



ANALYSIS

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1967, No. 50

An Act to consolidate and amend the Stock Act 1908

[16 November 1967]

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

1. Short Title—This Act may be cited as the Animals Act 1967.

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

“Aircraft” includes a hovercraft:

“Animal” means any living stage of any member of the animal kingdom except human beings; and, in the case of any mammal, bird, or reptile, includes the egg or semen or the carcass thereof:

“Animal product” means any part of an animal (including the flesh, wool, hair, skin, hide, bones, horns, hooves, feathers, and other portions of the carcass), and any product that is wholly or partly derived from an animal or any part of an animal, being a part of an animal or a product that has not been treated or sterilised to the stage where it is rendered free from any disease and from carrying any disease:

“Carcass”, in relation to any mammal, reptile, or bird, means the carcass or dead body thereof; and includes the whole or any part thereof and every animal product derived therefrom:

“Cattle” means any bull, cow, ox, steer, heifer, or calf, and the carcass of any of them:

“Chief Veterinary Officer” means the registered veterinary surgeon who is for the time being appointed pursuant to the State Services Act 1962 to be the Director of the Animal Health Division of the Department of Agriculture; and includes any registered veterinary surgeon who is for the time being appointed pursuant to section 33 of the State Services Act 1962 to exercise and perform the powers and duties of the said Director:

“Conveyance” means any ship, aircraft, carriage, truck, horse box, wagon, cart, dray, cage, kennel, or vehicle which is or has been used for the conveyance of or has come in contact with any animal:

- “Destroy” means to consume entirely by fire, or (if permitted by an Inspector) to bury at a depth of not less than three feet underground; or, if permitted by an Inspector, to remove to a boiling down works for rendering down:
- “Dip” in relation to sheep, means to plunge or immerse the sheep in a preparation that is effective for destroying lice and keds and is for the time being registered with the Animal Remedies Board, or to spray the sheep in accordance with the requirements of section 56 of this Act with such a preparation in liquid form by means of an effective pressure spraying apparatus; and “dipped” has a corresponding meaning:
- “Director-General” means the Director-General of Agriculture:
- “Disease” means any disease for the time being specified in the First Schedule or the Second Schedule to this Act:
- “Disease control place” means any land which an Inspector has declared to be a disease control place by a notice given, and not revoked, under section 32 of this Act:
- “Diseased”, in relation to any animal, means that the animal is actually suffering from or affected with any disease:
- “Drove” means any number of horses or cattle in one lot, or in charge of the same person, or in one paddock or enclosure, and any single animal of either kind while it is a travelling animal:
- “Dust” in relation to sheep, means to spray the sheep with a dust containing a preparation that is effective for destroying lice and keds by means of an effective pressure spraying apparatus in accordance with the requirements of section 56 of this Act; and, “dusted” has a corresponding meaning:
- “Fittings” means any stall, stable, sheep pen, milking shed, horse box, cage, kennel, or other premises for keeping or confining animals, and any halters, brushes, clothes, buckets, or other articles or things whatsoever which have been brought into contact with any animals:
- “Flock” means any number of sheep shepherded or running in one flock, and any number of sheep within the bounds of one paddock, enclosure, run, or pen:

- “Fodder” means any hay, straw, grass, green crop, root, fruit or vegetable (whether fresh, dried, preserved, or processed), grain, corn, and litter; and includes any other thing, used or suitable for use for the food or litter of animals, or found with or about animals:
- “Highway” means any motorway or any main or district road, or any road or way dedicated to the public, or which has been ordinarily used by the public:
- “Horse” means any horse, mare, gelding, colt, filly, or foal; and includes an ass, hinney, or mule, or the carcass of any of them:
- “Imported animal” means any animal brought into New Zealand by sea or air:
- “Infected”, in relation to any animal, means that the animal is not known to be actually diseased, but has had direct or indirect contact with any diseased animal or any place or thing which an Inspector suspects to be carrying or harbouring a disease:
- “Infected area” means any area which the Chief Veterinary Officer has declared to be an infected area by notice publicly notified under subsection (5) of section 29 of this Act, and not revoked under subsection (7) of the said section 29, being an area around and including an infected place:
- “Infected place” means any land which an Inspector has declared to be an infected place by a notice under subsections (1), (2), and (3) of section 29 of this Act, and not revoked under subsection (7) of the said section 29:
- “Inspector” means any Inspector appointed for the purposes of this Act; and includes the Chief Veterinary Officer; and also includes any temporary Inspector and emergency Inspector appointed under section 5 of this Act while he is acting as such:
- “Land” means any area, run, station, farm, yard, pen, stable, building, paddock, highway, or other place or premises; and references to land extend to and include any water, harbour, wharf, airport, ship, and aircraft:
- “Lot” means any number of animals depastured or kept together on the same land, or in the same drove or flock, or in charge of the same person, or conveyed at one time on the same ship or aircraft:
- “Minister” means the Minister of Agriculture:

- “Notice” means a notice, in writing or in print, or partly in writing and partly in print, delivered personally, or (as the case may require) by leaving it at or posting it addressed to the office or address of an Inspector, or at or to the usual or last known place of abode in New Zealand of the owner or other person to be affected by the notice, or by affixing the notice at the homestead or other conspicuous and frequented place on the land of the owner or person:
- “Occupier”, in relation to any land, means any proprietor, lessee, licensee, or occupant of the land, and includes the known agent of any proprietor, lessee, licensee, or occupant, and any manager, overseer, superintendent, or person in possession or charge of the land:
- “Organism” means any protozoan, fungus, bacterium, virus, or any other organism or micro-organism, being one which if living is capable of causing or transmitting any disease as defined in this section or any other disease affecting animals or, if dead, was so capable when living; and includes any culture, sub-culture, or other preparation of any such protozoan, fungus, bacterium, virus, organism, or micro-organism:
- “Owner”, in relation to any animal, conveyance, fodder, or fittings, means any owner or joint owner thereof (other than a mortgagee not in possession); and includes any superintendent, overseer, agent, carrier, master or captain of a ship or aircraft, or other person, having possession or charge thereof, and any consignee thereof:
- “Place” includes any land, water, harbour, wharf, ship, and aircraft within the outer limits of the territorial sea of New Zealand:
- “Public notice”, in relation to any act, matter, or thing, means a notice published in one or more newspapers circulating in the place or area to which the act, matter, or thing relates or refers or in which it arises, and “publicly notified” has a corresponding meaning:
- “Quarantine ground” means any land or place set apart by the Director-General under section 11 of this Act as a quarantine ground:
- “Registered veterinary surgeon” means a veterinary surgeon registered under the Veterinary Surgeons Act 1956:

- “Reptile” means any reptile, and the carcass thereof; and includes the egg of any reptile:
- “Sheep” means any ram, ewe, wether, or lamb, and the carcass of any of them:
- “Ship” means any ship, boat, steamer, lighter, launch, barge, hulk, punt, or ferry boat:
- “Stray”, in relation to any animal, means that the animal is not in the immediate keeping of any person, and is on—
- (a) A highway; or
 - (b) Any land not in the occupation of the owner of the animal; or
 - (c) Any land in respect of which the owner of the animal or the person responsible therefor has not any right of pasturage:
- “Subdivision” means any subdivision of a district established under this Act:
- “Swine” means any boar, barrow, sow, or pig, of any age or breed, or the carcass of any of them:
- “Travelling animal” means an animal, including a working animal, while it is in, upon, or at any conveyance, land, or place whatsoever, other than the land on which the animal is ordinarily kept or depastured:
- “Tuberculin Testing Officer” means an Inspector who is a registered veterinary surgeon, and any other registered veterinary surgeon appointed by the Minister to carry out tuberculin tests for the purposes of section 53 of this Act:
- “Tuberculin Testing Technician” means an Inspector under this Act who is appointed by the Minister as a Tuberculin Testing Technician:
- “Zoological garden class A” means any garden, or other place, where wild or undomesticated animals are kept for the purposes of exhibition or entertainment, and which is situated at or adjacent to a port at which imported animals may be landed, and which is under the control of a body corporate or of trustees:
- “Zoological garden class B” means any garden, show, theatre, or other place, or travelling circus, not being a zoological garden class A, where any wild, undomesticated, or domesticated animals are kept for exhibition or entertainment.

(2) Where any thing is imported into New Zealand for any purpose but is subsequently diverted for use as fodder, it shall thereupon be deemed to be imported fodder and all the provisions of this Act shall apply accordingly.

3. Act to bind Crown—This Act shall bind the Crown.

PART I

GENERAL ADMINISTRATION

4. Districts and subdivisions—(1) The Director-General may from time to time, by notice in the *Gazette*, for the purposes of this Act, divide New Zealand into districts and subdivisions of districts and assign names thereto respectively.

(2) The Director-General may, by notice to the owner of the land affected, direct in which district or subdivision any land intersected by any district or subdivision shall be included.

Cf. 1908, No. 187, s. 4 (a), (b)

5. Appointment of Inspectors—(1) There shall be appointed from time to time, under the State Services Act 1962, such Inspectors as may be necessary for the purposes of this Act.

(2) For the purposes of this Act the Director-General may from time to time appoint—

(a) Temporary Inspectors, who may be full-time officers of the Department of Agriculture or persons other than full-time officers of the Department of Agriculture, and who shall perform their duties as temporary Inspectors only when so directed by the Chief Veterinary Officer:

(b) Emergency Inspectors who shall be registered veterinary surgeons and shall perform their duties as emergency Inspectors only when so directed by the Chief Veterinary Officer:

Provided that if any person who is appointed as a temporary Inspector or an emergency Inspector is a full-time officer or employee in the State services he shall not be entitled to any additional remuneration in respect of his appointment under this subsection.

Cf. 1908, No. 187, s. 7

6. Powers of Inspectors—(1) Every Inspector shall have power; on producing (if so required) due evidence of his appointment, to enter at any time into any conveyance, or on any land or premises, or on board any ship or aircraft for the purpose of inspecting any animals, and may be accompanied by a member of the Police:

Provided that neither an Inspector nor a member of the Police shall enter into any dwellinghouse pursuant to this subsection, unless he is authorised in that behalf by a warrant under the hand of a Magistrate, who shall not grant such a warrant unless he is satisfied that the Inspector has reasonable grounds for requiring entry into the dwellinghouse.

(2) An Inspector may give the owner of any animals notice to muster the animals at a place and on a date to be named in the notice; and may direct the owner of any diseased or infected animals to take such measures as regards their treatment, or to do such other acts as in the opinion of the Inspector are necessary to eradicate or check the spread of disease.

(3) Every Inspector who is a registered veterinary surgeon shall, for the purpose of ascertaining whether any animal is diseased, have power to apply to the animal any of the diagnostic tests for disease used in veterinary practice.

Cf. 1908, No. 187, s. 10

7. Inspector may employ assistant—An Inspector may, whenever necessary, employ any person or persons to assist him in carrying out the provisions of this Act and any regulations made thereunder, and any directions or instructions issued by the Director-General or the Chief Veterinary Officer pursuant to this Act; and may authorise payment to any such person or persons of such remuneration as he considers reasonable.

Cf. 1908, No. 187, s. 14

8. Liability for causing Inspector to incur expense—Where any person causes an Inspector or any other officer or employee in the State services to incur any expense that he would not otherwise have incurred, by failing to comply with or acting in contravention of any provision of this Act or any regulations made under this Act, or by failing to comply with or acting in contravention of any order or direction or requirement or conditions reasonably and properly given or imposed in accordance with this Act or any such regulations, that person shall reimburse the Crown for the amount of any

such expense that is reasonably and properly incurred, and that amount shall be recoverable from that person as a debt due to the Crown.

Cf. 1908, No. 187, s. 14

9. Obstructing Inspector—Every person commits an offence against this Act and is liable on summary conviction to a fine not exceeding two hundred dollars who—

- (a) Directly or indirectly obstructs, hinders, or interrupts, or threatens or assaults any Inspector or other officer or any assistant of an Inspector in the performance of his duty under this Act; or
- (b) Fails or neglects to obey any lawful and reasonable direction of, or (in circumstances where he is required to supply information) intentionally withholds any relevant information from, an Inspector or any other officer or any assistant of an Inspector.

Cf. 1908, No. 187, s. 16; 1928, No. 4, s. 13

10. Inspectors, etc., not liable for loss in certain cases—

(1) Neither the Crown, nor the Director-General, nor any officer or employee in the State services, nor any assistant of an Inspector, nor any registered veterinary surgeon who is appointed by the Director-General to carry out any functions under this Act, shall be liable—

- (a) To the owner of any animal for the death of or injury to the animal occasioned by anything done by any Inspector or assistant of an Inspector or registered veterinary surgeon in the course of handling or treating the animal or otherwise in the exercise of powers conferred on him by this Act or any regulations made thereunder; or
- (b) To the owner of any thing for the loss of or damage to the thing occasioned by anything done by any Inspector or assistant of an Inspector or registered veterinary surgeon in the exercise of powers conferred on him by this Act or any regulations made thereunder; or
- (c) To the owner of any animal or thing for the death of or injury to the animal or for the loss of or damage to the thing occasioned by any omission of any Inspector or assistant of an Inspector or registered veterinary surgeon to carry out any functions under this Act:

Provided that nothing in this section shall restrict liability where the death or injury or loss or damage is occasioned by the wilful neglect or default of the Inspector or assistant of an Inspector or registered veterinary surgeon.

(2) Neither an Inspector nor any assistant of an Inspector nor any registered veterinary surgeon shall become a trespasser by reason of any entry or removal under this Act.

