

Namibia

Stock Brands Act, 1995

General Regulations, 2004

Government Notice 73 of 2004

Legislation as at 15 November 2017

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General Regulations, 2004

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Republic of Namibia
Annotated Statutes

Stock Brands Act, 1995

General Regulations, 2004

Government Notice 73 of 2004

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**The Government Notice which issues these regulations
repeals the regulations published in GN 58/1999 (GG 2078).
as amended by**

**Government Notice 39 of 2007 (GG 3799) came into force on date of publication: 1 March 2007
Government Notice 239 of 2009 (GG 4391) came into force on date of publication: 15 December 2009
Government Notice 145 of 2015 (GG 5783) came into force on date of publication: 15 July 2015**

1. Definitions

In these regulations, unless the context otherwise indicates, any word or expression to which a meaning has been assigned in the Act shall have that meaning, and-

“**the Act**” means the Stock Brands Act, 1995 (Act [No. 24 of 1995](#)); and

“**veterinary cordon fence**” means the fence which divides the veterinary buffer zone and the veterinary surveillance zone, commencing at Palgrave Point on the west coast of Namibia and running in a generally eastern direction to a point on the common border between the Republic of Namibia and the Republic of Botswana at 20°E latitude;

[The word “latitude” is misspelt in the Government Gazette, as reproduced above.]

2. Prescribed forms

A reference in these regulations to a specified form is a reference to the relevant form as set out in Annexure 1 to these regulations.

3. Applications

The form of an application-

- (a) for the registration of a brand in terms of section 6(1) of the Act, shall be as set out in Form BR. 1; and
- (b) for the transfer of the registration of a brand in terms of section 8(1) or 9(1) of the Act, shall be as set out in Form BR. 2.

4. Certificate of registration or transfer of a brand

The form of a certificate of registration of a brand issued in terms of section 6(2) of the Act, or of a certificate of registration of the transfer of a brand issued in terms of section 8(3) or section 9(2) of the Act, shall be as set out in Form Br. 3.

5. Certificate of authorization

The form of a certificate of authorization furnished in terms of section 13(3) of the Act, shall be as set out in Form BR. 4.

6. Request regarding cancellation of brand

A request by the Registrar contemplated in section 10(1)(a) of the Act, shall be made in the form as set out in Form BR. 5.

7. Prescribed fees

- (1) The fees payable to the Registrar for the registration of a brand in terms of section 6(2) of the Act or for the transfer of a registration of a brand in terms of section 8(3) or 9(2) of the Act must be as set out in the following table:-

Type of fee	Fee payable as from 1 January 2011 to 31 December 2014	Fee payable as from 1 January 2015	Fee payable as from 1 January 2016 and on the first day of every year thereafter. The fee payable as from 1 January 2015 plus an annual increase according to the rate of inflation for the preceding twelve months.
Registration of a brand	N\$ 100	N\$110	
Transfer of a brand	N\$ 30	N\$ 40	
Duplicate certificate of a brand	N\$ 60	N\$ 70	

[subregulation (1) amended by [GN 39/2007](#), and substituted by [GN 239/2009](#) and by [GN 145/2015](#)]

- (2) The fee that a pound master shall be entitled to recover, on the release or sale of stock, in respect of a notice of impoundment given in terms of section 15(1) of the Act, shall be N\$50.
- (3) Where the Minister has entered into an agreement with a person for the rendering of a service on behalf of the Registrar, in terms of section 21A of the Act, and such service includes the collection of a fee contemplated in subregulations (1) and (2), such fee-
 - (a) is directly payable to that person in legal tender as contemplated in section 20 of the Bank of Namibia Act, 1997 (Act [No. 15 of 1997](#));

- (b) subject to the provisions of the agreement, must be deposited by that person into a separate bank account at a registered banking institution in Namibia;
- (c) subject to the provisions of the agreement, must be paid over by that person to the Registrar or the poundmaster, as the case may be, on a regular basis.

[subregulation (3) inserted by GN 39/2007]

- (4) The person referred to in subregulation (3) must issue a receipt to a person making a payment or from whom a fee is collected.

[subregulation (4) inserted by GN 39/2007]

- (5) The person referred to in subregulation (3) may make deductions regarding-
 - (a) necessary expenses and administrative expenses incurred for rendering the service;
 - (b) the remuneration he or she is entitled to in terms of the agreement;
 - (c) other amounts he or she is entitled to in terms of the agreement, if that person has shown proof to the Registrar or to the poundmaster, as the case may be, of such expenses and administrative expenses incurred or remuneration entitled to or other amounts entitled to in terms of the agreement.

