



forestry, fisheries  
& the environment

Department:  
Forestry, Fisheries and the Environment  
REPUBLIC OF SOUTH AFRICA

# Permit Conditions: Small-Scale Fisheries- Commercial West Coast Rock Lobster (Offshore)

Fishing season: 2023/2024

DATE OF APPROVAL: 15/11/2023

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### 1. **APPLICABLE ACTS, POLICIES AND DELEGATIONS**

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- 1.1 This permit is issued in terms of section 13 of the Marine Living Resources Act, 1998 (Act No. 18 of 1998) (MLRA) and Regulations promulgated thereunder.
- 1.2 This permit is issued subject to the provisions and regulations of the following laws but not limited to:
- (a) Small-Scale Fishing Policy, 2012;
  - (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.
- (o) The Marine Living Resources Act of 1998 (“the MLRA”), as amended in 2014 (“the Amendment Act”) and Regulations Relating to Small-Scale Fishing, 2015 (“the Regulations”)

1.2 This permit is issued subject to the further provisions of the –

- (a) General Policy on the Allocation of Commercial Fishing Rights, 2021;
- (b) West Coast Rock Lobster (Offshore) Fishery Policy, 2015; and
- (d) Constitution of the small-scale fishing co-operative;
- (e) Specified grant of right conditions outlined to the fishing right holder

1.3 The Director: Small-scale Fisheries Management (D: SSFM) shall be entitled to amend these permit conditions after consultation with the relevant stakeholders.

1.4 Any reference to the Permit Holder in these permit conditions includes the Co-operative in whose name the long-term Small-scale commercial fishing right is allocated to (“the Right Holder”) by the Minister or the delegated authority.

## **2. VALIDITY OF PERMIT**

- 2.1 This permit shall be valid for the period indicated in Section A (“the permit”).
- 2.2 This permit shall automatically expire and be invalid should:
- (a) the right be cancelled or revoked in terms of Section 28 of the MLRA;
  - (b) the quantum of the west coast rock lobster 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) the right granted to the Permit Holder in terms of Section 18 of the MLRA terminates.
- 2.3 The permit is valid for the following periods in each Zone or Area:
- 2.3.1. Area 3 & 4: this permit is valid from **15 November 2023** until **15 April 2024**.
  - 2.3.2. Area 7: this permit is valid from **15 November 2023** until **15 April 2024**.
  - 2.3.3. Areas 8 and 11: this permit is valid from **1 December 2024** to **30 April 2024**,
  - 2.3.4. Area 8: Deepwater: this permit is valid from **1 May 2024** until **30 June 2024**.

## **3. FISHING AREAS**

- 3.1 The Permit Holder shall only harvest its west coast rock lobster (offshore) allocation in the zone as set out in the permit and within the following areas during the period of validity as indicated in the permit:

### **3.2 Zone B:**

The area between a line in the north (270° true bearing) drawn from the mouth of the Brak River and a line in the south (330° true bearing) drawn from the water tower at Dwarskersbos.

- 3.2.1 The Permit Holder shall not operate traps within a distance of 500 meters measured from the high water mark in the area westwards from, as a northern boundary, a line drawn (270° true bearing) from the Eland Hotel (32° 18.6'S, 18° 20.4'E) at Elands Bay, and, as a southern boundary, a similar line drawn from the reef (32° 20.2'S, 18° 18.6'E) situated at Mossel Bay in the Elands Bay area.

3.3 **Zone C:**

The area between a line in the north ( $270^{\circ}$  true bearing) from the water tower at Dwarskersbos, and a line in the south ( $330^{\circ}$  true bearing) drawn from the co-ordinate  $33^{\circ}15'00''\text{S}$  and  $18^{\circ}07'00''\text{E}$ , situated at Abrahamskraai

3.4 **Zone D:**

The area between a line in the north ( $270^{\circ}$  true bearing) at the co-ordinate  $33^{\circ}15'00''\text{S}$  and  $18^{\circ}07'00''\text{E}$  in respect of Zone C above and a line in the south ( $180^{\circ}$  true bearing) drawn from the lighthouse at Cape Hangklip, excluding the area described as Zone E.

