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Fisheries Act

FISHERIES ACT REGULATIONS

[includes amendments up to B.C. Reg. 109/2002]

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Part 1 — Fees

Fees

1 (1) An applicant for a licence under Part 3 of the *Fisheries Act* shall pay the appropriate fee set out in Schedule IV.

(2) Where an applicant carries on more than one type of operation, whether or not on the same premises, he shall pay the appropriate licence fee for each operation.

(3) For the purpose of this section and Schedule IV:

"commercial salmon cannery" means a cannery that packs commercially caught salmon or both commercially caught and sport caught salmon;

"other fin fish" includes herring other than roe herring;

"roe herring" includes mature herring roe, immature herring roe and herring spawn on kelp;

"salmon processing plant" does not include a commercial salmon cannery.

[en. B.C. Reg. 127/82, s. 1; am. B.C. Reg. 394/85, s. 1.]

Sections Repealed

2 to 4 Repealed. [B.C. Reg. 127/82, s. 1.]

Part 2 — Harvesting and Processing of Marine Plants

Interpretation

5 For the purpose of this Part:

"**kelp**" includes the species Macrocystis integrifolia and Nereocystis luetkeana;

"**marine plants**" includes all benthic and detached algae, kelp and other aquatic plants including marine flowering plants, brown algae, red algae, green algae and phytoplankton;

"**harvest**" includes cut, take, dredge, rake or otherwise obtain marine plants;

"**area**" means that part of the sea and intertidal foreshore in which the holder of a marine plant harvesting licence is granted harvesting privileges;

"**group**" means a specific group of marine plants as listed in Schedule I to these regulations;

"**marine plant processing establishment**" includes any vessel, scow, barge, float or land based facility used to treat, cure, dry, emulsify or otherwise process any marine plant in the Province of British Columbia;

"**ton**" means metric ton (2 205 pounds).

Harvesting and processing of marine plants

6 (1) Repealed. [B.C. Reg. 127/82, s. 2.]

(2) A marine plant harvesting licence grants harvesting privileges for a group in a defined area, but no licence authorizes the harvest of marine plants from foreshore leased for any other purpose.

(3) The minister may determine the quantity of a specific marine plant group that may be harvested under each harvesting licence.

- (4) No person shall harvest marine plants except with equipment which meets the requirements of Schedule III to these regulations.
- (5) The minister may prescribe, in a harvesting licence, the manner in which the harvesting of any group or species of marine plant is carried out.
- (6) Every person engaged in harvesting marine plants shall ensure that all plants or portions thereof cut while harvesting are collected and removed at time of harvesting.
- (7) Where proper resource management dictates, the minister may order the suspension of marine plant harvesting in either the whole or any part or parts of an area for such period or periods as he deems necessary.
- (8) Every person who harvests marine plants shall keep an accurate written record of marine plants harvested monthly, and not later than the 10th day of each month following harvest shall submit a report to the minister in such form and containing such information as the minister may require. All records required by the regulations to be kept by a person harvesting marine plants shall be open at all times during business hours to inspection by an officer of the Marine Resources Branch.
- (9) Every person who harvests marine plants shall, immediately upon delivery to a marine plant processing establishment, enter into a book kept for the purpose the quantity and species of all marine plants harvested and the locality where harvest took place.
- (10) Every person who harvests marine plants shall pay to the Minister of Finance, not later than the 10th day of the month following harvest, a royalty on all marine plants harvested in accordance with Schedule II to these regulations.
- (11) Repealed. [B.C. Reg. 127/82, s. 2.]
- (12) Every person who operates a marine plant processing establishment shall enter into a book kept for the purpose the quantity and species of all marine plants received, and from whom received, immediately upon receipt of same.
- (13) All records required by these regulations to be kept by a person operating a marine plant processing establishment shall be kept in a form satisfactory to the minister, and shall be open at all times during business hours to inspection by an officer of the Marine Resources Branch.
- (14) Every person who operates a marine plant processing establishment shall render a statement, in a form satisfactory to the minister, to the Marine Resources Branch covering the record of operations for the previous month. Such record shall be rendered not later than the 10th day of the

month following for which the statement covers.

[am. B.C. Reg. 127/82, s. 2.]

