

Live Fish Possession Regulations

made under Section 81 of the

Fisheries and Coastal Resources Act

S.N.S. 1996, c. 25

O.I.C. 2012-356 (November 20, 2012), N.S. Reg. 212/2012

Citation

1 These regulations may be cited as the Live Fish Possession Regulations.

Definitions

2 In these regulations,

“Act” means the Fisheries and Coastal Resources Act;

“fish” means fish as defined in the Fisheries Act (Canada);

“possession” means possession within the meaning of subsection 4(3) of the Criminal Code (Canada).

Prohibition against possession of live fish

3 A person must not have in possession live fish except in accordance with these regulations.

When person may possess live fish

4 A person may have in possession live fish in any of the following circumstances:

(a) the Minister of Fisheries and Oceans (Canada) has provided written permission to the person under the Fisheries Act (Canada) to obtain fish for purposes of stocking or artificial breeding or for scientific purposes;

(b) the Minister of Fisheries and Oceans (Canada) has issued the person a licence for the fish under any of the following regulations made under the Fisheries Act (Canada):

- (i) the Fishery (General) Regulations,
- (ii) the Atlantic Fishery Regulations, 1985,
- (iii) the Aboriginal Communal Fishing Licences Regulations,
- (iv) the Maritime Provinces Fishery Regulations,
- (v) the Management of Contaminated Fisheries Regulations;

(c) the person intends to use the fish as bait while sport fishing, and the use of the fish as bait complies with the Maritime Provinces Fishery Regulations made under the Fisheries Act (Canada);

(d) the fish are intended to be kept in a private aquarium and the person can provide proof of purchase of the fish;

(e) the fish are speckled trout or rainbow trout that have been purchased from a Provincially based and licensed fish hatchery, the person can provide proof of purchase of the fish or Departmental approval, and the fish are being transported for delivery

- (i) if speckled trout, to a private facility,
- (ii) if rainbow trout, to a private facility approved by the Minister under the Act;

(f) the fish are being transported for delivery to a predetermined natural location in collaboration with a stocking or education program of the Department and the person can provide proof of purchase of the fish or Departmental approval;

(g) the fish are being used in a fishing event for which the Minister has issued a permit under Section 80 of the Act;

(h) the fish are shellfish that are being relocated under a shellfish replanting licence issued pursuant to the Maritime Provinces Fishery Regulations made under the Fisheries Act (Canada);

(i) the fish are shellfish that are intended for human consumption;

(j) the fish are marine worms or American eels;

(k) the fish are intended for food, social or ceremonial purposes and are harvested in accordance with any asserted Mi'kmaq rights under the direction of a First Nations band or other authority recognized by the Minister;

(l) a circumstance in which the Act or regulations made under the Act permit a person to possess live fish.

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