

DISEASED CATTLE. AN ACT to consolidate and amend the Law for preventing the Introduction or Spread of Infectious Diseases among Cattle and other Animals, and for restricting the Importation of Cattle and other Animals in certain cases.

[27th August, 1881.]

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

Short Title.

1. The Short Title of this Act is “The Diseased Cattle Act, 1881.”

Interpretation.

2. In this Act, if not inconsistent with the context,—

“Board” means the Cattle Board authorized to be appointed for a district constituted under this Act :

“Cattle” means any bull, cow, ox, heifer, and calf, and includes horses, sheep, goats, swine, and such other animals as the Governor in Council shall from time to time declare subject to this Act ;

And such term shall apply to all animals for the time being subject to this Act, whether the same shall be living or dead, and shall include the hides, skins, hair, horns, hoofs, offal, or other parts of such animals :

First Schedule.

“Disease” means any of the diseases mentioned in the First Schedule to this Act, and includes any other disease which may hereafter be declared to be a disease within the meaning of this Act :

“District” means any division or part of the colony constituted a district under this Act :

“Foreign district” means any country, colony, or place outside the Colony of New Zealand :

“Imported cattle” means any cattle within the meaning of the definition thereof hereinbefore given, which may be brought into any port, town, or place in the colony by any sea-going or coasting vessel, or by any lighter or boat from such vessel, from any district, or from any foreign district, as hereinbefore respectively defined :

“Infected place” means any district or part of a district, and any town, or any street, place, or premises therein, that may be declared by any lawful authority to be infected with disease as defined by this Act :

“Inspector” means any Cattle Inspector acting or appointed under this Act, and includes a Deputy Inspector :

“Occupier” means any owner or other adult person who may be in charge or possession of any premises as herein defined :

“Owner” means any owner, whether jointly or in severalty (other than a mortgagee not in possession), and the superintendent, manager, foreman, or person in possession or charge of any cattle :

“Premises” means any station, run, paddock, farmyard, cowhouse, stable, shed, building, or place where cattle are depastured, kept, or housed :

“Regulations” means any general or special regulations made under this Act :

“This Act” includes, in addition to the enactments herein contained, any general or special regulations which may be made thereunder, and any Orders in Council or Proclamations giving effect thereto.

Whenever by this Act it is provided that a notice shall be given to any person, it is meant that such notice shall be either in writing or in print, or partly in writing and partly in print.

PRELIMINARY.

3. The Governor in Council may from time to time make such orders as he thinks fit, declaring what animals, other than those specially included in the definition of “cattle” shall be subject to this Act.

Governor in Council may declare other animals to be subject to Act.

4. The diseases mentioned in the second column of the First Schedule hereto shall be deemed to be diseases peculiarly affecting the cattle the description or kind of which is set forth in the first column of the said Schedule, opposite the names of such diseases respectively.

Certain diseases declared to be diseases affecting certain cattle. First Schedule.

The Governor in Council may from time to time declare what other diseases shall be considered diseases to which cattle or other animals within the operation of this Act are subject or liable.

Power to declare other diseases.

5. Every Order in Council or Proclamation made under this Act shall fix a time within which the same shall come into force, and may also prescribe a period during which the same shall remain in force; and, if any period shall be so prescribed, such Order in Council or Proclamation, as the case may be, shall cease to have any effect after the expiration thereof.

When Orders in Council and Proclamations to take effect.

Every such Order in Council or Proclamation may be altered, varied, or revoked as occasion shall require.

May be altered, varied, or revoked.

6. Any Order in Council or Proclamation made as aforesaid may declare that the provisions thereof shall only apply to one or more kinds of cattle or animals, and not to any other kinds of cattle or animals, and may also declare that the provisions of any such Order in Council or Proclamation shall apply to the whole colony, or only to such part or parts thereof as the Governor in Council or Governor, as the case may be, shall direct or appoint.

Order in Council or Proclamation may apply to one or more kinds of cattle only, and to a limited part of the colony.

7. All Orders in Council and Proclamations made as aforesaid shall have the like force and effect as if the same had been inserted in this Act; and all persons offending against any such Order in Council or Proclamation shall, for each and every offence, forfeit and pay any sum not exceeding five hundred pounds, or such smaller sum as by such Order in Council or Proclamation may be provided,

Effect of Orders in Council and Proclamations. Penalty for breach.

