



THE REPUBLIC OF KENYA

LAWS OF KENYA

BRANDING OF STOCK ACT

CHAPTER 357

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CHAPTER 357

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CHAPTER 357
BRANDING OF STOCK ACT

[Date of commencement: 12th December, 1907.]

An Act of Parliament to make provision for the registration of brands of stock

[Act No. 12 of 1907, Cap. 207 (1948), Act No. 24 of 1955, G.N. 1721/1955, L.N. 173/1960, L.N. 305/1960, L.N. 621/1960, Act No. 15 of 1961, L.N. 531/1962, L.N. 256/1963, L.N. 649/1963, L.N. 2/1964, Act No. 30 of 1964, L.N. 365/1964, Act No. 21 of 1966, Act No. 8 of 1968, L.N. 266/1968, Act No. 10 of 1969, L.N. 129/2006, Act No. 17 of 2006, L.N. 167/2016.]

PART I – PRELIMINARY

1. Short title

This Act may be cited as the Branding of Stock Act.

2. Interpretation

In this Act, except where inconsistent with the context—

“**brand**” means a brand duly registered under this Act and made upon any portion of the hide of any stock in manner prescribed by this Act;

“**branding directory**” means an authorized list of brands compiled by the registrar of brands and published by the Government;

“**branding-iron**” means the instrument prescribed for imprinting a brand or mark on stock by this Act;

“**branding instrument**” means any other instrument or tool by which any mark or symbol can be impressed, imprinted or cut on any portion of any stock;

“**cattle**” means any bull, cow, steer, heifer or calf;

“**distinctive mark**” means a lawful mark (other than a registered brand) which any person is empowered by this Act to mark upon any stock;

“**holding**” means any farm or other place where stock is kept;

“**horse**” includes mare, gelding, colt, filly, donkey or mule;

“**inspector**” means any person empowered to act as an inspector of brands under this Act;

“**register**” means the register book kept in pursuance of this Act containing a list of brands for stock registered under this Act;

“**registrar**” means the registrar of brands;

“**residence**” includes house, homestead or dwelling of the owner of any brand or stock;

“**stock**” means horses, cattle, camels, sheep and goats.

[Act No. 30 of 1964, s. 2.]

PART II – BRANDING OF STOCK

3. Registrar and inspectors of brands

(1) It shall be lawful for the Minister to appoint an officer in the Veterinary Department, who shall be called the registrar of brands and whose office shall be in

Nairobi, and such persons as he may think fit from time to time to be inspectors of brands.

(2) The Director of Veterinary Services may appoint any person to be an inspector of brands.

[L.N. 621/1960, Sch., Act No. 15 of 1961, Sch., L.N. 649/1963, Sch., Act No. 30 of 1964, s. 3, Act No. 21 of 1966, First Sch.]

4. Register

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

5. Application for brand

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

Provided that—

- (i) it shall be lawful for the registrar at the request of the owner as aforesaid to allot another combination standing vacant in the register for the same district;
- (ii) it shall not be necessary for a person who owns or occupies land in more than one district to register a separate brand in respect of each district; but such person may elect any one of the districts in which he intends to use such brand and may use the brand registered in respect of that district in any other district in which he shall keep stock.

6. Certificate

Upon the registration of any brand as aforesaid, the registrar shall deliver or transmit to the applicant to whom such brand is allotted a certificate of the registration thereof in Form C in the First Schedule to this Act.

7. Form of registered brand

Every registered brand shall be in such form as may be specified by the registrar.

[Act No. 30 of 1964, s. 4.]

8. Restriction on number of brands and size of characters

(1) One brand and no more shall be allotted to any person in any one district:

Provided that a public body may be allocated such number of different brands as the registrar may determine.

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

[Act No. 30 of 1964, s. 5.]

9. How brands to be imprinted

All brands shall be imprinted on stock as follows—

- (a) the first brand shall be imprinted on the near hind leg below the stifle joint of the animal, and every second or subsequent brand shall, when there is space sufficient for the purpose, be imprinted on the same part of such animal and at a distance of not less than one and a half inches from and directly below the last brand imprinted;
- (b) where there is not sufficient space for the purpose, the second or subsequent brand shall be imprinted on one of the following parts of such animal—
 - (i) off hind leg below the stifle joint;
 - (ii) near side of neck;
 - (iii) off side of neck;
 - (iv) near cheek;
 - (v) off cheek.

[Act No. 30 of 1964, s. 6.]

