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IMPORTANT INFORMATION

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Livestock Act

Pound Districts Regulation

[includes amendments up to B.C. Reg. 44/2004]

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A — Pound Districts

Interpretation

1 In this regulation:

"amalgamate" means the establishing of a new pound district by joining 2 or more existing pound districts together by

- (a) varying the boundaries of the existing pound districts,
- (b) disestablishing existing pound districts, or
- (c) both varying the boundaries and disestablishing existing pound districts.

Application to establish a pound district

2 (1) Owners of land who wish to establish or disestablish a pound district pursuant to section 6 (1) of the *Livestock Act* shall submit an application to the director that includes

- (a) a description of the proposed or existing boundaries, as the case may be,
 - (i) by metes and bounds,
 - (ii) where there is a natural boundary, by reference to that boundary, or
 - (iii) by both metes and bounds and by reference to a natural boundary,
- (b) the number of owners of land in the area of the pound district or the proposed pound district and the method used to ascertain that number,
- (c) the name and address of a person who acts or is willing to act as a keeper for the pound district,
- (d) a legal description of the land on which the pound is to be or is located, and
- (e) other information that the director requires.

(2) Before submitting an application under this section, the applicants shall notify all owners of land outside a municipality who reside within the boundaries of the pound district, or the proposed pound district, as the case may be, that they will be submitting the application.

(3) The application shall

- (a) be signed by a majority of the owners of land outside a municipality who reside in the pound district, or the proposed pound district, as the case may be,
- (b) be accompanied by a non-refundable fee of \$150, and
- (c) contain a statutory declaration stating
 - (i) that the requirements of section 2 have been met, and
 - (ii) how the landowners were notified.

[am. B.C. Reg. 233/86.]

Amalgamation and disestablishment of pound districts

3 (1) Where an application under section 2 involves one or more existing pound districts, the director may amalgamate the existing pound districts referred to in the application.

(2) A director may disestablish a pound district where the pound district has no keeper.

(3) Repealed. [B.C. Reg. 44/2004, s. 2.]

(4) Where the director considers that it is necessary, he may

- (a) amalgamate 2 or more adjoining pound districts, and

(b) vary the boundaries of a pound district.

[en. B.C. Reg. 96/83; am. B.C. Regs. 233/86; 44/2004, ss. 1 and 2.]

Repealed

4 Repealed. [B.C. Reg. 44/2004, s. 3.]

B — Capture and Impoundment

Capture and impoundment of livestock

5 (1) A person who captures livestock under section 8 of the *Livestock Act*

(a) in a pound district shall

(i) deliver the livestock to the nearest keeper, or

(ii) where authorized by the keeper or a peace officer, impound it on his property or at another suitable place in the pound district, or

(b) on enclosed land outside a pound district may

(i) impound it himself, or

(ii) if there is a keeper within a reasonable distance, deliver it to the keeper.

(2) Where a person other than a keeper captures livestock at large he shall be deemed to be a keeper for the purposes of sections 6, 7, 8 (2), 10 (3), 16 and 17 (a), (b), (c), (i) and (j).

Notice of impoundment

6 (1) Where a keeper impounds livestock, he shall, in the manner set out in this section, immediately try to notify the owner that the livestock has been impounded.

(2) Notice required under subsection (1) shall be in the form set out in Schedule A and shall,

(a) where the owner is an individual residing in the pound district, be served personally on him or left with a person apparently of the age of 19 years or older at the last known address of the owner, and

(b) where the owner is an individual residing outside of the pound district or a corporation, be served on the person who is managing the owner's farm or ranch or left with a person apparently of the age of 19 years or older at the last known address of the owner.

Notice of sale

7 A keeper shall publish and post a notice of sale in the manner set out in section 8 (1) where

(a) he is unable after reasonable inquiry, within 5 days of serving a notice under section 6, to ascertain

(i) the owner of the impounded livestock, or

(ii) the whereabouts of the owner of the impounded livestock, or

(b) the owner of the impounded livestock

(i) fails to recover his livestock or notify the keeper under section 14 (1) within 5 days of being served with notice

referred to in section 6, or

(ii) notifies the keeper under section 14 (1) but does not apply to the director under section 15 (1) within 10 days of receiving the notice referred to in section 6.

