

A BILL

ENTITLED

AN ACT to Amend the Aquaculture, Inland and Marine Products and By-Products (Inspection, Licensing and Export) Act; to change the name of the Act; and for related matters.

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BE IT ENACTED by The Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Representatives of Jamaica, and by the authority of the same, as follows:—

1. This Act may be cited as the Aquaculture, Inland and Marine Products and By-Products (Inspection, Licensing and Export) (Change of Name and Amendment) Act, 2013, and shall be read and construed as one with the Aquaculture, Inland and Marine

**Short title
construction
and
commence-
ment.**

Products and By-Products (Inspection, Licensing and Export) Act (hereinafter referred to as the principal Act) and shall come into operation on a day to be appointed by the Minister, by notice published in the *Gazette*.

Amendment of title and section 1 of principal Act.

2. The principal Act is amended by deleting from the title and section 1, the words enclosed in the parentheses and substituting therefor the words "Inspection and Licensing".

Amendment of section 2 of principal Act.

3. The principal Act is amended—

(a) in the definition of "aquaculture" by inserting immediately after the words "including fish" the words "(other than ornamental fish)";

(b) by deleting the definition of "carrier vessel" and substituting therefor the following—

"carrier vessel" means a motorized vessel used only to transport any aquaculture, inland or marine product or any of its by-products from a licensed factory vessel or freezer vessel to a loading dock;"

(c) by inserting in the correct alphabetical sequence the following definitions—

"canoe" means a boat that is partially decked or without a deck used for handling or harvesting any aquaculture, inland or marine product or any of its by-products and which (except in the case of a dory) is not kept on a carrier vessel, factory vessel or freezer vessel, but used along with the carrier vessel, factory vessel or freezer vessel for such handling or harvesting;

"certificate" means a certificate issued under this Act;

"cold storage facility" means any building or other premises fitted with an appropriate refrigeration system for holding or storing any

aquaculture, inland and marine product or any of its by-products, which is licensed by the competent authority;

“consignee” means any person to whom aquaculture, inland or marine products or their by-products are sent by a consignor, whether locally or internationally for export;

“demarcated” means prescribed in relation to any production area or relay area;

“designated” means prescribed by order published in the *Gazette*;

“dory” means a small canoe kept on board a factory vessel or freezer vessel and used for handling or harvesting queen conch;”;

(d) by deleting the definition of “consignment” and substituting therefor the following—

“consignment” means any aquaculture, inland or marine products or any of their by-products which—

(a) have been harvested, handled or processed in a licensed factory vessel, freezer vessel or processing establishment and are intended for export; or

(b) are intended for import;”;

(e) by deleting the definition of “consignor” and substituting therefor the following—

“consignor” means a person who operates a licensed processing establishment, or licensed factory vessel, freezer vessel or carrier vessel and exports any aquaculture, inland or marine product or any of its by-products;”;

- (f) by deleting the definition of “enter for export” and substituting therefor the following—

“enter for export” means the presentation of any aquaculture, inland or marine product or any of its by-products to the competent authority for the purpose of export;”;

- (g) in the definition of “equipment” by deleting the word “apparatus” and substituting therefor the word “apparati”;

- (h) in the definition of “factory vessel” by deleting the words “for export”;

- (i) by deleting the definition of “freezer vessel” and substituting therefor the following—

“freezer vessel” means any motorized mother, fishery or fishing boat or ship on which the handling, freezing and storage of any aquaculture, inland or marine product or any of its by-products takes place;”;

- (j) by deleting the definition of “fit for export” and substituting therefor the following—

“fit for export” means fit for human consumption and conforming to the standards for export prescribed by this Act or any regulations made hereunder;”;

- (k) by inserting next after the definition of “fit for export” the following definition—

“fit for import” means fit for human consumption and conforming to the standards for import prescribed by this Act or any regulations made hereunder;”;

- (l) by deleting the definition of “handling” and substituting therefor the following definition—

“handling” means the touching, lifting, general managing, carrying, packaging or any other

activity involving contact with any aquaculture, inland or marine product or any of its by-products;”;

- (m) by inserting next after the definition of “harvesting” the following definition—

“housing vessel” means any vessel which meets the standards for housing crew and equipment at sea as may be prescribed by the competent authority;”;

- (n) by inserting next after the definition of “identification number” the following definition—

“import” means to take into or cause to be taken into Jamaica or the waters thereof;”;

- (o) by deleting the definition of “licensed vessel” and substituting therefor the following—

“licensed” in relation to—

- (a) a vessel, means a factory vessel, freezer vessel, carrier vessel, housing vessel, canoe or dory, as the case may be operated by a licensee holding a licence for operating as such;
- (b) a cold storage facility or processing establishment means such a facility or establishment operated by a licensee holding a licence for operation as such;

- (p) by deleting the definition of “marine product” and substituting therefor the following—

“marine product” includes fish, lobster, conch, bivalve molluscs, marine gastropods, shrimps and all other aquatic animals, or the parts thereof including their roe;”;

- (q) by deleting the definition of “operator” and substituting therefor the following—

“operator” means the owner, director, controller or other person in charge of or responsible for the operations of a cold storage facility, processing establishment, factory vessel, freezer vessel, carrier vessel, housing vessel, dory or canoe, and includes a charterer, lessee and master;”;

- (r) by deleting the definition of “operating certificate” and substituting therefor the following—

“operating certificate” means a certificate issued by the competent authority pursuant to this Act stating that a cold storage facility, processing establishment, factory vessel, freezer vessel, carrier vessel, housing vessel, dory or canoe or consignor is licensed under this Act;”;

- (s) by deleting from the definition of “processing establishment” the words “for export”;

- (t) by inserting immediately after the definition of “relay area” the following definition—

“trading” means importing, exporting, buying or selling on the Jamaican market, whether for monetary value or exchange;”.

Amendment of
section 3 of
principal Act.

4. Section 3 of the principal Act is amended by deleting paragraph (a) and substituting therefor the following—

“(a) to advance public health and safety standards for any aquaculture, inland and marine product or any of its by-products intended for human consumption;”.

Amendment of
section 5 of
principal Act.

- 5.—(1) Section 5 of the principal Act is amended—

- (a) in subsection (1) by—

- (i) deleting from paragraph (a) all the words preceding sub-paragraph (ii) and substituting

therefor the following—

“to inspect cold storage facilities, processing establishments, factory vessels, freezer vessels, carrier vessels, housing vessels, dories and canoes in order to—

(i) tag any—

(A) aquaculture, inland or marine product or any of its by-products and any room, container or package in which they are stored which contravene or which the Inspector believes to contravene the requirements of this Act and any regulations made hereunder;

(B) equipment which is not in use or should not be used;”;

(ii) deleting sub-paragraph (vi) of paragraph (a) and substituting therefor the following—

“(vi) determine the suitability of any cold storage facility, processing establishment,

factory vessel, freezer vessel, carrier vessel, housing vessel, dory or canoe, intended to be used for the harvesting, handling or processing of any aquaculture, inland or marine product or any of its by-products, to be granted a licence and an operating certificate under this Act or any regulations made hereunder;”;

- (iii) deleting sub-paragraph (ii) of paragraph (b) and substituting therefor the following—

“(ii) determining the microbiological quality of any aquaculture, inland or marine product or any of its by-products in relation to such areas;”;

- (iv) deleting from paragraph (e) the word “export” and substituting therefor the words “human consumption”;
- (v) inserting in paragraph (h) immediately after the words “examine any” the word “room;”;
- (vi) inserting in paragraph (j) immediately after the word “any” the words “building or other place cold storage facility;”;

- (vii) inserting in paragraph (k) immediately after the word “which” the words “operators and”;
- (b) by renumbering subsection (3) as subsection (2); and
- (c) by deleting paragraph (a)(i) of subsection (2) as renumbered and substituting therefor the following—
 - “ (i) detain any aquaculture, inland or marine product or any of its by-products or any article which is at any processing establishment, cold storage facility, building or other place or on any factory vessel, freezer vessel, carrier vessel or housing vessel, dory or canoe, container, vehicle or aircraft, if he reasonably believes that there has been a contravention of any provision of this Act or any regulations made hereunder;”;
- (d) by deleting paragraph (b) of subsection (2) as renumbered and substituting therefor the following—
 - “ (b) prohibit the landing, trade, sale, receipt, storage, transportation, import or export of any aquaculture, inland or marine product or any of its by-products that he reasonably believes was harvested, handled, processed, stored or transported in contravention of this Act or any regulations made hereunder;”;
- (e) by inserting immediately after subsection (2), as renumbered, the following as subsection (3)—
 - “ (3) An inspector shall report to the competent authority in writing, any findings and actions in respect of his duties under this Act.”.

