

**SECTION B**

**Permit Conditions: Squid (commercial fishery)**

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**Fishing season: 2014**

**DATE OF APPROVAL:**



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**1. APPLICABLE ACTS, POLICIES AND DELEGATIONS**

1.1 This permit is issued subject to the provisions and regulations of the following laws but not limited to:

- (a) The Marine Living Resources Act, 1998 (Act No. 18 of 1998) (MLRA) and regulations promulgated thereunder;
- (b) The National Environmental Management Act, 1998 (Act No.107 of 1998) (NEMA), and regulations promulgated thereunder;
- (c) The National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004) (NEMBA) and regulations promulgated thereunder;
- (d) The National Environmental Management: Protected Areas Act, 2003 (Act No. 57 of 2003) (NEMPA) and regulations promulgated thereunder;
- (e) The National Environmental Management: Integrated Coastal Management Act, 2008 (Act No.24 of 2008) (NEM: ICMA) and regulations promulgated thereunder;
- (f) National Environmental Management Waste Act (Act No. 59 of 2008) (NEMWA) and the regulations promulgated thereunder;
- (g) The Sea Birds and Seals Protection Act, 1973 (Act No. 46 of 1973) (SBSPA) and regulations promulgated thereunder;
- (h) The Fire Arms Controls Act, 2000 (Act No. 60 of 2000) (FACA) and regulations promulgated thereunder;
- (i) The International Convention for the Prevention of Pollution from Ships Act, 1986 (Act No. 2 of 1986) (ICPPSA) and regulations promulgated thereunder;
- (j) South African Maritime Safety Authority Act, 1998 (Act 5 of 1998) (SAMSAA) and regulations promulgated thereunder;
- (k) The Animals Protection Act, 1962 (Act No. 71 of 1962) (APA) and the regulations promulgated thereunder;
- (l) The Standards Act, 2008 (Act No. 8 of 2008) (SA) and the regulations promulgated thereunder;
- (m) The National Regulator for Compulsory Specifications Act, 2008 (Act No. 5 of 2008) (NRCSA) and the regulations promulgated thereunder;
- (n) National Ports Authority Act, 2005 (Act No. 12 of 2005) (NPAA) and the regulations promulgated thereunder; and
- (o) The Companies Act, 2008 (Act No. 71 of 2008) (CA) and the regulations promulgated thereunder.





- 1.2 This permit is issued subject to the further provisions of the following policies:
- (a) General policy on the Allocation of Commercial Fishing Rights, 2005;
  - (b) Policy for the Allocation and Management of Commercial Fishing Rights in the Squid Fishery: 2005; and
  - (c) Policy for the transfer of Commercial Fishing Rights: 2009.
- 1.3 The Director: Inshore Fisheries Management (D: IFM) shall be entitled to amend these Permit Conditions after consultation with relevant stakeholders. In case of an emergency the D: IFM shall be entitled to amend these conditions without consultation.
- 1.4 Any reference to the Permit Holder in these permit conditions includes the entity or person in whose name the commercial fishing right is allocated to (~~the Right Holder~~) by the Minister or the delegated authority.

## 2. VALIDITY OF PERMIT

- 2.1 This permit shall be valid for the period indicated in Section A (~~the permit~~).
- 2.2 This permit shall automatically expire and be invalid should one or more of the following occur:
- (a) the right be cancelled or revoked in terms of Section 28 of the MLRA;
  - (b) this permit be revoked, cancelled or suspended in terms of Section 28 of the MLRA; and
  - (c) the fishing season is **closed**, terminated or ends.

## 3. FISHING AREAS AND RESTRICTED AREAS

- 3.1 This permit is valid only in South African waters (excluding tidal lagoons, tidal rivers and estuaries).
- 3.2 The Permit Holder or any of its employees or agents shall not undertake fishing, or take or destroy any fauna or flora, or in any way disturb, alter or destroy the natural environment, or carry out any activity which may adversely impact on the ecosystems in Marine Protected Areas (MPA~~s~~) except where so permitted by the legislation.



