

MINISTRY OF FISHERIES AND MARINE RESOURCES

No. 153

2001

**REGULATIONS RELATING TO THE EXPLOITATION
OF MARINE RESOURCES**

The Minister of Fisheries and Marine Resources has under section 61(1) of the Marine Resources Act, 2000 (Act No. 27 of 2000), made the regulations set out in the Schedule.

SCHEDULE

PART I

DEFINITIONS

Definitions

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

“adult seal” means a seal of at least three years of age;

“clubber” means a member of a sealing team equipped with a sealing club;

“high-water line” means the line of highest astronomical tide;

“intestine” means part of the alimentary canal from the end of the stomach to the anus;

“knife” means a knife with a fixed straight and sharp blade of at least 30 mm in width and 120 mm in length;

“licensed fishing vessel” means any fishing vessel licensed in terms of section 40 of the Act;

“low-water line” means the line of lowest astronomical tide;

“marine mammal” means any individual of the taxonomic categories Sirenia, Cetacea or Pinnipedia;

“marine turtle” means any individual of the reptilian order Chelonia (Testudines), which habitually lives in the marine environment;

“nautical mile” means the international nautical mile of 1852 metres;

“pup” means a seal in its first year of life;

“fishing permit” means a permit issued under regulation 7;

“recreational purposes” means for any purpose other than commercial purposes;

“red bait” means any individual of the urochordate genus *Pyura*;

“rifle” means a rifle which is used with ammunition capable of killing an adult seal instantaneously by penetrating the brain case and destroying the brain without exiting on the opposite side of the brain case;

“ring net” means netting attached to a ring in such a way as to catch or entangle fish when the ring is pulled from the sea bottom towards the surface of the water;

“rock lobster” means any individual of the species *Jasus lalandii*;

“seal” means any Cape Fur seal (*Arctocephalus pusillus*);

“sealing club” means a straight wooden or fibreglass club with a mass of at least 1 kg, but not exceeding 2 kg, and a length of at least 0,9 m but not exceeding 1,9 m and of which one end is thicker than the other;

“shark” means any individual of the class chondrichthyes and includes skates, rays and chimaeras;

“sticker” means a member of a sealing team equipped with a knife;

“the Act” means the Marine Resources Act, 2000 (Act No. 27 of 2000); and

“whole state”, in relation to a marine resource, means the natural condition of a marine resource and includes a condition after one or more of the following parts, namely, the head, tail, scales or intestines have been removed from a marine resource.

PART II

FORMS AND PROCEDURES FOR GRANTING RIGHTS OR EXPLORATORY RIGHTS, ALLOCATING QUOTAS AND ISSUING LICENCES

Applications

2. (1) An application for a right, an exploratory right or a quota under the Act must be made to the Permanent Secretary -

- (a) in respect of a right, in the form set out in Annexure A;
- (b) in respect of an exploratory right, in the form set out in Annexure B; and
- (c) in respect of a quota, in the form set out in Annexure C.

(2) An application for a licence under section 40 of the Act must be made to the Permanent Secretary -

- (a) in respect of the use of a fishing vessel for commercial purposes in Namibian waters, in the form set out in Annexure D; or
- (b) in respect of the use of a Namibian flag vessel for harvesting marine resources outside Namibian waters, in the form set out in Annexure E.

(3) A request for the approval of the Minister for the transfer of a right, an exploratory right, a quota or licence under section 42 of the Act -

- (a) must be made in writing to the Permanent Secretary by the holder of the right, exploratory right, quota or licence; and
- (b) must be accompanied by an application by the person to whom the right, exploratory right, quota or licence is to be transferred in the forms set out in Annexures A to E, respectively.

Licences

3. A licence to use -

- (a) a fishing vessel for commercial purposes in Namibian waters must be issued in the form set out in Annexure F; and
- (b) a Namibian flag vessel for harvesting marine resources outside Namibian waters must be issued in the form set out in Annexure G, and

against payment of the fee set out in Annexure H.

Notification

4. A person who has provided information to the Ministry in terms of any requirement of the Act or these regulations, not being information to which the provisions of section 40(5) apply, must inform the Permanent Secretary of any change in respect of that information in writing within 14 days after the change takes place, if the information relates to other requirements of the Act.

PART III

FISHING FOR RECREATIONAL PURPOSES

Permit required for harvesting for recreational purposes

5. A person who in Namibian waters harvests for recreational purposes must -
- (a) be in possession of a fishing permit; and
 - (b) carry out such harvesting subject to the conditions prescribed by these regulations.

Means of harvest for recreational purposes

6. A person may not for recreational purposes harvest marine resources by any means other than -
- (a) a hook and line, whether operated by a rod and reel or otherwise, and using a scoop net to lift rock lobsters from the water once they have been reeled to the surface;
 - (b) a ring net; or
 - (c) diving.

Issue of permit

7. (1) A fishing permit referred to in regulation 5(a) must be issued by the Minister or by any person or authority authorised thereto by the Minister, if that person or authority has agreed to do so.

- (2) A fishing permit -
- (a) must be issued in the form set out in Annexure L; and
 - (b) may be issued for a period of either one month or one year and may be obtained upon payment of a fee determined by the Minister.

(3) A person or authority authorised under subregulation (1) to issue fishing permits must maintain records of the permits issued and the payments received for the issuing and must file reports thereon in the manner required by the Permanent Secretary.

