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IMPORTANT NOTICE

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IMPORTANT ANNOUNCEMENT

Closing times **PRIOR TO PUBLIC HOLIDAYS** for
**GOVERNMENT NOTICES, GENERAL NOTICES,
 REGULATION NOTICES AND PROCLAMATIONS** **2011**

The closing time is 15:00 sharp on the following days:

- ▶ **8 December**, Thursday, for the issue of Thursday **15 December 2011**
- ▶ **14 December**, Wednesday, for the issue of Friday **23 December 2011**
- ▶ **20 December**, Tuesday, for the issue of Friday **30 December 2011**
- ▶ **28 December**, Wednesday, for the issue of Friday **6 January 2012**

Late notices will be published in the subsequent issue, if under special circumstances, a late notice is accepted, a double tariff will be charged

The copy for a **SEPARATE Government Gazette** must be handed in not later than three calendar weeks before date of publication

BELANGRIKE AANKONDIGING

Sluitingstye **VOOR VAKANSIEDAE** vir
**GOEWERMENTS-, ALGEMENE- & REGULASIE-
 KENNISGEWINGS ASOOK PROKLAMASIES** **2011**

Die sluitingstyd is stiptelik 15:00 op die volgende dae:

- ▶ **8 Desember**, Donderdag, vir die uitgawe van Donderdag **15 Desember 2011**
- ▶ **14 Desember**, Woensdag, vir die uitgawe van Vrydag **23 Desember 2011**
- ▶ **20 Desember**, Dinsdag, vir die uitgawe van Vrydag **30 Desember 2011**
- ▶ **28 Desember**, Woensdag, vir die uitgawe van Vrydag **6 Januarie 2012**

Laat kennisgewings sal in die daaropvolgende uitgawe geplaas word. Indien 'n laat kennisgewing wel, onder spesiale omstandighede, aanvaar word, sal 'n dubbeltarief gehef word

Wanneer 'n **APARTE Staatskoerant** verlang word moet die kopie drie kalenderweke voor publikasie ingedien word

GOVERNMENT NOTICES

GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF AGRICULTURE, FORESTRY AND FISHERIES DEPARTEMENT VAN LANDBOU, BOSBOU EN VISSERIE

No. R. 725

16 September 2011

AGRICULTURAL PRODUCT STANDARDS ACT, 1990
(ACT No. 119 OF 1990)

REGULATIONS REGARDING THE GRADING, PACKING AND MARKING OF EGGS DESTINED FOR SALE IN THE REPUBLIC OF SOUTH AFRICA

The Minister of Agriculture, Forestry and Fisheries has, under section 15 of the Agricultural Product Standards Act, 1990 (Act No. 119 of 1990) –

- (a) made the regulations in the Schedule; and determined that the said regulations shall come into operation 6 months after date of publication thereof;
- (b) repealed the regulations published by Government Notice No. R. 25 of 8 January 1999.

SCHEDULE

Definitions

1. In these regulations, any word or expression to which a meaning has been assigned in the Act, shall have that meaning and unless the context otherwise indicates –

"**air cell**" means the air filled space occurring between the inner and outer shell membranes of an egg and which is normally located at the broad end of the egg;

"**barn eggs**" means eggs which are produced by poultry that are not caged but are confined to a shed indoors;

"**blood ring**" means a line or ring that is visible at a certain stage of development in a fertilised egg when such egg is broken open or candled;

"**blood spot**" means a concentration of blood or oxidised blood;

"**bubbly air cell**" means an air cell with small air bubbles floating in the immediate vicinity of such an air cell;

"**clean**" with regard to the cleanliness of the shell of an egg, means a shell that is free of visible foreign matter, stains or discolourations to such a degree that the general clean appearance thereof is not detrimentally affected;

"**consignment**" means a quantity of eggs belonging to the same supplier, which is delivered at any one time under cover of the same invoice, consignment note, delivery note or receipt note, or is delivered by the same vehicle, or if such a quantity is sub-sorted into different batches, grades or size groups, each quantity of each of the different batches, grades or size groups;

"**container**" means the wrapper in which a maximum of 60 eggs are packed for sale;

"**depth**" with regard to an air cell, means the greatest distance between the outer surface of the shell of the egg and the lower meniscus of the air cell, measured vertically with such meniscus;

"**diffused blood**" means blood that has passed through to the egg white and the egg yolk;

"**eggs**" means the eggs of the species *Gallus domesticus* (domesticated fowls), *Meleagrus gallapavo* (turkeys) and *Anas* (ducks and muscovies);

"**foreign matter**" means poultry faeces, blood, body fluids, feathers or parts of feathers, egg yolk, egg white, poultry feedstuffs, soil or any other matter excluding ink of a food grade and mineral oil which was applied to the shell of the egg for a specific purpose;

- "free range eggs"** means eggs which are produced by poultry which are not caged and have daily access to an outdoor range area accessible through openings in the side of a barn;
- "germ development"** means a circular dark area near the center of the yolk shadow, if blood is visible the egg is at a decay stage;
- "graded eggs"** means eggs which are sorted into lots having similar characteristics as to quality and weight as set out in this regulation: Provided that mixed sized eggs which complies to the quality standards prescribed in this regulation shall be regarded as graded eggs;
- "Haugh value"** means a value as determined in accordance with regulation 16, that indicates the firmness of the egg white;
- "meat spot"** means a severed ovary or other foreign tissue that is not a normal constituent of the egg yolk or egg white and that detrimentally affects the appearance of an egg;
- "mould"** means any fungus or mouldy growth occurring in an egg or on the shell thereof;
- "loose eggs"** means eggs that are displayed for sale in loose quantities or in a container that is not covered or boxed;
- "outer container"** means a container in which more than one container of eggs are packed;
- "pack station"** means any premises where eggs are packed for sale to the retail trade;
- "packer"** means a person dealing in the course of trade with eggs by packing them for sale, and also a person on behalf of whom such product is packed for sale and in the case of such product that is imported into the Republic in the containers in which the eggs are to be sold in the retail trade, the person importing such eggs for sale;
- "person"** means any individual, partnership, corporation, association or other business unit;
- "pasteurised eggs"** means eggs subjected to heat or other treatments to reduce or destroy harmful viable micro-organisms;
- "poultry"** means the species *Gallus domesticus* (domesticated fowls), *Meleagrus gallapavo* (turkeys) and *Anas* (ducks and muscovies);
- "reasonably clean"** with regard to the cleanliness of the shell of an egg, means that not more than six per cent of the total surface area of the shell may be covered with foreign matter, stains or discolourations, and that no individual occurrence of foreign matter or a stain or discolouration covers more than three per cent of the total surface area of the shell;
- "spotted"** with regard to a yolk, means that the yolk appears mottled owing to the occurrence of spots or a developed germ cell that is not a blood spot or meat spot and which detrimentally affects the appearance of the yolk;
- "strong"** with regard to the texture of the shell of an egg, means that such shell has no cracks, soft spots or large air pores;
- "swimmer"** means an air cell that does not maintain a fixed position within an egg, but moves freely between the shell membranes when that egg is rotated;
- "the Act"** means the Agricultural Product Standards Act, 1990 (Act No. 119 of 1990); and
- "trade mark"** means a trade mark as defined in the Trade Marks Act, 1993 (Act No. 194 of 1993).

Restrictions on the sale of eggs

2. (1) No person shall, subject to the provisions of subregulation (2), sell eggs for human consumption in the Republic of South Africa -
- (a) unless those eggs are sorted according to size and grade in terms of regulations 3 and 5 respectively;
 - (b) unless those eggs comply with the standards referred to in regulations 4 and 6;
 - (c) unless those eggs, when packed, are packed in a container or an outer container in accordance with regulations 7 and 8;
 - (d) unless the container or outer container in which the eggs are packed, is marked with the particulars and in the manner specified in regulations 9, 10, 11, and 12;
 - (e) unless eggs sold in loose quantities, are marked with the particulars and in the manner specified in regulation 13; and
 - (f) if the eggs contain prohibited articles in terms of the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No. 54 of 1972).
- (2) The Executive Officer may grant written exemption, entirely or partially to any person on such condition, as he or she may deem necessary, from the provisions of subregulation (1).

Sizes of eggs

3. Eggs shall be sorted into sizes specified in column 1 of Table 1 of the Annexure, in accordance with the corresponding mass specified in column 2 of the said table.

Standards for sizes

4. (1) Eggs may be sorted as being of a size referred to in regulation 3 if the minimum mass thereof is as specified in column 2 of Table 1, opposite the size concerned.
- (2) Sorting of eggs for size is optional: Provided that such eggs may only be sold as "Mixed sizes".
- (3) The applicable minimum mass required in terms of subregulation (1) for eggs of a particular size may not deviate by more than 2, 0 g lower than the prescribed mass per egg of a particular size; Provided that the deviation will be limited to 3,3% as stated in Table 3.

Grades of eggs

5. (1) Eggs shall be graded as Grade 1, Grade 2, and Grade 3.
- (2) Eggs which do not comply to Grade 1, 2 or 3 shall not be presented for sale.

Standards for grades

6. Eggs shall be graded as -
- (1) Grade 1 if -
- (a) the standards for grades specified in column 2, of Table 2 of the Annexure, opposite the quality factor specified in column 1 of the said table, is complied with;

- (b) the extent to which a defect may occur does not exceed the maximum percentage or quantity as specified in column 2, of Table 3 of the Annexure, opposite the nature of defect specified in column 1 of the said table; and
 - (c) the quantity of eggs as per percentage maximum permissible deviation as specified in Table 4 of the Annexure is complied with.
- (2) Grade 2 if -
- (a) the standards for grades specified in column 3, of Table 2 of the Annexure, opposite the quality factor specified in column 1 of the said table, is complied with;
 - (b) the extent to which a defect may occur does not exceed the maximum percentage or quantity specified in column 3, of Table 3 of the Annexure, opposite the nature of defect specified in column 1 of the said table; and
 - (c) the quantity of eggs as per percentage maximum permissible deviation as specified in Table 4 of the Annexure is complied with.
- (3) Grade 3 if -
- (a) the standards for grades specified in column 4, of Table 2 of the Annexure, opposite the quality factor specified in column 1 of the said table, is complied with;
 - (b) the extent to which a defect may occur does not exceed the maximum percentage or quantity specified in column 4, of Table 3 of the Annexure, opposite the nature of defect specified in column 1 of the said table; and
 - (c) the quantity of eggs as per percentage maximum permissible deviation as specified in Table 4 of the Annexure is complied with.

