

**GOVERNMENT NOTICE
GOEWERMENTSKENNISGEWING**

**DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND TOURISM
DEPARTEMENT VAN OMGEWINGSAKE EN TOERISME**

NO. R. 1111

2 September 1998

MARINE LIVING RESOURCES ACT, 1998 (ACT No. 18 OF 1998)

REGULATIONS IN TERMS OF THE MARINE LIVING RESOURCES ACT, 1998

The Minister of Environmental Affairs and Tourism has under sections 7(5), 9(3), 12(2) and (3), 39(2), 45, 47, 50(1), 77 and 80(2) of the Marine Living Resources Act, 1998 (Act No. 18 of 1998) made the regulations set out in the Schedule.

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Definitions

1. In these Regulations any word or expression to which a meaning has been assigned in the Act shall bear that meaning and, unless the context otherwise indicates—

"abalone" means the species *Haliotis midae*; (xli)

"alikleukel" means the species *Turbo sarmaticus* also known as ollycrook, cockle or giant periwinkle; (iii)

"aquarium fish" means fish that are caught or collected for display purposes in fish tanks or aquariums; (ii)

"armadillo" means any species of the class Polyplacophora, also known as chiton; (iv)

"beach-seine net" means any net, used for fishing with or without a cod-end or bag, deployed from the shore whether by hand or from a vessel, and then hauled onto the shore or vessel; (lxiv)

"bloodworm" means any species of the genus *Arenicola*; (vii)

"bottom trawl net" means any net designed to be dragged along the bed of the sea by a fishing vessel; (viii)

"bycatch" means any species landed in addition to a target species for which a permit has been issued; (xxxvi)

"cast net" means any net, which is cast from the shore for the purpose of fishing; (xviii)

"chokka squid" means the species *Loligo vulgaris reynaudii*; (lxvii)

"clam" means any species of the genus *Macra*, also known as sand mussel; (xiii)

"coral" means any species of the order Scleractinia or Alcyonacea; (xxiv)

"crab" means any species of the tribe Anomura or Brachyura, also known as sea crab, but does not include a mud crab or mole crab; (xxv)

"crew" means any person on board a fishing vessel or other vessel; (v)

"cuttlefish" means any species of the genus *Sepia*; (xx)

"day" means any period of 24 consecutive hours; (ix)

"disturb" means any action that has an influence on the natural behaviour of a fish; (lxxii)

"diving" means swimming below the surface of the sea; (xii)

"dolphin" means any species of the superfamily Delphinidae; (xi)

"drag net" means a net, pulled by a vessel, for the capture of prawns in an estuary; (lix)

"east coast rock lobster" means any species of the genus *Panulirus*; (xxxviii)

"fish trap" means any structure used to entrap fish; (lxxiii)

"great white shark" means the species *Carcharodon carcharias*, also known as blue pointer; (lxxvi)

"hake" means any species of the genus *Merluccius*; (lxii)

"high-water mark" means the high-water mark as defined in section 1 of the Seashore Act, 1935; (xix)

"hoop net" means a net with a hoop at the end of a pole used by a person for the capture of glassies and squid; (liv)

"kingklip" means the species *Genypterus capensis*; (xxiii)

"land", in relation to fish, means to bring such fish onto the land, whether from a vessel or not; (l)

"limpet" means any species of the family *Patellidae*; (xxii)

"linefish" means any fish set out in Annexures 4, 5, 6, 7, 8 and 9; (xxix)

"longline" means any line or connected lines or fishing gear to which a total of more than 10 fishing hooks is attached; (xxviii)

"marine biotoxin" means any poisonous compound accumulated by fish feeding on toxin-producing algae, or on seawater containing toxins produced by such organisms; (xxx)

"midwater trawlnet" means any net, which can be dragged by a fishing vessel along any depth between the bed and the surface of the sea without continuously touching the bottom; (xxxv)

"mole crab" means any species of the family *Hippidae*, also known as sea lice; (xxxiii)

"mouth" means the midpoint of a river and mouth of the river where it enters the open sea with a straight line drawn along the coast along the low water mark; (xxxiv)

"mud crab" means any species of the family *Portunidae* including *Scylla serrata*, also known as giant, green swimming or mangrove crab; (xxxii)

"Natal eastern deepwater rock lobster" means the species *Palinurus delagoae*; (xxxv)

"octopus" means any species of the subfamily *Octopodinae*; (xlvii)

"oyster" means the species *Striostrea margaritacea*, *Ostrea atherstonei*, *Pinctada capensis* or *Saccostrea cucullata*; (xxxvii)

"pansy shell" means any species of the genus *Echinodiscus*, also known as sand dollar or gesiggiester; (xv)

"pelagic fish" means the species *Engraulis capensis* (anchovy), *Sardinops sagax* (pilchard, sardine), *Trachurus trachurus capensis* (horse mackerel) or *Scomber japonicus* (mackerel), or any species of the genus *Etrumeus* (red-eye or round herring), the family *Myctophidae* (lanternfish) or the family *Sternoptychidae*, *Maurollicus muelleri* (lightfish); (xxxix)

"periwinkle" means any species of the genus *Littorina*, *Oxystele* or *Turbo*, other than

Turbo sarmaticus; (xi)

"polychaete worm" means any marine bristle-worm of the class Polychaeta including mussel, coral-, wonder-, blood-, shingle-, moonlight, pot -, rock- or flat-worm; (xlii)

"prawn" means any species of the family Penaeidae or the genus Callinassa or Upogebia, (xiv)

"purse-seine" or "purse-net" means an encircling net of any size which is supported on the surface of the sea by floats along the head-line and weighted by weights along the footrope under the surface of the sea, and of which the bottom portion is drawn together by means of a purseline shackled either at an intermediate point or points or knot, which runs through and is attached to the footrope and includes any net of which the bottom portion is drawn together in a similar manner; (vi)

"razor clam" means any species of the genus Solen, also known as penknife-, pencil- or knife-bait; (lv)

"red bait" means the species Pyura stolonifera; (xliv)

"rock lobster" means any species of the family Palinuridae, also known as spiny lobsters or crayfish, or the species Scyllarides elizabethae, also known as mud-, shovelnosed-, slipper- or shoveller crayfish and any part thereof; (xxvi)

"rock lobster trap" means any trap, pot or other implement of whatever construction, intended or used for the fishing or holding of rock lobster, but does not include a rock lobster ringnet; (xxvii)

"rock mussel" means any species of the genus Aulacomya, Mytilus, Choromytilus or Perna, also known as brown, black or ribbed mussel; (xlv)

"scallop" means the species Pecten sulcicostatus; (xxi)

"sea cucumber" means any species of the class Holothuroidea; (xlviii)

"sea fan" means any species of the order Gorgonacea, also known as seetak; (lii)

"Sea Fisheries" means the Chief Directorate: Sea Fisheries of the Department; (li)

"sea pen" means any species of the order Pennatulacea; (xlix)

"sea urchin" means any species of the class Echinoidea, but does not including a pansy shell; (xlvi)

"sell" includes to hawk, peddle, barter, exchange or otherwise dispose of for a consideration or to offer, advertise, expose or possess for the purpose of selling hawking, peddling, bartering, exchanging or otherwise disposing of for a consideration; (lxxi)

"shell" means the empty shell of a shellfish; (lvi)

"shellfish" means any species of the order Gastropoda, Bivalvia, Scaphopoda or Polyplacophora; (lvii)

"shove net" means a net which is pushed by a person for the capture of prawns and shrimp in an estuary; (lxiii)

"siffie" means the species *Haliotis spadicea*, also known as Venus Ear; (liii)

"slipway" includes the main and side slipway and a syncrolift; (lviii)

"south coast rock lobster" means the species *Palinurus gilchristi*, also known as southern deepwater rock lobster; (lxv)

"speargun" means a device by which a spear is projected by mechanical or pneumatic means; (lxi)

"squid" means any species of the families Loliginidae and Ommastrephidae; (xliii)

"staked or set-net" means any net used for fishing and which is staked or set by -

(a) attaching it to any fixed object; or

(b) allowing any weights thereof to rest on or be anchored to the seabed; (lx)

"swordfish" means the species *Xiphias gladius*; (lxvi)

"the Act" means the Marine Living Resources Act, 1998 (Act No. 18 of 1998); (x)

"tidal lagoon" means a tidal lagoon as defined in section 1 of the Sea-Shore Act, 1935; (xvi)

"tidal river" means a tidal river as defined in section 1 of the Sea-Shore Act, 1935; (xvii)

"treknet " means a beach-seine net; (lxviii)

"trek netting area" means any area in which a beach-seine net, set net or stake net may be used; (lxix)

"tuna" means the species *Allothunnus fallai*, *Euthynnus affinis*, *Gymnosarda unicolor*, *Katsuwonus pelamis*, *Sarda orientalis* or *Sarda sarda* or any species of the genus *Thunnus*; (lxx)

"turtle" means the families Cheloniidae and Dermochelidae; (l)

"west coast rock lobster" means the species *Jasus lalandii*, also known as Cape rock or spiny lobster or kreef; (lxxiv)

"whale" any member of the order Cetacea but does not include a dolphin; (lxxv)

"white mussel" means the species *Donax serra*. (lxxvii)

CHAPTER 1

ADMINISTRATIVE MATTERS

Consultative Advisory Forum for Marine Living Resources

2. (1) The first meeting of the Forum shall be held at a time and place determined by the Chairperson.

(2) The Forum shall meet at least once every six months.

(3) The Chairperson may convene a special meeting at any time that he or she may deem necessary.

(4) The Chairperson shall be obliged to convene a meeting at the instance of the majority of the members of the Forum.

(5) The Forum shall operate by consensus: Provided that if consensus is not achieved—

(a) the decision of the majority shall constitute a decision of the Forum; or

(b) in the event of an equality of votes on any matter, the Chairperson shall have the casting vote in addition to his or her deliberative vote.

(6) The Chairperson and at least one half of the members of the Forum, shall constitute a quorum.

(7) Sea Fisheries shall function as the secretariat of the Forum.

(8) The Chairperson of the meeting and one person appointed by the members of the Forum shall sign the minutes of each meeting certifying the correctness thereof.

(9) In the absence of the Chairperson a Vice-Chairperson appointed by the Minister from the members shall act as Chairperson of the Forum.

(10) A set of the minutes of each meeting shall be kept at Sea Fisheries and be made available for public inspection.

Identity cards

3. An identity card issued to an Honorary Marine Conservation Officer in terms of section 9(2), a fishery control officer in terms of section 9(1) or an observer in terms of section 50(1) of the Act shall include the following:

(a) Surname and initials;

(b) identity number;

(c) photograph;

(d) name and address of the principal upon who's behalf the appointee or designee acts;

(e) designation and rank ,where relevant;

(f) date of appointment or designation;

(g) appointment or designation number;

(h) return address of the Department;

(i) signature of appointed or designated person; and

(j) reference to the section of the Act under which appointed or designated.

Register

4. (1) The register referred to in section 12(1) of the Act shall contain particulars of—

- (a) the name and physical address of all holders of rights of access, other rights, permits or licences in terms of the Act;
- (b) the telephone number, fax and electronic mail number, where applicable, of a person contemplated in paragraph (a);
- (c) the species of fish in respect of which a right or permit applies, where applicable;
- (d) the mass of each species of fish for which the right or permit applies, where applicable;
- (e) the period of validity of the right of access , other right, permit or licence granted and the date from which it is valid;
- (f) the name, registration number and call sign of the vessel in respect of which a licence has been issued;
- (g) the species of fish which may be caught from a licensed vessel, where applicable;
- (h) in relation to a fish processing establishment, the purpose for which the establishment may be used;
- (i) in relation to mariculture, the species and mass of fish in respect of which such right has been granted, where applicable;
- (j) any revocation, cancellation, suspension, alteration or reduction with respect to rights, permits or licences in the register, together with the extent and period in respect of which such right has been limited; and
- (k) any transfer of a right, the person to whom it has been transferred and the date from which such transfer is effective.

(2) The register shall be available for inspection by the public from 08h00 to 12h00 on normal working days at the office of Sea Fisheries, Cape Town.

Procedure for Appeals

5. (1) An appeal by any person in terms of section 80 of the Act shall be submitted in writing to the Minister within 30 days after the appellant has been notified of the decision against which he or she is appealing.

(2) An appeal shall set out all the relevant facts as well as the grounds of appeal and shall be accompanied by any relevant document or a copy thereof certified as true by a Commissioner of Oaths.

(3) The appeal contemplated in subregulation (2) shall be served by the appellant on the person against whose decision the appeal is made, and that person shall submit a report on the appeal to the minister within 30 days after the appeal had been served on him or her.

CHAPTER 2

RIGHTS OF ACCESS, OTHER RIGHTS, PERMITS AND LICENCES

Duplicate licences and permits

6. If a licence or permit is lost or destroyed, a duplicate may be obtained upon application against the payment of a fee determined by the Minister under section 25 of the Act.

Format of foreign fishing vessel licence

7. A foreign fishing vessel licence shall be in the format set out in Annexure 1.

Fishing returns

8. (1) On or before the fifteenth day of each month the holder of a permit shall submit to Sea Fisheries, Private Bag X2, Roggebaai, 8012, or to any person appointed for that purpose by the Director-General, a return furnishing the information required in the permit and in the form referred to therein.

(2) A return submitted by the holder of a permit under subregulation (1) shall be dated and the information furnished therein shall be certified by that holder as being correct.

CHAPTER 3

CLOSED SEASONS AND CLOSED AREAS

Closed Seasons

9. No person shall, except on the authority of a permit, engage in fishing, collecting, disturbing, keeping or controlling, or be in possession of, any fish during the periods specified for each species in Annexure 2.

