

LAWS OF GUYANA

FISHERIES ACT

CHAPTER 71:08

Act

12 of 2002

Amended by

18 of 2010

Current Authorised Pages

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Repeal**

This Act repealed the Fisheries Act (30 of 1956) and sections 24 to 33 inclusive, and section 43 of the Maritime Boundaries Act (10 of 1977).

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CHAPTER 71:08

FISHERIES ACT

12 of 2002

An Act to provide for the promotion, management, and development of fisheries and for matters connected therewith.

[25TH JULY, 2003]

**PART I
PRELIMINARY**

Short title.

1. This Act may be cited as the Fisheries Act.

Interpretation
and
application.
[18 of 2010]

2. (1) In this Act—

“authorised officer” means any fisheries officer or any other person or category of persons designated as authorised officers by the Minister under section 4;

“Chief Fisheries Officer” means the person appointed as Chief Fisheries Officer under section 4;

“commercial fisher’s licence” means a commercial fisher’s issued under section 14;

“Compliance Agreement” means the Agreement to which Guyana is a signatory to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas, adopted by the Conference of the Food and Agriculture Organisation of

the United Nations on 24th November, 1993;

"FAO" means the Food and Agriculture Organisation of the United Nations;

"fish" means any aquatic animal, whether piscine or not, and includes any shellfish, turtle, mollusc, crustacean, coral, sponge, echinoderm, holothurian, its young and its eggs;

"fish processing establishment" means any land, premises or other place on or in which fish are dried, gutted, salted, iced, chilled, frozen, canned or otherwise processed for sale by wholesale within or outside Guyana;

"fisheries officer" means the Chief Fisheries Officer, Fisheries Officers, or Assistant Fisheries Officers and any other officer appointed under section 4;

"fishery" means one or more stocks of fish or fishing operations based on such stocks which can be treated as a unit for purposes of conservation and management and which are identified on the basis of geographical, scientific, technical, recreational and economic characteristics;

"fisheries plan" means the plan for the management and development of fisheries prepared under section 5;

c. 63:01

"fisheries waters" means the internal waters, territorial sea, contiguous zone, continental margin, the exclusive economic zone as defined by the Maritime Zones Act;

Act No. 10
of 1977

"fishing" has the same meaning assigned to it in section 2 of the Maritime Boundaries Act 1977;

"fishing licence" means a foreign fishing vessel licence, a local fishing vessel licence or a commercial fisher's licence;

"fishing vessel" means any vessel, boat, ship or other craft

which is used for, equipped to be used for, or of a type which is normally used for—

- (i) fishing; or
- (ii) aiding or assisting one or more vessels at sea in the performance of any activity relating to fishing, including but not limited to, preparation, supply, storage, refrigeration, transportation or processing;

"Fish Stocks Agreement" means the Agreement to which Guyana is a party for the Implementation of the United Nations Convention on the Law of the Sea of 10th December, 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, adopted at New York on 4th August, 1995;

"foreign fishing vessel licence" means a licence issued in respect of a foreign fishing vessel under section 18;

"foreign fishing vessel" means any fishing vessel other than a local fishing vessel;

"high seas" means the waters beyond the territorial sea or exclusive economic zone (or other zone of extended fisheries jurisdiction) of any State, to the extent that such territorial sea or exclusive economic zone (or other zone of extended fisheries jurisdiction) is recognised by Guyana;

"high seas fishing permit" means any permit issued under section 34;

"international conservation and management measures" means measures to conserve or manage one or more species of living marine resources that are adopted and applied in accordance with the relevant rules of

international law, as reflected in the 1982 United Nations Convention of the Law of the Sea, and that are recognised by Guyana.

“length” means—

- (a) for any fishing vessel of Guyana built after 18th July, 1982, 96 percent of the total length on a waterline at 85 percent of the least moulded depth measured from the top of the keel, or the length from the foreside of the stem to the axis of the rudder stock on that waterline, if that is greater, except that in ships designed with a rake of keel, the waterline on which this length is measured shall be parallel to the designed waterline; and
- (b) for any fishing vessel of Guyana built before 18th July, 1982, registered length as entered on the vessel's documentation;

“licence” means a licence issued under this Act;

“local fishing company” means any company incorporated or continued under the Companies Act and having its principal place of business in Guyana-

c. 89:01

- (a) of which all of the shares are owned by citizens of Guyana or by any fishers' cooperative society, fishers' association or other such society of which all the members are citizens of Guyana; or
- (b) which, in view of the substantial nature of the participation by Guyana citizens in the shareholding of the company or other benefits accruing to Guyana, has been designated by the Minister by notice published in the Gazette as being a local

fishing company for the purposes of this Act;

“local fishing vessel licence” means a licence issued in respect of a local fishing vessel under section 13;

“local fishing vessel” means any fishing vessel which is –

- (a) wholly owned by the State or by a public corporation established by or under the law of Guyana;
- (b) wholly owned by one or more natural persons who are citizens of Guyana; or
- (c) wholly owned by a local fishing company or a fishers' co-operative society, fishers' association or other such society or association of persons established under the law of Guyana;

“locally based foreign fishing vessel” means any foreign fishing vessel based in Guyana which lands all its catch in Guyana;

(2) (a) “authorised officer”, “foreign authorised officer”, “national authorised officer” or “observer” means a person appointed as such by the Minister;

(b) “master” means the person or persons having control of a fishing vessel at any given time;

(c) “Minister” means the Minister assigned responsibility for fisheries;

(d) "ornamental fish" includes a fish of beauty or rarity;

(e) "prescribed" means prescribed by the Minister by regulations;

(f) "prohibited fishing gear" in relation to any fishery in an area means—

(i) any net the mesh size of which does not conform to the prescribed mesh size for the type of net, for the fishery in that area;

(ii) any trap or other fishing gear which does not conform to any standards prescribed for that type of trap or other fishing gear for the fishery in that area; or

(iii) any other net or fishing gear which is prohibited by any regulations made under this Act for a fishery in that area;

(g) "related activities" in relation to fishing means—

(i) trans-shipping fish to or from any vessel, whether or not for the purpose of sale or barter;

(ii) storing, processing or transporting fish taken from the fisheries waters up to the time it is first landed;

- (iii) refuelling or supplying fishing vessels or performing other activities in support of fishing operations;
- (iv) the use of an aircraft in relation to any activity described in this paragraph; or
- (v) attempting or preparing to do any of the above;

(h) "Sub-Regional or Regional Fisheries Management Organisation" means a Sub-regional or Regional Fisheries Management Organisation or arrangement established or designated pursuant to Part III of the Fish Stocks Agreement and which is recognised by Guyana;

(i) "test fishing operations" means any fishing operations undertaken over a limited period of time with the approval of the Chief Fisheries Officer under section 25 for the purpose of testing the feasibility of commercial fishing operations with a view to the establishment of locally based fishery operations.

(3) The Minister responsible for Health shall, through the officers of his Ministry—

- (i) carry out sanitary inspections of vessels and provide certification therefor;
- (ii) carry out inspections of landing sites and provide certification therefore;
- (iii) carry out inspections of means of transport of fishery products;
- (iv) carry out inspections, monitoring and

certification of fish preparation or processing establishments including chill and cold rooms;

- (v) carry out inspections and certification of sea and airports;
- (vi) issue Export Health Certificates for the export of fish and fishery products;
- (vii) establish an environmental monitoring programme for fishery products caught in their natural environment and the aquaculture monitoring programme for the detection of residues of veterinary medicinal products in aquaculture products.

(4) This Act has extra-territorial application according to its tenor and any court of Guyana in which an offence under this Act, or any regulation made under it is tried shall have jurisdiction for the purpose of this Act.

PART II FISHERIES MANAGEMENT AND DEVELOPMENT

Promotion of fisheries.

3. The Minister or the Chief Fisheries Officer, as the case may be, may take such measures as he thinks fit to promote the management and sustainable development of fisheries so as to ensure the optimum utilisation of fisheries resources in the fisheries waters for the benefit of Guyana, and in so doing shall promote precautionary approaches to fisheries management, as well as the need to conserve fisheries resources for future generations.

Appointment of officers.

4. (1) There shall be appointed a Chief Fisheries Officer, Fisheries Officers, Assistant Fisheries Officers and such other fisheries officers and authorised officers as may be

necessary to give effect to this Act.

(2) The following persons shall also be fisheries officers for the purposes of this Act—

- (a) members of the Guyana Defence Force;
- (b) members of the Police Force;
- (c) officers of the Customs and Trade Administration of the Revenue Authority; and
- (d) such other persons as the Minister may, by notification in the *Gazette*, appoint.

(3) The Minister may, by notice in the *Gazette*, designate any person or class of persons who are members of the enforcement authority of a foreign State or of any regional or sub-regional fisheries management organisation, to be a foreign authorised officer for the purposes of this Act.

(4) Where the Minister designates members of the enforcement authority of a foreign State or of a sub-regional or regional fisheries management organisation to be authorised officers for the purpose of this Act, the Minister shall also specify whether the powers of such persons under this Act shall also apply within the fisheries waters.

Fisheries
plans.

5. (1) The Chief Fisheries Officer shall progressively prepare and keep under review plans for the management and development of significant exploitable fisheries in the fisheries waters.

(2) Each fisheries plan shall include—

- (a) an identification of the fishery to

- which it applies and an assessment of the present state of its exploitation;
- (b) where appropriate, a statement of the objectives to be achieved in the management and development of the fishery;
 - (c) specification of any management and development measures to be taken;
 - (d) an indication of the main requirements for statistical information on the fishery and the means to be used to obtain such information;
 - (e) specification, where appropriate, of any licensing programmes to be followed for the fishery, any limitations to be applied to local fishing operations and the amount of fishing, if any, to be allocated to foreign fishing vessels; and
 - (f) specification, where appropriate, of the measures that are necessary to ensure that the fisheries plan can be harmonised with fisheries plans or licensing laws or policies of States in the sub-region or region, particularly in respect of shared or straddling fish stocks and highly migratory fish stocks.

(3) In the preparation and review of each fisheries plan, the Chief Fisheries Officer shall consult with the local fishermen, local authorities, other persons affected by the fisheries plan and with any Fisheries Advisory

Committee appointed under section 6.

(4) Each fisheries plan and each review thereof shall be submitted to the Minister for approval.

Fisheries
Advisory
Committee.

6. (1) The Minister may appoint a Fisheries Advisory Committee to advise on the management and development of fisheries, with the objective of ensuring the optimum utilization of the fisheries resources of the fisheries waters of Guyana for the benefit of the people of Guyana.

(2) Any Committee appointed under this section shall include the Chief Fisheries Officer and such other persons as the Minister may consider capable of advising him on the management and development of fisheries.

(3) The names of the members of the Committee as first constituted and every change in the membership of the Committee shall be published in the *Gazette*.

(4) The Minister may prescribe the procedure of the Committee, including the frequency of meetings, and the quorum for the meetings.

(5) Subject to any regulations made under subsection (4), the Committee may determine its own procedure.

Functions of
the Committee.

7. The functions of the Committee shall be to advise the Minister on—

- (a) fisheries management and development;
- (b) any aspect of a fisheries plan;
- (c) any proposals under this Act for sub-regional or regional co-operation with respect to fisheries, fisheries

agreements, joint ventures, or development projects in the fisheries sector;

- (d) such other matters as may be referred to it by the Minister.

Remuneration of members of the Committee.

8. There shall be paid to the members of the Committee such remuneration or allowances, if any, as may be determined by the Minister.

**PART III
REGISTRATION OF FISHING VESSELS
LOCAL AND FOREIGN**

Fishing vessels to be registered

9. (1) After thirty days from the commencement of this Act, every owner of a local fishing vessel which is used or intended to be used for fishing in the fisheries waters, shall, before such vessel is put to sea, be the holder of a valid certificate of registration in respect of such fishing vessel.

(2) Application for a certificate of registration shall be made in the prescribed form, on behalf of the owner, to the Chief Fisheries Officer.

(3) A certificate of registration shall not be issued unless the Chief Fisheries Officer is satisfied that the fishing vessel to which the application refers is seaworthy and fit for the purpose of fishing.

(4) The Chief Fisheries Officer, or any person authorized by him in writing, may, on application therefor and on payment of the prescribed fees, issue a certificate of registration in the prescribed form in respect of a local fishing vessel.

(5) The Minister may by Order exempt any owner or class of owners from the provisions of subsection (1) of this section and section 13(1) and such exemption may be general

or subject to such conditions as the Minister may specify.

(6) Where a fishing vessel is put to sea without there being a valid certificate of registration in respect of it, or in respect of which an Order made under subsection (5) does not apply, the master, owner, and the charterer each commits an offence and shall be liable upon summary conviction to a fine not exceeding one thousand dollars.

Register of
fishing vessels.

10. (1) The Chief Fisheries Officer shall keep a Register of every fishing vessel in respect of which there is in existence a valid certificate of registration and shall cause to be entered therein from time to time the particulars of ownership and the place of mooring or beaching of every such fishing vessel and such other particulars as may be prescribed in respect of such fishing vessel.

(2) The contents of the Register shall be *prima facie* evidence of the facts contained therein in any proceedings under this Act.

(3) The register shall be made available to interested persons during working hours.

Change of
ownership to
be notified.

11. (1) On the change of ownership, whether by sale or otherwise, of a fishing vessel in respect of which a valid certificate of registration is in existence, the registered owner and the new owner of such fishing vessel shall, within thirty days of such change of ownership, notify the Chief Fisheries Officer of the change of ownership (stating the name and address of the new owner or owners and the date of change of possession).

(2) Upon change of ownership the registered owner shall return to the Chief Fisheries Officer the certificate of registration issued for such fishing vessel for cancellation. The Chief Fisheries Officer shall, subject to this Act, issue to the new owner of the fishing vessel a new certificate of registration.

Fisheries
Officer's
powers to
inspect local
fishing vessels.

12. (1) The Chief Fisheries Officer may at any time inspect without notice any local fishing vessel for the purpose of satisfying himself that such fishing vessel is being maintained in a sea-worthy condition.

(2) Where on an inspection pursuant to subsection (1), the Chief Fisheries Officer is satisfied that the fishing vessel is not seaworthy or is otherwise unfit for the purpose of fishing, he may cancel the certificate of registration of that fishing vessel and that fishing vessel shall thereupon be deemed to be not registered and shall be removed from the Register of fishing vessels kept by the Chief Fisheries Officer.

(3) The registration of a fishing vessel in accordance with this Part does not relieve the owner, master or charterer of any obligations arising under any other law.

PART IV LOCAL FISHING LICENCES

Local fishing
vessel licences.

13. (1) No local fishing vessel shall be used for fishing or related activities in the fisheries waters without a valid licence issued under this section in respect of that vessel.

(2) Subsection (1) shall not apply to any local fishing vessel used solely for the purpose of fisheries related research or survey operations.

(3) An application for a local fishing vessel licence or for the renewal of a local fishing vessel licence shall be made in the prescribed form to the Chief Fisheries Officer.

(4) Subject to subsection (5), the Chief Fisheries Officer may issue a local fishing vessel licence in the prescribed form.

(5) No local fishing vessel licence shall be issued or renewed in respect of any local fishing vessel unless—

- (a) an application has been made in accordance with subsection (3);
- (b) the vessel has been registered in accordance with section 9 and such registration has not been cancelled under subsection (2) of section 12; and,
- (c) any fees payable in respect of the licence have been paid.

Commercial
fisher's
licences.

14. (1) No person shall fish in the fisheries waters without a valid commercial fisher's licence issued under this section.

(2) Subsection (1) shall not apply to any person fishing solely in the course of fisheries related research or survey operations, nor to any person on board a foreign fishing vessel licensed to fish under section 18.

(3) Application for a commercial fisher's licence shall be made to the Chief Fisheries Officer in the prescribed form.

(4) Subject to subsection (5) the Chief Fisheries Officer may issue or renew a commercial fisher's licence.

(5) No commercial fisher's licence shall be issued or renewed In respect of any person unless -

- (a) an application has been made in accordance with subsection (3); and
- (b) any fees payable in respect of the licence have been paid.

(6) Any person who fishes in contravention of subsection (1) or of any condition of a commercial fisher's licence commits an offence and shall be liable on summary conviction to a fine not exceeding one hundred thousand dollars.

Resolution of
fishing
disputes.

15. (1) Where a fishing dispute arises between two or more individuals or groups in regard to the right to fish in a particular locality, or in regard to the time or manner of fishing in any part of the fisheries waters, such dispute may be referred to the Chief Fisheries Officer.

(2) Where a fishing dispute has been referred to the Chief Fisheries Officer, he may—

- (a) deal with the dispute in accordance with subsection (3);
- (b) refer it to an arbitrator or arbitrators for decision, in accordance with subsection (3); or
- (c) appoint a conciliator or a committee of conciliators, not exceeding three, to enquire into the dispute who shall make recommendations to the parties to the dispute regarding its solution.

(3) A decision of the Chief Fisheries Officer or of an arbitrator or group of arbitrators appointed by him may include a determination that a particular area or areas shall be reserved for particular methods of fishing only, or that only particular types of boats or groups of individuals may fish within such areas.

(4) Where a dispute has been referred to an arbitrator or arbitrators, any party aggrieved by the decision may appeal to the Minister within sixty days of the decision being made.

(5) A decision which has not been appealed against under subsection (4) shall be final and shall not be called into question in any civil court and shall be enforced in the same manner as if the decision were a judgment of the High Court in exercise of its civil jurisdiction.

(6) Any person who fails to comply with a decision rendered final by virtue of subsection (5), commits an offence and is liable to a fine not exceeding one hundred and twenty thousand dollars.

(7) The proceedings before a conciliator or a committee of conciliators shall be conducted in public, and participation by the parties shall be voluntary.

(8) Subject to any regulations made under section 79, the conciliator or a committee of conciliators shall determine its own procedure.

(9) Where a committee of conciliators is appointed, it shall appoint one of its members to act as chairman.

(10) The role of the conciliator or of a committee of conciliators shall be to assist the parties to settle the dispute between them, and to recommend, where necessary, to the Minister the measures required to prevent a recurrence of the dispute.

(11) If the parties do not accept the recommendations of the conciliator or of the committee of conciliators, the conciliator or the committee may refer the dispute to the Minister for decision by him.

PART V FOREIGN FISHING

Regional co-operation in fisheries.

16. (1) The Minister may enter into arrangements or agreements with other countries in the region or with any

competent sub-regional, regional or global organisation with the purpose of promoting regional co-operation in fisheries.

(2) Arrangements or agreements referred to in subsection (1) may concern but are not limited to the harmonisation of systems for collecting statistics, carrying out surveys for assessing the state of the fishery resources, harmonisation of licensing procedures regarding foreign fishing vessels, and co-operation in enforcement measures in respect of foreign fishing vessels.

Fisheries access agreements.

17. (1) The Government may enter into access agreements with other states and with associations representing foreign fishing vessel owners or charterers, providing for the allocation of fishing rights to vessels from those states or associations.

(2) The fishing rights allocated under agreements entered into under this section shall not exceed the total resources or amount of fishing allowed to the appropriate category of foreign fishing vessels under the appropriate fisheries plan.

(3) Any agreement entered into under this section shall include a provision establishing the responsibility of the foreign state or association to take necessary measures to ensure compliance by its vessels with the terms and conditions of the agreement and with the laws relating to fishing in the fisheries waters.

(4) For the purpose of this section and section 16, the term "State" shall include any regional organisation to which the power to negotiate access agreements has been delegated by the member countries of that organisation.

Foreign fishing vessel licences.

18. (1) No foreign fishing vessel shall be used for fishing or related activities in the fisheries waters without a valid foreign fishing vessel licence issued under this section.

(2) Subsection (1) shall not apply to any foreign fishing vessel used purely for the purpose of fisheries related research operations.

(3) An application for a foreign fishing vessel licence shall be made, in the prescribed form, to the Minister.

(4) Subject to this Act and any regulations made thereunder, the Minister may issue a foreign fishing vessel licence in the prescribed form authorising a foreign fishing vessel to be used in the fisheries waters for such fishing or related activities as may be specified in the licence.

(5) Subject to subsections (6) and (7), no foreign fishing vessel licence shall be issued to any foreign fishing vessel unless there is in force, with the Government of the flag state of the vessel or with an association of which the owner or charterer is a member, an access agreement to which the Government of Guyana is a party.

(6) A licence may be issued in respect of—

- (a) test fishing operations;
- (b) a locally based foreign fishing vessel,

notwithstanding the absence of an access agreement otherwise required under subsection (5).

(7) Where the Minister determines that an agreement under section 17 in respect of a foreign fishing vessel necessitates any financial or other guarantees by the applicant for a licence to ensure his compliance with his obligations under this Act, he may issue a licence in respect of that vessel where the applicant provides sufficient financial and other guarantees relating to his fulfilment of all obligations arising under this Act.

(8) Where a fishing vessel is used in contravention of subsection (1) or of any condition of a foreign fishing vessel licence, the master, owner and charterer of that vessel each commits an offence and shall be liable on summary conviction to a fine not exceeding ten million dollars.

PART VI
PROVISIONS APPLICABLE TO BOTH FOREIGN AND
LOCAL FISHING VESSELS

Validity of
fishing licences.

19. (1) Unless earlier cancelled in accordance with section 22, a fishing licence shall be valid for such period not exceeding twelve months as may be specified in the licence.

(2) Where a vessel licensed as a local fishing vessel becomes a foreign fishing vessel, the licence shall automatically cease to be valid and vice versa.

(3) A fishing licence shall be valid only for the fishery or fisheries specified in the licence.

(4) Except as may be otherwise specified in any regulations made under section 79 in implementation of a scheme for the limitation of effort in any specified fishery, no licence shall be transferable except with the written permission of the Chief Fisheries Officer or, in the case of a foreign fishing licence, the Minister.

Conditions of
fishing
licences.

20. (1) Every fishing licence shall be in the prescribed form and shall be subject—

- (a) to such general conditions as may be prescribed;
- (b) to such general conditions as may be specified under subsection (2); and
- (c) to such special conditions as may be

specified under subsection (3).

(2) The Minister may, by Order, specify general conditions additional to those prescribed to which all fishing licences or any category of fishing licences shall be subject including conditions relating to open and closed seasons, prohibited fishing areas, minimum mesh sizes and minimum species sizes.

(3) The Chief Fisheries Officer may attach to any local fishing licence such special conditions as he may think fit relating to the proper management of fisheries, the base of operations of the vessel, the lancing of its catch and the gathering of information on the operations of the vessel.

(4) The Chief Fisheries Officer may, from time to time, where he is satisfied that it is expedient for the proper management of fisheries in the fisheries waters or the proper regulation of fishing operations, vary any special conditions attached to any fishing licence.

(5) Where any special conditions attached to any fishing licence have been varied in accordance with (4), the Chief Fisheries Officer shall notify the licence holder of such variation as soon as practicable.

Notice.

21. (1) Any variation of a special condition given under section 20 or cancellation or suspension under section 22 shall be in writing, except as otherwise specified in subsection (2).

(2) In the case of a foreign fishing vessel, a notification referred to in subsection (1) may be in writing or by telex, radio or such other form as the Minister deems appropriate.

Cancellation
and
suspension of
fishing

22. (1) The Chief Fisheries Officer or, in the case of a foreign fishing licence, the Minister, may cancel or suspend a fishing licence or a category of fishing licences on any of the

licences. grounds set out in subsection (2).

(2) A fishing licence, or a category of fishing licences, may be cancelled or suspended where the Minister or the Chief Fisheries Officer, as the case may be, is satisfied that—

- (a) it is necessary to do so in order to allow for the proper management of any particular fishery;
- (b) where, following the inspection of a fishing vessel, the certificate of registration of the vessel has been cancelled under section 12: or
- (c) the vessel in respect of which the licence has been issued has been used in contravention of this Act or of any regulations made thereunder, or of any conditions of the licence or in breach of any applicable access agreement.

(3) Where a fishing licence has been cancelled or suspended under subsection (1), notification of the cancellation or suspension shall be given to the person to whom the licence was issued.

(4) Where a fishing licence has been cancelled or suspended on the grounds specified in subsection (2)(a) a proportion of any fees paid for the fishing licence representing the unexpired period of that licence, shall be reimbursed to the person to whom the licence was issued at his request.

Controls over
sale of fish
taken in the

23. (1) No fish taken in the course of sport fishing or fisheries related research or survey operations shall be sold except with the prior authorisation of the Chief Fisheries

course of sport
fishing or
fisheries related
research and
survey
operations.

Officer and in accordance with such conditions as he may impose.

(2) Any person who contravenes subsection (1) commits an offence and shall be liable on summary conviction to a fine not exceeding thirty thousand dollars.

Fisheries
related
research or
survey
operations.

24. (1) Subject to subsection (2), no person shall undertake fisheries related research or survey operations in the fisheries waters except with the prior permission of the Minister.

(2) Subsection (1) shall not apply to fisheries related research or survey operations undertaken in the fisheries waters by an international organisation or agency of which Guyana is a member under and in accordance with a detailed international project to which the Government has given its formal approval.

(3) An application to undertake fisheries related research or survey operations in the fisheries waters shall be made to the Minister in the prescribed form and shall be supported by a detailed plan of the research or survey operations to be undertaken.

(4) The Minister may grant permission for any vessel or person to undertake fisheries related research or survey operations in the fisheries waters and in doing so may exempt such vessel or person from any of the provisions of this Act where such exemption may be required for the proper carrying out of the research or survey operations.

(5) It shall be a condition of any permission given by the Minister under subsection (4) that—

- (a) such scientific observers or other personnel as the Minister may designate shall be allowed on board the research or survey vessel and shall

be allowed to participate fully in the research or survey project both on board the vessel and on shore;

- (b) copies of any raw data generated by the research or survey operations shall be submitted to the Chief Fisheries Officer at the end of the operations or during the course of such operations;
- (c) the results and conclusions of the research or survey operations shall be submitted to the Chief Fisheries Officer as soon as practicable following the completion of the operations and in any case no later than the time specified for the submissions of the results and conclusions in the written permission given by the Minister; and
- (d) no results of the research and survey operations shall be published or otherwise made available without the prior agreement of the Minister.

(6) The Minister may attach such other conditions as he deems fit to any permission granted under subsection (1).

(7) Where any of the conditions set out in subsection (5) has been breached, no further permission for fisheries related research or survey operations shall be granted to the person or vessel concerned until such time as corrective action has been taken to the satisfaction of the Minister.

(8) Any person who undertakes or assists in any fisheries research in the fisheries waters—

- (a) without permission under subsection (1); or
- (b) in contravention of any condition attached to the permission under subsection (5) or (6),

commits an offence and shall be liable on summary conviction to a fine not exceeding five hundred thousand dollars.

(9) Any permission or exemption granted under this section shall be in writing.

Test fishing operations.

25. (1) The Chief Fisheries Officer may, where he considers it to be in the best interests of Guyana, approve test fishing operations to be undertaken by foreign fishing vessels.

(2) Any approval given by the Chief Fisheries Officer under this section shall be in writing and shall be valid for such period not exceeding six months as may be specified in the approval, provided that a longer period may be specified with the approval of the Minister.

(3) Any approval given under this section shall not exempt a foreign fishing vessel licence, from the requirement to hold a valid foreign fishing vessel licence under section 18.

PART VII FEES, ROYALTIES, ETC.

Fees, royalties and other charges.

26. (1) There shall be payable in respect of every local fishing vessel licence, commercial fisher's licence, or permit, such fees as may be prescribed.

(2) There shall be payable in respect of every fishing vessel licence such royalties or other charges as may be set out in any applicable access agreement or in the case of a locally based foreign fishing vessel or a foreign fishing vessel engaged in test fishing operations, such royalties or other charges as the Minister may determine, or as may be prescribed.

PART VIII MARINE RESERVES AND FISHING PRIORITY AREAS

Marine
reserves.

27. (1) The Minister may, by Order, declare any area of the fisheries waters and, as appropriate, any adjacent or surrounding land, to be a marine reserve where he considers that special measures are necessary —

- (a) to afford special protection to the flora and fauna of such areas and to protect and preserve the natural breeding grounds and habitats of aquatic life, with particular regard to flora and fauna in danger of extinction;
- (b) to allow for the natural regeneration of aquatic life in areas where such life has been depleted;
- (c) to promote scientific study and research in respect of such areas; or
- (d) to preserve and enhance the natural beauty of such areas.

(2) Any person who, without permission granted under subsection (3)—

- (a) fishes or attempts to fish;
- (b) takes or destroys any flora or fauna

other than fish;

- (c) dredges, extracts sand or gravel, discharges or deposits waste or any other polluting matter, or in any way disturbs, alters or destroys the natural environment; or
- (d) constructs or erects any building or other structures on or over any land or waters,

in any marine reserve, commits an offence and shall be liable on summary conviction to a fine not exceeding two hundred and fifty thousand dollars.

(3) The Minister, or any person authorised by him in writing, may give written permission to do any of the things prohibited under this section where the doing of such things may be required for the proper management of the reserve or for any of the purposes referred to in subsection (1).

Fishing
priority areas.

28. The Minister, where he considers that special measures are necessary to ensure that authorised fishing within the area is not impeded or otherwise interfered with may, by Order, declare any area of the fisheries waters to be a fishing priority area.

PART IX

PROHIBITED FISHING METHODS, POSSESSION OF PROHIBITED FISHING GEAR, AND STOWAGE OF FISHING GEAR

Prohibited
fishing
methods.

29. (1) Any person who in any part of the fisheries waters or elsewhere in Guyana—

- (a) uses or permits to be used, or

attempts to use any explosive, poison or other noxious substance for the purpose of killing, stunning, disabling or catching fish, or in any way rendering fish more easily caught; or

- (b) carries or has in his possession or control any explosive, poison or other noxious substance in circumstances indicating an intention of using such explosive, poison or other noxious substance for any of the purposes referred to in the preceding paragraph,

commits an offence and shall be liable on summary conviction to a fine not exceeding two hundred and fifty thousand dollars.

(2) Any explosive, poison or other noxious substance found on board a fishing vessel shall be presumed, unless the contrary is proved, to be intended for the purposes referred to in subsection (1)(a).

(3) Any person who lands, sells, receives or is found in possession of any fish taken in contravention of subsection (1)(a), knowing or having reasonable cause to believe them to have been so taken, commits an offence and shall be liable on summary conviction to a fine not exceeding twenty five thousand dollars.

(4) For the purposes of this section, a certificate as to the cause and manner of death of any fish signed by the Government Analyst, the Chief Fisheries Officer or such other person as the Chief Fisheries Officer may designate in writing, shall be accepted as *prima facie* evidence in court without proof of the signature of the person appearing to have signed the certificate or his official character.

(5) For the purposes of subsection (4), the defendant to proceedings brought under this section is entitled to fourteen days notice in writing of the prosecution's intention to produce the said certificate.

Possession of prohibited fishing gear.

30. Any person who, in the fisheries waters—

- (a) uses any prohibited fishing gear; or
- (b) has any prohibited fishing gear in his possession on board any fishing vessel in circumstances which indicate an intention to use it for fishing,

commits an offence and shall be liable on summary conviction to a fine not exceeding two hundred and fifty thousand dollars.

Stowage of fishing gear.

31. (1) The fishing gear of any foreign fishing vessel which is prohibited from fishing in the fisheries waters under section 18 shall be stowed in the prescribed manner while the vessel is within the fisheries waters.

(2) Where a foreign fishing vessel is licensed to fish by means of a particular type of fishing gear in any specific area of the fisheries waters, any other fishing gear on board the vessel shall be stowed in the prescribed manner while the vessel is within that area and all fishing gear on board the vessel shall be stowed in the prescribed manner while the vessel is within any other area of the fisheries waters where it is not licensed to fish.

(3) Where a foreign fishing vessel contravenes subsection (1) or (2), the master, owner and charterer of that vessel each commits an offence, and shall be liable on summary conviction to a fine not exceeding one million dollars.

**PART X
HIGH SEAS FISHING**

Purpose and application.

32. (1) The purpose of this Part is—

- (a) to implement the Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas, adopted by the Conference of the Food and Agriculture Organisation of the United Nations on 24 November 1993;
- (b) to implement the Agreement for the Implementation of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, adopted at New York on 4 August 1995; and
- (c) to establish a system for the regulation of fishing vessels of Guyana operating outside areas under national jurisdiction.

(2) This Part shall apply—

- (a) within the jurisdiction of Guyana including the fisheries waters;
- (b) to any fishing vessel of Guyana and any act or omission occurring on or by such a vessel wherever that vessel may be; and
- (c) to any act or omission by an

authorised officer on the high seas.

(3) In this part a "foreign fishing vessel" means any vessel which is used or intended for fishing or related activities or as a mother ship or as a support vessel directly engaged in fishing other than a fishing vessel of Guyana;

Regulation of fishing in areas beyond national jurisdiction.

33. (1) No fishing vessel of Guyana shall be used for fishing or related activities on the high seas unless the vessel has on board a valid high seas fishing permit.

(2) Where a fishing vessel of Guyana is used in contravention of subsection (1), the master, owner, charterer or operator of the vessel each commits an offence and shall each be liable on summary conviction to a fine not exceeding three million dollars or in default thereof, imprisonment for a period not exceeding two years.

Application for high seas fishing permit.

34. (1) The owner, charterer or operator of a fishing vessel of Guyana may apply for a high seas fishing permit of that vessel by completing an application in a form prescribed by the Minister. The application form shall contain details of—

- (a) the vessel's name, previous names (if known), registration numbers and port of registry;
- (b) the vessel's previous flags (if any);
- (c) the vessel's International Radio Call Sign (if any);
- (d) the names and addresses of the vessel's owners and operators;
- (e) where and when the vessel was built;
- (f) the type of vessel;

- (g) the vessel's length;
- (h) the type of fishing method or methods;
- (i) the moulded depth of the vessel;
- (j) the beam of the vessel;
- (k) the gross register tonnage of the vessel;
- (l) the power of the main engine or engines of the vessel;
- (m) vessel navigation and position fixing equipment; and
- (n) any other information the Minister requires for the purpose of implementing the Compliance Agreement or the Fish Stocks Agreement or for the purpose of giving effect to international conservation and management measures.

(2) The Minister shall have regard to the following matters in determining whether or not to grant a high seas fishing permit—

- (a) the capacity of Guyana to implement its obligations under the Compliance Agreement and the Fish Stocks Agreement;
- (b) the advice of the Chief Fisheries Officer;

- (c) the previous conduct of the person or persons applying for the permit; and
- (d) any other relevant matter.

(3) The Minister shall not issue a high seas fishing permit in respect of a vessel unless the Minister is satisfied that Guyana will be able to exercise effectively its responsibilities under the Compliance Agreement, the Fish Stocks Agreement and international conservation and management measures with respect to that vessel.

(4) Subject to subsections (5) and (6), the Minister shall not issue a high seas fishing permit in respect of any fishing vessel of Guyana, if that vessel was previously authorised to be used for fishing on the high seas by a foreign state, and—

- (a) the foreign state suspended such authorisation because the vessel undermined the effectiveness of international conservation and management measures, and the suspension has not expired; or
- (b) the foreign state, within the last three years preceding the application for a permit under this section, withdrew such authorisation because the vessel undermined the effectiveness of international conservation and management measures.

(5) The restriction in subsection (4) does not apply if the ownership of the vessel has changed since the vessel undermined international conservation and management measures, and the new owner has provided sufficient evidence to the Minister demonstrating that the previous

owner or operator has no further legal, beneficial or financial interest in the vessel.

(6) The restriction in subsection (4) does not apply if the Minister makes a determination that issuing a high seas fishing permit in respect of the vessel would not subvert the purposes of the Compliance Agreement.

(7) A person who knowingly or recklessly provides any information required to be given under this section which is false in a material particular, commits an offence and shall be liable on summary conviction to a fine not exceeding three million dollars, or in default thereof, imprisonment for a period not exceeding two years.

Fees.

35. The Minister shall, by notice published in the Gazette, determine the level of fees payable for a high seas fishing permit, and in setting the level of any such fees the Minister shall have due regard to the fisheries management costs of Guyana in fulfilling its obligations under international law.

Conditions.

36. (1) Every high seas fishing permit shall be in the prescribed form and shall contain the following conditions—

- (a) the vessel to which the permit relates shall be marked in accordance with Regulations made under section 79;
- (b) the vessel shall not engage in any activities which undermine the effectiveness of international conservation and management measures; and
- (c) the permit holder shall report such information as the Minister requires, including the area of fishing operations, vessel position and catch

statistics.

(2) The Minister may attach such other conditions and restrictions to each high seas fishing permit as are necessary and appropriate to carry out the obligations of Guyana under the Compliance Agreement and the Fish Stocks Agreement including, but not limited to, the following—

- (a) the area or areas in which fishing is authorised;
- (b) the period, times or particular voyages during which fishing is authorised;
- (c) the descriptions, quantities, size and presentation of fish which may be taken;
- (d) the method of fishing to be undertaken;
- (e) the marking of gear;
- (f) a requirement that the vessel carry observers on board during fishing operations on the high seas;
- (g) a requirement that access be permitted to foreign observers;
- (h) a requirement that additional monitoring equipment be carried;
- (i) measures to be taken to avoid catching non-target species;
- (j) requirements for recording and timely

reporting of vessel position, catch of target and non-target species, fishing effort and other relevant fisheries data;

- (k) requirements for verifying the catch of target and non-target species; and the stowage of gear.

(3) The Minister may vary any condition attached to a high seas fishing permit where the Minister is satisfied that this is necessary to ensure compliance by Guyana with its obligations under the Compliance Agreement or the Fish Stocks Agreement.

(4) Where the Minister varies any condition attached to a high seas fishing permit, the Minister shall notify the permit holder of such variation as soon as practicable.

(5) Where a fishing vessel of Guyana is used in contravention of any condition or restriction contained in the high seas fishing permit, the master, owner, charterer or operator of the vessel each commits an offence and shall be liable on summary conviction to a fine not exceeding three million dollars, or in default thereof, imprisonment for a period not exceeding two years.

Validity.

37. (1) A high seas fishing permit is valid for one year or such other period as may be specified in the permit.

(2) A high seas fishing permit is void in the event that the vessel in respect of which it was granted is no longer entitled to fly the flag of Guyana.

Cancellation and suspension.

38. (1) The Minister may cancel or suspend a high seas fishing permit where the Minister is satisfied that—

- (a) the vessel in respect of which the

permit was granted has been used in contravention of this Act or any regulations made pursuant to this Act or in breach of any conditions or restrictions in the permit; or

- (b) the vessel in respect of which the permit was granted has engaged in activities undermining the effectiveness of international conservation and management measures; or
- (c) it is necessary to ensure compliance by Guyana with its obligations under the Compliance Agreement, the Fish Stocks Agreement and management measures.

(2) At the same time as cancelling or suspending a permit, the Minister may also direct that the vessel in respect of which the permit was granted return immediately to port.

(3) If a permit is cancelled or suspended the Minister may, taking into account the circumstances of the case, refund the whole or part of any fee charged for the permit.

(4) Before any licence or permit under this Act is cancelled or suspended the holder thereof shall be afforded an opportunity of making representations.

Unauthorised
fishing.

39. To ensure that fishing vessels of Guyana do not conduct unauthorised fishing in the territorial sea or exclusive economic zone (or other zone of extended fisheries jurisdiction) of any foreign state, the Minister may make regulations—

- (a) requiring the recording and timely

reporting of vessel position, catch of target and non-target species, fishing effort and other fisheries data;

- (b) requiring the owners, operators, charterers, or masters of such vessels to provide copies of licences and evidence that such operations are authorised;
- (c) authorising and establishing procedures for the provision of evidence to a foreign state which alleges that such a vessel has engaged in such unauthorised fishing.

Powers and duties of the Chief Fisheries Officer.

40. (1) The Chief Fisheries Officer shall maintain record of fishing vessels of Guyana Chief Fisheries Officer in respect of which high seas fishing permits have been issued including all information submitted under section 34(1).

(2) The Chief Fisheries Officer shall—

- (a) make available to FAO information contained in the record maintained under subsection (1);
- (b) promptly notify FAO of changes in such information in respect of high seas fishing vessels;
- (c) promptly notify FAO of any additions to or deletions from the record, and the reasons for any deletion;
- (d) convey to FAO information relating to any high seas fishing permit granted under section 34, including the identity of the vessel and its owner,

charterer or operator, and factors relevant to the Minister's decision to issue the permit;

- (e) report promptly to FAO all relevant information in his possession regarding any activities of fishing vessels of Guyana on the high seas that undermine the effectiveness of international conservation and management measures, including the identity of vessels and any sanctions imposed;
- (f) provide FAO with a summary of evidence in his possession regarding the activities of foreign vessels that undermine the effectiveness of international conservation and management measures; and
- (g) maintains a record of international conservation and management measures and sub-regional or regional organisations which are recognised by Guyana.

(3) The Chief Fisheries Officer may make available on request the information maintained under subsection (1) to any directly interested foreign state which is a party to the Compliance Agreement or the Fish Stocks Agreement and to any sub-regional or regional fisheries management organisation.

(4) The Chief Fisheries Officer may lay an information before the Court in respect of alleged offences committed under this Act.

Powers to
authorise
enforcement
measures.

41. (1) Where following the conclusion of inspection measures pursuant to section 43 in respect of a fishing vessel of Guyana, it is alleged by a foreign state which is a party to the Fish Stocks Agreement that there is clear evidence that an offence has been committed under this Act, the Chief Fisheries Officer may authorise a foreign authorised officer to undertake enforcement measures in respect of that vessel under section 44.

(2) Where following the conclusion of inspection measures pursuant to section 43 in respect of a vessel flying the flag of a state which is a party to the Fish Stocks Agreement, there is clear evidence that there has been a serious violation of international conservation and management measures the Chief Fisheries Officer may authorise a national authorised officer to undertake enforcement measures in respect of that vessel under section 44.

Action against
vessel
undermining
international
conservation
measures.

42. If the Chief Fisheries Officer has reasonable grounds to believe that a foreign fishing vessel has engaged in activities that undermine the effectiveness of international conservation and management measures, the Chief Fisheries Officer shall—

- (a) provide to the appropriate authorities of the flag state of the vessel concerned such information, including evidentiary material relating to those activities as may be necessary to assist the flag state to identify the vessel;
- (b) when such foreign vessel is voluntarily in a port of Guyana, promptly notify the appropriate authorities of the flag state and, if requested by the flag state, make arrangements to undertake such

lawful measures as may be considered necessary to establish whether the vessel has been used contrary to the Compliance Agreement or the Fish Stocks Agreement.

Inspection
measures.

43. In this Part, a provision that an authorised officer may undertake inspection measures in respect of a vessel or class of vessel means that within those areas specified that person may, without a warrant—

- (a) stop, board and search such a vessel;
- (b) require to be produced, examine and take copies of any high seas fishing permit issued under this Part or any equivalent document required to be carried by a fishing vessel in accordance with the rules of a sub-regional or regional fisheries management organisation;
- (c) require the production of any fishing net or other fishing gear and any catch;
- (d) require the production of any log book, record of fish caught or other documents.

Enforcement
measures.

44. (1) In this Part, a provision that an authorised officer may undertake enforcement measures in respect of a vessel or class of vessel means that within those areas specified that person may, without a warrant—

- (a) take samples of any fish found in any such vessel;
- (b) seize any vessel (together with its fishing gear, furniture, monitoring devices, navigational aids,

appurtenances, stores and cargo) used or employed in, or with respect to which it reasonably appears was used or employed in the violation of any provision of this Part or any regulation or permit issued under this Part or any international conservation and management measures;

- (c) seize any fish taken or retained;
- (d) seize any other evidence;
- (e) arrest or detain any person if the officer has reason to believe that such person has committed an offence under this part; and
- (f) take the vessel to the nearest appropriate port.

(2) A national authorised officer may, for the purpose of enforcing this Part, and without prejudice to any other powers granted to him under this Act—

- (a) undertake inspection measures in respect of any fishing vessel of Guyana; and
- (b) undertake enforcement measures in respect of any such vessel where the authorised officer has reasonable grounds to believe that an offence has been committed under this Part.

(3) Within the fisheries waters, a foreign authorised officer, who has been granted powers pursuant to section 4 may, for the purpose of enforcing this Part—

- (a) undertake inspection measures in

respect of any fishing vessel of Guyana; and

- (b) undertake enforcement measures in respect of any such vessel where the authorised officer has reasonable grounds to believe that an offence has been committed under this Part.

Master deemed to have committed offence.

45. Where an offence has been committed by any person on board a fishing vessel, the master of such vessel shall be deemed also to have committed the offence.

PART XI FISH PROCESSING ESTABLISHMENTS

Fish processing establishments.

46. (1) Subject to subsection (2), the Chief Fisheries Officer may grant to any person a licence to operate a fish processing establishment on such conditions, and subject to the payment of such fees, as may be prescribed.

(2) No licence shall be issued in respect of a fish processing establishment, unless the establishment conforms to such conditions relating to the manner of construction of the establishment as may be prescribed.

(3) Any person who operates, or allows to be operated any fish processing establishment except with a licence granted under this section and in accordance with any conditions prescribed commits an offence and shall be liable on summary conviction to a fine not exceeding two hundred thousand dollars.

(4) A licence to operate a fish processing establishment does not relieve the licensee of duties under any other law.

PART XII
IMPORT AND EXPORT OF FISH

Import and
export of fish.

47. (1) No person shall import into Guyana or export or bring to any place for export any fish without first obtaining a licence for that purpose from the Chief Fisheries Officer and shall be accompanied by the prescribed application fee.

(3) Where an application is made under subsection (2), the Chief Fisheries Officer may, subject to subsection (4), grant the licence on the payment of such fees as may be prescribed.

(4) The Chief Fisheries Officer may specify other conditions for the grant of a licence.

(5) Prior to issuing a licence to import live fish into Guyana, the Chief Fisheries Officer may require that a study or studies be carried out, at the applicant's expense, to ascertain the possible impact that the release of such live fish may have on the environment.

(6) The Chief Fisheries Officer, in deciding whether to grant a licence under subsection (1) shall have due regard to the provisions of the Convention On International Trade in Endangered Species of Wild Flora and Fauna, Washington, 1973, to which Guyana is a party as well as such other obligations Guyana may have under other international agreements.

(7) A person who imports into or exports or brings to any place for export from, Guyana any fish without obtaining a licence to do so in accordance with this section commits an offence and shall be liable on summary conviction to a fine of five hundred thousand dollars and imprisonment for a period not exceeding six months.

(8) Where any person is prosecuted for exporting

or attempting to export any ornamental fish, the proof that such fish was caught outside the limits of Guyana shall be on that person.

PART XIII
ENFORCEMENT AND JUDICIAL PROCEEDINGS

Powers of
authorised
officers.

48. (1) For the purposes of enforcing this Act, any authorised officer may, without a warrant—

- (a) stop any foreign fishing vessel in the fisheries waters and any local fishing vessel in or beyond the fisheries waters;
- (b) require the master of the vessel to stop fishing and take the fishing gear of the vessel back on board;
- (c) require the master to facilitate the boarding of the vessel by all appropriate means;
- (d) go on board the vessel and take with him such other persons as he may require to assist him in the exercise his powers;
- (e) muster the crew of the vessel;
- (f) require to be produced, examine and take copies of any certificate of registration, licence, permit, official log book, official paper, article of agreement, record of fish caught and any other document required under this Act or relating to the vessel and to the crew or any member thereof or to any person on board the vessel which is in their respective possession

- or control on board the vessel;
- (g) require the master to appear and give any explanation concerning the vessel and any crew or any person on board the vessel and any document mentioned in paragraph (f);
 - (h) make any search, examination or enquiry which he shall consider necessary to find out whether any provision of this Act has been contravened;
 - (i) make an entry dated and signed by him in any vessel's log;
 - (j) take or require the master to take the vessel to any place, port or harbour in Guyana for the purpose of carrying out any search, examination or enquiry;
 - (k) take samples of any fish found in any vessel, vehicle, aircraft or premises searched under this section;
 - (l) give directions to the master and any crew member of any vessel stopped, boarded or searched as may be necessary or reasonably expedient for any purpose specified in this Act to provide for the compliance by the vessel, master or any crew member with the conditions of any licence; and
 - (m) at all reasonable times enter and inspect any fish processing establishment, aquaculture facility or

any other place where fish or fish products are kept or stored for the purposes of sale or export.

