

JAMAICA

No. 20 – 2013

I assent,

[L.S.]

/s/ P. L. Allen
Governor-General.

31st day of August 2013

AN ACT to Amend the Aquaculture, Inland and Marine Products and By-Products (Inspection, Licensing and Export) Act; to change the name of the Act; and for related matters.

**The date notified by the Minister
[bringing the Act into operation]**

BE IT ENACTED by The Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Representatives of Jamaica, and by the authority of the same, as follows:—

1. This Act may be cited as the Aquaculture, Inland and Marine Products and By-Products (Inspection, Licensing and Export) (Change of Name and Amendment) Act, 2013, and shall be read and construed as one with the Aquaculture, Inland and Marine

Short title
construction
and
commence-
ment.

[No.] *The Aquaculture, Inland and Marine Products
and By-Products (Inspection, Licensing and Export)
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Products and By-Products (Inspection, Licensing and Export) Act (hereinafter referred to as the principal Act) and shall come into operation on a day to be appointed by the Minister, by notice published in the *Gazette*.

Amendment of
title and
section 1 of
principal Act.

2. The principal Act is amended by deleting from the title and section 1, the words enclosed in the parentheses and substituting therefor the words "Inspection and Licensing".

Amendment of
section 2 of
principal Act.

3. The principal Act is amended—

(a) in the definition of "aquaculture" by inserting immediately after the words "including fish" the words "(other than ornamental fish)";

(b) by deleting the definition of "carrier vessel" and substituting therefor the following—

““carrier vessel” means a motorized vessel used only to transport any aquaculture, inland or marine product or any of its by-products from a licensed factory vessel or freezer vessel to a loading dock;”;

(c) by inserting in the correct alphabetical sequence the following definitions—

““canoe” means a boat that is partially decked or without a deck used for handling or harvesting any aquaculture, inland or marine product or any of its by-products and which (except in the case of a dory) is not kept on a carrier vessel, factory vessel or freezer vessel, but used along with the carrier vessel, factory vessel or freezer vessel for such handling or harvesting;

“certificate” means a certificate issued under this Act;

“cold storage facility” means any building or other premises fitted with an appropriate refrigeration system for holding or storing any

aquaculture, inland and marine product or any of its by-products, which is licensed by the competent authority;

“consignee” means any person to whom aquaculture, inland or marine products or their by-products are sent by a consignor, whether locally or internationally for export;

“demarcated” means prescribed in relation to any production area or relay area;

“designated” means prescribed by order published in the *Gazette*;

“dory” means a small canoe kept on board a factory vessel or freezer vessel and used for handling or harvesting queen conch;”;

(d) by deleting the definition of “consignment” and substituting therefor the following—

““consignment” means any aquaculture, inland or marine products or any of their by-products which—

(a) have been harvested, handled or processed in a licensed factory vessel, freezer vessel or processing establishment and are intended for export; or

(b) are intended for import;”;

(e) by deleting the definition of “consignor” and substituting therefor the following—

““consignor” means a person who operates a licensed processing establishment, or licensed factory vessel, freezer vessel or carrier vessel and exports any aquaculture, inland or marine product or any of its by-products;”;

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- (f) by deleting the definition of “enter for export” and substituting therefor the following—
- “ “enter for export” means the presentation of any aquaculture, inland or marine product or any of its by-products to the competent authority for the purpose of export;”;
- (g) in the definition of “equipment” by deleting the word “apparatus” and substituting therefor the word “apparati”;
- (h) in the definition of “factory vessel” by deleting the words “for export”;
- (i) by deleting the definition of “freezer vessel” and substituting therefor the following—
- “ “freezer vessel” means any motorized mother, fishery or fishing boat or ship on which the handling, freezing and storage of any aquaculture, inland or marine product or any of its by-products takes place;”;
- (j) by deleting the definition of “fit for export” and substituting therefor the following—
- “ “fit for export” means fit for human consumption and conforming to the standards for export prescribed by this Act or any regulations made hereunder;”;
- (k) by inserting next after the definition of “fit for export” the following definition—
- “ “fit for import” means fit for human consumption and conforming to the standards for import prescribed by this Act or any regulations made hereunder;”;
- (l) by deleting the definition of “handling” and substituting therefor the following definition—
- “ “handling” means the touching, lifting, general managing, carrying, packaging or any other

activity involving contact with any aquaculture, inland or marine product or any of its by-products;”;

