

## Changes for Existing Licence Holders

This document provides a summary of the important changes to the Nova Scotia *Fisheries and Coastal Resources Act*, the *Fish Buyers' Licensing and Enforcement Regulations*, the *Fish Inspection Regulations*, licence conditions, and the Fish Processors and Fish Buyers Licence Policy, that are applicable to existing fish buyer and processor licence holders. Questions and answers have been included to provide clarity.

### A. Fisheries and Coastal Resources Act (the Act)

Effective date: March 2024 (unless otherwise stated)

Item	Previous Act	Revised Act
<b>Increase fines</b>	<p>A person found guilty of a first offence is liable to a fine not exceeding \$100,000 or to imprisonment for a period of not more than 90 days, or to both a fine and imprisonment.</p> <p>A person who is guilty of a second or subsequent offence is liable to a fine of not less than \$100,000 and not more than \$500,000 or to imprisonment for a period of not more than six months, or to both a fine and imprisonment.</p>	The maximum fine for first offence is \$1,000,000 and maximum fine for second offence is \$2,000,000.
<b>Definition of processing</b> (effective Aug 1, 2025)	'Processing' is defined in the Act.	The definition of 'processing' is repealed from the Act and included in the <i>Fish Buyers and Fish Processors Regulations</i> only.
<b>Increase period for disposal of appeals</b>	The Act allows the Minister 30 days to dispose of an appeal filed, under section 118, by a person who is aggrieved by a decision or order of an employee of the Department.	The period for disposal of appeals is extended from 30 to 60 days.
<b>Stay of order pending appeal</b>	With respect to an appeal to the Minister of an employee's decision or order, or an appeal to the Supreme Court of NS of a decision by the Minister, the status of the decision or order pending the outcome of the appeal is not mentioned.	A decision or order under appeal remains in effect pending the outcome of the appeal (to the Minister, under section 118, or to the Supreme Court of NS, under section 119).
<p><b>Q&amp;A: What is the difference between an appeal filed under sections 118 and 119 of the Act?</b></p> <p>Under section 118, a person who is aggrieved by a decision or order of an employee of the Department may, within 30 days of the decision or order, appeal to the Minister. If the Minister upholds the decision or order of the employee, then the aggrieved person has the option to, under section 119, appeal to the Supreme Court of Nova Scotia.</p>		

