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**DEPARTMENT OF ENVIRONMENTAL AFFAIRS**

NO. R. 777

23 MAY 2019

**NATIONAL ENVIRONMENTAL MANAGEMENT: PROTECTED AREAS ACT, 2003 (ACT  
NO. 57 OF 2003)****REGULATIONS FOR THE MANAGEMENT OF THE ADDO ELEPHANT NATIONAL  
PARK MARINE PROTECTED AREA**

I, Nomvula Paula Mokonyane, Minister of Environmental Affairs, hereby make the Regulations for the Management of the Addo Elephant National Park 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.



**NOMVULA PAULA MOKONYANE  
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);

“**alpha flag**” means the ‘diver down flag’ used to indicate that diving operations are in progress and other vessels must keep clear;

“**authorised official**” means—

- (a) any person appointed as a fishery control officer in terms of the Marine Living Resources Act;
- (b) an environmental management inspector appointed in terms of the National Environmental Management Act; and
- (c) all peace officers as defined in the Criminal Procedure Act, 1977 (Act No. 51 of 1977).

“**BIORZ**” means the Bird Island Offshore Restricted Zone;

“**bottom trawl net**” means any net designed to be dragged along the bed of the sea by a fishing vessel;

“**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;

“**commercial fishing**” shall have the meaning assigned to it in section 1 of the Marine Living Resources Act;

“**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);

“**CRICZ**” means the Cannon Rocks Inshore Controlled Zone;

“**CROCZ**” means the Cannon Rocks Offshore Controlled Zone;

“**CPICZ**” means Cape Padrone Inshore Controlled Zone;

“**demarcation buoy**” means a buoy installed to mark the boundaries of or the zones within the Marine Protected Area;

“**demarcation marker**” means a marker installed to mark the boundaries of or the zones within the Marine Protected Area;

“**dive or diving**” means to swim below the surface of the water, or to enter the water with the aid of, or use of prohibited gear;

“**environmental management inspector**” has the meaning assigned to it in the National Environmental Management 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 undertake 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 or tracking 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;

“**fishing permit**” means a commercial, small scale or recreational fishing permit issued in terms of the Marine Living Resources Act, which authorises fishing in the area where the Marine Protected Area is located;

“**high-water mark**” has the meaning assigned to it in the Integrated Coastal Management Act;

“**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);

“**islands**” means the St Croix Island group, including St Croix, Jahleel and Brenton islands; and the Bird Island group including Bird, Seal, Stag and Black Rocks islands forming part of the Addo Elephant National Park as defined in *Government Gazette* No. 36295 of 27 March 2013;

“**management authority**” means South African National Parks as designated in regulation 15;

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

“**Marine Protected Area**” means the Addo Elephant National Park Marine Protected Area as declared by the Minister in terms of section 22A of the Act;

“**Marine Traffic Act**” means the Marine Traffic Act, 1981 (Act No. 2 of 1981);

“**National Ports Authority of South Africa**” shall have the meaning assigned to it in the National Ports Act, 2005 (Act No. 12 of 2005);

“**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;

“**no-wake speed**” means the speed that a vessel travels with its engine just in gear and moving at the slowest possible speed necessary to maintain steerage, without causing a wake or a wave in the water;

“**no-wake zone**” means that part of the Marine Protected Area that is zoned, where a vessel may only travel at “no-wake speed”;

“**operate**” in respect of a vessel, includes mooring in the water, moving or 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—

- (a) that uses an inboard motor powering a water jet pump as its primary source of propulsion;
- (b) is designed to be operated by a person or persons sitting, standing, or kneeling on rather than within the confines of a hull; and
- (c) is less than three meters in length;

“**port**” shall have the meaning assigned to it in the Integrated Coastal Management Act;

“**power-driven**” means propelled by reciprocating or rotary machinery using fuel, chemicals, electricity or heat as an energy source, but does not include a water jet pump;

“**privately used launch site**” has the meaning assigned to it in regulation 1 of the Public Launch Site Regulations GNR 497 of 27 June 2014, published in terms of the Integrated Coastal Management Act;

“**prohibited gear**” means goggles, diving masks, dive torches, snorkels, dive fins or flippers, wet suits or diving suits, artificial breathing apparatus, weight belts or weights,

bags used for underwater collection of fish, shucking tools or any tool that could be used for the collection of fish;

“**recreational fishing**” has the meaning assigned to it in the Marine Living Resources Act;

“**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);

“**SCUBA Diving**” means swimming below the surface of the water, with the aid of compressed or pumped air or other gasses;

“**SCUBA diving vessel**” means any vessel that carries SCUBA divers and has no fishing gear on board;

“**SECZ**” means the Sunday’s River Estuary Controlled Zone;

