

Animal Feed
Act No 15 of 1986

AN ACT TO REGULATE, SUPERVISE AND CONTROL THE
MANUFACTURE SALE AND DISTRIBUTION OF ANIMAL FEED
AND TO PROVIDE FOR MATTERS CONNECTED THEREWITH OR
INCIDENTAL THERETO.

BE it enacted by the Parliament of the Democratic Socialist Republic of Sri Lanka as follows :-

[20th June , 1986]

Short title. **1.** This Act may be cited as the Animal Feed Act, No. 15 of 1986.

Licensing Authority **2.** There shall be appointed a Register of Animal Feed (hereinafter referred to as the Register) who shall be the licensing authority for the purposes of this Act.

Licensing **3.** Act person shall manufacture any animal feed for sale except under the authority of a issued in that behalf by the Register.

Application for **4.**
license

(1) Every person desirous of obtaining a licensee to manufacture any animal feed for sale shall make an application to the Register in that behalf.

(2) An application under subsection (1) shall contain the following particulars :-

- (a) the name and address of the applicant ;
- (b) the proposed trade print or the label which the animal feed shall be marketed or sold ;
- (c) a copy of the draft print or the label which shall be affixed on any container in which such animal feed shall be sold ;
- (d) samples of the container in which such animal feed shall be sold ;
- (e) a statement of the composition of such animal feed, its net weight, stability in storage and date of expiry of the animal feed ; and
- (f) such other information as may be required by the Registrar.

Issue of **5.**
licence.

(1) Upon receipt of an application made under section 4, the Registrar shall issue a licence if satisfied that the particulars contained in such application are true and accurate.

(2) Subject to the provisions of section 15 the issue of a licence shall be effective for the period stated in the licence, and shall be renewable on application made in that behalf.

(3) An application under subsection (2) for the renewal of a licence shall contain the following particulars :-

Approved
animal feed. 6.

- (a) the name and address of the applicant ;
- (b) the period for which the licence was issued ; and
- (c) such other particulars as may be prescribed.

(1) The Registrar declare any animal feed-

- (a) manufactured for sale on a licence issued under section 5 of this Act ; and
- (b) imported for sale on a licence issued under the provisions of the imports and Exports (Control) Act, No. 1 of 1969,

to be an approval animal feed (hereinafter referred to as approval animal feed) and assign a number in respect of such approval animal feed.

(2) Every declaration made under subsection (1) shall be approved by the Minister and published in the Gazette.

Sale of approved
animal feed.
Animal Feed
Advisory
Committee. 8.

7. No person shall sell any animal feed other than an approved animal feed declared under section 6.

(1) There shall be an animal Feed Advisory Committee (hereinafter to as the Committee) consisting of-

- (a) the Director of Animal Production and Health (hereinafter referred to as the Director) or a person nominated by such Director ; and
- (b) the following members appointed by the Minister, namely-

- (i) a representative of the animal feed trade ; and
- (ii) three other persons who have technical know ledge and experience in matters relating to animal feed.

(2) The quorum for any meeting of the Committee shall be three members.

(3) The Director shall, if present, preside at all meetings of the Committee. In the absence of the Director from any such meeting, the members present shall elect one of the members to preside at such meeting.

(4) Every member, other than the Director, shall, unless he vacates office earlier by death, resignation or removal by the Minister, hold office for a period of three years from the date of appointment to such office:

Provided that a member appointed in place of a member who dies or resigns or otherwise vacates office, shall, unless he earlier vacates office hold office for the unexpired part of the term of office of the member whom he succeeds.

(5) The Minister may, by Order published in the Gazette, remove any member other than the Director, from office, without assigning any reason therefor and such removal shall not be called in question, in any court or tribunal.

(6) Any member other than the Director vacating office by the effluxion of time shall be eligible for reappointment.

(7) If any member other than the Director is unable at any time to perform the duties of his office by reason of absence or incapacity the Minister may appoint some other person to act in his place during such period in like manner as such member WIU; appointed in accordance with the provisions of subsection (1).

(8) The Minister may determine the remuneration of such members and the manner of such payment in consultation with the Minister in charge of the subject of Finance.

Rules 9.

(a) The Committee may make rules in respect of such or any of the following matters :

- (i) the procedure to be followed at its meetings;
- (ii) the conduct of its business: and
- (iii) all matters connected with or incidental to the discharge of its functions.

(b) Such rules shall be made at a meeting of all members of the Committee.

