

No. 68

3rd Session, 15th Legislature, Alberta
14 Elizabeth II

BILL 68

A Bill to amend The Brand Act

HON. MR. STROM

Explanatory Note

1. This Bill amends chapter 30 of the Revised Statutes.

2. The new clause (m) clarifies that it is the owner, not the transferee, who has the right to place the vent mark.

3. This amendment removes the direction that the record be kept in a book, and it also removes the superfluous reference to "any other Act".

4. This amendment is made as a result of that in clause 3 of this Bill.

5. Section 12, subsection (3) reads:

(3) The mark of a brand upon stock bearing the Government brand shall not be taken as evidence of the ownership of the stock by the owner of the first mentioned brand.

The practice giving use to the need of subsection (3) no longer exists.

6. Section 19 reads:

19. (1) Upon every transfer for value of stock marked with a recorded brand, the transferor shall place his vent on that stock unless at the time of the transfer the brand is also transferred to the transferee of the stock.

(2) Notwithstanding subsection (1), it is a sufficient compliance with the requirements of this section if the transferor gives to the transferee with the transferee's consent, when taking possession of the stock, a statement according to Form C in the Schedule, and the statement shall, during a period of thirty days next after the date thereof, be taken as evidence of the transfer of the stock according to the purport thereof.

The use of vents has declined in recent years as a means of denoting transfer of ownership of stock. Section 20 pertains to the Board of Brand Commissioners, an advisory board no longer active.

BILL

No. 68 of 1966

An Act to amend The Brand Act

(Assented to _____, 1966)

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 2 is amended by striking out clause (*m*) and by substituting the following:
(*m*) "vent" means any mark placed on an animal by the owner or a poundkeeper denoting that the property in the stock bearing it has passed from the owner to some other person.
3. Section 9 is struck out and the following is substituted:
9. The Lieutenant Governor in Council may appoint a Recorder of Brands who shall keep a record of all brands allotted under this Act, and of their duration, renewal, cancellation and transfer, together with the dates thereof and the names of the owners or transferees of such brands.
4. Section 10, subsection (2), clause (*b*) is amended by striking out the words "in the appropriate book".
5. Section 12 is amended by striking out subsection (3).
6. Sections 19 and 20 are repealed.

7. Section 22, subsection (1) presently reads:

22. (1) Any person who,

- (a) brands, or directs, aids or assists in branding, any stock with a brand, vent or mark that has not been recorded under this Act or that has been cancelled thereunder,**
- (b) brands or causes, directs or permits to be branded with his own or with any brand, vent or mark, any stock of which he is not the owner, or**
- (c) blotches, defaces or otherwise renders illegible, or alters any brand, vent or mark upon stock, or directs, causes or permits any such brand, vent or mark to be blotched, defaced or otherwise rendered illegible or to be altered,**

is guilty of an offence and, in addition to any other penalty to which he may be subject by law, liable on summary conviction to a fine not exceeding the sum of two hundred dollars.

The new subsection (2) is the same as at present but with the addition of clause (b) to permit the use of individual number brands.

8. Form C is removed as a result of the repeal of section 19. There are two items in the Tariff of Fees relating to a charge in the record of a brand, a \$1.00 fee in the case of poultry brands and a \$2.00 fee in the case of other brands.

9. Commencement of Act.

7. Section 22 is amended

- (a) as to subsection (1)
 - (i) by striking out the words “, vent or mark” in clause (a),
 - (ii) by striking out the words “, vent or mark” where they occur in clauses (b) and (c) and by substituting the words “or vent”,
- (b) by striking out subsection (2) and by substituting the following:
 - (2) Notwithstanding subsection (1) an owner of a recorded brand may apply
 - (a) an age brand consisting of one arabic numeral from 0 to 9 inclusive, on the shoulder or thigh and, in the case of horses or cattle, on the same side as the recorded brand, or
 - (b) an individual animal number brand to cattle, consisting of one or more arabic numerals on the same side as the recorded brand.

8. The Schedule is amended

- (a) by striking out Form C,
- (b) as to the Tariff of Fees Payable in Respect of Poultry Brands, by striking out the following:
For change in the record of a brand.....1.00
- (c) as to the Tariff of Fees Payable in Respect of All other Brands, by striking out the following:
For change in the record of a brand.....2.00

9. This Act comes into force on the day upon which it is assented to.

No. 68

THIRD SESSION
FIFTEENTH LEGISLATURE
14 ELIZABETH II
1966

BILL

An Act to amend The Brand Act

Received and read the

First time

Second time

Third time

HON. MR. STROM
