

PERMIT CONDITIONS: PELAGIC FISH ANCHOVY FISHERY: 2023

Fishing season: 2023

DATE OF APPROVAL: 31 AUGUST 2023





environment, forestry & fisheries

Department: Environment, Forestry
and Fisheries
REPUBLIC OF SOUTH AFRICA

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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).
- 1.2 The permit does not absolve the permit holder from complying with all other applicable laws, including but not limited to:
- (a) The Marine Living Resources Act, 1998 (Act No. 18 of 1998) (“the MLRA”) and the Regulations promulgated thereunder;
 - (b) The National Environmental Management Act, 1998 (Act No. 107 of 1998) (NEMA) and the Regulations promulgated thereunder;
 - (c) The National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004) (NEMBA) and the Regulations promulgated thereunder;
 - (d) The National Environmental Management: Protected Areas Act, 2003 (Act No. 57 of 2003) (NEMPA) and the Regulations promulgated thereunder;
 - (e) The Sea Birds and Seals Protection Act, 1973 (Act No. 46 of 1973) (SBSPA) and the Regulations promulgated thereunder;
 - (f) Integrated Coastal Management Act, 2008 (Act No. 24 of 2008) (ICMA) and the Regulations promulgated thereunder;
 - (g) The International Convention for the Prevention of Pollution from Ships Act, 1986 (Act No. 2 of 1986) (ICPPSA) and the Regulations promulgated thereunder.
 - (h) The Fire Arms Control Act, 2000 (Act No. 60 of 2000) (FACA) and the Regulations promulgated thereunder;
 - (i) South African Maritime Safety Authority Act, 1998 (Act No. 5 of 1998) (SAMSA) and the 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) National Ports Authority Act, 2005 (Act No. 12 of 2005) (NPA) and the Regulations promulgated thereunder; and
 - (n) The Companies Act, 2008 (Act No. 71 of 2008) (CA) and the Regulations promulgated thereunder; and

- (o) The Conservation Measures and Resolutions for the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR).
- 1.3 For the 2023 (15 January 2023 to 31 December 2023) and subsequent fishing seasons, permits / permits in this fishery shall be issued subject to the further provisions of the –
- (a) General Policy on the Allocation of Long Term Commercial Fishing Rights and the Management of Commercial Fisheries;
- (b) Small Pelagics Fishery Policy; and
- (c) Small Pelagics Fishery Manual (to be developed).
- 1.4 The Directors: Offshore and High Seas Fisheries Management and Inshore Fisheries Management shall be entitled to amend these permit conditions.
- 1.5 Any reference to the Right Holder in these permit conditions includes the entity or person in whose name the commercial fishing right was allocated (“the Permit Holder”), its employees (whether permanent, full-time or part-time), its contractors, agents or advisers and the skipper of the vessel.

2. VALIDITY OF PERMIT

- 2.1 This permit shall be valid for the period indicated in Section A the permit (“the Permit”).
- 2.2 This permit shall automatically expire and be invalid should:
- (a) the right be cancelled or revoked in terms of Section 28 of the MLRA;
- (b) the quantum allocated to the Permit Holder is caught;
- (c) the fishing season is terminated or ends; and
- (d) the permit be revoked, cancelled or suspended in terms of section 28 of the MLRA.
- (e) In these cases the original permit shall be returned to the Department (Attn: Qayiso Mketsu / Johan De Goede/).

3. FISHING AREAS

- 3.1 No person shall use any purse-seine net for fishing or any other purpose in the following areas:
- (i) in Walker Bay landwards of imaginary lines drawn from:
- a) “Voorsteklip” on the Plaats (34° 31.1’S 19° 22.3’ E) to the beacon marked M1 at Mudge Point (34° 24.0’ S 19° 07.3’ E), near Hawston; and
- b) The lighthouse on the southern breakwater in the fishing harbour of Gansbaai (34° 35.0’ S 19° 20.7’ E) and a beacon marked M1 at Mudge Point, during the period 1 December to 31 January.
- (ii) landward from a straight line joining
- a) Cape Vacca (34° 20.3’ S 21° 55.0’E) and the lighthouse at Cape St Blaize (34° 11.2’ S 22° 09.’E); and

- b) The lighthouse at Cape St Blaize and Gericke Point (34° 02.3' S 22° 45.9' E).
- (iii) All Marine Protected Areas as declared under section 43 of the MLRA and all closed areas as declared under section 77 of the MLRA.
Phakisa MPAs declared 23 May 2019:
<https://www.environment.gov.za/legislation/actsregulations>
- Alternatively, please use:
<http://www.gpwonline.co.za/Gazettes/Pages/Published-Separate-Gazettes.aspx> and download 42478 and 42479.
- (iv) Within the following areas around African penguin breeding colonies between 1 September and 31 December 2023:
- a) Dassen Island and Robben Island (existing MPA restrictions only).
See map with coordinates in Figure 1.



Figure 1: Closures from 1 September to 31 December 2023 in the vicinity of Dassen and Robben Islands

- b) In the Stony Point (Betty's Bay) area and Dyer Island (Gansbaai) area, see Figure 2. Note that all vessels are excluded from the area landward of the dashed line within the Dyer Island vicinity, but that vessels with a total length less than 26 m are permitted to fish offshore of the dashed line.

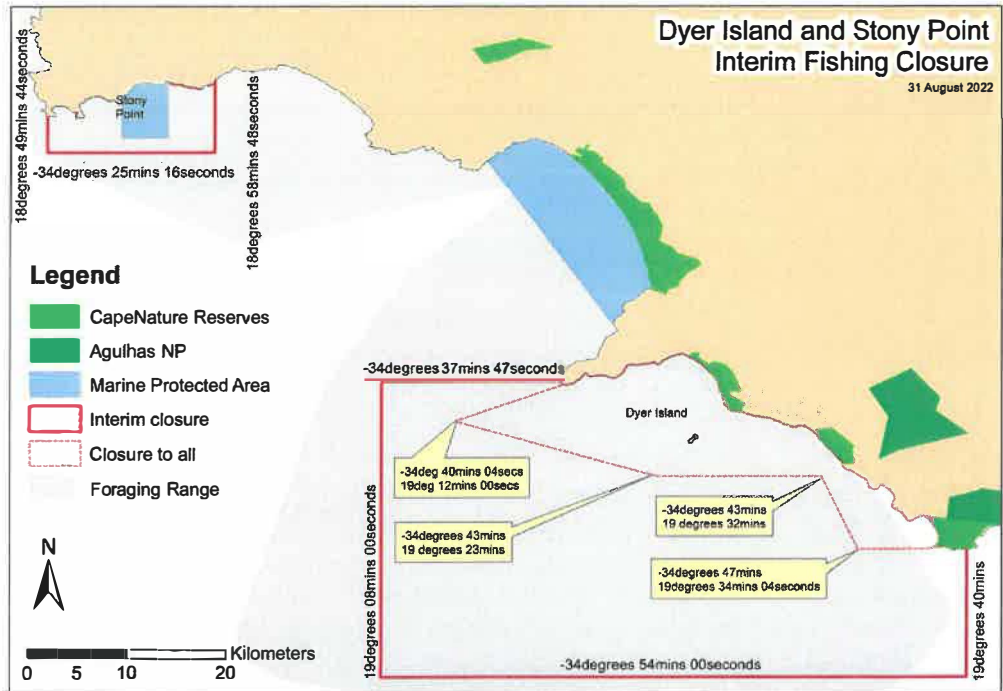


Figure 2: Closures from 1 September to 31 December 2023 in the vicinity of Stony Point and Dyer Island.

- c) In the Algoa Bay area around St Croix and Bird Islands, see Figure 3.

