DEPARTMENT OF ENVIRONMENTAL AFFAIRS

NO. R. 788 **23 MAY 2019**

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

REGULATIONS FOR THE MANAGEMENT OF THE iSIMANGALISO MARINE PROTECTED AREA

I, Nomvula Paula Mokonyane, Minister of Environmental Affairs, hereby make the Regulations for the Management of the iSimangaliso 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);

"ACCRZ" means the Adlams Controlled Catch and Release Zone;

"alpha flag" means the "diver down" flag used to indicate that diving operations are in progress and other vessels must keep clear;

"BNCZ" means the Bhanga Nek Controlled Zone;

"BRCZ" means the Black Rock Controlled Zone;

"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" has the meaning assigned to it in section 1 of the Marine Living Resources Act;

"Controlled Zone" means an area within the Marine Protected Area where limited 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 or if authorised in terms of regulation 4(7);

"Controlled Pelagic Linefish Zone" means a Controlled Zone within a marine protected area where only pelagic linefishing may occur as detailed in a fish list attached to these regulations as Annexure 2;

"CVCZ" means the Cape Vidal Controlled Zone;

"CVCCRZ" means the Cape Vidal Controlled Catch and Release Zone;

"DPRZ" means the Dog Point Restricted Zone;

"disturbing or harassing" as contemplated in regulation 4(4) shall include—

(a) any vessel or aircraft, approaching a whale shark closer than 20 meters; or

(b) any person approaching a whale shark closer than 3 meters from the head and body, and 4 meters from the tail;

"environment" has the meaning assigned to it in section 1 of the National Environmental Management Act, 1998 (Act No. 107 of 1998);

"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;

"FRCCRZ" means the First Rocks Controlled Catch and Release Zone;

"high-water mark" has the meaning assigned to it in section 1 of 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);

"Integrated Management Plan" means the plan for the iSimangaliso Wetland Park World Heritage Site, including the Integrated Management Plan Zonation prepared and approved in terms of section 42 of the World Heritage Convention Act;

"IOCPLZN" means the iSimangaliso Offshore Controlled Pelagic Linefish Zone North;

"IOCPLZS" means the iSimangaliso Offshore Controlled Pelagic Linefish Zone South;

"IORZN" means the iSimangaliso Offshore Restricted Zone North;

"IORZS" means the iSimangaliso Offshore Restricted Zone South;

"IIWZ" means the iSimangaliso Inshore Wilderness Zone;

"IOWZ" means the iSimangaliso Offshore Wilderness Zone;

"iSimangaliso" means that part of the proclaimed iSimangaliso Wetland Park World Heritage Site, which also falls within the iSimangaliso Marine Protected Area declared in terms of section 22A of the Act;

"KCZ" means the Kosi Controlled Zone

"KRZ" means the Kosi Restricted Zone

"LCCRZ" means the Leven Controlled Catch and Release Zone

"LCZ" means the Lighthouse Controlled Zone

"**LNRZ**" means the Lala Nek Restricted Zone

"linefishing" means fishing by handline or manually operating a rod, reel and line or one or more separate lines to which no more than ten hooks are attached per line;

"management authority" means the body designated in regulation 12;

"marine aquarium fishing" means fishing for the purposes of obtaining fish for live display;

"Marine Living Resources Act" means the Marine Living Resources Act, 1998 (Act No. 18 of 1998);

"Marine Protected Area" means the iSimangaliso Marine Protected Area as declared by the Minister in terms of section 22A of the Act;

"MCZ" means the Mabibi Controlled Zone;

"MRCCRZ" means the Mission Rocks Controlled Catch and Release Zone

"MRZ" means the Msiki Restricted Zone

"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;

"NMRZ" means the Nine Mile Restricted Zone

"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—

(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;

"Protected Area Notice" has the meaning assigned to it in the Regulations for the Proper Administration of Special Nature Reserves, National Parks and World Heritage Sites, (*Government Gazette* 28181 GNR 1061 of 28 October 2005) published under the Act;

"PRZ" means the Perriers Restricted Zone;

"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) of the Act, or if authorised in terms of regulation 4(7);

"RLRZ" means the Railway Ledge Restricted Zone

"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;

"SCZ" means the Sodwana Controlled Zone;

"SDRZ" means the Sodwana Diving Restricted Zone;

"SLCZ" means the St Lucia Controlled Zone;

"small-scale fishing'' has the meaning ascribed to it in section 1 of the Marine Living Resources Act, 1998 (Act No. 18 of 1998);

"spearfishing" means fishing with the use of a speargun;

"speargun" means a device by which a spear is projected by mechanical or pneumatic means;

"**specific environmental management Act**" has the meaning assigned to it in the National Environmental Management Act;

"SRZ" means the Saxon Restricted Zone;

"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);

"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;

"Wilderness Zone" means an area within the Marine Protected Area where no fishing may take place, but where ecotourism activities that maintain wilderness characteristics and attributes may take place if authorised by these regulations as contemplated in terms of section 48A(2) of the Act, or if authorised in terms of regulation 4(7);

