



SECTION B

Permit Conditions: KwaZulu-Natal Commercial Oyster Fishery

Fishing season: 2023/2024

DATE OF APPROVAL: 18, 01, 2023

SECTION B

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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) as amended 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) (NEMICMA) and Regulations promulgated thereunder;
- (f) The Sea Birds and Seals Protection Act, 1973 (Act No. 46 of 1973) (SBSPA) and Regulations promulgated thereunder;
- (g) The Fire Arms Controls Act, 2000 (Act No. 60 of 2000) (FACA) and Regulations promulgated thereunder;
- (h) The International Convention for the Prevention of Pollution from Ships Act, 1986 (Act No. 2 of 1986) (ICPPSA) and Regulations promulgated thereunder;
- (i) The South African Maritime Safety Authority Act, 1998 (Act 5 of 1998) (SAMSAA) and 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) The National Ports Authority Act, 2005 (Act No. 12 of 2005) (NPAA) and the Regulations promulgated thereunder;
- (n) The Companies Act, 2008 (Act No. 71 of 2008) (CA) and the Regulations promulgated thereunder; and
- (o) The 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 and Management of Fishing Rights: 2013; and
- (b) Policy for the Allocation and Management of Fishing Rights in the Oyster Fishery: 2013.

1.3. The Director: Inshore Fisheries Management (IFM) shall be entitled to amend these Permit Conditions after consultation with the relevant stakeholders. In case of an emergency the Director: Inshore Fisheries Management shall be entitled to amend these Permit Conditions without consultation.

1.4. Any reference to the Permit Holder in these Permit Conditions includes the person in whose name the commercial fishing right is allocated to (“the Exemption Holder”) by the

Minister or the delegated authority its employees either permanent or temporal, its contractors, agents or advisors.

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:
 - (a) the exemption be cancelled or revoked in terms of Section 28 of the MLRA;
 - (b) the fishing season end or be terminated and
 - (c) the permit be revoked, cancelled or suspended in terms of Section 28 of the MLRA.
- 2.3 The Permit Holder shall attach ID sized photography to this permit or carry a copy of the ID document in order for this permit to be valid.

3. FISHING AND RESTRICTED AREAS

- 3.1. Oysters shall only be collected in the areas indicated in Section A of this Permit or in the area(s) allocated to the Exemption Holder.
- 3.2. The zones and harvesting schedule for commercial and recreational harvesters for the Kwa-Zulu Natal North coast and South coast are as set out in the Tables 1 & 2 and Figures 1 & 2 below:

Table 1: Oyster harvesting areas in KZN North

North Coast		
Seasons	Commercial and Recreational harvesting zones	Period
2023/2024	Tugela to Mhlali rivers	1 March 2023 to 31 October 2023
2023/2024	Mhlali to Tongaat rivers	1 November 2023 to 29 February 2024

