

REPEALED: See Act, 196 No.



## ANALYSIS

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1958, No. 20

**An Act to amend the Stock Act 1908**

[18 September 1958]

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:

**1. Short Title**—This Act may be cited as the Stock Amendment Act 1958, and shall be read together with and deemed part of the Stock Act 1908 (hereinafter referred to as the principal Act).

*Sheep Affected with Lice or Keds*

**2. Interpretation**—(1) Section two of the principal Act is hereby amended by repealing the definition of the terms “dip” and “dipped”, as substituted by section sixty-five of the Statutes Amendment Act 1947, and substituting the following definition:

“‘Dip’, in relation to sheep, means to plunge or immerse the sheep in a preparation that is effective for destroying lice and keds, or to spray the sheep in accordance with the requirements of section forty-seven A of this Act, as inserted by section four of the

Stock Amendment Act 1958 with such a preparation in liquid form by means of an effective pressure spraying apparatus; and 'dipped' has a corresponding meaning."

(2) Section two of the principal Act is hereby further amended by inserting, after the definition of the term "drove", the following definition:

"'Dust', in relation to sheep, means to dust the sheep with a dust containing a preparation that is effective for destroying lice and keds, in accordance with the requirements of section forty-seven A of this Act, as inserted by section four of the Stock Amendment Act 1958; and 'dusted' has a corresponding meaning."

(3) Section sixty-five of the Statutes Amendment Act 1947 is hereby consequentially repealed.

**3. Owner to dip or dust sheep**—(1) The principal Act is hereby amended by repealing section forty-seven, as substituted by section five of the Stock Amendment Act 1955, and substituting the following section:

"47. (1) Every owner of sheep shall, during the period between the first day of August in each year and the thirtieth day of April following, dip or dust, or cause to be dipped or dusted, all sheep which he owns and which have not been otherwise dipped or dusted during that period:

"Provided that, on the application of the owner, any Inspector, if satisfied that dipping or dusting cannot be done within that period, may, by writing under his hand grant an extension of time for a period not exceeding thirty-one days.

"(2) Every owner of sheep who fails to dip or dust any sheep as aforesaid commits an offence and shall be liable on summary conviction to a fine not exceeding two shillings for every sheep which is not so dipped or dusted."

(2) Section five of the Stock Amendment Act 1955 is hereby consequentially repealed.

**4. Method of dipping and dusting sheep**—The principal Act is hereby amended by inserting, after section forty-seven, the following section:

"47A. (1) For the purpose of complying with any requirement of this Act in respect of the dusting of any sheep, the dusting shall be effected within three months after the sheep has been shorn by spraying the sheep with a dust containing a preparation that is effective for destroying lice and keds.

“(2) For the purpose of complying with any requirement of this Act in respect of the dipping of any sheep, otherwise than by plunging or immersing the sheep in a preparation that is effective for destroying lice and keds, the dipping shall be effected within three months after the sheep has been shorn.

“(3) Where any sheep is dusted in accordance with the provisions of subsection one of this section, the dusting shall be effected by means of an effective pressure spraying apparatus.

“(4) Nothing that may be done by any person shall comply with any requirement of this Act in respect of the dipping or dusting of any sheep in any case where there is not full compliance with the requirements of this section.”

**5. Control of keds on sheep**—The principal Act is hereby amended by omitting the word “ticks” in each place where it occurs in the heading immediately preceding section forty-seven and in sections forty-eight and fifty-one, and substituting in each case the word “keds”.

**6. Consequential amendments**—The principal Act is hereby amended—

- (a) By inserting, after the word “dip” in each place where it occurs in sections forty-eight, fifty, and fifty-one, the words “or dust”:
- (b) By inserting, after the word “dipped” in each place where it occurs in sections forty-eight and fifty, the words “or dusted”.

#### *Tuberculin Testing of Cattle*

**7. Tuberculin testing of cattle**—(1) The provisions of this section shall apply in every case where any cattle (other than cattle to which section thirty-five of the Stock Amendment Act 1956 applies) are—

- (a) Tested or inspected by an Inspector who is a registered veterinary surgeon or by any other registered veterinary surgeon appointed by the Minister to carry out tuberculin tests for the purposes of this section (any such Inspector or registered veterinary surgeon being in this section referred to as a Tuberculin Testing Officer); or
- (b) Inspected by an Inspector who is not a registered veterinary surgeon.

(2) Where it is shown to the satisfaction of a Tuberculin Testing Officer, whether by reason of a tuberculin test or otherwise, or to the satisfaction of any other Inspector, that any cattle to which this section applies is affected with tuberculosis, he may condemn that animal, and it shall be the duty of the then owner thereof or any other person who may for the time being be the owner thereof to cause the animal to be destroyed within such period as may be prescribed by regulations made under the principal Act.

(3) Every animal so condemned shall be destroyed at the expense of its owner at the date of the destruction, and shall be so destroyed in accordance with directions given at the time of the condemnation of the animal by the Tuberculin Testing Officer or other Inspector, as the case may be.

(4) Where any such animal has been so destroyed, the net amount received from the disposal of the carcass may be retained by, and compensation amounting to the sum of eight pounds or such lesser sum as may be prescribed by regulations made under the principal Act in respect of any class or classes of cattle shall be paid by the Crown to,—

(a) The owner of the animal immediately before the sale in any case where the animal has been sold for immediate slaughter:

(b) The owner of the animal when it is destroyed in any other case:

Provided that no sum shall be so paid as compensation in respect of any animal that is less than one year old when it is condemned.

(5) Nothing in section twenty-three, or in sections forty to forty-four, of the principal Act shall apply in respect of any animal condemned pursuant to this section.

