

CHAPTER 244
THE BRANDS ACT

ARRANGEMENT OF SECTIONS

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CHAPTER 244

BRANDS

An Act to provide for the registration of brands; to provide for a Registrar of Brands and Deputy Registrars; and to provide for matters incidental thereto.

12 of 1913
49 of 1955
*Government
Notices*
319 of 1964
497 of 1964
Act No.
13 of 1994

[1st November, 1913]

1. This Act may be cited as the Brands Act.

Short title

2. In this Act, unless the context otherwise requires-

Interpretation

"brand" means the impression of any letter, sign or character branded upon any horse or cattle, and the impression of any letter, sign or mark

branded or tattooed on the body of any sheep or goat or made upon the wool of any sheep or goat by pitch, paint, tar or other substance;

"Brand Directory" means the list of the brands compiled by the Registrar and published by authority;

"cattle" means any bull, cow, ox, heifer, steer or calf, or any domesticated eland or eland hybrid;

"fees" means any fees, rates or charges which any person may be liable to pay under this Act or any regulations made in pursuance thereof;

"horse" means any horse, mare, gelding, colt, filly, ass or mule, or any domesticated zebra or zebra hybrid;

"proprietor" means the registered proprietor of any brand;

"Registrar" means the Registrar of Brands appointed for the purposes of this Act and includes any person for the time being lawfully acting in that capacity;

"similar brand" means a brand so like another brand as to be likely to be mistaken for it.

3. (1) There shall be a public officer or public officers to exercise under this Act the functions of- Registrar and Deputy Registrars of Brands

(a) the Registrar of Brands for Zambia;

(b) Deputy Registrars for certain districts or groups of districts who shall be subordinate to the Registrar for the purposes of this Act.

(2) The place or places at which the offices of the Registrar or Deputy Registrars shall be situate shall be as determined from time to time.

4. The Registrar shall keep separate registers for the registration of brands of- Registers to be kept

(a) horses;

- (b) cattle;
- (c) sheep and goats.

5. An owner of such animals as are referred to in the last preceding section may deposit the prescribed fees and make application in writing to the Registrar to be registered as the proprietor of a brand. Such brand may be in respect of any one or more of such classes of animals.

Application for
registration as
proprietor of brand

6. The Registrar, upon receiving any such application and on payment of the prescribed fees, shall send to the applicant a certificate of such receipt.

Receipt of
application

7. (1) Any person requiring a brand may, on application and on payment of the prescribed fee, have a brand allotted to him by the Registrar.

Allotment of brand

(2) Any person may submit to the Registrar a brand of his selection which, if acceptable to the Registrar and on payment of the prescribed fee, may be registered as the applicant's brand.

(No. 49 of 1955)

8. The Registrar shall forward to every applicant a certificate of registration as soon as the registration shall be completed.

Certificate of
registration

(As amended by No. 49 of 1955)

9. As soon as may be after the 31st December in each year, the Registrar, or such other public officer as may be designated, shall compile a Brand Directory containing a correct and complete list of all registered brands and of names and residences of all proprietors registered up to that date.

Brand Directory

10. Any registered proprietor may transfer his right to any registered brand to any other person in such form as may be prescribed. Such transfer shall only have validity when registered by the Registrar upon payment of such fee as may be prescribed. Every person receiving such transfer shall, after due registration thereof, be entitled to a certificate thereof under the hand of the Registrar.

Transfer of brand

11. Any person, not being the registered proprietor of any brand in any district and not acting with the authority of such proprietor, who shall impose or cause to be imposed upon any horse, cattle, sheep or goat, as the case may be, any such registered brand shall be liable, upon conviction, to a fine not exceeding three hundred penalty units and, in default of payment, to imprisonment with or without hard labour for any term not exceeding one month.

Use of registered brand by unauthorised person

(As amended by Act No. 13 of 1994)

12. On the trial of any person for the theft of any horse, cattle, sheep or goat, or for receiving such horse, cattle, sheep or goat or any part or portion thereof, knowing the same to have been stolen, it shall be competent for the prosecution to give evidence that the brand upon the animal alleged to have been stolen is the registered brand of the person alleged to be the owner of such animal, or of some person through or from whom such owner derived his right to such animal, and a certificate under the hand of the Registrar shall constitute *prima facie* proof of the facts therein stated as to the registration of any brand.

Evidence of certificate of Registrar

13. On the trial of any such person as aforesaid, who shall have been apprehended in possession of any animal branded with any registered brand, and upon proof being given of the ownership of such animal and that a theft thereof has been committed, the onus of proof that such animal was lawfully or innocently in his possession shall rest upon the accused person.

Burden of proof

14. Any owner of any animal of a class in respect of which a brand may be registered who shall, after the commencement of this Act, mark any such animal with any brand not duly registered as his brand under the provisions of this Act, shall be liable to a fine not exceeding one hundred and fifty penalty units and, in default of payment, to imprisonment with or without hard labour for any term not exceeding fourteen days.

Offence and penalty for wrongfully using brands not registered

(As amended by Act No. 13 of 1994)

15. (1) The Minister may, by statutory instrument, from time to time make, amend, alter or repeal such regulations as may be necessary for the proper carrying out of the provisions of this Act and more especially may prescribe-

Regulations

(a) the forms in which applications for and certificates of registration shall be made;

(b) the form and manner of giving any notice required but not specially provided for by this Act;

(c) the form in which any transfer of the right to any registered brand shall be effected;

(d) the size of any brands entitled to registration, the portions of the body on which animals of the several classes shall respectively be branded, and the order in which different brands shall be imposed;

(e) the fees to be paid under the provisions of this Act;

(f) the system and procedure to be observed by the Registrar in allotting brands.

(2) Such regulations may further impose a penalty not exceeding one hundred and fifty penalty units for any breach thereof or, in default of payment of such fine, imprisonment with or without hard labour for any term not exceeding fourteen days.

*(As amended by G.N. No. 319 of 1964
and Act No. 13 of 1994)*