

GENERAL TERMS OF A FISH BUYING STATION 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.
- (2) A person must not operate a fish buying station 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.
- (3) Subsection (2) does not apply to
 - (a) a person holding a licence under subsection (1) who purchases fish or aquatic plants only from a fisher at a duly licensed plant, or
 - (b) a person buying aquatic plants or fish, other than shellfish as defined in the regulations, direct from a fisher for that person's personal use.

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- 19 If the licence held by any licensee has been revoked, or if it is shown to the satisfaction of the minister that a licensee has violated any provision of the Part or the regulations or a condition of a licence or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.)

Part 5 - Licence to Operate a Fish Buying Station

- 18 (1) Every holder of a licence issued under section 13 (2) of the Act shall cause the licence or a certified copy of the licence to be kept on the premises referred to in the licence.
- (2) Where an inspector of fisheries or an ex-officio inspector of fisheries
 - (a) gives proof that he is an inspector or ex-officio inspector of fisheries, and
 - (b) requests that the person in charge of a fish buying station produce the licence referred to in subsection (1),the person to whom the request is made shall forthwith produce the licence or a certified copy of the licence.
- (3) For the purposes of this section, "person in charge" includes the owner, the lessee, if any, and the person usually or actually in charge of a fish buying station.
- (4) A person who contravenes this section commits an offence.
- 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.

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

Fish buyer's licence

- 23 (1) A fish buyer's licence may be issued by the minister only when the establishment meets the requirements of Schedule E.
- (2) Repealed. [B.C. Reg. 167/89, s. 5.]
- (3) A fish buyer's licence is not assignable or transferable.
- (4) The minister may cancel a fish buyer's licence for conviction under these regulations.

Holders of Fish Buying Station 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:

"fish buying station" means

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

within British Columbia or its coastal waters, with or without installed propulsion machinery, used in the business of buying, collecting, assembling, transporting, conveying, packing or carrying fish direct from a fisher;

"fisher" means a person licensed under the Fisheries Act (Canada) for commercial fishing.