(2) Where an authorised officer has reasonable grounds to believe that an offence against this Act has been, is being or is about to be committed, he may, without a warrant—

- (a) enter and search any premises, other than premises used exclusively as a dwelling house, in which he has reasonable grounds to believe that an offence has been or is being committed or that fish illegally taken or explosives for use contrary to section 29 are being stored;
- (b) stop, enter and search any vehicle or aircraft which he reasonably suspects is being used or is involved in the commission of an offence against this Act;
- (c) following hot pursuit in accordance with international law and commenced within the fisheries waters, stop, board and search outside the fisheries waters any foreign fishing vessel which he has reasonable grounds to believe has been used in the commission of an offence and bring such vessel and all persons and things on board within the fisheries waters;
- (d) seize—
 - (i) any vessel (together with its

fishing gear, equipment, stores and cargo), vehicle or aircraft which he has reasonable grounds to believe has been or is being used in the commission of an offence or in respect of which he believes such offence to have been committed or which he knows or has reasonable grounds to believe has been seized or forfeited in accordance with any provision of this Act;

- (ii) any fish or fish products which he has reasonable grounds to believe have been taken or produced in the committing of such offence or which are possessed in contravention of this Act;
- (iii) any explosive, poison or noxious substance which he has reasonable grounds to believe has been used or is possessed or controlled in contravention of this Act;
- (iv) any logs, charts or other documents required to be maintained by this Act or under the terms of any licence or which he has reasonable grounds to believe show or tend to show, with or without other evidence, the commission of an offence under this Act;

(v) any thing which he has reasonable grounds to believe might be used as evidence in any proceedings under this Act; and

(e) arrest any person whom he has reasonable grounds to believe has committed an offence against this Act.

(3) In exercising the powers referred to in this section, an authorised officer may use such force as may be reasonably necessary.

Powers of authorised officers beyond limits of national jurisdiction.

49. (1) In any high seas area covered by a sub-regional or regional fisheries management organisation, and in accordance with the rules and procedures of that organisation, a foreign authorised officer may, for the purpose of enforcing international conservation and management measures, undertake inspection measures in respect of a fishing vessel of Guyana.

(2) Following the completion of inspection measures under subsection (1), where there are clear grounds for believing that an offence has been committed under this part foreign authorised officer may undertake enforcement measures in respect of the vessel.

(3) The Minister may make regulations to establish the procedures to be followed in the execution by foreign authorised officers of inspection measures under subsection (1) and enforcement measures under subsection (2) and may restrict, qualify or otherwise limit the scope of such powers.

(4) In any high seas area covered by a sub-regional or regional fisheries management organisation, and in accordance with the rules and procedures of that organisation, a national authorised officer may, for the purpose of verifying compliance with international

conservation and management measures, undertake inspection measures in respect of a foreign fishing vessel flying the flag of a state which is party to the Fish Stocks Agreement or a fishing vessel which that officer reasonably believes is without nationality.

(5) Following the completion of inspection measures under subsection (1), where there are clear grounds for believing that the vessel has engaged in an activity contrary to international conservation and management measures, with the authorisation of the Chief Fisheries Officer, a national authorised officer may undertake enforcement measures in respect of that vessel.

(6) The Minister may make regulations to establish the procedures to be followed in the execution by national authorised officers of inspection measures under subsection (1) and enforcement measures under subsection (2) and may restrict, qualify or otherwise limit the scope of such powers.

(7) No national authorised officer shall undertake inspection measures under subsection (1) or enforcement measures under subsection (2) until such time as regulations have been made under subsection (3).

(8) For the purpose of enforcing international conservation and management measures a national authorised officer may undertake inspection measures in respect of a foreign fishing vessel which is voluntarily in a port or offshore terminal of Guyana.

(9) For the purpose of enforcing international conservation and management measures, and with the written authorisation of the Chief Fisheries Officer pursuant to the request of the flag State, a national authorised officer may undertake specified enforcement measures in respect of a foreign fishing vessel which is voluntarily in a port or offshore terminal of Guyana.

(10) Where, following the commission of an offence under this Act by any foreign fishing vessel, such foreign fishing vessel is pursued beyond the limits of the fisheries waters in circumstances and to the extent recognised by international law, the powers conferred on authorised officers under this Act shall be exercisable beyond the limits of national jurisdiction in accordance with international law.

(11) In this section "foreign authorised officer" or "national authorised officer" means an officer appointed as such by the Minister.

Seizure of
fishing vessels.

50. (1) Where any vessel is seized under this Act the master and crew thereof shall take the vessel to such place, port or harbour in Guyana as the authorised officer shall require and the vessel may be detained pending the outcome of any proceedings under this Act or its release on bond or other security under section 57.

(2) In bringing the vessel to the designated place, port or harbour, the master shall be responsible for the safety of the crew, vessel, himself and any other person on board the vessel.

(3) If the master and crew fail or refuse to take the vessel to the designated place, port or harbour, an officer authorised by the Minister may take charge of the vessel for the purpose of bringing it into port.

(4) If the vessel is brought into port in the circumstances described in subsection (3), no claim whatever may be made against any authorised officer or the Government of Guyana in respect of any death, injury, loss or damage occurring while the vessel is being brought into port.

Seizure of
vehicle or
aircraft.

51. (1) Where any vehicle or aircraft is seized under this Act, the driver or pilot thereof shall take the vehicle or aircraft to such place in Guyana as the authorised officer shall designate being the nearest or most convenient place for the

holding of such vehicle or aircraft and the vehicle or aircraft may be detained pending the outcome of any proceedings under this Act or its release on bond or other security under section 57.

(2) In bringing the vehicle or aircraft to the designated place, the driver of the vehicle or pilot of the aircraft shall be responsible for the safety of the vehicle or aircraft, its passengers, crews and any other person on board the vehicle or aircraft.

(3) If the driver or pilot fails or refuses to take the vehicle or aircraft to the designated place, an authorised officer may take charge of the vehicle or aircraft for the purpose of bringing it to the designated place.

(4) If a vehicle or aircraft is brought into port in the circumstances described in subsection (3), no claim whatever may be made against any authorised officer or the Government of Guyana in respect of any death, injury, loss or damage occurring while the vehicle or aircraft is being brought to the designated place.

Immobilisation
of fishing
vessel, vehicle
or aircraft.

52. (1) Having regard to the safety of the vessel, vehicle or aircraft, an authorised officer may take steps to immobilise any vessel, vehicle or aircraft seized, taken or detained in the custody of the Government of Guyana in accordance with this Act, including by removing any part or parts from the vessel, vehicle or aircraft, for the purpose of preventing the vessel being taken by any person prior to the release of the vessel under section 57 or by the Court.

(2) Any part or parts removed under subsection (1) shall be kept safely and returned to the vessel, vehicle or aircraft immediately upon its lawful release from custody.

Assaulting,
obstructing, etc.
authorised

53. (1) The master and each of the crew of any fishing vessel, driver of any vehicle and the pilot and crew of any aircraft shall immediately comply with every instruction or

officer or
observer.

direction given by an authorised officer and shall facilitate safe boarding, entry and inspection of the vessel, vehicle or aircraft and inspection of any fishing gear, equipment, records, documents, fish and fish products.

(2) The master and each member of the crew of any fishing vessel, the driver of any vehicle and the pilot and crew of any aircraft, shall take all measures to ensure the safety of an authorised officer in the performance of his duties.

(3) The holder of a fish processing establishment licence or aquaculture permit and all persons employed at the establishment or aquaculture facility shall immediately comply with every instruction or direction given by an authorised officer, facilitate his safe entry and inspection of the fish processing establishment and inspection of records, documents, fish and fish products and take all measures to ensure the safety of an authorised officer in the performance of his duties.

(4) Every person who—

- (a) contravenes subsection (1), (2), or (3);
- (b) assaults, obstructs, resists, delays, refuses boarding to, intimidates or fails to take all reasonable measures to ensure the safety of or otherwise interferes with an authorised officer or observer appointed by the Minister in the performance of his duties;
- (c) incites or encourages any other person to assault, resist or obstruct any authorised officer while carrying out his duties, or any person lawfully acting under the officer's orders or in his aid;

- (d) uses threatening language or behaves in a threatening or insulting manner or uses abusive language or insulting gestures towards any authorised officer or observer while in the execution of his powers or duties, or any person lawfully acting under an authorised officer's orders or in his aid;
- (e) fails to comply with the lawful requirements of any authorised officer or observer;
- (f) furnishes to any authorised officer any particulars which, to his knowledge, are false or misleading in any material respect; or
- (g) personates or falsely represents himself to be an authorised officer, or who falsely represents himself to be a person lawfully acting under an authorised officer's orders or in his aid,

commits an offence and shall be liable on summary conviction to a fine not exceeding five hundred thousand dollars or to imprisonment for a term not exceeding six months.

(5) For the purposes of subsection (4), any person who does not allow any authorised officer, or any person acting under his orders or in his aid, or an observer to exercise any of the powers conferred on such person by this Act shall be deemed to be obstructing that officer, observer or person.

Identification
of authorised

54. An authorised officer or observer, when exercising any of the powers conferred by this Act, shall on request

officers. produce identification to show he is an authorised officer or observer under this Act.

Protection of authorised officers and observers. **55.** A person who does any act in pursuance or intended pursuance of the functions conferred on him by or under this Act shall not be subject to any civil or criminal liability in respect of such act, whether on the ground of want of jurisdiction, mistake of law or fact, or on any other ground, unless he or she has acted, or omitted to act, in bad faith.

Destruction of evidence etc. **56.** Any person who, being on board any vessel being pursued, about to be boarded or notified it will be boarded by any authorised officer, throws overboard or destroys any fish, fish products, fishing gear, explosive, poison, noxious substance, chart, log, document or other thing with intent to avoid the seizure thereof or the detection of any offence against this Act commits an offence and shall be liable on summary conviction to a fine not exceeding one million dollars or imprisonment for a term not exceeding six months.

Security, release and forfeiture of detained property. **57. (1) Where—**

- (a) a fishing vessel is taken, seized or detained under this Act and an information or charge is laid against the master, the owner or charterer;
- (b) an aircraft is taken, seized or detained under this Act and an information or charge is laid against the pilot, the owner or charterer;
- (c) a vehicle is taken, seized or detained under this Act and an information or charge is laid against the driver or owner,

in respect of the offence for which the vessel, aircraft or vehicle has been taken, seized or detained, the master, the

owner or charterer of the vessel, the pilot, owner or charterer of the aircraft or the driver or owner of the vehicle, as the case may be, may at any time before the determination of the information or charge, apply to the Court by which the information or charge is due be determined for the release of the vessel, aircraft or vehicle on the provision of security in accordance with this section.

(2) On hearing the application, the court—

- (a) being satisfied that reasonable security has been given to the Government in respect of the aggregate of the maximum penalty to which the defendant may be liable, may order the release of the fishing vessel, aircraft or vehicle; or
- (b) may order the release of the fishing vessel, aircraft or vehicle on the execution by any suitable person or persons approved by the Court for the purpose of a reasonable bond in favour of the Government in the prescribed form and conditioned in accordance with subsection (4) in an amount not less than the aggregate of the maximum penalty to which the defendant may be liable.

(3) Notwithstanding subsection (2) the Court may, where it is satisfied that there are special circumstances to justify it doing so, order that the bond shall be in a specified amount that is less than the amount required by that subsection.

(4) The condition of the bond shall be that if—

- (a) the defendant is found not guilty of

the information or charge; or

- (b) the defendant, on being convicted of the information or charge, pays in full within fourteen days after he is convicted the amount of the fine imposed by the Court,

then the bond shall be of no effect but that otherwise the bond shall remain in full force and effect.

(5) The amount specified in the bond shall be recoverable in full in any Court of competent jurisdiction as a debt due to the Government jointly and severally by the person or persons by whom the bond is given unless the person or persons prove the due performance of the condition for which the bond was made.

(6) In this section "fishing vessel" includes all equipment on board or used by the vessel and also includes all fish that has been seized from the vessel under this Act and is detained on board the vessel in the custody of the Government.

Disposal of
seized fish and
other
perishables.

58. (1) Where any fish or other things of a perishable nature are seized under this Act, the Chief Fisheries Officer may, notwithstanding any other provision of this Act, either—

- (a) return the fish or other thing to the person from whom it was seized on receiving security that is, in the opinion of the Chief Fisheries Officer adequate for the equivalent value of the fish or thing by way of bond or other stipulation conditioned for payment of such equivalent value in the event that such amount shall be adjudged by the Court to be forfeited

to the State; or

- (b) cause the sale of the fish or other thing at its reasonable market value and, if Court proceedings are instituted, pay the proceeds of sale into court pending an order by the court in respect of the forfeiture or otherwise of the proceeds or, if no proceedings are instituted, release the proceeds to the person from whom the fish or other thing was seized provided that if, after making all reasonable efforts, the Chief Fisheries Officer is unable to sell the fish or other items, or where such fish or other items are unfit for sale, he may dispose of them in such other manner as he thinks fit.

(2) Where any live fish has been seized under this Act it may be released or destroyed at the discretion of the seizing officer where he considers such act desirable in order to prevent undue suffering or for other good and sufficient reason.

Treatment of persons arrested, vessels and other things detained or seized.

59. (1) Any person arrested and, subject to sections 57 and 58, any vessel, aircraft, vehicle, article or thing arrested, detained or seized shall be brought before or under the jurisdiction of a court without undue delay.

(2) Where any person arrested is released without charge or the prosecution of that person is not proceeded with within thirty days of the arrest, any vessel, aircraft, vehicle, article or thing arrested, detained or seized when in the possession of or under the control of that person or the proceeds of sale thereof shall, subject to sections 57 and 58, be returned to that person.

(3) Where the court holds any vessel, aircraft, vehicle, article or thing arrested, detained or seized under this Act and a person who has been properly charged with an offence in relation thereto within ninety days of the arrest, detention or seizure fails to appear to answer the charge, the Chief Fisheries Officer may apply to the court for such vessel, aircraft, vehicle, article or thing to be forfeited to the State and the court shall make such order as it shall consider just.

(4) Where the court fails or refuses to make an order for forfeiture under subsection (3) the Chief Fisheries Officer may appeal to the High Court, the decision of which shall be final.

(5) Subject to subsection (4) and section 65, where a vessel, aircraft, vehicle, article or thing is arrested, detained or seized under this Act and no person is arrested, the vessel, aircraft, vehicle, article or thing shall be returned to the owner or the person having possession, care or control of it at the time of arrest, detention or seizure.

(6) If the lawful owner of a vessel, aircraft, vehicle, article or thing arrested, detained or seized under this Act cannot be traced within thirty days of such arrest, detention or seizure, it shall be forfeited to the State and be disposed of as the Chief Fisheries Officer in his discretion shall consider fit and any proceeds of sale thereof shall be paid into the Consolidated Fund.

(7) Where a vessel, aircraft, vehicle, article or thing has been arrested, detained or seized under this Act and the court does not order the forfeiture of that vessel, aircraft, vehicle, article or thing, it or any proceeds realised from its disposal, shall be returned to the owner thereof or the person having the possession, care or control of it at the time of arrest, detention or seizure.

(8) Where the owner of a vessel, aircraft, vehicle, article or thing or the person having the possession, care or

control of it at the time of its arrest, detention or seizure is convicted of an offence under this Act and a fine is imposed –

- (a) the vessel, aircraft, vehicle, article or thing may be detained until all fines, orders for costs, and penalties imposed under this Act have been paid;
- (b) failing payment within the time allowed, the vessel, aircraft vehicle, article or thing may be sold in satisfaction of the fine and the balance of the proceeds returned to the owner after deduction of all fines, orders for costs, penalties imposed under this Act and costs of sale; or
- (c) any proceeds realised from its disposal under section 58 may be applied in payment of the fine, order for costs and costs of sale.

Application
of bond, etc.

60. Any bond, security or net proceeds of sale held in respect of any vessel, vehicle or aircraft or other item shall be applied as follows and in this order –

- (a) the discharge of any forfeiture ordered under section 63;
- (b) the payment of all fines for offences against this Act or penalties imposed under this Act arising out of the use of or in connection with the vessel, vehicle, aircraft or other item;
- (c) the discharge of all orders for costs in proceedings under this Act arising out of the use of or in connection with

the vessel, vehicle, aircraft or other item; and

(d) return as provided in section 59.

Liability for loss, damage or deterioration of items in custody.

61. The Government shall not be liable to any person for any loss, damage to or deterioration in the condition of any vessel, vehicle, aircraft or other item while in the custody of the Government under this Act.

Removal of items in custody.

62. (1) Any person who removes any vessel, vehicle, aircraft or other item held under this Act in the custody of the Government commits an offence whether or not he knew the vessel, vehicle, aircraft or other item was held in the custody of the Government and shall be liable on summary conviction to a fine not exceeding one million dollars and, in default of payment thereof, to imprisonment for a term not exceeding one year.

(2) Where any vessel, vehicle, aircraft or other item held or forfeited under this Act has been unlawfully removed from the custody of the Government, it is liable to seizure at any time within the fisheries waters.

Court's power of forfeiture.

63. (1) Where any person is convicted of an offence against this Act, the court, in addition to any other penalty may, and in the case of a foreign fishing vessel, shall, order that any fishing vessel, together with its fishing gear, equipment, stores and cargo, together with any fish caught unlawfully or the proceeds of sale of such fish or any perishables, and any vehicle or aircraft used or involved in the commission of that offence, be forfeited to the State.

(2) Where any vessel, vehicle, aircraft or other items seized under this Act, or any bond, security or net proceeds of sale in respect thereof is not forfeited or applied in the discharge of any fine, order for costs or penalty imposed under this Act, it shall be made available for collection by the registered owner or his nominee or, in the

absence of such persons, the persons who appear entitled to it.

(3) Where any vessel, vehicle, aircraft or other item has been released upon the lodging of a bond or security, an order for forfeiture shall, unless the court for special reasons fixes a smaller sum, operate as an order for forfeiture of the bond or security.

(4) Where any vessel, vehicle, aircraft or other item has been released upon the lodging of a bond or security, the court may order any convicted defendant and the owner of the vessel, vehicle, aircraft or other item concerned, to pay the difference between the bond or amount lodged in respect of the forfeited property and the aggregate value of the forfeited property.

Onus of proof. **64.** In any legal proceedings under this Act where a person is charged with having committed an offence under which a licence, authority or the permission of any person is required for the doing of any act, the onus shall be on that person to prove that at the time to which the charge related, the requisite licence, authority or permission was duly held.

Disposal of vessel etc. forfeited. **65.** Any vessel (together with its gear, stores and cargo), any aircraft or vehicle, fishing gear, net or other fishing appliance, explosive or poison ordered to be forfeited under this Act shall be disposed of in such manner as the Minister may direct.

Offences triable as if committed within local jurisdiction. **66.** Any offence against any of the provisions of this Act or any regulations made under this Act committed within the fisheries waters by any person, or any such offence committed outside the fisheries waters by any citizen of, or person ordinarily resident in Guyana, or by any person on board any local fishing vessel, shall be triable in any court of Guyana as if such offence had been committed in any place in Guyana within the local limits of the jurisdiction of such court.

Immunity of
authorised
officers.

67. No action shall be brought against any authorised officer in respect of anything done or omitted to be done by him in good faith in the execution of his powers and duties under this Act.

Certificate of
evidence.

68. (1) The Minister or any person authorised in writing by him may give a certificate stating that -

- (a) a specified vessel was or was not on a specified date or dates a local fishing vessel or a foreign fishing vessel;
- (b) a specified vessel or person was or was not on a specified date or dates the holder of any specified licence, authorisation or certificate of registration;
- (c) an appended document is a true copy of the licence, authorisation or certificate of registration for a specified vessel or person and that specified conditions were those of a licence, authorisation or certificate of registration issued in respect of a specified vessel or person;
- (d) a particular location or area of water was on a specified date or dates within the fisheries waters, or within a closed, limited, restricted or in any other way controlled area of the fisheries waters, or an area of the fisheries waters subject to specified conditions;
- (e) an appended chart shows the boundaries on a specified date or

dates of the fisheries waters, territorial sea, closed or limited areas or other areas or zones delineated for any specified purpose;

- (f) a call-sign, name or number is that of a particular vessel or has been allotted under any system of naming or numbering of vessels to a particular vessel; or
- (g) a particular position or catch report, a copy of which is appended, was given in respect of a specified vessel.

(2) Any certificate issued under this section shall be—

- (a) signed by the person who made it;
- (b) headed "Certificate Made under section 68, Fisheries Act";
- (c) served on all other parties to the proceedings by or on behalf of the person seeking to tender it in evidence at least twenty-one days before the hearing at which the certificate is to be so tendered.

(3) Unless the contrary is proved, a document purporting to be a certificate given under this section shall be deemed to be such a certificate and to have been duly given.

Certificate as to cause of death.

69. (1) In any proceedings for any offence against section 29 or 30, a certificate as to the cause and manner of death or injury of any fish, signed by the Chief Fisheries Officer, or any person authorised by him in writing, shall, until the contrary is proved, be sufficient evidence as to the

matters stated in the certificate.

(2) In any proceedings for any offence against this section, the defendant shall be given not less than fourteen days' notice in writing of the prosecution's intention to adduce a certificate under subsection (1).

Validity and
procedures for
certificates.

70. (1) Subject to this section, in any proceedings under this Act, a certificate issued under section 68 shall be admissible in evidence and shall, in the absence of proof to the contrary, be evidence of all the facts averred in it.

(2) Notwithstanding that a certificate may be admissible by virtue of subsection (1), the court may, on its own motion or on application by any party to the proceedings, require that the maker of the certificate attend and give oral evidence at the hearing.

(3) Any omission from or mistake made in any certificate issued under section 68 or section 69 shall not render it inadmissible in evidence unless the court considers that such omission or mistake is material to any issue in the proceedings concerned, or the defendant is unduly prejudiced thereby.

(4) The court may, where it thinks appropriate, having regard to the circumstances of any particular case, dispense with the requirement for service as specified in section 68(2).

Certificates
concerning
international
conservation
measures,
boundaries, etc.

71. In any proceedings brought under this Act—

- (a) a certificate signed by the Chief Fisheries Officer stating that on a date specified in the certificate an international conservation and management measure is recognised by Guyana, shall be conclusive of that fact;

- (b) a certificate signed by the Chief Fisheries Officer stating that on a date specified in the certificate no high seas fishing permit was in force in respect of a fishing vessel of Guyana, shall, in the absence of evidence to the contrary, be sufficient evidence of the matter stated in the certificate;
- (c) a certificate signed by the Minister responsible for Foreign Affairs specifying the extent to which, on a date stated in the certificate, the boundaries of the exclusive economic zone (or equivalent zone of extended fisheries jurisdiction) and territorial seas of any foreign State are recognised by Guyana, shall be conclusive of the facts contained in the certificate.

Certificate as to the location of a vessel.

72. (1) Where in any proceedings under this Act the place or area in which a vessel is alleged to have been at a particular date and time or during a particular period of time is material to an offence charged, then a place or area stated in a certificate given by an authorised officer or observer shall, in the absence of proof to the contrary, be evidence of the place or area in which the vessel was at the date and time or during the period of time stated.

(2) Any authorised officer shall, in any certificate made under subsection (1) state—

- (a) his name, address, official position, country of appointment and provision under which he is appointed;
- (b) the name and, if known, call sign of

- the fishing vessel concerned;
- (c) the date and time or period of time the vessel was in the place or area;
 - (d) the place or area in which it is alleged the vessel was located;
 - (e) the position fixing instruments used to fix the place or area stated in paragraph (d) and their accuracy within specified limits;
 - (f) a declaration that he checked the position fixing instruments a reasonable time before and after they were used to fix the position and they appeared to be working correctly; and
 - (g) if a position fixing instrument which is not a designated machine or is not judicially recognised as notoriously accurate is used, a declaration that he checked the instrument as soon as possible after the time concerned against such instrument.

Designated
machines.

73. (1) The Minister may by order publish in the *Gazette* designate any machine or class of machines as a designated machine or machines.

(2) The readings of designated machines shall be admissible as evidence of the facts they aver if—

- (a) the readings were made by a competent operator; and
- (b) the machine was checked for correct working a reasonable time before and

after the readings it is sought to adduce in evidence were made and the machine appeared to be working correctly.

(3) A designated machine, when checked for correct working and read by a competent operator, shall, unless the contrary is proved, be presumed to give accurate readings within the manufacturer's specified limits.

(4) The readings of designated machines may be made from a printout or as observed from a visual display unit.

(5) The machines referred to in subsection (1) must be capable either wholly or partially in themselves of producing the readings concerned and not merely be receivers of information or data.

Photographic
evidence.

74. (1) Where a photograph is taken of any fishing or related activity and simultaneously the date and time and position from which the photograph is taken are superimposed upon the photograph, then it shall be presumed unless the contrary is proved that the photograph was taken on the date, at the time and in the position so appearing.

(2) The presumption set out in subsection (1) shall arise only if—

- (a) the camera taking the photograph is connected directly to the instruments which provide the date, time and position concerned; and
- (b) the instruments which provide the date, time and position are judicially recognised as being notoriously accurate or are designated

machines or were checked as soon as possible after the taking of the photograph against such instruments.

(3) Any authorised officer or observer who takes a photograph of the kind described in subsection (1) may give a certificate appending the photograph stating—

- (a) his name, address, official position, country of appointment and provision under which he is appointed;
- (b) the name and call sign, if known, of any fishing vessel appearing in the photograph;
- (c) the names of the camera, watch or clock or other instruments supplying the date and time and the position fixing instrument and a declaration that he checked those instruments a reasonable time before and after the taking of the photograph and, if necessary, in accordance with subsection (2)(b) and that they all appeared to be working correctly;
- (d) the matters set out in subsection (2)(a);
- (e) the accuracy of the fixing instrument used within specified limits; and
- (f) the maximum possible distance and the direction of the subject of the photograph away from the camera at the time the photograph was taken.

(4) A certificate issued under this section shall be

admissible in evidence and shall, in the absence of proof to the contrary, be evidence of all the facts averred in it.

Observer
devices.

75. (1) The Minister may, by order published in the *Gazette*, designate any device, or machine or class of device or machine as an observer device.

(2) In this section “observer device” means any device or machine placed on a fishing vessel in accordance with this Act, as a condition of its licence, which transmits, whether in conjunction with other machines elsewhere or not, information or data concerning the position and fishing activities of the vessel.

(3) The information or data concerning the vessel's position and fishing activities referred to in subsection (2) may be fed or input manually into the observer device or automatically from machines aboard the vessel or ascertained by the use of the observer device transmissions in conjunction with other machines.

(4) All information or data obtained or ascertained by the use of an observer device, shall be presumed, unless the contrary is proved, to—

- (a) come from the vessel so identified;
- (b) be accurately relayed or transferred;
and
- (c) be given by the master, owner and charterer of the fishing vessel,

and evidence may be given of information and data so obtained or ascertained whether from a printout or visual display unit.

(5) The presumption in subsection (4) shall apply whether or not the information was stored before or after any

transmission or transfer.

(6) Any authorised officer or observer may give a certificate stating—

- (a) his name, address and official position;
- (b) he is competent to read the printout or visual display unit of any machine capable of obtaining or ascertaining information from an observer device;
- (c) the date and time the information was obtained or ascertained from the observer device and the details thereof;
- (d) the name and call sign of the vessel on which the observer device is or was located as known to him or as ascertained from any official register, record or other document; and
- (e) a declaration that there appeared to be no malfunction in the observer device, its transmissions or other machines used in obtaining or ascertaining the information.

(7) A certificate or other document issued under this section shall be admissible in evidence and shall, in the absence of proof to the contrary be evidence of all the facts averred in it.

(8) Any person who destroys, damages, renders inoperative or otherwise interferes with an observer device or machine aboard a vessel which automatically feeds or inputs information or data into an observer device, or who

intentionally feeds or inputs information or data into an observer device which is not officially required or is meaningless, commits an offence and shall be liable on summary conviction to a fine not exceeding two hundred and fifty thousand dollars and, in default of payment thereof, to imprisonment for a term not exceeding six months.

Presumptions.

76. (1) For the purposes of any proceedings under this Act, the act or omission of any member of the crew of a fishing vessel while aboard that vessel or engaged in fishing activity related to or in association with that vessel shall be deemed to be also that of the operator of the vessel.

(2) For the purposes of the prosecution of a person for an offence under this Act, where a person is charged for an act or omission done by an employee or other agent, the act or omission shall be deemed to have also been done by the person charged for the offence.

(3) Any entry in writing or other mark in or on any log, chart or other document required to be maintained under this Act or used to record the activities of a fishing vessel shall be deemed to be that of the operator of the vessel.

(4) Where any information is given in respect of a fishing vessel under this Act or an applicable access agreement in relation to any fishing activity of a foreign fishing vessel, it shall be presumed, unless the contrary is proved, to have been given by the operator of the vessel concerned, whether it is given by post, telex, telephone, facsimile, radio transmission or other method of communication.

(5) All fish found on board any fishing vessel or in any vehicle or aircraft used or involved in the commission of an offence under this Act shall be presumed, unless the contrary is proved, to have been caught unlawfully and shall be liable to forfeiture.

**PART XIV
GENERAL**

Liability of
master.

77. Where an offence under this Act has been committed by any person on board or employed on a fishing vessel, the master of such vessel shall also be guilty of the offence.

Power to
compound
offences.

78. (1) Subject to subsection (4) the Minister may, where he is satisfied that any person has committed an offence under this Act or any regulations made under this Act, compound such offences by accepting on behalf of the Government from such person a sum of money not exceeding the maximum fine specified for that offence.

(2) On compounding an offence under this section, the Minister may order the release of any article seized under this Act or the proceeds of sale thereof on such conditions including the payment of such additional sums of money not exceeding the value of the article seized, as he may think fit.

(3) No offence shall be compounded under this section unless the person who has committed the offence has expressed his willingness in writing that the offence be so dealt with.

(4) The compounding of an offence under this section shall be notified in writing under the signature of both parties to the appropriate court.

(5) In any proceedings brought against any person for an offence under this Act, or any regulation made under this Act, it shall be a defence if such person proves that the offence with which he is charged has been compounded under this section.

(6) The powers conferred on the Minister by subsection (1) may be exercised by the Chief Fisheries Officer in respect of a local fishing vessel.

(7) This section does not apply to any offence under section 29 or section 30.

PART XV
REGULATIONS

Regulations.

79. (1) The Minister may make regulations generally for the management and development of fisheries in the fisheries waters.

(2) In particular, without limiting the generality of subsection (1), the Minister may make regulations for all or any of the following purposes—

- (a) providing for the licensing, regulation and management of any particular fishery;
- (b) prescribing fisheries management and conservation measures including prescribed mesh sizes, gear standards, minimum species sizes, closed seasons, closed areas, prohibited methods of fishing or fishing gear and schemes for limiting entry into all or any specified fisheries;
- (e) prescribing the constitution, functions and duties of any Fisheries Advisory Committee appointed under section 6;
- (d) regulating the catching and utilisation of fish taken incidentally when fishing for a species for which a licence has been issued;
- (e) providing for the registration and licensing of fishers, fishing gear and

-
- other fishing appliances;
- (f) organising and regulating sport fishing in the fisheries waters;
 - (g) regulating the use of underwater breathing apparatus;
 - (h) regulating or prohibiting the use of spear guns or other similar device;
 - (i) regulating the landing, marketing and distribution of fish;
 - (j) regulating the transiting of foreign fishing vessels through the fisheries waters and the manner in which fishing gear is to be stowed aboard such vessels;
 - (k) making provision for rewards to be paid to any person providing information on the operations of foreign or local fishing vessels leading to a conviction or compounding of an offence under this Act;
 - (l) prescribing the form of foreign fishing licences which may take the form of a written licence or a telexed or cabled authorisation;
 - (m) providing for the implementation of any agreement or arrangement entered into under section 16 or 17;
 - (n) providing for the licensing and control of fish aggregating devices and for rights to fish aggregated by

- such devices;
- (o) regulating—
 - (i) the management and protection of marine reserves;
 - (ii) the taking of coral and shells;
 - (iii) the setting of fish pens and pin seines;
 - (iv) the taking of aquarium or ornamental fish;
 - (p) prescribing measures for the protection of turtles;
 - (q) providing for the control or prohibition of the import and export of fish or fish products;
 - (r) prescribing standards and other measures for the safety of local fishing vessels and fishers;
 - (s) providing for the particulars to be recorded in the register of fishing vessels;
 - (t) providing for procedures to be followed in respect of dispute settlements;
 - (u) regulating the fees payable to fishers' co-operatives and other bodies for the use of wharf facilities;
 - (v) regulating the operation of fish

processing establishments, including quality control measures and inspection of such establishments;

- (w) prescribing any other matter which is required or authorised to be prescribed.

(3) For the purpose of giving effect to Part X, the Minister may make further regulations—

- (a) for the management and control of fishing vessels of Guyana operating in areas beyond national jurisdiction to ensure that such vessels do not undermine the effect of international conservation and management measures; and
- (b) which are necessary to enable Guyana to fulfil its obligations pursuant to the Compliance Agreement and the Fish Stocks Agreement.

(4) In particular, without limiting the generality of subsection (3), the Minister may make regulations for all or any of the following purposes—

- (a) to apply terms and conditions to high seas fishing permits;
- (b) to require the recording and timely reporting of vessel position;
- (c) to enable and facilitate the verification of the catch of target and non-target fish species;
- (d) to ensure the monitoring, control and

- surveillance of fishing vessels of Guyana including the installation and mode of operation of vessel monitoring devices and navigational aids;
- (e) to regulate the provision of information from the record to be kept under Part X to directly interested foreign States;
 - (f) to regulate or prohibit landings at the ports and offshore terminals of Guyana and trans-shipments at the ports and offshore terminals of Guyana and on the high seas; and
 - (g) to provide that the breach of any regulation made under this Act shall constitute an offence and provide for penalties on summary conviction of a fine not exceeding one million dollars.

(5) Where not otherwise provided for, any breach of a regulation made under this Act shall constitute an offence and any person guilty of such an offence shall be liable on summary conviction to a fine not exceeding one million dollars.

PART XVI MISCELLANEOUS

Exemptions.

80. The Minister may, by Order exempt from the requirements of section 13, any local fishing vessels under a size, type or class specified in the Order.

Prosecution and other penalties, civil proceedings.

81. (1) All offences under this Act (except if otherwise provided) shall be prosecuted summarily.

(2) Notwithstanding any other written law, any proceedings by way of summary conviction for an offence

under this Act may be instituted within but not later than twelve months after the time when the subject-matter of the proceedings arose.

(3) A person who fails to comply with any of the provisions of this Act commits an offence and a person who commits an offence under this Act for which no special penalty is provided shall be liable on summary conviction to a fine not exceeding five hundred thousand dollars.

(4) All civil proceedings under this Act shall be instituted and tried in a magistrate's court.

Savings.
30 of 1956
10 of 1977

82. Notwithstanding the repeal of the Fisheries Act and sections of the Maritime Boundaries Act, insofar as they relate to fisheries, regulations, orders and notices made or issued thereunder including any licences, permits, and other authorisations shall, insofar as they are consistent with this Act, continue to have effect as though made or issued under this Act, subject to amendment or revocation by this Act.

SUBSIDIARY LEGISLATION

O.32/1957

**FISHERIES (EXEMPTION FROM
REGISTRATION)
ORDER**

made under section 3

Citation. 1. This Order may be cited as the Fisheries
(Exemption from Registration) Order.

Interpretation. 2. In this Order –

"interior" means all that part of Guyana not less than twenty
miles from the sea coast between the Corentyne River on
the east coast and the Pomeroon River on the west, and
includes the North West District;

"North West District" means the North West Magisterial
District as defined by the Magisterial Districts
(Boundaries) Order;

c. 3:05

Exemption from
registration. 3. All fishing boats not exceeding thirty-five feet in
overall length measured from stern to stern, and all fishing
boats in the interior, save and except fishing boats exceeding
thirty-five feet in overall length used for transporting fish to
the city of Georgetown shall be exempt from the provisions of
section 3(1) of the Act.

hReg.
13/1957
1/1959
31/1969
20/1970

FISHERIES REGULATIONS*made under section 33*

Citation.

1. These Regulations may be cited as the Fisheries Regulations.

Interpretation.
[Reg. 31/1969]

2. In these Regulations—

"fish dock" means the wharf under control of the Chief Agricultural Officer at the Fish Marketing Centre in Georgetown;

"fish pen" means any fixed net or structure erected in tidal waters for the purpose of catching fish;

"the interior" means all that part of Guyana not less than twenty miles from the sea coast between the Corentyne River on the east and the Pomeroon River on the west and includes the North West District.

c.3:05

"North West District" means the North West Magisterial District as defined by the Magisterial Districts (Boundaries) Order;

"superintendent" means the Superintendent of the Fish Marketing Centre, and includes any officer of the Fish Marketing Centre deputed by the Chief Agricultural Officer to perform any duty required to be performed under these Regulations.

Registration of
fishing boats.
First Schedule
Form 1.

3. (1) Every application for a certificate of registration under section 4 of the Act shall be in Form 1 in the First Schedule.

First Schedule
Form 2.

(2) Every certificate of registration issued under this regulation shall be in Form 2 in the First Schedule.

Licence to fish.

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Fisheries

[Subsidiary]

Fisheries Regulations

First Schedule
Form 3
Reg. 31/1969
20/1970

4. (1) Every application for a licence under section 11 of the Act shall be in Form 3 in the First Schedule.

(2) Every licence issued under this regulation shall be in the appropriate form set out as Form 4, Form 5 or Form 6 in the First Schedule.

Erection of fish pens.
[Reg. 31/1959]

5. (1) No person shall erect, maintain or use any fish pen unless he is a fisherman and is the holder of a valid permit.

(2) Every application for a permit under this regulation shall be made to the Fishery Officer, and shall state the name and address of the applicant, together with the location, type and size of proposed fish pen.

(3) Upon the receipt of an application under paragraph (2), the Fishery Officer shall inspect the site of the proposed fish pen, and may issue a permit in Form 7 in the First Schedule, and every such permit is valid for the period of one year commencing on the 1st January, in every year.

First
Schedule
Form 7

(4) Where at any time during the period referred to in paragraph (3) of this regulation, a new permit is issued for the first time it shall expire on the 31st December in the year in which it is issued but no proportionate reduction in the annual fee payable for the permit is allowed.

(5) A Fishery Officer may refuse to grant a permit under this regulation if he is satisfied that the issue thereof would not be in the interest of the fishing industry, or if the fish pen would be an obstruction or is likely to constitute a danger to navigation.

(6) Upon the refusal to grant a permit as aforesaid, the applicant may, within twenty-one days after the refusal, appeal in writing to the Minister.

(7) No permit issued under this regulation shall be

[Subsidiary]

Fisheries Regulations

sold or in any way transferred without the approval in writing of a Fishery Officer, and every such transfer shall be recorded on the permit by the Fishery Officer.

Export licence.
First Schedule
Form 8.

6. Every licence to export fish issued under section 13 of the Act shall be in Form 8 in the First Schedule, and may be subject to such conditions and limitations as are endorsed thereon.

Restriction on
sale of fish.

7. Subject to regulation 9, no person shall expose for sale or offer for sale any fish within the city of Georgetown unless such fish has been obtained from the Fish Marketing Centre:

Second
Schedule.

Provided that this regulation does not apply to the fishes set out in the Second Schedule.

Exemption.
c. 89:01

8. (1) Any company incorporated under the Companies Act may apply in writing to the chief Agricultural Officer for exemption from regulation 7. The Chief Agricultural Officer may grant such exemption to any company upon such conditions as he may specify.

(2) The Chief Agricultural Officer may refuse to grant such exemption if he is satisfied that the grant thereof would not be in the best interest of the fishing industry.

(3) Any company aggrieved by the refusal of the Chief Agricultural Officer to grant such exemption may within twenty-one days of the date of such refusal appeal in writing to the Minister.

Sale of fish.
[Reg. 1/1959]

9. (1) Fish shall be discharged from fishing boats only at the fish dock, and in order in which each vessel or craft shall have arrived at the fish dock.

(2) The sale of fish in the Fish Marketing Centre is subject to the approval of the superintendent and shall be by wholesale. The owner or captain of each fishing boat shall pay

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Fisheries Regulations

Third Schedule to the superintendent a landing fee in respect of all catches sold as aforesaid in accordance with the tariff set out in the Third Schedule.

(3) No fish shall be removed from the Fish Marketing Centre without the permission of the superintendent.

Fishermen's
restroom.

10. Only fishermen and members of the crew of fishing boats in respect of which certificates of registration have been issued under the Act are entitled to use any rest room or other amenities that may be available at the Fish Marketing Centre.

Mooring at
fish dock.

11. (1) No vessel or craft shall be moored alongside the fish dock without the permission of the Superintendent.

(2) Any vessel or craft which moors alongside the fish dock shall occupy such berth as may be assigned to it from time to time by the superintendent.

Landing fish
and fishing
equipment etc.,
at fish dock.

12. (1) Nothing other than fish and fishing equipment shall be landed at the fish dock, except with the permission of the superintendent and upon such conditions as he may specify.

(2) Anything other than fish and fishing equipment landed at the fish dock except in accordance with the provisions of this regulation may be removed by the superintendent and the cost of removal, if any, recovered from the owner thereof.

(3) The superintendent, or anyone acting under his authority, is not liable in respect of any damage or injury to anything landed at the fish dock which is prohibited to be landed under this regulation.

Watchman to
be provided
on vessel

13. The master or person in charge of any vessel or craft over thirty-five feet in overall length moored alongside

[Subsidiary]

Fisheries Regulations

along-side fish dock.
[Reg. 1/1959]

the fish dock shall provide at all times a watchman of his vessel or craft.

Damage to fish dock.

14. (1) The owner of any vessel or craft which causes damage to the fish dock or to any equipment, gear, structure or accessory thereto or connected therewith shall, in addition to any other penalty that may be prescribed by these Regulations, pay to the Chief Agricultural Officer the cost of repair or replacement thereof as the case may be.

c. 7:01

(2) The cost of repair or replacement under this regulation may be recovered from the owner of the vessel or craft as a debt due under the Summary Jurisdiction (Petty Debt) Act.

Ramp and grid.

15. No fishing boat is permitted to occupy any ramp or grid save with the permission of the superintendent and upon such conditions as he may specify.

Fees and charges. Third Schedule.

16. The fees and charges set out in the Third Schedule is payable to the Chief Agricultural Officer in respect of the several matters set out opposite each sum.

Offences.

17. Any person who contravenes any of these Regulations shall be liable on summary conviction to a fine of forty dollars.

[Reg. 31/1969]

FIRST SCHEDULE

reg. 3(1)

Form 1

Application for Registration of fishing boat

I,.....
residing at
do hereby make application for the registration of an existing

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Fisheries Regulations

fishing boat, the new particulars of which are given hereunder, under the Fisheries Act.

Particulars

Owner's Name:.....
Dimensions:
Length.....
Beam
Depth
Description:
Engine:
Dated this.....day of....., 20.....

Applicant

Form 2 reg. 3(2)

Certificate of Registration of Fishing Boat
Fisheries Division,
Department of Agriculture,
Georgetown.
.....20.....

Certificate of Registration of Fishing Boat

The Fishing Boat has this
..... day ofbeen registered
with the Fisheries Division.

Registered No. G.
Owner's Name:
Dimensions:
Length
Beam
Depth
Description:
Engine:

[Subsidiary]

Fisheries Regulations

Fee: \$2.00

Chief Agricultural Officer

reg. 4(1)

Form 3

Application for licence to fish

I,

..... of
.....

..... (being the registered owner of a fishing boat registered under the Act with registration number.....)* do hereby apply for a licence under section 11 of the Fisheries Act.

Dated this..... day
of.....20.....
Applicant

Form 4

reg. 4(2)

Licence to Fish

Fisheries Division
Department of
Agriculture,
Georgetown.

.....20.....
Permission is hereby granted

* Delete when application is made by a person who is not the registered owner of a fishing boat.

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Fisheries Regulations

to..... of.....to
fish within the waters of Guyana until the 31st December,
20.....

Fee: \$0.25

Chief Agricultural Officer

Form 5

reg. 4(2)

Licence to Fish

Fisheries Division
Department of
Agriculture,
Georgetown.

Fisheries Regulations

.....20.....

Permission is hereby granted to
.....

of.....(be
ing the registered owner of a trawler exceeding 50 feet in
length) to engage in fishing with the said trawler until 31st
December, 20.....

Name of Trawler

Fee: \$100.00

Chief Agricultural Officer

[Subsidiary]

Fisheries Regulations

Form 6

reg. 4(2)

Licence to Fish

Fisheries Division,
Department of
Agriculture,
Georgetown.
.....20.....

Permission is hereby granted to
.....of.....
(being the registered owner of a fishing boat other than a
trawler exceeding 50 feet in length) to engage in fishing with
the said fishing boat until the 31st December,
20.....

Name of Fishing Boat
Fee: \$10.00

Chief Agricultural Officer

Form 7

reg. 5(3)

Fish Pen Permit

Fisheries Division,
Department of
Agriculture,
Georgetown.
.....20.....

.....is hereby
permitted to operate fish pen No situated at
.....
..... until the 31st December, 20

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Fisheries Regulations

Chief Agricultural Officer

Fee: \$1.00

Form 8

reg.6

Licence to Export Fish

Fisheries Division,
Department of
Agriculture,
Georgetown.

.....20.....
Licence is hereby granted to
.....of.....
..... to export fish as specified in the Schedule below.

SCHEDULE

Description	Quantity	Value

1. This licence shall remain in force until the.....day of.....20.....

2.....
.....(insert any other conditions that may be imposed)

Chief Agricultural Officer

Fee: \$10.00 (General)

\$ 1.00 (Particular Shipment)

[Subsidiary]

Fisheries Regulations[Reg.1/1959
Reg 31/1969
Reg.5/ 1993]**SECOND SCHEDULE**

reg. 7

Fish exempted from distribution through the Fish Marketing Centre.

The following classes of fish are exempted from distribution through the Fish Marketing Centre:

(1) Local varieties of fish—

- (a) hassar
- (b) houri
- (c) patwa
- (d) sunfish
- (e) perai
- (f) lukanani
- (g) yarau
- (h) crabs

(2) All imported fish whether frozen, smoked, salted, or otherwise preserved.

THIRD SCHEDULE*Licence Fees and Charges**Licence Fees*

Registered fishing boats	\$500.00
Licence for a person to fish	\$100.00
Licence authorizing the registered owner of a trawler exceeding 50 feet	

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Fisheries Regulations

<p style="padding-left: 40px;">in length to engage in fishing with the said trawler</p> <p style="padding-left: 40px;">Licence authorizing the registered owner of a fishing boat other than a trawler exceeding 50 feet in length to engage in fishing with the said boat.</p> <p style="padding-left: 40px;">Fish Pen Permit.</p> <p style="padding-left: 40px;">Licence to export fish</p> <p style="padding-left: 80px;">(a) General Licence</p> <p style="padding-left: 80px;">(b) Particular shipment charges</p> <p style="padding-left: 40px;">Fish processing plant permit</p> <p style="text-align: right; padding-right: 40px;"><i>Charges</i></p> <p style="padding-left: 40px;">Fish Dock</p> <p style="padding-left: 80px;">Pin Seine Fishing boats</p> <p style="padding-left: 80px;">Deep Sea Fishing boats</p> <p style="padding-left: 80px;">All other boats</p> <p style="padding-left: 40px;">Landing Fee</p> <p style="padding-left: 80px;">Cadell</p> <p style="padding-left: 80px;">Chinese Seine</p> <p style="padding-left: 80px;">Pin Seine</p> <p style="padding-left: 80px;">Deep Sea</p> <p style="padding-left: 40px;">Ramp</p> <p style="padding-left: 80px;">Fishing boats not exceeding 30 ft. in length</p> <p style="padding-left: 80px;">Fishing boats exceeding 30 ft. in length but not exceeding 45 ft. in length</p> <p style="padding-left: 40px;">Grid</p> <p style="padding-left: 80px;">Deep sea fishing boats exceeding 45 ft. in Length</p>	<p>\$7,500.00</p> <p>100.00 per foot for the length of the vessel</p> <p>\$100.00</p> <p>\$20,000.00</p> <p>\$1,000.00</p> <p>\$20,000.00</p> <p></p> <p>\$ 8.00 per month</p> <p>\$16.00 per month</p> <p>\$10.00 per day</p> <p>\$0.10 per tray</p> <p>\$0.10 per tray</p> <p>\$3.00 per trip</p> <p>\$5.00 per trip</p> <p>\$0.25 per day</p> <p>\$0.50 per day</p> <p>\$3.00 per day</p> <p>\$4.00 per day</p>
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[Subsidiary]

Fisheries Regulations

(a) for the first four days or part thereof	\$5.00 per day
(b) after the expiration of four days	\$10.00 per day

All other boats

(a) for the first four days or part thereof	
(b) after the expiration of four days	

A surcharge of 50% to be made on any fishing boats registered outside of Guyana.

FISHERIES (PIN SEINE) REGULATIONS

Reg. 8/1962

made under section 33

Citation. 1. These Regulations may be cited as the Fisheries (Pin Seine) Regulations.

