

**Additional Issue
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The following Act as passed by the Parliament has received assent of the President on 28 January, 2010 (15 Magh, 1416) and is hereby published through this Gazette for general information.

Act No. 2 of the year 2010

An Act for Fish Feed and Animal Feed processing, quality control, import, export, marketing, sale, distribution, transportation and pertaining ancillary matters.

Whereas, it is expedient to make act for the purpose of production of fish feed and animal feed, processing, quality control, import, export, marketing, sale, distribution, transportation and pertaining ancillary matters;

Therefore, the following act is hereby made:

1. Short title and commencement:

1. This Act may be called as Fish Feed and Animal Feed Act, 2010.
2. It shall come into force immediately.

2. "Definition": Unless there is anything repugnant in the subject or context -

1. "Directorate" means in respect of fish feed is the Directorate of Fisheries, and in respect of animal feed is the Directorate of Livestock Services;
2. "Company" means company as defined in Company Act, 1994 (Act No. 18 of 1994);
3. "Farm" means hatchery for fish and domestic animals, nursery, breeding farm and commercial farms for fish and domestic animals;
4. "Defined" means as defined under financial rules.
5. "Animal" means all types of animals mentioned below:
 - a. All animals except human beings;
 - b. Birds;
 - c. Reptiles;
 - d. Aquatic animals except fish; and

- e. Any other animals as time to time prescribed by the Government through official gazette;
6. “Animal Feed” means various nutritious feedstuff and mixtures thereof prepared artificially or through other means for the purpose of living and saving the animals from malnutrition;
 7. “Director” Director means any partner or member of the Board of Directors in the case of commercial establishment;
 8. “Code of Criminal Procedure” means Code of Criminal Procedure, 1898 (Act No. V of 1898);
 9. “Person” means anybody and any organization, company, partnership business, firm or any other organization shall also be included in that;
 10. “Rule” means any Rule framed under this Act;
 11. “Adulterated fish feed and animal feed” means any fish feed or animal feed containing poisonous or harmful substances which are harmful for fish, livestock or other animals or environment or such fish feed or animal feed which is not in consistent with the matters as mentioned under clause 11 and 13 or proved in the Quality Control Laboratory as adulterated or poisonous or harmful fish feed or animal feed or as injurious substances;
 12. “Fish” means all cartilaginous and bony fishes, freshwater and marine prawn and shrimp, amphibians, tortoise, turtles, crustaceans, molluscs, echinoderms (sea cucumber), frogs and their life at all stages of the life cycle and any other aquatic animal declared time time by the Government through official gazette;
 13. “Fish feed” means nutritious feedstuff or mixtures thereof prepared in factory or prepared through other means for the purpose of living and saving the fish from malnutrition;
 14. “Director General” means the Director General of the Directorate of Fisheries or the Director general of the Directorate of Livestock Services, as the case may be;
 15. “Quality Control Laboratory” means the Quality Control Laboratories of the following organizations:
 - a. Directorate of Fisheries;
 - b. Directorate of Livestock Services;
 - c. Bangladesh Standards and Testing Institute (BSTI);
 - d. Bangladesh Council of Scientific and Industrial Research (BCSIR);
 - e. Bangladesh Fisheries Research Institute;
 - f. Bangladesh Livestock Research Institute;
 - g. Faculty of Fisheries of various recognized Universities;
 - h. Faculty of Veterinary Medicine of various recognized Universities;
 - i. Faculty of Animal Husbandry of various recognized Universities;
 - j. Laboratory of Bangladesh Atomic Energy Commission; and
 - k. Any other laboratory selected by the Government time to time and notified through Government Gazette;
 16. “License” means any license given under clause 5 in favour of any person or establishment for fish feed and animal feed production, processing, import, export, sale, distribution, transportation and for miscellaneous activities;
 17. “Government” means Ministry of Fisheries and Livestock.

3. Controlling authority for fish feed and animal feed

1. The Director General of the Directorate of Fisheries or any officer empowered by him shall be the fish feed controlling authority.
2. The Director General of the Directorate of Livestock Services or any officer empowered by him shall be the livestock feed controlling authority.

4. Rules relating to banning of production of fish feed, animal feed, processing etc. without license

After coming into effect of this law, no person without any license under clause 6 shall be able to perform any function relating to production of fish feed and animal feed, processing, import, export, marketing, sale, distribution and other related matters.

5. Licensing authority

Under this Law in respect of fish feed, the Director General of Fisheries or any other class I officer of the Directorate of Fisheries empowered by the Director General and in respect of animal feed, the Director General of the Directorate of Livestock Services or any other class I officer of the Directorate empowered by the Director General of Livestock in this regard shall act as the Licensing Authority.

