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GOEWERMENSKENNISGEWINGS

DEPARTEMENT VAN OMGEWINGSAKE

No. R. 1804

27 Julie 1990

WET OP SEEVISSERY, 1988
(WET No. 12 VAN 1988)

REGULASIES KRAGTENS DIE WET OP
SEEVISSERYE, 1988

Die Minister van Omgewingsake en van Waterwese het kragtens artikel 45, saamgelees met artikels 18, 25, 30, 38, 40, 44 en 53, van die Wet op Seevisserij, 1988 (Wet No. 12 van 1988), die regulasies in die bylae uitgevaardig.

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GOVERNMENT NOTICES

DEPARTMENT OF ENVIRONMENT AFFAIRS

No. R. 1804

27 July 1990

SEA FISHERY ACT, 1988
(ACT No. 12 OF 1988)

REGULATIONS IN TERMS OF THE
SEA FISHERY ACT, 1988

The Minister of Environment Affairs and of Water Affairs has under section 45 read with section 18, 25, 30, 38, 40, 44 and 53 of the Sea Fishery Act, 1988 (Act No. 12 of 1988) made the regulations set out in the Schedule.

SCHEDULE

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REGULASIES

WET OP SEEVISSERY, No. 12 VAN 1988

DEEL I

WOORDOMSKRYWING

1. In hierdie Regulasies het 'n woord of uitdrukking waaraan daar in die Wet 'n betekenis geheg word, die betekenis aldus daaraan geheg, en tensy uit die samehang anders blyk, beteken—

(i) "alikeukel" die alikeukel *Turbo sarmaticus*; (i)

(ii) "beursseën" of "beursnet" 'n omsingelingsnet van enige grootte wat op die oppervlak van die water deur vlotte langs die hooflyn gestut word en wat onder die oppervlak van die water deur gewigte langs die voettou verswaar word, en waarvan die onderste deel deur middel van 'n beurslyn, geskakel by 'n tussenpunt of tussenpunte of 'n knoop, wat deur ringe loop wat vasgemaak is aan die voettou bymekaar getrek word, en ook enige ander net waarvan die onderste gedeelte op 'n soortgelyke wyse bymekaar getrek word; (xxv)

(iii) "bloedwurm" enige spesie bloedwurm (*Arenicola* spp.); (iv)

(iv) "bodentreibnet" enige net wat oor die seabodem of -bedding gesleep word; (v)

(v) "die Wet" die Wet op Seevisserij, 1988 (Wet No. 12 van 1988); (xxxvi)

(vi) "dolfyn" enige spesie dolfyn van die superfamilie *Delphinoidea*; (x)

(vii) "dryfnet" enige net wat nie aan die seabodem geanker word nie maar wat in 'n drywende posisie in die water gelaat word met die doel om vis daarin te verstrik; (xi)

(viii) "duik" duik onder die oppervlak van die water; (ix)

(ix) "gapermossel" die gapermossel *Macra lilaceae*; (vi)

(x) "garnaal" enige spesie garnaal, met inbegrip van die moddergarnaal *Callinassa* spp. en *Upogebia africana*; (xxiv)

(xi) "internasionale inspekteur" enige persoon in besit van 'n identiteitsdokument uitgereik deur die owerheid in wie se diens hy is, en waarop die stempel van sodanige owerheid sowel as die foto en handtekening van die houer verskyn, en waarop gesertifiseer is dat die houer daarvan 'n inspekteur is; (xiv)

(xii) "kammossel" die kammossel *Pecten sulci-costatus*; (xxxiv)

(xiii) "kieunet" enige net of netwerk wat ontwerp is om in die water gehang te word met die doel om vis te verstrik wat poog om deur die netopening te gaan; (xiii)

(xiv) "klipmossel" enige spesie klipmossel *Patella* spp.; (xv)

(xv) "krap" die krap *Scylla serrata*; (viii)

(xvi) "kreeffuik" enige fuik, pot of ander werktuig van watter konstruksie ook al, wat bedoel is of gebruik word vir die vang of hou van kreef, maar uitgesonderd 'n kreefringnet; (xxviii)

(xvii) "kreefstert" die agterlyf of stert van enige spesie kreef; (xxvii)

REGULATIONS

SEA FISHERIES ACT, No. 12 OF 1988

PART I

DEFINITIONS

1. In these Regulations any word or expression to which a meaning has been assigned in the Act shall have the meaning so assigned and, unless the context otherwise indicates—

(i) "alikeukel" the alikeukel *Turbo sarmaticus*; (i)

(ii) "beach seine net" 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 till the catch is landed; (xxxiv)

(iii) "black mussel" means any species of *Aulacomya*, *Mytilus*, *Choromytilus* or *Perna*; (xxxvi)

(iv) "bloodworm" means any species of bloodworm *Arenicola* spp.; (iii)

(v) "bottomtrawl net" any net dragged along the bottom or floor of the sea; (iv)

(vi) "clam" means the clam *Macra lilaceae*; (ix)

(vii) "coast line" means the line formed by the high-water mark; (xviii)

(viii) "crab" means the crab *Scylla serrata*; (xv)

(ix) "diving" means diving below the surface of the water; (viii)

(x) "dolphin" means any species of dolphin of the super family *Delphinoidea*; (vi)

(xi) "drift net" means any net which is not anchored to the sea bottom but left in a drifting position in the water for the purpose of ensnaring fish therein; (vii)

(xii) "east coast rock lobster" means the east coast rock lobster *Panulirus homarus*; (xxii)

(xiii) "gill net" means any net or netting which is designed to be suspended in the water for the purpose of ensnaring fish attempting to pass through the meshes of the net; (xiii)

(xiv) "international inspector" means any person in possession of an identification document issued to him by the authority in whose service he is and on which the stamp of such authority as well as the photograph and signature of the holder appear, and on which it is certified that the holder thereof is an inspector; (xi)

(xv) "limpet" means any species of limpet *Patella* spp.; (xiv)

(xvi) "linefish" means any fish caught by line and hook; (xix)

(xvii) "midwater-trawl net" means any net which can be dragged along any given depth between the bottom and the surface of the sea without continuously touching the bottom; (xx)

(xviii) "kuslyn" die lyn deur die hoogwatermerk gevorm; (vii)

(xix) "lynvis" enige vis wat met 'n hoek en lyn gevang word; (xvi)

(xx) "midwatertreilnet" enige net wat op enige gegewe diepte tussen die bodem en die oppervlak van die see gesleep kan word sonder dat dit aanhoudend die bodem raak; (xvii)

(xxi) "oester" enige inheemse oester van die spesie *Crassostrea margaritacea*, *Ostrea atherstonei* of *Pinctada capensis*; (xix)

(xxii) "ooskuskreef" die ooskuskreef *Panulirus homarus*; (xii)

(xxiii) "pelagiese vis" enige vis van die spesies ansjovis (*Engraulis capensis*), sardyn of pelser (*Sardinops ocellatus*), marsbanker (*Trachurus capensis*), makriël (*Scomber japonicus*), rooi-oog (*Etrumeus* spp.) en lauterivis (*Myctophidae* spp.); (xx)

(xxiv) "periwinkle" enige spesie periwinkle insluitende *Oxystele variegata* en *Turbo crenatus*; (xxi)

(xxv) "perlemoen" die perlemoen of "abalone" *Haliotis midae*; (xxii)

(xxvi) "polychaete-wurm" enige seewurm van die groep *Polychaeta* met inbegrip van koraal-, wonder-, "shingle"-, maanskyn-, pot-, klip- of platwurm; (xxiii)

(xxvii) "pylinkvis" enige pylinkvis of tjokka (*Loligo vulgaris reynaudii*); (xxxv)

(xxviii) "rooi-aas" enige rooi-aas (*Pyura stolonifera*); (xxvi)

(xxix) "sandmossel" die sandmossel (*Macra lilaceae*); (xxx)

(xxx) "seekat" enige seekat (*Octopus* spp.); (xviii)

(xxxi) "seekrap" enige seekrap insluitende die soorte *Lupa pelagica* en *Plagusia chabrus*; (xxix)

(xxxii) "siffie" die siffie of "Venus ear" (*Haliotis sanguinea*); (xxxii)

(xxxiii) "span-" of "stelnet" enige net wat gebruik word om die vrye deurtog van vis van een gebied na 'n ander te verhinder en wat gespan of gestel word deur—

(a) dit aan enige voorwerp op of onder die water vas te heg;

(b) die gewigte daarvan op die seebodem te anker of te laat rus; (xxxiii)

(xxxiv) "strandtrekseën" enige net, met of sonder 'n sak, wat vanaf die strand om vis gewerp word en dan gelyktydig aan beide kante tot op die strand getrek word totdat die vangs aan wal gebring is; (ii)

