



THE REPUBLIC OF KENYA

LAWS OF KENYA

THE HIDE, SKIN AND LEATHER TRADE ACT

CHAPTER 359

Revised Edition 2022 [1987]

Published by the National Council for Law Reporting
with the Authority of the Attorney-General

www.kenyalaw.org

CHAPTER 359

HIDE, SKIN AND LEATHER TRADE ACT

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CHAPTER 359

HIDE, SKIN AND LEATHER TRADE ACT

[Date of assent: 23rd December, 1987.]

[Date of commencement: 24th December, 1987.]

An Act of Parliament to amend and consolidate the Law relating to the trade in hides, skins and leather; to provide for the co-ordination and control of the trade and development of the hide, skin and leather industry; and for connected purposes

[Act No. 19 of 1987, Act No. 17 of 2006.]

PART I – PRELIMINARY

1. Short title

This Act may be cited as the Hide, Skin and Leather Trade Act.

2. Interpretation

In this Act, unless the context otherwise requires—

"buyer" means a person who buys, sells or otherwise deals in hides, skins or leather;

"calf skin" means the outer covering of a young or immature bovine animal;

"Director" means the Director of Veterinary Services;

"exporter" means a person who export hides or skins or leather or hides and skins or hides, skins and leather;

"exporter's licence" *deleted by Act No. 17 of 2006, s. 88;*

"green hide" or "green skin" means a hide or skin which is not partly nor wholly dried, salted or tanned;

"hide" means the outer covering of a mature or fully grown bovine, equine, cameline or other domestic or wild animal of the larger kind;

"importer" means a person who import hides or skins or leather or hides and skins or hides, skins and leather;

"inspector" means a person authorized by the Director in writing to act as an inspector for the purposes of this Act or any rules made thereunder;

"leather" means a hide or skin with or without hair or wool which still retains its original fibrous structure more or less intact, and which has been treated so as to be imputrescible even after exposure to water;

"leather goods" means items or articles whose components or parts consist of leather and includes leather footwear;

"licensing officer" *deleted by Act No. 17 of 2006, s. 88;*

"preparation" includes the process of cleansing, fleshing, salting or drying, and "prepare" shall be construed accordingly;

"skin" means the outer covering of a goat, sheep, pig, rabbit or any other domestic or wild vertebrate of the smaller kind;

"tanning" means converting putrescible raw hides and skins into leather.

[Act No. 17 of 2006, s. 88.]

PART II – BUYER'S LICENCE

3.

[Repealed by Act No. 17 of 2006, s. 89.]

4.

[Repealed by Act No. 17 of 2006, s. 90.]

5. Conditions attached to a buyer's licence

In addition to any conditions which may be prescribed under section 20, every buyer shall—

- (a) keep the hides, skins or leather 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 piece;
- (d) buy and sell leather by grade as well as by weight or area depending on the tannage and type of leather;
- (e) carry out the grading of the hides, skins and leather at the time of purchase to the satisfaction of an inspector; and
- (f) keep proper books in English or Kiswahili in the manner prescribed.

[Act No. 17 of 2006, s. 91.]

6.

[Repealed by Act No. 17 of 2006, s. 92.]

PART III – EXPORTER'S AND IMPORTER'S LICENCE

7. Restriction on export of hides, etc.

No hide or skin or leather shall be exported or imported except through a prescribed port or place.

8.

[Repealed by Act No. 17 of 2006, s. 93.]

9.

[Repealed by Act No. 17 of 2006, s. 94.]

10. Conditions for an exporter's or importer's licence

In addition to any conditions which may be prescribed under this Act, every exporter or importer shall—

- (a) equip and maintain his premises to the satisfaction of the Director;
- (b) carry out the grading of the hides, skins and leather to the satisfaction of the Director; and
- (c) keep proper books in English or Kiswahili in the manner prescribed.

[Act No. 17 of 2006, s. 95.]

11.

[Repealed by Act No. 17 of 2006, s. 94.]

