

Bill No. 69 of 1949.

A BILL TO PROVIDE FOR THE ENROLMENT
OF STALLIONS.

NOTE.

This Bill repeals *The Stallion Enrolment Act*, being chapter 96 of the Revised Statutes of Alberta, 1942, and enacts a new Act in its stead.

Sections 1 to 3 are the same as the existing sections in the old Act with the exception that the definition of the term "Board" has been added to the interpretation section.

Section 4 of the Bill is similar to subsection (1) of section 4 of the Act although it has been slightly amplified and clarified.

Section 5 provides for the appointment of inspectors to inspect each stallion for which an application for enrolment is received. Upon receipt of the inspector's report the Minister in his discretion may issue or refuse to issue a certificate of enrolment under the Act and the regulations.

Section 6 gives an owner a right of appeal similar to that contained in section 8 of the Act.

Section 7 of the Bill corresponds with section 12 of the old Act.

Section 8 provides that the Minister may require the inspection of an enrolled stallion at any time and if the inspector reports that the stallion is unsuitable for breeding purposes the Minister may cancel its enrolment. The section also provides that inspection reports relating to any stallion shall be available to the public on the payment of the prescribed fee to the Department.

Sections 9, 10 and 11 of the Bill are similar to the existing sections 13, 14 and 15 of the Act with slight changes in the wording and arrangement to clarify the intention.

Section 12 of the Bill is similar to section 16 of the Act.

Section 13 of the Bill provides that when the owner of a mare pays a service fee for service by a stallion which is not enrolled he is entitled to recover the service fee together with such damages not exceeding fifty dollars for each mare as may be awarded.

Section 14 of the Bill which is the penalty section is the same as section 18 of the Act.

Section 15 enables the Lieutenant Governor in Council to make regulations to facilitate the administration of the Act and the carrying out of its provisions according to their true intent. Regulations may be made prescribing tariffs of fees, forms for certificates of enrolment, etc., and prescribing terms and conditions relating to the issue, transfer, expiration and cancellation of certificates of enrolment. Minimum standards for eligibility for enrolment may be prescribed and periodic examination of enrolled stallions may be required. The regulations may also require records to be kept and returns to be made and may prescribe requirements for posters and other advertising material used in connection with any stallion.

The majority of the changes effected by the enactment of this new Bill are for the purpose of facilitating administration of the Act and clarifying its intention. Much administrative detail which was formerly contained in the Act itself has now been left to be covered by regulations made by the Lieutenant Governor in Council.

KENNETH A. MCKENZIE,
Acting Legislative Counsel.

(This note does not form any part of the Bill but is offered in explanation of its provisions.)

BILL

No. 69 of 1949.

An Act to Provide for the Enrolment of Stallions.

(Assented to _____, 1949.)

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

SHORT TITLE.

1. This Act may be cited as "*The Stallion Enrolment Act, 1949*".

INTERPRETATION.

- 2.** In this Act, unless the context otherwise requires,—
- (a) "Board" means the Canadian National Live Stock Records Board;
 - (b) "Department" means the Department of Agriculture;
 - (c) "grade stallion" means any stallion other than a pure-bred stallion;
 - (d) "Minister" means the Minister of Agriculture;
 - (e) "owner" includes a part owner and any person acting as agent for or on behalf of any owner or part owner;
 - (f) "pure-bred stallion" means a stallion registered in one of the records affiliated with the Canadian National Live Stock Records, or in case there is no such record in Canada for the breed, then in one of the records accepted as authentic by the Board, or by the Minister.

3.—(1) No person, partnership, firm or corporation shall stand, travel or offer for service any grade stallion within the Province.

(2) No person, partnership, firm or corporation being the owner of a grade stallion or a pure-bred stallion which is not for the time being enrolled pursuant to the provisions of this Act, shall use any such stallion for the servicing of any mare which is not the *bona fide* property of the owner of the stallion.

ENROLMENT OF STALLIONS.

4.—(1) No person, partnership, firm or corporation shall stand, travel or offer for service in the Province any stallion

unless such stallion is a pure-bred stallion or is covered by a certificate issued by a national association which, with the approval of the Board, is following a program of breeding and selection and which is maintaining a registry acceptable to the Board or to the Minister.

(2) No person, partnership, firm or corporation shall charge or receive service fees for any stallion until the name, description and the pedigree of the stallion has been enrolled with the Minister under this Act and a certificate of enrolment has been issued pursuant to the regulations.

(3) The Minister shall keep a record of all certificates of enrolment issued under this Act.

INSPECTION.

