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VAN
SUID-AFRIKA



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ALGEMENE KENNISGEWING

GENERAL NOTICE

KENNISGEWING 712 VAN 1985 DEPARTEMENT VAN OMGEWINGSACE

NOTICE 712 OF 1985 DEPARTMENT OF ENVIRONMENT AFFAIRS

WETSONTWERP OOR MARIENE AANGELEENT- HEDE

DRAFT BILL ON MARINE MATTERS

Die konsepwetsontwerp vervat in die Bylae tot hierdie Kennisgewing word vir algemene inligting en kommentaar gepubliseer. Belanghebbende persone word versoek om enige kommentaar wat hulle in die verband wens te lewer, binne sestig dae vanaf datum van publikasie van hierdie kennisgewing te rig aan die Direkteur-generaal: Omgewingsake, Privaatsak X447, Pretoria 0001, met vermelding van Verwysing A1/4/27/1.

The draft bill contained in the Schedule to this Notice is published for general information and comments. Interested persons who wish to offer any comments in this regard are requested to supply such comments to the Director-general: Environment Affairs, Private Bag X447, Pretoria 0001, within sixty days from the date of publication of this notice and to quote Reference A1/4/27/1.

J. F. OTTO
DIREKTEUR-GENERAAL: OMGEWINGSACE

J. F. OTTO
DIRECTOR-GENERAL: ENVIRONMENT AFFAIRS

Bylae

WETSONTWERP

Om die gebiedswaters, eksklusiewe ekonomiese sone en vastelandsplat van die Republiek van Suid-Afrika te bepaal, en te omskryf; om vir die bewaring, benutting en ontginning van sekere mariene hulpbronne in die gebiedswaters, die eksklusiewe ekonomiese sone en van die vastelandsplat voorsiening te maak; om voorsiening te maak vir die uitoefening van beheer oor seevisserye en die bewaring en benutting van sekere ander mariene hulpbronne; om vir die beheer van sekere eilande en rotse voorsiening te maak; en oor die beskerming, vang en doodmaak van seevoëls en robbe en die beskikking oor die produkte van seevoëls en robbe; en vir aangeleenthede wat daarmee in verband staan.

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To determine and define the territorial waters, exclusive economic zone and continental shelf of the Republic of South Africa; to provide for the conservation utilization and exploitation of certain marine resources in the territorial waters the exclusive economic zone and of the continental shelf; to provide for the control over sea fisheries and the conservation and utilization of certain other marine resources; to provide for the control over certain islands and rocks; and over the protection capture and killing of sea birds and seals and the disposal of the products of sea birds and seals; and for matters incidental thereto.

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DAAR WORD BEPAAL deur die Staatspresident en die Parlement van die Republiek van Suid-Afrika, soos volg:

Woordbepaling

1. In hierdie Wet tensy die samehang anders aandui, beteken—

- (i) "departement" die Departement van Omgewingsake;
- (ii) "Direkteur-generaal" die Direkteur-generaal: Omgewingsake;
- (iii) "eiland" 'n eiland of rots of groep eilande of rotse in Bylae 1 vermeld of 'n eiland in Bylae 2 vermeld;
- (iv) "eksklusiewe ekonomiese sone" die eksklusiewe ekonomiese sone van die Republiek soos in artikel 7 bepaal;
- (v) "fabriek" 'n perseel, voertuig of vaartuig waarop of waarin vis of visprodukte vir handelsdoeleindes gesout, gedroog, gerook, verpak, bevries, ingemaak of op 'n ander wyse bewerk word, of kreef vir handelsdoeleindes in gevangenisshap gehou word, maar nie ook 'n viswinkel, supermark, hotel, losieshuis, restaurant, verversings- of teekamer of eetplek of 'n vissersboot waarop vis wat vanaf die vissersboot gevang word, vir die bewaring daarvan slegs ontderm, gesout of verkoel word nie;
- (vi) "fonds" die Seevisseryefonds bedoel in artikel 18;
- (vii) "gebiedswaters" die gebiedswaters van die Republiek soos in artikel 6 bepaal;
- (viii) "gesagvoerder" die persoon in beheer van 'n vissersboot of ander vaartuig;
- (ix) "getyrvier" daardie gedeelte van 'n rivier waarin 'n styging en daling van die watervlak as gevolg van die seegetye plaasvind;
- (x) "getystrandmeer" 'n strandmeer waarin 'n styging en daling van die watervlak as gevolg van die seegetye plaasvind;
- (xi) "hierdie Wet" ook 'n regulasie of kennisgewing daarkragtens uitgevaardig of uitgereik;
- (xii) "hoogwatermerk" die hoogste merk wat die water van die see gedurende gewone seestorms tydens die stormagtigste tydperk van die jaar op land bereik;
- (xiii) "korporasie" die Visserye-ontwikkelingskorporasie van Suid-Afrika Beperk bedoel in artikel 34;
- (xiv) "laagwatermerk" die laagste lyn tot waar die water van die see sak gedurende periodes van gewone springgetye;
- (xv) "Minister" die Minister van Omgewingsake en Toerisme;
- (xvi) "natuurbewaringsbeampte" iemand wat aangestel is ingevolge 'n ordonnansie van 'n provinsie wat op natuurbewaring betrekking het;
- (xvii) "plaaslike bestuur" 'n instelling of liggaam bedoel in artikel 84 (1) (f) van die Wet op Provinsiale Bestuur, 1961 (Wet 32 van 1961) en ook die Suid-Afrikaanse Ontwikkelingstrust ingestel by artikel 4 van die Ontwikkelingstrust en Grond Wet, 1936 (Wet 18 van 1936), die Raad vir die Bewaring van Natalse Parke, Wild en Vis ingestel kragtens die Ordonnansie op die

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BE IT ENACTED by the State President and the Parliament of the Republic of South Africa, as follows:

1. In this Act, unless the context otherwise indicates—

Definitions.

- (i) "aquatic plant" means any kind of plant, algae or other plant organism found in the sea or on the sea-shore and, for the purposes of section 37, also any kind of plant, algae or other plant organism occurring in such other waters as are referred to in that section;
- (ii) "board" means the Board of Directors of the corporation;
- (iii) "catch" means take out of the sea or out of or from the sea-shore in any manner whatsoever, possess in a net whether the net is in the water or not, possess in or on a boat, or land;
- (iv) "corporation" means the Fisheries Development Corporation of South Africa, Limited, referred to in section 34;
- (v) "council" means the Fisheries Council established by section 9;
- (vi) "department" means the Department of Environment Affairs;
- (vii) "Director-General" means the Director-General: Environment Affairs;
- (viii) "exclusive economic zone" means the exclusive economic zone of the Republic as determined by Section 7;
- (ix) "factory" means any premises, vehicle or vessel on or in which any fish or fish products are salted, dried, smoked, packed, frozen or canned or otherwise treated, or rock lobster is kept in captivity for purposes of trade, but does not include any hotel, fish shop, supermarket, boarding house, restaurant, refreshment or tea room or eating house or a fishing boat on which fish which has been caught off such fishing boat is only gutted, salted or chilled for the preservation thereof;
- (x) "fish" means any species of sea animal, whether vertebrate or invertebrate, and includes the spawn or larvae of any such sea animal, but does not include any seal or sea-bird, and for the purposes of section 37 any aquatic animal whether vertebrate or invertebrate, found in such other waters as are contemplated in that section;
- (xi) "fisheries officer" means any person appointed under Section 4 as fisheries officer;
- (xii) "fisherman" means any person, with the exception of a person angling from the sea-shore, who catches or attempts to catch fish on a full time or part time basis, irrespective of whether such fish occurs in the sea or in or on the beach, and who sells or otherwise disposes of such fish at a consideration or attempts to sell or dispose of such fish at a consideration, and includes any person assisting him in doing so;
- (xiii) "fishing boat" means any vessel used for the catching of fish in the sea;
- (xiv) "fishing harbour" means any fishing harbour contemplated in section 15;
- (xv) "fishing industry" means the whole of the trade engaged in the catching, cultivation or obtaining by any other means of fish, the processing thereof and the

- Bewaring van Natalse Parke, Wild en Vis, 1974 (Ordonnansie 15 van 1974) van Natal;
- (xviii) "polisiebeampte" 'n polisiebeampte soos omskryf in artikel 1 (1) van die Strafproseswet, 1977 (Wet 51 van 1977);
- (xix) "raad"—
- (aa) behalwe in Deel VII, die Visserijeraad ingestel by artikel 9;
- (bb) in Deel VII, die Raad van Direkteure van die korporasie;
- (xx) "Republiek" die gebied van die Republiek van Suid-Afrika soos omskryf in artikel 1 van die Grondwet (Wet 110 van 1983) en die eilande en rotse soos uiteengesit in Bylae 1 en 2 van hierdie Wet;
- (xxi) "rob" 'n Suid-Afrikaanse pelsrob (*Arctocephalus pusillus pusillus*), Antarktiese rob, ook bekend as Suidelike Olifantrob (*Mirounga leonina*), Luiperdrob (*Hydrurga leptonyx*), Weddelrob (*Leptonychotes weddellii*), Krapeter-rob (*Lobodon caccinophagus*), Ross-rob (*Onmatophoca rossi*) of Suidelike pelsrob (*Arctocephalus spp.*);
- (xxii) "see" die water en die bedding van die see met inbegrip van die water en die beddings van getyriwre en getystrandmere;
- (xxiii) "seemyl" die internasionale seemyl van 1 852 meter;
- (xxiv) "skulp" die skulp of 'n gedeelte van die skulp van 'n seedier wat in die see of op die strand aangetref word;
- (xxv) "seevoël" 'n pikkewyn (*Spheniscidae*), malgas (*Sulidae*), duiker (*Phalacrocoracidae*), meeu (*Laridae*), seeswael (*Sternidae*), pelikaan (*Pelicanidae*), malmok (*Diomedidae*), stormvoël (*Procellariidae*, *Thalassidromidae* of *Oceanitidae*), duikertjie (*Podicipidae*), ibis (*Threskiornithidae*), roofmeeu (*Stercorariidae*), strandloper-tjie (*Charadriidae*), oestervanger (*Haematopodidae*), fraaingpoot (*Phalaropidae*), flamink (*Phoenicopteridae*) of "sheathbill" (*Chionidae*);
- (xxvi) "sout" enige sout wat in die water van die see voorkom;
- (xxvii) "strand" die water en die land tussen die laagwatermerk en die hoogwatermerk;
- (xxviii) "vang" op enige wyse hoegenaamd uit die see of strand haal, op die strand neem, in 'n net besit, hetsy die net in die water is of nie, in of op 'n vaartuig besit, of aan land bring;
- (xxix) "vis" iedere spesie ongewerwelde of gewerwelde seedier uitgesonderd 'n rob of seevoël, en ook die kuit of larwes van so 'n seedier en by die toepassing van artikel 37, iedere spesie gewerwelde of ongewerwelde waterdier wat in die ander waters in daardie artikel bedoel, aangetref word;
- (xxx) "visprodukt" enige produk wat geheel of gedeeltelik uit vis verkry is;
- (xxxi) "visser" iemand, uitgesonderd iemand wat vanaf die strand hengel, wat op 'n heeltydse of deeltydse grondslag vis, hetsy dit in die see of in of op die strand voorkom, vang of probeer vang en sodanige vis verkoop of op 'n ander wyse teen vergoeding van die hand sit of probeer verkoop of teen vergoeding van die hand te sit en ook iemand wat daarby behulpsaam is;
- (xxxii) "vissersboot" enige vaartuig wat gebruik word om vis in die see te vang;
- (xxxiii) "vissershawe" 'n hawe bedoel in artikel 15;
- (xxxiv) "visserijbedryf" die geheel van die bedryf betrokke by die vang, teel of verkryging op enige ander wyse van vis, die verwerking daarvan, en die beskikbaarstelling vir die doeleindes van die handel in vis of visprodukte uitgesonderd 'n viswinkel, supermark, hotel, losieshuis, restaurant, verversings- of teekamer of eetplek en by die toepassing van Deel VII ook die uithaal, kweek of verkryging op enige ander wyse van waterplante, die verwerking daarvan en die beskikbaarstelling vir die

making available for purposes of trade of such fish or products derived therefrom, but does not include any fish shop, supermarket, hotel, boarding house, restaurant, refreshment or tea room or eating house and for the purposes of Part VII also the collecting, cultivating or obtaining by any other means of aquatic plants, the processing thereof and the making available for purposes of trade of such aquatic plants or products derived therefrom but does not include the establishments mentioned in respect of fish and fish products and also not a retailer of aquatic plants;

- (xvi) "fish product" means any product wholly or partly derived from fish;
- (xvii) "fund" means the Sea Fisheries Research Fund referred to in section 18;
- (xviii) "high-water mark" means the highest mark reached by the water of the sea on the land during ordinary sea storms during the most stormy period of the year;
- (xix) "implement" means a net or other apparatus or instrument used for or in connection with the catching of fish and for the purpose of Part VII, also any apparatus or instrument used for in connection with the collecting of aquatic plants or the breeding of fish or the cultivation of aquatic plants.
- (xx) "island" means any island or rock or any group of islands or rocks specified in Schedule 1 or any island specified in Schedule 2;
- (xxi) "local authority" means any institution or body contemplated in section 84 (1) (f) of the Provincial Government Act, 1961 (Act No. 32 of 1961), and also the South African Development Trust established by section 4 of the Development Trust and Land Act, 1936 (Act No. 18 of 1936), the Natal Parks, Game and Fish Preservation Board established under the Natal Parks, Game and Fish Preservation Ordinance, 1974 (Ordinance No. 15 of 1974) of Natal;
- (xxii) "low-water mark" means the lowest mark on the land to which the water of the sea recedes with ordinary spring tide;
- (xxiii) "master" means any person having command or control of a fishing boat or other vessel;
- (xxiv) "Minister" means the Minister of Environment Affairs and Tourism;
- (xxv) "Nature conservation officer" means a person appointed in terms of a provincial ordinance pertaining to nature conservation;
- (xxvi) "Nautical mile" means the international nautical mile of 1852 metres;
- (xxvii) "police officer" means any police officer as circumscribed in section 1 (1) of Criminal Procedure Act, 1977 (Act 51 of 1977);
- (xxviii) "Republic" means the territory of the Republic of South Africa as defined in section 1 of the Constitution Act (Act 110 of 1983) and the islands and rocks as set out in Schedules 1 and 2 of this Act as well as all other islands and rocks situated within the Republic's territorial waters;
- (xxix) "salt" means any kind of salt occurring in the water of the sea;
- (xxx) "sea" means the water and the bed of the sea, including the water and the beds of tidal rivers and tidal lagoons;
- (xxxi) "sea bird" means any penguin (*Spheniscidae*), gannet (*Sulidae*), cormorant (*Phalacrocoracidae*), gull (*Laridae*), tern (*Sternidae*), pelican (*Pelicanidae*), albatross (*Diomedidae*), petrel (*Procellariidae*, *Thalassidromidae* or *Oceanitidae*), dabchick (*Podicipidae*), ibis (*Threskiornithidae*), skua (*Stercorariidae*), wader (*Charadriidae*), oystercatcher (*Haematopodidae*), phalarope (*Phalaropidae*), flamingo (*Phoenicopteridae*) or sheath-bill (*Chionidae*);

doeleindes van die handel in waterplante of produkte wat daaruit verkry is, uitgesonderd die ondernemings vermeld ten opsigte van vis of visprodukte en ook 'n kleinhandelaar in waterplante;

- (xxxv) "visseryebeampte" iemand wat kragtens artikel 4 as visseryebeampte aangestel is;
- (xxxvi) "waterplant" enige soort plant, alge of ander plantaardige organisme wat in die see of op die strand voorkom, en by die toepassing van artikel 37 ook enige soort plant, alge of ander plantaardige organisme wat in die water in daardie artikel genoem, voorkom;
- (xxxvii) "werktuig" 'n net of ander toestel of middel wat vir of in verband met die vang van vis gebruik word en by die toepassing van Deel VII, ook enige toestel of middel wat vir of in verband met die herwinning van waterplante of die teel van vis of die kweek van waterplante gebruik word.

DEEL I

TOEPASSING EN ADMINISTRASIE VAN WET

Toepassing van
Wet

2. (1) (a) Deel V van hierdie Wet is nie van toepassing nie ten opsigte van—
 - (i) vis in water wat in 'n geslote meer voorkom en welke meer nie te eniger tyd gedurende 'n jaar 'n deel van die see uitmaak nie;
 - (ii) die vang van vis in 'n geslote getystrandmeer, gety-rivier en riviermonding langs die kus van die provinsie Natal of vanaf die genoemde kus, uitgesonderd die deel van die genoemde kus in 'n gebied wat bestaan uit grond bedoel in artikel 21 (1) van die Ontwikkelingstrust en Grond Wet, 1936 (Wet 18 van 1936), of in 'n afgesonderde Swart gebied soos omskryf in artikel 49 van die genoemde Wet;
 - (iii) 'n gebied langs die kus van die Republiek wat kragtens die Wet op Nasionale Parke, 1976 (Wet 57 van 1976), 'n nasionale park is of kragtens die Meergebiede-ontwikkelingswet, 1975 (Wet 39 van 1975), 'n meergebied is.
- (b) Die Minister kan met die instemming van die betrokke Administrateur, by kennisgewing in die *Staatskoerant*, die bepalinge van Deel V van hierdie Wet, van toepassing verklaar ten opsigte van 'n rivier waarvan 'n gedeelte 'n gety-rivier is.
- (c) 'n kennisgewing kragtens paragraaf (b) kan betrekking hê op 'n bepaalde rivier of enige rivier wat behoort tot 'n kategorie van riviere in die kennisgewing vermeld.
- (2) Artikels 29 tot 33—
 - (a) is ook van toepassing op 'n Suid-Afrikaanse burger terwyl hy in die Antarktika is asof die Antarktika by die toepassing van die genoemde artikels 'n eiland is;
 - (b) doen nie afbreuk aan die bepalinge van enige ander wet of ordonnansie vir sover dit op seevoëls of die produkte van seevoëls betrekking het nie.
- (3) In hierdie artikel beteken "vang" nie ook die aanlandbring van vis nie wat in ander water as water bedoel in subartikel (1) (a) (i) of 'n geslote getystrandmeer, gety-rivier of monding en anders as vanaf die kus bedoel in subartikel (1) (a) (ii) gevang is.

Delegering van be-
voegdheide

3. (1) Die Minister kan—
 - (a) 'n bevoegdheid by hierdie Wet aan hom verleen, uitgesonderd die bevoegdheid om regulasies uit te vaardig, aan 'n beampte van die Departement deleger op die voorwaardes wat hy goetvind;
 - (b) by kennisgewing in die *Staatskoerant* 'n bevoegdheid by hierdie Wet aan hom verleen, ten opsigte van 'n bepaalde spesie vis of waterplant, produkte van seevoëls

- (xxxii) "seal" means any South African Fur seal (*Arctocephalus pusillus pusillus*), Antarctic seal, also known as Southern Elephant seal (*Mirounga leonina*), Leopard seal (*Hydrurga leptonyx*), Weddel seal (*Leptonychotes weddelli*), Crabeater seal (*Lobodon carcinophagus*), Ross seal (*Ommatophoca rossi*) and Southern Fur seal (*Arctocephalus spp.*);
- (xxxiii) "Sea-shore" means the water and the land between the low-water mark and the high-water mark;
- (xxxiv) "shell" means the shell or portion of the shell of any sea animal found in the sea or on the sea-shore;
- (xxxv) "territorial waters" means the territorial waters of the Republic as defined in section 6;
- (xxxvi) "this Act" includes any regulation or notice made or issued thereunder;
- (xxxvii) "tidal lagoon" means any lagoon in which a rise and fall of the water-level take place as a result of the tides;
- (xxxviii) "tidal river" means that part of any river in which a rise and fall of the water-level take place as a result of the tides;

PART I

APPLICATION AND ADMINISTRATION OF THE ACT

2. (1) (a) Part V of this Act shall not apply in respect of—

Application of the Act

- (i) fish which occurs in any closed lake which does not at any time of the year form part of the sea;
 - (ii) the catching of fish in an enclosed tidal lagoon, tidal river and estuary along the coast of the province of Natal or from the said coast, excluding that part of the said coast in any area consisting of land contemplated in section 21 (1) of the Development Trust and Land Act, 1936 (Act 18 of 1936), or in any scheduled Black area as defined in section 49 of the said Act;
 - (iii) any area along the coast of the Republic which has in terms of the National Parks Act, 1976 (Act 57 of 1976) been declared to be a national park or which has been declared to be a lake area in terms of the Lake Areas Development Act, 1975 (Act 39 of 1975)
- (b) The Minister may by notice in the *Government Gazette* and with the concurrence of the Administrator concerned declare the provisions of Part V of this Act to be applicable to any river of which a portion is a tidal river.
- (c) A declaration under paragraph (b) may be made in respect of a specific river or any river belonging to a category of rivers mentioned in the notice.

(2) Sections 29 to 33—

- (a) shall apply also to a South African citizen while he is in Antarctica as if Antarctica were an island for the purposes of the sections mentioned;
- (b) shall not derogate from the provisions of any other law or ordinance in so far as they relate to sea birds or the products of sea birds.

(3) In this section "catching" does not also mean the landing of fish caught in water other than that referred to in sub-section (1) (a) (i) or in a closed tidal lagoon, tidal river or estuary and otherwise than from the coast mentioned in sub-section (1) (a) (ii)

3. (1) The Minister may—

Delegation of powers

- (a) delegate any powers conferred upon him by this Act, except the power to issue regulations, to any officer of the Department subject to such condition, as he may see fit to impose;
- (b) by notice in the *Government Gazette* delegate, in respect of any specified species of fish or aquatic plant, products of sea birds and seals, shells or salt, and either

en robbe, skulpe of sout, uitgesonderd die bevoegdheid om regulasies uit te vaardig, in die algemeen of met betrekking tot 'n bepaalde gebied, aan enige persoon met inbegrip van 'n plaaslike bestuur of liggaam van persone, delegeer.

(2) Die Direkteur-generaal kan 'n bevoegdheid by of ingevolge hierdie Wet aan hom verleen aan 'n beampte in die Departement delegeer op die voorwaardes wat hy goedvind.

(3) 'n Bevoegdheid word nie kragtens subartikel (1) of (2) gedelegeer nie ten opsigte van grond in 'n gebied bedoel in artikel 21(1) van die Ontwikkelingstrust en Grond Wet, 1936 (Wet 18 van 1936) of in 'n afgesonderde Swart gebied soos omskryf in artikel 49 van die genoemde Wet, behalwe met die instemming van die Minister van Samewerking en Ontwikkeling.

(4) Die Minister word nie ontdoen van 'n bevoegdheid wat hy kragtens subartikel (1) (b) gedelegeer het nie en kan enige beslissing van die betrokke persoon, plaaslike bestuur of liggaam van persone intrek of wysig.

Aanwysing van visseryebeamptes

4. (1) Die Direkteur-generaal kan poste in die Departement aanwys waarvan die bekleërs vir die doeleindes van hierdie Wet Visseryebeamptes is.

(2) Die Minister kan by kennisgewing in die *Staatskoerant* en met die instemming van—

(a) die Administrateur van 'n provinsiale administrasie, poste in daardie administrasie of 'n statutêre liggaam onder die beheer van daardie Administrateur aanwys;

(b) die Suid-Afrikaanse Buro vir Standaarde, vermeld in die Wet op Standaarde, 1982 (Wet 30 van 1982), poste in die Buro aanwys;

(c) 'n plaaslike bestuur, poste in daardie plaaslike bestuur aanwys;

(d) die Raad van Kuratore van die Nasionale Parkeraad vermeld in die Wet op Nasionale Parke, 1976 (Wet 57 van 1976) poste in die Nasionale Parkeraad aanwys;

waarvan die bekleërs visseryebeamptes is.

