

**Reprint  
as at 1 July 2013**



**Impounding Act 1955**

Public Act    1955 No 108  
Date of assent    28 October 1955  
Commencement    see section 1(2)

**Contents**

	Page
Title	4
1 Short Title and commencement	4
2 Interpretation	5
<b>Part 1</b>	
<b>Establishment of pounds</b>	
3 Establishment of public pounds	7
4 Provisions as to joint pounds	7
5 Location of pound to be publicly notified	8
6 Notice to be placed on pound	8
7 Local authority may acquire land for establishment of pounds	8
<b>Part 2</b>	
<b>Poundkeepers and other staff</b>	
8 Appointment of poundkeepers, etc	8
9 Appointment of deputies	9
10 Local authority may remove or suspend poundkeeper, etc	9

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**Note**

Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this reprint.

A general outline of these changes is set out in the notes at the end of this reprint, together with other explanatory material about this reprint.

**This Act is administered by the Department of Internal Affairs.**

11	Appointment, etc, of poundkeeper to be publicly notified	9
<b>Part 3</b>		
<b>Conduct of pounds</b>		
12	Provisions for health of impounded stock	10
13	Records to be kept by local authority	10
<b>Part 4</b>		
<b>Fees, rates, and charges</b>		
14	Poundage fees and sustenance charges	11
15	Driving charges	11
15A	Regulations as to trespass rates	12
16	Trespass rates	12
17	Special trespass rates for entire animals	12
18	Fees, rates, and charges to be paid into ordinary general fund <i>[Repealed]</i>	13
19	Local authority to pay trespass rates and driving charges to persons entitled thereto	13
20	Copy of Act and table of fees to be available for inspection	13
<b>Part 5</b>		
<b>Remedies for stock trespassing</b>		
<i>Impounding trespassing stock</i>		
21	Occupier may impound trespassing stock	14
22	Mode of impounding trespassing stock	14
23	Stock to be released if trespass rates and driving charges tendered	14
24	Occupier may impound on his own land stock trespassing thereon	14
25	Occupier may restore trespassing stock to owner	15
<i>Damages for trespass and trespass rates</i>		
26	Damages for trespass	15
27	Claiming trespass rates instead of damages	16
28	Occupier whose fence is damaged may recover damages as trespass rate	17
29	If impounding illegal or excessive trespass rates claimed, owner may pay under protest	17
30	Jurisdiction of District Court	17
31	Special remedies for trespass by pigs, goats, or poultry	18

**Part 6**  
**Provisions for stock found straying or wandering on  
roads, and for wild stock**

*Temporary pounds*

32	Temporary pounds	19
	<i>Stock straying or wandering on roads</i>	
33	Stock straying or wandering on roads	20
34	Section 33 not to apply in certain cases	21
35	Stock straying on roads may be impounded in a temporary pound	22
36	Recovery of stock that escapes while being taken to a pound	22
37	Stock to be delivered up on payment of expenses before impounding	22
	<i>Special provisions as to stock too wild to impound</i>	
38	Wild stock trespassing on land	22
39	Purchaser of wild stock may pursue and take the same	23
40	Occupier may destroy wild stock unsold or not removed by purchaser	23
41	Stray stock not to be taken away without notice	24
42	Disposal of wild stock straying on roads	24

**Part 7**

**Procedure for impounding stock in a pound**

43	Poundkeeper to receive stock tendered for impounding	25
44	Provision where pound is of insufficient size	25
45	Occupier or other person to supply particulars of stock impounded	25
46	Notice to owner of stock impounded	26
47	Poundkeeper to detain stock until all charges paid	26
48	Hours for release of stock	27

**Part 8**

**Procedure for disposing of unclaimed, suffering, or  
worthless impounded stock**

49	Stock not claimed to be sold at auction	27
50	Sales of impounded stock	27
51	Purchaser of stock not bound to prove regularity of sale	28
52	Destruction of worthless or suffering animals	28
53	Disposal of unsold stock	29
54	Application of proceeds of sale of impounded stock	29

55	Recovery of damages or trespass rates from residue of proceeds	29
56	Deficiency of fees, charges, and trespass rates recoverable from owner	30

**Part 9  
Offences and penalties**

57	Offences by poundkeepers	30
58	Offences by other persons	31
59	Burden of proof in certain cases on poundkeeper	32
60	Person using stock without consent of owner	33
61	Offences punishable on summary conviction <i>[Repealed]</i>	33
62	Application of fines <i>[Repealed]</i>	33

**Part 10  
Miscellaneous**

63	Delegation of local authority's powers	33
64	Service of notices	34
65	Unclaimed trespass rates, charges, and residue of sale	34
66	Cost of administration of Act <i>[Repealed]</i>	35
67	Regulations	35
68	Repeals, savings, and consequential amendments	35

<b>Schedule 1</b> <i>[Repealed]</i>	36
--	----

<b>Schedule 2</b> <i>[Repealed]</i>	36
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<b>Schedule 3</b> <i>[Repealed]</i>	36
--	----

<b>Schedule 4</b>	37
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**Enactments repealed**

**An Act to consolidate and amend the law relating to the establishment and management of public pounds, trespassing and wandering stock, and the impounding of stock**

**1 Short Title and commencement**

- (1) This Act may be cited as the Impounding Act 1955.
- (2) This Act shall come into force on 1 January 1956.

## 2 Interpretation

(1) In this Act, unless the context otherwise requires,—

**district** means the district under the administration of a local authority

**driving charges** means all charges payable under section 15

**entire**, in relation to any animal, means a male animal not completely castrated

**fence** means an adequate fence within the meaning of the Fencing Act 1978; and **fenced land** means land enclosed within such a fence

**local authority** means a territorial authority within the meaning of the Local Government Act 2002

**nearest accessible pound** means the pound which is most easily accessible having regard to distance and facilities of access at the time of seizure for impounding

**occupier**—

(a) in relation to any land, other than land of the Crown, includes any owner of the land; and also includes any tenant, licensee, agent, bailiff, or overseer of any owner or occupier:

(b) in relation to unoccupied land of the Crown, means the Minister for the time being charged with the administration of the Department of State that has the control of the land:

(c) in relation to any other land of the Crown, means any person occupying the land under lease, licence, or other authority granted by or on behalf of the Crown

**owner**, in relation to any stock, includes the person having the charge of the stock or the management thereof; and **owned** has a corresponding meaning

**poultry** includes turkeys, geese, ducks, and domestic fowls of all descriptions

**pound** or **public pound** means a public pound established under this Act; and for the purposes of Part 6 includes a temporary pound

**poundkeeper** means the person for the time being in the authorized charge of any pound

**public notice** and **publicly notify** mean the insertion of a notice in 1 or more newspapers having general circulation in the district affected by the matter of the notice

**ranger** means any person appointed by the local authority to keep roads clear of straying or wandering stock

**road**—

- (a) means any place open to or used by the public as of right; and
- (b) includes a river bed and riparian land under the control of any local authority or regional council, unless any occupier of land adjoining the river bed or riparian land is also the lawful occupier of that river bed or riparian land

**stock** includes any horse, cattle, deer, ass, mule, sheep, pig, or goat of any description

**straying** or **wandering**, in relation to any stock on or near a road, includes being on or near the road without being under proper guidance and control; and also includes being herded or drafted or grazed upon or near the road other than in the course of being driven

**temporary pound** means a pound established under section 32

**trespass rates** means the rates specified in Schedule 3.

- (2) For the purposes of this Act a suckling of any species under 6 months old and its mother are to be considered as 1 animal.
- (3) A local authority may exercise its powers under this Act in respect of any regional road, State highway or motorway, river bed, or riparian land in its district whether or not that highway, river bed, or riparian land is under the control of the local authority:

provided that no power shall be exercised by a local authority in respect of any river bed or riparian land if the occupier of any land adjoining the river bed or riparian land is also the lawful occupier of that river bed or riparian land.

