

CHAPTER 120

THE HIDES AND SKIN TRADE ACT

[PRINCIPAL LEGISLATION]

ARRANGEMENT OF SECTIONS

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CHAPTER 120

THE HIDES AND SKIN TRADE ACT

An Act to provide for trade in hides and skin or related matters.

[10th January, 1964] (s. 1(1))

[10th January, 1965] (s. 1(2))

Act No. 68 of 1963

[R.L. Cap. 544]

Act No. 30 of 1965

PART I

PRELIMINARY PROVISIONS (ss 1-2)

[PCh120s1]1. Short title

This Act may be cited as the Hides and Skin Trade Act.

[PCh120s2]2. Interpretation Act No. 30 of 1965 s. 2

(1) In this Act, unless the context requires otherwise—

"deal" means to buy or sell or to offer to buy or sell either as principal or agent, and "dealer" shall be construed accordingly;

"Director" means the Director of the Development Division in the Ministry of Agriculture;

"export" means export to any country outside Tanzania, and "exporter" shall be construed accordingly;

"flaying" means the process of removing the hide or skin from an animal;

"gluestock" means a hide or skin which has been rejected by an inspector or cut into pieces;

"green hide" and "green skin" mean respectively a hide or skin which is neither wholly nor partly dried, salted, pickled or tanned;

"ground dried" in relation to a hide or skin means dried by a method other than that of suspension drying or dry salting;

"hide" means the hide of a bovine animal and includes the skin of a calf;

"hide dresser's licence" means a licence issued under section 11;

"hide grader's licence" means a licence issued under section 13;

"inspector" means a person appointed to be an inspector under section 23, and "the inspector" means the inspector appointed for the relevant district;

"licensing authority" means a person appointed to be a licensing authority under section 23, and "the licensing authority" means the licensing authority appointed for the relevant district;

"Minister" means the Minister responsible for agriculture;

"premises" in relation to a dealer or exporter means the building or place (including storage space) where he carries on his business;

"preparation" includes the processes of flaying, cleaning, fleshing, salting or drying and any other similar process which may be prescribed and "prepare" shall be construed accordingly;

"prescribed" means prescribed by rules made under section 26;

"skin" means the skin of a goat, sheep, game animal, reptile or bird;

"suspension dried" in relation to a hide or skin, means dried by a prescribed method of suspension drying.

(2) References in this Act to conditions attached to a licence are references to conditions so attached by rules made under section 26.

PART II

LICENSING PROVISIONS (ss 3-18)

[PCh120s3]3. Premises to be licensed Act No. 30 of 1965 s. 3

(1) Subject to the provisions of subsection (3) and (4), no person shall, by way of trade, prepare, grade or store any hides or skins at any premises, or make or accept

delivery of any hides or skins on or for sale at any premises, or export any hides or skins from any premises unless—

(a) the occupier of the premises is the holder of a valid licence issued in respect of the premises under section 6, and the relevant act is carried out in accordance with the conditions of the licence; or

(b) the premises are declared by the Director under this section to be exempt premises and the relevant act is carried out in accordance with the conditions (if any) subject to which they are so exempt.

(2) Any person who contravenes or fails to comply with the provisions of subsection (1) commits an offence and upon conviction is liable to a fine not exceeding four thousand shillings or to imprisonment for a period not exceeding twelve months or to both the fine and imprisonment.

(3) The provisions of subsection (1) shall not apply to any farmer or grazier in relation to the preparation, grading or storage at his own premises of the hide or skin of any animal or carcass of an animal, bred or acquired by him in the course of his occupation as a farmer or grazier, as the case may be.

(4) The provisions of subsection (1) shall not apply to the preparation, storage or delivery by a butcher of hides or skins which have been flayed by him in the course of his occupation.

(5) The Director may, in writing and subject to the conditions which he may think fit to impose—

(a) exempt any person or class of persons from the necessity for compliance with the provisions of subsection (1); and

(b) declare that any premises or class of premises shall be exempt premises.