PART IV – REGISTRATION OF PREMISES

12. Premises used for drying to be registered

(1) No premises shall be used for the purpose of shade or suspension drying, wet salting, or for any other hides and skins curing methods until they have been approved as suitable for that purpose by an inspector, who, if he so approves, shall issue to the owner or occupier a registration certificate in respect of the premises.

(2) No premises shall be used for the purposes of processing hides and skins into pickled pelts or into any stage of leather tanning or finishing until they have been approved as suitable for that purpose by an inspector who if he so approves shall issue to the owner or occupier a registration certificate in respect of those premises.

(3) An inspector may—

- (a) refuse to approve premises if, in his opinion, they are unsuitable for the purpose, or the owner or occupier or the persons employed therein are not capable of satisfactorily preparing hides, skins and leather in the prescribed manner;
- (b) cancel or suspend the registration certificate in respect of registered premises if the hides and skins are not being prepared, dried or cured or tanned therein in a manner which is, in his opinion, satisfactory.

(4) A certificate of registration issued under this section shall be in the prescribed form.

13. Period of validity of registration certificate

A registration certificate issued under section 12 shall, unless earlier cancelled or suspended, remain in force until the 31st December of the year in which it is issued.

PART V – MISCELLANEOUS PROVISIONS

14. Appeals against decision

(1) A person aggrieved by the decision of an inspector under section 12 may, in writing, require the inspector to supply him with written reasons for the decision.

(2) Upon receipt of the reasons for the decision under subsection (1), the aggrieved person may appeal to the Cabinet Secretary in such manner as may be prescribed.

[Act No. 17 of 2006, s. 97.]

15. Powers of inspection, etc.

(1) An inspector, or any other person authorized in writing for the purpose by the Director, may at all reasonable times enter any premises in which a buyer or exporter or importer of hides, skins or leather carries on, or in which the inspector or other authorized person suspects him of carrying on, his business, or any premises registered under Part IV, or suspected by any inspector or other authorized person of being used for the purpose of preparing hides or skins or tanning leather or manufacturing leather goods for the purpose of ascertaining whether the provisions of this Act or of any rules made thereunder, or the conditions of any licence, are being observed, and may inspect any hides or skins or leather found on those

premises and may take the hides, skins or leather as samples for the purpose of instituting any proceedings under this Act or under any rules made thereunder.

(2) A person authorized in writing for the purpose by the Director, if he has reasonable cause to believe that an offence has been committed under this Act or under any rules made thereunder in respect of any hides, skins, leather or leather goods, may take possession of those hides, skins, leather or leather goods or by order in writing, require the person in possession of the hides, skins, leather or leather goods to retain the hides, skins, leather or leather goods, and may inspect any hides, skins, leather or leather goods found in the vehicle or in the possession of that person.

16.

[Repealed by Act No. 17 of 2006, s. 98.]

17. Dispute on buyer's grading

(1) Where the person who produces any hide, skin or leather for sale to a buyer is dissatisfied with the buyer's grading, the dispute may be referred to a person authorized in writing for the purpose by the Director.

(2) The decision of the person to whom a dispute is referred under subsection (1) shall be final and binding on both parties, and the buyer shall, if he buys the hide, skin or leather pay the price appropriate to the grade as fixed by that person.

18. Registration certificate

No person shall store any hides, skins or leather except in the premises to which the registration certificate relates.

[Act No. 17 of 2006, s. 99.]

19. Offences

(1) No person shall sell or offer for sale, shall be in possession of, purchase, sell or offer for sale, any green or dried hide which is smeared with blood, dung or any foreign substance.