(xxxv) "suidkuskreef" enige suidkuskreef (*Palinurus gilchristi*); (xxxii)

(xxxvi) "swartmossel" enige spesie van *Aulacomya*, *Mytilus*, *Choromytilus* of *Perna*; (iii)

(xxxvii) "treilvis" enige spesie vis wat deur middel van 'n treilnet gevang word; (xxxvii)

(xxxviii) "trekgebied" enige gebied waar 'n strandtrekseën gebruik word; (xxxviii)

(xxxix) "weskuskreef" die Kaapse rots- of stekelrige kreef (*Jasus lalandii*); (xxxix)

(xl) "witmossel" die witmossel *Donax serra*; (xl)

(xviii) "octopus" means any octopus *Octopus* spp.; (xxx)

(xix) "oyster" means any indigenous oyster of the species *Crassostrea margaritacea*, *Ostrea atherstonei* and *Pinctada capensis*; (xxi)

(xx) "pelagic fish" means any fish of the species anchovy *Engraulis capensis*, pilchard *Sardinops ocellatus*, marsbanker *Trachurus capensis*, mackerel *Scomber japonicus*, round herring (rooi-oog, *Etrumeus* spp. and lantern fish *Myctophidae* spp.); (xxiii)

(xxi) "periwinkle" means any species of periwinkle including *Oxystele variegata* and *Turbo crenatus*; (xxiv)

(xxii) "perlemoen" means any perlemoen or abalone *Haliotis midae*; (xxv)

(xxiii) "polychaete worm" means any marine worm of the group *Polychaeta* including coral, wonder, shingle, moonlight, "pot", rock- or flat-worm; (xxvi)

(xxiv) "prawn" means any species of prawn, including the mud prawn *Callinassa* spp. and *Upogebia africana*; (x)

(xxv) "purse-seine" means an 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 footrope 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 footrope and includes any net of which the bottom portion is drawn together in a similar manner; (ii)

(xxvi) "red bait" means any red bait *Pyura stolonifera*; (xxviii)

(xxvii) "rock lobster tail" means the abdomen or tail of any species of rock lobster; (xvii)

(xxviii) "rock lobster trap" means any trap, pot or other implement of whatever construction, intended or used for the catching or holding of rock lobster, but excluding a rock lobster ringnet; (xvi)

(xxix) "sand mussel" means the sand mussel *Macra lilaceae*; (xxix)

(xxx) "sea crab" means any sea crab including the species *Lupa pelagica* and *Plagusia chabrus*; (xxxii)

(xxxii) "siffie" means the siffie, or Venus Ear *Haliotis sanguinea*; (xxxii)

(xxxiii) "south coast rock lobster" means any south coast rock lobster *Palinurus gilchristi*; (xxxv)

(xxxiv) "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 sea bottom; (xxxiii)

(xxxv) "scallop" means the scallop *Pecten sulcicostatus*; (xii)

(xxxvi) "squid" any squid or chokka *Loligo vulgaris reynaudii*; (xxvii)

(xxxvii) "the Act" the Sea Fisheries Act, 1988 (Act No. 12 of 1988); (v)

(xxxviii) "trawl fish" means any species of fish caught by means of a trawl net; (xxxvii)

2. Behalwe waar uitdruklik anders bepaal word, is hierdie Regulasies ten opsigte van 'n vaartuig of fabriek wat ingevolge die Wet gelisensieer is of moet wees, en ook ten opsigte van enige persoon op sodanige vaartuig buite die visseryesone van die Republiek, soos omskryf 'n artikel 3 van die Wet op Territoriale Waters, 1963 (Wet No. 87 van 1963), van toepassing.

DEEL II

LISENSIËRING VAN VISSERSBOTE

3. (1) 'n Aansoek ingevolge artikel 30 (2) van die Wet om 'n lisensie vir die gebruik van 'n vissersboot moet—

(a) by die direkteur-generaal op die aansoekvorm wat by die Hoofdirektoraat: Seevisserye verkrygbaar is, gedoen word;

(b) vergesel wees van 'n geldige plaaslike algemene veiligheidsertifikaat uitgereik ten opsigte van sodanige vissersboot ingevolge artikel 194 van die Handelskeepvaartwet, 1951 (Wet No. 57 van 1951).

(2) Die gelde soos uiteengesit in item 1 van Bylae A by die Regulasies, is betaalbaar ten opsigte van 'n in subregulasie (1) bedoelde lisensie.

4. (1) Behoudens enige ander bepaling van die Wet mag geen persoon enige vissersboot gebruik, tensy die registrasieletters en -syfers wat die direkteur-generaal daaraan toegeken het daarop aangebring is nie. Genoemde letters en -syfers moet minstens 15 cm hoog, 10 cm breed (uitgesonderd syfer "1") en 2 cm dik (breedte van streep) wees, en in wit verf op 'n swart agtergrond of in swart verf op 'n wit agtergrond op albei boei aangebring word. Die ruimte tussen aanliggende letters en syfers moet tussen 2 cm en 5 cm wees.

(2) Enige registrasieletters en -syfers wat aan 'n boot toegeken en daarop aangebring is, moet te alle tye in 'n helder, sigbare en leesbare toestand gehou word.

(3) Die registrasieletters en -syfers wat aan enige boot toegeken is, mag nie sonder die skriftelike toestemming van die direkteur-generaal na 'n ander vaartuig oorgeplaas word nie op op enige ander boot gebruik, gevef of aangeheg word nie.

(4) Wanneer 'n vissersboot nie langer kragtens die bepalings van hierdie Regulasies gelisensieer is nie, moet die eienaar van sodanige vissersboot binne 21 dae enige registrasieletters en -syfers van sodanige boot uitwis of verwyder.

(5) Indien die eienaar van 'n gelisensieerde boot sodanige boot verkoop of andersins van die hand sit, sal—

(a) in die geval waar daar voldoen is aan die vereistes van die Wet, 'n oordragfooi van tien rand (R10) betaalbaar wees; en

(b) in die geval waar daar nie voldoen is aan die vereistes van die Wet nie, sodanige lisensie verval en indien toepaslik sal die nuwe eienaar aanspreeklik wees vir die volle bedrag van die toepaslike lisensiegeld.

DEEL III

LISENSIËRING VAN PERSELE EN VAARTUIE WAT AS FABRIEKE GEBRUIK WORD

5. (1) 'n Aansoek ingevolge artikel 30 (2) van die Wet om die uitreiking of hernuwing van 'n lisensie vir die gebruik van 'n perseel of 'n vaartuig as 'n fabriek moet by die direkteur-generaal op die aansoekvorm wat by die Hoofdirektoraat: Seevisserye verkrygbaar is, gedoen word.

(xxxviii) "trek netting area" means any area in which a beach trek-seine are used; (xxxviii)

(xxxix) "west coast rock lobster" means the Cape rock or spiny lobster *Jasus lalandii*; (xxxix)

(xl) "white mussel" means any species of mussel *Donax serra*; (xl)

2. Except as otherwise expressly provided, these Regulations shall be applicable to any boat or any factory licensed or required to be licensed in terms of the Act, and in respect of any person on such boat beyond the fishing zone of the Republic as defined in section 3 of the Territorial Waters Act, 1963 (Act No. 87 of 1963).

PART II

LICENSING OF FISHING BOATS

3. (1) An application in terms of section 30 (2) of the Act for a licence to use a fishing boat shall be—

(a) made to the director-general on the application form obtainable from the Chief Directorate: Sea Fisheries;

(b) accompanied by a valid local general safety certificate issued in respect of such boat in terms of section 194 of the Merchant Shipping Act, 1951 (Act No. 57 of 1951).

(2) A licence referred to in subregulation (1) shall be subject to the payment of the relevant fee in item 1 of Schedule A to the Regulations.

4. (1) Subject to any other provision of the Act, no person shall use any fishing boat unless it bears the registration letters and numbers assigned thereto by the director-general. Such letters and number shall be painted in white on a black background or in black on a white background on both bows in characters not less than 15 cm in height, 10 cm in breadth (figure "1" excepted) and 2 cm in thickness (width of stroke). The space between adjacent letters and figures shall be between 2 cm and 5 cm;

(2) Any registration letters and numbers assigned to, and borne by a boat shall be maintained in a clear, distinct and legible condition and shall at all times be clearly exposed.

(3) The registration letters and numbers assigned to any boat may not be transferred to any other boat without the written authority of the director-general and may not be used by painted on or attached to any other vessel.

(4) When any fishing boat ceases to be licensed in terms of the provisions of these regulations, the owner of such fishing boat shall obliterate or remove any registration letters and number from such boat within 21 days.