Functions of the committee

10. The functions of the Committee shall be to

- (i) advise the Registrar on any matter relating to the licensing of animal feed and the manufacture, storage and preparation of animal feed for sale and the sale of approved animal feed;
- (ii) fix the minimum standard as to the composition, strength, quality and purity of any approved animal feed ;
- (iii) fix the maximum level of deleterious or inert material allowable in approved animal feed ;
- (iv) recommend to the Controller of Imports and Exports on matters relating to import of animal feed and export of approved animal feed and animal feed ingredients.
- (v) set out the manner in which approved animal feed shall be analysed ; and
- (vi) take such other steps as may be prescribed that are connected with or incidental to the aforesaid matters.

Particulars to be stated on the print or label

11. There shall be printed on every container in which any approved animal feed is sold and such print or label shall contain the following particulars in the Sinhala, Tamil and English languages.

- (a) the trade name under which the approved animal feed will be sold;
- (b) the common names of the active ingredients of the

approved animal feed, in characters not smaller in size than half the size of those used for the trade name of the approved animal feed, and placed directly below the trade name;

(c) a statement of the composition of the approved animal feed expressed on weight percentage basis, and in the case of liquid formulation, expressed as grams per litre;

(d) the name and address of the manufacturer;

(e) a statement as to whether the approved animal feed a simple feed or a compounded feed ;

(f) the statement " approved animal feed under the Animal Feed Act. 1986" shall be the symbol indicating that the animal feed has been declared as an approved animal feed under this Act and the licence number assigned to it by the Registrar;

(g) any other particulars as may be prescribed.

Committee to make continuing studies and report. **12.** The Committee shall study and keep under review matters relating to the production, manufacture, processing, distribution and sale of approved animal feed and shall report thereon from time to time to the Minister and recommend to the Minister such proposals as it considers necessary or advisable in the interest of national economy, for the control. supervision, use, marketing and distribution of approved animal feed.

Committee to furnish report on request of Minister.

13.

(1) The Committee shall, at the request of the Minister, prepare studies and reports on any particular matter relating to the production, manufacture, processing, distribution and sale of approved animal feed and it shall be the duty of the Committee to submit such report and make such recommendations as it considers desirable.

(2) In carrying out its duties and functions under this section. the Committee may seek the assistance of any Government department, public corporation or any other institution for the purpose of obtaining technical and statistical information and advice and it shall be the duty of such Government department. public corporation or any other institution. as the case may be. to give such assistance.

Publication of studies and reports. **14.** Studies and reports of the Committee made under sections 12 and 13 may be made public with the approval of the Minister and the Minister may where he considers it appropriate instruct the Director to give effect to such studies and reports.

Cancellation of licence. **15.**

(1) Where any person contravenes any provision of this Act or any regulation made thereunder, the Registrar may, with the advice of the Committee, by order cancel or suspend the licence issued under section 5.

(2) No order under subsection (1) shall be made against the licensee except after notice to him to show cause within such period as may be specified in the notice as to why such order should not be made and except on his failure to show cause

within such period. or on his not showing sufficient cause.

(3) Where the Registrar cancels or suspends any licence used in respect of any approved animal feed under subsection (1) such animal feed manufactured by such licensee shall cease to be an approved animal feed.

(4) Every cancellation or suspension under subsection(1) shall be by Order published in the Gazette and in the Sinhala, Tamil and English newspapers.

Alternation in container or composition

16. No alteration in the container, print or the label or composition of any approved animal feed shall be made by any person unless an application is made in that behalf and, prior approval obtained from the Registrar in respect of such intended alteration.

Appeals**17.**

(1) Any person aggrieved by the rejection of an application under section 5, or the cancellation or suspension of a licence. under section 15, may prefer an appeal in writing to the Secretary to the Ministry of the Minister (hereinafter referred to as the " Secretary") against such rejection, cancellation or suspension, within sixty days after such decision is communicated to such person and the Secretary may, in dealing with any appeal preferred to him, affirm, vary or amend the Order against which the appeal has been preferred.

(2) The decision of the Secretary upon an appeal shall be final and conclusive for all purposes whatsoever, and shall not be called in question in any court or tribunal

Prohibition on manufacture, sale and distribution of approved animal feed

18. No person shall manufacture, prepare or store any approved animal feed for sale or sell or distribute any approved animal feed

(a) that has upon It any natural or added deleterious substance 'or inert material in excess of the amounts as may be determined by the Committee under section 10 ;

(b) that Is adulterated or misbranded;

(c) in contravention or in violation of the provisions of this Act or any regulation made thereunder.

