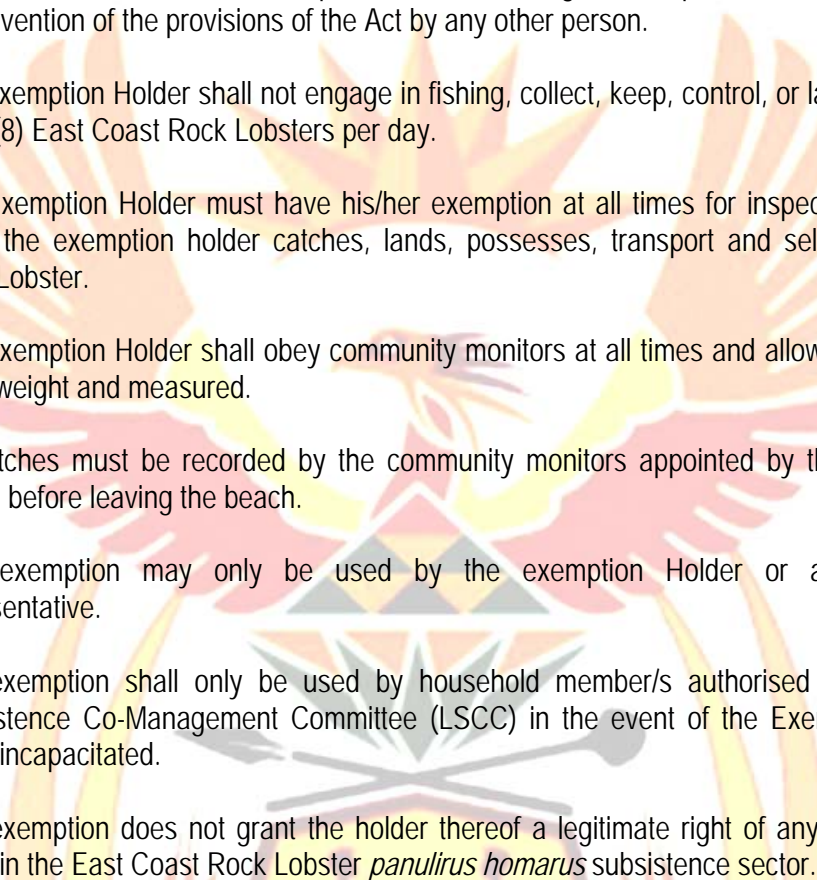


EXEMPTION CONDITIONS REGARDING THE CATCHING, POSSESSION, TRANSPORT AND SALE OF EAST COAST ROCK LOBSTER (*PANULIRUS HOMARUS*) ON A SUBSISTENCE & SMALL SCALE-COMMERCIAL BASIS IN EASTERN CAPE

1. GENERAL

- 1.1 This exemption is issued subject to the provisions and regulations of the following laws:
- a) The Marine Living Resources Act, 1998 (Act No. 18 of 1998) ("the Act"), and in particular, the regulations that designate marine protected areas;
 - b) The National Environment Management Act, 1998 (Act 107 of 1998) ("NEMA"), and in particular, the regulations that controls vehicle use in the coastal zone (as amended);
 - c) The National Biodiversity Act, 2004 (Act No.10 of 2004)
 - d) The National Protected Area Act, 2003 (Act No. 57 of 2003);
 - e) The Sea Birds and Seals Protection Act, 1973 (Act No. 46 of 1973); and
 - f) The International Convention for the Prevention of Pollution from Ships Act,1986 (Act No. 2 of 1986).
- 1.2 If, in the opinion of the Chief Director: Resource Management (Marine): Branch: Marine and Coastal Management, Department of Environmental Affairs and Tourism, there are sound reasons for doing so, the Chief Director may, without prior notice to the Exemption Holder, amend the conditions of the exemption.
- 1.3 The exemption may be revoked, suspended or cancelled if the Exemption Holder contravenes or fails to comply with a exemption condition or with the provisions of the Act or is convicted of an offence in terms of the Act or fails to effectively utilise the exemption or in the opinion of the Chief Director it is necessary to revoke or cancel the exemption.
- 1.4 The Exemption Holder shall not, by virtue of this exemption, be entitled to access the coastal zone by vehicle. Should such vehicular access be required, the Exemption Holder must apply to the Minister of Environmental Affairs and Tourism for an exemption under the Regulation 22 of Government Gazette notice 1399 of 21 December 2001.
- 1.5 An exemption to exercise an existing right in terms of the Act may be refused if the conditions of a previously issued exemption had not been adhered to.
- 1.6 This exemption is not transferable and is only valid if the identity number or date of birth of the exemption holder has been inscribed thereon.

