

1975 Bill 55
(Second Session)

First Session, 18th Legislature, 24 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 55

THE LIVESTOCK BRAND INSPECTION AMENDMENT ACT, 1975

MR. MILLER

First Reading

Second Reading

Third Reading

Bill 55
Mr. Miller

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(Second Session)

THE LIVESTOCK BRAND INSPECTION AMENDMENT ACT, 1975

(Assented to , 1975)

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Alberta, enacts as follows:

- 1. The Livestock Brand Inspection Act is hereby amended.*
- 2. Section 1 is amended*
 - (a) as to clause 5 by adding after the words "for sale" the words "or who offers livestock for sale, transport, slaughter or entry into feed lot at any time",*
 - (b) as to clause 11 by adding after the words "an inspector" the words "deputy inspector or livestock investigations supervisor",*
 - (c) as to clause 20 by adding after the words "gymkhana competitions," the words "horse shows or rodeos," and by striking out the words "or chuckwagon races",*
 - (d) as to clause 22 by adding after the words "any railroad train" the words "or aircraft".*
- 3. Section 2, subsection (1) is amended by adding after the word "inspectors," the words "deputy inspectors, livestock investigations supervisors,".*
- 4. Section 4 is amended*
 - (a) as to subsection (1) by striking out the word "or" at the end of clause (b) and by striking out clause (c), and*
 - (b) by adding the following subsection after subsection (2):*
 - (3) A certificate issued under subsection (2) may be used to transport saddle horses to destinations outside of Alberta and to return the same horses to Alberta.*

Explanatory Notes

1. This Bill will amend chapter 63 of the Statutes of Alberta, 1971.

2. Section 1, clauses 5, 11, 20 and 22 presently read as follows:

- 5. "contributor" means any person who sends livestock to a market for sale;
- 11. "inspector" means an inspector under section 2;
- 20. "saddle horse" means a horse ridden by a person or his employees in conjunction with the every day operation of his farming or cattle operation and horses used for gymkhana competitions, but does not include rodeo horses used for bucking contests or chuckwagon races;
- 22. "vehicle" means a car, truck, trailer or any device in or upon which any livestock may be transported upon a highway, or any railroad train.

3. Section 2 presently reads as follows:

2. (1) In accordance with The Public Service Act there may be appointed inspectors, officers and employees as may be required for the administration of this Act.

(2) Every member of the Royal Canadian Mounted Police is by virtue of his position an inspector under this Act and has the same powers and duties as are conferred or imposed on such an inspector by law.

4. Section 4 presently reads as follows:

4. (1) Notwithstanding section 3, no livestock manifest is required for livestock which is transported by vehicle or driven on foot

(a) to a destination which is not more than 10 miles distant and which is other than a community pasture, forest reserve, feed lot or market, or

(b) to a veterinary clinic, or

(c) between two properties in Alberta that are owned or fully controlled by the owner of the livestock.

(2) Any person who consistently transports one or more saddle horses between any two points within Alberta, whether on foot or by vehicle may do so if he possesses a certificate in the prescribed form issued by an inspector which will be valid for the calendar year in which it was issued, and no livestock manifest is necessary.

5. *Section 5, subsection (2) is amended by striking out the words "distinctively marked by means of a brand, paint," and by substituting therefor the words "distinctively marked on the upper portion of the body by means of paint,".*

6. *Section 6 is struck out and the following section is substituted therefor:*

6. (1) Where livestock is to be transported by vehicle or is to be driven, a livestock manifest in the prescribed form shall be fully completed in quadruplicate by the owner of the livestock, or his agent, in the portions of the manifest as provided in the regulations, at the time the livestock is delivered to the vehicle operator or the driver of the livestock.

(2) The vehicle operator or the driver of the livestock shall complete the remaining portions of the livestock manifest as provided in the regulations.

