

Hide and Skin Trade 1951 (Ch 89)

CHAPTER 89

THE HIDE AND SKIN TRADE ACT.

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CHAPTER 89

THE HIDE AND SKIN TRADE ACT.

Commencement: 6 December, 1951.

An Act to consolidate the law relating to the trade in hides and skins.

PART I—INTERPRETATION.

1. Interpretation.

In this Act, unless the context otherwise requires—

“buyer” means any person who holds a buyers licence issued under this Act;

“buyers licence” means a licence issued under section 5;

“commissioner” means the commissioner of livestock and entomology;

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

“exporters-buyers licence” means a licence issued under section 9;

“green hide” or “green skin” means a hide or skin which is not partly or wholly dried, salted, pickled or tanned;

“ground dried” in relation to a hide or skin means dried by any method in which the hide or skin is in contact with the ground;

(h) “hide” means a properly dried cattle hide;

(i) “licensing officer” means the Minister or such other person or authority as may be authorised by the Minister, by statutory order, to issue licences under this Act;

(j) “preparation” includes the processes of flaying, cleansing, fleshing, salting or drying, or any other prescribed process, and “prepared” and “prepare” shall be construed accordingly;

(k) “properly dried” means, in relation to a ground or suspension dried hide or skin, one which when protected from the rain and freely suspended under an impervious roof for twenty-four hours will not lose more than 3 percent of its weight, at the time of suspension, by evaporation of water;

(l) “region” means any area of Uganda declared to be a region under section 2;

(m) “skin” means a properly dried skin of a calf, goat or sheep;

(n) “suspension dried” in relation to a hide or skin means dried by a prescribed method of suspension drying;

(o) “veterinary officer” means any member of the department of veterinary services and animal industry or any other person authorised by the commissioner to act as a veterinary officer for the purposes of this Act.

PART II—BUYING AND TREATING HIDES AND SKINS.

2. Regions.

The commissioner may, by statutory instrument, declare any part of Uganda to be a hides region or a skins region, or a hides and skins region and assign to any such region the designation by which it shall be known.

3. Restrictions on purchase of hides and skins.

(1) No person shall in any region whether on his or her own account or on behalf of any other person purchase for resale or tanning in Uganda any hide or skin—

unless he or she is in possession of a valid buyers licence in the prescribed form issued to him or her by a licensing officer;

except within the region in respect of which the licence is issued and at premises licensed under this Act or at a hide and skin market approved as such by the commissioner or any veterinary officer;

except in accordance with any conditions prescribed under the provisions of this Act.

(2) No person shall in any region whether on his or her own account or on behalf of any other person engage in the trade of buying, cleaning or preparing any green hides or green skins for the purpose of resale—

unless he or she is in possession of a buyers licence issued to him or her for that purpose by the licensing officer;

except in accordance with any conditions prescribed under the provisions of this Act.

(3) The commissioner may in writing, subject to such conditions as he or she shall think fit, exempt any person or class of persons from compliance with any of the provisions of this section.

4. Restrictions on internal purchases by noncitizens.

(1) Subject to subsection (3), it shall not be lawful for any person—

who is not a citizen of Uganda to hold a buyers licence for the purposes of undertaking any of the business specified in section 3;

who is a citizen of Uganda to trade, under a buyers licence issued to that citizen, on behalf of any person who is not a citizen of Uganda; or

who is not a citizen of Uganda to engage or allow a person who is a citizen of Uganda to trade directly or indirectly on his or her behalf under a buyers licence issued to that citizen.

(2) For the purposes of this section, a citizen of Uganda includes—

a cooperative society registered under the Cooperative Societies Act, all of whose members are citizens of Uganda; and

a company registered under the Companies Act or, as the case may be, a firm which is wholly owned by persons who are citizens of Uganda.

Notwithstanding this section, any person, whether he or she is a citizen of Uganda or not, may be issued with an exporters-buyers licence for the purposes of purchasing the hides and skins required for any export business he or she may wish to undertake under the provisions of Part III of this Act.

The holder of an exporters-buyers licence shall not purchase any hides or skins—

from any person other than a registered cooperative society or company specified under subsection (2); or

at any place other than at his or her licensed export premises.

(5) Any person who contravenes any provision of this section commits an offence and is liable to a fine not exceeding five thousand shillings or to imprisonment for a term not exceeding twelve months or to both, and in addition to that penalty the court by or before which the person is convicted may, in its discretion, revoke any licence issued to him or her under this Act.

