

## REGISTRATION OF STOCK BRANDS ACT.

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Act No. 14, 1921.

**George V,** An Act to provide for the better regulation of the  
**No. 14.** branding of horses and cattle ; to amend the  
Stock Act, 1901 ; and for purposes connected  
therewith. [Assented to, 13th December,  
1921.]

**B**E it enacted by the King's Most Excellent Majesty,  
by and with the advice and consent of the Legis-  
lative Council and Legislative Assembly of New South  
Wales in Parliament assembled, and by the authority of  
the same, as follows :—

Short title.

**1.** This Act may be cited as the "Registration of  
Stock Brands Act, 1921," and is divided into Parts,  
as follows :—

PART I.—PRELIMINARY—*ss.* 2, 3.

PART II.—THE REGISTRAR—*ss.* 4, 5.

PART III.—CANCELLATION OF EXISTING BRANDS  
—*s.* 6.

PART IV.—REGISTRATION OF BRANDS—*ss.* 7-12.

PART V.—REGULATIONS—*s.* 13.

PART VI.—OFFENCES AND PENALTIES—*ss.* 14, 15.

PART VII.—MISCELLANEOUS—*ss.* 16-20.

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PART

## PART I.

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## PRELIMINARY.

**2.** (1) Part VI of the Stock Act, 1901, and the Tenth, Eleventh, Twelfth, and Thirteenth Schedules to the said Act are hereby repealed. <sup>Repeal and saving.</sup>

(2) All persons appointed under Part VI of the said Act, and holding office at the commencement of this Act, shall be deemed to have been appointed hereunder.

(3) All brands registered under Part VI of the said Act shall be deemed to have been registered under this Act.

(4) Every brand directory compiled and published, and every alphabetical list of brands published in the Gazette under Part VI of the said Act, shall be deemed to have been compiled and published under this Act.

**3.** In this Act, unless the context or subject matter otherwise indicates or requires, — <sup>Interpretation.</sup>

“Brand” means an impression of any letter, numeral, sign, or character, or of any combination of these, branded on any horse or cattle by a fire-branding instrument or other method prescribed.

“Brand directory” means the annual list of brands compiled by the registrar.

“Cattle” includes bovine cattle, camels, and dromedaries.

“Distinctive brand” means any numeral branded on any horse or cattle to denote the age or

“Horse” include

“Prescribed” means ass or mule.

“Prescribed” means prescribed by this Act or regulation thereunder.

“Proprietor” means registered proprietor of a brand.

“Register” means register of brands.

“Registrar” means registrar of brands.

“Stock” means any horses or cattle.

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## PART II.

## THE REGISTRAR.

Registrar and  
deputies.

**4.** (1) The chief inspector of sheep appointed under the Pastures Protection Act, 1912, shall be registrar of brands for the whole of New South Wales.

(2) The Governor may appoint one or more deputy registrars, whose acts, under the direction of the registrar, shall have the same force and effect as if done by him.

The register.

**5.** (1) The registrar shall keep a register to be known as the "Stock Brands Register," and shall enter therein in the manner prescribed—

- (a) all brands registered under this Act ;
- (b) the names and addresses of proprietors ;
- (c) such other particulars as may be prescribed.

(2) No brand shall be registered unless approved of by the registrar.

## PART III.

## CANCELLATION OF EXISTING BRANDS.

Cancellation  
of existing  
brands.

**6.** (1) Every registration of brands under Part VI of the Stock Act, 1901, in force at the commencement of this Act, shall be deemed to be cancelled as from a date to be fixed by proclamation published in the Gazette.

Rights of  
proprietor  
of existing  
brand.

(2) Any proprietor of a brand registered at the commencement of this Act, on application in the prescribed form before the said date, shall have a prior right to have the same re-registered with such alteration as may be made therein and without payment of any fee for such re-registration.

PART

PART IV.

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REGISTRATION OF BRANDS.

**7.** Every person who uses or intends to use a brand shall apply for registration of the same in the manner prescribed : Brands to be registered.

Provided that a brand shall be not less than two inches, nor more than two and a half inches in length, and where a brand consists of more than one letter, numeral, sign, or character, or any combination of these, such letters, numerals, signs, or characters shall be not less than half an inch apart from each other :

Provided also that the order and position of brands shall be as stated in the Schedules.

**8.** As soon as practicable after the end of each month the registrar shall publish in the Gazette in the form prescribed a list of brands registered during such month and shall thereupon transmit to the respective proprietors a certificate of registration in the form prescribed. List of brands to be published and certificate granted.

**9.** As soon as practicable after the end of every year the registrar shall publish a brand directory containing the prescribed particulars of all brands registered up to the thirty-first day of December of such year. Brand directory to be published.

**10.** When any brand registered under this Act is intended to be transferred the proprietor and the intending transferee shall execute a joint memorandum in the form prescribed, and on the receipt of such memorandum and the prescribed fees, the registrar shall cancel the existing registration of such brand, and shall register the same in the name of the transferee, and shall issue to him a certificate in the form prescribed. Transfer.

**11.** Upon the death of any proprietor his personal representative shall be entitled to use any brand which belonged to such deceased proprietor at the date of his death for a period of six months after his death. Such representative may within the said period apply in the form prescribed to have such brand registered in the name of his nominee. If no such application has been made within the said period, the registration of such brand shall be cancelled and the brand shall be available for reallocation. Death of proprietor.

**12.**

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Brand out of  
use may be  
cancelled.

