



Western Australia.

ANNO QUINQUAGESIMO QUARTO

VICTORIÆ REGINÆ.

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No. XVI.

AN ACT to repeal "The Scab Act, 1885," and to re-enact the same with amendments.

[ Assented to, 26th February, 1891. ]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. "THE Scab Act, 1885," is hereby repealed, except so far as regards any proceedings commenced or offences committed or the recovery of contributions or the appointment of any inspector or other officer thereunder; and all scab districts now established under the said Act or any Act heretofore in force relating to scab in sheep shall continue scab districts as if the same had been established under this Act. Repeal.

2. THIS Act may be cited as "The Scab Act, 1891." Short Title.

3. THE following terms in inverted commas shall, for the purposes of this Act, bear the meaning set against them respectively, unless the context otherwise indicates:— Interpretation.

"RUN,"

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- “**RUN.**”—Any station, squat, farm, paddock, yard, or other place where sheep are kept or depastured; and, in the absence of a quarantine boundary defined by an inspector in his declaration, includes the whole area of the land held in one block or in several contiguous blocks by an owner.
- “**SHEEP.**”—Any ram, ewe, wether, or lamb.
- “**OWNER.**”—Any proprietor, lessee, licensee, overseer, superintendent, manager, or person in possession or charge of any sheep, but shall not include the shepherd, unless such shepherd shall also be the overseer, or *bona fide* owner of such sheep.
- “**INSPECTOR.**”—Any inspector or assistant inspector of sheep appointed under this or any Act heretofore in force relating to scab in sheep.
- “**INFECTED SHEEP.**”—(1) Any sheep infected with scab.
- (2) Any sheep forming a flock, or part of a flock, amongst which may be found an infected sheep, whether such infected sheep belongs to such flock or not.
- (3) Any one or more sheep which have been in contact with, or have been mixed with any infected sheep within six months.
- (4) Any sheep being depastured on the same lands as any infected sheep.
- (5) Any sheep on board any vessel or boat, or in any yard, enclosure, carriage, or truck in which there has been within three months any infected sheep, unless such yard, enclosure, carriage, or truck shall, in the meantime, have been effectually scoured with some scab-destroying preparation.
- (6) All infected sheep within the foregoing definitions, until a clean certificate shall have been granted for the same.
- “**SUSPECTED SHEEP.**”—All sheep within, or travelling through, an infected district.
- “**INFECTED DISTRICT.**”—Any district in which there are or have been within six months any infected sheep.
- “**INFECTED RUN.**”—Any run on which there are or have been within six months any infected sheep.
- “**STRAY SHEEP.**”—Any one or more sheep not being in the immediate keeping of any person and not being in a paddock.

“**FLOCK**”

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- “FLOCK,”—Any sheep shepherded, or running in one flock, and any sheep within the bounds of one paddock, yard, enclosure, carriage, or truck.
- “DESTROY,”—To kill and bury at a depth of not less than two feet under the ground, or to consume by fire or boil down.
- “DIPPED,”—Plunged, or immersed in some liquid wash, deemed sufficient in the opinion of an inspector for the eradication of scab.
- “DISTRICT,”—A district defined as a Scab District under the provisions of this or any Act heretofore in force, relating to scab in sheep.
- “PERSONAL NOTICE,”—A notice in writing personally served upon the occupier of a run, or left with some adult inmate of the principal homestead on such run, or (if no such inmate can be found) affixed to some conspicuous part of such homestead.
- “NOTICE,”—A notice in writing delivered in manner following, that is to say, by delivering the same personally, or by leaving the same at, or posting the same addressed to the address of the inspector, or at, or to, the usual or last known place of abode in Western Australia of any sheepowner or other person, or by affixing such notice at the homestead or other conspicuous place on the run of such sheepowner or person, or by delivering the same at any telegraph office for transmission, prepaid, addressed to the inspector at his usual or last known place of abode.
- “OCCUPIER,”—Any owner or other adult person who may be in charge or possession of any run as herein defined.
- “CLEAN,”—Free from scab under the certificate of an inspector.
- “CLEAN CERTIFICATE,”—The certificate of an inspector granted under this Act for and in respect of sheep, which he shall be satisfied are not “infected sheep” within the meaning of this Act.
- “BRAND” or “BRANDED,”—To brand or be branded on the rump with some suitable composition.
- “PUBLIC WAY,”—Any road within the meaning of “The Roads Act, 1888,” or any road or way dedicated to the public, or which shall have been ordinarily used by the public three years at least.