“**SERZ**” means the Sunday’s River Estuary Restricted Zone;

“**SICZ**” means the Sundays Inshore Controlled Zone;

“**SIRZ**” means the Sundays Inshore Restricted Zone;

“**small-scale fishing or fisher**” has the meaning ascribed to it in section 1 of the Marine Living Resources Act;

“**SOCZ**” means the Sundays Offshore Controlled Zone;

“**spearfishing**” means fishing with the use of a speargun;

“**speargun**” means a device by which a spear is projected by mechanical or pneumatic means;

“**StCORZ**” means the St. Croix Island Offshore Restricted Zone;

“**Sundays River Estuary Zones**” means the SERZ and the SECZ;

“**Threatened or Protected Marine Species Lists**” means the lists published in *Government Gazette* 40875 GN 476 of 30 May 2017, in terms of the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004);

“**Threatened or Protected Marine Species Regulations**” means the regulations published in *Government Gazette* 10722 GNR 477 of 30 May 2017, in terms of the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004);

“**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, or hovercraft;

“**vessel providing living accommodation**” means any vessel including a “house boat” or a “caravan boat” or any other type of vessel equipped for overnight residence thereon;

“**water-ski**” means a person on dual skies, slalom ski, aqua boards, tube or any other device other than on another vessel, being towed by a vessel through, over or on the water and “water-skiing and “water-skier” shall have the same meaning;

“**water ski-zone**” means that part of the Marine Protected Area that is zoned for water skiing activities; and

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

## 2. Zonation within the Marine Protected Area

The Marine Protected Area consists of four (4) coastal zones: three (3) inshore controlled and one (1) inshore restricted zones; four (4) offshore zones: two (2) offshore controlled and two (2) offshore restricted zones; and two (2) estuarine zones: one (1) estuarine controlled and one (1) estuarine restricted zone, which are determined by using WGS 84 as detailed in Annexure 1 hereto as follows:

- (a) three (3) Inshore Controlled Zones, indicated as SICZ, CPICZ and CRICZ;
- (b) one (1) Inshore Restricted Zone, indicated as SIRZ;
- (c) two (2) offshore Restricted Zones, indicated as StCORZ and BIORZ;
- (d) two (2) offshore Controlled Zones, indicated as SOCZ and CROCZ;
- (e) one (1) Sunday’s River Estuary Restricted Zone, indicated as SERZ;
- (f) one (1) Sunday’s River Estuary Controlled Zone, indicated as SECZ;

## 3. Scientific research permit

- (1) No person may undertake any scientific research within the Marine Protected Area, except—
  - (a) on the authority of a scientific research permit issued by the Minister; and
  - (b) a scientific research permit issued by the management authority.
- (2) Application for a scientific research permit to the Minister, in terms of sub-regulation (1)(a), must be made in accordance with the provisions of section 83 of the Marine Living Resources Act or any regulations published under the Integrated Coastal Management Act.
- (3) Application for a scientific research permit to the management authority in terms of sub-regulation (1)(b), must be made on an application form provided by the management authority.

#### 4. General restrictions within the Marine Protected Area

- (1) No person may litter or leave any waste including fishing gear, hooks, bait packaging and fishing line within the Marine Protected Area.
- (2) No person may place any shark protection, exclusion or repelling device, equipment or infrastructure, including nets, within the Marine Protected Area without a permit from the Minister, which permit may be issued subject to conditions.
- (3) The management authority may in the management plan for the Marine Protected Area, an internal rule or Protected Area Notice, identify activities, except for those activities listed in section 48A(1) of the Act; which may be restricted, controlled, limited or prohibited and such areas must be indicated by demarcation buoys, demarcation markers or notice boards.
- (4) No person shall conduct or carry out any activity that is restricted, controlled, limited or prohibited in terms of sub-regulation (3).
- (5) No person shall except on the authority of the management authority, move, deface or otherwise interfere with any demarcation buoy, demarcation marker or notice-board within the Marine Protected Area.
- (6) No person shall moor, anchor or attach any vessel, to any demarcation buoy or demarcation marker within the Marine Protected Area.
- (7) No person shall within the Marine Protected Area be in possession of or have onboard a vessel, any fire-arm, air-gun, explosives or poison.
- (8) Sub-regulations (6) and (7) shall not apply to, an authorised officer, including an official of any organ of state while performing official duties within the Marine Protected Area.
- (9) For purposes of these regulations, explosives or fire-arms do not include the following devices:
  - (a) a flare gun;
  - (b) an illuminating rocket flare;
  - (c) a Department of Transport approved projectile distress flare;
  - (d) a Department of Transport approved hand-held distress flare;
  - (e) a Department of Transport approved rocket parachute distress flare;
  - (f) a Department of Transport approved floating orange smoke distress marker; and
  - (g) a Department of Transport approved hand-held smoke distress marker.