- (m) by inserting next after the definition of “harvesting” the following definition—

““housing vessel” means any vessel which meets the standards for housing crew and equipment at sea as may be prescribed by the competent authority;”;

- (n) by inserting next after the definition of “identification number” the following definition—

““import” means to take into or cause to be taken into Jamaica or the waters thereof;”;

- (o) by deleting the definition of “licensed vessel” and substituting therefor the following—

““licensed” in relation to—

(a) a vessel, means a factory vessel, freezer vessel, carrier vessel, housing vessel, canoe or dory, as the case may be operated by a licensee holding a licence for operating as such;

(b) a cold storage facility or processing establishment means such a facility or establishment operated by a licensee holding a licence for operation as such;”;

- (p) by deleting the definition of “marine product” and substituting therefor the following—

“ “marine product” includes fish, lobster, conch, bivalve molluscs, marine gastropods, shrimps and all other aquatic animals, or the parts thereof including their roe;”;

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- (q) by deleting the definition of “operator” and substituting therefor the following—

““operator” means the owner, director, controller or other person in charge of or responsible for the operations of a cold storage facility, processing establishment, factory vessel, freezer vessel, carrier vessel, housing vessel, dory or canoe, and includes a charterer, lessee and master;”;

- (r) by deleting the definition of “operating certificate” and substituting therefor the following—

““operating certificate” means a certificate issued by the competent authority pursuant to this Act stating that a cold storage facility, processing establishment, factory vessel, freezer vessel, carrier vessel, housing vessel, dory or canoe or consignor is licensed under this Act;”;

- (s) by deleting from the definition of “processing establishment” the words “for export”;

- (t) by inserting immediately after the definition of “relay area” the following definition—

““trading” means importing, exporting, buying or selling on the Jamaican market, whether for monetary value or exchange;”.

Amendment of
section 3 of
principal Act.

4. Section 3 of the principal Act is amended by deleting paragraph (a) and substituting therefor the following—

“(a) to advance public health and safety standards for any aquaculture, inland and marine product or any of its by-products intended for human consumption;”.

Amendment of
section 5 of
principal Act.

- 5.—(1) Section 5 of the principal Act is amended—

- (a) in subsection (1) by—

- (i) deleting from paragraph (a) all the words preceding sub-paragraph (ii) and substituting therefor the following—

“to inspect cold storage facilities,
processing establishments, factory

vessels, freezer vessels, carrier vessels, housing vessels, dories and canoes in order to—

(i) tag any—

(A) aquaculture, inland or marine product or any of its by-products and any room, container or package in which they are stored which contravene or which the Inspector believes to contravene the requirements of this Act and any regulations made hereunder;

(B) equipment which is not in use or should not be used;”;

(ii) deleting sub-paragraph (vi) of paragraph (a) and substituting therefor the following—

“(vi) determine the suitability of any cold storage facility, processing establishment, factory vessel, freezer vessel, carrier vessel, housing vessel, dory or canoe, intended to

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be used for the harvesting, handling or processing of any aquaculture, inland or marine product or any of its by-products, to be granted a licence and an operating certificate under this Act or any regulations made hereunder;”;

- (iii) deleting sub-paragraph (ii) of paragraph (b) and substituting therefor the following—

“(ii) determining the microbiological quality of any aquaculture, inland or marine product or any of its by-products in relation to such areas;”;

- (iv) deleting from paragraph (e) the word “export” and substituting therefor the words “human consumption”;
- (v) inserting in paragraph (h) immediately after the words “examine any” the word “room,”;
- (vi) inserting in paragraph (j) immediately after the word “any” the words “building or other place, cold storage facility,”;
- (vii) inserting in paragraph (k) immediately after the word “which” the words “operators and”;