Aanstelling van ere-visseryebeamptes

5. (1) Die Direkteur-generaal kan enige persoon by skriftelike kennisgewing aan hom, as ere-visseryebeampte aanstel.

(2) 'n Ere-visseryebeampte het die bevoegdhede wat by regulasie voorgeskryf word: Met dien verstande dat die Direkteur-generaal na goeddunke die bevoegdhede van 'n ere-visseryebeampte wat 'n minderjarige is, kan beperk.

(3) Die Direkteur-generaal kan te eniger tyd, sonder die verpligting om redes te verstrek, die aanstelling van 'n ere-visseryebeampte intrek indien hy dit wenslik ag.

DEEL II

GEBIEDSWATERS, EKSKLUSIEWE EKONOMIESE SONE EN VASTELANDSPAT VAN DIE REPUBLIEK

Gebiedswaters

6. (1) Die see binne 'n afstand van 12 seemyl vanaf die laagwatermerk is die gebiedswaters van die Republiek.

(2) By die bepaling van die omvang van die gebiedswaters van die Republiek is die reëls vervat in die Verenigde Volke Konvensie oor die Reg van die See, 1982 geteken te Montego Bay op 10 Desember 1982 en soos uiteengesit in Bylae 3, van toepassing.

(3) 'n Wet van die Republiek wat op die gebiedswaters van die Republiek betrekking het of op die see binne 'n bepaalde afstand waar minder as 12 seemyl vanaf die laagwatermerk, is binne die gebiedswaters van die Republiek van toepassing.

Eksklusiewe Ekonomiese Sone

7. (1) Die see buite die gebiedswaters van die Republiek maar binne 'n afstand van 200 seemyl vanaf die basislyn vanwaar die breedte van die gebiedswater gemeet is, is die eksklusiewe ekonomiese sone van die Republiek.

generally or in respect of any specified area, any power conferred upon him by this Act, but not including the powers to issue regulations; to any other person, including a local authority or body of persons.

(2) The Director-General may delegate any powers conferred upon him by this Act to any officer of the Department subject to such conditions as he may see fit to impose.

(3) No power shall be delegated under subsection (1) or (2) in respect of any area consisting of land contemplated in section 21(1) of the Development Trust and Land Act, 1936 (Act 18 of 1936), or a scheduled Black area as defined in section 49 of the said Act, except with the written approval of the Minister of Co-operation and Development.

(4) The Minister is not deprived of any powers which he has delegated under subsection (1) (b) and may cancel or amend any decision by the person, local authority or body of persons concerned.

4. (1) The Director-General may designate posts in the Department of which, for the purpose of this Act, the incumbents are fisheries officers. Appointment of fisheries officers

(2) The Minister may by notice in the *Government Gazette* and with the concurrence of—

- (a) the Administrator of a provincial administration in respect of posts in that administration or a statutory body under the control of that Administrator,
- (b) the South African Bureau of Standards, referred to in the Standards Act, 1982 (Act 30 of 1982), in respect of posts in the Bureau,
- (c) a local authority in respect of posts in that local authority,
- (d) the Board of Curators of the National Parks Board referred to in the National Parks Act, 1976 (Act 57 of 1976) in respect of posts in the National Parks Board,

designate those posts as posts of which the incumbents are fisheries officers.

5. (1) The Director-General may by written notice to him, appoint any person as a honorary fisheries officer. Appointment of honorary fisheries officers

(2) A honorary fisheries officer shall have the powers which are prescribed by regulation; provided that the Director-General may limit as he sees fit the powers of a honorary fisheries officer who is under age.

(3) The Director-General may at any time and without the obligation to give reasons, withdraw the appointment of a honorary fisheries officer if he deems it desirable.

PART II

TERRITORIAL WATERS, EXCLUSIVE ECONOMIC ZONE AND CONTINENTAL SHELF OF THE REPUBLIC

6. (1) The sea within a distance of 12 nautical miles from low-water mark shall be the territorial waters of the Republic. Territorial waters

(2) In determining the extent of the Republic's territorial waters the rules embodied in the United Nations Convention on the Law of the Sea, 1982 signed at Montego Bay on 10 December 1982 and as set out in Schedule 3 shall apply.

(3) Any law relating to the territorial waters of the Republic or to the sea within a specified distance but less than 12 nautical miles from the low-water mark, shall be applicable within the territorial waters of the Republic.

7. (1) The sea outside the territorial waters of the Republic but within a distance of 200 nautical miles from the base line from which the breadth of the territorial waters was measured, shall constitute the exclusive economic zone of the Republic. Exclusive Economic Zone

(2) By die bepaling van die omvang van die eksklusiewe ekonomiese sone van die Republiek, is die reëls bedoel in artikel 6 (2) *mutatis mutandis* van toepassing.

(3) Binne die eksklusiewe ekonomiese sone van die Republiek—

- (a) is enige wet van die Republiek met betrekking tot hulpbronne van die see van toepassing;
- (b) kan die Republiek enige stappe doen wat nodig geag word om 'n oortreding van enige fiskale wet of 'n wet wat op doeane, emigrasie, immigrasie, gesondheid of lewende mariene hulpbronne betrekking het, te verhoed.

Vastelandsplat

8. (1) Die vastelandsplat soos omskryf in die Verenigde Volke Konvensie oor die Reg van die See geteken te Montego Bay op 10 Desember 1982 is die vastelandsplat van die Republiek.

(2) Die vastelandsplat van die Republiek word vir die doeleindes van—

- (a) die ontginning van die hulpbronne in die Konvensie omskryf; en
- (b) enige wetsbepaling met betrekking tot mynbou, edelgesteentes, metale en minerale met inbegrip van aardolie, wat in die deel van die Republiek wat aan die vastelandsplat grens, van toepassing is,

geag deel van die Republiek en onvervreemde Staatsgrond te wees.

DEEL III

VISSERYERAAD

Instelling van raad

9. Die Minister moet 'n raad wat die Visseryeraad genoem word instel om hom te adviseer met betrekking tot enige aangeleentheid waaroor hy ingevolge hierdie Wet die raad moet raadpleeg en enige ander aangeleenthede wat hy na die raad verwys.

Samestelling van raad

10. (1) Die raad bestaan uit die lede wat die Minister ingevolge subartikel (2) aanstel.

(2) Die Minister moet die volgende persone as lede van die raad aanstel:

- (a) Twee beamptes van die Departement anders as beamptes wat in die Hoofdirektoraat: Mariene Ontwikkeling diens doen wat onderskeidelik die voorsitter en vise-voorsitter van die raad is;
- (b) soveel ander persone maar minstens vyf as wat die Minister bepaal, wat na sy oordeel die raad kan help om sy oogmerke te verwesenlik.

Ampstermyn en ontruiming van amp deur lede van raad

11. (1) 'n Lid van die raad beklee sy amp vir die tydperk maar hoogstens drie jaar, wat die Minister bepaal, en kan by die verstryking van sy ampstermyn weer aangestel word.

(2) 'n Lid van die raad ontruim sy amp indien hy—

- (a) insolvent raak;
- (b) geestelik versteurd raak;
- (c) aan 'n misdryf skuldig bevind word en tot gevangenisstraf sonder die keuse van 'n boete gevonnis word;
- (d) sonder verlof van die voorsitter van drie agtereenvolgende vergaderings van die raad afwesig is;
- (e) by skriftelike kennisgewing aan die Minister bedank;
- (f) kragtens subartikel (3) van sy amp onthef word.

(3) Die Minister kan te eniger tyd 'n lid van die raad van sy amp onthef indien daar na sy oordeel gegronde redes bestaan om dit te doen.

(4) Indien 'n lid van die raad te sterwe kom of ingevolge subartikel (2) of (3) op hou om 'n lid te wees, kan die Minister iemand in sy plek vir die onverstreke deel van sy ampstermyn aanstel of vir die langer tydperk maar hoogstens drie jaar, wat die Minister bepaal.

(5) 'n Kworum van die raad is vier lede en 'n besluit van die raad is nie ongeldig bloot op grond daarvan dat daar 'n vakature in die raad bestaan het toe die besluit geneem is nie.

(2) In determining the extent of the Republic's exclusive economic zone, the rules mentioned in section 6 (2) shall apply *mutatis mutandis*.

(3) Within the Republic's exclusive economic zone—

- (a) any law of the Republic which relates to the resources of the sea shall apply;
- (b) the Republic shall have the right to exercise any powers which it may consider necessary to prevent contravention of any fiscal law or any law relating to customs, emigration, immigration, health or living marine resources.

8. (1) The continental shelf as defined in the United Nations Convention on the Law of the Sea, signed at Montego Bay on 10 December 1982 shall be the Republic's continental shelf. Continental Shelf

(2) The continental shelf of the Republic shall for the purposes of—

- (a) the exploitation of the resources defined in the convention; and
- (b) any provision of any law relating to mining, precious stones, metals or minerals, including natural oil, which applies in that part of the Republic which adjoins the continental shelf,

be deemed to be unalienated State land.

PART III

FISHERIES COUNCIL

9. The Minister shall establish a council which shall be called the Fisheries Council to advise him on all matters in which he is, in terms of this Act, required to consult the council and on such other matters as he may refer to it. Establishment of council

10. (1) The Council shall consist of the members whom the Minister appoints in terms of subsection (2) Composition of Council

(2) The Minister shall appoint the following persons as members of the council:

- (a) Two officers of the Department other than officers serving in the Chief Directorate: Marine Development, who shall be the chairman and vice chairman of the council.
- (b) so many other persons, but not less than five, as the Minister may decide who to his judgment are capable of assisting the council in achieving its objectives.

11. (1) A member of the council shall hold office for such period, but not exceeding three years, as the Minister may determine, and may be re-appointed upon termination of his term of office. Duration of tenure and vacation of office by members of council

(2) A member of the council shall vacate his office if he—

- (a) becomes insolvent;
- (b) becomes mentally disturbed;
- (c) is found guilty of a crime and is sentenced to imprisonment without the option of a fine;
- (d) is absent from three consecutive meetings of the council without permission of the chairman;
- (e) resigns by written notification to the Minister;
- (f) is relieved of his office in terms of subsection (3)

(3) The Minister may at any time terminate the appointment of any member if he is of the opinion that there are valid reasons for doing so.

(4) In the event of the demise of a member or of termination of his term of office under subsections (2) or (3), the Minister may appoint another person in his place to serve for the unexpired portion of his term of office or for such longer period but not exceeding three years, as the Minister may decide.

(5) A quorum of the council shall be four members and a resolution of the council shall not necessarily be null and void solely on the ground that a vacancy existed on the council at the time when the resolution was taken.

Werksaamhede van raad

12. Ten einde sy oogmerke te verwesenlik kan die raad—

- (a) komitees van die raad bestaande uit lede van die raad instel om die raad met die verrigting van sy werksaamhede by te staan;
- (b) met die goedkeuring van die Minister, werkgroepe bestaande uit persone deur die raad benoem, instel om die raad oor enige aangeleentheid te adviseer.

Vergaderings van raad

13. Die raad, 'n komitee van die raad en 'n werkgroep moet op die voorgeskrewe wyse vergader en by hulle vergaderings die voorgeskrewe prosedure volg.

Toelaes en vergoeding van lede van raad en werkgroepe

14. Die Direkteur-generaal kan—

- (a) aan 'n lid van die raad wat nie in die heeltidse diens van die Staat is nie, die toelaes, en
 - (b) aan 'n lid van 'n werkgroep wat nie in die heeltidse diens van die Staat is nie, die vergoeding
- uit geld wat die Parlement vir die doel bewillig betaal, wat die Minister in die algemeen of in 'n besondere geval met die instemming van die Tesourie bepaal.

DEEL IV

BEVORDERING DEUR DIE STAAT VAN DIE VISSERYBEDRYF

Visserhawens

15 (1) Die Minister kan by kennisgewing in die *Staatskoerant* 'n hawe of 'n omskrewe gedeelte van 'n hawe of 'n omskrewe gebied van die see en strand as 'n vissershawe verklaar.

(2) Die Minister kan binne of buite 'n vissershawe in die see, op die strand en op aanliggende grond, uit geld vir die doel—

- (a) deur die Parlement bewillig, of
- (b) uit die fonds, geboue, werke en hulpmiddels wat na sy oordeel nodig is om die belange van die visnywerheid te bevorder, daarstel of aanskaf, in stand hou en die gebruik daarvan beheer.

Subsidies op visseryfasiliteite

16. Die Minister kan op aansoek uit geld deur die Parlement vir die doel bewillig en op die voorwaardes wat hy bepaal, aan enige persoon 'n subsidie betaal ten opsigte van die koste verbode aan die bou of daarstelling van enige gebou, werk of hulpmiddel, wat na sy oordeel wenslik is om die belange van die visnywerheid te bevorder: Met dien verstande dat geen subsidie kragtens hierdie artikel betaal word nie, tensy die Minister die betaling van die subsidie goedgekeur het voordat met die bou of daarstelling van die gebou, werk of hulpmiddel begin is.

Minister kan navorsing doen

17. (1) Die Minister kan uit geld wat deur Parlement bewillig is en wat in die fonds beskikbaar is, navorsing doen in verband met seevisserie met inbegrip van navorsing met betrekking tot—

- (a) die gebruik van die see en grond wat aan die see grens vir sover dit nodig mag wees ten einde die lewende hulpbronne van die see te beskerm;
- (b) die benutting van die lewende hulpbronne van die see;
- (c) verbeterde metodes van vis vang;
- (d) die teel van vis of die kweek van waterplante;
- (e) die vervaardiging van visprodukte of produkte wat geheel of gedeeltelik uit waterplante verkry is en die verpakking, verwerking en bemarking van sodanige produkte;
- (f) die bewaring van die lewende hulpbronne van die see.

(2) Die Minister kan uit geld wat in die fonds beskikbaar is, navorsing bedoel in subartikel (1) deur enige persoon of liggaam laat doen of geldelike bystand in verband daarmee verleen op die voorwaardes wat hy met die instemming van die Tesourie bepaal.

Seevisserie-fonds

18. (1) Die Seevisserie fonds ingestel by artikel 19 van die Wet op Seevisserie, 1973 (Wet 58 van 1973), bly ondanks die bepaling van hierdie artikel van die Wet voortbestaan, en in daardie fonds moet gestort word—

12. In order to realise its objectives the council may—

Functioning of Council

- (a) establish committees of the council consisting of members of the council to assist the council with its functions;
- (b) with the approval of the Minister, establish work groups consisting of persons nominated by the council, to advise the council on any matter.

13. The council, any committee of the council and any work group must meet in the prescribed manner and conduct meetings in accordance with the prescribed procedures.

Meetings of Council

14. The Director-General may out of moneys appropriated for that purpose by Parliament pay—

Allowances and remuneration of members of council and work groups

- (a) to a member of the council who is not permanently in the service of the state, the allowances, and
- (b) to a member of a work group who is not permanently in the service of the state, the remuneration which the minister determines either generally or in special instances with the concurrence of the Treasury.

PART IV

PROMOTION OF THE FISHING INDUSTRY BY THE STATE

15 (1) The Minister may by notice in the Government Gazette declare a harbour or a specified portion of a harbour or a specified area of the sea and the sea-shore to be a fishing harbour

Fishing harbours

(2) The Minister may make available, acquire, maintain and control either within or outside any fishing harbour, in the sea, on the sea-shore and on adjacent ground—

- (a) out of funds appropriated for that purpose by Parliament, or
- (b) out of the fund, such buildings, works and facilities which in his opinion are necessary to promote the interests of the fishing industry.

16. The Minister may on application, out of moneys appropriated by Parliament for that purpose, pay a subsidy to any person in respect of the costs involved in the erection or provision of any building, works or facility which, in the Ministers opinion is necessary to promote the interests of the fishing industry: Provided that no subsidy is paid in accordance with the provisions of this section unless the Minister's approval of payment of the subsidy had been granted before a start was made with the erection or provision of the building, works or facility.

Subsidies on fisheries facilities

17. (1) The Minister may out of funds appropriated by Parliament and which are available in the fund, undertake research in connection with sea fishery including research in connection with—

Minister may undertake research

- (a) the use of the sea and land adjacent to the sea in so far as it may be needed to protect the living resources of the sea;
- (b) the utilization of the living resources of the sea;
- (c) improve fishing methods;
- (d) the breeding of fish and the cultivation of aquatic plants;
- (e) The manufacturing of fish products or products wholly or partially obtained from aquatic plants and the packing processing and marketing of such products;
- (f) the conservation of the living resources of the sea.

(2) The Minister may out of moneys available in the fund arrange for research contemplated in subsection (1) to be undertaken by any person or organisation or give financial assistance in connection therewith on such conditions as he may approve with the concurrence of the Treasury.

18. (1) The Sea Fisheries Fund established by section 19 of the Sea Fisheries Act, 1973 (Act 58 of 1973) remains unaffected despite the provisions of this section of the Act and the following moneys must be paid into that fund—

Sea Fisheries Fund

- (a) geld wat uit hoofde van die bepalings van artikel 19 ingevorder word;
 - (b) geld wat die Parlement vir die oogmerke van die fonds bewillig;
 - (c) rente op beleggings; en
 - (d) geld wat die fonds met die goedkeuring van die Minister verleen met die instemming van die Minister van Finansies, uit 'n ander bron toeval.
- (2) (a) Die fonds word deur die Direkteur-generaal geadministreer ooreenkomstig 'n raming of 'n aanvullende of hersiene raming van inkomstes en uitgawes wat die Minister ten opsigte van elke boekjaar wat op 31 Maart moet eindig, goedkeur en geen uitgawe mag uit die fonds aangegaan word nie, behalwe ooreenkomstig so 'n raming van uitgawes.
- (b) Die Direkteur-generaal is die rekenpligtige beampte belas met die verantwoording van geld ontvang in, en betalings gemaak uit, die fonds.
- (3) Geld in die fonds word vir die doeleindes genoem in artikel 15 (2) en 17 aangewend en vir die verkryging en onderhoud van die fasiliteite en toerusting vir of in verband met sodanige visserhawens en navorsing wat die Minister met die instemming van die Minister van Finansies, bepaal.
- (4) Geld in die fonds wat nie vir onmiddellike gebruik nodig is nie, moet by die Openbare Beleggingskommissaris belê word.
- (5) 'n Onbestede saldo in die fonds aan die einde van 'n boekjaar moet as 'n krediet in die fonds na die volgende boekjaar oorgedra word.
- (6) Die Ouditeur-generaal ouditeer jaarliks die boeke en rekeninge van die fonds.

Heffing op vis of visprodukte en sekere ander mariene hulpbronne

19. (1) Die Minister kan, na oorleg met die raad en met die instemming van die Tesourie, by kennisgewing in die *Staatskoerant* ten opsigte van vis van 'n spesie in die kennisgewing vermeld wat deur vissers aan land gebring word of 'n produk daarvan of waterplante of skulpe wat uit die see of van die strand verwyder word of sout wat uit die see herwin word, 'n heffing oplê.

(2) So 'n kennisgewing—

- (a) moet besonderhede bevat betreffende die wyse waarop die bedrag van die heffing bepaal word, die persoon of klas persone deur wie dit betaalbaar is en die persoon wat met die invordering daarvan belas is, en kan die ander voorskrifte deur die Minister bevat (met inbegrip van die wyse waarop die massa van vis of produkte van vis vir die doeleindes van die berekening van die heffing bepaal moet word) wat hy vir die invordering van die heffing en die inbetaling daarvan in die fonds nodig ag;
 - (b) kan verskillende heffings oplê ten opsigte van verskillende spesies vis of verskillende produkte van vis of verskillende persone of klasse persone of verskillende gebiede;
 - (c) kan 'n vrystelling van betaling van die heffing bevat, ten opsigte van vis of produkte van vis wat by 'n plek of in 'n gebied in die kennisgewing vermeld, aan land gebring word, indien die opbrengs van die heffing na die oordeel van die Minister, nie die koste van die en van die heffing regverdig nie;
 - (d) kan strawwe voorskryf vir 'n oortreding van, of versuim om te voldoen aan die bepalings daarvan wat nie die strawwe by artikel 60 voorgeskryf, te bowe gaan nie.
- (3) Die Direkteur-generaal kan 'n heffing wat ingevolge 'n kennisgewing kragtens subartikel (1) verskuldig en betaalbaar is, by aksie in 'n bevoegde hof verhaal.
- (4) Die Minister kan by kennisgewing in die *Staatskoerant*—
- (a) enige persoon wat vir die betaling van die heffing aanspreeklik is, gelas om die besonderhede in die kennisgewing vermeld, binne 'n tydperk in die kennisgewing vermeld, aan die Direkteur-generaal ter verstrek;

- (a) moneys collected in terms of the provisions of section 19;
 - (b) money appropriated by Parliament for the purposes of the fund;
 - (c) interest on investments; and
 - (d) money which with the approval granted by the Minister with the concurrence of the Minister of Finance, accrues to the fund out of a different source.
- (2) (a) The fund must be administered by the Director-General in accordance with an estimate or a supplementary or revised estimate of income and expenditure approved by the Minister in respect of every financial year which must end on 31 March and no expenditure payable out of the fund may be incurred except in accordance with such estimate of expenditure.
- (b) The Director-General is the accounting officer and is responsible for money received in and paid out of the fund.
- (3) The moneys in the fund shall be used for the purposes mentioned in section 15 (2) and 17 and for acquiring and maintaining the facilities and equipment for or in connection with such fishing harbours and research as the Minister with the concurrence of the Minister of Finance may determine.
- (4) Any moneys in the fund which are not required for immediate use shall be invested with the Public Investments Commissioners.
- (5) Any unexpended balance in the fund at the end of any financial year shall be carried forward to the ensuing financial year as a credit in the fund.
- (6) The Auditor-General shall audit the books and accounts of the fund every year.

19. (1) The Minister may after consultation with the council and with the concurrence of the Treasury by notice in the *Government Gazette* impose a levy on fish of any species specified in the notice which is landed by fishermen or any product thereof or aquatic plants or shells removed from the sea or the sea-shore or salt recovered from the sea.

Levy on fish or fish products and certain other marine resources

- (2) Such a notice—
- (a) Must contain particulars regarding the manner in which the rate of the levy is determined, the person or classes of persons by whom it is payable and the person by whom the levy shall be collected and may contain such other prescriptions as the Minister may deem necessary for the collection of the levy and the payment thereof into the fund (including the manner in which the mass of fish or fish products shall be determined for the purposes of the calculation of the levy);
 - (b) may differentiate between different species of fish or different products of fish or different persons or classes of persons or different areas in regard to the rate of the levy;
 - (c) may contain an exemption from payment of the levy in respect of fish or products of fish landed at a place or in an area specified in the notice, if the proceeds of the levy would in the opinion of the minister not justify the expenses of collecting the levy;
 - (d) may prescribe penalties which do not exceed the penalties prescribed by section 60 for any contravention of, or failure to comply with the prescriptions in the notice.
- (3) Any levy payable under subsection (1) shall be a debt due to the fund and may be recovered by the Director-General in a competent court of law.
- (4) The Minister may by notice in the *Government Gazette*—
- (a) direct any person who is liable for payment of the levy to furnish to the Director-General within a period specified in the notice, the particulars set out in the notice;

- (b) vereis dat enige persoon wat vir die betaling van die heffing aanspreeklik is, opgawes aan die Direkteur-generaal verstrek, en die vorm waarin en die tye wanneer die opgawes verstrek moet word, die besonderhede wat dit moet bevat en die state wat dit moet vergesel, voorskryf.

