



STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

As 'n Nuusblad by die Poskantoor Geregistreer

Registered at the Post Office as a Newspaper

Prys 20c Price
Oorsee 30c Overseas
POSVRY—POST FREE

VOL. 145]

KAAPSTAD, 6 JULIE 1977

CAPE TOWN, 6 JULY 1977

[No. 5636]

DEPARTEMENT VAN DIE EERSTE MINISTER

No. 1207.

6 Julie 1977.

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

No. 99 van 1977: Wysigingswet op Seevisserye, 1977.

DEPARTMENT OF THE PRIME MINISTER

No. 1207.

6 July 1977.

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

No. 99 of 1977: Sea Fisheries Amendment Act, 1977.

Act No. 99, 1977

SEA FISHERIES AMENDMENT ACT, 1977.

ACT

To amend the provisions of the Sea Fisheries Act, 1973, regarding the power of the Minister of Economic Affairs to establish fishing harbours; to grant further powers to honorary fisheries officers; to provide for the issue of licences to certain owners and lessees of vessels registered in foreign States; to further regulate the supply of ships' stores to vessels registered in foreign States and used as fishing boats or factories; to empower the Minister of Economic Affairs to prohibit the catching or landing of and the receiving or processing by factories of any fish or fish belonging to a particular species; to prohibit the use of certain equipment for the catching, handling and weighing of fish; to regulate, control and prohibit certain research; to prohibit the use of fishing boats and factories in contravention of the conditions and restrictions subject to which licences have been issued in respect thereof; to regulate, control and prohibit the use of vessels registered in foreign States, as fishing boats or factories within the fishing zone; to further limit the application of the said Act in the territory of South West Africa; and to provide for incidental matters.

(English text signed by the State President.)

(Assented to 22 June 1977.)

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

Substitution of
section 4 of
Act 58 of 1973.

1. The following section is hereby substituted for section 4 of the Sea Fisheries Act, 1973 (hereinafter referred to as the principal Act):

“Establish-
ment of
fishing
harbours.

4. 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 seashore to be a fishing harbour.”

Amendment of
section 6 of
Act 58 of 1973.

2. Section 6 of the principal Act is hereby amended by the substitution for subsection (4) of the following subsection:

“(4) An honorary fisheries officer shall have the powers contemplated in subsection (1) (b) and (d) and such other powers as may be conferred upon him by regulation in regard to the regulation and control of the traffic in fishing harbours, 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.”

WET

Tot wysiging van die bepalings van die Wet op Seevisserye, 1973, betreffende die bevoegdheid van die Minister van Ekonomiese Sake om vissershawens in te stel; om verdere bevoegdhede aan ere-visseryebeamptes te verleen; om voorsiening te maak vir die uitreiking van lisensies aan sekere eienaars en huurders van vaartuie wat in vreemde State geregistreer is; om die lewering van skeepsvorrade aan vaartuie wat in vreemde State geregistreer is en as vissersbote of fabriek gebruik word, verder te reël; om aan die Minister van Ekonomiese Sake die bevoegdheid te verleen om te verbied dat enige vis of vis wat tot 'n bepaalde spesie behoort, gevang of aan land gebring word en deur fabriek ontvang of verwerk word; om die gebruik van sekere toerusting by die vang, hantering en weeg van vis te verbied; om sekere navorsing te reël, te beheer en te verbied; om die gebruik van vissersbote en fabriek strydig met die voorwaardes en beperkings onderworpe daaraan lisensies ten opsigte daarvan uitgereik is, te verbied; om die gebruik van vaartuie wat in vreemde State geregistreer is, as vissersbote of fabriek binne die visserysone te reël, te beheer en te verbied; om die toepassing van bedoelde Wet in die gebied Suidwes-Afrika verder te beperk; en om vir bykomstige aangeleenthede voorsiening te maak.

(Engelse teks deur die Staatspresident geteken.)

(Goedgekeur op 22 Junie 1977.)

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

1. Artikel 4 van die Wet op Seevisserye, 1973 (hieronder die Hoofwet genoem), word hierby deur die volgende artikel vervang:

Vervanging van artikel 4 van Wet 58 van 1973.

„Instelling van vissershawens.

4. Die Minister kan 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 vissershawen verklaar.”

2. Artikel 6 van die Hoofwet word hierby gewysig deur subartikel (4) deur die volgende subartikel te vervang:

Wysiging van artikel 6 van Wet 58 van 1973.

