

**Voluntary Report** – Voluntary - Public Distribution

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**Report Name:** Bangladesh Fisheries and Fisheries Inspection and Quality Control Act 2020

**Country:** Bangladesh

**Post:** Dhaka

**Report Category:** Fishery Products, Sanitary/Phytosanitary/Food Safety

**Prepared By:** Tanvir Hossain

**Approved By:** Megan Francic

**Report Highlights:**

On November 26, 2020, the Ministry of Fisheries and Livestock enacted the Fisheries and Fisheries (Inspection and Quality Control) Act 2020 to enforce new laws reflecting the repealed provision of the Fish and Fish Products (Inspection and Quality Control) Ordinance 1983. The Act outlines: standard setting; quality control; competent authorities; licensing; healthy environment inspections of factories, establishments, and markets; fisheries registration; and the import-export of fish and fish products. The Act also outlines penalties for using harmful chemicals, adulteration, intrusion of impurities, and the use of illicit drugs and chemicals. 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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“May the Father of the Nation  
Sheikh Mujibur Rahman’s Birth  
Centennial succeed.”

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# Bangladesh Gazette



**Additional Volume**

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**Thursday, November 26, 2020**

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**Bangladesh National Parliament**

Dhaka, 11 Agrahayan, 1427/ 26 November, 2020

The following Parliament accepted Act has been approved by the President on 11 Agrahayan, 1427 or 26 November, 2020 and therefore this Act is being published for the information of the general people: -

**Act No. XX of 2020**

**Act implemented to enforce new laws reflecting on the needs of the time and repealing the provisions of the Fish and Fish Products (Inspection and Quality Control) Ordinance, 1983**

Since the Constitution (Fifteenth Amendment) Act, 2011 (Act No. XIV of 2011) has repealed Article 19 of the fourth schedule of the constitution of the Peoples' Republic of Bangladesh which ratifies and supports the ordinances issued by military order between March 24, 1982 and November 11, 1986, hereinafter referred to as the said Ordinance, and the provisions of the Constitution (Seventh Amendment) Act, 1986 (Act No. I of 1986) which provided legal status to martial law has been repealed declaring martial law as unconstitutional in a judgment given by the Appellate Division of the Supreme Court in Civil Appeal No. 47/2011; and

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Whereas Act No. 6 of 2013 has kept some of these ordinances in force; and

Since the Government has decided to enact new laws in Bangla with necessary amendments and refinements after reviewing the requirements and relevance of the said ordinances, taking into account the views of all the stakeholders and all the concerned Ministries and Departments; and

Whereas in the light of the aforesaid decision of the Government, it is expedient and necessary to enact a new law to reflect the needs of the time by repealing the provisions of the Fish and Fish Products (Inspection and Quality Control) Ordinance, 1983 (Ordinance No. XX of 1983);

Therefore, the following laws were enacted as follows: -

## **Chapter One Introduction**

1. **Short title and Introduction.** - (1) This Act will be referred to as the Fisheries and Fisheries (Inspection and Quality Control) Act, 2020.  
  
(2) It shall be put into force immediately.
2. **Definition.** - Unless there is anything contradictory to the subject or context, in this Act-
  - (1) **'Waste'** refers to any substance, material or object which may artificially increase the weight of the fish or degrade its size or quality;
  - (2) **'Offense'** refers to any offense committed under this Act;
  - (3) **'No-objection letter'** refers to a no-objection letter issued under section 23;
  - (4) **'Internal market'** refers to any place or establishment in Bangladesh where fish and fish products are bought and sold;
  - (5) **'Regional Competent Authority'** refers to the Regional Competent Authority referred to in sub- section (3) of section 6;
  - (6) **'Import'** refers to the importation of any fish and fish products into Bangladesh by water, land and air;

