

# *The Fisheries Act (Saskatchewan), 1994*

*being*

[Chapter F-16.1](#) of the *Statutes of Saskatchewan, 1994* (effective May 9, 1995) as amended by the *Statutes of Saskatchewan, 1996, c.48; 1997, c.W-13.11; 1998, c.W-13.12; 2000, c.50 and 64; and 2007, c.29.*

## **NOTE:**

This consolidation is not official and is subject to House amendments and Law Clerk and Parliamentary Counsel changes to Separate Chapters that may be incorporated up until the publication of the annual bound volume. Amendments have been incorporated for convenience of reference and the official Statutes and Regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the official Statutes and Regulations, errors that may have appeared are reproduced in this consolidation.

## Table of Contents

SHORT TITLE AND INTERPRETATION	
1	Short title
2	Interpretation
PROPERTY IN AND POSSESSION OF FISH	
3	Property and rights in fish
4	Property in fish legally taken
5	Possession
APPLICATION AND ADMINISTRATION	
6	Application of Act
7	Administration of the Act
8	Appointment of officers
9	Powers of minister
LICENCES	
10	Information that may be required
11	Licence applications
12	Special angling days
PROHIBITIONS	
13	Prohibition
14	Licence requirement
15	Invalidation of licence
16	Records and information
ENFORCEMENT	
16.1	Interpretation of sections 17 to 25
17	General powers
17.1	Officer may be accompanied
18	Arrest without warrant
19	Licence may be requested
19.1	Search of person
19.2	Entry on land
20	Inspections
20.1	Additional powers on inspection
21	Duty to assist
21.1	Stopping and detaining a vehicle
22	Investigations
23	Copies of records
24	Seizure of certain objects
25	Obstruction
FORFEITURES	
26	Forfeitures
27	Revocation, etc., of licence
GENERAL	
28	Licence to be complied with
29	General offence
30	Aid and abet
31	Limitation of prosecution
32	Offences by officers, directors or agents
33	Vicarious liability
34	Certificate of director
35	Onus on person charged
36	Liability exemption
37	Regulations
38	Valid licences continue
REPEAL AND COMING INTO FORCE	
39	R.S.S. 1978, c.F-16 repealed

## CHAPTER F-16.1

### An Act respecting Fisheries

#### SHORT TITLE AND INTERPRETATION

##### Short title

1 This Act may be cited as *The Fisheries Act (Saskatchewan), 1994*.

##### Interpretation

2(1) In this Act:

- (a) “**commercial fisherman**” means a person who holds a valid commercial fishing licence;
- (b) “**Crown**” means the Crown in right of Saskatchewan;
- (c) “**department**” means the department over which the minister presides;
- (d) “**director**” means the director appointed pursuant to subsection 7(2);
- (e) “**fish**”, when used as a noun, means any species of fish and includes:
  - (i) any aquatic crustaceans, aquatic molluscs or aquatic invertebrates;
  - (ii) any eggs or sperm from any fish; or
  - (iii) any part or parts of any fish;
- (f) “**fish**”, when used as a verb, means to acquire, capture, catch, harvest or take any fish from or in any water, and includes any attempt to acquire, capture, catch, harvest or take any fish;
- (g) “**fishery**” means any business or undertaking that involves fishing or raising, possessing, using, culturing, processing, packaging, marketing, carrying, transporting or disposing of any fish;
- (h) “**licence**” means a licence, permit, authorization or allocation issued or granted pursuant to this Act;
- (i) “**market**” means to sell, to acquire or buy for subsequent resale, to barter, to trade, to deliver, or to advertise for the purpose of selling, bartering, trading or delivering, and includes any attempt to market;
- (j) “**minister**” means the member of the Executive Council to whom for the time being the administration of this Act is assigned;
- (k) “**national park**” means a park within the meaning of the *National Parks Act* (Canada);
- (l) “**officer**” means any person employed by the department or appointed by the minister pursuant to section 8 to administer or enforce this Act, and any peace officer;