"World Heritage Convention Act" means the World Heritage Convention Act, 1999 (Act No. 49 of 1999); 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 iSimangaliso Marine Protected Area consists of an inshore and offshore area. The inshore area consists of eight (8) Inshore Controlled Zones, five (5) Inshore Controlled Catch and Release Zones, eight (8) Inshore Restricted Zones and one (1) Inshore Wilderness Zone. The offshore area consists of two (2) Offshore Controlled Pelagic Linefish Zones, three (3) Offshore Restricted Zones, and one (1) Offshore Wilderness Zone.The zones were determined by using WGS 84 as detailed in Annexure 1 and outlined hereunder:

(a) Eight (8) Inshore Controlled Zones indicated as the Kosi Controlled Zone (KCZ), Bhanga Nek Controlled Zone (BNCZ), Black Rock Controlled Zone (BRCZ), Mabibi Controlled Zone (MCZ), Sodwana Controlled Zone (SCZ), Cape Vidal Controlled

Zone (CVCZ), St Lucia Controlled Zone (SLCZ), Lighthouse Controlled Zone (LZC).

(b) Five (5) Inshore Controlled Catch and Release Zone indicated as the Adlams Controlled Catch and Release Zone (ACCRZ), the Leven Controlled Catch and Release Zone (LCCRZ), the Cape Vidal Controlled Catch and Release Zone (CVCCRZ), the Mission Rocks Controlled Catch and Release Zone (MRCCRZ) and the First Rocks Controlled Catch and Release Zone (FRCCRZ).

(c) Eight (8) Inshore Restricted Zones indicated as the Kosi Restricted Zone (KRZ), the Saxon Restricted Zone (SRZ), Dog Point Restricted Zone (DPRZ), the Lala Nek Restricted zone (LNRZ), the Nine Mile Restricted Zone (NMRZ), the Msiki Restricted Zone (MRZ),the Perriers Restricted Zone (PRZ) and the the Railway Ledge Restricted Zone (RLRZ).

(d) One (1) Inshore Wilderness Zone indicated as the iSimangaliso Inshore Wilderness Zone (IIWZ)

(e) Two (2) Offshore Controlled Pelagic Linefish Zones indicated as the iSimangaliso Offshore Controlled Pelagic Linefishing Zone North (IOCPLZN) and the iSimangaliso Offshore Controlled Pelagic Linefishing Zone South (IOCPLZS).

(f) Three (3) Offshore Restricted Zones indicated as the iSimangaliso Offshore Restricted Zone North (IORZN), the iSimangaliso Offshore Restricted Zone South (IORZS) and the Sodwana Diving Restricted Zone (SDRZ).

(g) One (1) Offshore Wilderness Zone indicated as iSimangaliso Offshore Wilderness Zone (IOWZ).

3. Scientific research permit

(1) No person may undertake any scientific research within the Marine Protected Area, except on the authority of a scientific research permit issued by—

(a) the Minister, for research to be undertaken within the Marine Protected Area; and

(b) the management authority where such research will also be undertaken in the iSimangaliso Marine Protected Area.

(2) Application for a scientific research permit in terms of sub-regulation (1)(a) must be made to the Minister 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 in terms of sub-regulation (1)*(b)* must be made to the management authority in accordance with the provisions of regulation 34 of the Regulations for the Proper Administration of Special Nature Reserves, National Parks and World Heritage Sites, (*Government Gazette* 28181 GNR 1061 of 28 October 2005) published under the Act.

4. General restrictions within the Marine Protected Area

(1) 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 a certificate of fitness issued in respect of such vessel, and such original certificates must be available for inspection at all times.

(2) 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), or equivalent international marking requirements, is displayed on the vessel at all times while the vessel is inside the Marine Protected Area.

(3) 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.

(4) No person shall, except on the authority of a scientific research permit, engage in killing, fishing, collecting, capturing, disturbing, controlling or harassing, or attempting to, kill, fish, collect, capture, disturb, control or harass a whale shark *(Rhincodon typus),* within the Marine Protected Area.

(5) Any approach to a whale shark must be made from the sides or tail of the animal.

(6) If a whale shark approaches any person or vessel closer than 3 meters or 20 meters respectively; such person or vessel shall immediately proceed to a distance at least 3 meters or 20 meters respectively from such whale shark.

(7) Except for those activities listed in section 48A(1) of the Act; the management authority may in the Integrated Management Plan for the Marine Protected Area, in an internal rule or in a

Protected Area Notice, identify activities, which may be restricted, controlled, limited or prohibited, and such areas must be indicated by demarcation buoys, demarcation markers or notice boards.

(8) No person shall conduct or carry out any activity that is restricted, controlled, limited or prohibited in terms of sub-regulation (7).

(9) No person may litter or leave any waste including fishing gear, hooks, bait packaging and fishing line within the Marine Protected Area.

(10) 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 management authority which permit may be issued subject to conditions.

(11) Subject toregulaiton 3, no person may undertake marine aquarium fishing, including fishing for or collecting invertebrates, or live rock wihin the Marine Protected Area.

(12) No person or vessel may be in possession of or have on board, SCUBA diving gear and a speargun.

(13) No person may collect broodstock in a Controlled, Controlled-Pelagic Linefish Zone or Controlled Catch and Release Zone for undertaking aquaculture, without a permit from the management authority.

(14) When considering a permit in terms of sub-regulation (13) 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;

(d) whether the species can be collected outside the Marine Protected Area; and

(e) any other relevant criteria.

