



SECTION B

Permit Conditions:

Commercial Beach Seine Net Fishery

Area L&O : False Bay

Fishing season: 2014/2015

DATE OF APPROVAL:

27/6/2014

DEPT. VAN LANDBOU
BOSBOU EN VISSERYE
TAK: VISSERYE BESTUUR
PRIVAATSAK X2, ROGGEBAAI 8012

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TABLE OF CONTENTS

SECTION B

1.APPLICABLE ACTS, POLICIES AND DELEGATIONS	3
2. VALIDITY OF PERMIT	4
3. FISHING AREAS AND RESTRICTED AREAS	5
4. NOTIFICATIONS	6
5. EFFORT LIMITATIONS AND GEAR RESTRICTIONS	6
6. CATCH CONTROLS AND LIMITATIONS	9
7. HANDLING OF OVER/UNDER CATCHES AND PROHIBITED SPECIES	13
8. VESSEL SPECIFICATIONS	13
9.LANDING OF FISH	13
10. VESSEL MONITORING SYSTEM (VMS)	13
11. SUBMISSION OF INFORMATION	14
12. RECORD KEEPING	14
13. LEVIES	15
14. VIOLATIONS	15
15. CONSULTATION AND COMMUNICATION	16
16. OBSERVER PROGRAMME	16
17. PROCESSING AND SALE OF FISH	16
18. TRANSFER OF FISHING RIGHTS	17
19. TRANSPORTATION OF FISH	17
20. FISHING PERFORMANCE MEASURING	18

DEPT. VAN LANDBOU
 BOSBOU EN VISSERYE
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 PRIVAATSAK X2, ROGGEBAAI 8012

BRANCH: FISHERIES MANAGEMENT
 PRIVAATSAK X2. ROGGEBAAI 8012
 DEPT. OF AGRICULTURE
 FORESTRY AND FISHERIES

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:

- 1.1.1 The Marine Living Resources Act, 1998 (Act No. 18 of 1998) (MLRA) and regulations promulgated thereunder;
- 1.1.2 The National Environmental Management Act, 1998 (Act No.107 of 1998) (NEMA), and regulations promulgated thereunder;
- 1.1.3 The National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004) (NEMBA) and regulations promulgated thereunder;
- 1.1.4 The National Environmental Management: Protected Areas Act, 2003 (Act No. 57 of 2003) (NEMPA) and regulations promulgated thereunder;
- 1.1.5 The National Environmental Management: Integrated Coastal Management Act, 2008 (Act No.24 of 2008) (NEMA:ICMA) and regulations promulgated thereunder;
- 1.1.6 National Environmental Management Waste Act (Act No. 59 of 2008) (NEMWA) and the Regulations promulgated thereunder.
- 1.1.7 The Sea Birds and Seals Protection Act, 1973 (Act No. 46 of 1973) (SBSPA) and regulations promulgated thereunder;
- 1.1.8 The Fire Arms Controls Act, 2000 (Act No. 60 of 2000) (FACA) and regulations promulgated thereunder;
- 1.1.9 The International Convention for the Prevention of Pollution from Ships Act, 1986 (Act No. 2 of 1986) (ICPPSA) and regulations promulgated thereunder;
- 1.1.10 South African Maritime Safety Authority Act, 1998 (Act 5 of 1998) (SAMSAA) and regulations promulgated thereunder;
- 1.1.11 The Animals Protection Act, 1962 (Act No. 71 of 1962) (APA) and the Regulations promulgated thereunder;
- 1.1.12 The Standards Act, 2008 (Act No. 8 of 2008) (SA) and the Regulations promulgated thereunder;
- 1.1.13 The National Regulator for Compulsory Specifications Act, 2008 (Act No. 5 of 2008) (NRCSA) and the regulations promulgated thereunder;



