

# STOCK AMENDMENT BILL

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## EXPLANATORY NOTE

THIS Bill amends the Stock Act 1908. Part I of the Bill consolidates and amends the provisions of Part V of that Act which relates to brands and branding. Part II makes miscellaneous amendments to the principal Act.

*Clause 1* provides for the Short Title to the Bill.

## PART I

### BRANDS AND BRANDING

*Clause 2* provides that Part I of the Bill shall come into force on 1 April 1957.

*Clause 3* defines terms used in Part I of the Bill. Several of the definitions provide for the approval by the Minister of marks, designs, etc. A book of approved brands is being prepared and will be available at the office of each Registrar of Brands. Where desirable the Minister's power of approval can be delegated under sections 9 and 10 of the Department of Agriculture Act 1953 to officers of the Department.

*Clause 4* provides for the appointment of Registrars of Brands and for the defining of branding districts and of the situation of the registration office for each branding district.

*Clause 5* provides for the keeping of a register of brands for each branding district.

*Clause 6* makes provision for the registration of brands. Every owner of sheep is required to register a brand for his sheep, and every owner of cattle or horses or other stock for which a brand is for the time being prescribed is permitted to register a brand for his cattle or horses.

*Clause 7* provides that certain existing brands shall be deemed to be separately registered.

*Clause 8* provides that existing brands which are ineffective or will cause confusion are to be cancelled after the expiration of two years from the date of the commencement of Part I of the Bill. Other existing earmarks, woolmarks, and hidemarks that are not of approved design, or that are identical with marks registered earlier in date, are to enure but are not to be transferable. Where the boundaries of branding districts are changed, registration

of the brands affected is to be transferred without charge and without application. Persons whose brands are being cancelled by the clause, or whose brands are not of approved design, are entitled to obtain fresh brands without payment at any time within two years after the date of the commencement of Part I.

*Clause 9* imposes restrictions on the use of similar marks and brands.

*Clause 10* requires that the Registrar shall be notified of changes of ownership of registered brands, and of any changes of the name of the owner of any registered brand.

*Clauses 11 to 13* make provision for transfers of brands, and for the cancellation of brands where they are relinquished or not used.

*Clause 14* provides that, on a petition of a majority of the sheepowners in any branding district, the Minister may, by notice in the *Gazette*, make it compulsory for every owner of sheep in the district to brand his sheep.

*Clause 15* provides that earmarks must be placed substantially in the position in the ear specified by the Registrar at the time of the registration.

*Clauses 16 and 17* specify the mode in which the approved earmark design may be used as an age mark, and prohibit the use as a brand of that design or of the design for a tag hole.

*Clauses 18 and 19* make provision for the branding of stock by purchasers and for the branding of stray sheep.

*Clause 20* provides that a purchaser of sheep may, at the time of the purchase, require the vendor to give him a sale note in respect of the sheep.

*Clauses 21 to 23* declare offences in connection with the wrongful use of brands, the wrongful removal of any portion of the ear of cattle or sheep, and the wrongful alteration of brands.

*Clause 24* provides that any incorporated society or body corporate having among its objects the improvement of stock may register a standard stock mark for the purpose of indicating that the stock is above or below a fixed standard of merit, or that the stock has been tested by the society or body, or for any other purpose desired by the society or body.

*Clause 25* provides that any such society or body corporate may register a mark or marks or system of marking to identify stock that are tested.

*Clause 26* prescribes offences in connection with the use of standard stock marks and marks used in connection with testing.

*Clause 27* imposes restrictions on the use and sale of woolmarking preparations.

*Clause 28* makes provision for the approval of woolmarking preparations by the Minister.

*Clause 29* makes it an offence to act or attempt to act in contravention of, or to fail to comply in any respect with, any provision of Part I of the Bill.

*Clause 30* provides for the making of regulations for giving full effect to the provisions of Part I of the Bill and for the due administration thereof.

*Clause 31* provides for consequential repeals and savings.

## PART II

## MISCELLANEOUS AMENDMENTS

*Clause 32* transfers to the principal Act without amendment the provision now set out in section 83 of the Statutes Amendment Act 1945 authorising Inspectors to apply to stock any of the diagnostic tests for disease used in veterinary practice. All the other provisions of the Statutes Amendment Act 1945 relating to the Stock legislation are being rewritten in this Bill, and this transfer is being made to simplify the arrangement of the legislation.

