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**GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS**

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**DEPARTMENT OF ENVIRONMENTAL AFFAIRS**

**NO. R. 477**

**30 MAY 2017**

**NATIONAL ENVIRONMENTAL MANAGEMENT: BIODIVERSITY ACT, 2004  
(ACT NO. 10 OF 2004)**

**THREATENED OR PROTECTED MARINE SPECIES REGULATIONS**

I, Bomo Edith Edna Molewa, Minister of Environmental Affairs, hereby make regulations relating to listed threatened or protected marine species in terms of section 97(1)(b), (dA), (f), (fA), (g) and (h) of the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004), as set out in the Schedule hereto.



**BOMO EDITH EDNA MOLEWA  
MINISTER OF ENVIRONMENTAL AFFAIRS**

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**CHAPTER 1**  
**INTERPRETATION AND PURPOSE OF THESE REGULATIONS**

**Definitions**

- 1. (1) In these Regulations, unless the context indicates otherwise, a word or expression or any derivative or other grammatical form of such word or expression to which a meaning has been

assigned in sub-regulation (1) or in the Biodiversity Act, has the corresponding meaning, unless the context indicates otherwise, and—

**“applicant”** means a person who has applied for a permit or for registration in accordance with the provisions of these Regulations;

**“attract”** means to feed, chum or bait, or to use any other means, method or device to lure a live specimen of a listed threatened or protected marine species;

**“Biodiversity Act”** means the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004);

**“biodiversity survey”** means a scientific study of biodiversity in a given area to assess the species composition of the ecosystem(s) in that particular area;

**“boat-based whale and dolphin watching”** means approaching whales closer than 300 meters, from a boat-based whale and dolphin watching vessel, and includes the advertising of such activity;

**“boat-based whale and dolphin watching vessel”** means a vessel that is certified by SAMSA as suitable and safe for boat-based whale and dolphin watching;

**“bred in captivity”** means a specimen that was bred and born in a controlled environment;

**“bycatch”** means a specimen or number of specimens of a listed threatened or protected marine species that is accidentally caught, while fishing for a target species for which target species a permit has been issued in terms of the Marine Living Resources Act;

**“captive breeding facility”** means a facility that is a controlled environment, where specimens of a listed threatened or protected marine animal species are bred and born with the intent to grow the population of such species;

**“CAS number”** means the number allocated to a case docket when a criminal investigation is registered with the South African Police Services;

**“chum or chumming”** means scenting or using pieces of an animal weighing less than 10 grams, in the water to lure a live specimen of a listed threatened or protected marine species;

**“CITES”** means the Convention on International Trade in Endangered Species of Wild Fauna and Flora;

**“CITES Regulations”** means the Convention on International Trade in Endangered Species of Wild Fauna and Flora Regulations, promulgated in terms of section 97 of the Biodiversity Act;

**“colony”** means a location on land or an island—

- (a) used for breeding by a specimen of a listed threatened or protected seal or seabird species; or
- (b) where seabirds of the same species aggregate for moulting, or where seals can be found year round;

but excludes locations where specimens are held in captivity;

**“commercial purposes”** means carrying out a restricted activity with the primary purpose of obtaining economic benefit, including profit in cash or in kind, and is directed towards exchange for economic use or benefit, or any other form of economic use or benefit;

**“conservation status”** means the regional or global conservation status of a listed threatened or protected marine species based on the IUCN Red List categories and criteria;

**“controlled environment”** means an enclosure that is of insufficient size for a specimen or a group of specimens of a listed threatened or protected marine species to be self-sustainable, and designed to hold such specimen or specimens in a manner that—

- (a) prevents it from escaping; and
- (b) requires intensive human intervention or manipulation in the form of the provision of—
  - (i) food or water, or both;
  - (ii) artificial housing; or
  - (iii) health care;

and may facilitate the intensive breeding or propagation of specimens of a listed threatened or protected marine species;

“**DNA certificate**” means a certificate issued in relation to the genotyping of a particular specimen of a listed threatened or protected marine species;

“**DNA sample**” means a blood or tissue sample of a specimen of a listed threatened or protected marine species;

“**exhibition facility**” means a facility, including but not limited to, a circus, zoological garden, aquarium and travelling exhibition, that keeps specimens of listed threatened or protected marine species for public display or performance purposes, or for the purpose of facilitating any kind of interaction between humans and live specimens of such listed species;

“**feed**” means to supply food or other objects which will be perceived as food by a specimen of a listed threatened or protected marine species;

“**free dive**” means to swim or dive in the vicinity of white sharks without the protection of a cage, with or without diving equipment or gear;