Requirements for containers and outer containers

7. (1) A container and an outer container shall -
- (a) be made from material that -
 - (i) is suitable for the purpose; and
 - (ii) does not impart any taste or odour to the eggs packed therein;
 - (b) be so strong that it protects the eggs during normal handling or transport practices, to such an extent that the eggs packed therein shall not be damaged;
 - (c) not absorb an excessive quantity of moisture during cooling to the extent that the packaging deviates from its intended form;
 - (d) be free from any matter other than the eggs packed therein and the packing material in which such eggs are customarily packed: Provided that advertising material is permitted on or in the container or outer container or on the eggs;
 - (e) be unbroken;
 - (f) if it is not a new container or new outer container, be cleaned thoroughly before eggs are packed therein and all the previous marks and labels shall be removed or be covered by new labels; and
 - (g) be closed properly in a manner allowed by the nature thereof.

- (2) Containers packed in an outer container shall fit snugly.

Packing requirements

8. (1) Each container and outer container shall, with due regard to the packing material used therein, be packed with eggs to the full capacity thereof.

(2) Eggs of different grades shall not be packed together in the same container or outer container

(3) Subject to regulation 10(2)(b), eggs of different sizes shall not be packed together in the same container or outer container.

(4) Not more than 6,6 per cent of the eggs in a container shall be packed in such a container with the broad ends thereof facing downwards.

Marking of containers and outer containers

9. (1) Containers and outer containers shall be marked with the following particulars and in the following manner:

- (a) The size and grade of eggs, as stipulated in regulation 10, shall be indicated on the front or top panel of the container or outer container;
- (b) The expression "Eggs" or "Eiers", or "Free Range Eggs" or "Vryloop Eiers", or "Barn Eggs" or "Skuur Eiers" shall appear on the front or top panel;
- (c) The expression "Pasteurised" or "Gepasteuriseerd" shall appear on the front or top panel if eggs have been pasteurized;
- (d) The number of eggs therein shall be specified on any panel in the manner required in terms of the Trade Metrology Act, 1973 (Act No. 77 of 1973);
- (e) Details of the packer, as specified in regulation 12, shall appear on any panel;
- (f) If the eggs were not obtained from the species *Gallus domesticus*, the name of the species from which the eggs were obtained shall appear on the front or top panel;
- (g) The best before date shall be marked on each container and outer container of which the eggs are packed; the date shall be preceded by the expressions "Best Before"; abbreviation "BB" for "Best Before" shall be permitted. The date shall be indicated in the order, "Day-Month-Year"; and
- (h) Other markings or nutrition related claims shall in addition to the above-mentioned requirements also comply with the regulations published under the Foodstuffs, Cosmetics and Disinfectant Act, 1972 (Act No. 54 of 1972).

(2) Any information appearing on any container or outer container, in terms of these regulations, shall be marked in letters and figures that -

- (a) appear on a contrasting background;
- (b) are clearly legible; and
- (c) comply with the minimum vertical heights stipulated in columns 2 and 3 of Table 5 of the Annexure, opposite the corresponding nature of indication specified in column 1 of the said table.

- (3) The particulars specified in subregulation (1) shall be written in one or more of the official languages of the Republic: Provided that English shall be one of the languages used.
- (4) If eggs have been imported into the Republic –
- (a) in containers in which such eggs shall be sold, the name of the country of origin thereof, preceded by the expression "Imported from" shall be marked on each such container and outer container together with the particulars referred to in regulation 12; and
 - (b) in bulk and are going to be repacked into containers, the expression "Imported from" followed by the expression "Packed by" shall be marked on such container and outer container together with the particulars referred to in regulation 12.
- (5) The vertical height of the letters and figures used to mark the applicable size and grade designation referred to in subregulation (1), shall not be less than any other letter or figure, except a letter or figure used in the trade mark or name of packer whichever is applicable, or in the expressions "Eggs", "Eiers", "Free Range Eggs", "Vryloop Eiers", "Barn Eggs" "Skuur Eiers" that appears on the container or outer container into which the eggs are packed.

Indication of size and grade designations

10. (1) The designations of the size and grade into which eggs have been sorted and classified shall be marked conspicuously on the container and outer container in which those eggs are packed.
- (2) A designation referred to in subregulation (1) shall –
- (a) in the case of a size designation, consist of the applicable expression specified in column 1 of Table 1 in the Annexure;
 - (b) in the case of different sizes packed in the same container or outer container, be marked with the expression "mixed sizes" or "gemengde groottes"; and
 - (c) in the case of a grade designation, consist of the applicable expression referred to in regulation 5.

Restricted particulars on containers and outer containers

11. (1) (a) The words "natural", "natuurlik", "super", "extra" and "ekstra", except when used as an indication of the size designation of the eggs, or any other word, mark, illustration, depiction or other method of expression that constitutes a misrepresentation or directly or by implication creates or may create a misleading impression regarding the quality, nature, size or grade of eggs, shall not be marked on the eggs, container or outer container;
- (b) The words "heat treated" shall only be marked on a container of pasteurised eggs: Provided that pasteurised eggs shall comply to the requirements stipulated in regulation 11(2) (c);
- (c) The word "fresh" shall not be restricted provided that the eggs marked as such shall at any stage during the shelf life comply with the Haugh Value as prescribed in Table 2 of the regulations; Provided that pasteurised eggs and Grade 3 eggs shall not be labelled as "fresh" and the word "fresh" shall not be labeled with letter sizes above 5 mm; and
- (d) No trade mark or brand name which may possibly, directly or by implication, be misleading or create a false impression of the contents of a container containing eggs, shall appear on such a container.

- (2) (a) Eggs shall only be marked with the expression "free range" or "vryloop", if such eggs were obtained from poultry that had continuous daytime access to open air runs for at least 6 hours per day: Provided that –
- (i) open air runs be mainly covered with vegetation where poultry is able to scratch and dustbath; and
 - (ii) open air runs be big enough to allow ample running space.
- (b) Eggs shall only be marked with the expression "barn eggs" or "skuur eiers" if, such eggs were obtained from poultry which are not caged and free to move around indoors: Provided that –
- (i) birds have enough space to roam freely inside and are not let outside; and
 - (ii) ample deep litter areas, perches, platforms and nestboxes be provided.
- (c) Eggs shall only be marked with the expression "pasteurised" or "gepasteuriseerd" provided that –
- (i) the eggs to be pasteurised are processed under Good Manufacturing Practices (GMP) and records must be verified and available on request;
 - (ii) The eggs are pasteurised by using internationally recognized methods such as irradiation, microwave and hot air technology and are kept for 45 minutes between 55 °C and 58 °C and then chilled to temperatures below 24 °C;
 - (iii) the egg whites are slightly opaque and the thick white part of the eggs are reasonably firm with a Haugh Value of at least 65 units and maintain a value of more than 60 after 56 days; and
 - (iv) the eggs shall comply to the microbiological criteria as set out in the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No. 54 of 1972).

Indication of packer

12. (1) The initials and surname, or trade name of the packer shall appear on each container and outer container used.
- (2) The address of the packer shall be marked on the containers and outer containers, and shall –
- (a) consist of the physical address of the premises in the Republic where that product is packed by such packer, or where the ordinary place of business of such packer is situated, followed by the name of the town, suburb, city or magisterial district in which that premises is situated, or the postal address together with the telephone number; and
 - (b) be marked on such container and outer container following the particulars referred to in subregulation (1).
- (3) If the eggs have been packed on behalf of a person –
- (a) the initials and surname or trade name of the persons on whose behalf the eggs have been packed shall be substituted for the particulars referred to in subregulation (1);
 - (b) the physical address of the premises in the Republic where the ordinary place of business of such person is situated, followed by the name of the town, suburb,

city or magisterial district in which that premises is situated, or the postal address together with the telephone number, shall be substituted for the particulars referred to in paragraph (a) of subregulation (2);

- (c) such address shall be marked on the container and outer container following the particulars referred to in paragraph (a); and
- (d) the person on whose behalf the eggs have been packed, must at all times, on request, be able to inform the Executive Officer who the supplier of the eggs is.

Indications where eggs are sold in loose quantities

13. When eggs are kept or displayed for sale in loose quantities –

- (a) eggs of different grades and sizes, except in the case of mixed sizes, shall be kept or displayed separately; and
- (b) the size designation of the eggs concerned or expression "mixed sizes" or "gemengde groottes", which ever is applicable, as well as the grade designations of the eggs concerned shall be marked in clear legible letters and figures with a vertical height of at least 10 mm on a prominent notice board near the eggs concerned.

Sampling

14. (1) The methods to be employed when a sample of a quantity of eggs is taken, shall be as follows:

- (a) If the eggs are packed in outer containers –
 - (i) in the retail trade (on the shelves), select at random 2% of the number of outer containers in the consignment and select at random 60 eggs of each size randomly from the outer containers and determine the total deviation; and
 - (ii) in the pack station and wholesale, select at random 5% of the number of outer containers in the consignment and select at random 60 eggs of each size randomly from outer containers and determine the total deviation.
- (b) If the eggs are kept or displayed for sale in loose quantities of –
 - (i) less than 30 eggs, the total number of eggs per size shall be taken to make up the sample concerned; and
 - (ii) 30 eggs or more, 30 eggs per size shall be selected at random to make up the sample concerned.

(2) Each sample taken in accordance with the provisions of subregulation (1) shall be deemed to be representative of the quantity of eggs from which it was taken.

