

THE KHYBER PAKHTUNKHWA LIVESTOCK BREEDING SERVICES ACT, 2024.

(KHYBER PAKHTUNKHWA ACT NO. XVI OF 2024)

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SCHEDULE

THE KHYBER PAKHTUNKHWA LIVESTOCK BREEDING SERVICES ACT, 2024.

(KHYBER PAKHTUNKHWA ACT NO. XVI OF 2024)

(First published after having received the assent of the Governor of the Khyber Pakhtunkhwa in the Gazette of the Khyber Pakhtunkhwa, (Extraordinary), dated the 05th November, 2024).

AN
ACT

to regulate the Livestock Breeding Services in the
Province of Khyber Pakhtunkhwa.

WHEREAS it is expedient to provide for the regulation of livestock breeding services, improve the genetic potential of breeds and protect indigenous breeds of livestock and to provide for improvement, control, marketing and quality assurance of animals in the Province of Khyber Pakhtunkhwa and for matters connected therewith and ancillary thereto;

It is hereby enacted by the Provincial Assembly of Khyber Pakhtunkhwa as

follows:

CHAPTER-I

PRELIMINARY

1. Short title, extent and commencement.---(1) This Act may be called the

Khyber Pakhtunkhwa Livestock Breeding Services Act, 2024.

(2) It shall extend to whole of the Province of Khyber Pakhtunkhwa.

(3) It shall come into force at once.

2. Definitions.---In this Act, unless the context otherwise requires, the following expressions shall have the meanings hereby respectively assigned to them, that is to say,-

(a) "Appellate Authority" means the Appellate Authority constituted under section 18 of this Act;

(b) "artificial insemination" means the technique, used for inserting the semen into the female reproductive tract, by artificial means;

(c) "artificial insemination technician" means a person, having fulfilled the requirements, as defined under this Act, and duly registered by the Directorate General;

(d) "breeder" means a person or group of persons, engaged in breeding activities of livestock, and registered with the Director;

(e) "breeders association" means an association of livestock breeders, registered under section 8 of this Act;

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(g)

(h)

(i)

G)

(k)

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(m)

(n)

(o)

(p)

(q)

“breeding male” means a natural breeding male animal of a species, fulfilling the criteria, as specified under this Act;

“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;

(vi) | embryo implantation;

(vii) import of semen after due process with Federal Government; and

(viii) any other service that may be notified by the Department as a breeding service;

“Code” means the Code of Criminal Procedure, 1898(Act No. V of 1898);

“Committee” means the Livestock Breeding Services Committee, constituted under section 3 of this Act;

“collection and production facility” means the premises, where

semen, ova or embryo are collected, processed, produced or stored for artificial insemination, implantation or conservation;

“Court” means the Court of Magistrate First Class;

“Department” means the Livestock, Fisheries and Cooperative Department of Government;

“Director” means the Director, Breed Improvement and Farms of the Directorate General;

“Director General”? means the Director General of the Directorate General;

“Directorate General” means the Directorate General (Extension), Livestock and Dairy Development, Khyber Pakhtunkhwa;

“embryo” means a structure, developed as a result of fusion of male sperm and female ova;

“farm” means a site or premises where livestock is kept;

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(s)

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(u)
(v)
(w)
(x)

(y)

(2)

(aa)

(ab)

“Government” means the Government of Khyber Pakhtunkhwa;
“herd book” means a book, containing the list and pedigrees of one or more herds of choice breeds or herd record or herd register, and includes any other book, designed for the purpose of this Act;

“livestock” means cattle, buffalo, sheep, goat, camel, horse and * other useful animals, kept or raised on a farm, ranch or house;

“ova” means a female reproductive cell produced by the ovary;
“prescribed” means prescribed by the rules;

“Province” means the Province of Khyber Pakhtunkhwa;
“recognized expert” means an expert, who fulfills the technical requirements, including education, skills, experience, as may be specified by the Department;

“rules” mean rules made under this Act;

“Secretary” mean Secretary of the Department;

“semen” means the male sperm and fluids, produced in the testicles and other glands of the male’s reproductive system, or the prepared or diluted ejaculate of a farm animal; and

“species” mean a group of animals, belonging to the same biological classification, which can freely interbreed to produce

fertile progenies.

