

CHAPTER 9:03

CATTLE STEALING PREVENTION ACT

ARRANGEMENT OF SECTIONS

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CHAPTER 9:03

CATTLE STEALING PREVENTION ACT

1929 Ed.
c. 94
1953 Ed.
c. 81

3 of 1877

An Act for the Prevention of Cattle Stealing.

[10TH NOVEMBER, 1877]

Short title.

1. This Act may be cited as the Cattle Stealing Prevention Act.

Revision of
existing
brands.

2. (1) The Commissioner of Police (hereinafter referred to as “the Commissioner”) shall cause to be published in the *Gazette* for twelve consecutive Saturdays, a notice requiring all persons who claim to be entitled to the use of a brand to give him notice in writing of the claim, and stating that after the expiration of six months from the date of the notice no one shall be allowed to continue the use of any brand of which he has not been so informed, and shall cause copies of the notice to be posted at all police stations and magistrates’ courts.

(2) Every notice shall give the address of the claimant, and if the Commissioner after receiving the notice is not satisfied that the person sending it is entitled to use the brand claimed, or if he considers that the use of the brand or mark specified in the notice would be inconvenient or cruel or likely to give rise to error or mistake, he shall cause to be served on that person at the address mentioned in the notice, an intimation under his hand that the brand is not to be used, and thereupon that person shall be bound to select for use some other brand and to give notice thereof as required by this Act.

(3) If anyone, after the expiration of six months from the date of the notice, uses any brand of which he has not given notice to the Commissioner as hereinbefore required, or with regard to which the Commissioner has intimated that it is not to be used by him, notwithstanding that he may have otherwise complied with the provisions of this Act, he shall be subject to the like pains and penalties as if he had used the brand without complying with any of those provisions.

(4) Section 10(3) shall apply to the notice required by subsection (1) of this section to be given to the Commissioner.

3. (1) Forthwith after the expiration of six months from the date of the notice required to be published by the last preceding section, the Commissioner shall cause to be prepared and printed two lists of the brands (to be termed the “register of brands”) in use in Guyana, of which one shall be in alphabetical and numerical order of the brands, and the other in alphabetical order of the names of the persons entitled to use the brands.

Preparation of register of brands.

(2) Copies of those lists shall be open to the inspection of the public at every police station and shall be amended under the direction of the Commissioner by the addition of every new brand as soon as the use thereof is authorised.

4. (1) The Commissioner shall cause a notice to be published on three consecutive Saturdays in the *Gazette*, and on three consecutive Sundays in a daily newspaper circulating in Guyana, requiring all persons whose names appear on the register of brands to notify him in writing within three months of the date of the last publication of such notice whether they desire their names to remain on the register, or to be removed therefrom.

Renewal of registration of brands. [39 of 1950 18 of 1971 4 of 1972]

(2) Any person who fails to notify the Commissioner as required by subsection (1) shall be deemed to have ceased to use a brand, and his name and brand shall be removed from the register of brands.

(3) Where any person notifies the Commissioner that he desires his brand to remain on the register of brands, the Commissioner may permit such brand to remain thereon, or may allot to such person such other brand or mark as he may think fit, and shall register such other brand or mark accordingly.

(4) A person whose name does not already appear in the register of brands may apply to the Commissioner to enter a brand in his name in the register.

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(5) The Commissioner may, in his discretion, refuse to register any brand or mark where he considers that the use of such brand or mark will be inconvenient or cruel, or likely to give rise to error or mistake, or likely to cause unnecessary damage to the hide of the animal.

(6) Any person who brands or marks with any mark likely to be permanent any cattle shall, unless such brand or mark has been registered with the Commissioner under this Act, be liable to a fine of six thousand five hundred dollars.

Notification of death of brand-holder.
[18 of 1971
14 of 1988
12 of 1998]

5. On the death of anyone whose name is on the register of brands, his executor, or in case of intestacy his heir, shall forthwith give notice of the death to the Commissioner, and anyone failing to comply with this section shall be liable to a fine of not less than five hundred dollars nor more than one thousand five hundred dollars.

Periodical revision of register of brands.
[18 of 1971
14 of 1988
6 of 1997
12 of 1998]

6. The Commissioner may, not oftener than once in any two years, by notice in writing call upon anyone whose name is on the register of brands to state in writing whether he continues to use his brand, and if he neglects for one month to reply to the notice he shall be liable to a fine of not less than one thousand dollars nor more than two thousand dollars and his name may be struck off the register of brands.

