

## DEPARTMENT OF ENVIRONMENTAL AFFAIRS

NO. R. 123

03 FEBRUARY 2016

**NATIONAL ENVIRONMENTAL MANAGEMENT: PROTECTED AREAS ACT,  
2003  
(ACT NO. 57 OF 2003)**

**DRAFT REGULATIONS FOR THE MANAGEMENT OF THE SOUTHEAST  
ATLANTIC SEAMOUNT MARINE PROTECTED AREA**


I, Bomo Edith Edna Molewa, Minister of Environmental Affairs, hereby publish for public comment, the draft Regulations for the Management of the Southeast Atlantic Seamount Marine Protected Area in terms of sections 48A(2) and 86(1)(a), (b), (c) and (d) of the National Environmental Management: Protected Areas Act, 2003 (Act No. 57 of 2003), as set out in the Schedule hereto.

Any person who wishes to submit representations or comments in connection with the draft regulations are invited to do so within 90 days from the date of publication in the *Government Gazette* and by no later than 16h00 on the last day. Comments received after this time may not be considered. All representations and comments must be submitted in writing to the Deputy Director-General of the Department of Environmental Affairs, Branch Oceans and Coasts:

**By post to:** The Deputy Director-General  
Environmental Affairs  
Oceans and Coasts  
Attention: Xola Mkefe  
P.O Box 52126  
V and A Waterfront, Cape Town  
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**By hand:** East Pier Building 2, East Pier Road, V&A  
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**Enquiries:** Xola Mkefe 021 819 2466



**BOMO EDITH EDNA MOLEWA  
MINISTER OF ENVIRONMENTAL AFFAIRS**

## Schedule

### 1. Definitions

In these Regulations, unless the context indicates otherwise, a word or expression that is defined in the Act bears the same meaning in these Regulations, and in addition-

**“Act”** means the National Environmental Management: Protected Areas Act, 2003 (Act No. 57 of 2003);

**“certificate of competence”** means a certificate of competence as defined in the National Small Vessel Safety Regulations, 2007;

**“certificate of fitness”** means a certificate of fitness as defined in the National Small Vessel Safety Regulations, 2007;

**“Controlled Zone”** means an area within a marine protected area where fishing or any other activity in terms of section 48A(1) of the Act may take place if authorised in terms of these regulations as contemplated in terms of section 48A(2) of the Act;

**“environment”** has the meaning assigned to it in section 1 of the National Environmental Management Act;

**“fish”** means any aquatic plant or animal whether piscine or not, and any mollusc, crustacean, coral, sponge, holothurian or other echinoderm, reptile and includes their eggs, larvae and all juvenile stages, but does not include sea birds, seals or any marine mammal;

**“fishing”** or to **“fish”** means—

- (a) searching for, catching, taking or harvesting fish or an attempt to any such activity;
- (b) engaging in any other activity which can reasonably be expected to result in the locating, catching, taking or harvesting of fish;
- (c) placing, searching for or recovering any fish aggregating device or associated gear, including radio beacons;
- (d) any operation in support or in preparation of any activity described in this definition; or
- (e) the use of an aircraft in relation to any activity described in this definition;

**“hovercraft”** means a craft that floats on a cushion of air and is capable of traversing water;

**“Integrated Coastal Management Act”** means the National Environmental Management: Integrated Coastal Management Act, 2008 (Act No. 24 of 2008);

**“Marine Living Resources Act”** means the Marine Living Resources Act, 1998 (Act No. 18 of 1998);

**“Marine Protected Area”** means the Southeast Atlantic Seamount Marine Protected Area as declared by the Minister in terms of section 22A of the Act;

**“National Small Vessel Safety Regulations”** means the Merchant Shipping (National Small Vessel Safety) Regulations, 2007, published in terms of section 356 of the Merchant Shipping Act, 1951 (Act No. 57 of 1951) and promulgated in Government Notice No. R. 705 of 8 August 2007;

**“operate”** in respect of a vessel, includes mooring in the water, drifting in the water and ascending or descending from its mooring, the shore, launch site, a buoy or a jetty;

**“personal watercraft”** means a vessel that uses an inboard motor powering a water jet pump as its primary source of propulsion, and is designed to be operated by a person or persons sitting, standing, or kneeling on rather than within the confines of a hull;

**“Restricted Zone”** means an area within the Marine Protected Area where no fishing may take place, but where any other activity in terms of section 48A(1) of the Act may take place if authorised in terms of these regulations as contemplated in terms of section 48A(2) of the Act;

**“SEAS 1 -RZ1”** means the Southeast Atlantic Seamount Restricted Zone 1

**“SEAS 2 - RZ2”** means the Southeast Atlantic Seamount Restricted Zone 2

**“SEAS 1 – CZ”** means the Southeast Atlantic Seamount Controlled Zone

**“vessel”** means a waterborne craft of any kind whether a surface craft or submarine, and whether self-propelled or not, and includes any moored floating structure that can be used as a means of transport by water and includes a personal watercraft and hovercraft; and

**“WGS 84”** means the World Geodetic System of 1984 (G730), which is a geographic co-ordinate system.