Schedule I

[am. B.C. Reg. 499/92, s. 1.]

Group 1:

Macrocystis integrifolia

Nereocystis luetkeana

Group 2:

Laminaria spp.

Costaria costata

Cymathere triplicata

Agarum spp.

Hedophyllum sessile

Egregia menziesii

Pleurophycus gardneri

Pterygophora californica

Alaria spp.

Eisenia arborea

Group 3:

Gracilariopsis sjoestedtii

Endocladia muricata

Gracilaria spp.

Gilidium spp.

Ahnfeltia spp.

Gloipeltis furcata

Agardhiella tenera

Gymnogongrus spp.

Group 4:

Iridaea spp.

Gigartina spp.

Group 5:

Fucus spp.

Cystoseira geminata

Sargassum muticum

Group 6:

Porphyra spp.

Enteromorpha spp.

Rhodomenia spp.

Monostroma spp.

Ulva spp.

Group 7:

Zostera marina

Phyllospadix spp.

Group 8:

Salicornia spp.

Group 9:

Other marine plants

Schedule II

[en. B.C. Reg. 499/92, s. 2.]

Group Royalty/Tonne		Group Royalty/Tonne	
	Wet Weight		Wet Weight
	\$		\$
1	10	6	100
2	10	7	50
3	50	8	50
4	50	9	50
5	10		

Schedule III

(1) Kelp harvesting apparatus shall be so constructed that

(a) the kelp fronds or stalks are severed cleanly; the use of apparatus which strains or breaks the plant from its holdfast or tears or partially tears the holdfast from the substrate is prohibited, and

(b) it is impossible to cut fronds of Macrocystis integrifolia deeper than 5 feet below the water surface at any time during the harvest operation.

(2) Apparatus used to harvest Iridaea cordata and Gigartina exasperata shall be so constructed that

(a) the thallus is severed cleanly; the use of apparatus which tears or partially tears the holdfast from the substrate is prohibited,

(b) the substrate is not unduly disturbed; the use of apparatus which overturns the substrate is prohibited, and

(c) it selectively cuts only fronds longer than 10 cm in length.

[am. B.C. Reg. 127/82, s. 2.]

Part 3 — Culture and Harvesting of Shellfish

Interpretation

7 For the purpose of this Part:

"approved area" means a shellfish area where, in the opinion of the minister and the Minister of National Health and Welfare, shellfish are safe for direct consumption;

"contaminated area" means the areas designated by Schedule I of the Pacific Shellfish Regulations (P.C. 1977-2397, Canada) and areas declared contaminated under the Sanitary Control of Shellfish Fisheries Regulations (P.C. 1972-2406, Canada);

"culture" means the rearing, improvement, development and production of shellfish;

"Crown land" means such ungranted Crown or public land or Crown domain as is within the Province and belonging to Her Majesty in right of the Province, and whether or not any waters

flow over or cover the same, and includes any right, title or interest therein of the Crown;

"depuration" means the process of removing micro-organisms that may be dangerous to humans from live shellfish in a controlled environment;

"lease" means Crown land that has, by a lease granted under the *Land Act* and registered under the *Land Title Act*, been leased for the cultivation of shellfish;

"licence" means a licence of occupation to occupy and use temporarily Crown land for shellfish culture, subject to such terms, conditions and reservations deemed necessary by the Minister of Water, Land and Air Protection, but not exceeding a term of 10 years;

"licensed area" means Crown land in respect of which a licence of occupation under the *Land Act*, registered under the *Land Title Act*, has been granted for the cultivation of shellfish;

"relaying", with respect to shellfish, means the moving of shellfish from a contaminated area to an approved area for the purpose of natural biological cleansing;

"safe for direct consumption", with respect to shellfish, means that the shellfish are not unwholesome, as that word is defined in Part 4 and may be used for food without being subjected to depuration or relaying;

"shellfish" means oysters, clams, mussels and other bivalve molluscs, in all their stages of development, and includes parts of them;

"shellfish area" means an area in which shellfish are found;

"shellfish management area" means an area set aside under the authority of the Land Act, reserved from alienation to protect the culture of oysters, oyster seed production, and to preserve the ecological integrity of the area;

"transplanting", with respect to shellfish, means the moving of shellfish from one shellfish area to another shellfish area for any purpose other than natural biological cleansing.