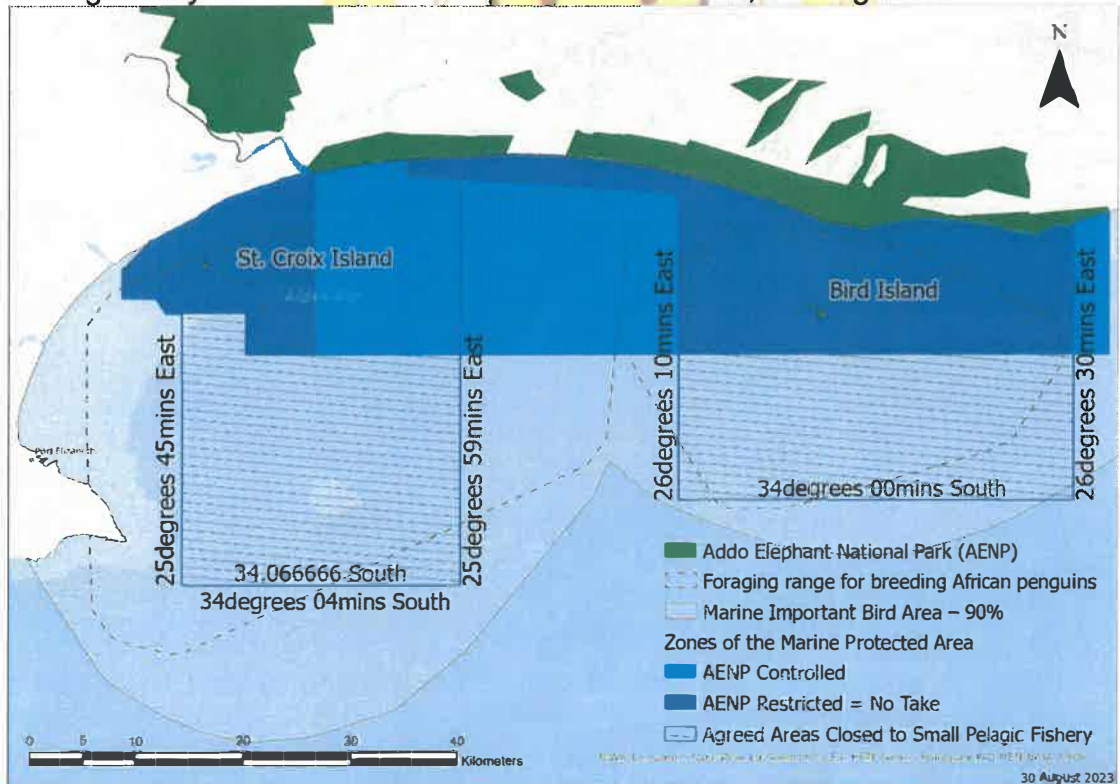


Figure 3: Closures from 1 September to 31 December 2023 in the vicinity of St Croix and Bird Islands.

4. NOTIFICATIONS

- 4.1 The Permit Holder shall inform the local Fishery Control Officer/ Marine Resources Monitor in writing (as per Annexure C) at least 2 (two) hours prior to the intended time of landing of the following:
- (a) The vessel details;
 - (b) Which Permit Holder(s) the catch is to be allocated/apportioned to;
 - (c) The estimated catch on board;
 - (d) The species of fish harvested;
 - (e) The estimated time of arrival; and
 - (f) The port of arrival and landing point

If the Permit Holder / Vessel Owner wishes to fish in the Exclusive Economic Zones (EEZ) of another country (.e.g. Namibia) for part of the year, the Permit Holder / Vessel Owner is required to follow procedures as stipulated in **Annexure D** of these permit conditions. Any fish caught under this charter agreement will not accrue to South Africa. Furthermore, this performance will not be considered in any fishery performance reviews

- 4.2 If circumstances render it impossible to land fish to the prescribed factory, immediate notification must be given to the local Fishery Control Officer within 2 (two) hours prior to the intended time of landing. Fish shall only be landed after written approval by the local Fishery Control Officer has been granted. Written notification must be given to the local Fishery Control Officer within 48 (forty-eight) hours of the landing and particulars of the catch and reasons why the prescribed factory was not utilised must be provided. A copy of such notification must be attached to the relevant landing sheet. The Permit Holder shall then apply to have the non-prescribed factory named on the catch permit within 7 working days after the landing.
- 4.3 Skippers are to report any accidental spillage or sightings/evidence of dead fish due to, but not limited to pursuing operations, e.g., predator interference, net recovery, net damage (tearing), net in the propeller, mechanical or hydraulic failures impacting the vessel's manoeuvrability and of navigation problems, etc.
- 4.4 Reports, which should include the navigational position as well as the pelagic block number, should be forwarded via email or WhatsApp to the Area Controller and nearest local Fishery Compliance Office as per contact details provided for the landing sites in Annexure C (page 30) of these conditions.

5. EFFORT LIMITATIONS AND GEAR RESTRICTIONS

- 5.1 Whilst operating in terms of the provisions of this permit, the Permit Holder shall not activate any other fishing right allocated to it.
- 5.2 The Permit Holder shall only utilise a purse-seine net, which shall also be the only fishing gear on board the vessel

6. CATCH CONTROLS AND LIMITATIONS

- 6.1 No fish except Anchovy, red eye (limited to approved industry upper catch limit) or lanternfish and lightfish (limited to industry combined species approved limit) shall be targeted.
- 6.2 No pelagic fish shall be dumped or discarded into the sea or deliberately freed from the net.
- 6.3 All linefish species or any other incidental catches landed shall be forfeited to the State and must be handed to the Fishery Control Officer/ Marine Resources Monitor at the landing site upon landing or when inspected.
- 6.4 By-catch of chub mackerel and horse mackerel (maasbanker) should be managed as per the attached by-catch management plan (Annexure B).
- 6.5 A Permit Holder who reaches their apportioned catch allocation shall immediately cease any further landing of that species against that Permit.
- 6.6 Should the Permit Holder fail to adhere to the above conditions, the Department may (with respect to paragraphs 9.1 and 9.2) confiscate the unauthorised gear. The Department may implement the provisions of section 28 of the MLRA and/or legal proceeding in all cases where the above conditions are believed to have been breached.
- 6.7 If the last set of the season (for either the normal season or the sub-season, if the latter is allocated) leads to an over-catch for a particular Permit Holder, that landing must be split and the excess amount of fish deducted from another Permit Holder's allocation, if that vessel is in possession of an permit for more than one Permit Holder and provided that the other Permit Holder's allocation has not yet been filled. If the other Permit Holder/s allocation has been filled then the over catch will be automatically deducted from the following season's final allocation for the Permit Holder that has over-caught.
- 6.8 Should a vessel be in possession of a permit for a single Permit Holder only, and if the last set of the season (for either the normal season or the sub-season, if the latter is allocated) results in an over-catch for that Permit Holder's allocation, then that amount of fish will automatically be deducted from the following season's final allocation for that Permit Holder.
- 6.9 When deliberate over-catching of a Permit Holder's allocation is suspected, the Department may institute Section 28 proceedings under the MLRA or criminal proceedings against such a Permit Holder. For example, if a skipper makes two consecutive sets and the initial set caught sufficient fish to fill an Permit Holder's allocation, then the last set will be considered to be a deliberate over-catch. That over-catch will automatically be deducted from the following season's final allocation for that Permit Holder, and in addition possible proceedings under Section 28 of the MLRA.

Sub-Season:

Definition: The “sub-season” refers to the additional allocation and/or allowance associated with the allocation, after the final allocation for the

year, with special reference made to the anchovy directed fishery in the small pelagic sector.

7. VESSEL SPECIFICATIONS

- 7.1 The letter “P” must be displayed as stipulated in terms of regulation 78 promulgated under the MLRA.
- 7.2 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 displayed 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.
- 7.3 Radio call signs must be clearly visible and displayed as stipulated in terms of regulation 78 promulgated under the MLRA.