Cf. 1908, No. 187, s. 17; 1958, No. 20, s. 8; 1928, No. 4, s. 14

PART II

IMPORTATION

11. **Quarantine grounds**—(1) The Director-General may from time to time at any port or place in New Zealand, by notice in the *Gazette*, set apart and define any land of the Crown or any land under his control as a quarantine ground for the detention of imported animals or of one or more kinds of imported animals and from time to time may vary, alter, redefine, or abolish any such quarantine ground.

(2) The cost of erecting the necessary buildings and fencing on quarantine grounds shall be met out of any money from time to time appropriated by Parliament for the purposes of this section.

(3) All quarantine grounds and all erections, buildings, fences, appurtenances and fittings thereon shall be under the control of the Chief Veterinary Officer or a person authorised by him.

(4) The Director-General may from time to time give directions on the regulation, management, and control of quarantine grounds and the disposal and treatment of animals while in quarantine or in transit thereto or therefrom; and may, by any such direction, specify the time during which animals intended to be introduced into New Zealand shall remain in quarantine.

(5) All quarantine grounds that have been set apart by the Governor-General under section 18 of the Stock Act 1908 or under the corresponding provisions of any former enactment and that are in existence at the commencement of this Act shall be deemed to have been set apart as quarantine grounds by the Director-General under this section.

Cf. 1908, No. 187, s. 18

12. Control of importation of animals and prevention of introduction of disease—The Governor-General may from time to time, by Order in Council, make regulations for all or any of the following purposes:

- (a) Prohibiting or restricting the importation or introduction into New Zealand (either generally or from such countries or places and during such periods as may be necessary or expedient for the purpose of preventing the introduction into New Zealand of any disease affecting animals, and either absolutely or unless such conditions as may be specified in the regulations or in any licence or permit under this Act are complied with) of all or any of the following:
 - (i) Animals or one or more kinds of animals;
 - (ii) Animal products and animal manure or one or more kinds thereof;
 - (iii) Any fodder, fittings, and articles of any kind which have or are reasonably believed by an Inspector to have come into contact with any animal, animal product, or animal manure; and
 - (iv) Soil, sand, clay, earth, ballast, packages, packing material, containers, viable plant material, and fodder:
- (b) Prescribing charges, or authorising charges to be made, for the destruction, fumigation, disinfection, or other treatment of any animal, animal products, animal manure, fittings, or articles of any kind that are imported or introduced into New Zealand:
- (c) Prescribing certain ports and airports at which animals or any particular kind or kinds of animals may be introduced:
- (d) Providing for the issue or revocation of permits for animals, animal products, animal manure, fittings, and fodder, or any of them, to enter New Zealand; and specifying any conditions which may be necessary for preventing the introduction of disease into New Zealand:
- (e) Requiring certificates of health from the authorities of the country or place from which any animal, animal product, animal manure, packing material, fittings, or fodder is intended to be introduced, as a condition to the introduction thereof:

- (f) Providing for the inspection of animals, animal products, and animal manure, or any of them, introduced or about to be introduced into New Zealand:
- (g) Prescribing the charges to be made for conveying animals to and from quarantine, and for their maintenance and inspection while in quarantine:
- (h) Regulating the duties of masters or captains of ships and aircraft in relation to any animals, whether or not intended to be introduced into New Zealand, and in relation to the storage of garbage aboard ships and aircraft; and requiring the use of facilities provided in accordance with regulations made under paragraph (1) of this section or the disposal of garbage as directed by an Inspector:
- (i) Requiring the sealing, to the satisfaction of an Inspector, of food lockers containing any meat that has come from any overseas country, or any meat that has been in the same locker as meat that has come from an overseas country, on all ships and aircraft arriving in New Zealand from any overseas country:
- (j) Prescribing the manner in which persons or things coming into contact with any animal or soil or animal manure or animal product, or any ship, aircraft, conveyance, or fittings used for any animal, animal product, or animal manure shall be disinfected:
- (k) Providing for the confiscation and destruction of animals, animal products, animal manure, fodder, and fittings where necessary for controlling, or preventing the introduction into New Zealand of, any disease:
- (l) Requiring the installation and maintenance by Harbour Boards, Airport Authorities, and local authorities or any of them of facilities for the incineration of all garbage, rubbish, and packing material landed in New Zealand from any overseas country:
- (m) Requiring the installation and maintenance by Harbour Boards, Airport Authorities, and local authorities or any of them of suitable plant and equipment for the steam cleaning of vehicles introduced or imported into New Zealand from any overseas country:
- (n) Requiring the provision and maintenance by Harbour Boards, Airport Authorities, and local authorities or any of them of—

- (i) Suitable office accommodation at such place or places as the Minister (after consultation with the Board or authority) may direct, for the exclusive use of Inspectors; and
 - (ii) Suitable containers for use in conveying garbage, rubbish, and packing material to the place at which it is to be incinerated:
- (o) Authorising Harbour Boards, Airport Authorities, and local authorities to make reasonable charges for the use of anything installed, provided, or maintained by them in accordance with regulations made under any of the provisions of paragraphs (l), (m), and (n) of this section:
 - (p) Prescribing offences in respect of contravention of or non-compliance with any regulations made under this section or any requirement or direction made or given pursuant to any such regulation; and prescribing penalties not exceeding one thousand dollars in respect of any offences prescribed under this paragraph:
 - (q) Generally for all or any purposes which may be necessary for preventing the introduction of disease into New Zealand.

Cf. 1908, No. 187, s. 19; 1965, No. 117, s. 7

13. Restrictions on importation of animals, etc.—(1) No person shall import or introduce any animal, animal product, animal manure, packing material, fittings, or fodder into New Zealand—

- (a) Without the written permit of the Minister or of a person authorised by him in that behalf; or
 - (b) In contravention of any regulations made under this Act; or
 - (c) In contravention of section 14 of this Act.
- (2) Every such permit shall be subject to such conditions as may be specified in relation thereto in the permit and in any regulations made under this Act; and, without limiting the foregoing provisions of this subsection,—
- (a) Conditions may be imposed by any such permit or regulations that take effect after the importation or introduction of any animal or species of animal or any animal product, animal manure, or fittings; and

(b) Conditions may be imposed by any such regulations that require the payment of a deposit or the entering into a bond, with or without sureties, for the compliance with the conditions of any such permit or regulations.

(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 authorised as aforesaid to grant such a permit.

(5) Where any animal is imported or introduced into New Zealand in accordance with regulations made or a permit granted under this Act, and at the time of the importation or introduction or at any time thereafter the animal is found to be affected with any harmful animal, harmful fungus, harmful bacterium, or harmful virus, other than the causal agent of any of the diseases for the time being specified in the First and Second Schedules to this Act, the animal so imported or introduced may be seized or destroyed and no compensation shall be payable in respect of it. The costs of and incidental to any such seizure or destruction shall be borne by the owner of the animal at the time of its seizure.

(6) For the purpose of determining whether it is desirable to prohibit, under this Act or the Orchard and Garden Diseases Act 1928, the importation or introduction into New Zealand of any product or material which an Inspector suspects may be of animal or vegetable origin and which any person intends to import or introduce into New Zealand, the Inspector may take a reasonable sample of the product or material; and no compensation shall be paid to any person in respect of any sample so taken.

(7) Nothing in this Part of this Act shall affect the introduction of bees into New Zealand in accordance with the Apiaries Act 1927.

Cf. 1908, No. 187, s. 19A; 1952, No. 71, s. 6 (1)

14. Prohibition on importation or liberation of certain animals—(1) No person shall import or introduce into New Zealand—

(a) Any snake of any species whatever; or

(b) Any venomous reptile, or any living stage of any venomous amphibian, venomous fish, or venomous 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 coypu or nutria (*Myocastor coypus*); or
- (j) Any mink (*Mustela vison*); or
- (k) Any other animal that is likely to become a nuisance or to cause injury or damage.

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

Cf. 1908, No. 187, s. 19A (5), (7); 1952, No. 71, s. 6 (1)

15. Importation of animals for zoological gardens—

(1) Notwithstanding the provisions of section 14 of this Act, a permit may be issued under section 13 of this Act to authorise the importation or introduction into New Zealand of any animal to which paragraph (k) of subsection (1) of the said section 14 applies in any case where—

- (a) The permit imposes the condition that the animal shall be kept for a prescribed period in specified registered zoological gardens that have been approved, under regulations made under this Act, for the holding of imported and introduced animals; and
- (b) In the opinion of the Minister or of a person authorised by him in that behalf the importation or introduction of the animal will not present a risk of disease to animals in New Zealand.

(2) Every person who imports or introduces any animal into New Zealand under this section shall comply with all conditions in relation to the permit that are specified in the permit and in any regulations made under this Act.

16. Importation of animals for research—(1) Notwithstanding the foregoing provisions of this Part of this Act,—

- (a) The Director-General may from time to time import or introduce into New Zealand any cattle, sheep, or swine not otherwise eligible for entry into New Zealand, for the purpose of research or experiment intended to improve the quality of New Zealand animals and the products derived therefrom:

(b) The Minister may in special circumstances grant to any person a permit under section 13 of this Act to import or introduce into New Zealand any animal not otherwise eligible for entry into New Zealand, for the purpose of any research or experiment approved by the Minister.

(2) No animal shall be imported or introduced to New Zealand under paragraph (b) of subsection (1) of this section otherwise than in accordance with regulations made under this Act providing for the quarantine of any such animals and prescribing all such other matters as the Governor-General considers necessary for preventing the introduction of any disease affecting animals and all undesirable consequences.

Cf. 1908, No. 187, s. 19B; 1964, No. 128, s. 2

17. Seizure and disposal of certain animals and animal products on ships and aircraft—Where any animal or animal product is found by an Inspector on any ship or aircraft and the animal or animal product is not being imported or introduced into New Zealand in accordance with this Act or listed on the inward report in respect of the ship or aircraft, the animal or animal product shall be deemed to be smuggled; and, unless an Inspector directs that it be retained on the ship or aircraft and reshipped therewith, the animal or animal product shall be seized and destroyed by the Inspector, and no compensation shall be payable in respect of it.

18. Duty to prevent animals from being landed—The owner, charterer, agent, and master or captain of any ship or aircraft arriving in New Zealand shall—

- (a) Prevent any animal from being landed from that ship or aircraft unless permitted by an Inspector; and
- (b) If so required by an Inspector, enter into a bond for such amount not exceeding one thousand dollars as the Inspector may require to secure due compliance with this section.

Cf. 1908, No. 187, s. 19A (8); 1952, No. 71, s. 6 (1)

19. Animals, etc., introduced in contravention of Act—

(1) Every person who imports or introduces into New Zealand any animal otherwise than in accordance with the provisions of this Act and of any regulations made under this Act and of any permit issued under this Act or under any such regulations, or who knowingly has in his possession any animal that

has been unlawfully imported or introduced into New Zealand or any descendant of any such animal, commits an offence against this Part of this Act.

(2) Any Inspector may seize any animal that has been unlawfully imported or introduced into New Zealand and any descendant of any such animal, and shall destroy or otherwise deal with any animal so seized as the Chief Veterinary Officer may direct.

(3) Any Inspector may seize any animal product, animal manure, fittings, fodder, or thing unlawfully imported or introduced into New Zealand, and shall destroy, fumigate, disinfect, or otherwise deal with any of them that is so seized as the Chief Veterinary Officer may direct; and no compensation shall be payable in respect thereof.

(4) All costs and expenses of and attendant upon any such seizure of any animal, animal product, animal manure, fittings, fodder, or thing and the destruction or other dealing therewith shall be borne by the owner thereof, and shall be recoverable from him as a debt due to the Crown; and no compensation shall be payable in respect thereof.

(5) An Inspector may require to be opened, or may open, any package or baggage, and may inspect, and examine any goods or thing, arriving in New Zealand from overseas.

Cf. 1908, No. 187, s. 19A (9); 1952, No. 71, s. 6 (1)

20. Minister may impose restrictions on importations—

(1) In addition to any prohibition or restriction upon importation that may be imposed under paragraph (a) of section 12 of this Act or that is imposed by section 13, section 14, or section 15 of this Act, the Minister may, for the purpose of preventing the introduction of disease into New Zealand,—

(a) By notice in the *Gazette*, make an order for any of the purposes specified in paragraphs (a) to (f) and (h) to (j) of the said section 12, being an order imposing additional prohibitions or restrictions or provisions:

(b) By notice to the person in possession of any animal, animal product, animal manure, fittings, fodder, or thing, prohibit the importation or introduction into New Zealand, or the movement or use within New Zealand, of the animal, animal product, animal manure, fittings, fodder, or thing, either absolutely or unless such conditions as may be specified in the notice are complied with.

(2) Any notice under paragraph (a) of subsection (1) of this section shall expire at the expiration of six months from the date of its publication in the *Gazette*, but may from time to time be renewed.

21. Restriction on introduction into New Zealand or possession of any organism—(1) No person shall, without the written permission of the Director-General, knowingly introduce any organism, or knowingly cause any organism to be introduced, into New Zealand.

(2) Any person who is in possession of any organism shall—

(a) Furnish in respect of the organism such particulars (including the potency thereof, the use being made of the same, and the manner in which it is being kept) as may from time to time be required by the Director-General:

(b) Comply with every requirement of the Director-General, and any regulations, made under this Act and providing for the control of the keeping of organisms.

(3) If the Director-General is satisfied that the retention of an organism is contrary to the public interest, he may order the destruction thereof or authorise any Inspector to order the destruction thereof.

