

# The Fisheries and Fish Products (Inspection and Quality Control) Act, 2020

( No. 20 of 2020 Law )

[ November 26, 2020 ]

The **Fish and Fish Products (Inspection and Quality Control) Ordinance, 1983**, acts made to make new laws reflecting the needs of the hour, taking into account its provisions.

Since the Constitution (Fifteenth Amendment) Act, 2011 (Act No. 14 of 2011) of the ordinances issued by military order during the period from March 24, 1982 to November 11, 1986, the said ordinance, hereinafter referred to, approved and supported by the Constitution of the People's Republic of Bangladesh, has been abolished and article 19 of the Fourth Schedule of the Constitution of the **People's Republic of Bangladesh** has been abolished and the Civil Appeal No. 48/2011 The effectiveness of the said ordinances has been lost as 1986 (Act No. 1 of 1986) has been declared null and void; And

Since some of the ordinances contained in force by Act No. 7 of 2013; And

As the Government has decided to make a new law in Bengal after taking the opinion of all stakeholders and all the ministries and departments concerned on the ordinances deemed necessary after reviewing the requirements and relevance of the said ordinances; and

Since, in light of the above-mentioned decisions of the Government, it is appropriate and necessary to enact a new law reflecting the need of the hour, in view of the provisions of the Fish and Fish Products (Inspection and Quality Control) Ordinance, 1983 (Ordinance No. XX of 1983),

Therefore, it was enacted as follows:-

Definition

Setting standards for fisheries and fisheries products

## CHAPTER 1

Initial

## CHAPTER 2

Quality setting, quality control, appropriate authority, etc.

## CHAPTER 3

General licensing issues

## CHAPTER 4

Inspection of factories, markets, etc.

## CHAPTER FIVE

Registration of fish farms, etc.

## CHAPTER 6

A healthy environment in a factory or establishment

## CHAPTER 7

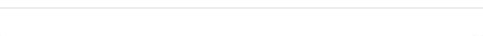
Import, export, etc. of fisheries and fish products

## CHAPTER 8

Crime, investigation, arrest, trial, conviction, etc.

## CHAPTER 9

Miscellaneous



1. (1) This Act shall be called the Fisheries and Fish Products (Inspection and Quality Control) Act, 2020.

(2) It shall come into effect immediately.

2. Unless there is anything contrary to the subject or context, this Act-

(1) "**malfeasance**" means any substance, substance or substance that may artificially increase the weight of a fish or harm its size or quality;

(2) "**Offence**" means any offence committed under this Act;

(3) "**No Objection Letter**" means a no-objection letter issued under section 23;

(4) "**Inland Market**" means any place or establishment in Bangladesh where fish and fish products are bought and sold;

(5) "**Regional Competent Authority**" means the Regional Competent Authority referred to in sub-section (3) of section 6;

(6) "Import" means the bringing of any fish and fish products to Bangladesh by water, land and air;

(7) "**Importer**" means a person with a license to bring fish and fish products from abroad by water, land and air;

(8) "**factory**" means any vehicle with any place, house, courtyard or vessel with processing, packaging and storage facilities for the purpose of exporting, marketing fish and fish products where five or more employees or workers are employed;

(9) "**Cured Fish**" means dried, saline dry, saline, smoked, saline smoked, fermented, marinated, pickled or processed fish and fish products in multiple combinations

of such methods;

(10) "**Central Competent Authority**" means the Central Competent Authority referred to in sub-section (2) of section 6;

(11) "**Quality Assurance Manager**" means the Quality Assurance Manager referred to in Section 5;

(12) "**Harmful chemicals**" means formalin, pesticides, or any chemical that is harmful to public health;

(13) "**Empowered Officer**" means any officer empowered under sub-section (2) of section 45;

(14) '**Forgery**' means forgery as described in Section 463 of the Penal Code, 1860 ;

(15) '**Fresh fish**' means newly caught or harvested fish or quality fish that has not been processed in any method other than ice;

(16) **Traceability** means the method of storing the information of the fish farm related to the production and harvesting of fish, the information of the extraction place or factory and establishment other than the fish farm or the information of the fisheries care, transport and storage, and the activities taken in the various stages of processing, storage, transportation and marketing of fish and fish products, which are adopted in one or more steps. The activities and their sources are usable for search and identification;

