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GOVERNMENT NOTICE GOEWERMENTSKENNISGEWING

DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND TOURISM DEPARTEMENT VAN OMGEWINGSKE EN TOERISME

No. 407

31 March 2004

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

LEVIES ON FISH AND FISH PRODUCTS

I, Mohammed Valli Moosa, Minister of Environmental Affairs and Tourism, acting with the concurrence of the Minister of Finance, hereby under Section 29 of the Sea Fishery Act, impose the levies on fish and fish products as set out in the Schedule.

MV MOOSA**Minister of Environmental Affairs and Tourism**

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 and, 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 trawl nets;

"**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 *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 anadamanicus*);

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

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

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

"**red spotted sole**" or "**red spotted tonguefish**" or "**sandrat**" means any fish of the

species *Cynoglossus zanzibarensis*;

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

"**seaweed**" means any marine macro-algae, including Kelp [*Ecklonia maxima* and *Laminaria pallida* (including *Laminaria Schinzii*)] and other species such as *Gracilaria gracilis*, *Gracilariopsis spp* and *Gelidium spp*;

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

"**shrimp**" means any crustacean of the superfamilies Caridea and Penaeoidea including genera *Callinassa* and *Upogebia*;

"**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);

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

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

"**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 caught:

R44.00 for directed pilchard and R12.00 for anchovy, pilchard bycatch as well as for 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 (subject to paragraph 15).
4. A holder of a right to undertake commercial fishing of west coast rock lobster shall pay a levy of R3593.00 per ton whole mass of west coast rock lobster received/caught (subject to paragraph 15).

5. A holder of a right to undertake commercial fishing of south coast rock lobster shall pay a levy of R3000.00 per ton whole mass or a levy of R6667.00 per ton tail mass south coast rock lobster caught.

6. Subject to paragraph 15, a person who is the holder of a right to undertake commercial fishing by means of bottom trawl or midwater trawl nets shall pay the following levy per ton whole mass caught:

Hake caught in the offshore trawl and midwater trawl fisheries: R174.00, hake caught in the inshore trawl fishery: R164.00, sole: R265.00, kingklip: R269.00, horse mackerel: R14.00, squid: R328.00, east coast crustaceans: R130.00, monkfish: R177.00, ribbonfish: R17.00 and snoek: R20.00.

7. A holder of a right to undertake commercial fishing of abalone shall pay a levy of R6389.00 per ton whole mass of abalone caught or received.

8. Subject to paragraph 15, a holder of a right to undertake commercial fishing of traditional linefish shall pay the following levies (fixed payment per category) on whole mass of fish caught:

WHOLE MASS CATCHES PER YEAR	LEVY PER YEAR
Two or less than two tonnes	R124.00
Five tonnes and less, but more than two tonnes	R434.00
Ten tonnes and less, but more than five tonnes	R930.00
20 tonnes and less, but more than 10 tonnes	R1858.00
30 tonnes and less, but more than 20 tonnes	R3098.00
More than 30 tonnes	R4336.00

9. A holder of a right to undertake commercial fishing of tuna (pole and line method) shall pay a levy of R113.00 per ton whole mass of tuna caught.

10. A holder of a right to undertake commercial fishing of shark by means of a longline shall

pay a levy of R113.00 per ton whole mass of shark caught (subject to paragraph 15).

11. A holder of a right to undertake commercial fishing of hake by means of a longline shall pay a levy of R174.00 per ton whole mass of hake caught, as well as a levy of R269.00 per ton whole mass of kingklip caught (subject to paragraph 15).
12. A holder of a right to undertake commercial fishing of hake by means of a handline shall pay a levy of R130.00 per ton whole mass of hake caught (subject to paragraph 15).
13. The holder of a right to undertake commercial fishing of squid shall pay a levy of R328.00 per ton whole mass of squid caught.
14. A holder of a right to undertake commercial harvesting of seaweed shall pay a levy of R91.00 per dry ton kelp (*Laminaria pallida* [including *laminaria schinzii*] and *Ecklonia maxima*) and R199.00 per dry ton of all other seaweed species as described in paragraph 1, gathered.
15. For the purposes of paragraphs 3, 4, 6, 8, 10, 11 and 12 the whole mass of fish shall be determined by multiplying the mass of the fish caught or parts thereof (see column 1 below) with the appropriate conversion factor (see below).

