

1971 Bill 93

Fourth Session, 16th Legislature, 20 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 93

The Livestock Brand Inspection Act

THE MINISTER OF AGRICULTURE

First Reading

Second Reading

Third Reading

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BILL 93

1971

THE LIVESTOCK BRAND INSPECTION ACT

(Assented to _____, 1971)

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

1. In this Act,
 1. "brand" means a brand recorded under The Brand Act;
 2. "butcher" means a person engaged in the business of slaughtering meat animals, but does not include the operator of an abattoir where livestock is inspected by an inspector prior to slaughter;
 3. "cattle" means a bull, cow, calf, steer, heifer or ox, of the bovine family;
 4. "community pasture" means
 - (i) a community grazing reserve, or
 - (ii) public land subject to a grazing lease or permit between the Government and a grazing association or a group of individuals under The Public Lands Act;
 5. "contributor" means any person who sends livestock to a market for sale;
 6. "country sale" means a sale by public auction at any place other than a licensed stockyard, of livestock that has not been on the premises where the sale is conducted for at least 30 days prior to the sale;
 7. "Department" means the Department of Agriculture;
 8. "feed lot" means any land enclosed by a fence or other means which is used or intended for the use of feeding cattle in confinement;
 9. "highway" means a highway as defined in The Highway Traffic Act;
 10. "horse" means a stallion, mare, gelding, filly or colt, ass or mule;
 11. "inspector" means an inspector under section 2;

Explanatory Notes

This Bill would replace The Stock Inspection Act, being chapter 352 of the Revised Statutes of Alberta 1970 with a new Act designed to meet changing patterns in market structure and livestock movement and to enable the utilization of a computerized brand retrieval system.

1. Definitions.

12. "livestock" means cattle and horses or either;
13. "market" means any stockyard, abattoir or auction market where livestock is held for sale, slaughter or shipment;
14. "market operator" means the owner or the operator of a market or abattoir or a livestock commission agent;
15. "meat animals" means cattle, horses, sheep and pigs;
16. "Minister" means the Minister of Agriculture;
17. "pedigreed livestock" means livestock that is registered under the Canada Pedigree Act;
18. "prescribed" means prescribed by the regulations;
19. "public livestock sale" means any place where livestock are offered for sale to the public;
20. "saddle horse" means a horse ridden by a person or his employees in conjunction with the every day operation of his farming or cattle operation and horses used for gymkhana competitions, but does not include rodeo horses used for bucking contests or chuckwagon races;
21. "Supervisor" means the Supervisor of Regulatory Services of the Department of Agriculture;
22. "vehicle" means a car, truck, trailer or any device in or upon which any livestock may be transported upon a highway, or any railroad train.

2. (1) In accordance with The Public Service Act there may be appointed inspectors, officers and employees as may be required for the administration of this Act.

(2) Every member of the Royal Canadian Mounted Police is by virtue of his position an inspector under this Act and has the same powers and duties as are conferred or imposed on such an inspector by law.

3. (1) No livestock may be transported or driven within Alberta or from Alberta to any other place unless the livestock is accompanied by a livestock manifest or a permit issued by an inspector under this Act.

(2) The operator of a vehicle or driver of the livestock shall deliver each shipment of livestock to the person to whom the livestock is consigned as indicated on the livestock manifest.

(3) Notwithstanding subsection (2) or any regulations under The Public Service Vehicles Act, if the operator of

2. Personnel. The position of Livestock Commissioner is deleted.

3. Livestock manifest required for transport.

the vehicle is accompanied by the owner of the livestock or by a person appointed in writing to act as his agent he may deliver the livestock to a person other than the person to whom the livestock is consigned if authorized by the owner or agent.

4. (1) Notwithstanding section 3, no livestock manifest is required for livestock which is transported by vehicle or driven on foot

- (a) to a destination which is not more than 10 miles distant and which is other than a community pasture, forest reserve, feed lot or market, or
- (b) to a veterinary clinic, or
- (c) between two properties in Alberta that are owned or fully controlled by the owner of the livestock.

(2) Any person who consistently transports one or more saddle horses between any two points within Alberta, whether on foot or by vehicle, may do so if he possesses a certificate in the prescribed form issued by an inspector which will be valid for the calendar year in which it was issued, and no livestock manifest is necessary.