“**freight agent**” means a person who conducts a business relating to the importing, exporting or re-exporting of specimens of listed threatened or protected marine species;

“**genotyping**” means the process of determining or analyzing the DNA profile of a specimen of a listed threatened or protected marine species;

“**harassing**” means behaviour or conduct that threatens, disturbs or torments a live specimen of a listed threatened or protected marine species, and includes—

- (a) the insertion or attachment of a tag or other device to a listed threatened or protected marine species;
- (b) in the case of a whale, approaching a whale with a vessel or aircraft closer than 300 meters;
- (c) in the case of a white shark, approaching a white shark predating on natural prey with a vessel or aircraft closer than 80 meters;
- (d) in the case of turtles, photographing or shining a light at a turtle at night, climbing on, touching or flipping over a turtle or digging up turtle nests or eggs;
- (e) in the case of dolphins, driving through a school of dolphins;

- (f) in the case of seals and sea birds, approaching a colony with a vessel closer than 15 meters or any person approaching a colony closer than 5 meters;
- (g) in the case of seabirds, disturbing, digging up or destroying nests or eggs, and
- (h) in the case of a whale shark and a basking shark, approaching a whale shark or basking shark closer than 20 meters;

and harassment has a corresponding meaning;

**“hybridization”** means the cross-breeding of individuals from different—

- (a) genera;
- (b) species; or
- (c) sub-species of the same species;

**“introduced population”** means a population of a listed threatened or protected marine species that has been introduced by humans, whether deliberately or accidentally, in an area that falls outside the natural distribution range of such species;

**“listed threatened or protected marine species”** means the marine species listed in terms of section 56 of the Biodiversity Act;

**“management plan”** means a—

- (a) management plan referred to in section 41 of the National Environmental Management: Protected Areas Act, 2003 (Act No. 57 of 2003);
- (b) biodiversity management plan developed in terms of section 43 of the Biodiversity Act;
- (c) management plan developed in terms of any applicable norms and standards; or

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

**“mark”** means an indelible imprint, micro-chip or any other recognized or prescribed means of uniquely identifying a specimen of a listed threatened or protected marine species;

**“National Environmental Management Act”** means the National Environmental Management Act, 1998 (Act No. 107 of 1998);

“**national Appeal Regulations**” means the Appeal Regulations promulgated in terms of section 44(1)(a) of the National Environmental Management Act;

“**natural distribution range**” means the known or inferred area in which a specimen of a listed threatened or protected marine species occurs naturally, or has previously occurred, without having been introduced into such area as a direct or indirect result of human intervention;

“**norms and standards**” means any national norms and standards issued in terms of the National Environmental Management Act or any other specific environmental management Act;

“**owner of land**” means—

- (a) the person registered in a deeds registry as the owner of the land;
- (b) the *bona fide* purchaser of land, prior to the registration of the deed of transfer in his name, but after the contract of sale has been concluded, to the exclusion of the person contemplated in paragraph (a);
- (c) the authorised representative of the person contemplated in paragraph (a) or (b);
- (d) the person designated in writing as the owner of such land by an association, where the legal title thereto is vested in an association, whether corporate or non-corporate;
- (e) the management authority of a protected area;
- (f) any organ of state responsible for land that is not a protected area;
- (g) the occupier or lessee of land, in terms of a written agreement with the person contemplated in paragraph (a), (b), (d) or (f);
- (h) the person in whom the administration of such land is vested as executor, trustee, assignee, curator, liquidator or judicial manager, as the case may be, where the owner as contemplated in paragraph (a) or (b) is dead or insolvent, or has assigned his or her estate for the benefit of his/ her creditors or has been placed under curatorship by order of court or is a company being wound up or under judicial management;
- (i) the lawful heir of the person contemplated in paragraph (a) or of the purchaser contemplated in paragraph (b), as the case may be, at the death of such person or purchaser or, where the land is subject to a usufruct, the usufructuary; or
- (j) a person or authority in control of communal land;

“**person**” means a natural or juristic person, and includes a trust;

**“personal effects permit”** means a permit—

- (a) issued by the issuing authority and purchased by a registered wildlife products trader in accordance with the previous Regulations; and
- (b) that authorises any other person to purchase a dead specimen of a listed threatened or protected marine species from such registered wildlife products trader for non-commercial purposes, including to convey and possess such specimen subsequent to the purchase, or to export such specimen from the Republic subsequent to the purchase, during the validity period of the personal effects permit;

