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GOVERNMENT NOTICE

DEPARTMENT OF AGRICULTURE, FORESTRY AND FISHERIES

No. R. 184 **6 March 2015**

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

PROPOSED REGULATIONS RELATING TO SMALL-SCALE FISHING

1. The Minister of Agriculture, Forestry and Fisheries intends, under section 19 of the Marine Living Resources Act, 1998 (Act No. 18 of 1998), to make the regulations set out in the Schedule.

2. Interested persons are hereby invited to submit substantiated comments or representations regarding the proposed regulations within 30 days of the publication of this Notice.

3. Comments or representations regarding the proposed regulations must please be submitted by–

(a) e-mailing it to ssfregs@daff.gov.za; or

(b) Faxing to (021) 402 3622; or

(c) posting it to Small-Scale Fisheries Regulations, Customer Service Centre, DAFF, Fisheries Management, P/Bag X2, Roggebaai 8012; or

(d) delivering it by hand at Customer Service Centre, DAFF, Fisheries Management, Foretrust Building, Martin Hammerschlag Way, Cape Town

MINISTER OF AGRICULTURE, FORESTRY AND FISHERIES

DATE: 19 - 02 - 2015

SCHEDULE

REGULATIONS RELATING TO SMALL-SCALE FISHING

Definitions

1. In these Regulations any word or expression to which a meaning has been assigned in the Marine Living Resources Act, 1998 (Act No. 18 of 1998), bears that meaning and, unless the context otherwise indicates—

"**community**" means any group of persons or a part of such a group who share common interests, and who regard themselves as a community;

"**co-operative**" means a co-operative registered in terms of the Co-operatives Act, 2005, as a primary or secondary co-operative;

"**Co-operatives Act, 2005**" means the Co-operatives Act, 2005 (Act No. 14 of 2005);

"**de-commercialised species**" means fish species prescribed by the Minister that may be harvested for own consumption, the sale of which is prohibited;

"**multi-species approach** means an arrangement where a pre-determined variety and quantity of marine living resources are allocated in terms of a small-scale fishing right, and "**basket of species**" must be interpreted accordingly;

"**near-shore**" means a zone directly adjacent to a shore, where marine resources can be accessed using traditional low technology or passive fishing gear;

"**primary co-operative**" means a co-operative formed by a minimum of five small-scale fishers whose object is to provide employment or services to its members and to facilitate community development;

"recognised" means recognised by the Minister in terms of these regulations;

"secondary co-operative" means a co-operative formed by two or more primary small-scale fisheries co-operatives to provide sectoral services such as processing and marketing to its members;

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

"traditional low technology or passive fishing gear" means relatively inexpensive gear that has been used traditionally by coastal communities to catch fish, such as line fishing gear and fish traps, but does not include trawl, longline, purse seine and lobster traps.

Purpose of regulations

2. The purpose of these regulations is to—

(a) ensure equitable access to fish by small-scale fishing communities;

(b) recognise a multi-species approach in the granting of rights to small scale fisheries;

(c) transform the inequalities of the past fisheries system; and

(d) address the high levels of abject poverty, socio-economic development and food insecurity in the small scale fishing communities.

Identification, verification, registration and recognition of small-scale fishers and small-scale fishing communities

3. (1) The Minister must identify, verify and register small-scale fishing communities and small-scale fishers within those communities before small scale fishing rights are allocated as provided for in these regulations.

(2) For the purposes of subregulation (1) the Minister must—

(a) through the media and by notice in the *Gazette*, call on a community to submit an expression of interest to be recognised as a small-scale fishing community;

(b) provide at least 30 calendar days for responses to be submitted in writing;

(c) within six months of the closing date for submissions in terms of paragraph *(b)*, consider whether a community constitutes a small-scale fishing community as defined in the MLRA and, where applicable, recognise a community as such;

(d) register each person from the small-scale fishing community who wish to be considered for verification as a small-scale fisher;

(e) verify, after consultation with the small-scale fishing community and by applying the criteria referred to in subregulation (3), that a person registered in terms of paragraph *(d)* is a small-scale fisher;

(f) through the media, publish a provisional list of verified fishers and allow at least 30 days for comments to be submitted;

(g) following the publication contemplated in paragraph *(f)* and the consideration of any submission made, through the media and in the *Gazette*, publish a notice setting out–

(i) the communities that have been recognised as small-scale fishing communities;

(ii) the names of persons who have been recognised as small-scale fishers;

(iii) . subject to regulation 10, the areas or zones where small-scale fishers may fish.

(3) The criteria to be applied in determining whether a person is a small-scale fisher are that the person–

(a) must be a South African citizen who associates with or resides in the relevant small-scale fishing community;

(b) must be at least 18 years of age;

(c) must historically have been involved in traditional fishing operations, which include catching, processing or marketing of fish for a cumulative period of at least 10 years; and

(d) must derive the major part of his or her livelihood from traditional fishing operations and be able to show historical dependence on fish, either directly or in a household context, to meet food and basic livelihoods needs.

Co-operatives and the granting of fishing rights

4. (1) The Minister must determine the number of co-operatives that may be established in areas or zones where small-scale fishers may fish, based on marine resource availability and the promotion of responsible fishing practices.

(2) In order to be considered for the granting of fishing rights at least five recognised small-scale fishers from a small-scale fishing community are first required to successfully apply for registration as a primary co-operative in terms of the Co-operatives Act, 2005.

(3) The Minister shall only grant small-scale fishing rights to a co-operative within a small-scale fishing community–

(a) that has been registered in terms of the Co-operatives Act, 2005, as a primary co-operative;

(b) that meets the criteria referred to in subregulation (4); and

(c) that has been recognised by the Minister as small-scale fisheries co-operative for the purposes of these regulations

(4) The criteria a co-operative within a small-scale fishing community must meet are the following:

(a) Every member of the co-operative must be a recognised small-scale fisher;

(b) no member of the co-operative may own commercial fishing rights;

(c) the co-operative must have adopted a constitution that–

(i) contains the information referred to in regulation 7(1);

(ii) is in a form corresponding substantially with Annexure 1; and

(iii) must be approved by the Minister; and

(d) the small-scale fisheries co-operative management plan must have been approved by the Minister.

(5) No small-scale fishing rights shall be allocated to any natural person or to a juristic person other than a primary co-operative.

(6) The Minister, when allocating a small-scale fishing right, shall determine the manner in which the fishing right is to be exercised, such as the basket of species in respect of which the co-operative has a right of access.

(7) A small-scale fishing right shall be allocated for a period not exceeding 15 years.

(8) A small-scale fishing right may not be transferred to any other small-scale fisheries co-operative, commercial fishing company, individual or any other person.

(9) No member of a primary small-scale fisheries co-operative shall, except on the authority of a permit, engage in any fishing activities.

