

## No. 10 of 1898.

### An Ordinance relating to the Branding, Sale, and Transfer of Cattle.

*(As amended by No. 1 of 1900 and No. 25 of 1917.)*

*(See section 11 of No. 9 of 1876 and No. 25 of 1917.)*

Preamble.

WHEREAS it is expedient to make provision for the branding, sale, and transfer of cattle: Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows:

Short title.

1 This Ordinance may be cited as "The Cattle Ordinance, 1898."

Definition of cattle.

2 In this Ordinance "cattle" shall mean bulls, cows, bullocks, buffaloes, heifers, steers, and calves.

Repealing clause.

3 (1) So much of sub-section (6) of section 6 of Ordinance No. 24 of 1889 as relates to registering, branding, regulating the sale, removal, and prevention of stealing of cattle, and the whole of section 20 of Ordinance No. 9 of 1893, are hereby repealed, but this repeal shall not affect the past operation of those enactments or of any rules made thereunder, or the validity or invalidity of anything done or suffered under those enactments before the passing hereof, or interfere with the institution or prosecution of any proceeding in respect of any offence committed against or any penalty incurred under the said enactments or either of them.

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(2) Notwithstanding this repeal, every rule made or purporting to be made under the repealed provisions of sub-section (6) of section 6 of Ordinance No. 24 of 1889 shall continue and be in force within the subdivision for which such rule purports to be made, until one or more regulations made under this Ordinance have been published and brought into operation within such subdivision, and any contravention or breach of any such rule, of which any person is guilty after the passing of this Ordinance, may be punished in like manner and by the same courts and tribunals as if it were a contravention or breach of a rule made under this Ordinance.

4 The Governor may, with the advice of the Executive Council, from time to time make, and when made revoke or vary, such regulations as may seem necessary or expedient for the sale, removal, registration, and branding of cattle, for the prevention of cattle stealing, and for the issue of cattle vouchers.

Power to make regulations.

5\* The regulations made under the last preceding section may provide amongst other things :

Matters in respect of which regulations may be made.

- (1) For prohibiting the sale or transfer of cattle except upon a voucher as near as is material in the form A in the schedule hereto, certified by an officer appointed for the purpose ;
- (2) For filling the duplicate of vouchers issued by any officer appointed under the provisions of this Ordinance ;
- (3) For prohibiting the removal of cattle for agricultural purposes, or for tending, milking, or grazing, or for use in a tavalam, except upon a permit ~~as near as is material in the form B in the schedule hereto ;~~
- (4) For the issue of vouchers in the form A ~~and of permits in the form B~~ in the schedule hereto, and for the custody of registers of cattle branded ;
- (5) For prohibiting the alteration of or addition to, defacement, or destruction of any voucher or permit ;
- (6) For prohibiting the possession by any person of any voucher or permit for the removal of cattle, unless such person have in his possession a head of cattle corresponding to such voucher or certificate of removal ;
- (7) For prescribing the circumstances under which a voucher or permit may be dispensed with ;
- (8) For prescribing the additional facts to be inserted in a permit when a head of cattle is removed to be tended for share ;

\* See section 3, No. 25 of 1917.—*Edd.*

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- (9) For prescribing the circumstances under which an owner of cattle not holding a voucher may obtain a voucher after proof of title ;
- (10) For the grouping together of two or more villages or groups of villages into a district for the purpose of branding cattle, to be called a " branding district " ;
- (11) For the fixing of a communal brandmark for each branding district ;
- (12) For fixing the place or places in each branding district where cattle of such a district shall be brought to be branded ;
- (13) For fixing the days in each quarter of the year in which cattle may be branded in each branding district ;
- (14) For prohibiting the branding of cattle in any branding district except at the place or places and on the days fixed for the branding of cattle in such district ;
- (15) For requiring notice of such places and dates being given in such district ;
- (16) For compelling owners of cattle within such district to produce all unbranded cattle which by the regulations are required to be branded, and which are above the age of eighteen months, at the places and on the dates fixed for the branding of cattle ;
- (17) For requiring the presence of each village headman within a branding district at the place fixed for the branding of the cattle of his village on each of the days fixed for branding ;
- (18) For prohibiting the branding of cattle from any village except in the presence of the headman of such village ;
- (19) For prohibiting the branding of cattle owned by the headman of any village except in the presence of a headman of an adjoining village ;
- (20) For directing the officer authorized to brand cattle to satisfy himself before branding a calf that such calf is the produce of the dam produced ;
- (21) For compelling each branding officer to keep a register as near as is material in the form C in the schedule hereto of all cattle branded by him, and to insert in such register a description of each animal branded ;
- (22) For prohibiting the altering, defacing, or adding to of any brand, or the re-branding of any head of cattle, without the special permission in writing of the President of the Gansabhawa, the Chairman of the Village Council, or the Police Magistrate having jurisdiction over the place where the animal is kept ;

