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THE PUNJAB LIVESTOCK BREEDING ACT 2014

(XIII of 2014)

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TEXT

THE PUNJAB LIVESTOCK BREEDING ACT 2014 (XIII of 2014)

[29th May, 2014]

An Act

to regulate the livestock breeding services in the Punjab.

Preamble.— Whereas it is expedient to provide for regulation of livestock breeding services, to improve genetic potential of breeds and protect indigenous breeds of livestock in the Punjab and to deal with ancillary matters;

It is enacted as follows:

CHAPTER I PRELIMINARY

1. Short title, extent and commencement.— (1) This Act may be cited as the Punjab Livestock Breeding Act 2014.

- (2) It extends to whole of the Punjab.
- (3) It shall come into force at once.

2. Definitions.— In this Act—

- (a) “artificial insemination” means the technique used for inserting the semen into the female reproductive tract by artificial means;
- (b) “artificial insemination technician” means a person meeting the requirements as defined in this Act and duly registered by the Registrar;
- (c) “Authority” means the Livestock Breeding Services Authority established under section 3;
- (d) “breeder” means the owner of the female (dam) mother;
- (e) “breeding male” means a candidate, proven or natural breeding male animal of a species fulfilling the criteria spelt out under the Act;
- (f) “breeding services” means any one or more of the following services:—
 - (i) artificial insemination;
 - (ii) semen production;
 - (iii) semen collection;
 - (iv) genetic evaluation;
 - (v) testing of semen or ova;

¹This Act was passed by the Punjab Assembly on 22 May 2014; assented to by the Governor of the Punjab on 27 May 2014; and, was published in the Punjab Gazette (Extraordinary), dated 29 May 2014, pages 3947-3955

- (vi) embryo implantation;
- (vii) import of semen; and
- (viii) any other service that may be notified by the Government as a breeding service;
- (g) "Code" means the Code of Criminal Procedure, 1898(V of 1898);
- (h) "collection and production facility" means the premises where semen, ova or embryo are collected, processed or produced for artificial insemination, implantation or conservation;
- (i) "embryo" means a structure developed as a result of fusion of male sperm and female ova reproductive cells;
- (j) "farm" means a site or premises where livestock is kept;
- (k) "Government" means Government of the Punjab;
- (l) "herd book" means a book containing the list and pedigrees of one or more herds of choice breeds also called herd record, or herd register;
- (m) "livestock" means cattle, buffalo, sheep, goat, camel, horse and other useful animals kept or raised on a farm, ranch or house;
- (n) "ova" means a female reproductive cell produced by the ovary;
- (o) "prescribed" means prescribed by the rules or regulations;
- (p) "recognized expert" means an expert who fulfills the requirements specified by the Registrar;
- (q) "Registrar" means the Registrar of Livestock Breeding Services appointed under section 3;
- (r) "semen" means the male sperm and fluids produced in the testicles and other glands of the male's reproductive system;
- (s) "species" means a group of related animals belonging to the same biological classification which can freely interbreed to produce fertile progenies;
- (t) "veterinarian" means a veterinary graduate registered with the Pakistan Veterinary Medical Council; and
- (u) "zoo technical certificate" means a certificate detailing the identity, ancestry, blood type and performance or progeny test results.

CHAPTER II

LIVESTOCK BREEDING SERVICES AUTHORITY

3. Livestock Breeding Services Authority.— (1) The Government shall establish a Livestock Breeding Services Authority consisting of such number of personnel as the Government may notify.

(2) The Authority shall be a body corporate having perpetual succession and a common seal with power to acquire, hold and dispose of property and shall, by the aforesaid name, sue and be sued.

(3) The affairs of the Authority shall, under the general supervision of the Authority, be managed and administered by the Registrar.

(4) The Government shall appoint Registrar for a term not exceeding three years.

(5) A person shall not be appointed as the Registrar unless he holds a degree in veterinary science or animal production and at least ten years experience in the prescribed fields.

(6) The Registrar shall not, at any time, have business interests in any of the breeding services under the Act.