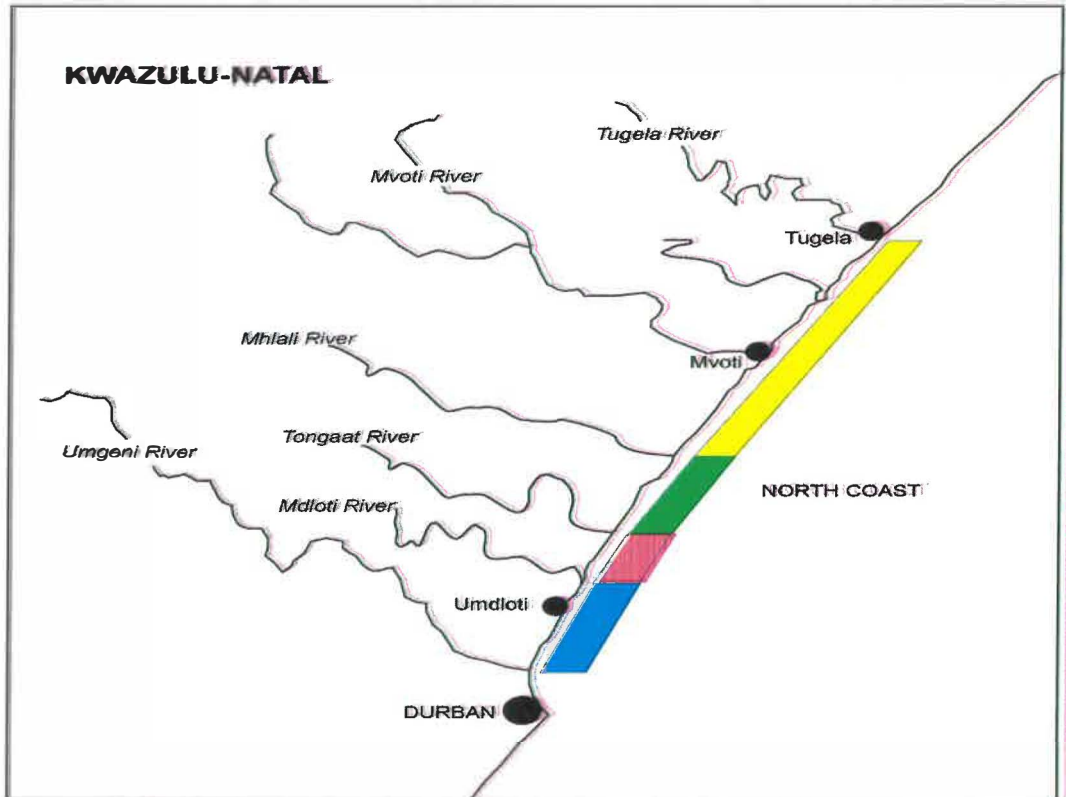


Figure 1. Oyster harvesting areas in KZN North.



Table 2: Oyster harvesting zones on the KwaZulu-Natal South.

South Coast		
Seasons	Commercial and Recreational harvesting zones	Period
2023/2024	Mkomazi to Mzinto rivers	1 March 2023 to 31 October 2023
2023/2024	Mzinto to Mtwalume rivers	1 November 2023 to 29 February 2024

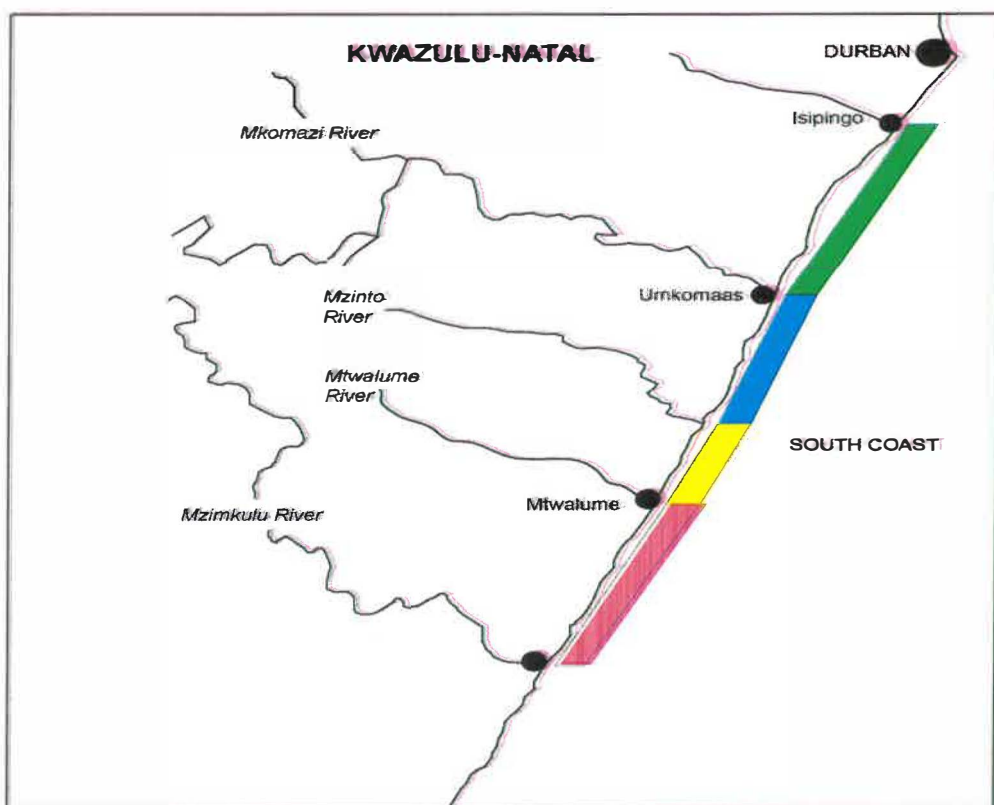


Figure 2. Oyster harvesting zones on the KwaZulu-Natal South.

