



Memorandum and Comments on the Animal Feeds Bill, 2014

Prepared by

Development Network of Indigenous Associations (DENIVA)

Introduction

Development Network of Indigenous Voluntary Associations (DENIVA) is an independent NGO comprised of 278 member organizations spread throughout Uganda. The organization works on several issues ranging from research, advocacy, law reform, and capacity building for its members. Through its research and law reform programs, the organization has prepared this memorandum.

Key concerns and resolutions

Clause	Issue	Recommendation	Justification
Title of the Bill	The title “Animal Feeds Bill” may mean the Bill only deals with plural feeds and not feed.	The title of the Bill should be “Animal Feed Bill, 2023”	To remove ambiguity that may come with the use of plural “feeds”
Use of words in plural form	The use of the plural words in the Bill is not only poor draftsmanship but also may make the implementation of some provisions of the Act unimplementable. For example, in some areas, it would suggest where an item is singular, such a provision will not apply. This creates ambiguity in the Bill.	The Bill should have all words in singular form to avoid ambiguity. This should be applied throughout the Bill.	To remove ambiguity
	Whereas the Bill is good and important for the sector generally it does not consider the different levels of	The Bill should provide for different classes and nature of licenses for small, medium, and large-scale dealers,	1) To ensure equality and

	<p>animal feed dealers in the country. At present the dealers can be categorized as</p> <p>a. Large-scale importers, processors, or manufacturers These tend to be large investors who either import or process animal feed. They invest heavy capital and sell to media and small-scale dealers. They may run outlets in different parts of the country.</p> <p>b. Medium-scale scale importers, processors, or manufacturers These tend to manufacture or process feed at a smaller scale, they may use imported materials or local materials such as maize bran, cotton seed, etc. They sell their produce mainly within a defined locality of, for example, a 50 km radius.</p> <p>c. Small-scale dealers, producers, and manufacturers These can be categorized into two i.e. the dealers who retail animal feed by buying from large-scale or medium-scale dealers. There are also categories of small-scale dealers whose core business focus is not animal feed, but sell animal feed as a byproduct of other items for example maize mill dealers who sell maize bran.</p> <p>d. Direct importers for personal use</p>	<p>producers, or manufacturers. This should be based on the size of the facility and capacity such as income or investment levels. For example, investments under Uganda shillings of 50 million should be considered small-scale and be granted the most basic licenses.</p> <p>The Bill should consider exemptions for some standards and requirements, especially for small-scale dealers. These could be mainly small-scale maize, rice, and ground nut milling facilities that process less than 10 tons in a day.</p>	<p>equity in the licensing of dealers</p> <p>2) To promote incentives for local feed dealers</p>
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	<p>These are large or medium-scale farmers who import feed for personal use on their farms. They do not resale the feed, however, tend to have large quantities of feed.</p> <p><i>e. Manufacturers who produce animal feed as byproducts</i> These include large, medium, and small-scale manufacturers. For example, sugar producers who have molasse as a byproduct, cotton gin, and oil producers, who produce cottonseed cake, sunflower oil producers, who produce sunflower seed, etc.</p> <p>This category can also include persons who run small-scale businesses such as meat butcheries that produce bone and blood products as by-products from meat.</p> <p><i>f. Farmers who produce animal feed for sale</i> These include farmers who specialize in</p> <p>The bill doesn't seem to recognize these different dealers who have different capacities. For example, it would be unfair for the Bill to set the same licensing and registration requirements across the board, e.g. the requirements for a large-scale importer or processor should not be the same small scale.</p>		
Clause Interpretation	2, The definition of Animal under clause two uses plurals, which could bring an ambiguity by	1. Use singular for words that describe animals	To remove ambiguity