CHAPTER-II

CONSTITUTION AND FUNCTION OF THE COMMITTEE

3. Committee.---(1) Soon after the commencement of this Act, the Department

shall, after prior approval of Government, notify a Committee to be known as the Livestock and Breeding Services Committee.

(2) The Committee shall consist of-

(a)

(b)

(c)

(d)

(e)

Director General; Chairperson

Director Animal Health and Production, Member
Directorate General;

a representative of the Directorate General Member
(Research), not below the rank of BPS-17;

one representative of the farmers, to be Member
nominated by the breeders association;

a breeding expert having qualification in Member
the relevant field;

(f) a representative of academia, having Member qualification and experience in the relevant field;

(g) A Veterinarian, registered with Pakistan Member Veterinary Medical Council; and

(h) Director Breed Improvement and Farms, Member-cum-Directorate General. Secretary

(3) The members at clauses (d) to (g) shall be appointed by the Chief Minister Khyber Pakhtunkhwa for a term of three years on the recommendation of Search and Scrutiny Committee to be notified by the Department, in the prescribed manner:

Provided that the members appointed at clause (d) to (g) shall work at pleasure of the Chief Minister.

4. Functions of the Committee.---The Committee shall-

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

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

(c) conserve and develop local genetic resources;

(d) make standards for breeding services; and

(e) have an ethical responsibility in selective breeding.

CHAPTER-HII

STANDARDS AND PROCEDURE OF BREEDING

5. Standards for selection of breeding animals.---(1) Soon after the commencement of this Act, the Director General shall, on the recommendation of the Committee, 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;

(c) animal registration and performance recording for identification of elite dams and test mating under a performance recording and genetic evaluation program;

(d) standards and procedure for private semen production units and sale of semen in the Province;

(e) collection and production facility;

(f) equipment requirements at a collection and production facility;

(g) processes and procedures to be employed for extraction, preservation, processing and transport of semen, ova and embryos;

(h) semen handling and artificial insemination at a farm;

(i) natural mating of livestock at a farm;

Gj) exotic semen and usage of exotic semen;

(k) import of semen in accordance with the provisions of this Act;
and

() artificial insemination technicians including training infrastructure and other requirements.

6. Contents of certificates.---Within one year of the commencement of this Act,

the Directorate General shall, on the recommendation of Committee, and with the prior approval of Department, notify the form and content of-

(a) pedigree certificates for animals, semen and ova;

(b) zoo technical certificates;

(c) health certificates; and

(d) such other breeding certificates as may be notified by the Director General, with the prior approval of the Department.

7. Requirement of certificates.---The Director may, in the prescribed manner,

specify the requirement of certificates, which must accompany semen, ova, embryo, animal or any other thing as may be necessary under this Act.

CHAPTER-IV

RECORDING OF PEDIGREE AND PERFORMANCE

8. Breeders associations.---(1) The Director may, in the prescribe manner approve and register a breeders association for the purposes of breed development and promotion of livestock, if such association-

(a)

(b)

(d)

(e)

(f)

has an office in the Province;

has a separate legal entity;

is maintaining a herd book;

has rules of procedure;

can carry out checks necessary for recording pedigrees; and

all the requirements as prescribed by rules in this regard.

(2) The Director shall approve a breeders association when 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 specified by the Director;

(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 herd book.

(3) Where a breeders association has already been approved for one breed, the Director 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.

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

9. Maintenance of herd books.---(1) For the purpose of preservation of a specific breed, a breeders association shall, with the prior approval of Director, set standards for such breed.

(2) An entry in the herd book shall be made only if the animal relates to an offspring of that 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 Director.

