

Branding of Stock Act 1918 (Ch 41)

CHAPTER 41

THE BRANDING OF STOCK ACT.

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CHAPTER 41

THE BRANDING OF STOCK ACT.

Commencement: 1 January, 1918.

An Act relating to the branding of stock.

1. Interpretation.

In this Act, unless inconsistent with the context—

1. “brand” means a brand duly registered under this Act and made upon any portion of the hide of any stock in the manner prescribed;
 2. “brand directory” means an authorised list of brands compiled by the registrar of brands and published by the Government;
 3. “branding instrument” means any instrument or tool, other than a branding iron, by which any mark or symbol can be impressed, imprinted or cut on any portion of any stock;
 4. “branding iron” means the instrument prescribed for imprinting a brand or mark on stock;
 5. “cattle” means any bull, cow, steer, heifer or calf;
 6. “distinctive mark” means any lawful mark (other than a registered brand) which any person is empowered by this Act to mark upon any stock;
- (g) “holding” means any farm or other place where stock is kept;
(h) “horse” means any horse, mare, gelding, colt, filly, ass, zebra or mule; (i) “inspector” means any person empowered to act as an inspector

of brands under this Act; (j) "register" means the register book kept in pursuance of this Act

containing a list of brands for stock registered hereunder; (k) "registrar" means the registrar of brands; (l) "residence" means the residence, house, homestead or dwelling

of the owner of any brand or stock; (m) "stock" means horses, cattle and ostriches.

2. Registrar of brands and inspectors of brands.

(1) The Minister may appoint an officer of the department of veterinary services and animal industry to be the registrar of brands, and such

persons as he or she may think fit from time to time as inspectors of brands.

(2) Every police officer, veterinary officer and inspecting officer shall be ex officio an inspector of brands.

3. Register.

The registrar shall keep a register in the form of the First Schedule to this Act of all brands allotted under this Act.

4. Application for brand.

1. Any person requiring a brand shall deliver or transmit to the registrar an application in the form of the Second Schedule to this Act accompanied by a fee of ten shillings for the registration of a brand; if no special combination is applied for, the registrar, if satisfied that the application is in conformity with this Act, shall allot to the applicant in the order in which his or her application is received the first unallotted brand standing in the register for the district or area in which the holding is situate on which the brand is to be used, and shall register the brand to the applicant accordingly in the form of the First Schedule to this Act.

2. Notwithstanding subsection (1)—

1. the registrar may, at the request of the owner as aforesaid, allot another combination standing vacant in the register for the same district or area; and
2. it shall not be necessary for a person who owns or occupies land in more than one district or area to register a separate brand in respect of each district or area.

(3) A person referred to in subsection (2)(b) may select any one of the districts or areas in which he or she intends to use the brand, and may use the brand registered in respect of that district or area in any other district or area in which he or she shall keep stock.

5. Certificate.

Upon the registration of any brand as aforesaid the registrar shall deliver or transmit to the applicant to whom the brand is allotted a certificate of registration of the brand in the form of the Third Schedule to this Act.

6. Form of registered brand.

Except as otherwise provided by this Act, every registered brand shall consist of two letters and one numeral of plain and uniform pattern in an even and regular line, and the first of the letters shall indicate the district or area in which the holding is situate on which the brand is to be used.

7. Number of brands limited.

One brand and no more shall be allotted to any person in any one district or area.

8. Size of brands.

The size of the characters branded on horses, cattle and ostriches shall not be less than one-and-a-quarter inches in height.

9. Imprinting of brands.

(ii)

(1) All brands shall be imprinted on stock as follows— (a) in the case of cattle and horses, the first brand shall be imprinted on the near side of the neck or near thigh of the animal, and every second and subsequent brand shall, where there is sufficient space for the purpose, be imprinted on the same part of the animal, and where there is not sufficient space for the purpose, then the second or subsequent brand shall be imprinted on the part of the animal next in order according to the following lists, each part being used until there is not sufficient space for any further brand on that part— (i)

when the first brand is on

the near side of the neck—

(A) off side of the neck;

(B) near thigh;

(C) off thigh;

(D) near forearm;

(E) off forearm;

when the first brand is on

the near thigh—

(A) off thigh;

(B) near side of neck;

(C) off side of neck;

(D) near forearm;

(E) off forearm;

(b) in the case of ostriches, the first brand shall be imprinted on the near thigh, and every second or subsequent brand shall, where there is sufficient space for the purpose, be imprinted on the same part, and where there is not sufficient space for the purpose, then the second or subsequent brand shall be imprinted on the off thigh.

(2) Every brand on the same part of an animal or ostrich as a previous brand shall be at a distance of not less than one-and-a-half inches from and directly underneath the previous brand.

