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Hides and Skins Act, No. 65 of 1955

Act 65 of 1955

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Hides and Skins Act, No. 65 of 1955

Act 65 of 1955

Commenced on 1 January 1956

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

An Act to provide for improved methods of handling and marketing of hides and skins.

1. Short title

This Act may be cited as the Hides and Skins Act, No. 65 of 1955.

2. Interpretation

In this Act, unless the context otherwise requires—

"**agent's certificate**" means a certificate issued under [section 3\(2\)](#);

"**buyer**" means any person who is the holder of a buyer's licence;

"**buyer's licence**" means a licence issued under the provisions of [section 4](#);

"**Director**" means the Director of Veterinary Services;

"**export**" means export to countries other than Lesotho, Botswana and the Republic of South Africa;

"**exporter**" means any person who is the holder of an exporter's licence

"**exporter's licence**" means a licence issued under [section 8](#);

"**green hide**" or "green skin" means a hide or skin which is not wholly dried, salted, pickled or tanned;

"**hide**" means the hide of a bovine animal;

"**inspector**" means any person authorised by the Director of Veterinary Services to act as an inspector for the purposes of this Act, or of any regulations made thereunder;

"**licensing officer**" means any person authorised by the Minister to issue licences under this Act;

"**Minister**" means the Minister for Enterprise and Employment;

"**preparation**" includes the processes of cleansing, fleshing, salting or drying, or any other process prescribed from time to time under this Act or under the regulations made thereunder, and the expressions "prepared" and "prepare" shall be construed accordingly;

"**registrar of brands**" means the officer appointed as registrar of brands in terms of the Great Stock Brands Act, [No. 64 of 1937](#);

"**skin**" means the skin of a sheep or goat or game animal;

"**stock inspector**" means a stock inspector in the employ of the Government.

3. Buyer's licence

- (1) No person shall on his own account for the purpose of resale or for export from Swaziland, buy a hide or skin unless he is in possession of a valid buyer's licence issued to him by a licensing officer.
- (2) No person shall act as a buyer's agent unless he is in possession of a valid agent's certificate.

- (3) Such a certificate which shall be in a form approved by the Director, may be issued by the licensing officer only to a nominee of a person in possession of a valid buyer's licence.
- (4) The Regional Administrator of the district concerned may at any time, for what appears to him to be good and sufficient reason, cancel any such certificate.
- (5) The interest in any buyer's licence of which a period of not less than three months remains unexpired may on assignment by the licence holder and with the consent of the licensing officer be transferred to any person purchasing or taking over such licence holder's business.
- (6) The interest in an agent's certificate may with the consent of the licensing officer, be transferred by means of an endorsement on the certificate from one nominee of a buyer to another.

4. Application for a buyer's licence

- (1) A person who wishes to obtain or renew a buyer's licence shall apply therefor, to the licensing officer of the area in which he intends to buy hides and skins in the prescribed manner.
- (2) The licensing officer, upon receiving any such application, may in his discretion and 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 upon payment of the fee prescribed in the regulations.
- (3) A buyer's licence or agent's certificate shall, unless previously cancelled or suspended under the powers conferred by [section 6](#), remain in force until the thirty-first day of December of the year in respect of which it is issued.

5. Conditions of a buyer's licence

In addition to any conditions which may be prescribed under [section 18](#), it shall be a condition of every buyer's licence that the licensee or any buying agent employed by him shall—

- (a) keep any hides or skins purchased by him free from damage;
- (b) buy and sell each hide by grade as well as by weight;
- (c) buy and sell each skin by grade as well as by weight or the piece;
- (d) carry out the grading of the hides and skins at the time of purchase to the satisfaction of the Director;
- (e) at the time and place of purchase display prominently a notice specifying the prices he offers for each grade of hide or skin;
- (f) not buy hides or skins at lower prices than those displayed as provided in paragraph (e);
- (g) buy hides or skins for cash on delivery at not less than such minimum price as may from time to time be specified by the Minister;
- (h) keep proper books in the English or siSwati or Zulu language in a manner satisfactory to the Director:

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

6. Cancellation or suspension of a buyers' licence

- (1) A licensing officer may cancel or suspend any buyer's licence for such period as he deems fit if he is satisfied that the holder thereof—
 - (a) has been convicted of an offence against any of the provisions of this Act, or the regulations made thereunder;

- (b) has committed a breach of any of the conditions subject to which his licence was issued; or
 - (c) has been convicted of any offence involving fraud or dishonesty, or is an unrehabilitated insolvent.
- (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 and liable on conviction to a fine not exceeding fifty rand or in default of payment thereof, imprisonment for a period not exceeding two months.