4. Fund.— (1) There shall be established a Fund to be known as the Livestock Breeding Services Authority Fund which shall be administered and controlled by the Authority.

(2) The Fund shall consist of—

(a) budgetary releases from the Government;

(b) grants made by the Government, the Federal Government or any other authority or agency;

(c) fee and charges collected and profits earned by the Authority; and

(d) income from any other source.

5. Budget and accounts.— (1) The Authority, before the commencement of a financial year, shall prepare a statement of the estimated receipts and expenditure of the Authority for the financial year in the prescribed manner and shall submit it to the Government for consideration and approval.

(2) The Authority shall maintain proper accounts and other records relating to its financial affairs including its income and expenditures and its assets and liabilities in such form and manner as may be prescribed.

(3) The Authority may open and maintain its accounts at such scheduled banks as it may determine.

6. Audit.— (1) The Auditor General of Pakistan shall annually audit the accounts of the Authority.

(2) The Government, in addition to the audit under subsection (1), may cause the annual accounts of the Authority audited, in the prescribed manner, by a Chartered Accountant or a firm of Chartered Accountants.

7. Functions of the Authority.— The Authority shall—

(a) regulate provision of breeding services in accordance with the provisions of the Act;

(b) raise awareness regarding standards and quality of breeding services; and

(c) conserve and develop local genetic resources.

CHAPTER III
STANDARDS AND PROCEDURES OF BREEDING

8. Standards for selection of breeding animals.— The Authority shall, within twelve months of the commencement of the Act, issue standards and procedures for—

- (a) selection parameters for breeding animals at a collection and production facility;
- (b) parentage confirmation of breeding males before entry at a collection and production facility, farm or any breed improvement program; and
- (c) animal registration and performance recording for identification of elite dams and test mating under a performance recording and genetic evaluation program.

9. Standards for collection and production facilities.— The Authority shall, within twelve months of the commencement of the Act, issue—

- (a) standards to be maintained at a collection and production facility;
- (b) equipment requirements at a collection and production facility; and
- (c) processes and procedures to be employed for extraction, preservation, processing and transport of semen, ova and embryos.

10. Standards for use of semen, ova and embryos.— The Authority shall, within six months of the commencement of the Act, issue regulations for—

- (a) semen handling and artificial insemination at a farm;
- (b) natural mating of livestock at a farm;
- (c) exotic semen and usage of exotic semen; and
- (d) import of semen in accordance with the provisions of the Act.

11. Standards for artificial insemination technicians.— The Authority shall, within six months of the commencement of the Act, issue regulations specifying standards to be fulfilled by artificial insemination technicians including training, infrastructure and other requirements.

12. Contents of certificates.— The Authority shall, within six months of the commencement of the Act, specify the form and content of—

- (a) pedigree certificates for animals, semen and ova;
- (b) zoo technical certificates;
- (c) health certificates; and
- (d) such other certificates as may be notified by the Government to be issued by any person, body or authority.

13. Requirement of certificates.— The Registrar may, subject to the rules, specify certificates, which must accompany semen, ova, embryo, animal or any other thing under the Act.

14. Authority and Registrar to act in consultation with the committee.– (1) In the framing of standards and procedures under this Chapter, the Authority and the Registrar shall take into consideration international practices and advice of a technical committee to be appointed by the Government.

- (2) The committee shall consist of the following persons:
 - (a) a breeding expert having relevant qualifications and experience;
 - (b) an academician having relevant qualifications and experience; and
 - (c) a veterinarian having relevant qualifications and experience.

CHAPTER IV RECORDING OF PEDIGREE AND PERFORMANCE

15. Breeders associations.– (1) The Registrar may approve a breeders association for purposes of breed development and promotion of livestock, if the association–

- (a) has headquarter located in the Punjab;
- (b) has a separate legal personality;
- (c) fulfills the requirements specified in the Act, rules or regulations;
- (d) is maintaining a herd book;
- (e) has rules of procedure; and
- (f) can carry out checks necessary for recording pedigrees.

