



PLEASE NOTE

This document, prepared by the [Legislative Counsel Office](#), is an office consolidation of this regulation, current to December 31, 2005. It is intended for information and reference purposes only.

This document is *not* the official version of these regulations. The regulations and the amendments printed in the [Royal Gazette](#) should be consulted to determine the authoritative text of these regulations.

For more information concerning the history of these regulations, please see the [Table of Regulations](#).

If you find any errors or omissions in this consolidation, please contact:

Legislative Counsel Office
Tel: (902) 368-4291
Email: legislation@gov.pe.ca

CHAPTER F-13.01

FISHERIES ACT

REGULATIONS

Pursuant to section 9 of the *Fisheries Act* R.S.P.E.I. 1988, Cap. F-13.01, Council made the following regulations:

- 1.** In these regulations:
- | | Definitions |
|---|--------------------------|
| (a) “Act” means the <i>Fisheries Act</i> R.S.P.E.I. 1988, Cap. F-13.01; | Act |
| (b) “fisher-packer” means a person who dresses, packs, salts, or ices fresh fish, excepting molluscs and crustaceans, from that person’s own catch; | fisher-packer |
| (c) “inspector” means an inspector appointed under the <i>Fish Inspection Act</i> R.S.P.E.I. 1988, Cap. F-13; | inspector |
| (d) “buying station” means a facility used for the purposes of purchasing fish from fishers; | buying station |
| (e) “operator” means the person who has the charge, management and control of a processing establishment; | operator |
| (f) “lobster cookroom” means a building or portion of a building operated in conjunction with a lobster pound, used for cooking lobster; | lobster cookroom |
| (g) “processing establishment” is a building, portion of a building or a complex of buildings, located at a single site, used for the purposes of processing fish; | processing establishment |
| (h) “product form” means the end product resulting from processing; | product form |
| (i) “primary processing” means cleaning, filleting, splitting, extracting, dividing into portions, salting, icing, freezing, cooking, pickling, drying, canning, bottling or reducing fish; | primary processing |
| (j) “secondary processing” means any processing stage beyond primary processing, whereby, further value is added to a fish product through preparation into a consumer pack. (EC873/95) | secondary processing |
- 2.** (1) No person shall process fish without a license issued by the Minister.
- | | |
|--------------------------------------|------------|
| (2) Subsection (1) does not apply to | Exceptions |
| (a) a person who is a fisher-packer; | |

- (b) eating establishments licensed under the Prince Edward Island *Public Health Act* R.S.P.E.I. 1988, Cap. P-30 provided that all fish processed or prepared is for meals served at eating establishments;
or
(c) retail outlets that prepare fish, other than lobster, for sale to consumers through the retail outlet. (EC873/95)

Types of license	<p>3. (1) The Minister may issue the following fish processing licenses:</p> <ul style="list-style-type: none"> (a) primary processing license; (b) secondary processing license; (c) lobster cookroom license; and (d) groundfish processing license.
Primary processing	<p>(2) A primary processing license shall be in the form set out in Schedule 1 and authorizes the holder to undertake both primary and secondary processing.</p>
Secondary processing	<p>(3) A secondary processing license shall be in the form set out in Schedule 2 and authorizes the holder to undertake secondary processing.</p>
Lobster cookroom	<p>(4) A lobster cookroom license shall be in the form set out in Schedule 3 and authorizes the holder to cook lobsters.</p>
Groundfish processing	<p>(5) Subject to subsection 4(5.1), a groundfish processing license shall be in the form set out in Schedule 3.1 and authorizes the holder to process groundfish. (EC873/95;112/01)</p>
Issue of license	<p>4. (1) The Minister may issue a license to an operator if his or her processing establishment</p> <ul style="list-style-type: none"> (a) meets the construction and equipment requirements for establishments in Schedule A of the Fish Inspection Act Regulations (EC764/72); and (b) meets such other conditions that may be established by the Minister.
Terms of license	<p>(2) Upon receiving a processing license, an operator shall</p> <ul style="list-style-type: none"> (a) comply with the provisions of the Fish Inspection Act and regulations including the operating requirements for establishments in Schedule B of the Fish Inspection Act Regulations; (b) provide such statistical information to the Minister as may be determined by the Minister; and (c) comply with any other conditions that may be specified by the Minister.
Species and product forms	<p>(3) The Minister shall specify on a processing license</p> <ul style="list-style-type: none"> (a) the species of fish that may be processed; and (b) the product forms that may produced.

