



GOVERNMENT GAZETTE

OF THE

REPUBLIC OF NAMIBIA

R5,60

WINDHOEK — 4 January 1993

No. 566

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No. 1 Sea Fisheries Regulations 1

Government Notice

MINISTRY OF FISHERIES AND MARINE RESOURCES

No. 1

1993

SEA FISHERIES REGULATIONS

The Minister of Fisheries and Marine Resources has under section 32 of the Sea Fisheries Act, 1992 (Act 29 of 1992) made the regulations contained in the Schedule.

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PART I

Definitions

1. In these regulations any expression to which a meaning has been assigned in the Sea Fisheries Act, 1992, bears that meaning, unless the context otherwise indicates, and -

“angling boat” means any vessel other than a fishing vessel and which is used for the catching of fish for own use;

“barnacle” means any species of the genera *Chthamalus* and *Balanus*, belonging to the arthropod group *Cirripedia*;

“beach trek-seine” means any net, with or without a cod-end, cast from the shore around fish and then hauled simultaneously by both ends onto the shore to land the catch;

“bivalve” means any species of the mollusc class *Lamellibranchiata* (*Pelecypoda*), but excluding oysters;

“black mussel” means any mollusc of the class *Pelecypoda*, including brown mussel and ribbed mussel;

“blacktail”, also known as “dassie”, means any fish of the species *Diplodus sargus*;

“bottom trawl” means any net operated in such a manner as to drag along the bottom or floor of the sea and includes any otter trawl;

“brown seaweed” means any species of the aquatic plant genera *Laminaria* and *Ecklonia*;

“by-catch” means any fish caught by a fishing vessel which is not of a species at which the effort of such vessel is directed;

“chiton” means any species of polyplacophoran molluscs of the group *Amphineura*;

“codline” means a rope used to close the rear of the cod-end by means of either a knot or a mechanical device;

“coelenterate” means any species of the invertebrate phylum *Coelenterata*, including sea anemones, sea firs, blue bottles, jelly fish, corals and sea pens;

“crab” means any species of the arthropod group *Brachyura* (also known as true crabs) and includes the red crab (*Chaceon* or *Geryon maritae*) and spider (stone) crab (*Lithodes tropicalis*);

“drift-net” means any net which is not anchored but allowed to drift in the water and designed in such a way as to catch fish by either retaining them by their gills or entangling them;

“echinoderms” means any species of the invertebrate phylum *Echinodermata*, and includes brittle stars, starfish, sea urchins, sea cucumbers, feather stars and sea lilies;

“flag state”, in relation to a vessel, means the country where a vessel is registered and whose flag it is entitled to fly;

“galjoen” means any fish of the species *Coracinus capensis*;

“hermit crab” means any species of the arthropod family *Paguridae*;

“kob”, also known as “kabeljou”, means any fish of the genus *Argyrosomus*;

“licence”, in relation to a vessel or factory, means a licence issued in terms of section 26 of the Act;

“limpet” means any species of limpet, slipper limpet or key-hole limpet of the genera *Crepidula*, *Diodora*, *Fissurella*, *Helcion*, *Patella* and *Siphonaria*;

“marine invertebrate animal” means any marine animal without a backbone consisting of a series of vertebrae;

“marine mammal” means any species of the order *Cetacea*, also known as whales, dolphins and porpoises, and the order *Sirenia*, also known as manatees and dugongs;

“marine turtle” means any species of the reptilian order *Chelonia* (*Testudines*) which lives mainly in the sea or which occasionally enters the sea;

“midwater trawl” means any net operated in such a manner as to drag along any given depth between the bottom and the surface of the sea without continuously touching the bottom;

“mollusc” means any species of the invertebrate phylum *Mollusca* and includes chitons, bivalves, mussels, limpets, whelks, periwinkles, slugs, octopods, cuttle fish and squid, but excludes the ship worm (*Teredo* spp.);

“owner”, in relation to a vessel, includes a lessee or charterer of a vessel, and also every co-owner, co-lessee or co-charterer of a vessel;

“periwinkle” means any species of the gastropod molluscs of the genera *Cynisca*, *Gibbula*, *Littorina*, *Oxystele* and *Tricolia*;

“Permanent Secretary” means the Permanent Secretary: Ministry of Fisheries and Marine Resources;

“permit”, in relation to a fishing vessel, means a permit issued in terms of section 27 of the Act;

“polychaete worm”, also known as bristle worm, means any segmented worm belonging to the class *Polychaeta* and includes the scale worm (*Lepidonotos* spp.), green worm (*Eulalia* spp.), mussel worm (*Pseudonereis* spp.), bamboo worm (*Euclymene* spp. and *Nicomache* spp.) and Cape reef worm (*Gunnarea* spp.);

“purse-seine” means any encircling net of any size which is supported on the surface of the water by floats along the head-line and weighted by weights along the foot rope under the surface of the water, and of which the bottom portion is drawn together by means of a purseline, shackled either at an intermediate point or points or knot, which runs through rings attached to the foot rope, and includes any net of which the bottom portion is drawn together in a similar manner;

“red bait” means any sea squirt species belonging to the urochordate genus *Pyura*;

“red crab” means any crab of the species *Chaceon (Geryon) maritae*;

“red seaweed” means any species of the aquatic plant genera *Lithothamnion* and *Lithophyllum*;

“ring-net” means a ring meant to be placed on the sea bottom and to which netting is attached in such a way as to catch or entangle fish when the ring is pulled towards the surface of the water;

“rock lobster” means the Cape rock or spiny lobster or “kreef” (*Jasus lalandii*);

“sell” includes to offer or display for sale or to dispose of at any consideration;

“slugs” means any species of gastropod mollusc in which the shell is greatly reduced or appears to be absent or is absent;

“small pelagic fish” means any fish of the species anchovy (*Engraulis capensis*), pilchard (*Sardinops ocellatus*), horse mackerel (*Trachurus trachurus capensis*), mackerel (*Scomber japonicus*), round herring or red-eye (*Etrumeus* spp.) and lantern fish (*Myctophidae*);

“staked or set net” means any net used to prevent the free passage of fish from one area to another and which is staked or set by -

- (a) attaching it to any object on or under the water; or
- (b) letting the weights thereof rest on or be anchored to the bottom of the sea;

“strengthening net or bag” means any piece of netting completely surrounding the cod-end of a trawl net;

“the Act” means the Sea Fisheries Act, 1992 (Act 29 of 1992);

“trap” means any enclosure, pot or other device placed on the sea bottom and devised to catch or hold fish;

“vehicle” includes any trailer, caravan or vehicle on tow;

“West coast steenbras”, also known as “white fish”, means any fish of the species *Lithognathus aureti*;

“white mussel” means any mollusc of the genus *Donax*.

PART II

GENERAL PROVISIONS RELATING TO RIGHTS OF EXPLOITATION, QUOTAS AND LICENCES

Application for right of exploitation

2. (1) An application in terms of section 14 of the Act for a right of exploitation shall be addressed to the Permanent Secretary and shall be in the form set out in Annexure A;

(2) For the purposes of paragraph (e) of subsection (6) of section 14 of the Act, the Minister may, when considering an application for a right of exploitation, have regard to the following additional matters:

- (a) the advancement of persons in Namibia who have been socially, economically or educationally disadvantaged by discriminatory laws or practices which have been enacted or practised before the independence of Namibia;
- (b) regional development within Namibia;
- (c) co-operation with other countries, especially those in the Southern African Development Community;
- (d) the conservation and economic development of marine resources.

Application for quota

3. (1) An application in terms of section 16 of the Act for the allocation of a quota shall be addressed to the Permanent Secretary and shall be in the form set out in Annexure B.

(2) When considering an application for the allocation of a quota, the Minister may have regard to any matter mentioned in section 14(6)(a), (b), (c) or (d) of the Act or in subregulation (2) of regulation 2.

Application for transfer of quota

4. An application in terms of section 18 of the Act for the approval of the Minister for the transfer of a quota, or any part thereof, shall be made in writing to the Permanent Secretary and shall be accompanied by an application form for the allocation of a quota referred to in regulation 3, duly completed by the person to whom the transfer is sought to be made.

