



PLEASE NOTE

This document, prepared by the [Legislative Counsel Office](#), is an office consolidation of this Act, current to May 20, 2004. It is intended for information and reference purposes only.

This document is *not* the official version of the Act. The Act and the amendments as printed under the authority of the [Queen's Printer](#) for the province should be consulted to determine the authoritative statement of the law.

For more information concerning the history of this Act, please see the [Table of Public Acts](#).

If you find any errors or omissions in this consolidation, please notify the Legislative Counsel Office at (902) 368-4291.

CHAPTER F-13.01

FISHERIES ACT

1. In this Act	Definitions
(a) “aquaculture” means the culture and husbandry of aquatic flora or fauna;	aquaculture
(b) “aquaculturist” means a person engaged in aquaculture for gain;	aquaculturist
(c) “buyer” means a person who, for the purpose of resale or processing by him or her, purchases fish from a fisher or aquaculturist or from any other person on behalf of a fisher or aquaculturist;	buyer
(d) “fish” means any fish including molluscs and crustaceans, marine mammals and marine plants, and any parts, products or by-products thereof;	fish
(e) “fisher” means a marine fisher engaged in fishing for gain and holding a fishing license or permit;	fisher
(f) “fishing” means the harvesting, gathering or collecting of marine flora or fauna from their natural environment;	fishing
(f.1) “lease” means a bottom culture lease granted to an aquaculturist in accordance with an agreement entered into by His Majesty’s Government of the Dominion and His Majesty’s Government of the Province of Prince Edward Island dated February 27, 1928;	lease
(g) “license” means a license issued under this Act;	license
(h) “fishery” means the marine industry based on natural products of the sea, products resulting from enhancement in their natural environment and products produced through aquaculture;	fishery
(i) “marketing” means all business activity involved in the moving of fish from the producer to the consumer, including advertising, packaging, selling and transporting;	marketing
(j) “Minister” means the Minister of Agriculture, Fisheries, Aquaculture and Environment;	Minister
(k) “pedlar” means any person engaged in the peddling or sale of fish by going from house to house or otherwise than from a retail outlet in a permanent location;	pedlar
(l) “person” includes a partnership and a cooperative association;	person

pound	(m) “pound” means an enclosed area to hold live fish;
processing	(n) “processing” includes cleaning, filleting, splitting, extracting, dividing into portions, smoking, salting, icing, packaging, freezing, cooking, pickling, drying, canning, marinating, bottling, reducing, or otherwise preparing fish for market;
processor	(o) “processor” means a person who purchases fish from a fisher or aquaculturist, or from any person on behalf of a fisher or aquaculturist for the purpose of processing. 1995, c.14, s.1; 1997,c.20,s.3; 1999,c.26,s.1; 2000,c.5,s.3; 2004,c.36,s.3.
Application	2. This Act applies, to the extent of provincial jurisdiction, to all fishers, aquaculturists, buyers, processors and pound operators engaged in the fishery in the province. 1995, c.14, s.2.
Objects	3. The objects of the Act are to regulate and enhance the fishery and to authorize the Minister to implement programs that will sustain and improve the fishery including purchasing, harvesting, transport, processing, marketing, education, development, fish inspection and fish quality. 1995, c.14, s.3.

PART I ADMINISTRATION

Administration	4. The Minister is charged with the administration and enforcement of this Act and is responsible for the supervision and control of the development of resources and products of the fishery. 1995, c.14, s.4.
Powers of Minister	5. (1) The Minister may <ul style="list-style-type: none"> (a) develop, plan, co-ordinate and carry out programs and projects relating to the maintenance and development of the fishery; (b) with the approval of the Lieutenant Governor in Council, co-ordinate the work and efforts of other departments and agencies of the province respecting any matter relating to the maintenance and development of the resources of the fishery; (c) enter into agreements with the Government of Canada or the government of any other province on matters relating to the management or development of the fishery; (d) develop scientific data bases and engage in consultations with the Government of Canada to ensure equitable access to the resources of the fishery; (e) gather, compile, publish and disseminate information including statistical data relating to the maintenance and development of the resources of the fishery; (f) engage the services of experts or persons having special technical or other knowledge to advise him or her;

- (g) enter into agreements to provide training for fishers, aquaculturists, processors, pound operators, their employees and students, establish the required curriculum and provide assistance to fishers, aquaculturists, processors, pound operators, employees and students engaged in studies related to the fishery;
- (h) convene conferences and conduct seminars and educational programs relating to the development of the resources of the fishery;
- (i) maintain a current list of fishers, aquaculturists, buyers, pedlars processors and pound operators;
- (j) undertake development projects
 - (i) for the exploration, development and enhancement of the resources of the fishery,
 - (ii) for the promotion and marketing of fishery products,
 - (iii) for the introduction and demonstration to fishers and aquaculturists and others of new types of fishing and aquaculture vessels, gear, equipment, methods, techniques and operations,
 - (iv) for the introduction of more efficient methods including handling, transporting, processing and storage of fish,
 - (v) for the improvement of the quality of fish products, and for the encouragement of value-added processing,
 - (vi) for the improvement of fishing ports and aquaculture landing sites under provincial jurisdiction, and their facilities and services.

