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PRESIDENT'S OFFICE

No. 1528.

4 October 1995

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

No. 74 of 1995: Sea Fishery Amendment Act, 1995.

KANTOOR VAN DIE PRESIDENT

No. 1528.

4 Oktober 1995

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

No. 74 van 1995: Wysigingswet op Seevisserij, 1995.

GENERAL EXPLANATORY NOTE:

[Words in bold type in square brackets indicate omissions from existing enactments.

 Words underlined with a solid line indicate insertions in existing enactments.

ACT

To amend the Sea Fishery Act, 1988, so as to delete a definition and to amend others; to delete an obsolete provision; to further regulate the Minister's power to make regulations; to repeal certain laws; to provide that the said Act shall apply throughout the Republic; and to provide for matters connected therewith.

*(Afrikaans text signed by the President.)
(Assented to 28 September 1995.)*

BE IT ENACTED by the Parliament of the Republic of South Africa, as follows:—

Amendment of section 1 of Act 12 of 1988, as amended by section 1 of Act 98 of 1990, section 1 of Act 57 of 1992 and section 15 of Act 15 of 1994

1. Section 1 of the Sea Fishery Act, 1988 (hereinafter referred to as the principal Act), is hereby amended—

- (a) by the deletion of the definition of "Republic";
- (b) by the substitution for the definition of "sea" of the following definition:

" 'sea' means the water and the bed of the sea within the fishing zone, including the sea-shore **[but excluding]** and the water and the **[beds of tidal rivers and tidal lagoons]** bed of a tidal river, tidal lagoon and harbour and includes the internal waters referred to in section 3 of the Maritime Zones Act, 1994 (Act No. 15 of 1994): Provided that in the case of rivers and lagoons, internal waters shall only include tidal rivers and tidal lagoons;"; and
- (c) by the substitution for the definition of "territorial waters" of the following definition:

" 'territorial waters' means the **[sea within a distance of 12 nautical miles from the low-water mark]** territorial waters referred to in section 4 of the Maritime Zones Act, 1994 (Act No. 15 of 1994);".

Amendment of section 3 of Act 12 of 1988

2. Section 3 of the principal Act is hereby amended by substitution for paragraph (b) of the following paragraph:

ALGEMENE VERDUIDELIKENDE NOTA:

[**]** Woorde in vet druk tussen vierkantige hake dui skrap-pings uit bestaande verordenings aan.

_____ Woorde met 'n volstreep daaronder, dui invoegings in bestaande verordenings aan.

WET

Tot wysiging van die Wet op Seevisserij, 1988, ten einde 'n omskrywing te skrap en ander te wysig; 'n verouderde bepaling te skrap; en die Minister se bevoegdheid om regulasies te maak verder te reël; om sekere wette te herroep; om voorsiening te maak dat genoemde Wet oral in die Republiek van toepassing is; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

*(Afrikaanse teks deur die President geteken.)
(Goedgekeur op 28 September 1995.)*

DAAR WORD BEPAAL deur die Parlement van die Republiek van Suid-Afrika, soos volg:—

Wysiging van artikel 1 van Wet 12 van 1988, soos gewysig deur artikel 1 van Wet 98 van 1990, artikel 1 van Wet 57 van 1992 en artikel 15 van Wet 15 van 1994

5 1. Artikel 1 van die Wet op Seevisserij, 1988 (hieronder die Hoofwet genoem), word hierby gewysig—

(a) deur die omskrywing van "Republiek" te skrap;

(b) deur die omskrywing van "see" deur die volgende omskrywing te vervang:

10 " 'see' die water en die bedding van die see binne die visserysone, met inbegrip van die strand **[maar uitgesonderd]** en die water en die **[beddings van getyrieviere en getystrandmere]** bedding van 'n getyrievier, getystrandmeer en hawe en ook die binnewaters soos bedoel in artikel 3 van die Wet op Maritieme Sones, 1994 (Wet 15 van 1994): Met dien verstande dat in die geval van rivierviere en strandmere, binnewaters slegs getyrieviere en getystrandmere insluit;"; en

(c) deur die omskrywing van "territoriale waters" deur die volgende omskrywing te vervang:

20 " 'territoriale waters' die **[see binne 'n afstand van 12 seemyl vanaf die laagwatermerk]** territoriale waters soos bedoel in artikel 4 van die Wet op Maritieme Sones, 1994 (Wet No. 15 van 1994);".

