



# Government Gazette Staatskoerant

REPUBLIC OF SOUTH AFRICA  
REPUBLIEK VAN SUID-AFRIKA

Vol. 438

Pretoria, 19 December 2001  
Desember

No. 22957



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## GOVERNMENT NOTICE

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### DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND TOURISM

No. 1398

19 December 2001

#### SEA FISHERY ACT, 1988 (ACT NO. 12 OF 1988)

#### PROPOSED LEVIES ON FISH AND FISH PRODUCTS

1. The Minister of Environmental Affairs and Tourism intends to impose the levies on fish and fish products as set out in the Schedule under section 29 of the Sea Fishery Act No. 12 of 1988.
2. The income from levies is paid into the Marine Living Resources Fund and is mainly used for operational expenditure on research, resource management and compliance. During the last few years the Minister has started to introduce a user pay principle whereby entities that are awarded rights to utilise the limited and oversubscribed marine resources of South Africa for commercial gain are expected to pay for the services that the State provides for their benefit.

The Minister intends to gradually increase the levies during the next four years until realistic targets have been reached. The intended levies for the year 2002 as well as the envisaged target (in brackets next to the levies for 2002 in the Schedule) to be obtained by 2005 are set out in the schedule below.

The intended levies for next year (2002) were determined by increasing the current levies with 25% of the difference between the current levies and the targets envisaged for the year 2005 (except in the case of seaweed where the current fixed levy per right and the levy per ton harvested have been combined). The remaining 75% of the difference will be phased in proportionally during 2003, 2004 and 2005.

The Department will monitor and assess the situation on a regular basis and should the need arise within the period under discussion, the levies may be adjusted in consultation with all relevant parties.

3. The levies in the Schedule are herewith published for public comment until 15 January 2002.
4. Please submit written comments before or on the abovementioned date to:

The Deputy Director-General  
Department of Environmental Affairs and Tourism  
Branch: Marine and Coastal Management  
Private Bag X2  
**ROGGEBAAI**  
8012  
(Attention: Mr C de Swardt)

The fax number is (021) 4252920 or (021) 4215151 and telephone enquiries may be made to either C de Swardt at (021) 4023084 or H Erstad at (021) 4023082 or J van Zyl at (021) 4023085. Comments can also be forwarded to

any of the following e-mail addresses:

herstad@mcm.wcape.gov.za

jacques@mcm.wcape.gov.za

## SCHEDULE

1. In this Schedule any word or expression to which a meaning has been assigned to in the Act shall bear the meaning so assigned to it, unless the context otherwise indicates—

**"abalone"** means any shellfish of the species *Haliotis midae* also known as "perlemoen";

**"anchovy"** means any fish of the species *Engraulis capensis*;

**"east coast crustacean"** means any crustacean, including shrimps, prawns and langoustines found in the waters of the Province of KwaZulu-Natal and caught by means of bottom trawlnets;

**"east coast sole"** means any fish of the species *Austroglossus pectoralis*;

**"hake"** means any fish of the genus *Merluccius*;

**"horse-mackerel"** means any fish of the species cape *Trachurus trachurus capensis*;

**"kingklip"** means any fish of the species *Genypterus capensis*;

**"langoustine"** means any crustacean of the species *Metanephrops mozambicus* previously known as *Metanephrops andamanicus*;

**"monkfish"** means any fish of the species *Lophius vomerinus*;

**"pilchard"** means any fish of the species *Sardinops sagax*;

**"redeye round herring"** means any fish of the species *Etrumeus whiteheadi*;

**"red spotted sole"** means any fish of the species *Cynoglossus zanzibarensis*;

**"ribbonfish"** means any fish of the species *Lepidopus caudatus*;

**"seaweed"** means any seaweed of the species *Porphyra capensis*, *Gelidium amanzii*, *Gelidium cartilagineum*, *Gelidium pristoides*, *Suhria vittata*, *Gracilaria verrucosa*, *Laminaria pallida*, *Laminaria schinzii*, *Ecklonia maxima*, *Gigartina radula* and *Hypnea spicifera*;