- (10) The owner, skipper or operator of a vessel shall not enter or operate a vessel in the Marine Protected Area without a valid certificate of competence and certificate of fitness issued in respect of such vessel, and such original certificates must be available for inspection at all times.
- (11) A vessel shall not enter the Marine Protected Area unless the marking approved for that vessel in accordance with the provisions of the Merchant Shipping Act, 1951 (Act No. 57 of 1951), is displayed on the vessel at all times while the vessel is inside the Marine Protected Area.
- (12) The owner, skipper or operator of a vessel shall not enter or operate a vessel in the Marine Protected Area unless such vessel and any other equipment or contents of such vessel, comply with the safety and other requirements specified in the Merchant Shipping Act, 1951 (Act No. 57 of 1951) for such vessel.
- (13) No person may undertake white shark cage diving within the Marine Protected Area unless they are in possession of a valid permit in terms of the Threatened or Protected Marine Species Regulations.
- (14) Subject to any other authorisation required in terms of any other law, the management authority may issue a permit, or in any other way authorise, a person to undertake any activity listed in section 48A(1) of the Act, which is not specifically provided for in these regulations.
- (15) The permit or authorisation contemplated in sub-regulation (14) may only be issued if it does not conflict with the objects of the Act, these regulations, or a purpose for which the Marine Protected Area was declared.
- (16) No person shall arrange, organise, or participate in any fishing competition, swimming, rowing, yachting, motorised vessel event, race, or regattas, or any other event, unless authorised to do so in writing by the management authority.
- (17) No person or vessel, shall be in possession of or have on board, SCUBA diving gear and a speargun.

## **5. Use of vessels**

- (1) No person may use or attempt to use any personal watercraft or hovercraft within the Marine Protected Area.
- (2) A motorised vessel may only launch within the Marine Protected Area, from a launch site authorised in terms of the Management of Public Launch Site Regulations GNR 497 of 27 June 2014 published in terms of the Integrated Coastal Management Act.
- (3) No person may launch any non-motorised vessel from a privately used launch site within a restricted zone of the Marine Protected Area, unless such site is registered with the management authority.



- (4) Subject to sub-regulations (6) and (7), no person may moor or anchor any vessel in a Restricted Zone of the Marine Protected Area except—
  - (a) under conditions of *force majeure*; or
  - (b) for the use of a vessel by an employee of the Department or any other organ of state acting in the course and scope of their employment or mandate; or
  - (c) for any vessel which has a permit in terms of these regulations for any activity which requires anchoring or mooring.
- (5) Subject to sub-regulations (6) and (7), no person may moor or anchor any vessel over 100 tons in a Controlled Zone of the Marine Protected Area.
- (6) Sub-regulations (4) and (5) shall not apply to a vessel moored or anchored in a recognised and approved mooring or anchoring site in terms of the Marine Traffic Act, for a vessel that is waiting to berth in a port, and authorisation has been granted by the National Ports Authority of South Africa for such vessel to moor and anchor at such site.
- (7) Despite sub-regulation (4) or (5), the management authority may, on application and on such conditions as it may deem appropriate, authorise the anchoring or mooring of a vessel in the following circumstances:
  - (a) in an emergency; or
  - (b) where the management authority may deem it to be necessary in order to ensure the proper management of the Marine Protected Area.
- (8) The management authority may verbally authorise a vessel to moor or anchor within the Marine Protected Area as contemplated in sub-regulation (7), which verbal authorisation must be confirmed in writing within 3 working days.
- (9) No person shall water ski or operate, use, attempt to use or operate a vessel or occupy the driver's seat of such vessel, within the Marine Protected Area, while his or her blood contains more than 0.05 grams of alcohol per 100 millilitres of blood or while under the influence of illegal narcotic substances.
- (10) No person shall operate or attempt to operate a vessel closer than three-hundred meters (300m) to any African Penguin or Cape Gannet on an island within the Marine Protected Area, unless authorised to do so by the management authority.
- (11) Any motorised vessel that enters or traverses a Restricted Zone within the Marine Protected Area may not stop for more than 3 minutes or move at less than 5 knots at any time while in a Restricted Zone unless authorised in terms of these regulations.
- (12) Sub-regulation (11), does not apply to a SCUBA diving vessel.

- (13) A motorised vessel entering or traversing a Restricted Zone within the Marine Protected Area with fishing gear on board must have a Global Positioning System (GPS) Mapping Device with an active trail operational on the vessel, prior to entering and while traversing a Restricted Zone within the Marine Protected Area and such GPS data may not be deleted from this device for 7 calendar days after passing through a Restricted Zone or Sanctuary Zone.
- (14) A motorised vessel required by law to have a Vessel Monitoring System must, when entering or traversing the Marine Protected Area with fishing gear on board, ensure that the Vessel Monitoring System is active.

