



## ANALYSIS

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## 1952, No. 71

Title.

AN ACT to amend the Stock Act 1908.

[23 October 1952

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 1952, and shall be read together with and deemed part of the Stock Act 1908 (hereinafter referred to as the principal Act).

See Reprint  
of Statutes,  
Vol. I, p. 311

Interpretation.

2. (1) Section two of the principal Act is hereby amended by repealing the definition of the term "carcass", and substituting the following definition:—  
" 'Carcass', in relation to any mammal, reptile, or bird, means the carcass or dead body thereof; and includes the whole or any part of the flesh, wool, skin, hide, bones, hair, horns, hoofs, feathers, or other portion of the carcass: ".

(2) Section two of the principal Act is hereby further amended by inserting, in their appropriate alphabetical order, the following definitions:—

“ ‘ Animal ’ means any living stage of any member of the animal kingdom; and, in the case of any mammal, bird, or reptile, includes the carcass or any portion of the carcass thereof:

“ ‘ Bird ’ means any bird, and the carcass or any portion of the carcass thereof; and includes the egg of any bird:

“ ‘ Mammal ’ means any mammal, and the carcass or any portion of the carcass thereof:

“ ‘ Reptile ’ means any reptile, and the carcass and any portion of the carcass thereof; and includes the egg of any reptile: ”.

3. Section four of the principal Act is hereby amended, as from the commencement thereof, by inserting, after paragraph (d), the following paragraph:—

Regulations may require execution of bonds.

“ (dd) For requiring any person to whom any permit or authority is given under this Act or any regulation made thereunder to enter into a bond of not more than fifty pounds for requiring compliance with all conditions specified in the permit or authority and observance and performance of all obligations imposed on him by or under this Act in connection with the matter in respect of which the permit or authority was granted: ”.

4. The principal Act is hereby amended by repealing section twelve, and substituting the following section:—

Declaration of infected area.

“ 12. (1) For the purposes of this section the term ‘ disease ’ means anthrax, foot and mouth disease, glanders, pleuro-pneumonia, rabies, rinderpest, scab, scrapie, swine fever, and any other disease which the Governor-General in Council declares to be a disease for the purposes of this section; and the meanings of the terms ‘ diseased ’ and ‘ infected ’ shall be modified accordingly.

“(2) Any Inspector who receives information that any stock kept or depastured on any land are suspected to be diseased or infected, or who has reasonable grounds to suspect that diseased or infected stock are or within the preceding three months have been kept or depastured on any land, shall forthwith proceed to that land and

conduct such investigation, inquiry, inspection, or examination as he thinks fit to determine whether diseased or infected stock are or have been kept or depastured on that land.

“(3) If after due investigation, inquiry, inspection, or examination an Inspector finds that diseased or infected stock are kept or depastured on any land inspected or examined by himself or any other Inspector or have been so kept or depastured within the three months immediately preceding the date of his finding, he shall, by writing under his hand, declare that land or those lands together with such other lands in the neighbourhood of that land as he may specify to be an infected place or area.

“(4) Every such declaration shall, as regards any particular parcel of land, take effect on receipt by the occupier thereof of a notice in writing of the declaration given under the hand of an Inspector; and shall, while the declaration remains in force, continue to bind the land and all occupiers thereof notwithstanding any change in the occupancy or ownership thereof after notice as aforesaid has been given.

“(5) The Inspector shall forthwith notify the Chief Inspector of any declaration made under subsection three of this section, and the Chief Inspector shall cause notice of every such declaration to be published in the *Gazette* and in such newspapers circulating in the locality affected by the declaration as he thinks fit.

“(6) Any declaration of an infected place or area under this section shall particularly describe the land or area intended to be affected by the declaration, and until released the land or area shall be deemed to be an infected place or area from which no person shall remove any stock, fodder, fittings, or things without the written permission of an Inspector or otherwise than in accordance with such conditions as he thinks fit to impose.”

Proclamation  
of stock disease  
emergency.

5. The principal Act is hereby amended by inserting, after section seventeen, the following section:—

“ 17A. (1) If at any time it appears to the Governor-General that an outbreak of foot and mouth disease has occurred or is likely to occur in New Zealand or in any part or parts of New Zealand, the Governor-General

may, by Proclamation approved in Executive Council, declare that a state of stock disease emergency exists throughout an area or areas comprising, according to the tenor of the Proclamation, the whole of New Zealand or such part or parts thereof as may be specified or defined in the Proclamation in that behalf.

“(2) The Governor-General may at any time in like manner revoke any such Proclamation.

“(3) No such Proclamation shall be in force for more than six months:

“Provided that nothing in this subsection shall prevent the issue of another Proclamation before or after the end of that period.

