



PRINCE EDWARD ISLAND  
ÎLE-DU-PRINCE-ÉDOUARD

# **FISH INSPECTION ACT**

## PLEASE NOTE

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This document is *not* the official version of the Act. The Act and the amendments as printed under the authority of the Queen's Printer for the province should be consulted to determine the authoritative statement of the law.

For more information concerning the history of this Act, please see the *Table of Public Acts* on the Prince Edward Island Government web site ([www.princeedwardisland.ca](http://www.princeedwardisland.ca)).

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## FISH INSPECTION ACT

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## FISH INSPECTION ACT

### CHAPTER F-13

#### 1. Definitions

In this Act

- (a) “**container**” includes any type of receptacle or package, wrapper or confining band, used in packing or marketing fish;
- (b) “**establishment**” means any place where fish are processed for sale or stored for sale;
- (c) “**fish**” means any fish, including mollusks, crustaceans and marine animals and any parts, products or by-products thereof;
- (d) “**inspector**” means an inspector appointed pursuant to this Act;
- (e) “**marketing**” means buying, selling, holding in possession for sale, or offering or advertising for sale;
- (f) “**Minister**” means the Minister designated by the Lieutenant Governor in Council to have the administration of this Act;
- (g) “**primary producer**” means a person who derives from the catching and sale of fish a part of his net revenue;
- (h) “**processing**” includes cleaning, filleting, smoking, salting, marinating, pickling, drying, canning, cooking, freezing, packing, icing or preparing fish for sale in any other manner;
- (i) “**regulations**” means regulations made pursuant to this Act;
- (j) “**vehicle**” includes any steamship, vessel, boat, railway car, truck, carriage, car, aircraft, and any other means of carriage used for transporting fish. *R.S.P.E.I. 1974, Cap. F-9, s.2.*

#### 2. Administration

This Act shall be administered by the Minister. *R.S.P.E.I. 1974, Cap. F-9, s.15.*

#### 3. Regulations by Lieutenant Governor in Council

The Lieutenant Governor in Council may, for the purpose of regulating the marketing and processing of fish and the manufacture and marketing of containers, make regulations

- (a) prescribing the grades, quality, and standards of fish;
- (b) defining for the purposes of section 10, the expressions “tainted”, “decomposed” and “unwholesome”;
- (c) respecting the processing, storing, grading, packaging, marking, transportation, marketing, and inspection of fish;
- (d) respecting the quality and specifications for containers for fish, and the marking and inspection of such containers;

- (e) requiring and providing for the licensing of establishments and prescribing and attaching conditions for the issue, suspension, or the cancellation of licenses;
- (f) requiring and providing for the licensing of persons who either as principal or agent and who directly or indirectly or through the intervention of another person, collect fish for resale, excepting primary producers and retail stores, and prescribing and attaching conditions for the issue, suspension or cancellation of such licenses;
- (g) prescribing the requirements for the equipment and the sanitary operation of establishments, and of any boats, vehicles or other equipment used in connection with an establishment or in connection with fishing or the marketing of fish;
- (h) prescribing fees for the licensing of establishments, for the issue of licenses and grading and inspection certificates;
- (i) prohibiting the marketing of any fish or containers under any grade name or standard prescribed by the regulations unless all the requirements of this Act and the regulations with respect thereto have been complied with, or under any name calculated to mislead or deceive;
- (j) prescribing the manner in which any samples of fish may be taken;
- (k) prescribing the procedure to be followed in any appeal to the Minister under this Act;
- (l) prohibiting or restricting the marketing or processing of any fish or containers without a license and unless all the requirements of this Act and the regulations with respect thereto have been complied with;
- (m) providing for the definition of any terms not already set forth under section 1; and
- (n) providing for any other thing connected with the processing, storing, grading, packaging, marking, transportation, marketing of fish and containers. *R.S.P.E.I. 1974, Cap. F-9, s.3.*

#### **4. Inspector, powers of**

- (1) An inspector may at any time
  - (a) enter any place or premises, or any steamship, vessel or boat, or any railway car, truck, carriage, car, aircraft or other vehicle used for the carriage or storage of fish and may open any container that he has reason to believe contains fish;
  - (b) require to be produced for inspection or for the purpose of obtaining copies thereof or extracts therefrom any books, shipping bills, bills of lading, or other documents or papers;
  - (c) take any samples for inspection.

#### **Inspector, obstruction of**

- (2) No person shall obstruct, impede or refuse to admit an inspector or other person acting in execution of this Act or the regulations and no person shall aid or assist any person in obstructing, impeding or refusing to admit such inspector or other person.