## c. F-16.1

## FISHERIES (SASKATCHEWAN), 1994

- (m) “**processing plant**” means a facility where fish are prepared, and includes the icing, packing, cleaning, dressing, filleting, freezing, deboning, smoking, salting, canning, cooking, pickling, drying and storing of fish;
- (n) “**Saskatchewan waters**” means any body of water or portion of any body of water, including any stream, river, lake, pond or reservoir:
- (i) where the bed is owned by the Crown; or
  - (ii) for which there is an agreement between the owner and the minister for the maintenance and enhancement of fish populations and for the licensing of fishing;
- (o) “**sport fishing**” means fishing for non-commercial purposes by angling or underwater spear fishing;
- (p) “**waste**” means taking improper care of fish that results in spoilage or deterioration so that the fish are unfit for human consumption;
- (q) “**wild fish**” means any fish that is wild by nature in Saskatchewan waters or any fish that has been introduced into Saskatchewan waters.
- (2) In this Act, any reference to this Act includes the regulations made pursuant to this Act.
- (3) For the purposes of this Act, the beds of all bodies of water or portions of bodies of water, including streams, rivers, lakes, ponds or reservoirs are, in the absence of evidence to the contrary, presumed to be owned by the Crown.
- (4) The presumption in subsection (3) does not apply to any body of water or portion of any body of water, including any stream, river, lake, pond or reservoir that:
- (a) forms part of an Indian reserve;
  - (b) forms part of a national park; or
  - (c) falls within the meaning of subclause (1)(n)(ii).
- (5) **Repealed.** 1996, c.48, s.3.

1994, c.F-16.1, s.2; 1996, c.48, s.3.

## PROPERTY IN AND POSSESSION OF FISH

**Property and rights in fish**

- 3(1) The property in all wild fish, including any wild fish that have been unlawfully caught, is vested in the Crown.
- (2) Subject to subsection (3), no person shall acquire any right in any wild fish other than in accordance with this Act.
- (3) No person shall acquire any right in any wild fish that are designated species as defined in Part V of *The Wildlife Act, 1998* other than in accordance with that Act.

1997, c.W-13.11, s.88; 1998, c.W-13.12, s.86;  
2000, c.64, s.2.

## FISHERIES (SASKATCHEWAN), 1994

## c. F-16.1

**Property in fish legally taken**

4 Any person who has lawful possession of any fish has, subject to this Act, all property rights to the fish.

1994, c.F-16.1, s.4.

**Possession**

5 For the purposes of any provision of this Act creating an offence for possession of a thing:

(a) a person has possession of any thing when it is in that person's personal possession or custody or, when, with that person's knowledge and consent, it is:

(i) in the actual possession or custody of another person; or

(ii) in any place, whether or not that place belongs to or is occupied by that person, for the use or benefit of that person or of another person; and

(b) a person has possession of any thing where that person is the owner or occupier of a place at which any thing is located and that person has knowledge of and consents to the thing being located at that place.

1994, c.F-16.1, s.5.

## APPLICATION AND ADMINISTRATION

**Application of Act**

6 This Act applies to:

(a) all fish in Saskatchewan, except those fish that are designated species as defined in Part V of *The Wildlife Act, 1998*;

(b) fishing in Saskatchewan waters only; and

(c) fisheries located in Saskatchewan.

1997, c.W-13.11, s.88; 1998, W-13.12, s.86;  
2000, c.64, s.2.

**Administration of the Act**

7(1) The minister shall administer this Act.

(2) The minister may appoint a director, who is to be responsible to the minister, to manage and direct the administration of this Act.

1994, c.F-16.1, s.7.

**Appointment of officers**

8 The minister may appoint any person or class of persons as officers for the purpose of administering and enforcing this Act.

1994, c.F-16.1, s.8.

**c. F-16.1****FISHERIES (SASKATCHEWAN), 1994****Powers of minister**

**9** Subject to the regulations, the minister may:

- (a) issue any licence subject to any terms and conditions that the minister considers appropriate;
- (b) alter the terms and conditions of any licence where the minister considers it appropriate;
- (c) limit the number, types or classes of licences issued;
- (d) allocate the fish resources in any or all of Saskatchewan waters to any persons or class of persons if the number, types or classes of licences are limited;
- (e) specify or alter the form of any licence;
- (f) classify any fish or any water according to fish quality and public health criteria;
- (g) determine the circumstances in which fish may be delivered or marketed and any terms or conditions on the delivery or marketing of fish;
- (h) permit the establishment, development, maintenance and enhancement of any fish populations;
- (i) control the importation or stocking of any fish;
- (j) **Repealed.** 2000, c.50, s.8.
- (k) do anything the minister considers necessary to conserve, develop, maintain, enhance, manage and utilize Saskatchewan's fish resource in a sustainable manner.