[am. B.C. Regs. 13/78, s. 1; 109/2002, s. 3.]

Oysters

8 (1) No person shall, except by special permission of the minister,

(a) plant or introduce, or

(b) use or cause to be used any equipment to plant or introduce into an oyster bed or any waters of the Province

oysters, oyster seed, oyster cultch or oyster shells from outside the Province.

(2) No person shall, except by special permission of the minister, transport or cause to be transported from any area described below any oysters, oyster seed, oyster cultch, oyster shell, marine organisms adversely affecting oysters or any tools, boats, scows or other material used in connection with oyster culture or harvesting:

(a) *Boundary Bay Area*, which comprises all tidelands in Boundary Bay and Mud Bay inside (north) of the International Boundary line between Point Roberts and the Mainland (Blaine);

(b) *Crofton Area*, which comprises all tidelands surrounding the Shoal Islands between the Osborne Bay Lighthouse and the Bare Point Lighthouse at Chemainus;

(c) *Thetis Island Area*, which comprises

(i) all tidelands in North Cove inside (southeast) of a line drawn between Fraser Point and Pilkey Point,

(ii) all tidelands surrounding Hudson Island and Scott Island, and

(iii) all tidelands in Telegraph and Preedy Harbours inside (east) of a line drawn between Crescent Point and Active Point on Thetis Island;

(d) *Ladysmith Harbour Area*, which comprises all tidelands inside (west) of a line drawn between Sharpe Point and the white navigation beacon on Holland Bank;

(e) *Henry Bay Area*, which comprises all tidelands in Henry Bay inside (east) of a line drawn 169° true from Longbeak Point, the northerly tip of Denman Island;

(f) *Comox Harbour Area*, which comprises all tidelands inside (northeasterly) of a line drawn from Goose Spit to the outer end of the government dock in Comox Harbour;

(g) Repealed. [B.C. Reg. 13/78, s. 2.]

(3) No person shall, except by special permission of the minister, transport, or cause to be transported into any area described below, any oysters, oyster seed, oyster cultch, oyster shell,

marine organisms adversely affecting oysters or any tools, boats, scows or other material used in connection with oyster culture or harvesting:

(a) *Pendrell Sound Area*, which comprises all the waters and tide-lands of Pendrell Sound inside (northerly) of a straight line joining Durham Point and Walter Point;

(b) *Hotham Sound Area*, which comprises all the waters and tidelands of Hotham Sound inside (northerly) of a straight line joining Culloden Point and Foley Head.

(4) No person shall market oysters taken from a contaminated area unless they have been held

(a) on a non-contaminated lease or licensed area for 2 weeks or for a time specified by the Minister of Fisheries for Canada, or

(b) in a licensed depuration plant for 48 hours or for such longer time as may be specified by the minister

immediately before marketing.

[am. B.C. Reg. 13/78, s. 2.]

Harvesting of oysters from vacant Crown foreshore

9 (1) (a) No person shall take or have in his possession oysters for commercial purposes other than from a registered oyster lease or a registered oyster licensed area, except as authorized by a permit issued to him by the minister. A permittee under this subsection may only dispose of the oysters so taken to a registered oyster lease holder.

(b) A person who gathers oysters from Crown land for any purpose other than domestic consumption unconnected with any kind of commercial transaction, shall be conclusively deemed, for the purposes of these regulations, to have taken them for commercial purposes.

(c) A person who gathers oysters from Crown land shall be conclusively deemed, for the purposes of these regulations, to have taken them for commercial purposes unless on the day he gathers them

(i) he shucks them on the foreshore and their volume when shucked is 500 ml or less, or

(ii) he does not shuck them on the foreshore and they are 15 or fewer.

(d) A person who has in his possession more oysters than

(i) 30 oysters in the shell, or

(ii) 1 litre of shucked oysters

shall, where the oysters are from Crown land, be conclusively deemed, for the purposes of these regulations, to have them in his possession for commercial purposes.

(e) Paragraph (d) does not apply where a person acquires oysters that were not gathered in contravention of these regulations.