## 6. Restriction of activities

No person may undertake any activity in the Marine Protected Area, listed in section 48A(1) of the Act, unless specifically authorised to do so in terms of these regulations.

## 7. Control of activities in Restricted Zones

- (1) No person may fish, or attempt to fish, in a Restricted Zone of the Marine Protected Area.
- (2) Fishing gear onboard a vessel or in possession of any person that enters or is present in a Restricted Zone must be stowed in accordance with sub-regulation (4).
- (3) No fishing gear including lines, hooks, lures, nets, trawl doors, warps, spearguns, buoys, traps or any other gear or equipment used for fishing, may be deployed overboard from any vessel within a Restricted Zone of the Marine Protected Area.
- (4) Fishing gear must be stowed in the following manner:
  - (a) In the case of line fishing—
    - (i) from a vessel, all hooks, lures, sinkers and weights are disconnected from the line, all the line is reeled onto the reel or rolled up, and that rolled up line, hooks, lures, bait and weights on the vessel are packed away in a cabin, locker, hatch, wheel house or console of the vessel, or where that is not possible, place such gear on the deck of the vessel;
    - (ii) from the shore, all hooks, lures, and weights are disconnected from the line, all the line is reeled onto the reel or rolled up, and that rolled up line, hooks, lures, bait, weights and any spear gun or spearfishing equipment are placed away in a bag or container;
  - (b) in the case of purse-seine fishing, no gear may be in the water;

- (c) in the case of trawl fishing, all nets, trawl boards and weights shall be stowed below deck or securely lashed to some part of the superstructure of the fishing vessel;
  - (d) in the case of rock lobster fishing, all traps, nets and ropes shall be on board and tied down; and all dinghies shall be on board and lashed to the fishing vessel;
  - (e) in the case of fishing with traps, other than rock lobster traps, all traps shall be on board and tied down;
  - (f) in the case of any other nets including gillnets, cast nets and throw nets, nets shall be on board and packed away in a console, locker or any other suitable container;
  - (g) in the case of pole fishing, all poles will be secured above deck;
  - (h) in the case of longline fishing, no branchline may be attached to the mainline and the entire mainline shall remain on the spool; and
  - (i) in respect of all types of fishing where bait is used, such bait must remain packed away or placed into a bait well, where available.
- (5) No person shall be in possession of a speargun in the BIORZ and SIRZ.
- (6) Subject to sub-regulation (8), no person shall engage in diving, in the BIORZ and SIRZ.
- (7) Subject to sub-regulation (8), no person shall be in possession of or have on board any vessel, prohibited gear in the BIORZ and SIRZ.
- (8) Any person who undertakes—
- (a) scientific research and monitoring;
  - (b) white shark-cage diving;
  - (c) salvage operations;
  - (d) maintenance of legal underwater infrastructure;
  - (e) underwater photography; or
  - (f) any other activity authorized in terms of legislation,
- must apply to the management authority for a permit to engage in diving or be in possession of prohibited gear in the BIORZ and SIRZ.
- (9) No person shall operate a vessel above a no-wake speed inside the SERZ.
- (10) No person shall water-ski inside the SERZ.

- (11) No person or vessel shall enter, attempt to enter or be present in the SIRZ, without a permit from the management authority, which permit may be issued subject to conditions.
- (12) No person shall, allow any dog, cat or any other domesticated animal or pet belonging to, or under the care or control of such person, to enter or remain in the SIRZ, without a permit from the management authority, which permit may be issued subject to conditions.

## **8 SCUBA diving**

- (1) No person may SCUBA dive or attempt to SCUBA dive in the Marine Protected Area, except in the CRICZ, CROCZ and SOCZ.
- (2) No person may operate a SCUBA diving business in the StCORZ, without a permit, issued by the management authority, which permit may be issued subject to conditions.
- (3) Any vessel that deploys divers must display an alpha flag.

## **9. Control of activities in Controlled Zones**

- (1) No person shall in any Controlled Zone, fish or attempt to fish, from a vessel or the shore unless they are in possession of a valid fishing permit, and such fishing is subject to the species, quantity, fish size limits, allowable effort, closed seasons or bag limits authorised by such fishing permit.
- (2) No person shall fish, or attempt to fish, from a vessel in the SICZ and CPICZ
- (3) Subject to sub-regulation (5), no person shall engage in diving, in the CPICZ.
- (4) Subject to sub-regulation (5), no person shall be in possession of or have onboard any vessel, prohibited gear in the CPICZ.
- (5) Any person who undertakes—
  - (a) scientific research and monitoring;
  - (b) white shark-cage diving;
  - (c) salvage operations;
  - (d) maintenance of legal underwater infrastructure;
  - (e) underwater photography; or
  - (f) any other activity authorised in terms of legislation,

must apply to the management authority for a permit to engage in diving or be in possession of prohibited gear in the CPICZ.