[am. B.C. Reg. 233/86.]

Notice of sale

8 (1) The keeper shall in the circumstances permitted under section 7

(a) post a notice of sale in the form set out in Schedule B in 2 conspicuous public places in the pound district, and

(b) publish in one issue of a newspaper published in the pound district a notice of sale in the form set out in Schedule B.

(2) After posting a notice of sale of impounded livestock, the keeper shall forthwith notify the brand inspector for the pound district where the livestock was found.

Time of sale

9 (1) Subject to subsection (2), the keeper shall sell impounded livestock 10 days after the notice of sale has been published and posted.

(2) No keeper shall sell impounded livestock if the owner of the livestock

(a) has applied in writing to him in accordance with section 14 and paid the fees and expenses required under that section, or

(b) has applied to the director under section 15 within 10 days of receiving the notice referred to in section 6 (1).

[am. B.C. Reg. 233/86.]

Sale of livestock

10 (1) Subject to section 12, every keeper who sells livestock under these regulations shall sell the livestock by public auction

(a) at a licensed sale yard within the meaning of the *Livestock Public Sale Act*, or

(b) where this is not practical in the opinion of the keeper and the director approves, at a place other than a public sale yard.

(2) Where the livestock is sold by public auction the keeper may, or where the keeper so requests, a person appointed by the director shall, act as auctioneer.

(3) No keeper or auctioneer shall, directly or indirectly, acquire an interest in the livestock being sold or otherwise disposed of under these regulations.

[am. B.C. Reg. 233/86.]

Sale where more than one animal is impounded

11 Where the keeper knows that he has impounded more than one animal belonging to an owner and the owner has not applied in the manner set out in section 9 (2), the keeper shall

(a) sell only the number of animals that are required to meet the fees and expenses chargeable to the owner, or

(b) with the prior approval of the director, sell all the owner's animals that have been impounded.

[am. B.C. Reg. 233/86.]

Disposition where livestock not sold

12 Where livestock is not sold after being offered for sale in the manner set out in section 10, the keeper shall

(a) attempt to sell the livestock privately, or

(b) where the keeper believes it is impossible to dispose of the livestock for monetary value and the director approves, destroy or otherwise dispose of it in accordance with instructions given by the director.

[am. B.C. Reg. 233/86.]

Proceeds to be held in trust

13 (1) Where at the time of sale, the keeper has been unable to ascertain

(a) the identity of the owner of the impounded livestock, or

(b) the whereabouts of the owner of the impounded livestock,

the director shall hold the money to which the livestock owner is entitled from the sale of the livestock in trust for a period of 6 months from the date of the sale.

(2) Where a person applies to the director within 6 months of the sale and satisfies the director that he was the owner of the livestock at the time of the sale, the director shall pay to the owner the money held in trust under subsection (1).

(3) Where no application is received within 6 months of the sale, the director shall pay the money into the consolidated revenue fund and all claims of the owner of the livestock sold to the money are extinguished.

[am. B.C. Reg. 233/86.]

Notice of intent to apply for release of livestock

14 (1) Within 5 days of receiving the notice referred to in section 6 (1), the owner shall notify the keeper in writing that he intends to apply to the director for release of his livestock.

(2) Where an owner gives notice under subsection (1) and deposits with the keeper the amount of the fees and expenses alleged to be owing, the keeper shall release the livestock to the owner.

(3) The keeper shall hold the deposit pending an order of the director, but if no application is made by the owner to the director 10 days after the deposit is received, the money shall be kept by the keeper and the director shall not make an order in respect of it.

[am. B.C. Reg. 233/86.]