*Clause 33* amends section 12B of the principal Act, as set out in section 3 of the Stock Amendment Act 1955, so as to provide that no person shall enter or leave an infected area for foot and mouth disease without the written permission of an Inspector or otherwise in accordance with such conditions as he thinks fit to impose.

*Clause 34* provides that compensation for cattle condemned shall be based on the fair market value of the animal as fixed at the time of the inspection that results in its being condemned, such compensation to be ascertained in case of dispute by arbitration of two arbitrators, one to be appointed by the Inspector and one by the owner, with power to the two arbitrators to appoint an umpire; and the decision of the arbitrators or umpire shall be final. The clause is to be deemed to have come into force on 1 September 1956.

*Clause 35* varies the provisions now contained in section 84 of the Statutes Amendment Act 1945 relating to the tuberculin testing of dairy cattle. The basis of compensation for animals condemned is altered, and provision is made for the aggregation of tests during the first period of 15 months after the date of the first test made after the commencement of this Bill of the cattle of any one owner on any one premises. Aggregation is to be made for the purpose of determining the rate of compensation payable, and is to be applied only where it operates in favour of the owner. The clause also authorises the making of regulations requiring every owner of cattle subject to testing under the clause, at the expense of the owner, to provide a suitable race or crush for the purpose of carrying out the tests, and also to provide whatever assistance is necessary in the mustering, yarding, and securing of the cattle to be tested. The clause is to be deemed to have come into force on 1 September 1956.

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*Right Hon. Mr Holyoake*

## STOCK AMENDMENT

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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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**1. Short Title**—This Act may be cited as the Stock Amendment Act 1956, and shall be read together with and deemed part of the Stock Act 1908 (hereinafter referred to as the principal Act).

## PART I

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## BRANDS AND BRANDING

**2. Commencement of Part I**—This Part of this Act shall come into force on the *first* day of *April*, nineteen hundred and fifty-*seven*.

**3. Interpretation**—In this Part of this Act, unless the context otherwise requires,— 15

“Approved” means approved in writing by the Minister:

“Approved mark” means any registered mark, age mark, or cut in the ear, approved in writing by the Minister:

“Approved design”, in relation to any earmark, means a design that is approved in writing by the Minister and is of a size that is so approved; and, in relation to any woolmark or hidemark, means a design that is approved in writing by the Minister: 20

“Approved woolmarking preparation” means a substance or preparation for the time being approved by the Minister as suitable for use in the making of marks on the wool of sheep: 25

“Brand” means,—

(a) In the case of sheep,— 30

(i) An earmark (other than a knife slit, slash, or slice) of approved design cut in the ear with pliers; or

(ii) A firemark distinctly and plainly made on the horn or face; or 35

(iii) A woolmark (other than a dot or series of dots) of approved design distinctly and plainly made with an approved woolmarking preparation (other than raddle) in plain and distinct letters, figures, or otherwise, 40

5 either by a branding iron (the marking face of which does not exceed three-eighths of an inch in width, and the impression of which can be contained either within a circle not exceeding five and a half inches in diameter or within a rectangle the measurements of which do not exceed six and three-quarter inches by three and a half inches), or by any other approved instrument; or

10 (iv) Such other descriptions of brands as the Governor-General may from time to time, by Order in Council, prescribe; and

(b) In the case of horses and cattle,—

15 (i) A distinct and plain mark (other than numerals alone) of approved design burnt into the hide with a heated branding iron (the marking face of which does not exceed one-eighth of an inch in width), or by a branding fluid or paste spread on a branding iron (the marking face of which does not exceed half an inch in width), and the impression of either of which can be contained either within a circle not exceeding four inches in diameter or within a rectangle the measurements of which do not exceed five inches by two and a half inches, or by any other approved instrument; or

20 (ii) Such other descriptions of brands as the Governor-General may from time to time, by Order in Council, prescribe; and

25 (c) In the case of cattle, an earmark of approved design (other than a knife slit, slash, or slice) cut in the ear with pliers; and

30 (d) In the case of any other stock, such description of brand as the Governor-General may prescribe by Order in Council:

35 “Director-General” means the Director-General of Agriculture:

“Minister” means the Minister of Agriculture:

40 “Registrar” means a Registrar of Brands appointed under this Act:

“Stock” means sheep, cattle, horses, pigs, and goats.