(2) A person who—

- (a) for the purposes of sale, treats any hide or skin with any substance which is not specified by the Director by notice in the *Gazette*;
- (b) treats or prepares a sun-dried hide or skin with the object of selling it as a shade or suspension-dried hide or skin;
- (c) without the permission of an inspector, prepares, treats or cures any raw hide or skin with the object of selling it as leather or 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 authorized for the purpose by the Director, removes, alters or defaces any mark or label made on or attached to a hide, skin or leather in pursuance of this Act or of any rules made thereunder;
- (e) makes a statement which is to his knowledge untrue in an application for any licence required under this Act or under any rules made thereunder;
- (f) contravenes any of the provisions of this Act or of any rule made, or of any lawful order issued, thereunder;
- (g) *deleted by Act No. 17 of 2006, s. 100;*

- (h) obstructs an inspector, or any other authorized person, in the exercise or his powers and duties under this Act or under any rules made thereunder,

shall be guilty of an offence.

(3) Nothing contained in paragraphs (a), (c) and (d) of subsection (2) shall apply to hides used for making harness for yoke oxen or for making thongs for securing domestic animals or for other domestic purposes.

(4) Any person who is guilty of an offence under this Act or under any rules made thereunder shall be liable to a fine not exceeding twenty thousand shillings or to imprisonment for a term not exceeding two years or to both.

[Act No. 17 of 2006, s. 100.]

20. Rules

The Cabinet Secretary may make rules generally for the purposes of improving the quality of hides, skins, leather and leather goods produced, prepared or sold in, or exported from Kenya, and without prejudice to the generality of the foregoing, for all or any of the following purposes—

- (a) *deleted by Act No. 17 of 2006, s. 101;*
- (b) requiring returns to be made by buyers, importers, exporters, leather tanners, and leather goods manufacturers and prescribing the person to whom, and the form in which the returns shall be made;
- (c) regulating the grading and classification of hides, skins and leather, and defining the grades and classes thereof;
- (d) regulating the manner and method of marking or labelling hides, skins and leather for export or denoting the grade, type and district of origin of the hides, skins and leather;
- (e) prohibiting or controlling the movement of hides, skins, leather and leather goods—
- (i) from one part of Kenya to any other part of Kenya; or
 - (ii) from any part of Kenya to any neighbouring country; or
 - (iii) from any neighbouring country through Kenya to any port or place of export;
- (f) prohibiting, regulating and controlling the offering for sale or the buying or the export or import of any kind of hide, skin, leather or leather goods or any hide, skin or leather not prepared in the prescribed manner, or which is not in a prescribed condition, or which has been so mutilated by brand marks or damaged in any other way as to render it in the opinion of an inspector unfit or unsuitable for sale, purchase or export or import;
- (g) providing for the imposition of a cess or tax on hides, skins, leather and leather goods, either generally or on any specified grade or class or type of hides, skins or leather or leather goods;
- (h) prescribing the conditions under which a person may deal in green hides and skins and regulating and controlling the issue of, and prescribing the conditions to be attached to, any licence for buying or dealing in green hides and skins;
- (i) regulating the prices to be paid to producers for the various grades and types of hides, skins and leather;

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- (j) regulating the relationship between the prices to be paid for the various grades of hides, skins and leather;
- (k) prescribing, regulating and controlling the methods which may or may not be used in preparing hides and skins;
- (l) defining the meaning of shade or suspension dried hides and skins;
- (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, exporters and importers in specified areas to—
 - (i) keep registers;
 - (ii) preserve the registers for a period of not less than five years from the date of the last entry therein; and
 - (iii) produce the registers for inspection when called upon to do so by an inspector;
- (o) prescribing the ports or places through which the export and import of hides or skins or leather or leather goods shall be permitted;
- (p) prescribing the method to be employed for the marking or labelling of shade and suspension dried or salted hides or skins indicating the actual place of origin;
- (q) prescribing the condition under which a person may deal in semi-processed and finished leather, and regulating and controlling the issue of, and prescribing the conditions to be attached to any licence for buying or dealing in semi-processed or finished leather;
- (r) prescribing anything required under this Act to be prescribed;
- (s) providing for the establishment of an advisory body to oversee matters incidental to the processing of and trade in hides, skins, leather and leather goods;
- (t) generally for the better carrying out of the provisions of this Act.

21.

[Spent]