**"shark"** means any fish of the class *chondrichthyes*.

**"shrimp"** means any crustacean of the superfamilies Caridea and Penaeodae including genus *Callinassa* and *Upogebia*;

**"tuna"** means the species *Allothunnus fallai*, *Euthynnus affinis*, *Gymnosarda unicolor*, *Katsuworus pelamis*, *Sarda orientalis* or *Sarda sarda* or any species of the genus *Thunnus*

**"snoek"** means any fish of the species *Thyrsites atun*;

**"south coast rock lobster"** means any rock lobster of the species *Palinurus gilchristi*;

**"squid"** means any squid or chokka squid *Loligo vulgaris reynaudii*;

**"the Act"** means the Sea Fishery Act, 1988 (Act No. 12 of 1988);

**"west coast rock lobster"** means any Cape or spiny rock lobster of the species *Jasus lalandii*; and

**"west coast sole"** means any fish of the species *Austroglossus microlepis*.



2. Subject to paragraph 3 -  
a holder of a right to undertake commercial fishing of pelagic fish (pelagic bait included) shall pay the following levy per ton whole mass fish:  
  
R42.00 (R74.00\*) for directed pilchard and R 11.00 (R18.00\*) for anchovy, by-catch of pilchard as well as all other fish caught for industrial purposes.
3. For the purposes of paragraph 2 the mass of pilchard, anchovy, redeye round herring and horse mackerel shall be determined at a fish processing establishment in the presence of a fishery control officer.
4. A holder of a right to undertake commercial fishing of west coast rock lobster shall pay a levy of R3409.00 (R4635.00\*) per ton whole mass west coast rock lobster received/caught (subject to paragraph 14).
5. A holder of a right to undertake commercial fishing of south coast rock lobster shall pay a levy of R2846.00 (R4635.00\*) per ton whole mass or a levy of R6325.00 (R10300.00\*) per ton tail mass south coast rock lobster caught.
6. Subject to paragraph 14, a person who is the holder of a right to undertake commercial fishing by means of a bottom trawl/net or midwater trawl/net shall pay the following levy per ton whole mass caught:  
  
Hake caught in offshore fishery R165.00 (R315.00\*), hake caught in inshore fishery R156.00 (R278.00\*), sole R251.00 (R450.00\*), kingklip R255.00 (457.00\*), horse mackerel R13.00 (R14.00\*), squid R311.00 (R371.00\*), east coast crustacean R123.00 (R146.00\*), monkfish R168.00 (R371.00\*), ribbonfish R16.00 (R29.00\*) and snoek R19.00 (R34.00\*).
7. A holder of a right to undertake commercial fishing of abalone shall pay a levy of R6062.00 (R9849.00\*) per ton whole mass abalone caught or received.
8. A holder of a right to undertake commercial fishing of linefish shall pay the following levies (fixed payment per category) on whole mass fish caught:

WHOLE MASS CATCHES PER YEAR	LEVY PER YEAR
Two or less than two tonnes	R 118.00 (R140.00*)
Five tonnes and less, but more than two tonnes	R 412.00 (R491.00*)
Ten tonnes and less, but more than five tonnes	R 882.00 (R1052.00*)
20 tonnes and less, but more than 10 tonnes	R 1763.00 (R2103.00*)
30 tonnes and less, but more than 20 tonnes	R 2939.00 (R3505.00*)
More than 30 tonnes	R 4114.00 (R4907.00*)

9. A holder of right to undertake commercial fishing of tuna shall pay a levy of R107.00 (R127.00\*) per ton whole mass tuna caught.
10. A holder of a right to undertake commercial fishing of shark by means of a

longline shall pay a levy of R107.00 (R127.00\*) per ton whole mass shark caught.