(2) The minister may issue permits for the purpose of this section, but each permit so issued

(a) shall require application on a form supplied by the minister, 30 days prior to the applied permit date,

(b) shall cover a specific operation over a specific area of Crown foreshore and shall be for a period not to exceed 30 days,

(c) shall exclude all dispositions made under the provisions of the *Land Act* either prior to or subsequent to the issuance of the permit,

(d) shall be under such terms and conditions as the minister may prescribe,

(e) shall be subject to the payment of a prescribed fee of \$75 for each area from which oysters are to be taken,

(f) shall be subject to the riparian rights of upland owners fronting on the Crown foreshore covered by the permit,

(g) shall require the permittee to leave the foreshore in a clean, safe and sanitary condition to the satisfaction of the minister,

(h) shall require the permittee to save the Crown harmless from any claims which may be made against the Province of British Columbia by reason of anything done, or left undone, by the permittee, and

(i) shall be subject to the Sanitary Control of Shellfish Fisheries Regulations (P.C. 1972-2406, Canada).

(3) Every person who is granted a permit to harvest oysters under this section shall render a statement, on a form supplied by the minister, within 10 days of the expiry date of such permit. This statement shall record the production and disposition of shellstock under the permit and shall be submitted to the Marine Resources Branch.

(4) Every person who harvests oysters under a permit granted under this section shall jointly with the statement in subsection (3) above pay to the Minister of Finance and Corporate Relations a royalty equal to \$25 per ton on all oysters (shellstock) taken.

(5) Any person who violates any provision of this section is liable, on summary conviction, to a fine of not less than \$25 and not more than \$1 000.

(6) Under this section, permits granted to take oysters commercially from foreshore fronting Indian reserves must require written upland owners' consent. Nothing in the foregoing shall prevent, restrict or control the harvesting of oysters in the above mentioned areas by an Indian, as defined in the *Indian Act*, for personal food purposes.

(7) Pursuant to this section, a permit issued for the harvesting of oysters from contaminated vacant Crown foreshore must comply with the Sanitary Control of Shellfish Fisheries Regulations, P.C. 1972-2406.

(8) Pursuant to this section, all harvesters must hold a valid personal commercial fishing licence.

[am. B.C. Regs. 13/78, ss. 3, 4; 499/92, s. 3.]

Section Repealed

10 Repealed. [B.C. Reg. 11/83.]

Shellfish management areas

11 The area known as Pendrell Sound, Redonda Island, New Westminster District, lying north of a straight line between Walter Point and Durham Point, is reserved from alienation to protect the culture of oysters, oyster seed production and to preserve the ecological integrity of the area:

(1) Pursuant to this section, all activities defined as oyster culture, conducted in the area known as Pendrell Sound, must have the special permission of the minister;

(2) Pursuant to this section, the part of Pendrell Sound that lies north of a line joining position 50° 15'12"N, 124° 43'50"W, and position 50° 14'47"N, 124° 43'21"W, is subject to Part II of

Schedule C of the Boating Restriction Regulations, *Canada Shipping Act*, P.C. 1973-770.

[am. B.C. Reg. 246/76.]

Part 4 — Sport Caught Fish Inspection

Interpretation

12 For the purpose of these regulations:

"**Act**" means the *Fisheries Act*;

"**commercial caught salmon**" means salmon that is taken for or intended for or used for sale or barter;

"**conservation officer**" means a conservation officer as defined in the *Wildlife Act*;

"**dead head**" or "**leaker**" means a can of sport caught fish that has not been properly sealed or has developed a leak;

"**decomposed**", in respect of sport caught fish, means fish that has an offensive or objectionable odour, flavour, colour or textural defect associated with spoilage;

"**establishment**" means the land, buildings, structures, machinery, appurtenances, appliances and apparatus occupied and used in the processing of sport caught fish;

"**fat can**" means a can of sport caught fish that has been overfilled to the extent that it is distorted;

"**flipper**" means a sealed can of sport caught fish, one end of which bulges with or without jarring after it has been processed and cooled;

