



REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

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[No. 3935.

KAAPSTAD, 20 JUNIE 1973.

DEPARTMENT OF THE PRIME MINISTER.

DEPARTEMENT VAN DIE EERSTE MINISTER.

No. 1068.

20th June, 1973.

It is hereby notified that the State President has assented to the following Act which is hereby published for general information:—

No. 58 of 1973: Sea Fisheries Act, 1973.

No. 1068.

20 Junie 1973.

Hierby word bekend gemaak dat die Staatspresident sy goedkeuring geheg het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

No. 58 van 1973: Wet op Seevisserye, 1973.

ACT

To provide for the control of sea fisheries and for matters connected therewith.

*(English text signed by the State President.)
(Assented to 13th June, 1973.)*

BE IT ENACTED by the State President, the Senate and the House of Assembly of the Republic of South Africa, as follows:—

Definitions.

1. In this Act, unless the context otherwise indicates—
 - (i) “advisory council” means the Fisheries Advisory Council established under section 2 or, if such a council has been established for the Republic and such a council has been established for the territory, means, with reference to any matter in the Republic, the advisory council established for the Republic and, with reference to any matter in the territory, the advisory council established for the territory; (i)
 - (ii) “catch” means take out of the sea or out of or from the sea-shore in any manner whatsoever, possess in a net, whether or not the net is in the water, possess in or on a boat, or land; (xxiv)
 - (iii) “director” means the Director of Sea Fisheries; (iii)
 - (iv) “factory” means any premises, vehicle or vessel on or in which any fish or fish products are salted, dried, smoked, frozen or canned or otherwise treated, or rock lobster is kept in captivity for purposes of trade, but does not include any hotel, boarding house, restaurant, refreshment or tea room or eating house or a fishing boat on which fish which has been caught off such fishing boat is only gutted, salted or chilled for the preservation thereof; (iv)
 - (v) “fish” means any species of sea animal, whether vertebrate or invertebrate, and includes the spawn or larvae of any such sea animal, but does not include any seal or sea-bird; (xxv)
 - (vi) “fisherman” means any person who catches or attempts to catch for purposes of trade any fish, whether found in the sea or in or on the sea-shore, and includes any person assisting him in doing so; (xxvi)
 - (vii) “fishing boat” means any boat or other vessel, irrespective of the size or the manner of propulsion or movement thereof, used in any manner for the catching or processing of fish for purposes of trade; (xxvii)
 - (viii) “fishing harbour” means any fishing harbour contemplated in section 4; (xxviii)
 - (ix) “fishing zone” means the territorial waters of the Republic and the fishing zone as defined in sections 2 and 3, respectively, of the Territorial Waters Act, 1963 (Act No. 87 of 1963); (xxix)
 - (x) “high-water mark” means the highest mark reached by the water of the sea on the land during ordinary sea storms during the most stormy period of the year; (x)
 - (xi) “implement” means any net or other apparatus or device used for or in the course of the catching of fish; (xxxi)
 - (xii) “inspector” means any person appointed under section 5 (1) as sea fisheries inspector or under the Public Service Act, 1957 (Act No. 54 of 1957), to a post

WET

Om voorsiening te maak vir die beheer van seevisserye en vir aangeleenthede wat daarmee in verband staan.

*(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 13 Junie 1973.)*

DAAR WORD BEPAAL deur die Staatspresident, die Senaat en die Volksraad van die Republiek van Suid-Afrika, soos volg:—

1. Tensy uit die samehang anders blyk, beteken in hierdie Woordomskrywing. Wet—

- (i) „adviesraad” die Adviserende Visserieraad wat kragtens artikel 2 ingestel is of, indien so ’n raad vir die Republiek en so ’n raad vir die gebied ingestel is, met betrekking tot ’n aangeleentheid in die Republiek, die adviesraad wat vir die Republiek ingestel is, en met betrekking tot ’n aangeleentheid in die gebied, die adviesraad wat vir die gebied ingestel is; (i)
- (ii) „beampte” iemand wat kragtens die Staatsdienswet, 1957 (Wet No. 54 van 1957), in die Staatsdiens aangestel is; (xvii)
- (iii) „direkteur” die Direkteur van Seevisserye; (iii)
- (iv) „fabriek” ’n perseel, voertuig of vaartuig waarop of waarin vis of die produkte van vis vir handelsdoeleindes gesout, gedroog, gerook, bevroes, ingemaak of op ’n ander wyse bewerk word, of kreef vir handelsdoeleindes in gevangenskap gehou word, maar nie ook ’n hotel, losieshuis, restaurant, verversings- of teekamer of eetplek of ’n vissersboot waarop vis wat vanaf dié vissersboot gevang is, vir die bewaring daarvan slegs ontderm, gesout of verkoel word nie; (iv)
- (v) „gebied” die gebied Suidwes-Afrika; (xxvii)
- (vi) „gesagvoerder” iemand wat die gesag voer of beheer het oor ’n vissersboot of ander vaartuig; (xv)
- (vii) „getyrvier” daardie gedeelte van ’n rivier waarin ’n styging en daling van die watervlak as gevolg van die seegetye plaasvind; (xxx)
- (viii) „getystrandmeer” ’n strandmeer waarin ’n styging en daling van die watervlak as gevolg van die seegetye plaasvind; (xxix)
- (ix) „hierdie Wet” ook ’n regulasie of kennisgewing wat daarkragtens uitgevaardig is; (xxviii)
- (x) „hoogwatermerk” die hoogste merk wat die water van die see gedurende gewone seestorms tydens die stormagtigste tydperk van die jaar op land bereik; (x)
- (xi) „inspekteur” iemand wat kragtens artikel 5 (1) as seevisserye-inspekteur aangestel is of kragtens die Staatsdienswet, 1957 (Wet No. 54 van 1957), in ’n pos van visserye-inspekteur in die Departement van Nywerheidswese aangestel is; (xii)
- (xii) „jaar” enige tydperk van twaalf maande; (xxxi)
- (xiii) „laagwatermerk” die laagste merk tot waar die water van die see op land sak met gewone springgety; (xiv)
- (xiv) „Minister” die Minister van Ekonomiese Sake; (xvi)

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of fisheries inspector in the Department of Industries;
(xi)

- (xiii) "local authority" means any institution or body contemplated in section 84 (1) (f) of the Republic of South Africa Constitution Act, 1961 (Act No. 32 of 1961), and includes the South African Bantu Trust established by section 4 of the Bantu Trust and Land Act, 1936 (Act No. 18 of 1936), the Natal Parks, Game and Fish Preservation Board established under the Natal Parks, Game and Fish Preservation Ordinance, 1947 (Ordinance No. 35 of 1947 of Natal), and the National Parks Board of Trustees established under section 5 of the National Parks Act, 1962 (Act No. 42 of 1962); (xv)
- (xiv) "low-water mark" means the lowest mark on the land to which the water of the sea recedes with ordinary spring tide; (xiii)
- (xv) "master" means any person having command or control of a fishing boat or other vessel; (vi)
- (xvi) "Minister" means the Minister of Economic Affairs; (xiv)
- (xvii) "officer" means any person appointed under the Public Service Act, 1957 (Act No. 54 of 1957), to the public service; (ii)
- (xviii) "prescribe" means prescribe by regulation; (xxx)
- (xix) "regulation" means a regulation made under this Act; (xvi)
- (xx) "Republic" includes the territory of South West Africa; (xvii)
- (xxi) "salt" means any kind of salt occurring naturally in the water of the sea; (xxii)
- (xxii) "sea" means the water and the bed of the sea, including the water and the beds of tidal rivers and tidal lagoons; (xviii)
- (xxiii) "sea-shore" means the water and the land between the low-water mark and the high-water mark; (xxiii)
- (xxiv) "sea-weed" means any kind of sea-weed or algae found in the sea or on the sea-shore; (xix)
- (xxv) "Secretary" means the Secretary for Industries; (xx)
- (xxvi) "shell" means the shell or portion of the shell of any sea animal found in the sea or on the sea-shore; (xxi)
- (xxvii) "territory" means the territory of South West Africa; (v)
- (xxviii) "this Act" includes any regulation or notice made or issued thereunder; (ix)
- (xxix) "tidal lagoon" means any lagoon in which a rise and fall of the water-level takes place as a result of the tides; (viii)
- (xxx) "tidal river" means that part of any river in which a rise and fall of the water-level takes place as a result of the tides; (vii)
- (xxxi) "year" means any period of twelve months. (xii)

Appointment of
fisheries advisory
council or councils.

2. (1) The Minister shall establish a Fisheries Advisory Council or, according as he may deem fit, such a council for the Republic (excluding the territory) as well as such a council for the territory, and such a council shall advise the Minister on all matters in which he is, in terms of this Act, required to consult the advisory council, and on such other matters as the Minister may refer to it.

(2) A council referred to in subsection (1) shall consist of the Secretary or his authorized representative, who shall be the chairman, the director and so many other members, not being less than nine, as the Minister may appoint, and of whom—

- (a) two shall be appointed on account of their knowledge of the fisheries science or industrial economics; and
- (b) the others shall represent the interests of—

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- (xv) „plaaslike bestuur” ’n instelling of liggaam beoog in artikel 84 (1) (f) van die Grondwet van die Republiek van Suid-Afrika, 1961 (Wet No. 32 van 1961), en ook die Suid-Afrikaanse Bantoetrust ingestel by artikel 4 van die Bantoetrust en -grond Wet, 1936 (Wet No. 18 van 1936), die Raad vir die Bewaring van Natalse Parke, Wild en Vis ingestel kragtens die Ordonnansie op die Bewaring van Natalse Parke, Wild en Vis, 1947 (Ordonnansie No. 35 van 1947 van Natal), en die Raad van Kuratore vir Nasionale Parke ingestel kragtens artikel 5 van die Wet op Nasionale Parke, 1962 (Wet No. 42 van 1962); (xiii)
- (xvi) „regulasie” ’n regulasie wat kragtens hierdie Wet uitgevaardig is; (xix)
- (xvii) „Republiek” ook die gebied Suidwes-Afrika; (xx)
- (xviii) „see” die water en die bedding van die see, met inbegrip van die water en die beddings van getyriwiere en getystrandmere; (xxii)
- (xix) „seewier” enige soort seewier of alge wat in die see of op die strand aangetref word; (xxiv)
- (xx) „Sekretaris” die Sekretaris van Nywerheidswese; (xxv)
- (xxi) „skulp” die skulp of gedeelte van die skulp van ’n seedier wat in die see of op die strand aangetref word; (xxvi)
- (xxii) „sout” enige soort sout wat natuurlik in die water van die see voorkom; (xxi)
- (xxiii) „strand” die water en die land tussen die laagwatermerk en die hoogwatermerk; (xxiii)
- (xxiv) „vang” op enige wyse hoegenaamd uit die see of uit die strand haal, op die strand vat, in ’n net besit, hetsy die net in die water is of nie, in of op ’n boot besit, of aan land bring; (ii)
- (xxv) „vis” iedere spesie ongewerwelde of gewerwelde seedier, en ook die kuit of larwes van so ’n seedier, maar nie ook ’n rob of seevoël nie; (v)
- (xxvi) „visser” iemand wat vir handelsdoeleindes vis, hetsy dit in die see of in of op die strand voorkom, vang of probeer vang, en ook iemand wat hom daarby behulpzaam is; (vi)
- (xxvii) „vissersboot” ’n boot of ander vaartuig, ongeag die grootte of wyse van aandrywing of voortbeweging daarvan, wat op enige wyse gebruik word vir die vang of verwerking van vis vir handelsdoeleindes; (vii)
- (xxviii) „vissershawe” ’n vissershawe bedoel in artikel 4; (viii)
- (xxix) „visserysone” die territoriale waters van die Republiek en die visserysone soos omskryf in onderskeidelik artikels 2 en 3 van die Wet op Territoriale Waters, 1963 (Wet No. 87 van 1963); (ix)
- (xxx) „voorskryf” by regulasie voorskryf; (xviii)
- (xxxi) „werktuig” ’n net of ander apparaat of middel wat vir of in die loop van die vang van vis gebruik word. (xi)

2. (1) Die Minister moet ’n Adviserende Visseryeraad of, na gelang hy goedvind, so ’n raad vir die Republiek (uitgesonderd die gebied) sowel as so ’n raad vir die gebied instel, en so ’n raad dien die Minister van advies oor al die aangeleenthede waarvoor hy ingevolge hierdie Wet die adviesraad moet raadpleeg, en oor die ander aangeleenthede wat die Minister na hom verwys.