(5) If the owner of a licensed fishing boat sells or otherwise disposes of such a boat—

(a) in the case where the requirements of the Act have been complied with, a transfer fee of ten rand (R10) shall be payable; and

(b) in the case where the requirements of the Act have not been complied with, the licence shall lapse and if applicable the new owner shall be liable for the full amount of the relevant license fee.

PART III

LICENSING OF PREMISES AND VESSELS USED AS FACTORIES

5. (1) An application in terms of section 30 (2) of the Act for a grant of renewal of a licence to use premises or a vessel as a factory shall be made to the director-general on the application form obtainable from the Chief Directorate: Sea Fisheries.

(2) Die gelde soos uiteengesit in item 2 van Bylae A by die Regulasies is betaalbaar ten opsigte van 'n in subregulasie (1) bedoelde lisensie.

(3) Die gelde soos uiteengesit in item 3 van Bylae A by die Regulasies is betaalbaar ten opsigte van 'n lisensie wat nie voor of op die vervaldatum daarvan hernu is nie.

DEEL IV

ONTGINNINGSREGTE EN KWOTAS

6. Die register van kwotas soos bedoel in artikel 23 van die Wet moet besonderhede bevat van die naam en adres van die kwotahouer, die massa van die kwota, die soort vis en die tydperk van geldigheid van die kwota, en lê ter insae vir die publiek vanaf 08:00 tot 12:00 op gewone werksdae by die sekretaris van die Kwotaraad in die kantoor van die Hoofdirekteur: Seevisserye, Kaapstad.

7. (1) 'n Aansoek ingevolge artikel 18 (2) van die Wet deur die houer van 'n ontginningsreg om die toekenning van 'n kwota moet by die raad op die vorm wat by die Hoofdirektoraat: Seevisserye verkrygbaar is, gedoen word.

(2) 'n Aansoek ingevolge artikel 24 van die Wet om die oordrag van 'n kwota moet by die direkteur-generaal op die vorm wat by die Hoofdirektoraat: Seevisserye verkrygbaar is, gedoen word.

(3) 'n Aansoek ingevolge artikel 25 van die Wet om 'n ontginningsreg moet by die direkteur-generaal op die aansoekvorm wat by die Hoofdirektoraat: Seevisserye verkrygbaar is, gedoen word en moet vergesel wees van alle inligting soos in die vorm vereis.

DEEL V

SPESIFIKASIES VIR DEKROOSTER-SORTEERDER

8. (1) Vir doeleindes van hierdie regulasie beteken—

“raam” die reghoekige metaalraam wat die stange en die steunstaaf steun;

“rooster” die stange en steunstaaf sonder die raam; en

“bruikbare oppervlakte” die oppervlakte gemeet van die binnekant van die raam af, maar uitgesonderd die gapings aan die twee ente, indien hierdie gapings minder is as die gespesifiseerde minimum.

(2) 'n Dekroostersorteerder vir die vang van kreef, moet aan die volgende spesifikasies voldoen:

(a) Die rooster en die raam moet van vlekvrystaal of gegalvaniseerde sagtestaal vervaardig wees.

(b) (i) (aa) Die rooster moet reghoekig wees en 'n minimum breedte van 750 mm hê.

(bb) Die bruikbare oppervlakte mag nie minder as 1,1 m² wees nie.

(cc) Die gaping tussen aangrensende stange, gemeet by enige punt, moet minstens 49,6 mm en hoogstens 50,4 mm wees.

(dd) Die wydte van die gapings tussen die laaste stang en die raam, mag hoogstens 50,4 mm wees.

(ii) (aa) Die raam moet bestaan uit platstawe met 'n dikte van minstens 8 mm en 'n breedte van minstens 40 mm.

(2) A licence referred to in subregulation (1) shall be subject to the payment of the relevant fee in item 2 of Schedule A to the Regulations.

(3) The relevant fee in item 3 of Schedule A to the Regulations is payable in respect of a licence not renewed on or before the date of expiry.

PART IV

QUOTAS AND RIGHTS OF EXPLOITATIONS

6. The register of quotas referred to in section 23 of the Act shall contain particulars of the name and address of the quota holder, the mass of the quota, the species of fish and the period of validity of the quota and shall be available for inspection by the public from 08:00 to 12:00 on normal working days, with the secretary of the Quota Board in the office of the Chief Director: Sea Fisheries, Cape Town.

7. (1) An application in terms of section 18 (2) of the Act by the holder of a right of exploitation for the allocation of a quota shall be made to the board on the form obtainable from the Chief Directorate: Sea Fisheries.

(2) An application in terms of section 24 of the Act for the transfer of a quota shall be made to the director-general on the form obtainable from the Chief Directorate: Sea Fisheries.

(3) An application in terms of section 25 of the Act for a right of exploitation shall be made to the director-general on the application form obtainable from the Chief Directorate: Sea Fisheries and shall be accompanied by all the information as required in the form.

PART V

SPECIFICATIONS FOR DECK GRID SORTER

8. (1) For the purposes of this regulation—

“frame” means the rectangular metal frame supporting the rods and supporting bar;

“grid” means the rods and supporting bar excluding the frame; and

“useful surface area” means that area measured from the inside edges of the frame (but excluding the two end gaps, when the gaps are less than the specified minimum).

(2) A deck grid sorter for the catching of rock lobster shall comply with the following specifications:

(a) The grid and the frame shall be made from stainless steel or galvanised mild steel.

(b) (i) (aa) The grid shall be rectangular in shape with a minimum width of 750 mm.

(bb) The useful surface area shall not be less than 1,1 m².

(cc) The gap between adjoining rods, measured at any point, shall not be less than 49,6 mm and shall not exceed 50,4 mm.

(dd) The width of the gaps between the last rod and the frame shall not exceed 50,4 mm.

(ii) (aa) The frame shall consist of flat bars with a thickness of not less than 8 mm and a width of not less than 40 mm.

(bb) 'n Reeks van 16 mm vry pasgate moet in die twee langstawe wat die kante van die raam vorm, geboor word ten einde die stange van die rooster te akkommodeer.

(cc) Die twee dwarsstawe moet aan die eindpunte van die twee langstawe vasgesweis word ten einde 'n reghoekige raam te vorm.

(dd) Die spasiëring van die gate in die langstawe moet sodanig wees dat die gapings tussen die stange, wanneer hulle in posisie is, binne die gespesifiseerde perke is.

(iii) (aa) Die rooster moet bestaan uit stange met 'n nominale deursnee van 16 mm en 'n steunstaaf met 'n dikte van minstens 6 mm en 'n breedte van minstens 40 mm.

(bb) Die steunstaaf moet sentraal geplaas word tussen, en ewewydig aan, die langstawe van die raam en daar moet 'n reeks vrypasgate daarin geboor word wat ooreenkom met dié in die langstawe.

(cc) Die eindpunte van die steunstaaf moet aan die raam vasgesweis word en die eindpunte van die stange moet op so 'n wyse aan die raam vasgesweis word dat die sweislasse nie bo die buiteoppervlak van die raam uitstaan nie.

(iv) Sweislasse moet, in die geval van vlekvrystaal, smeltsweislasse wees wat volgens die traegasboogswaisproses gedoen is of, in die geval van vlekvrystaal of sagtetaal, volgens enige ander swaisproses wat 'n sweislas lewer waarvan die meganiese eienskappe en korrosiebestandheid gelykstaande is met dié van die moedermetaal.

(v) Alle blootgestelde oppervlakke moet glad en sonder skerp rande of enige ander nadelige gebreke wees.

(3) Weskuskreef wat aan boord van 'n vissersboot wat met kreeffuik toegerus is, geneem word, moet onverwyld met behulp van 'n dekroostersorteerder sorteer word en enige kreef wat in stryd met die bepaling van die Wet gevang word moet sonder versuim in die see teruggeplaas word.

(4) (a) Die gesagvoerder of eienaar van 'n vissersboot wat gebruik word vir die vang van weskuskreef, mag nie 'n kreeffuik waarvan die sak, gemeet vanaf die onderste horisontale kante van die fuik, langer as 400 mm is, gebruik, of toelaat dat dit op sodanige boot vervoer word nie.

(b) Die maasgroottes van die sak moet minstens 60 mm wanneer gespan, van binnekant van knoop of lasplek tot binnekant van knoop of lasplek, dit wil sê met skakels van minstens 30 mm wees nie.

(5) Die bedoelde kreeffuik in subregulasie (4) moet aan die volgende vereistes voldoen:

(a) Die net of netwerk waarmee die fuik bedek word, moet van poliëtileen vervaardig wees.

(b) Die maasgrootte van die net of netwerk waarmee die fuik bedek word, met die uitsondering van die opening- of ingangstregters, mag nie minder as 100 mm wanneer gespan (van binnekant van knoop of lasplek tot binnekant van knoop of lasplek) dit wil sê met skakels van 50 mm wees nie.

