

New South Wales



ANNO VICESIMO QUINTO

**ELIZABETHÆ II REGINÆ**

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**Act No. 29, 1976.**

An Act to amend the Pastures Protection Act, 1934, in relation to noxious animals, travelling stock, pastures protection boards, penalties for offences and other matters dealt with in that Act; and to validate certain matters. [Assented to, 1st April, 1976.]

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*Pastures Protection (Amendment).*

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

1. This Act may be cited as the "Pastures Protection Short title. (Amendment) Act, 1976".

2. (1) This section and sections 1, 3 and 5 shall **Commence-**  
commence on the date of assent to this Act. **ment.**

(2) Section 4 shall, in its application to a provision of Schedule 1, 2 or 3, commence or be deemed to have commenced on the day on which that provision commences or is deemed to have commenced, as the case may require.

(3) Subject to subsection (4), the several provisions of Schedules 1, 2 and 3 shall commence on such day or days as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

(4) The day appointed by the Governor for the commencement of Schedule 2 (7) shall be a day that is not earlier than the day appointed for the commencement of section 2 (1) (i) of the Pastures Protection (Amendment) Act, 1970.

3. This Act contains the following Schedules :— **Schedules.**

SCHEDULE 1.—AMENDMENTS TO THE PASTURES PROTECTION ACT, 1934.

SCHEDULE 2.—AMENDMENTS TO THE PASTURES PROTECTION ACT, 1934, BY WAY OF METRIC CONVERSION.

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*Pastures Protection (Amendment).*

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SCHEDULE 3.—AMENDMENTS TO THE PASTURES  
PROTECTION ACT, 1934, BY WAY OF STATUTE LAW  
REVISION.

Amendment of Act No. 35, 1934.      4. The Pastures Protection Act, 1934, is amended in the manner set forth in Schedules 1, 2 and 3.

Validation.      5. The payment of any allowance to the chairman of a pastures protection board constituted or continued by or under the Pastures Protection Act, 1934, for his attendance at meetings of the board before the commencement of Schedule 1 (4) is hereby validated to the extent to which a regulation purporting to be in force before that commencement authorised the payment.

Sec. 4.

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SCHEDULE 1.

AMENDMENTS TO THE PASTURES PROTECTION ACT, 1934.

(1) (a) Section 4, definition of "Permit"—

After the definition of "Owner", insert :—

"Permit" means a permit referred to in section 48 (1) (a) (i).

(b) Section 4, definition of "Permit officer"—

Omit "for the purpose of issuing permits for stock to travel", insert instead "under section 23 (1) as a permit officer".

SCHEDULE

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*Pastures Protection (Amendment).*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE PASTURES PROTECTION ACT, 1934—  
*continued.*

(c) Section 4, definition of “Renewed permit”—

After the definition of “Regulations”, insert :—  
“Renewed permit” means a renewed permit referred to in section 49 (1).

(d) Section 4, definition of “Special permit officer”—

After the definition of “Sheep”, insert :—  
“Special permit officer” means any person appointed under section 23A as a special permit officer.

(e) Section 4, definition of “Travelling statement”—

After the definition of “Teamster”, insert :—  
“Travelling statement” means a travelling statement referred to in section 48 (1) (a) (iii).

(2) Section 6 (12)—

After section 6 (11), insert :—

(12) The procedure for the conduct of business at meetings of a board shall, subject to this Act and the regulations, be as determined by the board.

(3) (a) Section 8A (1) (a1)—

After section 8A (1) (a), insert :—

(a1) if the board, after notice from the Minister, exercises or performs any power, authority, duty or function that is not conferred or imposed on the board by this or any other Act; or

SCHEDULE

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*Pastures Protection (Amendment).*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE PASTURES PROTECTION ACT, 1934—  
*continued.*

(b) Section 8A (1) (b)—

Omit “the Noxious Insects Act, 1934–1954,”,  
insert instead “any other Act”.

(4) Section 9—

Omit the section, insert instead :—

Fees and  
expenses.

9. (1) The board may allow to any director such fees and expenses as the Minister may determine from time to time in respect of that director.

(2) Except as provided in subsection (1), no fee or other payment shall be allowed or made by the board to any director.

(5) Section 14A—

After section 14, insert :—

Purchase  
and sale  
of certain  
articles  
by board.