- (7) **'Importer'** refers to a licensed person who imports fish and fish products from abroad by water, land and air;
- (8) **'Factory'** refers to any place, house, courtyard or vehicle, including vessels, with processing, packaging and storage facilities employing five or more employees or workers aimed at exporting and marketing fish and fish products;
- (9) **'Cured Fish'** refers to dried, salted and dried, salted, smoked, salted and smoked, fermented, marinated, pickled or fish and fish products processed in a combination of the aforementioned processes;
- (10) **'Central Competent Authority'** refers to the Central Competent Authority referred to in sub- section (2) of section 6;
- (11) **'Quality Assurance Manager'** refers to the Quality Assurance Manager referred to in Section 5;
- (12) **'Harmful Chemicals'** refers to formalin, pesticides or any chemical that is harmful to public health;
- (13) **'Authorized Officer'** refers to any officer empowered under sub-section (2) of section 45;
- (14) **'Forgery'** refers to forgery as described in section 463 of the Penal Code, 1860;
- (15) **'Fresh Fish'** refers to recently caught or acquired fish or quality fish which has not undergone any other processing apart from being chilled;
- (16) **'Traceability'** refers to the process in which information on fish farms related to fish production and extraction, information on fishing grounds and factories and establishments other than fish farms or information on fish care, transportation and storage and information on the various steps in processing, storing, transporting and marketing activities of fish and fish products are stored which is used to search and identify activities taken in one or more steps and its source;
- (17) **'Contaminated Fish and Fish Products'** refers to fish and fish products that contain harmful germs or any toxic substances or harmful or adulterated or distasteful substance for the public health;
- (18) **'Section'** refers to any section of this Act;

- (19) **'Registration'** refers to registration given under section 15;
- (20) **'Prescribed'** refers to prescribed by rules made under this Act;
- (21) **'Rotten'** refers to fish and fish products which do not possess the quality of fresh fish and is infected with pungent odor, distorted color, taste, bacteria and fungi;
- (22) **'Inspector'** refers to inspector of the Department of Fisheries, fisheries inspection and quality control;
- (23) **'Inspection'** refers to the inspection referred to in sub-section (1) of section 14;
- (24) **'Inspecting Officer'** refers to an inspector of the Department of Fisheries or any officer authorized for the purpose of inspection;
- (25) **'Container'** refers to any kind of hygienic container, packet, wrapper, confining band, etc., which may be suitable to use for packaging or marketing of fish and fish products;
- (26) **'Chilled Fish'** refers to fish and fish products stored in a temperature between zero degrees Celsius to (+) 5 (five) degrees Celsius by ice or by any other means;
- (27) **'Rule'** refers to any rule made under this Act;
- (28) **'Person'** refers to any person or company and its owner, director or responsible officer or employee who/ which is involved with the vehicle or aircraft or vessel engaged in fish production or extraction or transportation, or import, export, production, care, processing, preservation, domestic marketing of fish and products, or production, storage, storage, transportation, marketing of ice for the use of fish and fish products;
- (29) **'Adulterated'** refers to the presence of any chemical substance or other substance in a lower or higher amount than the prescribed or permitted amounts in fish and fish products which degrades the quality of fish and fish products or is harmful to public health;
- (30) **'Physical Quality Test'** refers to the method of judging the quality or external condition of a fish or fish product;
- (31) **'Fish'** refers to cartilaginous and bony fishes, prawns and shrimps, amphibians, turtles, crocodiles, crustaceans, mollusks, coelenterates, echinoderms, frogs and any stage of the life cycle of the above-mentioned aquatic animals and their living cells and

the aquatic animals announced by the Government, from time to time, in a notification of the Official Gazette;

(32) **'Fishery'** refers to enclosure, pond, lake, water pane, reservoir, cistern or aquatic cage where fish is farmed for commercial purposes in a natural or artificial or controlled environment or where the fish is nurtured at any stage of its life cycle or until it is suitable for marketing;

(33) **'Fish Products'** refer to any product produced from fish or processed fish or a derivative product (byproduct);

(34) **'Fish Processing'** refers to the process where a whole fish is dressed, dried, de-headed, shelled, or gutted and then preserved by keeping the fish whole, or filleting, cleaning, chilling, freezing, cooking, blanching or smoking or any other technique or a combination of more than one of these techniques or cured fish or part of a fish which is then packed or canned for export or marketing in the domestic market;