Additional members of primary small-scale fisheries co-operatives

5. (1) A person may become a member of an existing primary small-scale fisheries co-operative only after three years of the small-scale fishing rights being granted to that co-operative, provided that–

(a) the primary small-scale fisheries co-operative submits a written request to the Minister to approve the inclusion of the person as a member;

(b) the primary small-scale fisheries co-operative verifies that the person meets the criteria of a small-scale fisher referred to in regulation 3(3);

(c) the person associates with or resides in the relevant small-scale fishing community;

(d) the person meets any requirements for membership contained in the primary small-scale fisheries co-operative's constitution; and

(e) the Minister approves the inclusion of the person as a member of the primary small-scale fisheries co-operative.

(2) *(a)* Notwithstanding subregulation (1), the Minister may on an annual basis consider and, where appropriate, approve a request from a primary small-scale fisheries co-operative to include a new member as a replacement for any co-operative member that has passed away or who no longer is willing or able to remain a member of the co-operative.

(b) The replacement member must be associated with or reside in the relevant small-scale fishing community and must either meet the criteria of a small-scale fisher contained in regulation 3(3) or must be a family member of the member being replaced.

(c) The primary small-scale fisheries co-operative must, for the purposes of paragraph *(a)*—

(i) provide a death certificate of the deceased or an affidavit or declaration from the outgoing member stating the reason why the member is no longer willing or able to be a member, as the case may be;

(ii) verify that the replacement member is associated with or resides in the relevant small-scale fishing community; and;

(iii) verify that the replacement member meets the criteria of a small-scale fisher or is a family member of the deceased.

(3) A primary small-scale fisheries co-operative may only amend its membership documents once the Minister has given approval contemplated in subregulation (1) or (2).

Fish processing establishment rights and secondary co-operatives

6. (1) A primary small-scale fisheries co-operative shall not be eligible for a fish processing establishment right, except if the right is required for storage of fish.

(2) A co-operative that has been registered in terms of the Co-operatives Act, 2005, as a secondary co-operative and that is 100% owned by two or more primary small-scale fisheries co-operatives may apply for a fish processing establishment right.

(3) The Minister may grant a fish processing establishment right to a secondary small-scale fisheries co-operative provided that–

(a) the constitution is approved by the Minister;

(b) the small-scale fisheries co-operative management plan has been approved by the Minister; and

(c) the secondary co-operative meets such reasonable requirements relevant to the application for a fish processing establishment as the Minister may require.

(4) Membership of a secondary small-scale fisheries co-operative is limited to primary small-scale fisheries co-operatives that supply the secondary co-operative with fish.

Constitution of small-scale fisheries co-operatives and management plan

7. (1) Apart from complying with the Co-operatives Act, 2005, the constitution of any primary or secondary small-scale fisheries co-operatives must specify—

(a) the name of the of the co-operative;

(b) elections procedures for the executive and term of office;

(c) the membership and executive;

(d) the decision making powers of the executive;

(e) the membership contributions;

(f) the partition of work;

(g) the remuneration scales for work conducted;

(h) payment of dividends;

(i) procedures for ownership and transfer of assets;

(j) procedures for acquiring additional rights;

(k) conflict resolution mechanisms;

(l) compliance measures;

(m) expulsion procedures;

(n) succession planning;

(o) code of conduct;

(p) auditing procedure;

(q) involvement of women, youth, and disabled

(2) The management plan of any primary or secondary small-scale fisheries co-operative must specify—

(a) harvesting plans;

(b) reporting mechanisms;

(c) training requirements;

(d) developmental support needs;

(e) measures to promote access for women, youth and persons with disability.

Certain powers and duties relating to small-scale fisheries co-operatives

8. (1) A primary small-scale fisheries co-operative that engages in the sale of fish must—

(a) in the second season of the small-scale fishing right been granted, become a member of at least one secondary small-scale fisheries co-operative which has applied for or been granted a fish processing establishment right; and

(b) after the second season of the small-scale fishing right been granted, only sell fish to secondary small-scale fisheries co-operatives in possession of valid fish processing establishment permits.

(2) The Minister may for a specified period exempt a primary small-scale fisheries co-operative from the requirement only to sell fish to a secondary small-scale fisheries co-operative, referred to in subregulation (1)(b), if there is a valid reason why the secondary small-scale fisheries co-operative is unable to process or market the product.

(3) A primary or secondary small-scale fisheries co-operative may—

(a) be a transferee of commercial fishing rights, subject to any term and condition attached to that right; and

(b) employ the services of any person, if members of the co-operatives do not have the necessary skills.

Multi-species approach

9. (1) The Minister must, after consultation with the small-scale fishing community, approve the list and quantity of fish species to be allocated for commercial and own consumption purposes for each small-scale fisheries co-operative by considering the following criteria:

(a) The request from the small-scale fishing community to fish for particular near-shore species found within the fishing area of that community;

(b) fish occurring within the area established for small-scale fishing;

(c) the number of co-operatives in the region competing for the same resources;

(d) whether the marine species will be used by the co-operative for commercial purposes or for own consumption;

(e) species that occur on the de-commercialised species list (Annexure 2) may be caught for own consumption, but not be sold;

(f) species that occur on the prohibited species list (Annexure 3) may not be landed;

(g) species the community requested to be used for commercial purposes may not be used for own consumption;

(h) small-scale fisheries co-operatives shall not exploit organisms or fish in estuaries for commercial purposes, unless stated in the permit conditions;

(i) species used for own consumption must be available for fishing to all members of co-operative;

(j) catching of fish for own consumption must be limited to shore-based activities;

(k) species used for own consumption must be aligned with control measures established for the recreational sector (bag limits, size limits, closed seasons etc);

(l) the quantum of fish and number of licences and permits allocated shall be based on the total allowable catch and total applied effort determined by the Minister.

(2) *(a)* The Minister must set the annual total allowable catch and total applied effort for commercially exploited species per region for the small-scale fisheries sector.

(b) Resources must be allocated to small-scale fisheries co-operatives within these limits.

(3) *(a)* In the first year of the small-scale fisheries co-operatives being recognised by the Minister, co-operatives from the same small-scale fishing community must negotiate among themselves on the apportionment of the small-scale fisheries total allowable catch and total applied effort to be allocated to each co-operative.

(b) The initial proportions agreed upon as contemplated in paragraph (a), must thereafter be used by the Minister to apportion future annual small-scale fisheries total allowable catch and total applied effort allocated in a region.

(4) Should co-operatives not be able to agree on the apportionment of the total allowable catch and total applied effort allocated in the same region, the Minister must determine the apportionment, having regard to–

(a) accessibility to the resource by the co-operative;

(b) the historical involvement of the co-operative members in the utilisation of the resource; and

(c) the overall economic feasibility of the exploitation of the available species.