(15) No person may participate in or arrange any fishing competition within the Marine Protected Area, without a permit from the

management authority; which permit may be issued subject to conditions.

5. Use of vessels

(1) No person may moor or anchor any vessel in the Marine Protected Area except—

(a) under conditions of *force majeure;*

(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.

(2) Despite sub-regulation (1), 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.

(3) The management authority may verbally authorise a vessel to moor or anchor as contemplated in sub-regulation (2), which verbal authorisation must be confirmed in writing within 3 working days.

(4) Vessels may only be launched within the Marine Protected Area at launch sites designated by the management authority in the Integrated Management Plan of the Marine Protected Area. No vessel may be launched into a Restricted or Wilderness Zones of the Marine Protected Area.

(5) Subject to regulation 3, any motorized vessel that enters or traverses a Wilderness or Restricted Zone within the Marine Protected Area may not stop for more than 3 minutes, or move at less than-

(a) 5 knots if such vessel is 10 meters or more in length; or

(b) 3 knots if such vessel is less than 10 meters in length,

unless authorised in terms of these regulations.

(6) Sub-regulation (5), does not apply to a SCUBA diving vessel or in the SDRZ.

(7) A motorised vessel entering or traversing Restricted Zone or Offshore Wilderness Zone of 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 the Marine Protected Area and such GPS data may not be deleted from this device for 7 calendar days after passing through these zones.

(8) A 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.

(9) Any vessel that enters iSimangaliso is hereby deemed to have permission from the management authority as contemplated in terms of section 46(1) of the Act.

6. Restriction of activities

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

7. Control of activities in Restricted and Wilderness Zones

(1) No person shall fish, or attempt to fish, in a Restricted or Wilderness zone, including spearfishing and fishing for or collecting invertebrates.

(2) 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 or Wilderness Zone of the Marine Protected Area.

(3) Fishing gear onboard a vessel or in possession of any person that enters or is present in a Restricted or Wilderness Zone of the Marine Protected Area 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 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 be placed into a bait well, where available.

(4) No person may in a Restricted or Wilderness Zone, be in possession of any fish or have any fish on board a vessel.

(5) No person may in an inshore Restricted or inshore Wilderness Zone, land any fish.

8. Control of activities in Inshore Controlled and Inshore Controlled Catch and Release Zones

(1) No person may fish, or attempt to fish in an Inshore Controlled Zone or Inshore Controlled Catch and Release Zone, unless they are in possession of a valid fishing permit, subject to the species restrictions, quantity, fish size limits, allowable effort, closed seasons and bag limits authorised by such fishing permit.

(2) No person may undertake fishing in any Inshore Controlled or Inshore Controlled Catch and Release Zones between sunset in the evening and sunrise of the following day, except with the permission of the management authority.

(3) No person may undertake fishing in any Offshore Controlled or Offshore Controlled Catch and Release Zones between sunset in the evening and sunrise of the following day.

(4) Any person in possession of a small-scale fishing permit and fishing in an Inshore Controlled Zone, may only undertake rock and surf linefishing and harvesting of intertidal organisms.

(5) Any person in possession of a recreational fishing permit—

(a) may only undertake spearfishing for pelagic species listed in annexure 2, to these regulations, or rock and surf linefishing, in an Inshore Controlled Zone; and

(b) may only fish for or collect invertebrates or bait, in the Cape Vida, St Lucia and Lighthouse Controlled Zones south of Cape Vidal.

(6) Only barbless hooks may be used in an Inshore Controlled Catch and Release Zone of the Marine Protected Area.

(7) All fish in a Controlled Catch and Release Zone must be carefully handled and released alive and unharmed back into the water from which it was caught.

(8) No spearfishing is prohibited in any Controlled Catch and Release Zone.

(9) Fishing gear onboard a vessel or in possession of any person that enters or is present in any Controlled or Controlled Catch and Release 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).

(10) No person may fish for any shark or ray species (Elasmobranchii) within the Marine Protected Area, except from the shore within an Inshore Controlled Zone or Inshore Controlled Catch and Release Zone and must be returned unharmed to the water from where they were caught.

9. Control of activities in Offshore Controlled-Pelagic Linefish Zones

(1) No person shall fish, or attempt to fish in an Offshore Controlled-Pelagic Linefishing Zone, unless they are in possession of a valid fishing permit, which authorises such person to fish for the species specified in sub-regulation (2).

(2) Notwithstanding anything to the contrary, a person in possession of a fishing permit as contemplated in sub-regulation (1), may only undertake linefishing or spearfishing for, or be in possession of the species specified in Annexure 2 to these regulations, when in an Offshore Controlled-Pelagic Linefish Zone.

(3) No person shall fish in any Controlled Pelagic Linefish Zone between sunset in the evening and sunrise of the following day.

(4) Fishing gear onboard a vessel or in possession of any person that enters or is present in any Controlled Pelagic Linefish 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).

(5) No person may operate a personal water craft in an Offshore Controlled Pelagic Linefish Zone.

10. SCUBA Diving

(1) No person may operate or attempt to operate a SCUBA diving business in the Marine Protected Area without a permit.

(2) Application for a permit referred to in sub-regulation (1) must be made to the management authority and may be issued subject to conditions.