Interpretation. 2. In these Regulations—

"captain" means the person in charge of a pin seine or pin seine boat;

"fishing gear" means any boat, net, pen or any article used for the purpose of catching fish;

"fish pen" means a wooden structure erected in tidal waters to which a conical net is attached for the purpose of catching fish;

"owner" means the person who owns the fishing gear used in a fishing operation;

"pin seine" means a curtain type net varying in height up to

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Fisheries (Pin Seine) Regulations

six feet and in length up to two thousand five hundred yards fixed on sticks and pinned to the bed of the sea or a river;

"pin seine boat" means a fishing boat engaged in the operation of a pin seine;

"pin stick" means a stake used for keeping a pin seine in position.

Operation of fish pen.

3. (1) No person shall erect a fish pen more than twenty-six feet in width.

(2) No person shall operate any fish pen without the permission of the licensed owner of such fish pen.

Occupation of fishing ground.

4. (1) A basket shall be hoisted during the day time on any fishing boat occupying a fishing ground and no other fishing boat shall occupy a fishing ground already in occupation without the authority of the owner or captain of the fishing boat occupying such fishing ground.

(2) No person shall anchor a pin seine boat and prepare to fish within the area of any fishing ground which is occupied by a pin seine or within an area likely to be occupied by a pin seine by virtue of the fact that preparations for such occupation have already been commenced.

(3) No person shall set a pin seine within 70 feet of another pin seine which has already been set for fishing.

Handling of pine seine and fish.

5. (1) No person other than those authorised by the owner or of the captain shall handle the nets or pin sticks of a pin seine during fishing operations or during the period when the pin seine is being set for fishing.

(2) No person other than those authorised by the owner or the captain shall remove any fish from the area occupied by a pin seine.

[Subsidiary]

*Fisheries (Pin Seine) Regulations*Sailing over
fishing gear.

6. No person shall willfully cause any vessel to sail over any fish pen, pin seine or other fishing gear which has been set for fishing.

Offences.

7. Any person who contravenes any of these regulations shall be liable on summary conviction to a fine of one hundred and fifty dollars.

Malicious
damage of
fishing gear.

8. Any person who maliciously damages or destroys any fishing gear belonging to another person shall be liable on summary conviction to a fine of seven hundred and fifty dollars.

Reg. 3/1966A

FISHERIES (AQUATIC WILD LIFE CONTROL) REGULATIONS

made under section 33

Citation.

1. These Regulations may be cited as the Fisheries (Aquatic Wild Life Control) Regulations.

Interpretation.
Cap. 144
1953 Ed.

2. In these Regulations—

"food inspector" means a person entitled under section 18 of the Sale of Food and Drugs Ordinance to procure samples of food;

"prescribed aquatic wild life" means any form of life inhabiting the waters of Guyana and prescribed in the Schedule;

"waters of Guyana" includes any river, creek, reservoir, trench, lake or pond in Guyana.

Issuing of
licences.

3. (1) It shall be lawful for a fishery officer to issue a licence to any person to capture, collect, remove or slaughter

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[Subsidiary]

Fisheries (Aquatic Wild Life Control) Regulations

any form of prescribed aquatic wild life found in any waters of Guyana in such numbers and subject to such conditions as shall be set out in the licence.

(2) There shall be charged a fee of ten dollars in respect of each licence issued in accordance with these Regulations:

Provided that no fee shall be charged for the issue of a licence to capture, collect or remove any prescribed aquatic wild life which is at the time of the issue of such licence the subject matter of private ownership.

(3) A fishery officer shall be entitled in any case to refuse any application for the issue of a licence required by this regulation, subject to a right of review of the fishery officer's decision by the Chief Agricultural Officer, whose decision shall be final.

(4) No person shall in any manner capture, collect, remove or slaughter any prescribed aquatic wild life whatsoever except in accordance with a licence issued under these Regulations.

Accidental killing or capture to be reported.

4. Any person, not being a person licensed in accordance with these Regulations, who accidentally captures or kills any prescribed aquatic wild life shall immediately make a report to the Fisheries Division of the Ministry responsible for agriculture or to the nearest police station.

Examination of carcasses.

5. (1) Every prescribed aquatic wild life which dies or is killed shall be examined by a food inspector and an officer of either the Fisheries Division or the Veterinary Division of the Ministry responsible for agriculture before any portion of the flesh thereof is disposed of or used for human consumption.

(2) A food inspector who examines the carcass of any prescribed aquatic wild life shall, where he so finds, issue

[Subsidiary]

Fisheries (Aquatic Wild Life Control) Regulations

a certificate that the flesh thereof is fit for human consumption; otherwise the food inspector shall order that the carcass be destroyed.

(3) No person shall expose for sale, sell or otherwise dispose of the flesh of any prescribed aquatic wild life intended for human consumption unless such flesh has been examined and certified in accordance with paragraphs (1) and (2).

(4) Any person found in possession of the carcass of any flesh of any prescribed aquatic wild life which has not been examined and certified in accordance with paragraphs (1) and (2) shall be guilty of an offence.

Private
ownership.

6. Subject to regulation 3, nothing in these Regulations shall prevent any person from acquiring and exercising rights of ownership over any prescribed aquatic wild life.

Offence.

7. Any person who injures, molests or does any act of cruelty to any prescribed aquatic wild life whatsoever shall be guilty of an offence.

Penalty for
possession of
carcass, skin,
hide, hair etc.

8. Any person found in possession of any prescribed aquatic wild life or the carcass of prescribed aquatic wild life in respect of which there has not been either —

- (a) a licence issued for its capture, collection, removal or slaughter in accordance with these Regulations; or
- (b) a report made in accordance with these Regulations that it has been accidentally captured or killed, shall be guilty of an offence and the carcass, skin, hide, hair or any portion thereof shall be forfeited.

Onus of proof.

9. In any prosecution for an offence under these Regulations the onus of proving that any prescribed aquatic

wild life—

- (a) has been captured or killed accidentally;
- (b) has been captured, removed, collected or slaughtered under a licence issued in accordance with these Regulations;
- (c) or the carcass thereof is the subject matter of private ownership;
- (d) or the carcass or flesh thereof has been examined by a food inspector and certified as fit for human consumption, shall rest upon the person charged with the offence.

Penalties.

10. Any person who commits a breach of these Regulations shall be liable on summary conviction to a fine of two hundred and fifty dollars or to imprisonment for six months and to forfeiture of any licence issued to him under these Regulations.

Addition to or deletion from Schedule.

11. The Chief Agricultural Officer may by notice published in the *Gazette* add to or delete from the Schedule any aquatic wild life as may be necessary from time to time.

[Subsidiary]

Fishery Products Regulations

Reg. 11
[Gaz. 15/12/67]
Nt. 597D

SCHEDULE

Manatees
Arapaima
Caymans
Water Dogs
Turtles

FISHERY PRODUCTS REGULATIONS

ARRANGEMENT OF REGULATIONS

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9. Placing on the Market of Fishery Products.

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Fishery Products Regulations

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31. Control of the Auto control System Guaranteed by the Sector on the Level of Approval Conditions.
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**AUTOCONTROL SYSTEMS GUARANTEED BY THE
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39. Specific Hygiene Conditions Applicable To Fishery Products Caught On Board Fishing Vessels Equipped For Chilling Of Fishery Products In Cooled Sea Water Either Chilled By Ice (Csw) Or Refrigerated By Mechanical Means (Rsw).
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Reg.7/2003

FISHERY PRODUCTS REGULATIONS

made under section 79

PART I

PRELIMINARY

Short Title and
commencement

1. These Regulations may be cited as the Fishery Products Regulations 2003 and shall come into force on such date as the Minister may appoint by notice published in the Gazette.

Interpretation.

2. In these Regulations unless the context otherwise requires—

"approved" means approved by the Principal Veterinary Public Health Officer in writing;

"aquaculture products" means all fishery products born and raised in controlled conditions until placed on the market as a foodstuff. However, seawater or fresh water fish or crustaceans caught in their natural environment when juvenile and kept until they reached the desired commercial size for human consumption is also considered to be aquaculture products. Fish and crustaceans of commercial size caught in their natural environment and kept alive to be sold at a later date are not considered to be aquaculture products if they are merely kept alive without any attempt being made to increase their weight or size.

"auto control"(own checks) means the quality and safety assurance systems implemented by the management of the establishment;

"batch" means the quantity of fishery product obtained under practically identical circumstances, during a period of time from an identifiable processing line and indicated by a specific code;

"brine " means a mixture of potable water or clean seawater and food grade salt;

"CCP (Critical Control Point)" means factor, practice, procedure, process or location that can be controlled in order to prevent, reduce or eliminate a hazard;

"chiller " means a chamber used for reducing the temperature of fish;

"chilling" means the process of cooling fishery products to a temperature approaching that of melting ice;

"chill storage room " means a chamber or room for the storage of chilled fish;

"clean sea water " means sea water or briny water which is free from microbiological contamination, harmful substances and/or toxic marine plankton in such quantities as may affect the health quality of fishery products and which is used under the conditions laid down in these Regulations;

"code of best practices" describes the quality assurance system on structural and operational level, not related to food safety;

"cold storage room " means a chamber or room used for the storage of frozen fishery products (-18° C or colder);

"colours" means food additives which add or restore colour in a food;

"competent authority" means every authorized officer of the

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Veterinary Public Health Unit of the Ministry of Health;

"container" means the principle covering in which fish are packed;

"consignment" means the quantity of fishery products bound for one or more customers in the country of destination and conveyed by one means of transport only;

"corrective action " means action taken when the results of monitoring at the CCP indicates a loss of control;

"CP" means control point, a processing step where the company may wish to address a quality concern not related to food safety;

"critical limit" means a standard or criterion which separates acceptability from unacceptability;

"domestic distribution system " means the pipe work fittings and appliances which are installed between the taps that are normally used for human consumption and the distribution network but only if they are not the responsibility of the water supplier;

"establishment" means any premises and facilities where fishery products are prepared, processed, chilled, frozen, packaged or stored. Auctions which only display and sale by wholesale take place are not deemed to be an establishment;

"factory vessel" means any vessel on which fishery products undergo one or more of the following operations followed by packaging: filleting, slicing, skinning, mincing, freezing or processing;

"fail safe control system " means a system to ensure control and monitoring against a standard and by implementing corrective actions;

"fishery products" means all sea water or fresh water animals or parts thereof, including their roes, excluding aquatic mammals and turtles;

"fishing grounds" shall be interpreted as the customary name given by the fishing industry to the place in which fishery product has been taken;

"fish product" means any derivate of fish;

"fresh products" means any fishery product whether whole or prepared, including products packaged under vacuum in a modified atmosphere, which have not undergone any treatment to ensure preservation other than chilling;

"freezer" means a chamber used for the purpose of reducing fish temperature to -18° C or colder;

"freezing of fish " : the term freezing is applied to the continuous and quick process of reducing the thermal core temperature of fish or fishery products from an ambient temperature to -18° C or colder;

"frozen products" means products which have undergone a freezing process to reach a core temperature of -18° C or lower after temperature stabilization;

"gully trap " means siphon system installed in the drainage of premises to cut off an open drainage system from the outside air and avoid entrance of pests;

"HACCP (Hazard Analysis Critical Control Points)" describes the safety assurance system related to food safety;

"ice room " means a chamber used only for the manufacture or storage of ice;

"importation " means the introduction in to the territory of

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fishery products from other countries;

"ingredient" means any substance used in the processing of fish that ends up in the final product;

"Inspectorate " means the veterinary Public Health Unit, Ministry of Health responsible for the organisation and the inspection of the quality control and safety assurance systems;

"lot" means a quantity of fishery products of a given species which have been subjected to the same treatment on sea and may have come from the same fishing grounds and the same vessel;

"management" includes any person in charge of an establishment;

"means of transport" means those parts set aside for goods in automobile vehicles and aircraft, the holds of vessels, and containers for transport by land, sea or air;

"objectionable industry " means any industry neighboring the fish preparation/processing plant that could cause contamination of the product either directly or indirectly. Includes a coal loading facility, cemetery, rubbish tip or sewerage treatment plant;

"official analysis" means analysis carried out by an official laboratory;

"official laboratory " means the laboratory which is approved by the competent authority and is by that able to carry out official analyses;

"potable water " means water that is fit for human consumption and is complying with the standards laid down in Part XI;

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"packaging" means the procedure of protecting fishery products by a wrapper, a container or any other suitable device;

"prepared products" means any fishery product which as undergone an operation affecting its anatomical wholeness, such as gutting, heading, slicing, filleting, chopping, etc.;

"placing on the market" means the holding or displaying for sale, offering for sale, selling, delivering, or any other form of placing on the market excluding retail sales;

"presentation " means the form in which the fish is marketed, such as whole, gutted and headless;

"preserve " means the process whereby products are packed in hermetically sealed containers and subjected to heat treatment to the extent that any micro-organisms that might proliferate are destroyed or inactivated, irrespective of the temperature at which the products is to be stored;

"processed products " means any fishery product which has undergone a chemical or physical process such as the heating, smoking, salting, dehydration or marinating, of chilled or frozen products, whether or not associated with other food stuffs, or a combination of these various processes;

"refrigerated brine " means brine cooled by a suitable refrigeration system,

"refrigerated seawater" means clean seawater cooled by a suitable method;

"salt" means food grade Sodium Chloride;

"shall" denotes a mandatory requirement;

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"should" denotes a recommended requirement;

"sound" means free from disease, mould, decay or deterioration and is fit for human consumption;

"sweeteners " means food additives which are used to impart a sweet taste to foodstuffs and/or table-top sweeteners;

"verification" means the application of methods, procedures and tests, in addition to those used in monitoring, to determine compliance with the HACCP plan and/or whether the HACCP plan needs modification;

"visible parasite" means a parasite or group of parasites which has a dimension, colour or texture which is clearly distinguishable from fish tissues;

"visual inspection " means a non destructive examination of fish or fishery products without optical means of magnifying and under good light conditions for human visioa, including if necessary, candling;

PART II**COMPETENT AUTHORITY**

Designation of competent authority.

3. (1) Every authorized officer of the "Veterinary Public Health Unit", within the Ministry of Health is empowered to enforce these Regulations.

Schedule No. 1

(2) The Organigram of the Competent Authority is set forth in Schedule 1 to these Regulations.

(3) Responsibilities of the competent authority shall be in accordance.

(a) with their tasks, duties and responsibilities under the Fisheries Act 2002, and

- (b) the responsibilities concerning Health Control under Part VIII of these Regulations.

Appointment of health inspectors.

4. In the appointment of health inspectors, the Minister may appoint persons, who meet the qualifications.

PART III

ENFORCEMENT

Enforcement by the Fisheries Act and Regulations.

5. Enforcement procedures laid down in the Fisheries Act 2002 are to be adhered to by every authorized officer.

PART IV

APPROVAL

Approval of establishments.

6. (1) The following approval procedures for establishments shall be implemented by the Competent Authority.

Approval of the ground plan.

(2) Before management of an establishment commence to build, rebuild or adapt an establishment, acting on his own initiative or on initiative of the Competent Authority, an application shall be made to the Competent Authority to inform the Principal Veterinary Public Health Officer of the inspection service about the:

- (a) activities carried to be out in the establishment;
- (b) lay out (ground plan) and the product flow established in a product flow chart on the ground plan.

(3) After receiving the application, the Principal Veterinary Public Health Officer, by whatever name he is called, of the Veterinary Public Health Unit—

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- (a) shall verify whether the proposal submitted has fulfilled the requirements laid down in Regulation 46 to 74 of Part XI of these Regulations;
- (b) shall send, within 14 days, an invitation to the management to discuss the demand.

(4) Once the Principal Veterinary Public Health Officer accepts the final proposal of the management, approval shall be made to the plans and specification. His approval shall be signified by affixing the official stamp of the Competent Authority over his signature to the plans and specifications.

(5) On completion of the building, construction or renovation, extension or adoption, the management shall inform the Principal Veterinary Public Health Officer in writing, inviting the Principal Veterinary Public Health Officer for an audit to be conducted on the establishment.

(6) After the audit, the Principal Veterinary Public Health Officer of the inspection service.

- (a) shall verify whether the establishment meets the quality assurance and safety assurance conditions laid down in Part XI, XII and XIII with regard to the nature of the activities carried out in the establishment.
- (b) shall within 14 days inform the management in writing whether or not the establishment has met the requirements and conditions

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National
Approval
number.

(7) After approval, the plant receives its national establishment approval number and an approval certificate/letter.

(8) The approval shall be reviewed if an establishment decides to carry out activities other than those for which it has received approval.

Approval of
vessels.

7. (1) An approval procedure shall be established by the Competent Authority for fishing vessels in accordance with Regulation 6 and resulting in registration and the provision of a registration number for these vessels complying with the requirements for fishing vessels laid down in Regulations 36 to 42 of Part DC.

Approval of
Landing sites.

(2) An approval procedure shall be established by the Competent Authority for the approval of official and Private landing sites, and - if applicable - for auctions, resulting in a registration and the provision of a registration number for these installations complying with the requirements for landing and unloading of fishery products laid down in Part X of these Regulations.

Approval of
seaport and
airport.

(3) An approval procedure shall be established by the Competent Authority for the approval of the sea port and airport facilities for offloading, transport and storage of fishery products resulting in registration and the provision of a registration number for these facilities complying with the requirements:

- (a) for unloading of fishery products laid down in Part X;
- (b) for transport of fishery products laid down in Regulation 196 to 209 of Part XI; and
- (c) for storage of fishery products laid down in Regulation 180 to 195 of Part

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XI of these Regulations.

(4) The approval procedure laid down in regulation 6 shall apply *mutatis mutandis* to the approval procedures described in regulation 7.

(5) Chemicals used for the following purposes shall be approved by the Competent Authority:

- (a) for eradication of pests (insects, reptiles and rodents), and
- (b) for cleaning and disinfecting premises in the establishments and surroundings.

Official Lists.

8.(1) The Competent Authority shall draw up an official list of:

- (a) approved establishments;
- (b) approved and registered vessels;
- (c) approved and registered official and private landing sites and auctions, if applicable;
- (d) approved and registered chemicals used as mentioned in regulation 7 clause (5)—
 - (i) for eradication of pests and
 - (ii) for cleaning and disinfecting purposes;
- (e) approved and registered seaport and airport facilities each of which shall have an official number

Inspections.

(2) The inspection of establishments, vessels, official and private landing sites and auctions - if applicable - shall be carried out regularly by the inspection service to verify whether the above-mentioned facilities still comply with the requirements and whether they are still allowed to keep their official number. If such inspection and monitoring reveals that the requirements are not being met anymore, the Competent Authority shall take appropriate action.

Updated list of approved chemicals.

(3) The list of approved chemicals shall be updated when necessary.

PART V

PLACING ON THE MARKET OF FISHERY PRODUCTS

General conditions

9. (1) Fishery products, caught in natural environment and intended to be placed on the market shall:

- (a) have been caught and where appropriate handled for bleeding, heading, gutting, and the removal of fins, chilled or frozen, prepared or processed, on board vessels in accordance with the hygiene rules established in Regulations 36 to 42 of Part LX.
- (b) have been handled, during and after landing, in accordance with the requirements laid down in Part X of these regulations.
- (c) have been handled and, where appropriate packaged, prepared, processed, frozen, defrosted or stored hygienically in plants approved in

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- accordance with regulation 6 of these Regulations in compliance with the requirements of Regulations 46 to 74 of Part XI.
- (d) have been appropriately packaged in accordance with the requirements laid down in regulation 173 of these Regulations.
 - (e) have been given an identification mark in accordance with regulation 174 of these Regulations
 - (f) have been certified in accordance with the conditions laid down in regulation 15 of these Regulations
 - (g) be stored and transported under satisfactory conditions of hygiene and temperature in accordance with Regulations 180 to 209 of Part XI of these Regulations.
 - (h) be prepared and/or processed in accordance with the Quality Assurance programme established in Part XI and in accordance with the Safety Assurance programme established in Part XIII of these Regulations.
 - (i) not contain substances or food additives prohibited by these Regulations or not included in the positive list as referred to in Part XII of these regulations.
 - (j) not contain any substance in excess of

any maximum quantity or proportion permitted by the provisions laid down in Part XII of these Regulations.

- (k) be dispatched to harbours, for frozen products, and airports, for fresh products, and stored there under satisfactory conditions of hygiene and temperature in accordance with the requirements laid down in Regulations 180 to 209 of Part XI of these Regulations.

General conditions for Aquaculture products

(2) Aquaculture products harvested and intended to be placed on the market shall:

- (a) be slaughtered under appropriate conditions of hygiene.
- (b) not be soiled with earth, slime or faeces.
- (c) Be kept chilled in accordance with the requirements laid down in these regulations if not processed immediately after being slaughtered.
- (d) have been handled and, where appropriate packaged, prepared, processed, frozen, defrosted or stored hygienically in plants approved in accordance with regulation 6 of these Regulations in compliance with the requirements of Regulations 46 to 74 of Part XI.
- (e) have been appropriately packaged in accordance with the requirements laid down in regulation 173 of these

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Regulations.

- (f) have been given an identification mark in accordance with regulation 174 of these Regulations
- (g) have been certified in accordance with the conditions laid down in regulation 15 of these Regulations
- (h) be stored and transported under satisfactory conditions of hygiene and temperature in accordance with Regulations 180 to 209 of Part XI of these Regulations.
- (i) be prepared and/or processed in accordance with the Quality Assurance programme established in Part XI and in accordance with the Safety Assurance programme established in Part XIII of these Regulations.
- (j) not contain substances or food additives prohibited by these Regulations or not included in the positive list as referred to in Part XII of these regulations.
- (k) not contain any substance in excess of any maximum quantity or proportion permitted by the provisions laid down in Part XII of these Regulations.
- (l) be dispatched to harbours, for frozen products, and airports, for fresh products, and stored there under satisfactory conditions of hygiene and

temperature in accordance with the requirements laid down in Regulations 180 to 209 of Part XI of these Regulations.

The preparation condition of the products placed on the market.

(3) Where gutting is possible from a technical commercial, and hygienical viewpoint—

- (a) it shall be carried out as quickly as possible after the products have been caught or landed
- (b) or, they shall be frozen on the vessel immediately in case the products are not gutted after having been caught.

(4) The placing on the market of the following products shall be forbidden—

- (a) Poisonous fish of the families Tetraodontidae, Molidae, Diadontidae, Balistidae, Murenidae, Canthigasteridae,
- (b) Fishery products containing bio-toxins such as ciguatera toxins or muscle paralysing toxins.
- (c) Fishery products containing other toxins, such as histamine, mercury in an amount higher than the levels established in Regulation 16 to 24 of Part VIII of these Regulations.

Detailed requirements concerning the species concerned by this subject, concerning levels and methods of analysis are laid down in Regulation 16 to 24 of Part VIII of these Regulations.

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*Fishery Products Regulations***PART VI****IMPORTATION**

Conditions for
importation.

10. (1) In application of section 47 of the Fisheries Act 2002, the following additional import conditions are established—

The provisions applied to imports of fishery products from other countries shall in principle be at least equivalent to those governing the production and placing on the market, as described in these regulations of Guyana.

(2) Specific import conditions may be laid down

- (a) to protect public health of the citizens of Guyana without prejudice to the possibility that imported products may be exported
- (b) to allow importation of products for local consumption, under the condition that these products cannot be re-exported or used as raw material in an establishment approved to export fishery products.

Notification by
importer.

11. A person who holds an import licence shall notify the competent authority of each importation of fishery products in the form and manner prescribed and shall not market the fishery product without the competent authority's approval.

Off shore
inspection.

12. The Minister may enter into an off shore inspection arrangement with one or more foreign governments, government agencies or trade organisations where he is satisfied, based on verification by the competent authority that the legal requirements, fish inspection systems and infrastructure for preparing fish for export in that country and that the fish imported into this country meet the

requirements of the laws of Guyana.

Contents of
arrangements.

13. An off shore inspection arrangement may include after consultation with the competent authority—

- (a) issue of foreign plant operating license for the purpose of exporting fish to Guyana;
- (b) inspection of establishments in the other country and the fishery products prepared or processed in those establishments;
- (c) establishment of compliance, monitoring and inspection requirements for imports from the other country or from establishments in that country;
- (d) recognition of certificates of inspection issued by other countries;
- (e) implementation of any programme or project related to fishery products inspection and make funding arrangements for the purpose including the sharing of revenues or the recovery of costs so the programme or project; or
- (f) fixing of fees for foreign plant operating certificates or for the recovery of the costs of delivery of off shore inspection services.

Foreign
Government
inspection.

14. The Minister may after consultation with the competent authority rely on results of inspections conducted by the inspection agency of a foreign government or foreign trade organisation for the purpose of negotiating or implementing an off shore arrangement or of determining whether fishery products imported pursuant to an arrangement meet the requirements of these regulations.

[Subsidiary]

*Fishery Products Regulations***PART VII****EXPORTATION**Export
conditions.

15. In application of section 47 of the Fisheries Act the following additional export conditions are established:

(1) Provisions applied to exports of fishery products from Guyana to other countries shall comply with the conditions laid down in these Regulations and be supplementary with the requirements of the legislation of the country to which Guyana exports.

- (a) No person shall export, process for export or attempt to export or process for export, any fishery product unless that fishery product is prepared or processed in an establishment in accordance with the requirements laid down in Part XI of these Regulations.
- (b) No person shall export, process for export or attempt to export, process for export any fish that is tainted, decomposed or unwholesome or otherwise fails to meet the requirements of these Regulations.

Schedule
No. 2

(2) All shipments of fishery products of any type, in any presentation, quantity, and by any means, should be accompanied by an Export Health Certificate delivered by the Competent Authority and set forth in Schedule No 2 of these Regulations.

(3) In case of failure to present this certificate, exportation of product shall be forbidden.

PART VIII**HEALTH CONTROL**

[Subsidiary]

*Fishery Products Regulations*Health
Control
plan.

16. (1) Fishery products caught in natural environment shall have undergone health control, checking and monitoring of the conditions for the production and the placing on the market.

The competent authority shall establish a coherent and convincing health control system and therefore also has to indicate the frequency of control and inspection.

(2) The health control shall be established on two levels—

- (a) The health control of "Environmental Conditions" named "The National Monitoring Programme".
- (b) The health control of "Production Conditions".

The National
monitoring.
Programme.

17. (1) The health control of Environmental Conditions named "National Monitoring Programme" shall:

- (a) be programmed on a yearly base;
- (b) have a mid-term or long-term approach;
- (c) be implemented on directorate level.

(2) The Competent Authority shall draw up a list of:

- (a) the species related hazards in relation to the commercial species in the region;
- (b) chemicals (herbicides, pesticides, insecticides) used in the past and at present in Guyana and neighbouring countries;

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- (c) chemicals, produced by industries that could contaminate the sea by effluents;
- (d) potential microbiological contaminants of the fish skin.

Monitoring of
sanitary
Soundness.

(3) The National Monitoring Programme shall monitor the sanitary soundness of the fishery products, that is the presence of parasites, toxins, microbes, viruses, accidental and intentional contaminants present in the fishery products due to:

- (a) their natural presence in the aquatic environment and
- (b) the pollution of the aquatic environment and which could endanger human health.

Parasites.

18. (1) The presence or absence of parasites, in the different commercial fish species, the oceanographic distribution in the region and the risk assessment in relation to human health shall be demonstrated by the Competent Authority, based on scientific studies or research.

(2) Fish or fish species which are obviously infested with parasites shall not be placed on the market for human consumption.

Fish toxins in
general.

19. (1) The presence or absence of the different fish-toxins in the different commercial fish species, their oceanographic distribution and seasonal occurrence in the region shall be demonstrated by the Competent Authority, based on scientific studies or research.

Monitoring
plan for

20. (1) The Competent Authority shall install a monitoring programme as a control of the autocontrol system

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Histamine or Scrombrotoxin. implemented by the management of the establishment and to evaluate the risk of histamine to human health.

Sampling plan for histamine. (2) In order to put in place a monitoring system for histamine the following conditions shall be implemented:

(a) Nine samples shall be taken from each batch. These shall fulfil the following requirements:

(i) the mean value shall not exceed 100 ppm;

(ii) two samples may have a value of more than 100 ppm, but less than 200 ppm;

(iii) no sample may have a value exceeding 200 ppm.

Species considered as a hazard in relation to histamine production.

(b) These limits apply only to fish species of the following families: scombridae, clupeidae, engraulidae and coryphaenidae. However fish belonging to these families, which have undergone enzymeripening treatment in brine, may have higher histamine levels but not more than twice the above values.

Methods of Analysis

(c) Examinations shall be carried out in accordance with reliable, scientifically recognised methods, such as "high performance liquid chromatography" (HPLC).

Monitoring

21. (1) A monitoring plan shall be implemented by the competent authority to ensure that no poisonous fish is placed on the market—

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- (a) of the following families-
Tetraodontidae, Molidae,
Diodontidae, Canthigasteridae.
- (b) containing ichthyosarcotoxins, type
tetraodotoxin

Contaminants
present in
aquatic
environment.

22. (1) A monitoring system shall be established by the Competent Authority to check the level of contamination of fishery products by industrial chemicals, heavy metals, medicinal products, food additives, animal feed additives and pesticides. Without prejudice to the laws to be proclaimed concerning water protection and management, and in particular those concerning pollution of the aquatic environment, fishery products shall not contain in their edible parts—

- (a) intentional contaminants present in the aquatic environment such as residues of antibiotics and drugs; and
- (b) accidental contaminants present the aquatic environment such as heavy metals, organo-chlorinate substances and pesticides,

at such level that the calculated dietary intake exceeds the acceptable daily or weekly intake for humans.

Standards for
chemical
contaminants.

(2) Fishery products shall not contain chemical contaminants on a level higher than that specified in these regulations as mentioned below:

- | | |
|---------------------|-----------|
| (a) aldrin/dieldrin | 0.10mg/kg |
| (b) chlordane | 0.10mg/kg |
| (c) chlordecone | 0.10mg/kg |

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(d) DDT, TDE, DDE	0.10mg/kg
(e) diquat	0.10mg/kg
(f) flouridone	0.10mg/kg
(g) heptachlor epoxide	0.10mg/kg
(h) glyphosphate	0.10mg/kg
(i) mirax	0.10mg/kg
(j) PCB	0.10mg/kg
(k) simazine	0.10mg/kg

Monitoring plan for Heavy metals.

23. (1) A monitoring plan to check the contamination of fishery and aquaculture products by heavy metals shall be implemented.

Method of Analysis.

(2) Analysis methods, maximum limits and sampling plans for monitoring heavy metals in fishery products shall be established:

(a) the analysis method

Schedule No. 4.

Specific methods for the determination of lead, cadmium and mercury contents are not prescribed. Nevertheless, reference methods for detecting heavy metals are laid down, inter alia, Atomic Absorption Spectrometry (AAS). Laboratories shall use a validated method that fulfills the performance criteria indicated in Schedule 4, Part III, Table 3 of these Regulations. Where possible, the validation shall include a certified reference material in the collaborative trial test materials.

Limits.

(b) Maximum limits,

(i) The mean total mercury content, as determined by the analysis of the edible parts of the fishery products must not exceed 0,5ppm of fresh

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products (0,5mg/kg of fresh weight).

This average limit is, however, increased to:

- (A) 1 ppm of fresh products (1 mg/kg of fresh weight) for the edible parts of the following species:

Lophius (Anglerfish)

Anarhichas lupus
(Atlantic catfish)

Dicentrarchus labrax
(Bass)

Molva dipterygia (Blue
ling)

Sarda spp (Bonito)

Anquilla spp (Eel)

Hippoglossus
hippoglossus (Halibut)

Euthunnus spp (Little
tuna)

Makaira spp (Marlin)

Esox lucius (Pike)

Orcynopsis unicolor
(Plain bonito)

Centroscymnes coelolepis
(Portuguese dogfish)

Raja spp (Rays)

Sebastes marinus, S.
mentella, S. viviparous

(Redfish)
 Istiophorus platypterus
 (Sail fish)

Lepidopus caudatus,
 Aphanopus carbo
 (Scabbard fish)

Shark (all species)

Lepidocybium
 flavobrunneum, Ruvettus
 pretiosus, Gempylus
 serpens (Snake mackerel)

Acipenser spp (Sturgeon)

Xiphias gladius
 (Swordfish)

Thunnus spp (Tuna)

- (ii) The mean total lead content, as determined by the analysis of the edible parts of the fishery products must not exceed 0,2ppm of fresh products (0,2 mg/kg of fresh weight).

This average limit is however, increased to :

- (A) 0,4 ppm (0,4mg/kg of fresh weight) for edible parts of the following species:
- Dicologlossa cuneata
 (Wedge sole)
- Anguilla anguilla (Eel)
- Dicentrarchus punctatus
 (Spotted seabass)

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Trachurus trachurus
(Horse mackerel or Scad)

Mugil labrosus labrosus
(grey mullet)

Diplodus vulgaris
(Common two-banded
seabream)

Pomadasys benneti
(Grunt)

Sardina pilchardus
(European pilchard or
sardine)

(B) 0,5 ppm (0,5 mg/kg of
fresh weight) for:
Crustaceans (excluding
brown meat of crab)

(C) 1 ppm (1 mg/kg of fresh
weight) for:
Bivalve molluscs and
Cephalopods (without
viscera)

Sampling Plans
methods of
sampling,
sample
preparation
definitions.

- (c) Sampling plans shall be laid down for fresh and frozen fishery products by the Competent Authority. These shall take into account the results obtained from national checks
- (d) A number of the most commonly used definitions in describing methods of sampling and definitions that the laboratory will be required to use in establishing procedures for sample preparation and criteria for methods of analysis are laid down in Schedule

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No 4, Part I of these Regulations.

(e) Methods of sampling are laid down in Schedule No 4, Part II of these Regulations.

Schedule
No. 4.

(f) Sample preparations and criteria for methods of analysis are laid down in Schedule No 4, Part III of these Regulations.

Records and
data of
monitoring
programme.

24. (1) Records and data of monitoring results of the national monitoring programme shall be available at any time.

Scope of the
control plan for
production
conditions.

25. (1) The health control of "Production Conditions" shall:

- (a) be done on a daily or regular inspection base,
- (b) have a short term approach and,
- (c) be implemented on inspectorate level.

Monitoring of
the production
chain.

(2) The health control of Production Conditions shall monitor different control points in the production chain, in order to establish whether the sector in the field of work is complying with all the requirements during the whole production chain from catch till dispatch, laid down in these Regulations.

Health checks
before first sale.

26. (1) Arrangements for the organisation, implementation and maintenance of the health checks shall be made by the competent authority to establish :

- (a) An inspection comprising an organoleptic check which shall be carried out to check whether they are fit for human consumption,

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in accordance with the requirements laid down in Regulations 104 to 118 of Part XI of these Regulations;

- (i) by the competent authority of each batch of fishery products at the time of landing or before first sale, or,
 - (ii) by the quality manager of each batch of fishery products during reception of fish in the establishment, cross checked at regular intervals by the official health inspector
- (b) If the organoleptic examination reveals any doubt as to the freshness of the product, an inspection comprising physical, chemical or microbiological methods in accordance with the requirements laid down in regulation 112 of these Regulations.
 - (c) An inspection of the physical soundness of the fishery products in accordance with the requirements laid down in regulation 113 of these Regulations.
 - (d) An inspection of the sanitary soundness of the fishery products in accordance with the requirements laid down in regulation 114 of these Regulations.

Control of the autocontrol system guaranteed by the sector on the level of vessels.

27. (1) Arrangements for checking, controlling and monitoring the hygiene rules applicable to fishery products caught on board fishing vessels shall be made by the inspection service in order to establish whether the fishery products, have been caught and where appropriately handled for bleeding, heading, gutting and the removal of fins, chilled or frozen, prepared or processed on board vessels in accordance with the hygiene rules established in Regulations

36 to 42 of these Regulations.

Such arrangements will include, in particular, a check on factory vessels and/or fishing vessels, on the understanding that such a check may be carried out during the stay in port. In order to ensure the implementation of a coherent and efficient inspection, the competent authority shall:

- (a) implement a registration system and should keep up-to-date for control purposes, a list of vessels equipped as : freezing vessels, CSW (chilled sea water) vessels and as RSW (refrigerated sea water) vessels;

The registration, the controls and the checks of the vessels shall be done by :

- (i) the Competent Authority of the country of which the vessel is flying the flag, or
- (ii) the competent authority of another country on condition :
 - (A) such country figures on the community list of the third countries authorised to import fishery products into the EC community
 - (B) the fishery products are landed regularly on its territory, and
 - (C) are inspected by its competent authority

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which shall also apply the health conditions to the products, and, issue the export health certificate;

- (iii) the competent authority of an EC member state.
- (b) implement an approval procedure for factory vessels in accordance with the approval procedure for establishments as referred to in regulation 6 of these Regulations.
- (c) control the autocontrol (quality assurance : good practices; safety assurance; HACCP) system implemented by the qualified person (quality manager) on board of the factory vessels.
- (d) indicate the frequency of inspection
- (e) make records of every inspection.

Control of the autocontrol system guaranteed by the sector on the level of landing and off loading.

28. (1) Arrangements for checking, controlling and monitoring the hygiene rules and conditions of landing and first sale shall be made by the inspection service in order to establish whether the fishery products, have been handled during and after landing and in the auction markets in accordance with the hygienic rules and conditions established in Part X of these Regulations.

Control of the autocontrol system guaranteed by the sector on

29. (1) Arrangements for checking, controlling and monitoring the hygiene rules of transport conditions shall be made by the inspection service in order to establish whether fishery products, caught in natural environment, have been

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the level of transport.

transported under satisfactory conditions of hygiene and temperature in accordance with the hygienic rules and conditions established in Regulations 196 to 209 of Part XI of these Regulations.

Control of the autocontrol system guaranteed by the sector on the level of establishments.

30. (1) Arrangements for checking, controlling, inspection and monitoring at regular intervals of establishments shall be made by the inspectorate in accordance with the quality assurance programme established in Part XI and in accordance with the safety assurance programme established in Part XIII and in accordance with the requirements for the use of sweeteners, food colours and/or other food additives laid down in Part XII of these Regulations in order to establish:

- (a) whether fishery products caught in natural environment have been handled and where appropriate prepared, processed, stored, frozen, defrosted, packaged, identified by a mark
- (b) whether there are the cleanliness conditions of premises, facilities and instruments and staff;
- (c) whether fishery products, prepared or processed from fish species which are estimated to be a potential hazard in relation to regulation 9 of these regulations, before being released for human consumption are subjected to a visual inspection by way of sample, for the purpose of detecting any parasites that are visible.

Control of the autocontrol system guaranteed by

31. (1) Arrangements for controlling and monitoring the approval and registration conditions and requirements, laid down in regulation 6 of these Regulations shall be made

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the sector on the level of approval conditions.

by the competent authority in order to establish whether these conditions and requirements are still fulfilled.

Control of the autocontrol system guaranteed by the sector on the level of certification.

32. (1) Arrangements shall be made by the inspectorate to ensure that error or fraud can be excluded and that the declarations on the export certificates are truthful for—

- (a) final checking of the guarantees obtained during the whole production chain before certification; and
- (b) stipulation of reliable conditions for certification.

Control of the autocontrol system guaranteed by the sector on the level of airports and sea ports.

33. (1) Arrangements for checking, controlling and monitoring the hygiene, chilling storage conditions, and the frozen storage conditions on airport and seaports shall be made by the inspectorate in order to establish whether the fishery products have been handled, stored and dispatched in accordance with the hygienic rules and conditions established in Regulations 180 to 209 of Part XI of these Regulations.

Records.

34. (1) Records of controls, checks and inspection shall be available at any time.

Official Laboratories.

35. (1) The Competent Authority shall, after auditing and on the basis of the audit report, approve laboratories and designate these laboratories as official laboratories.

(2) The Competent Authority shall designate the authority responsible for the inspection and audit of the laboratories and shall also establish the audit level : GLP (good laboratory practices) or accreditation.

Approval Conditions.

(3) To be approved, laboratories shall be—

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- (a) able to carry out non clinical
 - (i) microbiological tests (e.g. on food, contact surfaces, residues of antibiotics) and/or
 - (ii) chemical tests (e.g. heavy metals, industrial chemicals, medicinal products, food additives, animal feed additives and pesticides);
 - (iii) biological tests (e.g. detection and identification of parasites, bio assay for the detection of marine biotoxins);
 - (iv) physical and chemical tests for freshness determination of fishery products (e.g. pH measurements, refractometric index of the eye liquid, TVB-N (Total Volatile Basic-N))
- (b) equipped to do analyses of
 - (i) organic and inorganic chemicals
 - (ii) marine and fish toxins
 - (iii) biological organisms
 - (iv) microbiological organismsas described in these Regulations
- (c) able to carry out the different reference methods described in these

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Regulations.

- (d) able to work under "Good Laboratory Practices".

(4) These competences and facilities may not be present in one specific laboratory; different laboratories could be in charge and approved for different types of tests or tests.

(5) Where foreign laboratories are designated as official laboratories for specific tests, a contract or written agreement shall be made specifying the terms of reference of the agreement.

List of
Approved
Laboratories.

(6) The Competent Authority shall draw up a list of the approved laboratories and designate, on the basis of the audit report their testing specialty.

PART IX**Conditions Applicable to Vessels**

General
conditions
applicable to
vessels.

36.(1) The following conditions concerning construction and equipment shall apply to vessels:

- (a) The sections of the vessels or the containers reserved for the storage of fishery products shall—
- (i) be covered and self draining;
 - (ii) be well insulated;
 - (iii) have provision for holding a reasonable quantity of ice or have an alternative means of refrigeration;
 - (iv) not contain objects or products liable to transmit harmful

properties or abnormal characteristics of the foodstuffs.

These sections or containers shall be designed as to allow them to be cleaned easily and to ensure that melt water cannot remain in contact with fishery products.

- (b) Decks used for fish handling may be constructed of one or more of the following materials, namely surface-coated aluminium, fiberglass, timber-sheathed or coated with an epoxy finish or similar.

Where fish does not normally come in contact with the deck and the timber is clean, sound and well caulked untreated timber is allowed on exposed decks.

- (c) Where operations are carried out in daylight hours unenclosed fish handling areas on decks shall be effectively roofed over or protected by a substantial and easily erected awning.
- (d) Water used at any stage of processing shall comply with the parameters of potable water, laid down in Regulations 84 to 103 of Part XI of these Regulations or of clean sea water. Sea water intakes for vessels shall be located forward of any toilet or bilge discharge.
- (e) Sinks, processing tables, equipment used for gutting, heading and the removal of fin and containers and

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equipment in contact with the fishery products, shall be made of or coated with a material which is waterproof, resistant to decay, smooth and easy to clean and disinfect. When used they shall be completely clean.

(2) The following conditions concerning use and maintenance shall apply to the vessel:

- (a) when used, the section of vessels or the containers reserved for the storage of fishery products shall be completely cleaned and, in particular, shall not be capable of being contaminated by the fuel used for the propulsion of the vessel or bilge water.
- (b) after the fishery products have been unloaded, the containers, equipment and sections of vessels which are directly in contact with the fishery products shall be cleaned with potable water or clean water.

(3) The following conditions shall apply to the handling and storage of fishery products on board :

- (a) as soon as they are taken on board, the fishery products shall be protected from contamination and from the effects of the sun or any other source of heat. When they are washed, the water used shall be either fresh water complying with the parameters set out in Regulations 84 to 103 of Part XI of these Regulations or clean seawater, so as not to impair their quality or wholesomeness.

- (b) the fishery products must be chilled immediately with ice, and stored in insulated containers or holds. However in the case of fishing vessels where cooling is not possible from a practicable point of view, the fishery products must not be kept on board for more than eight hours.
- (c) the fishery products shall be handled and stored in such a way as to prevent bruising. The use of spiked instruments shall not be tolerated for the moving of large fish or fish, which might injure the handler, provided the flesh of these products, is not damaged;
- (d) fishery products shall undergo, if applicable, cold treatment as soon as possible after loading, complying with the conditions laid down in Regulation 38 (3) (a) of this document,
- (e) ice used for chilling of products shall be made from potable water or clean sea water. Before use it shall be stored under conditions which prevents its contamination, and
- (f) where fish is headed and/or gutted on board such operation shall be carried out hygienically and the products shall be washed immediately and thoroughly with potable water or clean sea water. The viscera and parts, which may pose a threat to public health, shall be removed and set apart

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from products intended for human consumption. Livers and roes intended for human consumption shall be refrigerated or frozen.

(4) Staff assigned to handling of fishery products shall be required to maintain a high standard of cleanliness for themselves and their clothes.

Additional
hygiene
conditions.

37. (1) Additional hygiene conditions are applicable to the fishing vessels designed and equipped to preserve fishery products on board under satisfactory conditions for more than twenty-four (24) hours, other than those equipped for keeping fish, shellfish and molluscs alive without other means of conservation on board.

(2) When additional hygiene conditions are applicable for certain vessels, the general hygiene conditions applicable to fishery products on board all fishing vessels, laid down in regulation 36 of these Regulations are also applicable.

(3) The following conditions concerning construction and equipment shall apply:

- (a) Fishing vessels shall be equipped with holds, tanks or containers for the storage of refrigerated or frozen fishery products at the temperature laid down by these Regulations. These holds shall be separated from the machinery space and the quarters reserved for the crew by partitions which are sufficiently impervious to prevent any contamination of the stored fishery products.
- (b) The inside surface of the holds, tanks or containers shall be water proof and easy to wash and disinfect. It shall

- consist of a smooth material or failing that, smooth paint maintained in a good condition, not being capable of transmitting to the fishery products substances harmful to human health.
- (c) The holds shall be designed to ensure that melt water cannot remain in contact with the fishery products.
 - (d) Containers used for the storage of products shall ensure their preservation under satisfactory conditions of hygiene and, in particular, allow drainage of water. When used they shall be completely clean.
 - (e) Refrigeration shall be carried out in refrigeration holds, refrigerated sea water tanks or other suitable equipment. Refrigeration capacity shall be sufficient to rapidly cool fish from ambient temperature to the temperature of melting ice and hold it at this temperature.
 - (f) Waterproof and separate storage room shall be provided for the storage of cartons, ship to shore containers and the like.
 - (g) Artificial lighting shall be provided where necessary and where handling, processing and inspection takes place at night and below deck and in enclosed processing areas.

The intensity of illumination shall be a

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minimum of: 220 lux in the processing area, 540 lux where the product is being inspected.

- (h) Sanitary facilities including toilet and shower facilities shall be sufficient in number for the normal complement of crew. Any toilet shall be equipped with not hand/elbow operable wash basin located in the toilet room or immediately outside the door. A berth shall be available for each member of the crew and when required for a Fisheries Officer and a Veterinary Public Health Inspector.
- (i) Hydraulic circuits shall be protected in such a way as to ensure no oil leakages can contaminate product.

(4) The following conditions concerning use and maintenance shall apply to vessels:

- (a) The working decks, the equipment and the holds, tanks and containers shall be cleaned each time they are used for this purpose. Disinfecting, the removal of insects or rat extermination shall be carried out whenever necessary.
- (b) Cleaning products, detergents and disinfectants, insecticides, rodenticides and all potentially toxic substances shall be stored in locked premises or cupboards physically separated from fish cartons and ship to shore containers. Their use shall not

present any risk of contamination of the fishery products.

(5) The following conditions concerning handling and storage of fishery products on board vessels shall apply:

- (a) Ice for chilling of fishery products shall be used in such a way and in such quantities, so that by unloading of the fishery products, they still have the temperature of melting ice.
- (b) The water inlet for vessels, having an intake system for seawater, shall be located in front of the outlet for waste and sewerage water.
- (c) Fishing vessels that use seawater to wash up and process, shall do so in uncontaminated waters and whilst the vessel is moving in open waters.
- (d) Fishing vessels that use seawater and anchor at secure harbourages to wash up and process shall ensure that:
 - (i) waters are uncontaminated and meet the requirements of clean seawater;
 - (ii) toilet facilities are not operated unless self contained;
 - (iii) the vessel is far enough from the shore and in deep water.

clauses (i), (ii) and (iii) shall not apply to vessels that use a self-contained water system and the water meets the requirements laid down in Regulations 84 to 103 of Part XI of

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these Regulations.

(6) The following conditions concerning personnel shall apply:

- (a) Staff assigned to the handling of fishery products shall be required to maintain a high standard of cleanliness for themselves and their clothes.
- (b) Ship owners or their representatives shall take all the measures necessary to prevent persons liable to contaminate fishery products from working on board handling them, until there is evidence that such persons can do so without risk. The routine medical monitoring of such people shall be governed by the national laws.

Specific hygiene conditions applicable to fishery product caught on board fishing vessels equipped for freezing fishery on board

38.(1) General hygiene conditions applicable to fishery products on board all fishing vessels laid down in regulation 36 of these Regulations are applicable to fishery products caught on board fishing vessels equipped for freezing.

