



SECTION B

Permit Conditions:

KZN Commercial Shove 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 the 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/or
 - (c) the fishing season is closed, terminated or ends.

3. FISHING AREAS AND RESTRICTED AREAS

- 3.1 The permit is valid only in the KwaZulu-Natal seashore on the Centre Bank in Durban Bay excluding any Marine Protected Area (MPA), National Parks, tidal lagoons, tidal rivers and estuaries.
- 3.2 The environment 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, to fish or to 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 to enter the Marine Protected Area. Such request shall be sent via e-mail to PMbonambi@dffe.gov.za or call : 082 782 6921.

4. NOTIFICATIONS

- 4.1 Not applicable to KZN Commercial Drag Net Fishery

5. EFFORT LIMITATIONS AND GEAR RESTRICTIONS

- 5.1 The Permit Holder shall not operate more than one (1) shove-net at any given time.
- 5.2 The net shall be mounted on a rectangular frame and shall be of the following dimensions:
- (a) No side of the frame is to exceed two (2) metres;
 - (b) The length of the net attached to the frame is not to exceed three (3) metres;
 - (c) The mesh for at least one (1) metre of the net adjacent to the frame is not to be less than thirteen (13) mm; and
 - (d) The mesh for the remainder of the net is not to be less than six (6) mm.

6 CATCH CONTROLS AND LIMITATIONS

- 6.1 The Permit Holder shall only catch Penaeid shrimps (prawns) and all by-catch species shall be released to the water unharmed.
- 6.2 The Permit Holder or in the case of a company, close corporation or trust, a duly authorized representative, shall be on board the nominated vessel or at the site of

fishing during fishing operations. Written permission shall be obtained from the Director: Inshore Fisheries Management to deviate from this permit condition.

- 6.3 Whilst operating in terms of the provisions of this permit, the Permit Holder or any of the Permit Holder's employees or agents may not activate 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(es) are to be released to the water unharmed or if dead, declared and handed to the Fishery Control Officer/Marine Resource Monitor/ Law Enforcement Officer.

8. VESSEL SPECIFICATIONS

- 8.1 Not applicable to KZN Commercial Shove Net Fishery.

9. VESSEL MONITORING SYSTEM

- 9.1 Not applicable to KZN Commercial Shove Net Fishery.

10. LANDING OF FISH

- 10.1 The Permit Holder shall ensure that all fish is discharged in accordance with the reasonable instructions of the Fishery Control Officer/Marine Resource Monitor/ Law Enforcement Officer if the Fishery Control Officer/Marine Resource Monitor/ Law Enforcement Officer is available at the site of discharge/landing.

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 Shove 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 Shove 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 net fishing operations and aboard of the vessel.

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 Shove 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:

- (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 site of operation.

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 086 000 3474 or faxed to 021 402 3362 and thereafter shall be faxed as well to 021 402 3073, 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 Recognized Industrial Bodies which are representative of Permit Holders in the KZN Commercial Shove 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 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 Shove Net Fishery.

18. TRANSFER OF FISHING RIGHTS

18.1 Not applicable to KZN Commercial Shove Net Fishery.

19. TRANSPORTATION OF FISH

19.1 The permit holder shall be in possession of this permit at all times when transporting Penaeid shrimps (prawns) and no additional transport permit is required.

19.2 non-permit holders shall be in possession of proof of purchase (e.g., receipt) when transporting Penaeid shrimps (prawns) and no additional transport permit is required.

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

DATE: 11 March 2024.

Acting