

THE HIDE, SKIN AND LEATHER TRADE ACT, 1987

No. 19 of 1987

*Date of Assent: 23rd December, 1987**Date of Commencement: By Notice*

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

ENACTED by the Parliament of Kenya as follows:

PART I—PRELIMINARY

Short title.

1. This Act may be cited as the Hide, Skin and Leather Trade Act, 1987.

Interpretation.

2. 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 authorized under this Act to export hides or skins or leather or hides and skins or hides, skins and leather;

“exporter’s licence” means a licence issued under section 9;

“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 authorized under this Act to 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” means a person authorized by the Director to issue a buyer’s licence under this Act;

“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.

PART II—BUYER’S LICENCE

3. No person shall, whether on his own account or on behalf of any other person, buy any hide, skin or leather for the purpose of resale, tanning, retanning or finishing or for manufacturing of leather goods in Kenya or for export, unless he is in possession of a buyer’s licence in the prescribed form issued to him by a licensing officer.

Restriction on the purchase of hides, skins, etc.

4. (1) A person who wishes to obtain or renew a buyer’s licence shall apply, in the prescribed manner, to the licensing officer of the area in which he intends to buy hides, skins or leather.

Buyer’s licence.

(2) The licensing officer may, upon receiving an application under this section if he is satisfied that the applicant possesses sufficient knowledge of the hide, skin and leather trade and is capable of complying with the prescribed conditions, issue to the applicant a buyer’s licence or a renewal thereof, upon payment of the prescribed fee.

(3) Every buyer’s licence shall specify the premises to which it relates.

(4) A buyer’s licence shall, unless previously cancelled or suspended under section 6, remain in force until the 31st December of the year in respect of which it is issued.

Conditions attached to a buyer's licence.

5. In addition to any conditions which may be prescribed under section 20, it shall be a condition of every buyer's licence that the licensee 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.

Cancellation or suspension of buyer's licence.

6. (1) A licensing officer may cancel or suspend a buyer's licence for such period as he deems fit, if he is satisfied that the holder—

- (a) has been convicted of an offence under this Act or under any rules made thereunder; or
- (b) has committed a breach of any of the conditions subject to which his licence was issued; or
- (c) has been convicted of an offence involving fraud or dishonesty; or
- (d) is an undischarged bankrupt.

(2) When a person is notified that his buyer's licence has been cancelled or suspended, he shall forthwith surrender the licence to the licensing officer of the area in which it was issued, and if that person fails without lawful excuse to surrender the licence he shall be guilty of an offence.

PART III- EXPORTER'S AND IMPORTER'S LICENCE

Restriction on export of hides, etc.

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

8. No person shall export or import any hide, skin or leather unless he is in possession of a valid exporter's licence or importer's licence in the prescribed form issued to him by the Director.

Export and import under a licence.

9. (1) A person who wishes to obtain or renew an exporter's or importer's licence shall apply to the Director in the prescribed manner; and on payment of the prescribed fee the Director may issue to the applicant an exporter's or importer's licence as the case may be or a renewal thereof.

Exporter's and importer's licence.

(2) Every exporter's or importer's licence shall specify the premises in respect of which it is issued.

(3) The Director may refuse to issue an exporter's or importer'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, skins and leather for export or import in the manner required by this Act or by any rules made thereunder; or
- (b) the premises in which the applicant proposes to carry on his business do not conform with the requirements of any written law; or
- (c) the applicant has, within the five years immediately preceding the date of his application, been convicted of an offence under this Act or under any rules made thereunder; or
- (d) the applicant has, within the five years immediately preceding the date of his application, been convicted of an offence involving dishonesty or fraud or is an undischarged bankrupt.

(4) For the purposes of paragraphs (c) and (d) of subsection (3) "applicant" includes, in the case of a corporation or firm, a director or partner of the corporation or firm.

(5) An exporter's or importer's licence shall, unless previously cancelled or suspended under the provisions of section 11, remain in force until the 31st December of the year in which it is issued.

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

10. In addition to any conditions which may be prescribed under this Act, it shall be a condition of every exporter's or importer'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, skins and leather to the satisfaction of the Director; and
- (c) keep proper books in English or Kiswahili in the manner prescribed.

Cancellation or suspension of exporter's or importer's licence.

11. The Director may cancel or suspend an exporter's or importer's licence for a period he deems fit if he is satisfied that the holder—

- (a) has failed to remit to Kenya foreign exchange realized on the sale of hide, skin or leather and to pay prices which are reasonably related to the price currently payable in Kenya;
- (b) has been convicted of an offence under this Act or under any rules made thereunder; 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 undischarged bankrupt.

PART IV—REGISTRATION OF PREMISES

Premises used for drying to be registered.

12. (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. 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.

Period of validity of registration certificate.

PART V—MISCELLANEOUS PROVISIONS

14. (1) A person who is aggrieved by the decision of a licensing officer given under section 4 or section 6, or of an inspector, given under section 12, may, in writing, require the licensing officer or inspector, as the case may be, to supply him, in writing with the reasons for his decision, and that person may, within fourteen days after the date upon which he receives the reasons, appeal in the prescribed manner to the Director.

Appeals.

(2) A person who is aggrieved by the decision of the Director given under section 9 or section 11, or under subsection (1) of this section, may, in writing, require the Director to supply him in writing, with the reasons for his decision, and that person may, within twenty-eight days after the date upon which he receives the reasons appeal in the prescribed manner to the Minister, whose decision shall be final.

15. (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

Powers of inspection, etc.

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.

Separate
licence for
each premises.

16. A separate buyer's, exporter's or importer's licence shall be required in respect of each premises owned or occupied by a licensee.

Dispute on
buyer's
grading.

17. (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.

Storage on
licensed
premises.

18. No holder of a buyer's licence or exporter's licence or importer's licence shall store any hides, skins or leather except in the premises to which the licence relates.

Offences.

19. (1) No person shall sell or offer for sale and no holder of a buyer's licence or exporter's or importer's licence 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) contravenes any of the conditions of a licence issued to him under this Act; or
- (h) obstructs an inspector, or any other authorized person, in the exercise of 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.

Rules.

20. The Minister 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) prescribing the method and forms of application for, the conditions to be attached to, and the fee to be paid for a licence or certificate to be issued under this Act;
- (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;
- (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.

Repeal of
Cap. 359.

21. The Hide and Skin Trade Act is repealed.