8. VESSEL MONITORING SYSTEM (VMS)

- 8.1 The Permit Holder shall ensure that the fishing vessel is fitted with a functioning vessel monitoring system (“VMS”), which is approved by the Department.
- 8.2 It is the responsibility of the Permit Holder/ Permit Holder/ Vessel Owner/ Skipper to ensure that the VMS is fully operational and that the VMS continues to transmit to the Department’s Operations Room prior to sailing and throughout whilst at sea.
- 8.3 The Permit Holder shall establish that the VMS unit is functional by contacting the Operations Room on telephone numbers 021 - 402 3076 or 021 - 402 3077, prior to sailing. 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 two hours of being informed of the problem.
- 8.4 Vessels fitted with Inmarsat C VMS units wishing to switch their units off whilst alongside in port, shall only do so a minimum of six hours after berthing, and the units shall be switched on a minimum of six hours prior to their 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 hours of being informed of the problem, unless special arrangements have been made with the Department’s Operations Room to allow the vessel to continue fishing. Such special arrangements shall include:
- (a) 3- hourly reporting of the vessel’s positions faxed to 021 -4256497;
 - (b) Notice of estimated time of arrival;
 - (c) Notice of port arrival;
 - (d) Inspection of the catch by a Fishery Control Officer/Monitor; and
 - (e) A copy of the vessel track for the voyage for verification purpose.

The Department will keep a record of the frequency of VMS breakdowns in order to discourage repeated use/abuse of this special arrangements dispensation.

- 8.5 Should the Permit Holder not adhere to the provisions of the above paragraphs, the Department will detain the vessel once in port and may implement legal proceedings.
- 8.6 In cases where VMS units are non-functional due to “technical” problems, and such Permit Holders, Vessel Owners/ Skippers wish to proceed to sea without a VMS unit onboard, an “Application for an permit to undertake fishing without a VMS” form must be completed.
This form, together with a letter from the Company undertaking 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 Care Services, fax number 021- 402 336.
Only once written permission has been received from the Department, may the vessel proceed to sea. The VMS permit permission must be kept onboard the vessel for the duration of each trip undertaken within the period of validity of the permit.
For each fishing trip undertaken during the permit validity period, the Permit Holders/ Permits Holders, Vessel Owner/ Skipper of such vessels shall notify the Department’s Operations Room on telephone numbers 021 – 402 3076 or 021 – 402 3077 or email VMSops VMSops@dffe.gov.za that they are proceeding to sea, and upon arrival back in port or launching site for the duration of the permit.
- 8.7 In cases of emergency, the Permit Holder must obtain written authorisation before the fishing vessel enters or intends to enter into a Marine Protected Area or any other area closed for fishing. The request must clearly set out the nature of the emergency and motivate why the request should be granted. Such request shall be sent via e-mail to: VMSops VMSops@dffe.gov.za or faxed to 021 - 425 6497.

9. LANDING OF FISH

- 9.1 The Permit Holder shall ensure that all fish is discharged from the vessel in accordance with the reasonable instructions of the Fishery Control Officer/ Marine Resources Monitor.
- 9.2 No Permit Holder shall discharge fish until it has notified the Department as stipulated above. Catches may only be discharged in the presence of a Fishery Control Officer/ Marine Resources Monitor. Catches shall be discharged only at landing points approved by the Department. The entire catch (including any by-catch) must be discharged at one landing point only.
- 9.3 Before the commencement of offloading of any fish, the duly completed **Pelagic Catch Report (Skipper form)**, which must be accurately filled in by the skipper, must be handed to the Fishery Control Officer/Marine Resources Monitor, monitoring the offloading process.



- 9.4 An accurate latitude, longitude (i.e. degrees, minutes, seconds and direction e.g. 34°03'660 S; 018°20'252 E) and time at start of each set made must be recorded when the net enters the water. This information shall be recorded by the Skipper on the Pelagic Catch Report. NIL return required in the event that no fish were caught.
- 9.5 The **Pelagic Catch Report** (skipper form) shall be completed to provide an estimated mass (in tons) per species per haul. This ratio may be used as the species composition of a catch, should the Fishery Control Officer/ Marine Resources Monitor not be able to identify species during normal sampling procedures, due to decomposed state of fish.
- 9.6 The total estimated mass of the **Pelagic Catch Report** (skipper form) should correspond within 10% accuracy of that of the total mass as determined by a scale and of the applicable landing.
- 9.7 Should a Permit Holder fail to adhere to the above requirements, the Department may confiscate all fish being landed and may implement proceedings under Section 28 of the MLRA

10. SUBMISSION OF INFORMATION

- 10.1 The Permit Holder must submit to the Department:
- (a) Notification (Permit Holder Information, Attention: Deputy Director: Pelagic and High Seas Fisheries Management, Customer Services Centre, Ground Floor, Foretrust Building, Martin Hammerschlag Way, Foreshore, Cape Town or Private Bag X2, Vlaeberg, 8012) notification of any change of contact details within 30 days of such change by completing the application form available at the Customer Services Centre;
 - (b) performance statistics as stipulated in **paragraph 17**.
- 10.2 Catch Statistics
- (a) On completion of the offloading process, the mass of all the applicable species must be completed on the **Landing Declaration, OM/EN 26/7/3**, 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 declaration.
 - (b) The TAC species caught shall be deducted from the quantum allocated to the Permit Holder. All fish must be weighed in the presence of the skipper and/or a nominated representative of the Permit Holder and a Fishery Control Officer/Marine Resources Monitor.
 - (c) The Permit Holder shall provide weekly summaries of catches to Mr Johan de Goede (Fisheries Management: Marine Resource Management), JdeGoede@dffe.gov.za , Tel No.: (022) 714 1880.

- (d) The Permit Holder shall conduct operations strictly in accordance with the attached pilchard categorisation schedule (Annexure A). Recommendations for changes to that schedule should be forwarded to Mr J de Goede.
- (e) Should the Permit Holder fail to timeously submit the above information or submit false or incorrect information, the Department may-
- (f) refuse to re-issue a permit under section 13 of the MLRA for the following year until such time as the required information has been receipted; or proceed under section 28 of the MLRA

10.3 Socio-Economic Information

The Permit Holder must provide any other economic, socio economic or financial information in the format as and when requested by the Department.

- 10.4 Should the Permit Holder fail to timeously submit the above information or submit false or incorrect information, the Department may-
 - (a) refuse to issue a permit or an permit under Section 13 of the MLRA for the following year until such time as the required information has been receipted; or
 - (b) proceed under Section 28 of the MLRA.

11. RECORD KEEPING

- 11.1 The Permit Holder shall hold at its registered place of business the original permit issued for the current fishing season. The Permit Holder shall at all times over the duration of the permit have available a certified copy of this permit on board each vessel utilised to harvest Anchovy.
- 11.2 The Permit Holder shall keep the second copy of all landings for a minimum period of sixty (60) months

12. LEVIES

- 12.1 The Permit Holder must pay the prescribed levies for the fish landed for prescribed species as stipulated in the Government Gazette (Gazette No. 33518, dated 10 September 2010).
- 12.2 All levies and fees must be paid monthly in arrears and by the last working day of the month following the month in which fish was harvested. Non-compliance will result in a 10% penalty being charged.
- 12.3 The Permit holder must submit together with all levy payments a levy declaration form.
- 12.4 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.

- 12.5 A nil return must be submitted for every month where no fish has been harvested.
- 12.6 All returns must be submitted to the Directorate: Revenue Management via fax number 086 613 6256 or email to revenue@dffe.gov.za or post per address:

**Fisheries Management
Customer Service Centre
Ground Floor, Foretrust Building
Martin Hammerschlag Way
Foreshore, Cape Town, 8001**

- 12.7 The information required in 12.3 must be submitted when paying levies to the cashier at the 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:

Bank: First National Bank
Branch code: 210554
Account name: Marine Living Resources Fund Deposit Account
Account number: 62123256382
Deposit reference: To be supplied by Foretrust office on receipt of fish levy declaration.

Kindly contact the Directorate: Revenue Management at revenue@dffe.gov.za or facsimile 086 613 6256 or 021 402 3016 (Ms S Baartman).

- 12.8 Failure to comply with 12.1 – 12.7 may result in proceedings in terms of section 28 of the Act.

13. VIOLATIONS

- 13.1 A breach of the provisions of the MLRA or these permit conditions by the Permit Holder will result in the initiation of legal proceedings under section 28 of the MLRA. A breach includes:
- (a) furnishing information to which the Department of Environment, Forestry and Fisheries (“the Department”) is entitled to, which is not true or complete;
 - (b) contravening or failing to comply with a permit condition imposed or with the provisions of the MLRA;
 - (c) being convicted of an offence in terms of this MLRA; or
 - (d) failing to effectively utilise the permit.
- 13.2 The Department may refuse to re-issue a subsequent permit / permit should the conditions stipulated in this permit not be adhered to.
- 13.3 The Permit Holder shall not land, sell, receive or process any fish taken by any means in contravention of the MLRA.

