

Fish Buyers' Licensing and Enforcement Regulations
made under subsection 77(2) of the
Fisheries and Coastal Resources Act
S.N.S. 1996, c. 25
O.I.C. 2000-286 (June 1, 2000), N.S. Reg. 99/2000
as amended to O.I.C. 2017-212 (August 24, 2017), N.S. Reg. 130/2017

Citation

- 1** These regulations may be cited as the *Fish Buyers' Licensing and Enforcement Regulations*.

Definitions

- 2** In these regulations

- (a) "Act" means the *Fisheries and Coastal Resources Act*;
- (b) "fish" includes shellfish, crustaceans and marine animals and parts, products or by-products of them;
- (c) "fish products" includes fishery resources or any products derived from fishery resources;
- (d) "licence holder" means a person who holds a valid buyers licence pursuant to the Act and these regulations;
- (e) "non-profit organization" means an organization, the income and assets of which are not available for the personal benefit of any proprietor, member or shareholder;
- (f) "retail outlet" means an establishment where goods and services are sold or offered to a purchaser for the purpose of consumption or use and not for resale, and includes a restaurant.

Exemption

- 3 (1)** For the purposes of Section 73 of the Act, the following persons are exempt from the requirement to hold a buyers licence:
- (a) a person buying fish or fish products
 - (i) in amounts of less than 25 kg per calendar day for personal consumption and not for resale,
 - (ii) for resale by a non-profit organization;
 - (b) a person buying fish or fish products from a licence holder;

- (c) a person buying fish or fish products other than lobster, for the purpose of resale in a retail outlet owned by that person.

Section 3 renumbered 3(1): O.I.C. 2004-234, N.S. Reg. 167/2004.

- (2) For the purposes of Section 73 of the Act, the following persons are exempt from the requirement to hold a sellers licence:
 - (a) a person selling fish or fish products to a licence holder;
 - (b) a person selling fish or fish products to a person who is exempt under subsection (1);
 - (c) a person reselling fish or fish products, other than lobster, in a retail outlet owned by that person; or
 - (d) a person reselling fish for a non-profit organization.

Subsection 3(2) added: O.I.C. 2004-234, N.S. Reg. 167/2004.

Appointment of Registrar

- 4 (1) The Minister may appoint a Registrar and such other employees of the Department as are necessary for the purpose of these regulations.
- (2) The Registrar shall establish and maintain a Registry containing the names of all licence holders.
- (3) The Minister may issue general directions to the Registrar regarding the issuance, amendment, renewal, suspension, termination and conditions of a buyers licence.

Proof of training in fish handling

- 4A (1) This Section applies with respect to any buyers licence for the year 2018 or any subsequent calendar year.
- (2) For the purposes of an application for a buyers licence under Section 5 or a request by a licence holder to renew a buyers licence under Section 14, the Minister may require proof that the applicant, the licence holder or a representative acceptable to the Minister has successfully completed a training course recognized by the Minister with respect to the handling of the species of fish or fish products specified by the Minister.

Section 4A added: O.I.C. 2017-212, N.S. Reg. 130/2017.

Licence application

- 5 An application for a buyers licence shall be made to the Minister on a form supplied by the Department and shall be accompanied by a non-refundable application fee of \$265.40.

Section 5 amended: O.I.C. 2015-96, N.S. Reg. 102/2015.

- 6** The Minister may, by notice in writing, require an applicant to
- (a) submit a detailed business plan to the Minister in a form satisfactory to the Minister;
 - (b) provide additional information about the proposed buying activity;
 - (c) submit a letter of commitment to bond to the Minister in a form satisfactory to the Minister, guaranteeing all amounts payable by the applicant for the purchase of fish or fish products.
- 7** The Minister shall advise the applicant of the outcome of the application, in writing, within 21 days of receiving all information in relation to the application.

Licence form and fees

- 8** (1) A buyers licence shall be in a form prescribed by the Minister.
- (2) The Minister shall specify on a buyers licence the species of fish or fish products that the licence holder is authorized to purchase pursuant to the licence.
- (3) An applicant shall pay the licence fee set out in Schedule “A” for each species of fish or fish products specified in the buyers licence.

