protected raptors or other birds of prey in captivity for at least five years prior to applying for the licence.
4. A person who has held a commercial falconry licence issued under this Regulation at any time in the five years prior to the date of applying for the licence. O. Reg. 668/98, s. 13 (1).

(2) The holder of a commercial falconry licence may keep any number of falconry birds at any one time. O. Reg. 668/98, s. 13 (2).

14. (1) A person who receives instruction in the care and handling of falconry birds from a sponsor may be issued an apprentice falconry licence to keep a single falconry bird in captivity during the period of the sponsorship for the purpose of receiving that instruction. O. Reg. 668/98, s. 14 (1).

(2) An apprentice falconry licence may only be issued to a person who has the facilities and equipment necessary for the proper care and handling of falconry birds as certified by his or her sponsor. O. Reg. 668/98, s. 14 (2).

15. (1) For the purposes of section 14, the holder of a general falconry licence or a commercial falconry licence who has at least five years experience as a trainer, hunter, keeper and handler of specially protected raptors or other birds of prey may sponsor an apprentice falconer. O. Reg. 668/98, s. 15 (1).

(2) The sponsor shall, over a period of at least 15 months that includes at least two months of October,

(a) instruct the apprentice falconer in the proper training, hunting, care and handling of falconry birds; and

(b) provide a minimum of 30 hours of field instruction. O. Reg. 668/98, s. 15 (2).

16. (1) Despite section 11, a person who keeps falconry birds in captivity on the day this Regulation comes into force may keep the birds in captivity without a licence for 90 days after that day but shall apply for a general falconry licence, a commercial falconry licence or an apprentice falconry licence within the 90-day period. O. Reg. 668/98, s. 16 (1).

(2) An application that has been approved in writing by the Minister shall be deemed to be a temporary licence of the type applied for, for a period of 90 days from the date of the approval, in accordance with the terms of the approval. O. Reg. 668/98, s. 16 (2).

17. A person who keeps a specially protected raptor that is not a falconry bird in captivity on the day this Regulation comes into force may, without a licence,

(a) continue to do so for 90 days after that day; and

(b) keep that raptor for its lifetime if the Minister so authorizes under clause 40 (2) (c) of the Act. O. Reg. 668/98, s. 17.

18. A person who holds a general falconry licence, a commercial falconry licence or an apprentice falconry licence shall hold a current small game hunting licence issued under Ontario Regulation 665/98 (Hunting). O. Reg. 668/98, s. 18.

19. (1) Despite subsection 27 (1) of the Act,

(a) the holder of a general falconry licence, a commercial falconry licence or an apprentice falconry licence may, for the purposes of subsection 27 (2) of the Act, hunt with falconry birds or non-indigenous falconry birds in accordance with Ontario Regulation 665/98 (Hunting);

(b) any person may hunt with a non-indigenous falconry bird under a current small game hunting licence issued under Ontario Regulation 665/98 (Hunting) and in accordance with that Regulation. O. Reg. 668/98, s. 19 (1).

(2) Wildlife Management Units 1 to 95 referred to in Regulation 530 of the Revised Regulations of Ontario, 1990 are areas designated as areas in which a person may hunt with a falconry bird or a non-indigenous falconry bird. O. Reg. 668/98, s. 19 (2).

20. A person who keeps a specially protected raptor or any other bird of prey may exercise the bird in an area usually inhabited by wildlife during the closed season for the wildlife if the person exercises all due diligence to prevent the bird from killing the wildlife. O. Reg. 668/98, s. 20.

21. A person who is hunting with a falconry bird shall carry on his or her person the licence or authorization pursuant to which the bird is kept in captivity. O. Reg. 668/98, s. 21.

22. (1) A person shall not keep a specially protected raptor or a non-indigenous falconry bird in captivity unless it is marked with a clearly and uniquely numbered band of the type approved by the Minister. O. Reg. 668/98, s. 22 (1).