(3) The vehicle operator or the driver of the livestock shall

- (a) retain the original copy of the livestock manifest,
- (b) deliver the first carbon copy with the livestock for brand inspection purposes, and
- (c) deliver the second carbon copy with the livestock to the consignee.

(4) The owner of the livestock shall retain the third carbon copy.

(5) Any person receiving a copy of a livestock manifest shall retain it for a period of two years and produce the copy for inspection upon demand by an inspector during that period.

7. *Section 7 is amended*

(a) *by striking out subsection (1) and by substituting the following:*

7. (1) Notwithstanding section 6, when livestock is shipped by rail within Alberta, the contributor or his agent shall complete all portions of a livestock manifest.

(b) *as to subsection (2) by striking out the word "Two" and substituting the words "The first and second carbon".*

5. Section 5 (2) presently reads:

(2) Where livestock is owned by more than one person and included in a single shipment, the operator of the vehicle transporting the livestock to a community pasture, forest reserve, feedlot or market shall ensure that the livestock owned by each person is distinctively marked by means of a brand, paint, a livestock marking crayon or by clip marks in the hair so as to be readily identifiable from the livestock in the shipment owned by any other person.

6. Section 6 presently reads as follows:

6. (1) A livestock manifest in the prescribed form shall be fully completed by the vehicle operator or driver of the livestock except as may otherwise be provided by the regulations.

(2) A livestock manifest shall be completed in quadruplicate and

(a) the original shall be given to the contributor when the livestock is accepted for transport.

(b) one copy shall accompany the livestock for inspection purposes,

(c) one copy shall be delivered with the livestock to the consignee, and

(d) one copy shall be retained by the vehicle operator or driver of the livestock in accordance with subsection (3).

(3) Any person receiving a copy of a livestock manifest shall retain it for a period of two years and produce it for inspection whenever required during that period.

7. Section 7 presently reads as follows:

7. (1) Notwithstanding section 6, when livestock is shipped by rail, the contributor of the livestock or his agent shall prepare the livestock manifest.

(2) Two copies of the manifest shall be given to the railroad who shall deliver them to the destination with the livestock.

8. Section 8 is amended by striking out subsection (2) and by substituting the following:

- (2) The market operator, his agent or employee, shall
 - (a) deliver the first carbon copy to an inspector, and
 - (b) attach the second carbon copy to the gate of the pen where the livestock is kept until the livestock is sold or removed from the pen and thereafter it shall be retained by the market operator.

9. Section 9, subsection (2) is amended by striking out the words "The Supervisor may determine" and substituting the words "The regulations may prescribe".

10. Section 10 is struck out and the following section is substituted therefor:

10. (1) An inspector may cause any livestock to be detained at any place at the owner's expense for the purpose of

- (a) inspection, or
- (b) establishing proof of ownership of the livestock.

(2) When an inspector has caused any livestock to be detained under this section, none of the livestock may be removed from the place where the livestock was caused to be detained, until authorization to do so is given by an inspector.

11. Section 11 is struck out and the following section is substituted therefor:

11. Where livestock is delivered to any place where a sale transaction has been conducted and brand inspection is required, the person in charge of the sale shall collect from the consignor the prescribed inspection fee for each head of livestock inspected and shall pay the fee to the Minister when requested to do so by an inspector.

12. Section 12, subsection (1) is amended by striking out the words "upon receiving payment of the purchase price," and by substituting therefor the words "upon delivery of livestock to a purchaser,".

13. Section 13 is amended by striking out clause (a) and by substituting therefor the following:

8. Section 8 (2) presently reads as follows:

(2) The market operator, his agent or employee, shall deliver one copy to the inspector and the second copy shall be attached to the gate of the pen where the livestock is kept until the livestock is sold, at which time it shall be retained by the market operator.

9. Section 9 (2) presently reads as follows:

(2) The Supervisor may determine what facilities are necessary or suitable for inspection services.