1994, c.F-16.1, s.9; 2000, c.50, s.8.

**LICENCES****Information that may be required**

**10** The minister may require the holder of a licence or an applicant for a licence or a renewal of a licence to provide the minister with information for the purposes of:

- (a) evaluating an application for the issue or renewal of a licence; or
- (b) monitoring activities conducted pursuant to any licence.

1994, c.F-16.1, s.10.

**Licence applications**

**11(1)** An application for a licence is to be in a form and manner specified by the minister or prescribed in the regulations.

**(2)** Every application is to be accompanied by the fee prescribed in the regulations.

1994, c.F-16.1, s.11.

## FISHERIES (SASKATCHEWAN), 1994

## c. F-16.1

**Special angling days**

**12** The minister may declare a period for sport fishing in Saskatchewan or in any portion of Saskatchewan, and every person designated in the declaration may, subject to compliance with this Act and the *Fisheries Act* (Canada) and its regulations, engage in sport fishing during that period:

- (a) without a licence; or
- (b) with a special licence if required by the regulations.

1994, c.F-16.1, s.12.

**PROHIBITIONS****Prohibition**

**13** No person shall fish or acquire, raise, possess, use, culture, import, introduce, process, package, market, carry or transport any fish or dispose of any fish or allow any fish to be wasted except in accordance with any licence or any provisions of this Act or the *Fisheries Act* (Canada) or its regulations.

1994, c.F-16.1, s.13.

**Licence requirement**

**14** No person shall fish or carry on any activity related to fishing that is prescribed in the regulations unless the person:

- (a) has been granted a licence to fish or carry on that activity pursuant to this Act or the *Fisheries Act* (Canada) or its regulations; or
- (b) is an officer performing his or her duties pursuant to this Act or the *Fisheries Act* (Canada) or its regulations.

1994, c.F-16.1, s.14.

**Invalidation of licence**

**15** A licence is valid only if:

- (a) it has been signed by the person or persons to whom it was issued or, in the case of a corporation being issued a licence, by a person authorized to sign on behalf of the corporation;
- (b) it has not been altered other than in accordance with this Act; and
- (c) the licence or application for the licence does not contain false, misleading or incomplete information provided by the licensee.

1994, c.F-16.1, s.15.

**Records and information**

**16** No person shall:

- (a) provide false or misleading information to the minister, the department or an officer; or
- (b) falsify, in any manner, any record or return required by this Act.

1994, c.F-16.1, s.16.

## c. F-16.1

## FISHERIES (SASKATCHEWAN), 1994

## ENFORCEMENT

**Interpretation of sections 17 to 25****16.1** In sections 17 to 25:

- (a) **“record”** includes any books, papers, documents, information or electronic books, papers, documents or information;
- (b) **“vehicle”** includes a conveyance, an aircraft, a boat or other watercraft and any accessory attached to a conveyance, aircraft, boat or other watercraft.

2007, c.29, s.2.

**General powers**

**17** All officers have the power of peace officers to enforce this Act and are entitled, while performing their duties, to all the protection that peace officers are entitled to pursuant to the *Criminal Code*.

1994, c.F-16.1, s.17.

**Officer may be accompanied**

**17.1** If an officer is conducting an inspection or investigation pursuant to this Act, the officer may be accompanied by any person who, in the opinion of the officer, by virtue of his or her expertise in a particular field or his or her knowledge of facts relevant to the matter being inspected or investigated, may assist the officer in carrying out the officer's duties.

2007, c.29, s.2.

**Arrest without warrant**

**18** Any officer may arrest, without a warrant, any person found committing an offence against this Act.

1994, c.F-16.1, s18.