11. A holder of a right to undertake commercial fishing of hake by means of a longline shall pay a levy of R165.00 (R315.00\*) per ton whole mass hake caught as well as a levy of R255.00 (R457.00\*) per ton whole mass kingklip caught (subject to paragraph 14).
12. A holder of a right to undertake commercial fishing of hake by means of a handline shall pay a levy of R123.00 (R146.00\*) per ton whole mass hake caught
13. The holder of a right to undertake commercial fishing of squid shall pay a levy of R311.00 (R371.00\*) per ton whole mass squid caught.
14. A holder of a right to undertake commercial harvesting of seaweed shall pay a levy of R114.00 (R127.00\*) per dry ton kelp (*laminaria pallida* and *ecklonia maxima*) and R343.00 (R382.00\*) per dry ton of all the other seaweed species as defined in 1 above, gathered.
15. For the purposes of paragraphs 4, 6 and 11 the whole mass of fish shall be determined by multiplying the mass of the fish caught indicated in column 1 of the following table with the appropriate figure indicated in column 2:

<u>Column 1</u>	<u>Column 2</u>
Gurnard, headed and gutted	x 1,40
Hake, broken and/or sour	x 1,94
Hake, caught by means of the longline method	x 1,10
Hake, headless and gutted	x 1,46
Hake, trimmed, skinless fillets	x 2,25
Hake, untrimmed fillets	x 1,94
Horse mackerel gutted	x 1,09
Horse mackerel, headless and gutted	x 1,40
Kingklip, headless and gutted	x 1,52
Kingklip, untrimmed fillets	x 2,28
Langoustines, tails	x 2,80
Monkfish, tails	x 3,44
Ribbonfish, headed and gutted	x 1,40
Ribbonfish, headed and tailed	x 1,80
Shrimps, prawns, tails	x 1,60
Snoek, frozen	x 1,41
Snoek, salted (flecked)	x 2,12

Sole, (East coast sole) gutted	x 1,046
Sole, (Red spotted sole) gutted	x 1,06
Sole, (West coast sole) gutted	x 1,06
West coast rock lobster (spiny or slipper tails)	x 2,20

16. The levies payable in respect of fish caught during any one month shall be paid before the end of the following month except in the case of linefish (paragraph 8) where the levies will be paid before 31 December of the relevant year (based on the permit holders own catch returns). If necessary, in the case of linefish, adjustments in respect of the levies payable will be made in the following year, and permit holders will be allowed to pay the adjusted levies on or before 30 June of the following year.
17. All payments of levies shall be accompanied by a form, certified by the holder of the right to undertake commercial fishing, that indicates the whole mass of fish caught or received during the month (or months in the instance of linefishing) concerned. This form is obtainable from the Department of Environmental Affairs and Tourism, 7<sup>th</sup> Floor, Foretrust Building, Martin Hammerschlag Way, Foreshore, Cape Town, 8001 / Private Bag X2, Roggebaai, 8012.
18. Interest at the rate determined by the Treasury from time to time, shall be imposed on any outstanding amount and such interest shall be calculated from the first day of the month following the month in which the fish is landed (except in the case of linefish, where it will be calculated from the first day of the year following the year in which the fish is landed).
19. Levies and interest payable in terms of this Schedule, shall be paid to the Department of Environmental Affairs and Tourism, 7<sup>th</sup> Floor, Foretrust Building, Martin Hammerschlag Way, Foreshore, Cape Town, 8001 / Private Bag X2, Roggebaai, 8012.
20. Any person who contravenes or fails to comply with any provision of this notice shall be guilty of an offence and liable on conviction to a fine not exceeding R50 000 or to imprisonment for a period not exceeding six years or to both such fine and such imprisonment.

\* **The amounts in brackets are the envisaged levies for the year 2005**

Printed by and obtainable from the Government Printer, Bosman Street, Private Bag X85, Pretoria, 0001

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Gedruk deur en verkrygbaar by die Staatsdrukker, Bosmanstraat, Privaatsak X85, Pretoria, 0001

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