

UNEDITED

The Fisheries Act

being

Chapter 51 of *The Revised Statutes of Saskatchewan, 1953*
(effective February 1, 1954).

FOR HISTORICAL REFERENCE ONLY

NOTE:

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

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CHAPTER 51

An Act respecting Fisheries, Fish Inspection and other Matters

SHORT TITLE

Short title

- 1 This Act may be cited as *The Fisheries Act*.

R.S.S. 1953, c.51, s.1.

INTERPRETATION

Interpretation

- 2 In this Act:

“department”

- 1 “**department**” means the Department of Natural Resources;

“fish”

- 2 “**fish**” means any species of fish and includes any part of any such fish;

“fish dealer”

- 3 “**fish dealer**” means a person who, not being the holder of a subsisting commercial fisherman’s licence issued pursuant to the Special Fishery Regulations for the Province of Saskatchewan under the *Fisheries Act (Canada)*, sells or barter fish or offers fish for sale or barter or has in his possession fish for sale or barter, and includes a person who goes from house to house selling or bartering fish or offering fish for sale or barter or soliciting orders for fish for future delivery, but does not include a person who sells or barter fish or offers fish for sale or barter or has in his possession fish for sale or barter by retail sale only;

“minister”

- 4 “**minister**” means the Minister of Natural Resources;

“officer”

- 5 “**officer**” means:

- (a) any person employed in connection with the administration and management of the department or authorized by the minister to assist in the enforcement of this Act or any regulations made thereunder;
- (b) any member of the Royal Canadian Mounted Police or any city, town or village police officer;

“packing plant”

- 6 “**packing plant**” means any building or place, other than a processing plant, where fish are received from commercial fishermen for the purpose of packing or assembling such fish for shipment to any market but does not include a building or place where a commercial fisherman packs or assembles fish of his own catching only;

“processing”

- 7 “**processing**” means smoking, filleting, salting or otherwise preparing fish for market;

“processing plant”

8 **“processing plant”** means a fish cannery or a fish processing or fish curing establishment and includes any building or other structure and any floating barge or vessel connected with or used in connection with such cannery or establishment;

“resident”

9 **“resident”** means a person who has resided, or a registered firm or corporation which has had a place of business, in Saskatchewan for at least six months preceding the date of his or its application for a licence;

“retail sale”

10 **“retail sale”** means a sale direct to a consumer for the purpose of consumption, and not for resale, made in an established place of business where food for human consumption is ordinarily sold.

1951, c.22, s.2; 1953, c.22, s.2; R.S.S. 1953, c.51, s.2.

ADMINISTRATION

Administration by department

3 This Act and the regulations shall be administered by department the department.

1951, c.22, s.3; R.S.S. 1953, c.51, s.3.

PROHIBITIONS

Fish dealers

4 No person shall carry on business as a fish dealer without first obtaining a licence from the department to do so.

1951, c.22, s.4; R.S.S. 1953, c.51, s.4.

Processing plants

5 No person shall operate a processing plant without first obtaining a licence from the department to do so.

1951, c.22, s.5; R.S.S. 1953, c.51, s.5.

Packing plants

6 No person shall operate a packing plant without first obtaining a licence from the department to do so.

1951, c.22, s.6; R.S.S. 1953, c.51, s.6.

Exportation of fish

7 No person shall take, carry, send or ship any fish taken for commercial purposes out of the province without first obtaining a permit from the department to do so.

1951, c.22, s.7; R.S.S. 1953, c.51, s.7.

Acceptance of fish for exportation

8 No person shall accept any fish taken for commercial exportation purposes for shipment or delivery to a place outside the province unless a permit under section 7 has been issued in respect of such fish.

1951, c.22, s.8; R.S.S. 1953, c.51, s.8.

Fish taken during close season

9 No person shall purchase or sell any fish taken during the time when fishing for such fish is prohibited by the *Fisheries Act (Canada)* or any regulations made thereunder.

1951, c.22, s.9; R.S.S. 1953, c.51, s.9.

