

Hon. Mr. Lee Martin.

STALLIONS.

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A BILL INTITULED

AN ACT to require the Licensing of Stallions in certain Cases. Title.

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

1. This Act may be cited as the Stallions Act, 1938, and shall come into force on the *first* day of *April*, nineteen hundred and *thirty-nine*. Short Title and commencement.

Interpretation.

2. (1) In this Act, unless the context otherwise requires,—

“Disease” means any disease or hereditary unsoundness specified in the Schedule hereto, and any other disease which the Governor-General may declare to be a disease for the purposes of this Act: 5

“Examiner” means an Examiner of Stallions appointed under this Act:

“Minister” means the Minister of Agriculture: 10

“Owner”, in relation to a stallion, includes, in addition to the true owner, any other person who is for the time being entitled to the possession thereof, and also includes the agent or servant of the owner: 15

“Registrar” means the Registrar of Stallions appointed under this Act:

“Stallion” means a male horse which has not been wholly castrated:

“Veterinary surgeon” means a veterinary surgeon registered under the Veterinary Surgeons Act, 1926. 20

See Reprint of Statutes, Vol. V, p. 736

(2) The Governor-General may from time to time, by Warrant under his hand, extend the foregoing definition of the term “disease” so as to include therein any other specified disease. Any such Warrant may be at any time in like manner amended or revoked. 25

Registrar and Examiners may be appointed.

3. (1) There may from time to time be appointed a fit person, being a veterinary surgeon employed in the Department of Agriculture, to be the Registrar of Stallions. 30

(2) There may also from time to time be appointed such Examiners of Stallions as may be required for the purposes of this Act. No person shall be so appointed unless he is a veterinary surgeon. 35

(3) Examiners of Stallions, other than persons in the service of the Crown, shall be paid such fees and travelling-expenses as may be prescribed.

Stallions of heavy breeds not to be used for stud purposes for fee or reward unless licensed.

4. (1) No stallion, not being a thoroughbred, trotting, or pony stallion, or a stallion of any other recognized light breed of horses, shall, after the *first* day of August, nineteen hundred and *thirty-nine*, be used for stud 40

purposes for fee or reward unless a license under this Act has been obtained by the owner thereof and is in force in respect of that stallion:

5 Provided that nothing herein shall apply to any stallion which is over the age of *two* years on the *thirty-first* day of *July*, nineteen hundred and *thirty-nine*, and which is then in New Zealand or which being then temporarily out of New Zealand is thereafter brought back to New Zealand.

10 (2) The owner of a stallion who uses it or allows it to be used for stud purposes for fee or reward contrary to the provisions of this section commits an offence, and is liable for each such offence to a fine of *twenty* pounds and to a fine of *one hundred* pounds for every such
15 offence committed in respect of the same stallion at any time after he has been convicted of an offence under this section in respect of that stallion.

(3) The owner of a stallion who hires or leases it to any other person for fee or reward shall be deemed to
20 have used the stallion or allowed it to be used for stud purposes for fee or reward within the meaning of this section.

(4) Nothing in this section shall make it unlawful for the owner of a stallion to use it for the service of
25 his own mares.

5. Every owner of a stallion that is required by this Act to be licensed may make application to the Registrar in the prescribed form for a license in respect of that stallion. Every such application shall be
30 accompanied by the prescribed fee.

Application for license.

6. (1) As soon as practicable after the receipt of an application as aforesaid the Registrar shall arrange for the examination of the stallion by two Examiners at a time and place to be notified to the applicant, who shall
35 send the stallion to the place at the appointed time.

Examination of stallions.

(2) Forthwith after the examination the Examiners shall in the prescribed form report the result to the Registrar, and in particular shall specify whether or not the stallion is in their opinion free from disease.

40 (3) If the circumstances so require, the Registrar may arrange for a further examination and report either by the same Examiners or by any other Examiner or Examiners.

(4) After consideration of the report or reports the Registrar shall, if satisfied that the stallion is free from disease, grant to the owner thereof a license under this Act.

Special provisions as to licensing of stallions imported into New Zealand.

7. Where application is made for a license in respect of a stallion imported into New Zealand the Registrar may, in his discretion, grant the license without any examination under the *last preceding* section if the application is accompanied by a certificate in the prescribed form from a qualified veterinary surgeon approved by the Registrar and practising or residing in the country from which the stallion was exported that it was at the time of exportation free from disease. 5 10

Licenses for stallions.

8. (1) Every license under this Act shall be in the prescribed form, and shall come into force on a date to be specified therein in that behalf, being not earlier than the date on which it is granted by the Registrar. 15

(2) Every license granted under this Act shall, subject to the provisions of the *next succeeding* section, remain in force until the thirty-first day of *July* next following the date on which it comes into force. 20

(3) On the sale or other disposition of any stallion in respect of which a license is in force under this Act, the Registrar may, on application being made to him in the prescribed form, and on payment of the prescribed fee, transfer the license to the new owner of the stallion. 25

Re-examination of licensed stallions and revocation of licenses in certain events.

9. (1) Notwithstanding that a license under this Act may be in force in respect of any stallion, the Minister may, if he thinks it desirable so to do, direct the owner thereof by notice in writing to send the stallion for examination at a time and place specified in the notice. In every such case the stallion shall be examined by Examiners in the manner set out in section *six* hereof, and the provisions of that section shall apply accordingly. 30 35

(2) If the Registrar is satisfied after consideration of the report or reports of the Examiners that the stallion is affected with disease he shall revoke the license and notify the owner accordingly, who shall on request return the license to the Registrar. 40

(3) If the owner fails to send the stallion for examination as directed the Registrar may revoke the license in respect of the stallion and notify the owner accordingly, who shall on request return the

5 license to the Registrar.