(2) The band shall be affixed to the leg of the bird in a manner that prevents the band from being removed without destroying it. O. Reg. 668/98, s. 22 (2).

(3) A person shall mark a specially protected raptor or other bird of prey kept by the person within three weeks of it being hatched. O. Reg. 668/98, s. 22 (3).

(4) If the band is lost or accidentally removed, the loss or removal and its date shall immediately be noted in the log book referred to in subsection 27 (1). O. Reg. 668/98, s. 22 (4).

(5) The person who keeps a bird whose band has been lost, accidentally removed or destroyed shall immediately affix a new band of the proper type in the proper manner. O. Reg. 668/98, s. 22 (5).

(6) The Minister shall be notified in writing within five working days of the loss or removal of a band and of the number of a new band affixed under subsection (5). O. Reg. 668/98, s. 22 (6).

23. (1) A non-resident hunter who wishes to keep falconry birds in captivity in Ontario for the purpose of hunting shall submit a letter of application to the Minister. O. Reg. 668/98, s. 23 (1).

(2) The applicant shall identify the birds to be brought into Ontario, by species and band number, and shall set out the period of time that the birds will be in Ontario and the Wildlife Management Unit in which the birds will be used for hunting. O. Reg. 668/98, s. 23 (2).

(3) An application that has been approved in writing by the Minister shall be deemed to be a licence,

(a) to keep, in accordance with the terms of the approval, the birds specified in the application in captivity in Ontario for the specified period; and

(b) despite subsection 27 (1) of the Act, to hunt in accordance with Ontario Regulation 665/98 (Hunting). O. Reg. 668/98, s. 23 (3).

(4) A non-resident shall not bring a bird into Ontario for the purpose of hunting unless the bird is marked with a uniquely numbered non-removable band. O. Reg. 668/98, s. 23 (4).

24. (1) A general falconry licence, a commercial falconry licence and an apprentice falconry licence shall be deemed to be a licence to buy or sell falconry birds under subsection 48 (1) of the Act. O. Reg. 668/98, s. 24 (1).

(2) A person who holds a general falconry licence shall not, during the period the licence is valid,

(a) buy or otherwise obtain more than three falconry birds; or

(b) sell more than three falconry birds. O. Reg. 668/98, s. 24 (2).

(3) A person who holds an apprentice falconry licence shall not, during the period the licence is valid,

(a) buy or otherwise obtain more than a single falconry bird and a single replacement for it; or

(b) sell more than a single falconry bird. O. Reg. 668/98, s. 24 (3).

(4) The person shall not,

(a) buy a falconry bird, except from a person who may sell it lawfully; or

(b) sell a falconry bird, except to a person who may buy it lawfully. O. Reg. 264/05, s. 3.

25. A person shall not buy or sell, or transfer to another person, a specially protected raptor that has been taken from the wild. O. Reg. 668/98, s. 25.

26. A commercial falconry licence shall be deemed to be a licence to propagate falconry birds for the purposes of subsection 45 (1) of the Act. O. Reg. 668/98, s. 26.

27. (1) A person who keeps specially protected raptors or other birds of prey in captivity shall keep a log book that contains information respecting the birds, including,

(a) the name and licence number of the person keeping the bird;

(b) the date of the event being recorded;

(c) the species and band number of the bird;

(d) the description of the event or the business transaction involving the bird;

(e) the name and address of the persons engaged in the business transaction or event, if any, and the numbers of their general falconry or commercial falconry licences; and

(f) details of any final disposition of the bird. O. Reg. 668/98, s. 27 (1).

(2) The person shall submit an annual return to the Minister in a format established by the Minister for any specially protected raptor the person keeps. O. Reg. 668/98, s. 27 (2).

(3) Copies of the log book and annual return shall be kept for five years from the date of expiry of the licence that was valid at the time they were kept. O. Reg. 668/98, s. 27 (3).

(4) The person shall not make a false entry in the log book. O. Reg. 668/98, s. 27 (4).