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Scab Districts.

Appointment of inspectors.

Power and duties of inspectors.

Owner compelled to muster sheep for examination.

Penalty for obstructing inspector.

Penalty for refusal by persons in charge of sheep to give evidence.

4. THE Governor may from time to time, by writing under his hand to be notified in the *Government Gazette*, establish and define the boundaries or limits of "Scab Districts" in such parts of the Colony, and comprising such areas, respectively, as may be considered most convenient for the purposes of this Act. And may from time to time appoint inspectors of sheep and assistant inspectors in any such districts: Provided that the Governor may delegate the power of appointing assistant inspectors to any Government Resident or Resident Magistrate. And such inspectors and assistant inspectors shall hold office during the Governor's pleasure.

5. IT shall be lawful for any inspector at any time to enter upon any run, and inspect and examine any sheep wherever in the Colony they may be, and to exercise and discharge all the powers and duties conferred upon him by or under this Act, in any and every part of the Colony, and in the exercise and discharge of such powers and duties shall have free ingress, egress, and regress through, over, and upon any run; and the owner of any sheep shall, when required by an inspector, forthwith muster his sheep, in some convenient place or places as the inspector may direct, for his examination. If upon examination of such sheep they shall be found to be infected, it shall be lawful for such inspector if he shall not be satisfied that the whole of the infected sheep on the run have been so mustered, and after having allowed such owner reasonable time to complete such mustering, to employ any person or persons to assist him in a thorough examination of the run, and all infected sheep then found remaining on such run and not mustered as aforesaid may be forthwith destroyed by such inspector, or by his authority, without compensation to the owner. The expenses of and incident to such examination of the run, whether or not any further infected sheep shall be discovered thereon upon such examination, and of and incident to the destroying of any infected sheep so discovered, shall be paid by such owner to the inspector on his demand of the same with an account thereof in writing.

6. ANY person who shall refuse to allow an inspector to enter upon any run or to examine the same by himself or any person or persons employed by him for such purpose, or to examine any sheep, or who shall hinder or attempt to hinder an inspector from or to impede him in the exercise of his powers and duties, and any owner of sheep who shall not, when required by an inspector, forthwith muster or cause his sheep to be mustered in some convenient place, as the inspector may direct, shall be deemed guilty of an offence.

7. IT shall be lawful for any inspector to call upon all persons concerned in the charge, control, or management of any sheep, to give

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give evidence before him as to the facts within their knowledge relating to such sheep; and if any person, after being so called upon, shall refuse or neglect to give such evidence, or shall refuse or neglect to answer any inquiries put to him by such inspector, under the authority of this Act, he shall be liable to a penalty not exceeding Twenty pounds.

If any person in giving such evidence, or in answering such inquiries, shall make any statement, knowing the same to be false, he shall be liable to a penalty of One hundred pounds, or to be imprisoned for a period not exceeding six calendar months.

Penalty for false evidence.

8. THERE shall be published once in every calendar month, when possible, in the *Government Gazette*, a list, certified by the chief inspector, of all runs on which there are at that time any infected sheep, and of the particular flock or flocks which are so infected.

List of diseased flocks to be published every month in *Government Gazette*.

9. EVERY inspector who shall refuse, or wilfully neglect, or unreasonably delay to perform any of the duties hereby imposed on him, or who shall be guilty of misconduct in the performance thereof, or who shall wilfully abuse the powers and authority hereby entrusted to him, shall be deemed guilty of an offence.

Inspector liable to penalty for delay or misconduct in the discharge of his duty.

10. EVERY owner shall, within three days after he shall have become aware of any of his sheep being infected, affix at each point of entrance of any public way intersecting that portion of his run where such sheep are kept or depastured, a notice signed by him and written or printed in distinct legible characters not less than one inch in length, to the following effect—"Scab on this run." And every such notice shall be dated on the day on which it shall be first affixed, and shall be kept so affixed until such sheep shall be duly declared clean; and every owner of infected sheep who shall fail or delay to cause such notice to be so affixed or kept affixed, and every person who shall wilfully tear, deface, or remove such notice, shall be deemed guilty of an offence.

