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LIVESTOCK IDENTIFICATION ACT
[RSBC 1996] CHAPTER 271

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Definitions

1 In this Act:

"brand" means an identification impressed or affixed on or within the body of livestock to indicate ownership;

"buy" or "sell" includes offering to do so;

"game" has the same meaning as in a regulation made under the Animal Health Act;

"hide" means the untanned skin of livestock;

"hide dealer" means a person who buys or sells hides or possesses hides for sale;

"identification brand" means an identification impressed or affixed on or within the body of livestock for a purpose other than to indicate ownership;

"inspector" means an inspector appointed under section 3 insofar as the inspector may act within the powers, functions, terms and conditions of the inspector's appointment under section 3;

"livestock" means cattle, horses and game and includes other animals designated by regulation as livestock for the purposes of all or part of this Act or the regulations;

"livestock dealer" means a person who, directly or as an agent, buys or sells livestock or possesses livestock for sale but does not include a person who resides in British Columbia or Alberta and who transacts business that arises directly from the person's ranching or farming operation;

"meat" means the whole or part of a carcass of livestock but does not include the hide;

"register" means a register of brands for the purposes of this Act;

"registered brand" means a brand registered under this Act;

"registered owner" means a person in whose name a brand is registered;

"slaughter" means the killing of livestock for any purpose and includes the butchering and dressing of a carcass;

"slaughterhouse" means a building or place where livestock is slaughtered or held for slaughter.

Use of registered brand

2 A registered brand is the property of the registered owner who has the exclusive right to its use.

Inspectors

3 (1) The minister may appoint a person, or persons within a class, to be inspectors.

(2) The minister, in an appointment under subsection (1), may

- (a) limit the powers and functions under section 5 that the inspector may exercise, or
- (b) make the appointment subject to terms and conditions.

(3) An officer or constable of the Royal Canadian Mounted Police or of any police force of a municipality has the powers of an inspector under section 5.

Evidence of appointment

4 The production by an inspector of a notice of appointment purported to be signed by the minister is proof in the absence of evidence to the contrary of the facts stated in the notice.

Complaints

4.1 (1) A person affected by the exercise of a power under section 5, or the refusal to exercise a power, by an inspector may complain to the body established under the regulations to investigate complaints.

(2) On receipt of a complaint, the body must investigate the matter raised by the complaint and may request that the inspector who is the subject of the complaint provide it with any information regarding the matter that the inspector considers should be considered during the investigation.

(3) The body referred to in subsection (1) may discontinue, at any stage, an investigation under this section if it considers the complaint to be unfounded, frivolous or vexatious.

(4) Unless subsection (3) applies, after completing an investigation and considering the information, if any, provided by the inspector, the body must

- (a) prepare its report to the minister,
- (b) give the inspector an opportunity to respond to the report,
- (c) make alterations to the report in light of that response, where appropriate, and
- (d) submit the report to the minister.

(5) On receipt of a report made under subsection (4), the minister may, as the minister considers appropriate,

- (a) rescind the inspector's appointment,
- (b) add terms or conditions, or limit powers or functions, as described in section 3 (2) respecting the appointment, or
- (c) take no action.

Power of inspectors

5 (1) For the purpose of carrying out duties under this Act an inspector may do any of the following:

(a) after taking reasonable steps to notify the owner or occupant or agent of either of them, enter

- (i) land or a vehicle, or
- (ii) during normal business hours, a building other than a building or part of a building that is used for residential purposes;

(b) inspect livestock, a carcass or a hide for evidence of a brand, ownership or purchase;

(c) stop a vehicle the inspector believes contains livestock, meat or hides and, if the inspector

(i) believes this Act or the regulations are being contravened, or

(ii) is not satisfied about the ownership of the livestock, meat or hides,

detain a shipment of livestock, meat or hides, and the vehicle containing it, at the owner's risk and expense, and direct the shipment and the vehicle to a place the inspector designates;

(d) if the inspector believes livestock is being transported contrary to the Animal Health Act or the Health of Animals Act (Canada),

(i) stop and detain the livestock and a vehicle containing it, at the owner's risk and expense, and

(ii) direct the livestock and the vehicle to a place the inspector designates;

(e) despite the Motor Vehicle Act, operate a vehicle equipped with a flashing light or siren, or both;

- (f) seize and remove livestock, meat or hides if
 - (i) the inspector believes they are being kept, driven, removed or shipped contrary to this Act or another enactment of British Columbia or Canada, or
 - (ii) the inspector is not satisfied about the ownership;
 - (g) take into custody livestock that appears to be abandoned;
 - (h) in accordance with the regulations, dispose of livestock, meat or hides that have been seized, detained or otherwise taken into custody;
 - (i) require records relating to livestock, meat or a hide to be presented for inspection.
- (2) The Lieutenant Governor in Council may prescribe additional powers to be exercised by an inspector.
- (3) Nothing in this section affects the right of a person to take action in respect of a negligent act or omission of a person acting under this section.

Repealed

6-7 [Repealed 1997-14-15.]

