

LAWS OF FIJI
CHAPTER 164
GOATS (EAR-MARKS)

Ordinances Nos. 15 of 1955, 7 of 1956.

**AN ACT TO MAKE PROVISION FOR THE VOLUNTARY EAR-MARKING OF
GOATS**

[16th September, 1955.]

Short title

1. This Act may be cited as the Goats (Ear-marks) Act.

Interpretation

2. In this Act, unless the context otherwise requires—

"ear-mark" means any mark or cut upon the ear of a goat made for the purpose of identification or recognition;

"goat" means any male or female goat or kid;

"inspector" means a person appointed by the Minister for the purpose of this Act;

"owner" means the registered owner of an ear-mark;

"prescribed" means prescribed by this Act or any regulations made thereunder;

"registrar" means the registrar of ear-marks;

"register" means the register of ear-marks.

Registrar and deputies

- 3.—(1) The Permanent Secretary for Agriculture and Fisheries shall be the registrar of ear-marks.

- (2) The Minister¹ may from time to time appoint—

(a) deputy registrars of ear-marks whose acts shall have the same force and effect as if done by the registrar;

(b) inspectors for the purposes of this Act.

Register

4. The registrar shall keep a register to be known as the "register of ear-marks" and shall enter therein—

(a) a description of all ear-marks registered and allotted under the provisions of this Act;

(b) the names and addresses of the owners;

(c) such other particulars as may be prescribed.

Application for registration

5.—(1) Any person who desires to own a registered ear-mark shall apply to the registrar in writing in the form prescribed accompanying the application by the prescribed fee.

(2) The registrar of ear-marks, if satisfied that the application complies with the provisions of this Act or of the regulations made thereunder, shall allot to the applicant such ear-mark as the registrar thinks fit and shall register the same. As soon as is practicable after such allotment and registration the registrar shall transmit to the owner a certificate of registration in the prescribed form.

(3) As soon as is practicable after the end of each month the registrar shall cause to be published in the Gazette a list of ear-marks registered during such month.

(4) As soon as is practicable after the end of every year the registrar shall cause to be posted at his office a complete list of ear-marks registered up to 31st day of December of such year and still in force together with the respective dates of registration thereof.

(5) The registrar may order the owner as a condition of allotment and registration of an ear-mark to advertise the fact of allotment and registration within a specified time in any newspaper in Fiji, and the Registrar shall when making the order specify whatever he requires inserted in the said newspaper. The cost of such advertisement shall be paid for by the owner.

(6) Registration of an ear-mark shall have effect for five years from the date thereof.

Renewal of registration

6.—(1) Upon the expiry of the registration of an ear-mark the last owner thereof shall, if he makes application within six months of the date of such expiry, be entitled on application to the registrar to have such ear-mark re-allotted to him and registered in his name.

(2) Such application shall be made in the manner prescribed in respect of an original application for an ear-mark.

Transfer

7.—(1) When any registered ear-mark is intended to be transferred, the owner and the intending transferee shall execute a joint memorandum in the form prescribed and upon the receipt of such memorandum and the prescribed fee, the registrar shall cancel the existing

registration of such ear-mark and may either register the same in the name of the transferee or allot and register whatever ear-mark he thinks fit thereto and, as soon as practicable after such registration, shall transmit to the owner a certificate of registration in the form prescribed.

(2) Transfer of the registration of an ear-mark shall have effect for five years from the date thereof.

Death of owner

8. Upon the death of an owner of a registered ear-mark his personal representative shall be deemed to be the owner of such ear-mark. Such representative may apply in the form prescribed to have such ear-mark registered in his name or in the name of his nominee. If no such application is made within twelve months after the death the registration of the ear-mark shall be cancelled and the ear-mark shall be available for re-allotment.

(Substituted by 7 of 1956, s. 2.)

Cancellation

9.—(1) When it appears to the registrar upon the report of an inspector or otherwise that a registered ear-mark is not in use the registrar may cause notice to be given to the owner thereof calling upon him to show cause why the same should not be cancelled.

(2) The notice shall be served upon the owner.

(3) If within six months after such service cause is not shown to the satisfaction of the registrar why the ear-mark should not be cancelled, the registrar may cancel the same and the said ear-mark shall then be available for re-allotment and registration.