(3) Any vessel that has deployed divers in the Marine Protected Area must display an alpha flag.

(4) Subject to regulation 3, only a SCUBA diving business contemplated in sub-regulation (1) may operate within a Wilderness zone.

11. Management authority

The iSimangaliso Wetland Park Authority established in terms of section 9 of the World Heritage Convention Act, is hereby formally designated as the management authority for the iSimangaliso Marine Protected Area in terms of section 38(1)*(aB)* of the Act.

12. Suspension, amendment and cancellation of permits

(1) Subject to sub-regulations (2) and (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 or the Minister 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 iSimangaliso 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.

13. Demarcation of the Marine Protected Area

The management authority may mark one or more of the boundaries, of the Marine Protected Area by beacons, notice boards, buoys, or any other method. The management authority shall mark any boundaries of the Marine Protected Area in accordance with any relevant laws and requirements.

14. Offences and penalties

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), 4(1) to 4(6), 4(8) to 4(13), 4(15), 5(1), 5(4) to 5(9), 6, 7, 8, 9, 10(1), 10(3), or 10(4);

(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.

15. Withdrawal and repeal

(1) The declaration of the St Lucia and Maputaland Marine Protected Areas as contained in stipulation 2(11) and 2(12) of the declaration notice named Declaration of Areas as Marine Protected Areas in *Government Gazette* 219487, Notice No. 1429 of 29 December 2000 is hereby withdrawn and repealed.

(2) The provisions of stipulation 3(1)(g) insofar as it relates to the St Lucia and Maputaland Marine Protected Areas and stipulations 3(2), 3(3), 3(4) and 3(5), as contemplated in the notice named Declaration of Areas as Marine Protected Areas in Government Gazette 219487, Notice No. 1429 of 29 December 2000 is hereby repealed.

17. Short title and commencement

These regulations are called the iSimangaliso Marine Protected Area Regulations and shall commence on 1 August 2019.

Annexure 1

Zonation of the iSimangaliso Marine Protected Area

1 Offshore iSimangaliso Marine Protected Area Zonation

(1) **iSimangaliso Offshore Restricted Zone North (IORZN)** comprises the northern offshore section of the iSimangaliso Marine Protected Area and is defined as the area within straight lines sequentially joining the following points; R, B, H, G, F, S and a line joining the first co-ordinate to the last along the line 200m offshore of the high water mark; Note that this includes the entire outer 10 nautical miles of this MPA between the southern Wilderness zone boundary at Red Sands (Liefeldt's Rocks) and the northern MPA boundary at the Mozambican border.

(2) **iSimangaliso Offshore Restricted Zone South (IORZS)** comprises the southern offshore section of the iSimangaliso Marine Protected Area and is defined as the area within straight lines sequentially joining the following offshore points; J, I, C, M and a straight line joining the first co-ordinate to the last; Note that this includes the outer approximately 10 nautical miles of this MPA between the southern Wilderness zone boundary at Leven Point and the southern MPA boundary south of the Cape St. Lucia lighthouse.

(3) **iSimangaliso Offshore Controlled-Pelagic Linefishing Zone North (IOCPLZN)** comprises a northern offshore section of the iSimangaliso Marine Protected Area and is defined as the area within straight lines sequentially joining the following points; S, F, G, T and a line joining T to Q along the line 200m offshore of the high water mark, followed by straight lines joining the offshore points P, O, N and a line joining N to S, along the line 200m from the high water mark, and excludes the Sodwana Diving Restricted Zone (N-O-P-Q-N); This includes the offshore area between the northern Wilderness Zone boundary at Red Sands (Liefeldt's Rocks) to the offshore area north of Black Rock (offshore of turtle beacon 30N) and inshore of the iSimangaliso Offshore Restricted Zone North (IORZN), including Diepgat Canyon and offshore of Mabibi, offshore of and including Island Rock, offshore of the area between Lala Nek and Rocktail Bay and offshore of the area between Black Rock and turtle beacon 30N;