Application for licence in respect of a fishing vessel or factory

5. An application in terms of section 26 of the Act for a licence to use -

- (a) a vessel as a fishing vessel shall be made in the form set out in Annexure C; or
- (b) any premises, vessel or vehicle as a factory, shall be made in the form set out in Annexure D,

and shall be addressed to the Permanent Secretary.

Application for permit in respect of a foreign vessel

6. An application in terms of section 27 of the Act for a permit to operate a foreign vessel within the Namibian waters as a fishing vessel, shall be addressed to the Permanent Secretary and shall be in the form set out in Annexure C.

Form of licences and permits

7. (1) A licence or a permit issued in respect of a fishing vessel shall be in the form set out in Annexure F.

(2) A licence to use any premises, vessel or vehicle as a factory shall be in the form set out in Annexure G.

Fees for licences and permits

8. The fees payable in respect of a licence or permit for a fishing vessel or a factory shall be as set out in Annexure H.

Local representative for foreign vessel

9. Except if the owner of a foreign vessel in respect of which an application is made for a licence or permit, is a Namibian citizen or a company of which the controlling interest is held by Namibian citizens, a licence or permit, as the case may be, shall not be issued in respect of such vessel, unless it is proved to the satisfaction of the Minister that a natural person who is permanently resident in Namibia has been appointed by such owner with authority to act as the representative of the owner in Namibia, and in particular to receive and respond to any legal process.

Register of quotas

10. (1) The register of quotas referred to in section 19 of the Act shall, in respect of every quota allocated, contain particulars of -

- (a) the name and address of the quota holder;

- (b) the species of fish in respect of which the quota applies;
 - (c) the mass of the quota;
 - (d) the period of validity of the quota.
- (2) There shall also be recorded in such register of quotas, in the case of -
- (a) the cancellation of a quota, the date as of which the cancellation becomes effective;
 - (b) the reduction or increase of a quota, the date as of which such change becomes effective and the mass by which the quota has been reduced or increased;
 - (c) the suspension of a quota, the period of the suspension;
 - (d) the transfer of a quota, the person to whom it has been transferred and the date from which such transfer is effective.
- (3) The register of quotas shall be available for inspection by the public from 08:00 to 12:00 on normal working days at the office of the Permanent Secretary, Windhoek.

Register of licences and permits

11. (1) The register of licences and permits referred to in section 28 of the Act shall contain particulars of -
- (a) the name and address of each licence holder and permit holder;
 - (b) the name of the vessel in respect of which the licence or permit has been issued;
 - (c) the species of fish which may be caught from such vessel by virtue of such licence or permit; and
 - (d) in relation to a factory, the purpose for which the factory may be used.
- (2) The register of licences and permits shall be available for inspection by the public from 08:00 to 12:00 on normal working days at the office of the Permanent Secretary, Windhoek.

PART III

GENERAL CONSERVATION MEASURES

Beach trek-seines and drift-nets

12. (1) No person shall -

- (a) use or have on board of a fishing vessel or any other vessel any beach trek-seine net, staked or set net or drift-net, unless he or she is the holder of an authorization issued by the Minister in the form set out in Annexure I; or
 - (b) use any such net with a mesh size measuring less than 44 mm.
- (2) An application for an authorization referred to in subregulation (1) shall be made to the Permanent Secretary in the form set out in Annexure J and shall be accompanied by an application fee of R5.
- (3) An authorization issued by the Minister under subregulation (1) is not transferable.

Trawling

13. (1) No person shall use or have on board of any fishing vessel -
- (a) any beam trawl net, being a net of which the mouth is held open by means of a horizontal cross beam of any material;
 - (b) subject to the provisions of subregulation (2), any bottom trawl with a cod-end mesh size measuring less than 110 mm;
 - (c) any midwater trawl with a cod-end mesh size of less than 60 mm.
- (2) Notwithstanding paragraph (b) of subregulation (1), a bottom trawl with a cod-end mesh size of not less than 75 mm may be used from, or carried on board of, a fishing vessel if such vessel was on 31 December 1990 licensed in terms of the repealed Sea Fisheries Act, 1973 (Act 58 of 1973) to catch any species of demersal fish and such vessel -
- (a) is less than 32 metres in length overall;
 - (b) has a gross registered tonnage of less than 180 tons; or
 - (c) is propelled by an engine or engines with a total capacity of less than 800 h.p.
- (3) Not more than two fishing vessels shall at any time be engaged in trawling in formation by keeping the same bearing, travelling at the same speed and keeping a distance of less than one nautical mile from each other.

Purse-seining

14. No person shall use or have on board of any fishing vessel any purse-seine with a mesh size less than 12,7 mm.

Measurement of meshes

15. (1) Where, for the purposes of regulation 12, 13 or 14, the mesh size of a net is to be measured -

- (a) the measurement shall be made -
 - (i) while the net is still wet after use or after it has been immersed in sea-water for at least 10 minutes; and
 - (ii) with the net stretched in the direction of the long diagonal of the meshes;
- (b) the meshes shall be measured -
 - (i) in the case of a purse-seine, from knot-centre to knot-centre;
 - (ii) in the case of a net other than a purse-seine, from inside of knot or joint to inside of knot or joint.
- (2) The instrument to be used for measuring the mesh size of a net shall -
 - (a) in the case of a net other than a purse-seine, be a gauge which -
 - (i) is 2 mm thick, flat, of durable and non-corrodible material and capable of retaining its shape;
 - (ii) has tapering edges with a taper of one to eight;
 - (iii) has a hole at the narrowest extremity; and
 - (iv) has the width inscribed at regular intervals;
 - (b) in the case of a purse-seine, be a Vernier calliper or a micrometer.
- (3) Measurements by means of a gauge referred to in paragraph (a) of subregulation (2), shall be taken by inserting the gauge by its narrowest extremity into the mesh opening in a direction perpendicular to the plan of the net while the gauge is subject to a pressure or pull corresponding to 5 kg.
- (4) The measured meshes shall be at least 10 meshes from any lacings or ropes and at least three meshes from the codline.
- (5) The mesh size of a net shall be expressed in millimetres and shall be determined as the average, subject to subregulation (6), of one or more series of 20 consecutive meshes lengthwise of the net, or if the cod-end has fewer than 20 meshes lengthwise, a series with the maximum number of meshes.
- (6) Meshes which are mended or broken or have attachments of the net fixed to them shall not be measured.

Maintenance of mesh openings

16. No person shall use any device or have any construction of a net or netting by means of which the meshes are obstructed or drawn together while fishing or which in any other way will cause the openings of the meshes, and accordingly, the selectivity of the net or netting to be reduced.

Attachments to trawl nets

17. (1) Subject to the provisions of subregulation (2), no person shall attach any canvas, netting or other material to the cod-end of a trawl net.

(2) Notwithstanding the provisions of subregulation (1) -

(a) a piece of net, known as a bottom-side chafer, may be attached to the underside of the cod-end of a trawl net in order to reduce wear and tear, provided such a piece of net is attached to the underside and side edges of the cod-end only;

(b) it is permissible to use a so-called Polish top side chafer, being a rectangular piece of netting attached to the rear portion of the upperside of the cod-end, provided such netting -

(i) is of the same twine material and size as that of the cod-end;

(ii) has a mesh size at least double that of the cod-end;

(iii) is fastened to the cod-end along the forward, lateral and rear edges of the cod-end in such a way as to secure that the meshes of the netting exactly overlap the meshes of the cod-end;

(c) not more than one flapper, being a piece of netting fastened inside a trawl in such a way that it allows fish to pass from the front to the rear of the trawl but limiting their possibility of return, may be used, provided -

(i) it shall be fastened mesh by mesh across the upper half and to the inside of the cod-end;

(ii) the mesh size of the flapper shall not be less than the mesh size of the cod-end; and

(iii) the distance between the point where the flapper is fastened and the codline shall be at least three times the length of the flapper, but not less than 8 metres.