3.4.1 **Area 7:** The area between a line in the north ( $270^{\circ}$  true bearing) drawn from the co-ordinate  $33^{\circ}15'00''\text{S}$  and  $18^{\circ}07'00''\text{E}$  in respect of Zone C above and as a southern boundary the northern beacon MB1 of the rock lobster sanctuary at Melkbos Point.

3.4.2 **Area 8:** The area with a northern boundary, a line ( $330^{\circ}$  true bearing) drawn from the beacon HD1 of the Cape Peninsula Rock Lobster Sanctuary and as eastern boundary a line ( $180^{\circ}$  true bearing) drawn from the lighthouse at Cape Hangklip.

3.4.3 The Permit Holder may not undertake fishing within 100 metres of the high-water mark between, as a northern boundary, a line drawn ( $330^{\circ}$  true bearing) from Schusters Bay ( $34^{\circ} 12.1'\text{S}$ ,  $18^{\circ} 22.4'\text{E}$ ), and, as a southern boundary, a similar line drawn from Hoek van Bobbejaan ( $34^{\circ} 18.5'\text{S}$ ,  $18^{\circ} 24.2'\text{E}$ ). The Permit Holder shall remove only West Coast rock lobster from the area beyond 100 metres and must immediately return any other organism to the sea.

3.4.4 **Area 8 (Deep Water):** This area is a sub-area of the already described Area 8. Fishing will only be permitted from **1 June 2021 until 31 July 2021** in the area south of a straight line between Cape Point and Hangklip Lighthouses with a line due south  $180^{\circ}$ , at Hangklip Lighthouse as an eastern boundary and the western boundary moved to include the south of a straight line joining the coordinates  $34^{\circ}$

24.0'S, 18° 29.9'E, 34° 23.2'S, 18° 27.0'E, 34° 18.6'S, 18° 20.0'E, and a line drawn 180° from 34° 18.6'S, 18° 20.0'E due West at. No fishing within 2 nautical miles from Cape Point and Hangklip Lighthouses will be permitted.

- 3.4.5 For the period **15 November 2020 – 15 March 2021** vessels in Zone B may set their traps on Sundays on condition that they launch from 15h00 and for the period **1 January 2021 – 31 January 2021** for Zone D, vessels may set their traps on Sundays on condition that they launch from 15h00. The Permit Holder must adhere to the provisions of paragraphs 6.7, 6.8, 6.11 and 6.12.
- 3.5 **Zone E: Area 11:** The area north of a straight line drawn from the lighthouse at Cape Point to the lighthouse at Cape Hangklip excluding the area within 1 nautical mile from the high-water mark in the area bounded by –
- (a) Northern boundary – a line (270° true bearing) drawn from the mouth of the Buffels River; and
  - (b) Southern boundary – a line (270° true bearing) drawn from the lighthouse at Cape Hangklip.
- 3.6 The Permit Holder or any of its employees or agents shall not undertake commercial fishing in the Marine Protected Areas as stipulated in section 43 of the MLRA.
- 4. MARINE PROTECTED AREAS**
- 4.1 The Permit Holder or any of its employees or agents shall not undertake fishing, or take or destroy any fauna or flora, or in any way disturb, alter or destroy the natural environment, or carry out any activity which may adversely impact on the ecosystems in Marine Protected Areas (MPA's) except where so permitted by legislation.
- 4.2 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.