- (6) No person shall allow any dog, cat, pet or any other domesticated animal belonging to, or under the care or control of such person, to enter or remain in the CRICZ, and SICZ, unless such dog is on a leash, cat, pet or any other domesticated animal is under such person's physical control.
- (7) No person shall allow any dog, cat or any other domesticated animal or pet belonging to, or under the care or control of such person, to enter or remain in the CPICZ, without a permit from the management authority, which permit may be issued subject to conditions.
- (8) No person shall fish from a bridge over the SECZ.
- (9) No person shall leave a fishing line unattended in or near a navigation channel in the SECZ.
- (10) Fishing gear onboard a vessel or in possession of any person that enters or is present in a Controlled Zone and who is not authorised to fish in terms of sub-regulation (1), must be stowed in accordance with regulation 7(2) and 7(3).
- (11) No person may collect broodstock in a Controlled Zone for aquaculture, without a permit from the management authority.
- (12) When considering a permit in terms of sub-regulation (11), the management authority must take into account the following factors:
  - (a) whether the species is listed as a threatened or protected species in terms of the Threatened or Protected Marine Species Lists and any prohibitions or restrictions therein;
  - (b) whether the species has been listed on an International Union for the Conservation of Nature Red list, including an international, regional, or national Red List;
  - (c) the objectives of this Marine Protected Area; and
  - (d) whether the species can be collected outside the Marine Protected Area.
- (13) No person may undertake bottom trawlnet fishing within the Marine Protected Area.

#### **10. Dumping at sea and discharge into Marine Protected Area**

- (1) Any existing dump site located within the Marine Protected Area, which exists at the date of commencement of these regulations, is hereby authorised to continue to be utilised as a designated dumping site, provided any dumping at such site is authorised in terms of section 70, 71 or 72 of the Integrated Coastal Management Act.
- (2) Any existing discharge of effluent occurring at the date of commencement of these regulations, and any new discharge of effluent, which commences after the date of commencement of these regulations, as contemplated in section 69 of the Integrated Coastal Management Act, is hereby authorised to continue and commence, within the Marine Protected Area, provided such

discharge is authorised in terms of section 69 of the Integrated Coastal Management Act.

### **Control of vessels and other activities in the Sunday's River Estuary Zones**

#### **11. Registration permits for vessels**

- (1) No person may, in the Sunday's River Estuary Zones of the Marine Protected Area, operate—
  - (a) a power-driven vessel,
  - (b) a sailing vessel; or
  - (c) any other vessel with an overall length of 4 meters or more, excluding sailboards, canoes and paddle-ski's,  
  
without a vessel registration permit issued by the management authority and must visibly display the identification number allocated by the management authority on such vessel.
- (2) No vessel registration permit may be issued for—
  - (a) a vessel providing living accommodation;
  - (b) any vessel used for commercial purposes; or
  - (c) a vessel exceeding six point six (6.6) meters in overall length,  
  
in the Sunday's River Estuary Zones, unless a vessel accommodation permit has been issued in terms of sub-regulation (3).
- (3) No person may operate or keep, moor or anchor any vessel providing living accommodation, any vessel used for commercial purposes, or a vessel exceeding six point six (6.6) meters in overall length in the Sunday's River Estuary Zones, without a vessel accommodation permit issued by the management authority.
- (4) Application for a vessel registration permit or vessel accommodation permit must be made on an application form provided by the management authority and subject to a fee determined by the management authority from time to time.
- (5) A vessel registration permit or vessel accommodation permit may be issued subject to conditions.
- (6) The management authority may limit the number of vessel registration permits issued per person.

- (7) The management authority may limit the total number of vessel registration permits issued in the Sunday's River Estuary Zones.

## 12. Rules of travel

- (1) The skipper of a power-driven vessel shall adhere to a general safety rule of "keep right" while under way.
- (2) The skipper of a power-driven vessel shall keep out of the way of, and give right of way to a sailing vessel and any vessel propelled by oars or paddles.
- (3) When two sailing vessels approach each other they shall operate in accordance with the International Regulations for the Prevention of Collisions at Sea, 1972 published by the International Maritime Organisation.
- (4) The skipper of a power-driven vessel shall maintain a direct course when passing a sailing vessel.
- (5) When two power-driven vessels are approaching head on, the operator of each vessel shall alter course to starboard (right) so that each vessel shall pass on the port (left) side of the other.
- (6) The skipper of a vessel overtaking another vessel shall overtake the vessel on the port (left) side and shall keep the vessel out of the way of the vessel being overtaken.
- (7) The skipper of a vessel approaching a jetty or slipway shall give right of way to any departing vessel.
- (8) The skipper of a vessel shall not change course without first determining that it is safe to do so without risk of collision with another vessel or person in the water.