#### **Penalties**

- (3) Every person who violates this section is guilty of an offence and is liable on summary conviction to a fine not less than \$100 and not exceeding \$1,500 or to imprisonment for a term of not less than sixty days and not exceeding six months or to both fine and imprisonment. *R.S.P.E.I. 1974, Cap. F-9, s.4.*



**5. Appeal from decision of inspector**

A person who thinks himself aggrieved by a decision of an inspector in respect of any inspection, grading, marking or other matter under this Act or the regulations may appeal to the Minister in accordance with the procedure prescribed by the Lieutenant Governor in Council. *R.S.P.E.I. 1974, Cap. F-9, s.5.*

**6. Inspector may administer oaths**

For the purpose of this Act, an inspector may administer oaths and take and receive affidavits, declarations and affirmations. *R.S.P.E.I. 1974, Cap. F-9, s.6.*

**7. Seizure of fish or containers by inspector**

- (1) Whenever an inspector believes on reasonable grounds that an offence against this Act or any regulation has been committed, he may seize all fish and containers by means of or in relation to which he reasonably believes the offence was committed.

**Detention of fish or containers seized**

- (2) All fish and containers seized pursuant to subsection (1) may be detained for a period of two months following the day of seizure, unless during that period proceedings under this Act in respect of those fish and containers are undertaken, in which case the fish and containers may be further detained until such proceedings are finally concluded.

**Forfeiture of seized goods**

- (3) Where a person is convicted of an offence against this Act or the regulation, the fish and containers by means of or in relation to which the offence was committed, upon such conviction, in addition to any penalty imposed, are forfeited to Her Majesty and may be disposed of as the Minister may direct. *R.S.P.E.I. 1974, Cap. F-9, s.7.*

**8. Arrest without warrant**

- (1) An inspector or constable may arrest without a warrant any person found committing an offence under this Act and shall forthwith take any person so arrested before a justice of the peace or provincial court judge to be examined and dealt with according to law.

**Limitation of period of detention**

- (2) A person arrested pursuant to subsection (1) shall not be detained in custody longer than twenty-four hours without an order of a justice of the peace or provincial judge. *R.S.P.E.I. 1974, Cap. F-9, s.8.*

**9. Unlawful change or destruction of documents, certificates, marks on containers etc.**

- (1) No person shall falsify or unlawfully alter, destroy, erase or obliterate any declaration, inspection certificate or other document made or issued under this Act or the regulations or any marks placed on any containers pursuant to this Act or the regulations.

**Penalties**

- (2) Every person who violates subsection (1) is guilty of an offence and is liable on summary conviction to a fine of not less than \$50 and not exceeding \$500 or to imprisonment for a term of not less than two months and not exceeding six months or to both fine and imprisonment. *R.S.P.E.I. 1974, Cap. F-9, s.9.*

**10. Sale of fish not fit for human consumption**

- (1) No person shall sell, offer or hold in possession for sale any fish intended for human consumption that is tainted, decomposed or unwholesome.

**Penalties**

- (2) Every person who violates subsection (1) is guilty of an offence and is liable on summary conviction to a fine of not less than \$100 and not exceeding \$500 or to imprisonment for a term of not less than three months and not exceeding six months or to both fine and imprisonment. *R.S.P.E.I. 1974, Cap. F-9, s.10.*

**11. Penalties, general**

Every person who violates any of the provisions of this Act or the regulations or any condition attached to any license issued under this Act or the regulations, for which no penalty is elsewhere provided in this Act or the regulations, is guilty of an offence and is liable on summary conviction to a fine of not less than \$500 and not more than \$5,000 or to imprisonment for a term not exceeding six months or to both fine and imprisonment. *R.S.P.E.I. 1974, Cap. F-9, s.11; 1994, c.20, s.1.*

**12. Disposition of fines and proceeds**

The Lieutenant Governor in Council may provide for the disposition of fines imposed for contraventions of this Act or the regulations and for the disposition of any proceeds from the sale of forfeited fish or containers. *R.S.P.E.I. 1974, Cap. F-9, s.12.*

**13. Appointment of inspectors and officers**

- (1) Such inspectors and other officers, clerks and employees as are necessary for the proper administration of this Act shall be appointed in the manner authorized by the Lieutenant Governor in Council.

**Inspector, oath of**

- (2) Every inspector appointed for the purpose of this Act shall, previous to his entering upon the duties of his office, take and subscribe to the following oath:

“I ..... of ..... in the County of ..... in the Province of ..... do swear that I will faithfully and honestly execute the office and trust committed to me of (name of office), and that I will not either directly or indirectly, engage in or in anywise carry on the business of trading or dealing in fish or marine plants during my term of office as ..... So help me God.” *R.S.P.E.I. 1974, Cap. F-9, s.13.*

**14. Onus of proof in prosecution**

Every offence against this Act or the regulations, and every violation of any of the conditions of any license issued under the Act or the regulations, shall, for the purposes of any prosecution, be deemed to have been committed and every cause of complaint under this Act or any regulation shall be deemed to have arisen in the place where the offence was actually committed, or the place where it was first discovered by an inspector or the place where the defendant resides or is found. *R.S.P.E.I. 1974, Cap. F-9, s.14.*