**12.** If the registrar is satisfied that a proprietor, if an individual, does not require the further use of a brand, or where the proprietor of a brand is a company, firm, or partnership that such company, firm, or partnership has been dissolved, the registration of such brand shall be cancelled.

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## PART V.

### REGULATIONS.

Regulations.

**13.** (1) The Governor may make regulations for the purpose of carrying out the provisions of this Act, and in particular with respect to the following matters:—

- (a) Registration, cancellation of registration, re-registration, and transfer of brands.
- (b) The construction and use of branding instruments.
- (c) The use of brands, and the order, size, position, and use of distinctive brands.
- (d) Prescribing the payment of fees.
- (e) Prescribing the duties of the registrar and deputy-registrars.
- (f) The compilation and publication of the brand directory and list of brands.
- (g) The allotment to any agricultural or kindred society or stock breeders association of brands to be used for specific purposes.

(2) Such regulations may impose a penalty not exceeding fifty pounds for any breach thereof. Any such penalty may be recovered before a police or stipendiary magistrate, or any two justices of the peace in petty sessions.

- (3) Such regulations shall—
- (i) be published in the Gazette;
  - (ii) take effect from the date of publication, or from a later date to be specified in such regulations; and

(iii)

- (iii) be laid before both Houses of Parliament **George V.**  
 within fourteen days after publication if **No. 14.**  
 Parliament is in session, and if not, then  
 within fourteen days after the commencement  
 of the next session. If either House of  
 Parliament passes a resolution of which notice  
 has been given at any time within fifteen  
 sitting days after such regulations have been  
 laid before such House disallowing any regu-  
 lation or part thereof, such regulation or part  
 shall thereupon cease to have effect.

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## PART VI.

### OFFENCES AND PENALTIES.

- 14.** (1) Any person who—
- (a) knowingly and unlawfully inserts, or causes or permits to be inserted, any false entry in any register, certificate, brand directory, or list of brands, 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, brand directory, or list, or any extract therefrom or entry therein; or
  - (c) with intent to defraud, destroys, defaces, injures or causes to be destroyed, defaced, or injured, any such register, certificate, brand directory, list, extract, entry, or any part thereof; or
  - (d) uses any unregistered brand, or without the consent of the proprietor uses or attempts to use or permits to be used any registered brand, or with intent to defraud has in his possession or under his control any branding instrument; or
  - (e) disfigures, alters, or defaces any registered brand branded or marked upon any cattle or horses or hides of the same,

False entry,  
&c.

shall be liable to imprisonment for a term not exceeding two years or to a penalty not exceeding one hundred pounds.

(2)

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(2) Any person who brands any horse or cattle with a brand which is not of the size and in the position and order prescribed shall be liable to a penalty not exceeding ten pounds.

(3) Any information or complaint under this section may be laid or made at any time within twelve months from the time when the matter of the information or complaint arose.

Powers of  
entry.

**15.** (1) In any case where reasonable ground exists for suspecting that an offence against this Act has been committed, the registrar, any deputy-registrar of brands, and any member of the police force—

(a) may with or without assistants enter any land or premises or upon any vehicle or ship for the purpose of inspecting any stock or any brand or any branding instrument or any hide; and

(b) may require the production of any stock or any branding instrument or any hide, and may take possession of the same; and

(c) may require any person to furnish information as to the ownership of any stock or of any branding instrument or any hide.

(2) Any person who neglects or refuses to produce the stock or branding instrument or hide required to be produced, or to furnish the information required, or knowingly furnishes false information, shall be liable to a penalty not exceeding fifty pounds.

## PART VII.

### MISCELLANEOUS.

Brand  
directory and  
list prima  
facie  
evidence.

**16.** A document or publication purporting to be a brand directory published by the Government Printer and a copy of the Gazette containing a list of registered brands shall be prima facie evidence in all legal proceedings that the person mentioned in such brand directory or list and no other person is the proprietor of and entitled to use the brand of which he is therein alleged to be the proprietor.

Not to affect  
mortgages  
under Act  
No. 7, 1898.

**17.** Nothing herein contained shall affect any mortgage or other security under Part III of the Liens on Crops and Wool and Stock Mortgages Act of 1898.

**18.**

**18.** All fees and moneys payable under this Act shall be paid to the registrar, who shall pay the same to the Colonial Treasurer, and all such fees and moneys shall be carried over to the Consolidated Revenue Fund.

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Fees, how  
disposed of.

**19.** Where it is necessary to give any notice, or send any document to any person, such notice or document may be communicated or sent to such person by letter, or delivered to him personally, or left at his usual or last known place of abode or business.

Services of  
notices, &c.

**20.** All penalties recovered under this Act shall be paid to the Colonial Treasurer, to be by him carried over to the Consolidated Revenue Fund.

Disposal  
of penalties.

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## SCHEDULES.

### SCHEDULE ONE.

*Order and position of brands on horses.*

- Portion 1.—Embracing the near shoulder.
- Portion 2.—Embracing the near thigh.
- Portion 3.—Embracing the off shoulder.
- Portion 4.—Embracing the off thigh.
- Portion 5.—Embracing the off neck.

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### SCHEDULE TWO.

*Order and position of brands on cattle.*

- Portion 1.—Embracing the near thigh.
- Portion 2.—Embracing the near shoulder.
- Portion 3.—Embracing the off thigh.
- Portion 4.—Embracing the off shoulder.
- Portion 5.—Embracing the off neck.