(4) Every person commits an offence, and is liable on conviction on indictment to imprisonment for a term not exceeding two years or to a fine not exceeding two thousand dollars or both, who—

(a) Knowingly introduces, or knowingly causes to be introduced into New Zealand, any organism in contravention of subsection (1) of this section; or

(b) Knowingly has in his possession any organism, culture, subculture, or other preparation of any organism introduced into New Zealand in contravention of subsection (1) of this section.

(5) Every person commits an offence and is liable on summary conviction to a fine not exceeding two hundred dollars who acts in contravention of or fails to comply with—

(a) Any direction of the Director-General, or any provision of any regulations, given or made under this Act and providing for the control of the keeping of organisms; or

(b) Any of the provisions of subsection (2) of this section.

Cf. 1908, No. 187, s. 20; 1960, No. 121, s. 3

22. Control of arrivals from overseas, declarations, etc.—

(1) No person arriving in New Zealand by any ship or aircraft from any overseas country shall leave that ship or aircraft or any wharf or airport to which that ship or aircraft may come, without the permission of an Inspector.

(2) No person shall remove or cause to be removed from any ship or aircraft arriving in New Zealand from an overseas country, or from any wharf or airport to which that ship or aircraft may come, any animal, baggage, goods, or thing, without the permission of an Inspector.

(3) Subject to subsection (5) of this section, the provisions of subsections (1) and (2) of this section shall apply whether a ship or aircraft arrives at a Customs port or airport or any other place, or, in the case of a ship from any overseas country, is beached or wrecked on the New Zealand coast.

(4) Where a ship or aircraft from any country outside New Zealand arrives at any place in New Zealand other than a Customs port or Customs airport because of emergency or accident, the master or pilot in command shall,—

(a) In the event of the arrival of an aircraft at an aerodrome, cause the arrival of the aircraft and the place whence it came to be reported to the person for the time being in charge of the aerodrome, who shall advise an Inspector:

(b) In any other case, cause the arrival to be reported to an Inspector.

(5) Nothing in this section shall prohibit the departure of passengers or crew from a ship or aircraft or the removal of animals, baggage, goods, and things therefrom in any case of serious emergency when there is a threat to human life or safety or a threat of serious damage to the ship or aircraft, but the subsequent movement of persons, animals, baggage, goods, and things shall be subject to such reasonable directions as an Inspector may give; and animals, animal products, animal manure, fittings, and fodder shall not be moved from the immediate vicinity of the place where the ship or aircraft arrived without the consent of an Inspector.

(6) Every person who acts in contravention of this section commits an offence and is liable on summary conviction to a fine not exceeding one thousand dollars.

(7) An Inspector may require any person arriving in New Zealand (including an officer or member of the crew of any ship or aircraft, whether belonging to Her Majesty's forces or otherwise) to make a declaration on a form to be provided for the purpose as to whether he has any animal, animal

product, or fittings in his possession as part of his personal effects or baggage, and every such person shall permit the Inspector to inspect and examine any such animal, animal product, fittings, personal effects, and baggage, and shall afford to the Inspector all reasonable facilities and assistance in carrying out any such inspection and examination.

Cf. 1908, No. 187, s. 20A; 1965, No. 117, s. 9; 1966, No. 19, ss. 37, 38

23. Offences—(1) Every person who acts in contravention of or fails to comply with any of the provisions of this Part of this Act, or of any order or notice made or given by the Minister under section 20 of this Act, commits an offence against this Part of this Act.

(2) Every person who commits an offence against this Part of this Act for which no penalty is provided elsewhere than in this section is liable on summary conviction to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding three months or to both.

Cf. 1908, No. 187, s. 19A (9); 1952, No. 71, s. 6

PART III

DISEASE CONTROL

24. Diseases to which Act applies—(1) In this Act, unless the context otherwise requires, every reference to a disease means a disease for the time being specified in the First Schedule or the Second Schedule to this Act.

(2) The Governor-General may from time to time, by Order in Council, amend the First and Second Schedules to this Act—

- (a) By inserting in either Schedule the name of any disease:
- (b) By omitting from either Schedule the name of any disease.

25. Regulations for preventing spread of disease—The Governor-General may from time to time, by Order in Council, make regulations for all or any of the following purposes:

- (a) Providing for the quarantine or seizure and slaughter of animals that are diseased or infected or suspected of being diseased or infected:
- (b) Prescribing the powers and duties of Inspectors:
- (c) Providing for the eradication and prevention of the spread of any disease:

- (d) Prohibiting or regulating the movement of animals, persons, fodder, fittings, farm products, and things into, in, or out of an infected place or infected area or disease control place:
- (e) Providing for the management of animals in an infected area, infected place, or disease control place:
- (f) Providing for the treatment and remedial measures to be adopted and taken in respect of diseased or infected animals and of animals suspected of being diseased or infected or of any one or more kinds of those animals:
- (g) Prescribing provisions for the control and management of an infected area:
- (h) Prohibiting or restricting and regulating the moving of diseased or infected animals or animals suspected of being diseased or infected; and controlling the transit of animals within New Zealand for the purpose of controlling or preventing the spread of disease:
- (i) Controlling or prohibiting the export from New Zealand of animals or of one or more kinds of animals:
- (j) Prohibiting or restricting or regulating the introduction, removal, travelling, or moving of animals, or of any one or more kinds of animals, into, from, and within such areas and places, and during such times, as appear to him necessary or expedient for the purpose of preventing the spread in New Zealand of any disease affecting animals:
- (k) Prescribing the manner in which persons or things coming into contact with diseased or infected animals, and land, premises, or conveyances travelled over or used by diseased or infected animals, shall be cleansed and disinfected:
- (l) Providing for the destruction or disposition or treatment of any fodder or fittings, and the carcass of any animals seized and slaughtered in any infected place or infected area or disease control place:
- (m) Providing for the seizure, destruction, or disposal of stray animals where necessary to prevent the spread of disease:
- (n) Prescribing certain brands or marks to be used on diseased, infected, or inoculated or vaccinated animals:

- (o) Prohibiting or controlling the keeping of organisms:
- (p) Prohibiting, restricting, or controlling the keeping of animals in zoological gardens class A or zoological gardens class B, or by any persons (whether in any such zoological gardens or not); and prescribing steps to be taken on the escape of any such animal, including provisions as to its destruction:
- (q) Providing for the registration of zoological gardens class A and zoological gardens class B, and for the circumstances in which registered zoological gardens of either class may be approved for the holding of animals that are imported or introduced into New Zealand:
- (r) Appointing quarantine areas or depots where any animals may be detained for the purpose of observation or 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:
- (s) Prescribing the charges that may be made under this Act for the handling, treatment, disinfection, destruction, or other disposal of any animal, animal product, animal manure, or fittings:
- (t) Requiring any Harbour Board, Airport Authority, or local authority in any case where any animal suffering from foot and mouth disease is found on any land within thirty miles of any port or airport under its control, to prohibit or restrict the use of such facilities maintained in connection with the port or airport as the Chief Veterinary Officer may specify, in such manner and to such extent as the Chief Veterinary Officer may require:
- (u) Prescribing offences in respect of the contravention of or non-compliance with any regulations made under this section or any requirement or direction made or given pursuant to any such regulations; and prescribing penalties not exceeding one thousand dollars or imprisonment for a term not exceeding three months or both in respect of any offences prescribed under this paragraph:
- (v) Prescribing the terms and conditions on or subject to which persons, in response to a requirement pursuant to section 30 of this Act, shall render assistance, or transfer any article or equipment or permit it or any land, premises, fittings, ship, or aircraft to be used

for any period by the Minister or any other person; and the rates of remuneration and compensation payable to those persons:

- (w) Requiring persons, clothing, vehicles, and any chattels whatsoever who or which pass out of or through any area throughout which an animal disease emergency for the time being exists in accordance with section 30 of this Act or any part thereof specified or defined in the regulations to be disinfected so as to help limit the spread of the disease:
- (x) Prescribing measures to be taken in any area or part or parts of New Zealand to which an animal disease emergency for the time being exists as aforesaid to prevent, eradicate, or limit the spread of the disease:
- (y) Prohibiting or controlling the feeding of garbage to swine or poultry; and providing for the control of garbage dumps, and the destruction or disposition of garbage in garbage dumps; and providing for preventing the access of animals to garbage dumps:
- (z) Generally for all or any such purpose as he may consider necessary for preventing the spread of disease.

Cf. 1908, No. 187, s. 21; 1965, No. 117, s. 10

26. Regulations governing artificial insemination—(1) The Governor-General may from time to time, by Order in Council, make regulations for controlling or prohibiting the practice of artificial insemination of animals, and the distribution and sale of the semen of animals.

(2) Without limiting the general power hereinbefore conferred, it is hereby declared that regulations may be made under this section for all or any of the following purposes:

- (a) Constituting, or providing for the constitution, appointment, or election, of committees for all or any of the purposes of this section, and defining the functions of any such committee, and providing for the fees and allowances payable to the members thereof:
- (b) Providing for the licensing of premises used for the collection and storage of semen for the artificial insemination of animals, and for the standards of premises which may be so licensed; and controlling or prohibiting the use of any other premises for any such purpose:

- (c) Providing for the licensing of persons engaged in the collection and storage of semen of animals or the performance of the operation of artificial insemination of animals, and for the qualifications of persons who may be so licensed; and controlling or prohibiting the collection and storage of semen of animals or the performance of the operation of artificial insemination of animals by other persons:
- (d) Providing for the registration or approval of all animals from which semen may be collected, and for the standards of animals which may be so registered or approved; and controlling or prohibiting the collection of semen from other animals:
- (e) Providing for the publication from time to time of a list or lists showing the premises, persons, and animals registered, licensed, or approved under this section:
- (f) Prescribing fees for the issue of licences under this section.

Cf. 1908, No. 187, s. 85A; 1951, No. 81, s. 25

27. Owners to give notice of diseased animals—(1) Every owner of any diseased animal or of any animal which he suspects to be diseased shall, within twenty-four hours from the time when he discovers or suspects the animal to be diseased, advise an Inspector of the subdivision in which the animal is running, and shall keep the animal from coming into contact with any other animals.

(2) Every person who fails to comply with or acts in contravention of subsection (1) of this section commits an offence and is liable on summary conviction to a fine not exceeding one hundred dollars for every day during which the offence continues.

Cf. 1908, No. 187, s. 23

28. Veterinary surgeons to give notice of diseased animals—Every veterinary surgeon registered under the Veterinary Surgeons Act 1956 who becomes aware or suspects that any animal is diseased shall forthwith give notice to an Inspector of the existence or suspected existence of the disease.

Cf. 1908, No. 187, s. 23A; 1954, No. 90, s. 6

Control of First Schedule Diseases

29. Declaration of infected place or infected area—(1) If an Inspector has cause to believe or suspect that any animal

is suffering from or affected or infected with any of the diseases for the time being specified in the First Schedule to this Act and is or has been on any land, he may, by notice given in accordance with subsections (2) and (3) of this section, declare that land and such other land (if any) in the neighbourhood as he may specify to be an infected place.

(2) Every notice under subsection (1) of this section shall be given by serving a copy of the notice on an occupier of each piece of land included in the infected place:

Provided that a copy of the notice need not be served on an occupier of a part of the land if the Inspector giving the notice cannot reasonably ascertain an occupier of that part who can be found quickly:

Provided also that, where it is impracticable to give notice in accordance with the foregoing provisions of this section, it may be given by public notice.

(3) Every such notice shall be in a form approved for the purpose by the Chief Veterinary Officer.

(4) Where an Inspector so declares any land to be an infected place he shall forthwith notify the Chief Veterinary Officer of the declaration. The Director-General may give public notice of an infected place.

(5) The Chief Veterinary Officer may, by public notice or appropriate radio announcement, declare any specified area within thirty miles, or within such greater distance as the Minister may approve, of an infected place (and including that infected place) to be an infected area.

(6) Upon the declaration by the Chief Veterinary Officer of an infected area, he may require any member of the Police or any traffic officer of the Transport Department or of a local authority to establish road blocks in relation to the area in accordance with regulations (if any) made under this Act and instructions given by the Chief Veterinary Officer, which instructions may include standing instructions given before the time of the declaration and instructions given at the time of the declaration or subsequently. Any such instructions by the Chief Veterinary Officer may give power to any member of the Police or any such traffic officer, in connection with road blocks in relation to the area, to stop vehicles and search them, by force if necessary, and generally do such things and acts in respect of any such vehicle as are necessary for carrying out the provisions of this Act; and all such members of the Police and traffic officers shall, while the declaration continues, have all such powers that are so given.

(7) Every declaration that any area or land is an infected area or an infected place shall remain in force until it is revoked by a notice of revocation given in the manner in which notice of the declaration is required or permitted to be given, being a notice of revocation that,—

- (a) In the case of a declaration of an infected area, is given by the Chief Veterinary Officer; or
- (b) In the case of a declaration of an infected place, is given by an Inspector.

(8) Every person commits an offence and is liable on summary conviction to a fine not exceeding one thousand dollars who—

- (a) Resists or wilfully obstructs, or wilfully fails to comply with any direction of, a member of the Police or a traffic officer who is acting in performance of his duties under this section; or
- (b) Knowingly enters or leaves, or removes any animal, animal product, animal manure, fodder, fittings, or thing of any kind whatsoever from, an infected place without the written permission of an Inspector or otherwise than in accordance with such conditions as may be specified by the Inspector in the written instrument granting the permission; or
- (c) Knowingly moves any animal, animal product, animal manure, fodder, fitting, or thing out of or into an infected area, or from one place within an infected area to another place within that infected area, without the written permission of an Inspector or otherwise than in accordance with such conditions as may be specified by the Inspector in the written instrument granting the permission.