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- 1.7 The exemption may be withdrawn or suspended if the Exemption Holder submits incorrect information to which the Department is entitled to.
- 1.8 In terms of the Act, the Exemption Holder is obliged to report to the Minister any contravention of the provisions of the Act by any other person.
- 1.9 The Exemption Holder shall not engage in fishing, collect, keep, control, or land more than eight (8) East Coast Rock Lobsters per day.
- 1.10 The Exemption Holder must have his/her exemption at all times for inspection purposes when the exemption holder catches, lands, possesses, transport and sells East Coast Rock Lobster.
- 1.12 The Exemption Holder shall obey community monitors at all times and allow their catches to be weight and measured.
- 1.13 All catches must be recorded by the community monitors appointed by the recognised agent, before leaving the beach.
- 1.15 This exemption may only be used by the exemption Holder or an authorised representative.
- 1.16 The exemption shall only be used by household member/s authorised by the Local Subsistence Co-Management Committee (LSCC) in the event of the Exemption Holder being incapacitated.
- 1.17 This exemption does not grant the holder thereof a legitimate right of any future fishing rights in the East Coast Rock Lobster *panulirus homarus* subsistence sector.

2. GEAR RESTRICTIONS

- 2.1 The Exemption Holder shall not engage in fishing, collection or disturbance of any East Coast Rock Lobster with a trap other than:
- 2.1.1 A flat circular trap with no sides and of which the diameter does not exceed 30cm;
or
- 2.1.2 By means of baited hooks.
- 2.2 The Exemption Holder shall not engage in fishing, collection, disturbance or be in possession of any East Coast Rock Lobster of which-
- The carapace is less than 65mm in length measured along its mid dorsal line or from the centre of the edge which connects the two enlarge supra-orbitas spines to the middle of the centre of the posterior edge of the carapace; or

- The second segment of the tail counted from the junction of the tails with body, is less than 22mm measured along the dorsal line between its front and rear edges, in the absence of the carapace.

3. COMPLIANCE

- 3.1 The Exemption Holder is obliged in terms of the Act to report to the Department any perceived breach of exemption conditions, provisions of the regulations promulgated under the Act or provisions of the Act itself by any other person.
- 3.2 Such breaches must be submitted to the Department in writing and should be faxed to (021) 402 6322, (Attention: Adv. Abeeda Mugjenker), Chief Director, Monitoring Control and Surveillance, Marine and Coastal Management, Department of Environmental Affairs and Tourism, Private Bag x 2, Roggebaai, 8012
- 3.3 The Exemption Holder shall return without delay any East Coast Rock Lobster that:
- 3.3.1 is in berry
 - 3.3.2 is about to cast off its shell
 - 3.3.3 is undersize, i.e, less than 65 mm, and
 - 3.3.4 has recently cast off its shell and is in a soft condition
- 3.4 The Exemption Holder shall abide by the control imposed by the Co-management Committee in the interest of stock sustainability.
- 3.5 No person shall return to sea any part or offal of East Coast Rock lobster.
- 3.6 The Exemption Holder shall not engage in fishing, collect or disturb any East Coast Rock Lobster with the use of a vessel.
- 3.8 The Exemption Holder shall only harvest and land East Coast Rock Lobster between designated areas and shall sell to an approved buyer authorized by the Department of Environmental Affairs and Tourism, Branch: Marine and Coastal Management.
- 3.9 The Exemption Holder shall only sell the catch to the recognised buyer who has entered into a contractual agreement with each community; or shall sell to the nearby coastal holiday resorts.

4. CLOSED SEASON

- 4.1 EXEMPTION HOLDERS MUST ADHERE TO A CLOSED SEASON BETWEEN 01 NOVEMBER TO THE LAST DAY OF FEBRUARY OF THE FOLLOWING YEAR, BOTH DATES INCLUSIVE.