14A. A board may purchase and sell at cost to an occupier of ratable land in the district for which the board is constituted—

- (a) any implement or substance that may lawfully be used to suppress and destroy noxious animals and that is prescribed in respect of that board; and
- (b) any veterinary substance supplied to that occupier by a veterinary inspector in the course of his duties.

SCHEDULE

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*Pastures Protection (Amendment).*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE PASTURES PROTECTION ACT, 1934—  
*continued.*

(6) Section 19 (2A)—

After section 19 (2), insert :—

(2A) The application of moneys forming part of the Pastures Protection Fund of a board to a purpose approved by the Minister or prescribed under subsection (2) (b) shall be subject to any terms and conditions that are imposed by the Minister or are prescribed, as the case may be.

(7) Section 23A—

After section 23, insert :—

23A. (1) A board may appoint an occupier of Special ratable land in the district for which the board is permit constituted as a special permit officer for the purpose of issuing permits—

- (a) in the case of an occupier who is entitled to the possession of, and who resides on, that land—for stock which he owns to travel by motor transport; or
- (b) in the case of an occupier who is the resident manager or person in charge of that land—for stock which are owned by the person entitled to the possession of that land to travel by motor transport.

(2) A board may annul any appointment made under subsection (1).

SCHEDULE

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*Pastures Protection (Amendment).*

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SCHEDULE 1—*continued.*AMENDMENTS TO THE PASTURES PROTECTION ACT, 1934—  
*continued.*

## (8) (a) Section 27 (2)—

Omit “this section”, insert instead “subsection (3) or (3A)”.

## (b) Section 27 (3)—

Omit “section”, insert instead “subsection”.

## (c) Section 27 (3A)—

After section 27 (3), insert :—

(3A) Where a board decides to grant a rebate of rate in accordance with this subsection the rebate shall be a rebate of one-half of the amount of the rate levied in respect of each holding in an area which is designated by the board as a rabbit eradication area and which, in the opinion of the board, has been kept reasonably free from rabbits during the period of twelve months ending on the thirty-first day of December immediately preceding the year for which the rate is made by reason of measures, approved by the board, having been taken by the occupiers of the holdings in that area.

## (d) Section 27 (4)—

Omit “this section”, insert instead “subsection (3) or (3A)”.

SCHEDULE

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*Pastures Protection (Amendment).*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE PASTURES PROTECTION ACT, 1934—  
*continued.*

(9) Section 28A (2), (3)—

At the end of section 28A, insert :—

(2) A person who fails to comply with subsection (1) is guilty of an offence and liable to a penalty not exceeding one hundred dollars.

(3) Notwithstanding anything in any Act, proceedings for an offence under this section which was committed—

(a) after the commencement of this subsection;  
or

(b) before the commencement of this subsection, where the time for commencing summary proceedings under the law as in force before the commencement of this subsection had not, at that commencement, expired in respect of that offence,

may be brought within twelve months after the commission of the offence.

(10) Section 30 (5)—

Omit “one dollar” wherever occurring, insert instead “five dollars”.

(11) Section 32A (5)—

Omit “one dollar” wherever occurring, insert instead “five dollars”.

SCHEDULE



## Act No. 29, 1976.

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*Pastures Protection (Amendment).*

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SCHEDULE 1—*continued.*AMENDMENTS TO THE PASTURES PROTECTION ACT, 1934—  
*continued.*

## (12) (a) Section 43 (2)—

Omit the subsection.

## (b) Section 43 (5)—

After “prescribe” where firstly occurring, insert  
“a minimum rate and may prescribe”.

## (c) Section 43 (5A)—

After section 43 (5), insert :—

(5A) No rate shall be collected in respect of  
stock travelling on a journey pursuant to a permit  
issued by a special permit officer.

## (d) Section 43 (6)—

Omit “such”.

## (e) Section 43 (7)—

(i) Omit “Where”, insert instead “Subject to  
subsection (8), where”.

(ii) Omit “permit fee of twenty-five cents”, insert  
instead “prescribed permit fee”.

## (f) Section 43 (8), (9)—

After section 43 (7), insert :—

(8) A prescribed permit fee shall be charged  
in respect of each form for use as a permit  
supplied by a board to a special permit officer  
under section 48A.

SCHEDULE

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*Pastures Protection (Amendment).*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE PASTURES PROTECTION ACT, 1934—  
*continued.*

(9) A board shall repay the fee charged under subsection (8) in respect of any unused form returned to the board by a special permit officer.