(17) "**Contaminated fish and fish products**" means fish and fish products that contain germs harmful to public health or any toxic products or harmful or adulterated or substances contrary to human taste;

(18) "**Section**" means any section of this Act;

(19) "**Registration**" means registration granted under section 15;

(20) '**Prescribed**' means prescribed by the rules made under this Act;

(21) '**Rotten**' means fresh fish qualities that do not exist and are fish and fish products affected by a foul smell, distorted color, taste, bacteria and fungi;

(22) "**Inspector**" means inspector, fisheries inspection and quality control of the Department of Fisheries;

(23) "**Inspection**" means the inspection referred to in sub-section (1) of section 14;

(24) "**Inspecting Officer**" means the Inspector of the Department of Fisheries or any officer empowered to carry out inspection-related functions;

(25) "**Container**" means any type of hygienic container, packet, wrapper, finishing band, etc., suitable for packaging or marketing of fish and fish products;

(26) '**Chilled fish**' means fish and fish products stored by ice or by any other means between zero degrees Celsius and (+)5 (five) degrees Celsius;

(27) "**Rules**" means rules made under this Act;

(28) "**Person**" means any vehicle engaged in the production or collection or transportation of fish and fish products, including vessels and aircraft, or any person or company engaged in the production, export, production, care, processing, storage, storage, marketing of ice in the domestic market or for the use of fish and fish products,

or any person or company engaged in the business of fish and fish products and its owner, director or officer or employee;

(29) **"Adulteration"** means any chemical or other substance mixed with less than or more than the prescribed or permitted level in fish and fish products that damages the quality of fish and fish products or is harmful to public health;

(30) **"Physical quality test"** means the method of judging the quality or external condition of a fish or fish product;

(31) **'Fish'** means soft and hard-boned fish (Cartilaginous and Bony fishes), freshwater and saltwater. Shrimp Prawns and Shrimps, amphibians, turtles, crocodiles, crustaceans, snails and the aforementioned aquatic animals or animals. Alive any stage of the cell and life cycle and by notification in the Government, from time to time, in the Official Gazette Any other aquatic animals declared;

(32) **'Fish farm'** means an enclosure, pond, ridge, pen, reservoir, quagmire or aquatic cage in a place where fish is cultivated for commercial purposes in a natural or artificial or controlled environment or where the fish is reared at any stage of its life cycle or up to a marketable size;

(33) **"Fish product"** means a product produced from a fishery or processed fish or by-product.);

(34) **'Fish Processing'** means full fish, dressed, drying for export or marketing in the domestic market (dry), head, peel or pulse, and any part of a fish or fish that is wrapped or coated, cleaned, frozen, blanched or smoked or otherwise preserved or coated by one or more of these processes;

(35) **'Quality control'** means any process of ensuring the standard of fisheries and fish products (techniques).);

(36) **"Quality Control Laboratory"** means a laboratory established under sub-section (1) of section 4;

(37) **"False Document"** means a **false** or fabricated certificate or document created in the manner described in Section 464 of the Penal Code, 1860;

(38) **'Export'** means the sending of any fish and fish products from Bangladesh to foreign countries by water, land and air;

(39) **'Exporter'** means a licensed person who sends fish and fish products from Bangladesh by water, land and air;

(40) **"License"** means a license issued under sub-section (2) of section 10;

(41) **"Health certificate"** means a certificate of well-being granted under Section 28;

(42) **"Local Competent Authority"** means the local competent authority referred to in sub-section (4) of section 6;

(43) **'Establishment'** means fish landing center, care center, dock, wholesale fish selling company, fish selling center and market, auction center, fish depot, warehouse, cold storage and cold store for storing fish and fish products, fish packing center, vehicle used for fish

storage, ice mill established for ice production, ice storage place, fish supplier organization, non-packer exporter, local buying agent's office; And

(44) '**Frozen fish**' means in a storage (-)18<sup>o</sup> Fish or fish products stored at Celsius or lower temperatures.

Setting up quality control laboratories

3. (1) The central competent authority shall determine the standards for the import, export, production, transportation, storage, marketing or processing of fish and fish products in the manner prescribed.

(2) No person shall import, export, produce, market, transport, store, process or otherwise transfer fish and fish products to any consumer without the standards prescribed under sub-section (1).