(9) All animals, animal products, animal manure, fodder, fittings, and things that are removed or moved in contravention of subsection (8) of this section may be seized by any Inspector, and shall be forfeited and destroyed, sold, or otherwise disposed of as the Minister directs. No compensation shall be paid to the owner of any animal product, animal manure, fodder, fittings, or thing destroyed under this subsection, and unless the Minister otherwise directs no compensation in terms of section 42 or section 43 of this Act shall be paid to the owner of any animal destroyed under this section in any case where he is convicted of an offence under subsection (8) of this section by reason of his having moved or removed any animal in contravention of that subsection.

Cf. 1908, No. 187, ss. 12, 21A; 1965, No. 117, ss. 3, 11

30. Proclamation of animal disease emergency—(1) If at any time it appears to the Governor-General that an outbreak of any of the diseases for the time being specified in the First Schedule to this Act 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 animal 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 an animal disease emergency exists throughout any such area or areas, the Minister or any person authorised in writing by him in that behalf may—

(a) Require any person who is a registered veterinary surgeon 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 person requiring the assistance may specify:

(b) Require the owner of any article or equipment or land or premises or ship or aircraft which is anywhere in New Zealand and which the Minister or person authorised 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 or the land or premises or ship or aircraft to be used for a specified period by the Minister or any other person.

(5) Every person who, in response to a requirement pursuant to this section, renders assistance, or transfers any article or equipment to or permits it or any land or premises or ship or aircraft to be used for any period by the Minister or any person, shall be entitled to be remunerated or compensated out of money 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. Every person who renders assistance in response to any such requirement shall be deemed for the purposes of the Workers Compensation Act 1956 while so acting to be employed by the Minister.

(6) Every person who wilfully acts in contravention of or wilfully fails to comply in any respect with any provision of this section or of any requirement, order, condition, or restriction made or given or imposed under this section, or under any regulation made under any of the provisions of paragraphs (v), (w), and (x) of section 25 of this Act, commits an offence, and is liable on summary conviction to a fine not exceeding two hundred dollars and, if the offence is a continuing one, to a further fine not exceeding twenty dollars for every day or part of a day during which the offence continues.

Cf. 1908, No. 187, s. 17A; 1952, No. 71, s. 5; 1960, No. 121, s. 2

31. Emergency measures for prevention of introduction or spread of disease—(1) Where the Governor-General has, by Proclamation approved in Executive Council under section 30 of this Act, declared that a state of animal disease emergency exists throughout any area or areas, while that state of animal disease emergency continues, the Minister may, in the area or areas, take such measures, and do all such acts and things, and give all such directions, and require all such acts to be done, as in the opinion of the Minister are necessary and desirable for the purpose of eradicating the disease or preventing or limiting the spread of the disease.

(2) Every person commits an offence and is liable on summary conviction to imprisonment for a term not exceeding one month, or to a fine not exceeding one thousand dollars, who—

- (a) Resists or wilfully obstructs any measure taken by the Minister under this section; or
- (b) Wilfully fails to comply with or acts in contravention of any direction or requirement of the Minister under this section.

Cf. 1908, No. 187, s. 21B; 1965, No. 117, s. 12

Control of Second Schedule Diseases

32. Disease control place—(1) If an Inspector has cause to believe or suspect that any animal is suffering from or affected or infected with any of the diseases for the time being specified in the Second Schedule to this Act and is or has been on any land, he may, by notice given in accordance with subsections (2) and (3) of this section, declare the land and such other land (if any) in the neighbourhood as he may specify to be a disease control place.

(2) Every notice under subsection (1) of this section shall be given by serving a copy of the notice on an occupier of each piece of land included in the disease control place:

Provided that a copy of the notice need not be served on an occupier of a part of the land if the Inspector giving the notice cannot reasonably ascertain an occupier who can be found quickly:

Provided also that, where it is impracticable to give notice in accordance with the foregoing provisions of this section, it may be given by public notice.

(3) Every such notice shall be in a form approved for that purpose by the Chief Veterinary Officer.

(4) Every declaration of a disease control place shall remain in force for fourteen days or for such shorter period as may be specified in the notice by which it is declared, and may from time to time be renewed:

Provided that a declaration of a disease control place shall remain in force for such period of more than fourteen days as may be specified in the notice, if the Director-General approves of that period being so specified.

(5) Any declaration of a disease control place may be revoked at any time by an Inspector by notice of revocation given in the manner in which notice of the declaration is required or permitted to be given.

(6) Every person commits an offence and is liable on summary conviction to a fine not exceeding one thousand dollars who knowingly moves any animal or thing out of or into a disease control place, without the written permission of an Inspector or otherwise than in accordance with such conditions as may be specified by the Inspector in the written instrument granting the permission.

33. Expenses of treatment of diseased animals—Where an Inspector treats, or causes or directs to be treated, any animal that is suffering from or affected with any of the diseases for

the time being specified in the Second Schedule to this Act or orders that any such animal be slaughtered or destroyed, the costs of and incidental to the treatment or slaughter or destruction shall be borne by the owner of the animal.

Cf. 1908, No. 187, s. 28

Control of All Scheduled Diseases

34. Power to kill animal and conduct post-mortem examinations—(1) If on examining any animal or animals an Inspector suspects the animal or animals to be diseased he may kill the animal or one or more of the animals and conduct a post-mortem examination in such manner as he thinks fit for the purpose of deciding whether the animal or animals are diseased.

(2) Where an Inspector kills any animal pursuant to the power conferred on him by this section, he shall advise the owner of the animal of the result of the post-mortem examination conducted in respect of it.

(3) Where as a result of any such post-mortem examination, or as a result of a clinical examination, an Inspector is satisfied that any animals still living are diseased, he shall give the owner of the animals notice that they are suffering from a disease which he shall specify, and shall also notify the Chief Veterinary Officer, who shall cause an inspection of the animals, and a report on the inspection, to be made by a registered veterinary surgeon.

(4) The provisions of this section shall extend to authorise an Inspector to conduct a post-mortem examination in such manner as he thinks fit of the carcass of any animal, whether or not it has been killed by him under this section; and, where he conducts such a post-mortem examination, all the provisions of this section shall thereafter apply as if the animal had been killed by him under this section.

Cf. 1908, No. 187, ss. 13, 22 (1); 1965, No. 117, s. 5

35. Destruction of diseased or infected animals—(1) If the Minister is satisfied that any animal is diseased or infected or has during the preceding three months been diseased, he may cause steps to be taken—

(a) To eradicate the disease; or

(b) To secure the destruction of the animal under the supervision of an Inspector.

(2) Any expense incurred by an Inspector when taking any steps under this section may be recovered as a debt due to the Crown from the owner of the animal in any Court of competent jurisdiction.

Cf. 1908, No. 187, s. 22

36. Travelling or stray diseased animals—If on examining any animal or animals that are travelling or astray an Inspector suspects the animal, or one or more of the animals, to be diseased, he shall place the animal or animals which he suspects to be diseased, together with any other of the travelling or stray animals which he suspects may be infected, on the nearest available land where there is no danger of other animals being infected, and may, in accordance with this Act, declare that land to be an infected place or a disease control place, as the case may be.

Cf. 1908, No. 187, s. 13 (1)

37. Exhuming carcasses buried—Every person who exhumes, unless under the authority of an Inspector, the carcass of any animal buried in pursuance of this Act commits an offence and is liable on summary conviction to a fine not exceeding one thousand dollars, or to imprisonment for any period not exceeding three months, or to both.

Cf. 1908, No. 187, s. 35

38. Wilfully communicating disease—Every person who, except for scientific purposes by authority from the Minister, wilfully communicates or causes to be communicated to any animal any disease commits an offence and is liable on indictment to imprisonment for any period not exceeding two years, or to such fine not exceeding one thousand dollars as the Court thinks fit, or to both.

Cf. 1908, No. 187, s. 36

39. Inoculating animals—Every person who, unless he is authorised by any enactment or has the written consent of the Chief Veterinary Officer, inoculates any animal, or causes any animal to be inoculated, with the causal organism of any disease, whether the organism is in an attenuated form or not, commits an offence and is liable on summary conviction to a fine not exceeding four hundred dollars.

Cf. 1908, No. 187, s. 37

40. Owner of diseased animals to be liable in damages to party injured—Over and above any other penalty imposed by this Act, any person who is liable to any such penalty shall also be liable to pay to the owner of any animal to which any disease has been communicated by that person's unlawful act or omission such sum or sums as may be sufficient to reimburse the owner for any expense, loss, or damage which he may, in consequence, have incurred or sustained.

Cf. 1908, No. 187, s. 38 (1)

41. Other remedies not affected—Nothing in this Act shall limit or deprive any person suffering any expense, loss, or damage to which section 40 of this Act relates of any remedy which he might have for recovering the same if this Act had not been passed.

Cf. 1908, No. 187, s. 38 (2)

42. Compensation for First Schedule diseases other than scrapie—Subject to the provisions of section 47 of this Act, where pursuant to regulations made under this Part of this Act any animal is seized and slaughtered as being affected or infected or suspected of being affected or infected with any of the diseases for the time being specified in the First Schedule to this Act other than scrapie, there shall be payable, out of money appropriated by Parliament for the purpose, to the owner of the slaughtered animal compensation equal to the fair market value thereof, fixed as at the time of the inspection that results in its being seized and slaughtered, such compensation to be ascertained in case of dispute by arbitration of two arbitrators, one to be appointed by an Inspector and one by the owner, with power to the two arbitrators to appoint an umpire; and the decision of the two arbitrators or umpire shall be final. For the purposes of any such arbitration this section shall be deemed to be a submission within the meaning of the Arbitration Act 1908, and the relevant provisions of that Act shall apply to any such arbitration.

Cf. 1908, No. 187, s. 17B; 1965, No. 117, s. 6

43. Compensation in connection with outbreak of scrapie—
(1) The Minister of Agriculture, with the concurrence of the Minister of Finance, may pay out of money appropriated by Parliament for the purpose—

- (a) Compensation to the owner of any animal suffering from or affected or infected with scrapie, being an animal which has been slaughtered at any time as required or directed by an Inspector but which would not normally have been sent for slaughter at or about that time, the compensation payable under this paragraph being an amount equal to the fair market value of the animal slaughtered:

Provided that where compensation is claimed under this paragraph in respect of any animal, the carcass of the animal and all the money derived from the sale thereof shall be the property of the Crown:

Provided also that, for the purpose of ensuring that the owner of any animal obtains the maximum relief under subsection (2) of this section, the payment of compensation to the owner under this paragraph shall, unless the owner otherwise directs in writing, be deferred until the money is required by the owner for the purpose of restocking, and no interest shall be payable on the compensation in the meantime:

- (b) Compensation to any person who suffers loss of income in any case where an animal suffering from or affected or infected with scrapie has been slaughtered as required or directed by an Inspector and the owner of the animal is unable to restock within a reasonable period, the compensation payable under this paragraph being an amount determined by the Minister of Finance:
- (c) Compensation to any person who suffers any loss or damage in respect of which compensation is not payable under the foregoing provisions of this section where the loss or damage is suffered because of—
- (i) The declaration under this Act (because of scrapie) of any land to be included in an infected place or an infected area; or
 - (ii) The operation of section 29 of this Act,—the compensation payable under this paragraph being an amount determined by the Minister of Finance:

Provided that no compensation shall be payable in respect of any animal sent for slaughter at any time if the animal would in the ordinary course of

business have been sent for slaughter at or about that time, but the owner shall be entitled to the proceeds of the animal.

(2) For the purpose of assessing income tax payable by any person to whom compensation is payable under paragraph (a) or paragraph (b) of subsection (1) of this section, the following provisions shall apply:

(a) Any money paid to the owner of any animal under the said paragraph (a) shall be deemed to be assessable income derived by that owner in the income year or years in which that money is paid:

Provided that, where the Commissioner of Inland Revenue is satisfied that a substantial number of animals on any farm of the owner has been slaughtered as required or directed by an Inspector because the animals are suffering from or affected or infected with scrapie and that by reason of any payments made under paragraph (a) of subsection (1) of this section or by reason of an increase in any income year in the number of animals depastured the assessable income derived by that owner in that income year has been substantially increased beyond the assessable income derived by him in the income year in which the animals were slaughtered, then the money so paid to the owner shall, on application in that behalf made in writing by the owner not later than twelve months after the end of the income year in which the money was paid or within such further period as the Commissioner of Inland Revenue in his discretion may allow in any case, be deemed to be assessable income derived by that owner in the year in which the animals were slaughtered or in the year in which the payments were made or in any intervening year or years or in any one or more of those years, in such amounts as the Commissioner of Inland Revenue considers just and reasonable:

Provided also that, instead of being assessed under the preceding proviso to this paragraph, the owner may apply in writing to be assessed under the provisions of section 103 of the Land and Income Tax Act 1954, and thereupon the provisions of this section shall apply as if the animals slaughtered had been sold or disposed of in the year in which the money is paid:

- (b) Any money paid to any person under the said paragraph (b) shall be deemed to be assessable income derived by that person in the income year or years in which the loss which those payments compensate was sustained.

Cf. 1954, No. 90, s. 6; 1965, No. 117, s. 4

44. Compensation for animals slaughtered on account of any Second Schedule disease except brucellosis and tuberculosis of cattle—(1) Where pursuant to the provisions of this Act or of any regulations made under this Act any animal is condemned and slaughtered as being affected or infected with any of the diseases for the time being specified in the Second Schedule to this Act except brucellosis of cattle and tuberculosis of cattle or as being suspected of being so affected, and the carcass thereof is destroyed or otherwise disposed of, the owner of the animal shall be entitled to be paid, out of money appropriated by Parliament for the purpose, compensation in the cases, to the extent, and subject to the conditions hereafter provided in this Part of this Act.

