

# Permit Conditions: West Coast Rock Lobster (Nearshore) Fishery

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Fishing season: 2023/2024

**DATE OF APPROVAL:** 23.10.2023

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

- 1.3 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 Nearshore Fishery Policy, 2015; and
  - (c) Policy for the Transfer of Commercial Fishing Rights, 2009.
- 1.4 The Director: Inshore Fisheries Management (D: IFM) shall be entitled to amend these permit conditions after consultation with the relevant stakeholders. In case of emergency the D: IFM shall be entitled to amend without consultation.
- 1.5 Any reference to the Permit Holder in these permit conditions includes the person in whose name the long-term 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 allocated to the Permit Holder is caught;
  - (c) the fishing season is terminated or ends;
  - (d) the permit be revoked, cancelled or suspended in terms of Section 28 of the MLRA; and
  - (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. Zone A: this permit is valid from **15 October 2023** until **15 March 2024**;
  - 2.3.2. Zone B: this permit is valid from **15 November 2023** until **15 April 2024**;
  - 2.3.3. Zone C: this permit is valid from **15 November 2023** until **15 April 2024**;
  - 2.3.4. Areas 8 and 11: this permit is valid from **15 November 2023** to **15 April 2024**;  
and;
  - 2.3.5. Zone F: this permit is valid from **15 November 2023** until **15 April 2024**.



### 3. **FISHING AREAS**

3.1 The Permit Holder shall only harvest his/her West Coast rock lobster (nearshore) 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 A:**

The area between a line in the north (approximately 234° true bearing) drawn from the mouth of the Orange River, as indicated on chart SAN FZ1 and a line in the south (270° true bearing), drawn from the mouth of the Brak River.

#### 3.3 **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.

#### 3.4 **Zone C:**

The area between a line in the north (330 true bearing) from the water tower at Dwarskersbos, and a line in the south (270° true bearing) drawn from the co-ordinate 33°15'00"S and 18°07'00"E, situated at Abrahamskraal.

#### 3.5 **Zone D:**

The area between a line in the north (270° true bearing) at the co-ordinate 33°15'00"S and 18°07'00"E in respect of Zone C above and a line in the south (180° true bearing) drawn from the light house at Cape Hangklip, excluding the area described as Zone E.

3.5.1. **Area 8:** The area with a northern boundary, a line (270° true bearing) drawn from the beacon HD1 of the Cape Peninsula Rock Lobster Sanctuary and as eastern boundary a line (180° true bearing) drawn from the lighthouse at Cape Hangklip.

#### 3.6 **Zone E:**

3.6.1 **Area 11:** The area north of a straight line drawn from the lighthouse at Cape Point to the light house 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.

### 3.7 **Zone F:**

The area with a western boundary, a line (180° true bearing) drawn from the lighthouse at Cape Hangklip and a line drawn (180° true bearing) from the lighthouse at Danger point as an eastern boundary.

3.7.1 **Area 12:** The area between a line drawn due south (180° true bearing) at a beacon B4 (Jock se Baai) and a line drawn due south (180° true bearing) of the mouth of the Kleinmond lagoon.

3.7.2 **Area 13:** The area between a line drawn due south (180° true bearing) at Mudge Point and a line drawn due south (180° true bearing) of a beacon HR2 at Rietfontein.

3.7.3 **Area 14:** The area between a line drawn due south at Danger Point Lighthouse and a line drawn 240° from the coordinates **34°37.0'S, 19°20.0'E** at Soepiesklip.

## 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 nets 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 and the reason required for anchoring, mooring or stopping in the area. Such notification shall be sent via e-mail to: [VMSops@dffe.gov.za](mailto:VMSops@dffe.gov.za) or faxed to: (021) 425 6497 or phone to: 021 402 3077/76.