(3) Subject to subregulation (4), no person shall use any round straps on a trawl net, unless -

(a) the distance separating two successive round straps is at least one metre;

(b) the round straps are fastened across the outside of the cod-end of the net in at least two places;

(c) the total length of any round strap is not less than 50 percent of the circumference of the cod-end, measured at the point where the round strap is fastened to the cod-end, the circumference being determined by measuring a length of at least ten stretched meshes in the direction of the circumference and from the knot-centre of the first mesh being measured to the knot-centre of the last mesh being measured, dividing the result thus obtained by the number of

meshes measured and multiplying the figure obtained by the total number of continuous meshes counted in the circumference.

(4) Notwithstanding the provisions of subregulation (3), a single round strap ("back strap") of a length shorter than 50 percent of the circumference of the cod-end may be used on a trawl net if it is attached to the net not more than 700 mm from the position where the codline is fastened, measured when the meshes are stretched lengthwise.

(5) No person shall use a piece of net in the cod-end of a trawl net ("skirt") to prevent fish from escaping through the knot in the codline.

PART IV

SPECIFIC CONSERVATION MEASURES

Prohibited species

18. No person shall at any time or at any place, pursue, wilfully disturb, catch, shoot or kill or be in possession of any great white shark (*Charcharodon carcharias*) or any species of marine mammal, marine turtle or polychaete worm.

Rock lobster: General

19. (1) No person shall, in any manner or for any purpose, catch or disturb rock lobster within the following areas -

- (a) The area within 15 nautical miles from the high water-line, bounded in the north by a line drawn due west from a concrete beacon marked RL 1 situated at Danger Point and in the south by a line drawn due west from a concrete beacon marked RL 2 situated at Douglas Point;
- (b) the area bounded by a line drawn from Diaz Point to a point north of Lüderitz Bay where the 26° 34' south latitude intersects the high water-line and which is marked with a concrete beacon marked RL 3.

(2) No person shall catch or disturb rock lobster during the period 1 May to 31 October, both days included.

- (3) (a) No person shall catch and retain or be in possession of any rock lobster of which the carapace is less than 65 mm in length, measured in a straight line along the middle dorsal line of the carapace, from the centre of the posterior edge of the carapace to the tip of the rostrum or middle anterior spine.
- (b) For the purposes of paragraph (a), "edge" means the hard edge of the carapace, or *cephalothorax*, and does not include the edge or any part of the fringe or hairs (*setae*) which protrude rearwards from the carapace.

- (4) No person shall sell, purchase, transport or be in possession of -
 - (a) any rock lobster in berry or showing signs of having been stripped of the berry;
 - (b) any rock lobster tail which has been severed from the body, if the second segment of such rock lobster tail, counted from the junction of the tail with the body, is less than 16,6 mm in length, measured in a straight line along the middle dorsal line from edge to edge of the segment.
- (5) No person who has caught rock lobster shall land such rock lobster or bring it ashore other than in a whole state.
- (6) Any person who catches or comes into possession of any rock lobster which does not conform to the size requirements prescribed by subregulations (3) and (4)(b) or which is in berry or shows signs of having been stripped of the berry, shall without delay return such rock lobster to the sea.

Rock Lobster: Catching for commercial purposes

- 20. (1) No person shall catch any rock lobster from any fishing vessel -
 - (a) by means of diving; or
 - (b) with the aid of any type of fishing gear other than a trap or a ring-net.
- (2) No person shall, except with the written permission of the Minister and subject to such conditions as may be imposed by the Minister, have or allow on board of any fishing vessel licensed or permitted to catch rock lobster, any diving equipment of whatever nature.
- (3) All rock lobster taken on board of a fishing vessel shall be sorted as soon as the trap or ring-net comes out of the water and any rock lobster caught in contravention of the provisions of these regulations shall be returned to the sea without delay.
- (4) No person who has caught rock lobster with the aid of a fishing vessel shall -
 - (a) retain any of such rock lobster for his or her own use or deliver any of such rock lobster to any person other than a person who is the holder of a licence or permit in respect of a factory authorized to process rock lobster, unless such person is, in terms of the conditions attaching to the licence or permit held in respect of the fishing vessel, authorized to catch rock lobster for the supply of the local market;
 - (b) land such rock lobster at any place other than at a jetty within the harbour of Lüderitz.

Rock lobster: Catching for private use

21. (1) No person shall catch any rock lobster for own use in any manner other than -

- (a) by means of diving from the shore, but without the use of any artificial breathing apparatus, except a snorkel; or
- (b) with the aid of a ring-net.

(2) Any person catching rock lobster for own use shall not catch and retain more than seven rock lobster per day.

(3) No person shall at any time transport on or in or have on any vehicle more than 21 rock lobster for own use and then only if such rock lobster are in a whole state.

(4) No person who is in possession of any rock lobster which has been caught for own use shall sell such rock lobster.

Crab

22. (1) No person shall catch any crab -

- (a) except from a fishing vessel licensed or permitted to catch crab; and
- (b) with the aid of any fishing gear other than a trap.

(2) No person shall catch and retain any red crab of a size less than 85 mm measured across the broadest part of the back.

General provisions for the catching of fish

23. (1) No person shall -

- (a) catch any fish from the shore or an angling boat by making use of more than one rod and line or handline or more than two hooks on the line;
- (b) while engaged in spear-fishing, use any artificial breathing apparatus, except a snorkel;
- (c) uproot or pick or collect in the sea any red bait, but red bait washed-up ashore may be collected;
- (d) except when catching fish from a fishing vessel, catch, collect or disturb any marine invertebrate animal or aquatic plant in any way other than by hand: Provided that for catching or collecting sea-anemones, barnacles, limpets, brown seaweed or red seaweed, an implement, the blade or flat edge of which shall not exceed 40 mm in length, may be used;
- (e) catch or have in his or her possession any white mussel able to pass through a ring with an inner diameter of 38 mm.

Prohibited areas for the catching of fish

24. (1) Subject to subregulation (2), no person shall catch or disturb any fish or collect or disturb any aquatic plants or disturb or damage the seabed in such a way that it may be detrimental to the marine life and the marine ecosystem in general, within a distance of two nautical miles from the high water-line in any of the following areas -

- (a) from the middle of the mouth of the Cunene River to the southern bank of the mouth of the Ugab River, but excluding the areas described in paragraph (a) of subregulation (2);
- (b) from a concrete beacon marked SV 1 situated approximately at latitude 23°8' south to a concrete beacon marked RL 3 situated approximately at latitude 26°34' south, but excluding the area described in paragraph (b) of subregulation (2);
- (c) from a concrete beacon marked P 1 situated approximately at latitude 26°44' south to a concrete beacon marked P 2 situated approximately at latitude 27°12' south;
- (d) from the southern limits of the quay in the harbour of Walvis Bay, along the coastline to Pelican Point;
- (e) the seashore of any of the islands along the Namibian coast.

(2) Notwithstanding the provisions of subregulation (1), any person may -

- (a) catch fish or collect red bait from the shore in any of the following areas:
 - (i) Terrace Bay - the area between the concrete beacon marked TB 1 situated approximately 5 km north of Terrace Bay and the concrete beacon marked TB 2 situated approximately 25 km south of Terrace Bay; and
 - (ii) Torra Bay - the area between the concrete beacon marked TB 3 situated approximately 10 km north of Torra Bay and the concrete beacon marked TB 4 situated approximately 10 km south of Torra Bay;
- (b) catch fish from the shore in the area between the concrete beacon marked SV 1 situated approximately at latitude 23°8' south and the concrete beacon marked SV 2 situated at the northern limits of Sandwich Harbour;
- (c) from any fishing vessel in respect of which a licence or permit has been issued and which authorises the catching of small pelagic fish with purse-seine nets or rock lobster with traps or ring-nets or the use of handlines from such vessel, catch fish within two nautical miles at any place within any area described in subregulation (1), but excluding the catching of rock lobster within that part of the area defined in paragraph (a) of that subregulation which comprises the area described in regulation 19(1)(a);

(d) with the written permission of the Minister -

- (i) harvest or collect aquatic plants washed up on the shore at any place within the area south of Hottentots Bay;
- (ii) remove aquatic plants washed up on the seashore within the areas of jurisdiction of the local authorities of Henties Bay, Swakopmund, Walvis Bay, Lüderitz and Oranjemund.

