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Director-General,
Agri-Food and Veterinary Services

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ANIMALS AND BIRDS ACT (CHAPTER 7)

ANIMALS AND BIRDS (LIVE FISH) RULES 2011

ARRANGEMENT OF RULES

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In exercise of the powers conferred by section 80 of the Animals and Birds Act, the Minister for National Development hereby makes the following Rules:

Citation and commencement

1. These Rules may be cited as the Animals and Birds (Live Fish) Rules 2011 and shall come into operation on 20th January 2011.

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Definitions

2. In these Rules, unless the context otherwise requires —

''health certificate'', in relation to the export of live fish, means a certificate of freedom from disease under section 18 of the Act;

''licence'' means a licence which, under section 8 or 16 of the Act, is required for the import or export, as the case may be, of any live fish;

''licensee'' means the holder of a valid licence;

''live fish'' means any varieties of marine, brackish water or fresh water fishes, crustacea, aquatic mollusca, turtles, marine sponges, trepang and any other form of aquatic life, including the young and eggs thereof, imported or exported whilst living and not intended for human consumption;

''permit'' means a permit required under rule 4 for the import or export of any consignment of live fish.

Licence to import or export live fish

3.—(1) Every application for a licence to import or export live fish shall be made using the electronic application service provided for this purpose by the Authority at http://www.ava.gov.sg.

(2) In the event of a malfunction or failure of the electronic application service referred to in paragraph (1), the application shall be made in such manner as the Director-General may require.

(3) The application form shall be in the form set out at www.ava.gov.sg for this purpose.

(4) The application shall be accompanied by such information or document as the Director-General may specify.

(5) On receipt of an application for a licence under paragraph (1) or (2), the Director-General may —

(*a*) issue the licence to the applicant with or without conditions; or

(*b*) refuse to issue the licence applied for.

(6) A licence shall be valid for such period as the Director-General may specify and may be renewed upon its expiry.

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(7) Payment of the appropriate fee for the specified period of validity of the licence shall be made before the issue of the licence.

(8) Where the Director-General refuses to issue a licence under paragraph (5), he shall, if requested to do so by the applicant, state in writing the reasons for his refusal.

(9) Paragraphs (1) to (5) shall, with the necessary modifications, apply to an application for the renewal of a licence.

Prohibition of import or export of live fish without permit

4.—(1) No licensee shall import any live fish for sale, supply or distribution in Singapore unless —

(*a*) the licensee has obtained a permit from the Director-General in respect of each consignment of live fish to be imported by him and the import of each such consignment is carried out in accordance with the conditions of the permit; and

(*b*) the whole consignment conforms to the description as contained in the permit.

(2) No licensee shall export any live fish from Singapore to any country, territory or place unless —

(*a*) the licensee has obtained a permit from the Director-General in respect of each consignment of live fish to be exported by him and the export of each such consignment is carried out in accordance with the conditions of the permit; and

(*b*) the whole consignment to be exported conforms to the description as contained in the permit.

(3) Any licensee who contravenes paragraph (1) or (2) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding $10,000 or to imprisonment for a term not exceeding 12 months or to both.

Permit to import or export live fish

5.—(1) An application for a permit referred to in rule 4(1) or (2) shall be made in such form and manner as the Director-General may require and shall be accompanied by such information or document as the Director-General may specify.

(2) On receipt of an application for a permit under paragraph (1), the Director-General may —

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(*a*) issue the permit to the licensee with or without conditions; or

(*b*) refuse to issue the permit applied for.

(3) Where the Director-General refuses to issue a permit under paragraph (2), he shall, if requested to do so by the licensee, state in writing the reasons for his refusal.

Licensee importing live fish to submit certain documents

6.—(1) A licensee who has imported any consignment of live fish shall, before the removal of the consignment from the customs office or station, submit to an authorised officer a copy each of —

(*a*) the health certificate relating to the consignment (if required by the authorised officer) issued by a competent government agency in the country of despatch, being an agency which is recognised by the Director-General, in such form and issued in such manner as may be required under any import health requirement; and

(*b*) such other document in respect of the consignment as the Director-General or authorised officer may reasonably require.

(2) The health certificate required under paragraph (1)(*a*) shall certify that every relevant import health requirement specified under regulation 7 has been complied with.

(3) A licensee who fails to comply with paragraph (1) or (2) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding $10,000.