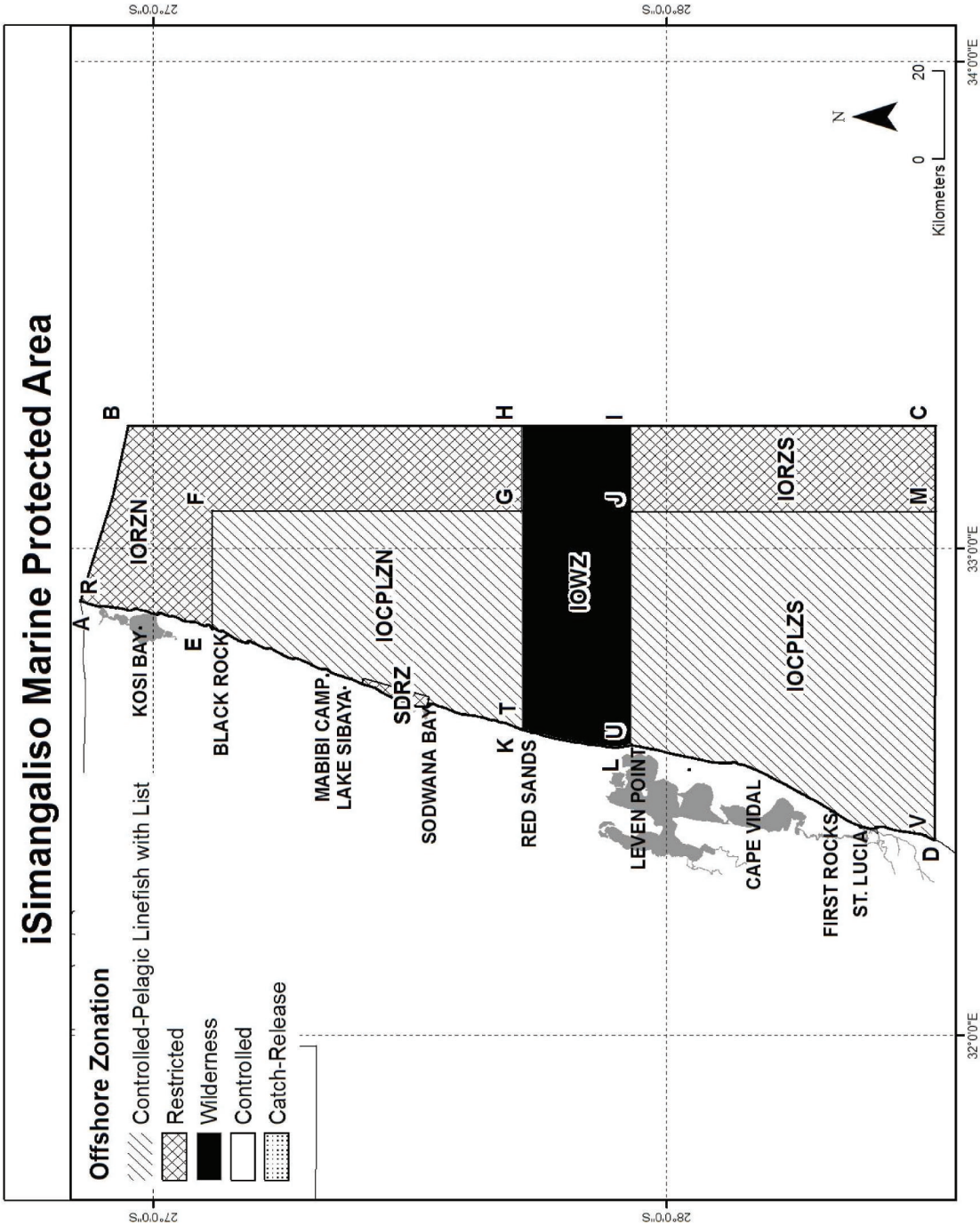
(4) **iSimangaliso Offshore Controlled-Pelagic Linefishing Zone South (IOCPLZS)** comprises the southern offshore section of the iSimangaliso Marine Protected Area and is defined as the area within straight lines sequentially joining the following points; U, J, M, V and a line joining the first co-ordinate to the last along the line 200m offshore

of the high water mark; This includes the offshore area between the southern Wilderness zone boundary at Leven Point and the southern Park Boundary south of the Cape St. Lucia lighthouse and inshore of the iSimangaliso Offshore Restricted Zone South (IORZS), including Oscar Reef;

(5) **iSimangaliso Offshore Wilderness Zone (IOWZ)** comprises an offshore section of the iSimangaliso Marine Protected Area and is defined as the area within straight lines sequentially joining the following points; T, H, I, U and a line joining the first co-ordinate to the last along the line 200m from the high water mark; This includes the offshore area between the northern Wilderness Zone boundary at Red Sands (Liefeldt's Rocks) and the southern Wilderness Zone boundary at Leven Point including Leadsmans Shoal.

(6) **Sodwana Diving Restricted Zone (SDRZ)** comprises an offshore section of the iSimangaliso Marine Protected Area and is defined as the area within straight lines sequentially joining the following points; N, O, P, Q and a line joining the first co-ordinate to the last along the line 200m offshore of the high water mark. This includes two-mile reef to a depth of approximately 35m and the full extent of four-mile reef northwards to and including the five-, six-, seven- and nine-mile reef complexes;

Figure 1: Offshore iSimangaliso Marine Protected Area Zonation



2 Inshore iSimangaliso Marine Protected Area Zonation

Zones are described with increasing latitude from north to south.

a) **Kosi Restricted Zone (KRZ)**
This Restricted Zone is situated between, as a northern limit, point A at the South African-Mozambique border and, as a southern limit, point a just north of the Kosi Estuary mouth along the high water mark and extends 200m seawards of the high water mark.

b) **Kosi Controlled Zone (KCZ)**
This Controlled Zone is situated between, as a northern limit, point a just north of Kosi Estuary mouth and, as a southern limit, point b approximately 0.5km south of the Kosi Estuary mouth at the beacon marked N30 along the high water mark and extends 200m seawards of the high water mark.

c) **Saxon Restricted Zone (SRZ)**
This Restricted Zone is situated between, as a northern limit, point b at the beacon marked N30 and, as a southern limit, point c at the beacon marked N17 along the high water mark and extends 200m seawards of the high water mark.

d) **Bhanga Nek Controlled Zone (BNCZ)**
This Controlled Zone is situated between, as a northern limit, point c at the beacon marked N17 and, as a southern limit, point d at Stop Rock just south of Boteler Point along the high water mark and extends 200m seawards of the high water mark.

