

DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND TOURISM**No. 1380****19 December 2008****SEA FISHERY ACT, 1988 (ACT NO. 12 OF 1988)
LEVIES ON FISH AND FISH PRODUCTS**

I, Marthinus Christoffel Johannes van Schalkwyk, Minister of Environmental Affairs and Tourism, hereby publish for public comment, proposed increases and amendments in levies on fish and fish products in terms of section 29 of the Sea Fishery Act, 1988 (Act No. 12 of 1988), as set out in the Schedule hereto.

Any person who wishes to submit representations or comments in connection with the proposed levies are invited to do so by **16h00 on 2 February 2009**. All representations and comments must be submitted in writing to the Deputy Director-General of the Department of Environmental Affairs and Tourism, Branch Marine and Coastal Management:

By post to: The Deputy Director-General:
Environmental Affairs and Tourism
Marine and Coastal Management
Attention: Mr Wickness Rooifontein
Private Bag X2
Roggebaai, 8012

By fax to: (021) 402 3228, and by e-mail to: WRooifontein@DEAT.Gov.za

MARTHINUS VAN SCHALKWYK
MINISTER OF ENVIRONMENTAL AFFAIRS AND TOURISM

SCHEDULE

1. In this Schedule any word or expression to which a meaning has been assigned in the Marine Living Resources Act, 1998 (Act No. 18 of 1998) and the Regulations in terms thereof published in Gazette No. 19205 in Notice No. R1111 of 2 September 1998, 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";

"**albacore**" means the species *Athunnus allalunga*;

"**anchovy**" means any fish of the species *Engraulis encrasicolus* (previously known as *Engraulis capensis*);

"**big eye tuna**" means the species *Thunnus obesus*;

"**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*;

"**gutted**" means cleaned by removing the viscera, but not the removing the head or the gills;

"**gutted and gilled**" means cleaned by removing the viscera and the gills, but not removing the head;

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

"**headed & gutted**" means cleaned by removing the head, gills and viscera;

"**horse-mackerel**" means any fish of the species *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* (previously known as *Sardinops ocelatus*);

"**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 the genera *Callinassa* and *Upogebia*;

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

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

"**southern bluefin tuna**" means the species *Thunnus maccoyii*;

"**squid**" means any squid (chokka) of the species *Loligo vulgaris reynaudii*;

“swordfish” means the species *Xiphias Gladius*;

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

“tuna” means any fish of 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*.

“yellow tuna” means the species *Thunnus albacares*;

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:

R52.00 for directed pilchard and R15.00 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 R4231.00 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 R3532.00 per ton whole mass or a levy of R7850.00 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: R205.00, hake caught in the inshore trawl fishery: R193.00, sole: R312.00, kingklip: R316.00, horse mackerel: R17.00, squid: R386.00, east coast crustaceans: R153.00, monkfish: R208.00, ribbonfish: R20.00 and snoek: R24.00.

7. A holder of a right to undertake commercial fishing of abalone shall pay a levy of R28 250.00 per ton whole mass of abalone caught or received.(Not currently allowed)
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	R146.00
Five tonnes and less, but more than two tonnes	R511.00
Ten tonnes and less, but more than five tonnes	R1095.00
20 tonnes and less, but more than 10 tonnes	R2188.00
30 tonnes and less, but more than 20 tonnes	R3648.00
More than 30 tonnes	R5105.00

9. (a) A holder of a right to undertake commercial fishing of tuna (pole and line method) shall pay a levy of R128.00 per ton whole mass of tuna caught and shall pay R100.00 per ton whole mass of linefish by-catch caught.
- (b) The levies payable by holders of rights to undertake commercial fishing of tuna or swordfish by means of a longline per ton of fish landed are as follows:

Species	South African vessels	Foreign flagged vessels
Southern bluefin tuna	R1,017.00	R2034.00
Bigeeye Tuna	R339.00	R678.00
Yellowfin Tuna	R339.00	R678.00

Swordfish	R339.00	R678.00
All other species including by-catch	R128.00	R255.00

10. A holder of a right to undertake commercial fishing of shark by means of a longline shall pay a levy of R133.00 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 R205.00 per ton whole mass of hake caught, as well as a levy of R316.00 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 R153.00 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 R386.00 per ton whole mass of squid caught.
14. A holder of a right to undertake commercial harvesting of seaweed shall pay a levy of R107.00 per dry ton of kelp (*Laminaria pallida* [including *Laminaria schinzii*] and *Ecklonia maxima*) and R234.00 per dry ton of all other seaweed species as described in paragraph 1, gathered.
15. (a) 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). A factor of 1,00 shall be applied to any fish that are landed whole (unprocessed).

<u>Column 1</u>	<u>Conversion factor</u>
Gurnard, headed and gutted	x 1,40
Hake, broken and/or sour	x 1,94
Hake, gutted (PQ)	x 1,10
Hake, gutted and gilled (PQ)	x 1,16
Hake, headed and gutted	x 1,46

Hake, mince	x 2,25
Hake, sausage	x 2,25
Hake, skinless fillets (trimmed or untrimmed)	x 2,25
Hake, skin-on fillets (trimmed or untrimmed)	x 1,94
Horse mackerel, gutted and gilled	x 1,09
Horse mackerel, headed and gutted	x 1,40
Kingklip, headed 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, gutted (head on)	x 1,19
Ribbonfish, headed and gutted	x 1,40
Ribbonfish, headed, gutted and tailed	x 1,80
Shark, (headed, gutted, tailed and finned)	x 1,52
Shrimps and prawns, tails	x 1,60
Snoek, frozen	x 1,41
Snoek, headed, gutted and tailed	x 1,41
Snoek, salted (flecked)	x 2,12
Sole, (East Coast sole) gutted	x 1,05
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

(b) Where a product is not listed in the above table, a conversion factor from an appropriate equivalent product shall be applied.

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: Customer Services, Marine and Coastal Management, Ground Floor, Foretrust Building, Martin Hammerschlag Road, Foreshore, Cape Town, 8001 / Private Bag X2, Roggebaai, 8012.

18. Interest and penalties will be imposed on any outstanding amount and late submission of levy declaration forms. Interest will be charged at the rate determined by National Treasury from time to time on any outstanding amount (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). A penalty of 10% of the levies payable will be imposed on late submissions of levy declarations and payment of levies due.
19. Levies and interest payable in terms of this Schedule shall be paid to: The Marine living Resource Fund, Ground Floor, Foretrust Building, Martin Hammerschlag Road, Foreshore, Cape Town, 8001 / Private Bag X2, Roggebaai, 8012.
20. Government Notice No.252, dated 24 March 2005 and Government Notice No.27067, dated 8 December 2004, is hereby repealed.
21. This notice takes effect on 1 April 2009.