

REPUBLIC OF SOUTH AFRICA

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# MARINE LIVING RESOURCES AMENDMENT BILL

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*(As introduced in the National Assembly as a section 76 Bill) (The English text is the  
official text of the Bill)*

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(MINISTER OF ENVIRONMENTAL AFFAIRS AND TOURISM)

**GENERAL EXPLANATORY NOTE:**

Words underlined with a solid line indicate insertions in existing enactments.

# **BILL**

**To amend the Marine Living Resources Act, 1998, so as to permit the extension of certain rights to undertake commercial or subsistence fishing, engage in mariculture or operate a fish-processing establishment; and to provide for matters connected therewith.**

**B**E IT ENACTED by the Parliament of the Republic of South Africa, as follows:—

**Amendment of section 18 of Act 18 of 1998**

1. Section 18 of the Marine Living Resources Act, 1998, is hereby amended by the insertion after subsection (6) of the following subsection:

“(6A) (a) If the Minister has granted a right contemplated in subsection (6) to a person for a period not exceeding three years, the Minister may once only, at the expiration of such period, extend the period of validity of the right for a further period not exceeding two years on such terms and conditions as he or she may impose.

(b) The Minister may extend the period of validity of the right in whole or in part, but must have regard to any change in the total allowable catch, the total applied effort determined in terms of section 14 or to both such change and effort.”.

**Short title**

2. This Act is called the Marine Living Resources Amendment Act, 2000,

## **MEMORANDUM ON THE OBJECTS OF THE MARINE LIVING RESOURCES AMENDMENT BILL, 2000**

1. Section 18 of the Marine Living Resources Act, 1998 (Act No. 18 of 1998) (“the Act”), currently provides that a right to undertake commercial or subsistence fishing, engage in mariculture or operate a fish-processing establishment remains valid for a period determined by the Minister, which period may not exceed 15 years. After such period the right automatically terminates and reverts back to the State to be reallocated in terms of the provisions of the Act.

2. Cabinet discussed and adopted a new Allocation Policy on 16 August 2000. However, the Department of Environmental Affairs and Tourism requires time to implement the new allocation policy. In putting the new allocation policy in place, it may become necessary to extend the period of validity of commercial or subsistence fishing rights. The Act does not at present provide for a mechanism to extend the rights in question without again calling for applications. The object of this Bill is to empower the Minister to extend the period of validity of those rights once only for a period not exceeding two years.

### **3. CONSULTATION**

Stakeholders in the industry.

### **4. FINANCIAL IMPLICATIONS FOR STATE**

None.

### **5. PARLIAMENTARY PROCEDURE**

The State Law Advisers and the Department of Environmental Affairs and Tourism are of the opinion that this Bill must be dealt with in accordance with the procedure prescribed by section 76(1) or (2) of the Constitution since it falls within functional areas listed in Schedule 4 to the Constitution, namely “Trade” and “Environment”.