10. Publication of registered brands

The registrar shall, as soon as possible after the 1st January in each year, publish in the *Gazette* a statement, in Form A in the First Schedule to this Act, of all brands registered under this Act during the preceding year, with the names and addresses of their respective owners.

[Act No. 30 of 1964, s. 6.]

11. Brand directory

The registrar shall, as soon as possible after the 1st January in each year, cause to be compiled a brand directory containing all the brands registered up to that date, with the names and addresses of their respective owners, and shall cause a copy thereof to be forwarded as soon as possible after compilation to the Commissioner of Police and the police officer for the time being in charge of each province, every inspector of brands and every poundmaster of whose appointment he has been notified.

[Act No. 30 of 1964, s. 6, Act No. 21 of 1966, First Sch., L.N. 649/1963, Sch., L.N. 256/1963, Fourth Sch.]

12. Transfer of brands

Any person wishing to transfer his right to any registered brand and the person intending to become the transferee thereof shall sign a document in Form D in the First Schedule to this Act, and shall transmit it to the registrar with a fee of twenty shillings, who may on receipt thereof cancel the registration of the said brand standing in the name of the transferor and register such brand in the name of the transferee, and such transferee shall thereafter be deemed to be the person having the exclusive right to use such brand as aforesaid; or the registrar may return the fees and decline to register the transfer:

Provided that, on the sale of a holding, if the owner does not sell the whole of the stock bearing his brand to the purchaser, the registrar shall not transfer the brand to the purchaser of such holding.

13. Surrender and cancellation of brands

(1) The owner of any brand may surrender the same, and the registrar shall on receipt of notice thereof cancel the registration.

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

[Act No. 8 of 1968, Sch.]

14. Record of transfers, etc.

The registrar shall keep a book in which all transfers, surrenders and cancellations of brands shall be recorded, and the registrar shall notify the same as soon as practicable in the *Gazette*.

[Act No. 30 of 1964, s. 7.]

15. *Repealed by Act No. 8 of 1968, Sch.*

16. Transferor's brand reversed to be branded on stock sold

(1) In every case in which there is sale or transfer of any stock branded with a brand registered under this Act, it shall be the duty of every vendor or transferor immediately to brand each head of stock so sold or transferred with the reverse of his registered brand.

(2) Any person who fails to comply with the provisions of subsection (1) of this section shall be guilty of an offence and liable to a fine not exceeding one thousand five hundred shillings, and in default of payment to imprisonment for a term not exceeding three months.

[Act No. 30 of 1964, s. 8.]

17. *Repealed by Act No. 17 of 2006, s. 86.*

18. Brands for public pounds

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

(2) The first character of every such brand shall be a diamond and the second the dominant letter of the district and the third a numeral, the whole to be in one line, and the poundmaster or other person in charge of a pound shall on the sale of any stock impounded therein brand the same with such brand.

(3) Any poundmaster or other person in charge of a pound who fails to comply with the provisions of subsection (2) of this section shall be guilty of an offence and liable to a fine not exceeding one thousand five hundred shillings, and in default of payment to imprisonment for a term not exceeding six months.

19. Brands of Veterinary Department

(1) The Director of Veterinary Services may register any brand or brands to be used for the purposes of the Veterinary Department on any stock.

(2) Such brand or brands may be of any device, provided it is easily distinguishable from any other brand registered under this Act, and may be lawfully used for the purposes of the Veterinary Department on any stock by any person or persons authorised by the Director of Veterinary Services.

(3) Any person, other than a person authorized by subsection (2) of this section who—

- (a) brands any animal with any brand or mark calculated to cause it to be believed that such animal has been branded with a brand registered under subsection (1) of this section; or

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- (b) blotches, defaces, renders illegible or alters any brand registered under subsection (1) of this section without the authority of a person referred to in subsection (2) of this section,

shall be guilty of an offence and liable to a fine not exceeding three thousand shillings or to imprisonment for a term not exceeding twelve months, or to both such fine and such imprisonment.

[Act No. 30 of 1964, s. 9, Act No. 10 of 1969, Sch.]

20. Brands of local authorities

(1) Any local authority may register a brand of any device, provided it is easily distinguishable from any other brand registered under this Act, and such brand may be lawfully used, for the purposes of such local authority and in accordance with any by-laws made by such local authority, on any stock by any person or persons authorised by such local authority.

(2) Notwithstanding the provisions of section 9 of this Act, any by-law made by a local authority may specify upon what part or parts of any animal any brand registered under subsection (1) of this section may be imprinted, and such part or parts may be in addition to or in substitution for the part or parts mentioned in the said section 9 in respect of the several animals therein specified.