The operating hours of the VMS Operations Center are as follows:

Monday to Friday office hours: 08:00 to 15:00

Monday to Friday After Hours 15h00 to 23h00

Weekends and public holidays 10:00 to 18:00

The official on duty outside office hours is only contactable via cellphone and or email.

**Tabel 1: VMS Operations Center contact information:**

Contact	Contact details
Ops room office number	021-402 3077/76
Ops room fax number	021-425 6497
Ops room email	VMSops@dffe.gov.za
Sonwabo Mjelo	073 618 8800
Nqabisa Vumazonke	078 299 3174
Tobisa Gatyana	066 471 1336

## **5. NOTIFICATIONS**

- 5.1 The Permit Holder or authorized representative shall only launch his/her vessel after having informed the relevant Fishery Control Officer (FCO) before 16:00 on the day before going to sea and providing the relevant Fishery Control Officer 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 No fishing vessel is allowed to launch before 05:30 am.
- 5.3 If the Permit Holder or authorized representative intends to cancel 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.
- 5.4 For the purpose of the activities mentioned in 5.1 and 5.3 above, the FCO must be notified in one of the following ways:
- 5.4.1 Dropping a notification in the notification box; or
- 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.

**Table2. Compliance office contact details**

FISHERY CONTROL OFFICE	FACSIMILE NUMBER	CELLPHONE NUMBER	CONTACT PERSON	EMAIL
DORINGBAAI	027-2151882	073 671 7797	Peter Horn	CHorne@dffe.gov.za
ELANDS BAY	022-972 1706	082 634 5490	Jacques Southey	JSouthey@dffe.gov.za
GANSBAAI	028-3841546/ 0866901202	084 899 8072	Lee-Ann Erasmus	LErasmus@dffe.gov.za
GORDONS BAY	021-856 5222/ 086 5058292	073 264 5953	Nomboniso Jozi	NNtlanganiso@dffe.gov.za
HERMANUS	028-3130502	071 581 1581 079 787 5681	Mzwandile Grootboom	MGrootboom@dffe.gov.za
HOUT BAY	No landline	082 829 3918	Melchoir Sylvester	MSylvester@dffe.gov.za
KALK BAY	021-788 1038	082 771 8890	Anel Nortier	ANortier@dffe.gov.za
KLEINMOND	028-271 5256	079 433 2952	Happy Mitileni	TMitileni@dffe.gov.za
KOMMETJIE	021-783 5853	082 829 3918	Melchoir Sylvester	MSylvester@dffe.gov.za
LAMBERTS BAY	027-432 1228	082 321 2381	Wally Cockrill	WCockrill@dffe.gov.za
PORT NOLLOTH	027-8518053	083 416 5856	Thulani Mthombeni	ThMthombeni@dffe.gov.za
SALDANHA BAY	022-7143997	082 771 8910	Wade Theron	WTheron@dffe.gov.za
ST HELENA BAY	022-7361530	078 714 7422	Willem Basson	WBasson@dffe.gov.za
VELDDRIFT/LAAIPEK	0227830407	082 784 6970	William Shilubane	WShilubane@dffe.gov.za



5.5 The fax and cellphone numbers may change and it is the responsibility of the Right Holders to obtain the correct numbers of the relevant FCO before commencing with fishing. The Customer Services Centre (086 000 3474) may be contacted for this purpose.

5.6 In the event of a Permit Holder passing away, the executor must notify the Department of the passing within 90 days.

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

6.1 The Permit Holder shall only harvest West Coast rock lobster from Monday to Friday (weekdays) excluding Public Holidays.

6.2 The Permit Holder shall only harvest the mass of West Coast rock lobster allocated to him/her in his/her permit.

6.3 Commercial West Coast rock lobster vessels engaged in rock lobster fishing shall not carry any other fishing permit on board whilst fishing for Commercial West Coast rock lobster Nearshore (e.g. traditional line fish, recreational fishing, interim-relief, small-scale etc.).

6.4 Vessels operational in this fishery shall only land West Coast rock lobster for one Right Holder per 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 License.