Closed Areas

10. No person shall, except on the authority of a permit—

- (a) engage in fishing or collecting any fish in a tidal river or lagoon;
- (b) engage in fishing or collecting any fish within a distance of three nautical miles measured seaward from the high-water mark—
 - (i) in the area between, as southern limit, a line (145° true bearing) drawn from Nahoon Point, and as northern limit, a similar line drawn from Gonubie Point;
 - (ii) in the area between, as southern limit, a line (145° true bearing) drawn from Christmas Rock, and as northern limit, a similar line drawn from the Gxulu River mouth; and
 - (iii) in the area between, as southern limit, a line (145° true bearing) drawn from the mouth of the Nyara River and, as northern limit, a line (139° true bearing) drawn from the mouth of the Great Kei River;
- (c) use any net, netting or longline in the area within Saldanha Bay inside a straight line drawn through beacons marked N.H.1 and N.H.2, respectively, and situated on the point known as "North Head", and a beacon marked S.H.1 and situated on the point known as "South Head": Provided that the use of a net may be authorised by the Director-General in the area lying north of the northern boundary of the West Coast National Park to the southern border of the Saldanha Bay Portnet Harbour jurisdiction area as indicated on Chart SAN 1010;

- (d) use any staked, set or, driftnet, or bottom trawlnet or midwater trawlnet or any purse-seine net or any purse-net or any longline or any type of rock lobster trap within False Bay, in the area north of a straight line drawn from the lighthouse at Cape Hangklip to the lighthouse at Cape Point;
- (e) engage in fishing or collecting any fish inside Harderbaai at Onrus River, in the area between the high-water mark and a straight line drawn between a beacon marked O.R.1 (situated at Van der Riet Hoek) and a beacon marked O.R.2 (situated at Marine Drive Point);
- (f) engage in fishing or collecting any fish or remove any aquatic plant within –
 - (i) the area 500 metres seaward of the high-water mark between, as northern limit, a line (270° true bearing) drawn from the boundary fence of the Cape of Good Hope Nature Reserve at Schuster Bay, Scarborough, and, as southern limit, a line (180° true bearing) drawn from the lighthouse at Cape Point;
 - (ii) the area 500 metres seaward of the high-water mark between, as northern limit, a line (090° true bearing) drawn from Jager's Walk situated to the south of Fish Hoek Beach and, as southern limit, a similar line drawn from the northern boundary of Glencairn Beach, also known as "Elsebaai";
 - (iii) the area 500 metres seaward of the high-water mark between, as northern limit, a line (090° true bearing) drawn from Neptune's Corner situated opposite the Muizenberg Station and, as southern limit, a similar line drawn from the northern wall of the tidal pool situated opposite St James Station;
 - (iv) the area 500 metres seaward of the high-water mark between, as northern limit, a line (090° true bearing) drawn from the northern wall of the tidal pool situated opposite St James Station and, as southern limit, a similar line drawn from the northern wall of the tidal pool situated opposite Kalk Bay Station;
 - (v) the area 500 metres seaward of the high-water mark between, as northern limit, a line (225° true bearing) from the security fence next to the Lourens River, Strand, and as southern limit, a line (320° true bearing) drawn from the navigation light at the end of the eastern breakwater of the fishing harbour at Gordon's Bay;
 - (vi) the area (known as the Mudge Point Marine Protection Area) within a distance of 100 metres seaward of the high-water mark between, as western limit, the western limit of the Hawston harbour and, as eastern limit, the eastern limit of the Frans Senekal Nature Reserve; and
 - (vii) the area within a distance of 500 metres seaward of the high-water mark between, as eastern boundary, a line (180° true bearing) drawn from the beacon marked H.R.1 situated at Kraal Rock in Walker Bay and, as western boundary, a similar line drawn from the beacon marked H.R.2 situated at Rietfontein, Hermanus; or
- (g) engage in fishing or collecting any fish —
 - (i) within three nautical miles, in the area between the southern limit of a line (145° true bearing) drawn from the south breakwater of Durban Harbour and northern limit line (145° true bearing) drawn from the Umgeni River; and
 - (ii) within Durban and Richards Bay harbours including the north and south piers.

CHAPTER 4

USE OF GEAR

Part 1

General

Prohibition of gear

11. No person shall, except on the authority of a permit, have on board a fishing vessel or a vessel any gear, stake net, setnet, gillnet, driftnet, bottom trawl net, midwater trawl net, purse-seine net, purse-net, longline or any type of rock lobster trap.

Nets and mesh sizes

12. (1) For the purpose of measuring a mesh in any fishing net the mesh size shall be—

- (a) expressed in millimetres;
- (b) measured from inside of knot or joint to inside of knot or joint while the net is still wet after use or after it has been soaked in seawater for at least 10 minutes;
- (c) measured with the net stretched in the direction of the long diagonal of the meshes, lengthwise of the net; and
- (d) equal to the average of the measurement of any series of at least 20 consecutive meshes which are not less than 10 meshes away from any lacing or ropes of the net.

(2) The instrument to be used for measuring of the mesh size of a net shall be a gauge which—

- (a) be 2 mm thick, flat, of durable and non-corrodible material and capable of retaining its shape;
- (b) have tapering edges with a taper of one to eight;
- (c) have a hole at the narrowest extremity; and
- (d) have the width inscribed at regular intervals;

(3) Measurements by means of a gauge referred to in subregulation (2) shall be taken by inserting the gauge by its narrowest extremity into the mesh opening in a direction perpendicular to the plan of the net while the gauge is subject to a pressure or pull corresponding to 5 kg.

(4) Meshes which are mended or broken or have attachments of the net fixed to them shall not be measured.

(5) No person shall use any device or have any construction of a net or netting by means of which the meshes are obstructed or drawn together while fishing or which in any other way will cause the openings of the meshes, and accordingly, the mesh selectivity of the net or netting to be reduced.

Part 2

Trawl fishing

Closed areas

13. (1) No person shall use any trawlnet for fishing in the following areas:

- (a) On the landward or northerly side of a straight line joining Cape Vacca and the lighthouse at Cape St Blaize;
- (b) on the landward or northerly side of a straight line joining the lighthouse at Cape St Blaize and Gericke Point;
- (c) to seaward of the lines defined in paragraphs (a) and (b) above within the sector of a circle with a radius of 1,5 nautical miles drawn from the lighthouse at Cape St Blaize;
- (d) seaward of the high-water mark in the area bounded by a line (160° true bearing) drawn from the Sunday's River mouth and by a line (048° true bearing) drawn from the Donkin reserve lighthouse to its point of intersection with the aforementioned line;
- (e) landward of a straight line drawn from the Cape Seal lighthouse to the western bank of the Bloukrans River mouth;
- (f) landward of a straight line drawn from Cape St Francis Point to the lighthouse at Cape Recife;
- (g) landward of a line (084° true bearing) drawn from the lighthouse at Cape Infanta to the beacon marked K2, situated at Cape Barracouta; and
- (h) in a tidal river or tidal lagoon, except on the authority of a permit.

(2) No person shall, except on the authority of a permit, use a trawlnet within a distance of five nautical miles seaward of the high-water mark in the area bounded by a line (180° true bearing) drawn from the Cape Point lighthouse and a line drawn at the border between the Republic and Namibia on the northern bank of the Orange River (approximately 234° true bearing) as indicated on Chart SAN FZ1.

Mesh size

14. No person shall, except on the authority of a permit—

- (a) have or use any bottom trawlnet or midwater trawlnet of which the mesh size in any part of the net is less than 75 mm on board any fishing vessel; or
- (b) have or use a bottom trawlnet or midwater trawlnet of which the mesh size in any part of the net is less than 110 mm, in the area west of longitude 20° east.

Attachments to trawl nets

15. (1) Subject to subregulation (2), no person shall attach any canvas, netting or other material to the cod-end of a trawlnet.

(2) Notwithstanding subregulation (1)—

- (a) a piece of net, known as a bottom-side chafer, may be attached to the underside of the cod-end of a trawlnet in order to reduce wear and tear: Provided that such a piece of net is attached to the underside and side edges of the cod-end only; and
- (b) it is permissible to use a so-called Polish topside chafer, being a rectangular piece of netting

attached to the rear portion of the upper side of the cod-end. Provided that such netting —

- (i) is of the same twine material and size as that of the cod-end;
 - (ii) has a mesh size at least double that of the cod-end; and
 - (iii) is fastened to the cod-end along the forward, lateral and rear edges of the cod-end in such a way as to ensure that the meshes of the netting exactly overlap the meshes of the cod-end; and
- (c) not more than one flapper, being a piece of netting fastened inside a trawl in such a way that it allows fish to pass from the front to the rear of the trawl but limiting their possibility of return, may be used: Provided that—
- (i) the flapper shall be fastened mesh by mesh across the upper half and to the inside of the cod-end;
 - (ii) the mesh size of the flapper shall not be less than the mesh size of the cod-end; and
 - (iii) the distance between the point where the flapper is fastened and the codline shall be at least three times the length of the flapper, but not less than 8 metres.

(3) Subject to subregulation (4), no person shall use any round straps on a trawlnet, unless—

- (a) the distance separating two successive round straps is at least one metre;
- (b) the round straps are fastened across the outside of the cod-end of the net in at least two places; and
- (c) the total length of any round strap is not less than 50 percent of the circumference of the cod-end, measured at the point where the round strap is fastened to the cod-end, the circumference being determined by measuring a length of at least ten stretched meshes in the direction of the circumference and from the knot-centre of the first mesh being measured to the knot-centre of the last mesh being measured, dividing the result thus obtained by the number of meshes measured and multiplying the figure obtained by the total number of continuous meshes counted in the circumference.

(4) Notwithstanding the provisions of subregulation (3), a single round strap ("back strap") of a length shorter than 50 percent of the circumference of the cod-end may be used on a trawl net if it is attached to the net not more than 700 mm from the position where the codline is fastened, measured when the meshes are stretched lengthwise.

Part 3

Purse-seine fishing

Closed areas

16. No person shall use any purse-seine net—

- (a) within a distance of one nautical mile seaward of the high-water mark, in the area bounded by a line (000° true bearing) drawn from the lighthouse at Stompneus Point and a line (270° true bearing) drawn from the mouth of the Bokram River;
- (b) in Walker Bay within an area bounded by two imaginary lines drawn from Voorsteklip at Die Plaat to a beacon marked M1 at Mudge Point, near Hawston, and from the lighthouse on the

southern breakwater in the fishing harbour at Gans Bay to the beacon marked M1 at Mudge Point;

(c) within Walker Bay landward of a line drawn from the lighthouse on the southern breakwater in the fishing harbour at Gans Bay to a beacon marked M1 at Mudge Point, during the period 1 to 31 January and 1 to 31 December in any year; or

(d) in a tidal river or tidal lagoon, except on the authority of a permit.

Nets and mesh sizes

17. No person shall, except on the authority of a permit—

(a) have or use any net or netting with a mesh measuring less than 28 mm on board any fishing vessel;

(b) overlay or super-impose any net or netting on any net or portion of any net when engaged in fishing; or

(c) engage in fishing, attempt to engage in fishing or disturb any species other than pelagic fish by means of a purse-seine

Measuring of mass

18. Measuring of mass of pelagic fish received by a fish processing establishment shall be determined by a mass meter which complies with the specifications set out in Annexure 3 and shall be provided and installed by the owner of the fish processing establishment.

Part 4

Other Nets: Beach-seine net, staked net, set-net, hoop net, shove net, drag net, driftnet, and gillnet

General

19. No person shall, except on the authority of a permit—

(a) have or use any beach-seine net, staked net, set-net, hoop net, shove net, drag net, driftnet or gillnet;

(b) have or use overlay or super-impose any net or netting on any net or portion of a net when fishing;

(c) have on board, land or transship in South African waters any tuna which have been caught by means of a gillnet; or

(d) use any beach-seine net, staked net, set-net or cast net for fishing from sunset to sunrise.

Closed areas

20. (1) No person shall—

(a) use a driftnet within any trek netting area within a distance of two nautical miles seaward of the high-water mark;

- (b) anchor any vessel or place any obstruction in any trek netting area in a manner which interferes with the use of a beach-seine net at any time when treknet fishing is actually being conducted; or
 - (c) use a set or staked-net, except on the authority of a permit.
- (2) For the purposes of subregulation (1)(a) "trek netting area" shall include—
- (a) the area between the fish processing establishment of Paternoster Visserye Beperk and the furthest point of Paternoster Bay, known as "Groot Paternoster Punt";
 - (b) Britannia Bay and Shell Bay, in the district of Malmesbury, between a line (000° true bearing) drawn from Cape St Martin, as western limit, and a similar line drawn from the lighthouse at Stompneus Point, as eastern limit; and
 - (c) the area known as Hout Bay Beach, in Hout Bay in the district of Wynberg.
- (3) No person shall use any drift, staked, or set-net for fishing within a distance of—
- (a) 500 metres seaward of the high-water mark in the area bounded by a line (000° true bearing) drawn from the beacon marked D.R. situated on the remaining extent of Wilde Varkens Valley A, due south of "Doctor's Reef", and a line (true bearing 270°) drawn from the point of Cape Deseada at Elands Bay;
 - (b) three nautical miles seaward of the high-water mark in the area bounded by a line (true bearing 270°) drawn from the Cape Point lighthouse, and a similar line (true bearing 270°) drawn from the beacon S.H.1 situated on the point known as "South Head", Saldanha Bay; and
 - (c) six nautical miles seaward of the high-water mark in the area bounded by a straight line (180° true bearing) drawn from the lighthouse at Cape Hangklip, and a similar line drawn from the lighthouse at Cape St Blaize;
 - (d) 500 metres seaward of the high-water mark in the area bounded in the west by a straight line drawn from beacons which are respectively marked S.H.B.W.1 and S.H.B.2 and situated on Stompneus Point, and in the east by a similar line drawn from a beacon marked S.H.B.E. and a beacon marked D.R. and which are both situated on the remaining extent of Wilde Varkens Valley A, due south of "Doctor's Reef"; and
 - (e) three nautical miles seaward of the high-water mark in the area bounded by a straight line drawn from the point of Cape Deseada at Elands Bay, and a line (234° true bearing) drawn from the northern bank of the Orange River, as indicated on Chart SAN FZ1.

Part 5

Linefishing

General

21. (1) No person shall, except on the authority of a permit, engage in fishing by means of gear to which a total of more than ten fishing hooks are attached.

(2) No person shall, except on the authority of a permit, sell any linefish set out in Annexure 4: Provided that this provision shall not be applicable to the sale of linefish which has been imported.

No person shall sell, deliver or acquire any linefish, or any part or product thereof, unless the seller issues an invoice described in subregulation (4) at the time of delivery in respect of such linefish or any part or product thereof to the person acquiring it.

(4) An invoice referred to in subregulation (3) shall be kept for no less than 24 months by the person to whom it has been issued and shall contain at least the following details:

- (a) The names and addresses of the parties to the sale;
- (b) the date of delivery; and
- (c) the quantity or mass of linefish or any part or product thereof sold.

Bag limits

22. (1) No person shall, except on the authority of a permit—

- (a) engage in fishing, collecting, disturbing, landing, keeping or controlling of, or shall be in possession of or sell, any of the species on the specially protected list set out in Annexure 5.
- (b) engage in the fishing, collecting, disturbing, landing, keeping or controlling of, or shall on any one day be in possession of more than two fish, on the critical list set out in Annexure 6.
- (c) engage in the fishing, collecting, disturbing, landing, keeping or controlling of, or shall on any one day be in possession of more than five fish on the restricted list set out in Annexure 7.
- (d) engage in fishing, collecting, landing, keeping or controlling of or shall on any one day be in possession of, more than 10 fish in total of the species on the non-saleable recreational list set out in Annexure 4: Provided that no person shall engage in fishing, collecting, landing, keeping or controlling of or shall on any one day be in possession of, more than five fish of any one of the species listed.

(2) A holder of a recreational fishing permit may not on any one day, engage in fishing, collecting, landing, keeping or controlling of or be in possession of more than 10 fish in total on the exploitable list set out in Annexure 8.

(3) A holder of a subsistence fishing permit may not on any one day, engage in fishing, collecting, landing, keeping, controlling or selling of, or be in possession of more than 10 fish in total on the exploitable list set out in Annexure 8;

Part 6

Other gear

Other gear

23. No person shall, except on the authority of a permit—

- (a) use any artificial respiratory apparatus, except a snorkel, while fishing;
- (b) engage in the fishing, collection or disturbing of any fish by means of a gaff, club, flail, stick, stone or similar implement;
- (c) engage in fishing, collecting or disturbing any fish, except for octopus, cuttlefish or squid, by the jerking of a hook or jig in the sea with the intention of impaling the fish thereon,

also known as jigging or snatching;

(d) engage in fishing, collecting or disturbing any kingklip by means of a trap;

engage in the fishing, collection or disturbing of any fish by means of a spear;

engage in fishing, collecting or disturbing of any fish by means of a fish trap; or

(g) engage in fishing, collecting or disturbing any fish with a speargun in a tidal river or tidal lagoon.

