



**SECTION B**

**Permit Conditions:**

KZN Commercial Sardine Beach-Seine

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**Fishing season: 2023**

**DATE OF APPROVAL: 10.03.2023**

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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 This permit does not absolve the Permit Holder from complying with all other applicable laws, including but not limited to:
- 1.2.1 The National Environmental Management Act, 1998 (Act No.107 of 1998);
  - 1.2.2 The National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004);
  - 1.2.3 The National Environmental Management: Protected Areas Act, 2003 (Act No. 57 of 2003);
  - 1.2.4 The National Environmental Management: Integrated Coastal Management Act, 2008 (Act No.24 of 2008);
  - 1.2.5 National Environmental Management Waste Act (Act No. 59 of 2008) (NEMWA);
  - 1.2.6 The Sea Birds and Seals Protection Act, 1973 (Act No. 46 of 1973);
  - 1.2.7 The Firearms Control Act, 2000 (Act No. 60 of 2000);
  - 1.2.8 The International Convention for the Prevention of Pollution from Ships Act, 1986 (Act No. 2 of 1986);
  - 1.2.9 South African Maritime Safety Authority Act, 1998 (Act 5 of 1998);
  - 1.2.10 The Animals Protection Act, 1962 (Act No. 71 of 1962);
  - 1.2.11 The Standards Act, 2008 (Act No. 8 of 2008);
  - 1.2.12 The National Regulator for Compulsory Specifications Act, 2008 (Act No. 5 of 2008);
  - 1.2.13 National Ports Authority Act, 2005 (Act No. 12 of 2005); and
  - 1.2.14 The Companies Act, 2008 (Act No. 71 of 2008),
- 1.3 The Director: Inshore Fisheries Management (D: IFM) shall be entitled to amend these Permit Conditions after consultation with relevant stakeholders. In case of an emergency the D: IFM shall be entitled to amend these conditions without consultation.
- 1.4 Any reference to the Permit Holder in these Permit Conditions includes the entity or person in whose name the Permit has been issued and includes any employees (whether permanent or temporary), agents/contractors, divers or skippers of the Permit Holder.

1.5 The Permit Holder, or in the case of a juristic person, a duly authorised representative, shall be on board the nominated vessel or at the site of fishing during fishing operations. Prior written permission shall be obtained from the D: IFM to deviate from this permit condition.

## **2. VALIDITY OF PERMIT**

2.1 This Permit shall be valid for the period indicated in Section A of the Permit.

2.2 This Permit shall automatically expire and be invalid should one or more of the following occur:

- (a) the right in terms of which this Permit is issued is cancelled or revoked in terms of section 28 of the MLRA;
- (b) this Permit be revoked or cancelled in terms of section 28 of the MLRA; 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, excluding any Marine Protected Areas (MPAs), National Parks, tidal lagoons, tidal rivers and estuaries.

3.2 The Permit Holder shall not undertake fishing; take or destroy any fauna or flora; in any way disturb, alter or destroy the natural environment; or carry out any activity which may adversely impact on the ecosystems in MPAs, except where so permitted by relevant legislation.

3.3 A vessel may not enter; fish; or carry fishing gear on board in any MPA, or any other similar marine protected or conservation area.

3.4 In case of an emergency, the Permit Holder shall notify the Department before the fishing vessel enters or intends to enter into a MPA or any other area closed for fishing. The notification shall describe the nature of the emergency and the reason requiring the vessel enter the Marine Protected Area. Such request 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.



#### 4. NOTIFICATIONS

- 4.1 The Permit Holder shall notify the compliance office by SMS on the following numbers when the Permit Holder intends to net.

FISHERY CONTROL OFFICE	TELEPHONE/FAX NUMBER	E- MAIL ADDRESS	CELL NUMBER	CONTACT PERSON
Durban	Tel: 031 264 0006	<a href="mailto:DAugustus@dffe.gov.za">DAugustus@dffe.gov.za/</a>	072 988 1876/	Delricia
Port Edward	Fax: 039 311 1326	<a href="mailto:NDubazana@dffe.gov.za">NDubazana@dffe.gov.za/</a>	082 829 3907/	Augustus/
		<a href="mailto:MNtshangase@dffe.gov.za">MNtshangase@dffe.gov.za</a>	079 444 9951	Nomvuyiso
				Dubazana/
				Thanduxolo
				Ntshangashe

#### 5. EFFORT LIMITATIONS AND GEAR RESTRICTIONS

- 5.1 Only one (1) net shall be operated at any one time.
- 5.2 Only one (1) net shall be allowed on the beach and/or within the designated vehicle or vessel at any one time.
- 5.3 The overall length of the net, including the bag shall not exceed 100 m.
- 5.4 The depth of the net shall not exceed 8 m.
- 5.5 The mesh-size of the bag (cod end) shall not be less than 13 mm.
- 5.6 The mesh-size of the wings of the net shall not be less than 14 mm.
- 5.7 No person shall, except on authority of the permit use any beach-seine net, staked net, set-net or cast net for fishing from sunset to sunrise. Beach-seine net fishing shall commence from 04h30 in the morning to 18h00 in the evening during the summer months (1 September- 31 March) and from 06h00 in the morning to 18h00 in the evening during the winter months (1 April- 31 August).