Import health requirements

7.—(1) For the purposes of these Rules, the Director-General may specify such import health requirements as are necessary in respect of any live fish.

(2) The Director-General may, from time to time, vary any of the import health requirements, having regard to the health status of any live fish in any country.

(3) The Director-General shall maintain a register of all the import health requirements for the time being specified under paragraph (1) and any variation to any such requirement under paragraph (2).

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(4) The register referred to in paragraph (3) shall be made available for public information.

Health certificate for export of live fish

8.—(1) Any person who requires a health certificate in respect of any consignment of live fish to be exported by him may apply to the Director-General for such a certificate.

(2) An application for a certificate referred to in paragraph (1) shall be made in such form or manner as the Director-General may require and shall be accompanied by such information or document as the Director-General may specify.

(3) For the purpose of issuing the health certificate, the Director-General may examine the consignment or any sample therefrom.

(4) The costs of any examination under paragraph (3) shall be borne by the applicant for the health certificate.

Alteration of health certificate or any form, document or label

9. Any person who —

(*a*) without lawful authority alters any health certificate or any declaration form, document or label relating to the import or export of any live fish; or

(*b*) knowingly makes use of any health certificate, declaration form, document or label so altered,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding $10,000 or to imprisonment for a term not exceeding 12 months or to both.

Giving of false information, etc.

10. Any person who, being required under these Rules to provide any information or produce any document, or who, for the purpose of obtaining a licence or permit or health certificate —

(*a*) provides any information or makes any statement or declaration which, to his knowledge, is false in any material particular; or

(*b*) submits or produces any document which, to his knowledge, is false in any material particular or has not been made by the person by whom it purports to have been made, or has been in any way altered or tampered with,

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shall be guilty of an offence and shall be liable on conviction to a fine not exceeding $10,000 or to imprisonment for a term not exceeding 12 months or to both.

Licence and permit not transferable

11.—(1) No licensee shall transfer or assign the benefit of his licence or any permit granted to him to any other person.

(2) A licensee who contravenes paragraph (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding $10,000.

Fees

12. The fees payable under these Rules shall be as specified in the Schedule.

Revocation

13. The Animals and Birds (Ornamental Fish) Rules (R 7, 2004 Ed.) are revoked.

Transitional and savings provisions

14.—(1) Notwithstanding the revocation of the Animals and Birds (Ornamental Fish) Rules (R 7, 2004 Ed.) (referred to in this rule as the revoked Rules), any licence to import or export ornamental fish issued under the revoked Rules and which remains valid immediately before 20th January 2011 shall, unless revoked, and in so far as it is not inconsistent with these Rules —

(*a*) be deemed to be a licence issued under these Rules;

(*b*) be subject to the terms and conditions of the licence; and

(*c*) expire on the date it would have expired had these Rules not been in force and shall be renewable in accordance with these Rules.

(2) Notwithstanding the revocation of the revoked Rules, any permit to import or export ornamental fish issued under the revoked Rules and which remains valid immediately before 20th January 2011 shall, unless revoked, and in so far as it is not inconsistent with these Rules —

(*a*) be deemed to be a permit issued under these Rules; and

(*b*) be subject to the terms and conditions of the permit.

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(3) Notwithstanding the revocation of the revoked Rules, any health certificate for the export of ornamental fish issued under the revoked Rules and which remains valid immediately before 20th January 2011 shall, unless revoked, and in so far as it is not inconsistent with these Rules —

(*a*) be deemed to be a health certificate issued under these Rules; and

(*b*) be subject to the terms and conditions of the health certificate.

THE SCHEDULE

Rule 12

FEES

1.	For a licence to import or export live fish	$350 per annum or part thereof, of the period of validity of the licence
2.	For a permit to import or export a consignment of live fish	$3.50 per permit
3.	For a certified true copy of any document under these Rules	$9.45 per copy
4.	For a health certificate under rule 8	$16.80 per certificate
5.	Professional service fee	(*a*) $63 per hour or part thereof (*b*) $133 per hour or part thereof outside office hours or on an urgent basis
6.	Technical service fee	(*a*) $38 per hour or part thereof (*b*) $80 per hour or part thereof outside office hours or on an urgent basis.

Made this 14th day of January 2011.

TAN TEE HOW
Permanent Secretary,
Ministry of National Development,
Singapore.

[ND202/1-71; AG/LLRD/SL/7/2010/1 Vol. 1]

(To be presented to Parliament under section 80(4) of the Animals and Birds Act).

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