Daily bag limit

8. (1) Subject to subregulation (2), a person may not, for recreational purposes, in one day harvest more than a total of ten fish comprising any one or more of the following species:

- (a) blacktail;
- (b) galjoen;
- (c) kob;
- (d) West Coast steenbras;
- (e) snoek.

(2) The species referred to in subregulation (1) and may not be of a size less than that specified in Annexure J.

- (3) A person may in one day harvest 5 rock lobsters.
- (4) A person may without a fishing permit harvest and retain for his or her own use any of the following species of marine resources:
- (a) aquatic plants;
 - (b) molluscs; and
 - (c) seashell.
- (5) A person referred to in subregulation (4) may not in any one day harvest and retain more than the quantity specified in Annexure K in respect of the marine resources referred to in that subregulation.
- (6) For the purpose of subregulation (1) -
- (a) "blacktail", also known as "dassie", means any individual of the species *Diplodus sargus*;
 - (b) "galjoen" means any individual of the species *Dichistius capensis*;
 - (c) "kob", also known as "kabeljou", means any individual of the genus *Argyrosomus*;
 - (d) "snoek" means any individual of the species *Thyrssites atun*; and
 - (e) "West Coast steenbras", also known as "white fish", means any individual of the species *Lithognathus aureti*.
- (7) For the purpose of subregulation (2), 1 kg of any fish referred to in that subregulation which has been cleaned or filleted so that it cannot be identified individually must be considered to be the equivalent of one fish;
- (8) For the purpose of subregulation (4) -
- (a) "mollusc" means any species of the invertebrate phylum *Mollusca* and includes chitons, bivalves, mussels, limpets (being any species of limpet, slipper limpet or key-hole limpet of the genera *Crepidula*, *Diodora*, *Fissurella*, *Helcion*, *Patella* and *Siphonaria*), whelks, periwinkles (being any species of the gastropod molluscs of the genera *Cynisca*, *Gibbula*, *Littorina*, *Oxystele* and *Tricolia*), slugs, octopods, cuttle fish and squid, but excludes the ship worm (*Teredo* spp.); and
 - (b) "seashell" means the calcareous or chiteneous exoskeleton or shell of a marine invertebrate.

Prohibited species

9. A person may not -
- (a) use as bait or have in his or her possession any polychaete worm, also known as bristle worm, being any segmented worm belonging to the class Polychaeta, including the scale worm (*Lepidonotos*), green worm (*Eulalia* spp.), mussel worm (*Pseudonereis* spp.), bamboo worm (*Euclymene* spp. and *Nicomache* spp.) and Cape reef worm (*Gunnarea* spp.).
 - (b) collect any red bait by cutting or in any other way dislodging the red bait from the substract, except red bait which has been washed up on the sea shore.

Prohibited areas in respect of fishing for recreational purposes

10. (1) A person may not harvest marine resources for recreational purposes within a distance of two nautical miles seaward from the high-water line in any of the following areas -

- (a) from the middle of the mouth of the Kunene River to the concrete beacon marked TB 1 situated approximately 5 km north of Terrace Bay;
- (b) from the concrete beacon marked TB 2 situated approximately 25 km south of Terrace Bay to the concrete beacon marked TB 3 situated approximately 10 km north of Torra Bay;
- (c) from the concrete beacon marked TB 4 situated approximately 10 km south of Torra Bay to the southern bank of the mouth of the Ugab River;
- (d) from the concrete beacon marked CC1 situated at latitude 21°45.249' south to the concrete beacon marked CC2 situated at latitude 21°51.380' south;
- (e) from the southern limits of the quay in the harbour of Walvis Bay, along the coastline to Pelican Point;
- (f) from the concrete beacon marked SV 2 situated at the northern limits of Sandwich Harbour to a concrete beacon marked RL 3 situated approximately at latitude 26°34' south;
- (g) 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;
- (h) the sea shore of any of the islands along the Namibian coast.

(2) Notwithstanding subregulation (1), the Permanent Secretary may on application and subject to such conditions as the Permanent Secretary may determine, grant an exemption in writing to any person in respect of the harvest of marine resources within any prohibited area referred to in that subregulation.

(3) An exemption granted in terms of subregulation (2) must specify the name of the person to whom it is granted, the period and the area for which it is granted and the applicable conditions, if any.

Transport

11. (1) A person may not transport or carry in a vehicle or vessel any quantity of marine resources caught for recreational purposes -

- (a) exceeding the cumulative bag of more than three days;
- (b) in the case of rock lobster, exceeding 15 rock lobsters, all of which must be in a whole state; and
- (c) without being in possession of a fishing permit.

PART IV

CONSERVATION MEASURES

Control of fishing gear used for harvesting for commercial purposes

12. (1) A person who engages in the harvest of marine resources for commercial purposes in Namibian waters may not use any fishing gear that is not authorised by a right, exploratory right, quota or licence.

(2) The master of a licensed fishing vessel which carries on board fishing gear not authorised by a right, exploratory right, quota or licence must -

- (a) declare such fishing gear -
 - (i) prior to the departure of the vessel from a Namibian port; and
 - (ii) after the entry of the vessel into a Namibian port,
to the fisheries inspector in charge of operations at that port; and
- (b) must keep the fishing gear securely stowed away at all times.

Clearance of fishing vessels

13. The master of a licensed fishing vessel must ensure that the vessel -

- (a) is inspected before leaving a Namibian port; and
- (b) does not leave the port, unless the master of the vessel is issued with a clearance certificate by the fisheries inspector in charge of operations at that port, certifying that the vessel, all fishing gear, holds and documents on board meet the requirements of the Act and these regulations.