- 13.4 The Permit Holder shall safely store 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 landing site or harbour, 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.
- 13.5 There shall be no transshipment or transferral of fish without written authorisation from the Department. Should the Permit Holder tranship or transfer any catches without the written authorisation of the Department, the Permit Holder shall have its commercial fishing permit revoked. The transfer of “bolyn” (pelagic fish netted in excess of the vessel’s maximum hold capacity) from one vessel to another is strongly encouraged in this sector. “Bolyn” is therefore not regarded as transshipment or transferral of fish for the purposes of the small pelagic sector.
- 13.6 The Permit Holder shall only harvest the amount of fish allocated to it in terms of the total allowable catch (“TAC”) allocated to it under Section A. Fishing over or under these limits may result in the initiation of legal proceedings.
- 13.7 In terms of the MLRA, the Permit Holder is obliged to report to the Minister any contravention of the provisions of the MLRA 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.
- 13.8 At any time during the course of the fishing trip or discharging, a Fishery Control Officer can request the skipper of the vessel to provide the cargo manifest or any other documents relating to fishing operations. The skipper must comply with this request.

14. CONSULTATION AND COMMUNICATION

- 14.1 The Permit Holder may contact the Department in one of the following ways (all correspondence must be clearly marked as to **subject matter**):

<u>By mail</u>	<u>By Hand</u>	<u>By Email</u>
Subject: Customer Services Centre, Private Bag X2, Vlaeberg, 8018 Attn: Qayiso Mketsu/ Johan De Goede	Subject: Customer Services Centre, Ground Floor, Foretrust Building, Martin Hammerschlag Way, Foreshore, Cape Town Attn: Qayiso Mketsu/ Johan De Goede/	QMketsu@dffe.gov.za , JDeGoede@dffe.gov.za
		<u>By telephone</u> 022 7141880
		<u>By cellphone</u> 083 461 4522

- 14.2 The Department will prefer to consult and communicate with the Recognised Industrial Body (Bodies) representative of Permit Holders in this fishery.
- 14.3 Communication regarding all permits and licences must be addressed to the Department and clearly marked *Permits and Licences*.

15. OBSERVER PROGRAMME

- 15.1 Department will require the Permit Holder to carry one or more Observers on board its vessel at times during the fishing season.
- 15.2 The Observer shall be fully accommodated on board the vessel and provided with food and facilities reserved for officers.
- 15.3 The Permit Holder shall proportionately bear the costs of the Department's Observer programme.
- 15.4 The Permit Holder (as identified in paragraph 1.4) must notify the Observer coordinator of the sailing time of the vessel, not less than 2 (two) hours prior to sailing.
- 15.5 The Permit Holder shall allow the Observer unrestricted access to monitor fishing activity and compliance with permit conditions and all applicable laws.
- 15.6 Should the Department reasonably believe that an Observer is being prevented from carrying on his/her obligations in any way or threatened in any way while on board, the Department will call the vessel into Port and may take steps to immediately suspend fishing activities by the Permit Holder(s).

16. TRANSFER OF FISHING RIGHTS

- 16.1 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).
- 16.2 Any transfer of shares or sale of shares and/or or membership interest that results in a change in control or ownership of the Permit Holder must be approved by the Department in terms of section 21.
- 16.3 Failing to comply with 16.1 and/or 16.2 may lead to the initiation of further legal proceedings including but not limited to proceedings in terms of section 28 of the MLRA.

17. FISHING PERFORMANCE MEASURING

- 17.1 The Permit Holder shall be obliged to provide the Department with information required to carry out a performance measuring exercise, which information 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.

18 ECOSYSTEM EFFECTS OF FISHING

- 18.1 The Permit Holder must take cognisance of sustainable fishing practices and of the impacts of fishing on the ecosystem (also see **Section C**).
- 18.2 In this regard steps must be taken to minimise the incidental mortality of unwanted by-catch. By-catch of chub mackerel and horse mackerel (maasbanker) should be managed as per the attached proposed by-catch management plan (Annexure B) (also see **paragraph 9.6**).
- 18.3 Furthermore, steps must also be taken to minimise impacts of fishing on top predators, such as seabirds (see **paragraph 6.1 (iv) and (v)**).

19. SECTION C - MANAGEMENT MEASURES

PELAGIC FISH (ANCHOVY): 2023

1. GENERAL

- 1.1 This permit is issued subject to the further provisions of the following once finalised and/or promulgated (See also Paragraph 2.1 of Section B):
- a) Pelagic (Anchovy-Anchovy) Fishery Management Plan (to be developed), and;
 - b) National Plans of Action for the Conservation and Management of Sharks (NPOA-sharks) and Seabirds (NPOA-seabirds).

2. OBSERVERS

- 2.1 The Department wishes to achieve coverage of at least 10% of the annual catch per Permit Holder and 25% during the B-Season (should a B-season exist). The cost of Observer coverage for the B-Season shall be borne by the Permit Holder.
- 2.2 The requirement to carry an Observer in accordance with the requirements of the Department's Observer programme (**Section B, paragraph 13.1**) is a simple approach to achieve this goal. However, if this approach does not achieve the desired goal (e.g. through Permit Holders shortening trips when Observers are on board) then a more onerous approach may become necessary.
- 2.3 The onus is on the Permit Holder to ensure that one or more Observers are carried on a minimum of trips (10% of total number of annual trips).

- 2.4 It is the Department's intention to introduce a cost-recovery framework for the Observer programme and costs may be borne proportionately by all Permit Holders in the sector.

3. ECOSYSTEM EFFECTS OF FISHING

- 3.1 The Permit Holder must take cognisance of sustainable fishing practices and of the impacts of fishing on the ecosystem (see also **Section B paragraph 11.1**).
- 3.2 In this regard steps must be taken to minimise the incidental mortality of unwanted by-catch. By-catch of chub mackerel and horse mackerel (maasbanker) should be managed as per the attached by-catch management plan (Annexure B) (also see paragraphs 9.6 and 11.2).
- 3.3 Furthermore, steps must also be taken to minimise impacts of fishing on top predators, such as seabirds (see also **Section B paragraph 6.1 (iv) and (v)**).

4. CONSOLIDATION

- 4.1 The Policy on the Allocation and Management of Small Pelagic Commercial Fishing Rights: 2021 states that following the allocation of 15-year commercial fishing rights in this sector, the Department will facilitate the consolidation of the number of RHs active in the sector, if necessary.


