

NORFOLK



ISLAND

# BRANDS AND MARKS REGULATIONS

[Consolidated as at 28 February 2013  
on the authority of the Administrator  
and in accordance with  
the *Enactments Reprinting Act 1980*]

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## Brands and Marks Regulations

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### Citation

1. These regulations may be cited as the *Brands and Marks Regulations*.

### Forms

2. Any reference in these regulations to a form shall be read as a reference to a form in Schedule 1 to these regulations.

### Application for registration

3. (1) Application for the registration of a brand or mark shall be in accordance with Form 1.

(2) Application by the legal personal representative of a deceased proprietor for the transfer of a brand or mark shall be in accordance with Form 2.

### Application for transfer

4. Application for the transfer of a brand or mark shall be in accordance with Form 3.

### Certificate of registration

5. Upon the registration of any brand or mark or the transfer of any brand or mark, a certificate of registration in accordance with Form 4 shall be sent to the proprietor thereof.

### Brands to comply with certain conditions

6. A brand shall not be registered unless it complies with the following conditions —

- (a) where the brand, wholly or in part, consists of a letter or letters, conjoined letters or a numeral or numerals, or any combination of letters, conjoined letters and numerals, each of such letters, conjoined letters or numerals shall not be less than one and a half inches nor more than three inches in height measured in their normal position and shall not be less than half an inch apart from any letter, conjoined letters or numeral forming part of that brand.
- (b) where the brand, wholly or in part, consists of a sign or character, such sign or character shall not be less than one and a half inches nor more than three inches in its greatest width or length, and shall not be less than half an inch apart from any letter, conjoined letters, numeral, sign or character forming part of that brand.

**Cancellation of registration**

7. Registration of a brand or mark may be cancelled by the Registrar upon the production of a certificate of the death of the proprietor thereof or other satisfactory evidence showing that such death occurred not less than six months previously if—

- (a) an application under subregulation (2) of regulation 3 of these regulations has not been received by the Registrar; and
- (b) notice of such intended cancellation has been posted to the legal personal representative of the deceased proprietor at his last known address and objection to such cancellation has not been received within two months from the date of posting of such notice.

**Fees**

8. The fee for the registration of any brand or mark or for the transfer of any brand or mark shall be \$1.

**Order of brands of cattle and horses**

9. Any cattle and horses not already branded shall be branded in the following order and position—

Cattle—

- 1<sup>st</sup> brand— on the left rump.
- 2<sup>nd</sup> brand— on the right rump.

Horses—

- 1<sup>st</sup> brand— on the left shoulder.
- 2<sup>nd</sup> brand— on the right shoulder.

**Branding and marking of sheep**

10. (1) A pitch, tar or paint brand shall be on the rump of the sheep.
- (2) An ear-mark shall be made or marked with an ear-plier, the cutters of which shall be of the size and shape described in Schedule 2 to these regulations.
- (3) The ear-mark shall in every case be marked on the left ear of male sheep and the right ear of female sheep.

**Penalties**

11. Any person who contravenes or fails to comply with any provision of these regulations or makes any false statement or declaration in any form presented to the Registrar shall be guilty of an offence and shall be liable, upon conviction, to a fine not exceeding five pounds.

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**SCHEDULE 1**

The Territory of Norfolk Island  
*Brands and Marks Act 1949*

**FORM 1**

**APPLICATION FOR REGISTRATION OF A BRAND OR MARK**

To the Registrar of Brands and Marks,  
Norfolk Island

I, ..... , of ..... ,  
*(Name in full and address)*

make application for the registration of the brand or mark \* shown hereunder.

I have not had a registered brand or mark\* in the Territory.

Signature

Date

Brand or mark applied for	Brand or mark allotted or modification suggested <i>(to be filled in by Registrar)</i>

\* Strike out whichever is inapplicable.

\_\_\_\_\_  
The Territory of Norfolk Island  
*Brands and Marks Act 1949*

**FORM 2**

**APPLICATION BY LEGAL PERSONAL REPRESENTATIVE FOR TRANSFER OF A BRAND OR MARK**

I, ..... , of ..... ,  
*(Name in full and address)*

being the legal personal representative of the late .....  
*(Name in full and address)*

who was the registered proprietor of the brand or mark \* shown hereunder, and who died on the ..... day of ..... 20 ..... , apply for transfer of such brand or mark.\*

Signature

Date

Registered brand or mark	No. of original certificate of registration	Decision of Registrar

\* Strike out whichever is inapplicable.

