



SECTION B

Permit Conditions: Southern Cape Commercial Oyster Fishery

Fishing season:2014

DATE OF APPROVAL:



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1. APPLICABLE ACTS, POLICIES AND DELEGATIONS

1.1. This permit is issued subject to the provisions and Regulations of the following laws but not limited to:

- (a) The Marine Living Resources Act, 1998 (Act No. 18 of 1998) (MLRA) and Regulations promulgated thereunder;
- (b) The National Environmental Management Act, 1998 (Act No.107 of 1998) (NEMA), and Regulations promulgated thereunder;
- (c) The National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004) (NEMBA) and Regulations promulgated thereunder;
- (d) The National Environmental Management: Protected Areas Act, 2003 (Act No. 57 of 2003) (NEMPA) and Regulations promulgated thereunder;
- (e) The National Environmental Management: Integrated Coastal Management Act, 2008 (Act No.24 of 2008) (NEMA:ICMA) and Regulations promulgated thereunder;
- (f) The Sea Birds and Seals Protection Act, 1973 (Act No. 46 of 1973) (SBSPA) and Regulations promulgated thereunder;
- (g) The Fire Arms Controls Act, 2000 (Act No. 60 of 2000) (FACA) and Regulations promulgated thereunder;
- (h) The International Convention for the Prevention of Pollution from Ships Act, 1986 (Act No. 2 of 1986) (ICPPSA) and Regulations promulgated thereunder;
- (i) The South African Maritime Safety Authority Act, 1998 (Act 5 of 1998) (SAMSAA) and 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) The National Ports Authority Act, 2005 (Act No. 12 of 2005) (NPAA) and the Regulations promulgated thereunder;
- (n) The Companies Act, 2008 (Act No. 71 of 2008) (CA) and the Regulations promulgated thereunder; and
- (o) The National Environmental Management Waste Act (Act No. 59 of 2008) (NEMWA) and the Regulations promulgated thereunder.

1.2. This permit is issued subject to the further provisions of the following policies:

- (a) General policy on the Allocation of Commercial Fishing Rights: 2005;
- (b) Policy for the Allocation of Commercial Fishing Rights in the Oyster Fishery: 2005; and
- (c) Policy for the transfer of Commercial Fishing Rights: 2009.

1.3. The Director: Inshore Fisheries Management (IFM) 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 entity or person in whose name the commercial fishing right was 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:

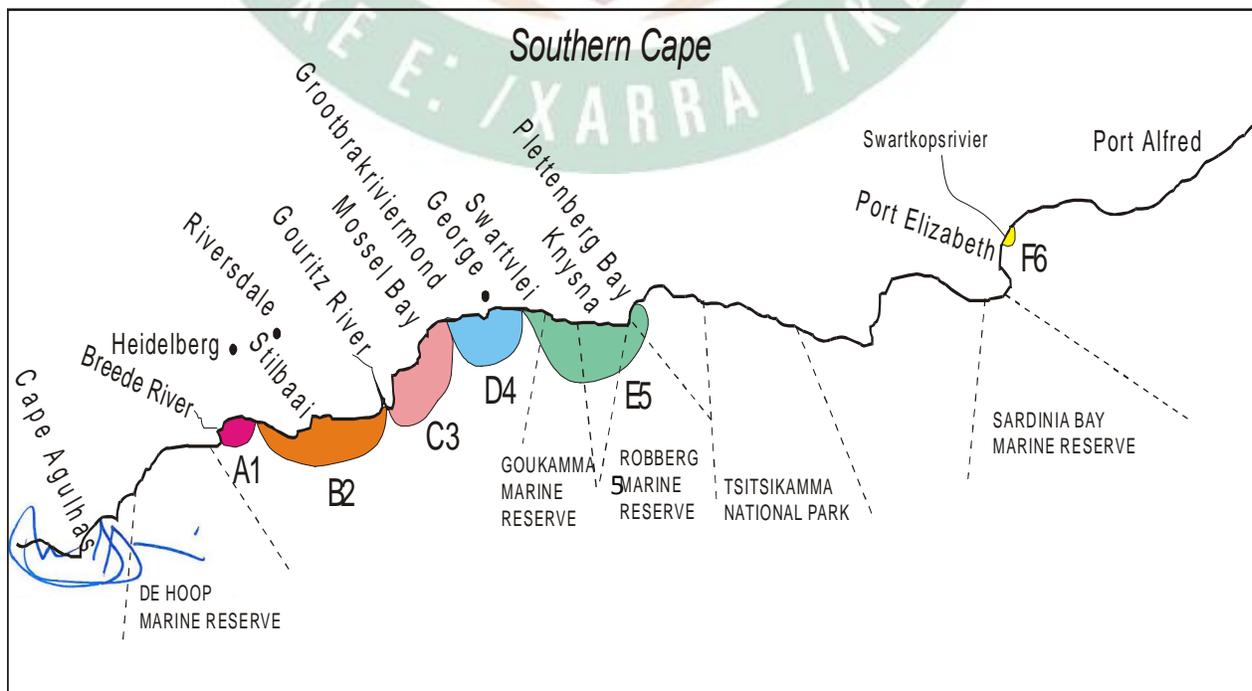
- (a) the right be cancelled or revoked in terms of Section 28 of the MLRA;
- (b) the fishing season end or be terminated; and
- (c) the permit be revoked, cancelled or suspended in terms of Section 28 of the MLRA.

