

Malawi

Hide and Skin Trade Act

Chapter 50:02

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Malawi

Hide and Skin Trade Act

Chapter 50:02

Commenced on 1 January 1955

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[Note: This version of the Act was revised and consolidated in the Fifth Revised Edition of the Laws of Malawi (L.R.O. 1/2018), by the Solicitor General and Secretary for Justice under the authority of the Revision of the Laws Act.]

An Act to provide for the regulation of the trade in hides and skins

Part I – Short title, application and interpretation

1. Short title and application

- (1) This Act may be cited as the Hide and Skin Trade Act.
- (2) So much of the provisions of this Act as relate to dealing in hides and skins and to licences authorizing such dealing shall extend only to such areas and such classes of hides and skins as the Minister may from time to time, by notice published in the *Gazette*, appoint.

2. Interpretation

In this Act, unless the context otherwise requires—

“**buyer**” means any person who buys, sells or otherwise deals in hides and skins;

“**buyer’s licence**” means a licence issued under [section 4](#);

“**Director**” means the Director of Animal Health and Industry and includes the Deputy Director of Animal Health and Industry;

“**export**” means export from Malawi;

“**exporter**” means any person duly authorized under this Act to export hides or skins or hides and skins;

“**exporter’s licence**” means a licence issued under [section 9](#);

“**game animal**” bears the same meaning in this Act as it bears in the Game Act;

[Cap. 66:03]

“**green hide**” or “**green skin**” means a hide or skin which is not partly nor wholly dried, salted or tanned;

“**hide**” means the hide of a bovine animal;

“**inspector**” means any person authorized in writing by the Minister to act as an inspector for the purposes of this Act;

“**licensing officer**” means any person authorized in writing by the Minister to issue buyer’s licences under this Act;

“**preparation**” includes the processes of cleansing, fleshing, salting or drying and the expressions “**prepared**” and “**prepare**” shall be construed accordingly;

“**skin**” means the skin of a pig, sheep or goat or of any game animal.

Part II – Buyer’s licence

3. Restriction on purchase of hides and skins

- (1) No person shall, whether on his own account or on behalf of any other person, buy for the purpose of resale or tanning in Malawi, or for export, any hide or skin unless he is in possession of a valid buyer’s licence in the prescribed form issued to him by a licensing officer:

Provided that the Minister may, by notice published in the *Gazette*, exempt any person or class of persons from this section.

- (2) Any person who contravenes this section shall be guilty of an offence.

4. Application for, issue of and validity of buyer’s licence

- (1) Any person who wishes to obtain or renew a buyer’s licence shall apply therefor, in the prescribed manner, to a licensing officer.
- (2) The licensing officer may, upon receiving any such application, if he is satisfied that the applicant possesses a sufficient knowledge of the hide and skin trade and is capable of complying with the prescribed conditions, issue the applicant with a buyer’s licence or a renewal thereof on payment of the prescribed fee. Every such licence shall specify the premises, the area and the markets to which it relates and shall be valid only in respect of such premises, area and markets.
- (3) A licensing officer shall not issue a buyer’s licence unless—
 - (a) an inspector has certified that the premises in respect of which an applicant has applied for such licence are suitable, having regard to the volume and nature of the trade which may reasonably be expected in such premises and having regard also to the District in which they are situate;
 - (b) a medical officer of health for the area concerned, or some person authorized by him in writing in that behalf has certified that such premises are, having regard to the interests of public health, suitable for the purpose for which the licence is required.
- (4) A buyer’s licence shall, unless previously cancelled or suspended under [section 6](#), remain in force until the 31st December of the year in respect of which it was issued.

5. Conditions attached to buyer’s licence

- (1) In addition to any conditions which may be prescribed, it shall be a condition of every buyer’s licence that the licensee shall—
 - (a) buy and sell each hide by grade as well as by weight;
 - (b) buy and sell each skin by grade as well as by the piece or weight;
 - (c) carry out the grading of the hides and skins at the time of purchase to the satisfaction of an inspector;
 - (d) display at the premises to which his licence relates, in the prescribed manner, the prices which he offers;
 - (e) not buy hides and skins at lower prices than those displayed in the prescribed manner;
 - (f) buy hides and skins for cash on delivery;
 - (g) keep proper books in English or Chinyanja in the manner prescribed:

Provided that paragraphs (e) and (f) shall not apply to purchases from the holder of a buyer’s licence.