## 6. CATCH CONTROLS AND LIMITATIONS

- 6.1.1 This Permit is for the directed catch of sardines (pilchard) *Sardinops sagax* and bycatch of small-pelagic species: redeye roundherring *Etrumeus* spp., chub mackerel *Scomber japonicus*, scads *Decapterus* spp., maasbunkers *Trachurus* spp. and anchovies Family Engraulidae.
- 6.1.2 In the event of the Permit Holder catching any fish which shall not be landed or possessed, the Permit Holder shall return such fish to the sea immediately, irrespective of whether it is dead or alive.
- 6.3 All incidentally caught fish/animals which may not be landed should be treated according to best practice to increase post-release survival.

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

- 7.1 The Permit Holder shall only catch and retain the small-pelagic species: sardine (pilchard) *Sardinops sagax*, redeye roundherring *Etrumeus* spp., chub mackerel *Scomber japonicus*, scads *Decapterus* spp., maasbunkers *Trachurus* spp. and anchovies Family Engraulidae.
- 7.2 Any other fish, shark or invertebrate caught shall be released to the sea immediately, irrespective of whether it is dead or alive.

## 8. VESSEL SPECIFICATIONS

- 8.1 Only vessels assigned the registration letters of “N” or “DNA” may undertake fishing within the waters adjacent to KwaZulu-Natal.
- 8.2 The letters “N” or “DNA” shall be displayed on the vessel next to the area number.
- 8.3 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. The registration numbers and letters shall be displayed on the vehicles used in the same format.

## 9. LANDING OF FISH

- 9.1 The Permit Holder shall ensure that all fish is discharged in accordance with any instructions of a Fishery Control Officer; Marine Resource Monitor and/ or Law Enforcement Officer where such official is available at the site of landing/discharge.

## 10. SUBMISSION OF INFORMATION

- 10.1 The Permit Holder shall submit to the Department notification of any change of contact details within 30 days of such change by completing the application form available at the Customer Services Centre. This notification must be submitted to: Permit Holder Information, Attention: Customer Services Centre, Ground Floor, Foretrust Building, Martin Hammerschlag Way, Foreshore, Cape Town or Private Bag X2, Vlaeberg, 8018 or emailed to CSCenquiries@dffe.gov.za.

### 10.2 Catch Statistics:

- 10.2.1 The Permit Holder shall record catch returns in the KZN Commercial Sardine Beach-seine Catch Return Book issued for such purpose.

- 10.2.2 The Permit Holder shall render statistics, as defined in the Catch Return Book, before the **15th day of each month** in respect of the previous months' catch as per instructions in the Catch Return Book.

- 10.2.3 Where there has been no fish caught during a specific period, a nil return must be submitted.

- 10.2.4 Catch return sheets may be posted by registered mail to: **KZN Commercial Sardine Beach-seine Catch Statistics**, Customer Services Centre (CSC), Private Bag X2, Vlaeberg, 8018.

- 10.2.5 The Permit Holder is required to retain the postage slip as proof of postage.



## 11. RECORD KEEPING

- 11.1 The Permit Holder shall store at its registered place of business or residential address the original Permit issued to it over the duration of the Right. The Permit Holder shall at all times have available a true certified copy of this Permit in the area of net fishing operations and on board of the fishing vessel.
- 11.2 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.

## 12. LEVIES

- 12.1 The Permit Holder shall submit a levy declaration form on or before the last working day of December the year in which fish was harvested. Where necessary adjustments (top up) on levies payable will be made in the following year and the Permit Holder will be permitted to pay the adjusted levies on or before 31 January of the following year.
- 12.2 The Permit Holder shall pay the prescribed levy per category (on whole mass of fish caught) as stipulated in the GN 796 published in Government Gazette Notice No. 33518 on 10 September 2010.
- 12.3 A "Nil" return shall be submitted for every fishing season where no fish has been landed.
- 12.4 Non-compliance will result in a **10%** penalty being charged on the late submission of the prescribed levy declaration form.
- 12.5 It is the responsibility of the Permit Holder to ensure that levies are submitted as per Paragraph 12.1 above and that his or her or its account is also fully paid up.
- 12.6 The Department may refuse to issue fishing permits to Permit Holders who have any levies or fees outstanding for a period in excess of 30 days or may suspend the Permit Holder's fishing permit until all outstanding levies have been paid to the Department.