Evidence

8 (1) A certificate signed by an inspector respecting a matter or thing for which the inspector is responsible under this Act is evidence of the facts stated in the certificate concerning the matter or thing.

- (2) An unexpired brand certificate is evidence that the person indicated on the certificate is the registered owner.
- (3) A brand on livestock is evidence that the registered owner of the brand is the owner of the livestock.
- (4) In a prosecution under this Act, a bill of sale made under a requirement of this Act or the regulations is evidence that the livestock described in the bill of sale was bought by the buyer or owner named in the bill of sale.

Offences

9 (1) A person must not do any of the following:

- (a) brand livestock with
 - (i) an unregistered brand,
 - (ii) a brand other than that of the owner of the livestock, or
 - (iii) an identification brand not authorized by an organization designated by an order under section 9.1;
- (b) unlawfully possess livestock branded with
 - (i) an unregistered brand,
 - (ii) an identification brand not authorized by an organization designated by an order under section 9.1, or
 - (iii) a brand other than the livestock owner's brand;
- (c) alter, deface or obliterate a brand or identification brand on livestock or a hide;
- (d) at the request of an inspector, refuse to stop a vehicle under the person's control or otherwise disobey a direction or order given by an inspector under this Act;
- (e) to (g) [Repealed 1997-14-17.]
- (h) wilfully hinder or interfere with an inspector in the performance of the inspector's duty;
- (i) present livestock for inspection without authority of the owner;
- (j) describe livestock or brands incorrectly on a bill of sale.

(2) A person who contravenes subsection (1) commits an offence and is liable on conviction to a fine of not more than \$2 000.

(3) and (4) [Repealed 1997-14-17.]

Registration programs

9.1 (1) The minister, by order, may

- (a) designate organizations that may establish one or more programs specified in the order for the registration of brands or use of identification brands for British Columbia or an area of British Columbia, and
 - (b) set the terms and conditions that an organization designated under paragraph (a) must follow
 - (i) to establish and administer a program for the registration of brands or use of identification brands, or
 - (ii) to issue, refuse to issue, attach conditions to, transfer, amend, renew, suspend or cancel the registration of a brand or use of an identification brand.
- (2) An order under subsection (1) may

- (a) make different provisions for different areas of British Columbia, organizations, categories of livestock, brands or identification brands,
- (b) specify the circumstances under which and the extent to which an organization may delegate one or more of its powers, duties or functions under a program to its officers, agents or employees, or
- (c) authorize and require an organization to
 - (i) maintain livestock that is awaiting inspection or is detained by an inspector, and
 - (ii) detain and sell livestock that is abandoned.
- (3) An organization designated under subsection (1) may charge and retain fees for services it performs.

Direction by the minister

9.2 (1) The minister may issue a direction to an organization designated under section 9.1 or to its members specifying the factors, criteria and guidelines that the organization or members must or must not use in exercising the organization's powers.

(2) The organization and its members must comply with any general or special direction made by the minister under subsection (1).

Power to make regulations

10 (1) The Lieutenant Governor in Council may make regulations referred to in section 41 of the Interpretation Act.

(2) Without limiting subsection (1), the Lieutenant Governor in Council may make regulations respecting the following:

- (a) [Repealed 1997-14-19.]
- (b) the types or classes of livestock that must be branded to be within an area of British Columbia specified in the regulation;
- (c) the duties of inspectors;
- (d) [Repealed 1997-14-19.]
- (e) dealings in livestock and hides;
- (f) brand inspection of livestock and hides;
- (g) movement of livestock, hides and meat;
- (h) [Repealed 1997-14-19.]
- (i) preservation of brand marks, ear tags, back tags or other livestock identification systems and of the hide of the livestock carcass for the purpose of inspection;
- (j) particulars of brands or other information or records to be delivered, kept or obtained on a sale, delivery or slaughter of livestock or on a sale of hides;
- (k) records to be kept and made available by a person slaughtering livestock or dealing in livestock, hides or meat;
- (l) the exemption of a person or class of persons from all or part of this Act or the regulations;
- (m) [Repealed 1997-14-19.]
- (n) and (o) [Repealed 1997-14-19.]
- (p) rights of a person to inspect livestock being driven on land other than land of the livestock owner;
- (q) responsibilities of a person who while transporting livestock finds livestock belonging to another person mixed with the person's own livestock;
- (r) inspection of livestock by an inspector and the issue of an inspection certificate;
- (s) the establishment of a body for the purposes of section 4.1, the procedures to be followed by the body when conducting an investigation into a complaint and requesting information from the investigator who is the subject of the complaint, and the information to be contained in the report by the body.

Revocation of brand registration

11 (1) On the date this section comes into force

- (a) all registrations, by the Recorder of Brands under this Act, of brands and use of identification brands are revoked, and
 - (b) brand certificates, issued by the Recorder of Brands under this Act, have no force or effect on and after that date except for the purposes of section 8 respecting matters arising before that date.
- (2) Despite any other enactment, no damages or compensation of any kind is payable by the government, and no proceedings in which damages or compensation is claimed may be commenced, as a consequence of subsection (1).

