

No. 71

2nd Session, 15th Legislature, Alberta
13 Elizabeth II

BILL 71

A Bill to amend The Brand Act

HON. MR. STROM

Explanatory Note

1. The Brand Act, R.S.A. 1955, c. 30 amended.

2. Section 4 presently reads:

4. (1) A brand for sheep shall consist of either a burnt, ear-marked or fleece brand.

(2) A person who is not registered for a fleece brand shall not be registered for any other brand.

(3) A person who is registered for a fleece brand shall not be registered for more than one other brand.

3. Section 18 presently reads:

18. (1) A person wishing to transfer the ownership of any brand recorded under this Act shall make and sign a memorandum in Form A in the Schedule in the presence of a commissioner for oaths, who shall affix his signature thereto as a witness, and transmit the same to the Recorder together with the fee prescribed in the tariff in the Schedule hereto.

(2) The Recorder, upon the receipt of the memorandum and fee, shall make an entry in the record opposite the entry of the original allotment thereof, setting forth the fact of the transfer together with the post office address of the transferee and the date of the entry, and the transferee shall thereafter be deemed to be the owner of the brand with all the rights of ownership.

(3) In the case of the death or absence of the owner, a declaration made by the transferee in Form B in the Schedule hereto may, subject to the approval of the Minister, be accepted in lieu of the memorandum in Form A.

(4) Notwithstanding subsection (3), the transfer pursuant to such declaration shall not be recorded until thirty days after notice thereof has been published in one issue of The Alberta Gazette and in two successive weekly issues of a newspaper to be named by the Minister.

4. Form A. The Tariff of Fees is the same as at present with these changes:

1. The fees for allotment, renewal, or reallocation or change in the record of a brand are now expressed to be fees for performing the particular service where at present they are stated to be application fees.

2. In the fees for "all other brands", the fee for renewal of a brand is raised from \$1.00 to \$2.00 and the fee for transfers is raised from \$2.00 to \$5.00.

As to the new Form A, see clause 3 of this Bill.

BILL

No. 71 of 1965

An Act to amend The Brand Act

(Assented to _____, 1965)

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

1. *The Brand Act* is hereby amended.
2. Section 4 is struck out and the following is substituted:
 4. A brand for sheep shall consist of a fleece paint brand.
3. Section 18 is struck out and the following is substituted:
 18. (1) A transfer of ownership of a brand recorded under this Act
 - (a) shall be in Form A in the Schedule, and
 - (b) is not effective until it is submitted to and recorded by the Recorder.
 - (2) The Recorder may refuse to record a transfer submitted to him if
 - (a) it is not executed by the transferor and the transferee in such manner and accompanied by proof of execution as is satisfactory to him, and
 - (b) the recording fee prescribed in the Tariff of Fees in the Schedule is not paid.
 - (3) Where a transfer is executed by an attorney or agent, proof of the authority of the attorney or agent in a form satisfactory to the Recorder shall be submitted to the Department.
 - (4) When the Recorder records the transfer, the transferee becomes the owner of the brand.
 - (5) A transfer recorded under this section is valid against and takes priority over any unrecorded transfer.
 - (6) An owner may transfer the ownership of a brand to himself and another or others and two or more persons who are the owners of a brand may transfer it to one or more of them.
4. The Schedule is amended by striking out Forms A and B and the Tariff of Fees and by substituting the following:

TARIFF OF FEES

FEES PAYABLE IN RESPECT OF POULTRY BRANDS

For allotment of a brand	\$1.00
For renewal of a brand.....	.50
For reallocation of a brand	1.00
For change in the record of a brand.....	1.00
For recording a transfer of a brand.....	1.00
For each certified extract from a brand record, except where it is supplied to the owner on allotment, renewal, reallocation or transfer of the brand	1.00

FEES PAYABLE IN RESPECT OF ALL OTHER BRANDS

For allotment of a brand.....	\$5.00
For renewal of a brand.....	2.00
For reallocation of a brand	5.00
For change in the record of a brand	2.00
For recording a transfer of a brand.....	5.00
For each certified extract from a record, except where it is supplied to the owner on allotment, renewal, reallocation or transfer of the brand.....	1.00

FORM A

(Section 18)

TRANSFER OF BRAND

BETWEEN:

(full name and address)

(hereinafter called "the transferor")

and

(full name and address)

(hereinafter called "the transferee").

5. Commencement of Act.

No. 71

SECOND SESSION
FIFTEENTH LEGISLATURE
13 ELIZABETH II
1965

BILL

An Act to amend The Brand Act

Received and read the

First time.....

Second time.....

Third time.....

HON. MR. STROM
