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GOEWERMENSKENNISGEWING

DEPARTEMENT VAN OMGEWINGSKE

No. R. 2209

31 Julie 1992

WET OP SEEVISSERY, 1988
(WET No. 12 VAN 1988)

REGULASIES KRAGTENS DIE WET OP
SEEVISSERY, 1988

Die Minister van Omgewingsake het na oorleg met die Advieskomitee kragtens artikel 45 van die Wet op Seevisserij, 1988 (Wet No. 12 van 1988), die regulasies in die Bylae uitgevaardig.

BYLAE

In hierdie regulasies het enige woord of uitdrukking waaraan in die Wet 'n betekenis geheg is, daardie betekenis en tensy uit die samehang anders blyk, beteken—

“die Wet” die Wet op Seevisserij, 1988 (Wet No. 12 van 1988).

BEHEERMAATREËLS TER BESKERMING VAN PERLEMOEN EN OESTER

1. Tensy daartoe gemagtig deur 'n permit wat deur die direkteur-generaal uitgereik mag word, mag niemand—

- (a) enige perlemoen in 'n voertuig vervoer nie;
- (b) meer as 20 perlemoen in totaal wat deur verskillende permithouers vir eie gebruik gevang is in of op enige voertuig hê of vervoer nie en dan slegs indien—
 - (i) sulke perlemoen in 'n heel toestand; en
 - (ii) die permithouers deur wie die perlemoen gevang is tydens die vervoer daarvan in of op die betrokke voertuig is;

GOVERNMENT NOTICE

DEPARTMENT OF ENVIRONMENT AFFAIRS

No. R. 2209

31 July 1992

SEA FISHERY ACT, 1988
(ACT No. 12 OF 1988)

REGULATIONS IN TERMS OF THE SEA FISHERY
ACT, 1988

The Minister of Environment Affairs has after consultation with the Advisory Committee under section 45 of the Sea Fishery Act, 1988 (Act No. 12 of 1988), made the regulations set out in the Schedule.

SCHEDULE

In these regulations any word or expression to which a meaning has been assigned in the Act shall have the meaning so assigned and unless the context otherwise indicates—

“the Act” means the Sea Fishery Act, 1988 (Act No. 12 of 1988).

CONTROL MEASURES FOR THE PROTECTION OF ABALONE AND OYSTER

1. Unless authorised thereto by a permit which may be issued by the director-general, no person shall—

- (a) transport any abalone in a vehicle;
- (b) have in or on any vehicle or transport on such vehicle more than 20 abalone in total which have been caught by different permit holders for own use and then only if—
 - (i) such abalone are in a whole state; and
 - (ii) the permit holders by whom the abalone have been caught are present in or on the relevant vehicle during such transport;

Met dien verstande dat sodanige voertuig slegs gebruik mag word om hoogstens 20 perlemoen per dag te vervoer;

- (c) meer as 20 perlemoen in sy besit of bewaring of onder sy beheer hê nie, tensy hy dokumentêre bewys kan lewer dat sulke perlemoen wettiglik verkry is; en
- (d) enige perlemoen wat gevang is ingevolge 'n permit vir die vang van perlemoen vir eie gebruik, verkoop of vir verkoop aanbied nie.

2. Enige persoon wat meer as 20 perlemoen in sy besit het sonder dat hy daartoe gemagtig is deur die direkteur-generaal, word geag sodanige perlemoen te gevang het tensy hy die teendeel kan bewys: Met dien verstande dat in die geval van 'n besigheid wat perlemoen verkoop of vir verbruik bedien, sodanige teendeel slegs bewys kan word deur die voorlegging van 'n faktuur van 'n verwerker waaraan 'n permit uitgereik is, of van 'n groothandelaar wat sodanige perlemoen wettiglik verkry het en mag verhandel, ten opsigte van alle perlemoen wat op die perseel gevind is.

3. Enige perlemoen, waar dit ook al gevang of versamel is, moet in 'n heel toestand gehou word totdat dit aan land gebring is en moet in sodanige toestand gehou word wanneer dit vervoer word: Met dien verstande dat hierdie bepaling nie die onmiddellike terugplasing in die see van perlemoen, wat strydig met die bepalings van die Wet gevang is, verbied nie.

4. Niemand mag, behalwe kragtens 'n permit wat deur die direkteur-generaal uitgereik kan word—

- (a) enige oester vang, probeer vang of versteur deur daarna te duik nie;
- (b) enige oester vanaf rotse vang of versamel of enige uitgespoelde oester optel en behou met die oog op hervestiging daarvan nie;
- (c) enige oester kultiveer of kweek nie; of
- (d) enige oester vang of versamel en behou, of in sy besit hê nie, indien sodanige oester se skulp vrylik deur 'n ring met 'n deursnee van 51 mm kan gaan, en enige sodanige dier wat gevang word moet sonder versuim in die water teruggeplaas word:

Met dien verstande dat hierdie bepalings niemand belet om op enige dag vir eie gebruik nie meer as 25 oesters te vang of versamel en behou deur daarna te duik nie.

5. Niemand mag enige perlemoen gedurende die tydperk 1 Augustus tot en met 31 Oktober van elke jaar vang, probeer vang of versteur nie.

6. Iemand wat 'n bepaling van hierdie regulasies oortree of versuim om daaraan te voldoen, is skuldig aan 'n misdryf en by skuldigbevinding strafbaar met 'n boete van hoogstens R50 000 of met gevangenisstraf vir 'n tydperk van hoogstens ses jaar of met sodanige boete sowel as sodanige gevangenisstraf.

Provided that such vehicle may only be used to transport not more than 20 abalone per day;

- (c) have more than 20 abalone in his possession or safe-keeping or under his control unless documentary proof can be supplied that such abalone have been obtained legally; and
- (d) sell or offer for sale any abalone which have been caught in terms of a permit for the catching of abalone for own use.

2. Any person who has in his possession more than 20 abalone without being authorised thereto by the director-general, shall be deemed to have caught such abalone unless the contrary can be proved: Provided that in the case of a business which sells abalone or serves it for consumption such contrary shall only be proved by the production of an invoice of a processor in respect of which a permit has been issued, or from a wholesaler who has legally obtained and who may deal in such abalone, in respect of all abalone found on the premises.

3. Any abalone, regardless of where it has been caught or collected, shall be retained in a whole state until it has been landed and shall be kept in such state while it is being transported: Provided that this provision shall not prohibit the immediate replacement in the sea of any abalone which have been caught contrary to the provisions of the Act.

4. Unless authorised thereto by a permit which may be issued by the director-general, no person shall—

- (a) catch, attempt to catch or disturb any oyster by diving for it;
- (b) catch or collect any oyster from rocks or collect any washed out oyster and retain such with a view to the re-establishing thereof;
- (c) cultivate or breed any oyster; or
- (d) catch or collect and retain any oyster or have any oyster in his possession if the shell of such oyster can pass freely through a ring with a diameter of 51 mm, and any such animal which has been caught shall be returned to the water without delay:

Provided that these measures shall not prohibit anybody from catching or collecting and retaining not more than 25 oysters per day for his own use by means of diving.

5. No person shall catch, attempt to catch or disturb any abalone during the period 1 August up to and including 31 October in any year.

6. Any person who contravenes or fails to comply with any of the provisions of these regulations shall be guilty of an offence and liable on conviction to a fine of not more than R50 000 or imprisonment for a period not exceeding six years or to both such fine and such imprisonment.

Werk mooi daarmee.

Ons leef  daarvan.

water is kosbaar

Use it.

Don't abuse  it.

water is for everybody

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