

# FISH MARKETING REGULATIONS 2010

**PU(A) 104/2010**

**9 April 2010**

IN exercise of the powers conferred by subsection 4(2) and section 23 of the **Lembaga Kemajuan Ikan Malaysia Act 1971**[Act 49], the Lembaga with the approval of the Minister makes the following regulations:

## 1. Citation and commencement

(1) These regulations may be cited as the **Fish Marketing Regulations 2010**.

(2) These Regulations come into operation on 9 April 2010.

In these Regulations, unless the context otherwise requires:-

"Act" means the **Lembaga Kemajuan Ikan Malaysia Act 1971**[Act 49];

"auctioneer" means any person registered as a registered auctioneer under regulation 14, or the Lembaga itself as a sole auctioneer;

"dealings" means to purchase, to sell by wholesale, auction or retail, to consign, to transport, to offer, or to expose or keep for sale, packed for consignment or keep for sale, or cause to be packed for consignment or for keeping;

"export" means to take or cause to be taken any fish from Malaysia;

"fish" has the meaning assigned to it in the Act;

"fish processing" means any process involving any activities relating to fish which includes to freeze, to can, to cook, to grill or to smoke, to pickle, to dry, to put salt, to cut, to preserve or to prepare fish to be processed in any manner;

"fish unsafe to be consumed" means fish which is poisonous by nature, exposed to poison or poisoned;

"good fish handling practices" means good fish handling practices along the supply chain as specified in the Schedule;

"holder of a licence" means any person issued with a licence pursuant to regulations 4, 5 and 6;

"import" means to bring or cause to be brought any fish into Malaysia;

"legal entry or exit point" means any place as specified in the *Gazette* by the Lembaga for the purpose of import and export of fish;

"Lembaga" means Lembaga Kemajuan Ikan Malaysia established under section 3 of the Act;

"retailer" means any person selling fish to the end user;

"wholesaler" means any person dealing with fish in bulk or who deals with other traders.

### **3. Fish marketing place**

(1) The Lembaga may, by notification in the *Gazette* specify any place as a wholesale fish market or a retail fish market.

(2) Any person who operates any place other than fish marketing place under subregulation (1) shall make an application with the Lembaga to register the place as a wholesale fish premise or a retail fish premise.

(3) Any person who contravenes subregulation (2) shall be guilty of an offence under the Act.

(4) For the purpose of this regulation, the term "place" includes any landing point from the sea or inland water, a jetty, a vehicle, a vessel, an open or enclosed area, a building or part of a building.

### **4. Control of dealings**

(1) No person shall have any fish dealings without licence unless:-

(a) at a wholesale fish market or a retail fish market which has been gazetted under subregulation 3(1); or

(b) at a wholesale fish premise or a retail fish premise which has been registered under subregulation 3(2).

(2) Any person who contravenes subregulation (1) or in breach of any terms and conditions as specified in the licence issued by the Lembaga shall be guilty of an offence under the Act.

## **5. Control of exportation and importation of fish**

- (1) No person shall import or export any fish without licence.
- (2) Any fish to be exported or imported shall pass through a legal entry or exit.
- (3) The Lembaga may specify the quality, quantity and type of fish to be exported or imported.
- (4) Any person who exports or imports any fish shall comply with the importing country requirements.
- (5) Any person who exports or imports any fish without a licence or in breach of any terms and conditions in the licence issued by the Lembaga shall be guilty of an offence under the Act.

## **6. Control of fish processing**

- (1) No person shall process any fish without license.
- (2) Any fish processing shall be carried out at a place or premise as prescribed by the Lembaga.
- (3) Any person processing any fish shall comply with any rules as prescribed by the Lembaga.
- (4) Any person who contravenes subregulation (1) or in breach of any terms and conditions as specified in the licence issued by the Lembaga shall be guilty of an offence under the Act.

## **7. Display of licence**

- (1) Any holder of a licence shall at all time display the licence in a conspicuous place at his registered premise.
- (2) Any holder of a licence who contravenes subregulation (1) shall be guilty of an offence under the Act.

## **8. Fish quality control**

Any fish which is processed, dealt with, exported or imported shall comply with the quality standard and good fish handling practices as specified in the Schedule.

## **9. Good fish handling practices**

Any person who deals with, or handles fish shall comply with good fish handling practices as prescribed in the Schedule.

## **10. Licensing**

(1) An application for the issuance or renewal of a licence under regulations 4, 5 and 6 shall be made according to manners as prescribed by the Lembaga.

