SECTION B

Permit Conditions: Southern Cape Commercial Oyster Fishery

Fishing season: 2025/2026

DATE OF APPROVAL: 18.02.2025

SECTION B

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1. APPLICABLE ACTS, POLICIES AND DELEGATIONS

1.1. This permit is issued in terms of section 13 of the Marine Living Resources Act, 1998 (Act No. 18 of 1998).

1.2. The permit does not absolve the permit holder from complying with all other applicable laws, including but not limited to the:

(a) Marine Living Resources Act, 1998 (Act No. 18 of 1998) (MLRA) as amended and Regulations promulgated thereunder;

(b) National Environmental Management Act, 1998 (Act No.107 of 1998) (NEMA), and Regulations promulgated thereunder;

(c) National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004) (NEMBA) and Regulations promulgated thereunder;

(d) National Environmental Management: Protected Areas Act, 2003 (Act No. 57 of 2003) (NEMPA) and Regulations promulgated thereunder;

(e) National Environmental Management: Integrated Coastal Management Act, 2008 (Act No.24 of 2008) (NEMICMA) and Regulations promulgated thereunder;

(f) Sea Birds and Seals Protection Act, 1973 (Act No. 46 of 1973) (SBSPA) and Regulations promulgated thereunder;

(g) Fire Arms Controls Act, 2000 (Act No. 60 of 2000) (FACA) and Regulations promulgated thereunder;

(h) International Convention for the Prevention of Pollution from Ships Act, 1986 (Act No. 2 of 1986) (ICPPSA) and Regulations promulgated thereunder;

(i) South African Maritime Safety Authority Act, 1998 (Act 5 of 1998) (SAMSAA) and Regulations promulgated thereunder;

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(j) Animals Protection Act, 1962 (Act No. 71 of 1962) (APA) and the Regulations promulgated thereunder;

(k) Standards Act, 2008 (Act No. 8 of 2008) (SA) and the Regulations promulgated thereunder;

(l) National Regulator for Compulsory Specifications Act. 2008 (Act No. 5 of 2008) (NRCSA) and the Regulations promulgated thereunder;

(m) National Ports Authority Act, 2005 (Act No. 12 of 2005) (NPAA) and the Regulations promulgated thereunder;

(n) Companies Act, 2008 (Act No. 71 of 2008) (CA) and the Regulations promulgated thereunder; and

(o) National Environmental Management: Waste Act (Act No. 59 of 2008) (NEMWA) and the Regulations promulgated thereunder.

1.3. This permit is issued subject to the further provisions of the following policies:

(a) General policy on the Allocation and Management of Fishing Rights: 2013; and

(b) Policy for the Allocation and Management of Fishing Rights in the Oyster Fishery: 2013.

1.4. The Director: Inshore Fisheries Management (IFM) shall be entitled to amend these permit conditions where necessary.

1.5. Any reference to the Permit Holder in these Permit Conditions includes the person in whose name the commercial fishing right is allocated to ("the Exemption Holder") by the Minister or the delegated authority its employees either permanent or temporal, its contractors, agents or advisors, whether permanent, full-time or part-time, acting in the course and scope of their contractual relationship.

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2. VALIDITY OF PERMIT

2.1. This permit shall be valid for the period indicated in Section A of the Permit ("the Permit").

2.2. This permit shall automatically expire and become invalid if:

(a) the exemption issued in terms of Section 81 of the MLRA is cancelled or revoked;
(b) the Permit is revoked or cancelled in terms of Section 28 of the MLRA;
(c) the fishing season is terminated or ends; and
(d) the validity period of the Permit in 2.1 expires.

2.3 The Permit Holder shall attach an ID sized photography to this permit or carry a copy of their ID document in order for this permit to be valid.

3. FISHING AND RESTRICTED AREAS

3.1. The Permit Holder shall carry or be in possession of the original permit or a certified copy of the original permit with ID sized photo mounted on this permit or together with a copy of the ID document when harvesting oysters.