Trawling

14. (1) A person may not use or have on board a fishing vessel -

- (a) any beam trawl net, being a net of which the mouth is held open by means of a rigid 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, a fishing vessel, if such vessel was on 31 December 1990 licensed in terms of the repealed Sea Fisheries Act, 1973 (Act No. 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 may 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.

Measurement of meshes

15. (1) If the mesh size of a net is to be measured -

- (a) the measurement must 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; and
- (b) the meshes must be measured -
 - (i) in the case of a net other than a purse seine, from inside of knot or joint to inside of knot or joint;
 - (ii) in the case of a purse-seine, from knot-centre to knot-centre.
- (2) The instrument to be used for measuring the mesh size of a net must -
 - (a) in the case of a net other than a purse-seine, but 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 of 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 micrometer.
- (3) Measurements by means of a gauge referred to in paragraph (a) of subregulation (2), must 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 meshes to be measured must be at least 10 meshes from any lacings or ropes and at least 10 meshes from the cod line.
- (5) The mesh size of a net must be expressed in millimetres and must 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 may not be measured.

Maintenance of mesh openings

16. A person may not use any device or have any construction of a net or netting by means of which the meshes that are required to be of a specified size are obstructed or drawn together while fishing or which in any other way causes the openings of such 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), a person may not 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 chaffer, 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) a person may use a Polish top side chafer, being a rectangular piece of netting attached to the rear portion of the upperside of the cod-end, if such netting -

- (i) is of the same twine material and fiber diameter as that of the cod-end of the material 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 that the chaffer 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, if -
- (i) it is fastened mesh by mesh across the upper half and to the inside of the cod-end;
 - (ii) the mesh size of the flapper is not less than the mesh size of the cod-end; and
 - (iii) the distance between the point where the flapper is fastened and the codline is at least three times the length of the flapper, but not less than 8 metres.
- (3) Subject to subregulation (4), a person may not 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) A person may not 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.

Protected species

18. (1) Except in terms of a right, an exploratory right or an exemption granted under section 62(1)(a) of the Act, a person may not -
- (a) harvest any species of marine mammal other than the Cape fur seal (*Arctocephalus pusillus pusillus*) or any species of marine turtle.
 - (b) kill, disturb or main any penguin (*Spheniscidae*), grebe (*Podicipedidae*), albatross (*Diomedidae*), petrel, shearwater or prion (*Procellariidae*), storm petrel (*Oceanitidae*), pelican (*Pelecanidae*), gannet (*Sulidae*), cormorant (*Phalacrocoracidae*), darter (*Anhingidae*), heron, egret or bittern (*Ardeidae*), ibis or spoonbill (*Plataleidae*), flamingo (*Phoenicopteridae*), duck or goose

(Anatidae), rail, crane, moorhen or coot (Rallidae), jacana (Jacanidae), oystercatcher (Haematopodidae), plover (Charadriidae), turnstone, sandpiper, stint, snipe, curlew or phalarope (Scolopacidae), avocet or stilt (Recurvirostridae) or skua, gull or tern (Laridae) or the eggs of any of those marine resources; or

- (c) on any island, rock or guano platform or in Namibian waters or on the shore seaward of the high-water mark or in the air above such areas, harvest any bird;
- (d) kill or maim any great white shark (*Carcharodon carcharias*).

(2) A person who accidentally harvests or otherwise takes a marine resource referred to in subregulation (1) must return it immediately to the sea, or to any other place from which it was harvested or taken, with as little injury as possible.

(3) A person referred to in subregulation (2) or person who accidentally kills or maims a marine resource referred to in subregulation (1) must as soon as possible after the incident submit a report in writing to the inspectorate office at the port of entry containing the following information:

- (a) the harvesting or killing;
- (b) the species and number of marine resources harvested or killed; and
- (c) the circumstances under which the harvesting or killing occurred.

Rock lobster

19. (1) A person may not, in any manner or for any purpose, harvest rock lobster within any of 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) A person may not harvest rock lobster -

- (a) during the period 1 May to 31 October, both days included;
- (b) 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, being the hard edge excluding any fringe or hair, to the tip of the rostrum or middle anterior spine.

(3) A person may not 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 the anterior edge to the posterior edge of that segment.

(4) A person who harvests rock lobster may not, subject to subregulation (3)(b), land such rock lobster or bring it ashore other than in a whole state.

(5) A person may not harvest any rock lobster -

(a) if for recreational purposes, by means other than -

(i) diving from the sea shore without the use of any artificial breathing apparatus, except a snorkel, or

(ii) a ring net;

(iii) a hook and line and using a scoop net to lift rock lobster from the water once the rock lobster has been reeled to the surface;

(b) if for commercial purposes, by means other than a trap or a ring net.

(6) A person may not harvest any rock lobster between sunset and sunrise by the means referred to in subregulation (5)(a).

(7) Any rock lobster harvested -

(a) for a purpose other than commercial purposes must be measured individually not later than 15 minutes after it is caught and at the place where it is caught;

(b) for commercial purposes and taken on board a fishing vessel must be sorted not later than 15 minutes after the trap or ring net comes out of the water.

(8) Any rock lobster harvested in contravention of any provision of these regulations must be returned to the sea without delay.

