GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF AGRICULTURE, FORESTRY AND FISHERIES

NO. 229 08 MARCH 2016

MARINE LIVING RESOURCES ACT, 1998 (ACT NO. 18 OF 1998)

REGULATIONS RELATING TO SMALL-SCALE FISHING

I, Senzeni Zokwana, Minister of Agriculture, Forestry and Fisheries, hereby publishes the Small-Scale Fishing Regulations in terms of section 19 of the Marine Living Resources Act, 1998 (Act No. 18 of 1998) (MLRA) and provide communities an opportunity to register their expression of interest with the Department, in terms of Regulation 2(1) of the Small Scale Fishing Regulations, within 30 days of the publication of this notice.

Minister of Agriculture, Forestry and Fisheries

Date: 13 - 01- 2018

REGULATIONS RELATING TO SMALL-SCALE FISHING

I, Senzeni Zokwana, Minister of Agriculture, Forestry and Fisheries, hereby under sections 19 of the Marine Living Resources Act, 1998 (Act No. 18 of 1998), make the regulations in the Schedule.

SCHEDULE

Arrangement of regulations

- 1. Definitions
- 2. Process and procedures relating to the allocation of small-scale fishing rights
- 3. Time periods
- 4. Criteria for small-scale fishers, small-scale fishing communities and small-scale fishing rights allocation
- 5. Small-scale fishing areas and zones
- 6. Management of the rights of access
- 7. Short title

Definitions

- 1. In these Regulations any word or expression to which a meaning has been assigned in the Act shall have the meaning so assigned and, unless the context otherwise indicates—
- "basket of species" means an arrangement where a pre-determined variety and quantity of marine living resources are allocated in terms of a small-scale fishing right in terms of a multi-species approach;

"Department" means the Department of Agriculture, Forestry and Fisheries;

"near-shore" means the region of sea (including seabed) within close proximity to the shoreline:

"the Act" means the Marine Living Resources Act, 1998 (Act No. 18 of 1998).

Process and procedures relating to the allocation of small-scale fishing rights

- 2. (1) Communities wishing to be recognised as small-scale fishing communities must register their expression of interest with the Department using the form as provided for in Annexure 1.
- (2) The Department must conduct a verification procedure, in accordance with the time period specified in regulation 3, of each person considering themselves to be a small-scale fisher in each of the communities that have registered an expression of interest contemplated in sub-regulation (1).
- (3) The verification procedure must be conducted in order to determine whether each person of the intended small-scale fishing community, meets the criteria of a small-scale fisher as set out in regulation 4(1).
- (4) Communities may be required to assist the Department in verifying the small-scale fishers in their respective communities.
- (5) The Department must publish, in relevant popular newspapers, a list of persons recognised as small-scale fishers per small-scale fishing community.

- (6) The Department must assist small-scale fishing communities with the following:
- (a) Mobilizing and registering the small-scale fishing community as a cooperative;
- (b) identifying suitable species to be used for commercial purposes and for own consumption by the co-operative;
- (c) demarcating small-scale fishing areas in accordance with regulation 5;
- (d) applying for a small-scale fishing right in accordance with the criteria referred to in regulation 4(3).

Time periods

- 3. (1) Communities must be given a minimum of 30 days from date of publication of these regulations in which to register their expression of interest as contemplated in regulation 2(1).
- (2) The Department must start the verification procedure contemplated in regulation 2(3) of small-scale fishers within 60 days after the expression of interest process has closed.