Quantity limitations: General

25. (1) Subject to the provisions of subregulations (2) and (3), no person shall, except on the authority of the Minister in the form set out in Annexure K, on any one day catch or convey or be in possession of any of the following species of fish in excess of the number or mass stipulated:

Barnacles, 5
Black mussel, 50
Coelenterates, 5
Echinoderms, 5
Hermit crab, 5
Limpet, 15
Molluscs (other than black mussel, limpet, periwinkle or white mussel), 5
Prawn, 5
Periwinkle, 25
Red bait, 2 kg (without shell)
White mussel, 25.

(2) Subregulation (1) shall not -

- (a) be construed as prohibiting the conveyance or possession of any species of fish referred to in that subregulation in excess of the prescribed maximum quantity, if such fish emanated from any catch made by any person whoever under a licence or permit or any other authorization issued or granted under the Act or these regulations;
- (b) apply where prawns, octopods, squid or whelks are caught from a fishing vessel in respect of which a licence or permit has been issued.

(3) No permit as contemplated in subregulation (1) shall be issued to catch within a distance of two nautical miles from the high water-line more than the quantity prescribed by that subregulation in respect of limpets, octopods, periwinkles, prawns or white mussel.

Quantity limitations: Angling of specific species

26. (1) No person shall on any one day catch from the shore or an angling boat or, if for own use, from a fishing vessel, and retain more than 30 fish in total of any one or more of the following species:

- (a) Kob;
- (b) West coast steenbras;
- (c) Blacktail;
- (d) Galjoen:

Provided that no person shall on any one day so catch and retain more than 8 galjoen.

(2) Subject to the provisions of subregulation (3), no person shall convey in or on or have on any vehicle a quantity of fish of any one or more of the species referred to in subregulation (1) in excess of 30 individuals of whole fish or, in the event where all or any of the quantity of fish being conveyed are not in a whole state, 30 kilograms of such fish: Provided that no person shall at any time convey more than 8 whole fish of the species galjoen, or in the event where all or any of the quantity of galjoen being conveyed are not in a whole state, more than 8 kilograms of such species.

(3) No person shall convey in or on any vehicle on behalf of any other person any quantity of fish belonging to any species mentioned in subregulation (1), unless every person on whose behalf such fish are being conveyed is present in or on the vehicle during the conveyance thereof: Provided that no person conveying any such fish on behalf of any other person, or on his or her own behalf as well as any other person, shall at any time convey a larger quantity than 60 individuals of such fish or, in the event where all or any of the quantity of fish being conveyed are not in a whole state, more than 60 kilograms of such fish: Provided further that not more than 16 whole fish of the species galjoen or, in the event where all or any of the quantity of galjoen being conveyed are not in a whole state, more than 16 kilograms of galjoen shall at any time be so conveyed.

(4) Subregulations (2) and (3) shall not be construed as prohibiting the transport of a quantity of any of the species of fish referred to in subregulation (1), but excluding galjoen, in excess of any quantity prescribed by those subregulations, if such fish emanated from any catch made by any person whoever under any licence or permit or other authorization issued or granted under the Act or these regulations.

(5) For the purposes of this regulation any fish of which any one or more of the following parts have been cut off or removed shall be deemed still to be in a whole state, namely, the head, tail, scales, or intestines.

Aquatic plants and sea shells

27. Except on the written authority of the Minister, no person shall on any one day harvest, collect or remove -

- (a) aquatic plants, other than brown seaweed, in excess of 1 kg;

- (b) brown seaweed in excess of 10 kg; or
- (c) sea shells in excess of 10 kg in mass or 50 in number, whichever is greater.

Trading in fish, aquatic plants or sea shells

28. (1) Subject to subregulation (2), no person other than the holder of a licence or permit issued in terms of section 26 or 27 of the Act shall without the written authority of the Minister sell any fish, aquatic plants or sea shells, irrespective of how it was obtained by him or her: Provided that this subregulation shall not apply in respect of fish or fish products, or aquatic plants or sea shells imported into Namibia.

(2) No written authority shall under subregulation (1) be granted to any person for the selling of red bait, coelenterates, limpets, periwinkles, chitons, bivalves, slugs, hermit crabs, echinoderms or galjoen.

Importation or exportation of live fish

29. (1) No person shall import or export any live fish, except on the written authority of the Minister.

(2) An application for the Minister's authority as contemplated in subregulation (1), shall be addressed to the Permanent Secretary and shall be in the form set out in Annexure D.

PART V

LEAVING OBJECTS AND DUMPING MATERIAL IN THE SEA

Fishing gear and other implements

30. (1) No person shall, without the written authority of the Minister, leave any fishing gear, mooring, or any other implement or object utilized for fishing operations on or in the sea upon termination of any fishing operations.

(2) Where any person has left any fishing gear, mooring, or any other implement or object on or in the sea in contravention of subregulation (1), the Minister may cause such object to be removed.

(3) Any costs incurred by the Minister in connection with the removal of any fishing gear, mooring or other implement or object in terms of subregulation (2), shall be payable by the person by whom the object in question was left on or in the sea, which costs shall constitute a debt owing to the State.

Waste

31. (1) With the exception of biodegradable house-hold waste, all waste generated on a fishing vessel, including waste generated in the course of fish processing and unused bait, shall be taken back to port and no such waste shall be dumped in the sea.

(2) Subregulation (1) shall, in respect of any fishing vessel which is not, on the date of commencement of these regulations, equipped with the facilities necessary for taking fish waste back to port, come into effect upon expiry of a period of one year after the promulgation of these regulations.

PART VI**PROVISION OF INFORMATION, DOCUMENTS TO BE CARRIED ON BOARD AND MEASURING OF MASS***Logbooks*

32. (1) The owner of every fishing vessel in respect of which a licence or permit has been issued, shall maintain or cause to be maintained on such fishing vessel -

(a) a daily catch logbook; and

(b) a landing logbook,

the form of which shall be determined by the Minister and which shall be obtainable from the Permanent Secretary.

(2) The catch logbook and landing logbook shall be kept in a place where they are protected from damage and where they are readily available for inspection at any time upon the request of a fishery control officer or any other person acting on the written authority of the Minister.

(3) Upon return from each fishing journey the master or owner of the fishing vessel concerned shall, not later than 24 hours after completion of the landing of the catch, hand over the original of both the daily catch logbook and the landing logbook sheets to any person authorized in writing by the Permanent Secretary for such purpose.

(4) The logbook sheet copies shall be kept by the owner of a fishing vessel for at least two years after the last entry was made.

Monthly returns

33. Every holder of a fishing quota shall submit, within seven days after each month, a return in the form set out in Annexure L.

Documents to be carried on board of fishing vessels

34. There shall be carried on board of every fishing vessel in respect of which a licence or permit has been issued -

- (a) if such vessel is over 20 metres in length overall -
 - (i) documents issued by a competent authority of the flag state of such vessel, showing -
 - (aa) the name of the vessel;
 - (bb) the letter or letters of the port or district in which, and the number under which, the vessel is registered;
 - (cc) the international radio call sign of the vessel;
 - (dd) the name and address of the owner of the vessel;
 - (ee) all technical specifications pertaining to the vessel as are specified in the relevant application for a licence or permit in respect of the vessel;
 - (ii) up-to-date drawings or descriptions of the layout of the vessel, certified by a competent authority of the flag state of the vessel and specifying in particular the number of fish holds of the vessel, with an indication of their storage capacity expressed in cubic metres;
 - (iii) if any modification was made to the characteristics of the vessel with respect to its length overall, its gross registered tonnage, the horsepower of its main engine or engines or its hold capacity, a certificate, certified by a competent authority of the flag state of the vessel, describing the nature of such modification;
 - (iv) a copy of the Act and these regulations;
- (b) if such vessel is equipped with chilled or refrigerated sea-water tanks, a document certified by a competent authority of the flag state of the vessel indicating the calibration of the tanks in cubic metres;
- (c) the original of the licence or permit issued in respect of the fishing vessel, or an authenticated copy thereof, which shall at all times be kept in a place where it can be readily examined and where it is protected from damage.