DEFINITION OF DISTRICTS.

Governor may define districts.

8. The Governor may, by Proclamation, from time to time establish and define such and so many districts as he shall think fit to be districts under this Act, and to each such district there shall, in the Proclamation defining it, be attached such name as the Governor shall think fit, and by which name it shall thereafter be called.

Every such district may from time to time in like manner be altered or constituted anew in such manner as the Governor may think fit.

CATTLE BOARDS AND INSPECTORS OF DISTRICTS.

Governor may appoint Local Board for each district.

9. The Governor may appoint, for each district, not less than three nor more than five fit and proper persons to be called "The Cattle Board for the District" [*naming it*], and such Board shall have, perform, and exercise all the functions and powers hereinafter mentioned.

Quorum.

Any two of the members of such Board may constitute a Board, and such Board shall meet together at such times and places as may be appointed from time to time by the Chairman.

Governor may remove members and appoint others.

The Governor may from time to time remove any one or all of the members of such Board, and appoint another or others in his or their stead.

Governor may appoint Chairman of Board.

10. The Governor may appoint one of the members of the said Board to be the Chairman thereof, and upon him shall be imposed the duty of calling the Board together, and generally of carrying this Act into execution within the district for which he shall be appointed.

In case of the illness or absence of such Chairman any act which is required to be done by him may be done by any member of the Board.

Governor may appoint Inspectors for districts.

11. The Governor may appoint for each district a fit and proper person to be the Cattle Inspector of such district, who shall be paid such salary as the Governor may think proper, out of moneys to be appropriated by the General Assembly for the purpose. One person may be appointed Inspector for more than one district.

Each Inspector to have an office.

12. Each Inspector shall have an office at such place in the district for which he may be appointed as the Governor shall direct, and shall perform the duties and shall have and may exercise the powers conferred upon him by this Act.

May be removed by Governor.

Every such Inspector may from time to time be removed from his office by the Governor, who may appoint another like person in his stead.

Governor may appoint Deputy Inspectors.

13. The Governor may appoint a fit and proper person to be a deputy of any Inspector appointed under this Act, and such deputy shall, during the illness of the Inspector, or in case of his absence from the district, act in his stead, and perform and discharge all duties pertaining to the office of Inspector.

Appointments of Boards and Chairmen thereof, and of Inspectors, to be gazetted.

14. The appointment, resignation, or removal of every such Board, or of the Chairman or any member thereof, and of any such Inspector or Deputy Inspector, shall be notified in the *Gazette*; and the production of a copy of the *Gazette* containing a notification thereof shall, for all purposes and in all proceedings in any Court of law, be deemed sufficient evidence of such appointment, resignation, or removal, as the case may be.

Inspector not to be interested as an owner of or dealer in cattle.

15. No Inspector shall be either directly or indirectly an owner of or dealer in cattle, or shall act as the agent of an owner of or dealer in cattle.

If any Inspector shall receive any payment or consideration for the performance of any act, matter, or thing authorized or directed by this Act, other than the salary payable to him, he shall be liable to a penalty not exceeding twenty pounds.

But nothing in this Act contained shall prevent any Inspector from demanding or receiving any fees or charges authorized by this Act.

GENERAL AND SPECIAL REGULATIONS.

16. The Governor may by Order in Council make general regulations with respect to all cattle whatsoever, for all or any of the purposes hereinafter mentioned, that is to say,—

Governor in Council may make general regulations with respect to all cattle.

The care, custody, and treatment of cattle affected with disease within infected places or elsewhere ;

Prohibiting the removal, transportation, or driving of cattle from one district to another, or from one part of the colony to another ;

Prohibiting the removal, transportation, or driving of cattle from or into any infected place, or from one part of any infected place to another part of such place ;

The destruction of cattle affected with disease in any infected place or elsewhere, and the disposal of the carcasses and every part of such cattle in such manner as shall be thought expedient ;

Destroying any hay, straw, fodder, or other article in any infected place or elsewhere, whereby any contagious or infectious disease may be conveyed ;

For purifying any premises or part thereof being or within an infected place ;

The management of quarantine grounds, and the treatment of cattle therein, and the terms upon which cattle may be released from quarantine ;

Regulating the duties of Inspectors ;

Regulating the duties of masters of ships or vessels in respect to imported cattle ;

Prescribing the fees to be taken by Inspectors for the inspection of cattle, and also the allowances to be made to such Inspectors for travelling expenses ;

Prescribing the course of procedure of Boards or Inspectors, and the forms of notices and other proceedings under this Act, and the mode of serving such notices or proceedings ;

and generally to make such provisions as shall seem best calculated to prevent the introduction or spread of disease in the colony.