- 1.1.14 National Ports Authority Act, 2005 (Act No. 12 of 2005) (NPAA) and the Regulations promulgated thereunder; and
- 1.1.15 The Companies Act, 2008 (Act No. 71 of 2008) (CA) and the Regulations promulgated thereunder.
- 1.2 This permit is issued subject to the further provisions of the following policies:
- 1.2.1 General policy on the Allocation of Commercial Fishing Rights, 2005;
- 1.2.2 Policy for the Allocation and Management of Commercial Fishing Rights in the Beach – Seine (Treknet) and Gillnet (Driftnet,Set-net) commercial Fishery: 2005; and
- 1.2.3 Policy for the transfer of Commercial Fishing Rights: 2009.
- 1.3 The Director: Inshore Fisheries Management (D: IFM) shall be entitled to amend these Permit Conditions after consultation with relevant stakeholders. In case of an emergency the D: IFM shall be entitled to amend these conditions without consultation.
- 1.4 Any reference to the Permit Holder in these permit conditions includes the entity or person in whose name the commercial fishing Right is granted 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 one or more of the following occur:
- 2.2.1 the right be revoked or cancelled in terms of Section 28 of the MLRA;
- 2.2.2 this permit be revoked, cancelled or suspended in terms of Section 28 of the MLRA; and/or
- 2.2.3 the fishing season is closed, terminated or ends.



3. FISHING AREAS AND RESTRICTED AREAS

- 3.1 This permit is valid only in South African waters within the Netfishing Area stipulated in Section A (excluding tidal lagoons, tidal rivers and estuaries as well as any Marine Protected Area (MPA)).
- 3.2 Fishing in other marine areas controlled by the South African National Parks, is subject to regulations promulgated under the National Environmental Management: Protected Areas Act, 2003 as amended. The Areas and boundaries are provided in Table 1;

Table 1 Fishing areas and boundaries.

Area	Boundaries descriptions
Area L	Smitwinkel Bay-Simonstown-Fishoek
Area O	Macassar: Monwabisi tidal pool to the western boundary fence of the AECl security area

- 3.3 The Permit Holder or any of its employees or agents shall not undertake fishing, or take or destroy any fauna or flora, or in any way disturb, alter or destroy the natural environment, or carry out any activity which may adversely impact on the ecosystems in Marine Protected Areas (MPA's) except where so permitted by the legislation.
- 3.4 A vessel is not allowed to stop or fish in any Marine Protected Area, or any other similar marine protected or conservation area.
- 3.5 In case of emergency, the Permit Holder shall notify the Department before the fishing vessel enters or intends to enter into a Marine Protected Area or any other area closed for fishing. The notification shall describe the nature of the emergency and the reason requiring the vessel to enter the Marine Protected Area. Such request shall be sent via e-mail to: daffops@daff.gov.za or faxed to: 021 425 6497.

DEPT. VAN LANDBOU
BOSBOU EN VISSERIE
TAK: VISSERIE BESTUUR
PRIVAATSAK X2, ROGGEBAAI 8012

Page 5 of 18

BRANCH: FISHERIES MANAGEMENT
PRIVAATSAK X2, ROGGEBAAI 8012
DEPT. OF AGRICULTURE
FORESTRY AND FISHERIES

- 3.6 The Permit Holder shall only operate the beach seine net in the area designated and with the understanding that this permit provides no right of access to private property and that, when applicable, the Permit Holder shall only operate with the permission of the relevant authority in:
- 3.6.1 Marine Protected Areas
 - 3.6.2 National Parks
 - 3.6.3 Provincial Parks and Nature Reserves
 - 3.6.4 ESKOM areas
 - 3.6.5 National Ports Authority areas
 - 3.6.6 South African National Defence Force areas or
 - 3.6.7 Areas as specified by the Minerals Act, 1991 (Act No. 50 of 1991).

4. NOTIFICATIONS

- 4.1 The Permit Holder or his/her representative shall inform the Local Fishery Control Officer (Ms. Anél Nortier) prior intended trekking via telephone or sms on cellular number 082 771 8890;
- 4.2 The Local Fishery Control Officer shall be notified of dead non retainable species and the fish must be surrendered to the Fishery Control Officer at the site of operation.
- 4.3 In the event of short term relief from the site of operation due to unforeseen circumstances the Permit Holder must notify the Local Fisheries Officer either by phone, fax or sms. Should the period be exceeding seven (7) consecutive days, the Permit Holder must obtain written permission from the D: IFM.