"**game fish**" includes arctic grayling (*Thymallus arcticus*), brook (trout) char (*Salvelinus fontinalis*), brown trout (*Salmo trutta*), cutthroat trout (*Salmo clarki*), Dolly Varden (*Salvelinus malma*), kokanee (*Oncorhynchus nerka*), lake (trout) char (*Salvelinus namaycush*), large mouth bass (*Micropterus salmoides*), mountain whitefish (*Prosopium williamsoni*), rainbow (steelhead and Kamloops) trout (*Salmo gairdneri*), small mouth bass (*Micropterus dolomieu*);

"**inspector**" means an Inspector of Fisheries appointed under the Act;

"**operator**" means a person, or anyone acting on his behalf, who has been licensed by the Act to

operate an establishment;

"owner" means the person who delivers sport caught fish to the operator's establishment for processing;

"process" or **"processing"** includes any or all of the operations involved in the canning or freezing of sport caught fish and includes all packaging thereof;

"sport caught fish" means fish that is not intended for or used for sale or barter;

"sterilized", in respect of canned sport caught fish, means the absence of bacteria that are capable of growth in a can at a temperature of 35° C;

"swell" means a sealed can of sport caught fish, the top or bottom or both of which have been distorted outwards due to spoilage;

"tainted", in respect of sport caught fish, means fish that is rancid or has an abnormal odour or flavour;

"unwholesome", in respect of sport caught fish, means fish that has in or upon it bacteria of a kind and (or) quantity considered by the minister to be a hazard to human health, or substances toxic to man.

[am. B.C. Regs. 13/78, s. 6; 394/85, s. 2.]

General

13 (1) All sport caught fish, either frozen or canned or in the process of being frozen or canned, shall be subject to inspection by an inspector.

(2) No operator shall process or attempt to process any sport caught fish that is tainted, decomposed or unwholesome, or otherwise fails to meet the requirements of these regulations.

(3) An inspector may take samples of processed sport caught fish free of charge for the purpose of inspection.

(4) An operator shall make readily accessible to an inspector any processed sport caught fish for which inspection is required under these regulations.

(5) Canned sport caught fish shall be sterilized by a method approved by the minister.

(6) All sterilized canned sport caught fish, except canned sport caught fish packed in flat drawn cans, shall have sufficient vacuum to ensure that the ends do not bulge when the product is heated to a temperature of 95° F.

(7) A can of sport caught fish that is a dead head, leaker, flipper or swell, or otherwise defective, shall be disposed of by the owner, under the direction of an inspector, in such a way as to prevent the possibility of the contents being used for human consumption.

Licensing

14 (1) No person shall operate an establishment without first obtaining a licence under these regulations.

(2) The minister shall not issue a licence under these regulations unless he is satisfied the establishment meets the requirements of sections 16 and 17 of these regulations.

(3) The minister may cancel a licence where

(a) an establishment is not maintained in accordance with the requirements of these regulations, or

(b) any contamination considered a hazard to processing pursuant to these regulations is found in that establishment.

(4) Unless licensed pursuant to these regulations, no person shall can or otherwise process sport caught fish for other than his personal use.

(5) No person shall make available to the public premises and equipment to be used for the canning by the public of sport caught fish.

[am. B.C. Reg. 174/76.]

Markings

15 (1) Every can of sport caught fish packed in an operator's establishment shall be embossed with code markings that

(a) identify the establishment,

(b) indicate the day, month and year of canning, and

(c) identify the species contained therein in accordance with the following table:

Species	First Letter of Code Markings
Game fish	G
Salmon	O

(2) The lid of every can of sport caught fish that is packed in an operator's establishment shall be embossed with the words "sport fish — not for sale".

(3) In the initial stages of processing, each can used shall be marked in such a way as to identify the owner of the fish being processed, and such mark shall be clearly visible on completion of processing.

(4) The markings required by this section shall appear on one end of any case in which the cans are packed.

(5) All master containers of frozen sport caught fish shall be legibly marked in such a manner that the identity of the establishment, the owner of the fish, and the day, month and year of packaging can be determined by an inspector.

(6) Processed fish shall be delivered by the operator only to its owner.

(7) A copy of the key to every code used for the purposes of this section shall be delivered to the minister before the code is put into use.

Construction and equipment requirements

16 No person shall operate an establishment unless it is constructed and equipped as follows:

(1) The surface of floors in wet working areas where sport caught fish is received, held, processed or packaged shall be sloped for drainage purposes and constructed of concrete or such other material as the minister may approve.