(2) The compensation shall be based as hereafter provided in this Part of this Act on the fair market value of the animal as fixed at the time of the inspection that results in it being condemned, the compensation to be ascertained in case of dispute by arbitration or 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 two arbitrators or umpire shall be final.

Cf. 1908, No. 187, s. 40; 1956, No. 21, s. 34; 1965, No. 117, s. 13

45. Amount of compensation to depend on whether or not animal is diseased—(1) In any case where compensation in respect of a slaughtered animal is payable under section 44 of this Act, if after examining the carcass of the animal the Inspector is satisfied that it was not diseased when he condemned it, the amount of the compensation shall be a sum equal to the fair market value of the animal.

(2) In any other case where compensation in respect of a slaughtered animal is payable under section 44 of this Act, the amount of compensation shall be a sum equal to one-half of the fair market value of the animal.

Cf. 1908, No. 187, ss. 41, 42

46. Disposal of carcasses and application of proceeds therefrom—Except as otherwise provided under this Act, in every case where any animal is condemned and slaughtered under this Act as being diseased or infected, the carcass shall be destroyed or otherwise disposed of as an Inspector directs, and the net sum received in respect thereof shall be the property of the Crown, and shall either be paid into the Consolidated Revenue Account or, with the consent in writing of the Inspector, be paid to the owner of the animal and deducted from the amount of compensation.

Cf. 1908, No. 187, s. 43

47. Cases in which compensation is not payable—(1) No compensation shall be payable in respect of any imported animal, if the animal is condemned before it is released from quarantine controls, or certified as apparently free from disease, by the Chief Veterinary Officer or an Inspector authorised by him.

(2) No compensation shall be payable under section 42 of this Act in respect of deer.

(3) No compensation shall be payable under section 44 of this Act in respect of any animals other than horses, cattle, sheep, and swine.

Cf. 1908, No. 187, s. 44

48. Owner entitled to proceeds of carcass in cases in which compensation is not payable—In every case in which no compensation is payable in respect of any animal condemned under this Act, the net sum received in respect of the carcass shall be the property of the owner of the animal, and shall be payable to him accordingly, anything hereinbefore contained to the contrary notwithstanding.

Cf. 1908, No. 187, s. 44

49. Diseased or infected animal found in a public place—(1) If the owner of any diseased or infected animal knowingly causes or permits the animal to be in any yard or on any land or other place at which animals are offered for sale or exhibition, the owner of the animal commits an offence, and is liable on summary conviction to a fine not exceeding two hundred dollars for every animal so found.

(2) Notwithstanding any other provision of this Act, if an Inspector is satisfied that any animal exposed or offered for sale at a public sale yard is affected with any unhealthy

condition other than any of the diseases specified in the First and Second Schedules to this Act he may direct the removal of the animal for treatment or slaughter or destruction.

(3) This section shall not apply in respect of any animal if it is proved that the animal was in the yard or on the land or place in connection with steps that were being taken to cause it to be slaughtered.

Cf. 1908, No. 187, s. 31

50. Inspector may destroy diseased animals—(1) An Inspector may seize any diseased animal on any land, or any diseased animal found in any slaughterhouse or yard or yards attached thereto, or in any sale yard or any public yard or yards, or on any land or other place at which animals may be offered for sale or exhibition, and may (if he thinks fit) destroy any animal so seized or cause it to be destroyed.

(2) Every Inspector shall keep a record of every animal so destroyed, with in each case description, brands, and marks thereof, the name of the disease, and the locality where the animal was destroyed.

Cf. 1908, No. 187, s. 15

51. Driving or moving diseased or infected animals—(1) Every person who, without the permission of an Inspector, by himself or his agent or servant drives or moves by conveyance any diseased or infected animal across or upon any land, or drives, depastures, or suffers to stray any diseased or infected animal upon or along any highway commits an offence and is liable on summary conviction to a fine not exceeding one hundred dollars for every day during which the animal is so driven, conveyed, depastured, or suffered to stray:

Provided that this subsection shall not apply in respect of any animal if it is proved that the animal was being driven or moved to some place in connection with steps that were being taken to cause it to be slaughtered.

(2) It shall be a defence to any prosecution for an offence against this section in respect of any animal to prove that the person charged could not with reasonable care have obtained knowledge that the animal was or might be diseased or infected:

Provided that, where the animal has been driven, or moved by conveyance, on any highway, this subsection shall not apply unless the person charged has taken reasonable steps,

by inquiry or otherwise, to satisfy himself that the animal was not diseased or infected when it was so driven or moved.

Cf. 1908, No. 187, s. 25

52. Failure to destroy carcass—Every person who fails or neglects to destroy the carcass of any animal as required by an Inspector commits an offence and is liable on summary conviction to a fine not exceeding one hundred dollars.

Cf. 1908, No. 187, s. 33

Control of Tuberculosis

53. Tuberculosis and tuberculin testing of cattle—(1) The provisions of this section shall apply in every case where, for the purposes of this section, cattle are—

- (a) Tested or inspected by a Tuberculin Testing Officer or a Tuberculin Testing Technician; or
- (b) Inspected by an Inspector who is neither a Tuberculin Testing Officer nor a Tuberculin Testing Technician.

(2) Any owner of cattle may submit all his cattle for testing with the tuberculin test for the purposes of this section, and thereupon all the cattle of that owner shall, as often as and in such manner as may be required by the Director-General, be tested with the tuberculin test for the purposes of this section.

(3) The Director-General may at any time determine that any cattle shall not be tested with the tuberculin test for the purposes of this section.

(4) Where the Director-General is satisfied, whether by reason of a tuberculin test or otherwise, that any cattle to which this section applies is affected with tuberculosis, he may direct that the cattle shall be slaughtered, and the manner and place of slaughter. The cost of slaughtering the cattle shall be borne by the owner thereof at the time of slaughter.

(5) Where any such animal has been slaughtered or dies before slaughter, the net amount received from the disposal of the carcass may be retained by, and compensation amounting to the sum of sixteen dollars or such lesser sum as may be prescribed by regulations made under this Act in respect of any class or classes of cattle shall be paid by the Crown, out of money appropriated by Parliament for the purpose, to—

- (a) The owner of the animal immediately before the sale in any case where the animal has been sold for immediate slaughter:
- (b) The owner of the animal when it is slaughtered or dies in any other case:

Provided that no sum shall be so paid as compensation in respect of any animal that is less than six months old when it is directed by the Director-General to be slaughtered:

Provided also that no sum shall be paid as compensation in respect of any animal if, before the animal is tested with the tuberculin test for the purposes of this section, the owner of the animal agrees in writing with the Director-General that no compensation shall be payable in respect of the animal pursuant to this subsection or subsection (6) of this section.

(6) Unless the person to whom compensation would be payable under the provisions of this subsection has otherwise agreed as aforesaid, where any cattle which has been tested with the tuberculin test for the purposes of this section does not give a positive reaction to the test and, at any time between the date of the test and the date which the Director-General determines is the date on which the animal shall again be subjected to the tuberculin test, is slaughtered or dies and is found to the satisfaction of the Director-General to be affected with tuberculosis, compensation amounting to the sum of sixteen dollars shall be paid by the Crown, out of money appropriated by Parliament for the purpose, to—

- (a) The owner of the animal immediately before the sale in any case where the animal was sold for immediate slaughter:
- (b) The owner of the animal at the time it was slaughtered or dies in any other case:

Provided that no sum shall be paid as compensation in respect of any animal that was less than six months old at the date when it was tested with the tuberculin test:

Provided also that, where the animal was less than twelve months old at the date when it was tested with the tuberculin test, the amount of compensation payable under this subsection shall be reduced by one-half.

(7) Nothing in sections 44 to 48 of this Act shall apply in respect of any animal slaughtered pursuant to this section.

(8) Notwithstanding the provisions of subsection (2) of this section, the Minister may at any time, by notice in the *Gazette*, declare any area specified in the notice to be an area in which every owner of cattle shall, as often as and in such manner

as he may be required so to do by the Director-General, submit the cattle for testing with the tuberculin test for the purposes of this section.

(9) Every person who sells or attempts to sell or offers for sale or transfers to any other person, otherwise than for immediate slaughter, any animal which the Director-General has directed shall be slaughtered pursuant to this section commits an offence and is liable on summary conviction to a fine not exceeding one hundred dollars:

Provided that nothing in this subsection shall apply to any transfer of any animal—

- (a) To the personal representatives or trustees of any deceased person or to any person beneficially entitled to the animal under the will or on the intestacy of any deceased person:
- (b) From one trustee to another trustee or to any person entitled to the animal under any trust:
- (c) To any creditor having security over the animal; or to any assignee in bankruptcy, or any assignee for the benefit of creditors, of the owner of the animal:

Provided also that nothing in this subsection shall apply to any sale of any animal to the Crown for experimental or research purposes or to any attempt or offer to sell any animal to the Crown for any such purposes:

Provided further that nothing in this subsection shall affect the validity of any sale or transfer of any animal.

(10) Every person who fails or neglects to carry out any direction given by the Director-General pursuant to subsection (4) of this section, or who fails or neglects to comply with any requirement of the Director-General under subsection (2) or subsection (8) of this section, commits an offence and is liable on summary conviction to a fine not exceeding two hundred dollars.

(11) Where any owner of cattle fails or neglects to carry out any direction given by the Director-General pursuant to subsection (4) of this section or fails or neglects to comply with any requirement of the Director-General under subsection (2) or subsection (8) of this section, any milk or cream derived from any herd of cattle which includes cattle to which any such direction or requirement applies shall be subject to subsection (12) of this section.

(12) Where any such milk or cream is supplied to a dairy factory within the meaning of the Dairy Industry Act 1952, the amount payable to the supplier in respect thereof shall be calculated as if an amount equal to five cents for each pound

of butterfat contained in the milk or cream were deducted from the amount which would otherwise be payable for the milk or cream and, notwithstanding the provisions of any other enactment or rule of law, the amount calculated as aforesaid shall be the amount payable to the supplier for the milk or cream.

(13) The provisions of subsection (12) of this section shall be applicable only in cases where the New Zealand Dairy Board is satisfied that those provisions are properly applicable and has notified the owner of the dairy factory in writing of the name of the supplier concerned and forwarded a copy of the notice to the supplier.

(14) If the Dairy Board is satisfied that the owner of the cattle to which any notice under subsection (13) of this section applies is complying with the relevant directions and requirements under this section, it shall revoke the notice and notify the owner of the dairy factory and the supplier accordingly, and thereupon the provisions of subsection (12) of this section shall be no longer applicable to the supplier.

(15) Regulations may be made under this Act—

- (a) Prescribing means whereby cattle which are to be tested pursuant to this section shall be identified and providing for matters incidental thereto:
- (b) Requiring every owner of cattle to provide adequate facilities and assistance when any cattle of that owner are being tested under this section:
- (c) Providing for the registration of dairy herds which have been tested and are free from tuberculosis.

Cf. 1958, No. 20, s. 7; 1960, No. 121, s. 5; 1961, No. 118, s. 7; 1963, No. 67, s. 5; 1964, No. 128, s. 6; 1965, No. 117, s. 17

54. Tuberculosis in swine—(1) Where an Inspector is satisfied, whether by reason of a tuberculin test or otherwise, that any swine is affected with tuberculosis, he may recommend that the swine shall be slaughtered, and the manner and place of slaughter.

(2) Where any such swine has been so slaughtered, the net amount received from the disposal of the carcass may be retained by the owner of the swine.

Control of Lice and Keds on Sheep

55. Owner to dip or dust sheep—(1) Every owner of sheep shall, in every year commencing with the first day of June

and ending with the thirty-first day of May following, dip or dust, or cause to be dipped or dusted, all sheep which he owns and which have not been otherwise dipped or dusted during that period.

(2) Where any sheep has not been dipped or dusted at any time within the previous twelve months, the owner of that sheep shall forthwith dip or dust it, or cause it to be dipped or dusted.

(3) Every owner of sheep who fails to dip or dust any sheep as aforesaid commits an offence and is liable on summary conviction to a fine not exceeding twenty cents for every sheep which is not so dipped or dusted.

Cf. 1908, No. 187, s. 47; 1963, No. 67, s. 2

56. Method of dipping and dusting sheep—(1) For the purpose of complying with any requirements of this Act in respect of the dusting of any sheep, the dusting shall be effected by spraying the sheep within the specified period after the sheep has been shorn with a dust containing a preparation that is effective for destroying lice and keds.

(2) For the purpose of complying with any requirements of this Act in respect of the dipping of any sheep, otherwise than by plunging or immersing the sheep in a preparation that is effective for destroying lice and keds, the dipping shall be carried out within the specified period after the sheep has been shorn.

(3) For the purposes of subsections (1) and (2) of this section, the term “specified period”, in relation to any such preparation, means the period specified in that behalf in the directions for use set out on the label borne by or attached to the receptacle in which that dusting or dipping preparation has been sold, being a label a copy of which has been approved in respect of that preparation by the Animal Remedies Board pursuant to section 36 of the Animal Remedies Act 1967.

(4) Nothing that may be done by any person shall comply with any requirement of this Act in respect of the dipping or dusting of any sheep in any case where there is not full compliance with the requirements of this section.

Cf. 1908, No. 187, s. 47A; 1958, No. 20, s. 4; 1963, No. 67, s. 3

57. Notice to treat sheep affected with lice or keds—(1) If an Inspector is satisfied that any sheep in a flock is affected

with lice or keds, he may give the owner notice to treat that flock for the removal of lice or keds, as the case may be, forthwith to the satisfaction of the said Inspector or any other Inspector; but if the Inspector is satisfied that the sheep in that flock are intended and fit for slaughter, he may postpone the giving of the notice to treat for a period not exceeding fourteen days.