Cf. 1908, No. 187, s. 61; 1945, No. 40, s. 85

**4. Registrars of Brands**—(1) There may from time to time be appointed under the Public Service Act 1912 such Registrars of Brands as may be necessary.

(2) The Director-General may from time to time define the district of each Registrar of Brands, and appoint the place at which the registration office for the district shall be situated. 5

(3) All persons who are Registrars of Brands at the commencement of this Act shall be deemed to have been so appointed under this section; and the districts assigned to them at the commencement of this Act shall be deemed to have been defined under this section. 10

Cf. 1908, No. 187, s. 64

**5. Registers of brands**—(1) The Registrar for each district shall keep in the registration office for that district a register of brands for that district. 15

(2) The register may be kept in book form, or in card form, or in such manner as may be deemed convenient; and an application for registration may be incorporated with and form part of the register.

(3) The Registrar shall enter in the register such particulars as the Director-General from time to time directs. 20

(4) Every Registrar may upon request and without payment—

(a) Issue a statement showing the full details of any brand or brands appearing in his register; or 25

(b) Permit an inspection of the register at a time suitable to the Registrar.

Cf. 1908, No. 187, s. 65

**6. Registration of brands**—(1) Every owner of sheep who has no registered brand shall forthwith make application to the Registrar of the district where his sheep are running or are intended to run for registration of a brand for his sheep. 30

(2) Any owner of cattle or horses may make application to the Registrar for the district where his cattle or horses are running or are intended to run for registration of a brand for his cattle or horses. 35

(3) Any owner of any other stock for which a brand is for the time being prescribed may make application to the Registrar of the district where his stock are running or intended to run for registration of a brand for his stock. 40

(4) Where a property on which stock are running, or are intended to run, is divided by a branding district boundary, the owner of the stock may make application for registration of a brand in either branding district.

5 (5) An owner of sheep and cattle may make application for registration of a similar brand in respect of each class of stock, but each registration shall be deemed to be a separate registration in respect of each such class of stock.

10 (6) Every application for registration of a brand shall be made on the form provided for the purpose, and shall be accompanied by the prescribed fee.

15 (7) Any owner of stock may make one application for registration of any one or more of the different descriptions of brands, but every such description of brand shall be registered separately and the prescribed fee shall be payable in respect of each description of brand.

20 (8) Any owner of stock may make application for registration of separate brands in respect of separate properties on which his stock are running or are intended to run, being properties that are situated in the same branding district.

(9) No application for registration of a brand for sheep, cattle, or horses shall be made by any person who does not own stock of the class to which the registration is intended to relate.

25 (10) Every owner of sheep who fails or neglects to register a brand as required by this section commits an offence and shall be liable on summary conviction to a fine not exceeding ten pounds.

Cf. 1908, No. 187, s. 66

30 **7. Certain existing brands deemed to be separately registered—**(1) Where at the commencement of this Part of this Act any owner of stock has brands of two different descriptions registered, each such brand shall thereafter be deemed to be separately registered.

35 (2) Where at the commencement of this Part of this Act, any owner of stock has similar brands registered in respect of different classes of stock, those registrations shall thereafter be deemed to be separate registrations in respect of each class of stock.



**8. Effect on existing registrations of this Act and changes of district boundaries—**(1) At the expiration of two years from the date of the commencement of this Part of this Act, each Registrar shall cancel the registration of—

