

REPUBLIC OF ZAMBIA

THE BRANDS ACT

CHAPTER 244 OF THE LAWS OF ZAMBIA

CHAPTER 244 THE BRANDS ACT

THE BRANDS ACT

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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;

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- (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-
- (a) horses;
- (b) cattle;
- (c) sheep and goats.
- Registers to be kept

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

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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;

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- (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)*

SUBSIDIARY LEGISLATION

BRANDS

THE BRANDS REGULATIONS

ARRANGEMENT OF REGULATIONS

Regulation

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FIRST SCHEDULE-Prescribed forms

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50 of 1931

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280 of 1953

298 of 1955

24 of 1956

93 of 1956

207 of 1960

24 of 1961

497 of 1964

Statutory Instruments

57 of 1965

25 of 1983

29 of 1983

Act No.

13 of 1994

1. These Regulations may be cited as the Brands Regulations.

Title

2. In these Regulations, unless the context otherwise requires-

Interpretation

"allotted brand" means a brand allotted to an applicant by the Registrar;

"selected brand" means a brand chosen by any applicant and submitted to the Registrar for registration.

(As amended by No. 24 of 1956)

3. For the purposes of the Act and of these Regulations, the Brand Districts shall coincide with the areas covered by provinces as demarcated in the Provinces and Districts (Division) Order.

Brands Districts
Cap 286

(As amended by S.I. No. 25 of 1983)

4. (1) The form of application for registration of a brand shall be that set out in Form 1 in the First Schedule.

Prescribed forms

(2) The form of application for registration of a selected brand shall be that set out in Form 2 in the First Schedule.

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(3) The form of a certificate of registration shall be that set out in Form 3 in the First Schedule.

(4) The form of a transfer of a brand from one registered proprietor to another shall be that set out in Form 4 in the First Schedule.

(5) The form of a certificate of such transfer shall be that set out in Form 5 in the First Schedule.

(No. 24 of 1956)

5. (1) Save as hereinafter provided, every allotted brand shall consist of a set of two letters arranged horizontally, and a set of two digits also arranged horizontally, so that the letters and the digits together occupy the four quarters of an imaginary square wherein the set of letters shall comprise any of the letters of the alphabet excluding I, O, S and Z, and shall be placed either above or below the set of digits which shall comprise the integers 1 to 9. Form of brand

(2) The Registrar or such other public officer as may be designated in that behalf shall keep a register of all the brands possible under sub-regulation (1), in accordance with the tables set out in the Second Schedule.

(As amended by S.I. No. 25 of 1983)

6. The public bodies and organisations set out in the first column of the Fourth Schedule shall be deemed to be the registered proprietors of the respective brands set out in the second column of that Schedule. Special brands

(As amended by S.I. No. 25 of 1983)

7. One brand and no more shall be allotted to any person in one Brands District. Number of brands to be allotted

8. The size of the characters of every allotted brand branded on stock of the age of twelve months and over shall be eight centimetres in height and six centimetres in width, but stock under the age of twelve months may be branded with characters of one-half of the above size. Size of brands

(As amended by G.N. No. 24 of 1956 and S.I. No. 25 of 1983)

9. (1) An applicant for an allotted brand shall be allotted the next vacant brand appearing in the register kept under sub-regulation (2) of regulation 5. Allotment of brands

(2) An applicant for registration of a selected brand may, at the discretion of the Registrar, be registered as the proprietor of that brand.

(As amended by G.N. No. 24 of 1956 and S.I. No. 25 of 1983)

- 10.** There shall be payable to the Registrar- Prescribed fees
- (a) for every separate registration of an allotted brand, thirteen fee units;
 - (b) for every separate registration of a selected brand, twenty-five fee units;
 - (c) for every transfer of a brand, thirteen fee units;
 - (d) where the brand symbol selected by any applicant necessitates special printing arrangements, the cost of such printing shall be borne by the applicant.

(G.N. No. 24 of 1956 as amended by No. 93 of 1956 and Act No. 13 of 1994)

- 11.** All brands shall be imprinted on stock as follows: Imprinting of brands
- (a) In the case of horses, mules or donkeys, the first brand shall be imprinted on the left side of the neck or on the left rump, and any second or subsequent brand shall (where there is sufficient space for such purpose) be imprinted on the same part of such animal and at a distance of not less than 3.81 centimetres from and directly underneath the last imprint.