(5) A small-scale fisheries co-operative may request the Minister to expand the basket of species allocated to that co-operative.

Small-scale fishing areas and zones

10. (1) When establishing areas or zones where small-scale fishers may fish, as contemplated in section 19(1)*(a)* of the MLRA, the Minister must act after consultation with the appropriate small-scale fishing community and must base the demarcation on any relevant factor, such as the mobility of each species in the allocated basket of species and the fact that species that are sessile require smaller demarcated fishing areas compared with nomadic and migratory species, which require larger areas.

(2) The Minister may establish multiple fishing areas where a primary small-scale fishing co-operative may fish.

Co-management structures

11. (1) The Minister must establish and appoint members to small-scale fisheries co-management committees at a local, regional and national level.

(2) The main purpose of co-management committees is to provide a method in terms of which Government and a small-scale fishing community or a group of small-scale fishing communities share the responsibility and authority for the management of a marine resource by that community or communities.

(3) Co-management committees must assist Government in determining appropriate management strategies and measures, as well as assist in implementing management decisions in small-scale fishing communities.

(4) Co-management committees must be composed of members of small-scale fishing communities, officials from Government, and any other party affected by the small-scale fishing activities.

(5) A co-management committee must elect the chairperson, deputy chairperson and a secretary, and are appointed for a period not exceeding three years.

(6) A co-management committee must determine the procedures to be followed at its meetings.

(7) The Minister may request a co-management committee to supply such information as the Minister may reasonably require for the purposes of administering the MLRA in relation to small-scale fishing and in administering these regulations.

Conflict resolution mechanisms

12. (1) *(a)* In the event of any internal dispute among the members of a small-scale fisheries co-operative the dispute resolution mechanisms provided for in the co-operative's constitution must be followed.

(b) The Minister shall not be responsible to resolve any dispute contemplated in paragraph *(a)*.

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(c) The dispute resolution mechanisms contemplated in paragraph *(a)* may not provide for any reporting or appeal to the Minister regarding the internal conflict.

(2) The Minister may, in order to resolve any conflict between a small-scale fishing co-operation and a third party, facilitate mediation and arbitration proceedings or cause the matter to be mediated or arbitrated.

Compliance

13. (1) The provisions of section 28 of the MLRA, in terms of which a right, licence or permit may be revoked, suspended, cancelled, altered or reduced, may at any time be invoked against a primary or secondary small-scale fisheries co-operative that acts as contemplated in subsection (1) of that section

(2) The constitution of a primary or secondary small-scale fisheries co-operative must specify the action the co-operative must take against a member of the co-operative who has contravened the provisions of the MLRA or these regulations.

(3) The Director-General must, without delay, be notified of any member of the co-operative who has contravened the provisions of the MLRA or these regulations or who has been found guilty of any offence in terms of the MLRA, and of any action taken by the co-operative against the member.

Short Title

14. These regulations are called the Regulations Relating to Small-scale Fishing, 2015.

Annexure 1

SMALL-SCALE FISHERIES CO-OPERATIVE CONSTITUTION TEMPLATE

CO-OPERATIVE LIMITED

NAME

1. (a) The name of the Co-operative is **[Co-operative Name]** CO-OPERATIVE LIMITED.

FORM OF CO-OPERATIVE

2. This is the constitution of a business undertaking formed as a Primary Co-operative with limited liability in terms of the provisions of the Co- operatives Act, 2005 (Act 14 of 2005).

DEFINITIONS

3. In this constitution, unless the context indicates otherwise, a word or expression to which a meaning is attached in the Co-operatives Act, 2005 shall have a similar meaning and -

"co-operative" means the **[Co-operative Name]** CO-OPERATIVE LIMITED that is incorporated in terms of the Act;

"DAFF" means Department of Agriculture, Forestry and Fisheries;

"entrance fee" means a once-off fee payable to obtain membership of the co-operative, and is paid on application for membership;

"gender" a reference in this constitution to the masculine gender shall also include the feminine gender and vice versa;

"membership fee/ subscription fee" means an annual fee payable towards the running of the co-operative, and may be paid off in equal monthly instalments;

"member loan" means a loan made by a member to a Co-operative in terms of clause 54.2;

"MLRA" means the Marine Living Resources Amendment Act, 2014 (Act No. 5 of 2014);

"patronage proportion" means the proportion which the value of the transactions conducted by a member with a Co-operative during a specified period bears to the value of the transactions conducted by all the members during the same period with or through the Co-operative.

"Regulations" means the Regulations promulgated under the Marine Living Resources Amendment Act, 2014 (Act No. 5 of 2014);

"the Act" means the Co-operatives Act, 2005 (Act 14 of 2005).

PLACES OF BUSINESS

4.1 The main place of business of the Co-operative is situated at **[suburb, city, province].**

RECORD KEEPING BY CO-OPERATIVE AND ACCESS TO INFORMATION

5.1 The co-operative must keep at its offices the following:

(a) Its constitution, including any amendments thereto.

(b) The minutes of general meetings in a Minute Book.

(c) The minutes of meetings of the board of directors in a Minute Book.

(d) A LIST OF MEMBERS / REGISTER OF MEMBERS setting out—

(i) the name and address of each member.

(ii) the date on which each member became a member.

(iii) if applicable, the date on which a person's membership was terminated.

(iv) the amount of any membership fees paid.

(e) all documents stipulated in the small-scale fisheries grant of right letter and permit conditions

(f) small-scale fisheries management plan as stipulated in the Regulations.

(g) **A REGISTER OF DIRECTORS** setting out—

(i) the name, address and identity number of each director,

including former directors.

(ii) the date on which such directors became or ceased to be directors.

(iii) the name and address of any other co-operative, company or close corporation where both present and former directors are, or were, directors or members.

(h) **A REGISTER OF DIRECTOR'S INTEREST** in contracts or undertakings.

(i) Adequate **accounting records**, including records reflecting the transactions between each member and the co-operative for the purpose of calculating the patronage proportion.

5.2 The co-operative must retain its accounting records—

(a) for a period of five years after the end of the financial year to which they relate, in the case its main object involves its members conducting transactions with it.

(b) for a period of three years after the end of the financial year to which they relate, in the case its main object does not involve its members conducting transactions with it.

5.3 Subject to clause 5.4 hereunder, members of the co-operative may examine the records referred to in clause 5.1 above during normal business hours of the co-operative and may make copies thereof after payment of a fee.

5.4 Subject to the Promotion of Access to Information Act, 2000, the Board of Directors may, for a reasonable period of time, refuse information relating to

any commercial transaction of the co-operative if there are reasonable grounds to believe that the disclosure may be to the disadvantage of the co-operative.