(2) Every such owner who refuses, neglects, or fails to comply with the notice on or before the date specified therein commits an offence and is liable on summary conviction to a fine not exceeding one hundred dollars; and if immediately after the date of that conviction the sheep are not treated to the satisfaction of the Inspector the owner commits a further offence and is liable on summary conviction to a further fine not exceeding one hundred dollars, and if immediately after the date of the second conviction the sheep are not treated to the satisfaction of the Inspector he shall cause the sheep to be treated at the owner's expense and to this end may take all steps necessary.

(3) Where an Inspector incurs any expense in causing any sheep to be treated as aforesaid, the amount of that expense shall be recoverable as a debt due to the Crown from the owner of the sheep.

Cf. 1908, No. 187, s. 48; 1958, No. 20, ss. 5, 6

58. Owner of sheep affected with lice found in public yard, etc.—(1) If any sheep affected with lice is found in any yard, or on any land or other place at which sheep are offered for sale, or in any pound, and the owner knows that it is so affected, he commits an offence and is liable on summary conviction to a fine not exceeding twenty dollars.

(2) Where the owner of a sheep is charged with an offence against subsection (1) of this section, and it is proved that the sheep has been found in any pound or in any yard or on any land or other place at which sheep are offered for sale and that the sheep is affected with lice, the owner of the sheep shall be presumed to have known of the existence of the lice unless he shows to the satisfaction of the Court that he had no knowledge thereof and could not with reasonable care have obtained that knowledge.

(3) Any Inspector, if he considers it necessary, may order the withdrawal from sale of any sheep affected with lice until it has been dipped or dusted for the removal of lice to the satisfaction of the Inspector or any other Inspector, and shall

give notice to the aforesaid owner of the sheep to dip or dust it for the removal of lice forthwith at such place as the Inspector may direct:

Provided that if the Inspector is satisfied that the sheep is intended for immediate slaughter he may withhold the notice.

(4) Every such owner who refuses, neglects, or fails to comply with any such notice commits an offence and is liable on summary conviction to a further fine not exceeding forty dollars.

Cf. 1908, No. 187, s. 50; 1955, No. 52, s. 6; 1958, No. 20, s. 6

59. Ewes need not be dipped or dusted during lambing time—Notwithstanding anything in this Act or any notice given thereunder, it shall not be necessary to dip or dust any ewe affected with lice or keds during such time previous to or after her lambing as an Inspector may appoint; and for the purpose of this section an Inspector may, in respect of ewes, extend any notice to treat for the removal of lice for such time as he thinks fit.

Cf. 1908, No. 187, s. 51

60. Driving sheep affected with lice or keds—Every person who, without the permission of an Inspector by himself or his agent or servant, drives or moves by conveyance any sheep affected with lice or keds across or upon any land, or drives, depastures, or suffers to stray any sheep affected with lice, upon or along any highway, commits an offence and is liable on summary conviction to a fine not exceeding ten dollars for every day during which the sheep is so driven, conveyed, depastured, or suffered to stray.

Cf. 1908, No. 187, ss. 25, 49

PART IV

ANIMAL CONTROL

61. Recovery of stray animals—(1) On the application of any owner of any cattle, sheep, horses, pigs, or goats who has reason to believe that any such animals of which he is the owner have strayed to or upon any land occupied by any other person, or are in the possession of any other person, an Inspector or member of the Police may, if he thinks fit, by notice require the last-mentioned person to muster his animals

of the kind to which the application relates, or, if that person is not holding the animals on land in his occupation, to allow any animals 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 animals belonging to the owner as aforesaid.

(2) If for any sufficient reason it appears that there will be a delay before an application as aforesaid can be dealt with, and that there is a possibility of any animal whose identity is in question being removed from the land or otherwise disposed of in the meantime, any member of the Police may, on being requested so to do, order the detention of the animal in such manner as he thinks fit until the application can be dealt with, 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 commits an offence and is liable on summary conviction to a fine not exceeding forty dollars.

(4) The Inspector or member of the Police 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 animals.

(5) Every person on whom is served a notice as aforesaid or an order for detention of animals 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 the animals or in carrying out the order for detention, as well as compensation for unavoidable damage caused in so doing.

Cf. 1927, No. 34, s. 2

62. Consignment notes for cattle and sheep—(1) Except as provided in subsections (8) and (9) of this section, no person shall convey any cattle or sheep on any highway, or on any river, lake, harbour, or other waters within the outer limits of the territorial sea of New Zealand, unless he is the holder of a consignment note in the prescribed form showing particulars of the cattle or sheep, the places to and from which they are to be conveyed, and such other particulars as may be prescribed.

(2) Except as provided in subsections (3) and (4) of this section, every consignment note under this section shall be prepared in triplicate, and all three copies shall, before the cattle or sheep are removed, be signed by the owner thereof, or by his agent duly authorised to consign the cattle or sheep,

or by the person by whom they are to be removed. One copy of the consignment note shall be delivered to and retained by the consignor, one copy shall be retained by the person removing the cattle or sheep, and one copy shall be delivered to and retained by the consignee or other person taking delivery of them.

(3) Where the person removing the cattle or sheep is the owner thereof, the consignment note under this section shall be prepared by him in duplicate and he shall sign both copies before the cattle or sheep are removed. One copy of the consignment note shall be retained by him and the other copy shall be delivered to and retained by the consignee or other person taking delivery of the cattle or sheep.

(4) Where the cattle or sheep are to be delivered by the person removing them to any person employed by the New Zealand Government Railways Department for consignment by rail, the consignment note under this section shall be prepared in duplicate, and both copies shall, before the cattle or sheep are removed, be signed by the owner of the cattle or sheep or by his agent duly authorised to consign them, or by the person by whom they are to be removed. One copy of the consignment note shall be delivered to and retained by the consignor, and the other copy shall be retained by the person removing the cattle or sheep. On delivery of the cattle or sheep for consignment by rail the person delivering them shall attach to the copy of the consignment note held by him a copy of the Railways consignment note for the cattle or sheep, and he shall keep it attached for not less than six months after the date of removal of the cattle or sheep.

(5) Every person required to retain a consignment note under this section in respect of the removal of any cattle or sheep by him shall produce the consignment note for inspection—

(a) Forthwith whenever he is required to do so, while he is removing the cattle or sheep, by any Justice or member of the Police or by any Inspector under this Act, or the Meat Act 1964, or by any Traffic Officer under the Transport Act 1962, or by any other person authorised in that behalf by regulations made under this Act:

(b) Within twenty-four hours whenever he is required to do so by any such person as aforesaid at any time within six months after the date of the removal of the cattle or sheep.

(6) Every person required to retain a consignment note under this section as the consignor or consignee of any cattle or sheep shall produce the consignment note for inspection within twenty-four hours whenever he is required to do so by any of the persons referred to in paragraph (a) of subsection (5) of this section at any time within six months after the date of removal of the cattle or sheep.

(7) Every person who acts in contravention of or fails to comply in any respect with any provision of this section commits an offence and is liable on summary conviction to a fine not exceeding one hundred dollars.

(8) The foregoing provisions of this section shall not apply with respect to—

- (a) The conveyance of any cattle or sheep in the course of his employment by any person employed by the New Zealand Government Railways Department:
- (b) The conveyance of any cattle or sheep under a bill of lading or other shipping document:
- (c) The conveyance of any bobby calves, or of the carcass or any portion of the carcass of any cattle or sheep:
- (d) The conveyance to any pound or temporary pound of any cattle or sheep that have been seized for impounding.

(9) The Director-General may, on application made to him in that behalf and subject to such terms and conditions as he may think fit to impose, issue to any person, in a form provided for the purpose, a permit exempting that person from compliance (either generally or in a particular instance) with the provisions of subsection (1) of this section.

(10) The provisions of subsection (5) of this section shall apply to every person to whom a permit is issued under subsection (9) of this section as if that person were the holder of a consignment note under this section.

Cf. 1958, No. 20, s. 9; 1960, No. 121, s. 6

63. Unauthorised removal of animals—Subject to the provisions of the Impounding Act 1955 and the Wildlife Act 1953, every person who drives or removes any domesticated animal from any land not in his own occupation without the consent of the occupier of that land commits an offence and is liable on summary conviction to a fine not exceeding two hundred dollars, or to imprisonment for a period not exceeding three months, or to both.

Cf. 1908, No. 187, s. 59; 1955, No. 52, s. 7

64. Prohibiting destruction of skins or removal of distinguishing marks—(1) It shall not be lawful for any person, without lawful justification or excuse, the proof whereof shall lie on him,—

- (a) To destroy or attempt to destroy the skin from the carcass of any animal:
- (b) To remove an ear from any such skin:
- (c) To remove any earmark, brand, or other distinguishing mark from any such skin, or to deface any such mark:
- (d) To be in possession of any skin from which any ear or any earmark, brand, or other distinguishing mark has been removed, or on which any such mark has been defaced or destroyed:
- (e) To purchase the skin of any animal, knowing that an ear, or any earmark, brand, or other distinguishing mark has been removed therefrom, or that any distinguishing mark thereon has been defaced or destroyed.

(2) Where in any proceedings under this section any person is proved to have been in possession of any skin from which any ear or earmark, brand, or other distinguishing mark has been removed, or on which any such mark has been defaced or destroyed, he shall, unless and until he proves the contrary, be presumed to have removed, defaced, or destroyed, as the case may be, the ear, or the earmark or other distinguishing mark.

Cf. 1908, No. 187, s. 82A; 1964, No. 128, s. 3

65. Inspection of skins and carcasses of slaughtered animals—(1) Any Inspector or member of the Police shall have the right at any time to inspect the skin or carcass of any slaughtered animal (wherever the animal has been slaughtered and wherever the skin may be found).

(2) On the request of any Inspector or member of the Police, the manager of an abattoir or the licensee of any other slaughterhouse or the occupier of any other premises in or on which any animal has been or appears to have been slaughtered shall furnish to him in writing full particulars as to the person from whom the animal was received for slaughter and as to the disposition of the skin or carcass, and the occupier or other person for the time being in charge of the premises on which any skin or carcass is found shall, on a like request,

furnish to any Inspector or member of the Police full particulars as to the person from whom the skin or carcass was received or on whose account it is held.

(3) Any person who refuses to furnish any particulars in accordance with subsection (2) of this section, or furnishes any particulars that to his knowledge are false and misleading in any material particular, commits an offence against this Act.

Cf. 1908, No. 187, s. 82B; 1964, No. 128, s. 4

66. Inspector may demand particulars as to skins and carcasses—(1) Every person who, whether as principal or as agent, buys or receives from any other person, or sells or delivers to any other person, any hides or skins or carcasses of animals shall, on the request of an Inspector or member of the Police, furnish to him in writing full particulars as to the transaction, together with certified copies of all accounts, records, and other documents in his possession or under his control in relation thereto.

(2) Any person who refuses or fails to comply with the requirements of subsection (1) of this section, or furnishes any particulars that to his knowledge are false or misleading in any material particular, commits an offence against this Act.

67. Liability in respect of carcasses left in water or on land—(1) Every person commits an offence and is liable on summary conviction to a fine not exceeding one hundred dollars who—

- (a) Casts, or causes or allows his servant or agent to cast, the carcass of any animal of any age into any stream or pond or other water; or
- (b) Knowingly leaves the carcass of any animal of which he is the owner or possessor in any stream or pond or other water; or
- (c) Knowingly fails to take all reasonable steps to remove the carcass of any animal from any stream or pond or other water on land of which he is the occupier; or
- (d) Wilfully leaves the carcass of any animal or any meat or offal therefrom (being an animal or meat or offal of which he is the owner or possessor) to lie about in any place where it can cause offence or be accessible to dogs or domesticated swine:

Provided that nothing in this paragraph shall restrict any person from feeding dogs or swine with any food with which they may otherwise lawfully be fed.

(2) Without restricting subsection (1) of this section, where an Inspector discovers any carcass in respect of which an offence has been committed under that subsection, he may cause the carcass to be buried at the expense of the person who committed the offence, and the cost of the burial shall be recoverable from the person who committed the offence as a debt due to the Crown.

(3) Nothing in this section shall apply to animals of any of the species for the time being specified in the Sixth Schedule to the Wildlife Act 1953.

Cf. 1908, No. 187, s. 34

68. Certain requirements of Act to be posted in saleyards—
The occupier of every yard or other place at which animals are offered to the public for sale shall keep posted in a clearly legible condition on some building or board in a conspicuous position in connection with the yard or other place a notice setting forth the requirements of this Act in so far as they relate to the driving, leading, and conveyance of animals.

Cf. 1938, No. 15, s. 4

PART V

BRANDING

69. Interpretation—(1) In this Part of this Act, unless the context otherwise requires,—

“Approved” means approved in writing by the Director-General:

“Approved design”, in relation to any earmark, means a design that is approved in writing by the Director-General and is of a size that is so approved; and, in relation to any hidemark, means a design that is approved in writing by the Director-General:

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

“Approved woolmarking preparation” means a substance or preparation for the time being approved by notice in the *Gazette* by the Director-General, after consultation with the New Zealand Wool Board, as suitable for use, for all purposes or only for the purposes specified in the notice, in the making of marks on the wool of sheep:

“Brand” means,—

- (a) In the case of sheep,—
 - (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
 - (iii) Any other description of brand which the Governor-General may from time to time, by Order in Council, prescribe; and
- (b) In the case of horses and cattle,—
 - (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
 - (ii) Any other description of brand which the Governor-General may from time to time, by Order in Council, prescribe; and
- (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
- (d) In the case of any other animals of a kind to which this Part of this Act applies, such description of brand as the Governor-General may prescribe by Order in Council:

“Registrar” means a Registrar of Brands appointed under section 70 of this Act.

