SECTION B

Permit Conditions: Commercial White Mussel 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;

(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; and

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

(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 White Mussel 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 exemption 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.

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.

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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 when harvesting white mussels.

3.2. The Permit Holder shall only harvest or collect White Mussels in his/her allocated area, as indicated in the permit or in area(s) allocated to the exemption holder. The boundaries of the areas are described in the Table 1 below and the harvesting areas are also depicted in Figure 1 below:

Table 1: The White Mussel harvesting areas.

ALLOCATED AREAS	DEMARCATED HARVESTING SITE
1. Bok Point	North Border of Koeberg power station (33°39'28"S,18°25'12"E) to Bok Point (33°34'25"S,18°19'25E).
2. Yzerfontein	Area north of Rietduin (32°42'53"S,17°52''51"E) to the southern border of the Sixteen Mile Marine Protected Area (32°45'11"S, 17°58'02"E).
3. Paternoster	Area from Bekbaai (32°48'44"S,17°52'51"E) to Groot Paternosterpunt (32°45'11"S,17°53'51"E).
4. Britannia Bay	Area from Cape St. Martin (32°42'53"S,17°55'13"E) to Shell Bay Point (32°42'05"S,17°58'02"E).
5. Dwarskersbos	Berg river mouth (32°46'7.77"S, 18°8'48.10"E) to the southern border of Rocherpan Nature Reserve (32°36'56.05"S,18°17'22.71"E) situated at Draaihoek.
6. Eland's Bay	North of the west coast regional services (Elandsbaai Hotel) (32°18'43.23"S,18°20'20.54"E) to Kreefbaai (32°12'16.68"S,18°19'32.09"E).
7. Lamberts Bay/ Doring Bay	North of Strandfontein (32°4'59.50"S,18°18'50.30"E) to the Oliphants River mouth (31°43'6.00"S,18°12'10.76"E).

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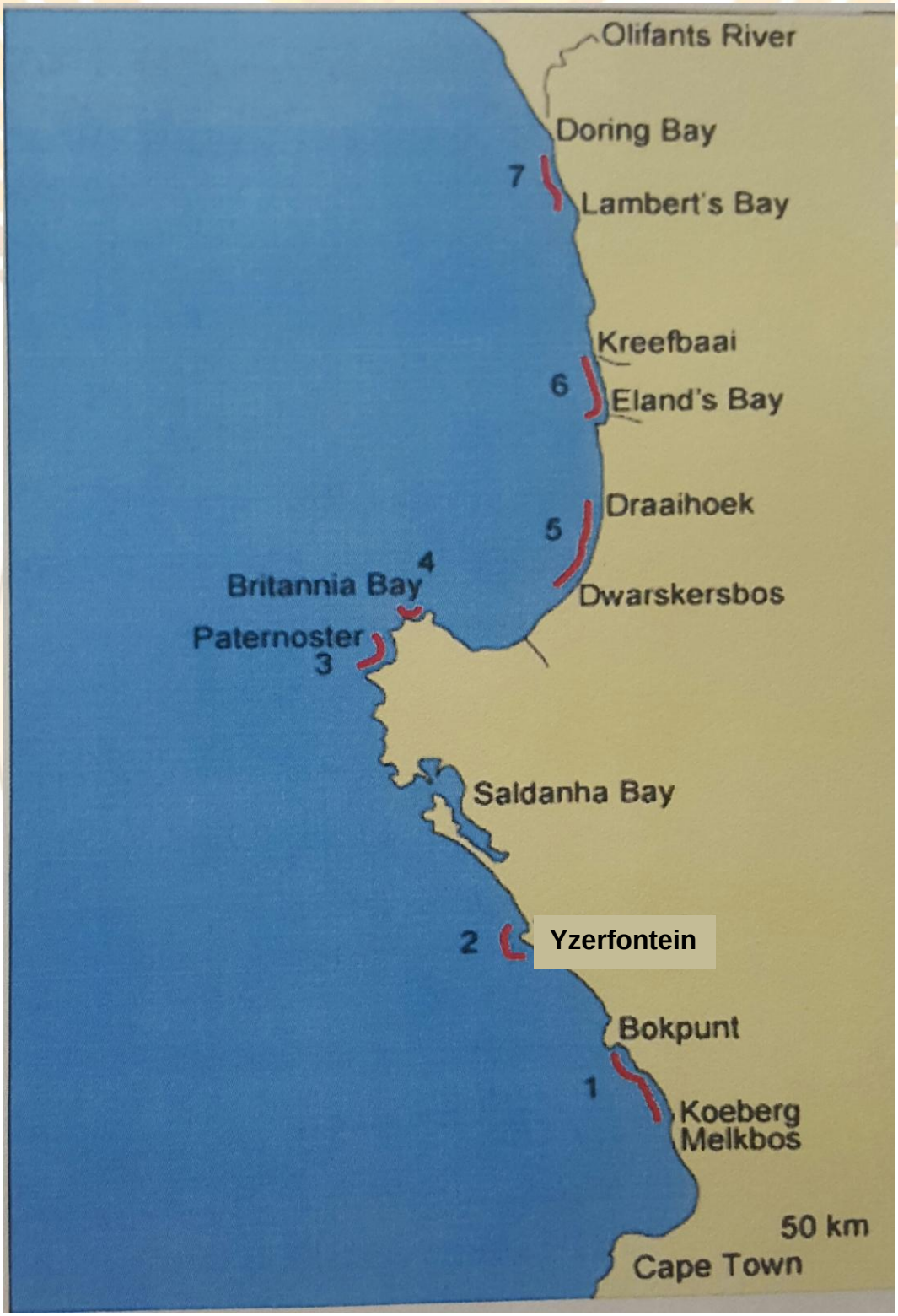