5.5 Where the constitution of a co-operative provides for the establishment of a supervisory committee, the supervisory committee must determine whether the board of directors is entitled to withhold information in terms of clause 5.4 above.

OBJECTIVES, BUSINESS DESCRIPTION & RESTRICTIONS THERETO

6. The Objectives and Business Description of the Co-operative are as follows—

(a) Fishing;

(b) Selling fish and seafood;

(c) **[Additional objective]**

(d) **[Additional objective]**

(e) **[Additional objective]**

7. Restrictions: The business is restricted to the above-mentioned Objectives and Business Description.

MEMBERSHIP

Requirements for membership and Restrictions to membership

8.1 Requirements: Any natural person, who is over the age of 18 years and who has been recognised as a small-scale fisher in terms of the regulations, may on application to the Board, become a member of the Co-operative.

8.2 Restrictions: The board may limit the maximum number of members, as long as the co-operative does not have less than 5 members. A person applying for membership may not be a member of multiple small-scale fisheries co-operatives.

Application for membership

9.1 Application for membership shall be made on the form provided for that purpose, and shall be accompanied by the entrance fee.

9.2 The Board must consider every application for membership and has the right to accept or reject an application.

9.3 The Board must, within 60 days after receipt of an application for membership, notify the applicant of its decision and, in the event of an

application for membership being rejected, any amount paid by the applicant to the Co-operative must be refunded to him.

9.4 A person becomes a member of the Co-operative when his application for membership has been accepted by the Board.

Entrance Fee and Membership Fee / Subscription Fee

10.1 An Entrance Fee of **[R_____]** must be paid on application for membership. Such fee is not refunded on termination of membership.

10.2 A Membership Fee / Subscription fee of **[R_____]** must be paid annually: Provided that a member may pay off the subscription fee in equal monthly instalments. Such fee shall not be refunded on termination of membership.

Rights and Obligations of Members

11.1 Members Rights:

(a) Members have the right to do business with or through the Co-operative provided that it is not in conflict with the objectives of the Co-operative and it is approved by special resolution by the members;

(b) Members have the right to appoint an auditor;

(c) During ballots at meetings of members, each member has the right to one vote;

(d) Members that are not suspended or expelled from the co-operative, have the right to attend meetings of the co-operative.

11.2 Obligations of Members:

(a) Members must adhere to this constitution and any amendments thereto, as well as any by-laws made by the Board of Directors.

(b) Members must participate in the business of the co-operative, unless circumstances outside of the control of the member prevents the member from doing so.

(c) Members must notify the co-operative whenever any of their personal details change, example when their home address changes.

(d) Members must adhere to the MLRA, the Regulations and the small-scale fisheries permit conditions.

(e) Members must attend the quarterly meetings of the co-operative.

(f) Members must pay their subscription fees.

LIABILITY OF MEMBERS

12. The liability of a member is limited to an amount equal to the entrance and membership fees in the Co-operative held by him in so far as that amount has not been fully paid up.

TRANSFER OF MEMBERSHIP

13.1 Membership may be transferred only in accordance with clause 14.1.

13.2 The transfer of any membership shall be in writing in such form and signed in such manner as the Board from time to time may stipulate.

13.3 When such transfer has taken place the Board shall issue to the transferee a membership card/ certificate.

CONDITIONS AND PROCESSES FOR TERMINATION OF MEMBERSHIP

Termination on death

14.1 The membership of a member who has died may in terms of this clause be transferred to a member of that deceased member's family or another person appointed by the executor of the deceased member's estate subject to the approval by the Board and DAFF of the proposed transferee. In the event of such transfer not taking place, the membership of the deceased member shall be terminated by resolution of the Board.

14.2 Upon such termination, the membership fees concerned are forfeited and the amount paid in respect thereof is credited to the general reserve of the Co-operative.

Termination on Change of Place of Residence

15.1 The membership of a member who no longer resides in the area served by the Co-operative may on application of the member or by decision of the Board, be terminated by resolution of the Board.

15.2 Upon such termination, the membership fees of the member concerned are forfeited to the Co-operative and the amount thereof is credited to the general reserve of the Co-operative.

Termination when a member is non-active

16.1 Whenever a member fails to renew annual subscription, or fails to attend three consecutive quarterly meetings of the co-operative for no valid reason or has neglected to notify the Co-operative of any change in his address, whereby the Co-operative is prevented from contacting him, his membership may be terminated by resolution of the Board.

16.2 Upon such termination, the membership fees of the member concerned are forfeited to the Co-operative and the amount thereof is credited to the general reserve of the Co-operative.

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WITHDRAWAL OF MEMBERSHIP

17.1 The resignation of a member comes into operation at the first meeting of the Board held after the Co-operative has received the written resignation of the member.

17.2 The membership of a member who has resigned, shall be terminated by resolution of the Board. The amount paid in respect of membership fees shall be forfeited to the Co-operatives and credited to the general reserve.

17.3 The co-operative would need to inform DAFF of any withdrawal of membership and the reasons of the withdrawal.

18. Any amount payable by the Co-operative in terms of clauses 15, 16, and 17 shall be set off against any debt for the payment of which the member or his estate is liable.

CONDITIONS AND PROCESS FOR SUSPENSION AND EXPULSION

19.1 A member who repeatedly contravenes a provision of this constitution and/or MLRA and who refuses to comply with such provision or to meet an obligation imposed on him by the Act or in terms of this constitution or which he agreed to meet, may—

(a) by resolution of the Board, be suspended as a member for a period to be determined by the Board but which shall not be longer than the date of the next annual general meeting;

(b) by special resolution be suspended as a member for a period not longer than 12 (twelve) months from the date on which he is suspended;

(c) by special resolution be expelled from the co-operative.

19.2 The suspension of a member may be revoked by resolution of the Board at any time.

19.3 A member who is convicted of a criminal offence of the MRLA shall be expelled by special resolution of the Board.

19.4 The Board shall notify DAFF of the actions taken by the Board against its members who has contravened the provisions of the MLRA, failing which DAFF shall hold the co-operative liable.

20.1 Before a member can be suspended or expelled in terms of clause 19, he has to be given prior written notice of the intention of the Board.

20.2 The notice to such member must contain the following particulars—

(a) the reasons for the proposed suspension or expulsion; and

(b) a time when, and place where the member may appear in person, with or without witnesses, before the Board or to which he may send a written statement signed by himself setting out his objections to the proposed suspension or expulsion.

20.3 The Board must notify him in writing if it is decided to suspend or expel a member, of—

(a) the date on which his suspension or expulsion comes into effect;

(b) period of time during which the suspension will apply; and

(c) disciplinary measures which will be taken.

Disciplinary measures

21.1 While under suspension a member forfeits his right to attend general meetings or to vote thereat by proxy.

21.2 The members by special resolution or the Board may furthermore stipulate that certain or all transactions with a member must be suspended for the period of his suspension.