## 13. Operation of vessels

- (1) The owner of a power-driven vessel shall not allow any person under the age of sixteen (16) years of age to operate or control such vessel.
- (2) No person shall operate a vessel, unless his or her vision both ahead and astern is not obstructed either by passengers or any other object.
- (3) No person shall operate a power-driven vessel in the Sunday's River Estuary Zones above a no-wake speed, when:
  - (a) operating a vessel in a no-wake zone;
  - (b) passing closer than ten (10) meters from a person in the water;
  - (c) passing closer than ten (10) meters to any stationary or moving vessel, jetty, mooring or slipway;

- (d) closer than ten (10) meters to the boundary of a swimming or bathing area;
  - (e) closer than ten (10) meters from the shore; or
  - (f) operating a vessel after sunset and before sunrise.
- (4) No person may—
- (a) operate a vessel in the Sunday's River Estuary Zones without a forward facing red port light, forward facing green starboard light and white navigation light being switched on; or
  - (b) anchor a vessel in the Sunday's River Estuary Zones without at least having a single white light switched on and which is visible for 360 degrees,  
after sunset and before sunrise.
- (5) The skipper and owner of a vessel must ensure that children under five (5) years of age and anyone on the vessel who cannot swim wears a life jacket at all times while on board such vessel.
- (6) The skipper of a vessel shall not leave or enter the Sunday's river mouth without the occupants of the vessel wearing the suitable life jackets bearing the mark of the South African Bureau of Standards.

#### 14. Water-skiing

- (1) No person may water-ski after sunset and before sunrise.
- (2) No vessel towing a water skier may pass closer than 10 meters to—
  - (a) any other vessel which is stationary or moving; or
  - (b) a jetty or slipway except when dropping off a water-skier.
- (3) The skipper of a vessel shall not follow closer than one hundred (100) meters in the wake of another vessel towing a water-skier.
- (4) No person shall use a metal cable or steel wire to tow a water-ski behind a vessel.
- (5) No water-skier shall drop or kick out a water ski, unless it is safe to do so and it does not constitute a danger to any other vessel or person.
- (6) If a water-skier falls into the water, the skipper of the vessel shall raise a red flag 300 mm x 300 mm until the water skier boards the vessel, or continues to water ski.



- (7) No person shall pull a water-ski rope behind a vessel when such vessel is not being used for water skiing activities.
- (8) The skipper of the vessel shall not allow any person to water-ski unless such person is wearing suitable personal buoyancy.
- (9) The skipper of a vessel shall not allow any person to water-ski outside the demarcated water-ski zone.

### **General provisions**

#### **15. Management authority**

South African National Parks is hereby formally designated as the management authority for the Marine Protected Area in terms of section 38(1)(aB) of the Act.

#### **16. Suspension, amendment and cancellation of permits**

- (1) Subject to sub-regulation (2) or (3), a permit issued under these regulations may at any time be suspended, cancelled or amended.
- (2) A permit issued in terms of these regulations may be suspended, cancelled or amended, if—
  - (a) the management authority is satisfied on the basis of information that was not considered when the permit was issued, that it is necessary or desirable to suspend, cancel or amend the permit to prevent deterioration or further deterioration of the environment within the Marine Protected Area;
  - (b) other similar permits held by other persons have also been reviewed and the suspension, cancellation or amendment does not unfairly discriminate against the holder in relation to other holders of similar permits;
  - (c) the permit holder is in breach of a condition contained in the permit;
  - (d) the permit holder provided incorrect or false information in the application for the permit;
  - (e) the holder of a permit has been convicted of an offence in terms of the Act, the National Environmental Management Act or a specific environmental management act or any regulations issued thereunder; or
  - (f) the reason for the issuing of the permit no longer exists.
- (3) A permit issued in terms of these regulations may be amended—
  - (a) if an error needs to be corrected or rectified;
  - (b) at the request of the applicant;

- (c) for the proper management and implementation of these regulations; or
- (d) where the conditions or circumstances have changed since the original permit was issued.

