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SEXTO

VICTORIÆ REGINÆ.

A.D. 1882.

No. 267.

An Act to amend "The Brands Act, 1879."

[Assented to, November 17th, 1882.]

WHEREAS it is expedient to amend "The Brands Act, 1879"— Preamble.
Be it therefore Enacted by the Governor of the Province of South Australia, by and with the advice and consent of the Legislative Council and House of Assembly of the said province, in this present Parliament assembled, as follows:

1. This Act may be cited as "The Brands Act, 1882." Short Title.
2. All Inspectors of Police shall be Inspectors of Brands. Inspectors of Police to be Inspectors of Brands.
3. Notwithstanding anything contained in section 10 of "The Brands Act, 1879," any horse and cattle brand may consist of one sign and two numerals, such sign and numerals to be approved of by the Registrar: Provided that such brands shall only be placed by the owner in such position as shall be directed by the Registrar, and as marked on the certificate of registration. Horse and cattle brand may consist of one sign and two numerals.
4. Notwithstanding anything contained in "The Brands Act, 1879," any owner of a registered brand for horses and cattle desirous of using a distinctive numeral on his cattle or horses for stud or herd-book purposes, may forward an application in writing to the Registrar, together with a fee of Ten Shillings for every one hundred consecutive numerals comprised in such application, and the Registrar may allot to such person the numerals applied for, but no distinctive numerals shall be allotted to, or be used by, any person who is not the owner of a registered brand, and all distinctive numerals shall Owner of registered brand for horses and cattle to be allowed to register distinctive numerals.
be

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Where distinctive numeral to be impressed.

be impressed or made only on the horns or necks of cattle and on the necks of horses, as allowed in the certificate by the Registrar, and the Registrar shall enter the registration of such distinctive numerals in a book to be kept by him for that purpose.

Subsequent brand to be made on the next following position.

5. Notwithstanding anything contained in sub-section (c) of section 14 of "The Brands Act, 1879," every second or subsequent brand made on cattle and horses shall be impressed or made on the next following position in rotation, and position 1 shall in all cases follow position 6.

Sheep brands may consist of paint brands and tattoo marks.

6. Notwithstanding anything contained in sections 16 and 19 of "The Brands Act, 1879," any owner of sheep may apply to the Registrar for the registration of any paint brand and tattoo mark, and the Registrar may allot such paint brand and tattoo mark. Such paint brand shall only be placed by the owner in such manner, in such position, and in such form as the Registrar shall direct, and as shall be stated in the certificate of registration; and tattoo marks shall be placed in one of the positions described in the Schedule hereto, and shall be made in such manner and in such form as the Registrar shall direct.

Order of impressing tattoo marks on sheep.

7. All tattoo marks shall be impressed or made on sheep as follows, viz.—

- (A) The person impressing or making the first tattoo mark on any sheep shall only do so on one of the positions described in the Schedule hereto :
- (B) The person making the first tattoo mark may do so upon any of the positions he may think fit, and the positions shall follow in consecutive order, position 1 following position 9 :
- (C) Every second or subsequent tattoo mark shall be impressed or made on the position next in order of rotation to the last tattoo mark :
- (D) All sheep shall be deemed to have been last marked with the tattoo mark which shall appear to be the last mark impressed upon such sheep, according to the order hereinbefore described.

Owner of registered brand for sheep may use a numeral as a distinctive brand.

8. Any owner of a registered brand for sheep desirous of using a numeral as a distinctive brand for his sheep, may brand his sheep with any of the numerals 2, 3, 4, 5, 6, 7, 8, 9 for that purpose, on any position.

Registrar may cancel brand.

9. The Registrar may, after one month's previous notice in the *Government Gazette*, cancel the registration of any registered brand, and the Registrar may in his discretion give a fresh brand to the owner of any registered brand so cancelled without further charge.

10. The

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- 10.** The registration of any brand issued to any owner in respect of any run or farm may, on lease, sale, or transfer of such run or farm, be cancelled, unless the right to such brand shall be transferred as provided by clause 20 of "The Brands Act, 1879."
- When owner of registered brand transfers run, brand may be cancelled unless transferred.
- 11.** Notwithstanding anything contained in "The Brands Act, 1879," the Registrar is hereby empowered to refuse to register the transfer of any registered brand.
- Discretion in Registrar to refuse to register transfer of registered brand.
- 12.** All poundkeepers shall, before sale of any stock (in addition to any notices that they are by law at present required to give), give notice of all stock impounded in the pound under their care to the owner of the registered brand last impressed on such stock, and all horses and cattle sold by any poundkeeper shall be branded in the order prescribed.
- Poundkeepers to give notice of stock impounded to the owners of their registered brand before sale.
- 13.** Any person who shall deface, blotch, alter, or cut off any brand, whether distinctive or otherwise, or who shall make or impress any brand on stock in any form, manner, or position than as registered, or otherwise than as provided by this Act, shall be guilty of an offence under this Act, and, on conviction thereof, forfeit and pay any sum not less than One Pound nor more than Fifty Pounds for every head of stock on which the brand shall have been defaced, blotched, altered, or cut off, or improperly made or impressed: Provided that this clause shall not apply to the owner of sheep when shearing his own flocks at his usual shearing time, so far as paint brands are concerned.
- Penalty for defacing brand, or impressing, except as registered.
- 14.** Any person who shall mark or cut the ears of any horses or cattle, without having first obtained a certificate of registration of such mark or cut from the Registrar, shall be guilty of an offence under this Act, and shall, on conviction thereof, forfeit and pay any sum not less than Two Pounds nor more than Fifty Pounds for every head of horses or cattle that shall be so marked or cut.
- Penalty for cutting or marking the ears of horses or cattle without having obtained certificate from Registrar.
- 15.** Every registered owner of a distinctive numeral under section 4 hereof who shall impress or make, or allow to be impressed or made, such distinctive numeral, except on the necks and horns of cattle and the necks of horses, shall be guilty of an offence under this Act, and on conviction thereof, forfeit and pay any sum not less than Two Pounds nor more than Fifty Pounds, for every head of cattle or horses on which such distinctive numeral shall have been placed in contravention of this Act.
- Penalty for affixing distinctive numeral on horses and cattle except in allowed position.
- 16.** Any owner of horses or cattle who shall impress, or make use of, or allow to be impressed or made use of, any distinctive brand or mark on any horses or cattle, in respect of which he shall not previously have obtained a certificate of registration for such distinctive brand or mark, except as provided for in clause 15 of "The Brands Act, 1879," shall be guilty of an offence under this Act, and on conviction thereof, forfeit and pay any sum not less
- Penalty for using a distinctive brand or mark without having first registered same.

