



## forestry, fisheries & the environment

Department:  
Forestry, Fisheries and the Environment  
REPUBLIC OF SOUTH AFRICA

Foretrust Building, Martin Hammerschlag Way, Foreshore, Cape Town, 8001

### EXEMPTIONS ISSUED TO FISHING SECTORS AND OTHER SECTORS IN TERMS OF SECTION 81 OF THE MARINE LIVING RESOURCES ACT, 1998 (ACT NO. 18 OF 1998)

#### 1. INTRODUCTION

To ensure efficiency in delivering services to the fishing industry, the Department has embarked on a process of upgrading our electronic internal financial system. The process of upgrade has resulted in teething operational problems with regards to integration with Marine Administration System (MAST), a system responsible for issuing permits. This has caused disruptions in the business operations, resulting in a delay in the issuing of various permits. The **Large Pelagic Longline and Tuna Pole Line sectors** usually start their fishing season on the 1<sup>st</sup> of March, and they are likely to be impacted by the existing technical glitches in the system.

This necessitated the need to issue an exemption from the requirements of section 13 of the Marine Living Resources Act, 1998 (Act No. 18 of 1998) (the "MLRA") to **existing right holders in the Large Pelagic Longline and Tuna Pole Fishing sectors who have submitted their 2024/25 Applications for Catch, Transport and Fish Processing Permits ("the Applicants")** and are likely to be affected by the technical glitches experienced during development and intends to start fishing when the fishing season opens.

Therefore, by virtue of the delegated authority vested in me in terms of Section 79 of the Marine Living Resources Act 18 of 1998, by the Minister of Forestry, Fisheries and the Environment, I Susan Clare Middleton, the Deputy Director-General of the Fisheries Management Branch, hereby in terms of section 81 of the MLRA, grant an exemption to **to existing right holders in the Large Pelagic Longline and Tuna Pole Fishing sectors who have submitted their 2024/25 Applications for Catch, Transport and Fish Processing Permits**. The exemption is with effect from **01 March 2024 until 31 March 2024 or when the commercial fishing Permits have been issued to the applicants, whichever comes first**.

The exemption applies to section 13 of the MLRA to the specified Applicants in the identified sectors as follows:

## **2. EXEMPTION FROM SECTION 13 IN TERMS OF SECTION 81 OF THE MLRA:**

The Applicants in the Large Pelagic Longline and the Tuna Pole Line sectors are exempted from the requirements of section 13 of Marine Living Resources Act, 1998 (Act No. 18 of 1998) in terms of section 81 of the MLRA.

### **2.1 Catch Permits and other Permits**

2.1.1 All the Applicants in the above sectors who do not have valid permits to undertake commercial fishing in their respective sectors for the 2024/2025 fishing season(s), are hereby exempted from the provisions of section 13 of the MLRA in terms of section 81 of the MLRA and are authorized to harvest a proportion of their respective allocations for the 2024/2025 fishing season(s), in compliance with the conditions specified below.

- a) Applicants in these sectors will fish a proportion of the determined effort and/or mass/quantum for the duration of the exemption, which is from 01 March 2024 to 31 March 2024 or when the commercial fishing Permits have been issued to them as right holders, whichever comes first.
- b) Applicants may not, where applicable, exceed their effort and/or mass/quantum allocations that have/have been allocated to them for the 2023/2024 fishing season(s), respectively.
- c) Applicants are hereby authorized to utilize vehicles and trailers of their own choice for the transportation of their respective catches from the landing sites to their nominated Fish Processing Establishments (FPEs). The nominated vehicles must meet the requirements for issuing of transport permits in the respective sectors. The Applicants and/or the nominated vehicle owners and/or their employees must adhere to the transport permit conditions for their 2024/2025 fishing season(s).

### **2.2 FISH PROCESSING ESTABLISHMENT (FPE) PERMITS**

2.2.1 FPE permit holders with a valid permit to process fish and fish products and that have concluded processing agreements in the respective sectors covered by this exemption are authorised to process fish from such Right Holders and must meet all the requirements for issuing of a FPE permit and the FPE permit holders adheres to their 2024 FPE permit conditions (the "2024 FPE Permit Conditions") and 2025 FPE permit conditions (the "2025 FPE Permit Conditions").

- 2.2.2 (a) Applicants are hereby exempt from the provisions of sections 23(1) and 39(1) of the MLRA and authorised to utilize fishing vessel(s) of their own choice for harvesting their apportioned allocations granted to them in the respective fishing sectors, provided that the nominated vessel(s) is/are already within the respective fishing sector.
- 2.2.3 b) If a vessel is not yet in the respective fishing sector, application must first be made to obtain approval to use the vessel in the respective fishing sector.

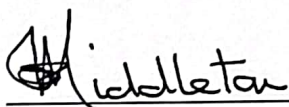
### 3. SPECIAL CONDITIONS

Applicants to whom this exemption is applicable must have this exemption available on their person/vessel at all times while fishing or engaging in any other activity and must comply with all applicable conditions set out in this exemption and the previous Permit conditions issued for the respective sector. The applicable proof of submission of an application (e-mail from the Department's Customer Service Centre as acknowledgement of receipt of submission) must accompany this exemption when the fishing or related activity applied for, is taking place.

### 4. CONTRAVENTIONS AND CANCELLATION OF THE EXEMPTION

All persons or operators to whom this exemption applies will be subjected to section 28 and/or section 81 proceedings in terms of the MLRA and/or criminal proceedings if he/she or it fails to adhere to the terms and the conditions of this exemption.

The Minister and/or the Delegated Authority may cancel or amend this exemption at any time.



Ms Sue Middleton

DEPUTY DIRECTOR-GENERAL: FISHERIES MANAGEMENT

Duly delegated with the authority in terms of section 79 of the Marine Living Resources Act 18 of 1998 to issue exemptions in terms of section 81 of that Act.

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