- 4.3 All traps and ropes shall be on board, tied down and lashed to the fishing vessel, except where so permitted by legislation.
- 4.4 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

**5. NOTIFICATIONS**

- 5.1 The Permit Holder shall only launch its vessel after having informed the relevant Fishery Control Officer before 16:00 on the day before going to sea and providing the relevant Fishery Control Officer (FCO) with full details of the vessel (name/number), name and landing code of the Right Holder, crew list, fishing area, the time he/she expects to launch and the expected time of landing the catch.
- 5.2 If the Permit Holder or authorized representative intends to cancel the planned fishing after notification, he or she must still notify the relevant Fishery Control Officer of the cancellation before 13:00 on the day that he or she planned to launch for fishing.
- 5.3 If the Permit Holder or authorized representative intends to change landing port after notification, he or she must notify the relevant Fishery Control Officer of the change in landing port before 14:00 on the day of fishing.
- 5.4 For the purpose of the activities mentioned in paragraphs 5.1, 5.2 and 5.3, the FCO must be notified in one of the following ways:
  - 5.4.1 Dropping a notification in the notification box;
  - 5.4.2 Sending a sms to the mobile cellphone number of the relevant FCO listed in Table 1; or
  - 5.4.3 Faxing a notification to the relevant fax number provided in Table 1.

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**Table1. Compliance office contact details**

<b>FISHERY CONTROL OFFICE</b>	<b>FACSIMILE NUMBER</b>	<b>CELLPHONE NUMBER</b>	<b>CONTACT PERSON</b>
<b>DORINGBAAI</b>	<b>027-2151882</b>	<b>0736717797</b>	<b>Peter Horn</b>
<b>ELANDS BAY</b>	<b>022-972 1706</b>	<b>0826345490</b>	<b>Jacques Southey</b>
<b>GANSBAAI</b>	<b>028-3841546/ 0866901202</b>	<b>082 645 4795</b>	<b>Petrus Jacobus Mersna</b>
<b>GORDONS BAY</b>	<b>021-856 5222/ 086 5058292</b>	<b>073 264 5953</b>	<b>Nomboniso Jozi</b>
<b>HERMANUS</b>	<b>028-3130502</b>	<b>071 581 1581 079 787 5681</b>	<b>Mzwandile Grootboom</b>
<b>HOUT BAY</b>	<b>021-7902808 / 021-7901792</b>	<b>0736606280</b>	<b>Lucas Finnish</b>
<b>KALK BAY</b>	<b>021-788 1038</b>	<b>0827718890</b>	<b>Anel Nortier</b>
<b>KLEINMOND</b>	<b>028-271 5256</b>	<b>0792667274</b>	<b>Percy Mabunda</b>
<b>KOMMETJIE</b>	<b>021-783 5853</b>	<b>0721954957</b>	<b>Dakalo Gadisi</b>
<b>LAMBERTS BAY</b>	<b>027-432 1228</b>	<b>082321 2381</b>	<b>Wally Cockrill</b>
<b>PORT NOLLOTH</b>	<b>027-8518053</b>	<b>0731229987</b>	<b>Zameka Mphangwa</b>
<b>SALDANHA BAY</b>	<b>022-7143997</b>	<b>082771 8910</b>	<b>Wade Theron</b>
<b>ST HELENA BAY</b>	<b>022-7361530</b>	<b>078714 7422</b>	<b>Willem Basson</b>
<b>VELDDRIFT/LAAIPEK</b>	<b>0227830407</b>	<b>0827846970</b>	<b>William Shilubane</b>

- 5.5 The fax and telephone numbers may change and it is the responsibility of the Right Holder to obtain the correct numbers from the relevant FCO before commencing with fishing. The Customer Services Centre (086 000 3474) may be contacted for this purpose.
- 5.6 The Permit Holder must notify the Department must 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).