(As amended by S.I. No. 25 of 1983)

Where there is not sufficient space for the purpose, then such second or subsequent brand shall be imprinted on that part of such animal next in order according to the following table:

- (i) right neck or rump (or thigh);
 - (ii) left shoulder (or top of arm);
 - (iii) right shoulder (or top of arm).
- (b) In the case of cattle, the first brand shall be imprinted on the left rump (or thigh), and any second or subsequent brand shall (where there is sufficient space for the purpose) be imprinted on the same part of such animal and at a distance of not less than 3.81 centimetres from and directly underneath the last imprint.

Where there is not sufficient space for the purpose, then such second or subsequent brand shall be imprinted on that part of such animal next in order according to the following table:

- (i) right rump (or thigh);
- (ii) right shoulder (or top of arm);

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- (iii) left shoulder (or top of arm).
- (c) In the case of sheep and goats, the first brand shall be imprinted on the right shoulder, and any second or subsequent brand in the following order:
 - (i) right side or ribs;
 - (ii) right rump (or thigh);
 - (iii) left shoulder;
 - (iv) left side or ribs;
 - (v) left rump (or thigh).

(As amended by No. 280 of 1953)

- 12.** Each proprietor of a registered brand shall have the right, in addition to imprinting his brand in the manner above prescribed, to place such brand on the ears of such animals by punching, tattooing or ear rivets. Branding of ears
- 13.** The owner of any brand may surrender the same, and the Registrar shall, on receipt of notice thereof, cancel the registration by Gazette notice. Surrender of brand
- 14.** When it appears to the Registrar, upon the report of an Assistant District Secretary or a Veterinary Officer, that a registered brand is not in use, he may cause notice thereof to be given to the owner thereof calling upon him to show cause why the same should not be cancelled; if cause is not shown to the satisfaction of the Registrar within six months after such notice, he may cancel the brand. Cancellation of brand
- 15.** No brand which has been surrendered or cancelled shall be re-allotted until a period of five years from such surrender or cancellation has elapsed. Re-allotment of brand
- 16.** The Registrar shall, at the end of each year or as soon thereafter as possible, transmit for publication in the *Gazette* a statement, as set out in the Third Schedule, of all brands registered under the Act during the previous twelve months. Annual return of brands registered
- 17.** The Registrar shall allot a brand to every public pound already or hereafter to be established, and shall register the same. Public pound
- 18.** (1) A brand allotted to a public pound shall be in the form set out in regulation 5, except that the set of letters shall comprise the letter O horizontally followed by the letter (or the first of the letters) designating the Brand District in which the pound is located. Branding by pound-masters

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(2) On the sale of any stock which was impounded, the poundmaster shall brand the same with the brand allotted to such pound, in accordance with these Regulations so as to show clearly that the said brand is the last brand imprinted on such stock.

(3) Any poundmaster who fails to comply with the provisions of sub-regulation (2) shall be guilty of an offence and shall be liable, on conviction, to a fine not exceeding five hundred and twenty-five penalty units, or to imprisonment for a period not exceeding three months, or to both.

(4) The Registrar shall maintain a register of brands allotted to pounds.

(As amended by S.I. No. 25 of 1983 and Act No. 13 of 1994)

FIRST SCHEDULE

PRESCRIBED FORMS

REPUBLIC OF ZAMBIA
THE BRANDS REGULATIONS
APPLICATION FOR BRAND

Section A.

To the Registrar,

.....

I/we enclose the prescribed fee of fee units and request
a brand for the holding or place mentioned in the Schedule below.

Full name of applicant	Address	Brand District for which Brand is required

Date

.....
Signature of Applicant
(No 29 of 1983)

Section B.

For Official Use Only
Comments from Village Headman or District Council in whose area the applicant resides:

.....
.....
.....

Date

Signed
.....
(Name in block letters)

Comments from Zambia Police in the applicant's locality:

.....
.....
.....

