

Feed Regulation, 2041 (1984)

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In exercise of the powers conferred by Section 17 of the Feed Act 2033 (1976), His Majesty's Government has framed the following Rules.

Chapter-1 Preliminary

1. Short title and commencement:

1. These rules may be cited as the "Feed Regulation, 2041 (1984)".
2. This Regulation shall come into force at once.

2. Definitions:

Unless the subject or the context otherwise requires, in this Regulation:

- a. "Act" means the Feed Act, 2033 (1976).
- b. "public analyst" means the person designated pursuant to Rule 3.
- c. "package" means any box, container, utensil, packet or bag in which any Feed is packed.
- d. "local officer" means any officer designated as such by His Majesty's Government by notification in the Nepal Gazette, and the Chief District Officer until such officer is so designated.

Chapter-2 Public Analyst

3. Qualifications, functions and duties of public analyst:

1. His Majesty's Government may, by notification in the Nepal Gazette, designate any employee, who has possessed the following qualifications and is being engaged in the Feed analysis and testing, as the public analyst, for purposes of this Regulation.
 - a. Having done M. Sc. in chemistry or food science or biological science and gained two years of experience in the field of feed research or analysis, or
 - b. Having done B. Sc. in chemistry and gained five years of experience in the field of feed research or analysis.
2. The public analyst shall analyze or test any specimen of feed sent by the feed inspector, case-trying authority or appeal hearing court for analysis or test and send a report thereof to such inspector, authority or court.

4. Analysis and test of feed to be conducted by central food laboratory:

1. Where the analysis or test of feed has to be conducted pursuant to the Act and this Regulation, such analysis or test has to be conducted by the central food laboratory.
2. The central food laboratory shall carry out the following activities in respect of the analysis and test of feed:
 - a. To analyze any specimen of feed sent by the case-trying authority or appeal hearing court under this Act for testing and send a report thereof,
 - b. To do research and innovative works and present reports with a view to assisting the feed standard

- fixation committee in fixing the standard of any Feed, and
- c. To make arrangements for trainings to the feed inspectors on the feed inspection.

Chapter-3

Provisions relating to Feed inspector

5. **Feed inspector certificate:**
An identity card in the format as referred to in Schedule-1 shall be issued to the feed inspector appointed or designated under the Act.
6. **Qualifications of feed inspector:**
A person to be appointed to the post of feed inspector has to hold I.Sc. or equivalent degree or B.Sc. degree in food technology or lab technology.
7. **Functions and duties of feed inspector:**
The functions and duties of the feed inspector shall be as follows:
 - a. If he has a cause to suspect that the production or storage or sale, distribution or transportation of any feed has been carried out in contravention of the Act or this Regulation or such act is intended to be done, to obtain a specimen of such feed and send it immediately to the public analyst for its analysis or test,
 - b. To obtain a specimen of feed pursuant to clause (a) and give its information to the owner of the feed in the format as referred to in Schedule-2.
 - c. If he gets any information that any person, firm or body has committed any act in contravention of the Act or this Regulation, to inquire into that matter,
 - d. To maintain records of the feed which he has inspected, and which has been forfeited or in respect whereof action has been taken under the Act or this Regulation,]
 - e. To perform such functions and duties under the general supervision of the local officer as assigned to him and as are required to be performed by him under the Act and this Regulation.
8. **Powers of Feed inspector:**
 1. In the course of performing his duties, the feed inspector may exercise the following powers:
 - a. To obtain specimens of the feed from places where the feed is produced or stored or sold or distributed,
 - b. If he is of opinion that any communicable disease may spread out from the sale and distribution of any feed and the local veterinary officer also agrees with his opinion, to prohibit the sale and distribution of such feed, with the approval of the local officer,
 - c. If he has a reasonable cause to suspect that any feed is contaminated, to prohibit the sale and distribution of such feed, with the approval of the local officer,
 - d. If, in the course of inspecting any feed, it is necessary to enter into any building or land where a package of Feed or any such good is placed, to enter into such building or land with the permission of the owner of that building or land or any person in charge of such place and where such person does not give permission, in witness of a representative of the concerned Panchayat or the nearby police office,
 - e. If he sees a possibility or is doubtful that any other substance found with the producer of any Feed or in the place of manufacture of such Feed that can be mixed with the Feed or Feed substance if such other substance is kept being left there in that the producer fails to tell a satisfactory utility of that substance, to issue order to remove such substance from that place immediately,
 - f. If he has a reasonable cause to suspect that any Feed being exported or imported or transported is contaminated, to stop that Feed and take necessary action under this Regulation, and
 - g. To send the specimens of Feed obtained under this Regulation for analysis by any governmental or non-governmental means of transport or by post for such analysis.