(c) Die net of netwerk aan die horisontale en vertikale kante van die fuik moet op sodanige wyse gespan word dat die openinge van die maas te alle tye reghoekig is.

(bb) The two longitudinal bars forming the sides of the frame shall be drilled with a series of 16 mm clearance holes to accommodate the rods of the grid.

(cc) The two transverse bars shall be welded to the ends of the longitudinal bars to form a rectangular frame.

(dd) The pitch of the holes of the longitudinal bars shall be such that the gaps between the rods, when in position, are within the specified limits.

(iii) (aa) The grid shall consist of rods of a nominal diameter of 16 mm and a supporting bar with thickness of not less than 6 mm and a width of not less than 40 mm.

(bb) The supporting bar shall be centrally positioned between and parallel to the longitudinal bars of the frame and shall be drilled with a series of clearance holes matching those in the longitudinal bars.

(cc) The ends of the supporting bar shall be welded to the frame and the ends of the rods shall be tackwelded to the frame in such manner that the welds do not protrude above the outer surface of the frame.

(iv) In the case of stainless steel welds shall be fusion welds done by the inert gas arc welding process or, in the case of stainless or mild steel, by any other welding process that produces a weld of which the mechanical properties and corrosion resistance are similar to those of the parent metal.

(v) Finish—All exposed surfaces shall be smooth and free of sharp edges or any other injurious defects.

(3) West Coast rock lobster taken on board any fishing boat fitted with rock lobster traps, shall be sorted forthwith by means of a deck grid sorter and any person who catches any rock lobster in contravention of the provisions of these regulations shall without delay return such rock lobster to the sea.

(4) (a) The skipper or owner of any fishing boat that is being used for the catching of west coast rock lobster shall not use or allow to be conveyed aboard such boat, any rock lobster trap of which the cod-end measured from the bottom horizontal side of the trap, exceeds 400 mm in length.

(b) The mesh sizes of the cod-end shall not be less than 60 mm stretched or 30 mm bar, measured from inside of knot or joint to inside of knot or joint.

(5) The rock lobster trap referred to in subregulation (4) shall comply with the following requirements;

(a) The net or netting with which the trap is covered shall be made from polyethylene.

(b) The mesh size of the net or netting with which the trap is covered, with the exception of the opening or entrance funnels, shall not be less than 100 mm stretched or 50 mm bar from inside of knot or joint to inside of knot or joint.

(c) The net or netting on the horizontal and vertical sides of the trap shall be stretched in such manner that the openings of the mesh are rectangular at all times.

DEEL VI

DIVERSE BEPALINGS BETREFFENDE DIE VANG VAN VIS

9. Behoudens die bepalings van hierdie Regulasies mag niemand—

(a) terwyl hy besig is om vis met 'n pylgeweer te jag, enige kunsmatige asemhalingsapparaat, uitgesonderd 'n snorkel, gebruik nie;

(b) vis deur middel van 'n haakstok, spies, knuppel, dorsstok, stok, klip of soortgelyke instrument vang of probeer vang nie: Met dien verstande dat 'n persoon hoogstens vyf tongvisse *Austroglossus pectoralis* per dag met 'n spies of soortgelyke instrument vir eie gebruik mag steek of vang;

(c) vis, behalwe seekat, inkvis of pylinkvis deur die ruk van 'n hoek in water met die doel om dit deur die vis te haak, vang of probeer vang nie;

(d) snoek *Thyrstites atun* met 'n beurseëen vang, probeer vang of versteur nie;

(e) tuna, insluitende spesies van *Thunnus*, *Allothunnus*, *Euthunnus* en *Katsuwonus*, wat met kieu-nette gevang is in enige hawe of vissershawe in die Republiek, aan land bring of oorlaai, nie;

(f) oesters, bloedwurms, klipmossels, swartmossels of rooi-aas, op enige ander wyse as met die hand, 'n suigpomp of 'n werktuig waarvan die lem of platkant hoogstens 38 mm breed is, vang, versteur of probeer vang of versteur nie;

(g) "polychaete" wurm op enige ander wyse as met die hand versteur of probeer vang of versteur nie;

(h) garnale, bloedwurms of witmossels op enige meganiese wyse vang of versteur nie;

(i) sonder die magtiging van die direkteur-generaal, pylinkvis met behulp van 'n suigpomp, suigbagger, suigbuis of 'n soortgelyke toestel, vanaf 'n vissersboot vang of probeer vang nie;

(j) enige spesie krap deur middel van 'n fuik vang of probeer vang nie, tensy hy die houër is van 'n permit uitgereik deur die direkteur-generaal;

(k) perlemoen anders as deur dit te verwyder met behulp van 'n plat instrument met 'n voorkant van nie smaller as 25 mm en nie breër as 35 mm nie en wat so afgerond is dat dit nie die voet van die perlemoen sny of beskadig nie;

(l) perlemoen vang en behou of in sy besit hê as die skulp van sodanige dier deur 'n ring van 114 mm in deursnee kan gaan nie en enige sodanige dier wat gevang mag word moet sonder versuim onbeskadig in die water teruggeplaas word; en

(m) ooskuskreef of Natalse kreef by wyse van duik vang, probeer vang of versteur nie: Met dien verstande dat sodanige kreef by wyse van duik alleenlik van die strand, sonder die gebruik van kunsmatige asemhalingsapparate, gevang mag word deur 'n persoon vir sy eie verbruik.

(i) By die toepassing van subregulasie (m) word 'n snorkel nie beskou as 'n kunsmatige asemhalingsapparaat nie.

(ii) Niemand mag enige ooskuskreef met behulp van enige kreeffuik of soortgelyke instrument vang, probeer vang of versteur nie, behalwe kragtens 'n permit wat deur die direkteur-generaal uitgereik mag word.

PART VI

MISCELLANEOUS PROVISIONS FOR CATCHING OF FISH

9. Subject to the provisions of these Regulations no person shall—

(a) use any artificial respiratory apparatus, except a snorkel, while engaged in spear fishing;

(b) catch or attempt to catch any fish by means of a gaff, spear, club, flail, stick, stone or similar instrument: Provided that, any person may spear or catch sole *Austroglossus pectoralis* with a spear or similar instrument for his own use in quantities not exceeding five per day;

(c) catch any fish, except octopus or squid, by the jerking of a hook in water with the intention of impaling the fish thereon;

(d) catch, attempt to catch or disturb any snoek *Thyrstites atun* by means of a purse-seine;

(e) land or tranship in any port or fishing harbour in the Republic any tuna, including all species of *Thunnus*, *Allothunnus*, *Euthunnus* or *Katsuwonus* which have been caught by means of gill nets;

(f) catch, attempt to catch, disturb or attempt to disturb oysters, bloodworms, limpets, black mussels or red bait, in any other manner than by hand or with a suction pump or by means of an implement of which the blade or flat edge shall not exceed 38 mm in width;

(g) catch, attempt to catch, disturb or attempt to disturb any *polychaete* worm in any other manner than by hand;

(h) catch or disturb any prawns, bloodworm or white mussels by any mechanical means;

(i) without the permission of the director-general catch or attempt to catch any squid from any fishing boat by means of a suction pump, suction dredger, suction tube or any similar device;

(j) without a permit issued by the director-general, catch or attempt to catch any species of crab by means of a trap;

(k) catch abalone other than by removing it with the aid of a flat instrument of which the front edge is no narrower than 25 mm and not wider than 35 mm and which has been so rounded off that it will not cut or damage the foot of the abalone;

(l) catch and retain or have in his possession any abalone if the shell of such animal can pass through a ring of 114 mm in diameter, and any such animal which has been caught shall be returned undamaged to the water immediately; and

(m) catch, attempt to catch or disturb east coast rock lobster or Natal rock lobster by means of diving: Provided that such rock lobster may be caught by diving from the shore without the use of artificial breathing apparatus for such person's own use.

(i) For purposes of subregulation (m) a snorkel shall not be regarded as artificial breathing apparatus.

(ii) No person may catch, attempt to catch or disturb any east coast rock lobster by means of any rock lobster trap or similar gear, except under the authority of a permit which may be issued by the director-general.

(iii) Die gesagvoerder van 'n vissersboot mag nie op sodanige boot enige net of fuik wat vir die vang van kreef gebruik kan word, hou of toelaat dat dit op sodanige boot gehou word nie, gedurende die tydperke waartydens die vang van onderskeidelik weskuskreef, ooskus-kreef of suidkus-kreef kragtens die Wet verbied is, behalwe met die skriftelike toestemming van direkteur-generaal; of indien sulke nette of fuike nie aan die voorgeskrewe vereistes voldoen nie.