**6. EFFORT LIMITATIONS AND GEAR RESTRICTIONS**

- 6.1 The Permit Holder shall only harvest rock lobster from Monday to Friday (Week days including public holidays).
- 6.2 The Permit Holder shall only harvest the mass of West Coast rock lobster allocated to the Right Holder in its permit.
- 6.3 Commercial West Coast rock lobster vessels engaged in rock lobster fishing shall not carry any other fishing permit whilst fishing for rock lobster (e.g. traditional line fish, recreational fishing etc. commercial west coast rock lobster).
- 6.4 West Coast rock lobster vessel(s) may land for more than one small-scale Right Holders at any given time provided that such vessel has relevant fishing permits for all the small-scale Right Holders on board the vessel at the time of the landing.
- 6.5 The number of persons including a Permit Holder on board the vessel shall not exceed the number stated in the Fishing Vessel Licence.
- 6.6 Permitted gear is west coast rock lobster traps only.
- 6.7 Traps may only be hauled between sunrise and sunset.
- 6.8 All right holders together with vessel owners are responsible for safeguarding of their West Coast Rock lobster fishing gear.
- 6.9 All fishing gear (traps) must be removed from the fishing area and kept on board the vessel over weekends.
- 6.10 The fishing vessel's registration number must be recorded on each buoy of every trap.
- 6.11 Landings of West Coast rock lobster shall only occur on Monday to Friday (weekdays) between 09h00 and 15h00 at all landing points.

6.12 West Coast Rock Lobster Fishing Vessel must offload their catches in the presence of the FCO/Monitor.

## **7. CATCH CONTROLS AND LIMITATIONS**

7.1 The Permit Holder shall conduct its fishing operations strictly in accordance with the attached inter-area schedule. Should the inter-area schedule be amended, it is the responsibility of the Permit Holder to obtain the updated schedule. Over catches will result in sanctions and may affect the allocation of future rights.

7.2 The Permit Holder shall only harvest the amount of the West Coast rock lobster allocated to the Right Holder in terms of the Total Allowable Catch ("TAC") allocated to the Right Holder in its permit.

7.3 Permit holders shall be liable for contravention(s) of the MLRA and Regulations conducted by its employees and/or nominated vessel.

7.4 The Permit Holder shall not land, sell, receive or process any fish taken by any means in contravention of the MLRA and Regulations. In terms of Regulation 49(1) of the MLRA: "A holder of a commercial West Coast rock lobster permit shall not engage in fishing, collecting or disturbing of, or be in possession of, any West Coast rock lobster of which the length of the carapace is less than 75 mm or the length of the second segment along the dorsal midline of such tail is less than 19 mm".

6.5 There shall be no transshipment of catches without the written authorisation from the Department. Should the Permit Holder tranship any catches, then proceeding in terms of section 28 of the MLRA shall be instituted against the Permit Holder.

6.6 The Permit Holder shall immediately cease fishing once the whole mass of West Coast rock lobster as indicated in its permit is caught.

6.7 West Coast rock lobster caught in terms of this permit shall be weighed prior it being removed from the landing site of the landing port.

- 6.8 The Permit Holder/ Right Holder shall be responsible for any transgression onboard the vessel.
- 6.9 The Permit Holder shall not use the vessel(s) as indicated in its permit to catch or transport any fish caught on the authority of a recreational fishing permit during the period of validity of its permit.
- 6.10 The Permit Holder shall sort the catch in each and every trap and immediately return all under-sized rock lobster to sea prior to the hauling of the next trap.
- 6.11 Once the whole mass of West Coast rock lobster has been caught, the Permit Holder shall immediately remove all its traps from the sea.
- 6.12 **REWARDS TAGGING**  
The Permit Holder shall ensure that all tagged West Coast rock lobster caught and/or tags collected/found are handed over to the relevant FCO for which a reward of R10,00 per tagged West Coast rock lobster and R1,00 per tag shall be payable.
- 7. HANDLING OF OVER/UNDER CATCHES AND PROHIBITED SPECIES**
- 7.1 In the event that the allocation of the Permit Holder is discovered to have been exceeded at the landing site upon return from the last fishing trip and verification by the FCO and/or Marine Resource Monitor (Monitor), the excess may be transferred to another Permit Holder by mutual agreement between the parties, provided the transferee has been issued with a valid permit, has not yet caught its full allocation and provided they have been fishing on the same day and in the same Zone/Area.
- 7.2 The Permit Holder must return the excess caught West Coast Rock Lobster to sea in the event that there is no right holder to transfer it to as set out in paragraph 7.1.
- 7.3 Should the Permit Holder catch more than the allocated mass as set out in Section A of the permit, the excess mass will be automatically deducted from the Permit Holder's allocation for the following season. Should the Permit Holder catch more than ten percent (10%) of the allocated mass as set out in Section A of the permit, it may result,

in addition to the automatic deduction, in the initiation of legal proceedings, which may include Section 28 proceedings and/or criminal proceedings against the Permit Holder/Right Holder and his/her employees (whether permanent, full-time or part-time), his/her contractors, agents or advisers or authorised representatives, the owner and/or the skipper of the vessel.

