

(Hon. Mr. Vogel.)

Diseased Cattle Act Amendment.

ANALYSIS.

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| <p>Title.</p> <p>1. Short Title.</p> <p>2. Construction.</p> <p>3. Term "cattle" to include horses sheep and pigs.</p> <p>4. Acts may be made to apply to other animals.</p> <p>5. Governor in Council may declare what diseases shall be deemed diseases within meaning of Act.</p> <p>6. Cattle not to be landed in New Zealand unless inspected at port of shipment.</p> <p>7. Certificates to be attested before a Justice of the Peace or notary. Effect of such certificate.</p> <p>8. After 1st January, 1874, all cattle to be landed at a quarantine ground.</p> <p>9. Compensation to be paid for imported cattle destroyed.</p> <p>10. Cattle not to be destroyed without consent of Board.</p> | <p>11. Repeal of part of section 31 of Act. Provisions as to landing of cattle.</p> <p>12. Cattle Boards may appoint places not in quarantine ground to which cattle may be driven.</p> <p>13. Sheep infected with "scab" not to be destroyed, but shall be dressed by owner.</p> <p>14. Penalty if owner neglect to dress sheep.</p> <p>15. Order in Council and Proclamation shall fix a day when same to take effect, and may prescribe a limit to operation.</p> <p>16. May be applied to one class of animals; and only in respect of part of the Colony.</p> <p>17. Effect of Orders or Proclamations made under this Act.</p> <p>18. Expenses of Act to be paid out of moneys appropriated by Provincial Legislature.</p> |
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A BILL INTITULED

AN ACT to amend "The Diseased Cattle Act, 1871." Title.

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

1. The Short Title of this Act shall be "The Diseased Cattle Act Short Title.
5 Amendment Act, 1873."
2. This Act shall be read and construed with and as part of "The Construction.
Diseased Cattle Act, 1871" (hereinafter called "the said Act.")
3. The term "cattle" in the said Act mentioned shall, for the Term "cattle" to
10 purposes thereof and of this Act, extend to and include as well the include horses sheep
animals in the said Act mentioned as also horses sheep goats swine and pigs.
- 15 and such other animals as the Governor in Council shall from time to time declare subject to the said Act and this Act; and such term shall apply to all the animals in the said Act or in this Act mentioned, whether the same shall be living or dead, and shall include the hides skins hair horns hoofs offal or other parts of such animals.
4. It shall be lawful for the Governor in Council, from time to Acts may be made
time, to make alter or vary and revoke such orders as may seem to apply to other
necessary, declaring what animals, other than those hereinbefore animals.
mentioned, shall be subject to the said Act and this Act.
- 20 5. The Governor in Council may, in like manner, from time to Governor in Council
time, declare what diseases shall be considered diseases to which may declare what
cattle or other animals subject to the said Act and this Act shall be deemed diseases
deemed to be liable, and which shall be diseases for the purposes of within meaning of
the said Act and this Act; and until any such Order in Council shall Acts.

be made as aforesaid, the diseases mentioned in the second column of the Schedule hereto shall be deemed to be diseases peculiarly affecting the animals the description or kind of which is set forth in the first column of the said Schedule, opposite the names of such diseases respectively.

Cattle not to be landed in New Zealand unless inspected at port of shipment.

6. From and after the first day of January, one thousand eight hundred and seventy-four, no cattle shipped to New Zealand from any foreign district shall be landed in New Zealand, unless the owner of such cattle 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, and which would be likely to propagate amongst men or animals any such contagious or infectious disease, or any other disease.

Certificates to be attested before a Justice of the Peace or notary.

Effect of such certificate.

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

Every such certificate so attested before a Justice of the Peace or a notary public as aforesaid, shall, for all purposes, be receivable in the Colony as sufficient *prima facie* evidence of compliance with the provisions of this Act by any such owner as aforesaid.

After 1st January, 1874, all cattle to be landed at a quarantine ground.

8. From and after the first day of January, one thousand eight hundred and seventy-four, no imported cattle of any kind whatsoever shall be landed at any port or place in the Colony of New Zealand, except at a quarantine ground duly appointed for that purpose under the said Act; and such cattle shall be kept at such quarantine ground for such period as by any regulations made under the said Act may be prescribed in that behalf.

Compensation to be paid for imported cattle destroyed.

9. Whenever any cattle imported from any foreign district shall be destroyed under the provisions of the said Act, the owner of such cattle shall be compensated for the destruction of such cattle, and such compensation shall be ascertained in the manner by the said Act provided, and in ascertaining the amount of such compensation it shall be lawful for any Resident Magistrate or Court of Petty Sessions to take into consideration the original cost of such cattle and the expenses actually incurred in importing such cattle to New Zealand, and such Resident Magistrate or Court of Petty Sessions may take and receive such evidence as he or they shall think sufficient for the purposes aforesaid.

All such compensation when ascertained shall be paid out of moneys to be appropriated for the purposes of the said Act and this Act as hereinafter provided.

Cattle not to be destroyed without consent of Board.

10. Notwithstanding anything in the thirty-first section of the said Act, no imported cattle of any kind whatsoever shall be destroyed upon notice given by an Inspector of Diseased Cattle, unless and until he shall have received the written authority of the Local Cattle Board at the port or place where such cattle shall arrive to give such notice.

Repeal of part of section 31 of Act. Provisions as to landing of cattle.