10. Publication of registered brands.

The registrar shall at the end of each quarter of every year, or as soon thereafter as possible, cause to be published in the Gazette a statement in the form of the First Schedule to this Act of all brands registered under this Act during that quarter with the names and addresses of their respective owners.

11. Brand directory.

From the quarterly publications the registrar, as soon as possible after the 31st December in each year, shall cause a brand directory containing all the brands which stand registered up to that date to be compiled and published in the form of the quarterly publications; and he or she shall cause a copy of the directory to be forwarded as soon as possible after publication to the Inspector General of Police and every inspector of brands and poundmaster.

12. Transfer of registered brands.

1. A person wishing to transfer his or her right to any registered brand and the person intending to become the transferee of the registered brand shall sign a document in the form of the Fourth Schedule to this Act and shall transmit it to the registrar with a fee of twenty shillings; and the registrar may on receipt thereof cancel the registration of the brand standing in the name of the transferor and register the brand in the name of the transferee, and the transferee shall thereafter be deemed to be the person having the exclusive right to use that brand as aforesaid.
2. The registrar may return the fees and decline to register the transfer.

(3) Notwithstanding subsection (1), on the sale of a holding, if the owner does not sell the whole of the stock bearing his or her brand to the purchaser, the registrar shall not transfer the brand to the purchaser of the holding.

13. Transfer book.

The registrar shall keep a book in which all transfers, surrenders and cancellations of brands shall be recorded, and the registrar shall notify them at the end of every quarter in the Gazette immediately following the quarterly statement of brands registered.

14. Certificate of transfer.

Upon the transfer of any brand as aforesaid the registrar shall deliver or transmit to the transferee a certificate of transfer in the form of the Fifth Schedule to this Act.

15. Surrender of brands.

The owner of any brand may surrender the brand, and the registrar shall on receipt of notice of the surrender cancel the registration.

16. Disused brands.

When it appears to the registrar upon the report of an inspector or otherwise that a registered brand is not in use, he or she may cause notice to be given to the owner of the brand calling upon him or her to show cause why the brand should not be cancelled; and if cause is not shown to the satisfaction of the registrar within six months after the notice, he or she may cancel the brand.

17. Interval before reallocation.

No brand which has been surrendered or cancelled shall be reallocated until a period of five years from its surrender or cancellation has elapsed.

18. Poundmaster must brand all stock sold out of pound.

(1) The registrar shall allot a brand to every public pound already or hereafter established and shall register the brand.

2. The first character of every brand of a public pound shall be a diamond and the second the dominant letter of the district or area and the third a numeral, the whole to be in one line, and the poundmaster or other person in charge of a pound shall on the sale of any stock impounded in it brand the stock with the brand.
3. Any poundmaster or other person in charge of a pound who fails to comply with this section commits an offence and is liable on conviction to a fine not exceeding one thousand five hundred shillings and in default of payment to imprisonment for a period not exceeding six months.

19. Brands of the department of veterinary services and animal industry to be registered.

1. The commissioner of livestock and entomology may register any one or more brands to be used for the purposes of the department of veterinary services and animal industry on any stock, and those brands may be lawfully used for the purposes of the department of veterinary services and animal industry on any stock by any person or persons authorised by the commissioner of livestock and entomology.
2. The brands referred to in subsection (1) may be of any device, provided that they are easily distinguishable from any other brand registered under this Act.

20. Use of distinctive marks to identify the ownership of stock.

Nothing in this Act shall be deemed to make it an offence for an African to mark any stock of which he or she is the owner with a distinctive mark to identify the ownership of the stock if neither letters nor figures form any part of such distinctive mark and the mark is dissimilar to any registered brand.

21. Registrar may prohibit the use of certain distinctive marks.

The registrar may prohibit the use of a distinctive mark which in his or her opinion is similar to any registered brand; and any person who marks any stock with a distinctive mark so prohibited commits an offence and is liable on conviction to a fine not exceeding one thousand five hundred shillings or to imprisonment for a period not exceeding six months or to both such fine and imprisonment and his stock so marked may by the order of the court be

confiscated.

22. Dominant letters of districts or areas to be applied to the brands registered in the districts or areas.

1. The dominant letter of a brand registered in any district or area shall be that prescribed in the Sixth Schedule to this Act; except that the Minister may, by statutory order, prescribe that some mark or design other than a letter shall be used to signify any district or area.
2. The Minister may, by statutory order, add any district or area to the Schedule and may prescribe the dominant letter or mark to be applied to brands registered in the district or area, or may remove any district or area from the Schedule.

23. Butchers' and auctioneers' books.

Every butcher, poundmaster and auctioneer shall keep a separate book open at all times to inspection by any inspector and shall truly enter in it the brands cut or imprinted on all stock slaughtered or sold by him or her.