- 3.3 A vessel is not allowed to enter; fish or carry fishing gear on board in any Marine Protected Area, or any other similar marine protected or conservation area.
- 3.4 In case of emergency, the Permit Holder shall notify the Department before the fishing vessel enters or intends to enter into a Marine Protected Area or any other area closed for fishing. The notification shall describe the nature of the emergency and the reason requiring the vessel enter the Marine Protected Area. Such request shall be sent via e-mail to: [daffops@daff.gov.za](mailto:daffops@daff.gov.za) or faxed to: 021 425 6497.
- 3.5 Fishing and the removal or disturbance of any marine life in the Tsitsikamma National Parks Marine Protected Area is prohibited. Fishing in other marine and estuarine areas controlled by the South African National Parks, is subject to regulations promulgated under the NEMPA.

#### 4. NOTIFICATIONS

- 4.1 The Permit Holder shall inform the local Fishery Control Officer by fax on 041 586 0385 or email [DennisM@daff.gov.za](mailto:DennisM@daff.gov.za) (Port Elizabeth) or sms: 082 771 8906 or email [MthuthuzeliM@daff.gov.za](mailto:MthuthuzeliM@daff.gov.za) (Jeffrey's Bay) or fax: 042 293 2968 or sms: 071 087 0901 two hours prior to the intended time of discharge/landing of fish and provide the following details:
- (a) The vessel details;
  - (b) Permit Holder(s) on behalf of which the catch is to be allocated/apportioned;
  - (c) The estimated mass of catch on board;
  - (d) The estimated time of arrival, and the port of arrival.
- 4.2 The Permit Holder/Rights Holder/Vessel Owner/ Skipper or its agent who is granted permission to conduct fishing without a functional Vessel Monitoring System (VMS) should notify the Department's Operations Room for each fishing trip undertaken during the permission validity period. Notification should be given to the Operations Room prior proceeding to sea, and upon arrival back in port on telephone number(s) 021 402 3076 or 021 402 3077.



## 5. EFFORT LIMITATIONS AND GEAR RESTRICTIONS

- 5.1 The Permit Holder may only operate within the Total Allowable Effort (TAE) as set out in the permit.
- 5.2 The Permit Holder shall only utilise the maximum number of crew approved for the vessel, as set out in the permit. For this purpose, crew includes any person on board such vessel.
- 5.3 Only squid jigging gear shall be utilised when harvesting squid. (a squid jig is defined as a lure like object with a row or number of rows of barbless hooks at one end and an eye at the opposite end). Jigging operations involve the use of one or more jigs attached to a handline at the eye of the jig and moved up and down in a series of short movements in the water.
- 5.4 Squid jigging gear shall be the only fishing gear on board the vessel when the vessel is catching squid.
- 5.5 Whilst operating in terms of the provisions of this permit, the Permit Holder shall not utilise recreational fishing permit(s) or any other fishing right allocated to it.

## 6. CATCH CONTROLS AND LIMITATIONS

- 6.1 There shall be no other fish onboard the vessel other than squid. Any other fish caught shall be released to sea either dead or alive.
- 6.2 **Closed Season**
- 6.2.1 The closed season for squid (*Loligo reynaudii*) is from 12h00 noon on 19 October to 12h00 noon on 23 November in any year. The squid closed season is stipulated in Government Notice No. R.728, Gazette No. 34596 published on 16 September 2011.
- 6.2.2 On 19 October at 12h00 noon in any year (closure of the season) catching of squid shall cease and all vessels shall proceed directly to port and shall be monitored by VMS.



6.2.3 No vessels may have squid onboard 24 hours following closure of the season unless the vessels holding facilities are sealed and in possession of written authorisation from the local Fishery Control Officer (FCO).

6.2.4 Catching of squid shall commence after 12 noon on 23 November in any year.

## 7. HANDLING OF OVER/UNDER CATCHES AND PROHIBITED SPECIES

7.1 No upper catch limit is set for the squid commercial fishing sector and only squid is permitted on board the vessel.

## 8. VESSELS SPECIFICATIONS

8.1 The Permit Holder shall only utilise a vessel that is compliant with all requirements as set out by the South African Maritime Safety Authority (SAMSA).

8.2 The vessel shall be fitted with an approved and functional VMS.

8.3 The letter 'C' must be displayed on the vessel next to the area number. The area number shall correspond to the area number set out in this permit.

