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# **GOVERNMENT NOTICE**

# Environmental Affairs and Tourism, Department of

Government Notice

# GOVERNMENT NOTICE

### DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND TOURISM

No. 329

6 April 2005

MARINE LIVING RESOURCES ACT, 1998 (ACT NO. 18 OF 1998)

AMENDMENTS TO REGULATIONS PUBLISHED IN TERMS OF THE MARINE LIVING RESOURCES ACT, 1998: GN REGULATION 1111 OF 02 SEPTEMBER 1998

The Minister of Environmental Affairs and Tourism has amended the Regulations published under the Marine Living Resources Act, 1998, by adding those definitions in Schedule 1 to regulation 1 and has amended Chapter 4, Part 5 (Linefishing) and annexures 4, 5, 6, 7, 8 and 9 of the Regulations published under the Marine Living Resources Act, 1998, by deleting Part 5 of Chapter 4 and Annexures 4, 5, 6, 7, 8 and 9 in their entirety and replacing them with the regulations and annexures in the Schedule hereto.

### SCHEDULE

# GENERAL EXPLANATORY NOTE: \_\_\_\_\_\_ Words underlined Indicate insertions in existing regulations. Definitions "angling" means recreational fishing by manually operating a rod, reel and line or one or more separate lines to which no more than ten hooks are attached per line;

"bag limit" means the maximum number of fish, either in respect of individual species or of total catch of fish which may be caught on any one day, or kept in the possession or control of any person:

<u>"cartilaginous fish"</u> means a fish of any species of shark, ray, skate or chimaeras of the class Chondrichthyes;

"cast netting" means fishing by the use of a cast net;

"catch return book" means the logbook provided by the Department for the purposes of recording and submitting data of fish caught;

"commercial fishing vessel" means a fishing vessel licensed by the Department as a commercial fishing vessel;

"hake handline fishing" means linefishing for hake and other species set out in Annexure 6;

"linefishing" means commercial fishing from a fishing vessel by manually operating a rod, reel and line or one or more separate lines to which no more than ten hooks are attached per line:

"marine aquarium fishing" means recreational fishing for the purposes of obtaining fish for live display;

"spearfishing" means recreational fishing using a speargun;

"Superclass Pisces" means all vertebrate fish species (fish with a backbone), which includes bony fish and cartilaginous fish;

"traditional linefish" means linefishing for the fish species set out in Annexure 4;

"tuna pole fishing" means linefishing for tuna by manually operating a rod, reel and line or one or more separate lines to which no more than ten hooks are attached per line;

# Part 5 Unefishing

### General

- 21. (1) The Minister may issue permits for three types of linefishing: traditional linefishing, tuna pole fishing and hake handling fishing.
  - (2) The holder of a linefishing permit shall:
    - (a) adhere to all permit conditions that may be issued with the permit;
    - (b) maintain a catch return book and submit the catch returns to the Department, as detailed in the permit conditions;
  - (3) The holder of a linefishing permit shall not, while fishing on the authority of a linefishing permit:
    - (a) attach more than ten hooks to a fishing line;
    - (b) deploy a net in the water;
    - (c) fish in an estuary;
    - (d) engage in fishing on the authority of another fishing permit or right;
    - (e) tranship fish at sea;
    - (f) exceed the maximum number of crew on the linefishing vessel as specified on the permit.
  - (4) No person shall sell, deliver or acquire any fish, or any part or product thereof, unless the seller issues an invoice described in sub-regulation (5) at the time of delivery in respect of such fish, or any part or product thereof, to the person acquiring it.
  - (5) The invoice referred to in sub-regulation (4) shall be kept for a period of not less than 24 months by the person to whom it has been issued and shall contain at least the following details:
    - (a) the names and physical addresses of the parties to the transaction;
    - (b) the date of delivery;
    - (c) the quantity or mass of each species or any part or product thereof sold.
  - (6) The holder of a linefishing permit shall only utilise a commercial fishing vessel to engage in linefishing.
  - (7) No recreational fishing shall be conducted on commercial fishing vessels.
  - (8) The size of fish shall be measured in a straight line from the tip of the snout to the extreme end of the tail.
  - (9) All fish landed, except cartilaginous fish, shall be in the whole state and have head and tail intact, except that they may be gutted.
  - (10) The holder of a linefishing permit shall not on any one day engage in fishing for, or be in possession of, more than the species-specific bag limit multiplied by the number of crew onboard the fishing vessel.