21.3 The membership of an expelled member must be terminated by resolution of the board and upon such termination the member forfeits his membership fees and the amount paid in respect thereof must be credited to the general reserve.

MANAGEMENT OF CO-OPERATIVE

Board of Directors

22.1 The affairs of the Co-operative must be managed by a Board of Directors consisting of **[3, 5, or 7]** Directors. The Directors must exercise the powers and perform the duties of the Co-operative.

22.2 The number of Directors shall subject to the approval of members at the next general meeting, be determined by the Board from time to time. If, however, the members do not approve the decision of the Board and a vacancy arises as a result thereof, such vacancy shall be regarded as a casual vacancy to be filled in terms of clause 30.

23. Without prejudice to the provisions of clauses 30 of this constitution, Directors shall be elected at the annual general meeting.

Powers and Restrictions on Directors

24.1 Powers:

(a) The directors have the power to obtain membership of a secondary co-operative, which seeks to promote any matter in which the co- operative has an interest.

(b) The directors have the power to open a bank account in the name of the co-operative.

(c) The directors have the power to suspend by resolution a member for a period to be determined by the Board but which shall not be longer than the date of the next annual general meeting.

(d) The directors have the power to acquire or hire movable or immovable property on behalf of the co-operative.

(e) The directors have the power to apply to DAFF for fishing rights, permits and licences.

(f) The directors have the power to engage with DAFF on behalf of the co-operative.

24.2 Restrictions:

(a) The directors have the power to overdraw a bank account or to make a loan on behalf of the co-operative, provided that members have agreed to this with a special resolution.

(b) The directors shall not provide loans to directors, members or any other person or organisation.

(c) The director shall not make donations on behalf of the co-operative to any person or organisation.

Persons not competent to be Director

25. The following persons shall not be competent to hold the office of Director:

(a) A person who is of unsound mind;

(b) a person who is an unrehabilitated insolvent;

(c) a person who has at any time been convicted (whether in the Republic or elsewhere) of theft, fraud, forgery, perjury, or any offence involving dishonesty

in connection with the formation or management of a Co-operative or other corporate entity;

(d) a person that has been convicted of a criminal offence in terms of the MLRA;

(e) a person who is a member of another entity that poses a conflict of interest to the business of the co-operative.

Term of office

26.1 The term of office of the Directors of the Co-operative shall be 3 (three) years. (not more than 4 years)

26.2 Retiring Directors are eligible for re-election.

26.3 The Directors to retire each year shall be those who have been longest in office since their last election at the annual general meeting, but as between members who became Directors on the same day, those to retire shall, unless they otherwise agree among themselves, be determined by ballot.

Nomination of Directors and voting for Directors

27.1 Candidates for the position of Director shall be nominated openly at the annual general meeting held for the purpose electing one or more Directors.

27.2 Without prejudice to the provisions of clauses 30 a member, including a retiring Director, qualifies for election as Director only if he is nominated in terms of sub-clause 27[1].

27.3 (a) If the number of candidates nominated does not exceed the number of vacancies on the Board to be filled such candidate or candidates shall be declared elected at the annual general meeting.

(b) If the number of candidates nominated exceeds the number of vacancies on the Board, as many Directors as there are vacancies shall be elected from the nominees at the annual general meeting.

(c) If insufficient or no candidates are nominated to fill the vacancies on the Board, such vacancies shall be regarded as casual vacancies to be filled in accordance with clause 30.

28. The method to be followed in electing Directors shall be as determined by the Chairperson of the meeting.

29. At the election of Directors a member shall vote for as many candidates as there are vacancies to be filled on the Board and those candidates receiving the highest number of votes shall be declared elected.

Filling of a vacancy on the Board

30. Any vacancy occurring on the Board during the year shall be filled until the next annual general meeting by a member appointed, by the remaining Directors, subject to the provisions of clause 25. At the said annual general meeting a member shall, subject to the provisions of this constitution, be elected to fill the vacancy. Any Director elected at such annual general

meeting shall not hold office for a period longer than the unexpired portion of the period of office of the Director whose office became vacant.

Conditions for Vacation of office

31. A Director shall vacate his office—

(a) If he becomes incompetent in terms of clause 25 of this constitution to hold the office of Director; or

(b) If he absents himself from more than three consecutive ordinary meetings of the Board without its leave; or

(c) Upon the expiry of 30 (thirty) days, or such shorter period as may be approved by the Board, after he has resigned as a Director of the Co-operative.

Conditions and Processes for the appointment of the Chairperson, Vice-Chairperson and Acting Chairperson of the Board

32. At the first meeting of the Board held after the formation meeting and thereafter at the first meeting of the Board held after every annual general meeting of members or when the necessity arises, the Directors shall elect from among themselves a Chairperson and Vice-Chairperson.

33. The Vice-Chairperson shall act as Chairperson whenever last-named is absent or unable to act as Chairperson, and if both the Chairperson and Vice-Chairperson are absent or unable to carry out the functions of the Chairperson, the Board must elect another Director to be Acting-Chairperson during such absence or incapacity.

34. The Chairperson of the Board of the Co-operative shall vacate the office of Chairperson if he—

(a) Ceases to be a Director of the Co-operative; or

(b) Resigns as Chairperson; or

(c) Is relieved of the office of Chairperson by the Board.

35. The provisions of clause 34 shall be applicable mutatis mutandis to the vice-Chairperson of the Board.

Board meetings and Quorum

36.1 A meeting of the Board must be convened by the Board or the Chairperson of the Board or any two Directors of the Co-operative.

36.2 The majority of Directors shall constitute a quorum of a meeting of the Board.

36.3 Questions arising at a meeting of the Board shall be determined by a majority of the Directors present at the meeting and in the case of an equality of votes, the Chairperson of the Board or the person acting as Chairperson shall have a casting vote in addition to his deliberative vote.

By-laws

37. The Board have power to make by-laws provided they are not repugnant to this constitution. The following by-laws shall be required and shall be ratified by a minimum of 75% of the members of the Co-operative:

(a) Conflict resolution mechanism;

(b) Division of labour;

(c) Remuneration of work;

(d) Distribution of profits;

(e) Utilization of species (commercial vs own use)

(f) Marketing plan

(g) Promoting the involvement of women, youth and disabled

38. The above mentioned by-laws shall be included as part of the Co-operative management plan to be submitted to DAFF.

Delegation of powers to a committee

39.1 The Board may delegate one or more of its powers to a Director or to a Committee appointed by the Board or Manager of the Co-operative.

39.2 Any Director or Committee or Manager so appointed must in the exercise of the powers so delegated, abide by such rules as may be made and follow such instructions as may be issued, in regard thereto, by the Board.