- (b) by renumbering subsection (3) as subsection (2); and
- (c) by deleting paragraph (a)(i) of subsection (2) as renumbered and substituting therefor the following—
 - “ (i) detain any aquaculture, inland or marine product or any of its by-products or any article which is at any processing establishment, cold storage facility, building or other place or on any factory vessel, freezer vessel, carrier vessel or housing vessel, dory or canoe, container, vehicle or aircraft, if he reasonably believes that there has been a contravention of any provision of this Act or any regulations made hereunder;”;
- (d) by deleting paragraph (b) of subsection (2) as renumbered and substituting therefor the following—
 - “ (b) prohibit the landing, trade, sale, receipt, storage, transportation, import or export of any aquaculture, inland or marine product or any of its by-products that he reasonably believes was harvested, handled, processed, stored or transported in contravention of this Act or any regulations made hereunder;”;
- (e) by inserting immediately after subsection (2), as renumbered, the following as subsection (3)—
 - “ (3) An inspector shall report to the competent authority in writing, any findings and actions in respect of his duties under this Act.”.

Amendment of
section 6 of
principal Act.

6. Section 6 of the principal Act is amended—

- (a) by deleting the numeral “(1)”;
- (b) by deleting from the opening words, the word “shall”;
- (c) in paragraph (a), by inserting the word “shall” immediately before the word “develop”;
- (d) in paragraph (b), by inserting the word “may” immediately before the word “provide”;
- (e) by deleting paragraph (c) and substituting therefor the following—

“(c) shall grant licences, permits, export health certificates and certificates—

- (i) in respect of the harvesting, handling or processing of any aquaculture, inland or marine product or any of its by-products;
 - (ii) for the operation of cold storage facilities, processing establishments, factory vessels, freezer vessels, carrier vessels, housing vessels, dories or canoes or for import of any aquaculture, inland or marine product or any of its by-products;”;
- (f) in paragraph (d), by inserting the word “may” immediately before the word “promote”;
 - (g) by deleting paragraph (e) and substituting therefor the following—

“(e) shall ensure and verify that aquaculture, inland or marine products are—

- (i) fit for human consumption; and
- (ii) are harvested exclusively from

demarcated production areas;”;

- (h) by deleting paragraph (f) and substituting therefor the following—

“(f) shall establish and maintain an official register of all licensed cold storage facilities, processing establishments, vessels and consignors;”;

- (i) by deleting paragraph (g);

- (j) by deleting paragraph (h) and substituting therefor the following—

“(h) shall issue a licence and export health certificate for each consignment in accordance with this Act or any regulations made hereunder;”;

- (k) in paragraph (i), by inserting the word “may” immediately before the word “operate”;

- (l) in paragraph (j), by inserting the word “may” immediately before the word “establish”;

- (m) by deleting paragraph (k) and substituting therefor the following—

“(k) shall assign an identification number to every cold storage facility, licensed processing establishment, licensed vessel and consignor;”;

- (n) in paragraph (l) by inserting the word “shall” immediately before the word “demarcate” and inserting the words “and designated ports for landing” immediately after the words “production areas;”;

- (o) in paragraph (m) by inserting the word “shall” immediately before the word “compile” and inserting the words “and designated ports for landing” immediately after the word “areas”;

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- (p) by deleting paragraphs (n), (o) and (p) and substituting therefor the following as paragraphs (n), (o), (p), (q), (r), (s) and (t)—
- “(n) shall monitor, as far as practicable, demarcated production areas and designated ports for landing, to ensure compliance with the provisions of this Act and any regulations made hereunder;
 - (o) shall order the closure of a designated port for the purpose of landing fishery products, where the conditions are such as to compromise the sanitary condition of the products;
 - (p) shall perform such other functions pertaining to the monitoring of harvesting, handling, processing and transportation of any aquaculture, inland or marine product or any of its by-products as may be assigned to it, from time to time, by the Minister;
 - (q) may carry out such investigations as it or the Veterinary Committee considers necessary in relation to the operation of any licensed cold storage facility, processing establishment, vessel or any consignor;
 - (r) shall prepare and submit to the Veterinary Committee annual reports regarding the production, export and import of any aquaculture, inland or marine product or any of its by-products;
 - (s) may initiate, carry out or support research which, in its opinion or that of the Veterinary Committee, is relevant to any of its functions;
 - (t) shall determine, after consultation with the Veterinary Committee, the method of shipment and packaging necessary for the transport of any aquaculture, inland or marine product or any of its by-products.”.

7. The principal Act is amended by inserting next after section 6, the following as section 6A—

Insertion of
new section
6A in principal
Act.

