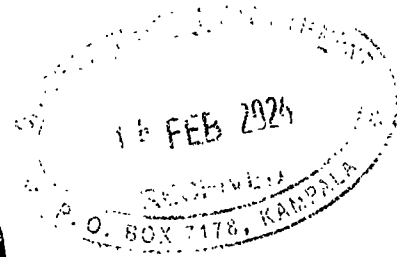


PARLIAMENT OF UGANDA



REPORT OF THE COMMITTEE ON AGRICULTURE, ANIMAL INDUSTRY AND FISHERIES ON THE ANIMAL FEEDS BILL, 2023

Office of the Clerk to Parliament

January, 2024

1.0 INTRODUCTION

The Animal Feeds Bill, 2023 was read for the first time on 25th October, 2023 and referred to the Committee on Agriculture, Animal Industry and Fisheries in accordance with Rule 129 (1) of the Rules of Procedure of Parliament.

The Committee scrutinised the Bill in accordance with rules 129(2), (3) and (4) of the Rules of Procedure and now begs to report.

This report is being presented in compliance with Rule 130(2) which states that, *“The Chairperson of the Committee to which the Bill is referred or a Member of the Committee designated by the Committee or by the Speaker shall, after the Motion for the Second Reading has been moved under sub-rule (1) and seconded, present to the House the report of the Committee on the Bill.”*

2.0 BACKGROUND TO THE ANIMAL FEEDS BILL

The livestock sub-sector plays a crucial role in Uganda’s economy, contributing 8.3% to the Gross Domestic Product (GDP). In the agriculture sector, the livestock sub-sector contributes UGX 6,456 billion, which is equivalent to 17.4% annually. In addition, about 77.9% of agriculture households rear livestock as a source of livelihood.

Livestock production constitutes an important sub-sector of Uganda’s agriculture, contributing about 9 per cent of Gross Domestic Product and 17 per cent of Agricultural Gross Domestic Product and is a source of livelihood to about 4.5 million people in the country (UIA, 2009). It is an integral part of the agricultural system in many parts of the country. Livestock contribute significantly to the welfare of the population at both household and national levels.

Livestock in Uganda play important roles in many families, including raising household incomes, providing protein and acting as mobile banks. The current per capita availability of meat in Uganda is low estimated at 12.1 kg, of which beef

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constitutes 6.3 kg compared to 50 kg of meat recommended by FAO and WHO. The population of Uganda is projected to reach 102 million people by 2050.

In order to meet this population's demand for meat and milk, it is estimated that production of all types of meat and milk will increase by 164% and 41% respectively by 2050. Further, the aggregate consumption of all livestock products will more than triple by 2050. Therefore, livestock producers are anticipated to make investments that will increase production and productivity. The increased production and productivity will culminate into a growing demand for animal source foods.

Animal feeds account for 70% of production costs of livestock, therefore they have a significant effect on the profit margins. Inadequate animal nutrition is directly related to poor quality of animal feeds and is a key challenge in the animal sub-sector. Poor feed management occurs at different nodes of the animal feed value chain including; production of feed ingredients, harvesting and post-harvest handling, feed production, feed processing and feed formulation, feed distribution, feed trade and access and animal feeding. The level of nutrition has an impact on the infection rates and disease resistance in animals.

In recognition of the pivotal role of the animal industry in Uganda's development, there is need for comprehensive legislation to foster regulated and standardized practices in animal nutrition, promote animal health, food safety and sustainable agricultural development.

3.0 OBJECT AND JUSTIFICATION OF THE BILL

3.1 OBJECT OF THE BILL

The object of the Bill is to provide a legislative framework for operationalisation of the Animal Feeds Policy by regulating the production, importation, exportation and marking of animal feeds and by establishing the Animal Feeds

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Government entities

- Ministry of Agriculture, Animal Industry and Fisheries (MAAIF)
- National Animal Genetic Resources Centre and Data Bank (NAGRC&DB)
- National Agricultural Research Organisation (NARO)
- Dairy Development Authority (DDA)
- Uganda Law Reform Commission (ULRC)

Professional Associations

- Animal Production Society of Uganda (APSU)
- Uganda National Farmers' Federation (UNFFE)
- Uganda Animal Feeds Manufacturers' Association (UAFMA)
- Uganda Commercial Layers' Association (UCLA)

Education institution

- Makerere University College of Agricultural and Environmental Sciences

Other entities

- Bioconvision Uganda
- Development Network of Indigenous Voluntary Associations (DENIVA)

