

# SECTION B

## Permit Conditions: KwaZulu-Natal Crustacean Trawl Fishery

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FISHING SEASON: 2023

DATE OF APPROVAL: 01.02.2023

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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) (MLRA).
- 1.2 The permit does not absolve the permit holder from complying with all other applicable laws, including but not limited to:
- (a) The National Environmental Management Act, 1998 (Act No.107 of 1998) (NEMA), and regulations promulgated thereunder;
  - (b) The National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004) (NEMBA) and regulations promulgated thereunder;
  - (c) The National Environmental Management: Protected Areas Act, 2003 (Act No. 57 of 2003) (NEMPA) and regulations promulgated thereunder;
  - (d) The National Environmental Management: Integrated Coastal Management Act, 2008 (Act No.24 of 2008) (NEMA:ICMA) and regulations promulgated thereunder;
  - (e) The Sea Birds and Seals Protection Act, 1973 (Act No. 46 of 1973) (SBSPA) and regulations promulgated thereunder;
  - (f) The Fire Arms Controls Act, 2000 (Act No. 60 of 2000) (FACA) and regulations promulgated thereunder;
  - (g) The International Convention for the Prevention of Pollution from Ships Act, 1986 (Act No. 2 of 1986) (ICPPSA) and regulations promulgated thereunder;
  - (h) South African Maritime Safety Authority Act, 1998 (Act 5 of 1998) (SAMSAA) and regulations promulgated thereunder;
  - (i) The Animals Protection Act, 1962 (Act No. 71 of 1962) and the Regulations promulgated thereunder;
  - (j) The Standards Act, 2008 (Act No. 8 of 2008) and the Regulations promulgated thereunder;
  - (k) The National Regulator for Compulsory Specifications Act. 2008 (Act No. 5 of 2008) and the Regulations promulgated thereunder;
  - (l) National Ports Authority Act, 2005 (Act No. 12 of 2005) and the Regulations promulgated thereunder; and
  - (m) The Companies Act, 2008 (Act No. 71 of 2008) and the Regulations promulgated thereunder and
  - (n) National Environmental Management Waste Act (Act No. 59 of 2008) (NEMWA) and the Regulations promulgated thereunder.

- 1.2 This permit is issued subject to the further provisions of the following policies:
- (a) General Policy on the Allocation Of Commercial Fishing Rights: 2021
  - (b) Policy for the Allocation and Management of Commercial Fishing Rights in the KwaZulu-Natal Crustacean Trawl Fishery: 2021; and
  - (c) Policy for the transfer of Commercial Fishing Rights: 2021.
- 1.3 The Director: Inshore Fisheries Management (IFM) shall be entitled to amend these permit conditions where necessary.
- 1.4 Any reference to the Permit Holder in these permit conditions includes the entity or person in whose name the commercial fishing right is allocated to ("the Right Holder") and includes any employees (whether permanent or temporary), agents/contractors, skippers or crew.

**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 The permit shall automatically expire and be become invalid if:
- (a) the right be cancelled or revoked in terms of Section 81 of the MLRA;
  - (b) the fishing season terminates or ends; and
  - (c) the permit is revoked, cancelled or suspended in terms of section 28 of the MLRA.
  - (d) the validity period in 2.1 expires.

**3. FISHING AND MARINE PROTECTED AREAS**

- 3.1 In terms of this permit, the authorised vessel may only engage in fishing in waters adjacent to the coastline of the Province of KwaZulu-Natal (KZN), defined as the area, from the high-water mark, between, as a northern boundary, a line (110° true bearing) drawn from the lighthouse at Ponta do Ouro (26° 51.4' S 32° 53.3' E), situated approximately one nautical mile south of Ponta do Ouro, as indicated on chart SAN 134, and; as a southern

boundary, a line (130° true bearing) drawn from the mouth of the Mtamvuna River (31° 04.8' S 30° 11.6' E), as indicated on chart SAN 130.