2. The Feed inspector shall immediately send a notice of the action taken pursuant to clauses (b), (c) and (d) of sub-rule (1) to the Local Officer and the Chief of Central Food Laboratory.

Chapter-4

Analysis of Feed

9. Specimen of Feed:

1. In obtaining a specimen of Feed, the Feed inspector shall go to the place where the specimen is to be obtained, divide around five hundred grams of the feed in two parts, put them into two separate packages, which shall then be sealed with wax, and do as follows:
 - a. To send one package to the public analyst for analysis and test,
 - b. To send the other package to the local officer.
2. The feed placed in the package as referred to in sub-rule (1) has to be so placed and that the feed cannot be taken out and leaked and any extraneous element or substance cannot be placed thereinto, and be fresh and clean.
3. The feed inspector may take a specimen of the feed to be taken for specimen pursuant to the law only after making payment of the prevailing value of the total quantity of that Feed.
4. The package in which the feed is placed and its outer cover shall also contain the signature of the person holding the feed.
5. If the person holding the feed does not sign the package in which the feed is placed and its outer cover under sub-rule (4), the feed inspector shall, while sending the specimen to the public analyst for its analysis and test, also give information of that matter to the public analyst and the local officer.

10. Sending specimen of feed:

1. The feed inspector or case trying authority or appeal hearing court shall, while sending a specimen of the feed for its analysis and test, send it by fulfilling the following requirements:
 - a. The specimen has to be attached with the form as prescribed in Schedule-3, sealed with wax and sent safely.
 - b. The package containing a specimen of the feed as well as its outer cover has to clearly indicate the name and quantity of the specimen or the code number of the collection, if any.
 - c. A duplicate copy of the form to be sent pursuant to clause (a) and the specimen of the wax seal put on the Package of specimen have to be put in a separate envelope and then sent.
 - d. The package containing the specimen has to be so closed that it will not be open and leaked on the way, wrapped in a thick paper with a wrapping material, and tightened with a thread or rope, and so sealed with wax in at least various four places that the letters are clearly legible. It has to be so sealed with wax that the package cannot be opened without breaking that wax seal.
2. The chief of the central food laboratory or the public analyst or the person authorized by him shall examine whether the wax seal put on the cover of a specimen of Feed received pursuant to sub-rule (1), enter records of its situation and open the cover of that specimen.
3. The chief of the central food research laboratory or the public analyst shall analyze or test a specimen of feed received pursuant to sub-rule (1) and send results thereof in the form as referred tom Schedule-4 to the concerned officer or court.

11. Custody of Feed:

1. If, after the feed inspector has, pursuant to this Regulation, obtained a specimen of the Feed which is suspected of being contaminated, he is of opinion that such feed has to be stopped from being sold and distributed or being misappropriated, he may, with the approval of the local authority, seal and take custody of all of or any of such portion of that Feed as deemed suspected, and shall give the concerned person a receipt of the feed of which custody has been so taken in the format as referred to in Schedule-6.
2. If the feed inspector considers that it is not necessary or possible to have custody of the feed pursuant to sub-section (1), he has to issue an order in the format a referred to in Schedule-6 to the owner of such feed to safely retain that Feed so sealed with wax, by have that owner to execute a deed to that effect.

12. To release stopped feed in the event of its being held not to be contaminated:

If, upon doing an analysis or test of the feed of which specimen has been obtained pursuant to this Regulation, the feed is not held to be contaminated, the feed inspector may himself release or return the Feed where a case has not already been filed.

