

1976

c 46 The Live Stock Community Sales Amendment Act, 1976

Ontario

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Bibliographic Citation

The Live Stock Community Sales Amendment Act, 1976, SO 1976, c 46

Repository Citation

Ontario (1976) "c 46 The Live Stock Community Sales Amendment Act, 1976," *Ontario: Annual Statutes*: Vol. 1976, Article 51.

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CHAPTER 46

An Act to amend The Live Stock Community Sales Act

Assented to June 15th, 1976

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

- 1.—(1) Section 1 of *The Live Stock Community Sales Act*, being ^{s. 1,} chapter 253 of the Revised Statutes of Ontario, 1970, ^{amended} as amended by the Statutes of Ontario, 1971, chapter 50, section 53, is further amended by adding thereto the following clause:

(*ea*) “Minister” means the Minister of Agriculture and Food.

- (2) Clause *i* of the said section 1 is repealed and the follow- ^{s. 1 (i),} ing substituted therefor: ^{re-enacted}

(*i*) “veterinarian” means a person registered under *The Veterinarians Act*.

R.S.O. 1970,
c. 480

2. Section 2 of the said Act is amended by striking out “or” ^{s. 2,} at the end of clause *c*, by adding “or” at the end of clause *d* ^{amended} and by adding thereto the following clause:

(*e*) a sale of live stock held at the established place of business of an operator where,

(*i*) the sale is held for the purpose of dispersing an established herd in whole or in part,

(*ii*) only live stock of the herd owner is offered for sale, and

(*iii*) the herd has not been assembled by a dealer in live stock for the purpose of resale.

s. 5 (e),
amended

3. Clause *e* of section 5 of the said Act is amended by striking out "a veterinarian" in the second line and inserting in lieu thereof "an inspector".

s. 7,
repealed

4. Section 7 of the said Act is repealed.

s. 8,
re-enacted

5. Section 8 of the said Act is repealed and the following substituted therefor:

Conditions
precedent
to sale

8.—(1) No operator shall commence a community sale until an inspector,

(a) has inspected the premises at which the sale is to be held; and

(b) has carried out such duties as are prescribed in the regulations to be completed before the commencement of a community sale.

Idem

(2) No operator shall offer live stock for sale at a community sale unless such live stock has been inspected on the premises by an inspector before being offered for sale.

s. 11,
re-enacted

6. Section 11 of the said Act is repealed and the following substituted therefor:

Inspectors

11.—(1) The Minister shall appoint a chief inspector who is a veterinarian and such other inspectors as he considers necessary and, notwithstanding any other Act, such inspectors have exclusive authority to initiate proceedings to enforce the provisions of this Act and the regulations.

Certificate
of
appointment

(2) The production by an inspector of a certificate of his appointment purporting to be signed by the Minister is admissible in evidence as *prima facie* proof of his appointment without further proof of the signature or authority of the Minister.

Powers of
inspector

(3) Subject to subsections 4, 5 and 6, the Director or an inspector may, for the purpose of carrying out his duties under this Act,

(a) enter any premises and any truck or other conveyance thereon and inspect the premises, truck or other conveyance and any live stock therein;

(b) require the production or furnishing by the owner or custodian thereof of any books, records or documents, or of extracts therefrom, of persons

licensed under this Act or relating to any live stock assembled or sold at a community sale;

- (c) in accordance with the regulations, seize, remove, detain and provide for the disposal of any live stock where,
 - (i) he believes on reasonable and probable grounds that there is a contravention of this Act or the regulations in respect thereof, or
 - (ii) it appears to him that the live stock is diseased, injured or shows evidence of any other abnormal condition;
- (d) order live stock mentioned in subclause ii of clause c to be destroyed,
 - (i) with the consent of the owner, or
 - (ii) where a veterinarian has examined the live stock and has advised the Director or inspector in writing that the live stock is diseased, injured or suffers from any other abnormal condition and, in his opinion, is incapable of being so cured, healed or treated as to live thereafter without suffering.

(4) Except under the authority of a warrant under section 16 of *The Summary Convictions Act*, the Director or an inspector shall not enter any part of a dwelling without the consent of the occupant.

No entry without consent or warrant
R.S.O. 1970, c. 450

(5) Where the Director or an inspector requires the production or furnishing of books, records, documents or extracts therefrom, the person having custody thereof shall produce or furnish them to the Director or inspector and the Director or inspector may detain them for the purpose of making copies therefrom and thereafter return them to the person who produced or furnished them.

Production of records, etc.

(6) Where a copy of a book, record, document or extract is made under subsection 5 and is certified by a person thereunto authorized, it is admissible in evidence and has the same probative force as the original document would have had if it had been proven in the ordinary way.

Certification of copy

7. Section 12 of the said Act, as amended by the Statutes of Ontario, 1971, chapter 50, section 53, is repealed and the following substituted therefor:

s. 12, re-enacted

Obstruction

12. No person shall hinder or obstruct the Director or an inspector in the course of his duties, or refuse to permit him to inspect any premises or any truck or other conveyance thereon or any live stock therein, or furnish him with false information, or refuse to furnish him with information.

s. 13,
amended

8. Section 13 of the said Act is amended by striking out "\$100" in the fourth line and inserting in lieu thereof "\$500" and by striking out "\$500" in the fifth line and inserting in lieu thereof "\$1,000".

s. 14,
amended

9.—(1) Section 14 of the said Act, as amended by the Statutes of Ontario, 1971, chapter 50, section 53, is further amended by adding thereto the following clause:

(c) prescribing grounds for the refusal to renew, suspension or revocation of licences in addition to those grounds mentioned in clauses *a*, *b*, *c* and *d* of subsection 1 of section 3*b*.

s. 14 (*h*),
re-enacted

(2) Clause *h* of the said section 14 is repealed and the following substituted therefor:

(*h*) prescribing the powers and duties of inspectors or any class thereof.

s. 14,
amended

(3) The said section 14 is further amended by relettering clause *n* as clause *s* and by adding thereto the following clauses:

(*n*) governing the seizure, removal, detention and disposal of live stock for the purposes of clause *c* of subsection 3 of section 11;

(*o*) governing the destruction of live stock for the purposes of clause *d* of subsection 3 of section 11;

(*p*) prescribing standards for the health, welfare and care of live stock, or any class thereof, in connection with community sales;

(*q*) prohibiting the sale of live stock affected with any disease or other abnormal condition and providing for the disposal of such live stock;

(*r*) prescribing the terms and conditions upon which live stock affected with any disease or other abnormal condition may be offered for sale and sold.

10. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor. Commence-
ment

11. This Act may be cited as *The Live Stock Community Sales Amendment Act, 1976*. Short title

