



agriculture, forestry & fisheries

Department:
Agriculture, Forestry and Fisheries
REPUBLIC OF SOUTH AFRICA

Reference: Johannes Lakey – WCNE150601

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): JOHANNES LAKEY

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 Johannes Lakey.

2. GROUNDS OF APPEAL

The Appellant’s ground of appeal relates to section 7 (Job Creation). The Appellant states that he would like to supplement his application with additional information in section 7. The Appellant indicates that section 7 was completed incorrectly on the application form at the time of application. The Appellant argues that he provides permanent employment as he pays catching fee to the vessel owner and respectively contributes to the wages of the crew. The Appellant argues that his score for section 7 should be adjusted and that will qualify him to be granted a right.

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 below the set minimum threshold of 77% for previous right holder applicants and accordingly was not granted a fishing right.

The Appellant attained a score of 0 points for section 7 (job creation) as he does not provide any employment. Accordingly, section 7 was done in an algorithm manner whereby an Applicant that employs 1 – 10 would score 1 point, 11 – 20 would score 2 points, 21 – 30 would score 3 points, 31 – 50 would score 4 points, 51 – 70 would score 5 points, 71 – 90 would score 6 points, 91 – 110 would score 7 points, 111 – 150 would score 8 points, 151 – 200 would score 9 points and above 200 would score 10 points. In this regard, the Appellant fell within the range of 1 – 10 and hence he was scored 1.

- 3.1 It is recommended that the decision of the Delegated Authority not to allow applicants who scored below the set threshold for applicants who were previous right holders to become successful in the fishery be upheld



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DATE: JULY 2018