- 3.2 Permit Holders with offshore permits may not fish the area within 7 nautical miles from the high-water mark, between the northern boundary, a line (090° true bearing) drawn from the lighthouse at Cape St Lucia (28° 30.9'S 32° 24.0' E) and, as a southern boundary, a similar line drawn from the lighthouse at Green Point (30°15.0'S 30° 46.8'E).
- 3.3 The Permit Holder 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 legislation.
- 3.4 A vessel is not allowed to stop or fish in any Marine Protected Area, or any other similar marine protected or conservation area, except where so permitted by legislation.
- 3.5 All nets and ropes shall be on board, tied down and lashed to the fishing vessel, except where so permitted by legislation.
- 3.6 In case of an emergency if a vessel intends to anchor, moor or stop in a restricted Marine Protected Area or any other area closed for fishing, the Permit Holder shall notify the Department. The notification shall describe the nature of the emergency and the reason required for anchoring, mooring, or stopping in the area. Such notification shall be sent via e-mail to: [VMSops@dffe.gov.za](mailto:VMSops@dffe.gov.za) or faxed to: (021) 425 6497 or phone to: 021 402 3077/76.
- 3.7 **METISS SUBSEA CABLE SYSTEM**
- 3.7.1 "The permit holder shall not undertake fishing in an area which is declared a subsea cable protection area (CPA) or carry out any activity which may endanger a subsea cable. Subsea cables are vital for the economy of all countries of the world and are protected under the United Nations Convention on the Law of the Sea (UNCLOS) in terms of which the state can adopt provisions to make it an offence to break or injure a cable wilfully or negligently.

**Table 1: The coordinates of the declared CPAs:**

Box 1		Box 2	
Latitude	Longitude	Latitude	Longitude
30.0144210° S	31.1722610° E	29.9917089° S	31.3196855° E
30.0238050° S	31.1730770° E	30.0010929° S	31.3211135° E
30.0163930° S	31.2511413° E	29.9868809° S	31.4152939° E
30.0068049° S	31.2502573° E	29.9775648° S	31.4138659° E

**4. NOTIFICATIONS**

- 4.1. The Fisheries Compliance Office must be notified by phone and fax at the following numbers and be provided with the information as set out in paragraph 10.1:

**Table 2. Compliance contact details**

FISHERY CONTROL OFFICE	CONTACT PERSON	E-MAIL ADDRESS	CELL NUMBER	TELEPHONE /FAX NUMBER
Durban Port Edward Richards Bay	Delricia Augustus	<a href="mailto:DAugustus@dfef.gov.za">DAugustus@dfef.gov.za</a>	0729881876	Tel: 0312640006
	Lungile Nodwala	<a href="mailto:LNodwala@dfef.gov.za">LNodwala@dfef.gov.za</a>	0828293907	Fax: 039 3111326
	Thanduxolo Ntshangase (to be contacted for offload notifications)	<a href="mailto:MNtshangase@dfef.gov.za">MNtshangase@dfef.gov.za</a>	0794449951	

- 4.2. When fishing in Mozambique, notifications of exit and entry into South African EEZ (SA EEZ) must be sent via email to the Department's VMS Operations Centre

([VMSops@dffe.gov.za](mailto:VMSops@dffe.gov.za)) and to the Deputy Director (Acting): Large Crustaceans Fisheries Management ([hcoetzee@dffe.gov.za](mailto:hcoetzee@dffe.gov.za)).

- 4.3. When fishing in Mozambique, it is the Right Holder's responsibility to return the original catch permit(s) for that vessel to the Department (Attention: Assistant and Deputy Directors: Large Crustaceans Fisheries Management) for cancellation. Upon cancellation of the permit the Department will provide written authorization for the vessel to exit the SA EEZ. It should be noted that the fish hold is to be cleared before departure and no fishing may take place on route to the chartering country (fishing gear to be appropriately stowed). Similarly, before returning to South Africa all fish caught under charter agreement must be discharged in the ports of the chartering country. No fishing is to take place while vessel is on route to South African ports (all fishing gear to be appropriately stowed).
- 4.4. The Permit Holder must notify the Department within 30 days of any change to its status, directors or members through the submission of an updated, valid and effective company/closed corporation certificate of confirmation (COR39) obtained from the Companies and Intellectual Property Commission (CIPC).

## **5. EFFORT LIMITATIONS AND GEAR RESTRICTIONS**

The mesh size on trawl nets may not be less than 50 mm, measured centre knot to centre knot.

## **6. CATCH CONTROLS AND LIMITATIONS**

- 6.1 Whilst operating in terms of the provisions of this permit, the Permit Holder may not activate any other fishing right allocated to it.
- 6.2 Any spotted grunter (*Pomadasys commersonii*) caught may not be sold. The catch of this species must be landed in a whole state and handed over to the appropriate Fisheries Compliance Officer.

6.3 Should the Permit Holder fail to adhere to the conditions set out on paragraph 6.1 and 6.2; the Department will confiscate the unauthorised gear and/or fish. The Department will implement the provisions of section 28 of the Act in all cases where the above conditions are believed to have been breached.