Quality Assurance Manager

4. (1) The Government may, by notification in the Official Gazette, establish the required number of quality control laboratories within the country to test or determine the purity of exportable, imported or marketable fish and fish products, products used for processing and storing them, water, ice, swabs and fish food or food items.

(2) The Quality Assurance Manager may, with the approval of the central competent authority, take necessary steps for the accreditation of the quality control laboratory established under sub-section (1).

Formation and management of appropriate authorities

5. The quality control laboratory established under sub-section (1) of section 4 shall be operated under the authority of the Quality Assurance Manager, in the prescribed manner.

Determination of jurisdiction of the appropriate authority

6. (1) For the purposes of this Act, there shall be the following appropriate authorities, namely:-

- (a) the Central Competent Authority;
- (b) regional appropriate authorities; And
- (c) Local appropriate authority.

(2) The Director General shall be the Central competent authority and shall exercise the functions and powers prescribed by the Central Competent Authority.

(3) The Deputy Director (Fisheries Inspection and Quality Control) shall be the Regional Appropriate Authority and shall exercise the functions and powers prescribed by the Regional Appropriate Authority.

(4) The Deputy Director or District Fisheries Officer or The Upazila Fisheries Officer shall be the local appropriate authority and shall exercise the duties and powers prescribed by the local appropriate authority.

**Explanation.** - For the purposes of this section, "Director General" and "Deputy Director" shall mean the Director General of the Department of Fisheries and the Deputy Director of the Divisional Fisheries Office.

Restrictions on export of fish and fish products without a license, etc.

7. The jurisdiction of the central appropriate authority shall be the whole of Bangladesh and the central appropriate authority may, in the prescribed manner, determine the jurisdiction of the regional and local appropriate authority.

Power to issue licenses

8. No person shall export fish and fish products, establish and operate factories or establishments without obtaining a license.

Applying for a license

9. The regional appropriate authority may issue a license to an exporter for the export of fish and fish products in the prescribed manner or to any owner to establish and operate a factory or

establishment for the production and processing of fish and fish products and any other activity related therewith.

Refusal to issue a license

10. (1) Apply in the prescribed manner for obtaining a license for the purpose of establishing and operating a factory or establishment under section 9.

(2) The regional appropriate authority shall issue licenses after verifying the applications submitted under sub-section (1).

Transfer of licenses, validity and renewal of licenses

11. The regional appropriate authority may refuse to issue a licence, if-

(a) the application form is not found correct under section 10;

(b) the information contained and added in the application form is false, fabricated or insufficient;

(c) the applicant is ineligible to obtain a license under this Act or any other law; Or

(d) No other conditions prescribed are met.

License revoked, suspended, etc.

12. (1) The license shall be valid for three (3) years and shall not be transferable or saleable.

(2) The license shall be renewed 30 (30) days before the expiry of the license.

(3) For renewal of the license, the application should be made to the regional appropriate authority, in the prescribed manner.

(4) After considering the application received under sub-section (3), subject to the provisions of section 11, the regional appropriate authority may renew the license.

(5) If the license is not renewed, the license shall be automatically suspended after the expiry of the term, but within one (1) year after the expiry of the term, the additional license fee, including the license renewal fee mentioned in the rules, may apply for renewal of the license by depositing it in the government treasury through invoice.

Inspections and administrative fines, etc.

13. **(1) The** Regional Competent Authority may revoke the license for any of the following reasons, suspending, if applicable, if the licensee-

(a) violates any condition of this Act or rule or license;

(b) obtains a license by providing any false information or concealing information;

(c) Uses licenses for any purpose other than the establishment and operation of factories or establishments for the purpose of exporting fish and fish products, producing and processing fish products;

(d) fails to take steps to renew the license two (2) times in a row;

(e) transfers or sells licenses;

(f) pollutes the water or environment of the river or sea by the factories or establishments established by it;

(g) died;

(h) punished two (2) times under this Act with an administrative fine or any other offence; Or

(j) does not comply with any other condition prescribed.

(2) Before cancelling any license under sub-section (1), the regional appropriate authority shall issue a notice directing the licensee to submit a written statement, if any, within seven (7) working days of receipt of the notice, citing the reason for cancellation of the license.

(3) If the reply to the notice given under sub-section (2) is not satisfactory, the regional competent authority may cancel the license by recording the reason within seven (7) working days of the expiry of the period mentioned in the notice.

(4) If the statement referred to in sub-section (3) is satisfactory, the regional appropriate authority shall exempt the licensee from the charges brought against him.