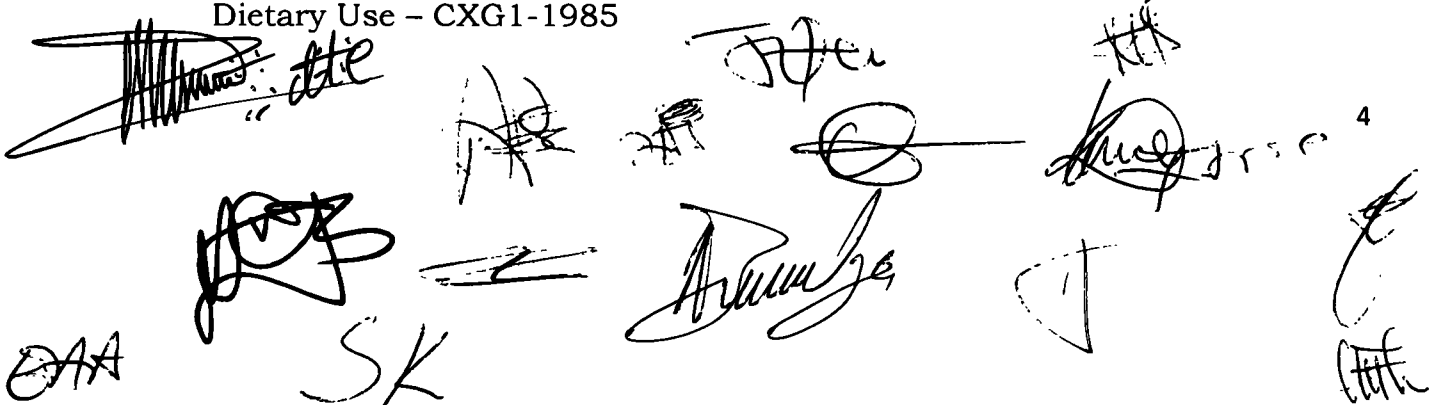
4.2 WRITTEN MEMORANDA

The Committee received and reviewed memoranda from the Private Sector Foundation Uganda (PSFU).

4.3 DOCUMENT REVIEW

The Committee reviewed and made reference to the following documents:

- The Animal Feeds Policy, 2005
- World Organisation for Animal Health Terrestrial Animal Health Code, 2021
- World Food Programme Codex Committee on Nutrition and Food for Special Dietary Use – CXG1-1985



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- Uganda Bureau of Statistics Statistical Abstract, 2022
- United Nations (UN) World Population Prospects, 2017
- Food and Agricultural Organisations' Africa Sustainable Livestock 2050 Transforming livestock sector: Uganda What do long-term projections say?, 2022

5.0 COMMITTEE OBSERVATIONS AND RECOMMENDATIONS ON THE GENERAL PRINCIPLES OF THE BILL

5.1 APPLICATION OF THE ACT

Clause 1 of the Bill covers the scope of the Bill which includes: animal feeds produced in Uganda for commercial purposes; animal feeds imported into Uganda, animal feeds exported from Uganda.

Clause 1(2) states explicitly that the Bill will not apply to people who make their own animal feeds and to other post-production activities such as packaging, labelling or storage.

The Committee observed that whereas a person may make animal feeds for their animals' consumption, the animal products eventually end up in the public food chain and may have an impact on other people's lives if they are contaminated.

The Committee therefore recommends that the scope of the Bill should be widened to include people who make their own animal feeds to feed animals kept for commercial purposes.

5.2 APPLICATION FOR REGISTRATION OF PREMISES

Clause 3 of the Bill stipulates the procedure to be followed for registration of premises for production, storage or sale of animal feeds.

The Committee observed that:

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- Buildings and equipment used to process feed and feed ingredients or store animal feeds and raw materials for processing animal feeds should meet the required standards in order to minimise feed contamination.
- Registering premises for a single specific use is not practical since some premises are used for more than one purpose.

The Committee recommends that:

- The premises for production, storage or sale of animal feeds should only be approved but not registered.**
- The requirements for approval of the premises are provided in the schedules**

5.3 LICENSING OF PRODUCTION, STORAGE, TRANSPORTATION AND SALE OF ANIMAL FEEDS

Clause 8 of the Bill sets out the requirements and procedure for issuing licences for production, storage, transportation and sale of animal feeds; validity of the licences; and penalties for operating without a licence.