(9) A person who harvests or comes into possession of any rock lobster which does not conform to the size requirements prescribed by subregulations (2)(b) and (3)(b) or which is in berry or shows signs of having been stripped of the berry or which is harvested in contravention of any other provision of these regulations, must return that rock lobster without delay to the sea or any other place from which it was taken.

Seals

20. (1) Pups selected for harvesting must be driven in a group away from the sea and allowed to settle down before clubbing begins, care being taken to facilitate the escape of adult seals .

(2) After the seals have settled down, pups must be harvested as follows:

(a) a clubber must strike the pup a blow on the top of the head with a sealing club and with such force as may reasonably be expected to kill the pup and a clubber may not strike any pup, if he or she is unsure of being able to strike the pup in that manner;

(b) after a pup has been struck and, as soon as is practically possible, a sticker must pierce the heart of the pup with a knife, which knife must be inserted between the flippers of the pup and on the line along which the pup is to be flayed and must be twisted until blood flows strongly from the wound.

(3) Adult seals selected for harvesting must be killed on land and by shooting with a rifle at a point on the head of the seal so that the bullet effectively penetrates the brain of the seal and, as soon as is practically possible thereafter, a sticker must pierce the heart of the seal with a knife, which must be twisted until blood flows strongly from the wound.

Importation of live marine resources

21. (1) A person may not import any live marine resource, except on a written authorisation by the Minister.

(2) An application for authorisation by the Minister as contemplated in subregulation (1), must be addressed to the Permanent Secretary and must be in the form set out in Annexure I.

(3) For the purpose of this regulation, "live marine resource" means species of marine vertebrates, marine invertebrates, marine algae and marine micro-organisms.

Marine reserves

22. A person may not enter or remain in any marine reserve declared by the Minister in terms of section 51 of the Act, except in the performance of his or her duties under the Act or these regulations or on a written authorisation by the Minister.

PART V**PROTECTION OF THE MARINE ENVIRONMENT****Fishing gear and other non-biodegradable objects**

23. (1) A person may not, without a written authorisation by the Minister, leave any fishing gear or any other non-biodegradable object utilised for harvesting marine resources on or in the sea or on the sea shore on the termination of harvesting.

(2) A person who leaves the fishing gear or any other non-biodegradable object referred to in subregulation (1) on or in the sea or on the sea shore must obtain a written permission from the Minister before removing such gear or object.

(3) The Minister may cause fishing gear or any other non-biodegradable object referred to in subregulation (1) and left on or in the sea or on the sea shore to be removed by any other person designated by the Minister for that purpose.

(4) Any costs incurred in connection with the removal of any fishing gear or any other non-biodegradable object contemplated in subregulation (3) may be recovered from the person by whom the gear or object was left on or in the sea or on the sea shore, which costs constitute a debt owing to the State.

Waste

24. (1) A person may not discharge waste generated on a fishing vessel into the sea, except biodegradable household waste or fish offal.

(2) Waste, other than biodegradable household waste or fish offal, must be taken back to port and disposed of in a manner satisfactory to the authority responsible for the disposal of waste in the port in which such waste is landed.

(3) Biodegradable household waste or fish offal may be dumped into the sea beyond a distance of two nautical miles from the low-water line.

(4) A person may not discard any marine resources -

(a) that belong to a species listed in Annexure M;

(b) harvested, or taken as by-catch during harvesting, for commercial purposes and -

(i) for which the Minister has determined a total allowable catch in terms of section 38 of the Act;

- (ii) which are subject to measures in terms of section 39 of the Act; or
- (iii) for the discarding of which the Minister has granted an exemption in terms of section 62 of the Act.

(5) For the purposes of subregulations (1) and (2), "fish offal" means viscera, which are the internal organs of the body, head and fins of a fish.

PART VI

DOCUMENTS AND MEASURING OF MASS

Logbooks

25. (1) Every holder of a licence in respect of a fishing vessel must maintain or cause to be maintained on such fishing vessel such logbooks or other records as may be required by the Minister and in a form determined by the Minister and obtainable from the Permanent Secretary.

(2) Any logbook or other record referred to in subregulation (1) must be kept in a place in which it is protected from damage and from which it is readily available for inspection on the request of a fisheries inspector or any other person acting on a written authorisation by the Minister.

(3) On returning from each fishing journey the holder of a licence in respect of a fishing vessel or the master of a licensed fishing vessel must, not later than 24 hours after completion of the landing of the catch, submit such copies of a logbook or other record maintained in accordance with subregulation (1) as the Permanent Secretary may require to be submitted to the inspectorate office at the port of entry.

(4) The holder of a licence in respect of a fishing vessel must keep copies of any logbook or other record referred to in subregulation (1) for at least two years after the last entry was made in that log book or record.

Monthly returns

26. Every holder of a right, an exploratory right or a quota must submit, on or before the seventh day of each month, a return in a form determined by the Minister to the inspectorate office at the port of entry.

Documents to be carried on board a fishing vessel

27. (1) The master of a licensed fishing vessel must ensure that there is carried on board that fishing vessel -

- (a) documents issued by a competent authority of the flag state of such vessel, showing -
 - (i) the name of the vessel;
 - (ii) the letter or letters of the port or district in which, and the number under which, the vessel is registered;
 - (iii) the international radio call sign of the vessel;
 - (iv) the name and address of the owner of the vessel;
 - (v) all technical specifications pertaining to the vessel as are specified in the relevant application for a licence in respect of the vessel;
- (b) documents containing 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;

- (c) if modifications were made to the characteristics of the vessel with respect to the overall length of the vessel, its gross registered tonnage, the horsepower of its main engine or engines and its hold capacity, a certificate by a competent authority of the flag state of the vessel describing the nature of modifications,;
- (d) a copy of the Act and of any regulations made under the Act;
- (e) the licence issued in respect of the fishing vessel, or a certified copy thereof, which must at all times be kept in a place in which it is protected from damage and in which it can be readily examined.

