

No. 796

10 September 2010

MARINE LIVING RESOURCES ACT, 1998 (ACT NO. 18 OF 1998)**LEVIES ON FISH AND FISH PRODUCTS**

I, Tina Joemat-Pettersson, Minister of Agriculture, Forestry and Fisheries, acting with the concurrence of the Minister of Finance, under Section 29 of the Sea Fisheries Act, 1988 (Act No. 12 of 1988) hereby impose the levies on fish and fish products as set out in the Schedule hereto.

TINA JOEMAT-PETTERSSON
MINISTER OF AGRICULTURE, FORESTRY AND FISHERIES

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 ocellatus*);

"**patagonian toothfish**" means any fish of the species *Dissostichus spp*;

"**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*;

Item No.	Commercial Fishery Sector	Species Type	Levy rate per ton
2.	Small Pelagic Fish	Directed Pilchard (industrial inclusive)	R 58.00
		Anchovy: Directed	R 17.00
		Anchovy: Sardine by-catch	R 17.00
		Other: Industrial purposes	R 17.00
3.	West Coast Rock Lobster	West Coast Rock Lobster	R 4,679.00
4.	South Coast Rock Lobster	South Coast Rock Lobster: tails	R 8,682.00
		South Coast Rock Lobster: whole	R 3,906.00
5(a).	Offshore and Midwater Trawl	Hake	R 227.00

		Kingklip	R 349.00
		Sole	R 345.00
		Horse Mackerel	R 19.00
		Squid	R 427.00
		East Coast Crustaceans	R 169.00
		Monkfish	R 230.00
		Ribbonfish	R 22.00
		Snoek	R 27.00
5(b)	Inshore Trawl	Hake	R 213.00
		Kingklip	R 349.00
		Sole	R 345.00
		Horse Mackerel	R 19.00
		Squid	R 427.00
		East Coast Crustaceans	R 169.00
		Monkfish	R 230.00
		Ribbonfish	R 22.00
		Snoek	R 27.00
6.	Abalone	Abalone	R 31,245.00
7.	Traditional Linefish	2 or less than 2 tonnes	R 161.00
		5 tonnes and less, but more than 2 tonnes	R 565.00
		10 tonnes and less, but more than 5 tonnes	R 1,211.00
		20 tonnes and less, but more than 10 tonnes	R 2,420.00
		30 tonnes and less, but more than 20 tonnes	R 4,035.00
		More than 30 tonnes	R 5,646.00
8(a).	Tuna (pole or line method)	Tuna	R 142.00
		Tuna by-catch	R 111.00
8(b).	Tuna or Swordfish (longline)		
	South African vessels	Southern bluefin tuna	R 1,125.00
		Bigeye tuna	R 375.00
		Yellowfin tuna	R 375.00
		Swordfish	R 375.00
		All other species including by-catch	R 142.00

	Foreign Flagged vessels	Southern bluefin tuna	R 2,250.00
		Bigeye tuna	R 750.00
		Yellowfin tuna	R 750.00
		Swordfish	R 750.00
		All other species including by-catch	R 284.00
9.	Patagonian Toothfish	Patagonian Toothfish	R 375.00
10.	Shark longline	Shark	R 147.00
11.	Hake longline	Hake	R 227.00
		Kingklip	R 349.00
12.	Hake handline	Hake	R 169.00
13.	Squid	Squid	R 427.00
14.	Seaweed	Kelp	R 118.00
		Other Seaweed species	R 259.00

15. For the purposes of Item 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 17).

16. (a) For the purposes of Items 3, 5, 7, 10, 11, 12 and 15 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.

17. 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 (Item 7) 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 31 January of the following year.
18. 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, Branch: Fisheries , Ground Floor, Foretrust Building, Martin Hammerschlag Road, Foreshore, Cape Town, 8001 / Private Bag X2, Roggebaai, 8012 / E-mail: revenue@daff.gov.za / Facsimile: 086 613 6256.

19. 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 second month 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.
20. Levies, penalties 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 / Electronic Funds Transfer or direct deposit (proof of payment to be forwarded to revenue@daff.gov.za or 086 613 6256.
21. Government Notice No. 397, dated 30 April 2009, is hereby repealed.
22. This notice takes effect on 01 October 2010.