

Fish and Seafood Act

**ENFORCEMENT REGULATION**

Note: Check the Cumulative Regulation Bulletin 2015 and 2016  
for any non-consolidated amendments to this regulation that may be in effect.

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Definition

- 1 In this regulation, "Act" means the Fish and Seafood Act.

Service of orders

2 (1) Orders and notices of variations of orders may be served on the person who is subject to the order or notice as follows:

- (a) personally;
  - (b) by registered mail sent to the person's last known address;
  - (c) by electronic mail sent to the person's last known electronic mail address;
  - (d) if the order is in respect of a place, by posting it at a conspicuous location on the place;
  - (e) if the order is in respect of a class of persons, by
    - (i) delivering it to each person in the class by one or more of the methods set out in paragraph (a), (b) or (c),  
or
    - (ii) if, in the opinion of an inspector, delivery to each person would be impractical in the circumstances or would be likely to cause a delay that could significantly increase the risk of distribution of unsafe food, by both delivering the notice by any communications medium and posting the order at the location where the order is most likely to be brought to the attention of the members of the class.
- (2) If an order or notice is sent by registered mail, the order or notice is deemed to be served on the person to whom it is addressed on the 14th day after deposit with Canada Post, unless the person received actual service before that day.
- (3) Subject to subsection (4), if an order or notice is sent by electronic mail, the order or notice is not effectively served unless all of the following conditions are met:
- (a) the person who is subject to the order or notice confirms that the order or notice was received;
  - (b) the confirmation is made
    - (i) both verbally and by electronic mail,
    - (ii) by fax, including the person's signature, or
    - (iii) in writing, including the person's signature;

(c) the confirmation is received by the person who served the order or notice, or a person acting on his or her behalf, no later than 96 hours after the electronic message was sent.

(4) The time limit set out in subsection (3) (c) does not apply if the person who is subject to the order or notice confirms, in writing and including the person's signature, after the expiry of the 96 hour period that the order or notice

(a) was received by the person, and

(b) is effectively served.

Reassessment of orders

3 (1) A person may request reassessment of an order under section 31 [variation and reassessment of orders] of the Act only if the person is subject to an order made under section 25 (1) (a), (b), (e) to (h), (k) or (l) [orders that may be made] of the Act.

(2) A request for reassessment must be made in writing to the inspector who issued the order, or to another inspector designated by the minister if the issuing inspector is unable to act or has ceased to be an inspector, stating the reasons why the order should be reassessed.

(3) Within 72 hours of receiving a request for reassessment, an inspector must consider whether the order is, or conditions within the order are, no longer necessary to prevent the possession, rearing, growing, harvesting, processing, storage, transportation or distribution of unsafe food.

(4) On reassessment, an inspector must take into account any comments made

(a) by a person specified in the order under section 25 (1) (c) or (d) of the Act, and

(b) respecting whether the fish or aquatic plants that were the subject of the order being reassessed may be unsafe food.

(5) A second request for reassessment may be made in accordance with subsection (2) not earlier than 7 days following the first request.

(6) After a second request for reassessment is made, no subsequent request may be made.

Applications to court

4 (1) An application to court for a warrant under section 37 of the Act may be made

(a) by submitting information on oath in the form set out as Form 1 of the Schedule, and

(b) in person, or if the inspector making the application believes it would be impracticable to appear in person, by telephone or other means of telecommunication.

(2) A warrant may be issued in the form set out as

(a) Form 2 of the Schedule, if the application was made in person, or

(b) Form 3 of the Schedule, if the application was made by telephone or other means of telecommunication.

(3) An application to court for an injunction under section 38 of the Act may be made by filing an application in accordance with the Supreme Court Civil Rules.

Schedule

Form 1 — Information for Warrant

Form 2 — Warrant

Form 3 — Telewarrant

[Provisions relevant to the enactment of this regulation: Fish and Seafood Act, S.B.C. 2015, c. 14, section 62 (2) (c) and (d) and (3)]

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