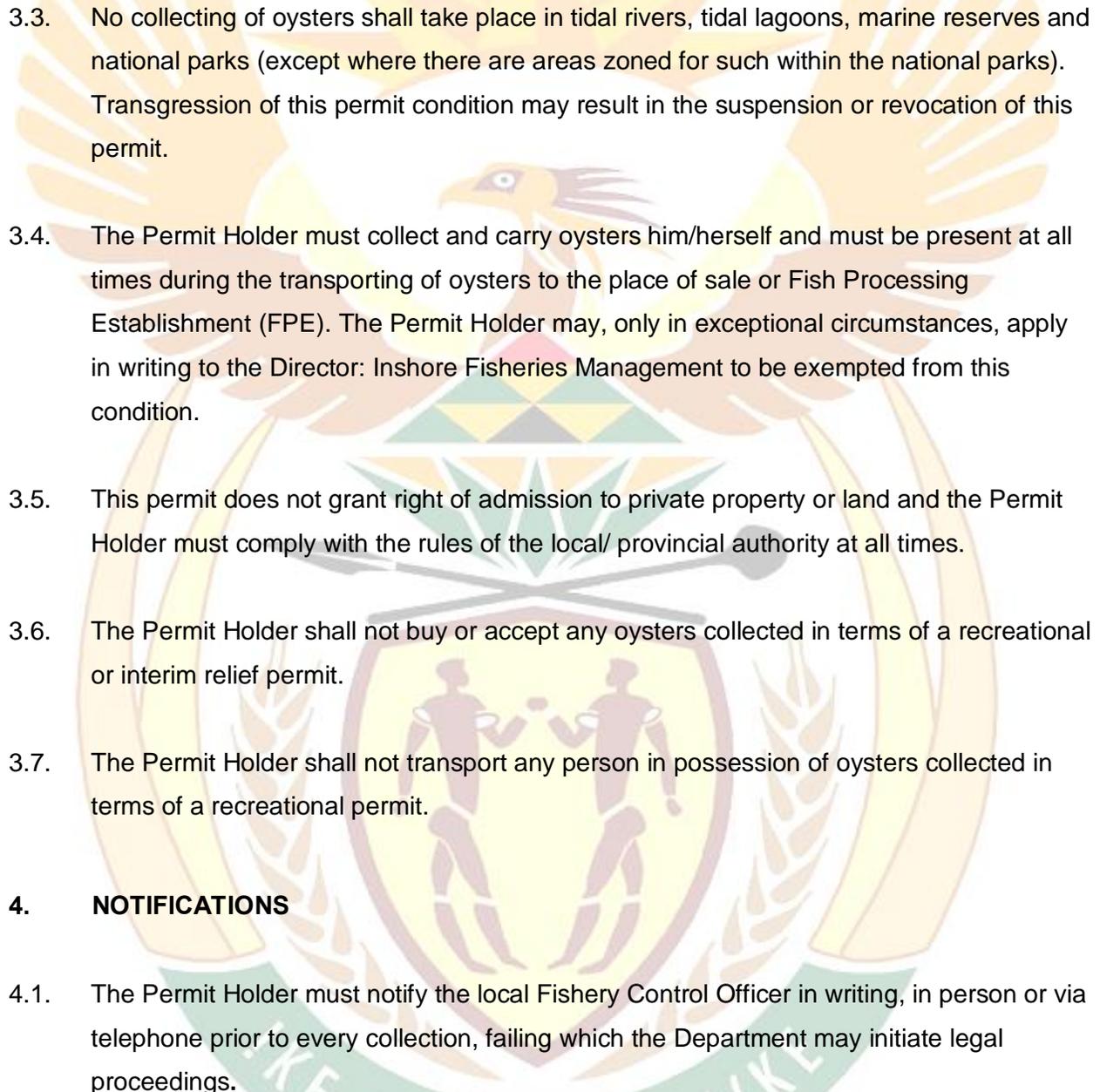
3. FISHING AND RESTRICTED AREAS

3.1. Oysters shall only be collected in the areas indicated in **Section A** (~~the Permit~~).

3.2. The boundaries of the areas are set out on the map below.

Table 1: The Oyster harvesting areas



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- 3.3. No collecting of oysters shall take place in tidal rivers, tidal lagoons, marine reserves and national parks (except where there are areas zoned for such within the national parks). Transgression of this permit condition may result in the suspension or revocation of this permit.
- 3.4. The Permit Holder must collect and carry oysters him/herself and must be present at all times during the transporting of oysters to the place of sale or Fish Processing Establishment (FPE). The Permit Holder may, only in exceptional circumstances, apply in writing to the Director: Inshore Fisheries Management to be exempted from this condition.
- 3.5. This permit does not grant right of admission to private property or land and the Permit Holder must comply with the rules of the local/ provincial authority at all times.
- 3.6. The Permit Holder shall not buy or accept any oysters collected in terms of a recreational or interim relief permit.
- 3.7. The Permit Holder shall not transport any person in possession of oysters collected in terms of a recreational permit.