Criteria for small-scale fishers, small-scale fishing communities and small-scale fishing rights allocation

- 4. (1) The criteria to be applied in determining whether a person is a small-scale fisher are that the person must—
- (a) be a South African citizen who associates with or resides in the relevant small-scale fishing community;

- (b) be at least 18 years of age;
- (c) historically have been involved in traditional fishing operations, which include catching, processing or marketing of fish for a cumulative period of at least 10 years; and
- (d) derive the major part of his or her livelihood from traditional fishing operations and be able to show historical dependence on fish, either directly or in a household context, to meet food and basic livelihoods needs.
- (2) A small-scale fishing community shall only be recognised as such if it contains a minimum of 20 small-scale fishers.
- (3) A small-scale fishing right must only be allocated to one cooperative per small-scale fishing community that has as its membership all the verified small-scale fishers of that small-scale fishing community.
 - (4) Other relevant criteria include the following:
- (a) Only a small-scale fisher shall be a member of a co-operative;
- (b) a small-scale fisher shall not own or be part-owners of a commercial fishing right;
- (c) a small-scale fishing community must have a management plan that must specify—
 - (i) what marine resources it would use and how the species would be utilized;
 - (ii) reporting mechanisms;
 - (iii) training and development support needs;

- (iv) measures to promote involvement of women and persons with disability;
- social responsibility measures for child-headed households that are dependent on marine resources;
- (vi) social responsible measures for the youth to improve their levels of education and to provide opportunities for the youth to gain experience in the small-scale fishing sector; and
- (vii) those services that will be outsourced by the small-scale fishing community.

Small-scale fishing areas and zones

- **5.** (1) In order to facilitate the establishment of areas where small-scale fishers may fish, the Department must set up a procedure to engage and consult with the small-scale fishing community in proposing demarcated areas that may be established as areas where small-scale fishers may fish.
 - (2) For the purposes of sub-regulation (1), the demarcation must –
- (a) be done in a manner that reduces conflict between small-scale fishing communities; and
- (b) take into account the mobility of each species in the allocated basket of species with sessile species requiring smaller fishing areas while nomadic and migratory species requiring larger areas.
- (3) If there are other activities that have a proven severe impact on the fishing activities of a small-scale fishers the Department shall by means of

Gazette establish exclusive zones which can either regulate or prohibit these activities from operating in that area.

Management of the rights of access

- **6.** (1) The list and quantity of fish species to be allocated for commercial and own consumption purposes for each small-scale fishing community shall be considered after consultation with the relevant small-scale fishing community and by considering the following:
- (a) the request from the small-scale fishing community to fish for particular nearshore species found within the fishing area of that small-scale fishing community;
- (b) the number of small-scale fishing community in the region competing for the same resources;
- (c) whether the marine species will be used by the small-scale fishing community for commercial purposes or for own consumption;
- (d) fish species that are listed on the non-saleable list in columns I and 2 of Annexure 2 shall only be caught for own consumption within the corresponding limits specified in columns 3 and 4 of Annexure 2;
- (e) fish species that are listed on the non-saleable optional list in columns 1 and 2 of Annexure 2 may be caught for own consumption within the corresponding limits specified in columns 3 and 4 of Annexure 2;
- (f) fish species that are listed on the prohibited list as contained in Annexure 3, shall not be landed;

- (g) fish species listed on the permitted commercial list in columns 1 and 2 of Annexure 4 may be used for commercial purposes within the corresponding limits specified in columns 3 and 4 of Annexure 4;
- (h) if species listed on Annexure 4 are to be requested for own consumption instead of commercial use then all measures pertaining to these species will be aligned to own consumption, including the basket of fish species shall not exceed 10 fish per person per day;
- (i) invertebrate species listed in columns 1 and 2 of Annexure 5 shall only be used for own consumption within the corresponding limits specified in column3 of Annexure 5;
- any other non-listed species may be requested for commercial use or for own consumption subject to approval from the Department;
- (k) in general, species requested by a small-scale fishing community for commercial purposes may not be used for own consumption and vice versa;
- (I) species used for own consumption shall not be sold, but may be bartered within the local community;
- (m) small-scale fishing communities shall not exploit organisms or fish in estuaries for commercial purposes, unless specifically approved in the basket of species;
- (n) species requested for own consumption shall be made available for fishing to all small-scale fishers of a small-scale fishing community;
- (o) catching of fish for own consumption shall be limited to shore-based activities;
- (p) in general, control measures pertaining to species used for own consumption shall be aligned with control measures established for the recreational sector (including bag limits, size limits, closed seasons etc);