(2) Additional hygiene conditions applicable to the fishing vessels designed and equipped to preserve fishery products on board under satisfactory conditions for more than 24 hours laid down in regulation 37 of these Regulations are applicable.

(3) If fishery products are frozen on board, this operation shall be carried out in accordance with following conditions :

- (a) Fishing vessels shall have freezing equipment, sufficiently powerful:

- (i) to achieve rapid reduction in temperature (-18° C)
 - (ii) to keep products in storage rooms (-18° C)
 - (iii) to freeze whole fish in brine intended for canning (-9° C)
- (b) Fresh products to be frozen shall comply with the requirements of the conditions for the fresh products laid down in regulation 162 of these Regulations.
- (c) Temperature recording devices in storage rooms shall be located in a place where they can easily be read.
- The temperature sensor of the recorder shall be located in the area furthest away from the cold storage, where the temperature in the storage room is the highest. Temperature charges shall be available at least during the period in which the products are stored.
- (d) A freezer shall be physically separated from the hold in which the frozen food is stored, provided with separated refrigeration.
- (e) If the freezer is located within a storage hold where frozen food is stored, it shall be separately refrigerated, provided with doors of a material that ensures its efficiency

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when operating and effectively divides the freezer from the hold.

Freezer holds, blast freezers, plate freezers and the like shall be capable of reducing the temperature of fish undergoing freezing to -18° C or colder.

- (f) A waterproof, hygienic and separate storage room shall be provided for the storage of cartons (first and second envelope).
- (g) On prawn trawlers, prawns can be packed and frozen whole or headed when the hygienic conditions comply with the requirements laid down in the general, the additional and the specific hygiene conditions laid down in regulation 36, 37 and 38 of these Regulations.

When prawns are headed before packing and freezing, special hygiene measures have to be taken to prevent contamination by the environmental circumstances.

- (h) Where freezing in brine is used, the brine shall not be a source of contamination for the fish.

Specific hygiene conditions applicable to fishery products caught on board

39. (1) General hygiene conditions applicable to fishery products on board all fishing vessels laid down in regulation 36 of these Regulations are applicable for CSW and RSW vessels.

(2) Additional hygiene conditions applicable to the

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fishing vessels equipped for chilling of fishery products in cooled seawater either chilled by ice (CSW) or refrigerated by mechanical means (RSW). fishing vessels designed and equipped to preserve fishery products on board under satisfactory condition for more than 24 hours, laid down in regulation 37 of these Regulations are applicable.

(3) Fishing vessels equipped for chilling of fishery products in cooled seawater (CSW) (chilled by ice) or in refrigerated sea water (RSW) (chilled by mechanical means) shall comply with the following requirements.

- (a) Tanks shall be equipped with adequate sea water filling and drainage installations and shall incorporate devices for achieving uniform temperature throughout the tanks;
- (b) Tanks shall have a means of recording temperature connected to temperature sensor positioned in the section of the tank where temperatures are highest;
- (c) The operation of the tank or container system shall secure a chilling rate which ensures the mix of fish and seawater reaches 3° C at the most six hours after loading and 0° C at the most after sixteen hours;
- (d) After each unloading, the tanks circulation systems and containers shall be completely emptied and thoroughly cleaned using potable or clean seawater and should only be filled with clean seawater, and
- (e) The date and the number of the tank shall be clearly indicated on the temperature recordings, which shall

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be kept available for the Inspection Service.

Specific hygiene conditions applicable to fishery products caught on board fishing vessels equipped for cooking crustaceans and mollusks on board.

40. (1) Fishing vessels equipped for cooking crustaceans and molluscs on board shall comply with the general hygiene conditions applicable to fishery products on board all fishing vessels, laid down in regulation 36 of these Regulations.

(2) Additional hygiene conditions applicable to the fishing vessels designed and equipped to preserve fishery products on board under satisfactory conditions for more than 24 hours laid down in regulation 37 of these Regulations are also applicable.

(3) Any cooking shall be followed by rapid cooling. Water used for this purpose shall be potable water or clean seawater. Cooling shall continue until the temperature approaching that of melting ice is reached (if no other method of preservation is used).

(4) Shelling or shucking shall be carried out under hygienic conditions avoiding the contamination of the product.

Where such operations are done by hand, workers shall pay attention to the washing of their hands and that all working surfaces are cleaned thoroughly.

If machines are used, they shall be cleaned at frequent intervals and disinfected after each working day.

(5) After shelling or shucking, cooked products shall immediately be frozen or kept chilled at a temperature which will preclude the growth of pathogens and be stored in appropriate premises.

(6) Every manufacturer shall carry out microbiological checks on his production at regular intervals,

complying with the following:

- (a) The microbiological standards set forth in Schedule 3 to these Regulations shall be checked by the manufacturer during the manufacturing process and before the crustacean and molluscan shellfish products, cooked in the processing plant, are placed on the market;
- (b) Sampling programmes:
 - (i) shall be established by the responsible staff of the fishing vessel in relation to:
 - (A) the nature of products (whole, shelled/or shucked)
 - (B) the temperature
 - (C) the time of cooking
 - (D) the risk evaluation
 - (ii) shall meet the principles of the autocontrol system and
 - (iii) shall contain, in the event of failure to comply with the standards laid down under the following headings : pathogens
(1) organisms indicating poor hygiene (2)
- (c) The manufacturer shall –

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- (i) notify the Competent Authority of the findings made and the action taken with regard to unsatisfactory batches,
- (ii) review the methods of supervising and checking the critical points so as to identify the contamination source and to carry out analyses more frequently;
- (iii) not market for human consumption batches found to be unsatisfactory on account of the discovery of pathogens or where the M-value for staphylococcus is needed.

Conditions
Applicable to
design and
equipment of
factory vessels.

41. (1) The minimum requirements for design and equipment needed on factory vessels are the following:

- (a) a reception area set aside for taking fishery products on board, designed and arranged into pounds or pens that are large enough to allow each successive catch to be separated. The reception area and its movable parts shall be easy to clean. It shall be designed in such a way as to protect the products from the sun or the elements and from any source of dirt or contamination;
- (b) a system for conveying fishery products from the reception area to the work area that conforms with rules of hygiene;

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- (c) work areas that are large enough for the preparation and processing of fishery products in proper conditions of hygiene. They shall be designed and arranged in such a way as to prevent any contamination of the products;
- (d) storage areas for the finished products that are large enough and designed so that they are easy to clean. If a waste processing unit operates on board, a separate hold shall be designated for the storage of these by-products;
- (e) a place for storing packaging materials that is separate from the products preparation and processing areas;
- (f) special equipment for pumping waste or fishery products that are unfit for human consumption either directly into the sea or, where circumstances so require, into a watertight tank reserved for that purpose. If waste is stored and processed on board with a view to cleaning, separate areas shall be allocated for that purpose;
- (g) equipment providing a supply of potable water within the meaning of Regulations 84 to 103 of Part XI of these Regulations relating to the quality of water intended for human consumption or pressurised clean seawater. The seawater intake shall be situated in a position where it is not possible for the water being taken in, to be affected by discharges into the

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sea of waste water, waste and engine coolant outlets;

- (h) a suitable number of changing rooms, wash basins and toilets, the latter not opening directly into areas where fishery products are prepared, processed or stored. The wash basins shall be equipped with appliances for washing and drying the hands that comply with hygiene requirements; the wash basin taps shall not be hand or elbow-operable.

(2) Areas used for the preparation and processing or freezing or quick freezing of fishery products shall have:

- (a) a non-slip floor that is also easy to clean and disinfect and equipped for easy drainage of water. Structures and fixtures shall have limber holds that are large enough not to be obstructed by fish waste and to allow water to drain freely;
- (b) walls and ceilings that are easy to clean, particularly where there are pipes, chains or electricity conduits;
- (c) the hydraulic circuits shall be arranged or protected in such ways as to ensure that it is not possible for any leakage of oil to contaminate fishery products;
- (d) adequate ventilation and, where necessary, proper vapour extraction;
- (e) adequate lighting;

- (f) appliances for cleaning and disinfecting tools, equipment and fittings;
- (g) appliances for cleaning and disinfecting the hands with taps that are not hand or elbow-operable and with single use towels.

(3) Equipment and tools such as cutting benches, containers, conveyors, gutting or filleting machines, etc., shall be resistant to seawater corrosion, easy to clean and disinfect and well-maintained.

(4) Factory vessels which freeze fishery products shall have:

- (a) a refrigeration plant sufficiently powerful to lower the temperature rapidly so as to achieve a core temperature that complies with the specifications of these Regulations.
- (b) refrigeration plants sufficiently powerful to keep fishery products in the storage holds at a temperature that complies with the specifications of these Regulations. The storage holds shall be equipped with a temperature recording system placed so that it can easily be consulted.

Conditions relating to on board handling and storage of fishery products.

42. (1) A qualified person on board the factory vessel shall be responsible for applying best practices. That person shall have the authority to ensure that the provisions of this Division are applied and shall make available to inspectors the programme for inspecting and checking control points and critical control points as supplied on board, a register

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containing that person's comments and the temperature recordings that may be required.

(2) The general conditions of hygiene applicable to areas and equipment shall be the following:

- (a) Floors, walls and partitions, ceilings or roof linings, equipment and instruments used for working on fishery products shall be kept in a satisfactory state of cleanliness and repair, so that they do not constitute a source of contamination for the products.
- (b) Rodents, insects and any other vermin shall be systematically exterminated in the premises or on the equipment; rodenticides, insecticides, detergents, disinfectants and any other potentially toxic substances shall be stored in premises or cupboards which can be locked; their use shall not present any risk of contamination of the products.
- (c) Working areas, instruments and working equipment shall be used only for work on fishery products.
- (d) Drinking water, -within the meaning of Regulations 84 to 103 of Part XI of these Regulations, or clean seawater shall be used for all purposes. However, by way of an exception, non-drinking water may be used for steam production, fire fighting and the cooling of refrigeration equipment, provided that the pipes installed for purpose preclude the use of such

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water for other purposes and present no risk of contamination of the products.

- (e) Detergents, disinfectants, rodenticides, insecticides and similar substances shall be approved by the competent authority and used in such a way that they do not have adverse effects on the machinery, equipment and products.

(3) The general conditions of hygiene applicable to staff shall be the following—

- (a) The highest possible standard or cleanliness is required of staff. More specifically:
 - (i) Staff shall wear suitable clean working clothes and headgear which completely enclosed the hair. This applies particularly to persons handling exposed fishery products.
 - (ii) Staff assigned to the handling and preparation of fishery products shall be required to wash their hands and at least each time work is resumed; wounds to the hands shall be covered by a waterproof dressing.
 - (iii) Smoking, spitting, eating and drinking in work and storage premises of fishery products shall be prohibited.

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- (b) The employer shall take all the requisite measures to prevent persons liable to contaminate fishery products from working on and handling them, until there is evidence that such persons can do so without risk.

When recruited, any person working on and handling fishery products shall be required to prove, by a medical certificate, that there is no impediment to such employment.

(4) Heading, gutting and filleting shall be carried out under the following conditions of hygiene:

- (a) Operations such as heading and gutting shall be carried out hygienically. The products shall be washed thoroughly with potable water or clean seawater immediately after such operations.
- (b) Operations such as filleting and slicing shall be carried out in such a way as to avoid the contamination or spoilage of fillets and slices, and in a place other than that used for heading and gutting operations. Fillets and slices shall not remain on work tables any longer than is necessary for their preparation and shall be protected from contamination by appropriate packaging. Fillets and slices to be sold fresh shall be chilled as quickly as possible after preparation.
- (c) Guts and parts that may constitute a

danger to public health shall be separated from and removed from the vicinity of products intended for human consumption.

(5) On-board freezing of fishery products shall be carried out under the following conditions of hygiene:

- (a) Fresh products to be frozen or quick-frozen shall comply with the requirements for fresh products laid down in regulation 162 of these Regulations.
- (b) Storage rooms shall have temperature recording devices in a place where it can easily be read. The temperature sensor of the recorder shall be located in the area furthest away from the cold source, i.e. where the temperature in the storage room is the highest. Temperature charts shall be available for inspection by the supervisory authorities at least during the period in which the products are stored.

(6) On-board processing of fishery products shall be carried out under the following conditions of hygiene:

- (a) The conditions of hygiene for fresh products laid down in regulation 161 of these Regulations.
- (b) The conditions of hygiene for frozen products laid down in regulation 162 of these Regulations.
- (c) The conditions of hygiene for thawing products laid down in regulation 163

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of these Regulations.

- (d) The conditions of hygiene for processed products laid down in regulation 165 to 171, of these Regulations.
- (e) The conditions concerning parasites laid down in regulation 172 of these Regulations.

(7) Fishery products shall be wrapped and packaged under the following conditions of hygiene:

- (a) Packaging shall be carried out under satisfactory conditions of hygiene, to preclude contamination of the fishery products.
- (b) Packaging materials and products liable to enter into contact with fishery products shall comply with all the rules of hygiene, and in particular:
 - (i) they shall not be such as to impair the organoleptic characteristics of the fishery products;
 - (ii) they shall not be capable of transmitting to the fishery products substances harmful to human health; they shall be strong enough to protect the fishery products adequately.
- (c) With the exception of certain containers made of impervious, smooth and corrosion-resistant

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material which are easy to clean and disinfect, which may be re-used after cleaning and disinfecting, packaging materials may not be re-used.

- (d) Unused packaging materials shall be stored in premises away from the production area and be protected from dust and contamination.

(8) On-board storage of fishery products shall be carried out under the following conditions of hygiene.

- (a) Fishery products shall, during storage be kept at the temperatures laid down in these Regulations and in particular:
 - (i) fresh or thawed fishery products and cooked and chilled crustacean shall be kept at the temperature of melting ice,
 - (ii) frozen fishery products, with the exception of frozen fish in brine intended for the manufacture of canned foods, shall be kept at an even temperature of -18° C or less in all parts of the product, allowing for the possibility of brief upward fluctuations of not more than 3° C, during transport;
 - (iii) processed products shall be kept at the temperature specified by the manufacturer.

Products may not be stored with other products which may contaminate them or affect their hygiene, unless they are packaged in such a way as to provide satisfactory protection.

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PART X

**REQUIREMENTS FOR LANDING AND UNLOADING OF
FISHERY PRODUCTS**

General
conditions for
landing and
unloading.

43. (1) Unloading and landing equipment shall be constructed of material which is easy to clean and disinfect and shall be kept on a good state of repair and cleanliness.

(2) During unloading and landing, contamination of fishery products shall be avoided. It shall in particular be ensured that—

- (a) unloading and landing operations proceed rapidly;
- (b) fishery products are placed without unnecessary delay in a protected environment at the temperature required on the basis of the nature of the product and, where necessary, in ice in transport, storage or market facilities, or in plant;
- (c) equipment and handling practices that cause unnecessary damage to the edible parts of the fishery products are not authorised.

General
conditions for
auctions.

44. (1) If fishery products are displayed for sale in auctions, parts of auctions shall—

- (a) be covered and have walls which are easy to clean;
- (b) have water-proof flooring which is easy to wash and disinfect and laid in such a way to facilitate the drainage of water and have a hygienic waste

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- water disposal system;
- (c) be equipped with sanitary facilities with an appropriate number of wash basins and flush lavatories. Wash basins shall be supplied with materials for cleaning the hands and single use hand towels;
 - (d) be well lit to facilitate the inspection of fishery products provided for in regulation 26 of these Regulations;
 - (e) when they are used for display or storage of fishery products, not be used for other purposes; vehicles emitting exhaust fumes which may impair the quality of the fishery products shall not be admitted to markets; crates shall, after each sale, be cleaned and rinsed inside and outside with drinking water or clean sea water; where required, they shall be disinfected. Undesirable animals shall not be admitted;
 - (f) have displayed in a prominent position, signs prohibiting smoking, spitting, eating or drinking
 - (g) be kept closed when the Competent Authority considers it necessary;
 - (h) have facilities to provide adequate supplies of drinking water within the meaning of Regulations 84 to 103 of part XI of these Regulations or alternatively of clean seawater or seawater treated by an appropriate

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system, under pressure and in sufficient quantity. However, by way of exception, a supply of non-drinking water is permissible for steam production, fire-fighting and the cooling of refrigeration equipment, provided that the pipes installed for the purpose preclude the use of such water for other purpose and present no risk of contamination of the products. Non-drinking water pipes shall be clearly distinguished from those used for drinking water or clean sea water;

- (i) have special watertight receptacles made of corrosion-resistant materials for fishery products which are unfit for human consumption; and
- (j) in so far as they do not have their own premises on the spot or in the immediate vicinity on the basis of the quantities displayed for sale, have, for the purpose of the Competent Authority, an adequately-equipped lockable room, and the equipment necessary for carrying out inspection.

(2) After landing or, where appropriate, after first sale, fishery products shall be transported without delay, under the conditions laid down in Regulations 196 to 209 of Part XI of these Regulations to their place of destination.

(3) However, if the conditions laid down in paragraph (2) of this regulation hereof are not fulfilled, the markets in which fishery products may be stored before being displayed for sale or after being sold and pending transport to their place of destination shall have sufficiently large cold

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and/or chill storage rooms which satisfy the following conditions. They shall have:

- (a) waterproof flooring which is easy to clean and disinfect and laid down in such a way as to facilitate the drainage of the water or provided with equipment to remove water;
- (b) walls, which have, smooth surfaces and are easy to clean, durable and impermeable;
- (c) ceilings or roof linings which are easy to clean;
- (d) doors in durable materials which are easy to clean;
- (e) adequate natural or artificial lighting, and
- (f) where necessary a sufficiently powerful refrigeration plant to keep products at temperature prescribed in these Regulations.

In such cases, fishery products shall be stored at a temperature approaching that of melting ice.

General
hygiene
conditions for
auctions.

45. (1) General conditions of hygiene for auctions and markets in which fishery products are displayed for sale or stored are:

- (a) Floors, walls and partitions, ceilings or roof linings, equipment and instruments used for working on fishery products shall be kept in a satisfactory state of cleanliness and

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repair, so that they do not constitute a source of contamination for the products.

- (b) Rodents, insects and any other vermin shall be systematically exterminated in the premises or on the equipment; rodenticides, insecticides, disinfectants and any other potentially toxic substances shall be stored on the premises or cupboards which can be locked; their use shall not present any risk of contamination of the products.
- (c) Working areas, instruments and working equipment, shall be used only for work on fishery products. However, following authorisation by the competent authority, they may be used at the same time or other times for work on other foodstuffs.
- (d) Potable water, satisfying Regulations 84 to 103 of Part XI of these Regulations shall be available. However, by way of an exception, non- drinking water may be used for steam production, all fire-fighting and the cooling of refrigeration equipment, provided that the pipes installed for the purpose preclude the use of such water for other purposes and present no risk of contamination of the products.
- (e) Detergents, disinfectants and similar sub-stances shall be approved by the Competent Authority and used in such a way that they do not have

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adverse effects on the machinery, equipment and products.

(2) General conditions of hygiene applicable to staff are:

(a) The highest possible standard of cleanliness is required of staff more specifically—

(i) Staff shall wear suitable clean working clothes.

(ii) Staff assigned to the handling and preparation of fishery products shall be required to wash their hands at least each time work is resumed; wounds to the hands shall be covered by a waterproof dressing.

(iii) Smoking, spitting, eating and drinking in work and storage premises of fishery products shall be prohibited.

(b) The employer shall take all the requisite measures to prevent persons liable to contaminate fishery products from working on and handling them, until there is evidence that such persons can do without risk.

(3) When recruited, any person working on and handling fishery products shall be required to prove, by a medical certificate, that there is no impediment to such employment

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PART XI

QUALITY ASSURANCE SYSTEM AND PRODUCTION
CONDITIONS

Best plant
practices.
Location of an
establishment.

46. (1) Establishments, preparing or processing fishery products should be located on sites,

- (a) which can be maintained free of floods, smells, dust, smoke and other types of pollution or contamination, whether physical, chemical or microbiological.
- (b) where neighbouring buildings, operations and land use present no source of potential contamination for the hygienic operation of the establishment.
- (c) where—
 - (i) there is access to water, power and all weather roads.
 - (ii) good evacuation possibilities for waste and waste water are available.

(2) Existing establishments, exposed to pollution should possess satisfactory means of preventing contamination of the fishery products.

(3) An implementation plan of the establishment in the environment shall be available for any inspection body.

Surroundings
of the
establish-
-ment.

47. (1) The areas directly surrounding the establishment (patios, passages, pathways, access ways, yards, roads, parking lots, buildings and other areas connected to the

establishment shall be:

- (a) or suitably graded, grassed or landscaped;

In this case:

- (i) the grass and weeds shall be cut regularly to prevent dust and litter build up;
 - (ii) the grounds shall be provided with adequate drainage;
- (b) or suitably paved or concreted. In this case:
 - (i) the surrounding grounds and concreted surfaces should be inclined towards trapped gullies and provided with adequate drainage to permit rapid evacuation of rainwater.
 - (ii) the surroundings should be properly maintained, i.e.
 - the grounds should be kept clean, tidy at all times and free of accumulation of water,
 - equipment should be stored properly,
 - litter, rubbish and waste should be regularly removed.

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(2) If guard dogs are present, they should not have access to any area in which fish is handled, including the loading and unloading areas.

(3) If the plant grounds are bordered by grounds not under the operator's control and not maintained in the manner described above in this section, care shall be exercised in the plant by the inspection, extermination or other means to exclude pests, dirt and filth that may be a source of food contamination.

(4) Operating systems for waste treatment and disposal shall be installed in an adequate manner so that they do not constitute a source of contamination in areas where food is exposed.

(5) Where vehicles are cleaned on the premises, a paved and drained area shall be provided for this purpose.

Requirements
for an
establish-
ment.

48. (1) The building shall protect the processing line and the products against contamination (water, dust, air, heat, pests, etc), should be of solid construction with adequate materials and should never be a source of contamination (condensation, moulds, flaking paint, drains, etc).

(2) The processing line (reception - processing - dispatch) should be directly connected with the input lines (ice, water, ingredients, cleaned containers, packing materials, personnel, etc) and output lines (by products, waste products, offal, dirty containers and recipients, etc), Appropriate storage capacity for the side inputs and outputs shall be available.

(3) The construction and the processing design has to be conceived in a way that—

- (a) there is separation by walls, location, air flow, enclosed systems or other effective means

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- (i) between clean and dirty areas;
 - (ii) between dry and wet areas;
 - (iii) between cold and hot areas;

 - (iv) between pre-cooking and post-cooking areas; and
 - (v) between operations which may cause cross-contamination of food
- (b) there is a good lay-out and flow from raw materials through finished products and dispatch and the processing layout should be designed—
- (i) so that the distribution of equipment and processing activities facilitates the rapid processing of fishery products,
 - (ii) in such a way that fish is not exposed to contamination by toxic materials, bacteria from the plant environment or by cross-contamination during processing.
- (c) all possible preventive measures and provisions shall be taken on construction level—
- (i) to avoid cross-contamination during production between final and raw products;

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- (ii) to minimise the risk of food contamination by contact surfaces, packing material, offal, drainage systems, etc;
- (iii) to minimise maintenance;
- (iv) to facilitate cleaning and disinfection;
- (v) to build in the passive pest-control systems;
- (vi) to minimise airborne contamination;
- (vii) to guarantee safety and a healthy work environment to the workers;
- (viii) to provide adequate working space to allow for satisfactory performance of all operations connected with the preparation or processing of food;
- (ix) to dispose of all liquid and solid waste, storm water and sewerage;
- (x) to implement an adequate potable water supply, it may be necessary to install an in-plant chlorination system to ensure the supply of potable water at all times;
- (xi) to install an adequate electrical

supply to maintain normal and efficient operation of all electrically powered equipment and lighting;

(xii) to ensure that -

(A) product flow takes place from dirty areas to clean areas (raw to final with no cross over);

(B) drains flow from clean to dirty areas, away from food handling areas;

(C) air-flow is directed from clean to dirty areas.

(xiii) to avoid dripping or condensation from fixtures, ducts, pipes and ceilings contaminating food, food-contact surfaces or food packing materials.

(4) A ground plan, the layout of the establishment and a schematic flow-chart for each product shall be available for any inspection body.

Conditions and requirements for working, handling and storage rooms and for facilities and equipment

49. (1) The different working, handling and storage rooms needed in the establishments as described in regulation 50 shall comply with the minimum conditions and requirements laid down in regulation 51 to 65 of these Regulations.

(2) The establishments shall afford in the working and storage rooms mentioned in regulation 50 (1) a number

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in these
rooms.

of, facilities complying with the minimum requirements and conditions laid down in regulations 66 to 74 of these Regulations.

General
conditions for
working
room.

50. (1) The establishment shall provide, at least the following conditions for working rooms:

- (a) Working rooms shall be of sufficient size to permit the processing of fishery products without overcrowding of personnel and equipment and shall be designed for work to be carried out in logical sequence and under satisfactory conditions;
- (b) In general and pending the preparation and/or processing activities, completely separated working rooms could be needed. Such as:
 - (i) reception room,
 - (ii) chill storage room for fresh raw material (directly connected with the reception or by means of transport);
 - (iii) cold storage room for frozen raw material (directly connected with the reception or by means of transport);
 - (iv) ice maker/storage room;
 - (v) processing room or rooms, depending on the activities: preparation or processing (smoking, salting, cooking,

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- canning, etc);
- (vi) freezing facilities or rooms (blast freezers, plate freezers, tunnel freezers, etc.) for freezing prepared and/or processed products;
 - (vii) chilling facilities or rooms for chilling prepared or processed products;
 - (viii) freezing facilities or rooms for freezing raw whole fish in brine at - 9° C;
 - (ix) dry room for packaging;
 - (x) dry room for the storage of packing material;
 - (xi) dry room for the storage of chemicals;
 - (xii) room for cleaning and disinfecting recipients and small equipment, connected with a room for the storage of it;
 - (xiii) laboratory;
 - (xiv) chill storage room for finished fresh products;
 - (xv) cold storage room for finished frozen products both connected with the dispatch room,
 - (xvi) storage room for storage of

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finished products at ambient temperature;

(xvii) dispatch room,

(xviii) social amenities with:

(A) changing room for city clothes and shoes,

(B) showers (optional),

(C) changing room for uniforms and boots;

(D) toilet block;

(E) hand-washing room;

(F) eventually laundry and canteen.

(c) The main processing area in which fish is handled should have only one entrance for personnel. This entrance should be separate from any entrances and exits used for raw materials, finished products and other materials used during process.

Conditions for preparation and processing rooms.

51. (1) In rooms where products are handled, prepared and processed, the establishment shall afford at least the following facilities:

(2) Floors—

(a) shall have hard impact resistant surfaces, impermeable to grease and water, which permit easy cleaning and

disinfection and laid down in such a way as to facilitate the drainage of the water. Concrete floors shall have a high density, impermeable finish which is maintained in good condition;

- (b) shall be sufficiently graded and have a gradient of at least 1 : 100 towards drainage channels;
- (c) shall have floor joints sealed with impervious materials, finished flush with the surface;
- (d) shall have junctions between floor and walls curved to facilitate cleaning,
- (e) shall have all drainage channels, gullies and gully traps covered with removable grills.

(3) Effluent disposal systems and drains shall comply with following requirements. The establishment shall have—

- (a) an efficient and hygienic effluent and waste water disposal system maintained in good order and repair;
- (b) effluent lines (sewerage, storm water, processing) large enough to carry peak loads and constructed so as to avoid contamination of the potable water supply;
- (c) an adequate drainage system, especially in the areas and rooms that involve wet operations;

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- (d) a storm water drainage system, if applicable, not connected to the effluent treatment system;
- (e) floor drains shall—
 - (i) be adequate in size, number and location—
 - (A) to allow the rapid removal of all liquid wastes arising from all processing operations;
 - (B) to cope with the maximum flow of water under normal working conditions but also to carry peak loads;
 - (ii) be effectively sealed by gully traps installed in every room—
 - (A) to prevent the return of gases and odours from the drainage system;
 - (B) to prevent the entry of rodents. An open drainage system vented through an opening in the wall, without a sealed outlet by gully traps is not allowed;
 - (iii) have solid traps to prevent the passage of solid materials to the external sewage system;

Solid traps installed in conjunction with floor drains or/and with gully traps shall be designed to enable adequate cleaning,

- (iv) have adequate access for cleaning;
 - (v) flow from clean to dirty areas;
 - (vi) not be connected to sanitary drainage;
 - (vii) not be connected to the storm water and site drainage system. Where this occurs they shall be designed and maintained to ensure that flooding of the premises cannot occur due to backflow.
- (f) sanitary drainage—
- (i) shall not be connected with any other drains within the facility and be directed to a septic tank or sewerage system;
 - (ii) sanitary drainage, septic tanks, waste and solid trap systems shall be located in such a way to avoid a hygiene hazard to the product and located away from any processing area or entrance to the building.
- (4) Walls shall comply with following

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requirements:

- (a) Walls should be of solid construction and prevent the entry of insects, rodents, birds and other animals.
- (b) The interior surfaces of walls and the partitions shall—
 - (i) be constructed of water-proof, non absorbent, durable, impermeable and washable materials;
 - (ii) be smooth, of a light colour and free from gaps,
 - (iii) have all joints (e.g. laminates) sealed that might allow the ingress of water, pests or contaminants (with an impermeable compound)
 - (iv) be impact resistant or protected from impact;
 - (v) be resistant to damage;
 - (vi) be easy to clean and disinfect.
- (c) Angles between walls, between walls and floors and between walls and ceilings, shall be sealed and coved to facilitate cleaning
- (d) Where internal walls are painted or surface coated,
 - (i) any paint materials applied to

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- the walls shall be non-toxic, durable and of light colour;
- (ii) the surface shall withstand hosing with hot water and detergents and withstand a reasonable impact.
- (e) Any piping or tubing should be located either within the wall or fixed at least 4 cm from the wall, in order to permit easy cleaning behind.
- (f) If any facility or room (including a cold storage room) is built within a preparation, processing or a food handling room, inaccessible cavities formed between the walls or ceilings of the inner and outer rooms shall be made pest and dust proof.
- (5) Ceilings shall comply with following requirements:
- (a) In buildings in which the roof frame is exposed, the installation of a suspended ceiling should be considered. Otherwise all parts of the structure shall be smooth and painted in a light colour. There should be easy access to all parts of the roof structure to facilitate cleaning.
- (b) Ceilings shall be designed, constructed, sealed and finished so as to:
- (i) provide a height of at least 2.2 metres in all rooms where fish

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is handled;

- (ii) be of a light colour, smooth and impervious to moisture;
- (iii) prevent or minimises accumulation of dust and dirt;
- (iv) be capable of being effectively cleaned;
- (v) have all overhead machinery and pipes located above ceiling;
- (vi) minimise condensation, mould development and flaking.

(6) Doors shall comply with the following requirements:

- (a) The doors of the reception room through which enters raw material, and the doors of the dispatch room, by which the finished products leave, shall be of adequate size and well constructed, using suitable materials to protect them from impact) damage. These doors should possess either plastic curtains or air curtains or a self-closing curtain or a self-closing device, in order to minimise the entry of flying insects, when they are opened.
- (b) The doors and hatches inside the factory shall—
 - (i) be well constructed, using suitable, durable materials

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- which are easy to clean;
- (ii) have smooth, impermeable and non-absorbent surfaces;
 - (iii) be close fitted;
 - (iv) be impact resistance or protected from impact damage.
- (c) Where doors are painted or surface coated—
- (i) any paint materials applied to the doors shall be non toxic, durable and of light colour;
 - (ii) the surface shall withstand hosing with hot water and detergent, and withstand a reasonable impact.
- (d) If air locks are installed they shall be designed to minimise movement of air into or between areas where food is exposed, processed or packed.
- (7) Windows and external openings shall comply with following requirements.
- (a) On construction level—
 - (i) window frames shall be made of a smooth impermeable material
 - (ii) window sills shall be as small as possible and inclined in order to prevent the

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accumulation of dust, and their use for the storage of articles.

- (b) On pest-proofing level—
- (i) windows, hatches, ventilation openings and other openings to the outside of the building or where physical separation is required shall be constructed to render the opening pest proof;
 - (ii) any window which may be opened, or which does not have glass (plexiglass) and vents shall be covered with an insect-proof mesh screen—
 - (A) kept in good repair
 - (B) which are easily removable for easy cleaning;
 - (iii) windows without pest-proofing that open are not permitted in areas where food is exposed, processed or packed;
 - (iv) if any services, chutes, conveyors or the like pass through external walls, the gap where they pass through, if any, shall be sealed against the entry of pest and dust.

(8) Stairs, catwalks, platforms, stands to raise personnel to the level of the work tables, ladders and the like in processing areas shall be:

- (i) of a construction and material that is impervious, non-slip, non-corrodible, easy to clean and impact resistant;
- (ii) situated and constructed so as not to cause contamination of food processing areas, equipment and product by allowing potential contamination items to fall onto them.

(9) The ventilation system shall comply with following requirements:

- (i) Adequate and sufficient ventilation shall be provided to minimise the accumulation of odours, vapours, gases, dust and to prevent excessive build up of heat, steam, condensation, contaminated air and other hazards where they may contaminate fishery products;
- (ii) Where cooking, canning or boiling operations are carried out, extractor fans and canopies shall be installed and have capture velocities capable of conveying all heat, fumes and other aerosols through the exhaust canopy opening;
- (iii) The flow of air within the establishment shall always be directed from clean, hygienic area (e.g. where cooked fish is handled) to dirty or less hygienic areas;
- (iv) Where fans, air conditioning systems and other air-blowing equipment are

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located and operated :

- (A) it shall be done in a manner that minimises the potential for contaminating food, food packing materials and food-contact surfaces;
- (B) the installation of an overpressure system shall be recommended whereby the inlets are controlled and the outlets are uncontrolled;
- (C) all extraction fans, blowing fans and air conditioners shall be protected with filters and meshes to prevent the entry of dust, insects and birds.

(10) Illumination

- (a) Adequate natural or artificial lighting shall be provided throughout the establishment and light produced shall not distort colours and be shadow free at work and inspection surfaces.
- (b) The intensity of illumination at the task area floor shall be a minimum of:
 - (i) 400 lux in the processing areas;
 - (ii) 600 lux where the product is being inspected;
 - (iii) 250 lux in other areas.

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- (c) Light fittings shall be –
- (i) equipped with a diffuser or other means so that breakage will not contaminate the product;
 - (ii) recessed into or flush fitted against the ceiling so that no exposed ledge is created;
 - (iii) readily accessible for cleaning purposes.
- (d) Where light fittings cannot be installed as mentioned above, they may be suspended from the ceiling by cables provided that the top of the fitting is sloped at approximately 45 degrees.

(11) Hand washing facilities:

- (a) All areas in which fishery products are handled shall be provided with hand washing facilities.

The location of these hand washing facilities shall be arranged in a way that they are:

- (i) sufficient in number;
- (ii) provided in accessible locations throughout the preparation and processing areas, readily accessible from work areas for all staff to wash their hands;
- (iii) also located adjacent to the social amenities and just before

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personnel is entering the preparation or processing room.

- (b) These hand washing facilities shall be provided with:
- (i) taps of the non-hand/elbow operable type (foot, knee or electronically operated) in work rooms, toilets and in the hand washing room before entering;
 - (ii) a suitable pressured hot and cold running potable water supply over a sink;
 - (iii) soap dispenser;
 - (iv) paper single use hand towels held in a dispenser and a sufficient number of receptacles for disposing of used towels;
 - (v) properly trapped waste pipes leading to drains;
 - (vi) signs advising persons to wash their hands on entering or re-entering fish preparation or processing rooms shall be provided in a prominent position near food preparation/processing entrances.

(12) Where applicable boot disinfecting facilities or a suitable permanent bath, fitted with a drainage facility, for the washing of boots should be installed at the staff entrance in such a manner that persons entering the

preparation/processing rooms cannot avoid passing through the bath.

- (13) (a) A room for cleaning and disinfecting work implements, utensils, recipients and small equipment, connected with a room for the storage of it shall be installed where required in the establishment, equipped with all necessary means for cleaning and disinfection, to include—
- (i) hot and cold water points, with hoses where necessary;
 - (ii) sinks with hot and cold water for the washing of the movable equipment and fish boxes, and
 - (iii) high-pressure cleaning and disinfecting systems.
- (b) These facilities shall be constructed of corrosion resistant materials capable of being cleaned effectively. Washing and disinfecting work implements, recipients, small equipment and utensils in stagnant water is forbidden.

(14) If sterilising facilities are required, adequate provision for sterilising work implements or equipment shall be provided.

If the sterilising medium used is not water, the method of sterilising shall be first approved by the competent authority.

Sterilising facilities shall be:

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- (a) constructed of corrosion resistant materials;
- (b) capable of being easily cleaned; and
- (c) where necessary, fitted with a suitable means of supplying hot and cold water in sufficient quantities.

General conditions for chill storage rooms, cold storage rooms, blast and tunnel freezers and for chillers.

52. (1) In chill storage rooms, in cold storage rooms, in blast and tunnel freezers and in chillers, the establishment shall have at least the following facilities. :

- (a) Waterproof flooring which is easy to clean and disinfect and laid down in such a way as to facilitate the drainage of the water as described in regulation 51 (1) and (2) of these Regulations. Where under floor ventilation pipes are provided they shall be protected against pests.
- (b) Walls which have smooth surfaces and are easy to clean, durable and impermeable as described in regulation 51 (4) of these Regulations
- (c) Ceilings which are easy to clean as described in regulation 51 (5) of these Regulations.
- (d) Doors in durable materials which are easy to clean. Plastic strip curtains or similar shall be installed to assist in air retention and to minimise temperature fluctuations when cold storage room or freezer doors are open.

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- (e) Other internal structures shall be constructed of smooth, impervious and corrosion resistant material.
- (f) Those parts which are exposed to impact damage shall be adequately protected.
- (g) Facilities designed to allow for adequate drainage of water away from the refrigeration unit.
- (h) Adequate artificial lighting as described in regulation 51 (10) of these Regulations
- (i) Where refrigeration equipment is installed in a processing or packing area sufficient space shall be allowed for cleaning around and between the equipment. No free space shall be allowed on top of the equipment.

Specific conditions for chill storage room.

53. (1) In chill storage rooms for the storage of raw material the establishment shall have at least following facilities—

- (a) Adequate facilities, with sufficient capacity constructed to the same standard as the cold storage room for the storage of the fish at the temperature of melting ice:
 - (i) to store all the raw material arriving at the establishment and which is not processed immediately; and
 - (ii) to ensure adequate protection

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from contamination,

- (b) Tanks of stainless steel, glass fiber or plastic in which the fish can be mixed with ice in sufficient quantities to maintain the temperature at 0° C, in case of absence of the chilling facilities mentioned in this regulation;
- (c) Where necessary a sufficiently powerful refrigerated plant to keep products at temperatures prescribed in these Regulations, whatever the outside temperature may be.
- (d) An accessible and easily readable thermometer read to and accurate to within 1° C, shall have its temperature taken and recorded at least once every 4 hours.

Specific conditions for cold storage rooms.

54. (1) In cold storage rooms the establishment shall have at least the following facilities:

- (a) Adequate permanent cold storage facilities for the storage of finished products in all establishments producing frozen fish;
- (b) Different cold storage rooms or chambers designated in the premises utilised for its designed purpose e.g. the storage of frozen product only;
- (c) Freezing equipment sufficiently powerful and capable to keep products in cold storage rooms at an internal temperature below -18°C, whatever the ambient temperature

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may be and also during extreme operating conditions (during loading and unloading);

- (d) Doors to the cold store provided with plastic curtains in order to minimise the interchange of air during loading and unloading; and
- (e) Temperature recording device in a place where it can easily be read. The temperature sensor of the recorder shall be located in the area furthest away from the cold source, i.e. where the temperature in the storage room is the highest. Temperature charts shall be available for inspection by the supervisory authorities at least during the period in which the products are stored.

Specific conditions for freezers.

55. (1) In freezers, establishment shall afford at least following facilities:

- (a) A freezing facility appropriate to the type of the fishery products and its packaging. Fish should never be frozen in a cold storage room.
- (b) A freezing facility with sufficient capacity to freeze the fish to a temperature of at least - 18° C within 8 hours of loading the freezer. For this reason, it is recommended that the freezing plant (motors, compressors, etc.) is rated at least 8 hp (7.5 kW)/10001b of product to be frozen.

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- (c) In the design and operation of a freezing plant, regard shall be given to the relative capacity of the compressors and the maximum permissible load of any blast or tunnel freezer.

Specific conditions for brine freezing facilities.

56. (1) In brine freezing rooms used solely for brine freezing whole tuna or other species, the establishment shall have at least the following facilities—

- (a) General construction conditions are—
- (i) Walls, floors and ceilings complying with the requirements laid down for chill rooms.
- (ii) Areas shall be—
- (A) suitably clean,
- (B) sealed against dust and pest,
- (C) maintained in such a manner that no microbiological, physical, chemical or other objectionable substances can contaminate the fishery products or make the fishery products unfit for human consumption.
- (iii) Hand washing facilities that are readily available to processing staff

(iv) Hand washing and toilet facilities that are readily available to processing staff, changing rooms and a clean dry area for the storage of packing material – if applicable - when brine freezing rooms are not a part of an approved establishment.

(b) Specific brining conditions are—

(i) Brining tanks, tank surfaces and cover-ings constructed in such a way that they are not a source of contamination for the fishery products.

(ii) Brine checked at regular intervals and in such a way that the brine will not be a source of contamination for the fishery products

(iii) Freezing conditions, whereby the freezing temperature may be higher than -18° C, although not higher than -9° C, if intended for canning.

Specific conditions for ice plants and ice storage rooms.

57. (1) In ice plants and ice storage rooms establishment shall have at least the following facilities—

(a) An ice making facility, able to produce ice in quantities adequate to satisfy all the needs of the process, including—

(i) transport of raw material from

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the port;

- (ii) storage of raw material before processing; and
 - (iii) chilling of fish during processing.
- (b) Insulated ice storage rooms and storage facilities shall:
- (i) comply with the requirements laid down for chill storage and cold storage rooms;
 - (ii) have facilities wherein ice can be stored and removed in an efficient, hygienic manner and can be protected from contamination at all times.

It is prohibited to store ice on the floor where workers have to walk on to remove the ice;

- (iii) have the capacity to store sufficient ice to satisfy the needs.
- (c) It is recommended that—
- (i) an ice making plant should be installed in each fish preparation or processing plant.

The purchase of ice from external suppliers is permissible provided purchasers can verify the bacteriological quality of the ice.

- (ii) the ice should be made in the

form of flakes. If large blocks are produced they should be made in a hygienic way and be crushed by machine. Manual crushing of bloc ice is prohibited.

Conditions for rooms where shellfish is shucked.

58.(1) In rooms or parts of establishments where shellfish is shucked, the rooms in establishments shall—

- (a) be satisfactorily clean;
- (b) be maintained in such a manner that no microbiological, physical, chemical or other objectionable substances can contaminate the shellfish or make the shellfish unfit for human consumption;
- (c) contain hand washing and toilet facilities that are readily available to processing staff;
- (d) have a clean dry area for the storage of packing materials;
- (e) have lighting in accordance with regulation 51 (10) of these Regulations.

Conditions for rooms where packing material is stored.

59. (1) Rooms designated for storage of packing material shall be—

- (a) dust and pest proof;
- (b) designed and maintained to prevent undesirable physical, microbiological or chemical contamination; and
- (c) equipped with shelves, racks or pallets

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to store packing material, designed and constructed in accordance with regulation 68 of these Regulations.

Conditions for rooms where non-refrigerated fishery products are stored.

60. (1) Rooms designated for storage of non-refrigerated fishery products shall be—

- (a) of sound construction in accordance with the requirements concerning ceilings, walls, floors, doors, laid down in this section; and
- (b) designed and maintained so as to prevent undesirable physical, microbial and chemical changes to processed fishery products and its packaging which could affect the wholesomeness of the processed fishery products.

Conditions for rooms where toxic chemicals and cleaning equipment are stored.

61. (1) Rooms designated for storage of toxic chemicals and cleaning equipment shall be separate to the main storage area. All toxic chemicals used on-site should be clearly identified and stored, when not in use, in a locked facility.

Conditions for inspection rooms.

62. (1) The establishments shall have, if applicable, an inspection service room complying with and used under following conditions—

If the volume of products treated requires regular or permanent presence of an official inspector or if fish is to be inspected by an inspector, a separate room—

- (a) adequately equipped;
- (b) lockable;
- (c) adjacent to the processing area;

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- (d) free from steam and fumes;
- (e) for the exclusive use of the inspection service; and shall be provided with—
 - (i) lighting intensity of at least 600 lux;
 - (ii) a clean bench or table for examination of the product;
 - (iii) a thaw tank or similar capable of defrosting the maximum number of samples for one batch;
 - (iv) running water for cleaning instruments.

Conditions for laboratories.

63. (1) The establishments shall have, if applicable, laboratory rooms for microbiological or/and chemical examinations, which shall be separated from fishery product handling rooms.

General conditions for sanitary facilities.

64. (1) Establishments shall have adequate sanitary facilities for the personnel who handle fish as well as for those who handle materials and equipment which come into contact with the product. These social amenities consist of an adequate number of suitable and conveniently located changing rooms, flush toilets, showers, hand-washing facilities, and canteen (if meals are taken on the site).

(2) The social amenities should be readily accessible to all persons who are likely to need them. There should be no direct access between the sanitary facilities (changing room and toilets) and any room in which fish, or materials or equipment which come into contact with fish is handled. The hand washing facilities room should be the

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separator room between sanitary facilities and preparation/processing rooms.

(3) These hand washing facilities rooms shall not be used for the storage of any processing ingredients or food.

(4) The construction of the floors, walls, ceilings, doors and windows of the social amenities shall be of the same standard specified for the processing areas. The social amenities shall be well ventilated and illuminated.

Conditions for changing facilities, showers, toilets, hand washing facilities and canteen.

65. (1) Establishments shall have changing facilities containing:

- (a) a section (room) for undressing city clothes and shoes. This room should contain a locker (or a hanger) for each person to store (or hang) the city clothes and racks for the shoes. The surfaces of the lockers or hangers and racks shall be smooth, non absorbent and resistant to corrosion. The use of timber is not recommended for the construction of lockers, hangers and racks.
- (b) a section (room) for dressing uniforms and boots. This room should contain a locker (or hanger) for each person to store (or hang) the uniforms and racks for the boots. The surfaces of the lockers, hangers and racks shall be smooth, non absorbent and resistant to corrosion. The use of timber is not recommended for the construction of lockers, hangers and racks,
- (c) between the two sections, showers shall be available to be used after

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leaving the section for undressing city clothes and before entering the section for dressing uniforms.

(2) Toilet and toilet areas shall be adjacent but separate from changing rooms and shall be:

- (a) completely separated from food handling areas and not open directly onto these areas;
- (b) designed to ensure hygienic removal of waste matter; and
- (c) well lighted, ventilated and maintained in a clean and tidy condition.

Toilets should be connected with the dirty (city clothes) or the clean changing room section (uniforms) Toilets shall have the same hygiene requirements as the processing room when connected with the clean changing room section.

Adequate numbers of sanitary facilities are considered to be as follows –

N° of employees	N° of WC's
1 to 9	2
10 to 24	3
25 to 49	4
50 to 99	6
for every additional 20	1 more

If personnel of both sexes are employed, separate sanitary facilities should be provided for each sex, in accordance with the above table. Urinals may be substituted for water closets, up to 1/3 of the required number of WC's.

All toilets and urinals shall be of the flushing

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variety. They should be constructed of materials which are easy to clean.

To avoid airborne contamination from toilets into areas where food is exposed, preventive measures have to be taken to prevent contamination (such as double doors, separate toilet room, positive air flow system).

Doors of toilet cubicles where they are not in a separate toilet room shall be self closing and full height.

(3) Hand washing facilities (i.e. hand-wash basins) shall be provided near toilets in number equal to the sanitary facilities. They shall have a permanent provision of hot and cold water and shall be provided with adequate quantities of liquid soap. Taps shall be of the non- hand/elbow operable type.

There shall be a provision of adequate quantities of single use paper towels, or the installation of hot-air hand dryers. Other means of hand drying will not be accepted. If paper towels are used a suitable waste bin shall be provided.

A legible notice shall be prominently displayed instructing personnel to wash their hands after using the toilets.

(4) Hand washing facilities shall be installed before the entrance of the preparation/processing room.

Persons coming from the changing rooms, or from the canteen, or from the toilets shall be forced by a proper flow to pass through the hand washing facilities room before entering the processing room.

The wash sinks shall have materials for cleaning and disinfecting the hands and disposable towels; the wash sink taps shall not be hand/elbow operable and provide running water at a suitable temperature (hot and cold water)

to wash hands on an adequate way.

(5) Canteen should have the same hygiene requirements as the processing rooms when connected with the clean changing room section (uniforms).