Notification of change

35. For the purposes of section 26(6) of the Act the particulars required to be furnished to the Permanent Secretary shall be furnished in the form set out in Annexure R in respect of the relevant items contained therein.

Language of records

36. All records, logbooks, returns, reports or notifications required to be maintained or made in terms of the Act or these regulations, whether in writing or in verbal form, shall be in English.

Requirements in respect of mass meters

37. (1) The mass of all fish caught with the aid of a fishing vessel in respect of which a licence or permit has been issued, and the mass of all aquatic plants harvested or collected, shall be determined with a mass meter approved by the Permanent Secretary, and which shall be used in such a way and installed in such a place as approved by him or her.

(2) Except with the written permission of the Permanent Secretary authorising the contrary, the determination of the mass of all fish and aquatic plants shall take place in the presence of a fishery control officer.

Determination of the mass of small pelagic fish

38. (1) The mass of small pelagic fish landed by purse-seiners and received by a factory shall be determined by a mass meter provided and installed by the owner of the factory.

(2) The mass meter referred to in subregulation (1) shall be installed in such a manner and be of such a nature that -

- (a) the mass determination capacity of the mass meter shall not be less than the maximum discharge capacity from any fishing vessel landing small pelagic fish for the factory;
- (b) the mass determination and discharge speed shall be such that no piling-up or accumulation of fish occurs;
- (c) the mass meter shall be sealed properly and there shall be no free access to the mechanism of the mass meter during any discharge operations, but the mechanism and reading-scale shall be visible.

Determination of mass of rock lobster and other fish

39. The mass of rock lobster and any fish other than small pelagic fish referred to in subregulation 38(1) delivered to -

- (a) a factory, shall be determined by a mass meter provided and installed by the owner of the factory;
- (b) to any other person, shall be determined, unless provided by the Ministry, by a mass meter provided and installed by the owner of the fishing vessel landing the rock lobster or fish, as the case may be.

Determination of mass of aquatic plants

40. For determining the mass of aquatic plants, the following shall apply:

- (a) the holder of any right to collect aquatic plants shall provide a mass meter and the dry weight of the plants shall be recorded;
- (b) the holder of any right to harvest aquatic plants shall, unless a mass meter is provided by the Ministry, provide a mass meter and the dry weight of the plants shall be recorded.

Conversion factors for determining mass

41. For the purposes of determining the mass of any processed fish landed into live (round) weight, the conversion factors set out in Annexure Q shall be applied.

PART VII

DISCARDING OF FISH AND LANDING OF BY-CATCHES

By-catches which shall be retained

42. No person shall discard any edible and marketable fish taken as by-catch, and in any event not any fish belonging to any species mentioned in Annexure M.

Fees payable on by-catches

43. The fees set out in Annexure S shall be payable in respect of the appropriate by-catch species mentioned therein.

PART VIII

COMPLIANCE CONTROL

Signal for stopping vessel

44. For the purposes of section 7(1)(e) of the Act -

- (a) a day-time stop signal shall be the Flag "L" of the International Code of Signals flown conspicuously in the rigging of the signalling boat;
- (b) a night-time stop signal shall be the letter "L" of the alphabet flashed clearly and repeatedly by the signalling boat in Morse code by means of a white light.

Inspection

45. The master of a vessel which is being inspected at sea or in the roads of a port shall provide safe and convenient access to such vessel, including a boarding ladder.

Catch control

46. Where a vessel carries on board any fish, or products of fish, caught within Namibian waters, such fish shall not be taken out of the Namibian waters without the permission of the Permanent Secretary, unless, in the case of a fishing vessel, the catch of such vessel has been inspected in accordance with any conditions attached to the licence or permit, as the case may be, and no further fishing operations have been carried out from such vessel since such inspection.

Offloading and transhipment

47. (1) Any person seeking to offload fish or fish products from a fishing or factory vessel in any fishing harbour, shall give advance notice thereof to the fisheries control officer in charge at such fishing harbour or to any other authorised person in accordance with such directions as may be given by the Permanent Secretary.

(2) Except in accordance with any conditions attached to any licence or permit or with the written permission of the Minister, no transhipment of any fish or fish products or any other goods from or to any fishing or factory vessel shall be carried out at any place other than within a fishing harbour and under the supervision of a fishing control officer or other authorised person.

(3) The owner or master of any fishing or factory vessel shall give at least 48 hours notice in advance to the fisheries control officer or other authorised person of any transhipment of fish or fish products or any supplies or other goods intended to be carried out and furnish such particulars as may be required by the fisheries control officer or such authorised person, including, the names and identification markings of the vessels involved and the quantity and kind of fish or fish products or other goods, as the case may be, to be transhipped.

Carrying of personnel on board

48. (1) The master of a fishing or factory vessel shall, while in Namibian waters, allow any fishery control officer, or any other person designated by the Minister for a specific task, to board and remain on board such fishing or factory vessel, and shall without charge -

- (a) allow him or her full access to all equipment, including navigation and communication equipment, records and documents and to any fish on board the vessel as may be necessary to carry out his or her duties;

(b) allow him or her to make tests, observations and records and to take and remove such samples as he or she may reasonably require in connection with the vessel's activities in Namibian waters; and

(c) provide him or her food and accommodation at least equivalent to that provided for officers of the vessel.

(2) The owner of any fishing or factory vessel required to carry a fishery control officer or any other designated personnel on board shall pay such fees as may be determined by the Minister by written notice to such owner.

(3) Any transport, accommodation or similar costs incurred by fisheries control officers in supervising an offloading or transshipment shall be borne by the licence or permit holder of the vessel undertaking discharge or transshipment.

Stowing of fishing gear

49. (1) For the purposes of section 30 of the Act the requirements for the stowing of fishing gear shall be the following:

(a) in the case of a purse seiner -

(i) the boom shall be lowered as far as possible so that the vessel cannot be used for fishing but so that the skiff is accessible for use in emergency situations;

(ii) the aircraft, if any, shall be tied down;

(iii) launches shall be secured;

(b) in the case of a trawler, all nets, trawl boards and weights shall be disconnected from their towing or hauling wires, ropes or rigid frames and either stowed below deck or securely lashed to some part of the superstructure of the vessel;

(c) in the case of a vessel authorized to fish rock lobster -

(i) all traps shall be on board and tied down;

(ii) all dinghies shall be on board and securely lashed to some part of the superstructure of the vessel;

(d) in the case of a vessel authorized to fish with traps other than rock lobster traps, all traps shall be on board and tied down;

(e) in the case of a longliner, all equipment used for hauling the line shall be covered and the cover secured.

Marking of fishing vessels

50. In addition to any markings and carvings prescribed by any other law, a fishing or factory vessel in respect of which a licence or permit has been issued shall at all times while in Namibian waters display the identification markings assigned to it in accordance with the specifications set out in Annexure N.

Marking of fishing gear

51. All fishing gear set in the water and not attached to a fishing vessel shall be clearly marked in accordance with the requirements set out in Annexure O.

Reporting requirements

52. Where a fishing or factory vessel is to enter or leave the Namibian exclusive economic zone the master of that vessel shall make such reports as are required by the provisions set out in Schedule P.

Offences and penalties

53. Any person who contravenes or fails to comply with any provision of these regulations shall be guilty of an offence and on conviction be liable to a fine not exceeding R50 000 or to imprisonment for a period not exceeding two years or to both such fine and such imprisonment.

Repeal of regulations

54. The regulations promulgated by Government Notice 1912 of 1973 and all amendments thereof are hereby repealed.

ANNEXURE A
REPUBLIC OF NAMIBIA
MINISTRY OF FISHERIES AND MARINE RESOURCES
SEA FISHERIES ACT, 1992

APPLICATION FOR A RIGHT OF EXPLOITATION

New right

☐

Renewal

☐

Species for which a right of exploitation is sought:

.....