Public notice of scab breaking out.

11. THE owner of any sheep which may be or may become infected shall, within forty-eight hours thereafter, give personal notice thereof in writing to the occupiers of all the adjoining runs upon which any sheep may, for the time being, be depasturing, and shall also give notice in writing of such infection, in manner herein-after mentioned, to the inspector and Resident Magistrate (if any) of the district in which such sheep may be.

Notice of infection to be given.

All such notices shall contain a correct account of the sheep infected, and the number thereof, and their several marks or brands, and shall precisely define the locality in which they are kept or depastured; and in the notices

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notices so to be given to the inspector and the Resident Magistrate, as aforesaid, such owner shall also state the time and place when and where, he proposes to dip such sheep.

How notices to Inspector and Resident Magistrate to be given.

The notice to be given to the inspector and Resident Magistrate shall be delivered personally, or by posting the same addressed to, or leaving the same at a telegraph office for transmission, prepaid and addressed to the inspector or Resident Magistrate at his usual or last known place of abode, within the periods following:

If the infected sheep shall be depasturing within one hundred miles from the nearest post or telegraph office, within four days after the owner shall become aware of such infection.

If more than one hundred miles, but less than two hundred miles, within eight days.

If more than two hundred miles but less than three hundred miles, within twelve days.

And if over three hundred miles, within twenty days.

Penalty for default.

If the owner of any infected sheep shall neglect or omit to give either of such notices, as herein required, such owner shall, on conviction upon the information of any inspector, be adjudged to pay any penalty not exceeding One hundred pounds for every twenty-four hours during which such neglect or omission shall have continued.

Duty of Inspector on being satisfied sheep are infected.

Quarantine for infected sheep.

12. IT shall be the duty of such inspector upon receiving such notice, or of some other inspector, immediately to examine such sheep, and on being satisfied that the same are infected, and of every inspector upon being satisfied with or without any inspection or examination, irrespective of such notice, or in case such notice has not been received by him that any sheep are infected, to give to the owner of such sheep personal notice to clean the same, and such inspector shall declare the run, or any portion thereof to be defined by him in writing, as and to be the boundary within which the whole of such infected sheep shall be kept in quarantine until clean, and within such boundary no other sheep shall be admitted, or shall be permitted to remain until such run shall be clean: Provided, nevertheless, that an inspector may, subject to such conditions as he may deem necessary, permit infected sheep to be removed from one quarantine boundary to another, and for such purpose shall in granting such permission deliver to the owner an instrument in writing under his hand, defining the route over and the conditions under which such sheep shall be taken or driven during such removal: Provided, however, that nothing herein contained shall empower an inspector to permit such sheep to be driven across lands or runs other than those belonging to or in the occupation of the owner

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owner of such sheep, nor over nor upon public roads intersecting or bounding lands other than those of the said owner, except with the consent of the owner or owners of such other lands, and except over waste lands of the Crown not held under lease or license; and any owner wilfully infringing the terms of such instrument shall be guilty of an offence.

13. EVERY such declared quarantine boundary shall be binding on the owner and all other persons whomsoever; and any person who shall knowingly remove or cause to be removed beyond such boundary any sheep not clean, or who shall knowingly infringe any of the provisions of the last preceding section, shall be deemed guilty of an offence.

Penalties for infringing quarantine.

14. IF, upon the expiration of four weeks from the time of the service of the notice of the inspector to clean any sheep, such sheep shall not have been well and sufficiently dipped to the satisfaction of the inspector, the owner of such sheep shall be guilty of an offence; and the Justices before whom such offender shall be convicted shall, at the request of such inspector, order such sheep to be destroyed by an inspector, and the expense incident to such destruction shall be borne by such owner.

Penalty if infected sheep not well and sufficiently dipped at end of four weeks; and Justices shall order destruction.

15. IF an inspector shall be satisfied that any owner, whose sheep, or any of them, are infected, has failed to clean such sheep within reasonable time after their infection, or is not taking due and speedy means to ensure their being cleaned, then such inspector may either within such period of four weeks or at any time take possession of such sheep, and take such steps as he may think fit to clean them; and for that purpose may seize and use all tanks, implements, fuel, lime, sulphur, and any other materials and things found on the run and premises where such sheep may be; and any expenses thereby incurred by the inspector may be recovered by him from the owner of such sheep.