Methods of examination

15. (1) The methods to be employed when a sample referred to in regulation 14, is examined in order to determine the extent to which eggs, with a defect referred to in regulation 6 are present in the quantity of eggs from which that sample is taken shall be as follows:

- (a) Subject to the provisions of subregulation (2) –

- (i) each egg in that sample shall be examined visually in terms of external defects and where applicable by means of a suitable candling device with which internal defects can be observed; and
 - (ii) each egg in the sample shall be numbered.
- (b) Eggs with defects shall –
- (i) be removed from the sample if the egg is examined individually and thereafter replaced into its numbered place;
 - (ii) not be replaced into its numbered place after it has been broken open; and
 - (iii) each separate number of eggs with each deviation shall be determined separately.
- (c) Each number thus determined shall be expressed as a percentage of the number of eggs thus inspected.
- (d) Such percentage shall represent the percentage of eggs in the quantity concerned in which a defect of the type concerned occurs.

(2) If it appears from an examination in terms of subregulation (1) that an egg thus examined has a particular internal defect, that egg may be broken open in order to verify the occurrence of the defect concerned.

Determination of Haugh value

16. The Haugh value of the white of an egg that is graded in terms of regulation 6 shall be determined as follows:

- (a) The mass of the egg shall be determined.
- (b) A Haugh meter or micro meter shall be set up in accordance with the manufacturer's directions for use thereof on a level glass or stainless steel surface, the operation thereof shall be tested, and if necessary, shall be calibrated.
- (c) The temperature of the egg concerned shall be increased or decreased to between 7°C and 15°C.
- (d) The egg shall be broken open carefully so that the thick white is not ruptured and the contents of the egg are carefully placed on the glass or stainless steel surface.
- (e) Adjust the reading on the scale of the Haugh Value conversion table/chart to reflect the mass, as determined in paragraph (a), of the egg concerned.
- (f) The Haugh meter or micro meter shall be moved into position over the broken egg so that the measuring rod thereof, when lowered, will touch the white approximately 10 mm away from the edge of the yolk.
- (g) The measuring rod of the Haugh meter or micro meter shall be lowered carefully until the lower end thereof just touches the white, and the reading on the meter shall then be taken.
- (h) Such reading shall represent the Haugh Value of the white of the egg concerned. If a micro meter is used, the Haugh Value is read off from the Haugh Value conversion table/chart.

Determination of depth of air cell

17. The depth of the air cell of an egg shall be determined as follows:
- (a) A calibrated measuring plate shall be placed on the broad end of the egg while it is held vertically against the candling device with the broad end at the top.
 - (b) The value on the calibrated measuring plate shall be read off opposite the lower meniscus of the air cell.
 - (c) Such reading shall represent the depth of the air cell of the egg concerned.

Offences and penalties

18. Any person who contravenes or fails to comply with a provision of these regulations, shall be guilty of an offence and on conviction be liable to a fine or to imprisonment in accordance with section 11 of the Act.

Other legislation

19. (a) The provision of these regulations shall be in addition to and not in substitution of the regulations published under the Foodstuffs, Cosmetics and Disinfectant Act, 1972 (Act No. 54 of 1972).
- (c) These regulations are in addition to and not in substitution of any other relevant legislation to the product concerned.
- (c) The Free Range clauses shall be applicable until the Free Range Regulations for poultry and eggs are promulgated.

ANNEXURE/AANHANGSEL

TABLE 1/TABEL 1

STANDARDS FOR SIZES/STANDAARDE VIR GROOTTES

Size/Grootte	Mass per egg/ Massa per eier
1	2
Super Jumbo	More than 72 g/Meer as 72 g
Jumbo	More than 66 g/Meer as 66 g
Extra large/Ekstra groot	More than 59 g/Meer as 59 g
Large/Groot	More than 51 g/Meer as 51 g
Medium	More than 43 g/Meer as 43 g
Small/Klein	More than 33 g/Meer as 33 g
Mixed sizes/Gemengde groottes	More than 33 g/Meer as 33 g

TABLE 2/TABEL 2

**STANDARDS FOR GRADES/STANDAARDE VIR GRADE
COMMERCIAL, FREE RANGE, BARN & PASTEURIZED/KOMMERSIEEL, VRYLOOP, SKUUR &
GEPASTEURISEERDE**

Quality factor/ Gehaltesfaktor	Grade1/Graad 1	Grade 2/Graad 2	Grade 3/Graad 3
1	2	3	4
1. Soundness of shell/Vryheid van gebreke van dop	No cracks/Geen kraake	No cracks/Geen Kraake	No cracks/Geen Kraake
2. Cleanliness of shell/Sindelikheid van dop	Clean/Skoon	Clean/Skoon	Reasonably clean/Redelik skoon
3. Shape of shell/ Vorm van dop	Regular/Reëlmatig	Regular/Reëlmatig	Regular/Reëlmatig
4. Texture of shell/ Tekstuur van dop	Strong/Sterk and Smooth/Glad	Strong/Sterk and Smooth/Glad	Strong/Sterk and Smooth/Glad
5. Blood spots, blood rings and diffused blood in egg/ Bloedkollie, bloedringe en verspreide bloed in eier	None/Geen	None/Geen	None/Geen
6. Meat spots in egg/ Vleiskollie in eier	None/Geen	None/Geen	None/Geen
7. Mould/Skimmel	None/Geen	None/Geen	None/Geen
8. Poultry faeces/ Pluimvee fesus	None/Geen	None/Geen	None/Geen
9. A typical or unacceptable odours/A tipiese of onaanvaarbare reuke	None/Geen	None/Geen	None/Geen
10. Yolk/Eiergeel	(i) Normally positioned/Normaal geleë	*	*
	(ii) Not spotted, flat or enlarged/Nie gespikkeld, plat of vergroot nie	*	*
	(iii) Characteristic colour/Kenmerkende kleur	(iii) Characteristic colour/Kenmerkende kleur	(iii) Characteristic colour/ Kenmerkende kleur

Quality factor/ Gehaltesfaktor	Grade 1/Graad 1	Grade 2/Graad 2	Grade 3/Graad 3
1	2	3	4
11. Egg white/Eierwit	(i) Clear/Helder: Provided that pasteurised egg whites are slightly opaque/ Met dien verstande dat ge- pasteuriseerde eierwitte effens ondeursigtig is	(i) Clear/Helder: Provided that pasteurised egg whites are slightly opaque/ Met dien verstande dat gepasteuri- seerde eierwitte effens ondeursigtig is	(i) Clear/Helder: Provided that pasteurised egg whites are slightly opaque/ Met dien verstande dat ge- pasteuriseerde eierwitte effens ondeursigtig is
	(ii) Haugh value at least 55 units/ Haugh waarde minstens 55 eenhede, provided that for pasteurised eggs minimum haugh value is 65	(ii) Haugh value at least 35 units/ Haugh waarde minstens 35 eenhede, provided that for pasteurised eggs minimum haugh value is 65	*
12. Aircells/Lugselle	(i) Maximum depth 6 mm/ Maksimum diepte 6 mm	(i) Maximum depth 9 mm/ Maksimum diepte 9 mm	*
	(ii) Shall not move more than 6 mm in any direction when the egg is tilted from the vertical position/Mag nie meer as 6 mm in enige rigting be- weeg wanneer die eier uit vertikale posisie beweeg word nie	(ii) Shall not move more than 12 mm in any direction when the egg is tilted from the vertical position/Mag nie meer as 12 mm in enige rigting be- weeg wanneer die eier uit vertikale posisie gelig word nie	*
	(i) No swimmers/ Geen swimmers	(i) No swimmers/Geen swimmers	(i) No swimmers/ Geen swimmers
	(ii) No bubbly air cells/Geen blaas- agtige lugselle	(ii) No bubbly air cells/ Geen blaasagtige lugselle	(ii) No bubbly air cells/Geen blaas- agtige lugselle
13. Decay or germ developments/ Bederf of kiem- ontwikkeling	None/Geen	None/Geen	None/Geen

* Not specified/Nie gespesifiseer nie

**TABLE 3/TABEL 3
EXTENT TO WHICH CERTAIN DEFECTS MAY OCCUR IN EGGS/
MATE WAARIN SEKERE TEKORTKOMINGE IN EIERS MAG VOORKOM
COMMERCIAL, FREE RANGE, BARN & PASTEURIZED/KOMMERSIEEL, VRYLOOP, SKUUR &
GEPASTEURISEERDE**

Nature of defect per consignment/ Aard van tekortkoming per besending	Grade 1/ Graad 1/	Grade 2/ Graad 2	Grade 3/ Graad 3
1	2	3	4
1. Eggs with cracks that result in leakage/ Eiers met krake wat lekkasies tot gevolg het	1,6%	3,3%	6,6%
2. Eggs with cracks that do not result in leakages/Eiers met krake wat nie lekkasies tot gevolg het nie	6,6%	8,3%	*
3 (a) Eggs with mould, adhering to shells/ Eiers met skimmel wat aan doppe kleef	1,6%	3,3%	16,6%
(b) Eggs with faeces/Eiers met fesus	1,6%	3,3%	16,6%
(c) Eggs with nesting material adhering to shells and foreign matter/Eiers met nes material wat aan doppe vassit en vreemde material	1,6 %	3,3%	*
4. Eggs with discolouration or stains on shells/Eiers met verkleurings of vlekke op doppe	6,6%	8,3%	*
5. Eggs with blood spots, blood rings, diffused blood, meat spots of -/Eiers met bloedkollie, bloedringe, verspreide bloed, vleiskollie van -			
(a) light intensity: up to and including 1 mm in diameter;/ligte instensiteit: tot en met 1 mm in deursnee; en	3,3%	3,3%	*
(b) strong intensity: up to and including 2 mm in diameter;/ligte instensiteit: tot en met 2 mm in deursnee; en	1,6%	3,3%	*
6. Eggs with whites of which the Haugh Value is not more than five units lower than the applicable minimum specified in Table 2/Eiers met eierwitte waarvan die Haugh waarde hoogstens vyf eenhede laer is as die toepaslike minimum in Tabel 2 vermeld	33,3%	50,0%	*
7. Eggs with air cells that/Eiers met lugselle wat -			
(a) exceed the permissible maximum depth or limit of movement; or/die toelaatbare maksimum diepte of perk van beweging oorskry; of	3.3%	10.0%	*

