

1985 BILL 39

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Third Session, 20th Legislature, 34 Elizabeth II

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

# **BILL 39**

## **LIVESTOCK IDENTIFICATION AND BRAND INSPECTION ACT**

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MR. MUSGROVE

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First Reading .....

Second Reading .....

Committee of the Whole .....

Third Reading .....

Royal Assent .....

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*Bill 39*  
*Mr. Musgrove*

## **BILL 39**

1985

### **LIVESTOCK IDENTIFICATION AND BRAND INSPECTION ACT**

*(Assented to , 1985)*

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

Definitions

**1** In this Act,

- (a) “brand” means a brand recorded under the *Brand Act*;
- (b) “cattle” means a bull, cow, calf, steer, heifer or ox of the bovine family;
- (c) “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*;
- (d) “contributor” means a person who sends livestock to a market, country sale or feedlot;
- (e) “country sale” means a public sale of livestock at any place other than a market;
- (f) “Department” means the Department of Agriculture;
- (g) “feedlot” means, except in clause (l), a feedlot where livestock are brought for a purpose other than for sale or slaughter;
- (h) “horse” means a stallion, mare, gelding, filly, colt, ass or mule;
- (i) “Inspection Fund” means the Livestock Identification and Brand Inspection Fund established under section 27;
- (j) “inspector” means a livestock inspector appointed under section 2 and includes a member of the Royal Canadian Mounted Police;
- (k) “livestock” means cattle, horses and any other animal prescribed in the regulations and includes the whole or a portion of a carcass as defined in the regulations;
- (l) “market” means a stockyard, abattoir or auction market and includes a feedlot where livestock is held for sale or slaughter;
- (m) “market operator” means the owner or the operator of a market or a livestock dealer licensed under the *Livestock and Livestock Products Act*;
- (n) “Minister” means the Minister of Agriculture;

- (o) “pedigreed livestock” means livestock that is registered under the *Livestock Pedigree Act* (Canada);
- (p) “Supervisor” means the Supervisor of Regulatory Services of the Department of Agriculture;
- (q) “vehicle” means
  - (i) a car, truck, trailer or any device in or on which any livestock may be transported,
  - (ii) an aircraft in which livestock may be transported, or
  - (iii) a train in or on which livestock may be transported.

Appointments **2(1)** In accordance with the *Public Service Act* there may be appointed livestock inspectors and any other persons required for the purposes of this Act and the regulations.

(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 an inspector under this Act and the regulations.

(3) 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.

Transportation of livestock **3(1)** Except where livestock is accompanied by a livestock permit or horse permit issued in accordance with this Act and the regulations, no livestock may be transported or driven within Alberta unless the livestock is accompanied by a livestock manifest completed in accordance with the regulations.

(2) Notwithstanding subsection (1), no livestock manifest or permit is required for livestock that

(a) is driven on foot to a destination that is not more than 30 kilometres distant, other than to a community pasture, forest reserve, feedlot or market, or

(b) is being transported for the purpose of receiving veterinary services, or of being returned to the original point of shipment after having received veterinary services.

(3) Subject to subsection (4) and section 6(5), no livestock may be transported or driven from Alberta to a destination outside Alberta unless the livestock is accompanied by a livestock permit issued by an inspector.

(4) If livestock is being transported or driven to Dawson Creek, British Columbia, or Lloydminster, Saskatchewan, for sale or slaughter, the livestock shall be accompanied by a livestock manifest completed in accordance with the regulations.

(5) 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 or livestock permit.

(6) Notwithstanding subsection (5) or any regulations under the *Motor Transport Act*, the operator of the vehicle or driver of the livestock

may deliver the livestock to a person other than the person to whom the livestock is consigned if authorized by the owner of the livestock or his agent.

Horse permits

**4(1)** Where a person desires to transport the same horse more than once in a calendar year within or outside Alberta other than for the purpose of selling or offering it for sale or slaughter, an inspector may issue to that person a horse permit on payment of the prescribed fee.

(2) Where a horse permit is issued under subsection (1), no livestock manifest or livestock permit referred to in section 3 is required unless the horse is being transported for the purpose of selling or offering it for sale or slaughter.

(3) A permit issued under subsection (1) is valid for the calendar year in which it is issued.

More than one owner

**5(1)** When livestock to be transported or driven are owned by more than 1 person, there shall be a separate livestock manifest or livestock permit, as the case may be, for the livestock of each owner.