The Committee observed that:

- The production, processing, storage, transportation and distribution of safe and suitable feed and feed ingredients is the responsibility of all participants in the feed chain, including farmers, feed ingredient manufacturers, feed compounders and transporters.
- Each participant in the feed chain is responsible for all activities that are under their direct control, including compliance with any applicable statutory requirements.
- There is need to minimize deterioration and spoilage at all stages of handling, manufacturing, storage and transportation of feed and feed

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ingredients. Special precautions should be taken to limit fungal and bacterial growth in moist and semi-moist feed. Condensation should be minimized in feed and feed ingredient manufacturing and processing facilities.

- All means of transport, whether privately owned or contracted, bulk or packed and by water, rail or land should be regulated to control and minimize the risk of contamination.

The Committee recommends that:

- The means of transport should be regulated to avoid contamination of animal feeds.**
- The requirements for issuing of a licence for production, storage and sale of animal feeds should be clearly spelt out in the law.**
- The Ministry responsible for animal husbandry should develop regulations for issuing, revocation, denial or operating without a licence.**

5.4 EXPORTATION OF ANIMAL FEEDS

Clause 12 of the Bill stipulates the terms and conditions for exportation of animal feeds, including acquisition of a sanitary certificate as well as the penalty for violation of the legal requirements.

The Committee observed that:

- Exporting animal feeds requires an export certificate in addition to the sanitary certificate issued by the Animal Feeds Committee.
- The time provided for in the Bill for notification within 24 hours of change in the circumstances relating to exportation is too short.

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The Committee recommends that the time for notification of change in the circumstances relating to exportation of animal feeds should be increased from one day to three (3) working days.

5.5 PROHIBITED SUBSTANCES IN ANIMAL FEEDS

Clause 16 of the Bill prohibits production, importation, exportation, selling or use of animal feeds that contain prohibited substances listed in the provision. The provision proposes to punish a user of the animal feeds containing prohibited substances.


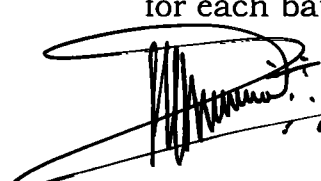
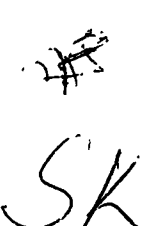



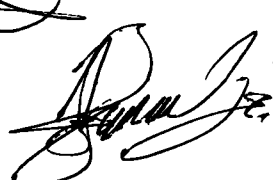
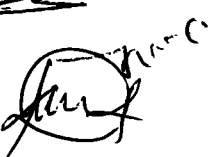

The Committee observed that a user of a prohibited substance is limited technically in terms of assessing the contents of a product which may include prohibited substances. It is only the producer, importer or exporter who may have the ability to establish whether a product contains prohibited substances or not.

The Committee recommends that users of prohibited substances should not be penalised unless they used the substances knowingly. This is subject to proof by courts of law.

5.6 ANIMAL FEEDS QUALITY CONTROL LABORATORY

Clause 18 of the Bill requires all producers of animal feeds to subject their products to testing by an accredited quality control laboratory approved by the Animal Feeds Committee or in the event that a producer does not own a laboratory, the person should have proof of access to a quality control laboratory.

Clause 18(2) requires the producer of animal feeds who owns a laboratory to retain the services of a chemist or animal nutritionist who shall be responsible for the analysis and testing of animal feeds and issue a certificate of analysis for each batch of animal feeds before it is released for sale.

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The Committee observed that all animal feeds produced need to meet the standards formulated by Uganda National Bureau of Standards.

The Committee recommends that:

- i. All producers of animal feeds should ensure that their products adhere to the standards set by the Uganda National Bureau of Standards.**
- ii. The list of approved quality control laboratories should be published in the Gazette and a newspaper of nationwide circulation.**

5.7 ESTABLISHMENT OF AN ANIMAL FEEDS COMMITTEE

Clause 23 establishes an Animal Feeds Committee which shall be composed of:

- (a) The Commissioner responsible for animal production who shall be the Chairperson of the Committee;
- (b) the Commissioner responsible for extension services;
- (c) the Commissioner responsible for crop protection
- (d) the Commissioner responsible for agricultural mechanisation;
- (e) the Commissioner responsible for crop inspection and certification;
- (f) the Commissioner responsible for animal health;
- (g) three animal farmers and
- (h) the Assistant Commissioner responsible for animal nutrition, who shall be the Secretary to the Committee.