„(4) 'n Ere-visseryebeampte besit die bevoegdhede bedoel in subartikel (1) (b) en (d) en die ander bevoegdhede wat by regulasie aan hom verleen word met betrekking tot die reël en beheer van die verkeer in 'n vissershawen, 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.”

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Amendment of
section 8 of
Act 58 of 1973.

3. Section 8 of the principal Act is hereby amended—

- (a) by the substitution for subsection (1) of the following subsection:

“(1) Subject to the provisions of section 22A 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.”;

- (b) by the substitution for subsection (4) of the following subsection:

“(4) If the owner or lessee of a boat registered in a foreign State is a South African citizen or, in the case of a company, a company as defined in section 1 of the Companies Act, 1973 (Act No. 61 of 1973), the Minister, notwithstanding the provisions of section 22A, may on application by such owner or lessee, 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.”.

Amendment of
section 10 of
Act 58 of 1973.

4. Section 10 of the principal Act is hereby amended by the substitution for paragraph (d) of subsection (1) of the following paragraph:

“(d) regulating or prohibiting the supply of ships' stores, excluding medical supplies, to any fishing boat or any vessel registered in any foreign State and used as a fishing boat or factory, and imposing a levy for the benefit of the State Revenue Fund on stores supplied to such fishing boats and vessels, and prescribing how and by whom any such levy shall be collected.”.

Amendment of
section 11 of
Act 58 of 1973.

5. Section 11 of the principal Act is hereby amended—

- (a) by the substitution for paragraph (a) of the following paragraph:

“(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 any or a specified year or any particular period any fish or fish belonging to a particular species or a greater quantity of fish, or of fish belonging to a particular species, than a quantity specified;”;

- (b) by the substitution for paragraph (c) of the following paragraph:

“(c) prohibiting any factory or any particular factory from receiving or manufacturing in the course of any or a specified year or any particular period any fish or fish belonging to a particular species, or any specified product thereof, or a greater quantity of any fish or of fish belonging to a particular species, or of any specified product thereof, than a quantity specified;”.

Amendment of
section 13 of
Act 58 of 1973.

6. Section 13 of the principal Act is hereby amended—

- (a) by the substitution in subsection (1) for paragraph (a) of the following paragraph:

“(a) prohibiting any person other than a holder of a licence in respect of a fishing boat from catching any fish or fish belonging to a particular species and the use of any particular kind of implement for the catching of any fish or fish belonging to a particular species, unless a licence or permit or authority or permission in respect thereof has been obtained from the director, and prescribing the manner in which application for any such licence, permit, authority or permission shall be made;”;

- (b) by the substitution in subsection (1) for paragraph (c) of the following paragraph:

“(c) prescribing the nature and construction of nets and other implements or contrivances which may or

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3. Artikel 8 van die Hoofwet word hierby gewysig—

- (a) deur subartikel (1) deur die volgende subartikel te vervang:

Wysiging van
artikel 8 van
Wet 58 van 1973.

„(1) Behoudens die bepalings van artikel 22A mag niemand 'n boot as 'n vissersboot of 'n perseel, voertuig of vaartuig as 'n fabriek gebruik nie, tensy dit kragtens hierdie artikel gelisensieer is.”;

- (b) deur subartikel (4) deur die volgende subartikel te vervang:

„(4) Indien die eienaar of huurder van 'n boot wat in 'n vreemde Staat geregistreer is, 'n Suid-Afrikaanse burger of, in die geval van 'n maatskappy, 'n maatskappy soos omskryf in artikel 1 van die Maatskappywet, 1973 (Wet No. 61 van 1973), is, kan die Minister, ondanks die bepalings van artikel 22A, op aansoek van daardie eienaar of huurder 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.”.

4. Artikel 10 van die Hoofwet word hierby gewysig deur paragraaf (d) van subartikel (1) deur die volgende paragraaf te vervang:

Wysiging van
artikel 10 van
Wet 58 van 1973.

- „(d) die lewering van skeepsvoorrade, uitgesonderd mediese voorrade, aan enige vissersboot of fabriek of 'n vaartuig wat in 'n vreemde Staat geregistreer is en as vissersboot of fabriek gebruik word, gereël of verbied word, en 'n heffing ten bate van die Staatsinkomstefonds gelê word op skeepsvoorrade wat aan sodanige vissersbote en vaartuie gelever word, en voorgeskryf word hoe en deur wie so 'n heffing ingevorder moet word.”.

5. Artikel 11 van die Hoofwet word hierby gewysig—

- (a) deur paragraaf (a) deur die volgende paragraaf te vervang:

Wysiging van
artikel 11 van
Wet 58 van 1973.