- (a) Every earmark registered in his district which consists of a knife slit, a slash, or a slice: 5
  - (b) Every woolmark registered in his district which consists solely of a dot or series of dots:
  - (c) Every hidemark registered in his district which consists solely of numerals: 10
  - (d) Every earmark registered in his district which is of the design and size of the marks reserved for an age mark or a tag hole respectively as set out in the *First Schedule* to this Act:
  - (e) Every tattoo registered in his district. 15
- (2) Subject to the provisions of subsection *one* of this section, every earmark, woolmark, or hidemark, registered at the commencement of this Part of this Act which is not of approved design shall enure for the purpose of this Part of this Act but shall not be transferable. 20
- (3) Where the result of a change in the boundaries of a branding district is to locate an owner's property in a different branding district from that in which his brand was registered, registration shall be transferred to the new district without charge and without application by the owner concerned. 25
- (4) Subject to the provisions of subsection *two* of section *nine* of this Act,—
- (a) Every registered woolmark or hidemark which, at the commencement of this Part of this Act, is the same as or similar to any woolmark or hidemark registered earlier in date in the same branding district shall enure for the purposes of this Part of this Act, but shall not be transferable: 30
  - (b) If because of a transfer in terms of subsection *three* of this section there are two of the same or similar woolmarks and hidemarks registered in the one branding district, both shall enure for the purposes of this Part of this Act, but that registered later in time, irrespective of the branding district in which the registration was originally made, shall not be transferable. 40
- (5) Any person whose brand is cancelled in accordance with this Part of this Act, or any person who has a registered earmark or woolmark or hidemark to which subsection *two* 45

or subsection *three* of this section applies, and who voluntarily cancels his mark, may within two years after the date of the commencement of this Part of this Act and without payment make application for registration of a brand in substitution  
5 for the brand so cancelled.

(6) Notwithstanding anything to the contrary in the Chattels Transfer Act 1924, or in any covenant of any instrument by way of security given under the said Act, any reference to a brand which is cancelled under the provisions of  
10 subsection *one* of this section shall be deemed to be a reference to the brand, if any, registered in substitution for the cancelled brand, and the owner may brand his sheep or cattle with the substituted brand.

**9. Similar marks and brands not to be registered—**(1) No  
15 Registrar shall register the same or similar woolmarks or hidemarks for more than one owner of stock in the same branding district, or the same or similar earmarks in respect of stock depastured on the one property; and no Registrar shall register any brand likely, in his opinion, to lead to  
20 mistakes or confusion.

(2) If any two owners of stock within the same or adjoining districts have the same or similar brands the use of which is, in the opinion of the Registrar, likely to lead to mistakes or confusion, the brand last registered may be cancelled by the  
25 Registrar of the District wherein the brand is registered:

Provided that the person whose brand is cancelled may make application, without payment, for registration of a brand in substitution for the brand so cancelled.

(3) In the case of any dispute in connection with any  
30 matter to which this section relates, the dispute shall be determined by a Magistrate's Court on the application of any interested party.

Cf. 1908, No. 187, s. 68

**10. Change of ownership or name to be notified to Registrar—**(1) Where the right to any registered brand devolves  
35 on any person by reason of any death or by operation of law, or where the name of the owner of any registered brand is changed, the person or persons on whom the right so devolves, or the owner whose name is changed, shall, within six months  
40 after the devolution or change of name, notify the Registrar for the district; and the Registrar shall amend the register accordingly.

(2) Every person who fails or neglects to comply with the provisions of this section commits an offence and shall be liable on summary conviction to a fine not exceeding five pounds.

**11. Transfers of brands**—Any owner of a registered brand of approved design may make application to the Registrar for the district on the form provided for the purpose, accompanied by the prescribed fee, for the approval of the Registrar to the transfer of the brand to any other person who is the owner of stock of the class in respect of which the brand is registered; and if the Registrar approves the transfer the brand shall be transferred to and vested in the transferee. 5 10

Cf. 1908, No. 187, s. 69

**12. Owner may relinquish brand**—Any owner of a registered brand may, by written notice given to the Registrar, relinquish his right to the brand; and, upon the receipt of the notice, the Registrar shall forthwith cancel the registration of the brand. 15

**13. Cancellation of brand that is not used**—(1) Where it is brought to the notice of the Registrar that any owner of a registered brand for sheep has not owned sheep during the preceding two years, or that any owner of a registered brand for cattle has not owned cattle during the preceding two years, the Registrar shall ask the owner in writing if the brand may be cancelled. If the owner does not agree to the brand being cancelled, the registration of the brand shall enure; but if he consents to the cancellation, or if after a further year the owner of a brand is still not the owner of stock of the class to which the registration relates, the brand shall be cancelled. 20 25

(2) Where the Registrar is satisfied that, during the period of three years immediately preceding the commencement of this Part of this Act, the owner of a registered brand for sheep or cattle has not owned stock of the class to which the registration relates during that period, he may cancel the brand forthwith: 30 35

Provided that, where it is proved to the satisfaction of the Registrar that any such cancellation has been made in error or through mistake, the cancelled registration may be reinstated without fee, and the registration shall be deemed to have enured as if it had not in fact been cancelled: 40

Provided also that where any registration is to be so reinstated but since the cancellation the brand has been re-allotted to some other owner, the Registrar may cancel the registration for that other owner and require him to make application  
5 without payment for registration of a brand in substitution of the brand so re-allotted and cancelled.