(2) For the purpose of this regulation, "flag state" means the country where a vessel is registered and whose flag it is entitled to fly.

Language of records and communication

28. All logbooks, records, returns, reports, notifications or communication required to be maintained or made in terms of the Act or these regulations must be in English.

Requirements for mass meters

29. The mass of marine resources harvested must be determined with an appropriate mass meter approved by the Minister of Trade and Industry.

Conversion factors

30. For the purpose of determining the mass of any processed marine resource in live (round) weight, the conversion factors set out in Annexure N apply.

PART VII

LANDING OF BY-CATCHES

Fee payable in respect of by-catches

31. (1) A holder of a right who takes by-catches while harvesting under a quota must pay a fee determined by the Minister from time to time in respect of the different species of by-catches.

(2) A holder of a right referred to in subregulation (1) must pay the fee contemplated in that subregulation as specified in and in accordance with the conditions appended to a quota, which conditions may stipulate, as the Minister may determine -

- (a) the species and quantity of by-catches on which the fee is payable;
- (b) the method of determining the mass of by-catches;
- (c) information which must be furnished by the holder of the right in respect of the payment of the fee;
- (d) the time and the place at which the fee is payable;
- (e) the interest on fees not paid within the time stipulated in the conditions.

PART VIII

COMPLIANCE CONTROL

Signal for stopping vessel

32. (1) A fisheries inspector may stop a fishing vessel by using an international maritime signal.

- (2) For the purpose of stopping a fishing vessel in terms of subregulation (1) -
 - (a) a day-time stop signal must 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 must 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 and carrying on board of authorised persons

33. (1) The master of a licensed fishing vessel must promptly provide a fisheries inspector safe and convenient access to the vessel at any time that the fisheries inspector seeks to board that vessel in the exercise of his or her powers in terms of the Act, including a suitable boarding ladder.

(2) The master of a licensed fishing vessel must, while in Namibian waters, allow a fisheries inspector, fisheries observer or any other person designated by the Minister for a specific purpose, to board and remain on board such fishing vessel and must without charge -

- (a) allow the inspector, observer or other designated person full access to all equipment, including navigation and communication equipment, records and documents and to any marine resources on board the vessel as may be necessary to carry out his or her duties;
- (b) allow the inspector, observer or other designated person 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 terms of the licence; and
- (c) provide the inspector, observer or other designated person food and accommodation at least equivalent to that provided to officers of the vessel.

Reporting requirements with regard to movements and operations of licensed fishing vessels

34. (1) The master of a licensed fishing vessel intending to enter or leave a port in Namibia must notify the fisheries inspector in charge of operations in that port in writing, and as may further be determined by the Permanent Secretary, at least 48 hours before entering or before leaving the port.

(2) The master of a licensed fishing vessel intending to enter or leave Namibian waters must, unless otherwise authorised in writing by the Permanent Secretary, forward a report of entry into or departure from Namibian waters to the Permanent Secretary by means of telefax, and as may further be determined by the Permanent Secretary, not earlier than 48 hours and not later than 24 hours prior to such entry or departure, providing the following pieces of information:

- (a) the name of the vessel;
- (b) the licence number;
- (c) the geographical position at which it will enter or depart from Namibian waters;
- (d) if harvesting operations are to be carried out in Namibian waters, the geographical position at which such operations are to commence and, if such operations have already been carried out in Namibian waters, the geographical position at which such operations ceased; and

- (e) the quantity of marine resources carried on board expressed in metric tonnes by species and product form.

Catch control

35. The master of a licensed fishing vessel carrying marine resources that have been harvested within Namibian waters must seek permission from the Permanent Secretary for the vessel to leave Namibian waters, unless the marine resources aboard that vessel have been inspected and no further harvesting operations have been carried out from that vessel since the inspection took place.

Landing and transshipment

36. (1) A person who intends to land marine resources in any port in Namibia must give a 48 hours' advance notice before such landing to the fisheries inspector responsible for the inspection of landings at the port or to any other person designated by the Permanent Secretary for that purpose.

(2) Except in accordance with conditions attached to a licence or with a written authorisation by the Permanent Secretary, no transshipment of any marine resources from or to any fishing vessel or any other vessel may be carried out at any place other than inside a port in Namibia and under the supervision of a fisheries inspector or any other person designated by the Permanent Secretary for that purpose.

(3) Any costs of transport, accommodation or other expenditure pertaining to the performance of the duties of fisheries inspectors or other persons designated by the Permanent Secretary in respect of the supervision of a transshipment of marine resources outside a port in Namibia must be borne by the holder of the licence relating to the vessel from which the landing or transshipment is undertaken.

Marking of fishing vessels

37. The holder of a licence under which a fishing vessel operates must ensure that identification markings assigned to the vessel in accordance with the specifications set out in Annexure O are, in addition to any markings and carvings prescribed by any other law, displayed on the vessel at all times while the vessel is in Namibian waters.

Marking of fishing gear

38. The holder of a licence under which a fishing vessel operates must ensure that all fishing gear set in the sea and not attached to the fishing vessel is clearly marked in accordance with the requirements set out in Annexure P.