5. (1) When livestock being shipped or driven is the property of two or more owners, there shall be a separate livestock manifest for the livestock of each owner.

(2) Where livestock is owned by more than one person and included in a single shipment, the operator of the vehicle transporting the livestock to a community pasture, forest reserve, feedlot or market shall ensure that the livestock owned by each person is distinctively marked by means of a brand, paint, a livestock marking crayon or by clip marks in the hair so as to be readily identifiable from the livestock in the shipment owned by any other person.

6. (1) A livestock manifest in the prescribed form shall be fully completed by the vehicle operator or driver of the livestock.

(2) A livestock manifest shall be completed in quadruplicate and

- (a) the original shall be given to the contributor when the livestock is accepted for transport,
- (b) one copy shall accompany the livestock for inspection purposes,
- (c) one copy shall be delivered with the livestock to the consignee, and
- (d) one copy shall be retained by the vehicle operator or driver of the livestock in accordance with subsection (3).

4. Livestock manifest not required.

5. Separate manifests for the livestock of each owner.

6. Preparation and delivery of livestock manifests.

(3) Any person receiving a copy of a livestock manifest shall retain it for a period of two years and produce it for inspection whenever required during that period.

7. (1) Notwithstanding section 6, when livestock is shipped by rail, the contributor of the livestock or his agent shall prepare the livestock manifest.

(2) Two copies of the manifest shall be given to the railroad who shall deliver them to the destination with the livestock.

8. (1) Every market operator or person employed by him to receive livestock for sale, slaughter or shipment shall obtain from the operator of any vehicle delivering any livestock or the driver of the livestock to the market two copies of a completed livestock manifest.

(2) The market operator, his agent or employee, shall deliver one copy to the inspector and the second copy shall be attached to the gate of the pen where the livestock is kept until the livestock is sold, at which time it shall be retained by the market operator.

9. (1) The owner or operator of every market shall

- (a) provide suitable buildings, alleys, pens, chutes and gates adequate for an inspector to carry out his duties under this Act,
- (b) install and maintain sufficient artificial light where inspections are carried out in buildings or when inspections are necessary other than during daylight hours, and
- (c) when required, lease a suitable office to the Department for use by the inspector.

(2) The Supervisor may determine what facilities are necessary or suitable for inspection services.

10. (1) An inspector may cause any livestock brought into a market to be detained for the purpose of

- (a) inspection, or
 - (b) establishing proof of ownership
- of the livestock.

(2) When an inspector has caused any livestock to be detained under this section, none of the livestock may be removed from the market or slaughtered without the authorization of the inspector.

7. Shipments by rail.

8. Market operator to obtain manifests.

9. Facilities for inspection.

10. Inspector may detain livestock at market.

11. A market operator shall withhold from the consignor's proceeds of sale the prescribed inspection fee for each head of livestock inspected and pay to the Department such fee when requested to do so by an inspector.

12. (1) A market operator shall, upon receiving payment of the purchase price, issue a bill of sale to each purchaser in respect of livestock purchased by him and is the agent of the vendor for that purpose.

(2) A market operator shall retain for a period of five years a copy of each bill of sale given by him.

13. Where more than one sale of any livestock takes place in a market before the livestock has been removed from that market the person who is the owner prior to the resale shall

- (a) provide the inspector with a declaration of the brands,
- (b) have the livestock re-inspected, and
- (c) pay the prescribed fee.

14. (1) Any person who

- (a) purchases livestock at a market where it has been inspected,
- (b) desires to ship the livestock directly to an abattoir for immediate slaughter, and
- (c) applies to the inspector on the day the livestock is purchased,

may be granted without fee a permit in the prescribed form authorizing him to ship the livestock to the specified abattoir only.

(2) Any other livestock being transported to an abattoir with the livestock described in the permit must be distinctively marked for identification by an inspector.

(3) Livestock delivered to an abattoir pursuant to subsection (1) may not be removed from the premises without further inspection and the payment of the prescribed fees.