Aanstelling van
adviserende
visseryeraad of
-rade.

(2) ’n Raad bedoel in subartikel (1) bestaan uit die Sekretaris of sy gemagtigde verteenwoordiger, wat die voorsitter is, die direkteur en soveel ander lede as wat die Minister aanstel, maar minstens nege, van wie—

- (a) twee aangestel moet word weens hul kennis van die visserywetenskap of die bedryfseksonomie; en
- (b) die ander die belange moet verteenwoordig van—

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- (i) the Fisheries Development Corporation of South Africa, Limited, established by section 2 of the Fishing Industry Development Act, 1944 (Act No. 44 of 1944);
- (ii) the South African Bureau of Standards mentioned in section 2 of the Standards Act, 1962 (Act No. 33 of 1962);
- (iii) the distributors of fish;
- (iv) persons engaged in trawling;
- (v) persons concerned in the pelagic fish industry;
- (vi) persons concerned in the rock lobster industry;
- (vii) persons concerned in the catching or processing of fish other than trawl-fish, pelagic fish and rock lobster;
- (viii) such other persons as the Minister may determine.

(3) If the Minister intends to appoint any person to any such council to represent the interests of any particular persons and there exists or exist a body or bodies which in his opinion is or are representative of those persons, he shall first consult such body or bodies.

(4) A member of any such council appointed by the Minister shall hold office for such period and on such conditions as the Minister may in consultation with the Minister of Finance determine: Provided that the Minister may at any time terminate the appointment of any such member if he is of the opinion that such member is unfit to represent the interests which he is required to represent.

(5) The Minister may from time to time and for such period as he may determine and on such conditions as he may in consultation with the Minister of Finance determine, appoint any person to assist any such council in an advisory capacity.

(6) The Fisheries Development Advisory Council established by section 21 of the Fishing Industry Development Act, 1944, and the Fisheries Development Advisory Board established under section 16 of the Sealing and Fisheries Ordinance, 1949 (Ordinance No. 12 of 1949 of the territory), shall be deemed to have been established for the Republic (excluding the territory) and the territory, respectively, and shall continue to exist until they are dissolved by the Minister.

Appointment
of advisory
committees.

3. (1) The Minister may appoint committees to advise the director on the issuing of any authority under section 8 (3).

(2) Different committees may be so appointed in respect of different species of fish.

(3) The constitution of any such committee and the procedure to be followed in the performance of its functions shall be as prescribed.

(4) The provisions of section 2 (4) shall *mutatis mutandis* apply in respect of the members of any such committee.

Establishment of
fishing harbours.

4. Subject to the provisions of any other laws the Minister may by notice in the *Gazette* declare a harbour or a specified portion of a harbour or a specified area or portion of the sea and the sea-shore to be a fishing harbour.

Appointment of
honorary fisheries
officers and
fisheries inspectors.

5. (1) The Minister may appoint honorary fisheries officers and, subject to the laws governing the public service, officers as sea fisheries inspectors.

(2) Any person appointed in terms of subsection (1) shall be furnished by the Secretary with a certificate of appointment, and whenever such person exercises any power or performs any duty or function in terms of this Act, he shall, at the request of any person affected thereby, produce that certificate to such person for inspection.

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- (i) die Visserye-ontwikkelingskorporasie van Suid-Afrika, Beperk, ingestel by artikel 2 van die Visnywerheid-ontwikkelingswet, 1944 (Wet No. 44 van 1944);
- (ii) die Suid-Afrikaanse Buro vir Standaarde vermeld in artikel 2 van die Wet op Standaarde, 1962 (Wet No. 33 van 1962);
- (iii) die distribueerders van vis;
- (iv) persone wat die treilbedryf beoefen;
- (v) persone wat in die pelagiese visbedryf betrokke is;
- (vi) persone wat in die kreefbedryf betrokke is;
- (vii) persone betrokke in die vang of verwerking van ander vis as treilvis, pelagiese vis en kreef;
- (viii) die ander persone wat die Minister bepaal.

(3) Indien die Minister iemand in so 'n raad wil aanstel om die belange van bepaalde persone te verteenwoordig, en daar 'n liggaam of liggame is wat na sy oordeel verteenwoordigend van daardie persone is, raadpleeg hy eers daardie liggaam of liggame.

(4) 'n Lid van so 'n raad wat deur die Minister aangestel is, beklee sy amp vir die tydperk en op die voorwaardes wat die Minister in oorleg met die Minister van Finansies bepaal: Met dien verstande dat die Minister die aanstelling van so 'n lid te eniger tyd kan beëindig indien hy van oordeel is dat dié lid onbevoeg is om die belange te verteenwoordig wat hy moet verteenwoordig.

(5) Die Minister kan van tyd tot tyd en vir die tydperke wat hy bepaal en op die voorwaardes wat hy in oorleg met die Minister van Finansies bepaal, iemand aanstel om so 'n raad in 'n adviserende hoedanigheid by te staan.

(6) Die Adviserende Visserye-ontwikkelingsraad ingestel by artikel 21 van die Visnywerheid-ontwikkelingswet, 1944, en die Visseryadviesraad ingestel kragtens artikel 16 van die Ordonnansie op Robbevangs en Visserye 1949 (Ordonnansie No. 12 van 1949 van die gebied), word geag kragtens hierdie Wet vir onderskeidelik die Republiek (uitgesonderd die gebied) en die gebied ingestel te wees en bly voortbestaan totdat die Minister hulle ontbind.

3. (1) Die Minister kan komitees aanstel om die direkteur van advies te dien aangaande die uitreiking van magtigings kragtens artikel 8 (3). Aanstelling van advieskomitees.

(2) Verskillende komitees kan aldus ten opsigte van verskillende spesies vis aangestel word.

(3) Die samestelling van so 'n komitee en die prosedure wat by die verrigting van sy werksaamhede gevolg moet word, is soos voorgeskryf.

(4) Die bepalings van artikel 2 (4) is *mutatis mutandis* ten opsigte van die lede van so 'n komitee van toepassing.

4. Die Minister kan, behoudens die bepalings van ander wette, by kennisgewing in die *Staatskoerant* 'n hawe of 'n bepaalde gedeelte van 'n hawe of 'n bepaalde gebied of gedeelte van die see en strand tot 'n vissershawe verklaar. Instelling van vissershawens.

5. (1) Die Minister kan ere-visseryebeamptes en, behoudens die wette op die Staatsdiens, beamptes as seevisserye-inspekteurs aanstel. Aanstelling van ere-visserye-beamptes en visserye-inspekteurs.

(2) Iemand wat ingevolge subartikel (1) aangestel word, moet deur die Sekretaris voorsien word van 'n aanstellingsertifikaat, en so iemand moet, wanneer hy ingevolge hierdie Wet 'n bevoegdheid uitoefen of 'n plig of werksaamheid verrig, en op versoek van iemand wat daardeur geraak word, daardie sertifikaat aan so iemand ter insae toon.

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Powers of inspectors, officers, members of the Police and honorary fisheries officers.

6. (1) An inspector, an officer generally or specially authorized thereto by the Minister, and a member of the Police may—

- (a) board any fishing boat, enter any factory or any premises used for the storage or sale of fish, fish products, sea-weed, shells or salt and enter any vehicle used for the conveyance or sale of fish, fish products, sea-weed, shells or salt, and perform on such boat, premises or vehicle or in that factory such acts as may be necessary to ascertain whether the provisions of this Act are being complied with;
- (b) examine any implement which he has reasonable grounds to suspect is being used or intended for use in the catching or handling of fish, or the gathering of sea-weed or shells or the recovery of salt;
- (c) subject to the provisions of subsection (3), if he has reasonable grounds to suspect that an offence in terms of this Act has been committed in respect of any fish, sea-weed, shells or salt or has been or is about to be committed in respect of or by means of any implement, and that such fish, sea-weed, shells salt or implement is upon any premises or at any place or upon any fishing boat or vehicle or in any factory, at any time enter upon and search such premises, place, fishing boat, vehicle or factory, and search any person thereupon or therein, and seize any such fish, sea-weed, shells, salt, implement, fishing boat or vehicle, as well as any books or other documents on such premises, place, fishing boat or vehicle or in such factory;
- (d) if he has reasonable grounds to suspect that any fishing boat, factory, premises or vehicle has been or is being used in connection with any offence in terms of this Act, or that any fish, sea-weed, shells, salt or implement as to which there are reasonable grounds for suspecting that an offence in terms of this Act has been committed in respect thereof or by means thereof, is or has been on any fishing boat, vehicle or premises or in any factory, require the persons on such fishing boat, vehicle or premises or in such factory to furnish him with their names and addresses or require the licensee of such fishing boat to furnish him with the names and addresses of the master and of the members of the crew of such fishing boat;
- (e) by a prescribed signal order the master of a fishing boat to stop such boat or to sail to a harbour indicated by the inspector, officer or member of the Police;
- (f) order the master of a fishing boat to remove it at a specified time from a fishing harbour or not to bring it into a fishing harbour—
 - (i) if the fishing boat is such a fishing boat as is contemplated in section 10 (1) (d); or
 - (ii) if, irrespective of where the fishing boat is registered, any person who is or at any time was a member of the crew of such fishing boat, was at any time convicted, in terms of a law which is or was in force in the Republic, of any offence committed on such fishing boat while it was within the fishing zone; or
 - (iii) if, irrespective of where the fishing boat is registered, the inspector, officer or member of the Police is satisfied, upon reasonable grounds, that such fishing boat was at any time used within the fishing zone in connection with activities that constituted an offence in terms of any law;

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6. (1) 'n Inspekteur, 'n beampte wat in die algemeen of in 'n besondere geval deur die Minister daartoe gemagtig is en 'n polisiebeampte kan—

Bevoegdheid van inspekteurs, beamptes, polisie-beamptes, en ere-visserye-beamptes.