Amendment of
section 6 of
principal Act.

6. Section 6 of the principal Act is amended—

- (a) by deleting the numeral “(1)”;
- (b) by deleting from the opening words, the word “shall”;
- (c) in paragraph (a), by inserting the word “shall” immediately before the word “develop”;
- (d) in paragraph (b), by inserting the word “may” immediately before the word “provide”;
- (e) by deleting paragraph (c) and substituting therefor the following—

“(c) shall grant licences, permits, export health certificates and certificates—

- (i) in respect of the harvesting, handling or processing of any aquaculture, inland or marine product or any of its by-products;
 - (ii) for the operation of cold storage facilities, processing establishments, factory vessels, freezer vessels, carrier vessels, housing vessels, dories or canoes or for import of any aquaculture, inland or marine product or any of its by-products;”;
- (f) in paragraph (d), by inserting the word “may” immediately before the word “promote”;
 - (g) by deleting paragraph (e) and substituting therefor the following—

“(e) shall ensure and verify that aquaculture, inland or marine products are—

- (i) fit for human consumption; and
- (ii) are harvested exclusively from demarcated production areas;”;

- (h) by deleting paragraph (f) and substituting therefor the following—

“(f) shall establish and maintain an official register of all licensed cold storage facilities, processing establishments, vessels and consignors;”;

- (i) by deleting paragraph (g);
- (j) by deleting paragraph (h) and substituting therefor the following—

“(h) shall issue a licence and export health certificate for each consignment in accordance with this Act or any regulations made hereunder;”;

- (k) in paragraph (i), by inserting the word “may” immediately before the word “operate”;
- (l) in paragraph (j), by inserting the word “may” immediately before the word “establish”;
- (m) by deleting paragraph (k) and substituting therefor the following—

“(k) shall assign an identification number to every cold storage facility, licensed processing establishment, licensed vessel and consignor;”;

- (n) in paragraph (l) by inserting the word “shall” immediately before the word “demarcate” and inserting the words “and designated ports for landing” immediately after the words “production areas;”;
- (o) in paragraph (m) by inserting the word “shall” immediately before the word “compile” and inserting the words “and designated ports for landing” immediately after the word “areas”;

- (p) by deleting paragraphs (n), (o) and (p) and substituting therefor the following as paragraphs (n), (o), (p), (q), (r), (s) and (t)—

- “(n) shall monitor, as far as practicable, demarcated production areas and designated ports for landing, to ensure compliance with the provisions of this Act and any regulations made hereunder;
- (o) shall order the closure of a designated port for the purpose of landing fishery products, where the conditions are such as to compromise the sanitary condition of the products;
- (p) shall perform such other functions pertaining to the monitoring of harvesting, handling, processing and transportation of any aquaculture, inland or marine product or any of its by-products as may be assigned to it, from time to time, by the Minister;
- (q) may carry out such investigations as it or the Veterinary Committee considers necessary in relation to the operation of any licensed cold storage facility, processing establishment, vessel or any consignor;
- (r) shall prepare and submit to the Veterinary Committee annual reports regarding the production, export and import of any aquaculture, inland or marine product or any of its by-products;
- (s) may initiate, carry out or support research which, in its opinion or that of the Veterinary Committee, is relevant to any of its functions;
- (t) shall determine, after consultation with the Veterinary Committee, the method of shipment and packaging necessary for the transport of any aquaculture, inland or marine product or any of its by-products.”.

7. The principal Act is amended by inserting next after section 6, the following as section 6A—

Insertion of
new section
6A in principal
Act.

“ Laboratory,
diagnostic
or
monitoring
services.

6A. Every person or operator who uses the laboratory, diagnostic or monitoring services of the competent authority shall pay the charges for the cost of provision of those services as are determined by the competent authority.”.

8. Section 8 of the principal Act is amended—

Amendment of
section 8 of
principal Act.

(a) in subsection (1)—

- (i) by deleting paragraphs (a), (b), (d) and (f);
- (ii) in paragraph (e) by inserting the words “monitoring, production, transport, import and” immediately after the words “relating to the”;
- (iii) in paragraph (g) by inserting the words “harvesting, handling, processing, transport, import and” immediately after the words “pertaining to the”;

(b) by deleting subsection (2), and substituting therefor the following—

“ (2) The Veterinary Committee shall consider and where satisfied that it is appropriate to do so, make recommendation in respect of—

- (a) the grant of licences and operating certificates for cold storage facilities, consignors, processing establishments, factory vessels, freezer vessels, carrier vessels, housing vessels, dories and canoes; and
- (b) the monitoring, production, import and export of aquaculture, inland or marine products or their by-products.”.

(c) in subsection (3) by—

- (i) deleting the word “and” at the end of paragraph (b);
- (ii) deleting the full stop at the end of paragraph (c) and substituting therefor a semicolon and the word “and”; and
- (iii) inserting next after paragraph (c) the following as paragraph (d)—
 - “(d) utilize such experts or other technical or professional assistance as it considers necessary.”.

Replacement
of heading to
Part IV of
principal Act.

9. The principal Act is amended by deleting the heading to Part IV and substituting therefor the following—

“PART IV. *Restrictions on the Import and Export of Aquaculture, Inland or Marine Products or their By-Products and the Operation of Cold Storage Facilities, Processing Establishments, Factory Vessels, Freezer Vessels, Carrier Vessels, Housing Vessels, Dories and Canoes*”.

Amendment of
section 9 of
principal Act.

10. Section 9 of the principal Act is amended by deleting paragraphs (a) and (b) and substituting therefor the following—

- “(a) import, export, enter for export or trade locally in any aquaculture, inland or marine product or any of its by-products; or
- (b) operate a cold storage facility, processing establishment, factory vessel, freezer vessel, carrier vessel, housing vessel, dory or canoe for the production, harvesting, processing, handling, storage or transport of any aquaculture, inland or marine product or any of its by-products.”.

Replacement
of heading to
Part V of
principal Act.

11. The principal Act is amended by deleting the heading to Part V and substituting therefor the following—

“PART V. *Application, Grant, Refusal, Suspension and Revocation of Licences, Certificates, Permits and Appeal*”.

12. Section 10 of the principal Act is repealed and the following substituted therefor—

Repeal and replacement of section 10 of principal Act

“ Application for licence to export, import, harvest, etc. aquaculture, etc.

10.—(1) Every person who proposes to export any aquaculture, inland or marine product or any of its by-products shall apply in the prescribed form and manner to the competent authority for a licence to do so.

(2) Every person who proposes to export a consignment of any aquaculture, inland or marine product or any of its by-products, shall apply in the prescribed form and manner to the competent authority for a licence to do so.

(3) Every person who proposes to harvest, handle or process any aquaculture, inland or marine product or any of its by-products, shall apply in the prescribed form and manner to the competent authority for a licence to do so.

(4) Every person who proposes to import any aquaculture, inland or marine product or any of its by-products, shall apply in the prescribed form and manner to the competent authority for a permit to do so.