15. Any person who

- (a) purchases livestock at a market where it has been inspected,
- (b) wishes to ship the livestock out of Alberta, and
- (c) applies to an inspector on the day the livestock is purchased,

may be granted without fee a permit in the prescribed form authorizing the shipment.

11. Collection of inspection fee.

12. Market operator required to give bills of sale.

13. Immediate resale.

14. Immediate slaughter of inspected livestock.

15. Transport of inspected livestock out of Alberta from a market.

16. (1) Except in the case of pedigreed livestock or where livestock is delivered directly to a market at Lloydminster, Saskatchewan or Dawson Creek, British Columbia, every person who proposes to move livestock out of Alberta from any place other than a market where the livestock have been inspected shall advise the Supervisor or local inspector of the proposed shipment, setting out

- (a) the date and time of shipment,
- (b) the shipping point and the number of head of livestock, and
- (c) the destination.

(2) The Supervisor or local inspector shall be notified at least 48 hours before the proposed time of shipment.

(3) An inspector shall attend the shipping point prior to the shipping time to inspect the livestock and the provisions of sections 29 to 32 apply with all necessary modifications as if it were an inspection at market.

(4) The person in charge of the livestock at the shipping point shall prepare a livestock manifest, a copy of which shall be given to the inspector.

(5) The inspector shall

- (a) issue a permit in the prescribed form in quadruplicate,
- (b) collect the prescribed fee for each head of livestock inspected,
- (c) give the original copy of the permit to the person in charge of the livestock, who shall attach the permit to the livestock manifest or the railroad waybill to accompany the livestock out of Alberta, and
- (d) give a copy of the permit to the shipper.

17. The provisions of this Act insofar as they relate to inspection and inspection fees do not apply to pedigreed livestock sold at a market on a day the business of that market is confined solely to the sale of pedigreed livestock, and when the pedigreed livestock so offered for sale was advertised for sale on that day,

- (a) by advertisement in a newspaper, or
- (b) by distribution of posters, at least one week before the date of the sale,

and described individually in a catalogue distributed to potential buyers before the beginning of the sale.

18. Any livestock that is moved from point to point within Alberta and brought into a market for weighing,

16. Inspection before transport outside of Alberta.

17. Pedigreed livestock exempt from inspection.

18. Inspection of livestock transported within Alberta.

rest or feeding, shall be inspected, and if the ownership of the livestock has not changed within a 30 day period prior to the movement of the livestock, no inspection fee shall be charged.

19. (1) Any person who proposes to conduct a country sale shall give notice in writing to the Supervisor at least seven days prior to the date of the sale.

(2) The Supervisor may

- (a) send an inspector to the place at which the country sale is to be held to inspect the livestock, or
- (b) give permission to the person conducting the sale for the sale to be held without inspection.

20. (1) If the Supervisor considers it necessary for the livestock at a country sale to be inspected, the person in charge of the sale shall provide to the inspector a list of the livestock to be sold at the sale containing a description of each animal or lot of animals which shall indicate their number, colour, sex and any brands.

(2) The person in charge of the sale shall pay to the inspector the inspection fee prescribed for each head of livestock inspected.

21. (1) The operator of a country sale shall, upon receiving payment of the purchase price, issue a bill of sale to each purchaser in respect of livestock purchased by him and is the agent of the vendor for that purpose.

(2) The operator of the country sale shall retain for a period of five years a copy of each bill of sale given by him.

22. (1) Any person who offers for sale, slaughter, shipment out of Alberta or for entry into a feed lot for custom feeding, any livestock that is

- (a) branded with other than his registered brand, or
- (b) branded with his registered brand but that brand has been applied within the preceding 30 days,

must prepare the branded area on the hide so that the last brand on which a transaction has been recorded is plainly visible to an inspector before the livestock is delivered to the sale, abattoir shipping location or feed lot.

(2) Where any person contravenes subsection (1), he is guilty of an offence and in addition, an inspector shall have the livestock detained in locked pens until the contributor or that person's agent or employer, has made the brands visible.

19. Country sales.

20. Inspection at country sales.

21. Bills of sale.

22. Recent brands.

23. (1) No person shall engage in business as a butcher until he has obtained from the Minister a licence for each place of business.