(3) Any person, other than a person authorized under subsection (1) of this section, who—

- (a) brands any animal with any brand or mark calculated to cause it to be believed that such animal has been branded with a brand registered under subsection (1) of this section; or
- (b) blotches, defaces, renders illegible or alters any brand registered under subsection (1) of this section without the authority of the local authority in whose name such brand is registered,

shall be guilty of an offence and liable to a fine not exceeding three thousand shillings or to imprisonment for a term not exceeding twelve months, or to both such fine and such imprisonment.

[Act No. 24 of 1955, s. 2, L.N. 256/1963, Fourth Sch., L.N. 649/1963, Sch.]

21. Use of distinctive marks by stock owner

Nothing in this Act shall make it an offence for a stock owner to mark any of his stock with a distinctive mark to signify the ownership of such stock:

Provided that, save with the permission in writing of the registrar—

- (i) neither letters nor figures shall form any part of such distinctive mark; and
- (ii) such distinctive mark shall be dissimilar to any registered brand.

[Act No. 30 of 1964, s. 10.]

22. Registrar may prohibit the use of certain distinctive marks

(1) It shall be lawful for the registrar to prohibit the use by any person of a distinctive mark which in his opinion is similar to any registered brand.

(2) Any person who marks any stock with a distinctive mark so prohibited shall be guilty of an offence and liable to imprisonment for a term not exceeding six months, and his stock so marked may by the order of the court be confiscated.

[L.N. 621/1960, Sch.]

PART III – MISCELLANEOUS

23. Dominant letters of districts to be applied to brands registered therein

(1) The dominant letter of a brand registered in any district or subdistrict shall be that prescribed in the Second Schedule to this Act:

Provided that the Minister may by notice in the *Gazette* prescribe that some mark or design other than a letter shall be used to signify any district.

(2) The Minister may by notice in the *Gazette* add any district or subdistrict to the said Schedule, and may prescribe the dominant letter or mark to be applied to brands registered in such district or subdistrict, or may remove any district or subdistrict from the said Schedule.

[L.N. 621/1960, Sch.]

24. Butchers' and dealers' books

(1) Every butcher, poundmaster and auctioneer shall keep a separate book open at all times to inspection by any inspector of brands and shall therein truly enter the brands cut or imprinted on every animal slaughtered or sold by him.

(2) Any such person who slaughters or disposes of any animals on whose hide any brand cut or imprinted under this Act appears to have been altered, blotched or defaced, without reporting the matter in writing to the nearest inspector of brands within forty-eight hours thereafter, shall be guilty of an offence and liable to a fine not exceeding one hundred and fifty shillings per head for every animal so unlawfully slaughtered or disposed of, or to imprisonment for a term not exceeding three months.

25. Preservation of hides

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

(2) Any inspector of brands or police officer may within the period of time mentioned in subsection (1) of this section demand an inspection of any hides required to be retained, and upon demand being made the aforesaid person shall produce the same for inspection by the said inspector of brands or police officer.

(3) Any person contravening any of the provisions of this section shall be guilty of an offence and liable to a fine not exceeding seven hundred shillings or to imprisonment for a term not exceeding three months, or to both such fine and such imprisonment.

[Act No. 30 of 1964, s. 11.]

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

(1) Every inspector of brands and every police officer is hereby empowered to enter on or into any part of any holding or place where stock is kept and to inspect any stock, hides, branding-irons or brand and compare the same with the brand certificate and diagram which is produced to him; and every such inspector of brands or police officer may seize any stock and any hides in respect of which the owner has committed any breach of this Act and any branding instrument and any certificate in his possession, and may take them before the nearest magistrate.

(2) Any person hindering or impeding any such officer as aforesaid in the execution of his duty or attempting so to do or refusing to produce any branding-iron, instrument or certificate or to permit such officer to inspect any stock shall be guilty of an offence and liable to a fine not exceeding two thousand shillings or to imprisonment for a term not exceeding six months, or to both such fine and such imprisonment.

(3) Whenever it is reported to a magistrate that any animal has been seized and detained under subsection (1) of this section but that the person who is alleged to have committed an offence or breach in respect of such animal is unknown or cannot be found, the magistrate may, if satisfied by evidence on oath that there is reason to believe that an offence under this Act has been committed in respect of such animal, order that such be forfeited:

Provided that no order shall be made under this subsection unless the owner (if his name or whereabouts are known) of such animal has been given an opportunity of appearing before the magistrate to show cause why such order should not be made.