Owner failing to clean sheep.

For the purpose of the exercise of the powers conferred by this section such inspector may enter upon the runs on which such sheep are kept, with such assistants as he may require; and any owner or occupier who shall obstruct any inspector in the discharge of, or neglect to afford all reasonable facilities for the discharge of, such duty, shall, for every day during which he shall so offend, be liable, on conviction, to a penalty not exceeding Twenty pounds. Such inspector shall not be liable for any loss or damage occasioned to such owner, or any other person, by any act or omission of such inspector, unless such damage shall be occasioned by his wilful neglect or default.

Inspector may enter run to clean sheep.

Penalty for obstructing Inspector.

Inspector not liable for damages except by wilful default.

16. EVERY owner of infected sheep shall cause the said sheep to be well and sufficiently dipped, as often and at such time or times as

Compulsory dipping

as

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as the inspector shall require and direct; and in no case shall an inspector declare any such sheep to be clean, within the meaning of this Act, until six months after he shall have been satisfied that such sheep have been well and sufficiently dipped as aforesaid. And it shall be the duty of the inspector, or of some person to be appointed by him for the purpose, to personally superintend the dipping of all infected sheep.

Inspector may order suspected sheep to be dipped.

**17.** IT shall be lawful for any inspector by personal notice to any owner to order and direct him to dip any suspected sheep belonging to such owner, or in his possession, as often and at such time or times as the inspector shall require and the inspector or some person to be appointed by him for the purpose shall superintend such dipping. And every owner not complying with the terms of such order shall be guilty of an offence.

Inspector may employ anyone to assist.

**18.** AN inspector may employ any person or persons to assist him in the performance of his duties under this Act.

Where expenses incurred, sheep may be sold to satisfy the same

**19.** IN every case where any expenses shall have been incurred by any inspector in the performance of his duties, such inspector shall give notice in writing of the amount of such expenses to the owner of the sheep in respect of which such expenses have been incurred; and if the amount of such expenses shall not be paid by such owner within one month after such notice, it shall be lawful for such inspector to seize and remove and to sell, or cause to be sold, so many of the said sheep, at public auction, as in his opinion may be necessary to cover such expenses; and the proceeds of such sale shall be applied to the payment of such expenses and the costs and expenses of any such seizure and sale, and the surplus (if any) shall be paid to the owner of the said sheep.

Owners of infected sheep to cause them to be followed during the day and folded during the night.

**20.** EVERY owner of infected sheep not depasturing within secure enclosures shall cause the same to be followed and kept in sight when depasturing throughout the day, and if an inspector by writing under his hand delivered to such owner shall so order, to be kept within secure enclosures throughout the night; and such owner shall immediately burn any such enclosures or yards on the written order of any inspector; and any owner who shall neglect so to do shall incur a penalty not exceeding Twenty-five pounds for every day or night he shall so neglect.

Inspector may prohibit keeping of sheep on a particular run.

**21.** IF, in the opinion of an inspector, sheep cannot be kept on a particular run without danger of their becoming infected owing to infected sheep having recently been depasturing upon such run, or to the uncertainty as to the presence of infected or suspected sheep thereon, it shall be lawful for the inspector, by notice in writing under



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under his hand delivered to the owner, manager, or person in charge of such run, to prohibit the keeping or depasturing of sheep on any such run to be defined in such writing, for such term as he may thereby direct, and at any time to withdraw such prohibition, and the same to renew and extend from time to time. And any person keeping, or depasturing, or suffering sheep to be on any such prohibited run shall be deemed guilty of an offence. Provided always, that every such prohibition, renewal, or extension of the same shall be forthwith published in the *Government Gazette*.

22. ANY owner, manager, or person in charge of a prohibited run within the meaning of the last preceding section may apply by petition to the Governor in Council, praying for the removal of any such prohibition or a reduction of the term thereof, which removal or reduction the Governor in Council may grant, and thereupon such prohibition shall be void or the term thereof reduced, as the case may be.