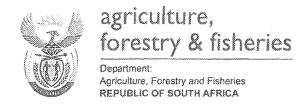
- (q) the quantum of fish and number of licences and permits allocated shall be based on the total allowable catch and total applied effort allocated to the cooperative for species used for commercial purposes;
- (r) the following gear types are prohibited in the small-scale fishing sector:
 - (i) bottom trawl;
 - (ii) mid-water trawl;
 - (iii) purse seine;
 - (iv) longline; and
 - (v) gill nets south of Yzerfontein; and,
- (s) vessel size limitations shall be in principle aligned to the corresponding commercial fishery.
- (2) Notwithstanding sub-regulation (1)(i), a small-scale fishing community has the authority to donate a portion of its commercial catch to its fishers for their own consumption: Provided that the amounts are accounted for against the allocation granted to the co-operative.
- (3) (a) When granting a small-scale fishing right to a small-scale fishing community, the initial apportionment of quantum and fishing effort to be made commercially available to each small-scale fishing community must be considered after consultation with all affected small-scale fishing communities.
- (b) The initial proportions agreed upon as contemplated in paragraph (a), must thereafter be used to apportion future annual small-scale fisheries total allowable catch and total applied effort allocated in a region.

- (4) Should small-scale fishing communities not be able to agree on the apportionment of the total allowable catch and total applied effort allocated in the same region, the apportionment shall be determined having regard to—
- (a) accessibility to the resource by the small-scale fishing community;
- (b) the historical involvement of the fishers of the small-scale fishing community in the utilisation of the resource; and
- (c) the overall economic feasibility of the exploitation of the available species.
- (5) A small-scale fishing community may request to expand the basket of species allocated to it in future years if the species requested are found within the fishing area of the co-operative and the resources will be used for food security purposes.
- (6) In addition to sub-regulation (5) species which do not form part of existing Total Allowable Catch or Total Applied Effort apportionments may be considered for inclusion in the basket of species for commercial exploitation.
- (7) small-scale fishing communities shall be represented at national, regional and local management structures as part of a co-management approach in managing resource access or to address any other related operational matter.
- (8) Quanta and fishing effort as part of commercial fishing rights, which are suitable for small-scale fisheries, may be transferred to small-scale fishing communities subject to meeting all conditions for the transfer.

- (9) Transferred quanta or fishing effort referred to in sub-regulation8 shall be used under the management framework for small-scale fisheries.
- (10) (a) To improve beneficiation to small-scale fishers and to enhance the negotiation powers of small-scale fishing communities, small-scale fishing communities shall form secondary co-operatives with other small-scale fishing communities and shall only process and market wild captured marine resources through the secondary co-operative by the third fishing season of the small-scale fishing right been granted.
- (b) To order to achieve the objective of paragraph a, small-scale fishing communities are required to become a member of at least one secondary cooperative which has applied for a fish processing right during the second fishing season after the small-scale fishing right has been granted.

Short Title

7. These regulations are called the Regulations Relating to Small-scale Fishing, 2015.



SMALL-SCALE FISHING COMMUNITY EX	PRESSION OF INTEREST FORM			
NAME				
SURNAME				
CELL NUMBER				
TEL NUMBER				
E-MAIL ADDRESS				
FISHING COMMUNITY NAME				
PROVINCE WHERE FISHING COMMUNITY IS LOCATED				
ESTIMATE OF HOW MANY FISHERS IN COMMUNITY				
DATE SUBMITTED				
SIGNATURE OF APPLICANT				
Note: It only takes one person from a community to register an expression of interest with the Department. After the expression of interest process, the Department will make contact with the community to arrange for a meeting date where the Department will verify all the fishers in the community. NB Submission of expression of interest does not render the applicant a leader or representative of the community.				
For telephonic enquiry: 086 000 3474				
Forms can either be e-mailed to expressionofinterest@daff.gov.za or faxed to 021 402 3622 or hand delivered to the local compliance office or Ezemvelo KZN Wildlife office (the latter is applicable to KZN only).				