Interpretation of term "cattle".
[31 of 1961
14 of 1988]

7. In the following provisions of this Act, the term "cattle" includes any horse, mare, gelding, colt, or filly; any mule, pony or ass, whether male or female; any buffalo, bull, cow, ox, steer, heifer, or calf; any ram, ewe, sheep, or lamb; and any goat or kid, whether male or female.

Compulsory branding of certain animals.
[39 of 1950
31 of 1961
18 of 1971
14 of 1988
24 of 1990
10 of 1997
12 of 1998]

8. The owner of every horse, mare, gelding, colt, filly, mule, pony, ass, buffalo, bull, cow, ox, steer, heifer and calf shall cause it to be branded in the manner hereinafter provided within six months of its birth, or within twenty-eight days after becoming owner of it, and everyone who makes default in so doing shall be liable to a fine of not less than seven thousand five hundred dollars nor more than fifteen thousand dollars.

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9. (1) Subject to this Act—

(a) buffaloes, bulls, cows, oxen, steers, heifers and calves shall be branded on the neck, or shoulders or on the lower parts of the legs; and

(b) horses, mares, geldings, colts, fillies, mules, ponies and asses shall be branded on the body.

Mode of
branding.
[39 of 1950
31 of 1967
18 of 1971
4 of 1972
14 of 1988]

(2) No animal which has been previously branded may be so branded or in any way marked as to obliterate, touch, add to or extend any previous brand, but each brand shall be separate and distinct.

[14 of 1988
10 of 1997
12 of 1998]

(3) Anyone branding or marking an animal or causing it to be branded or marked, in contravention of this section shall be liable to a fine of not less than fifteen thousand dollars nor more than thirty thousand dollars and to imprisonment for two years.

10. (1) No one shall brand any cattle with any brand or mark them with any mark likely to be permanent until the expiration of twenty-eight days after he has caused to be given at some police station a notice under his hand, in Form 1 in the Schedule specifying the brand or mark which he intends to use for the purpose of marking the cattle belonging to him, or in his custody, or under his control, and further specifying on what part of the body of the animal he intends to place the brand or mark.

Notice to be
given of brand
before use
thereof.
[39 of 1950]
Form 1.

(2) The notice shall state the place of residence of the person giving it.

(3) Anyone who desires to give the notice and is unable to write shall state verbally to some member of the police force at a police station who can write the particulars necessary to enable the member of the police force to fill up the notice, and the member of the police force shall without any fee fill up or write the notice and, after reading it over to the person, shall require him to put his mark thereto, and shall then date and sign his own name to the notice as a witness to the mark.

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Form 2.

(4) Every member of the police force who receives the notice shall give a receipt for it in Form 2 in the Schedule to the person giving it, and shall at once transmit it to the Commissioner.

(5) If, on receiving the notice, the Commissioner considers that the use of the brand or mark specified therein will be inconvenient or cruel, or likely to give rise to error or mistake, or likely to cause unnecessary damage to the hide of such animal, he shall cause to be served, at the place of residence mentioned in the notice, an intimation under his hand that that brand or mark is not to be used, and thereupon the person giving the notice shall select for use some other brand or mark and give notice thereof in the manner hereinbefore prescribed.

Offences.
[39 of 1950
18 of 1971
14 of 1988
10 of 1997
12 of 1998]

11. (1) Everyone who—

(a) brands with any brand, or places any mark likely to be permanent on, any cattle before twenty-eight days have elapsed after he has caused to be given at some police station the notice hereinbefore required; or

(b) brands or marks in any manner likely to be permanent any cattle with any brand or mark other than the brand or mark specified in the notice given by him; or

(c) brands or marks with a brand or mark likely to be permanent any cattle on any part of the animal other than the part specified in the notice given by him; or

(d) uses any brand or mark after an intimation from the Commissioner has been served at the place of residence mentioned in the notice given by him that that brand or mark is not to be used,

shall be liable to a fine of not less than twenty thousand dollars nor more than forty thousand dollars and to imprisonment for two years.

(2) The proof that the notice hereinbefore required was duly given and the time when it was given shall be on the person against whom proceedings are taken under this section:

Provided that the production of the receipt for the notice purporting to be signed by any member of the police force shall be *prima facie* evidence that the notice was given at the time stated in the receipt.

12. Everyone who unlawfully and with intent to defraud brands with any brand, or places any mark likely to be permanent on, any cattle, shall be guilty of a misdemeanour and shall be liable to a fine of not less than ten thousand dollars nor more than twenty thousand dollars together with imprisonment for ten years.

Branding cattle with intent to defraud, a misdemeanour. [14 of 1988 6 of 1997 12 of 1998]

13. (1) On payment of an annual or other fee from time to time prescribed by the Commissioner, anyone entitled to use a brand may have that brand with his name and address entered on a list to be kept by the Commissioner, of which a copy shall be kept at every police station.

