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Report Highlights:

On November 14, 2018, the Ministry of Fisheries and Livestock enacted the Fish Quarantine Act 2018 which issues provisions regarding pathogens and quarantine of fish and fish products. The Act covers the fish quarantine authority; import permits, controls, restrictions, bans, and detentions; and fish pathogen restrictions and elimination. This report contains an unofficial translation of the Act. As of December 2022, Bangladesh has not notified the regulation to the World Trade Organization.

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The Act passed by the Parliament that is written below has been granted approval from the President on 30 Kartik 1425 Or 14 November, 2018 and this Act is published hereby for the awareness of the general people: -

Act No. LXVIII of 2018

In the context of international transport of fish, fish products and beneficial germs, Act enacted in order to issue provisions to prevent infiltration and spread of pathogens in Bangladesh and for quarantine of fish and fish products for the sake of fish health protection, control import and for other related matters.

As in the context of international transport of fisheries, fish products and beneficial germs, issuing provisions is advisable and necessary in order to prevent infiltration and spread of pathogens in Bangladesh and for quarantine of fish and fish products for the sake of fish health protection, control import and for other related matters;

Therefore, the following Act has been enacted hereby: -

(15115)

Price: Taka 12.00

Chapter One

Introduction

1. **Short title and introduction.** - (1) This act will be referred to as the Fish Quarantine Act, 2018.

(2) It shall come in effect immediately.

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

(1) **“Import”** refers to the legal import of any product inside Bangladesh from any other country by water, land or air;

(2) **“Import Permit”** refers to an import permit issued under Section 10;

(3) **“Importer”** refers to any person, institution, organization, association, proprietor, consignee or agent who intends to import goods into Bangladesh or is associated with the import;

(4) **“Beneficial germs”** refer to any homogeneous germs including fungi, bacteria, nematodes, viruses, virus like germs or any invertebrate that is useful for the control of fish pathogens or for the production of commercially valuable fish products and that which is declared beneficial for fish production by the Government from time to time;

(5) **“Determined”** refers to being determined by Rules;

(6) **“Controlled Area”** refers to controlled area under section 19;

(7) **“Packaging products”** refers to any substance used for packing, storing or preserving fish, fish products or beneficial germs;

(8) **“Code of Criminal Procedure”** refers to Code of Criminal Procedure, 1898 (Act No. V of 1898);

(9) **“Vehicle”** refers to any mechanical or non-mechanical or animal or man-driven vehicle capable of transporting fish, fish products and beneficial germs or packing materials from one place to another by water, land or air;

(10) **“Rule”** refers to a rule made under this act;

(11) **“Fish”** refers to all kinds of cartilaginous and bony Fishes, prawns and shrimps, Amphibians, turtles, crocodiles, Crustaceans, Mollusks, Echinoderms (Sea cucumber), Frogs/ Toads, and any stage of their living cells and life cycle

and any other aquatic animal announced by the Government from time to time, by notification in the Official Gazette;

(12) “**Fish product**” refers to a product, a processed product or by-product by a fish;

(13) “**Fish Quarantine Authority**” or “**Authority**” refers to the Department of Fisheries in accordance with the provisions of Section 4;

(14) “**Fish Quarantine Officer**” refers to the fisheries quarantine officer appointed under Section 7;

(15) “**Infected**” refers to the presence of harmful pathogens in certain fish, fish products, beneficial germs or packaging products.

(16) “**Quarantine**” refers to the isolation of fish, fish products, beneficial germs or packaging products for the purpose of import to prevent the outbreak or spread of fish diseases, and confine them for the duration prescribed by the Fish Quarantine Officer at any place or yard designated by the Government for testing.

3. The Prevalence of Act. - Notwithstanding anything contained in any other Act in force regarding fish quarantine in the present time, the provisions of this Act shall prevail.

Chapter Two

Fish Quarantine Authority and its functions

4. Authority. - For the fulfillment of the purposes of this Act, the Department of Fish shall be deemed to be the Fish Quarantine Authority.

5. Powers and Functions of the Authority. - The powers and functions of the Authority shall be as follows, viz.: -

(A) To control the import of fish, fish products, beneficial germs or packaging products from other countries to prevent the entry and spread of fish pathogens in Bangladesh;

(B) To inspect and supervise the consignment of fish, fish products, beneficial germs or packaging goods in international transport, which may be used as a vehicle for harmful pathogens;

(C) To inspect and take legal actions against fish, fish products, vehicles of fish product beneficial germs or packaging materials, warehouses and their contents to prevent the outbreak and spread of pathogens.