[PCh120s4]4. Hide dressers to be licensed Act No. 30 of 1965 s. 4

(1) Subject to the provisions of subsection (3), no person shall, by way of trade, prepare any hides or skins either on his own account or as an employee of any other person unless he is the holder of a valid hide dresser's licence issued under section 11 or a provisional hide dresser's licence issued under section 16 and except in accordance with the conditions of that licence.

(2) Any person who contravenes or fails to comply with the provisions of subsection (1) commits an offence and upon conviction is liable to a fine not exceeding two thousand shillings or to imprisonment for a period not exceeding six months or to both the fine and imprisonment.

(3) The provisions of subsection (1) shall not apply to any farmer, grazier or butcher in relation to the preparation on his own premises of the hide or skin of any animal or carcass of any animal bred or acquired by him in the course of his occupation as a farmer, grazier or butcher, as the case may be.

[PCh120s5]5. Hide graders to be licensed

(1) No person shall, by way of trade, grade or select any hides or skins either on his own account or as an employee of any other person unless he is the holder of a valid hide grader's licence issued under section 13 and except in accordance with the conditions of that licence.

(2) Any person who contravenes or fails to comply with the provisions of subsection (1) commits an offence and upon conviction is liable to a fine not exceeding two thousand shillings or to imprisonment for period not exceeding six months or to both the fine and imprisonment.

[PCh120s6]6. Issue of licences in respect of premises

(1) An application for premises to be licensed under this Act shall be made by the occupier in writing in the prescribed form—

(a) in any case in which the premises are to be licensed for the export of hides or skins (whether or not any other act is carried out there), to the Director;

(b) if the premises are not to be licensed for the export of hides or skins, to the licensing authority.

(2) Where an application is made to the Director, in accordance with subsection (1), and is accompanied by the prescribed fee and a report from the inspector, the Director shall, if he is satisfied—

(a) that the premises are constructed and equipped to the standards which are prescribed; and

(b) that the applicant—

(i) is capable of complying with such conditions which are imposed or attached to the licence;

(ii) is in all other respects a suitable person to be granted a licence,

issue, subject to any conditions which he may impose or as may be attached to it, a licence in the form which may be prescribed to the applicant in respect of the premises in respect of which the application is made.

(3) Where an application is made to the licensing authority in accordance with subsection (1), and is accompanied by the prescribed fee and the recommendation of the inspector, the licensing authority shall issue a licence in that behalf, subject to any conditions which the inspector may direct; but in any other case the licensing authority shall refuse the application.

(4) An inspector shall not recommend the issue of a licence under this section unless he is satisfied that the premises are constructed and equipped to the standards which may be prescribed and that the applicant is capable of complying with the conditions which may be attached to the licence and is in all respects a suitable person to be granted a licence, or unless he is directed by the Director under section 19 to recommend the same.

(5) In this section "occupier" in the case of a body corporate or firm includes any director, officer or partner of corporation or firm.

[PCh120s7]7. Duration of licences

(1) A licence issued under section 6 shall, subject to the provisions of section 8, remain in force until the thirty-first day of December next following the date of its issue: Provided that—

(a) where a licence is first issued before the first anniversary of the day appointed by the Minister under subsection (1) of section 1, it shall, subject to the

provisions of section 8, remain in force until the thirty-first day of December in the year next following the year of its issue; and

(b) where a licence is first issued after the thirtieth day of September in any year it shall, subject to the provisions of section 8, remain in force until the thirty-first day of December in the year next following the year of its issue.

(2) Application for the renewal of a licence issued under section 6 shall be made to the authority by whom the licence was issued. Where an application in the prescribed form for a renewal, accompanied by the prescribed fee, is made—

(a) to a licensing authority, the licensing authority shall, unless it has previously been instructed by the inspector to the contrary, renew the licence for a further period of twelve months;

(b) to the Director, the Director may renew the licence for a further period of twelve months.

(3) When renewing a licence under subsection (2), the Director may, and if so instructed by the inspector the licensing authority shall, vary the conditions subject to which the licence is issued and impose additional conditions.