<u>Column 1</u>	<u>Conversion factor</u>
Gurnard, headed and gutted	x 1,40
Hake , broken and/or sour	x 1,94
Hake, head on and gutted (PQ)	x 1,16
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, headed and gutted (tails)	x 3,44
Monkfish, head on and gutted	x 1,19
Ribbonfish, headed and gutted	x 1,40
Ribbonfish, headed and tailed	x 1,80
Shark (headed, gutted, tailed and finned)	x 1,52
Shrimps, prawns, tails	x 1,60
Snoek, frozen	x 1,41
Snoek (headed and tailed)	x 1,41
Snoek, salted (flecked)	x 2,12
Sole, (East Coast sole) gutted	x 1,04
Sole or Tonguefish (Red spotted) 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 traditional 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 traditional 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 : Marine and Coastal Management, 6th Floor, Foretrust Building, Martin Hammerschlag Road, 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: Marine and Coastal Management, 6th Floor, Foretrust Building, Martin Hammerschlag Road, 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.
21. Government Notice No. 24313, dated 31 January 2003, is hereby repealed.
22. This notice takes effect on 1 April 2004.

WET OP SEEVISSERY, 1988 (WET NO. 12 VAN 1988)

HEFFINGS TEN OPSIGTE VAN VIS EN VISPRODUKTE

Ek, Mohammed Valli Moosa, Minister van Omgewingsake en Toerisme, handelende met die instemming van die Minister van Finansies, lê kragtens artikel 29 van die Wet op Seevisserij, 1988 (Wet No. 12 van 1988), die heffings ten opsigte van vis en visprodukte op soos in die Bylae uiteengesit.

MV MOOSA

Minister van Omgewingsake en Toerisme

BYLAE

1. In hierdie Bylae het 'n woord of uitdrukking waaraan in die Wet 'n betekenis geheg word, die betekenis aldus daaraan geheg, en tensy uit die samehang anders blyk, beteken—

“ansjovis” enige vis van die spesie *Engraulis capensis*;

“bottersnoek” enige vis van die spesie *Lepidopus caudatus*;

“die Wet” die Wet op Seevisserij, 1988 (Wet No. 12 van 1988);

“garnaal” enige skaaldier van die superfamilies Caridea en Penaeoidea met inbegrip van *Callinassa* en *Upogebia*;

“haai” enige vis van die klas *Chondrichthyes*

“koningklip” enige vis van die spesie *Genypterus capensis*;

“langoustine” enige skaaldier van die spesie *Metanephrops mozambicus* (voorheen *Metanephrops andamanicus*);

“marsbanker” enige vis van die spesie *Trachurus trachurus capensis*;

“monnikvis” enige vis van die spesie *Lophius vomerinus*;

“ooskusskaaldiere” enige skaaldier, insluitende garnale, steurgarnale en langoustines wat in die waters van die provinsie KwaZulu-Natal aangetref en met bodemtreilnette gevang word;

- “ooskustongvis” enige vis van die spesie *Austroglossus pectoralis*;
- “perlemoen” enige skulpvis van die spesie *Haliotis midae*;
- “pylinkvis” enige pylinkvis of tjokka pylinkvis *Loligo vulgaris reynaudii*;
- “rooi gespikkelde tongvis” of “sandrat” enige vis van die spesie *Cynoglossus zanzibarensis*;
- “rooi-oog” enige vis van die spesie *Etrumeus whiteheadi*;
- “sardyn” enige vis van die spesie *Sardinops sagax*;
- “seewier” enige mariene makro-alge, insluitende seebamboes [*Ecklonia maxima* en *Laminaria pallida*(insluitende *Laminaria Schinzii*)] en ander spesies soos *Gracilaria gracilis*, *Gracilariopsis spp* en *Gelidium spp*;
- “snoek” enige vis van die spesie *Thyrsites atun*;
- “stokvis” enige vis van die genus *Merluccius*;
- “suidkuskreef” enige kreef van die spesie *Palinurus gilchristi*;
- “tuna” enige vis van die spesies *Allothunnus fallai*, *Euthynnus affinis*, *Gymnosarda unicolor*, *Katsuwonus pelamis*, *Sarda orientalis* of *Sarda sarda* of enige spesie van die genus *Thunnus*
- “weskuskreef” enige Kaapse rots- of stekelrige kreef van die spesies *Jasus lalandii*; en
- “weskustongvis” enige vis van die spesie *Austroglossus microlepis*

