

THE FISH AND FISH PRODUCTS (INSPECTION AND QUALITY CONTROL) ORDINANCE, 1983

(ORDINANCE NO. XX OF 1983).

[17th May, 1983]

An Ordinance to provide for inspection and quality control of fish and fish products.

WHEREAS it is expedient to provide for inspection and quality control of fish and fish products and for matters ancillary thereto;

NOW, THEREFORE, in pursuance of the Proclamation of the 24th March, 1982, and in exercise of all powers enabling him in that behalf, the Chief Martial Law Administrator is pleased to make and promulgate the following Ordinance:-

Short title and commencement

1. (1) This Ordinance may be called the Fish and Fish Products (Inspection and Quality Control) Ordinance, 1983.

(2) It shall come into force on such date as the Government may, by notification in the official Gazette, appoint.

Definitions

2. In this Ordinance, unless there is anything repugnant in the subject or context,-

(a) "container" means any type of receptacle, package, wrapper or confining band used in packing or marketing of fish and fish products;

(b) "fish" includes all cartilaginous and bony fishes, prawn, shrimp, amphibians, tortoise, turtles, crustacean animals, coelenterates, molluscs, echinoderms and frogs at all stages of their life history;

(c) "fish products" includes any products or by-products of fresh fish;

(d) "fresh fish" means freshly caught fish which has not been processed in any manner;

(e) "fish processing and fish packing plant and establishment" means any place where fish or fish

products is processed for export or stored for export or for internal marketing;

(f) "inspection" means physical examination of fish processing and packing plants with regard to hygiene and sanitation and physical, chemical and bacteriological examination of fish and fish products;

(g) "processing" includes cleaning, filleting, icing, packing, canning, freezing, smoking, salting, cooking, pickling, drying or preparing fish in any other manner for marketing; and

(h) "quality control" means the technique by which conformity of a product to establish standard is assured.

Rule making powers

3. (1) The Government may, by notification in the official Gazette, make such rules as appear to it to be necessary or expedient for ensuring the quality of fish and fish products for export and of the containers thereof.

(2) Without prejudice to the generality of the powers conferred by sub-section (1), the rules may provide for all or any of the following matters, namely:-

(a) prescribing grades, quality and standard of fish and fish products;

(b) regulation of catching, handling and marketing of fish or, as the case may be, fish products;

(c) processing, storing, grading, packaging, marking, transporting and inspection of fish and fish products;

(d) prescribing the quality and specifications for containers of fish

and fish products and the marking and inspection of such containers;

(e) requiring the registration of fish processing and fish packing plant and establishment for freezing, processing and preservation of fish and fish products;

(f) requiring the licensing of persons dealing in freezing, processing and preservation of fish and fish products;

(g) determining the requirements of the equipment, construction and sanitary operation of fish processing and fish packing plant and establishment and boats, vehicles

and other carriers used in connection with fishing and fish processing and fish packing plant and establishment or export of fish;

(h) prescribing the fees for registration of fish processing and fish packing plant and establishment and for issuance of licences and inspection of laboratory analyses of fish and fish products samples;

(i) prohibiting the sale or offering for sale or holding in possession for sale, except in accordance with the manner and upon fulfilment of the requirements prescribed in this behalf, any fish, fish products or container under any grade, name or standard;

(j) prescribing the sampling procedure and the manner in which samples of any fish and fish products may be taken;

(k) prohibiting or restricting marketing or offering or any attempt to market or offer, without obtaining quality control certificate from the Government, of any fresh, frozen, processed or preserved fish or container thereof; and

(l) manner of disposal of fish and fish products which do not conform with the prescribed standard or is otherwise considered unwholesome or unfit for human consumption.

Inspection to ensure compliance with the provisions of the Ordinance

4. (1) The Government may, for the purpose of seeing that the provisions of this Ordinance and the rules made thereunder have been complied with, appoint such person or persons to be Inspectors as it deems fit and any Inspector appointed under this sub-section or any officer empowered by the Government in this behalf may,-

(a) at all reasonable times enter any place or premises or go on board any steamship, vessel or boat, any railway car, truck, carriage, aircraft or other vehicle used for the carriage and storage of fish and fish product and inspect the same and open any container if he believes or has reason to believe that the container contains fish and fish products and take sample of any fish or fish products for inspection free of cost; and

(b) require and enforce production of any book, shipping bills, bills of lading or other documents or papers for inspection or for the purpose of obtaining copies thereof or extracts therefrom.

(2) No person shall obstruct, impede or refuse admittance, or aid or assist in the obstruction, impedence or refusal of admittance, to an Inspector or any officer empowered under sub-section (1) in the performance of his duties under that sub-section.

Export, etc of fish

5. No person shall export or sell for export or have in his possession for export, or deal in, any fish or fish products intended for human consumption which is decomposed, unwholesome or contaminated with pathogenic organisms.

Handling, etc of fish and fish product

6. No person who is suffering from leprosy, tuberculosis or such other contagious disease as the Government may, by notification in the official Gazette, specify, shall catch, handle, carry or, process or cause to catch, handle, carry or process fish or, as the case may be, fish products or work in fish processing and fish packing plant and establishment.

Operation of fish processing and fish packing plant and establishment

7. (1) No person shall operate any fish processing and fish packing plant or establishment without obtaining a licence to be issued in this behalf by the Government in such form as it may determine.

(2) An application for granting a licence under sub-section (1) shall be made by the person concerned in such form as the Government may determine.

(3) Where the Government is satisfied that the provisions of this Ordinance and the rules made thereunder have been complied with, it shall grant to the applicant a licence which may contain such conditions as it may impose in this behalf.

(4) If it is found that the applicant has not complied with the provisions of this Ordinance or the rules made thereunder, the Government may refuse to grant the licence applied for.

Appeal

8. Any person aggrieved by any order under this Ordinance may, within thirty days from the date of the order, file an appeal against the order, to the Government whose decision in the matter shall be final.

**Penalty for
contravention of
section 4(2)**

9. Any person who contravenes the provisions of sub-section (2) of section 4 shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to Taka five thousand, or with both.

**Penalty for
contravention of
section 5 or 6**

10. Any person who contravenes the provisions of section 5 or 6 shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to Taka five thousand, or with both.

**Penalty for
consecutive
offences**

11. (1) A person who after being convicted for contravention of sub-section (2) of section 4, section 5 or section 6, or any rule made thereunder, is convicted for the second or subsequent times, he shall, for every such conviction, be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to Taka ten thousand, or with both.

(2) In inflicting the punishment under sub-section (1), the Court may order the seizure and forfeiture to the Government of the fish processing and fish packing plant or establishment to which the contravention may relate together with the cancellation of the licence issued in respect of such processing and fish packing plant or establishment.

Bar of Jurisdiction

12. (1) No Court inferior to that of a Magistrate of the First Class shall try an offence under this Ordinance.

(2) No Court shall take cognizance of an offence under this Ordinance except upon a complaint in writing made by an Inspector appointed or an officer empowered under this Ordinance.

Indemnity

13. No suit, prosecution or other legal proceedings shall lie against any person for anything which is in good faith done or intended to be done in pursuance of this Ordinance or any rule made thereunder.

Delegation of powers

14. The Government may, by notified order, direct that any power or duty, other than those specified in section 3 or 8 or 15, conferred or imposed by this Ordinance upon the Government, shall, in such circumstances and under such conditions, if any, as may be specified in the direction, be exercised or discharged also by any officer subordinate to the Government.

Power to make rules

15. The Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Ordinance.