DIRECTOR: OFFSHORE & HIGH SEAS FISHERIES MANAGEMENT 

DATE: 31/08/2023

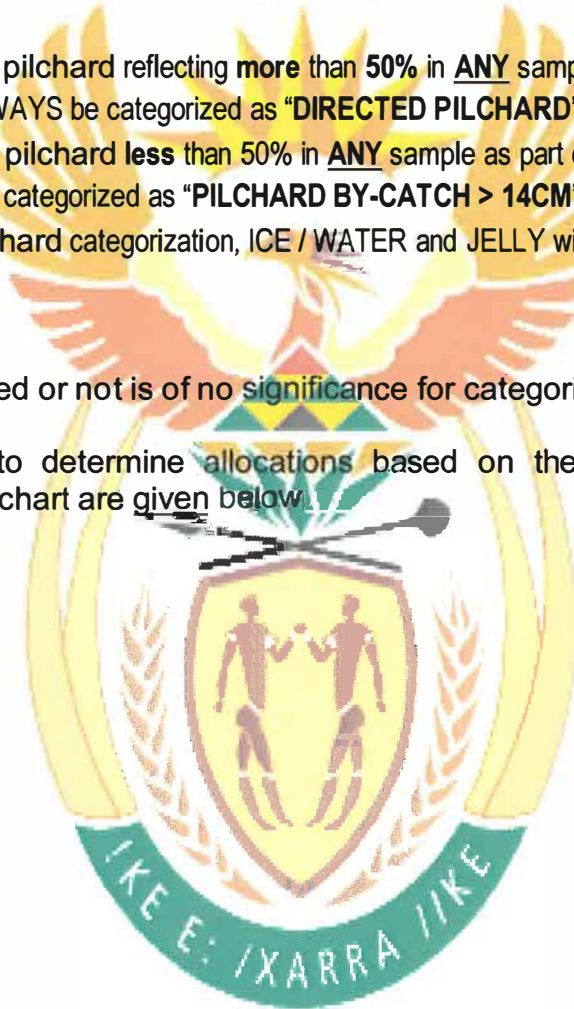


ANNEXURE A

SCHEDULE: PILCHARD CATEGORISATION

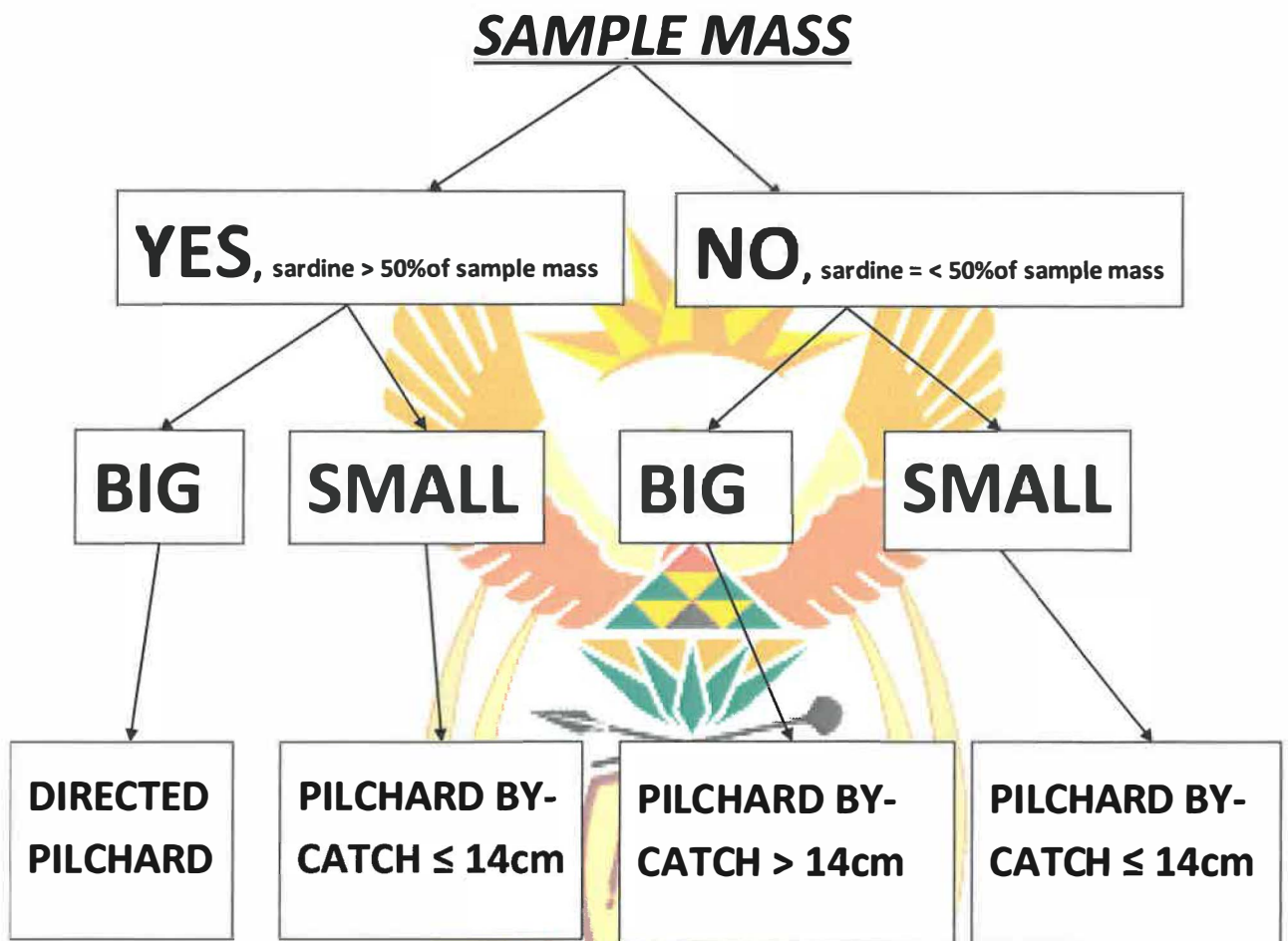
Notes:

1. Distinguishing between large and small pilchard:
 - **LARGE** = greater than (>) 14.0 cm Total length (*LT*); and
 - **SMALL** = less than or equal to (\leq) 14.0 cm (*LT*).
- **ALL** juvenile pilchard (14cm and smaller) will **ALWAYS** be categorized to “**PILCHARD BY-CATCH \leq 14CM**”
- Adult (larger than 14cm) pilchard reflecting **more** than **50%** in **ANY** sample as part of the **ENTIRE** sample will ALWAYS be categorized as “**DIRECTED PILCHARD**”
- Adult (larger than 14cm) pilchard **less** than 50% in **ANY** sample as part of the **ENTIRE** sample will ALWAYS be categorized as “**PILCHARD BY-CATCH > 14CM**”
- For the purposes of pilchard categorization, ICE / WATER and JELLY will **NOT** be taken into account!
2. Whether fish is cooled or not is of no significance for categorisation purposes.
3. Examples of how to determine allocations based on the revised pilchard Categorisation Flowchart are given below.



A handwritten signature in black ink, consisting of several stylized, overlapping loops.

SARDINE CATEGORIZATION FLOWCHART (OCTOBER 2010)
SARDINE MORE THAN 50% OF THE TOTAL



Notes:

- 1) Small sardine always “**PILCHARD BY-CATCH ≤ 14CM**”
- 2) Big Sardine forming part of more than 50% of the sample (thus targeted) always “**DIRECTED PILCHARD**”
- 3) Big Sardine forming part of equal and less than 50% of the sample (thus not targeted) always “**PILCHARD BY-CATCH > 14CM**”

BIG > 14cm Total Length	SMALL ≤ 14cm Total Length
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EXAMPLES

Monitors take samples of $\pm 5\text{kg}$ at regular intervals then sort the sample into the different species. Pilchard are further sorted into large ($>14.0\text{ cm}$ total length) and small ($\leq 14.0\text{ cm}$ total length) categories by measuring (cm) the fish. The mass (kg) per species, and that per size category of pilchard, are then recorded in the appropriate column on the **OM/EN 26/7/3** (inspectors form).

A. ANCHOVY - the PRIMARY species (50% and more of the ENTIRE SAMPLE – regardless of what was ESTIMATED by skipper)

Anchovy Small pilchard	Only small pilchard in sample: ALL pilchard booked to “ PILCHARD BY-CATCH $\leq 14\text{CM}$ ”
Anchovy Small pilchard Other Species	Only small Anchovy in sample: ALL pilchard booked to “ PILCHARD BY-CATCH $\leq 14\text{CM}$ ”
Anchovy Large pilchard	<p>Only large pilchard in sample: DETERMINE pilchard percentage of the ENTIRE SAMPLE, i.e. ALL inclusive, i.e. total added samples mass:</p> <p><u>Example 1</u> Anchovy 3.001kg and 3.234kg large pilchard, THUS pilchard portion of the sample: $3.234 / (3.001+3.234) = 51.8\%$ pilchard in this example is more than 50% of the sample thus ALL pilchard booked to “DIRECTED PILCHARD”</p> <p><u>Example 2</u> Anchovy 3.562kg and 1.234kg large pilchard, THUS pilchard portion of the sample: $1.234 / (3.562+1.234) = 25.7\%$ pilchard in this example is less than 50% of the sample thus ALL pilchard booked to “PILCHARD BY-CATCH $> 14\text{CM}$”</p>
Anchovy Large pilchard Other Species	<p>Anchovy, large pilchard and other species in sample: DETERMINE pilchard percentage of the ENTIRE SAMPLE, i.e. ALL inclusive, e.g. total added samples mass:</p> <p><u>Example 1</u> Anchovy 3.001kg, 3.234kg large pilchard, 0.123kg maasbanker and 0.050kg mackerel, THUS pilchard portion of the sample: $3.234 / (3.001+3.234+0.123+0.050) = 50.4\%$ pilchard in this example is more than 50% of the sample thus ALL pilchard booked to “DIRECTED PILCHARD”</p>