- 12.7 All levy declaration returns shall be submitted to the Directorate: Revenue Management via email to [revenue@dffe.gov.za](mailto:revenue@dffe.gov.za). All enquiries related to levy accounts shall be directed to [revenue@dffe.gov.za](mailto:revenue@dffe.gov.za) or telephone numbers: (021) 402 3209 or (021) 402 3016.
- 12.8 Levies are payable to the cashier at the Department of Forestry, Fisheries and the Environment, Branch: Fisheries Management, Customer Service Centre, Ground Floor, Foretrust Building, Martin Hammerschlag Way, Foreshore, Cape Town, alternatively payment may be made *via* direct deposit at any First National Bank (FNB) branch or Electronic Funds Transfer (EFT) to the following banking details:

<b>Bank:</b>	<b>First National Bank</b>
<b>Branch code:</b>	<b>210554</b>
<b>Account name:</b>	<b>Marine Living Resources Fund</b>
<b>Account number:</b>	<b>62123256382</b>
<b>Deposit reference:</b>	<b>Customer (Party) Number + LEV</b> (e.g P12345LEV) to be used as a deposit reference where an invoice has not been issued, invoice number to be used as a deposit reference where the Department has issued an invoice.

### 13. NON-COMPLIANCE

- 13.1 A breach of the provisions of the MLRA, its regulations and/or these Permit Conditions by the Permit Holder may result in the initiation of legal proceedings.
- 13.2 The Permit Holder shall not land, sell, receive or process any fish taken by any means in contravention of the MLRA and applicable laws.
- 13.3 The Permit Holder shall not discard any waste material, garbage or pollutants into the sea, harbour, landing or launching site. The Permit Holder shall safely store all waste material, garbage and pollutants in dedicated waste bins at site of operation.
- 13.4 The Permit Holder shall not simultaneously collect any other species, or engage in the execution of any other fishing right/exemption, when undertaking commercial fishing in terms of this permit
- 13.5 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).

- 13.6 The Department may refuse to issue subsequent permits and/ or may cancel this permit should these Permit Conditions not be adhered to.

#### **14. CONSULTATION AND COMMUNICATION**

- 14.1 The Department will prefer to consult and communicate with recognised industrial bodies and interest groups in terms of the MLRA which are representative of Permit Holders in the KZN Commercial Sardine Beach-Seine fishery.

- 14.2 Communication regarding all permits and licences shall be addressed to [CSCenquiries@dffe.gov.za](mailto:CSCenquiries@dffe.gov.za) or the Department's Customer Services Centre, Ground Floor, Foretrust Building, Martin Hammerschlag Way, Foreshore, Cape Town or Private Bag X2, Vlaeberg, 8012. The Customer Service Centre may be contacted on 021 402-3443/402-3180 or toll share call number 086 000 3474.

#### **15. OBSERVER PROGRAMME**

- 15.1 The Permit Holder shall, when requested by the Department or its agents, allow an Observer unrestricted access to monitor fishing activity and compliance with Permit Conditions and all applicable laws.

#### **16. PROCESSING AND SALE OF FISH**

- 16.1 The Permit Holder shall not sell or deliver any fish caught on the authority of this Permit, unless he/she issues an invoice or receipt in respect of such fish to the person purchasing or acquiring it.
- 16.2 Should crew wish to remove fish from the vessel for personal use, such crew members must obtain prior written approval from the Permit Holder.

#### **17. TRANSFER OF FISHING RIGHTS**

- 17.1 The Right Holder shall only transfer the long-term commercial fishing right allocated to him or her or it, or shareholding and members interests in terms of section 21 of the MLRA, read together with

the Policy for the Transfer of Commercial Fishing Rights (Government Gazette No 32449, 31 July 2009).

## 18. TRANSPORTATION OF FISH

18.1 Right holders shall be in possession of this Permit at all times when transporting sardines (pilchard) *Sardinops sagax* and no additional transport permit is required.

18.2 Non-right holders shall be in possession of proof of purchase (e.g. receipt) when transporting sardines (pilchard) *Sardinops sagax* and no additional transport permit is required.

## 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, 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.



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**ODWA DUBULA**

**DIRECTOR: INSHORE FISHERIES MANAGEMENT**

**DATE: 10.03.2023**