### **6.6 Zone A:**

6.6.1 Permitted gear is ring nets only.

6.6.2 Permit Holders may use a mother/tow vessel on condition that:

6.6.2.1. The mother/tow vessel is registered as a mother/tow vessel, i.e. must have a "KK" license.

6.6.2.2. The Permit Holder must be on board the vessel and be responsible for catching his /her own lobsters.

6.6.2.3. The Permit Holder must be present at all times when his/her catch is landed.

**6.7. Zones B to F:**

6.7.1 Permitted gear is ring nets only.

6.8. The fishing vessel's registration number must be recorded on every buoy for each ring/hoop net.

6.9. The Permit Holder shall not use a carrier vessel to transport his/her West Coast rock lobster catches to the landing point.

**7. CATCH CONTROLS AND LIMITATIONS**

7.1 The Permit Holder shall conduct his/her 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 him/her in terms of the Total Allowable Catch ("TAC") allocated to him/her in his/her permit.

7.3 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."

7.4 There shall be no transshipment of catches without a written authorisation from the Department.

7.5 The Permit Holder shall immediately cease fishing once the whole mass of West Coast rock lobster as indicated in his/her permit has been caught.

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

- 7.7 The Permit Holder/Right Holder shall be responsible for any transgression on board the vessel. The Vessel skipper, the crew and everyone else who have been involved in transgression will also be responsible.
- 7.8 The Permit Holder shall not use the vessel as indicated in this permit to catch or transport West Coast rock lobster caught on the authority of a recreational fishing permit during the period of validity of his/her permit.
- 7.9 The Permit Holder must sort the catch after every net hauled and immediately return all under-sized rock lobster to sea before hauling the next net.
- 7.10 The Permit Holder or authorised representative shall at all times be present on the vessel used to harvest West Coast Rock Lobster. The Permit Holder (Right Holder) will be held responsible for any infringements of the permit conditions by the authorised representative. Permit condition 12.2(d) applies when permission has been granted to appoint an authorised representative.

## **8. REWARDS TAGGING**

- 8.1 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.

## **9. ACCESS TO SNOEK**

- 9.1 The Permit Holder may access snoek provided that the vessel nominated and used for West Coast rock lobster is a bakkie (a bakkie is a non-motorised row boat, which is 6m or less in length).
- 9.2 The Permit Holder must not fish for snoek in any area except in the Zone/Area as stipulated in this permit.

## **10 HANDLING OF OVER/UNDER CATCHES**

- 10.1 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 Fishery Control Officer 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 his/her full allocation and provided they have been fishing on the same day and in the same Zone/Area.

- 10.2 The Right 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 explained in paragraph 8.1.
- 10.3 Should the Permit Holder/Right 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 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.
- 10.4 In the event that the Permit Holder does not harvest his/her allocation in full, the Department will not consider any application for rollovers.

## **11 VESSELS SPECIFICATIONS**

- 11.1 The Permit Holder shall only use a suitable vessel to harvest rock lobster, i.e. a suitable vessel in the WCRL (nearshore) fishery is a vessel that -
- a) has a maximum SAMSA registered length of eight (8) metres; and
  - b) is geared to fish for WCRL using ring/hoop nets only.
- 11.2 The Permit Holder shall ensure that the vessel is clearly marked in accordance with the provisions of Regulation 77 promulgated under the MLRA.
- 11.3 The Permit Holder shall affix the letter "K" on his/her vessel used for the catching of West coast rock lobster and the letter must at all times be clear and legible.

## **12 VESSEL MONITORING SYSTEM (VMS)**

- 12.1 The Permit Holder's nominated fishing vessel shall be fitted with a functional vessel monitoring system ("VMS") approved by the Chief Director, Monitoring, Control and Surveillance (CD: MCS).