(6) A separate laundry facility should be provided, to include hot and cold water provision, exclusively for the washing of uniforms, unless this is done by external laundry contractors.

Minimum requirements for facilities and equipment.

66. The establishment shall afford in the working and storage rooms stipulated in regulation 50 of these Regulations, machinery, tools, utensils, equipment, instruments, product holding, handling and conveying systems complying with the requirements laid down in following regulations.

General design and construction of facilities and equipment.

67. (1) All machinery, manufacturing systems including gravimetric, pneumatic, closed and automated systems, tools, utensils, equipment, instruments, product holding, handling and conveying systems in the establishments shall be designed, constructed and installed so as to:

- (a) prevent the contamination and adulteration of the products with toxic materials, lubricants, fuel, metal fragments, contaminated water or other contaminants;
- (b) avoid the accumulation of dirt which could contaminate the product and be the source of hygiene hazards.
- (c) permit and enable :
 - (i) easy thorough cleaning and disinfection with hot water, detergent and disinfectant;

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- (ii) accessibility for inspection where necessary; and
- (iii) maintenance in an appropriate sanitary condition.

Seams or welds should be smooth to prevent build up of contamination and facilitate cleaning.

Working areas, instruments and working equipment shall be used only for work on fishery products.

(2) All product holding, handling and conveying systems, machinery, tools, utensils and equipment which come into contact with fishery products, shall be constructed of materials which are:

- (a) smooth, non absorbent and resistant to corrosion;
- (b) free from pits, crevices and loose scale;
- (c) made of materials which do not transmit odour, taste and are non-toxic;
- (d) unaffected by food products;
- (e) capable of withstanding repeated cleaning and disinfection, and easy to clean and disinfect.

(3) The use of wood and timber in general and other materials which cannot be adequately cleaned and disinfected, is prohibited. This applies in particular to knife-handles, spades for ice handling and filleting or cutting boards.

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Timber used in doors, door jambs, windows in processing areas shall be sealed by a durable non-toxic surface coating (For example gloss enamel, epoxy or polyurethane paint).

Clean and sound wooden pallets could be permitted:

- (a) for the transport and the storage of processed food, packed in carton boxes, to transport them in this areas where mastering is done and no unpacked products are handled and to store them in areas where only cardboard packed products are stored and unpacked products are absent;
- (b) for the transport and export of fresh products, packed in foam boxes; but, in the rooms where packing in foam boxes is done, wooden pallets cannot be used. Pallets made of plastic or other corrosion resistant materials shall be used in this case; and
- (c) in container system units, transport vehicles and the like to transport carton and foam packed products.

Racks and storage systems in cold storage rooms to store carton packed products can be made of clean and sound timber. Corrosion resistant materials or timber sealed by a durable non-toxic coating is preferable.

(4) Equipment that is in the manufacturing or food-handling area and that does not come into contact with food shall be so constructed that it can be kept in a clean condition.

Machinery

68. (1) All parts of machinery which come into contact

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and
overhead
structures.

with the fish shall be constructed of non-corrodible materials. The use of stainless steel and high density plastics is recommended.

(2) All the machinery shall be easy to clean, and its design shall permit it to be dismantled for cleaning purposes, if necessary.

(3) Equipment or fittings adjacent to wall or other equipment shall have any gaps sealed to prevent entry of moisture and dirt or have sufficient space to permit cleaning. Equipment standing directly on the floor shall be installed:

- (a) by sealing directly to the floor to prevent the entry of moisture;
- (b) on a raised socle covered at the junction of the floor and socle; or
- (c) on legs with a minimum of 300 mm clearance between the underside of the equipment and the floor.

(4) Supporting framework for machinery, benches, sinks, work tables, foot stands, etc. shall be constructed of smooth, impervious materials free from openings, ledges or crevices in which pests or potential contaminants may accumulate.

Seams on food-contact surfaces shall be smoothly bonded or maintained so as to minimise accumulation of food particles, dirt, and organic matter and thus minimise the opportunity for growth of micro-organisms.

(5) All overhead structures, services and fittings including lighting shall be easy to clean and –

- (a) installed so as to avoid contamination either directly or indirectly of food by

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condensation;

- (b) installed as not to hamper cleaning, operations;
- (c) insulated where appropriate and be designed and finished as to prevent the accumulation of dirt, minimise condensation, mould development and flaking.

Requirements under (a), (b) and (c) may be met by locating all pipes and machinery above the ceiling.

Ducts, conduits and pipes may be recessed into the wall or mounted at least 25 mm clear. Long runs of exposed horizontal pipes should be avoided.

Product holding, handling and conveying systems.

69. A suitable system for the internal movement of fish within the plant shall be implemented. Regard should be given to the need to maintain a regular flow of product by the following means:

- (a) fish boxes, sufficient in number, shall be provided for the needs of the process. They shall only be used within the plant, not for external transport of fish;
- (b) fish boxes, which are used to transport product to the plant, and for the movement of fish within the plant, shall be constructed of a high density plastic and be of a light colour. They shall have a smooth finish and their design shall avoid areas which could retain particles of product, grease and dirt. The boxes should be designed to permit drainage of any liquid;

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- (c) if trolleys, barrows, supports or bearers are used to carry large fish or to feed blast freezers or chillers, they shall be made of non-corrodible material and have a smooth finish,
- (d) if conveyors are utilised they shall be constructed of non-corrodible impermeable materials (e.g. stainless steel or high density plastic),
- (e) ice shovels should be made of a light coloured plastic, or of stainless steel. Wood is not permitted in any part of the construction;
- (f) chutes and other enclosed transport systems shall be:
 - (i) constructed with inspection and clean-ing hatches;
 - (ii) easily dismantled for cleaning;
 - (iii) made of high density nylon, stainless steel or fibreglass free of crevices and have all internal junctions rounded out.
- (g) where compressed air is used, the compressed air or other gases that come into direct contact with product or equipment surfaces or mechanically introduced into food or used to clean food-contact surfaces or equipment shall have a filtered air intake located in a clean place, contain no oil or substances hazardous to health or

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shall be treated or otherwise controlled in such a way that food is not contaminated with unlawful indirect food additives.

Work tables, foot stands, and small equipment.

70. (1) Work tables shall be constructed of materials which are non-corrodible, impermeable and non-toxic. Stainless steel is preferable.

Work tables shall be designed to facilitate their cleaning and to avoid areas which could retain particles of the product, grease and dirt.

(2) If foot stands are used to raise personnel to the level of the work tables they should be constructed of stainless steel or other non-corrodible material. The use of wood in the construction of foot stands is not permitted.

(3) Racks for gloves and aprons shall be provided within the store for small equipment (connected with the cleaning and disinfecting room).

(4) Hose points shall be provided together with hose racks made of rust resistant material.

Monitoring and measuring equipment.

71.(1) All equipment to be used for monitoring or measuring purposes where accuracy is important (For example measuring, regulating or recording temperatures, pH, acidity, water activity or other conditions that control or prevent growth of undesirable micro-organisms in fishery products) shall:

- (a) be checked to ensure their accuracy is sufficient for the task in hand;
- (b) be adequate in number for their designated uses and adequately maintained;

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- (c) where appropriate be calibrated regularly;
- (d) be checked on a regular way on their calibration status.

(2) Records shall be kept of the calibration and the calibration status.

General prerequisites for hygienic facilities.

72. Establishments shall afford also the following facilities :

- (a) hygienic waste water disposal system as described in Regulations 210-219, Part XI of these Regulations;
- (b) appropriate facilities for protection against pests such as insects, rodents, birds, as described in Regulations 144 to 153 of Part XI of these Regulations;
- (c) facilities to provide adequate supplies of drinking water as described in Regulations 84 to 103 of Part XI of these Regulations;
- (d) facilities for fishery products not intended for human consumption as described in Regulations 210 to 219 of Part XI of these Regulations.

Vehicle wash area.

73. (1) Establishments shall have adequate facilities for cleaning and disinfecting means of transport. However, such facilities are not compulsory if there is a requirement for the means of transport to be cleaned and disinfected at facilities officially authorised by the competent authority.

(2) Where vehicles and container system units used to carry fish are cleaned, a paved and drained area shall be

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used.

The surface of the vehicle wash area shall:

- (a) be durable and impervious;
- (b) have a drainage gradient of at least 1:50 connected to the drainage system;
- (c) have an adequate supply of pressured water for disinfection and cleaning operations.

Loading
docks.

74. (1) Establishments shall have loading docks. The loading dock shall be:

- (a) located in an area that is convenient to the stored products;
- (b) enclosed or provided with a protective shelter to prevent fish from contamination during loading and unloading,
- (c) the loading dock shall have an illumination of at least 250 lux.

(2) The area nominated for truck movement shall be finished with a well drained surface which is impervious and durable.

(3) Unloading and loading equipment shall be constructed of a material that is easy to clean and disinfect.

Best
maintanance
practices.

75. Buildings, vessels, equipment, utensils, refrigeration and all other physical aspects of an establishment including drains shall be kept in good repair, in a clean and orderly condition and operated in accordance with these Regulations.

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Action plan
and quality
objectives.

76. An action plan to maintain the establishment has to be implemented.

Scheduling.

77. (1) Repairs shall be carried out as soon as possible without interference to handling and processing and may cause the facilities closure during certain repairs.

(2) Planned actions shall be scheduled in a timetable to demonstrate the commitment to the future actions.

(3) These schedules and timetables shall be approved by the competent authority and checked on his execution on a regular basis.

Respons-
ibilities
and
authorities.

78. Responsibilities and authorities have to be established for the implementation, maintaining, monitoring and verification of the maintenance plan.

Procedures.

79. Procedures shall be established to ensure that maintenance will be done in such a way that the risk of contamination of the products is eliminated. A regular preventative maintenance programme shall be implemented, whereby equipment, utensils and premises are regularly reviewed for signs of wear and tear and whereby deficiencies are detected prior to a problem occurring.

Process
Control.

80. A Fail Safe Control system shall be worked out to control the maintenance process. The measures taken shall be compared with the standards. Verification has to be done to ensure that the corrective actions are done in the good way.

Instructions.

81. Work instructions and control instructions shall be documented and implemented to establish on a daily basis the principles designed in the procedures.

Document-
ation

82. Checklists for controls, standards, recommendations and verification and records in case of fault

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and records. shall be documented.

Training.

83. Training on the spot and special training programmes shall be implemented to ensure that staff are continually reminded of the risks and their responsibilities within the food industry especially concerning the items of this chapter.

Records of courses and training sessions attendances shall be kept for inspection and evaluation.

Best
potable
water
practices.

84. (1) The objective of regulations 84 - 103 shall be:

- (a) to protect human health from the adverse effects of any contamination of potable water intended for human consumption, to be observed in fishery product activities by ensuring that it is wholesome and clean; and
- (b) to include water used in the fishery product industry unless it can be established that the use of such water does not affect the wholesomeness of the finished product.

(2) Facilities shall be required to provide a permanent supply of potable drinking water or water intended for human consumption within the meaning of these Regulations or alternatively of clean sea water or sea water treated by an appropriate system (filtration and chlorination, UV sterilisation) under pressure and in sufficient quantity.

(3) If the water used in the establishment receives additional treatment prior to use, this shall be done in accordance with the instructions of the manufacturer of any equipment or chemicals utilised and under supervision of the management of the establishment.

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(4) However, by way of exception, a supply of non-drinking water is permissible for the production of steam, fire-fighting and the cooling of refrigeration equipment, provided that the pipes installed for the purpose preclude the use of such water for other purposes and present no risk of contamination of the products. Non-potable water pipes shall be clearly distinguished from those used for potable water or clean sea water.

Use.

85. (1) 'potable water' shall mean:

- (a) all water either in its original state or after treatment, intended for drinking, cooking, food preparation or other domestic purposes, regardless of its origin and whether it is supplied from a distribution network, from a tanker, or in bottles or containers;
- (b) all water used in any establishment for the manufacture, processing, preservation or marketing of products or substances intended for human consumption unless the competent national authorities are satisfied that the quality of the water cannot affect the wholesomeness of the foodstuff in its finished form.

(2) The management of the establishment shall use only potable water for water:

- (a) that comes in contact with fish or fish-contact surfaces;
- (b) that is used in the manufacture of ice; and

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- (c) that is used for cleaning and disinfecting in the establishment.

Application.

86. This division shall not apply to:

- (a) natural mineral waters
- (b) medicinal water.

Water distribution system within the establishment.

87. (1) All pipe work in the water distribution system shall be impermeable, well constructed and in good condition. Iron pipes shall be painted externally in order to protect them from rusting.

(2) The provision of water to the sanitary facilities shall be isolated from the water system for the rest of the establishment and should be supplied from a separate circuit.

(3) There shall be provision to prevent backflow or cross contamination between potable and non potable water within the establishment.

(4) The management of an establishment shall:

- (a) account for the sources of water supply whether:
 - (i) municipal water (mains) with/without intermediary storage;
 - (ii) surface water, well water or bore-hole water with/without intermediary storage; and
 - (iii) desalinated sea water with/without intermediary storage or a combination of different sources.

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- (b) be responsible for ensuring that water used in the establishment is potable;
- (c) be able to demonstrate the water distribution system within the establishment; and
- (d) provide a water distribution/reticulation map whereon the pipes and outlets shall be identified by consecutive numbering enabling location on the establishment map and in the establishment;
- (e) domestic distribution system shall mean the pipework, fittings and appliances which are installed between the taps that are normally used for human consumption and the distribution network.

Storage of water.

88. (1) The establishment shall possess adequate water storage tanks or cisterns with sufficient capacity to supply the requirements of the establishment when operating at maximum capacity and to allow in case of chlorination sufficient contact time: water-chlorine.

(2) The tanks or cisterns shall be well constructed and the internal surfaces shall be smooth, impermeable, easily cleanable and disinfectable.

(3) Each water tank or cistern shall be provided with an inspection hatch that permits entry for cleaning purposes. The design of the hatch shall protect against the entry of rainwater, ground water and any process water that may flow out of the establishment.

(4) Each water tank or cistern shall be protected

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against the entry of insects, rodents, other animals and dust.

(5) The area surrounding each water tank or cistern shall be maintained clean and free of accumulation of rubbish, dust, water and other materials that could contaminate the water.

Each water tank or cistern shall have a floor with sufficient slope and drainage to enable proper cleaning.

(6) Water tanks shall be inspected at regular intervals with the objective of keeping them in good condition. A cleaning and disinfection plan shall be implemented as mentioned in regulation 120 of these Regulations.

Water
circulation and
recirculation.

89. (1) Water reused and circulated within a facility shall be treated and maintained in a condition so that no health hazard can result from its reuse and shall be potable if it comes into contact with food.

(2) Water recirculation and circulation systems shall be clearly identified and have:

- (a) no cross connection between potable and non-potable water;
- (b) non-return devices installed to prevent back flow into the systems;
- (c) no dead ends;
- (d) non-potable water outlets clearly identified.

(3) Water can only be used and reused or recirculated for cooling of a canned product if it is:

- (a) potable;

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- (b) chlorinated to a level of not less than 0.5 ppm free residual chlorine at the end of the cooling cycle;
- (c) filtered before re-use;
- (d) and all storage tanks, cooling towers, pipelines or the like utilised in handling the water are constructed to facilitate inspection and cleaning.

Hot water and steam.

90. (1) The establishment shall possess a means of heating water to a temperature of at least 80° C, in quantities adequate for hand-washing by personnel and, if used, for washing of equipment, machinery and the premises in general.

(2) The installation of either a steam system or pressurized hot water for cleaning of the establishment is recommended.

(3) Where steam or pressurized hot water is used, it shall be supplied in sufficient volume and pressure for the operation of the equipment and contain no hazardous substances.

Action plan and quality objectives.

91. Procedures and instructions shall be implemented by management to implement the chlorination system, to organize the scheduling of the free residual chlorine checks, the microbiological checks and the physicochemical checks and to determine the share of own, private or official laboratories in the analyses.

Scheduling.

92. (1) Planned actions shall be scheduled in a timetable to demonstrate the commitment to the future actions.

(2) These schedules and timetables shall be

approved by the competent authority and checked on its execution on a regular basis.

Responsibilities and authorities.

93. Responsibilities and authorities have to be established for the implementation, maintaining, monitoring and verification of the potable water control plan.

Procedures. Schedule No. 3.

94. (1) Procedures shall be installed to control and safeguard the safety and the quality of water by:

- (a) water analysis on residual chlorine content;
- (b) microbiological
- (c) chemical
- (d) physico-chemical
- (e) biological tests (parasites, algae, other organisms such as animalcules (worms, larvae)).

(2) Sampling points shall be determined by the competent authority.

(3) The competent authority shall ensure that additional monitoring is carried out on a case by case by case basis of substances and micro-organisms for which no parametric value has been specified if there is reason to suspect that they are present in amounts or numbers which constitute a potential danger to human health.

(4) The Minister shall take the measures necessary to ensure that adequate and up-to-date information on the quality of water intended for human consumption is available to facilities involved in fishery product activities.

Process

95. A fail safe control system has to be worked out

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Control.

to control the safety and the quality of water. The results shall be compared with the standards. Verification has to be done to ensure that the corrective actions are successful.

Instructions and standards for chlorination.

96. (1) The chlorination system shall comply with the following:

- (a) chlorine shall be added on-line by dosing or injection (gas or liquid) prior to intermediary storage to permit sufficient contact time with the water in order to allow the chlorine to react with the organic matter;
- (b) the retention tank shall have the capacity to retain water together with the chlorine added for at least 20 - 30 minutes;
- (c) the chlorine not combined after 20 – 30 minutes remains as free residual chlorine available in line to react with whatever contamination present in the piping system (back syphonages, dead ends, for example);
- (d) the cleaning programme for the intermediary storage tanks shall be documented, monitored and demonstrated,
- (e) the management of an establishment shall put in place measures to ensure the functioning of the chlorination system, and the free residual chlorine shall be checked at intervals of not less than 8 hours or at the start of each shift but at least once a day.

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(2) An alarm system is recommended to be applied to ensure the functioning of the chlorination system.

(3) The products (fish, shrimp, molluscs, etc) shall not be washed, dipped, glazed, or treated with hyperchlorinated water. It is recommended to use, in the case of an in-plant chlorinating system the same residual chlorine level as authorised for potable water intended for direct human consumption.

Instructions
for the
interpretation
of the
parametric
values.

97. (1) The competent authority shall take the measures necessary to ensure that the potable water intended for fishery product activities is wholesome and clean. For the purposes of the minimum requirements of these Regulations potable water intended for fishery product activities shall be wholesome and clean if it:

- (a) is free from any micro-organisms and parasites and from any substances which, in numbers or concentrations, constitute a potential danger to human health, and
- (b) meets the minimum requirements set out for microbiological and chemical parameter in Schedule No 5, Part I, Chapters 1 and 2.

Schedule
No. 5

(2) As regards the parameters set out in Part I, chapter 3, the values need be fixed only for monitoring purposes and for the fulfillment of the obligations imposed in case of remedial actions laid down in regulation 101 of these Regulations.

(3) The competent authority shall set values for additional parameters not included in Part I where the contamination of fishery products so requires. The values set should, as a minimum guarantee that the potable water is free from any micro-organism and parasites and from any

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substances which, in numbers or concentrations, constitute a potential danger to human health.

(4) The Minister shall take all measures necessary to ensure that no substances or materials for new installations used in the preparation or distribution of water intended for human consumption or impurities associated with such substances or materials for new installations remain in potable water intended for human consumption or in concentrations higher than is necessary for the purpose of their use and do not, either directly or indirectly, reduce the protection of human health provided for in these Regulations.

(5) The parametric values set in accordance with this regulation, paragraph (1), (2), (3) and (4) shall be complied with:

Points of compliance.

- (a) in the case of water supplied from a distribution network, at the point, within premises or an establishment, at which it emerges from the taps that are normally used for fishery product activities;
- (b) in the case of water supplied from a tanker, at the point at which it emerges from the tanker;
- (c) in the case of water used in a food-production undertaking, at the point where the water is used in the establishment.

Instructions for monitoring.

98. (1) The Minister shall take all measures necessary to ensure that regular monitoring of the quality of water intended for human consumption is carried out, in order to check that the water available to consumers meets the requirements of these Regulations and in particular the chemical parametric values set in accordance with regulation

97 of these Regulations.

Samples should be taken so that they are representative of the quality of the water used throughout the year.

In addition, the Minister shall take all measures necessary to ensure that, where disinfection and the use of certain substances or materials forming part of the preparation or distribution of water intended for human consumption, the efficiency of the disinfection treatment applied is verified, the use of the substances is governed and that any contamination from disinfection by-products is kept as low as possible without compromising the disinfection in order to avoid harmful effects on human health.

(2) To meet the obligations imposed in paragraph 1, appropriate monitoring programmes shall be established by the competent authorities for potable water intended in fishery product activities. These monitoring programmes shall meet the minimum requirements set out in, Schedule No 5, Part II.

Schedule
No. 5

(3) The competent authority shall ensure that additional monitoring is carried out on a case-by-case basis of substances and micro-organisms for which no parametric value has been set in accordance with regulation 97 of these Regulations, if there is reason to suspect that they may be present in amounts or numbers which constitute a potential danger to human health.

Instructions for
sampling.
Schedule No. 5

99. (1) Without prejudice to the requirements of sampling frequency set out in Table 2 of Part II, of Schedule No 5.

- (a) the frequency of water sampling in general for the purpose of check monitoring in a fishery product establishment:

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- (i) in the case of water supplied from a public distribution network, without intermediary storage, shall be at least once per three months from various representative outlets within the plant as laid down in this regulation, paragraph (3).
 - (ii) in the case of water supplied from a public distribution network with intermediary storage, or from a town water source, shall be at least once per month from various representative outlets within the plant as laid down in this regulation, paragraph (3).
- (b) the frequency of water sampling for the purpose of audit monitoring in a fishery product establishment shall be at least once per year.
 - (c) the frequency of the routine water sampling, in connection with the auto-control system or own checks established under the quality assurance programme installed in the establishments, shall be left to the judgement of the quality management team in consultation with the competent authority.
- (2) The sampling points shall be determined by the competent authorities and shall meet the relevant requirements set out in Part II.

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*Fishery Products Regulations*Sampling
Method

(3) The sampling method can be described as follows:

- (a) The sample shall be collected in a sterile bottle.

The tap to be sampled shall be run for long enough to completely flush the pipe supplying the tap, and in any case for 2 - 3 minutes. Before a water sample is drawn from the tap, the tip of the tap shall be flamed using spirit and water shall be allowed to flow for 5 minutes before collection.

In cases where the laboratory test is undertaken 3 hours or more after sampling, the bottles must be kept in ice.

If a sample is to be taken from a chlorinated water supply, any trace of chlorine shall be neutralised immediately after collection. A crystal of sodium thiosulphate or 0,1ml of 2% solution of sodium thiosulphate introduced into the sampling bottle prior to sterilisation serves to neutralise the chlorine.

- (b) The samples shall be taken from various outlets identified on the reticulation map. A rotation is organised between the identified outlets from which the water is in contact with the product.

Ice shall also be regularly tested.

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- (c) The result of the examination shall have the identification of the outlet where the sample is collected.

Laboratories.

- (4) (a) Samples for check monitoring and audit monitoring laid down in Part II, Table 1 of Schedule No 5 are to be collected by an official person and analysed in an official laboratory.
- (b) The routinely taken samples are to be collected by the management of the establishment and analysed in the in-plant laboratory (approved by the competent authority) or in an external private laboratory approved by the competent authority.

Specifications
for the analysis.

100. (1) These examinations are to be carried out under the supervision of the official inspector. The specifications for the analyses of parameters set out in Part in of Schedule No 5 shall be complied with.

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(2) Methods other than those specified in Part III, Chapter 1 of Schedule 5, may be used, provided that the results obtained can be demonstrated are at least as reliable as those produced by the methods specified. The competent authority that has recourse to alternative methods shall provide all relevant information concerning such methods and their equivalence.

(3) For those parameters listed in Part IH, Chapters 2 and 3 of Schedule No5, any method of analysis may be used provided that it meets the requirements set out therein.

Instructions
for

- 101.** (1) (a) The competent authority shall ensure that any failure to meet the parametric

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*Fishery Products Regulations*remedial
action.

values set in accordance with regulation 97 of these Regulations is immediately investigated in order to identify the cause and further sampling shall be carried out.

- (b) Two consecutive samples should not be positive for coliform organisms. If the samples show the presence of *E. coli* or Enterococci, the water of the said source(s) shall not be used until the contamination has been eliminated.

(2) If, despite the measures taken to meet the obligations imposed, water intended for human consumption does not meet the parametric values set in accordance with regulation 97 of these Regulations, the competent authority shall ensure that the necessary remedial action is taken as soon as possible to restore its quality and shall give priority to their enforcement action, having regard *inter alia* to the extent to which the relevant parametric value has been exceeded and to the potential danger to human health.

(3) Whether or not any failure to meet the parametric values has occurred, the competent authority shall ensure that any supply of water intended for human consumption which constitutes a potential danger to human health is prohibited or its use restricted or such other action is taken as is necessary to protect human health.

(4) The competent authority shall decide what action under paragraph 3 should be taken, bearing in mind the risks to human health which would be caused by an interruption of the supply or a restriction in the use of water intended for human consumption.

(5) The Minister may establish guidelines to assist the competent authority to fulfil their obligations under

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paragraph 4.

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(6) In the event of non-compliance with the parametric values or with the specifications set out in Part I, Chapter 3 of Schedule 5, the competent authority shall consider whether that non-compliance pose any risk to human health. They shall take remedial action to restore the quality of the water where that is necessary to protect human health.

(7)The Minister shall ensure that, where remedial action is taken, consumers are notified except where the competent authority considers the non-compliance with the parametric value to be trivial.

Records.

102. The complete procedure of the control and treatment of sea and potable water used shall be documented by the quality management including treatment and measurement results.

Records shall be kept of tests showing that effective treatment was maintained or that the microbiological quality was suitable.

Training.

103. Training on the spot and special training programmes shall be implemented to ensure that:

- (a) staff are continually reminded of the risks and their responsibilities especially concerning the assurance of water quality and safety;
- (b) records of courses and training sessions attendances are kept for inspection and evaluation.

Best raw
material
practice.

104. The intake of fishery products has to be organised in accordance to the requirements with respect to the quality and safety of the products stipulated by customers but at least to the requirements imposed by these Regulations.

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Action plan and
quality
objectives.

105. A supplier quality and safety assurance agreement has to be agreed between supplier and management of the establishment to work out principles concerning product control, quality standards, maintaining the cold chain, hygiene and food safety.

Scheduling.

106. (1) Planned actions shall be scheduled in a timetable to demonstrate the commitment to the future actions.

(2) These schedules and timetables shall be approved by the competent authority and checked on his execution on a regular base.

Respons-
ibilities
and authority.

107. Responsibilities and authorities shall be established for the implementation, maintaining, monitoring and verification of the described best raw material practices.

Procedures

108. (1) A procedure to implement supplier quality and safety assurance has to be worked out, applicable for all steps from fishing ground up to raw material storage at the factory to ensure that raw materials received are safe for food manufacturing use and comply with the required quality and safety level.

There shall be a documented agreement which is signed by both, quality manager of the establishment and supplier ensuring guarantees about:

- (a) quality standards and product control: All raw material has to undergo arrival inspection at plant based on its specifications agreed in the supplier quality and safety assurance agreement. Products that do not reach the quality and safety standards that are laid down in the raw material specifications, agreed between the

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supplier and the management of the establishment, will be rejected and returned to the supplier, or will be disposed of by agreement between the supplier and the management of the establishment;

- (b) maintaining the cold chain:

The raw material shall be handled in accordance with the temperature regimes laid down in the specifications mentioned in the supplier quality and safety assurance agreement and at least in accordance with the temperature regimes laid down in these Regulations;

- (c) hygiene and food safety :

The products shall be transported, stored and handled under conditions that will protect against contamination and minimise deterioration;

- (d) raw material specifications as .

Ice/fish ratio, maximum core temperature allowed at arrival in the factory, maximum time between catch and icing, maximum time between catch and intake at the establishment, maximum rejects allowed before the whole batch is refused, specifications about species related hazards, organoleptic specifications, chemical specifications concerning freshness determination, microbiological specifications, the way and the method of transport.

(2) The unloading of fishery products at the establishment's jetty, shall comply with the following requirements:

- (a) Unloading and landing equipment shall be constructed of material which is easy to clean and disinfect and shall be kept in a good state of repair and cleanliness;
- (b) During landing, loading and unloading, contamination of fishery products shall be avoided. It shall in particular be ensured that:
 - (i) unloading and landing operations proceed rapidly;
 - (ii) fishery products are placed without unnecessary delay in a protected environment at the temperature required on the basis of the nature of the product and, where necessary, in ice in transport, storage or market facilities, or in an establishment;
 - (iii) equipment and handling practices that cause unnecessary damage to the edible parts of the fishery products are not authorised;
 - (iv) personnel shall endeavour to protect the fishery products from physical damage during the unloading of the vehicle; they should not stand on the

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fish and should prevent it from falling on the floor;

- (v) all the equipment used in the unloading of fish shall be washed and disinfected after each batch. This applies to fish boxes, shovels, flume systems, conveyors and other miscellaneous equipment;
- (vi) during the unloading of the vehicle, the doors of the reception of the establishment shall be open for the minimum time possible,
- (vii) the vehicle is unloaded immediately after the approval of the batch. Fish should never be stored in the vehicle whilst awaiting processing. Neither should fish be left outside the establishment.

(3) Raw material inspection, handling and storage of accepted raw material shall be worked out in instructions, and shall be documented by delivery records and product quality records, enabling also traceability of the products.

- (a) before unloading, each vehicle arriving at the establishment with fish for processing, shall be inspected, to ensure that:
 - (i) the interior of the vehicle is clean;

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- (ii) the fish has not been exposed to detrimental climatic conditions;
 - (iii) other materials which could contaminate the fish are not carried together with the fishery products.
- (b) before unloading commences, a sample of fish shall be collected from the vehicle, and the internal temperature measured. The mean temperature should be 0° C, and no fish shall have a temperature of more than 5° C for fresh fishery products.

The temperature of brine frozen fishery products shall not be higher than -9° C.

- (c) before unloading commences a representative sample of each batch of fish shall be taken for sensory evaluation of smell and appearance of raw fish, as described in regulation 113 and 114 of these Regulations;
- (d) the quality control manager shall indicate his approval of the batch, based on the results of the above tests. He or she shall sign an inspection form and assign a batch code to the fish before unloading of the vehicle commences.

(4) The initial stages of processing (washing of raw material, separation of extraneous material and gutting) shall commence as soon as possible after unloading the vehicle.

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(5) Fishery products which are not processed immediately upon arrival at the establishment shall be washed with clean water at 0° C (if necessary), and stored with ice in suitable reception tanks or put in fish-bins, iced and stored in a chill room.

(6) The storage of raw material shall comply with the following requirements:

- (a) if more fish than can be processed immediately, should arrive at the establishment the excess shall be stored in suitable tanks with ice and water, or alternatively be held in a chill storage room, in order that the temperature of the product is kept at 0° C;
- (b) it is recommended that all product which is stored for more than one day before processing is eviscerated. The priority shall be to eviscerate the fish as soon as possible after arrival at the establishment (if not done previously) in order to maintain the intrinsic quality of the product;
- (c) the evisceration of the fish should be done carefully in order to avoid the contamination of the fish flesh;
- (d) only fish complying with the requirements laid down in regulations 112, 113 and 114 of these Regulations shall be stored. All product unfit for human consumption shall be removed and kept separately in the designated room;

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- (e) fish shall not be stored in heaps, and the depth of storage tanks should be kept to a minimum to prevent damage. Tanks should contain water before filling with fish in order to prevent damage;
- (f) the duration of storage of raw material shall be kept to a minimum;
- (g) the water contained in the storage tanks should be changed at regular intervals during the storage period, and also between the storage of different batches of fish.

Process Control.

109. A Fail Safe Control system shall be implemented whereby measurements and checks are compared with standards, followed by corrective actions if necessary.

Instructions.

110. Work instructions and control instructions shall be implemented in detail.

Raw material specifications.

111. (1) Raw material shall be specified by its freshness, physical soundness, sanitary soundness and temperature.

(2) The freshness shall be checked by organoleptic, physical and chemical parameters.

(3) The physical soundness shall be checked visually.

(4) The sanitary soundness comprises the parasite and toxin checks, the checks on contaminants and microbiological checks.

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(5) The temperature of fishery products shall be taken on the level of the bone and under the skin to control whether the fishery products are in the condition of warming up or cooling down.

Freshness.

112. (1) Organoleptic specifications concerning freshness shall be established.

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No. 6.

Each batch of fishery products shall be submitted for inspection and inspected by the Competent Authority at the time of landing or before first sale to check whether they are fit for human consumption. This inspection comprises an organoleptic check carried out individually or by sampling.

The criteria that can be used for the organoleptic check are general appearance, colour, consistency, smell and eventually taste and flavour.

The organoleptic examination shall be repeated after the first sale of fishery products, if it is found that the requirements of this regulation have not been complied with or when considered necessary. After the first sale, fishery products shall at least comply with the minimum freshness requirements mentioned in this regulation. Following categories can be mentioned:

- (a) Freshness categories shall be established, under following conditions:
 - (i) Fishery products shall be marketed only if they meet the requirements of this standard for the freshness categories;

Common marketing standards are laid down for the following products:

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- (a) Saltwater fish (all bony species);
- (b) Selachii (cartilageneous fish);
- (c) Cephalopods (cuttlefish, squids, octopus); and
- (d) Crustaceans (shrimps, lobsters, crabs etc.)
- (ii) The freshness category of each lot shall be determined on the basis of organoleptic criteria;
- (iii) Freshness shall be defined by reference to the special ratings for, different types of products set out in the tables, set forth in Schedule 6 of these Regulations;
- (iv) On the basis of ratings referred to in clause (iv) herein, products as specified in (ii) herein shall be classified by lot in one of the following freshness categories:
- (A) Extra, A, B in the case of fish, selachii, Cephalopods;
- (B) Extra, or A in the case of shrimps.
- (v) The criteria for fish that is unfit for human consumption are set out in the 'not permitted' category in tables set forth in

Schedule No. 6.

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Schedule 6 of these Regulations.

- (b) Lot categories shall be established under following conditions. Each lot shall contain products of the same degree of freshness, if it is not, the lot shall be placed in the lowest freshness category represented herein.
- (c) Product categories shall be established under following conditions:
 - (i) Fish, selachii, and cephalopods placed by lot in freshness category Extra shall be free of pressure marks, injuries, blemishes and bad discoloration;
 - (ii) Fish, selachii, and Cephalopods placed by lot in freshness category A shall be free of blemishes and bad discoloration. A very small proportion with slight pressure marks and superficial injuries shall be tolerated;
 - (iii) For fish, selachii and Cephalopods placed by a lot in freshness category B, a small proportion with more serious pressure marks and superficial injuries shall be tolerated. Fish shall be free of blemishes and bad discoloration. When products are being classified by freshness category, without prejudice to the health rules

applicable, the presence of visible parasites and their possible effect on the quality of the product shall be taken into consideration with allowance being made for the type of product and its presentation.

Schedule No. 7. (2) Physical, chemical or other checks to determine freshness and to prevent fishery products which are unfit for human consumption from being placed on the market, shall be established.

If the organoleptic examination reveals any doubt as to the freshness of the fishery products, use may be made of physical, chemical or other checks considered as necessary or microbiological analysis.

- (a) Physical methods are:
 - (i) Refractometric index of the eye-liquid (refractometer);
 - (ii) Skin resistance for alternative current (fish tester);
 - (iii) pH of the fish meat.
- (b) The chemical method is TVB-N (Total Volatile Basic Nitrogen)

Unprocessed fishery products belonging to the species categories designed by the Competent Authority shall be regarded as unfit for human consumption where, organoleptic assessment having raised doubts as to their freshness, chemical checks reveal that the TVB-N limits set by the

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Competent Authority are exceeded:

Schedule No. 7.

- (i) The reference method to be used for checking the TVB-N limit is the method involving distillation of an extract deproteinised by perchloric acid as set forth in Schedule 7 to these Regulations.
- (ii) Distillation as referred to in clause (i) shall be performed using apparatus which complies with the principles of the diagram as set forth in Schedule 7 to these Regulations or can be performed by an equivalent automatic steam distillation apparatus.
- (iii) The routine methods which may be used to check the TVB-N limits are as follows :
 - (A) micro-diffusion method described by Conway and Byrne (1933);
 - (B) direct distillation method described by Antonacopoulos (1968);
 - (C) distillation of an extract deproteinised by trichloroacetic acid (Codex alimentarius Committee on Fish and Fishery Products (1968).

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- (iv) The sample shall consist of about one hundred grams (100g) of flesh, taken from at least three different points and mixed together by grinding.

The Competent Authority shall recommend to official laboratories the use, as a matter of routine, of the reference method referred to in Schedule 7 to these Regulations. In case of doubt or in the event of dispute to check the results.

Physical
soundness.

113. Fish shall be free of:

- (a) heavy injuries and scratches;
- (b) bad discoloration;
- (c) blemishes and dirt.

Sanitary
Soundness.

114. (1) Controlling sanitary soundness, the presence of parasites, toxins, microbes, viruses accidental and intentional contaminants which could endanger human health, shall be checked.

The sanitary soundness can be checked by a systematic control, by at random sampling or by implementing a national monitoring programme. Industry or competent authority can be in charge. The fishery sector and industry shall check and control the sanitary soundness of the fishery products and the competent authority shall collect all necessary information from the national monitoring programme to inform and assist the industry.

(2) Fishery products shall not contain parasites which could be harmful for human health.

(3) Toxin checks to be established are:

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(a) Histamine (toxin of enzymatic origin)

- (i) Following sampling plan has to be established:

Nine samples shall be taken from each batch. These shall fulfil the following requirements:

- (A) the mean value shall not exceed 100 ppm;
- (B) two samples may have a value of more than 100 ppm but less than 200 ppm;
- (C) no sample may have a value exceeding 200 ppm.

- (ii) These limits apply only to fish species of the following families: scombridae, clupeidae, engraulidae and coryphaenidae

However, fish belonging to these families which have undergone enzyme-ripening treatment in brine may have higher histamine levels but not more than twice the above values.

- (iii) Examinations shall be carried out in accordance with reliable, scientifically recognised methods, such as "high

performance liquid chromatography" (HPLC).

(b) Marine biotoxins : type DSP (Diarrhetic Shellfish Poison) and PSP (Paralytic shellfish poison).

(i) The total Paralytic Shellfish Poison (PSP) content in the edible parts of molluscs (the whole body or any part edible separately) shall not exceed 80 micrograms per 100 g of mollusc flesh in accordance with the biological testing method - in association if necessary with a chemical method for detection of Saxitoxin - or any other method recognised by the EC Commission.

If the results are challenged the reference method shall be the biological method.

(ii) The customary biological testing methods shall not give a positive result to the presence of Diarrhetic Shellfish Poison (DSP) in the edible parts of molluscs (the whole body or any part edible separately).

(c) Ichtyosarcotoxins : type tetrodotoxin

The placing on the market of poisonous fish of the following families Tetraodontidae, Molidae,

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Diondontidae, Canthigasteridae shall be forbidden.

- (d) Ichtyosarcotoxins: biotoxins type ciguatera toxin or other muscle-paralysing toxins

The placing on the market of fishery products containing biotoxins such as ciguatera toxins or muscle paralysing toxins shall be forbidden.

(4) Checks on contaminants present in the aquatic environments shall be done under following conditions:

- (a) Without prejudice to the laws to be pro-claimed concerning water protection and management, and in particular those concerning pollution of the aquatic environment, fishery products shall not contain in their edible parts contaminants present in the aquatic environment such as heavy metals and Organo-chlorinated substances at such a level that the calculated dietary intake exceeds the acceptable daily or weekly intake for humans.

A national monitoring system shall be established by the Competent Authority to check the level of contamination of fishery products.

- (b) Monitoring heavy metals in fishery products shall be done as described in regulation 23.

(5) Microbiological criteria, for the

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microbiological checks, including sampling plans and methods of analysis, shall be laid down to protect public health.

Temperature control.

115. Temperature control after fishing, during transport in the fish-holds, during landing and offloading, during selling, during storage and transport, during processing shall be done to check if the temperature of the fishery products is complying with the requirements, laid down in these Regulations.

Seizure.

116. If the organoleptic examination, physical and chemical checks, checks on physical and sanitary soundness or temperature checks, reveal that the fishery products are not fit for human consumption, measures shall be taken to withdraw them from the market and denature in such a way that they cannot be re-used for human consumption.

Records and documentation.

117. (1) A "supplier quality assurance agreement" document, which is signed by both, the supplier and the customer shall be available. A register is used to record all information about the incoming material.

(2) The following shall be recorded: species, weight, origin, temperature, quality condition of product, accepted and rejected fish, reason of reject, etc.

(3) When there is no official inspection on the landing sites, the official inspectors will cross-check the control and the evaluation of the fish quality and the safety done by the quality managers at the reception of the establishments and recorded in the registers.

Training.

118. (1) A training programme shall be in place whereby fishermen, transporters, offloaders and the inspection team in the reception shall be involved to ensure that staff are continually reminded of the risk and their responsibilities within the food industry especially concerning the provisions of this Section.

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(2) Records of courses and training sessions attendances shall be kept for inspection.

Best
cleaning and
disinfecting
practices.

119. (1) In dry processing, when food contact surfaces are used for manufacturing or holding low-moisture food, all food contact surfaces shall be in a dry, sanitary condition at the time of use.

When the surfaces are wet-cleaned, they shall, when necessary, be cleaned and disinfected and thoroughly dried before subsequent use.

(2) In wet processing when cleaning is necessary to protect against the introduction of microorganisms into food, all food-contact surfaces shall be cleaned and disinfected before use and after any interruption during which the food-contact surfaces may have become contaminated.

(3) In processing where equipment and utensils are used in a continuous production operation, the utensils and food contact surfaces of the equipment shall be cleaned and disinfected as necessary.

(4) Food contact surfaces such as:

- processing equipment and instruments used for working on fishery products in the preparation and/or processing areas;
- crates, bins, baskets, containers used in auctions, preparation- and processing facilities for transporting, carrying, salting, brining, shelling, or shucking crustaceans or mulluscan shellfish;
- cutting boards, working tables and

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work surfaces where fishery products come in contact with;

- machinery that make contact with food during processing and machinery used for mechanical recovery of fish flesh and non-food contact surfaces such as :
- the building and the fixtures ;
- social amenities (changing facilities, toilets, canteens),
- floors, drains, walls, ceilings, additional structures;
- waste containers

shall be kept in a good state of repair and shall be cleaned and be kept clean at all times and disinfected:

- (a) with effective cleaning and disinfecting preparations
- (b) either immediately after the end of each working day or at such times as may be appropriate to maintain hygienic conditions as worked out in the instructions :
 - (i) so that they do not constitute a source of contamination for the products and
 - (ii) in a manner that

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adequate precautions are taken to prevent food, food contact surfaces or food packaging materials from –being contaminated during cleaning or disinfecting of rooms, equipment or utensils.

(5) Cleaned and disinfected portable equipment and utensils shall be stored in a location and manner that protects food-contact surfaces from contamination after cleaning and disinfection. Cleaned and disinfected and to be cleaned and disinfected equipment and containers shall not be stored in processing rooms.

(6) Roadways, yards and other areas in the immediate vicinity of the establishment shall be kept clean.

(7) Establishments shall afford adequate facilities for cleaning and disinfecting buildings, fixtures, utensils, food contact surfaces and means of transport.

(8) Detergents and disinfectants shall be selected and tested for effectiveness of its purpose, shall be approved by the competent authority after receiving following information: trade name, type of chemical compound, active ingredients and method of use. These products shall be used in such a way that they do not have adverse effects on the machinery, equipment, products and not impart any flavours, odours or leave toxic residues.

(9) Toxic cleaning compounds and disinfecting agents shall be identified, held and stored in a manner that protects against contamination of food, food-contact surfaces or food-packaging materials. All relevant regulations promulgated by other government agencies for the application, use or holding of these products shall be

followed.

(10) Surfaces contacting food shall be adequately rinsed after the use of detergents and disinfectants prior to handling of the food.

Action plan and quality objectives.

120. A cleaning and disinfection procedure for food-contact surfaces, non-food contact surfaces and intermediary storage water tanks shall be documented and implemented:

- (a) to ensure that the plant, after cleaning and disinfection is free from pathogens and that the Total Plate Count from food contact surfaces is below a level (cfu/cm²) approved by the competent authority,
- (b) in order to prevent the build up of dirt such as scales and maggots and other residues as well as resistant microbiological populations,
- (c) to ensure that the inner surfaces of the tanks shall not be a source of contamination for the potable water.

Scheduling.

121. (1) Planned actions shall be scheduled in a timetable to demonstrate the commitment to the future actions.

(2) These schedules and timetables shall be approved by the competent authority and checked on its execution on a regular basis.

Responsibilities and authority.

122. Responsibilities and authorities shall be established for the implementation, maintaining, monitoring and verification of the cleaning and disinfecting practices.

Procedures and process control.

123. (1) A procedure defined out to ensure that in all sections in the establishment an adequate work method for cleaning and disinfection and a fail safe control system will be

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used.

(2) The method of cleaning and disinfection shall at least consist in and the different steps shall be established in following order:

- (a) preparatory work before cleaning;
- (b) documented visual checks before starting cleaning;
- (c) cleaning with detergents;
- (d) rinsing to remove that cleaning agent;
- (e) documented visual checks to evaluate the cleaning before starting disinfecting;
- (f) disinfecting;
- (g) rinsing to remove the sterilising agent after the appropriate contact time;
- (h) final phase
 - (i) equipment is reassembled and allowed to dry
 - (ii) documented checks to evaluate the cleaning and disinfecting activities by quick tests/checks or by hygienogram.

(3) Cleaning shall be carried out as frequently as necessary, cleaning and disinfection shall be carried out either immediately after the end of each working day, when there is a risk of contamination or at such times as may be appropriate to maintain hygienic conditions as documented, but not less

than daily.

(4) The machinery used for mechanical recovery of fish flesh shall be cleaned at frequent intervals and at least every two hours.

Instructions.

124. (1) In operation instructions, a hygiene work plan shall be defined for the cleaning and disinfection of each area and room in the establishment.

(2) In control instructions, instructions documented to define, establish and illustrate how to carry out the quick tests/checks and the hygienograms to evaluate the cleaning and disinfecting activities described in this chapter.

Specifications.

125. Specifications, such as trade name, compound active ingredient, methods of use, titration instructions, instructions concerning concentration and dilution and safety instructions, concerning cleaning and disinfecting agents used in the establishment shall be provided.

Documentation and records.

126. (1) All procedures, instructions, specifications and control activities shall be thoroughly documented and recorded.

(2) A documented predetermined programme shall be in place at each establishment.

Training.

127. (1) Training on the spot and special training programmes shall be implemented to ensure that staff are continually reminded of the risks and their responsibilities within the food industry especially concerning the cleaning and disinfecting practices.

All cleaning personnel shall be suitably trained in cleaning techniques.

(2) Records of courses and training sessions attendances shall be kept for inspection.

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Best
hygiene
practices.

128. (1) In order to avoid contamination of the product a high standard of hygiene of the personnel, premises and equipment shall be maintained.

(2) These regulations apply to persons who:

- (a) work in the unloading or reception of raw material, in the preparation/processing areas and in the packing areas;
- (b) handle materials which come into contact with fishery products; and
- (c) enter the establishments (including management staff, cleaners, inspectors and visitors).

(3) The persons mentioned above shall maintain a high level of personal hygiene and shall take all the necessary precautions to prevent the contamination of the fishery products.

(4) The requirements contained in this regulation shall be displayed in visible notices inside the working and handling rooms.

Action plan
and
quality
objectives.

129. (1) Procedures and instructions shall be implemented and maintained to avoid the contamination of the products by personnel, equipment and premises, to ensure optimal personal hygiene in all production steps in all circumstances, to ensure optimal hygiene conditions during processing and to ensure optimal safety of the product.

Scheduling.

130. Planned action shall be scheduled in a timetable to demonstrate the commitment to future action.

Respons-

131. (1) The management of an establishment shall

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ibilities and authority. allocate responsibility for ensuring personnel compliance with the requirements of this PART, to a competent supervisory personnel.

(2) It shall be the responsibility of the supervisor and of each member of staff to conduct him or herself in a responsible manner with respect to the products and equipment.

All personnel shall understand and comply with the requirements of these Regulations.

(3) Responsibilities and authorities shall be established for the implementation, maintaining, monitoring and verification of the plan for Best Hygiene Practices.