Cf. 1908, No. 187, s. 70

**14. Branding of sheep may be required in any district**—On a petition of a majority of the sheepowners in any branding  
10 district the Minister may, by notice in the *Gazette*, declare the district to be a compulsory branding district, and thereafter every owner of sheep in the district shall be required to brand his sheep. Any such declaration may on a similar petition and in like manner be revoked.

15 Cf. 1908, No. 187, s. 62

**15. Position of earmark**—Any person who places a registered earmark on sheep or cattle shall place the earmark in the ear, and substantially in the position in the ear, specified by the Registrar at the time of registration:

20 Provided that the earmark may be placed substantially in the same position in the opposite ear.

**16. Age marking of sheep and cattle**—Any owner who places an age mark on sheep or cattle by means of a cut in the ear shall do so by means of the earmark design approved  
25 for the purpose and made with pliers.

**17. Age mark or tag hole not to be registered as brand**—No person shall use either of the earmarks described in the *First Schedule* hereto for the purpose of a brand on any stock.

**18. Branding by purchasers**—Any person who purchases  
30 stock which, at the time of purchase, bear a registered brand, may brand them with his own registered brand:

Provided that the purchaser's brand shall not be placed over the whole or any part of the existing brand.

**19. Branding of stray sheep**—(1) Notwithstanding any-  
35 thing to the contrary in this Act, every occupier in whose shed or on whose land any stragglers or stray sheep which are not

his property have been shorn shall forthwith distinctly and legibly brand the sheep on the head with his registered woolmark, or if he does not use a registered woolmark with a distinguishing mark made with raddle.

(2) No person shall brand sheep on the head with a registered woolmark except in accordance with subsection *one* of this section. 5

Cf. 1908, No. 187, s. 63

**20. Purchaser of sheep may demand sale note**—At the time of the purchase of any sheep, the vendor thereof or his agent, if so required by the purchaser, shall give to the purchaser a sale note signed by the vendor or his agent containing the following particulars in respect of the sheep: 10

- (a) The name and address of the vendor; and
- (b) The number, sex, and description of the sheep. 15

**21. Wrongful use of brands**—(1) Every person who brands any stock with a brand that is not registered or is not registered in his name commits an offence and shall be liable on summary conviction to a fine not exceeding ten shillings for every head of stock in respect of which the offence has been committed. 20

(2) Except as provided by section *nineteen* of this Act, every person who brands any stock of which he is not the owner commits an offence and shall be liable on summary conviction to a fine not exceeding two pounds for every head of stock in respect of which the offence has been committed. 25

Cf. 1908, No. 187, ss. 71, 75

**22. Wrongful removal of any portion of ear of cattle or sheep**—Any person who wilfully removes any portion of the ear of any cattle or sheep, except as required for the marking of the cattle or sheep with an approved mark, commits an offence and shall be liable on summary conviction to a fine not exceeding ten pounds in respect of each head of cattle or sheep so treated: 30

Provided that an owner of sheep may place a condemn or cull mark consisting of a cut not less than one and a half inches in length made with a knife in the ear of any sheep, the direction of the cut being from near the centre to the edge of the ear at or near the tip. 35

Cf. 1908, No. 187, s. 73

23. **Wrongful alteration of brand**—(1) Except as permitted by section *eighteen* of this Act, every person who destroys, defaces, or alters the registered brand on any stock, or is party to the destruction, defacement, or alteration thereof, commits  
 5 an offence and shall be liable on conviction on indictment to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding two years.

(2) Every such offence may be dealt with by a Magistrate under and subject to the provisions of the Summary Jurisdiction Act 1952 as if it were an offence in respect of which a  
 10 Magistrate has summary jurisdiction under that Act.

