

## BRANDS.

12° GEO. VI., No. V.

No. 5 of 1948.

### AN ACT to amend the Brands Act, 1904-1935.

[Assented to 16th October, 1948.]

**B**E it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the *Brands Act Amendment Act, 1948*, and shall be read as one with the Brands Act, 1904-1935 (Act No. 61 of 1904 reprinted as amended by Acts Nos. 14 of 1907, 24 of 1932 and 13 of 1935 in the Appendix to the Sessional Volume of Acts, 1935), hereinafter referred to as the principal Act.

Short title.

2. The principal Act, as amended by this Act, may be cited as the Brands Act, 1904-1948.

Citation of the principal Act as amended by this Act.

3. Section twenty-five of the principal Act is repealed and substituted by the following:—

Amendment of s. 25. Substituted for former s. 24 of Act No. 61 of 1904 as amended by s. 14 of Act No. 24 of 1932 reprinted as s. 25 in the appendix to 1935 Sess. Vol.

25. (1) The registrar may cancel the registration of the ownership of any brand—

(a) if the owner applies in the form in the Sixth Schedule to this Act for cancellation and pays a fee of two shillings and sixpence;

(b) if the owner notifies the registrar that he has no further use for the brand and does not require the use of any brand in its place;

(c) if—

(i) having served on the owner notice that registration will be cancelled unless, within a period of three months next after service of the notice, the owner shows cause why the registration should not be cancelled the registrar, during that period, either—

(I) receives a response to the notice claiming to show cause for reasons which the registrar regards as not being satisfactory, or

(II) does not receive any response at all to the notice, in which case the registrar shall cause to be published in a newspaper circulating in the locality of the run or farm, shown in the register as that for which the brand is required to be used, a further notice that registration will be cancelled, unless, within a period of thirty days next after the day of the appearance of the further notice in the newspaper, the owner shows cause why the registration should not be cancelled, and the registrar, during that period of thirty days, either—

(a) receives a response to the further notice claiming to show cause for reasons which

the registrar regards as  
not being satisfactory,  
or

(b) does not receive  
any response at all to  
the further notice.

(2) For the purposes of the next preceding sub-  
section, the expression "served" shall be construed  
in accordance with the provisions of the Interpreta-  
tion Act, 1918 (No. 30 of 1918), section thirty-one.

Act. No. 30 of  
1918, s. 31.

(3) When registration of the ownership of a  
brand has been cancelled it shall be regarded as an  
unallotted brand until reallocated under the pro-  
visions of section eighteen of this Act.

Cf. s. 18 ante.

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