

Hon. Mr. Hawken.

STOCK AMENDMENT.

ANALYSIS.

<p>Title.</p> <p>1. Short Title and commencement.</p> <p>2. Section 47 of principal Act amended.</p> <p>3. Recovery of stray stock.</p> <p style="text-align: center;">BRANDS AND BRANDING.</p> <p>4. Interpretation.</p> <p>5. Branding registration districts may be defined.</p> <p>6. Registrars of Brands.</p> <p>7. Brand registers.</p> <p>8. What brands may be registered.</p> <p>9. Application for registration.</p> <p>10. Brand may be registered free in certain cases.</p> <p>11. Temporary saving of existing brands not registrable under this Act.</p> <p>12. Registrar may require brand to be altered.</p> <p>13. Transfer of brand.</p> <p>14. Cancellation of brand.</p>	<p>15. Branding of horses, cattle, and pigs not compulsory.</p> <p>16. Sheep to be branded.</p> <p>17. How brand to be applied.</p> <p>18. Branding of stragglers.</p> <p>19. Cropping ear of stock.</p> <p>20. Earmark once applied not to be added to or altered.</p> <p>21. Defacing or altering brand without authority.</p> <p>22. Using another person's brand.</p> <p>23. Using unregistered brand.</p> <p>24. Repeal and saving.</p> <p style="text-align: center;"><i>Standard Marks.</i></p> <p>25. Registration of standard marks by societies devoted to improvement of stock. Repeal and saving.</p>
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A BILL INTITULED

AN ACT to amend the Stock Act, 1908.

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

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| 5 | <p>1. (1.) This Act may be cited as the Stock Amendment Act, 1926, and shall be read together with and deemed part of the Stock Act, 1908 (hereinafter referred to as the principal Act).</p> <p>(2.) This Act shall come into force on the first day of April, nineteen hundred and <i>twenty-seven</i>.</p> <p>2. Section forty-seven of the principal Act is hereby amended by repealing subsection one, and substituting the following subsection :—</p> <p>“(1.) The owner of any sheep shall in every year cause such sheep to be dipped during the period hereinafter mentioned.”</p> <p>3. (1.) On the application of any owner of stock who has reason to believe that any of his stock have strayed to or upon any land occupied by any other person, or are in the possession of any other person, an Inspector may, if he thinks fit, by notice require such person to muster his stock, or if such person is not holding the stock on land in his occupation, to allow any stock whose identity is in question to be mustered in a yard or pen, on a date to be named in the notice, for the purpose of the identification and handing-over of any stock belonging to the owner making the application as aforesaid.</p> | <p>Title.</p> <p>Short Title and commencement.</p> <p>Section 47 of principal Act amended.</p> <p>Recovery of stray stock.</p> |
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(2.) If, owing to the absence of the Inspector or for any other sufficient reason, it appears that there will be delay before an application as aforesaid can be dealt with by an Inspector, and that there is a possibility of the stock whose identity is in question being removed from the land or otherwise disposed of in the meantime, any constable may, on application in that behalf, order the detention of the stock in such manner as he thinks fit until the decision of the Inspector has been given, but not longer in any case than seven days. 5

(3.) Every person who refuses or neglects to comply with any notice or order under this section is liable to a fine not exceeding twenty pounds and not less than one pound. 10

(4.) The Inspector may, if he thinks fit, on the application of the person served with the notice as aforesaid, postpone the time fixed therein for the mustering of the stock.

(5.) Every person on whom is served a notice as aforesaid or an order for detention of stock shall be entitled to recover from the owner at whose request the notice or order was given any reasonable expenses incurred in mustering or delivering stock or in carrying out the order for detention, as well as compensation for unavoidable damage caused in so doing. 15 20

(6.) This section is in substitution for section fifty-six of the principal Act, and that section is hereby accordingly repealed.

#### BRANDS AND BRANDING.

#### Interpretation.

4. In this and the following sections, if not inconsistent with the context,— 25

“ Brand ” means,—

(a.) In the case of horses, a mark to be permanently applied to the skin :

(b.) In the case of cattle and pigs,—

(i.) An earmark ; or

(ii.) A mark to be permanently applied to the skin : 30

(c.) In the case of sheep,—

(i.) An earmark ; or

(ii.) A wool-mark ; or

(iii.) A metal clip, with a mark stamped thereon, 35 to be affixed to the ear ; or

(iv.) A tattoo mark to be applied to the skin ; or

(v.) A fire-mark to be applied to the face :

(d.) In all cases, such other descriptions of brands as may from time to time be prescribed : 40

“ District ” means a branding registration district defined under this Act :

“ Registrar ” means any Registrar of Brands duly appointed under this Act :

“ Sheep ” includes any Angora goat :

“ Stock ” includes only horses, cattle, sheep, or pigs. 45

Branding registration districts may be defined.