(5) An application under this section, shall be accompanied by the prescribed application fee and inspection fees and such information or documents, if any, as the competent authority may require.

(6) Upon the grant of a licence, permit or certificate under this section, the applicant shall pay the appropriate prescribed fee.”

13. Section 11 of the principal Act is amended by—

Amendment of section 11 of principal Act.

(a) deleting subsection (1) and substituting therefor the following—

“ (1) Every person who proposes to operate a cold storage facility, processing establishment,

factory vessel, freezer vessel, carrier vessel, housing vessel, dory or canoe for the harvesting, handling, processing, transportation or storage of any aquaculture, inland or marine product or any of its by-products, shall apply to the competent authority in the prescribed form and manner for a licence to do so.”;

(b) inserting next after subsection (2) the following as subsection (3)—

“ (3) Upon the grant of a licence, the applicant shall pay the prescribed licensing fees.”.

Amendment of
section 12 of
principal Act.

14. Section 12 of the principal Act is amended by deleting subsection (1) and substituting therefor the following—

“ (1) Within twenty-one days of receipt of an application under section 11, the competent authority shall cause an inspector to carry out an inspection of the cold storage facility, processing establishment, factory vessel, freezer vessel, carrier vessel, housing vessel, dory or canoe to which the application relates.”.

Amendment of
section 13 of
principal Act.

15. Section 13 of the principal Act is amended by inserting the words “, permit or a certificate” immediately after the word “licence”.

Amendment of
section 14 of
principal Act.

16. Section 14 (1) of the principal Act is amended—

(a) in the opening words by deleting the words “licence under this Act” and substituting therefor the words “licence, permit or certificate under this Act”;

(b) by—

(i) deleting the full stop at the end of paragraph (d) and substituting therefor a semicolon;

(ii) inserting next after paragraph (d), the following as paragraphs (e) and (f)—

“(e) where the relevant application is incomplete;

- (f) where the applicant has been operating in contravention of this Act or any regulation made hereunder.”.

17. Section 15 (1) of the principal Act is amended in—

Amendment of
section 15 of
principal Act.

- (a) paragraph (a), by deleting the word “longer” and substituting therefor the word “shorter”;
- (b) paragraph (b)—
- (i) by inserting in sub-paragraph (i), immediately after the word “operating” the words “the cold storage facility, processing establishment, factory vessel, freezer vessel, carrier vessel, housing vessel, dory or canoe, as the case may be,”;
- (ii) by deleting from sub-paragraph (iii) the word “export”.
- (c) paragraph (c), by deleting from sub-paragraph (i) the words “establishment or vessel” and substituting therefor the words “cold storage facility, processing establishment, factory vessel, freezer vessel, carrier vessel, housing vessel, dory or canoe”.

18. Section 16(1) of the principal Act is amended by deleting paragraph (a) and all the words preceding and substituting therefor the following—

Amendment of
section 16 of
principal Act.

“ (1) Where the competent authority grants a licence for the operation of a cold storage facility, processing establishment, factory vessel, freezer vessel, carrier vessel, housing vessel, dory or canoe, it shall—

- (a) allot an identification number to that cold storage facility, processing establishment, vessel, dory or canoe; and”.

19. Section 17 of the principal Act is amended by deleting the words “issue a licence” and substituting therefor the words “grant a licence or permit or issue a certificate”.

Amendment of
section 17 of
principal Act.

Amendment of
section 18 of
principal Act.

20. Section 18 of the principal Act is amended—

- (a) by deleting the marginal note and substituting therefor the following “Suspension of licence, certificate or permit.”;
- (b) in subsection (1)—
 - (i) by inserting in the opening words immediately after the word “licence” the words “, certificate or permit at any time”;
 - (ii) by deleting from paragraph (c) the words “at an establishment or vessel” and substituting therefor the following “at a cold storage facility or processing establishment or on a vessel, dory or canoe”;
- (c) in subsection (2), by deleting the words “Before suspending” and substituting therefor the words “Before suspension of” and inserting the words “, certificate or permit” immediately after the word “licence”;
- (d) in subsection (4), by inserting the words “and reinstate the licence, certificate or permit, as the case may be” immediately after the word “suspension”;
- (e) by inserting next after subsection (4), the following as subsections (5), (6) and (7)—

“ (5) The competent authority may suspend a licence, certificate or permit without notice where the competent authority considers the breach to be so serious as to warrant immediate suspension.

(6) Where the competent authority suspends a licence under subsection (5), all certificates or permits issued pursuant to the licence shall also be automatically suspended, and the competent authority shall not re-issue any such certificates or permits until the licence is reinstated.

(7) Where a licence is suspended pursuant to this section—

- (a) any certificate or permit issued to an operator or consignor, pursuant to the licence shall cease to be valid;
- (b) the licence or certificate shall forthwith be returned to the competent authority.”.

21. Section 19 of the principal Act is amended—

Amendment of
section 19 of
principal Act.

- (a) by deleting the marginal note and substituting therefor the following “Revocation of licence, certificate and permit.”;
- (b) in subsection (1) by—
 - (i) deleting from the opening words the words “a licence if it is satisfied that” and substituting therefor the words “a licence, permit or export health certificate at any time, if it is satisfied that”;
 - (ii) inserting in paragraph (a) the words “cold storage facility,” immediately after the word “licensed” and inserting the word “, import” immediately after the word “vessel”;
 - (iii) inserting in paragraph (b) the words “, certificate or permit” immediately after the word “licence”;
 - (iv) inserting in paragraph (c) the words “, certificate or permit” immediately after the word “licence”.

22. The principal Act is amended by inserting next after section 19 the following as section 19A—

Insertion of
new section
19A in
principal Act.

- 19A. The competent authority may cancel and reissue a licence, certificate or permit, where an administrative error has occurred and it is necessary to correct that error in relation to the licence, certificate or permit.”.
- “ Cancellation and reissuing of licence for correction, etc.*

Amendment of
section 20 of
principal Act.

23. Section 20 of the principal Act is amended by inserting next after subsection (6), the following as subsection (7)—

- “ (7) The Minister, on hearing an appeal, may—
- (a) dismiss the appeal;
 - (b) allow the appeal; or
 - (c) set aside the decision and in substitution therefor, give or make such other decision as the competent authority could have originally made, as he considers appropriate.”.

Insertion of
new section
20A in
principal Act.

24. The principal Act is amended by inserting next after section 20, the following as section 20A—

“ Minister may
delegate
appeal
adjudication
to a tribunal. 20A.—(1) The Minister may delegate all or any of his powers under section 20, to a tribunal.

(2) The tribunal to which powers are delegated pursuant to this section, shall include persons whom the Minister thinks, by their profession and experience, are competent to adjudicate on an appeal.

(3) The Minister may, by order published in the *Gazette*, appoint members of the tribunal.

(4) The tribunal shall consist of no less than three nor more than seven persons, and shall meet at such time as is required.

(5) A member of the tribunal who is directly or indirectly interested in any matter which is being dealt with by the tribunal shall—

- (a) disclose the nature of his interest at a meeting of the tribunal; and
- (b) not take part in any deliberation or decision of the tribunal with respect to that matter.

(6) The tribunal shall hear an appeal at the earliest time and at such place as it shall determine.”.

25. Section 23 of the principal Act is amended by inserting immediately after the word “keep” the words “for inspection as required by the competent authority”. Amendment of section 23 of principal Act.

26. Section 24 of the principal Act is amended by deleting all the words preceding the words “under this Act” and substituting therefor the following— Amendment of section 24 of principal Act.

“Every person who trades, imports, exports or enters for export in any manner any aquaculture, inland or marine product or any of its by-products without a valid licence, permit, certificate, and in the case of imports, the accompanying country-of-origin health certificate”.

27. Section 25 of the principal Act is amended by deleting paragraphs (a) and (b) and substituting therefor the following— Amendment of section 25 of principal Act.

