

No. 252

5 April 2013

**MARINE LIVING RESOURCES ACT, 1998 (ACT NO. 18 OF 1998)
REGULATIONS FOR THE MANAGEMENT OF THE PRINCE EDWARD
ISLANDS MARINE PROTECTED AREA**

I, Mrs B.E.E. Molewa, the Minister of Water and Environmental Affairs has under Section 77(2)(x)(i) of the Marine Living Resources Act, 1998 (Act No. 18 of 1998), made the regulations in the Schedule hereto.

Mrs B.E.E. Molewa, Minister of Water and Environmental Affairs

SCHEDULE

Definitions

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

“**AB**” means the Abyss restricted zone;

“**Act**” means the Marine Living Resources Act, (Act No.18 of 1998), inclusive of amendments, regulations and notices promulgated thereunder;

“**AR**” means the Africana II Rise restricted zone;

“**benthic**” means on, in, or in close proximity to the seabed, and generally includes sedentry species;

“**Controlled Zone**” means an area within the Marine Protected Area where fishing is permitted;

“**Islands**” means the Prince Edward Island and Marion Island forming part of the Prince Edward Island group as defined in the Prince Edward Islands Act, 1948 (Act No. 43 of 1948);

“**Marine Protected Area**” means the Prince Edward Islands Marine Protected Area as declared by the Minister in terms of section 43 of the Act;

“**PEI**” means the Prince Edward Island restricted zone;

“**restricted zone**” means an area within the marine protected area where limited commercial fishing is permitted and includes the AB, AR, PEI and SIR restricted zones;

“**Sanctuary Area**” means an area within the marine protected area where fishing is prohibited and the passage and anchoring of vessels is restricted;

“**SIR**” means the Southwest Indian Ridge restricted zone;

“**toothfish**” means *Dissostichus eleginoides* commonly known as the Patagonian toothfish; and

“**WGS 84**” means the World Geodetic System of 1984 (G730), which is a geographic co-ordinate system used for the co-ordinates in these regulations.

Purpose of Regulations

2. The purpose of these regulations is:
 - (a) To contribute to a national and global representative system of marine protected areas, by providing protection for unique species, habitats and ecosystem processes including foraging grounds and shelf areas with increased nutrients;
 - (b) To provide scientific reference points that can inform the management of the area and to be able to understand better the impacts of Climate Change on the whole Southern Ocean;
 - (c) To facilitate integrated and ecologically sustainable management of marine resources of the area; and
 - (d) To reduce the ecological impacts of fisheries and other extractive industries including effects on by-catch species such as albatrosses and petrels.

Zonation within Marine Protected Area

3. The Marine Protected Area consists of a Sanctuary Area, four restricted zones and a Controlled Zone, which are determined by using WGS 84 as detailed in Annexure 1 and 2 as follows:
- (a) A Sanctuary Area extending 12 nautical miles seaward from the high water mark around the islands;
 - (b) Four restricted zones, indicated as PEI, SIR, AR, and AB; and
 - (c) A Controlled Zone, linking the four restricted zones.

Control of activities in Sanctuary Area

4. (1) No person may fish, or attempt to fish, in the Sanctuary Area within the Marine Protected Area.
- (2) Subject to subregulation (3), no person or vessel may enter the Sanctuary Area except under conditions of *force majeure*.
- (3) The following vessels may enter the Sanctuary Area:
- (a) South African government vessels;
 - (b) any fishing vessel authorised to fish in the Marine Protected Area in terms of the Act for the purpose of anchoring at designated anchoring sites detailed in Annexure 3; and
 - (c) Any foreign vessel undertaking research or other scheduled operations or emergency operations, authorised in terms of the Act or any other South African legislation.
- (4) A vessel referred to in subregulation (2) and (3) that is anchoring in or traversing the Sanctuary Area, must stow all fishing gear.

Control of activities in restricted zone

5. (1) No person may fish or attempt to fish in the Restricted Zone, unless authorised in terms of the Act by the Minister responsible for Fisheries. Fishing for toothfish in a restricted zone is capped at levels of legal fishing effort in terms of annual numbers of hooks for each zone as detailed in Annexure 4 and this effort level may be reviewed jointly by the Minister and the Minister responsible for Fisheries after 10 years.
- (2) A permit may be issued in terms of section 83 of the Act if additional fishing effort specified in subregulation (1), is necessary for scientific purposes in a restricted zone.
- (3) Fishing methods, including but not limited to—
- (a) bottom trawling; and

- (b) gill netting,
which may cause damage to benthic habitats, benthic species or seabirds are prohibited in the restricted zones.
- (4) A commercial fishing vessel authorised in terms of the Act to fish in a restricted zone must carry a scientific observer on board.
- (5) A vessel, which is not in possession of a permit in terms of section 13 of the Act to fish for toothfish and traversing the restricted zones—
 - (a) must stow all fishing gear, and
 - (b) may not carry fish on board.

Control of activities in Controlled Zone

6. (1) No person may fish or attempt to fish in the Controlled Zone, unless authorised in terms of the Act by the Minister responsible for Fisheries.
- (2) Fishing methods, including but not limited to—
 - (a) bottom trawling;
 - (b) gillnetting,which may cause damage to benthic habitats, benthic species or seabirds are prohibited in the controlled zone.
- (3) A commercial fishing vessel authorised in terms of the Act to fish in the Marine Protected Area must carry a scientific observer on board.

Offences and penalties

7. Any person who contravenes or fails to comply with a provision of these regulations is guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding two years.

Short title and commencement

8. These regulations are called the Prince Edward Islands Marine Protected Area Regulations and commence upon date of publication.