- 4. NOTIFICATIONS**
- 4.1. The Permit Holder must notify the local Fishery Control Officer in writing, in person or via telephone prior to every collection, failing which the Department may initiate legal proceedings.



The local fishery officer can be contacted at the following numbers:

FISHERY CONTROL OFFICES	TELEPHONE NUMBER	FACSIMILE NUMBER
A1 (Heidelberg/Witsands)	028 537 1296	028 537 1296
B2 & C3 (Stilbaai/Riversdale/Mossel Bay)	044 691 2939	044 691 1617
D4 & E5 (George/ Knysna/Plettenberg Bay)	044 382 1938	044 385 6567
F6 (Port Elizabeth)	041 585 4051	041 586 0385

4.2. The Permit Holder is obliged in terms of the MLRA to report to the Minister any contravention of the MLRA or Permit Conditions by any other person. Any such contravention must be reported to the Department in writing and should be faxed to (021) 425 7324, Attention: The Chief Director: Monitoring, Control and Surveillance (MCS).

5. EFFORT LIMITATIONS AND GEAR RESTRICTIONS

5.1. Oysters may only be harvested two (2) hours prior to low tide to two (2) hours past low tide in winter and oysters may only be harvested four (4) hours prior to low tide to four (4) hours past low tide in summer . This does not include the act of carrying oysters.

5.2. The Permit Holder shall only collect oysters by hand or with a blade or flat edge that shall not exceed 40 mm in width and should be greater than one (1) metre in length.