Compare: 1908 No 79 s 2

Section 2(1) **borough**: repealed, on 1 April 1980, by section 8(3) of the Local Government Amendment Act 1979 (1979 No 59).

Section 2(1) **driving charges**: replaced, on 1 April 1981, by section 2(1) of the Impounding Amendment Act 1980 (1980 No 59).

Section 2(1) **fence and fenced land**: replaced, on 1 April 1981, by section 2(2) of the Impounding Amendment Act 1980 (1980 No 59).

Section 2(1) **local authority**: replaced, on 1 July 2003, by section 262 of the Local Government Act 2002 (2002 No 84).

Section 2(1) **ordinary general fund**: repealed, on 1 July 2003, by section 262 of the Local Government Act 2002 (2002 No 84).

Section 2(1) **road**: replaced, on 1 July 2003, by section 262 of the Local Government Act 2002 (2002 No 84).

Section 2(1) **stock**: replaced, on 1 April 1981, by section 2(5) of the Impounding Amendment Act 1980 (1980 No 59).

Section 2(3): replaced, on 25 November 1968, by section 2(2) of the Impounding Amendment Act 1968 (1968 No 32).

Section 2(3): amended, on 1 April 1981, by section 2(6) of the Impounding Amendment Act 1980 (1980 No 59).

## **Part 1**

### **Establishment of pounds**

#### **3 Establishment of public pounds**

Every local authority shall provide and maintain a public pound, which shall be properly fenced and enclosed and so adapted as to keep stock infected with any contagious disease separate and apart from other stock:

provided that—

- (a) any 2 or more local authorities may jointly provide and maintain a public pound upon such terms and conditions as may be agreed upon:
- (b) any local authority may, if it so desires, provide and maintain more than 1 public pound:
- (c) if a Minister of the Crown is the local authority, nothing in this section imposes on that Minister any obligation to provide and maintain a public pound.

Compare: 1908 No 79 ss 29, 30; 1941 No 26 s 33(2)

Section 3 proviso paragraph (c): replaced, on 1 July 2003, by section 262 of the Local Government Act 2002 (2002 No 84).

#### **4 Provisions as to joint pounds**

- (1) Where any local authority has entered into an agreement to provide a joint pound, that local authority may make contributions in accordance with the agreement towards the cost of establishing, maintaining, and operating the joint pound.

- (2) All rates, charges, fees, and other money collected by a local authority in respect of the joint pound and not otherwise appropriated by this Act shall be held by the local authority on behalf of the parties to the agreement and, subject to the deduction or payment of such amount as remuneration or costs as may be agreed upon, shall be handed over to such local authorities as are entitled to receive the same in terms of the agreement.

Compare: 1941 No 26 s 33(3), (4)

**5 Location of pound to be publicly notified**

The location of any new pound, or a change in the location of any pound, or the abolition of any pound shall be publicly notified, and a copy of the notice shall be prima facie evidence of the establishment or change in location or abolition of any pound.

Compare: 1908 No 79 s 31

**6 Notice to be placed on pound**

The local authority shall erect and maintain on some conspicuous part of every pound a notice board on which shall be printed or otherwise affixed in some permanent manner a notice to the effect that the area is a public pound, and showing the name of the local authority having jurisdiction over the pound and the name and address of the poundkeeper.

Compare: 1908 No 79 s 34

**7 Local authority may acquire land for establishment of pounds**

A local authority may take or otherwise acquire under the Public Works Act 1928 or purchase or otherwise acquire land or any interest in land for the purpose of establishing a public pound or a temporary pound.

**Part 2**  
**Poundkeepers and other staff**

**8 Appointment of poundkeepers, etc**

The local authority shall appoint a poundkeeper for each public pound under its control, and may appoint rangers and such



other persons as are necessary for the proper carrying out of the provisions of this Act.

Compare: 1908 No 79 s 29

**9 Appointment of deputies**

- (1) The local authority may from time to time appoint a deputy of any poundkeeper.
- (2) On the occurrence from any cause of a vacancy in the office of poundkeeper (whether by reason of death, resignation, dismissal, or otherwise), and in case of the illness, absence, suspension, or temporary incapacity of the poundkeeper (from whatever cause arising), and so long as the vacancy, illness, absence, suspension, or temporary incapacity continues, the deputy shall have and may exercise all the powers, duties, and functions of the poundkeeper whose deputy he is.
- (3) The fact that the deputy of any poundkeeper exercises any power, duty, or function as aforesaid shall be conclusive evidence of his authority to do so, and no person shall be concerned to inquire whether the occasion has arisen requiring or authorizing him to do so.

**10 Local authority may remove or suspend poundkeeper, etc**

The local authority may at any time remove or suspend from duty any poundkeeper or deputy poundkeeper or any ranger or other person appointed for the purposes of this Act.

Compare: 1908 No 79 s 29

**11 Appointment, etc, of poundkeeper to be publicly notified**

Every appointment, or suspension, or removal from office of any poundkeeper or any deputy poundkeeper shall be publicly notified, and a copy of the notice shall be prima facie evidence of any such appointment, suspension, or removal.

Compare: 1908 No 79 ss 29, 31

### **Part 3**

#### **Conduct of pounds**

##### **12 Provisions for health of impounded stock**

- (1) The local authority shall cause every pound under its jurisdiction to be kept clean and in good order, and all stock from time to time impounded therein to be supplied with sufficient food and water and given all necessary care and attention.
- (2) The local authority shall cause any stock known to be infected with any contagious disease to be kept in a separate enclosure from stock not so infected, and any person for the time being in charge of a pound who knowingly allows any diseased stock to be confined in the same enclosure with other stock commits an offence under this Act.

Compare: 1908 No 79 s 32

##### **13 Records to be kept by local authority**

- (1) The local authority shall keep or cause to be kept in respect of all stock impounded—
  - (a) a Pound Book in the prescribed form in respect of each pound in its district:
  - (b) an Impounding Register in the prescribed form.
- (2) The Pound Book shall be the initial record of stock impounded in the pound, and shall be kept by the poundkeeper, who, as soon as possible after stock has been impounded, shall make in duplicate all such entries as are required to be made therein, and forward a copy of those entries to the chief executive of the local authority for entry in the Impounding Register.
- (3) The Impounding Register shall be kept at the office of the local authority, and shall be a record of all stock impounded, and of all fees, rates, and charges received in respect of that stock, and all disbursements required to be made therefrom under this Act.
- (4) The Pound Book and the Impounding Register shall at all reasonable times be open to inspection by any person free of charge.

Compare: 1908 No 79 s 33

Section 13(2): amended, on 1 July 2003, by section 262 of the Local Government Act 2002 (2002 No 84).

