

New Zealand.



ANALYSIS.

Title.

1. Short Title.
2. Recovery of stray stock. Repeal.

3. Registration of standard marks by societies established to promote improvement of stock. Repeal and saving.
4. Disturbance of stock by trespassers with dog or gun.

1927, No. 34.

Title.

AN ACT to amend the Stock Act, 1908.

[11th November, 1927.]

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

Short Title.

1. This Act may be cited as the Stock Amendment Act, 1927, and shall be read together with and deemed part of the Stock Act, 1908 (hereinafter referred to as the principal Act).

Recovery of stray stock.

2. (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 last-mentioned 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.

(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.

(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.

(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.

(6) This section is in substitution for section fifty-six of the principal Act, and that section is hereby accordingly repealed.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

3. (1) Notwithstanding anything in the provisions of Part V of the principal 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 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:

Registration of standard marks by societies established to promote improvement of stock.

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 provisions of the said Part V of the principal Act, or if it so nearly resembles any such standard mark or brand as in the opinion of the said Director-General to be likely to deceive.

(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.

(3) Notwithstanding the provisions of Part V of the principal 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 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*.

(4) Every person who, without the authority of the society authorized to use the same, brands any stock with any registered standard mark, or any mark referred to in the last preceding subsection, or who alters or defaces any such mark when applied to stock, is liable to a fine of ten pounds.

(5) Except in the case of an incorporated society which has registered a standard mark or obtained authority to use a mark pursuant to subsection three hereof, no person or body of persons (whether incorporated or not) shall institute a system of marking stock available to more than one owner of stock and designed 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 such person or body of persons. Every person who brands any of his stock or allows them to be branded with any mark in accordance with any unauthorized system as aforesaid commits an offence and is liable to a fine of ten pounds. Nothing herein shall relieve any person from any liability incurred for using an unregistered brand under Part V of the principal Act.

(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 :
- (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 :
- (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.

(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.

Disturbance of stock by trespassers with dog or gun.

4. (1) Every person commits an offence and is liable to a fine of five pounds who, without the authority of the occupier, goes upon any private land with dog or gun and disturbs any stock depastured thereon.

(2) Proceedings under this section shall be taken only on the information of the occupier of the land.