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less than Two Pounds nor more than Fifty Pounds for every head of cattle or horses on which such distinctive brand or mark shall have been placed.

Penalty for branding or marking sheep without registration.

17. Any person who shall brand or mark any sheep with a paint brand or tattoo mark, unless he shall have first obtained a certificate of registration from the Registrar, shall be guilty of an offence under this Act, and, on conviction thereof, forfeit and pay any sum not more than Two Pounds for every sheep so branded or marked.

No person to mark sheep with numerals unless he is the owner of a registered brand.

18. No person shall mark any sheep with any of the numerals mentioned in clause 8 hereof unless he is the owner of a registered brand in respect of such sheep, and any person offending against this provision shall, on conviction, for every such offence forfeit and pay any sum not more than Two Pounds for every sheep on which any such numerals shall be placed.

Penalty for defacing brands.

19. Any person who shall wilfully blotch, deface, or otherwise render illegible, or alter any brand upon any hide or hides, skin or skins of any stock, or wilfully direct, cause, or permit any such brand to be blotched, defaced, or otherwise rendered illegible, or altered, or shall wilfully mark, or cause, direct, or permit any such hide or skin to be marked on the ear by cutting off the whole or part of the ear, or any person who shall offer for sale any such hide or skin upon which the brand has been so blotched, defaced, or rendered illegible, or the ear of which has been cut as hereinbefore mentioned, unless he shall give a satisfactory account thereof, shall, on conviction, for every such offence forfeit and pay any sum not exceeding Fifty Pounds nor less than One Pound for every such hide or skin on which the brand shall have been so defaced, blotched, rendered illegible, or altered, or on which the ear shall have been cut contrary to this section, or shall be liable to be imprisoned for any term not exceeding twelve calendar months; and any person in whose possession or custody any such skin or hide shall be found may be summoned before any two Justices, and if the person so summoned shall be unable to give a satisfactory account of his possession or custody of such hide or skin, he shall, on conviction, for every such offence incur a penalty not exceeding Fifty Pounds nor less than One Pound for every such hide or skin so found in his possession or custody, or may be imprisoned for any term not exceeding six calendar months: Provided that nothing in this Act contained shall apply to any brands made or being on the flesh side of any hide or skin.

Penalty for branding except on allotted position.

20. Any person who shall brand, or direct, aid, or assist to brand, any hide or skin of any stock, on any part thereof, with an unregistered brand, or who shall place any registered brand on any skin upon any position thereof except upon the position allotted to such person for such registered brand on sheep by the Registrar of Brands, shall, on conviction, for every such offence forfeit and pay any

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any sum not exceeding Fifty Pounds, or may be imprisoned for any term not exceeding six calendar months.

21. Notwithstanding anything contained in section 33 of “The Brands Act, 1879,” any owner may earmark his sheep by making a slit not exceeding in length one inch and a quarter from the tip of the ear of such sheep. Any person earmarking sheep, or allowing same to be earmarked, with a slit exceeding one inch and a quarter in length, shall be guilty of an offence under this Act, and, on conviction thereof, forfeit and pay any sum not less than One Pound nor more than Fifty Pounds for every sheep earmarked in contravention of this Act.

How owner may earmark his sheep.

Penalty for earmarking sheep contrary to Act.

22. Any poundkeeper neglecting to give any notice required by him to be given under the provisions hereof, or refusing or neglecting to give any information when requested so to do to any Inspector of Brands, or neglecting, on sale of any horses or cattle impounded in a pound under his charge, to brand such horses or cattle, as required by the provisions hereof, shall, on conviction for any of such offences, forfeit and pay any sum not less than Two Pounds nor more than Fifty Pounds.

Penalty for poundkeeper neglecting to give notice, &c.

23. Except so far as the same is inconsistent with the provisions of this Act, “The Brands Act, 1879,” and this Act shall be read and construed together as one Act.

Incorporation.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

WM. F. DRUMMOND JERVOIS, Governor.

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SCHEDULE.

[“The Brands Act, 1882.”]

Position and Order of Rotation of Tattoo Marks on Sheep.

First Position—Near or left ear.

Second Position—Off or right ear.

Third Position—Underneath part of the tail.

Fourth Position—Inside near or left fore arm.

Fifth Position—Inside off or right fore arm.

Sixth Position—On the Inner side of the near or left hind leg.

Seventh Position—On the inner side of the off or right hind leg.

Eighth Position—On near brisket.

Ninth Position—On off brisket.