## B. Fish Buyers and Fish Processors Regulations

Effective date: August 1, 2025

Item	Previous Regulations	New Regulations
<b>Enhanced administrative efficiency and reduced 'red tape'</b>		
<b>Consolidate regulations</b>	<i>Fish Buyers' Licensing and Enforcement Regulations</i> (buyers) and <i>Fish Inspection Regulations</i> (processors) in effect.	The previous two sets of regulations have been repealed and replaced with consolidated <i>Fish Buyers and Fish Processors Regulations</i>
<b>Increase licence duration</b>	Unless otherwise specified on the licence, a licence expires on December 31 of the calendar year for which it is issued.	All fish buyer and processor licences are first issued for up to 2 years and are renewed for 2 years. <a href="#">[Section 11]</a>
<b>Prorate licence fees</b>	Prior to issuing a new licence, licence fees must be paid, with no regard for when the licence is issued. Fees are not pro-rated based on date of licence issuance.	Prior to issuing a new licence, licence fees must be paid and fees are pro-rated based on date of licence issuance.
<b>Remove unnecessary schedules</b>	Schedules in the <i>Fish Inspection Regulations</i> include construction, equipment, facility and vessel requirements for handling, holding and transporting fish (food safety requirements).	Schedules are removed due to redundancy with requirements under the CFIA <i>Safe Food for Canadians</i> (SFC) <i>Regulations</i> . Under licence conditions, all processors are required to hold a valid SFC licence.
<b>Remove reference to seller licence</b>	There was limited reference to 'seller licence' (which have not been issued) in the <i>Fish Buyers' Licensing and Enforcement Regulations</i> .	Reference to 'seller' licence is removed.
<b>Show cause to written submissions process</b>	Both regulations speak to a 'show cause' hearing (oral or written) in the event of a termination, amendment or suspension decision made by the Registrar.	The 'show cause' procedure is replaced with a written submissions process. The fee for this process (\$249.20) is retained. <a href="#">[Section 15]</a>
<p><b>Q&amp;A: What is the difference between submitting written submissions (under section 15 of the new Regulations, formerly referred to as a 'show cause' hearing) and an appeal under section 118 of the Act?</b></p> <p>Under section 15, written submissions may be submitted to the Minister when a licence holder receives a Letter of Intent that notifies the licence holder of the Registrar's pending decision to vary, amend, suspend or terminate a licence, <u>at a later date</u> (at least 30 days from the date that the letter is received by the licence holder). The licence holder would then have 30 days to provide reasoning to the Minister as to why the Registrar's decision should not come into effect.</p> <p>Comparatively, under section 118 of the Act, an appeal may be submitted to the Minister when a person is aggrieved by a decision of the employee. In this case, the <u>decision has already been made</u> and is not coming into effect <u>at a later date</u>.</p>		
<b>Improved compliance, enforcement and traceability</b>		
<b>Define 'agent'</b>	Agent is an undefined term and referenced briefly.	Agent is defined as 'a person lawfully acting on behalf of another person and includes a designated buyer'. <a href="#">[Section 2]</a>
<p><b>Q&amp;A: What are some examples of an agent, other than a designated buyer?</b></p> <p>An agent, other than a designated buyer, could be a person or company transporting fish or fish products on behalf of a harvester, licence holder or anyone else, or a person selling fish or fish products on behalf of someone else (e.g., roadside live lobster sales by an employee of a harvester).</p>		

Item	Previous Regulations	New Regulations
<b>Proof of agency for agents</b>	There are no requirements for an agent, when processing, buying, selling, packaging or possessing fish or fish products, to provide information pertaining to their agency.	<p><b>*Does not apply to designated buyers</b></p> <p>An agent who is processing, buying, selling, packaging or possessing fish or fish products, must, upon request by an Inspector, an employee of the Department or a peace officer, immediately provide proof of the following:</p> <ul style="list-style-type: none"> <li>(a) Name, mailing address and telephone number of the agent's principal</li> <li>(b) The nature and extent of the agent's authority</li> <li>(c) The start date and end date of the agent's authority <a href="#">[Section 23(1)]</a></li> </ul>
<p><b>Q&amp;A: Why does section 23(1) not apply to designated buyers?</b></p> <p>Designated buyers are required to show proof of their agency by carrying their designated buyer card and government-issued photo identification, at all times, while engaged in all activities authorized by the fish buyer licence.</p> <p><b>Q&amp;A: Who is the agent's principal?</b></p> <p>The agent's principal is the company or individual they are working for.</p>		
<b>Information requests of agents</b>	There are no requirements for an agent, when processing, buying, selling, packaging or possessing fish or fish products, to provide information pertaining to their actions.	<p><b>*Does apply to designated buyers</b></p> <p>An agent who is processing, buying, selling, packaging or possessing fish or fish products, must, upon request by an Inspector, an employee of the Department or a peace officer, immediately provide proof of any of the following:</p> <ul style="list-style-type: none"> <li>(a) The owner or other source of the fish or fish products</li> <li>(b) If the owner or other source of the fish or fish products is a person who holds a valid commercial fishing licence issued by DFO, the licence number</li> <li>(c) The location where the agent obtained possession of the fish or fish products</li> <li>(d) The date and time the agent obtained possession of the fish or fish products</li> <li>(e) The intended destination of the fish or fish products</li> <li>(f) Any other information that the inspector, employee of the Department or peace officer may require. <a href="#">[Section 23 (2)]</a></li> </ul>
<p><b>Q&amp;A: Does the information required at section 23(2) have to be provided on paper or can it be provided electronically?</b></p> <p>The information can be provided either on paper or electronically, or a combination thereof, so long as it is provided immediately and documents are legitimate and legible.</p>		