“(a) trades, imports, exports or enters for export any aquaculture, inland or marine product or any of its by-products; or

(b) operates any cold storage facility, processing establishment, factory vessel, freezer vessel, carrier vessel, housing vessel or any dory or canoe or any other facility or installation for the purpose of harvesting, handling, processing or trading in any aquaculture, inland or marine product or any of its by-products;”.

28. Section 26 of the principal Act is amended by deleting the words “or processes for export or who exports” and substituting therefor the words “, processes or trades in”. Amendment of section 26 of principal Act.

29. Section 27 of the principal Act is amended by deleting the words “exports or enters for export” and substituting therefor the words “trades in”. Amendment of section 27 of principal Act.

30. Section 28 of the principal Act is amended by— Amendment of section 28 of principal Act.

(a) deleting the words “purposes of export of” and substituting therefor the words “purposes of harvesting, handling, processing, importing, exporting or trading in any”; and

- (b) inserting the words “, permit or certificate” immediately after the word “licence”.

Amendment of
section 30 of
principal Act.

31. Section 30 of the principal Act is amended—

- (a) in paragraph (a), by inserting the words “, permit or certificate” immediately after the word “licence”;
- (b) in paragraph (d), by deleting the words “or operating” and substituting therefor the words “, permit or certificate issued”.

Amendment of
section 31 of
principal Act.

32. Section 31 of the principal Act is amended by deleting the words “two hundred thousand” and substituting therefor the words “one million”.

Amendment of
section 33 of
principal Act.

33. Section 33 of the principal Act is amended—

- (a) in subsection (1), by deleting the words “exporting or suspected of exporting” and substituting therefor the words “importing, exporting, trading in or suspected of importing, exporting or trading in”;
- (b) in subsection (2), by deleting paragraph (b) and substituting therefor the following—
 - “ (b) any book, licence, permit, certificate or other document, equipment or other article found therein;”.

Amendment of
section 34 of
principal Act.

34. Section 34(1) of the principal Act is amended—

- (a) in paragraph (b), by inserting immediately after the words “specified equipment” the words “, building or room,”;
- (b) by inserting in the closing words, immediately after the words “search the specified equipment”; the words “and take possession of such room, building or enclosure as the case may be,”.

Amendment of
section 37 of
principal Act.

35. Section 37(1) of the principal Act is amended—

- (a) by deleting paragraph (b) and substituting therefor the following—
 - “(b) the procedures for the licensing of cold storage facilities, processing establishments, factory

vessels, freezer vessels, carrier vessels,
housing vessels, dories and canoes”;

- (b) in paragraph (d), by inserting the words “export certificates, permits or” immediately after the words “the validity of,”;
- (c) in paragraph (e), by—
 - (i) inserting the words “landing ports or sites,” immediately after the words “production areas,”; and
 - (ii) inserting the words “ports or sites” immediately after the words “those areas,”;
- (d) in paragraph (j), by inserting the words “, cold storage facilities” immediately after the words “licensed processing establishments”;
- (e) in paragraph (l), by deleting the words “intended for export”;
- (f) by deleting paragraph (r) and substituting therefor the following—

“(r) procedures and conditions relating to the microbiological and chemical examination and testing of any aquaculture, inland and marine product and any of its by-products, at production areas, landing sites, cold storage facilities, processing establishments, factory vessels, carrier vessels and freezer vessels, dories and canoes and at all stages of the handling, transportation, processing and export of such products and by-products;”.

36. The principal Act is amended by inserting next after section 37, the following as section 37A—

Insertion of
new section
37A in
principal Act.

“ Minister
may amend
monetary
penalties,
etc. by
order.

37A. The Minister may, by order subject to affirmative resolution, amend or vary any monetary penalty prescribed by this Act.”.

Amendment of
Schedule.

37. The Schedule to the principal Act is amended in—

(a) paragraph 1—

- (i) by deleting sub-paragraph (1)(g) and the full stop at the end thereof and substituting therefor the following as sub-paragraphs (1)(g) and (h)—

“(g) two members appointed by the Minister (hereinafter referred to as the “appointed members”) one of whom shall be a person with not less than five years experience as a veterinary surgeon and who is registered as such pursuant to the Veterinary Act;

(h) the senior legal officer in the Ministry responsible for agriculture.”;

- (ii) by deleting from sub-paragraph (2), the word “member” and substituting therefor the word “members”;

(b) paragraph 2, by deleting—

- (i) the word “member” and substituting therefor the word “members”;

- (ii) the word “his” and substituting therefor the word “their”;

(c) paragraph 3, by deleting the words “the appointed member” and substituting therefor the words “an appointed member”;

(d) paragraph 4, by deleting the words “the appointed member” and substituting therefor the words “an appointed member”;

- (e) paragraph 5, by deleting the words "the appointed member's" and substituting therefor the words "an appointed member's".

MEMORANDUM OF OBJECTS AND REASONS

The Government has observed that the scope of the Aquaculture, Inland and Marine Products and By-Products (Inspection, Licensing and Export) Act, is adequate in several respects. However, it fails to address the import of aquaculture products into Jamaica, as well as the establishment of proper and adequate guidelines for all aspects of Jamaican fishery, such as the use of artisanal fishermen.

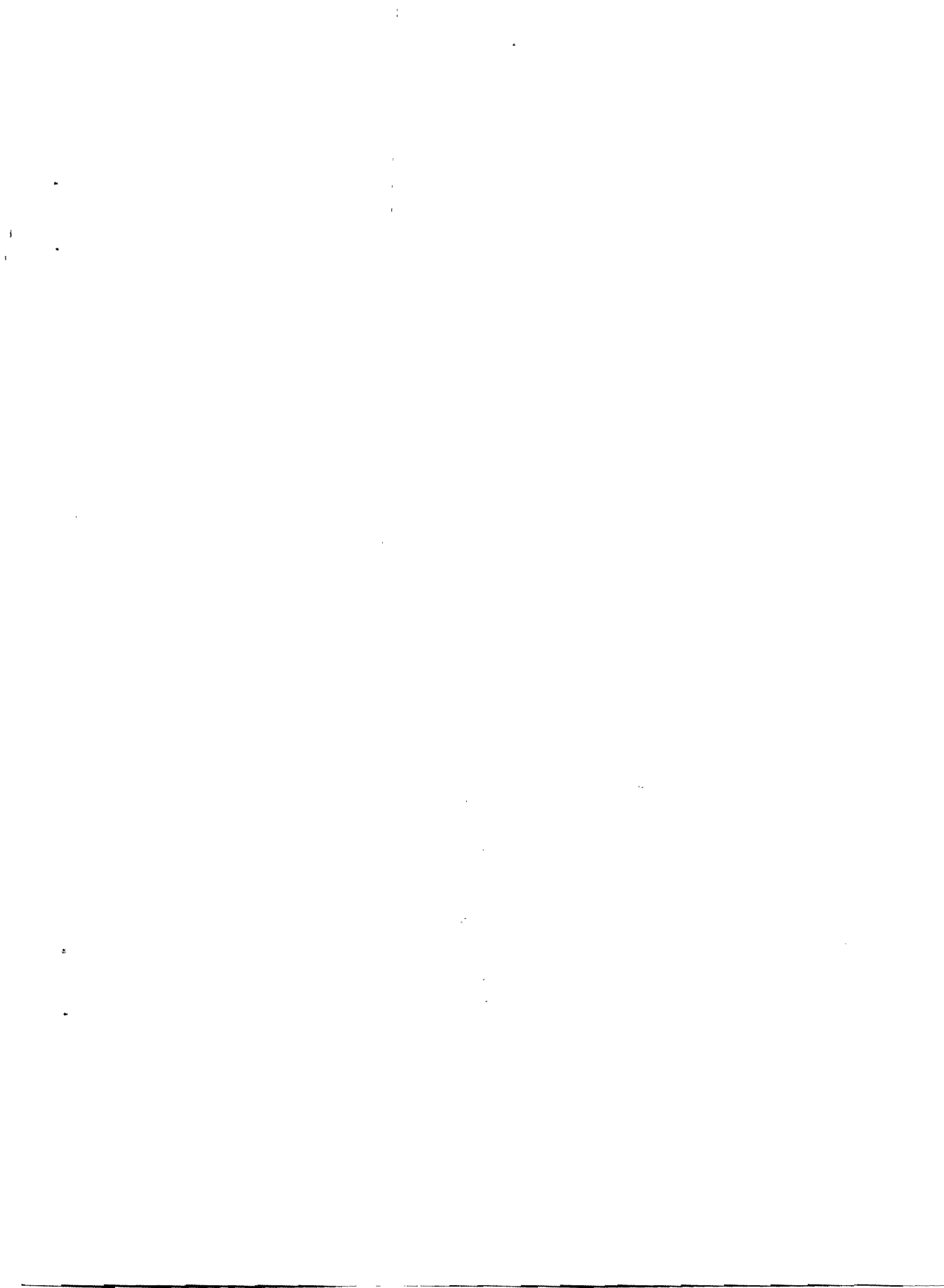
Furthermore, the Act provides that artisanal fishermen can only take part in the actual harvesting of fishery products for exports, if they are employed to work on the freezer vessels used in the harvesting of these products. However, the majority of artisanal fishermen harvest their marine products for the local trade, which is not covered by the Act and Regulations in relation thereto. As a result, there now exists a dual system, one for local trade and the other for export, and no legal framework dealing with imports.