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

(4) A registered breeders association or private organization or entity shall recognize or keep herd books for the purpose to maintain, calculate or make arrangements to have calculated, the genetic merit of pure-breed and hybrid breeding animals, entered or registered in herd books.

(5) A breeders association shall ensure that the records of every animal documented in the herd book are available for search to any buyer on payment of fee as may be specified by the Directorate General.

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

10. Prohibition on sale of unregistered animals.--- (1) The Directorate General, after prior approval of the Department may, at any time after five years of opening of a herd book of a registered breeders association, by notification in the official Gazette, prohibit the sale of pure breed animals in a place, specified for breeding, unless registered in the herd book of that specific breed.

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

11. Steps for conservation of near threatened indigenous breeds.---The Director General shall, on the recommendation of Committee, for conservation of near

threatened indigenous breed in a specific district, issue directions for-

(a) recording or promoting recording of pedigree and performance recording of livestock;

(b) conducting 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.

12. Prohibition of substandard products.---No person or breeder association shall sale or offer for sale any substandard products of artificial insemination for the production of any substandard animals.

CHAPTER-V

REGISTRATION AND LICENSING

13. Registration of breeding males.---No person shall manage and run a collection and production facility, unless he obtains, registration of breeding males from the Director in the prescribed manner.

14. Registration of businesses.---Every person involved in the provision of breeding services shall, in the prescribed manner, obtain registration from the Director.

15. Registration fee or renewal fee.---The Director General, with the prior approval of the Department, shall from time to time specify the amount of fee for registration, issuance of licenses, certificates or its renewal thereof under this Act.

16. Power to issue licenses and certificates.---(1)Where a person, collection and production facility or organizations that provide breeding services through artificial means has been registered under this Act, the Director may grant a license to such person, collection and production facility or organization to operate for a specific period on such terms and conditions as specified in the license.

(2) Where a person, collection and production facility or organization providing natural breeding services, has obtained registration, the Director shall grant

him a certificate of competency for a specific period as may be prescribed.

17. Cancellation or suspension of registration, licensed or certificate.---(1)

Where any person or organization is found to have violated any of the provision of this Act or rules, the Director may, on his own or on the recommendations of Inspector, suspend or cancel the license or as the case may be, the certificates along-with the registration.

(2) The Director shall provide fair opportunity of hearing before passing an order under sub-section (1).

18. Appellate Authority.---(1) Any person aggrieved by a decision of the Director, may, within thirty days from the date of communication of decision, prefer an appeal to the Appellate Authority to be constituted by the Department, which shall consist of Secretary of the Department as Chairperson and a representative of the Director General not below the rank of (BPS-19) as member and the technical member shall be appointed by the Department after recommendation of the Search and Scrutiny Committee to be notified by the Department.

(2) The Appellate Authority, shall after giving both the parties, an opportunity of being heard, pass appropriate orders within sixty days in accordance with the prescribed procedure.

CHAPTER-VI ENFORCEMENT

19. Publication of names of licensed, collection and production facilities.---The Directorate General shall publish an annual list of the names 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 Directorate General.

20. Appointment of analysts or experts.---(1) The Directorate General may appoint suitably qualified institutions or persons as analysts or experts for carrying out analysis or tests under this Act, in the prescribed manner.

(2) The analysts or experts appointed under sub-section (1), shall have such qualifications and experiences, as may be prescribed.

21. Third party _ services.---(1)Notwithstanding anything contained in section 20, the Department may identify or recognize a company for the provision of analysis and testing services and inspection of establishments for the purposes of ensuring compliance under this 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 analysis and testing; and

(f) requisite number of analysts or experts in its employment.

(2) Where a company is recognized or identified for the purposes of sub-section (1), the Director may procure services of such company, for ensuring compliance with the provisions of this Act.

22. Inspectors.---Department may, by notification, designate from amongst the officers working in the Directorate General, as Inspectors, with a specific area of jurisdiction, for the purposes of this Act.

23. Powers and duties of Inspectors.---(1) An Inspector may, on his own or on the directions of Director General or the Director, as the case may be, with the assistance of local police, enter and inspect any premises that does not falls within the category of a dwelling house, for ascertaining that the provisions of this Act has been implemented.