2. Behoudens paragraaf 3, betaal –

‘n Houer van ‘n reg om kommersiële visvangs van pelagiese vis te onderneem (pelagiese aas ingesluit), die volgende heffing per ton heelgewig vis:

R44.00 vir gerigte sardyn en R12.00 vir ansjovis, sardyn byvangs asook enige ander vis wat vir industriële doeleindes gebruik word.

3. By die toepassing van paragraaf 2 word die massa van sardyn, ansjovis, rooi-oog en marsbanker by ‘n visverwerkingsaanleg in die teenwoordigheid van ‘n visserybeheerbeampte bepaal (onderworpe aan paragraaf 15).
4. ‘n Houer van ‘n reg om kommersiële visvangs van weskuskreef te onderneem betaal ‘n heffing van R3593.00 per ton heelgewig weskuskreef ontvang/gevang (onderworpe aan

paragraaf 15).

5. 'n Houer van 'n reg om kommersiële visvangs van suidkuskreef te onderneem betaal 'n heffing van R3000.00 per ton heelgewig of 'n heffing van R6667.00 per ton stertmassa van suidkuskreef gevang.
6. Onderworpe aan paragraaf 15, betaal die persoon wat 'n houer is van 'n reg om kommersiële visvangs te onderneem by wyse van 'n bodemtreil- of midwatertreilnet, die volgende heffing per ton heelgewig gevang:

Stokvis gevang in die afluandige- en midwater treil visserye: R174.00, stokvis gevang in die aanlandige treil vissery: R164.00, tongvis: R265.00, koningklip: R269.00, marsbanker: R14.00, pylinkvis: R328.00, ooskusskaaldiere: R130.00, monnikvis: R177.00, bottersnoek: R17.00 en snoek: R20.00.

7. 'n Houer van 'n reg om kommersiële visvangs van perlemoen te onderneem betaal 'n heffing van R6389.00 per ton heelgewig perlemoen ontvang/gevang.
8. 'n Houer van 'n reg om kommersiële visvangs van tradisionele lynvis te onderneem betaal die volgende heffings (vaste betaling per kategorie) op heelgewig vis gevang (onderworpe aan paragraaf 15):

HEELGEWIG VIS GEVANG PER JAAR	HEFFING PER JAAR
Twee of minder as twee ton	R124.00
Vyf ton en minder, maar meer as twee ton	R434.00
Tien ton en minder, maar meer as vyf ton	R930.00
20 ton en minder, maar meer as tien ton	R1858.00
30 ton en minder, maar meer as 20 ton	R3098.00
Meer as 30 ton	R4336.00

9. 'n Houer van 'n reg om kommersiële visvangs van tuna (paal en lyn metode) te onderneem betaal 'n heffing van R113.00 per ton heelgewig tuna gevang.
10. 'n Houer van 'n reg om kommersiële visvangs van haai by wyse van 'n langlyn te

ondernem betaal 'n heffing van R113.00 per ton heelgewig haai gevang (onderworpe aan paragraaf 15).

11. 'n Houer van 'n reg om kommersiële visvangs van stokvis by wyse van 'n langlyn te ondernem betaal 'n heffing van R174.00 per ton heelgewig stokvis asook R269.00 per ton heelgewig koningklip gevang (onderworpe aan paragraaf 15).
12. 'n Houer van 'n reg om kommersiële visvangs van stokvis by wyse van 'n handlyn te ondernem betaal 'n heffing van R130 per ton heelgewig stokvis gevang (onderworpe aan paragraaf 15).
13. 'n Houer van 'n reg om kommersiële visvangs van pylinkvis te ondernem betaal 'n heffing van R328.00 per ton heelgewig pylinkvis wat gevang word.
14. 'n Houer van 'n reg om kommersiële oestery van seewier te ondernem betaal 'n heffing van R91 per elke ton (drooggewig) seebamboes (*Laminaria pallida* [insluitende *laminaria schinzii*] en *Ecklonia maxima*) en R 199.00 per ton (drooggewig) van alle ander seewier spesies soos beskryf in paragraaf 1, versamel.
15. By die toepassing van paragraaf 3, 4, 6, 8, 10, 11 en 12 word die heelmassa van die vis bepaal deur die massa van die verwerkte visspesies gevang, soos aangedui in kolom 1 van die volgende tabel, te vermenigvuldig met die omsettingsfaktor soos aangedui.