DEEL V

BEHEER OOR DIE VANG, VERWERKING EN BEMARKING VAN VIS

Lisensiëring van
vissersbote en
fabrieke

20. (1) Behoudens artikel 22 mag niemand 'n boot as 'n vissersboot of 'n perseel, voertuig of vaartuig as 'n fabriek gebruik nie, tensy dit ingevolge hierdie artikel gelisensieer is.

(2) Die eienaar van 'n perseel, boot, voertuig of vaartuig wat van voorneme is om dit as vissersboot of fabriek te gebruik, moet op die voorgeskrewe wyse by die Direkteur-generaal om 'n lisensie aansoek doen.

(3) Indien die Direkteur-generaal oortuig is dat—

- (a) die aansoeker die eienaar van die betrokke boot, of vaartuig is; en
- (b) die boot kragtens artikel 13 of 68 van die Handelskeepvaartwet, 1951 (Wet 57 van 1951) geregistreer of gelisensieer is,

moet hy behoudens subartikel (4) die aansoek goedkeur en teen betaling van die voorgeskrewe gelde, die lisensie in die naam van die betrokke eienaar uitreik onderworpe aan die voorwaardes kragtens subartikel (5) bepaal.

(4) (a) Die Direkteur-generaal kan 'n aansoek om 'n lisensie afkeur indien hy oortuig is dat—

- (i) inligting wat in die aansoek verstrek word, nie juis is nie;
- (ii) die betrokke boot nie vir gebruik as 'n vissersboot bestem is nie.

(b) Indien die Minister oortuig is dat—

- (i) dit in belang van die visserybedryf is dat die verdere lisensiëring van bote as vissersbote in die algemeen of ten opsigte van 'n bepaalde gebied of plek nie toegelaat moet word nie;
- (ii) die hawegeriewe in 'n bepaalde vissershawe onvoldoende is vir meer vissersbote as die wat reeds van daardie geriewe gebruik maak;
- (iii) die hawe-, landings-, bergings- of hanteringsgeriewe in 'n bepaalde vissershawe onvoldoende is om meer as die vangste vanaf vissersbote wat van daardie hawe gebruik maak, bevredigend te behartig, kan hy die Direkteur-generaal gelas om totdat hy anders gelas, geen verdere bote in die algemeen of na gelang van die geval, ten opsigte van daardie gebied, plek of vissershawe te lisensieer nie.

(5) (a) 'n Lisensie is geldig vir die tydperk daarin vermeld wat nie langer mag wees as 12 maande nie.

(b) Voorwaardes onderworpe waaraan 'n lisensie uitgereik word, word deur die Direkteur-generaal bepaal en kan voorwaardes insluit met betrekking tot—

- (i) die toekenning van 'n lisensienommer en die wyse waarop dit op daardie boot vertoon moet word;
- (ii) die gebruik van die hawe-, landings-, bergings- of hanteringsgeriewe in 'n bepaalde vissershawe;
- (iii) die gebied waarbinne of plek waar die boot as vissersboot gebruik mag word;
- (iv) vis wat behoort aan 'n bepaalde spesie wat nie deur die gebruik van daardie boot gevang mag word nie: Met dien verstande dat so 'n voorwaarde slegs opgelê word op aanbeveling van 'n komitee, soos bedoel in artikel 12 (a);
- (v) die ander aangeleenthede wat die Minister in die algemeen of ten opsigte van 'n bepaalde boot bepaal.

- (b) require any person who is liable for payment of the levy to render returns to the Director-General, and prescribe the form in which and the times when the returns shall be rendered, the particulars they shall contain and the statements which shall accompany them.

PART V

CONTROL OF THE CATCHING, PROCESSING AND MARKETING OF FISH

20. (1) Subject to the provision of section 22 no person may use any boat as a fishing boat, or any premises, vehicle or vessel as a factory unless it has been licensed in terms of this section. Licensing of fishing boats and factories

(2) The owner of a premises, boat, vehicle or vessel intending to use it as a fishing boat or factory, must apply in the prescribed manner to the Director-General for a licence.

(3) If the Director-General is satisfied that—

- (a) the applicant is the owner of the boat or vessel in question; and
 - (b) the boat is registered or licensed under section 13 or 68 of the Merchant Shipping Act, 1951 (Act 57 of 1951),
- he must, subject to the provisions of subsection (4), grant the application and issue the licence in the name of the owner in question upon payment of the prescribed fee and subject to the conditions prescribed in subsection (5).

(4) (a) The Director-General may refuse to grant an application for a licence if he is convinced that—

- (i) any information furnished in the application is not correct;
- (ii) the boat in question is not intended as a fishing boat.

(b) If the Minister is convinced that—

- (i) it is in the interests of the fishing industry that the further licensing of boats as fishing boats, either generally or in respect of a specified area or place should not be allowed;
- (ii) the harbour facilities available in a specified fishing harbour are inadequate for more than the number of fishing boats already making use of that harbour;
- (iii) the harbour, landing, storing or handling facilities in a particular harbour are inadequate to deal satisfactorily with more than the catch off the fishing boats already making use of that harbour; he may direct the Director-General to discontinue, until he directs otherwise, the licensing of further boats either generally or, as the case may be, in respect of that area, place or fishing harbour.

(5) (a) A licence is valid for the period mentioned therein which must not be longer than 12 months.

(b) Conditions subject to which licences are issued, are determined by the Director-General and may include conditions in connection with—

- (i) the allocation of a licence number and the manner in which it must be displayed on the boat;
- (ii) the use of the harbour, landing, storing, mooring or handling facilities in a particular fishing harbour;
- (iii) the area within which or the place where the boat may be used as a fishing boat;
- (iv) fish belonging to a particular species which may not be caught by the use of that boat: provided that such a condition is imposed only on the recommendation of a committee as contemplated in Section 12 (a);
- (v) such other matters as the Minister may determine in respect of a particular boat.

(6) Die eienaar van 'n vissersboot moet binne 21 dae na 'n verandering van sy naam of adres of 'n verandering van die betrokke boot op so 'n wyse dat die beskrywing daarvan in die lisensie onjuis is, of wanneer hy die boot verkoop of ophou om die boot as vissersboot te gebruik, besonderhede van so 'n verandering aan die Direkteur-generaal verstrek.

(7) Die Direkteur-generaal kan by die versuim van 'n eienaar om aan die bepalings van subartikel (6) te voldoen, in die geval van 'n tweede of daaropvolgende skuldigbevinding, van die eienaar van 'n vissersboot of iemand anders aan 'n misdryf kragtens hierdie Wet ten opsigte van 'n vissersboot, by skriftelike kennisgewing aan die eienaar, die betrokke lisensie intrek of vir die tydperk wat hy goetvind, opskort.

Lisensiëring van
werktuie

21. Die Minister kan by kennisgewing in die *Staatskoerant* die gebruik van 'n vermelde soort werktuig vir die vang van vis of vis wat behoort tot 'n bepaalde spesie verbied tensy die werktuig ooreenkomstig die voorskrifte in die kennisgewing vermeld, gelisensieer is.

Vrystelling van
lisensiëring

22. (a) Die Minister kan by kennisgewing in die *Staatskoerant* 'n eienaar van 'n werktuig bedoel in artikel 21 of 'n boot of 'n werktuig of boot wat behoort tot 'n bepaalde kategorie werktuie of bote, op die voorwaardes in die kennisgewing vermeld, van die bepalings van artikel 21 vrystel.

(b) Die Minister kan te eniger tyd 'n vrystelling kragtens paragraaf (a) intrek of die voortgesette geldigheid van die vrystelling onderworpe stel aan die voorwaardes wat die Minister dan bepaal hetsy deur die oplegging van verdere of nuwe voorwaardes of deur die intrekking of wysiging van voorwaardes wat dan bestaan.

Beskerming van vis

23. (1) Die Minister kan by kennisgewing in die *Staatskoerant* verbied dat—

(a) vis of vis wat tot 'n bepaalde spesie behoort;
(i) in die algemeen of in 'n omskrewe gebied, onbepaald of gedurende 'n vermelde tydperk;
(ii) deur 'n vermelde persoon of 'n persoon wat behoort tot 'n bepaalde kategorie persone, gesteur of gevang word;

(b) vis of vis wat tot 'n bepaalde spesie behoort, op 'n ander plek as 'n vermelde plek aan land gebring word;

(c) enigiemand vir eie gebruik of vir 'n ander doel meer as 'n vermelde aantal vis of vis wat aan 'n bepaalde spesie behoort of meer as 'n vermelde hoeveelheid volgens massa vang, van een plek na 'n ander verwyder, in besit het, vir verkoop aanbied of op enige ander wyse van die hand sit en kan in so 'n kennisgewing, voorwaardes bepaal onderworpe waaraan enige vis wat gevang mag word, gevang moet word;

(d) vis wat tot 'n bepaalde spesie behoort wat kleiner as 'n vermelde grootte is of wat nie aan 'n ander vermelde biologiese kenmerk voldoen, nie gevang of besit word;

(e) vis of vis wat tot 'n bepaalde spesie behoort of 'n produk daarvan, van een plek na 'n ander verwyder, gekoop, verkoop of andersins van die hand gesit word, behalwe op gesag van 'n permit van die Direkteur-generaal en ooreenkomstig die voorwaardes wat die Direkteur-generaal in die permit stel;

(f) vis of vis wat tot 'n bepaalde spesie behoort deur iemand anders as 'n visser aan wie 'n lisensie kragtens hierdie Wet uitgereik is, gevang word;

(g) vissersbote insluitend vissersbote van vreemde lande wat gemagtig is om in die eksklusiewe ekonomiese sone vis of enige wyse vang, vis mag vang tensy

(i) sodanige bote spesifieke inligting soos in die kennisgewing omskryf aan die Direkteur-generaal verstrek oor die tipe vissersboot, statistiek oor die vangs en vangspoging sowel as die lokaliteitsposisie van die boot;

(6) If the owner of a fishing boat changes his name or address, or alters the boat in such manner that the description thereof in the licence is incorrect, or when he sells the boat or ceases to use the boat as a fishing boat, he must within 21 days thereafter furnish the Director-General with particulars of such change.

(7) If the owner of a fishing boat fails to comply with the provisions of subsection (6), in the case of a second or subsequent conviction of the owner of a fishing boat or any other person of any offence under this Act in respect of a fishing boat, the Director-General may cancel or suspend for such period as he sees fit the licence in question.

21. The Minister may by notice in the *Government Gazette* prohibit the use of a specified kind of implement for the catching of fish belonging to a particular species unless the implement is licensed in accordance with the prescriptions contained in the notice.

Licensing of implements

22. (a) The Minister may by notice in the *Government Gazette* and subject to such conditions as set out in the notice, exempt any owner of an implement referred to in section 21 or a boat or an implement or boat belonging to a particular category of implements or boats from the provisions of section 1.

Exemption from licensing

(b) The Minister may at any time cancel an exemption granted under paragraph (a) or make the continued validity of the exemption subject to such conditions as he may decide either by imposing further or new conditions or by cancelling or amending existing conditions.

23. (1) The Minister may by notice in the *Government Gazette* prohibit—

Protection of fish

(a) the catching or disturbing of fish or fish belonging to a particular species;

(i) generally or in a specified area, indefinitely or for a specified period;

(ii) by a specified person or a person belonging to a particular category of persons.

(b) the landing of fish or fish belonging to a particular species at a place other than a specified place;

(c) any person from catching for own use or for another purpose, removing from one place to another, possessing, offering for sale or disposing in any other manner a greater quantity according to mass of fish or of fish belonging to a particular species, than a quantity specified, and he may include in such a notice conditions subject to which any fish which may be caught, must be caught;

(d) the catching or having in possession of fish belonging to a particular species which is less than a specified size or which does not conform to any other specified biological characteristic;

(e) the removal from one place to another, the buying, sale or disposal in any other manner of fish or fish belonging to a particular species or a product thereof, except on the authority of a permit issued by the Director-General and in accordance with such conditions as the Director-General may determine in the permit;

(f) the catching of fish or fish belonging to a particular species by any person other than a fisherman who is in possession of a licence issued in terms of this Act;

(g) fishing boats including fishing boats of foreign countries which are permitted to fish in any manner in the exclusive economic zone from catching fish unless

(i) such boats furnish to the Director-General specific information, as set out in the notice, concerning the type of fishing boat, statistics relating to the catch and catch efforts as well as the locality position of the boat;

- (ii) 'n deur die Direkteur-generaal aangewese waarnemer of leerling-waarnemer op die vissersboot teenwoordig is; en
- (iii) die gehele vangs of 'n gedeelte van die vangs deur so 'n vissersboot in 'n hawe in die Republiek aan land gebring word;
- (h) skeepsvoorrade, uitgesonderd mediese voorrade, aan 'n vissersboot, fabriek of vaartuig wat in 'n vreemde Staat geregistreer of gelisensieer is en as vissersboot of fabriek gebruik word, voorsien word of die voorsiening daarvan reël.
- (2) 'n Kennisgewing ingevolge subartikel (1) (h) kan 'n heffing oplê op skeepsvoorrade waarop dit betrekking het en die wyse bepaal waarop en die persoon deur wie dit ingevorder moet word.
- (3) 'n Kennisgewing ingevolge subartikel (1) is van toepassing op beide plaaslike en vreemde vissersbote en kan op die voorwaardes daarin vermeld, vrystelling verleen van die bepalinge daarvan ten opsigte van bepaalde hoeveelhede vis wat vir 'n vermelde doel gevang word.

Beperkings op hoeveelheid vis wat gevang of verwerk mag word

24. (1) Die Minister kan na oorleg met die raad, by kennisgewing in die *Staatskoerant*—

- (a) (i) die houers van lisensies ten opsigte van vissersbote en vreemde vissersbote verbied—
 - (aa) om gedurende enige of 'n vermelde jaar of ander tydperk enige vis of vis wat tot 'n bepaalde spesie behoort te vang; of
 - (bb) om gesamentlik 'n groter hoeveelheid as 'n vermelde hoeveelheid van enige vis of vis wat behoort tot 'n bepaalde spesie gedurende enige of 'n vermelde jaar of ander tydperk, in die algemeen of binne 'n omskrewe gebied te vang.
- (ii) verbied dat vis of vis wat tot 'n bepaalde spesie behoort in die algemeen of binne 'n omskrewe gebied gevang word behalwe deur—
 - (aa) 'n persoon in die kennisgewing vermeld (in subartikel (2) 'n gemagtigde persoon genoem) en in die hoeveelheid, gedurende die tydperk en ooreenkomstig die ander voorwaardes in die kennisgewing vermeld; of
 - (bb) 'n persoon wat in besit is van 'n permit deur die Minister uitgereik wat hom magtig om gedurende die tydperk en ooreenkomstig die ander voorwaardes in die permit vermeld, 'n vermelde hoeveelheid vis of vis wat tot 'n bepaalde spesie behoort, te vang;
- (b) die voorsiening van vis in die algemeen of in 'n bepaalde gebied, vis wat tot 'n bepaalde spesie behoort of 'n produk daarvan aan 'n persoon of persoon wat behoort tot 'n bepaalde kategorie persone verbied of reël, ongeag of die voorsiening geskied deur iemand wat die vis gevang of van iemand anders verkry het;
- (c) (i) die eienaar van 'n fabriek of 'n fabriek wat behoort tot 'n kategorie fabriek in die kennisgewing vermeld of 'n ander persoon in beheer van so 'n fabriek verbied om—
 - (aa) gedurende enige of 'n vermelde jaar of ander tydperk, enige vis, vis wat tot 'n bepaalde spesie behoort of 'n vermelde produk daarvan, in daardie fabriek te ontvang, te verwerk of te vervaardig; of
 - (bb) gesamentlik 'n groter hoeveelheid as 'n vermelde hoeveelheid vis, vis wat tot 'n bepaalde spesie behoort of 'n vermelde produk daarvan, gedurende enige of 'n vermelde jaar of ander tydperk te ontvang of in daardie fabriek te verwerk of te vervaardig;
- (ii) verbied dat vis, vis wat tot 'n bepaalde spesie be-

- (ii) an observer or learner-observer designated by the Director-General is present on the fishing boat; and
- (iii) the whole catch or a portion of the catch by such a fishing boat is landed in a harbour in the Republic.
- (h) the supply or arrangements for the supply of ships' stores, excluding medical supplies, to a fishing boat, factory or vessel registered or licensed in a foreign country and used as a fishing boat or factory.

(2) A notice under subsection (1) (h) may impose a levy on ships' stores mentioned in the notice and may determine the manner in which and the person by whom the levy must be collected.

(3) A notice under subsection (1) is applicable to both local and foreign fishing boats and may, subject to the conditions contained therein, grant exemption from the stipulation thereof in respect of specified quantities of fish caught for a specified purpose.

24. (1) The Minister may by notice in the *Government Gazette*, after consultation with the council—

Limitations on the quantities of fish which may be caught or processed

- (a) (i) prohibit the holders of licences in respect of fishing boats and foreign fishing vessels from—
 - (aa) the catching in the course of any or a specified year or any specified period of any fish or fish belonging to a particular species; or
 - (bb) the catching jointly in the course of any or a specified year or any other period either generally or within a defined area of a greater quantity than a specified quantity of any fish or fish belonging to a particular species.
- (ii) prohibit the catching of fish belonging to a particular species either generally or within a defined area, except by—
 - (aa) a person mentioned in the notice (referred to as an authorised person in subsection (2)) and in the quantity, during the period and in accordance with the other conditions set out in the notice; or
 - (bb) a person who is in possession of a permit issued by the Minister which authorises him to catch a specified quantity of fish or fish belonging to a particular species during the period and in accordance with the other conditions set out in the permit; or
- (b) prohibit or regulate the supply of any fish generally or within a defined area fish belonging to a particular species or the products thereof, to any person or particular class of persons, irrespective of whether the fish is supplied by any person who caught the fish or who acquired it from some other person;
- (c) (i) prohibit the owner of a factory or a factory belonging to a category of factories specified in the notice or another person in charge of such a factory from—
 - (aa) receiving, processing or manufacturing in that factory in the course of any or a specified year or any other period any fish, fish belonging to a particular species or a specified product thereof; or
 - (bb) jointly receiving, processing or manufacturing in that factory in the course of any or a specified year or any other period, a greater quantity of any fish, or of fish belonging to a particular species or of any specified product thereof, than a quantity specified;
- (ii) prohibit the receiving, processing or manufacturing

hoort of 'n vermelde produk daarvan; ontvang, verwerk of vervaardig word behalwe in—

- (aa) 'n fabriek in die kennisgewing vermeld (in subartikel (2) 'n gemagtigde fabriek genoem) en die hoeveelheid, gedurende die tydperk en ooreenkomstig die ander voorwaardes in die kennisgewing vermeld; of
- (bb) 'n fabriek ten opsigte waarvan 'n permit deur die Minister uitgereik is, wat die ontvangs of verwerking van vis of vis wat tot 'n bepaalde spesie behoort of die vervaardiging van 'n vermelde produk daarvan, en die hoeveelheid, gedurende die tydperk en ooreenkomstig die ander voorwaardes in die permit vermeld, magtig;
- (d) die Direkteur-generaal verbied om meer as 'n vermelde aantal lisensies ten opsigte van fabrieke uit te reik en in die kennisgewing die aantal en vermoë van toestelle wat in 'n fabriek gebruik word, vir die inmaak, behandeling of verpakking van vis wat tot 'n bepaalde spesie behoort of vir die vervaardiging van 'n vermelde vis-produk, in die algemeen of in 'n vermelde gebied beperk;
- (e) 'n persoon of persoon wat behoort tot 'n kategorie persone, verbied om in die algemeen of in 'n bepaalde gebied en buite 'n tydperk bedoel in artikel 24 (1) (a) (i) (aa), 'n vissersboot of ander vaartuig te gebruik vir die vang of verwerking van vis wat tot 'n bepaalde spesie behoort of vir die vervaardiging van 'n vermelde produk daarvan.

(2) Indien 'n gemagtigde persoon bedoel in subartikel 24 (1)

- (a) (ii) (aa), 'n persoon aan wie 'n permit bedoel in subartikel 24 (1) (a) (ii) (bb) uitgereik is, die eienaar of persoon in beheer van 'n gemagtigde fabriek bedoel in subartikel 24 (1) (c) (aa) of die houer ten opsigte van 'n fabriek van 'n permit bedoel in subartikel 24 (1) (c) (bb)—

- (a) enige voorwaarde ingevolge die betrokke kennisgewing of permit oortree of versuim om daaraan te voldoen; of
- (b) skuldig bevind word aan enige ander misdryf ingevolge hierdie Wet,

kan die Minister—

- (i) by kennisgewing in die *Staatskoerant* die betrokke magtiging intrek;
- (ii) die betrokke permit intrek; of
- (iii) die hoeveelheid in die betrokke magtiging of permit vermeld, verminder.

Beheer oor be-
marking van vis

25. (1) Die Minister kan by kennisgewing in die *Staatskoerant*—

- (a) na raadpleging met die raad—
 - (i) 'n visser verbied om vis of vis wat tot 'n bepaalde spesie behoort te lewer aan 'n persoon anders as 'n persoon wat deur die Minister vir die doel goedgekeur is of wat behoort tot 'n kategorie persone wat deur hom goedgekeur is of om sodanige vis in die gewone loop van handel vir verkoop aan te bied en te lewer, behalwe op gesag van 'n permit deur die Minister uitgereik;
 - (ii) 'n goedgekeurde persoon bedoel in subparagraaf (i) verbied om vis of vis wat tot 'n bepaalde spesie behoort, van 'n ander persoon as 'n visser wat dit mag vang, te verkry;
 - (iii) 'n goedgekeurde persoon bedoel in subparagraaf (i), 'n ander persoon of die eienaar of persoon in beheer van 'n fabriek verbied om vis of vis wat tot 'n bepaalde spesie behoort wat hy verkry het of 'n produk daarvan, van die hand te sit op 'n ander wyse as op gesag van 'n permit, deur die Minister uitgereik;
 - (iv) 'n persoon of persoon wat behoort tot 'n bepaalde

of fish, fish belonging to a particular species or a specified product thereof except in—

- (aa) a factory specified in the notice (referred to as an authorised factory in subsection (2)) and in the quantity, during the period and in accordance with the other conditions specified in the notice; or
 - (bb) a factory in respect of which a permit issued by the Minister authorises the receiving or processing in the quantity, during the period and in accordance with the other conditions specified in the permit, of fish or fish belonging to a particular species or the manufacturing of a specified product thereof;
 - (d) prohibit the Director-General from issuing more than a specified number of licences in respect of factories and restrict either generally or in a particular area the number and capacity of appliances used in a factory for the packing, treatment or canning of fish belonging to a particular species or for the manufacture of any specified fish product;
 - (e) prohibit any person or persons belonging to a particular category of persons from using, either generally or in any particular area and outside any period referred to in section 24 (1) (a) (i) (aa), any fishing boat or other vessel for the catching or processing of fish belonging to a particular species or for the manufacture of products thereof.
- (2) If any authorised person referred to in subsection 24 (1) (a) (ii) (aa), any person to whom a permit referred to in subsection 24 (1) (a) (ii) (bb) has been issued, the owner or person in charge of an authorised factory referred to in subsection 24 (1) (c) (aa) or the holder in respect of a factory or a permit referred to in subsection 24 (1) (c) (bb)—
- (a) contravenes or fails to comply with any condition stipulated in the notice in question; or
 - (b) is convicted of any other offence in terms of this Act,
- the Minister may—
- (i) cancel the relevant authority by notice in the *Government Gazette*;
 - (ii) cancel the relevant permit; or
 - (iii) reduce the quantity specified in the relevant authority or permit.