(2) When livestock are owned by more than 1 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 are distinctively marked in accordance with the regulations so as to be readily identifiable from the livestock in the shipment owned by any other person.

Inspection before shipping

**6(1)** Except when livestock is to be delivered directly to a market, for sale or slaughter, at Lloydminster, Saskatchewan, or Dawson Creek, British Columbia, every person who proposes to transport livestock out of Alberta from any place other than from a place where the livestock has been inspected shall, at least 48 hours before the proposed time of shipment, 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) An inspector shall attend the shipping point prior to the shipping time to inspect the livestock.

(3) The owner of the livestock or his agent shall at the shipping point provide the inspector with the information prescribed in the regulations in the form and manner prescribed.

(4) On being satisfied that the livestock is being shipped by the owner of the livestock or his agent, the inspector shall issue a livestock permit on the payment of the inspection fee.

(5) Notwithstanding subsection (1), a person who wishes to transport pedigreed livestock out of Alberta may do so without advising the Supervisor or local inspector of his intention to do so or obtaining a livestock permit if the livestock is accompanied by

	<p>(a) a livestock manifest completed in accordance with the regulations and a valid registration certificate for each head of livestock, or</p> <p>(b) a livestock manifest completed in accordance with the regulations and a bill of sale on which the registration number and tattoo for each head of livestock is set out.</p>
Delivery of manifest	<p><b>7(1)</b> 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 2 copies of a completed livestock manifest and shall distribute the copies as prescribed by the regulations.</p> <p>(2) When livestock of the same owner in a shipment are separated into more than 1 pen, the market operator or person employed by him shall identify the livestock in each pen in accordance with the regulations.</p>
Inspection at market	<b>8</b> On delivery of livestock to a market, an inspector shall, subject to section 18, inspect the livestock.
Market facilities	<p><b>9(1)</b> Every market operator shall</p> <p>(a) provide suitable buildings, alleys, pens, chutes and gates adequate for an inspector to carry out his duties under this Act,</p> <p>(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</p> <p>(c) when required, lease an office to the Department for use by the inspector.</p> <p>(2) The facilities shall be adequate and suitable in the opinion of the Supervisor.</p>
Bills of sale	<b>10</b> A market operator shall, on delivery of livestock to a purchaser, issue a bill of sale in accordance with the regulations to each purchaser in respect of livestock purchased by him and is the agent of the vendor for that purpose.
Inspection on resale	<p><b>11</b> If more than 1 sale of the same livestock takes place at a market before the livestock has been removed from that market, the person who was the owner immediately prior to the resale or his agent shall</p> <p>(a) provide the inspector with the information prescribed in the regulations in the form and manner prescribed in the regulations,</p> <p>(b) have the livestock re-inspected by an inspector, and</p> <p>(c) pay the inspection fee.</p>
Country sales	<p><b>12(1)</b> A person who proposes to conduct a country sale shall give a notice in writing to the Supervisor at least 7 days prior to the date of the sale setting out</p> <p>(a) the date, time and place of the sale, and</p> <p>(b) the number of head of livestock to be offered for sale.</p>

(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 operator of the country sale for the sale to be held without inspection.

Inspection at  
country sale

**13** 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 the inspector with the information prescribed in the regulations in the form and manner prescribed in the regulations.

Bills of sale

**14** The operator of a country sale shall, on delivery of livestock to a purchaser, issue a bill of sale in accordance with the regulations to each purchaser in respect of livestock purchased by him and is the agent of the vendor for that purpose.

Shipping to  
abattoir

**15(1)** A person who

- (a) purchases livestock at a market or country sale where the livestock has been inspected,
- (b) wishes to transport the livestock directly to an abattoir for immediate slaughter,
- (c) applies to the inspector on the day the livestock is purchased, and
- (d) presents bills of sale that are satisfactory in the opinion of the inspector

may be granted, without payment of an inspection fee, a livestock permit authorizing him to transport the livestock to the specified abattoir.

(2) A permit issued under subsection (1) is valid for the period of time prescribed by the regulations.

(3) Any other livestock being transported to an abattoir with the livestock described in the livestock permit shall be distinctively marked in accordance with the regulations so as to be readily identifiable from the livestock described in the permit.

(4) If bills of sale presented to an inspector are not satisfactory in his opinion, he may

- (a) detain the livestock at the owner's expense until satisfactory bills of sale have been provided, or
- (b) re-inspect the livestock.