„(a) verbied word dat die houers van lisensies ten opsigte van vissersbote of 'n bepaalde houer van so 'n lisensie in die loop van enige of 'n vermelde jaar of 'n bepaalde tydperk enige vis of vis wat tot 'n bepaalde spesie behoort of '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) deur paragraaf (c) deur die volgende paragraaf te vervang:

„(c) verbied word dat 'n fabriek of 'n bepaalde fabriek in die loop van enige of 'n vermelde jaar of 'n bepaalde tydperk enige vis of vis wat tot 'n bepaalde spesie behoort, of vermelde produkte daarvan, of 'n groter hoeveelheid vis of vis wat tot 'n bepaalde spesie behoort, of vermelde produkte daarvan, as 'n vermelde hoeveelheid ontvang of vervaardig;”.

6. Artikel 13 van die Hoofwet word hierby gewysig deur in subartikel 1—

Wysiging van
artikel 13 van
Wet 58 van 1973.

- (a) paragraaf (a) deur die volgende paragraaf te vervang:

„(a) waarby verbied word dat iemand anders as 'n houer van 'n lisensie ten opsigte van 'n vissersboot enige vis of vis wat tot 'n bepaalde spesie behoort, vang en dat 'n bepaalde soort werktuig vir die vang van enige vis of vis wat tot 'n bepaalde soort behoort, gebruik word, tensy 'n lisensie, permit, magtiging of toestemming van die direkteur ten opsigte daarvan verkry is, en die wyse voorgeskryf word waarop om so 'n lisensie, permit, magtiging of toestemming aansoek gedoen moet word;”;

- (b) paragraaf (c) deur die volgende paragraaf te vervang:

„(c) waarby die aard en samestelling van nette en ander werktuie of toestelle wat vir die vang van vis of die

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- shall or shall not be used for the catching of fish or the handling or weighing thereof at factories;";
- (c) by the insertion in subsection (1) after paragraph (m) of the following paragraph:

"(mA) regulating, controlling or prohibiting any research, not financed in terms of section 19, regarding fish, fish sources, fishing techniques or the marine environment;".

Amendment of
section 16 of
Act 58 of 1973.

7. Section 16 of the principal Act is hereby amended by the insertion in subsection (1) after paragraph (g) of the following paragraph:

"(gA) uses any boat, premises, vehicle or vessel in respect of which a licence was issued in terms of section 8, as a fishing boat or factory, as the case may be, in contravention of any condition or restriction subject to which such licence was issued;".

Insertion of
section 22A in
Act 58 of 1973.

8. The following section is hereby inserted in the principal Act after section 22:

"Use of
foreign
vessels
as fishing
boats and
factories
within the
fishing
zone.

22A. (1) The State President may, on such conditions as he may deem fit, enter into an agreement with any foreign State providing for any vessel registered in such foreign State to be used, subject to the provisions of this section, as a fishing boat or factory within the fishing zone.

(2) Whenever an agreement referred to in subsection (1) provides for a vessel registered in the foreign State in question to be used as a fishing boat or factory within the fishing zone, the Minister may direct the director to issue, on application by the owner of such vessel, in respect of such vessel a permit authorizing it to be so used as a fishing boat or factory.

(3) A permit referred to in subsection (2) shall be issued for such period, subject to such conditions and restrictions and against payment of such moneys as the Minister may determine, but the Minister, in his discretion, may at any time withdraw such permit and amend or alter such conditions, restrictions or moneys.

(4) Any person using a vessel registered in a foreign State as a fishing boat or factory—

- (a) within the territorial waters;
- (b) within the fishing zone without a permit having been issued in respect thereof in terms of subsection (2);
- (c) within the fishing zone in contravention of or without complying with any condition or restriction on which a permit has been issued in respect thereof in terms of subsection (2),

shall be guilty of an offence and liable on conviction to a fine not exceeding R50 000 or to imprisonment for a period not exceeding 7 years or to both such fine and such imprisonment.

(5) In this section—

'fishing zone' means the fishing zone, as defined in section 3 of the Territorial Waters Act, 1963 (Act No. 87 of 1963), of the Republic excluding the territory; 'territorial waters' means the territorial waters, as defined in section 2 of the Territorial Waters Act, 1963, of the Republic excluding the territory."

Amendment of
section 24 of
Act 58 of 1973.

9. Section 24 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

"(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 and sea-weed."