Cf. 1908, No. 187, s. 74

24. **Registration of standard stock marks**—(1) Notwithstanding anything to the contrary in this Act, on the  
 15 application in the form provided for the purpose by any incorporated society or body corporate whose object or one of whose objects is the improvement of stock, the Director-General may, on payment by the society or body corporate of the prescribed fee, register in the name of the society or  
 20 body corporate one or more marks as a standard stock mark or standard stock marks.

(2) Every standard stock mark may be used on stock for the purposes only of indicating that the stock is in the opinion of the society or body corporate of a standard of merit fixed  
 25 by the society or body corporate or (as the case may be) is not of such a standard, or that the stock has been tested under the auspices of the society or body corporate, or for any other purposes desired by the society or body corporate.

(3) A standard stock mark shall not be registered under  
 30 this section if it is identical with any other standard stock mark registered under this section, or if it so nearly resembles any such standard stock mark or brand as, in the opinion of the Director-General, to be likely to deceive or cause confusion.

(4) In granting any such application for registration, the  
 35 Director-General may prescribe the size of the standard stock mark, the method of applying the mark, and the part of the animal to which it shall be applied.

(5) On the registration of a standard stock mark or standard  
 40 stock marks under this section, the Director-General shall publish in the *Gazette* a notification of the registration and a description of the mark or marks.

(6) Every standard mark registered at the commencement of this Part of this Act under section three of the Stock Amendment Act 1927 shall be deemed to be a standard stock mark registered under this section.

Cf. 1927, No. 34, s. 3

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**25. Registration of other marks in connection with testing—**

(1) Notwithstanding the provisions of this Act relating to the use of an unregistered brand on stock, any incorporated society or body corporate entitled to register a standard stock mark may register with the Director-General a mark or marks or system of marking, whether in conjunction with a standard stock mark or not, to be placed on stock and designed to identify the animal permanently with the society's or body corporate's record of the test carried out by it or for any other purposes of the society or body corporate.

(2) In registering any such mark or marks or system of marking, the Director-General may prescribe conditions to be observed by the incorporated society or body corporate, the size of the mark, the method of applying the mark, and the part of the animal to which it shall be applied. Particulars of any registration by the Director-General and of the terms of registration shall be published in the *Gazette*.

(3) Nothing in this Part of this Act shall prohibit any owner of cattle from marking any such cattle with a system of numerals for the purpose of identification.

Cf. 1927, No. 34, s. 3

**26. Offences in respect of standard stock marks and marks used in connection with testing—**(1) Every person who, without the authority of the society or body corporate authorised to use the same, brands any stock with any registered standard stock mark or any registered mark or marks or system of marking referred to in section *twenty-five* of this Act, or who alters or defaces any such mark when applied to stock, commits an offence and shall be liable on summary conviction to a fine not exceeding ten pounds.

(2) Except in the case of an incorporated society or body corporate which has registered a standard stock mark pursuant to section *twenty-four* of this Act or a mark or marks or system of marking pursuant to section *twenty-five* of this Act, no person or body of persons, whether incorporated or not,

shall institute a system of marking stock to indicate that animals marked in accordance with the system are of a standard of merit fixed by, or are being or have been tested by or under the auspices of, that person or body of persons.

5 (3) Every person who brands any stock or allows them to be branded with any mark in accordance with any unauthorised system as aforesaid, commits an offence and shall be liable on summary conviction to a fine not exceeding ten pounds.

10 (4) Nothing in this section shall relieve any person from any liability incurred for using an unregistered brand.

Cf. 1927, No. 34, s. 3

**27. Restrictions on use or sale of woolmarking preparations**—(1) No person shall use for the purpose of making any mark on the wool of any sheep—

15 (a) Any substance or preparation other than an approved woolmarking preparation:

(b) Any approved woolmarking preparation with which has been mixed or to which has been added any substance other than the substances specified on the package containing the woolmarking preparation:

20 Provided that any marks made on the wool of the sheep other than a registered brand or a dot mark or series of dot marks, shall be made with raddle.

25 (2) No person shall sell or offer for sale any substance or preparation intended to be used or purporting to be suitable for use in the making of marks on the wool of sheep, unless the substance or preparation—

(a) Is an approved woolmarking preparation; and

30 (b) Is in a package which bears thereon a statement indicating that the substance or preparation is an approved woolmarking preparation for the purpose of this Act, and the names of the scourable substances which may be mixed with or added to the woolmarking preparation.