- (a) aan boord gaan van 'n vissersboot, 'n fabriek of 'n perseel wat vir die opberging of verkoop van vis, produkte van vis, seewier, skulpe of sout gebruik word, betree en 'n voertuig bestyg wat vir die vervoer of verkoop van vis, produkte van vis, seewier, skulpe of sout gebruik word, en op daardie boot, perseel of voertuig of in daardie fabriek die handelinge verrig wat nodig is om vas te stel of die bepalings van hierdie Wet nagekom word;
- (b) 'n werktuig ondersoek waaromtrent hy redelike gronde het om te vermoed dat dit gebruik word of bestem is vir gebruik by die vang of hantering van vis, of die versameling van seewier of skulpe of die herwinning van sout;
- (c) behoudens die bepalings van subartikel (3), as hy redelike gronde het om te vermoed dat 'n misdryf ingevolge hierdie Wet ten opsigte van vis, seewier, skulpe of sout gepleeg is, of ten opsigte of deur middel van 'n werktuig gepleeg is of gepleeg gaan word, en dat die vis, seewier, skulpe, sout of werktuig op 'n perseel of plek of vissersboot of voertuig of in 'n fabriek is, te eniger tyd daardie perseel, plek, vissersboot, voertuig of fabriek betree en deursoek, en iemand wat hom daarop of daarin bevind, deursoek, en beslag lê op daardie vis, seewier, skulpe, sout, werktuig, vissersboot of voertuig, sowel as op boeke of ander stukke wat op daardie perseel, plek, vissersboot of voertuig of in daardie fabriek is;
- (d) as hy redelike gronde het om te vermoed dat 'n vissersboot, fabriek, perseel of voertuig in verband met 'n misdryf ingevolge hierdie Wet gebruik is of word, of dat vis, seewier, skulpe, sout of 'n werktuig waaromtrent daar redelike gronde bestaan vir 'n vermoede dat 'n misdryf ingevolge hierdie Wet ten opsigte of deur middel daarvan gepleeg is, op 'n vissersboot, voertuig of perseel of in 'n fabriek is of was, eis dat die persone op dié vissersboot, voertuig of perseel of in dié fabriek hul name en adresse aan hom verstrek of dat die houer van die lisensie ten opsigte van daardie vissersboot die name en adresse van die gesagvoerder en van die lede van die bemanning van daardie vissersboot aan hom verstrek;
- (e) met 'n voorgeskrewe teken die gesagvoerder van 'n vissersboot gelas om dié vissersboot tot stilstand te bring of om na 'n hawe, deur die inspekteur, beampte of polisiebeampte aangedui, te vaar;
- (f) die gesagvoerder van 'n vissersboot gelas om dit op 'n bepaalde tydstop uit 'n vissershawe te verwyder of om dit nie daarin te bring nie—
 - (i) indien die vissersboot 'n vissersboot is soos bedoel in artikel 10 (1) (d); of
 - (ii) indien, ongeag waar die vissersboot geregistreer is, iemand wat 'n bemanningslid van daardie vissersboot is of te eniger tyd was, te eniger tyd skuldig bevind is, ingevolge 'n wet wat in die Republiek van toepassing is of was, aan 'n misdryf wat op daardie vissersboot gepleeg is terwyl dit binne die visserysone was; of
 - (iii) indien, ongeag waar die vissersboot geregistreer is, die inspekteur, beampte of polisiebeampte op redelike gronde daarvan oortuig is dat daardie vissersboot te eniger tyd binne die visserysone gebruik is in verband met bedrywighede wat neergekom het op 'n misdryf ingevolge die een of ander wet;

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- (g) question any person who, in his opinion, may be capable of furnishing any information which he may require, and for that purpose require a fishing boat or other vessel or a vehicle to be stopped;
- (h) require any person to produce to him any invoices, delivery notes or other documents in his possession in connection with any fish which is or in his opinion may be the subject of any criminal case in terms of this Act, and in his discretion seize such invoices, notes or other documents for production to and disposal of by a court;
- (i) require any person employed on or at a fishing boat, vehicle or factory, to assist him in the examination of any container, implement or fish on such fishing boat or vehicle or in such factory to ascertain whether the provisions of this Act have been complied with in connection therewith.

(2) An inspector or an officer shall in the exercise of his powers under subsection (1) be deemed to be a peace officer as defined in section 1 of the Criminal Procedure Act, 1955 (Act No. 56 of 1955).

(3) Whenever any inspector, officer or member of the Police exercises any of his powers under this section, he may enter or search a dwelling in accordance with the provisions of the Criminal Procedure Act, 1955, only.

(4) An honorary fisheries officer shall have the powers contemplated in subsection (1) (b) and (d) and he may also require any person who he knows or on reasonable grounds suspects—

- (a) has committed any offence in terms of this Act; or
- (b) has at his disposal information in connection with the commission or suspected commission of any such offence,

to furnish him with his name and address.

(5) The powers conferred by subsection (1) may, in respect of any fishing boat licensed in terms of this Act or any boat used as a fishing boat in the fishing zone and in respect of any person or any fish or implement thereon, be exercised also outside the fishing zone.

(6) Any fish, sea-weed, shells, salt or implement seized under subsection (1) (c) shall be forfeited to the State: Provided that—

- (a) in the event of the fish, sea-weed, shells, salt or implement forming the subject of a prosecution, the court may set aside the forfeiture; and
- (b) in any other case the Minister may set aside the forfeiture, if the owner of the fish, sea-weed, shells, salt or implement, as the case may be, satisfies the Minister, within thirty days after the seizure, that no offence was committed by him or by any other person with his knowledge and consent, in respect of the fish, sea-weed, shells or salt or by means of the implement:

Provided further that any fish so seized may be sold or destroyed at any time after the seizure, and if the forfeiture is set aside in terms of paragraph (a) or (b), the proceeds of the sale (if any) shall be handed over to the owner.

Registration of
fishing boats and
cancellation or
suspension of
registration
thereof.

7. (1) Any person desiring to register a boat in respect of any particular fishing harbour, area or place, shall in the prescribed manner apply to the director for such registration and submit to the director, together with his application, proof of the facts advanced in support of his application.

(2) Subject to the provisions of subsection (3) the director shall grant an application in terms of subsection (1) if he is satisfied that the applicant is the owner of the boat in question and that the boat is registered or licensed under the Merchant Shipping Act, 1951 (Act No. 57 of 1951): Provided that the director may refuse to grant any such application if—

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- (g) iedereen ondervra wat na sy oordeel moontlik in staat is om inligting te verstrek wat hy verlang, en vir dié doel vereis dat 'n vissersboot of ander vaartuig of 'n voertuig tot stilstand gebring word;
- (h) van iemand vereis dat hy fakture, afleweringsbriewe of ander stukke in sy besit in verband met vis wat die onderwerp van 'n strafsak ingevolge hierdie Wet uitmaak of na sy oordeel mag uitmaak, aan hom toon, en na goëddunke daarop beslag lê vir voorlegging aan en beskikking daaroor deur 'n hof;
- (i) van iemand wat werksaam is op of by 'n vissersboot, voertuig of fabriek, vereis om hom te help by die ondersoek van 'n houër, werktuig of vis op dié vissersboot of voertuig of in dié fabriek ten einde vas te stel of die bepalings van hierdie Wet in verband daarmee nagekom is.

(2) 'n Inspekteur of 'n beampte word by die uitoefening van sy bevoegdhede kragtens subartikel (1) geag 'n vredesbeampte te wees soos omskryf in artikel 1 van die Strafproseswet, 1955 (Wet No. 56 van 1955).

(3) Wanneer 'n inspekteur, beampte of polisiebeampte sy bevoegdhede kragtens hierdie artikel uitoefen, mag hy 'n woonhuis slegs ooreenkomstig die bepalings van die Strafproseswet, 1955, betree of deursoek.

(4) 'n Ere-visseryebeampte besit die bevoegdhede bedoel in subartikel (1) (b) en (d) en kan ook eis dat iemand ten opsigte van wie hy weet of op redelike gronde vermoed dat hy—

(a) 'n misdryf ingevolge hierdie Wet gepleeg het; of

(b) oor inligting in verband met die pleeg of vermoedelike pleeg van so 'n misdryf beskik,

sy naam en adres aan hom verstrek.

(5) Die bevoegdhede by subartikel (1) verleen, kan, ten opsigte van 'n vissersboot wat ingevolge hierdie Wet gelisensieër is of 'n boot wat as 'n vissersboot in die visserysone gebruik word, en ten opsigte van iemand of vis of 'n werktuig daarop, ook buite die visserysone uitgeoefen word.

(6) Vis, seewier, skulpe, sout of 'n werktuig waarop kragtens subartikel (1) (c) beslag gelê is, word aan die Staat verbeur: Met dien verstande dat—

(a) ingeval die vis, seewier, skulpe, sout of werktuig die onderwerp van 'n vervolging uitmaak, die hof die verbeuring kan ophef; en

(b) in 'n ander geval die Minister die verbeuring kan ophef, indien die eienaar van die vis, seewier, skulpe, sout of werktuig, na gelang van die geval, binne dertig dae na die beslaglegging die Minister oortuig dat geen misdryf ten opsigte van die vis, seewier, skulpe of sout of deur middel van die werktuig deur hom of deur iemand anders met sy medewete of toestemming gepleeg is nie:

Met dien verstande voorts dat vis waarop aldus beslag gelê is, te eniger tyd na die beslaglegging verkoop of vernietig mag word, en indien die verbeuring ingevolge paragraaf (a) of (b) opgehef word, die opbrengs van die verkoping, (indien daar is) aan die eienaar oorhandig word.

7. (1) Iemand wat 'n boot ten opsigte van 'n bepaalde vissershawe, gebied of plek wil registreer moet op die voorgeskrewe wyse by die direkteur om sodanige registrasie aansoek doen en saam met sy aansoek aan die direkteur bewys voorlê van die feite wat tot steun van sy aansoek aangevoer word.

Registrasie van
vissersbote en
intrekking of
opskorting van
registrasie daarv an.

(2) Behoudens die bepalings van subartikel (3) moet die direkteur 'n aansoek ingevolge subartikel (1) toestaan indien hy oortuig is dat die aansoeker die eienaar van die betrokke boot is en dat die boot kragtens die Handelskeepvaartwet, 1951 (Wet No. 57 van 1951), geregistreer of gelisensieër is: Met dien verstande dat die direkteur kan weier om so 'n aansoek toe te staan indien—

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- (a) he is satisfied that any information furnished by the applicant in his application is not correct;
 - (b) the registration of the boat concerned has been cancelled under subsection (6) or (7); or
 - (c) he is satisfied that such boat is not intended as a fishing boat.
- (3) If the Minister is satisfied that—
- (a) it is in the interests of the fishing industry that the further registration of boats generally or in respect of any particular area or place should not be allowed, or that the harbour facilities in any particular fishing harbour are inadequate for more boats than those already making use of such fishing harbour, or that the harbour, landing, storage or handling facilities in a particular fishing harbour are inadequate to deal satisfactorily with more than the catches off the boats already making use of that harbour, he may direct the director not to register any further boats, either generally or (as the case may be) in respect of that area, place or fishing harbour; and
 - (b) the reason for any direction under paragraph (a) no longer exists, he shall withdraw the direction.
- (4) (a) Whenever the director registers a boat under this section, he shall assign a registration letter and number to that boat.
- (b) The owner of a boat registered under this section, shall affix and keep affixed on such boat in the prescribed manner the registration letter and number assigned to that boat in terms of paragraph (a).
- (5) If the owner of a boat registered under this section changes his name or address, or alters the boat in such manner that the description thereof in the register is incorrect, he shall within twenty-one days thereafter and in the prescribed manner furnish the director with full information concerning it.
- (6) If the owner of a boat fails to comply with the provisions of subsection (5), or without the approval of the director alienates the boat or grants any right to any other person in respect thereof, or ceases to use the boat as a fishing boat, the director shall cancel the registration of the boat.
- (7) The director may in the case of a second or subsequent conviction of the owner of a boat or any other person of any offence under this Act in respect of a boat, cancel or, for such period as he may deem fit, suspend the registration of the boat.
- (8) Whenever the registration of a boat is cancelled or suspended for any period, any licence issued in respect thereof in terms of section 8 shall lapse or, as the case may be, be suspended for the same period.

Licences in respect of boats, factories and implements, and prohibitions in connection therewith.

8. (1) No person shall use any boat as a fishing boat or any premises, vehicle or vessel as a factory unless it is licensed under this section.

(2) Any person desiring to use any boat as a fishing boat or any premises, vehicle or vessel as a factory, shall in the prescribed manner apply to the director for authority for the issue to him of a licence therefor.

(3) (a) The director shall, subject to the provisions of subsection (5) and the regulations, grant the application and issue to the applicant the necessary authority in the prescribed form, provided, in the case of a boat, it is registered under section 7.

(b) If any authority has been issued to a person in terms of paragraph (a), he shall, on payment of the prescribed fee to the prescribed person, be entitled to the issue of the licence to him.