5. The Governor-General may from time to time, by Order in Council, define branding registration districts within New Zealand, and may appoint a place within each at which shall be the registration office for the district. Any branding registration district so defined may, from time to time, in like manner be altered, and the place of the registration office changed. 50

6. There shall be appointed from time to time such Registrars of Brands as may be required for carrying out the provisions of this Act.

Registrars of Brands.

7. A record of every brand registered shall be entered in a register which shall be kept in the prescribed form by the Registrar at the registration office for the district, and which shall be open for inspection by any person at all reasonable times.

Brand registers.

8. (1.) No stock shall be branded by or on behalf of the owner thereof with any brand unless he has first registered the brand under this Act in the district in which the stock are running or intended to be run.

What brands may be registered.

(2.) The following provisions shall apply with respect to the registration of brands by owners of stock :—

(a.) In respect of horses, the registered brand shall consist of a brand as defined for horses :

(b.) In respect of cattle and pigs, the registered brand shall consist of an earmark, but at the option of the owner may include for use in conjunction therewith a mark to be permanently applied to the skin :

(c.) In respect of sheep, the registered brand shall consist of an earmark, but at the option of the owner may include for use in conjunction therewith any one or more of the other brands set out in paragraph (c) of the definition of a brand.

(3.) A Registrar shall not register any brand prohibited by this Act or any brand likely in his opinion to lead to mistakes or confusion.

(4.) A Registrar shall not register as a brand any earmark which consists of more than three marks, or which involves the removal of more than one-fourth of the ear, or which involves in its application to any animal the marking of both ears.

9. (1.) Application for the registration of a brand shall be made to the Registrar of the district in which the stock in respect of which the brand is applied for are running or intended to be run.

Application for registration.

(2.) Every application shall be in the prescribed form and shall be accompanied by the prescribed fee.

(3.) If registration of a brand cannot be completed, the fee shall be returned to the applicant :

Provided that if failure to complete registration in accordance with any prescribed form of procedure is due to default on the part of the applicant continuing for more than three months the fee paid shall be forfeited by him.

(4.) On completion of the registration of a brand a certificate of such registration shall be issued to the applicant.

10. If any owner of stock between the date of the passing of this Act and the date of its coming into operation registers a brand under the principal Act which may also be registered under this Act he may re-register such brand under this Act without payment of any further fee.

Brand may be registered free in certain cases.

11. (1.) Notwithstanding anything to the contrary in the foregoing provisions of this Act, an owner of stock who on the date of the coming into operation thereof has an existing brand registered under the principal Act, but not able to be registered under this Act, shall not be required to register a brand in lieu thereof under this Act before the expiry of two years from the aforesaid date of the coming into operation thereof.

Temporary saving of existing brands not registrable under this Act.

(2.) Every such existing brand shall be deemed to be the registered brand of the owner for the purposes of this Act, but it shall, unless previously cancelled, be and be deemed to be cancelled on the expiration of two years from the date of the coming into operation of this Act.

(3.) Stock which prior to the coming into operation of this Act have been branded with a brand registered under the principal Act, or which subsequent to the coming into operation of this Act have been branded with an uncanceled existing brand as provided for in the *last preceding* subsection, shall be deemed to be branded with a registered brand for the purposes of this Act.

(4.) Save as hereinbefore provided in this section, every brand which on the coming into operation of this Act is registered under the principal Act shall be and be deemed to be cancelled.

Registrar may  
require brand to be  
altered.

12. (1.) If by reason of the alteration of branding registration districts or from any other cause it is found that two owners of stock within the same district have the same or similar registered brands, the Registrar of the district may require the owner of the brand last registered to alter his brand.

(2.) Any owner who refuses or neglects to alter his brand when required to do so under this section, and who afterwards uses the said brand, shall be liable to the same fines as are herein provided in the case of any person using another person's brand.

Transfer of brand.

13. On the application in the prescribed form of any owner of stock who has duly registered a brand, the Registrar of the district may, on payment of the prescribed fee, transfer the brand to any other owner whose stock are running or are intended to be run in the district.

Cancellation of  
brand.

14. (1.) Any Registrar, on being satisfied that any brand registered in his district has not been in use by the owner thereof for at least two years previously, may cancel the brand.