- (2) The Minister may, by notice published in the *Gazette*, prescribe the minimum price payable for hides and skins.
- (3) Any person who contravenes any of the conditions of a buyer's licence or who buys hides or skins at a price below the minimum price fixed under subsection (2) shall be guilty of an offence.

6. Cancellation or suspension of buyer's licence

- (1) A licensing officer may cancel or suspend a buyer's licence for such period as he deems fit if he is satisfied that the licensee—
 - (a) has been convicted of an offence against any of the provisions of this Act; or
 - (b) has committed a breach of any of the conditions of his licence;or
 - (c) has been convicted, either in Malawi or elsewhere, of any offence involving fraud or dishonesty, or is an undischarged bankrupt.
- (2) When any person is notified that his buyer's licence has been cancelled or suspended he shall forthwith surrender such licence to the licensing officer of the area in which it was issued and, if any such person fails, without lawful excuse, so to surrender such licence, he shall be guilty of an offence.

Part III – Export of hides and skins

7. Restriction on export of hides and skins

- (1) No hide or skin may be exported except through a prescribed port or exit point.
- (2) Any person who contravenes, or attempts to contravene, this section, shall be guilty of an offence.

8. Export under licence

- (1) No person shall export any hide or skin unless he is in possession of a valid exporter's licence in the prescribed form issued to him by the Director.
- (2) Any person who contravenes, or attempts to contravene, this section, shall be guilty of an offence.

9. Application for, issue of, power to refuse and validity of exporter's licence

- (1) Any person who wishes to obtain or renew an exporter's licence shall apply therefor, in the prescribed manner, to the Director and, on payment of the prescribed fee, the Director may, subject to the general or special directions of the Minister, issue to the applicant an exporter's licence or a renewal thereof. Every such licence shall specify the premises to which it relates.
- (2) The Director may, subject to the general or special directions of the Minister, refuse to issue an exporter's licence if—
 - (a) in his opinion, the applicant has insufficient resources, or inadequate facilities, or he or the staff employed by him lack the technical knowledge, to enable him to engage in trading in hides and skins for export in the manner required by this Act; or
 - (b) the premises on which the applicant proposes to carry on his business do not conform with the requirements of any Act; or
 - (c) the applicant has, within the five years immediately preceding the date of his application been convicted of an offence against this Act; or

- (d) the applicant has, within the five years immediately preceding his application, been convicted, either in Malawi or elsewhere, of any offence involving fraud or dishonesty, or is an undischarged bankrupt or is, in the case of a corporation or firm, in liquidation.

For the purposes of paragraphs (c) and (d), “applicant” includes, in the case of a corporation or firm, any director or partner of such corporation or firm and its local manager.

- (3) The Director shall not issue an exporter’s licence unless—
 - (a) an inspector has certified that the premises in respect of which an applicant has applied for such licence are suitable, having regard to the volume and nature of the trade which may reasonably be expected in such premises and having regard also to the District in which they are situate;
 - (b) a medical officer of health for the area concerned, or some person authorized by him in writing in that behalf has certified that such premises are, having regard to the interest of public health, suitable for the purpose for which the licence is required.
- (4) An exporter’s licence shall, unless previously cancelled or suspended under [section 11](#), remain in force until the 31st December of the year in which it is issued.

10. Conditions attached to exporter’s licence

- (1) In addition to any conditions which may be prescribed, it shall be a condition of every exporter’s licence that the licensee shall—
 - (a) equip and maintain his premises to the satisfaction of the Minister;
 - (b) carry out grading of hides and skins to the satisfaction of the Minister;
 - (c) keep proper books in English or Chinyanja in the manner prescribed.
- (2) Any person who contravenes any of the conditions of an exporter’s licence shall be guilty of an offence.

11. Cancellation or suspension of exporter’s licence

The Minister may cancel, or suspend for such period as he deems fit, an exporter’s licence if he is satisfied that the licensee—

- (a) has been convicted of an offence against any of the provisions of this Act; or
- (b) has committed a breach of any of the conditions of his licence; or
- (c) has been convicted, either in Malawi or elsewhere, of an offence involving fraud or dishonesty, or is an undischarged bankrupt.