The Committee observed that:

- *The mandates of some of the proposed Committee members are not directly related to the animal feeds value chain or industry.*

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- *The provision on representatives of animal farmers is not clear since it does not specify the categories of animal farmers.*

The Committee recommends that:

- (i) *The composition of the Animal Feeds Committee should be modified by eliminating officials whose mandates are not related to the animal feeds industry.***
- (ii) *The three animal farmers should be representatives of commercial livestock farmers, commercial poultry farmers and commercial fish farmers.***
- (iii) *The criteria of selection of animal farmers' representatives to the Committee should be clearly specified.***

5.8 ADULTERATED OR CONTAMINATED ANIMAL FEEDS

Clause 29 of the Bill prohibits sale of animal feeds that are adulterated or contaminated.

The Committee observed that:

- *While contamination is not intentional and may be caused by carelessness, negligence or failure to adhere to good management practices; adulteration is intentional and involves introduction of foreign substances in order to increase the quantity while lowering the quality of animal feeds.*
- *Clause 29 and Clause 15 of the Bill are related.*

The Committee recommends that:

- i. *Clause 29 and Clause 15 be merged.***

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ii. The law should provide for a mechanism through which a person who believes that animal feeds being produced/sold are contaminated may file a complaint to the animal feeds inspector.

iii. Two separate provisions be made to differentiate the implications of adulteration from contamination.

5.9 APPEAL

Clause 34 (2) of the Bill mandates the Minister to consider an appeal referred to him or her and communicate the decision to the aggrieved party within ten (10) working days.

The Committee observed that the proposed ten (10) working days is a short time for the Minister to review the Committee's decision and respond to the applicant.

The Committee recommends that the Minister is given twenty-one (21) working days to review the Committee's decision and give feedback to the applicant.

6.0 CONCLUSION

The Committee was alive to the need for a comprehensive and responsive law that addresses production, processing, storage and sale of animal feeds.

The production, processing, storage, transportation and distribution of safe and suitable feed and feed ingredients is the responsibility of all participants in the feed value chain, including farmers, feed ingredient manufacturers and feed compounders, among others. Each participant in the feed value chain is responsible for all activities that are under their direct control, including compliance with any applicable statutory requirements.

The Committee therefore recommends that the Bill be considered for Second Reading subject to the proposed amendments attached hereto and any other modifications the House may propose and approve.

I beg to report.

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PROPOSED AMENDMENTS TO THE ANIMAL FEEDS BILL, 2023

CLAUSE 1: APPLICATION

Clause 1 is amended —

(a) in sub clause (1), —

(i) by substituting for paragraph (a), the following—

“(a) animal feeds produced or stored for commercial purposes;”

(ii) in paragraph (b), by deleting the words “or exported from Uganda.”

(b) by substituting in sub clause (2), the following—

“This Act shall not apply to animal feeds produced or stored for consumption by the animals of a person who rears the animals for subsistence purposes.”

Justification

- (i) The Act shall apply to all animal feeds produced, stored or sold in Uganda.
- (ii) Importation of animal feeds is taken care of in paragraph (a).
- (iii) To exempt a farmer who produces animal feeds to feed them to his or her animals in his or own farm from applying for a licence to produce such animal feeds.

CLAUSE 2: INTERPRETATION

Clause 2 is amended by—

(a) deleting the word “bees” from the definition of the word “animal”;

(b) deleting the definition of the word “Commission;”

(c) substituting for the definition of “animal feed” and “animal feed additive” the following—

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“animal feeds” means any single material or multiple materials, whether processed, semi-processed or raw, whether or not containing animal feeds additives, which are intended to be used for oral feeding to animals;

“animal feeds additive” means a substance intentionally added to animal feeds to have a desired effect on the animal feeds, animals consuming the animal feeds or animal products;

(b) by inserting the following definition —

“produce” includes formulating, manufacturing, compounding, mixing or constituting animal feeds;

“premises” includes any land, building or other place where animal feeds are produced, stored or sold;

Justification

- (i) Animal feeds are beyond plant materials, they include pastures, crops, animal tissues and minerals. The interpretation provided is not exhaustive and need to be inclusive.
- (ii) To be clear since animal feed additives are given for a particular purpose like to increase the shelf of life of feeds, nutritional status, prevent diseases, digestibility enhancers or sensory attributes.