[Act No. 30 of 1964, s. 12, Act No. 21 of 1966, First Sch.]

27. Inspectors of brands to keep copies of brands directory and Gazette

Every inspector of brands (other than a police officer) shall keep a copy of the latest issue of the brands directory and a copy of every *Gazette* containing the statement of registered brands not included in such directory, and shall on receipt of a fee of five shillings permit search therein at all reasonable hours.

[G.N. 1721/1955, Sch., Act No. 30 of 1964, s. 13.]

28. Rules

It shall be lawful for the Minister from time to time to make rules generally for the better carrying out of the provisions of this Act, and without prejudice to the foregoing generality prescribing—

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

[G.N. 1721/1955, Sch., L.N. 173/1960, Act No. 30 of 1964, s. 14.]

29. Service of notices

Where under this Act it may be necessary to give or send any notice, the same may be given in any of the following ways—

- (a) personally upon the person to whom the notice is addressed;
- (b) by registered letter sent through the post and directed to the last known place of abode or business in Kenya of such person;
- (c) by inserting the notice once in the *Gazette*.

30. Sale of branding instruments

Any person who makes or offers for sale any branding instrument or tool adapted for the purpose of imprinting marks on stock except in accordance with

this Act and similar to or resembling in pattern and size those prescribed under this Act, and any person who uses or attempts to use or knowingly permits to be used or has in his possession without proper authority any branding-iron or instrument similar to or resembling in pattern and size those prescribed under this Act other than the branding-iron which he is entitled to use as in this Act provided, shall be guilty of an offence and liable to a fine not exceeding two thousand shillings or to imprisonment for a term not exceeding six months.

31. Fraudulently branding the stock of others

If any person wilfully brands or imprints with his distinctive mark any stock of which he is not the owner, or wilfully causes, directs or permits any stock of which he is not the owner to be branded with his brand, such person shall be guilty of an offence and liable to a fine not exceeding three thousand shillings or to imprisonment for a term not exceeding twelve months, or to both such fine and such imprisonment.

32. Use of unregistered brands

Any person who brands or directs, aids or assists in branding on any stock or any portion thereof any signs, symbols or characters other than those made and registered in accordance with this Act shall be guilty of an offence and liable to a fine not exceeding two thousand shillings or to imprisonment for a term not exceeding six months, or to both such fine and such imprisonment:

Provided that, anything to the contrary in this section notwithstanding, the owner of a registered brand may, for the purpose of marking the age, class or description of his stock or any other circumstances which he may require to note or mark, brand such stock with a distinctive brand on the cheek, horns or ears only, and on no other portion of the stock.

[Act No. 30 of 1964, s. 15, L.N. 365/1964, Sch.]

33. Defacing brands

Any person who wilfully blotches, defaces or otherwise renders illegible or alters any brand or distinctive mark upon stock, or wilfully directs, causes or permits any such brand or mark to be blotched, defaced or otherwise rendered illegible or altered, or is a party thereto, shall be guilty of an offence and liable to a fine not exceeding two thousand shillings or to imprisonment for a term not exceeding six months, or to both such fine and such imprisonment.

34. Fraudulent acts

Any person who—

- (a) knowingly and unlawfully inserts or permits to be inserted any false entry or diagram of any matter relating to any brand in any register, certificate, brands directory or quarterly statement, or in any extract from any of them;
- (b) with intent to defraud, forges, alters, offers, utters, disposes of or puts off knowing the same to be forged or altered any such document or extract as aforesaid or which purports to be such;
- (c) with intent to defraud, wilfully and unlawfully destroys, defaces or alters, or causes to be destroyed, defaced or altered, any such document or extract therefrom; or

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(d) knowingly and wilfully with intent to defraud uses the brand or distinctive mark of any proprietor without his authority,

shall be guilty of an offence and liable to imprisonment for a term not exceeding three years.

35. Evidence

On the trial of any person for the theft of any hide or stock or for receiving any hide or stock or any part thereof knowing or having reason to believe the same to have been stolen, it shall be competent for the prosecution to give evidence that the brand upon the hide or animal alleged to have been stolen is the brand of the person alleged to have been the owner of such hide or animal or of some person through or from whom such owner derived his right to such animal, and a certificate purporting to be under the hand of the registrar or a copy of the Gazette containing the publication of such owner's brand shall constitute prima facie proof of the facts therein alleged.

