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Report Name: Bangladesh Livestock and Animal Products Quarantine Act 2005

Country: Bangladesh

Post: Dhaka

Report Category: Sanitary/Phytosanitary/Food Safety, Livestock and Products, Trade Policy Monitoring

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Report Highlights:

On February 28, 2005, the Ministry of Fisheries and Livestock enacted the Bangladesh Livestock and Animal Products Quarantine Act 2005 to prevent the outbreak and spread of animal diseases and to protect public health, for quarantine, import, and export control of animal and animal products and related matters. The Act covers functions of quarantine officers, rules of governance and quarantine, bans on export and import, and criteria related to the place of arrival or departure. The Act also has rules for exporting animal or animal products and importing without a valid license. This report contains an unofficial translation of the Act. As of July 2022, Bangladesh has not notified the regulations to the World Trade Organization.

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The Act passed by the Parliament that is written below has been granted approval from the President on 16 Falgun, 1411 or 28 February, 2005 and this Act is published hereby for the awareness of the general people: -

Act No. VI of 2005

Act passed, in order to prevent the outbreak and spread of animal diseases and to protect public health, for quarantine, import and export control of animal and animal products and related matters.

As it is advisable and necessary, in order to prevent the outbreak and spread of animal diseases to protect public health, making an Act regarding to quarantine, import and export control of animal and animal products and related matters;

Therefore, the following Act was hereby enacted: -

1. **Short Title and Introduction.** - (1) This Act will be referred to as Bangladesh Livestock and Animal Products Quarantine Act, 2005.
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(2) This Act will be enacted immediately.

2. **Definition.** - Unless there is anything contradictory to the subject or context, in this act-

(A) "Import" refers to the importation of any animal or animal product into Bangladesh by water, land and air;

(B) "Certificate of Suitability" refers to the Certificate of Suitability issued by a Quarantine Officer regarding the suitability of any animal product for human or animal consumption or usage;

(C) "Prescribed" refers to prescribed by the rules;

(D) "Animal" refers to all the following types of animals, viz.: -

(a) All mammals except human;

(b) Birds;

(c) Reptile animals;

(d) Aquatic animals other than fish; and

(e) Any other animal declared by the Government by notification in the Official Gazette.

(E) "Animal product" refers to any product produced or collected, partially or completely, from any animal or animal carcass and meat, blood, bones, milk or milk product, egg, fat, food product produced from animal, semen, fetus, veins, hairs, skin, entrails and any other part of the animal body or animal products declared by the Government by notification in the Official Gazette.

(F) "The Code of Criminal Procedure" refers to The Code of Criminal Procedure, 1898 (Act V of 1898);

(G) "Director General" refers to the Director General of The Department of Livestock Services;

(H) "Carcass" refers to the carcass of any animal and any of its parts will also be included;

(I) "Health certificate" refers to a health certificate issued by a Quarantine Officer regarding the health of animals;

(J) "Export" refers to the export of any animal or animal product from Bangladesh by water, land and air;

(K) "Diseased" refers to being infected with any contagious or infectious disease or any other disease declared by the Government, from time to time, by notification in the Official Gazette.

(L) "Rules" refers to the rules made under this Act;

(M) "Quarantine Officer" refers to a quarantine officer appointed under this Act; and

(N) "Quarantine" refers to the isolation of animals or animal products to prevent the outbreak or spread of animal diseases and to keep them in a place or yard approved by the Government for testing for the purpose of importing or exporting such animals or animal products for a period of time as determined by the Quarantine Officer.

3. Quarantine, Ban on Export and Import, etc. of Animal and Animal Products. -

Quarantine, ban on export and import, restriction or other means of control can be used for any animal or animal product that has a possibility to be a reason for animal or human disease, according to the conditions given in export or import rules issued from time to time which is issued by Government under The Imports and Exports (Control) Act, 1950 (XXXIX of 1950).

4. Effectiveness of Notification issued under Section 3. - The notification issued under section 3 would be effective in such way that it is The Customers Act, 1969 (IV of 1969), and then it would be issued as mentioned in that particular Act, and it is issued under its section- 16, and the power that the tax officers, from time to time, have under this Act to impose restrictions about importing or exporting any product, that same power can be exercised regarding the importing or exporting of animal or animal product mentioned in that notification, and the rules of that Act would be effective for this Act in the same way.