(2) Except as otherwise provided in this Part of this Act, this Part of this Act shall apply to the following kinds of animals, namely,—

- (a) Sheep, cattle, horses, and goats; and
- (b) Any other kind of animal to which the Governor-General has, for the time being, by Order in Council, declared that this Part of this Act shall apply.

Cf. 1956, No. 21, s. 3

70. Registrar of Brands—(1) There may from time to time be appointed under the State Services Act 1962 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.

Cf. 1956, No. 21, s. 4

71. 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.

(2) The register may be kept in book form, or in card form, or in such manner as may be 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.

(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:

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

Cf. 1956, No. 21, s. 5

72. 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.

(2) Where the Governor-General has, by Order in Council, ordered that every owner of any other kind of animal, or of any class of any other kind of animal, to which this Part of this Act applies shall register a brand for that kind or class of animal, while the Order in Council remains in force, every owner of any animal of that kind or class who has no registered brand for that kind or class of animal shall forthwith make application to the Registrar of the district in which his animals of that kind or class are running or are intended to run for registration of a brand for his animals of that kind or class.

(3) 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.

(4) Any owner of any other animal of a kind to which this Part of this Act applies, being a kind for which a brand is for the time being prescribed, may make application to the Registrar of the district where his animals of that kind are running or intended to run for registration of a brand for his animals of that kind.

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

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

(7) 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.

(8) Any owner of animals of a kind to which this Part of this Act applies 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.

(9) Any owner of animals of a kind to which this Part of this Act applies may make application for registration of separate brands in respect of separate properties on which his animals are running or are intended to run, being properties that are situated in the same branding district.

(10) No Registrar shall register for any person a brand for any sheep, cattle, or horses, or any other kind of animal to which this Part of this Act for the time being applies, unless the person for the time being owns animals of the kind to which the registration is intended to relate.

(11) Every owner of sheep, or of any other animal of a kind or class to which subsection (2) of this section for the time being applies, who fails or neglects to register a brand as required by this section commits an offence and is liable on summary conviction to a fine not exceeding twenty dollars.

Cf. 1956, No. 21, s. 6

73. Similar marks and brands not to be registered—(1) No Registrar shall register the same or similar hidemarks for more than one owner of animals in the same branding district, being animals of a kind to which this Part of this Act applies,

or register for more than one owner the same or similar earmarks in respect of animals of any such kind depastured on the one property; and no Registrar shall register any brand likely, in his opinion, to lead to mistakes or confusion.

(2) If any two owners of animals within the same or adjoining districts, being animals of a kind to which this Part of this Act applies, 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 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 matter to which this section relates, the dispute shall be determined by a Magistrate's Court on the application of any interested party.

Cf. 1956, No. 21, s. 9

74. Saving of certain existing brands—(1) Every earmark or hidemark that was registered on the first day of April, nineteen hundred and fifty-seven, and continues to be registered at the commencement of this Act, being an earmark or hidemark which is not of approved design, shall enure for the purposes of this Part of this Act, but shall not be transferable.

(2) 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.

(3) Subject to the provisions of subsection (2) of section 73 of this Act,—

(a) Every existing hidemark which, at the first day of April, nineteen hundred and fifty-seven, was the same as or similar to any 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:

(b) If because of a transfer in terms of subsection (2) of this section there are two of the same or similar 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.

(4) Notwithstanding anything to the contrary in the Chattels Transfer Act 1924 or in any covenant in any instrument by way of security given under the said Act, any reference to a brand which has been cancelled under any of the provisions of the Stock Act 1908 and its amendments, or is cancelled under any of the provisions of this Act, 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 animals of a kind to which this Part of this Act applies with the substituted brand.

Cf. 1956, No. 21, s. 8; 1965, No. 117, s. 18 (2)

75. Change of ownership or name to be notified to Registrar—(1) Where the right to any registered brand devolves on any person (other than a person beneficially entitled thereto) 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 after the date of 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 is liable on summary conviction to a fine not exceeding ten dollars.

Cf. 1956, No. 21, s. 10; 1965, No. 117, s. 14

76. Transfer 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 animals of the kind or 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.

Cf. 1956, No. 21, s. 11

77. 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.

Cf. 1956, No. 21, s. 12

78. Cancellation of brand that is not used—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 immediately preceding two years, or that any owner of a registered brand for cattle has not owned cattle during the immediately 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 animals of the class to which the registration relates, the brand shall be cancelled:

Provided that, where it is proved to the satisfaction of the Registrar that any such cancellation has been made in error, 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:

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

Cf. 1956, No. 21, s. 13

79. Branding of sheep and other animals may be required in any district—The Minister may, by notice in the *Gazette*, direct compulsory branding of any kind of animal to which this Part of this Act applies in any branding district and the manner in which the branding is to be performed; and may in like manner revoke or vary any such direction. While any such direction remains in force, every owner of animals in the district that are of the kind specified in the direction shall brand his animals of that kind in the manner specified in the direction.

Cf. 1956, No. 21, s. 14

80. 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:

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

Cf. 1956, No. 21, s. 15

81. Age marking of sheep and cattle—(1) 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 for the purpose and made with pliers.

(2) On the petition of the majority of owners of any kind or class of animal in any branding district (being a kind or class to which this Part of this Act applies), the Minister may, by notice in the *Gazette*, direct compulsory age marking in that district for animals of that kind or class and the manner in which the age marking is to be performed. Any such direction may, on a similar petition and in like manner, be revoked or varied. While any such direction remains in force every owner of animals in the district that are of the kind or class to which the direction relates shall apply the age mark to his animals of that kind or class in the manner specified in the direction.

(3) For the purposes of subsection (2) of this section, cattle shall be classified as dairy cattle and beef cattle.

Cf. 1956, No. 21, s. 16

82. Age mark or tag hole not to be registered as brand—No person shall use either of the earmarks described in the Third Schedule to this Act for the purpose of a brand on any animal to which this Part of this Act applies.

Cf. 1956, No. 21, s. 17

83. Branding by purchasers—Any person who purchases animals of a kind to which this Part of this Act applies (being animals 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.

Cf. 1956, No. 21, s. 18

84. Branding of stray sheep—Notwithstanding anything to the contrary in this Act, every occupier in whose shed or on whose land any stray sheep which are not his property have been shorn shall forthwith make a distinct and legible mark on the head of the sheep with an approved woolmarking preparation approved for that purpose.

Cf. 1956, No. 21, s. 19; 1963, No. 67, s. 11

85. Purchaser of animal may demand sale note—At the time of the purchase of any animal or animals of a kind to which this Part of this Act applies, 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 animal or animals:

- (a) The name and address of the vendor; and
- (b) The number, sex, and description of the animal or animals.

Cf. 1956, No. 21, s. 20; 1959, No. 53, s. 5

86. Wrongful use of brands—(1) Every person who marks any animal of a kind to which this Part of this Act applies, being an animal of which he is the owner, with a brand that is not registered in his name, or with any mark which may be mistaken for or confused with any brand, commits an offence and is liable on summary conviction to a fine not exceeding one dollar for every animal in respect of which the offence has been committed.

(2) Except as provided by section 84 of this Act, every person who marks any animal of a kind to which this Part of this Act applies, being an animal of which he is not the owner, with any brand, whether a brand which is registered in his name or otherwise, or with any mark which may be mistaken for or confused with any brand, commits an offence and is liable on summary conviction to a fine not exceeding four dollars for every animal in respect of which the offence has been committed.

(3) Nothing in this section shall make it unlawful for an owner of any racehorse to brand the horse with any mark, or system of marking, registered for his use by the New Zealand Racing Conference, the New Zealand Thoroughbred Breeders Association, the New Zealand Trotting Conference, or any other society or body corporate approved by the Director-General as having control of the sport of horse racing or trotting or breeding of thoroughbred racing or trotting stock.

Cf. 1956, No. 21, s. 21; 1961, No. 118, s. 4; 1965, No. 117, s. 15

87. Wrongful removal of any portion of ear of animal—(1) Any person who, without just cause or excuse, removes any portion of the ear of any animal of a kind to which this Part of this Act applies, otherwise than by way of placing in

the ear of the animal an earmark that is registered in his name for that kind of animal or the age mark or the tag hole described in the Third Schedule to this Act, commits an offence and is liable on summary conviction to a fine not exceeding twenty dollars in respect of each animal so treated:

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 such animal, the direction of the cut being from near the centre to the edge of the ear at or near the tip:

Provided also that nothing in this section shall render it unlawful to place in the ear of any animal any self-piercing ear tag.

(2) Any person who, for the purpose of placing in the ear of any animal of a kind to which this Part of this Act applies any earmark, or the age mark or the tag hole described in the Third Schedule to this Act, employs any implement other than earmarker pliers, commits an offence and is liable on summary conviction to a fine not exceeding twenty dollars in respect of each animal so treated.

Cf. 1956, No. 21, s. 22; 1961, No. 118, s. 5

88. Wrongful alteration of brand or approved mark—

(1) Every person who destroys or defaces, or who alters, whether by the addition of any component part or otherwise, the brand on any animal of a kind to which this Part of this Act applies, or who is party to the destruction, defacement, or alteration as aforesaid, commits an offence and is liable on conviction on indictment to a fine not exceeding two hundred dollars or to imprisonment for a term not exceeding two years or to both.

(2) Every person who destroys or defaces, or who alters, whether by the addition of any mark or otherwise, any age mark or tag hole in the ear of any animal of a kind to which this Part of this Act applies, or who is party to the destruction, defacement, or alteration as aforesaid, commits an offence and is liable on conviction on indictment to a fine not exceeding two hundred dollars or to imprisonment for a term not exceeding two years or to both.

(3) Nothing in this section shall render it unlawful to place in the ear of any sheep an earmark pursuant to section 81 of this Act or a condemn or cull mark pursuant to the first proviso to subsection (1) of section 87 of this Act or the

age mark or the tag hole described in the Third Schedule to this Act.

Cf. 1956, No. 21, s. 23; 1961, No. 118, s. 6

89. Registration of standard animal marks—(1) Notwithstanding anything to the contrary in this Act, on the 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 animals of a kind to which this Part of this Act applies, the Director-General may, on payment by the society or body corporate of the prescribed fee, register in the name of the society or body corporate one or more marks as a standard animal mark or standard animal marks.

(2) Every standard animal mark may be used on any animal of a kind to which this Part of this Act applies for the purposes only of indicating that the animal is in the opinion of the society or body corporate of a standard of merit fixed by the society or body corporate or (as the case may be) is not of such a standard, or that the animal 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 animal mark shall not be registered under this section if it is identical with any other standard animal mark registered under this section, or if it so nearly resembles any such standard animal 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 Director-General may prescribe the size of the standard animal 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 animal mark or standard animal 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 stock mark registered or deemed to be registered immediately before the commencement of this Act shall be deemed to be a standard animal mark registered under this section.

Cf. 1956, No. 21, s. 24

90. Registration of other marks in connection with testing—
(1) Notwithstanding the provisions of this Part of this Act relating to the use of an unregistered brand on animals, any incorporated society or body corporate entitled to register a

standard animal mark may register with the Director-General a mark or marks or system of marking, whether in conjunction with a standard animal mark or not, to be placed on animals of a kind to which this Part of this Act applies 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 systems 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. 1956, No. 21, s. 25

91. Marking of racing and trotting horses—Nothing in sections 89 and 90 of this Act shall require the registration of standard marks or systems of marking to be used exclusively on racing or trotting horses under the direction of the New Zealand Racing Conference, the New Zealand Thoroughbred Breeders Association, the New Zealand Trotting Conference, or any other society or body corporate approved by the Director-General as having control of the sport of racing or trotting or the breeding of thoroughbred racing or trotting stock.

92. Minister may authorise marking of animals for special purposes—Notwithstanding anything in this Act relating to the use of an unregistered brand on animals or the placing of any mark or marks on animals, the Director-General may at any time, by notice published in the *Gazette*, declare that, for the purpose of enabling any animals, whether or not they are of a kind to which this Part of this Act applies, to be permanently identified for any purpose specified in the notice, the animals shall be marked by or under the supervision of an Inspector, or, as the case may be, a veterinary surgeon registered under the Veterinary Surgeons Act 1956, in accordance with such system of marking as may be prescribed by regulations made under this Act.

Cf. 1956, No. 21, s. 25A; 1965, No. 117, s. 16

93. Offences in respect of standard animal marks and marks used in connection with testing or marking for special purposes—(1) Every person who, without the authority of the society or body corporate authorised to use the same, brands any animal of a kind to which this Part of this Act applies with any registered standard animal mark or any registered mark or marks or system of marking referred to in section 90 of this Act, or any standard mark or system of marking referred to in section 91 of this Act, or who alters or defaces any such mark when applied to any such animal, commits an offence and is liable on summary conviction to a fine not exceeding twenty dollars.

(2) Except in the case of an incorporated society or body corporate which has registered a standard animal mark pursuant to section 89 of this Act or a mark or marks or system of marking pursuant to section 90 of this Act, or which institutes a standard mark or system of marking to which section 91 of this Act applies, no person or body of persons, whether incorporated or not, shall institute a system of marking animals of a kind to which this Part of this Act applies 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.

(3) Every person who brands any animal of a kind to which this Part of this Act applies, or who allows any such animal to be branded, with any mark in accordance with any unauthorised system as aforesaid, commits an offence and is liable on summary conviction to a fine not exceeding two hundred dollars.