Nature of defect per consignment/ Aard van tekortkoming per besending	Grade 1/ Graad 1/	Grade 2/ Graad 2	Grade 3/ Graad 3
1	2	3	4
(b) are swimmers or bubbly air cells/swemmers of blaasagtige lugselle is	5,0%	8,3%	8,3%
8. Irregular shape of the shell/ Onreëlmatige vorm van dop	6,6%	*	*
9. Eggs of which the mass deviates not more than 2 g from the minimum mass indicated in Table 1/Eiers waarvan die massa met nie meer as 2 g van die aangeduide minimum massa afwyk nie	3,3%	6,6%	6,6%
10. Total number of eggs with defects (excluding defects mentioned under Item 6)/Totale aantal eiers met tekortkominge (uitgesonderd tekortkominge in Item 6 genoem)	10%	20%	*

* Not specified/Nie gespesifiseer

TABLE 4/TABEL 4
NUMBER OF EGGS AS PER PERCENTAGE MAXIMUM PERMISSIBLE DEVIATION/
AANTAL EIERS SOOS PER PERSENTASIE MAKSIMUM TOELAATBARE AFWYKING

% MAXIMUM PERMISSIBLE DEVIATION OF EGGS IN A BATCH OF AT LEAST 60 EGGS/% MAKSIMUM TOELAATBARE AFWYKING VAN EIERS IN 'N BESENDING VAN TEN MINSTE 60 EIERS	NUMBER OF EGGS/ AANTAL EIERS	% MAXIMUM PERMISSIBLE DEVIATION OF EGGS IN A BATCH OF LESS THAN 60 EGGS/% MAKSIMUM TOELAATBARE AFWYKING VAN EIERS IN 'N BESENDING VAN MINDER AS 60 EIERS	NUMBER OF EGGS/ AANTAL EIERS
1,6%	1	1,6%	0
3,3%	2	3,3%	1
5,0 %	3	5,0 %	1
6,6%	4	6,6%	2
8,3%	5	8,3%	2
10,0%	6	10,0%	3
13,3%	8	13,3%	4
16,6%	10	16,6%	5
20%	12	20%	6
33,3%	20	33,3%	10
41,6%	25	41,6%	12
50,0%	30	50,0%	15

TABLE 5/TABEL 5

LETTER SIZES OF INDICATIONS/LETTERGROOTTES VAN AANDUIDINGS

Nature of indication/Aard van besonderhede	Minimum vertical height of smallest letter or figure (mm)/Minimum vertikale hoogte van kleinste letter of syfer (mm)	
	Container/Houer	Outer container/Buitehouer
1	2	3
1. Indication of size and grade designation/Aanduiding van grootte- en graadbenaming. [Reg. 3, 5, 9(1)(a), 10]	5	5
2. The expressions "Eggs", "Eiers", "Free range", "Vryloop", "Barn Eggs", "Skuur Eiers", "Pasteurised" and "Gepasteuriseerd"/Die uitdrukkings "Eiers", "Eggs", "Vryloop", "Free range", "Skuur Eiers", "Barn Eggs", "Gepasteuriseerd" en "Pasteurised" [Reg. 9(1)(b), 11(2)(a)(b)(c)]	5	5
3. Indication of packer/Aanduiging van verpakker. [Reg. 9(1) (e), 12]	2	5
4. Indication of the name of the poultry/Aanduiding van die naam van die pluimvee.[Reg. 9(1)(f)]	5	5
5. The expressions "Imported from" and "Ingevoer vanaf", as well as the name of the country of origin/Die uitdrukkings "Ingevoer vanaf" en "Imported from", asook die naam van die land van herkoms. [Reg. 9(4)]	2	5
6. Indication of best before date/Aanduiding van "beste teen" datum. [Reg. 9(1)(g)]	2	5
7. Indication of size and grade in the case of sale in loose quantities/Aanduiding van grootte en graad in die geval van verkoep in losmaat. [Reg. 13]		10

No. R. 726

16 September 2011

MARINE LIVING RESOURCES ACT, 1998 (ACT NO. 18 OF 1998)**DRAFT REGULATIONS PUBLISHED IN GOVERNMENT NOTICE R. 1111 OF 2 SEPTEMBER 1998, AS AMENDED**

I, Tina Joemat-Pettersson, Minister of Agriculture, Forestry and Fisheries, hereby under the Marine Living Resources Act, 1998 (Act No. 18 of 1998) ("MLRA") publish for comment the DRAFT REGULATIONS PUBLISHED IN GOVERNMENT NOTICE R. 1111 OF 2 SEPTEMBER 1998, AS AMENDED as set out in the schedule hereto.

Interested and affected parties are invited to submit written comments on the DRAFT REGULATIONS PUBLISHED IN GOVERNMENT NOTICE R. 1111 OF 2 SEPTEMBER 1998, AS AMENDED in the manner provided for in this Notice.

Interested and affected parties may submit written comments to the Department by 16h00 on Friday, 21 October 2011 by mail, by hand, e-mail, or telefax transmission. Please note that comments received after this time may be disregarded.

<u>By mail</u>	<u>By Hand</u>	<u>By e-mail</u>
Subject: Comments on Draft Regulations published in Government Notice R. <u>111 of 2 September 1998</u> , as amended	Subject: Comments on Draft Regulations published in Government Notice R. <u>111 of 2 September 1998</u> , as amended	redsteenbras@daff.gov.za
Department of Agriculture, Forestry and Fisheries Branch: Fisheries Management Customer Service Centre Private Bag x2 Roggebaai 8012	Department of Agriculture, Forestry and Fisheries Branch: Fisheries Management Customer Service Centre Ground Floor Foretrust Building Martin Hammerslagh Way Foreshore Cape Town 8000	<u>By fax</u> 021 402 3367 <u>Telephonic queries</u> Tembaletu Tanci: 021 402 3075

MINISTER

The Minister of Agriculture, Forestry and Fisheries has under Section 77 of the Marine Living Resources Act, 1998 (Act No. 18 of 1998), made the Regulations as set out in the schedule hereto.

SCHEDULE

Definitions

1. In this schedule "the Regulations" means the regulations published under Government Notice No. R. 1111 of 2 September 1998, as amended by Government Notice R.27 of 14 January 2000, Government Notice R. 1129 of 17 November 2000, Government Notice R. 1344 of 8 December 2000; Government Notice R. 1428 of 29 December 2000, Government Notice R.375 of 4 May 2001, Government Notice R.1000 of 12 October 2001, Government Notice R.765 of 6 June 2003, Government Notice R.1376 of 3 October 2003, Government Notice R.1455 of 8 October 2003, Government Notice R.1669 of 12 November 2003, Government Notice R.1829 of 15 December 2003, Government Notice R.469 of 2 April 2004, Government Notice 329 of 6 April 2005, Government Notice 426 of 3 May 2005, Government Notice R. 8818 of 4 January 2008, Government Notice R. 8826 of 1 February 2008, Government Notice R. 343 of 28 March 2008, Government Notice R. 724 of 4 July 2008, Government Notice R. 725 of 4 July 2008, Government Notice R. 1223 of 14 November 2008, Government Notice R.249 of 6 March 2009, Government Notice R.142 of 26 February 2010 and Government Notice R. 1060 of 12 November 2010.

Amendment of Annexure 4 of the Regulations

Annexure 4 to the Regulations is hereby amended by the deletion of the fish species Red Steenbras ("Petrus rupestris") from the PERMITTED SPECIES LIST and inclusion of the fish species Red Steenbras ("Petrus rupestris") on the PROHIBITED SPECIES LIST:

ANNEXURE 4

TRADITIONAL COMMERCIAL LINEFISH

PROHIBITED SPECIES LIST	
COMMON NAME	SCIENTIFIC NAME
Baardman (bellman, tasselfish)	<i>Umbrina spp.</i>
Banded galjoen	<i>Dichistius multifasciatus</i>
Basking shark	<i>Cetorhinus maximus</i>
Billfishes (martin, sailfish)	Family Istiophoridae
Blacktail (dassie)	<i>Diplodus sargus capensis</i>
Brindle bass	<i>Promicrops lanceolatus</i>
Bronze bream (bluefish)	<i>Pachymetopon grande</i>
Cape knifejaw	<i>Oplegnathus conwayi</i>
Cape stumpnose	<i>Rhabdosargus holubi</i>
Galjoen	<i>Dichistius capensis</i>
Garrick (leervis)	<i>Lichia amia</i>
Coelacanth	<i>Latimeria chalumnae</i>
Great white shark	<i>Carcharodon carcharias</i>
John Brown	<i>Gymnocrotaphus curvidens</i>
Kingfishes	<i>Caranx spp and Carangoides spp</i>
Large-spot pompano (moony, wave garrick)	<i>Trachinotus botia</i>
Leopard cat shark	<i>Poroderma pantherinum</i>
Natal knifejaw (cuckoo bass)	<i>Oplegnathus robinsoni</i>
Natal stumpnose (yellowfin bream)	<i>Rhabdosargus sarba</i>
Natal wrasse	<i>Anchichoerops natalensis</i>
Pipefish & seahorses	Family Syngnathidae
Potato bass	<i>Epinephelus tukula</i>
Ragged tooth shark	<i>Carcharias Taurus</i>
Red Steenbras (copper steenbras)	<i>Petrus rupestris</i>
River bream (perch)	<i>Acanthopagrus berda</i>
River snapper (rock salmon)	<i>Lutjanus argentimaculatus</i>
Sawfishes Family	Pristidae
Seventy-four	<i>Polysteganus undulosus</i>
Southern pompano	<i>Trachinotus africanus</i>
Spotted grunter (tiger)	<i>Pomadasys commersonnii</i>
Spotted gulley shark	<i>Triakis megalopterus</i>
Springer (ten pounder)	<i>Elops machnata</i>
Stonebream	<i>Neoscorpis lithophilus</i>
Striped cat shark	<i>Poroderma africanum</i>
Swordfish	<i>Xiphias gladius</i>
West coast steenbras	<i>Lithognathus aureti</i>
Whale shark	<i>Rhinocodon typus</i>
White musselcracker (brusher, cracker)	<i>Sparodon durbanensis</i>
White steenbras (pignose grunter)	<i>Lithognathus lithognathus</i>
Zebra (wildeperd)	<i>Diplodus cervinus hottentotus</i>