17. All such regulations shall be gazetted, and shall take effect from and after such day as shall be prescribed therein, being a day not less than ten days from the first publication thereof :

Regulations to be gazetted and take effect from a prescribed day.

Provided that such of the said regulations as are specially applicable to infected places shall come into operation only as to such places as may be declared to be infected places under the twenty-sixth section of this Act, and shall continue in operation therein only so long as such places shall continue to be infected places within the meaning of this Act.

Proviso.

18. The Governor, by Order in Council, may, in like manner, for all or any of the purposes aforesaid, from time to time as occasion shall require, make any special regulations modifying, altering, or repealing any of the said general regulations, either wholly or in respect of any matters which shall seem to be necessary to be made in respect of any part of the colony, or of any district or any part thereof.

Special regulations may be made in like manner.

All such special regulations shall be gazetted, and shall take effect from and after such day as shall be prescribed therein.

When special regulations to take effect.

Governor may prescribe penalties for breach of regulations.

Penalty not to exceed £500.

Governor may define quarantine grounds.

Cost of erection how defrayed.

Board may appoint other place than quarantine ground in certain cases.

Duty of Inspector when reason to suppose disease exists.

Inspector may enter premises for purposes of Act.

Penalty on person refusing admission to Inspector.

Duty of Inspector on finding disease exists.

Declaration of existence of disease to constitute place provisionally an "infected place."

Inspectors may give notice to occupiers of adjoining premises.

19. In and by any regulations it shall be lawful for the Governor to prescribe penalties for the breach thereof; and every such regulation shall be so framed as to allow the Resident Magistrate, or any two or more Justices before whom any such penalty may be sought to be recovered, to order a part only of such penalty to be paid, if he or they shall think fit.

But no penalty to be prescribed by such regulations shall exceed in any case five hundred pounds.

QUARANTINE GROUNDS.

20. The Governor may, from time to time, in each port or place within the colony, by Proclamation, set apart and define quarantine grounds, and from time to time may vary, alter, or re-define any such quarantine grounds, and may authorize the erection of all necessary yards or sheds which may be required for the purposes of such quarantine grounds.

The cost of erecting such yards or sheds shall be defrayed out of any moneys that from time to time may be appropriated by the General Assembly for the purposes of this Act.

21. Notwithstanding anything hereinbefore contained, if in any case the Board at the port or place where any cattle shall arrive is of opinion that it would be desirable that such cattle should be landed and kept in any place other than at a quarantine ground, the Board may from time to time set apart such other place or premises to which such cattle may be driven or taken as such Board shall think fit.

DISCOVERY AND PREVENTION OF DISEASE.

22. An Inspector, on receiving information of the supposed existence of disease, or having reasonable ground to suspect that disease exists, in any place within his district, shall proceed to that place with all practicable speed, and execute and discharge the powers and duties conferred or imposed upon him by or under this Act as such Inspector.

23. An Inspector may at any time enter any premises within his district where he has reasonable grounds for supposing that any cattle affected with disease are to be found, for the purpose of executing this Act, but shall, if required by the owner or occupier thereof, state in writing the grounds on which he has so entered, and on such entry may search for and examine any cattle therein, or in any shed, outhouse, or building.

If any person refuses admission to such Inspector acting under this Act, or to permit such search or examination, he shall be liable to a penalty not less than ten pounds, and not exceeding one hundred pounds.

24. If upon such entry and examination as aforesaid the Inspector finds that disease exists among such cattle, he shall forthwith make and sign a declaration to that effect, and shall deliver a copy thereof to the owner or occupier of the premises where the disease is found.

The delivery of such declaration shall provisionally constitute the place or premises where disease may be found an infected place within the meaning of this Act.

Such declaration may be served upon the owner or occupier, either personally or by leaving the same at his last known place of abode, or with some adult inmate thereof.

25. Where an Inspector makes a declaration as aforesaid, he may also, if the circumstances of the case appear to him so to require, in like manner serve a notice of such declaration upon the occupiers of all lands and premises adjoining

thereto, any part whereof respectively lies within three miles of the boundaries of the infected place in any direction.

