



forestry, fisheries  
& the environment

Department:  
Forestry, Fisheries and the Environment  
REPUBLIC OF SOUTH AFRICA

## Section B

# East Coast Rock Lobster Catch Permit Conditions, EC & KZN

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Fishing season: 2024

DATE OF APPROVAL: 11 March 2024

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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) ("the MLRA") and the Regulations promulgated thereunder;
  - (b) The National Environmental Management Act, 1998 (Act No. 107 of 1998) (NEMA) and the Regulations promulgated thereunder;
  - (c) The National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004) (NEMBA) and the Regulations promulgated thereunder;
  - (d) The National Environmental Management: Protected Areas Act, 2003 (Act No. 57 of 2003) (NEMPAA) and the Regulations promulgated thereunder;
  - (e) The Sea Birds and Seals Protection Act, 1973 (Act No. 46 of 1973) (SBSPA) and the Regulations promulgated thereunder;
  - (f) Integrated Coastal Management Act, 2008 (Act No. 24 of 2008) (ICMA) and the Regulations promulgated thereunder;
  - (g) The International Convention for the Prevention of Pollution from Ships Act, 1986 (Act No. 2 of 1986) (ICPPSA) and the Regulations promulgated thereunder.
  - (h) The Fire Arms Control Act, 2000 (Act No. 60 of 2000) (FACA) and the Regulations promulgated thereunder;
  - (i) South African Maritime Safety Authority Act, 1998 (Act No. 5 of 1998) (SAMSA) and the Regulations promulgated thereunder;
  - (j) The Animals Protection Act, 1962 (Act No. 71 of 1962) (APA) and the Regulations promulgated thereunder;
  - (k) The Standards Act, 2008 (Act No. 8 of 2008) (SA) and the Regulations promulgated thereunder;
  - (l) The 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) (NPA) and the Regulations promulgated thereunder; and
  - (n) The Companies Act, 2008 (Act No. 71 of 2008) (CA) and the Regulations promulgated thereunder.



- 1.2 A Director in Marine Resource Management shall be entitled to amend these permit conditions after consultation with the relevant stakeholders.
- 1.3 Any reference to the Permit Holder in these permit conditions refers to the person (As defined by the MLRA) in whose name the permit is issued.

## **2. VALIDITY OF PERMIT**

- 2.1 This permit shall be valid for the period indicated in Section A.
- 2.2 This permit shall automatically expire and be invalid should one of the following occur:
  - (a) the fishery is closed under emergency measures in terms of section 18 of the Marine Living Resources Act, 1998 (Act No 18 of 1998)(“the MLRA”).
  - (b) the permit granted to the Permit Holder is revoked, cancelled or suspended in terms of section 28 of the Marine Living Resources Act, 1998 (Act No 18 of 1998)(“the MLRA”).

## **3. FISHING AREAS**

- 3.1 This Permit is valid only in South African waters, excluding restricted areas. In the case where the Permit Holder is allowed to fish in a Marine Protected Area (MPA) then the Regulations for the Management of the MPA shall apply as additional permit conditions to the fishing in that respective area. See Annexure 5 for Regulations that apply for fishing in Dwesa-Cwebe Marine Protected Area.
- 3.2 This permit is only applicable to fishing cooperative situated in the Eastern Cape and KwaZulu-Natal.
- 3.3 In general, fishing may only take place in the district municipal area of the fishing community. Inland communities may fish in adjacent district municipalities.

## **4. CATCH CONTROLS, EFFORT LIMITATIONS AND GEAR RESTRICTIONS**

- 4.1 The Permit Holder is allowed to harvest East Coast rock lobster (ECRL) as stipulated on Section A of the permit, subject to the conditions below.

- 4.2 Fishing, landing or selling of East Coast rock lobster is not permitted on public holidays or weekends.
- 4.3 East coast rock lobster shall only be landed between 07:00 and 16:00.
- 4.4 The Permit Holder shall not engage in fishing, collection or disturbance of any east coast rock lobster using scuba gear, boats or traps, with the exception of a circular trap that does not exceed 30 cm in diameter.
- 4.5 Snorkeling or the use of baited hooks is allowed for the fishing of east coast rock lobster.
- 4.6 East coast rock lobster with a carapace length of less than 65 mm may not be landed or sold.
- 4.7 East Coast rock lobster shall be landed and transported in a whole state, in a manner that can determine whether the lobster conforms to the minimum size limit.
- 4.8 A maximum number of a 160 East Coast rock lobster may be caught per month.
- 4.9 All lobster landed must be recorded by the catch data monitor appointed for the area before the permit holder leaves the fishing area.
- 4.10 The fishing season is closed for East Coast rock lobster from 1 November to the last day of February of the following year.