(A separate application must be submitted for each
species for which a right of exploitation is sought)

Part I

Name of applicant:

(If a domestic company, quote registration number:

.....)

Address:

.....

Telephone no : Facsimile:

Namibian citizens: please attach proof of Namibian citizenship

Namibian companies: attach documentation giving proof
that beneficial control of company is vested in Namibian
citizens.

Foreign companies:

Name of local representative:

Address:

.....

Telephone no: Facsimile:

Attach a feasibility study in respect of the application, including:

- a) a technical analysis giving details of vessel(s) to be used, and a description of the fishing gear, methods and operations, including information on fishing and carrying capacity of vessel(s), projected catches, port from which vessel(s) will operate etc.;
- b) a management analysis, describing the ownership, control and operation of any enterprises or vessels relevant to the application, including information on relevant skills and experience of the applicant;
- c) a marketing analysis, describing arrangements for processing and marketing;
- d) a financial analysis showing how the applicant's proposal would be financed, with projected costs and income;
- e) a detailed description of how the right of exploitation will provide for broad and balanced participation by Namibians, and
- f) any other relevant supporting material.

I, the undersigned, hereby apply for the right of exploitation cited above and declare that the particulars furnished are to the best of my knowledge and belief correct in all respects.

SIGNATURE

DATE

PART II

APPROVED / DISAPPROVED

PERIOD OF VALIDITY:/../19..

To:/../19..

MINISTER OF FISHERIES
AND MARINE RESOURCES

DATE STAMP

ANNEXURE B

REPUBLIC OF NAMIBIA

MINISTRY OF FISHERIES AND MARINE RESOURCES

SEA FISHERIES ACT, 1992

APPLICATION FOR A FISHING QUOTA FOR 19..

Has a right of exploitation been granted? YES/NO

If yes, valid until: ../../19..

Part I

Name of applicant:

(If a domestic company, quote registration number:

.....)

Address:

.....

Telephone no: Facsimile:

Foreign companies:

Name of local representative:

Address:

.....

Telephone no: Facsimile:

Species of fish:

mass: mt

(Please fill in a separate application for each species of fish for which a quota is requested)

Vessels which will be utilized to catch the quota:

Name of vessel	Licence/Permit registration number	GRT

I, the undersigned, hereby apply for the quota indicated above and declare that the particulars furnished are to the best of my knowledge and belief correct in all respects.

SIGNATURE

DATE

PART II

APPROVED / DISAPPROVED

SPECIES: MASS: MT

MINISTER OF FISHERIES
AND MARINE RESOURCES

DATE STAMP

ANNEXURE C

REPUBLIC OF NAMIBIA

MINISTRY OF FISHERIES AND MARINE RESOURCES

SEA FISHERIES ACT, 1992

APPLICATION FOR A FISHING LICENCE OR PERMIT FOR 19..

New application

☐

Renewal

☐

Species targeted:

Fishing method:

Part I

Name of applicant:

(If a domestic company, quote registration number:

.....)

Address:

.....

Telephone no: Facsimile:

Foreign applicants:

Name of local representative:

Address:

.....

Telephone no: Facsimile:

Part II

Name of vessel:

Port of registry:

Port registration number:

(attach copy of / extract from register or certificate of registry)

Licence/permit registration number:

Owner:
(attach certificate of ownership or copy of deed of sale)

Construction: wood/steel/aluminium/glass fibre/

other material (state):

Date and place of construction:

Length overall: m

Maximum breadth: m

(attach two colour photos, A6 format, as well as negatives from which attached prints were made, showing vessel from starboard and portside)

Gross register tons: GRT

Main engine(s) horsepower: KW

(attach copy of register / extract from register providing particulars of ship)

Expiry date of safety certificate:
(attach copy of safety certificate)

Is there a mortgage bond registered over the vessel?
yes/no

If yes, amount:
(attach copy of any deeds of mortgage)

Name of master:

Total number of crew: ... of which ... Namibian ... other

- permanent: ... of which ... Namibian ... other

- temporary: ... of which ... Namibian ... other

Hold/production capacities:

No of fish holds (wet fish):/ total capacity ... m³No of freezer holds:/ total capacity ... m³

Total daily freezing capacity: mt/day

Meal plant capacity: mt/day

Heading/gutting machine capacity: mt/day

Filleting machine capacity: mt/day

Part III

Fishing gear:

- | | | | |
|----|------------------------------|----------------------------|-------|
| a) | trawling | - mesh size cod end | |
| b) | purse seining | - mesh size | |
| c) | pole fishing | - number of poles | |
| d) | long lining | - number of lines | |
| | | - number of hooks per line | |
| e) | trap fishing
rock lobster | - number of traps | |
| | | - number of ringnets | |
| | | - number of dinghies | |
| f) | trap fishing
crab | - number of traps | |
| | | - mesh size | |
| g) | hand line | - number of lines | |
| h) | gill/drift net | - panel size | |
| | | - mesh size | |
| i) | others | specify equipment details: | |

Indicate with an X for which type of licence/permit you are applying (a separate form must be completed for each type of licence):

Demersal fish	- bottom trawling	
Demersal fish	- longlining	
Small pelagic fish	- purse seining	
Small pelagic fish	- midwater trawling	
Tuna	- pole fishing	
Tuna	- purse seining	
Tuna	- longlining	
Crab	- trap fishing	
Lobster	- trap fishing	
Line fish	- hand line	
Other (specify)	-	

I, the undersigned, hereby apply for a licence/permit for the fishing vessel described above and declare that the particulars furnished are to the best of my knowledge and belief correct in all respects.

SIGNATURE

DATE

PART V

APPROVED / DISAPPROVED

PERMANENT SECRETARY:
FISHERIES AND MARINE
RESOURCES

DATE STAMP

ANNEXURE D

REPUBLIC OF NAMIBIA

MINISTRY OF FISHERIES AND MARINE RESOURCES

SEA FISHERIES ACT, 1992

APPLICATION FOR A LICENCE OR PERMIT TO USE PREMISES,
VEHICLE OR VESSEL AS A FACTORYNew licence ☐Renewal ☐

Part I

Name of applicant:

(If a domestic company, quote registration number:

.....)

Address:

.....

Telephone no: Facsimile:

Part II

Location of factory:

if on land, address:

.....

.....

if a vessel, quote name and licence/permit registration
number:

ANNEXURE E

REPUBLIC OF NAMIBIA

MINISTRY OF FISHERIES AND MARINE RESOURCES

SEA FISHERIES ACT, 1992

APPLICATION FOR THE IMPORT OR EXPORT OF LIVE FISH OR
AQUATIC PLANTS

Part I

Name of applicant:

(If a domestic company, quote registration number:

.....)

Address:

.....

Telephone no : Facsimile:

Part II

1. Name of fish species or aquatic plant to be imported
/ exported

- in Namibia:

- in Country of origin:

- scientific name:

2. Country of origin:

To be attached: certificate of origin by a competent
authority of the country of origin.

3. Place of entry into / exit from Namibia:

.....

4. Sanitary certificate

- Issuing authority:

- Date: ../../19.. Place:

Copy to be attached.

I, the undersigned, hereby apply for the import / export of live fish / aquatic plants and declare that the particulars furnished are to the best of my knowledge and belief correct in all respects.

SIGNATURE

DATE

PART III

APPROVED / DISAPPROVED

PERMANENT SECRETARY
FISHERIES AND MARINE
RESOURCES

DATE STAMP

ANNEXURE F

REPUBLIC OF NAMIBIA

MINISTRY OF FISHERIES AND MARINE RESOURCES

SEA FISHERIES ACT, 1992

FISHING VESSEL LICENCE / PERMIT

Expiry date: 31 December 19....