PART IX

OFFENCES AND PENALTIES AND REPEAL OF REGULATIONS

Offences and penalties

40. Any person who contravenes or fails to comply with any provision of these regulations is guilty of an offence and liable on conviction to a fine not exceeding N\$ 500 000.

Repeal of regulations

41. The regulations promulgated by Government Notice No. 566 of 4 January 1993 are repealed.

ANNEXURE A
REPUBLIC OF NAMIBIA
MINISTRY OF FISHERIES AND MARINE RESOURCES
MARINE RESOURCES ACT, 2000
APPLICATION FOR A RIGHT
TO HARVEST MARINE RESOURCES
FOR COMMERCIAL PURPOSES

Name of applicant:

Postal address:.....

Business or residential address:.....

.....

Telephone numbers: Facsimile:

Foreign companies:

Name of local representative:

Postal address:

Business or residential address:

Telephone numbers: Facsimile:

Species or fisheries in respect of which a right to harvest is sought:

.....

(A separate application must be submitted for each species or fisheries for which a right to harvest is sought.)

Attach the following documents to this application:

- where relevant for the present application, documentation in respect of matters which the Minister may have regard to in terms of section 33(4) of the Act;
- all documentation or information stipulated in the call for applications in response to which this application is being submitted.

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

Signature

Place

Date

ANNEXURE B

REPUBLIC OF NAMIBIA
MINISTRY OF FISHERIES AND MARINE RESOURCES
MARINE RESOURCES ACT, 2000

APPLICATION FOR AN EXPLORATORY RIGHT
TO HARVEST MARINE RESOURCES

Name of applicant:

Postal address:

Business or residential address:

Telephone numbers: Facsimile:

Foreign companies:

Name of local representative:

Postal address:

Business or residential address:

Telephone numbers: Facsimile:

Species or fisheries in respect of which an exploratory right to harvest marine resources is sought:

.....

(A separate application must be submitted for each species or fisheries for which an exploratory right to harvest marine resources is sought.)

Attach the following documents to this application:

- A comprehensive preliminary feasibility study describing the commercial viability and biological sustainability of the marine resource which the applicant wishes to harvest or the commercial viability of method of harvesting which is to be researched, whatever the case may be.

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

Signature

Place

Date

ANNEXURE C

REPUBLIC OF NAMIBIA

MINISTRY OF FISHERIES AND MARINE RESOURCES

MARINE RESOURCES ACT, 2000

APPLICATION
FOR A QUOTA

Name of applicant:
(Indicate the name of the right holder, if a right to harvest has been granted in respect of the species or fisheries for which a quota is being applied for.)

Postal address:.....

Business or residential address:.....

Telephone numbers: Facsimile:

Applicant's local representative:
(If applicant is a person nominated under section 35(2) of the Act)

Local representative's address.....

Telephone numbers: Facsimile:

Species/fisheries in respect of which applicant holds a right:
.....

(Please fill in a separate application for each species or fisheries for which a quota is requested.)

Amount:
(indicate the amount in metric tonnes)

Period/season for which quota is sought:

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

Place

Date

ANNEXURE D
REPUBLIC OF NAMIBIA
MINISTRY OF FISHERIES AND MARINE RESOURCES
MARINE RESOURCES ACT, 2000
APPLICATION FOR A LICENCE TO USE
A FISHING VESSEL FOR COMMERCIAL PURPOSES
IN NAMIBIAN WATERS

New Application _____ Renewal _____

Name of applicant:
(Indicate the name of the right holder or holder of an exploratory right, if the fishing vessel is to be used in terms of a right or an exploratory right.)

Postal address:.....

Business or residential address:.....

Telephone numbers: Facsimile:

Applicant's local representative:
(If applicant is a person nominated under section 35(2) of the Act)

Local representative's address:.....

Telephone numbers: Facsimile:

Species/fisheries in respect of which applicant holds a right:
.....

Harvesting method:
.....

Particulars of vessel to be used:

Name of vessel:

Port of registry:

Owner:

Postal address:.....

Business or residential address.....

Telephone numbers: Facsimile:

Country of residence:

Date of construction:

Length overall: m Gross register tons: GRT

Horse power: hp
(Attach a colour photograph, A6 format, showing vessel from starboard or portside.)

Hold capacities:

Number of wet fish holds: / total capacity: m³

Number of freezer holds: / total capacity: m³

Name of master:

Postal address:

Business or residential address:

Telephone numbers: Facsimile:

Total number of crew: of which Namibian none-Namibian

Specifications of gear to be used:

.....
.....

Specifications of gear carried and stowed on board not to be used:

.....
.....

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

Signature

Place

Date

ANNEXURE G
REPUBLIC OF NAMIBIA
MINISTRY OF FISHERIES AND MARINE RESOURCES
MARINE RESOURCES ACT, 2000
**LICENCE TO USE A NAMIBIAN FLAG VESSEL
FOR HARVESTING MARINE RESOURCES
OUTSIDE NAMIBIAN WATERS**

Name of owner of the Namibian flag vessel:

Name of Namibian flag vessel:

Vessel call sign:

Licence valid from to

Area where harvesting is to take place:

Specifications of gear authorised to be carried on board:

.....

.....

Licence conditions:

.....

.....