Procedures concerning hygiene. **132.** Procedures concerning the following shall be documented to ensure that measures to maintain the highest possible standard of cleanliness and hygiene are implemented—

- (a) general conditions of hygiene applicable to the construction and operations; and
- (b) general conditions of hygiene applicable to staff, including protective clothing, personnel hygiene, hand hygiene, food borne diseases.

General conditions applicable to constructions and operation. **133.** (1) Floors, walls and partitions, ceilings or roof linings, equipment and instruments used for working on fishery products shall be kept in a satisfactory state of cleanliness and repair, so that they do not constitute a source of contamination for the products.

(2) Rodents, insects and any other vermin shall be systematically exterminated in the premises or on the equipment.

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(3) Working areas, instruments and working equipment shall be used only for work on fishery products.

(4) Potable water, or clean sea water shall be used for all purposes.

(5) Detergents, disinfectants and similar substances shall be approved by the Competent Authority and used in such a way that they do not have adverse effects on the machinery, equipment and products.

General conditions applicable to staff.

134. (1) The highest possible standard of cleanliness is required of staff.

(2) Procedures shall be put in place for—

- (a) entering the plant (entrance for personnel, changing clothes, reception of uniforms and boots, storage of personal effects and clothing, showering);
- (b) entering the processing room (handwashing, checks by a supervisor on personal hygiene);
- (c) leaving the plant (changing clothes, cleaning and disinfecting uniforms and boots); and
- (d) use of toilets when entering and leaving the plant and during processing.

Protective clothing.

135. (1) All personnel and visitors entering the preparation/processing rooms shall at all times wear—

- (a) suitable clean protective working clothing of a light colour, which

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- covers the minimum outdoor clothing or replaces it;
- (b) impermeable boots or footwear which are kept clean and in good condition;
 - (c) head-covering (headgear) which completely encloses all hair. Personnel involved in medium or high risk product processing shall wear a head covering that encloses the scalp, hair, beard and moustache; and
 - (d) personnel who handle fish and unpacked fish products, shall wear an impermeable apron.
- (2) Protective clothing shall –
- (a) be provided by the management of the establishment;
 - (b) not have outer pockets, be clean and lightly coloured, be either washable or disposable, be maintained in a clean condition and in good repair;
 - (c) not be worn outside the preparation / processing areas;
 - (d) be changed and laundered daily or earlier when contaminated;
 - (e) be stored in a clean locker, or similar space or hung on a hanger in the clean changing room, away from contamination and the processing area.

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(3) If the personnel who handle fish also wear gloves, these—

- (a) shall be made of plastic or rubber,
- (b) and either be of a disposable type or alternatively, be capable of being easily cleaned and disinfected,
- (c) shall be in a sound, clean and sanitary condition.

(4) If the personnel wear disposable gloves or other disposable protective clothing, the disposable clothing shall be discarded after use and not be reused.

Personal hygiene.

136. (1) All staff while on duty in food handling areas shall maintain a high degree of personal cleanliness.

(2) The personnel who handle fish shall not wear—

- (a) jewellery, including rings, necklaces, bracelets, brooches or earrings;
- (b) nail varnish or fingernail polish and artificial eyelashes;
- (c) watches; and
- (d) other personal effects and clothing.

(3) Long hair shall be tied back and covered with a hair net, as well as a protective head covering specified in regulation 135 (l)(c).

(4) Any behaviour which could result in the contamination of fishery and fish products such as—

- (a) smoking;

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- (b) use of tobacco;
- (c) chewing;
- (d) spitting;
- (e) other unhygienic behaviour and
- (f) eating and drinking;

shall be prohibited in fishery product handling areas, work and storage premises of fishery products.

(5) Clear legible notices and signs shall be prominently displayed to indicate and advise that these activities are prohibited.

Hand
hygiene.

137. (1) All personnel shall wash their hands with hot water and soap frequently and in particular —

- (a) on entering product processing areas;
- (b) immediately after using the toilets;
- (c) after handling dirty or contaminated materials;
- (d) after chewing, eating, smoking or drinking;
- (e) after cleaning procedures, handling detergents and similar clean up chemicals; and
- (f) whenever contaminated.

The wearing of clean gloves does not exempt the

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wearer from having to thoroughly wash their hands.

(2) Workers shall maintain hand hygiene during production and have facilities to wash their hands during work.

(3) Gloves and outer garments that contact fish or contact surfaces shall be made of an impermeable material and shall be maintained in a clean and sanitary condition.

(4) If gloves are worn, they shall also be washed, disinfected and dried (outside and inside) at regular intervals.

(5) Persons handling fishery products, ingredients and items used in food handling, shall wash and disinfect their hands immediately after handling any material that might be capable of transmitting contamination.

(6) Any person with an injury, a cut, an open wound or a wound that is infected shall not continue to handle the food or food contact surfaces until the injury is covered with a clean waterproof impermeable dressing that is securely attached.

(7) The plant shall be provided with a first aid box, which should contain—

- (a) a sufficient quantity of impermeable dressings of a bright colour;
- (b) antiseptic cream;
- (c) cotton wool and adhesive tape; and
- (d) alcohol or other disinfectant lotion.

Food borne diseases.

138. (1) When recruited, any person working on and handling fishery products shall be required to prove, by a medical certificate, that there is no impediment to such

employment.

(2) If the management of an establishment engaged in direct handling of fish has reason to suspect that any person is likely to transmit a disease producing organism to the product, the manager shall ensure, the person does not enter the facility until he produces a certificate from a medical practitioner indicating that they are free from infection and are non-infective.

(3) The employer shall take all the requisite measures to prevent persons likely to contaminate fishery products from working on and handling them, until there is evidence that such persons can do so without risk.

(4) A person shall not prepare , pack or handle any material likely to be used in constructing a product, until—

- (a) a current (yearly) medical certificate stating that he is free of any communicable disease is obtained;
- (b) by medical examination or supervisory observation is shown not to :
 - (i) suffer from or to be a carrier of food borne disease; and
 - (ii) have or appears to have an illness, disease, open lesions or to suffer from a condition causing a discharge of pus or serum (e.g. weeping sore, infected cuts, boils) from any part of the head, neck, hands or arms or any other source of microbiological contamination

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by which there is a reasonable possibility that fish, fish-contact surfaces or fish-packaging materials will become contaminated.

(5) Workers who resume duty after sick-leave, shall follow the measures laid down in the instructions defined in the quality manual of the establishment.

(6) Precautions shall be taken to prevent visitors to food handling areas from contaminating fishery products. This shall include the use of protective clothing. Visitors shall comply with provisions of these Regulations.

(7) Operators in pathogen testing laboratories shall change their uniform prior to entering food handling areas.

Process control.

139. (1) A fail safe control system shall be implemented whereby the activities of personnel are checked and controlled by the supervisors, on their compliance with the activities described in the procedures and the instructions.

(2) A supervisor shall be responsible to check all the steps described in the procedures and instructions.

Instructions.

140. (1) The instructions shall define the measures to assure the hygiene of the personnel, and to contribute to the safety (pathogens) and the shelf life (spoilage bacteria) of the fishery products.

(2) Management shall give to all personnel instructions on how to—

- (a) enter the factory;
- (b) clean and disinfect hands;

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- (c) clean and disinfect knives, cutting boards, tables, gloves and hands;
- (d) report after sick-leave; and
- (e) leave the factory.

Specifications. **141.** Specifications shall be in place for uniforms, boots, detergents and disinfectants.

Document-
ation
and records. **142.** All procedures, instructions, specifications, control and check-activities shall be thoroughly documented and recorded.

Hygiene
training. **143.** The manager of an establishment shall arrange for adequate and continuous training of all food handlers in personal hygiene and hygienic handling of fishery products and of ail personnel involved in cleaning and disinfection, so it is understood how to take the precautions necessary to prevent contamination of fishery products.

Best pest
control
practices. **144.** (1) The establishment —

- (a) shall afford appropriate facilities against pests such as insects, rodents, birds, or other animals,
- (b) shall take effective measures to exclude pests from the processing areas and to protect the products against the contamination by pests;
- (c) animals, with exception of the live animals such as crustaceans and fish, kept to be placed on the market alive are not admitted. Guard or guide dogs may be allowed in some areas of the property if the presence of the dogs is unlikely to result in contamination of

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food, food-contact surfaces, or food-packaging materials; and

(d) shall implement and maintain a pest control plan, containing an effective and continuous schedule for the detection, control and eradication of pests, to avoid contamination of the products by pests on two levels :

(i) passive level, that means prevention, protection, proofing, construction measures;

(ii) active level, that means extermination by use of-

(A) mechanical methods trapping (rodents)

(B) electrical methods electrocutor (insects)

(C) chemical methods : poisons (rodenticides & insecticides)

(2) Prevention and extermination of pests shall be carried out in a manner that will not constitute a hazard to human health and product safety.

(3) The use of insecticides or rodenticides is permitted only under precautions and restrictions that will protect against the contamination of food, food-contact surfaces and food-packaging materials.

(4) Control measures involving treatment with chemicals shall only be undertaken by personnel who have a

complete understanding of the health hazards these chemicals may pose to the product.

Action plan and quality objectives.

145. (1) An action plan shall be defined —

- (a) on a passive level, in a manner that the establishment is proofed and appropriate facilities are implemented in such a way that no birds, insects, rodents and other vermin can enter in the establishment and that hiding places for rodents, insects and pests are moved away;
- (b) on an active level, in a manner that pests are destroyed with mechanical, electrical or chemical methods.

Scheduling.

146. (1) A time schedule shall be defined to organise and to control the actions on active and passive levels.

(2) Appropriate periodic measures shall be taken to prevent the establishment of colonies of insects and rodent pests both within and around the plant.

(3) These schedules and timetables shall be approved by the competent authority and checked on its execution on a regular basis.

Responsibilities and authority.

147. (1) Responsibilities and authorities shall be established for the implementation, maintaining, monitoring and verification of the Pest Control Practices.

(2) If pest control or a part of the plan is put on contract, the management remains responsible.

Procedures.

148. (1) A procedure shall be documented and implemented to assure a consistent pest control plan and a proper work method on the passive and active level.

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(2) The method of working shall at least consist of:

(a) for the passive level—

the building shall be pest proof against vermin such as insects, rodents and birds by proper design and controlling openings such as —

(i) Doors:

when a door is closed it shall fit tightly so that no gap between door and frame is larger than 3mm across.

doors to the outside shall be closed when not in use.

(ii) Windows:

All windows that can be opened shall be covered with a tight fitting fly screen of mesh size less than or equal to 1mm. The frames with the fly-screen should be displaceable for cleaning purposes.

(iii) Ventilation:

At some point on the way from where the ventilation duct opens to the outside of the premises to the point where it opens into the inside it shall be closed with a screen of mesh size no larger than 1 mm.

(iv) Drains

All drain openings shall be covered with grates of hole size not larger than 10 mm across.

There shall be a water lock (gully traps) in the drain pipings somewhere on the way from the drain opening to the collecting well.

(v) Harbourage

Various trash and garbage inside or outside buildings that could be a harbourage for pests shall be removed.

(b) For the active level—

(i) Rodents, insects and any other vermin shall be systematically exterminated in the premises or on the equipment.

(ii) There shall be available a documented plan for extermination of pests. This plan shall include—

(A) List of numbered traps and a map showing their location and/or a bait map.

(B) Routine checks to verify that food, water and

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shelter is inaccessible to pests at every location within premises and to check the presence of rodent infestation i.e. the presence of faecal droppings, runs and smears, holes and gnawing, damage to food, foot prints, gnawing and squeaking sounds and gnawing traces on baits.

- (C) Inspection of infestation in areas adjacent to premises
 - (D) Inspection of incoming material for pest infestation
 - (E) There should be a responsible person within the firm knowledgeable about pest control and the pests likely to occur within the premises even if outside expertise on pest control is employed.
 - (F) Storage areas should be organised so that they can be easily inspected for possible rodent infestation.
- (iii) Rodent traps shall be strategically placed, with the

assistance of an external expert if necessary, to exterminate rodents that may get into the premises.

Traps may also be placed outside the premises to exterminate and monitor the presence of rodents.

- (iv) At least one electric fly trap shall be installed at every entrance to rooms where processing takes place and where packaging material is stored.
 - (A) Fly traps shall not be placed over processing lines or in front of fans;
 - (B) Distance of trap from floor shall be 2.5 to 3 m.
 - (C) The trap shall be on 24 hours a day.
 - (D) Bulbs shall be replaced at least every year or according to manufacturers specifications.
 - (E) The catch basin should be cleaned regularly.

(3) Rodenticides, insecticides and any other potentially toxic substances shall be stored in premises or cupboards which can be locked. Their use shall not present

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any risk of contamination of the products

Process
control.

149. A fail safe control system shall be implemented to check whether the pest-control plan is in compliance with the requirements described in this section.

Instructions.

150. (1) Instructions shall be put in place to implement on a daily basis the principles and work methods designed in the procedures.

(2) Instructions shall be defined by management together with personnel to deal with the active and passive pest control.

Specifications.

151. Specifications, such as trade name, compound active ingredient, methods of use, instructions concerning concentration or dilution and safety instructions concerning the pesticides shall be provided and available at all times.

Document-
ation
and records.

152. All procedures, instructions, specifications, control and check activities shall be thoroughly documented and recorded. In particular the trap-map, bait map and the routine check records shall be available at all times for the inspection services.

Training.

153. (1) The manager of an establishment shall arrange for adequate and continuous training of the personnel involved in pest control.

(2) Records of courses and training sessions attendances shall be kept for inspection and evaluation.

Best
manu-
facturing
practices.

154. (1) Preparation and processing practices shall be implemented and maintained with the purpose to process a safe and high quality finished product.

(2) The activities considered are the activities done in the preparation, processing and packing rooms as weighing, sorting, washing, preparation, chilling, freezing,

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thawing, processing, packing, expedition and control activities.

Action plan
And quality
objectives.

155. (1) Good manufacturing practices shall be implemented with the purpose—

- (a) to avoid as much as possible any cross- contamination of the product (fillet) with contaminants from the fish (skin) or from the work and factory environment;
- (b) to build up a logical and practical flow of the products from raw material to finished product;
- (c) to build up a logical and practical flow of
 - (i) waste products that leave the processing line; and
 - (ii) additives and packing materials that join the processing line;
- (d) to organise a logical and practical flow of
 - (i) dirty recipients and equipment that leave the processing line, and
 - (ii) clean recipients and equipment that join the processing line;
- (e) to avoid temperature violence, exceeding the requirements specified for the process.

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Scheduling.

156. (1) Planned actions shall be scheduled in a timetable to demonstrate the commitment to the future actions.

(2) These schedules and timetables shall be approved by the competent authority and checked on its execution on a regular basis.

Responsibilities and authority.

157. Responsibilities and authorities shall be established for the implementation, maintaining, monitoring and verification of the described best manufacturing practices.

General conditions and procedures for the preparation and processing of fishery products.

158. (1) Fishery products shall be processed rapidly, without delay and shall always be treated in a hygienic manner.

(2) All necessary and reasonable actions and precautions shall be taken in order to minimise the contamination of fish.

(3) Fish shall never be placed on the floor without the protection of appropriate fish boxes. Also the fish boxes shall never be placed directly on the floor but on a pallet.

(4) Fishery products from different harvests or from different fishing boats should, ideally, not be mixed together. Keeping them separate will prevent contamination between lots and enable easier identification in case of subsequent rejection.

(5) During preparation or processing, the temperature of the fishery products shall be maintained at a temperature determined by management of the establishment and approved by the Competent Authority. The time-temperature combination shall be used as guideline.

(6) Should operation cease, the processing of fish which has already started should be finished or alternatively the fish should be transferred to a chiller or adequately iced.

(7) Deteriorated and damaged product and extraneous material shall be removed from the processing area immediately, in order to avoid contamination of the fish.

(8) Fishery products which have become spoilt, or which have been contaminated or which are no longer fit for human consumption shall not be admitted to the establishment. If identified during processing, such fish shall be isolated immediately and adequately disposed of without contaminating acceptable quality products.

Conditions for washing and de-contamination of the fish skin.

159. (1) The fishery products shall be decontaminated as soon as they arrive in the preparation area. This shall include—

- (a) the separation of extraneous material such as crabs, wood, detritus, mud; and
- (b) the washing of fishery products with adequate quantities of clean potable water where necessary and chilled to below 5° C.

(2) Fishery products shall be cleaned and washed always under running water. Cleaning and washing shall not be done in stagnant water or with hyperchlorinated processing water.

Procedures.

160. (1) Procedures shall be documented and implemented to ensure that in all stages of the process the necessary preventive measures on the level of quality control are taken to process a safe and high quality product.

(2) The procedures represent the flow of the products through the factory. During this flow, special attention is emphasised to avoid contamination, cross-contamination and rise of temperature of the products (time-

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temperature control).

Conditions
and
procedures for
the
preservation
of fresh,
chilled
fishery
products.

161. (1) The chilling of fishery products shall be carried out under following conditions—

- (a) The chilling of fishery products shall be performed with sufficient rapidity to prevent undesirable physical, chemical and microbiological deterioration.
- (b) The temperature of fishery products that have been chilled shall reach at the end of the chilling cycle, the temperature of melting ice with a tolerance of $\pm 1^{\circ}$ C.
- (c) To control histamine formation, the internal temperature of the fishery products should be brought from ambient temperature to 10° C or below within 6 hours, and once chilled be maintained as close to the temperature of melting ice as possible. After chilling, during preparation or processing, the fishery products shall not be exposed to temperatures above 4° C for a cumulative period of more than 2 hours.

(2) Chill storage rooms shall comply with following conditions—

- (a) Establishments preparing fresh fish as a final product shall have a chill room for raw material and a chill storage room for finished fresh products.
- (b) A chill storage room used to store

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chilled fish shall be operated at the temperature of melting ice.

- (c) A chill storage room shall not be used for the purpose of the initial freezing of fish or fish product.
- (d) Chill storage rooms shall be kept clean and free from accumulation of ice. The floor and general structure of chill storage room shall be maintained in good condition.

(3) The chilling of unpackaged fishery products shall be carried out under following conditions—

- (a) Where chilled, unpackaged fishery products (raw material) are not dispatched, prepared or processed immediately after reaching the establishment, they shall be stored or displayed under ice in the establishment's chill storage room. Re-icing shall be carried out as often as necessary;
- (b) The ice used, with or without salt, shall be made from potable water or clean sea water and be stored under hygienic conditions in containers provided for the purpose; such containers shall be kept clean and in a good state of repairs.

(4) Prepacked fresh products shall be chilled with ice or mechanical refrigeration creating similar temperature conditions.

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(5) The preparation of fishery products shall be carried out in compliance with following requirements-

- (a) If they are not carried out on board, operations such as heading and gutting shall be carried out hygienically. The products shall be washed thoroughly with potable water or clean sea water immediately after such operations.
- (b) The quantities of fish on the work tables at any one time should be kept to a minimum
- (c) Fish which is held on the tables awaiting processing shall be protected by adequate quantities of ice. The fish should rest on a layer of ice, as well as being covered with it.
- (d) Should operation cease the process fishery products should not be left on the work tables. Processing of fish already on the tables shall be completed before the workers leave their posts.
- (e) The internal temperature of the fishery products should be maintained below a limit designated by management and approved by the Competent Authority during processing and handling on the worktables.
- (f) Operations such as filleting and slicing shall be carried out in such a way as to avoid the contamination or spoilage of

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fillets and slices, and in a place other than that used for heading and gutting operations. Fillets and slices shall not remain on worktables any longer than is necessary for their preparation. Fillets and slices to be sold fresh shall be chilled as quickly as possible after preparation.

- (g) All equipment used for the filleting of fish should be washed and disinfected regularly during the process. This applies to knives, cutting boards, tables, etc;
- (h) Fillets should be rapidly rinsed immediately after filleting and prior to subsequent packing.
- (i) All persons who fillet fish should wash their hands well and/or wear clean gloves before commencing their work.
- (j) If the fillets are not immediately packed or frozen they shall be stored at 0° C with adequate quantities of ice, or in a chill storage room, different from the chill storage room for raw material.
- (k) Containers used for the dispatch or storage of fresh fishery products shall be designed in such a way as to ensure both their protection from contamination and their preservation under sufficiently hygienic conditions and, more particularly, they shall provide adequate drainage of melt

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water.

Conditions and procedures for freezing and for the storage of frozen products.

162. (1) Freezing of fishery products shall be carried out under the following conditions—

- (a) Establishments shall have freezing equipment in blast/contact/plate/tunnel or brine freezers sufficiently powerful to achieve a rapid reduction in the temperature so that the temperatures laid down in this regulation can be obtained as fast as possible in the core of the product.
- (b) Fresh products to be frozen or quick-frozen shall comply with the requirements, the conditions and procedures for fresh products laid down in regulation 161.
- (c) The freezing process shall be carried out in a way that minimises undesirable, chemical and microbiological changes.

Therefore—

- (i) Fish shall be frozen in a room or chamber specifically designed for this purpose, kept clean and free from accumulation of ice.
- (ii) Blocks of fish or fish products for freezing shall not have a maximum thickness greater than 80 mm.
- (iii) If the fish is not to be packed

and frozen immediately it shall be stored with sufficient ice to maintain its temperature at 0° C or in a chill store at that temperature,

- (iv) Any glaze water which is added to the fish shall first be chilled to 0° C. It is recommended that a mixture of ice and potable water be used,
- (v) During the unloading of the freezer the internal temperature of the fish shall not be permitted to rise above -18° C. Ideally freezers should be unloaded and the fish packed in a chamber held at 0° C or less.
- (vi) The packing of master cartons shall be done rapidly to prevent the internal temperature of fish rising above - 18° C.

(2) When freezing fishery products, management shall take into account the freezing capabilities of the facilities—

- (a) Freezing chambers or other freezing equipment, when utilised for the initial freezing of unfrozen fish or fishery products should reduce the product temperature through the zone of maximum crystallisation (in most products -1° C to -5° C) preferably within 4 hours but not exceeding 6 hours from the commencement of the refrigeration process.

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- (b) Where the refrigeration process is continued in order to reduce the thermal core temperature to -18°C or colder, the whole refrigeration process should be preferably completed within 8 hours, but not exceeding 12 hours.

Longer freezing times damage the texture and quality of the fishery products, and indicate that the capacity of the freezing plant is inadequate.

- (c) The process should not be regarded as completed unless and until the product temperature has reached -18°C at the thermal centre after thermal stabilisation. An exception is brine frozen fish to be used for canning, which may be frozen at higher temperature, although not exceeding -9°C .

(3) Any blast freezer should not be overloaded with quantities of fish in excess of the designed capacity. Reference should be made to the specifications of the supplier of the refrigeration equipment, in order to determine the recommended capacity, but generally loading should not exceed 70 % of the internal volume.

(4) To keep fishery products in a frozen condition by proper storage of frozen fishery products, in cold storage rooms, the storage shall comply with the following requirements—

- (a) Plants must have freezing equipment sufficiently powerful to keep products

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in the storage rooms at a temperature not exceeding those laid down in these Regulations, whatever the ambient temperature may be,

- (b) The floor and general structure of the cold storage rooms shall be maintained in good condition,
- (c) All cold storage rooms should be kept clean and free from accumulation of ice;
- (d) The cold storage room shall be well organised, with separation of different products and batches;
- (e) In order to permit the free circulation of air within the cold storage room, product shall not be stored in contact with the walls or floor. The use of a pallet and rack system is recommended;
- (f) Poultry, meat and other products which may contaminate the fishery products should not be stored in the cold storage room unless the product is packaged and physically separated from the seafood product;
- (g) Cardboard shall not be placed on the floor;
- (h) Whenever possible, any products which have been stored longest shall be the first to be distributed (first in, first out principle);

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- (i) Effective measures shall be taken to keep temperature variations to a minimum after the freezing process and during handling and transport;
- (j) Cold storage rooms shall have a temperature-recording device in a place where it can easily be read. The temperature sensor of the recorder shall be located in the area furthest away from the cold source, i.e. where the temperature in the storage room is the highest;
- (k) Temperature charts shall be available for inspection by the supervisory authorities at least during the period in which the products are stored.

Condition and procedures for thawing products.

163. Establishments that carry out thawing operations shall comply with the following requirements:

- (a) Fishery products shall be thawed under hygienic and controlled time-temperature conditions, their contamination shall be avoided and there shall be adequate drainage for any melt water produced. During thawing, the temperature of the products shall not increase excessively and shall be monitored.
- (b) Fishery products shall be brought to its thawed state as quickly as possible without causing undesirable physical, biochemical and microbial changes to the food.
- (c) If water to thaw the fishery products

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is used, a control system shall be implemented.

(d) After thawing, fishery products shall be handled in accordance with requirements of this regulation.

(i) Including where they are prepared or processed, these operations shall be carried out without delay.

(ii) If they are put directly onto the market, particulars as to the thawed state of the fish shall be clearly marked on the packaging.

Conditions and procedures for the mechanical recovery of fish.

164. The mechanical recovery of fish flesh shall be carried out under the following conditions—

- (a) Mechanical recovery of gutted fish shall take place without undue delay after filleting, using raw materials free of guts. Where whole fish are used, they shall be gutted and washed beforehand;
- (b) The machinery shall be cleaned at frequent intervals at least every two hours; and
- (c) After recovery mechanically recovered flesh shall be frozen as quickly as possible or incorporated in a product intended for freezing or stabilising treatment.

Conditions and procedures for processed fishery

165. (1) Fresh, frozen and thawed products used for processing shall comply with the requirements laid down for fresh, frozen and thawed products in this chapter.

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products.

(2) Where the processing treatment is carried out to inhibit the development of pathogenic micro-organisms, or if it is a significant factor in the preservation of the product, the treatment shall be scientifically recognised by the inspection service.

(3) Contamination, cross-contamination and deterioration of fishery products shall be prevented—

(a) by design—

(i) Operating practices shall be designed to avoid contamination of product, product surfaces and packaging materials;

(ii) Processes in which there is risk of contamination to the final product including—

(A) prawn heading, deveining and peeling;

(B) lobster heading, gutting and deveining; and

(C) dismembering, gutting and scaling of fish,

shall take place in areas physically separated by location or partition from where the product is further processed or packed;

(iii) Pet food and fish meal preparation and packing shall take place in a building separated from that used for processing fishery products for

human consumption,

(b) by operating practices—

(i) Effective measures shall be taken to prevent raw material or semi processed material coming into contact with and contaminating the end product.

(ii) All steps in the production process including packaging shall be performed without unnecessary delay and under conditions which will minimise the possibility of contamination, deterioration and growth of micro-organisms, and

(iii) For the preparation and/or processing of high risk products—

(A) contaminated protective clothing worn by a person handling raw materials or partially processed foods shall be discarded before the person comes in contact with high risk processed food;

(B) if there is a likelihood of contamination, hands shall be washed thoroughly between handling processed food at different stages of

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processing, and

- (C) all equipment which has been in contact with raw materials or contaminated material shall be thoroughly cleaned and sanitised prior to being used in contact with processed food.

Conditions
and
procedures for
smoking.

166. (1) Smoking shall be carried out in separate premises or a special place equipped, if necessary, with a ventilation system to prevent the smoke and heat from the combustion from affecting other premises or places where fishery products are prepared, processed or stored.

(2) Materials used for the smoking of fish shall be stored away from the place of smoking and shall be used in such a way that they do not contaminate the products.

(3) Materials used to produce smoke, that had been painted, varnished, glued, or has undergone preservation treatment or any other chemical treatment shall be prohibited.

(4) After smoking, products shall be cooled rapidly to the temperature required for their preservation before being packaged.

Conditions
and
procedures for
salting.

167. (1) Salting operations shall take place in different premises and sufficiently removed from the premises where the other operations are carried out.

(2) Salt used in the treatment of fishery products shall be clean and stored in such a way as to preclude contamination. Salt shall not be re-used.

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(3) Any container used for salting or brining shall be constructed in such a way as to preclude contamination during the salting or brining process.

(4) Containers or areas used for salting or brining shall be cleaned before use.

Conditions
and
procedures for
cooking
crustaceans
and
molluscan
shell
fish products.

168. (1) Where processes are being heated in any way such as blanching, retorting, there shall be adequate control to ensure the correct temperature/time regime is used to ensure the product achieves the desired functionality and shelf life without jeopardising human health.

(2) Any cooking shall be followed by rapid cooling. Water used for this purpose shall be drinking water or clean sea water. If no other method of preservation is used, cooling shall continue until the temperature approaching that of melting ice is reached.

(3) Shelling or shucking, shall be carried out under hygienic conditions to avoid the contamination of the product. Where such operations are done by hand, workers shall pay particular attention to the washing of their hands and all working surfaces shall be cleaned thoroughly. If machines are used, they shall be cleaned at frequent intervals and disinfected after each working day.

(4) After shelling or shucking, cooked products shall immediately be frozen or kept chilled at a temperature which will preclude the growth of pathogens, and bestored in appropriate premises.

(5) Every manufacturer shall carry out microbiological checks on his production at regular intervals, complying with the standards set forth in schedule n° 3 of these Regulations.

Conditions
and

169. (1) All tanks or sinks used for the washing of shrimp shall be supplied with a constant flow of water,

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procedures for
processing
shrimps.

sufficient to replace the contents of the tank every 1/2 hour.

(2) Tanks used for the washing of shrimp should be emptied completely and washed and disinfected during every cessation in the process and between different batches of shrimp.

(3) All product which is stored for more than one day before processing should be deheaded. The priority should be to de-head the shrimp as soon as possible after arrival at the plant (if not done previously).

(4) If shrimp intended for peeling and de-veining is not to be processed immediately, it should be stored with sufficient quantity of ice to maintain its temperature at 0° C.

(5) The shrimp should be peeled and de-veined rapidly in order to minimise the rise in temperature.

(6) If the peeled and de-veined shrimp is not to be frozen immediately it should be stored at 0° C with adequate quantities of ice.

(7) Higher standards of hygiene and cleanliness should be maintained at the work tables on which shrimp is peeled and deveined, due to the higher risk of contamination of the shrimp flesh itself.

(8) If the final product is to be head-on shrimp, the processing of the raw material should commence as soon as possible after arrival at the plant. The nature of the product demands rapid processing with rigorous temperature control.

(9) Chilled water shall be used for the washing of head-on shrimp, at all stages of the process.

(10) Any areas in which cooked or head-on shrimp is processed should be air-conditioned, in order to maintain an air temperature of less than 25° C.

Conditions and procedures for cooked shrimp.

170. (1) Cooked shrimp shall only be handled in an area separate to that in which the raw product is processed. There shall be no direct access for personnel between the two areas.

(2) All personnel who handle cooked shrimp, or who work in or enter the area in which it is processed, shall wear coats, boots, hats and aprons which are used exclusively for use by such personnel, and which are kept separate from the protective clothing used in the processing of raw shrimp. In order to avoid confusion it is recommended that the uniforms, boots, etc. should be of a different colour.

(3) All persons entering the cooked products area shall wash their hands and boots.

(4) No equipment or other articles (including fish boxes, knives etc.) shall be transferred from an area in which raw shrimp is handled to the cooked product area, without first receiving a thorough cleaning and disinfection.

(5) If the final product is to be head-on shrimp, this should be processed immediately, and without a period of storage.

Conditions and procedures for canning.

171. (1) A scheduled process for low acid foods shall be established by qualified persons having expert knowledge of thermal processing requirements for low acid foods in hermetically sealed containers.

(2) A "Standard Operating Procedure" Manual shall be compiled specifying the—

(a) establishment of the thermal process with—

(i) heat penetration, and

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- (ii) heat distribution study
- (b) process control system with—
 - (i) equipment description;
 - (ii) monitoring system; and
 - (iii) general operations in thermal process room.
- (c) container integrity checks—
 - (i) incoming containers;
 - (ii) seaming machines,
 - (iii) evaluation of double seam integrity,
 - (iv) cooling water monitoring,
 - (v) cooling of containers; and
 - (vi) post-process handling of containers.
- (d) documentation and records—
 - (i) processing and production records;
 - (ii) management review of records, and
 - (iii) process deviation records and shall be approved by the Competent Authority.

(2) Canning conditions shall comply with following requirements—

- (a) The water used for the preparation of cans shall be potable water;
- (b) The process used for the heat treatment shall be appropriate, having regard to such major criteria as the heating time, temperature, filling, size of containers, etc., a record of which shall be kept;
- (c) The heat treatment shall be capable of destroying or inactivating pathogenic organisms and the spores of pathogenic micro-organisms;
- (d) The heating equipment shall be fitted with devices for verifying whether the containers have in fact undergone appropriate heat treatment,
- (e) Potable water shall be used to cool containers after heat treatment, without prejudice to the presence of any chemical additives used in accordance with good technological practice to prevent corrosion of the equipment and container.

(3) The following checks shall be carried out to verify the canning process—

- (a) checks shall be carried out at random by the manufacturer to ensure that the processed products have undergone appropriate heat treatment including—

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- (i) incubation test: which shall be carried out at 37° C for seven days or at 35° C for ten days, or at any other equivalent combination; and
 - (ii) microbiological examination of the content of the containers in the establishment's laboratory or in another approved laboratory;
- (b) Samples shall be taken of production each day at predetermined intervals, to ensure the efficiency of sealing or of any other method of hermetic closure. For that purpose, appropriate equipment shall be available for the examination of cross-sections of the can-seams;
 - (c) Checks shall be carried out in order to ensure that containers are not damaged; and
 - (d) All containers which have undergone that treatment under practically identical conditions during a same period of time shall be given a batch identification mark.

Conditions
and
procedures for
parasites.

172. (1) The General conditions for the visual inspection shall be implemented as follows—

- (a) During production, and before they are released for human consumption fish and fish products shall be subject to a visual inspection for the purpose

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of detecting and removing any parasites that are visible;

- (b) Visual inspection shall be performed on a representative number of samples; and
- (c) The persons in charge of on shore plants and qualified persons on board factory vessels shall determine the scale and frequency of the inspections required in paragraph (b) here of by reference to the nature of the fishery products, their geographical origin and their use.

(2) Visual inspection of eviscerated fish shall be carried out as follows—

- (a) During production, the visual inspection of eviscerated fish shall be carried out by qualified persons on the abdominal cavity and livers and roes intended for human consumption. According to the system of gutting used, the visual inspection shall be carried out.
 - (i) in case of manual evisceration in a continuous manner by the operative at the time of evisceration and washing; and
 - (ii) in the case of mechanical evisceration by sampling carried out on a representative number of samples being not less than 10 fish per batch.

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- (b) The visual inspection of fish fillets or fish slices shall be carried out by qualified persons during trimming after filleting or slicing. Where an individual examination is not possible because of the size of the fillets or the filleting operations, a sampling plan shall be drawn up and kept available for the Competent Authority. Where candling of fillets is possible from a technical viewpoint, it shall be included in the sampling plan.

(3) Measures to take before release for consumption are—

- (a) Fish or parts of fish which are obviously infested with parasites, and which are removed, shall not be placed on the market for human consumption.
- (b) The fish and fish products referred to in paragraph (c) here of which are to be consumed as they are, shall, in addition be subjected to freezing at a temperature of not more than -20°C in all parts of the product for no less than 24 hours. Products subjected to this freezing process shall be either raw or finished.
- (c) Fish and products subjected to the condition in paragraph (b) are—
- (i) fish to be consumed raw or almost raw;
- (ii) the following species if they are

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to undergo a cold smoking process at which the internal temperature of the fish is less than 60° C.

- herring
- mackerel
- sprat
- (wild) Atlantic and Pacific salmon; and

(iii) marinated and/or salted herring where this process is insufficient to destroy the larvae of the nematodes

(d) Manufacturers shall ensure that fish and fish products listed in paragraph (c) or the raw materials for use in their manufacture are subject to the treatment described in paragraph (b) prior to their release for consumption.

(e) The fishery products listed in paragraph (c) shall, when they are placed on the market, be accompanied by a document from the manufacturer stating the type of process they have undergone.

Conditions and procedures for packaging.

173. (1) The time that elapses between processing and packaging shall not cause the food to suffer any undesirable physical, chemical or microbiological deterioration.

(2) Packaging shall be carried out under satisfactory conditions of hygiene, to preclude contamination

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of the fishery products.

(3) Labels, tags and adhesives used in packaging shall not contaminate food

(4) A container of food for export shall not contain any foreign objects except the food.

(5) Packaging materials and products liable to enter into contact with fishery products shall comply with all the rules of hygiene and in particular—

(a) they shall not be such as to impair the organoleptic characteristics of the fishery products;

(b) they shall not be capable of transmitting to the fishery products substances harmful to human health that is :

(i) the ink used to apply description markings, inks and colourants applied to food shall not contaminate the food and shall be non-toxic,

(ii) inks applied to food or packaging shall not contain any of the following substances—

(A) antimony,

(B) arsenic;

(C) cadmium,

(D) chromium;

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- (E) lead,
 - (F) mercury, and
 - (G) other toxic metals.
- (iii) fluorescent brighteners or carcinogens, mutagens and teratogens shall not be used in inks applied to food or packaging; and
- (iv) a lacquer applied to the inner surface or part of the inner surface of covering shall—
- (A) cover the inner surface in a continuous film,
 - (B) be uniform in thickness;
 - (C) leave no area of the surface uncoated,
 - (D) firmly adhere to the covering; and
 - (E) be compatible and non-toxic with the food being packed
- (c) They shall be strong enough to protect the fishery products adequately.
- (i) The first envelope, which is in direct contact with the food can be plastic food packing materials, a foam box or a can; and

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- (ii) The second envelope, which is not in direct contact with the food is a cardboard box or a master carton,
- (d) Fishery products shall not be transported unless they are packed and covered in such a way that will enable the goods to reach their destination in a satisfactory and wholesome condition;
- (e) With the exception of certain containers made of impervious, smooth and corrosion-resistant materials which are easy to clean and disinfect, which may be re-used after cleaning and disinfecting, packaging materials may not be re-used;
- (f) Packaging materials used for fresh products held under ice shall provide adequate drainage for melt water;
- (g) Unused packaging materials shall be stored in premises connected with the production area and protected from dust and contamination in accordance with the requirements laid down in regulation 59 of these Regulations.

Traceability
and
inspection
marks.

174. (1) It shall be possible to trace for inspection purposes the plant of dispatch of consignments of fishery products, by means of labelling and by the accompanying documents. For that purpose, without prejudice of the provisions concerning labelling of food products laid down in other Regulations, at least the following information shall appear on the packaging or, in the case of non-packaged products in the accompanying documents—

- (a) country of dispatch which may be written out in full or shown as an abbreviation using capitals;
- (b) identification of the establishment or factory vessel by its official approval number; and
- (c) identification of the freezer vessel, in case of marketing from a freezer vessel, by its official registration number.

(2) All the letters and figures shall be fully legible and grouped together on the packaging in a place where they are visible from the outside without any need to open the said packaging.

Process control.

175. (1) A failsafe pre-control system, as part of the auto-control system, shall be implemented whereby measurements and checks are compared with standards, followed by corrective actions.

(2) Cross contamination shall be precontrolled by implementing the other prerequisite programmes (best practices) and shall be controlled by sampling and microbiological analysis.

(3) Time-temperature abuse shall be precontrolled by implementing the procedures and instructions laid down in this chapter, and shall be controlled by temperature measuring.

(4) All measuring equipment, gauges and devices used in connection with food shall be graduated so as to be read easily and calibrated so as to be accurate.

(5) A calibration system shall be applied either in-

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house or by an external authority and results of the calibration kept for 2 years unless otherwise specified in these regulations.

Instructions.

176. (1) The following instructions shall be documented and implemented in detail for every specific case—

- (a) Work instructions for e.g.—
 - (i) chilling, freezing, thawing fishery products;
 - (ii) preparation of fishery products as rinsing, filleting, skinning, trimming, grading, packing, mechanical recovery of fish,
 - (iii) processing of fishery products as canning, smoking, salting and cooking;
 - (iv) to prevent cross contamination, temperature abuse; and
 - (v) use of sweeteners, colours and food additives other than colours and sweeteners.
- (b) Control instructions for e.g.—
 - (i) controlling time-temperature conditions
 - (ii) candling
 - (iii) visual checks

Final product

177. (1) Product quality specifications as process

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Specifications. description (nature of the packing, unit packing, volume/weight per unit packing), shelf life and storage conditions, transport conditions, distribution conditions, label information shall be in place if applicable.

(2) Product safety specifications for—

(a) potential chemical hazards such as :

(i) environmental chemical and pesticides;

(ii) sweeteners, colours and food additives other than colours and sweeteners;

(iii) ichthyotoxins;

(iv) scombrotoxins; and

(v) ciguatera;

(b) potential biological hazards as microbes and parasites, and

(c) potential physical hazards; shall be in place, if applicable.

Documents and records.

178. All procedures, instructions and specifications, control and monitoring activities shall be thoroughly documented and recorded.

Training.

179. (1) Training on the spot and special training programme shall be implemented to ensure that staff are continually reminded of the risks and their responsibilities within the food industry especially concerning preparation and processing of fishery products.

(2) Records of courses and training sessions

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attendances shall be kept for inspection and evaluation.

Best
storage
practices.

180. (1) The storage of fishery products including raw materials and finished products, packing material, cleaned recipients, tubs, baskets and equipment and other products as ingredients, additives, chemicals, shall be organised in accordance to the requirements with respect to temperature, humidity, quality and safety of the products, imposed by customers but at least to the requirements stipulated by this Section.

(2) Storage shall be under conditions that will protect materials against physical, chemical and microbiological contamination as well as against deterioration of the materials and the containers.

Action plan
and
quality
objectives.

181. (1) Procedures and instructions shall be implemented and maintained:

- (a) For storage of raw materials and finished products—
 - (i) to avoid decrease of shelf life of the products and deterioration;
 - (ii) to avoid decomposition of fishery products; and
 - (iii) to eliminate or minimise possible occurrence of contamination and proliferation of micro-organisms.
- (b) For storage of packing material to prohibit the chance of spoilage, damage or contamination on packing materials.
- (c) For storage of chemicals—

- (i) to identify hold, use and store toxic compounds in a manner that protects against contamination of food, contact surfaces of food-packaging materials; and
 - (ii) to identify, hold and store toxic cleaning compounds, disinfecting agents and pesticide chemicals in a manner that protects against contamination of fish, fish-contact surfaces or fish-packing materials.
- (2) Only those toxic materials—
- (a) required to maintain clean and sanitary conditions;
 - (b) necessary for use in laboratory testing procedures;
 - (c) necessary for plant and equipment maintenance and operation; and
 - (d) necessary for use in the plant's operations, are allowed to be used and stored in the plant.

Scheduling.

182. (1) Planned actions shall be scheduled in a timetable to demonstrate the commitment to the future actions.

(2) These schedules and timetables shall be approved by the Competent Authority and checked on ITS execution on a regular base.

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Responsibilities and authority.

183. Responsibilities and authorities have to be established for the implementation, maintaining, monitoring and verification of the described Best Storage Practices.

Procedures.

184. Procedures shall be defined to ensure that the hygienic requirements with respect to storage of fishery products, dry ingredients, chemicals, packaging material and finished products are met.

Temperature conditions for fishery products during storage.

185. (1) Fishery products shall, during storage, be kept at the temperatures prescribed in these Regulations, and, in particular—

- (a) Fresh or thawed fishery products and cooked and chilled crustaceans and molluscan shellfish products shall be kept at the temperature of melting ice :
 - (i) fresh or thawed fishery products shall always be chilled with ice, whether or not completed with mechanical refrigeration; and
 - (ii) prepacked fishery products may be chilled with ice or with mechanical refrigeration.
- (b) Frozen fishery products with the exception of frozen fish in brine intended for the manufacture of canned foods shall be kept at an even temperature of -18° C or less in all parts of the product, allowing for the possibility of brief upward fluctuations of not more than 3° C.
- (c) To prevent Scombrotoxin formation of

fish that has first been chilled and then frozen for a long time, fish should not be exposed to a temperature rise above 4.4 ° C from the time it is frozen for a cumulative period of more than 12 hours. An uninterrupted period of exposure should not exceed 6 hours.

- (d) Processed products shall be kept at the temperature specified by the manufacturer.

Storage conditions for fresh fishery products.

186. (1) Fresh fishery products shall be—

- (a) be maintained under conditions that will prevent spoilage;
- (b) be protected against damage;
- (c) be protected against contamination;
- (d) not be processed or used unless inspected for contamination, decomposition and parasites and found to be in a sound condition. The nature and frequency of such inspections shall be set by the exporter and approved by the Competent Authority.

(2) Fishery products may not be stored with other products, which may contaminate them or affect their hygiene, unless they are packed in such a way as to provide satisfactory protection.

(3) No materials other than those used for immediate processing shall be stored in an area in use or in processing.

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Storage conditions for frozen fishery products

187. (1) The freezing of fish shall not be carried out in a cold store.

(2) Frozen fish shall be protected from dehydration and freezer burn by –

(a) the application of a glaze; or

(b) by enclosure in an impervious wrap.

(3) A record of cold store room temperatures shall be maintained.

(4) The air velocity in cold store rooms shall be moderate and no higher than necessary to achieve uniform temperatures within the rooms.

(5) Products should be stacked so that air circulation within the storage room is not impaired. Except in jacketed rooms no direct contact with ceilings and floors shall be allowed.

(6) A system of controlled stock rotation shall be employed in cold stores and chill rooms.

Storage conditions for dry ingredients.

188. Dry ingredients shall be stored in a closed, good ventilated, pest proof and clean area with the required room temperature and humidity. The products shall be protected against spoilage, damage and contamination.

Storage conditions for packaging materials.

189. (1) Packaging materials shall be stored in a closed, well ventilated, pest proof, dust-free and clean area with the required room temperature and humidity.

(2) Packaging materials shall be protected by poly-sheets in a way that the inside of the boxes are protected against contamination.

(3) Empty cans shall not be exposed at ambient

conditions without protection.

Storage conditions for hazardous substances.

190. (1) Pesticides, cleaning agents or other substances which could represent a hazard to health shall be suitably labelled with a warning about their toxicity and use and extreme care taken to avoid the chemicals contaminating food, food contact surfaces and ingredients.

(2) Hazardous substances shall be stored in rooms or cabinets used only for that purpose and handled only by authorised and properly trained persons.

(3) Except when necessary for hygienic or preparation purposes no substances which could contaminate food may be used or stored in food handling areas or be stored with any product, ingredients or product packaging material.

Process control.

191. A Fail-Safe Control system shall be implemented:

- (a) To control temperatures of chill rooms and cold rooms. Cold rooms (storage rooms for frozen products) shall have a temperature recording device in place and temperature charts shall be available for inspection by the supervisory authorities at least during the period in which the products are stored.
- (b) To control the compliance with the requirements for
 - (i) chemicals
 - (ii) packing materials
 - (A) first envelope (polybags and foam boxes)
 - (B) second envelope (cartons) laid

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down in the Supplier Quality Assurance Agreement for chemicals, ingredients and packing materials.

Instructions.

192. Control instructions shall be put in place:

- (a) to implement the daily temperature control activities in the fish storage facilities for fresh and frozen fish; and
- (b) to implement the control activities for the hygiene and storage organisation in the storage rooms.

Specifications.

193. Temperature standards and tolerances shall be implemented in every establishment.

Records.

194. The temperature conditions, the hygienic conditions and the piling practices in chill storage rooms, cold storage rooms and other storage facilities shall be recorded.

Training.

195. A training programme shall be in place and shall include reference to relevant parts of this section.

Best transport practices.

196. (1) The transport of fishery products including raw materials and finished products shall be organised in accordance with the requirements with respect to temperature, humidity, quality and safety of the products, imposed by customers but at least to the requirements imposed by this section.

(2) Transport shall be done under conditions that will protect materials against physical, chemical and microbiological contamination as well as against deterioration of the materials and containers.

Quality objectives and

197. Procedures and instructions shall be implemented and maintained:

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action plan.

- (a) for transport of raw materials and finished products:
 - (i) to avoid decrease of shelf life of the products,
 - (ii) to avoid decomposition of fishery products; and
 - (iii) to eliminate possible occurrence of contamination.
- (b) for transport of packing material, to prohibit the chance of spoilage, damage or contamination

Scheduling.

198. (1) Planned actions and to be planned actions shall be scheduled in a timetable to demonstrate the commitment to the future actions.

(2) These schedules and timetables shall be approved by the Competent Authority and checked on ITS execution on a regular basis.

Responsibilities and authority.

199. (1) Responsibilities and authorities shall be established for the implementation, maintaining, monitoring and verification of the described transport practices.

(2) It shall be the responsibility of the owner of the vehicle to comply with the provisions of this section. However, the management of the establishment shall supervise the unloading of vehicles and shall communicate to its owner the existence of any infractions.

Procedures.

200. Procedures shall be defined to ensure that the hygienic requirements for contamination prevention, temperature maintenance with respect to transport of raw materials, finished products and packaging materials are met.