[PCh120s8]8. Suspension and cancellation of licences

(1) A licence issued under section 6 may be suspended for a definite or indefinite period, or cancelled, by the Director, if the same was issued by him, or by the inspector if the licence was issued by a licensing authority, if the Director, or the inspector, as the case may be, is satisfied—

(a) that the premises have ceased to be used for the purpose for which the licence was issued;

(b) that the licensee—

(i) has since the licence was issued been convicted of any offence against the provisions of this Act or of any rules made under it;

(ii) has since the licence was issued been convicted of any offence involving fraud or dishonesty;

(iii) has become bankrupt or, if a company, has gone into liquidation;

(iv) has failed to comply with any conditions of the licence.

(2) Any licensee who has been notified that his licence has been suspended or cancelled under this section shall forthwith surrender that licence to the Director or the inspector, as the case may be, by whom it was issued and if he fails, without reasonable excuse, so to do he commits an offence and upon conviction to a fine not exceeding one thousand shillings or to imprisonment for a period not exceeding three months or to both the fine and imprisonment.

(3) In this section "licensee" in the case of a body corporate or firm includes any director, officer or partner of that corporation or firm.

[PCh120s9]9. Licensing authority to keep register

(1) The Director and every licensing authority shall maintain in the form prescribed a register of all licences issued by him under section 6 and of any renewals, suspensions and cancellations of such licences and in any proceedings under this Act the presence in or

absence from any register of the name of any person shall be prima facie evidence that that person is or is not the holder of a licence under that section.

(2) Where an inspector suspends or cancels a licence, he shall immediately inform the licensing authority.

[PCh120s10]10. Licences not transferable

(1) A licence issued under section 6 shall be valid only in respect of the premises in respect of which it was issued and shall not be transferable to any other premises.

(2) A licence issued under section 6 shall not be transferable by the licensee to any other person.

[PCh120s11]11. Issue of hide dresser's licence

(1) Application for a hide dresser's licence shall be made in writing in the prescribed form and accompanied by the prescribed fee to the licensing authority for a district in which the applicant wishes to carry on the occupation of preparing hides and skins.

(2) Where an application is made in accordance with subsection (1) and accompanied by the prescribed fee and the recommendation of the inspector, the licensing authority shall issue a licence in that behalf, subject to any conditions as the inspector may direct; but in any other case the licensing authority shall refuse the application.

(3) An inspector shall not recommend the issue of a licence under this section unless he is satisfied that the applicant is suitably qualified to prepare hides and skins or unless he is directed by the Director under section 19 to recommend the same.

[PCh120s12]12. Duration, etc., of hide dresser's licence

(1) A hide dresser's licence shall be valid from the date of its issue until the licence is cancelled under this section.

(2) A hide dresser's licence may be cancelled by the inspector appointed for any district in which the holder carries on the occupation of preparing hides and skins if he is satisfied that the holder has failed or is unable to prepare hides or skins according to standards prescribed or has failed to comply with any conditions of the licence.

(3) A person whose hide dresser's licence has been cancelled may at any time apply under section 11 for the issue of a new licence.

(4) A hide dresser's licence shall be valid throughout Tanzania.

(5) A hide dresser's licence shall not be transferable by the holder to any other person.

[PCh120s13]13. Issue of hide grader's licence

(1) Application for a hide grader's licence shall be made in writing in the prescribed form and accompanied by the prescribed fee to the licensing authority for a district in which the applicant wishes to carry on the occupation of grading hides and skins.

(2) Where an application is made in accordance with subsection (1) and accompanied by the prescribed fee and the recommendation of the inspector, the licensing authority shall issue a licence in that behalf, subject to any conditions which the inspector may direct; but in any other case the licensing authority shall refuse the application.

(3) An inspector shall not recommend the issue of a licence under this section unless he is satisfied that the applicant is suitably qualified to grade hides and skins or unless he is directed by the Director under section 19 to recommend the same.

[PCh120s14]14. Duration, etc., of hide grader's licence

(1) A hide grader's licence shall be valid from the date of its issue until the licence is cancelled under this section.