(5) If the inspector considers it necessary for the livestock to be re-inspected, the owner of the livestock or his agent shall, prior to the inspection,

- (a) provide the inspector with the information prescribed in the regulations in the form and manner prescribed in the regulations, and
- (b) pay the prescribed inspection fee.

(6) Livestock delivered to an abattoir pursuant to subsection (1) may not be removed from the abattoir unless the livestock is inspected and the inspection fees are paid.

Transportation  
out of Alberta

**16(1) A person who**

- (a) purchases livestock at a market or country sale where the livestock has been inspected,
- (b) wishes to transport the livestock directly out of Alberta,
- (c) applies to an inspector on the day the livestock is purchased, and
- (d) presents bills of sale that are satisfactory in the opinion of the inspector,

may be granted, without payment of an inspection fee, a livestock permit authorizing him to transport the livestock outside Alberta.

(2) A permit issued under subsection (1) is valid for the period of time prescribed by the regulations.

(3) If bills of sale presented to an inspector are not satisfactory in his opinion, he may

- (a) detain the livestock at the owner's expense until satisfactory bills of sale have been provided, or
- (b) re-inspect the livestock.

(4) If the inspector considers it necessary for the livestock to be re-inspected, the owner of the livestock or his agent shall, prior to the inspection,

- (a) provide the inspector with the information prescribed in the regulations in the form and manner prescribed in the regulations, and
- (b) pay the prescribed inspection fee.

Inspections  
at feedlots

**17(1) A person who is the owner or operator of a feedlot and who accepts livestock for entry on the feedlot premises, other than livestock purchased 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 on the premises.**

(2) The operator of the feedlot shall keep the 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 a feedlot to inspect livestock, or
- (b) notify the operator of the feedlot that no inspection is necessary.

(4) When an inspection is made pursuant to this section, the operator of the feedlot shall provide the inspector with the information



prescribed in the regulations in the form and manner prescribed in the regulations.

Livestock  
from other  
jurisdictions

**18** Livestock that is being transported within Alberta or is being transported through Alberta from another jurisdiction and is brought into a market or feedlot for weighing, rest or feeding may be inspected and, if the movement of the livestock is not related to a sale of the livestock in Alberta, no inspection fee shall be charged.

Information  
required for  
inspection

**19** An owner of livestock or his agent who ships or delivers livestock to a country sale, a market or a feedlot shall, when an inspection is required, provide the inspector with the information prescribed in the regulations in the form and manner prescribed.

Requirements re  
bills of sale

**20** An owner of livestock shall provide a bill of sale to any person acquiring livestock from him.

Inspection fees

**21(1)** When livestock is delivered to a place where an inspection under this Act is required, the person in charge of the place shall collect from the contributor the prescribed inspection fee for each head of livestock inspected and shall pay the inspection fee to the Minister when requested to do so by an inspector.

(2) A person who collects an inspection fee pursuant to subsection (1) may receive a commission in accordance with the regulations.

Return of  
livestock

**22** When an inspector determines that livestock is owned by a person other than the contributor, the owner of the livestock or his agent may demand that the livestock be returned and the contributor is liable for all expenses incurred.

Detention of  
livestock

**23** When an inspector at a market or country sale is not satisfied as to the ownership of any livestock, he may detain the livestock or allow the livestock to be offered for sale.

Prohibition  
of sale

**24(1)** If an inspector detains the livestock under section 23, he shall give to the market operator or the operator of the country sale a notice in the prescribed form requiring him not to sell the livestock and a notice in the prescribed form to be forwarded to the contributor of the livestock.

(2) The market operator or the operator of the country sale shall forthwith forward the notice to the contributor of the livestock.

(3) No market operator or operator of a country sale to whom a notice has been given under subsection (1) nor any person on his behalf shall offer the livestock for sale until so directed by the inspector.

(4) If the inspector is unable after reasonable inquiry to determine the ownership of the livestock, he shall allow the livestock to be offered for sale in accordance with section 25.

Withholding of  
settlement

**25(1)** If the inspector allows the livestock to be offered for sale under section 23 or 24, he shall give to the market operator or the operator of the country sale, as the case may be, 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.

(2) The market operator or operator of the country sale, as the case may be, shall withhold settlement and forthwith shall forward the notice to the contributor of the livestock.

(3) No market operator or operator of a country sale to whom a notice has been given under subsection (1) nor any person on his behalf shall make settlement until a release in the prescribed form, signed by an inspector, is obtained.