## **Part 4**

### **Fees, rates, and charges**

#### **14 Poundage fees and sustenance charges**

- (1) The local authority may, by resolution publicly notified, set reasonable poundage fees which shall be recoverable from the owner of stock impounded in its pound.
- (2) In setting poundage fees under subsection (1), the local authority may—
  - (a) set different fees for different classes of stock:
  - (b) set a graduated scale of fees for the repeated impounding of the stock of any particular owner.
- (3) In addition to any poundage fees recoverable by the local authority, that authority may also recover from the owner of stock impounded in its pound the actual costs, reasonably incurred, in the sustenance of the impounded stock of that owner.
- (4) The person impounding stock shall not be liable to pay to the local authority any fees or charges recoverable under this section.

Section 14: replaced, on 1 April 1981, by section 4 of the Impounding Amendment Act 1980 (1980 No 59).

#### **15 Driving charges**

- (1) The owner of any stock that is found trespassing, straying or wandering on any road shall pay to the local authority or person having custody of the stock all reasonable costs incurred in leading, driving, or conveying the stock from the place where it is found to the pound or to the place where it is delivered to the owner.
- (2) The charges payable under subsection (1) shall be payable to the local authority in the first instance if the stock is impounded, or direct to the person having custody of the stock in any other case.
- (3) Without limiting the generality of subsection (1), the charge made may take account of—
  - (a) the distance covered and the time involved in delivering the stock to the pound or the owner; and
  - (b) the number and class or classes of stock delivered; and

- (c) where stock is conveyed by any vehicle, the reasonable cost of that conveyance, including the dispatch of the vehicle to the place where the stock is found and the return of the vehicle to the place of dispatch.
- (4) Notwithstanding anything in this section, the local authority or, as the case may be, the person having custody of the stock and delivering it to the owner, may make a minimum charge of \$5.

Section 15: replaced, on 1 April 1981, by section 5 of the Impounding Amendment Act 1980 (1980 No 59).

#### **15A Regulations as to trespass rates**

- (1) Without limiting the general power to make regulations conferred by section 67, regulations may be made under that section prescribing the trespass rates payable under this Act.
- (2) Any such regulations may prescribe different rates according to the description of the stock trespassing and according to the description of the land or crops trespassed upon.

Section 15A: inserted, on 1 April 1981, by section 6 of the Impounding Amendment Act 1980 (1980 No 59).

#### **16 Trespass rates**

Where trespass rates are payable under this Act, the owner of the stock trespassing shall pay the rates prescribed by regulations made under this Act (or at double those rates where double rates are payable) according to the description of the stock trespassing and according to the description of land or crop trespassed on; and those rates shall be payable to the local authority in the first instance where the stock is impounded in a pound, or direct to the occupier or person having charge of the stock in any other case.

Compare: 1908 No 79 ss 24, 26, 27

Section 16: amended, on 1 April 1981, by section 10(1) of the Impounding Amendment Act 1980 (1980 No 59).

#### **17 Special trespass rates for entire animals**

In any case where trespass rates are payable in respect of the trespass of any entire animal, there shall be payable to the occupier of the land trespassed upon, as a special trespass rate

in addition to any other trespass rate prescribed by regulations made under this Act, such sum not exceeding \$200 as the court thinks fit to award, to be recoverable by action in a District Court.

Compare: 1908 No 79 s 8

Section 17: amended, on 1 April 1981, by section 9(a) of the Impounding Amendment Act 1980 (1980 No 59).

Section 17: amended, on 1 April 1981, by section 10(2) of the Impounding Amendment Act 1980 (1980 No 59).

Section 17: amended, on 1 April 1980, pursuant to section 18(2) of the District Courts Amendment Act 1979 (1979 No 125).

**18 Fees, rates, and charges to be paid into ordinary general fund**

*[Repealed]*

Section 18: repealed, on 1 July 2003, by section 262 of the Local Government Act 2002 (2002 No 84).

**19 Local authority to pay trespass rates and driving charges to persons entitled thereto**

Subject to the provisions of section 29, all trespass rates and driving charges received by a local authority (not being driving charges which the local authority is entitled to retain) shall as soon as possible be paid to the persons entitled thereto.

Compare: 1908 No 79 s 27

**20 Copy of Act and table of fees to be available for inspection**

There shall be available for inspection by any person at all reasonable times at the office of the local authority and at the office or residence of the poundkeeper a copy of this Act and a table of the fees, rates, and charges that the local authority is authorized by this Act to receive.

Compare: 1908 No 79 ss 33, 34

## **Part 5**

### **Remedies for stock trespassing**

#### *Impounding trespassing stock*

#### **21 Occupier may impound trespassing stock**

The occupier of any land may seize and impound any stock trespassing on the land.

Compare: 1908 No 79 s 5

#### **22 Mode of impounding trespassing stock**

- (1) Except as hereinafter provided, stock shall be impounded in the nearest accessible pound to the place where the stock was found trespassing.
- (2) The stock may be led, driven, or conveyed to the pound by the occupier of the land trespassed upon or his agent or, if so requested by the occupier and approved by the local authority, by a ranger.
- (3) Where the stock, while being taken to a pound, escapes on to any unfenced land, the person taking the stock to the pound or any other person on his behalf may enter upon the land and remove the stock therefrom.

Compare: 1908 No 79 s 11

#### **23 Stock to be released if trespass rates and driving charges tendered**

Where stock has been seized for trespass by any occupier for the purpose of impounding the same, the owner of the stock or some person on his behalf may pay or tender the trespass rates (where trespass rates are payable) and driving charges to the person seizing or having charge of the stock before it has actually been impounded, and the person having charge of the stock shall on that payment or tender forthwith deliver up the stock to the owner or to the person acting on his behalf.

Compare: 1908 No 79 s 28

#### **24 Occupier may impound on his own land stock trespassing thereon**

- (1) The occupier of any land trespassed upon by stock may, where the owner of the stock is known to him, impound and detain

the stock in any convenient place upon his own land; and in that case he shall, within 24 hours of the impounding, notify the owner of the stock, either personally or by means of a written notice delivered to his usual or last-known place of abode, of the number, description, brands or apparent brands and earmarks of the stock, the place where the stock was found, and details of any trespass rates claimed.

- (2) The occupier shall feed and maintain and give all necessary care and attention to the stock so impounded and shall not keep it impounded longer than 2 whole days of 24 hours each, and at the expiration of that time, unless the stock is sooner released pursuant to subsection (3), he shall cause the stock to be led, driven, or conveyed to the nearest accessible pound.
- (3) Where stock has been impounded in accordance with subsection (1) and the owner or any person acting on his behalf pays or tenders the sustenance fees that would have been payable if the stock had been impounded in the nearest accessible pound and any trespass rates that may be payable, the occupier of the land shall release the stock to the owner or to the person acting on his behalf.

Compare: 1908 No 79 s 12

## **25 Occupier may restore trespassing stock to owner**

The occupier of any land trespassed on by stock may restore the stock to its owner, and in such a case may demand, and in case of non-payment recover as a debt, from the owner of the stock the amount of any trespass rates that would be payable if the stock was impounded for trespass, together with the charges for leading, driving, or conveying the stock to the residence of the owner.