<p>(definition of animal)</p>	<p>of potentially being interpreted that the bill applies only to feed meant for several animals.</p> <p>The same definition does not consider the young ones of the animals listed. This creates a lack of clarity especially due to the fact that in English some young of animals such as lamb, kid etc do not take the same name as the adults</p> <p>The use of the words “ insects, reptiles, and birds” implies that the Bill will apply to the class of these animals whether domestic or wild. There may be a need to clearly state which of these the Bill applies to</p>	<p>2. The phrase “<i>and the young ones of the above animals</i>” should be added at the end of the definition</p> <p>3. Add the words “<i>kept for domestic purpose</i>” after the word “birds”</p>	
<p>Clause Interpretation Definition of “Animal feeds”</p>	<p>2, The Bill limits the definition of animal feed to plant material processed, not processed, or semi-processed used for animal feeding. With improved technology and other developments, animal feed today has come to include minerals or mineral extracts, animal products like bones and blood as well as other artificially made products.</p>	<p>The clause on animal feed be replaced with a more comprehensive and all-inclusive clause to read <i>“Animal feed” includes;</i></p> <p><i>(a) (i) any substance obtained by a process of crushing, or grinding, or by the addition to any substance or the removal therefrom of any ingredient; or</i></p> <p><i>(ii) any condimental food or mineral substance which possesses or is alleged to possess nutritive properties; or</i></p> <p><i>(iii) any bone or blood product or any product derived from animal carcass, insect, or reptile; intended or offered for the feeding of domestic animals or livestock</i></p> <p><i>(b) any stock lick or substance which can be and is commonly used as a stock lick, whether or not such stock lick or substance possesses medicinal properties;</i></p>	<p>For clarity and ensuring the Bill covers other items used as animal feed beyond plant materials</p>

		<p><i>(c) any ready-made mixed in the form of pellets, crumps, or meals used to feed an animal</i></p> <p><i>(d) any form of concentrates mixed in animal feed or used to feed an animal</i></p> <p><i>but does not include straw, chaff, unground hay, silage, any cereal in the grain, or any substance that is produced and used by a farmer for his or her use at his or her farm.</i></p>	
Clause 2, Interpretation Introduction of definition/meaning of sale	Though the Bill covers aspects of the sale of animal feed, it does not clearly define what amounts to Sell. Sell of products includes a wide range of activities from advertising to storing to actual delivery of the product. The failure of the Bill to have this definition creates ambiguity.	<i>A definition of sell be introduced</i> <i>“sell” includes offer, advertise, keep, expose, transmit, convey, deliver or prepare for sale or exchange, dispose of for any consideration whatsoever, or transmit, have in possession for sale and distribute; convey or deliver in pursuance of a sale, exchange or disposal as aforesaid;”</i>	For clarity and remove potential ambiguity
Clause 3 Application for registration of premises	Registration of premises Registration of premises is an important step in as far as it can ensure hygiene and standards for animal feed. However, the concern is on the different types of premises. For example, several persons run maize milling facilities and produce maize bran, broken maize, or just maize for sale and could potentially be considered producers or dealers in animal feed.	Introduce a new sub clause (4) to read as <i>“For avoidance of doubt, this section shall not apply to a person who produces maize bran, rice husks, cotton cake, sunflower seed cake, wheat husks and other materials as a byproduct of human food processes and whose capacity to produce, transport, store, or sell animal feed does not exceed 10 metric tons in daily production.”</i>	To ensure the Bill does not push people whose core business is human food but have unprocessed animal feed as a byproduct out of businesses by placing unnecessary restrictions on them. To ensure there is clarity
	Standards required for application for registration	Introduce a new clause 4 to provide for key items to be attached to the application for registration.	To put in place standards that are

