

EXEMPTION CONDITIONS REGARDING THE CATCHING, POSSESSION, TRANSPORT AND SALE OF LINEFISH AND INVERTEBRATES FOR SUBSISTENCE AND SMALL-SCALE PURPOSES

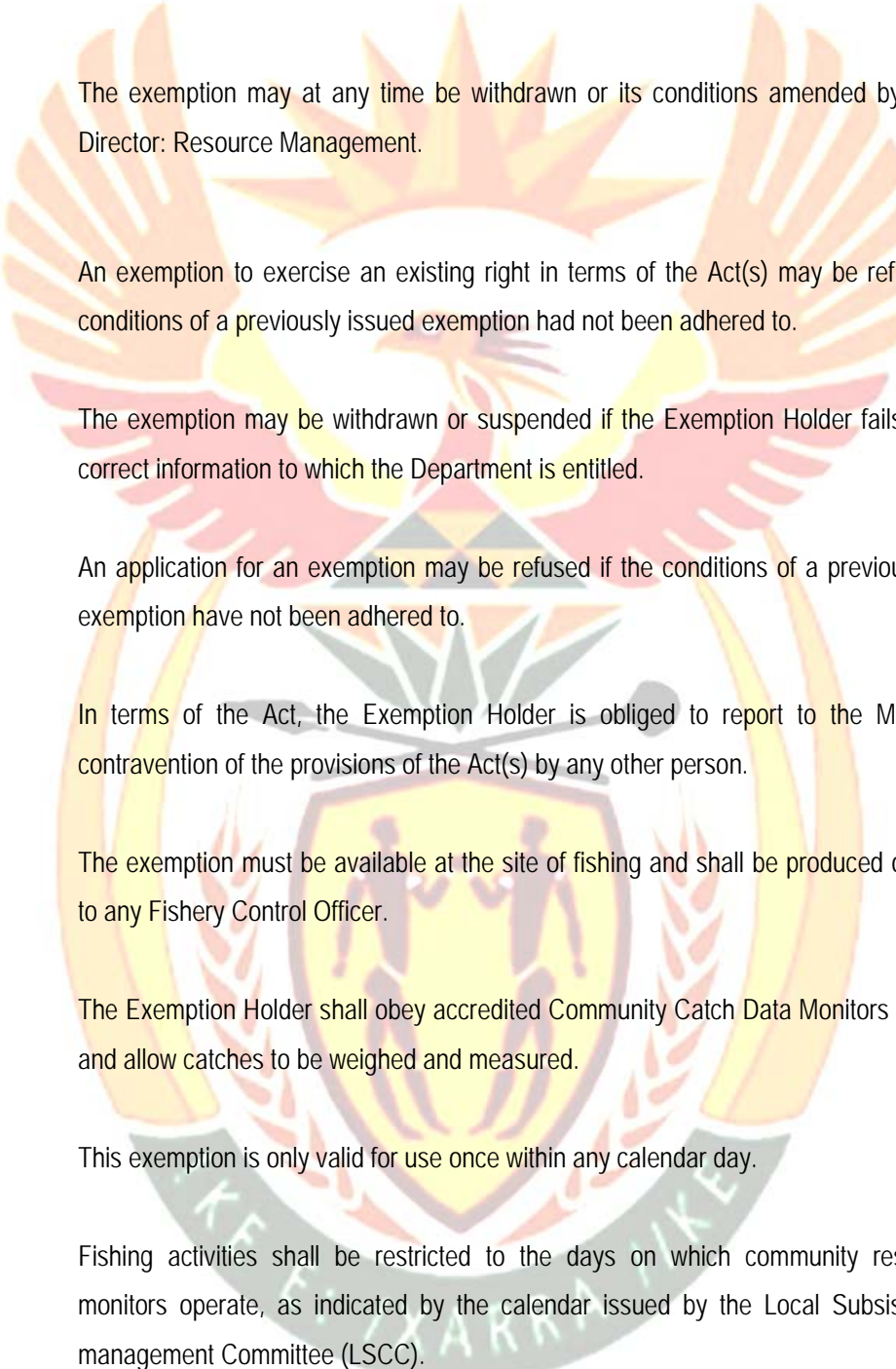
1. GENERAL

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.

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- 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.
- 1.5 The exemption may at any time be withdrawn or its conditions amended by the Chief Director: Resource Management.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- 1.7 The exemption may be withdrawn or suspended if the Exemption Holder fails to submit correct information to which the Department is entitled.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 fishing 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 Fishing 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.