Approved animal feed deemed to be adulterated

19. Every approved animal feed shall be deemed to be adulterated within the meaning of. this Act if its composition, strength. quality and purity falls to conform to the standard of the composition, strength, quality and purity prescribed under this Act.

Approved animal feed deemed to be misbranded.

20 . An approved animal feed shall be deemed to be misbranded within the meaning of this Act-

(a) if the print in any container .or the label .or package of any approved animal feed bears any statement, design .or device that is false, misleading, deceptive .or likely to create an erroneous impression, regarding its composition, strength, quality. purity .or safety ;

(b) if it is an imitation of, or substitute for or resembling in

such manner as is likely to deceive, another approved animal feed, under the name, by which it is sold or offered or exposed for sale and is not labelled plainly or such label is not affixed conspicuously so as it indicate its true character;

(c) if it is stated to be a product .of a place .or country of which it is not truly a product;

(d) If it is sold or offered far sale by a name by which another approved animal feed is sold;

(e) if it is not printed or labelled in accordance with the requirements under this Act.

Minimum standard to be maintained.

21. Where a minimum standard is fixed under section to far any approved animal feed, no person shall manufacture, any approved animal feed far sale or sell or advertise any approved animal feed unless such approved animal feed 'maintains such minimum standard fixed by the Committee far the purposes .of this Act.

Warranty**22.**

(1) No manufacturer or a distributor or a commission agent or dealer of any approved animal feed shall sell such approved animal feed to any person unless be gives that person a warranty in respect .of the composition, strength, quality and property of such animal feed.

(2) Where any manufacture .or distributor or a commission agent .or a dealer .of any approved animal feed gives a warranty that is false, misleading .or deceptive he shall be guilty .of an .offence under this Act.

Authorized officer and their functions.

23.

(1) The Director shall nominate such number of officers of his department as may be necessary to carry out the purposes of this Act, and such officers shall be known as authorized officers.

(2) An authorized officer may

(a) ascertain whether any person has contravened any provision of this Act or any regulation or order made thereunder;

(b) procure samples for analysis of any approved animal feed, from any person who has such animal feed in his possession for the purpose of sale;

(c) do all other acts or things which are connected with or are in furtherance of the exercise, performance and discharge of the powers, duties and functions under this Act.

(3) Any authorized officer may enter any premises, at as reasonable hours of the day in the discharge of his functions under this Act or any regulation made thereunder. An authorized officer shall not be liable on account of such entry or on account of anything done bona fide in such premises which is necessary in the exercise, performance and discharge of his powers, duties and functions in pursuance of this Act or any regulation made

thereunder.

(4) The owner or occupier or every person found therein shall give the authorized officer all reasonable assistance in his power to enable the authorized officer to carry out his duties and functions under this Act and shall furnish him with such information with respect to the administration of this Act and the regulation as he may reasonably require.

(5) No person shall obstruct or deceive or mislead an authorized officer in the carrying out of his duties or functions under this Act.

Analysis 24.
of sample

(1) Where an authorized officer has reason to doubt the genuineness of any approved animal feed and is of opinion that such approved animal feed in question requires analysis he shall, in the presence of the manufacturer, importer or seller or the agent of such manufacturer, importer or seller, as the case may be, obtain a sample of such approved animal feed and shall

(a) forthwith notify the manufacturer, importer or seller or the agent of such manufacturer importer or seller. as the case may be, of his intention to submit such samples for analysis; and

(b) forthwith divide the sample into three equal parts and cause each part to be marked and sealed separately in such manner as its nature will permit and shall deliver one of such parts to the manufacturer, importer or seller or the agent of such manufacturer, importer or seller as the case may be, and the balance parts to the authorized analyst and the Registrar.

(2) In the event of a dispute in respect of the result of an analysis the Registrar shall forward such part of "the sample as IS in his custody to a referee analyst nominated by him.

(3) In any prosecution under this Act a document purported to be the certificate of an analyst signed by an authorized analyst or referee analyst with regard to any sample procured for analysis under this section shall be conclusive evidence of the facts stated therein.

Examination at 25.
Customs

(1) An authorized officer when authorized to do so by the Director, shall have the right to examine any customs entries of imports of any approved animal feed imported into Sri Lanka and to take samples from such approved animal feed and forward such samples to the referee analyst for an examination and report.

(2) In any Case where samples are taken such approved animal feed shall not be delivered to the importer or consignor until the referee analyst has reported upon the sample taken.