Notice to brand-holder of animals bearing his brand on certain cases.

(2) Whenever an animal bearing a brand contained in that list passes any police station, or when any butcher notifies to the officer in charge of a station under section 23 of the Miscellaneous Licences Act his intention to slaughter any such animal, the officer in charge of the station shall forthwith give notice thereof by the next post to the person entitled to use the brand, and the notice shall contain a description of the animal in question:

c. 80:04

Provided that it shall not be necessary to send the notice if a written authority describing the animal and signed by the person entitled to use the brand with which it is marked is produced by the person in charge of the animal, stating that he is lawfully in charge of it.

14. (1) Everyone who slaughters or causes to be slaughtered in any place other than the Georgetown market or any other abattoir owned or controlled by a municipal council, regional democratic council or other local government authority any buffalo, bull, cow, ox, steer, heifer, calf, ram, ewe, sheep, lamb, goat, or kid shall be bound to keep the skin of the animal for forty-eight hours after it has been slaughtered, and shall during that time be bound to produce the skin to any member of the police force or constable requiring to see it.

Skins of slaughtered cattle. [31 of 1961 18 of 1971 14 of 1988 10 of 1997 12 of 1998]

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(2) Everyone who refuses or neglects to produce the skin of the animal which he has caused to be slaughtered to any member of the police force or constable requiring to see it within forty-eight hours after the animal has been slaughtered, shall be liable to a fine of not less than twenty-five thousand dollars nor more than fifty thousand dollars and to imprisonment for ten years.

Entry of police on premises where cattle slaughtered.

(3) Every member of the police force and constable may at any time enter on any premises on which he has cause to believe that any buffalo, bull, cow, ox, steer, heifer, calf, ram, ewe, sheep, lamb, goat, or kid is about to be slaughtered or has been slaughtered, and may examine the animals and their carcasses and skins found there.

Offence to be in possession of meat or hide for which reasonable account cannot be given.
[18 of 1971
14 of 1988
10 of 1997
12 of 1998]

15. Every butcher or any other person who has in his possession the meat or hide of any cattle for which he cannot give a reasonable account (the proof whereof shall lie on him) or who sells or otherwise disposes of or offers for sale or gift or exchange the meat or hide of any cattle for which he cannot give a reasonable account (the proof whereof shall lie on him) shall be liable to a fine of not less than twenty-five thousand dollars nor more than fifty thousand dollars together with imprisonment for four years.

Record of animals agisted.
[4 of 1972
14 of 1988
10 of 1997
12 of 1998]

16. (1) Everyone who receives for agistment cattle other than horses, mares, geldings, colts, fillies, or mules, shall keep or cause to be kept a book in which there shall be entered the name and address of the owner of any animal brought to him for agistment and the description of the animal and its brand, and shall allow any member of the police force to inspect the book at any reasonable time.

(2) Everyone who fails to keep, or cause to be kept, a book as hereinbefore provided shall be liable for each offence to a fine of not less than ten thousand dollars nor more than twenty thousand dollars.

(3) Everyone having the custody of the book who fails to produce it when required by a member of the police force shall be liable to a fine of not less than ten thousand dollars nor more than twenty thousand.

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17. (1) Everyone transporting, driving or leading cattle along a public road, or in charge of cattle so transported, led or driven, shall report himself to the non-commissioned officer or police constable in charge of each police station and to the person in charge of any toll house which he passes and give the information relating to the cattle required by the officer or constable.

Report of animals transported, driven or led along public roads.
[4 of 1972
14 of 1988]

(2) Anyone failing, neglecting, or refusing to comply with the provisions of this section shall be liable to a fine of not less than ten thousand dollars nor more than twenty thousand dollars.

[14 of 1988
10 of 1997
12 of 1998]

18. Anyone found trespassing on a cattle farm, or any land where cattle are depastured or kept, shall be deemed to have trespassed on the land for the purpose of unlawfully removing cattle therefrom, and shall be liable to a fine of not less than twenty-five thousand dollars nor more than fifty thousand dollars and to imprisonment for two years, unless he satisfies the court that he was on the land for a lawful purpose.

Trespassing on cattle farms or pastures.
[18 of 1971
14 of 1988
10 of 1997
12 of 1998]

19. No one without first notifying and obtaining the permission of the police officer in charge of the nearest police station may cause or allow any cattle to swim or to be conveyed across any river, creek, or canal, and anyone contravening the provisions of this section shall be liable to a fine of not less than twenty thousand dollars nor more than forty thousand dollars and to imprisonment for two years.