Appeal to Governor in Council if run prohibited.

23. WHOSOEVER shall wilfully make any false report, or sign any false certificate or return respecting any sheep, shall be deemed guilty of an offence.

False report to be an offence.

24. ALL infected sheep above the age of three months shall, within three days after becoming infected, be legibly branded by the owner with the letter S, at least three inches in length, and shall be kept by him so branded until clean. And every owner neglecting any provision of this section shall be deemed guilty of an offence.

Branding infected sheep.

25. FOR the purposes of this Act, all sheep branded as aforesaid shall be deemed to be infected sheep, and such brand shall be *prima facie* evidence of infection.

Brands evidence of infection.

26. NO owner shall drive or conduct, or cause to be driven or conducted any sheep from any part of an infected district, or of an infected run, to any other part of such district or run, or upon or along any public way which may intersect or form a boundary line of any such district or run, without the written permission of an inspector, nor unless he shall have given not more than forty-eight, nor less than twelve hours previous personal notice to the owner of any run he proposes to enter upon or cross, of his intention so to do. Such permission shall be applicable only to the particular sheep mentioned therein and so being driven or conducted in one flock and at the same time, and to no other sheep; and shall not enure for a longer period than shall elapse from the time when such sheep shall begin to travel until they shall be expected to arrive at their place of destination, computing five miles a day as the rate at which, if driven, such sheep shall travel. Provided that such permission shall be

Persons driving sheep to obtain permit from Inspector.

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be void unless the sheep therein mentioned shall begin to travel within twenty-one days from the date of such permission being given by the inspector, or within ten days from its receipt by such owner, if received after a period of twenty-one days from such date. Any owner contravening any of the provisions of this section shall be guilty of an offence.

Owner or person in his employ may examine sheep driven on his run.

If found infected, may be destroyed forthwith.

27. ANY owner, and any person in his employ, may examine any sheep which may be driven through, over, or be found upon any part of his run; and if such sheep shall upon examination be found in his opinion to be infected, then such owner or other person may detain and keep possession of such sheep until their examination by an inspector; and the owner or person in charge of such sheep shall forthwith give notice of such detention to an inspector, who is hereby required to repair without delay to the place where such sheep are detained, and to examine the same and ascertain whether or not such sheep are infected; and if upon such examination the said sheep shall be found by the inspector to be infected, then such inspector may, at the request of the occupier of the lands upon which such sheep may be, destroy all such sheep, and the expenses of and incident to the destroying of the same shall be paid to such inspector by the owner of such sheep so destroyed. Provided that, if upon examination by the inspector, the sheep detained shall be found not to be infected, then the owner or person detaining the same shall be deemed guilty of an offence. And provided, also, that in case the person in charge of or driving sheep through, over, or found upon any part of the lands lawfully occupied by any other person shall refuse to permit such sheep to be examined or detained in manner aforesaid, or shall not, if required, assist such inspector in destroying such sheep, the owner of such sheep shall be deemed guilty of an offence.

Stray infected sheep and stray suspected sheep may be killed.

28. ANY person may seize and destroy any stray infected sheep, and an inspector and his assistants may seize and destroy any stray suspected sheep. The owner of any one or more stray infected sheep found and destroyed on his own run after the thirty-first day of March next shall be deemed guilty of an offence under this Act, and shall on conviction thereof, besides any penalty he may incur for such offence, pay a penalty of Five pounds for each and every sheep so found and destroyed, and the ear marks or brand on any such sheep shall be *prima facie* evidence of ownership of such sheep. In default of payment of any such penalty forthwith the owner so convicted shall be imprisoned with hard labor for any term not less than twelve months and not exceeding two years.

Any person other than an inspector who shall destroy any stray infected sheep under this section shall, within three weeks

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weeks thereafter, give notice thereof to an inspector, with particulars of the sheep destroyed by him, the name of the owner, if known, and the locality where the same was or were destroyed.