2. FISHING AREA

2.1 No fishing is allowed in Marine Protected Areas.

2.2 Fishing should occur in the areas indicated on the exemption

3. GEAR RESTRICTIONS

3.1 The Exemption Holder shall use manually operated gear. No more than two fishing rods or handlines may be used at any-one-time with no more than ten (10) hooks attached to a line. Boats may not be used in the sea but may be used in estuaries provided that they are manually operated and not motorised.

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

SPECIES SPECIFIC EXEMPTION CONDITIONS REGARDING THE CATCHING, POSSESSION, TRANSPORT AND SALE OF LINEFISH AND INVERTEBRATES FOR SUBSISTENCE AND SMALL-SCALE PURPOSES

1. The taxa i.e. genus (denoted "spp."), family or class mentioned in this annexure refer to all species in the genus, family or class, as the case may be.
2. All fish that are landed, except cartilaginous species (sharks, rays and chimaeras of the Class Chondrichthyes), shall have head and tail intact such that it can be established whether the fish conforms to the minimum size and or mass, provided that it may be gutted.
3. No fish listed in the prohibited list (Annexure 1) may be caught, landed, retained, sold or offered for sale by the holder of an exemption for subsistence fishing.
4. No fish listed in the permitted non-saleable species list (Annexure 2) may be sold or offered for sale by the holder of an exemption for subsistence fishing.
5. Special note must be taken of the size, bag and area limitations with regards to kob (*Argyrosomus* spp.).
6. Species not mentioned in Annexures 2 and 3 below have a bag limit of ten provided that shark, rays and chimaeras (Class Chondrichthyes) have a bag limit of one and rockcods (Class Serranidae) have a bag limit of five.

7. In keeping with the stipulated bag limit per species listed in Annexures 2 and 3, a maximum of ten (10) fish may only be accumulated daily. This ruling does not apply to pinky / piggy (*Pomadasys olivaceum*) and strepie / karanteen (*Sarpa salpa*) for which a daily bag limit of 15 fish shall apply (see Annexure 3). It should be noted that where a bag limit of "none" (Annexure 3) is indicated this denotes unlimited numbers.
8. There is a closed season for elf / shad (*Pomatomus saltatrix*) from 01st October to 30th November in any year.
9. There is a closed season for red steenbras (*Petrus rupestris*) from 01st September to 30th November in any year.
10. There is a closed season for galjoen (*Dichistius capensis*) from 15 October to the last day of February in the following year.
11. No invertebrate listed in the invertebrate / bait species list (Annexure 4) may be sold or offered for sale by the holder of an exemption for subsistence fishing.

ANNEXURE 1

PROHIBITED SPECIES LIST	
COMMON NAME	SCIENTIFIC NAME
Basking shark	<i>Cetorhinus maximus</i>
Brindle bass	<i>Epinephelus lanceolatus</i>
Coelacanth	<i>Latimeria chalumnae</i>
Great white shark	<i>Carcharodon carcharias</i>
Natal wrasse	<i>Anchichoerops natalensis</i>
Pipefish & seahorses	Family Syngnathidae
Potato bass	<i>Epinephelus tukula</i>
Sawfishes	Family Pristidae
Seventy-four	<i>Polysteganus undulosus</i>
Whale shark	<i>Rhincodon typus</i>

ANNEXURE 2

PERMITTED NON-SALEABLE SPECIES LIST			
COMMON NAME	SCIENTIFIC NAME	MINIMUM SIZE/ MASS	BAG LIMITS / CLOSED SEASON
Baardman (bellman, tasselfish)	<i>Umbrina</i> spp.	40 cm	5
Banded galjoen	<i>Dichistius multifasciatus</i>	None	5
Billfishes (marlin, sailfish)	Family Istiophoridae	None	5
Blacktail (dassie)	<i>Diplodus sargus capensis</i>	20 cm	5
Bronze bream (bluefish)	<i>Pachymetopon grande</i>	30 cm	2
Cape knifejaw	<i>Oplegnathus conwayi</i>	None	5
Cape stumpnose	<i>Rhabdosargus holubi</i>	20 cm	5
Elf (shad)	<i>Pomatomus saltatrix</i>	30 cm	4
Galjoen	<i>Dichistius capensis</i>	35 cm	2
Garrick (leervis)	<i>Lichia amia</i>	70 cm	2
John Brown	<i>Gymnocrotaphus curvidens</i>	None	5
Kingfishes	<i>Caranx</i> spp. and <i>Carangoides</i> spp.	None	5
Large-spot pompano (wave garrick)	<i>Trachinotus botla</i>	None	5
Leopard cat shark	<i>Poroderma pantherinum</i>	None	1
Natal knifejaw (cuckoo bass)	<i>Oplegnathus robinsoni</i>	None	5
Natal stumpnose (yellowfin bream)	<i>Rhabdosargus sarba</i>	25 cm	5
Ragged tooth shark	<i>Carcharias taurus</i>	None	1
River bream (perch)	<i>Acanthopagrus berda</i>	25 cm	5
River snapper (rock salmon)	<i>Lutjanus argentimaculatus</i>	40 cm	5
Spotted grunter (tiger)	<i>Pomadasys commersonnii</i>	40 cm	5
Spotted gully shark	<i>Triakis megalopterus</i>	none	1
Springer (ten pounder)	<i>Elops machnata</i>	none	5