Licence issue

- 9** The issuance of a buyers licence to a person does not imply or confer any future right or privilege for that person to be issued a buyers licence of the same type or any other type.

Licence transfer

- 10** (1) Subject to subsection (2), a buyers licence is not assignable or transferable.
- (2) Where the Minister is satisfied that a buyers licence is being transferred to a corporation in which the current licence holder owns the majority of voting shares, the Minister may transfer the buyers licence.
- (3) If a majority of voting shares of a corporation that is a licence holder are transferred, its buyers licence ceases to be in force.

Licence expiry

- 11** Unless otherwise specified in the buyers licence, a buyers licence expires on December 31 of the calendar year for which it is issued.

Licence conditions

- 12 (1)** A buyers licence may be issued upon such terms and conditions as the Minister directs, and in particular, but not restricting the generality of the foregoing, may specify conditions respecting any of the following matters:
- (a) the locations at which fish or fish products are permitted to be purchased and subsequently sold;
 - (b) the species of fish or fish products permitted to be purchased;
 - (c) the ultimate use of the fish or fish products that have been purchased;
 - (d) the content of records that must be kept of activity carried out under the licence including, but not limited to,
 - (i) the amounts, values and prices paid per kilogram for all fish or fish products purchased,
 - (ii) the species of fish or fish products purchased,
 - (iii) the names and addresses of the fishers from whom the fish or fish products were purchased,
 - (iv) the location of purchase,
 - (v) the location of sale,
 - (vi) the date and time at which fish or fish products were purchased,
 - (vii) the destination of the fish or fish products;
 - (e) the manner and form in which records must be kept;
 - (f) the person to whom records are to be submitted;
 - (g) the time period for which records are to be retained.
- (2)** Compliance with the Act and these regulations is a condition of every buyers licence.

Request for additional information

- 13 (1)** A licence holder shall, at the request of the Minister or an inspector appointed by the Minister under the Act, submit to the Minister or inspector information including, but not limited to, the content of records specified in clause 12(1)(d).
- (2)** A person processing, buying, selling, packaging or possessing fish or fish products who does not hold a buyers licence shall, at the request of the Minister or an

inspector appointed by the Minister under the Act, submit to the Minister or inspector information including, but not limited to, the following matters:

- (a) the owner or other source of the fish or fish products;
- (b) the location where the fish or fish products were obtained;
- (c) the date and time at which the fish or fish products were obtained;
- (d) the destination of the fish or fish products.

Amendment, renewal or cancellation at licence holder's request

14 (1) A request by a licence holder to amend, renew or cancel a buyers licence shall be made to the Minister in writing in the form and manner determined by the Department.

(2) A request to amend a buyers licence shall be accompanied by a fee of \$33.15.

Subsection 14(2) amended: O.I.C. 2015-96, N.S. Reg. 102/2015.

Termination, amendment or suspension pursuant to subsection 76(2) or (3) of the Act

15 (1) Where the Minister has reason to believe that termination, amendment or suspension of a buyers licence is justified under subsection 76(2) or (3) of the Act, the Minister shall notify the licence holder of the pending action, and the licence holder may apply for a show cause hearing in accordance with the procedure determined under subsection (2) to show cause why their licence should not be terminated, amended or suspended.

Subsection 15(1) amended: O.I.C. 2004-234, N.S. Reg. 167/2004.

(2) The Minister shall determine the practice and procedure to be followed when a licence holder applies for a show cause hearing under subsection (1).

Subsection 15(2) amended: O.I.C. 2004-234, N.S. Reg. 167/2004.

(3) An application under subsection (1), must be accompanied by a non-refundable fee of \$249.20.

Subsection 15(3) added: O.I.C. 2004-234, N.S. Reg. 167/2004; amended: O.I.C. 2015-96, N.S. Reg. 102/2015.

Requirements of licence holders

16 For the purposes of clause 76(3)(ba) of the Act, every licence holder is required to

- (a) comply with Federal and Provincial legislation and regulations;
- (b) comply with the terms and conditions of their licence; and
- (c) comply with the terms and conditions of any other licence issued to the licence holder pursuant to the Act or regulations under the Act.