(4) No inspector shall issue a release, except in accordance with section 26, unless he is satisfied ownership of the livestock has been established.

Release

**26(1)** If the ownership of the livestock cannot be established, the inspector shall issue a release in the prescribed form instructing the person withholding settlement to forward the amount so withheld to be paid into the Inspection Fund.

(2) The Minister may direct the Provincial Treasurer to pay out of the Inspection Fund the amount so withheld to a person who

(a) claims, within 1 year from the date of the sale of livestock, and

(b) establishes to the satisfaction of the Minister

that he was the owner of the livestock before the sale.

(3) If no claim is made under subsection (2), the Provincial Treasurer shall, on the expiration of 1 year from the date of the sale, transfer the amount to the General Revenue Fund.

Inspection Fund

**27(1)** There is established a fund known as the Livestock Identification and Brand Inspection Fund, which is held by the Provincial Treasurer in a special account.

(2) The Provincial Treasurer shall make payments out of the Inspection Fund in accordance with section 26 on the submission by the Minister of a requisition for payment to the Provincial Treasurer.

(3) The Inspection Fund may be a depositor to the Consolidated Cash Investment Trust Fund established under the *Financial Administration Act*.

Cancellation  
of permits

**28(1)** If an inspector has reason to believe

(a) that a livestock or horse permit issued by him was improperly issued, or

(b) that the person to whom a livestock or horse permit was issued was for any reason not entitled to it,

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

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

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

Right to enter

**29(1)** An inspector may, on production of his badge or certificate of appointment,

(a) at any reasonable time enter any place, other than a dwelling place, for the purpose of making inspections under this Act and for the purpose of inspecting hides, and

(b) require the production of any bills of sale, books, records or other documents that are relevant to the purpose of the inspection and examine them, make copies of them or remove them temporarily for the purpose of making copies.

(2) Where an inspector removes any bills of sale, books, records or other documents under subsection (1)(b), he shall

(a) give to the person from whom the items were taken a receipt for the items, and

(b) forthwith return the items to the person from whom they were taken when they have served the purposes for which they were taken.

(3) When an inspector finds any thing which he has reasonable and probable grounds to believe affords evidence of the contravention of any provision of this Act or the regulations, he may forthwith seize the thing and shall thereafter deal with it as if the seizure had been effected under a search warrant issued under the *Summary Convictions Act*.

Right of entry  
on land

**30(1)** An inspector, on production of his badge or certificate of appointment, may at any reasonable time, if he has reasonable grounds to believe that there is livestock on the land that is not owned by the owner or occupier of the land, enter on any land, whether fenced or not, for the purpose of determining the ownership of livestock.

(2) In this section, “land” includes any cattle enclosure, corral, barn, lean-to, feed shed, windbreak or any other structure that may be used to house, protect or conceal livestock, but does not include a dwelling place.

Inspection of  
vehicles

**31(1)** An inspector, on production of his badge or certificate of appointment, may at any time search without a warrant any vehicle in or on which livestock is being carried.

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

(a) bring the vehicle to a stop and remain stopped until he is permitted by the inspector to leave,

(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

	<p>(e) transport the livestock to the nearest point where reasonable unloading facilities are available and unload the livestock for inspection, for which no compensation may be claimed.</p>
Detention of livestock	<p><b>32(1)</b> An inspector may, for the purpose of carrying out his duties under this Act, detain livestock at the owner's expense.</p> <p>(2) When an inspector detains livestock under subsection (1), no livestock may be removed from the place where the livestock was detained until authorization to remove the livestock is given by an inspector.</p>
Regulations	<p><b>33</b> The Lieutenant Governor in Council may make regulations</p> <ul style="list-style-type: none"> <li>(a) fixing fees for the purposes of this Act and the regulations;</li> <li>(b) respecting the completion, distribution, retention and production of livestock manifests and bills of sale;</li> <li>(c) governing commissions for the collection of inspection fees;</li> <li>(d) respecting the marking of livestock so that the livestock may be distinguished from other livestock owned by the same or another person;</li> <li>(e) respecting information to be provided to inspectors under this Act and the regulations;</li> <li>(f) governing the issuance, cancellation and expiry of livestock manifests, livestock permits and horse permits authorized by this Act;</li> <li>(g) prescribing the form of the livestock manifests, livestock permits, horse permits, notices and any other documents required for the purposes of this Act and the regulations;</li> <li>(h) prescribing other animals to be livestock for the purposes of this Act and the regulations;</li> <li>(i) defining "carcass" for the purposes of this Act and the regulations;</li> <li>(j) respecting the form, issuing and receipt of bills of sale.</li> </ul>
Misleading manifests	<p><b>34</b> A person who</p> <ul style="list-style-type: none"> <li>(a) does not fully complete the information required,</li> <li>(b) provides false information, or</li> <li>(c) describes livestock incorrectly,</li> </ul> <p>on a livestock manifest is guilty of an offence and liable to a fine not exceeding \$1000.</p>
Altering forms	<p><b>35(1)</b> A person who, without the consent of the livestock owner or his agent, alters a livestock manifest is guilty of an offence and liable to a fine not exceeding \$1000.</p> <p>(2) A livestock manifest or permit that has been altered without the consent of the owner or his agent at the time it is tendered by an</p>