- (4) The Minister may attach conditions to a fish processing license specifying the source of fish supply and the types of processing permitted. Conditions
- (5) Notwithstanding section 6, a lobster cookroom license applies to lobster cookrooms that do not exceed 144 square feet or, where in relation to a cookroom existing at the time these regulations come into force, such area as the Minister may determine. Cookrooms, dimensions
- (5.1) Notwithstanding section 6, a groundfish processing license may be issued to an operator that has a groundfish processing room that does not exceed 750 square feet. Groundfish processing area
- (6) An operator shall have a license for each processing establishment. Separate establishment
- (7) The Minister shall not issue a license to an operator unless his or her processing establishment has been inspected by an inspector. Inspection
- (8) An operator shall display all fish processing licenses in a public area within the processing establishment. (EC873/95; 112/01) Display of license
- 5.** (1) No person shall process a species of fish unless that person has a license that specifies that that species of fish can be processed by the person. Species
- (2) No person shall process a product form unless the person has a license that specifies that that product form can be processed by the person. (EC873/95) Product form
- 6.** (1) There shall be a moratorium on the issuance of primary processing licenses for the purposes of processing lobster and all groundfish species. Moratorium on primary processing
- (2) The number of primary processing licenses, for groundfish shall not exceed the number of processing licenses for groundfish issued under the *Fish Inspection Act* that existed on December 31, 1995. Number of licenses, groundfish
- (3) The number of primary processing licenses, for lobster shall not exceed the number of processing licenses for lobster issued under the *Fish Inspection Act* that existed on December 31, 1995 less those processing licenses for lobster that are determined by the Minister to be lobster cookroom licenses. *Idem*, lobster
- (4) No person shall construct or expand a processing establishment without first obtaining approval of the Minister for the plans, specifications, and location of the establishment. Construction of establishment

<i>Idem</i> , primary license	(5) The Minister shall not issue a primary processing license for lobster and groundfish to a person who constructs a new processing establishment.
Replacement	(6) Notwithstanding subsection (5), the Minister may issue a primary processing license for lobster or groundfish to a person who constructs a replacement establishment. (EC873/95)
Buyer to be licensed	7. (1) No person may act as a buyer of lobster, other crustaceans, groundfish, mollusc, pelagic, and other fish without a buying license issued by the Minister.
Classes of license	(2) The Minister may issue a buying license for one or more of the following classes: <ul style="list-style-type: none"> (a) lobster; (b) other crustaceans; (c) groundfish; (d) molluscs; (e) pelagic; and (f) other fish.
Lobster	(3) A lobster license permits a buyer to purchase lobsters.
Other crustacean	(4) An other crustacean license permits a buyer to purchase all species of crustaceans except lobster.
Groundfish	(5) A groundfish license permits a buyer to purchase all species of groundfish.
Mollusc	(6) A mollusc license permits a buyer to purchase all species of mollusc.
Pelagic	(7) A pelagic license permits a buyer to purchase all species of pelagic.
Other fish	(8) An other fish license permits a buyer to purchase all species of fish not covered by the other classes of buyers license.
Requirements, permits, etc.	(9) The Minister may issue a buying license to a person who <ul style="list-style-type: none"> (a) possesses the required permits of the federal Department of Fisheries and Oceans; (b) possesses a license, if required, under the <i>Licensing Act</i> R.S.P.E.I. 1988, Cap. L-11; and (c) meets the facility requirements for buyers in Schedule F of the Fish Inspection Act Regulations.
Inspection of facilities	(10) The facilities referred to in clause (9)(c) shall be inspected by an inspector.