## 17. Offences and penalties

- (1) In addition to any offence in terms of section 89 of the Act, any person who contravenes or fails to comply with—
  - (a) regulations 3(1), 3(3), 4(1), 4(2), 4(4) to 4(7), 4(10) to 4(13), 5(1) to 5(5), 5(9) to 5(14), 6, 7, 8(1), 8(3), 9(1) to 9(11), 10, 11(1), 11(3), 12, 13 or 14;
  - (b) a condition mentioned in a permit issued in terms of these regulations; or
  - (c) a prohibition, instruction, rule or order imposed, given or issued under these regulations,

is guilty of an offence and liable in the case of a first conviction to a fine not exceeding R5 million or to imprisonment for a period not exceeding five years and in the case of a second or subsequent conviction to a fine not exceeding R10 million or imprisonment for a period not exceeding 10 years or in both instances to both a fine and such imprisonment.

## 18. Withdrawal and repeal

The Regulations for the Management of the Bird Island Marine Protected Area as published in *Government Gazette* 26433 Notice No. 696 of 4 June 2004 are hereby repealed.

## 19. Short title and commencement

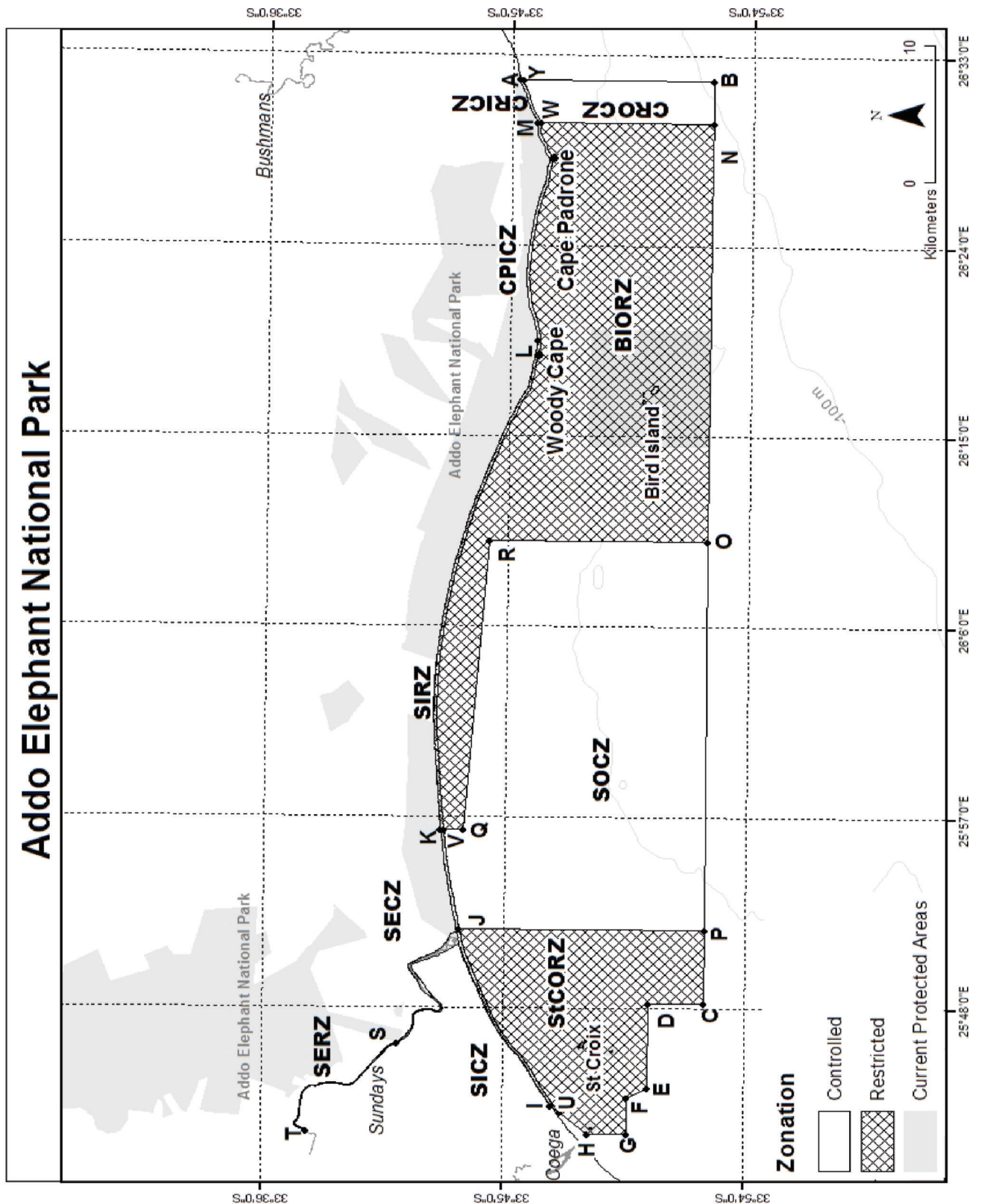
These regulations are called the Addo Elephant National Park Marine Protected Area Regulations and shall commence on 1 August 2019.