Fish caught by angling, etc.

10 No person shall sell, trade or barter or offer to sell, trade or barter, or purchase any fish caught:

- (a) by angling; or
- (b) under the authority of a domestic fisherman's licence or a free Indian permit issued pursuant to the Special Fishery Regulations for the Province of Saskatchewan under the *Fisheries Act (Canada)*.

1951, c.2, s.10; R.S.S. 1953, c.51, s.10.

Purchases of fish

11 No person shall purchase any fish except:

- (a) through a retail sale;
- (b) from a licensed fish dealer;
- (c) from a person holding a subsisting commercial fisherman's licence issued pursuant to the Special Fishery Regulations for the Province of Saskatchewan under the *Fisheries Act (Canada)*;
- (d) from an officer selling fish pursuant to section 22; or
- (e) from a person selling fish marketed through him or delivered to him pursuant to regulations made under clause (c) or (d) of section 17.

1951, c.22, s.11; R.S.S. 1953, c.51, s.11.

Fisher taken for commercial purposes

12(1) No person shall sell, trade, barter, purchase, ship, transport or have in his possession any fish taken for commercial purposes unless such fish are packed in wooden boxes, cardboard cartons or metal containers or in other containers authorized pursuant to subsection (2).

(2) The minister may when he considers it to be in the public interest to do so authorize the packing of fish, either generally or in any particular case, in such containers other than those mentions in subsection (1) as he may specify.

1951, c.22, s.12; R.S.S. 1953, c.51, s.12.

LICENCES AND PERMITS

Issue in discretion of minister

13 The issue of a licence or permit shall be in the discretion of the minister.

195, c.22, s.13; R.S.S. 1953, c.51, s.13.

Applications

14 No licence or permit shall be issued unless the applicant makes written application therefor on a form to be obtained from the department and sets out in the form all the information required by the department as indicated therein.

1951, c.22, s.14; R.S.S. 1953, c.51, s.14.

CARRIERS OF FISH

Duty to obtain statement from seller or shipper

15(1) Every carrier, whether a common carrier or not, including the owner or driver of any motor vehicle, shall, before transporting or accepting for transport or purchasing any fish, obtain from the shipper or seller of the fish a statement in duplicate signed by the shipper or seller and setting forth:

- (a) the names of the various species of fish and the quantity of each species included in the shipment or purchase;
- (b) the name and address of the shipper or seller and the number of his licence;
- (c) the name and address of the consignee or purchaser.

(2) The carrier shall retain one copy of the statement and shall cause the other copy to accompany the shipment and to be delivered to the consignee.

1953, c.22, s.3; R.S.S. 1953, c.51, s.15.

Acceptance of shipment not accompanied by statement prohibited

16 No person shall accept from a carrier, whether a common carrier or not, including the owner or driver of a motor vehicle, a shipment of fish unless it is accompanied by a copy of the statement mentioned in section 15.

1953, c.22, s.3; R.S.S. 1953, c.51, s.16.

REGULATIONS

Powers of Lieutenant Governor in Council

17 The Lieutenant Governor in Council may make regulations:

- (a) governing the inspection of fish and requiring, and prescribing the manner and conditions of, the processing, grading, certification and packing of fish and the marking of packages and containers and generally governing the preparation of fish for market, and governing the disposal of fish and portions of fish found to be unmerchantable;
- (b) governing the inspection of waters and the classification thereof according to the quality of fish therein;