	<p>The Bill is silent on what basic standards or requirements will be needed for a person to apply. Most laws provide that a person needs to attach particular items to prove that he or she is capable of meeting the standards of whatever they are applying for. In the case of animal feed, such requirements would include academic qualifications, proof of premises, tax and other requirements, etc.</p>	<p><i>An application made under in subsection shall be accompanied by;</i></p> <p>(a) <i>Proof of ownership or access to premises;</i> (b) <i>Physical plan and general layout of the premises;</i> (c) <i>Physical address of the premises;</i> (d) <i>Certificate of incorporation in case of a legal entity or National Identification Number or passport number in case of foreigners where applying in individual capacity;</i> (e) <i>Tax Identification number of the applicant;</i> (f) <i>Proof of payment of application fees</i> (g) <i>Any other requirements as the minister may by regulations provide</i></p>	<p>required for application</p>
	<p>Lack of clarity on refusal to register The Bill does not clearly state how a person can be refused to be registered and grounds on which the committee can refuse registration of a person who has applied. This is important to empower the committee and the applicant to know the grounds that can be used to deny registration. It will also help prevent potential abuse of power</p>	<p>Introduce a new clause that sets out grounds for refusal of registration to read as follows; <i>The committee may refuse to register an applicant for registration if;</i></p> <p>(a) <i>The application is defective and does not follow the requirements;</i> (b) <i>The applicant has not paid the prescribed fees;</i> (c) <i>The physical plans and proposed infrastructure does not meet the required standards</i> (d) <i>The applicant does not have the required capacity or standards as may be set out by the minister through regulations</i></p>	<p>1. For clarity purposes 2. To prevent potential abuse of power by the committee</p>
<p>Clause 5, alteration of premises</p>	<p>Clause 5 provides for the alteration of premises where a license holder is not allowed to alter premises that have been licensed. It is however not clear what would amount to alteration of premises. For example, there could be minor or major alterations and the law needs to be clear on this.</p>	<p>The Bill should provide for a definition of alteration of premises which should be limited to major changes and minor changes should not be covered. It should read as follows</p> <p><i>“In this section alteration of premises means a change to the Registered Premises that affects or could affect</i></p>	<p>For clarity purposes</p> <p>The actual plans and layout will have been provided at application and approved as part of</p>

		<i>the usability of the building or facility or any part thereof and includes, but is not limited to, “remodeling, rehabilitation, reconstruction, changes or rearrangement in structural parts or elements, and changes or rearrangement in the plan configuration of walls and full-height partitions. Normal maintenance, reroofing, painting or wallpapering, or changes to mechanical and electrical systems are not alterations unless they affect the usability of the building or facility.”</i>	the registration requirement which we have recommended above.
Clause 6 Suspension of the certificate of registration	Whereas clause 6 is an important clause on suspension, the clause should have certainty as to how long a suspension can be. The Bill does not provide for a fair hearing before a certificate is suspended. This can potentially be considered unconstitutional.	Add a new sub clause (c) and (d) to read as follows <i>(c) A certificate of registration may be suspended for a maximum of 90 days. (d) where the certificate of registration has been suspended, the holder of a certificate will be required to put in place measures to show that he or she has met the requirements and conditions set in the suspension before the suspension can be lifted</i>	For clarity on how long a suspension can happen and once the person goes beyond the time of suspension then a certificate can be revoked under clause 7 of the Bill
Clause 7, revocation of certificate of registration	Whereas this is an important provision, it does not provide for grounds on which a certificate can be revoked are not well stated in the law. The law needs to be clear on the grounds that a certificate can be revoked, this will help the implementers of the Bill and the certificate holders. The framing of the law does not provide for fair hearing which is a canon principle of Uganda’s constitution	Replace sub clause (1) with the following; <i>(1) The committee may, after giving the person an opportunity of being heard, cancel or suspend the licence on all or any of the following grounds; (a) that the licence had been obtained by misrepresentation as to material particulars; (b) that any of the provisions of this Act or any condition in the license has been' contravened.</i>	1. For clarity 2. To ensure the Bill meets requirements of fair hearing as set in Uganda’s constitution
Clause 8; Licensing or production, storage, transportation,	As noted earlier whereas licensing of production, storage, transport, and sale is important, such licensing needs to consider the different realities in Uganda.	Add a new subclause (7) to read as follows <i>“For avoidance of doubt, this section shall not apply to a person who produces or stores or transports animal feed not exceeding 10 tons in a single transit.</i>	1. To cater for different businesses in Uganda