Permit to swim cattle crossing rivers, creeks, or canals.
[18 of 1971
14 of 1988
10 of 1997
12 of 1998]

20. (1) A member of the police force or a rural constable may require any person driving or conveying any buffalo, bull, cow, ox, steer, heifer, calf, ram, ewe, sheep, lamb, goat or kid along any public highway or road, to stop for the purpose of giving full information of the place wherefrom and to which the animal is being driven or conveyed and of the name and residence of the owner thereof.

Power to stop person driving or conveying cattle on highway.
[18 of 1971
14 of 1988
10 of 1997
12 of 1998]

(2) Where the person refuses to stop or refuses or neglects to give the information as aforesaid or where any information is given by him and the member of the police force or the rural constable has reasonable cause to believe that the information is false, the member of the police force or the rural constable may arrest that person without a warrant and may detain every animal found in his possession until such person can be brought before a magistrate.

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(3) Where the person refuses to stop or refuses or neglects to give the information as aforesaid or knowingly gives false information, he shall be liable to a fine of not less than twenty-five thousand dollars nor more than fifty thousand dollars and to imprisonment for two years.

Evidence of certified extract from register of brands.

21. Any extract from the register of brands kept under this Act purporting to be certified under the hand of the Commissioner or of any superintendent of police, shall without proof of the signature be received in all courts of justice as *prima facie* evidence of the facts stated therein.

Procedure.

22. All penalties incurred under the provisions of this Act shall be sued for and recovered in the manner provided by any Act for the time being in force regulating procedure before magistrates exercising summary jurisdiction, and shall be subject to the appeal provided by any Act for the time being in force regulating appeals from magistrates' decisions.

Declaration of emergency area.
[4 of 1972
14 of 1988
12 of 1998]

23. The Minister may, where he is satisfied that the prevailing circumstances in any area of Guyana requires additional measures to be taken for the suppression therein of cattle stealing, by order declare that area to be a cattle stealing emergency area and thereupon a magistrate shall during the continuance of the order, have jurisdiction to hear and determine any charge of larceny of cattle or receiving stolen cattle committed within such area, and notwithstanding any written law to the contrary, may impose on any person guilty of any such offence a penalty of ten years imprisonment.

Regulations.
[4 of 1972
14 of 1988
10 of 1997
12 of 1998]

24. (1) The Minister may make Regulations for carrying the purposes and provisions of this Act into effect and without prejudice to the generality of the foregoing power, these Regulations may provide for—

(a) the division of Guyana into districts for any purposes of this Act;

(b) the registration of brands in the particular districts in which cattle may be at any given time and the particulars and information to be supplied and recorded for such

registration;

(c) the establishment, management and control of cattle markets and abattoirs;

(d) regulating the mode, manner, place or other conditions relating to sales, purchases and other transactions involving the transfer of ownership of cattle or of meat;

(e) regulating the mode, manner, place or other conditions relating to the slaughter of cattle;

(f) the system to be used and the procedure to be followed, including the notices to be given, the information to be supplied and the records to be kept in respect of transactions referred to in paragraphs (d) and (e);

(g) the fees to be charged in respect of abattoirs, markets, the slaughter of animals, and other transactions under the Act and any charges to be made for administrative duties undertaken by the police and other officers in respect of matters arising under the Act.

(2) Any regulation may impose liability to a fine exceeding thirty thousand dollars but not exceeding fifty thousand dollars and imprisonment for a term exceeding two years but not exceeding four years for any breach thereof.

SCHEDULE

FORM 1

Notice of intention to use brand or mark

NOTICE

To the Police Officer in charge of the police station at

Notice is this day.....19....., hereby given to you that the brand or mark with which I intend to mark all the [here specify the description of cattle intended to be marked, as horned cattle, horses, sheep, or goats, as the case may be] belonging to me is the following, that is to say, [here specify and describe the brand or mark, and the part of the body of the animal on which it is to be placed] and that my residence is at

.....

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(Signed)

A.B

s. 10

FORM 2

Receipt for notice

POLICE STATION

I hereby acknowledge to have this.....day of19.....
received from the notice of which the following is a true
copy:—

COPY OF NOTICE

To the Police Officer in charge of the police station at

Notice is this day of19....., hereby
given to you that the brand or mark with which I intend to mark all the
[*here specify the description of cattle intended to be marked, as horned
cattle, horses, sheep, or goats, as the case may be*] belonging to me is
the following, that is to say, [*here specify and describe the brand or
mark, and the part of the body of the animal on which it is to be placed*]
and that my residence is at

.....
(Signed)

A.B.

and I give this receipt for the same in terms of section 10 of the Cattle
Stealing Prevention Act.

.....
(Signed)

C.D.

Member of the Police Force.