(D) To conduct consignment of fish, fish products or beneficial germs and to carry out purification activities for disinfection or sterilization of their containers, packing materials, storage space or vehicle;

(E) To take necessary measures for declaring an infected area as a controlled area;

(F) To regularly review and update the list of fish, fish products and beneficial germs that are prohibited or conditional in Bangladesh for the purpose of updating and harmonizing the fisheries protection measures;

(G) To conduct surveys, surveillance and fish quarantine research activities on the existing fish quarantine related pathogens in Bangladesh;

(H) Exchange technical information, opinions and reports with international, regional or other national fisheries conservation agencies, and keep abreast of the latest developments in the conservation and quarantine of fisheries, fish products or beneficial organisms;

(I) To follow and manage the implementation of international agreements, protocols, convention etc. which Bangladesh is a party to or has signed to, and to follow, manage and co-ordinate the activities for the conservation of fish biodiversity; and

(J) To perform any other duties prescribed by the Government;

6. Delegation of Power. - (1) The Director General of the Department of Fish may exercise all the powers of the Authority under this Act.

(2) For the fulfillment of the purposes of this act, the Authority may delegate any of its power to the Fish Quarantine Officer.

7. Recruitment of Fish Quarantine Officer and Employees, etc. - (1) The Government may appoint such number of Fish Quarantine Officers and employees as may be required under the Department of Fish for the proper performance of the functions assigned under this Act.

(2) The conditions of service of the Fish Quarantine Officer and the employee appointed under sub- section (1) shall be determined by Rules.

(3) Until the appointment of Fish Quarantine Officers and other employees under sub-section (1), any officer and employee nominated by the Government from among the employees of the Department of Fish shall perform the duties and functions as Fish Quarantine Officer and employee.

Chapter Three

Import

8. Prohibition or restriction on import of fish, fish products or beneficial germs etc. - (1) The Government may, under the condition mentioned in import policy order made under Imports and Exports (Control) Act, 1950 (Act No. XXXIX of 1950), prohibit, limit or control in any other way the import of any fish, fish products or beneficiary germs that can be the cause of disease for human.

(2) For the fulfillment of the purposes of this Act, the same power can be applied by the Fish Quarantine Officer in the case of importing fish, fish products, beneficial germs and packing materials that a Custom officer has to apply restrictions mentioned in Custom Act, 1969 (Act No. IV of 1969).

9. Ban on Import. - (1) No importer may import any fish, fish products, beneficial germs or packing goods into Bangladesh without an import permit.

(2) Any fish, fish products, beneficial germs or packing goods shall be imported through the designated ports.

(3) The Government may, from time to time, by notification in the Official Gazette, fix the conditions for the import of fish, fish products, beneficial germs or packing goods or may waive any conditions.

10. Issuance, Amendments, Cancellation of Import Permit etc. - (1) For import permit, applications shall be sent to the authority in the prescribed manner and form and application can be sent in the manner and form approved by Government till the Rules are issued.

(2) Upon receiving the application under sub-section (1), the Authority may, in the prescribed manner and condition, issue an import permit.

(3) The Authority may, for reasonable reasons, cancel or suspend or amend the issued import permit.

11. Inspection, Testing and Sample Collection, etc. - (1) The Fish Quarantine Officer may inspect, test and collect samples of imported fish, fish products, beneficial germs or packing products, vehicles, warehouse and their contents and if necessary, after refining them, arrange for release in the prescribed manner.

(2) In accordance with the order of the Fish Quarantine Officer, the person carrying or warehousing the fish, fish products, beneficial germs or packing goods or the person in charge

of the vehicles shall be obliged to open the concerning warehouse, vehicles and its contents for inspection and for cleaning if necessary.

(3) The importer shall be obliged to give permission to test and collect samples of imported goods as per the demand of Fish Quarantine Officer.

12. Container Transfer. - Any container of fish, fish products, beneficial germs or packaging products under the inspection of the Fish Quarantine Officer may not be moved or opened without his permission;

Provided, however, that the said provision shall be relaxed for the performance of the duties of the customs officer.

13. Detention order of infected fish, fish products and beneficial germs. - Fish, fish product or beneficial germs imported into Bangladesh by violating the provisions of this Act or fish, fish products, beneficial germs or packaging products in transit or transported from one part of Bangladesh to another, which is suspected to be contaminated or contaminated with pathogens can be detained or in related situation, can be denied of entry.