### **Commercial Traditional Ilnefishing**

- (11) The holder of a traditional linefishing permit may engage in fishing for, and sell, any species of the superclass *Pisces*, except fish listed on the Prohibited Species list of Annexure 4.
- (12) The holder of a traditional linefishing permit shall not engage in fishing for, be in possession of, or sell:
  - (a) any fish smaller than, or of a mass less than, the size and mass limits stipulated in respect of each species and area in the Permitted Species List of Annexure 4;
  - (b) any fish during the closed-season listed in respect of each species and area in the Permitted Species List of Annexure 4.
- (13) The holder of a traditional linefishing permit shall not engage in fishing for, be in possession of, or sell invertebrate fish other than those species listed in Annexure 13 and squid, subject to the daily bag and size limits listed in that Annexure.

### Commercial Tuna pole fishing

- (14) The holder of a tuna pole fishing permit shall only engage in fishing for, or be in possession of, fish listed in Annexure 5, subject to the restrictions set out in subregulation 15.
- (15) The holder of a tuna pole fishing permit shall not engage in fishing for, or be in possession of, or sell:
  - (a) fish smaller than, or of a mass less than, the size and mass limits listed in respect of each species in Annexure 5;
  - (b) fish during the closed-season in respect of each species as listed in Annexure 5.
- (16) The holder of a tuna pole fishing permit may self fish listed in Annexure 5, except for anchovy, chub mackerel, garfish, horse mackerel, mullet, saury, squid or pilchard. These species may be caught for own use only.

### Commercial Hake handline fishing

- (17) The holder of a hake handline fishing permit may only engage in fishing for, and be in possession of, fish listed in Annexure 6, subject to the restriction set out in subregulation 18.
- (18) The holder of a hake handline fishing permit shall not engage in fishing for, or be in possession of, or sell:
  - (a) any fish smaller than, or of a mass less than, the size-limits listed in respect of each species in Annexure 6;
  - (b) any fish during the closed-season listed in respect of each species in Annexure 6.
- (19) The holder of hake handline fishing permit shall not sell any anchovy, chub mackerel, garfish, horse mackerel, mullet, saury, squid or pilchard. These species may be caught for own use only.

### Recreational Fishing

### General

- 22. (1) Recreational fishing permits may be obtained from an office authorised by the Minister, subject to the payment of the prescribed fee, to engage in one or more types of recreational fishing.
  - (2) A recreational fishing permit holder shall not sell fish caught on the authority of a recreational fishing permit.
  - (3) The skipper of a fishing vessel used for recreational fishing must be in possession of a recreational fishing permit endorsed for recreational fishing from a vessel.
  - (4) Except in the case of marine aquarium fishing, the holder of a recreational fishing permit shall not use any artificial respiratory equipment other than a snorkel.
  - (5) The holder of a recreational fishing permit shall not engage in fishing for, be in possession of, or sell any fish listed in the Prohibited Species List of Annexure 7.
  - (6) The holder of a recreational fishing permit may engage in fishing for any fish of the superclass *Pisces* listed in the Permitted Species List of Annexure 7 subject to the restrictions set out in sub-regulations 7, 8 and 9 below.
  - (7) The holder of a recreational fishing permit shall not engage in fishing for, or be in possession of:
    - a. any fish smaller than, or of a mass less than, the size-limits listed in respect of each species in the Permitted Species List of Annexure 7;
    - any fish during the closed-season listed in respect of each species in the Permitted Species List of Annexure 7;
    - more fish than the bag limit listed in respect of each species in the Permitted
       Species List of Annexure 7 on any one day;
    - d. more than 1 specimen per species of cartilaginous fish on any one day;
    - e. more than 5 specimens per species of rockcod (family Serranidae) not listed in the Permitted Species List of Annexure 7 on any one day; and
    - f. more than ten fish irrespective of the species caught, provided that this limit does not apply to those species listed with no bag limit, and to those species with a bag limit exceeding ten.
  - (8) The size of fish must be measured in a straight line from the tip of the snout to the extreme end of the tail.
  - (9) All fish, except cartilaginous fish, shall be landed in the whole state and have head and tail intact, except that they may be gutted.