- 7.4 In the event that the Permit Holder does not harvest its allocation in full, the Department will not consider any application for rollovers.

## **8. VESSELS SPECIFICATIONS**

- 8.1 The Permit Holder shall only use a suitable vessel to harvest rock lobster, i.e. a suitable vessel in the west coast rock lobster (offshore) fishery is a vessel that:

- (a) has a SAMSA registered length of approximately 30 metres and a minimum length of approximately 8 metres;
- (b) has a functioning vessel monitoring system;
- (c) is geared for trap fishing; and
- (d) does not operate in another fishery.

- 8.2 The Permit Holder shall ensure that the vessel is clearly marked in accordance with the provisions of Regulation 77 promulgated under the MLRA.

- 8.3 The Permit Holder shall affix the letter “K” on all vessels used for the catching of rock lobster and the letter must at all times be clear and legible.

## **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 Department.

- 9.2 It is the responsibility of the Permit Holder and/or Right Holder and or the authorised representative and or the Vessel 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.

- 9.3 The Permit Holder and/or Right Holder and/or the authorised representative and/or the relevant Vessel Skipper shall establish and ensure that the VMS unit is functional by contacting the **Operations Room** at the Branch: Fisheries Management on telephone numbers **(021) 402-3076** or **(021) 402-3077**, and/or via email: [VMSops@environment.gov.za](mailto:VMSops@environment.gov.za) prior to sailing.
- 9.4 Should the power supply be interrupted or the equipment become non-functional (for whatever reason), and the problem persist, the vessel shall proceed to the designated fishing harbour and/or port within twenty four hours of being informed of the problem by the Department.
- 9.5 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 one (1) hour after berthing, and must switch on their units a minimum of one (1) hour prior to the 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.
- 9.6 The right holder and or Skipper, and or authorised representative shall ensure that their Vessels do not go to sea without a functional Vessel Monitoring System (VMS) as mentioned in paragraph 9.2 above.
- 9.7 The Permit Holder and/or vessel owner and/or skipper must inform the Departments Operations VMS Room at **021 402 3077** before 16h00, that the vessel is laying over.
- 9.8 Should the Permit Holder and/or Right Holder and/or the authorised representative not adhere to the provisions of the above, the Department may detain the vessel once in port and implement legal proceedings which may include application of Section 28 of the MLRA.

## 10. **LANDING OF FISH**

- 10.1 The Permit Holder shall only land its catches at the following designated landing sites:

10.1.1 **Zone B:**

- (a) Doring Bay- the seashore and jetty between the beacons marked B1, indicating the northern boundary, and B2, indicating the southern boundary, and situated near the fish processing establishment of Doring Bay Abalone Farm.
- (b) Lamberts Bay – the main landing quay in the fishing harbour; and
- (c) Elands Bay – the four landing quays near the old military camp on Bobbejaanpunt.

10.1.2 **Zone C**

- (a) St Helena Bay – the rock lobster landing quay situated in the fishing harbour at Sandy Point; and
- (b) Saldanha Bay – the rock lobster landing quay in the fishing harbour at Pepper Bay

10.1.3 **Zone D: Area 7**

- (a) Saldanha Bay – the rock lobster landing quay in the fishing harbour at Pepper Bay; and
- (b) Hout Bay – the two fish landing quays in the fishing harbour.