Compare: 1908 No 79 s 13

### *Damages for trespass and trespass rates*

## **26 Damages for trespass**

- (1) Except as otherwise provided in this Act, the occupier of land trespassed upon by stock shall not be entitled to demand or recover any damages whatsoever on account of the trespass thereon of any stock unless—

- (a) the land or the portion of the land trespassed upon is fenced; or
  - (b) he proves that the trespass on to his land was not wholly or partly due to the fact that his land or the portion trespassed upon was not fenced; or
  - (c) in any case where stock trespassing on any land adjoining his land and not fenced therefrom has trespassed on to his land from that adjoining land, he proves that the trespass on to the adjoining land was not wholly or partly due to the fact that that adjoining land was not fenced; or
  - (d) the land (whether fenced or unfenced) is situated in a city or a part of a district that was formerly a city or borough:  
provided that nothing in this paragraph shall apply with respect to the trespass by stock on to unfenced land having a frontage to a road declared by the local authority by bylaw to be a stock route, if the stock is being driven along the road at the time and subject to the conditions prescribed by the bylaw.
- (2) In any case where damages are payable under this section the amount of any damage shall be recoverable by action from the owner of the stock.
- (3) Where stock has been impounded for trespass and the occupier of the land trespassed upon notifies the poundkeeper that he intends to claim actual damages instead of trespass rates pursuant to section 27, the poundkeeper shall, on payment of all other authorised fees and charges, release the stock to the owner.

Compare: 1908 No 79 ss 5, 6; 1939 No 39 s 32

Section 26(1)(d): amended, on 1 July 2003, by section 262 of the Local Government Act 2002 (2002 No 84).

## **27 Claiming trespass rates instead of damages**

Where in any of the cases specified in paragraphs (a) to (d) of subsection (1) of section 26 the occupier of the land has impounded stock for trespass thereon, he may claim from the owner of the stock on account of the trespass the trespass rates prescribed by regulations made under this Act, and in that case



he shall not be entitled to recover the actual damage sustained by him on account of the trespass.

Compare: 1908 No 79 ss 5, 6; 1939 No 39 s 32

Section 27: amended, on 1 April 1981, by section 10(3) of the Impounding Amendment Act 1980 (1980 No 59).

**28 Occupier whose fence is damaged may recover damages as trespass rate**

The occupier of any land trespassed upon by stock whose fence has been damaged by the stock may, when the estimated cost of the repair of the fence does not exceed \$50, demand and charge that cost as if it were a trespass rate.

Compare: 1908 No 79 s 16

Section 28: amended, on 1 April 1981, by section 9(b) of the Impounding Amendment Act 1980 (1980 No 59).

**29 If impounding illegal or excessive trespass rates claimed, owner may pay under protest**

The owner of impounded stock may give notice in writing to the local authority that he intends to apply to a District Court for an order declaring that the impounding was illegal under this Act or that the trespass rates demanded exceed the amount payable under this Act; and on the giving of that notice and on payment of trespass rates (where trespass rates are demanded), together with all other authorized fees and charges, the pound-keeper shall release the stock, and the local authority shall retain the trespass rates to abide the order of a District Court as provided in section 30.

Compare: 1908 No 79 s 9

Section 29: amended, on 1 April 1980, pursuant to section 18(2) of the District Courts Amendment Act 1979 (1979 No 125).

**30 Jurisdiction of District Court**

- (1) Every application under section 29 shall be made within 2 months after the giving of the notice in writing to the local authority, and shall be made by way of originating application to a District Court in accordance with the rules of that court, and the fees prescribed by those rules in respect of originating applications shall be payable.

- (2) If the court finds that the stock was not trespassing, or that the impounding was illegal under this Act, or that the trespass rates demanded are in excess of the amount payable under this Act, it may make an order against the defendant for the amount of damages sustained by the owner of the stock in consequence of the illegal impounding or excessive demand, and for the amount of all other authorized fees and charges paid by the owner to the local authority; and that order shall also be an authority to the local authority to pay the trespass rates retained by it in accordance with the order.
- (3) The court may hear and determine the application notwithstanding any question of title to the property or suggestion of right that may be involved therein.

Compare: 1908 No 79 s 10

Section 30 heading: amended, on 1 April 1980, pursuant to section 18(2) of the District Courts Amendment Act 1979 (1979 No 125).

Section 30(1): amended, on 1 April 1980, pursuant to section 18(2) of the District Courts Amendment Act 1979 (1979 No 125).

### **31 Special remedies for trespass by pigs, goats, or poultry**

- (1) Notwithstanding anything in section 27, the occupier of any fenced or unfenced land trespassed on by pigs or goats may recover from the owner of those pigs or goats trespass rates at the rates prescribed by regulations made under this Act; and, if any pigs or goats the property of the same owner trespass upon that land within 3 months after the first trespass, the occupier may recover from the owner thereof, in respect of every separate time they so trespass, trespass rates at double the rates prescribed by regulations made under this Act.
- (2) The occupier of any fenced land sown in grass or under cultivation may destroy any poultry or pigs or goats, other than branded Angora or Saanen or Toggenburg goats, found trespassing upon the land.
- (3) The occupier so destroying any such animal or bird shall within 24 hours send in writing a description of the animal or bird so destroyed, and of the place where it was destroyed, to the owner thereof if he is known, and, if he is unknown, then to the nearest police station, and if he makes default in

so doing he is liable on conviction to a fine not exceeding 10 pounds:

provided that it shall not be necessary to send any description in the case of any wild animal or wild bird so destroyed.

- (4) If the carcass of any animal or bird so destroyed is not claimed and removed by its owner within 48 hours after being destroyed, the occupier shall bury or otherwise dispose of the carcass, and if he makes default in so doing he is liable on conviction to a fine not exceeding 10 pounds.

Compare: 1908 No 79 s 14

Section 31(1): amended, on 1 April 1981, by section 10(4) of the Impounding Amendment Act 1980 (1980 No 59).

Section 31(1): amended, on 1 April 1981, by section 10(5) of the Impounding Amendment Act 1980 (1980 No 59).

Section 31(3): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 31(4): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

## **Part 6**

### **Provisions for stock found straying or wandering on roads, and for wild stock**

#### *Temporary pounds*

#### **32 Temporary pounds**

- (1) The local authority may from time to time, with the consent of the occupier thereof, declare any fenced paddock or yard adjacent to a road to be a temporary pound for use as a place for impounding stock seized for impounding under the provisions of section 33.
- (2) No stock other than stock seized for impounding under the provisions of section 33 shall be impounded in a temporary pound.
- (3) The local authority shall appoint a keeper for each temporary pound.
- (4) The local authority shall cause to be affixed on some conspicuous part of the temporary pound a notice to the effect that it is a temporary pound, and showing the name of the local authority having jurisdiction over that temporary pound, and the name

and address of the person appointed by the local authority to act as keeper thereof.

- (5) The provisions of Parts 3 and 4 and Parts 7 to 10 shall, as far as they are applicable and with the necessary modifications, apply with respect to every temporary pound as if references therein to a pound were references to a temporary pound and as if references therein to a poundkeeper were references to the keeper of a temporary pound.