24. Stock with defaced brand not to be sold or slaughtered without notice.

Any butcher, poundmaster or auctioneer who slaughters or sells any stock on the hide or skin of which any brand imprinted under this Act appears to have been altered, blotched or defaced, without first reporting the matter in writing to the nearest inspector and allowing forty-eight hours to elapse after making the report commits an offence and is liable on conviction to a fine not exceeding one hundred and fifty shillings per head for every animal so unlawfully slaughtered or sold or to imprisonment for a period not exceeding three months or to both such fine and imprisonment.

25. Preservation of hides.

(1) Any person who slaughters or causes to be slaughtered any stock for sale shall retain or cause to be retained in his or her possession for the period of five days the hides or skins taken off the stock with the brands or ear marks attached thereto without any alteration, disfiguration or effacement of the brands or marks on the hides, skins or ears.

2. Any inspector may within a period of time mentioned in subsection (1) demand an inspection of the hides or skins, and upon demand being made the aforesaid person shall produce the hides or skins for inspection by the inspector.
3. Any person contravening any of the provisions of this section commits an offence and is liable on conviction to a fine not exceeding seven hundred and fifty shillings or to imprisonment for a period not exceeding three months or to both such fine and imprisonment.

26. Inspector may enter any holding or place where stock is kept or slaughtered.

1. Every inspector may enter on or into any part of any holding or place throughout Uganda where stock is kept or slaughtered and inspect any stock, hides, branding irons, branding instruments or brand and compare the same with the brand certificate and diagram which shall be produced to him or her; and every inspector may seize any stock and any hides in respect of which any breach of this Act has been or is suspected to have been committed and any branding iron or branding instrument and any brand certificate and may take them before the nearest magistrate.
2. Any person hindering or impeding any inspector in the execution of his or her duty under this section or attempting so to do or refusing to produce any branding iron, branding instrument or brand certificate or to permit any inspector to inspect any stock or hides shall for every such offence be liable on conviction to a fine not exceeding two thousand shillings or to imprisonment for a period not exceeding six months or to both such fine and imprisonment.

27. Inspectors to keep copy of brands and permit search in directory.

Every inspector, other than a police officer, shall keep a copy of the latest issue of the brand directory and a copy of every Gazette containing the quarterly statement of registered brands not included in that directory and shall on receipt of a fee of two shillings permit search in them at all reasonable hours.

28. Notice, how given.

Where under this Act it may be necessary to give or send any notice, the

notice may be given in any of the following ways—

1. personally and upon the person to whom the notice is addressed;
2. by registered letter sent through the post and directed to the last known place of abode or business in Uganda of that person;
3. by inserting the notice once in the Gazette.

29. Sale of branding instruments.

Any person who makes or offers for sale any branding instrument or tool adapted for the purpose of imprinting marks on stock except in accordance with this Act and the rules made under this Act and similar to or resembling in pattern and size those prescribed, and any person who uses or attempts to use or knowingly permits to be used or has in his or her possession any branding iron or branding instrument similar to or resembling in pattern and size those prescribed other than the branding iron which he or she is entitled to use as herein provided, commits an offence and is liable on conviction for every such offence to a fine not exceeding two thousand shillings, and in default of payment to imprisonment for a period not exceeding six months.

30. Fraudulently branding the stock of others.

Any person who wilfully brands or imprints with his or her distinctive mark any stock of which he or she is not the owner or wilfully causes, directs or permits any stock of which he or she is not the owner to be branded with his or her brand, commits an offence and on conviction for every such offence is liable to a fine not exceeding three thousand shillings, or to imprisonment for a period not exceeding twelve months or to both such fine and imprisonment.

31. Using unregistered brands.

Any person other than an African who brands or directs, aids or assists in branding on any stock or any portion thereof any signs, symbols or characters other than those made and registered in accordance with this Act commits an offence and is liable on conviction for every such offence to a fine not exceeding two thousand shillings or to imprisonment for a period not exceeding six months or to both such fine and imprisonment.

32. Defacing brands.

Any person who wilfully blotches, defaces or otherwise renders illegible or

alters any brand or distinctive mark upon stock or wilfully directs, causes or permits any such brand or mark to be blotched, defaced or otherwise rendered illegible or altered, or is a party thereto, commits an offence and is liable on conviction for every such offence to a fine not exceeding two thousand shillings or to imprisonment for a period not exceeding six months or to both such fine and imprisonment.

33. False entry in register, etc.

Any person who—

1. knowingly and unlawfully inserts or permits to be inserted any false entry or diagram of any matter relating to any brand in any register, certificate, brand directory or quarterly statement, or in any extract from any of them;
2. with intent to defraud, forges, alters, offers, utters, disposes of or puts off, knowing it to be forged or altered any such document or extract as aforesaid or which purports to be such;
3. with intent to defraud, wilfully and unlawfully destroys, defaces or alters, or causes to be destroyed, defaced or altered any such document or extract from it; or
4. knowingly and wilfully, with intent to defraud, uses the brand or distinctive mark of any proprietor without his or her authority,

commits an offence and is liable on conviction for every offence to a fine not exceeding ten thousand shillings or to imprisonment for a period not exceeding three years or to both such fine and imprisonment.

