

1960

c 150 Fish Inspection Act

Ontario

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CHAPTER 150

The Fish Inspection Act

1. In this Act,

Interpre-
tation

- (a) "container" means a receptacle or package used in holding, storing, packing or marketing fish;
- (b) "establishment" means a place where fish are handled, graded, processed or stored;
- (c) "fish" includes a shellfish, crustacean and any marine animal, and any parts, products or by-products of any of them;
- (d) "inspector" means a person appointed by the Minister for the purposes of this Act;
- (e) "marketing" means buying, selling, holding in possession, or offering or advertising for sale;
- (f) "Minister" means the Minister of Lands and Forests;
- (g) "processing" means cleaning, filleting, smoking, salting, icing, packing, freezing, cooking, pickling, drying or otherwise preparing fish for market;
- (h) "regulations" means the regulations made under this Act;
- (i) "vehicle" includes a steamship, vessel, boat, railway-car, truck, carriage, car, aircraft and any other means of carriage used for transporting fish. 1955, c. 23, s. 1, *revised*.

2.—(1) An inspector may at any time,

Powers of
inspector

- (a) enter any establishment or vehicle used for the storage or carriage of fish and 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 or marketing of fish; or
- (c) take samples of fish for inspection.

- Obstruction (2) No person shall obstruct or impede an inspector in the discharge of his duties under this Act. 1955, c. 23, s. 2.
- Appeal **3.** Any person who thinks himself aggrieved by a decision of an inspector in respect of any matter under this Act or the regulations may appeal to the Minister in accordance with the procedure prescribed by the regulations. 1955, c. 23, s. 3.
- Seizure of fish and containers **4.**—(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 under 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 such fish and containers are taken, in which case the fish and containers may be further detained until such proceedings are finally concluded.
- Disposal of fish seized (3) Where a person is convicted of an offence against this Act or the regulations, any fish or containers seized under subsection 1 are forfeited to Her Majesty and may be disposed of as the Minister directs. 1955, c. 23, s. 4.
- Falsification, etc., of documents **5.**—(1) No person shall falsify or unlawfully alter, destroy, erase or obliterate any document made or issued under this Act or the regulations, or any marks placed on any container pursuant to this Act or the regulations.
- Offence (2) Every person who contravenes subsection 1 is guilty of an offence and is liable on summary conviction to a fine of not less than \$50 and not more than \$500, or to imprisonment for a term of not less than two months and not more than six months, or to both. 1955, c. 23, s. 5.
- Fish for sale to be fit for human food **6.**—(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.
- Offence (2) Every person who contravenes subsection 1 is guilty of an offence and is liable on summary conviction to a fine of not less than \$100 and not more than \$500, or to imprisonment for a term of not less than three months and not more than six months, or to both. 1955, c. 23, s. 6.
- Sale or possession under misleading name **7.** No person shall sell, offer for sale, or hold in possession for sale, any fish or container under a name calculated to mislead or deceive. 1955, c. 23, s. 7.
- General penalty **8.** Every person who contravenes 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 or the regulations is guilty of an offence and liable on summary conviction to a fine of not more than \$500, or to imprisonment for a term of not more than six months, or to both. 1955, c. 23, s. 8.

9. Every offence against this Act or the regulations and every contravention of any of the conditions of any licence issued under this Act or the regulations, for the purposes of any prosecution, shall 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. 23, s. 9.

10. The Lieutenant Governor in Council may provide for the disposition of fines imposed for contraventions of this Act or the regulations and for the disposition of any proceeds from the sale of forfeited fish or containers. 1955, c. 23, s. 10.

11. The Minister may impose such terms and conditions in any licence as he deems proper and that are not inconsistent with this Act or the regulations. 1955, c. 23, s. 11.

12. The Lieutenant Governor may by proclamation declare any regulations heretofore or hereafter made under the *Fish Inspection Act* (Canada), in so far as they are within the exclusive legislative jurisdiction of the Province, to have the force of law therein, and upon the issue of such proclamation the regulations therein referred to, in so far as they are within the exclusive legislative jurisdiction of the Province, have the force of law therein as if enacted by the Legislature. 1955, c. 23, s. 12.

13. 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 and inspecting of fish;
- (c) respecting the quality and specifications for containers and the marking and inspecting of containers;

- (d) requiring and providing for the licensing of establishments and persons handling, processing, storing, grading, transporting or marketing fish, and prescribing and attaching conditions to licences;
 - (e) prescribing fees for licences, and for grading and inspection services;
 - (f) prescribing the requirements for the equipment and sanitary operation of establishments, and of vehicles used in connection with an establishment or in connection with fishing or the marketing of fish;
 - (g) prohibiting the marketing of fish or containers under a grade name or standard prescribed by the regulations unless all the requirements of this Act and the regulations with respect thereto have been complied with;
 - (h) prescribing the manner in which samples of fish may be taken;
 - (i) prescribing the procedure to be followed in any appeal to the Minister under this Act;
 - (j) providing for any thing connected with the marketing or inspection of fish and containers locally within the Province. 1955, c. 23, s. 13.
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