10. Behalwe op gesag van 'n permit wat deur die direkteur-generaal uitgereik mag word, mag niemand—

(a) enige duiktoerusting van watter aard ook al op enige boot hê of daarop toelaat as sodanige boot gebruik word vir die vang of vervoer van weskus- of ooskus-kreef nie en enige sodanige kreef of gedeelte daarvan wat op sodanige boot gevind word, word geag by wyse van duik gevang te gewees het anders as vanaf die strand tensy die teendeel bewys word;

(b) enige fuik gebruik vir die vang van kreef nie tensy sodanige fuik voldoen aan die voorgeskrewe vereistes;

(c) 'n vissersboot vir die vang van weskus-kreef met behulp van kreeffuik gebruik nie, tensy sodanige vaartuig met 'n de kroostersorteerder wat aan die voorgeskrewe spesifikasies voldoen, toegerus is en enige kreef wat met behulp van fuik gevang word, moet sonder versuim met behulp van die sorteerder gesorteer word en alle vis wat deurval moet sonder versuim in die see teruggeplaas word.

DEEL VII

SKULPE EN WATERPLANTE

11. Behoudens die bepaling van artikel 38 van die Wet mag niemand tensy hy die houer is van 'n permit uitgereik deur die direkteur-generaal, op enige gegewe dag meer as 1 kg skulpe, 50 kg skulpgruis of meer as 10 kg waterplante vir eie gebruik versamel of van die strand verwyder nie.

DEEL VIII

WERKTUIE EN VANG VAN VIS

12. Vir doeleindes van hierdie regulasie sluit "trekgebied" die volgende in:

(a) Die gebied tussen die fabriek van Paternoster Visserye Beperk en die eindpunt van Paternosterbaai, bekend as Groot Paternosterpunt;

(b) Britanniaabaai en Shellbaai, in die afdeling Malmesbury, tussen 'n lyn (geografiese ligging 360°) getrek deur Kaap St Martin, as westelike grens, en 'n soortgelyke lyn getrek deur Stompneuspunt, as oostelike grens; en

(c) die strandgebied by Houtbaai in die afdeling Wynberg.

13. (1) Behoudens die bepalings van die Wet mag niemand—

(a) 'n midwatertreilnet, bodemtreilnet, beurseën, skaaldiertreilnet, kieu-net, balktreilnet of 'n bodemlanglyn op 'n vissersboot vervoer of gebruik nie, tensy hy die houer is van 'n permit uitgereik deur die direkteur-generaal;

(iii) The skipper of any fishing boat shall not keep any net or trap which may be used for the catching of rock lobster or allow such trap or net to be kept on such boat during the periods during which the catching of respectively west coast, east coast or south coast rock lobster is prohibited in terms of this Act, except with the written permission of the director-general; or if such net or trap does not conform to the prescribed requirements.

10. Except on the authority of a permit which may be issued by the director-general no person shall—

(a) have or allow any diving equipment of whatever nature on any boat when such boat is used for the catching or transporting of west coast or east coast rock lobster, and any such rock lobster or part thereof which is found on such vessel will be regarded as having been caught by means of diving other than from the shore, unless the contrary can be proved;

(b) use any trap for the catching of rock lobster unless such trap complies with the prescribed requirements; or

(c) use a fishing boat for the catching of west coast rock lobster with the aid of lobster traps unless such vessel is equipped with a deck grid sorter complying with the prescribed specifications, and any rock lobster caught by means of traps shall without delay be sorted with such sorter and all fish which pass through the sorter shall be returned to the sea without delay.

PART VII

SHELLS AND AQUATIC PLANTS

11. Subject to the provisions of section 38 of the Act, no person shall on any one day collect for own use or remove from the sea-shore more than 1 kg shells, 50 kg shellgrit or more than 10 kg aquatic plants, unless he is the holder of a permit issued by the director-general.

PART VIII

IMPLEMENTS AND FISHING

12. For the purpose of this regulation, "trek netting area" shall include—

(a) the area between the factory of Paternoster Visserye Beperk and the furthest point of Paternoster Bay, known as "Groot Paternoster Punt";

(b) Britannia Bay and Shell Bay, in the Division of Malmesbury between a line (360° true) drawn through Cape St Martin, as western limit, and a similar line drawn through Stompneus Point, as eastern limit; and

(c) the area known as Hout Bay Beach, in the Division of Wynberg.

13. (1) Subject to the provisions of the Act, no person shall—

(a) convey or use any midwater trawl-net, bottom-trawl-net, purse-seine, crustacean trawl-net, gill-net, beam trawl-net or any bottom long line on any fishing boat, unless he is the holder of a permit issued by the director-general;

(b) 'n strandtrekseën of 'n span-, stel-, of dryfnet op 'n vissersboot vervoer of gebruik nie, tensy—

(i) hy die houër is van 'n permit uitgereik deur die direkteur-generaal; en

(ii) die merkplaat wat die direkteur-generaal daaraan toegeken het op sodanige seën of net aangebring is;

(c) van sonsondergang tot sonsopkoms 'n gooi-net vir vang van vis gebruik nie;

(d) vir doeleindes van visvang 'n net of netwerk bo-oor of bo-op enige gedeelte van 'n net aanbring nie;

(e) 'n net of netwerk met 'n maas van minder as 28 mm (van binnekant van knoop of lasplek tot binnekant van knoop of lasplek) wanneer dit gespan is, dit wil sê met skakels van 14 mm, vir die vang van pelagiese vis op enige boot hê of vir visvang gebruik nie: Met dien verstande dat sodanige net of netwerk gebruik mag word vir die vang van pelagiese vis—

(i) vir doeleindes van inmaak of die vervaardiging van vismeel of visolie;

(ii) vir verkoop aan enige persoon vir doeleindes van inmaak of die vervaardiging van vismeel of visolie; of

(iii) vir gebruik as lewendige aas vir die vang van tuna;

(f) dryfnet met 'n maasgrootte van minder as 44 mm of meer as 64 mm (van binnekant van knoop of lasplek tot binnekant van knoop of lasplek) wanneer dit gespan is, vir visvang gebruik nie;

(g) strandtrekseën met 'n maasgrootte van minder as 44 mm (van binnekant van knoop of lasplek tot binnekant van knoop of lasplek) wanneer dit gespan is, of met skakels van 22 mm, vir visvang gebruik nie;

(h) span- of stelnet met 'n maasgrootte van minder as 178 mm (van binnekant van knoop of lasplek tot binnekant van knoop of lasplek) wanneer dit gespan is, of met skakels van 89 mm, vir visvang gebruik nie;

(i) 'n span-, stel-, of dryfnet teenoor enige trekgebied binne 'n afstand van twee seemyl seewaarts gemeet vanaf die hoogwatermerk, gebruik nie;

(j) in 'n trekgebied 'n vaartuig anker of 'n versperring plaas op 'n wyse waardeur die gebruik van strandtrekseëns belemmer word nie;

(k) op welke wyse ook al 'n skool vis voorkeer of van koers laat verander;

(2) (a) Aansoek om 'n permit ingevolge regulasie 13 moet gedoen word by die direkteur-generaal in die vorm soos deur hom vereis en moet vergesel wees van 'n bedrag van vyftien rand (R15).

(b) Indien die direkteur-generaal weier om 'n permit uit te reik, moet hy die bedrag aan die aansoeker terugbetaal.

14. (1) Die maasgroottes van nette, uitgesonderd treilnette, moet ongeag of die net nat of droog is, met 'n plat meetinstrument met 'n dikte van 2 mm en 'n wydte soos deur die betrokke regulasie voorgeskryf, gemeet word.

(2) Die meting geskied deur die meetinstrument deur enige maas van die betrokke net te steek en die instrument moet vryelik deur sodanige maas kan beweeg sonder dat enige druk uitgeoefen hoef te word.

(b) convey or use any beach trek-seine, staked-net, set-net or drift-net on any vessel for fishing unless—

(i) he is the holder of a permit issued by the director-general; and

(ii) the tag assigned thereto by the director-general has been affixed to such net;

(c) use any cast-net for fishing from sunset to sunrise;

(d) for the purpose of fishing overlay or superimpose any net or netting on any portion of a net;

(e) convey or use, any net or netting with a mesh measuring less than 28 mm stretched, measured from inside of knot or joint to inside of knot or joint or 14 mm bar, on any vessel for the purpose of catching pelagic fish: Provided that such netting may be used to catch pelagic fish—

(i) for canning or the production of fish meal or fish oil;

(ii) for sale to any person for the purpose of canning or the production of fish meal or fish oil; or

(iii) for use as live bait for the catching of tuna;

(f) use any drift net with a mesh measuring less than 44 mm or more than 64 mm stretched, measured from inside of knot or joint to inside of knot or joint, for fishing;

(g) use any beach trek-seine with a mesh measuring less than 44 mm stretch, measured (from inside of knot or joint to inside of knot or joint) or 22 mm bar, for fishing;

(h) use any staked or set net with a mesh size measuring less than 178 mm stretched, measured from inside of knot or joint to inside of knot or joint or 89 mm bar, for fishing;

(i) use any staked, set or drift-net in or in front of any tek netting area within a distance of two nautical miles seaward from the high-water mark;

(j) anchor any vessel or place any obstruction in any trek netting area in a manner which interferes with the use of beach trek-seines;

(k) by any means obstruct the course of or divert any shoal of fish;

(2) (a) Application for a permit in terms of subregulation 13 shall be made to the director-general in the form as requested by him and shall be accompanied by the amount of fifteen rand (R15).