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hantering of weeg daarvan by fabrieke gebruik kan of moet word of nie gebruik mag word nie, voorgeskryf word;”;

- (c) die volgende paragraaf na paragraaf (m) in te voeg:
 „(mA) waarby navorsing betreffende vis, visbronne, visvangtegnieke of die see-omgewing wat nie ingevolge artikel 19 gefinansier word nie, gereël, beheer of verbied word;”.

7. Artikel 16 van die Hoofwet word hierby gewysig deur in subartikel (1) die volgende paragraaf na paragraaf (g) in te voeg:
 „(gA) ’n boot, perseel, voertuig of vaartuig ten opsigte waarvan ’n lisensie ingevolge artikel 8 uitgereik is, strydig met ’n voorwaarde of beperking onderworpe waaraan daardie lisensie uitgereik is as ’n vissersboot of fabriek, na gelang van die geval, gebruik;”.

Wysiging van
artikel 16 van
Wet 58 van 1973.

8. Die volgende artikel word hierby in die Hoofwet na artikel 22 ingevoeg:

Invoeging van
artikel 22A in
Wet 58 van 1973.

„Gebruik van
vreemde
vaartuie as
vissersbote
en fabrieke
in
visserysone.

22A. (1) Die Staatspresident kan op die voorwaardes wat hy goedvind met ’n vreemde Staat ’n ooreenkoms aangaan wat voorsiening maak dat ’n vaartuig wat in daardie vreemde Staat geregistreer is behoudens die bepalings van hierdie artikel binne die visserysone as vissersboot of fabriek gebruik mag word.

(2) Wanneer ’n ooreenkoms bedoel in subartikel (1) voorsiening maak dat ’n vaartuig wat in die betrokke vreemde Staat geregistreer is binne die visserysone as vissersboot of fabriek gebruik mag word, kan die Minister die direkteur gelas om op aansoek van die eienaar van daardie vaartuig ’n permit ten opsigte van daardie vaartuig uit te reik waarby magtiging verleen word dat dit aldus as vissersboot of fabriek gebruik kan word.

(3) ’n Permit bedoel in subartikel (2) word uitgereik vir die tydperk, onderworpe aan die voorwaardes en beperkings en teen betaling van die gelde wat deur die Minister bepaal word, maar die Minister kan na goeëdunke sodanige permit te eniger tyd intrek en sodanige voorwaardes, beperkings of gelde te eniger tyd wysig of verander.

(4) Iemand wat ’n vaartuig wat in ’n vreemde Staat geregistreer is—

- (a) binne die territoriale waters;
 - (b) sonder dat ’n permit ingevolge subartikel (2) ten opsigte daarvan uitgereik is, binne die visserysone;
 - (c) binne die visserysone strydig met of sonder om te voldoen aan ’n voorwaarde of beperking waarop ’n permit ingevolge subartikel (2) ten opsigte daarvan uitgereik is,
- as ’n vissersboot of fabriek gebruik, is aan ’n misdryf skuldig en by skuldigbevinding strafbaar met ’n boete van hoogstens R50 000 of met gevangenisstraf vir ’n tydperk van hoogstens 7 jaar of met beide sodanige boete en sodanige gevangenisstraf.

(5) In hierdie artikel beteken—
 „territoriale waters” die territoriale waters, soos omskryf in artikel 2 van die Wet op Territoriale Waters, 1963 (Wet No. 87 van 1963), van die Republiek uitgesonderd die gebied;
 „visserysone” die visserysone, soos omskryf in artikel 3 van die Wet op Territoriale Waters, 1963, van die Republiek uitgesonderd die gebied.”.

9. Artikel 24 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:
 „(1) Hierdie Wet en enige wysiging daarvan is ook in die gebied Suidwes-Afrika van toepassing behalwe vir sover dit op sout en seewier betrekking het.”.

Wysiging van
artikel 24 van
Wet 58 van 1973.

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SEA FISHERIES AMENDMENT ACT, 1977.

Short title and
commencement.

10. (1) This Act shall be called the Sea Fisheries Amendment Act, 1977, and shall come into operation on a date fixed by the State President by proclamation in the *Gazette*.

(2) Different dates may in terms of subsection (1) be fixed in respect of different provisions of this Act.

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10. (1) Hierdie Wet heet die Wysigingswet op Seevisserye, 1977, en tree in werking op 'n datum wat deur die Staatspresident by proklamasie in die *Staatskoerant* bepaal word.
- (2) Verskillende datums kan ingevolge subartikel (1) ten opsigte van verskillende bepalings van hierdie Wet bepaal word.

Kort titel en
inwerkingtreding.