5. Buyers licences and conditions attached to the licences.

(1) A licensing officer may upon receipt of an application in the form and manner prescribed under section 15(1)(a) issue or renew a buyers licence if he or she is satisfied that the applicant—

possesses sufficient knowledge of the hides and skins trade;

is capable of complying with the conditions prescribed under subsection (3);

maintains premises which are suitable for the purpose of buying and storing hides and skins;

has not within the last five years before the date of the application or subsequently to the issue of the licence, as the case may be, been convicted of any offence against this Act or rules made under this Act or any previous written law relating to the control of hides and skins;

has not within the last five years before the date of the application or subsequently to the issue of the licence, as the case may be, been convicted of any offence involving fraud or dishonesty; and

is not an undischarged bankrupt or a company in liquidation.

For the purposes of subsection (1), "applicant" includes in the case of a corporation or firm any director, officer or partner of that corporation or firm, and its local manager.

In addition to any conditions which may be prescribed under the provisions of section 15, it shall be a condition of every buyers licence that the licensee shall—

maintain the licensed premises in a fit and proper condition to the satisfaction of a veterinary officer;

store all hides and skins purchased by him or her in the premises to which his or her licence relates;

keep all hides and skins stored in the licensed premises free from avoidable damage;

grade all hides and skins before purchase and ensure that the grading is carried out to the satisfaction of a veterinary officer;

buy and sell each hide or skin, other than a goat or sheep skin, by grade as well as by weight;

buy and sell each goat or sheep skin by grade as well as by the piece;

pay prices which differentiate to the satisfaction of a veterinary officer between the various classes and grades of hides or skins;

(h) display at the premises to which the licence relates in the prescribed manner the prices which he or she offers; those prices shall not be altered during the same day nor shall he or she purchase hides or skins at prices lower than those prices; (i) purchase hides or skins for cash only;

(j) keep at the licensed premises proper books in English, Luganda, Arabic or Gujarati showing day by day the following particulars of each transaction entered into by him or her— (i) in the case of all purchases, the date and price paid, and in respect of hides and calf skins, the weight and grade or, in respect of goat and sheep skins, the number and grade; (ii) the date of disposal of any hides or skins purchased and

details of the transaction; (iii) in the case of purchases of green hides or green skins for preparation, details of the transaction; (k) preserve those books for not less than two years from the date of the last entry in them.

Every buyers licence shall specify the premises to which it relates and, subject to subsection (8), shall not be valid except in relation to those premises.

A buyers licence shall not be transferable by the licensee to any other person.

A buyers licence shall, unless previously cancelled, or suspended under the powers conferred by section 6, remain valid for one year, after which application shall be required to be made for its renewal.

A separate buyers licence shall be required in respect of each of two or more premises owned or occupied by a single licensee.

A licensing officer may, upon application, if satisfied that the applicant licensee continues to possess the qualifications required by subsection (1), order the transfer of a buyers licence to premises other than those in relation to which it was issued or is held.

6. Cancellation or suspension of buyers licence.

(1) A licensing officer may cancel or may suspend for such period as he or she deems fit any buyers licence if he or she is satisfied that the licensee—

has subsequently to the issue of the licence been convicted of an offence against any of the provisions of this Act or rules made under this Act;

has subsequently to the issue of the licence been convicted of any offence involving fraud or dishonesty; or

is an undischarged bankrupt or a company in liquidation.

For the purposes of subsection (1), "licensee" includes in the case of a corporation or firm any director, officer or partner of the corporation or firm, and its local manager.

When any person has been notified that his or her buyers licence has been cancelled or suspended, he or she shall immediately surrender the licence to the licensing officer; and if any such person fails without lawful excuse to surrender that licence, he or she commits an offence against this Act.

PART III—EXPORT OF HIDES AND SKINS.

7. Restrictions on export of hides and skins.

The commissioner may by statutory instrument appoint places in Uganda to be known as hides and skins exporting centres, and after the exporting centres have been so appointed, no exporter shall export any hides or skins except through a hides and skins exporting centre or through a place specified under section 3 of the Hides and Skins (Export Duty) Act.

8. Exporters-buyers licence.

No person shall export any hide or skin unless he or she is in possession of a valid exporters-buyers licence in the prescribed form issued to him or her by the licensing officer.

9. Issue of exporters-buyers licence and conditions attached to the licence.

(1) Every application for the issue or renewal of an exporters-buyers licence shall be made to the licensing officer in the form and manner prescribed.

(2) In addition to any conditions which may be prescribed under this Act, it shall be a condition of every exporters-buyers licence—

that the licensee shall maintain premises having storage, packing and pressing facilities to the satisfaction of the commissioner;

that all hides or skins purchased by the exporter shall be graded by him or her before the export of the purchase;

that all hides and skins purchased for export shall be branded on the right foreshank with a distinguishing mark in the manner prescribed denoting the region of origin;

that the licensee shall keep at the licensed premises proper books in English showing day by day the following particulars of each transaction entered into by him or her— (i) in the case of all purchases, the date and price paid and, in

respect of hides and calf skins, the weight and grade and, in

respect of goat and sheep skins, the number and grade; (ii) the date of disposal of any hides or skins purchased and

details of the transaction; (iii) in the case of purchases of green hides or green skins for

preparation, details of the transaction;

that the licensee shall preserve those books for not less than two years from the date of the last entry in the books;

that grading shall be carried out to the satisfaction of a veterinary officer;

that the licensee shall observe all the requirements of this Act and any rules made under this Act.