5. The Minister shall appoint inspectors of stallions who shall inspect each stallion for which an application for enrolment under this Act is received, and report their findings to the Minister who, in his discretion, may issue or refuse to issue a certificate of enrolment under this Act and the regulations.

6. Any owner may appeal to the Minister from an adverse decision, and in making any appeal he shall deposit with the Minister the sum of twenty-five dollars, which shall be returned to him in case his appeal is sustained.

7.—(1) The person in charge of every stallion standing or travelling for service shall carry with him and produce for inspection when required so to do, the certificate of enrolment issued under the provisions of this Act.

(2) A copy of the certificate of enrolment of any stallion shall also be included in and form part of any newspaper or other printed advertisement of the stallion.

(3) The issuing of any poster or other advertisement which does not contain a copy of the certificate of enrolment or which contains any illustration, pedigree or other matter which is untruthful or misleading, shall constitute an offence under this Act.

8.—(1) The Minister may require an enrolled stallion to be inspected for any purpose whatsoever at any time, and if the inspector reports that the stallion is unsuitable for breeding purposes, the Minister may cancel the enrolment certificate of the stallion.

(2) Any person shall be entitled to a copy of the latest inspection report relating to any stallion inspected under the provisions of this Act, upon payment to the Department of such fee as may be prescribed in the regulations.

9. The owner of any stallion siring a foal, shall have a lien on the foal until it reaches the age of two years for the amount of the fees unpaid in respect of the service of the dam of the foal.

10. The lien upon any foal given by section 9 shall be valid without registration and shall be deemed to have arisen and been created at the time of the service in respect of which it arises, and during its currency shall have priority over all other claims or liens upon or rights in the foal, howsoever arising.

11.—(1) At any time during the currency of the lien given by section 9, the owner may direct the sheriff or any other person to seize and sell the foal by public auction for the amount of the service fees, or any part thereof remaining unpaid.

(2) A notice of the sale shall be posted up at least ten days before the date of the sale in three public places in the vicinity of the residence of the owner of the foal.

(3) The proceeds of the sale shall be applied in payment of the amount due for service fees and the expenses of the seizure and sale, and the residue, if any, shall be paid to the owner of the foal.

(4) No sale effected under the authority of this section shall be subject to the provisions of *The Seizures Act*.

12. If the service fees are not paid at the time of service, and the mare served is sold or removed out of the Province before foaling, the fees shall become due and payable upon the date of the sale or removal.

13. When the owner of any mare pays a service fee for the service of the mare and at a later date discovers that the stallion by which the mare was served was not at the time of service enrolled under this Act, the owner of the mare shall be entitled to recover the service fee paid together with such damages not exceeding fifty dollars for each mare as may be awarded.

14.—(1) Any person who violates any provision of this Act shall be guilty of an offence and liable on summary conviction to a penalty of not less than twenty-five dollars nor more than one hundred dollars and costs, and in default of payment forthwith after conviction to a term of imprisonment not exceeding one month.

(2) Every prosecution under this Act shall commence within eighteen months from the date upon which the alleged offence was committed.

15.—(1) The Lieutenant Governor in Council may from time to time make regulations to facilitate the administration of this Act and the carrying out of its provisions according to their true intent.

(2) In particular and without derogating from the generality of subsection (1), the Lieutenant Governor in Council may make regulations,—

- (a) prescribing tariffs of fees to be paid for examination of stallions and for certificates of enrolment, transfers, renewals, copies of inspection reports and other documents;
- (b) prescribing forms for certificates of enrolment, applications for enrolment, inspectors' reports and other documents required in the administration of this Act;
- (c) prescribing terms and conditions relating to the issue, transfer, expiration and cancellation of certificates of enrolment, and requiring evidence of breeding and ownership of stallions;
- (d) prescribing conditions to be complied with and minimum standards required for eligibility for enrolment;
- (e) requiring periodic examination of enrolled stallions;
- (f) requiring records to be kept and returns to be made to the Minister;
- (g) respecting posters and other advertising used to advertise any stallion;
- (h) prescribing such other requirements as may be deemed necessary or expedient to facilitate the administration of this Act.

16. *The Stallion Enrolment Act*, being chapter 96 of the Revised Statutes of Alberta, 1942, is hereby repealed.

17. This Act shall come into force on the day upon which it is assented to.

No. 69

FIRST SESSION
ELEVENTH LEGISLATURE
13 GEORGE VI
1949

BILL

An Act to provide for the Enrolment
of Stallions.

Received and read the

First time

Second time

Third time

HON. MR. URE.