**5. HANDLING OF OVER-CATCHES, UNDER-SIZE AND PROHIBITED SPECIES**

- 5.1 When a bag limit is reached for the East Coast rock lobster the Permit Holder shall immediately stop fishing for that species.
- 5.2 The Permit Holder shall take great care to release under-size fish or fish listed on the prohibited list back to the sea in a manner that would maximize its chance of survival.

**6. SUBMISSION OF INFORMATION**

- 6.1 The Permit Holder shall obey the instructions of a fishery control officer or a catch data monitor at all times, and allow for their catches to be counted and measured.
- 6.2 It is the permit holder's responsibility to ensure that the data recorded by the catch data monitor or fishery control office is correct prior to the permit holder leaving the fishing ground.
- 6.3 All information recorded on the landing forms by the Catch Data Monitor referred to above will be regarded as final, any requests for changes will be considered on receipt of a written application supported by an acceptable explanation which has been endorsed in writing by the appropriate Fishery Control Officer, the Catch Data



Monitor and the Monitor Supervisor within two days. This request must be submitted to Marine Resource Management (Attention: Deputy Director: Small-Scale Fisheries Management Tel (021) 402 3060; Fax (021) 402 3622, Email: BMullins@dffe.gov.za).-

## **7. VIOLATIONS**

- 7.1 A breach of the provisions of the MLRA or these permit conditions by the Permit Holder may result in the initiation of legal proceedings (which may include criminal proceedings).
- 7.2 A breach referred to above includes but is not limited to a failure to provide information to which the Department of Forestry, Fisheries and the Environment ("the Department") is entitled to or to submit information which is not true or complete.
- 7.3 The Permit Holders shall not land, sell, receive or process any fish taken by any means in contravention of the MLRA.
- 7.4 The Permit Holders shall not discard any waste material, garbage or pollutants into the sea or harbour or landing/launching site.
- 7.5 Any contraventions observed shall immediately be reported telephonically to the nearest compliance office. Telephone numbers for compliance offices are: Centane Compliance office (047 498 1163), Port St Johns Compliance office (047 564 1985), and the Port Edward Compliance office (039 311 1240), or faxes can be sent to the Chief Director: Monitoring, Control and Surveillance (021) 425 7324.
- 7.6 The Department may refuse to issue a subsequent Permit should the conditions stipulated in this Permit not be adhered to.

## **8 CONSULTATION AND COMMUNICATION**

- 8.1 The Department will prefer to consult and communicate with the nominated representative local co-management committee of the fishing community.
- 8.2 Communication regarding all permits shall be addressed to the Department's Small-Scale Fisheries Management directorate. You may contact Mr Vuyisani Jozana on 043 742 2684 or Mrs Nozuko Ntsokota on 043 742 0013 for Eastern Cape and Phikelele Mbonambi 0828726921 for KZN.

8.3 The Director: Small-Scale Fisheries Management may consult with representatives or local co-management committees of communities in amending the permit conditions.

8.4 This permit does not grant the holder thereof a legitimate right of any future fishing rights in the commercial or small-scale fisheries sector.

**9. SALE OF FISH**

9.1 For species that are sold the Permit Holder shall issue a slip to the purchaser indicating the following particulars: full details of the purchaser, full details of the Permit Holder, species and number/ weight of fish sold, sale amount and the date of sale.

**10. TRANSFER OF PERMIT**

10.1 This Permit is issued to registered Fishing Cooperative and not transferrable and cannot be leased.

**11. TRANSPORTATION OF FISH**

11.1 The Permit Holder does not need a transport permit when the permit holder is transporting fish. The Permit Holder is required to have a catch permit to cover all species being transported.



DIRECTOR: SMALL-SCALE FISHERIES MANAGEMENT (Acting)

DATE: 11 March 2024