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

PERMANENT SECRETARY

DATE STAMP

Receipt No.:

RECEIVER OF REVENUE

DATE STAMP

ANNEXURE H

REPUBLIC OF NAMIBIA

MINISTRY OF FISHERIES AND MARINE RESOURCES

MARINE RESOURCES ACT, 2000

FEE PAYABLE FOR LICENCE

The following fee is payable for a licence to use a fishing vessel for commercial purposes in Namibian waters or to use a Namibian flag vessel for harvesting marine resources outside Namibian waters:

- (a) N\$ 20 in respect of a fishing vessel with a gross tonnage of less than 10 tons;
- (b) N\$ 50 in respect of a fishing vessel with a gross tonnage of 10 tons or more but less than 50 tons;
- (c) N\$ 100 in respect of a fishing vessel with a gross tonnage of 50 tons or more but less than 100 tons;
- (d) N\$ 200 in respect of a fishing vessel with a gross tonnage of 100 tons or more but less than 2500 tons;
- (e) N\$ 500 in respect of a fishing vessel with a gross tonnage of 2500 tons or more but less than 4500 tons;
- (f) N\$ 1000 in respect of a fishing vessel with a gross tonnage of 4500 tons or more but less than 9000 tons;
- (g) N\$ 1500 in respect of a fishing vessel with a gross tonnage of 9000 tons or more.

ANNEXURE J

REPUBLIC OF NAMIBIA

MINISTRY OF FISHERIES AND MARINE RESOURCES

MARINE RESOURCES ACT, 2000

SIZE LIMITS OF MARINE RESOURCES IN DAILY BAG

Size of marine resources harvested for recreational purposes

- (1) For the purpose of regulation 8(2), the species referred to in regulation 8(1) may not, including head and tail, be shorter than:
 - (a) 25 cm, in the case of blacktail;
 - (b) 30 cm, in the case of galjoen;
 - (c) 40 cm, in the case of kob; and
 - (d) 40 cm, in the case of West Coast steenbras.
- (2) For the purpose of regulation 8(2), a person harvesting for recreational purposes may not in one day harvest -
 - (a) more than 2 individuals of kob that are each longer than 70 cm including head and tail;
 - (b) more than 2 individuals of West Coast steenbras that are each longer than 65 cm including head and tail; or
 - (c) more than 2 kilogram of fish cleaned or filleted so that it cannot be identified.

ANNEXURE K

REPUBLIC OF NAMIBIA

MINISTRY OF FISHERIES AND MARINE RESOURCES

MARINE RESOURCES ACT, 2000

QUANTITY OR MASS OF MARINE RESOURCES

THAT MAY BE HARVESTED WITHOUT A FISHING PERMIT

1. For the purpose of regulation 8(5), the following quantity or mass of marine resources may be harvested for own use without a fishing permit:
 - (a) 1 kg of aquatic plants, other than brown seaweed;
 - (b) 50 black mussels;
 - (c) 2,5 kg dry weight or 10 kg wet weight of brown seaweed;
 - (d) 15 limpets;
 - (e) 5 molluscs, other than black mussel, limpet, periwinkle or white mussel;
 - (f) 25 periwinkles;
 - (g) 10 kg of sea shells; and
 - (h) 25 white mussels.
2. For the purpose of paragraph 1 -
 - (a) "black mussel" means any individual of the mollusc class *Pelecypoda*, including brown mussel and ribbed mussel;
 - (b) "brown seaweed" means any species of the aquatic plant genera *Laminaria* and *Ecklonia*; and
 - (c) "white mussel" means any mollusc of the genus *Donax*.

ANNEXURE L

REPUBLIC OF NAMIBIA

MINISTRY OF FISHERIES AND MARINE RESOURCES

MARINE RESOURCES ACT, 2000

FISHING PERMIT FOR HARVESTING FOR
RECREATIONAL PURPOSES

Permit No.: 123456

Permit for the recreational harvesting of marine resources

issued by the Ministry of Fisheries and Marine Resources

This permit is issued to the permit holder whose name appears below, subject to the restrictions in respect of areas, species, minimum sizes, bags limits, transport, fees and other matters as determined in the respective regulations made under the Marine Resources Act, 2001. This permit is only valid after payment of the prescribed fee and is not transferable.

Name of permit holder:

Identity or passport number:

Postal address:

Residential address:

Type of permit: . 1 month _____ 1 year _____

Permit valid from: to:

Intended area where recreational harvesting is to take place:

For official use only

Date of issue: Place of issue:

Amount received: Stamp & signature:

ANNEXURE M

REPUBLIC OF NAMIBIA

MINISTRY OF FISHERIES AND MARINE RESOURCES

MARINE RESOURCES ACT, 2000

LIST OF MARINE RESOURCES THAT MAY NOT BE DISCARDED

The following marine resources may not be discarded:

- alfonsino (*Beryx spp.*);
- angel fish (*Pomacanthidae*);
- bob-tailed squid (*Sepiolidae*);
- buttersnoek (*Lepidopus caudatus*);
- cuttlefish (*Sepiidae*);
- gurnard (*Chelidonichthys capensis*);
- hake (*Merluccius spp.*);
- horse mackerel (*Trachurus spp.*);
- inshore squid (*Loliginidae*);
- jacoever (*Helicolenus dactylopterus*);
- John Dory (*Zeus faber*);
- kingklip (*Genypterus capensis*);
- kob (*Argyrosomus spp.*);
- monk (*Lophius vomerinus*);
- octopus (*Octopodidae*);
- orange roughy (*Hoplostethus atlanticus*);
- panga (*Pterogymnus laniarius*);
- reds (*Dentex macrophthalmus*);
- shark (*Class chondrichthyes*);
- skate (*Rajidae*);
- snoek (*Thyrsites atun*);
- sole (*Austroglossus microlepis*);
- steenbras (*Lithognatus aureti*);
- swordfish (*Xiphias gladius*);
- tuna (*Scombridae*).