### Recreational angling

- (10) The holder of a recreational fishing permit, endorsed for angling shall only engage in angling for fish of the superclass Pisces.
- (11) The holder of a recreational fishing permit endorsed for angling shall only use a gaff or net for the purpose of landing a fish that has been hooked on line.
- (12) The holder of a recreational fishing permit shall not use a club, stick, spear or speargun for fishing.

### Recreational spearfishing

- (13) The holder of a recreational fishing permit, endorsed for spearfishing, shall only engage in spearfishing for fish of the superclass Pisces.
- (14) The holder of a recreational fishing permit endorsed for spearfishing shall not engage in fishing in an estuary.

### Recreational cast-netting

- (15) The holder of a recreational fishing permit endorsed for cast-netting shall not engage in fishing for, or be in possession of, any fish not listed in the Permitted Species List of Annexure 8.
- (16) The holder of a recreational fishing permit, endorsed for cast-netting, shall only utilise a circular net weighted at the circumference for the purpose of casting and not exceeding six meters in diameter.
- (17) The holder of a recreational fishing permit endorsed for cast-netting shall not engage in fishing between sunset and sunrise.

### Marine aquarium fishing

- (18) The holder of a recreational fishing permit endorsed for marine aquarium fishing shall not engage in fishing for, or be in possession of:
  - (a) any fish listed in the Prohibited Species List of Annexure 9;
  - (b) more than five fish per species, or more fish than the bag-limit listed in respect of each species in the Permitted Species List of Annexure 7 during any one day, whichever is the lesser quantity.
- (19) The holder of a recreational fishing permit endorsed for marine aquarium fishing shall;
  - (a) immediately transfer all fish caught on the authority of this permit to a saltwater aquarium or saltwater holding facility of sufficient capacity to sustain the lives of the fish;
  - (b) keep a log-book indicating all additions to the aquarium (including those bred or hatched in the aquarium) and losses, indicating the species, origin and cause of loss.

# TRADITIONAL COMMERCIAL LINEFISH

PROHIBITED SPECIES LIST		
COMMON NAME SCIENTIFIC NAME		
Baardman (bellman, tasselfish)	Umbrina spp.	
Banded galjoen	Dichistius multifasciatus	
Basking shark	Cetorhinus maximus	
Billfishes (marlin, sallfish)	Family Istiophoridae	
Blacktail (dassie)	Diplodus sargus capensis	
Brindle bass	Promicrops lanceolatus	
Bronze bream (bluefish)	Pachymetopon grande	
Cape knifejaw	Oplegnathus conwayi	
Cape stumpnose	Rhabdosargus holubi	
Galjoen	Dichistius capensis	
Garrick (leervis)	Lichia amia	
Coelacanth	Latimeria chalumnae	
Great white shark	Carcharodon carcharias	
John Brown	Gymnocrotaphus curvidens	
Kingfishes	Caranx spp and Carangoides spp	
Large-spot pompano (moony, wave garrick)	Trachinotus botla	
Leopard cat shark	Poroderma pantherinum	
Natal knifejaw (cuckoo bass)	Oplegnathus robinsoni	
Natal stumpnose (yellowfin bream)	Rhabdosargus sarba	
Natal wrasse	Anchichoerops natalensis	
Pipefish & seahorses	Family Syngnathidae	
Potato bass	Epinephelus tukula	
Ragged tooth shark	Carcharias Taurus	
River bream (perch)	Acanthopagrus berda	
River snapper (rock salmon)	Lutjanus argentimaculatus	
Sawfishes	Family Pristidae	
Seventy-four	Polysteganus undulosus	
Southern pompano	Trachinotus africanus	
Spotted grunter (tiger)	Pomadasys commersonnli	
Spotted gulley shark	Triakis megalopterus	
Springer (ten pounder)	Elops machnata	
Stonebream	Neoscorpis lithophilus	
Striped cat shark	Poroderma africanum	
Swordfish	Xiphias gladius	
West coast steenbras	Lithognathus aureti	
Whale shark	Rhinocodon typus	
White musselcracker (brusher, cracker)	Sparodon durbanensis	
White steenbras (pignose grunter)	Lithognathus lithognathus	
Zebra (wildeperd)	Diplodus cervinus hottentotus	

I Y AUGWNAIIV TOCKCOO	Epinephelus marginatus	60 cm	1	
All species in the superclass <i>Pisces</i> not listed in this Annexure (e.g. yellowtail)			Unlimited	