(13) Section 47 (2), (3)—

At the end of section 47, insert :—

(2) The deduction of moneys from the Reserves Improvement Fund of a board or the transfer of moneys from that fund to the Pastures Protection Fund of the board on account of the cost of collection of moneys carried to the Reserves Improvement Fund and the cost of necessary supervision shall not exceed, in any one year, the prescribed amount.

(3) The application of moneys forming part of the Reserves Improvement Fund of a board to a purpose approved by the Minister or prescribed under subsection (1) (b) shall be subject to any terms and conditions that are imposed by the Minister or are prescribed, as the case may be.

(14) (a) Section 48 (1) (a) (i)—

After "permit officer", insert ", special permit officer".

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*Pastures Protection (Amendment).*


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SCHEDULE 1—*continued.*AMENDMENTS TO THE PASTURES PROTECTION ACT, 1934—  
*continued.*

## (b) Section 48 (2) (b2)—

After section 48 (2) (b1), insert :—

- (b2) in the case of sheep or large stock being moved by their owner by the most direct route between two holdings occupied by him and within a prescribed district in the Western Division where such holdings are by such route not more than 80 kilometres apart;

## (c) Section 48 (4)—

After “permit”, insert “other than a permit to be issued by a special permit officer”.

## (d) Section 48 (7)—

- (i) Omit “two miles”, insert instead “8 kilometres”.
- (ii) Omit “one year”, insert instead “three years”.

## (15) Section 48A—

After section 48, insert :—

48A. (1) A special permit officer shall not—

- (a) issue a permit otherwise than for a purpose for which he was appointed under section 23A (1); or

Permits  
issued by  
special  
permit  
officers.

SCHEDULE

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*Pastures Protection (Amendment).*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE PASTURES PROTECTION ACT, 1934—  
*continued.*

(b) use a form of permit that has not been supplied to him by a board upon payment of the permit fee prescribed under section 43 (8).

(2) A special permit officer who fails to comply with subsection (1) is guilty of an offence and liable to a penalty not exceeding one hundred dollars.

(16) (a) Section 53—

Omit “, except in such districts as are prescribed, drives or carries stock”, insert instead “drives or carries stock in the Western Division, or drives stock in the Eastern or Central Division,”.

(b) Section 53 (2)—

At the end of section 53, insert :—

(2) Subsection (1) does not apply to a prescribed district.

(17) Section 61—

Omit “six dollars”, insert instead “twenty dollars”.

(18) Section 78 (2A)—

After section 78 (2), insert :—

(2A) A board may, with the approval of the Minister, transfer moneys from the Public Watering-places Fund of the board to the Pastures Protection Fund of the board.

SCHEDULE

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*Pastures Protection (Amendment).*

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SCHEDULE 1—*continued.*AMENDMENTS TO THE PASTURES PROTECTION ACT, 1934—  
*continued.*

## (19) (a) Section 81—

Omit “one hundred dollars”, insert instead “two hundred dollars”.

## (b) Section 81—

Omit “two hundred dollars”, insert instead “four hundred dollars”.

## (20) (a) Section 82 (3)—

Omit “one hundred dollars”, insert instead “two hundred dollars”.

## (b) Section 82 (3)—

Omit “two hundred dollars”, insert instead “four hundred dollars”.

## (c) Section 82 (4)—

After “land” where firstly occurring, insert “(not being a dwelling-house)”.

## (d) Section 82 (5)—

Omit “The board”, insert instead “Subject to subsection (5A), the board”.

## (e) Section 82 (5)—

After “land” where firstly occurring, insert “(not being a dwelling-house)”.

SCHEDULE

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*Pastures Protection (Amendment).*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE PASTURES PROTECTION ACT, 1934—  
*continued.*

(f) Section 82 (5A), (5B)—

After section 82 (5), insert :—

(5A) The notice referred to in subsection (5) is not required to be given where the board, in the exercise of its powers under that subsection, by its officers, servants, agents or contractors enters land to destroy any noxious animals kept in captivity thereon without the permission of the Minister granted under section 85.

(5B) Upon complaint on oath by a person authorised by a board for the purposes of this subsection that the board has reason to suspect that noxious animals are being kept in captivity in any dwelling-house without the permission of the Minister granted under section 85, a stipendiary magistrate may issue a warrant authorising that person to enter that dwelling-house for the purpose of searching for and destroying any such noxious animals.