26. The Inspector shall transmit such declaration to the Chairman of the Board of the district where such disease shall have been found, and such Chairman shall, so soon thereafter as conveniently may be, call a meeting of the Board, who shall inquire into the existence of disease in the place where it shall be declared to exist, or in any other place, in the manner hereinafter set forth:—

Duties and powers of Board upon report of Inspector.

- (1.) The Board may call upon all persons concerned in or having the charge, control, or management of any such cattle to give evidence before them as to the facts within their knowledge relating to such cattle.
- (2.) If any person, after having received written notice to attend for that purpose, shall refuse or neglect to attend, or to answer any inquiries put to him by the Board under the authority of this Act, he shall be liable to a penalty not exceeding twenty pounds.
- (3.) If any person, in giving such evidence or in answering such inquiries, shall make any statement knowing the same to be false, he shall, on conviction thereof before a Resident Magistrate or any two Justices of the Peace, be liable to a penalty not exceeding one hundred pounds, or to be imprisoned for a period not exceeding six calendar months.

But nothing herein contained shall be construed to require any person to give any evidence or answer any inquiry which would render him liable to any criminal prosecution.

- (4.) If it appears to the Board that disease exists among such cattle, or in the place or district inspected or examined by such Inspector, they shall so determine, and shall declare such place to be an infected place.
- (5.) Where the Inspector has made a provisional declaration as aforesaid, or where the Board has declared any place to be an infected place, such of the general regulations as may be specially applicable to infected places, or any special regulations that may be made in respect of the district where such disease exists, as the case may be, shall take effect and be enforced and made applicable within the district or part of a district or the place or premises to which the declaration relates, for such period as hereinafter mentioned.
- (6.) But if it appears to the Board that disease does not exist, as declared by the Inspector, then the Board shall so determine, and thereupon any provisional declaration made or notice given by any Inspector as aforesaid shall cease to operate or take effect.

27. If the Board determines that disease exists in the district or any part thereof, the Board shall forthwith cause notice of the fact to be published in such newspapers circulating in the district or place where the disease has been ascertained to exist as they think fit.

If disease exists, Board to cause notice to be published.

28. Such notice shall be signed by the Chairman of the Board, and shall particularly describe the district or place intended to be affected by the declaration of the Board, and for a period of twenty-eight days thereafter such place or district shall be deemed to be an infected place.

Signature and effect of notice.

29. The Board shall also forthwith transmit to the Governor a certificate in writing, signed by the Chairman and by the Inspector, stating what has been done in respect of any such declaration, examination, or inspection as aforesaid; and if the Governor shall think fit he may confirm the decision of the Board, and shall cause a notice to that effect to be gazetted;

Board to certify existence of disease to the Governor, who may confirm decision of Board.

And, if he think fit, may order that such notice shall be published in one or more newspapers circulating in the district.

If decision of Board not confirmed, same to have no further effect.

If the Governor shall not so confirm the decision of the Board, then from and after the expiration of such period of twenty-eight days the determination made by the Board shall cease to have any effect.

Infected cattle not to be moved without leave of an Inspector.

30. After the service of a copy of a declaration, or of a notice, in the manner prescribed by the twenty-fourth and twenty-fifth sections of this Act, upon any owner or occupier of any land or premises within a place declared in any manner to be an infected place as hereinbefore provided, and until such district shall be declared to be free from disease as hereinbefore provided,—

No person shall move or suffer to be moved any cattle affected with disease from the land or premises where they may be at the time such copy of a declaration or notice is served, or from any premises contiguous thereto in the same occupation, without the written authority of an Inspector.

Cattle not infected not to be moved without like authority.

31. Other cattle in any such infected place, and not infected or supposed not to be infected with disease, shall not be moved from any land or premises where they may be at the time any such declaration is made or notice is given by an Inspector as aforesaid, or from any premises contiguous thereto in the same occupation, without a license signed by an Inspector certifying that the cattle moved are not affected with disease, and have not been in the same herd, or in contact with cattle so affected.

Premises in which cattle kept to be cleansed and disinfected.

32. All premises used by cattle infected with disease shall from time to time be cleansed and disinfected at the expense of the owner of such cattle, or at the expense of the owner or occupier of the places where such cattle may be kept, and to the satisfaction of the Inspector.