5. Determining the Place of Arrival or Departure. - For the purpose of quarantine, the Government shall, under this Act, by notification in the Official Gazette, determine the place of arrival and departure and its limits for the import or export of animals or animal products.

6. Control of Animal and Animal Products for Quarantine. - All animals and animal products detained for quarantine shall be under the control of the Quarantine Officer, and he/ she shall, in the prescribed manner, take measures for quarantine of such animals and animal products.

7. Authority and Functions of the Quarantine Officer. - Subjected to the other rules of this Act, the authority and the functions of the Quarantine Officer shall be as follows, viz.: -

- (A) Seizure of animal and animal products for quarantine;
- (B) Inspection of animal and animal products seized for quarantine;
- (C) Determining the time limit for quarantine;
- (D) Releasing animals and animal products from quarantine;
- (E) Issuing appropriate orders for the completion of prescribed tests;
- (F) Issuing health certificates for animals seized for quarantine;
- (G) Ordering the disposal or removal in other ways of any animal or infected animal product in the prescribed manner that is identified as diseased after completion of the prescribed tests.
- (H) Ordering the removal of animal skins, excrement, equipment, grass, hay and cages of animals which have come in contact with diseased animals and animal products;
- (I) Taking initiatives to disinfect any vehicles or yard used for transporting animal and animal products;
- (J) Imposing restriction in the export of animals which are unsuitable for travelling;
- (K) While transporting, giving certificate related to animal or animal product inspection and information in the break time of transportation for the purpose of importing or exporting;
- (L) In the case of importing animal or animal product prohibited by the Government, ordering the importer of that animal or animal product to return or dispose that in prescribed manner by importer's own expense; and
- (M) Taking any other measures necessary for the proper discharge of the above duties and responsibilities.

8. Recruitment of Quarantine Officers and Employees, etc. - (1) The Government, under this Act, shall appoint the necessary number of Quarantine Officers and Employees under the Department of Livestock Services for the proper implementation of the assigned functions.

- (2) The conditions of service of Quarantine Officers and Employees appointed under sub-section (1) shall be fixed by the Government.

(3) Until the appointment of Quarantine Officers and Employees under sub- section (1), any officer or employee nominated by the Government from among the officers and employees of the Department of Livestock Services shall perform the duties and activities of a quarantine officer and employee.

9. Notification from the Importer about the Import. - Every importer, in the case of importing any animal or animal product, will notify the Quarantine Officer about the animal or animal product that is to be imported not less than 15 (fifteen) days before the import in the prescribed manner.

10. Confiscable Animals and Animal Products, etc. - If any imported animal or animal product, during the quarantine imposed by a Quarantine Officer, after the prescribed tests-

(a) Is found to be diseased and the disease cannot be cured through medical treatment; or

(b) Is found to be infected and unsuitable for human or animal consumption or usage; in that case, the skin, the excrement, the equipment, the grass, the hay, the cage or any other product of the animal or of any other animal that has come in contact of that said animal and product produced from the said animal will be deemed to be confiscable.

11. Disposal or Settlement of the Confiscated Animals. - Immediately after the confiscation order of confiscable animal and animal product or animal skin, excrement, equipment, grass, hays and cage, under section 10, they have to be handed over to the District Livestock Officer and the said Officer, in prescribed manner, may take measures to use, transfer, destroy or remove or dispose them in other manners for their disposal or settlement.

12. Rule for Export of Animal or Animal Products. - The conditions to be followed in the case of exporting any animal or animal product shall be prescribed by the rules.

13. Rules relating to Import of Animal or Animal Products without a Valid License. - If an animal or animal product is imported without a valid import license and health certificate, and if the animal is not infected with a contagious disease, or if the animal product is not infected, then the Government can settle it in the prescribed manner.