Part 7

Marine aquarium fish

Marine Aquarium Fish

24. (1) Except on the authority of a permit, no person shall—

(a) engage in fishing or collecting marine aquarium fish, or keep in any aquarium any fish for any purpose; or

(b) keep in captivity any marine mammal for any purpose.

(2) No person shall gather any marine aquarium fish with the aid of artificial respiratory apparatus, except a snorkel.

CHAPTER 5

SPECIES RESTRICTIONS

Part 1

General

Size and Mass Limits

25. No person shall, except on the authority of a permit—

(a) engage in fishing, collecting, keeping or controlling of or be in possession of, any fish of the species set out in Annexure 10 of a mass less than or of a size smaller than that indicated in the said Annexure and which size shall be measured in a straight line from the tip of the snout to the extreme end of the tail; or

(b) land fish in such condition that it cannot be established whether the fish conforms to the minimum size.

Dumping

26. Subject to the provisions of these Regulations, no person shall dump or discard at sea any fish for which a total allowable catch, total applied effort or precautionary maximum catch limits has been set.

Disposal of fish and aquatic plants

27.(1) No person shall, except on the authority of permit—

- (a) sell any fish on the non-saleable recreational list set out in Annexure 4;
- (b) sell any swordfish: Provided that the provisions of this regulation shall not apply to the selling or offering for sale of swordfish caught as a by-catch by means of trawlnets or longlines and which shall not exceed 10 percent of the mass of the total catch, or to swordfish imported under the authority of a permit;
- (c) transship or transfer at sea any fish or fishing gear from a fishing vessel or person to another fishing vessel or person;

sell any aquatic plant;

import any fish or any part or product thereof; or

export any fish or any part or product thereof.

(2) Any live fish caught in contravention of any provision of the Act, shall be returned immediately to the sea and, insofar as possible, without causing any further harm to the fish: Provided that any linefish caught in contravention of any provision of the Act, shall be returned immediately to the sea irrespective whether it is alive or dead.

Part 2

Hake Longlining

General

28. (1) No person, while engaged in fishing hake by means of a longline, shall—

- (a) on any one day collect, keep, control or be in possession of any by-catch in excess of more than 20% nominal mass of his or her hake catch;
- (b) land any by-catch in excess of more than 20% nominal mass of his or her hake catch;
- (c) on any one day collect, keep, control or be in possession of any kingklip by-catch in excess of more than 10% nominal mass of his or her hake catch; or
- (b) land any kingklip by-catch in excess of more than 10% nominal mass of his or her hake catch.

(2) All birds caught while fishing by means of a longline shall be released if alive, or if dead be handed over to a fishery control officer at the end of a voyage.

(3) A record of all fishing and related activities and catches (whether landed or not), shall be kept in the format determined in the permit.

(4) A record of all longline gear lost at sea, shall be kept in the format determined in the permit.

Gear Restrictions

29. (1) Only bottom-set longlines shall be used in the fishing for hake with longlines.

(2) Longlines may only be shot during hours of darkness and gear deployment shall cease at least one hour before nautical dawn.

(3) Both the main line and the branch lines (snood) must be properly weighted and setting speed must be such that sinking rates are maximised.

(4) Offal dumping or discharging—

(a) must be minimised;

(b) shall take place on the opposite side of the vessel from that on which lines are hauled; and

may not take place during setting of the lines.

(5) Fishing hooks, fishing line or plastic may not be discarded, except where the removal of the hooks from live discards may endanger the safety of the crew or be detrimental to the survival of a fish, seal, bird or animal.

Deck lighting shall be kept to a minimum without compromising safety and must be shaded in such a way that the beam is directed towards the deck.

An approved streamer line (tori line) must be flown during setting of each longline and the said streamer must be deployed directly above the main line, unless two streamers are used, in which case they must be deployed on either side of the main line.

(8) No person shall discard or abandon any longlining gear at sea.

Part 3

Sharks

General

30. (1) No person shall, except on the authority of a permit—

(a) engage in fishing, collecting, killing, attempting to kill, disturbing, harassing or attracting using bait or any other means, keeping or controlling of, or be in possession of, any great white shark: Provided that if caught or killed unintentionally, such shark shall be kept in the whole state, and shall be handed to a fishery control officer as soon as possible; or

(b) purchase or sell any great white shark or any part or product thereof.

No person, while engaged in the fishing of sharks by means of a longline, shall at any one time—

(a) collect, keep, control or be in possession of more than 10 hake and five kingklip on board a fishing vessel; or

(b) land more than 10 hake and five kingklip while a longline is on board the fishing vessel.

(3) No person shall, except on the authority of a permit—

(a) engage in fishing of any shark by means of any kind of net within 12 nautical miles measured seaward from the high-water mark in the area bounded by a straight line (180° true bearing) drawn from the lighthouse at Cape Hangklip and a similar straight line (180°

true bearing) drawn from the lighthouse at Cape St Blaize; or

land, transport, transship, sell or dispose of any shark or any part thereof other than in a whole state: Provided that a shark that has been caught may be headed or gutted.

(c) sell any shark on the non-saleable recreational list set out in Annexure 4;

(d) engage in fishing, collecting, landing, keeping or controlling of, or shall on any one day be in possession of, more than 10 sharks in total of the species on the non-saleable recreational list set out in Annexure 4: Provided that no person shall engage in fishing, collecting, landing, keeping or controlling of, or be in possession of, more than five sharks of any one of the species listed.

Bag limits

31. (1) A holder of a recreational fishing permit shall not on any one day engage in fishing, collecting, landing, keeping or controlling of, or be in possession of, more than 10 sharks in total of the species on the exploitable list set out in Annexure 8.

(2) A holder of a subsistence fishing permit shall not on any one day engage in fishing, collecting, landing, keeping or controlling of, or selling or be in possession of, more than 10 sharks in total of the species on the exploitable list set out in Annexure 8.

PART 4

Chokka Squid

Gear restrictions

32. No person shall engage in fishing or collecting squid by means of a suction pump, suction dredger, suction tube or any similar device.

Bag limits

33. (1) No person shall, except on the authority of a permit, engage in fishing, collecting, keeping or controlling of, or shall on any one day be in possession of—

more than 20 chokka squid; or

chokka squid which is not in the whole state.

No person shall, except on the authority of a permit, transport chokka squid on any vehicle, vessel or other means of conveyance, unless—

(a) all the persons by whom the chokka squid were caught are in or on such vehicle, vessel or other means of conveyance; and

(b) such vehicle, vessel or other means of conveyance is not used to transport more than 100 squid at any one time.

(3) No person shall sell, deliver or acquire any squid, or any part or product thereof, unless the seller issues an invoice described in subregulation (4) at the time of delivery in respect of such squid, part or product thereof to the person acquiring it.

(4) An invoice referred to in subregulation (3) shall be kept for no less than 24 months by the

person to whom it has been issued and shall contain at least the following details:

- (a) The names and addresses of the parties to the sale;
- (b) the date of delivery; and
- (c) the quantity or mass of squid or product thereof sold.

PART 5

Tuna

General

34. No person, while engaged in fishing tuna by means of a longline, shall—

- (a) engage in fishing, collecting, keeping or controlling of, or be in possession of, hake or kingklip on board the fishing vessel; or
- (b) land any hake or kingklip, while carrying or having such longline on board the fishing vessel.

Bag limits

35. (1) A holder of a recreational fishing permit shall not on any one day engage in fishing, collecting, landing, keeping or controlling of, or be in possession of, more than 10 tuna in total of the species on the exploitable list set out in Annexure 8.

(2) A holder of a subsistence fishing permit shall not on any one day engage in fishing, collecting, landing, keeping or controlling of, or selling of, or be in possession of, more 10 tuna in total of the species which appear on the exploitable list set out in Annexure 8.

PART 6

Abalone

General

36. (1) No person shall during and following fishing or related activities, transport any abalone that is—

- (a) not in the whole state, except on the authority of a permit; or

remove abalone other than with the use of a flat implement of which the front edge is not less than 25 mm wide and not more than 35 mm wide and that has been so rounded as not to cut or damage the foot of an abalone.

(2) No person under the age of 12 years shall be entitled to obtain a recreational abalone permit.

(3) No person shall sell, deliver or acquire any abalone, or any part or product thereof, unless the seller issues an invoice described in subregulation (4) at the time of delivery in respect of such abalone or any part or product thereof to the person acquiring it.

(4) An invoice referred to in subregulation (3) shall be kept for no less than 24 months by the person to whom it has been issued and shall contain at least the following details:

- (a) The names and addresses of the parties to the sale;
- (b) the date of delivery; and
- (c) the quantity or mass of abalone or part or product thereof sold.

Minimum size

37. No person shall engage in fishing, keeping or controlling of, or be in possession of, any abalone of which the shell is able to pass through a ring with an inside diameter of 114 mm.

Recreational or subsistence

38. (1) A person over the age of 12 years may obtain from any authorised office a recreational fishing permit to engage in fishing, collecting, keeping, controlling, landing or transporting of, or be in possession of not more than four abalone per day by diving or collecting it from the sea-shore, subject to the payment of a fee determined by the Minister under section 25 of the Act.

(2) The holder of a subsistence fishing permit may engage in fishing, collecting, keeping, controlling, landing or transporting of, or selling of or be in possession of not more than four abalone per day by diving or collecting it from the sea-shore, subject to the payment of a fee determined by the Minister under section 25 of the Act.

(3) No person shall—

- (a) purchase or be the holder of more than one permit contemplated in subregulations (1) and (2);
- (b) keep, control or be in possession of more than 20 abalone at any one time;
- (c) engage in fishing or collecting any abalone between sunset and sunrise;
- (d) use any artificial breathing apparatus, other than a snorkel, for fishing abalone;
- (e) transport, keep, control or be in possession of any abalone in or on a fishing vessel or other vessel; or
- (f) keep, control or be in possession in or on any vehicle or other form of transport of more than four abalone, unless -
 - (i) all the persons by whom the abalone were caught are in or on the vehicle or other form of transport; and
 - (ii) such vehicle or other form of transport is not used to transport more than 20 abalone per day.

Commercial

39. (1) No person shall, except on the authority of a permit –

- (a) engage in fishing, collecting, keeping or controlling of, or be in possession of, abalone for commercial purposes;

- (b) receive, keep, control, be in possession of or process any abalone at a fish processing establishment.

(2) Abalone caught or collected for commercial purposes shall be kept in the whole state until delivered to the holder of a permit contemplated in subregulation (1)(b).

Closed areas

40. (1) A holder of a commercial abalone permit shall not engage in fishing, collecting or disturbing abalone within -

- (a) a distance of 185 m seaward from the high-water mark in the area bounded by a line (180° true bearing) drawn from the Cape Point lighthouse and a similar line drawn from the Cape Agulhas lighthouse;
- (b) the area north of a line drawn from the Cape Point lighthouse to Cape Hangklip lighthouse; and
- (c) a distance of one nautical mile seaward from the high-water mark in the districts of Kentani, Willowvale and Elliotdale.

(2) No person shall, except on the authority of a permit, engage in fishing, collecting or disturbing any abalone within a distance of two nautical miles from the high-water mark on the island known as Dyer Island.

PART 7

Oyster

General

41. No person shall—

- (a) engage in fishing, collecting or disturbing any oyster other than by hand or by means of an implement of which the blade or flat edge shall not exceed 40 mm in width and shall not be less than one (1) metre in length;
- (b) engage in fishing, collecting or disturbing any oyster between sunset on one day and sunrise on the following day;
- (c) collect, keep, control or be in possession of any oyster for cultivation or re-establishing purposes, except on the authority of a permit ; or
- (d) engage in fishing, collect or disturb any oyster by diving for it with the use of any artificial respiratory apparatus, except a snorkel.

Commercial

42. (1) No person shall, except on the authority of a permit—

- (a) engage in fishing, collecting, keeping, controlling or disturbing of, or be in possession of, any oyster for commercial purposes;
- (b) receive, keep, control, be in possession of or process any oyster at a fish processing establishment.

(2) Any oyster caught or collected for commercial purposes shall be kept in the whole state until it has been delivered to a permit holder contemplated in subregulation (1)(b).

Recreational and subsistence

43. (1) The holder of a recreational fishing permit shall not on any one day engage in fishing, collecting, keeping, controlling or landing of, or be in possession of, more than 25 oysters.

(2) The holder of a subsistence fishing permit shall not on any one day engage in fishing, collecting, keeping, controlling or landing of, or selling of, or be in possession of, more than 25 oysters.

PART 8

Rock lobster

General

44. (1) No person shall—

- (a) engage in fishing, collecting, keeping, controlling, storing or transporting of, or be in possession of., any rock lobster, except on the authority of a permit;
- (b) return to the sea any dead rock lobster or any part or offal thereof, except on the authority of a permit ; or
- (c) engage in fishing, collect, disturb or be in possession of any rock lobster which is in berry, or is about to cast off its shell, or is in a soft condition, or which is carrying eggs or showing signs of having been stripped of its eggs.

(2) No person under the age of 12 years shall be entitled to obtain a recreational rock lobster permit.

(3) The mass of rock lobster shall be determined by means of an automatic mass meter supplied and installed by the owner of the fish processing establishment receiving such rock lobster.

(4) A mass meter referred to in subregulation (3) shall comply with the requirements of The Director-General, be installed and used in a place approved by the Director-General and shall be properly sealed while used for mass determination.

(5) No person shall remove any rock lobster caught with the use of a fishing vessel from the place where such rock lobster has been landed before the mass thereof has been determined by means of the mass meter referred to in subregulation (3) in the presence of a fishery control officer, and then only after such officer has approved the removal of such rock lobster from the mass meter.

(6) No person shall sell, deliver or acquire any rock lobster or any part or product thereof, unless the seller issues an invoice described in subregulation (7) at the time of delivery in respect of such rock lobster or any part or product thereof to the person acquiring it.

(7) An invoice mentioned in subregulation (6) shall be kept for no less than 24 months by the person to whom it has been issued and shall contain at least the following details:

- (a) The names and addresses of the parties to the sale;

- (b) the date of delivery; and
- (c) the quantity or mass of rock lobster or product thereof sold.

Part 9

West Coast Rock Lobster

General

45. No person shall, except on the authority of a permit, be in possession of or allow any diving equipment of any nature on any fishing vessel or vessel when such fishing vessel or vessel is used for fishing or transporting west coast rock lobster.

Commercial gear restrictions

46. (1) A holder of a commercial west coast rock lobster permit shall use the deck grid sorters, traps and ringnets according to the specifications set out in this regulation.

(2) For the purposes of this regulation—

- (a) "frame" means the rectangular metal frame supporting the rods and supporting bar;
- (b) "grid" means the rods and supporting bar without the frame; and
- (c) "usable surface area" means the area measured from the inside edges of the frame (but excluding the two end gaps, if the gaps are less than the specified minimum).