- (11) A buyer who is issued a license by the Minister shall Requirements
 (a) comply with the provisions of the Fish Inspection Act Regulations including the operating requirements for the storage and transportation of fish for resale or processing in Schedule E to those regulations;
 (b) supply to the Minister such statistical information as may be required by the Minister; and
 (c) comply with any other conditions that may be specified by the Minister.
- (12) A buying license shall be in the form set out in Schedule 4. Form
- (13) A buyer shall obtain a fish buying license for each buying station at which the buyer is engaged in buying fish unless otherwise determined by the Minister. Buying stations
- (14) The Minister shall specify on the license the classes of fish that may be purchased pursuant to a license at each buying station. Classes
- (15) No buyer shall buy a species of fish unless that person has the proper class of license authorizing purchase of that species. (EC873/95) Species
- 8.** (1) No person shall peddle fish without a license issued by the Minister. Peddling
- (2) The Minister may issue a fish peddling license to a person who Requirements
 (a) meets the vehicle requirements for fish pedlars in Schedule G of the Fish Inspection Act Regulations; and
 (b) possesses a license, if required, under the *Licensing Act*.
- (3) A person who is issued a fish peddling license by the Minister shall *Idem*
 (a) comply with the provisions of the Fish Inspection Act Regulations including the operating requirements for the storage and transportation of fish for resale or processing in Schedule E to those regulations;
 (b) provide the Minister with such statistical information as may be required by the Minister; and
 (c) comply with any other conditions that may be specified by the Minister.
- (4) A license for fish peddling shall be in the form set out in Schedule 5. Form
- (5) No pedlar shall peddle fish unless the fish has been purchased from Purchase
 (a) an operator who holds a processing license under these regulations; or
 (b) a federally registered fish processing plant. (EC873/95; 150/03)

6	Cap. F-13.01	<i>Fisheries Act</i> Regulations	Updated 2005
Form	9. (1) The Minister shall determine any form required to apply for a license under these regulations.		
Transfer	(2) No license issued under these regulations is transferable or assignable.		
Fees	(3) The fees for licenses issued under the regulations are set out in Schedule 6.		
Application for a license	(4) An application for license shall be signed and accompanied by the applicable fee in Schedule 6.		
Expiry	(5) All licenses issued under these regulations shall expire on December 31 of each year.		
Time for application	(6) Applications for a fish buying license for lobster shall be received by the Minister a minimum of 30 days prior to the opening day of each lobster season.		
Opening and closing season	(7) For the purposes of interpreting subsection (6), dates of the opening and closing of the fishery season shall be the dates announced for the opening and closing of each fishery by the Federal Minister of Fisheries and Oceans subject to the announced extension and early closure thereof. (EC873/95)		
Revocation, etc.	10. (1) The Minister may revoke, cancel or suspend a license or class of license for any violation of a provision of these regulations.		
Extension to other licenses	(2) The Minister, upon revoking, cancelling or suspending a fish buyers license or class of license applicable to a buying station, may extend the revocation, cancellation or suspension to all fish buying licenses held by the fish buyer.		
Processing	(3) No person shall process fish at a processing establishment while their fish processing license is under revocation, cancellation or suspension.		
Buying	(4) No person shall buy fish at a buying station while their fish buying license is under revocation, cancellation or suspension.		
Peddling	(5) No person shall peddle fish while their fish peddling license is under revocation, cancellation or suspension. (EC873/95)		
Penalty, general	11. (1) Subject to subsections (2) to (6), a person who violates any provision of the Act and these regulations is guilty of an offence and on summary conviction is liable to a fine of not less than \$500 and not more than \$2,000.		

(2) A person who violates subsection 2(1), 5(1), 5(2), 6(4) or 10(3) is guilty of an offence and liable on summary conviction, Offence

(a) for a first offence, to a fine of not less than \$10,000 and not more than \$100,000 or to imprisonment for 90 days, or to both; and

(b) for a second or subsequent offence, to a fine of not less than \$100,000 and not more than \$500,000 or to imprisonment for a period of not more than six months, or to both.

(3) A person who violates subsection 7(1), 7(15) or 10(4) is guilty of an offence and liable on summary conviction to a fine of not less than \$500 and not more than \$10,000 or to imprisonment for 90 days, or to both. *Idem*

(4) Where a violation of subsection 2(1), 5(1), 5(2), 6(4), 7(1), 7(15), 10(3) or 10(4) continues for more than one day, the person committing the offence is guilty of a separate offence for each day that the violation continues. Offence, continued

(5) A person who violates subsection 8(1), 8(5) or 10(5) is guilty of an offence and liable on summary conviction to a fine of not less than \$500 and not more than \$10,000. Unlicensed peddling

(6) A person who violates section 12 is guilty of an offence and liable on summary conviction to a fine of not less than \$2,000 and not more than \$4,000. (EC873/95; 150/03) Penalty

12. No person shall obstruct, impede, or refuse to admit an inspector or any other person acting in the execution of these regulations and no person shall aid or assist any person in obstructing, impeding or refusing to admit such inspector or other person. (EC873/95) Obstruction etc. of inspector

SCHEDULE 1
DEPARTMENT OF FISHERIES, AQUACULTURE AND ENVIRONMENT
*** PRIMARY FISH PROCESSING LICENSE**

Date Issued License No.:

Name of Operator:

Location of Establishment:

Valid for the following fish species and product forms:

<u>Species</u>	<u>Product Form(s)</u>
.....
.....
.....