7. Ports of exit

No hide or skin may be exported except through a port or place specified in any regulation made in terms of [section 18\(o\)](#).

8. Veterinary permit

No person shall export any hide or skin unless he is in possession of a valid exporter's licence issued to him by the Minister and a veterinary permit issued by the Director.

9. Exporter's licence

- (1) Any person who wishes to obtain or renew an exporter's licence shall apply therefor, in the prescribed manner, and on payment of the fee prescribed in the regulations, the Minister may issue to the applicant an exporter's licence or a renewal thereof.
- (2) Every such licence shall specify the premises to which it relates.
- (3) If during the validity of a licence the licensee desires to erect new premises or alter or extend existing premises he may apply to the Director for an amendment of the registration certificate issued under [section 12\(1\)](#) to include such new or altered or extended premises, and the Minister shall thereupon make the necessary amendment to the licence.
- (4) The interest in any exporter's licence of which a period of not less than three months remains unexpired may on assignment by the licence holder and with the consent of the Minister, be transferred to any person qualified in terms of this Act.
- (5) The Minister shall 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 in which the applicant proposes to carry on his business do not conform with the requirements of this Act; or
 - (c) the applicant has, within the five years immediately preceding the date of his application, been convicted of an offence against any of the provisions of this Act; or
 - (d) the applicant has, within the five years immediately preceding the date of his application, been convicted of any offence involving dishonesty or fraud, or is an unrehabilitated insolvent.
- (6) For the purposes of sub-section (5)(c) and (d), "applicant" includes, in the case of a company or firm, any director or partner of such company or firm and its local manager.
- (7) Every exporter's licence shall expire on the thirty-first day of December of the year of issue.
- (8) The Minister may refuse the grant, renewal or transfer of any exporter's licence without assigning any reason.

10. Conditions of exporter's licence

In addition to any conditions which may be prescribed under the provisions of this Act, 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 Director;
- (b) carry out the grading of the hides and skins to the satisfaction of the Director; and
- (c) keep proper books in English in a manner satisfactory to the Director.

11. Cancellation or suspension of exporter's licence

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

- (a) fails to pay prices laid down by the Minister in terms of [section 18](#) for each grade; or
- (b) has been convicted of an offence against any of the provisions of this Act; or
- (c) has committed a breach of any of the conditions subject to which his licence was issued; or
- (d) has been convicted of an offence involving fraud or dishonesty or is an unrehabilitated insolvent; or
- (e) has ceased to have sufficient resources or adequate facilities or is employing staff who lack technical knowledge to enable him to engage in trading hides and skins for export in the manner provided by this Act, or has had withdrawn the registration certificate issued in terms of [section 12](#).

12. Registration of premises and powers of the Director

- (1) No premises may be used for the purposes of handling hides for export until they have been approved as suitable for such purpose by the Director who, if he so approves, shall issue the owner or occupier with a registration certificate in respect of such premises upon payment of the prescribed fee.
- (2) The Director may—
 - (a) refuse to approve premises if, in his opinion, they are unsuitable for the purpose, 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 hides and skins are not being prepared or dried therein in a manner which is, in his opinion, satisfactory;
 - (c) cancel or suspend the registration if the premises should at any time cease to comply with this Act;
 - (d) amend any certificate of registration.

13. Period of validity of registration certificate

A registration certificate shall unless cancelled or suspended under [section 12](#), remain in force until the thirty-first day of December of the year in which it is issued.

14. Appeals

Any person who is aggrieved by the decision of a licensing officer given under [section 4](#) or [section 6](#), of the Director given under the provisions of [section 12](#) may, in writing, require such licensing officer or Director, as the case may be, to supply him, in writing, with the reasons for his decision and such person may, within fourteen days of the date of such decision, appeal in the prescribed manner to the Minister whose decision on appeal shall be final.