“ Laboratory,
diagnostic
or
monitoring
services.

6A. Every person or operator who uses the laboratory, diagnostic or monitoring services of the competent authority shall pay the charges for the cost of provision of those services as are determined by the competent authority.”

8. Section 8 of the principal Act is amended—

Amendment of
section 8 of
principal Act.

(a) in subsection (1)—

(i) by deleting paragraphs (a), (b), (d) and (f);

(ii) in paragraph (e) by inserting the words “monitoring, production, transport, import and” immediately after the words “relating to”;

(iii) in paragraph (g) by inserting the words “harvesting, handling, processing, transport, import and” immediately after the words “pertaining to”;

(b) by deleting subsection (2), and substituting therefor the following—

“ (2) The Veterinary Committee shall consider and where satisfied that it is appropriate to do so, make recommendation in respect of—

(a) the grant of licences and operating certificates for cold storage facilities, consignors, processing establishments, factory vessels, freezer vessels, carrier vessels, housing vessels, dories and canoes; and

(b) the monitoring, production, import and export of aquaculture, inland or marine products or their by-products.”

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(c) in subsection (3) by—

- (i) deleting the word “and” at the end of paragraph (b);
- (ii) deleting the full stop at the end of paragraph (c) and substituting therefor a semicolon and the word “and”; and
- (iii) inserting next after paragraph (c) the following as paragraph (d)—

“(d) utilize such experts or other technical or professional assistance as it considers necessary.”.

Replacement
of heading to
Part IV of
principal Act.

9. The principal Act is amended by deleting the heading to Part IV and substituting therefor the following—

“PART IV. *Restrictions on the Import and Export of Aquaculture, Inland or Marine Products or their By-Products and the Operation of Cold Storage Facilities, Processing Establishments, Factory Vessels, Freezer Vessels, Carrier Vessels, Housing Vessels, Dories and Canoes*”.

Amendment of
section 9 of
principal Act.

10. Section 9 of the principal Act is amended by deleting paragraphs (a) and (b) and substituting therefor the following—

- “(a) import, export, enter for export or trade locally in any aquaculture, inland or marine product or any of its by-products; or
- (b) operate a cold storage facility, processing establishment, factory vessel, freezer vessel, carrier vessel, housing vessel, dory or canoe for the production, harvesting, processing, handling, storage or transport of any aquaculture, inland or marine product or any of its by-products.”.

11. The principal Act is amended by deleting the heading to Part V and substituting therefor the following—

Replacement
of heading to
Part V of
principal Act.

“PART V. *Application, Grant, Refusal, Suspension and Revocation of Licences, Certificates, Permits and Appeal*”.

12. Section 10 of the principal Act is repealed and the following substituted therefor—

Repeal and
replacement of
section 10 of
principal Act.

“ Application for licence to export, import, harvest, etc. aquaculture, etc. 10.—(1) Every person who proposes to export any aquaculture, inland or marine product or any of its by-products shall apply in the prescribed form and manner to the competent authority for a licence to do so.

(2) Every person who proposes to export a consignment of any aquaculture, inland or marine product or any of its by-products, shall apply in the prescribed form and manner to the competent authority for a licence to do so.

(3) Every person who proposes to harvest, handle or process any aquaculture, inland or marine product or any of its by-products, shall apply in the prescribed form and manner to the competent authority for a licence to do so.

(4) Every person who proposes to import any aquaculture, inland or marine product or any of its by-products, shall apply in the prescribed form and manner to the competent authority for a permit to do so.

(5) An application under this section, shall be accompanied by the prescribed application fee and inspection fees and such information or documents, if any, as the competent authority may require.

(6) Upon the grant of a licence, permit or certificate under this section, the applicant shall pay the appropriate prescribed fee.”.

Amendment
of section 11
of principal
Act.

13. Section 11 of the principal Act is amended by—

(a) deleting subsection (1) and substituting therefor the following—

“ (1) Every person who proposes to operate a cold storage facility, processing establishment, factory vessel, freezer vessel, carrier vessel, housing vessel, dory or canoe for the harvesting, handling, processing, transportation or storage of any aquaculture, inland or marine product or any of its by-products, shall apply to the competent authority in the prescribed form and manner for a licence to do so.”;

(b) inserting next after subsection (2) the following as subsection (3)—

“ (3) Upon the grant of a licence, the applicant shall pay the prescribed licensing fees.”.