(3) A deck grid sorter used for sorting west coast rock lobster shall comply with the following specifications:

- (a) The grid and the frame shall be made from stainless steel or galvanised mild steel;
- (b) the grid shall be rectangular in shape with a minimum width of 750 mm;
- (c) the usable surface area shall not be less than 1,1 square meters;
- (d) the gap between adjoining rods, measured at any point shall be at least 41,6 mm but shall not exceed 42,4 mm;
- (e) the width of the gaps between the last rod and the frame shall not exceed 42,4 mm;
- (f) the frame shall consist of flat bars with a thickness of not less than 8 mm and a width of not less than 40 mm;
- (g) the two longitudinal bars forming the sides of the frame shall be drilled with a series of 16 mm clearance holes to accommodate the rods of the grid;
- (h) the two transverse bars shall be welded to the ends of the longitudinal bars to form a rectangular frame;
- (i) the pitch of the holes of the longitudinal bars shall be such that the gaps between the rods, when in position, are within the specified limits;

- (j) the grid shall consist of rods of a nominal diameter of 16 mm and a supporting bar with thickness of not less than 6 mm and a width of not less than 40 mm;
- (k) the supporting bar shall be centrally positioned between and parallel to the longitudinal bars of the frame and shall be drilled with a series of clearance holes matching those in the longitudinal bars;
- (l) the ends of the supporting bar shall be welded to the frame and the ends of the rods shall be tackwelded to the frame in such manner that the welds do not protrude above the outer surface of the frame;
- (m) in the case of stainless steel the welds shall be fusion welds done by the inert gas arc welding process or, in the case of stainless or mild steel, by any other welding process that produces a weld of which the mechanical properties and corrosion resistance are similar to those of the parent metal; and
- (n) all exposed surfaces shall be smooth and free of sharp edges or any other defects that may be injurious to a rock lobster.

(4) West coast rock lobster taken on board any fishing vessel fitted with west coast rock lobster traps, shall be sorted forthwith by means of a deck grid sorter, and any such west coast rock lobster passing through the sorter shall be returned to the sea without delay.

(5) The master or owner of any fishing vessel that is being used for the fishing of west coast rock lobster shall not use or allow to be conveyed or have on board that fishing vessel any west coast rock lobster trap which does not comply with the following specifications, except on the authority of a permit:

- (a) The cod-end, measured from the bottom horizontal side of the trap shall not exceed 400 mm in length;
- (b) the mesh sizes of the cod-end shall not be less than 60 mm stretched or 30 mm bar, measured from inside of knot or joint to inside of knot or joint, that is links of at least 30 mm;
- (c) the net or netting with which the trap is covered shall be made from polyethylene;
- (d) the mesh sizes of the net or netting with which the trap is covered, with the exception of the opening or entrance funnels, shall not be less than 100 mm stretched or 50 mm bar from inside of knot or joint to inside of knot or joint; and
- (e) the net or netting on the horizontal and vertical sides of the trap shall be stretched in such manner that the openings of the mesh are rectangular at all times.

(6) The owner or master of a fishing vessel used for the fishing of west coast rock lobster shall not have on board, use or allow to be used or transport on such fishing vessel a ringnet with a mesh less than 90 mm stretched (measured from inside of knot or joint to inside of knot or joint) or 45 mm bar and a cod-end longer than 1 200 mm measured from the point where it is attached to the ring: Provided that if west coast rock lobster is caught for the purpose of selling, the mesh of a ringnet shall not be less than 62 mm stretched (measured from inside of knot or joint to inside of knot or joint) or 31 mm bar.

Closed areas

47. No person shall, in any manner or for any purpose, engage in fishing, collecting or disturbing west coast rock lobster within -

- (a) the area within 12 nautical miles seaward of the high-water mark between, as northern limit, a line (270° true bearing) drawn through a beacon marked MB1 and situated at Melkbos

Point, and as southern limit, a line (270° true bearing) drawn from a beacon marked HD1 at "Die Josie" situated near Chapman's Peak south of Hout Bay;

- (b) the entire area within Saldanha Bay east of a straight line drawn through two beacons marked N.H.1 and N.H.2, respectively, and situated on the point known as "North Head", and two beacons marked S.H.1 and S.H.2 respectively situated on the point known as "South Head";
- (c) the area within six nautical miles seaward of the high-water mark on the coast between, as western limit, a straight line drawn through beacons marked S.H.B.W.1 and S.H.B.2, respectively, and situated on Stompneus Point, and, as eastern limit, a straight line drawn through a beacon marked S.H.B.E. and a beacon marked D.R., both situated on the remaining extent of Wilde Varkens Valley A, due south of "Doctor's Reef"; and
- (d) the area within three nautical miles seaward of the high-water mark between, as western limit, a line (315° true bearing) drawn through two beacons marked S.H.B.W.2 and S.H.B.3, respectively, and situated on Shell Bay Point, and as eastern limit, a straight line drawn through beacons marked S.H.B.W.1 and S.H.B.2, respectively, and situated on Stompneus Point.

Minimum size

48. (1) The minimum size of west coast rock lobster shall be determined by measuring—

- (a) the carapace in a straight line along its mid-dorsal line from the centre of the posterior edge to the tip of the rostrum or middle anterior spine; and
- (b) the second segment of the tail, counted from the junction of the tail with the body, along the mid-dorsal line from the front to the rear edge.

(2) For the purposes of this regulation, the "edge" means the hard edge of the carapace or cephalothorax, but does not include the edge or any part of the fringe or setae (hairs) that protrude rearward from the carapace.

Commercial

49. (1) A holder of a commercial west coast rock lobster permit shall not engage in fishing, collecting or disturbing of, or be in possession of, any west coast rock lobster of which the length of the carapace is less than 75 mm or the length of the second segment along the dorsal midline of such tail is less than 19 mm.

(2) No person shall, except on the authority of a permit –

- (a) engage in fishing, collecting, disturbing, keeping or controlling of, or be in possession of, any west coast rock lobster for commercial purposes;
- (b) receive, keep, control, be in possession of or process any west coast rock lobster at a fish processing establishment.

(3) Any west coast rock lobster caught or collected for commercial purposes shall be kept in the whole state until it has been delivered to a permit holder as contemplated in subregulation (1)(b).

(4) A holder of a commercial West Coast rock lobster permit shall not land any west coast rock lobster at any place along the coast, except at the following landing points:

- (a) Port Nolloth - the jetty of Hickson's Canning Company;

- (b) Hondeklip Bay - the jetty of Namaqua Canning Company;
 - (c) Doring Bay - the seashore and jetty between the beacons marked B1, indicating the northern boundary, and B2, indicating the southern boundary, and situated near the fish processing establishment of North Bay Canning Company;
 - (d) Lambert's Bay - the main landing quay in the fishing harbour;
 - (e) Elands Bay - the four landing quays near the old military camp on Bobbejaanpunt;
 - (f) St Helena Bay - the rock lobster landing quay situated in the fishing harbour at Sandy Point;
 - (g) Paternoster - the seashore between the beacons marked P1 and P2, situated to the east and to the west respectively, of the fish processing establishment of Paternoster Visserye at Paternoster;
 - (h) Abdols Bay - the seashore between the beacons marked E1, indicating the northern boundary, and E2, indicating the southern boundary;
 - (i) Jacobs Bay - the seashore between the beacons marked F1, indicating the northern boundary, and F2, indicating the southern boundary;
 - (j) Saldanha Bay - the rock lobster landing quay in the fishing harbour at Pepper Bay;
 - (k) Cape Town - the fish landing quay at Cape Town Harbour or any other place approved by the Director-General;
 - (l) Hout Bay - the two fish landing quays in the fishing harbour;
 - (m) Witsand - the landing place to the south of Kommetjie situated between the beacons marked H1 and H2 respectively;
 - (n) Kalk Bay - the fish landing quay in the fishing harbour; and
 - (o) Hermanus - the finger quay between the main quay and the breakwater wall.
- (5) A holder of a commercial west coast rock lobster permit shall not -
- (a) engage in fishing, collecting, or disturbing any west coast rock lobster within a distance of one nautical mile seaward of the high-water mark in the area between, as northern limit, a line (270° true bearing) drawn from the beacon marked MD1, situated on the most westerly point on the promontory at the northern end of McDougall's Bay, and as southern limit, a similar line drawn from the beacon marked MD2, situated on the most westerly point on the promontory at the southern extremity of McDougall's Bay;
 - (b) with the aid of a rock-lobster trap or similar gear, engage in fishing or collecting any west coast rock lobster within 12 nautical miles seaward of the high-water mark in the area between, as northern limit, a line (270° true bearing) drawn from a beacon marked K1, situated at Klein Slangkop Point just north of Kommetjie, and as southern limit, a line (270° true bearing) drawn from the Slangkop Point lighthouse situated south of Kommetjie;
 - (c) keep, or allow to be kept, any net or trap that may be used for the fishing of west coast rock lobster on board any fishing vessel in the area west of a line (180° true bearing) drawn from the Cape Agulhas lighthouse in the period during which the fishing of west coast rock lobster is prohibited under the Act; or

- (d) engage in fishing, collecting or disturbing any west coast rock lobster east of a line (180° true bearing) drawn from the lighthouse at Cape Hangklip.

West coast rock lobster zones

50. Any person who has been authorised to catch west coast rock lobster for commercial purposes, may only catch such west coast rock lobster in the zones set out in Annexure 11.

Recreational or subsistence

51. (1) A holder of a recreational or subsistence fishing permit shall not engage in fishing, collecting, disturbing or be in possession of any west coast rock lobster with a carapace length less than 80 mm.

(2) A person over the age of 12 years may obtain from any authorised office a recreational fishing permit to engage in fishing, collecting, keeping, controlling, landing or transporting of, or to be in possession of not more than four west coast rock lobster per day, subject to the payment of the fees determined by the Minister under section 25 of the Act.

(3) The holder of a subsistence fishing permit may engage in fishing, collecting, keeping, controlling, landing or transporting of, or selling of, or be in possession of not more than four west coast rock lobster per day, subject to the payment of a fee determined by the Minister under section 25 of the Act.

(4) No person shall—

- (a) purchase or be the holder of more than one permit contemplated in subregulations (2) and (3);
- (b) engage in fishing or collecting any west coast rock lobster between sunset and sunrise;
- (c) keep, control or be in possession in or on any vehicle, fishing vessel, vessel, aircraft or other means of conveyance of more than four west coast rock lobster, unless -
 - (i) all the persons by whom the west coast rock lobster were caught are in or on the vehicle, fishing vessel, vessel, aircraft or other means of conveyance; and
 - (ii) such vehicle, fishing vessel, vessel, aircraft or other means of conveyance is not used to transport more than 20 west coast rock lobster per day; or
- (d) keep, control or be in possession of more than 20 west coast rock lobster at any one time.

(5) Any west coast rock lobster caught, collected or transported shall be kept in the whole state.

(6) A holder of a recreational or subsistence west coast rock lobster permit shall only engage in fishing or collecting west coast rock lobster by—

- (a) using a ring net or scoop net with a mesh size more than 90 mm stretched (measured from inside of knot or joint to inside of knot or joint) or 45 mm bar and a cod-end longer than 1200 mm measured from the point where it is attached to the ring, from a fishing vessel not authorised to engage in fishing or collection of west coast rock lobster for commercial purposes;
- (b) using a ring net or scoop net with a mesh size more than 90 mm stretched (measured from

inside of knot or joint to inside of knot or joint) or 45 mm bar and a cod-end longer than 1200 mm measured from the point where it is attached to the ring from the sea-shore; or

- (c) diving from the sea-shore without the use of any artificial breathing apparatus other than a snorkel.

PART 10

East Coast rock lobster

General

52. No person shall engage in fishing, collect, disturb or be in possession of any east coast rock lobster of which—

- (a) the carapace is less than 65 mm in length measured along its mid-dorsal line from the centre of the edge which connects the two enlarged anterior spines to the middle of its posterior edge; or
- (b) the second segment of the tail, counted from the junction of the tail with the body, is less than 22 mm measured along the mid-dorsal line between its front and rear edges, in the absence of the carapace;

Recreational or subsistence

53. (1) No person shall—

- (a) engage in fishing, collecting or disturbing any east coast rock lobster with the use of a vessel; or
- (b) engage in fishing or collecting east coast rock lobster with a trap other than—
 - (i) a flat circular trap with no sides and of which the diameter does not exceed 30cm; or
 - (ii) by means of baited hooks.

The holder of a recreational east coast rock lobster permit shall not —

engage in fishing, collecting, keeping or controlling of not more than eight east coast rock lobster per day; or

be in possession of more than eight east coast rock lobster at any one time.

The holder of a subsistence fishing permit shall not—

engage in fishing, collecting, keeping, controlling, landing of more than eight east coast rock lobster per day; or

transport, or sell, or be in possession of more than eight east coast rock lobster at any one time.

PART 11

Other species

Prohibited deepwater species

54. No person shall, except on the authority of a permit, engage in fishing, collecting, landing or selling of or be in possession of the species set out in Annexure 12.

Shellfish, red bait and other invertebrate fish

55. (1) No person shall, except on the authority of a permit, engage in fishing, collecting, disturbing, keeping or controlling of, or selling of, or be in possession of, any invertebrate fish.

(2) The holder of a recreational permit shall not engage in fishing, collecting, transporting, keeping or controlling of, or be in possession of, at any one time of a quantity or mass of fish set out in Annexure 13, exceeding the quantity or mass prescribed in that Annexure in respect of such fish.

(3) The holder of a subsistence permit shall not engage in fishing, collecting, transporting, keeping or controlling of, or selling of, or be in possession of, at any one time of a quantity or mass of fish set out in Annexure 13, exceeding the quantity or mass prescribed in that Annexure in respect of such fish.

Size limits, gear restrictions and fishing methods

56. (1) No person shall engage in fishing, collecting, keeping or controlling of, or be in possession of—

- (a) alikreukel, able to pass through a ring with an inside diameter of 63,5 mm;
- (b) mud crab, measured across the broadest part of the carapace, less than 140 mm;
- (c) siffie, able to pass through a ring with an inside diameter of 32 mm; or
- (d) white mussel, able to pass through a ring with an inside diameter of 35 mm.

(2) No person shall engage in fishing, collecting or disturbing any—

- (a) rock mussel, limpet, prawn known as a mud prawn or sand prawn, red bait or white mussel in any other manner than by hand or with a hand operated pumping device or by means of an implement of which the blade or flat edge shall not exceed 12 mm in width;
- (b) polychaete worm including bloodworm, in any other manner than by hand: Provided that no person may engage in fishing or collecting any polychaete worm including bloodworm north of the Mtamvuna river;
- (c) mud crab by means of a trap or net, except on the authority of a permit; or
- (d) shellfish between sunset on one day and sunrise on the following day.

(3) No person shall engage in fishing, collecting, keeping or controlling of, or be in possession of, any mud crab or crab which is carrying eggs or showing signs of having been stripped of the eggs.

(4) No person shall, except on the authority of a permit, engage in fishing, collecting or disturbing any mole crab other than by hand or a triangular trap.

(5) No person shall, except on the authority of a permit, engage in fishing, collecting or disturbing any red bait other than by cutting it from the rocks with a knife, and in so doing, leave *in situ* the base of the shell-like other covering.