Issued to:

Address:

Particulars of fishing vessel in respect of which the licence/permit is issued:

Name of vessel:

Licence/permit registration number:

The above vessel is hereby licensed/permitted to catch the following fish species in Namibian waters: *

	Demersal fish	bottom trawl	75 / 110 mm **
	Demersal fish	longline	
	Small pelagics	purse seine	12.7 mm
	Small pelagics	midwater trawl	60 mm
	Tuna	purse seine	
	Tuna	pole	
	Tuna	longline	
	Crab	trap	
	Rock Lobster	trap/ringnet	
	Line fish	hand line	
	Other		

* indicate with an X and delete rest

** delete as appropriate

This licence is only valid after payment of the amount of
R to the Receiver of Revenue, Private Bag
13355, Windhoek.

PERMANENT SECRETARY:
FISHERIES AND MARINE RESOURCES

DATE STAMP

Receipt No:

RECEIVER OF REVENUE

N.B. This licence/permit is not transferable and is
subject to the conditions contained in the letter,
reference, dated

ANNEXURE G

REPUBLIC OF NAMIBIA

MINISTRY OF FISHERIES AND MARINE RESOURCES

SEA FISHERIES ACT, 1992

LICENCE OR PERMIT TO USE PREMISES, VEHICLE OR VESSEL AS A
FACTORY

Date of expiry:

Issued to:

Address:

Particulars of factory in respect of which licence is
issued:Registration number in terms of the Factories, Machinery
and Building Work Ordinance, 1952 (Ordinance 34 of 1952):
.....

Location of factory:

If on land:

If a vessel, quote licence/permit registration number:
.....

Purposes of factory:

This licence is only valid after payment of the amount of
R to the receiver of Revenue, Private Bag 13355,
Windhoek.

PERMANENT SECRETARY
FISHERIES AND MARINE
RESOURCES

DATE STAMP

Receipt No:

RECEIVER OF REVENUE

DATE STAMP

ANNEXURE H

REPUBLIC OF NAMIBIA

MINISTRY OF FISHERIES AND MARINE RESOURCES

SEA FISHERIES ACT, 1992

FEES PAYABLE FOR LICENCES / PERMITS TO FISH /
LICENCES FOR PREMISES, VEHICLES OR VESSELS USED AS
FACTORIES

1. The following licence/permit fees are payable annually in respect of fishing vessels:

For each fishing vessel with a gross tonnage of

- less than 10 tons	-	R 20.-
- 10 tons and more but less than 50 tons	-	R 50.-
- 50 tons and more but less than 100 tons	-	R 100.-
- 100 tons and more	-	R 200.-

2. The following licence fees are payable annually in respect of premises, vehicles or vessels used as factories:

- (a) For any premises, vehicle or vessel, excluding a fishing vessel, registered or liable for registration in terms of the Factories, Machinery and Building Work Ordinance, 1952 (Ordinance 34 of 1952): R 500.-
- (b) For any vehicle or vessel, excluding a fishing vessel: R 100.-
- (c) For each fishing vessel used as a factory, with a gross tonnage of
- | | |
|---------------------------|----------|
| (i) less than 4499 tons | R 500.- |
| (ii) 4500 up to 8999 tons | R 1000.- |
| (iii) 9000 tons and more | R 1500.- |

Provided that the amount paid or payable in respect of the fishing vessel licence or permit in terms of paragraph 1 is to be deducted from these amounts.

ANNEXURE I

REPUBLIC OF NAMIBIA

MINISTRY OF FISHERIES AND MARINE RESOURCES

SEA FISHERIES ACT, 1992

AUTHORIZATION TO USE A STAKED, SET, DRIFT OR BEACH TREK
SEINE NET

Tag No: Name of vessel:

Licence/permit registration No:

Date of expiry: 31 December 19....

Issued to:

Identity No: Residential address:

.....

This authorization is issued subject to the following conditions:

1. The authorization is not transferable.
2. This authorization does not grant any right of entry to public or private property and the holder shall comply with the regulations of local authorities.
3. Statistics of catches are to be submitted as and when required.
4. This authorization is valid only opposite the magisterial district(s) of/or in the area of:
.....
5. Only the following type of net may be used, viz a
.....
6. The total length of the net to be used shall not exceed metres in length.
7. This authorization is only valid after payment of the amount of R to the Receiver of Revenue, Private Bag 13355, Windhoek.

 PERMANENT SECRETARY:
 FISHERIES AND MARINE RESOURCES

 DATE STAMP

Receipt No:

 RECEIVER OF REVENUE

 DATE STAMP

ANNEXURE J

REPUBLIC OF NAMIBIA

MINISTRY OF FISHERIES AND MARINE RESOURCES

SEA FISHERIES ACT, 1992

APPLICATION FOR AN AUTHORIZATION TO USE A STAKED, SET,
DRIFT OR BEACH TREK SEINE NET

New application

☐

Renewal

☐

PART I

Full name of applicant:

Residential address:

.....

Age: Identity no :

Description of net for which authorization is requested:

Type of net, e.g. staked or set or drift or beach trek

seine net:

Length:

Mesh size in codend: in wings:

I, the undersigned, hereby apply for an authorization to use the net the details of which are provided above and declare that the particulars furnished are to the best of my knowledge and belief correct in all respects.

SIGNATURE_____
DATE

APPROVED / DISAPPROVED

PERMANENT SECRETARY:
FISHERIES AND MARINE
RESOURCES_____
DATE STAMP

ANNEXURE K

REPUBLIC OF NAMIBIA

MINISTRY OF FISHERIES AND MARINE RESOURCES

SEA FISHERIES ACT, 1992

**AUTHORIZATION TO CATCH, CONVEY, POSSESS, PURCHASE, SELL
OR BE IN POSSESSION OF CERTAIN SPECIES OF FISH IN EXCESS
OF PRESCRIBED QUANTITY**

Authorization No:

Authority is hereby granted in terms of regulation

.....

to: of:

to catch, convey, possess, purchase, sell, or be in possession of, during the period and in the area mentioned hereunder, the following species of fish which shall not exceed the quantity of mass stated below:

Period of authority:

Area or place:

Species	Maximum quantity or mass
.....	
.....	
.....	
.....	

Conditions:

1. This authorization is not transferable
2. The provisions of the Sea Fisheries Act, 1992 and the regulations promulgated in terms of the Act. must be complied with.

PERMANENT SECRETARY:
FISHERIES AND MARINE
RESOURCES

DATE STAMP

ANNEXURE L

REPUBLIC OF NAMIBIA

MINISTRY OF FISHERIES AND MARINE RESOURCES

SEA FISHERIES ACT, 1992

MONTHLY RETURN

For Month of: 19..

Status of Quota for Species:

Granted to:

Please note:

Complete in triplicate and submit, including monthly Fund levy statements for each vessel which landed fish in the month to:

The Officer in Charge, P.O. Box 1594, Walvis Bay, before the 7th of every month.

Complete the following table in respect of the quantities of quota granted for the current period, the quantity of fish previously reported as landed from this quota and the quantities landed in the month indicated above.

Quota granted:

Previously landed:

Landed this month by:

Vessel Name	Lic/perm reg. no	Landed mass (mt)	Wet Fish Mass (mt)
Total:			

Balance of Quota remaining: mt

Note: The landed masses and wetfish masses reported above should be the same as those reported in the monthly Fund levy statements which you include in this return.

I declare that the above information is to the best of knowledge true and correct.

Holder of Fishing Right

Inspector in Charge

ANNEXURE M

REPUBLIC OF NAMIBIA

MINISTRY OF FISHERIES AND MARINE RESOURCES

SEA FISHERIES ACT, 1992

LIST OF BYCATCH SPECIES

The following fish shall not be discarded:

- angel fish (Pomacanthidae)
- buttersnoek (Lepidopus caudatus)
- cuttlefish (Sepiolidae)
- gurnard (Chelidonichthys capensis)
- hake (Merluccius capensis, Merluccius paradoxus)
- horse-mackerel (Trachurus spp.)
- jacobever (Helicolenus dactylopterus)
- John Dory (Zeus faber)
- kingklip (Genypterus capensis)
- kob (Argyrosomus spp)
- monk (Lophius upsicephalus)
- octopus (Octopodidae)
- panga (Pterogymnus laniarius)
- reds (Polysteganus macrophtalmus)
- skate (Rajidae)
- snoek (Thyrsites atun)
- sole (Austroglossus microlepis)
- squid (Loliginidae)
- steenbras (Lithognathus aureti)

ANNEXURE N

REPUBLIC OF NAMIBIA

MINISTRY OF FISHERIES AND MARINE RESOURCES

SEA FISHERIES ACT, 1992

MARKING OF FISHING VESSELS

1. Content of identification marks

Any fishing vessel that has been assigned a licence/permit registration number, shall display that number as its identification mark.