Amendment of
section 12 of
principal Act.

14. Section 12 of the principal Act is amended by deleting subsection (1) and substituting therefor the following—

“ (1) Within twenty-one days of receipt of an application under section 11, the competent authority shall cause an inspector to carry out an inspection of the cold storage facility, processing establishment, factory vessel, freezer vessel, carrier vessel, housing vessel, dory or canoe to which the application relates.”.

Amendment of
section 13 of
principal Act.

15. Section 13 of the principal Act is amended by inserting the words “, permit or a certificate” immediately after the word “licence”.

Amendment of
section 14 of
principal Act.

16. Section 14 (1) of the principal Act is amended—

(a) in the opening words by deleting the words “licence under this Act” and substituting therefor the words “licence, permit or certificate under this Act”;

(b) by—

(i) deleting the full stop at the end of paragraph (d) and substituting therefor a semicolon;

(ii) inserting next after paragraph (d), the following as paragraphs (e) and (f)—

“(e) where the relevant application is incomplete;

- (f) where the applicant has been operating in contravention of this Act or any regulation made hereunder.”.

17. Section 15 (1) of the principal Act is amended in—

Amendment of
section 15 of
principal Act.

- (a) paragraph (a), by deleting the word “longer” and substituting therefor the word “shorter”;
- (b) paragraph (b)—
- (i) by inserting in sub-paragraph (i), immediately after the word “operating” the words “the cold storage facility, processing establishment, factory vessel, freezer vessel, carrier vessel, housing vessel, dory or canoe, as the case may be,”;
- (ii) by deleting from sub-paragraph (iii) the word “export”.
- (c) paragraph (c), by deleting from sub-paragraph (i) the words “establishment or vessel” and substituting therefor the words “cold storage facility, processing establishment, factory vessel, freezer vessel, carrier vessel, housing vessel, dory or canoe”.

18. Section 16(1) of the principal Act is amended by deleting paragraph (a) and all the words preceding and substituting therefor the following—

Amendment of
section 16 of
principal Act.

“ (1) Where the competent authority grants a licence for the operation of a cold storage facility, processing establishment, factory vessel, freezer vessel, carrier vessel, housing vessel, dory or canoe, it shall—

- (a) allot an identification number to that cold storage facility, processing establishment, vessel, dory or canoe; and”.

19. Section 17 of the principal Act is amended by deleting the words “issue a licence” and substituting therefor the words “grant a licence or permit or issue a certificate”.

Amendment of
section 17 of
principal Act.

Amendment of
section 18 of
principal Act.

20. Section 18 of the principal Act is amended—

- (a) by deleting the marginal note and substituting therefor the following “Suspension of licence, certificate or permit.”;
- (b) in subsection (1)—
 - (i) by inserting in the opening words immediately after the word “licence” the words “, certificate or permit at any time”;
 - (ii) by deleting from paragraph (c) the words “at an establishment or vessel” and substituting therefor the following “at a cold storage facility or processing establishment or on a vessel, dory or canoe”;
- (c) in subsection (2), by deleting the words “Before sus-pending” and substituting therefor the words “Before suspension of” and inserting the words “, certificate or permit” immediately after the word “licence”;
- (d) in subsection (4), by inserting the words “and reinstate the licence, certificate or permit, as the case may be” immediately after the word “suspension”;
- (e) by inserting next after subsection (4), the following as subsections (5), (6) and (7)—
 - “ (5) The competent authority may suspend a licence, certificate or permit without notice where the competent authority considers the breach to be so serious as to warrant immediate suspension.
 - (6) Where the competent authority suspends a licence under subsection (5), all certificates or permits issued pursuant to the licence shall also be automatically suspended, and the competent authority shall not re-issue any such certificates or permits until the licence is reinstated.

(7) Where a licence is suspended pursuant to this section—

- (a) any certificate or permit issued to an operator or consignor, pursuant to the licence shall cease to be valid;
- (b) the licence or certificate shall forthwith be returned to the competent authority.”.

21. Section 19 of the principal Act is amended—

Amendment of section 19 of principal Act.