10. Section 10 presently reads as follows:

10. (1) An inspector may cause any livestock brought into a market to be detained for the purpose of

- (a) inspection, or
- (b) establishing proof of ownership of the livestock.

(2) When an inspector has caused any livestock to be detained under this section, none of the livestock may be removed from the market or slaughtered without the authorization of the inspector.

11. Section 11 presently reads as follows:

11. A market operator shall withhold from the consignor's proceeds of sale the prescribed inspection fee for each head of livestock inspected and pay to the Department such fee when requested to do so by an inspector.

12. Section 12 (1) presently reads as follows:

12. (1) A market operator shall, upon receiving payment of the purchase price, issue a bill of sale to each purchaser in respect of livestock purchased by him and is the agent of the vendor for that purpose.

13. Section 13 presently reads as follows:

13. Where more than one sale of any livestock takes place in a market before the livestock has been removed from that market the person who is the owner prior to the resale shall

- (a) provide the inspector with a declaration of the brands,
- (b) have the livestock re-inspected, and
- (c) pay the prescribed fee.

- (a) provide the inspector with a description of the livestock on a livestock manifest including a declaration of the brands,

14. Section 14 is amended by striking out subsection (2) and by substituting the following:

(2) Any other livestock being transported to an abbatoir with the livestock described in the permit shall be distinctively marked on the upper portion of the body by means of paint, a livestock marking crayon or by clip marks in the hair so as to be readily identifiable from the livestock described in the permit.

15. Section 15 is struck out and the following section is substituted therefor:

15. (1) Any person who

- (a) purchases livestock at a market where it has been inspected,
- (b) wishes to transport the livestock directly out of Alberta, and
- (c) applies to an inspector on the day the livestock is purchased,

may be issued, without fee, a permit in the prescribed form authorizing the shipment if satisfactory bills of sale are presented to the inspector.

(2) If bills of sale presented to an inspector are not satisfactory in his opinion, he may

- (a) detain the livestock at the owner's expense until satisfactory bills of sale have been provided, or
- (b) re-inspect the livestock and charge the prescribed fee before granting the permit.

(3) If the inspector considers it necessary for the livestock to be inspected, the owner shall, prior to inspection, prepare a livestock manifest fully describing the livestock, including brands.

16. Section 16, subsection (1) is amended by striking out the words "in the case of pedigreed livestock or".

17. Section 17 is struck out and the following section is substituted therefor:

17. Notwithstanding section 16, any person who wishes to transport pedigreed livestock out of Alberta may do so without advising the Supervisor or local inspector of his intention to do so or obtaining an inspection certificate if the livestock is accompanied by

14. Section 14 (2) presently reads as follows:

(2) Any other livestock being transported to an abattoir with the livestock described in the permit must be distinctively marked for identification by an inspector.

15. Section 15 presently reads as follows:

15. Any person who
(a) purchases livestock at a market where it has been inspected,
(b) wishes to ship the livestock out of Alberta, and
(c) applies to an inspector on the day the livestock is purchased,
may be granted without fee a permit in the prescribed form authorizing the shipment.

16. Section 16 (1) presently reads as follows:

16. (1) Except in the case of pedigreed livestock or where livestock is delivered directly to a market at Lloydminster, Saskatchewan or Dawson Creek, British Columbia, every person who proposes to move livestock out of Alberta from any place other than a market where the livestock have been inspected shall advise the Supervisor or local inspector of the proposed shipment, setting out
(a) the date and time of shipment,
(b) the shipping point and the number of head of livestock, and
(c) the destination.

17. Section 17 presently reads as follows:

17. The provisions of this Act insofar as they relate to inspection and inspection fees do not apply to pedigreed livestock sold at a market on a day the business of that market is confined solely to the sale of pedigreed livestock, and when the pedigreed livestock so offered for sale was advertised for sale on that day,
(a) by advertisement in a newspaper, or
(b) by distribution of posters, at least one week before the date of the sale, and described individually in a catalogue distributed to potential buyers before the beginning of the sale.