Penalty for refusal or neglect to do so.

Every owner of cattle infected with disease, and every owner or occupier of any such premises, who shall neglect or refuse to obey any directions of such Inspector in respect of such cleansing or disinfection, shall be liable to a penalty not exceeding fifty pounds and not less than ten pounds.

Governor may declare district free from disease on certificate of Board and Inspector.

33. The Governor may, upon receiving a certificate from the Board of any district under the hand of the Chairman thereof, and under the hand of the Inspector of such district, to the effect that any place declared to have been an infected place is free from disease, by Proclamation declare the district or any part thereof to be free from disease, and thereupon, as from the time specified in any such Proclamation, such district or part thereof shall cease to be an infected place.

IMPORTATION OF CATTLE.

Cattle from a foreign district not to be landed in New Zealand unless inspected at port of shipment.

34. No cattle shipped to New Zealand from any foreign district shall be landed in New Zealand unless the owner of such cattle or his agent shall produce to the Cattle Inspector, at the port or place in New Zealand where the same shall arrive, a certificate in writing, signed by a duly-qualified veterinary surgeon, to the effect that such cattle were inspected and examined by him immediately before shipment, and that they were at the time of such examination and shipment free from any contagious or infectious disease whatever which would be likely to be propagated amongst men or animals, or any other disease.

Certificates to be attested before Justice or notary public.

35. Every such certificate of inspection or examination shall be attested before a Justice of the Peace or a notary public.

Every such certificate so attested shall, for all purposes, be receivable in the colony as sufficient evidence of compliance with the provisions of this Act.

Cattle imported from foreign districts only to be landed at proclaimed ports.

36. No cattle imported from any foreign district shall be landed at any port or place in the Colony of New Zealand except at a port proclaimed to be a port

where cattle may be landed; and such cattle shall only be landed at such place in such port as the Board may from time to time appoint.

37. The Governor may from time to time proclaim such ports within the colony as he thinks fit to be ports at which cattle may be landed; and, from and after the date prescribed in such Proclamation, cattle shall be landed at such proclaimed ports, and at no other ports or places.

Power to the Governor to proclaim such ports.

38. Whenever it shall be made to appear to the Governor that disease has broken out in any foreign district, it shall be lawful for the Governor, by Order in Council, to declare that such foreign district is infected within the meaning of this Act, and to prohibit the importation of cattle into the colony from such district, and the landing of such cattle.

When disease has broken out in foreign district, Governor in Council may prohibit importation of cattle.

39. If it shall appear to the Board or Inspector of any district that disease exists or has broken out in some other district or part of the colony, such Board or Inspector may report the same to the Governor; or, if at any time it shall be made to appear to the Governor on other satisfactory evidence that disease has broken out in any district within the colony, the Governor may, by Order in Council, declare that such district is infected, and may prohibit the removal of cattle from any such district to any other part of the colony.

Where disease exists in any district, Governor may prohibit removal or exportation of cattle.

40. With respect to imported cattle, the duties of an Inspector shall be as follows:—

Duties of Inspectors with respect to imported cattle.

- (1.) When any ship or vessel having cattle on board shall arrive within any port or place in the colony, the Inspector shall forthwith, or as soon as conveniently can be, go on board such ship or vessel, and, by inspecting such cattle or otherwise, satisfy himself whether such cattle or any of them are or may be reasonably suspected to be infected with disease, or whether the same are free from disease.
- (2.) If the Inspector shall be satisfied that such cattle are free from disease, and were not imported from any foreign district or other district where disease shall be known to prevail, he shall give to the master of such ship or vessel a certificate to that effect, after which certificate so obtained, but not before, such cattle may be landed.
- (3.) If the Inspector shall be satisfied that such cattle or any of them are actually infected with disease, he shall, upon receiving the written authority of the Board for that purpose, forthwith give notice to that effect to the master of such ship or vessel, and it shall be the duty of such master within twenty-four hours after such notice to destroy the same without suffering the same to be landed.
- (4.) If such cattle shall be imported from any foreign district or any other district in respect of which importation or exportation of cattle has been prohibited under this Act, or where disease shall be known to prevail, or if the Inspector shall have reasonable ground to suspect that the same cattle or any of them are infected with disease, such Inspector shall examine the cattle, and shall give to the master of such ship or vessel a certificate (to be termed a quarantine certificate) authorizing such cattle to be landed at some place to be named therein, and the quarantine ground, or other place appointed by the Board under the powers hereinbefore contained, to which the same may be driven or taken.
- (5.) When such quarantine certificate is obtained, the said master may land such cattle or cause the same to be landed at such place so named in such quarantine certificate, but at no other place, and may

drive such cattle or cause the same to be driven to the said quarantine ground or such other place as aforesaid, but to no other place.