Wysiging van artikel 3 van Wet 12 van 1988

2. Artikel 3 van die Hoofwet word hierby gewysig deur paragraaf (b) deur die 25 volgende paragraaf te vervang:

- “(b) the catching of fish in a tidal lagoon, tidal river or estuary along the coast of the province of KwaZulu-Natal or from the sea-shore along the said coast [excluding that part of the said coast in an area which consists of land referred to in section 21(1) of the Development Trust and Land Act, 1936 (Act No. 18 of 1936), or in a scheduled Black area as defined in section 49 of the said Act] ; or”.

Amendment of section 45 of Act 12 of 1988, as amended by section 9 of Act 98 of 1990, section 17 of Act 57 of 1992 and section 66 of Act 129 of 1993

3. Section 45 of the principal Act is hereby amended by the substitution for paragraph (b) of subsection (1) of the following paragraph:

- “(b) the prohibition that more than a specified quantity or mass of any fish, or fish belonging to a particular species or category, be caught, disturbed, possessed, kept, controlled or transported during the course of any or a specified year or any other period, in general or within a defined area, by any person or fisherman or fishing boat or by all the participants in the fishing industry jointly, except on the authority of a permit issued by the director-general and in accordance with the conditions determined by him or her in the permit or on the authority of, and in accordance with the conditions imposed in terms of, any other means as approved by the Minister;”.

Repeal of laws

4. The laws mentioned in the Schedule are hereby repealed to the extent indicated in column 3 thereof.

Extension of application of Act 12 of 1988

5. The principal Act shall apply throughout the Republic.

Short title and commencement

6. This Act shall be called the Sea Fishery Amendment Act, 1995, and shall come into operation on a date fixed by the President by proclamation in the *Gazette*.

- 5 “(b) die vang van vis in ’n getystrandmeer, getyrvier of riviermonding langs die kus van die provinsie KwaZulu-Natal of vanaf die strand langs genoemde kus [uitgesonderd die deel van genoemde kus in ’n gebied wat bestaan uit grond bedoel in artikel 21(1) van die Ontwikkelingstrust en Grond Wet, 1936 (Wet No. 18 van 1936), of in ’n afgesonderde Swart gebied soos omskryf in artikel 49 van genoemde Wet]; of ”.

Wysiging van artikel 45 van Wet 12 van 1988, soos gewysig deur artikel 9 van Wet 98 van 1990, artikel 17 van Wet 57 van 1992 en artikel 66 van Wet 129 van 1993

- 10 3. Artikel 45 van die Hoofwet word hierby gewysig deur paragraaf (1B) van subartikel (1) deur die volgende paragraaf te vervang:

15 “(1B) ’n verbod dat meer as ’n vermelde hoeveelheid of massa van enige vis, of vis wat tot ’n bepaalde spesie of kategorie behoort, gedurende enige of ’n vermelde jaar of ander tydperk, in die algemeen of binne ’n omskrewe gebied deur enige persoon of visser of vissersboot of deur al die deelnemers in die visbedryf gesamentlik, gevang, versteur, besit, gehou, beheer of vervoer word, behalwe op gesag van ’n permit deur die direkteur-generaal uitgereik en ooreenkomstig die voorwaardes deur hom
20 of haar in die permit bepaal of op gesag van, en ooreenkomstig die voorwaardes opgelê ingevolge, enige ander wyse deur die Minister goedgekeur;”.

Herroeping van wette

- 25 4. Die wette in die Bylae vermeld, word hierby herroep vir sover in kolom 3 daarvan aangedui.

Uitbreiding van toepassing van Wet 12 van 1988

5. Die Hoofwet is oral in die Republiek van toepassing.

Kort titel en inwerkingtreding

- 30 6. Hierdie Wet heet die Wysigingswet op Seevisserij, 1995, en tree in werking op ’n datum wat die President by proklamasie in die *Staatskoerant* bepaal.

SCHEDULE**(SECTION 4)**

No. and year of law	Short title	Extent of repeal
Decree 9 of 1992 of the former Republic of Transkei	Environmental Conservation Decree, 1992	Chapter 10
Act 10 of 1987 of the former Republic of Ciskei	Nature Conservation Act, 1987	Section 70 and Chapter 7, excluding sections 51, 52, 56, 58, 66 and 67

BYLAE

(ARTIKEL 4)

No. en jaar van wet	Kort titel	In hoeverre herroep
Dekreet 9 van 1992 van die voormalige Republiek van Transkei	“Environmental Conservation Decree, 1992”	Hoofstuk 10
Wet 10 van 1987 van die voormalige Republiek van Ciskei	“Nature Conservation Act, 1987”	Artikels 70 en Hoofstuk 7, uitgesonderd artikels 51, 52, 56, 58, 66 en 67