15. Powers of inspection, search and seizure

- (1) The Director or any inspector may at all reasonable times enter any premises in which any exporter of hides or skins carries on, or in which any inspector or other authorised person suspects him of carrying on his business, or any premises registered under [section 12](#), or suspected by any inspector or other authorised 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) An inspector or member of the Royal Swaziland Police of the rank of sub-inspector or above, 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 such hides or skins in his possession pending the orders of the licensing officer.
- (3) Any member of the Royal Swaziland Police of the rank of sub-inspector or above, or any inspector, may stop and examine any vehicle carrying, or suspected by him to be carrying, hides or skins and may stop any person carrying, or suspected by him to be carrying, hides and skins, and may inspect any hides or skins in such vehicle or in the possession of such person.
- (4) No action shall lie against the Government or any officer thereof, or any persons exercising with proper authority the duties of such officer for any act done in good faith under this Act.

16. Disputes as to grading

- (1) Where the person who produces any hide or skin for sale to a buyer is dissatisfied with the buyer's grading, the dispute may be referred to the Director or any other person authorised in writing for the purpose by the Director.
- (2) 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 as fixed by such person.

17. Offences

Any person who—

- (a) treats any hide or skin with any substance not specified under the provisions of this law;
- (b) treats or prepares any sub-dried hide or skin with the object of selling it as a shade or suspension-dried hide or skin;
- (c) without the permission of the Director or an inspector, soaks, immerses or in any other way applies liquid to any hide or skin which has been partially or wholly dried;
- (d) without the consent of the Director, or of an inspector, removes, alters or defaces any mark or label made on or attached to a hide or skin in pursuance of the provisions of this Act;
- (e) makes any statement, which is to his knowledge untrue, in any application for any licence required under the provisions of this Act;
- (f) contravenes, or fails to comply with sections [3](#), [7](#), [8](#) and [12](#) of this Act for which no special penalty is provided;
- (g) commits a breach of, or fails to comply with any of the conditions of any licence issued to him under this Act;

- (h) obstructs any inspector, or any other authorised person, in the exercise of his powers and duties under this Act;

shall be guilty of an offence and liable, on conviction to a fine not exceeding two hundred emalengeni and in default of payment thereof, to a period of imprisonment not exceeding six months or to both such fine and imprisonment:

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

18. Regulations

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

- (a) prescribing the method of application for, the conditions to be attached to, and the fee to be paid for, 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 form in which, such returns shall be made;
- (c) regulating the grading and classification of hides and skins and defining the grades and classes thereof;
- (d) regulating the manner and method for marking or labelling hides and skins for export or to denote grade, type and district of origin;
- (e) prohibiting or controlling the movement of hides and skins from one part to any other part of Swaziland; or from or to any neighbouring country;
- (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 the prescribed manner, or which is not in a prescribed condition, or which has been so mutilated by brand marks or in any other way so as to render it, in the opinion of a prescribed person, unfit or unsuitable for sale, purchase or export;
- (g) providing for the imposition of a levy or tax on hides and skins either generally, or on any specified grade or class of hides or skins;
- (h) prescribing the conditions under which a person may deal in green hides and green skins and for regulating and controlling the issue of and prescribing the conditions to, any licence for buying or dealing in hides and skins;
- (i) regulating the prices to be paid to producers for the various grades of hides and skins;
- (j) regulating the relationship between the prices to be paid for the various grades of hides and skins;
- (k) regulating and controlling the methods which may or may not be used in preparing hides and skins;
- (l) prescribing the method to be employed when removing a hide or skin from an animal;
- (m) prescribing the method to be employed in the treatment of hides and skins, with the object of preserving them or of improving their general quality, either before or after they are dried;
- (n) requiring buyers and exporters in specified areas to—
 - (i) keep registers as may be prescribed;
 - (ii) preserve such registers for a defined period from the date of the last entry therein; and
 - (iii) produce such registers for inspection when called upon to do so by an inspector;
- (o) regulating the ports or places through which the export of hides or skins shall be permitted;

- (p) prescribing the method 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;
- (q) prescribing anything required under the provisions of this Act to be prescribed;
- (r) prescribing penalties not exceeding those laid down in [section 17](#) for contraventions of these regulations;
- (s) generally for the better carrying out of this Act.