(6.) The master of such ship or vessel shall not permit or suffer such cattle to be landed or driven otherwise than in accordance with such quarantine certificate: Provided that if notice shall have been given to such master to destroy such cattle or any of them, then such cattle shall be destroyed as provided by this Act without being landed.

(7.) The Inspector shall make a report from time to time of all things done by him under this part of this Act, which report shall be made in the first instance to the Board of the district where such cattle may arrive, and the Chairman of the Board shall forthwith transmit the same to the Governor.

(8.) Nothing in this section shall be deemed to authorize the landing of any cattle the landing of which is expressly prohibited under this Act.

Cattle in quarantine to be kept therein at expense of owner for period prescribed by regulations.

41. Whenever any imported cattle shall be driven or taken to a quarantine ground, or to any other place appointed under this Act as a place to which cattle shall be driven or taken, such cattle shall be kept therein, at the risk and expense of the owner, for such period as may be prescribed by regulations.

Cattle not to be removed from quarantine without authority.

42. No cattle shall be removed or taken from any quarantine ground, or place appointed as a place to which cattle may be driven, except upon the authority of an Inspector, in such manner as may be prescribed by regulations.

Penalty for landing cattle contrary to Act.

43. Every master of a ship or vessel who shall land, or suffer to be landed, any cattle without having obtained such certificate as aforesaid, or shall refuse or neglect to destroy cattle according to any such notice as aforesaid, or shall otherwise offend against the provisions of this Act hereinbefore contained, shall forfeit and pay any sum not exceeding five hundred pounds.

Cattle landed in contravention of Act to be forfeited.

44. If any person lands or attempts to land any cattle in contravention of this Act, such cattle shall be forfeited in like manner as goods the importation whereof is prohibited by the Acts relating to the Customs are liable to be forfeited, and the person so offending shall be liable to such penalties as are imposed on persons importing or attempting to import goods the importation whereof is prohibited by the Acts relating to the Customs, without prejudice to any proceeding against him under this Act, or any such order, but so that no person be punished twice for the same offence.

COMPENSATION.

Compensation for cattle destroyed.

45. When any bull, cow, ox, heifer, or calf is destroyed under the provisions of this Act, and for which compensation is payable, the same shall be allowed at the rate of thirty shillings for every head of cattle so destroyed, but no compensation shall be given in respect of any calves under the age of six months.

No such compensation shall be awarded to any owner of imported cattle of the kinds hereinbefore mentioned destroyed, unless such cattle shall have been depastured within the colony for one year before the date of such destruction.

Governor in Council may prescribe compensation to be paid for destruction of other animals.

46. The Governor in Council may, from time to time, prescribe the amount of compensation which shall be paid to the owners of any other animals other than those specified in the forty-fifth section of this Act, or that may hereafter be declared to be subject to this Act, in the event of any such animals being destroyed under the provisions of this Act, and may also prescribe the time and mode of payment of such compensation.

Cattle imported from a foreign district may be destroyed

47. Whenever it shall appear to the Board that any cattle imported from a foreign district are affected with any disease, the Board at the port or place where

such cattle shall arrive shall cause the same to be forthwith destroyed, and the owner thereof shall not be entitled to any compensation whatsoever for the cattle so destroyed. without payment of compensation.

In case any disease shall break out amongst such cattle when in quarantine, or in such place as aforesaid, the same shall be destroyed by the owner on being required to do so by the Board, and such owner shall not be entitled to any compensation whatsoever by reason of such destruction.

48. The owner of any cattle entitled to compensation for their destruction under the authority of this Act may, at any time within three months thereafter, apply to any Resident Magistrate for a compensation certificate as hereinafter provided. Procedure to obtain compensation for cattle destroyed.

The Resident Magistrate shall forthwith, or at any time within fourteen days after such application, make inquiry in open Court touching the destruction of such cattle, and, if satisfied that the cattle in respect of which application is made were diseased, or reasonably supposed to be diseased, and were duly destroyed, he shall issue and deliver to the applicant a compensation certificate in the form or to the effect set forth in the Second Schedule hereto. Second Schedule.

