

EXTRAORDINARY

REGISTERED NO. P.III

GOVERNMENT

G A Z E T T E



KHYBER PAKHTUNKHWA

Published by Authority

PESHAWAR, WEDNESDAY, 27th NOVEMBER, 2024.

**PROVINCIAL ASSEMBLY SECRETARIAT
KHYBER PAKHTUNKHWA**

NOTIFICATION

Dated Peshawar, the 27th November, 2024.

No.PA/Khyber Pakhtunkhwa/Bills-21/2024/16140.— The Khyber Pakhtunkhwa Animals Feed Stuff And Compound Feed Bill, 2024 having been passed by the Provincial Assembly of Khyber Pakhtunkhwa on 1st November, 2024 and assented to by the Governor of the Khyber Pakhtunkhwa on 13th November, 2024 is hereby published as an Act of the Provincial Legislature of the Khyber Pakhtunkhwa.

**THE KHYBER PAKHTUNKHWA ANIMALS FEED STUFF AND COMPOUND FEED ACT, 2024.
(KHYBER PAKHTUNKHWA ACT NO. XIX OF 2024)**

*(First published after having received the assent of the Governor of the
Khyber Pakhtunkhwa in the Gazette of the Khyber Pakhtunkhwa.
(Extraordinary), dated the 27th November, 2024).*

**AN
ACT**

*to regulate livestock, poultry and fish feed stuff and compound feed production activities in
the Province of Khyber Pakhtunkhwa*

WHEREAS it is expedient to regulate the manufacture, storage, supply and transport for sale and marketing of feed stuff and compound feed in the Province of the Khyber Pakhtunkhwa in order to ensure standards of production and quality of feed stuff and compound feed, to check adulteration and misbranding of livestock, poultry and fish feed stuff and compound feed ingredients and for matters connected therewith or ancillary thereto;

It is hereby enacted by the Provincial Assembly of Khyber Pakhtunkhwa as follows:

1. **Short title, extent and commencement.**---(1) This Act may be called the Khyber Pakhtunkhwa Animals Feed Stuff and Compound Feed Act, 2024.

(2) It shall extend to whole of the Province of Khyber Pakhtunkhwa.

(3) It shall come into force at once.

2. **Definitions.**---In this Act, unless the context otherwise requires, the following expressions shall have the meanings hereby respectively assigned to them, that is to say,-

(a) **“additive”** means a substance or combination of substances, added to the basic feed mix or parts thereof, to obtain a specific biological growth and satisfy certain production needs;

(b) **“adulterated”** means feed stuff and compound feed, which-

(i) does not conform to the declaration made regarding its nature, substance or quality; or

(ii) is manufactured by the use of dye or coloring agent to impart a certain color; or

(iii) does not conform to the prescribed standards; or

(iv) is spoiled, damaged or is fungus-infested and is harmful for animals;

(c) **“animals”** mean cattle, buffalo, sheep, goat, camel, horse, ass, mule, poultry, pheasant, quail, geese, ostrich, zoo birds, fish and includes any other animal or bird as Government may by notification, specify;

(d) **“Appellate Authority”** means the Appellate Authority as specified in section 8 of this Act;

(e) **“authorized agent”** means any person, who deals in feed stuff and compound feed, under an agreement with the manufacturer;

(f) **“cake”** means the mass resulting from the pressing of seeds after removal of oils, fats or liquids;

(g) **“compound feed”** means any ground, pelleted, crumbled or mixture feed, intended for the feed of animals and includes-

(i) complete feed including a customer formula feed;

(ii) concentrated mixture to be fed as part of a ration with green forages, dry roughage or pasture;

- (iii) concentrate containing proteins, minerals or vitamins or a mixture thereof with grains, but does not include unmixed whole seeds and whole or ground hay straw, stover, silage, cobs and hulls when not mixed with other materials; and
- (iv) any other feed of poultry, livestock, fish and animals, as may be prescribed;
- (h) **“Court”** means the Court of Magistrate First Class;
- (i) **“Department”** means the Livestock, Fisheries and Cooperative Department;
- (j) **“Director”** means the District Director Livestock, of the Directorate General;
- (k) **“Director General”** means the Director General (Extension), Livestock and Dairy Development, Khyber Pakhtunkhwa;
- (l) **“Directorate General”** means the Directorate General (Extension), Livestock and Dairy Development, Khyber Pakhtunkhwa;
- (m) **“drug”** means a substance intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease in animals;
- (n) **“feed mill”** means an automatic or semi-automatic plant for manufacturing of compound feed or customer formula feed possessing experimental facilities to conduct biological trials and a laboratory of the standard to carry out proximate analysis and mycotoxin estimation of compound;
- (o) **“feed stuff” or “feed ingredient”** means the feed stuff or feed ingredients as specified in section 3 of this Act;
- (p) **“Government”** means the Government of Khyber Pakhtunkhwa;
- (q) **“Inspection Officer”** means the Feed Inspection Officer, designated by the Department under section 12 of this Act;
- (r) **“license”** means the license issued under section 4 of this Act;
- (s) **“licensee”** means the person to whom a license is issued under section 4 of this Act;
- (t) **“Licensing Authority”** means a Licensing Authority mentioned in section 4 of this Act;

