

EXEMPTION CONDITIONS REGARDING THE HARVESTING, POSSESSION, TRANSPORT AND SALE OF BROWN MUSSELS (*PERNA - PERNA*) ON SUBSISTENCE BASIS IN THE EASTERN CAPE 2007

1. GENERAL

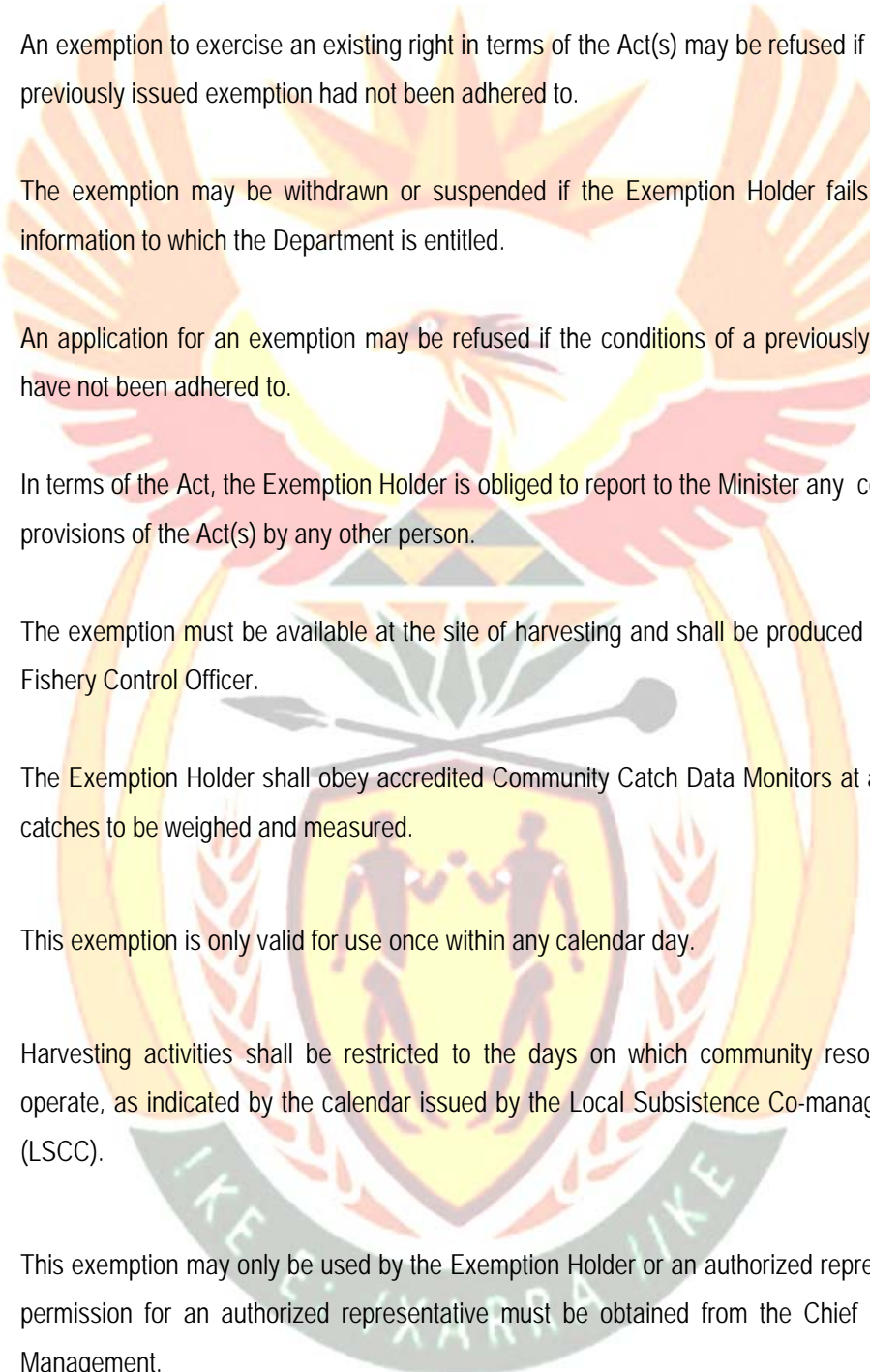
1.1 This exemption is issued subject to the provisions and regulations of the following laws:

- (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 (Act No.10 of 2004);
- (d) The National Protected Areas 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 (Act No. 2 of 1986).