License Expiry Date:

This license is issued under the authority of the *Fisheries Act* R.S.P.E.I. 1988, Cap. F-13.01 and Regulations made thereunder and is issued subject to the conditions set out in the attached schedule.

.....
MINISTER

* Includes secondary processing.

SCHEDULE 2
DEPARTMENT OF FISHERIES, AQUACULTURE AND ENVIRONMENT
SECONDARY FISH PROCESSING LICENSE

Date Issued License No.:

Name of Operator:

Location of Establishment:

Valid for the following fish species and product forms:

<u>Species</u>	<u>Product Form(s)</u>
.....
.....
.....
.....

License Expiry Date:

This license is issued under the authority of the *Fisheries Act* R.S.P.E.I. 1988, Cap. F-13.01 and Regulations made thereunder and is issued subject to the conditions set out in the attached schedule.

.....
MINISTER

* Includes secondary processing.

SCHEDULE 3
DEPARTMENT OF FISHERIES, AQUACULTURE AND ENVIRONMENT
LOBSTER COOKROOM LICENSE

Date Issued License No.:
Name of Operator:
Location of Establishment:

VALID FOR COOKING LOBSTER
License Expiry Date:

This license is issued under the authority of the *Fisheries Act* R.S.P.E.I. 1988, Cap. F-13.01 and Regulations made thereunder and is issued subject to the conditions set out in the attached schedule.

.....
MINISTER

SCHEDULE 3.1
DEPARTMENT OF FISHERIES, AQUACULTURE AND ENVIRONMENT
GROUND FISH PROCESSING LICENSE

Date Issued License No.:
Name of Operator:
Location of Establishment:

VALID FOR PROCESSING GROUND FISH

License Expiry Date:

This license is issued under the authority of the *Fisheries Act* R.S.P.E.I. 1988, Cap. F-13.01 and Regulations made thereunder and is issued subject to the conditions set out in the attached schedule.

.....
MINISTER

SCHEDULE 4
DEPARTMENT OF FISHERIES, AQUACULTURE AND ENVIRONMENT
FISH BUYING LICENSE

Date Issued..... License No.:

Name of Buyer:

Address of Buyer

Name of Agent:

Vehicle Registration Number:

Buying Station Location:

Harbours and Infrastructure Permit No.:

Valid for the following License Class(es):

- Lobster Class
- Other Crustacean Class
- Groundfish Class
- Mollusc Class
- Pelagic Class
- Other Fish Class

License Expiry Date: Valid During:

This license is issued under the authority of the *Fisheries Act* R.S.P.E.I. 1988, Cap. F-13.01 and Regulations made thereunder and is issued subject to the conditions set out in the attached schedule.

.....
MINISTER

SCHEDULE 5
DEPARTMENT OF FISHERIES, AQUACULTURE AND ENVIRONMENT
FISH PEDDLING LICENSE

Date Issued: License No.:

Name of Pedlar:

Address of Pedlar:

Vehicle Registration No.:

License Expiry Date:

This license is issued under the authority of the *Fisheries Act* R.S.P.E.I. 1988, Cap. F-13.01 and Regulations made thereunder and is issued subject to the conditions set out in the attached schedule.

.....
MINISTER

SCHEDULE 6**DEPARTMENT OF FISHERIES, AQUACULTURE AND ENVIRONMENT
LICENSE FEES**

<u>LICENSE</u>	<u>FEE</u>
Primary Processing License	\$200 per establishment
Secondary Processing License	\$200 per establishment
Lobster Cookroom Processing License	\$75 per establishment
Groundfish Processing License	\$75 per establishment
Fish Buying License	\$50 per license class per buying station
Fish Peddling License	\$25 per vehicle

(EC873/95; 112/01; 767/05)