	<p><u>Example 2</u> Anchovy 3.501kg, 2.234kg large pilchard, 0.012kg maasbanker and 0.150kg mackerel, THUS pilchard portion of the sample: $2.234 / (3.501+2.234+0.012+0.150) = 37.8\%$ pilchard in this example is less than 50% of the sample thus ALL pilchard booked to "PILCHARD BY-CATCH > 14CM"</p>
<p>Anchovy Small pilchard Large pilchard</p>	<p>Anchovy, small AND large pilchard in sample: DETERMINE pilchard percentage of the <u>ENTIRE SAMPLE</u> by size. <u>Note: ANCHOVY is the PRIMARY species!</u> <u>Example</u> Anchovy 3.001kg, 1.634kg large pilchard and 1,231kg small pilchard, THUS: Large pilchard portion of the <u>ENTIRE</u> sample: $1.634 / (3.001+1.634+1.231) = 27.8\%$ AND Small pilchard portion of the <u>ENTIRE</u> sample: $1.231 / (3.001+1.634+1.231) = 20.9\%$ Small pilchard in this example is booked to "PILCHARD BY-CATCH ≤ 14CM" Large pilchard in this example is less than 50% of the sample thus THIS PORTION OF LARGE pilchard booked to "PILCHARD BY-CATCH > 14CM"</p>
<p>Anchovy Small pilchard Large pilchard Other Species</p>	<p>Anchovy, small pilchard, large pilchard AND other species in sample: DETERMINE Anchovy percentage of the <u>ENTIRE SAMPLE</u> by size. <u>Note: ANCHOVY is the PRIMARY species!</u> <u>Example</u> Anchovy 4.021kg, 0.634kg large pilchard, 0,131kg small pilchard, 0.03kg maasbanker and 0.112kg mackerel THUS: Large pilchard portion of the <u>ENTIRE</u> sample: $0.634 / (4.021+0.634+0.131+0.03) = 13.1\%$ AND Small pilchard portion of the <u>ENTIRE</u> sample: $0.131 / (4.021+0.634+0.131+0.03) = 2.7\%$ Small pilchard booked to "PILCHARD BY-CATCH ≤ 14CM" Large pilchard in this example is less than 50% of the sample thus THIS PORTION OF LARGE pilchard booked to "PILCHARD BY-CATCH > 14CM".</p>

When Pilchard is the **PRIMARY** species (50% and more of the ENTIRE SAMPLE – regardless of what was ESTIMATED by skipper) then this is applicable

B. PILCHARD

Large Pilchard	Only large Pilchard in the sample: ALL Pilchard booked to “ DIRECTED PILCHARD ”
Small Pilchard	Only small Pilchard in the sample: ALL Pilchard booked to “ PILCHARD BY-CATCH ≤ 14CM ”
Large Pilchard Small Pilchard	<p>Only large Pilchard AND small Pilchard in the sample: Examples:</p> <ol style="list-style-type: none"> 3.978kg large Pilchard and 0.325kg small Pilchard THUS: $3.978 / (3.978+0.325) = 92.4\%$ large Pilchard and $0.325 / (3.978+0.325) = 7.6\%$ small Pilchard <p>Large Pilchard is more than 50%, thus large Pilchard portion booked to “DIRECTED PILCHARD” Small Pilchard is less than 50%, thus small Pilchard portion booked to “PILCHARD BY-CATCH ≤ 14CM”</p> <ol style="list-style-type: none"> 1.978kg large Pilchard and 4.325kg small Pilchard THUS: $1.978 / (1.978+4.325) = 31.4\%$ large Pilchard and $4.325 / (1.978+4.325) = 68.6\%$ small Pilchard <p>Large Pilchard is less than 50%, thus large Pilchard portion booked to “PILCHARD BY-CATCH > 14CM” Small Pilchard is booked to “PILCHARD BY-CATCH ≤ 14CM”</p>
Large Pilchard Other Species	<p>Only large Pilchard in the sample: Examples:</p> <ol style="list-style-type: none"> 3.978kg large Pilchard and 0.325kg lantern fish THUS: $3.978 / (3.978+0.325) = 92.4\%$ large Pilchard <p>Large Pilchard is more than 50%, thus large Pilchard portion booked to “DIRECTED PILCHARD”</p> <p>Examples:</p> <ol style="list-style-type: none"> 1.978kg large Pilchard and 2.325kg lantern fish THUS: $1.978 / (1.978+2.325) = 46.1\%$ large Pilchard <p>Large Pilchard is less than 50%, thus large Pilchard portion booked to “PILCHARD BY-CATCH > 14CM”</p>

Small Pilchard Other Species	Only small Pilchard in the sample: ALL Pilchard booked to “ PILCHARD BY-CATCH ≤ 14CM ”
Large Pilchard Small Pilchard Other Species	<p>Only large Pilchard, small Pilchard AND other species in the sample: Examples:</p> <ol style="list-style-type: none"> 3.978kg large Pilchard, 0.325kg small Pilchard and 0.023kg anchovy, ADD THUS: $3.978 / (3.978+0.325+0.023) = 91.9\%$ large Pilchard and $0.325 / (3.978+0.325+0.023) = 7.5\%$ small Pilchard <p>Large Pilchard is more than 50%, thus large Pilchard portion booked to “DIRECTED PILCHARD” Small Pilchard is booked to “PILCHARD BY-CATCH ≤ 14CM”</p> <ol style="list-style-type: none"> 1.978kg large Pilchard, 2.325kg small Pilchard and 2.523kg anchovy THUS: $1.978 / (1.978+2.325+2.523) = 28.9\%$ large Pilchard and $2.325 / (1.978+2.325+2.523) = 34\%$ small Pilchard <p>Large Pilchard is less than 50%, thus large Pilchard portion booked to “PILCHARD BY-CATCH > 14CM” Small Pilchard booked to “PILCHARD BY-CATCH ≤ 14CM”</p>

C. RED EYE

Rationale: When RED EYE is the PRIMARY species (50% and more of the ENTIRE SAMPLE – regardless of what was ESTIMATED by skipper) then this is applicable.

RED EYE Small Pilchard	Only small Pilchard in sample: ALL Pilchard booked to “ PILCHARD BY-CATCH ≤ 14CM ”
RED EYE Small Pilchard Other Species	Only small Pilchard in sample: ALL Pilchard booked to “ PILCHARD BY-CATCH ≤ 14CM ”
RED EYE Large Pilchard	<p>Only large Pilchard in sample: DETERMINE Pilchard percentage of the <u>ENTIRE SAMPLE</u>, i.e. ALL inclusive, i.e. total added samples mass:</p> <p><u>Example 1</u> RED EYE 3.001kg and 3.234kg large Pilchard, THUS Pilchard portion of the sample: $3.234 / (3.001+3.234) = 51.8\%$ Pilchard in this example is more than 50% of the sample thus ALL Pilchard booked to “DIRECTED PILCHARD”</p>