(3) The licensing officer may in his or her discretion refuse to issue or renew an exporters-buyers licence if—

in his or her opinion the applicant has insufficient resources or inadequate facilities, or he or she or the staff employed by him or her lack the technical knowledge, to enable him or her to engage in trading in hides or skins for export in the manner required by this Act or by any rules made under this Act;

in his or her opinion the premises in which the applicant proposes to carry on his or her business or is carrying on his or her business do not conform with the requirements of this Act or any rules made under this Act or any other written law for the time being in force;

the applicant has within the five years preceding the date of his or her application or subsequently to the issue of the licence, as the case may be, been convicted of an offence against any of the

provisions of this Act or any rules made under this Act or any previous written law relating to the control of hides and skins;

the applicant has within five years immediately preceding the date of his or her application or subsequently to the issue of the licence, as the case may be, been convicted of any offence involving fraud or dishonesty;

the applicant is an undischarged bankrupt or a company in liquidation.

For the purposes of subsection (3), "applicant" includes in the case of a corporation or firm any director, officer or partner of the corporation or firm, and its local manager.

Every exporters-buyers licence when issued shall be endorsed in respect of all premises at which the exporter is licensed to carry on the business of exporter, and, except if further endorsed in accordance with subsection (8), shall not be valid except in relation to those premises.

An exporters-buyers licence shall not be transferable by the licensee to any other person.

An exporters-buyers licence shall, unless previously cancelled or suspended under the powers conferred by section 10, remain valid for one year after which application shall be required to be made for its renewal.

The licensing officer may upon application, if it appears to him or her that the applicant licensee would be entitled to a renewal of his or her licence in due course and that the proposed premises conform with the requirements of this Act and any rules made under this Act and any other written law for the time being in force, order the endorsement of an exporters-buyers licence in respect of premises other than those in relation to which it was issued or is held.

10. Cancellation or suspension of exporters or exporters-buyers licence.

(1) The licensing officer may cancel or may suspend for such period as he or she deems fit any exporters-buyers licence if he or she is satisfied that the licensee—

(a) when buying by private treaty fails to pay prices which differentiate to the satisfaction of the licensing officer between

the various classes and grades of hides or skins;

has subsequently to the issue of the licence been convicted of an offence against any of the provisions of this Act or rules made under this Act;

has subsequently to the issue of the licence been convicted of any offence involving fraud or dishonesty; or

is an undischarged bankrupt or a company in liquidation.

(2) For the purposes of this section, "licensee" includes in the case of a corporation or firm, any director, officer or partner of the corporation or firm, and its local manager.

PART IV—POWERS OF INSPECTION, SEARCH AND SEIZURE.

11. Power of inspection, search and seizure.

Any veterinary officer may at all reasonable times enter any premises in which any buyer or exporter carries on, or in which any veterinary officer suspects him or her of carrying on his or her business, or any premises suspected by any veterinary officer of being used for the purposes of preparing hides or skins, for the purposes of ascertaining whether the provisions of this Act or of any rules made under this Act are being observed, and may inspect any hides or skins found on the premises and may take any such hides or skins as samples for the purpose of instituting any proceedings under this Act or under any rules made under this Act.

Any veterinary officer, if he or she has reasonable cause to believe that any offence is being committed against any of the provisions of this Act or of any rules made under this Act in respect of any hides or skins, may take possession of the hides or skins, brand with a distinguishing mark the hides or skins, or, by order in writing, require the person in possession of the hides or skins to retain the hides or skins in his or her possession pending any orders from the commissioner for the taking into possession of the hides or skins.

Any veterinary officer or any police officer of or above the rank of assistant inspector, or any other police officer authorised in writing for that purpose by a district commissioner or by any police officer of or above the rank of assistant inspector may stop and examine any vehicle carrying, or suspected by him or her to be carrying, hides or skins, and may inspect any hides or skins found in the vehicle or in the possession of such person; or he or she may direct the person in charge of the vehicle to convey the hides and skins to some suitable place where they may be inspected by a veterinary officer as provided for in subsections (1) and (2).

(4) No action shall lie against the Government or any officer of the Government or any person exercising with proper authority the duties of any such officer for any act done in good faith under this Act.

PART V—OFFENCES.