RECEIPT FOR WHEN EXPRESSION OF INTEREST FORM IS HAND DELIVERED TO A

LOCAL FISHERIES OFFICE OR CUSTOMER SERVICE CENTRE

DATE SUBMITTED:

OFFICE WHERE FORM WAS SUBMITTED:

NAME OF DAFF OFFICIAL RECEIVING FORM:

SIGNATURE OF DAFF OFFICAL RECEIVING FORM:

DEPARTMENTAL STAMP:

NON-SALEABLE SPECIES

PRESCRIBED LIST

(i.e. these species cannot be used for commercial purposes)

COMMON NAME SCIENTIFIC NAME		MINIMUM SIZE/ MASS	BAG LIMITS / CLOSED SEASON	
Anchovies	Family Engraulidae	none	None	
Baardman (bellman, tasselfish)	Umbrina spp.	40 cm	5	
Banded galjoen	Dichistius multifasciatus	none	5	
Billfishes (marlin sailfish)	Family Istiophoridae	none	5	
Blacktail (dassie)	Diplodus sargus	20 cm	5	
Blacktip shark	Carcharhinus limbatus	none	1	
Blue stingray	Dasyatis chrysonota	none	1.1	
Bronze bream (bluefish)	Pachymetopon grande	30 cm	2	
Bonefish	Albula oligolepis	none	10	
Bullray	Myliobatis aquila	none	1	
Cape knifejaw	Oplegnathus conwayi	none	5	
Cape stumpnose	Rhabdosargus holubi	20 cm	5	
Cow shark	Notorynchus cepedianus	none	11	
Dusky shark	Carcharhinus obscurus	none	11	
Galjoen	M		2 Closed season from 15 October to last day of February	
Garrick (leervis)	Lichia amia	70 cm	2	
John brown	Gymnocrotaphus curvidens	none	5	
Kingfishes	Caranx spp. and Carangoides spp.	none	5	
Large-spot pompano (wave garrick)	Trachinotus botla	none	5	
Leopard cat shark	Poroderma pantherinum	none	1	
Lesser guitarfish/ sand shark	ser guitarfish/ sand Rhinobatos annulatus n		1	
Mangrove snapper	Lutjanus argentimaculatus	none	1	
Milkshark	Rhizoprionodon acutus	none	1	
Natal knifejaw (cuckoo bass)			5	
Natal stumpnose (yellowfin bream)	Rhabdosargus sarba	25 cm	5	
Red steenbras	Petrus rupestris	60 cm	Closed season from 1 October to 30 November	
River bream (perch)	Acanthopagrus berda	25 cm	5	
River snapper (rock salmon)	Lutjanus argentimaculatus	40 cm	5	
Southern pompano and large spot pompano	Trachlnotus spp.	none	5	
Spotted grunter	Pomadasys commersonnii	40 cm	5	
Springer (ten pounder)	Elops machnata	none	5	

Stonebream	Neoscorpis lithophilus	none	5
Strepie (karanteen)	Sarpa salpa	15 cm	10
Striped cat shark	Poroderma africanum	none	1
West coast steenbras	Lithognathus aureti	60 cm	10
White musselcracker (brusher, cracker)	Sparodon durbanensis	60 cm	2
White steenbras (pignose grunter)	Lithognathus lithognathus	60 cm	1
White stumpnose	Rhabdosargus globiceps	25 cm	10
Wolfherring	Chirocentrus dorab	none	None
Zebra	Diplodus cervinus hottentotus	30 cm	5

OPTIONAL LIST

(i.e. co-operative can choose if species is to be used for commercial purposes or for own consumption. If used for own consumption then the following restrictions would apply)