(2) The licence issued or renewed under subregulation (1) shall be valid for a period of one year from the date of the licence issued and subject to such terms and conditions as prescribed by the Lembaga.

(3) The Lembaga may prescribe any fee for the issuance of licence under these Regulations.

(4) Any licence issued may contain such terms and conditions as prescribed by the Lembaga.

## **11. Revocation and suspension of licence**

(1) The Lembaga may suspend any licence of a holder of a licence on any grounds which it thinks reasonable.

(2) The Lembaga may revoke any licence of a holder of a licence if he has contravened or failed to comply with these Regulations.

(3) The Lembaga shall not revoke any licence of a holder of a licence unless the holder of the licence has been given the opportunity to show cause, within a period determine by the Lembaga to show cause, as to why the licence held by him should not be revoked.

(4) If the Lembaga is satisfied that no reasonable ground exists and such holder of a licence has contravened or failed to comply with these Regulations, the Lembaga may revoke his licence.

## **12. Method of fish sale**

(1) No fish shall be sold in any wholesale market gazetted under subregulation 3(1) except by way of auction, private treaty or by such other methods as prescribed by the Lembaga.

(2) If sale is by auction, regulations 14 to 17 shall apply.

### **13. Sole auctioneer and registered auctioneer**

- (1) Any person who carries out an auction shall be registered as an auctioneer and to be appointed by the Lembaga under this regulation.
- (2) The Lembaga may impose any fee for the purpose of registration under this regulation.
- (3) Notwithstanding subregulation (1), the Lembaga may declare itself to be the sole auctioneer.

### **14. Procedure of auction**

- (1) Subject to subregulation (4), any fish for auction shall be sold to the highest bidder.
- (2) Where the highest bid is made by two or more persons, the auctioneer shall offer to the first person who made the highest bid.
- (3) Where the bidding price reached is lower than the floor price fixed, the auctioneer shall declare the fish as unsold.
- (4) Where the fish is declared unsold according to subregulation (3), the auctioneer shall pay the owner of the fish a price not less than the fixed floor price.
- (5) The Lembaga may determine any amount of commission to be charged to the auctioneer.

### **15. Cancellation of sale at an auction**

- (1) The Lembaga may cancel any auction and declare the sale of the fish as void if it was conducted not in accordance with the method determined by the Lembaga.
- (2) If the sale of fish is cancelled by the Lembaga, the Lembaga may:-
  - (a) direct the auctioneer to reauction the fish; or
  - (b) reauction the fish by itself.

### **16. Weighing of fish**

The fish weighing shall be in matrix unit and the weighing scale used shall be as approved by the Lembaga.

### **17. Fish carrying permit, etc**

(1) No person shall move, transport, transfer, consign or distribute any fish from one place to another without a valid permit issued by the Lembaga.

(2) Subregulation (1) shall not apply to person exempted under subregulation 24(2).

(3) The permit issued under subregulation (1) shall contain the following particulars:-

(a) types of fish;

(b) quantity of fish brought;

(c) place of fish obtained;

(d) place where the fish will be transported to; and

(e) other informations which the Lembaga may request to be submitted.

### **18. Dealings time**

Any fish dealings in the wholesale fish market shall only be made within the specified time as determined by the Lembaga.

### **19. Fish packing**

The Lembaga may require any fish to be exported, imported, dealt with or transported to any place shall be packed in containers as prescribed by the Lembaga.

### **20. Grading**

(1) The Lembaga may require any fish to be graded according to:-

(a) types;

(b) sizes; and

(c) degrees of freshness.

(2) For the purpose of paragraph 1(c), the degree of fish freshness shall be in accordance with the standard determine by the Lembaga.

## **21. Issuance of fish dealing statement**

(1) The Lembaga may require any holder of a licence to issue:-

(a) any dealing statement to any fish seller or supplier; and

(b) any sales invoice or any statement to any buyer.

(2) Any wholesaler, retailer, auctioneer or any person who involves in any fish processing shall keep a fish sale dealing record containing information such as date of dealing, value of dealing, types of fish and quantity of fish.

## **22. False information**

Any person who makes or produce any false and misleading information, orally or written for any purposes under these Regulations shall be guilty of an offence under the Act.

## **23. Prohibition on dealing with fish unsafe to be consumed**

(1) No person shall deal with, process, export or import any fish unsafe to be consumed by human without a written consent from the Lembaga.

(2) Any person who contravenes subregulation (1) shall be guilty of an offence under the Act.

## **24. Exemption**

(1) These Regulations shall not apply to any person who purchase less than twenty kilograms of fish for their own consumption.