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

Cf. 1945, No. 40, s. 86



**28. Approval of woolmarking preparations—**(1) On the application of the proprietor of any substance or preparation intended for use in the making of marks on the wool of sheep, the Minister may, in writing, approve the substance or preparation as suitable for that use, or may, if he thinks fit, refuse his approval. 5

(2) Any approval granted under this section may be granted either unconditionally or upon or subject to such conditions as the Minister thinks fit. Any such conditions as aforesaid may be at any time varied, added to, or revoked 10 by the Minister.

(3) Any approval granted under this section may, if the Minister thinks fit, be a temporary approval, which shall continue to have effect only for such period as may be specified by the Minister in granting the approval. The 15 Minister may from time to time extend the operation of any temporary approval for a further period.

(4) Any approval granted under this section may be at any time in like manner revoked by the Minister.

(5) Every person who applies to the Minister for approval 20 of any substance or preparation under this section shall furnish such information and particulars in relation thereto as the Minister may from time to time require.

(6) Every person commits an offence against this Part of this Act and shall be liable on summary conviction to a fine 25 not exceeding twenty pounds who, with intent to deceive, makes any false or misleading statement or any material omission in any communication with or any application to the Minister (whether in writing or otherwise) for the purpose of 30 this section.

**29. Offences—**(1) Every person commits an offence against this Part of this Act who acts or attempts to act in contravention of, or fails to comply in any respect with any provision of this Part of this Act or any regulation made thereunder. 35

(2) Every person who commits an offence against this Part of this Act or any regulation thereunder for which no penalty is provided elsewhere than in this section shall be liable on summary conviction to a fine not exceeding twenty pounds.

**30. Regulations**—(1) The Governor-General may from time to time, by Order in Council, make all such regulations as in his opinion are necessary or expedient for giving full effect to the provisions of this Part of this Act and for the due administration thereof.

(2) All regulations made under this section shall be laid before Parliament within twenty-eight days after the date of the making thereof if Parliament is then in session, and, if not, shall be laid before Parliament within twenty-eight days after the date of the commencement of the next ensuing session.

**31. Repeals and savings**—(1) The enactments specified in the *Second Schedule* to this Act are hereby repealed.

(2) Without limiting the provisions of the *Acts Interpretation Act 1924*, it is hereby declared that the repeal of any provision by this section shall not affect any document made or any thing whatsoever done under the provision so repealed or under any corresponding former provision, 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 Part of this Act, shall continue and have effect as if it had been made or done under the corresponding provision of this Part of this Act and as if that provision had been in force when the document was made or the thing was done.

## PART II

### MISCELLANEOUS AMENDMENTS

**32. Powers of Inspector**—(1) Section ten of the principal Act is hereby amended by adding the following subsection as subsection two:

“(2) Every Inspector who is registered as a veterinary surgeon under the *Veterinary Surgeons Act 1926* shall, for the purpose of ascertaining whether any stock are diseased, have power to apply to the stock any of the diagnostic tests for disease used in veterinary practice.”

(2) Section eighty-three of the *Statutes Amendment Act 1945* is hereby consequentially repealed.

Cf. 1945, No. 40, s. 83

**33. Infected areas for foot and mouth disease**—Section twelve B of the principal Act, as set out in section three of the *Stock Amendment Act 1955*, is hereby amended by inserting in subsection six, after the words “the place or area shall be deemed to be an infected place or area”, the words “which no person shall enter or from which no person shall leave or”.

**34. Valuation of condemned stock**—(1) Section forty of the principal Act is hereby amended by repealing subsection two, and substituting the following subsection:

“(2) The compensation shall be based on the fair market value of the animal as fixed at the time of the inspection that results in its being condemned, such compensation to be ascertained in case of dispute by arbitration of two arbitrators, one to be appointed by the Inspector and one by the owner, with power to the two arbitrators to appoint an umpire; and the decision of the arbitrators or umpire shall be final.”

(2) This section shall be deemed to have come into force on the first day of September, nineteen hundred and fifty-six.