- (u) **“Laboratory”** means Nutritional Analytical Laboratories, notified by the Department under section 14 of this Act;
- (v) **“meal”** means the ingredient which has been ground or otherwise reduced in particle size for consumption by animals;
- (w) **“micro-ingredients”** mean vitamins, amino acids, minerals and other nutritive materials, normally required in small amounts and measured as per national and international standards;
- (x) **“misbranded”** means misuse of registered trade name;
- (y) **“prescribed”** means prescribed by rules;
- (z) **“rules”** mean rules made under this Act;
- (aa) **“sale”** means the transfer of ownership, oral or in writing, either final or in lieu of price paid or promised or part paid and part promised or through barter of feed stuff or compound feed; and
- (bb) **“silage”** means an aerobically preserved fermented fodder or feed stuff, prepared and preserved with or without adding inoculums and additives for feeding ruminants.

3. Feed stuff or feed ingredient.---(1) The feed stuff or feed ingredient, to be used in manufacture of compound feed, include the following:

- (a) roughages including, green fodder, silage, hay and treated or untreated wheat straw;
- (b) macro-ingredients, including-
 - (i) cereals or coarse grains consisting, maize or corn, broken rice, nakoo, sorghum or milo, wheat and barley;
 - (ii) vegetable protein sources, which mean cotton seed meal or cake, rapeseed or canola meal or cake, sunflower meal or cake, soybean meal, sesame cake or meal, linseed cake, maize or corn oil cake, maize or corn gluten feed, maize or corn gluten meal, palm-kernel cake, rice polishing, rice protein meal, wheat bran, rice bran meal, matri, guar meal, pulses meal, naan or roti tukra and confection a rise waste or by products;
 - (iii) animal protein sources which means fish meal, blood meal, meat meal, feather meal or poultry byproduct meal, meat and bone scraps or by products; and

- (iv) industrial and agricultural products or by-products which mean molasses, fats and oils, di-calcium phosphate, limestone, marble powder, natural products, oyster shell, bone meal, bagasse, straws, stovers, hulls, cobs, fruit and bar seem meal;
- (c) micro- ingredients including-
 - (i) vitamin A, vitamin B3, vitamin D3, vitamin E, vitamin K3, thiamine, riboflavin, pantothenic acid, niacin, pyridoxine, biotin, choline, folacin and vitamin B12;
 - (ii) mineral compounds or salts include, calcium, phosphorus, potassium, sodium, chlorine, copper, iodine, iron, magnesium, manganese, selenium, zinc, ferrous, cobalt; and
 - (iii) amino acids;
- (d) feed additives including-
 - (i) coccidiostats, antioxidants, enzymes, anti-fungal or antitoxin products;
 - (ii) live yeast and by-pass fats;
 - (iii) premixes; and
 - (iv) drugs.

(2) In order to meet the nutritive requirements in the given animal compound feed, the manufacturer shall include any feed stuff as mentioned in clauses(a), (b), (c) and (d) of sub-section(1).

(3) Department may, by notification, allow the use of any other feed stuff, not mentioned under sub-section (1), in the manufacture of compound feed.

4. Issuance of license.---(1)The Director shall, in each district, be the Licensing Authority, for the purpose of manufacture, store, supply, transport for sale and marketing of feed stuff and compound feed.

(2) The Licensing Authority may issue license in a manner, mode and payment of such fee, as may be prescribed.

(3) Unless the license is issued under this Act, no person shall manufacture, store, supply, transport for sale and marketing of feed stuff and compound feed after fulfillment of such codal formalities and payment of such fee or license, as may be prescribed.

(4) The application for grant of license, its rejection, appeal to be made in this regard, shall be made in such a manner, as may be prescribed.

5. **Renewal of license.**---The license, issued under this Act, shall be renewed annually, in the manner, mode and on payment of such fees as may be prescribed.

6. **Suspension of license.**---If a licensee is found to have contravened any of the provision of this Act or the rules, the Licensing Authority may, on submission of the case by the Inspection Officer, and after affording the licensee, an opportunity of hearing, suspend the license, by an order stating the specific reasons of suspension, alongwith any remedial step or steps to be taken by the licensee:

Provided that the licensee may appear in person or through an authorized agent or council before the Licensing Authority.

