

CHAPTER 151

Fish Inspection Act

- Title.** 1. This Act may be cited as the *Fish Inspection Act*. 1955, c. 25, s. 1.
- Interpretation.** 2. In this Act, unless the context otherwise requires,
 "container" includes any type of receptacle or package used in holding, storing, packing, or marketing fish;
 "establishment" means any place where fish are handled, processed, graded, or stored;
 "fish" means any fish, including shell-fish and crustaceans, and marine animals, and any parts, products, or by-products thereof;
 "Inspector" means an Inspector appointed under this Act;
 "marketing" means buying, selling, or holding in possession, offering, or advertising for sale;
 "Minister" means the Minister of Recreation and Conservation;
 "processing" includes cleaning, filleting, smoking, salting, icing, packing, freezing, cooking, pickling, drying, or preparing fish for market in any other manner;
 "regulations" means regulations made under this Act;
 "vehicle" includes any steamship, vessel, boat, railway car, truck, carriage, car, aircraft, or any other means of carriage used for transporting fish. 1955, c. 25, s. 2.
- Minister to administer Act.** 3. The Minister shall administer this Act. 1955, c. 25, s. 3.
- Staff.** 4. (1) The Lieutenant-Governor in Council may appoint such Inspectors, officers, clerks, and other employees as are necessary for the proper administration of this Act.
- Oath.** (2) Every Inspector shall, before he enters upon the duties of his office, take and subscribe to the following oath:—
 I, _____, of _____, in the _____ of _____, in the Province of British Columbia, do swear that I will faithfully and honestly execute the office and trust committed to me of an Inspector under the *Fish Inspection Act*; that I will not, except in the discharge of my duties, disclose to any person any information that may come to me as such Inspector; and that I will not, either directly or indirectly, engage in or in any way carry on the business of trading or dealing in fish or marine plants during my term of office as Inspector of Fisheries. So help me God. 1955, c. 25, s. 4.
- Regulations.** 5. (1) The Lieutenant-Governor in Council may, for the purpose of regulating the marketing of fish and containers locally within the Province, make regulations
 (a) prescribing grades, qualities, and standards of fish for marketing;

- (b) respecting the handling, processing, storing, grading, packaging, marking, transporting, marketing, and inspecting of fish;
- (c) respecting the quality and specifications for containers and the marking and inspection of containers;
- (d) requiring the registration of establishments and the licensing of persons handling, processing, storing, grading, transporting, and marketing fish, and of vehicles and establishments, and prescribing and attaching conditions to licences;
- (e) prohibiting the handling, processing, storing, grading, transporting, and marketing of fish, and the operation of vehicles and establishments, except under licence issued in accordance with the regulations;
- (f) prescribing the requirements for the equipment and sanitary operation of establishments, and of vehicles or other equipment used in connection with an establishment or in connection with fishing or the marketing of fish;
- (g) prescribing fees for registration of establishments, for issue of licences, and for grading and inspection services;
- (h) 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 have been complied with;
- (i) prohibiting the marketing of any fish or containers under any name calculated to mislead or deceive;
- (j) prescribing the manner in which samples of any fish may be taken;
- (k) prohibiting or restricting the marketing of any fish or containers, unless all the requirements of this Act and the regulations have been complied with;
- (l) prescribing certificates that may be issued in respect of any inspection made under this Act or the regulations;
- (m) prescribing the procedure to be followed in any appeal to the Minister under this Act;
- (n) providing for any other thing connected with the marketing and inspection of fish and containers locally within the Province not inconsistent with the provisions of this Act.

Effective
date.

(2) Regulations made under subsection (1) shall be published in the Gazette, and have effect from the date of publication or from such date as may be stated in the regulations. 1955, c. 25, s. 5.

Issuance of
licences.

6. Notwithstanding anything contained in this Act, the Lieutenant-Governor in Council shall have absolute discretion to refuse to issue any licence required under this Act. 1955, c. 25, s. 6.

Powers of
Inspectors.

7. (1) An Inspector may at any time

- (a) enter any establishment or any vehicle, steamship, boat, car, or aircraft 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 relating to the processing, transporting, and marketing of fish;
- (c) take any samples of fish required for inspection.

Interference
with
Inspectors.

(2) No person shall obstruct, impede, or refuse to admit an Inspector or other authorized 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 authorized person. 1955, c. 25, s. 7.

Appeal.

8. A person 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 regulations. 1955, c. 25, s. 8.

Inspectors
may adminis-
ter oaths.

9. For the purposes of this Act, Inspectors may administer oaths and take and receive affidavits, declarations, and affirmations. 1955, c. 25, s. 9.

Seizure of
fish and
containers.

10. (1) Whenever an Inspector believes, on reasonable grounds, that an offence against this Act or the regulations 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 and
containers.

(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 the proceedings are finally concluded.

Disposal of
fish seized.

(3) Where a person is convicted of an offence against this Act or the regulations, 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, and any proceeds accruing from the sale of such direction shall be paid to the Minister of Finance and become part of the Consolidated Revenue Fund.

Return of
fish or pro-
ceeds of sale
to owner.

(4) Where fish have been seized under subsection (1) of this section and the person charged is acquitted of the charge made against him, the Inspector or other person having the custody of the fish and containers so seized under subsection (1) shall

- (a) return them to the person from whom they were seized; or
- (b) where the fish have been disposed of, cause the proceeds of the sale to be paid to the person from whom the fish and containers were seized. 1955, c. 25, s. 10.

Falsification,
etc., of cer-
tificates, etc.

11. (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.

Penalty.

(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 fifty dollars or more than five hundred dollars, or to imprisonment for a term of not less than two months or more than six months, or to both fine and imprisonment. 1955, c. 25, s. 11.

Fish for sale
to be fit for
human food.

12. (1) No person shall sell, offer for sale, or hold in possession for sale any fish intended for human consumption unless the fish is wholesome and fit for human food.

Penalty for
violation of
subsec. (1).

(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 twenty-five dollars or more than five hundred dollars, or to imprisonment for a term of not less than three months or more than six months, or to both fine and imprisonment. 1955, c. 25, s. 12.

General
penalty.

13. Every person who violates any of the provisions of this Act or of the regulations, or any condition attached to any licence issued under this Act or the regulations, for which no penalty is elsewhere provided in this Act, is guilty of an offence and is liable, on summary conviction, to a fine not exceeding five hundred dollars, or to imprisonment for a term not exceeding six months, or to both fine and imprisonment. 1955, c. 25, s. 13.

Where
offences
deemed to
have been
committed.

14. Every offence against this Act or the regulations, and every violation of any of the conditions of any licence issued under this Act or the regulations, shall, for the purpose of any prosecution, be deemed to have been committed, and every cause of complaint under this Act or the regulations, or any of the conditions of any licence issued under this Act or the regulations, 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. 1955, c. 25, s. 14.

Coming
into force.

15. This Act shall come into force on a day to be fixed by Proclamation of the Lieutenant-Governor in Council. 1955, c. 25, s. 15.