	<p><u>Example 2</u> RED EYE 3.562kg and 1.234kg large Pilchard, THUS Pilchard portion of the sample: $1.234 / (3.562+1.234) = 25.7\%$ Pilchard in this example is less than 50% of the sample thus ALL Pilchard booked to “PILCHARD BY-CATCH > 14CM”</p>
<p>REDEYE Large Pilchard Other Species</p>	<p>RED EYE, large Pilchard and other species in sample: DETERMINE Pilchard percentage of the <u>ENTIRE SAMPLE</u>, i.e. ALL inclusive, e.g. total added samples mass:</p> <p><u>Example 1</u> RED EYE 3.001kg, 3.234kg large Pilchard, 0.123kg maasbanker and 0.050kg mackerel, THUS Pilchard portion of the sample: $3.234 / (3.001+3.234+0.123+0.050) = 50.4\%$ Pilchard in this example is more than 50% of the sample thus ALL Pilchard booked to “DIRECTED PILCHARD”</p> <p><u>Example 2</u> RED EYE 3.501kg, 2.234kg large Pilchard, 0.012kg maasbanker and 0.150kg mackerel, THUS Pilchard portion of the sample: $2.234 / (3.501+2.234+0.012+0.150) = 37.8\%$ Pilchard in this example is less than 50% of the sample thus ALL Pilchard booked to “PILCHARD BY-CATCH > 14CM”</p>
<p>Red Eye Small Pilchard Large Pilchard</p>	<p>RED EYE, small AND large Pilchard in sample: DETERMINE Pilchard percentage of the <u>ENTIRE SAMPLE</u> by size.</p> <p><u>Note: RED EYE is the PRIMARY species!</u></p> <p><u>Example 1</u> RED EYE 3.001kg, 1.634kg large Pilchard and 1.231kg small Pilchard, THUS: Large Pilchard portion of the <u>ENTIRE</u> sample: $1.634 / (3.001+1.634+1.231) = 27.8\%$ AND Small Pilchard portion of the <u>ENTIRE</u> sample: $1.231 / (3.001+1.634+1.231) = 20.9\%$</p> <p>Small Pilchard booked to “PILCHARD BY-CATCH ≤ 14CM”</p> <p>Large Pilchard in this example is less than 50% of the sample thus THIS PORTION OF LARGE PILCHARD booked to “PILCHARD BY-CATCH > 14CM”</p>
<p>RED EYE Small Pilchard Large Pilchard Other Species</p>	<p>RED EYE, small Pilchard, large Pilchard AND other species in sample: DETERMINE Pilchard percentage of the <u>ENTIRE SAMPLE</u> by size.</p> <p><u>Note: RED EYE is the PRIMARY species!</u></p>

	<p><u>Example 1</u> RED EYE 4.021kg, 0.634kg large Pilchard, 0,131kg small Pilchard, 0.03kg maasbanker and 0.112kg mackerel THUS: Large Pilchard portion of the ENTIRE sample: $0.634 / (4.021+0.634+0.131+0.03) = 13.1\%$ AND Small Pilchard portion of the ENTIRE sample: $0.131 / (4.021+0.634+0.131+0.03) = 2.7\%$</p> <p>Small Pilchard booked to "PILCHARD BY-CATCH ≤ 14CM"</p> <p>Large Pilchard in this example is less than 50% of the sample thus <u>THIS PORTION OF LARGE PILCHARD</u> booked to "PILCHARD BY-CATCH > 14CM"</p>
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D. LANTERN

Rationale: When LANTERN is the PRIMARY species (50% and more of the ENTIRE SAMPLE – regardless of what was ESTIMATED by skipper) then this is applicable.

<p>LANTERN Small Pilchard</p>	<p>Only small Pilchard in sample: <u>ALL</u> Pilchard booked to "PILCHARD BY-CATCH ≤ 14CM"</p>
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<p>LANTERN Small Pilchard Other Species</p>	<p>Only small Pilchard in sample: <u>ALL</u> Pilchard booked to "PILCHARD BY-CATCH ≤ 14CM"</p>
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<p>LANTERN Large Pilchard</p>	<p>Only large Pilchard in sample: DETERMINE Pilchard percentage of the <u>ENTIRE SAMPLE</u>, i.e. ALL inclusive, i.e. total added samples mass:</p> <p><u>Example 1</u> LANTERN 3.001kg and 3.234kg large Pilchard, THUS Pilchard portion of the sample: $3.234 / (3.001+3.234) = 51.8\%$ Pilchard in this example is more than 50% of the sample thus <u>ALL</u> Pilchard booked to "DIRECTED PILCHARD"</p> <p><u>Example 2</u> LANTERN 3.562kg and 1.234kg large Pilchard, THUS Pilchard portion of the sample: $1.234 / (3.562+1.234) = 25.7\%$ Pilchard in this example is less than 50% of the sample thus <u>ALL</u> Pilchard booked to "PILCHARD BY-CATCH > 14CM"</p>
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<p>LANTERN Large Pilchard Other Species</p>	<p>LANTERN, large Pilchard and other species in sample: DETERMINE Pilchard percentage of the <u>ENTIRE SAMPLE</u>, i.e. ALL inclusive, e.g. total added samples mass:</p>
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	<p><u>Example 1</u> LANTERN 3.001kg, 3.234kg large Pilchard, 0.123kg maasbanker and 0.050kg mackerel, THUS Pilchard portion of the sample: $3.234 / (3.001+3.234+0.123+0.050) = 50.4\%$ Pilchard in this example is more than 50% of the sample thus ALL Pilchard booked to “DIRECTED PILCHARD”</p> <p><u>Example 2</u> LANTERN 3.501kg, 2.234kg large Pilchard, 0.012kg maasbanker and 0.150kg mackerel, THUS Pilchard portion of the sample: $2.234 / (3.501+2.234+0.012+0.150) = 37.8\%$ Pilchard in this example is less than 50% of the sample thus ALL Pilchard booked to “PILCHARD BY-CATCH > 14CM”</p>
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<p>LANTERN Small Pilchard Large Pilchard</p>	<p>LANTERN, small AND large Pilchard in sample: DETERMINE Pilchard percentage of the <u>ENTIRE SAMPLE</u>, i.e. ALL inclusive, e.g. total added samples mass.</p> <p><u>Note: LANTERN is the PRIMARY species!</u></p> <p><u>Example 1</u> LANTERN 3.001kg, 1.634kg large Pilchard and 1,231kg small Pilchard, THUS: Large Pilchard portion of the <u>ENTIRE</u> sample: $1.634 / (3.001+1.634+1.231) = 27.8\%$ AND Small Pilchard portion of the <u>ENTIRE</u> sample: $1.231 / (3.001+1.634+1.231) = 20.9\%$</p> <p>Small Pilchard booked to “PILCHARD BY-CATCH ≤ 14CM”</p> <p>Large Pilchard in this example is less than 50% of the sample thus THIS PORTION OF LARGE PILCHARD booked to “PILCHARD BY-CATCH > 14CM”</p>
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<p>LANTERN Small Pilchard Large Pilchard Other Species</p>	<p>LANTERN, small Pilchard, large Pilchard AND other species in sample: DETERMINE Pilchard percentage of the <u>ENTIRE SAMPLE</u>, i.e. ALL inclusive, e.g. total added samples mass.</p> <p><u>Note: LANTERN is the PRIMARY species!</u></p> <p><u>Example 1</u> LANTERN 4.021kg, 0.634kg large Pilchard, 0,131kg small Pilchard, 0.03kg maasbanker and 0.112kg mackerel THUS: Large Pilchard portion of the <u>ENTIRE</u> sample: $0.634 / (4.021+0.634+0.131+0.03) = 13.1\%$ AND Small Pilchard portion of the <u>ENTIRE</u> sample: $0.131 / (4.021+0.634+0.131+0.03) = 17.1\%$</p> <p>Small Pilchard booked to “PILCHARD BY-CATCH ≤ 14CM”</p> <p>Large Pilchard in this example is less than 50% of the sample thus THIS PORTION OF LARGE PILCHARD booked to “PILCHARD BY-CATCH > 14CM”</p>
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ANNEXURE B**By-catch management for Chub Mackerel and Horse Mackerel**

The targeting of species, other than anchovy, pilchard, lanternfish and red eye is not permitted in the small pelagic sector. However, occasionally species such as horse mackerel and chub mackerel are caught as incidental by-catch.