5. EFFORT LIMITATIONS AND GEAR RESTRICTIONS

- 5.1 This permit may only be used by the Permit Holder or an authorised representative. Written permission for an authorised representative must be obtained from the D: IFM. The Permit Holder shall be held responsible for any

DEPT. VAN LANDBOU
BOSBOU EN VISSERYE
TAK: VISSERYE BESTUUR
PRIVAATSAK X2, ROGGEBAAI 8012

BRANCH: FISHERIES MANAGEMENT
PRIVAATSAK X2, ROGGEBAAI 8012
DEPT. OF AGRICULTURE
FORESTRY AND FISHERIES



- infringements of the permit conditions by his/her crew or delegated representative.
- 5.2 The Permit Holder shall, including the net being used, only have **two nets on the beach or site of operation and/or within the designated vehicle or vessel** at any one time.
- 5.3 The Permit Holder shall not operate more than **one beach-seine** at any given time i.e. the Permit Holder should not have more than one beach-seine net in the water at any one time.
- 5.4 The Permit Holder may however deploy the second net whilst the other net remain soaked. The soaked net must have both ends attached to the shore, be it to a vessel, vehicle, or any other fixed object and only the net bag shall remain soaked.
- 5.5 All non retainable species are to be released prior soaking the net and that soaking shall only occur to preserve fish quality when need rise. **Non retainable species should be released with caution to ensure chances of survival.**
- 5.6 The Permit Holder may utilise a maximum of two vessels whilst conducting fishing activities given that the Permit Holder operates in terms of paragraph 5.2.
- 5.7 The overall length, measured along the cork or lead line, of the beach-seine, including the bag shall not exceed 275 metres.
- 5.8 The depth, measured as the stretched distance between the lead and the cork line, of the beach-seine shall not exceed 10 metres.
- 5.9 The mesh-size of the bag (cod end) and wings shall not be less than 44 mm or greater than 64 mm (stretched mesh).

DEPT. VAN LANDBOU
BOSBOU EN VISSERYE
TAK: VISSERYE BESTUUR
PRIVAATSAK X2, ROGGEBAAI 8012

Page 7 of 18



BRANCH: FISHERIES MANAGEMENT
PRIVAATSAK X2, ROGGEBAAI 8012
DEPT. OF AGRICULTURE
FORESTRY AND FISHERIES

- 5.10 The bag (cod end) and wings of the beach-seine net will be made from woven (multi-strand) nylon mesh provided that 10 m of the trailing end of each wing may be made from monofilament (single-strand) nylon mesh.
- 5.11 The bag (cod end) will have a drawstring or “zip” such that the bag shall be opened to release, and allow survival of, marine mammals, birds and fish species that the Permit Holder is not permitted to catch or retain.
- 5.12 The total length of the hauling ropes coupled to the net shall not exceed 600 metres on either side of the beach-seine net.
- 5.13 The net shall be positively buoyant in that it will float with the corks on the surface when set in water deeper than the distance between the lead and cork-lines.
- 5.14 The Permit Holder shall not use motorised boats to deploy the beach-seine net.
- 5.15 The Permit Holder shall not use electric winches, fuel driven winches, vehicles and motorised boats to haul the beach-seine net. Hand powered mechanical winches; block-and-tackle and or pulley systems may be used to haul the beach-seine net.
- 5.16 No beach-seine net shall be in the water between 18h00 in the evening and 04h30 the following morning during the summer months (1st September- 31st March) and between 18h00 in the evening and 06h00 the following morning during winter (1st April- 31st August).