PERMITTED SPECIES LIST					
COMMON NAME	SCIENTIFIC NAME	MINIMUM MASS	BAG LIMITS	CLOSED SEASON	AREA RESTRICTIONS
Carpenter	<i>Aroyrozona argyrozona</i>	35 cm	Unlimited		
Catface (brown spotted) rockcod),	<i>Eptnephelus andersoni</i>	50cm	5		
Dageraad	<i>Chrysoblephus</i>	40 cm	1		
Elf	<i>Pomatomus saltatrix</i>	30cm	Unlimited	1 October to 30 November in every year	No elf to be landed or sold in KZN
Englishman	<i>Chrysoblephus anglicus</i>	40 cm	Unlimited		
Geelbek (cape salmon)	<i>Atractoscion aequidens</i>	60 cm	Unlimited		
Hake (stockfish)	<i>Merluccius capensis & M. paradoxes</i>		5		
Hottentot	<i>Pachymetopon blochii</i>	22 cm	Unlimited		
Kob	<i>Argyrosomus spp</i>	50 cm	Unlimited, but may only land or be in possession of one kob > 110 cm per day		West of Cape Agulhas only
Kob	<i>Argyrosomus spp</i>	50 cm			Cape Agulhas to Umtamvuna
Kob	<i>Argyrosomus spp</i>	40 cm			The Province of KZN
Pinky(piggy)	<i>Pomadasy olivaceum</i>	75 mm	Unlimited		
Poenskop (black steenbras or musselcracker)	<i>Cymatoceps nasutus</i>	50 cm	1		
Red stumpnose (Miss Lucy)	<i>Chrysoblephus gibbiceps</i>	60 cm	Unlimited		
Roman	<i>Chrysoblephus laticeps</i>	30 cm	Unlimited		
Santer (soldier)	<i>Cheimerius nufar</i>	30 cm	Unlimited		
Scotsman	<i>Polysteganus praeorbitalis</i>	40 cm	1		
Slinger	<i>Chrysoblephus puniceus</i>	25 cm	Unlimited		
Snoek (Cape snoek)	<i>Thyrsites atun</i>	60 cm	Unlimited		
Strepie(karanteen)	<i>Sarpa salpa</i>	15 cm	Unlimited		
Squid (Chokka)	<i>Loligo vulgaris reyaudii</i>		20	25 October to 22 November in any year	No elf to be landed or sold in KZN
Tunas (tunny)	<i>Thunnus spp</i>		10 in total for all Thunnus species		
Albacore tuna	<i>Thunnus alalunga</i>				
Bigeye tuna	<i>Thunnus obesus</i>	3.2 kg			
Bluefin tuna	<i>Thunnus thynnus</i>	6.4 kg			
Yellowfin tuna	<i>Thunnus albacares</i>	3.2 kg			
White edged (Captain Fine) rockcod	<i>Epinephelus albomarginatus</i>	40 cm	Unlimited		
White stumpnose	<i>Rhabdosargus globiceps</i>	25 cm	Unlimited		

Amendment of Annexure 7 of the Regulations

Annexure 7 to the Regulations is hereby amended by the deletion of the fish species Red Steenbras ("Petrus rupestris") from the PERMITTED SPECIES LIST and inclusion of the fish species Red Steenbras ("Petrus rupestris") on the PROHIBITED SPECIES LIST:

**ANNEXURE 7
RECREATIONAL FISHING**

PROHIBITED SPECIES LIST	
COMMON NAME	SCIENTIFIC NAME
Basking shark	<i>Cetorhinus maximus</i>
Brindle bass	<i>Epinephelus lanceolatus</i>
Coelacanth	<i>Latimeria chalumnae</i>
Great white shark	<i>Carcharodon carcharias</i>
Natal wrasse	<i>Anchichoerops natalensis</i>
Pipefish & seahorses	Family Syngnathidae
Potato bass	<i>Epinephelus tukula</i>
Red Steenbras (copper steenbras)	<i>Petrus rupestris</i>
Sawfishes	Family pristidae
Seventy four	<i>Polysteganus undulosus</i>
Whale shark	<i>Rhinocodon typus</i>

PERMITTED SPECIES LIST			
COMMON NAME	SCIENTIFIC NAME	MINIMUM MASS	BAG LIMITS
Anchovies	Family Engraulidae	none	
Baardman (bellman, tassefish)	<i>Umbrina</i> spp.	40 cm	5
Billfishes (marlin, sailfish)	Family Istiophoridae	none	5
Blacktail (dassie)	<i>Diplodus sargus capensis</i>	20 cm	5
Blue hottentot	<i>Pachymetopon aeneum</i>	none	5
Bronze bream (bluefish)	<i>Pachymetopon grande</i>	30 cm	2
Cape knifejaw	<i>Oplegnathus conwayi</i>	none	5
Cape stumpnose	<i>Rhabdosargus holubi</i>	20 cm	5
Carpenter (silverfish)	<i>Argyrozona argyrozona</i>	35 cm	4
Catface rockcod	<i>Epinephelus andersoni</i>	50 cm	5
Chub mackerel	<i>Scomber japonicus</i>	none	none
Cutlassfish (walla walla)	<i>Trichiurus lepturus</i>	none	none
Dageraad	<i>Chrysoblephus cristiceps</i>	40 cm	1
Dane	<i>Porcostoma dentata</i>	none	5
Eif (shad)	<i>Pomatomus saltatrix</i>	30 cm	4

			Closed season from 1 October to 30 November
Englishman	<i>Chrysoblephus anglicus</i>	40 cm	1
Fransmadam (Karel groot oog)	<i>Boopsoidea inornata</i>	none	10
Galjoen	<i>Dichistius capensis</i>	35 cm	2 Closed season from 15 October to last day of February
Garfishes	Family <i>Belonidae</i>	none	none
Garrick (leervis)	<i>Lichia amia</i>	70 cm	2
Geelbek (Cape salmon)	<i>Atractoscion aequidens</i>	60 cm	2
Glassies	Family <i>Ambassidae</i>	none	none
Hake (stockfish)	<i>Merluccius</i> spp.	none	5
Halfbeaks	Family <i>Hemiramphidae</i>	none	none
Horse mackerel / maasbanker	<i>Trachurus trachurus capensis</i>	none	none
Hottentot	<i>Pachymetopon blochii</i>	22 cm	10
John Brown	<i>Gymnocrotaphus curvidens</i>	None	5
Kingfishes	<i>Caranx</i> spp. and <i>Carangoides</i> spp	None	5
Kingklip	<i>Genypterus capensis</i>	None	1
King mackerel	<i>Scomberomorus commerson</i>	none	10
Kob caught from a boat at sea [Cape Agulhas to Umtamvuna River]	<i>Argyrosomus</i> spp.	50 cm	5, but may only land or be in possession of one kob > 110 cm
Kob caught from a boat at sea [The Province of KwaZulu-Natal]	<i>Argyrosomus</i> spp.	40 cm	
Kob caught in estuaries & from the shore [East of Cape Agulhas only]	<i>Argyrosomus</i> spp.	60 cm	1
Kob [West of Cape Agulhas only]	<i>Argyrosomus</i> spp	50 cm	5
Large-spot pompano (wave garrick)	<i>Trachinotus botla</i>	none	5
Leopard cat shark	<i>Poroderma pantherinum</i>	None	1
Mulletts / harders	Family <i>Mugilidae</i>	None	50
Natal knifejaw (cuckoo bass)	<i>Oplegnathus robinsoni</i>	None	5
Natal stumpnose (yellowfin bream)	<i>Rhabdosargus sarba</i>	25 cm	5
Pinky (piggy)	<i>Pomadasys olivaceum</i>	7.5 cm	10
Poenskop (black steenbras or musselcracker)	<i>Cymatoceps nasutus</i>	50 cm	1
Queen mackerel	<i>Scomberomorus plurilineatus</i>	None	10
Ragged tooth shark	<i>Carcharias taurus</i>	none	1
Red stumpnose (Miss Lucy)	<i>Chrysoblephus gibbiceps</i>	30 cm	1
River bream (perch)	<i>Acanthopagrus</i>	25 cm	5

	<i>berda</i>		
River snapper	<i>Lutjanus argentimaculatus</i>	40 cm	5
Roman	<i>Chrysoblephus laticeps</i>	30 cm	2
Santer (soldier)	<i>Cheimerius nufar</i>	30 cm	5
Sardines (pilchard & red-eye) Family	<i>Clupeidae</i>	none	none
Sauries	Family <i>Scomberesocidae</i>	none	None
Scads	<i>Decapterus spp.</i>	none	none
Scotsman	<i>Polysteganus praeorbitalis</i>	40 cm	1
Slinger	<i>Chrysoblephus puniceus</i>	25 cm	5
Snoek (Cape snoek)	<i>Thyrsites atun</i>	60 cm	10
Southern pompano	<i>Trachinotus africanus</i>	none	5
Spotted grunter (tiger)	<i>Pomadasys commersonii</i>	40 cm	5
Spotted gulley shark	<i>Triakis megalopterus</i>	None	1
Springer (ten pounder)	<i>Elops machnata</i>	none	5
Steentjie	<i>Spondylisoma emarginatum</i>	None	10
Stonebream	<i>Neoscorpis lithophilus</i>	none	5
Strepie (karanteen)	<i>Sarpa salpa</i>	15 cm	10
Striped cat shark	<i>Poroderma africanum</i>	None	1
Swordfish (broadbill)	<i>Xiphias gladius</i>	25 kg	5
Squid (Chokka)	<i>Loligo vulgaris reynaudii</i>	None	20
Tunas (tunny)	<i>Thunnus spp</i>	none	10
Albacore tuna	<i>Thunnus alalunga</i>	None	10
Bigeye tuna	<i>Thunnus obesus</i>	3.2 kg	10
Bluefin tuna	<i>Thunnus thynnus</i>	6.4 kg	10
Yellowfin tuna	<i>Thunnus albacares</i>	3.2 kg	10
West coast steenbras	<i>Lithognathus aureti</i>	60 cm	1
White edged (Captain Fine) rockcod	<i>Epinephelus albomarginatus</i>	40 cm	5
White musselcracker (brusher, cracker)	<i>Sparodon durbanensis</i>	60 cm	2
White steenbras (pignose grunter)	<i>Lithognathus lithognathus</i>	60 cm	1
White stumpnose	<i>Rhabdosargus globiceps</i>	25 cm	10
Wolfherring	<i>Chirocentrus dorab</i>	None	None
Yellowbelly rockcod	<i>Epinephelus marginatus</i>	60 cm	1
Yellowtail	<i>Seriola lalandi</i>	None	10
Zebra (wildeperd)	<i>Diplodus cervinus hottentotus</i>	30 cm	5

No. R. 727

16 September 2011

**MARINE LIVING RESOURCES ACT, 1998 (ACT 18 OF 1998): REGULATIONS FOR FISHING IN
THE ESTUARY OF THE BREEDE RIVER**

The Minister of Agriculture, Forestry and Fisheries, Tina Joemat-Pettersson hereby publishes for comment draft regulations for fishing in the estuary of the Breede River in terms of subsections 2(e) and 2(n) of section 77 of the Marine Living Resources Act, 1998 (Act 18 of 1998), as set out in the schedule hereto.