(21) Section 97 (8)—

Omit “as prescribed”, insert instead “as determined from time to time by the Minister”.

(22) Section 160A (1)—

Omit “or the Noxious Insects Act, 1934–1954,” where firstly occurring, insert instead “or any other Act”.

SCHEDULE

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*Pastures Protection (Amendment).*

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**SCHEDULE 1—*continued.*****AMENDMENTS TO THE PASTURES PROTECTION ACT, 1934—  
*continued.*****(23) Section 169 (2) (h)—**

Omit “or” where firstly occurring, insert instead “permit officer or special”.

**(24) (a) Section 171 (1) (q)—**

(i) After “officer” where firstly occurring, insert “or a special permit officer”.

(ii) Omit “officer.” where secondly occurring, insert instead “officer or a special permit officer;”.

**(b) Section 171 (1) (r)—**

After section 171 (1) (q), insert :—

(r) the procedure for the conduct of business at meetings of a board.

**(c) Section 171 (2A)—**

After section 171 (2), insert :—

(2A) A regulation may be made so as to apply differently according to such factors as are specified in the regulation.

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**SCHEDULE**

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*Pastures Protection (Amendment).*

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SCHEDULE 2.

Sec. 4.

AMENDMENTS TO THE PASTURES PROTECTION ACT, 1934,  
BY WAY OF METRIC CONVERSION.

(1) Section 30 (3)—

Omit “one sheep to one acre”, insert instead “2.5 sheep per hectare”.

(2) (a) Section 48 (2) (a)—

Omit “twenty miles”, insert instead “32 kilometres”.

(b) Section 48 (2) (b), (b1)—

Omit “twelve miles” wherever occurring, insert instead “20 kilometres”.

(3) (a) Section 49 (1)—

Omit “four cents”, insert instead “2.5 cents”.

(b) Section 49 (1)—

Omit “per mile”, insert instead “per kilometre”.

(4) Section 51—

Omit “two inches”, insert instead “50 millimetres”.

(5) Section 55 (a)—

Omit “one hundred acres”, insert instead “40 hectares”.

SCHEDULE



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*Pastures Protection (Amendment).*

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SCHEDULE 2—*continued.*AMENDMENTS TO THE PASTURES PROTECTION ACT, 1934,  
BY WAY OF METRIC CONVERSION—*continued.*

## (6) (a) Sections 58 (1) (a), 58 (2), 59—

Omit “ten miles” wherever occurring, insert instead “16 kilometres”.

## (b) Sections 58 (1) (b), 58 (2), 59—

Omit “six miles” wherever occurring, insert instead “10 kilometres”.

## (7) Section 58B (1) (c), (6)—

Omit “one mile” wherever occurring, insert instead “2 kilometres”.

## (8) Section 61—

Omit “half a mile”, insert instead “800 metres”.

## (9) Section 65 (2)—

Omit “two feet ten inches”, insert instead “85 centimetres”.

## (10) Section 80 (3)—

Omit “two chains”, insert instead “40 metres”.

## (11) Sections 103 (3), 104 (2)—

Omit “one cent per acre” wherever occurring, insert instead “2.5 cents per hectare”.

SCHEDULE

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*Pastures Protection (Amendment).*

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SCHEDULE 2—*continued.*

AMENDMENTS TO THE PASTURES PROTECTION ACT, 1934,  
BY WAY OF METRIC CONVERSION—*continued.*

(12) (a) Section 155 (1)—

Omit “one inch”, insert instead “25 millimetres”.

(b) Section 155 (1)—

Omit “three inches”, insert instead “75 millimetres”.

(13) Section 158 (1)—

Omit “three thousand acres”, insert instead “1,200 hectares”.

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SCHEDULE 3.

Sec. 4.

AMENDMENTS TO THE PASTURES PROTECTION ACT, 1934,  
BY WAY OF STATUTE LAW REVISION.

(1) (a) Section 4, definition of “Crown Lands Acts”—

(i) Omit “, and all amending Acts” wherever occurring.

(ii) Omit “Closer Settlement Act, 1904,” insert instead “Closer Settlement Acts”.

(b) Section 4, definition of “Prescribed”—

Omit the definition.

(c) Section 4, definition of “Registrar of Brands”—

Omit “, as amended by the Registration of Stock Brands (Amendment) Act, 1923”.