- (c) governing the marketing of fish taken in Saskatchewan or in any specified waters in Saskatchewan and prohibiting the marketing of such fish except in accordance with the regulations;
- (d) requiring the delivery of fish taken in Saskatchewan or in any specified waters in Saskatchewan to such person, corporation, board, agency or co-operative association as may be designated in the regulations, and prescribing the method, time and place of such delivery;
- (e) controlling and regulating the operations of fish dealers, governing the licensing of fish dealers, and prescribing the conditions of licences, the records to be kept and the returns to be made by fish dealers, and for such purposes the regulations may differentiate between and prescribe different conditions for residents and non-residents;
- (f) governing the licensing of persons desiring to operate processing plants and governing the operation and inspection of such plants;
- (g) governing the licensing of persons desiring to operate packing plants and governing the operation and inspection of such plants;
- (h) prescribing the royalties to be paid on fish taken for commercial purposes and governing the payment and recovery of such royalties;
- (i) prescribing the form of licences and permits and the fees to be paid for licences and permits, governing the issue, duration, suspension and cancellation of licences and permits and prohibiting or governing the transfer of licences and permits;
- (j) containing such further provisions relating or incidental to fisheries or fishing as are deemed necessary or desirable for the administration and enforcement of this Act and the regulations and are within the exclusive jurisdiction of the province.

1951, c.22, s.15; R.S.S. 1953, c.51, s.17.

POWERS OF OFFICERS, PROSECUTIONS AND PENALTIES

General powers of officers

18 Every person mentioned in clause (a) of paragraph 5 of section 2 shall have the powers of a constable to enforce the provisions of this Act and the regulations.

1951, c.22, s.16; R.S.S. 1953, c.51, s.18.

Power to search without warrant

19(1) An officer who has reasonable grounds for believing that an offence against this Act or the regulations has been committed may without warrant search any store, shop, warehouse, shed, outhouse or other building or structure, or any yard, or any vehicle, boat, aircraft, railway car or coach or other conveyance in or upon which he believes evidence of such offence may be found.

(2) For the purpose of making such search the officer may if necessary force an entry to any such place and he may open therein any box, package, luggage or other container or receptacle and examine the contents thereof.

1951, c.22, s.17; R.S.S. 1953, c.51, s.19.

Powers of seizure

20 An officer may seize any fish in respect of which he believes that an offence against this Act or the regulations has been committed as well as any other fish intermixed therewith, and he may also seize any boat, canoe, motor, vehicle, aircraft or other thing whatever which was used for the purpose of or in connection with the committing of such offence.

1951, c.22, s.18; R.S.S. 1953, c.51, s.20.

Forfeiture or impoundment of things seized

21(1) Upon conviction of any person of an offence in respect of which fish are seized under section 20 the convicting police magistrate or justice of the peace shall declare the fish to be forfeited to Her Majesty.

(2) Upon conviction of any person of an offence in respect of which any thing other than fish is seized under section 20 the convicting police magistrate or justice may declare such thing to be forfeited to Her Majesty or impounded by the department.

(3) All things so declared to be impounded shall be held by the department for a period of sixty days and at the end of that period they shall be returned to the person from whom they were seized.

1951, c.22, s.19; R.S.S. 1953, c.51, s.21.

Disposal of things forfeited and of certain things seized

22(1) Where any thing is forfeited pursuant to section 21, or where the owner of any thing seized under section 20 is unknown, such thing shall be disposed of in such manner as the minister may direct.

(2) Notwithstanding anything in this Act, an officer may without a licence sell any fish directed to be sold pursuant to subsection (1) or confiscated under the *Fisheries Act (Canada)* or any regulations made thereunder.

1951, c.22, s.20; R.S.S. 1953, c.51, s.22.

Obstruction of officers

23(1) A person who resists, obstructs or interferes with an officer in the performance of his duties under this Act or the regulations, or who resists, obstructs or interferes with any person aiding such officer, is guilty of an offence and liable on summary conviction to the penalties provided in section 24.

(2) Subsection (1) does not apply where the act of resistance, obstruction or interference is also an offence punishable under the *Criminal Code*.

1951, c.22, s.21; 1953, c.22, s.4; R.S.S. 1953, c.51, s.23.

Penalties

24 A person who violates any of the provisions of this Act or the regulations is guilty of an offence and liable on summary conviction to a fine not exceeding \$500 and in default of payment to imprisonment for a term not exceeding three months.

1950, c.22, s.22; R.S.S. 1953, c.51, s.24.