6. Distribution of license

1. For the purpose of production of fish feed or animal feed , processing, import, export, marketing, sale, distribution and ancillary activities, any person willing for the purpose can apply to the Licensing Authority- under clause 5 in the prescribed form in the prescribed way but on condition that any person can apply for license in writing until the time the Rules are prepared.
2. If any application under sub-clause (1) is submitted, the licensing Authority
 - a. If satisfied that the applicant has fulfilled the specified terms of application in respect of production of fish feed or animal feed, processing, import, export, marketing, sale, distribution, transport and miscellaneous activities, the Licensing Authority would realize under clause 8 fee fixed for the purpose and would give license to the applicant within a period of 30 (thirty) days; or
 - b. If the Authority is of the opinion that for the purpose of fulfilling the specified terms, the applicant should be given opportunity, then the applicant may be given not more than 30 (thirty) days time for the purpose of fulfilling the terms; or
 - aa. If the applicant is able to fulfill the terms within the time, then within the next 15 days his prayer may be accepted and may be given a license; or
 - bb. If the applicant fails to fulfill the terms within 15 (fifteen) days, his application will be cancelled and he may be informed accordingly; or
 - c. If the Authority is of the opinion that the applicant has not been able to fulfill the majority of the specified requirements and there is no possibility of fulfilling the

remaining requirements as mentioned under (b), then his request may be cancelled directly and the applicant may be informed accordingly within 15 (fifteen) days.

3. If any person, immediately before the beginning of this law, performed the activities related to production of fish feed and animal feed, processing, import, export, marketing, sale, distribution, transport and other related activities, he can apply to the Licensing Authority within a period of not more than 6 (Six) months from the date of start of the law according to the procedure under sub-clause (1) mentioned herein.
4. As mentioned in sub-clause (3) if no application is submitted for license within the time limit, the Licensing Authority can order for stopping all activities undertaken immediately before the effectiveness of the order, relating to the production of fish feed or animal feed, processing, import, export, marketing, sale, distribution, transportation and other related activities.

7. The tenure of license and renewal

1. Under this law, the tenure of the license will be one year from the date of issuance of license.
2. For the purpose of renewal of license mentioned under sub-clause (1), application for its renewal shall be filed to the Licensing Authority at least 30 (thirty) days before expiry date with the amount of fixed renewal fee.
3. The Licensing Authority on receipt of application under sub-clause (2) after being satisfied that the applicant had appropriately complied with all the provisions of this law or rule or license, then the Licensing Authority subject to payment of renewal fee within a period of 30 (thirty) days from the date of receipt of application, will renew the license or if the Licensing Authority is satisfied that the applicant has not complied with the terms and conditions of the license, will cancel the application for renewal and will inform the Licensee in writing.
4. Until the time of receiving the order of acceptance or rejection of application for renewal of license according to sub-clause (3) by the Licensing Authority, the license shall be treated as valid and the Licensee can perform his activity accordingly.

8. License fee and renewal fee

Under this Act, the amount of license fee and the renewal fee will be determined by Rules.

Until the Rules are framed for this purpose, the Government can fix the rate of license fee and renewal fee through publication in the Government Gazette.

9. Cancellation of license and postponement

1. If any license holder receiving license under this Law or Rule framed under this law breaks any terms, the Licensing Authority can give an opportunity to the licensee for showing any reasonable cause and thereafter can postpone or cancel the license.
2. Under sub-clause (1), if any license is postponed or cancelled, then within 30 (thirty) days from the date of such action subject to payment of fixed fee, the licensee can file

appeal and the Government within a period of 60 (sixty) days will dispose of the appeal and in such case the Government decision shall be treated as final.

But condition remains that the concerned person on receipt of the decision of appeal order may file a request within a period of 30 (thirty) days for a review.

3. Any application to be filed for review of the Appeal under clause (2) shall be disposed of within a period of 30 (thirty) days from the date of receipt.

10. Ideal value

1. For the purpose of maintaining the quality standard in fish feed and animal feed to be produced on commercial basis, the Government shall determine the ideal value of the various ingredients of fish feed and animal feed by rule and follow the said values on compulsory basis during production of fish feed and animal feed on commercial basis.
2. In the test carried out also in quality control laboratory, if the ideal limits are not found in any fish feed or animal feed as mentioned in clause (1) or if the presence of any anti-nutrient is proved or if the fish feed or animal feed is found to be mixed with any unfit or harmful substance, then the license of the said fish or animal feed manufacturer may be cancelled.

11. Quality control of fish feed and animal feed

1. The officer empowered for the purpose of observing the quality control activity in respect of imported or locally produced feed for fish and animals at any stage of marketing can collect sample for the purpose from any producer, importer or seller and get the sample tested at any quality control laboratory.
2. The feed for fish and animal, if proved unfit for the fish or the animal under sub-clause (1), then these shall be forfeited and the person/persons importing, producing and marketing shall be treated as guilty under this Act.
3. The methods of testing fish feed and animal feed ingredients, which are marketed, shall be determined by the rule.

