

## EC2013-242

**FISHERIES ACT  
REGULATIONS  
AMENDMENT**

Pursuant to sections 7 and 9 of the *Fisheries Act* R.S.P.E.I. 1988, Cap. F-13.01, Council made the following regulations:

**1. Section 6 of the *Fisheries Act* Regulations (EC873/95) is amended by the addition of the following after subsection (4.2):**

- (4.3) An applicant for a license of a type referred to in subsection (3) is eligible to be issued such a license if
- (a) the applicant owns a processing establishment which the applicant purchased from a person other than a co-operative association;
  - (b) the operator of the processing establishment, prior to the sale of the processing establishment to the applicant,
    - (i) either
      - (A) held in 1995 a license of the type applied for, or
      - (B) held in 2005 a license of the type applied for, and
    - (ii) the 1995 or 2005 license held by the operator of the processing establishment, and any subsequent license of that type held by the operator prior to the sale of the processing establishment, was not cancelled or revoked by the Minister;
  - (c) the applicant is applying for a license of a type previously held by the operator; and
  - (d) in the case where the applicant has previously been issued such a license, the license was not or has not been cancelled or revoked by the Minister.
- (4.4) For greater certainty, where a person, other than a co-operative association, sells the processing establishment in respect of which the operator has been issued a primary processing license for lobster or groundfish, the operator ceases thereafter to be eligible to apply for such a license.

Eligibility of applicant re processing establishment purchased from person other than a co-operative association

Former operator ineligible on sale of processing establishment

**2. These regulations come into force on April 20, 2013.**

**EXPLANATORY NOTES**

**SECTION 1** establishes that the circumstances in which a person is eligible to apply for a primary processing license for lobster or groundfish that was previously held by an operator other than a co-operative association.

**SECTION 2** provides for the commencement of these regulations.