

No. S 28

**FISHERIES ACT
(CHAPTER 61)**

**FISHERIES (FISH PROCESSING ESTABLISHMENTS)
REGULATIONS, 2002**

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FISHERIES ACT
(CHAPTER 61)

A.M. S 35/04

FISHERIES (FISH PROCESSING ESTABLISHMENTS)
REGULATIONS, 2002

In exercise of the power conferred by section 5 of the Fisheries Act, the Minister of Industry and Primary Resources hereby makes the following Regulations —

Citation and non-application.

1. (1) These Regulations may be cited as the Fisheries (Fish Processing Establishments) Regulations, 2002.

(2) Subject to the Act, any fish processing establishment in respect of which a licence has been issued is not subject to the provisions of any other written law.

Interpretation.

2. In these Regulations, unless the context otherwise requires —

"certificate" means a health certificate issued under sub-regulation (4) of regulation 12;

"dry area" means any place other than a wet area;

"fish inspector" means an inspector authorised by the Director to make inspections under these Regulations;

"fish processing establishment" means any factory, plant, premises or place where fish and processed fish are stored, handled, processed, graded or packed, for commercial purposes;

"inspection" means any activity carried out by a fish inspector for the purpose of ascertaining whether the requirements of these Regulations are being complied with;

"licence" means a fish processing licence issued under regulation 5;

"processing" means —

(a) cutting and all methods of manufacture and preservation;

(b) shucking, gutting, scaling, tailing, cleaning, skinning, deboning, washing, depuration, salting, smoking, cooking, drying, canning, freezing, chilling, thawing, marinating, curing, preserving, mincing, fermenting, and

includes any other preparation of fish and processed fish for human consumption;

"wet area" means any place within a fish processing establishment where fish is procured, processed, handled or stored;

"worker" means a person who works in a fish processing establishment and includes the owner thereof.

Licence required.

3. No person shall operate a fish processing establishment except with a licence.

Application and particulars.

4. An applicant for a licence shall apply in writing to the Director in such form as the Director may determine and shall (if required) supply the following particulars —

(a) name, identity card number and address of applicant;

(b) business name and address, if any;

(c) address and total area of the premises to be used as a fish processing establishment and a description of the intended business;

(d) drawings, in duplicate, with specifications that clearly illustrate and describe the applicant's premises, showing the locations of the buildings, equipment, roadways, wash-basins, water wells and water storage tanks, drainage system and toilet soil lines and which make provision for the drainage system of the fish processing establishment to be separate from the toilet soil line to a point outside the building; and

(e) such other information as the Director may require.

Fish processing licence.

5. (1) The Director shall, on being satisfied that the applicant has complied with the conditions referred to in regulation 8 and has paid the fee prescribed in the Schedule, issue a fish processing licence to the applicant in such form as the Director may determine.

(2) The licence shall be valid from the date of issue for a period of one year.

(3) In the case of a breach of any of the conditions referred to in regulation 8, the Director may suspend or revoke any licence.

Renewal of licence.

6. Regulations 4 and 5 shall also apply to the renewal of a licence.

Licence to be exhibited.

7. A licence shall be exhibited in a conspicuous place in the fish processing establishment together with a copy of the conditions, if any.

Conditions of fish processing establishment.

8. Premises used as a fish processing establishment shall comply with such conditions as the Director may determine.

Health requirements.

9. No person suffering from any communicable disease or vesicular disease, persistent dermal disease, sores and any other disease likely to contaminate the products processed in the fish processing establishment shall be allowed to work in the premises and the licensee shall cause every worker to undergo a medical examination annually.

Quality assurance programme.

10. Every licensee shall implement an approved programme of quality assurance as the Director may determine.

Inspection.

11. A fish inspector may enter a fish processing establishment at any appropriate time to inspect the premises, equipment, operation, storage, materials, processed fish, records or to take samples for analysis, or any other relevant purpose to ensure that any requirements of, or any conditions imposed under, these Regulations have been complied with.

Certificate.

12. (1) No fish and processed fish, intended for human consumption, shall be exported unless a certificate has been issued.

- (2) No certificate shall be issued unless the fish or processed fish —

(a) has been processed and packed in premises that have been licensed;

(b) has been processed, packed, labelled, stored and transported in accordance with the conditions referred to in regulation 8;

(c) in the opinion of the Director, is fit for human consumption; and

(d) meets any overseas requirements that the Director has approved and of which the licensee has been informed.

(3) An applicant for a certificate shall apply in writing to the Director in such form as the Director may determine.

(4) The Director shall, on being satisfied of the matters specified in sub-regulation (2) and on payment of the fee prescribed in the Schedule, issue a health certificate to the applicant in such form as the Director may determine.

Withdrawal of certificate.

13. (1) Subject to sub-regulation (2), the Director or an Authorised Officer may, at any time and without having regard to the location of the fish or processed fish, withdraw the certificate issued under regulation 12 if —

(a) the statement on the certificate is not accurate or is no longer true, whether or not in respect of all or some of the fish or processed fish; or

(b) the certificate is not or is no longer acceptable to the authorities in the country to which the fish or processed fish is being exported.

(2) The power to withdraw a certificate under this regulation may be exercised by the Director or an Authorised Officer, notwithstanding that the person withdrawing the certificate did not issue the certificate.

(3) The Director, an Authorised Officer or a fish inspector may at any time inspect any fish or processed fish, notwithstanding that a certificate has been issued in respect of that fish or processed fish.

(4) Where a certificate has been withdrawn pursuant to sub-regulation (1), the person withdrawing the certificate —

(a) shall direct how the fish or processed fish included in the certificate is to be dealt with; and

(b) may, upon the request of any interested party, issue a further certificate to cover any fish or processed fish that were included in the original certificate and in respect of which a certificate could, at the time of inspection, have been issued.

(5) Every direction given under paragraph (a) of sub-regulation (4) shall be complied with immediately by the person to whom it is given.

(6) Where a certificate has been withdrawn pursuant to sub-regulation (1), the person in possession of the certificate and of any copies of the certificate shall make reasonable efforts to surrender them immediately to the person withdrawing the certificate.

Duty of applicants and licensee.

14. Every applicant and licensee shall ensure that at all reasonable times, his agents and workers —

(a) furnish any fish inspector with free unencumbered access to and the use of all amenities, facilities, appliances and records;

(b) supply such information, including information in respect of additives, ingredients, containers and maintenance compounds, in respect of the process used in dealing with any fish or processed fish;

(c) demonstrate such processes; and

(d) comply with such lawful instructions,

as the fish inspector may reasonably require while carrying out his functions under these Regulations.

Exemption.
is. The Director may if he thinks fit exempt any person from all or any of the provisions of these Regulations. (regulations 5(1) and 12(4))

FEEs

For the issue or renewal of a fish processing licence	\$50.00 per year
For the issue of a health certificate	\$2.00

Made this 5th. day of Rabiulawal, 1423 Hijriah corresponding to the 18th. day of May, 2002.

PEHIN ORANG KAYA SETIA PAHLAWAN
DATO SERI SETIA HAJI AWANG ABDUL RAHMAN BIN
DATO SETIA HAJI MOHD TAIB
Minister of Industry and Primary Resources,
Brunei Darussalam.