<p>and sale of animal feed</p>	<p>As already noted there are different categories of producers of what can be categorized as animal feed. The producers have different capital abilities and capacities. It would be unfair to subject them to the same standards of licensing.</p> <p>On the other hand, there are no specialized transporters, licensed or specialized transporters may apply in cases of large and medium-scale producers, however, this may not be the case in cases of small-scale producers or those who produce animal feed as a byproduct of other processes. There is a need to categorize the different transporters to cater for the realities of Uganda’s transportation system.</p>		<ol style="list-style-type: none"> 2. To ensure the law can be enforced without interfering or failing small-scale businesses. 3. To align the law to the realities of Ugandan farmers and the economy
<p>Clause 14; Regulated additives</p>	<p>The clause regulating additives in animal feed is important. However, the clause does not define what additives are. This could potentially result in abuse or cause an ambiguity where items that do not qualify to be additives are added to animal feed.</p> <p>There should be a process of certification and approval of feed additives, this will ensure that only proven additives are provided for.</p> <p>The Bill should provide for the prohibition of items that shall not be allowed or used as additives.</p> <p>The Bill should have standards for the protection of animal health, human health, the environment, and other factors.</p>	<ol style="list-style-type: none"> 1. A sub-clause to define additives be added to clause 2 on the definition to read as follows <ul style="list-style-type: none"> <i>‘additives’ means substances, micro-organisms, or preparations, other than feed material and premixtures, which are intentionally added to feed or water in order to perform, a particular, function to the feed or the animal.’</i> 2. A new sub-clause on application and approval of additives be added to read as follows <ul style="list-style-type: none"> <i>(2) A person shall not produce, sell, store, or transport material to be used as an additive to animal feed or water unless the additive has been approved by</i> 	<ol style="list-style-type: none"> 1. For clarity on the meaning of additives 2. To ensure all additives added are safe for human and animal health 3. To ensure the protection of the environment

	<p>The Bill should prohibit the use of antibiotics as additives</p>	<p><i>the committee in accordance with the regulations prescribed by the minister.</i></p> <p>3. A new sub-clause for the prohibition of unacceptable materials in additives be added to read as follows</p> <p><i>(3) feed additive shall not:</i></p> <ul style="list-style-type: none"> <i>(a) have an adverse effect on animal health, human health, or the environment,</i> <i>(b) be presented in a manner which may mislead the user,</i> <i>(c) harm the consumer by impairing the distinctive features of animal products or mislead the consumer with regard to the distinctive features of animal products.</i> <p>4. A new clause on conditions and the state of feed additives be introduced to read as follows</p> <p><i>(4) The feed additive shall:</i></p> <ul style="list-style-type: none"> <i>(a) favorably affect the characteristics of feed,</i> <i>(b) favorably affect the characteristics of animal products,</i> <i>(c) favorably affect the color of ornamental fish and birds,</i> 	
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		<p>(d) satisfy the nutritional needs of animals,</p> <p>(e) favorably affect the environmental consequences of animal production,</p> <p>(f) favorably affect animal production, performance, or welfare, particularly by affecting the gastrointestinal flora or digestibility of feedingstuffs, or</p> <p>(g) have a coccidiostatic or histomonostatic effect.</p> <p>5. A new sub-clause prohibiting the use of antibiotics, coccidiostats, and other materials be added to read as follows</p> <p style="padding-left: 40px;"><i>(5) Antibiotics, other than coccidiostats or histomonostats, shall not be authorized as feed additives.</i></p> <p>6. A new sub-clause making it a crime to violate the above be introduced to read as follows</p> <p style="padding-left: 40px;"><i>(6) A person who violates the provisions of this section commits an offense and is liable, on conviction, to fine not exceeding two hundred and fifty currency points or to a term of imprisonment not exceeding five years, or both.</i></p>	
<p>Clause 15 contaminants</p>	<p>The clause provides for prohibited contaminants and uses scientific words for the contaminants. The Bill however does not define the terms used which makes it difficult for the law enforcers and the subjects of the law to understand exactly what is prohibited</p>	<p>The Bill should provide a definition of the terms salmonella, mycotoxins, and dioxins used in clause 15(2)</p>	<p>For clarity</p>

