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## Fish Buyers Licence Conditions

Further to the *Fisheries and Coastal Resources Act, S.N.S. 1996, c. 25* (the “Act”), the *Fish Buyers’ Licensing and Enforcement Regulations* (the “Regulations”) and the *Fish Processors & Fish Buyers Licence Policy*, the following conditions apply and form part of the licence holder’s Fish Buyers Licence, unless otherwise specified:

### DEFINITIONS:

**Bait:** Species of fish authorized to be purchased as bait is required to be sold for use as bait only.

**By-catch:** The portion of a commercial fishing or harvesting catch that consists of fish caught unintentionally.

**Commercial fisher:** A person who has been issued a licence by the DFO authorizing the fishing or harvesting of fish for the purpose of sale.

**Commercial Fishing Vessel (CFV) number:** The vessel registration number assigned by DFO to a fishing vessel.

**Dead Loss:** The amount of lobster that is no longer viable as a live or processed product and that is discarded as waste.

**Department:** The Nova Scotia Department of Fisheries and Aquaculture.

**Designated Buyer:** A person appointed by a licence holder pursuant to section 17 of the Regulations to engage in activities authorized by their Fish Buyers licence.

**DFO:** Department of Fisheries and Oceans (Canada).

**Elvers:** Juvenile eel less than 10cm in length.

**Fish:** Includes all finfish, shellfish, crustaceans and marine plants and marine animals and parts, products or by-products of them.

**Independent Buyer:** Corporation or individual who holds a Nova Scotia Fish Buyers licence, but who does not hold a corresponding Nova Scotia Fish Processors licence.

**Licence Holder:** Corporation or individual holding a Nova Scotia Fish Buyers Licence issued pursuant to the Regulations.

**Retail Outlet:** An establishment in Nova Scotia where goods and services are sold or offered to a purchaser for the purpose of consumption or use and not for resale and includes a restaurant.

**Species Licence Number:** The number assigned to a licence issued to a commercial fisher by DFO authorizing the fishing or harvesting of fish for the purpose of sale.

## **1. LOCATION BASED PURCHASE AND SALE RESTRICTIONS:**

- (a) Where the landing or harvesting of fish or by-catch is restricted by DFO to a specific area, the purchasing or obtaining of that fish or by-catch is restricted to within that same area.
- (b) Subject to clause 1(c), no licence holder shall export live, unprocessed Snow crab to the provinces of Newfoundland and Quebec.
- (c) The export of live, unprocessed Snow crab harvested in Snow Crab Fishing Area 4X to the province of Quebec is permitted, provided it is destined for the live market only.
- (d) The licence holder shall:
  - i. Purchase Herring harvested in Herring Fishing Zone 16F only from commercial fishers who have a signed Waiver of Release for Excess Herring and Catch Information document (“Waiver”) with the Gulf Nova Scotia Herring Federation (“Federation”); and
  - ii. Pay weekly to the Federation that portion of the commercial fisher’s catch determined to be in excess of the specified daily limit as defined in the Waiver.
- (e) All sales conducted by a licence holder from their retail outlet are required to take place from a retail outlet:
  - i. That is owned by the licence holder;
  - ii. That is located within the Province of Nova Scotia; and
  - iii. For which a valid Food Establishment Permit has been issued by Nova Scotia Department of Environment and Climate Change.

## **2. PURCHASE OF BY-CATCH:**

- (a) The licence holder is authorized to purchase or obtain by-catch species only from the commercial fishers from whom they have purchased or obtained fish for which the by-catch species is authorized by DFO to be retained.

## **3. SALE OF BAIT FISH:**

- (a) Species of fish authorized to be purchased as bait is required to be sold for use as bait only.

## **4. RECORD REQUIREMENTS:**

- (a) The licence holder shall, on a daily basis, record the following information and keep such recorded information for a period of five (5) years:
  - i. The full name, phone number and civic address of the person from whom the fish are purchased, held or obtained;
  - ii. The full name of any person appointed as a designated buyer pursuant to the fish buyers licence who entered into possession of the fish purchased, held or obtained;
  - iii. Where the person from whom the fish are purchased, held or obtained is a commercial fisher, the species licence number issued to that fisher and the CFV number of the fishing vessel used to harvest the fish;
  - iv. The date and time, location, total weight in pounds or kilograms, species and price of the fish purchased, held or obtained;
  - v. The fishing area, harvesting area or aquaculture licence number from where the fish were obtained;
  - vi. The full name, phone number and civic address of the person to whom the fish are sold, released, dispensed or disposed; and
  - vii. The date and time, location, destination, total weight in pounds or kilograms, species and price of the fish sold, dispensed, released or disposed.