29. EVERY owner of sheep imported into any seaport, either coastwise or from parts beyond seas, shall report in writing the fact of such importation, as soon as practicable after their arrival, to some inspector or Resident Magistrate at or near to such seaport and shall not remove such sheep from such seaport until they shall be declared clean by the certificate of an inspector or of some other person appointed by the Governor for that purpose; nor until they shall have been, to the satisfaction of an inspector or other person appointed as aforesaid, well and sufficiently dipped: Provided that such dipping may be dispensed with in any case, at the discretion of the inspector or such other person. And every owner, any of whose sheep so imported shall be so removed without such certificate or without being dipped as aforesaid, unless such dipping be dispensed with, shall for every sheep so removed incur a penalty not exceeding Twenty pounds.

Imported sheep to be reported immediately to inspector, and not removed without his certificate, and being in certain cases dipped.

30. WHOEVER shall wilfully or negligently communicate or cause to be communicated to any sheep the disease called scab, shall be deemed guilty of an offence.

Communicating scab, an offence.

31. ANY person who, on the disease called scab breaking out in any sheep in his charge, shall omit or neglect forthwith to inform his master or employer thereof, or who shall carelessly neglect any sheep in his care whereby they may become infected, shall on conviction before two Justices forfeit any reasonable damages for such sheep so infected as aforesaid, to be recovered in a similar manner as penalties under this Act, and in default of sufficient distress shall be committed to gaol by the convicting Justices for any period not exceeding six calendar months, with or without hard labor, at the discretion of the said Justices; and the master or employer of such person so convicted may deduct the amount of such damages from the wages for the time being due to such person, or apply the whole thereof towards satisfaction of such damages, as the case may be.

Persons in charge of sheep punishable for misconduct.

32. WHOSOEVER shall cast or wash, or cause to be cast into or washed, in any stream or waterhole or well, any infected sheep, or the carcass or portion of the carcass of any infected sheep, shall incur for every such infected sheep or carcass or portion of the carcass a penalty not exceeding Ten pounds.

Casting carcasses of infected sheep into stream or waterhole.

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Slaughtering or exposing for sale.

**33.** WHOSOEVER shall have in his possession for the purpose of slaughter for sale, or shall slaughter or cause to be slaughtered for sale any infected sheep, or shall expose the carcass or any part thereof in any public place, shall be deemed guilty of an offence, and the convicting Justices shall direct that the flesh and skins of all such infected sheep so slaughtered or exposed shall be seized and destroyed.

How wool or skins of infected sheep to be removed.

**34.** WHOSOEVER shall remove or carry away the wool or skins of any infected sheep, otherwise than in bags or bales securely packed and sewn up, shall be deemed guilty of an offence.

Yearly contribution on sheep.

**35.** FOR defraying the cost and expenses of carrying this Act into effect, there shall in each year, on and after the first day of January, be levied and paid upon and in respect of all sheep depastured and kept in any part of the Colony, for every one thousand sheep a contribution of Two pounds, or such other less sum as the Governor in Council may determine and as may be notified in the *Government Gazette*, and so in proportion for any greater or smaller number possessed by one owner; such contribution to be paid on or before the first day of April in each year, at the office of the Colonial Treasurer in Perth, or the Resident Magistrate of the district within which such sheep may be depastured and kept, or to such other officer, and at such other place, as the Governor may appoint.

Returns of sheep to be made.

**36.** EVERY owner of sheep shall, on the last Saturday in the month of December in each year, make a return in writing, signed by him, of all sheep kept and depastured by him; and if such sheep are kept and depastured by such owner in separate districts, then such owner shall make separate returns of all sheep so kept and depastured in such separated districts, and shall deliver or cause to be delivered such return or returns, within fourteen days after the same shall have been made, to the Resident Magistrate or Magistrates of the respective districts within which such sheep are kept and depastured; and any owner who shall make default herein shall be guilty of an offence within the meaning of this Act.

Annual return of contributions to be made.

**37.** THE several Resident Magistrates shall, within twenty-one days after the first day of January in each year, from such returns calculate the amount of contribution to be made by the several owners within their respective districts, and shall on or before the first day of March then next make a return thereof to the Colonial Treasurer, according to which return the contribution hereinbefore mentioned shall, upon notice as hereinafter provided, be due and payable as aforesaid by the owners therein named, except in so far as the same may be affected by any order made on appeal as hereinafter provided.