(b) If the director-general refuses to issue a permit, he shall return the amount to the applicant.

14. (1) The mesh size of nets other than trawl nets, irrespective of whether the net is wet or dry, shall be measured with a flat measuring instrument with a thickness of 2 mm and a width prescribed by the regulation concerned.

(2) Measurement shall be made by pushing the measuring instrument through any mesh of the net concerned and the instrument shall pass freely through such mesh without the application of pressure.

DEEL IX
TREIL

15. (1) Niemand mag—

(a) 'n bodemtreil- of midwatertreilnet waarvan die maasgrootte in enige gedeelte van die net minder as 75 mm is, gemeet volgens die metode in subregulasie (2) voorgeskryf, op 'n vissersboot vervoer of gebruik nie;

(b) 'n bodemtreilnet of midwatertreilnet met 'n maasgrootte van minder as 110 mm, gemeet in ooreenstemming met subregulasie (2), gebruik, indien meer as 30 persent van die vorige vangs op dieselfde dag gemaak, volgens massa, uit stokvis bestaan het nie;

(c) enige toestel wat die maas van 'n bodemtreil- of midwatertreilnet tydens visvangste kan versper vervoer of gebruik nie: Met dien verstande dat seil, netwerk of ander materiaal aan die onderkant buite die sak-end van sodanige net geheg mag word ten einde skade daaraan te verhoed of te verminder,

tensy hy die houër is van 'n permit uitgereik deur die direkteur-generaal.

(2) (a) Die maasgrootte van 'n net moet met 'n plat wigvormige meetinstrument met 'n dikte van hoogstens 2 mm gemeet word terwyl die net nog nat is na gebruik of nadat dit 10 minute lank in seewater geweek is.

(b) Die meting geskied deur die meetinstrument deur 'n maas van die net te steek en 'n lesing te neem terwyl die meetinstrument aan 'n trek- of drukkrag van 5 kg onderworpe is.

(c) Die maasgrootte van die net is gelyk aan die gemiddelde van die afmetings van 'n reeks van minstens 20 opeenvolgende mase wat in ooreenstemming met paragraaf (b) gemeet is en wat minstens 10 mase van die boorsels van die net verwyder is.

(d) Wanneer die sak-end van die net gemeet word, moet die reeks van 20 opeenvolgende mase parallel loop met die lengte van die sak-end.

16. (a) Die gesagvoerder van 'n vissersboot moet van elke vangs met 'n bodem- of midwatertreilnet, rekord hou in die opgaafvorms wat deur die direkteur-generaal voorsien word.

(b) 'n Afskrif van die rekord in paragraaf (a) bedoel moet binne 14 dae na afloop van die visvangvaart aan die direkteur-generaal gestuur word.

17. 'n Vissersboot wat besig is met, of toegerus is vir, bodem- of midwatertreil, moet stop wanneer die toepaslike sein voorgeskryf in regulasie 18 gegee word deur 'n vaartuig wat 'n wimpel afgekwart in geel en blou met geel teen die boonste ophyskant en geel teen die oorhoekse onderste kant van die vlagsoom met die letter "SE" in blou of swart in die geel kwart van die boonste ophyskant, voer: Met dien verstande dat 'n vissersboot wat werklik besig is met treil, nette aflaaf of optrek, en wat beveel word om te halt, slegs sodanige bevel hoef te gehoorsaam sodra die betrokke treilaksie voltooi is.

18. Vir die toepassing van artikel 53 (1) (e) van die Wet—

(a) is die haltsein gedurende die dag vlag "L" van die Internasionale Kode, wat op 'n duidelike sigbare plek in die touwerk van die vaartuig wat sein, moet wapper;

(b) is die haltsein gedurende die nag letter "L" van die alfabet wat duidelik en aanhoudend deur die boot wat sein deur middel van 'n wit lig in Morsekode geflits moet word.

PART IX
TRAWLING

15. (1) No person shall, unless he is the holder of a permit issued by the director-general—

(a) convey or use any bottom trawl-net or mid-water trawl-net of which the mesh size in any part of the net is less than 75 mm measured in accordance with subregulation (2) on any fishing boat;

(b) use a bottom trawl-net or midwater trawl-net of which the mesh size less than 110 mm, measured in accordance with subregulation (2), if the previous haul taken on the same day consisted of more than 30 per cent, by mass, of hake;

(c) convey or use on any vessel any device which may obstruct the mesh of a bottom trawl-net or midwater trawl-net while fishing: Provided that canvas, netting or other material may be attached to the underside of the cod-end of any such net in order to prevent or reduce damage thereto.

(2) (a) The mesh size of a net shall be measured with a flat wedged shaped gauge with a thickness not exceeding 2 mm while the net is still wet after use or after it has been soaked in sea water for 10 minutes.

(b) Measurement shall be made by inserting the gauge through a mesh of the net and taking a reading while the gauge is subject to a pressure or pull of 5 kg.

(c) The mesh size of the net shall be equal to the average of the measurements of any series of at least 20 consecutive meshes measures in accordance with paragraph (b) and which are not less than 10 meshes away from the lacings of the net.

(d) When the cod-end of the net is measured, the series of 20 consecutive meshes shall run parallel to the long axis of the cod-end.

16. (a) The master of any fishing vessel shall keep a record on the fishing log forms provided by the director-general of catches made with a bottom trawl-net or midwater trawl-net.

(b) A copy of the record referred to in paragraph (a) shall be forwarded to the director-general not later than 14 days after the end of the fishing trip.

17. Any fishing vessel engaged in or equipped for bottom trawling or midwater trawling shall stop when given the appropriate signal prescribed in regulation 18 by any vessel flying a pennant yellow and blue quartered with yellow at the upper hoist and yellow at the lower fly with the letters "SE" in blue or black in the yellow quarter at the upper hoist: Provided that any fishing vessel actually engaged in trawling, shooting of hauling nets, when ordered to stop, shall obey such order immediately after completing the trawling operation.

18. For the purposes of section 53 (1) (e) of the Act—

(a) a day-time stop signal shall be Flag "L" of the International Code 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.

19. Die gesagvoerder van 'n vissersboot wat besig is met of toegerus is vir bodemtreil of midwatertreil—

(a) moet 'n internasionale inspekteur en 'n getuie aan boord van 'n vaartuig wat die wimpel soos bedoel in regulasie 18 (a) voer, toelaat en bystaan om aan boord van sy vaartuig te kom en die inspekteur behulpsaam wees met die inspeksie van enige vangs aan boord, nette, visvangtoerusting en die in regulasies 16 (a) bedoelde rekord;

(b) moet 'n verslag wat deur die internasionale inspekteur voltooi is en die opskrif "International Commission for the South East Atlantic Fisheries, Report of Inspection" dra, teken en 'n afskrif daarvan hou;

(c) mag opmerkings wat hy nodig ag in sodanige verslag van die inspekteur aanbring en moet die opmerkings onderteken; en

(d) moet 'n internasionale inspekteur toelaat en bystaan om 'n identifikasiemerk met die inskripsie "SE" aan enige net of netwerk aan te bring en om die net of netwerk op so 'n wyse te fotografeer dat die identifikasiemerk en die afmeting van die maas sigbaar is;

(e) mag 'n net of netwerk waaraan sodanige identifikasiemerk deur 'n internasionale inspekteur aangebring is, slegs vir visvang gebruik nadat dit ondersoek is en die identifikasiemerk deur die internasionale inspekteur verwyder is.

20. 'n Internasionale inspekteur moet op versoek van die gesagvoerder van 'n vissersboot sy identifikasiedokument toon.

DEEL X

METING, LANDING EN TERUGPLASING VAN VIS

21. (1) Behoudens die bepalings van die Wet, word alle vis in 'n reguit lyn langs die sy vanaf die punt van die snuit tot by die uiterste punt van die stert of stertvin gemeet.