(35) **'Quality Control'** refers to the techniques in which the prescribed standard of fish and fish products are confirmed;

(36) **'Quality Control Laboratory'** refers to a laboratory established under sub-section (1) of section 4;

(37) **'False Certificate or Document'** refers to false or fabricated certificate or document created in the manner described in section 464 of the Penal Code, 1860;

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

(39) **'Exporter'** refers to a person who is licensed to send fish and fish products from Bangladesh by water, land and air;

(40) **'License'** refers to a license issued under sub-section (2) of section 10;

(41) **'Health Certificate'** refers to the health certificate issued under section 26;

(42) **'Local Competent Authority'** refers to the local competent authority referred to in sub-section (4) of section 7;

(43) **'Establishment'** refers to fish dropping centers, care centers, docks, wholesale fish selling organizations, fish selling points and markets, auction centers, fish depots,

warehouses, cold storages and freezers for preservation of fish and fish products, fish packaging centers, vehicles used to store/ preserve fish, ice mills established for ice production, ice storages, fish suppliers, non- packer exporters, local buying agents' offices, warehouses; and

(44) **'Frozen fish'** refers to fish or fish products stored in a storage at a temperature of (-) 180 Celsius or lower.

## **Chapter Two**

### **Setting Standard, Quality Control, Competent Authority, etc.**

3. **Setting the standard of fish and fish products.** - (1) The Central Appropriate Authority shall set the standard for import, export, production, transportation, storage, marketing or processing of fisheries and fish products in the prescribed manner.  
  
(2) No person shall import, export, produce, market, transport, preserve, process or otherwise transfer fish and fish products to any consumer except in the standard prescribed under sub-section (1).
4. **Establishment of Quality Control Laboratory.** – (1) The Government, by notification in the Official Gazette, can set up necessary number(s) of quality control laboratory/ laboratories within the country in order to control the quality of exportable, imported or marketable fish and fish products, and the products used in processing and storage, water, ice, swab and fish feed or food ingredients for testing or determining their purity.  
  
(2) Quality Assurance Manager, with the approval of the Central Competent Authority, may take the necessary steps for the accreditation of the Quality Control Laboratory established under of sub-section (1).
5. **Quality Assurance Manager.** – 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.
6. **Formation and management of Competent Authority.** – (1) For the purpose of fulfilling the purposes of this Act, there shall be the following appropriate authorities, viz.: -  
  
(A) The Central Competent Authority

(B) The Regional Competent Authority; and

(C) The Local Competent Authority.

(2) The Director General shall be the Central Competent Authority and he/ she shall exercise the functions and powers prescribed to the Central Competent Authority.

(3) The Deputy Director (Fish Inspection and Quality Control) shall be the Regional Competent Authority and he/ she shall exercise the functions and powers prescribed to the Regional Appropriate Authority.

(4) The Deputy Director or the District Fisheries Officer or the Upazila Fisheries Officer shall be the Local Competent Authority and he/ she shall exercise the functions and powers prescribed to the Local Competent Authority.

**Explanation.** – In order to fulfill the purposes of this section, "Director General" and "Deputy Director" shall respectively mean the Director General of the Department of Fisheries and the Deputy Director of the Divisional Fisheries Office.

7. **Determining the jurisdiction of the Competent Authority.** - The jurisdiction of the Central Competent Authority shall be the whole of Bangladesh and the Central Competent Authority may, in the prescribed manner, determine the jurisdiction(s) of the Regional and Local Competent Authority.

### **Chapter Three**

#### **General Issues regarding Licenses**

8. **Prohibition on export of fish and fish products without license, etc.** - No person shall export of fish and fish products, establish or operate factories or establishments without obtaining a license.
9. **Authority to issue licenses.** - The Regional Competent Authority may, in the prescribed manner, issue licenses to any exporter for export of fish and fish products or to any owner for establishment and operation of factories or establishments for production and processing of fish and fish products and any other related work.
10. **Application for license.** – (1) An application shall be made 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 Competent Authority shall issue the license after verification of the application submitted under sub-section (1).