14. (1) To ensure the prescribed quality of fish and fish products, the visiting officer may at any time inspect any factory, establishment, fishing vessel, any vehicle including aircraft engaged in fish transport, domestic market for fish sales, fish farm.

(2) During the inspection under sub-section (1), if the inspecting officer finds that a healthy environment has not been maintained in the factory or establishment or the standards prescribed for processing of fish and fish products have not been maintained, then he may seize the fish and fish products with an administrative fine of not more than Tk 5 (5) lakh to the owner of the factory or establishment.

(3) If the inspecting officer, while inspecting the domestic market, factory or establishment under sub-section (1), conducts any physical quality or any other technical examination of any fish or fish product and confirms that harmful chemicals in any fish or fish product have been mixed and sold or sold or processed to the consumer, then he is the supplier of such fish and fish products. A case under section 30 shall be filed against the seller, producer, factory or establishment owner or any other person involved in the said process and he shall seize the said fish and fish products in the prescribed manner.

(4) If the inspecting officer inspects fish vessels, aircraft, vehicles and finds that contaminated or rotten fish and fish products are being carried by such vessels, aircraft, vehicles mixed with harmful chemicals or contaminated with contaminated or rotten fish and fish products, he may file a case under section 30 against the driver of such vessel, aircraft and vehicle and the owner of fish and fish products.

(5) If the inspecting officer finds during the inspection of any factory or establishment that adulterated or rotten fish and fish products are being handled, processed, stored or sold in that factory or establishment, he shall file a case under section 31 against the person or seller concerned in the handling, processing, storage work and he shall seize and dispose of such fish and fish products in the prescribed manner.

(6) During the inspection under sub-section (1), the visiting officer may review any register, documents, documents, records and other documents of the concerned factory or establishment and collect the photocopy and interrogate the person concerned if necessary.

(7) No person shall obstruct the inspection under sub-section (1) and the performance of any order or duty under sub-sections (2), (3), (4), (5) and (6).

15. (1) The owner or operator of every fish farm shall obtain the registration of the fish farm from the local appropriate authority in the prescribed manner to ensure traceability and safe fish production of the fish produced in his fish farm.

Registration suspended, cancelled, reregistered

(2) Without registration under sub-section (1), fish produced in any fish farm shall not be used for export or processing or production of fish products in any factory.

16. (1) Banned aquaculture medicinal products and harmful chemicals prescribed by the central appropriate authority shall not be used in fish farms:

Provided, however, that medicines or chemicals approved by the government for the control of fish diseases may be used in fisheries in the prescribed manner.

(2) Every registered fish farm shall produce quality safe fish following good aquaculture practices.

Quality control of factories or establishments

17. (1) If the owner of a fish farm violates any condition of this Act or any of the rules made under this Act, the local competent authority may suspend or cancel the registration of the fish farm by giving the owner of the fish farm an opportunity to show reasonable reasons.

(2) The local appropriate authority, with the approval of the regional appropriate authority, may, in the manner prescribed, reregister fish farms suspended or cancelled under sub-section (1).

A healthy environment in a factory or establishment

18. (1) Any factory or establishment shall process fish and fish products in accordance with the standards prescribed under section 3.

(2) Fresh and whole fish should be taken in the fish processing factory for processing.

The appointment of employees or workers without a doctor's certificate is prohibited.

19. The owner of the factory or establishment should ensure the healthy environment and sanitary management of the factory or establishment, in the prescribed manner.

Storing information

20. (1) No employee or worker in a factory or establishment shall be employed for fishing, storage, processing, transportation or handling of fish and fish products without such medical certificate as the Civil Surgeon or upazila health and family planning officer or any registered doctor has not been infected with any infectious disease.

(2) If any employee or worker is infected with any infectious disease while working in a factory or establishment, he shall be prevented from performing the function mentioned in sub-section (1) until the release of that disease and shall not be re-employed for any work in the factory or establishment except for the medical certificate mentioned in sub-section (1).

**Explanation.** - For the purposes of this section, "infectious disease" means typhoid, cholera, diarrhea, leprosy, tuberculosis or any disease declared by the Government by notification in the Official Gazette.

(3) The owner or manager of a factory or establishment shall preserve the medical certificate referred to in sub-section (1) in the prescribed manner and show the certificate to the visiting officer during the inspection of the factory or establishment.