12. Proviso

- (1) Provided that nothing in this Part shall preclude the Minister, at his discretion and upon payment of such fee as he shall consider reasonable, from granting to any person an exclusive licence to export hides and skins and from attaching to such licence such conditions as he may consider necessary or expedient. An exclusive licence shall be valid for such period as may be specified therein and may be granted either in respect of the whole of Malawi or of any part of Malawi.
- (2) No such licence shall be granted before the expiration of a period of not less than three months following the publication in the *Gazette* and in a newspaper circulating in Malawi of a notice declaring the intention of the Minister to grant such a licence.

Part IV – Registration of premises

13. Premises used for drying to be registered

- (1) No premises may be used for the purposes of shade or suspension-drying until they have been approved as suitable for such purpose by an inspector who, if he approves, shall, upon payment of the prescribed fee, issue the owner or occupier with a registration certificate in respect of such premises, in the prescribed form:

Provided that this subsection shall not apply to any premises or class of premises as the Minister may, by notice published in the *Gazette*, exempt therefrom.

- (2) An inspector may with the consent in writing of the Minister—
 - (a) refuse to approve premises if, in his opinion, they are unsuitable for the purpose, or the owner or occupier or the persons employed therein are not capable of satisfactorily preparing hides and skins in the prescribed manner;
 - (b) cancel or suspend the registration certificate of any registered premises if, in his opinion and after having given fourteen days' notice in writing to the owner or occupier of such premises, hides and skins are not being prepared, dried or stored therein in a satisfactory manner.
- (3) Any person who uses premises in contravention of subsection (1) shall be guilty of an offence.

14. Validity of registration certificate

A registration certificate shall, unless cancelled or suspended under [section 13](#), remain in force until the 31st December of the year in which it was issued.

Part V – Appeals

15. Appeal from decision of licensing officer or inspector and of Director

Any person aggrieved by the refusal of a licensing officer to issue or renew a licence under [section 4](#), or by the decision of a licensing officer under [section 6](#), or of an inspector under [section 13](#) (1), may in writing require such licensing officer or inspector, as the case may be, to supply to him in writing the reasons for his decision and such person may, within fourteen days after the date upon which he receives such reasons, appeal in the prescribed manner to the Director.

Part VI – Powers of inspection, search and seizure

16. Powers of inspection, search and seizure

- (1) Any inspector or any other person authorized in writing for the purpose by the Minister may, at all reasonable times, upon producing the written authority of the Minister in that behalf enter any premises in which any buyer or exporter carries on, or in which any inspector or other authorized person suspects him of carrying on, his business, or any premises registered under Part IV, or reasonably suspected by any inspector or other authorized person of being used for the purpose of preparing hides or skins, for the purpose of ascertaining whether the provisions of this Act, or the conditions of any licence, are being observed, and may inspect any hides or skins found on such premises and may take any such hides or skins as samples for the purpose of instituting any proceedings under this Act.
- (2) Any person authorized in writing for the purpose by the Minister, if he has reasonable cause to believe that any offence has been committed against this Act in respect of any hides or skins, may

take possession of such hides or skins or, by order in writing, require the person in possession of such hides or skins to retain them in his possession pending the order of the Minister.

- (3) Any police officer of or above the rank of assistant inspector, or any other police officer authorized in writing in that behalf by an administrative officer, may stop and examine any vehicle carrying, or reasonably suspected by him to be carrying, hides or skins, and may stop any person carrying, or reasonably suspected by him to be carrying, hides or skins, and may inspect any hides or skins found in such vehicle or in the possession of such person.
- (4) Any person who wilfully obstructs or interferes with any inspector, police officer or other person in the exercise of his powers under this section shall be guilty of an offence.

Part VII – Miscellaneous

17. Separate licence required for each premises

A separate buyer's or exporter's licence shall be required in respect of each set of premises owned or occupied by a licensee.

18. Reference of dispute as to grading

Where the person who produces any hide or skin for sale to a buyer is dissatisfied with the buyer's grading thereof, the dispute may, with the consent of both parties thereto, be referred to a person authorized in writing for the purpose by the Minister. The decision of such person shall be final and binding on both parties, and the buyer shall, if he buys such hide or skin, pay the price appropriate to the grade fixed by such person.

