



CHAPTER 13.

An Act to regulate the use of Stallions for Stud purposes. A.D. 1918.
[27th June 1918.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. Any person who after the appointed day, being the owner or having the control of a stallion of a prescribed age, travels it for service, or exhibits it on any premises not in his occupation with a view to its use for service, or permits it to be so travelled or exhibited, shall be liable on summary conviction to a fine not exceeding twenty pounds unless the stallion is at the time licensed under this Act. Restriction on travelling and exhibiting unlicensed stallions.

2.—(1) The Board of Agriculture and Fisheries (in this Act referred to as the Board) shall have power to grant, revoke and suspend licences for the purposes of this Act. Licensing of stallions.

(2) The Board shall, on application being made in the prescribed manner, and on compliance with the prescribed conditions as to inspection and examination, grant to the owner of any stallion a licence in the prescribed form in respect of the stallion and also, if so requested, a certified copy thereof on payment of such fee (not exceeding one guinea) as may be prescribed :

Provided that the Board may refuse to grant a licence and may revoke or suspend a licence in respect of a stallion if it appears to the Board that the stallion—

- (a) is affected with any contagious or infectious disease ;
- (b) is affected with any other disease or defect prescribed as a disease or defect rendering the stallion unsuitable for service of mares ; or
- (c) has proved to be inadequately prolific ; or
- (d) is calculated, if used for stud purposes, to injure the breed of horses by reason of its defective conformation or physique.

A.D. 1918.
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 Duration,
 transfer and
 production of
 licence.

3.—(1) A licence, unless suspended or revoked by the Board, shall remain in force until the thirty-first day of October following the date of the grant of the licence, but shall be renewable annually, and the same provisions shall apply to the renewal of a licence as apply to the grant of a licence :

Provided that in the case of a stallion which has attained such age as may be prescribed, and in respect of which a licence has been in force for such number of years as may be prescribed, the renewal of the licence shall not be refused on the ground only of the stallion being affected in its wind.

(2) If a stallion in respect of which a licence is in force is sold or let for a period exceeding six months or if the ownership of the stallion is otherwise changed, the licence shall, on application to the Board, be transferred to the new owner by endorsement of the licence or otherwise, but unless so transferred a licence shall cease to be in force at the expiration of one month after the change of ownership.

(3) A licence granted under this Act or certified copy thereof shall be produced—

(a) at the time of or before the service by the stallion of a mare, if so required by the owner or person in charge of the mare ; and

(b) at any time, if so required by an officer of the Board or a police officer or any person authorised by regulation under this Act ;

and if the person for the time being in charge of or having control of the stallion fails to produce the licence or certified copy when so required he and also the owner of the stallion if the failure is due to his default shall be liable on summary conviction to a fine not exceeding five pounds.

Appeals from
 Board.

4.—(1) If the Board refuse to grant a licence under this Act in respect of any stallion or revoke or suspend any such licence, the owner of the stallion shall be entitled on application made within the prescribed time, in the prescribed manner, and on payment of the prescribed fee (not exceeding five guineas) to have the stallion inspected and examined by such member or members of the panel of referees constituted under this section as may be selected by the Board, who shall report to the Board the result of the inspection and examination and the Board, after consideration thereof, shall confirm or vary the decision to which the application relates and such confirmation or variation shall be final :

Provided that no member of the panel who may previously have been employed either by the Board or by the applicant for the purpose of the inspection or examination of the stallion shall be selected.

(2) For the purposes of such inspections and examinations there shall be constituted a panel of referees consisting of such registered veterinary surgeons and other persons as may be appointed by the Board to be members of the panel after

consultation with such horse-breeding societies as in the opinion of the Board are interested in such appointment. A.D. 1918.

(3) The fee payable on an application under this section shall, if the Board do not confirm the decision to which the application relates, be returned to the applicant by the Board.

(4) The charges of a referee in respect of an application shall be such as may be fixed by the Board and shall be paid by the Board.

5. The owner of a stallion in respect of which a licence is in force under this Act shall—

Duties of owners of licensed stallions.

- (a) give notice forthwith to the Board in the prescribed manner of any sale or letting or other change in the ownership of the stallion or of its castration or death; and
- (b) submit the stallion to inspection and examination by any person authorised in that behalf by the Board if and when required by the Board; and
- (c) return the licence and the certified copy (if any) to the Board forthwith on the expiration, revocation, or suspension of the licence;

and if he fails to comply with any of the requirements of this section he shall be liable on summary conviction to a fine not exceeding five pounds.