(2) Floors in dry working areas shall be properly constructed of such material as the minister may

approve.

(3) Drains shall be an adequate size, suitable type and, where connected directly to a sewer, equipped with traps.

(4) Inside surfaces of walls in wet working areas where sport caught fish is received, held, processed or packaged shall be constructed of smooth, waterproof, light coloured material that is acceptable to the minister and that can be thoroughly washed.

(5) Rooms in which processing areas for sport caught fish are located shall have ceilings that are free from cracks or open joints and be constructed of smooth, washable, light coloured material acceptable to the minister.

(6) There shall be no exposed pipes other than faucets over working surfaces on which sport caught fish is processed.

(7) Adequate ventilation shall be provided in all processing areas.

(8) A minimum illumination of 50 foot-candles shall be provided on all working surfaces in processing areas.

(9) Adequate toilet facilities of a type approved by the minister shall be provided.

(10) Rooms in which toilet facilities are located shall have doors of a type approved by the minister.

(11) An adequate number of sanitary washbasins with a satisfactory supply of hot and cold water, liquid or powdered soap, air driers or single service towels shall be provided in a location approved by the minister.

(12) (a) An adequate supply of safe, sanitary water having a most probable number of coliform bacteria of 2 or less per 100 millimetres, or water from a source approved by the minister, under a minimum operating pressure of 20 pounds per square inch, shall be provided.

(b) Notwithstanding subsection (a), an establishment may use water other than water referred to in subsection (a) for fire protection, boilers or auxiliary services if there is no connection between the source of supply of that water or the systems providing the water referred to in subsection (a).

(13) The hot water system shall provide a supply of water at a minimum temperature of 110° F sufficient for the operations of the establishment.

(14) Facilities shall be available, at a convenient location, where protective hand coverings used in processing areas can be disinfected.

(15) Cutting, filleting and skinning boards shall be made of a single piece of planed lumber or other material that is smooth and without cracks and shall be constructed in a manner approved by the minister.

(16) Surfaces, other than cutting, filleting and skinning boards, on which sport caught fish is processed, shall be made of non-corrodible material, other than wood, and all joints on such surfaces shall be smooth and water tight.

(17) The frames and legs of all equipment on which sport caught fish is processed or packed shall be constructed of metal or other material approved by the minister.

(18) Tables shall be so constructed that they and the areas beneath can be cleaned readily.

(19) Containers, trays, tanks, vats and other utensils used for processing sport caught fish shall be of non-corrodible material, other than wood, and shall have a smooth surface, free from cracks and crevices.

(20) Boxes, carts, bins and other containers used in an establishment for holding sport caught fish before it is processed shall provide drainage and, if made of wood, shall be constructed of planed lumber or waterproof plywood coated with a material approved by the minister.

(21) (a) Containers in which offal is stored shall be water tight, have well fitted covers and be constructed of metal or other material approved by the minister.

(b) A concrete or other suitable surface, sloped for drainage purposes, shall be placed under elevated offal bins.

(22) Wood shall not be used for the construction of any part of a conveyer that comes in contact with sport caught fish, other than canned or packaged sport caught fish.

(23) Conveyer belts that come in contact with sport caught fish, other than canned or packaged sport caught fish, shall be fitted with a spray of water and, where practical, with a scraper.

(24) Flumes for conveying sport caught fish shall be constructed of non-corrodible material, other than wood, and shall be constructed in such a manner that they can be properly cleaned.

(25) Enamelled utensils shall not be used.

(26) An establishment wherein sport caught fish is canned shall have an adequate supply of steam maintained at a pressure sufficient for canning operations.

(27) An establishment wherein sport caught fish is canned shall be equipped with one or more

(a) sealing machines of a type approved by the minister, and

(b) retorts equipped with properly installed

(i) mercury in glass thermometer,

(ii) pressure gauge,

(iii) venting valves, and

(iv) approved temperature recorder.