- 12.2 It is the responsibility of the Permit Holder to ensure that the VMS is fully operational and that the VMS continues to transmit to the Department's Operations Room. The Permit Holder shall establish 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@dffe.gov.za](mailto:VMSops@dffe.gov.za) prior to sailing.
- 12.3 Should the VMS Unit on board the Vessel not be operational for any reason for a period exceeding two hours, the nature of the problem shall be reported immediately by fax to the Department at **fax number (021) 425 6497** and/or via email: [VMSops@dffe.gov.za](mailto:VMSops@dffe.gov.za). Should the problem persist, the vessel shall immediately return to the landing site to have the VMS equipment repaired. Please refer to 3.1 and Table 1 for additional contact information.
- 12.4 The following Permit Holders are exempted from the provisions of paragraphs 12.1 to 12.3:
- 12.4.1 All Permit Holders operating with ring/hoop nets in Zone A and B.
  - 12.4.2 All Permit Holders fishing with vessels less than 5m in length.
  - 12.4.3 All Permit Holders fishing with vessels with a total engine capacity of 30 horsepower or less.

### **13 LANDING OF FISH**

- 13.1 The Permit Holder shall only launch his/her vessel and land his/her catch at the following designated launching/landing sites:

#### **13.1.1 Zone A:**

- (a) Port Nolloth - the jetty of Hickson's Canning Company; and
- (b) Hondeklip Bay – the jetty of Namaqua Canning Company;

#### **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 Doringbay 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 at Bobbejaanpunt.

**13.1.3 Zone C:**

- (a) St Helena Bay – the rock lobster landing quay situated in the fishing harbour at Sandy Point;
- (b) Paternoster – the seashore between the beacons marked P1 and P2, situated to the east and to the west respectively, of the fish processing establishment of Paternoster Visserye at Paternoster;
- (c) Jacobs Bay – the seashore between the beacons marked F1, indicating the northern boundary, and F2, indicating the southern boundary;
- (d) Saldanha Bay – the rock lobster landing quay in the fishing harbour at Pepper Bay; and
- (e) Laaiplek – at the quay adjacent to the Fisheries Control office.

**13.1.4 Zone D**

- (a) Hout Bay – the two fish landing quays in the fishing harbour;
- (b) Kalk Bay – the fish landing quay in the fishing harbour;
- (c) Gordon's Bay – the fish landing quay in the fishing harbour;
- (d) Witsand – the landing place to the south of Kommetjie situated between the beacons marked H1 and H2 respectively; and
- (e) Millers Point – the slipway at Millers Point.

**13.1.5 Zone E**

- (a) Kalk Bay – the fish landing quay in the fishing harbour;
- (b) Gordon's Bay – the fish landing quay in the fishing harbour; and
- (c) Millers Point – the slipway at Millers Point.

**13.1.6 Zone F**

- (a) Area 12: Kleinmond - at the municipal slipway;
- (b) Area 13: Hermanus new harbour slipway/finger quay; and
- (c) Area 14: Gansbaai - the fish landing quay situated at the old part of the harbour.

13.2 The Permit Holder or authorized representative shall at all times be present on the vessel used to harvest rock lobster.