8.4 The Permit Holder shall not use the nominated fishing vessel unless it bears the registration letters and numbers assigned thereto by the Director-General. Such letters and numbers shall be painted in white on a black background or in black on a white background on both bows in characters not less than 15 cm in height, 10 cm in breadth (figure '1' excepted) and 2 cm in thickness (width of stroke). The space between adjacent letters and figures shall be between 2 cm and 5 cm.

8.5 All vessels with an overall length of 25 metres or more shall display the letters and or numbers of the radio call-sign on each side of the superstructure at the highest practical point above the gunwale, or main deck where it can best be seen as stipulated in regulation 78 of the MLRA.

8.6 Only the SAMSA approved measurement is regarded as the vessel length.

**9. VESSEL MONITORING SYSTEM (VMS)**

- 9.1 The Permit Holder shall ensure that the fishing vessel is fitted with a functioning VMS, which is approved by the Department.
- 9.2 It is the responsibility of the Permit Holder/Rights Holder/Vessel Owner/ Skipper to ensure that the VMS is fully operational and that the VMS continues to transmit to the Department's Operations Room prior to sailing and throughout whilst at sea.
- 9.3 The Permit Holder shall establish that the VMS unit is functional by contacting the Department's Operations Room on telephone numbers 021 402 3076 or 021 402 3077, prior to sailing. Should the power supply be interrupted or the equipment become non-functional (for whatever reason), and the problem persists, the vessel shall proceed to port within 24 hours of being informed of the problem by the Department.
- 9.4 Vessels fitted with Inmarsat C VMS units, wishing to switch their units off whilst alongside in port, shall switch off the VMS units at least six hours after berthing, and the units shall be switched on a least six hours prior to the estimated time of departure from port.
- 9.5 Whilst at sea the VMS shall report continuously and uninterruptedly to the Department's Operations Room. Should the power supply be interrupted or the equipment become non-functional (for whatever reason), and the problem persists, the vessel shall proceed to port within 24 hours of being informed of the problem, unless special arrangements have been made with the Department's Operations Room to allow the vessel to continue fishing. Such special arrangements shall include:
- (a) Three-hourly recording of the vessel's positions.
  - (b) Reporting of the three-hourly records of the vessel positions to the Department's Operations Room on fax number 021 425 6497 or email to [daffops@daff.gov.za](mailto:daffops@daff.gov.za); once every 24 hours.
  - (c) Notice of estimated time of arrival;
  - (d) Notice of port of arrival;
  - (e) Inspection of the catch by a Fishery Control Officer/Marine Resource Monitor





The Department will keep a record of the frequency of the VMS breakdowns in order to discourage repeated use/abuse of this special arrangements dispensation.

- 9.6 For the vessels not fitted with Inmarsat C VMS unit, should the power supply to the VMS be interrupted whilst at sea, or the equipment not be operational for any reason whatsoever, the Permit Holders/Rights Holders, Vessel Owners/Skippers shall inform the Department's Operations Room, and should the problem persist, the vessel shall return to port within 24 hours. Permission shall be obtained from the Department's Operations Room to deviate from this condition.
- 9.7 In cases where VMS units are non-functional due to technical problems, and Permit Holders/Rights Holders, Vessel Owners/Skippers wish to proceed to sea without a functional VMS unit on board the Permit Holders/Rights Holders, Vessel Owners/Skippers shall obtain permission from the Department's Operations Room prior proceeding to sea.
- 9.8 The Permit Holder shall contact the Department's Operations Room to obtain requirements necessary to apply for permission to proceed to sea without a functional VMS. The Operations Room can be contacted on telephone numbers 021 402 3076 or 021 402 3077, fax number 021 425 6497 and/or email [daffops@daff.gov.za](mailto:daffops@daff.gov.za).
- 9.9 Only once written permission has been received from the Department shall the vessel proceed to sea. The permission to operate without a functional VMS shall be kept onboard the vessel for the duration of each trip undertaken within the period of its validity of the permission.
- 10. LANDING OF FISH**
- 10.1 The Permit Holder shall ensure that all fish is discharged from the vessel in accordance with the reasonable instructions of the Fishery Control Officer/Marine Resource Monitor if the Fishery Control Officer/Marine Resource Monitor is available on site of discharge/landing.