(2.) A registered brand may in like manner be cancelled by the Registrar of a notice from the owner thereof that he desires to relinquish it.

(3.) Any registered brand so cancelled may subsequently be registered by any other owner of stock in the district.

Branding of horses,  
cattle, and pigs not  
compulsory.

15. (1.) Nothing in this Act shall be construed to oblige any person to brand any horses, cattle, or pigs.

(2.) The owner of cattle and pigs shall, if he brands such animals, brand them with his registered earmark; but where his registered brand includes also an optional brand the branding of such animals with the optional brand shall be in the discretion of the owner.

Sheep to be  
branded.

16. (1.) Every owner of sheep shall, in each year, brand his sheep as hereinafter set out :—

(a.) All sheep not already bearing an earmark shall be branded with the registered earmark of the owner before the thirtieth day of April.

(b.) Where the registered brand of the owner includes a wool-mark, all the sheep of the owner shall forthwith after shearing be branded with the registered wool-mark :

Provided that in the case of lambs the wool-mark need not be applied before the thirtieth day of April.

(c.) Where the registered brand of the owner includes any optional mark or device other than a wool-mark, the branding of the sheep with such optional mark or device shall be in the discretion of the owner.

5 (2.) For every sheep not branded as required by paragraphs (a) and (b) of the *last preceding* subsection the owner thereof shall be liable to a fine of *ten* shillings.

17. (1.) The brand in the case of horses and the optional brand in the case of cattle and pigs shall be not less than two inches in height, and shall be applied by being burnt into the skin with a branding-iron or in such other manner as may be prescribed. In the case of cattle the optional brand shall be placed only on or in front of the left shoulder of the animal. How brand to be applied.

15 (2.) In the case of stock to be branded therewith the earmark and any other registered brand to be applied to the ear shall be applied to the right ear in the case of males and to the left ear in the case of females. The earmark shall be made only with pliers approved by the Registrar.

20 (3.) The wool-mark in the case of sheep to be branded therewith shall be made with paint, raddle, or lamp-black mixed with oil or tallow or shall be made in such other manner as may be approved by the Registrar, and, save as hereinafter provided in respect of stragglers, such wool-mark shall not be applied to the head.

25 (4.) Before completing the registration of a brand the Registrar shall obtain from the applicant, for filing, an impression of the brand made with the actual branding-implement or implements, or in the case of a metal clip a specimen of the clip, and thereafter the brand as actually applied to the owner's stock shall substantially correspond in size with the impression or specimen so filed.

30 (5.) Any owner of stock who fails to comply with any of the provisions of this section in regard to the branding of his stock commits an offence, and is liable to the same penalty as if he had branded his stock with an unregistered brand.

18. Notwithstanding anything in this Act to the contrary, every owner in whose shed or on whose land any stragglers or stray sheep have been shorn shall forthwith distinctly and legibly brand such sheep on the head with his registered wool-mark, or if he has no registered wool-mark with a distinguishing mark made in the same manner as is required in subsection *three* of the *last preceding* section in the case of wool-marks. Branding of stragglers.

19. Every person who wilfully removes more than one-fourth of the whole ear of any cattle or sheep, whether his own property or not, is liable to a fine of not more than *ten* pounds and not less than *two* shillings in respect of each head of cattle and of each sheep so treated. Cropping ear of stock.

45 20. (1.) No person shall add any mark, other than a registered optional brand, to the ear of any stock which already bears an earmark applied after the date of the coming into operation of this Act : Earmark once applied not to be added to or altered.

50 Provided that nothing in this Act shall prevent the owner of stock from using the free ear of any such stock (being the left ear in the case of males and the right ear in the case of females) for the purpose of recording age-marks or other private identification marks :

Provided further that nothing herein shall authorize an owner of stock to use without lawful authority as an age-mark or private

identification mark any mark which is identical with any registered standard mark hereinafter referred to or which so nearly resembles any such standard mark as to be likely to deceive, or to use as an age-mark or private identification mark any mark which, not being a registered standard mark lawfully applied, is used with or without variations or additions by other owners of stock and forms part of a system of marking having for one of its objects the indication that an animal marked in accordance therewith is of a certain standard of breeding or merit. 5

(2.) Every person who commits an offence against this section, or who destroys, defaces, or alters, or is a party to the destruction, defacement, or alteration of any earmark applied to stock after the date of the coming into operation of this Act, shall be liable, if he is the owner of the stock, to a fine of *ten* pounds, and, if he is not the owner of the stock or a person acting under the authority of the owner, to the penalty provided in respect of an offence against the *next succeeding* section. 15

Defacing or altering brand without authority.