MINISTER

SCHEDULE

Definitions

1. In these Regulations, unless the context indicates otherwise, a word or an expression to which a meaning has been assigned in the Act and the Regulations in terms of the Marine Living Resources Act, 1998 (Act 18 of 1998) published in *Gazette* No. 19205 in Notice Nr. R. 1111 of 2 September 1998, has the same meaning, and

“the Act” means the Marine Living Resources Act, 1998 (Act 18 of 1998);

“the Estuary” means the estuary of the Breede River which is the tidal portion of the Breede River that lies between the longitudes E20°51'342 and E20° 51'.000 as the western and eastern boundaries respectively.

“gear” means, in relation to fishing, any equipment, implement or other object that can be used in fishing, including any net, rope, line, float, trap, hook, winch, aircraft, boat or craft carried on board a vessel, aircraft or other craft;

Objective of the Regulations

2. The objective of these Regulations is to provide further protection of linefish species.

Prohibition of fishing and gear

3.(1) No person shall fish, or attempt to fish, in the Estuary between the hours of 20H00 of any day and 06H00 of the following day.

(2) All fishing gear onboard a vessel in the Estuary between the hours of 20H00 of any day and 06H00 of the following day, shall be stowed in such a manner that fishing lines are completely spooled and that fishing hooks are unbaited.

Penalties and offences

4. Any person who fails to comply with 3(1) and (2) shall be guilty of an offence and liable on conviction to a fine not exceeding R500 000 or to imprisonment for a period not exceeding two years.

No. R. 728

16 September 2011

MARINE LIVING RESOURCES ACT, 1998 (ACT NO. 18 OF 1998)

**AMENDMENT OF REGULATIONS PUBLISHED IN GOVERNMENT NOTICE R. 1111 OF 2
SEPTEMBER 1998, AS AMENDED**

The Minister of Agriculture, Forestry And Fisheries has under Section 77 of the Marine Living Resources Act, 1998 (Act No. 18 of 1998), made the regulations in the Schedule hereto.

MINISTER

SCHEDULE

Definitions

1. In this schedule "the Regulations" means the regulations published under Government Notice No. R. 1111 of 2 September 1998, as amended by Government Notice R.27 of 14 January 2000, Government Notice R. 1129 of 17 November 2000, Government Notice R. 1344 of 8 December 2000; Government Notice R. 1428 of 29 December 2000, Government Notice R.375 of 4 May 2001, Government Notice R.1000 of 12 October 2001, Government Notice R.765 of 6 June 2003, Government Notice R.1376 of 3 October 2003, Government Notice R.1455 of 8 October 2003, Government Notice R.1669 of 12 November 2003, Government Notice R.1829 of 15 December 2003, Government Notice R.469 of 2 April 2004, Government Notice 329 of 6 April 2005, Government Notice 426 of 3 May 2005, Government Notice R. 8818 of 4 January 2008, Government Notice R. 8826 of 1 February 2008, Government Notice R. 343 of 8 March 2008 , Government Notice R. 1223 of 14 November 2008, Government Notice R. 343 of 28 March 2008 , Government Notice R. 724 of 4 July 2008, Government Notice R. 725 of 4 July 2008, Government Notice R. 1223 of 14 November 2008, Government Notice R. 249 of 6 March 2009, Government Notice R. 142 of 26 February 2010 and Government Notice R. 1060 of 12 November 2010

Amendment of Annexure 2 of the Regulations

2. Annexure 2 is hereby amended by the substitution for item 4 of Part A of the following item:

“(4) Chokka squid (*Loligo vulgaris reynaudii*) - from 12h00 noon on 19 October to 12h00 noon on 23 November in any year”.

**DEPARTMENT OF ENERGY
DEPARTEMENT VAN ENERGIE**

No. R. 729

16 September 2011

NATIONAL ENERGY ACT, 2008

**REGULATIONS ON THE ALLOWANCE FOR ENERGY EFFICIENCY
SAVINGS**

I, Elizabeth Dipuo Peters, Minister of Energy, after consultation with the Minister of Finance and the Minister of Trade and Industry, hereby under section 19 of the National Energy Act, 2008 (Act No. 34 of 2008), read with section 12L of the Income Tax Act, 1962 (Act No.58 of 1962), make the regulations in the Schedule.

SCHEDULE

Definitions

1. In these Regulations, any word or expression to which a meaning has been assigned in the Act or in terms of the Income Tax Act shall have the meaning so assigned and, unless the context otherwise indicates—

“accreditation number” means an accreditation number contained in a certificate of accreditation issued by the South African National Accreditation System under section 22(2)(b) of the Accreditation for Conformity Assessment, Calibration and Good Laboratory Practice Act, 2006 (Act No. 19 of 2006), to a measurement and verification body for the inspection, measurement, reporting and verification of energy efficiency savings;

“allowance” means the allowance contemplated in section 12L(2) of the Income Tax Act;

“baseline” means baseline as defined in the standard;

“certificate” means an energy efficiency savings certificate as defined in section 12L(1) of the Income Tax Act;

“certificate number” means a unique traceable number allocated to a certificate by SANEDI;

“committee” means a committee appointed by SANEDI to evaluate reports as contemplated in regulation 3;

“energy efficiency savings” means energy efficiency savings as defined in the standard;

“Income Tax Act” means the Income Tax Act, 1962 (Act No. 58 of 1962);

“measurement and verification” means measurement and verification as defined in the standard;

“measurement and verification body” means a body that is accredited by the South African National Accreditation System in terms of section 22 of the Accreditation for Conformity Assessment, Calibration and Good Laboratory Practice Act, 2006 (Act No. 19 of 2006) for the purposes of inspection, measurement, reporting and verification of energy efficiency savings;

“measurement and verification professional” means a natural person who performs measurement and verification of energy efficiency savings under the auspices of a measurement and verification body;

“person” means a person as defined in section 1 of the Income Tax Act;

“report” means—

- (a) a measurement and verification report that contains a computation of energy efficiency savings in respect of a person for a year of assessment; and
- (b) the measurement and verification report as compiled by a measurement and verification professional in accordance with the criteria and methodology contained in the standard;

“reporting period energy use” means reporting period energy use as defined in the standard;

“SANEDI” means the South African National Energy Development Institute established in terms of section 7 of the Act;

“standard” means the South African National Standard 50010 that is issued by the South African Bureau of Standards in terms of the Standards Act, 2008 (Act No. 8 of 2008);

“the Act” means the National Energy Act, 2008 (Act No. 34 of 2008);

“trade” means trade as defined in section 1 of the Income Tax Act;

“year of assessment” means year of assessment as defined in section 1 of the Income Tax Act;

Procedure for claiming allowance

2. A person who claims an allowance must, in respect of each year of assessment for which the allowance is claimed—

- (a) register with SANEDI in respect of any energy efficiency savings measure for which the allowance is intended to be claimed in the form and manner and at the place that SANEDI may determine;
- (b) appoint a measurement and verification professional to compile a report that contains a computation of the energy efficiency savings in respect of that person for the year of assessment for which the allowance is claimed;
- (c) submit the report to SANEDI in accordance with regulation 3; and
- (d) submit a certificate obtained from SANEDI to the South African Revenue Service together with the claim for the allowance.

Evaluation of reports

3. (1) SANEDI must appoint a committee to evaluate reports submitted by any person claiming the allowance.
- (2) The committee contemplated in subregulation (1) must—
- (a) be chaired by the CEO of SANEDI;
 - (b) consist of eight members;
 - (c) consist of a quorum of five in order to make valid decisions;
 - (d) consist of industry specialists with key competencies, and at least one certified measurement and verification professional

(3) The committee may obtain independent professional advice to carry out its duties, subject to compliance with non-disclosure requirements and potential conflict of interest declarations relating to a particular application.

(4) If after consideration and evaluation of a report the committee is satisfied that the information contained in the report—

(a) complies with the standard; and

(b) is an accurate reflection of the energy efficiency savings of the person claiming the allowance in respect of the year of assessment for which the allowance is claimed,

(5) SANEDI must issue a certificate containing the information set out in regulation 4 to the person who submitted the report.

(6) SANEDI must—

(a) keep and maintain all reports submitted to the committee for the purposes of evaluation;

(b) create and maintain a database of all certificates issued by SANEDI in accordance with these Regulations; and

(c) at all times provide the Minister of Finance and the Commissioner for the South African Revenue Service with ready access to—

(i) the reports contemplated in paragraph (a); and

(ii) the database contemplated in paragraph (b).

Content of certificate

4. The certificate issued by SANEDI as contemplated in regulation 3(2) must contain—
- (a) the baseline at the beginning of the year of assessment for which the allowance is claimed, derived and adjusted in accordance with regulation 5 and determined in accordance with the standard;
 - (b) the reporting period energy use at the end of the year of assessment for which the allowance is claimed, determined in accordance with the standard;
 - (c) the annual energy efficiency savings expressed in kilowatt hours or the equivalent of kilowatt hours for the year of assessment for which the allowance is claimed, determined in accordance with the standard;
 - (d) the initials and surname of the measurement and verification professional who compiled the report;
 - (e) the name and accreditation number of the measurement and verification body under whose auspices the measurement and verification professional compiled the report;
 - (f) the name and registration number of the person to whom the certificate is issued;
 - (g) the date on which the certificate is issued; and
 - (h) the certificate number.

