



forestry, fisheries and the environment

Department:
Forestry, Fisheries and the Environment
REPUBLIC OF SOUTH AFRICA

PUBLIC NOTICE

6 JULY 2021

TO: HORSE MACKEREL CATEGORY A APPELLANTS

FILING OF REPRESENTATIONS AND/OR SUPPLEMENTARY INFORMATION AND/OR DOCUMENTS TO THE APPEALS AUTHORITY, LODGED BY CATEGORY A APPELLANTS IN THE HORSE MACKEREL SECTOR: (FRAP 2015/16) IN TERMS OF SECTION 80 OF THE MARINE LIVING RESOURCES ACT, 1998 (ACT 18 OF 1998) (MLRA)

1. This notice is issued subsequent to the granting of the order in the matter of Blue Continent Products (Pty) Ltd v The Minister of Forestry, Fisheries and the Environment, with case number 19974/2019, by the Western Cape High Court, on 17 May 2021 (“**the varied BCP order**”), in terms of which the appeal decision taken by the former Minister of Agriculture, Forestry and Fisheries of 24 May 2019 in relation to appeals in the horse mackerel (“**HM**”) fishery (“**the Appeal Decision**”), which specifically–
 - 1.1 introduced 30 new entrant applicants to the HM fishery;
 - 1.2 allocated to those new entrants 62.62% of the TAC for HM, leaving only 35.54% of the TAC available for allocation to successful Category A right holders; and
 - 1.3 endorsed and implemented the second respondent’s Quantum Allocation Methodology, was set aside in its entirety and remitted to Minister for reconsideration.
2. In the circumstances, all appeal decisions regarding Category A, B and C appellants taken by the former Minister, has been reviewed and set aside.
3. All representations, and supplementary information and/or documents pertaining to any or all appeals must be submitted to the Department of Forestry, Fisheries and the Environment : Branch Fisheries Management by no later than 16h00 on **5 AUGUST 2021** , for the Attention of Mr. Saasa Pheeha, Customer Service Centre, 5th Floor, Foretrust Building, Martin Hammerschlag Way, Foreshore Cape Town, 8001 or by email only in a PDF format to FRAP2015appeals@environment.gov.za and should be marked as follows:

Horse Mackerel: Category A appellant’s representations and/or supplementary information
The Appellants full name as it appears on the application form and the Appellant’s Horse Mackerel Application number must also be provided.

4. All representations, supplementary information and/or documents to supplement any appeals must be submitted by hand at the aforementioned address, or by email only in a PDF format to FRAP2015appeals@environment.gov.za

All documentation attached to the appeal must be certified by a Commissioner of Oath, as being a true copy of the original document.

5. Applicants or Appellants wishing to email representations, supplementary information and/or documents to supplement their appeal, where the size is larger than 4 MB, must provide such

information via the Google Drive or One Drive File transfer medium and forward the link to FRAP2015appeals@environment.gov.za

6. The Minister may make provision for the hearing of oral submissions where considered necessary and appropriate. Should you have any enquiries you may direct such enquiries to FRAP2015appeals@environment.gov.za
7. The Department has decided to make available to all Category A applicants and appellants in this fishery, the applications and appeal forms of Category A applicants and appellants in the manner prescribed below.

Access to the application forms and appeal forms of Category A Applicants and Appellants:

8. Viewing of the application and appeal forms in this category as well as the scoresheets in relation to the appellants will only be provided on appointment at Foretrust Building, Martin Hammerschlag Way, Foreshore, Cape Town between 09:00 until 14:00. Appointments must be made with **Mr Msimelelo Mdledle** and/or **Ms Natasha Philander** at MMdledle@environment.gov.za and/or NPhilander@environment.gov.za
9. Appellants/Applicants can request copies of documents from the persons listed below, in so far as it relates to their own applications/appeals/scores sheets. However, in terms of the Promotion of Access to Information Act, 2000 (Act No 2 of 2000) (PAIA), where information is requested in respect of third parties or other Appellants/Applicants, they are required to utilize the form available on the Departments website and the documents will only be made available after the payment of the request for access fee, where applicable. Applicants are requested to contact **Mr Msimelelo Mdledle** and/or **Ms Natasha Philander** at MMdledle@environment.gov.za and/or NPhilander@environment.gov.za to book a date and time for viewing. **Applicants will not be allowed to take any photos of any documents.**
10. The Department will refuse access to the full record or a portion thereof of a third party if the record contains financial, technical and or commercial information which, if disclosed could reasonably be expected to prejudice the third party's contractual or other obligations, or, where the release of such information could reasonably be expected to prejudice the future supply of similar documents to the Department.
11. Viewing of application and appeal forms will close **23 JULY 2021**.
12. For all FRAP Enquiries, contact the Call Centre number on 021 402 3727 (FRAP) or via E-mail: FRAP2015appeals@environment.gov.za
13. For anonymous tip-offs for fraudulent and unethical practices, a tip-off line will be provided in due course.

Issued by the Department Forestry, Fisheries and the Environment, Branch: Fisheries Management
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8001