Southern pompano	<i>Trachinotus africanus</i>	none	5
Stonebream	<i>Neoscorpis lithophilus</i>	none	5
Striped cat shark	<i>Poroderma africanum</i>	none	1
Swordfish (broadbill)	<i>Xiphias gladius</i>	25 kg	5
West coast steenbras	<i>Lithognathus aureti</i>	60 cm	1
White musselcracker (brusher, cracker)	<i>Sparodon durbanensis</i>	60 cm	2
White steenbras (pignose grunter)	<i>Lithognathus lithognathus</i>	60 cm	1
Zebra (wildeperd)	<i>Diplodus cervinus hottentotus</i>	30 cm	5

ANNEXURE 3

<i>PERMITTED SALEABLE SPECIES LIST</i>			
COMMON NAME	SCIENTIFIC NAME	MINIMUM SIZE/ MASS	BAG LIMITS / CLOSED SEASON
Anchovies	Family Engraulidae	None	None
Blue hottentot	<i>Pachymetopon aeneum</i>	None	5
Carpenter (silverfish)	<i>Argyrozona argyrozona</i>	35 cm	4
Catface rockcod	<i>Epinephelus andersoni</i>	50 cm	5
Chub mackerel	<i>Scomber japonicus</i>	None	None
Cutlassfish (walla walla)	<i>Trichiurus lepturus</i>	None	None
Dageraad	<i>Chrysoblephus cristiceps</i>	40 cm	1
Dane	<i>Porcostoma dentate</i>	None	5
Englishman	<i>Chrysoblephus anglicus</i>	40 cm	1
Fransmadam (Karel groot oog)	<i>Boopsoidea inornata</i>	None	10
Garfishes	Family Belonidae	None	None
Geelbek (Cape salmon)	<i>Atractoscion aequidens</i>	60 cm	2
Glassies	Family Ambassidae	None	None
Hake (stockfish)	<i>Merluccius spp.</i>	None	5
Halfbeaks	Family Hemiramphidae	None	None

Horse mackerel / maasbanker	<i>Trachurus trachurus capensis</i>	None	None
Hottentot	<i>Pachymetopon blochii</i>	22 cm	10
Kingklip	<i>Genypterus capensis</i>	None	1
King mackerel	<i>Scomberomorus commerson</i>	None	10
Kob caught from a boat at sea [Cape Agulhas to Umtamvuna River]	<i>Argyrosomus</i> spp.	50 cm	5 but may only land or be in possession of one kob > 110 cm per day
Kob caught from a boat at sea [The Province of KwaZulu-Natal]	<i>Argyrosomus</i> spp.	40 cm	
Kob caught in estuaries & from the shore [East of Cape Agulhas only]	<i>Argyrosomus</i> spp.	60 cm	1
Kob [West of Cape Agulhas only]	<i>Argyrosomus</i> spp.	50 cm	5
Mullets / harders	Family Mugilidae	None	50
Pinky (piggy)	<i>Pomadasys olivaceum</i>	7.5 cm	15
Poenskop (black steenbras or musselcracker)	<i>Cymatoceps nasutus</i>	50 cm	1
Queen mackerel	<i>Scomberomorus plurilineatus</i>	None	10
Red steenbras (copper steenbras)	<i>Petrus rupestris</i>	60 cm	1
Red stumpnose (Miss Lucy)	<i>Chrysoblephus gibbiceps</i>	30 cm	1
Roman	<i>Chrysoblephus laticeps</i>	30 cm	2
Santer (soldier)	<i>Cheimerius nufar</i>	30 cm	5
Sardines (pilchard and red-eye)	Family Clupeidae	none	None