(2) A hide grader's licence may be cancelled by the inspector appointed for any district in which the holder carries on the occupation of grading hides and skins if he is satisfied that the holder has failed or is unable to grade hides or skins according to the standards prescribed or has failed to comply with any condition of the licence.

(3) A person whose hide grader's licence has been cancelled may at any time apply under section 13 for the issue of a new licence.

(4) A hide grader's licence shall be valid throughout Tanzania.

(5) A hide grader's licence shall not be transferable by the holder to any other person.

[PCh120s15]15. Surrender when licence cancelled

Where the holder of a hide dresser's licence or a hide grader's licence is notified that his licence has been cancelled under section 12 or section 14, as the case may be, he shall immediately surrender the licence to the inspector and if he fails, without reasonable excuse, so to do he commits an offence and upon conviction is liable to a fine not exceeding one thousand shillings or to imprisonment for a period not exceeding three months or to both the fine and imprisonment.

[PCh120s16]16. Provisional licences

(1) Any person who is undergoing or who proposes to undergo training in the preparation of hides and skins may apply in writing in the prescribed form to the inspector

for the district in which the premises at which the training is or is to be carried out for a provisional hide dresser's licence.

(2) Where an application is made in accordance with subsection (1), accompanied by the prescribed fee and the recommendation of the inspector, the licensing authority shall issue a licence in that behalf, subject to any conditions which the inspector may direct, but in any other case the licensing authority shall refuse the application.

(3) An inspector shall not recommend the issue of a licence under this section unless he is satisfied that the training or proposed training is or will be satisfactory, or unless he is directed by the Director under section 19 to recommend the same.

(4) A provisional licence issued under this section shall, subject to the provisions of subsection (5), remain valid for a period of one year from the date of its issue but may be renewed if the inspector so recommends by the licensing authority by which it was issued on payment of the prescribed fee for a single further period of one year.

(5) A provisional licence issued under this section may be cancelled by the inspector if he is satisfied that the holder has ceased to undergo the training in respect of which the licence was issued or that the training has ceased to be satisfactory.

(6) A provisional licence issued under this section shall not be transferable by the holder to any other person.

[PCh120s17]17. Replacement of lost licences

Any holder of a licence issued under this Act whose licence has been lost or destroyed may on payment of the prescribed fee obtain a duplicate licence from the licensing authority by which the original licence was issued.

[PCh120s18]18. Government officers exempt from payment of fees

Notwithstanding the foregoing provisions of this Act, no fees shall be payable for any licence issued, renewed or endorsed, for any duplicate licence issued, under this Act where the applicant is in the service of the Government.

PART III

APPEALS (s 19)

[PCh120s19]19. Appeals

(1) Any person aggrieved—

(a) by refusal or neglect of an inspector to recommend the issue of a licence under Part II, or by the directions of an inspector to annex conditions to a licence or to refuse to renew a licence, or by the suspension or cancellation by an inspector of a licence, may appeal to the Director;

(b) by the refusal or neglect of the Director to issue or renew a licence under section 6 or 7, or by the annexure of any conditions to a licence by the Director, or by the suspension or cancellation by the Director of a licence, may appeal to the Minister.

(2) Every appeal shall be in writing and shall be brought within the time which may be prescribed.

(3) The decision of the Director or the Minister, as the case may be, on any appeal brought under this section shall be final and the inspector or Director, as the case may be, and the licensing authority, shall give effect to it.

PART IV

POWERS OF INSPECTION, SEARCH AND SEIZURE (s 20)

[PCh120s20]20. Inspection, search and seizure

(1) An inspector may, at any reasonable time, enter and inspect any premises in which is carried on or in which he suspects is carried on the business of preparing, storing, grading or exporting hides or skins, for the purpose of ascertaining whether the provisions of this Act or of any rules made under it or the conditions of any licence are being observed, and may inspect any equipment or documents and may inspect and mark in the prescribed manner any hides or skins found on the premises, and may take and retain any hides or skins as samples for the purpose of instituting any proceedings under this Act or any rules made under it.