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- (a) hy oortuig is dat inligting wat die applikant in sy aansoek verstrek het, nie juis is nie;
 - (b) die registrasie van die betrokke boot kragtens subartikel (6) of (7) ingetrek is; of
 - (c) hy oortuig is dat daardie boot nie vir 'n vissersboot bestem is nie.
- (3) Indien die Minister oortuig is dat—
- (a) dit in belang van die visserybedryf is dat die verdere registrasie van bote in die algemeen of ten opsigte van 'n bepaalde gebied of plek nie toegelaat moet word nie of dat die hawegeriewe in 'n bepaalde vissershawe onvoldoende is vir meer bote as dié wat reeds van daardie vissershawe gebruik maak, of dat die hawe-, landings-, bergings- of hanteringsgeriewe in 'n bepaalde vissershawe onvoldoende is om meer as die vangste vanaf bote wat van daardie hawe gebruik maak, bevredigend te behartig, kan hy die direkteur gelas om geen verdere bote in die algemeen of (na gelang van die geval) ten opsigte van daardie gebied, plek of vissershawe te registreer nie; en
 - (b) die rede vir 'n lasgewing kragtens paragraaf (a) nie meer bestaan nie, moet hy die lasgewing intrek.
- (4) (a) Wanneer die direkteur 'n boot kragtens hierdie artikel registreer, moet hy 'n registrasieletter en -nommer aan daardie boot toewys.
- (b) Die eienaar van 'n boot wat kragtens hierdie artikel geregistreer is, moet die registrasieletter en -nommer wat ingevolge paragraaf (a) aan daardie boot toegewys is, op die voorgeskrewe wyse op daardie boot aanbring en aangebring hou.
- (5) Indien die eienaar van 'n boot wat kragtens hierdie artikel geregistreer is, sy naam of adres verander of die boot op so 'n wyse verander dat die beskrywing daarvan in die register onjuis is, moet hy binne een-en-twintig dae daarna volledige besonderhede daaromtrent op die voorgeskrewe wyse aan die direkteur verstrek.
- (6) Indien die eienaar van 'n boot versuim om die bepalings van subartikel (5) na te kom, of sonder die goedkeuring van die direkteur die boot vervreem of aan iemand anders 'n reg ten opsigte daarvan verleen, of ophou om die boot as 'n vissersboot te gebruik, moet die direkteur die registrasie van die boot intrek.
- (7) Die direkteur kan in die geval van 'n tweede of daaropvolgende skuldigbevinding van die eienaar van 'n boot of iemand anders aan 'n misdryf kragtens hierdie Wet ten opsigte van 'n boot, die registrasie van die boot intrek of vir die tydperk wat hy goedvind, opskort.
- (8) Wanneer die registrasie van 'n boot ingetrek of vir 'n tydperk opgeskort word, verval 'n lisensie wat ingevolge artikel 8 ten opsigte daarvan uitgereik is of, na gelang van die geval, is die lisensie vir dieselfde tydperk opgeskort.

8. (1) Niemand mag 'n boot as 'n vissersboot of 'n perseel, voertuig of vaartuig as 'n fabriek gebruik nie, tensy dit kragtens hierdie artikel gelisensieer is.

Lisensies ten opsigte van bote, fabriek en werktuie, en verbodsbepalings in verband daarmee.

(2) Iemand wat 'n boot as 'n vissersboot of 'n perseel, voertuig of vaartuig as 'n fabriek wil gebruik, moet op die voorgeskrewe wyse by die direkteur aansoek doen om magtiging vir die uitreiking van 'n lisensie daarvoor aan hom.

(3) (a) Die direkteur moet, behoudens die bepalings van subartikel (5) en die regulasies, die aansoek toestaan en aan die aansoeker die nodige magtiging in die voorgeskrewe vorm uitreik mits, in die geval van 'n boot, dit kragtens artikel 7 geregistreer is.

(b) Indien aan iemand 'n magtiging ingevolge paragraaf (a) uitgereik is, is hy, by betaling van die voorgeskrewe gelde aan die voorgeskrewe persoon, geregtig op die uitreiking van die lisensie aan hom.

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(4) If the Minister is satisfied that a boat is registered in a foreign country, he may, on application by the owner thereof, direct the director to issue an authority for the issue in respect of that boat of a licence for such period as the Minister may determine.

(5) A licence shall be issued subject to such conditions and restrictions as the director may have specified in the authority concerned: Provided that a condition or restriction that a boat may not be used for the catching of fish belonging to a particular species or to particular species, shall not be imposed except upon the recommendation of a committee appointed under section 3.

(6) If the Minister deems it necessary in the interests of the fishing industry, he may by regulation provide that a specified kind of implement may not be used for the catching of fish belonging to a particular species or to particular species, unless it is licensed in accordance with the regulations.

Appeals.

9. Any decision of the director in terms of section 7 or 8 shall be subject to an appeal to the Minister in the manner prescribed.

Protection of fish and restrictions on landing of fish and supplying of ships' stores.

10. (1) The Minister may by notice in the *Gazette* make regulations—

- (a) prohibiting for an indefinite period or for a specified period in any year, and either generally or in a specified area, the catching or disturbing of fish or fish belonging to a specified species, or the catching or disturbing of any such fish by a specified person or persons belonging to a specified category or any person other than a specified person or persons belonging to a specified category;
- (b) prohibiting the landing of fish or fish belonging to a specified species in any specified area at any place other than a specified place;
- (c) prohibiting the conveyance or the removal from one place to another of any fish or fish products without the written authority of the director and otherwise than subject to such conditions as he may determine;
- (d) prohibiting the supply of ships' stores, excluding medical supplies, to specified fishing boats, or fishing boats registered in specified foreign countries, or imposing a levy for the benefit of the Consolidated Revenue Fund on such stores supplied to such fishing boats, and prescribing how and by whom any such levy shall be collected.

(2) Regulations under subsection (1) (b) and (c) may grant exemption from the provisions thereof in respect of specified quantities of fish caught by any person for his own use.

Restrictions in respect of quantities of fish which may be caught or processed.

11. The Minister may, after he has consulted the advisory council, by notice in the *Gazette* make regulations—

- (a) prohibiting the holders of licences in respect of fishing boats or any particular holder of such a licence from catching or landing, either generally or in any particular area, in the course of a specified year or any particular portion of a year, a greater quantity of fish, or of fish belonging to a particular species, than a quantity specified;
- (b) prohibiting or regulating the supply of any fish or of fish belonging to a particular species, or the products thereof, to any person or class of persons either generally or in any particular area, irrespective of whether the fish is supplied by any person who caught the fish or acquired it from some other person;

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(4) Indien die Minister oortuig is dat 'n boot in 'n vreemde land geregistreer is, kan hy op aansoek van die eienaar daarvan die direkteur gelas om 'n magtiging uit te reik vir die uitreiking van 'n lisensie ten opsigte van daardie boot vir die tydperk wat die Minister bepaal.

(5) 'n Lisensie moet uitgereik word onderworpe aan die voorwaardes en beperkings wat die direkteur in die betrokke magtiging bepaal het: Met dien verstande dat 'n voorwaarde of beperking dat 'n boot nie vir die vang van vis wat behoort tot 'n bepaalde spesie of bepaalde spesies, gebruik mag word nie, nie opgelê word nie behalwe op aanbeveling van 'n komitee wat kragtens artikel 3 aangestel is.

(6) Indien die Minister dit in belang van die visserybedryf nodig ag, kan hy by regulasie bepaal dat 'n vermelde soort werktuig nie vir die vang van vis of vis wat behoort tot 'n bepaalde spesie of bepaalde spesies, gebruik mag word nie, tensy dit ooreenkomstig die regulasies gelisensieer is.

9. Iedere besluit van die direkteur ingevolge artikel 7 of 8 is Appèlle. onderworpe aan 'n appèl op die Minister op die voorgeskrewe wyse.

10. (1) Die Minister kan by kennisgewing in die *Staatskoerant* regulasies uitvaardig waarby—

Beskerming van vis en beperkings op landing van vis en verskaffing van skeepsvoorrade.

- (a) vir 'n onbepaalde tydperk of vir 'n bepaalde tydperk gedurende die een of ander jaar, en of in die algemeen of in 'n bepaalde gebied, verbied word dat vis of vis wat tot 'n bepaalde spesie behoort, gevang of gesteur word of deur 'n bepaalde persoon of persone wat tot 'n bepaalde kategorie behoort of iemand anders as 'n bepaalde persoon of persone wat tot 'n bepaalde kategorie behoort, gevang of gesteur word;
- (b) verbied word dat in 'n vermelde gebied vis of vis wat tot 'n bepaalde spesie behoort, op 'n ander plek as 'n vermelde plek aan land gebring word;
- (c) verbied word dat vis of produkte van vis sonder die skriftelike magtiging van die direkteur en anders as op die voorwaardes wat hy bepaal, vervoer of van een plek na 'n ander verwyder word;
- (d) verbied word dat skeepsvoorrade, uitgesonderd mediese voorrade, aan vermelde vissersbote of vissersbote wat in vermelde vreemde State geregistreer is, gelever word, of 'n heffing ten bate van die Gekonsolideerde Inkomstefonds gelê word op sodanige skeepsvoorrade wat aan sodanige vissersbote gelever word, en voorgeskryf word hoe en deur wie so 'n heffing ingevorder moet word.

(2) Regulasies kragtens subartikel (1) (b) en (c) kan vrystelling van die bepaling daarvan verleen ten opsigte van bepaalde hoeveelhede vis wat deur iemand vir eie gebruik gevang is.

11. Die Minister kan, nadat hy die adviesraad geraadpleeg het, by kennisgewing in die *Staatskoerant* regulasies uitvaardig waarby—

Beperkings ten opsigte van hoeveelhede vis wat gevang of verwerk mag word.

- (a) verbied word dat die houters van lisensies ten opsigte van vissersbote of 'n bepaalde houer van so 'n lisensie in die loop van 'n vermelde jaar of 'n bepaalde gedeelte van 'n jaar 'n groter hoeveelheid vis, of vis wat tot 'n bepaalde spesie behoort, as 'n vermelde hoeveelheid in die algemeen of in 'n bepaalde gebied vang of aan land bring;
- (b) die lewering van vis of van vis wat tot 'n bepaalde spesie behoort, of die produkte daarvan aan 'n persoon of klas persone, in die algemeen of in 'n bepaalde gebied verbied of gereël word, ongeag of die lewering geskied deur iemand wat die vis gevang of van iemand anders verkry het;

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- (c) prohibiting any factory or any particular factory from receiving or manufacturing in the course of a specified year or any particular portion of a year a greater quantity of any fish, or of fish belonging to a particular species, or of any specified product thereof, than a quantity specified;
- (d) prohibiting the director from issuing more than a specified number of licences in respect of factories, and restricting, either generally or in a particular area, the number and capacity of appliances that may be used in a factory for the packing, treatment or canning of fish belonging to a particular species, or for the manufacture of any particular kind of fish products;
- (e) prohibiting any person, or persons belonging to a particular category of persons, from using, either generally or in any particular area, and outside any period referred to in section 10 (1) (a), any fishing boat or other vessel for the catching or processing of fish belonging to a particular species or for the manufacture of products thereof.

Control over removal of sea-weed and shells and recovery of salt from the sea.

12. (1) The Minister may—

- (a) notwithstanding the provisions of the Sea-shore Act, 1935 (Act No. 21 of 1935), or any other law, exercise control over the removal of sea-weed and shells from the sea or the sea-shore, and over the recovery of salt from the sea;
- (b) on such conditions as he may think fit and on payment of such consideration as he may determine, issue permits for the removal of sea-weed and shells from the sea or the sea-shore, and for the recovery of salt from the sea: Provided that the Minister—
 - (i) shall, before issuing a permit in terms of this section in respect of an area situated in or abutting upon the area of jurisdiction of a local authority, consult such local authority;
 - (ii) if he is of opinion that the issuing of a permit in terms of this section will encroach upon the enjoyment of the sea-shore or the sea by the general public or upon the rights of any interested person, shall, at least one month before issuing such permit, cause a notice wherein the intention to do so is made known, to be published in the *Gazette* and in at least one newspaper circulating in the area in which the portion of the sea-shore or the sea in question is situated.