21. Subject to the provisions of the *last preceding* section, every person who, not being the owner of the stock or acting under the authority of the owner, destroys, defaces, or alters any registered brand on any stock, or is a party to the destruction, defacement, or alteration thereof, is liable to imprisonment for a term not exceeding *two years* or to a fine not exceeding *fifty* pounds and not less than *five* pounds for each head of stock in respect of which such offence has been committed. 20

Using another person's brand.

22. (1.) After any owner of stock has registered a brand, no other person in the same district shall brand any stock, not being the stock of such owner, with the same brand, or with a brand so similar as, in the opinion of the Registrar of the district, not to be readily distinguishable therefrom, or shall make or cause to be made any branding-iron, punch, or other device for applying the same or similar brand. 25

(2.) Every person who commits a breach of this section is liable to a fine not exceeding *fifty* pounds and not less than *five* pounds.

Using unregistered brand.

23. Every person who brands any stock with a brand which is not registered in the district in which the stock are running or intended to be run is liable to a fine of not more than *ten* shillings and not less than *sixpence* for each head of stock in respect of which such offence has been committed. 35

Repeal and saving.

24. (1.) The provisions of sections *four* to *twenty-four* hereof are in substitution for the provisions of Part V of the principal Act, and that Part of the principal Act is hereby accordingly repealed. 40

(2.) All offices, appointments, and districts which originated under Part V of the principal Act and are subsisting or in force on the coming into operation of this Act shall enure for all purposes as if they had originated under this Act and shall, where necessary, be deemed to have so originated. 45

#### Standard Marks.

Registration of standard marks by societies devoted to improvement of stock.

25. (1.) Notwithstanding anything in the foregoing provisions of this Act, on the application in the prescribed form of any incorporated society whose object, or one of whose objects, is the improvement of stock, the Director-General of the Department of Agriculture may, on payment by the society of the prescribed fee, register in the name of the society one or more brands or marks as a standard mark or marks to be 50

used on stock for the purpose only of indicating that the said stock is in the opinion of the society of a standard of merit fixed by the society, or, as the case may be, is not of such a standard, or that the said stock has been tested under the auspices of the society:

5 Provided that a standard mark shall not be registered under this section if it is identical with any other standard mark registered under this section, or with any brand registered under the preceding provisions of this Act, or if it so nearly resembles any such standard mark or brand

10 (2.) On the registration of a standard mark under this section the Director-General of the Department of Agriculture shall publish in the *Gazette* a notification of such registration and a description of the mark.

15 (3.) Where an earmark or any other mark to be applied or affixed to the ear is registered as a standard mark such standard mark shall in the case of cattle, pigs, and sheep be applied or affixed to the opposite ear to that on which the registered earmark of an owner of stock is required by this Act to be placed.

20 (4.) Notwithstanding the foregoing provisions of this Act relating to the use of an unregistered brand on stock, any incorporated society entitled to register a standard mark may, with the consent of the Director-General of the Department of Agriculture, brand or cause to be branded, whether in conjunction with a standard mark or not, any animal under test with a mark or marks designed to permanently identify the animal with the society's record of the test carried out by

25 it. In granting his consent the Director-General may prescribe the method of applying the mark and the part of the animal to which it shall be applied. Particulars of any consent granted by the Director-General and of the terms on which it is granted shall be published in the *Gazette*.

30 (5.) Every person who, without the authority of the society on whose application the same was registered, brands any stock with any registered standard mark, or who alters or defaces any such mark when applied to stock, is liable to a fine of *ten* pounds.

35 (6.) Subject to the foregoing provisions of this section the Governor-General may from time to time by Order in Council make regulations—

(a.) Prescribing the method or methods of applying different types of standard marks to stock:

40 (b.) Prescribing the part of the body to which standard marks or any type of standard mark shall be applied:

(c.) Restricting the use of any particular part of the body of stock for branding purposes to the application of standard marks or any particular type of standard mark:

45 (d.) Fixing the size of standard marks:

(e.) Generally for any purpose for which it is convenient or desirable to make regulations in order to give full effect to this section. Repeal and saving.

50 (7.) This section is in substitution for section four of the Stock Amendment Act, 1913, and that section is hereby repealed, but notwithstanding such repeal all standard marks registered under the said section four and still in force shall enure for all purposes as if they had been registered under this section, and shall where necessary be deemed to have been so registered.