6. Any person duly authorised in writing by the Board in that behalf shall have power to inspect and examine any stallion which is or which he has reason to believe has been travelled for service, or exhibited as aforesaid, and shall for the purposes of this Act have power to enter at all reasonable times any premises where he has reason to believe any stallion is kept, and if any person refuses to allow any person who is so authorised and who, if so required, produces his authority to inspect and examine any such stallion or to enter any premises which he is entitled to enter under this section or obstructs or impedes him in the exercise of his powers under this section, that person shall be liable on summary conviction to a fine not exceeding twenty pounds.

Inspection of stallions.

7. If any person forges or fraudulently alters or uses or permits to be fraudulently altered or used any licence or certified copy of a licence issued under this Act he shall be liable on summary conviction to imprisonment for a term not exceeding three months, or to a fine not exceeding twenty pounds, or to both such imprisonment and fine.

Forgery and fraudulent use of licence.

8. In any proceedings under this Act for travelling for service or exhibiting a stallion or permitting a stallion to be travelled or exhibited, the burden of proof that a licence under this Act in respect of the stallion was in force at the time that it was so travelled or exhibited shall lie on the person charged,

Burden of proof.

A.D. 1918. and until the contrary is proved it shall be assumed that no licence was then in force.

Power to make rules.

9. The Board may make rules (subject in respect of fees to the approval of the Treasury) for prescribing anything which under this Act is to be prescribed and generally for carrying this Act into effect.

Stallions on commons and in the New Forest.
8 Edw. 7. c. 44.

10. Where any regulation made under the Commons Act, 1908, or any other Act includes amongst the conditions under which stallions may be upon any common or in the New Forest a requirement that they shall be licensed by the Board, the Board shall have power to grant licences for the purpose, and the provisions of this Act shall apply in respect of the grant, revocation and suspension of such licences and the licences so granted in like manner as they apply in respect of the grant, revocation and suspension of licences for the purposes of this Act, and of licences granted for those purposes.

Expenses and fines.

11.—(1) The expenses of the Board under this Act to such amount as may be approved by the Treasury and so far as not covered by receipts under this Act shall be defrayed out of moneys provided by Parliament.

(2) All fines recoverable under this Act by the Board or an officer of the Board, shall, notwithstanding anything in any other Act, be paid to the Board and the amount so recovered and all other sums received under this Act by the Board shall be applied by them towards payment of their expenses under this Act.

(3) The amount of the expenses under this Act defrayed out of moneys provided by Parliament shall not exceed twenty thousand pounds in any financial year.

Interpretation.

12. In this Act, unless the context otherwise requires, the expression "owner" in relation to a stallion means the person to whom for the time being the stallion belongs whether absolutely or as lessee; the expression "appointed day" means such day not earlier than the first day of January nineteen hundred and twenty as may be appointed by the Board; the expression "certified" means certified in the prescribed manner; and the expression "prescribed" means prescribed by rules made under this Act.

Application to Scotland.

13. This Act, except section ten, and subsection (2) of section eleven, shall apply to Scotland with the substitution of the Board of Agriculture for Scotland for the Board of Agriculture and Fisheries.

Application to Ireland.

14. This Act shall apply to Ireland and shall have effect, subject to the following modifications, namely:—

(1) References to the Board of Agriculture and Fisheries, or to the Board, shall be construed as references to

the Department of Agriculture and Technical In- A.D. 1918.
struction for Ireland, in this section referred to as
the Department: —

- (2) The following section shall be substituted for section one:—

“(1) Any person who after the appointed day being the owner or having the control of a stallion of a prescribed age uses it or permits it to be used for stud purposes, shall be liable on summary conviction to a fine not exceeding twenty pounds, unless the stallion when so used is licensed under this Act.

“(2) This section shall not apply to the use for stud purposes of—

“(a) a stallion entered in any prescribed stud-book if used for the service of none but mares so entered or mares approved by the Department; or

“(b) a stallion belonging exclusively to one individual if used for the service of none but mares belonging exclusively to that individual.”

- (3) The power of inspecting and examining stallions shall extend so as to authorise the inspection and examination of any stallion, whether there is, or is not, reason to believe that the stallion has been travelled for service or exhibited:
- (4) In the provisions as to burden of proof, references to using, or permitting to be used, for stud purposes, shall be substituted for the references to travelling for service, or exhibiting, or permitting to be so travelled or exhibited, and a reference to the time when the stallion was so used shall be substituted for the reference to the time when the stallion was so travelled or exhibited:
- (5) The panel of referees shall consist of such registered veterinary surgeons or other persons as may be appointed by the Lord Lieutenant.

15. This Act may be cited as the Horse Breeding Act, Short title.
1918.

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