3.2. The Permit Holder shall only harvest oysters in the areas indicated in **Section A** of this Permit.

3.3. The boundaries of the areas are set out in Figure 1 "the map" below.

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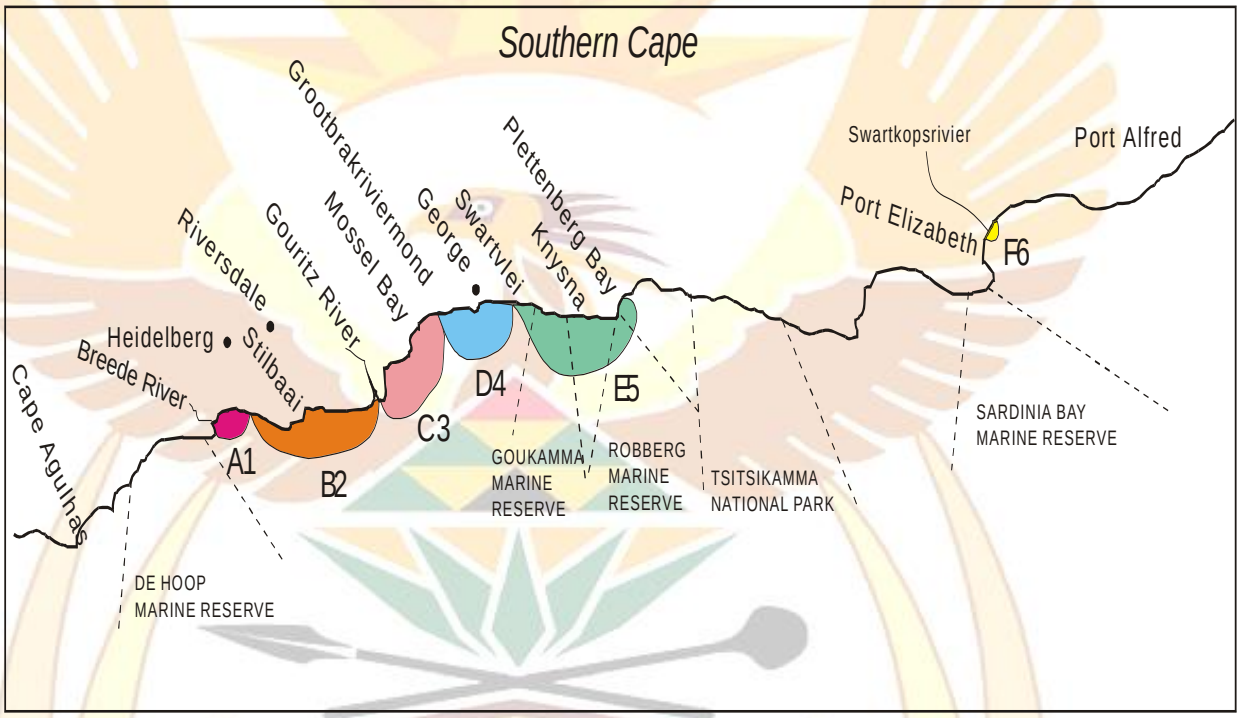

Figure 1. Oyster collection areas in the Southern Cape and Port Elizabeth (Gqeberha)

3.4. No collecting of oysters shall take place in tidal rivers, tidal lagoons, marine reserves and national parks (except where there are areas zoned for such within the national parks). Transgression of this permit condition may result in the suspension or revocation of this permit.

3.5. The Permit Holder must collect and carry oysters him/herself from the harvesting area to his/her vehicle and must be present at all times during the transporting of oysters to the place of sale or Fish Processing Establishment (FPE). The Permit Holder may, only in exceptional circumstances, apply in writing to the Director: Inshore Fisheries Management to be exempted from this condition.

3.6. This permit does not grant right of admission to private property or land and the Permit Holder must comply with the rules of the local/ provincial authority at all times.

3.7. The Permit Holder shall not buy or accept any oysters collected in terms of a recreational.

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3.8. The Permit Holder shall not transport any person in possession of oysters collected in terms of a recreational permit.

4. NOTIFICATIONS

4.1. The Permit Holder must notify the relevant local Fishery Control Officer in Table 1 below in writing, in person or text (SMS) or via telephone prior to every collection, failing which the Department may initiate legal proceedings**.**

Table 1: Contact details of the local Fishery Control Officers

FISHERY CONTROL OFFICES	TELEPHONE NUMBER	NAME OF THE FCO AND CELL NUMBER	FACSIMILE NUMBER
A1 (Heidelberg/Witsands)	0287541026/ 028 445 9720	Coenraed Jones 0829504126/ Zodwa Mvelakubi 083 346 0524	028 445 9215
B2 & C3 (Stilbaai/Riversdale/Mossel Bay)	044 690 3500	Coenraed Jones 0829504126/ Heslene October 066 471 1400	044 691 1617
D4 & E5 (George/ Knysna/Plettenberg Bay)	044 690 3500	Heslene October 066 471 1400	044 382 6567
F6 (Port Elizabeth)	041 585 4051	Dennis Mostert 082 771 8906	041 586 0385

4.2. The Permit Holder is obliged in terms of the MLRA to report to the Minister any contravention of the MLRA or Permit Conditions by any other person. Any such

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contravention must be reported to the FCO using the above contact details or to the Department in writing and should be emailed to CSCenquiries@dffe.gov.za, Attention: The Chief Director: Monitoring, Control and Surveillance (MCS).