12. Banning of production, import, export, sale, transportation and marketing of harmful and adulterated fish feed and animal feed

1. No person either directly or indirectly or any other person on his behalf and through any establishment or company can make fish feed or animal feed, process, import, export, sale, distribute or transport which:
 - a. Contains any poisonous or harmful substance for man, animal, fish or environment:
and
 - b. Inconsistent with the ideal level.
2. In the case of import of fish and animal feed, there shall be papers from the appropriate authority of the exporting country certifying the level of radioactivity, and that the feed products are fit for consumption of fish and animals shall be compulsorily enclosed along with the shipping document.

3. Any person violating the provision of sub-clause (1) shall be treated as crime under this law.

13. Container and Labeling

No fish feed or animal feed can be marketed, if

- a. It is not inside an approved container or inside a packet and not packaged under vacuum; and
- b. Following information are not noted in the container or packet, viz:
 - i. The name of manufacturer and the name of the country where made;
 - ii. The name, address and registration number of the concerned establishment;
 - iii. The actual weight of fish feed and animal feed;
 - iv. Names of existing feed ingredients and nutrition factors and their rate of percentage;
 - v. The lot number allocated and other ways for the identification of fish feed and animal feed;
 - vi. The source identification code of the product;
 - vii. The feed for kind of fish or animal;
 - viii. The date of production and the expiry date.

14. Banning of the use of antibiotic, growth hormone, insecticides etc. in fish feed and animal feed

1. Any harmful chemicals including antibiotic, growth hormone, steroid and insecticides cannot be used in fish feed and animal feed.
2. Any body violating the provision of sub-clause (1) will come under the purview of crime under this law.

15. Facility for entrance into the factory or any concerned place

The Director General or any officer empowered by him under this Law and Rules subject to the provisions of these rules at appropriate time can inspect fish feed and animal feed factory and its yard, processing methods, the place of stocking of any feed ingredients brought in the factory for making fish feed and animal feed, any transport for conveyance, sale center or any other place concerned with such elements or transport, and any concerned quality control documents.

16. Forfeiture of harmful and adulterated fish feed and animal feed, their destruction, etc.

1. If any fish feed and animal feed is proved to be harmful and adulterated, the Director General or any empowered officer can forfeit all the fish feed and animal feed and the used merchandise and implements or any portion thereof.
2. The Director General or any other empowered officer can order for destruction of the forfeited unhealthy, putrefied, contaminated, or adulterated fish feed and animal feed.

3. Fish feed and animal feed forfeited under sub-clause (1) can be destroyed by the authorized officer or his nominated representative in a healthy way having no adverse effect on public health or environment and all records of this incident shall be preserved by the factory authority in a competent way.

17. Crime committed by the Company

If any company authority commits any crime under this Act, all the persons having direct link with such incident such as every Director, Manager, Secretary, Partner, Officer and employee will be considered as committing the crime, if he is not able to prove that the crime has been committed without his knowledge or he has tried his best to prevent such crime.

18. Acceptance of trial for crime committed and trial

1. Without any written complaint of the Director General or empowered officer, no Court shall accept any case for trial under this law.
2. Whatever is available in the Criminal Procedure Code, all the crimes committed under this law shall be tried by a Magistrate 1st class or Metropolitan Magistrate.
3. If not available otherwise, any crime committed under this law will be triable under the summary method and for this purpose, the procedure under Criminal Procedure Code will be applicable as per provisions in chapter xxii.

19. The acceptance of crime and procedure for bail

The crimes committed under this law will be non-cognizable and bailable.

20. Penalty

If any person commits any crime under this law, that person will undergo imprisonment of one year or penalty up to Tk 50,000/- or will be convicted in both the cases simultaneously.

21. The special power of the Magistrate in respect of monetary penalty

Whatever is available in the Penal Code, under this law any Magistrate with First Class power or the Metropolitan Magistrate can inflict any punishment for the concerned offence.

22. Power to make Rule

The Government can make Rules through notification in the official Gazette to serve the purpose of this law.

23. Publication of English Text

After this law is made effective, the Government will publish the same in the official Gazette and issue an English copy of the law to be known as the Authentic English Text.

But in case of difference in meaning between the Bengali and English version, the Bengali version will get preference.

24. Special provision for safe keeping

1. The Fish Feed and Animal Feed Ordinance, 2008 (Ordinance # 20, 2008) will henceforth be called in the name of the mentioned ordinance and all the activities performed or arrangement made under this will henceforth be considered as performed under this Act.
2. Under the provisions of Para 93(2) of the Constitution of the Peoples' Republic of Bangladesh, in spite of the ending of effectiveness of the said ordinance, if any activity was undertaken, that has to be considered to be taken under this law.

Ashfuq hamid

Secretary

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