- (a) a livestock manifest and registration certificates for each head of livestock, or
- (b) a livestock manifest and a bill of sale on which the registration number and tattoo for each head of livestock is shown, or
- (c) where no sale transaction is involved, a livestock manifest on which the registration number and tattoo for each head of livestock is listed.

18. Section 18 is amended by striking out the words "or prospective sale".

19. Section 20, subsection (1) is amended by adding after the words "to be sold at the sale" the words "on a livestock manifest".

20. Section 22 is struck out and the following section is substituted therefor:

22. (1) Any person who offers for sale, slaughter or transport out of Alberta or entry into a feed lot, livestock that

- (a) is not branded with his registered brand, or
- (b) is branded with his registered brand which has not yet peeled,

shall ensure that the brand on which the last transaction was recorded is plainly visible to an inspector at the time of inspection.

(2) An inspector may detain livestock, to which subsection (1) applies, in locked pens at the expense of the contributor until the brands referred to in subsection (1) are made visible.

(3) The owner of livestock, to which subsection (1) applies or his agent, shall provide to the inspector satisfactory bills of sale for the livestock at the time the livestock is presented for inspection.

(4) Subject to the regulations, an inspector may

- (a) retain the bill of sale, or
- (b) return the bill of sale to the livestock owner.

21. Section 23 is struck out and the following section is substituted therefor:

23. (1) No person shall engage in business as a butcher until he has obtained from the Minister a licence for each premises on which he intends to slaughter meat animals.

18. Section 18 presently reads as follows:

18. Any livestock that is moved from point to point within Alberta and brought into a market or custom feed lot for weighing, rest or feeding, shall be inspected, and if the movement of the livestock is not related to a sale or prospective sale of the livestock, no inspection fee shall be charged.

19. Section 20 (1) presently reads as follows:

20. (1) If the Supervisor considers it necessary for the livestock at a country sale to be inspected, the person in charge of the sale shall provide to the inspector a list of the livestock to be sold at the sale containing a description of each animal or lot of animals which shall indicate their number, colour, sex and any brands.

20. Section 22 presently reads as follows:

22. (1) Any person who offers for sale, slaughter, shipment out of Alberta or for entry into a feed lot for custom feeding, any livestock that is

(a) branded with other than his registered brand, or

(b) branded with his registered brand but that brand has been applied within the preceding 30 days,

must prepare the branded area on the hide so that the last brand on which a transaction has been recorded is plainly visible to an inspector before the livestock is presented to an inspector for inspection.

(2) Where any person contravenes subsection (1), he is guilty of an offence and, in addition, an inspector shall have the livestock detained in locked pens at the expense of the contributor until the contributor or that person's agent or employee has made the brands visible.

21. Section 23 presently reads as follows:

23. (1) No person shall engage in business as a butcher until he has obtained from the Minister a licence for each place of business.

(2) No person engaged in business as a fur farmer shall slaughter meat animals until he has obtained from the Minister a licence for each place of business where he intends to slaughter meat animals.

(3) Each applicant for a licence shall pay to the Minister the prescribed fee for each licence.

(4) No person may be granted a licence unless he has a building for the purpose of slaughtering livestock.

(5) The licensee must slaughter livestock on the licensed premises only.

(6) Each licence expires on December 31 of the year for which it is issued.

(2) No person who operates a fur farm as defined in *The Fur Farms Act* shall slaughter meat animals until he has obtained from the Minister a licence for each premises on which he intends to slaughter meat animals.

(3) The Minister may issue licences under this section in the form prescribed by the regulations.

(4) No person may be granted a licence with respect to any premises unless he has a building on those premises for the purpose of slaughtering meat animals.

(5) The licensee must slaughter meat animals on the licensed premises only and any contravention of *The Meat Inspection Act* may result in cancellation of the licence.

