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No. S 955

FISHERIES ACT 1966

FISHERIES (FISH CULTURE FARMS) (AMENDMENT) RULES 2022

In exercise of the powers conferred by section 27 of the Fisheries Act 1966, the Minister for Sustainability and the Environment makes the following Rules:

Citation and commencement

1. These Rules are the Fisheries (Fish Culture Farms) (Amendment) Rules 2022 and come into operation on 15 December 2022.

Amendment of rule 2

2. In rule 2 of the Fisheries (Fish Culture Farms) Rules (R 7) (called in these Rules the principal Rules) —

(a) in the definition of “fish culture farm”, replace the full-stop at the end with a semi-colon; and

(b) after the definition of “fish culture farm”, insert —

““licence” means a fish culture farm licence issued by the Director-General under rule 4 and “licensee” is construed accordingly.”.

Replacement of rules 4 and 5 and new rules 4A and 4B

3. In the principal Rules, replace rules 4 and 5 with —

“Licence

4.—(1) A person must not erect, operate or maintain a fish culture farm unless the person —

(a) holds a valid licence in respect of that fish culture farm; and

(b) erects, operates and maintains the fish culture farm in accordance with the valid licence and the conditions (if any) of that licence.

(2) An application for a licence must be made to the Director-General in such form or manner as the Director-General may require and must be accompanied by —

- (a) the licence fee specified in rule 5(1); and
- (b) any particulars, information and documents required by the Director-General.

(3) A separate application for a licence must be made for every fish culture farm that a person operates or intends to operate.

(4) On receipt of an application under paragraph (2), the Director-General may —

- (a) issue a licence to the applicant, whether unconditionally or subject to the conditions mentioned in rule 4A; or
- (b) refuse to issue any licence to the applicant.

(5) For the purpose of determining whether to issue a licence under paragraph (4) —

- (a) the Director-General may direct that an assessment (including an inspection) be conducted on the fish culture farm; and
- (b) where such an assessment is conducted, the applicant must pay —
 - (i) the assessment fee mentioned in rule 5(2); and
 - (ii) any additional inspection fee mentioned in rule 5(3), where applicable.

(6) Every licence issued under this rule —

- (a) is to be in such form as the Director-General may determine; and
- (b) may be renewed upon its expiry.

(7) Paragraphs (2) to (6) apply, with the necessary modifications, to an application for the renewal of a licence.

Conditions of licence and revocation

4A.—(1) A fish culture farm licence is subject to —

- (a) the conditions set out in the Schedule, unless those conditions are expressly excluded in the licence by the Director-General; and
- (b) any other conditions imposed by the Director-General as the Director-General considers requisite or expedient for the purposes of the Act.

(2) The Director-General may, after giving reasonable notice to the licensee, vary the conditions of a licence or revoke any licence.

Changes to operation of fish culture farm

4B.—(1) A licensee must not make any of the following changes to the operation of the fish culture farm, unless the licensee has first obtained the approval of the Director-General for the change:

- (a) a change of, or an addition to, the type or types of fish cultured in the fish culture farm;
- (b) a change to any process or practice of fish culture process that may impact food safety or biosecurity;
- (c) a change to any structure or the layout of the fish culture farm that may impact food safety or biosecurity.

(2) The licensee must make an application for the approval mentioned in paragraph (1) in the form and manner specified by the Director-General.

(3) For the purpose of determining whether an application under paragraph (2) is to be approved —

- (a) the Director-General may direct that an assessment (including an inspection) be conducted on the fish culture farm; and
- (b) where such an assessment is conducted, the licensee must pay —
 - (i) the assessment fee mentioned in rule 5(2); and
 - (ii) any additional inspection fee mentioned in rule 5(3), where applicable.

Fees

5.—(1) The fee for a licence is \$145.

(2) The assessment fee for an assessment conducted on a fish culture farm is \$1,100.

(3) Where an inspection mentioned in rule 4(5)(a) or 4B(3)(a) is conducted on a fish culture farm, an additional inspection fee is payable as follows:

- (a) where the inspection exceeds 3 hours in duration (including travelling time), \$100 per hour or part thereof;
- (b) where the inspection takes place outside office hours or on an urgent basis, \$200 per hour or part thereof.

(4) The Director-General may, as he thinks fit, waive or refund the whole or any part of any fee payable under these Rules.”.

Amendment of Schedule

4. In the Schedule to the principal Rules —

- (a) delete item 8; and
- (b) in item 9, replace “48 hours” with “72 hours”.

Transitional provision

5. Rules 4, 4A and 5 of the principal Rules as inserted by these Rules apply to an application for a licence or renewal of a licence made before 15 December 2022 for a licence period commencing on or after 1 January 2023.

*[G.N. Nos. S 274/92; S 239/93; S 347/94; S 158/97;
S 154/98; S 101/2000; S 457/2006; S 226/2019]*

Made on 5 December 2022.

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