(2) In die geval van—

(a) alikreukel word dit gemeet deur dit deur 'n ring met 'n binnemaat deursnee van 63,5 mm te plaas;

(b) krap word dit gemeet oor die breedste deel van die rug;

(c) weskuskreef word dit gemeet in 'n reguit lyn langs die middelruglyn van die kopborsstuk, vanaf die middel van die agterste kant van die kopborsstuk tot by die voerpunt van die rostrum of middelvoorstekel;

(d) oester word dit gemeet deur dit deur 'n ring met 'n binnemaat deursnee van 51 mm te plaas;

(e) ooskuskreef word dit gemeet in 'n reguit lyn langs die middelruglyn van die kopborsstuk, vanaf die middelpunt van die kant wat die twee vergrote voorstekels verbind tot by die middel van die agterste kant van die kopborsstuk;

(f) perlemoen word dit gemeet deur dit deur 'n ring met 'n binnemaat deursnee van 114 mm te plaas;

(g) siffie word dit gemeet deur dit deur 'n ring met 'n binnemaat deursnee van 32 mm te plaas;

(h) witmossel word dit gemeet deur dit deur 'n ring met 'n binnemaat deursnee van 35 mm te plaas; en

(i) kreefstert word dit gemeet in 'n reguit lyn langs die middelruglyn van kant tot kant van genoemde segment.

19. The master of any fishing vessel engaged in or equipped for bottom trawling or midwater trawling shall—

(a) shall permit and assist any international inspector and a witness on board a vessel flying the pennant referred to in regulation 18 (a) to board his vessel and assist the inspector with the inspection of any catch on board, all nets, fishing gear and the record referred to in regulation 16 (a);

(b) shall sign and retain a copy of any report completed by the international inspector and bearing the heading "International Commission for the Southeast Atlantic Fisheries, Report of Inspection";

(c) the master may add to the report of the inspector any remarks which he deems necessary and shall sign the remarks;

(d) permit and assist an international inspector, to affix an identification mark bearing the inscription "SE" to any net or netting and to photograph the net or netting in such a way that the identification mark and the measurement of the mesh is visible;

(e) any net or netting to which such an identification mark has been affixed by an international inspector, may not be used for fishing until as it has been examined and the identification has been removed by the international inspector.

20. An international inspector shall on the request of the master of any fishing vessel produce his identification document.

PART X

MEASURING, LANDING AND RETURNING FISH TO THE SEA

21. (1) Subject to the provisions of the Act, all fish shall be measured in a straight line along the side from the tip of the snout to the extreme end of the tail or caudal fin.

(2) In the case of—

(a) alikreukel it shall be measured by passing it through a ring with an inner diameter of 63,5 mm;

(b) crab it shall be measured across the broadest part of the back;

(c) west coast rock lobster it shall be 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;

(d) oyster it shall be measured by passing it through a ring with an inner diameter of 51 mm in diameter (inside measurement);

(e) east coast rock lobster it shall be measured in a straight line along the middle dorsal line of the carapace, from the centre of the edge which connects the two large anterior spines to the middle of the posterior edge of the carapace;

(f) perlemoen it shall be measured by passing it through a ring with an inner diameter of 114 mm;

(g) siffie it shall be measured by passing it through a ring with an inner diameter of 32 mm;

(h) white mussel it shall be measured by passing it through a ring with an inner diameter of 35 mm;

(i) rock lobster tail it shall be measured in a straight line along the middle dorsal line from edge to edge of the said segment.

(3) By die toepassing van subregulasie (2) (c) en (e) beteken "kant" die harde kant van die kopborsstuk pantser, of *cephalothorax* en sluit nie die kant of enige deel van die rand of hare (*setae*) wat van die pantser agtertoe uitsteek, in nie.

22. Behoudens regulasie 23 moet alle vis in 'n heel toestand geland word.

23. Die bepalings van regulasie 22 is nie van toepassing op snoek of die houer van 'n permit wat vis ter see mag verwerk nie.

24. Vis wat nie aan die vereistes van die Wet voldoen nie of in stryd met enige bepaling daarvan gevang is, moet onverwyld in die see teruggeplaas word.

25. Behoudens regulasie 26 moet 'n persoon wat 'n haai gevang het, sodanige haai in 'n heel toestand aan land bring.

26. 'n Persoon aan boord 'n vaartuig wat met bevringsfasiliteite toegerus is—

(a) mag 'n haai wat deur hom gevang is onthoof, ontderm of stert afsny voordat die haai aan land gebring word;

(b) moet die kop, binnegoed en stert van sodanige haai in die bevringsfasiliteite hou totdat die haai aan land gebring is.

27. 'n Persoon wat 'n kreef wat eiers dra, of 'n kreef wat op die punt staan om sy dop af te werp, of dit onlangs gedoen het, en wat in 'n sagte toestand verkeer, vang of in besit daarvan kom, moet sodanige kreef onverwyld in die see terugplaas.

28. Behoudens regulasies 24 en 29 mag niemand enige afval van enige weskus- of ooskuskreef in die see terugplaas nie.

29. Niemand mag dooie suidkuskreef of enige deel of afval van suidkuskreef in die see terugplaas of stort nie, tensy dit vergruis is.

DEEL XI

MASSABEPALING VAN VIS

30. (1) Die massa van kreef wat geland word, word bepaal deur middel van 'n massameter wat deur die eienaar van die fabriek wat die kreef in ontvangs neem voorsien en geïnstalleer moet word.

(2) 'n Massameter soos bedoel in subregulasie (1)—

(a) moet voldoen aan die vereistes van die direkteur-generaal en moet geïnstalleer en gebruik word in 'n plek wat deur die direkteur-generaal goedgekeur is; en

(b) moet, behoudens regulasie 32 behoorlik verseël wees terwyl dit vir massabepaling gebruik word.

31. (1) Die massa van pelagiese vis wat by 'n fabriek ontvang word, moet bepaal word deur 'n massameter voorsien deur die eienaar van die fabriek.

(2) 'n Massameter soos bedoel in subregulasie (1), moet geïnstalleer en gebruik word in 'n plek wat deur die direkteur-generaal goedgekeur is en aan die volgende vereistes voldoen, asook sodanige ander vereistes wat van tyd tot tyd deur die direkteur-generaal bepaal mag word:

(a) 'n Outomatiese dubbelwipbakmassameter, algemeen bekend as die "Servo Balans Duplex", massameter of enige ander soortgelyke outomatiese massameter wat oor 'n outomatiese beheer-meganisme beskik en wat toegerus is met

(3) For the purpose of subregulation (2) (c) and (e), "edge" means the hard edge of the carapace, or *cephalothorax* and does not include the edge or any part of the fringe or *setae* (hairs) which protrude rearwards from the carapace.

22. Subject to regulation 23 all fish shall be landed intact.

23. The provisions of regulation 22 are not applicable to snoek or the holder of a permit to process fish at sea.

24. Fish not complying with the requirements of the Act or caught in contravention of any provision thereof, shall forthwith be returned to the sea.

25. Subject to regulation 26, any person on board a fishing vessel who has caught any shark shall land it intact.

26. Any person on board a fishing vessel provided with refrigeration facilities may—

(a) decapitate, gut or cut off the tail of a shark caught by him before it is landed;

(b) shall retain the head, gut or tail of such shark in the refrigeration facilities until after it is landed.

27. Any person who catches or comes into possession of any rock lobster in berry or any rock lobster which is about to, or has recently cast off its shell and is in a soft condition, shall forthwith return such rock lobster to the sea.

28. Subject to regulations 24 and 29 no person shall return to the sea any part or any offal of any west coast or east coast rock lobster.

29. No person shall return to the sea any dead south coast rock lobster or any part thereof unless it has been pulverised.

PART XI

DETERMINATION OF FISH MASS

30. (1) The mass of landed rock lobster shall be determined by means of a mass meter supplied and installed by the owner of the factory receiving such rock lobster.

(2) A mass meter referred to in subregulation (1)—

(a) shall comply with the requirements of the director-general, and be installed and used in a place approved by the director-general; and

(b) shall, subject to regulation 32, be properly sealed when used for mass determination.

31. (1) The mass of pelagic fish received by a factory shall be determined by a mass meter provided by the owner of the factory.

(2) A mass meter referred to in subregulation (1) shall be installed and used in a place approved by the director-general and shall conform to the following requirements and such other requirements as may be determined from time to time by the director-general:

(a) An automatic dual hopper mass meter, generally known as the Servo Balance Duplex Mass Meter or any other similar automatic mass meter which has an automatic control mechanism and is equipped with sufficient hopper and mass

voldoende stort- en weegbakinhoudsmate moet gebruik word: Met dien verstande dat in die geval van die massabepaling van vis of visprodukte—

(i) vir direkte menslike verbruik, 'n outomatiese inlynvoerbandmassameter soortgelyk aan die Avery AP 95 wat ingevolge die Wet op Handelsmetrologie, 1973 (Wet No. 77 van 1973), goedgekeur is, gebruik mag word;

(ii) wat op 'n ongereelde basis of in klein hoeveelhede ontvang word, sodanige vis of visprodukte se massa op 'n wyse wat deur die direkteur-generaal goedgekeur is, bepaal mag word.