34. On trial for theft of hide or stock, brand to be prima facie evidence of ownership.

On the trial of any person for the theft of any hide or stock, or for receiving or retaining any hide or stock knowing or having reason to believe the hide or stock to have been stolen, the fact that the hide or stock is branded with a registered brand shall be prima facie evidence that the hide or stock is the property of the person having the right to the registered brand.

35. Manner of proving right to registered brand.

In any proceedings, the right of a person to any registered brand may be proved by a certificate purporting to be under the hand of the registrar or by production of a copy of the Gazette containing the statement of the registration of the brand.

36. Presumption against mutilator of brand.

On the trial of any person for the theft of any hide or stock or for receiving or retaining any hide or stock knowing or having reason to believe the hide or stock to have been stolen, the fact that the hide or stock has been mutilated by the person in such a way that any brand or distinctive mark is removed or rendered illegible shall be prima facie evidence that the person is not the owner or person entitled to possession of the hide or stock.

37. Other offences and penalties.

Any person wilfully failing to comply with or offending against the provisions of this Act in any case in which no penalty is imposed hereby and any person failing to comply with or offending against any of the provisions of any rules made under this Act is liable to a fine not exceeding six hundred shillings, and in default of payment to imprisonment for a period not exceeding two months.

38. Rules.

The Minister may make rules for carrying out the purposes and provisions of this Act, and among other matters may prescribe—

1. the shape and pattern of branding irons and other marking instruments;
2. the persons by whom branding irons and branding instruments may be manufactured and sold;
3. the fees and prices payable and forms to be used for any object or purpose that may be deemed necessary for the efficient administration of this Act.

SCHEDULES

First Schedule.

ss. 3, 10.

Brand Register.

Name of owner in full	Address	District or area for which brand is required	Brand allotted	No. of certificate	Date of registration

Second Schedule.

s. 4.

Application for Brand.

To the Registrar of Brands:

I/we enclose the prescribed fee of shs. 10, and request that you will allot and register a brand for the holding or place mentioned in the schedule below—

Name of applicant(s) in full	Address	District or area for which brand required

Fee shs.

Applicant(s)

I/we request that the second letter of my/our brand may be the letter

Applicant(s)

Third Schedule.

Certificate of Registration.

s. 5.

No.

Date

I certify that the brand shown in the diagram at foot hereof was duly registered on the date and as the brand of the person(s) therein set forth in the schedule hereto—

Full name(s) of owner(s)	Address	District or area for which brand is registered	Date of registration

Fee paid .

(Diagram of brand)

Registrar of Brands

Fourth Schedule.

Memorandum of Transfer of Brands.

s. 12.

To the Registrar of Brands.

I, , being the registered owner of the brand set forth in the

schedule hereto, and desiring to transfer it to (*name*

in full of transferee) of (*name of holding or place where brand will be used*

and its postal address), request you will record the brand in your register accordingly, and I enclose the fee therefor (shs. 20).

(Owner) (Transferee)

Address Address

Witness Witness

Brand	Name and address of previous owner of brand	District or area where brand is registered	No. of certificate	Date of registration

Fifth Schedule.

s. 14.

Certificate of Transfer.

No. Date

This is to certify that the brand shown in the specimen at the foot hereof was this day transferred from

of to

of .

Fee paid

Registrar of Brands

Diagram of brand	Transferee's name and address	District or area brand is to be used	No. of certificate	Date of registration

Sixth Schedule.

s. 22.

Dominant letters.

Dominant letter	District or area
A	Mpigi
AA	Luwero
B	Masaka
BB	Rakai
C	Mubende
D	Mukono
DD	Kampala
E	Hoima
EE	Masindi

F	Mbarara
FF	Bushenyi
G	Kabarole
GG	Kasese
H	Kabale
HH	Rukungiri
I	Kamuli
J	Jinja
JJ	Iganga
K	Soroti
KK	Kumi
L	Lira
LL	Apac

M	Mbale
Dominant letter	District or area
MM	Tororo
N	Moyo
NN	Nebbi
P	Police cases/police cattle exhibits, lost and found cattle, etc.
R	Cattle vaccinated against rinderpest
S	Gulu
SS	Kitgum
T	Moroto
TT	Kotido
U	National herd, i.e. all cattle identified as belonging to Uganda
V	Veterinary cattle

X	Arua
Y	Bundibugyo
Z	Kapchorwa

Note—The district letter shall be followed by numerals for counties.

History: Cap. 222; S.I. 215/1965; S.I. 33/1988.