

# GENERAL TERMS OF A FISH OR MARINE PLANT PROCESSING AND/OR COLD STORAGE LICENCE

## Fisheries Act (R.S.B.C.)

### SECTION 13

#### *Licence required*

13 (1) A person must not process fish or aquatic plants, or operate a plant in British Columbia or its coastal waters, unless the person holds a licence issued for that purpose under this Part and has paid the fee prescribed by the Lieutenant Governor in Council.

### SECTION 16

#### *Form of licences*

16 A licence under this Part must set out the following:

- (a) the name and address of the licensee;
- (b) subject to section 15(2), the location of the plant for which the licence is issued or the area in which the licensed activity is to be carried on, or both;
- (c) the effective date and the term of the licence;
- (d) other terms and conditions the minister considers appropriate.

### SECTION 17

#### *Transfer of licences*

17 (1) A licence issued under this Part is not transferable.

(2) Despite subsection (1), in case of a change of ownership of the plant the minister may agree to a transfer of the licence to the new owner.

### SECTION 18

#### *Suspension or revocation of licence*

18 (1) If the holder of a licence issued under this Part violates any provision of this Part or the regulations or a condition of a licence, the minister, after due investigation and hearing, if a hearing is requested by the licensee, and on proof to the minister's satisfaction of the violation, and in addition to all other penalties to which the licensee may be liable, may

- (a) suspend the licence and all rights of the licensee for a period the minister thinks fit, or
- (b) revoke the licence.

(2) The minister must preside at the hearing, and has the same powers as the Supreme Court

- (a) for compelling the attendance of witnesses and of examining them under oath, and
- (b) for compelling the production and inspection of books, documents and things.

### SECTION 19

#### *Power to refuse further licence*

19 If the licence held by any licensee has been revoked, or if it is shown to the satisfaction of the minister that a licensee has violated any provision of the Part or the regulations or a condition of a licence or has conducted the business of the licensee's establishment in contravention of the spirit and intent of this Part, the minister may, in addition to all other penalties to which the licensee may be liable, refuse after that to issue a licence under this Act to that licensee or to any person for the establishment of that licensee.

### SECTION 20

#### *Records kept by licensees*

20 (1) A person holding a licence under this Part must make reports in the manner and form and at intervals specified by the minister.

(2) A person holding a licence under this Part must keep a record of transactions with fish suppliers of the fish to be processed or held by the licensee.

## Fisheries Act Regulations (R.S.B.C.)

### SECTION 19

19 (3) A person holding a licence under Part 3 of the Act who is required by section 20 (2) of the Act to keep a record, at the time and place of receiving the fish, of transactions with fish suppliers, must provide to the Department of Fisheries and Oceans (Canada), 555 West Hastings Street, Vancouver, B.C., V6B 5G3 on a weekly basis a record of all fish received from fish suppliers containing at least the information specified in subsection (2), and must retain a copy for the person's own records.

(2) The record must contain at least the following information:

- (a) purchaser or offloader's name, address and telephone number;
- (b) fisherman's name and address;
- (c) date of purchase or offloading;
- (d) name and CFV number of catching vessel used;
- (e) description of gear used to harvest the fish and days spent fishing in each area;
- (f) area or areas of catch and days spent fishing in each area;
- (g) the individual species of each fish sold or offloaded;
- (h) the description of the product or landed form of each species sold or offloaded;
- (i) the number of fish (pieces) of each species sold or offloaded;
- (j) the weight of each species sold or offloaded;
- (k) the price paid for each species sold;
- (l) the total value of each species sold or offloaded.

(4) The operator of a Fish Landing Station, as defined under the Pacific Fishery Regulations under the Fisheries Act (Canada), who offloads fish under section 17.1 of the Pacific Fishery Regulations must submit to the Department of Fisheries and Oceans (Canada), 555 West Hastings Street, Vancouver, B.C., V6B 5G3 on a weekly basis a record substantially in the forms in Schedule V, and must retain a copy for the operator's own records.

**Holders of Fish or Marine Plant Processing or Cold Storage Licences should also be familiar with, and must abide by, the applicable sections of the Fish Inspection Regulations (R.S.B.C.). Copies of Acts and Regulations may be obtained through Crown Publications, 521 Fort Street, Victoria, B.C. V8W 1E7 (250) 386-4636, or by contacting the Ministry of Agriculture, Food and Fisheries in Courtenay (250) 897-7542.**

#### Definitions:

"**establishment**" means a place, including a place used for the business of aquaculture, where fish or aquatic plants are handled, processed, graded, stored, grown or cultivated;

"**fish cold storage plant**" means a building, structure, machinery, appurtenances, appliances and apparatus occupied and used in the business of freezing fish or storing frozen fish, either alone or in conjunction with any other business, but excludes the following:

- (a) a fish buying station as defined in this section;
- (b) a licensed fishing vessel engaged in fishing, eviscerating and freezing on board the product of its catch, or while delivering that catch;
- (c) a building, equipment or plant occupied or used by a person for storing fish for the purpose only of resale by the person at retail in British Columbia;

"**fish processing plant**" means

- (a) a building, structure, machinery, appurtenances, appliances and apparatus, and
- (b) a vessel, scow, barge or float,

within coastal waters, with or without installed propulsion machinery, either ashore or afloat, occupied and used in the business of processing fish;

"**processing**" includes eviscerating, filleting, icing, freezing, canning, packaging, smoking, salting, cooking, pickling, drying, preserving or preparing fish or aquatic plants for market in any other manner, but does not include a licensed fishing vessel which, while fishing or delivering its catch, engages in eviscerating and icing, freezing or packaging on board the product of its catch.