36. Onus of proof of ownership where hide mutilated

In the case of the prosecution of any person for theft of any stock or hide thereof, where the hide is proved to have been mutilated in such a way that any brand or distinctive mark is removed or rendered illegible, the onus of proving that he was the proprietor of such animal or hide shall rest on the accused person.

37. Other offence

Any person who wilfully fails to comply with or offends against the provisions of this Act in any case in which no penalty is provided by this Act, shall be guilty of an offence and liable to a fine not exceeding six hundred shillings, and in default of payment to imprisonment for a term not exceeding two months.

FIRST SCHEDULE

FORM A

(ss. 4, 5 and 10)

DISTRICT BRAND REGISTER

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

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FORM B

(s. 5)

APPLICATION FOR BRAND

To the Registrar of Brands,

I/We enclose herewith the prescribed fee of ten shillings and request that you will allot and register a brand for the holding or place specified below—

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

FIRST SCHEDULE, FORM B—continued

Fee: KSh.

Signed
Applicant(s)

I/We hereby request that the second letter of my/our brand may be the letter ..

Signed

FORM C

(s. 6)

CERTIFICATE OF REGISTRATION OF BRAND

No.

Dated day of, 20

I hereby certify that the brand shown in the diagram at the foot hereof was duly registered on the date and as the brand of the person(s) specified below—

Owner(s) full name(s)	Address	District for which brand is registered	Date of registration

Fee paid
(Diagram of Brand)

Signed

FORM D

(s. 12)

MEMORANDUM OF TRANSFER OF BRAND

To the Registrar of Brands,

I, being the registered owner of the brand specified below, and desiring to transfer the same to (name in full of the transferee) of (name of holding or place where brand will be used and postal address thereof), hereby request you to record the same in your register accordingly, and I enclose herewith the fee of twenty shillings therefore.

Signed (owner)
Address

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FIRST SCHEDULE, FORM D—*continued*

Witness

Signed (transferee)

Address

Witness

<i>Brand</i>	<i>Name and address of previous owner of brand</i>	<i>District where brand is registered</i>	<i>No. of certificate</i>	<i>No. of registration</i>

Form E

Deleted by Act No. 17 of 2006, s. 87

*Branding of Stock***SECOND SCHEDULE**

[Section 23, L.N. 305/1960, L.N. 531/1962, L.N. 266/1968, s. 2, L.N. 129/2006, s. 2, L.N. 167/2016.]

Note: All cattle in counties shall be identified by hot iron branding, coded ear tags, electronic transponders either alone or in combination or by any other method prescribed by the Director of Veterinary Services.

<i>County Codes</i>	<i>County or Sub-County Denoted</i>	<i>County Dominant Brand, Letters or Mark (followed by as a sub - county numerical number from 01-99)</i>	<i>Ear tag coding (followed by an eight digit number from, 00000001–99999999)</i>
	Mombasa	K1	KE 1
	Kwale	K2	KE 2
	Kilifi	K3	KE 3
	Tana River	K4	KE 4
	Lamu	K5	KE 5
	TaitaTaveta	K6	KE 6
	Garissa	K7	KE 7
	Wajir	K8	KE 8
	Mandera	K9	KE 9
	Marsabit	K10	KE 10
	Isiolo	K11	KE 11
	Meru	K12	KE 12
	Tharaka Nithi	K13	KE 13
	Embu	K14	KE 14
	Kitui	K15	KE 15
	Machakos	K16	KE 16
	Makueni	K17	KE 17
	Nyandarua	K18	KE 18
	Nyeri	K19	KE 19
	Kirinyaga	K20	KE 20
	Muranga	K21	KE 21
	Kiambu	K22	KE 22
	Turkana	K23	KE 23
	West pokot	K24	KE 24
	Samburu	K25	KE 25
	Trans Nzoia	K26	KE 26
	Uasin Gishu	K27	KE 27
	Elgeyo Marakwet	K28	KE 28
	Nandi	K29	KE 29
	Baringo	K30	KE 30
	Laikipia	K31	KE 31
	Nakuru	K32	KE 32
	Narok	K33	KE 33
	Kajiado	K34	KE 34
	Kericho	K35	KE 35
	Bomet	K36	KE 36
	Kakamega	K37	KE 37
	Vihiga	K38	KE 38

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	Bungoma	K39	KE 39
	Busia	K40	KE 40
	Siaya	K41	KE 41
	Kisumu	K42	KE 42
	HomaBay	K43	KE 43
	Migori	K44	KE 44
	Kisii	K45	KE 45
	Nyamira	K46	KE 46
	Nairobi City	K47	KE 47
