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GOVERNMENT NOTICE GOEWERMENTSKENNISGEWING

DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND TOURISM DEPARTEMENT VAN OMGEWINGSAKE EN TOERISME

No. 252

24 March 2005

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

LEVIES ON FISH AND FISH PRODUCTS

I, Mohammed Valli Moosa, Minister of Environmental Affairs and Tourism, acting with the concurrence of the Minister of Finance, hereby under Section 29 of the Sea Fishery Act, impose the levies on fish and fish products as set out in the Schedule.

MV MOOSA**Minister of Environmental Affairs and Tourism**

SCHEDULE

1. In this Schedule any word or expression to which a meaning has been assigned to in the Act, shall bear the meaning so assigned to it and, unless the context otherwise indicates —

"**abalone**" means any shellfish of the species *Haliotis midae*, also known as "perlemoen";

"**anchovy**" means any fish of the species *Engraulis capensis*;

"**east coast crustacean**" means any crustacean, including shrimps, prawns and langoustines found in the waters of the Province of KwaZulu-Natal and caught by means of bottom trawl nets;

"**east coast sole**" means any fish of the species *Austroglossus pectoralis*;

"**hake**" means any fish of the genus *Merluccius*;

"**horse-mackerel**" means any fish of the species cape *Trachurus trachurus capensis*;

"**kingklip**" means any fish of the species *Genypterus capensis*;

"**langoustine**" means any crustacean of the species *Metanephrops mozambicus* (previously known as *Metanephrops anadamanicus*);

"**monkfish**" means any fish of the species *Lophius vomerinus*;

"**pilchard**" means any fish of the species *Sardinops sagax*;

"**redeye or round herring**" means any fish of the species *Etrumeus whiteheadi*;

"**red spotted sole**" or "**red spotted tonguefish**" or "**sandrat**" means any fish of the

species *Cynoglossus zanzibarensis*;

"ribbonfish" means any fish of the species *Lepidopus caudatus*;

"Seaweed" means any marine macro-algae, including Kelp [*Ecklonia maxima* and *Laminaria pallida* (including *Laminaria Schinzii*)] and other species such as *Gracilaria gracilis*, *Gracilariopsis* spp and *Gelidium* spp;

"shark" means any fish of the class *Chondrichthyes*.

"shrimp" means any crustacean of the superfamilies Caridea and Penaeoidea including genera *Callinassa* and *Upogebia*;

"snook" means any fish of the species *Thyrsites atun*;

"south coast rock lobster" means any rock lobster of the species *Palinurus gilchristi*;

"squid" means any squid or chokka squid *Loligo vulgaris reynaudii*;

"the Act" means the Sea Fishery Act, 1988 (Act No. 12 of 1988);

"tuna" means the species *Allothunnus fallai*, *Euthynnus affinis*, *Gymnosarda unicolor*, *Katsuwonus pelamis*, *Sarda orientalis* or *Sarda sarda* or any species of the genus *Thunnus*

"west coast rock lobster" means any Cape or spiny rock lobster of the species *Jasus lalandii*;

"west coast sole" means any fish of the species *Austroglossus microlepis*.

2. Subject to paragraph 3 –

A holder of a right to undertake commercial fishing of pelagic fish (pelagic bait included) shall pay the following levy per ton whole mass fish caught:

R46.00 for directed pilchard and **R13.00** for anchovy, pilchard bycatch as well as for all other fish caught for industrial purposes;

3. For the purposes of paragraph 2, the mass of pilchard, anchovy, redeye (round herring) and horse mackerel shall be determined at a fish processing establishment in the presence of a fishery control officer (subject to paragraph 15).
4. A holder of a right to undertake commercial fishing of west coast rock lobster shall pay a levy of **R3744.00** per ton whole mass of west coast rock lobster received/caught (subject to paragraph 15).

5. A holder of a right to undertake commercial fishing of south coast rock lobster shall pay a levy of R3126.00 per ton whole mass or a levy of R6947.00 per ton tail mass south coast rock lobster caught.
6. Subject to paragraph 15, a person who is the holder of a right to undertake commercial fishing by means of bottom trawl or midwater trawl nets shall pay the following levy per ton whole mass caught:
- Hake caught in the offshore trawl and midwater trawl fisheries: R181.00, hake caught in the inshore trawl fishery: R171.00, sole: R276.00, kingklip: R280.00, horse mackerel: R15.00, squid: R342.00, east coast crustaceans: R135.00, monkfish R184.00, ribbonfish: R18.00 and snoek R21.00.
7. A holder of a right to undertake commercial fishing of abalone shall pay a levy of R25 000.00 per ton whole mass of abalone caught or received.
8. Subject to paragraph 15, a holder of a right to undertake commercial fishing of traditional linefish shall pay the following levies (fixed payment per category) on whole mass of fish caught:

| WHOLE MASS CATCHES PER YEAR | LEVY PER YEAR |
|--|---------------|
| Two or less than two tonnes | R129.00 |
| Five tonnes and less, but more than two tonnes | R452.00 |
| Ten tonnes and less, but more than five tonnes | R969.00 |
| 20 tonnes and less, but more than 10 tonnes | R1936.00 |
| 30 tonnes and less, but more than 20 tonnes | R3228.00 |
| More than 30 tonnes | R4518.00 |

9. A holder of a right to undertake commercial fishing of tuna (pole and line method) shall pay a levy of R118.00 per ton whole mass of tuna caught. The levies payable by holders of rights to undertake tuna or swordfish by means of a longline remain the same as published in Government Notice No.27067, dated 8 December 2004.