DEPT. VAN LANDBOU
BOSBOU EN VISSERYE
TAK: VISSERYE BESTUUR
PRIVAATSAK X2, ROGGEBAAI 8012

BRANCH: FISHERIES MANAGEMENT
PRIVAATSAK X2, ROGGEBAAI 8012
DEPT. OF AGRICULTURE
FORESTRY AND FISHERIES

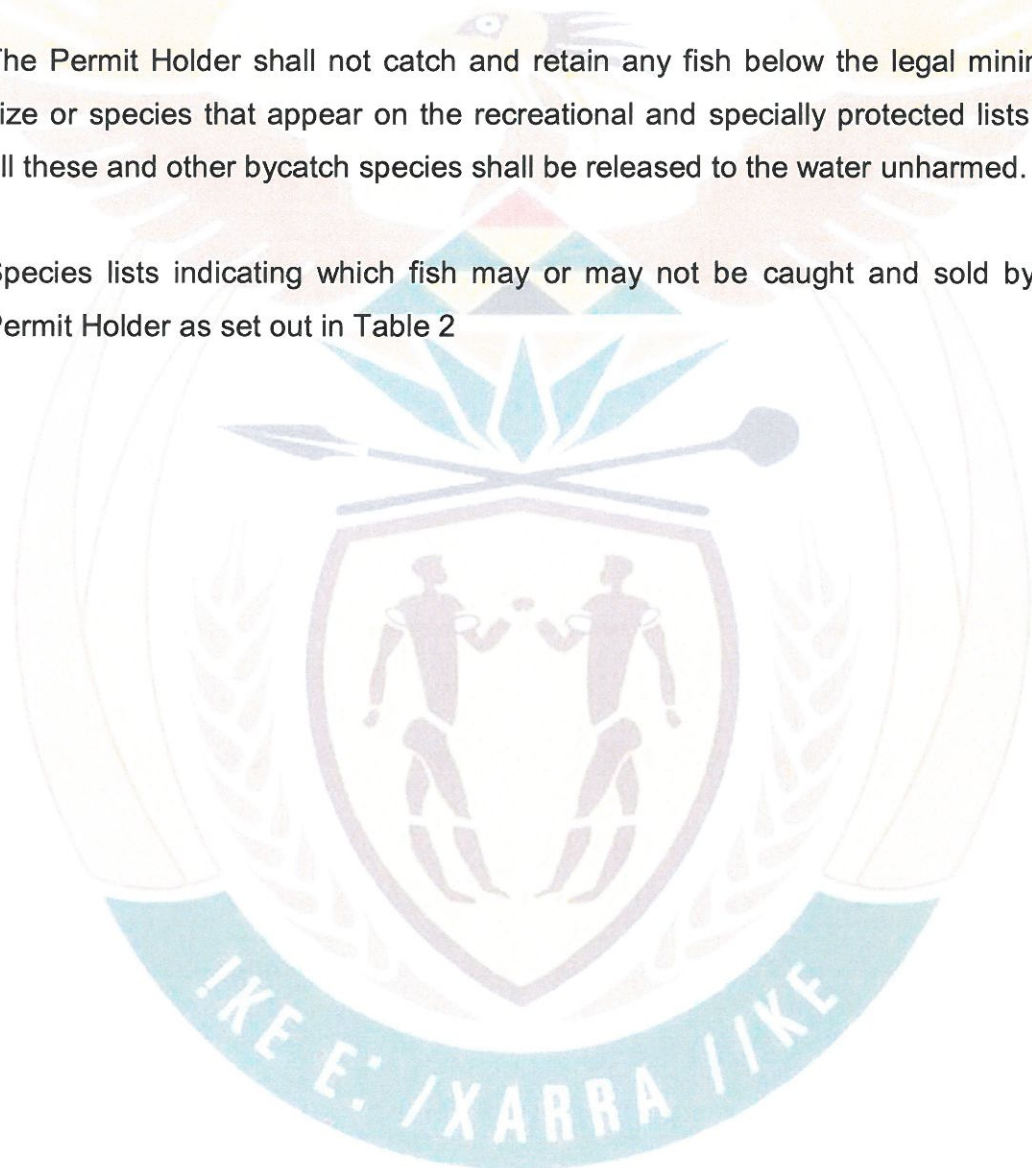


6. CATCH CONTROLS AND LIMITATIONS

- 6.1 The Permit Holder shall only catch fish that appear on the exploitable, bait and protected lists as defined by the Marine Living Resources Act, 1998 (Act No. 18 of 1998).