Operating requirements

17 (1) In addition to the records required under the Act, the operator shall keep on file at the establishment a record to indicate

(a) the number, weight and species of sport caught fish delivered to the establishment and the date on which delivery is made,

(b) the name and address of the owner of sport caught fish delivered to the establishment,

(c) the number and size of cans of sport caught fish returned to the owner and the date on which such return is made,

(d) the number and weight of smoked or frozen sport caught fish returned to the owner and the date on which such return is made, and

(e) a record of the sterilization treatment used for each batch of sport caught canned fish, which shall be kept on file at the establishment for a period of not less than 12 months.

(2) An inspector or a conservation officer may, at any reasonable time, require to be produced for inspection, or for the purpose of obtaining copies thereof or extracts therefrom, any records which are required to be kept under the Act or these regulations.

- (3) Water used for cooling sterilized canned sport caught fish shall be chlorinated to give a chlorine residual of at least 2 parts per million, except where canned sport caught fish is cooled in a retort using a water supply approved by the minister.
- (4) Sport caught fish shall be adequately washed prior to processing.
- (5) Only clean ice made of water from a source approved by the minister shall be used in an establishment.
- (6) Any person who
- (a) is known to be suffering from any communicable disease,
 - (b) is a known "carrier" of any disease, or
 - (c) has an infected wound or open lesion on any portion of his body
- shall not be employed in any of the processing areas of an establishment.
- (7) Every person engaged in handling, processing or packaging sport caught fish shall wash his hands thoroughly with warm water and liquid or powdered soap after each absence from duty.
- (8) Employees who handle processed sport caught fish with their bare hands shall not wear fingernail polish.
- (9) Protective hand coverings worn by employees in the processing areas shall be disinfected at each break during the work shift.
- (10) All employees engaged in sport caught fish processing operations shall wear clean coveralls, smocks or coats and headgear of a type approved by the minister.
- (11) (a) Protective outer garments worn by employees in sport caught fish processing operations shall be clean.
- (b) Waterproof aprons, coats and pants shall be properly cleaned after each work shift.
- (12) No person shall smoke or spit in a processing area.
- (13) Floors in wet working areas shall be kept clean and be thoroughly washed and disinfected daily.

- (14) (a) Utensils coming in contact with processed sport caught fish, other than canned sport caught fish, shall be cleaned and disinfected at least once during and at the end of each work shift by a method approved by the minister.
- (b) At the end of each working day the utensils referred to in paragraph (a) shall be air dried and stored in a sanitary manner.
- (15) Equipment, including conveyer belts and tables, coming in contact with processed sport caught fish, other than canned sport caught fish, shall be cleaned and disinfected at the end of each work shift by a method approved by the minister.
- (16) Toilet facilities shall be maintained in satisfactory condition and a supply of toilet tissue shall be available in each toilet room.
- (17) Sewage, including liquid waste from processing operations, shall be disposed of in such a manner that the waste is inaccessible to flies and the establishment water supply will not become contaminated.
- (18) Offal or other refuse shall be removed from the processing area at least once daily and be handled in a manner satisfactory to the minister.
- (19) Offal containers shall be used only for offal.
- (20) Dogs, cats and other animals shall not be allowed in a processing establishment.
- (21) (a) A rodent and insect control program satisfactory to the minister shall be maintained in every establishment, and where pesticides and rodenticides are used the application thereof shall be made under the supervision of a responsible operator using proper equipment in a manner that prevents contamination of sport caught fish.
- (b) Pesticides and rodenticides referred to in paragraph (a) shall be of a kind approved by the minister.
- (22) Unnecessary material or equipment shall not be stored in the processing areas.
- (23) The area and beach surrounding and under the control of the establishment shall be kept clean.
- (24) Brushes, brooms, hoses and other equipment and material necessary for proper cleaning shall be available at all times in an establishment.

(25) Establishments and all equipment and utensils used in the operation of such establishments shall be kept in good repair and in a clean and sanitary condition.

Part 5 — Licence to Operate a Fish Buying Station

Licence to operate a fish buying station

18 (1) Every holder of a licence issued under section 13 (2) of the Act shall cause the licence or a certified copy of the licence to be kept on the premises referred to in the licence.

(2) Where an inspector of fisheries or an ex-officio inspector of fisheries

(a) gives proof that he is an inspector or ex-officio inspector of fisheries, and

(b) requests that the person in charge of a fish buying station produce the licence referred to in subsection (1),

the person to whom the request is made shall forthwith produce the licence or a certified copy of the licence.