The Act does not provide for monitoring of local trade by the Veterinary Services Division. In fact, all offences under the Act are geared towards illegal export. The result is that, products can therefore be sold on local markets which are insanitary with no redress by the consumer under the Act or Regulations in relation thereto.

This Bill therefore seeks to amend the Act to provide for—

- (a) its application to imports and local trade;
- (b) the licensing of cold storage facilities and vessels previously excluded;
- (c) the amendment of the licensing regime so that the types of licences are comprehensive and unequivocal;
- (d) the amendment of the functions of the Veterinary Committee, inspectors and the Veterinary Services Division, (VSD);
- (e) the revocation of operating certificates and export health certificates;
- (f) the suspension or revocation of other certificates;
- (g) the delegation of appeal functions to an appointed tribunal;
- (h) the amendment and variation of offences in keeping with the widened scope of the Act; and
- (i) the Minister being able to increase fines by order subject to affirmative resolution.

ROGER CLARKE
Minister of Agriculture and Fisheries



A BILL

ENTITLED

**AN ACT to Amend the Aquaculture, Inland and
Marine Products and By-Products
(Inspection, Licensing and Export) Act to
change the name of the Act and for related
and other matters.**

**As introduced by the Honourable Minister of Agriculture
and Fisheries.**

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TITLE AND SECTION 1 OF THE PRINCIPAL ACT
WHICH IT IS PROPOSED TO AMEND
THE AQUACULTURE, INLAND AND MARINE PRODUCTS AND BY-
PRODUCTS (INSPECTION, LICENSING AND EXPORT) ACT

PART I. *Preliminary*

1. This Act may be cited as the Aquaculture, Inland and Marine Products and By-Products (Inspection, Licensing and Export) Act.

SECTION 2 OF THE PRINCIPAL ACT WHICH IT IS
PROPOSED TO AMEND

2.—(1) In this Act, unless the context otherwise requires—

“aquaculture” means the controlled propagation, growth or harvest of aquatic animals or plants, including fish, amphibians, shellfish, molluscs, crustaceans, algae and vascular plants and includes seawater or freshwater fish or crustaceans caught in their natural environment when juvenile;

“article” includes a substance or mixture of substances;

“authorized officer” means—

- (a) any member of the Jamaica Constabulary Force or the Jamaica Defence Force;
- (b) any public officer designated—
 - (i) a Fishery Inspector under the Fishing Industry Act;
 - (ii) a Marine Officer under the Exclusive Economic Zone Act and the Maritime Areas Act;
- (c) an Inspector,

and any other person acting in aid of such person acting in the execution of his office or duty shall be deemed to be an officer acting in the execution of his office or duty;

“by-product” means any part of an aquaculture, inland or marine product that is processed in whole or in part for export;

“carrier vessel” means any motorized mother, fishery or fishing boat or ship used only for carriage of aquaculture, inland or marine products or their by-products;

...

...

...

- "consignment" means any quantity of aquaculture, inland or marine products or their by-products harvested or handled in a licensed processing establishment, licensed factory vessel, or licensed carrier vessel and intended for export;
- "consignor" means a person who exports aquaculture, inland or marine products or their by-products;
- "enter for export" means the presentation of aquaculture, inland or marine products or their by-products, or shipping documents therefor, to a customs officer for the purpose of shipping or to make arrangement for shipping;
- "equipment" includes machines, machinery, fixed or moveable devices, implements, apparatus, utensils, appliances, attachments, fittings and fixtures, gears, gadgets, tackles, accessories and contraptions;
- "export" means to take or cause to be taken out of Jamaica or the waters thereof;
- "export health certificate" means a certificate issued by the competent authority, authorizing the export of a consignment;
- "factory vessel" means any motorized mother, fishery or fishing boat or ship on which aquaculture, inland or marine products or their by-products undergo post-harvesting, processing or packaging for export;
- "freezer vessel" means any motorized mother, fishery or fishing boat or ship on which only the freezing of aquaculture, inland or marine products or their by-products take place;
- "fit for export" means conforming to the standards for export prescribed by this Act or any regulations made hereunder;
- "functions" includes powers and duties;
- "handling" means the touching, lifting, managing, carrying or any other activity involving contact with any aquaculture, inland or marine product or its by-product;
- "health mark" means a mark affixed in the prescribed manner to the packaging of aquaculture, inland or marine products or their by-products for export;
- "harvesting" means the gathering of any live aquaculture, inland or marine product or its by-product;
- ...

"identification number" means the number assigned in the prescribed manner to each licence, operating certificate, licensed establishment or licensed vessel;

"inland product" means any aquatic animal or plant taken from any river, stream, estuarine area or any naturally occurring body of fresh water;

... ..

"licensed vessel" means a factory vessel, freezer vessel or carrier vessel operated by a licensee;

"licensee" means a person to whom a licence is granted under this Act;

"marine product" includes fish, lobster, conch, bivalve molluscs, marine gastropods, shrimps and all aquatic animals, or the parts thereof, and their roe,

"operator" means the owner, director, controller or other person in charge of or responsible for the operations of a processing establishment, factory vessel, freezer vessel, carrier vessel, and includes a charterer, lessee and master;

"operating certificate" means a certificate issued by the competent authority signifying that a processing establishment, factory vessel, freezer vessel, carrier vessel or consignor is licensed under this Act;

"packaging" means the procedure of protecting aqua-culture, inland and marine products and by-products by a wrapper, container or any other suitable device, and "package" shall be construed accordingly;

... ..

"processing establishment" means any premises in which aquaculture, inland or marine products or their by-products are processed, handled or stored for export;

"production areas" means—

- (a) any sea, river, stream, estuarine or lagoon areas or any naturally occurring body of fresh water, containing natural deposits of inland or marine products; and
- (b) man-made sites used for the cultivation of aquaculture and inland and marine products;

“relay area” means any sea, estuarine or lagoon area or man-made site approved by the competent authority with boundaries clearly marked and indicated by buoys, posts or any other fixed means and used exclusively for the natural purification or bi-valve molluscs;

“Veterinary Committee” means the Veterinary Committee established under section 7.