(2) No person shall remove or cause to be removed any sea-weed or shells from the sea or the sea-shore, except for his own use and in quantities not exceeding ten kilograms of sea-weed and one kilogram of shells per day, or recover, or cause to be recovered, any salt from the sea, without being in possession of a permit issued in terms of this section, and otherwise than in accordance with the conditions subject to which such permit was issued.

(3) A permit, concession or agreement in respect of the removal of sea-weed and shells from the sea or the sea-shore, or the recovery of salt from the sea, or any delegation of a power to a local authority in connection therewith under the provisions of the Sea-shore Act, 1935, or the Sea Fisheries Act, 1940 (Act No. 10 of 1940), and which is still in force, shall be deemed to be respectively a permit or delegation issued or made in terms of this Act.

Regulations.

13. (1) The Minister may by notice in the *Gazette* make regulations—

- (a) prohibiting the use of any particular kind of implement for the catching of fish, or fish belonging to any particular species, unless a licence in respect thereof has

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- (c) verbied word dat 'n fabriek of 'n bepaalde fabriek in die loop van 'n vermelde jaar of 'n bepaalde gedeelte van 'n jaar 'n groter hoeveelheid vis, of van vis wat tot 'n bepaalde spesie behoort, of vermelde produkte daarvan, as 'n vermelde hoeveelheid ontvang, of vervaardig;
- (d) die direkteur verbied word om meer as 'n bepaalde getal lisensies ten opsigte van fabriek uit te reik, en die getal, en kapasiteit van, toestelle wat in 'n fabriek gebruik mag word vir die verpakking, behandeling of inmaak van vis wat tot 'n bepaalde spesie behoort of vir die vervaardiging van 'n bepaalde soort produkte van vis in die algemeen of in 'n bepaalde gebied beperk word;
- (e) iemand, of persone wat tot 'n bepaalde kategorie persone behoort, verbied word om in die algemeen of in 'n bepaalde gebied en buite 'n tydperk bedoel in artikel 10 (1) (a) 'n vissersboot of ander vaartuig te gebruik vir die vang of verwerking van vis wat tot 'n bepaalde spesie behoort of vir die vervaardiging van produkte daarvan.

12. (1) Die Minister kan—

- (a) ondanks die bepalings van die Strandwet, 1935 (Wet No. 21 van 1935), of 'n ander wet, beheer uitoefen oor die verwydering van seewier en skulpe uit die see of van die strand, en oor die herwinning van sout uit die see;

Beheer oor
verwydering van
seewier en skulpe
en herwinning van
sout uit die see.

- (b) op die voorwaardes wat hy goedgevind en teen betaling van die vergoeding wat hy bepaal, permitte uitreik vir die verwydering van seewier en skulpe uit die see of van die strand, en vir die herwinning van sout uit die see: Met dien verstande dat die Minister—

- (i) voordat hy 'n permit ingevolge hierdie artikel uitreik ten opsigte van 'n gebied wat geleë is binne of grens aan die regsgebied van 'n plaaslike bestuur, dié plaaslike bestuur moet raadpleeg;
- (ii) indien hy van oordeel is dat die uitreiking van 'n permit ingevolge hierdie artikel inbreuk sal maak op die algemene publiek se genot van die strand of die see of op die regte van 'n belanghebbende, minstens een maand voordat hy die permit uitreik, 'n kennisgewing waarin die voorneme om dit te doen bekend gemaak word, in die *Staatskoerant* en in minstens een nuusblad in omloop in die omgewing waarin die betrokke gedeelte van die strand of die see geleë is, moet laat publiseer.

(2) Niemand mag seewier of skulpe uit die see of van die strand verwyder of laat verwyder nie, behalwe vir eie gebruik in hoeveelhede van hoogstens tien kilogram seewier en een kilogram skulpe per dag, of sout uit die see herwin of laat herwin nie, sonder dat hy in besit is van 'n permit wat ingevolge hierdie artikel uitgereik is, en anders as ooreenkomstig die voorwaardes waarop die permit uitgereik is.

(3) 'n Permit, konsessie of ooreenkoms ten opsigte van die verwydering van seewier en skulpe uit die see of van die strand, of die herwinning van sout uit die see, of 'n delegering van 'n bevoegdheid aan 'n plaaslike bestuur in verband daarmee kragtens die bepalings van die Strandwet, 1935, of die Wet op Seevisserie, 1940 (Wet No. 10 van 1940), wat nog van krag is, word geag onderskeidelik 'n permit of delegering te wees wat ingevolge hierdie Wet uitgereik of gedoen is.

13. (1) Die Minister kan by kennisgewing in die *Staatskoerant* regulasies uitvaardig—

- (a) waarby verbied word dat 'n bepaalde soort werktuig vir die vang van vis, of vis wat behoort tot 'n bepaalde spesie, gebruik word tensy 'n lisensie van die direkteur

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- been obtained from the director, and prescribing the manner in which application for any such licence shall be made;
- (b) prescribing the form of licences, permits and other documents required for the administration of this Act, the conditions subject to which they may or shall be issued or renewed, the periods for which they shall be valid and, after consultation with the Minister of Finance, the fees or other charges which shall be paid in connection therewith;
 - (c) prescribing the nature and construction of nets and other implements or contrivances which may or shall be used for the catching of fish or the weighing thereof at factories;
 - (d) prescribing the methods by which fish may be caught;
 - (e) prohibiting any person from catching for his own use more fish than a specified number or a specified quantity by mass;
 - (f) prescribing how the size of any fish shall for the purposes of this Act be determined;
 - (g) prohibiting or regulating the dumping in the sea of any particular substances or materials or any substances or materials not complying with specified requirements or having specified properties;
 - (h) prescribing the manner of the erection, maintenance, use and protection of and control over, boundary beacons, buoys, notices, notice boards or other marks used in connection with the catching or protection of fish;
 - (i) prescribing the circumstances in which fish that has been caught shall be or may not be returned to the sea;
 - (j) providing for the disposal of fish seized or forfeited or declared forfeited in terms of this Act;
 - (k) regulating the control and management of any fishing harbour and, after consultation with the Minister of Finance, prescribing the fees payable for the use of a fishing harbour or the facilities therein;
 - (l) regulating, controlling or prohibiting the use of a fishing harbour or any part thereof by any boats or vessels other than boats registered in terms of this Act;
 - (m) prohibiting any fishing boats or other vessels registered in specified foreign states or belonging to specified foreign states or the citizens thereof, or in which such states or citizens have a controlling interest or which are hired by them, from entering fishing harbours;
 - (n) prohibiting, regulating or prescribing the matters which in terms of this Act are required or permitted to be prohibited, regulated or prescribed by regulation or which he considers necessary for the further protection or preservation of fish or fish food.

(2) Different regulations may under subsection (1) be made in respect of different areas or in respect of different species of fish or fish products, and fees prescribed under paragraph (k) of the said subsection may differ in respect of boats registered under this Act and boats not so registered.

(3) Any regulations made under this section may prescribe for any contravention thereof or failure to comply therewith penalties not exceeding a fine of one thousand rand or imprisonment for a period of one year.

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ten opsigte daarvan verkry is, en die wyse voorgeskryf word waarop om so 'n lisensie aansoek gedoen moet word;

- (b) waarby voorgeskryf word die vorm van lisensies, permitte en ander stukke wat vir die uitvoering van hierdie Wet nodig is, die voorwaardes waaronder hulle uitgereik of hernieu kan of moet word, die geldigheidsduur daarvan en, na oorleg met die Minister van Finansies, die gelde of ander koste wat in verband daarmee betaal moet word;
- (c) waarby die aard en samestelling van nette en ander werktuie of toestelle wat vir die vang van vis of die weeg daarvan by fabrieke gebruik kan of moet word, voorgeskryf word;
- (d) waarby die metodes waarvolgens vis gevang mag word, voorgeskryf word;
- (e) waarby verbied word dat iemand vir eie gebruik meer as 'n bepaalde getal visse of meer as 'n bepaalde hoeveelheid vis volgens massa vang;
- (f) waarby voorgeskryf word hoe die grootte van vis vir die doeleindes van hierdie Wet vasgestel moet word;
- (g) waarby die storting in die see van bepaalde stowwe of materiale of stowwe of materiale wat nie aan bepaalde vereistes voldoen nie of wat bepaalde hoedanighede besit, verbied of gereël word;
- (h) waarby voorgeskryf word hoe grensbakens, seeboeie, kennisgewings, aanplakborde of ander merktekens wat in verband met die vang of beskerming van vis gebruik word, aangebring, in stand gehou, aangewend, beskerm en beheer moet word;
- (i) waarby voorgeskryf word onder watter omstandighede vis wat gevang is, in die see teruggeplaas moet word of nie mag word nie;
- (j) waarby voorsiening gemaak word vir die beskikking oor vis waarop beslag gelê is of wat verbeur is of verbeurd verklaar is ingevolge hierdie Wet;
- (k) waarby die beheer oor en bestuur van 'n vissershawe gereël word en, na oorleg met die Minister van Finansies, die gelde voorgeskryf word wat vir die gebruik van 'n vissershawe of die geriewe daar betaalbaar is;
- (l) waarby die gebruik van 'n vissershawe of 'n gedeelte daarvan deur ander bote of vaartuie as bote wat ingevolge hierdie Wet geregistreer is, gereël, beheer of verbied word;
- (m) waarby vissersbote of ander vaartuie wat in vermelde vreemde state geregistreer is of aan vermelde vreemde state of die burgers daarvan behoort, of waarin sodanige state of burgers 'n beherende belang het of wat deur hulle gehuur word, verbied word om vissershawens binne te kom;
- (n) waarby die aangeleenthede verbied, gereël of voorgeskryf word wat ingevolge hierdie Wet by regulasie verbied, gereël of voorgeskryf moet of kan word of wat hy vir die verdere beskerming of bewaring van vis of visvoedsel nodig ag.

(2) Verskillende regulasies kan kragtens subartikel (1) ten opsigte van verskillende gebiede of ten opsigte van verskillende spesies vis of produkte van vis uitgevaardig word, en gelde wat kragtens paragraaf (k) van genoemde subartikel voorgeskryf word, kan verskil ten opsigte van bote wat kragtens hierdie Wet geregistreer is en bote wat nie aldus geregistreer is nie.

(3) Regulasies kragtens hierdie artikel uitgevaardig, kan vir oortreding daarvan of versuim om daaraan te voldoen strawwe voorskryf wat 'n boete van duisend rand of gevangenisstraf vir 'n tydperk van 'n jaar nie te bowe gaan nie.

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Obtaining of
information by
Minister.

14. The Minister, or an officer authorized thereto by the Minister, may at any time and either by notice in the *Gazette* or by notice sent through the post, direct any person carrying on any business for the catching, conveyance, treating, processing, refrigeration, freezing or packing of fish or fish products, or the removal of sea-weed or shells or the recovery of salt from the sea, to furnish him within the period specified in the notice with such information in respect of that business as may be so specified and may be considered necessary for the purposes of the administration of the provisions of this Act.

Delegation of
powers, and
appeals in
connection
therewith.

15. (1) The Minister may by notice in the *Gazette* delegate, in respect of any specified species of fish or sea-weed, shells or salt, and either generally or in respect of any specified area, any power conferred upon him by this Act to any other person, including a local authority or body of persons.

(2) Any person to whom any power has been delegated under subsection (1) may with the written approval of the Minister delegate that power to any person to whom the Minister could have delegated it.

(3) No power shall be delegated under subsection (1) or (2) in respect of any area consisting of land contemplated in section 21 (1) of the Bantu Trust and Land Act, 1936 (Act No. 18 of 1936), or a scheduled Bantu area as defined in section 49 of the said Act, except with the written approval of the Minister of Bantu Administration and Development.

(4) A decision by any person by virtue of any power delegated to him under subsection (1) or (2) shall be subject to an appeal to the Minister in the prescribed manner.

Offences and
penalties.