- 6.2 The Permit Holder shall not catch and retain any fish below the legal minimum size or species that appear on the recreational and specially protected lists and all these and other bycatch species shall be released to the water unharmed.

- 6.3 Species lists indicating which fish may or may not be caught and sold by the Permit Holder as set out in Table 2



A handwritten signature in black ink, consisting of a stylized 'M' followed by a dot.

TABLE 2. Exploitation categories and species lists indicating which fish may or may not be caught and sold by the permit-holder. Where applicable, minimum size limits are included.

SPECIES	SIZE LIMIT	CATCH & TRADE
Closed list		
Basking shark (<i>Cetorhinus maximus</i>)		No
Brindle bass (<i>Promicrops lanceolatus</i>)		No
Great white shark (<i>Carcharodon carcharias</i>)		No
Natal wrasse (<i>Anchichoerops natalensis</i>)		No
Potato bass (<i>Epinephelus tukula</i>)		No
Sawfishes (family Pristidae)		No
Seventy-four (<i>Polysteganus undulosus</i>)		No
Whale shark (<i>Rhinocodon typus</i>)		No
Decommercialised (recreational) list		
Baardmans (bellman, tasselfish) (<i>Umbrina</i> spp)	40 cm	No
Banded galjoen (<i>Dichistius multifasciatus</i>)		No
Billfishes (marlin, sailfish) (family Istiophoridae)		No
Blacktail (dassie) (<i>Diplodus sargus capensis</i>)	20 cm	No
Bronze bream (bluefish) (<i>Pachymetopon grande</i>)	30 cm	No
Cape knifejaw (<i>Oplegnathus conwayi</i>)		No
Cape stumpnose (<i>Rhabdosargus holubi</i>)	20 cm	No
Galjoen (<i>Dichistius capensis</i>)	35 cm	No
Garrick (leervis) (<i>Lichia amia</i>)	70 cm	No
John Brown (<i>Gymnocrotaphus curvidens</i>)		No
Kingfishes (genera <i>Caranx</i> or <i>Carangoides</i>)		No
Large-spot pompano (<i>Trachinotus botla</i>)		No
Leopard cat shark (<i>Poroderma pantherinum</i>)		No
Natal knifejaw (cuckoo bass) (<i>Oplegnathus robinsoni</i>)		No
Natal stumpnose (yellowfin bream) (<i>Rhabdosargus sarba</i>)	25 cm	No
Ragged tooth shark (<i>Carcharias taurus</i>)		No
Red steenbras (copper steenbras) (<i>Petrus rupestris</i>)	60 cm	No
River bream (perch) (<i>Acanthopagrus berda</i>)	25 cm	No
River snapper (rock salmon) (<i>Lutjanus argentimaculatus</i>)	40 cm	No
Southern pompano (<i>Trachinotus africanus</i>)		No
Spotted grunter (tiger) (<i>Pomadasyss commersonnii</i>)	40 cm	No
Spotted gulley shark (<i>Triakis megalopterus</i>)		No
Springer (ten pounder) (<i>Elops machnata</i>)		No
Stonebream (<i>Neoscorpis lithophilus</i>)		No
Striped cat shark (<i>Poroderma africanum</i>)		No