(6) No person shall, except on the authority of a permit, damage, uproot, collect or land or attempt

to damage, uproot, collect or land any live or dead coral.

(7) No person shall, except on the authority of a permit, engage in fishing, collecting or disturbing any live or empty pansy shell.

(8) No person shall, except on the authority of a permit, damage, pick, uproot, collect or land or attempt to damage, pick, uproot, collect or land any live or dead sea fan or sea pen.

Aquatic plants

57. No person shall, except on the authority of a permit, engage in fishing, collecting or removing aquatic plant.

Whales, dolphins and turtles

58. (1) No person, shall except on the authority of a permit—

- (a) engage in fishing, collecting, killing, attempting to kill, disturbing, harassing, keeping or controlling of, or be in possession of, any whale or any part or product thereof at any time;
- (b) use any fish processing establishment, fishing vessel or any other vessel for the freezing or processing of whales or participate in any manner in the operation of or activities on such an establishment, fishing vessel or vessel;
- (c) have on board any fishing vessel or vessel any gear, apparatus or appliance which can be used in any manner for the fishing, freezing or processing of whales;
- (d) supply any ships stores to any fishing vessel or vessel registered in a foreign state and used for the fishing, freezing or processing of whales or which has any connection with such fishing, freezing or processing;
- (e) operate any whale-watching business that causes a disturbance or harassment of any whale within the meaning of subregulation (2); or
- (f) offer his or her services for or make available his expertise in connection with any of the activities referred to in this subregulation.

(2) For the purposes of subregulation (1), "disturbing or harassing" shall also include -

- (a) the shooting at any whale;
- (b) approaching closer than 300 metres to any whale by means of a fishing vessel, vessel, aircraft or other method; and
- (c) that in the event of a whale surfacing closer than 300 metres from a fishing vessel, vessel, aircraft, the person in charge of such fishing vessel, vessel, aircraft fails to proceed immediately to a distance of at least 300 metres from the whale:

Provided that paragraphs (b) and (c) shall not apply to bona fide efforts by any person rendering aid to a beached, entrapped or entangled whale.

(3) No person shall, except on the authority of a permit, engage in fishing, collecting, killing, attempting to kill, disturbing, harassing, keeping or controlling of, or be in possession of, any dolphin or porpoise or any part or product thereof at any time.

(4) For the purposes of subregulation (3), "disturb or harass" shall also include the deliberate driving

a fishing vessel or vessel through a school of dolphins or porpoises.

No person shall—

(a) feed any wild dolphin or porpoise; or

(b) advertise or engage in any fishing vessel or vessel trip, whether for gain or not, which is intended to provide for a swim-with-dolphins experience.

(6) Subregulations (3), (4) and (5) shall not apply to bona fide efforts by any person rendering aid to a beached, entrapped or entangled dolphin or porpoise.

(7) No person shall, except on the authority of a permit, engage in fishing, collecting, killing, attempting to kill, disturbing, harassing, keeping or controlling of, or be in possession of, any turtle or any part or product thereof at any time.

Sea horse and pipe fish

59. No person shall engage in fishing, collecting or disturbing any sea horse or pipe fish of the family Syngnathidae.

CHAPTER 6

MARICULTURE

General

60. This Chapter applies to mariculture undertaken for commercial, experimental or research purposes.

Applications

61. (1) An application to undertake mariculture or related activities shall at least contain the following information:

(a) The scientific name of each species for which an application is made;

(b) origin of the stock;

(c) if imported species are being considered, the measures to be taken to avoid introduction of exotic commensals, parasites and pathogens, and measures to be taken to avoid establishment of introduced species in the wild, shall be stated;

(d) details of the method—

(i) of cultivation; and

(ii) of mitigating against potential environmental impacts;

(e) details of chemicals, such as antifoulants, fertilizers, disinfectants, therapeutants, pesticides, herbicides, hormones and anaesthetics, and methods of application that are being considered for use in the operation;

(f) detailed map indicating the site where the proposed mariculture operations will take place;

(g) quality of seawater and potential sources of pollution in the proposed area of operation;

- (h) marketing strategy; and
- (i) facilities and employment opportunities that will be created.

(2) If the applicant is required to undertake an environmental impact assessment in respect of the proposed development under the Act or any other law, the application shall be accompanied by a copy of any environmental impact assessment report, and the recommendations of any body responsible for reviewing the environmental impact assessment report.

(3) The Minister may require an applicant to provide any additional information in relation to the application which the Minister reasonably considers necessary and may refuse to consider the application until the information is provided.

(4) If, prior to the issue of a permit, any information contained in an application changes or if there is any material change in the information on which an environmental impact assessment report submitted with the application was based, the applicant shall immediately notify Sea Fisheries in writing.

General mariculture permit conditions

62. (1) A mariculture permit—

- (a) shall only relate to one site: Provided that more than one permit may be granted in respect of the same site;
- (b) is not transferable; and
- (c) is issued subject to -
 - (i) any special terms and conditions specified in the permit;
 - (ii) any terms or conditions which the Minister may notify to the permit holder in writing while the permit is in force.

(2) The following conditions shall apply with respect to mariculture products -

- (a) Cultivation and harvesting shall be undertaken only on the premises or location in respect of which the permit has been granted;
- (b) the permit holder may only possess, harvest, transport or market the mariculture product in accordance with the permit; and
- (c) the permit holder shall provide information to Sea Fisheries on request in respect of—
 - (i) the mass, size, and number of mariculture products harvested and sold; and
 - (ii) details of price, sales and purchasers.

Mariculture permit holders to minimise environmental impacts

63. (1) A mariculture permit holder shall take all reasonable measures to avoid or minimise any harmful environmental impact caused by mariculture, including the discharge of effluent and the disposal of sludge.

(2) For the purposes of subregulation (1)—

- (a) "effluent" means any liquid waste produced by mariculture including emulsions, solids in suspension and unwanted water which has been used for mariculture; and
- (b) "sludge" means any solid or semi-solid, organic waste from mariculture, whether or not it also contains non-organic substances.

Modification of permits

64. (1) A mariculture permit shall be subject to the condition that the Minister may, by written notice to a permit holder, modify a permit if the Minister considers that the modification is desirable in order to reduce the risk of disease spreading among aquatic organisms, to prevent, or reduce the risk of damage to the environment or to deal with any circumstances which were not foreseen at the time the permit was issued.

(2) The holder of a permit which is modified as contemplated in subregulation (1) may make representations in writing against the modification to the Minister within 30 days of receiving the notice contemplated in that subregulation, and the Minister's decision shall be final.

Cessation of mariculture

65. (1) A permit holder who discontinues the mariculture activities authorised by the permit shall inform the Minister within 14 days of such cessation.

(2) When requested by the Minister by written notice a permit holder who carried out mariculture on State land and who has ceased mariculture activities or whose permit has been cancelled, shall remove any mariculture installations, buildings or equipment and restore the site to the standard specified in the permit, or if no standard is specified, to a condition acceptable to the Minister, within the period specified in the notice.

(3) If a permit holder fails to comply with a notice contemplated in subregulation (2), the Department may in consultation with the Minister cause the mariculture installations, buildings or equipment to be removed and the site restored and any expense incurred shall be recoverable from the permit holder.

Suspension of mariculture permits

66. (1) A Mariculture permit shall be subject to the condition that the Minister may by written notice to the permit holder suspend a permit if—

- (a) the Minister has reason to believe that the permit holder has not complied with any term or condition of the permit; or
- (b) the permit holder fails to comply with a notice contemplated in subregulation 64(1); or
- (c) the Minister has reason to believe that the suspension is desirable in order to reduce the risk of disease spreading among aquatic organisms, or to prevent, or reduce the risk of damage to the environment.

(2) A notice of suspension in terms of subregulation (1) shall specify that the permit shall be suspended for a specified period or until the Minister is satisfied that the reason for the suspension is no longer valid.

Cancellation and non-renewal of mariculture permits

67. (1) A mariculture permit shall be subject to the condition that the Minister may, by written notice to a

mariculture permit holder, refuse to renew the permit if—

- (a) the permit holder has not commenced mariculture activities within six months of the date of issue of the permit, unless the permit holder can show good cause why he or she has not yet commenced such mariculture activity;
- (b) the permit holder has not complied with any term or condition of the permit;
- (c) the permit has been suspended and the Minister is satisfied that the suspension is unlikely to be lifted in the foreseeable future; or
- (d) the Minister is of the opinion that the continuation of the mariculture activity is not in the public interest.

(2) Before cancelling a permit the Minister shall advise the permit holder of the reasons why the Minister intends to refuse to renew or cancel the permit and shall give the holder an opportunity to make representations as to why the permit should be renewed or should not be cancelled.

Prohibition on unauthorised release of live fish

68. Except for indigenous wild fish caught in the Republic, no person shall release into South African waters any fish without the written permission of the Minister.

Environmental impact assessment

69. (1) A mariculture permit shall be subject to the condition that if the Minister has reason to believe that the activities at any mariculture premises or any proposed mariculture operations may be having, or may in future have, a detrimental impact on the environment, the Minister may, by written notice, require the permit holder or the developer of a proposed mariculture operation, to commission an assessment of the environmental impacts of the existing or proposed mariculture activities by an appropriately qualified independent person and to submit a report of the assessment to the Minister within the period specified in the notice.

(2) For the purposes of subregulation (1), "develop" includes establishing new mariculture premises or making material modifications to existing mariculture premises.

(3) An environmental impact assessment in terms of this regulation shall be conducted, and the environmental impact assessment report shall be presented, in accordance with guidelines determined by the Minister.

(4) The Minister may exempt a mariculture development from the provisions of subregulation (1): Provided that the proposed mariculture development is situated in a mariculture development area and an appropriate environmental impact assessment has been conducted in respect of the area where the mariculture development is to be sited.

(5) Specific water quality checks and other tests may be required to be conducted where an environmental impact assessment study identifies the potential for deleterious environmental factors to be present in the area where the proposed mariculture development is to be sited.

Genetically modified organisms

70. (1) No person shall culture or use any genetically modified organism in mariculture without the written authorisation of the Minister.

(2) For the purpose of paragraph 1, "genetically modified" organism" means an organism in which the genetic material has been altered in a way that does not occur naturally by mating or natural

recombination, including organisms in which the genetic material has been inherited or otherwise derived from modified genetic material.

Notifiable diseases

71. (1) Any notice in the Gazette whereby the Minister declares any disease, including a pest or parasite, that kills or causes illness in fish or marine vegetation, or that kills or causes illness in people who eat the infected fish or marine vegetation, to be a notifiable disease, shall have immediate effect unless otherwise specified in the notice.

(2) No person who knows or has reason to suspect that any fish is infected with a notifiable disease may—

(a) sell the fish, whether alive or dead; or

(b) deposit the fish, whether alive or dead, in any waters or in a place where it may enter any waters.

Use of chemicals or pharmaceutical drugs

72. (1) Any person intending to use any chemical, piscicide, pharmaceutical, bio-remediation product, or its derivative, for mariculture shall inform the Minister in advance and shall provide any information in relation to the use of the substance that the Minister may require.

(2) A permit holder, shall cease or limit the use of any substance referred to in subregulation (1) on mariculture premises or for the purposes of mariculture, if ordered to do so by written notice by the Minister.

Public health

73. (1) No person shall establish a mariculture facility in any area contaminated with toxic substances, faecal matter, human pathogens or marine biotoxins, to the extent that the cultivated fish pose a health risk to consumers.

(2) The permit holder shall comply with sanitary standards and tests, including regular testing of water and fish quality, specified in the permit.

(3) Harvesting from actual and potentially affected growing waters may be restricted during public health emergencies such as marine biotoxin events, oil spills and sewage contamination.

CHAPTER 7

LANDING, TRANSPORTATION, DELIVERY, RECEIPT, PROCESSING AND MARKETING OF FISH AND FISH PRODUCTS

Prohibition

74. A holder of a commercial fishing permit may not—

(a) land any fish or any part or product thereof at any place, except at a designated landing point;

(b) remove any fish or any part or product thereof from a landing point, before the size and the mass has been determined as prescribed in Annexure 3;

- (c) transport any fish or any part or product thereof from any landing point, except on the authority of a permit, and in accordance with the compulsory prescribed South African Bureau of Standards (SABS) specifications;
- (d) deliver any fish or any part or product thereof to any person for processing purposes, unless such person is authorised thereto in terms of the Act;
- (e) receive any fish or any part or product thereof from any person for the processing thereof, unless such recipient is authorised by the Minister in terms of section 18(1) of the Act to operate a fish processing establishment;
- (f) engage in fishing related activities, except on the authority of a permit ;
- (g) market any fish or any part or product thereof, unless it has been packed in accordance with the prescribed SABS specifications.

CHAPTER 8

COMPLIANCE CONTROL

75. No person shall, except on the authority of a permit, engage in fishing, collecting, killing, attempting to kill, disturbing, harassing, keeping or controlling of, or selling of, or be in possession of, any fish caught from a fishing vessel or vessel in a marine protected area.

Vessel monitoring systems

76. (1) Any foreign fishing vessel for which a foreign fishing licence has been granted in accordance with section 39 of the Act, shall at all times be equipped with an automated satellite-linked vessel monitoring system (VMS).

(2) For the purposes of subregulation (1) “VMS” means an autonomous system able to automatically transmit messages to a land-based fishing monitoring centre allowing a continuous tracking of the position of the fishing vessel and—

- (a) information transmitted shall include the vessel’s identification, latitude, longitude, date and time, course and speed which shall be transmitted at the required intervals to ensure that the vessel can be effectively monitored; and
- (b) performance standards shall, at a minimum, shall include a system that—
 - (i) is tamper proof;
 - (ii) may be polled by the monitoring centre;
 - (iii) has a two-way messaging capability between the vessel and the monitoring centre;
 - (iv) is fully automatic and operational at all times regardless of environment conditions;
 - (v) provides real time data; and
 - (vi) provides latitude and longitude with a positional accuracy of 100 metres or better with a confidence interval of 99%.

(3) Any South African vessel for which a fishing licence has been granted, shall at the request of the Department, install a VMS as contemplated in subregulation (1), configured to report to the Sea Fisheries monitoring centre.

Marking of fishing vessels

77. (1) Subject to the provisions of the Act, no person shall use any fishing vessel unless it bears the registration letters and numbers assigned thereto by the Director-General.

(2) The letters and numbers contemplated in subregulation (1), shall be affixed according to the specifications set out in Annexure 14.

(3) The registration letters and numbers assigned to any fishing vessel shall not be transferred to any other vessel without the written authority of the Director-General and shall not be used on, painted on or attached to any other vessel.

(4) When any fishing vessel ceases to be licensed in terms of the provisions of the Act, the owner of such a vessel shall obliterate or remove every registration letter and number from such a vessel within 21 days.

(5) If the owner of a licensed fishing vessel sells or otherwise disposes of such a vessel, in the case where the requirements of the Act have—

(a) been complied with, transfer fees determined by the Minister under section 25 of the Act, shall be payable; and

(b) not been complied with, the licence shall lapse.

Radio call signs

78. (1) All vessels with an overall length of 25 metres or more that are licensed to engage in fishing in South African waters, shall display the letters and or numbers of its radio call-sign on each side of the superstructure at the highest practical point above the gunwale, or main deck where it can best be seen.

