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GOVERNMENT NOTICE GOEWERMENTSKENNISGEWING

DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND TOURISM DEPARTEMENT VAN OMGEWINGSAKE EN TOERISME

No. R. 260

13 February 1998

SEA FISHERY ACT, 1988 (ACT No. 12 OF 1988)

AMENDMENT OF REGULATIONS

The Minister of Environmental Affairs and Tourism has, after consultation with the Sea Fishery Advisory Committee, under section 45 of the Sea Fishery Act, 1988 (Act No. 12 of 1988), amended the regulations promulgated in terms of the said Act, as set out in the Schedule.

SCHEDULE

1. "The Regulations" means the Regulations published under Government Notice No. R. 1343 dated 1 November 1997.
2. Regulation 44 of the Regulations is hereby substituted by the following regulation:

"44.(1) A permit in terms of regulation 40 for the catching of abalone for own use shall be obtainable on payment of the fees as determined by the Minister, by any person over the age of 12 years from authorised offices: Provided that no person shall be the holder of more than one such permit.

(2) A permit issued under subregulation (1) shall authorise the holder thereof to catch not more than four abalone per day on any Saturday, Sunday or public holiday by either diving or collecting it from the sea-shore.

(3) The holder of a permit issued in terms of subregulation (1) shall only catch, collect or land the abalone between the hours 08:00 and 16:00: Provided that such permit shall not authorise the holder thereof to catch, collect and land abalone for own use from the sea-shore in the districts of Peddie, Mdantsane, Kentani, Willowvale, Elliotdale, Mqanduli, Ngqeleni, Port St Johns, Lusikisiki and Bizana."

3. Regulation 45 of the Regulations is hereby amended—

(a) by the substitution for paragraph (a) of subregulation (1) of the following paragraph:

“(1) (a) catch, collect or land any abalone before 08:00 and after 16:00 on any Saturday, Sunday or public holiday.”;

(b) by the substitution for subregulation (2) of the following subregulation:

“(2) Except on the authority of a permit issued by the director-general, no person shall be in possession of, control or keep more than 20 abalone caught for his or her own use at any one time.”.

4. Regulation 46 of the Regulations is hereby amended by the deletion of the following proviso in subregulation (4):

“[Provided that the provisions of this subregulation shall not apply in respect of a delivery to or acquisition by a person for his or her own consumption.]”.

5. Regulation 56 of the Regulations is hereby amended—

(a) by the substitution for paragraph (a) of subregulation (1) of the following paragraph:

“(a) catch, collect or land any west coast rock lobster before 08:00 and after 16:00 on any Saturday, Sunday or public holiday.”;

(b) by the insertion of the following paragraph in subregulation (1) after paragraph (c):

“(d) sell or offer for sale any west coast rock lobster that has been caught for own use.”;

(c) by the substitution for paragraph (a) of subregulation (2) of the following subregulation:

“(2) be in possession of, control or keep more than 16 west coast rock lobster caught for his or her own use at any one time.”; and

(d) by the deletion of paragraph (b) of subregulation (2).

6. The Regulations are hereby amended by the insertion of the following regulation after regulation 56 of the Regulations:

SUBSISTENCE FISHING

56A. (1) An application for a subsistence fishing permit to catch, land, possess and sell abalone, west coast rock lobster, Cape snoek or hottentot shall be made to the Director-General on the application form obtainable from the Chief Directorate: Sea Fisheries and the fees as determined by the Minister shall be payable on approval of the said application.

(2) The Director-General may issue a subsistence fishing permit to catch, land, possess and sell abalone, west coast rock lobster, Cape snoek or hottentot, subject to the conditions determined by him in the permit: Provided that no person shall be the holder of more than one such permit or also be in possession of a permit for the catching of fish for his/her own use.

(3) A permit issued under subregulation (2) shall authorise the holder thereof to catch, land, possess and sell not more than four abalone and/or not more than four west coast rock lobster and/or not more than 10 Cape snoek or not more than 10 hottentot or any combination of snoek and hottentot up to a maximum of 10 per day as the case may be.