(2) No person engaged in business as a fur farmer shall slaughter meat animals until he has obtained from the Minister a licence for each place of business where he intends to slaughter meat animals.

(3) Each applicant for a licence shall pay to the Minister the prescribed fee for each licence.

(4) No person may be granted a licence unless he has a building for the purpose of slaughtering livestock.

(5) The licensee must slaughter livestock on the licensed premises only.

(6) Each licence expires on December 31 of the year for which it is issued

24. (1) Each butcher or fur farmer shall keep such records as may be prescribed of meat animals slaughtered by him or at his direction.

(2) The records shall be kept at the place of business of the butcher or fur farmer and shall, at all times, be available for inspection by an inspector.

(3) An inspector may inspect any livestock prior to the livestock being slaughtered and may charge the prescribed inspection fee.

(4) On or before the 10th day of each month the licensee shall make a return, signed by him, to the Minister setting out all entries made in the record during the preceding month.

25. (1) Any person who slaughters livestock shall retain the hide for seven days unless the hide has been inspected

(a) immediately before slaughter, or

(b) within the seven day period.

(2) Inspections of hides shall be made by inspectors at markets on regular sale days.

(3) Every inspector who makes an inspection of a hide pursuant to this section shall, where possible, record the description on the prescribed form and deliver a copy to the owner of the hide without charge.

26. (1) Any person who is the owner or operator of a feed lot and who accepts livestock for entry onto the feed lot premises for custom feeding, other than livestock pur-

23. Butchers and certain fur farmers must be licensed.

24. Records.

25. Inspection of hides.

26. Custom feeding.

chased directly from a market where the livestock has been inspected, shall notify the Supervisor or local inspector within 24 hours after the livestock has entered onto the premises.

(2) The operator of the feed lot shall keep such livestock separate from any other livestock until it has been inspected or he has been notified that no inspection is necessary, and shall provide facilities, considered adequate by the Supervisor, for any inspection required.

(3) The Supervisor may

- (a) send an inspector to the feed lot to inspect the livestock, or
- (b) notify the operator of the feed lot that no inspection is necessary.

27. (1) Where an inspection is made pursuant to section 26, the operator of the feed lot shall provide the inspector with the applicable livestock manifest.

(2) The operator of a feed lot shall pay to the inspector the prescribed inspection fee for each head of livestock inspected.

28. An inspector may inspect the livestock at any public livestock sale, and may enter any premises for that purpose.

29. (1) Every contributor to a public livestock sale shall furnish to an inspector, upon request, any information concerning brands or bills of sale necessary to establish ownership of any livestock or any further information that he may require.

(2) If a contributor fails to provide the requested information, apart from any other prescribed penalty, the livestock shall be

- (a) placed under seizure in locked pens at the expense of the contributor until the information is supplied, or
- (b) brand-read by the inspector with a double inspection fee assessed, with the proceeds of the sale held as provided in sections 31 and 32 until ownership is established.

30. Where an inspector determines that livestock is owned by a person other than the contributor and the owner of the livestock demands the animal be returned to the place from where it was transported, the contributor shall be responsible for all expenses occasioned by its return.

27. Inspection at feed lots.

28. Right to inspect.

29. Inspector may require proof of ownership.

30. Return of livestock to owner.

31. (1) When an inspector at a market is of the opinion that any livestock may have been unlawfully shipped or held, he may detain the livestock or allow the livestock to be offered for sale.

(2) Where an inspector causes any livestock to be detained or offered for sale under subsection (1), he shall give to the market operator a notice in the prescribed form requiring him to withhold settlement and a notice in the prescribed form to be forwarded to the contributor of the livestock.

(3) The market operator shall withhold settlement and forward the notice to the contributor of the livestock.

(4) No market operator to whom a certificate under subsection (2) has been given nor any person on his behalf shall make settlement until a release in the prescribed form, signed by an inspector, is obtained.

(5) No inspector shall issue a release unless he is satisfied ownership has been established by the contributor.

(6) Where an inspector issues a certificate under subsection (2) for any livestock and, after a period of 30 days and reasonable inquiries, he is not satisfied as to the rightful ownership, he shall issue a release in the prescribed form instructing the person withholding settlement to forward the amount held to the Provincial Treasurer and such amount shall form part of the General Revenue Fund.