25. (1) The Minister may by notice in the *Government Gazette*—

Control over the marketing of fish

- (a) after consultation with the council—
 - (i) prohibit any fisherman from delivering any fish or fish belonging to a particular species to any person other than a person approved by the Minister for the purpose or belonging to a class of persons so approved or from offering for sale and delivering any such fish in the ordinary course of trade except under a permit issued by the Minister;
 - (ii) prohibit an approved person referred to in subparagraph (i) from acquiring any fish or fish belonging to a particular species from any person other than a fisherman entitled to catch it;
 - (iii) prohibit an approved person referred to in subparagraph (i), or any other person or the owner or person in charge of a factory from disposing of any fish or fish belonging to a particular species acquired by him or any product thereof, otherwise than under the authority of a permit issued by the Minister;
 - (iv) prohibit any person or persons belonging to a

- kategorie persone verbied om vis wat tot 'n bepaalde spesie behoort of 'n produk daarvan, vir eie gebruik of vir verkoop te verkry van iemand anders as die goedgekeurde persoon bedoel in subparagraaf (i);
- (v) die goedgekeurde persoon bedoel in subparagraaf (i) verbied om gedurende 'n vermelde tydperk meer as 'n vermelde hoeveelheid vis wat tot 'n bepaalde spesie behoort of 'n produk daarvan, van die hand te sit;
- (vi) die goedgekeurde persoon bedoel in subparagraaf (i) verbied om vis wat tot 'n bepaalde spesie behoort of 'n produk daarvan, van iemand te verkry of aan iemand te lewer tensy dit op 'n vermelde wyse verpak is en 'n faktuur wat die vermelde besonderhede bevat met betrekking tot die verkryging of lewering aan die betrokke persoon uitgereik is en kan in die kennisgewing gelas dat die betrokke persoon die faktuur vir 'n vermelde tydperk moet bewaar;
- (b) die maksimum- en minimum pryse vasstel waarteen vermelde persone vis wat tot 'n vermelde spesie behoort of 'n produk daarvan mag koop, asook die maksimum- en minimum pryse waarteen vis wat tot 'n vermelde spesie behoort of 'n produk daarvan, deur vermelde persone van die hand gesit of vir verkoop aangebied mag word;
- (c) gelas dat 'n persoon wat vis of visprodukte in die kleinhandel verkoop en op wie 'n kennisgewing kragtens paragraaf (b) van toepassing is, die vasgestelde pryse opsigtelik vertoon op die perseel of voertuig wat hy daarvoor gebruik.
- (2) (a) 'n Kennisgewing kragtens subartikel (1) (a) of (b) kan in die algemeen of ten opsigte van 'n vermelde gebied van toepassing wees.
- (b) Die Minister kan onderworpe aan die voorwaardes wat hy bepaal, iemand skriftelik van die een of ander bepaling van 'n kennisgewing kragtens subartikel (1) (a) vrystel.
- (3) 'n Kennisgewing kragtens subartikel (1) (a) (iii) kan die gelde voorskryf wat betaal moet word deur iemand ten behoeve van wie die betrokke vis of visproduk van die hand gesit is.
- (4) 'n Permit bedoel in subartikel (1) (a) (i) of (iii) kan die tydperk waarvoor dit geldig is, die hoeveelheid vis of visprodukte wat daarkragtens vir verkoop gelewer of van die hand gesit mag word, die wyse en voorwaardes waarop dit gelewer of van die hand gesit mag word en die gelde betaalbaar by die uitreiking van die permit, vermeld.
- (5) Indien die houër van 'n permit bedoel in subartikel (1) (a) (i) of (iii)—
- (a) enige voorwaarde van die permit oortree of versuim om daaraan te voldoen;
- (b) skuldig bevind word aan enige ander misdryf ingevolge hierdie Wet of die Wet op Standaarde, 1982 (Wet 30 van 1982) wat op die betrokke vis of visprodukte betrekking het, kan die Minister by geskrewe kennisgewing deur die pos aan hom—
- (i) enige voorwaarde van die permit wysig; of
- (ii) die hoeveelheid vis of visprodukte in die permit vermeld, verminder.
- (6) Indien die skuldigbevinding uit hoofde waarvan stappe ingevolge subartikel (5) gedoen is, tersyde gestel word, vervall daardie stappe op die datum waarop die skuldigbevinding tersyde gestel word.
- (7) (a) Indien die Minister oortuig is dat 'n ooreenkoms met betrekking tot die lewering of van die handsetting van enige vis of visproduk aangegaan is tussen minstens 75 persent van die persone wat gesamentlik minstens 75 persent van die totale hoeveelheid vis of visprodukte van daardie soort gelewer of van die hand gesit het,

- specified category of persons from acquiring any fish belonging to a specified species or a product thereof, for own use or for sale from any person other than the person approved as contemplated in subparagraph (i);
- (v) prohibit the approved person referred to in subparagraph (i) from disposing during a specified period of a larger quantity of fish belonging to a specified species or a product thereof than the quantity specified in respect thereof;
- (vi) prohibit the approved person referred to in subparagraph (i) from acquiring from or delivering to any person fish belonging to a specified species or a product thereof unless such fish or fish product is packed in a specified manner and an invoice containing the specified particulars in connection with the acquisition or delivery has been issued to the person in question, and direct that the person in question shall keep such invoice for a specified period;
- (b) fix the maximum and minimum prices at which any specified persons may buy fish belonging to a specified species or a product thereof, and the maximum and minimum prices at which fish belonging to a specified species of fish or product thereof may be disposed of or offered for sale by specified persons;
- (c) direct that any person selling fish or fish products by retail and to whom a notice under paragraph (b) applies, shall display the fixed price prominently on the premises or vehicle used by him for that purpose.
- (2) (a) A notice under subsection (1) (a) or (b) may apply either generally or in respect of any specified period.
- (b) The Minister may in writing and subject to such conditions as he sees fit, exempt any person from any provision of a notice under subsection (1) (a).
- (3) A notice under subsection (1) (a) (iii) may prescribe the charges payable by a person on whose behalf the fish or fish product in question was disposed of.
- (4) A permit issued under subsection (1) (a) (i) or (iii) may specify the period for which it shall be valid, the quantity of fish or fish products which may be delivered or disposed of thereunder for sale, the manner in which and conditions under which it may be so delivered or disposed of and the fees payable in respect of the issue of the permit.
- (5) If the holder of a permit issued in terms of subsection (1) (a) (i) or (iii)—
- (a) contravenes or fails to comply with any condition of the permit;
- (b) is convicted of any other offence in terms of this Act or of the Standards Act, 1982, (Act 30 of 1982), pertaining to the fish concerned or fish products the Minister may by written notice to him by post—
- (i) amend any condition of the permit; or
- (ii) reduce the quantity of fish or fish products specified in the permit.
- (6) If the conviction by virtue of which steps were taken in terms of subsection (5) is set aside, those steps shall become annulled on that date on which the conviction is set aside.
- (7) (a) If the Minister is satisfied that an agreement relating to the delivery or disposal of any fish or fish product has been entered into between not less than 75 percent of the persons who delivered or disposed of not less than 75 percent of the total quantity of fish or fish products of that kind delivered or disposed of during the period

wat gedurende die tydperk van 12 maande onmiddellik voor die datum van die ooreenkoms gelewer of van die hand gesit is, kan hy weier om 'n permit bedoel in subartikel (1) (a) (i) of (iii) ten opsigte van daardie vis of visproduk uit te reik, tensy die persoon wat om die permit aansoek doen, hom oortuig dat hy 'n party by daardie ooreenkoms is.

- (b) Paragraaf (a) beperk nie die bevoegdheid van die Minister om die uitreiking van so 'n permit op 'n ander grond te weier nie.

Beheer oor uitvoer van vis

26. (1) Die Minister kan by kennisgewing in die *Staatskoerant*—

- (a) verbied dat vis, vis wat tot 'n bepaalde spesie behoort of 'n bepaalde visproduk—
 (i) uitgevoer word, of in die algemeen of na 'n bepaalde land of gebied, behalwe op gesag van 'n permit deur hom uitgereik;
 (ii) uitgevoer word, tensy dit vir uitvoer goedgekeur word deur 'n persoon wat hy vir die doel aanwys;
 (b) 'n persoon wat 'n uitvoerder van vis of visprodukte is, gelas om binne 'n vermelde tydperk, sy naam en adres aan die Direkteur-generaal of 'n ander persoon in die kennisgewing vermeld, te verstrek;
 (c) 'n persoon bedoel in paragraaf (b) gelas om op vermelde tye aan die Direkteur-generaal of 'n ander persoon in die kennisgewing vermeld, die vermelde besonderhede te verstrek met betrekking tot vis of visprodukte wat hy vir uitvoer beskikbaar het.

(2) 'n Permit bedoel in subartikel (1) (a) (i) kan die hoeveelheid vis of visprodukte bepaal wat uitgevoer kan word, die tydperk waarbinne, die plek vanwaar, die land of gebied waarheen en die wyse waarop die uitvoer moet geskied bepaal en die ander voorwaardes op lê wat die Minister bepaal.

(3) Die bepalings van artikels 25 (5), (6) en (7) is *mutatis mutandis* van toepassing ten opsigte van 'n permit uitgereik kragtens subartikel (1) van hierdie artikel, die uitvoer van enige vis of visproduk op gesag van so 'n permit en die uitreiking daarvan.

Verbod op die oordrag van permitte en enige belang in permithouers wat regspersone is.

27. (1) Geen permit kragtens hierdie Deel van hierdie Wet mag vervreem, as sekuriteit aangebied of op enige ander wyse mee gehandel word nie, behalwe met die skriftelike goedkeuring van die Minister.

(2) Ondanks die bepalings van die Maatskappywet, 1973 (Wet 61 van 1973) en die oprigtingsaktes van enige maatskappy, kan die Minister by kennisgewing aan 'n maatskappy wat die houer is van enige permit kragtens hierdie Deel uitgereik, die oordrag van enige aandeel in so 'n maatskappy verbied, behalwe met die skriftelike goedkeuring van die Minister.

(3) Die Minister kan by versuim om aan die bepalings van subartikels (1) of (2) te voldoen, die betrokke permit intrek en so 'n versuim is voldoende grond vir die weiering deur die Minister om 'n soortelike permit vir 'n opvolgende periode uit te reik.

DEEL VI

BEHEER OOR SEKERE ANDER MARIENE HULPBRONNE

Beheer oor verwydering van waterplante en skulpe en herwinning van sout.

28. (1) Behoudens die bepalings van enige regulasie kragtens artikel 58 uitgevaardig, mag niemand waterplante of skulpe uit die see of van die strand verwyder of laat verwyder nie behalwe vir eie gebruik in hoeveelhede van hoogstens 10 kilogram waterplante en een kilogram skulpe per dag, of sout uit die see herwin of laat herwin nie, tensy hy in besit is van 'n permit van die Minister en anders as ooreenkomstig die voorwaardes in die permit vermeld.

(2) Die Minister kan onderworpe aan die voorwaardes en teen betaling van die gelde wat hy met die instemming van die Tesourie bepaal, op aansoek van enige persoon 'n permit uitreik vir

of 12 months immediately preceding the date of the agreement, he may refuse to issue a permit provided for in subsection (1) (a) (i) or (iii) in respect of that kind of fish or fish product, unless the person applying for the permit satisfies him that he is a party to such agreement.

- (b) The provision of paragraph (a) shall not limit the power of the Minister to refuse the issue of a permit on any other ground.

26. (1) The Minister may by notice in the *Government Gazette*— Control over export of fish

- (a) direct that fish, fish belonging to a particular species or a particular fish product—

- (i) may not be exported, either generally or to a particular country or area, except under the authority of a permit issued by him;
- (ii) may not be exported, unless it has been approved for export by a person designated by him for that purpose;

- (b) require any person who carries on business as exporter of fish or fish products to furnish the Director-General or any other person mentioned in the notice within a specified period with his name and address;

- (c) require any person referred to in paragraph (b) to furnish to the Director-General or any other person mentioned in the notice, within specified periods, with the specified information relating to fish or fish products which he has available for export.

(2) A permit issued in terms of subsection (1) (a) (i) may prescribe the quantity of fish or fish products which may be exported, prescribe the period within which, the place from where, the country or area to which and the manner in which the export must take place and impose such other conditions as the Minister may decide.

(3) The provision of section 25 (5), (6) and (7) apply *mutandis mutandis* in respect of a permit issued in terms of subsection (1) of this section, the export of any fish or fish product under the authority of such a permit and the issuing thereof.

27. (1) Any permit issued in terms of this Part of this Act may not be alienated, offered as security or dealt with in any other manner except with the written approval of the Minister. Prohibition of the transfer of permits or any interests in permitholders who are juristic persons.

(2) Notwithstanding the provision of the Companies Act, 1973 (Act 61 of 1973) and the Articles of Association of any company, the Minister may by notice to a company which is the holder of any permit issued in terms of this Part, prohibit the transfer of any share in such company except with the Minister's written approval.

(3) The Minister may by virtue of failure to comply with any of the provisions of subsection (1) or (2) cancel the permit in question and such failure shall be sufficient ground for refusal by the Minister to issue a similar permit for an ensuing period.

PART VI

CONTROL OVER CERTAIN OTHER MARINE RESOURCES

28. (1) Subject to the provisions of any regulation promulgated in terms of section 58, no person shall remove or cause to be removed any aquatic plants or shells from the sea or the seashore, except for his own use and in quantities not exceeding ten kilograms of aquatic plants and one kilogram of shells per day, or recover or cause to be recovered any salt from the sea without being in possession of a permit issued by the Minister and otherwise than in accordance with the conditions contained in the permit. Control over removal of aquatic plants and recovery of salt.

(2) The Minister may subject to such conditions and on payment of such consideration as he may specify with the concurrence of the Treasury, on application by any person issue a per-

die verwydering van waterplante en skulpe uit die see of van die strand of vir die herwinning van sout uit die see: Met dien verstande dat—

- (a) voordat hy 'n permit uitreik ten opsigte van 'n gebied wat geleë is binne of grens aan die regsgebied van 'n plaaslike bestuur, hy daardie plaaslike bestuur moet raadpleeg;
- (b) indien hy van oordeel is dat die uitreiking van 'n permit inbreuk sal maak op die algemene publiek se genot van die strand of die see of op die regte in die betrokke gebied van 'n belanghebbende moet hy die aansoeker gelas om—
 - (i) skriftelik aan so 'n belanghebbende kennis van sy aansoek te gee; en
 - (ii) by twee geleenthede in opeenvolgende weke aan ander belanghebbende persone van sy aansoek kennis te gee in 'n Afrikaanse of Engelse nuusblad wat in omloop is in die betrokke gebied,
 en hulle versoek om enige besware teen sy aansoek binne 'n vermelde tydperk wat nie korter mag wees nie as 30 dae vanaf die datum van die kennisgewing, skriftelik aan die Direkteur-generaal vir die Minister se beslissing voor te lê.

(3) 'n Permit, konsessie of ooreenkoms met betrekking tot die verwydering van waterplante of skulpe uit die see of van die strand of die herwinning van sout uit die see of 'n delegering van 'n bevoegdheid aan 'n plaaslike bestuur in verband daarmee kragtens die Strandwet, 1935 (Wet 21 van 1935) of die Wet op Seevisserye, 1940 (Wet 10 van 1940) of die Wet op Seevisserye, 1973 (Wet 58 van 1973) wat op die datum van inwerkingtreding van hierdie Wet nog van krag is, word geag onderskeidelik 'n permit of delegering te wees, wat ingevolge hierdie Wet uitgereik of gedoen is.

Bevoegdhede van Minister met betrekking tot eilande, seevoëls en robbe.

29. (1) (a) Die Minister oefen beheer uit oor seevoëls en robbe asook oor die verkryging en insameling van en beskikking oor alle produkte van seevoëls en robbe binne die Republiek, die gebiedswaters, eksklusiewe ekonomiese sone en ten opsigte van Suid-Afrikaanse burgers in die Antartika; en

(b) eilande.

(2) Ondanks andersluitende bepalings van hierdie Wet kan die Minister na goeddunke—

- (a) seevoëls laat vang of doodmaak vir beskikbaarstelling aan enige persoon vir wetenskaplike doeleindes of aan openbare inrigtings;
- (b) robbe laat vang of doodmaak; en
- (c) produkte van seevoëls of robbe laat insamel en in oorleg met die Minister van Finansies daarvoor laat beskik.

Verbodsbepalings

30. Niemand mag—

- (a) 'n eiland betree of daarop vertoef nie;
- (b) op 'n eiland of binne die gebiedswaters of eksklusiewe ekonomiese sone van die Republiek of langs die kus van die Republiek tussen die laagwatermerk en die hoogwatermerk, ten opsigte van 'n rob ook op enige ander plek in die Republiek, 'n seevoël of rob agtervolg of daarop skiet of dit opsetlik steur, doodmaak of vang nie; of
- (c) die eiers van 'n seevoël opsetlik beskadig of sulke eiers of die vere van 'n seevoël of ghwano versamel of daarvandaan verwyder nie,

behalwe by die vervulling van sy pligte kragtens hierdie Wet of op gesag en onderworpe aan die voorwaardes van 'n vrystelling by of kragtens hierdie Wet verleen, of van 'n permit.

Uitreiking van permitte

31. (1) Die Minister kan na goeddunke 'n permit aan iemand uitreik ter magtiging van die verrigting van 'n handeling wat kragtens hierdie Wet op gesag van 'n permit verrig kan word.

mit for the removal of aquatic plants and shells from the sea or the sea-shore or for the recovery of salt from the sea; Provided that the Minister—

- (a) shall, before issuing a permit in respect of an area situated in or abutting on the area of jurisdiction of a local authority, consult such local authority;
 - (b) if he is of opinion that the issuing of a permit will encroach upon the enjoyment of the sea-shore or the sea by the general public or upon the rights of any interested person, shall direct the applicant to—
 - (i) notify the interested person in writing of his application; and
 - (ii) cause a notice drawing the attention of other interested persons to his application to be published on two occasions in successive weeks in an Afrikaans or English newspaper circulating in the area in question,
 and request them to submit to the Director-General for the Minister's decision within a specified period which must not be less than 30 days from the date of the notice, any objections to his application.
- (3) A permit, concession or agreement in respect of the removal of aquatic plants and shells from the sea or the sea-shore, or the recovery of salt from the sea, or any delegation of a power to a local authority in connection therewith under the provisions of the Sea-shore Act, 1935 (Act 21 of 1935) or the Sea Fisheries Act, 1940 (Act No. 10 of 1940) or the Sea Fisheries Act, 1973 (Act 58 of 1973) and which is still in force, shall be deemed to be respectively a permit or delegation issued or made in terms of this Act.

29. (1) (a) The Minister exercises control over sea birds and seals as well as over the acquisition, gathering and disposal of all products of sea birds and seals within the Republic, the territorial waters, exclusive economic zone and in respect of South African citizens in Antarctica; and

Powers of the Minister with regard to islands, sea birds and seals.

(b) islands.

(2) Notwithstanding anything to the contrary contained in this Act, the Minister may in his discretion—

- (a) cause sea birds to be captured or killed for the purpose of placing them at the disposal of any person for scientific purposes or of public institutions;
- (b) cause seals to be captured or killed; and
- (c) cause products of sea birds or seals to be gathered and, in consultation with the Minister of Finance, to be disposed of.

30. No person shall—

Prohibitions

- (a) set foot on or remain upon any island;
 - (b) upon any island or within the territorial waters or exclusive economic zone of the Republic or along the coast of the Republic between the low-water mark and the high-water mark and in respect of seals, also at any place in the Republic, pursue or shoot at or wilfully disturb, kill or capture any sea bird or seal; or
 - (c) wilfully damage the eggs of any sea bird upon any island or collect upon or remove from any island any such eggs or the feathers of any sea bird or any guano,
- except in the performance of his duties under this Act or under the authority and subject to the conditions of an exemption granted by or under this Act or of a permit.

31. (1) The Minister may in his discretion issue to any person a permit authorizing the performance of any act which, under this Act, may be performed under the authority of a permit.

Issue of permits

(2) So 'n permit—

- (a) kan vir 'n onbepaalde of bepaalde tydperk uitgereik word;
- (b) kan uitgereik word onderworpe aan die voorwaardes wat die Minister bepaal, wat in die permit opgeneem moet word;
- (c) word uitgereik onderworpe aan die betaling van die voorgeskrewe gelde (indien daar is) of die gelde wat by ooreenkoms bepaal is, na gelang van die geval;
- (d) kan te eniger tyd deur die Minister ingetrek of gewysig word.

(3) Die Minister kan, benewens ander voorwaardes wat hy kragtens subartikel (2) (b) bepaal, kragtens daardie paragraaf—

- (a) die metodes voorskryf waarvolgens seevoëls en robbe gevang of gedood mag word;
- (b) die ouderdom, grootte, geslag of soort van seevoëls of robbe wat gevang of gedood mag word, voorskryf;
- (c) die tyd of seisoen wanneer of die gebied waarin seevoëls of robbe gevang of gedood of hul produkte ingesamel of verwerk mag word, voorskryf;
- (d) die pryse waarteen die produkte van seevoëls of robbe verkoop mag word, voorskryf;
- (e) die uitvoer verbied van die produkte van seevoëls of robbe;
- (f) vereis dat bepaalde statistieke deur die permithouer aan hom verstrekk moet word en kan die wyse waarop en die tydperk waarbinne daardie statistieke aldus verstrekk moet word, voorskryf.

Oordrag van permitte

32. (1) Iemand aan wie 'n permit uitgereik is, mag dit nie sonder die toestemming van die Minister aan iemand anders oordra nie.

(2) Indien iemand anders as die Minister toestemming tot die oordrag van 'n permit geweier het, kan die permithouer skriftelik teen daardie weiering na die Minister appelleer.

Vrystellings

33. (1) Die Minister kan, onderworpe aan die voorwaardes wat hy bepaal, iemand wat wetenskaplike ondersoek, proefneming of navorsing in verband met seevoëls of robbe doen, of iemand of 'n groep of kategorie van persone wat 'n handeling kragtens 'n ander wet moet of kan verrig wat 'n oortreding van hierdie Wet sou wees of tot gevolg kan hê, skriftelik vrystel van enige van of al die bepalings van hierdie Wet by die doen van sodanige ondersoek, proefneming of navorsing of die verrigting van sodanige handeling.

(2) Die Minister kan 'n vrystelling wat hy aldus verleen het, te eniger tyd intrek of wysig.

DEEL VII

VISSERYE-ONTWIKKELINGSKORPORASIE VAN SUID-AFRIKA

Voortbestaan van Visserye-ontwikkelingskorporasie van Suid-Afrika, Beperk

34. Die Visserye-ontwikkelingskorporasie van Suid-Afrika, Beperk, ingestel kragtens artikel 2 van die Visnywerheid-ontwikkelingswet, 1944 (Wet 44 van 1944), bly, ondanks die bepalings van artikel 36 (1), voortbestaan en bly 'n regs persoon.

Oogmerke van korporasie

35. Die oogmerke van die korporasie is om die visserybedryf te bevorder en te ontwikkel ten einde die benutting van die volle potensiaal van die Republiek se vis- en waterplantbronne te bewerkstellig.