Figure 1: Map of the white mussel harvesting areas

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3.3. The Permit Holder has to be at the collection site at all times during harvesting.

3.4. The Permit Holder shall at all times have his/her certified copy of the permit available for inspection by any Fishery Control Officer (FCO).

3.5. The picker(s) as indicated in the Table 3 in this permit shall harvest within a distance of 400m of the Permit Holder. This refers to cases where the Exemption Holder has picker(s).

3.6. This permit does not authorize or grant the Permit Holder any access to private property.

3.7. Neither the Permit Holder nor his/her picker(s) (in cases where the Exemption Holder has picker(s)) reflected in the permit are allowed to collect White Mussels in terms of a recreational or small-scale fishing permit during the use of this permit.

3.8. The Permit Holder nor his/her picker(s) are not allowed to exchange White Mussels with recreational permit holders.

3.9. The Permit Holder is not allowed to be assisted by any unauthorized person(s) in harvesting and carrying white mussels.

3.10. The Permit Holder shall provide his/her pickers (in cases where the Exemption Holder has picker (s)) with proper means of identification. Identification must be in the form of a signpost (which should be temporarily erected at the collection site and clearly visible to the public) and must inform the public of the name and contact details of the Permit Holder collecting in the area.

3.11. No other marine organisms shall be collected during White Mussels harvesting.

3.12. The Permit Holder or any of his/her employees or agents shall not undertake fishing in the Marine Protected Areas (MPAs) as stipulated in Section 14 of the NEMPA unless authorized to do so in writing by the delegated authority.

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4. NOTIFICATIONS

4.1. The Permit Holder shall notify the FCO in person and/or text (SMS) and/or fax prior to every collection of White Mussels at the following numbers:

Table 2: Fishery Control Offices contact details

FISHERY CONTROL OFFICE	TELEPHONE NUMBER	FACSIMILE NUMBER	CELL PHONE NUMBER
Doring Bay	027 215 1211 / 027 215 1608	027 215 1882	073 6717797/ 083 7928384
Lamberts Bay	(027) 432 1631	(027) 432 1228	082 3212381 or 082 6110026 or 073 8825863
Elands Bay	(022) 972 1000	(022) 972 1706	082 6345490 or 0736717797 or 0835278096
Laaiplek (Dwarskersbos)	(022) 783 0447	(022) 783 0407	082 7846970 or 084 6353092
Saldanha Bay (Regional Office)	(022) 714 1710	(022) 714 3997	066 471 1300
St Helena Bay (Paternoster & Britannia Bay)	(022) 736 1125	(022) 736 1530	081 438 3824
Yzerfontein (Yzerfontein & Bok Point)	(022) 451 2344	(022) 451 2267	073 0086192 or 083 7457092

