

No. R. 827

7 October 2011

**MARINE LIVING RESOURCES ACT, 1998 (ACT 18 OF 1998): REGULATIONS FOR FISHING IN
THE ESTUARY OF THE BREEDE RIVER**

The Minister of Agriculture, Forestry and Fisheries, Tina Joemat-Pettersson hereby publishes for comment draft regulations for fishing in the estuary of the Breede River in terms of subsections 2(e) and 2(n) of section 77 of the Marine Living Resources Act, 1998 (Act 18 of 1998), as set out in the schedule hereto.

Interested and affected parties are invited to submit written comments on the DRAFT REGULATIONS PUBLISHED IN GOVERNMENT NOTICE R. 1111 OF 2 SEPTEMBER 1998, AS AMENDED in the manner provided for in this Notice.

Interested and affected parties may submit written comments to the Department by 16h00 on Friday, 28 October 2011 by mail, by hand, e-mail, or telefax transmission. Please note that comments received after this time may be disregarded.

<u>By mail</u>	<u>By Hand</u>	<u>By e-mail</u>
Subject: Comments on Draft Regulations published in Government Notice R. <u>111 of 2 September 1998</u> , as amended	Subject: Comments on Draft Regulations published in Government Notice R. <u>111 of 2 September 1998</u> , as amended	breederiver@daff.gov.za
Department of Agriculture, Forestry and Fisheries Branch: Fisheries Management Customer Service Centre Private Bag x2 Roggebaai 8012	Department of Agriculture, Forestry and Fisheries Branch: Fisheries Management Customer Service Centre Ground Floor Foretrust Building Martin Hammerschlagh Way Foreshore Cape Town 8000	<u>By fax</u> 021 402 3367 <u>Telephonic queries</u> Tembaletu Tanci: 021 402 3075

MINISTER

SCHEDULE

Definitions

1. In these Regulations, unless the context indicates otherwise, a word or an expression to which a meaning has been assigned in the Act and the Regulations in terms of the Marine Living Resources Act, 1998 (Act 18 of 1998) published in *Gazette* No. 19205 in Notice Nr. R. 1111 of 2 September 1998, has the same meaning, and

“the Act” means the Marine Living Resources Act, 1998 (Act 18 of 1998);

“the Estuary” means the estuary of the Breede River which is the tidal portion of the Breede River that lies between the longitudes E20°51'342 and E20° 51'.000 as the western and eastern boundaries respectively.

“gear” means, in relation to fishing, any equipment, implement or other object that can be used in fishing, including any net, rope, line, float, trap, hook, winch, aircraft, boat or craft carried on board a vessel, aircraft or other craft;

Objective of the Regulations

2. The objective of these Regulations is to provide further protection of linefish species.

Prohibition of fishing and gear

3.(1) No person shall fish, or attempt to fish, in the Estuary between the hours of 20H00 of any day and 06H00 of the following day.

(2) All fishing gear onboard a vessel in the Estuary between the hours of 20H00 of any day and 06H00 of the following day, shall be stowed in such a manner that fishing lines are completely spooled and that fishing hooks are unbaited.

Penalties and offences

4. Any person who fails to comply with 3(1) and (2) shall be guilty of an offence and liable on conviction to a fine not exceeding R500 000 or to imprisonment for a period not exceeding two years.