COMMON NAME	SCIENTIFIC NAME	MINIMUM SIZE/ MASS	BAG LIMITS / CLOSED SEASON
Blue hottentot	Pachymetopon aeneum	none	5
Carpenter (silverfish)	Argyrozona argyrozona	35 cm	4
Catface rockcod	Epinephelus andersoni	50 cm	5
Chub mackerel	Scomber japonicus	none	None
Cutlassfish (walla walla)	Trichiurus lepturus	none	None
Dageraad	Chrysoblephus cristiceps	40 cm	1
Dane	Porcostoma dentata	none	5
Elf (shad)	Pomatomus saltatrix	30 cm	4 Closed season from 1 October to 30 November
Englishman	Chrysoblephus anglicus	40 cm	1
False Englishman	Chrysoblephus lophus	none	10
Fransmadam	Boopsoidea inornata	none	10
Garfishes	Family Belonidae	none	None
Geelbek (Cape salmon)	Atractoscion aequidens	60 cm	2
Glassies	Family Ambassidae	none	None
Hake (stockfish)	Merluccius spp.	none	5
Halfbeaks	Family Hemiramphidae	none	None
Horse mackerel / naasbanker	Trachurus trachurus capensis	none	None
Hottentot	Pachymetopon blochii	22 cm	10
Kingklip	Genypterus capensis	none	11
King mackerel	Scomberomorus commerson	none	10
Cob caught from a boat at sea [The province of KwaZulu-Natal]	caught from a boat argyrosomus spp.		5 but may only land or be in possession of one kob > 110 cm
Kob caught in estuaries Ik from the shore [East of Cape Agulhas only]	Argyrosomus spp.	60 cm	1
Kob [West of Cape Agulhas only]	<i>Argyrosomus</i> spp.	50 cm	5
/ullets / harders	Family Mugilidae	none	50
inky (piggy)	Pomadasys olivaceum	7.5 cm	10
Poenskop (black	Cymatoceps nasus	50 cm	1

steenbras or musselcracker)	·		
Queen mackerel	Scomberomorous plurilineatus	none	10
Red stumpnose (Miss Lucy)	Chrysoblephus gibbiceps	30 cm	1
Roman	Chrysoblephus laticeps	30 cm	2
Santer (soldier)	Cheimerius nufar	30 cm	5
Sardines (pilchard and red-eye)	Family Clupeidae	none	None
Sauries	Family Scomberesocidae	none	None
Scads	Decapterus spp.	none	None
Scotsman	Polysteganus praeorbitalis	40 cm	1
Slinger	Chrysoblephus peniceus	25 cm	5
Snoek (cape snoek)	Thyrsites atun	60 cm	10
Steentjie	Spondyliosoma emarginatum	none	10
Tunas (tunny)	Thunnus spp.	none	10
Albacore/ longfin tuna none 10	Thunnus alalunga	none	10
Bigeye tuna	Thunnus obesus	3.2 kg	10
Southern Bluefin tuna	Thunnus maccoyii	6.4 kg	10
Yellowfin tuna	Thunnus albacares	3.2 kg	10
White edge (Captain Fine) rockcod	Epinephelus albomarginatus	40 cm	5
Yellowbelly rockcod	Epinephelus marginatus	60 cm	1
Yellowtail	Seriola lalandi	none	10
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PROHIBITED SPECIES LIST

COMMON NAME	SCIENTIFIC NAME	
Basking shark	Cetorhinus maximus	
Brindle bass	Epinephelus lanceolatus	
Coelacanth	Latimeria chalumnae	
Giant sandshark/guitarfish	Rhynchobatus djiddensis	
Great white shark	Carcharodon carcharias	
Hammerhead shark	Sphyrna zygaena	
Natal wrasse	Anchichoerops natalensis	
Pipefish & seahorses	Family Syngnathidae	
Potato bass	Epinephelus tukula	
Sawfishes	Family Pristidae	
Scalloped Hammerhead	Sphyrna lewini	
Seventy-four	Polysteganus undulosus	
Spotted gullyshark	Triakis megalopterus	
Spotted ragged-tooth	Carcharius Taurus	
Tiger shark	Galeocerdo cuvier	
Whale shark	Rhinocodon typus	
Zambezi shark	Carcharhinus leucas	