5. EFFORT LIMITATIONS AND GEAR RESTRICTIONS

5.1. Oysters may only be harvested three (3) hours prior to low tide to three (3) hours past low tide in autumn to winter (May to August) and oysters may only be harvested four (4) hours prior to low tide to four (4) hours past low tide in spring to summer (September to April). This does not include the act of carrying oysters.

5.2. The Permit Holder shall only collect oysters by hand or with a blade or flat edge that shall not exceed 40 mm in width and should be greater than one (1) metre in length, except for the Permit Holders in area F6 who are not allowed to use a blade or flat edge but must collect washed out beach oysters by hand.

5.3 The Permit Holder shall only use one harvesting iron while harvesting oysters. The Permit Holder may utilise a location device for the harvesting iron when necessary, except for the Permit Holders in area F6 who are not allowed to use the harvesting iron.

5.4. The use of wetsuits, weight belts, masks and snorkels is permitted.

5.5. The Permit Holder shall not use fins, floating devices and hookah or scuba gear while collecting oysters.

5.6. This permit shall only be used by the Permit Holder or an authorised representative. Written permission for the appointment of an authorised representative shall be obtained from the Director: Inshore Fisheries Management. The Permit Holder shall be held responsible for any infringements of the Permit Conditions by the authorised representative.

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6. CATCH CONTROLS AND LIMITATIONS

6.1. The Permit Holder shall, at all times, have his/her original permit or true certified copy of the permit available for inspection by the Fisher Control Office or any other Enforcement Officer.

6.2. The Permit Holder shall not collect or be in possession of any other marine organism during collection and carrying of oysters.

6.3. The Permit Holder is not allowed to collect oysters in terms of a recreational permit for own use from the time the right/permit is issued.

7. HANDLING OF OVER/UNDER CATCHES AND PROHIBITED SPECIES

Not applicable in the Oyster fishery.

8. VESSELS SPECIFICATIONS

Not applicable in the Oyster fishery.

9. VESSEL MONITORING SYSTEM (VMS)

Not applicable in the Oyster fishery.

10. LANDING OF FISH

Not applicable in the Oyster fishery.

11. SUBMISSION OF INFORMATION

11.1. The Permit Holder shall submit to the Department's Customer Services Centre, Ground Floor, Foretrust Building, Foreshore, Cape Town, 8000 or Private Bag X 2, Vlaeberg, 8018 the notification (clearly marked Right Holder Information) of any change of contact details (including postal address, contact telephone numbers and email address) within

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30 days of such change.

11.2. Catch Statistics:

11.2.1 The Permit Holder shall submit the relevant catch and effort data on the stipulated catch return form. A nil catch return form shall also be submitted for every month where no oysters have been harvested. The Exemption Holder or Permit Holder shall indicate the reasons why she/he did not harvest oysters in that particular month.

11.2.2 The Permit Holder shall ensure that **columns A – E** on the catch return form is completed before entering the water and that **columns F – I** on the catch return form is completed before leaving the collection site or removing the oysters from the collection site. If the Fishery Control Officer is present he/she shall complete **columns J – K** on the catch return form upon inspection of the catch before the catch may leave the collection site.

11.2.3 Once the catch details have been recorded for the month, the form shall be signed by the Permit Holder and co-signed dated and stamped with an official stamp by the local Fishery Control Officer.

11.2.4 The properly completed and signed catch return form maybe hand delivered to the FCDW (Ms. Boitumelo Chakana) at DFFE Offices, Mossel Bay, Tel No.: 044 691 2939, Cell No.: 082 692 0777. The above-mentioned catch return form must reach the FCDW on or before the 15th of each month. Copies shall be retained by the Permit Holder for a period of five (5) years.

11.2.5 The Permit Holder shall ensure that the catch return forms accompany all oysters in transit to a Fish Processing Establishment authorised by the Department.

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11.3. **Socio-Economic Information**:

The Permit Holder must provide, on request, any economic, socio- economic or financial information in the format as requested by the Department.

12. RECORD KEEPING

The Permit Holder shall store at his/her place of residence or registered place of business the original permit issued to him/her for the current fishing season. The Permit Holder shall at all time over the duration of the right have available a certified copy of the permit in his/her possession or at the harvesting site during collection of Oysters.

13. LEVIES

Not applicable in the Oyster fishery.

14. VIOLATIONS

14.1. A breach of the provisions of the MLRA, its Regulations and/or these permit conditions by the Permit Holder, his/her employees (whether permanent or temporal), his/her contractors, agents, advisers may result in the initiation of legal proceedings (which may include 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 complete.