SECTION 3 OF THE PRINCIPAL ACT WHICH IT IS
PROPOSED TO AMEND

3. The objects of this Act shall be—

- (a) to advance public health and safety standards in the export of aquaculture, inland and marine products and their by-products intended for human consumption;
- (b) to specify and maintain international standards of processing, handling, storage and transport of such products and by-products

SECTION 5 OF THE PRINCIPAL ACT WHICH IT IS
PROPOSED TO AMEND

5.—(1) The functions of an inspector shall be—

- (a) to inspect processing establishments, factory vessels, freezer vessels or carrier vessels in order to—
 - (i) ensure compliance with provisions of this Act or any regulations made hereunder or any condition subject to which a licence is granted;
 - (vi) determine the suitability of any processing establishment, factory vessel, freezer vessel or carrier vessel for the processing of aquaculture, inland or marine products or their by-products to be granted a licence and an operating certificate under this Act or any regulations made hereunder;
- (b) to monitor the relay and production areas of aquaculture, inland and marine products for the purposes of—
 - (i) controlling any malpractice with regard to the origin and destination of aquaculture, inland and marine products and their by-products;
 - (ii) determining the microbiological quality of live marine products in relation to such areas;

- (iii) detecting the presence of toxin-producing plankton, biotoxins and chemical contaminants in aquaculture, inland and marine products and their by-products;
 - (c) to monitor the implementation of any plans or schemes established by the competent authority;
 - (d) to examine any aquaculture, inland or marine product or its by-product;
 - (e) to certify for export, any such aquaculture, inland or marine product or its by-product;
 - (f) to take samples of any aquaculture, inland or marine product or its by-product or any other article, from any place within a licensed processing establishment or licensed vessel in order to determine whether proper sanitary conditions are being maintained;
 - (g) to inspect any container, vehicle, aircraft or vessel which is used or intended to be used for the storage or transportation of aquaculture, inland or marine products or their by-products;
 - (h) to open and examine any container, vehicle or other storage device at licensed processing establishments or on licensed vessels which is reasonably believed to contain any aquaculture, inland or marine product or its by-product;
 - ...
 - (j) to give directives to the owner, agent or person in charge of any container, vehicle, aircraft, boat or vessel which is used or intended to be used for the storage or transportation of aquaculture, inland or marine products or their by-products;
 - (k) to examine and, where necessary, make copies of or take extracts from any records and documents in relation to any aquaculture, inland or marine products or their by-products which consignors are required to keep pursuant to this Act or any regulations made hereunder.
- (3) An inspector may—
- (a) in accordance with the provisions and procedures specified in regulations made under section 37—
 - (i) detain any aquaculture, inland or marine products or their by-products or any article which is at a processing establishment, factory vessel, freezer vessel or carrier vessel, if he reasonably believes that there is a contravention of any provision of this Act or those regulations;

- (ii) condemn, seize and destroy any aquaculture, inland or marine products or their by-products that are detained pursuant to sub-paragraph (i);
- (b) prohibit the receipt, storage or transportation for the purposes of export, or the export or entry for export of any aquaculture, inland or marine product or its by-product that he believes on reasonable grounds were harvested, handled or processed in contravention of this Act or any regulations made hereunder.

SECTION 6 OF THE PRINCIPAL ACT WHICH IT IS
PROPOSED TO AMEND

- 6.—(1) For the purposes of this Act, the competent authority shall—
- (a) develop and implement policies and programmes to safeguard the public health of consumers of aquaculture, inland and marine products and their by-products;
 - (b) provide appropriate training programmes and consulting services relating to all aspects of the production, harvesting, processing, handling, storage and transport of aquaculture, inland and marine products and their by-products;
 - (c) grant licences and operating certificates—
 - (i) in respect of the exportation of aquaculture, inland and marine products and their by-products;
 - (ii) for the operation of processing establishments, factory vessels, freezer vessels and carrier vessels;
 - (d) promote public awareness and understanding of issues related to the production, harvesting, processing, handling, storage and transport of aquaculture, inland and marine products and their by-products;
 - (e) ensure and verify that only live aquaculture, inland and marine products are harvested exclusively from approved demarcated production areas;
 - (f) establish and maintain an official register of all licensed processing establishments, licensed vessels and consignors;
 - (g) compile a list of licensed processing establishments, licensed vessels and consignors;
 - (h) issue an export health certificate for each consignment in accordance with this Act and any regulations made hereunder;

- (i) operate and maintain appropriate laboratories for the purpose of this Act;
- (j) establish systems for obtaining the assistance of such other laboratories as the competent authority considers necessary;
- (k) assign an identification number to every licensed processing establishment, licensed vessel and consignor;
- (l) demarcate and approve production areas, or make changes to areas so demarcated from which aquaculture and inland and marine products shall be harvested for export;
- (m) compile a list of production areas referred to in paragraph (l) or changes thereof and publish that list in the *Gazette*.
- (n) monitor demarcated production areas to ensure compliance with the provisions of this Act and any regulations made hereunder;
- (o) order the closure of demarcated production areas for the purposes of prohibiting the harvesting of aquaculture, inland and marine products or as the case may be, particular types of aquaculture, in-land or marine products or their by-products;
- (p) perform such other functions pertaining to the export of aquaculture, inland and marine products and their by-products as may be assigned to it, from time to time, by the Minister.

SECTION 8 OF THE PRINCIPAL ACT WHICH IT IS
PROPOSED TO AMEND

- 8.—(1) The functions of the Veterinary Committee shall be—
- (a) to determine, after consultation with the competent authority, the method of shipment and packaging necessary for transport of aquaculture, inland and marine products and their by-products;
 - (b) to consult with the competent authority on matters under this Act requiring such consultation;
 - (c) to carry out such investigations as it considers necessary in relation to the operation of any licensed processing establishment, licensed vessel, or any consignor;
 - (d) to prepare and submit to the competent authority, annual reports regarding the export of aquaculture, inland and marine products and their by-products;
 - (e) to advise the competent authority on general policy relating to the export of aquaculture, inland and marine products and their by-

products or any other matters in respect of which advice is sought by the competent authority;

- (f) to initiate, carry out or support, research which, in *its* opinion, is relevant to any of its functions; and
- (g) to perform such other functions pertaining to the export of aquaculture, inland and marine products and their by-products as may be assigned to it from time to time by the Minister.

(2) The Veterinary Committee shall make recommendations—

- (a) in respect of the grant of licences and operating certificates in respect of processing establishments, factory vessels, freezer vessels, carrier vessels and consignors; and
- (d) the export of aquaculture, inland and marine products and their by-products.

(3) In the exercise of its functions under this Act the Veterinary Committee may—

- (a) summon and examine witnesses;
- (b) require the production of documents; and
- (c) administer oaths.

PART IV HEADING OF THE PRINCIPAL ACT WHICH IT IS PROPOSED TO REPEAL AND REPLACE

PART IV. *Restrictions on Export of Aquaculture. Inland and Marine Products and their By-products and Operation of Processing Establishments, Factory Vessels, Freezer Vessels and Carrier Vessels*

SECTION 9 OF THE PRINCIPAL ACT WHICH IT IS PROPOSED TO AMEND

9. Except under and in accordance with the provisions of this Act and any regulations made hereunder, no person of this Act and any regulations made hereunder, no person shall—

- (a) export or enter for export any aquaculture, inland or marine products or their by-products; or
- (b) operate a processing establishment, factory vessel, freezer vessel or carrier vessel for the production, harvesting, processing, handling, storage or transport of any aquaculture, inland or marine product or its by-product for export.

PART V HEADING OF THE PRINCIPAL ACT WHICH IT IS
PROPOSED TO REPEAL AND REPLACE

PART V. *Application, Grant, Refusal, Renewal, Suspension
and Revocation of Licence and Appeal*

SECTION 10 OF THE PRINCIPAL ACT WHICH IT IS
PROPOSED REPEAL AND REPLACE

10.—(1) Every person who proposes to export or enter for export any aquaculture, inland or marine product or its to by-product shall apply in the prescribed form and manner to the competent authority for a licence to do so.