ANNEXURE 4
PERMITTED COMMERCIAL LINEFISH SPECIES LIST

COMMON NAME	SCIENTIFIC NAME	MINIMUM SIZE	BAG LIMITS	CLOSED SEASON	AREA RESTRICTIONS
Carpenter	Aroyrozona argyrozona	35 cm	Unlimited		
Catface (brown spotted) rockcod	Eptnephelus andersoni	50 cm	5		
Dageraad	Chrysoblephus cristiceps	40 cm	1		
Elf (shad)	Pomatomus saltatrix	30 cm	Unlimited	1 October to 30 November	Elf not permitted as a commercial species in KZN
Englishman	Chrysoblephus anglicus	40 cm	Unlimited		
Geelbek (cape salmon)	Atractoscion aequidens	60 cm	Unlimited		
Hake (stockfish)	Merluccius spp.	:	Subject to quota allocation		
Hottentot	Pachymetopon blochii	22 cm	Unlimited		
Kob	Argyrosomus spp.	50 cm	Unlimited, but may		West of Cape Agulhas only
Kob	Argyrosomus spp.	50 cm	only land or be in		Cape Aguihas to Umtamvuna
Kob	Argyrosomus spp.	40 cm	possession of one kob > 110 cm per day.		The province of KZN
Pinky (piggy)	Pomadasy olivaceum	75 mm	Unlimited		
Poenskop (black steenbras or musselcracker)	Cymatoceps nasutus	50 cm			
Red stumpnose (miss lucy)	Chrysoblephus gibbiceps	60cm	Unlimited		
Roman	Chrysoblephus laticeps	30 cm	Unlimited		
Santer (soldier)	Cheimerius nufar	30 cm	Unlimited		
Scotsman	Polysteganus praeorbitalis	40 cm	1		
Slinger	Chrysoblephus puniceus	25 cm	Unlimited		
Snoek (cape snoek)	Thyrsites atun	60 cm	Unlimited		
Strepie (karanteen)	Sarpa salpa	15 cm	Unlimited		
Tunas	Thunnus spp.		10 in total		
Albacore	Thunnus alalunga		for all		
Bigeye	Thunnus obesus	3.2 kg	Thunnus		
Southern bluefin	Thunnus maccoyii	6.4 kg	spp.		
Yellowfin tuna	Thannus albacares	3.2 kg	I Indiania - I	ļ	
White edged (captain fine) rockcod	Epinephelus albomarginatus	40 cm	Unlimited		
White stumpnose	Rhabdosargus globiceps	25 cm	Unlimited		

NON-SALEABLE INVERTEBRATE SPECIES

COMMON NAME	SCIENTIFIC NAME	BAG LIMIT
Alikreukel	Turbo sarmaticus	5
Black mussel	Mytilus, Choromytilus	30
Blood worm	Arenicola loveni	5
Bobbit worm (errant worm)	Eunice aphroditois	10 or 250 ml container
Cape/red rock crab	Plagusia chabrus	15
Coral worm/Cape reef worm	Gunnarea capensis	10 or 250 ml container
Ghost crabs	Ocypode spp.	15
Giant chiton	Dinoplax gigas	6
Green & Natal rock crab	Grapsus spp.	15
Mole crab / sea lice	Emerita austroafricana	30
Mole crab / sea lice	Hippa adactyla	30
Moonshine worm	Arabella iricolor	10 or 250 ml container
Mud/mangrove/Knysna crab	Scylla serrata	6
Mussel worm	Pseudonerels variegata	10 or 250 ml container
Pencil bait	Solen capensis	20
Pencil bait	Solen cylindricus	20
Periwinkle / Pink-lipped topshell	Oxystele sinensis	50
Smooth turban shell	Turbo cidaris cidaris	50
Tapeworm/ribbon worm	Polybrachiorhynchus dayi	10 or 250 ml container
Wonder worm	Marphysa sanguinea	10 or 250 ml container