operator of a vehicle for acceptance is prima facie evidence that the alteration was made by the operator of the vehicle.

Use of alias

**36** A person who

- (a) buys livestock,
- (b) sells livestock, or
- (c) offers livestock for shipment,

in any name other than in the name of the owner of the livestock is guilty of an offence and liable to a fine not exceeding \$1000.

Changes to livestock lots

**37** A person who, without the consent of an inspector, removes, substitutes or adds livestock to a lot of livestock for which an inspector has issued a livestock permit is guilty of an offence and liable to a fine not exceeding \$1000.

Altering forms

**38** A 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 and liable to a fine not exceeding \$1000.

Shipment of livestock without inspection

**39(1)** A livestock owner or an agent acting on his behalf who transports or attempts to transport livestock out of Alberta, other than pedigreed livestock in accordance with section 6(5) or livestock delivered directly to a market at Lloydminster, Saskatchewan, or Dawson Creek, British Columbia, for sale or slaughter, without first having the livestock inspected and paying the prescribed inspection fees, is guilty of an offence and liable to a fine not exceeding \$5000.

(2) The owner or operator of a market or country sale where inspection service is required who slaughters or offers livestock for sale without first having the livestock inspected is guilty of an offence and liable to a fine not exceeding \$5000.

Payment of proceeds

**40** A market operator who, without authorization in writing from an inspector, makes the proceeds of a sale payable to a person by any name other than that shown on the relevant livestock manifest is guilty of an offence and liable to a fine not exceeding \$5000.

Transportation of uninspected livestock

**41** A person who

- (a) being the operator of a vehicle knowingly uses the vehicle in Alberta for the purpose of transporting livestock out of Alberta, other than pedigreed livestock, to any place other than directly to Dawson Creek, British Columbia, or Lloydminster, Saskatchewan, for sale or slaughter, that is not accompanied by the necessary livestock manifest, livestock permit or horse permit, or
- (b) being the owner of a vehicle knowingly allows the vehicle to be used in Alberta for the purpose of transporting livestock out of Alberta, other than pedigreed livestock, to any place other than directly for sale at Dawson Creek, British Columbia, or Lloydminster, Saskatchewan, for sale or slaughter, that is not accompanied by the necessary livestock manifest, livestock permit or horse permit,

is guilty of an offence and liable to a fine not exceeding \$1000.

Transportation without manifest or permit	<b>42</b> A person who ships livestock that is not accompanied by the necessary livestock manifest, livestock permit or horse permit, as the case may be, is guilty of an offence and liable to a fine not exceeding \$1000.
Removal of hides	<b>43</b> A 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 and liable to a fine not exceeding \$1000.
Obstructing an inspector	<b>44</b> A person who obstructs or hinders an inspector in the exercise of his powers or the performance of his duties is guilty of an offence and liable to a fine not exceeding \$1000.
General offence	<b>45</b> (1) A person who contravenes this Act or the regulations is guilty of an offence and liable to a fine not exceeding \$1000.  (2) A prosecution under this Act may be commenced within 1 year of the commission of the offence but not afterwards.
Agents	<b>46</b> In any prosecution for any offence against this Act or the regulations, the fact that any livestock is offered for shipment or sale by an agent of an owner is prima facie evidence that it was done with the authorization of the owner.
Consequential	<b>47</b> <i>The Horned Cattle Purchases Act is amended in section 4(2) by striking out "Livestock Brand Inspection Act" and substituting "Livestock Identification and Brand Inspection Act".</i>
Repeal	<b>48</b> <i>The Livestock Brand Inspection Act is repealed.</i>
Commencement	<b>49</b> <i>This Act comes into force on Proclamation.</i>