- 13.3 The Permit Holder or authorized representative shall only land West Coast rock lobster (nearshore) in a whole state in the presence of an FCO/Monitor at a designated landing/launching site from which he/she launched.
- 13.4 The Permit Holder or authorized representative shall ensure that all rock lobster landed is of a legal size of the length of the carapace of not less than 75 mm.
- 13.5 The Permit Holder or authorized representative shall be deemed to have landed all the rock lobster once the vessel has been removed from the sea or berthed. All rock lobsters must be weighed and recorded over a calibrated mass meter situated at the landing/launching site prior to the removal of such West Coast Rock Lobster from the landing site.
- 13.6 The Right Holder or authorized representative must ensure that the West Coast rock lobster Landing Form is fully completed and signed and that the original form is submitted to the FCO/Monitor before departing from the landing site.
- 13.7 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.
- 13.8 The onus is on the Permit Holder to ensure that the weights that are recorded at the landing site are correctly recorded on the West Coast rock lobster Landing Form (i.e. the weight of the holding bin was deducted).
- 13.9 Landings of West Coast rock lobster may only occur on Monday to Friday (week days excluding public holidays) between 09h00 and 15h00 at all landing points.
- 13.10 Landings of West Coast rock lobster in Zone A may only occur on Monday to Friday (week days, excluding public holidays) between 09h00 and 16h00.
- 13.11 No fishing/landings will be permitted on Public Holidays.
- 13.12 The Permit Holder or authorized representative shall record the number of octopus by-catch caught at the bottom of his/her landing slip and such landing slip shall be signed by both the Permit Holder or authorized representative and FCO/Monitor.

## 14 **SUBMISSION OF INFORMATION**

14.1 The Permit Holder shall submit to the Department (Right Holder Information, Attention: Deputy Director: Large Crustacean Fisheries Management, Customer Services Centre, Ground Floor, Foretrust Building, Martin Hammerschlag Way, Foreshore, Cape Town or Private Bag X2, Vlaeberg, 8018) notification of any change of contact details (including telephone, cellphone, email and address details) within 30 days of such change by completing the change of personal details form available at the Customer Services Centre.

### 14.2 **Catch Statistics:**

- (a) The Permit Holder or authorised representative 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 his/her authorised representative and the FCO or Monitor once all rock lobsters 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 26/12/2 (Bakkies – Any vessel operating with ring/ hoop nets)}**” shall be handed to the FCO or Monitor at the landing site immediately after landing.
- (d) The Right Holder must submit a letter of permission granting a third party the right to complete the landing slips on their behalf. The letter 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) The Fishery Control Officer or the Monitor must first sign the original form(s) and then remove it from the book for further administrative processing.
- (f) All information recorded on the forms referred to above will be regarded as final and the Director: IFM will only consider requests for changes on receipt of a written application supported by an acceptable explanation. This request must be submitted to Chief Directorate: Marine Resources Management (Attention: Director: Inshore Fisheries Management Tel (021) 402 3187; Fax (021) 402 3734).

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

(h) All cancelled slips must be handed to the FCO or Monitor.

#### 14.3 **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.

### 15 **RECORD KEEPING**

15.1 The Permit Holder shall store at his/her registered place of business the original permit issued to him/her over the duration of the right. The Permit Holder or authorized representative shall at all times have available a true certified copy of this permit and permit conditions on board the vessel utilised to harvest the West Coast rock lobster.

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

### 16 **LEVIES**

16.1 The Permit Holder shall submit a levy declaration form by the last working day of the month following the harvesting periods and/or a NIL return for the fishing season.

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

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

16.4 The permit holder must submit together with all levy payments a levy declaration form.

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



- 16.6 It is the responsibility of the Permit Holder to ensure that the levy declaration form(s) are submitted as stated in paragraph 14.1 and that his/her account is paid up.
- 16.7 All declarations forms shall be submitted to the Directorate: Revenue Management by either of the following:
- 16.7.1 Facsimile – 086 613 6256
  - 16.7.2 Electronic mail – [revenue@dffe.gov.za](mailto:revenue@dffe.gov.za)
  - 16.7.3 Postage – Private Bag X2, Vlaeberg, 8018
  - 16.7.4 By hand – Department of Forestry, Fisheries and the Environment, Branch: Fisheries Management, Customer Service Centre, Ground Floor, Martin Hammerschlag Way, Foretrust Building, Foreshore, 8001.
  - 16.7.5 All enquiries related to levy accounts must be directed to [SBaartman@dffe.gov.za](mailto:SBaartman@dffe.gov.za); [SRangayi@dffe.gov.za](mailto:SRangayi@dffe.gov.za) or [SQaziyana@dffe.gov.za](mailto:SQaziyana@dffe.gov.za) or telephone numbers: 021 402 3016/3334.
- 16.8 The information required in condition 14.4 shall be submitted when paying levies 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 can be made via direct deposit at any First National Bank (FNB) branch or Electronic Funds Transfer (EFT) to the following banking details:
- Branch code –210554**  
**Account name – Marine Living Resources Fund**  
**Account number – 62123256382**  
**Deposit reference -**  
**The Permit Holder must use his/her Customer (Party) Number as a deposit reference. The Permit Holder must ensure that proof of the payment together with a levy declaration is faxed to 086 613 6256 or email to [revenue@dffe.gov.za](mailto:revenue@dffe.gov.za)**