11. **Refusal to issue license.** - The Regional Competent Authority may refuse to issue a license, if-
  - (A) the application is not found to be correct as per section 10;
  - (B) the information mentioned and attached in the application form is false, fabricated or insufficient;
  - (C) the applicant is ineligible to obtain a license under this Act or any other Act; or
  - (D) any other condition prescribed is not complied with.

12. **License Transfer, Validity, and Renewal of license.** – (1) The validity of the license shall be 3 (three) years and it shall not be transferable or saleable.

(2) The license must be renewed 30 (thirty) days before the expiration of the license.

(3) An application for renewal of license shall be made to the Regional Competent Authority in the prescribed manner.

(4) Considering the application received under sub-section (3), subject to the provisions of section 11, the Regional Competent Authority may renew the license.

(5) If the license is not renewed, the license shall be automatically suspended after expiry, but an application for renewal of the license can be placed within 1 (one) year after the expiry of the license after depositing the prescribed license renewal fee and three times the additional license fee in the government treasury.

**13. License revoking, suspension, etc.** – (1) The Regional Competent Authority may revoke, if applicable suspend, the license for any of the following reasons, if the licensee –

(A) has violated any of these laws or rules or any condition of the license;

(B) has provided any untrue information or kept information secret to obtain the license;

(C) has used the license for any purpose other than the establishment and operation of factories or establishments for the purpose of export of fish and fish products, production and processing of fish products;

(D) fails to take measures to renew the license 2 (two) times at a stretch;

(E) transfers or sells the license;

(F) pollutes or has polluted river or sea water or environment by his/ her established factories or establishments;

(G) dies;

(H) has been convicted of administrative fines or any other offense under this Act for 2 (two) times; or

(I) has failed to comply with any other prescribed conditions.

(2) Prior to revocation of any license under sub-section (1), notice shall be given to the concerned licensee by the Regional Competent Authority and the licensee will then have to, within 7 (seven) working days of receipt of the notice, provide a written statement stating the reason for revocation of the license.

(3) Upon receipt of the reply to the notice given under sub-section (2), if the reply is not satisfactory, the Regional Competent Authority may revoke the license by stating the reasons within 7 (seven) 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 Competent Authority shall exempt the licensee from the charges brought against him.

## **Chapter Four**

### **Inspection of Factories, Markets, etc.**

**14. Inspection and Administrative Fines, etc.** – (1) In order to ensure the prescribed quality of fish and fish products, the Inspecting Officer may at any time inspect any factory, installation, fishing vessel, any vehicle including aircraft which transports fish, internal market for sale of fish, fishery.

(2) During the inspection under sub-section (1), if the Inspecting Officer finds that the factory or establishment does not maintain a healthy environment or does not maintain the standards prescribed in the processing of fish and fish products, he/ she can confiscate the said fish and fish products and impose an administrative fine of not more than Taka 5 (five) lacs on the owner of the factory or establishment.

(3) If the Inspecting Officer, while inspecting the internal market, factory or establishment under sub-section (1) , inspects the physical properties of any fish or fish products or runs any other technical inspection, and is assured any fish or fish products are mixed with harmful chemicals which was sold or is being sold to the consumers or was processed or is being processed, he/ she will file a case under section 30 against the fish and fish product supplier, seller, producer, owner of the factory or facility or any other person involved in the said action and he/ she shall seize the fish and fish products in the prescribed manner.

(4) If the Inspecting Officer inspects a fishing vessel, aircraft, vehicle and finds that the vessel, the aircraft, the vessel is carrying rotten fish and fish products or fish and fish products which are contaminated with harmful chemicals or impurities, he/ she may file a case under section 30 against the driver of the said vessel, aircraft and vehicle and the owner of the said fish and fish products.