GENERAL MEETINGS

40.1 A Co-operative must hold:

(a) Its first annual general meeting within 18 months of registration of the Co-operative;

(b) Subsequently annual general meetings within 6 months after the end of the preceding financial year.

(c) four quarterly meetings per financial year.

40.2 The annual general meeting must:

(a) Appoint an auditor;

(b) Approve a report of the Board on the affairs of the Co-operative for the previous financial year;

(c) Approve the financial statements and auditor's report where applicable for the previous financial year;

(d) Elect Directors; and

(e) Decide on the future business of the Co-operative.

Special General Meetings

41. The Co-operative may from time to time in addition to its annual general meeting hold Special general meetings of its members to dispose of any matter relating to its affairs specifically set out in the notice convening the meeting.

Convention of Meetings

42.1 An annual general meeting shall be convened on authority of the Board.

42.2 A special general meeting shall be convened—

(a) by at least two Directors of the Co-operative; or

(b) by five or more members of the Co-operative constituting in number at least 20% (twenty percent) of all the members of the Co-operative: Provided that such members shall not be entitled to convene an special general meeting unless they have beforehand in writing petitioned the Directors to convene such a meeting and the meeting is not convened within 21 (twenty one) days reckoned from the date the petition was lodged, or unless for any reason there are no Directors to whom such a petition can be addressed.

42.3 Any meeting convened in terms of sub-clause 2[b] by the petitionists shall, as far as possible, be convened and held in the same manner as is prescribed for meetings convened and held by the Board and any reasonable expense incurred by the petitionists in securing the names and addresses of members, in sending notices of the meeting to them and hiring accommodation for the holding of the meeting if so resolved by such meeting, be refunded to the petitionists by the Co-operative.

Notice of general meeting

43.1 A general meeting shall be convened by at least 14 days notice in writing to each member of the Co-operative.

43.2 The notice convening the meeting shall in addition to the time and place of the meeting state the purpose for which it is convened.

43.3 A notice may be delivered personally, forwarded by post to the member at his registered address, emailed to a registered email address of the member or faxed to the registered fax number of the member.

43.4 Non-receipt by a member of a notice of a general meeting of the Co-operative does not render such meeting invalid.

43.5 If a notice of a meeting is returned to the Co-operative because the member to whom it was sent is no longer resident at the registered address, the email address, fax number, or sms number does not exist or does not function, the Co-operative shall be relieved of its obligation to send further notices of meetings to the member concerned unless the member makes an appearance and requests that such notices be sent to his new address.

Quorums

44. A quorum for a general meeting shall be constituted by more than 50% of the members being present.

45. No item of business shall be transacted at any general meeting unless a quorum of members is present during the time when the meeting is considering that item.

46.1 If within one hour from the time appointed for the meeting a quorum is not present, the meeting—

(a) if convened by members or in consequence of a petition of members, must be cancelled;

(b) if otherwise convened, must be adjourned to the same day in the next week at the same time and place, or if that day is a public holiday, to the next day following which is not a public holiday.

46.2 If the same hall or building is not available for an adjourned meeting it may be held at another venue within convenient distance if members are advised of the change of venue either by notice posted at the original venue or by some other means.

46.3 If a quorum is not present within one hour after the time fixed for an adjourned meeting, the members present, provided they are not less than five in number, shall be deemed to constitute a quorum: Provided that a special resolution may not be passed by such a meeting.

Chairperson of general meetings

47.1 The Chairperson of the Board or in his absence the Vice-Chairperson or in the absence of both, another Director elected by the meeting shall act as Chairperson of an annual general meeting or a special general meeting convened in terms of clauses 40 and 41.

47.2 A person elected by the meeting shall act as the Chairperson of a special general meeting convened in terms of clause 42.2*(b)* of this constitution.

Voting by members

48. At all meetings of the co-operative, each member shall have one vote.

49.1 Any matter for decision by a general meeting shall be decided by means of a vote on a show of hands or by ballot.

49.2 A vote by ballot shall not be held unless it is demanded by at least five members present at the meeting and entitled to vote in a vote by ballot.

49.3 A vote by ballot must be held in such manner as the Chairperson stipulates. Scrutineers must be nominated to determine the result of the vote that must be declared by the Chairperson of the meeting as the resolution of the meeting.

49.4 A declaration by the Chairperson that a resolution has, on a show of hands or by ballot, been carried, or carried unanimously or by a particular majority, or lost, and an entry to that effect in the minutes of the proceedings of the meeting, shall be conclusive, proof thereof, without evidence as to the number or proportion of votes recorded for or against such resolution.

50. If no objection is raised in terms of the provisions of this constitution against the validity of any vote cast at the meeting, whether on a show of hands or by ballot, every vote cast at the meeting that has not been disallowed shall for all purposes be deemed to be valid.

51. In the case of an equality of votes, whether on a show of hands or in a vote by ballot, the Chairperson of the meeting shall have a casting vote in addition to his deliberative vote.

52. Every matter submitted to a general meeting for resolution, except for a matter requiring a special resolution, shall be determined by a majority of votes recorded at the meeting.

Special resolution

53. A resolution by a general meeting of the Co-operative shall, constitute a special resolution if—

(a) the notice by which the general meeting was convened specified particulars of the proposed resolution and stated the intention to propose same as a special resolution; and

(b) the resolution has been passed by not less than two thirds of the members present, both in a vote on the show of hands and a vote by ballot.

(c) the resolution related to the winding-up of the Co-operative and was passed by at least 75 % (seventy-five percent) of the votes of all the members of the Co-operative, both in a vote on the show of hands and a vote by ballot.

RESTRICTIONS RELATING TO UNSECURED MEMBERS LOANS

54.1 The co-operative shall not borrow or raise money or overdraw a banking account except on authority of a special resolution: Provided that the co-operative may borrow or raise money or overdraw a banking account without the said authority up to an amount not exceeding one half of the aggregate of its share capital and general reserve.

54.2 The board may, if so authorised by members in terms of sub-clause [1] above, in addition to the loans secured by some or all of the assets of the co-operative, the issue of secured debentures and loans obtained from the commercial banks or any other financial institution, further raise loans from members subject to the following conditions:

(i) No loan from any individual member shall amount to less than R1 000 (one thousand rand) and, for the purpose of this paragraph, every successive loan from any particular member shall be regarded as a separate loan;

(ii) No loan shall be repaid within 12 (twelve) months after receipt;

(iii) Interest shall be paid on loans at a rate per annum to be determined by the board from time to time;

(iv) An acknowledgement of debt shall be issued in respect of each loan.

(v) The acknowledgement of debt shall be freely transferable by means of a cession duly registered by the co-operative.