Application for release of impounded livestock

15 (1) An owner of impounded livestock may apply within 10 days of receiving the notice referred to in section 6 (1) to the director by filing a copy of the notice given to the keeper under section 14 for

(a) the release of impounded livestock that is not impounded in accordance with the *Livestock Act* and the regulations,

(b) a declaration that no fees or expenses are owing to a keeper or the person capturing the livestock, or

- (c) a declaration that the fees or expenses of the keeper or the person capturing the livestock are excessive.
- (2) On receiving the copy of the notice the director shall, as soon as practicable, hear the parties and determine the dispute.
- (3) Where the director finds the impounding of livestock unlawful, he shall order
 - (a) that the deposit be repaid or the livestock be released, as the case may be, to the owner, and
 - (b) the person unlawfully capturing the livestock to pay the fees and expenses to which the keeper would be entitled except for the order under paragraph (a).
- (4) Where the director finds the impounding of livestock lawful, but that the fees and expenses were greater than the fees and expenses set out in section 16, he shall order
 - (a) where the livestock has not been released under section 14 (2), the owner to pay an amount the director considers reasonable and, on payment of that amount, the keeper to release the livestock, or
 - (b) where the livestock has been released under section 14 (2), the keeper to pay to the owner the amount of the deposit that exceeds the amount the director considers reasonable.

[am. B.C. Reg. 233/86.]

Fees

16 The owner of livestock impounded under the *Livestock Act* shall pay

- (a) to the person who captured the livestock, all reasonable expenses of delivering the livestock to the pound,
- (b) in the case of a stallion or bull over one year of age, \$20 to the person who captured it,
- (c) to the keeper,
- (i) the actual daily cost for the necessary feed and care of the animal,
- (ii) \$5 for each stallion or bull per day, and
- (iii) \$2.50 for each other animal per day,
- (d) where the keeper has notified the owner under section 6, \$5 to the keeper,
- (e) where the keeper has published and posted a notice of sale under section 7, \$5 to the keeper,
- (f) to the keeper, 20¢ per kilometer that the keeper travels in carrying out his functions with respect to the owner's impounded animals, and
- (g) where the animals are sold by auction under section 8, \$25 to the auctioneer.

Duties of the keeper

17 A keeper shall

- (a) where the impounded livestock appears to have a contagious or infectious disease, keep it lodged separate from healthy livestock,
- (b) ensure that impounded livestock receive sufficient food, water and exercise and that an impounded cow or female goat is properly and adequately milked,

- (c) keep the pound clean and in good repair,
- (d) keep a pound book containing information required by the director,
- (e) enter the information required by the director promptly after it is received,
- (f) keep a copy of the Act and these regulations with the pound book at all times,
- (g) allow a person to examine the pound book, the Act and these regulations at all reasonable times,
- (h) on leaving office, deliver the pound book to the director or a person designated by him,
- (i) when the director requires it, supply information to the director respecting the impounding of livestock in his pound, and
- (j) promptly after each sale, send to the director a description of the livestock sold, the date of sale and the amount realized.

[am. B.C. Reg. 233/86.]

Offence

18 A person who contravenes sections 5, 6, 8, 9, 10 or 11 or breaches an order of the director made under section 15 commits an offence.

[am. B.C. Reg. 233/86.]

Schedule A

The..... [*name of livestock owner*]:

Take notice that under the provisions of the *Livestock Act*, [*description of livestock impounded*] was impounded in the pound kept by me at on[*date*] .

And further take notice that unless you appear at the pound within 5 days after the date of this notice, and release the livestock so impounded by the payment of the fees and charges required under the *Livestock Act*, the livestock described above will be advertised and sold at public auction as provided in the *Livestock Act*.

Dated[*date*] .

.....
KEEPER

Schedule B

Notice of Sale

Notice is given that on[*date*] I will sell at public auction at the pound kept by me at , in the Province, the following impounded livestock, namely:
..... [*Enumerate and describe the livestock intended to be sold.*]

Dated[*date*] .

.....

[Provisions of the *Livestock Act*, R.S.B.C. 1996, c. 270, relevant to the enactment of this regulation: section 20 (2)]

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