13. Filing of cases:

1. If the feed of which specimen has been obtained pursuant to this Regulation is found to be contaminated on its analysis or test, the Feed inspector has to submit the matter, clearly indicating the charge under this Act and all the details related therewith, to the case trying authority.
2. It shall be the duty of the concerned feed inspector to assist the case trying authority and the appeal hearing court in the legal action against any person, firm or body corporate for a violation of the Act and this Regulation.

14. Re-analysis or re-test of Feed:

If, after a case has already been filed pursuant to Rule 13, the case trying authority or the appeal hearing court, on a petition made by the accused, considers it reasonable to have the concerned Feed re-analyzed or re-tested, and sends the concerned feed held under clause (b) of sub-rule (1) of Rule 9 to the chief of the central food laboratory for its re-analysis of re-test, the chief has to re-analyze or re-test the same for one time and send results thereof.

**Chapter-5
Feed Standard Fixation Committee**

15. Constitution of feed standard fixation committee:

1. A feed standard fixation committee, as mentioned below, (hereafter referred to in this Chapter as the "committee") has been formed to perform the functions as specified in the Act and this Regulation.

a.	Director General, Department of Livestock Development and Animal Health	Chairperson
b.	Chief Food Research Officer	Member
c.	Under Secretary, Ministry of Law and Justice	Member
d.	Under Secretary, Ministry of Agriculture	Member
e.	Senior Officer, Bureau of Nepal Standards under the Ministry of Industries	Member
f.	Senior Veterinary Doctor at Veterinary Hospital	Member
g.	Feed industry entrepreneur nominated by the Ministry of Industries	Member

h.	A person engaged in livestock farming business and nominated by the Department of Livestock Development and Animal Health	Member
i.	Public analyst under the Ministry of Agriculture	Member Secretary

2. The tenure of members nominated under clauses (g) and (h) of sub-rule (1) shall be generally two years. Provided, however, that the nominating Ministry may re-nominate such member after the expiry of the term or remove such member before the expiry of the term.
3. If a meeting of the committee is attended by more than half the total number of members, it shall be deemed to constitute a quorum.
4. The office of committee shall be situated in such place as specified by His Majesty's Government.
5. The committee members shall be entitled to such meeting allowance as fixed by His Majesty's Government for their participation in the meeting.
6. The committee may establish other procedures of the meeting on its own.

16. Functions, duties and powers of committee:

1. It shall be the duty of the committee to fix the quality standard and limit of quantity of the feed and advise His Majesty's Government on having the quality standard and quantity maintained and observed.
2. If His Majesty's Government seeks advice on the feed, it shall be the duty of the committee to render such advice.
3. The committee may, if it so desires, form a sub-committee for any specific function; and such sub-committee may also comprise any other person who is not a member of the committee. The sub-committee shall perform its functions by exercising the powers specified by the committee.

Chapter-6

License and other provisions

17. License for sale and distribution of feed:

1. A person who intends to sell and distribute any feed has to obtain the license as referred to in Schedule-7 from the concerned VDC or Municipality by making payment of five rupees, and shall so place such license at the place of sale that it can be shown as and when so required by the local authority or any employee designated by him or the feed inspector.
2. Even a person engaged in the Feed business at the time of commencement of this Regulation has also to obtain the license from the concerned VDC or Municipality pursuant to sub-rule (1) no later than three months of the commencement of this Regulation.
3. After the issuance of the license pursuant to sub-rules (1) and (2) to sell and distribute the feed, the concerned Village Development Committee or Municipality has to give information thereof to the central food laboratory.

18. License for Feed industry:

1. A person who intends to produce any feed has to obtain a recommendation of the central food laboratory prior to making an application to the Department of Industries to establish an industry.
2. The person who intends to obtain the recommendation as referred to in sub-rule (1) has to prepare a scheme setting out the following matters on the industry which intends to establish and make an application to the central food laboratory.
 - a. Type of the industry,
 - b. Machinery required for the industry,
 - c. Technical skills,
 - d. Provision of sanitation,
 - e. Kinds of raw materials and source for the same,
 - f. Where a package is to be used double in packing the feed, provision for fumigation in the package.