7. **Cancellation of license.**---(1) If the licensee fails to take remedial steps as required in the order of suspension of license, issued under section 6 of this Act, within fourteen (14) days of the communication of the order, the Licensing Authority may cancel the license, after issuing a notice of show cause and hearing to the licensee or his representative, as the case may be.

(2) A licensee, whose license has been cancelled under sub-section (1), may apply for granting of new license in such a manner, mode and on payment of such fee as may be prescribed.

8. **Appellate Authority.**---(1) The Director General shall be the Appellate Authority for the purpose of hearing of appeals against the orders passed by the Licensing Authority under this Act.

(2) Any person, aggrieved by a decision of the Licensing Authority, may, within thirty days of the communication of decision, prefer an appeal to the Appellate Authority.

(3) The Appellate Authority shall dispose of an appeal within sixty days, in accordance with the prescribed procedure.

(4) Any person, aggrieved from the decision of the Appellate Authority, may, within thirty days of the communication of the decision, prefer an appeal to the Secretary of the Department, who shall dispose of it within sixty days and the decision of the Secretary, in the appeal, shall be final.

9. **Packing and labelling.**---The feed stuff and compound feed, other than fresh fodder, shall not be sold, unless it is packed, branded and labeled in such a manner, as may be prescribed.

10. **Quality control.**---(1) All feed stuff and compound feed shall conform to the specifications and standards, as may be prescribed.

(2) The manufacturer of any feed stuff and compound feed shall ensure that a label, containing the following particulars, is displayed on the feed bag or packing:

- (a) the name under which the article is sold;
- (b) complete address of the manufacturer;
- (c) date of manufacture or packing;
- (d) date of expiry;
- (e) nutritive composition of compound feed or feed stuff including its moisture-content; and
- (f) declaration of aflatoxin level.

11. Prohibition of adulteration, storage of adulterated feed stuff, misbranding and hoarding.---(1) A person shall not prepare, manufacture, keep or store for use or sale, or is made or sell or offer for sell any feed stuff and compound feed which is adulterated or misbranded.

(2) A person shall not, in contravention of any provision of this Act, or the rules, hoard any of the feed stuff or its ingredients.

12. Inspection Officers.---For the purpose of this Act, the Department may designate any officer of the Directorate General as an Inspection Officer, as it may deem fit, and may define the area of his jurisdiction, within which the Inspection Officer shall exercise the powers and perform his functions under this Act.

13. Powers and functions of the Inspection Officer.---(1) The Inspection Officer may, and having search warrant, enter upon any premises with the assistance of the local police, used for preparation, manufacture, packing, storage or sale of feed stuff or compound feed for the purpose of-

- (a) collection of sample; or
- (b) general inspection and examination of feed stuff and compound feed.

(2) An Inspection Officer, after satisfying himself of any gross contravention of provisions of this Act, may seal or seize the premises, or part thereof, for a period not exceeding seventy-two hours, for the purpose of preservation of material evidence or securing case property;

Provided that where the Inspection Officer found the quality of feed stuff or compound feed not as per standard, the seized property or premises shall remain seized till the decision of the court.

(3) The Inspection Officer shall take samples of the same batch of feed stuff or compound feed from the authorized agent and the feed mill within a period of fifteen days from the date of purchase.

(4) If any such feed stuff and compound feed, on analysis, is found to be not of the quality which it purports to be or if there is any contravention of the provisions this Act, the manufacturer or seller shall be dealt with under section 21 of this Act.

14. Laboratory.---(1) For the purpose of carrying out analysis of samples of feed stuff or compound feed, the Department may establish as many laboratories as are required or recognize an existing Laboratory to carry out function under this Act.

(2) The Laboratory shall conduct analysis of sample of feed stuff or compound feed, received from the Inspection Officer, Court or from any other officer, as may be specified by the Department.

15. Sampling.---(1) An Inspection Officer shall, for the purpose of analysis, at any time, collect a sample of feed stuff and compound feed sold, offered for sale, or stored by manufacturer or kept in feed mill or held by his authorized agent.

(2) No person shall refuse the Inspection Officer from collecting feed stuff and compound feed for the purpose of sub-section (1), in such quantity and from such packing as he may direct.

(3) In case of refusal of collection of sample under sub-section (2), the Inspection Officer shall with the assistance of local police, cause to take possession of the feed stuff and compound feed up to twenty kilogram for the purpose of analysis and issue a token of same possession to the person from whose possession feed stuff and compound feed have been offered. In case the feed stuff or compound feed have found substandard as result of same analysis the same shall be seized and shall be processed as per permissions of section 21 of this Act.