Explanation. - For the fulfillment of the purposes of this Section, “**transit**” refers to the time of crossing Bangladesh while any fish, fish products, beneficial germs or packing goods are transported from one country to another.

14. Control of fish, fish products or beneficial germs for quarantine. - For the fulfillment of the purposes of this Act, the Fish Quarantine officer shall be in control of all fish, fish products or beneficial germs seized or confiscated and he may, in the prescribed manner, take necessary measures for the quarantine of such fishes, fish products or beneficial germs.

15. Settling seized properties, Execution of expenses, etc. - (1) The Fish Quarantine Office may, under section 13, seize, destroy, remove, purify or take any necessary measure for the seized fish, fish products, beneficial germs or packaging materials and for the protection of the health fisheries.

(2) If goods other than those to be destroyed under sub-section (1) are confiscated, they may be sold at public auction or in any other legal way for commercial gain.

(3) Money received through sale under sub-section (2) shall be deposited in the State Treasury.

(4) The Fish Quarantine Office shall notify the importer or, as the case may be, the owner of the detained fish, fish products or beneficial germs or packing goods under Section 13 and the reasons for taking action under sub- section (1).

(5) In case of refinement, removal or destruction of good seized under sub-section (1), all expenses shall be borne by the importer concerned.

16. Giving announcement to the Fish Quarantine Officer. - (1) If a person receives any fish, fish products, beneficial germs or packing goods from outside Bangladesh with his/her consent or disapproval, he/ she and the officer-in-charge of the concerned port authority shall make a declaration to the nearest Fish Quarantine Officer.

(2) The Fish Quarantine Officer shall take measures to release the good mentioned in sub-section (1) or to dispose of them in accordance with the provision of Section 15.

Chapter Four

Restriction and elimination of Fish pathogens

17. Containment or Eradication of Fish pathogens. - The Government, by notification in the Official Gazette, for the purpose of restricting or eliminating fish pathogens, may prohibit or impede the transmission, propagation, sale, cultivation, breeding or transportation of any fish, fish products or beneficial germs, genetically modified organism, living modified organism and alien invasive species, germplasm, packing materials, harmful germs or any similar type of materials that are raiser and spreader of fish pathogen.

18. Declared as an infectious pathogen. - (1) If any harmful pathogens are feared to be harmful for fish production, beneficial organisms or natural environment or if it is ensured that any harmful pathogens have spread in Bangladesh or exist in Bangladesh and it is deemed necessary to limit and eradicate such harmful pathogens then, the Government, by notification in the Official Gazette, may declare the said pathogen as an infectious pathogen.

(2) In case of finding a pathogen that is known and declared as infectious pathogen in any pond, tank or any type of water body or any yard, the possessor or owner of the concerned pond or yard shall inform the nearest Fish Quarantine Officer.

19. Declaring the infected area as Controlled Area and conducting fish quarantine activities. - The Government may undertake the following activities for conducting fish quarantine activities, viz.: -

(A) The declaration of an area with harmful germ or an area which is reasonably suspected to be infected, by notification in the Official Gazette, as a controlled area;

(B) To declare an infected pond, tank or any kind of water body or any yard or a pond, tank or any kind of water body or yard suspected to be infected as a controlled area for quarantine activities and to take necessary measures for protection of fisheries;

(C) To take necessary measures for disinfestations or disinfection of infectious pathogens or to arrange cleaning measurements for disinfection for the fish, fish products, beneficial germs or packing materials of controlled areas or for the harmful pathogens of warehouse areas;

(D) If it appears to the Fish Control Officer that it is not possible to immediately eradicate or limit any harmful germs by taking fisheries protection measures under clause (C), then to prohibit, limit and control the production and collection of fish, fish products and beneficial germs in the infected area fully or partially and specify the time of such prohibitions, restriction and controls being active.

20. Assistance. - Officials of Bangladesh Police, Rapid Action Battalion (RAB), Bangladesh Customs, Bangladesh Coast Guard, Border Guard Bangladesh, Postal Department, Port Authority, Civil Aviation Authority, Roads and Highway Department, Bangladesh Railway, Shipping Agencies and all similar organizations can stop activities that go against this Act and will provide necessary assistance to the Fish Quarantine Officer in exercising his/ her powers and discharging his/ her responsibilities under this Act.

Chapter Five

Crime and Punishment

21. Offense and Penalty. - (1) If an importer imports, produce, stocks, carries or sells any fish, fish products, beneficial germs or packaging materials prohibited under this Act or without import license, it shall be considered an offense and he/ she shall be liable to not less than 1 (one) year of rigorous imprisonment and not more than 7 (seven) years of rigorous imprisonment or a fine not exceeding Taka 5 (five) lakh or by both.

