

# **Fisheries (Fish Processing Establishments) (Amendment) Rules 1996**

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#### **FISHERIES ACT (CHAPTER 111)**

#### **FISHERIES (FISH PROCESSING ESTABLISHMENTS) (AMENDMENT) RULES 1996**

In exercise of the powers conferred by section 7 of the Fisheries Act, the Minister for National Development hereby makes the following Rules:

1. These Rules may be cited as the Fisheries (Fish Processing Establishments) (Amendment) Rules 1996 and shall come into operation on 12th January 1996.

2. Rules 7, 8, 9, 10 and 11 of the Fisheries (Fish Processing Establishments) Rules (R 5) are deleted and the following rules and Schedule substituted therefor:

#### **“Issue of licence**

7.—(1) The Director may, on being satisfied that the applicant for a fish processing establishment licence has complied with the conditions specified in rule 6, and upon payment by the applicant of the fee specified in the Schedule, issue a licence to the applicant, with or without additional conditions.

(2) The Director may, in his discretion, refuse to issue a licence without assigning any reason.

(3) The Director may at any time vary or revoke any existing condition of a

licence or impose additional conditions thereto.

(4) Where a licence is subject to conditions, the licensee shall comply with those conditions.

### **Validity of licence**

**8.** A licence —

- (a) may, at the discretion of the Director, be issued for a period of one year or 3 years;
- (b) shall be valid only for the period, place and purposes specified therein; and
- (c) shall not be transferable except with the prior written permission of the Director.

### **Licence to be displayed**

**9.** A licence issued under these Rules shall be displayed in a conspicuous place in the fish processing establishment together with a copy of the conditions subject to which the licence has been issued, if any.

### **Revocation of licence**

**10.—(1)** The Director may, by order, revoke a licence —

- (a) if he is satisfied that the licensee —
  - (i) has ceased to carry on the business for which he has been licensed or, if the licensee, being a company, goes into liquidation or is wound up or otherwise dissolved;
  - (ii) has obtained his licence contrary to the provisions of the Act;
  - (iii) is no longer a fit and proper person to continue to hold a licence;
  - (iv) is contravening or has contravened any of the provisions of the Act or these Rules; or
  - (v) has been convicted of an offence under the Act or these Rules or, if the licensee is a company, any of its officers

holding a managerial or executive position has been convicted of an offence under the Act or these Rules;

(b) if he finds any condition in the fish processing establishment in respect of which the licence has been issued is or may become dangerous to health or may hinder in any manner the suppression of disease; or

(c) if he considers it in the public interest to do so.

(2) Where the Director has revoked a licence under paragraph (1), he shall forthwith inform the licensee by notice in writing of the revocation.

(3) The licensee may, within 7 days of receipt of the notice referred to in paragraph (2), or such extended period of time as the Minister may allow, appeal in writing against the revocation to the Minister whose decision shall be final.

(4) Where the Director has revoked a licence, the revocation shall take effect notwithstanding that an appeal to the Minister has been made and a decision is pending.

### **No alteration to building**

**11.** No alteration or change shall be made to the buildings or premises of a fish processing establishment unless plans of the alteration or change are first submitted to the Director and his prior written approval obtained.

### **Information to be given**

**12.—(1)** A licensee of a fish processing establishment shall, on demand being made therefor by an officer appointed by the Director, provide such officer with information on the techniques or procedures used for the processing of fish in the fish processing establishment.

(2) The licensee shall, on demand being made therefor by an officer appointed by the Director, supply such officer with samples of any preservatives, dye-stuff and any other ingredient used in the processing of fish in the fish processing establishment, and the markings made on the fish or embossed on the tin cans in which the fish is contained, together with the meanings of such markings.

(3) The Director may give such directions as he thinks fit on the use of such preservatives, dye-stuff or other ingredient or markings.

### **Samples**

**13.—**(1) An officer appointed by the Director may at any time enter upon or into a fish processing establishment and take or cause to be taken from the fish processing establishment samples of fish processed or to be processed therein, or any preservative, dye-stuff or any other ingredient used in the manufacture thereof for laboratory analysis or examination.

(2) Where such samples are taken pursuant to paragraph (1), 3 samples of the fish, preservative, dye-stuff or other ingredient of about the same quantity shall be collected, sealed, labelled and dated by the officer appointed by the Director who shall also sign his name on each sample; one sample shall be retained by the licensee of the fish establishment, and 2 samples shall be taken by the officer appointed by the Director.

(3) Where an officer appointed by the Director requires more samples of the fish, preservative, dye-stuff or other ingredient for laboratory analysis or examination, the licensee shall provide the officer with more samples, unless the officer is satisfied that more samples cannot be obtained.

(4) The Director may inform the licensee in writing of the results or findings of the analysis or examination.

(5) The results or findings of the analysis or examination shall not be used for advertising any fish processing establishment or fish processed therein.

### **Results of analysis of samples**

**14.—**(1) Where the Director is of the opinion as a result of any analysis or examination of samples of any fish, preservative, dye-stuff or any other ingredient used in the manufacture thereof under rule 13 that the fish, preservative, dye-stuff or other ingredient is likely to cause illness or disease or is otherwise unfit for human consumption, he may direct the licensee of the fish processing establishment from which the samples were taken to destroy the fish, preservative, dye-stuff or other ingredient or to take such measures or perform and do such act and things as are, in his opinion, necessary to render the fish, preservative, dye-stuff or other ingredient fit for human consumption.

(2) No licensee of a fish processing establishment shall process fish or use preservative, dye-stuff or other ingredient that is likely to cause illness or disease or is otherwise unfit for human consumption.

### **No employment of sick persons**

**15.—**(1) No licensee shall employ or permit a person suffering from tuberculosis, vesicular disease, typhoid fever, persistent dermal disease, sores or