ANNEXURE N

REPUBLIC OF NAMIBIA
 MINISTRY OF FISHERIES AND MARINE RESOURCES
 MARINE RESOURCES ACT, 2000

CONVERSION FACTORS APPLICABLE TO FISH
 CAUGHT IN NAMIBIAN WATERS

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

Species and product	Conversion factor
Hake:	
Headed and gutted	1,46
Trimmed skinless fillets	2,25
Untrimmed skin-on fillets	1,94
Broken sour	1,46
Gutted	1,04
Kingklip:	
Headed and gutted	1,52
Monk:	
Headed and gutted	3,04
Sole:	
Gutted	1,04
Horse mackerel:	
Headed and tail off	1,570
Fillets	1,839
Fishmeal	4,250
Canned (tins)	1,570
Crab	
Section (68-154mm)	1,71
Leg (with shell); (95-151mm)	7,52
Leg (without shell); (95-154mm)	11,89
Flake (10mm)	3,02
(80 - 94mm)	
Flake (1mm) (residue from above)	12,20
(80 - 94 mm)	
Flake (1mm) (from shoulders)	5,49
(95 - 110mm)	
Flake (1mm) (residue from above)	17,86
(95 - 110 mm)	
Flake (5mm)	3,30
(80 - 94 mm)	
Flake (5mm) (estimated quantity from shoulders)	5,99
(95 mm - 110 mm);	
Flake (machine size not recorded)	2,63
(80 - 94 mm);	
Flake (machine size not recorded)	4,76
(shoulders)	
(95 - 110 mm);	
Orange roughy	
Dressed (headed, gutted and fins removed)	2,10
Alfonsino	
Dressed (headed, gutted and fins removed)	2,0
Cardinal fish	
Headed, gutted and fins removed	1,9
Oreo dory	2,2

In order to obtain the live (round) weight of landed processed fish, the mass of the landed product must be multiplied with the appropriate conversion factor indicated in the above table.

ANNEXURE O

REPUBLIC OF NAMIBIA

MINISTRY OF FISHERIES AND MARINE RESOURCES

MARINE RESOURCES ACT, 2000

MARKING OF FISHING VESSELS

1. Content of identification marks

Any fishing vessel that has been assigned a licence or permit registration number must display that number as its identification mark.

2. Location of identification marks

(1) Identification marks must be prominently displayed -

- (a) 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
- (b) 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.

(2) Identification marks must be so placed that they -

- (a) are not obscured at any time by fishing gear or any other gear or material, whether stowed or in use;
- (b) 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
- (c) do not extend below the water-line.

(3) If a vessel presents a structure on its port and the starboard side that is different from that described in paragraph 2(1)(a), the identification marks may be placed on the sides of the vessel or its superstructure in an asymmetrical way, but the marks must otherwise meet the requirements of this Annexure.

(4) If identification marks 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 must bear that identification mark.

(5) All boats, skiffs and craft, other than air craft, carried by the fishing vessel for fishing operations must bear the same identification mark as the vessel concerned.

3. Technical specifications in respect of identification marks

(1) Block lettering and numbering must be used throughout.

(2) The height of letters and numbers must be in proportion to the size of the vessel in accordance with the following criteria:

- (a) for identification marks to be displayed on the side or superstructure of the vessel in accordance with paragraph 2(1)(a) -

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 5 m	0.1 m;

- (b) identification marks to be displayed in accordance with paragraph 2(1)(a) on horizontal surfaces of vessels with an overall length of five metres and more must have a height of not less than 0.3 metres.
- (3) The length of the hyphen must be half of the height of the letters and numbers.
 - (4) The width of the stroke for all letters, numbers and the hyphen must be one sixth of the height of the letters and numbers.
 - (5) The space between letters or numbers, except in the case referred to in subparagraph (6), must not exceed one quarter of the height of the letters and numbers or be less than one sixth of that height.
 - (6) The space between adjacent letters having sloping sides must not exceed one eighth of the height of the letters nor be less than one tenth of that height.
 - (7) Identification marks must 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.
 - (8) Good marine quality paints must be used for applying the identification markings laid out in this schedule.
 - (9) The use of retroreflective or heat-generating substances is permitted, if the identification marks otherwise meet the requirements of this Annexure.
 - (10) The identification marks and the background to the same must be maintained in a good condition at all times.

ANNEXURE P
REPUBLIC OF NAMIBIA
MINISTRY OF FISHERIES AND MARINE RESOURCES
MARINE RESOURCES ACT, 2000
MARKING OF FISHING GEAR

Fishing gear set in the water and not attached to a fishing vessel must 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 must be marked with the licence or permit registration number assigned to the vessel utilising the gear;
 - (b) the identification mark must be in block lettering and numbering throughout;
 - (c) letters and numbers must be as large as the surface of the buoy permits;
 - (d) the identification marks must be in either white or black, whichever colour gives the higher contrast to the colour of the buoy;
 - (e) good quality paints must be used for applying the identification marks;
 - (f) the identification marks and the surrounding background must be maintained in a good condition at all times.

2. Traps:

Each trap used in either rock lobster or crab fishing must 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 utilising the trap has been stamped.