10.1.4 **Zone D: Area 8**

- (a) Hout Bay – the two fish landing quays in the fishing harbour;
- (b) Kalk Bay – the fish landing quay in the fishing harbour;
- (c) Gordons Bay -the fish landing quay in the fishing harbour;
- (d) Hermanus - the finger quay between the main quay and breakwater wall; and
- (e) Gansbaai - the fish landing quay situated at the old part of the harbour.

10.1.5 **Zone D: Area 8 (Deep Water)**

- (a) Hout Bay – the two fish landing quays in the fishing harbour;
- (b) Kalk Bay – the fish landing quay in the fishing harbour;

- (c) Gordons Bay the fish landing quay in the fishing harbour; and
- (d) Hermanus - the finger quay between the main quay and breakwater wall;  
and
- (e) Gansbaai - the fish landing quay situated at the old part of the harbour.

**10.1.6 Zone E: Area 11**

- (a) Kalk Bay – the fish landing quay in the fishing harbour;
  - (b) Gordon’s Bay – the fish landing quay in the fishing harbour.
- 10.2 The Permit Holder and/or the authorized representative shall at times be present on the vessel used to harvest rock lobster.
- 10.3 The Permit Holder shall only land West Coast rock lobster (offshore) in a whole state in the presence of a FCO/Monitor at a designated landing site.
- 10.4 The Permit Holder shall ensure that all rock lobster landed is of a legal size of the length of the carapace of not less than 75 mm or the length of the second segment along the dorsal midline of such tail of not less than 19 mm.
- 10.5 The Permit Holder shall be deemed to have landed all the rock lobster once the vessel has been berthed. All rock lobster must be weighed and recorded over a calibrated mass meter situated at the landing site prior to the removal of such West Coast Rock Lobster from the landing site. The West Coast rock lobster Landing Form must be fully completed and signed. The original form must be submitted to the FCO/Monitor.
- 10.6 All catches must be weighed at the landing site. No weight loss allowance for water loss will be allowed when the rock lobster is weighed at the landing site. The weight at the landing site will be the recorded weight for the purposes of quantum control.
- 10.7 The onus is on the Permit Holder to ensure that the weights that are recorded at the landing site is correctly recorded on the West Coast rock lobster Landing Form (i.e., the weight of holding bin was deducted).



10.8 Landings of West Coast rock lobster may only occur on Monday to Friday (week days, including public holidays) between 09h00 and 15h00 at all landing points.

**11. SUBMISSION OF INFORMATION**

11.1 The Permit Holder shall submit to the Department (Right Holder Information, Attention: Deputy Director: Small-scale 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 the Customer Services Centre.

11.2. Catch Statistics:

- (a) The Permit Holder shall be responsible for the completion of the West Coast rock lobster Landing Form/Slips. The form shall be signed by the Permit Holder or its authorised representative and the FCO or Monitor once all rock lobster have been weighed.
- (b) The West Coast Rock Lobster Landing Form shall clearly reflect the Right Holder and shall be fully completed by the Permit Holder or authorised representative.
- (c) The properly completed and signed "**West Coast rock lobster Landing Form {{OM/EN 26/12/3 (Trap vessels – Any vessel operating with traps)}}"**, shall be handed to the FCO or Monitor at the landing site.
- (d) The Right Holder must submit a letter of permission for completing the landing slips which must be kept in the landing book at all times. A copy of the letter must also be forwarded to the Department (Attention: Fisheries Research; Tel (021) 402 3128; Fax (021) 402 3034 prior to the commencement of fishing operations by the relevant Permit Holder.
- (e) All information recorded on the forms referred to above will be regarded as final and that the Director: SSFM will only consider requests for changes on receipt of a written application supported by an acceptable explanation which has been

endorsed in writing by the appropriate Fishery Control Officer. This request must be submitted to Marine Resources Management (Attention: Director: Small-Scale Fisheries Management Tel (021) 402 3577; Fax (021) 402 3734.

- (f) The Permit Holder shall provide the first copy of all landings to the nominated Fish Processing Establishment(s) (FPE).

