



agriculture, forestry & fisheries

Department:
Agriculture, Forestry and Fisheries
REPUBLIC OF SOUTH AFRICA

Reference: Cecil Mzamo Mvayi – WCND151096

THE MINISTER

REPORT IN TERMS OF REGULATION 5(3) OF THE REGULATIONS PROMULGATED UNDER THE MARINE LIVING RESOURCES ACT, 1998 (ACT No. 18 OF 1998): APPEAL IN TERMS OF SECTION 80 OF THE MARINE LIVING RESOURCES ACT, 1998 (ACT No. 18 OF 1998): CECIL MZAMO MVAYI

1. PURPOSE

To submit a report as provided for in terms of Regulation 5(3) of the Regulations promulgated under the Marine Living Resources Act, 1998 (Act No. 18 of 1998) ("the MLRA"), with regard to an appeal by Cecil Mzamo Mvayi.

2. GROUNDS OF APPEAL

The Appellant's first ground of appeal relates to section 1 (Applicant Details). The Appellant argues that in his application form he stated that he had been involved in the fishing industry for 20 years but he would like to put real figures that he was involved for 20+ few months. The Appellant argues that he should get maximum points for this section due to his involvement of >20 years. The Appellant submits that his score for section 1 should be 8.50.

The Appellant's second ground of appeal relates to section 5 (fishing performance). The Appellant argues that he has exercised his right every year and that can be ascertained by the permits activated for nine seasons. The Appellant therefore argues that he should get the maximum points (100%) not (66.67%) on fishing performance. The Appellant indicates that the projected score attained by the appellant for section 5 should be 35 points.

3. DELIBERATIONS

The Appellant was categorised as a Category A applicant, this category was for individuals who held West Coast Rock Lobster (Nearshore) fishing rights during the 2005 Long-Term Rights Allocation and Management Process (“LTRAMP2005”). The Appellant scored above the set minimum threshold of 63.1% for previous right holder applicants and accordingly was awarded a fishing right.

The Appellant was correctly scored in section 1. The Appellant provided that he was involved for 20 years in the fishing industry on his application at the time of application and was accordingly scored 6 points on section 1.21.

The Appellant attained a score of 66.67 on section 5.2 in relation to catch records based on the information provided by the applicant at the time of application.



BELEMANE SEMOLI
DEPUTY DIRECTOR-GENERAL (ACTING)
FISHERIES MANAGEMENT
DATE: 21 AUGUST 2018