(2) If, for practical reasons, the radio call sign cannot be displayed on the superstructure, it shall be displayed in a conspicuous position on each side of the vessel at the highest practical point above the gunwale or main deck.

(3) The letters and or numbers of the radio call sign shall be painted in white on a black background or black on a white background in characters not less than in the case of vessels with an overall length of—

(a) 25 metres or more, but less than 45 metres, 90cm in height, 45 cm in breadth, excluding the letter “l” and figure “1”, 10 cm in thickness width and stroke, and 20 cm spacing between each letter and or figure, and the white or black background area shall overlap the edges of the radio call sign by at least 10 cm; and

(b) 45 metres or more, 120 cm height, 70 cm in breadth, excluding the letter “l” and figure “1”, 15 cm in thickness width and stroke, and 30 cm spacing between each letter and or number and the white or black background area shall overlap the edges of the radio call sign by at least 20 cm.

(4) Any registration letter and or number and the radio call-sign assigned and affixed to a fishing vessel shall at all times be maintained in a clear, distinct and legible condition and shall at all times be clearly displayed.

Logbooks

79. (1) The master of a fishing vessel in respect of which a commercial licence or permit has been issued, shall maintain on such fishing vessel—

- (a) a bound fishing logbook with numbered pages; and
- (b) a landing logbook,

the format of which shall be determined in the permit and which shall be obtainable from Sea Fisheries: Provided that the provisions of this regulation shall not be applicable to fishing vessels which do not have a superstructure.

(2) Catch logbooks shall contain the following recordings:

- (a) On a daily basis and or for each fishing operation, catches retained on board by species in live weight kilograms;
- (b) the estimated cumulative fishing since the commencement of fishing;
- (c) the type of gear used;
- (d) the number of fishing operations per day, where appropriate, and the duration of time that the fishing gear is deployed during each fishing operation;
- (e) the fishing location, longitude and latitude; and
- (f) the amount of fish dumped or discarded, where applicable.

(3) The fishing logbook and landing logbook shall be kept in a place where they are protected from damage and where they are readily available for inspection at any time upon the request of a fishery control officer or any other person acting on the written authority of the Minister.

(4) Upon return from each fishing journey, the master or owner of the fishing vessel concerned shall, not later than 24 hours after completion of the landing of the fishing, hand over the original of both the fishing logbook and the landing logbook sheets to any person authorised in writing by Sea Fisheries for such purpose.

(5) The logbook sheet copies shall be kept by the owner of a fishing vessel for at least 24 months after the last entry was made.

Documents to be carried on board fishing vessels

80. (1) There shall be carried on board every fishing vessel in respect of which a licence or permit has been issued, if such fishing vessel is over 10 metres in length overall—

- (a) documents issued by a competent authority of the flag state of such fishing vessel, showing—
 - (i) the name of the fishing vessel;
 - (ii) the letter or letters of the port or district in which, and the number under which the fishing vessel is registered;
 - (iii) the international radio call sign of the fishing vessel;
 - (iv) the name and address of the owner of the fishing vessel; and

- (v) all technical specifications pertaining to the fishing vessel as are specified in the relevant application for a licence or permit in respect of the fishing vessel;
- (b) up-to-date certified drawings or descriptions of the layout of the fishing vessel, and in particular the number of fish holds of the fishing vessel, with their storage capacity expressed in cubic metres;
- (c) if any modification was made to the characteristics of the fishing vessel with respect to its length overall, its gross registered tonnage, the horsepower of its main engine or engines or its hold capacity, a certificate, certified by a competent authority of the flag state of the fishing vessel, describing the nature of such modification;
- (d) if such fishing vessel is equipped with chilled or refrigerated sea-water tanks, a document certified by a competent authority of the flag state of the vessel indicating the calibration of the tanks in cubic metres;
- (e) the original of the licence or permit issued in respect of the fishing vessel, which shall at all times be kept in a place where it can be readily examined and where it is protected from damage;
- (f) a copy of the Act and these regulations;

(2) The master of a trawl fishing vessel shall keep a record of each fishing operation in the format and on the forms provided by Sea Fisheries.

Stowage of fishing gear

81. (1) For the purposes of section 49(1) of the Act the requirements for the stowing of fishing gear shall be the following:

- (a) In the case of a purse-seiner—
 - (i) the boom shall be lowered as far as possible so that the fishing vessel cannot be used for fishing but so that the skiff is accessible for use in emergency situations;
 - (ii) the aircraft, if any, shall be tied down; and
 - (iii) launches shall be secured.
- (b) in the case of a trawler, all nets, trawl boards and weights shall be disconnected from their towing or hauling wires, ropes or rigid frames and either stowed below deck or securely lashed to some part of the superstructure of the fishing vessel;
- (c) in the case of a fishing vessel authorised to fish rock lobster—
 - (i) all traps shall be on board and tied down; and
 - (ii) all dinghies shall be on board and securely lashed to some part of the superstructure of the fishing vessel;
- (d) in the case of a fishing vessel authorised to fish with traps other than rock lobster traps, all traps shall be on board and tied down; and
- (e) in the case of a longliner, all gear shall be covered and the cover secured.

(2) This regulation also applies in respect of local fishing vessels when they are in an area in which

they are not authorised to fish or at times at which they are not authorised to fish.

Observers

82. (1) Observers designated under section 50 of the Act may—

- (a) monitor a fishing vessel's compliance with the relevant legislation;
- (b) record and report upon the fishing activities of the vessel and verify the position of the vessel when engaged in fishing;
- (c) observe and estimate catches with the view to identifying fishing composition and monitoring discards, by-catches and the taking of undersized fish;
- (d) record the gear type, mesh size and attachments employed by the master;
- (e) verify entries made into the log books in respect of species, composition, and quantities;
- (f) collect fishing and effort data on a set-by-set basis, and this data shall include location, including latitude and longitude, depth, time of net on the bottom and fishing composition; and
- (g) carry out the scientific work requested by Sea Fisheries.

(2) An observer on board a fishing vessel shall be provided with suitable food and accommodation commensurate with that of an officer.

(3) Any transport, accommodation, allowance, remuneration or similar costs incurred and payable to the observer on board the vessel, shall be borne by the licence or permit holder of the vessel.

(4) Masters of fishing vessels shall ensure that all necessary co-operation is extended to observers in order for them to carry out their duties.

Fishery control officers

83. (1) The master of a fishing vessel or a fishing vessel used as a fish processing establishment shall, while in South African waters, or a local fishing vessel operating on the high seas, allow any fishery control officer, or any other person designated by the Minister for a specific task, to board and remain on board such fishing vessel or fish processing establishment vessel, and shall without charge—

- (a) allow him or her full access to all equipment, including navigation and communication equipment, records and documents and to any fish on board the fishing vessel as may be necessary to carry out his or her duties;

allow him or her to make tests, observations and records and to take and remove such samples as he or she may reasonably require in connection with the fishing vessel's activities in South African waters; and

- (c) provide him or her food and accommodation at least equivalent to that provided for officers of the fishing vessel.

(2) The owner of any fishing vessel required to carry a fishery control officer or any other designated personnel on board shall pay the fees determined by the Minister by written notice to such owner.

(3) Any transport, accommodation or similar costs incurred by a fishery control officer in supervising

an offloading or transshipment, shall be borne by the licence or permit holder of the vessel undertaking discharge or transshipment.

(4) A fishery control officer may instruct the master to haul the trawl net or any other gear.

Inspection procedures

84. (1) For the purposes of section 51 of the Act, no boarding shall be conducted without prior notice by radio being sent the fishing vessel or without the fishing vessel being given the appropriate signal using the International Code of Signals, including the identity of the inspection platform, whether or not such notice is acknowledged as received.

(2) A fishing vessel to be boarded shall not be required to stop or manoeuvre when fishing, shooting or hauling.

(3) A fishery control officer may order the interruption or delay in the hauling of the fishing gear until he or she has boarded the fishing vessel and in any event no more than 30 minutes after receiving the signal.

Offloading and transshipment.

85. (1) A person seeking to offload from a fishing vessel in any fishing harbour shall give at least 48 hours notice thereof to the fishery control officer in charge at that fishing harbour or to any other authorised person in accordance with the directions that may be given by Sea Fisheries.

(2) Except in accordance with any conditions attached to any licence or permit or on the authority of a permit, no transshipment of any fish or fish products or any other goods from or to any and fishing vessel shall be carried out other than within a fishing harbour and under the supervision of a fishery control officer or other authorised person.

(3) The owner or master of any fishing vessel shall give to the fishery control officer at least 48 hours notice of any transshipment of fish or any supplies, and shall provide the information that may be requested by the fishery control officer, including the details of any of the vessels involved, and the type of fish or fish products or other goods, as the case may be.

CHAPTER 9

OTHER PROVISIONS

Part 1

Provisions relating to the leaving of objects and dispensing of material in the sea

Fishing gear and other implements

86. (1) No person shall, except on the authority of a permit, leave any fishing gear, mooring, or any other implement or object utilised for fishing operations on or in the sea upon termination of any fishing operations.

(2) Where any person has left any fishing gear, mooring, or any other implement or object on or in the sea in contravention of subregulation (1), the Minister may cause such object to be removed.

(3) Any costs incurred by the Minister in connection with the removal of any fishing gear, mooring or other implement or object in terms of subregulation (2), shall be payable by the person by whom the object in question was left on or in the sea, which costs shall constitute a debt owing to the State.

(4) Any buoy used for marking or suspending an implement in the sea shall be clearly marked with the name of the vessel from which it was deployed.

Waste

87. (1) With the exception of biodegradable house-hold waste, all waste generated on a fishing vessel, including waste generated in the course of fish processing and unused bait, shall be taken back to port and no such waste shall be disposed of at sea.

(2) Subregulation (1) shall, in respect of any fishing vessel which is not, on the date of commencement of these Regulations, equipped with the facilities necessary for taking fish waste back to port, come into effect upon expiry of a period of one year after the promulgation of these Regulations.

PART 2

Fishing harbour regulations

Use of buildings

88. Except on the authority of a permit, no person shall or shall cause any other person to erect, acquire, build, lease, control or use any building, facility or works, within any fishing harbour, in the sea, on the sea-shore or on any land adjacent to a fishing harbour.

Navigation, entrance to and accommodation in harbours

89. (1) No vessel shall be brought into, launched, lie in, be used in or accommodated in any other manner in a fishing harbour without a permit and without payment of the fees determined by the Minister under section 25 of the Act: Provided that—

(a) permission may be refused in the interest of safe, orderly and efficient harbour management and control; and

(b) no fee shall be payable in respect of a vessel in the service of a governmental agency.

(2) No person shall use any vessel within a fishing harbour as a restaurant, place of entertainment, a shop or for any other purpose without a permit and without payment of the fees determined by the Minister under section 25 of the Act.

(3) An owner of a vessel shall not use such vessel, cause such vessel to be used or permit such vessel to be used in a fishing harbour unless such vessel is appropriately manned and has a master on board to properly control and navigate such vessel.

(4) The master of a vessel within a fishing harbour shall at all times be responsible for the safety thereof.

(5) The master of any vessel shall, while that vessel is in a fishing harbour, stay in command thereof until that vessel has been moored.

(6) The master of any vessel entering any fishing harbour other than its home port, shall, forthwith inform a fishery control officer of the time and date of his or her arrival and furnish that particulars of that vessel that a fishery control officer may require.

(7) The master of any vessel about to enter or that has entered any fishing harbour, shall comply with any instruction given by a fishery control officer or other authorised person.

(8) Between sunset and sunrise, a vessel in a fishing harbour shall display the lights prescribed in the Merchant Shipping (Collision, etc) Regulations, 1996, published under Government Notice No. R. 2076 of 20 December 1996: Provided that a fishery control officer may exempt any vessel from the provisions of this regulation while it is anchored, moored or secured at a place assigned to it by him or her.

(9) No person shall use any net or any vessel for fishing in any fishing harbour or within a distance of 150m seaward of the entrance to any harbour, without a permit.

(10) Subject to the provisions of the Merchant Shipping Act, 1951 (Act No. 57 of 1951), a fishery control officer may—

- (a) make the arrangements that he or she may deem necessary to prevent a vessel from leaving a fishing harbour if it is overloaded, improperly loaded, or has insufficient qualified crew, or is unseaworthy; and
- (b) by written order detain that vessel until that defect has been remedied to his or her satisfaction.

The owner or master of any vessel which has been involved in an accident of any nature within the fishing harbour area, shall forthwith report the accident to a fishery control officer, and shall within 24 hours after the accident furnish him or her with a full report thereof in writing, whether damage was done to the State's property or not.

(12) No person shall navigate a vessel within a fishing harbour in a reckless or negligent manner or while he is under the influence of intoxicating liquor or a narcotic drug.

Mooring of fishing boats and vessels

90. (1) A fishery control officer may indicate the place where a vessel shall be moored in a fishing harbour and may alter or rescind such assignment.

No vessel shall be attached to any navigational aid in a fishing harbour and The master of a vessel which obstructs or displaces any navigational aid, shall forthwith report the obstruction or displacement to a fishery control officer and shall within 24 hours after the obstruction or displacement, furnish him or her with a full report thereof in writing.

(3) The master of a vessel who, for reasons beyond his control, has moored a vessel in a fishing harbour at a berth or other place not assigned to it by a fishery control officer, shall forthwith notify a fishery control officer thereof, and the fishery control officer may thereupon take the steps that he or she deems necessary in the interest of safe, orderly and efficient harbour administration and control.

(4) No vessel shall be anchored or moored in a navigational channel within a fishing harbour, except in cases of force majeure or distress.

(5) No person shall -

within the water area adjacent to a slipway in a fishing harbour anchor, moor or place a vessel; or place any chain, anchor or other obstacle.

(6) The owner or master of a vessel which is anchored, moored or berthed in a fishing harbour in a manner that causes inconvenience or danger, shall forthwith comply with an order by a fishery

control officer to render safe or remove that vessel.

(7) If any vessel has become waterlogged in a fishing harbour, the owner shall by order of a fishery control officer effect the necessary repairs thereto or remove that vessel from the water without delay.

(8) The owner of a vessel which has sunk in a fishing harbour shall effect the necessary salvage or repair work or remove that vessel from the water without delay.

(9) A fishery control officer may order the owner of a vessel that is moored or anchored in a fishing harbour to have the moorings of such vessel lifted for inspection and to carry out, within a time specified by him or her, any repairs to or replacement of such moorings deemed necessary by him or her.

The owner or master of a vessel to which an anchorage or mooring in a fishing harbour has been assigned for offloading or provisioning, shall ensure that the vessel leaves the quay as soon as its catch has been landed or supplies, fuel, equipment or crew have been taken on board.

(11) If the owner or master of a vessel fails to comply with the provisions of subregulation (10)—

the applicable fees determined by the Minister under section 25 of the Act, shall be payable; and

(b) a fishery control officer may ensure that the vessel leaves the quay.