**Annexure 1**

(Zonation for the Addo Elephant National Park Marine Protected Area)

- (1) **Addo Elephant National Park Marine Protected Area Offshore Zones:**
- (a) **St. Croix Island Offshore Restricted Zone (StCORZ)** is defined, as the area from point J located on the line 200 m seawards from the high water mark, along the line 200 m seawards from the high-water mark to point U, and includes the area seawards within the following sequential straight line coordinates, U, H, G, F, E, D, C, P to J.
  - (b) **Sundays Offshore Controlled Zone (SOCZ)** is defined, as the area from point J located on the line 200 m seawards from the high water mark along the line 200 m seawards from the high-water mark to point V, and includes the area seawards within the following sequential straight line coordinates, V, Q, R, O, P to J.
  - (c) **Bird Island Offshore Restricted Zone (BIORZ)** is defined, as the area, from point V located on the line 200 m from the high-water mark, along the line 200m from the high-water mark to point W and includes the area seawards within the following sequential straight line coordinates, W, N, O, R, Q to V.
  - (d) **Cannon Rocks Offshore Controlled Zone (CROCZ)** is defined, as the area from point W, located on the line 200m seawards of the high-water mark along the line 200m seawards of the high-water mark to Y and includes the area seawards within the following sequential straight line coordinates, Y, B, N, to W.
- (2) **Addo Elephant National Park Marine Protected Area Inshore Zones:**
- (e) **Sundays inshore Controlled Zone (SICZ)** includes the area from the high-water mark to 200m seawards of the high-water mark between point I at Hougam Park in the west, to point K east of the Sundays river mouth.
  - (f) **Sundays inshore Restricted Zone (SIRZ)** includes the area from the high-water mark to 200m seawards of the high water mark from point K east of the Sundays river mouth to point L at the rope ladder at Woody Cape.
  - (g) **Cape Padrone inshore Controlled Zone (CPICZ)** includes the area from the high-water mark to 200m seawards of the high water mark from point L at the rope ladder at Woody Cape in the West, to point M at Cape Padrone.
  - (h) **Cannon Rocks inshore Controlled Zone (CRICZ)** includes the area from the high-water mark to 200 m seawards of the high-water mark between points M and A at the west end of Cannon Rocks.

- (3) **Addo Elephant National Park Marine Protected Area Estuary Zones:**
- (i) **Sunday's River Estuary Controlled Zone (SECZ)** is defined, as that part of the Estuary up until the high water mark, from the mouth of the estuary upstream to the north western boundary of Ingleside town, at the Koppies, at point S
  - (j) **Sunday's River Estuary Restricted Zone (SERZ)** is defined, as that part of the Estuary up until the high water mark that starts at the north western boundary of Ingleside town, at the Koppies, at point S and runs upstream to point T at the Barkley Bridge.



Zonation of the Addo Elephant National Park Marine Protected Area

**Table of co-ordinates for Addo MPA**

<b>Name</b>	<b>Point Label</b>	<b>X</b>	<b>Y</b>
Addo Elephant National Park MPA	A	26.5298	-33.754122
Addo Elephant National Park MPA	B	26.5298	-33.875
Addo Elephant National Park MPA	C	25.8025	-33.875
Addo Elephant National Park MPA	D	25.8025	-33.84
Addo Elephant National Park MPA	E	25.7362	-33.84
Addo Elephant National Park MPA	F	25.728	-33.827333
Addo Elephant National Park MPA	G	25.7	-33.827333
Addo Elephant National Park MPA	H	25.7	-33.802983
Addo Elephant National Park MPA	I	25.721457	-33.779949
Addo Elephant National Park MPA	J	25.8609	-33.722156
Addo Elephant National Park MPA	K	25.9387	-33.710295
Addo Elephant National Park MPA	L	26.3243	-33.7672
Addo Elephant National Park MPA	M	26.496	-33.765595
Addo Elephant National Park MPA	N	26.496	-33.875
Addo Elephant National Park MPA	O	26.1667	-33.875
Addo Elephant National Park MPA	P	25.8609	-33.875
Addo Elephant National Park MPA	Q	25.9387	-33.72457
Addo Elephant National Park MPA	R	26.1667	-33.738807
Addo Elephant National Park MPA	S	25.771214	-33.683683
Addo Elephant National Park MPA	T	25.701352	-33.627685
Addo Elephant National Park MPA	U	25.716363	-33.785417
Addo Elephant National Park MPA	V	25.9387	-33.712187
Addo Elephant National Park MPA	W	26.495994	-33.767403
Addo Elephant National Park MPA	Y	26.5298	-33.756081