(5) If the Inspecting Officer, while inspecting a factory or establishment, finds that adulterated or rotten fish and fish products are being handled, processed, preserved or sold in that factory or establishment, he/ she will file a case under section 31 against the person

or seller involved in handling, processing and preservation and he/ she will seize and dispose of the said fish and fish products in the prescribed manner.

(6) During the inspection under sub-section (1), the Inspecting Officer may review any register, archive, paper instrument, record and other documents of the concerned factory or establishment, collect photocopies and, if necessary, interrogate the person concerned.

(7) No person shall interfere with the inspection under sub-section (1) and in carrying out any order or duty under sub-sections (2), (3), (4), (5) and (6).

## **Chapter Five Fisheries Farm Registration, etc.**

**15. Fisheries farm Registration.** – (1) The owner or operator of every fish farm shall obtain the registration of the fish farm from the Regional Competent Authority in the prescribed manner to ensure the traceability and safe fish production of the fish produced in his/ her fish farm.

(2) Fish produced in any fish farm that has not been registered under sub-section (1) shall not be used for export or for processing or production of fish products in any factory.

**16. Use of medicines and chemicals in fish farms.** – (1) Medicines (Banned Aquaculture Medicinal Products) and harmful chemicals which have been prohibited for use by the Central Competent Authority shall not be used in fish farms:

Provided, however, that the drugs or chemicals approved by the Government for the control of fish diseases may be used in fish farming in the prescribed manner.

(2) Every registered fish farm must follow good aquaculture practices to produce quality and safe fish.

**17. Registration suspension, cancellation, Re- registration.** – (1) If the owner of a fish farm violates any condition of this Act or the rules made under this Act, the Local Competent Authority may suspend or cancel the registration of the fish farm after giving the owner of the fish farm the opportunity to show reasonable cause.

(2) The Local Competent Authority may, with the approval of the Regional Competent Authority, re-register the suspended or canceled fish farm under sub-section (1) in the prescribed manner.

## **Chapter Six**

### **Healthy Environment of Factory or Establishment**

**18. Quality control of factory or establishment.** – (1) Fish and fish products shall be processed in accordance with the standards prescribed under section 3 in any factory or establishment.

(2) In case of processing, fish processing factories have to obtain fresh and whole fishes.

**19. Healthy environment of factory or establishment.** - The owner of the factory or establishment shall, in the prescribed manner, ensure a healthy environment and sanitary management of the factory or establishment.

**20. Prohibition on recruitment of employees or workers without a doctor's certificate.** – (1) Employees or workers without a medical certificate stating that he/ she is not infected with any infectious disease from the Civil Surgeon or Upazila Health and Family Planning Officer or a registered physician cannot be employed in factories or establishments for the purpose of obtaining fish, preservation, processing, transporting or fish and fish product handling.

(2) If an employee or worker is infected with a contagious disease while working in a factory or establishment, he/ she shall be restrained from performing the work referred to in sub-section (1) until he/ she is cured of the disease and cannot be re-employed for any work in a factory or establishment without the medical certificate mentioned in sub-section (1).

**Explanation.** - For the fulfillment of the purposes of this section, "Infectious Disease" refers 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 shall show the said certificate to the Inspecting Officer while inspection of the factory or establishment.

(4) If the owner or manager of a factory or establishment violates the provisions of sub-sections (1), (2) and (3), the Inspecting Officer may impose on him/ her an administrative fine not exceeding 4 (four) lakhs and may issue any order in the prescribed manner.

21. **Data storage.** - The owner or manager of every factory or establishment shall keep all the information of the employees or workers working in his/ her factory or establishment in the prescribed form or register and shall display the said form or register to the Inspecting Officer or register as and when required during the inspection.

## **Chapter Seven**

### **Import, Export, etc. of Fish and Fish Products**

22. **Prohibition on Import.** – (1) No fish or fish products prohibited by any provision of this Act or any other Act, order or rule or any fish and fish products which are rotten, contaminated, adulterated and contain harmful chemical substances may be imported.

(2) The Central Competent Authority may, in the prescribed manner, prescribe the permissible levels of antibiotics, microorganisms, heavy metals, pesticides, dyes, additives, steroids, hormones and any other harmful substances in the import of fish and fish products.