**35. Tuberculin testing of dairy cattle**—(1) All cattle which are depastured or kept on any premises which are used for the purposes of producing milk or cream for sale for human consumption (being premises which are used as a dairy that is registered, whether conditionally or unconditionally, as a dairy under the Dairy (Milk Supply) Regulations 1939 or which are used for depasturing cattle kept in connection with any such dairy) shall from time to time, as the Chief Inspector shall determine, be tested with the tuberculin test for the purpose of ascertaining whether any such cattle shows a positive reaction to the test.

(2) Each test shall be conducted by an Inspector who is a registered veterinary surgeon or by any other registered veterinary surgeon who is specially authorised by the Minister to carry out tuberculin tests for the purposes of this section.

(3) In any case where cattle on any such premises have been tested with the tuberculin test under this section, if the occupier of the premises brings, or permits to be brought, on to the premises any cattle which have not within the preceding three months been tested with the tuberculin test he shall within seven days notify an Inspector that those cattle are on his premises.

(4) In any case where any animal has been tested with the tuberculin test under or for the purposes of this section and it has shown a positive reaction to the test, it shall be condemned by an Inspector and, when it has been destroyed pursuant to the principal Act, the owner thereof shall be entitled forthwith to compensation to the extent of the proportion specified in the *Third* Schedule to this Act of the fair market value of the animal ascertained as provided in section forty of the principal Act:

Provided that the fair market value shall in no case exceed twenty-eight pounds:

Provided also that the said proportion in respect of the first test made after the commencement of this section of the cattle of any one owner on any one of such premises and in respect of all tests of cattle of that owner on those premises during the 5 immediately succeeding fifteen months may, at the end of that period if the owner so desires, be determined by reference to the percentage which the total number of animals showing a positive reaction to any of the tests bears to the total number of animals tested (irrespective of the number of tests in respect 10 of each individual animal).

(5) All money payable by the Crown as the result of an animal being destroyed pursuant to this section shall be paid to the owner of the animal.

(6) Nothing in sections forty-one, forty-two, and forty-four 15 of the principal Act shall apply in respect of any animal condemned pursuant to subsection *four* of this section.

(7) The Minister may at any time by notice in the *Gazette* direct that all cattle of any specified class or all cattle situated 20 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.

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

25 (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 subject to testing under 30 this section, at the expense of the owner, to provide a suitable race or crush for the purpose of carrying out the tests, and also to provide whatever assistance is necessary in the mustering, yarding, and securing of the cattle to be tested.

(9) Section eighty-four of the Statutes Amendment Act 35 1945 is hereby consequentially repealed.

(10) This section shall be deemed to have come into force on the first day of September, nineteen hundred and fifty-six.





Cf. 1945, No. 40, s. 84

## SCHEDULES

## FIRST SCHEDULE

Sections 8 (1) (d), 17

## RESERVED MARKS

Type of Mark	Design	Dimensions: Sixteenths of an Inch			
		Sheep		Cattle	
		Greatest Horizontal Measurement	Greatest Vertical Measurement	Greatest Horizontal Measurement	Greatest Vertical Measurement
Age mark 		2	6	4	16
Tag hole 		6	4	6	4

## SECOND SCHEDULE

Section 31 (1)

## ENACTMENTS REPEALED

1908, No. 187—

The Stock Act 1908: Part V. (1931 Reprint, Vol. I, p. 332.)

1927, No. 34—

The Stock Amendment Act 1927: Section 3. (1931 Reprint, Vol. I, p. 341.)

1930, No. 32—

The Stock Amendment Act 1930: Section 3. (1931 Reprint, Vol. I, p. 343.)

1945, No. 40—

The Statutes Amendment Act 1945: *Section 82* and sections 85 to 88.

## THIRD SCHEDULE

Section 34 (4)

## COMPENSATION PAYABLE IN RESPECT OF CATTLE OF ANY ONE OWNER ON ANY ONE PREMISES

Percentage of Cattle Showing a Positive Reaction to Test to Total Number Tested	Proportion of Fair Market Value Payable as Compensation in Respect of all Cattle Showing a Positive Reaction to Test
Not exceeding ten per cent .....	Six-tenths of fair market value.
Exceeding ten per cent but not exceeding twenty per cent	Seven-tenths of fair market value.
Exceeding twenty per cent but not exceeding thirty per cent	Three-quarters of fair market value.
Exceeding thirty per cent .....	Eight-tenths of fair market value.