(4) If the owner or manager of the factory or establishment violates the provisions of sub-sections (1), (2) and (3), the inspecting officer may impose an administrative fine of not more than Tk 4 (4) lakh on him and issue any order in the prescribed manner.

Import banned

21. The owner or manager of each factory or establishment shall store all the information of the employee or worker working in his factory or establishment in the prescribed form or register and show the form or register as soon as the visiting officer wants at the time

No Objection  
Certificate for  
Import

Terms of Import of  
Fish and Fish  
Products

Inspection of  
imported fish and  
fish products

Cancellation of no-  
objection certificate

of inspection.

22. (1) No fish and fish products prohibited by any provision of this Act or any other law, order or rule, or any fish and fish products containing rotten, contaminated, adulterated and adulterated, harmful chemicals, shall be imported.

(2) The central competent authority may determine the permissible levels of antibiotics, microorganisms, heavy metals, pesticides, pigments, additives, steroids, hormones and any other harmful substance for the import of fish and fish products in the prescribed manner.

23. (1) No importer shall import fish and fish products without obtaining a no-objection certificate from the central or regional appropriate authority.

(2) The importer shall apply to the central or regional appropriate authority not less than 15 (fifteen) days before the import of the fish and fish products in the prescribed manner for the no-objection certificate.

(3) After receiving the application under sub-section (2), the Central or Regional Competent Authority may, in the prescribed manner, issue a no-objection certificate subject to the provisions of this Act and other laws, rules or orders applicable.

24. (1) The importer shall submit a health certificate, traceability and halal certificate issued by the appropriate authority of the exporting country along with every consignment of importing fish and fish products to the regional appropriate authority or the competent officer.

(2) Before the imported fish and fish products enter Bangladesh, the importer shall make an announcement about the fish and fish products to the central or regional appropriate authority in the prescribed manner.

(3) Every consignment of importing frozen and cured fish and fish products shall be accompanied by a certificate of hygiene issued by the exporting country along with the report of harmful antibiotics, pathogenic and non-pathogenic microorganisms, pesticides, heavy metals, pigments, additives, steroids, hormones and any other harmful substances prescribed by the importing country or an internationally recognized accredited laboratory.

25. (1) The inspecting officer may, in the prescribed manner, inspect the consignment of imported frozen, frozen, cured or any other means of processed fish and fish products, release from the port, check the physical quality and collect samples free of cost for the purpose of checking for the presence of microorganisms, antibiotics, heavy metals, pesticides, hormones, pigments and other harmful chemicals.

(2) If more microorganisms are found than the prescribed level of fish and fish products tested under sub-section (1), or if banned antibiotics and harmful chemicals are detected or if the approved antibiotics and chemicals are present in excess of the prescribed level, the inspecting officer may, in the prescribed manner, order the destruction or return of the imported fish and fish products to the exporter.

(3) The central competent authority may, with the prior approval of the Government, impose a ban on the import of fish and fish products from the country concerned, considering the area mentioned in sub-section (2) to protect public health.

Export of fisheries and fish products

26. If an importer violates any of the conditions mentioned in this Act or rule or no-objection letter, the appropriate authority concerned may cancel the no-objection letter given to him by giving him an opportunity to show cause.

Issuance of hygiene certificates

27. (1) An exporter may export fish and fish products by taking a no-objection certificate issued by the regional appropriate authority with jurisdiction and subject to other provisions of this Act.

(2) Notwithstanding anything contained in sub-section (1), no person shall export fish or fish products without obtaining a certificate of health.

Restrictions on issuing hygiene certificates

28. (1) The regional competent authority or the officer empowered may issue certificates of hygiene of fisheries and fish products subject to prescribed examination, applications filed under sub-section (2) and other provisions of this Act.

(2) The exporter shall apply to the regional appropriate authority or the competent officer in the prescribed manner to receive the certificate of health mentioned in sub-section (1).

(3) Notwithstanding anything contained in this section, the regional appropriate authority or the competent officer may issue a certificate of health certificate of trade sample up to 10 (10) kg at any port, subject to only physical quality testing, except for quality control testing in the case of frozen fish and fish products.