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

No person shall sell or offer for sale, and no holder of a buyers licence or exporters-buyers licence shall be in possession of, purchase, sell or offer for sale any dried hide or skin which is smeared with blood, dung or any foreign substance or which is seriously damaged by knife cuts or scores in the preparation or otherwise, or which is not properly dried and in a fit condition for storage; except that a holder of a buyers licence may purchase and prepare green hides and green skins if licensed for that purpose in accordance with section 3(2).

13. Only exporters to apply regional brand marks.

No person other than the holder of an exporters-buyers licence or a person acting under his or her instructions shall place on any hide or skin the distinguishing mark referred to under section 9(2)(c), nor remove for export or sale any hide or skin from the region in which it has been prepared.

14. Miscellaneous offences; general penalty.

(1) Any person who—

treats or prepares any ground dried hide or skin with the object of selling it as a suspension dried hide or skin;

treats any hide or skin in any manner whatsoever in order to cover up or disguise any cuts, scratches, gouges, sores, brand marks, disease lesions or any other flaws or blemishes;

makes any statement which is to his or her knowledge untrue in any application for any licence or certificate required under this Act or of any rules made under this Act;

contravenes any of the provisions of this Act or of any rules or of any lawful order made or issued under this Act;

commits a breach of any of the conditions set forth in or attached to any licence or certificate issued to him or her under this Act; or

obstructs any veterinary officer or any other authorised person in the exercise of his or her powers and duties under this Act or any rules made under this Act, commits an offence against this Act.

(2) Any person who commits an offence against this Act or any rules made under this Act is liable on conviction to a fine not exceeding two thousand shillings or to a term of imprisonment not exceeding six months or to both such fine and such imprisonment, and the court in convicting any person under this section may in addition to any penalty it may impose order that all or any hides and skins in respect of which the offence or breach has been committed shall be forfeited to the Government; except that where the person charged with an offence is a body corporate, the body corporate is liable to a fine not exceeding ten thousand shillings.

PART VI—MISCELLANEOUS.

15. Power to make rules.

(1) The Minister may make rules generally for the purpose of regulating the trade in hides and skins and improving the quality of hides and skins produced, prepared, sold or tanned in, or exported from Uganda, and without prejudice to the generality of the foregoing, for all or any of the following purposes—

prescribing the form and manner of application for, any conditions to be attached to, the fee to be paid for, and all matters relating to any licence or certificate to be issued, renewed or transferred under this Act;

requiring terms to be made by buyers and exporters and prescribing the persons to whom, and the form in which the returns shall be made;

regulating the grading and classification of hides and skins and defining the grades and classes of hides and skins;

regulating the methods of purchase, sale and marketing of hides and skins;

regulating the prices to be paid to producers for the various grades and classes of hides and skins;

prescribing the minimum constructional standards for premises

used by exporters and buyers for the purchase and storage of hides or skins or hides and skins;

(g) regulating the manner and method of marking or labelling hides and skins for export or to denote grade, type, area and region of origin;

(h) prohibiting or controlling the movement of hides and skins— (i) from one part of Uganda to any other part of Uganda; (ii) from any part of Uganda to any neighbouring territory; or (iii) from any neighbouring territory through Uganda to any place of export;

(i) prohibiting, regulating and controlling the offering for sale, or the buying or the export of any kind of hide or skin not prepared in the prescribed manner, or which is not in the prescribed condition, or of a prescribed weight, or which has been mutilated by brand marks or in any other way, or is for any other reason deemed unfit or unsuitable for sale, purchase or export;

(j) prescribing the conditions under which a person may deal in green hides and skins and for regulating and controlling the issue of and prescribing the conditions to be attached to any licence for buying or dealing in green hides and green skins;

(k) regulating and controlling the methods which may or may not be used in preparing hides and skins;

(1) prescribing the methods to be employed in treatment, protection, storage and baling of hides and skins with the object of preserving them or improving their general quality either before or after they are prepared;

(m) prescribing the hours, methods and conditions of business for the sale and purchase of any hides and skins at licensed or registered premises;

(n) prescribing anything under the provisions of this Act to be prescribed;

(o) generally for better carrying out the provisions of this Act.

(2) Rules made under this section may be of general application throughout Uganda or all or any of the rules may be limited in their application to certain areas of Uganda or to certain classes of hides and skins or otherwise as the Minister may think fit.

16. Delegation of powers.

The commissioner may delegate all or any powers, duties and functions conferred or imposed upon him or her by this Act to any person in respect of the whole of Uganda or any area of Uganda.

17. Saving.

The provisions of this Act shall be in addition to and not in derogation of the provisions of any written law relating to public health, urban authorities or trading.

History: Cap. 225; Decree 5/1972.

Cross References

Companies Act, Cap. 110.
Cooperative Societies Act, Cap. 112.
Hides and Skins (Export Duty) Act, Cap. 339.
