



agriculture, forestry & fisheries

Department:
Agriculture, Forestry and Fisheries
REPUBLIC OF SOUTH AFRICA

Reference: West Coast Rock Lobster Offshore Appeals

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) ("THE MLRA"): APPEALS IN TERMS OF SECTION 80 OF THE MLRA: FOR

SEA CRAWLERS PRIMARY CO-OPERATIVE LTD	WCOM150840
SIYA SEBENZISANA FISHING CO-OP LTD	WCOM150890
MAPHENDUKA COMMERCIAL CO-OPERATIVE LTD	WCOM150773
SOPHUMLA FISHING PRIMARY CO-OPERATIVE	WCOM153656
INHANZI UKONDLA PRIMARY CO-OPERATIVE LTD	WCOM150841
NGQUNQUSHE PRIMARY CO-OPERATIVE LTD	WCOM151406
INDEPENDENT FISHERIES CO-OPERATIVE LTD	WCOM151246
CHAMP FISHERIES PRIMARY CO-OPERATIVE LTD	WCOM151247
GULFSIDE MARINE PRIMARY CO-OPERATIVE LTD	WCOM151404
BLUE OCEAN VIEWING ENTERPRISE AND FISHING PRIMARY CO-OPERATIVE	WCOM150351
SAMUELS FISHING PRIMARY CO-OPERATIVE LTD	WCOM151353
KHANYA FISHING COMPANY CO-OPERATIVE LTD	WCOM153570
THE NEW FRESH BEGINNINGS PRIMARY CO-OPERATIVE LTD	WCOM153535
SINGABALAPHA FISHING PRIMARY CO-OPERATIVE LTD	WCOM150782

1. PURPOSE

- 1.1 To submit a report as provided for in terms of Regulation 5(3) of the Regulations promulgated under the MLRA, with regard to to appeals by 14 Appellants in the West Coast Rock Lobster Offshore fishery (“the Appellants”).


2. GROUNDS OF APPEAL

- 2.1 The grounds of appeal by 14 Appellants relates to their exclusion. The Appellant alleges that it was informed by the Departmental officials that no one will be excluded on the basis of being a Co-operative, as such it was misled. It argues that based on this, it is entitled to be refunded its application fee.

3. DELIBERATIONS

- 3.1 The Appellant was a Category C applicant. Category C applicants were classified as those applicants who have never before held fishing rights in any of the commercial fishery sectors of South Africa. The Appellant was assessed and was subsequently excluded for improperly lodged application, in that, it is not a registered South African company or close corporation as stipulated in section 5.1 of the Policy on the Allocation and Management of Commercial Fishing Rights in the Hake Inshore Trawl Fishery: 2015 (“the Sector Specific Policy”).

3.2 Section 10 of the Sector Specific Policy stipulates that the application fee is non-refundable.



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