Penalties for using harmful chemicals

29. (1) The regional competent authority or the officer empowered shall not issue a certificate of fitness in the following cases, namely:-

- (a) if sections 8, 12(2), 12(5), 15, 16, 18, 20 and 43 occur;
- (b) traceability of fish and fish products produced or processed, unless the importer has an invoice;
- (c) if there is no sample test report and proper labeling as per the demand of the importing country;
- (d) For any other reason specified.

(2) If any person violates any provision or rule of this Act, his certificate of fitness shall be cancelled.

Penalties for adulteration, misdemeanor infiltration and use of banned drugs and chemicals

30. If any person uses harmful chemicals in fish and fish products for exporting or marketing them in the domestic market, the act will be an offence and for that offence he shall be punished with imprisonment for a term not exceeding seven (seven) years, but not less than five (five) years, and a fine of not less than Tk 5 lakh.

Penalty for exporting or using false or fake hygiene certificates without hygiene certificates

31. (1) Any person who injects adulterated mixtures or misadventures into fish or fish products for the purpose of exporting or marketing in the domestic market or processing, storing or transporting fish and fish products without the prescribed environment and containers or making, storing or using ice without the use of water of the prescribed quality; or

(2) If any person uses prohibited drugs and chemicals and harmful substances in a fish farm or does not follow the best fish farming practices in the fish farm-

It shall be an offence and shall be punishable with imprisonment for a term which may extend to two (2) years or with fine not exceeding eight lakh taka or with both.

Penalty for importing, exporting, selling, etc. of rotten or contaminated fish and fish products

32. If any person exports or attempts to export fish and fish products without obtaining a health certificate or using a false hygiene certificate or forging the health certificate, it will be an offence and for that offence he shall be punished with imprisonment for a term which may extend to five (five) years or with fine not exceeding Tk 10 lakh or with both.

Penalty for establishing and operating a factory or establishment without a license

33. If any person imports, exports and sells rotten or contaminated fish and fish products, an administrative fine of not more than Tk 50(fifty) thousand will be imposed on him and the fish will be confiscated.

Punishment for repeating a crime

34. If any person establishes and operates a factory or establishment without a license, the act shall be an offence and shall be punishable with imprisonment for a term which may extend to one year or with fine not exceeding Tk 4.4 lakh or with both.

Commission of offences by the Company

35. If a person commits an offence again after being convicted of an offence under this Act, he shall be punished with twice the punishment prescribed for that offence.

Criminal justice and prosecution

36. (1) If any offence under this Act is committed by a company, such owner, director, executive officer, manager, secretary, any other officer or employee of such company who is directly involved in the said offence shall be deemed to have committed the offence unless he can prove that the offence has been committed without his knowledge and has done his best to prevent it.

(2) If the company referred to in sub-section (1) is a legal entity, in addition to the person mentioned in that sub-section, the said company may be accused and convicted separately in a section, but only a fine may be imposed on it in accordance with the relevant provisions.

**Explanation:** For the purposes of this section, "company" means a company as defined in clause (d) of section 2 of the Companies Act, 1994 and shall also include any organization, institution, partnership, association or organization or organization consisting of one or more persons.

Criminality and bailability

37. (1) The [Code of Criminal Procedure, 1898 \(Act No. V of 1898\)](#) shall be followed in the investigation, arrest or detention of an offence committed under this Act.

(2) Notwithstanding anything [contained in the Code of Criminal Procedure, 1898 \(Act No. V of 1898\)](#), an offence committed under this Act shall be tried by a First Class Judicial Magistrate or, as the case may be, a Special Magistrate.

Enforcement of the Mobile Courts Act, 2009

38. All offences committed under this Act shall be cognizable but bailable.

Provided, however, that the court may refuse to grant bail considering the facts and circumstances of the offence committed under sections 30 and 32.

Confiscated fisheries, fish products and equipment, etc.

39. Notwithstanding anything contained in this Act or any other law currently in force, the [Mobile Court](#) may impose penalties in respect of offences committed under this Act, subject to the schedule of the Mobile Courts Act, 2009 (Act No. 59 of 2009).

Disposal of perishable fish and fish products

40. If any offence is committed under this Act, the fish, fish products, factory or establishment machinery, materials, materials, aadhaar, utensils, wrappers with which the said offence has been

committed shall be forfeitable in the prescribed manner.

Exemption from liability

41. If any fish and fish products seized under this Act are rapidly rotting, they may be used, transferred, destroyed or distributed in any other manner in the prescribed manner without preserving them.