A certificate under the hand of the Inspector or other authority who may have caused them to be destroyed shall be sufficient evidence of such disease, or supposed disease.

49. All the expenses and charges of carrying this Act into execution, and all sums of money to be paid by way of compensation for the destruction of any cattle, shall be paid and borne out of moneys to be appropriated from time to time by the General Assembly. Expenses of Act to be paid out of moneys appropriated by General Assembly.

FEES.

50. All fees payable under this Act shall be paid into the Public Account, and shall form part of the Consolidated Fund. Fees to be paid to Inspectors.

51. In case of the non-payment of any such fees, any Inspector may recover the same from the person liable to pay such fees, by summary proceedings under "The Justices of the Peace Act, 1866," before a Resident Magistrate or any two Justices of the Peace, together with such reasonable costs and expenses as the Resident Magistrate or Justices may allow. Remedy in case of non-payment.

PROTECTION OF OFFICERS.

52. No action or proceeding shall lie against any Inspector or other person acting or intending to act under the authority or in execution or pursuance of this Act, for any alleged irregularity or trespass or other act or thing done or omitted by him under this Act, unless— Actions not to be brought against Inspectors or others without notice.

(a.) Notice in writing, specifying the cause of the action or proceeding, and the name and residence of the intending plaintiff or prosecutor, and of his solicitor in the matter, is given by the intending plaintiff or prosecutor to the intended defendant one month at least before the commencement of the action or proceeding; nor

(b.) Unless the action or proceeding is commenced within three months next after the act or thing complained of is done or omitted, or, in case of a continuation of damage, within three months next after the doing of such damage has ceased.

53. In any such action the defendant may plead generally that the act or thing complained of was done or omitted by him when acting or intending to act under the authority or in execution or pursuance of this Act, and may give all special matter in evidence. On the trial of any such action the plaintiff shall Pleas and evidence in such actions.

not be permitted to go into evidence of any cause of action not stated in his notice.

Plaintiff not to succeed if tender of amends made.

54. The plaintiff in any such action shall not succeed if tender of sufficient amends is made by the defendant before the commencement of the action, and, in case no tender has been made, the defendant may, by leave of the Court in which the action is brought, pay into the Court such sum of money as he thinks fit, whereupon such proceeding and order shall be had and made in and by the said Court as may be had and made on the payment of money in an ordinary action therein.

Costs of defendant.

55. If in any such action the plaintiff does not succeed in obtaining judgment, the defendant shall receive such full and reasonable indemnity as to all costs, charges, and expenses incurred in and about the action as may be taxed and allowed by the proper officer, subject to review, and, though a verdict is given for the plaintiff in the action, he shall not have costs against the defendant, unless the Judge before whom the trial is had certifies his approval of the action and verdict.

MISCELLANEOUS.

Reports to be made to Governor by Inspectors.

56. On the first days of January and July in each year every Inspector shall furnish a report to the Governor of all things done by him in the exercise of his duties as such Inspector.

Also returns of diseased sea-borne cattle.

With such report, and in such form as may from time to time be approved by the Governor, each Inspector shall prepare and transmit a return of the number of cattle brought by sea to any port within the district of such Inspector, which on inspection on landing within the then last preceding six months have been found to be affected with any contagious or infectious disease, specifying the disease, and the ports from which and to which such animals are brought, and the mode in which such animals have been disposed of.

Also returns of diseased cattle inspected not sea-borne.

He shall also prepare and transmit a like return of the number of cattle which shall have been inspected by him within his district not brought by sea within the then last preceding six months which have been found to be infected as aforesaid, and specifying the disease and mode in which such animals have been disposed of; and every such report and return may be gazetted if the Governor shall so think fit.

Powers and duties of police-constables in certain cases.

57. Any police-constable may proceed as follows :—

- (1.) He may apprehend any person found committing an offence against this Act with respect to infected places, and he shall take any person so apprehended as soon as conveniently may be before a Justice of the Peace, to be examined and dealt with according to law; and a person so apprehended shall not be detained in custody by any constable without the order of a Justice longer than is necessary for bringing him before a Justice, or than twenty-four hours at longest.
- (2.) He may require that any cattle, animal, or thing moved out of an infected place in contravention of this Act be forthwith taken back within the limits of that place, and may enforce and execute such requisition.