4.2. Should the Permit Holder not get hold of the FCO, she/he may contact the Saldanha Bay Regional Office.

5. EFFORT LIMITATIONS AND GEAR RESTRICTIONS

5.1. Collection of White Mussels shall only take place on weekdays (excluding weekends and public holidays) between 06h30 to 19h00 in spring to summer (September to April) and 07h30 to18h00 in autumn to winter (May to August) on the same days.

5.2. The Permit Holder shall adhere to the commercial effort or picker limitation per White Mussel harvesting area as stipulated in the Table 3 below.

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Table 3: Effort or picker limitation per White Mussel harvesting areas:

Number of White Mussel harvesting areas	White Mussel harvesting areas as described in Table 1 under paragraph 3	Number of Exemption Holders per White Mussel harvesting area	Is picker(s) employment allowed? (Yes/ No)	Total number of pickers allowed per Exemption Holder.
1	Bok Point	6	No	0
2	Yzerfontein	1	Yes	6
3	Paternoster	1	Yes	6
4	Britannia Bay	3	Yes	3
5	Dwarskersbos	7	No	0
6	Eland's Bay	1	Yes	6
7	Lamberts Bay/ Doring Bay	7	No	0

5.3. The Permit Holder and his/her picker(s) (in cases where the Exemption Holder has picker(s)) shall only collect White Mussels by hand or feet method. No mechanical or other equipment may be used.

5.4. The Permit Holder and his/her picker(s) (in cases where the Exemption Holder has picker(s)) shall not use fins; floating devices; hookah or scuba gear while collecting White Mussels. The use of wetsuits and other protective clothing is permitted.

5.5. This permit shall only be used by the Permit Holder or an authorised representative. Written permission for 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

The Permit Holder shall not harvest White Mussels that are less than 35 mm in shell length.

7. HANDLING OF OVER/UNDER CATCHES AND PROHIBITED SPECIES

Not applicable in the White Mussel fishery.

8. VESSELS SPECIFICATIONS

Not applicable in the White Mussel fishery.

9. VESSEL MONITORING SYSTEM (VMS)

Not applicable in the White Mussel fishery.

10. LANDING OF FISH

The Permit Holder shall only land the White Mussel in a whole state.

11. SUBMISSION OF INFORMATION

11.1. The Permit Holder shall complete and submit to the Department the picker registration form (in cases where the Exemption Holder has picker(s)) and only the registered picker(s) shall be used in harvesting White Mussel. The Permit Holder shall, submit an amended picker(s) registration form to the Department (Deputy Director: Small Invertebrates and Seaweed Management) when she/he has substituted or added a picker(s) on his/her picker(s) list. No amended picker(s) list may be used unless it has been received by the Department.

11.2. The Permit Holder shall submit to the Department's Customer Service Centre, Ground Floor, Foretrust Building, Martin Hammerschlag Way, Foreshore, Cape Town or Private

Bag X 2, Vlaeberg 8018, notification of any change of contact details within 30 days of such change by completing the application form available at the Customer Service Centre.

11.3. Catch Statistics:

(a) 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 white mussels have been harvested. The Exemption Holder or Permit Holder shall indicate the reasons why she/he did not harvest white mussels in that particular month.

(b) 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 white mussels from the collection site. If the Fishery Control Officer or Monitors 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.

(c) 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.

(d) The properly completed and signed catch return form, shall be hand delivered or posted by registered mail (Commercial White Mussel Catch Statistics, Attention: White Mussel Research Scientist, Customer Services Centre, Ground Floor, Foretrust Building, Martin Hammerschlag Way, Foreshore, Cape Town, 8000 or Private Bag X 2, Vlaeberg 8018). The above-mentioned catch return form must reach the Department on or before the 15th of each month. Copies shall be retained by the Permit Holder for a period of five (5) years.