- 5.3. The Permit Holder shall only use one harvesting iron while harvesting oysters.
- 5.4. The use of wetsuits, weight belts, masks and snorkels is permitted.
- 5.5. The Permit Holder shall not use fins, floating devices and hookah or scuba gear while collecting oysters.
- 5.6. This permit shall only be used by the Permit Holder or an authorised representative. Written permission for an authorised representative shall be obtained from the Director: Inshore Fisheries Management. The Permit Holder shall be held responsible for any infringements of the Permit Conditions by the authorised representative.

6. CATCH CONTROLS AND LIMITATIONS

- 6.1. The Permit Holder shall, at all times, have his/her original permit or true certified copy of the permit available for inspection by the Enforcement Officer.
- 6.2. The Permit Holder shall not collect or be in possession of any other marine organism during collection and carrying of oysters.
- 6.3. The Permit Holder is not allowed to collect oysters in terms of a recreational permit for own use from the time the right/permit is issued.

7. HANDLING OF OVER/UNDER CATCHES AND PROHIBITED SPECIES

Not applicable in the Oyster fishery.

8. VESSELS SPECIFICATIONS

Not applicable in the Oyster fishery.



9. VESSEL MONITORING SYSTEM (VMS)

Not applicable in the Oyster fishery.

10. LANDING OF FISH

Not applicable in the Oyster fishery.

11. SUBMISSION OF INFORMATION

11.1. The Permit Holder shall submit to the Department (Right Holder Information, Attention: Assistant Director: Small Invertebrates and Seaweed Management, The Customer Services Centre, Ground Floor, Foretrust Building, Foreshore, Cape Town, 8000 or Private Bag X2, Roggebaai, 8012) notification (clearly marked Right Holder Information) of any change of contact details (including postal address and contact telephone numbers) within 30 days of such change.

11.2. Catch Statistics:

- (a) The Permit Holder shall submit the relevant catch and effort data on the stipulated catch return form.
- (b) The Permit Holder shall ensure that **columns A – E** on the catch return form is completed before entering the water and that **columns F – I** on the catch return form is completed before leaving the collection site or removing the oysters from the collection site. If the Fishery Control Officer is present he/she shall complete **columns J – K** on the catch return form upon inspection of the catch before the catch may leave the collection site.
- (c) Once the catch details have been recorded for the month, the form shall be signed by the Permit Holder and co-signed dated and stamped with an official stamp by the local Fishery Control Officer.



- (d) The properly completed and signed catch return form, shall be hand delivered or posted by registered mail (**Commercial Oyster Catch Statistics, Attention: Oyster Research Scientist, Customer Services Centre, Ground Floor, Foretrust Building, Martin Hammerschlag Way, Foreshore, Cape Town, 8000 or Private Bag X2, Roggebaai, 8012**). The above-mentioned catch return form must reach the Department by the last day of the following month. Copies shall be retained by the Permit Holder for a period of five (5) years.
- (e) The Permit Holder shall ensure that the catch return forms accompany all oysters in transit to a fish processing establishment authorised by the Department.

11.3. Socio-Economic Information:

The Permit Holder must provide, on request, any economic, socio- economic or financial information in the format as requested by the Department.

12. RECORD KEEPING

The Permit Holder shall store at his/her place of residence or registered place of business the original permit issued to him/her for the current fishing season. The Permit Holder shall at all times over the duration of the right have available a certified copy of the permit in his/her possession or at the harvesting site during collection of Oysters.

13. LEVIES

Not applicable in the Oyster fishery.

14. VIOLATIONS

- 14.1. A breach of the provisions of the MLRA, its Regulations and/or these permit conditions by the Permit Holder, his/her employees (whether permanent or temporal), his/her contractors, agents, advisers may result in the initiation of legal proceedings (which may include section 28 proceedings and or criminal proceedings).