(7) The inspector shall immediately forward a return in the prescribed form to the Supervisor.

32. (1) Where money is paid to the Provincial Treasurer pursuant to section 31, and the return of the inspector shows that the livestock bore a brand or brands, the Supervisor shall cause to be made all further inquiries which he considers necessary and shall hear any persons claiming ownership of the livestock.

(2) Upon proof of ownership satisfactory to him the Supervisor shall direct the Provincial Treasurer to pay the amount of the sale proceeds from the General Revenue Fund to

- (a) the owner of the brand, or
- (b) the consignor of the livestock.

(3) Where the contributor of the livestock cannot provide proof of ownership, the Supervisor shall direct the proceeds to be paid to the owner of the brand.

(4) The Supervisor shall notify the contributor of the disposal of the proceeds.

(5) Except with the consent of the Minister, no action whatever lies or shall be instituted against the Supervisor or

31. Questionable ownership of livestock.

32. Disposition of proceeds.

any inspector arising out of the performance of his duties under sections 29 to 32.

33. (1) If an inspector has reason to believe

- (a) that any certificate or permit issued by him was improperly issued, or
- (b) that the person to whom it was issued was not for any reason entitled to it,

the inspector may demand the return of the certificate or permit for cancellation and the person to whom it was issued shall thereupon return the certificate or permit to the inspector.

(2) If the certificate is not returned by the person on whom the demand was made, he shall be advised that the certificate is invalid.

(3) Nothing in this section affects the rights of any person other than the person to whom the certificate or permit was issued who has acted in good faith and in reliance on the validity of the permit or certificate issued.

34. No inspector shall purchase, in person or by his agent, any livestock detained or offered for sale under section 31 nor shall he acquire any interest of any kind in any such livestock.

35. (1) An inspector, upon production of his badge or certificate of appointment, may at any time search without a warrant any vehicle in or on which any livestock is being carried on a highway and inspect the livestock carried thereon.

(2) A person operating or in charge of any vehicle on which livestock is being carried on a highway, wherever required by an inspector to do so, shall

- (a) bring the vehicle to a standstill,
- (b) permit the inspection of the vehicle and livestock by the inspector,
- (c) truthfully answer all questions put to him by the inspector concerning the information required to complete a livestock manifest,
- (d) produce to the inspector livestock manifests or permits for all livestock that is being carried on the vehicle, and
- (e) transport the livestock to the nearest point where reasonable unloading facilities are available and unload the livestock for brand inspection, for which no compensation may be claimed.

33. Incorrect certificates.

34. Limitations on inspectors' rights to own livestock.

35. Right to search vehicles.

36. (1) An inspector may without warrant arrest any person found committing an offence under this Act or the regulations.

(2) An inspector in the exercise and discharge of his powers and duties is a person employed for the preservation and maintenance of the public peace.

37. Where an inspector finds any thing which he has reason to believe affords evidence of the contravention of any provision of this Act or the regulations he may forthwith seize such thing and shall thereafter deal with it as if the seizure had been effected under a search warrant issued under The Summary Convictions Act.

38. (1) Any person may inspect livestock that is being driven on foot on a highway.

(2) The person in charge of the livestock when requested to do so shall

- (a) bring the livestock to a halt and provide a description of the brands thereon, and
- (b) render assistance in separating from the drove of livestock any animals that are claimed by the person making the inspection on his own behalf or on that of some other person.

(3) If the owner of the brands on the estray animals or his agent so demands, the person in charge of the livestock shall return such animals to the place from which they were driven.

39. In any proceedings authorized by this Act or the regulations, and in any prosecution for any offence against this Act or the regulations, the fact that any livestock is offered for shipment, sale or entry into a community pasture or forest reserve by an agent, is *prima facie* proof that it was done with the authorization of the owner.

40. Every person who, negligently or otherwise, describes livestock incorrectly on a manifest is guilty of an offence.

41. (1) Every person who, without the consent of the livestock owner or his agent, alters a livestock manifest is guilty of an offence.

(2) A manifest which has been altered without the consent of the owner or his agent at the time it is tendered by a vehicle operator for acceptance, is *prima facie* proof that the alteration was made by the vehicle operator.

