



chapter C-61.1, r. 9

Regulation respecting the classes of aquaculture licences

An Act respecting the conservation and development of wildlife
(chapter C-61.1, s. 163)

1. The classes of aquaculture licences referred to in the Regulation respecting aquaculture and the sale of fish (chapter C-61.1, r. 7) are the following:

- (1) a licence to operate a breeding pond;
- (2) a licence to operate a fish-tank for baitfish;
- (3) a licence to stock;
- (4) a licence to transport; and
- (5) a licence to extract roe and milt and to transport.

Decision 2003-67, s. 1; M.O. 2011-045, s. 1.

2. (Revoked).

Decision 2003-67, s. 2; M.O. 2011-045, s. 2.

3. A person seeking a licence to operate a breeding pond must submit an application to the Minister of Natural Resources and Wildlife indicating

- (1) the person's name and address;
- (2) the species of fish the person intends to breed; and
- (3) the location of the breeding ponds and a description of the facilities.

A licence to operate a breeding pond indicates the information required under the first paragraph and the term and the date of issue of the licence.

Decision 2003-67, s. 3; M.O. 2011-045, s. 3.

3.1. The holder of a licence to operate a breeding pond may not keep fish in captivity, incubate roe or breed fish for any purpose other than stocking; the activities authorized by the licence may not be carried out for commercial purposes.

The holder of a licence to operate a breeding pond may breed only the species of fish indicated in the licence, in the facilities and at the location indicated in the licence.

M.O. 2011-045, s. 4.

4. A person seeking a licence to operate a fish-tank for baitfish must submit an application to the Minister indicating

- (1) the person's name and address; and
- (2) the location of the fish-tanks for baitfish and a description of the facilities.

A licence to operate a fish-tank for baitfish indicates the information required under the first paragraph and the term and the date of issue of the licence.

Decision 2003-67, s. 4; M.O. 2011-045, s. 5.

4.1. A licence to operate a fish-tank for baitfish authorizes a person to keep baitfish in captivity for commercial purposes. The holder of the licence must operate the fish-tank for baitfish at the location indicated in the licence.

M.O. 2011-045, s. 6.

4.2. A licence to operate a breeding pond or a licence to operate a fish-tank for baitfish is renewed if the holder of the licence submits an application to the Minister, accompanied by the report on operations for the year preceding the year for which renewal is sought, and pays the fees prescribed under the Regulation respecting the scale of fees and duties related to the development of wildlife (chapter C-61.1, r. 32).

The report on operations must contain the following information according to the class of the licence:

- (1) for a licence to operate a breeding pond:
 - (a) the holder's name and address; and
 - (b) the purchases and annual production for each fish species and age category;
- (2) for a licence to operate a fish-tank for baitfish:
 - (a) the holder's name and address; and
 - (b) the catches, purchases, sales and end-of-year inventories for all fish.

M.O. 2011-045, s. 6.

4.3. The holder of a licence to operate a breeding pond or a fish-tank for baitfish must post the licence or a copy of the licence in such a way that it can be read at all times from the entrance to each of the premises.

M.O. 2011-045, s. 6.

5. A person seeking a roe and milt extraction and transportation licence must submit an application to the Minister indicating

- (1) the person's name and address;
- (2) the species of fish, their sex and size and the maximum number of each species from which roe and milt is to be extracted; and
- (3) the place of origin and destination of the fish.

The person must also hold a licence for scientific, educational or management purposes issued under section 19 of the Quebec Fishery Regulations (1990) (SOR/90-214) which authorizes the person to fish for the fish referred to in subparagraph 2 of the first paragraph.

The roe and milt extraction and transportation licence indicates the information required under the first paragraph and the date of issue and expiry of the licence.

Decision 2003-67, s. 5; M.O. 2011-045, s. 7.

5.1. The holder of a roe and milt extraction and transportation licence may extract roe and milt only from the species of fish of the sex and size indicated in the licence, and only up to the maximum number indicated in the licence. In addition, the holder may transport the fish only from the place of origin to the destination indicated in the licence.

M.O. 2011-045, s. 8.

5.2. The roe and milt extraction and transportation licence must be carried by its holder.

M.O. 2011-045, s. 8.

6. A person seeking a stocking licence or a transportation licence must submit an application to the Minister indicating

- (1) the person's name and address;
- (2) the species, number and size of the fish to be transported or stocked;
- (3) the place of origin and destination of the fish; and
- (4) the dates of transport or stocking.

In addition, the person seeking a stocking licence must submit to the Minister an inventory report made by a holder of a college diploma or university degree in a field related to biological sciences attesting to the presence of the species in the body of water to be stocked if the species is one of the species or classes of fish listed in Schedule I to the Regulation respecting aquaculture and the sale of fish (chapter C-61.1, r. 7) whose presence in the body of water is a condition for stocking, except for the species referred to in section 14 of the Regulation respecting aquaculture and the sale of fish. The inventory report is made at the applicant's expense.

The information required under subparagraphs 2 to 4 of the first paragraph constitutes obligations with which the holder of the licence must comply.

A stocking licence or a transportation licence indicates the information required under the first paragraph and the date of issue and expiry of the licence.

A licence to stock and a licence to transport shall contain the following information:

- (1) the holder's name and address;
- (2) the species of fish, their size and the maximum number of fish whose transport or stocking is authorized;
- (3) the place of origin and destination of the fish;
- (4) the dates of transport or stocking of the species of fish; and
- (5) the date of issue and expiry of the licence.

Decision 2003-67, s. 6; M.O. 2011-045, ss. 1 and 9.

6.1. The holder of a transportation licence or a stocking licence or the person who acts on behalf of the licence holder may transport or stock only the species, number and size of fish indicated in the licence; the holder must also transport the fish from the place of origin to the destination indicated in the licence and, where applicable, stock the fish at the destination indicated in the licence.

M.O. 2011-045, s. 10.

6.2. A licence to stock and a licence to transport may be issued by facsimile machine, in which case the facsimile serves as the licence.

M.O. 2011-045, s. 10.

6.3. The holder of a transportation licence or a stocking licence must carry the licence throughout the duration of the transport or stocking. The person who acts on behalf of the holder of one of those licences must carry a copy of the licence.

The holder of a transportation licence or a stocking licence must return a copy of the licence on its expiry, indicating whether the activity for which the licence was sought was carried out.

M.O. 2011-045, s. 10.

7. A licence to operate a breeding pond and a licence to operate a fish-tank for baitfish are valid for 1 year from 1 April to 31 March.

A licence to extract roe and milt and to transport is valid for a period not exceeding 3 months from the date of issue.

A licence to stock and a licence to transport expires on the 15th day following the date of issue; where several transport or stocking dates are indicated thereon, those licences expire on the 90th day following the date of issue.

Decision 2003-67, s. 7; M.O. 2011-045, s. 1.

8. (Amendment integrated into c. 61.1, r. 7).

Decision 2003-67, s. 8.

9. (Omitted).

Decision 2003-67, s. 9.

10. The contravention of any of the provisions of sections 4.1, 4.3, 5.1, 5.2, the third paragraph of section 6, sections 6.1, 6.2 and 6.3 constitutes an offence.

M.O. 2011-045, s. 11.

TRANSITIONAL PROVISIONS

2012

(M.O. 2011-045) SECTION 12. Every holder of a licence to transport and stock becomes, as of the 19 April 2012, a holder of a stocking licence until it is renewed, in accordance with this Regulation.

REFERENCES

Decision 2003-67, 2003 G.O. 2, 3343

M.O. 2011-045, 2012 G.O. 2, 1031