3. If the application as referred to in sub-rule (1) is made, the central food laboratory shall make necessary alterations in the scheme of the proposed feed industry, get a bond executed to do accordingly and make a recommendation for the issuance of the license to establish the industry.
4. After the establishment of the industry, the license as referred to in Schedule-8 has to be obtained from the central food laboratory by making payment of twenty rupees, prior to the commencement of the production of feed.
5. The feed industries established prior to the commencement of this Regulation have to make an application, setting out the details as referred to in sub-rule (2), to the central food laboratory and obtain the license as referred to in Schedule-8 by making payment of twenty rupees, no later than three months from the date of the commencement of this Regulation.
6. The license as referred to in sub-rules (4) and (5) has to be so placed at the industry site that it can be shown as and when so required by the local authority or any employee designated by him or the feed inspector.

19. Powers to restrict production:
 If, upon an inspection made by the central food laboratory after the commencement of the production of feed, after having obtained the license from the central food laboratory pursuant to sub-rules (4) and (5) of Rule 18, it is found that provisions have not been made as per the terms mentioned in the scheme or the produced feed is not of the standard specified under the Act, the local authority may, on recommendation of the central food laboratory, restrict the production of that feed until the provisions as per the terms are made and the standard is improved.

20. Separate licenses to be obtained:
 A person who intends to produce or sell and distribute the feed in more than one place has to make a separate application and obtain the license as referred to in this Chapter, for each of such places.

21. Validity period and renewal of license:

1. The license obtained under this Chapter shall remain valid until the last day of Ashad (mid July) each year.
2. The license has to be got renewed by the licensing authority for the next fiscal year not later than thirty five days from the date of expiration of its term as referred to in sub-rule (1).
3. A person who makes an application for the renewal pursuant to sub-rule (2) has to pay a renewal fee of twenty rupees for the license.
4. If a person makes an application for the renewal of license after expiration of the time limit as referred to in sub-rule (2), the licensing authority may renew the license by charging the additional fees as follows, in addition to the fees chargeable under sub-rule (3).
5. Five rupees for until the last day of Ashwin (around 17 October) of the same fiscal year, after the expiration of the time limit as referred to in sub-rule (2).
6. Ten rupees for until the last day of the same fiscal year, after the expiration of the time limit as referred to in clause (a).

22. Terms and conditions to be observed by licensee:
 The licensee who produces or sells and distributes the feed has to observe the following terms and conditions:

- a. Not to engage any one who is suffering from a communicable or contagious disease or is dirty in the production, collection or sale of the feed.
- b. To keep always clean satisfactorily the places for the production, storage or sale of feed. There shall be separate places for a toilet, urinal and collection of wastes or useless materials.
- c. The producers or whole sellers have to maintain a registration book indicating the quantity of the feed they have produced, the quantity of feed dispatched for sale and distribution and the places where the feed has been sold and distributed.

23. Place where Feed is placed:
 Any package in the place where the feed is prepared or placed and in transportation has to be as follows:

- . Neat and clean, and not worn and torn,
- a. Well closed or well covered to protect it from dust, filth, flies, insects etc., and
- b. Free from foul, filth, dirt, contaminated air or water.

24. Guaranteed

retailer:

For purposes of sub-section (2) of Section 7 of the Act, a retailer carrying in person a cash memo, which sets out the type, standard, quantity and price of the Feed and has been issued by the licensed producer or whole seller or his agent, shall be considered as the guaranteed retailer.

25. Delegation

of

authority:

The chief of the central food laboratory may delegate in writing the powers conferred on the central food laboratory under this Chapter to any office of His Majesty's Government.

**Schedule-1
(Relating to Rule 5)**

Identity Card

No.

Date:

Identity card of food inspector:

Name, surname and address:

Specimen of signature:

Designation:

Note: The certifying authority's signature and the office seal should be made and put also on the photograph.

Assigned jurisdiction and period			
Area	From	To	Certifying authority's signature and date

This is to certify that the above named person has been authorized to act as the feed inspector for the above-mentioned area and from the above-mentioned date, pursuant to Rule 5 of the Feed Regulation, 1984(2041).