(12) A vessel shall be allowed to moor in a fishing harbour on condition that—

(a) the owner or master shall be responsible for the safe mooring and protection of the vessel and shall satisfy himself or herself that the mooring, quay, fenders, mooring ropes, chains and other equipment are in such condition that the vessel can be safely moored there during adverse weather conditions;

(b) the vessel is accommodated in a fishing harbour at the owner's risk and a fishery control officer shall reserve the right to cause two or more vessels to be moored alongside each other;

where two or more vessels are moored alongside each other, the respective owners or masters shall be responsible for the provision of sufficient fenders between the vessels;

(d) the owner or master of the vessel shall allow another vessel to be moored alongside or to be unmoored;

(e) if the vessel is removed from a group of vessels moored alongside each other, the owner or master of that vessel shall ensure that the mooring ropes of the remaining vessels are properly secured and that the fenders are properly positioned in order to prevent damage to the vessels;

(f) the owner or master of the vessel shall by order of a fishery control officer and for such period as he may indicate, remove his or her vessel when it is necessary to conduct depth soundings or dredging or to effect repairs to quays or fenders, or when it is necessary or desirable to vacate quays or portions of quays; and

the owner or master of the vessel shall by order of a fishery control officer, remove the vessel or have it removed from the place where it has been moored to another

place assigned by the fishery control officer.

Placing of objects in harbours

No person shall place any object which may create any danger on a quay, wharf or elsewhere in a fishing harbour without the written permission of a fishery control officer.

Health, offensive cargoes and fire hazards

92. (1) A fishery control officer may order a vessel to be removed from a fishing harbour if the cargo or other articles on board in his or her opinion constitute a health hazard, or is a threat to life or property or is offensive or on failure to comply with the provisions of subregulation (2).

(2) The owner or master of a vessel—

shall take the necessary precautions to prevent the vessel from emitting sparks or excessive smoke or fumes; and

(b) shall not use the vessel within a fishing harbour unless it is fitted with an effective exhaust silencer or muffler.

Repairs

93. (1) No diver shall operate within a fishing harbour for the purpose of effecting underwater repairs or maintenance to a vessel, without the written permission of a fishery control officer.

(2) Before any vessel is admitted to a slipway in a fishing harbour, full particulars of such vessel shall be furnished to a fishery control officer and entered in the book kept for the purpose by such officer in the order in which the particulars of each such vessel were furnished, against payment by the owner or master of the vessel of the fees determined by the Minister under section 25 of the Act.

If a vessel is not placed on a slipway on the day duly appointed by a fishery Control officer owing to the default of the owner or the master, such vessel shall, if the slipway is required for other vessels, lose its turn in the order entered in the book, referred to in subregulation (2).

(4) Despite any other provision to the contrary in these Regulations, a fishery control officer may with regard to the use of a slipway, give priority to any vessel which is damaged or leaking or to a vessel which is to occupy the slipway for a period not exceeding 72 hours.

Subject to the provisions of subregulation (6), vessels which occupy a slipway simultaneously shall remain on the slipway until all the vessels are ready to be launched from the slipway: Provided that the owner or master of any such vessel who has given the required notice in terms of subregulation (7), shall not be liable for the payment of any fees for the period which his vessel unavoidably remains on the slipway after expiry of the period of notice.

(6) If a slipway is used in contravention of the period or any condition determined by a fishery control officer, a fee determined by the Minister under section 25 of the Act shall be payable by the owner or master of the relevant vessel.

(7) Despite the provisions of subregulation (4), a fishery control officer may order the owner or master of a vessel to remove a vessel from the slipway within 24 hours of being notified thereto, if the fishery control officer is of the opinion that the vessel can be launched without endangering any other vessel.

(8) The owner or master using a slipway shall give a fishery control officer 24 hours' notice in writing that his vessel is ready to be launched from the slipway.

(9) No person shall remove or shift the support upon which a vessel rests while it is on a slipway, except with the permission of a fishery control officer.

No person in a fishing harbour shall use any crane, water pump, ladder, trestle, scaffolding, plank or electric power provided by a source within a fishing harbour, except on the authority of a permit and upon payment of the fees determined by the Minister under section 25 of the Act.

(11) No person shall cause a vessel to strand or heel or lay it up for cleaning, repairs or any other purpose, on a foreshore, shoal, sand or other bank within a fishing harbour, unless a fishery control officer has given permission and subject to the conditions he or she may impose.

(12) No person shall break up any wreck, hulk or vessel in a fishing harbour without the written permission of a fishery control officer.

Entrance to harbour

94. (1) No person shall enter a fishing harbour except through the harbour entrance or leave the fishing harbour except through the harbour exit.

Any person in or upon property of the State within a fishing harbour, shall obey the orders of a fishery control officer.

(3) No person shall within any fishing harbour—

- (a) be in a state of intoxication or behave in a violent or offensive manner;
- (b) do anything which may cause injury to any person or damage to property;
- (c) disfigure any property;
- (d) remove any notice board, a notice thereon or disfigure it;
- (e) obstruct the free use of any quay, wharf or foreshore or the approaches thereto or do anything which possibly may obstruct it;
- (f) swim or bathe, except with the permission of the Director-General; or
- (g) dive without the written permission of a fishery control officer.

(4) No person shall—

- (a) hawk within any fishing harbour unless he is authorised by a permit and upon payment of the fees determined by the Minister under section 25 of the Act;
- (b) affix or exhibit or cause to be affixed or exhibited an advertisement, notice or sign or placard within a fishing harbour, except on the authority of a permit and upon payment of the fees determined by the Minister under section 25 of the Act;
- (c) in the course of the conduct or operation of any commercial or industrial enterprise use fresh water provided in a fishing harbour unless he or she is authorised by a permit and upon payment of the fees determined by the Minister under

section 25 of the Act;

- (d) waste or cause to be wasted, any drinking water provided at a water installation in a fishing harbour;
- (e) clean any fish in a fishing harbour, unless he or she is authorised by a permit and upon payment of the fees determined by the Minister under section 25 of the Act;
- (f) bring any animal into a fishing harbour except with permission of a fishery control officer;
- (g) make any fire in a fishing harbour except with the permission of a fishery control officer; or
- (h) use any vessel in a fishing harbour for the transport of passengers, except on the authority of a permit and upon payment of the fees determined by the Minister under section 25 of the Act.

Vehicles

95. (1) No person shall bring any vehicle into a fishing harbour, unless he or she is authorised by a permit or admission ticket and against the payment of the fees determined by the Minister under section 25 of the Act, and such permit or admission ticket shall authorise entry only to the fishing harbour where it was issued on the date specified therein.

The driver or person in charge of any vehicle or animal within a fishing harbour shall observe and comply with all directions displayed in notices or signs in such harbour, and shall obey all directions relating to the regulation and control of traffic which may be issued to him or her by a fishery control officer.

Part 3

Offences and penalties

Offences and penalties

96. Any person who contravenes or fails to comply with any provision of these Regulations, shall be guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding two years.

ANNEXURE 1 (Regulation 7) FORMAT OF FOREIGN FISHING VESSEL LICENCE

**DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND TOURISM
DEPARTEMENT VAN OMGEWINGSAKE EN TOERISME**

**Fishing vessel licence
Foreign**

Licence number:
Lisensienommer:

**Vissersbootlisensie
Buitelandse**

ISSUED IN TERMS OF SECTION 39(2) OF THE MARINE LIVING RESOURCES ACT, 1998 (ACT NO. 18 OF 1998)
UITGEREIK KRAGTENS ARTIKEL 39(2) VAN DIE WET OP LEWENDE MARIENE HULPBRONNE, 1998 (WET NO. 18
VAN 1998)

A. Particulars of fishing vessel in respect of which the licence is applicable:

Besonderhede van vissersboot ten opsigte waarvan die lisensie van toepassing is:

Name of vessel:
Naam van boot:

Reference no.:
Verwysingsnr:

Registration number:
Registrasienommer:

Length of vessel:
Lengte van boot:

Gross Registered Tonnage:
Bruto Geregistreeerde Tonnemaat :

Radio callsign:
Radio-roepsein:

Flag State:
Vlagstaat:

B. Particulars of owner of fishing vessel :

Besonderhede van vissersbooteienaar:

Name:
Naam:

ID or registration no.:
ID of registrasie nr.:

Address:
Adres:

C. Particulars of licence:

Lisensiebesonderhede:

Period of validity of licence:
Geldigheidstydperk van lisensie:

The licence is valid only if the particulars of the receipt are printed below.
Die lisensie is slegs geldig indien die kwitansiebesonderhede hieronder gedruk is.

Receipt number :
Kwitansienommer:

Amount:
Bedrag :

DIRECTOR-GENERAL: ENVIRONMENTAL AFFAIRS AND TOURISM
DIREKTEUR-GENERAAL: OMGEWINGSAKE EN TOERISME

DATE OF ISSUE
DATUM VAN UITREIKING

**ANNEXURE 2
(Regulation 9)
CLOSED SEASONS**

1. Elf (shad) (*Pomatomus saltatrix*) – from 1 September to 30 November in any year, both dates inclusive.
2. Galjoen (*Dichistius capensis*) – from 15 October of one year to the last day of February in the following year, both dates inclusive.
3. Pelagic fish - from 01 November of one year to 14 January in the following year, both dates inclusive.
4. Chokka squid - from 25 October to 22 November in any year, both dates inclusive.

Abalone: the holder of a—

- (a) commercial fishing permit - from 1 August to 31 October in any year, both dates inclusive; or

recreational or subsistence permit - from 14 April to 15 December in any year, both dates inclusive.

6. Oyster for commercial purposes - from 1 December of one year to 15 January of the following year, both dates inclusive.
7. West coast rock lobster: the holder of a—
 - (a) commercial fishing permit - from 1 June to 15 November in any year, both dates inclusive; or
 - (b) recreational or subsistence permit - from 1 May to 15 November in any year, both dates inclusive.
8. East coast rock lobster - from 1 November of one year to the last day of February of the following year, both dates inclusive.

**ANNEXURE 3
(Regulation 18)
MEASURING OF MASS**

1. A mass meter referred to in regulation 18 shall be installed and used in a place approved by the Director-General and shall conform to the following requirements:
 - (a) An automatic dual hopper mass meter, generally known as the Servo Balance Duplex Mass Meter; or
 - (b) any other similar automatic mass meter which has an automatic control mechanism and is equipped with sufficient hopper and mass measurement

buckets:

Provided that in the case of the mass determination of fish or fish products—

- (i) for direct human consumption, an automatic in-line conveyor belt mass meter similar to the Avery AP 95, approved in terms of the Trade Metrology Act, 1973 (Act No. 77 of 1973), may be used; or
- (ii) received on an irregular basis or in small quantities, the mass of such fish or fish products may be determined in a manner approved by the Director-General.

2. The mass meter shall be installed in such a manner and place and be of such a nature that—

- (a) no fish can pass it without the mass thereof being determined and recorded by the mass meter;
- (b) the mass determination capacity of the mass meter shall not be less than the maximum discharge capacity from the fishing vessel;
- (c) the discharge speed of fish or fish particles shall be of such a nature that it prevents accumulation or piling up;
- (d) the design and construction of the feeder system shall be of such a nature that fish and/or fish particles do not fall from the feeder system but are conveyed directly to the mass meter;
- (e) there is no access to the mechanism of the mass meter during the operation thereof;
- (f) the mechanism and the reading scale of the mass meter is visible; and
- (g) the mass meter shall be sealed properly while it is being used for determining mass.

3. A mass meter shall be deemed to be properly sealed if it has been sealed by—

- (a) a person registered with the Division of Trade Inspections of the Department of Trade and Industries and employed by the person who supplied or maintains the mass meter; or
- (b) an authorised officer of that Department.

4. No person, other than a person mentioned in subitem (a) or (b), shall interfere with the seal, mechanism or functioning of a mass meter.

ANNEXURE 4
(Regulation 21)
NON-SALEABLE NON-SALEABLE RECREATIONAL LIST

Baardmans (bellman, tasselfish) (*Umbrina rhonchus* and *Umbrina canariensis*)
 Banded galjoen (*Coracinus multifasciatus*)
 * Billfishes (marlin, sailfish) (Family Istiophoridae)
 Blacktail (dassie) (*Diplodus sargus capensis*)
 Bronze bream (bluefish) (*Pachymetopon grande*)
 Cape knifejaw (*Oplegnathus conwayi*)
 Cape stumpnose (*Rhabdosargus holubi*)
 Galjoen (*Dichistius capensis*)
 Garrick (leervis) (*Lichia amia*)
 John Brown (*Gymnocrotaphus curvidens*)
 * Kingfishes (genera *Caranx* or *Carangoides*) excluding the bludger (*Carangoides gymnostethus*)
 Large-spot pompano (moony, wave garrick) (*Trachinotus botla*)
 Leopard cat shark (*Poroderma pantherinum*)
 Natal knifejaw (cuckoo bass) (*Oplegnathus robinsoni*)
 Natal stumpnose (yellowfin bream) (*Rhabdosargus sarba*)
 Ragged tooth shark (*Carcharias taurus*)
 River bream (perch) (*Acanthopagrus berda*)
 River snapper (rock salmon) (*Lutjanus argentimaculatus*)
 Southern pompano (*Trachinotus africanus*)
 Springer (ten pounder) (*Elops machnata*)
 Spotted grunter (tiger) (*Pomadasys commersonii*)
 Spotted gully shark (*Triakis megalopterus*)
 Stonebream (*Neoscorpis lithophilus*)
 Striped cat shark (*Poroderma africanum*)
 Swordfish (*Xiphias gladius*)
 White musselcracker (brusher, cracker) (*Sparodon durbanensis*)
 White steenbras (pignose grunter) (*Lithognathus lithognathus*)

The linefish marked with an asterisk shall include all the species in the genus, family or subclass mentioned, as the case may be.

ANNEXURE 5
(Regulation 22)
SPECIALLY PROTECTED LIST

Brindle Bass (*Promicrops lanceolatus*)
 Natal wrasse (*Anchichoerops natalensis*)
 Potato Bass (*Epinephelus tukula*)
 Great White Shark (*Carcharodon carcharias*)
 Sawfishes (family Pristidae)
 Seventy-four (*Polysteganus undulosus*)

ANNEXURE 6
(Regulation 22)
CRITICAL LIST

Poenskop (black steenbras or musselcracker) (*Cymatoceps nasutus*)
 Red steenbras (copper steenbras) (*Petrus rupestris*)

ANNEXURE 7
(Regulation 22)
RESTRICTED LIST

Bludger (kingfish) (*Carangoides gymnostethus*)
Blue Hottentot (copper bream) (*Pachymetopon aeneum*)
Dageraad (*Chrysoblephus cristiceps*)
Dane (*Porcostoma dentata*)
Elf (shad) (*Pomatomus saltatrix*)
Englishman (*Chrysoblephus anglicus*)
Hake (stockfish) (*Merluccius capensis* and *M. paradoxus*)
Kob (salmon, squaretail, daga) (*Argyrosomus* spp.)
Red stumpnose (Miss Lucy) (*Chrysoblephus gibbiceps*)
* Rock cods (groupers) (family Serranidae)
Roman (*Chrysoblephus laticeps*)
Scotsman (*Polysteganus praeorbitalis*)
Slinger (*Chrysoblephus puniceus*)
West coast steenbras (*Lithognathus aureti*)
Zebra (wildeperd) (*Diplodus cervinus hottentotus*)

The linefish marked with an asterisk shall include all the species in the genus, family or subclass mentioned, as the case may be.