16. (1) Any person who—

- (a) catches or kills fish by means of any poison or any stupefying substance;
- (b) catches or kills any fish, other than whales, by detonating any substance in the sea;
- (c) catches fish by means of any implement other than an implement prescribed in respect thereof;
- (d) catches fish by means of any method other than a method prescribed in respect thereof;
- (e) catches or has in his possession any fish the size of which is less than the size prescribed in respect thereof or which does not comply with the other biological requirements or characteristics prescribed in respect thereof;
- (f) possesses, sells or displays or offers for sale any fish the catching of which is prohibited in terms of this Act;
- (g) contravenes the provisions of any notice under section 10 or 11 or the provisions of section 7 (4) (b), 8 (1) or 12 (2);
- (h) returns to the sea or abandons in any other place any edible and marketable dead fish;
- (i) exports or imports any live fish, except in terms of a permit issued by the Minister or any officer authorized thereto by the Minister, and otherwise than in accordance with the conditions subject to which the permit was issued;
- (j) dumps in or allows to enter or permits to be dumped or discharged in the sea anything which is or may be injurious to fish, fish food or sea-weed, or which may disturb or change the ecological balance in any area of the sea, or which may detrimentally affect the marketability of fish or sea-weed, or which may hinder the catching of fish;
- (k) fails to comply with any requirement or order by a fisheries inspector, officer, member of the Police or honorary fisheries officer under this Act, or gives any false information in pursuance of such a requirement or order;

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14. Die Minister, of 'n beampte wat deur die Minister daartoe gemagtig is, kan te eniger tyd, of by kennisgewing in die *Staatskoerant* of by kennisgewing deur die pos gestuur, iemand wat 'n onderneming bedryf vir die vang, vervoer, behandeling, verwerking, verkoeling, bevriesing of verpakking van vis of produkte van vis, of die verwydering van seewier of skulpe of die herwinning van sout uit die see, gelas om aan hom binne die tydperk in die kennisgewing bepaal, die inligting met betrekking tot daardie onderneming te verstrek wat aldus bepaal word en wat vir die doeleindes van die uitvoering van die bepalings van hierdie Wet nodig geag word.

Verkryging van
inligting deur
Minister.

15. (1) Die Minister kan by kennisgewing in die *Staatskoerant* 'n bevoegdheid by hierdie Wet aan hom verleen, ten opsigte van 'n bepaalde spesie vis of seewier, skulpe of sout in die algemeen of ten opsigte van 'n bepaalde gebied, aan iemand anders, met inbegrip van 'n plaaslike bestuur of liggaam van persone, delegeer.

Delegering van
bevoegdhede, en
appelle in
verband daarmee.

(2) Iemand aan wie 'n bevoegdheid kragtens subartikel (1) gedelegeer is, kan met die skriftelike goedkeuring van die Minister daardie bevoegdheid delegeer aan iemand aan wie die Minister dit sou kon gedelegeer het.

(3) Geen bevoegdheid word kragtens subartikel (1) of (2) gedelegeer nie ten opsigte van 'n gebied wat bestaan uit grond bedoel in artikel 21 (1) van die Bantoe-trust en -grond Wet, 1936 (Wet No. 18 van 1936), of 'n afgesonderde Bantoegebied soos omskryf in artikel 49 van genoemde Wet, behalwe met die skriftelike goedkeuring van die Minister van Bantoe-administrasie en -ontwikkeling.

(4) 'n Besluit van iemand uit hoofde van 'n bevoegdheid wat kragtens subartikel (1) of (2) aan hom gedelegeer is, is onderworpe aan appel op die Minister op die voorgeskrewe wyse.

16. (1) Iemand wat—

Misdrywe en
strawwe.

- (a) vis vang of doodmaak deur middel van gif of 'n bedwelmende stof;
- (b) vis, behalwe walvisse, vang of doodmaak deur 'n stof in die see te laat ontplof;
- (c) vis vang deur middel van 'n ander werktuig as 'n werktuig wat ten opsigte daarvan voorgeskryf is;
- (d) vis vang volgens 'n ander metode as 'n metode wat ten opsigte daarvan voorgeskryf is;
- (e) vis wat kleiner is as die grootte wat ten opsigte daarvan voorgeskryf is, of wat nie voldoen nie aan die ander biologiese vereistes of kenmerke wat ten opsigte daarvan voorgeskryf is, vang of besit;
- (f) vis waarvan die vangs ingevolge hierdie Wet verbied is, besit, verkoop, vir verkoop uitstal of te koop aanbied;
- (g) die bepalings van 'n kennisgewing kragtens artikel 10 of 11 of die bepalings van artikel 7 (4) (b), 8 (1) of 12 (2) oortree;
- (h) eetbare en bemerkbare dooie vis in die see terugplaas of op 'n ander plek weggooi;
- (i) lewende vis uit- of invoer, behalwe ingevolge 'n permit uitgereik deur die Minister of 'n beampte deur die Minister daartoe gemagtig, en anders as ooreenkomstig die voorwaardes waarop die permit uitgereik is;
- (j) iets wat skadelik is of skadelik mag wees vir vis, visvoedsel of seewier, of wat die ekologiese balans in 'n gebied van die see mag versteur of verander, of wat die bemerkbaarheid van vis of seewier nadelig mag beïnvloed of wat die vang van vis mag belemmer, in die see stort of laat ingaan of toelaat dat dit in die see gestort of ingelaat word;
- (k) versuim om aan 'n eis of bevel van 'n visserye-inspekteur, beampte, polisiebeampte of ere-visserye-beampte kragtens hierdie Wet te voldoen, of ingevolge so 'n eis of bevel valse inligting verstrek;

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- (l) resists or hinders any fisheries inspector, officer, member of the Police or honorary fisheries officer in the exercise of any power or the performance of any duty in terms of this Act;
- (m) falsely represents himself to be a fisheries inspector, an officer or an honorary fisheries inspector;
- (n) uses any fishing boat without the consent of the owner or the person having control thereof;
- (o) uses any fishing boat for the catching of fish at any place while any substance or implement which at that place may not be used for the catching or killing of fish is on such boat;
- (p) allows any fishing boat of which he is the owner to be used in contravention of the provisions of paragraph (o) or for the catching of fish in contravention of the provisions of this Act;
- (q) contravenes any provision of a notice under section 20 (2),

shall be guilty of an offence and on conviction liable to a fine not exceeding seven thousand five hundred rand or to imprisonment for a period not exceeding five years, or to both such fine and such imprisonment.

- (2) (a) Whenever any person is convicted of an offence in terms of this Act, the court shall summarily enquire into and determine the monetary value of any advantage which he may have gained in consequence of that offence, and, in addition to any other punishment that may be imposed in respect of that offence, impose a fine equal to the amount so determined and, in default of payment thereof, imprisonment for a period not exceeding one year.
- (b) A magistrate's court shall have jurisdiction to impose that additional penalty, even though that penalty may, either alone or together with any other punishment imposed by the court, exceed the punitive jurisdiction of a magistrate's court.

Forfeiture and seizure.

17. (1) The court convicting any person of an offence in terms of this Act may, in addition to any other penalty it may impose—

- (a) in the case of a first conviction, declare any fish, sea-weed, salt, shells or implement in respect of which the offence was committed or which was used in connection with the commission thereof, or any rights of the convicted person thereto, to be forfeited to the State; and
- (b) in the case of a second or subsequent conviction, also declare any fishing boat or other vessel or vehicle so used, or any rights of the convicted person thereto, to be forfeited to the State, and cancel, or suspend for such period as the court may think fit, any registration done in respect of the convicted person or any licence or permit issued or granted to him in terms of this Act:

Provided that such a declaration of forfeiture shall not affect any rights which any person other than the convicted person may have to such implement, boat, vessel or vehicle, if it is proved that he took all reasonable steps to prevent the use thereof in connection with the offence.

(2) The provisions of section 360 (4) and (5) of the Criminal Procedure Act, 1955 (Act No. 56 of 1955), shall *mutatis mutandis* apply in respect of any such rights.

(3) Any fish, sea-weed, shells, salt, boat, vessel, vehicle or implement or any right thereto forfeited to the State under the provisions of this section or section 6 (6), may be sold or destroyed or may be dealt with in such other manner as the Minister may direct.

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- (l) teen 'n visserye-inspekteur, beampte, polisiebeampte of ere-visseryebeampte by die uitoefening van 'n bevoegdheid of die verrigting van 'n plig ingevolge hierdie Wet weerstand bied of hom daarby belemmer;
- (m) valslik voorgee dat hy 'n visserye-inspekteur, beampte of ere-visseryebeampte is;
- (n) 'n vissersboot sonder die toestemming van die eienaar daarvan of die persoon wat beheer daaroor het, gebruik;
- (o) 'n vissersboot vir die vang van vis gebruik op 'n plek terwyl daarop 'n stof of werktuig is wat op daardie plek nie vir die vang of doodmaak van vis gebruik mag word nie;
- (p) toelaat dat 'n vissersboot waarvan hy die eienaar is, gebruik word in stryd met die bepalings van paragraaf (o) of vir die vang van vis in stryd met die bepalings van hierdie Wet;
- (q) 'n bepaling van 'n kennisgewing kragtens artikel 20 (2) oortree,

is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens seweduisend vyfhonderd rand of met gevangenisstraf vir 'n tydperk van hoogstens vyf jaar, of met daardie boete sowel as daardie gevangenisstraf.

- (2) (a) Wanneer iemand skuldig bevind word aan 'n misdryf ingevolge hierdie Wet, moet die hof op staande voet ondersoek instel aangaande die geldelike waarde van die voordeel wat hy as gevolg van daardie misdryf mag behaal het, en die bedrag daarvan bepaal en, benewens 'n ander straf wat ten opsigte van daardie misdryf opgelê word, 'n boete opelê gelyk aan die aldus bepaalde bedrag en, by wanbetaling daarvan, gevangenisstraf vir 'n tydperk van hoogstens een jaar.
- (b) 'n Landdroshof is bevoeg om bedoelde bykomende straf op te lê, selfs al sou daardie straf, hetsy alleen of saam met 'n ander straf deur die hof opgelê, die strafbevoegdheid van 'n landdroshof oorskry.

17. (1) Die hof wat iemand aan 'n misdryf ingevolge hierdie Wet skuldig bevind, kan benewens 'n ander straf wat hy mag opleë— Verbeurdverklaring en beslaglegging.

- (a) in die geval van 'n eerste skuldigbevinding, vis, seewier, sout, skulpe of 'n werktuig ten opsigte waarvan die misdryf gepleeg is of wat in verband met die pleeg daarvan gebruik is, of die regte van die veroordeelde daarop, aan die Staat verbeurd verklaar; en
- (b) in die geval van 'n tweede of daaropvolgende skuldigbevinding, ook 'n aldus gebruikte vissersboot of ander vaartuig of voertuig, of die regte van die veroordeelde daarop, aan die Staat verbeurd verklaar en 'n registrasie, lisensie of permit wat ingevolge hierdie Wet ten opsigte van die veroordeelde gedoen of aan hom uitgereik of verleen is, intrek of vir die tydperk wat die hof goedvind, opskort:

Met dien verstande dat so 'n verbeurdverklaring nie afbreuk doen nie aan regte wat iemand anders as die veroordeelde op dié werktuig, boot, vaartuig of voertuig mag hê nie, indien bewys word dat hy alle redelike stappe gedoen het om die gebruik daarvan in verband met die misdryf te voorkom.

(2) Die bepalings van artikel 360 (4) en (5) van die Strafproseswet, 1955 (Wet No. 56 van 1955), is *mutatis mutandis* ten opsigte van sodanige regte van toepassing.

(3) Vis, seewier, skulpe, sout, 'n boot, vaartuig, voertuig of werktuig of 'n reg daarop wat kragtens die bepalings van hierdie artikel of artikel 6 (6) aan die Staat verbeur is, kan verkoop of vernietig word of die Minister kan gelas wat anders daarmee gedoen moet word.