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

(3) An Inspector may by order in writing and with the assistance of local police take into possession or seal substandard semen or any other product or equipments subject to the provision of this Act and the rules.

(4) Any person who, without having lawful authority, de-seals or breaks open the substandard semen sealed under sub-section (3) shall be punished in a manner as specified in the Schedule.

(5) The Inspector, after finding out that the violation has been committed under this Act or rules, shall file a complaint in the Court against such person.

CHAPTER-VII PENALTIES AND PUNISHMENTS

24. Penalties.---(1) Whoever is found guilty of an offence under sections 5, 9, 10, 12, 14 and 23 (4) of this Act shall be punished with such fine or, as the case may be, with such imprisonment, as specified in the Schedule.

(2) Abetment of any offence under this Act or the rules shall be punishable with the same penalties as specified for the said offences in the Schedule.

(3) For any other offence under this Act, for which no specific penalty is provided, the offender shall be punished with fine of rupees five thousand or with one month imprisonment or with both.

25. Vicarious liability.---If the person violating an order made under this Act is a company, every director, manager, secretary or other officer or agent thereof shall, unless he proves that the violation has taken place without his knowledge or that he exercised all due diligence to prevent such violation , shall be charged of such offence and violation.

26. False statements.---If a person is required by an order made under this Act to make any statement or provide any information and that person or organization knowingly provide a false statement or information 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, 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 (100,000/-) or with both.

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

28. Offences to be cognizable.---(1)Notwithstanding anything contained in the Code, an offence punishable under this Act, shall be cognizable and bailable.

(2) The Judicial Magistrate First Class shall conduct the trial of an offence under this Act as per provisions of the Code.

CHAPTER-VIII MISCELLANEOUS

29. 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.

30. Indemnity.---(1) No suit, prosecution or other legal proceedings shall lie against any officer for anything done or intended to be done in good faith, in pursuance of any provision of this Act, rules or order made thereunder.

(2) No suit or other legal proceeding shall lie against 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 this Act.

31. Overriding effect.---Notwithstanding anything to the contrary contained in any other law for the time being in force, the provisions of this Act shall have an overriding effect.

32. Power to make rules.---(1) Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Act.

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

(a) issuance, cancellation, revocation and suspension of registration, license or certificates under this Act;

(b) qualification and procedure to be followed for technical staff, Inspectors and Analysts or experts;

(c) procedure to be used in the conduct of business by Committee constituted under this Act; and

(d) any other matter that needs to be regulated under this Act.

SCHEDULE

Offences and Penalties

5,9, 12, 13 and 23 (4)

Ss. Offences Penalties Penalties in case of
No. subsequent offence

1. Non-compliance of standards | Fine upto rupees one | Fine upto rupees five
required under section 5 of | hundred thousand. hundred thousand or upto
this Act. one year imprisonment or

with both.

2. Non-compliance of standards | Fine upto rupees one | Fine upto rupees five
required under section 9 of | hundred thousand. hundred thousand or upto
this Act. one year imprisonment or

with both.

3. Violation of section 10 of | Fine upto rupees one| Fine upto rupees two
this Act. hundred thousand with | hundred thousand or upto

upto six months | eight months
imprisonment. imprisonment or with both.

4. Violation of section 12 of| Fine upto rupees one | Fine upto rupees two
this Act. hundred thousand with | hundred thousand or upto

upto Six months | eight months
imprisonment. imprisonment or with both.

5. Non registration of business | Fine upto rupees one| Fine upto rupees two
as required under section 14 | hundred thousand with | hundred thousand or upto
of this Act. upto Six months | eight months

imprisonment. imprisonment or with both.

6. Desealing/breaking of seal| Fine upto rupees one | Fine upto rupees two
under section 23 (4) of this | hundred thousand with | hundred thousand or upto
Act. upto Six months | eight months

imprisonment. imprisonment or with both.