“(4) While a stock disease emergency exists throughout any such area or areas, the Minister or any person authorized in writing by him in that behalf may—

“(a) Require any person who is for the time being registered as a veterinary surgeon under the Veterinary Surgeons Act 1926 and resides or works anywhere in New Zealand, or any fit male person over the age of eighteen years who resides or works within five miles of the place where he is required to render assistance, to assist within any such area to prevent, eradicate, or limit the spread of the disease in such manner as the Minister or the person requiring the assistance may specify:

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

“(b) Require the owner of any article or equipment which is anywhere in New Zealand and which the Minister or person authorized by him considers would be of assistance in preventing, eradicating, or limiting the spread of the disease to transfer the article or equipment to, or permit it to be used for a specified period by, the Minister or any other person.

“(5) All persons who, in response to a requirement pursuant to this section, render assistance, or transfer any article or equipment to or permit it to be used for any period by the Minister or any other person, shall be entitled to be remunerated or compensated out of moneys appropriated by Parliament for the purpose by

the Minister under such circumstances, at such rate, and subject to such conditions as may be prescribed by regulations under this Act or as may be approved by the Minister of Finance if there are no such regulations or in cases where the regulations do not apply. All persons who render assistance in response to any such requirement shall be deemed for the purposes of the Workers' Compensation Act 1922 while so acting to be employed by the Minister.

See Reprint  
of Statutes,  
Vol. V, p. 597

“(6) The Governor-General may from time to time, by Order in Council, make regulations for all or any of the following purposes:—

“(a) Prescribing the terms and conditions on or subject to which persons, in response to a requirement pursuant to this section, shall render assistance, or transfer any article or equipment to or permit it to be used for any period by the Minister or any other person; and the rates of remuneration and compensation payable to those persons:

“(b) Requiring persons, clothing, vehicles, and any chattels whatsoever who or which pass out of or through any such area or any part thereof specified or defined in the regulations while a state of stock disease emergency exists in respect of the area to be disinfected so as to help to limit the spread of the disease:

“(c) Prescribing measures to be taken in any such area or in any part or parts thereof specified or defined in the regulations while a state of stock disease emergency exists in the area to prevent, eradicate, or limit the spread of the disease.

“(7) Every person who acts in contravention of or fails to comply in any respect with any provision of this section or of any regulation, requirement, order, condition, or restriction made or given or imposed under this section commits an offence, and shall be liable on summary conviction to a fine not exceeding one hundred pounds and, if the offence is a continuing one, to a further fine not exceeding ten pounds for every day or part of a day during which the offence continues.”

6. (1) The principal Act is hereby amended by inserting, after section nineteen, the following section:—

Restrictions on importation of animals other than stock.

“19A. (1) No person shall, without the prior written permit of the Minister or any person authorized in writing by him in that behalf, introduce or import into New Zealand—

“(a) Any mammal (other than stock); or

“(b) Any bird or reptile; or

“(c) Any living stage of any amphibian, fish, or invertebrate.

“(2) Every such permit shall be subject to such conditions as may be specified therein and to any regulations made in that behalf under this Act; and, without limiting the foregoing power to impose conditions, it is hereby declared that conditions may be imposed under this subsection that—

“(a) Take effect after the importation of any species:

“(b) Require the payment of a deposit or the entering into a bond, with or without sureties, for the compliance with the conditions of any permit granted under this section.

“(3) Any such permit may be general or may relate to a specified importation.

“(4) Any such permit may be revoked or varied at any time by the Minister or by any person authorized as aforesaid to grant the permit.

“(5) No permit shall be given to introduce or import into New Zealand—

“(a) Any snake of any species whatever; or

“(b) Any venomous reptile, or any living stage of any venomous amphibian, fish, or invertebrate; or

“(c) Any red vented bulbul (*Molpastes cafer* L.); or

“(d) Any American grey squirrel (*Sciurus carolinensis* Gmelin); or

“(e) Any red fox or silver fox (*Vulpes vulpes* L.); or

“(f) Any musquash (or muskrat) (*Ondatra zibethica* L.); or

“(g) Any hamster (*Mesocricetus* spp.); or

“(h) Any mongoose (*Herpestes* spp.); or

“(i) Any animal that is likely to become a nuisance or to cause injury or damage.

“(6) No person shall knowingly have in his possession any animal imported into New Zealand in contravention of this section or any animal that is descended from any such animal.

“(7) No person shall liberate or allow to go at large in New Zealand any noxious reptile, or any living stage of any noxious amphibian, fish, or invertebrate.