10. (1) If the Registrar decides not to grant a license in respect of any stallion he shall forthwith notify the owner of the stallion.

Right of appeal
against refusal
or revocation
of license.

(2) The owner may in any such case, and in case of
10 the revocation of a license under subsection *two* of section *nine* hereof, apply to the Registrar for a copy of the report or reports of the Examiners on the stallion, and shall be supplied with a copy free of charge.

(3) If the owner is dissatisfied with the decision of
15 the Registrar based on such report or reports he may appeal to him for a re-examination of the stallion.

11. (1) Every notice of appeal shall be in the prescribed form, and shall be accompanied by the prescribed fee.

Determination
of appeal.

(2) The Registrar on receipt of the notice of appeal shall arrange for the re-examination of the stallion by a Board of Appeal consisting of three veterinary surgeons, of whom one shall be appointed by the Registrar and one shall be appointed by the owner. The
20 third member of the Board shall be appointed by the other two members or, if they do not make an appointment within such time as may be fixed in that behalf by the Registrar, shall be appointed by the Minister.

(3) The Board of Appeal shall determine whether or
30 not the appeal shall be allowed and a license granted in respect of the stallion. The decision of not less than two members on such appeal shall be the decision of the Board, and shall be final and conclusive. The Board's decision shall be reported to the Registrar in writing signed by not less than two members, and a
35 copy of the decision shall be supplied to the owner.

(4) If the appeal is successful the Registrar shall refund to the owner the fee paid by him for the appeal, and shall grant to the owner a license in respect of
40 the stallion.

(5) The members of the Board of Appeal, other than persons in the service of the Crown, shall be paid such fees and travelling-allowances as may be prescribed.

Registrar may give certificate in respect of any stallion which is not by this Act required to be licensed.

12. (1) The owner of any stallion in respect of which a license under this Act is not required before the stallion may lawfully be used for stud purposes for fee or reward may at any time apply to the Registrar in the prescribed form for a certificate of soundness in respect of that stallion. 5

(2) On receipt by the Registrar of any application under this section, he shall arrange for the examination of the stallion in the same manner in all respects as if application had been made for a license under this Act, and the Registrar may, after such examination has been completed, give a certificate in respect of the stallion in such terms as under the circumstances he thinks proper. 10

(3) All the provisions of this Act as to licenses shall, with the necessary modifications and so far as applicable, apply with respect to certificates granted under this section. 15

Register of licensed stallions to be compiled.

13. The Registrar shall compile and keep in such convenient form as he thinks fit a register of all stallions in respect of which licenses have been issued and are in force. 20

How age of stallion to be computed.

14. (1) For the purposes of this Act the age of a stallion shall be computed from the first day of August preceding the date when the stallion was foaled.

(2) If there is any dispute as to the age of a stallion for the purposes of this Act, the matter shall be determined by an Examiner or Examiners by examination of the animal, and such determination shall be conclusive. 25

Powers of entry of Inspector of Stock. See Reprint of Statutes, Vol. I, p. 311

15. (1) Any Inspector under the Stock Act, 1908, may at any reasonable time enter on any land or premises where he has reason to believe any stallion is being kept, for the purpose of ascertaining whether the provisions of this Act are being complied with in respect of such stallion, and may require the owner of any stallion to produce for inspection any license under this Act in respect of the stallion. 30 35

(2) Every person who obstructs or hinders any Inspector in the exercise of his powers under this Act, or who fails to comply with any lawful demand or requirement of such Inspector, commits an offence and is liable to a fine of *ten* pounds. 40

16. The owner of a stallion who publicly holds out or in any way represents to any person that the stallion is licensed under this Act when a license has not in fact been obtained by him, or if previously obtained is no longer in force in respect of the stallion, commits an offence and is liable to a fine of *twenty* pounds.
17. Every person who for the purpose of obtaining a license under this Act, or for any other purpose hereunder, makes any statement in respect of any stallion which is to his knowledge false in any particular commits an offence and is liable to a fine of *ten* pounds.
18. (1) Every person who commits any breach of the provisions of this Act, or who fails to comply with any lawful demand or requirement of the Registrar, commits an offence and is liable, where no other penalty is expressly provided, to a fine of *ten* pounds.
- (2) Every offence against this Act is punishable on summary conviction.
19. The Governor-General may from time to time, by Order in Council, make regulations—
- (a) Prescribing forms to be used for the purposes of this Act:
 - (b) Prescribing the fees payable under this Act:
 - (c) Prescribing the fees and travelling-allowances that may be paid to members of the Board of Appeal, or to Examiners of Stallions, other than persons in the service of the Crown:
 - (d) Prescribing such other matters as are contemplated or are necessary for giving full effect to the provisions of this Act.

Offence to represent falsely that stallion is licensed.

Penalty for false statement.

General penalty for breach of Act.

Regulations.

Schedule.

SCHEDULE.

LIST OF DISEASES AND HEREDITARY UNSOUNDNESSES.

Bone-spavin.	Stringhalt.
Bog-spavin.	Shivering.
Curb.	Any inferiority in the structure
Thoroughpin.	or quality of the hoof which
Cataract.	impairs or is likely to impair
Nasal disease (osteoporosis).	the animal's usefulness, and
Ringbone.	is, in the Examiner's opinion,
Sidebone.	transmissible to the progeny.
Navicular arthritis.	Defective genital organs.
Laryngeal muscular atrophy	
causing roaring or whistling	
during the act of inspiration.	