- (a) by deleting the marginal note and substituting therefor the following “Revocation of licence, certificate and permit.”;
- (b) in subsection (1) by—
 - (i) deleting from the opening words the words “a licence if it is satisfied that” and substituting therefor the words “a licence, permit or export health certificate at any time, if it is satisfied that”;
 - (ii) inserting in paragraph (a) the words “cold storage facility,” immediately after the word “licensed” and inserting the word “, import” immediately after the word “vessel”;
 - (iii) inserting in paragraph (b) the words “, certificate or permit” immediately after the word “licence”;
 - (iv) inserting in paragraph (c) the words “, certificate or permit” immediately after the word “licence”.

22. The principal Act is amended by inserting next after section 19 the following as section 19A—

Insertion of new section 19A in principal Act.

- “ Cancellation and reissuing of licence for correction, etc. 19A. The competent authority may cancel and reissue a licence, certificate or permit, where an administrative error has occurred and it is necessary to correct that error in relation to the licence, certificate or permit.”.

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Amendment of
section 20 of
principal Act.

23. Section 20 of the principal Act is amended by inserting next after subsection (6), the following as subsection (7)—

- “ (7) The Minister, on hearing an appeal, may—
- (a) dismiss the appeal;
 - (b) allow the appeal; or
 - (c) set aside the decision and in substitution therefor, give or make such other decision as the competent authority could have originally made, as he considers appropriate.”.

Insertion of
new section
20A in
principal Act.

24. The principal Act is amended by inserting next after section 20, the following as section 20A—

- “ Minister may delegate appeal adjudication to a tribunal. 20A.—(1) The Minister may delegate all or any of his powers under section 20, to a tribunal.
- (2) The tribunal to which powers are delegated pursuant to this section, shall include persons whom the Minister thinks, by their profession and experience, are competent to adjudicate on an appeal.
- (3) The Minister may, by order published in the *Gazette*, appoint members of the tribunal.
- (4) The tribunal shall consist of no less than three nor more than seven persons, and shall meet at such time as is required.
- (5) A member of the tribunal who is directly or indirectly interested in any matter which is being dealt with by the tribunal shall—
- (a) disclose the nature of his interest at a meeting of the tribunal; and
 - (b) not take part in any deliberation or decision of the tribunal with respect to that matter.
- (6) The tribunal shall hear an appeal at the earliest time and at such place as it shall determine.”.

25. Section 23 of the principal Act is amended by inserting immediately after the word “keep” the words “for inspection as required by the competent authority”.

Amendment of section 23 of principal Act.

26. Section 24 of the principal Act is amended by deleting all the words preceding the words “under this Act” and substituting therefor the following—

Amendment of section 24 of principal Act.

“Every person who trades, imports, exports or enters for export in any manner any aquaculture, inland or marine product or any of its by-products without a valid licence, permit, certificate, and in the case of imports, the accompanying country-of-origin health certificate”.

27. Section 25 of the principal Act is amended by deleting paragraphs (a) and (b) and substituting therefor the following—

Amendment of section 25 of principal Act.

“(a) trades, imports, exports or enters for export any aquaculture, inland or marine product or any of its by-products; or

(b) operates any cold storage facility, processing establishment, factory vessel, freezer vessel, carrier vessel, housing vessel or any dory or canoe or any other facility or installation for the purpose of harvesting, handling, processing or trading in any aquaculture, inland or marine product or any of its by-products;”.

28. Section 26 of the principal Act is amended by deleting the words “or processes for export or who exports” and substituting therefor the words “, processes or trades in”.

Amendment of section 26 of principal Act.

29. Section 27 of the principal Act is amended by deleting the words “exports or enters for export” and substituting therefor the words “trades in”.

Amendment of section 27 of principal Act.

30. Section 28 of the principal Act is amended by—

Amendment of section 28 of principal Act.

(a) deleting the words “purposes of export of” and substituting therefor the words “purposes of harvesting, handling, processing, importing, exporting or trading in any”; and

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- (b) inserting the words “, permit or certificate” immediately after the word “licence”.

Amendment of
section 30 of
principal Act.