<p>Clause 16(2)(g) prohibited products</p>	<p>We welcome the principle in clause 16 on prohibited items that should not be used in animal feed. Clause 16(2)(g) provides for the prohibition of the use of domestic and industrial wastewater <u>irrespective of any further processing of such wastewater</u>; this does not cater for different technologies where wastewater can be treated and reused. It also undermines the principles of environmental protection that consider water-saving technologies. We believe if wastewater is treated and found safe, it should be used in such situations</p>	<p>Delete the words “<i>irrespective of any further processing of such waste water</i>” appearing after the word “waste water”</p>	<ol style="list-style-type: none"> 1. To promote environmentally friendly approaches to water and water use 2. To ensure the safety and security of the animals
<p>Clause 16. Prohibited substances</p>	<p>The provisions on prohibited substances are important as far as animal protection is concerned. However, clause 16(g) prohibits the use of treated water which goes against the principles of environmental protection</p>	<p>Delete the words “<i>irrespective of any further processing of such waste water</i>” appearing immediately after the words “<i>Industrial waste water</i>”</p>	<p>For clarity and ensuring water protection</p>
<p>Clause 18: Animal feeds quality control laboratory</p>	<p>The clause provides for having a feed-quality laboratory. Whereas this is a good requirement, it might be difficult to implement, especially for medium and small-scale producers and those who use locally sourced materials. There is a need for the Bill to allow license holders to outsource laboratory services.</p> <p>Whereas clause 18(2) refers to animal nutritionist or a chemist who should be available at the animal feed processing lab or plant, the law is not clear on what qualifications. This gives rise to the possibility of unqualified persons being taken as animal nutritionists or chemists.</p>	<ol style="list-style-type: none"> 1. Provide for situations where laboratory services can be outsourced. 2. Where services are outsourced the committee should approve the laboratory 3. Where the person does not have a lab, every batch must be tested and records of the tests should be available for inspection 4. Introduce a new subclause 5 to read as follows <i>(5) “for purposes of this Act, an animal nutritionist shall be a person qualified in animal nutrition with a University Degree or post-graduate study that specialized in animal nutrition”</i> <p>Introduce a new sub clause (6) to read as follows <i>(6) “For purposes of this Act, a Chemist shall be a person qualified with a degree in pharmacy,</i></p>	<ol style="list-style-type: none"> 1. To ensure the situations involving small and medium-scale producers are tested 2. To empower the government inspector to verify the quality of feed 3. To ensure clarity on the qualifications of persons in charge of laboratories

		<i>or veterinary medicine, or a postgraduate qualification</i>	
Clause Labeling	21. Whereas provisions on labeling are important, the Bill does not set the basic standards that relate to labeling. The Bill should provide for basics such as content that should be on the Label	Insert sub-clause 3 on labeling to read as follows; <i>(3)The packages described in (1) above shall;</i> <i>(a) bear the number of licenses under which the product is being produced, sold, or marketed</i> <i>(b) indicate the batch number of the product</i> <i>(c) the date of manufacture of the feed</i> <i>(d) the date of expiry of the feed</i> <i>(e) nutrition value</i> <i>(f) any other information as the minister may by regulations prescribe.</i>	For clarity
Clause 25. Animal feeds inspectors	The clause provides for an animal feed inspector; however, the clause does not provide for clear qualifications of a person who would occupy such an office. This is subject to abuse	Insert clause (2) to read as follows <i>(2) A person qualified as an animal feed inspector shall have a university degree or equivalent to a Degree in Veterinary Medicine, Agriculture, or Animal Nutrition</i>	To remove ambiguity and the possibility of abuse
Clause Functions of Animal Feed Inspectors	26. The clause misses the aspect of transportation, it is important for inspectors to have powers to inspect animal feed in transit or inspect transport facilities.	Add the word “ transportation ” immediately after the word storage.	For clarity purpose
Clause 30: Animal Feed analyst	The clause does not provide for the qualifications of the analyst. This can potentially be abused	<i>A person qualified as an animal feed analyst shall have a university degree or equivalent to a Degree in Veterinary Medicine, Agriculture, or Animal Nutrition</i>	For clarity and to avoid potential abuse