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The Territory of Norfolk Island  
*Brands and Marks Act 1949*

**FORM 3**

**APPLICATION FOR TRANSFER OF BRAND OR MARK**

To the Registrar of Brands and Marks,  
Norfolk Island

I, ..... , being the registered proprietor of the brand or mark \*  
shown hereunder, desire to transfer the same to ..... of  
.....

Subject to the granting of this application, I admit I am not further entitled to the use of this brand  
or mark \* .

Registered Proprietor

Date

I agree to accept the transfer of the brand or mark \* shown hereunder.

Transferee

Date

Brand or mark \* to be transferred

\* Strike out whichever is inapplicable.

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The Territory of Norfolk Island  
*Brands and Marks Act 1949*

**FORM 4**

**CERTIFICATE OF REGISTRATION**

Application No.

This is to certify that .....

of .....



























has this day been registered as the proprietor of the brand or mark \* shown in the margin hereof  
for use on stock in accordance with the provisions of the *Brands and Marks Act 1949* and the  
regulations thereunder.

Registrar of Brands and Marks

Date

\* Strike out whichever is inapplicable

**SCHEDULE 2**  
**NAME, SHAPE AND SIZE OF SHEEP EAR-MARKS**

Name of Mark.	Shape of Mark.	Length not exceeding—	Width not exceeding—	Name of Mark.	Shape of Mark.	Length not exceeding—	Width not exceeding—
The Bayonet		1 inch	$\frac{1}{2}$ inch	The Diamond ..		$\frac{5}{8}$ inch	$\frac{5}{8}$ inch
The Club		$\frac{7}{8}$ inch	$\frac{5}{8}$ inch	The Cross		$\frac{1}{4}$ inch	$\frac{1}{8}$ inch
The Fork		$\frac{3}{4}$ inch	$\frac{1}{2}$ inch	The Heart		$\frac{1}{4}$ inch	$\frac{1}{4}$ inch
The Half Halfpenny		$\frac{3}{4}$ inch	$\frac{3}{8}$ inch	The Oblong		$\frac{1}{2}$ inch	$\frac{1}{4}$ inch
The Hole		$\frac{1}{4}$ inch	$\frac{1}{4}$ inch	The Oval		$\frac{1}{2}$ inch	$\frac{1}{4}$ inch
The Note		1 inch	$\frac{1}{2}$ inch	The Bolt		$\frac{1}{4}$ inch	$\frac{3}{4}$ inch
The Shears		$\frac{3}{4}$ inch	$\frac{5}{8}$ inch	The Triangle and Swallow		$\frac{1}{4}$ inch	$\frac{5}{8}$ inch
The Slash		$1\frac{1}{4}$ inch	$\frac{1}{16}$ inch	The Long Slash ..		$1\frac{1}{4}$ inch	$\frac{1}{8}$ inch
The Slit ..		$\frac{7}{8}$ inch	$\frac{1}{16}$ inch	The L ..		$\frac{1}{4}$ inch	$\frac{1}{8}$ inch
The Swallow Tail		$\frac{5}{8}$ inch	$\frac{1}{4}$ inch	The T ..		$\frac{1}{4}$ inch	$\frac{1}{8}$ inch
The Thistle		$\frac{3}{4}$ inch	$\frac{1}{2}$ inch	The F ..		$\frac{1}{4}$ inch	$\frac{1}{8}$ inch
The Triangle ..		$\frac{5}{8}$ inch	$\frac{5}{8}$ inch	The H ..		$\frac{7}{8}$ inch	$\frac{1}{8}$ inch
The W ..		$\frac{3}{4}$ inch	$\frac{1}{4}$ inch	The M ..		$\frac{1}{4}$ inch	$\frac{1}{2}$ inch

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**NOTES**

The Regulations as shown in this consolidation comprises *Brands and Marks Regulations*, No. 2 of 1949 and amendments as indicated in the Tables below.

Enactment	Number and year	Date of commencement	Application saving or transitional provision
<i>Brands and Marks Regulations</i>	2, 1949	7.12.1949	
<i>Brands and Marks Regulations (Amending)</i>	1, 1954	22.3.1954	
<i>Brands and Marks Regulations (Amending)</i>	3, 1976	16.12.1976	

**Table of Amendments**

ad = added or am = amended rep = repealed rs = repealed and  
inserted substituted

Provisions affected	How affected
8	am 1, 1954
8	am 3, 1976

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