(vi) Receipt of each loan shall be acknowledged by the following acknowledgment of debt, which shall incorporate either of the conditions (ii) or (iii) mentioned below—

"ACKNOWLEDGEMENT OF DEBT

We, the undersigned, directors and secretary of the ..... (name of co-operative) hereinafter called the co-operative, hereby acknowledge having received the sum of R…… (……..……..Rand) from …… ..... (name) of

.....……(address) hereinafter called. the owner, subject to the conditions—

(i) Interest at the rate of ....% (..... percent) per annum or such rate as the board may determine from time to time, shall be payable to the owner on ..... or at the date of repayment.

(ii) The owner shall not have the right to demand repayment, but the co-operative, after having had the loan for not less than 12 (twelve) months, may repay such loan at any time after having given not less than 30 (thirty) days notice of its intention to repay such loan.

OR

(iii) The loan shall be repayable on the ..... day of ..... 20…... (which may not be less than 12 (twelve) months from the date of this acknowledgement of debt): Provided that the board of the co-operative may defer the repayment if the circumstances of the co-operative at the date of repayment of the loan, render such deferment necessary: Provided further that the board of the co-operative shall submit for confirmation to the first succeeding general meeting of members its resolution to defer repayment of a loan and if the resolution of the board is not confirmed by that meeting of the

co-operative, the loan shall be repaid within 7 (seven) days of the date of such meeting.

Dated at ..... this ..... day of

..... 20.....

_____

DIRECTOR

_____

DIRECTOR

_____

SECRETARY

BANKING ACCOUNT

55.1 The Co-operative must open a banking account in the name of the Co-operative in which all moneys received shall be deposited as soon as possible after receipt thereof.

55.2 Cheques drawn on the banking account shall be signed by two of the Directors and must be countersigned by the Secretary of the Board: Provided that a cheque shall not be signed and countersigned by the same person and that all officers who are authorised to sign or countersign cheques must furnish adequate security.

FINANCIAL YEAR

56. The financial year of the Co-operative shall end on the last day of **[February]** of each year.

FINANCIAL RECORDS

57.1 The Co-operative must keep, such accounting records as are necessary fairly to reflect the state of affairs and business of the Co-operative and to explain the transactions and financial position of the business of the Co-operative.

57.2 The accounting records shall be kept at the registered office of the Co-operative and shall be available at all times for examination by the Directors.

Annual financial statements

58.1 An audit of the affairs of the co-operative must be conducted annually in respect of each financial year in order to—

(a) ensure that financial statements are drawn up in conformity with generally accepted accounting practices;

(b) verify that the co-operative has maintained adequate records in accordance with the requirements of this constitution and the Act;

(c) report generally as to whether the assets and facilities of the co-operative are being properly managed and the operations of the co-

operative are being conducted in accordance with co-operative principles; and

(d) report on any other matter the auditors are required to report on in terms the constitution.

58.2 The provisions of clause 58.1 are applicable to the annual financial statements of the Co-operative and its company subsidiaries.

AUDIT

59. The members must appoint an auditor at each annual general meeting, to hold office until the close of the next annual general meeting. The duties of the auditor are outlined in clause 58.1.

SURPLUS

60. The surplus resulting from the operations of the Co-operative during any financial year shall be applied by resolution of the annual general meeting for that year: Provided that—

(a) in accordance with section 3(1)*(e)* of the Act, at least 5% (five percent) is set aside as a reserve in the Indivisible Reserve Fund and is not divisible amongst the members, unless the Co-operative winds-up;

(b) the amount which is set aside as a General Reserve Fund shall not be less than the amount determined by the Board.

(c) the amount which is available out of the surplus for distribution to members shall be applied in accordance with the provisions of clause 61.1.

PAYMENT OF BONUS

61.1 The amount mentioned in clause 60(c) must, be allocated to members according to the patronage proportion and the amount allocated to a member must by resolution of members at the annual general meeting, be applied in one or more of the following ways—

(a) by paying it out either wholly or partly in cash;

(b) by utilising it for buying of fully paid-up members shares:

(i) provided that an amount accruing to a member which is insufficient to fully pay up a share may be applied, by resolution of the board, in accordance with the provisions of paragraphs (a) or (c) of this clause;

(ii) provided that notice will be given to each member of the number of shares purchased for the member;

(iii) provided that such shares will be either issued or transferred in terms of clauses 12 and 15, by resolution of the board; and

(iv) provided that share certificates will be issued and forwarded to members.

(c) by setting it aside in the Deferred Bonus Payment Fund for future payment to members.

61.2 Interest on share capital or bonus declared payable to members, except amounts transferred to the Deferred Bonus Payment Fund, does not earn interest from the Co-operative.

61.3 Any interest on share capital or any bonus remaining unclaimed for a period of 3 (three) years from the date on which such interest or bonus was declared payable may, by resolution of the Board, be declared forfeit and added to the general reserve of the Co-operative.

DEFERRED BONUS PAYMENT FUND

62.1 All amounts transferred to the "Deferred Bonus Payment Fund" in terms of clause 61.1(c) shall be credited in the respective names of the members in the books of the Co-operative.

62.2 The Deferred Bonus Payment Fund may be invested separately or may be used by the Co-operative to carry out any of its objects: Provided that the fund must not be utilised to defray any loss resulting from the operations of the Co-operative.

62.3 The interests of members and former members in the Deferred Bonus Payment Fund must be repaid to them in the following circumstances and subject to the conditions mentioned, ie.—

(a) When the fund has been functioning for five years, the interests built up by members and former members during the first year of the fund shall

be repaid to those concerned; the following year the interests built up during the second year of the fund shall be refunded, et seq.;

(b) on the death of a member or former member the interest of the deceased in the fund shall be paid to his estate;

(c) when membership in the Co-operative is terminated in any other way, the interest of the member concerned in the fund shall be repaid to him as it becomes repayable in terms of paragraphs [a] or [b] of this sub-clause: Provided that the Board may authorise payment at an earlier date if the Co-operative is in a position financially to do so: Provided further that the interest of a former member in this fund shall not be retained in the fund for more than three years after termination of membership of the former member.

62.4 The amounts payable to a member or former member in terms of this clause shall be applied in payment or part payment of any amount due to the Co-operative by such member or former member.

62.5 A member's or former member's credit in the fund may be transferred to someone else only with the approval of the Board: Provided that no such transfer shall be approved unless the transferee is a member of the Co-operative.

62.6 Any amount to the credit of a member or former member in the Deferred Bonus Payment Fund remaining unclaimed for a period of 3 (three) years from the date it becomes payable to him may by resolution of the Board be

declared forfeit and transferred to the general reserve of the Co-operative: Provided that such a transfer shall not be made unless the member or former member concerned has first been warned of the proposed transfer by means of a notice sent to his last address, as entered in the register of members and he has been given an opportunity of at least six months to claim the amount.