Bevoegdhede van korporasie

36. Ten einde sy oogmerke te bereik, kan die korporasie—

- (a) die oprigting deur enige persoon van 'n onderneming vir die vang van vis, die kweek van vis of waterplante, die vervaardiging van visprodukte of produkte wat geheel en al of gedeeltelik uit waterplante verkry is, of vir die koop, verkoop, verwerking of bemarking van vis, waterplante of enige sodanige produkte finansier, vergemaklik of met sodanige oprigting behulpsaam wees,

(2) Such a permit—

- (a) may be issued for an indefinite or specified period;
- (b) may be issued subject to such conditions as the Minister may determine, which shall be incorporated in the permit;
- (c) shall be issued subject to the payment of the prescribed fee (if any) or the fee agreed upon, as the case may be;
- (d) may at any time be withdrawn or amended by the Minister.

(3) The Minister may, in addition to any other conditions which he may determine under paragraph (b) or subsection (2), in terms of that paragraph—

- (a) prescribe the methods by which sea birds and seals may be captured or killed;
- (b) prescribe the age, size, sex or kind of sea birds or seals which may be captured or killed;
- (c) prescribe the time or season when or the area within which sea birds or seals may be captured or killed or their products gathered or processed;
- (d) prescribe the prices at which the products of sea birds or seals may be sold;
- (e) prohibit the export of the products of sea birds or seals;
- (f) require the holder of a permit to furnish him with particular statistics and may prescribe the manner in which and the period within which those statistics shall be so furnished.

32. (1) a person to whom a permit has been issued may not transfer it to any other person without the consent of the Minister. Transfer of permits

(2) If a person other than the Minister has refused to consent to the transfer of a permit, the holder of the permit may in writing appeal to the Minister against that refusal.

33. (1) The Minister may, subject to such conditions as he may determine, exempt in writing any person who conducts any scientific investigation, experiment or research in connection with sea birds or seals, or any person or group or class of persons required or empowered to perform any act under any other law which would be or might result in a contravention of this Act, from any of or all the provisions of this Act in conducting any such investigation, experiment or research or in the performance of any such act. Exemptions

(2) The Minister may at any time withdraw or amend any exemption so granted by him.

PART VII

FISHERIES DEVELOPMENT CORPORATION OF SOUTH AFRICA

34. The Fisheries Development Corporation of South Africa, Limited, established under section 2 of the Fishing Industry Development Act, 1944 (Act No. 44 of 1944), shall, notwithstanding the provisions of section 36 (1), continue to exist and to be a juristic person. Continued existence of Fisheries Development Corporation of South Africa, Limited.

35. The objects of the corporation shall be to promote and develop the fishing industry so as to accomplish the utilization of the full potential of the Republic's fish and aquatic plant resources. Objects of corporation

36. For the purposes of achieving its objects the corporation may— Powers of corporation

- (a) finance, facilitate or assist in the establishing by any person of any undertaking for catching fish, fish or aquatic plant farming, manufacturing fish products or products wholly or partly derived from aquatic plants, or for buying, selling, processing or marketing fish, aquatic plants or any such products, or, with the prior approval of the Minister, itself establish and carry on any such undertaking;

- en kan hy, met die voorafverkreë goedkeuring van die Minister, self sodanige ondernemings oprig en voortsit;
- (b) met die voorafverkreë goedkeuring van die Minister, al of enige aantal van die aandele in, of die geheel of enige gedeelte van die bates of laste van, of enige reg wat enige persoon het teen, enige persoon verkry wat 'n onderneming voortsit of voortgesit het soortgelyk aan 'n onderneming wat die korporasie ingevolge paragraaf (a) kan oprig en voortsit;
- (c) onroerende of roerende goed van enige aard, met inbegrip van (onderworpe aan die voorafverkreë goedkeuring van die Minister) effekte, aandele, verbande, obligasies en sekuriteite van, of enige belang in, 'n onderneming bedoel in paragraaf (a) hou, bestuur, ontwikkel, huur, verhuur, daarvoor inskryf of andersins verkry, of koop, verkoop, of andersins oor beskik, verhipotekeer of andersins mee handel, en waar nodig, as trustee vir obligasiehouers optree;
- (d) enige verpligting waarborg wat aangegaan is met betrekking tot die finansiering van die oprigting van 'n onderneming bedoel in paragraaf (a) of die nakoming van 'n kontrak deur 'n persoon bedoel in daardie paragraaf, of 'n persoon skadeloos stel ten opsigte van die koste van enige regsgeding, of ten opsigte van enige verlies of sake, wat voortspruit uit—
- (i) die finansiering deur sodanige persoon van 'n ander persoon; of
- (ii) die aangaan van 'n kontrak deur sodanige persoon;
- (e) vissersbote en werktuie verkry en met enige persoon 'n ooreenkoms aangaan waarby so 'n boot of werktuig aan hom van die hand gesit word of waarby hy die reg verkry om so 'n boot of werktuig teen 'n vergoeding te gebruik, en die konstruksie, modifikasie, instandhouding of verkryging van sodanige bote of werktuie finansier of aan enige persoon hulp verleen by die finansiering daarvan;
- (f) skemas vir die bevordering, regulering of beter organisasie van visvangs of die verkoop van vis instel of bestuur of by die instelling of bestuur daarvan hulp verleen of dit vergemaklik, en sulke skemas finansier of die finansiering daarvan vergemaklik of daarby behulpsaam wees: Met dien verstande dat so 'n skema met betrekking tot die verkoop van vis, vir die verkoop van vis deur die korporasie ten behoeve van vissers voorsiening kan maak;
- (g) (i) op versoek van die Direkteur-generaal, landingsgeriewe, hawens, seewerings, kaaie, seehoofde, boothellings, sleephellings, herstelgeriewe, toerusting, installasies en gereedskap, hyskrane, vasmeergeriewe, koelkamerinstallasies, fabriekke, pakhuise en ander geboue, werke en hulpmiddele wat nodig is om die belange van die visserybedryf te bevorder, beplan, ontwerp, instel, oprig, koop, verbeter, in stand hou, bestuur, beheer en ondersoek doen in die see en op land in verband met die oprigting daarvan, en bydra tot of hulp verleen by sodanige beplanning, ontwerp, instelling, oprigting, koop, verbetering, instandhouding, bestuur, beheer of ondersoek;
- (ii) ondersoek na die gebruik van die see en grond wat aan die see grens finansier, hulp verleen daarby of dit onderneem, en advies gee en aanbevelings doen met betrekking daartoe vir sover dit nodig mag wees ten einde die belange van die visserybedryf te beskerm;
- (h) enige patente, lisensies, konsessies of iets dergeliks verkry, wat 'n uitsluitende of nie-uitsluitende of beperkte reg verleen tot die gebruik van enige inligting of proses wat na die oordeel van die korporasie geskik mag wees om gebruik te word vir enigeen van sy oogmerke;

- (b) with the prior approval of the Minister, acquire all or any number of the shares in, or the whole or any portion of the assets or liabilities of, or any right which any person has against, any person who carries on or carried on any undertaking of the same kind as an undertaking which the corporation is in terms of paragraph (a) empowered to establish and carry on;
- (c) hold, manage, develop, hire, let subscribe for or otherwise acquire, or buy, sell or otherwise dispose of, or hypothecate or otherwise deal in immovable or movable property of any kind, including (subject to the prior approval of the Minister) stocks, shares, bonds, debentures and securities of, or any interest in, any undertaking referred to in paragraph (a) and, where necessary, act as trustee for debenture holders;
- (d) guarantee any undertaking given in relation to the financing of the establishment of any undertaking referred to in paragraph (a) or the performance of any contract by any person referred to in that paragraph, or indemnify any person in respect of the costs of any legal proceedings, or in respect of any loss or damage, arising from—
 - (i) the financing by such person of any other person; or
 - (ii) the entering into any contract by such person;
- (e) acquire fishing boats and implements, and enter into an agreement with any person whereby any such boat or implement is disposed of to him or whereby he acquires the right to use such boat or implement for a consideration, and finance or assist any person in the financing of the construction, modification, maintenance or acquisition of such boats or implements;
- (f) establish or manage, or assist in or facilitate the establishment or management of, schemes for the promotion, regulation or better organization of the catching or sale of fish, and finance or facilitate the financing of, or assist in the financing of, such schemes: Provided that any such scheme relating to the sale of fish may provide for the sale of fish by the corporation on behalf of fishermen;
- (g)
 - (i) after consultation with the Director-General, plan, design, establish, erect, purchase, improve, maintain, manage, control and carry out investigations in the sea and on land in connection with the establishment of, any landing facilities, harbours, breakwaters, quays, jetties, boatramps, slipways, repair facilities, equipment, plant and tools, cranes, mooring facilities, cold storage plants, factories, warehouses and other buildings, works and aids, required to promote the interests of the fishing industry, and contribute to or assist in such planning, design, establishment, erection, purchasing, improvement, maintenance, management, control or investigations;
 - (ii) finance, assist in or carry out investigations into, and give advice and make recommendations relating to, the use of the sea and land adjoining the sea, in so far as it may be necessary in order to safeguard the interests of the fishing industry;
- (h) acquire any patents, licences, concessions or the like, conferring an exclusive or non-exclusive or limited right to use any information or process which in the opinion of the corporation may be capable of being used for any of its objects;

- (i) finansiële en ander hulp verleen in verband met enige opleidingsfasiliteite waaronder persone bereken is om kwalifikasies te verkry, of waarskynlik sal verkry, wat hulle besonderlik geskik sal maak vir indiensneming op 'n wyse wat tot voordeel van die ontwikkeling van die visserybedryf strek en studiebeurse vir sodanige persone instel en toeken;
- (j) die finansiering van navorsing in verband met visserie insluitende navorsing in verband met verbeterde metodes van vis vang, van die kweek van vis of waterplante, van vervaardiging van visprodukte of produkte wat geheel en al of gedeeltelik uit waterplante verkry is, of van die verpakking, verwerking of bemarking van vis en sodanige produkte, finansier, vergemaklik of daarby hulp verleen;
- (k) met die voorafverkreë goedkeuring van die Minister, onderlinge en mediese hulpverenigings, sport- en vermaaklikheidsverenigings, sosiale klubs, dorpe, behuiskemas, behuisingnutsmaatskappye, woning-aankoopskemas, sosiale en gesondheidsdienste, pensioen- en voorsorgfondse, skemas vir die versekering van vissers teen lewensverlies of arbeidsongeskiktheid in die loop van die beoefening van hul beroep as vissers opgedoen, skemas vir die versekering van vissersbote en werktuie teen verlies of beskadiging, winkels, hospitale, tehuise, restaurante en enige ander dergelike ondernemings wat na die oordeel van die korporasie vir persone wat by die visserybedryf betrokke is, voordelig is of kan wees, instel, tot stand bring en voortsit of by die instelling, totstandbrenging en voortsetting daarvan hulp verleen;
- (l) deur die uitreiking van obligasies of obligasie-effekte of andersins lenings aangaan of geld opneem met die voorafverkreë goedkeuring van die Minister en verhandelbare stukke maak, trek, aksepteer of endosseer;
- (m) skenkings aanneem;
- (n) met die voorafverkreë goedkeuring van die Minister die registrasie van die korporasie in enige land of gebied of die inlywing van enige maatskappy waarin die korporasie, na sodanige inlywing, enige belang sal hê, bewerkstellig; en

oor die algemeen, enige kontrak aangaan of handeling verrig, hetsy binne of buite die Republiek, wat nodig of bevorderlik is vir, of verbonde is aan, die bereiking van enige van die oogmerke van die korporasie, of wat bereken is om die waarde van die dienste wat die korporasie vir die bevordering en ontwikkeling van die visserybedryf binne die Republiek kan lewer, regstreeks of onregstreeks te verhoog.

Uitbreiding van bevoegdhede van korporasie.

37. Indien die korporasie dit nodig of dienstig ag vir die bereiking van sy oogmerke kan hy, met die voorafverkreë goedkeuring van die Minister, enige van sy bevoegdhede uitoefen ten opsigte van, en ten opsigte van vis en waterplante wat voorkom in, ander water as die see, met inbegrip van enige kunsmatige versameling van sodanige ander water.

Beleggings.

38. Die korporasie kan op 'n wyse deur die Minister goedgekeur enige van sy fondse of geld belê wat nie onmiddellik vir die verrigting van sy werksaamhede nodig is nie.

Bykomende bevoegdhede van korporasie in verband met beveiliging van beleggings.

39. Indien die korporasie dit nodig ag ter beveiliging van 'n belegging deur hom gedoen, kan hy optree as direkteur bestuurder, sekretaris, trustee of kurator, eksekuteur of administrateur van 'n saak, boedel, trust of fonds of van 'n maatskappy of van 'n saak, trust of fonds van so 'n maatskappy, of kan hy iemand aanwys om as sodanig namens die korporasie op te tree.

Bevoegdhede van korporasie ten opsigte van beamptes en werknemers van korporasie.

40. Die korporasie kan beamptes en werknemers in diens neem en hulle besoldig, huisves, ontslaan of tydelik skors en hulle skadeloos stel ten opsigte van leed, skade of verlies deur hulle in die loop van die verrigting van hulle pligte opgedoen, en

- (i) grant financial and other assistance in connection with any training facilities under which persons are calculated or likely to acquire qualifications which will render them specially qualified for employment in a manner beneficial to the development of the fishing industry and establish and award study bursaries for such persons;
- (j) finance, facilitate or assist in the undertaking of fisheries research including research in connection with improved methods of catching fish, of fish or aquatic plant farming, of manufacturing fish products or products wholly or partly derived from aquatic plants, or of storing, processing or marketing fish and such products;
- (k) with the prior approval of the Minister, establish and carry on or assist in the establishment and carrying on of mutual benefit and medical benefit societies, sporting and entertainment societies, social clubs, townships, housing schemes, housing utility companies, home ownership schemes, social and health services, pension and provident funds, schemes for the insurance of fishermen against loss of life or disablement in the course of the exercise of their calling as fishermen, schemes for the insurance of fishing boats and implements against loss or damage, stores, hospitals, hostels, restaurants and any other similar undertakings which may seem to the corporation beneficial or capable of being beneficial to persons engaged in the fishing industry;
- (l) by the issue of debentures or debenture stock or otherwise raise loans or borrow money with the prior approval of the Minister and make, draw, accept or endorse negotiable instruments;
- (m) accept donations;
- (n) with the prior approval of the Minister, procure the registration of the corporation in any country or territory, or the incorporation of any company in which, after such incorporation, the corporation will have any interest; and

generally, enter into any contract or perform any act, whether within or outside the Republic, which may be necessary for or incidental or conducive to the attainment of any of the objects of the corporation, or which is calculated directly or indirectly to enhance the value of the services which the corporation can render towards the promotion and development of the fishing industry within the Republic.

37. If the corporation deems it necessary or expedient for the achievement of its objects it may, with the prior approval of the Minister, exercise any of its powers in respect of, and in respect of fish and aquatic plants occurring in, water other than the sea, including any artificial collection of such other water.

Extension of powers of corporation.

38. The corporation may invest in any manner approved by the Minister, any of its funds or money not immediately required for the performance of its functions.

Investments.

39. If the corporation deems it necessary for safeguarding any investment made by it, it may act as director, manager, secretary, trustee, executor or administrator of any business, estate trust or fund or of any company or of any business, trust or fund of such a company, or it may designate any person to act as such on behalf of the corporation.

Additional powers of corporation in connection with safeguarding of investments.

40. The corporation may employ officers and employees and remunerate, house, discharge or temporarily suspend them and indemnify them in respect of any harm, damage or loss suffered by them in the course of the performance of their duties, and

Powers of corporation in respect of officers and employees.

kan met die instemming van die Minister skemas instel vir die verskaffing van pensioen- en siektevoordele en behuisingse-riewe of -voordele aan sodanige beamptes en werknemers.

Beperking op finan-
siële verpligtinge
van korporasie.

41. Die totaal van die bedrag deur die korporasie te eniger tyd verskuldig ten opsigte van lenings aangegaan en geld opgeneem en die bedrag vir die betaling waarvan die korporasie aanspreeklik mag word uit hoofde van waarborge deur hom verleen ingevolge artikel 35 (d), oorskry nie, behalwe vir sover deur die Minister gemagtig, vyf-en-sewentig persent van die totaal van die bedrag wat op aandele in die korporasie opbetaal is en die bedrag van die reserwefonds van die korporasie nie.

Raad van direk-
teure.

42. (1) Die sake van die korporasie word bestuur en beheer deur 'n raad van direkteure wat met inagneming van die bepalinge van hierdie Wet die bevoegdhede en die pligte van die korporasie uitoeven of verrig.

(2) Die Minister—

(a) bepaal van tyd tot tyd die aantal direkteure van die raad, en stel insgelyks die direkteure aan; en

(b) wys insgelyks 'n direkteur as voorsitter van die raad aan.

(3) Die Minister stel die direkteure aan op grond van hulle bekwaamheid en ondervinding in die handel, nywerheidswese of administrasie, hulle kennis van die behoeftes van die visserijbedryf of hulle geskiktheid andersins as direkteure.

(4) Een van die direkteure wat die Minister aanstel, moet die Direkteur-generaal: Omgewingsake of 'n beampte in die Departement van Omgewingsake wat die Direkteur-generaal aanwys wees, en een moet aangestel word om die belange van die verbruikers van vis te verteenwoordig.

(5) Indien die Minister van oordeel is dat omstandighede die aanstelling van 'n plaasvervangende direkteur vereis, kan hy so 'n direkteur aanstel om waar te neem in die plek van enige direkteur gedurende sy afwesigheid of sy onvermoë om as direkteur op te tree.

(6) Wanneer 'n plaasvervangende direkteur in die plek van 'n direkteur waarneem, het hy die bevoegdhede en verrig hy die pligte van daardie direkteur.

(7) 'n Plaasvervangende direkteur word besoldig, soos deur die raad bepaal, uit die besoldiging wat die direkteur toekom in wie se plek hy waarneem of wat so 'n direkteur sou toegekome het indien hy as direkteur opgetree het.

(8) Die raad van direkteure wat ingevolge die bepalinge van artikel 5 van die Visnywerheid-ontwikkelingswet, 1978 (Wet 86 van 1978), saamgestel is, word geag kragtens hierdie artikel saamgestel te wees en bly voortbestaan totdat die Minister dit ontbind.

Persone wat onbe-
voeg is om direk-
teur te wees

43. 'n Lid van die Volksraad, die Raad van Verteenwoordigers, die Raad van Afgevaardigdes, die Presidentsraad of 'n provinsiale raad word nie as 'n direkteur of 'n plaasvervangende direkteur van die korporasie aangestel nie.

Ampstermyn en-
voorwaardes van
direkteure

44. (1) Die Minister bepaal die ampstermyn van die direkteure van die korporasie en van die voorsitter van die raad: Met dien verstande dat die Minister op enige goeie en voldoende gronde die ampstermyn van 'n direkteur of van die voorsitter van die raad kan beëindig te eniger tyd voor die verstryking daarvan.

(2) 'n Direkteur van die korporasie beklee sy amp op die voorwaardes betreffende besoldiging wat die raad met die instemming van die Minister en die Minister van Finansies bepaal.

(3) Indien 'n direkteur werk ten behoeve van die korporasie verrig of 'n amp in diens van die korporasie beklee anders as sy werk as of amp van direkteur, kan aan hom die bykomende besoldiging betaal word wat die raad bepaal.

may with the concurrence of the Minister establish schemes for the provision of pension and sick benefits and housing facilities or benefits to such officers and employees.

41. The aggregate of the amount owing by the corporation at any time in respect of loans negotiated and money raised and the amount for the payment of which the corporation may become liable by virtue of guarantees given by it in terms of section 35 (d) shall not, except to the extent authorized by the Minister, exceed seventy-five percent of the aggregate of the amount paid up on shares in the corporation and the amount of any reserve funds of the corporation.

Limitation of financial liabilities of corporation.

42. (1) The affairs of the corporation shall be managed and controlled by a board of directors, which may exercise the powers and perform the duties of the corporation subject to the provisions of this act and the regulations.

Board of directors.

(2) The Minister shall from time to time—

(a) fix the number of directors of the board, and appoint such directors; and

(b) designate a director as chairman of the board.

(3) The Minister shall appoint the directors for their ability and experience in commerce, industry or administration, their knowledge of the requirements of the fishing industry or their suitability otherwise as directors.

(4) One of the directors appointed by the Minister shall be the Director-General: Environment Affairs or an officer in the Department of Environment Affairs designated by the Director-General, and one shall be appointed to represent the interests of the consumers of fish.

(5) If the Minister is of the opinion that circumstances require the appointment of an alternate director, he may appoint such a director to act in the place of any director during his absence or his inability to act as director.

(6) When an alternate director acts in the place of any director he shall have the powers and perform the duties of that director.

(7) An alternate director shall be remunerated, as determined by the board, out of the remuneration which is due to the director in whose place he is acting or which would have become due to such director if he had acted as director.

(8) The board of directors constituted in terms of the provisions of section 5 of the Fishing Industry Development Act, 1978 (Act No. 86 of 1978), shall be deemed to have been constituted under this section and shall continue to exist until it is dissolved by the Minister.

43. A member of Parliament, the House of Representatives, the House of Delegates, or the President's Council shall not be appointed as a director or an alternate director of the corporation.

Persons disqualified from being directors.

44. (1) The Minister shall determine the period of office of the directors of the corporation and of the chairman of the board: Provided that the Minister may for any good and sufficient reason terminate the period of office of any director or of the chairman of the board at any time before the expiration thereof.

Tenure and conditions of office of directors.

(2) A director of the corporation shall hold office on such conditions as to remuneration as the board may determine with the concurrence of the Minister and the Minister of Finance.

(3) If any director or alternate director performs any work on behalf of the corporation or holds any office in the employ of the corporation other than his work as or office of director, he may be paid such additional remuneration as the board may determine.

Besturende direkteur

45. (1) Die Minister kan op aanbeveling van die raad enige direkteur van die korporasie aanstel as besturende direkteur van die korporasie.

(2) Die besturende direkteur het die bevoegdhede en verrig die pligte wat die raad aan hom toewys.

(3) Indien die besturende direkteur om enige rede nie in staat is om as sodanig gedurende enige tydperk op te tree nie, kan die raad met die goedkeuring van die Minister een van sy ander lede aanstel om as besturende direkteur van die korporasie gedurende sodanige tydperk waar te neem.

(4) Terwyl die lid wat aldus aangestel is, aldus waarneem, het hy al die bevoegdhede en verrig hy al die pligte van die besturende direkteur van die korporasie.

Aanspreeklikheid van direkteure vir verlies of skade

46. 'n Direkteur van die korporasie is nie persoonlik aanspreeklik vir enige verlies of skade wat in of in verband met die verrigting van sy pligte voorkom nie, tensy die verlies of skade te wyte was aan sy opsetlike wanbestuur, oneerlikheid of growwe nalatigheid.

Aandelekapitaal

47. (1) Behoudens die bepalinge van hierdie artikel, bestaan die aanvanklike aandelekapitaal van die korporasie uit—

(a) vyfmiljoen aandele van twee rand elk (hieronder A-aandele genoem);

(b) vyfmiljoen aandele van twee rand elk (hieronder B-aandele genoem).

(2) (a) Al die A-aandele word deur die Minister namens die Staat opgeneem en die Minister het die voorkeuring om soveel van die B-aandele namens die Staat op te neem as wat hy goedgevind.

(b) Wanneer hy skriftelik deur die Minister verwittig word dat die Minister besluit het om die B-aandele of 'n aantal B-aandele nie op te neem nie, kan die raad daardie aandele wat nie deur die Minister opgeneem is nie, teen die nominale waarde daarvan aanbied vir inskrywing deur enige ander persoon op die bedinge en voorwaardes wat die raad bepaal en kan hy soveel van laasgenoemde aandele aan enige persoon toeken ter betaling of gedeeltelik betaling van enige reg of goed deur die korporasie verkry, as wat na sy mening raadsaam is vir die bereiking van die oogmerke van die korporasie.