(3) For the purposes of this section, "**person in charge**" includes the owner, the lessee, if any, and the person usually or actually in charge of a fish buying station.

(4) A person who contravenes this section commits an offence.

[en. B.C. Reg. 446/79.]

Part 6 — Fisherman's Vending Licence

Reporting requirements

19 (1) A fisherman who holds a fisherman's vending licence under section 13 of the Act must provide to the Department of Fisheries and Oceans (Canada), 555 West Hastings Street, Vancouver, B.C., V6B 5G3 on a weekly basis a record, prepared at the time of removal of fish from the fisherman's boat, of all fish removed since the previous report under this section, and must retain a copy for the fisherman's own records.

(2) The record must contain at least the following information:

(a) purchaser or offloader's name, address and telephone number;

- (b) fisherman's name and address;
- (c) date of purchase or offloading;
- (d) name and CFV number of catching vessel used;
- (e) description of gear used to harvest the fish and days spent fishing in each area;
- (f) area or areas of catch and days spent fishing in each area;
- (g) the individual species of each fish sold or offloaded;
- (h) the description of the product or landed form of each species sold or offloaded;
- (i) the number of fish (pieces) of each species sold or offloaded;
- (j) the weight of each species sold or offloaded;
- (k) the price paid for each species sold;
- (l) the total value of each species sold or offloaded.

(3) A person holding a licence under Part 3 of the Act who is required by section 20 (2) of the Act to keep a record, at the time and place of receiving the fish, of transactions with fish suppliers, must provide to the Department of Fisheries and Oceans (Canada), 555 West Hastings Street, Vancouver, B.C., V6B 5G3 on a weekly basis a record of all fish received from fish suppliers containing at least the information specified in subsection (2), and must retain a copy for the person's own records.

(4) The operator of a Fish Landing Station, as defined under the Pacific Fishery Regulations under the *Fisheries Act* (Canada), who offloads fish under section 17.1 of the Pacific Fishery Regulations must submit to the Department of Fisheries and Oceans (Canada), 555 West Hastings Street, Vancouver, B.C., V6B 5G3 on a weekly basis a record substantially in the forms in Schedule V, and must retain a copy for the operator's own records.

[en. B.C. Reg. 188/94, s. 1.]

Part 7 — Licensee's Record Requirements

Records of transactions with fish suppliers

20 Repealed. [B.C. Reg. 188/94, s. 1.]

Schedule IV

[en. B.C. Reg. 281/94.]

Fees

Licence	Annual Fee \$
<hr/>	
Fish Cold Storage Plant	
in excess of 80 cubic metres capacity	420
80 cubic metres capacity or less	110
Fish Buying Station	
to buy salmon	230
to buy roe herring	230
to buy other fin fish	150
to buy invertebrates	150
Fish or Marine Plants Processing Plant	
to process salmon	
at a commercial salmon cannery that produces 72 000 lbs. or more of canned salmon a year	1 800

at a commercial salmon cannery that produces less than 72 000 lbs. of canned salmon a year	900
at a salmon processing plant	640
to process roe herring	640
to process other fin fish	290
to process invertebrates	290
to process marine plants	210
to process sport caught fish	210
to process fish at a plant where the entire production of the plant is exclusively not for human consumption	210
to process freshwater fish	50
Marine Plant Harvesting Licence	110
Fisherman's Vending Licence	30

Schedule V

(en. B.C. Reg. 188/94, s. 2.)

Table 1

<p>FISH LANDING</p> <p>SUMMARY</p>	<p>Company:</p> <p>Landing Station:</p>
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LANDING STATION SHIPPING CERTIFICATE

Landing
Station

Company
(Shipper)

Carrier

Shipping
Date

Destination Name
& Address

Seal
Numbers

Containers	Description (Specie/Size)	Gross Weight	

← Total Containers Total Gross Weight:			

Remarks

We certify that the above information is complete and correct

Authorized Representative of Shipper

Carrier

Schedule VI

Repealed [B.C. Reg. 281/94.]

[Provisions of the *Fisheries Act*, R.S.B.C. 1996, c. 149, relevant to the enactment of this regulation:
section 26 (1)]

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