

South Africa

Disaster Management Act, 2002

## Directions Regarding Measures to Address, Prevent and Combat the Spread of COVID-19 Relating to the Freshwater and Marine Fishing Sectors

Government Notice 538 of 2020

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### Disaster Management Act, 2002

# Directions Regarding Measures to Address, Prevent and Combat the Spread of COVID-19 Relating to the Freshwater and Marine Fishing Sectors Government Notice 538 of 2020

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**Commenced on 14 May 2020**

*[This is the version of this document from 14 May 2020.]*

*[Repealed by [Withdrawal of Various Directions Regarding Measures to Address, Prevent and Combat the Spread of COVID-19 \(Government Notice 1438 of 2021\)](#) on 28 October 2021]*

I, Barbara Dallas Creecy, Minister of Forestry, Fisheries and the Environment hereby issue the Directions set out in the Schedule in terms of regulation 4(10) of the Regulations issued by the Minister of Co-operative Governance and Traditional Affairs in terms of section 27(2) of the Disaster Management Act, 2002 ([Act No. 57 of 2002](#)) and published on 29 April 2020 in Government Notice R. 480 of Government Gazette No. 43258.

Barbara Dallas Creecy

Minister of Forestry, Fisheries and the Environment

## 1. Definitions

In these Directions, any word or expression to which a meaning has been assigned in the Regulations, the Marine Living Resources Act, and any regulations promulgated in terms of the Marine Living Resources Act, bears the meaning so assigned and, unless the context otherwise indicates—

“**estuary**” has the meaning assigned to it in section 1 of the National Environmental Management: Integrated Coastal Management Act, 2008 ([Act No. 24 of 2008](#));

“**exemption**” means an exemption granted in terms of section 81 of the Marine Living Resources Act;

“**freshwater system**” means any body of freshwater including rivers, dams and lakes excluding an estuary;

“**licence**” means a licence issued to a fishing vessel in terms of section 23(1), 39(2) or 41(1) of the Marine Living Resources Act;

“**Marine Living Resources Act**” means the Marine Living Resources Act, 1998 ([Act No. 18 of 1998](#));

“**recreational fisher and recreational fishing**” means any fishing done in the sea, an estuary or a freshwater system for leisure or sport and not for sale, barter, earnings or gain;

“**Regulations**” means the Regulations issued in terms of section 27(2) of the Disaster Management Act and published on 29 April 2020 in Government Notice No. R. 480 of Government Gazette No. 43258; and

“**right**” means any existing right granted in terms of section 18 of the Marine Living Resources Act.

## 2. Purpose

- 2.1 The purpose of these Directions is to curtail the threat posed by the COVID-19 pandemic and to alleviate, contain and minimise the effects of the national state of disaster, and in particular, to

provide directions to the freshwater and marine fishing sectors in terms of the alleviation provided in Part A of Table 1 of the Regulations as it pertains to fishing activities.

- 2.2 Part A of Table 1 of the Regulations authorises fishing to take place subject to any directions which may be issued by the Cabinet Member responsible for Forestry, Fisheries and the Environment.

### **3. Application**

These Directions apply to—

- (a) mariculture, commercial and small-scale fishing rights, permits and exemptions;
- (b) commercial and small-scale fishing vessel licences;
- (c) fish-processing establishments' rights, permits and exemptions;
- (d) permits or exemptions to import or export fish; and
- (e) recreational fishers.

### **4. Prohibition of sports and recreational fishing activities**

Given the health risks associated with COVID-19 and in alignment with the restrictions already implemented for public recreational activities in terms of the Regulations, recreational fishing is not allowed.

### **5. Extension of timeframes**

Timeframes as contained in any permit, exemption or licence, or any condition with respect to such permit, exemption or licence, including—

- (a) timeframes with regard to validity periods as outlined in the Fisheries COVID-19 Public Notice titled "Exemption in terms of section 81 of the Marine Living Resources Act, 1998 ([Act No. 18 of 1998](#)) to all holders of licences, permits, and authorisations issued in terms of the Marine Living Resources Act, 1998 ([Act No. 18 of 1998](#)) to operate without permits for the next ninety (90) days"; and
- (b) the second Fisheries COVID-19 Public Notice titled "Exemptions issued to all fishing sectors in terms of section 81 of the Marine Living Resources Act, 1998 ([Act No. 18 of 1998](#))" issued by the Department on 24 and 26 March 2020 respectively,

which have lapsed during the lockdown period of the national state of disaster declared for the COVID-19 pandemic, or which will lapse during the Alert Level 4 period, are hereby extended, or deemed to be extended, until the termination of Alert Level 4 in accordance with the Regulations.

### **6. Commencement and duration**

These Directions come into effect on the date of publication in the Government Gazette, and shall remain in force for the duration of Alert Level 4.