**Licence may be requested**

**19** If an officer has reasonable grounds to believe that a person is or has been undertaking an activity for which a licence is required by this Act, the officer may require that person to produce:

- (a) a licence authorizing that activity; or
- (b) proof that the person may engage in that activity without a licence.

1994, c.F-16.1, s.19.

**Search of person**

**19.1** An officer may search any person if the officer has reasonable grounds to believe that the person has concealed on his or her person any evidence of an offence against this Act.

2007, c.29, s.2.

## FISHERIES (SASKATCHEWAN), 1994

## c. F-16.1

**Entry on land**

**19.2** An officer and any person or persons lawfully accompanying an officer for the purposes of carrying out the officer's duties may enter on or pass over any land, whether enclosed or not, and while so engaged he or she is liable only for any damage that he or she may wilfully cause.

2007, c.29, s.2.

**Inspections**

**20(1)** Subject to subsection 22(4), for any purpose relating to the administration or enforcement of this Act, an officer may do all or any of the following:

- (a) enter at any reasonable time and inspect:
  - (i) any premises required to be licensed pursuant to this Act; or
  - (ii) any commercial premises used by a person required to be licensed pursuant to this Act;
- (b) enter at any reasonable time and inspect any place, including any premises or vehicle, in which the officer has reasonable grounds to believe that:
  - (i) there is any fish, fishing gear or equipment or other thing to which this Act applies;
  - (ii) any activity to which this Act applies has been carried on, is being carried on or is likely to be carried on; or
  - (iii) there are records that are required to be kept pursuant to this Act or that relate to the administration of this Act;
- (c) require the owner or any person in possession of a place, including any premises or vehicle, being inspected pursuant to this section and any agent, representative, partner, director, officer or employee of the owner or person, to:
  - (i) answer any questions that may be relevant to the administration or enforcement of this Act; and
  - (ii) provide the officer with all reasonable assistance;
- (d) for the purposes of clause (c), require any of the persons mentioned in that clause to attend at a place and time set by the officer;
- (e) require any of the persons mentioned in clause (c) to produce:
  - (i) any fish, fishing gear or equipment or other thing to which this Act applies; or
  - (ii) any records that:
    - (A) are required to be kept pursuant to this Act or that relate to the administration of this Act; and
    - (B) the officer reasonably requires;
- (f) inspect any fish, fishing gear or equipment, or other thing to which this Act applies or any record that is required to be kept pursuant to this Act or that relates to the administration of this Act.

**c. F-16.1****FISHERIES (SASKATCHEWAN), 1994**

(2) If the officer requires any records to be produced pursuant to this section, the officer may examine the records and make copies of the records in accordance with section 23.

(3) For the purposes of producing a readable record from a computer system or other data storage, processing or retrieval device belonging to or used by a person who is required to produce any records pursuant to this section, the officer may use that computer system, including the computer hardware or software, or other data storage, processing or retrieval device.

(4) If an officer is unable to produce a readable record from a computer system or other data storage, processing or retrieval device belonging to or used by a person who is required to produce any records pursuant to this section, the officer may, after giving a receipt:

- (a) remove any computer hardware and software and any other data storage, processing or retrieval device required to produce a readable record;
- (b) produce that record with reasonable dispatch; and
- (c) promptly return the computer hardware and software and any other data storage, processing or retrieval device to:
  - (i) the place from which they were removed; or
  - (ii) any other place that may be agreed to by the officer and the person from whom they were taken.

2007, c.29, s.2.

**Additional powers on inspection**

**20.1** In addition to the powers mentioned in section 20, in carrying out an inspection pursuant to this Act, an officer may do all or any of the following:

- (a) open or cause to be opened any container found in the place that the officer believes on reasonable grounds contains any fish, fishing gear or equipment or other thing to which this Act applies;
- (b) take samples of any fish or other thing to which this Act applies;
- (c) conduct any tests or analyses and take any measurements.

2007, c.29, s.2.

**Duty to assist**

**21(1)** No person shall fail to answer questions or to provide reasonable assistance in accordance with section 20 or 20.1 in the manner and within the period specified by the officer.