# **TUNA POLE PERMIT**

COMMON NAME	SCIENTIFIC NAME	MINIMUM SIZE/ MASS	BAG LIMITS	CLOSED SEASON
Anchovies	Family Engraulidae	None	none	
Angelfish	Brama brama	none	Unlimited	
Bonito (Katonkel)	Sarda sarda	none	Unlimited	
Chub mackerel	Scomber japonicus	None	none	
Garfishes	Family Belonidae	None	none	20000000
Halfbeaks	Family Hemiramphidae	None	none	
Horse mackerel / maasbanker	Trachurus trachurus capensis	None	none	
Mullets / harders	Family Mugilidae	None	none	
Sardines (pilchard & red-eye)	Family Clupeidae	none	none	
Sauries	Family Scomberesocidae	none	поле	
Scads	Decapterus spp.	none	none	
Skipjack	Euthynnus pelamis	none	Unlimited	
Snoek (Cape snoek)	Thyrsites atun	60 cm	Unlimited	
Squid (Chokka)	Loligo vulgaris reynaudii		20	25 October to 22 November in any year
Tunas (tunny)	Thunnus spp		Unlimited	
Albacore	Thunnus alalunga		Unlimited	
Bigeye tuna	Thunnus obesus	3.2 kg	Unlimited	
Bluefin tuna	Thunnus thynnus	6.4 kg	Unlimited	
Yellowfin tuna	Thunnus albacares	3.2 kg	Unlimited	
Yellowtail	Seriola lalandi	none	10	

# HAKE HANDLINE

COMMON NAME	SCIENTIFIC NAME	MINIMUM SIZE/ MASS	BAG LIMITS	CLOSED SEASON
Anchovies	Family Engraulidae	None	Unlimited	
Carpenter (silverfish)	Argyrozona argyrozona	35 cm	4	
Chub mackerel	Scomber japonicus	None	Unlimited	
Garfishes	Family Belonidae	None	Unlimited	
Hake (stockfish)	Merluccius capensis and Merulccius paradoxus	None	Unlimited	
Halfbeaks	Family Hemiramphidae	None	Unlimited	
Horse mackerel / maasbanker	Trachurus trachurus capensis	None	Unlimited	
Kob	Argyrosomus spp.	50 cm	5 but may only land or be in possession of one kob > 110 cm per day	
Mullets / harders	Family Mugilidae	None	Unlimited	
Sardines (pilchard & red- eye)	Family Clupeidae	None	Unlimited	
Sauries	Family Scomberesocidae	None	Unlimited	
Scads .	Decapterus spp.	None	Unlimited	1000
Snoek (Cape snoek)	Thyrsites atun	60 cm	Unlimited	
Squid (Chokka)	Loligo vulgaris reynaudii	None	20	25 October to 22 November in any year

# RECREATIONAL FISHING

PROHIBITED SPECIES LIST		
COMMON NAME SCIENTIFIC NAME		
Basking shark	Cetorhinus maximus	-
Brindle bass	Epinephelus lanceolatus	
Coelacanth	Latimeria chalumnae	
Great white shark	Carcharodon carcharias	
Natal wrasse	Anchichoerops natalensis	
Pipefish & seahorses	Family Syngnathidae	
Potato bass	Epinephelus tukula	
Sawfishes	Family Pristidae	
Seventy-four	Polysteganus undulosus	
Whale shark	Rhinocodon typus	

PERMITTED SPECIES LIST			
COMMON NAME	SCIENTIFIC NAME	MINIMUM SIZE/ MASS	BAG LIMITS / CLOSED SEASON
Anchovies	Family Engraulidae	None	None
Baardman (bellman, tasselfish)	Umbrina spp.	40 cm	5
Banded galjoen	Dichistius multifasciatus	None	5
Billfishes (mariin, sailfish)	Family Istiophoridae	None	5
Blacktail (dassie)	Diplodus sargus capensis	20 cm	5
Blue hottentot	Pachymetopon aeneum	None	5
Bronze bream (bluefish)	Pachymetopon grande	30 cm	2
Cape knifejaw	Oplegnathus conwayi	None	5
Cape stumpnose	Rhabdosargus holubi	20 cm	5
Carpenter (silverfish)	Argyrozona argyrozona	35 cm	4
Catface rockcod	Epinephelus andersoni	50 cm	5
Chub mackerel	Scomber japonicus	None	None
Cutlassfish (walla walla)	Trichiurus lepturus	None	None
Dageraad	Chrysoblephus cristiceps	40 cm	1
Dane	Porcostoma dentate	None	5
Elf (shad)	Pomatomus saltatrix	30 cm	4 Closed season from 1 October to 30 November
Englishman	Chrysoblephus anglicus	40 cm	1