Sauries	Family Scomberesocidae	none	None
Scads	<i>Decapterus</i> spp.	none	None
Scotsman	<i>Polysteganus praeorbitalis</i>	40 cm	1
Slinger	<i>Chrysoblephus puniceus</i>	25 cm	5
Snoek (Cape snoek)	<i>Thyrsites atun</i>	60 cm	10
Steentjie	<i>Spondylisoma emarginatum</i>	none	10
Strepie (karanteen)	<i>Sarpa salpa</i>	15 cm	15
Squid (Chokka)	<i>Loligo vulgaris reynaudii</i>	none	20
Tunas (tunny)	<i>Thunnus</i> spp.	None	10
Albacore / longfin tuna	<i>Thunnus alalunga</i>	none	10
Bigeye tuna	<i>Thunnus obesus</i>	3.2 kg	10
Bluefin tuna	<i>Thunnus thynnus</i>	6.4 kg	10
Yellowfin tuna	<i>Thunnus albacares</i>	3.2 kg	10
White edged (Captain Fine) rockcod	<i>Epinephelus albomarginatus</i>	40 cm	5
White stumpnose	<i>Rhabdosargus globiceps</i>	25 cm	10
Wolfherring	<i>Chirocentrus dorab</i>	none	None
Yellowbelly rockcod	<i>Epinephelus marginatus</i>	60 cm	1
Yellowtail	<i>Seriola lalandi</i>	none	10

ANNEXURE 4

PERMITTED NON-SALEABLE INVERTEBRATE / BAIT SPECIES LIST				
Species	Common name	Minimum size	Maximum per day	Collection method
<i>Turbo sarmaticus</i>	Alikreukel	63.5 mm	5	Only by hand
All species of the class Polyplacophora	Chiton / armadillo		6	Only by hand
All species of the genus	Bloodworm		5	Only by hand, hand operated suction

<i>Arenicola</i>				pump and / or wire
All species of the genus <i>Macra</i>	Clam		8	Only by hand
All species of the sections Brachyura & Anomura excluding <i>Scylla serrata</i> , <i>Hippa adactyla</i> & <i>Emerita australis</i>	Crabs & hermit crabs		15	Only by hand, rod and/or line
All species of the genus <i>Sepia</i>	Cuttlefish		2	By hand or line
All species of the family Patellidae	Limpets		15	Only by hand or with an implement with a blade or flat edge not exceeding 12 mm in width
<i>Hippa adactyla</i> & <i>Emerita australis</i>	Mole crab / sea-lice		30	By hand or triangular trap
<i>Scylla serrata</i>	Mud crab	140 mm measured across the broadest part of the carapace (back)	6	Only by hand, rod and/or line. No crab in berry may be kept
All species of the subfamily Octopodinae	Octopus		2	Only by hand
All species of the genera <i>Littorina</i> , <i>Oxystele</i> & <i>Turbo</i> excluding <i>Turbo sarmaticus</i>	Periwinkle / topshell / turbanshell excluding alikreukel		50	Only by hand
All marine species of the phyla Platyhelminthes, Nemertea, Sipunculida and Annelida. but excluding the genus <i>Arenicola</i>	Any seaworm, including polychaete, wonder, shingle, moonshine, coral, pot, pudding,		10 or 250 ml container	Only by hand or hand operated suction pump

	rock, mussel, tape & flat worms			
All species of the genus <i>Solen</i>	Razor clam, pencil bait		20	Only by hand , hand operated suction pump and / or wire
All species of the genus <i>Pyura</i>	Red bait		2 kg without the test (shell)	Only by hand or with an implement with a blade or flat edge not exceeding 12 mm in width
All species of the genera <i>Aulacomya</i> , <i>Mytilus</i> , <i>Choromytilus</i> and <i>Perna</i>	Rock, black, brown & ribbed mussels		30	Only by hand or with an implement with a blade or flat edge not exceeding 12 mm in width
All species of the genus <i>Upogebia</i>	Mud prawn		50	Only by hand, hand operated suction pump or inverted tin
All species of the genus <i>Callinassa</i>	Sand prawn		50	Only by hand or hand operated suction pump
All species of the family Penaeidae	Swimming prawns		50	Only by hand or hand-held net
All species of the genus <i>Pecten</i>	Scallop		10	Only by hand
All species of the class Holothuroidea	Sea cucumbers		20	Only by hand
All species of the class Echinoidea excluding the genus <i>Echinodiscus</i>	Sea urchins excluding live pansy shells		20	Only by hand
All species of the genus <i>Haliotis</i> excluding the abalone <i>Haliotis midae</i>	Siffie / Venus ear	32 mm	10	Only by hand or with an implement with a blade or flat edge not exceeding 12 mm in

				width
<i>Donax serra</i>	White mussel / wedge shell	35 mm	50	Only by hand or with an implement with a blade or flat edge not exceeding 12 mm in width
All species of the genera <i>Pinctada, Striostrea, Ostrea & Saccostrea</i>	Oysters		25	Only by hand or with an implement with a blade or flat edge not exceeding 40 mm in width and not less than 1 m in length
All species of the genera Loligo & Thysanoteuthis	Squid, chokka		20	Only by hand or line