e) **Dog Point Restricted Zone (DPRZ)**
This Restricted Zone is situated between, as a northern limit, point d at Stop Rock just south of Boteleur Point and, as a southern limit, point E at the beacon marked S30 situated just south of Dog Point along the high water mark and extends 200m seawards of the high water mark. This includes Rabbit Rock, Castle Rock and Dog Point.

f) **Black Rock Controlled Zone (BRCZ)**
This Controlled Zone is situated between, as a northern limit, point E at the beacon marked S30 just south of Dog Point and, as a southern limit, point f just south of Lala Nek along the high water mark and extends 200m seawards of the high water mark.

g) **Lala Nek Restricted Zone (LNRZ)**
This Restricted Zone is situated between, as a northern limit, point f just south of Lala Nek and, as a southern limit, point g north of Manzengwenya (just north of turtle beacon S72) along the high water mark and extends 200m seawards of the high water mark.

h) **Mabibi Controlled Zone (MCZ)**
This Controlled Zone is situated between, as a northern limit, point g north of Manzengwenya (just north of turtle beacon S72)and, as a southern limit, point h south of Mabibi along the high water mark and extends 200m seawards of the high water mark. This excludes the feature known as Island Rock which lies offshore in the IOCPLZN and where intertidal harvesting and shore angling is prohibited.

i) **Nine Mile Restricted Zone (NMRZ)**
This Restricted Zone is situated between, as a northern limit, point h south of Mabibi and, as a southern limit, point i inshore of Nine-Mile Reef (near turtle beacon S124) along the high water mark and extends 200m seawards of the high water mark.

j) **Sodwana Controlled Zone (SCZ)**
This Controlled Zone is situated between, as a northern limit, point i inshore of Nine-mile Reef (near turtle beacon S124) and, as a southern limit, point j at Adlam's Rocks along the high water mark and extends 200m seawards of the high water mark.

k) **Adlams Controlled Catch and Release Zone (ACCRZ)**
This Controlled Catch and Release Zone is situated between, as a northern limit, point j at Adlam's Rocks and, as a southern limit, point K at the beacon at Red Sands marked N5 along the high water mark and extends 200m seawards of the high water mark.

l) **iSimangaliso Inshore Wilderness Zone (IIWZ)**
This Wilderness Zone is situated between, as a northern limit, point K at the beacon at Red Sands marked N5 and, as a southern limit, point L at the beacon at Leven Point marked N6 along the high water mark and extends 200m seawards of the high water mark.

m) **Leven Controlled Catch and Release Zone (LCCRZ)**
This Controlled Catch and Release Zone is situated between, as a northern limit, point L at the beacon at Leven Point marked N6 and, as a southern limit, point m approximately 4.5 km north of Cape Vidal

along the high water mark and extends 200m seawards of the high water mark.

n) **Cape Vidal Controlled Zone (CVCZ)**
This Controlled Zone is situated between, as a northern limit, point m approximately 4.5 km north of Cape Vidal and, as a southern limit, point n approximately 2.5km south of Cape Vidal Lighthouse along the high water mark and extends 200m seawards of the high water mark.

o) **Cape Vidal Controlled Catch and Release Zone (CVCCRZ)**
This Controlled Catch and Release Zone is situated between, as a northern limit, point n approximately 2.5km south of the Cape Vidal Lighthouse and, as a southern limit, point o at Cape Vidal South Ledges along the high water mark and extends 200m seawards of the high water mark.

p) **Msiki Restricted Zone (MRZ)**
This Restricted Zone is situated between, as a northern limit, point o at Cape Vidal South Ledges and, as a southern limit, point p at Msiki path along the high water mark and extends 200m seawards of the high water mark.

q) **Mission Rocks Controlled Catch and Release Zone (MRCCRZ)**
This Controlled Catch and Release Zone is situated between, as a northern limit, point p at Msiki path and, as a southern limit, point q south of Mission Rocks along the high water mark and extends 200m seawards of the high water mark.

r) **Perriers Restricted Zone (PRZ)**
This Restricted Zone is situated between, as a northern limit, point q south of Mission Rocks and, as a southern limit, point r south of Perrier's Rocks along the high water mark and extends 200m seawards of the high water mark.

s) **First Rocks Controlled Catch and Release Zone (FRCCRZ)**
This Controlled Catch and Release Zone is situated between, as a northern limit, point r south of Perrier's Rocks and, as a southern limit, point s near First Rocks along the high water mark and extends 200m seawards of the high water mark.

t) **St Lucia Controlled Zone (SLCZ)**
This Controlled Zone is situated between, as a northern limit, point s near First Rocks and, as a southern limit, point t south of Crayfish Point along the high water mark and extends 200m seawards of the high water mark.

u) **Railway Ledges Restricted Zone (RLRZ)**
This Restricted Zone is situated between, as a northern limit, point t south of Crayfish Point and, as a southern limit, point u approximately

2.5km north of the wreck of the Jolly Rubino along the high water mark and extends 200m seawards of the high water mark.

v) **Lighthouse Controlled Zone (LCZ)**

This Controlled Zone is situated between, as a northern limit, point u approximately 2.5km north of the wreck of the Jolly Rubino and, as a southern limit, point D approximately 700m south of the Cape St Lucia Lighthouse along the high water mark and extends 200m seawards of the high water mark.