Signature:
Certifying authority:
Office:

NB:

1. The feed inspector has to hold this identity card in person and show it to any person if such person so requires as per necessity.
2. This identity card can in no case be assigned or given to any other person.
3. If the feed inspector resigns or other wise retires from this post, he has to immediately return this identity card to the chief of central food laboratory.

Schedule-2
(Relating to clause (b) of Rule 7)

Information to be given to the owner of feed

Name and address of the owner of Feed:

I have, on the even date, obtained a specimen of the below-mentioned feed for analysis from the shop/warehouse/premises owned by in

Place:
Date:

Description of feed:
Food inspector

Schedule-3
(Relating to clause (a) of sub-rule (1) of Rule 10)

Form with which the specimen of feed is to be attached

Sent _____ by _____
To

Number: _____ Date: _____

Description of the feed sent for analysis:

1. Serial number of specimen:
2. Name of the owner of feed:
3. Place and date of receipt of specimen:
4. Description of the feed sent for analysis and test:

A copy of this letter and a sample specimen of the wax seal put on this package of specimen are being sent separately by post/document/hand.

Feed inspector or court or other authority

Schedule- 4
(Relating to sub-rule (3) of Rule 10)

This is to certify that the specimen, attached with the letter with code No..., sent by that office/court along with the letter with reference number ... and dated for the purpose of, has been received on (date) and analyzed and

tested; and the results of the analysis and test are as follows.

... ..
... ..
... ..

The situation of the wax seals put on the package and outer cover of the specimen received was as follows:

... ..
... ..

... ..
Chief of central food laboratory
or public analyst

Seal of office:
Date:

Where a report of any particular matter is sought, necessary paragraphs may be inserted.

Schedule-5
(Relating to sub-rule (1) of Rule 11)

Receipt of the Feed to be given while taking its custody

Name and address of the owner of feed:

In exercise of the powers conferred by sub-rule (1) of Rule 11 of the Feed Regulation, 1984 (2041), I have taken in my custody the stock of the feed mentioned below from your shop/warehouse/building/land situated in on this date.
Description of the stock taken in custody:

Area: inspector:
Feed
Date:

Schedule-6
(Relating to sub-rule (2) of Rule 11)

Order to be issued to the owner of feed

Name and address of the owner of Feed:

Since, in my opinion, the feed held by you is contaminated, I have, for the purpose of an action in this regard, and in exercise of the powers conferred by sub-rule (2) of Rule 11 of the Feed Regulation, 1984 (2041), hereby ordered you to so safely retain it with you that the stock of the feed is not sold or otherwise misappropriated until another order is issued in this respect.

Area: inspector:
Feed

Date:

Schedule-7
(Relating to Rules 17 and 21)

License to sell and distribute feed

SN:

Dispatch No.:

1. Name of shop or firm:
2. Address:
3. Name and surname of partner of shop or firm or person taking charge for action:
4. Father's name:
5. Grand-father's name:
6. Birth place:
7. Permanent address (including ward number):
8. Temporary address (including ward number):
9. Name of feed intended to be sold and distributed:
10. Signature:
11. Thumb impressions:
12. Photograph:

Licensing authority's signature:
Name of Municipality or VDC:
District:
Zone:

The signature and the office seal should be made and put also on the photograph.

13. License fee:
14. Renewal fee:

Renewal period		Licensing authority's signature, office seal, and date
From	To	

- 15.
-

Schedule-8
(Relating to sub-rules (4) and (5) of Rule 18, and Rule 21)

License to produce feed

SN:

Reference No. and Dispatch No.:

1. Name of industry:
2. Address:
3. Name and surname of entrepreneur:
4. Name and surname of person taking charge for action against industry:
5. Father's name:
6. Grand-father's name:
7. Permanent address (including ward number):
8. Temporary address (including ward number):
9. Name of feed intended to be sold and distributed:
10. Signature:
11. Thumb impressions:
12. Photograph:
Signature of the chief of central food laboratory:
13. License fee:
14. Renewal fee:

Renewal period		Licensing authority's signature, office seal, and date
From	To	

15.