



EXEMPTION GRANTED FROM THE PROVISIONS OF SECTION 18 OF THE MARINE LIVING RESOURCES ACT, 1998 (ACT NO.18 OF 1998) TO ALL HOLDERS OF COMMERCIAL FISHING RIGHTS WHOSE RIGHTS EXPIRED ON 30 SEPTEMBER 2020 AND/OR ARE EXPIRING ON 31 DECEMBER 2020

Introduction

In terms of section 18(1) of the Marine Living Resources Act, 1998 (Act No. 18 of 1998) (the “MLRA”), *“No person shall undertake commercial fishing or small-scale fishing, engage in mariculture or operate a fish processing establishment unless a right to undertake or engage in such an activity or to operate such an establishment has been granted to such a person by the Minister”.*

In terms of section 18(6) of the MLRA, *“All rights granted in terms of this section shall be valid for the period determined by the Minister, which period shall not exceed 15 years, whereafter it shall automatically terminate and revert back to the State to be reallocated in terms of the provisions of this Act relating to the allocation of such rights”.*

On Wednesday, 4 September 2019, Cabinet supported and endorsed the decision of the Minister of Forestry, Fisheries and the Environment to extend the timeframes for allocating fishing rights in twelve commercial fishing sectors which would expire on/or before 31 December 2020. The Department is currently engaged with preparations aimed at ensuring that the upcoming fishing rights allocation process is fair and legally defensible.

Exemption

All holders of Commercial Fishing Rights whose rights expired on 30 September 2020 and/or will expire on 31 December 2020 are hereby exempted in terms of section 81(1) of the MLRA from section 18(1) of that Act. The holders of Commercial Fishing Rights in the South Coast Rock Lobster, Hake Deep-sea Trawl, Small Pelagics, KZN Prawn Trawl, Hake Longline, Tuna Pole-Line, Demersal Shark, Squid, Traditional Linefish, Hake Handline, Oysters and White Mussels fishing sectors are therefore, in terms of this exemption, authorised to harvest their allocation in full for the 2020/2021 fishing season, subject to the conditions below.

All holders of this exemption must also be in possession of a valid permit issued in terms of section 13 of the MLRA or a valid exemption from the provisions of section 13 of the MLRA, in order to fish or undertake any other activity in terms of the MLRA.


This exemption does not constitute a right to fish.

For all FRAP enquiries, contact the FRAP Call Centre on 021 402 3727 (FRAP) or via E-mail: FRAPenq_2020@daff.gov.za

For enquiries relating to application process, contact the Department's Customer Service Centre on telephone number 08600 3474 or at the e-mail address cscenquiries@daff.gov.za

VALIDITY PERIOD

This exemption is valid from 1 October 2020 to 31 December 2021.



MS SUE MIDDLETON

DEPUTY DIRECTOR-GENERAL: FISHERIES MANAGEMENT (ACTING)

Duly delegated with the authority in terms of section 79 of the Marine Living Resources Act, 1998 to issue exemptions in terms of section 81 of that Act

Issued by the Department of Environment, Forestry and Fisheries
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