Penalties recoverable summarily.

58. All fines and penalties under this Act shall be recoverable in a summary way before any Resident Magistrate or any two Justices of the Peace.

Act not to affect special enactments relating to animals.

59. Nothing in this Act shall be deemed to interfere with or affect the provisions of any other Act now or that may hereafter be in force and applicable to cattle or animals of any kind whatsoever.

POWER TO PROHIBIT IMPORTATION OF ANIMALS.

Whereas diseases frequently exist among cattle and other animals in other countries and colonies, and such diseases, if introduced into New Zealand, might be dangerous to the health of man, or might propagate disease amongst cattle or other animals: And whereas it is expedient that power should be given to restrict the importation of cattle and other animals from any other country or colony into New Zealand as hereinafter provided :

Be it therefore further enacted by the General Assembly as aforesaid :

60. The Governor may, by Order in Council, from time to time absolutely prohibit the introduction into New Zealand from any country or colony, or part of a country or colony, of all cattle, sheep, horses, swine, goats, or other animals of the same or any other kind or kinds whatsoever, or of meat, skins, hides, horns, hoofs, or other parts of any animal, or of hay, straw, fodder, or other articles, which he may deem likely to propagate amongst men or animals any infectious or contagious disease whatsoever.

61. Every such Order in Council shall be made in the manner and subject to the provisions respecting Orders in Council hereinbefore contained ; but, before any such Order in Council shall be so made, it shall appear to the satisfaction of the Governor in Council that disease exists or is believed to exist among the cattle, sheep, horses, swine, goats, or other animals of the same or any other kind or kinds in the country or colony, or part of a country or colony, from which such importation is intended to be prohibited as aforesaid.

REPEAL OF ACTS.

62. Wherever in any Act now in force reference is made to any Act hereby repealed, such first mentioned Act shall take effect and operate as if reference had been made therein to this Act instead of to such repealed Act.

63. The several Acts mentioned in the Third Schedule are hereby repealed. But such repeal shall not affect any Order in Council, Proclamation, or regulations made thereunder and in force at the time of the passing of this Act.

And all districts constituted, Boards, Inspectors, and other officers appointed and acting under the said Acts, at the time of the passing of this Act, shall respectively be deemed to have been constituted and appointed under this Act.

SCHEDULES.

FIRST SCHEDULE.

Kinds of Animals.	Nature of Disease.
Bulls, cows, oxen, heifers, or calves	Catarrh, foot-and-mouth disease, murrain, pleuro-pneumonia, rinderpest.
Horses	Glanders, murrain, or pest.
Sheep	Fluke or liver-rot, foot-and-mouth disease, small-pox, scab, lice.
Pigs	Foot-and-mouth disease, swine-pox.

Preamble.

Governor in Council may absolutely prohibit importation of animals from any place.

Terms upon which Orders in Council may be made.

References to repealed Acts to apply to this Act.

Repeal of Acts. Third Schedule. Saving.

Schedules.

Secs. 2, 4.

SECOND SCHEDULE.

COMPENSATION CERTIFICATE.

Sec. 48.

I, THE undersigned, Resident Magistrate for the District of _____, in the Colony of New Zealand, do hereby certify that it has been duly proved before me that _____ head of cattle [*above the age of six months*], the property of E.F., lately depasturing at [*name of run, or describing place where the cattle were at the time of their destruction*], were on the _____ day of _____ duly destroyed:

And I certify that it was also further proved to my satisfaction that such cattle were at the time of their destruction infected with the disease called [*Insert name of disease*], or were reasonably supposed to be so diseased, and that previous to their destruction all things required by "The Diseased Cattle Act, 1881," and the regulations issued thereunder, had been duly performed by the said E.F.

Dated at _____, in the Colony of New Zealand, this _____ day of _____, 18 _____.

A.B.,
Resident Magistrate.

[*N.B.—This Form may be altered as circumstances require, both as to facts and the class of animals in respect of which compensation is payable.*]

THIRD SCHEDULE.

Sec. 63.

1871, No. 35.—The Diseased Cattle Act, 1871.

1873, No. 69.—The Diseased Cattle Act Amendment Act, 1873.

1876, No. 61.—The Animals Importation Prohibition Act, 1876.