(e) The above details shall be recorded on the White Mussels catch return form and shall be signed by the Permit Holder or his/her authorised representative, co-

signed and dated by the FCO and the Departmental stamp should be placed on the catch return form by the end of the month. Duplicate copies shall be retained by the Permit Holder for a period of 60 months (five years).

11.4. 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 times 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 White Mussels.

13. LEVIES

Not applicable in the White Mussel fishery.

14. VIOLATIONS

14.1. A breach of the provisions of the MLRA and or these Permit Conditions by the Permit Holder, his/her employees (whether permanent, 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 and

(b) failing to effectively utilise the permit.

14.3. The Permit Holder shall not buy or accept any White Mussels collected in terms of a recreational fishing permit.

14.4. If a Permit Holder buys White Mussels collected in terms of a Small-Scale fishing permit, the Permit Holder must obtain proof of purchase (e.g. receipt) from the Small-Scale Permit Holder.

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. Should the Permit Holder discard any waste, garbage or pollutants into the sea or shoreline, this permit may 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 must be placed into dedicated waste bins.

14.6. Should the Permit Holder fail to utilise the permit by not engaging in harvesting activities for a period of three consecutive months, the Department may institute proceedings in terms of Section 28 of the MLRA.

14.7. 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, and failure to report any contravention of the provisions of the MLRA by a Permit Holder is a criminal offence. Contraventions shall immediately be reported via email to the Customer Service Centre at CSCenquiries@dffe.gov.za, Attention: The Chief Director: Monitoring, Control and Surveillance or to the local FCO using the contact details provided in table 2 on 4.1.

14.8. 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 white mussel in terms of this permit.

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

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15. CONSULTATION AND COMMUNICATION

15.1. The Department will prefer to consult and communicate with the recognised bodies and interest groups in terms of the MLRA and Exemption Holders.

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

Not applicable in the White Mussel fishery.

17. PROCESSING AND SALE OF FISH

17.1. Should the Permit Holder also process the White Mussels 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 White Mussels to the authorised FPE or buyer, be in possession of a valid catch permit, landing declaration forms and receipts.

17.3. The Permit Holder shall keep the White Mussels in whole state (in shells) until sold to the purchaser or prior intended use (bait purposes).

17.4. 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.

17.5. 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.

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

(a) Full particulars including full names of the Permit Holder and the Buyer;
(b) The vehicle(s) registration number of the buyer which is used to transport the white mussels (only applicable when a vehicle is used to transport the white mussels);
(c) The permit number of the catch permit issued to the Permit Holder to undertake the commercial fishing of the white mussels;
(d) The quantity or number of white mussels sold;
(e) The date of sale of white mussels;
(f) The description of size of white mussels that is small, medium or large;
(g) The amount paid to the Permit Holder by buyer or FPE; and
(h) The FPE number, where is applicable.

17.7. 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 FISH

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

18.3. Access to and from the seashore shall be only by way of routes approved by the State and Local Authority. The Permit Holder must, in terms of NEMICMA and Regulations promulgated thereunder; apply for the necessary permits to use a vehicle for a non-recreational activity.

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18.4. The Permit Holder shall not transport any person in possession of White Mussels collected in terms of a recreational fishing permit whilst transporting White Mussels collected in terms of this permit.

18.5. If the Permit Holder transports any person in possession of White Mussels collected in terms of a Small-Scale fishing permit, they must be in possession of the relevant Small-Scale fishing permit and/or proof of purchase (e.g. receipts).

18.6. The Permit Holder shall when delivering White Mussels to the authorized FPE be in possession of a valid catch permit, White Mussel catch statistic form and invoice / receipts.

19. FISHING PERFORMANCE MEASURING

The Permit Holder shall, when requested, provide information to the Department. 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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ODWA DUBULA

DIRECTOR: INSHORE FISHERIES MANAGEMENT

DATE: 18.02.2025

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