- 14.2. A breach referred to in paragraph 14.1 includes, but is not limited to:
- (a) Failure to provide information to which the Department is entitled to or to submit information which is not true or complete.
 - (b) Failing to effectively utilise the permit.
- 14.3. The Permit Holder shall not land, sell, receive or process any oysters taken by any means in contravention of the MLRA.
- 14.4. The Permit Holder shall store at his/her place of residence or registered place of business the original permit issued to him/her for the current fishing season. The Permit Holder shall, at all times over the duration of the right, have available a **certified copy** of this permit in his/her possession or at the harvesting site during collection of oysters.
- 14.5. The Permit Holder shall not discard any waste, garbage or pollutants into the sea or shoreline. All waste must be placed into dedicated waste bins.
- 14.6. 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 oysters in terms of this permit.
- 14.7. Failure to report any contravention of the provisions of the MLRA by a Permit Holder is a criminal offence. Any contravention shall immediately be reported telephonically to the Customer Service Centre at (021) 425 7324, for attention: Chief Director: Monitoring, Control and Surveillance (MCS).
- 14.8. The Department may refuse to issue a subsequent permit should the permit conditions not be adhered to.

15. CONSULTATION AND COMMUNICATION



- 15.1. The Department will prefer to consult and communicate with the recognized bodies and interest groups in terms of the MLRA and which are representative of Right/Exemption Holders in this fishery.
- 15.2. Communication regarding all permits shall be addressed to the Department's Customer Service Centre, Ground Floor, Foretrust Building, Martin Hammerschlag Way, Foreshore, Cape Town or Private Bag X2, Roggebaai, 8012. The Customer Service Centre may be contacted on (021) 402-3443/3180.
- 15.3. The Chief Director: Marine Resource Management will consult with Permit Holders when conducting performance reviews to determine further criteria against which Permit Holders will be measured.

16. OBSERVER PROGRAMME

The Permit Holder shall, when requested, provide requested information to the catch monitors appointed by the Department.

17. PROCESSING AND SALE OF FISH

- 17.1. Should the Permit Holder also process the oysters harvested in terms of this permit he /she will be required to have a valid Fish Processing Establishment (FPE) Permit.
- 17.2. The Permit Holder shall, when delivering oysters to the authorised FPE, be in possession of a valid catch permit, landing declaration forms and receipts.
- 17.3. The Permit Holder must, upon sale of fish, issue a receipt to the buyer or FPE.
- 17.4. The Permit Holder shall retain copies of invoices/receipts for a period of five (5) years and it must contain the following details:

- (a) Full particulars including full names of the Permit Holder and the Buyer;



- (b) The permit number and the date of issue of the permit authorising the sale of oysters;
- (c) The quantity of oysters sold; and
- (d) The date of delivery of oysters.

17.5. The Permit Holder shall always attach a copy of the Department's invoice to the completed catch return forms and submit it to the Department.

18. TRANSFER OF FISHING RIGHTS

18.1. The Permit Holder shall only transfer the long-term commercial fishing right allocated to him/her or it in terms of Section 21 of the MLRA, read together with the Policy for the Transfer of Commercial Fishing Rights (Government Gazette No 32449, 31 July 2009).

18.2. 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.

18.3. Failing to comply with 18.1 to 18.2 may lead to the initiation of legal proceedings including but not limited to proceedings in terms of Section 28 of the MLRA.

19. TRANSPORTATION OF OYSTERS

19.1. The Permit Holder must, in terms of Government Notice No. 1399 of 21 December 2001, apply for the necessary permits to use a vehicle for a non-recreational activity.

19.2. The Permit Holder shall not transport any person in possession of oysters collected in terms of a recreational or Interim Relief permit whilst transporting oysters collected in terms of this permit.

19.3. The Permit Holder shall when delivering oysters to the authorized FPE be in possession of a valid catch permit, oyster catch statistic form and invoice/ receipts.

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. This information shall include but not be 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.



SIGNATURE:

DIRECTOR: INSHORE FISHERIES MANAGEMENT (IFM)

DATE: 30-12-2013

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