



SECTION B

Permit Conditions:

KZN Commercial Cast Net:

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) (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) (NEMA: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.
 - (p) The Constitution of Republic of South Africa, 1996.
- 1.2 The Director: Small-Scale Fisheries Management (D:SSFM) shall be entitled to amend these Permit Conditions after consultation with relevant stakeholders. In case of an emergency the D:SSFM shall be entitled to amend these conditions without consultation.
- 1.3 Any reference to the Permit Holder in these permit conditions includes the entity or person in whose name the commercial fishing exemption is granted to ("the Exemption 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 exemption be cancelled or revoked in terms of Section 81 (2) 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 Use of cast nets is restricted to shore areas (estuaries and surfzones) excluding any Marine Protected Area (MPA) and National Parks.
- 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.

4. NOTIFICATIONS

4.1 Not applicable to KZN Commercial Cast Net Fishery

5. EFFORT LIMITATIONS AND GEAR RESTRICTIONS

5.1 The Permit Holder shall not operate more than one (1) cast-net at any given time.

5.2 The net shall not exceed the following dimensions:

- (a) diameter of four meters (4m);
- (b) no more than 2 meters in length
- (c) stretched-mesh size of 13 - 20mm.

5.3 The Permit Holder shall only operate cast-net between sunrise and sunset (i.e. between 05h00 and 18h00).

6 CATCH CONTROLS AND LIMITATIONS

6.1 The Permit Holder shall only retain species that appear under the bait list in Table 1 as defined by the MLRA.

Table 1: Species that may be caught with a Cast-net

The taxa, i.e. genus (denoted "spp"), or family, mentioned in this annexure refer to all species the genus or family, as the case may be.

Species	SIZE LIMIT	CATCH & TRADE
Bait list		
Anchovies (family Engraulidae)	none	Yes
Chub mackerel (<i>Scomber japonicus</i>)	none	Yes
Garfishes (family Belonidae)	none	Yes
Glassies (family Ambassidae)	none	Yes
Halfbeaks (family Hemiramphidae)	none	Yes
Horse mackerel / maasbunker (<i>Trachurus trachurus capensis</i>)	none	Yes

Mullets / harders (family Mugilidae)	none	Yes
Pinky (piggy) (<i>Pomadasys olivaceum</i>)	7.5 cm	Yes
Sardines (pilchard, red-eye) (family Clupeidae)	none	Yes
Sauries (family Scomberesocidae)	none	Yes
Scads (<i>Decapterus</i> spp.)	none	Yes
Strepie (karanteen) (<i>Sarpa salpa</i>)	15 cm	Yes

6.2 The Whilst operating in terms of the provisions of this permit, the Permit Holder may not utilise any other right and/ or exemption granted to the Permit Holder in terms of the MLRA including recreational fishing permits.

7. HANDLING OF OVER/UNDER CATCHES AND PROHIBITED SPECIES

7.1 No other fish other than Penaeid shrimps (prawns) may be retained. All incidental by catch are to be released to the water unharmed or, if dead, declared and handed to the Fishery Control Officer as appointed in terms of the MLRA.

8. VESSEL SPECIFICATIONS

8.1 Not applicable to KZN Commercial Cast Net Fishery.

9. VESSEL MONITORING SYSTEM

9.1 Not applicable to KZN Commercial Cast Net Fishery.

10. LANDING OF FISH

10.1 The Permit Holder shall, when requested by the Department or its agent, allow unrestricted access to monitor fishing activity and compliance with permit conditions and all applicable laws.

11. SUBMISSION OF INFORMATION

11.1 The Permit Holder shall submit to the Department (Permit 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, Vlaeberg, 8018) notification of any

change of contact details within 30 days of such change by completing the form available at the Customer Services Centre.

11.2. Catch Statistics:

11.2.1 The Exemption holder will be required to submit to the Department, Annual Catch Information a month after the closure of the fishing season.

11.2.2 The Permit Holder shall submit catch returns and shall be recorded in the KZN Commercial Cast Net Catch Return Book issued for such purpose. In addition to that, the Permit Holder shall render statistics as defined in the Catch Return Book before the **15th of each month** in respect of the previous month as per instructions in the Catch Return Book.

11.2.3 A nil return must be submitted for the period where no fish has been harvested.

11.2.4 Catch return sheets may be hand delivered to: The Customer Services Centre (CSC), Ground Floor, Foretrust Building, Martin Hammerschlag Way, Foreshore, Cape Town or posted by registered mail to: **KZN Commercial Cast Net Catch Statistics**, Private Bag X2, Vlaeberg, 8018.

11.2.5 In cases where the catch return sheets are submitted at CSC, receipt of delivery will be confirmed by the copy of the catch statistics in the Catch Return Book being stamped, dated and signed by an official of the Department.

11.2.6 Permit of a New Season will not be issued until such time that the Annual Catch Information of the previous season is submitted.

12. RECORD KEEPING

12.1 The Permit Holder shall store at its registered place of business the original permit issued to it for the duration of the exemption. The Permit Holder shall at all

times have available a true certified copy of this permit in the area of cast netting operations.

- 12.2 The Permit Holder shall retain the receipts for all submitted catch return books as well as duplicate copies of the said books for a minimum of 60 months after submission.

13. LEVIES

- 13.1 Not applicable to KZN Commercial Cast Net Fishery.

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.
- 14.2 A breach referred to in paragraph 14.1 includes, but is not limited to:
- 14.2.1 failure to provide information to which the Department is entitled to or to submit information which is not true or correct;
 - 14.2.2 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 shore areas (estuaries and surfzones).
- 14.5 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 021 402 3180 or faxed to 086 505 8180 and thereafter shall be faxed as well to 021 425 7324, for attention: The Chief Director: Monitoring, Control and Surveillance (MCS).

14.6 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 Permit Holders in the KZN Commercial Cast Net and Interest Groups in terms of the MLRA.

15.2 Communication regarding all permits and licenses shall be addressed to the Department's Customer Services Centre, Ground Floor, Foretrust Building, Martin Hammerschlag Way, Foreshore, Cape Town or Private Bag X2, Vlaeberg, 8018. The Customer Service Centre may be contacted on 021 402-3443/402-3180 or toll free number 086 000 3474.

16. OBSERVER PROGRAMME

16.1 The Permit Holder shall, when requested by the Department or its agent, 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 Not applicable to KZN Commercial Cast Net Fishery.

18. TRANSFER OF FISHING RIGHTS

18.1 Not applicable to KZN Commercial Cast Net Fishery.

19. TRANSPORTATION OF FISH

19.1 Not applicable to KZN Commercial Cast Net Fishery.

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.



DIRECTOR: SMALL-SCALE FISHERIES MANAGEMENT

Acting

DATE: 11 March 2024