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- (23) For prescribing the circumstances under which branding by caste marks and for sickness may be effected, and for prohibiting branding merely for ornamental purposes ;
- (24) For authorizing and requiring the seizure by the police and headmen, and the production before *the President of the Gansabhawa*, the Chairman of the Village Council for the district, or if there is no Village Council before the Police Magistrate, of all stray cattle, cattle not branded in conformity with the regulations, cattle for which proper vouchers or permits for removal cannot be produced, or cattle bearing altered or defaced brands, and for authorizing the sale of such cattle when there is no claimant, or when *the President of the Gansabhawa*, the Chairman or Magistrate is not satisfied that they are the lawful property of the claimant ;
- (25) For the transmission of the duplicates of cattle vouchers and permits for removal, and of the registers of cattle branded, to the Government Agent or Assistant Government Agent of the district in which the vouchers, permits for removal, or registers were written ;
- (26) For prohibiting the possession by any unauthorized person of brands similar to those used for communal branding ;
- (27) For fixing the fees to be paid for the issue of vouchers for the registering of cattle, and the issue of a copy of an entry in a branding register ;
- (28) For the appointment of officers to carry out the provisions of this Ordinance.

[§ 2, 25 of 1917.]

[§ 2, 25 of 1917.]

Provided always that nothing in this section contained shall in any way restrain or be construed to restrain the generality of the powers conferred on the Governor, with the advice of the Executive Council, by section 4 ; but such powers shall extend to all matters, whether similar or not to those in this section mentioned, as to which it may be expedient to make regulations for the better carrying into effect of the objects of this Ordinance.

6 All regulations made under the provisions of the two preceding sections shall be published by Proclamation in the *Government Gazette*, and the Governor, with the advice of the Executive Council, may by such Proclamation limit the area within which such regulations or any of them shall be in force in any revenue province, revenue district, revenue division, or smaller area the limits of which shall respectively be set out in the Proclamation, and such regulations when proclaimed shall have the same force as if they had been enacted in this Ordinance.

Regulations to be published.

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Provided, however, that all such regulations, together with a statement showing the districts or areas to which the regulations are to be applied, shall be laid before the Legislative Council, if in session, within one month of such publication, and if not in session within one month of the commencement of the session next ensuing ; and in either case they shall lie on the table during four sittings at least of the Council, and any regulation which has been disapproved by a resolution of the Council shall cease to have any force or effect.

Exemption from regulations relating to branding.

7 It shall be lawful for the Governor, with the advice of the Executive Council, from time to time by Proclamation to exclude any particular description of cattle from the operation of any one or more of such regulations relating to the branding of cattle, provided that if and whenever the owner of such cattle desires to brand them or any of them, such cattle shall only be branded in accordance with the regulations in force in the area within which such cattle are kept.

Penalty for unlawful possession of cattle without voucher or permit.

8 Any person having in his possession, without a voucher or permit for removal, cattle for the possession of which a voucher or permit for removal is rendered necessary by the regulations made under section 5, shall, unless he satisfy the Magistrate that he is lawfully entitled to the possession of such cattle (the burden of proving which shall be upon such person), be guilty of an offence, and liable on conviction to a fine not exceeding fifty rupees, and in default of payment to imprisonment, rigorous or simple, for any period not exceeding three calendar months.

Other offences.

9 If any person without lawful authority or excuse (proof whereof shall lie on him) contravenes any regulation made under this Ordinance, or does or omits to do anything which under the provisions of this Ordinance or of any regulations made thereunder he ought not to do or omit ; or if he obstructs or impedes or assists in obstructing or impeding any officer appointed under this Ordinance to brand or register cattle, or any headman or police officer in the execution of any provision of this Ordinance or of any regulation made thereunder, he shall be guilty of an offence against this Ordinance, and shall be liable to a fine not exceeding twenty rupees, or to imprisonment, rigorous or simple, for a period not exceeding fourteen days.

Every prosecution for an offence under this section may be prosecuted before the Village Tribunal, Village Committee, or Police Court having territorial jurisdiction to entertain the same.

Amendment of 7th column of schedule II. of Ordinance No 3. of 1883.\*

10 In the 7th column of schedule II. of the Criminal Procedure Code\* the words " one hundred rupees " shall be substituted for the words " fifty rupees," as applying to section 368 of the Ceylon Penal Code.

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\* Repealed by No. 15 of 1898.—*Edd.*

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## SCHEDULE.

## Form A.

(See Section 5, Sub-section 1.)

## Cattle Voucher.

No. ———. (In foil and counterfoil.)\* ——— District.