Part VIII – Offences

19. Licensee not to store hides and skins on unlicensed premises

- (1) No holder of a buyer's licence shall store any hides or skins except on the premises to which his licence relates.
- (2) Any person who contravenes subsection (1) shall be guilty of an offence.

20. Offence to buy, etc., certain dried hides

- (1) No person shall sell or offer to sell, and no holder of a buyer's licence or exporter's licence shall be in possession of, purchase, sell or offer to sell any dried hide which is smeared with blood, dung or any foreign substance, or which is not completely dried and in a fit condition for storage.
- (2) Any person who contravenes subsection (1) shall be guilty of an offence.

21. Miscellaneous offences and penalty

- (1) Any person who for the purposes of sale—
 - (a) treats any hide or skin with any substance not specified by the Minister by notice published in the *Gazette*,
 - (b) treats or prepares any sun-dried hide or skin with the object of selling it as a shade or suspension-dried hide or skin;
 - (c) without the permission of an inspector, soaks, immerses, or in any other way applies liquid, other than liquid for the control of parasites, to any hide or skin which has been partially or wholly dried;

- (d) without the consent of the Minister or of an inspector authorized for that purpose by him, removes, alters or defaces any mark or label made on or attached to any hide or skin in pursuance of this Act,

shall be guilty of an offence:

Provided that nothing contained in paragraphs (a), (c) and (d) shall apply to hides used for making harness for yoke oxen, or for making thongs for securing domestic animals or for other domestic purposes.

- (2) Any person who, in any application for a licence required under this Act, makes a statement which is, to his knowledge, untrue, or makes such statement recklessly, without caring whether it be true or false, shall be guilty of an offence.
- (3) Any person who is guilty of an offence against any of the provisions of this Act shall be liable to a fine of £100 and to imprisonment for six months.

Part IX – Rules

22. Power to make Rules

The Minister may make Rules generally for the purpose of improving the quality of hides or skins produced, prepared, sold in, or exported from, Malawi and, without prejudice to the generality of the foregoing, for all or any of the following purposes—

- (a) prescribing the conditions to be attached to any licence or certificate to be issued under this Act;
- (b) requiring returns to be made by buyers and exporters and prescribing the persons to whom, and the forms in which, such returns shall be made;
- (c) regulating the branding, grading and classification of hides and skins and defining the grades and classes thereof;
- (d) regulating the manner and method of marking or labelling hides or skins for export, for denoting the grade, type and District of origin of such hides or skins;
- (e) prohibiting or controlling the movement of hides and skins—
 - (i) from one part of Malawi to any other part of Malawi; or
 - (ii) from any part of Malawi to any part of Southern Rhodesia, Zambia, Tanzania or Mozambique; or
 - (iii) into Malawi; or
 - (iv) from any neighbouring territory through Malawi to any port or exit point;
- (f) prohibiting, regulating and controlling the offering for sale or the buying or the export of any kind of hide or skin, or any hide or skin not prepared in a prescribed manner or which is not in a prescribed condition, or which has been so mutilated by brand marks or in any other way as to render it, in the opinion of a prescribed person, unfit or unsuitable for sale, purchase or export;
- (g) prescribing the conditions under which a person may deal in green hides and skins;
- (h) regulating the prices to be paid to producers for the various grades and types of hides and skins;
- (i) regulating the relationship between the prices to be paid for various grades of hides and skins;
- (j) regulating and controlling the methods of slaughter of animals from which hides or skins are to be removed;
- (k) regulating and controlling the methods which may or may not be used in preparing hides and skins;

- (l) prescribing the methods to be employed when removing a hide or skin from an animal;
- (m) defining the meaning of shade or suspension-dried hides or skins;
- (n) prescribing the method to be employed for the protection, preservation and treatment of hides and skins, with the object of preserving them or improving their general quality, either before or after they are dried;
- (o) requiring buyers and exporters in specified areas to—
 - (i) keep registers;
 - (ii) preserve such registers for a period of not less than two years from the date of the last entry therein;
 - (iii) produce such registers for inspection when called upon to do so by an inspector;
- (p) prescribing the ports or exit points from which the export of hides and skins shall be permitted;
- (q) prescribing the methods to be employed for the marking or labelling of shade and suspension-dried hides or skins with the registered number of the premises in which they were dried;
- (r) prescribing anything required under this Act to be prescribed;
- (s) generally for the better carrying out of this Act.