(2) Where a breeders association has already been approved for one breed, the Registrar may not grant approval to another association, if he is satisfied that the granting of approval may endanger the preservation of the breed or jeopardize the zoo technical program of the breeders association already approved.

(3) A breeders association shall be open to membership to any person who owns animals of that breed.

(4) The Registrar shall not approve a breeders association unless the association has published procedures covering–

- (a) definition of the breed's characteristics, including the name of the breed;
- (b) identification and registration of animals in the prescribed manner and content of the data base required by the Registrar;
- (c) system for recording pedigrees;
- (d) definition of its breeding objectives, which in case of the establishment of a herd book for a new breed shall include detailed circumstances of establishment of the new breed;
- (e) systems for making use of livestock performance data; and
- (f) divisions of the herd book, if there are different conditions or procedures for entering animals or for classifying the animals entered in the book.

16. Monitoring of genetic merit.– An approved breeders association or private undertaking shall, in respect of herd books and registers which it maintains, calculate, or make arrangements to have calculated, the genetic merit of pure-breed and hybrid breeding animals entered or registered in those herd books or registers.

17. Maintenance of herd books.– (1) A breeders association shall prescribe standards for the breed with the prior approval of the Registrar.

(2) An entry in the herd book shall be made only if it relates to an offspring of an animal already registered in the herd book or when it is certified by a recognized expert to be an animal of that breed in accordance with parameters laid down by the Registrar.

(3) A breeders association shall provide a unique herd book number to each registered animal.

(4) A breeders association shall ensure that the records of every animal entered in the herd book are available for search to any buyer on payment of an approved fee.

(5) Where an animal is entered in a herd book and the animal or one of its parents is already entered in another existing herd book, reference shall be made to that information.

18. Prohibition on sale of unregistered animals.– (1) The Government may prohibit, at any time after five years of the opening of a herd book of an approved breeders association, by notification, the sale of pure bred animals of that breed for breeding unless registered in the herd book of that breed.

(2) Where a notification has been issued under subsection (1), no person shall sell or offer or advertise for sale a pure bred animal of a particular breed unless it is registered in a herd book of that breed.

19. Steps for conservation of near threatened indigenous breeds.– The Authority shall take suitable steps for–

- (a) recording or promoting recording of pedigree and performance recording of livestock;
- (b) promotional activities for conservation of livestock; and
- (c) survival of near threatened indigenous breeds including–
 - (i) sponsoring establishment of breeders associations for indigenous breeds; and
 - (ii) monitoring genetic variability of indigenous breeds.

CHAPTER V REGISTRATION AND LICENSING

20. Registration of breeding males.– A person shall not run a collection and production facility unless he obtains, in the prescribed manner, registration of the breeding males from the Registrar.

21. Registration of businesses.— Every person involved in the provision of breeding services shall, in the prescribed manner, obtain registration from the Registrar.

22. Registration fee or renewal fee.— (1) The Government shall, by notification, fix the amount of fee for registration, issuance of licenses and certificates or renewal thereof under the Act.

(2) The Registrar shall charge and the applicant shall pay the fee fixed by the Government.

23. Prohibition on registering facilities and person not complying with criteria.— The Registrar shall not grant registration to any person, facility or establishment, who or which does not fulfill the criteria established under the Act or does not provide information which may be required for determining capacity or compliance under the Act.

24. Power to issue licenses and certificates.— (1) Where a collection and production facility or other establishment involved in provision of breeding services is registered under this Act, the Registrar may grant a license to the facility or establishment for operating for such period of time as may be prescribed and on such other conditions as may be specified in the license.

(2) Where a person, providing natural breeding services, has obtained registration, the Registrar shall grant him a certificate of competency for such period as may be prescribed.

25. Cancellation or suspension of license.— (1) Where any person is found to have contravened any of the provision of the Act, rules or regulations, the Registrar may suspend or cancel the license.

(2) The Registrar shall provide a license holder an opportunity of being heard before passing an order under subsection (1).

26. Appellate Board.— (1) The Government shall constitute an Appellate Board for the disposal of appeals against the decisions of the Registrar.