(2) An application under subsection (1) shall be accompanied by the prescribed application fee and such information or document, if any, as the competent authority may require.

SECTION 11 OF THE PRINCIPAL ACT WHICH IT IS
PROPOSED TO AMEND

11.—(1) Every person who proposes to operate a processing establishment, factory vessel, freezer vessel or carrier establish, competent authority in the prescribed form and manner for a licence to do so.

(2) An application under subsection (1) shall be accompanied by the prescribed application fee and such information or document, if any, as the competent authority may require.

12.—(1) Upon receipt of an application under section 11 the competent authority shall cause an inspector to carry out an inspection of the processing establishment, factory vessel, freezer vessel or carrier vessel to which the application relates.

(2) The Inspector shall submit to the competent authority a report in the prescribed form in respect of an inspection carried out pursuant to subsection (1).

(3) The competent authority may—

- (a) grant a licence upon payment of the prescribed licence fee; or
- (b) refuse to grant a licence.

(4) A licence granted under this section shall be subject to such terms and conditions as may be specified therein.

(5) Where the competent authority grants a licence under this section it shall issue an operating certificate to the licensee.

SECTION 13 OF THE PRINCIPAL ACT WHICH IT IS
PROPOSED TO AMEND

13. A licence granted pursuant to this Act shall not be transferable and shall be valid for such period, not exceeding twelve months as is specified therein.

SECTION 14 OF THE PRINCIPAL ACT WHICH IT IS
PROPOSED TO AMEND

14.—(1) The competent authority may refuse to grant a licence under this Act—

- (a) where the Veterinary Committee recommends such refusal on the ground that the issue of the licence would not be in the public interest, having regard to such factors as the Veterinary Committee considers relevant;
- (b) where an application contains or is based on a false or misleading representation or information which is false in a material particular;
- (c) to an individual who—
 - (i) is under the age of eighteen years;
 - (ii) is an undischarged bankrupt; or
 - (iii) has been convicted during the period of ten years immediately preceding the application of an offence specified in subsection (2);
- (d) to a body corporate—
 - (i) in respect of which a resolution has been passed for voluntary winding up or an order has been made by a court of competent jurisdiction for its winding up;
 - (ii) if a receiver has been appointed to manage any of its assets;
 - (iii) if, during the period of ten years immediately preceding the application any of its directors has been convicted of an offence specified in subsection (2); or
 - (iv) which has been convicted during the period of five years immediately preceding, the application of an offence under this Act.

SECTION 15 OF THE PRINCIPAL ACT WHICH IT IS
PROPOSED TO AMEND

15.—(1) A licence granted pursuant to this Act may be renewed by the competent authority if—

- (a) application for such renewal is made not later than thirty days before the date of expiry or within such longer period as the competent authority may allow;
- (b) the competent authority is satisfied that—
 - (i) the applicant is operating in compliance with the provisions of this Act or any regulations made hereunder;
 - (ii) the equipment in the licensed establishment or licensed vessel is being operated in an efficient and hygienic manner;
 - (iii) only those export operations for which the establishment or vessel is licensed are being carried out by the applicant;
- (c) the applicant has paid—
 - (i) any fee charged by the competent authority for services performed at, or in respect of, the establishment or vessel to which the application relates:

SECTION 16 OF THE PRINCIPAL ACT WHICH
IT IS PROPOSED TO AMEND

16.—(1) Where the competent authority grants a licence for the operation of a processing establishment, factory vessel, freezer vessel or carrier vessel, it shall—

- (a) allot an identification number to that establishment or vessel; and

SECTION 17 OF THE PRINCIPAL ACT WHICH
IT IS PROPOSED TO AMEND

17. The competent authority shall not issue a licence retrospectively in respect of any aquaculture, inland or marine product or its by-product.

SECTION 18 OF THE PRINCIPAL ACT WHICH
IT IS PROPOSED TO AMEND

18.—(1) Subject to subsection (2), the competent authority may suspend a licence if—

- (a) the licensee has failed to pay any fees or other charges required by this Act or any regulations made hereunder;

- (b) the licensee is in breach of—
 - (i) any provision of this Act or any regulations made hereunder; or
 - (ii) any term or condition subject to which the licence is granted;
- (c) it is satisfied that it is not possible to carry out a proper inspection of products and by-products processed by the licensee at an establishment or vessel;
- (d) a licensee notifies the competent authority in writing that he intends to cease the operations for which he is licensed for the period stated in the notice.

(2) Before suspending a licence under subsection (1) (a), (b) or (c), the competent authority shall notify the licensee in writing of the proposed suspension—

- (a) stating the reason therefor;
- (b) requiring the licensee, in the case of a breach, to remedy the breach within the time specified in the notice.

(3) A licensee who is served with a notice under subsection (2) shall, after remedying the breach which gave rise to the suspension, notify the competent authority in writing that the breach has been remedied.

(4) The competent authority shall, upon receipt of a notice referred to in subsection (3), cause an inspection to be carried out and if on inspection, the inspector is satisfied that the breach has been remedied, he shall report in writing to the competent authority which shall withdraw the notice of suspension.

SECTION 19 OF THE PRINCIPAL ACT WHICH IT IS PROPOSED TO AMEND

19.—(1) The competent authority may revoke a licence if it is satisfied that—

- (a) a licensee has ceased to comply with the provisions of this Act or any regulations made hereunder in relation to the licensed processing establishment, vessel or export operations;
- (b) the application for the licence contained any false or misleading information in any material particular;
- (c) the licensee has failed to remedy a breach which gave rise to a suspension of the licence under section 18, within the time specified in a notice under subsection (2) of that section;

- (d) any fee or other charge payable by the licensee remains unpaid for a period of ninety days after the suspension of the licence.

SECTION 20 OF THE PRINCIPAL ACT WHICH
IT IS PROPOSED TO AMEND

20.—(1) A person who is aggrieved by the decision of the competent authority not to grant a licence or to suspend or revoke his licence may appeal in writing to the Minister within fourteen days of the date of notification of the decision.

...

(6) The Minister shall cause all parties to the appeal to be informed—

- (a) of the date of the hearing of the appeal;
- (b) that they may appear in person or by their representative; and
- (d) that they may summon witnesses in their cause.

SECTION 23 OF THE PRINCIPAL ACT WHICH
IT IS PROPOSED TO AMEND

23. Every licensee shall keep such books, documents, records or things as may be prescribed.

SECTION 24 OF THE PRINCIPAL ACT WHICH
IT IS PROPOSED TO AMEND

24. Every person who exports or enters for export any aquaculture, inland or marine product or its by-product without a valid licence or export health certificate under this Act or any regulations made hereunder commits an offence, and is liable on summary conviction in a Resident Magistrate's Court to a fine not exceeding one million dollars or to imprisonment for a term not exceeding two years or to both such fine and imprisonment and, where the offence is continued after conviction, that person commits a further offence and is liable on summary conviction as aforesaid to a further fine not exceeding fifty thousand dollars per day for each day on which the offence is so continued.

SECTION 25 OF THE PRINCIPAL ACT WHICH
IT IS PROPOSED TO AMEND

25. Every person who—

- (a) exports or enters for export any aquaculture, inland or marine product; or
- (b) operates any processing establishment, factory vessel, freezer vessel or carrier vessel or any other facility or installation for the purpose of harvesting, handling or processing for export, any aquaculture, inland or marine product or its by-product,

in contravention of this Act and any regulations made hereunder, commits an offence, and is liable on summary conviction in a Resident Magistrate's Court to a fine not exceeding one million dollars or to imprisonment for a term not exceeding two years or to both such fine and imprisonment, and where the offence is continued after conviction, he commits a further offence, and is liable on summary conviction as aforesaid to a further fine not exceeding fifty thousand dollars per day for each day on which the offence is so continued.