1.2 If, in the opinion of the Chief Director: Resource Management: 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 an exemption condition or with the provisions of the Act(s) or is convicted of an offence in terms of the Act(s) 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 Chief Director: Resource Management may withdraw the exemption of any person who contravenes or fails to comply with any of the Act(s), Regulations or conditions of this exemption.

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- 1.5 The exemption may at any time be withdrawn or its conditions amended by the Chief Director: Resource Management.
- 1.6 An exemption to exercise an existing right in terms of the Act(s) may be refused if the conditions of a previously issued exemption had not been adhered to.
- 1.7 The exemption may be withdrawn or suspended if the Exemption Holder fails to submit correct information to which the Department is entitled.
- 1.8 An application for an exemption may be refused if the conditions of a previously issued exemption have not been adhered to.
- 1.9 In terms of the Act, the Exemption Holder is obliged to report to the Minister any contravention of the provisions of the Act(s) by any other person.
- 1.10 The exemption must be available at the site of harvesting and shall be produced on demand to any Fishery Control Officer.
- 1.11 The Exemption Holder shall obey accredited Community Catch Data Monitors at all times and allow catches to be weighed and measured.
- 1.12 This exemption is only valid for use once within any calendar day.
- 1.13 Harvesting activities shall be restricted to the days on which community resource-use monitors operate, as indicated by the calendar issued by the Local Subsistence Co-management Committee (LSCC).
- 1.14 This exemption may only be used by the Exemption Holder or an authorized representative. Written permission for an authorized representative must be obtained from the Chief Director Resource Management.

1.15 This exemption is not transferable and is only valid if the identity number or the date of birth of the Exemption Holder has been inscribed thereon.

1.16 This exemption shall only be used by household members authorized by the LSCC and Chief Director Resource Management (Marine) in the event of the Exemption Holder being incapacitated. Written permission for an authorized representative must be obtained from the Chief Director Resource Management.

1.17 This exemption does not grant the Exemption Holder a future legal right to be in the subsistence line-fish sector.

1.8 The Exemption Holder shall not engage in fishing, collect, keep, control, or land more than thirty (30) brown mussels per day.

1.9 Collection activities shall be restricted to the days on which Community Monitors operate,

1.10 The exemption shall only be used by household members authorized by the Local Subsistence Co-management Committee (LSCC) in the event on the Exemption Holder being incapacitated

2. GEAR RESTRICTIONS

2.1 Exemption Holder shall not engage in fishing, collection or disturbing any Brown Mussels in any manner other than by hand or by means of a screwdriver which is <20mm in width, and less than 50cm long.

3. FISHING AREA

3.1 No fishing is allowed in Marine Protected Areas.

3.2 Fishing should occur in the areas indicated on the exemption

4. COMPLIANCE

4.1 The Exemption Holder is obliged in terms of the Act(s) to report to the Department any perceived breach of exemption conditions, provisions of the regulations promulgated under the Act(s) or provisions of the Act(s) by any other person.

4.2 Any such contravention must be reported to the Department in writing or should be faxed to (021) 402 3622, to : The Chief Director: Monitoring, Control and Surveillance, Private Bag X2, Rogge Baai, 8012 for the attention Sandile Sibiya

4.3 This exemption and the identity document or birth certificate of the Exemption Holder must at all times be available for inspection purposes when landing, transporting and in possession of, line fish and invertebrates.

4.3.1 The Exemption Holder shall abide by the control imposed by the Co-management Committee in the interest of stock sustainability.

5. VALIDITY OF EXEMPTION

5.1 This exemption shall automatically expire and be invalid should the exemption allocation by the Minister or his delegated authority cancelled in terms of section 28 of the Act.

5.2 **This conditions and its exemption is valid for a period of one year (from date of issue to December 31, 2007)**