(6) The Minister may at any time by notice in the *Gazette* direct that all cattle of any specified class or all cattle situated on any specified class of premises or in any specified area shall be tested with the tuberculin test from time to time as the Chief Inspector shall determine, and thereupon the foregoing provisions of this section shall extend to apply in respect of tests conducted pursuant to the direction of the Minister.

(7) Every person who sells or transfers to any other person, otherwise than for immediate slaughter, any animal which has been condemned pursuant to this section commits an offence and shall be liable on summary conviction to a fine not exceeding fifty pounds:

Provided that nothing in this subsection shall apply to any transfer of any animal—

- (a) To the personal representatives or trustees of any deceased person or to any person beneficially entitled to the animal under the will or on the intestacy of any deceased person:
- (b) From one trustee to another trustee or to any person entitled to the animal under any trust:
- (c) To any creditor having security over the animal; or to any assignee in bankruptcy, or any assignee for the benefit of creditors, of the owner of the animal:

Provided also that nothing in this subsection shall affect the validity of any sale or transfer of any animal. <sup>AmD. 196</sup>

(8) Regulations may be made under the principal Act—

- (a) Prescribing means whereby cattle which have been tested pursuant to this section shall be identified and providing for matters incidental thereto:
- (b) Requiring every owner of cattle to provide adequate facilities and assistance when any cattle of that owner are being tested under this section:
- (c) Providing for the registration of dairy herds which have been tested and are free from tuberculosis.

(9) This section is in substitution for section three of the Stock Amendment Act 1957, and that section is hereby consequentially repealed. It is hereby declared that the repeal of that section shall not affect any document made or anything whatsoever done under that section, and every such document or thing, so far as it is subsisting or in force at the time of the repeal and could have been made or done under this section shall continue and have effect as if it had been made or done under this section and as if this section was in force when the document was made or the thing was done.

**8. Inspectors, etc., not liable for loss**—The principal Act is hereby amended by repealing section seventeen, and substituting the following section:

“17. An Inspector, or a registered veterinary surgeon who is appointed by the Minister to carry out tuberculin tests for the purposes of section seven of the Stock Amendment Act 1958, shall not be liable for any loss or damage occasioned to any owner of stock by any act of that Inspector or veterinary surgeon, unless the damage is occasioned by his wilful neglect or default.”

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*Transport of Stock*

**9. Consignment notes for cattle and sheep**—(1) Except as provided in subsection eight of this section, no person shall convey any cattle or sheep on any highway or on any river, lake, harbour, or other waters within the territorial limits of New Zealand, unless he is the holder of a consignment note in the prescribed form showing particulars of the cattle or sheep, the places to and from which they are to be conveyed, and such other particulars as may be prescribed.

(2) Except as provided in subsections three and four of this section, every consignment note under this section shall be prepared in triplicate, and all three copies shall, before the cattle or sheep are removed, be signed by the owner thereof, or by his agent duly authorised to consign the cattle or sheep, or by the person by whom they are to be removed. One copy of the consignment note shall be delivered to and retained by the consignor, one copy shall be retained by the person removing the cattle or sheep, and one copy shall be delivered to and retained by the consignee or other person taking delivery of them.

(3) Where the person removing any cattle or sheep is the owner thereof, the consignment note under this section shall be prepared by him in duplicate and he shall sign both copies before the cattle or sheep are removed. One copy of the consignment note shall be retained by him and the other copy shall be delivered to and retained by the consignee or other person taking delivery of the cattle or sheep.

(4) Where the cattle or sheep are to be delivered by the person removing them to any person employed by the Government Railways Department for consignment by rail, the consignment note under this section shall be prepared in duplicate, and both copies shall, before the cattle or sheep are removed, be signed by the owner of the cattle or sheep, or by his agent duly authorised to consign them, or by the person by whom they are to be removed. One copy of the consignment note shall be delivered to and retained by the consignor, and the other copy shall be retained by the person removing the cattle or sheep. On delivery of the cattle or sheep for consignment by rail the person delivering them shall attach to the copy of the consignment note held by him a copy of the railways consignment note for the cattle or sheep, and he shall keep it so attached for not less than six months after the date of the removal of the cattle or sheep.

(5) Every person required to retain a consignment note under this section in respect of the removal of any cattle or sheep by him shall produce the consignment note for inspection—

- (a) Forthwith whenever he is required to do so, while he is removing the cattle or sheep, by any Justice or constable, or by any Inspector under the principal Act, or the Meat Act 1939, or by any Traffic Officer under the Transport Act 1949, or by any other person authorised in that behalf by regulations made under the principal Act:
- (b) Within twenty-four hours whenever he is required to do so by any such person as aforesaid at any time within six months after the date of the removal of the cattle or sheep.

(6) Every person required to retain a consignment note under this section as the consignor or consignee of any cattle or sheep shall produce the consignment note for inspection within twenty-four hours whenever he is required to do so by any of the persons referred to in paragraph (a) of subsection five of this section at any time within six months after the date of the removal of the cattle or sheep.

(7) Every person who acts in contravention of or fails to comply in any respect with any provision of this section commits an offence and shall be liable on summary conviction to a fine not exceeding fifty pounds.

(8) The foregoing provisions of this section shall not apply with respect to—

- (a) The conveyance of any cattle or sheep in the course of his employment by any person employed by the Government Railways Department:
- (b) The conveyance of any cattle or sheep under a bill of lading or other shipping document:
- (c) The conveyance of any bobby calves, or of the carcass or any portion of the carcass of any cattle or sheep:
- (d) The conveyance to any pound or temporary pound of any cattle or sheep that have been seized for impounding.

**10. Consequential repeals**—The following enactments are hereby repealed:

- (a) The Stock Amendment Act 1930:
- (b) Section two of the Stock Amendment Act 1938:
- (c) Section ten of the Stock Amendment Act 1955.