(2) No person shall fail to produce any records, fish, fishing gear or equipment or other thing to which this Act applies in accordance with section 20 or 20.1 within the period reasonably required by the officer.

(3) No person shall refuse to produce the person's licence to an officer or the department when requested to do so.

2007, c.29, s.2.

## FISHERIES (SASKATCHEWAN), 1994

## c. F-16.1

**Stopping and detaining a vehicle**

**21.1(1)** For any purpose relating to the administration or enforcement of this Act, including conducting an inspection pursuant to section 20 or 20.1 or carrying out an investigation pursuant to section 22, an officer may:

- (a) require any vehicle to be stopped;
  - (b) require the vehicle to be moved to a place where the inspection pursuant to section 20 or 20.1 or the investigation pursuant to section 22 can be carried out; and
  - (c) detain the vehicle for a reasonable time.
- (2) Every operator or person in charge of the vehicle shall comply with the requirements of an officer made pursuant to this section.

2007, c.29, s.2.

**Investigations**

**22(1)** If a justice or provincial court judge is satisfied by information on the oath of an officer that there are reasonable grounds to believe that an offence against this Act has occurred and that evidence of that offence is likely to be found, the justice or provincial court judge may issue a warrant to do all or any of the following:

- (a) enter and search any place, including any premises or vehicle, named or described in the warrant;
  - (b) seize and remove anything that may be evidence of an offence against this Act.
- (2) With a warrant issued pursuant to subsection (1), an officer may:
- (a) enter at any time and search any place, including any premises or vehicle, named or described in the warrant;
  - (b) open and examine anything that the officer finds in the place, premises or vehicle;
  - (c) require the production of and examine any records or other things to which this Act applies that the officer has reasonable grounds to believe may contain information related to an offence against this Act;
  - (d) remove, for the purpose of making copies, any records examined pursuant to this section and any computer hardware and software and other data storage, processing or retrieval device required to produce a readable record;
  - (e) do any of the things mentioned in clauses 20.1(b) and (c);
  - (f) do any of the things mentioned in section 21.1; and
  - (g) do any of the things mentioned in section 24.

**c. F-16.1****FISHERIES (SASKATCHEWAN), 1994**

(3) Subject to subsection (4), an officer may exercise all or any of the powers mentioned in subsection (2) without a warrant issued pursuant to this section if:

- (a) the conditions for obtaining a warrant exist; and
- (b) the officer has reasonable grounds to believe that the delay necessary to obtain a warrant would result:
  - (i) in danger to human life or safety; or
  - (ii) in the loss, removal or destruction of evidence.

(4) No officer shall enter premises that are ordinarily occupied as a private residence without a warrant issued pursuant to this section unless the occupant of those premises consents to the entry.

(5) If, pursuant to this section, an officer removes any computer hardware and software and any other data storage, processing or retrieval device required to produce a readable record, the officer shall:

- (a) produce that record with reasonable dispatch; and
- (b) promptly return the computer hardware and software and any other data storage, processing or retrieval device to:
  - (i) the place from which they were removed; or
  - (ii) any other place that may be agreed to by the officer and the person from whom they were taken.

2007, c.29, s.2.

**Copies of records**

**23(1)** If any records are inspected, examined, removed, produced or provided pursuant to section 20 or 22, an officer may make copies of those records.

(2) An officer shall:

- (a) make those copies with reasonable dispatch; and
- (b) promptly return the originals of the records to:
  - (i) the place from which they were removed; or
  - (ii) any other place that may be agreed to by the officer and the person who furnished them or from whom they were taken.

(3) If the originals of any record are to be removed from a place, the officer shall take all reasonable steps to ensure that a copy of the record is left at the place to allow business to be carried on.

(4) A document certified by the minister, an officer or any person authorized by the minister to be a copy of a record made pursuant to this section:

- (a) is admissible in evidence without proof of the office or signature of that person; and
- (b) has the same probative force as the original record.

2007, c.29, s.2.