23. **No objection letter in case of import.** – (1) No importer may import fish and fish products without obtaining no-objection letter from the Central or Regional Competent Authority.

(2) The importer shall apply, in the prescribed manner, to the Central or Regional Competent Authority for the no-objection letter stating the detailed description of the fish and fish products to be imported at least 15 (fifteen) days prior to the import.

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

24. **Conditions for import of fish and fish products.** – (1) The importer shall submit to the Regional Competent Authority or authorized official, along with each consignment of fish and fish products import, health certificate, traceability and halal certificate issued by the appropriate authority of the exporting country.

(2) Before the imported fish and fish products enter Bangladesh, the importer shall make a declaration about the fish and fish products in the prescribed manner to the Central or Regional Competent Authority.

(3) Along with the health certificate issued by the exporting country, the test report of Harmful antibiotics, pathogenic and non- pathogenic micro- organisms, pesticides, heavy metals, pigments, additives, steroids, hormone and any other harmful substances prescribed by the importing country or any internationally recognized accredited laboratory must be submitted with each consignment of frozen and cured fish and fish products.

**25. Inspection of imported fish and fish products.** – (1) The Inspecting Officer shall inspect the consignment of imported chilled, frozen, cured or any other processed fish and fish products in the prescribed manner, discharge it from the port, check its physical quality and will be able to collect free samples in the prescribed manner for the purpose of testing for the presence of micro- organisms, antibiotics, heavy metals, pesticides, hormones, pigments and other harmful chemical substances.

(2) If microorganisms are found in excess of the prescribed levels or if prohibited antibiotics and harmful chemicals are detected or if the approved antibiotics and chemicals are present in excess of the prescribed levels in the fish and fish products tested under sub-section (1), the Inspecting Officer, in the prescribed manner, can order the disposal of imported fish and fish products or order to return the consignment to the exporter.

(3) The Central Competent Authority may, with the prior approval of the Government, impose prohibitions on the import of fish and fish products from the countries concerned, considering the areas mentioned in sub-section (2) for the protection of public health.

**26. Cancellation of no- objection letter.** - If any importer violates this Act or the rules or any of the conditions mentioned in the no-objection letter, the Competent Authority concerned may revoke the issued no-objection letter after providing him/ her an opportunity to show cause.

**27. Export of fish and fish products.** – (1) An exporter may export fish and fish products, subject to other provisions of this Act, by accepting the no-objection letter issued by the concerned Regional Competent Authority.

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

**28. Issuance of health certificate.** – (1) Subject to the prescribed examination, application submitted under sub-section (2) and other provisions of this Act, the Regional Competent Authority or the authorized officer may issue a health certificate for fish and fish products.

(2) In order to obtain the health certificate mentioned in sub-section (1), the exporter shall have to apply in the prescribed manner to the Regional Competent Authority or authorized officer.

(3) Notwithstanding anything contained in this section, the Regional Competent Authority or the authorized officer may, in case of frozen fish and fish products, issue a health certificate for trade samples up to 10 (ten) kg on the basis of a physical quality test at any port and without a quality control test.

**29. Prohibitions on issuing health certificates.** – (1) The Regional Competent Authority or authorized officer shall not issue a health certificate in the following cases, viz.: -

(A) in case of deviation from Sections 8, 12 (2), 12 (5), 15, 16, 18, 20 and 43;

(B) in the absence of traceability and importer's invoice of produced or processed fish and fish products;

(C) in the absence of sample test report and proper labeling as per the demand of the importing country;

(D) for any other reason prescribed.

(2) If any person violates any provision or rules of this Act, the health certificate issued to him/ her shall be revoked.

## **Chapter Eight**

### **Offense, Investigation, Arrest, Trial, Penalties, etc.**

**30. Penalty for the use of harmful chemicals.** - If a person uses harmful chemicals in the export or domestic marketing of fish and fish products, the act shall be considered an offense and he/ she shall be liable to imprisonment for a term not exceeding 7 (seven) years, but not less than 5 (five) years, and will be issued a fine of no less than Taka 5 (five) lacs.