(6) Each licence expires on December 31 of the year for which it is issued.

22. Section 24, subsection (4) is amended by adding after the words "shall make a return" the words "in the prescribed form".

23. Section 25 is struck out and the following section is substituted therefor:

25. Any person who

(a) slaughters livestock, or

(b) purchases livestock hides,

shall at any reasonable time permit an inspector to enter any premises other than a dwelling house for the purpose of inspecting livestock hides.

24. Section 26, subsection (1) is amended by striking out the words "for custom feeding".

25. Section 29 is amended by striking out subsection (2).

22. Section 24 (4) presently reads as follows:

(4) On or before the 10th day of each month the licensee shall make a return, signed by him, to the Minister setting out all entries made in the record during the preceding month.

23. Section 25 presently reads as follows:

25. (1) Any person who slaughters livestock shall retain the hide for seven days unless the hide has been inspected

- (a) immediately before slaughter, or
- (b) within the seven day period.

(2) Inspections of hides shall be made by inspectors at markets on regular sale days.

(3) Every inspector who makes an inspection of a hide pursuant to this section shall, where possible, record the description on the prescribed form and deliver a copy to the owner of the hide without charge.

24. Section 26 (1) presently reads as follows:

26. (1) Any person who is the owner or operator of a feed lot and who accepts livestock for entry onto the feed lot premises for custom feeding, other than livestock purchased directly from a market where the livestock has been inspected, shall notify the Supervisor or local inspector within 24 hours after the livestock has entered onto the premises.

25. Section 29 presently reads as follows:

29. (1) Any person who delivers livestock to a public livestock sale, a market or a feed lot shall, where an inspection is required,

- (a) describe the brand on each head of livestock or each lot of livestock on a livestock manifest before delivering the livestock to the public livestock sale, market or feed lot, and
- (b) furnish to an inspector all information concerning brands and bills of sale necessary to establish ownership of the livestock and any other information which the inspector may require in the course of his duties.

(2) When any person fails to comply with subsection (1) the inspector, notwithstanding any prescribed penalty for the failure to comply, shall assess a double inspection fee for each head of livestock not accurately described on the livestock manifest and shall cause the proceeds of sale to be held as provided in sections 31 and 32 until ownership is established.

(3) If any person fails to comply with subsection (1) an inspector may cause the livestock to be placed under seizure in locked pens at the expense of the contributor until the subsection is complied with.

26. Section 30 is struck out and the following section is substituted therefor:

30. Where an inspector determines that livestock is owned by a person other than the contributor, the owner may demand that the livestock be returned and the contributor shall be responsible for all expenses occasioned by the return to such place as the inspector may direct.

27. Section 31 is amended by striking out subsection (6) and by substituting therefor the following subsection:

(6) Where a notice is issued under subsection (2) for any livestock and, after a period of 60 days has elapsed, an inspector is unable to determine the ownership of the livestock, the inspector shall issue a release in the prescribed form instructing the person withholding settlement to forward the amount so withheld to the Provincial Treasurer and such amount shall form part of the General Revenue Fund.

28. The following section is added after section 37:

37.1 (1) An inspector, upon production of his badge or certificate of appointment, may at any reasonable time search without a warrant any land, whether fenced or not, for the purpose of exercising or performing any of his powers and duties under this Act.

(2) For the purpose of this section, "land" includes any cattle enclosure, corral, barn, lean-to, feed shed, windbreak or any other structures that may be used to house, protect or conceal livestock, but does not include a dwelling house.

29. Section 42 is struck out and the following section is substituted therefor:

42. Every person who

- (a) buys livestock, or
- (b) sells livestock, or
- (c) offers livestock for shipment,

in any name other than in the name of the owner of the livestock, is guilty of an offence.

30. Section 45, subsection (1) is amended by adding after the words "except pedigreed livestock" the words "in accordance with section 17".