CLAUSE 3: APPLICATION FOR REGISTRATION OF PREMISES

Clause 3 is substituted for the following—

“3. Application for approval of premises

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- (1) A person shall not store animal feeds in premises, or produce or sell animal feeds from premises, unless the premises are approved by the Committee.
- (2) A person who intends to store, produce, or sell animal feeds shall apply to the Committee for approval of the premises in which the animal feeds are stored or from the animal feeds are sold or produced.
- (3) The application under subsection (2) shall be accompanied by proof of payment of fees prescribed by the Minister, by statutory instrument.
- (4) The Committee shall consider the application under subsection (2) and if satisfied that the applicant has complied with the requirements provided in Schedule Two, issue a certificate of approval of the premises.
- (5) The certificate of approval of premises issued under subsection (4), shall be specific to the premises approved.
- (6) A person who contravenes this section commits an offence and is liable, on conviction, to a fine not exceeding five hundred currency points or a term of imprisonment not exceeding six years, or both.

Justification

- (i) Premises are approved as fit to be used for business not registered since some premises are multipurpose and registering a premise is a bit vague.
- (ii) There is need for the law to spell out clearly the requirements to be fulfilled while applying for approval of premises. The requirements are matters of law and go to the roots of the principles of the Act that Parliament must pronounce itself on.

CLAUSE 4: CERTIFICATE OF REGISTRATION TO BE DISPLAYED AND NOT TO BE TRANSFERRED

Clause 4 is substituted for the following—

4. Display of certificate of approval of premises

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The certificate of approval of premises issued under Section 3(4) shall be placed in a conspicuous place in the approved premises.”

Justification

Consequential amendment as a result of amending Clause 3 arising from inserting paragraph (a) in Clause 3.

CLAUSE 5: ALTERATION OF PREMISES

Clause 5 is amended

- (a) by substituting for the word “registered” the word “approved”
- (b) by inserting a subsection as follows

“A person who intends to alter the approved premises shall comply with the Building Control Act, 2013 or any other applicable law.

Justification

Consequential amendment as a result of amending Clause 3 that requires premises to be approved rather than registered.

CLAUSE 6: SUSPENSION OF CERTIFICATE OF REGISTRATION

Clause 6 is amended—

- (a) by substituting the words “certificate of registration” wherever it appears the words “certificate of approval of premises” and
- (b) in paragraph (a), the words “they were registered” the words “premises were approved”

Justification

Consequential amendment as a result of amending Clause 3.

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CLAUSE 7: REVOCATION OF CERTIFICATE OF REGISTRATION

Clause 7 is amended —

- (a) by substituting for the words “certificate of registration” wherever they appear in the provision the words “certificate of approval of premises”.
- (b) in sub clause (2) by substituting for the word “licensee” the words ‘holder of the certificate”.
- (c) by substituting sub clause (3), the following —
“A person who fails to surrender the certificate of approval of premises under subsection (2) to the Committee commits an offence and is liable, on conviction-
 - (a) in the case of an individual, to a fine not exceeding one hundred currency points or a term of imprisonment not exceeding one year, or both; or
 - (b) in the case of a body corporate, to a fine not exceeding two hundred currency points

Justification

- (i) Consequential amendment as a result of amending Clause 3.
- (ii) For clarity

CLAUSE 8: LICENSING OF PRODUCTION, STORAGE, TRANSPORTATION AND SALE OF ANIMAL FEEDS

Clause 8 is amended —

- (a) in the headnote by deleting the word “transportation,”
- (b) in sub clause (1), by deleting the word “transport” wherever it appears

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(c) by substituting for sub clause (2) the following—

“The application under subsection (1) shall be accompanied by proof of payment of fees prescribed by the Minister, by statutory instrument”;

(d) by inserting a new sub clause as follows

“The Minister may, by regulations, provide different categories of licences issued under this provision”

(e) in sub clause (4), by substituting for the words “of this Act” the words “prescribed in the Third Schedule”

(f) in sub clause (5), by substituting the following—

“A licence issued under this section shall be valid for one year from the date of issue of the licence”,

(g) in sub clause (6) —

(i) by deleting the word “transports”,

(ii) in paragraph (a), by substituting for the word “one” with the word “two” whenever it appears; and

(iii) in paragraph (b), by substituting for the word “two” with the word “five”

Justification

(i) Transporting animal feeds does not require a licence.

(ii) There is no need to indicate qualifications of personnel at the time of applying for a licence.

(iii) To make the penal provision more deterrent.

CLAUSE 10: REVOCATION OF LICENCE

Clause 10 is amended—

(a) in paragraph (b), by substituting for the word “registration” with the word “approval”

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