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Temperature conditions for fishery product during transport.

201. Fishery products shall, during transport, be kept at the temperature prescribed in this section and, in particular:

- (a) Fresh or thawed fishery products and cooked and chilled crustacean and molluscan shellfish products shall be kept at the temperature of melting ice,
 - (i) Fresh or thawed fishery products shall always be chilled with ice whether or not completed with mechanical refrigeration.
 - (ii) Prepared fishery products may be chilled with ice or with mechanical refrigeration.
- (b) Frozen fishery products, with the exception of frozen fish in brine intended for the manufacture of canned foods shall be kept at an even temperature of -18° C or less in all parts of the product, allowing for the possibility of brief upward fluctuations of not more than 3° C.

When frozen fishery products are transported from a cold storage plant to an approved establishment to be thawed on arrival for the purposes of preparation an/or processing and where the distance to be covered is short, not exceeding 50 km or one hour's journey, the Competent Authority may grant a derogation from the conditions laid down in regulation 204 of this regulation.

- (c) Processed products shall be kept at the temperature specified by manufacturer.

Hygienic conditions required for vehicles transporting fishery products.

202. (1) The parts of the vehicle, in which chilled or frozen fish is transported shall :

- (a) be clean and in good state of repair;
- (b) be covered during transport of the product in order to prevent exposure to dust, birds, insects and sunlight;
- (c) be of adequate size, shall have sections or containers designed specifically for storage of fishery products;
- (d) be constructed and equipped in such a way that the temperature laid down in this regulation can be maintained throughout the period of transport;
- (e) be equipped with internal surfaces of the cargo area constructed from smooth, corrosion resistant impervious materials, free from cracks and crevices, which are easy to clean. The use of wood is not permitted unless it is painted with gloss paint of a light colour and the fish are carried in fish boxes;
- (f) have internal surface joints that are smooth or flush and sealed to prevent the entry of moisture and shall be finished in such a way that they do not adversely affect the fishery products and shall be easy to clean and disinfect;
- (g) have adequate drainage, if ice is used to chill the products, in order to

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ensure that water from melted ice does not stay in contact with the products;

(h) if lighting is supplied, have light sources covered by a shatterproof shield.

(2) The hygiene conditions on construction level for vessels transporting fishery products are laid down in regulation 37.

General
transport
conditions for
fishery
products.

203. (1) Means of transport used for fishery products may not be used for transporting other products likely to impair, transmit harmful properties or abnormal characteristics, or contaminate fishery products, except where the fishery products can be guaranteed uncontaminated as a result of such transport being thoroughly cleaned and disinfected.

(2) The mechanical cooling system shall not impair by smell or odour the fishery products.

(3) Animals shall not be carried in the cargo area.

(4) Ramps, if provided, shall not be stowed in the cargo area.

(5) Fishery products shall not be transported in a vehicle or container which is not clean or which should have been disinfected.

(6) Vehicles may transport only fishery products which are fit for human consumption. The transport of wastes and by-products in fish vehicles is prohibited.

(7) After each journey the vehicle and any fish boxes used should be washed with water and detergent, followed by a disinfection.

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Specific requirements for specific types of transport.

204. (1) The transport of raw fresh fishery products fresh on ice, by road, shall be done:

- (a) in closed insulated containers (whereby is agreed that the different layers of raw materials are completely covered with ice) in open means of transport, or,
- (b) in open not insulated containers in insulated means of transport, provided with mechanical refrigeration where the distance to be covered or the journey is so long that melting of ice cannot be avoided without mechanical refrigeration.

(2) Raw fresh frozen fishery products shall be transported in clean closed precooled containers, holds or other means of transport on the appropriate temperature laid down in this regulation, provided with a thermometer to control temperature.

(3) Packed frozen finished products in cartons and packed fresh on ice finished products in polystyrene packing material are transported in clean closed precooled containers or other means of transport, on the appropriate temperature, laid down in this regulation, provided with a thermometer to be able to control temperature.

(4) Fishery products which have been subjected to sterilisation in hermetically sealed containers shall be transported in clean closed containers or other means of transport on ambient temperature in a way that cartons and the cans are not damaged during loading, transport and offloading.

(5) The shipment containers used to transport frozen products shall be made of easy to clean material, and

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are checked and precooled before loading. After stuffing, the container shall be cooled down to -18° C before leaving the establishment for the harbour.

Process
control.

205. A Fail Safe Control system shall be implemented whereby the transport activities of raw materials and finished products are checked and controlled on their compliance with the activities described in the procedures and the instructions

Instructions.

206. Instructions shall be put in place for:

- (a) measurement of temperature in chilled and frozen products,
- (b) transporting fish by transport boats,
- (c) offloading boats;
- (d) loading carrier;
- (e) transport by carrier; and
- (f) 'cleaning and disinfecting means of transport.

Specifications.

207. Specifications shall be defined for all means of transport and their use.

Document-
ation.

208. All procedures, instructions, specifications, control and check activities shall be thoroughly documented and recorded.

Training.

209. (1) Management of an establishment shall arrange adequate and continuous training of all food handlers and transporters in hygienic handling of fishery products so it is understood how to take precautions necessary to prevent contamination and deterioration of fishery products.

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(2) Training shall include reference to relevant parts of this section.

Best waste disposal practices.

210. (1) The establishment shall have appropriate facilities

- (a) to treat the by-products on an appropriate way, in the case, by-products are products destined for human consumption;
- (b) to separate guts, parts and other waste that may constitute a danger to public health and remove from the vicinity of product intended for human consumption; and
- (c) to drain the liquid waste water and treat the sewage.

Quality objectives and action plan.

211. Procedures and instructions shall be implemented and maintained:

- (a) to treat the by-products, if applicable;
- (b) to prevent the contamination of fishery products with bacteria from residues and wastes; and
- (c) to deal with waste water drainage and sewage treatment.

Scheduling.

212. (1) Planned actions shall be scheduled in a timetable to document the commitment to the future actions.

(2) The schedules and timetables shall be approved by the competent authority and checked on his execution on a regular base.

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Responsibilities and authority.

213. Responsibilities and authorities shall be established for the implementation, maintaining, monitoring and verification of regulations described in Best Waste Disposal Practices.

Procedures.

214. (1) Procedures shall be defined to ensure that the hygienic requirements with respect to by-products, solid and liquid waste disposal are met.

Waste containers and their use shall comply with the following hygienic requirements:

Unless special facilities are provided, for the continuous disposal of waste, the latter shall be placed in leak-proof, impermeable containers.

- (a) which are provided with tight fitting lids to prevent the entry of insects, rodents and other animals;
- (b) which are designed to facilitate cleaning and disinfection,
- (c) which are clearly marked for that purpose only or be of a different colour to boxes used for fish for human consumption,
- (d) which, when used for temporary storage of viscera and offal in the work room, should be kept below the level of the work tables to avoid splashing and contamination of the product; and
- (e) which shall be always thoroughly cleaned and disinfected after use.

(3) Disposal of waste shall comply with following hygienic requirements:

- (a) waste shall not be allowed to accumulate in working areas but shall be removed either continuously or regularly, as soon as the containers are full, but at least at the end of each working day, from the main work room to the premises allocated for the storage of such containers,
- (b) waste shall be removed from the vicinity of the establishment at regular intervals in order to ensure that the waste do not constitute a source of contamination for the establishment or of pollution of its surroundings by the development of smells and the presence of insects and rodents; and
- (c) the room in which residues and wastes are stored shall—
 - have a permanent water supply and adequate drainage;
 - be kept clean, and
 - be regularly inspected to ensure that this requirement is met.

Process control.

215. (1) A Fail Safe Control System shall be installed to control the compliance with the requirements laid down in regulation 212, regulation 211 and regulation 214.

Instructions.

216. (1) Instructions shall be documented and implemented on how to :

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- (a) treat the byproducts if applicable;
- (b) dispose of guts, offal and waste;
- (c) deal with waste water and sewage;
- (d) store and remove waste; and
- (e) organise the cleaning and disinfection of containers, waste storage rooms waste water drainage channels, solid mesh traps, gully traps and manholes.

Specifications. **217.** (1) Specifications shall be in place concerning identifications and the use of the waste containers.

Records and Document-
ation. **218.** (1) All procedures and instructions, control and check activities shall be thoroughly documented and recorded.

Training. **219.** (1) Management of an establishment shall arrange for adequate and continuous training of the relevant personnel in hygienic handling of by-products and/or waste products, so it is understood how to take precautions necessary to prevent contamination of fishery products.

(2) Training shall include reference to relevant parts of this division.

PART XII**CONDITIONS FOR THE USE OF FOOD ADDITIVES**

Food additives
in general.

220. (1) Fishery products, intended to be placed on the market shall not contain sweeteners, colours or food additives other than sweeteners and colours,

- (a) not included in these regulations or

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- (b) in excess of any maximum quantity or proportion permitted by the regulations of Part XII.

(2) In the context of these Regulations, "quantum satis" means that no maximum level is specified. However, colouring matters shall be used according to best manufacturing practices at a level not higher than is necessary to achieve the intended purpose and provided that they do not mislead the consumer.

(3) Maximum levels indicated in these Regulations refer to fishery products as marketed unless otherwise stated.

Sweeteners.

221. (1) Sweeteners within the meaning of these Regulations are food additives which are used to impart a sweet taste to processed fishery products.

(2) Only the following sweeteners at the mentioned concentrations may be used in the manufacture of sweet- sour preserves and semi-preserves of fish and marinades of fish, crustaceans and molluscs :

- E950 Acesulfame K at 200 mg/kg
- E951 Aspartame at 300 mg/kg
- E954 Saccharine and its Na, K and Ca salts at 160 mg/kg
- E959 Neohesperidine DC at 30 mg/kg

Colours.

222. (1) "Colours" within the meaning of these Regulations are :

- (a) substances which add or restore colour in a food, and include natural constituents of foodstuffs and natural sources which are normally not consumed as foodstuffs as such and not normally used as characteristic

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ingredients of food; or

- (b) preparations obtained from foodstuffs and other natural source materials obtained by physical and/or chemical extraction resulting in a selective extraction of the pigments relative to the nutritive or aromatic constituents.

(2) However, the following substances shall not be considered colours for the purposes of these Regulations:

- (a) foodstuffs, whether dried or in concentrated form and flavourings incorporated during the manufacturing of compound foodstuffs, because of their aromatic, sapid or nutritive properties together with a secondary colouring effect, such as paprika, turmeric and saffron
- (b) colours used for the colouring of the inedible external parts of foodstuffs.

(3) The colour, E160 b Annatto, Bixin, Norbixin may be used at 10 mg/kg in smoked fishery products.

(4) In the following processed fishery products:

- (a) fish paste and crustacean paste;
- (b) precooked crustaceans;
- (c) salmon substitutes;
- (d) surimi;
- (e) fish roe, and

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(f) smoked fish

The undermentioned colours may be used at quantum satis:

- E101 (i) Riboflavin
- (ii) Riboflavin-5'-phosphate;
- E140 Chlorophylls and chlorophyllins;
- E141 Copper complexes of chlorophylls and chlorophyllins,
- E150a Plain caramel;
- E150b Caustic sulphite caramel;
- E150c Ammonia caramel;
- E150d Sulphite ammonia caramel;
- E153 Vegetable carbon;
- E160a Carotenes;
- E160c Paprika extract, capsanthin, capsorubin
- E162 Beetroot red, betanin;
- E163 Anthocyanins;
- E170 Calcium carbonate;
- E171 Titanium dioxide;
- E172 Iron oxides and hydroxides.

(5) The following colours:

- E100 Curcumin;
- E102 Tartrazine,
- E104 Quinoline Yellow;
- E110 Sunset Yellow FCF; Orange Yellow S;
- E120 Cochineal, Carminic acid, Carmines;
- E122 Azorubine, Carmoisine;
- E124 Ponceau 4R, Cochineal Red A;
- E129 AlluraRedAC;
- E131 Patent Blue V,
- E132 Indigotine, Indigo carmine,
- E133 Brilliant Blue FCF;

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E142	Green S;
E151	Brilliant Black BN, Black PN;
E155	Brown HT;
E160d	Lycopene;
E160c	Beta-apo-8'-carotenal (C30),
E160f	Ethyl ester of Beta-apo-8'-carotenic acid (C30);
E161b	Lutein.

may be used single or in combination in :

- (a) fish paste and crustacean paste up to the maximum level of 100 mg/kg;
- (b) precooked crustaceans up to the maximum level of 250 mg/kg;
- (c) salmon substitutes up to the maximum level of 500 mg/kg;
- (d) surimi up to the maximum level of 500 mg/kg;
- (e) fish roe up to the maximum level of 300 mg/kg; and
- (f) smoked fish up to the maximum level of 100 mg/kg.

Food additives other than colours and sweeteners.

223. (1) Food additives other than colours and sweeteners within the meaning of these Regulations are:

- (a) "preservatives" are substances which prolong the shelf-life of foodstuffs by protecting them against deterioration caused by micro-organisms;
- (b) antioxidants" are substances which prolong the shelf-life of foodstuffs by protecting them against deterioration

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- caused by oxidation, such as fat rancidity and colour changes;
- (c) "carriers", including carrier solvents, are substances used to dissolve, dilute, disperse or otherwise physically modify a food additive without altering its technological function (and without exerting any technological effect themselves) in order to facilitate its handling, application or use;
 - (d) "acids" are substances which increase the acidity of a foodstuff and/or impart a sour taste to it;
 - (e) "acidity regulators" are substances which alter or control the acidity or alkalinity of a foodstuff;
 - (f) "anti-caking agents" are substances which reduce the tendency of individual particles of a foodstuff to adhere to one another;
 - (g) "anti-foaming agents" are substances which prevent or reduce foaming,
 - (h) "bulking agents" are substances which contribute to the volume of a foodstuff without contributing significantly to its available energy value,
 - (i) "emulsifiers" are substances which make it possible to form or maintain a homogenous mixture of two or more immiscible phases such as oil and water in a foodstuff;
 - (j) "emulsifying salts" are substances which

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convert proteins contained in cheese into a dispersed form and thereby bring about homogenous distribution of fat and other components;

- (k) "firming agents" are substances which make or keep tissues of fruit or vegetables firm or crisps, or interact with gelling agents to produce or strengthen a gel;
- (l) "flavour enhancers" are substances which enhance the existing taste and/or odour of a foodstuff,
- (m) "foaming agents" are substances which make it possible to form a homogenous dispersion of a gaseous phase in a liquid or solid foodstuff;
- (n) "gelling agents" are substances which give a foodstuff texture through formation of a gel;
- (o) "glazing agents" (including lubricants) are substances which, when applied to the external surface of a foodstuff, impart a shiny appearance or provide a protective coating,
- (p) "Humectants" are substances which prevent foodstuffs from drying out by counteracting the effect of an atmosphere having a low degree of humidity, or promote the dissolution of a powder in an aqueous medium;
- (q) "Modified starches" are substances obtained by one or more chemical

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treatments of edible starches, which may have undergone a physical or enzymatic treatment, and may be acid or alkali thinned or bleached;

- (r) "packaging gases" are gases other than air, introduced into a container before, during or after the placing of a foodstuff in that container;
- (s) "propellants" are gases other than air which expel a foodstuff from a container;
- (t) "raising agents" are substances or combinations of substances which liberate gas and thereby increase the volume of a dough or a batter;
- (u) "sequestrants" are substances which form chemical complexes with metallic ions;
- (v) "stabilizers" are substances which make it possible to maintain the physico-chemical state of a foodstuff; stabilizers include substances which enable the maintenance of a homogenous dispersion of two or more immiscible substances in a foodstuff and include also substances which stabilize, retain or intensify an existing colour of a foodstuff; and
- (w) "thickeners" are substances which increase the viscosity of a foodstuff.

(2) For the purpose of these Regulations the following are not considered as food additives :

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- (a) substances used for treatment of potable water;
- (b) products containing pectin and derived from dried apple pomace or peel of citrus fruits, or from a mixture of both, by the action of dilute acid followed by partial neutralisation with sodium or potassium salts ("liquid pectin");
- (c) chewing gum bases;
- (d) white or yellow dextrin, roasted or dextrinated starch, starch modified by acid or alkali treatment, bleached starch, physically modified starch and starch treated by amylolytic enzymes;
- (e) ammonium chloride;
- (f) blood plasma, edible gelatin, protein hydrolysates and their salts, milk protein and gluten;
- (g) amino acids and their salts other than glutamic acid, glycine, cysteine and cystine and their salts and having no additive function;
- (h) caseinates and casein; and
- (i) inulin.

(3) In processed fishery products the following food additives may be used at quantum satis:

E170 Calcium carbonates

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- (i) Calcium carbonates
- (ii) Calcium hydrogen carbonate,
- E260 Acetic acid;
- E261 Potassium acetate;
- E262 Sodium acetates
 - (i) Sodium acetate,
 - (ii) Sodium hydrogen acetate (diacetate);
- E263 Calcium acetate,
- E270 Lactic acid;
- E290 Carbon dioxide,
- E296 Malic acid;
- E300 Ascorbic acid;
- E301 Sodium ascorbate;
- E302 Calcium ascorbate,
- E304 Fatty acid esters of ascorbic acid
 - (i) Ascorbyl palitate
 - (ii) Ascorbyl stearate;
- E306 Tocopherol-rich extract;
- E307 Alpha-tocopherol;
- E308 Gamma-tocopherol,
- E309 Delta-tocopherol;
- E322 Lecithins;
- E325 Sodium lactate;
- E326 Potassium lactate;
- E327 Calcium lactate,
- E330 Citric acid;
- E331 Sodium citrates
 - (i) Monosodium citrate
 - (ii) Disodium citrate
 - (iii) Trisodium citrate;
- E332 Potassium citrates
 - (i) Monopotassium citrate
 - (ii) Tripotassium citrate;
- E333 Calcium citrates
 - (i) Monocalcium citrate
 - (ii) Dicalcium citrate
 - (iii) Tricalcium citrate;
- E334 Tartaric acid (L(+)-);

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- E335 Sodium tartrates
(i) Monosodium tartrate
(ii) Disodium tartrate;
- E336 Potassium tartrates
(i) Monopotassium tartrate
(ii) Dipotassium tartrate,
- E337 Sodium malates
(i) Sodium malate
(ii) Sodium hydrogen malate,
- E351 Potassium malate;
- E352 Calcium malate
(i) Calcium malate
(ii) Calcium hydrogen malate,
- E354 Calcium tartrate;
- E380 Triammonium citrate;
- E400 Alginic acid;
- E3401 Sodium alginate,
- E402 Potassium alginate;
- E403 Ammonium alginate,
- E404 Calcium alginate;
- E406 Agar;
- E407 Carrageenan,
- E410 Locust bean gum;
- E412 Guar gum;
- E413 Tragacanth;
- E414 Acacia gum (gum arabic);
- E415 Xanthan gum;
- E417 Taragum;
- E418 Gellangum;
- E422 Glycerol;
- E440 Pectins
(i) pectin
(ii) amidated pectin;
- E460 Cellulose
(i) microcrystalline cellulose
(ii) powdered cellulose,
- E461 Methyl cellulose,
- E463 Hydroxypropyl cellulose;
- E464 Hydroxypropyl methyl cellulose;

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- E466 Carboxy methyl cellulose Sodium
Carboxy methyl cellulose;
- E470a Sodium, potassium and calcium
salts of fatty acids;
- E470b Magnesium salts of fatty acids;
- E471 Mono- and diglycerides of fatty
acids;
- E472a Acetic acid esters of mono-and
diglyce-rides of fatty acids;
- E472b Lactic acid esters of mono-and
diglyce-rides of fatty acids;
- E472c Citric acid esters of mono-and
diglyce-rides of fatty acids;
- E472d Tartaric acid esters of mono- and
diglyce-rides of fatty acids;
- E472e Mono- and diacetyl tartaric acid
esters of mono- and diglycerids of
fatty acids,
- E472f Mixed acetic and tartaric acid esters
of mono and diglycerides of fatty
acids;
- E500 Sodium carbonates
 (i) Sodium carbonate
 (ii) Sodium hydrogen carbonate
 (iii) Sodium sesquicarbonate;
- E501 Pottasium carbonates
 (i) Potassium carbonate
 (ii) Potassium hydrogen
 carbonate;
- E503 Ammonium carbonates
 (i) Ammonium carbonate
 (ii) Ammonium hydrogen
 carbonate,
- E504 Magnesium carbonates
 (i) Magnesium carbonate
 (ii) Magnesium hydroxide
 carbonate (syn.
 Magnesium hydrogen
 carbonate),

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E507	Hydrochloric acid,
E508	Potassium chloride;
E509	Calcium chloride;
E511	Magnesium chloride;
E513	Sulphuric acid;
E514	Sodium sulphates
	(i) Sodium sulphate
	(ii) Sodium hydrogen sulphate;
E515	Potassium sulphates
	(i) Potassium sulphate
	(ii) Potassium hydrogen sulphate;
E516	Calcium sulphate;
E524	Sodium hydroxide;
E525	Potassium hydroxide;
E526	Calcium hydroxide;
E527	Ammonium hydroxide;
E528	Magnesium hydroxide;
E529	Calcium oxide;
E530	Magnesium oxide,
E570	Fatty acids;
E574	Gluconic acid;
E575	Glucono-delta-lactone;
E576	Sodium gluconate;
E577	Potassium gluconate;
E578	Calcium gluconate,
E640	Glycine and its sodium salt;
E938	Argon*;
E939	Helium*;
E941	Nitrogen*;
E942	Nitrous oxide*;
E948	Oxygen*;
E1 200	Polydextrose,
E1404	Oxidised starch,
E1410	Monostarch phosphate;
E1412	Distarch phosphate,
E1413	Phosphated distarch phosphate;
E1414	Acetylated distarch phosphate;
E1420	Acetylated starch,

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E1422	Acetylated distarch adipate;
E1440	Hydroxy propyl starch;
E1442	Hydroxy propyl distarch phosphate,
E1450	Starch sodium octenyl succinate;
E420	Sorbitol (i) Sorbitol (ii) Sorbitol syrup,
E421	Mannitol;
E953	Isomalt (i) Maltitol (ii) Maltitol syrup;
E966	Lactitol,
E967	Xylitol;

(4) In processed fishery products :

(a) under mentioned food additives

E620	Glutamic acid,
E621	Monosodium glutamate;
E622	Monopotassium glutamate;
E623	Calcium diglutamate,
E624	Monoammonium glutamate;
E625	Magnesium diglutamate;

may be used individually or in combination
up to the maximum level of 10 g/kg

(b) undermentioned food additives

E626	Guanylic acid;
E627	Disodium guanylate;
E628	Dipotassium guanylate,
E629	Calcium guanylate;
E630	Inosinic acid;
E631	Disodium inosinate;
E632	Dipotassium inosinate,
E633	Calcium mesinate;

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- E634 Calcium 5'-ribonucleotides;
E635 Disodium 5'-ribonucleotides;

may be used individually or in combination expressed as guanylic acid up to the maximum level of 500 mg/kg

(5) In raw or prepared fishery products following food additives:

- E290 Carbon dioxide,
E938 Argon;
E939 Helium,
E941 Nitrogen;
E948 Oxygen;
E331 Sodium citrates;
E332 Potassium citrates;
E333 Calcium citrates;
E420 Sorbitol
(i) Sorbitol
(ii) Sorbitol syrup;
E421 Mannitol;
E953 Isomalt;
E965 Maltiol
(i) Maltiol
(ii) Maltiol syrup;
E966 Lactitol;
E967 Xylitol;

may be used at quantum satis.

(6) In frozen, raw, prepared or processed fish, crustaceans, molluscs and Cephalopods undermentioned food additives may be used at quantum satis :

- E420 Sorbitol
(i) Sorbitol
(i) Sorbitol syrup;
E421 Mannitol;

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E953	Isomalt (i) Maltitol (ii) Maltitol syrup,
E966	Lactitol;
E967	Xylitol;

Preservatives.

224. (1) The following groups of preservatives mentioned in this regulation can be used to prolong the shelf-life of fishery products.

(2) The following sorbates—

E200	Sorbic acid;
E202	Potassium sorbate;
E203	Calcium sorbate and;

The following benzoates—

E210	Benzoic acid;
E211	Sodium benzoate;
E212	Potassium benzoate;
E213	Calcium benzoate;

may be used singly or in combination in –

- (a) semi preserved fish products including fish roe products up to the maximum level of 2000 mg/kg or mg/l;
- (b) salted dried fish up to the maximum level of 200 mg/kg;
- (c) cooked shrimps up to the maximum level of 2000 mg/kg,
- (d) cooked Crangon crangon and Crangon vulgaris up to maximum level of 6000 mg/kg,

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whereby the levels of all substances mentioned above are expressed as the free acid.

(3) The following preservatives or food additives described as sulfur dioxide and sulphites—

E220	Sulphur dioxide,
E221	Sodium sulphite;
E222	Sodium hydrogen sulphite;
E223	Sodium metabisulphite,
E224	Potassium metabisulphite;
E226	Calcium sulphite;
E277	Calcium hydrogen sulphite,
E228	Potassium hydrogen sulphite,

may be used singly or in combination in—

- (a) fresh and frozen crustaceans and Cephalopods up to the maximum level of 150 mg/kg in the edible parts;
- (b) crustaceans, family of penaeidae, solenoceridae, aristeidae—
 - (i) up to 80 units, up to the maximum level of 150 mg/kg in the edible parts;
 - (ii) between 80 and 120 units, up to the maximum level of 200 mg/kg in the edible parts;
 - (iii) over 120 units, up to the maximum level of 300 mg/kg in the edible parts;
 - (iv) cooked, up to the maximum level of 50 mg/kg in the edible

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parts.

(c) whereby

(i) maximum levels are expressed as SO₂ in mg/kg and relate to the total quantity, available from all sources;

(ii) an SO₂ content of not more than 10 mg/kg is not considered to be present.

(4) The food preservative food additives, E251 Sodiumnitrate and E252 Potassiumnitrate may be used at 200 mg/kg in pickled herring and sprat whereby residual amount, nitrite formed from nitrate included, is expressed as NaNO₂.

(5) The food preservative food additive E284 Boric acid and E285 Sodium tetraborate (borax) may be used at 4 g/kg, expressed a boric acid in Sturgeon's eggs (caviar).

Antioxidants.

225. (1) The antioxidants E315 Erythorbic acid and E316 Sodium erythorbate may be used at 1500 mg/kg, expressed as erythorbic acid, in—

(a) preserved and semi-preserved fish products, and

(b) frozen fish with red skin

(2) The antioxidant E385 Calcium disodium ethylene diamine tetra-acetate (Calcium disodium EDTA) may be used up to the maximum level of 75 mg/kg in—

(a) canned and bottled crustaceans and mollusks; and

(b) canned and bottled fish

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Polyphosphates.

226. (1) The following polyphosphates (E452) especially—

- (a) Sodium polyphosphate;
- (b) Potassium polyphosphate,
- (c) Sodium calcium polyphosphate;
- (d) Calcium polyphosphates,

may be used in

- (a) surimi up to the maximum level of 1g/kg
- (b) fish and crustacean paste up to the maximum level of 5g/kg
- (c) frozen fillets of unprocessed fishery products up to the maximum level of 5g/kg
- (d) frozen crustacean products up to the maximum level of 5g/kg

PART XIII

**PRODUCT SAFETY ASSURANCE SYSTEM FOR
PREPARATION AND PROCESSING OF FISHERY
PRODUCTS**

**(HAZARD ANALYSIS CRITICAL CONTROL
POINTS) (HACCP)**

Introduction.

227. (1) The implementation of a Product Safety Assurance System for the preparation and processing of fishery products means implementing all those actions aimed

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at ensuring and demonstrating that a fishery product satisfies the product safety requirements of this regulation.

(2) A Product Safety Assurance Programme (HACCP - Hazard Analysis and Critical Control Points) has to be implemented if the hazard analysis reveals that processors have food safety hazards that they might control.

(3) The implementation of the HACCP system is laid down in Part XIII of these Regulations.

The seven principles.

228. (1) It is recommended that a model of a logical approach, of which the following principles form the essential components, be followed—

- (a) identification of hazards, analysis of risks and determination of measures necessary to control them;
- (b) identification of critical points;
- (c) establishment of critical limits for each critical point;
- (d) establishment of monitoring and checking procedures;
- (e) establishment of corrective action to be taken when necessary;
- (f) establishment of verification and review procedures; and
- (g) establishment of documentation concerning all procedures and records.

(2) Such a model or the principles on which it is based should be issued with the flexibility appropriate to each

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situation.

Hazards.

229. (1) A hazard is a biological, chemical or physical property that may cause a food to be unsafe for consumption.

(2) To be considered as a real hazard, a hazard must be of a nature that their elimination or reduction to acceptable levels is essential to the production of safe food.

(3) A direct hazard causes a problem by the consumption of the concerned fishery product.

(4) An indirect hazard causes a problem by transferring pathogens or other hazards to products which are not cooked before consumption (cross contamination) in working areas or kitchen during handling and preparation.

(5) Hazards can be—

(a) Biological hazards—

(i) pathogenic microorganisms
(e.g. bacteria, viruses)

(ii) parasites

(b) Chemical hazards—

(i) natural toxins

(ii) chemicals

(iii) pesticides

(iv) drug residues

(v) unapproved food and colour additives

(vi) decomposition (safety only, e.g.

histamine)

(c) Physical hazards: metal, glass, etc. ...

(6) Hazards can be—

(a) unacceptable contamination (or recontamination) of a biological (micro-organisms, parasites), chemical or physical nature of raw materials, intermediate or final products;

(b) unacceptable survival or multiplication of pathogenic microorganisms and unacceptable generation of chemicals in intermediate products, final products, production line or environment, and

(c) unacceptable production or persistence of toxins or other undesirable products of microbial metabolism.

(7) Species related hazards are potential hazards that are associated with specific species of fishery products.

Species related hazards are—

(a) chemical contamination

(b) mercury

(c) natural toxins—

(i) paralytic Shellfish Poisoning (PSP)

(ii) neurotoxic Shellfish Poisoning (NSP)

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- (iii) diarrheic Shellfish Poisoning (DSP)
- (iv) amnesic Shellfish Poisoning (ASP)
- (v) ciguatera Food Poisoning (CFP°)
- (vi) clupeotoxin
- (vii) chondrichthytoxin
- (viii) tetrodotoxin (Puffer fish)
- (ix) gempylotoxin (escolar)
- (d) histamine
- (e) food and colour additives
- (f) parasites (safety hazard)
- (g) aquaculture drugs
- (h) pathogens

(8) Process related hazards are potential hazards that are associated with inadequate food handling, preparation or processing. Process related hazards are—

- (a) inadequate drying, pathogen growth, toxin formation as a result of inadequate salt, sugar, and/or nitrite concentration;
- (b) pathogen survival through cooking

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- (c) cross-contamination
- (d) temperature abuse during processing of cooked products and raw molluscan shellfish
- (e) temperature abuse during processing of non-cooked products
- (f) microbiological growth in batter
- (g) pathogen survival through pasteurisation
- (h) recontamination after pasteurisation
- (i) temperature abuse during final cooling
- (j) temperature abuse during finished product storage
- (k) temperature abuse during distribution
- (l) food and colour additive

The seven (7) preliminary steps.

230. Preliminary steps shall be included to consolidate the implementation of the HACCP plan.

(1) Preliminary step 1—

- (a) Define the terms of reference or scope of the plan. To know the scope of the Plan following questions have to be answered—
 - (i) will the study cover a whole process or one specific part ?;

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- (ii) will the study cover one product or a group of products ?;
- (iii) will all types of hazard categories initially (i.e. microbiological, chemical and physical) be covered?;
- (iv) should the HACCP study stop at the end of the production line or continue through distribution, retail and consumer handling ?

(2) Preliminary step 2—

Select and assembly a multidisciplinary team—

- (a) the team which involves all parts of the enterprise concerned with the product, needs to include the whole range of specific knowledge and expertises appropriate to the product under consideration, its production (manufacture, storage and distribution), its consumption and the associated potential hazards.
- (b) where necessary, the team will be assisted by specialists who will help it to solve its difficulties as regards assessment control of critical points.
- (c) The team may consist of—
 - (i) a quality control specialist who understands the biological, chemical or physical hazards

- connected with a particular product group;
- (ii) a production specialist who has responsibility for, or is closely involved with the technical process of manufacturing the product under study;
 - (iii) a technician who has a working knowledge of the hygiene and operation of the process plant and equipment,
 - (iv) any other person with specialist knowledge of microbiology, hygiene and food technology.
- (3) Preliminary step 3—
- (a) Describe the food, distribution and storage. The end of the product shall be described in terms of—
 - (i) composition (e.g. raw material ingredients, additives, etc.);
 - (ii) structure and physico-chemical characteristics (e.g. solid, liquid, gel emulsion, pH, Aw, etc.);
 - (iii) processing (e.g. heating, freezing, drying, salting, smoking, etc., and to what extent);
 - (iv) packaging (e.g. watertight/waterproof, vacuum, modified

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atmosphere);

- (v) storage and distribution conditions;
- (vi) required shelf life (e.g. sell by date and best before date);
- (vii) instruction for use; and
- (viii) any microbiological or chemical criteria applicable.

(4) Preliminary step 4—

- (a) Identify the intended use of the product. The multidisciplinary team shall define the normal or expected use of the product by the customer.

(5) Preliminary step 5—

- (a) Identify the intended consumer.
- (b) The multidisciplinary team shall define the normal or expected consumer target groups for which the product is intended. In specific cases, the suitability of the product for particular groups of consumers such as institutional caterers, travellers, etc., and for vulnerable groups of the population may have to be considered.

(6) Preliminary step 6—

Develop and construct a flow diagram (description of a manufacturing process)

- (a) Whatever the format chosen all steps involved in the process, including delays during or between steps, from receiving the raw materials to placing the end product on the market, through preparation, processing, packaging, storage and distribution shall be studied in sequence in a detailed flow diagram with sufficient technical data.
- (b) Types of data may include but are not limited to—
- (i) plan of working premises and adjacent or adjoining premises;
 - (ii) equipment layout and characteristics;
 - (iii) sequence of all process steps (including the incorporation of raw materials, ingredients or additives and delays during or between steps);
 - (iv) technical parameters of operations (in particular time and temperature including delays);
 - (v) flow of products (including potential cross-contamination);
 - (vi) segregation of clean and dirty areas (or high/low risk areas); and

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(vii) personnel routes.

(7) Preliminary step 7—

- (a) Verify and confirm the flow diagram on-site
- (b) After the flow diagram has been drawn up, the multidisciplinary team should confirm it on site during operating hours. Any observed deviation must result in an amendment of the original flow diagram to make it accurate.

The seven hazard analysis steps, (principle 1).

Schedule No. 8.

231. (1) Hazard analysis step 1: Set up a hazard analysis worksheet (column 1 - column 6) and record each processing step in column 1—

- (a) column 1: processing step
- (b) column 2: potential hazard at this step
- (c) column 3: significance of the potential food safety hazard (risk assessment)
- (d) column 4: justification of this decision
- (e) column 5: preventive (control) measures
- (f) column 6: is this step a critical control point (Yes or No),

The hazard analysis worksheet is set forth in Schedule 8 to these Regulations

(2) Hazard analysis step 2: Identify the potential species related hazards and record in column 2 -

- (a) List all potential species related biological, chemical or physical hazards that may be reasonably expected to occur (including acquisition and storage of raw materials and ingredients and delay during manufacture).

(3) Hazard analysis step 3: Identify the potential process related hazards and record in column 3

Using the confirmed flow diagram as a guide, the team should list all potential process related hazards that may be reasonably expected to occur at each process step (including acquisition and storage of raw materials and ingredients and delay) during manufacture.

(4) Hazard analysis step 4: Understand the potential hazards.

Hazard analysis requires two essential ingredients—

- (a) The first is an appreciation of the hazard (e.g. pathogenic organism) or any disease agent that could harm the consumer, and,
- (b) The second is a detailed understanding of how these hazards could arise, thus the hazard analysis requires thorough microbiological, toxicological knowledge in combination with epidemiological and technical information.

(5) Hazard analysis step 5: Determine if the potential hazard is significant (risk assessment) and record in

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column 3 and 4.

- (a) A hazard is significant if the hazard is:
 - (i) reasonably likely to occur and
 - (ii) if not properly controlled, it is likely to result as an unacceptable health risk to consumers.

(6) Hazard analysis step 6: Identify preventive measures and record in column 5—

Consider and describe what preventive measures, if any, exist which can be applied for each hazard.

- (a) preventive measures are those actions and activities that can be used to prevent hazards, eliminate them or reduce their impact or occurrence to acceptable levels.
- (b) more than one preventive measure may be required to control an identified hazard and more than one hazard may be controlled by one control measure. For instance, pasteurisation or controlled heat treatment may provide sufficient assurance of reduction of the level of both Salmonella and Listeria.
- (c) preventive measures need to be supported by detailed procedures and specifications to ensure their effective implementation. For instance, precise heat treatment specifications, maximum concentrations of

preservatives used in compliance with the applicable legislation on additives.

(7) Hazard analysis step 7: (= principle 2) Identify the critical control point (CCP) and record in column 6

- (a) a CCP may be a location, a point, a procedure or processing step in the process flow where by taking preventive measures, effective control can be installed and a food safety hazard can be prevented, eliminated or reduced to an acceptable level.
- (b) the identification of a critical point for the control of a hazard requires a logical approach. Such approach can be facilitated by the use of the decision tree set forth in Schedule 9 to these, Regulations (other methods can be used by the team, according to their knowledge and experience).
- (c) for the application of the decision tree, each process step identified in the flow diagram should be considered in sequence. At each step, the decision tree must be applied to each hazard that may be reasonably expected to occur or be introduced and each control measure identified.
- (d) application of the decision tree should be flexible and requires common sense, having consideration for the whole manufacturing process in order to avoid, whenever possible, unnecessary critical points.

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- (e) examples of CCP's are: a specific heat process, chilling, specific sanitation procedures, adjustment of food to a given pH or salt content.

Actions to be taken after Hazard analysis Step 7.

232. (1) If no CCP's are detected or identified in Hazard Analysis Step 7, the HACCP analysis is finished and there is no need to implement a HACCP Plan.

(2) The identification of critical control points has two consequences for the multidisciplinary team, which should then—

- (a) ensure that appropriate preventive measures are effectively designed and implemented. In particular, if a hazard has been identified at a step where control is necessary for product safety and no control measure exists at that step or at any other, then the product or process should be modified at that step, or later stage, to include a control measure.

If the hazard analysis reveals that processors have food safety hazards that they might control a safety assurance plan (HACCP Plan has to be implemented).

- (b) Establish and implement an appropriate monitoring and checking system at each critical point to ensure effective control thereof and proceed to the activities specified in the HACCP Plan steps.

The 7 HACCP plan form steps.

233. (1) HACCP plan step 1: Set up the HACCP plan form

The HACCP plan form has 10 columns:

- (a) Critical point (CCP) - Processing step (column 1)
- (b) Significant hazards (column 2)
- (c) Parameter and Critical Limits for each preventive measure (column 3)

Monitoring

- (d) What (column 4)
- (e) How (column 5)
- (f) Frequency : When (column 6)
- (g) Who (column 7)
- (h) Corrective actions (column 8)
- (i) Records (column 9)
- (j) Verification (column 10)

The HACCP plan form is set forth in Schedule 10 to these Regulations.

(2) HACCP plan step 2: Start the implementation of HACCP plan form (column 1)

- (a) Find the processing steps which we have identified as CCP in column 6 of the Hazard Analysis Worksheet. Record the names of these processing steps in column 1 of the HACCP plan form.

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- (b) Enter the significant hazard(s) for which these processing steps were identified as CCP's in column 2 of the HACCP plan form. This information can be found in column 2 of the Hazard Analysis Worksheet.
 - (c) Enter the preventive measures in column 3 of the HACCP plan form.
- (3) HACCP plan step 3: Set up the critical factors (parameters) and critical limits for each preventive measure associated with each CCP (principle 3).
- (a) Each control measure associated with critical control points should give rise to the specification of critical limits.
 - (b) Those critical limits correspond to the extreme values acceptable with regard to product safety. They separate acceptability from unacceptability. They are set for observable or measurable parameters that can readily demonstrate that the critical point is under control, they should be based on substantiated evidence that chosen values will result in process control.
 - (c) Examples of such parameters include temperature, time, pH, moisture level, additive, preservative or salt level, sensory parameters such as visual appearance or texture, etc.
 - (d) In some cases, to reduce the risk of exceeding a critical limit due to

process variations, it may be necessary to specify more stringent levels (i.e. target levels) to assure that critical limits are observed,

- (e) Critical limits may be derived from a variety of sources. When not taken from regulatory standards (e.g. frozen storage temperature) or from existing and validated guides of best practices, the team should ascertain their validity relative to the control of identified hazard and critical points.

(4) HACCP plan step 4: Establish a monitoring procedure (principle 4)

- (a) An essential part of own-checks is a programme of observations or measurements performed at each critical point to ensure compliance with specified critical limits. The programme should describe the methods, the frequency of observations or measurements and the recording procedure.
- (b) Observations or measurements must be able to detect loss of control at critical points and provide information in time for corrective action to be taken.
- (c) Observations or measurements can be made continuously or discontinuously.

When observations or measurements are not continuous, it is necessary to

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establish a frequency of observations or measurements, which provides reliable information.

- (d) The programme of observations or measurements should properly identify for each critical point:
- (i) what will be monitored (column 4)
 - (ii) how monitoring and checking is performed (column 5)
 - (iii) when monitoring and checking is performed, and (column 6)
 - (iv) who is to perform monitoring and checking (column 7)

(5) HACCP plan step 5: Establish a corrective action plan (principle 5)

Establish corrective actions in case a deviation from a critical limit occurs.

- (a) Observations or measurements may indicate.
- (i) that the parameter monitored tends to deviate its specified critical limits, indicating a trend toward loss of control. Appropriate corrective action to maintain control must be taken before the occurrence of hazard, and
 - (ii) that the parameter monitored

has deviated from its specified critical limits, indicating a loss of control. It is necessary to take appropriate corrective action to regain control.

- (b) Corrective action has to be planned in advance by the multidisciplinary team, for each critical point so that it can be taken without hesitation when a deviation is observed.
 - (c) Such corrective action should include
 - (i) proper identification of the person(s) responsible for the implementation of the corrective action;
 - (ii) description of means and action re-quired to correct the observed deviation;
 - (iii) action to be taken with regard to products that have been manufactured during the period when the process was out of control; and
 - (iv) written record of measures taken.
 - (d) Corrective actions shall be entered in column 8 of the HACCP plan form.
- (6) HACCP plan step 6: Establish record keeping (principle 6)
- (a) The approved HACCP plan and

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associated documentation and records shall be in file and available for inspection by regulatory agencies. Who is responsible for keeping the records should be clear at all times.

(b) Four kinds of records are kept as part of the HACCP system:

(i) HACCP plan support documentation used in developing the plan

a. Records of CCP monitoring

b. Records of corrective actions

c. Records of verification activities

(c) Type of records shall be entered in column 9 of the HACCP plan form

(7) HACCP plan step 7: Verification procedures (principle 7) HACCP own checks system verification is necessary to ensure that the system is working effectively. The multidisciplinary team shall specify the methods and procedures to be used:

(a) Usable methods may include in particular random sampling and analysis, reinforced analysis or tests at selected critical points, intensified analysis of intermediate or final products, surveys on actual conditions during storage, distribution and sale and on actual use of the product.

- (b) Verification procedures may include: inspection of operations, validation of critical limits, review of deviations, corrective action and measures taken with regard to the product, audits of the HACCP own checks system and its records.
- (c) Verification should provide for confirmation of the suitability of the own check system established and ensure, afterwards, with an appropriate frequency, that the provisions laid down are still being properly applied.
- (d) Any change to the HACCP autocontrol system arising should be fully incorporated into the documentation and record-keeping system in order to ensure that accurate up-to-date information is available.
- (e) Where criteria are specified in regulations, such criteria are to be used as reference values for the verification process.
- (f) Verification shall enter in column 10 of the HACCP plan form.

Review of the HACCP own checks system.

234. (1) A review of the HACCP plan is necessary to determine whether the plan is still appropriate and valid in case of change and is additional to the process of verification.

(2) When necessary such a review must result in the amendment of the provision stipulated.

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(3) A HACCP review is undertaken in at least the following situations of change:

- (a) factory lay-out and environment
- (b) change in raw material or finished product
- (c) processing system and conditions (packaging, storage or distribution conditions, etc.)
- (d) process equipment
- (e) cleaning and disinfection programme
- (f) health or spoilage risk associated with the product
- (g) new information on hazard, risks, intended use and consumers.

(4) Every version of the HACCP plan shall be dated and signed by the responsible person, highest in degree in the establishment. Only once the HACCP plan is signed management will commit themselves to implement the plan and take the consequences of the implementation.

Document-
ation and
records.

235. (1) All procedures, instructions, specifications control and check activities shall be thoroughly documented.

(2) The person responsible for the establishment shall take all necessary measures to comply with these regulations. To this end the following must be done:

- (a) The person responsible for an establishment shall keep records of each lot of fish processed and shall keep a register of the processing

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carried out.

- (b) The person responsible shall keep a written record or a record registered in an indelible fashion concerning the auto control systems, laid down in part VIII of these Regulations and concerning the checks (HACCP) laid down in part XHI of these Regulations, with a view to submitting them to the competent authority.
- (c) Records shall show processing details including records of quantities, and depending on the type of process employed, processing temperatures and time, salt content, pH, water content, details of sampling and other records relevant to show that fishery products have been processed in accordance with this regulation.
- (d) Records of the different checks and tests must be kept at least for the expected storage life of the products and for a period of two years be available to the inspection service

(3) For products which are preserved for a limited period by a treatment such as salting, drying or marinating, the appropriate conditions for storage must be clearly marked on the packaging.

Training.

(4) The manager of an establishment shall arrange adequate and continuous training of all workers. Training shall include reference to the relevant regulations of this Part.

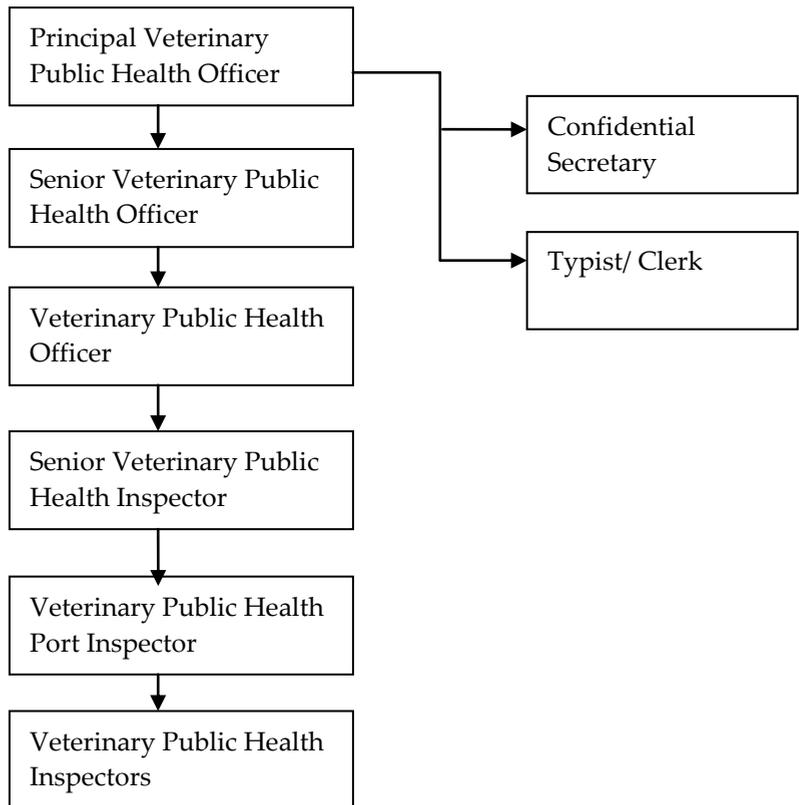
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Reg.3

SCHEDULE No. 1**Veterinary Public Health Unit Organigram**

This schedule lays down the organisational chart of the Veterinary Public Health Unit provided for in regulation 3 of these Regulations.



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SCHEDULE NO 2

Export Health Certificate

ANNEX
HEALTH CERTIFICATE

for fishery and aquaculture products intended for export to the European
Community

Reference No:

Country of dispatch:	
Competent authority (1):	

I. Details identifying the fishery products

Description of fishery/aquaculture products
(2):.....

- species (scientific name):
.....

- presentation of product and type of treatment (3):
.....

Code number (where
available):.....

Type of
packaging:.....

Number of packages:
.....

Net
weight:.....
.....

Requisite storage and transport temperature:
.....