## FISHERIES (SASKATCHEWAN), 1994

## c. F-16.1

**Seizure of certain objects**

**24(1)** In addition to the powers mentioned in sections 20, 20.1 and 22, in conducting an inspection pursuant to section 20 or 20.1 or in carrying out an investigation pursuant to section 22, an officer may seize any fish, fishing gear or equipment or other thing to which this Act applies, including a vehicle, that the officer has reasonable grounds to believe:

- (a) was used in the commission of an offence or is something in relation to which an offence against this Act has been committed;
  - (b) will provide evidence with respect to the commission of an offence against this Act; or
  - (c) was taken or obtained by the commission of an offence against this Act.
- (2) Any fish, fishing gear or equipment or other thing to which this Act applies that is seized pursuant to subsection (1) may be removed to any place that the officer considers appropriate for the preservation and containment of the fish, fishing gear or equipment or other thing to which this Act applies.
- (3) If a vehicle is being used to transport any fish, fishing gear or equipment or other thing to which this Act applies and the fish, fishing gear or equipment or other thing has been seized by the officer pursuant to subsection (1), any person in charge of or operating the vehicle shall convey the seized fish, fishing gear or equipment or other thing to which this Act applies to any place that the officer may direct.
- (4) If any fish or other thing to which this Act applies is liable to seizure by an officer and has been mixed with other similar products so as to render it impractical or difficult to distinguish or separate the fish or other thing from the other products or materials with which it is mixed, all of those products or materials so mixed may be seized.
- (5) Notwithstanding subsection 26(2), if an officer has custody of any fish or other thing to which this Act applies that is seized pursuant to this Act and that is perishable or susceptible to deterioration, the minister, the department or the officer may dispose of it, in whole or in part, in any manner approved by the minister, and any proceeds realized from the disposition are to be dealt with in the manner set out in the regulations.

2007, c.29, s.2.

**Obstruction**

**25** No person shall resist, obstruct, hinder, delay or interfere with an officer, or a person aiding an officer, in the performance of the officer's duties.

2007, c.29, s.2.

## c. F-16.1

## FISHERIES (SASKATCHEWAN), 1994

## FORFEITURES

**Forfeitures**

**26(1)** Where a person is convicted of an offence:

- (a) any fish seized with respect to the offence shall be forfeited to the Crown and disposed of in a manner approved by the minister; and
- (b) any fishing gear, equipment, vehicle, conveyance, aircraft, boat or other watercraft seized with respect to the offence shall:
  - (i) within 60 days of the final conclusion of the proceedings, be returned to the person from whom it was seized; or
  - (ii) be declared forfeited to the Crown by the court and disposed of in a manner prescribed in the regulations.

(2) Where a person is not convicted of an offence, any fish, fishing gear, equipment, vehicle, conveyance, aircraft, boat or other watercraft seized with respect to the alleged offence shall be returned to the person from whom it was seized within 60 days from the date:

- (a) that the person is found not guilty, unless the verdict is appealed within the 60 days; or
- (b) that the charge is dismissed or stayed, unless the dismissal or stay is appealed within 60 days.

(3) Where any fish, fishing gear, equipment, vehicle, conveyance, aircraft, boat or other watercraft is to be returned pursuant to subsection (1) or (2) to the person from whom it was seized and that person and anyone authorized to act on that person's behalf cannot be located, the item seized shall be disposed of in a manner prescribed by the regulations.

(4) The Crown or any officer or employee of the Crown is not liable for any deterioration, diminution or other devaluation of property seized pursuant to this Act but not forfeited to the Crown.

1994, c.F-16.1, s.26.

**Revocation, etc., of licence**

**27(1)** The minister may revoke a person's licence or revoke a person's licence and prohibit that person from applying for or obtaining a licence for not more than five years where the minister is satisfied that the person has contravened:

- (a) any provision of this Act;
- (b) any provision of the *Fisheries Act* (Canada) or any regulations made pursuant to that Act; or
- (c) any terms or conditions specified in the person's licence.