- viii. The weight of lobster dead loss, in pounds.
- (b) Licence holders, who from their retail outlet, sell or offer lobster to a purchaser for the purpose of consumption or use and not for resale are not required to record the information outlined in Sub-clauses 4(a)(v) and 4(a)(vi).
- (c) The licence holder shall keep and maintain all information and records within Nova Scotia at their principal office or another location in Nova Scotia identified to the Department, in hard copy or electronically.
- (d) The information and records shall be complete and readily available for inspection by an inspector.

## 5. REPORTING REQUIREMENTS:

- (a) In addition to keeping and maintaining daily records, the licence holder is required to report to the Department, information about their activities of buying, including reports of no activity, for all species for which their respective licence is endorsed.
  - i. For the species "Eel" (including elvers), the report is to be submitted to the Department by the Tuesday following the end of each reporting week.
  - ii. For all other species, the report is to be submitted to the Department by the 2<sup>nd</sup> Friday following the end of the reporting month.
- (b) Reports are to be completed via internet using the Fish Buyers Online Reporting System (FBORS) available on the Department website at:  
<https://www.novascotia.ca/fish/licensing/fbors/>
- (c) 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.

## 6. MANDATORY NOTIFICATIONS:

- (a) **Change in Ownership and/or Shareholders:**
  - i. A licence holder which is a corporation shall notify the Minister, within 30 days after its occurrence, of any change in the majority of the voting shares of the corporation, whether as a result of a single transaction or a series of transactions.
  - ii. Once the licence holder notifies the Minister, or the Department becomes aware of, a change as described in subsection i., the licence holder must submit to the Minister, within 30 days, completed Consent to Disclose Information and Request to Relinquish forms, and an application to reissue the licence.
- (b) **Change in Facility Ownership:**
  - i. The licence holder shall notify the Minister, within 30 days after its occurrence, of any change in the ownership of a licensed fish buying facility for which this licence is granted (if applicable).
- (c) The licence holder shall notify the Minister, within 30 days after its occurrence, if the licence holder ceases to conduct a fish buying business in the normal course, becomes insolvent, makes a general assignment for the benefit of creditors, suffers or permits the appointment of a receiver of their business assets, or avails of any proceeding in bankruptcy under any statute relating to insolvency or the protection of rights of creditors.
- (d) 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 *Fisheries and Coastal Resources Act* or associated Regulations, or other pertinent legislation listed in the Nova Scotia Fish Processors and Fish Buyers Licence Policy.
- (e) The licence holder shall notify the Minister of any change of contact information within 30 days of such a change.

**7. DESIGNATED BUYERS CONDITIONS:**

- (a) In addition to the requirements provided in the Regulations, the following conditions apply:
  - i. A designated buyer shall only transfer possession of fish to the licence holder under whose licence the designated buyer has been appointed.
  - ii. A licence holder is responsible for making any payments to commercial fishers for all fish purchased under authority of the licence holder's buyers licence. **A designated buyer is not permitted to make any such payments to commercial fishers.**
- (b) Licence holders are accountable for the actions of all designated buyers appointed pursuant to their licence and are responsible for ensuring the care and custody of designated buyers cards.

**8. LIVE LOBSTER FACILITY REQUIREMENTS**

- (a) An independent buyer, holding a licence for lobster, must:
  - i. own or lease and maintain a live lobster holding and handling facility in Nova Scotia, and
  - ii. meet and maintain the Nova Scotia Live Lobster Holding and Handling Criteria in Sections B, C and D of Schedule C of the Fish Processors and Fish Buyers Licence Policy.
- (b) A licence holder for lobster with an approved Live Lobster Facilities Protocol (LLFP), must maintain their facility in accordance with their approved LLFP.
- (c) 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.
- (d) An amendment request is required to add additional holding and handling facilities to a licence.
- (e) 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.

**9. GENERAL PROVISIONS:**

- (a) These licence conditions shall come into effect on the date the Fish Buyers Licence is issued and remain in effect until the licence's expiry.
- (b) The licence holder shall display their fish buyers licence at all facility locations listed on the licence.
- (c) The licence holder, or in the case of a corporate licence holder, an authorized representative, is required to sign this document and send back to the Department as part of the relevant application.

Name of Licence Holder or an authorized representative	Signature	Date (Day / Month / Year)

**By signing this copy of the Fish Buyers Licence Conditions, I acknowledge that I have read and understand the conditions and agree to be bound by them.**