Figure 2: Inshore iSimangaliso Marine Protected Area Zonation

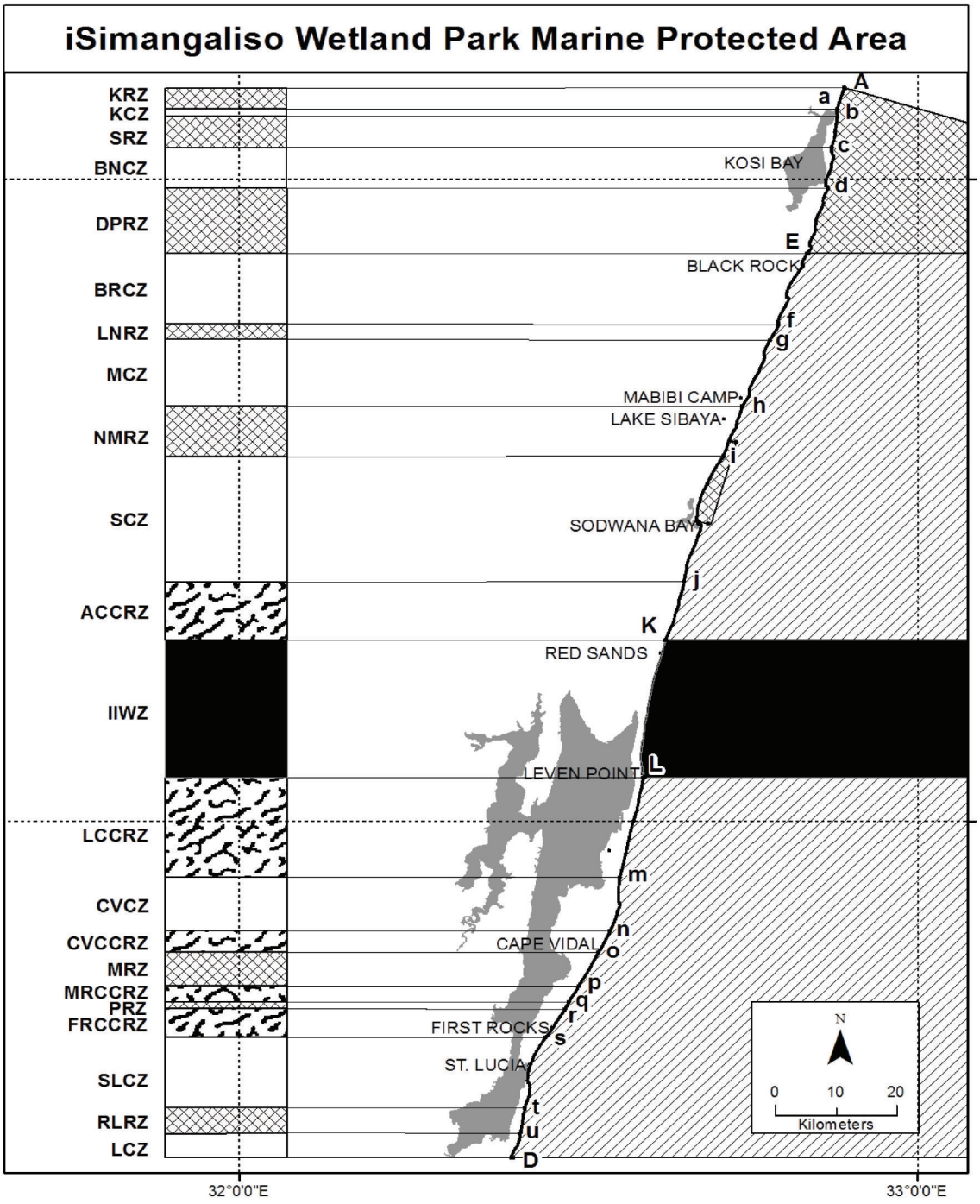


Figure 3: iSimangaliso Marine Protected Area Zonation: SDRZ

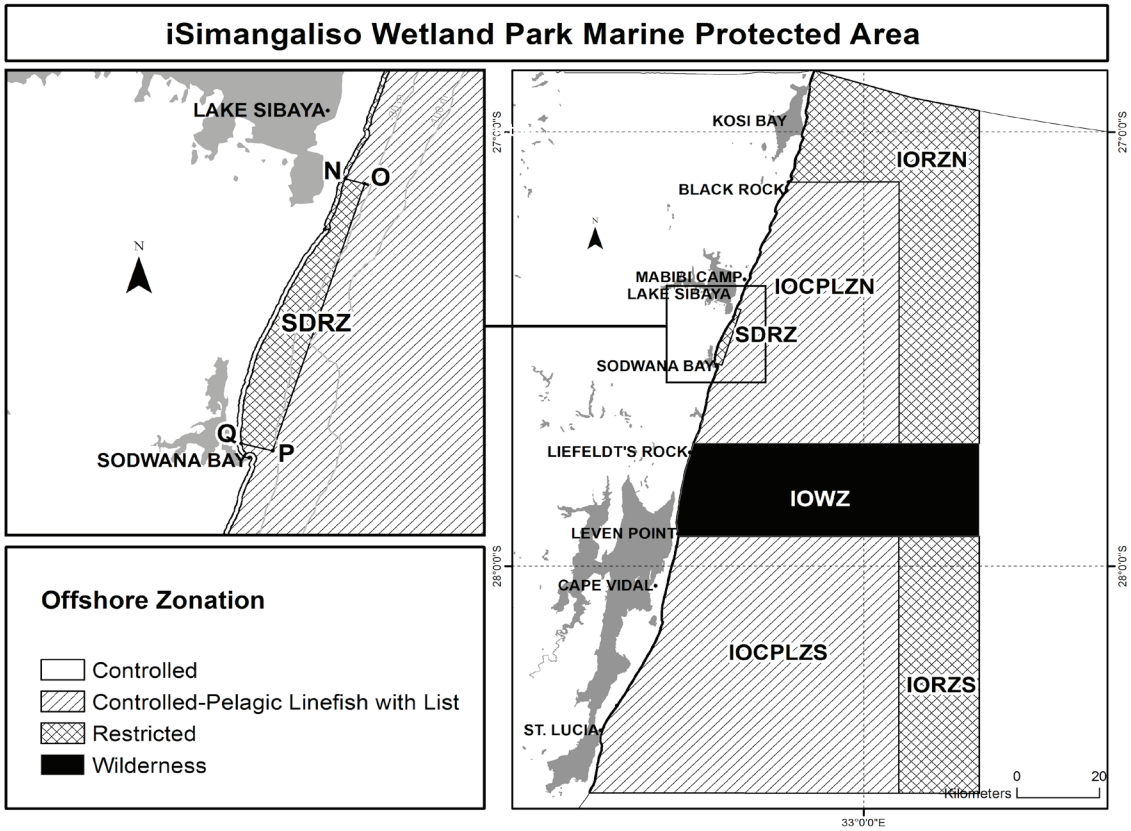


Table of coordinates

	Point Label	X	Y
iSimangaliso MPA	A	32.891339	-26.857862
iSimangaliso MPA	B	33.2523	-26.950877
iSimangaliso MPA	C	33.2523	-28.522365
iSimangaliso MPA	D	32.4008	-28.522365
iSimangaliso MPA	E	32.8368	-27.115517
iSimangaliso MPA	F	33.0771	-27.115517
iSimangaliso MPA	G	33.0771	-27.717469
iSimangaliso MPA	H	33.2523	-27.717469
iSimangaliso MPA	I	33.2523	-27.931073
iSimangaliso MPA	J	33.0766	-27.931073
iSimangaliso MPA	K	32.6273	-27.717469
iSimangaliso MPA	L	32.5948	-27.931073
iSimangaliso MPA	M	33.0766	-28.522365
iSimangaliso MPA	N	32.723086	-27.406646
iSimangaliso MPA	O	32.731802	-27.40905
iSimangaliso MPA	P	32.690254	-27.53637
iSimangaliso MPA	Q	32.676065	-27.532814
iSimangaliso MPA	R	32.893405	-26.858281
iSimangaliso MPA	S	32.839094	-27.115517
iSimangaliso MPA	T	32.629476	-27.717469
iSimangaliso MPA	U	32.596852	-27.931077
iSimangaliso MPA	V	32.40292	-28.522365
iSimangaliso MPA	W	33.105626	-26.921173
iSimangaliso MPA	a	32.881168	-26.89009
iSimangaliso MPA	b	32.881197	-26.902594
iSimangaliso MPA	c	32.872872	-26.949683