Designated buyers

- 17 (1)** For the purposes of this Section and Section 18, “designated buyer” means a buyer designated pursuant to subsection (2).
- (2) A licence holder may, by notice in writing to the Minister, appoint one or more persons as designated buyers to engage in any activity authorized by their buyers licence.
- (3) A licence holder shall submit to the Minister the name, mailing address, telephone number and the proposed buying activity of each designated buyer.
- (4) All activities requiring a buyers licence that are performed by a designated buyer shall be performed as agent and in the name of the licence holder.
- (5) A licence holder shall provide each designated buyer with a certified copy of their buyers licence.
- (6) A request for a certified copy of a buyers licence shall be made in writing to the Minister, and accompanied by a fee of \$33.15 per copy.

Subsection 17(6) amended: O.I.C. 2015-96, N.S. Reg. 102/2015.

Carry and produce licence

- 18** Every licence holder or designated buyer shall carry the buyers licence or certified copy of it at all times while engaged in any activity to which it relates, and shall produce it on the demand of an inspector, an employee of the Department or a peace officer.

Prohibitions

- 19 (1)** No person shall
- (a) buy, sell, or possess fish or fish products that have been illegally caught, cultured, raised, harvested or processed;
- (b) buy fish or fish products caught by a person who does not hold a valid commercial fishing licence issued by Fisheries and Oceans Canada;
- (c) buy fish or fish products caught pursuant to an aboriginal communal fishing licence issued for food, social and ceremonial purposes pursuant to the *Aboriginal Communal Fishing Licences Regulations* made under the *Fisheries Act* (Canada);
- (d) buy fish or fish products from a person who does not hold a sellers licence, unless that person is exempt under subsection 3(2);

- (e) obstruct, impede, or refuse to admit, or aid or assist any person in obstructing, impeding or refusing to admit, an inspector or any other person acting in the execution of the Act and these regulations.

Subsection 19(1) replaced: O.I.C. 2004-234, N.S. Reg. 167/2004.

- (2) For the purpose of clause (1)(a), “illegally” means
 - (a) without an appropriate licence issued either by Fisheries and Oceans Canada or the Department or without the appropriate authorization from the Canadian Food Inspection Agency; or
 - (b) in contravention of federal or Provincial legislation or regulations, including but not limited to legislation and regulations relating to size, season and quota.

**Schedule “A”
Licence Fees - Per Species**

Species/group	Licence fee
1. Groundfish	\$530.75
- catfish	
- cod	
- cusk	
- flounder	
- grenadier	
- haddock	
- hake (Silver)	
- hake (White)	
- halibut (Greenland)	
- halibut (Atlantic)	
- lumpfish	
- monkfish	
- ocean perch	
- pollock	
- skate	
Item 1 amended: O.I.C. 2015-96, N.S. Reg. 102/2015.	
2. Pelagic	\$132.65
- capelin	
- herring	
- mackerel	
- shark (Blue)	
- shark (Dogfish)	
- shark (Porbeagle)	
- shark (Mako)	
- swordfish	

- tuna

Item 2 amended: O.I.C. 2015-96, N.S. Reg. 102/2015.

3. Shellfish.....\$265.40

- clams - hard shell (Quahogs)
- clams - hard shell (Stimpson)
- clams - hard shell (Bar)
- clams - soft shell
- crab (Northern Stone)
- crab (Jonah)
- crab (Red)
- crab (Rock)
- crab (Snow)
- crab (Toad)
- lobster
- mussel
- oyster
- periwinkle
- scallop
- shrimp

Item 3 amended: O.I.C. 2015-96, N.S. Reg. 102/2015.

4. Other.....\$132.65

- eels
- gaspereau
- hagfish
- jellyfish
- marine animals
- marine plants
- sea cucumber
- sea urchin
- shad
- smelt
- squid
- whelks

Item 4 amended: O.I.C. 2015-96, N.S. Reg. 102/2015.

5. Aquaculture products.....\$132.65

- shellfish
- finfish
- marine finfish

Item 5 amended: O.I.C. 2015-96, N.S. Reg. 102/2015.