AMENDMENT OF CONSTITUTION

63.1 The constitution of the Co-operative may be amended by special resolution only and must adhere to the small-scale fisheries constitution template as specified in the Regulations.

63.2 Amended constitutions must be submitted to DAFF for approval.

LIQUIDATION

64. In case of liquidation the patronage proportion must be determined for either five years, which preceded the commencement of the winding-up of the Co-operative, or the period for which the Co-operative has existed, whichever period is the shorter.

NOTE: This page must be signed by ALL Members.

FULL NAMES AND SURNAME OF MEMBERS	ID NUMBER	SIGNATURE OF APPLICANT
1.		
2.		
3.		
4.		
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Changes to constitution:

Other changes may also be made to the constitution, given that the changes are in line with provisions of the Amended Co-operatives Act, 2013 and the Amended MLRA and the Regulations promulgated thereunder and the rest of the constitution. If any changes were made to this constitution the numbers of the clauses that were changed should be mentioned in a cover letter, as well as the reasons for the changes.

ANNEXUE 2

DECOMMERCIALISED SPECIES LIST		
Scientific Name	**Common Names**	**Bag Limit**
FISH		
Albula oligolepis	Bonefish	10
Caranx ignobilis	Giant kingfish	5
Caranx papuensis	Brassy kingfish	5
Caranx sexfasciatus	Bigeye kingfish	5
Lichia amia	Leervis/garrick	2
Trachinotus africanus	Southern pompano	5
Trachinotus botla	Largespot pompano	5
Carcharhinus limbatus	Blacktip shark	1
Carcharhinus obscurus	Dusky shark	1
Rhizoprionodon acutus	Milkshark	1
Dasyatis chrysonota	Blue stingray	1
Dichistius capensis	Galjoen	2
Dichistius multifasciatus	Banded Galjoen	5
Elops machnata	Ladyfish/kingspringer/tenpounder	5
Pomadasys commersonnii	Spotted grunter	5
Notorynchus cepedianus	Cow shark	1
Neoscorpis lithophilus	Stonebream	5
Lutjanus argentimaculatus	Mangrove snapper	2
Myliobatis aquila	Bullray	1
Oplegnathus conwayi	Cape knifejaw	5
Oplegnathus robinsoni	Natal knifejaw	5
Rhinobatos annulatus	Lesser guitarfish/sandshark	1
Argyrosomus japonicus	Dusky kob	1
Otolithes ruber	Snapper kob	10
Umbrina robinsoni	Baardman	5
Poroderma africanum	Pyjama shark/striped catshark	1
Poroderma pantherinum	Leopard catshark	1
Epinephelus marginatus	Yellowbelly rockcod	1
Acanthopagrus vagus	River bream	5
Chrysoblephus anglicus	Englishman	2
Chrysoblephus lophus	False englishman	10
Cymatoceps nasutus	Poenskop	1
Diplodus capensis	Blacktail	5
Diplodus hottentotus	Zebra	5
Gymnocrotaphus curvidens	John Brown	5
Lithognathus aureti	Westcoast steenbras	10
Lithognathus lithognathus	White steenbras	1
Porcostoma dentata	Dane	10
Rhabdosargus holubi	Cape stumpnose	5

Rhabdosargus sarba	Natal stumpnose	5
Sparodon durbanensis	White musselcracker	2
INVERTEBRATES		
Arenicola loveni	Blood worm	5
Dinoplax gigas	Giant chiton	6
Eunice aphroditois	Bobbit worm (errant worm)	10 or 250 ml container
Marphysa sanguinea	Wonder worm	10 or 250 ml container
Grapsus spp.	Green & Natal rock crab	15
Emerita austroafricana	Mole crab / sea lice	30
Hippa adactyla	Mole crab/sea lice	30
Mytilus, Choromytilus	Black mussel	30
Pseudonereis variegata	Mussel worm	10 or 250 ml container
Ocypode spp.	Ghost crabs	15
Arabella iricolor	Moonshine worm	10 or 250 ml container
Plagusia chabrus	Cape/red rock crab	15
Polybrachiorhynchus dayi	Tapeworm/ribbon worm	10 or 250 ml container
Scylla serrata	Mud/mangrove/Knysna crab	6
Pyura stolonifera	Red bait	2 kg without shell
Gunnarea capensis	Coral worm/Cape reef worm	10 or 250 ml container
Solen capensis	Pencil bait	20
Solen cylindricus	Pencil bait	20
Oxystele sinensis	Periwinkle / Pink-lipped topshell	50
Turbo cidaris cidaris	Smooth turban shell	50
Turbo sarmaticus	Alikreukel	5

ANNEXURE 3

PROHIBITED SPECIES LIST		
Scientific Name	**Common Names**	**Bag Limit**
FISH		
Carcharhinus leucas	Zambezi shark	0
Galeocerdo cuvier	Tiger shark	0
Carcharodon carcharias	White shark	0
Carcharius taurus	Spotted ragged-tooth	0
Rhynchobatus djiddensis	Giant sandshark/guitarfish	0
Epinephelus lanceolatus	Brindlebass	0
Epinephelus tukula	Potato bass	0
Petrus rupestris	Red steenbras	0
Polysteganus undulosus	Seventy-four	0
Sphyrna lewini	Scalloped Hammerhead	0
Sphyrna zygaena	Hammerhead shark	0
Triakis megalopterus	Spotted gullyshark	0
INVERTEBRATES		
Haliotis midae	Abalone/perlemoen	0
Haliotis spadicea	Siffie	0

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IMPORTANT *Reminder*

from Government Printing Works

Dear Valued Customers,

As part of our preparation for eGazette Go Live on 9 March 2015, we will be suspending the following existing email addresses and fax numbers from **Friday, 6 February**.

Discontinued Email addresses	Discontinued Fax numbers
GovGazette&LiquorLicense@gpw.gov.za	+27 12 334 5842
Estates@gpw.gov.za	+27 12 334 5840
LegalGazette@gpw.gov.za	+27 12 334 5819
ProvincialGazetteGauteng@gpw.gov.za	+27 12 334 5841
ProvincialGazetteECLPMPNW@gpw.gov.za	+27 12 334 5839
ProvincialGazetteNCKZN@gpw.gov.za	+27 12 334 5837
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To submit your notice request, please send your email (with Adobe notice form and proof of payment to submit.egazette@gpw.gov.za or fax +27 12-748 6030.

Notice requests not received in this mailbox, will **NOT** be processed.

Please **DO NOT** submit notice requests directly to your contact person's private email address at GPW – Notice requests received in this manner will also **NOT** be processed.

GPW does not accept responsibility for notice requests submitted through the discontinued channels as well as for the quality and accuracy of information, or incorrectly captured information and will not amend information supplied.

Thank you!

For any queries, please contact the eGazette Contact Centre.

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