(3) Die Staat betaal vir die aandele ingevolge subartikel (2) (a) deur die Minister opgeneem, uit gelde deur die Parlement vir dié doel bewillig.

(4) Betaling vir die aandele geskied op die tye en in die bedrae waarop die Minister en die raad ooreenkom.

(5) (a) Die A-aandele is nie deur die Staat oordraagbaar nie behalwe op gesag van 'n Wet van die Parlement.

(b) Die Minister kan enige van die B-aandele ingevolge subartikel (2) (a) deur hom opgeneem, teen die nominale waarde daarvan aan enige persoon verkoop of andersins vervreem op die bedinge en voorwaardes wat hy bepaal.

(6) Die A-aandele wat deur die Staat gehou word, gee aan die Minister 'n getal stemme wat een meer is as die totale getal stemme wat al die ander aandeelhouders van die korporasie gesamentlik het ten opsigte van die aandele deur hulle gehou, met inbegrip van aandele uit hoofde van die bepalinge van subartikel (8) opgeneem.

(7) Terwyl die Staat die houer van aandele in die korporasie is, stel die Minister 'n verteenwoordiger of verteenwoordigers aan om die vergaderings van aandeelhouders by te woon en daarop te stem.

(8) Met die goedkeuring van aandeelhouders vooraf op 'n vergadering van aandeelhouders gegee, kan die raad van tyd tot tyd die aandelekapitaal van die korporasie in so 'n mate vermeerder as wat hy raadsaam ag, deur die skepping en uitgifte van gewone of voorkeuraandele of die ander klas aandele wat hy bepaal, welke aandele uitgegee kan word op die bedinge en voor-

45. (1) The Minister may on the recommendation of the board appoint any director of the corporation as managing director of the corporation. Managing director.

(2) The managing director shall have such powers and perform such duties as the board may assign to him.

(3) If for any reason the managing director is unable to act as such during any period, the board may with the approval of the Minister appoint another of its members to act as managing director of the corporation during such period.

(4) The member so appointed shall, while so acting, have all the powers and perform all the duties of the managing director of the corporation.

46. A director of the corporation shall not be personally liable for any loss or damage which may occur in or in connection with the performance of his duties, unless the loss or damage was due to his wilful misconduct, dishonesty or gross negligence. Liability of directors for loss or damage.

47. (1) Subject to the provisions of this section, the initial share capital of the corporation shall consist of— Share capital.

(a) five million shares of two rand each (hereinafter referred to as A shares);

(b) five million shares of two rand each (hereinafter referred to as B shares).

(2) (a) The whole of the A shares shall be taken up by the Minister on behalf of the State and the Minister shall have the first right to take up, on behalf of the State, so many of the B shares as he may deem fit.

(b) On being notified by the Minister in writing that the Minister has decided not to take up any or any number of the B shares, the board may offer, at its par value, those shares not taken up by the Minister for subscription by any other person on such terms and conditions as the board may determine and may allot so many of the last-mentioned shares to any person in payment or part payment of any right or property acquired by the corporation as may in its opinion be expedient for the achievement of the objects of the corporation.

(3) The shares taken up by the Minister in terms of subsection (2) (a) shall be paid for by the State from moneys appropriated by Parliament for the purpose.

(4) Payment for the shares shall be made at such times and in such amounts as may be agreed upon between the Minister and the board.

(5) (a) The A shares shall not be transferable by the State otherwise than by the authority of an Act of Parliament.

(b) The Minister may, at their par value, sell or otherwise dispose of any of the B shares taken up by him in terms of subsection (2) (a), to any person upon such terms and conditions as he may determine.

(6) The A shares held by the State shall entitle the Minister to a number of votes which shall exceed by one the total number of votes to which all the other shareholders of the corporation in the aggregate may be entitled in respect of the shares held by them, including shares taken up by virtue of the provisions of subsection (8).

(7) The Minister shall, while the State is the holder of shares in the corporation, appoint a representative or representatives to attend the meetings of shareholders and to vote thereat.

(8) The board may from time to time, with the approval of shareholders previously given at a meeting of shareholders, increase the share capital of the corporation to such an extent as may seem to it expedient, by the creation and issue of ordinary or preference shares or such other class of shares as it may determine, which shares may be issued upon such terms and con-

waardes wat die raad bepaal, met inbegrip van voorwaardes betreffende die stemregte van die houters daarvan, en, in die geval van voorkeuraandeel, die voorwaarde dat die houters daarvan nie geregtig is om te stem nie.

Beperking van aanspreeklikheid van aandeelhouders

48. Die aanspreeklikheid van 'n houer van aandele in die korporasie is beperk tot die bedrag, as daar is, wat nog op die aandele deur hom gehou, verskuldig is.

Uitgawes van korporasie

49. Uitgawes deur of namens die korporasie aangegaan, met inbegrip van die besoldiging van direkteure, word uit die fondse van die korporasie bestry.

Gebruik van eiendom van korporasie

50. Behalwe waar hierdie Wet uitdruklik anders bepaal, word die eiendom van die korporasie, uit watter bron dit ook al verkry is, uitsluitlik aangewend vir die bevordering van die oogmerke van die korporasie.

Aanwending van winste

51. Die korporasie is nie bevoeg om enige wins aan enige persoon uit te keer nie en is verplig om sy fondse uitsluitlik vir belegging of die oogmerke waarvoor dit ingestel is, aan te wend.

Aantekeninge en rekeningstate van korporasie

52. (1) Die raad moet behoorlike rekeningkundige aantekeninge van al die finansiële transaksies van die korporasie laat hou en moet die finansiële jaarstate wat die Minister by regulasie voorskryf, laat opstel.

(2) Die rekords en state bedoel in subartikel (1) moet, solank die Staat die houer van aandele in die korporasie is, jaarliks deur 'n persoon wat kragtens die bepalings van die Wet op Openbare Rekenmeesters en Ouditeurs, 1951 (Wet 51 van 1951), as rekenmeester en ouditeur geregistreer is en wat jaarliks deur die Minister aangestel word, geouditeer word.

Verslae deur korporasie

53. (1) So spoedig doenlik, maar nie later nie as ses maande, na die einde van elke boekjaar van die korporasie moet die raad, ten opsigte van daardie boekjaar, 'n volledige verslag aangaande die werksaamhede van die korporasie en afskrifte van die finansiële state bedoel in artikel 51 (1) aan die Minister verstrek en op die wyse wat die Minister by regulasie voorskryf, aan die aandeelhouders van die korporasie voorleë.

(2) Die Minister moet afskrifte van die verslag en die finansiële state bedoel in subartikel (1) binne 30 dae na die datum waarop hy dit ontvang het, in die Volksraad ter Tafel lê indien 'n gewone sessie van die Parlement dan aan die gang is of, indien 'n gewone sessie van die Parlement nie dan aan die gang is nie, binne 30 dae na die aanvang van sy eersvolgende gewone sessie.

(3) Indien daar uit hoofde van die bepalings van artikel 46 (2) (b) of (5) (b) 'n transaksie in B-aandele plaasgevind het of indien die aandeelkapitaal van die korporasie kragtens die bepalings van artikel 46 (8) vermeerder is, moet die Minister 'n verslag bevattende volledige besonderhede van so 'n transaksie of vermeerdering van aandeelkapitaal, na gelang van die geval, binne 30 dae na die datum van so 'n transaksie of vermeerdering van aandeelkapitaal in die Volksraad ter Tafel lê indien 'n gewone sessie van die Parlement dan aan die gang is of, indien 'n gewone sessie van die Parlement nie dan aan die gang is nie, binne 30 dae na die aanvang van sy eersvolgende gewone sessie.

Likwidasië van korporasie

54. Die korporasie word nie gelikwideer nie behalwe deur of op gesag van 'n Wet van die Parlement.

Gebruik van naam van korporasie

55. (1) Geen persoon mag onder dieselfde naam as dié van die korporasie, of onder 'n naam wat soveel daarmee ooreenkom dat dit sou kan mislei, sake doen of, in die geval van 'n maatskappy, ingevolge die Maatskappywet, 1973 (Wet 61 van 1973), geregistreer word nie: Met dien verstande dat 'n maatskappy nie belet word om sake te doen, of om ingevolge genoemde Wet geregistreer te bly, onder die naam waaronder dit ingevolge die Maatskappywet, 1926 (Wet 46 van 1926), by die inwerkingtre-

ditions as the board may determine, including conditions as to the voting rights of the holders thereof, and, in the case of preference shares, the condition that the holders shall not be entitled to vote.

48. The liability of any holder of shares in the corporation shall be limited to the amount, if any, still owing in respect of the shares held by him. Limitation of liability of shareholders.

49. Expenditure incurred by or on behalf of the corporation, including the remuneration of directors, shall be defrayed out of the funds of the corporation. Expenditure.

50. Save as expressly otherwise provided in this Act, the property of the corporation, from whatever source it may be acquired, shall be used exclusively for promoting the objects of the corporation. Use of property of corporation.

51. The corporation is not empowered to pay any dividends to any person and is obliged to use its funds exclusively for investment and the objectives for which it was established. Disposal of dividends

52. (1) The board shall cause proper accounting records to be kept of all the financial transactions of the corporation and shall cause to be prepared such annual financial statements as the Minister may prescribe by regulation. Records and financial statements of corporation

(2) The records and statements referred to in subsection (1) shall be audited annually by a person registered as an accountant and auditor under the provisions of the Public Accountants' and Auditors' Act, 1951 (Act No. 51 of 1951), and appointed annually by the Minister, while the State is the holder of shares in the corporation.

53. (1) As soon as practicable, but not later than six months, after the end of every financial year of the corporation the board shall, in respect of such financial year, furnish the Minister with, and submit to the shareholders of the corporation in the manner prescribed by the Minister by regulation, a full report on the activities of the corporation and copies of the financial statements referred to in section 51 (1). Reports by corporation

(2) The Minister shall lay copies of the report and the financial statements referred to in subsection (1) upon the Table in the House of Assembly within thirty days after the date on which he has received it, if Parliament is then in ordinary session or, if Parliament is not then in ordinary session, within thirty days after the commencement of its next ensuing ordinary session.

(3) If by virtue of the provisions of section 46 (2) (b) or (5) (b) any transaction in B shares has occurred or if the share capital of the corporation has been increased under the provisions of section 46 (8), the Minister shall lay upon the Table in Parliament a report containing full particulars of such transaction or increase of share capital, as the case may be, within thirty days after the date of such transaction or increase of share capital; if Parliament is then in ordinary session or, if Parliament is not then in ordinary session, within thirty days after the commencement of its next ensuing ordinary session.

54. The corporation shall not be wound up except by or under the authority of an Act of Parliament. Liquidation of corporation.

55. (1) No person shall carry on business under or, in the case of a company, be registered in terms of the Companies Act, 1973 (Act No. 61 of 1973), by a name which is the same as that of the corporation or so nearly resembles it as to be likely to deceive: Provided that a company shall not be prohibited from carrying on business under, or remaining registered in terms of, the said Act, by the name by which it was registered in terms of the Companies Act, 1926 (Act No. 46 of 1926), as at the com- Use of name of corporation.

ding van die Visnywerheid-ontwikkelingswet, 1944 (Wet 44 van 1944), geregistreer was nie.

(2) Iemand wat in stryd met subartikel (1) sake doen, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens honderd rand.

Toepassing van
Wet 61 van 1973.

56. (1) Behoudens die bepalinge van subartikel (2), is geen bepaling van die Maatskappywet, 1973 (Wet 61 van 1973) met betrekking tot die korporasie van toepassing nie.

(2) Die Minister kan by kennisgewing in die *Staatskoerant* verklaar dat enige bepaling van die Maatskappywet, 1973, wat nie met die bepalinge van hierdie Wet in stryd is nie, met betrekking tot die korporasie van toepassing is met die veranderinge wat hy bepaal en hy kan so 'n kennisgewing intrek of wysig.

Toepassing van
Wet 23 van 1965.

57. Geen bepaling van die Bankwet, 1965, (Wet 23 van 1965) is met betrekking tot die korporasie van toepassing nie.

DEEL VIII

REGULASIES, TARIWE EN GELDE

Regulasies

58. (1) Die Minister kan regulasies uitvaardig met betrekking tot—

- (a) 'n aangeleentheid wat kragtens hierdie Wet by regulasie kragtens hierdie artikel voorgeskryf moet of kan word;
- (b) die aard en samestelling van enige werktuig of toestel wat vir of in verband met die vang, hantering of weeg van vis by 'n fabriek gebruik kan of moet word of wat nie gebruik mag word nie;
- (c) die metodes waarvolgens vis of vis wat tot 'n bepaalde spesie behoort, gevang moet word of nie gevang mag word nie;
- (d) die wyse waarop die grootte van vis vir die doeleindes van hierdie Wet vasgestel moet word;
- (e) die metode waarvolgens vis wat gevang is geweeg moet word, die toestand of vorm waarin sodanige vis moet wees wanneer dit aan land gebring en geweeg word en die toestelle wat vir die aan land bring of weeg van vis, gebruik moet word;
- (f) die wyse waarop grensbakens, seeboeie, kennisgewings, aanplakborde of ander werktekens wat in verband met die vang of beskerming van vis, aangebring, in stand gehou, aangewend, beskerm en beheer moet word;
- (g) die omstandighede waaronder vis wat gevang is in die see teruggeplaas moet word of nie mag word nie of uit 'n net losgelaat moet word of nie mag word nie;
- (h) die beskikking oor vis waarop beslag gelê is of wat verbeur is of verbeurd verklaar is ingevolge hierdie Wet;
- (i) die beheer oor en die bestuur van 'n vissershawe;
- (j) die gebruik van 'n vissershawe of 'n gedeelte daarvan deur ander vaartuie as vissersbote of fabriek wat kragtens hierdie Wet gelisensieer is;
- (k) 'n verbod op die binnekom in 'n vissershawe van vissersbote of vaartuie wat in 'n vreemde Staat geregistreer of gelisensieer is of aan 'n vreemde Staat of die burgers daarvan behoort of waarin 'n vreemde Staat of die burgers daarvan 'n beherende belang het of dit huur;
- (l) reël, beheer of verbied van navorsing betreffende vis, visbronne, visvangtegnieke of die see-omgewing;
- (m) enige ander aangeleentheid wat hy vir die bewaring of beskerming van vis of visvoedsel wenslik ag;
- (n) die korporasie betreffende—
 - (i) die plek waar die hoofkantoor van die korporasie geleë moet wees;
 - (ii) die voorwaardes, uitgesonderd dié beoog in artikel 44 (2), van aanstelling en die bevoegdhede en

mencement of the Fishing Industry Development Act, 1944 (Act No. 44 of 1944).

(2) Any person who carries on business in contravention of subsection (1), shall be guilty of an offence and liable on conviction to a fine not exceeding one hundred rand.

56. (1) Subject to the provisions of subsection (2), no provision of the Companies Act, 1973, shall apply with reference to the corporation. Application of Act 61 of 1973.

(2) The Minister may by notice in the *Government Gazette* declare that any provision of the Companies Act, 1973, which is not inconsistent with the provisions of this Act, shall apply with reference to the corporation with such modifications as he may determine, and he may withdraw or amend any such notice.

57. No provision of the Banks Act, 1965 (Act 23 of 1965) shall apply with reference to the corporation. Application of Act 23 of 1965.

PART VIII

REGULATIONS, TARIFFS AND FEES

58. (1) The Minister may make regulations— Regulations
- (a) with regard to any matter which in terms of this Act must or can be prescribed in accordance with this section;
 - (b) prescribing the nature and construction of any implement or contrivance which may or shall be used in connection with the catching, handling or weighing of fish at factories, or which may not be used;
 - (c) prescribing the methods which must or which must not be used for the catching of fish belonging to a particular species;
 - (d) prescribing the manner in which the size of fish shall for the purposes of this Act be determined;
 - (e) prescribing the method by which fish that has been caught must be weighed, the condition and form in which such fish must be when landed and weighed and the implements which must be used for landing and weighing fish;
 - (f) prescribing the manner of the erection, maintenance, use and protection of and control over boundary beacons, buoys, notices, notice boards or other marks used in connection with the catching or protection of fish;
 - (g) prescribing the circumstances in which fish that has been caught shall be or may not be returned to the sea or shall be or may not be released from a net;
 - (h) providing for the disposal of fish seized or forfeited or declared forfeited in terms of this Act;
 - (i) regulating the control over and management of any fishing harbour;
 - (j) regulating the use of any fishing harbour or any part thereof by any boats or vessels other than fishing boats or factories licensed in terms of this Act;
 - (k) prohibiting any fishing boats or other vessels registered or licensed in any foreign country or owned by the citizens thereof or in which a foreign country or its citizens have a controlling interest or hold it under charter, from entering any fishing harbour;
 - (l) regulating, controlling or prohibiting research in connection with fish, fish resources, fishing techniques or the marine environment;
 - (m) any other matter which he deems desirable for the conservation or protection of fish or fish food;
 - (n) with regard to the corporation as to—
 - (i) the place where the head office of the corporation shall be situated;
 - (ii) the conditions, other than those contemplated in section 44 (2), of appointment and the powers and

- pligte van direkteure van die korporasie, en die kworum en prosedure by vergaderings van die raad;
- (iii) die neem van besluite deur direkteure sonder om 'n vergadering van die raad te hou;
 - (iv) die datum waarop die boekjaar van die korporasie in elke jaar eindig;
 - (v) die opstel en voorlegging van finansiële jaarstate;
 - (vi) die hou van rekeningkundige rekords;
 - (vii) die verstrekking van kennisgewing aan aandeelhouders en obligasiehouders;
- (o) seevoëls en robbe betreffende—
- (i) die maksimum getal van enige soort rob wat gedurende 'n bepaalde tydperk of in 'n bepaalde gebied gevang of doodgemaak mag word of die soort rob ten opsigte waarvan die vang of doodmaak verbied word;
 - (ii) die ouderdom waarop en die metodes waarvolgens robbe gevang of doodgemaak mag word of nie gevang of doodgemaak mag word nie;
 - (iii) die verlening van vrystelling van enige bepaling van artikels 30, 31 en 32 met inbegrip van die omstandighede waaronder 'n vrystelling verleen mag word;
 - (iv) die aanboordneem op 'n vissersboot van 'n vuurwapen of voorwerp of stof waarmee robbe doodgemaak, gesteur of afgeskrik kan word met inbegrip van die reëling of 'n verbod op sodanige aanboordneming;
 - (v) enige ander aangeleentheid wat hy vir die bewaring of beskerming van seevoëls of robbe wenslik ag.
- (p) die maak van opnames en die insameling van inligting betreffende die behoeftes ten opsigte van visprodukte, die potensiaal van visbronne en inligting betreffende die vang, vervoer, behandeling, verwerking, verkoeling, bevriesing of verpakking van vis of produkte van vis, of die verwydering van waterplante of skulpe of die herwinning van sout uit die see, met inbegrip van regulasies wat voorsiening maak vir—
- (i) die registrasie van persone wat betrokke is by enige van die genoemde bedrywighede;
 - (ii) die inspeksie van enige vissersboot of fabriek;
 - (iii) die versameling van gegewens deur persone wat by die genoemde bedrywighede betrokke is, die aantekeninge wat gehou moet word en die opgawes (uitgesonderd opgawes betreffende verwerkingstegnieke) wat deur daardie persone aan die Direkteur-generaal verstrekk moet word en die tye wanneer die opgawes verstrekk moet word.
- (2) Verskillende regulasies kan kragtens subartikel (1) uitgevaardig word ten opsigte van verskillende gebiede of verskillende spesies vis of robbe of seevoëls of verskillende visprodukte of die ander aangeleentheid wat die Minister nodig ag.
- (3) Regulasies kragtens subartikel (1) (p) word slegs uitgevaardig met die instemming van die Minister vir Administrasie en Ekonomiese Adviesdienste in die Kantoor van die Staatspresident.
- (4) Regulasies kragtens subartikel (1) kan voorsiening maak vir strawwe vir 'n oortreding van 'n bepaling daarvan of 'n versuim om aan 'n bepaling daarvan te voldoen, wat 'n boete van R2 000 of gevangenisstraf van een jaar of daardie boete sowel as daardie gevangenisstraf nie te bowe gaan nie.

Tariewe en gelde.

59. Die Minister kan met die instemming van die Minister van Finansies die gelde bepaal wat betaalbaar is—

- (a) ten opsigte van enige lisensie of permit wat kragtens hierdie Wet vereis word en ten opsigte waarvan gelde betaalbaar is.
- (b) ten opsigte van die gebruik van 'n vissershawe of die geriewe wat daar beskikbaar is.

- duties of directors of the corporation, and the quorum and procedure at meetings of the board;
 - (iii) the taking of decisions by directors without holding a meeting of the board;
 - (iv) the date upon which the financial year of the corporation ends in every year;
 - (v) the preparation and submission of annual financial statements;
 - (vi) the keeping of accounting records;
 - (vii) the giving of notices to shareholders and debenture holders;
- (o) with regard to sea birds and seals—
 - (i) prescribing the maximum number of any kind of seal which may be captured or killed during an indefinite or specified period or in a specified area, or the kinds of seals which may not be captured or killed;
 - (ii) prescribing the age at which and the methods by which seals may or may not be captured or killed;
 - (iii) granting exemption from any provision of section 30, 31 and prescribing the circumstances in which such exemption shall apply;
 - (iv) prohibiting or regulating the taking on board, without lawful reason, on any fishing boat of any fire-arm or any instrument or substance with which seals may be killed, disturbed or frightened away;
 - (v) in connection with any other matter which he regards as desirable for the conservation or protection of sea birds and seals.
- (p) providing for surveys and the gathering of information regarding the requirements in respect of fish products, the potential of fish resources and information regarding the catching, conveyance, treating, processing, refrigeration, freezing or packing of fish or fish products, or the removal of aquatic plants or shells or the recovery of salt from the sea, including regulations providing for—
 - (i) the registration of persons involved in any of the abovementioned activities;
 - (ii) the inspection of any fishing boat or factory;
 - (iii) the collection of data by persons involved in the abovementioned activities, the records which must be kept and the returns (excluding returns regarding processing techniques) which must be rendered to the Director-General by such persons and the times when such returns must be submitted.

(2) Different regulations may be made under subsection (1) in respect of different areas or in respect of different species of fish or seals or sea birds or different fish products or the other matters which the Minister may deem necessary.

(3) Regulations in terms of subsection (1) (p) may only be promulgated with the concurrence of the Minister for Administration and Economic Advisory Services in the Office of the State President.

(4) Regulations in terms of subsection (1) may prescribe for any contravention thereof or failure to comply therewith penalties not exceeding a fine of R2 000 or imprisonment for a period of one year or both such fine and such imprisonment.

59. The Minister may with the concurrence of the Minister of Finance determine the fees payable in respect of—

- (a) any licence or permit required in terms of this Act and in respect whereof fees are payable;
- (b) the use of a fishing harbour or the facilities available therein;

Tariffs and fees.

- (c) ten opsigte van heffings op vis, visprodukte of die ander mariene hulpbronne waarop hierdie Wet betrekking het.

Misdrywe en strafbepaling.