### 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(s) 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(s) on board the vessel utilised to harvest the West Coast rock lobster.
- 12.2 The Permit Holder shall keep the second copy of all landings for a minimum period of sixty (60) months.

## 13 **VIOLATIONS**

- 13.1 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 and or criminal proceedings).
- 13.2 A breach referred in paragraph 14.1 includes, but is not limited to:
  - (a) failure to provide information to which the Department of Fisheries, Forestry and Fisheries (“the Department”) is entitled to or to submit information which is not true or complete; or

- (b) failing to effectively utilise the permit.
- 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 not discard any waste material, garbage or pollutants into the sea or harbour or landing site. The Permit Holder shall safely store all waste material, garbage and pollutants on board the vessel.
- 13.5 The Permit Holder shall not tranship any fish whether at sea or at the landing/ launching site.
- 13.6 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 West Coast rock lobster in terms of this permit.
- 13.7 The Permit Holder shall safely store all inorganic waste material, garbage and pollutants on board the vessel. Should the Permit Holder discard any inorganic waste material, garbage or pollutants into the sea and/or not put such waste into dedicated waste bins at the 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.
- 13.8 Failure to report any contravention of the provisions of the MLRA. Any contravention shall immediately be reported telephonically to the Customer Service 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).
- 13.9 The Department may refuse to issue a subsequent permit should the conditions stipulated in this permit not be adhered to.

**14. CONSULTATION AND COMMUNICATION**

14.1 The Department will prefer to consult and communicate with the recognised board of the small-scale fishing co-operative in terms of the MLRA and which are representative of Right Holders in this fishery.

14.2 Communication regarding all permits and licenses shall be addressed to the Department's Customer Service Centre, Ground Floor, Foretrust Building, Martin Hammerschlag Way, Foreshore, Cape Town. The Customer Service Centre may be contacted on **086 000 3474**.

14.3 The Chief Director: Marine Resources Management will consult with Permit Holders when conducting performance reviews to determine further criteria against which Permit Holders will be measured.

**15. OBSERVER PROGRAMME**

15.1 The Permit Holder shall, when requested by the Department or its agent, accommodate an Observer on board the Permit Holder's nominated vessel.

15.2 The Observer shall be fully accommodated on board the vessel and provided with food and facilities of a level accorded to officers.

15.3 The Permit Holder shall bear the costs of the observer deployment.

15.4 The Permit Holder shall allow the Observer unrestricted access to monitor fishing activity and compliance with permit conditions and all applicable laws.

15.5 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 rock lobster 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 Failing to comply with 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**

- 19.1 The Permit Holder shall only load the harvested West Coast rock lobster onto the vehicle indicated in the transport permit after it has been weighed.
- 19.2 The Permit Holder shall not transport West Coast rock lobster without being in possession of the following:
- (a) a valid West Coast rock lobster transport permit; and
  - (b) a duly completed West Coast rock lobster Landing Form in the **West Coast Rock Lobster Landing Book** signed by the Permit Holder and/or an FCO/Monitor.
- 19.3 The Permit Holder shall transport and deliver the West Coast rock lobster only to the Fish Processing Establishment as stipulated in the catch permit in a whole state.
- 19.4 The Permit Holder shall deliver the West Coast rock lobster harvested to the Fish Processing Establishment on the same day that it has been landed using the shortest main route between the landing site and the Fish Processing Establishment.

**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 information may include but not limited:
- 20.1.1 Data regarding transformation levels.
  - 20.1.2 Sustainable fishing practices.
  - 20.1.3 Data regarding investments made in the fishery and jobs created; and sustained.
  - 20.1.4 Data regarding compliance initiatives.
  - 20.1.5 Data regarding catch performance.
  - 20.1.6 Data regarding levies paid.
- 20.2 Should the Permit Holder fail or refuse to provide information required to carry out a performance measuring exercise, the Department may initiate legal proceedings, which may include but not limited to section 28 proceedings.



**DIRECTOR: SMALL-SCALE FISHERIES MANAGEMENT**

DATE: 15/11/2023