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Jurisdiction
and evidence.

18. (1) If any person is charged with having committed any offence in terms of this Act on or in the sea, any court whose area of jurisdiction abuts on or includes any part of the sea, shall be competent to try the charge, and the offence shall, for all purposes connected with or consequential on the trial of the charge, be deemed to have been committed within the area of jurisdiction of that court.

(2) If any fishing boat or other vessel has been used in connection with any offence in terms of this Act, or any fish or implement in respect of or by means of which an offence in terms of this Act has been committed, is found or proved to have been upon any fishing boat or other vessel, any person who was on board such fishing boat or other vessel at the time when the offence was committed, shall be deemed to be guilty of that offence, unless he proves that he did not commit that offence and did not take part in and could not prevent the commission thereof.

(3) In any prosecution for a contravention of this Act—

(a) based on any act alleged to have been performed in a particular area, the act in question shall be deemed to have been performed in such area;

(b) any information obtained by means of any instrument or chart used to determine any distance or depth, shall be deemed to be correct,

unless the contrary is proved.

(4) If in any prosecution for an offence in terms of this Act it is proved that in any area in the sea within a distance of 8 kilometres from any factory any fish or fish food has been or is being injured or has died or is dying or the marketability thereof or of sea-weed has been or is being adversely affected, or the ecological balance has been or is being disturbed or changed, it shall be presumed, until the contrary is proved, that it has been or is being caused by something discharged from that factory into the sea.

(5) It shall be no defence in any prosecution for an offence in terms of this Act that the accused had no knowledge of some fact or other or did not act wilfully.

Establishment of
Sea Fisheries
Research Fund.

19. (1) There is hereby established a fund to be known as the Sea Fisheries Research Fund, into which shall be paid—

(a) all unspent moneys received in terms of the following levies on fish in the territory for sea fisheries research and handed over to the Secretary on 1 April 1969, namely—

(i) the levies imposed by Government Notice No. 11 of 3 January 1966 of the territory; and

(ii) the levy of R5,00 per ton of pelagic fish paid by agreement between the fishing industry of the territory and the Administration thereof;

(b) all unspent moneys received prior to, and all moneys received from, the commencement of this Act by the Fisheries Development Corporation of South Africa, Limited, in pursuance of the levy imposed by proclamation No. 69 of 1956;

(c) all moneys received in pursuance of a levy imposed by section 20;

(d) all moneys received by the Fund from any other source with the approval of the Minister granted in consultation with the Minister of Finance.

(2) The Secretary shall, subject to the provisions of this Act, be responsible for the administration of the Fund, including—

(a) control over expenditure from the Fund; and

(b) the collection, for the benefit of the Fund, of the moneys due or accruing to the Fund, and the prosecution of all claims in favour of the Fund in terms of this Act,

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18. (1) Indien iemand daarvan aangekla word dat hy 'n misdryf ingevolge hierdie Wet op of in die see gepleeg het, is 'n hof wie se regsgebied aan die see grens of 'n deel daarvan insluit, bevoeg om die aanklag te verhoor, en word die misdryf, vir alle doeleindes wat in verband staan met of voortspruit uit die verhoor van die aanklag, geag in die regsgebied van bedoelde hof gepleeg te wees.

(2) Indien 'n vissersboot of ander vaartuig in verband met 'n misdryf ingevolge hierdie Wet gebruik is, of vis of 'n werktuig ten opsigte of deur middel waarvan 'n misdryf ingevolge hierdie Wet gepleeg is, op 'n vissersboot of ander vaartuig gevind word, of daar bewys word dat dit daarop was, word iedereen wat aan boord van die vissersboot of ander vaartuig was toe die misdryf gepleeg is, geag skuldig te wees aan daardie misdryf, tensy hy bewys dat hy nie die misdryf gepleeg het nie en nie aan die pleeg daarvan deelgeneem het nie en dit nie kon verhinder het nie.

(3) By 'n vervolging weens 'n oortreding van hierdie Wet—

- (a) gegrond op 'n handeling wat na bewering verrig is binne 'n bepaalde gebied, word die betrokke handeling geag binne daardie gebied verrig te wees;
- (b) word die gegewens verkry deur middel van 'n instrument of kaart wat gebruik is om afstand of diepte te bepaal, geag juis te wees,

tensy die teendeel bewys word.

(4) Indien by 'n vervolging weens 'n misdryf ingevolge hierdie Wet bewys word dat in 'n gebied in die see binne 'n afstand van 8 kilometer vanaf 'n fabriek vis of visvoedsel skade aangedoen is of word of dit gesterf het of sterf of die bemerkbaarheid daarvan of van seewier benadeel is of word, of die ekologiese balans versteur is of word of verander is of word, word vermoed, totdat die teendeel bewys word, dat dit veroorsaak is of word deur iets wat vanuit daardie fabriek in die see uitgelaat is.

(5) Dit is geen verweer by 'n vervolging weens 'n misdryf ingevolge hierdie Wet dat die beskuldigde nie kennis van die een of ander feit gedra het of nie opsetlik opgetree het nie.

19. (1) Hierby word 'n fonds ingestel wat die Seevisserye- navorsingsfonds heet en waarin gestort moet word—

Instelling van
Seevisserye-
navorsingsfonds.

- (a) al die onbestede geld wat ingevolge die volgende heffings op vis in die gebied vir seevisseryenavorsing ontvang en op 1 April 1969 aan die Sekretaris oorbetaal is, naamlik—

- (i) die heffings opgelê by Goewermentskennisgewing No. 11 van 3 Januarie 1966 van die gebied; en

- (ii) die heffing van R5,00 per ton pelagiese vis wat by ooreenkoms tussen die visbedryf van die gebied en die Administrasie daarvan betaal is;

- (b) al die onbestede geld wat voor die inwerkingtreding van hierdie Wet, en al die geld wat vanaf genoemde inwerkingtreding deur die Visserye-ontwikkelingskorporasie van Suid-Afrika, Beperk, ontvang is of word ingevolge die heffing opgelê by proklamasie No. 69 van 1956;

- (c) al die geld ontvang ingevolge 'n heffing opgelê by artikel 20;

- (d) al die geld wat die Fonds uit 'n ander bron verkry met die goedkeuring van die Minister, verleen in oorleg met die Minister van Finansies.

(2) Behoudens die bepalings van hierdie Wet is die Sekretaris verantwoordelik vir die bestuur van die Fonds, met inbegrip van—

- (a) beheer oor besteding uit die Fonds; en
- (b) die invordering, ten bate van die Fonds, van die geld wat aan die Fonds verskuldig is of die Fonds toeval, en die afdwinging van alle eise ten gunste van die Fonds ingevolge hierdie Wet,

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and shall for the purposes of the Exchequer and Audit Act, 1956 (Act No. 23 of 1956), and the regulations made thereunder, be the accounting officer in relation to the affairs of the Fund.

(3) The moneys in the Fund shall be used to undertake or aid such sea fisheries research as the Minister may in consultation with the Minister of Finance and after consultation with the advisory council determine.

(4) Any moneys in the Fund which are not required for immediate use shall be invested with the Public Debt Commissioners and may be withdrawn when required for use.

(5) Any unexpended balance in the Fund at the end of any financial year shall be carried forward to the ensuing financial year as a credit in the Fund.

(6) The Controller and Auditor-General shall audit the books and accounts of the Fund.

Levy on fish.

20. (1) The Minister may after consultation with the advisory council and by notice in the *Gazette* impose on fish of any species specified in the notice, or any product thereof, which is landed by fishermen, a levy at such rate according to mass as he may deem fit, and may in any such notice—

- (a) differentiate between different species of fish or different products of fish or different persons or classes of persons in regard to the rate of the levy, and prescribe the circumstances in which any person or class of persons shall be liable for the payment of the levy;
- (b) prescribe the manner in which the mass of fish or products of fish shall be determined for the purposes of the calculation of the levy;
- (c) prescribe the persons by whom the levy shall be collected, the times when and the manner in which it shall be paid to those persons, and the times when the proceeds thereof shall be handed over by those persons to the Fund referred to in section 19;
- (d) differentiate between different areas;
- (e) grant exemption from payment of the levy in respect of fish or products of fish landed at a place or in an area specified in the notice, if the proceeds of the levy in respect thereof would, in his opinion, not justify the expenses of collecting the levy.

(2) The Minister may by notice in the *Gazette*—

- (a) direct any person who is liable for the payment of the levy to furnish the director, within a period specified in the notice, with his name and address and specified particulars concerning the fishing boat used by him and the crew thereof;
- (b) require any person who is liable for the payment of the levy to render returns to the director, and prescribe the form in which and the times when the returns shall be rendered, the particulars they shall contain and the statements which shall accompany them.

(3) Any levy payable under subsection (1) shall be a debt due to the Fund mentioned in section 19 and may be recovered by the Secretary in a competent court.

Limitation of liability.

21. (1) The State or any person in the service of the State, or the Minister, shall not be liable by virtue of anything done in good faith under the provisions of this Act.

(2) The State or any person in the service of the State, or the Minister, shall not be liable (except in the case of any wilful act or omission on the part of any such person) to any person who, except in the performance of any duty or function under this Act or any other law—

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en is by die toepassing van die Skatkis- en Ouditwet, 1956 (Wet No. 23 van 1956), en die regulasies daarkragtens uitgevaardig, die rekenpligtige amptenaar met betrekking tot die sake van die Fonds.

(3) Die geld in die Fonds word aangewend om die seevisseryenavorsing te onderneem of te steun wat die Minister in ooreenstemming met die Minister van Finansies en na raadpleging van die adviesraad bepaal.

(4) Geld in die Fonds wat nie vir onmiddellike gebruik nodig is nie, moet by die Staatskuldkommissarisse belê word en kan opgeveer word wanneer dit vir gebruik nodig is.

(5) 'n Onbestede saldo in die Fonds aan die end van 'n boekjaar word as 'n krediet in die Fonds na die daaropvolgende boekjaar oorgedra.

(6) Die Kontroleur en Ouditeur-generaal ouditeer die boeke en rekeninge van die Fonds.

20. (1) Die Minister kan na raadpleging van die adviesraad **Heffing op vis.** en by kennisgewing in die *Staatskoerant* op vis van 'n spesie in die kennisgewing vermeld of 'n produk daarvan wat deur vissers aan land gebring word, 'n heffing opleë teen 'n skaal volgens massa wat hy goedvind, en kan in so 'n kennisgewing—

- (a) 'n verskil maak tussen verskillende spesies vis of verskillende produkte van vis of verskillende persone of klasse persone wat betref die skaal van die heffing, en die omstandighede voorskryf waaronder iemand of 'n klas persone vir betaling van die heffing aanspreeklik is;
- (b) die wyse voorskryf waarop die massa van vis of produkte van vis vir die doeleindes van die berekening van die heffing bepaal moet word;
- (c) die persone voorskryf deur wie die heffing geïm moet word, sowel as die tye wanneer en die wyse waarop dit aan daardie persone betaal moet word, en die tye wanneer die opbrengs daarvan deur daardie persone aan die Fonds vermeld in artikel 19 oorbetal moet word;
- (d) 'n verskil maak tussen verskillende gebiede;
- (e) vrystelling van die betaling van die heffing verleen ten opsigte van vis of produkte van vis wat by 'n plek of in 'n gebied in die kennisgewing vermeld, aan land gebring word, as die opbrengs van die heffing ten opsigte daarvan, na sy oordeel, nie die koste van die in van die heffing sou regverdig nie.

(2) Die Minister kan by kennisgewing in die *Staatskoerant*—

- (a) iedereen wat vir die betaling van die heffing aanspreeklik is, aansê om sy naam en adres en vermeldde besonderhede omtrent die vissersboot wat deur hom gebruik word en die bemanning daarvan binne 'n tydperk in die kennisgewing vermeld, aan die direkteur te verstrek;
- (b) vereis dat iemand wat vir die betaling van die heffing aanspreeklik is, opgawes aan die direkteur verstrek, en die vorm waarin en die tye wanneer die opgawes verstrek moet word, die besonderhede wat dit moet bevat en die state wat dit moet vergesel, voorskryf.