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**38.** THE said several Resident Magistrates shall also, not less than one month previous to such contribution becoming due, cause a list of the amount of contributions to which each owner is liable to be affixed at some conspicuous part of the Police Office of his district, and requiring him to pay the same at the office of the said Resident Magistrate or Colonial Treasurer, or such other officer as the Governor shall appoint to receive the same, from time to time, on or before the first day of April next ensuing.

Notice of calculation of contribution.

**39.** ANY owner liable to contribute as aforesaid, who shall consider himself aggrieved by the amount charged to him, may appeal to the Petty Sessions of his district, on giving to the Resident Magistrate, by notice in writing, to be left for him at the Court House or Justices' Room of the district, or given to him in person, or sent to him through the post, ten days notice of his intention to appeal, and the Petty Sessions shall determine the matter of the appeal.

Appeal against contribution.

**40.** IN the absence of any such appeal within the time limited, or in the case of such appeal being decided against the appellant, if the owner liable to pay such contributions shall not, on or before the fifteenth day of April, pay the same to the Colonial Treasurer or other officer as aforesaid, the same, together with an additional sum equal to one-fourth part thereof by way of penalty, may be recovered summarily in like manner as any penalty under this Act.

Payment, how enforced.

**41.** WHEN any magisterial district shall have been reported to the Governor in Council by the Chief Inspector of Stock to have been "clean" during a period of one year, the Governor in Council may, by notice in the *Government Gazette*, declare such district to be "clean," and may revoke and annul such notice if necessary. Any district declared 'clean' by the Governor in Council under any Act heretofore in force relating to scab in sheep shall continue to be a 'clean' district under this Act, provided that the declaration of any such district as 'clean' has not been revoked.

District may be declared "clean."

**42.** WHEN any magisterial district shall have been reported to the Governor in Council by the Chief Inspector of Stock to have been "clean" during a period of three years, and during such period only as such district shall continue to be so clean, it shall be lawful for the Governor in Council to declare that such district shall not be liable to pay any contribution under the provisions of this Act; and any such district already exempted from such contribution under any Act heretofore in force relating to scab in sheep shall remain exempt, subject to the provisions of this clause.

When a district may be exempted from contribution.

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Sheep from clean district to other district, or from infected district to infected district.

43. IT shall not be lawful for any person to introduce by land or sea any sheep from a clean district into any other district, or from an infected district into an infected district, unless he shall hold a clean certificate for such sheep and unless he shall have given to the inspector of the district into which they are to be introduced at least seven days' previous notice of his intention so to introduce them, stating in such notice the number of such sheep and the point at which, and the day on which, it is intended they shall cross the boundary of or be landed in the district. Every person offending against the provisions of this section shall be liable to a penalty of not less than Ten pounds nor exceeding One hundred pounds.

Sheep from infected district to clean district.

44. IT shall not be lawful for any person to introduce by land or sea any sheep from an infected district into a clean district, unless within fourteen days previous to such introduction such sheep shall have been examined by an inspector and he shall have granted a clean certificate for the same, nor unless such person shall have given to an inspector of the district into which such sheep are to be introduced at least seven days' previous notice of his intention so to introduce them, stating in such notice the number of such sheep and the point at which, and the day on which, it is intended they shall cross the boundary of or be landed in the district. Every person offending against the provisions of this section shall be liable to a penalty of One hundred pounds, and in the case of the number of sheep exceeding one hundred then to a further penalty of not less than Five shillings nor more than One pound for every sheep so introduced contrary to the provisions of this section. The before-mentioned certificate may be lodged with the inspector granting the same, and if not so lodged shall at any time within six months after the date thereof be produced by the owners of such sheep to any inspector, Justice of the Peace, constable, or sheepowners demanding the same, under a penalty of Five pounds.

Sheep from infected to clean district to be dipped within certain limits.

45. WHEN any sheep are introduced by land from any infected district into any clean district, it shall not be lawful for such sheep to be driven, depastured, or suffered to stray at a greater distance within the said clean district than three miles from the part of the boundary of the said district at which such sheep are introduced, until such sheep have been effectually dipped at least twice within fourteen days from the date of their being so introduced to the satisfaction of an inspector, and until the owner of such sheep has received from such inspector a certificate to that effect; and for every day during which any sheep shall be driven, depastured, or suffered to stray in contravention of the provisions of this section, the owner of such sheep shall be liable to a penalty not exceeding One hundred pounds. Provided that in the case of fat sheep travelling to market, the inspector may allow any such sheep to proceed on being dipped once only.

