



agriculture, forestry & fisheries

Department:
Agriculture, Forestry and Fisheries
REPUBLIC OF SOUTH AFRICA

Reference: Andrew Petrus Johannes De Klerk – WCNF150327

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): ANDREW PETRUS JOHANNES DE KLERK

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 Andrew Petrus Johannes De Klerk.

2. GROUNDS OF APPEAL

The Appellant’s first ground of appeal relates to the Total Allowable Catch (TAC) and quantum allocation list for West Coast Rock Lobster (Nearshore) for Zone F dated 10 November 2017. The Appellant argues that he was allocated a quantum of 599kg irrespective of the fact that he resides in Hawston and that those who reside in Hawston received an allocation of 820kg in Zone F. The Appellant therefore argues that the decision made by the Delegated Authority to allocate a lesser quantum to him is unfair and does not adhere to the Marine Living Resource Act, 1998, section 5 subsection 5.1.2 and that he should get a quantum allocation of 820kg and not 599kg.

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 40% for previous right holder applicants and accordingly was awarded a fishing right.

The Delegated Authority apportioned and allocated a Total Allowable Catch of 705.2kg to each successful applicant in the West Coast Rock Lobster (Nearshore) for Zone F (Gansbaai, Hermanus, Hawston and Kleinmond). During the 2017/2018 fishing season the Appellant was issued with a permit to catch West Coast Rock Lobster ("WRCL") in terms of section 13 of the Marine Living Resources Act, 1998 (Act No. 18 of 1998) ("the MLRA") which expired on 15 March 2018 reflecting the allocation of 705.2kg. Therefore, the Appellant was granted correctly a TAC of 705.2kg.



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