31. Section 30 of the principal Act is amended—

- (a) in paragraph (a), by inserting the words “, permit or certificate” immediately after the word “licence”;
- (b) in paragraph (d), by deleting the words “or operating” and substituting therefor the words “, permit or certificate issued”.

Amendment of
section 31 of
principal Act.

32. Section 31 of the principal Act is amended by deleting the words “two hundred thousand” and substituting therefor the words “one million”.

Amendment of
section 33 of
principal Act.

33. Section 33 of the principal Act is amended—

- (a) in subsection (1), by deleting the words “exporting or suspected of exporting” and substituting therefor the words “importing, exporting, trading in or suspected of importing, exporting or trading in”;
- (b) in subsection (2), by deleting paragraph (b) and substituting therefor the following—
- “ (b) any book, licence, permit, certificate or other document, equipment or other article found therein;”.

Amendment of
section 34 of
principal Act.

34. Section 34(1) of the principal Act is amended—

- (a) in paragraph (b), by inserting immediately after the words “specified equipment” the words “, building or room,”;
- (b) by inserting in the closing words, immediately after the words “search the specified equipment”; the words “and take possession of such room, building or enclosure as the case may be,”.

Amendment of
section 37 of
principal Act.

35. Section 37(1) of the principal Act is amended—

- (a) by deleting paragraph (b) and substituting therefor the following—
- “(b) the procedures for the licensing of cold storage facilities, processing establishments, factory

vessels, freezer vessels, carrier vessels, housing vessels, dories and canoes”;

- (b) in paragraph (d), by inserting the words “export certificates, permits or” immediately after the words “the validity of,”;
- (c) in paragraph (e), by—
 - (i) inserting the words “landing ports or sites,” immediately after the words “production areas,”; and
 - (ii) inserting the words “ports or sites” immediately after the words “those areas,”;
- (d) in paragraph (j), by inserting the words “, cold storage facilities” immediately after the words “licensed processing establishments”;
- (e) in paragraph (l), by deleting the words “intended for export”;
- (f) by deleting paragraph (r) and substituting therefor the following—

“(r) procedures and conditions relating to the microbiological and chemical examination and testing of any aquaculture, inland and marine product and any of its by-products, at production areas, landing sites, cold storage facilities, processing establishments, factory vessels, carrier vessels and freezer vessels, dories and canoes and at all stages of the handling, transportation, processing and export of such products and by-products;”.

36. The principal Act is amended by inserting next after section 37, the following as section 37A—

“Minister may amend monetary penalties, etc. by order.

37A. The Minister may, by order subject to affirmative resolution, amend or vary any monetary penalty prescribed by this Act.”.

Insertion of new section 37A in principal Act.

Amendment of
Schedule.

37. The Schedule to the principal Act is amended in—

(a) paragraph 1—

- (i) by deleting sub-paragraph (1)(g) and the full stop at the end thereof and substituting therefor the following as sub-paragraphs (1)(g) and (h)—

“(g) two members appointed by the Minister (hereinafter referred to as the “appointed members”) one of whom shall be a person with not less than five years experience as a veterinary surgeon and who is registered as such pursuant to the *Veterinary Act*;

(h) the senior legal officer in the Ministry responsible for agriculture.”;

- (ii) by deleting from sub-paragraph (2), the word “member” and substituting therefor the word “members”;

(b) paragraph 2, by deleting—

- (i) the word “member” and substituting therefor the word “members”;

- (ii) the word “his” and substituting therefor the word “their”;

(c) paragraph 3, by deleting the words “the appointed member” and substituting therefor the words “an appointed member”;

(d) paragraph 4, by deleting the words “the appointed member” and substituting therefor the words “an appointed member”;

(e) paragraph 5, by deleting the words “the appointed member’s” and substituting therefor the words “an appointed member’s”.

*The Aquaculture, Inland and Marine Products [No.]
and By-Products (Inspection, Licensing and Export)
(Change of Name and Amendment) Act, 2013*

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Passed in the House of Representatives this 16th day of July, 2013.

MICHAEL A. PEART
Speaker.

Passed in the Senate this 26th day of July 2013.

FLOYD E. MORRIS
President.

*This printed impression has been carefully
compared by me with the authenticated
impression of the foregoing Act, and has been
found by me to be a true and correct printed
copy of the said Act.*

Clerk to the Houses of Parliament.