(2) Any person aggrieved by a decision of the Registrar regarding refusal of grant of a license or certificate or cancellation of a license or certificate issued under the Act may, within thirty days of the communication of the decision, prefer an appeal to the Appellate Board.

(3) The Appellate Board shall consist of the Secretary, Government of the Punjab, Livestock Department and a technical member appointed by the Government in the prescribed manner.

(4) The Appellate Board shall dispose of an appeal within thirty days in accordance with the prescribed procedure.

27. Publication of names of licensed businesses and facilities.— The Authority shall publish an annual list of licensed collection and production facilities and such other breeding services as may be specified and shall place the names of the said facilities and services on the official website of the Authority.

CHAPTER VI ENFORCEMENT

28. Appointment of analyst or experts.– (1) The Government may appoint or recognize suitably qualified institutions or persons as analysts or experts for purposes of carrying out analysis or tests under the Act.

(2) Analysts or experts shall have such qualifications and experiences as may be prescribed.

29. Third party services.– (1) Notwithstanding anything contained in section 28, the Government may recognize a company for provision of analysis and testing services and inspection of establishments for purposes of ensuring compliance under the Act, if the company has–

- (a) a system of record keeping;
- (b) a system of third party evaluation;
- (c) procedures for quality test;
- (d) facilities for obtaining and preserving samples;
- (e) approved laboratory facilities for conduct of analysis and testing; and
- (f) requisite number of analysts or experts in its employment who fulfill the requirements of subsection (2) of section 28.

(2) Where a company is recognized for purposes of subsection (1), the Registrar may procure services of such a company for purposes of ensuring compliance with the provisions of the Act.

30. Appointment of Inspector.– (1) The Government may, by notification, appoint Inspectors for purposes of enforcing the penal provisions of the Act.

(2) The Inspectors shall have such qualifications and experience as may be prescribed but a person shall not be appointed or designated as an Inspector who has any financial interest in any matter regulated under the Act.

(3) Without prejudice to the authority of the Registrar, the Government may place the control and administration of Inspectors with a local government to such extent as it may deem appropriate.

31. Powers and duties of Inspectors.– (1) An Inspector may, within local limits for which he is appointed, and in any other area on the directions of the Authority or the Government, enter, inspect and take samples for determining compliance with any provision of the Act, rules or regulations.

(2) In the conduct of inspections, entry and taking of samples, an Inspector shall act in accordance with any procedure as may be prescribed.

(3) An inspector may take into possession or seal substandard semen or any other product or equipment subject to regulation under the Act.

CHAPTER VII PENALTIES AND PROCEDURES

32. Penalties.– (1) If any person contravenes any order made under the Act or

violates a requirement of the Act or any standard or procedure issued under the Act, he shall be punished with imprisonment for a term which may extend to one year or with fine up to five hundred thousand rupees or both.

(2) If any person sells any substandard product or service which is regulated under the Act, the Tribunal may, on conviction, destroy such semen or product and may order recovery of any charges that may be incurred on such destruction.

33. Prohibition on conduct of business without obtaining registration.— No person shall conduct a business for which a license or registration is required under the Act without having valid registration or license issued in accordance with the provision of the Act.

34. Attempts and abetments.— Any person who attempts to contravene or abets the contravention of any order made under this Act shall be deemed to have contravened that order.

35. Offences by company.— If the person contravening an order made under the Act is a company, every director, manager, secretary or other officer or agent thereof shall, unless he proves that the contravention took place without his knowledge or that he exercised all due diligence to prevent such contravention, shall be deemed to be guilty of such contravention.

36. False statements.— If a person is required by an order made under the Act to make any statement or furnish any information and he makes a statement or furnishes information which is false in any material particular and which he knows or has reasonable cause to believe to be false, or does not believe to be true, or makes any such statement as aforesaid in any book, account, record, declaration, return or other document which he is required by any such order to maintain or furnish, he shall be punished with imprisonment for a term which may extend to one year or with fine which may extend to one hundred thousand rupees or both.

37. Trial by Tribunal.— An offence punishable under the Act shall be exclusively triable by a Tribunal constituted under the Act.