11. The provisions of subsection (d) of the thirty-first section of the said Act, shall be and the same are hereby repealed, and the following provision shall be made in lieu thereof, that is to say:—

Whenever any ship or vessel having cattle on board shall arrive within any port or place in the Colony, after the same shall have been inspected by an Inspector of Diseased Cattle as by the said Act is provided, such Inspector 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 to which the same may

be driven or taken ; after which certificate so 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 ; and no master of such ship or vessel shall permit or suffer such cattle to be landed or driven otherwise than in accordance with such quarantine certificate: Provided that if any notice shall have been given to such master under the provisions of the said Act and this Act for the destruction of any such cattle, then such cattle shall be destroyed in the manner by the said Act provided, without suffering the same to be landed.

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12. Notwithstanding anything hereinbefore contained, if in any case the Local Cattle Board at the port or place where any such cattle shall arrive shall be of opinion that it would be desirable that any cattle should be landed and kept in any place other than at a quarantine ground, it shall be lawful for such Board from time to time to set apart such other place or premises to which such cattle may be driven or taken, as such Board shall think fit ; and the Inspector may, in any quarantine certificate, specify any such place or premises so set apart as a place to which cattle may be so taken or driven, and such cattle may be taken or driven thereto accordingly.

Cattle Boards may appoint places not in quarantine ground to which cattle may be driven.

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Every such place or premises shall be deemed to be an infected place within the meaning of the said Act, and any cattle taken or driven thereto, or enclosed therein, shall be deemed to be cattle affected with disease, and liable to the provisions of the said Act and this Act, and such cattle shall be kept at such place or premises in like manner and subject to the same regulations as if they were kept at or in a quarantine ground.

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13. Whenever any sheep which shall be infected with the disease called "scab," or which the Inspector at the port or place where the same shall arrive shall reasonably believe to be infected with such disease, shall be imported from any foreign district, the Inspector shall require the owner of such sheep, after the same shall have been taken or driven to the quarantine ground, or to any place or premises to be appointed for that purpose under the powers hereinbefore contained, forthwith to dress such sheep as often and in such manner as the Inspector may require ; and upon such owner's default so to dress such sheep, it shall be lawful for the Inspector to dress them, or cause them to be dressed, at the owner's expense ; and the Inspector may, in his own name, sue for and recover from such owner, in an action of debt in any competent Court of judicature, all the costs and expenses of dressing such sheep, and incidental thereto ; and at the expiration of two months from the date of the last dressing of such sheep, the same, if free from disease, shall be released from quarantine, or from such place or premises as aforesaid.

Sheep infected with "scab" not to be destroyed, but shall be dressed by owner.

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14. If any owner shall fail to comply with the provisions of the last preceding section, he shall be liable to a penalty of not less than ten pounds nor more than one hundred pounds, in addition to the liabilities by the said section imposed upon him.

Penalty if owner neglect to dress sheep.

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15. Every Order in Council, and every Proclamation made under the said Act or 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 be and 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, and it shall not in such case be necessary expressly to revoke any such Order in Council or Proclamation.

Order in Council and Proclamation shall fix a day when same to take effect, and may prescribe a limit to operation.

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May be applied to one class of animals; and only in respect of part of the Colony.

16. Any Order in Council or Proclamation made as aforesaid may declare that the provisions thereof shall only apply to one or more of the kinds of animals hereinbefore mentioned, and not to any other kinds of animals, and may also declare that the provisions of any such Order in Council or Proclamation shall apply to the whole 5
Colony, or only to such part or parts thereof as the Governor in Council or the Governor, as the case may be, shall direct or appoint.

Effect of Orders or Proclamations made under this Act.

17. 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 10
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.

Expenses of Act to be paid out of moneys appropriated by Provincial Legislature.

18. Notwithstanding anything in the said Act contained, all the expenses and charges of carrying the said Act and this Act into 15
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 Provincial Legislature of the Province within which the same shall be incurred or arise.

SCHEDULE.

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

Diseased Cattle Act.—Clauses D.

To stand in lieu of section 8 as printed :—

From and after the passing of this Act, 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 Local Cattle Board may from time to time appoint.

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 publication of such Proclamation in the *New Zealand Gazette*, cattle shall be landed at such proclaimed port, and at no other port or place.

To stand in lieu of section 9 :—

Whenever it shall appear to the Local Cattle Board that any such cattle as last aforesaid are affected with any disease which is by this Act, or may hereafter be, declared to be a disease for the purposes of this Act, the Local Cattle 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.

Whenever cattle imported from a foreign district shall be driven or taken to a quarantine ground, or to any place to be 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 any regulations to be made in that behalf. And in case any such disease as aforesaid 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 Local Cattle Board, and such owner shall not be entitled to any compensation whatsoever by reason of such destruction.

The provisions of the thirty-sixth section of the said Act shall only extend and apply to the animals in the said Act mentioned, and the compensation provided to be paid under that section shall not in any case exceed thirty shillings for every head of cattle destroyed.

The Governor may from time to time by Proclamation prescribe the amount of compensation which shall be paid to the owners of any other animals that are by this Act declared to be included within the provisions of the said Act and this Act, or that may hereafter be declared to be subject to the said Act and this Act, in the event of any such animals being destroyed under the provisions of the said Act and this Act, and may also prescribe the time and mode of payment of such compensation.