“(8) Subject to the foregoing provisions of this section, the owner, charterer, agent, and master or captain of any vessel or aircraft arriving at any place in New Zealand shall prevent any mammal (other than stock), or any bird or reptile, or any living stage of any amphibian, fish, or invertebrate, from being landed in New Zealand from that vessel or aircraft, whether in the cargo or otherwise, in contravention of this section; and shall inform the Collector of Customs at or nearest to that place of the presence on board of any such mammal (other than stock), or any bird or reptile, or any living stage of any amphibian, fish, or invertebrate; and every such owner, charterer, or agent shall pay such deposit or enter into such bond as may be required under this section to secure due compliance with the terms of this section.

“(9) Every person who acts in contravention of or fails to comply with any of the provisions of this section commits an offence, and shall be liable on summary conviction to a fine not exceeding five hundred pounds or to imprisonment for a term not exceeding six months or to both such imprisonment and such fine.

“(10) Where any person introduces or imports any mammal (other than stock), or any bird or reptile, or any living stage of any amphibian, fish, or invertebrate into New Zealand in accordance with a permit granted under this section and, at the time it is so introduced or imported or at any time thereafter, it is affected with any harmful animal, fungus, bacterium, or virus, it may be seized and destroyed by an Inspector.

“(11) Where any person introduces or imports any mammal (other than stock), or any bird or reptile, or any living stage of any amphibian, fish, or invertebrate into New Zealand without a prior written permit granted under this section or without complying with or in

contravention of any condition specified in the permit or of any regulation, the animal so introduced or imported and any animal that is descended from any such animal may be seized and destroyed by an Inspector either at the time of the introduction or at any time thereafter, or may be otherwise disposed of as the Inspector may direct.

“(12) The costs and expenses of and attendant upon the seizure and destruction of any animal under this section shall in every case be borne by the owner thereof and no compensation shall be payable in respect thereof.

“(13) Every consent which has been given by the Minister of Internal Affairs under section thirty of the Animals Protection and Game Act 1921-22 to the introduction or importation into New Zealand of any animal and is subsisting or in force at the commencement of this section shall enure for the purposes of this section as fully and effectually as if it were a permit granted under this section, and accordingly shall, where necessary, be deemed to be a permit granted under this section.

“(14) Nothing in this section shall apply to bees introduced or imported into New Zealand in accordance with the Apiaries Act 1927.”

(2) The following enactments are hereby repealed:—

(a) Subsections two, three, and four, and paragraphs (a) and (c) of subsection one, of section thirty of the Animals Protection and Game Act 1921-22:

(b) Section one hundred and three of the Rabbit Nuisance Act 1928.

7. Section twenty-one of the principal Act is hereby amended by repealing paragraphs (n) and (o), and substituting the following paragraphs:—

“(n) Prohibiting, restricting, or controlling the keeping of animals in zoological gardens, circuses, theatres, shows, and other places, or by any persons (whether in any such place or not) and prescribing steps to be taken on the escape of any such animal, including provisions as to its destruction:

“(o) Appointing any specified ports or other places in New Zealand to be the only ports or places of entry of mammals, birds, and reptiles, and any living stage of any amphibian, fish, or invertebrate:

See Reprint  
of Statutes,  
Vol. I, p. 191

Ibid., p. 60

Repeal.

Ibid., p. 191

Ibid., p. 279

Regulations.

“(p) Appointing quarantine grounds or depots where any mammals, birds, and reptiles, and any living stage of any amphibian, fish, or invertebrate, or crates or boxes or other containers containing them or with which they may have come into contact, or any bedding or other packing or food accompanying them, may be detained for the purpose of observation or, in the case of animals, for the purpose of being kept or reared in captivity; and prescribing the conditions under which any such animals may be kept or reared in captivity:

“(q) Prescribing the charges that may be made for the handling, treatment, disinfection, destruction, or other disposal of any mammal, bird, reptile, and any living stage of any amphibian, fish, or invertebrate:

“(r) Generally for all or any such purposes as he may deem necessary for preventing the spread of disease.”

Introduction or spread of disease through certain specified substances.

8. Section thirty-nine of the principal Act is hereby amended, as from the commencement thereof, by inserting, after the words “ shall extend and apply to ”, the words “ soil, sand, clay, earth, ballast, packages, packing material, ship’s garbage, seed ”.

Proceedings in respect of offences and recovery of costs and expenses.

9. The principal Act is hereby amended by repealing section seventy-nine, and substituting the following section:—

“ 79. (1) Unless otherwise expressly provided, all proceedings in respect of offences against this Act or against regulations made under this Act shall be taken in a summary way before a Magistrate.

“(2) All costs and expenses which are required by or under this Act to be paid by any person shall be recoverable as a debt:

“ Provided that, where they are payable by any person to an Inspector, they may be recovered as a fine by or on behalf of the Inspector in any proceedings against that person in respect of any offence against this Act or any regulations made under this Act.”