Date

Signed
.....
(Name in block letters)

Brand allotted:

Certificate of Registration No

Date

.....
Registrar of Brands
(As Amended by S.I. No. 29 of 1983
and Act No. 13 of 1994)

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REPUBLIC OF ZAMBIA
THE BRANDS REGULATIONS

FORM 2
(Regulation 4 (2))

APPLICATION FOR SELECTED BRAND

To the Registrar,

.....

Herewith I/we enclose the prescribed fee of and request that you will register the brand* for the holding or place mentioned in the Schedule below.

*Insert brand symbol

Full name of Applicant	Address	Brand District for which Brand is required

Date

.....

Applicant
(As Amended by G.N. No. 24 of 1956
and S.I. No. 25 of 1983)

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THE BRANDS REGULATIONS

FORM 3
(Regulation 4 (3))

CERTIFICATE OF REGISTRATION OF A BRAND

No
..... day of.....

I hereby 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) set forth in the Schedule below.

(As amended by S.I. No. 25 of 1983)

Owner's full Name	Address	Brand District for which Brand is required	Date of Registration

Fee

Diagram of Brand

.....
Registrar of Brands
(As Amended by G.N. No. 24 of 1956
and S.I. No. 25 of 1983)

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 REPUBLIC OF ZAMBIA
 THE BRANDS REGULATIONS

FORM 4
 (Regulation 4 (4))

MEMORANDUM OF TRANSFER OF A BRAND

I/We, being the registered owner(s) of the brand set forth in the Schedule below, do hereby agree to the transfer of the same to of and hereby request that the same may be registered accordingly

And I/We, the second undersigned, do also hereby agree to the said transfer and enclose the fee therefor, fee units.

Witness Owner
 Address.....

Witness Owner
 Address.....

Brand	Name and Address of Registered Owner of Brand	Brand District for which Brand is registered	No. of Certificate	Date of Registration

*(As amended by G.N. No. 24 of 1956,
 S.I. No. 25 of 1983 and Act No. 13 of 1994)*

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REPUBLIC OF ZAMBIA
THE BRANDS REGULATIONS

FORM 5
(Regulation 4 (5))

CERTIFICATE OF TRANSFER

No Date

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

Fee paid Dated this day of

.....
Registrar of Brands

Brand	Transferee's Name and Address	Brand District where Brand is to be used	No. of Certificate	Date of Registration

(As amended by G.N. No. 24 of 1956)
and S.I. No. 25 of 1983)

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SECOND SCHEDULE
(Regulation 5 (2))

Brands Allotted to Different Brands Districts

Name of Brand District	Set of letters starting with	Followed by any of the letters
Lusaka	A	A, B, C, D, E, F, G, H, J, K, L, M, N, P, Q, R, T, U, V, W, X, Y.
	B	as above
	C	as above
Central	D	as above
	E	as above
	F	as above
Copperbelt ..	G	as above
Luapula.. ..	H	as above
Northern.. ..	J	as above
	K	as above
Eastern.. ..	L	as above
	M	as above
Southern	N	as above
	P	as above
	Q	as above
	R	as above
	T	as above
Western.. ..	U	as above
	V	as above
	W	as above
	X	as above
North-Western	Y	as above

(As amended by S.I. No. 25 of 1983)

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THIRD SCHEDULE

REPUBLIC OF ZAMBIA

THE BRANDS REGULATIONS

(Regulation 16)

RETURNS OF BRANDS REGISTERED

During the year ended 31st December, 19, for the District of
under the Brands Act.

Name of Registered Owner	Address	Brand District for which Brand is registered	Particulars of Brand		
			Brand allotted	No. of Certificate	Date of Registration

(As amended by S.I. No. 24 of 1956
and S.I. No. 25 of 1983)

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FOURTH SCHEDULE

(Regulation 6)

BRANDS ALLOTTED TO PUBLIC BODIES AND ORGANISATIONS

Body or organisation	Brands
Government of Zambia and its Ministries and Departments	Z placed above two digits from 1 to 9
Department of Veterinary and Tsetse Control Services for purpose of identifying origin or treatment under regulation 8 of Stock Diseases Regulations (Cap. 252)	Z

(As amended by S.I. No. 25 of 1983)