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- 3.3. No collecting of oysters shall take place in tidal rivers, tidal lagoons, marine reserves and national parks. Transgression of this permit condition may result in the suspension or revocation of this permit.
- 3.4. The Permit Holder shall at all times have his/her certified copy of the permit available for inspection by the local Fisheries Control Officers (FCOs).
- 3.5. The Permit Holder must collect the oysters him/herself and must be present at all times during the transporting of oysters to the place of sale or Fish Processing Establishment ("FPE"). The Permit Holder may, only in exceptional circumstances, apply in writing to the Director: Inshore Fisheries Management to be exempted from this condition.
- 3.6. This permit does not grant right of admission to private property or land and the Permit Holder must comply with the rules of the local/ provincial authority at all times.
- 3.7. The Permit Holder must wear the same coloured sweater over his/her protective clothing with the relevant details printed on the back stating Licenced Oyster Harvester.
- 3.8. The Permit Holder shall not buy or accept any oysters collected in terms of a recreational permit.
- 3.9. The Permit Holder shall not transport any person in possession of oysters collected in terms of a recreational permit.
- 3.10 The Permit Holder shall only harvest oysters in the oyster harvesting area where he or she is permitted to harvest oysters. The Permit Holder who is permitted to harvest oysters in the oyster harvesting areas in KZN North must not harvest oysters in the oyster harvesting areas in KZN South and the Permit Holder who is permitted to harvest oysters in the oyster harvesting areas in KZN South must not harvest oysters in the oyster harvesting areas in KZN North.

4. NOTIFICATIONS

- 4.1. The Permit Holder must notify the local FCOs in writing or in person or text (sms) or via telephone prior to every collection, failing which the Department may initiate legal proceedings.

Table 1: Contact details of the local Fishery Control Officers

NAME OF THE FISHERY CONTROL OFFICES	EMAIL ADDRESS	CELL NUMBER	PHONE
Lungile Nodwala	LungileNO@dffe.gov.za	082 8293907	
Thanduxolo Ntshangase	ThanduxoloN@dffe.gov.za	079 4449951	
Dino Govender	DinoG@dffe.gov.za	072 2316070	

- 4.2. 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. Any such contravention must be reported to the Department in writing and should be faxed to (021) 402 3663, Attention: The Chief Director: Monitoring, Control and Surveillance (MCS). Alternatively, the Permit Holder should report such contravention to local FCOs.

5. EFFORT LIMITATIONS AND GEAR RESTRICTIONS

- 5.1. Oysters may only be harvested three (3) hours prior to low tide to three (3) hours past low tide. This does not include the act of carrying oysters.
- 5.2. The Permit Holder shall not collect and be in possession of more than 190 oysters per day.
- 5.3. The Permit Holder shall only collect oysters by hand or with a blade or flat edge that shall not exceed 40 mm in width and should be greater than one (1) metre in length.

- 5.4. The use of wetsuits, weight belts, masks, safety life jacket and snorkels is permitted.
- 5.5. The Permit Holder shall not use fins, floating devices and hookah or scuba gear while collecting oysters.
- 5.6. This permit shall only be used by the Permit Holder or an authorised representative. Written permission for the appointment of 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.

6. CATCH CONTROLS AND LIMITATIONS

- 6.1 The Permit Holder shall, at all times, have his/her original permit or true certified copy of the permit available for inspection by the local FCOs.
- 6.2. The Permit Holder shall not collect and be in possession of more than 190 oysters per day.
- 6.3. The Permit Holder shall not collect or be in possession of any other marine organism during collection and carrying of oysters.

7. HANDLING OF OVER/UNDER CATCHES AND PROHIBITED SPECIES

Not applicable in the Oyster fishery.

8. VESSELS SPECIFICATIONS

Not applicable in the Oyster fishery.

9. VESSEL MONITORING SYSTEM (VMS)

Not applicable in the Oyster fishery.

10. LANDING OF FISH

Not applicable in the Oyster fishery.

11. SUBMISSION OF INFORMATION

11.1. The Permit Holder shall submit to the Department's Customer Services Centre, Ground Floor, Foretrust Building, Foreshore, Cape Town, 8000 or Private Bag X 2, Vlaeberg, 8018 the notification (clearly marked Exemption Holder Information) of any change of contact details (including postal address, contact telephone numbers and email address) within 30 days of such change.