(2) An inspector who has reasonable cause to believe that an offence has been committed against any of the provisions of this Act or any rules made under it in respect of any hides or skins, may take possession of the hides or skins or may, by order in writing, require the person in possession of the hides or skins to retain them in his possession pending the orders of the Director for the taking into possession of the hides or skins.

(3) Any police officer of or above the rank of assistant inspector, any other police officer authorised in writing in that behalf by a magistrate and any inspector may stop and examine any vehicle carrying, or suspected by him to be carrying, hides or skins, and may inspect any hides and skins or any documents relating to it found in the vehicle or in the possession of the person in charge of it, and may take and retain any hides or skins or may

direct that the person in charge of the vehicle convey them to a reasonable place which the police officer or the inspector may direct.

(4) No suit shall lie against the Government or any officer of the Government or any person duly authorised under this Act for any act done in good faith and without negligence under the powers conferred by this Act.

PART V

OFFENCES (ss 21-22)

[PCh120s21]21. Offence to deal in certain hides

(1) Subject to the provisions of subsections (4) and (5), no person shall, by way of trade, deal in, export or attempt to export any ground dried hide or hides skin.

(2) Subject to the provisions of subsection (4), no person shall, by way of trade, deal in or export or attempt to export any hide or skin which—

- (a) is smeared with blood, dung or any foreign substance;
- (b) has been re-washed or oiled;
- (c) has been smoked;
- (d) has been used for domestic purposes; or
- (e) has not been properly dried or is not in a fit condition for storage.

(3) Any person who contravenes the provisions of subsection (1) or (2) of this section shall be guilty of an offence and liable on conviction to a fine not exceeding one thousand shillings or to imprisonment for a term not exceeding six months or to both the

fine and imprisonment and the hide or skin in respect of which the offence was committed shall be forfeited.

(4) Nothing in the foregoing provisions of this section shall apply to the dealing in or export of glue-stock or to cut or worked skins dealt in or exported as manufactured articles.

(5) The Director may, in writing and subject to any conditions which he may think fit to impose, exempt any person or class of persons from the provisions of subsection (1) or suspend its operation in any part of Tanzania to the extent so specified.

[PCh120s22]22. Other offences

(1) Subject to the provisions of subsection (3), any person who—

(a) treats any hide or skin with any substance not prescribed by rules under this Act, except with the object of manufacturing other articles from such hide or skin;

(b) re-washes, soaks or immerses in water any dried hide or dried skin in such a way as to wet the hide or skin through its substance;

(c) treats any hide or skin in any manner so as to cover up or disguise any cuts, scratches, scores, brand marks, disease lesions or any other flaws or blemishes;

(d) without the consent in writing of the Director or of an inspector authorised in that behalf by the Director, removes, alters or defaces any mark or label made on or attached to any hide or skin pursuant to the provisions of this Act or any rules made under it; or

(e) authorises the collection and transportation in a vehicle or collects and transports in a vehicle any dried hide or skin which is not accompanied by any documents that may be required by rules made under this Act, commits an offence and upon conviction is liable to a fine not exceeding one thousand shillings or to a term of imprisonment not exceeding six months or to both the fine and imprisonment.

(2) Any person who knowingly makes any false or misleading statement in any application for a licence under this Act commits an offence and liable on conviction to a fine not exceeding two thousand shillings or to imprisonment for a term not exceeding twelve months or to both the fine and imprisonment.

(3) Nothing contained in—

(a) paragraphs (a), (b), (c) or (d) of subsection (1) shall apply to hides or skins which are used for the manufacture of harness for yoke oxen, for making thongs for domestic purposes or to any act in the course of manufacture of articles of trade from hides and skins;

(b) paragraph (a) of subsection (1) shall apply to any treatment authorised by the Director for the purposes of testing materials or methods;

(c) paragraph (b) of subsection (1) shall apply to the dipping of any hide or skin in a prescribed insecticide.

PART VI

MISCELLANEOUS PROVISIONS (ss 23-27)

[PCh120s23]23. Appointment of inspectors and licensing authorities

(1) The Director may appoint any person to be an inspector for the purposes this Act and shall when making any such appointment specify the district within which the inspector shall have authority.