*Stock straying or wandering on roads*

**33 Stock straying or wandering on roads**

- (1) Where at any time of the day or night any stock is found straying or wandering on any road, or tethered on any road in such a manner as to obstruct or be reasonably likely to obstruct the road, any person may seize the stock, and may either impound it or, where the owner thereof is known to him, return it to the owner; and in any such case the owner of the stock, in the case of entire animals, is liable on conviction to a fine not exceeding \$100 for every head thereof and, in the case of other animals, to a fine not exceeding \$50 for every head thereof, in addition to any other rates and charges payable under this Act.
- (2) Where any stock is found so straying or wandering or tethered between sunset and sunrise, any person may, with the consent of the owner of the yard or paddock, place it in any yard or fenced paddock for the night and shall, as soon as possible after sunrise, either return it to the owner or remove it or cause it to be removed to the nearest accessible pound.
- (3) Any expenses reasonably incurred by any person impounding or otherwise dealing with stock under this section, shall be recoverable by action from the owner of the stock over and above any other fees, charges, and fines payable under this Act.
- (4) For the purposes of this section stock straying or wandering or tethered so near a road as to be reasonably likely to stray on to the road shall be deemed to be straying or wandering or tethered on the road.

Compare: 1908 No 79 ss 17, 18

Section 33(1): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 33(1): amended, on 1 April 1981, by section 9(c) of the Impounding Amendment Act 1980 (1980 No 59).

Section 33(3): amended, on 1 April 1981, by section 8 of the Impounding Amendment Act 1980 (1980 No 59).

### **34 Section 33 not to apply in certain cases**

(1) Where—

(a) a local authority is satisfied that any road or any portion of a road within its district is so infrequently used by motor traffic that stock depasturing on or near the road will not constitute an inconvenience or danger to the users thereof; and

(b) the road or portion thereof is unfenced or only partially fenced on one side only or on both sides,—

the local authority may, by resolution publicly notified, declare that the provisions of section 33 shall not apply with respect to that road or portion thereof.

(2) Where any such declaration is made under this section, the occupier of the land by which the road or portion thereof is bounded shall—

(a) erect and maintain in some permanent manner and in some conspicuous place at each entrance to the road or, as the case may be, at each end of the portion thereof, a warning notice in a form approved by the local authority to the effect that stock is depasturing on or adjacent to the road; and

(b) if the local authority so requires, and subject to section 344 of the Local Government Act 1974, erect cattle stops or swing gates at such places on the road or portion thereof, as the case may be, as the local authority specifies,—

and the declaration shall have effect only so long as those notices and the cattle stops and swing gates required by the local authority are so erected and maintained.

(3) *[Repealed]*

Compare: 1908 No 79 s 17(4)

Section 34(2)(b): replaced, on 1 April 1980, by section 8(3) of the Local Government Amendment Act 1979 (1979 No 59).

Section 34(3): repealed, on 1 February 1982, by section 51(1) of the Summary Offences Act 1981 (1981 No 113).

**35 Stock straying on roads may be impounded in a temporary pound**

Where any ranger seizes stock for impounding under the provisions of section 33, he may, instead of taking the stock to the nearest accessible pound, impound it in a temporary pound.

**36 Recovery of stock that escapes while being taken to a pound**

Where any person has seized any stock for impounding under section 33 and the stock, while being taken to a pound or temporary pound, escapes on to any unfenced land, that person or any other person on his behalf may enter upon the land and remove the stock therefrom.

**37 Stock to be delivered up on payment of expenses before impounding**

Where stock has been seized by any person for impounding under section 33, and, before the stock has been actually impounded, the owner of the stock or any person on his behalf pays or tenders to the person in charge of the stock the driving charges that would have been payable if the stock had been impounded in the nearest accessible pound, together with the amount of any expenses incurred under subsection (3) of section 33, that person shall forthwith deliver up the stock to the owner or to the person so paying or tendering on his behalf: provided that no such delivery shall exempt any person from any penalty for which he is liable under the said section 33.

Compare: 1908 No 223 s 2

*Special provisions as to stock too wild to impound*

**38 Wild stock trespassing on land**

- (1) Where stock is trespassing on land, and cannot be impounded because of its wildness, the local authority within whose district the land is situated shall, at the request of the occupier of the land, and the tender of the cost and expense of the ad-

vertisement, forthwith cause a public notice to be advertised calling on the owner of the stock to remove the same from the land where it is trespassing, and warning him that if it is not removed within 7 days from the date of the advertisement of the notice it will be sold by public auction at the time and place specified in the notice.

- (2) Where the stock has not been removed within the said 7 days the local authority may cause it to be sold by public auction at the time and place so specified, and every such sale shall be conducted, and the proceeds of the sale shall be applied, in the same manner as provided in this Act in respect of the sale of impounded stock not released from the pound.

Compare: 1908 No 79 s 21

**39 Purchaser of wild stock may pursue and take the same**

- (1) Where stock is sold in accordance with the provisions of subsection (2) of section 38, the purchaser shall as soon as possible take possession of the stock, and for that purpose may, with necessary and proper assistance, enter upon the land where the stock is depasturing and may destroy any of the stock that by its wildness prevents or impedes him in the recovery of the remainder.
- (2) Any such purchaser shall be liable for any damage occasioned to any property of the occupier incurred while recovering or mustering his stock in accordance with subsection (1).

Compare: 1908 No 79 s 22

**40 Occupier may destroy wild stock unsold or not removed by purchaser**

Where any wild stock has been offered for sale pursuant to subsection (2) of section 38 and has not been sold, or where the stock has been sold but not removed by the purchaser from the land where it is trespassing within 7 days from the date of the sale, the occupier of the land may destroy the stock without being answerable for damage occasioned thereby.

Compare: 1908 No 79 s 21

**41 Stray stock not to be taken away without notice**

- (1) Except as provided in subsection (3) of section 22 or in section 36, no person shall drive any stock from the land or out of the herds of any other person without first giving not less than 24 hours' notice in writing to the last-mentioned person, his overseer, or person in charge, of the time he intends to drive away the stock.
- (2) Every person who fails to give that notice, or who enters upon any other person's land for the purpose of driving any such stock, or attempts to drive any such stock without giving that notice, commits an offence against this Act.
- (3) Nothing in this section shall affect the provisions of any Act relating to the removal of sheep.

Compare: 1908 No 79 s 23

**42 Disposal of wild stock straying on roads**

- (1) Where stock is found straying or wandering on any road, or so near any road as to be reasonably likely to stray on to the road, not being a road in respect of which a declaration under section 34 is for the time being in force, and—
  - (a) the stock cannot be impounded or otherwise dealt with as provided in section 33 because of its wildness; and
  - (b) the ownership of the stock is not known to the local authority and cannot reasonably be ascertained,—then, on obtaining a written authority signed by any 2 members of the local authority, or, where a Minister of the Crown is the local authority, signed by any person authorised by that Minister to sign such a written authority, any poundkeeper or ranger employed by the local authority may forthwith destroy the stock.
- (2) Where stock is found straying or wandering on any road or so near any road as to be reasonably likely to stray on to the road, and any constable has reasonable cause to believe that—
  - (a) by reason of its fierceness the stock is a danger to persons using the road; and
  - (b) the danger is so immediate that it is not possible or practicable for the stock to be impounded or to be dealt with under subsection (1),—the constable may forthwith destroy the stock.



- (3) In this section the term **stock** means any horse, mare, gelding, colt, filly, or foal; and bull, cow, ox, steer, heifer, or calf; or any ass or mule.
- (4) Where any stock is destroyed in accordance with subsection (1) or subsection (2), the local authority or any member or servant thereof or the constable, as the case may be, shall not be liable for any damages which may subsequently be claimed by any owner or reputed owner of the stock.
- (5) The local authority may dispose in such manner as it thinks fit of the carcass of any stock destroyed in accordance with subsection (1) or subsection (2). The proceeds (if any) of the disposal of any such carcass shall form part of the funds of the local authority.