## 11. SUBMISSION OF INFORMATION

11.1 The Permit Holder shall submit to the Department (Right Holder Information, Attention: Deputy Director: Line and Net Fisheries Management, The Customer Services Centre, Ground Floor, Foretrust Building, Martin Hammerschlag Way, Foreshore, Cape Town or Private Bag X2, Roggebaai, 8012, or 21 Stanley Street, Central, Port Elizabeth 6000) notification of any change of contact details within 30 days of such change by completing the application form available at the Customer Services Centre.

### 11.2 Catch Statistics:

- (a) The Permit Holder shall submit to the Department by the last day of the month with respect to the previous month, catch and effort data stipulating the quanta of squid harvested and landed, details of the vessel utilised and the Total Applied Effort as per Squid Jigging Catch Book instructions.
- (b) A **NIL RETURN** shall be submitted for any month when no fishing takes place e.g. closed season, personnel strikes or refit/vessel breakdown. The **Nil Return** form can be obtained from the Department's Port Elizabeth offices at 21 Stanley Street, Central, Port Elizabeth or requested via email from [squidj@daff.gov.za](mailto:squidj@daff.gov.za).
- (c) The properly completed and signed Squid Jigging Catch Book shall be hand delivered to the Department's Port Elizabeth offices at 21 Stanley Street, Central, Port Elizabeth where it will be receipted and registered.
- (d) The Permit Holder must submit to the Department an electronic summary of fishing trips to [squidj@daff.gov.za](mailto:squidj@daff.gov.za) for the periods 1 January . 30 June 2013 and 1 July -31 December 2013 by 31 July 2013 and 31 January 2014 respectively. The form shall list all landings as well as months/periods when a vessel has not fished.

## 12. RECORD KEEPING

12.1 The Permit Holder shall store at its registered place of business the original permit issued to it over the duration of the right. The Permit Holder shall at all times have available a true certified copy of this permit on board the vessel utilised to harvest squid.



12.2 The Permit Holder shall retain the receipts for all submitted Squid Jigging Catch Books as well as duplicate copies of said books for a minimum of 60 months after submission.

**13. LEVIES**

13.1 The Permit Holder shall pay the prescribed levies for the squid landed as stipulated in the Government Gazette No. 33518 published on 10 September 2010.

13.2 The Permit Holder shall submit a levy declaration form on or before the last working day of the month following the month in which squid was landed.

13.3 The Permit Holder shall pay all levy fees on or before the last working day of the month following the month in which squid levies were declared.

13.4 A NIL levy declaration must be submitted for every month where no fish has been landed.

13.5 Non-compliance will result in a **10%** penalty being charged on the late submission of the prescribed levy declaration form.

13.6 The Department may refuse to issue fishing permits to Right Holders who have any levies or fees outstanding for a period in excess of 30 days, or may suspend the Right Holders' fishing permit until all outstanding levy fees have been paid to the Department.

13.7 All declaration forms shall be submitted to the Directorate: Revenue Management via fax number **086 613 6256** or email to [revenue@daff.gov.za](mailto:revenue@daff.gov.za) or hand delivered to: Department of Agriculture, Forestry and Fisheries, Branch: Fisheries Management, Customer Service Centre, Ground Floor, Foretrust Building, Martin Hammerschlag Way, Foreshore, Cape Town, 8001, or post to: Marine Living Resources Fund Revenue Management, Private Bag x2, Roggebaai, 8012.

13.8 Levies are payable to the cashier at the Department of Agriculture, Forestry and Fisheries, Branch: Fisheries Management, Customer Service Centre, Ground Floor, Foretrust Building, Martin Hammerschlag Way, Foreshore, Cape Town, alternatively





payment may be made via direct deposit at any First National Bank (FNB) branch or Electronic Funds Transfer (EFT) to the following banking details:

<b>Bank:</b>	<b>First National Bank</b>
<b>Branch code:</b>	<b>204109</b>
<b>Account name:</b>	<b>Marine Living Resources Fund</b>
<b>Account number:</b>	<b>62123256382</b>
<b>Deposit reference:</b>	<b>Customer (Party) Number + LEV</b> (e.g. P12345LEV) to be used as a deposit reference where an invoice has not been issued, invoice number to be used as a deposit reference where the Department has issued an invoice.

The Permit Holder must ensure that proof of payment together with the levy declaration form is faxed to 086 613 6256 or emailed to [revenue@daff.gov.za](mailto:revenue@daff.gov.za).