60. (1) Iemand wat—

- (a) vis vang of doodmaak deur middel van gif of 'n bedwelmende stof;
- (b) vis vang of doodmaak deur 'n stof in die see te laat ontplof;
- (c) vis vang deur middel van 'n ander werktuig as 'n werktuig wat ten opsigte daarvan voorgeskryf is;
- (d) vis vang volgens 'n ander metode as 'n metode wat ten opsigte daarvan voorgeskryf is;
- (e) vis wat kleiner is as die grootte wat ten opsigte daarvan voorgeskryf is, of wat nie voldoen nie aan ander biologiese vereistes of kenmerke wat ten opsigte daarvan voorgeskryf is, vang en besit;
- (f) vis, of enige gedeelte daarvan, waarvan die vangs deur hierdie Wet verbied is, besit, verkoop, vir verkoop uitstal of te koop aanbied;
- (g) die bepalings van 'n kennisgewing kragtens artikels 20 (1), 20 (5) (a), 20 (6), 21, 23, 24, 25, 26, of die bepalings van artikels 27, 28, 30 oortree;
- (h) sonder 'n permit soos deur die Wet voorgeskryf 'n handeling verrig waarvoor 'n permit nodig is of 'n voorwaarde wat in die permit gestel is, oortree;
- (i) eetbare en bemarkbare dooie vis in die see terugplaas of op 'n ander plek weggooi;
- (j) lewende vis uit- of invoer, behalwe ingevolge 'n permit uitgereik deur die Minister of sy gedelegeerde, en anders as ooreenkomstig die voorwaardes wat in die permit gestel is;
- (k) iets wat skadelik is of skadelik mag wees vir vis, visvoedsel of waterplante, of wat die ekologiese balans in die gebied van die see mag versteur of verander, of wat die bemarkbaarheid van vis of waterplante nadelig mag beïnvloed of wat die vang van vis mag belemmer, in die see stort of laat ingaan of toelaat dat dit in die see gestort of ingelaat word;
- (l) versuim om aan 'n eis of bevel van 'n visseryebeampte, polisiebeampte of ere-visseryebeampte kragtens hierdie Wet te voldoen, of ingevolge so 'n eis of bevel valse inligting verstrek;
- (m) teen 'n visseryebeampte, polisiebeampte of ere-visseryebeampte by die uitoefening van 'n bevoegdheid of die verrigting van 'n plig ingevolge hierdie Wet weerstand bied of hom daarby belemmer;
- (n) valslik voorgee dat hy 'n visseryebeampte, of ere-visseryebeampte kragtens hierdie Wet, is;
- (o) 'n vissersboot sonder die toestemming van die eienaar daarvan of die persoon wat beheer daarvoor het, gebruik;
- (p) toelaat dat 'n vissersboot waarvan hy die eienaar is, gebruik word vir die vang van vis in stryd met die bepalings van hierdie Wet;

is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens vyftienduisend rand of met gevangenisstraf vir 'n tydperk van hoogstens vyf jaar, of daardie boete sowel as daardie gevangenisstraf.

- (2) (a) Wanneer iemand skuldig bevind word aan 'n misdryf ingevolge hierdie Wet, moet die hof op staande voet ondersoek instel aangaande die geldelike waarde van die voordeel wat hy as gevolg van daardie misdryf mag behaal het, en die bedrag daarvan bepaal en, benewens 'n ander straf wat ten opsigte van daardie misdryf opgelê word, 'n boete opleë gelyk aan die aldus bepaalde bedrag en, by wanbetaling daarvan, gevangenisstraf vir 'n tydperk van hoogstens een jaar.
- (b) 'n Landdroshof is bevoeg om bedoelde bykomende straf op te lê, selfs al sou daardie straf, hetsy alleen of

- (c) levies on fish, fish products or the other marine resources dealt with in this Act.

60. (1) Any person who—

Offences and penalties.

- (a) catches or kills fish by means of any poison or any stupefying substance;
- (b) catches or kills any fish, by detonating any substance in the sea;
- (c) catches fish by means of any implement other than an implement prescribed in respect thereof;
- (d) catches fish by means of any method other than a method prescribed in respect thereof;
- (e) catches or has in his possession any fish the size of which is less than the size prescribed in respect thereof or which does not comply with the other biological requirements or characteristics prescribed in respect thereof;
- (f) possesses, sells or displays or offers for sale any fish or any portion of fish the catching of which is prohibited in terms of this Act;
- (g) contravenes the provisions of any notice under section 20 (1), 20 (5) (a), 20 (6), 21, 23, 24, 25, 26 or the provisions of section 27, 28, or 30;
- (h) performs without a permit prescribed by this Act, any act which may be performed solely under the authority of a permit or contravenes a condition stated in the permit;
- (i) returns to the sea or abandons in any other place any edible and marketable dead fish;
- (j) exports or imports any live fish, except in terms of a permit issued by the Minister or any officer authorized thereto by the Minister, and otherwise than in accordance with the conditions stated in the permit;
- (k) dumps in or allows to enter or permits to be dumped or discharged in the sea anything which is or may be injurious to fish, fish food or aquatic plants, or which may disturb or change the ecological balance in any area of the sea, or which may detrimentally affect the marketability of fish or aquatic plants, or which may hinder the catching of fish;
- (l) fails to comply with any requirement or order by a fisheries officer, designated police officer or honorary fisheries officer under this Act, or gives any false information in pursuance of such a requirement or order;
- (m) resists or hinders any fisheries officer, police officer or honorary fisheries officer in the exercise of any power or the performance of any duty in terms of this Act;
- (n) falsely represents himself to be a fisheries officer or an honorary fisheries officer;
- (o) uses any fishing boat without the consent of the owner or the person having control thereof;
- (p) allows any fishing boat of which he is the owner to be used in contravention of the provisions of this Act;

shall be guilty of an offence and on conviction liable to a fine not exceeding fifteen thousand rand or to imprisonment for a period not exceeding five years, or to both such fine and such imprisonment.

- (2) (a) Whenever any person is convicted of an offence in terms of this Act, the court shall summarily enquire into and determine the monetary value of any advantage which he may have gained in consequence of that offence, and, in addition to any other punishment that may be imposed in respect of that offence, impose a fine equal to the amount so determined and, in default of payment thereof, imprisonment for a period not exceeding one year.
- (b) A magistrate's court shall have jurisdiction to impose that additional penalty, even though that penalty may,

saam met 'n ander straf deur die hof opgelê, die straf-bevoegdheid van 'n landdroshof oorskry.

Verbeurdverklaring
en beslaglegging.

61. (1) Die hof wat iemand aan 'n misdryf ingevolge hierdie Wet skuldig bevind, kan benewens 'n ander straf wat hy mag oplê—

- (a) in die geval van 'n eerste skuldigbevinding, vis, waterplante, sout, skulpe of 'n werktuig ten opsigte waarvan die misdryf gepleeg is of wat in verband met die pleeg daarvan gebruik is, of die regte van die veroordeelde daarop, aan die Staat verbeurd verklaar; en
- (b) in die geval van 'n tweede of daaropvolgende skuldigbevinding, ook 'n aldus gebruikte vissersboot of ander vaartuig of voertuig, of die regte van die veroordeelde daarop, aan die Staat verbeurd verklaar en 'n registrasie, lisensie of permit wat ingevolge hierdie Wet ten opsigte van die veroordeelde gedoen of aan hom uitgereik of verleen is, intrek of vir die tydperk wat die hof goedvind, opskort:

Met dien verstande dat so 'n verbeurdverklaring nie afbreuk doen nie aan regte wat iemand anders as die veroordeelde op dié werktuig, boot, vaartuig of voertuig mag hê nie, indien bewys word dat hy alle redelike stappe gedoen het om die gebruik daarvan in verband met die misdryf te voorkom.

(2) Die bepalinge van artikel 35 (4) van die Strafproseswet, 1977 (Wet 51 van 1977), is *mutatis mutandis* ten opsigte van sodanige regte van toepassing.

(3) Vis, waterplante, skulpe, sout, 'n boot, vaartuig, voertuig of werktuig, of 'n reg daarop wat kragtens die bepalinge van hierdie artikel of artikel 66 aan die Staat verbeur is, kan verkoop of vernietig word of die Minister kan gelas wat anders daarmee gedoen moet word.

Jurisdiksie en
bewyslewing.

62. (1) Indien iemand daarvan aangekla word dat hy 'n misdryf ingevolge hierdie Wet op of in die see gepleeg het, is 'n hof wie se regsgebied aan die see grens of 'n deel daarvan insluit, bevoeg om die aanklag te verhoor, en word die misdryf, vir alle doeleindes wat in verband staan met of voortspruit uit die verhoor van die aanklag, geag in die regsgebied van bedoelde hof gepleeg te wees.

(2) Indien 'n vissersboot of ander vaartuig in verband met 'n misdryf ingevolge hierdie Wet gebruik is, of vis of 'n werktuig ten opsigte of deur middel waarvan 'n misdryf ingevolge hierdie Wet gepleeg is; op 'n vissersboot of ander vaartuig gevind word, of daar bewys word dat dit daarop was, word iedereen wat aan boord van die vissersboot of ander vaartuig was toe die misdryf gepleeg is, geag skuldig te wees aan hierdie misdryf, tensy hy bewys dat hy nie die misdryf gepleeg het nie en nie aan die pleeg daarvan deelgeneem het nie en dit nie kon verhinder het nie.

(3) By 'n vervolging weens 'n oortreding van hierdie Wet—

- (a) gegrond op 'n handeling wat na bewering verrig is binne 'n bepaalde gebied, word die betrokke handeling geag binne daardie gebied verrig te wees;
- (b) word die gegewens verkry deur middel van 'n instrument of kaart wat gebruik is om afstand of diepte te bepaal, geag juis te wees,

tensy die teendeel bewys word.

(4) Indien by 'n vervolging weens 'n misdryf ingevolge hierdie Wet bewys word dat in 'n gebied in die see binne 'n afstand van 8 kilometer vanaf 'n fabriek vis of visvoedsel skade aangedoen is of word of dit gesterf het of sterf of die bemarkbaarheid daarvan of van waterplante benadeel is of word, of die ekologiese balans versteur is of word of verander is of word, word vermoed, totdat die teendeel bewys word, dat dit veroorsaak is of word deur iets wat vanuit daardie fabriek in die see uitgelaat is.

(5) Dit is geen verweer by 'n vervolging weens 'n misdryf ingevolge hierdie Wet dat die beskuldigde nie kennis van die een of ander feit gedra het of nie opsetlik opgetree het nie.

either alone or together with any other punishment imposed by the court, exceed the punitive jurisdiction of a magistrate's court.

61. (1) The court convicting any person of an offence in terms of this Act may, in addition to any other penalty it may impose—

Forfeiture and seizure.

- (a) in the case of a first conviction, declare any fish, seaweed, salt, shells or implement in respect of which the offence was committed or which was used in connection with the commission thereof, or any rights of the convicted person thereto, to be forfeited to the State; and
- (b) in the case of a second or subsequent conviction, also declare any fishing boat or other vessel or vehicle so used, or any rights of the convicted person thereto, to be forfeited to the State, and cancel, or suspend for such period as the court may think fit, any registration done in respect of the convicted person or any licence or permit issued or granted to him in terms of this Act:

Provided that such a declaration of forfeiture shall not affect any rights which any person other than the convicted person may have to such implement, boat, vessel or vehicle, if it is proved that he took all reasonable steps to prevent the use thereof in connection with the offence.

(2) The provisions of section 35 (4) of the Criminal Procedure Act, 1977 (Act No. 51 of 1977), shall *mutatis mutandis* apply in respect of any such rights.

(3) Any fish, aquatic plant, shells, salt, boat, vessel, vehicle or implement or any right thereto forfeited to the State under the provisions of this section or section 66, may be sold or destroyed or may be dealt with in such other manner as the Minister may direct.

62. (1) If any person is charged with having committed any offence in terms of this Act on or in the sea, any court whose area of jurisdiction abuts on or includes any part of the sea, shall be competent to try the charge, and the offence shall, for all purposes connected with or consequential on the trial of the charge, be deemed to have been committed within the area of jurisdiction of that court.

Jurisdiction and evidence.

(2) If any fishing boat or other vessel has been used in connection with any offence in terms of this Act, or any fish or implement in respect of or by means of which an offence in terms of this Act has been committed, is found or proved to have been upon any fishing boat or other vessel, any person who was on board such fishing boat or other vessel at the time when the offence was committed, shall be deemed to be guilty of that offence, unless he proves that he did not commit that offence and did not take part in and could not prevent the commission thereof.

(3) In any prosecution for a contravention of this Act—

- (a) based on any act alleged to have been performed in a particular area, the act in question shall be deemed to have been performed in such area;
- (b) any information obtained by means of any instrument or chart used to determine any distance or depth, shall be deemed to be correct,

unless the contrary is proved.

(4) If in any prosecution for an offence in terms of this Act it is proved that in any area in the sea within a distance of 8 kilometres from any factory any fish or fish food has been or is being injured or has died or is dying or the marketability thereof or of aquatic plants has been or is being adversely affected, or the ecological balance has been or is being disturbed or changed, it shall be presumed, until the contrary is proved, that it has been or is being caused by something discharged from that factory into the sea.

(5) It shall be no defence in any prosecution for an offence in terms of this Act that the accused had no knowledge of some fact or other or did not act wilfully.

Beperking van aanspreeklikheid.

63. (1) Die Staat of iemand in diens van die Staat, of die Minister, is nie aanspreeklik nie uit hoofde van iets wat te goeder trou kragtens die bepalings van hierdie Wet gedoen is.

(2) Die Staat of iemand in diens van die Staat, of die Minister is nie aanspreeklik nie (behalwe in die geval van 'n opsetlike handeling of versuim van die kant van so iemand) teenoor iemand wat, behalwe by die verrigting van 'n plig of werksaamheid kragtens hierdie Wet of 'n ander wet—

(a) gebruik maak van 'n vliegtuig, voertuig, boot of ander vaartuig wat die eiendom of onder die beheer is van die Staat in sy Departement van Omgewingsake;

(b) in 'n vissershawe of op 'n eiland aanwesig is; of

(c) 'n boot of ander vaartuig of ander goed in 'n vissershawe laat of van die geriewe van 'n vissershawe gebruik maak,

of teenoor die eggenoot of eggenote of 'n afhanklike van so iemand, vir verlies of skade ten gevolge van liggaamlike beserings, lewensverlies of verlies van of skade aan eiendom wat veroorsaak word deur of voortspruit uit of op enige wyse in verband staan met die gebruik van 'n vliegtuig, voertuig, boot of ander vaartuig bedoel in paragraaf (a), of die aanwesigheid bedoel in paragraaf (b) of die aanwesigheid van goed of die gebruik van geriewe bedoel in paragraaf (c).

Vrystellings.

64. Die Minister of 'n beamppte wat deur die Minister daartoe gemagtig is, kan 'n beamppte of iemand anders wat met wetenskaplike werk besig is, skriftelik en onderworpe aan die voorwaardes wat die Minister of die aldus gemagtigde beamppte bepaal, vrystel van die een of ander bepaling van hierdie Wet.

Gebruik van vreemde vaartuie as vissersbote en fabriek in eksklusiewe ekonomiese sone.

65. (1) Behoudens die bepalings van artikels 19, 21, 23, en 24 kan die Minister op die voorwaardes wat hy goedgevind met 'n vreemde Staat 'n ooreenkoms aangaan wat voorsiening maak dat 'n vaartuig wat in daardie vreemde Staat geregistreer is behoudens die bepalings van hierdie artikel binne die eksklusiewe ekonomiese sone as vissersboot of fabriek gebruik mag word.

(2) Wanneer 'n ooreenkoms bedoel in subartikel (1) voorsiening maak dat 'n vaartuig wat in die betrokke vreemde Staat geregistreer is binne die eksklusiewe ekonomiese sone as vissersboot of fabriek gebruik mag word, kan die Minister die direkteur-generaal gelas om op aansoek van die eienaar van daardie vaartuig 'n permit ten opsigte van daardie vaartuig uit te reik waarby magtiging verleen word dat dit aldus as vissersboot of fabriek gebruik kan word.

(3) 'n Permit bedoel in subartikel (2) word uitgereik vir die tydperk, onderworpe aan die voorwaardes en beperkings en teen betaling van die gelde wat deur die Minister bepaal word, maar die Minister kan na goeddunke sodanige permit te eniger tyd intrek en sodanige voorwaardes, beperkings of gelde te eniger tyd wysig of verander.

(4) Iemand wat 'n vaartuig wat in 'n vreemde Staat geregistreer is—

(a) binne die territoriale waters;

(b) sonder dat 'n permit ingevolge subartikel (2) ten opsigte daarvan uitgereik is, binne die eksklusiewe ekonomiese sone;

(c) binne die eksklusiewe ekonomiese sone strydig met of sonder om te voldoen aan 'n voorwaarde of beperking waarop 'n permit ingevolge subartikel (2) ten opsigte daarvan uitgereik is,

as 'n vissersboot of fabriek gebruik, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens honderdduisend rand of met gevangenisstraf vir 'n tydperk van hoogstens sewe jaar of met beide sodanige boete en sodanige gevangenisstraf.

Bevoegdhede van visserybeampptes en polisiebeampptes.

66. (1) 'n Visserye beamppte wat in die algemeen of in 'n besondere geval deur die Minister daartoe gemagtig is en 'n polisiebeamppte kan—

(a) aan boord gaan van 'n vissersboot, 'n fabriek of 'n perseel wat vir die opberging of verkoop van vis, produkte

63. (1) The State or any person in the service of the State, or the Minister, shall not be liable by virtue of anything done in good faith under the provisions of this Act. Limitation of liability.

(2) The State or any person in the service of the State, or the Minister, shall not be liable (except in the case of any wilful act or omission on the part of any such person) to any person who, except in the performance of any duty or function under this Act or any other law—

- (a) makes use of any aircraft, vehicle, boat or other vessel which is the property or under the control of the State in its Department of Environment Affairs;
- (b) is present in any fishing harbour or on an island or;
- (c) leaves any boat or other vessel or any other property in a fishing harbour or makes use of the facilities of a fishing harbour,

or to the spouse or any dependant of any such person, for any loss or damage resulting from any bodily injury, loss of life or loss of or damage to any property caused by or arising out of or in any manner connected with the use of any aircraft, vehicle, boat or other vessel contemplated in paragraph (a), the presence contemplated in paragraph (b) or the presence of any property or the use of any facilities contemplated in paragraph (c).

64. The Minister or any officer authorized thereto by the Minister may in writing and subject to the conditions imposed by the Minister or his delegatee exempt any officer or other person engaged in scientific work from any provision of this Act. Exemptions.

65. (1) Subject to the provisions of sections 19, 21, 23 and 24 the Minister may on such conditions as he sees fit, enter into an agreement with a foreign country whereby vessels registered in that foreign country are permitted, subject to the provisions of this section, to operate as fishing boats or factories within the exclusive economic zone. Use of foreign vessels as fishing boats and factories in exclusive economic zone.

(2) When an agreement such as is contemplated in subsection (1) provides that a vessel registered in the foreign country in question may be used as a fishing boat or factory within the exclusive economic zone the Minister may direct the Director-General to issue on application by the owner of that vessel a permit in respect of that vessel authorising it to be used as a fishing boat or factory in the exclusive economic zone.

(3) A permit such as is contemplated subsection (2) shall be issued for such period, subject to such condition and payment of such fees as the Minister may determine provided that the Minister may at any time and at his own discretion cancel such permit and alter such condition, restriction or fees.

(4) Any person who uses a vessel registered in a foreign country as a fishing boat or factory—

- (a) within the territorial waters;
- (b) within the exclusive economic zone without a permit in terms of subsection (2);
- (c) within the exclusive economic zone in contravention of or non-compliance with any condition of a permit issued in terms of subsection (2),

shall be guilty of an offence and liable on conviction to a fine not exceeding one hundred thousand rand or to imprisonment for a period not exceeding seven years or to both such fine and such imprisonment.

66. (1) A fisheries officer generally or specially authorized thereto by the Minister, and a police officer may— Powers of fisheries officers and police officers.

- (a) board any fishing boat, enter any factory or any premises used for the storage or sale of fish, fish products,

- van vis, waterplante, skulpe of sout gebruik word, betree en 'n voertuig bestyg wat vir die vervoer of verkoop van vis, produkte van vis, waterplante, skulpe of sout gebruik word, en op daardie boot, perseel of voertuig of in daardie fabriek die handeling verrig wat nodig is om vas te stel of die bepalings van hierdie Wet nagekom word;
- (b) 'n werktuig ondersoek waaromtrent hy redelike gronde het om te vermoed dat dit gebruik word of bestem is vir gebruik by die vang of hantering van vis, of die versameling van waterplante of skulpe of die herwinning van sout;
- (c) behoudens die bepalings van subartikel (3), as hy redelike gronde het om te vermoed dat 'n misdryf ingevolge hierdie Wet ten opsigte van vis, waterplante, skulpe of sout gepleeg is, of ten opsigte of deur middel van 'n werktuig gepleeg is of gepleeg gaan word, en dat die vis, waterplante, skulpe, sout of werktuig op 'n perseel of plek of vissersboot of voertuig of in 'n fabriek is, te eniger tyd daardie perseel, plek, vissersboot, voertuig of fabriek betree en deursoek, en iemand wat hom daarop of daarin bevind, deursoek, en beslag lê op daardie vis, waterplante, skulpe, sout, werktuig, vissersboot of voertuig, sowel as op boeke of ander stukke wat op daardie perseel, plek, vissersboot of voertuig of in daardie fabriek is;
- (d) as hy redelike gronde het om te vermoed dat 'n vissersboot, fabriek, perseel of voertuig in verband met 'n misdryf ingevolge hierdie Wet gebruik is of word, of dat vis, waterplante, skulpe, sout of 'n werktuig waaromtrent daar redelike gronde bestaan vir 'n vermoede dat 'n misdryf ingevolge hierdie Wet ten opsigte of deur middel daarvan gepleeg is, op 'n vissersboot, voertuig of perseel of in 'n fabriek is of was, eis dat die persone op dié vissersboot, voertuig of perseel of in dié fabriek hul name en adresse aan hom verstrekk of dat die houer van die lisensie ten opsigte van daardie vissersboot die name en adresse van die gesagvoerder en van die lede van die bemanning van daardie vissersboot aan hom verstrekk;
- (e) met 'n voorgeskrewe teken die gesagvoerder van 'n vissersboot gelas om dié vissersboot tot stilstand te bring of om na 'n hawe, deur die inspekteur, beampte of polisiebeampte aangedui, te vaar;
- (f) die gesagvoerder van 'n vissersboot gelas om dit op 'n bepaalde tydstip uit 'n vissershawe te verwyder of om dit nie daarin te bring nie—
- (i) indien die vissersboot 'n vissersboot is soos bedoel in artikel 65 (2); of
 - (ii) indien, ongeag waar die vissersboot geregistreer is, iemand wat 'n bemanningslid van daardie vissersboot is of te eniger tyd was, te eniger tyd skuldig bevind is, ingevolge 'n wet wat in die Republiek van toepassing is of was, aan 'n misdryf wat op daardie vissersboot gepleeg is terwyl dit binne die eksklusiewe ekonomiese sone was; of
 - (iii) indien, ongeag waar die vissersboot geregistreer is, die inspekteur, beampte of polisiebeampte op redelike gronde daarvan oortuig is dat daardie vissersboot te eniger tyd binne die eksklusiewe ekonomiese sone gebruik is in verband met bedrywighede wat neergekom het op 'n misdryf ingevolge die een of ander wet;
- (g) iedereen ondervra wat na sy oordeel moontlik in staat is om inligting te verstrekk wat hy verlang, en vir dié doel vereis dat 'n vissersboot of ander vaartuig of 'n voertuig tot stilstand gebring word;
- (h) van iemand vereis dat hy fakture, afleweringsbriewe of ander stukke in sy besit in verband met vis wat die onderwerp van 'n strafsak ingevolge hierdie Wet uit-

aquatic plants, shells or salt and enter any vehicle used for the conveyance or sale of fish, fish products, aquatic plants shells or salt, and perform on such boat, premises or vehicle or in that factory such acts as may be necessary to ascertain whether the provisions of this Act are being complied with;

- (b) examine any implement which he has reasonable grounds to suspect is being used or intended for use in the catching or handling of fish, or the gathering of aquatic plants or shells or the recovery of salt;
- (c) subject to the provisions of subsection (3), if he has reasonable grounds to suspect that an offence in terms of this Act has been committed in respect of any fish, aquatic plants, shells or salt or has been or is about to be committed in respect of or by means of any implement, and that such fish, aquatic plants, shells, salt or implement is upon any premises or at any place or upon any fishing boat or vehicle or in any factory, at any time enter upon and search such premises, place, fishing boat, vehicle or factory, and search any person thereupon or therein, and seize any such fish, aquatic plants, shells, salt, implement, fishing boat or vehicle, as well as any books or other documents on such premises, place, fishing boat or vehicle or in such factory;
- (d) if he has reasonable grounds to suspect that any fishing boat, factory, premises or vehicle has been or is being used in connection with any offence in terms of this Act, or that any fish, aquatic plants, shells, salt or implement as to which there are reasonable grounds for suspecting that an offence in terms of this Act has been committed in respect thereof or by means thereof, is or has been on any fishing boat, vehicle or premises or in any factory, require the persons on such fishing boat, vehicle or premises or in such factory, require the persons on such fishing boat, vehicle or premises or in such factory to furnish him with their names and addresses or require the licensee of such fishing boat to furnish him with the names and addresses of the master and of the members of the crew of such fishing boat;
- (e) by a prescribed signal order the master of a fishing boat to stop such boat or to sail to a harbour indicated by the inspector, officer or police officer;
- (f) order the master of a fishing boat to remove it at a specified time from a fishing harbour or not to bring it into a fishing harbour—
 - (i) if the fishing boat is such a fishing boat as is contemplated in section 65 (2) or
 - (ii) if, irrespective of where the fishing boat is registered, any person who is or at any time was a member of the crew of such fishing boat, was at any time convicted, in terms of a law which is or was in force in the Republic, of any offence committed on such fishing boat while it was within the exclusive economic zone; or
 - (iii) if, irrespective of where the fishing boat is registered, the inspector, officer or police officer is satisfied, upon reasonable grounds, that such fishing boat was at any time used within the exclusive economic zone in connection with activities that constituted an offence in terms of any law;
- (g) question any person who, in his opinion, may be capable of furnishing any information which he may require, and for that purpose require a fishing boat or other vessel or a vehicle to be stopped;
- (h) require any person to produce to him any invoices, delivery notes or other documents in his possession in connection with any fish which is or in his opinion may

maak of na sy oordeel mag uitmaak, aan hom toon, en na goeddunke daarop beslag lê vir voorlegging aan en beskikking daaroor deur 'n hof;

- (i) van iemand wat werksaam is op of by 'n vissersboot, voertuig of fabriek, vereis om hom te help by die ondersoek van 'n houer, werktuig of vis op dié vissersboot of voertuig of in dié fabriek ten einde vas te stel of die bepalings van hierdie Wet in verband daarmee nagekom is.