(b) Die massameter moet op sodanige wyse en plek geïnstalleer word en van sodanige aard wees dat geen vis verby dit kan beweeg sonder dat die massa daarvan bepaal en aangeteken word deur die massameter nie.

(c) Die massabepalingskapasiteit van die massameter mag nie minder wees as die maksimum aflaai kapasiteit vanuit die vissersboot nie.

(d) Die afvoerspoed van vis of vispartikels moet van sodanige aard wees opstapeling of ophoping vermy word.

(e) Die ontwerp en konstruksie van die toevoerstelsel moet van sodanige aard wees dat vis of vispartikels nie van die toevoerstelsel afval nie maar regstreeks na die massameter vervoer sal word.

(f) Die installasie van die massameter moet van sodanige aard wees dat—

(i) daar tydens die werking daarvan geen toegang tot die meganisme van sodanige massameter is nie;

(ii) die meganisme en aflesingskaal van die massameter sigbaar is.

(g) Die massameter moet tydens gebruik daarvan om die massa van pelagiese vis te bepaal behoorlik verseël wees.

32. Vir doeleindes van regulasie 30 (2) (b) en 31 (2) (g) word 'n massameter geag behoorlik verseël te wees indien dit verseël is deur—

(a) 'n persoon wat geregistreer is by die Tak Handelsinspeksies van die Departement van Handel en Nywerheid, en in diens is van die persoon wat die massameter verskaf of onderhou; of

(b) 'n gemagtigde beampte van sodanige Departement.

DEEL XII

VISSERY-OPGAWES

33. (1) Die houër van 'n permit moet voor of op die laaste dag van elke maand 'n opgawe ten opsigte van die voorafgaande maand, aan die Hoofdirekteur: Seevisserye, Privaatsak X2, Roggebaai, 8012, op die vorm waarna in sy permit verwys word, voorlê.

(2) 'n Nul opgawe moet ingedien word ten opsigte van enige maand waartydens die houër van die permit nie enige aktiwiteit, ten opsigte waarvan vereis word dat inligting op die vorm in subregulasie (1) bedoel, verskaf word, onderneem het nie.

45—B

measurement buckets, shall be used: Provided that in the case of the mass determination of fish or fish products—

(i) for direct human consumption, an automatic in-line conveyor belt mass meter similar to the Avery AP 95 approved in terms of the Trade Metrology Act, 1977 (Act No. 73 of 1973), may be used;

(ii) received on an irregular basis or in small quantities, the mass of such fish or fish products may be determined in a manner approved by the director-general.

(b) The mass meter shall be installed in such a manner and place and be of such a nature that no fish can pass it without the mass thereof being determined and recorded by the mass meter.

(c) The mass determination capacity of the mass meter shall not be less than the maximum discharge capacity from the boat.

(d) The discharge speed of fish or fish particles shall be of such a nature that it shall prevent accumulation or piling up.

(e) The design and construction of the feeder system shall be of such a nature that fish and/or fish particles do not fall from the feeder system but are conveyed directly to the mass meter.

(f) The installation of the mass meter shall be of such a nature that—

(i) there is no access to the mechanism of the mass meter during the operation thereof;

(ii) the mechanism and the reading scale of the mass meter is visible.

(g) The mass meter shall be sealed properly, while it is being used for determining the mass of pelagic fish.

32. For the purposes of regulations 30 (2) (b) and 31 (2) (g) a mass meter shall be deemed to be properly sealed if it has been sealed by—

(a) a person registered with the Division of Trade Inspections of the Department of Trade and Industries and employed by the person who supplies or maintains the mass meter; or

(b) an authorised officer of such Department.

PART XII

FISHING RETURNS

33. (1) On or before the last day of every month the holder of a permit shall submit to the Chief Director: Sea Fisheries, Private Bag X2, Rogge Bay, 8012, a return in respect of the preceding month on the form referred to in his permit.

(2) A nil return shall be submitted in respect of any month during which the holder of the permit has not performed any act in respect of which information is required to be disclosed on the form referred to in sub-regulation (1).

DEEL XIII

APPÈL

34. (1) 'n Appèl deur enige persoon ingevolge artikel 40 van die Wet moet skriftelik deur hom aan die Minister gerig word binne 60 dae nadat hy in kennis gestel is van die besluit van die direkteur-generaal.

(2) 'n Appèl deur enige persoon ingevolge artikel 44 van die Wet moet skriftelik deur hom aan die Minister of die direkteur-generaal, na gelang van die geval, gerig word binne 60 dae nadat hy in kennis gestel is van die besluit waarteen geappelleer word.

(d) Die appèl moet 'n uiteensetting bevat van alle tersaaklike feite asook gronde van appèl en moet vergesel wees van enige tersaaklike dokument, of 'n gewaarmerkte afskrif daarvan.

DEEL XIV

VERMOEDENS EN STRAFBEPALINGS

35. Enige persoon wat enige vis aan land bring, word geag sodanige vis te gevang het.

36. 'n Persoon wat 'n bepaling van hierdie regulasies oortree of versuim om daaraan te voldoen is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens R6 000 of met gevangenisstraf van 'n tydperk van hoogstens twee jaar of met sodanige boete sowel as sodanige gevangenisstraf.

BYLAE A

- Die volgende lisensiegelde is betaalbaar ten opsigte van vissersbote vir die tydperk soos op die betrokke lisensie gespesifiseer: Met dien verstande dat enige vissersboot-lisensie wat uitgereik is ingevolge die regulasies kragtens die Wet op Seevisserye, 1973, en waarvan die geldigheidsduur by die inwerkingtreding van hierdie regulasies nog nie verstryk het nie, geag word 'n vissersbootlisensie ingevolge hierdie Bylae uitgereik te wees:

Vir elke vissersboot—

- waarvan die totale lengte nie meer is as vyf meter nie—R40;
- waarvan die totale lengte meer is as vyf meter maar nie meer is as agt (8) meter nie—R60;
- waarvan die totale lengte meer is as agt meter maar nie meer is as 12 meter nie—R100;
- waarvan die totale lengte meer is as 12 meter maar nie meer is as 20 meter nie—R200;
- waarvan die lengte meer is as 20 meter—R300.

- Die volgende lisensiegelde is jaarliks betaalbaar ten opsigte van visfabrieke:

Vir elke—

- perseel wat ingevolge die Wet op Masjinerie en Beroepsveiligheid, 1983 (Wet No. 6 van 1983), geregistreer is of moet wees—R300;
- ander persele—R60;
- enige vaartuig wat gebruik word om slegs vis te ontvang, bewerk of bevries en sodanige vis te vervoer—R300;

- Die gelde betaalbaar ten opsigte van die—

- laat lisensiering van 'n visfabriek is R80;
- laat lisensiering van 'n visverwerkingsperseel is R30.

PART XIII

APPEAL

34. (1) An appeal by any person in terms of section 40 of the Act shall be submitted by him in writing, to the Minister within 60 days after he has been notified of the decision of the director-general.

(2) An appeal by any person in terms of section 44 of the Act shall be submitted by him in writing to the Minister or the director-general, as the case may be, within 60 days after he has been notified of the decision appealed against.

(3) The appeal shall set out all the relevant facts and grounds of appeal and shall be accompanied by any relevant document or a certified copy thereof.

PART XIV

PRESUMPTIONS AND PENALTIES

35. Any person landing any fish, shall be deemed to have caught such fish.

36. 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 R6 000 or imprisonment for a period not exceeding two years or to both such fine or such imprisonment.

SCHEDULE A

- The following licence fees are payable in respect of fishing boats for the period specified on the licence: Provided that any fishing boat licence which has been issued in accordance with the regulations under the Sea Fisheries Act, 1973, and of which the period of validity has not expired when these regulations take effect, shall be deemed to be a valid fishing boat licence in terms of this Schedule:

For each fishing boat—

- of which the total length does not exceed five metres—R40;
- of which the total length is more than five metres but does not exceed eight metres—R60;
- of which the total length is more than eight metres but does not exceed 12 metres—R100;
- of which the total length is more than 12 metres but does not exceed 20 metres—R200;
- of which the total length exceeds 20 metres—R300.

- The following licence fees are payable annually in respect of fishing factories:

For any—

- premises registered or liable for registration in terms of the Machinery and Occupational Safety Act, 1983 (Act No. 6 of 1983)—R300;
- other premises—R60;
- any vessel which is used only to receive, process or freeze fish and to transport such fish—R300.

- The fee payable in respect of the—

- late licensing of a fish factory is R80;
- late licensing of fish processing premises is R30.