**31. Penalty for adulteration, intrusion of impurities and use of illicit drugs and chemicals.** – (1) If any person adulterates or infiltrates impurities in fish or fish products or processes, preserves or transports fish and fish products without specified environment and container or uses ice made without prescribed water for the purpose of export or domestic marketing; or

(2) If any person uses prohibited drugs and chemicals and harmful substances in the fish farm or does not follow good aquaculture practices the fishery-

It shall be considered an offense and for that offense he/ she shall be liable to imprisonment for a term not less than 2 (two) years or with a fine not exceeding Taka 8 (eight) lacs or both.

**32. Penalty for export without health certificate or use of false or forged health certificate.** - It shall be considered as an offense for a person to export or take initiative to export fish and fish products without obtaining a health certificate or using a false health certificate or forging a health certificate for which he/ she shall be liable to imprisonment for a term not more than 5 (five) years or a fine of not more than Taka 10 (ten) lacs or both.

**33. Penalty for import, export, sale, etc. of rotten or contaminated fish and fish products.** - If any person imports, exports and/ or sells rotten or contaminated fish and fish products, an administrative fine of not more than Taka 50 (fifty) thousand may be imposed on him/ her and the fish shall be confiscated.

**34. Penalty for establishment and operation of factory or establishment without license.** - If a person establishes and operates a factory or establishment without a license, the act shall be considered an offense and for that offense he/ she shall be liable to imprisonment for a term not less 1 (one) year or with a fine not exceeding Taka 4 (four) lacs or both.

**35. Penalty for recurrence of offense.** - If a person commits an offense again after being convicted of an offense under this Act, he/ she shall be liable to double the penalty prescribed for that offense.

**36. Offense committed by a company.** – (1) If a company commits an offense under this Act, the owner, director, executive officer, manager, secretary, any other officer or employee of the company who is directly involved in the offense shall be deemed to have committed the offense unless he/ she can prove that the offense has taken place without his/ her knowledge and he has tried his best to prevent it.

(2) If the company referred to in sub-section (1) is a legal entity, in addition to charging and convicting the person referred to in that sub-section, the company itself may be charged and convicted in a separate proceeding, but will only be fined according to the relevant provisions.

**Explanation** - For the fulfillment of the purposes of this section, "Company" refers to the company defined in sub- section (D) of Section 2 of the Companies Act, 1994 and includes any organization, institution, partnership, association or organization established by one or more person(s).

**37. Acceptance of offense for trial and Trial.** – (1) The Code of Criminal Procedure, 1898 (Act No. V of 1898) shall be followed in the investigation of an offense committed under this Act, the arrest or detention of an accused person.

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

**38. The Accountability and Bailability of the offense.** – All offense committed under this Act shall be cognizable but bailable:

Provided, however, that the court may refuse to grant bail, considering the nature and scope of the offense committed under sections 30 and 32.

**39. Enforcement of the Mobile Court Act, 2009.** - Notwithstanding anything contained in this Act or any other Act in force at this time, the Mobile Court may impose a penalty in the case of an offense committed under this Act, subject to the Schedule to the Mobile Court Act, 2009 (Act No. 59 of 2009).

**40. Confiscable fish, fish products and equipment, etc.** - If any offense is committed under this Act, the fish, fish products, factory or installation equipment, materials, reservoirs, containers, packaging with which the offense has been committed shall be confiscable in the prescribed manner.

41. **Disposal of perishable fish and fish products.** - If any fish and fish products seized under this Act are quickly perishable, they may be used, transferred, destroyed or otherwise disposed of in the prescribed manner without preservation.
42. **Exemption from liability.** - No criminal or administrative action or action can be taken against any retailer, hawker, peddler or shopkeeper if any raw fish and quickly perishable fish products are found to be spoiled due to natural causes in any store or shop unless it is easily understood that he/ she has kept the fish and fish products for sale or has tried to sell them despite having the knowledge that they are rotten.