6.4 The Permit Holder may be required to install experimental by-catch reduction devices (BRD) or undertake other measures to reduce by-catch.

7. **HANDLING OF OVER/UNDER CATCHES AND PROHIBITED SPECIES**

Not applicable in the KwaZulu-Natal Crustacean Trawl Sector.

8. **VESSELS SPECIFICATIONS**

8.1 The letter "G" must be displayed on the vessel next to the area number.

8.2 The Permit Holder shall not use any fishing vessel unless it bears the registration letters and numbers assigned thereto by the Director-General. Such letters and numbers shall be painted in white on a black background or in black on a white background on both bows in characters not less than 15 cm in height, 10 cm in breadth (figure "1" excepted) and 2 cm in thickness (width of stroke). The space between adjacent letters and figures shall be between 2 cm and 5 cm.

8.3 Radio call signs must be clearly visible and displayed as stipulated in terms of regulation 78 promulgated under the MLRA.

8.4 Any freezer vessel operated by the Permit Holder in terms of this permit must be licensed in terms of the Act and must comply with the standard specifications stipulated by the National Regulator for Compulsory Specifications (NRCS) in terms of Standards Act, 1982 (Act No. 30 of 1982) in respect of the packing/processing facilities on board the fishing vessel.



**9. VESSEL MONITORING SYSTEM (VMS)**

- 9.1 The Permit Holder's nominated fishing vessel shall be fitted with a **functional** Vessel Monitoring System ("VMS") approved by the Chief Director: Monitoring, Control and Surveillance (MCS).
- 9.2 It is the responsibility of the Permit Holder to ensure that the VMS is fully operational and that the VMS continues to transmit to the Department's VMS Operations Centre. The Permit Holder shall establish that the VMS unit is functional by contacting the **VMS Operations Centre** at the Branch: Fisheries Management on telephone numbers **(021) - 402 3076 or (021) - 402 3077** and/or via email: [VMSops@dffe.gov.za](mailto:VMSops@dffe.gov.za), prior to sailing.
- 9.3 The VMS shall report a minimum of 4 times a day. Should the power supply to the satellite-tracking system be interrupted or the equipment not be operational for any reason whatsoever for a period exceeding six hours, the nature of the problem shall be reported to the Department immediately by fax **(021) 425 6497** and/or via email: [VMSops@dffe.gov.za](mailto:VMSops@dffe.gov.za). Should the problem persist for more than 24 hours, the vessel shall immediately return to port to have the VMS equipment repaired.
- 9.4 Vessels fitted with Inmarsat C VMS units, wishing to switch off their units whilst alongside in port, shall do so only after a minimum of six (6) hours after berthing, and must switch on their units a minimum of six (6) hours prior to the estimated time of departure from port. Should the power supply be interrupted or the equipment become non-functional (for whatever reason), and the problem persists, the vessel shall return to port within twenty-four (24) hours of being informed of the problem, unless special arrangements have been made with VMS Operations Centre to allow the vessel to continue fishing. Such arrangements shall include:
- (a) Three (3) hourly reporting of the vessel's position faxed on **021 425 6497** and/or emailed to [VMSops@dffe.gov.za](mailto:VMSops@dffe.gov.za)
  - (b) Notice of estimated time of arrival to port,
  - (c) Notice of port of arrival,
  - (d) Inspection of the catch by a Fisheries Compliance official.

- 9.5 In cases where VMS units are non-functional due to “technical” problems, and such Permit Holders/ Right Holders/ Vessel Owners/ Skippers wish to proceed to sea without a VMS unit on board, an Application for an exemption to undertake fishing without a VMS unit must be completed. This form, together with a letter from the Company who undertook the repairs (which must include the fishing vessel’s name, area number and estimated time that it will take to repair and re-install the unit), must be faxed to the Department’s Customer Services Centre, fax number **(021) 402 3362**, for attention Assistant Director: Customer Services Centre.
- 9.6 Should the Permit Holder/ Right Holder/ Vessel Owner/ Skipper not adhere to the provisions of the above, the Department may detain the vessel once in port and implement proceedings under section 28 of the MLRA.
- 9.7 Only once written permission has been received from the Department (i.e. an exemption has been granted), may the vessel proceed to sea. The VMS exemption must be kept onboard the vessel for the duration of each trip undertaken within the period of validity of the exemption.
- 9.8 For each fishing trip undertaken during the exemption validity period, the Permit Holders/ Right Holders/ Vessel Owners/ Skippers of such vessels shall notify the Department’s VMS Operations Centre on telephone numbers **(021) – 402 3076 or (021) – 402 3077** that they are proceeding to sea, and upon arrival back in port or launching site for the duration of the exemption.
- 9.9 The Permit Holder and/or the Vessel Owner and/or the Skipper must inform the Department’s VMS Operations Centre at **(021) 402 3077** before 16H00, that the vessel is laying over.