Baseline calculation**5. The baseline—**

- (a) for the first year of assessment for which the allowance is claimed must be derived from data gathered between the first day and the last day of the year of assessment preceding the first year of assessment for which the allowance is claimed; and
- (b) must be adjusted for every year of assessment for which the allowance is claimed in accordance with the methodology in the standard by taking into account the reporting period energy use at the end of the immediately preceding year of assessment for which the allowance was claimed for computing the baseline for the beginning of the subsequent year of assessment for which the allowance is claimed.

Concurrent benefits

6. For the purposes of section 12L(4) of the Income Tax Act, a “concurrent benefit” means any credit, allowance, grant or other benefit granted by any sphere of government for any energy efficiency savings.

Short title and commencement

7. These Regulations are called the Regulations on the Allowance for Energy Efficiency Savings.

**DEPARTMENT OF ENVIRONMENTAL AFFAIRS
DEPARTEMENT VAN OMGEWINGSAKE**

No. R. 730

16 September 2011

MARINE LIVING RESOURCES ACT, 1998 (ACT NO. 18 OF 1998)

**DECLARATION OF AMATHOLE MARINE PROTECTED AREA IN THE
AMATHOLE REGION UNDER SECTION 43 OF THE MARINE LIVING RESOURCES
ACT, 1998 (ACT NO. 18 OF 1998)**

I, B.E.E.Molewa, the Minister of Water and Environmental Affairs, hereby in terms of section 43 of the Marine Living Resources Act, 1998 (Act No. 18 of 1998) ("the Act") declare the areas in the Schedule to be a marine protected area for the purpose set out in the Schedule.

Mrs B.E.E. Molewa, Minister of Water and Environmental Affairs

Schedule

Boundaries of the Amathole Marine Protected Area

1. All geographic co-ordinates are determined in accordance with the *WGS 84* datum and expressed as degrees and decimal minutes, and all bearings are true bearings.
2. The Gxulu area encompasses the sea area (excluding any estuary) between the high water mark, and a distance of three nautical miles seaward, and between, as southern-western boundary, a line drawn 149° from Christmas Rock (33° 11'.560 S; 027° 38'.626 E), and, as north-eastern boundary, a line drawn 144° from the Gxulu River mouth (33° 07'.145 S; 027° 43'.893 E). The south-eastern offshore boundary is a straight line running 045°, which joins the southern corner (33° 14'.018 S; 027° 40'.422 E) and the eastern corner (33° 09'.513 S; 027° 45'.913 E) of the area.
3. The Gonubie area encompasses the sea area (excluding any estuary) between the high water mark and a distance of three nautical miles seaward, and between, as southern-western boundary, a line drawn 145° from Nahoon Point (32° 59'.778 S; 027° 57'.096 E), and, as north-eastern boundary, a line drawn 145° from Gonubie Point (32° 56'.485 S; 028°

02'.120 E). The south-eastern offshore boundary is a straight line running 045°, which joins the southern corner (33° 02'.213 S; 027° 59'.119 E) and the eastern corner (32° 58'.955 S; 028° 04'.125 E) of the area.

4. The Kei area encompasses the sea area (excluding any estuary) with a boundary that starts at the mouth of the Kei River (32° 40'.816 S; 028° 23'.193 E) and runs generally south-westward along the high water mark to the mouth of the Nyara River (32° 47'.000 S; 028° 10'.883 E) and then proceeds from here along a series of straight lines joining eight offshore positions in the sequence listed below ending at the point of beginning at the mouth of the Kei River.

- (1) 32° 49'.464 S; 28° 12'.877 E
- (2) 32° 49'.332 S; 28° 14'.245 E
- (3) 32° 48'.679 S; 28° 16'.369 E
- (4) 32° 47'.807 S; 28° 18'.335 E
- (5) 32° 44'.925 S; 28° 22'.487 E
- (6) 32° 44'.695 S; 28° 24'.200 E
- (7) 32° 44'.380 S; 28° 24'.691 E
- (8) 32° 42'.833 S; 28° 25'.266 E

The south-western boundary bears 146° from the mouth of the Nyara River, and the north-eastern boundary bears 139° from the mouth of the Kei River.

Purpose for declaring the Marine Protected Areas

The purpose for declaring the Marine Protected Area is:

- (1) To protect and conserve the marine environment and marine biodiversity in the Amathole region;
- (2) To provide a sanctuary for species impacted by boat-based exploitation;
- (3) To provide benchmark areas for scientific research and monitoring aimed at the protection and conservation of biodiversity and ecosystems ;
- (4) To control activities in the Marine Protected Area to reduce the risks of habitat degradation.