Table 2. continues	SIZE LIMIT	CATCH & TRADE
Decommercialised (recreational) list		
Swordfish (<i>Xiphias gladius</i>)	25 kg	No
West coast steenbras (<i>Lithognathus aureti</i>)	40 cm	No
White musselcracker (<i>Sparodon durbanensis</i>)	60 cm	No
White (pignose grunter) (<i>Lithognathus lithognathus</i>)	60 cm	No
Zebra (wildeperd) (<i>Diplodus cervinus hottentotus</i>)	30 cm	No
Exploitable & protected lists		
Barbel (Sea catfish) <i>Galeichthys</i> spp.		Yes
Bigeye tuna (<i>Thunus obesus</i>)	3.2 Kg	Yes
Bludger (kingfish) (<i>Carangoides gymnostethus</i>)		Yes
Blue Hottentot (copper bream) (<i>Pachymetopon aeneum</i>)		Yes
Blueskin (trawl soldier) (<i>Polysteganus caeruleopunctatus</i>)		Yes
Cape gurnard (Cape sea robin) (<i>Chelidonichthys capensis</i>)		Yes
Cape snoek (<i>Thyrsites atun</i>)	60 cm	Yes
Cape yellowtail (<i>Seriola lalandi</i>)		Yes
Carpenter (silverfish) (<i>Argyrozona argyrozona</i>)	30 cm	Yes
Catfaced rockcod (<i>Epinephalus andersoni</i>)	50 cm	Yes
Dageraad (<i>Chrysoblephus cristiceps</i>)	40 cm	Yes
Dane (<i>Porcostoma dentata</i>)		Yes
Dorado (dolphinfish) (<i>Coryphaena hippurus</i>)		Yes
Dusky kob (<i>Argyrosomus japonicus</i>)	50 cm	Yes
Elf (shad) (<i>Pomatomus saltatrix</i>)	30 cm	Yes
Englishman (<i>Chrysoblephus anglicus</i>)	40 cm	Yes
Geelbek (Cape salmon) (<i>Atractoscion aequidens</i>)	60 cm	Yes
Hake (stockfish) (<i>Merluccius capensis</i> and <i>M. paradoxus</i>)		Yes
Hottentot (<i>Pachymetopon blochii</i>)	22 cm	Yes
Javelin grunter (<i>Pomadasys kaakan</i>)		Yes
King mackerel (couta) (<i>Scomberomorus commerson</i>)		Yes
Panga (<i>Pterogymnus lanarius</i>)		Yes
Poenskop (black musselcracker) (<i>Cymatoceps nasutus</i>)	50 cm	Yes
Queen mackerel (<i>Scomberomorus plurilineatus</i>)		Yes
Red stumpnose (Miss Lucy) (<i>Chrysoblephus gibbiceps</i>)	30 cm	Yes
Red tjor-tjor (sand soldier) (<i>Pagellus natalensis</i>)		Yes
Rock cods (groupers) (family Serranidae)		Yes
Roman (<i>Chrysoblephus laticeps</i>)	30 cm	Yes
Santer (soldier) (<i>Cheimerius nufar</i>)	30 cm	Yes
Scotsman (<i>Polysteganus praeorbitalis</i>)	40 cm	Yes
Sharks and rays (subclass Elasmobranchii)		Yes
Silver kob (<i>Argyrosomus inodorus</i>)	50 cm	Yes
Slinger (<i>Chrysoblephus puniceus</i>)	25 cm	Yes

Table 2. continues	SIZE LIMIT	CATCH & TRADE
Exploitable & protected lists		
Snapper salmon (<i>Otolithes ruber</i>)		Yes
Squairetail kob (<i>Argyrosomus thorpei</i>)	40 cm	Yes
Tunas (tunny)		Yes
White edged rockcod (<i>Epinephalus albomarginatus</i>)	40 cm	Yes
White stumpnose (<i>Rhabdosargus globiceps</i>)	25 cm	Yes
Yellowbelly rockcod (<i>Epinephalus marginatus</i>)	60 cm	Yes
Yellowfin tuna (<i>Thunnus albacares</i>)	3.2 kg	Yes
Bait list		
Anchovies (family Engraulidae)		Yes
Chub mackerel (<i>Scomber japonicus</i>)		Yes
Cutlassfish (walla walla) (<i>Trichiurus lepturus</i>)		Yes
Fransdam (Karel groot oog) (<i>Boopsoidea inornata</i>)		Yes
Garfishes (family Belontiidae)		Yes
Glassies (family Amblyopidae)		Yes
Halfbeaks (family Hemiramphidae)		Yes
Horse mackerel / maasbunker (<i>Trachurus trachurus capensis</i>)		Yes
Mullets / harders (family Mugilidae)		Yes
Pinky (piggy) (<i>Pomadasyd olivaceum</i>)	7.5 cm	Yes
Sardines (pilchard, red-eye) (family Clupeidae)		Yes
Sauries (family Scomberesocidae)		Yes
Scads (<i>Decapterus</i> spp.)		Yes
Strepie (karanteen) (<i>Sarpa salpa</i>)	15 cm	Yes
Steentjie (<i>Spondyliosoma emarginatum</i>)		Yes
Wolfherring (<i>Chirocentrus dorab</i>)		Yes