(2) The Lembaga may exempt any person who involves in the fish processing, any fish exporter, fish importer, fishmonger or any person from the requirements of regulations 4, 5 and 6.

(3) For the purpose of giving the exemption, the Lembaga may require any person exempted under subregulation (2) to give any information as it deems necessary.

(4) Notwithstanding any provisions contained in these Regulations, the Lembaga may have any fish dealings without licence in any manner either at a wholesale fish market, retail fish market or any other places.

## **25. Revocation, transitional and saving**

(1) **Fish Marketing Regulations 1973**[*P.U. (A) 381/1973*] is revoked ("the revoked Regulations").

(2) Any licence, issued or given under the revoked Regulations shall, in so far as any of the licence is consistent with these Regulations, continue to be in force until revoked or replaced by these Regulations.

(3) Where on coming into operation of these Regulations, any action or proceeding pending before the Lembaga, the provisions of the revoked Regulations applicable to the action or proceeding shall continue to apply as if the revoked Regulations had not been revoked by these Regulations.

## **SCHEDULE**

*(Regulations 8 and 9)*

### **Good Fish Handling Practices**

#### **1. Unloading and landing of fish**

Any person who involves in unloading or landing of fish shall:-

(a) ensure that the unloading and landing equipment that comes into contact with fish is constructed of material that is easily cleaned and disinfected, and maintained in a good condition;

(b) ensure that the unloading and landing operation is done rapidly;

(c) place the fish without delay in a protected environment at the temperature approaching that of melting ice;

(d) not use any equipment and apply any practices which may cause unnecessary damage to any parts of the fish; and

(e) ensure that no animal is allowed to enter any handling and dealing premises.



## **2. Handling and storing of wet fish or thawed fish**

Any person who deals or handles with wet fish or thawed fish shall:-

- (a) store the wet fish or thawed fish under ice with appropriate equipments;
- (b) re-icing the wet fish or thawed fish as often as necessary;
- (c) ensure that the water produced from the melted ice in a container used for the carriage or storage of unpacked wet fish or thawed fish is not in contact with the fish;
- (d) ensure that if the packed wet fish or thawed fish is chilled, the temperature approaching that of melting ice; and
- (e) store the wet fish or thawed fish at a temperature approaching that of melting ice.

## **3. Handling and storing of frozen fish**

Any person who deals or handles frozen fish shall:-

- (a) store the frozen fish at a temperature below minus 18°C in all parts of the product; or
- (b) if the frozen fish is in brine intended to be processed as canned food to be stored at a temperature below minus 9°C.

## **4. Handling and storing of processed fish**

(1) Any person who deals or handles processed fish shall:-

- (a) store the wet fish intended to be processed under ice with appropriate equipments;
- (b) re-icing the wet fish intended to be processed as often as necessary;
- (c) carry out the process of removing of fish head and the gutting of fish as soon as possible after the fish is caught or landed, washed thoroughly with potable water, in a clean environment and using clean equipment;
- (d) ensure that the water produced from the melted ice in a container used for the carriage or storage of unpacked processed fish is not in contact with the fish;
- (e) if the packed processed fish is chilled, the temperature approaching that of melting ice; and
- (f) store the processed fish in accordance with the requirements under paragraph 3.

(2) Subject to subparagraph (1), any person who handles processed fish to be produced as fillets or slices shall:-

(a) conduct the removal of the bone of the wet fish and the cutting of wet fish for producing fillet and slices to be in accordance with the manner that may avoid contamination or damaging to the fish; and

(b) ensure that the fillets and slices of wet fish is wrapped and where necessary, packed and chilled as soon as possible after its preparation.

### **5. Handling and storing of live fish**

Any person who deals or handles live fish shall store the live fish at a temperature and in a manner that will not affect its living.

### **6. Transportation of fish**

Any person who transports fish shall ensure that:-

(a) wet fish, thawed fish and processed fish are maintained at a temperature approaching that of melting ice;

(b) frozen fish is stored at a temperature below minus 18°C;

(c) frozen fish in brine that is intended to be processed as canned food is kept at a temperature below minus 9°C; or

(d) living fish to be kept at a temperature and in a manner that does not affect of its living.

### **7. Sale of fish**

Any person who sells fish shall ensure that:-

(a) all wet fish stored, displayed or exposed for sale are kept at a temperature between minus 1°C to 10°C; and

(b) all other fish other than wet fish stored, displayed or exposed for sale are kept at a temperature below minus 18°C.