38. Constitution of Tribunals.— (1) The Government may, by notification, constitute, for the whole or any part of the Province, one or more Tribunals consisting of not less than one technical and one judicial member.

(2) A person shall not be appointed as a judicial member unless he has ten years' experience as an Advocate of the High Court or he is or has been an Additional Sessions Judge.

(3) The Government shall appoint a judicial member in consultation with the Lahore High Court.

(4) A technical member shall have not less than ten years' experience as a breeding expert and a degree in animal breeding or animal production.

(5) The Government shall appoint a judicial member to be the presiding officer of the Tribunal.

(6) The Tribunal shall sit at such places and on such days as Government

may, by notification, specify.

(7) The Government shall issue case management regulations for disposal of business by the Tribunal, which amongst other things shall specify maximum time to be taken for disposal of cases.

39. Powers of Tribunals.— A Tribunal may pass any sentence and exercise all or any of the powers, which a Magistrate of the First Class, empowered under section 30 of the Code, may pass or exercise under the Code.

40. Appeal.— A person who is sentenced by the Tribunal, may, within thirty days of the sentence, prefer an appeal to the Lahore High Court.

41. Procedure.— (1) An offence under the Act shall be cognizable and bailable.

(2) The procedure for trial of offences under the Act shall generally be the same as is laid down in the Code for trials on the basis of a police report.

(3) Nothing in this section shall preclude the Tribunal from following procedure laid down in the Code for summary trial or trial of summons cases by Magistrates.

42. Bar of jurisdiction.— No order made in exercise of any power conferred by or under the Act shall be called in question in any Court except in the manner provided for under the Act.

43. Burden of proof in certain cases.— Where any person is prosecuted for contravening any order made under the Act or for contravening the Act, the burden of proof that he acted in accordance with the Act shall be on that person unless such a burden be inconvenient for the person to discharge.

CHAPTER VIII MISCELLANEOUS

44. Power to make rules.— (1) The Government may, by notification in the official Gazette, make rules for carrying out the purpose of the Act.

(2) In particular and without prejudice to the generality of the foregoing provision, such rules may provide for—

- (a) the manner of keeping of accounts;
- (b) qualification and procedure to be followed for appointment or recruitment of advisers, consultants, experts, technical staff, inspectors and analysts;
- (c) terms and conditions of employment or service of employees;
- (d) date on which and the form in which the annual budget statement of the Authority shall be submitted to the Government each year;
- (e) procedure for appropriation and re-appropriation of moneys at the disposal of the Authority;
- (f) form and manner in which the accounts of receipts and expenditure of the moneys shall be kept;

- (g) such other matters relating to the administration of the Authority as the Government may think fit;
- (h) manner in which non-statutory or special audit of the Authority shall be conducted and reports submitted to the Government; and
- (i) procedure to be used in the conduct of business by committees constituted under the Act.

45. Power to frame regulations.— Subject to the Act and the rules, the Authority may, by notification in the official Gazette, frame regulations as may be necessary for ensuring standards and quality in the provision of breeding services.

46. Annual report.— (1) The Authority shall submit an annual report of its activities to the Government at the end of a financial year.

(2) The Government shall lay the annual report of the Authority in the Provincial Assembly of the Punjab.

47. Disclosures.— Every provider of breeding services shall disclose to the buyer the origin, quality and content of the product or service through a label or notice.

48. Protection of action taken under the Act.— (1) No suit, prosecution or other legal proceeding shall lie against any person for anything done or intended to be done in good faith in pursuance of any provision of the Act or order made under the Act.

(2) No suit or other legal proceeding shall lie against the Government for any damage caused or likely to be caused by anything done or intended to be done in good faith in pursuance of any order made under the Act.

49. Delegation of powers.— (1) The Government may delegate any powers of the Registrar to any other officer of the Authority subject to such conditions as may be prescribed.

(2) The Authority may, in the prescribed manner, delegate any of its powers to the Registrar or any other officer.

50. Act to have overriding effect.— The provisions of the Act shall have effect notwithstanding anything contrary contained in any other law.