Section 42(1): amended, on 1 July 2003, by section 262 of the Local Government Act 2002 (2002 No 84).

## **Part 7**

### **Procedure for impounding stock in a pound**

- 43 Poundkeeper to receive stock tendered for impounding**

The poundkeeper of any public pound shall receive all stock tendered for lodgment therein and shall allow the stock to be impounded at any time of the day or night.

Compare: 1908 No 79 s 35(1)
- 44 Provision where pound is of insufficient size**

Where a pound is too small to hold conveniently the number of stock required to be impounded therein, the poundkeeper may place any such stock in some paddock or convenient place near the pound to be approved by the local authority; and every such paddock or place while so used shall be deemed to be part of the pound.

Compare: 1908 No 79 s 15
- 45 Occupier or other person to supply particulars of stock impounded**

The person by whom or by whose order any stock is delivered to a pound shall specify in writing to the poundkeeper of that

pound the description, number, brands or apparent brands and earmarks of the stock, the name of the owner (if known to him), the place where the stock was found, and details of any trespass rates and driving charges claimed.

Compare: 1908 No 79 s 11

#### **46 Notice to owner of stock impounded**

- (1) As soon as possible after any stock has been impounded in a pound the local authority shall, if the owner is known or the stock is branded or marked with any registered brand or mark, cause to be delivered at or posted to the address of the owner or, as the case may be, the person in whose name the brands or marks are registered, a notice in the prescribed form that the stock has been impounded and unless claimed by the owner will be sold under the provisions of this Act.
- (2) If the owner of the stock is not known, or cannot be identified from the brands or earmarks on the stock, or if following the delivery or posting of a notice as required in subsection (1) the stock is not claimed within 48 hours, the local authority shall insert a notice in the prescribed form in 1 or more newspapers circulating in the district that the stock has been impounded and unless claimed by the owner will be sold under the provisions of this Act at the time and place specified in the notice, being not less than 7 days after the date of the first publication of the notice in a newspaper.

Compare: 1908 No 79 ss 36, 37, 38

#### **47 Poundkeeper to detain stock until all charges paid**

The poundkeeper shall detain in his custody all stock impounded until the fees, rates, and charges payable under this Act and any expenses incurred by the local authority in connection with the proposed sale have been paid:

provided that he shall not detain the stock pending payment of any trespass rates or driving charges where he has received an order in writing signed by the person by whose order the stock was impounded for its release without payment of the trespass rates or driving charges.

Compare: 1908 No 79 s 35(1)

**48 Hours for release of stock**

The poundkeeper shall not be obliged to release stock from the pound on any Sunday, or on any other day except between the hours of 8 am and 5 pm.

Compare: 1908 No 79 s 35(2)

**Part 8**

**Procedure for disposing of unclaimed,  
suffering, or worthless impounded stock**

**49 Stock not claimed to be sold at auction**

Where stock has not been released from the pound before the time fixed for the sale thereof in the notice referred to in subsection (2) of section 46, the stock shall be sold by public auction.

Compare: 1908 No 79 s 38

**50 Sales of impounded stock**

- (1) Sales of impounded stock shall be held at the time and place specified in the notice referred to in subsection (2) of section 46, and at any such sale not more than 10 sheep or goats nor more than 5 pigs nor more than 1 head of any other kind of stock shall be sold in 1 lot.
- (2) At every such sale the poundkeeper or any other person authorized by the local authority shall act as auctioneer, but in respect of the sale shall not be required to take out an auctioneer's licence.
- (3) The local authority or any poundkeeper employed by the local authority or any person conducting the sale on its behalf shall not either in person or through an agent purchase any stock at any such sale, or have any interest of any kind in the stock so purchased.
- (4) Any sale of impounded stock by public auction notified to be subject to a reserved or upset price shall be subject to a reserved or upset price not exceeding the amount of costs and charges to which the local authority is entitled under this Act.

Compare: 1908 No 79 s 41

Section 50(4): inserted, on 25 November 1968, by section 4 of the Impounding Amendment Act 1968 (1968 No 32).

**51 Purchaser of stock not bound to prove regularity of sale**

A purchaser of stock sold under the provisions of this Act shall not be bound to prove that the sale was regular, or that the terms and conditions required by this Act were complied with, or be affected by any default or irregularity in respect of the sale; and no poundkeeper or other person authorized to conduct the sale shall be liable for any penalties for selling by auction as herein provided.

Compare: 1908 No 79 s 45

**52 Destruction of worthless or suffering animals**

- (1) Notwithstanding section 46, but subject to subsection (2), if—
  - (a) any Justice, constable, Inspector of Stock, or registered veterinarian (being a person not interested in the matter) certifies in writing that an impounded animal—
    - (i) is so diseased, injured, or sick that it is in a state of continual suffering; or
    - (ii) is of insufficient value to defray the poundage and sustenance fees of keeping the animal during the time prescribed by this Act; and
  - (b) the local authority having jurisdiction over the pound is unable to find the owner of the animal within a reasonable time after the Justice, constable, Inspector of Stock, or registered veterinarian has given such a certificate,—  
the local authority may arrange for the destruction of the animal and the disposal of the carcass in such manner as it thinks fit.
- (2) The local authority may not destroy an impounded animal to which subsection (1)(a)(ii) relates, unless—
  - (a) the local authority has given written notice to the owner of its intention to destroy the animal; and
  - (b) the owner of the animal has not, within 48 hours after the giving of the notice, paid to that local authority all fees, trespass rates, and charges necessary to secure the release of the animal from the pound.
- (3) Any proceeds from the sale of a carcass of an animal destroyed under subsection (1) must be dealt with in the same manner as is provided in sections 54, 55, and 65 in respect of the proceeds of the sale of impounded stock.

Section 52: replaced, on 1 January 2000, by section 194 of the Animal Welfare Act 1999 (1999 No 142).

**53 Disposal of unsold stock**

Where any stock has been offered for sale in accordance with the provisions of this Act, and has not been sold, the local authority may sell or otherwise dispose of the stock as it deems fit, and any proceeds resulting therefrom shall be dealt with in the same manner as is provided in sections 54, 55, and 65 in respect of the proceeds from the sale of impounded stock.

Compare: 1908 No 79 s 42

**54 Application of proceeds of sale of impounded stock**

The proceeds of the sale of impounded stock sold under this Act shall be applied in payment—firstly, of any costs and charges incidental to the sale; secondly, of all poundage and sustenance fees payable in respect of the stock; thirdly, to the impounder of the stock of rates due to him for the trespass thereof, and the driving charges due to him; and fourthly, to the owner of the stock of any residue.

Compare: 1908 No 79 s 43

**55 Recovery of damages or trespass rates from residue of proceeds**

- (1) Where the residue of the proceeds of any sale of impounded stock under this Act is not claimed by any person entitled thereto and the owner of the impounded stock is not known to the local authority or to the impounder of the stock or cannot be found, the impounder of the stock, if he has not claimed any trespass rates, may at any time within 6 months after the sale apply to a District Court of civil jurisdiction for an order that the amount of any damages sustained by him in consequence of the trespass be paid to him out of the residue of the proceeds of the sale.
- (2) Notice of the application shall be published by the applicant in some newspaper circulating in the locality not less than 14 clear days before the time appointed for the hearing thereof, and a copy of the application shall be served by the applicant on the local authority.