## **10. LANDING OF FISH**

- 10.1 The Permit Holder shall inform the Fisheries Compliance Officer in writing at least 24 hours prior to the intended time of landing of the following:
- (a) The vessel details;

- (b) To which Right Holder(s) the catch is to be allocated/apportioned;
- (c) The estimated total catch on board;
- (d) The species of fish harvested;
- (e) The estimated time of arrival; and
- (f) The port of arrival.

10.2 The above information must be copied to the Fisheries Compliance Officer at fax number 039 3111326 (Port Edward).

10.3 The Permit Holder shall ensure that all fish is discharged from the vessel in accordance with the instructions of the Fisheries Compliance Officer.

10.4 Catches may only be landed at the ports of Durban and Richards Bay.

10.5 The total catch retained during a trip must be discharged at one point in the presence of a Fisheries Compliance Officer.

10.6 The catch shall be weighed with an approved mass meter in the presence of a Fisheries Compliance Officer. No part of the catch may be retained thereafter on-board the vessel.

## **11. SUBMISSION OF INFORMATION**

11.1 The Permit Holder shall submit to the Department (Right Holder Information, Attention: Deputy Director: Large Crustacean Fisheries Management, 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 application form available at Customer Services Centre.

### **11.2 Catch Statistics**

11.2.1 The Permit Holder shall submit to the Department on a monthly basis the following catch and effort data on the stipulated official Drag Book and Landing Book:

- (a) The quanta of fish harvested and landed;
- (b) The species of fish harvested and landed;
- (c) The details of the vessel(s) utilised; and
- (d) Whether any fish harvested was for the account of a third party, the details of such harvest (quanta and species) and the third party.

11.2.2 On completion of the offloading process, the mass of the applicable landing must be completed in the Landing Book and certified as correct by both the Permit Holder or a nominated representative of the Permit Holder and the Fishery Control Officer/ Marine Resources Monitor. The name of the Permit Holder must be reflected on the landing report. The duplicate copies shall be retained by the Permit Holder for a period of sixty (60) months.

11.2.3 The Permit Holder shall furnish the statistics as prescribed on the Drag Book and Landing Book of catches to the Department (Attention: Mr Neil van den Heever, Tel. (021) 402 3127), Postal Address: Private Bag X 2, Vlaeberg, Foreshore, 8018, Cape Town; or at The Customer Services Centre, Ground Floor, Foretrust Building, Foreshore), on or before the 30<sup>th</sup> of day following the month of fishing. If no fishing took place a nil return must be submitted.

### 11.3 **Socio-Economic Information**

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

## 12. **RECORD KEEPING**

12.1 The Permit Holder shall store at its registered place of business the original permit issued to him/her over the duration of the right. The Permit Holder shall at all times have available a true certified copy of this permit on board the vessel.

12.2 The Permit Holder shall keep the second copy of all landings for a minimum period of sixty (60) months.

### 13. LEVIES

13.1 The Permit Holder shall submit a levy declaration form with all levy payments by the last working day of the month following the harvesting periods.

13.2 The Permit Holder shall pay the prescribed levies for the fish landed for prescribed species as stipulated in the Government Gazette No.33518 published on 10 September 2010.

13.3 All levies and fees shall be paid monthly in arrears and by the last working day of the month following the harvesting period.

13.4 Non-compliance will result in a 10% penalty being charged on the late submission of the prescribed levy declaration form.

13.5 The Department may refuse to issue fishing permits to Right Holders who have any levies or fees outstanding for a period in excess of 30 days, or may suspend the Right Holder's fishing permit until all outstanding levies have been paid to the Department.

13.6 A "NIL" return must be submitted for every month where no fish has been landed.

13.7 All declarations forms shall be submitted to the Directorate: Revenue Management by either of the following:

13.7.1 Facsimile – 086 613 6256

13.7.2 Electronic mail – [revenue@dfffe.gov.za](mailto:revenue@dfffe.gov.za)

13.7.3 Postage – Private Bag X2, Vlaeberg, 8018

13.7.4 By hand – Department of Forestry, Fisheries and the Environment, Branch: Fisheries Management, Customer Services Centre, Ground Floor, Martin Hammerschlag Way, Foretrust Building, Foreshore, 8001.