(b) Failing to effectively utilise the permit.

14.3. The Permit Holder shall not land, sell, receive or process any oysters taken by any means in contravention of the MLRA.

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14.4. The Permit Holder shall store at his/her place of residence or registered place of business the original permit issued to him/her for the current fishing season. The Permit Holder shall, at all times over the duration of the right, have available a certified copy of this permit in his/her possession or at the harvesting site during collection of oysters.

14.5. The Permit Holder shall safely remove all waste material, garbage and pollutants produced in the course of his/her fishing or related activity and bury degradable material in the sand. Should the Permit Holder discard any waste, garbage or pollutants into the sea or shoreline, this permit will be suspended for a period determined by the Department and the Permit Holder shall take those steps considered necessary in terms of NEMA to remedy any pollution caused. All waste and non-degradable materials e.g. plastic bags must be placed into dedicated waste bins.

14.6. The Permit Holder shall not simultaneously collect any other species, or engage in the execution of any other fishing right, when undertaking commercial fishing of oysters in terms of this permit.

14.7. Failure to report any contravention of the provisions of the MLRA by a Permit Holder is a criminal offence and may result in the initiation of legal proceedings (which may include section 28 proceedings and or criminal proceedings). Any contravention shall immediately be reported via email to the Customer Service Centre at CSCenquiries@dffe.gov.za, for attention: The Chief Director: Monitoring, Control and Surveillance (MCS).

14.8. The Department may refuse to issue a subsequent permit should these permit conditions not be adhered to.

15. CONSULTATION AND COMMUNICATION

15.1. The Department will prefer to consult and communicate with the recognized bodies and interest groups in terms of the MLRA and which are representative of Exemption Holders in this fishery.

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15.2. Communication regarding all permits shall be addressed to the Department's Customer Service Centre, Ground Floor, Foretrust Building, Martin Hammerschlag Way, Foreshore, Cape Town or Private Bag X 2, Vlaeberg, 8018. The Customer Service Centre may be contacted at CSCenquiries@dffe.gov.za.

15.3. The Chief Director: Marine Resource Management will consult with Permit Holders when conducting performance reviews to determine further criteria against which Permit Holders will be measured.

16. OBSERVER PROGRAMME

The Permit Holder shall, when requested, provide requested information to the catch monitors appointed by the Department.

17. PROCESSING AND SALE OF FISH

17.1. Should the Permit Holder also process the oysters harvested in terms of this permit he / she will be required to have a valid Fish Processing Establishment (FPE) Permit.

17.2. The Permit Holder shall, when delivering oysters to the authorised FPE, be in possession of a valid catch permit, landing declaration forms and receipts.

17.3. The Permit Holder must, upon sale of fish, issue the properly completed and signed (original) tax invoice or white tax invoice to the buyer or FPE.

17.4 The Permit Holder shall provide the first copy of tax invoice or yellow tax invoice to the Department together with the completed and signed catch return form.

17.5. The Permit Holder shall retain copies of tax invoices or green tax invoice for a period of five (5) years and it must contain the following details:

(a) Full particulars including full names of the Permit Holder and the Buyer;

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(b) The permit number of the catch permit issued to the Permit Holder to undertake the commercial fishing of the oyster;

(c) The quantity or number of oysters sold;

(d) The date of sale of oysters;

(e) The description of size of oyster that is small, medium or large;

(f) The amount paid to the Permit Holder by buyer or FPE; and

(g) The FPE number, where is applicable

17.6. The Permit Holder shall always attach a copy of the Department's invoice to the completed catch return forms and submit it to the Department.

18. TRANSPORTATION OF OYSTERS

18.1. Exemption Holders shall be in possession of this permit at all times when transporting Oyster and no additional transport permit is required.

18.2. Non-Exemption Holders shall be in possession of proof of purchase (e.g. receipt) when transporting Oyster and no additional transport permit is required.

18.3. The Permit Holder must, in terms of NEMICMA and Regulations promulgated thereunder apply for the necessary permits to use a vehicle in the coastal area for a non-recreational activity.

18.4. The Permit Holder shall not transport any person in possession of oysters collected in terms of a recreational or Small-Scale fishing permit whilst transporting oysters collected in terms of this permit.

18.5. The Permit Holder shall when delivering oysters to the authorized FPE be in possession of a valid catch permit, oyster catch statistic form and invoice / receipts.

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19. FISHING PERFORMANCE MEASURING

19.1. The Permit Holder shall be obliged to provide the Department with information required to carry out a performance measuring exercise. This information shall include but not be 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: 18.02.2025

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