- 6.4 The Permit Holder or a duly authorised representative shall be at the site of fishing during fishing operations. Written permission shall be obtained from the D: IFM to deviate from this permit condition.
- 6.5 Whilst operating in terms of the provisions of this permit, the Permit Holder or any of the Permit Holder's employees or agents may not activate any other right and/or exemption granted to the Permit Holder in terms of the MLRA including recreational fishing permits.



6.6 The Permit Holder shall comply with the regulations issued in terms of the NEMA, 1998 (Act No. 107 of 1998) as set out in Government Notice 1399 of 21 December 2001 (as amended) should vehicle access to the shore be necessary during launching and retrieval of the fishing vessel and nets.

7. HANDLING OF OVER/UNDER CATCHES AND PROHIBITED SPECIES

7.1 No fish designated as not for sale in Table 2 shall be retained or sold. All incidental by catch are to be released to the water unharmed or, if dead, declared and handed to the Fishery Control Officer at the site of operation.

8. VESSEL SPECIFICATIONS

8.1 The letter "N" must be displayed on the vessel next to the area number.

8.2 The Permit Holder shall not use any fishing vessel unless it bears the registration letters and numbers assigned thereto by the Director-General. Such letters and numbers shall be painted in white on a black background or in black on a white background on both bows in characters not less than 15 cm in height, 10 cm in breadth (figure "1" excepted) and 2 cm in thickness (width of stroke). The space between adjacent letters and figures shall be between 2 cm and 5 cm.

9. LANDING OF FISH

9.1 The Permit Holder shall ensure that all fish is discharged in accordance with the reasonable instructions of the Fishery Control Officer/Marine Resource Monitor/Law Enforcement Officer if the Fishery Control Officer/Marine Resource Monitor/Law Enforcement Officer is available at the site of discharge/landing.

10. VESSEL MONITORING SYSTEM (VMS)

10.1 Not applicable in the Commercial Beach Seine Net fishery.



11. SUBMISSION OF INFORMATION

11.1 The Permit Holder shall submit to the Department (Permit Holder Information, Attention: Deputy Director: Line and Net Fisheries Management, The Customer Services Centre, Ground Floor, Foretrust Building, Martin Hammerschlag Way, Foreshore, Cape Town or Private Bag X2, Roggebaai, 8012,) notification of any change of contact details within 30 days of such change by completing the form available at the Customer Services Centre.

11.2. Catch Statistics:

11.2.1 Catch returns shall be recorded in the Commercial Drift and Beach Seine nets Catch Return Books issued for such purpose.

11.2.2 The Permit Holder shall render statistics as required in the Catch Return Book before the end of each month in respect of the previous month fished.

11.2.3 Catch return sheets may alternatively be hand delivered to; The Customer Services Centre (CSC) , Ground Floor, Foretrust Building) or posted by registered mail (**Netfish Catch Statistics**, Department of Agriculture, Forestry and Fisheries, Private Bag X2, Roggebaai, Foreshore, Cape Town, Attention Inshore Resources Research).

11.2.4 In cases where the catch return sheets are submitted at CSC, receipt of delivery shall be confirmed by the copy of the catch statistics in the Catch Return Book being stamped, dated and signed by an official of the Department.

12. RECORD KEEPING

12.1 The Permit Holder shall store at its registered place of business the original permit issued to it for the duration of the right. The Permit Holder shall at all times



have available a true certified copy of this permit in the area of net fishing operations.