14. Appeal against Administrative Order, etc. - (1) For the fulfillment of the purposes of this Act, if any person is harmed or aggrieved by any order or instruction given by the Director General or the quarantine officer, then the harmed or aggrieved person may make an appeal, within 30 (thirty) days from the date of giving such order or instruction-

(A) If the order has been issued by Director General, then to the Government;
and

(B) If the order has been issued by the Quarantine Officer, then to the Director General.

(2) If any appeal is filed under sub- section (1), it has to be settled within not more than 90 (ninety) days of its submission.

15. Impunity. - Under this Act or Rule, no Civil or Criminal case or any other legal action can be taken against the Government, General Director, Quarantine Officer or any officer or employee under him/ her if any person harmed because of doing any deed with simple belief.

16. Exemption. - The Government, by notification in the Official Gazette, may exempt any animal class or animal or animal product from the effect of all or any of the rules of this Act, by the conditions set forth in that notification.

17. Offense committed by Company etc. - If an offense is done by a company under this Act, then every Director, Manager, Secretary, Partner, Officer and Employee of the company who is directly involved in that offense shall be deemed to have committed the offence unless he/ she proves that the offense was done without his/ her knowledge or he/ she had tried his/ her best to prevent it.

Explanation- In this section-

(A) "Company" refers to and includes any commercial entity, partnership, union, association and organization; and

(B) "Director" refers to, in the case of the commercial organization, any of its partners or members of the Board of Directors.

18. Accepting Offense for Trial. – No court shall accept any case for trial under this Act except the written complaint of the Quarantine Officer.

19. Trial of Offense by Magistrate, etc. - Offences under this act shall be tried by a First- Class Magistrate, or as the case may be, by Metropolitan Magistrate.

20. Penalty. - If any person violates any provision of this Act or Rule or fails to perform his/ duties or fails to follow the instructions as per the notice received under this Act or Rule, he/ she shall be liable to imprisonment for a term not exceeding 2 (two) years, or a fine of not more than Taka 10,000 (ten thousand) or both.

21. **Appeal.** - An appeal can be brought against any judgment or order passed under this Act by a First- Class Magistrate, or as the case may be, by a Metropolitan Magistrate to the Sessions Court of the concerned jurisdiction.

22. **Application of Criminal Procedure.** – Subject to not being in contradiction with the rules of this Act, The Code of Criminal Procedure shall apply to the investigation, trial, appeal and other related matters of any offense under this Act.

23. **Accountability and Bailability of the offense.** - The offenses under this Act shall be non-cognizable and bailable.

24. **Authority to make Rules.** - (1) For the fulfillment of the purposes of this Act, the Government may, by notification in the Official Gazette, make rules.

(2) Without injuring the totality of authority given under sub- section (1), rules may be made in the said rules for all or any of the following matters, viz.: -

(A) To determine the conditions to be followed before, during or after importing animals or animal products;

(B) To determine the procedure for landing, inspection, quarantine, confiscation, detention and medical treatment of animals and animal products;

(C) To determine appropriate testing methods for diagnosis of the disease;

(D) To determine the fee for given medical service or immunization vaccine for giving health certificate, along with determining the form and fee for health certificate, in the case importing and exporting animals;

(E) To prescribe the form and fee for Certificate of Suitability for import or export of animal products;

(F) To determine the boundary of places of arrival and departure for the purpose of import and export;

(G) To determine the rate of quarantine expenditure on animal and animal products and determine the method of collecting the expenditure;

(H) To determine the method of cleaning and disinfection of all courtyards, vehicles and other places related to quarantine; and

(I) To determine the method of identification for imported animals.

25. Publishing translated text in English. - Following the enactment of this Act, the Government, by notification in the Official Gazette, shall publish a reliable text of this Act translated in English, which shall be called the Authentic English Text of this Act:

Provided, however, that in the event of contradiction between this Act and the English text, this Act shall prevail.

26. Repeal and Protection. - (1) The Livestock Importation Act, 1898 (Act IX of 1898) is hereby repealed.

(2) Even after such repeal, if any action or proceeding under the repealed Act is pending before the enactment of this Act, the said action or proceeding shall be settled in accordance with the rules of the said Act, in such way as if this Act had not come into force.

Dr. Md. Omar Faruk Khan
Secretary.

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Attachments:

No Attachments.