(4) The Inspection Officer shall prepare in such form, as may be prescribed, a declaration in triplicate, containing full particulars relating to the sample seized and such declaration shall be signed or marked by both the Inspection Officer and the person from whose possession, custody or control the compound feed and feed stuff has been taken possess and a copy thereof shall be given to such person.

(5) When a sample is taken from the stock, in the possession of an authorized agent as required under sub-section (3) of section 13 of this Act, the authorized agent shall be bound to give the name and such other particulars of the person on whose behalf such stock is held by him, as the Inspection Officer may require.

16. Samples analysis.---(1) Any person, who has purchased the feed stuff and compound feed for his animals or feed midland possesses a voucher or cash memo thereof, may make an application, in writing, to get his feed stuff or compound feed samples analyzed from the Laboratory for quality check by the Inspection Officer, having the jurisdiction.

(2) The cost of analysis of the sample shall be payable by the person making he application.

(3) The cost of analysis shall be in accordance with the rates of Laboratory, approved for different tests by the Department.

(4) The samples, collected by the Inspection Officers for general inspection and examination of feed stuff and compound feed, shall be analyzed without any cost.

17. Manner of sampling for analysis.---(1) The Inspection Officer shall, after collecting or seizing any feed stuff or compound feed with the intention of submitting the same for analysis, divide such feed stuff or compound feed in two parts.

(2) Each part shall be marked, sealed and fastened in air tight container, in the manner as may be prescribed, so that then a ture and character of the content may not change, mentioning thereon, date and time of sampling.

(3) The Inspection Officer shall-

(a) retain one part for future comparison; and

(b) submit one part to the Laboratory.

18. Analysis report.---(1) The Laboratory shall, on receiving any sample of feed stuff or compound feed from the Inspection Officer, analyze the same and deliver or send to the Inspection Officer a report, in such time or form as may be prescribed.

(2) A copy of report, under sub-section (1), may be obtained from the Laboratory, by the person, from whom the article so analyzed, was collected or the person, who has got his feed analyzed, upon making an application and payment of such fee as may be prescribed.

(3) A person shall not display copy of report, under sub-section (1), on any premises or use it for the purposes of an advertisement.

(4) The Inspection Officer or the Court as the case may be, shall consider report of a Laboratory, as an expert opinion.

19. Confiscation and disposal.---(1) An Inspection Officer shall, in case of manufacture, storage, supply, transport for sale and marketing of feed stuff or compound feed, without license or involvement in the practice of misbranding or adulteration, confiscate such feed stuff, compound feed and machinery and dispose it of in such a manner as may be prescribed.

(2) The Court, trying an offence, may direct that any feed stuff or compound feed, in respect of which the Court is satisfied that an offence under this Act has been committed, be forfeited to Government in accordance with the law, for the time being in force, and shall be disposed of through burial, incineration or such other manner as may be prescribed.

(3) An Inspection Officer, for expeditious disposal of feed stuff or compound feed, shall, immediately, submit a request to the Court for obtaining appropriate orders.

20. Prohibition.---On the commencement of this Act, the use of any feed stuff of porcine origin in compound feed, shall be prohibited.

21. Penalties.---(1) If a person contravenes the provisions of sections 9,10,11, 13, 15 (3) and 20, of this Act, shall,-

- (a) on first conviction, be punished with imprisonment for a term which may extend to two months or with fine which may extend to fifty thousand rupees, but shall not be less than thirty thousand rupees;
- (b) on second conviction, be punished with imprisonment for a term which may extend to four months, but shall not be less than fifteen days or with fine which may extend to one hundred thousand rupees, but shall not be less than fifty thousand rupees; and
- (c) on third or any subsequent conviction thereafter, be punished with imprisonment for a term which may extend to six months, but shall not be less than one month or with fine which may extend to five hundred thousand rupees, but shall not be less than one hundred thousand rupees.

(2) An attempt to contravene any provision of this Act or the rules and an abetment of such contravention shall be punished as an offence under this Act.

22. Cognizance of offence.---(1) No court shall take cognizance of an offence under this Act, unless a complaint is made by the Inspection Officer.

(2) An offence punishable under this Act shall be bailable.

23. Appeal.---Any person, aggrieved by an order of the Court, may, within thirty days of the passing of such order, prefer an appeal to the Court of Sessions.

24. Indemnity.--- No suit, prosecution or other legal proceeding shall lie against any person for anything, which is done or intended to be done in good faith in pursuance of any of the provisions of this Act or the rules.

25. Overriding effect.---The provisions of this Act shall have effect notwithstanding anything to the contrary contained in any other law.

26. Power to make rules.---Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Act.

BY ORDER OF DEPUTY SPEAKER
PROVINCIAL ASSEMBLY OF KHYBER
PAKHTUNKHWA

(SYED WIQAR SHAH)
Acting Secretary
Provincial Assembly of Khyber Pakhtunkhwa