## 17 VIOLATIONS

- 17.1 A breach of the provisions of the MLRA, the Regulations promulgated thereunder and or permit conditions by a right holder or a permit holder or a licence holder, his or her or its employees (whether permanent or temporal), his or her or its contractors, agents, advisers or the skippers may result in the initiation of legal proceedings, which may include section 28 proceedings and or criminal proceedings.

- 17.2 A breach referred in paragraph 15.1 includes, but is not limited to:
- (a) failure to provide information to which the Department of Forestry, Fisheries and the Environment (“the Department”) is entitled to or to submit information which is not true or complete; or
  - (b) failing to effectively utilise the permit.
- 17.3 The Permit Holder shall not land, sell, receive or process any fish taken by any means in contravention of the MLRA.
- 17.4 The Permit Holder or authorised representative shall not discard any waste material, garbage or pollutants into the sea or harbour or landing/launching site. The Permit Holder or authorised representative shall safely store all waste material, garbage and pollutants on board the vessel.
- 17.5 The Permit Holder or authorised representative shall not tranship any fish whether at sea or at the landing/ launching site.
- 17.6 The Permit Holder or authorised representative 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.
- 17.7 Failure by the Permit Holder or authorised representative to report any contravention of the provisions of the MLRA shall be deemed an offence. Contraventions must immediately be reported to the Customer Service Centre at **086 000 3474** and thereafter shall be faxed to **(021) 425 7324**, Attention: The Chief Director: Monitoring, Control and Surveillance (MCS).
- 17.8 The Department may refuse to issue a subsequent permit should the conditions stipulated in this permit not be adhered to.

## **18 CONSULTATION AND COMMUNICATION**

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

18.2 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**.

18.3 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.

## **19 OBSERVER PROGRAMME**

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

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

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

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

19.5 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 initiate proceedings under Section 28 of the MLRA.

## **20 PROCESSING AND SALE OF FISH**

20.1 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.



## **21 TRANSFER OF RIGHTS**

- 21.1 The Permit Holder may only transfer the long-term commercial fishing right allocated to him/her in terms of Section 21 of the MLRA read together with the Policy for the Transfer of Commercial Fishing Rights (Gazette No 32449).
- 21.2 The Permit Holder must first obtain approval of the transfer in terms of Section 21 of the MLRA before any other person other than the Permit Holder may utilise the permit.
- 21.3 Failing to comply with 19.1 and/or 19.2 may lead to the initiation of further legal proceedings including but not limited to proceedings in terms of Section 28 of the MLRA.

## **22 TRANSPORTATION OF FISH**

- 22.1 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.
- 22.2 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.
- 22.3 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.

## **23 FISHING PERFORMANCE MEASURING**

- 23.1 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:
- 23.1.1 Data regarding transformation levels.
  - 23.1.2 Sustainable fishing practices.
  - 23.1.3 Data regarding investments made in the fishery and jobs created; and sustained.
  - 23.1.4 Data regarding compliance initiatives.
  - 23.1.5 Data regarding catch performance.

23.2 Data regarding levies paid.

23.3 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: INSHORE FISHERIES MANAGEMENT**

**DATE: 23.10.2023**