6. Notwithstanding anything in this Act, the Minister may authorize any action or invoke any measure

Minister may authorize actions, etc.

- (a) to encourage the maintenance and development of the resources of the fishery;
- (b) relating to fish buying and processing;
- (c) to integrate and co-ordinate programs, planning and projects of the province with those of the Government of Canada or of other provinces

if he or she considers it in the public interest to do so. 1995, c.14, s.6.

PART II FISH BUYING AND PROCESSING

7. The Minister may, with the approval of the Lieutenant Governor in Council, make regulations on any matter relating to resources and products of the fishery

Regulations, Minister

- (a) providing for the collection of information, records, reports from fishers, aquaculturists, buyers, processors and pound operators related to fish;
- (b) licensing fishers, aquaculturists, buyers, processors, pound operators and pedlars or any other person handling fish for gain;

(c) granting such number of processor, pound operator, pedlar and buyer licenses as he or she may set and prescribing terms and conditions. 1995, c.14, s.7.

PART III
MISCELLANEOUS AND GENERAL

- | | |
|------------------------------|---|
| Industry advisory committees | 8. The Minister may, subject to the approval of the Lieutenant Governor in Council, in order to carry out the objects of this Act, establish such industry advisory committees as he or she considers necessary and appoint the members thereof. 1995, c.14, s.8. |
| Application of section | 8.1 (1) This section applies only to those aquaculturists <ul style="list-style-type: none"> (a) who hold a bottom culture lease that includes an area where the depth of water at mean low tide is 4 feet or less; and (b) whose lease <ul style="list-style-type: none"> (i) is in force at the time this section comes into force, (ii) is granted after the coming into force of this section pursuant to an application made to the Department of Fisheries and Oceans (Canada) prior to April 29, 1999, or (iii) is within an area recognized by the Department of Fisheries and Oceans (Canada) as an off-bottom shellfish-growing site in existence at the time this section comes into force. |
| Riparian right-of-way | (2) Every aquaculturist shall ensure that the aquaculturist's operations in the area described in the lease are undertaken in a manner that ensures that no landowner having riparian rights is deprived of reasonable access to the waters adjacent to the landowner's land. |
| Reasonable access | (3) For the purposes of subsection (2), "reasonable access" requires a corridor of water that <ul style="list-style-type: none"> (a) is at least 50 feet in width for every 300 feet of shoreline; (b) extends to a point in the body of water to which the land is adjacent where the depth of water is 4 feet at mean low tide; and (c) allows unobstructed access to the waters beyond the point described in clause (b). |
| Exception | (4) Notwithstanding subsection (3), where a landowner with riparian rights has less than 350 feet of land that is adjacent to a body of water, "reasonable access" requires a corridor of water that <ul style="list-style-type: none"> (a) is at least 50 feet in width; (b) extends to a point in the body of water to which the land is adjacent where the depth of water is 4 feet at mean low tide; and (c) allows unobstructed access to the waters beyond the point described in clause (b). |

(5) Every aquaculturist who contravenes subsection (2) is guilty of an offence and liable on summary conviction to a fine of not more than \$2,000. Offence

(6) Where a contravention of subsection (2) continues for more than one day, the aquaculturist is guilty of a separate offence for each day that the contravention continues. Ongoing offence

(7) Subsection (2) may be enforced and a breach of subsection (2) may be restrained by application made by the Minister to the Supreme Court. Enforcement

(8) In any proceeding commenced under subsection (7), the Supreme Court or a judge of the Supreme Court may grant one or more of the following: Remedies

- (a) a declaration that an act engaged in or about to be engaged in by an aquaculturist is or will be a breach of subsection (2);
- (b) an injunction restraining any aquaculturist from breaching or continuing to breach subsection (2);
- (c) an order directing
 - (i) any aquaculturist to comply with the requirements of subsection (2), and
 - (ii) that compliance be carried out under the supervision of a named person;
- (d) any other order as the court or judge may determine. 1999,c.26,s.2

9. The Lieutenant Governor in Council may make regulations: Regulations

- (a) prescribing amounts, terms and conditions of grants and payments under any program established under this Act;
- (b) describing offences and prescribing penalties;
- (c) prescribing forms, fees and procedure for licenses and appeals;
- (d) defining any word or expression not defined in this Act;
- (e) in respect of any other matter or thing in order to give full effect to the objects of this Act. 1995, c.14, s.9.