(4) The permit holder of a permit issued in terms of subregulation (2) shall only land the fish between the hours 08:00 to 16:00; and shall not be entitled to sell his/her catch to quota holders or to persons with processing plants or for wholesale purposes: Provided that such permit shall not authorise the holder thereof to catch, collect or land abalone from the sea-shore in the districts of Peddie, Mdantsane, Kentani, Willowvale, Elliotdale, Mqanduli, Ngqeleni, Port St Johns, Lusikisiki and Bizana.

(5) No person shall acquire from or deliver any of the abalone or west coast rock lobster mentioned in subregulation (2) or product thereof to another person unless the abalone or west coast rock lobster is clearly marked or tagged in the manner determined by the Director-General.”.

7. Regulation 63 of the Regulations is hereby amended by the deletion of the following provisions in subregulation (7):

“[Provided that the foregoing provisions of this subregulation shall not apply in respect of a delivery to or acquisition by a consumer of west coast rock lobster for a purpose other than its sale.]”.

8. Regulation 64 of the Regulations is hereby amended by the deletion of the following proviso in subregulation (4):

“[Provided that the foregoing provisions of this subregulation shall not apply in respect of a delivery to or acquisition by a consumer of a south coast rock lobster for a purpose other than its sale.]”.

WET OP SEEVISSERY, 1988 (WET No. 12 VAN 1988)

WYSIGING VAN REGULASIES

Die Minister van Omgewingsake en Toerisme het, na oorleg met die Advieskomitee, kragtens artikel 45 van die Wet op Seevisserij, 1988 (Wet No. 12 van 1988), die Regulasies uitgevaardig kragtens genoemde Wet gewysig soos in die Bylae uiteengesit.

BYLAE

1. "Die regulasies" beteken die Regulasies afgekondig by Goewermentskennisgewing No. R. 1343 gedateer 1 November 1997.
2. Regulasie 44 van die Regulasies word hierby deur die volgende regulasie vervang:

"44.(1) 'n Permit ingevolge regulasie 40 vir die vang van perlemoen vir eie gebruik, is deur enige persoon bo die ouderdom van 12 jaar verkrygbaar by gemagtigde kantore en onderworpe aan die betaling van die gelde soos bepaal deur die Minister: Met dien verstande dat niemand die houer van meer as een sodanige permit mag wees nie.

(2) 'n Permit uitgereik kragtens subregulasie (1) magtig die houer daarvan om hoogstens vier perlemoen per dag op enige Saterdag, Sondag of publieke vakansiedag te vang deur of daarvoor te duik of dit vanaf die strand te versamel.

(3) Die houer van 'n permit uitgereik kragtens subregulasie (1) mag die perlemoen slegs vang, versamel en land tussen die ure 08:00 en 16:00: Met dien verstande dat sodanige permit nie die houer magtig om perlemoen vir eie gebruik vanaf die strand te vang, versamel en te land in die landdrosdistrikte van Peddie, Mdantsane, Kentani, Willowvale, Elliotdale, Mqanduli, Ngqeleni, Port St Johns, Lusikisiki en Bizana nie."
3. Regulasie 45 van die Regulasies word hierby gewysig—
 - (a) deur paragraaf (a) van subregulasie (1) met die volgende paragraaf te vervang:

"(1) (a) enige perlemoen voor 08:00 en na 16:00 op enige Saterdag, Sondag of publieke vakansiedag vang, versamel of land nie."
 - (b) deur subregulasie (2) met die volgende subregulasie te vervang:

"(2) Niemand mag, tensy daartoe gemagtig deur 'n permit uitgereik deur die direkteur-generaal, meer as 20 perlemoen in totaal wat vir eie gebruik gevang is, in sy besit, onder sy beheer of in sy bewaring hê nie."
4. Regulasie 46 van die Regulasies word hierby gewysig deur die volgende proviso in subregulasie (4) te skrap:

"[Met dien verstande dat die bepalings van hierdie subregulasie nie van toepassing is nie op die lewering aan en die verkryging deur 'n persoon vir eie gebruik.]"
5. Regulasie 56 van die Regulasies word hierby gewysig—
 - (a) deur paragraaf (a) van subregulasie (1) met die volgende paragraaf te vervang:

"(a) enige weskuskeef voor 08:00 en na 16:00 op enige Saterdag, Sondag of publieke vakansiedag vang, versamel of land nie."
 - (b) deur die volgende paragraaf na paragraaf (c) in subregulasie (1) in te voeg:

"(d) enige weskuskeef wat gevang is vir eie gebruik verkoop of vir verkoop aanbied nie."
 - (c) deur paragraaf (a) van subregulasie (2) met die volgende subregulasie te vervang:

"(2) Niemand mag, tensy daartoe gemagtig deur 'n permit uitgereik deur die direkteur-generaal, meer as 16 weskuskeef in totaal wat vir eie gebruik gevang is in sy besit, onder sy beheer of in sy bewaring hê nie."; en
 - (d) deur die paragraaf (b) van subregulasie (2) te skrap.
6. Die Regulasies word hierby gewysig deur die invoeging van die volgende regulasie na regulasie 56 van die Regulasies:

"BESTAANSGRONDSLAGVISVANGS

56A. (1) 'n Aansoek om 'n bestaansgrondslagvisvangspermit om perlemoen, weskuskeef, Kaapse snoek of hottentot te vang, aan land te bring, te besit en te verkoop, moet by die Direkteur-generaal op die aansoekvorm wat by die Hoofdirektoraat: Seevisserie verkrygbaar is, gedoen word en die gelde soos bepaal deur die Minister, is betaalbaar by goedkeuring van die vermelde aansoek.

(2) Die Direkteur-generaal mag 'n bestaansgrondslagvisvangspermit om perlemoen, weskuskreef, Kaapse snoek of hottentot te vang, aan land te bring, te besit en te verkoop, onderworpe aan die voorwaardes deur hom in die permit bepaal, uitreik: Met dien verstande dat niemand die houer van meer as een sodanige permit mag wees nie of ook in besit is van 'n permit om vis vir eie gebruik te vang nie."

(3) 'n Permit uitgereik kragtens subregulasie (2) magtig die houer daarvan om hoogstens vier perlemoen, en/of hoogstens vier weskuskreef, en/of hoogstens 10 Kaapse snoek en/of hoogstens 10 hottentot of enige kombinasie van snoek en hottentot tot 'n maksimum van 10 per dag hoe dit ook al sy, te vang, aan land te bring, te besit en te verkoop.

(4) Die houer van 'n permit uitgereik kragtens subregulasie (2) mag die vis slegs tussen die ure 08:00 en 16:00: land en mag nie hom/haar vangs aan 'n kwotahouer, of aan persone met 'n visverwerkingsaanleg of vir grootskaalse bemarkingsdoeleindes verkoop nie: Met dien verstande dat sodanige permit nie die houer magtig om perlemoen vanaf die strand te vang, versamel en te land in die landdrostdistrikte van Peddie, Mdantsane, Kentani, Willowvale, Elliotdale, Mqanduli, Ngqeleni, Port St Johns, Lusikisiki en Bizana nie.

(5) Niemand mag enige van die perlemoen of weskuskreef of produkte daarvan soos vermeld in subregulasie (2) van iemand anders verkry of aan iemand anders lewer nie tensy die perlemoen of weskuskreef of produkte daarvan duidelik gemerk of geïdentifiseer is op die wyse soos deur die Direkteur-generaal bepaal."

7. Regulasie 63 van die Regulasies word hierby gewysig deur die volgende proviso in subregulasie (7) te skrap:

"[Met dien verstande dat die bepalings van hierdie subregulasie nie van toepassing is nie op die lewering aan en die verkryging deur 'n persoon vir eie gebruik.]".

8. Regulasie 64 van die Regulasies word hierby gewysig deur die volgende proviso in subregulasie (4) te skrap:

"[Met dien verstande dat die bepalings van hierdie subregulasie nie van toepassing is nie op die lewering aan en die verkryging deur 'n persoon vir eie gebruik.]".

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