The following steps must be followed with regard to managing the incidental by-catch of horse mackerel and chub mackerel:

- 1) If horse mackerel exceeds 40% of the total landing, then that particular fishing block in which the fish was caught should be closed to purse-seine fishing for a period of 7 (seven) days. Once 4000t of horse mackerel has been landed the horse mackerel by-catch threshold shall be reduced to 20%.
- 2) If chub mackerel exceeds 40% of the total landing, then that particular fishing block in which the fish was caught should be closed to purse-seine fishing for a period of 7 (seven) days.
- 3) If there is a possibility that the percentage by-catch in a particularly set has exceeded the relevant by-catch threshold, the skipper should immediately (i.e. before steaming) notify the relevant area controller to temporarily close the relevant block where the set was made. In addition, the skipper should also inform other skippers immediately (i.e. before steaming) of the possible high by-catch in the block by broadcasting on a general radio channel which will be heard by all fishers. A record of time of broadcast must be kept in the ships log. Section 28 proceedings may be instituted against a Skipper if established that this condition might have been contravened.
- 4) Blocks refer to the 10 x 10 mile blocks as indicated in the skipper's Daily Pelagic Catch Statistics books and areas refer to areas a to f as follows:
 - a. Area 1 = North of Lambert's Bay;
 - b. Area 2 = Lambert's Bay to St Helena Bay;
 - c. Area 3 = St Helena Bay to Dassen Island;
 - d. Area 4 = Dassen Island to Cape Point;
 - e. Area 5 = Cape Point to Knysna;
 - f. Area 6 = North of Knysna
- 5) If the catch limit in paragraph 1 and 2 above has been exceeded, then the responsible offloading official (Marine Resources Monitor) must confirm this with the local responsible Fishery Control Officer (FCO), as well as the nominated area controller after offloading the entire catch.
- 6) The designated area controller should inform the Chief Area Controller of the by-catch limit being exceeded in writing. The Chief Area Controller should in turn inform all area controllers (i.e. the rest of the industry), as well as the FCO of the specific fishing block which should temporarily be closed for purse seine fishing.

- 7) The Chief Area Controller will declare a block open once the “voorloper” vessel’s horse by-catch is less than 40% (or 20% when more than 4000t horse mackerel has been landed). This should be done in writing to the relevant area controllers, Mr. J. De Goede, local Marine Resources Monitor and the local FCO.
- 8) The Chief Area Controller will declare a block open once the “voorloper” vessel’s chub by-catch is less than 40%. This should be done in writing to the relevant area controllers, Mr. J. De Goede, local Marine Resources Monitor and the local FCO.
- 9) The Permit Holder/s that was/were responsible for closing a block while having oversubscribed the by-catch rule will also be responsible for the cost of re-opening that block after the seven day closure (weather permitting) to ensure that other Permit Holders are not restricted in their ability to fish the closed block. Should the landing have been a split between more than one Permit Holder, then the cost should be shared pro-rata by those Permit Holders.
- 10) Any Permit Holder who wishes to operate within a closed area following the 7-day closure may request the area controller that the area be tested and to nominate a “voorloper” vessel.
- 11) Closed blocks which have not been tested subsequent a 7-day closed period will automatically be declared open 14 days after the 7-day closed period.
- 12) All pelagic blocks are open by default at the start of a pelagic season.
- 13) The species composition of the landing should be confirmed by the offloading official only.
- 14) A “voorloper” vessel must be nominated, in writing, by the local area controller, and forwarded to the local FCO, the Chief Area Controller and Mr. J. De Goede. The letter should include the time of departure subsequent to the 7 (seven) day closed period, the vessel name, the areas (blocks) to be fished and the name of the observer.
- 15) A nominated “voorloper” vessel must carry an Observer at all times.
- 16) A maximum of 4 (four) “voorloper” vessels per area may be nominated and only one vessel allowed to test a block.
- 17) The nominated “voorloper” vessel will be exempted from the 40% by-catch limit
- 18) Section 28 proceedings may be instituted against an Permit Holder if a vessel fishes in a closed block.
- 19) A by-catch management team consisting of J. De Goede (MCM – Marine Resource Management), the local FCO (MCS – Monitoring, Control And

Surveillance) of the area, the Chief Area Controller (Industry) and the Area controller will take responsibility for the implementation of the by-catch management plan. All correspondence should be emailed through to J. De Goede at JdeGoede@dffe.gov.za and the nominated Chief Area Controller (to be nominated by industry).

- 20) Copies of letters to indicate “voorloper” vessels should be attached to the landing declaration.



A handwritten signature in black ink, consisting of several stylized, overlapping strokes.

ANNEXURE C

Designated landing sites for the landing of catches made by small pelagic Permit Holders

LANDING SITES: SMALL PELAGIC

Designated Landing Sites	Addresses for FCO Offices	RESPONSIBLE OFFICER
Cape Town Harbour	Fisheries Management Foretrust Building Cape Town	Ms B. Mamaila 073 323 2364 / 021 402 3275 / 3427 Fax: 021 402 3113 Email: Buyekezwa Mamaila <BMamaila@dffe.gov.za>
Hout Bay Harbour	Harbour Road M&CM office Hout Bay	073 660 6280/021 790 2530 / Fax: 021 790 2808
Mossel Bay Harbour	Aqua Plaza Mars Street Office 104, Mossel Bay	Mr. S. Titus 083 663 9155/ 044 691 2939 Fax: 044 691 2939 Email: Shamley Titus <STitus@dffe.gov.za>
Saldanha Bay Harbour	Saldanha Bay Harbour President Street Saldanha	Mr. W. Theron 082 771 9910/ 022 714 1710 Fax:022 714 3997 Email: Wade Theron <WTheron@dffe.gov.za>
St Helena Bay	Sandy Point Harbour St Helena Bay	Mr W. Basson 078 714 7422/ 022 736 1188 / 022 736 1125 Fax: 022 736 1530 Email: Willem Basson <WBasson@dffe.gov.za>
Hermanus Harbour		Ms G. Barlow 073 264 5953 / 028 312 2609 Fax: 028 313 0502 Email: Gail Marcia Barlow <GBarlow@dffe.gov.za>
Gansbaai Harbour	Gansbaai Harbour Office	Siseko Ndashe 083 465 8025 / 028 384 0321 Fax: 028 384 1546 Email: Siseko Ndashe <SNdashe@dffe.gov.za>
Port Elizabeth Harbour	21 Stanley Street Central P.E	Mr. D. W. Mostert 041 586 4051/ 082 771 8906 Fax: 041 585 0385 Email: Dennis William Mostert <DMostert@dffe.gov.za>
Lamberts Bay Harbour	Lamberts Bay Harbour Lamberts Bay	Mr. W. Cockrill 082 3212 381/ 027 432 1303/027 432 1631 Fax:027 432 1228 Email: Waldemarr Jaques Cockrill <WCockrill@dffe.gov.za>
Laaiplek Harbour	Laaiplek Harbour Laaiplek	Mr. William Shilubane 082 784 6970/ 022 783 0447 / 022 783 1035 Fax: 022 783 0407 Email: William Mbhahleni Shilubane <WShilubane@dffe.gov.za>
St. Francis Bay	Fisheries Management Plettenberg Bay	Mr. M. Maziko 084 607 1783/ 042 293 1329 Fax: 042 293 1757 Email: Mthuthuzeli Maziko <MtMaziko@dffe.gov.za>

ANNEXURE D**PROCEDURES FOR CHARTERING OF SOUTH AFRICAN VESSEL BY OTHER COUNTRIES**

The following procedures shall apply:

1. It is the Permit Holder's responsibility to return the original catch permit to the Department (Attention: Assistant Director: Demersal Fisheries Management) for cancellation. Upon cancellation of the permit the Department will provide written authorization for the vessel to be chartered. 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 stowed). Similarly, before returning to South African 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 stowed).
2. Should the charter period straddle two fishing seasons then the Permit Holder shall notify the Department of the vessels intention to fish in the South African fishery later in the new fishing season by submitting relevant permit applications prior to 1 January of the new season. (On the application the Permit Holder should inform the Department that the vessel is currently chartered in a foreign country and will only collect the permit upon the vessel's return to South Africa).
3. Prior the issuing of the South African catch permit / permit, the Permit Holder would need to demonstrate that the vessel's VMS is reporting to Department's base. In addition, a FCO has to inspect the vessel on docking to ensure that no fish is on board. Lastly, the Permit Holder shall provide an electronic overall catch summary by species in an Excel format to the Department of catches made under charter. These catch statistics have to indicate that the fish was caught under charter so as to avoid duplication of reporting.

Catches made while chartering for another country will not be accepted by the Department when conducting the sector-specific performance reviews. Moreover, Permit holders who primarily fish for other countries may have their South African fishing rights / permits revoked.