(2) 'n Visseryebeampte word by die uitoefening van sy bevoegdhede kragtens subartikel (1) geag 'n vredesbeampte te wees soos omskryf in artikel 1 van die Strafproseswet, 1977 (Wet 51 van 1977).

(3) Wanneer 'n visseryebeampte of polisiebeampte sy bevoegdhede kragtens hierdie artikel uitoefen, mag hy 'n woonhuis slegs ooreenkomstig die bepalings van die Strafproseswet, 1977, betree of deursoek.

(4) Die bevoegdhede by subartikel (1) verleen, kan, ten opsigte van 'n vissersboot wat ingevolge hierdie Wet gelisensieer is of 'n boot wat as 'n vissersboot in die eksklusiewe ekonomiese sone gebruik word, en ten opsigte van iemand of vis of 'n werktuig daarop, ook buite die eksklusiewe ekonomiese sone uitoefen word.

(5) Vis, waterplante, skulpe, sout of 'n werktuig waarop kragtens subartikel (1) (c) beslag gelê is, word aan die Staat verbeur: Met dien verstande dat—

(a) ingeval die vis, waterplante, skulpe, sout of werktuig die onderwerp van 'n vervolging uitmaak, die hof die verbeuring kan ophef; en

(b) in 'n ander geval die Minister die verbeuring kan ophef, indien die eienaar van die vis, waterplante, skulpe, sout of werktuig na gelang van die geval, binne dertig dae na die beslaglegging die Minister oortuig dat geen misdryf ten opsigte van die vis, waterplante, skulpe of sout of deur middel van die werktuig deur hom of deur iemand anders met sy medewete of toestemming gepleeg is nie:

Met dien verstande voorts dat vis waarop aldus beslag gelê is, te eniger tyd na die beslaglegging verkoop of vernietig mag word, en indien die verbeuring ingevolge paragraaf (a) of (b) opgehef word, die opbrengs van die verkoping, (indien daar is) aan die eienaar oorhandig word.

Ontginning van natuurlike hulpbronne van, en toepassing van wette op mynbou, edelgesteentes, ens., op vastelandsplat.

67. Die vastelandsplat soos omskryf in die Verenigde Volke se Konvensie oor die Reg van die See, 1982 geteken te Montego Bay op 10 Desember 1982, of soos dit van tyd tot tyd by internasionale konvensie, deur die Republiek aanvaar, omskryf mag word, word deel van die Republiek geag vir die doeleindes van die ontginning van natuurlike hulpbronne soos in bedoelde konvensie omskryf, en van enige wetsbepaling op mynbou, edelgesteentes, metale of minerale, met inbegrip van aardolie, wat geld in dié deel van die Republiek wat aan bedoelde vastelandsplat grens, en by die toepassing van so 'n wetsbepaling word bedoelde vastelandsplat geag onvervreemde Staatsgrond te wees.

Instelling van advieskomitees.

68. (1) Die Minister kan ten opsigte van elk van die verskillende vertakkinge van die visserybedryf 'n advieskomitee bestaande uit kundiges uit die betrokke vertakking van die bedryf instel om hom oor enige aangeleentheid met betrekking tot die bedryf, insluitende navorsing, opleiding en bootvervanging, te adviseer: Met dien verstande dat sodanige komitee uit enige getal lede, maar hoogstens sewe bestaan en dat 'n persoon in diens van die Staat nie 'n lid van so 'n komitee mag wees nie.

(2) Artikels 11, 13 en 14 is *mutatis mutandis* van toepassing op 'n advieskomitee in subartikel (1).

Herroeping van wette en voorbehoud.

69. (1) Behoudens die bepalings van subartikel (2) word die wette in Bylae 4 vermeld hierby herroep.

(2) 'n Registrasie van, of 'n lisensie ten opsigte van, 'n vissersboot, fabriek of werktuig en 'n permit of vergunning vir

be the subject of any criminal case in terms of this Act, and in his discretion seize such invoices, notes or other documents for production to and disposal of by a court;

- (i) require any person employed on or at a fishing boat, vehicle or factory, to assist him in the examination of any container, implement or fish on such fishing boat or vehicle or in such factory to ascertain whether the provisions of this Act have been complied with in connection therewith.

(2) A fisheries officer shall in the exercise of his powers under subsection (1) be deemed to be a peace officer as defined in section 1 of the Criminal Procedure Act 1977, (Act No 51 of 1977).

(3) Whenever any fisheries officer or police officer exercises any of his powers under this section, he may enter or search a dwelling in accordance with the provisions of the Criminal Procedure Act, 1977, only.

(4) The powers conferred by subsection (1) may, in respect of any fishing boat licensed in terms of this Act or any boat used as a fishing boat in the exclusive economic zone and in respect of any person or any fish or implement thereon, be exercised also outside the exclusive economic zone.

(5) Any fish, aquatic plant, shells, salt or implement seized under subsection (1) (c) shall be forfeited to the State: Provided that—

- (a) in the event of the fish, aquatic plants, shells, salt or implement forming the subject of a prosecution, the court may set aside the forfeiture; and
- (b) in any other case the Minister may set aside the forfeiture, if the owner of aquatic plants, fish, shells, salt or implement, as the case may be, satisfies the Minister, within thirty days after the seizure, that no offence was committed by him or by any other person with his knowledge and consent, in respect of the fish, aquatic plants, shells or salt or by means of the implement;

Provided further that any fish so seized may be sold or destroyed at any time after the seizure, and if the forfeiture is set aside in terms of paragraph (a) or (b), the proceeds of the sale (if any) shall be handed over to the owner.

67. The continental shelf as defined in the United Nations Convention on the Law of the Sea, 1982, signed at Montego Bay on 10 December 1982, or as it may from time to time be described by international convention and accepted by the Republic, shall be regarded as part of the Republic for the purpose of the exploitation of natural resources as defined in the said Convention and of any laws pertaining to mining, precious stones, metals or minerals, including mineral oil, which are applicable in that part of the Republic which abuts on the said continental shelf and with respect to such laws the said continental shelf shall be regarded as unalienated state land.

Exploitation of natural resources of and application of laws relating to mining, precious stones, etc., on continental shelf.

68. (1) The Minister may establish an advisory committee for each of the various branches of the fishery industry, consisting of experts from the particular branch of the industry, to advise him on any matter pertaining to the industry, including research, training and replacement of vessels: provided that such a committee shall consist of any number of members but not more than seven and that an official employed by the State shall not be a member of such a committee.

Establishment of advisory committees.

(2) Sections 11, 13 and 14 are applicable *mutatis mutandis* in respect of an advisory committee in subsection (1).

69. (1) Subject to the provisions of subsection (2) the Acts specified in Schedule 4 are hereby repealed.

Repeal of laws and reservations.

(2) A registration of or any licence in respect of a fishing boat, factory or implement and any permit or permission for the per-

die verrigting van die een of ander handeling in verband met vis kragtens 'n bepaling van 'n wet in subartikel (1) bedoel, word geag onderskeidelik 'n toepaslike registrasie, lisensie, permit of vergunning kragtens die ooreenstemmende bepaling van hierdie Wet (as daar is) te wees vir die onverstreke gedeelte van die tydperk waarvoor dit geldig sou gewees het indien hierdie Wet nie aangeneem was nie.

Kort titel en inwerking-treding.

70. (1) Hierdie Wet heet die Wet op Mariene Aangeleenthede, 1985 en tree in werking op 'n datum wat die Staatspresident by proklamasie in die *Staatskoerant* bepaal.

(2) Verskillende datums kan kragtens subartikel (1) ten opsigte van verskillende bepalings van hierdie Wet bepaal word.

Bylae 1

Naam of beskrywing van eiland	Ligging
1. Bird-eiland	Algoabaai
2. Stag-eiland	Algoabaai
3. Seal-eiland	Algoabaai
4. Black Rocks	Algoabaai
5. Robeiland	Mosselbaai
6. Quoin Rock	Naby Quionpunt
7. Dyer-eiland	Oos van Dangerpunt en teenoor Franskraal gebied
8. Geyser-eiland	Oos van Dangerpunt en teenoor Franskraal gebied
9. Robeiland	Valsbaai
10. Duikerklip	Houtbaai
11. Robbesteen (ook bekend as Seal Ledges)	Naby Melkbosstrand
12. Dassen-eiland	Naby Yzerfontein
13. Jutten-eiland	Saldanhabaai
14. Marcus-eiland	Saldanhabaai
15. Malagas-eiland (ook bekend as Malgas-eiland)	Saldanhabaai
16. Mecuwen-eiland (ook bekend as Mecu-eiland)	In Langebaan Strandmeer
17. Schaapen-eiland	In Langebaan Strandmeer
18. Vondeling-eiland	Buite Saldanhabaai
19. Jacobsrots	Buite Saldanhabaai
20. Paternoster rotse (ook bekend as Paternoster-eiland)	Naby Groot-Paternosterpunt
21. Pikkewyn-eiland (ook bekend as Lambertsbaai-eiland)	Lambertsbaai
22. Olifantsrots	Naby Olifantsriviermond
23. Little Roastbeef-eiland	In Dernburgbaai, kus van Suidwes-Afrika
24. Sinclair-eiland	Naby Bakerbaai, kus van Suidwes-Afrika
25. Plumpudding-eiland	Naby Bakerbaai, kus van Suidwes-Afrika
26. Pomona-eiland	Naby Jammerbaai, kus van Suidwes-Afrika
27. Albatros-rots	Naby Prince of Wales-baai, kus van Suidwes-Afrika
28. Possession-eiland	Naby Elizabethbaai, kus van Suidwes-Afrika
29. Long-eilande	Naby Wolfbaai, kus van Suidwes-Afrika
30. Halifax-eiland	In Luderitzbaai
31. Penguin-eiland (ook bekend as Pikkewyn-eiland)	In Luderitzbaai
32. Seal-eiland (ook bekend as Robeiland)	In Luderitzbaai
33. Ichaboe-eiland	Naby Douglasbaai, kus van Suidwes-Afrika
34. Mercury-eiland	Spencerbaai, kus van Suidwes-Afrika
35. Hollamsbird-eiland	Langs die kus van Suidwes-Afrika, 125 seemyl noord van Luderitz

Bylae 2

Naam of beskrywing van eiland	Ligging
1. Marion-eiland	Soos beskryf in artikel 1 van die Wet op die Prince Edward-eilande, 1948 (Wet No. 43 of 1948).
2. Prince Edward-eiland	Soos beskryf in artikel 1 van die Wet op die Prince Edward-eilande, 1948 (Wet No. 43 of 1948).

formance of any act in connection with fish in terms of any provision of a law referred to in subsection (1), shall be deemed to be, respectively, an appropriate registration, licence, permit or permission in terms of the corresponding provision of this Act (if any) for the unexpired portion of the period for which it would have been valid had this Act not been passed.

70. (1) This Act shall be called the Marine Affairs Act, 1985, and shall come into operation on a date fixed by the State President by proclamation in the *Government Gazette*. Short title and commencement.

(2) Different dates may be fixed under subsection (1) in respect of different provisions of this Act.

Schedule 1

Name or Description of Island	Situation
1. Bird Island	Algoa Bay
2. Stag Island	Algoa Bay
3. Seal Island	Algoa Bay
4. Black Rocks	Algoa Bay
5. Seal Island	Mossel Bay
6. Quoin Rock	Near Quion Point
7. Dyer Island	East Danger Point and opposite Franksraal Township
8. Geyser Island	East Danger Point and opposite Franskraal Township
9. Seal Island	False Bay
10. Duikerklip	Hout Bay
11. Robbesteen (also known as Seal Ledges)	Near Melkbos Strand
12. Dassen Island	Opposite Yzerfontein
13. Jutten Island	Saldanha Bay
14. Marcus Island	Saldanha Bay
15. Malagas Island (also known as Malgas Island)	Saldanha Bay
16. Meeuwen Island (also known as Meeu Island)	In Langebaan Lagoon
17. Schaapen Island	In Langebaan Lagoon
18. Vondeling Island	Outside of Saldanha Bay
19. Jacob's Rock	Near Saldanha Bay
20. Paternoster Rocks (also known as Paternoster Island)	Near Great Paternoster Point
21. Penguin Island (also known as Lambert's Bay Island)	Lambert's Bay
22. Elephant Rock	Near mouth of Olifants River
23. Little Roastbeef Island	In Dernburg Bay, coast of South West Africa
24. Sinclair Island	Near Baker Bay, coast of South West Africa
25. Plumpudding Island	Near Baker Bay, coast of South West Africa
26. Pomona Island	Near Jammer Bay, coast of South West Africa
27. Albatross Rock	Near Prince of Wales Bay, coast of South West Africa
28. Possession Island	Near Elizabeth Bay, coast of South West Africa
29. Long Islands	Near Wolf Bay, coast of South West Africa
30. Halifax Island	In Luderitz Bay
31. Penguin Island (also known as Pikkewyn Island)	In Luderitz Bay
32. Seal Island (also known as Rob Island)	In Luderitz Bay
33. Ichaboe Island	Near Douglas Bay, coast of South West Africa
34. Mercury Island	Spencer Bay, coast of South West Africa
35. Hollamsbird Island	On the coast of South West Africa, 125 nautical miles north of Luderitz

Schedule 2

Name or Description of Island	Situation
1. Marion Island	As described in section 1 of the Prince Edward Islands Act, 1948 (Act No. 43 of 1948).
2. Prince Edward Island	As described in section 1 of the Prince Edward Islands Act, 1948 (Act No. 43 of 1948).

Bylae 3**BEPALING VAN DIE GEBIEDSWATERS VAN DIE REPUBLIEK***Seewaartse perk van gebiedswaters*

Die buitenste grens van die gebiedswater is die lyn waarvan elke punt 'n afstand van die naaste punt van die basislyn gelyk is aan die breedte van die gebiedswaters.

Normale basislyn

Die normale basislyn vir die meet van die breedte van die gebiedswaters is die laagwatermerk langs die kus soos aangedui op grootskaal kaarte wat amptelik deur die Republiek erken word.

Riww

In die geval van eilande geleë op 'n atol of eilande wat omsomende riww het, word die basislyn vir die meet van die breedte van die gebiedswater geneem vanaf die seewaartse laagwatermerk van die rif, soos aangedui deur toepaslike simbole op kaarte wat amptelik deur die RSA erken word.

Reguit basislyne

In gebiede waar die kuslyn diep inkeep en waar daar 'n ring eilande in die onmiddellike omgewing van die kus is, sal die metode van 'n reguit basislyn gebruik word om betrokke punte met mekaar te verbind waarvandaan die breedte van die gebiedswaters gemeet kan word.

Binnelandse waters

Waters aan die landwaartse kant van die basislyn van die gebiedswaters is die binnelandse waters van die Republiek.

Riviermondings

In gevalle waar 'n rivier direk in die see invloei sal die basislyn gemeet in 'n reguit lyn vanaf die laagwaterlyn op beide banke van die rivier oor die mond van die rivier wees.

Baai

Vir die doeleindes van hierdie Wet is 'n baai 'n goed afgebakende inham, die landwaartse indringing waarvan sodanige afmeting is dat die breedte van sy mond landgebonde waters bevat en die baai meer as 'n blote kromming van die kus verteenwoordig. Met dien verstande dat 'n inham nie as 'n baai beskou sal word tensy sy oppervlakte so groot of groter is as die van 'n semi-sirkel, die deursnit waarvan bepaal is deur 'n lyn getrek oor die mond van die inham.

Vir meetdoeleindes word die oppervlakte van 'n inham bepaal as daardie gebied wat tussen laagwatermerk om die kus van die inham en 'n lyn wat aansluit by die laagwatermerk van die inham se beginpunte: Met dien verstande dat indien die afstand tussen die laagwatermerke van die natuurlike inham se beginpunte minder as 24 seemyl is, 'n geslote lyn getrek mag word tussen die twee laagwatermerke in welke geval die waters binne so 'n lyn as binnelandse waters beskou word: Met dien verstande voorts dat waar die afstand tussen die twee laagwatermerke 24 seemyl te bowe gaan, 'n reguit basislyn van 24 seemyl binne die baai getrek moet word en wel op 'n wyse wat sal verseker dat die maksimum moontlike wateroppervlakte binne die lengte van daardie lyn omsluit word.

Hawens

Vir afbakendingsdoeleindes van gebiedswaters word die buitenste seewaartse hawewerke wat 'n integrale deel van die hawewerke uitmaak as synde 'n gedeelte van die kus aanvaar.

Ankerplekke

Ankerplekke wat normalerwys gebruik word vir laai, aflaai en vir die vasmee van bote, en wat andersins geheel of gedeeltelik buite die buitenste perke van die gebiedswaters geleë is, word ingesluit in die gebiedswaters.

Bylae 4

No. en Jaar	Kort Titel
Wet 87 van 1963	Wet op Territoriale Waters, 1963
Wet 46 van 1973	Wet op die Beskerming van Seevoëls en Robbe, 1973
Wet 58 van 1973	Wet op Seevisserye, 1973
Artikels 42 tot en met 45 van Wet 57 van 1975	Algemene Regswysigingswet, 1975
Wet 22 van 1976	Wysigingswet op Seevisserye, 1976
Wet 98 van 1977	Wysigingswet op Territoriale Water, 1977
Wet 99 van 1977	Wysigingswet op Seevisserye, 1977
Wet 56 van 1978	Visnywerheid-ontwikkelingswet, 1978
Wet 61 van 1979	Wysigingswet op Seevisserye, 1979
Wet 33 van 1983	Wysigingswet op Seevisserye, 1983

Schedule 3**DEFINING THE TERRITORIAL WATERS OF THE REPUBLIC***Seaward limit of territorial waters*

The outer limit of the territorial waters is the line every point of which is at a distance from the nearest point of the baseline equal to the breadth of the territorial waters.

Normal baseline

The normal baseline for measuring the breadth of the territorial waters is the low-water mark along the coast as marked on large-scale charts officially recognized by the Republic.

Reefs

In the case of islands situated on an atoll or islands surrounded by reefs the baseline for measuring the breadth of the territorial waters is taken from the seaward low-water mark of the reef, as indicated by appropriate symbols on charts officially recognized by the Republic.

Straight baselines

In localities where the coastline is deeply indented and where there is a fringe of islands in the immediate vicinity of the coast, the method of a straight baseline will be employed to join appropriate points from where the breadth of the territorial waters may be measured.

Internal waters

Waters on the landward side of the baseline of the territorial waters shall be the Republic's internal waters.

Estuaries

Where a river flows directly into the sea, the baseline shall be a straight line across the mouth of the river between points on the low-tide line on both banks.

Bays

For the purposes of this Act a bay is a well-marked indentation whose landward penetration is in such proportion to the width of its mouth as to contain landlocked waters and constitute more than a mere curvature of the coast: provided that an indentation shall not be regarded as a bay unless its area is as large as, or larger than, that of the semi-circle whose diameter is a line drawn across the mouth of that indentation.

For the purpose of measurement the area of an indentation is that lying between the low-water mark around the shore of the indentation and a line joining the low-water mark of entrance points: provided that if the distance between the low-water marks of the natural indentations entrance points does not exceed 24 nautical miles, a closing line may be drawn between these two low-water marks and the waters enclosed thereby shall be considered as internal waters: provided further that where the distance between the two low-water marks exceeds 24 nautical miles, a straight baseline of 24 nautical miles shall be drawn within the bay in such a manner as to ensure that the maximum area of water that is possible with a line of that length is enclosed.

Harbours

For the purpose of delimiting the territorial waters, the outermost permanent harbour works which form an integral part of the harbour system shall be regarded as forming a part of the coast.

Anchorage

Roadsteads which are normally used for the loading, unloading and anchoring of ships, and which would otherwise be situated wholly or partly outside the outer limit of the territorial waters, are included in the territorial waters.

Schedule 4

No. and Year	Short Title
Act 87 of 1963	Territorial Waters Act, 1963
Act 46 of 1973	Sea Birds and Seals Protection Act, 1973
Act 58 of 1973	Sea Fisheries Act, 1973
Sections 42 to and including 45 of Act 57 of 1975	General Laws Amendment Act, 1975
Act 22 of 1976	Sea Fisheries Amendment Act, 1976
Act 98 of 1977	Territorial Water Amendment Act, 1977
Act 99 of 1977	Sea Fisheries Amendment Act, 1977
Act 56 of 1978	Fishing Industry Development Act, 1978
Act 61 of 1979	Sea Fisheries Amendment Act, 1979
Act 33 of 1983	Sea Fisheries Amendment Act, 1983

INHOUD

Departement van Omgewingsake

ALGEMENE KENNISGEWING

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