Issued to ——— on the ——— day of ———, 18—.

1. Description of animal :  
1 Colour, 2 Age, 3 Kind, 4 Sex, 5 Peculiarity,  
6 Brandmarks .. ..
2. The name and the residence of the seller or donor .. ..
3. The name and residence of the person receiving .. ..
4. Whether the animal was born in the fold of the seller or donor ; if not, how acquired .. ..
5. Description of previous vouchers, if any .. ..
6. The village where the animal was kept before the transfer .. ..
7. The place to which it is to be removed .. ..
8. The date of this voucher, and the place where it is executed .. ..
9. Signature of the seller or donor .. ..
10. Signature of the person receiving .. ..
11. Signature and name of attesting headman .. ..
12. Names and signatures of the two witnesses .. ..

N.B.—No subsequent sale of the animal referred to herein shall be the subject of endorsement on this voucher, but such sale must be on a fresh voucher, to the counterfoil of which all former vouchers must be attached.

\* Original to be delivered to the purchaser ; duplicate to be given to the Kachcheri.

## Form B.

(See Section 5, Sub-section 3.)

## Permit for Removal of Cattle.

No. ———. [Obverse.]  
Issued to ——— on the ——— day of ———, 18—.

1. Description of animal :  
1 Colour, 2 Age, 3 Kind, 4 Sex, 5 Peculiarity,  
6 Brandmarks .. ..
2. Name and residence of driver .. ..
3. Name and residence of owner .. ..
4. Owner's title (briefly) .. ..
5. The village from which the animal is being taken .. ..
6. The village to which the animal is being taken .. ..
7. Purpose for which the animal is being removed .. ..
8. Date and place of issue .. ..
9. Signature of owner .. ..
10. Signature of driver .. ..
11. Signature of headman .. ..

This permit will only be of force as an authority for removal for a space of one month from the date of granting.



Ord. 25 of 1917.

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[Reverse.]

Permit given by the Village Headman or Arachchi of the Division for removal of Cattle for the purpose of Tending.

[When cattle are given for the purpose of tending, this side of the permit should be completely filled up; if not for tending, it should be left blank.]

I, \_\_\_\_\_, do hereby give over on this day the animal referred to in this voucher to \_\_\_\_\_, for \_\_\_\_\_, subject to the following conditions : \_\_\_\_\_.

This permit should be kept with the person receiving the cattle, and it should be returned to the owner when the animal referred to therein is returned. When the animal is to be returned to the owner, the Arachchi of the division in which the person who tends resides should authorize the removal of the animal on this permit itself as hereinunder prescribed.

I, \_\_\_\_\_, of \_\_\_\_\_ division, do hereby certify that I have authorized \_\_\_\_\_ to remove and deliver to the owner the animal taken by him to tend, together with its offspring, bearing the following brandmarks : \_\_\_\_\_.

Form C.

(See Section 5, Sub-section 21.)

Register of Cattle Branded.

In presence of the Village Headman of \_\_\_\_\_, in \_\_\_\_\_ Korale.

No.	Full Name of Owner or Owners.	Village.	Black Cattle or Buffalo.	Sex.	Age at time of Branding.	Brands in full, i.e., Communal Brand and other Brands.		Owner's Title, i.e., whether born in Pinfold, or, if not, how acquired, and Number of Certificate, if any.
						Right	Left	

28th July, 1898.

No. 25 of 1917.

An Ordinance to amend "The Cattle Ordinance, 1898."

[Date of Governor's assent : September 26, 1917.]

[Date of commencement : September 26, 1917.]

Preamble.

WHEREAS it is expedient to amend "The Cattle Ordinance, 1898" : Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows :

Short title.

1 This Ordinance may be cited as "The Cattle (Amendment) Ordinance, No. 25 of 1917."

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2 In paragraph (24) of section 5 of the principal Ordinance, before the words "the Chairman" in both places in which the said words occur, the following words shall be deemed to have been inserted as from the commencement of the said Ordinance, that is to say, the words\* "the President of the Gansabhawa."

Retrospective amendment of the principal Ordinance. [\* Embodied in the Principal Ordinance.]

3 All regulations purporting to be have been made under section 5 of the principal Ordinance shall be deemed to have been validly made, and to have been in force from the date of the enactment thereof, notwithstanding that such regulations have not been laid before the Legislative Council in accordance with section 6 of the said Ordinance.

Validation of certain regulations.

Provided that on the passing of this Ordinance all regulations in which the formalities prescribed by the said section have not been complied with shall be re-published in the *Government Gazette*, and shall be laid before the Legislative Council in the same manner and within the same time as regulations originally published; and provided further that all regulations so laid before the same Council shall be subject to the disapproval of the Council in the same manner as regulations laid before it under the said section.

26th September, 1917.

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