National Residue Control Plan

42. If raw fish and any fast-rotting fish product is found rotting in the possession of a retail fish seller, hawker or ferryman or in any shop for natural natural reasons, no criminal or administrative action or action shall be taken to hold the retailer, hawker, ferryman or shopkeeper responsible for that reason, unless it is readily understood that Knowing that it was rotten, he kept the said fish and fish products for sale or tried to sell them.

Administrative appeal

43. The Government shall, in the prescribed manner, formulate and implement the National Residue Control Plan.

Delegate power

44. A person aggrieved against any order passed by the regional appropriate authority, local appropriate authority, empowered officer or visiting officer under this Act may file an appeal with the Government within 30 (30) days of the issuance of such order, in the prescribed manner, to the Central Competent Authority and to the Government within thirty (30) days against the decision of the Central Competent Authority and the decision made by the Government shall be deemed to be final.

Seeking help from law enforcement

45. (1) The Government may, without the power to make rules, delegate any of its powers to any officer not below the first class of the Department of Fisheries, subject to such conditions as may be prescribed.

(2) Any officer referred to in sub-section (1) shall be deemed to be an officer empowered to serve the purposes of this Act.

Imposition of fees, etc.

46. For the purposes of this Act, if the central competent authority, regional appropriate authority, local authority or empowered officer seeks the assistance of law enforcement agencies, the concerned forces shall provide assistance.

Power to make rules

47. The government may impose and charge fees at a fixed rate for issuing and renewing licenses in the prescribed manner and checking the quality of fisheries and fish products in quality control laboratories, issuing hygiene certificates or no-objection certificates.

Abolition and custody

48. (1) For the purpose of this Act, the Government may, by notification in the Official Gazette, make rules.

(2) Without prejudice to the totality of the powers referred to in sub-section (1), rules may be made in all or any of the following matters, namely:-

(a) Determine the method of fish harvesting, handling, processing, grading, freezing, imorrhification, packaging, labeling, marking, marketing, storage, storage, transportation of fish and fish products;

(b) To determine the type, type, quality and method of identification and inspection of fisheries and fish products;

(c) To determine the conditions relating to the equipment of the factory or establishment, the construction work and the vehicles used for the export of fish and fish products;

(d) The use of drinking water for processing and ice making of fish and fish products, determining its quality, the use and levels of harmful chemicals, ADTVs,

preservatives and anti-oxidants in the processing of fish and fish products;

(e) To determine the next management of exported fish and fish products returning from abroad;

(f) determine the responsibility of farms, depots, suppliers and factory authorities for identifying the source of product contamination in case of non-compliance of consignments of exported or declared fish and fish products;

(g) determine the implementation of hazard analysis critical control point (HACCP) method to ensure the quality of processed fish and fish products;

(h) to determine the assurance that fish and fish products are not harmful to public health by the owner of a prison or institution or fish farm;

(j) determine the procedures for the operation, maintenance and cost management of quality control laboratories;

(j) determine the method of managing any risk and crisis related to fisheries and fish products ;

(k) determine the license, operation, maintenance and conditions of ice mills established for use in fish and fish products; And

(l) any other matter as may be prescribed by the Government, from time to time.

Translated into  
English published

49. (1) The Fish and Fish Products (Inspection and Quality Control) Ordinance, 1983 (Ordinance No. XX of 1983) hereinafter referred to as the repealed Ordinance, hereinafter repealed.

(2) Notwithstanding the repeal under sub-section (1), under the repealed Ordinance -

(a) any license issued, any act done, any action taken or any proceeding scheduled shall be deemed to have been made, adopted or scheduled under this Act;

(b) if any case or proceedings filed are unresolved or ongoing, it shall be disposed of or continued as if the ordinance had not been repealed;

(c) Any contract, document or instrument executed shall remain as if it had been executed under this Act.

(3) Notwithstanding such repeal , any rule made under the said Ordinance, any notification issued, any order, order, approval, issued immediately precedes the repeal, shall be deemed to be made, issued, given and approved under such provisions of this Act, subject to conformity with the provisions of this Act, and shall remain in force until repealed or amended or re-enacted under this Act.

50. (1) After the commencement of this Act, the Government may, by notification in the Official Gazette, publish a reliable text translated into English of the original Bengali text of the Act .

(2) This Act shall take precedence in the dispute between this Act and the Reading of English.