SCHEDULE

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*Pastures Protection (Amendment).*

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SCHEDULE 3—*continued.*

AMENDMENTS TO THE PASTURES PROTECTION ACT, 1934,  
BY WAY OF STATUTE LAW REVISION—*continued.*

- (d) Section 4, definition of “Western Lands Acts”—  
Omit “, as amended by subsequent Acts”.
- (2) Section 8 (1) (e)—  
Omit the paragraph, insert instead :—  
(e) becomes a temporary patient, a continued treatment patient, a protected person or an incapable person within the meaning of the Mental Health Act, 1958, or a person under detention under Part VII of that Act; or
- (3) Sections 19A (2), 19A (4), 20, 108, 125 (2)—  
Omit “Colonial” wherever occurring.
- (4) (a) Section 21—  
Omit “-1942” wherever occurring.  
(b) Section 21—  
Omit “Local Government (Superannuation) Act, 1927-1940”, insert instead “Local Government and Other Authorities (Superannuation) Act, 1927”.
- (5) Sections 24 (2A), 42 (1), 66A (1) (d), 67, 68 (1) (b), 75, 82 (6), 119 (4), 123 (1A), 123 (8), 146 (3)—  
Omit “, as amended by subsequent Acts” wherever occurring.
- (6) Section 24 (3)—  
Omit “-1948”.
- (7) Section 25A (2)—  
Omit “subsections (2), (3) and (4) of section 27, section 30, subsections (1) and (2) of section 31”, insert instead “section 27 (2), (3), (3A) and (4), section 30, section 31 (1) and (2)”.

SCHEDULE

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*Pastures Protection (Amendment).*

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SCHEDULE 3—*continued.*

AMENDMENTS TO THE PASTURES PROTECTION ACT, 1934,  
BY WAY OF STATUTE LAW REVISION—*continued.*

(8) (a) Section 38 (2)—

Omit “in a district court or”.

(b) Section 38 (3)—

Omit “district court or court of petty sessions available under the provisions of the District Courts Act, 1912, or the Small Debts Recovery Act, 1912–1933”, insert instead “court of petty sessions available under the Courts of Petty Sessions (Civil Claims) Act, 1970”.

(9) Section 41 (3)—

Omit “–1935” wherever occurring.

(10) Section 42 (1)—

Omit “, as so amended,”.

(11) (a) Section 58 (2)—

Omit “as an order for the payment of money under the Small Debts Recovery Act, 1912, as amended by subsequent Acts, and be enforceable as such an order under the provisions of that Act, as so amended”, insert instead “, and be enforceable, as a judgment under the Courts of Petty Sessions (Civil Claims) Act, 1970”.

(b) Section 58 (2)—

Omit “the said Act, as so amended,”, insert instead “that Act”.

SCHEDULE

---

*Pastures Protection (Amendment).*

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SCHEDULE 3—*continued.*AMENDMENTS TO THE PASTURES PROTECTION ACT, 1934,  
BY WAY OF STATUTE LAW REVISION—*continued.*

## (12) Section 82 (6)—

Omit “the said Act, as so amended,” insert instead “that Act”.

## (13) Section 83—

Omit “the provisions of the Careless Use of Fire Act, 1912, as amended by subsequent Acts”, insert instead “the Bush Fires Act, 1949”.

## (14) Section 109 (5)—

Omit “-1932”.

## (15) Section 123 (1A)—

Omit “-1946”.

## (16) Section 140—

Omit “-1932”.

## (17) Section 157B (2)—

Omit “, or any Act amending that Act”.

## (18) (a) Section 160A (1)—

Omit “-1954” where secondly occurring.

SCHEDULE

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*Pastures Protection (Amendment).*

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SCHEDULE 3—*continued.*

AMENDMENTS TO THE PASTURES PROTECTION ACT, 1934,  
BY WAY OF STATUTE LAW REVISION—*continued.*

(b) Section 160A (2)—

Omit “-1954”.

(19) (a) Section 170 (1)—

Omit “as amended by subsequent Acts” where  
firstly occurring.

(b) Section 170 (1)—

Omit “, as amended by subsequent Acts” where  
secondly occurring.

(20) Section 171 (3)—

Omit the subsection, insert instead :—

(3) Section 41 of the Interpretation Act, 1897,  
applies in respect of a regulation as if this Act had  
been passed after the commencement of the  
Interpretation (Amendment) Act, 1969.

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