- (3) On the hearing of the application the court shall determine the amount of the damage sustained by the applicant in consequence of the trespass, and may make an order that that amount, together with the costs and disbursements, or such smaller amount as may have been paid to the local authority as the residue of the proceeds of the sale, shall be paid by the local authority to the applicant.
- (4) Every application to a District Court under this section shall be made by way of originating application in accordance with the rules of that court, and the fees prescribed by those rules in respect of originating applications shall be payable.

Compare: 1943 No 20 s 16

Section 55(1): amended, on 1 April 1980, pursuant to section 18(2) of the District Courts Amendment Act 1979 (1979 No 125).

Section 55(3): amended, on 1 July 2003, by section 262 of the Local Government Act 2002 (2002 No 84).

Section 55(4): amended, on 1 April 1980, pursuant to section 18(2) of the District Courts Amendment Act 1979 (1979 No 125).

## **56 Deficiency of fees, charges, and trespass rates recoverable from owner**

If the proceeds of the sale of any stock sold under this Act are insufficient to satisfy the fees and charges of the local authority relating thereto and the trespass rates and driving charges payable to any other person, the deficiency shall be recoverable by the local authority or by that other person, as the case may be, by action from the owner of the stock, and if the stock has been destroyed under the provisions of section 52, the local authority or other person shall in like manner be entitled to recover from the owner of the stock any such deficiency.

Compare: 1908 No 79 s 46

## **Part 9 Offences and penalties**

### **57 Offences by poundkeepers**

- (1) Every poundkeeper is liable on conviction to a fine not exceeding \$500 who—
- (a) illegally impounds or assists or incites any person illegally to impound any stock; or

- (b) purchases, in person or by his agent, unclaimed impounded stock caused to be sold by the local authority by which he is employed; or
  - (c) demands or receives any fees, charges, rates, or other sums of money knowing the same not to be authorized by or under this Act.
- (2) Every poundkeeper is liable on conviction to a fine not exceeding \$100 who—
- (a) loses any stock impounded through wilful and culpable negligence, or uses the same while so impounded in any manner not authorized by this Act; or
  - (b) omits or neglects to make entries in the Pound Book as required by this Act or wilfully makes any incorrect or untrue entry in that book; or
  - (c) fails to comply with or commits any offence against the provisions of this Act in respect of which no fine is specifically provided herein.

Compare: 1908 No 79 s 47

Section 57(1): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 57(1): amended, on 1 April 1981, by section 9(d) of the Impounding Amendment Act 1980 (1980 No 59).

Section 57(2): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 57(2): amended, on 1 April 1981, by section 9(e) of the Impounding Amendment Act 1980 (1980 No 59).

Section 57(2)(a): amended, on 23 October 1963, by section 2 of the Impounding Amendment Act 1963 (1963 No 91).

## **58 Offences by other persons**

- (1) Every person other than a poundkeeper is liable on conviction to a fine not exceeding \$500 who—
- (a) rescues or attempts to rescue or interferes with stock impounded or seized for the purpose of being impounded; or
  - (b) destroys or injures or attempts to destroy or injure any pound, or any lock or bolt belonging thereto, whether any stock is impounded therein or not; or
  - (c) illegally impounds any stock; or

- (d) illegally removes stock from any one place to any other place for the purpose of impounding the stock from the last-mentioned place; or
  - (e) purchases, in person or by his agent, unclaimed impounded stock at a sale conducted by him on behalf of the local authority.
- (2) Every such person is liable on conviction to a fine not exceeding \$100 who—
- (a) refuses to disclose or states untruly the name and address of the owner of any stock of which he is in charge or assisting in driving, or the name of the agent or overseer of the owner, on demand by any constable or ranger or by or on behalf of any person upon whose land the stock is trespassing; or
  - (b) illegally drives stock from any land not in his occupation on to the land of any other person or on to any road; or
  - (c) wilfully leaves open any gate or slip panel, or makes a gap in any fence, for the purpose of permitting or causing any stock to trespass or to stray or wander on to any road or otherwise wilfully causes any stock to trespass or to stray or wander on to any road; or
  - (d) fails to comply with or commits any offence against the provisions of this Act in respect of which no penalty is herein specifically provided.

Compare: 1908 No 79 s 48

Section 58(1): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 58(1): amended, on 1 April 1981, by section 9(f) of the Impounding Amendment Act 1980 (1980 No 59).

Section 58(2): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 58(2): amended, on 1 April 1981, by section 9(g) of the Impounding Amendment Act 1980 (1980 No 59).

## **59 Burden of proof in certain cases on poundkeeper**

- (1) *[Repealed]*
- (2) Where a poundkeeper is charged with losing any impounded stock through wilful and culpable negligence, and it is proved that any stock impounded was in the custody of the pound-



keeper, the stock shall be deemed to have been so lost unless the poundkeeper proves the contrary.

Compare: 1908 No 79 s 49

Section 59(1): repealed, on 23 October 1963, by section 3 of the Impounding Amendment Act 1963 (1963 No 91).

**60 Person using stock without consent of owner**

Every poundkeeper and every other person who, without the authority or consent of the owner thereof, works or uses any horse, mare, gelding, ass, mule, bull, bullock, steer, or heifer while it is impounded is liable on conviction to a fine not exceeding 20 pounds, together with such sum as the convicting court considers reasonable and adjudges to be paid to the owner for his compensation and costs in that behalf.

Compare: 1908 No 79 s 50

Section 60: amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

**61 Offences punishable on summary conviction**

*[Repealed]*

Section 61: repealed, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

**62 Application of fines**

*[Repealed]*

Section 62: repealed, on 2 October 1958, by section 3(2) of the Public Revenues Amendment Act 1958 (1958 No 88).

**Part 10  
Miscellaneous**

**63 Delegation of local authority's powers**

- (1) A local authority may from time to time delegate any of its powers under this Act (not being powers conferred by section 14(1)) to any member or officer of the local authority or, if a Minister of the Crown is the local authority, to any person in the employment of the Crown.
- (2) Subject to any general or special directions given or conditions attached by the local authority, the person to whom any powers are delegated under this section may exercise those powers in

the same manner and with the same effect as if they had been conferred on him directly by this section and not by delegation.

- (3) Every person purporting to act pursuant to a delegation under this section shall, in the absence of proof to the contrary, be presumed to be acting in accordance with the terms of the delegation.
- (4) Any delegation under this section may be made to a specified person or persons or to the holder or holders for the time being of a specified office or offices.
- (5) Every delegation under this section shall be revocable at will, and no such delegation shall prevent the exercise of any power by the local authority making the delegation.

Section 63(1): replaced, on 1 July 2003, by section 262 of the Local Government Act 2002 (2002 No 84).

#### **64 Service of notices**

Any notice required or authorized to be given to any person under this Act may be served by delivering it personally to that person, or by leaving it addressed to him at his usual or last known address, or by sending it by post in a letter addressed to that person at his usual or last known address, and in the last-mentioned case it shall be deemed to have been received when in the ordinary course of post it would be delivered.