(4) Where a partnership, limited company or firm is the owner of a registered ear-mark, upon the dissolution of that partnership, limited company or firm the said ear-mark shall be deemed to have been cancelled as from the date of dissolution thereof.

Ear-marks

10. Every registered ear-mark shall be made with an instrument approved by the registrar or an inspector.

Regulations

11.—(1) The Minister may make regulations to carry out the objects and purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing powers, such regulations may—

(a) prescribe the payment of fees;

(b) prescribe the duties of the registrar and deputy registrars;

(c) regulate the use of registered ear-marks and their order, size and position.

Offences

12.—(1) Any owner of a registered ear-mark who ear-marks or causes or procures to be ear-marked, with his registered ear-mark, a goat of which he is not the owner, shall be guilty of an offence and upon conviction shall be liable to imprisonment for a term not exceeding six months or to a fine not exceeding two hundred dollars.

(2) Any person who—

- (a) knowingly and unlawfully inserts or causes or permits to be inserted any false entry in any register, certificate, or list of ear-marks or in any extract therefrom; or
- (b) forges or unlawfully alters, offers, utters or puts off, knowing the same to be forged or unlawfully altered, any such register, certificate, list, extract, entry or any part thereof; or
- (c) with intent to defraud destroys, defaces or injures or causes to be destroyed, defaced or injured any such register, certificate, list, extract, entry or any part thereof; or
- (d) disfigures, alters or defaces any registered ear-mark marked upon any goat; or
- (e) marks any goat with a registered ear-mark which is not of the size and in the position and order prescribed; or
- (f) when ear-marking a goat with a registered ear-mark uses any contrivance, tool or appliance other than an approved instrument or removes one-third or more of an ear of a goat; or
- (g) ear-marks or causes or procures to be ear-marked a goat with a registered ear-mark, that person not being the owner of the said ear-mark or a person acting under the owner's directions or control,

shall be guilty of an offence and upon conviction shall be liable to imprisonment for a term not exceeding six months or to a fine not exceeding two hundred dollars.

Power of entry

13.—(1) In any case where reasonable ground exists for suspecting that an offence against this Act has been committed, the registrar, inspector or any police officer of or above the rank of inspector or any other police officer acting under his authority may—

- (a) with or without assistance enter any land or premises or upon any vehicle, wharf or vessel for the purpose of inspecting any goat, or goat skin, or any registered ear-mark, or ear-marking tool, contrivance or appliance; and
- (b) require the production of any goat or goat skin or any ear-marking tool, contrivance or appliance, and may take possession of the same; and
- (c) require any person to furnish information as to the ownership of any goat or goat

skin or of any ear-marking tool, contrivance or appliance.

(2) Any person who neglects or refuses to produce the goat or goat skin or ear-marking tool, contrivance or appliance required to be produced or to furnish the information required or knowingly furnishes false information shall be guilty of an offence and liable upon conviction to a fine not exceeding one hundred dollars.

Registered ear-mark prima facie proof of ownership

14.—(1) The mark of a registered ear-mark upon the ear of any goat shall be *prima facie* evidence of the ownership of the said goat by the owner of such ear-mark.

(2) A copy of an extract from the register or an entry in the Gazette relating to registered ear-marks, certified by the registrar, shall be *prima facie* evidence in all legal proceedings that the person mentioned in such extract or entry and no other person is the owner of and entitled to use the ear-mark of which he is therein alleged to be the owner.

(3) The signature upon such certification purporting to be that of the registrar shall be presumed to be that signature unless the contrary is shown.

(4) Any person producing in evidence any such entry or extract knowing that the registered ear-mark therein referred to has been cancelled under the provisions of this Act, shall be guilty of an offence and upon conviction liable to imprisonment for a term not exceeding six months or a fine not exceeding two hundred dollars.

(Amended by 7 of 1956, s. 3.)

Notice

15. Where it is necessary to give any notice to or to send to or serve upon any person any document for the purposes of this Act, such notice or document may be communicated to or sent to or served upon such person by letter or may be delivered to him personally or may be left at his usual or last known place of abode or business.

Fees, how payable

16. All fees payable under the provisions of this Act shall be paid to the registrar or deputy registrar who shall pay the same into the Consolidated Fund.

Controlled by Ministry of Agriculture and Fisheries

Subsidiary legislation

CHAPTER 164

GOATS (EAR-MARKS)

SECTION 11—GOATS (EAR-MARKS) REGULATIONS

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