11.2. Catch Statistics:

11.2.1 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 oysters have been harvested. The Exemption Holder or Permit Holder shall indicate the reasons why she/he did not harvest oysters in that particular month.

11.2.2 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 oysters from the collection site. If the local FCO 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.

11.2.3 Once the catch details have been recorded for the month, the form shall be signed by the Permit Holder and co-signed and dated by the local FCO or

Fisheries Community Development Workers (FCDWs) and an official stamp should be placed on the catch return form.

11.2.4 The properly completed and signed catch return form shall be hand delivered to the local FCOs or FCDWs at DAFF Offices, John Ross Building, Durban North Coast to Ms. Duduzile Mayeza, Cell No.: 083 470 1913, The above-mentioned catch return form must reach the local FCOs or FCDWs on or before the 15th of each month. Copies shall be retained by the Permit Holder for a period of five (5) years.

11.2.5 The Permit holder shall ensure that the catch return forms, accompany all oysters in transit to a fish processing establishment authorised by the Department.

11.3. 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 Oysters.

13. LEVIES

Not applicable in the Oyster fishery.

14. VIOLATIONS

- 14.1. 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 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 land, sell, receive or process any oysters taken by any means in contravention of the MLRA.
- 14.4. 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 this permit in his/her possession or at the harvesting site during collection of oysters.
- 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 and bury degradable material in the sand. Should the Permit Holder discard any waste, garbage or pollutants into the sea or shoreline, 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. All waste and non-degradable materials e.g. plastic bags shall be put in the designated refuse bins or containers must be placed into dedicated waste bins.
- 14.6. The Permit Holder shall only harvest the amount of oysters allocated to him/her in terms of the Total Allowable Catch ("TAC") and/or Total Applied Effort ("TAE") allocated to him/her under Section A. Fishing over these limits may result in the initiation of legal proceedings.

14.7. 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.

14.8. The Department may refuse to issue a subsequent permit 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 bodies and interest groups in terms of the MLRA and which are representative of Exemption Holders in this fishery.

15.2. Communication regarding all permits and licences shall be addressed to the Department's Customer Service 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 0860003474.

15.3. The Chief Director: Marine Resource Management (MRM) will consult with Permit Holders when conducting performance reviews to determine further criteria against which Permit Holders will be measured.

16. OBSERVER PROGRAMME

The Permit Holder may, when requested, provide requested information to the catch monitors appointed by the Department.

17. PROCESSING AND SALE OF FISH

17.1. Should the Permit Holder also process the oysters harvested in terms of this permit he or she will be required to have a valid FPE Permit.

17.2. The Permit Holder shall when delivering oysters to the authorised FPE be in possession of a valid catch permit, landing declaration forms and receipts.

- 17.3. 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.
- 17.4. The Permit Holder shall submit the first copy of tax invoice or yellow tax invoice to the Department together with the completed and signed catch return form.
- 17.5. The Permit Holder shall retain the second copy of tax invoice or green tax invoice for a period of five (5) years and it must contain the following details:
- (a) full particulars including full names of the Permit Holder and the Buyer;
 - (b) the permit number of the catch permit issued to the Permit Holder to undertake the commercial fishing of oyster;
 - (c) the quantity or number of Oysters sold;
 - (d) the date of sale of Oysters;
 - (e) the description of size of oyster, i.e., small, medium or large;
 - (f) the amount paid to the Permit Holder by buyer or FPE; and
 - (g) the FPE number, where is applicable.
- 17.6. 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 OYSTERS

- 18.1. The Permit Holder must, in terms of NEM:ICMA and Regulations promulgated thereunder apply for the necessary permits to use a vehicle for a non-recreational activity.

18.2. The Permit Holder shall not transport any person in possession of Oysters collected in terms of a recreational or Interim Relief permit whilst transporting Oysters collected in terms of this permit.

18.3. The Permit Holder shall when delivering Oysters to the authorized FPE be in possession of a valid catch permit, Oyster catch statistic form and invoice/ receipts.

19. FISHING PERFORMANCE MEASURING

19.1. The Permit Holder shall be obliged to provide the Department with information required to carry out a performance measuring exercise. 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 JAN 2023