## FISHERIES (SASKATCHEWAN), 1994

## c. F-16.1

- (2) Where the minister revokes a person's licence or revokes a person's licence and prohibits that person from applying for or obtaining a licence, the minister shall serve the person with written notice of the revocation or revocation and prohibition, by personal service or registered mail.
- (3) A revocation or revocation and prohibition takes effect on the later of:
- (a) the date, if any, specified in the notice;
  - (b) the day on which it is served in the case of personal service; or
  - (c) the delivery date shown on the signed post office receipt card or, where the delivery date is not shown, on the date the signed post office receipt is returned to the sender, in the case of service by registered mail.
- (4) The decision of the minister to revoke a licence or to revoke a licence and prohibit a person from applying for or obtaining a licence is final.
- (5) The Lieutenant Governor in Council may make regulations providing for the automatic revocation of a licence on conviction of the holder of the licence for prescribed offences.

1994, c.F-16.1, s.27.

## GENERAL

**Licence to be complied with**

**28** No person shall fail to comply with the terms and conditions of any licence.

1994, c.F-16.1, s.28.

**General offence**

**29(1)** Any person who contravenes any provision of this Act for which no penalty is specified is guilty of an offence and liable on summary conviction to a fine not exceeding \$100,000, to imprisonment for a term not exceeding one year or to both.

(2) Where a person is convicted for the contravention of any provision of this Act, the judge may:

- (a) revoke that person's licence, if any; or
- (b) revoke that person's licence, if any, and prohibit the person from applying for or obtaining a licence for not more than five years from the date of conviction.

(3) If an offence is committed or continued on more than one day, it is considered a separate offence for each day on which the contravention is committed or continued.

1994, c.F-16.1, s.29.

**c. F-16.1****FISHERIES (SASKATCHEWAN), 1994****Aid and abet**

**30** Any person who aids, abets, counsels or procures the contravention of a provision of this Act is guilty of an offence and liable on summary conviction to the same penalties for the offence that the person has aided, abetted, counselled or procured.

1994, c.F-16.1, s.30.

**Limitation of prosecution**

**31** No prosecution for any contravention of the provisions of this Act shall be commenced after two years from the date of the contravention.

1994, c.F-16.1, s.31.

**Offences by officers, directors or agents**

**32** Any officer, director or agent of a corporation who directed, authorized or participated in an act or omission by a corporation that would constitute an offence by that corporation is guilty of that offence, whether or not the corporation has been prosecuted or convicted.

1994, c.F-16.1, s.32.

**Vicarious liability**

**33** In any prosecution for an offence, it is sufficient proof of the offence to establish that it was committed by an employee, helper or agent of the defendant, whether or not the employee, helper or agent is identified or has been prosecuted or convicted for the offence, unless the defendant establishes that the offence was committed without his or her knowledge.

1994, c.F-16.1, s.33.

**Certificate of director**

**34** The certificate of the director that a licence or notice has or has not been issued or given pursuant to this Act is, in the absence of evidence to the contrary, proof of its contents without proof of the office or signature of the director.

1994, c.F-16.1, s.34.

**Onus on person charged**

**35** In any prosecution pursuant to this Act in which the validity or existence of a licence is in question, the onus is on the person charged to prove the validity or existence of the licence.

1994, c.F-16.1, s.35.

**Liability exemption**

**36** No action lies against the Crown, the minister, the department or any of its employees or officers for anything done or not done by any of them in good faith while exercising their powers and performing their responsibilities pursuant to this Act.

1994, c.F-16.1, s.36.

## FISHERIES (SASKATCHEWAN), 1994

## c. F-16.1

**Regulations**

**37** The Lieutenant Governor in Council may make regulations:

- (a) defining, enlarging or restricting the meaning of any word or phrase used in this Act but not defined in this Act;
- (b) requiring the keeping of records, the provision of information to an officer and the submission of returns to the department for activities related to this Act;
- (c) establishing categories of licences or activities authorized by licences;
- (d) respecting the use of any tags, bands or seals used in association with any licence;
- (e) respecting the terms and conditions and transferability of licences;
- (f) prescribing eligibility requirements and applications for the issuing of licences;
- (g) respecting the time, the area and the fish to which a licence relates or is limited;
- (h) respecting fishing quotas or limits on the number, size or weight of fish caught and retained under the authority of a licence;
- (i) respecting the use of fishing gear and equipment;
- (j) constituting and defining any area of Saskatchewan as an area for managing, controlling and harvesting fish;
- (k) authorizing the minister or any other person to open or close any Saskatchewan waters to fishing or any type of fishing;
- (l) establishing standards of quality for fish and for the marketing of fish;
- (m) respecting the inspection, manner and conditions of handling, packing, dressing, processing, grading, certification, storage and transportation of fish;
- (n) establishing the manner of disposing of fish unfit for human consumption;
- (o) prescribing the structural and operational standards for processing plants;
- (p) governing the inspection of fish and the classification of any fish or any water according to fish quality and public health criteria;
- (q) restricting or prohibiting the marketing of fish, or any size or species of fish, from specified waters and authorizing the minister to restrict or prohibit the marketing of those fish;
- (r) requiring, restricting or prohibiting the delivery or marketing of fish from any water to any person, group, agency or association specified in the regulations, and prescribing the method, time and place of delivery or marketing or the manner and conditions of the delivery or marketing restriction or prohibition;