- 12.2 The Permit Holder shall retain the receipts for all submitted catch return books as well as duplicate copies of the said books for a minimum of 60 months after submission.

13. LEVIES

- 13.1 No levy fees are applicable to the Commercial Beach Seine Fisheries sector.

14. VIOLATIONS

- 14.1 A breach of the provisions of the MLRA, its regulations and/or these Permit Conditions by the Permit Holder, its employees (whether permanent or temporal), its contractors, agents, advisers or the skipper of the vessel may result in the initiation of legal proceedings.

- 14.2 A breach referred to in paragraph 14.1 includes, but is not limited to:

14.2.1 failure to provide information to which the Department is entitled to or to submit information which is not true or correct;

14.2.2 failing to effectively utilise this permit.

- 14.3 The Permit Holder shall not land, sell, receive or process any fish taken by any means in contravention of the MLRA and applicable laws.

- 14.4 The Permit Holder shall not discard any waste material, garbage or pollutants into the sea or harbour or landing/launching site. The Permit Holder shall safely store all waste material, garbage and pollutants on board the vessel. All waste must be placed into dedicated waste bins site of operation.

- 14.5 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 086 000 3474 or faxed to 021 402 3362 and thereafter shall be faxed as well to 021 425 7324, for attention: The Chief Director: Monitoring, Control and Surveillance (MCS).

- 14.6 The Department may refuse to issue subsequent permits or may cancel existing fishing permits should these Permit Conditions not be adhered to.

15. CONSULTATION AND COMMUNICATION

- 15.1 The Department will prefer to consult and communicate with the Recognised Industrial Bodies which are representative of Permit Holders in the Commercial Beach Seine Fishery in terms of the MLRA.

- 15.2 Communication regarding all permits and licenses shall be addressed to the Department's Customer Services 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 086 000 3474.

16. OBSERVER PROGRAMME

- 16.1 The Permit Holder shall, when requested by the Department or its agent, shall allow the Observer unrestricted access to monitor fishing activity and compliance with permit conditions and all applicable laws.
- 16.2 The Permit Holder shall, when requested, allow for land-based sampling of catches for scientific purposes by persons authorised by the Department.

17. PROCESSING AND SALE OF FISH

- 17.1 The Permit Holder shall not sell or deliver any fish caught on the authority of this permit, unless he/she issues an invoice or receipt in respect of such fish to the person purchasing or acquiring it.

DEPT. VAN LANDBOU
BOSBOU EN VISSERYE
TAK: VISSERYE BESTUUR
PRIVAATSAK X2, ROGGEBAAI 8012

Page 16 of 18

BRANCH: FISHERIES MANAGEMENT
PRIVAATSAK X2, ROGGEBAAI 8012
DEPT. OF AGRICULTURE
FORESTRY AND FISHERIES



17.2 The above consideration implies that crew removing fish from the vessel for own use shall be authorised in writing by the Permit Holder.

18. TRANSFER OF FISHING RIGHTS

18.1 The Right Holder shall only transfer the long-term commercial fishing right allocated to 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).

19. TRANSPORTATION OF FISH

19.1 Right Holders shall be in possession of this permit at all times when transporting fish caught in the Commercial Beach Seine Fishery and no additional transport permit is required.

19.2 Non-right holders shall be in possession of proof of purchase (e.g. receipt) when transporting fish caught in the Commercial Beach Seine Fishery and no additional transport permit is required.



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, such information shall include but is not limited to:

20.1.1 data regarding transformation levels;

20.1.2 sustainable fishing practices;

20.1.3 data regarding investments made in the fishery and jobs created and sustained; and

20.1.4 data regarding compliance initiatives.



DIRECTOR: INSHORE FISHERIES MANAGEMENT

DATE: 27/6/2014

DEPT. VAN LANDBOU
BOSBOU EN VISSERYE
TAK: VISSERYE BESTUUR
PRIVAATSAK X2, ROGGEBAAI 8012

BRANCH: FISHERIES MANAGEMENT
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