<u>Kolom 1</u>	<u>Omsettingsfaktor</u>
Bottersnoek, sonder kop en derms	X 1,40
Bottersnoek, sonder kop en sterte	X 1,80
Garnale, steurgarnale, sterte	X 1,60
Haai (sonder kop, derms, sterte en finne)	X 1,52
Koningklip, onbewerkte filette	X 2,28
Koningklip, sonder kop en derms	X 1,52
Langoustines, sterte	X 2,80
Lanternvis, sonder kop en derms	X 1,40
Marsbanker, sonder derms	X 1,09

Marsbanker, sonder kop en derms	X 1,40
Monnikvis, sonder kop en derms (sterte)	X 3,44
Monnikvis, met kop en sonder derms	X 1,19
Snoek, gesout (gevelek)	X 2,12
Snoek, gevries	X 1,41
Snoek (sonder kop en stert)	X 1,41
Stokvis, bewerk, vellose filette	X 2,25
Stokvis, gebreek en/of suur	X 1,94
Stokvis, met kop en sonder derms (PQ)	X 1,16
Stokvis, onbewerkte filette	X 1,94
Stokvis, sonder kop en derms	X 1,46
Tongvis, (Ooskustongvis) sonder derms	X 1,04
Tongvis, (Rooi gespikkelde tongvis) sonder derms	X 1,06
Tongvis, (Weskustongvis) sonder derms	X 1,06
Weskuskreef ("spiny" of "slipper") sterte	X 2,20

16. Die heffings betaalbaar ten opsigte van die vis wat gedurende enige maand gevang is, moet voor die einde van die daaropvolgende maand betaal word, behalwe in die geval van tradisionele lynvis (paragraaf 8) waar die heffings voor 31 Desember van die betrokke jaar betaal moet word (gebaseer op die permithouers se eie vangsofgawes). Indien nodig, in geval van tradisionele lynvis, sal aanpassings ten opsigte van die heffings betaalbaar in die daaropvolgende jaar gemaak word en sal permithouers toegelaat word om die aangepaste heffings voor of op 30 Junie van die daaropvolgende jaar te betaal.
17. Alle betalings van heffings moet vergesel wees van 'n vorm, gesertifiseer deur die houer van die reg om kommersiële visvangs te onderneem, waarin die totale massa vis gevang of ontvang gedurende die betrokke maand (of maande in die geval van lynvis), getoon word. Hierdie vorm is verkrygbaar by: Mariene en Kusbestuur, 6de Verdieping, Foretrustgebou, Martin Hammerschlagweg, Strandgebied, Kaapstad / Privaatsak X2, Roggebaai, 8012.
18. Rente teen die rentekoers soos van tyd tot tyd deur die Tesourie bepaal, sal gehef word op enige uitstaande bedrae en sodanige rente word bereken vanaf die eerste dag van die maand wat volg op die maand waarin die vis geland is (behalwe in die geval van lynvis,

waar dit bereken sal word vanaf die eerste dag van die jaar wat volg op die jaar waarin die vis gevang is).

19. Heffings en rente betaalbaar ingevolge hierdie Bylae, moet betaal word aan: Mariene en Kusbestuur, 6de Verdieping, Foretrustgebou, Martin Hammerschlagweg, Strandgebied, Kaapstad / Privaatsak X2, Roggebaai, 8012.
 20. Enige persoon wat 'n bepaling van hierdie kennisgewing oortree of versuim om daaraan te voldoen is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens R50 000 of met gevangenisstraf vir 'n tydperk van hoogstens ses jaar of met sodanige boete sowel as sodanige gevangenisstraf.
 21. Goewermentskennisgewing No. 24313 van 31 Januarie 2003 word hierby herroep.
 22. Hierdie kennisgewing tree op 1 April 2004 in werking.
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