SECTION 26 OF THE PRINCIPAL ACT WHICH
IT IS PROPOSED TO AMEND

26. Every person who harvests, handles or processes for export or who exports any aquaculture, inland or marine product or its by-product originating in an area which is not approved by the competent authority under this Act commits an offence, and is liable on summary conviction in a Resident Magistrate's Court to a fine not exceeding one million dollars or to imprisonment for a term not exceeding two years or to both such fine and imprisonment, and where the offence is continued after conviction, that person commits a further offence, and is liable on summary conviction as aforesaid to a fine not exceeding fifty thousand dollars per day for each day on which the offence is so continued.

SECTION 27 OF THE PRINCIPAL ACT WHICH
IT IS PROPOSED TO AMEND

27. Any person who exports or enters for export, any aquaculture, inland or marine product or by-product without an identification number affixed to the packaging thereof as required by this Act and regulations made hereunder, commits an offence and is liable on summary conviction in a Resident Magistrate's Court to a fine not exceeding four hundred thousand dollars or to imprisonment for a term not exceeding six months or to both such fine and imprisonment.

SECTION 28 OF THE PRINCIPAL ACT WHICH
IT IS PROPOSED TO AMEND

28. Any person who operates his business for the purposes of export of aquaculture, inland or marine product or its by-product in any period during which his licence is suspended or revoked, commits an offence and is liable on summary conviction, in a Resident Magistrate's Court to a fine not exceeding two million dollars or to imprisonment for a term not exceeding three years or to both such fine and imprisonment, and where the offence is continued after conviction he commits a further offence and is liable on summary conviction as aforesaid to a further fine not exceeding one hundred thousand dollars per day for each day on which the offence is so continued.

SECTION 30 OF THE PRINCIPAL ACT WHICH
IT IS PROPOSED TO AMEND

30. Every person who—

- (a) for the purposes of obtaining, whether for himself or for any other person, the issue, grant or renewal of any licence under this Act, makes any declaration or statement which is false or misleading in any particular;
- (b) knowingly furnishes to an authorized officer any document containing information which is false or misleading;
- (c) knowingly utters, produces, or makes use of any such declaration or statement or any document containing any false declaration or statement;
- (d) falsifies or amends any information contained in a licence or operating certificate,

commits an offence and shall be liable on summary conviction in a Resident Magistrate's Court to a fine not exceeding two million dollars or to imprisonment for a term not exceeding three years or to both such fine and imprisonment

SECTION 31 OF THE PRINCIPAL ACT WHICH
IT IS PROPOSED TO AMEND

31. Any person who threatens, assaults or obstructs an authorized officer acting in the execution of his duties under this Act commits an offence and shall be liable on summary conviction in a Resident Magistrate's Court to a fine not exceeding two hundred thousand dollars or to imprisonment for a term not exceeding twelve months.

SECTION 33 OF THE PRINCIPAL ACT WHICH
IT IS PROPOSED TO AMEND

33.—(1) An authorized officer (other than a person referred to in paragraph (a) of the definition of "authorized officer" in section 2 (1) may, for the purpose of the execution of this Act, enter at all reasonable times the business premises of any person exporting or suspected of exporting any aquaculture, inland or marine product or its by-product and inspect any book, document, permit, certificate or record or things relating thereto.

(2) An authorized officer referred to in subsection (1) may, during the course of an inspection pursuant to subsection (1), seize and detain—

- (a) any product or by-product found therein; or
- (b) any equipment or other article found therein,

which the authorized officer reasonably believes is being used in contravention of any provision of this Act.

**SECTION 34 OF THE PRINCIPAL ACT WHICH
IT IS PROPOSED TO AMEND**

34.—(1) Where an authorized officer referred to in section 33 has reasonable cause to suspect that—

- (a) any aquaculture, inland or marine product or its by-product; or
- (b) any vehicle, aircraft, vessel, article, enclosure, container or other storage facility, device or apparatus (hereinafter referred to as “specified equipment”),

is being used or has been used in the commission of an offence against this Act, such authorized officer may, without a warrant, search the specified equipment, and if such search reveals evidence that the specified equipment is being used or has been used for the commission of any offence as aforesaid, the authorized officer may seize and detain the specified equipment.

... ..
**SECTION 37 OF THE PRINCIPAL ACT WHICH
IT IS PROPOSED TO AMEND**

37.—(1) The Minister may make regulations for the purposes of giving effect to the provisions of this Act and, in particular, but without prejudice to the generality of the foregoing, such regulations may contain provisions in relation to—

- (a) the carrying into effect of international standards and recommended practices or health requirements for the harvesting, processing, handling, storage and transport of aquaculture, inland and marine products and by-products;
- (b) the procedures for the licensing of processing establishments, factory vessels, freezer vessels or carrier vessels;
- (c) procedures for and the frequency of inspection of licensed processing establishment and licensed vessels;
- (d) procedure for the issuing of and conditions as to the validity of, export health certificates;

- (e) the conditions for and the methods of demarcation, approval and listing of production areas, changes or closure of those areas, and communication of the list or changes to any importing country or any person requesting same;
- (f) the monitoring and control of production areas in relation to microbiological, chemical, environmental contamination and marine biotoxins;
- (g) the regularity of supply of information to any importing country or person;
- (h) the establishment, operation and maintenance of laboratories or laboratory activities;
- (i) the prohibition of production and harvesting of aquaculture, inland and marine products and their by-products in production areas deemed unsuitable by the competent authority;
- (j) standards required in relation to sanitation and hygiene in respect of licensed processing establishments or licensed vessels;
- (k) requirements as to details of the health checks, including hazard analysis critical control points system for the production, harvesting, handling and processing of aquaculture, inland and marine products and their by-products for export;
- (l) standards and requirements concerning aquaculture, inland and marine products and their by-products intended for export and the methods of giving assurances that such standards and requirements are being complied with;
- ...
- (r) procedures and conditions relating to the microbiological and chemical examination and testing of aquaculture, inland and marine products and their by-products; at production areas, landing sites, processing establishments, factory vessels, carried vessels and freezer vessels and at all stages of the handling, transportation, processing and export of such products and by-products;
- ...

SCHEDULE OF THE PRINCIPAL ACT WHICH
IT IS PROPOSED TO AMEND

SCHEDULE

(Section 7)

Constitution and Procedure of the Veterinary Committee

1.—(1) The Veterinary Committee (hereinafter referred to as the Committee) shall consist of—

- (a) the Director of Veterinary Services;
- (b) a Senior Veterinary Officer of the Veterinary Services Division appointed by the Director of the Veterinary Services;
- (c) the Director of Veterinary Public Health of the Ministry responsible for health;
- ...
- (g) a member appointed by the Minister (hereinafter referred to as the "appointed member") who shall be a person with not less than five years experience who is registered as a veterinary surgeon under the Veterinary Act.

(2) The appointed member shall, subject to the provisions of this Schedule, hold office, for a period not exceeding three years, as the Minister may determine and shall be eligible for reappointment

(3) The Director of Veterinary Services shall be Chairman of the Committee.

(4) The Senior Veterinary Officer shall be the Deputy Chairman of the Committee.

(5) In the case of absence or inability of the Chairman, the Deputy Chairman shall perform the functions of the Chairman.

2. The appointed member may at any time resign his office by instrument in writing addressed to the Minister and such resignation shall take effect as from the date of the receipt of such instrument by the Minister.

3. The Minister may at any time, if he thinks it expedient so to do, revoke the appointment of the appointed member.

4. If a vacancy occurs by reason of the appointed member being no longer a member of the Committee, such vacancy shall be filled by appointment in accordance with paragraph 1 (1) (g).

5. In the case of the appointed member's absence or inability to act the Minister may, in accordance with paragraph 1 (1) (g), appoint any person to act temporarily in the place of the appointed member.