36. Powers of inspector.

37. Seizure.

38. Inspection of livestock drives.

39. Acts of agents deemed authorized by owner.

40. Misdescription of livestock.

41. Alteration of manifests.

42. Every person who buys, sells or offers livestock for shipment in other than his own name is guilty of an offence.

43. Any person who, without the consent of an inspector, removes, substitutes or adds an animal to a lot of livestock for which an inspector has issued a certificate or permit, is guilty of an offence.

44. Any person who alters or obliterates any part of any form prescribed by this Act or the regulations, other than an inspector acting in the performance of his duty, is guilty of an offence.

45. (1) Any livestock owner or agent acting on his behalf who ships or attempts to ship livestock out of Alberta without first having the livestock inspected and the prescribed fees paid is guilty of an offence.

(2) The owner or operator of every market where inspection service is provided who slaughters or offers livestock for sale without first having the livestock brand inspected is guilty of an offence.

46. (1) Every owner of livestock shall provide or cause to be provided a bill of sale to any person acquiring livestock from him by purchase, gift or barter.

(2) Every person acquiring livestock by purchase, gift or barter shall obtain a bill of sale therefor.

(3) Every bill of sale shall contain the names of the buyer and seller, the date of the sale and a description of the livestock whereby they may be readily and easily known and distinguished, including brand, if any, number, colour and sex.

(4) Every bill of sale issued by a market operator shall contain the name of the contributor of each draft of livestock included therein.

47. Any inspector who

- (a) knowingly falsifies any certificate or permit, or
- (b) submits a false report, or
- (c) accepts any compensation for the performance or non-performance of any of his duties required by this Act or the regulations, except such compensation as is payable as remuneration for his employment,

is guilty of an offence.

42. Use of aliases.

43. Altering inspected herds.

44. Altering forms.

45. Shipment of livestock without inspection.

46. Bills of sale required.

47. False reports.

48. Any person, other than the owner of the livestock or his agent, who removes the hide from the carcass of any livestock found dead is guilty of an offence.

49. (1) Any person who knowingly has in his possession livestock found estray, must notify

- (a) the brand owner or the local inspector, or
- (b) impound the animal in accordance with The Domestic Animals (Municipalities) Act or The Improvement Districts Stray Animals Act in the area where the livestock was found

within seven days.

(2) Failure to comply with the instructions of the inspector or to impound the livestock as required in subsection (1) constitutes an offence.

50. (1) Any person who contravenes any provision of this Act or the regulations is guilty of an offence and is liable on summary conviction

- (a) in the case of a corporation, to a fine not exceeding \$1,000, or
- (b) in all other cases, to a fine not exceeding \$500 or to imprisonment for not more than six months, or to both fine and imprisonment.

(2) A prosecution under this section may be commenced within two years of the commission of the offence and not thereafter.

51. The Lieutenant Governor in Council may make regulations

- (a) fixing inspection fees,
- (b) fixing licence fees,
- (c) prescribing forms,
- (d) prescribing returns to be made, and
- (e) providing for all other matters necessary to carry into effect the provisions of this Act.

52. The words “livestock commissioner” wherever they occur in the following enactments are struck out and the words “Supervisor of Regulatory Services” are substituted therefor:

Section 9(4) of The Domestic Animals (Municipalities) Act;

Section 5(4) and Form H of The Improvement Districts Stray Animals Act.

48. Hides.

49. Impounding strays.

50. Penalty.

51. Regulations.

52. Consequential amendments.

53. (1) The words “The Stock Inspection Act” wherever they occur in the following enactments are struck out and the words “The Livestock Brand Inspection Act” are substituted therefor:

Section 5(2) of The Horned Cattle Purchases Act;

Section 42(2) of The Improvement Districts Stray Animals Act.

(2) The Wildlife Act is amended as to section 22, subsection (1) by striking out the words “The Alberta Livestock and Livestock Products Act” and by substituting therefor the words “The Livestock Brand Inspection Act”.

54. The Stock Inspection Act is repealed.

55. This Act comes into force on September 1, 1971.

53. Consequential amendments.

54. Chapter 352 of the Revised Statutes of Alberta 1970 is repealed.