

eSwatini

## Great Stock Brands Act, 1937

Act 64 of 1937

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## Great Stock Brands Act, 1937

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## eSwatini

# Great Stock Brands Act, 1937

## Act 64 of 1937

Commenced on 22 October 1937

*[This is the version of this document at 1 December 1998.]*

*[Repealed by [Livestock Identification Act, 2001 \(Act 13 of 2001\)](#) on 13 November 2001]*

**An Act to provide for the registration of the brands imprinted on great stock.**

### 1. Short title

This Act may be cited as the Great Stock Brands Act, 1937.

### 2. Interpretation

In this Act unless the context otherwise requires—

“**bovine**” means any bull, cow, steer, heifer or calf;

“**brand**” means a brand duly registered under this Act and made upon any portion of the hide of any great stock in a manner prescribed by this Act;

“**branding iron**” means the instrument prescribed for imprinting a brand or mark on great stock by this Act;

“**equine**” means any horse, mare, gelding, colt, filly, ass or mule;

“**great stock**” means equines, bovines, and their offspring;

“**inspector**” means any person appointed as an inspector of brands by the Minister;

“**Minister**” means the Minister for Agriculture;

“**police officer**” includes any member of the Royal Swaziland Police above the rank of Sub-Inspector;

“**register**” means the register book kept in pursuance of this Act containing a list of brands for great stock registered hereunder;

“**Registrar**” means the Registrar of Brands appointed under [section 3](#).

### 3. Registrar of brands

The Minister may appoint a public officer to be Registrar of Brands for Swaziland.

### 4. Register book

The Registrar shall keep a register in the form prescribed by Schedule A of all brands in Swaziland in terms of this Act.

### 5. Registration of brands

Every owner of great stock having prior to the promulgation of this Act branded any great stock with a distinctive mark shall cause the same to be registered within six months of the date hereof and any person who after the date hereof desires to employ any brand shall before making use thereof cause the same to be registered.

## **6. Application for registration of brand**

- (1) Every person required by this Act to register a brand shall submit an application in writing to the Registrar, together with a description of the brand.
- (2) An application made in terms of subsection (1) shall be accompanied by an affidavit to the effect that the brand is to the best of the applicant's knowledge and belief not being used by any other person.
- (3) Every such affidavit shall be exempt from stamp duty.

## **7. Refusal by Registrar to register**

The Registrar shall before registering any brand, satisfy himself that it has not been registered in the name of any other person, and where any brand resembles too closely any other registered brand, he may refuse to register such brand.

## **8. Certificate of registration**

Upon the registration of a brand the Registrar shall issue and transmit to the applicant a certificate of registration.

## **9. Fees**

The fees set out in Schedule B shall be payable to the Registrar, and shall be paid by affixing stamps to the relevant documents.

## **10. Size of brands**

The size of the characters branded on great stock shall not be less than two inches in height.

## **11. Method of branding**

All brands shall be imprinted upon great stock in accordance with the instructions contained in the certificate of registration.

## **12. Cancellation of brands**

- (1) A person required by this Act to register a brand shall upon sale, gift, barter or exchange of every animal bearing such brand and before delivery cancel the same by imprinting his inverted brand upon every such animal.
- (2) A person who fails so to cancel such brand shall be guilty of an offence and upon conviction shall be liable to a fine not exceeding ten emalangeneni or in default of payment to imprisonment for a period not exceeding fourteen days.

## **13. Publication of list of brands in the *Gazette***

The Registrar shall at the beginning of April in each year or so soon thereafter as possible cause a list of all brands registered in Swaziland to be published in the *Gazette*.

## **14. Police and poundmasters to be furnished with list**

At the end of each quarter in every year the Registrar shall transmit to every police post and poundmaster in Swaziland a list and description of all brands registered during the previous three months.

## 15. Transfer of registered brands

Upon there being exhibited to the Registrar—

- (a) written proof that a registered owner of a brand has disposed of the whole of his great stock to a purchaser and
- (b) the written consent of the registered owner,

the name of such purchaser shall be substituted in the register as the owner of such brand, subject to payment of the fee prescribed in Schedule B.

## 16. Surrender of brands

The owner of any brand may surrender the same and shall notify the Registrar in writing accordingly and the Registrar shall on receipt of such notice cancel the registration.

## 17. Cancellation of brands

If it appears to the Registrar that a registered brand is not being used he may cause notice to be given in writing to the owner thereof to his last-known address calling upon the owner to show cause why the brand should not be cancelled and in default of a reply by the owner to the satisfaction of the Registrar, the Registrar shall within three months after such notice cancel the brand.

## 18. Inspection of register of brands

The register kept in terms of this Act and the lists and descriptions of brands prepared in terms of [section 4](#) shall be open to inspection by the public at all convenient times subject to the payment of the search fee prescribed in Schedule B.