#### 14. VIOLATIONS

- 14.1 A breach of the provisions of the MLRA, its regulations and/or these Permit Conditions by the Permit Holder, its employees (whether permanent or temporal), its contractors, agents, advisers or the skipper of the vessel may result in the initiation of legal proceedings (which may include MLRA section 28 proceedings and or criminal proceedings).
- 14.2 A breach referred to in paragraph 14.1 includes, but is not limited to:
- (a) failure to provide information to which the Department is entitled to or to submit information which is not true or correct;
  - (b) failing to effectively utilise this permit.
- 14.3 The Permit Holder shall not land, sell, receive or process any fish taken by any means in contravention of the MLRA and applicable laws.
- 14.4 The Permit Holder shall not discard any waste material, garbage or pollutants into the sea or harbour or landing/launching site The Permit Holder shall safely store all waste material, garbage and pollutants on board the vessel. All waste must be placed into dedicated waste bins at port.
- 14.5 No squid jigging jigs, jigging lines, box strapping or plastics may be discarded. Squid jigging jigs must be removed from any by-catch before it is returned to sea, except where the removal of squid jigging jigs from live discards (e.g. sharks) may endanger the safety of the crew or be detrimental to the survival of the animal.

- 14.6 No transshipment of catches is allowed.
- 14.7 Failure to report any contravention of the provisions of the MLRA by a Permit Holder is a criminal offence. Any contravention shall immediately be reported telephonically to the Customer Service Centre at 086 000 3474 or faxed to 021 402 3362 and thereafter shall be faxed as well to 021 402 3037, for attention: The Chief Director: Monitoring, Control and Surveillance (MCS).
- 14.8 The Department may refuse to issue subsequent permits or may cancel existing fishing permits should these Permit Conditions not be adhered to.

## **15. CONSULTATION AND COMMUNICATION**

- 15.1 The Department will prefer to consult and communicate with the Recognised Industrial Bodies which are representative of Right Holders in the squid fishery and Interest Groups in terms of the MLRA.
- 15.2 Communication regarding all permits and licences shall be addressed to the Department's Customer Services Centre, Ground Floor, Foretrust Building, Martin Hammerschlag Way, Foreshore, Cape Town or Private Bag X2, Roggebaai, 8012 or 21 Stanley Street, Central, Port Elizabeth, 6000. The Customer Service Centre may be contacted on 086 000 3474.

## **16. OBSERVER PROGRAMME**

- 16.1 The Permit Holder shall, when requested by the Department or its agent, accommodate an Observer on board the Permit Holder's nominated vessel(s).
- 16.2 The Observer shall be fully accommodated on board the vessel and provided with food and facilities of a level accorded to officers.
- 16.3 The Permit Holder shall bear the costs of the observer deployment.
- 16.4 The Permit Holder shall allow the Observer unrestricted access to monitor fishing activity and compliance with permit conditions and all applicable laws.

**17. PROCESSING AND SALE OF FISH**

17.1 All squid discharged shall be delivered to a Fish Processing Establishment authorised in terms of the MLRA.

**18. TRANSFER OF FISHING RIGHTS**

18.1 The Right Holder shall only transfer the long-term commercial fishing right allocated to it in terms of section 21 of the MLRA, read together with the Policy for the Transfer of Commercial Fishing Rights (Government Gazette No 32449, 31 July 2009).

18.2 Any transfer of shares or sale of shares and/or membership interest shall be communicated to the Department.

18.3 Any transfer of shares or sale of shares and/or membership interest that results in a change in control of the Right must be approved by the Department in terms of section 21 of the MLRA.

**19. TRANSPORTATION OF FISH**

19.1 All fish shall be transported in accordance with the Squid 2014 Transport Permit Conditions.





**20. FISHING PERFORMANCE MEASURING**

20.1 The Permit Holder shall be obliged to provide the Department with information required to carry out a performance measuring exercise, such information shall include but is not limited to:

- (a) data regarding transformation levels;
- (b) sustainable fishing practices;
- (c) data regarding investments made in the fishery and jobs created and sustained;  
and
- (d) data regarding compliance initiatives.



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**DIRECTOR: INSHORE FISHERIES MANAGEMENT**

**DATE: 30-12-2013**