#### **65 Unclaimed trespass rates, charges, and residue of sale**

If within 1 year after any sale of impounded stock, or, where the owner of any stock has obtained the release of the stock on payment of fees and any trespass rates or charges, within 1 year after that payment, any person entitled to any trespass rates or driving charges or the residue of the proceeds of the sale has not claimed payment thereof, the same shall be paid to the local authority.

Compare: 1908 No 79 s 44

Section 65: amended, on 1 July 2003, by section 262 of the Local Government Act 2002 (2002 No 84).

**66 Cost of administration of Act**

*[Repealed]*

Section 66: repealed, on 1 July 2003, by section 262 of the Local Government Act 2002 (2002 No 84).

**67 Regulations**

(1) The Governor-General may from time to time, by Order in Council, make all such regulations as may in his opinion be necessary or expedient for giving effect to the provisions of this Act and for the due administration thereof.

(2) *[Repealed]*

Section 67(2): repealed, on 19 December 1989, by section 11 of the Regulations (Disallowance) Act 1989 (1989 No 143).

**68 Repeals, savings, and consequential amendments**

(1) The enactments specified in Schedule 4 are hereby repealed.

(2) Without limiting the provisions of the Acts Interpretation Act 1924, it is hereby declared that the repeal of any provision by this Act shall not affect any document made or any thing whatsoever done under the provision so repealed or under any corresponding former provision, and every such document or thing, so far as it is subsisting or in force at the time of the repeal and could have been made or done under this Act, shall continue and have effect as if it had been made or done under the corresponding provision of this Act and as if that provision had been in force when the document was made or the thing was done.

(3) *[Repealed]*

Section 68(3): repealed, on 1 February 1982, by section 248(1) of the Public Works Act 1981 (1981 No 35).

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**Schedule 1**

*[Repealed]*

Schedule 1: repealed, on 1 April 1981, by section 11(1) of the Impounding Amendment Act 1980 (1980 No 59).

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**Schedule 2**

*[Repealed]*

Schedule 2: repealed, on 1 April 1981, by section 11(1) of the Impounding Amendment Act 1980 (1980 No 59).

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**Schedule 3**

*[Repealed]*

Schedule 3: repealed, on 1 April 1981, by section 11(1) of the Impounding Amendment Act 1980 (1980 No 59).

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**Schedule 4**

s 68(1)

**Enactments repealed**

**Impounding Act 1908 (1908 No 79) (Reprint of Statutes, Vol I, p 213)**

**Impounding Amendment Act 1908 (1908 No 223) (Reprint of Statutes, Vol I, p 234)**

**Municipal Corporations Act 1954 (1954 No 76)**

*Amendment(s) incorporated in the Act(s).*

**Public Works Act 1928 (1928 No 21) (Reprint of Statutes, Vol VII, pp 715, 716)**

*Amendment(s) incorporated in the Act(s).*

**Statutes Amendment Act 1939 (1939 No 39)**

*Amendment(s) incorporated in the Act(s).*

**Statutes Amendment Act 1941 (1941 No 26)**

*Amendment(s) incorporated in the Act(s).*

**Statutes Amendment Act 1943 (1943 No 20)**

*Amendment(s) incorporated in the Act(s).*

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**Contents**

- 1 General
  - 2 Status of reprints
  - 3 How reprints are prepared
  - 4 Changes made under section 17C of the Acts and Regulations Publication Act 1989
  - 5 List of amendments incorporated in this reprint (most recent first)
- 

**Notes****1 *General***

This is a reprint of the Impounding Act 1955. The reprint incorporates all the amendments to the Act as at 1 July 2013, as specified in the list of amendments at the end of these notes. Relevant provisions of any amending enactments that contain transitional, savings, or application provisions that cannot be compiled in the reprint are also included, after the principal enactment, in chronological order. For more information, *see* <http://www.pco.parliament.govt.nz/reprints/>.

**2 *Status of reprints***

Under section 16D of the Acts and Regulations Publication Act 1989, reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by the amendments to that enactment. This presumption applies even though editorial changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in the reprint.

This presumption may be rebutted by producing the official volumes of statutes or statutory regulations in which the principal enactment and its amendments are contained.

**3 *How reprints are prepared***

A number of editorial conventions are followed in the preparation of reprints. For example, the enacting words are not included in Acts, and provisions that are repealed or revoked are omitted.

For a detailed list of the editorial conventions, *see* <http://www.pco.parliament.govt.nz/editorial-conventions/> or Part 8 of the *Tables of New Zealand Acts and Ordinances and Statutory Regulations and Deemed Regulations in Force*.

#### **4 *Changes made under section 17C of the Acts and Regulations Publication Act 1989***

Section 17C of the Acts and Regulations Publication Act 1989 authorises the making of editorial changes in a reprint as set out in sections 17D and 17E of that Act so that, to the extent permitted, the format and style of the reprinted enactment is consistent with current legislative drafting practice. Changes that would alter the effect of the legislation are not permitted. A new format of legislation was introduced on 1 January 2000. Changes to legislative drafting style have also been made since 1997, and are ongoing. To the extent permitted by section 17C of the Acts and Regulations Publication Act 1989, all legislation reprinted after 1 January 2000 is in the new format for legislation and reflects current drafting practice at the time of the reprint.

In outline, the editorial changes made in reprints under the authority of section 17C of the Acts and Regulations Publication Act 1989 are set out below, and they have been applied, where relevant, in the preparation of this reprint:

- omission of unnecessary referential words (such as “of this section” and “of this Act”)
- typeface and type size (Times Roman, generally in 11.5 point)
- layout of provisions, including:
  - indentation
  - position of section headings (eg, the number and heading now appear above the section)
- format of definitions (eg, the defined term now appears in bold type, without quotation marks)
- format of dates (eg, a date formerly expressed as “the 1st day of January 1999” is now expressed as “1 January 1999”)

- position of the date of assent (it now appears on the front page of each Act)
- punctuation (eg, colons are not used after definitions)
- Parts numbered with roman numerals are replaced with arabic numerals, and all cross-references are changed accordingly
- case and appearance of letters and words, including:
  - format of headings (eg, headings where each word formerly appeared with an initial capital letter followed by small capital letters are amended so that the heading appears in bold, with only the first word (and any proper nouns) appearing with an initial capital letter)
  - small capital letters in section and subsection references are now capital letters
- schedules are renumbered (eg, Schedule 1 replaces First Schedule), and all cross-references are changed accordingly
- running heads (the information that appears at the top of each page)
- format of two-column schedules of consequential amendments, and schedules of repeals (eg, they are rearranged into alphabetical order, rather than chronological).

**5** *List of amendments incorporated in this reprint  
(most recent first)*

Criminal Procedure Act 2011 (2011 No 81): section 413

Local Government Act 2002 (2002 No 84): section 262

Animal Welfare Act 1999 (1999 No 142): section 194

Regulations (Disallowance) Act 1989 (1989 No 143): section 11

Summary Offences Act 1981 (1981 No 113): section 51(1)

Public Works Act 1981 (1981 No 35): section 248(1)

Impounding Amendment Act 1980 (1980 No 59)

District Courts Amendment Act 1979 (1979 No 125): section 18(2)

Local Government Amendment Act 1979 (1979 No 59): section 8(3)

Impounding Amendment Act 1968 (1968 No 32)

Impounding Amendment Act 1963 (1963 No 91)



Public Revenues Amendment Act 1958 (1958 No 88): section 3(2)

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