## 19. Butchers' and dealers' register

- (1) Every speculator, butcher, poundmaster or auctioneer shall keep a register and shall enter therein the brands cut or imprinted on every animal slaughtered, dealt in, impounded or sold by him in their proper order according to this Act.
- (2) The sellers and purchasers of any bovines and their addresses shall also be recorded in such register.

## 20. Notification of any impounded stock

- (1) When any branded great stock are impounded the poundmaster shall notify the owner of the brand.
- (2) A registered letter to the address entered in the register as the address of the owner of the brand shall be deemed to be sufficient notice.

## 21. Pound brands

A special brand shall be allotted by the Minister to every pound in Swaziland and the poundmaster shall imprint such brand on the left side of the neck of all stock sold by him.

## 22. Fraudulently branding stock of other persons

Any person who wilfully brands or imprints with his distinctive mark any great stocks of which he is not the owner or who wilfully causes, directs, or permits any great stock of which he is not the owner to be branded with his brand shall on conviction be liable to a fine not exceeding two hundred emalangeni or in default of payment to imprisonment for a period not exceeding twelve months.

## 23. Defacing brands

Any person who wilfully blotches, defaces or otherwise renders illegible or alters any brand upon great stock or wilfully directs, causes or permits any such brand to be blotched, defaced or otherwise rendered illegible or altered or who is party thereto shall on conviction be liable to a fine not exceeding one hundred and fifty emalangeni or in default of payment to imprisonment for a period not exceeding six months.

## 24. Using unregistered brand and irregularly using registered brand

From and after the passing of this Act any person who marks or directs, aids or assists in marking or permanently imprinting on any stock or any portion thereof any signs, symbols or characters other than those made and registered in accordance with this Act shall on conviction (for every such offence) be liable to a fine not exceeding one hundred and fifty emalangeni and in default of payment to imprisonment for a period not exceeding six months: but this section shall not apply to a brand used by any person at the commencement of this Act.

## 25. Forged certificates

Any person who—

- (a) knowingly and unlawfully inserts or permits to be inserted a false entry or illustration of any matter relating to any brand in any register, certificate, quarterly statement or in any extract from any of them; or
- (b) with intent to defraud, forges, alters, offers, utters, disposes of, puts off, any such document or extract or anything which purports to be such knowing the same to be forged or altered; or
- (c) with intent to defraud, wilfully and unlawfully destroys, defaces or alters or causes to be destroyed, defaced or altered, any such document or extract therefrom; or
- (d) with intent to defraud, wilfully uses the brand or distinctive mark of any proprietor without his authority,

shall on conviction be liable to a fine not exceeding two hundred emalangeni or in default of payment to imprisonment for a period not exceeding three years.

## 26. Inspectors may enter any place where stock is kept

- (1) Every inspector or police officer duly authorised in that behalf is hereby authorised to enter on or into any place in Swaziland where great stock is kept and to inspect any great stock, hides, branding iron or brand and compare the same with the brand certificate and the diagram which shall be produced to him.
- (2) Every such inspector or police officer may seize and impound any great stock and any hides in respect of which the owner has committed any breach of this Act and any branding instrument and certificate in his possession and may where necessary employ any person or persons to assist him in carrying out the provisions of this section.
- (3) Any person hindering or impeding any inspector or police officer in the execution of his duty or attempting to do so or refusing to produce any branding iron, instrument or certificate or to permit such inspector or police officer to inspect any great stock shall be liable on conviction to a fine not exceeding one hundred and fifty emalangeni or in default of payment to imprisonment for a period not exceeding six months.

## 27. Brand to be *prima facie* evidence of ownership

On the trial of any person for the theft of any hide or great stock or for receiving any such hide or great stock or any part thereof knowing the same to have been stolen the prosecution may give evidence that the brand upon the hide or animal alleged to have been stolen is the brand of the person alleged to have

been the owner of such hide or animal or of some person through or from whom such owner derived his right to such animal and a certificate purporting to be under the hand of the Registrar of a copy of the *Gazette* containing the publication of such owner's brand shall constitute *prima facie* proof of the facts therein alleged.

## 28. Mutilation to remove distinctive marks

On the trial of any person for theft of any great stock or where there is reasonable suspicion that the great stock or hide has been stolen and the skin or hide has been mutilated in such way that any brand or distinctive mark is removed or rendered illegible, the onus of proving that he was the owner of such animal or hide shall rest on the accused person.

## 29. Penalties

Any person who wilfully fails to comply with or offends against this Act in any case in which no specific penalty is imposed shall on conviction be liable to a fine not exceeding forty emalangeni and in default of payment thereof to imprisonment for a period not exceeding two months.

### Schedule A

Name of owner in full	Address	Particulars of brand			
		Brand	Position	No. of certificate	Date of registration

### Schedule B

#### (Fees payable in revenue stamps)

		E. c.
1.	On every application	0.25
2.	On every certificate	0.25
3.	On every substitution of ownership	0.25
4.	Search fee	0.10