Item	Previous Regulations	New Regulations
<b>Remove exemption for non-profit organizations</b>	Under the <i>Fish Buyers' Licensing and Enforcement Regulations</i> , non-profit organizations are exempt for having a buyer licence to purchase fish for resale.	Non-profit organizations are required to apply for a 'single event' licence at no cost, to purchase and process fish and fish products from commercial harvesters for re-sale at a single event in Nova Scotia. <a href="#">[Section 18]</a>
<b>Q&amp;A: Does a non-profit organization need a single event licence if they receive donated fish or fish products from a harvester, or if they source their fish or fish products from a NS-licensed buyer?</b> No.		
<b>Other</b>		
<b>Support for family succession</b>	No support for family succession.	If a family member of the holder of the majority of voting shares of a company that is a licence holder wishes to take over the company (take over as majority voting shareholder) they can obtain a new licence via a simplified application process. <a href="#">[Section 13]</a>
<b>Updated terminology</b>	The definition of 'processing' in the <i>Fish Inspection Regulations</i> includes 'cleaning, filleting, icing, packing, canning, freezing, smoking, salting, cooking, pickling, drying or preparing fish for market in any other manner.	The definition of 'processing' is 'actions respecting fish or fish products that change the nature or form or add to the value of the fish or fish products for the purpose of preparing the fish or fish products for sale. <a href="#">[Section 2]</a>

### C. New Licence Conditions

Item	New Conditions
<b>Applicable to buyers and processors (effective January 1, 2025, unless otherwise stated)</b>	
<b>Display licence</b>	The licence holder shall display their licence at all facility locations listed on the licence.
<b>Mandatory employment survey</b>	The licence holder is required to submit annually to the Department, by February 1 <sup>st</sup> of each year, a sector employment survey for the previous calendar year.
<b>Notify of fisheries related offences</b>	The licence holder shall notify the Minister, within 30 days after its occurrence, if the licence holder or any of its shareholders, directors, officers, agents or key employees has been charged with or convicted of, a fisheries-related offence under the Nova Scotia <i>Fisheries and Coastal Resources Act</i> or associated Regulations, or other pertinent legislation listed in the Nova Scotia Fish Processors and Fish Buyers Licence Policy.
<b>Timeline to submit application forms</b>	Once a licence holder notifies the Minister of a change in holder of the majority of the voting shares of the corporation, the licence holder must submit to the Minister, within 30 days, an application for a new licence.
<b>Marine debris (effective Aug 1, 2025)</b>	The licence holder shall implement measures to prevent the release of marine debris and litter from their facility. This condition applies to marine debris and litter visible to the eye, including but not limited to lobster bands, plastic strapping and plastic packaging.
<b>Applicable to lobster buyers (effective January 1, 2025, unless otherwise stated)</b>	
<b>Holding and handling facilities</b>	Only facilities listed on the licence can be used by licence holders to hold and/or handle lobster, except for temporary storage in crates or cars in the water.
	An amendment request is required to add additional holding and handling facilities to a licence.

Item	New Conditions
	If holding lobster at other locations not listed on the licence due to unforeseen circumstances, the licence holder must notify the Department, within 3 business days of first storing lobster elsewhere, of location, why, and for how long.
<b>Record dead loss</b>	The licence holder shall, on a daily basis, record the weight of lobster dead loss, in pounds.
<b>Additional reporting requirements</b>	The licence holder shall report to the Department, monthly, information regarding purchases from other buyers and the location of sales, and dead loss.
<b>Applicable to elver buyers (effective March 7, 2025)</b>	
<b>Holding and handling Facilities</b>	Prior to buying any elvers, a licence holder who is licensed to buy elvers must own or lease an elver holding and handling facility in Nova Scotia.
	Only facilities listed on the licence can be used by licence holders to hold and/or handle elvers.
	An amendment request is required to add additional facilities to a licence.
<b>DFO possession licence</b>	For each elver facility, the licence holder must maintain a valid possession licence issued by the Department of Fisheries and Oceans Canada (DFO).
<b>Applicable to processors (effective January 1, 2025)</b>	
<b>CFIA Safe Food for Canadians Licence</b>	At the time of processing a species of fish, the Safe Food for Canadians (SFC) Licence must include a reference, as applicable, to any of the designated activities, 'preparing food for intra-provincial trade,' 'preparing food for inter-provincial trade' or 'preparing food for export,' as well as the respective sub-commodity.