ANNEXURE 8
(Regulation 22)
EXPLOITABLE LIST

Blueskin (trawl soldier) (*Polysteganus caeruleopunctatus*)
Cape gurnard (Cape sea robin) (*Chelidonichthys capensis*)
Cape snoek (*Thyrsites atun*)
Cape yellowtail (*Seriola lalandi*)
Carpenter (silverfish) (*Argyrozona argyrozona*)
Dorado (dolphinfish) (*Coryphaena hippurus*)
* Elasmobranchs (Subclass Elasmobranchii, excluding great white shark *Carcharodon carcharias*, ragged tooth shark *Carcharias taurus*, spotted gulley shark *Triakis megalopterus*, striped cat shark *Poroderma africanum* and leopard cat shark *Poroderma pantherinum*)
Geelbek (Cape salmon) (*Atractoscion aequidens*)
Hottentot (*Pachymetopon blochii*)
Javelin grunter (*Pomadasyds kaakan*)
King mackerel (couta) (*Scomberomorus commerson*)
Panga (*Pterogymnus laniarius*)
Queen mackerel (Natal snoek) (*Scomberomorus plurilineatus*)
Red tjor-tjor (sand soldier) (*Pagellus natalensis*)
Santer (soldier) (*Cheimerius nufar*)
Snapper salmon (*Otolithes ruber*)
Squaretail kob (*Argyrosomus thorpei*)
* Tunas (tunny)
White stumpnose (*Rhabdosargus globiceps*)

And all other species not mentioned in Annexures 4, 5, 6, 7 and 9.

The linefish marked with an asterisk shall include all the species in the genus, family or subclass mentioned, as the case may be.

**ANNEXURE 9
(Regulation 22)
BAIT LIST**

- * Anchovies (family Engraulidae)
- Chub mackerel (*Scomber japonicus*)
- Fransmadam (Karel groot oog) (*Boopsoidea inornata*)
- * Garfishes (family Belonidae)
- * Glassies (family Ambassidae)
- * Half beaks (family Hemiramphidae)
- Horse mackerel (*Trachurus trachurus capensis*)
- * Mulletts (family Mugilidae)
- Pinky (piggy) (*Pomadasys olivaceum*)
- * Sardines (pilchard, red-eye) (family Clupeidae)
- * Sauries (family Scomberesocidae)
- * Scads (*Decapterus* spp.)
- Steentjie (*Spondyliosoma emarginatum*)
- Strepie (karanteen) (*Sarpa salpa*)
- Cutlassfish (walla walla) (*Trichiurus lepturus*)
- Wolfherring (*Chirocentrus dorab*)

The linefish marked with an asterisk shall include all the species in the genus, family or subclass mentioned, as the case may be.

**ANNEXURE 10
(Regulation 25)
SIZE AND MASS LIMITS**

- Bellman (*Umbrina* spp.): 40 cm
- Big eye tuna (*Thunnus obesus*): 3.2kg
- Bluefin tuna (*Thunnus thunnus*): 6.4kg
- Bronze bream (*Pachymetopon grande*): 30 cm
- Cape stumpnose (*Rhabdosargus holubi*): 20 cm
- Dageraad (*Chrysolephus cristiceps*): 30 cm
- Dassie (blacktail, kolstert) (*Diplodus sargus capensis*): 20 cm
- Elf (shad) (*Pomatomus saltatrix*): 30 cm
- Galjoen (*Dichistius capensis*): 35 cm
- Garrick (leervis) (*Lichia amia*): 70 cm
- Glassy (*Ambassis* spp): 2,5 cm
- Geelbek (*Atractoscion aequidens*): 60 cm
- Grunter, spotted (*Pomadasys commersonnii*): 40 cm
- Hottentot (*Pachymetopon blochii*): 22 cm
- Kob (cob, kabeljou) (*Argyrosomus* spp. excluding *A. thorpei*): 40 cm
- Musselcracker (brusher, cracker) (*Sparodon durbanensis*): 60 cm
- Natal stumpnose (*Rhabdosargus sarba*): 25 cm

Pinky (*Pomadasys olivaceum*): 7,5 cm
 Poenskop (black steenbras/musselcracker) (*Cymatoceps nasutus*): 50 cm
 Red (copper) steenbras (*Petrus rupestris*): 40 cm
 Red stumpnose (*Chrysoblephus gibbiceps*): 30 cm
 River bream (*Acanthopagrus berda*): 25 cm
 River snapper (*Lutjanus argentimaculatus*): 40 cm
 Roman (*Chrysoblephus laticeps*): 30 cm
 Santer (soldier) (*Cheimerius nufar*): 30 cm
 Scotsman (*Polysteganus praeorbitalis*): 30 cm
 Seventy-four (*Polysteganus undulosus*): 40 cm
 Silverfish (carpenter) (*Argyrozona argyrozona*): 25 cm
 Slinger (*Chrysoblephus puniceus*): 25 cm
 Snoek (*Thyrsites atun*): 60 cm
 Spotted rock cod (Catface) (*Epinephelus andersoni*): 40 cm
 Squaretail kob (*Argyrosomus thorpei*): 35 cm
 Strepie (karanteen) (*Sarpa salpa*): 15 cm
 Swordfish (*Xiphias gladius*) with a whole mass less than 25.0 kg
 White-edged rock cod (*Epinephelus albomarginatus*): 40 cm
 White steenbras (*Lithognathus lithognathus*): 60 cm
 West coast steenbras (*Lithognathus aureti*): 40 cm
 White stumpnose (*Rhabdosargus globiceps*): 25 cm
 Yellow-belly rock cod (*Epinephelus marginatus*): 40 cm
 Yellowfin tuna (*Thunnus albacares*) 3.2kg
 Zebra (*Diplodus cervinus hottentotus*): 30 cm

ANNEXURE 11
(Regulation 50)
WEST COAST ROCK LOBSTER ZONES

For the purposes of regulation (50) the west coast rock lobster zones comprise the following zones:

- (a) Zone A - the area between a line in the north (approximately 234^o true bearing) drawn from the mouth of the Orange River, as indicated on sea chart SAN FZ1, and a line in the south drawn from the mouth of the Brak River (270^o true bearing), and is divided into the following two areas:
 - (i) area 1 - between, as northern boundary, a line (approximately 234^o true bearing) drawn from the mouth of the Orange River and as southern boundary, a line drawn from the mouth of the Buffels River (270^o true bearing); and
 - (ii) area 2 - between, as northern boundary, a line (true bearing 270^o) drawn from the mouth of the Buffels River and, as southern boundary, a line (270^o true bearing) drawn from the mouth of the Brak River;
- (b) Zone B - the area between a line in the north (270^o true bearing) drawn from the mouth of the Brak River, and a line in the south (270^o true bearing) drawn from the water tower at Dwarskersbos, and is divided into the following two areas:
 - (i) area 3 - between, as northern boundary, a line (270^o true bearing) drawn

from the Brak River mouth and, as southern boundary, a line directly in line with two beacons situated on the southern side of Kreefbaai; and

- (ii) area 4 - between, as northern boundary, a line (270° true bearing) drawn in line with two beacons situated on the southern side of Kreefbaai and, as southern boundary, a line (270° true bearing) drawn from the water tower at Dwarskersbos;
- (c) Zone C - the area between a line in the north (270° true bearing) drawn from the water tower at Dwarskersbos, and a line in the south (270° true bearing) drawn from the beacon marked YF, situated at Yzerfontein, and is divided into the following two areas:
 - (i) area 5 - between, as northern boundary, a line (270° true bearing) drawn from the water tower at Dwarskersbos and, as southern boundary, a line (270° true bearing) drawn from Jacobs Bay; and
 - (ii) area 6 - between, as northern boundary a line (270° true bearing) drawn from Jacobs Bay and, as southern boundary, a line (270° true bearing) drawn from the beacon marked YF situated at Yzerfontein;
- (d) Zone D - the area between a line in the north (270° true bearing) drawn from the beacon marked YF mentioned in respect of Zone C above and a line in the south (180° true bearing) drawn from the lighthouse at Cape Hangklip, excluding the area described as Zone E, and is divided into the following two areas:
 - (i) area 7 - between, as northern boundary, a line (270° true bearing) drawn from the beacon marked YF mentioned in respect of zone C above and, as southern boundary, the northern beacon MB1 of the west coast rock lobster sanctuary at Melkbos Point; and
 - (ii) area 8 - between, as northern boundary, a line (270° true bearing) drawn from the beacon HD1 of the Cape Peninsula west coast rock lobster sanctuary and, as southern boundary, a line (180° true bearing) drawn from the lighthouse at Cape Hangklip; and
- (e) Zone E - the area north of a straight line drawn from the lighthouse at Cape Point to the lighthouse at Cape Hangklip excluding the area within one nautical mile from the high-water mark in the area bounded by, as northern boundary, a line (270° true bearing) drawn from the mouth of the Buffels River and, as southern boundary, a line (270° true bearing) drawn from the lighthouse at Cape Hangklip.

ANNEXURE 12
(Regulation 54)
PROHIBITED DEEPWATER SPECIES

Alfonsino [family Berycidae including *Beryx splendens* (alfonsino) and *B. decadactylus* (long-finned beryx)]
Cardinal fishes (deep-water cardinals) (subfamily Epigoninae)
Orange Roughy [*Hoplostethus* spp. including *H. atlanticus* and *H. mediterraneus* (silver roughy)]

Oreo Dories (family Oreosomatidae including Pseudocyttus maculatus, Allocyttus niger, A. verrucosus, A. guineensis, Neocyttus rhomboidalis and Oreosoma atlanticum)
Patagonian Toothfish (Dissostichus eleginoides and Dissostichus mawsonii)
Wreckfish (Polyprion americanus)

**ANNEXURE 13
(Regulation 55)**

**BAG LIMITS FOR INVERTEBRATE FISH WHICH MAY BE POSSESSED BY A HOLDER
OF A RECREATIONAL OR SUBSISTENCE PERMIT**

alikleukel, 5 (five);
armadillo, 6 (six);
bloodworm, 5 (five);
clam, 8 (eight);
crab, 15 (fifteen);
cuttlefish, 2(two)
limpet, 15 (fifteen);
mole crab, 30 (thirty);
mud crab, 6 (six);
octopus, 2 (two);
periwinkle, 50 (fifty);
polychaete worm, 10 (ten);
razor clam, 20 (twenty);
red bait, without tunic, 2 (two) kg;
rock mussel, 30 (thirty);
mud prawn, 50 (fifty);
sand prawn, 50 (fifty);
swimming prawn, 50 (fifty);
scallop, 10 (ten);
sea cucumber, 20 (twenty);
sea urchin, 20 (twenty);
siffie, 10 (ten);
white mussel, 50 (fifty).

**ANNEXURE 14
(Regulation 77)**

STANDARDISED VESSEL MARKING

Content of identification marks

1. Any fishing vessel that has been assigned a licence registration number, shall display that number as its identification mark.

Location of markings

Identification marks shall be prominently displayed—

- (a) (i) on the vessel's side or superstructure, port and starboard, on any vertical or inclined surface, high above the water-line, but not on the flare of the bow of the vessel or on the stern, in such a way as to be clearly visible both from the

sea and from the air; and

- (ii) for vessels other than undecked vessels, on a horizontal surface of the vessel, athwartships, with the top of the letters and numbers towards the bow of the vessel.
- (b) Identification marks shall be so placed that they—
- (i) are not obscured at any time by fishing gear or any other gear or material, whether stowed or in use;
 - (ii) are clear of flow from scuppers or overboard discharges and of areas that might be prone to damage or discolouration occurring during or as a result of fishing operations; and
 - (iii) do not extend below the water-line.
- (c) Where a vessel presents a different structure on its port and the starboard side, the identification markings prescribed in item 2(a)(i) may be placed on the sides of the vessel or its superstructure in an asymmetrical way: Provided that they otherwise conform to the provisions of this Annexure.
- (d) Where the identification marks prescribed by paragraph 2(a)(ii) are by necessity painted on a horizontal surface habitually covered by an awning or other temporary cover which would obscure the marking, the awning or other temporary cover shall bear the same identification mark.
- (e) All boats, skiffs and craft, other than air craft, carried by the fishing vessel for fishing operations shall bear the same identification mark as the vessel concerned.

Technical Specifications

3. (a) Block lettering and numbering shall be used throughout.
- (b) The height of letters and numbers shall be in proportion to the size of the vessel in accordance with the following criteria:
- (i) For identification marks to be displayed on the side or superstructure of the vessel, item 2(a)(i) is applicable;
 - (ii) Length and overall minimum height of vessel letters and numbers:
 - 25 m and over: 0.5 m
 - 20 m but less than 25 m: 0.8 m
 - 15 m but less than 20 m: 0.6 m
 - 12 m but less than 15 m: 0.4 m
 - 5 m but less than 12 m: 0.3 m
 - under 5 m: 0.1 m
 - (iii) Identification marks to be displayed in accordance with item 2(a)(i) on horizontal surfaces of vessels with an overall length of five metres and more shall have a height of not less than 0.3 metres.

- (c) The length of the hyphen shall be half of the height of the letters and numbers.
- (d) The width of the stroke for all letters, numbers and the hyphen shall be one sixth of the height of the letters and numbers.
- (e) The space between letters and/or numbers, except in the case referred to in paragraph (f), shall not exceed one quarter of the height of the letters and numbers or be less than one sixth of that height.
- (f) The space between adjacent letters having sloping sides shall not exceed one eighth of the height of the letters or be less than one tenth of that height.
- (g) Identification marks shall be white on black background or black on white background, the background extending to provide a border around the letters and numbers of not less than one sixth of the height of the letters and numbers.
- (h) Good quality marine paints shall be used for applying the identification markings set out in this Annexure.
- (i) Retroreflective or heat-generating substances shall be accepted, provided that the identification marks otherwise meet the requirements of the present Annexure.
- (j) The identification marks and the background to the same shall be maintained in a good condition at all times.

NOTE: GOVERNMENT NOTICES TO BE DRAFTED

3. **DECLARING AN AREA TO BE A MARINE PROTECTED AREA IN TERMS OF SECTION 43(1)**
4. **DESIGNATE ANY DEVICE OR MACHINE OR CLASS OF DEVICE OR MACHINE AS AN OBSERVATION DEVICE (VMS) IN TERMS OF 76(1)**
5. **DESIGNATED MACHINES OR INSTRUMENTS (MASS METERS) IN TERMS OF SECTION 74(1)**
6. **ESTABLISH THE FISHERIES TRANSFORMATION COUNCIL IN TERMS OF SECTION 29**
7. **DECLARE FISHING HARBOURS IN TERMS OF SECTION 27(1)**
8. **SEE ALSO GG NO. 1987 OF 24/8/90 – PROHIBITION OF THE EXPORT OF ROCK LOBSTER AND ABALONE – MLRA P.60 SECT. 77(2)(M)**

APPOINTMENT, POWERS AND DUTIES OF HONORARY MARINE CONSERVATION OFFICERS

Note: Decision needed whether to specify powers and duties individually or prescribe in general.

The Minister must determine the scientific, compliance and monitoring functions of the observer. For example: “ I hereby determine the scientific, compliance and monitoring functions of the observers to be as set out in Reg. 81(1).”