## c. F-16.1

## FISHERIES (SASKATCHEWAN), 1994

- (s) requiring documentation to accompany any fish transported, carried or marketed from or to any part of Saskatchewan;
- (t) controlling, regulating and prescribing the operations of fish dealers, including the keeping of records, the provision of any information to an officer, the submission of returns of any kind and the collection and remission of fish royalties from the harvests of commercial fishermen to the department;
- (u) controlling and regulating the operation of fishing events, including the records to be kept and the performance standards for those events;
- (v) governing safety practices in fishing and related activities;
- (w) permitting the establishment, development, maintenance and enhancement of fish populations to maintain, develop or expand fishing opportunities;
- (x) respecting the licensing of fishermen's and fish dealer's helpers or employees, and specifying criteria to limit or prohibit the employment and operations of helpers and employees and establishing different classes or categories of helpers or employees;
- (y) respecting the propagation, rearing, keeping, disposition and marketing of live fish, including those fish acquired and raised for aquaculture purposes;
- (z) prescribing the treatment, eradication, quarantine or disposal of dead or diseased fish or classes or categories of fish, and authorizing the minister to make orders respecting these matters;
- (aa) controlling the importation or stocking of any fish;
- (bb) respecting the disposal of seized fishing gear, equipment, vehicles, aircraft, boats or other watercraft or any other thing that has been declared forfeited or whose owner cannot be located;
- (cc) prohibiting unauthorized persons from damaging, defacing, interfering with or tampering with any fishing gear, retaining nets, posters, signs, or notices that have been put in place pursuant to this Act, the *Fisheries Act* (Canada) and its regulations;
- (dd) respecting fish taxidermists;
- (ee) prescribing the fee for any licence issued pursuant to this Act;
- (ff) governing the imposition and collection of royalties for fish caught pursuant to any licence;
- (gg) respecting the allocation of fish resources in Saskatchewan waters to persons or classes of persons;
- (hh) respecting the revocation of licences and any process related to those revocations;
- (ii) prescribing offences and penalties;
- (jj) respecting any other matter relating to fish, fishing or fisheries within the jurisdiction of Saskatchewan;

## FISHERIES (SASKATCHEWAN), 1994

## c. F-16.1

(jj.1) for the purposes of subsection 24(5), respecting the manner in which proceeds realized from the disposition of the fish or other thing to which this Act applies are to be dealt with;

(kk) prescribing any other matter or thing required or authorized by this Act to be prescribed in the regulations;

(ll) respecting any other matter or thing that the Lieutenant Governor in Council considers necessary to carry out the intent of this Act.

1994, c.F-16.1, s.37; 2007, c.29, s.2.

**Valid licences continue**

**38(1)** Any licence issued pursuant to any of the following enactments that has not been revoked prior to the day this Act comes into force continues until it expires or is revoked pursuant to this Act:

- (a) *The Fisheries Act*;
- (b) *Saskatchewan Regulations 83/70*;
- (c) *The Fish Marketing Regulations*.

(2) Nothing in this Act affects the validity of any licence issued pursuant to the *Fisheries Act* (Canada) or its regulations.

1994, c.F-16.1, s.38.

## REPEAL AND COMING INTO FORCE

**R.S.S. 1978, c.F-16 repealed**

**39** *The Fisheries Act* is repealed.

1994, c.F-16.1, s.39.