(4) Every person, other than an Inspector or registered veterinary surgeon authorised by the Director-General, who marks any animal with any special mark or system of marking referred to in section 92 of this Act, or who alters or defaces any such mark or system of marking when applied to that animal, commits an offence and is liable on summary conviction to a fine not exceeding twenty dollars.

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

Cf. 1956, No. 21, s. 26

94. Marking of wool prohibited—(1) No person shall use or cause to be used for the purpose of making any mark on the wool of any sheep any substance or preparation other

than an approved woolmarking preparation approved for the particular purpose.

(2) No person shall sell or offer for sale any substance or preparation intended by the seller or offeror to be used, or purporting to be suitable for use, in making any mark on the wool of sheep, other than an approved woolmarking preparation which is in a package which bears thereon a statement indicating that the substance or preparation is an approved woolmarking preparation for the purposes of this Act and the purposes for which it is approved.

(3) Every person who acts or attempts to act in contravention of, or fails to comply in any respect with, the provisions of this section, commits an offence and is liable on summary conviction to a fine not exceeding two hundred dollars.

Cf. 1956, No. 21, s. 27; 1963, No. 27, s. 12

95. Sale and use of bloom dipping preparations prohibited—

(1) No person shall sell or offer for sale any substance or preparation to be used, or purporting to be suitable for use, in the artificial colouring, blooming, or conditioning which results in colouring, of the wool of sheep.

(2) No person shall use any such substance or preparation on any sheep or on the wool of any sheep.

(3) No person shall use any preparation approved under the Animal Remedies Act 1967 as an effective preparation for the control of lice or keds at a strength more than five percent greater than that specified by the manufacturer in the approved label.

(4) If an Inspector or other officer authorised by the Director-General believes or suspects that an offence may have been or is being committed against this section in respect of any sheep, he may remove a sample of wool from that sheep.

(5) No person shall sell or offer for sale or bring or cause to be brought onto any land or other place at which sheep are offered for sale or exhibition any sheep the wool of which has been treated with any substance or preparation to which subsection (1) of this section applies.

(6) Every person who acts in contravention of this section commits an offence, and is liable on summary conviction to a fine not exceeding two hundred dollars.

Cf. 1908, No. 187, s. 51A; 1963, No. 67, s. 4

96. 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.

(2) Every person who commits an offence against this Part of this Act for which no penalty is provided elsewhere than in this section is liable on summary conviction to a fine not exceeding one hundred dollars.

Cf. 1956, No. 21, s. 29

PART VI

MISCELLANEOUS PROVISIONS

97. Separate information by occupier of land crossed by infected animals—Nothing in this Act shall prevent a separate information from being laid by any occupier of land on which diseased or infected animals have been driven, depastured, or suffered to stray.

Cf. 1908, No. 187, s. 81

98. When flock or drove deemed infected—In any proceedings under this Act, proof that any animal in any flock, drove, or team is affected with any disease, or with lice or keds, shall be sufficient proof that all the animals in the flock, drove, or team are so affected.

Cf. 1908, No. 187, s. 82

99. Annual return of sheep—(1) Every owner of sheep shall, on or before the fourteenth day of July in every year, deliver or cause to be delivered to the Director-General, or to an Inspector for the subdivision wherein the owner keeps the sheep, a return in the form provided for the purpose by the Director-General setting forth the number of sheep so kept on the thirtieth day of June then last past, together with such further particulars as may be prescribed. A separate return shall be delivered in respect of each separate property.

(2) Every former owner of sheep who, since the date as at which he made his last return, has ceased to be such an owner shall nevertheless make a return to the effect that he no longer owns sheep, and shall give the name, occupation, and address of the purchaser or purchasers of his land, if he has sold it.

(3) Every person who refuses or neglects to deliver or cause to be delivered any such return as required by this section

commits an offence, and is liable for each such offence to a fine not exceeding one hundred dollars.

Cf. 1908, No. 187, s. 52; 1962, No. 15, s. 3

100. Branded Angora or Saanen or Toggenburg goats protected—Except as provided in the Impounding Act 1955, nothing in any other Act, or in any bylaw made by a local authority under any other Act, authorising the destruction of goats trespassing or wandering at large shall apply with respect to branded Angora or Saanen or Toggenburg goats.

Cf. 1908, No. 187, s. 60; 1955, No. 52, s. 8 (1)

101. Making false return—Every person who wilfully falsifies any return required to be made under this Act commits an offence and is liable on summary conviction to a fine not exceeding two hundred dollars.

Cf. 1908, No. 187, s. 54

102. Erroneous and knowingly false declarations—(1) Every person who makes any declaration or gives any certificate under this Act or any regulations thereunder which is erroneous in any material particular commits an offence and is liable on summary conviction to a fine not exceeding two hundred dollars.

(2) Every person who knowingly makes any false declaration or gives any false certificate under this Act or any regulations thereunder commits an offence and is liable on conviction on indictment to imprisonment for a term not exceeding two years.

103. Disturbance of domesticated animals by trespassers with dog or firearm—(1) Every person commits an offence and is liable on summary conviction to a fine not exceeding one hundred dollars who, without the authority of the occupier or other lawful authority, goes upon any private land with dog or firearm and disturbs any domesticated animal thereon.

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

(3) For the purposes of this section, the term "private land" means any land alienated from the Crown in fee simple or for any less estate or interest and any land, whether alienated from the Crown or not, of which any person is in actual occupation or in receipt of the rent or profits.

Cf. 1947, No. 60, s. 66

104. Offences against Act and regulations—(1) Every person who fails to comply with or acts in contravention of any provision of this Act or any regulations made thereunder or any order or direction or requirement or condition made or given or imposed by the Minister or the Director-General or the Chief Veterinary Officer or an Inspector or any other authorised officer or employee or any assistant of an Inspector pursuant to powers conferred by or under this Act or any such regulations, commits an offence against this Act:

Provided that this subsection shall not apply to any such failure or act which is an offence against any other provision of this Act or any regulations made thereunder.

(2) Every person who commits an offence against this Act or any regulations made thereunder for which no penalty is provided elsewhere than in this section is liable on summary conviction to a fine not exceeding two hundred dollars.

Cf. 1908, No. 187, s. 76

105. Proof of consent—Where it is proved in any proceedings under this Act or under any regulations made thereunder that any person has done or omitted to do any act, if the person would be liable for a penalty or debt or damages unless the act was done or omitted with the permission or consent of the Minister or the Director-General or an Inspector or other authorised person, the onus shall be on the person who did or omitted to do the act to prove that he had that permission or consent.

Cf. 1908, No. 187, s. 83

106. Recovery of penalties where ownership disputed or unknown, etc.—(1) Where on the hearing of any proceedings under this Act, the person charged as owner of the animal, animal product, animal manure, fodder, fittings, ship, or aircraft to which the proceedings relate disputes that he is the owner, or if it appears that he is a servant of the true owner, or if it is uncertain who is the owner, judgment may be given against the owner of the animal, animal product, animal manure, fodder, fittings, ship, or aircraft in respect of which the proceedings have been instituted by the description of owner merely, and the judgment may direct that the fine, or other money ordered to be paid, and the costs of and attending the recovery thereof, shall be levied by seizure and sale of the animal, animal product, animal manure, fodder, fittings, ship, or aircraft or of such portion thereof as is sufficient to satisfy the same.

(2) If the amount realised from the sale of the animal, animal product, animal manure, fodder, fittings, ship, or aircraft is not sufficient to satisfy the judgment then the difference may be recovered by a levy upon any other property which the owner of the animal, animal product, animal manure, fodder, fittings, ship, or aircraft may be found to possess.

Cf. 1908, No. 187, s. 84

107. Regulations—(1) The Governor-General may from time to time, by Order in Council, make regulations for all or any of the following purposes:

- (a) Imposing fees and charges for anything authorised by this Act:
- (b) 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 such sum (not exceeding the maximum prescribed by regulations made under this Act) as the Director-General directs for securing 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 and any regulations made thereunder in connection with the matter in respect of which the permit or authority is granted:
- (c) Prohibiting or regulating the farming of deer; prescribing areas in which and conditions on which the farming of deer may be carried on; and providing for the licensing of land for the purpose of deer farming and prescribing conditions governing the granting of such licences.
- (d) Providing for such matters as are contemplated by or necessary for giving full effect to the provisions of this Act and for the due administration thereof.

(2) Regulations made under this Act may be so made as to apply generally throughout New Zealand or within any specified part or parts thereof, or within the whole of New Zealand except such part or parts as may be specified in the regulations, and may be so made as to apply to any kind or kinds of animals or things, or to animals and things from any overseas country or part of an overseas country, in respect of which the regulations are contemplated by this Act or to any class or classes of animals or things of any such kind, and may provide for the exemption of any class or classes or any such kind of animals or things.

Cf. 1908, No. 187, ss. 4, 5 (1)

108. Consequential amendments—(1) The Schedule to the Department of Agriculture Act 1953 is hereby amended—

- (a) By omitting the expression “The Stock Act 1908”:
- (b) By inserting in its appropriate alphabetical order the expression “The Animals Act 1967”.

(2) The First Schedule to the Summary Proceedings Act 1957 is hereby amended—

- (a) By omitting the items relating to the Stock Act 1908 and the Stock Amendment Act 1956:
- (b) By inserting in its appropriate alphabetical order the following item:

“The Animals Act 1967	21	Introduction into New Zealand of any organism causing disease
	38	Wilfully communicating disease
	88	Wrongful alteration of brand or approved mark
	102	Making knowingly false declaration”.

109. Repeals—The enactments specified in the Fourth Schedule to this Act are hereby repealed.

SCHEDULES

FIRST SCHEDULE

Section 24

FIRST SCHEDULE DISEASES

Acute fowl cholera
Acute haemorrhagic septicaemia
Acute infectious laryngotracheitis
African horse sickness
African swine fever
Blue tongue
Contagious bovine pleuro-pneumonia
Foot and mouth disease
Fowl plague
Newcastle disease
Rinderpest
Scrapie
Swine fever
Vesicular exanthema
Vesicular stomatitis

SECOND SCHEDULE

Section 24

SECOND SCHEDULE DISEASES

Anaplasmosis
Anthrax
Aujeszky's disease
Babesiosis
Borna disease
Bovine malignant catarrh
Brucellosis of cattle
Equine encephalomyelitis
Equine infectious anaemia
Ephemeral fever
Epizootic lymphangitis
Fowl tick fever
Glanders
Heart water
Infectious bronchitis (Poultry)
Ixodidae
Johne's disease
Louping ill
Lumpy skin disease
Lymphomatosis
Mange
Melioidosis
Mucosal disease complex
Nodular worm of sheep
Psittacosis
'Q' Fever
Rabies
Rift valley fever
Sheep scab



SECOND SCHEDULE—continued
SECOND SCHEDULE DISEASES—continued

Sheep pox
 Stickfast flea
 Swine pox
 Teschen disease
 Theileriasis
 Trichinosis
 Trypanosomiasis
 Tuberculosis
 Tularemia
 Warbles

THIRD SCHEDULE

Sections 82, 87

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

FOURTH SCHEDULE

Section 109

CONSEQUENTIAL REPEALS

- 1908, No. 187—The Stock Act 1908. (1957 Reprint, Vol. 15, p. 191.)
 1913, No. 65—The Stock Amendment Act 1913. (1957 Reprint, Vol. 15, p. 256.)
 1927, No. 34—The Stock Amendment Act 1927. (1957 Reprint, Vol. 15, p. 256.)
 1932, No. 11—The Finance Act 1932: So much of the First Schedule as relates to the Stock Act 1908, section 45.
 1938, No. 15—The Stock Amendment Act 1938. (1957 Reprint, Vol. 15, p. 257.)
 1947, No. 60—The Statutes Amendment Act 1947: Sections 64 and 66. (1957 Reprint, Vol. 15, p. 258.)
 1950, No. 8—The Stock Amendment Act 1950. (1957 Reprint, Vol. 15, p. 258.)
 1951, No. 81—The Statutes Amendment Act 1951: Section 25. (1957 Reprint, Vol. 15, p. 259.)
 1952, No. 71—The Stock Amendment Act 1952. (1957 Reprint, Vol. 15, p. 259.)
 1954, No. 41—The Stock Amendment Act 1954. (1957 Reprint, Vol. 15, p. 260.)

FOURTH SCHEDULE—*continued*CONSEQUENTIAL REPEALS—*continued*

- 1954, No. 90—The Finance Act 1954: Section 6. (1957 Reprint, Vol. 15, p. 260.)
- 1955, No. 52—The Stock Amendment Act 1955. (1957 Reprint, Vol. 15, p. 261.)
- 1956, No. 21—The Stock Amendment Act 1956. (1957 Reprint, Vol. 15, p. 262.)
- 1957, No. 98—The Stock Amendment Act 1957. (1957 Reprint, Vol. 15, p. 264.)
- 1957, No. 93—The Income Tax Assessment Act 1957: So much of the Third Schedule as relates to section 6 (3) of the Finance Act 1954.
- 1958, No. 20—The Stock Amendment Act 1958.
- 1959, No. 53—The Stock Amendment Act 1959.
- 1960, No. 121—The Stock Amendment Act 1960.
- 1961, No. 118—The Stock Amendment Act 1961.
- 1962, No. 15—The Stock Amendment Act 1962.
- 1963, No. 67—The Stock Amendment Act 1963.
- 1964, No. 128—The Stock Amendment Act 1964.
- 1965, No. 117—The Stock Amendment Act 1965.

This Act is administered in the Department of Agriculture.
