

L.N. 41/81

FISHERIES (PROCESSING AND EXPORT) REGULATIONS

In exercise of the powers conferred by section 22 of the Fisheries Ordinance, the Beretitenti acting in accordance with the advice of the Cabinet hereby makes the following Regulations:-

PART I

PRELIMINARY

Short title 1. These Regulations may be cited as the Fisheries (Processing and Export) Regulations, 1981.

Interpretation 2. In these Regulations -

"the Act" means the Fisheries Act;

"class" means any one of the classes of fish-processing establishment set out in Schedule 2 to these Regulations.

PART II

FORMS AND FEES

Forms and fees 3. The licence set out in Schedule 1 to these Regulations shall be the licence prescribed for the purposes of section 6 of the Act and the fees set out in Schedule 2 to these Regulations shall be the fees prescribed for the purposes of section 6 of the Act.

PART III

FISH-PROCESSING ESTABLISHMENTS

Application for licence 4. An application for a licence under section 6(1) of the Act shall be in writing and shall specify the class and the premises in respect of which a licence is required and shall contain such further particulars as the Chief Fisheries Officer may require.

Conditions of licence 5. Every licence granted under section 6(1) of the Ordinance:-
(1) shall not extend beyond 1 year from the date of issue thereof; and
(2) shall be personal to the holder; and
(3) shall not be transferable; and
(4) shall be subject to such conditions as may be prescribed and to such other conditions as the Chief Fisheries Officer may in his absolute discretion endorse thereon; and
(5) shall be conspicuously displayed on the premises in respect of which it was granted; and
(6) shall extend only to those operations or activities set out in Schedule 2 to these Regulations in relation to the class in respect of which the licence was granted; and
(7) shall be conditional upon compliance with the Pure Foods Act, the Public Health Act and any other applicable statutory provision.

Cancellation or suspension 6. In the event of cancellation or suspension of a licence under section 7 of the Act a licensing officer may seize any such licence or endorse any such licence to that effect.

Endorsements 7. A licensing officer who has entered a fish processing establishment in pursuance of section 8 of the Act or of any condition endorsed upon a licence granted under section 6(1) of the Act may if he is satisfied that there has been no contravention of any provision of the Act or of any such condition endorse such licence to that effect.

Water source 8. All water used in a fish processing establishment whether used for ice-making, fish-cleaning or otherwise shall be of potable quality and shall contain no more than 3000 coliforms in each 100 millilitres and shall be treated in such manner as a licensing officer may from time to time direct.

Operating requirements 9. (1) Fish processing establishments shall conform to the requirements set out in Schedule 4 to these Regulations.
(2) Sub-paragraph (1) shall not apply to a fish processing establishment in respect of which the Chief Fisheries Officer has granted an exemption in writing.

PART IV

EXPORT

Certificates of quality 10. No fish or fish product processed at a fish-processing establishment may be exported for sale outside Kiribati unless it is accompanied by a duly completed certificate of quality in the appropriate form set out in Schedule 3 to these Regulations.

Prohibited fish 11. No fish or fish product in respect of which a licensing officer has issued a notice of prohibition in the form set out in Schedule 3 to these Regulations may be processed in a fish-processing establishment for sale in or outside Kiribati as the notice may specify.

Samples 12. On payment or tender to any person operating a fish processing establishment or his

servant or agent of the current market price or at a rate of payment which may be prescribed a licensing officer may select and take or obtain samples of a fish or fish product for the purposes of the Act or these Regulations.

Destruction of unfit fish 13. A licensing officer may seize and destroy any fish or fish product intended for sale for human or other consumption if he is satisfied on reasonable grounds that such fish or fish product is unfit for its intended purpose and an owner of such seized and destroyed fish or fish product shall be entitled to compensation at the current market price of such fish or fish product (only if he can show that there were no such reasonable grounds).

PART V

SAMPLES AND OFFENCES

Offences 14. Any person who contravenes or operates or causes or allows to be operated a fish-processing establishment in contravention of Regulation 8 or Regulation 9 or who contravenes Regulation 10 or Regulation 11 shall be liable on conviction to a fine of \$200 and to imprisonment for 6 months.

SCHEDULE 1

Fish Processing Establishment Licence
(Omitted)

SCHEDULE 2

| <u>Class</u> | <u>Operation or Activities which may be carried on by the establishment</u> | <u>Fee payable for licence</u> |
|--------------|--|--------------------------------|
| A | Processing by canning, pickling, marinating, fermenting, cooking, or smoking if it is intended that the smoked fish product should be eaten uncooked. | \$ 50 |
| B | Chilling, freezing or other storage of raw fish which is intended for human consumption. | \$ 40 |
| C | Salting, drying, smoking if it is intended that the smoked fish product should be cooked before human consumption. | \$ 25 |
| D | Processing if the resulting fish products are not intended for human consumption. | \$ 10 |
| E | Processing for the manufacture of animal foodstuffs | \$ 10 |
| F | The operations and activities listed in relation to Class C if all the resulting fish products intended for sale outside Kiribati are delivered to a fish processing establishment in respect of which a Class C licence has been granted. | \$ 1 |

In the event that the operations and activities carried on by a fish processing establishment are listed in more than one class the Chief Fisheries Officer shall decide which class shall apply to the licence granted and the conditions attached to the licence shall apply to the whole of the premises of the fish processing establishment.

SCHEDULE 3

Forms

SCHEDULE 4

Regulation 9

Requirements for Fish Processing Establishment

In all Class A and Class B Fish Processing Establishments

1. In any part of the premises where fish is gutted, filleted or otherwise handled all surfaces and walls shall be constructed of materials which may be cleaned easily and effectively.
2. Adequate fly-screening and/or closing doors shall be provided in any processing area.
3. All internal walls and floors and any surface which fish is processed shall be kept clean with a disinfectant of not less than 50 ppm chlorine or with or by any other material or method which may be approved by a licensing officer.
4. Cold stores in which fish are kept shall be maintained at temperatures approved by a licensing officer and -
 - (a) chill rooms shall be at an operating temperature of not more than 3° centigrade; and
 - (b) freezer stores shall be at an operating temperature of not more than minus 18° centigrade.
5. All fish products shall satisfy a licensing officer on visual bacteriological or chemical examination of their fitness for human consumption.
6. Any person handling fish or fish product shall wear protective clothing of a type approved by a licensing officer.
7. Wash basins and any other sanitary equipment which a licensing officer may consider necessary shall be provided.

In all Class C fish processing establishments.

Fish and fish products shall be protected from attack by flies, rats and other vermin and shall be stored in such manner as a licensing officer may from time to time prescribe.