## D. New Fish Buyers and Fish Processors Licence Policy

Effective August 1, 2025 unless otherwise specified

Item	Previous Policy	New Policy
<b>Enhanced administrative efficiency and reduced 'red tape'</b>		
<b>Increase licence duration and stagger expiry dates (effective Oct 1, 2024)</b>	All fish buyer and processor licences expire on December 31 and are renewed for 1 calendar year.	Licences in Yarmouth and Shelburne counties expire on November 30, 2025 and every 2 years thereafter. Licences in all other counties expire on November 30, 2026 and every 2 years thereafter.
<b>One processor licence per operation</b>	One fish processor licence is required for each building, even if buildings are on the same parcel of land.	One fish processor licence per operation (i.e., multiple buildings on the same or immediately adjacent parcel of land) is permitted.
<b>Q&amp;A: I have two similar processor licences for processing facilities located on the same parcel of land. How can I operate just a single licence?</b> To operate a single processor licence, you may submit a request to amend the licences to do so. You may transfer all desired species to one licence and terminate the second licence (it can't be reissued).		
<b>Soft-shell clam depuration</b>	To obtain a fish processor licence for soft-shell clams, a person is required to have a depuration facility.	To obtain a fish processor licence for soft-shell clams, a person is not required to have a depuration facility. However, they would need to obtain a CFIA Safe Food for Canadians licence for clams as part of Fish Processor licensing requirements.

Food safety		
<b>Voluntary closure</b>	Licensed fish processing facilities are permitted to be in voluntary closure status, which means that they do not have a valid CFIA Safe Food for Canadians licence, and are inactive (i.e., do not process).	Licensed fish processing facilities are not permitted to be in voluntary closure status.
Application process		
<b>Business plans</b>	An applicant is not required to submit a business plan as part of an application.	Applicants for new licences which includes instances where there is a change in majority of voting shares for existing licence holders, and for amendments to add species or relocate a fish processing facility to another county, must submit a business plan.
<b>Additional vetting for lobster and snow crab</b>	An applicant is not required to submit additional information, and undergo additional assessment, for applications for lobster buying and snow crab buying and processing.	An applicant is required to submit additional information, and undergo additional assessment, for applications for lobster buying and snow crab buying and processing.
<b>Application Process</b>	An applicant can request a new licence or to have an existing licence reissued. When an existing licence is reissued to either a new company or due to a change in the holder of the majority of voting shares of the company, all species are transferred to the new licence.	An applicant can only request a new licence (a licence can no longer be reissued). When there is a change in the holder of the majority of voting shares of the company that is a licence holder, an application for a new licence, including a business plan that addresses all desired species, must be submitted (except for family succession).
<b>Family succession</b>	No family succession provisions.	Family members will be able to obtain a new licence, formerly held by their immediate family member, via a simplified application process. The licence holder name must stay the same; only the majority voting shareholder changes.
<p><b>Q&amp;A: What is the simplified application process for family members and how does it compare to the regular process?</b></p> <p>When a family member wants to take over the family business and the associated fish buyer and/or processor licence(s), they do not need to submit a business plan as part of the application requirements and all species will be transferred to the new licence(s). Comparatively, for applications for non-family members to take over a business and licence(s), a business plan must be submitted, and all species will not be transferred to the new licence(s) unless they are applied for and approved by the Department.</p>		