2. Location of markings

(a) Identification marks shall be prominently displayed

(i) on the vessel's side or superstructure, port and starboard, on any vertical or inclined surface, high above the water-line, but not on the flare of the bow of the vessel or on the stern, in such a way as to be clearly visible both from the sea and from the air; and

(ii) for vessels other than undecked vessels, on a horizontal surface of the vessel, athwartships, with the top of the letters and numbers towards the bow of the vessel.

(b) Identification marks shall be so placed that they -

(i) are not obscured at any time by fishing gear or any other gear or material, whether stowed or in use;

(ii) are clear of flow from scuppers or overboard discharges and of areas that might be prone to damage or discolouration occurring during or as a result of catching operations; and

(iii) do not extend below the water-line.

(c) Where a vessel presents a different structure on its port and the starboard side, the identification markings prescribed in paragraph 2(a)(i) may be placed on the sides of the vessel or its superstructure in an asymmetrical way provided that they otherwise conform to the present annexure.

- (d) Where the identification marks prescribed by paragraph 2(a)(ii) are by necessity painted on a horizontal surface habitually covered by an awning or other temporary cover which would obscure the marking, the awning or other temporary cover shall bear the same identification mark.
- (e) All boats, skiffs and craft, other than air craft, carried by the fishing vessel for fishing operations shall bear the same identification mark as the vessel concerned.

3. Technical Specifications

- (a) Block lettering and numbering shall be used throughout.
- (b) The height of letters and numbers shall be in proportion to the size of the vessel in accordance with the following criteria:
 - (i) for identification marks to be displayed on the side or superstructure of the vessel in accordance with paragraph 2(a)(i)

length overall of vessel	minimum height of letters and numbers
25 m and over	1.0 m
20 m but less than 25 m	0.8 m
15 m but less than 20 m	0.6 m
12 m but less than 15 m	0.4 m
5 m but less than 12 m	0.3 m
under 5m	0.1 m

- (ii) Identification marks to be displayed in accordance with paragraph 2(a)(i) on horizontal surfaces of vessels with an overall length of five metres and more shall have a height of not less than 0.3 metres.
- (c) The length of the hyphen shall be half of the height of the letters and numbers.
- (d) The width of the stroke for all letters, numbers and the hyphen shall be one sixth of the height of the letters and numbers.
- (e) The space between letters and/or numbers, except in the case referred to in paragraph (f), shall not exceed one quarter of the height of the letters and numbers or be less than one sixth of that height.
- (f) The space between adjacent letters having sloping sides shall not exceed one eighth of the height of

the letters nor be less than one tenth of that height.

- (g) Identification marks shall be white on black background or black on white background, the background extending to provide a border around the letters and numbers of not less than one sixth of the height of the letters and numbers.
- (h) Good marine quality paints shall be used for applying the identification markings laid out in this schedule.
- (i) Retroreflective or heat-generating substances shall be accepted, provided that the identification marks otherwise meet the requirements of the present schedule.
- (j) The identification marks and the background to the same shall be maintained in a good condition at all times.

ANNEXURE O**REPUBLIC OF NAMIBIA****MINISTRY OF FISHERIES AND MARINE RESOURCES****SEA FISHERIES ACT, 1992****MARKING OF FISHING GEAR**

Fishing gear set in the water and not attached to a fishing vessel shall be marked as follows:

1. gill nets, set nets, drift nets, longlines, drifting longlines:
 - (a) each and every buoy used for setting any of the aforementioned gear shall be marked with the licence/permit registration number assigned to the vessel utilizing the gear
 - (b) the identification mark shall be in block lettering and numbering throughout
 - (c) letters and numbers shall be as large as the surface of the buoy permits
 - (d) the identification marks shall be in either white or black, whichever colour gives the higher contrast to the colour of the buoy
 - (h) good quality paints shall be used for applying the identification marks
 - (i) the identification marks and the surrounding background shall be maintained in a good condition at all times.
2. Traps

Each trap used in either rock lobster or crab fishing shall have firmly clipped onto it a non-removable tag of a minimum size of 30 by 60 mm made of non-corrodible material into which either the name or an abbreviation of the name of the person or company utilizing the trap has been stamped.

ANNEXURE P**REPUBLIC OF NAMIBIA****MINISTRY OF FISHERIES AND MARINE RESOURCES****SEA FISHERIES ACT, 1992****RADIO REPORTING REQUIREMENTS**

1. Any fishing vessel intending to enter or to exit Namibian waters shall forward a report of entry into or exit from the Namibian exclusive economic zone not earlier than forty-eight hours and not later than twenty-four hours prior to entry or exit, providing the following information:
 - name of the vessel
 - licence/permit registration number
 - geographical position at which it will enter or exit Namibian waters
 - geographical position at which, if licensed or permitted to do so, it intends to commence or cease fishing
 - quantity of fish carried on board expressed in metric tons by species and product form
2. Reports shall be made to the Ministry of Fisheries and Marine Resources by means of telefax and as instructed.

ANNEXURE Q

REPUBLIC OF NAMIBIA

MINISTRY OF FISHERIES AND MARINE RESOURCES

SEA FISHERIES ACT, 1992

CONVERSION FACTORS APPLICABLE FOR FISH CAUGHT IN NAMIBIAN WATERS

For the purposes of determining the mass of any processed fish landed in Namibia into live (round) weight, the following conversion factors shall apply:

Species and Product	Conversion Factor
(a) Hake	
headed and gutted	1.46
trimmed skinless fillets	2.25
untrimmed skin-on fillets	1.94
broken sour	1.46
(b) Kingklip	
headed and gutted	1.52
(c) Monk	
headed and gutted	3.04
(d) Sole	
gutted	1.04
(e) Horse Mackerel	
headed and tail off	1.570
fillet	1.859
fishmeal	5.556

The live (round) weight of landed processed fish shall be calculated by multiplying the mass of the landed product with the appropriate conversion factor indicated in the above table.

ANNEXURE R

REPUBLIC OF NAMIBIA

MINISTRY OF FISHERIES AND MARINE RESOURCES

SEA FISHERIES ACT, 1992

NOTICE OF CHANGE IN TERMS OF SECTION 26 (6) OF THE ACT

Name of owner:

Vessel name:

Licence registration number:

I hereby report that with effect from the

..... (insert date)

1) the name of owner has changed from:

..... to:

.....(insert new name)

2) the address of owner has changed from:

.....

..... to:

.....

.....(insert new address)

3) the vessel indicated above has undergone the following alterations in respect to the information provided on the licence application:

a) length overall changed to: m

b) gross register tons changed to: GRT

c) horse power of main engine(s) changed to: KW

d) hold capacities changed as follows:

.....

e) production capacities changed as follows:

.....

- 4) the vessel indicated above was
- a) sold or disposed of to (insert name and address of new owner):
.....
.....
 - b) renamed the (insert new name):
 - c) transferred to (insert new fishing port):.....
.....
 - d) withdrawn permanently/temporarily from fishing
(delete as appropriate)
 - e) lost at sea, stolen or sunk (indicate whether
beyond recovery or not):.....
 - f) destroyed or dismantled (delete as appropriate)
 - g) permanently damaged:
 - h) in such a condition of deterioration that it is
beyond further use for fishing:
.....

N B Delete the items not applicable and complete the remainder as may be necessary.

.....
Signature of owner

Place:..... Date:

ANNEXURE S

REPUBLIC OF NAMIBIA

MINISTRY OF FISHERIES AND MARINE RESOURCES

SEA FISHERIES ACT, 1992

FEES PAYABLE ON BYCATCH

Bycatch fees per metric ton

Species	R per ton
hake	1200