## **Chapter Nine Miscellaneous**

43. **National Residue Control Plan.** - The Government shall, in the prescribed manner, formulate and implement the National Residue Control Plan.
44. **Administrative appeal.** - The person aggrieved against any order made under this Act by the Regional Competent Authority, Local Competent Authority, the authorized officer or the inspecting officer shall, within 30 (thirty) days of the issuance of such order, approach the Central Competent Authority and file an appeal against the decision of the Central Competent Authority to the Government within 30 (thirty) days and the decision given by the government will be considered final.
45. **Delegation of authority.** – (1) The Government may, without the authority to make rules, delegate any of its authorities to the Central Competent Authority or the Regional Competent Authority, subject to prescribed conditions, to any officer not below the first class of the Department of Fisheries.
- (2) Any officer referred to in sub-section (1) shall be deemed to be an officer authorized to carry out the purposes of this Act
46. **Receive assistance from law enforcement agencies.** - For the fulfillment of the purposes of this Act, the concerned authorities shall provide assistance if the Central Competent Authority, Regional Competent Authority, Local Competent Authority or the Authorized Officer seek the assistance of the law enforcement agencies.

47. **Imposition of fees, etc.** - The Government may, in the prescribed manner, impose and collect fees at prescribed rates for the issuance and renewal of licenses, for the examination of quality of fish and fish products in the quality control laboratory, for issuance of health certificate or no-objection letter.

48. **Authority to make rules.** – (1) For the fulfillment of the purposes of this Act, the Government may, by notification in the Official Gazette, make rules.

(2) Without interfering with the totality of authority referred to in sub-section (1), rules may be made about all or any of the following matters, viz.: -

(A) to determine the methods of fish harvesting, handling, processing, grading, chilling, freezing, packaging, labeling, marking, marketing, stocking, storage and transportation of fish and fish products;

(B) to determine prescribing fish and fish products packaging materials guidelines, type, setting standards and prescribing the identification and inspection procedures;

(C) to determine the conditions relating to equipment used in and construction of factories or installations, and vehicles used in the export of fish and fish products;

(D) to determine the use of liquid water in fish and fish products processing and ice making, its quality, the use of harmful chemicals, additives, preservatives and anti-oxidants in fish and fish products processing and its levels;

(E) to determine the next arrangements for the return of exported fish and fish products from abroad;

(F) to determine the responsibilities of farm, depot, supplier and factory authorities for identifying the source of contamination of goods in case of non-compliance of exported or declared fish and fish products consignments;

(G) to determine issues related to implementation of Hazard Analysis Critical Control Point (HACCP) method for ensuring quality of processed fish and fish products;

(H) to determine matters related to the assurance, by the owner of the factory or establishment or fish farm, that fish and fish products are not harmful to public health;

(I) to determine the method of operation, maintenance and cost management of Quality Control Laboratories;

(J) to determine the risk and crisis management procedure(s) regarding fish and fish products;

(K) to determine the licensing, operation, maintenance and conditions of ice factories established for use in fish and fish products; and

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

49. **Repeal and Protection.** – (1) The Fish and Fish Products (Inspection and Quality Control) Ordinance, 1983 (Ordinance No. XX of 1983) and hereinafter referred to as the Repealed Ordinance, is hereby repealed.

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

(A) the license issued, any work done, any action taken or any proceedings scheduled shall be deemed to have been taken, adopted or scheduled under this Act;

(B) if any case or proceedings filed is pending or running, it shall be disposed of or continued in such a manner as if the said Ordinance has not been repealed;

(C) any contract, deed or instrument executed shall remain in force as if it had been executed under this Act;

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

50. **Publish translated text in English.** – (1) After the enactment of this Act, the Government may, by notification in the Official Gazette, publish an Authentic English Text of the original Bengali text of this Act translated into English.

(2) This Act will prevail in case of any contradiction between this Act and the English text.

Dr. Zafar Ahmed Khan  
~~Senior Secretary.~~

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**Attachments:**

No Attachments.