

Feed Act, 2033 (1976)

Date of Royal Seal and Publication

2033.7. (420 October 1976)

Amending Act:

The Administration of Justice Act, 2048 (1991) 2048.2.16 (30 May 1991)
The Act Amending Some Nepal Acts, 2055 (1998) 2055.4.26 (11 August 1998)

Act. No. 34 of the Year 2033 (1976)

An Act Made to Maintain Purity in Feed

Preamble:

Whereas, it is expedient to maintain appropriate standards of the feed so as to prevent undesirable adulteration in the feed and subtraction or extraction of any natural quality or utility contained in the feed;

Now, therefore, **His Majesty King Birendra Bir Bikram Shah Dev** has, on the advice and with the consent of the *National Panchayat*, enacted this Act.

1. Short title, extent and commencement:

1. This Act may be cited as the "Feed Act, 2033 (1976)".
2. It shall extend to the whole of the Kingdom of Nepal.
3. It shall come into force in such area and on such date as Government may, by notification in the Nepal Gazette, appoint.

2. Definitions:

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

- a. "feed" means any substance which an animal, bird or fish eats or drinks or any other edible and drinkable substance made of the mixture of such substance.
- b. "contaminated feed" means the feed in any of the following conditions:
 1. the feed of which the quantity of the principal part has been subtracted in such a manner as to make it of standard lower than the standard fixed pursuant to Section 10 or the feed with which any other substance has been mixed,
 2. the feed which is so rotten, decayed or kept or prepared in a dirty or filthy or poisonous condition that it is injurious to animals, birds and fishes,
 3. the feed of which some or all parts have been made of any diseased or disease carrying animal, bird or injurious vegetation,
 4. the feed of which quality standard is lower than the minimum required quality standard prescribed in the rules or orders framed or issued under this Act or of which quality standard exceeds the maximum quality standard, if any specified.
- c. "feed inspector" means the feed inspector appointed or designated pursuant to section 5.
- d. "prescribed" or "as prescribed" means prescribed or as prescribed in the Rules or orders framed or issued under this Act.

3. **Prohibition on production, sale, distribution, export, import and storage of contaminated feed:**
No person shall produce, sell, distribute, export, import or store the contaminated feed.

4. **Prohibition on sale and distribution of feed by lying or misleading:**
No person shall sell or distribute any feed by lying or misleading that feed to be another feed or any feed of lower quality standard to be of higher quality standard.

5. **Appointment and powers of feed inspector:**

0. His Majesty's Government may, for the purposes of this Act, appoint or designate the feed inspector.

1. In addition to those as mentioned in the other sections of this Act, the functions, duties and powers of the feed inspector shall be as prescribed.

6. **Powers to withhold feed:**

0. The feed inspector may, if s/he suspects that any feed is contaminated, seal such feed, hand over its custody to the owner of that feed and receive a receipt thereof from him/her and withhold it.

1. After the feed withheld pursuant to sub-section (1) has been held to be contaminated after its laboratory test, that feed may be seized by the order of the feed inspector, and in cases where that feed has to be destroyed, the owner of such feed shall also bear the expenses to be incurred in such destroy.

7. **License to be obtained:**

0. Any person intending to produce, sell or distribute the prescribed feed shall obtain the license as prescribed from the prescribed authority.

1. Notwithstanding anything contained in sub-section (1), in the case of a sealed feed, a retailer having obtained the deed of guarantee as prescribed from the producer or wholesaler shall not be required to obtain the license pursuant to this section.

8. **Punishment:**

Any person who violates this Act or the rules or orders framed or issued under this Act may be punished with a fine from five hundred rupees to one thousand rupees or with imprisonment for a term not exceeding six months or with both, for the first instance, and with a fine from one thousand rupees to two thousand rupees and with imprisonment for a term from six months to two years for each instance, from the second instance onwards.

9. **Liability of offence committed by firm or body corporate:**

If any firm or body corporate violates this Act or the rules or orders framed or issued under this Act, in the case of a firm, its owner or partner, and in the case of a body corporate, the chief administrative officer carrying out the functions of that body, shall be liable to the punishment for the purpose of Section 8.

Provided, however, that in the case of any act and action carried out prior to his/her being owner, partner or such administrative officer or if s/he proves that s/he was not in a position to know the violation, such a person shall not be liable for such punishment.

10. **Power to specify quality standard of feed:**

His Majesty's Government may, by notification in the Nepal Gazette, issue orders from time to time pertaining to the matters as to within which limit the quality standard or quantity of any substance is to exist in any feed.

11. **Test of feed:**

A test as to whether any feed is contaminated or not shall be done at the prescribed laboratory and a report thereon shall

be received from the concerned official of that laboratory.

12. **Feed standard fixation committee:**
His Majesty's Government may, from time to time, constitute a feed standard fixation committee to fix feed standards.

13. **To be state case:**
Any case under this Act shall be a state case.

14. **Investigation and filing of case:**

0. The feed inspector shall investigate any case related with the offence under this Act and, upon completing the investigation, shall file the case before the case trying authority.
1. In investigating and filing the case pursuant to sub-section (1), the feed inspector may seek opinion of the government attorney.

15. **Case trying authority:**
The chief district officer shall have the powers to originally try and settle cases under this Act.

16. **Appeal:**
Any person who is not satisfied with a decision made by the chief district officer pursuant to Section 15 may file an appeal against the decision in the appellate court* within thirty-five days.

17. **Power to frame Rules:**
His Majesty's Government may frame rules to implement the objectives of this Act.

Note bene:

Places and dates of the commencement of this Act:

1. By notification dated 2047.2.28 (11 June 1990), in Chitwan, Kaski and Rupandehi Districts on that date viz. 11 June 1990.
2. By notification dated 2054.5.2 (18 August 1997), in the following Districts on that date viz. 18 August 1997:

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| 1. Kavre | 2. Sindhupalchok | 3. Nuwakot |
| 4. Dhading | 5. Rasuwa | 6. Syangja |
| 7. Palpa | 8. Tanahun | 9. Gorkha |
| 10. Gulmi | 11. Arghakhanchi | 12. Baglung |
| 13. Kapilvastu | 14. Nawalparasi | 15. Bara |
| 16. Rautahat | 17. Sarlahi | 18. Mahottari |
| 19. Dhanusa | 20. Siraha | 21. Saptari |
| 22. Jhapa | 23. Ilam | 24. Dhankuta |
| 25. Daang | 26. Banke | 27. Bardiya |
| 28. Surkhet | 29. Kailali | 30. Kanchanpur |