Fransmadam	Boopsoidea inornata	None	10
(Karel groot oog) Galjoen	Dichistius capensis	35 cm	2 Closed season from 15 October to last day of February
Garfishes	Family Belonidae	None	None
Garrick (leervis)	Lichia amia	70 cm	2
Geelbek (Cape salmon)	Atractoscion aequidens	60 cm	2
Glassies	Family Ambassidae	None	None
Hake (stockfish)	Merluccius spp.	None	5
Halfbeaks	Family Hemiramphidae	None	None
Horse mackerel / maasbanker	Trachurus trachurus capensis	None	None
Hottentot	Pachymetopon blochii	22 cm	10
John Brown	Gymnocrotaphus curvidens	None	5
Kingfishes	Caranx spp. and Carangoides spp.	None	5
Kingklip	Genypterus capensis	None	1
King mackerel	Scomberomorus commerson	None	10
Kob caught from a boat at sea [Cape Agulhas to Umtamvuna River]	Argyrosomus spp.	50 cm	5 but may only land or be in possession of one kob > 110 cm per
Kob caught from a boat at sea [The Province of KwaZulu-Natal]	Argyrosomus spp.	40 cm	day
Kob caught in estuaries & from the shore [East of Cape Agulhas only]	Argyrosomus spp.	60 cm	1
Kob [West of Cape Agulhas only]	Argyrosomus spp.	50 cm	5
Large-spot pompano (wave garrick)	Trachinotus botla	None	5
Leopard cat shark	Poroderma pantherinum	None	1
Mullets / harders	Family Mugilidae	None	50
Natal knifejaw (cuckoo bass)	Oplegnathus robinsoni	None	5
Natal stumpnose (yellowfin bream)	Rhabdosargus sarba	25 cm	5
Pinky (piggy)	Pomadasys olivaceum	7.5 cm	10
Poenskop (black steenbras or musselcracker)	Cymatoceps nasutus	50 cm	1
Queen mackerel	Scomberomorus plurilineatus	None	10
Ragged tooth	Carcharias Taurus	None	- <del>                                    </del>

White stumpnose	Rhabdosargus globicebs	25 cm	10
Wolfherring	Chirocentrus dorab	none	None
Yellowbelly rockcod	Epinephelus marginatus	60 cm	1
Yellowtail	Seriola lalandi	none	10
Zebra (wildeperd)	Diplodus cervinus hottentotus	30 cm	5

# ANNEXURE 8 CAST-NET

PERMITTED SPECIES LIST		
COMMON NAME	SCIENTIFIC NAME	
Anchovies	Family Engraulidae	
Chub mackerel	Scomber japonicus	
Glassies	Family Ambassidae	
Haifbeaks	Family Hemiramphidae	
Horse mackerel / maasbanker	Trachurus trachurus capensis	
Mullets / harders	Family Mugilidae	
Pinky (piggy)	Pomadasys olivaceum	
Sardines (pilchard & red-eye)	Family Clupeidae	
Sauries	Family Scomberesocidae	
Scads	Decapterus spp.	
Strepie (karanteen)	Sarpa salpa	

# **AQUARIUM FISH**

PROHIBITED SPECIES LIST		
Common name	Scientific name of species or group	
Hard corals	Order Scleractinia	
Sea fans	Order Gorgonacea	
Sea pens	Order Pennatulacea	
Sand dollars	Echinodiscus spp.	
Giant clams	Tridacna spp.	
Abalone	Haliotus midae	
Rock lobsters	Family <i>palinuridae</i>	
Seahorses and pipefish	Family syngnathidae	
Coelacanth	Latimeria chalumnae	
Seventy four	Polysteganus undulosus	
Brindle bass	Promicrops lanceolatus	
Potato bass	Epinephelus tukula	
Natal wrasse	Anchichoerops natalensis	
Great white shark	Charcarodon carcharias	
Marine mammals (seals, dolphins and whales)	Class Marnmalia	