

CONSOLIDATED NEWFOUNDLAND AND LABRADOR REGULATION 1139/96

Aquaculture Regulations

under the
Aquaculture Act
(O.C. 96-939)

Amended by:

56/05
102/10

CONSOLIDATED NEWFOUNDLAND AND LABRADOR REGULATION 1139/96

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under the
Aquaculture Act
(O.C. 96-939)

Under the authority of section 11 of the Aquaculture Act and the Subordinate Legislation Revision and Consolidation Act , the Lieutenant-Governor in Council makes the following regulations.

REGULATIONS

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Short title

1. These regulations may be cited as the Aquaculture Regulations.

113/88 s1

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Definitions

2. In these regulations

(a) "Act" means the Aquaculture Act;

(b) "aquaculture licence" means a licence issued under the Aquaculture Act;

(c) "licensee" means a person to whom an aquaculture licence is issued;

(c.1) "low water mark" means the ordinary low water mark of water reached during cyclical tides;

(c.2) "mooring system" in the Act and under these regulations means the method by which aquaculture gear at an aquaculture facility is attached so that it remains at its intended location and includes those cables, chains, ropes, anchors or weights that may be necessary to that attachment;

(d) "registrar" means the Registrar of Aquaculture appointed under the Aquaculture Act ; and

(e) "shore fastened mooring system" in the Act and under these regulations means a mooring system that has mooring lines attached to the shore or anchored to the seabed at a depth of fewer than 2 vertical metres below the low water mark.

113/88 s2; 56/05 s1

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Exemption

2.1 (1) The following are exempted from the application of the Act and these regulations

(a) ornamental artificial ponds, tanks and aquariums on private property where aquatic organisms are held but are not intended to become

(i) food for human consumption, or

(ii) brood stock to supply aquatic organisms to other aquaculture facilities;

(b) holding tanks for aquatic plants or animals in a retail food store; and

(c) a pond, tank or other onshore facility owned or operated by the

(i) Memorial University established under the Memorial University Act ,

(ii) college established under the College Act, 1996 .

(2) Notwithstanding subsection (1), the movement of an aquatic organism to and from a location referred to in that subsection is subject to section 8 of the Act.

56/05 s2

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Fee

3. (1) The annual fee for an aquaculture licence shall be prescribed by the minister.

(2) An aquaculture licence is not transferable.

(3) An aquaculture licence shall expire on the date prescribed by the minister on that licence or as directed by the minister.

113/88 s3; 56/02 s3

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Identification of sites

4. (1) For the purpose of identification of aquaculture sites which are covered by water, the licensee shall

(a) place yellow corner buoys of minimum diameter of 0.6 metres at all corners and yellow buoys of 0.4 metres minimum diameter at intervals not exceeding 100 metres, unless those intervals are already marked by yellow corner buoys;

(b) place the mooring lines of the buoys in paragraph (a) so that they normally extend up vertically to conform to the boundaries of the site;

(c) mark each yellow corner buoy in an indelible manner with the name, licence number and Crown lease or licence number issued to the licensee under the Lands Act ; and

(d) make notification to the minister not less than 5 days before the submerging of aquaculture lines, buoys and equipment for the winter season.

(2) The minister may vary the requirements set out in subsection (1) where the minister determines it to be necessary.

102/10 s1

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Prohibition

4.1 (1) A mooring system shall not be installed or in place except in accordance with the approval, in writing, of the Government of Canada under the Navigable Waters Protection Act (Canada).

(2) Where a mooring system is not subject to an approval by the Government of Canada under the Navigable Waters Protection Act (Canada), that system shall not be installed or in place except in accordance with the approval, in writing, of an aquaculture inspector.

56/05 s5

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Confidential information

5. (1) The Registrar of Aquaculture shall regard as confidential and refuse access to members of the public to information which

(a) describes unique trade practices or technology used by a licensee, unless those trade practices or technology are protected by patent, copyright or industrial design; or

(b) describes information concerning the financial backing, obligations or performance of an aquaculture facility or an aquaculture enterprise.

(2) The Registrar of Aquaculture shall only regard information as confidential and refuse access to members of the public to that information if a request for a designation of confidentiality is made in writing by the licensee with the submission of the information.

(3) The Registrar of Aquaculture shall only regard information concerning unique trade practices or technology as confidential for 3 consecutive calendar years.

(4) The Registrar of Aquaculture shall release information referred to in subsection (1) to a person who is authorized to receive the information by the written consent of the licensee.

113/88 s5

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[Repeal](#)

6. The Aquaculture Regulations, 1988, Newfoundland Regulation 113/88, are repealed.

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