iSimangaliso MPA	d	32.867235	-27.013868
iSimangaliso MPA	f	32.794897	-27.226467
iSimangaliso MPA	g	32.782051	-27.25021
iSimangaliso MPA	h	32.741442	-27.35321
iSimangaliso MPA	i	32.713808	-27.430822
iSimangaliso MPA	j	32.655787	-27.626285
iSimangaliso MPA	m	32.560628	-28.086382
iSimangaliso MPA	n	32.546143	-28.169372
iSimangaliso MPA	o	32.529085	-28.202747
iSimangaliso MPA	p	32.499434	-28.255492
iSimangaliso MPA	q	32.485317	-28.280186
iSimangaliso MPA	r	32.478985	-28.291914
iSimangaliso MPA	s	32.451103	-28.335135
iSimangaliso MPA	t	32.420313	-28.445017
iSimangaliso MPA	u	32.413652	-28.485483

Annexure 2

Pelagic fish species list for the Controlled-Pelagic Linefish Zones

Family names are given as all species in these families may be caught or used as bait.

Scombridae – Tunas, mackerels, wahoo
Carangidae – kingfish, garrick, yellowtail, queenfish
Pomatomidae – Shad/elf
Coryphaenidae – Dorado
Rachycentridae – Prodigal son/Cobia
Istiophoridae – Sailfish and marlin
Sphyraenidae – Barracudas
*Atherinida*e – silversides
Belonidae – garfish
Chirocentridae – wolf herring/slimy
Clupeidae – red-eyes, sardines
Engraulidae – anchovies, glass-noses/bonies
Exocoetidae - flyingfishes
Hemiramphidae – halfbeaks
Scomberesocidae - sauries