(2) The Director may appoint any person to be a licensing authority for the purposes of this Act and shall when making any appointment specify the district for which that person is to be the licensing authority.

[PCh120s24]24. Delegation by Director

The Director may delegate to any person all or any of the powers, duties and functions conferred or imposed upon him by this Act other than the power to determine appeals under Part III, either in respect of the whole of Tanzania or in respect of any part of it.

[PCh120s25]25. Dispute on buyer's grading

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 to a person authorised by him in writing. The decision of the Director or the authorised person shall be final and binding on both parties and the buyer shall, if he buys the hide or skin, pay the price appropriate to the grade as fixed by the Director or the authorised person.

[PCh120s26]26. Rules

(1) The Minister may make rules—

(a) prescribing the form and manner of application for the fees to be paid in respect of, the manner of issue, renewal or endorsement of and the form of any licence of any licence required to be issued under this Act;

(b) prescribing the conditions to be attached to any licence required to be issued under this Act;

(c) regulating the grading and selection of any hides or skins and prescribing the grades, types and classes;

(d) requiring returns to be rendered by dealers and exporters and prescribing the persons to whom and the form in which the returns shall be made;

(e) requiring dealers and exporters to keep records, to preserve the records, to produce the records for inspection as may be required, and to prescribe the form and language in which the records shall be kept;

(f) requiring dealers and exporters to issue documents in respect of dealing in, transfers of or the consignment of hides or skins, to preserve the documents, to produce the documents for inspection as may be required, and to prescribe their form;

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

(h) regulating the manner in which hides or skins may be moved between premises, providing for the control or prohibition of movement of hides or skins from one part of Tanzania to another or from any part of Tanzania to any destination outside Tanzania, and prescribing the form and manner of use of any permits or other documents which may be prescribed to effect control over the movements;

(i) prohibiting, regulating and controlling the dealing in or export of any kind of hide or skin which is not prepared in the prescribed manner, or which is not in a prescribed condition, or of a prescribed weight, size or shape, or which has been mutilated

by brand marks or in any other way, or which for any reason is deemed to be unfit or unsuitable for sale or export;

(j) regulating the method of dealing in and marketing of hides or skins including green hides or green skins;

(k) regulating the prices or differentials between prices to be paid to producers for the different grades, types and classes of hides or skins;

(l) prescribing the methods which may or may not be used in the flaying of an animal and the preparation of hides or skins, and prescribing the tools and equipment to be used in the procedures;

(m) regulating and prescribing the places on the body of an animal and the manner in which brand marks may be made or affixed;

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

(o) prescribing the ports or places and premises through which and the conditions upon which the export of hides or skins shall be permitted;

(p) prescribing the use of and registration of numbers or marks which may be allotted to premises or licensees and prohibiting the use of these numbers or marks by persons other than those to whom they have been allotted;

(q) prescribing the hours, methods or conditions of business for dealing in hides or skins;

(r) prescribing the standards required for any premises before they may be licensed under this Act;

(s) prescribing the standards of efficiency required of persons to be licensed under the provisions of this Act and prescribing for tests to be undergone by applicants for licences before the licences may be granted;

(t) regulating appeals under Part III;

(u) prescribing any thing, which under the provisions of this Act is to be or may be prescribed; and

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

(2) Rules made under this section—

(a) may apply throughout mainland Tanzania or be limited in their application to any specified area of it, and may be applied to specified classes of hides or skins or to specified persons or classes of persons or to specified premises or classes of premises;

(b) may fix penalties for their breach not exceeding a fine of one thousand shillings or imprisonment for a period not exceeding six months or both the fine and imprisonment;

(c) may require acts or things to be done to the satisfaction of any specified person and may empower any specified person to issue directions to any other person requiring acts or things to be done, imposing conditions and prescribing periods and dates upon, within or before which the acts or things shall be done or the conditions fulfilled.

[PCh120s27]27. Repeal

[Repeals R.L. Cap. 287 with saving and transitional provisions.]