[subregulation (5) inserted by GN 39/2007]

8. Stock brand areas and area indication symbol of brand

- (1) For the purposes of the Act and these regulations-
 - (a) the areas mentioned in the first column of the Table in Annexure 2, are the different stock brand areas into which Namibia is divided; and
 - (b) the letters or letters specified in the second column of that Table opposite each such stock brand area, shall be the area indication symbol to be included in every brand allotted in respect of stock kept in such area.
- (2) Stock belonging to the Government shall be branded with the letter "G" preceding the brand allotted to the Government in respect of stock kept in a particular stock brand area.
- (3) The reference in the Table in Annexure 2-
 - (a) to a magisterial district, means the magisterial district as defined in the relevant annexure to Government Notice No. 23 of 17 February 1994, excluding any subsequent amendments thereto;
 - (b) to a region, means the region as defined in the First Schedule to Proclamation No. 6 of 3 March 1992, excluding any subsequent amendments thereto.

9. Form of brand

- (1) Subject to subregulation (2), regulation 10 and regulation 13(5), an allotted brand-
 - (a) in respect of a stock brand area mentioned in paragraph 1 of the Table in Annexure 2, shall consist of the relevant area indication symbol followed by two characters, a letter in combination with either a second letter or a numeral, which shall be arranged in such manner that the brand shall be in a triangular form; and
 - (b) in respect of a stock brand area mentioned in paragraph 2 of that Table, shall consist of the two letters of the relevant area indication symbol with one or more numerals between those letters, which shall be imprinted in such manner that the brand shall be in a linear form: Provided that if the brand consists of more than four characters no more than three characters may be placed in the same line.

- (2) When a brand is registered, the Registrar may indicate that the indicated character that forms part of the brand shall not be used in the normal orientation, but shall be toppled to the left or to the right.
- (3) The Registrar may allocate letters and numerals in the order in which he or she thinks fit.

10. Special brands

Special brands registered before the commencement of these regulations shall remain valid, but no special brands shall be registered after the commencement of these regulations.

11. Size of brands

- (1) The size of the characters of every allotted brand branded on cattle shall be not less than 30 millimetres in height.
- (2) The size of the characters of every allotted brand branded on sheep or goats by means of a tattoo as contemplated in regulation 13(6) shall be not less than 8 millimetres in height.
- (3) The size of the characters of every allotted brand branded on sheep or goats by means of an approved tag as contemplated in regulation 13(7) shall be not less than 3 millimetres in height.

12. Age of stock at time of branding

- (1) Except where for the purpose of compliance with any provision of the Act it is required that stock be branded sooner, every owner shall cause-
 - (a) any new born cattle to be branded upon attaining the age of six months;
 - (b) any new born sheep or goats to be branded upon attaining the age of three months or when such sheep or goats are removed from the farm on which they are born or sold to another person before they have reached that age.
- (2) Where accurate records are not available to determine the age of cattle, the appearance of the first molar teeth in the upper jaw shall be regarded as the time when, for the purposes of subregulation (1), the animal concerned shall be branded.

13. Method of imprinting brand

- (1) An allotted brand shall be imprinted on cattle, in accordance with the provisions of subregulation (2), by means of a branding iron and through-
 - (a) the application of heat;
 - (b) a freeze application; or
 - (c) the application of any appropriate chemical, in such manner that it will leave a durable and legible mark.
- (2) The first brand on cattle shall be imprinted on the left hind leg, on the lateral area above (proximal) the knee-joint and below (distal) the hip joint, and subsequent brands shall be imprinted on the following parts, next in order-

(a)	left shoulder:	on the lateral area above (proximal) the elbow joint and below (distal) the shoulder joint;
(b)	left neck:	behind (caudal) the angle of the jaw and to the front (cranial) of the shoulder joint;
(c)	right hind leg:	on the lateral area above (proximal) the knee-joint and below (distal) the hip joint;
(d)	right shoulder:	on the lateral area above (proximal) the elbow joint and below (distal) the shoulder joint;
(e)	right neck:	behind (caudal) the angle of the jaw and to the front (cranial) of the shoulder joint.