(3) If the referee analyst reports that the approved animal feed does not confer to the minimum standard fixed under section 10 such approved animal feed shall not be admitted into Sri Lanka

for use as an animal feed.

Seizure of
suspected
approved
animal feed **26.**

(1) An authorized officer shall, if he has reason to believe that any approved animal feed is held, or exposed or offered for sale in violation of the requirements of this Act, seize and hold such approved animal feed until a sample taken by him for analysis has been reported upon and until the Director has given an order for its disposal.

(2) Any approved animal feed seized under this section may, at the option of the authorized officer, be kept or stored in the building of place where it was seized, or be removed to any other place as may be determined by the Director.

Feed **27.** Every application for-

(a) the licensing of an animal feed; and

(b) the renewal of a licence,

shall be accompanied by such fee as may be prescribed.

Penalty for a
contravention of
this Act **28.**

(1) Every person who contravenes or fails to comply with any provision of this Act or any regulation made thereunder shall be guilty of an offence under this Act and shall on conviction after summary trial by a Magistrate be punishable with imprisonment of either description for a term not exceeding two years or to a fine not exceeding one thousand rupees or to both such fine and imprisonment.

(2) Where an offence under this Act is committed by body of persons, then

(a) if that body of persons is a body corporate, every director, manager, secretary or officer of that body corporate; or

(b) if that body of persons is a firm, every partner of that firm, shall be deemed to be guilty of that offence

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Provided, however, that no such person shall be deemed to be guilty of an offence if he proves that such offence was committed without his knowledge or that he exercised due diligence to prevent the commission of the offence.

Forfeiture **29.** The Court which convicts any person of an offence under this Act, may, in addition to any of the penalties that the court may impose for such offence, order that any articles in respect of which the offence was committed be seized and forfeited to the Republic.

Protection for
action taken in
good faith

30. No suit, prosecution or other legal proceeding shall be instituted against any person for any act which in good faith is done or purported to be done under this Act or any regulation made thereunder.

Regulations **31.**

(1) The Minister may make regulations in respect of matters for which regulations are authorized, required or prescribed to be made under this Act.

(2) In particular, and without prejudice to the generality of the powers conferred by subsection (1), the Minister may make regulations in respect of all or any of the following matters :

(a) classifying approved animal feed and for prescribing the composition, quality and character of any approved animal feed ;

(b) for the printing, labelling, packing, exposing and advertising for sale of any approved animal feed ;

(c) the sizes, dimensions, and other specifications of packages of approved animal feed;

(d) the method of Preparation the manufacture, preservation, packing, storing and analyzing of approved animal feed for we r

(e)

(i) the mode and manner in which an application for licence may be made ;

(ii) the fee payable for the Issue and renewal of , licence ;

(f) requiring persons who manufacture or sell any approved animal feed to furnish such information and maintain such books and records as the Director considers necessary for the proper enforcement and administration of this Act;

(g) the forms to be used for the purpose of this Act ;

(h) for the taking of samples of approved animal feed required for examination and analysis;

(i) any matter required by this Act to be prescribed.

(3) Every regulation made by the Minister shall be published in the Gazette and shall come into operation on the date of publication or on such later date as may be specified in the regulation.

(4) Every regulation made by the Minister shall, as soon as convenient after its publication in the Gazette, be brought before Parliament for approval.

(5) Any regulation which is not so approved shall be deemed to be rescinded as from the date of disapproval but without prejudice to anything previously thereunder.

(6) The date on which any regulation shall be deemed to be rescinded shall be published in the Gazette.

Interpretations 32. In this Act, unless the context otherwise requires-

"animal feed" means any simple or compounded product intended to supply wholly or partly the nutritional requirements of animal or poultry and which on being fed to them contribute to their maintenance, growth and productive capacity and includes feed additives ;

" authorized analyst" means the Government analyst, or Assistant Government Analysts and any other person authorized by the Minister by notification in the Gazette to act as such;

"compounded feeds" means the product obtained by the mixture of two or more feed stuffs

which condiments and vitamins may be added which must contain the essential nutritive elements;

" importer" means any person who imports any animal feed for the purpose of sale or apply in Sri Lanka ;

"manufacture" means any person who

(a) makes any approved animal feed ;

(b) adapts for sale any approved animal feed;

"prescribed means prescribed by regulations made under this Act :

"referee analyst" means an analyst nominated by the under subsection (2) of section If.

"seller " means any person to whom any approved animal feed is sold or delivered by the manufacturer or importer for the purpose of sale by retail ;

"simple feed means a feed containing only one ingredient of feed stuff ;