10. A holder of a right to undertake commercial fishing of shark by means of a longline shall pay a levy of R118.00 per ton whole mass of shark caught (subject to paragraph 15).
11. A holder of a right to undertake commercial fishing of hake by means of a longline shall pay a levy of R181.00 per ton whole mass of hake caught, as well as a levy of R280.00 per ton whole mass of kingklip caught (subject to paragraph 15).
12. A holder of a right to undertake commercial fishing of hake by means of a handline shall pay a levy of R135.00 per ton whole mass of hake caught (subject to paragraph 15).
13. The holder of a right to undertake commercial fishing of squid shall pay a levy of R342.00 per ton whole mass of squid caught.
14. A holder of a right to undertake commercial harvesting of seaweed shall pay a levy of R95.00 per dry ton kelp (*Laminaria pallida* [including *laminaria schinzii*] and *Ecklonia maxima*) and R207.00 per dry ton of all other seaweed species as described in paragraph 1, gathered.
15. For the purposes of paragraphs 3, 4, 6, 8, 10, 11 and 12 the whole mass of fish shall be determined by multiplying the mass of the fish caught or parts thereof (see column 1 below) with the appropriate conversion factor (see below).

| <u>Column 1</u> | <u>Conversion factor</u> |
|---|--------------------------|
| Gumard , headed and gutted | x 1,40 |
| Hake, broken and/or sour | x 1,94 |
| Hake, head on and gutted (PQ) | x 1,16 |
| Hake, headless and gutted | x 1,46 |
| Hake , trimmed, skinless fillets | x 2,25 |
| Hake , untrimmed fillets | x 1,94 |
| Horse mackerel gutted | x 1,09 |
| Horse mackerel, headless and gutted | x 1,40 |
| Kingklip, headless and gutted | x 1,52 |
| Kingklip, untrimmed fillets | x 2,28 |

| | |
|--|--------|
| Langoustines, tails | x 2,80 |
| Monkfish, headed and gutted (tails) | x 3,44 |
| Monkfish, head on and gutted | x 1,19 |
| Ribbonfish, headed and gutted | x 1,40 |
| Ribbonfish, headed and tailed | x 1,80 |
| Shark (headed, gutted, tailed and finned) | x 1,52 |
| Shrimps, prawns, tails | x 1,60 |
| | |
| Snoek (headed and tailed) | x 1,41 |
| Snoek, salted (flecked) | x 2,12 |
| Sole, (East Coast sole) gutted | x 1,04 |
| Sole or Tonguefish (Red spotted) gutted | x 1,06 |
| Sole, (West Coast sole) gutted | x 1,06 |
| West Coast rock lobster (spiny or slipper tails) | x 2,20 |

16. The levies payable in respect of fish caught during any one month shall be paid before the end of the following month, except in the case of traditional linefish (paragraph 8) where the levies will be paid before **31** December of the relevant year (based on the permit holders own catch returns). If necessary, in the case of traditional linefish, adjustments in respect of the levies payable will be made in the following year, and permit holders will be allowed to pay the adjusted levies on or before 30 June of the following year.
17. ~~All~~ payments of levies shall be accompanied by a form, certified by the holder of the right to undertake commercial fishing, that indicates the whole mass of fish caught or received during the month (or months in the instance of linefishing) concerned. This form is obtainable from : Marine and Coastal Management, **6th** Floor, Foretrust Building, Martin Hammerschlag Road, Foreshore, Cape Town, **8001** / Private Bag X2, Roggebaai, 8012.
18. Interest at the rate determined by the Treasury from time to time, shall be imposed on any outstanding amount, and such interest shall be calculated from the first day of the month following the month in which the fish is landed (except in the case of linefish, where it will be calculated from the first day of the year following the year in which the fish is landed).

19. Levies and interest payable in terms of this Schedule, shall be paid to : Marine and Coastal Management, 6th Floor, Foretrust Building, ~~Martin~~ Hammerslag Road, Foreshore, Cape Town, 8001 / Private Bag X2, Roggebaai, 8012.
20. Any person who contravenes or fails to comply with any provision of ~~this~~ notice shall be guilty of an offence and liable on conviction to a ~~fine~~ not exceeding R50 000 or to imprisonment for a period not exceeding ~~six~~ years, or to both such ~~fine~~ and such imprisonment.
21. Government Notice No. 26195, dated 31 March 2004, is hereby repealed.
22. **This** notice takes effect on 1 April 2005.