*The Scab Act, 1891.*

46. THE Governor in Council may from time to time, by Proclamation to be published in the *Government Gazette*, appoint one or more place or places at or adjacent to the inland boundaries of any district at some one or other of which places all sheep to be introduced by land into any such district shall be crossed over such boundaries, and no sheep shall be introduced by land into any district unless at some one of such places; and any person crossing sheep over any such boundary at any other place than the one which shall have been so appointed, shall be liable to a penalty of One hundred pounds.

Places may by Proclamation be appointed on the inland boundaries of districts at which all sheep shall be introduced.

47. IF any person shall abandon any infected sheep, whether the same be alive or dead, and shall not in the case of any such infected sheep which may become helpless or die immediately destroy or bury the same, he shall be liable to a penalty of Fifty pounds or to be imprisoned for any period not exceeding six calendar months; and it shall be lawful for any inspector or other person to seize, destroy, or bury such sheep, or to cause the same to be seized, destroyed, or buried.

Penalty for abandoning infected sheep.

48. THE Governor in Council may, from time to time, make, amend, and annul rules and regulations for the guidance and instruction of inspectors, and the establishment of public places for the dipping of sheep; and may make any special arrangements necessary to prevent the occurrence of any public inconvenience by reason of the establishment of any quarantine boundary or otherwise; and as to all other matters of detail for carrying this Act into full effect, so far as the same are consistent herewith and are not herein provided for by express enactment; and such regulations, being published in the *Government Gazette*, shall have the force of law; and any person guilty of a breach or non-observance thereof shall be deemed guilty of an offence.

Regulations.

49. THE notification in the *Government Gazette* of the appointment of any inspector under this Act shall be sufficient evidence of such appointment.

Evidence of appointment.

50. NO owner or other person having any interest therein shall be entitled to or to recover any damages or compensation whatever for any sheep destroyed under the authority of this Act.

Owner not entitled to compensation.

51. ALL offences under this Act shall, in the absence of a specific penalty, render the offender liable to a penalty not exceeding One hundred pounds; and a conviction for an offence shall not prejudice the right of any person aggrieved by the act constituting such offence, to recover damages in a civil action.

Penalties for offences.

*The Scab Act, 1891.*

Sheep may be seized upon conviction of owner.

**52.** UPON the conviction of any owner under this Act, it shall be lawful to make distress and sale, not only of his goods and chattels, but also of any sheep in his possession or charge, or which were in his possession or charge at the time of the commission of the offence in respect of which such owner has been convicted, and any such last mentioned sheep may be followed and seized wherever they may be found.

Penalty, how recovered and applied.

**53.** ALL penalties under this Act and all expenses directed to be borne or paid by an owner or by any other person, or recoverable from an owner or any other person, may be recovered in a summary way before any two or more Justices on the complaint of an inspector. And such penalties shall in all cases go to the use of Her Majesty, her heirs and successors, for the public uses of the Colony, and the support thereof; but the same may, to the extent of one moiety in each case, be paid and applied to the informer or complainant, as the Governor in Council may direct.

In cases of appeal. Justices may stay proceedings, or otherwise.

**54.** IN every case where notice of appeal to the Supreme Court shall have been given against any conviction or order made under the provisions of this Act, it shall be lawful for the Justices by whom such conviction or order shall have been made, in their discretion, either to stay all proceedings under such conviction or order pending the hearing of such appeal, or to direct that such conviction or order, or any portion thereof, shall be carried out before such hearing, as to them may seem fit.

Amendment of 52 V., No. 11.

**55.** THE words "The Scab Act, 1885," occurring in the 2nd and 3rd sections of "The Scab Act, 1888," shall be read "The Scab Act, 1891." and the said sections shall be construed accordingly.

Shortening Ordinance.

**56.** SECTIONS A, D, F, G, H. and I of "The Shortening Ordinance, 1853," shall be incorporated with and taken to form a part of this Act to all intents and purposes, and in as full and complete a manner as if the said section or sections had been introduced and fully set forth in this Act.

In the name and on behalf of the Queen I hereby assent to this Act.

W. C. F. ROBINSON, Governor.