26. Section 30 presently reads as follows:

30. Where an inspector determines that livestock is owned by a person other than the contributor and the owner of the livestock demands the animal be returned to the place from where it was transported, the contributor shall be responsible for all expenses occasioned by its return.

27. Section 31 (6) presently reads as follows:

(6) Where an inspector issues a certificate under subsection (2) for any livestock and, after a period of 30 days and reasonable inquiries, he is not satisfied as to the rightful ownership, he shall issue a release in the prescribed form instructing the person withholding settlement to forward the amount held to the Provincial Treasurer and such amount shall form part of the General Revenue Fund.

28. Search of lands other than a dwelling house.

29. Section 42 presently reads as follows:

42. Every person who buys, sells or offers livestock for shipment in other than his own name is guilty of an offence.

30. Section 45 (1) presently reads as follows:

45. (1) Any livestock owner or agent acting on his behalf who ships or attempts to ship livestock out of Alberta (except pedigreed livestock or livestock delivered directly to a market at Lloydminster, Saskatchewan or Dawson Creek, British Columbia) without first having the livestock inspected and the prescribed fees paid is guilty of an offence.

31. The following section is added after section 45:

45.1 Every person who

- (a) being the operator of a vehicle knowingly uses the vehicle in Alberta for the purpose of transporting livestock, other than pedigreed livestock, out of Alberta to any place other than directly for sale at Dawson Creek, British Columbia or Lloydminster, Saskatchewan, without the livestock having first been inspected for brands, or
 - (b) being the owner of a vehicle knowingly allows the vehicle to be used, in Alberta for the purpose of transporting livestock, other than pedigreed livestock, out of Alberta to any place other than directly for sale at Dawson Creek, British Columbia or Lloydminster, Saskatchewan, without the livestock having first been inspected for brands,
- is guilty of an offence.

32. Section 46 is amended by adding after subsection (4) the following subsection:

- (5) Any person who has possession of a bill of sale for livestock shall release it upon the demand of an inspector.

33. Section 50 is amended

- (a) *by striking out subsection (1) and by substituting therefor the following:*

50. (1) Any person who contravenes any provision of this Act or the regulations is guilty of an offence and is liable on summary conviction to a fine of not less than \$50 and not more than \$1000.

- (b) *as to subsection (2) by striking out the word "section" and by substituting therefor the word "Act".*

34. Section 51 is amended by adding the following clause after clause (b):

- (b1) governing the issuance and cancellation of permits and licences authorized by this Act,

35. This Act comes into force on the day upon which it is assented to.

31. An offence is created for being the owner or operator of a vehicle knowingly used for the transportation of un-inspected livestock out of the province.

32. Section 46 presently reads as follows:

46. (1) Every owner of livestock shall provide or cause to be provided a bill of sale to any person acquiring livestock from him by purchase, gift or barter.

(2) Every person acquiring livestock by purchase, gift or barter shall obtain a bill of sale therefor.

(3) Every bill of sale shall contain the names of the buyer and seller, the date of the sale and a description of the livestock whereby they may be readily and easily known and distinguished, including brand, if any, number, colour and sex.

(4) Every bill of sale issued by a market operator shall contain the name of the contributor of each draft of livestock included therein.

33. Minimum fines are provided for. Section 50 presently reads:

50. (1) Any person who contravenes any provision of this Act or the regulations is guilty of an offence and is liable on summary conviction

(a) in the case of a corporation, to a fine not exceeding \$1,000, or

(b) in all other cases, to a fine not exceeding \$500 or to imprisonment for not more than six months, or to both fine and imprisonment.

(2) A prosecution under this section may be commenced within two years of the commission of the offence and not thereafter.

34. Section 51 presently reads:

51. The Lieutenant Governor in Council may make regulations

(a) fixing inspection fees,

(b) fixing licence fees,

(c) prescribing forms,

(d) prescribing returns to be made, and

(e) providing for all other matters necessary to carry into effect the provisions of this Act.