- 13.8 The information required in paragraph 13.1 shall be submitted when paying levies to the cashier at the Department of Forestry, Fisheries and the Environment, Branch: Fisheries Management, Customer Services Centre, Ground Floor, Foretrust Building, Martin Hammerschlag Way, Foreshore, Cape Town. Alternatively, payment can be made via direct deposit at any First National Bank (FNB) branch or Electronic Funds Transfer (EFT) to the following banking details:

**Branch code – 204109**

**Account name – Marine Living Resources Fund**

**Account number – 62123256382**

**Deposit reference -**

**The Permit Holder must use its Customer (Party) Number as a deposit reference.**

**The Permit Holder must ensure that proof of the payment together with a levy declaration is faxed to 086 613 6256 or email to [revenue@dffe.gov.za](mailto:revenue@dffe.gov.za).**

#### **14. VIOLATIONS**

- 14.1 A breach of the provisions of the MLRA or these permit conditions by the Permit Holder, or its employees (whether permanent, full-time or part-time), its contractors, agents or advisers and the skipper of the vessel, may result in the initiation of legal proceedings (which may include section 28 proceedings or criminal proceedings).
- 14.2 A breach referred in paragraph 14.1 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; or
  - (b) failure to effectively utilise the permit.
- 14.3 The Permit Holder shall not land, sell, receive or process any fish taken by any means in contravention of the MLRA.
- 14.4 The Permit Holder shall not transship any fish whether at sea or at the landing site.

14.5 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 KwaZulu-Natal Crustacean Trawl in terms of this permit.

14.6 The Permit Holder shall safely store and discard all inorganic waste material, garbage and pollutants on board the vessel. Should the Permit Holder discard any waste material, garbage or pollutants into the sea or harbor or landing site, 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.

14.7 Any contravention shall immediately be reported telephonically to the Customer Services Centre at **(021) 402 3180/402 3443** and thereafter shall be faxed to **(021) 425 7324**, Attention: The Chief Director: Monitoring, Control and Surveillance (MCS).

14.8 The Department may refuse to issue a subsequent permit should the conditions stipulated in this permit not be adhered to.

## 15. CONSULTATION AND COMMUNICATION

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

15.2 Communication regarding all permits and licences shall be addressed to the Department's Customer Services Centre, Ground Floor, Foretrust Building, Martin Hammerschlag Building, Foreshore, Cape Town. The Customer Services Centre may be contacted on **086 000 3474** or emailed at **cscapplicaitons@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**

- 16.1 The Permit Holder shall, when requested by the Department or its agent, accommodate an Observer on board the Permit Holder's nominated vessel.
- 16.2 The Observer shall be fully accommodated on board the vessel and provided with food and facilities reserved for officers.
- 16.3 The Permit Holder shall bear the costs of the Observer deployment.
- 16.4 The Permit Holder shall allow the Observer unrestricted access to monitor fishing activity and compliance with permit conditions and all applicable laws.
- 16.5 Should the Department reasonably believe that an Observer is being prevented from carrying out his/her obligations in any way or threatened in any way while on board, the Department may implement proceedings under section 28 of the MLRA.

**17. PROCESSING AND SALE OF FISH**

The Permit Holder shall issue an invoice to the purchaser indicating the particulars of the Fish Processing Establishment, Purchaser, Permit Holder, the whole mass of Crustacean species sold, the date of delivery, and a copy of this receipt shall be kept for a period of sixty (60) months at the registered place of business as indicated in this permit.

**18. TRANSFER OF FISHING RIGHTS**

- 18.1 The Permit Holder may only transfer the long-term commercial fishing right allocated to it in terms of section 21 of the MLRA read together with the Policy for the Transfer of Commercial Fishing Rights (Gazette No 32449).
- 18.2 The Department must be notified within 30 days of any transfer of shares or sale of shares and/or membership interest that results in a change in control or ownership or transformation of the Permit Holder and must be approved by the Department in terms of



section 21 of the MLRA read together with the Policy for the Transfer of Commercial Fishing Rights (Gazette No 32449).

18.3 Failure to comply with paragraph 18.1 and/or 18.2 may lead to the initiation of further legal proceedings including but not limited to proceedings in terms of section 28 of the MLRA.

**19. TRANSPORTATION OF FISH**

Not applicable in the KwaZulu-Natal Crustacean Trawl Sector.

**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, which may include but 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.



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**Designation:** Director: inshore Fisheries Management  
**Date:** 01.02.2023