II. Origin of products

Name(s) and official approval/registration number(s) of establishment(s),
factory vessel(s), or cold store(s) approved or freezer vessel(s) registered by
the competent authority for export to the EC:

.....
.....

III. Destination of products

The products are dispatched
from;.....

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(place of dispatch)

to:

.....

(country and place of destination)

by the following means of transport:

.....

Name and address of
dispatcher.....

Name of consignee and address at place of
destination:.....

.....

.....

(¹) Name and address.

(²) Delete where applicable.

(³) live, refrigerated, frozen, sailed, smoked, preserved, etc.

IV. Health attestation

The official inspector hereby certifies that the fishery or aquaculture products specified above:

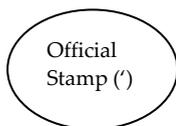
- 1. — have been caught, landed, where appropriate packaged, handled, marked, prepared, processed, frozen, thawed, stored and transported under conditions at least equivalent to those laid down in Council Directive 91 /49 3/EEC of 22 July 1991 laying down the health conditions for the production and the placing on the market of fishery products:
 - have undergone health controls at least equivalent to those laid down in Directive 91/4193/EEC and in implementing decisions thereto:
 - do not come from toxic species or species containing biotoxins;
- 2. in addition, in the case of frozen or processed bivalve molluscs, the later have been gathered in production areas subject to conditions at least equivalent to those laid down in Council Directive 91/492/EEF." of 15 July 1991 laying down the health conditions for the production and the placing on the market of live, bivalve molluscs.

The undersigned official inspector hereby declares that he is aware of the provisions of Directives 91/492/EEC, 91/493/EEC and Decision 97/29S/EC.

Done at on.....

(Place)

(Date)



.....
Signature of official Inspector (')

.....
(Name in capital letters, capacity' and qualifications of person signing)

**SCHEDULE No 3
(Regulation 94)**

This schedule lays down the parameters that must be monitored during any water monitoring programme and the frequency at which this monitoring should take place.

Table 1 : PARAMETERS TO BE ANALYSED DURING MONITORING

The following parameters must be subject to check monitoring, other parameters may be added to this list if deemed appropriate

- Aluminium (Note 1)
- Ammonium
- Colour
- Conductivity
- Clostridium perfringens (including spores) (Note 2)
- Escherichia coli (K.coli)
- Hydrogen ion concentration
- Iron (Note 1)
- Nitrite (Note 3)
- Odour
- Pseudomonas aeruginosa (Note 4)
- Taste
- Colony count 22°C and 37°C (Note 4)
- Coliform bacteria
- Turbidity

Note 1: Necessary only when used as flocculant

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Note 2: Necessary only if the water originates from or is influenced by surface water

Note 3: Necessary only when chloramination is used as a disinfectant

Note 4: Necessary only in the case of water offered for sale in bottles or containers.

1) Check Monitoring - The purpose of check monitoring is to provide information on the organoleptic and microbiological quality of the water supplied for human consumption as well as information on the effectiveness of drinking water treatment (particularly of disinfection) where it is used, in order to determine whether or not water intended for human consumption complies with the relevant parametric values specified in these regulations.

2) Audit Monitoring - The purpose of this is to provide the information necessary to determine whether or not the parametric values set by these regulations are being complied with. All parameters must be subject to audit monitoring unless it can be established by the competent authorities, for a period of time to be determined by them, that a parameter is not likely to be present in a given supply in concentrations which could lead to the risk of a breach of the relevant parametric value.

Table 2 : MINIMUM FREQUENCY OF SAMPLING AND ANALYSES FOR WATER INTENDED FOR HUMAN CONSUMPTION SUPPLIED FROM A DISTRIBUTION NETWORK OR FROM A TANKER OR USED IN A FOOD PRODUCTION UNDERTAKING.

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Volume of Water distributed or produced each day within a supply Zone (Notes 1 and 2) m ³	Check monitoring number of samples per year (Notes 3, 4 and 5)	Audit monitoring number of samples per year (Notes 3 and 5)
<100	(Note 6)	(Note 6)
>100 <1000	4	1
>1000 < 10000	4 + 3 for each 1000 m ³ /d and part thereof of the total volume	1 +1 for each 3300 m ³ /d and part thereof of the total volume
>10000 <100000		3 +1 for each 10 000 m ³ /d and part thereof of the total volume
>100000		10 +1 for each 25 000 m ³ /d and part thereof of the total volume

Note

- 1) A supply zone is a geographically defined area within which water intended for human consumption comes from one or more sources and within which water quality may be considered as being approximately uniform.
- 2) The volumes are calculated as averages taken over a calendar year.
- 3) In the event of intermittent short-term supply the monitoring frequency of water distributed by tankers is to be decided by the competent authority.

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- 4) The competent authority may reduce the numbers of samples if:
 - a) the values of the results obtained from samples taken during a period of at least two successive years are constant and significantly better than the limits specified in these regulations.
 - b) no factor is likely to cause a deterioration of the quality of the water
- 5) The number of samples should be distributed equally in time and location.
- 6) The frequency is to be determined by the competent authority

SCHEDULE NO. 3

This Schedule lays down the microbiological standards applicable to the production of cooked crustaceans and molluscan shellfish provided for in regulation 40 clause 6 and regulation 169 clause 5 of these Regulations.

1/ Pathogens

Type of pathogen	Standard
Salmonella spp.	Absent in 25 g n = 5 c = 0

In addition, pathogens and toxins thereof which are to be sought according to the risk evaluation, must not be present in quantities such as to affect the health of consumers.

2/ Organisms indicating poor hygiene (shelled or shucked products)

Type of organism	Standard (per g)
Staphylococcus aureus	m=100

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	M = 1000 n = 5 c = 2
either : Thermotolerant coliform (44° C on solid medium)	m = 10 M=100 n = 5 c = 2
or Escherichia coli (on solid medium)	m= 10 M= 100 n = 5 c = 1

Where parameters n, m, M and c are defined as follows :

n = number of units comprising the samples

m = limit below which all results are considered satisfactory

M = acceptability limit beyond which the results are considered satisfactory

c = number of sampling units giving bacterial counts between m and M

The quality of a batch is considered to be

- (a) satisfactory where all the values observed are 3 m or less
- (b) acceptable where the values observed are between 3m and 10m (= M) and where c/n is 2/5 or less

The quality of a batch is considered to be unsatisfactory

- in all cases where the values are above M
- where c/n is greater than 2/5

3/ Indicator organisms (Guidelines)

Type of organism	Standard (per g)
Mesophilic aerobic bacteria (30° C)	

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(a) Whole products	m = 10.000 M= 100.000 n = 5 c = 2
(b) Shelled or shucked products with the exception of crabmeat	m = 50.000 M = 500.000 n = 5 c = 2
(c) Crabmeat	m= 100.000 M= 1.000.000 n = 5 c = 2

These guidelines are to help manufacturers decide whether their operators are operating satisfactorily and to assist them in implementing the production monitoring procedures

SCHEDULE N° 4**(Regulation 23)**

This Schedule lays down definitions, methods of sampling, sample preparations, criteria for methods of analysis for official control of the levels of Lead, Cadmium and Mercury in fishery and aquaculture products, provided for in regulation 23 of these Regulations.

PART I**DEFINITIONS**

(1) A number of the most commonly used definitions in describing methods of sampling are given below:

- (a) Lot: an identifiable quantity of food delivered at one time and determined by the official to have common characteristics, such as origin, variety, type of packing, packer, consignor or

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- markings. In the case of fish, also the size of fish shall be comparable.
- (b) Sublot: designated part of a large lot in order to apply the sampling method on that designated part. Each subplot must be physically separated and identifiable
- (c) Incremental sample: a quantity of material taken from a single place in the lot or subplot.
- (d) Aggregate sample: the combined total of all the incremental samples taken from the lot or subplot
- (e) Laboratory sample: sample intended for the laboratory
- (2) A number of the most commonly used definitions that the laboratory will be required to use in establishing procedures for sample preparation and criteria for methods of analysis are given below:
- (a) r repeatability, the value below which the absolute difference between two single test results obtained under repeatability conditions (i.e., same sample, same operator, same apparatus, same laboratory, and short interval of time) may be expected to lie within a specific probability (typically 95%) and hence $r = 2,8 \times S_r$.
- (b) S_r standard deviation, calculated from results
- (c) RSD_r generated under relative standard deviation, calculated from results generated under repeatability

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- conditions $[(S_r / \bar{x}) \times 100]$, where \bar{x} is the average of results over all laboratories and samples.
- (d) R reproducibility, the value below which the absolute difference between single test results obtained under reproducibility conditions (i.e., on identical material obtained by operators in different laboratories, using the standardised test method), may be expected to lie within a certain probability (typically 95 %); $R = 2,8 \times S_r$.
- (e) S_r standard deviation, calculated from results under reproducibility conditions.
- (f) RSD_R relative standard deviation calculated from results generated under reproducibility conditions $[(S_r / \bar{x}) \times 100]$
- (g) $HORRAT_r$ the observed RSD_r divided by the RSD_r value estimated from the Horwitz equation using the assumption $r = 0,66R$
- (h) $HORRAT_R$ the observed RSD_r value divided by the RSD_r value calculated from the Horwitz equation ^(a).

PART II

METHODS OF SAMPLING FOR OFFICIAL CONTROL OF
THE

LEVELS OF LEAD, CADMIUM AND MERCURY IN
FISHERY AND
AQUACULTURE PRODUCTS

CHAPTER 1
GENERAL PROVISIONS FOR SAMPLING

1. Personnel

The Government shall take all measures necessary to ensure that the sampling for the official control of the levels of lead, cadmium and mercury in fishery and aquaculture products is carried out in accordance with the methods described in this part of the Regulations.

2. Material to be sampled

Each lot that is to be examined must be sampled separately.

3. Precautions to be taken

In the course of sampling and preparation of laboratory samples, precautions must be taken to avoid any changes that would affect the lead, cadmium and mercury contents, adversely, affect the analytical determination or make the aggregate samples unrepresentative.

4. Incremental samples

As far as possible incremental samples shall be taken at various places distributed throughout the lot or subplot.

5. Preparation of the aggregate sample

The aggregate sample is made up by uniting all incremental samples. It shall be at least 1 kg unless not

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practical, e.g. when a single package has been sampled.

6. Subdivision of aggregate sample into laboratory samples for enforcement, defence and referee purposes

The laboratory samples for enforcement, trade (defence) and referee purposes shall be taken from the homogenised aggregate sample. The size of the laboratory samples for enforcement shall be sufficient to allow at least for duplicate analyses.

7. Packaging and transport of aggregate and laboratory samples

Each aggregate and laboratory sample shall be placed in a clean, inert container offering adequate protection from contamination, from loss of analytes by adsorption to the internal wall of the container and against damage in transit. All necessary precautions shall be taken to avoid change of composition of the aggregate and laboratory samples that might arise during transportation or storage.

8. Sealing and labelling of aggregate and laboratory samples

Each sample taken for official use shall be sealed at the place of sampling and identified following the national instructions. A record including the date and place of sampling together with any additional information likely to be of assistance to the analyst, must be kept for each sampling, so that each lot can be identified unambiguously.

CHAPTER 2

SAMPLING PLANS

1. Place of sampling

Sampling should ideally take place at the point where the commodity enters the food chain and a discrete lot becomes identifiable. The sampling method applied shall ensure that the aggregate sample is representative for the lot that is to be controlled.

2. Number of incremental samples

(1) In the case of liquid products for which a homogeneous distribution of the contaminant in question can be assumed within a given lot, it is sufficient to take one incremental sample per lot which forms the aggregate sample. Reference to the lot number shall be given.

(2) For other products, the minimum number of incremental samples to be taken from the lot shall be as given in Table 1. The incremental samples shall be of similar weight. Departure from this procedure must be recorded in the record provided for under Chapter 1, Point 8 of this Part.

Table 1: Minimum number of incremental samples to be taken from the lot.

Weight of lot (kg)	Minimum number of incremental samples to be taken
<50	3
50 to 500	5
>500	10

(3) If the lot consists of individual packages, then the number of packages that shall be taken to form the aggregate sample is given in Table 2.

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Table 2: Number of packages (incremental samples) which shall be taken to form the aggregate sample if the lot consists of individual packages

Number of packages or units in the lot	Number of packages or units to be taken
1 to 25	1 package or unit
26 to 100	About 5 %, at least 2 packages or units
> 100	About 5 %, at maximum 10 packages or units

CHAPTER 3**COMPLIANCE OF THE LOT OR SUBLOT WITH THE SPECIFICATION**

3. Laboratory sample for enforcement

The control laboratory shall analyse the laboratory sample for enforcement at least in two independent analyses, and calculate the mean of the results.

4. Accepted and rejected lot

The lot is accepted if the mean conforms to the respective maximum level as laid down in regulation 23 of these Regulations. It is rejected if the mean exceeds the respective maximum level.

PART III

SAMPLE PREPARATION AND CRITERIA FOR METHODS OF ANALYSIS USED IN OFFICIAL CONTROL OF THE LEVELS OF LEAD, CADMIUM AND MERCURY IN FISHERY AND AQUACULTURE PRODUCTS.

1. General requirements

The Government shall take all measures necessary for sample preparation and methods of analyses used for the official control of the levels of lead, cadmium and mercury in fishery and aquaculture products to comply with the criteria described in this part of this Schedule.

CHAPTER 1

**SPECIFIC SAMPLE PREPARATION PROCEDURES FOR
LEAD, CADMIUM AND MERCURY**

1. Sample preparation procedures

There are many satisfactory specific sample preparation procedures which may be used for the products under consideration. Those described in the draft CEN Standard 'Foodstuffs – Determination of trace elements – Performance criteria and general consideration' have been found to be satisfactory but others may be equally valid.

2. Specific sample preparation for bivalve molluscs, crustaceans and small fish

The following point must be noted for any procedure used where bivalve molluscs, crustaceans and small fish are normally eaten whole:
the viscera are to be included in the material to be analysed.

CHAPTER 2

**METHOD OF ANALYSIS TO BE USED BY THE
LABORATORY AND LABORATORY CONTROL
REQUIREMENTS**

1. General requirements

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Methods of analysis used for food control purposes must be in accordance with reliable, scientifically recognised methods.

2. Specific requirements for lead, cadmium and mercury analyses

Laboratories shall use a validated method that fulfils the performance criteria indicated in the following table:

Table 3: Performance criteria of methods for lead, cadmium and mercury analysis.

Parameter	Value/comment
Applicability	Fishery and aquaculture products.
Detection limit	No more than one tenth of the value of the specification in art. 4, 5 and 6, except if the value of the specification for lead is less than 0,1 mg/kg. For the latter, no more than one fifth of the value of the specification.
Limit of quantification	No more than one fifth of the value of the specification in art. 4, 5 and 6 except if the value of the specification for lead is less than 0,1 mg/kg. For the latter, no more than two fifths of the value of the specification.
Precision	HORRAT _T or HORRAT _R values of less than 1,5 in the validation collaborative trial.
Recovery	80-120 % (as indicated in the collaborative trial).
Specificity	Free from matrix or spectral interferences.

3. Estimation of the analytical trueness and recovery calculations

Wherever possible the trueness of the analysis shall be estimated by including suitable certified reference

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materials in the analytical run. The 'Harmonised Guidelines for the Use of Recovery Information in Analytical Measurement' developed under the auspices of IUPAC/ISO/AOAC shall be taken into account.

The analytical result shall be reported corrected or uncorrected. The manner of reporting and the level of recovery must be reported.

4. Laboratory quality standards

Laboratories must have implemented the Good Laboratory Practices.

5. Expression of results

The results shall be expressed in the same units as the maximum levels laid down in Regulation 23 of these Regulations, that is ppm (mg/kg).

SCHEDULE No 5

(Regulation 97 - 101)

This Schedule lays down the microbiological, chemical, organoleptic, physico – chemical and biological quality and safety parameters with values and limits, monitoring procedures, minimum frequency of sampling and analyses, specifications for analysis and sampling methods for potable water, provided for in regulation 97 to 101 of these Regulations.

PART I

PARAMETERS AND PARAMETRIC VALUES

Chapter 1

Microbiological Parameters

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Parameter	Parametric value (number/100 ml)
<i>Escherichia coli</i> (<i>E. coli</i>)	0
Enterococci	0

Chapter 2

Chemical Parameters

Parameter	Parametric value	Unit	Notes
Acrylamide	0,10	µg/ 1	Note 1
Antimony	5,0	µg/ 1	
Arsenic	10	µg/ 1	
Benzene	1,0	µg/ 1	
Benzo(a)pyrene	0,010	µg/ 1	
Boron	1,0	mg /l	
Bromate	10	µg/ 1	Note 2
Cadmium	5,0	µg/ 1	
Chromium	50	µg/ 1	
Copper	2,0	mg /l	Note 3
Cyanide	50	µg/ 1	
1,2-dichloroethane	3,0	µg/ 1	
Epichlorohyd	0,10	µg/ 1	Note 1

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rin		1	
Fluoride	1,5	mg /l	
Lead	10	µg/ 1	Note 3 and 4
Mercury	1,0	µg/ 1	
Nickel	20	µg/ 1	Note 3
Nitrate	50	mg /l	Note 5
Nitrite	0,50	mg /l	Note 5
Pesticides	0,10	µg/ 1	Note 6 and 7
Pesticides - Total	0,50	µg/ 1	Note 6 and 8
Polycyclic aromatic hydrocarbons	0,10	µg/ 1	Sum of concentrations of specified compounds; Note 9
Selenium	10	µg/ 1	Sum of concentrations of specified parameters
Tetrachloroet hene and Trichloroethene	10	µg/ 1	Sum of concentrations of specified compounds; Note 10
Trihalomethanes - Total	100	µ/1	
Vinyl chloride	0,50	µg/ 1	Note 1

Note 1: The parametric value refers to the residual monomer concentration in the water as calculated according to specifications of the maximum release from the corresponding polymer in contact with

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the water.

Note 2: Where possible, without compromising disinfection, The Government should strive for a lower value.

Note 3: The value applies to a sample of water intended for fishery product activities obtained by an adequate sampling method at the tap and taken so as to be representative of a weekly average value. Where appropriate the sampling and monitoring methods must be applied in a harmonised fashion. The Government must take into account the occurrence of peak levels that may cause adverse effects on human health.

Note 4: The Government must ensure that all appropriate measures are taken to reduce the concentration of lead in water intended for human consumption as much as possible during the period needed to achieve compliance with the parametric value.

When implementing the measures to achieve compliance with that parametric value, The Government must progressively give priority where lead concentrations in water intended for human consumption are highest.

Note 5: The Government must ensure that the condition that $\frac{[\text{nitrate}]}{50} + \frac{[\text{nitrite}]}{3} < 1$, the square brackets signifying the concentrations in mg/l for nitrate (NO₃) and nitrite (NO₂), is complied with and that the value of 0,10 mg/l for nitrites is complied with ex water treatment works.

Note 6: 'Pesticides' means:
- organic insecticides
- organic herbicides
- organic fungicides

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- organic nematocides
- organic acaricides
- organic algicides
- organic rodenticides
- organic slimicides
- related products (inter alia, growth regulators) and their relevant metabolites, degradation and reaction products.

Only those pesticides that are likely to be present in a given water supply need to be monitored.

Note 7: The parametric value applies to each individual pesticide. In the case of aldrin, dieldrin, heptachlor and heptachlor epoxide the parameter value is 0,030 /ug/l

Note 8: 'Pesticides - Total' means the sum of all individual pesticides detected and quantified in the monitoring procedure.

Note 9: The specified compounds are:

- benzo(b)fluoranthene.
- benzo(k)fluoranthene
- benzo(ghi)perylene
- indeno(1,2,3-cd)pyrene

Note 10: Where possible, without compromising disinfection, The Government should strive for a lower value.

The specified compounds are:
chloroform, bromoform, dibromochloromethane, bromodichloromethane

The Government must ensure that all appropriate measures are taken to reduce the concentration of THMs (Trihalomethanes) in water intended for human consumption as much as possible during the period needed to achieve

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compliance with the parametric value.

When implementing the measures to achieve this value, The Government must progressively give priority to those areas where THM (Trihalomethane) compounds in water intended for human consumption are highest.

Chapter 3**Indicator Parameters**

Parameter	Parametric value	Unit	Notes
Aluminium	200	µg/1	
Ammonium	0,50	mg/1	
Chloride	250	mg/1	Note 1
<i>Clostridium perfringens</i> (including spores)		number /100 ml	Note 2
Colour	Acceptable to consumers and no abnormal change		
Conductivity	2 500	µS cm ⁻¹ at 20°C	Note 1
Hydrogen concentration	> 6,5 and < 9,5		Notes 1 and 3
Iron	200	µg/1	
Manganese	50	µg/1	
Odour	Acceptable to consumers and no abnormal change		
Oxidisability	5,0	mg/1 O ₂	Note 4
Sulphate	250	mg/1	Note 1

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Sodium	200	mg/l	
Taste	Acceptable to consumers and no abnormal change		
Colony count 22°	No abnormal change		
Coliform bacteria	0	number /100 ml	Note 5
Total organic carbon (TOC)	No abnormal change		Note 6
Turbidity	Acceptable to consumers and no abnormal change		Note 7

RADIOACTIVITY

Parameter	Parametric value	Unit	Notes
Tritium	100	Bq/l	Notes 8 and 10
Total indicative dose	0,10	mSv/year	Notes 9 and 10

Note 1: The water should not be aggressive.

Note 2: This parameter need not be measured unless the water originates from or is influenced by surface water. In the event of non-compliance with this parametric value, The Government must investigate the supply to ensure that there is no potential danger to human health arising from the presence of pathogenic micro-organisms, e.g. Cryptosporidium.

Note 3: For still water put into bottles or containers, the minimum value may be reduced to 4,5 pH units.

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For water put into bottles or containers which is naturally rich in or artificially enriched with carbon dioxide, the minimum value may be lower.

- Note 4: This parameter need not be measured if the parameter TOC is analysed.
- Note 5: For water put into bottles or containers the unit is number/250 ml.
- Note 6: This parameter need not be measured for supplies of less than 10 000 m³ a day.
- Note 7: In the case of surface water treatment, The Government should strive for a parametric value not exceeding 1,0 NTU (nephelometric turbidity units) in the water ex treatment works.
- Note 8: Monitoring frequencies to be set in Schedule 3.
- Note 9: Excluding tritium, potassium -40, radon and radon decay products; monitoring frequencies, monitoring methods and the most relevant locations for monitoring points to be set in Schedule 3
- Note 10: The Government is not required to monitor drinking water for tritium or radioactivity to establish total indicative dose where it is satisfied that, on the basis of other monitoring carried out, the levels of tritium of the calculated total indicative dose are well below the parametric value.

PART II

MONITORING

TABLE 1

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Parameters to be analysed

1. Check monitoring

The purpose of check monitoring is to provide regular information on the organoleptic and microbiological quality of the water supplied for human consumption as well as information on the effectiveness of drinking-water treatment (particularly of disinfection) where it is used, in order to determine whether or not water intended for human consumption complies with the relevant parametric values laid down in this Schedule.

The following parameters must be subject to check monitoring. The competent authority may add other parameters to this list if they deem it appropriate.

Aluminium (Note 1)

Ammonium

Clostridium perfringens (including spores) (Note 2)

Colour

Conductivity

Escherichia coli (E. coli)

Hydrogen ion concentration

Iron (Note 1)

Nitrite (Note 3)

Odour

Pseudomonas aeruginosa (Note 4)

Taste

Colony count 22 °C and 37 °C (Note 4)

Coliform bacteria

Turbidity

Note 1: Necessary only when used as flocculant (*).

Note 2: Necessary only if the water originates from or is influenced by surface water

(*)

Note 3: Necessary only when chloramination is used as a disinfectant (*).

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Note 4: Necessary only in the case of water offered for sale in bottles or containers.

(*) In all cases, the parameters are in the list for audit monitoring.

2. Audit monitoring

The purpose of audit monitoring is to provide the information necessary to determine whether or not all the parametric values laid down in this Schedule are being complied with. All parameters set in accordance with regulation 97, paragraph 1 and 3 must be subject to audit monitoring unless it can be established by the competent authority, for a period of time to be determined, that a parameter is not likely to be present in a given supply in concentrations which could lead to the risk of a breach of the relevant parametric value. This paragraph does not apply to the parameters for radioactivity, which, subject to Notes 8, 9 and 10 in Part I Chapter 3 of this Schedule will be monitored in accordance with monitoring requirements adopted laid down later.

TABLE 2

Minimum frequency of sampling and analyses for water intended for human consumption supplied from a distribution network or from a tanker or used in a food-production undertaking.

The Government must take samples at the points of compliance as defined in regulation 97, paragraph 5 to ensure that water intended for, human consumption meets the requirements of these Regulations. However, in the case of a distribution network, the authority may take samples within the supply zone or at the treatment works for particular parameters if it can be demonstrated that there would be no adverse change to the measured value of the parameters

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concerned.

Volume of water distributed or produced each day within a supply zone. (Notes 1 and 2) m ³	Check monitoring number of samples per year. (Notes 3, 4 and 5)	Audit monitoring number of samples per year. (Notes 3 and 5)
< 100	(Note 6)	(Note 6)
> 100 < 1 000	4	1
> 1 000 < 10 000	4 + 3 for each 1 000 m ³ /d and part thereof of the total volume	1 + 1 for each 300 m ³ /d and part thereof of the total volume
> 10 000 < 100 000		3 + 1 for each 10 000 m ³ /d and part thereof of the total volume
> 100 000		10 + 1 for each 25 000 m ³ /d and part thereof of the total volume

Note 1: A supply zone is a geographically defined area within which water intended for human consumption comes from one or more sources and within which water quality may be considered as

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being approximately uniform.

Note 2: The volumes are calculated as average taken over a calendar year. The Government may use the number of inhabitants in a supply zone instead of the volume of water to determine the minimum frequency, assuming a water consumption of 200 l/day/capita.

Note 3: In the event of intermittent short-term supply the monitoring frequency of water distributed by tankers is to be decided by The Government.

Note 4: For the different parameters in Part I, The Government may reduce the number of samples specified in the table if:

- (a) the values of the results obtained from samples taken during a period of at least two successive years are constant and significantly better than the limits laid down in Annex I, and
- (b) no factor is likely to cause a deterioration of the quality of the water.

The lowest frequency applied must not be less than 50% of the number of samples specified in the table except in the particular case of Note 6.

Note 5: As far as possible, the number of samples should be distributed equally in time and location.

Note 6: The frequency is to be decided by Government.

PART III

SPECIFICATIONS FOR THE ANALYSIS OF PARAMETERS

The Government must ensure that any laboratory at which samples are analysed has a system of analytical quality control that is subject from time to time to checking by a person who is not under the control of the laboratory and who is approved by the competent authority for that purpose.

CHAPTER 1

1. Parameters for which methods of analysis are specified

The following principles for methods of microbiological parameters are given either for reference whenever a CEN/ISO method is given or for guidance of further CEN/ISO international methods for these parameters. The Government may use alternative methods, providing the provisions of regulation 100 are met.

Coliform bacteria and *Escherichia coli* (*E. coli*) (ISO 9308-1)

Enterococci (ISO 7899-2)

Pseudomonas aeruginosa (prEN ISO 12780)

Enumeration of culturable micro-organisms - Colony count 22 °C (prEN ISO 6222)

(prEN ISO 6222)

Enumeration of culturable micro-organisms - Colony count 37 °C (prEN ISO 6222)

Clostridium perfringens (including spores)

Membrane filtration followed by anaerobic incubation of the membrane on m-CP agar (Note 1) at 44 ± 1 °C for 21 ± 3 hours. Count opaque yellow colonies that run pink or red after exposure to ammonium hydroxide vapours for 20 to 30 seconds.

Note 1: The composition of m-CP agar is:

Basal medium

Tryptose 30g

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Yeast extract	20g
Sucrose	5g
L-cysteine hydrochloride	1g
MgSO ₄ · 7H ₂ O	0,1g
Bromocresol purple	40g
Agar	15g
Water	1 000g

Dissolve the ingredients of the basal medium, adjust pH to 7,6 and autoclave at 121 °C for 15 minutes. Allow the medium to cool and add the following supplements after being sterilised through membrane filter of pores diameter of 0.20 /µm:

D-cycloserine	400mg
Polymyxine-B sulphate	25mg
Indoxy1- B -D-glucose	60mg

to be dissolved in 8 ml sterile water before addition

Filter - sterilised 0,5% phenolphthalein 20ml
diphosphate solution

Filter - sterilised 4,5 % FeCl₃ · 6H₂O 2ml

Chapter 2

2. Parameters for which performance characteristics are specified

2.1 For the following parameters, the specified performance characteristics are that the method of analysis used must, as a minimum, be capable of measuring concentrations equal to the parametric value with a trueness, precision and limit of detection specified. Whatever the sensitivity of the

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method of analysis used, the result must be expressed using at least the same number of decimals as for the parametric value considered in Annex I, Parts B and C.

Parameters	Trueness %of parametric value (Note 1)	Precision %of parametric value (Note 2)	Limit of detection %of parametric value (Note 3)	Conditions	Notes
Acrylamide				To be controlled by product specification	
Aluminium	10	10	10		
Ammonium	10	10	10		
Antimony	25	25	25		
Arsenic	10	10	10		
Benzo(a) pyrene	25	25	25		
Benzene	25	25	25		
Boron	10	10	10		
Bromate	25	25	25		
Cadmium	10	10	10		
Chloride	10	10	10		
Chromium	10	10	10		
Conductivity	10	10	10		
Copper	10	10	10		
Cyanide	10	10	10		Note 4
1,2-dichloroethane	25	25	10		
Epichlorohydrin				To be controlled by product	

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				specification	
Fluoride	10	10	10		
Iron	10	10	10		
Lead	10	10	10		
Manga- nese	10	10	10		
Mercury	20	10	20		
Nickel	10	10	10		
Nitrate	10	10	10		
Nitrite	10	10	10		
Oxidisa- bility	25	25	10		N o t e 5
Pesti- cides	25	25	25		N o t e 6
Polycy- clic aromatic hydro- carbons	25	25	25		N o t e 7
Selenium	10	10	10		
Sodium	10	10	10		
Sulphate	10	10	10		
Tetrachlo- roethene	25	25	10		N o t e 8
Trichloro- ethene	25	25	10		N o t e 8
Trihalome- thanes Total	25	25	10		Note 7

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Vinyl chloride				To be controlled by product specification	

2.2 For hydrogen ion concentration the specified performance characteristics are that the method of analysis used must be capable of measuring concentrations equal to the parametric value with a trueness of 0,2 pH unit and a precision of 0,2 pH unit.

Note 1 (*): Trueness is the systematic error and is the difference between the mean value of the large number of repeated measurements and the true value.

Note 2 (*): Precision is the random error and is usually expressed as the standard deviation (within and between batch) of the spread of results about the mean. Acceptable precision is twice the relative standard deviation.

(*) These terms are further defined in ISO 5725

Note 3: Limit of detection is either:

- three times the relative within batch standard deviation of a natural sample containing a low concentration of the parameter, or
- five times the relative within batch standard deviation of a blank sample.

Note 4: The method should determine total cyanide in all forms

Note 5: Oxidation should be carried out for 10 minutes at

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100 °C under acid conditions using permanganate.

Note 6: The performance characteristics apply to the individual pesticide and will depend on the pesticide concerned. The limit of detection may not be achievable for all pesticides at present, but The Government should strive to achieve this standard.

Note 7: The performance characteristics apply to the individual substances specified at 2.5% of the parametric value in Annex I.

Note 8: The performance characteristics apply to the individual substances specified at 50% of the parametric value in Annex I.

Chapter 3

3. Parameters for which no method of analysis is specified

Colour

Odour

Taste

Total organic carbon

Turbidity (Note 1)

Note 1: For turbidity monitoring in treated surface water the specified performance characteristics are that the method of analysis used must, as a minimum, be capable of measuring concentrations equal to the parametric value with a trueness of 2.5%, precision of 2.5% and a 2.5% limit of detection.

SCHEDULE N° 6**(Regulation 112)**

This Schedule lays down Freshness Rating Tables for White Bony Fish, Bluefish, Selachii, Cephalopods, and Crustaceans provided for in regulation 112.

Freshness Rating Tables for :

(1) White Bony Fish

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Freshness category				
Criteria	Extra	A	B	Not permitted
Skin	Bright, iridescent pigment (save for redfish) or opalescent. No discoloration	Pigmentation bright but not lust-rous	Pigmentation in the process of becoming discoloured and dull	Dull pigmentation
Skin mucus	Aqueous transparent	Slightly cloudy	Milky	Yellowish grey, opaque
Eye	Convex (bulging), black, bright pupil, transparent cornea	Convex and slightly sunken, black dull pupil, slightly opalescent cornea	Flat, opalescent cornea, opaque pupil	Concave in the center, grey pupil, milky cornea (2)
Gills	Bright colour, no mucus	Less coloured, transparent mucus	Brow/grey, becoming discoloured thick opaque mucus	Yellowish, milky mucus ²
Peritoneum (guttled fish)	Smooth, bright, difficult to detach from flesh	Slightly dull, can be detached from flesh	Speckled, comes away easily from flesh	Does not stick ²
Smell of gills and abdominal cavity	Seaweed	Not smell of seaweed	Fermented, slightly sour	Sour ²
Flesh	Firm and elastic, smooth surface	Less elastic	Slightly soft (flaccid), less elastic waxy (velvety) and dull surface	Soft (flaccid) 2, scales easily detached from skin, surface rather wrinkled

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(2) Bluefish, AJbacore or Longfinned tuna, Bigeye tuna.
Mackerel

Freshness category				
Criteria	Extra	A	B	Not permitted ¹
Skin	Bright pigmentation, bright shining iridescent colours, Clear distinction between dorsal and central surfaces	Loss of lustre and shine, duller colours, less difference between surface	Dull, lusterless inspided colours, skin creased when fish curved	Very dull pigmentation ⁵
Skin mucus	Aqueous transparent	Slightly cloudy	Milky	Yellowish grey opaque ⁵
Consistency of flesh	Very firm, rigid	Fairly rigid, firm	Slightly soft	Soft (flaccid) ⁵
Gills covers	Silvery	Silvery, slightly red or brown	Brownish and extensive seepage of blood from vessels	Yellowish ⁵
Eye	Convex (bulging) blue, black, bright pupil transparent "eyelid"	Convex and slightly sunken, dark pupil, slightly opalescent cornea	Flat, blurred pupil, blood seepage around the eye	Concave in the center, grey pupil, milky cornea ⁵
Smell of gills and abdominal cavity	Fresh seaweedy, pungent, iodine	Not smell of seaweed, neutral smell	Slightly sulphureous fatty smell, rancid bacon cuttings, or rotten fruit	Rotten sour ³

- 1 Unfit for human consumption
- 2 Or in a more advanced state of decay
- 3 Fresh fish prior to the onset of rigor mortis will not be firm and elastic but will still be graded in

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category Extra

4 Unfit for human consumption

5 Or in a more advanced state of decay

(3) Selachii

Criteria	Freshness category			
	Extra	A	B	Not permitted ¹
Eye	Convex, and iridescent, small pupils	Convex and slightly sunken, loss of brightness and iridescent oval pupils	Flat, dull	Concave yellowish
Appearance	In rigor mortis or partially in rigor, small quantity of clear mucus present on skin	Beyond rigor stage, no mucus on skin and especially in mouth and gill openings	Some mucus in mouth and on gill openings, slightly flattened jaw	Large quantity of mucus in mouth and gill openings (2)
Smell	Seaweed smell	No smell or very slight stale but not ammonia smell	Slight ammonia, sour	Pungent ammonia smell (2)

¹ Unfit for human consumption

² Or in a more advanced state of decay

(4) Cephalopods

Criteria	Freshness category		
	Extra	A	B
Skin	Bright pigmentation skin sticks to flesh	Dull pigmentation, skin sticks to flesh	Discoloured, easily detached from flesh
Flesh	Very firm, pearly White	Firm, chalky white	Slightly soft, pinkie white or slightly yellowish
Tentacles	Resistant to Removal	Resistant to removal	More easily removed
Smell	Fresh, seaweed	Slightly or no smell	Ink smell

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(5) Crustaceans

(a) shrimps

Criteria	Freshness category	
	Extra	A
Minimum requirements	Surface of the shell : moist and shiny, flesh must be free from any foreign odour, shrimp must be free from sand, mucus or other foreign matter. Cephalothorax must stay attached to the body	The same as for extra
Shell	No melanosis, no red legs, Hepatopancreas intact	Red legs, hepatopancreas opened
Smell	Fresh seaweed, slightly sweet smell	No smell of seaweed, acidulous

(b) Lobster

Criteria	Freshness category		
	Extra	A	B
Shell	Bright pigmentation, no discoloration, Cephalothorax holds on the body	Dull pigmentation	Discoloured, Cephalothorax easily detached from tail
Flesh	Translucide	No longer translucent but not discoloured	Opaque and dull in appearance
Eye and gills	Shiny black eyes, pink gills	Eyes dull and grey/black, gills grayish	Gill dark grey
Smell	Characteristic mild shellfish smell	Loss of characteristic smell fish smell. No ammonia smell	Slightly sour

SCHEDULE N° 7

(Regulation 112)

This Schedule lays down the reference procedure for the determination of the concentration of volatile nitrogenous bases (TVB-N) in fish and fishery products provided for in regulation 112.

DETERMINATION OF THE CONCENTRATION OF VOLATILE NITROGENOUS BASES (TVB-N) IN FISH AND FISHERY PRODUCTS ; A REFERENCE PROCEDURE

1. Purpose and area of application

This method describes a reference procedure for identifying the nitrogen concentration of volatile nitrogenous bases (Total - Volatile - Base N: TVB-N) in fish and fish products. This procedure is applicable to TVB-N concentrations from 5 mg/100 g at least 100 mg/100 g.

2. Definition

The TVB-N concentration is here understood to mean the nitrogen content of volatile nitrogenous bases determined by the procedure described. The concentration is stated in terms of mg/100 g.

3. Brief description

The volatile nitrogenous bases are extracted from a sample by a solution of 0.6 M perchloric acid. After alkalisation the extract is submitted to steam distillation, and the volatile base components are absorbed by an acid receiver. The TVB-N concentration is determined by titration of the absorbed bases.

4. Chemicals

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Unless otherwise indicated, reagent-grade chemicals should be used. The water used must be either distilled or demineralised and of at least the same purity. Unless indicated otherwise, a "solution" is to be understood as an aqueous solution.

- 4.1. Perchloric acid solution = 6 g/100 ml
- 4.2. Sodium hydroxide solution - 20 g/100 ml
- 4.3. Hydrochloric acid standard solution 0.05 mol/l (0.05N)

Note : when using an automatic distillation apparatus, titration should take place with a hydrochloric acid standard solution 0.01 mol/l (0.01 N)

- 4.4. Boric acid solution = 3 g/100 ml
- 4.5. Silicone anti-foaming agent
- 4.6. Phenolphthalein solution = 1 g/100 ml 95 % ethanol
- 4.7. Indicator solution (Tashiro Mixed Indicator)
2 g Methyl - red and 1 g Methylene - blue are dissolved in 1,000 ml 95 % ethanol
5. Instruments and accessories
 - 5.1. A meat grinder to produce a sufficiently homogenous fish mince
 - 5.2. High-speed blender with revolutions between 8,000 min⁻¹ and 45,000 min⁻¹
 - 5.3. Fluted filter, diameter 150 mm, quick filtering
 - 5.4. Burette, 5 ml, graduated to 0.01 ml

5.5. Apparatus for steam distillation

The apparatus must be able to regulate various amounts of steam and produce a constant amount of steam over a given period of time. It must ensure that during the addition of alkalis substances the resulting free bases cannot escape.

6. Execution

Warning : When working with perchloric acid, which is strongly corrosive, necessary caution and preventive measures should be taken.

The samples should; if at all possible, be prepared according to paragraph 6.1 as soon as possible after their arrival.

6.1. Preparation of the sample

The sample to be analysed should be ground carefully by a meat grinder as described in section 5.1 Exactly 10 g + 0.1 g of the ground sample are weighed in a suitable container, mixed with 90.0 ml perchloric acid solution as stated in section 4.1, homogenised for two minutes with a blender as described in section 5.2 and then filtered.

The extract thereby obtained can be kept for at least seven days at a temperature between approximately 2 deg. C and 6 deg. C.

6.2. Steam distillation

50.0 ml of the extract obtained according to section 6.1 are put in an apparatus for steam distillation as described in section 5.5. For a later check on sufficient alkalisation of the extract, several drops of phenolphthalein as specified in section 4.6 are added. After adding a few drops silicone anti foaming agent

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6.5 ml of sodium hydroxide solution as specified in section 4.2 are added to extract, and steam distillation begins immediately.

The steam distillation is regulated so that around 100 ml of distillate are produced within 10 minutes. The distillation outflow tube is submerged in a receiver with 100 ml boric acid solution as specified in section 4.4, to which three to five drops of the indicator solution as described in 4.7 have been added. After exactly 10 minutes, the distillation is ended. The distillation outflow tube is removed from the receiver and washed out with water. The volatile bases contained in the receiver solution are determined by titration with standard hydrochloric solution as specified in section 4.3.

The pH of the endpoint should be 5.0+/-0.1.

6.3. Titration

Duplicate analyses are required. The applied method is correct if the difference of the duplicates is not higher than 2 mg/100g.

6.4. Blank

A blind test carried out as described in section 6.2. Instead of the extract, 50.0 ml perchloric acid solution as specified in section 4.1 are used.

7. Calculation of TVB-N

By titration of the receiver solution with hydrochloric acid as in 4.3, the TVB-N concentration is calculated with the following equation :

$$\text{TVB-N (expressed in mg/100 sample)} = \frac{(V_1 - V_0) \times 0.14 \times 2 \times}{100}$$

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VI - volume of 0.01 M hydrochloric acid solution in ml for sample

V0 = volume of 0.01 M hydrochloric acid solution in ml for blanc

M - weight of sample in g.

Remarks :

1. Duplicate analyses are required. The applied method is correct if the difference between duplicates is not higher than 2 mg/100.
2. Check the equipment by distilling solutions of NH₄Cl equivalent to 50 mg TVB-/100 g
3. Standard deviation of reproducibility Sr = 1.20 mg/100 g
Standard deviation of comparability SR = 2.50 mg/100 g

SCHEDULE 8

(Regulation 231)

This schedule lays down the Hazard Analysis Worksheet, provided for in regulation 231 to these Regulations.

Hazard Analysis Worksheet

[Subsidiary]

Fishery Products Regulations

Firm Name: _____		Product Description: _____			
Firm Address : _____		Method of Storage and Distribution _____			
		Intended Use and Consumer : _____			
(1)	(2)	(3)	(4)	(5)	(6)
Ingredient / processing step	Identify potential hazards Introduced, controlled or enhanced at this step(l)	Are any potential food-safety hazards significant? (Yes/No)	Justify your decisions for column 3	What preventative measures can be applied to prevent the significant hazards ?	Is this step a critical control point? (Yes/No)
	Biological				
	Chemical				
	Physical				
	Biological				
	Chemical				
	Physical		♦		
	Biological				
	Chemical				
	Physical				
	Biological				
	Chemical				
	Physical				

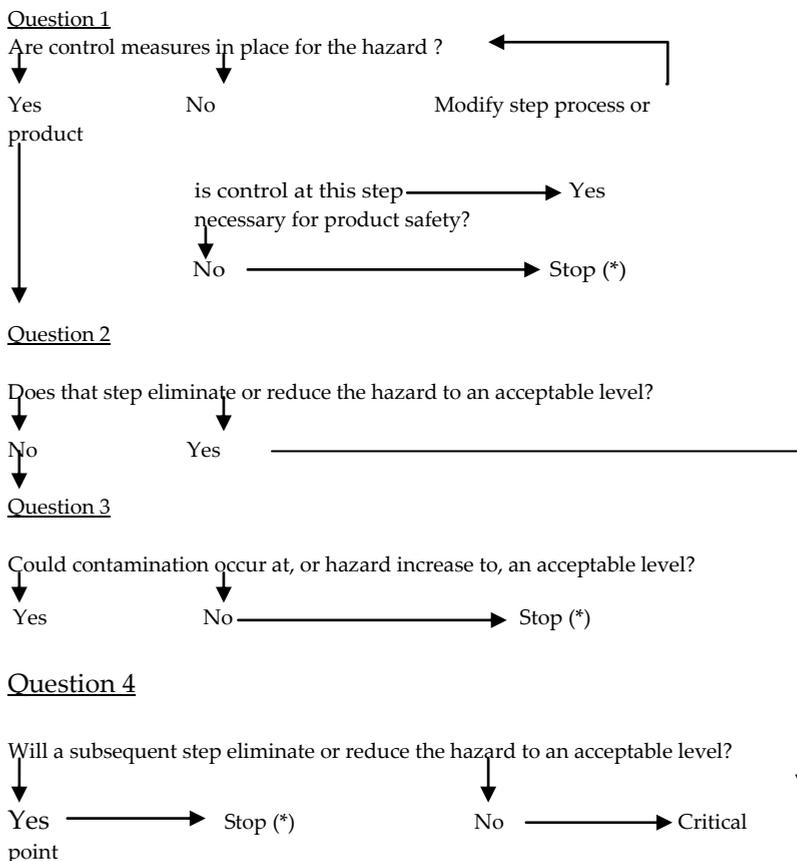
SCHEDULE 9

(Regulation 231)

This Schedule lays down the decision tree for the identification of critical points, provided for in regulation 231 clause 7 to these Regulations.

Decision tree for the identification of critical points

Answer each question in sequence, at each step and for identification of each hazard



(*) The step is not a critical point . Proceed to next step.

SCHEDULE 10

(Regulation 233)

This schedule lays down the HACCP Plan Form, provided for in regulation 233 clause 1 to these Regulations.

[Subsidiary]

Fishery Products Regulations

HACCP Plan Form

Firm Name :										
								Description : _____		
Firm Address :										

Method of Storage and distribution :										

Intended Use and Consumer :										

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	10	
Critical Control Point (CCP)	Significant Hazards (s)	Critical Limits for each	Monitoring				Corrective action(s)	Records	Verification	
		Preventive measure	What	How	Frequency	Who				
Signature of Company Official:								Date:		

Reg. 5/2006

**FISHERIES (TURTLE EXCLUDER DEVICE)
REGULATIONS**
made under section 79

Citation.

1. These Regulations may be cited as the Fisheries (Turtle Excluder Device) Regulations.

Interpretation.

2. In these Regulations –

(a) “trawl net” means a net consisting of a cone-shaped body, closed by bag or cod end and extended at the opening by the wings and which can be towed by one or two fishing boats and used for fishing;

(b) “turtle excluder device” means any device that fits into the back end of a trawl net just before the bag or cod end and permits organisms such as shrimps and certain sizes of fishes to pass into the bag or cod end, while blocking larger organisms such as turtles from entering the bag or cod end, and simultaneously providing turtles but not shrimps and fishes with means of escape from the net.

Requirements for the protection of sea turtles.

3. (1) With effect from the Commencement of these Regulations, the master, owner, or charterer of a fishing boat shall not fish in the fishery zone or territorial sea, using a trawl net for fishing unless he has installed on such net a turtle excluder device with specifications as in the Schedule, which he shall not remove while fishing and shall have at least one spare turtle excluder device on board his fishing boat.

Schedule.

(2) Every master, owner or charterer shall return to the water any live sea turtle caught accidentally while fishing and apply, where necessary, the resuscitation procedure established by the Ministry of Agriculture.

[Subsidiary]

Fisheries (Turtle Excluder Device) Regulations

Revocation.

4. The Maritime Boundaries (Turtle Excluder Device) Order 1994 is revoked.

cl. 3(1)

SCHEDULE

The Turtle Excluder Device shall not be less than 32 inches in length and 32 inches in width and shall consist of the following specifications.

(a) **71 Inches Opening (Single Flap):**

Step 1 The leading edge cut measurement shall not be less than 71 inches when stretched.

Step 2 The side cut measurement shall not be less than 26 inches when stretched.

Step 3 The side attachment shall not be more than 6 inches beyond grid.

Step 4 The flap length shall not be more than 24 inches beyond grid.

Step 5 The escape opening measurement shall not be less than 71 inches when stretched.

(b) **Double Cover Opening:**

Step 1 The leading edge cut measurement shall not be less than 56 inches when stretched.

Step 2 The side cut measurement shall not be less

than 20 inches when stretched.

Step 3 The over-lap section shall not be less than 15 inches when stretched.

Step 4 The flap length shall not be more than 24 inches beyond grid.

- (c) The angle of the turtle excluder device shall be 45 degrees to 55 degrees within the trawl net.
 - (d) The steel bars shall be placed 4 inches apart.
 - (e) The floatation device shall be balanced.
 - (f) Each trawl net, including spare nets, on every fishing boat shall be affixed with a turtle excluder device.
-