(2) If any person possesses, supervises or controls any fish, fish products, beneficial germs or packaging products referred to in sub- section (1) or if he/ she produces, stocks, carries, sales or promotes, distributes or transports advertisement for the purpose of sale, it shall be considered an offense and he/ she shall be liable to not less than 1 (one) year of rigorous imprisonment and not more than 7 (seven) years of rigorous imprisonment or a fine not exceeding Taka 5 (five) lakh or by both.

(3) If any person or importer-

(a) Obstructs, resists or intimidates any Fish Quarantine Officer from performing his/ her duties;

(b) Refuses or disregards the observance of orders and directions given under the provisions of this Act;

- (c) Provides false information for the purpose of obtaining import permits or clearances;
- (d) Disobeys or disregards the instructions given under Section 11 and 12;
- (e) Violates the provision of Section 16 (1);
- (f) Alters or distorts any document submitted to or issued by the Fish Quarantine Officer;

It shall be considered an offense and he/ she shall be liable to not less than 2 (one) years of imprisonment or a fine not exceeding Taka 5 (five) lakh or by both.

22. Offense committed by Company, etc. - If a company commits an offense under this Act, every Director, Partner, Chief Executive, Manager, Secretary or any other officer or employee or representative of the company who is directly involved in the offense shall be deemed to have committed the offense unless he/ she proves that the offense was committed without his/ her knowledge or that he/ she did his/ her best to prevent it.

Explanation. - In this Section-

- (A) “**Company**” refers to any company, statutory body, commercial entity, partnership, association or organization consisting of more than one person; and
- (b) In the case of a commercial organization, “**Director**” means any of its partners or members of the boards of directors.

23. Accepting Offense for Trial. - No court shall take any case under this Act for trial without written complaints of the Fish Quarantine Officer.

24. Accountability and Bailability of Offense. - The offenses under this Act shall be Non- Cognizable and Bailable.

25. Investigations, Judicial Procedures, etc. - The Code of Criminal Procedure shall apply to the investigation, trial, appeal and other related matters of the offenses committed under this Act.

26. Trial of Offense by Magistrate. - Notwithstanding anything contained in the Code of Criminal Procedure, offenses under this Act shall be tried by a First- Class Magistrate and, as the case may be, by a Metropolitan Magistrate.

27. Special power of the Magistrate in case of Imposition of Penalty. - Notwithstanding anything contained in the Code of Criminal Procedure, First- Class Magistrate and, as the case may be, a Metropolitan Magistrate, may impose a penalty under this Act.

28. Jurisdiction of Mobile Court. - Notwithstanding anything contained in any other provisions of this Act, an offense under sub- section (3) of Section 21 may be tried in accordance with the details of the Mobile Court Act, 2009 (Act No. LIX of 2009).

29. Appeal against administrative orders, etc. - (1) If any recipient of an import permit is aggrieved by a written order under this Act, the aggrieved person shall, within 15 (fifteen) days from the date of receipt of such order be able to appeal-

(a) If the order is issued by a Fish Quarantine Officer, then to the Authority; and

(b) If the order is given by the Authority, then to the Government.

(2) If an appeal is filed under sub- section (1), it shall be disposed of within not more than 90 (ninety) days from the date of submission of the appeal.

(3) The decision of the Government in the disposal of appeals under sub- section (1) shall be final.

Chapter Six

Miscellaneous

30. Fees and Charges. - The Government shall, from time to time, in the prescribed manner and rate, determine and collect the fees and charges for the inspection and testing of fish, fish products, beneficial germs or packaging products or for destroying, removing or cleaning those fish, fish products, beneficial germs or packaging products under Section 15.

31. Establishing Fish Quarantine Stations. - The Government may, by notification in the Official Gazette, establish Fish Quarantine Station at designated ports for the fulfillment of the purposes of this Act.

32. Authority to make Rules. - For the fulfillment of the purposes of this Act, the Government may, by notification in the Official Gazette, make Rules.

33. Publishing translated text in English. - (1) Following the enactment of this Act, the Government, by notification of Official Gazette, shall publish a reliable text (Authentic English Text) of this Act translated in English.

(2) In the event of any contradiction between the Bangla and the English text, the Bangla text shall prevail.

Dr. Md. Abdur Rab Hawlader

Senior Secretary

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Attachments:

No Attachments.