

LAWS OF FIJI

CHAPTER 162

STOCK IMPROVEMENT

Ordinances Nos. 36 of 1932, 2 of 1945, 37 of 1966, Act No. 6 of 1973

AN ACT FOR IMPROVING THE BREED OF HORSES AND CATTLE

[26th October, 1932]

Short title

1. This Act may be cited as the Stock Improvement Act.

Interpretation

2. In this Act, "inspector" means an inspector appointed under this Act.

Appointment of inspectors

- 3.—(1) The Minister may appoint such inspectors as may be necessary for carrying out the provisions of this Act.

- (2) Prosecutions under this Act may be conducted either by an inspector appointed under this Act or by any police officer.

(Substituted by 6 of 1973, s. 2.)

Licence to keep stallions and bulls

- 4.—(1) Every person keeping any stallion of the age of two years or upwards or any bull of the age of one year or upwards shall obtain a licence in the prescribed form or to the like effect authorising him to keep the same.

(Amended by 37 of 1966, s. 53.)

- (2) Unless the owner can establish proof to the satisfaction of the inspector as to the age of the animal, the age of such animal shall be fixed as determined by the inspector at the time of inspection.

- (3) The licence shall be issued by an inspector after the stallion or bull in respect of which it is to be issued has been inspected by him.

- (4) Any bull duly licensed by an inspector under the provisions of this Act shall be marked by applying to the lower outer third of the left ear a metal ear tag of ribbon pattern bearing a number which shall be recorded on the licence form issued by the inspector.

- (5) If on inspection the stallion or bull shall not appear to the inspector fit for breeding purposes he shall not issue a licence.

(6) A fee of two dollars shall be payable for each licence issued in respect of a stallion and a fee of one dollar in respect of a bull.

(7) Any licence may be cancelled by the Minister by writing under his hand upon its being proved to his satisfaction that the stallion or bull in respect of which such licence was issued is suffering from hereditary disease, old age or any other defect which may from time to time be specified by the Minister as making a stallion or bull unfit for breeding purposes.

(8) Every person holding a licence for a stallion or bull as above provided shall on demand produce the same to an inspector or to any police officer.

(Amended by 37 of 1966, s. 53.)

(9) Any person failing to produce his licence for a stallion or bull on demand as above provided shall be guilty of an offence.

Penalty for keeping stallions and bulls without licence

5.—(1) No person shall keep any stallion of the age of two years or upwards or any bull of the age of one year or upwards unless he shall have obtained a licence in accordance with the provisions of subsection (1) of section 4, or shall have made application for a licence in accordance with section 6.

(2) Anyone keeping a stallion or bull without a licence contrary to this Act shall be guilty of an offence.

Application for licence

6.—(1) Any person keeping a stallion or bull which for any reason has not been inspected by an inspector in accordance with the provisions of this Act shall deposit with the Commissioner of the Division in which the animal is kept an application for a licence in respect of such animal in the prescribed form not later than the date upon which the animal attains the age of one year in the case of a bull and two years in the case of a stallion.

(Amended by 37 of 1966, s. 53.)

(2) Any person keeping an unlicensed stallion or bull, and not having lodged an application as provided above shall be guilty of an offence under this Act.

Collection of animals for inspection

7.—(1) An owner on being required by an inspector, whether notice of inspection has been given or not, shall cause the stallions and bulls kept by him or permitted to remain upon the lands and premises occupied or used by him to be collected for inspection to the satisfaction of the inspector.

(2) Anyone who fails to cause the stallions or bulls to be so collected shall be guilty of an offence.

Animals unfit for breeding purposes

8.—(1) If upon inspection an inspector considers that any unlicensed stallion or bull or any

stallion or bull for which an application to be licensed has been lodged in accordance with the provisions of section 6 is not a fit and proper animal to be kept for the purpose of breeding stock he shall direct the animal to be castrated on or before a day specified in writing by him:

Provided that an owner may if he shall so elect cause the animal to be slaughtered on or before the day named by the inspector instead of being castrated.

(2) Any owner neglecting or omitting to castrate or slaughter an animal in pursuance of a direction given by an inspector shall be guilty of an offence.

Powers of inspector

9.—(1) Whenever an inspector shall have discovered an unlicensed stallion or bull for the licensing of which no application has been made as is hereinbefore provided or upon such neglect or omission as described in subsection (2) of section 8, the inspector with his servants and agents shall be entitled at all reasonable times to enter upon the lands and premises of the owner and upon the lands and premises of any other person where the animal may have been or may then be and to take possession of the animal and castrate it forthwith or to remove it to such other place as he may deem fit for the purpose.

(2) If the inspector causes a stallion or bull to be removed from the lands and premises upon which it may have been found he shall cause the animal to be returned to such lands and premises with all reasonable speed after castration having due regard to its safety and the advisability of its removal after operation.

Recovery of fees, costs and charges

10.—(1) If, upon the neglect or omission of an owner to castrate or slaughter any stallion or bull in pursuance of a direction given by an inspector, the inspector has castrated the animal, under the powers and authorities by section 9 conferred upon him or if, upon the request of the owner, the inspector has castrated the animal, there shall be due and payable by the owner to the Consolidated Fund the prescribed fee together with all such reasonable costs and charges as may have been incurred.

(2) The fees, costs and charges may be sued for and recovered by summons before a magistrate for the Division in which are situate the lands and premises on which the animal so castrated was kept.

(3) The Minister may direct that the whole or any part of any fee paid by an owner in accordance with subsection (1) shall be payable by the Chief Accountant to the inspector.

Power to enter upon lands

11. Any inspector or his servants or agents while engaged in the performance of any duties imposed upon him by this Act may enter into or upon any lands, premises or buildings upon which any stallion or bull may then be or upon which he may have reasonable cause to believe that any stallion or bull may then be and while upon or in those lands, premises or buildings may do all reasonable acts or things for the purpose of enabling him to carry out and perform the duties imposed upon him by this Act.

Indemnity except for wilful misconduct or gross negligence

12. No inspector or servant or agent employed by such inspector shall be liable for any loss or damage sustained by any owner by reason of the death of or any injury to an animal in consequence of its being castrated or in consequence of the reasonable acts and things done by such inspector, servant or agent with a view to enabling the operation of castration to be performed upon the animal unless it be shown that the loss or damage was occasioned by the wilful misconduct or gross negligence of such inspector, servant or agent.

Penalty

13. Any person guilty of an offence under this Act shall be liable to a fine not exceeding twenty dollars or to imprisonment for any term not exceeding two months.

(Amended by 2 of 1945, s. 95.)

Forms and fees

14. The Minister may make regulations prescribing the forms to be used and the fees to be paid in connexion with the provisions of this Act.

(Inserted by 37 of 1966, s. 53.)

Controlled by Ministry of Agriculture and Fisheries

Subsidiary Legislation

CHAPTER 162

STOCK IMPROVEMENT

SECTION 14 STOCK IMPROVEMENT REGULATIONS

TABLE OF PROVISIONS

REGULATION

1. Short title
2. Fees
3. Forms

First Schedule—Table of Fees for Castration

Second Schedule—Forms

Regulations 17 August 1966, Legal Notices Nos. 128 of 1973, 218 of 1974, 25 of 1979

Short title

1. These Regulations may be cited as the Stock Improvement Regulations.

Fees