(3) 'n Heffing wat kragtens subartikel (1) betaalbaar is, is aan die Fonds vermeld in artikel 19 verskuldig, en die Sekretaris kan dit in 'n bevoegde hof verhaal.

21. (1) Die Staat of iemand in diens van die Staat, of die Minister, is nie aanspreeklik nie uit hoofde van iets wat te **Beperking van aanspreeklikheid.** goeder trou kragtens die bepalings van hierdie Wet gedoen is.

(2) Die Staat of iemand in diens van die Staat, of die Minister, is nie aanspreeklik nie (behalwe in die geval van 'n opsetlike handeling of versuim van die kant van so iemand) teenoor iemand wat, behalwe by die verrigting van 'n plig of werksaamheid kragtens hierdie Wet of 'n ander wet—

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- (a) makes use of any aircraft, vehicle, boat or other vessel which is the property or under the control of the State in its Department of Industries;
- (b) is present in any fishing harbour; or
- (c) leaves any boat or other vessel or any other property in a fishing harbour or makes use of the facilities of a fishing harbour,

or to the spouse or any dependant of any such person, for any loss or damage resulting from any bodily injury, loss of life or loss of or damage to any property caused by or arising out of or in any manner connected with the use of any aircraft, vehicle, boat or other vessel contemplated in paragraph (a), the presence contemplated in paragraph (b) or the presence of any property or the use of any facilities contemplated in paragraph (c).

Exemptions.

22. The Minister or any officer authorized thereto by the Minister may in writing exempt any officer or other person engaged in scientific work from any provision of this Act.

Circumstances under which Act does not apply.

23. (1) This Act shall not apply in respect of—

- (a) fish in any waters which do not at any time during the year form part of the sea;
- (b) fish in a tidal river above the highwater mark, unless the Minister has by notice in the *Gazette* and after consultation with the provincial administration concerned or, if a local authority in terms of any law exercises control over a tidal river above that mark, after consultation with that local authority, declared it to be applicable thereto;
- (c) the catching of fish in enclosed tidal lagoons, tidal rivers and estuaries along the coast of the province of Natal or from the said coast, excluding that part of the said coast in any area consisting of land contemplated in section 21 (1) of the Bantu Trust and Land Act, 1936 (Act No. 18 of 1936), or in any scheduled Bantu area as defined in section 49 of the said Act;
- (d) any area along the coast which has under section 2 of the National Parks Act, 1962 (Act No. 42 of 1962), been declared to be a national park or has under the Nature Conservation Ordinance, 1967 (Ordinance No. 31 of 1967 of the territory), been declared to be a game park and in respect of which the State President has by proclamation in the *Gazette* declared that the provisions thereof shall not apply.

(2) Any declaration under subsection (1) (b) may be made in respect of all rivers concerned or one or more rivers, and shall apply from the date specified in the notice concerned.

(3) In this section "catching" does not include the landing of fish caught outside such water or any such lagoon, river or estuary and otherwise than from the coast.

Application of Act.

24. (1) This Act and any amendment thereof shall also apply in the territory of South West Africa except in so far as it relates to salt.

(2) Any regulation, notice or prescription in terms of this Act may be declared to be applicable also outside the fishing zone in respect of any person on any fishing boat licensed in terms of this Act and on any boat used as a fishing boat within the fishing zone.

Repeal of laws and savings.

25. (1) Subject to the provisions of subsection (2) the Acts and the ordinances of the territory specified in the Schedule are hereby repealed.

(2) Any registration of, or any licence in respect of, any fishing boat, factory or implement and any permit or permission for the performance of any act in connection with fish under any

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- (a) gebruik maak van 'n vliegtuig, voertuig, boot of ander vaartuig wat die eiendom of onder die beheer is van die Staat in sy Departement van Nywerheidswese;
 - (b) in 'n vissershawe aanwesig is; of
 - (c) 'n boot of ander vaartuig of ander goed in 'n vissershawe laat of van die geriewe van 'n vissershawe gebruik maak,
- of teenoor die eggenoot of 'n afhanklike van so iemand, vir verlies of skade ten gevolge van liggaamlike beserings, lewensverlies of verlies van of skade aan eiendom wat veroorsaak word deur of voortspruit uit of op enige wyse in verband staan met die gebruik van 'n vliegtuig, voertuig, boot of ander vaartuig bedoel in paragraaf (a), of die aanwesigheid bedoel in paragraaf (b) of die aanwesigheid van goed of die gebruik van geriewe bedoel in paragraaf (c).

22. Die Minister of 'n beampte wat deur die Minister daartoe *Prystellings.* gemagtig is, kan 'n beampte of iemand anders wat met wetenskaplike werk besig is, skriftelik vrystel van die een of ander bepaling van hierdie Wet.

23. (1) Hierdie Wet is nie van toepassing nie ten opsigte van— *Omstandighede waaronder Wet nie geld nie.*

- (a) vis in water wat te eniger tyd gedurende die jaar nie deel van die see uitmaak nie;
 - (b) vis bokant hoogwatermerk in 'n getyriw, tensy die Minister by kennisgewing in die *Staatskoerant*, na oorleg met die betrokke provinsiale administrasie of, indien 'n plaaslike bestuur ingevolge die een of ander wet beheer uitoefen oor 'n getyriw bokant daardie merk, na oorleg met dié plaaslike bestuur, verklaar het dat dit daarop van toepassing is;
 - (c) die vang van vis in geslote getystrandmere, getyriwre en mondings langs die kus van die provinsie Natal of vanaf genoemde kus, uitgesonderd dié deel van genoemde kus in 'n gebied wat bestaan uit grond bedoel in artikel 21 (1) van die Bantoe-trust en -grond Wet, 1936 (Wet No. 18 van 1936), of in 'n afgesonderde Bantoegebied soos omskryf in artikel 49 van genoemde Wet;
 - (d) 'n gebied langs die kus wat kragtens artikel 2 van die Wet op Nasionale Parke, 1962 (Wet No. 42 van 1962), tot 'n nasionale park verklaar is of kragtens die Ordonnansie op Natuurbewaring, 1967 (Ordonnansie No. 31 van 1967 van die gebied), tot 'n wildtuin verklaar is en ten opsigte waarvan die Staatspresident by proklamasie in die *Staatskoerant* verklaar dat die bepaling daarvan nie van toepassing is nie.
- (2) 'n Verklaring kragtens subartikel (1) (b) kan ten opsigte van alle betrokke riviëre of een of meer riviëre gedoen word, en geld vanaf die datum in die betrokke kennisgewing vermeld.
- (3) In hierdie artikel beteken „vang” nie ook die aanlandbring van vis wat buite sodanige water of so 'n meer, rivier of monding en anders as vanaf die kus gevang is nie.

24. (1) Hierdie Wet en enige wysiging daarvan is ook in die gebied Suidwes-Afrika van toepassing behalwe vir sover dit op *Toepassing van Wet.* sout betrekking het.

(2) 'n Regulasie, kennisgewing of voorskrif ingevolge hierdie Wet kan van toepassing gemaak word ook buite die visserysone ten opsigte van iemand op 'n vissersboot wat ingevolge hierdie Wet gelisensieer is en op 'n boot wat as 'n vissersboot in die visserysone gebruik word.

25. (1) Behoudens die bepalinge van subartikel (2) word *Herroeping van wette en voorbehoud.* die Wette en die ordonnansies van die gebied in die Bylae vermeld hierby herroep.

(2) 'n Registrasie van, of 'n lisensie ten opsigte van, 'n vissersboot, fabriek of werktuig en 'n permit of vergunning vir die verrigting van die een of ander handeling in verband met

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provision of a law referred to in subsection (1), shall be deemed to be respectively an appropriate registration, licence, permit or permission under the corresponding provision of this Act (if any) for the unexpired portion of the period for which it would have been valid had this Act not been passed.

Short title and
commencement.

26. This Act shall be called the Sea Fisheries Act, 1973, and shall come into operation on a date fixed by the State President by proclamation in the *Gazette*.

Schedule

No. and year	Short title
Act No. 9 of 1940 . . .	Rock Lobster Export Act, 1940.
Act No. 10 of 1940 . . .	Sea Fisheries Act, 1940.
Act No. 21 of 1945 . . .	Sea Fisheries Amendment Act, 1945.
Act No. 58 of 1949 . . .	Sea Fisheries Amendment Act, 1949.
Act No. 34 of 1951 . . .	Rock Lobster Export Amendment Act, 1951.
Act No. 16 of 1953 . . .	Rock Lobster Export Amendment Act, 1953.
Act No. 29 of 1953 . . .	Sea Fisheries Amendment Act, 1953.
Act No. 9 of 1964 . . .	Sea Fisheries Amendment Act, 1964.
Act No. 27 of 1965 . . .	Sea Fisheries Amendment Act, 1965.
Act No. 47 of 1971 . . .	Sea Fisheries Amendment Act, 1971.
Ordinance No. 12 of 1949 .	Sealing and Fisheries Ordinance, 1949.
Ordinance No. 5 of 1950 .	Fishing Industry Levy Imposition Ordinance, 1950.
Ordinance No. 26 of 1967 .	Sealing and Fisheries Amendment Ordinance, 1967.
Ordinance No. 38 of 1967 .	Sealing and Fisheries Further Amendment Ordinance, 1967.
Ordinance No. 16 of 1968 .	Fishing Boat and Factory Owners' Committee Ordinance, 1968.
Ordinance No. 9 of 1969 .	Sealing and Fisheries Amendment Ordinance, 1969.

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vis kragtens 'n bepaling van 'n wet in subartikel (1) bedoel, word geag onderskeidelik 'n toepaslike registrasie, lisensie, permit of vergunning kragtens die ooreenstemmende bepaling van hierdie Wet (as daar is) te wees vir die onverstreke gedeelte van die tydperk waarvoor dit geldig sou gewees het indien hierdie Wet nie aangeneem was nie.

26. Hierdie Wet heet die Wet op Seevisserye, 1973, en tree Kort titel en in werking op 'n datum wat die Staatspresident by proklamasie inwerkingtreding. in die *Staatskoerant* bepaal.

Bylae

No. en jaar	Kort titel
Wet No. 9 van 1940 . . .	Wet op die Uitvoer van Kreef, 1940.
Wet No. 10 van 1940 . . .	Wet op Seevisserye, 1940.
Wet No. 21 van 1945 . . .	Wysigingswet op Seevisserye, 1945.
Wet No. 58 van 1949 . . .	Wysigingswet op Seevisserye, 1949.
Wet No. 34 van 1951 . . .	Wysigingswet op Uitvoer van Kreef, 1951.
Wet No. 16 van 1953 . . .	Wysigingswet op Uitvoer van Kreef, 1953.
Wet No. 29 van 1953 . . .	Wysigingswet op Seevisserye, 1953.
Wet No. 9 van 1964 . . .	Wysigingswet op Seevisserye, 1964.
Wet No. 27 van 1965 . . .	Wysigingswet op Seevisserye, 1965.
Wet No. 47 van 1971 . . .	Wysigingswet op Seevisserye, 1971.
Ordonnansie No. 12 van 1949	Ordonnansie op Robbevangs en Visserye, 1949.
Ordonnansie No. 5 van 1950	Ordonnansie op die Visnywerheidsheffing, 1950.
Ordonnansie No. 26 van 1967	Wysigingsordonnansie op Robbevangs en Visserye 1967.
Ordonnansie No. 38 van 1967	Verdere Wysigingsordonnansie op Robbevangs en Visserye 1967.
Ordonnansie No. 16 van 1968	Ordonnansie op die Komitee vir Vissersboot- en Fabrieks- eienaars 1968.
Ordonnansie No. 9 van 1969	Wysigingsordonnansie op Robbevangs en Visserye 1969.

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