Annexure 1

Maps and graphical display of co-ordinates

Figure 1: Gxulu area

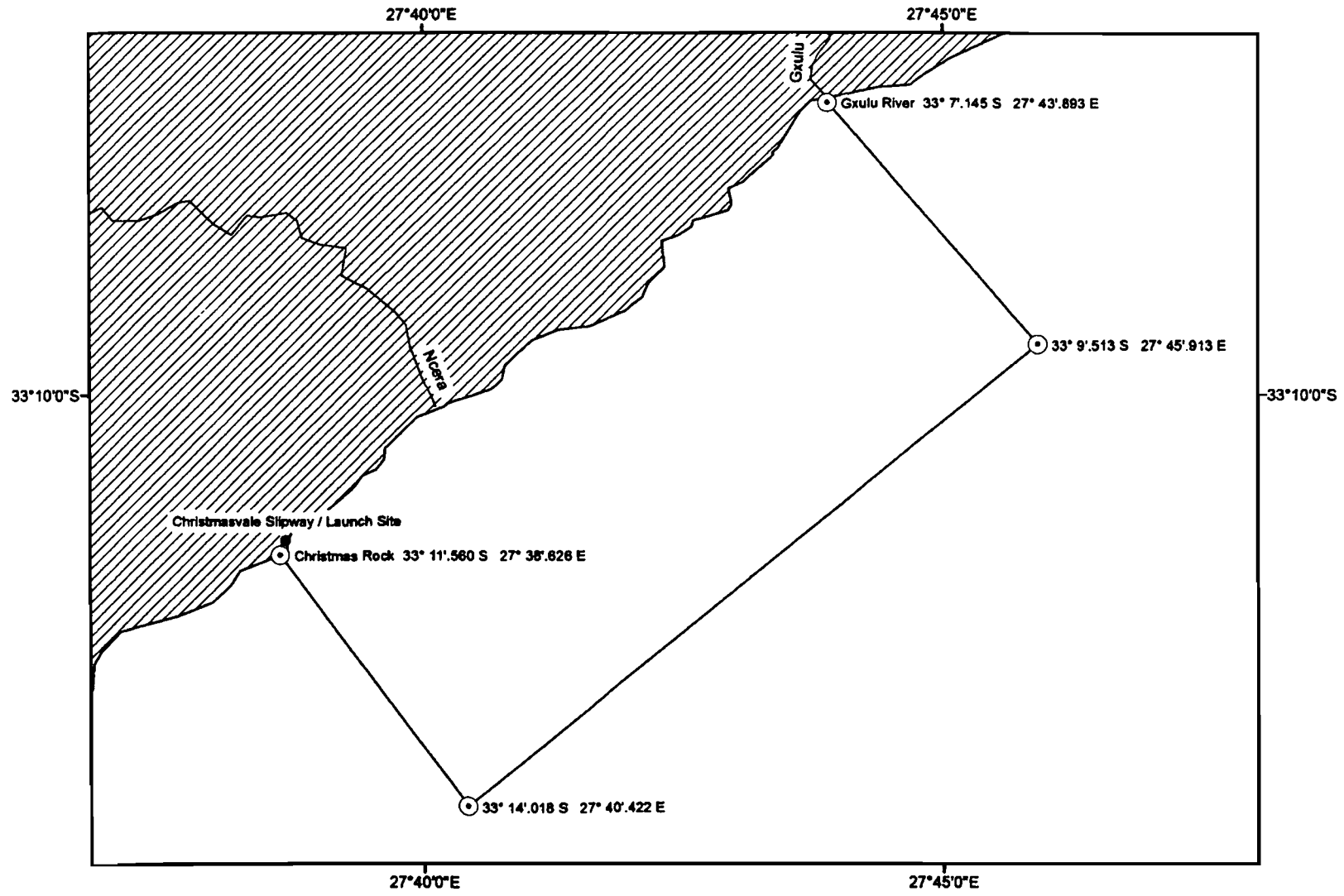


Figure 2: Gonubie area

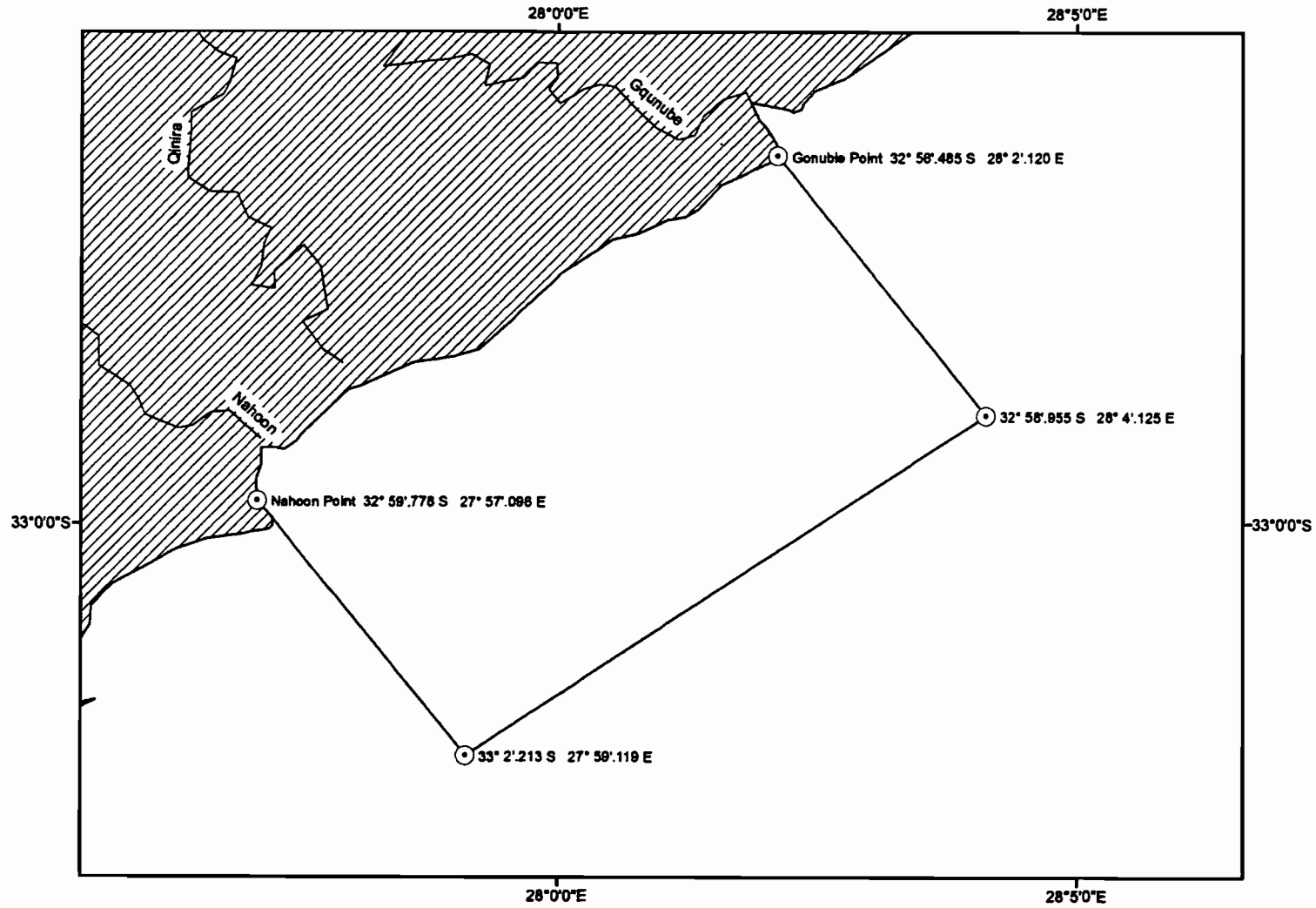
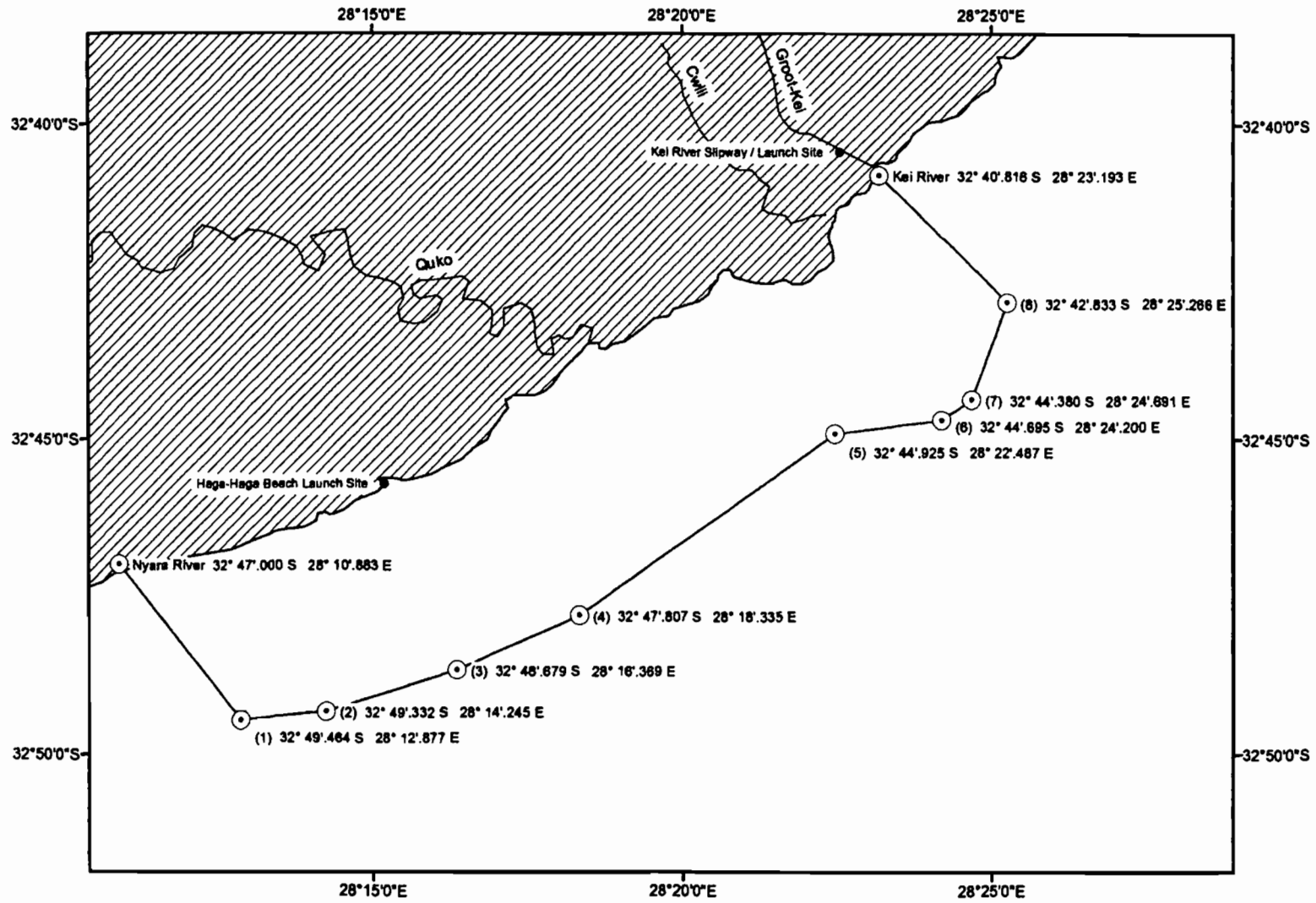


Figure 3: Kei area



No. R. 731

16 September 2011

**MARINE LIVING RESOURCES ACT, 1998 (ACT NO. 18 OF 1998)
REGULATIONS FOR THE MANAGEMENT OF THE AMATHOLE MARINE
PROTECTED AREA**

I, Mrs B.E.E. Molewa, the Minister of Water and Environmental Affairs has under Section 77(2)(x)(i) of the Marine Living Resources Act, 1998 (Act No. 18 of 1998), made the regulations in the Schedule hereto.

Mrs B.E.E. Molewa, Minister of Water and Environmental Affairs

Schedule

Definitions

1. In these regulations any word or expression to which a meaning has been assigned in the Act bears that meaning, unless the context otherwise indicates—

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

“the Act” means the Marine Living Resources Act, 1998 (Act No.18 of 1998), inclusive of amendments, regulations and notices promulgated thereunder;

“benchmark areas” means areas against which other sites may be compared;

“Marine Protected Area” means the Amathole Marine Protected Area comprising the Kei, Gonubie and Gxulu areas as declared by the Minister in terms of section 43 of the Act;

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

“Spearfisher” means a person who undertakes fishing with the use of a spear-gun;

2. Objectives of regulations

The objectives of these regulations are:

- (1) To protect and conserve the marine environment and the marine biodiversity in the Amathole region;
- (2) To provide a sanctuary for species impacted by boat-based exploitation;
- (3) To provide benchmark areas for scientific research and monitoring aimed at the protection and conservation of biodiversity and ecosystems ;
- (4) To control activities in the Marine Protected Area to reduce the risks of habitat degradation.

3. Control of activities

- (1) Subject to section 83 of the Act –
 - (a) No person may fish, or attempt to fish, within the Marine Protected Area from any vessel;
 - (b) Fishing gear on a vessel that enters or traverses the Marine Protected Area must be stowed, with all hooks disconnected and un-baited; and such a vessel may not stop or move at less than 5 knots at any time while in the Marine Protected Area, except for purposes of preparing the vessel for re-entering the surf zone opposite the Haga Haga, Kei Mouth or Christmasvale launch sites.
- (2) A vessel entering or traversing 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 forty eight hours after passing through the Marine Protected Area.
- (3) 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.
- (4) No spearfisher may use any floatation device to extend swimming range when traversing, diving, fishing or landing fish in a Marine Protected Area.
- (5) No person may use any device including radio, other electronic, chemical or mechanical, which increases casting distance.

4. SCUBA Diving

- (1) No person may without a permit issued in terms of section 13 of the Act –
 - (a) SCUBA dive or attempt to SCUBA dive in the Marine Protected Area; or
 - (b) operate or attempt to operate a SCUBA diving business in the Marine Protected Area.
- (2) Individual SCUBA diving permits may be obtained from an office authorised by the Minister, or an authorised SCUBA diving business operator, subject to the payment of the prescribed fee.
- (3) Application for a permit referred to in sub-regulation (1)(b) must be made to the Department.
- (4) A Person scuba diving from a vessel must deploy an alpha flag.

5. Offences and penalties

Any person who, contravenes a provision of these Regulations; shall be guilty of an offence and liable on conviction to a fine not exceeding R300 000, or to imprisonment for a maximum period not exceeding two years.

6. Savings

Section 43 (2)(c) and (d) of the Act shall not apply to existing marine aquaculture structures and discharges within the Marine Protected Area.

7. Short title and commencement

These regulations are called the Amathole Marine Protected Area Regulations and commence upon date of publication.

**DEPARTMENT OF LABOUR
DEPARTEMENT VAN ARBEID**

No. R. 732

16 September 2011

LABOUR RELATIONS ACT, 1995

CORRECTION NOTICE

**BARGAINING COUNCIL FOR THE TEAROOM, RESTAURANT AND
CATERING TRADE, PRETORIA**

The following correction to Government Notice No. R. 908 appearing in *Government Gazette* No. 31360 of 28 August 2008, are hereby published for general information:

1. Clause 33: **PROVIDENT FUND**: In the 4th line, the date "28 February 2011" should read "29 February 2012".
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