- (3) Subject to subregulation (5), an allotted brand shall be imprinted on sheep and goats in accordance with the provisions of subregulation (4) by means of a tattoo or an approved tag.
- (4) The first brand on sheep and goats shall be imprinted on the inside of the left ear and subsequent brands shall be imprinted on the following parts, next in order-
 - (a) the inside of the right ear;
 - (b) the inside of the left ear, nearer the head (cranial) to the previous brand on that ear;
 - (c) the inside of the right ear, nearer the head (cranial) to the previous brand on that ear.
- (5) When the characters of an allotted brand is in a triangular form, as contemplated in regulation 9(1)(a), the characters shall when such a brand is imprinted on sheep or goats by means of a tattoo contemplated in subregulations 6 or by means of an approved tag as contemplated in subregulation (7), be in one line with the characters in the first line separated from the character below by means of a forward slash ("/") character.
- (6) For the purposes of subregulation (3) a tattoo means a mark created by the insertion of indelible pigment into punctures in the skin.
- (7) Approved tag means a plate, tag or similar object containing a brand and-
 - (a) which is of a type manufactured or supplied by a person approved by the Registrar; or
 - (b) which is of such quality, type and material as may be approved by the Registrar and is attached and secured in a manner approved by the Registrar.

14. Safe keeping of branding irons

- (1) Subject to subregulations (2), (3) and (4), every owner of a registered brand shall be responsible for the custody of the branding irons pertaining to such brand.

- (2) A Traditional Authority may in writing request the Minister to issue an order whereby registered owners of brands residing in any community of that Traditional Authority are required to surrender to the Traditional Authority all branding irons of such owners for safe custody by that Traditional Authority, or any person designated by it, during times when such branding irons is not being used by the owner for the branding of stock or for any other lawful purpose, which request shall set forth the measures imposed or proposed to be imposed by the Traditional Authority to ensure the safe keeping of such branding irons and to prevent their unlawful use.
- (3) If, upon a request made in terms of subregulation (2), the Minister-
 - (a) considers it expedient that an order to that effect should be issued; and
 - (b) is satisfied with regard to the measures imposed or proposed to be imposed by the Traditional Authority for the safe keeping of branding irons,the Minister may issue such order by notice in the *Gazette*.
- (4) Every owner of a registered brand who resides in a community of a Traditional Authority in respect of which an order issued under subregulation (3) becomes of effect, shall comply with the requirements of that order.

15. Penalties

Any person who fails to comply with the provisions of regulation 11, 12(1) or 14(4), shall be guilty of an offence and on conviction be liable to a fine not exceeding N\$2 000 or to imprisonment for a period not exceeding six months.

Annexure 1

Forms

[Editorial note: The forms have not been reproduced]

Annexure 2 (Regulation 6)**Stock brand areas and area indication symbol of brands**

Stock brand areas		Area indication symbol
1.	The following magisterial districts, but excluding any area mentioned in paragraph 2 of this Annexure which falls in such magisterial district -	
	Bethaine	B
	Gobabis	S
	Grootfontein	F
	Karasburg	D
	Karibib	K
	Keetmanshoop	P
	Luderitz	L
	Malthahohe	E
	Mariental	N
	Okahandja	J
	Omaruru	U
	Otjiwarongo	T
	Outjo	O
	Rehoboth	R
	Swakopmund	M

	Tsumeb	A
	Windhoek	W
2.	The following other areas:	
(a)	in the Caprivi Region-	
(a)	in the Caprivi Region-	
	the area West of the Kwando river	EB
	the area West of the Kwando river	EC
	the area West of the Kavango river	ED
(b)	in the Erongo Region-	
	Kuiseb area	KD
	Okambahe	OK
	Otjihorongo area	UF
	Otjimbingwe area	KC
(c)	in the Hardap Region	
	Gibeon area	NC
	Hoachanas area	NH
(d)	in the Karas Region -	
	the areas of Tses and Berseba	PF
	Bondelswarts area and all other portions of unsurveyed State land in that region	PS

(e)	in the Kunene Region north of the veterinary cordon fence-	
	Opuwa district	XA
	Khorixas district, the area north of the veterinary	XB
(f)	in the Kunene Region south of the veterinary cordon fence, in the Khorixas district -	
	Uis area north of the Ugabriver	DA
	Houmoed area	DC
	Braunfels area	DD
	Fransfontein area	DG
	Grootberg area	DN
(g)	the Ohangwena Region -	ZC
(h)	in the Okavango Region -	
	Kwangali area	YA
	Mbunza area	YB
	Sambui area	YC
	Geiriekua area	YD
(i)	in the Omaheke Region -	
	Aminuis Corridor area	SC
	Gam area	SD
	Eiseb area	SE

	Epukiro area	SF
	Otjinene area	SO
	Rietfontein area	RN
(j)	the Omusati Region	ZA
(k)	the Oshana Region	ZB
(l)	the Oshikoto Region north of the veterinary cordon fence	ZD
(m)	in the Otjozondjupa Region-	
	Gam area	SD
	Okakarara	TC
	Okamatapati	OM
	Okondjatu	OH
	Otjituoo	FC
	Ovitoto	OV
	Tsumkwe area north of the veterinary cordon fence	QA