**“previous Regulations”** means—

- (a) Management of Boat Based Whale Watching and Protection of Turtles Regulations, 2008, published in Government Notice No. 725, *Government Gazette* No. 31212 of 4 July 2008;
- (b) Regulations for the Management of White Shark Cage Diving, 2008, published in Government Notice No. 724, *Government Gazette* No. 31211 of 4 July 2008; and
- (c) the Threatened or Protected Species Regulations, 2007, published in Government Notice No. 152, *Government Gazette* No. 29657 of 23 February 2007, as amended insofar as they relate to marine species only;

**“provincial conservation authority”** means the provincial department or provincial organ of state responsible for the conservation of biodiversity in a province;

**“quarantine purposes”** means for the purpose of prohibiting physical contact with specimens of listed threatened or protected marine species, preventing disease transmission and avoiding aerosol and drainage contamination;

**“registered”** means registered in terms of these Regulations;

**“rehabilitation facility”** means a facility equipped for the temporary keeping of a live—

- a) sick or injured specimen for the purpose of providing treatment of and care to such specimen;  
or
  - b) young orphan specimen for rearing purposes;
- with the overall intent to release such specimen, but excludes a veterinarian’s practice or a veterinary academic hospital;



“**risk assessment**” means a risk assessment requested by an issuing authority in terms of section 89 of the Biodiversity Act;

“**SAMSA**” means the South African Maritime Safety Authority established in terms of section 2 of the South African Maritime Safety Authority Act, 1998 (Act No. 5 of 1998);

“**SANBI**” means the South African National Biodiversity Institute established in terms of section 10 of the Biodiversity Act;

“**sanctuary**” means a facility that provides permanent care to a specimen of a listed threatened or protected marine species that would be unable to sustain itself if released into the wild, whether as a result of injury or on account of human imprinting;

“**Scientific Authority**” means the Scientific Authority established in terms of section 60 of the Biodiversity Act;

“**scientific institution**” means—

- (a) a component of an organ of state, or a non-governmental institution, involved in research;
- (b) a research unit, department or faculty of a tertiary institution; or
- (c) a herbarium, botanical garden, museum or any other institution where specimens of a listed threatened or protected marine species are kept or used for research, scientific information or identification purposes;

“**scientific purposes**” means carrying out a restricted activity with the primary purpose of practicing science or conducting research;

“**selling**” means to exchange for benefit in cash or in kind, and includes bartering, or giving or offering in exchange, or offering or presenting for sale, and buying shall be construed accordingly;

“**stock book**” means an inventory register for the keeping of records of specimens of listed threatened or protected marine species acquired, held in stock and disposed of;

“**studbook**” means a collaborative species management programme in respect of the pedigree and demographic history of specimens of the listed threatened or protected marine species to which such a programme relates;

“**taxidermist**” means a person who—

- (a) treats, prepares or mounts a skin, horn or other derivative of a specimen of a listed threatened or protected marine animal species; or
- (b) who transforms a skin, horn or other derivative of a specimen of a listed threatened or protected marine animal species into a curio;

“**temporary holding facility**” means a facility equipped for the temporary keeping of live specimens of a listed threatened or protected marine animal species for quarantine or translocation purposes, including a boma, with the overall intent to release such specimens, but excludes rehabilitation facilities;

“**these regulations**” includes the species list of listed threatened or protected marine species;

“**trade**” means to import into the Republic, export from the Republic, sell, exchange, purchase, receive, accept as a gift, give, donate, or to acquire or dispose of in any way, a specimen of a listed threatened or protected marine species within the Republic;

“**translocation**” means the process of capturing a specimen of a listed threatened or protected marine animal species at a particular location, the conveying or transporting of such specimen and the release of the specimen in another location;

“**veterinarian**” means a person registered with the South African Veterinary Council to operate as such;

“**white shark cage diving**” means the attraction of a white shark by chumming to observe a free-swimming white shark from within a protective cage submerged from a vessel or viewing such white shark from a vessel, and includes the advertising of such activity; and

“**white shark cage diving vessel**” means a vessel that is certified by SAMSA as suitable and safe for white shark cage diving;

“**wildlife auctioneer**” means a person who acts as an agent or who facilitates a commercial transaction between the seller and the purchaser of a specimen of a listed threatened or protected marine species;

“**wildlife trader**” means a person who conducts or engages in the business of sourcing and acquiring, or purchasing and selling, a live specimen of a listed threatened or protected marine animal species for commercial purposes, and includes a wildlife auctioneer but excludes a—

- (a) hunting outfitter;
- (b) wildlife translocator; and
- (c) exhibition facility;

“**wildlife products trader**” means a person who conducts or engages in the business of sourcing and acquiring, or purchasing and selling, a dead specimen of a listed threatened or protected marine animal species for commercial purposes, but excludes a taxidermist and a wildlife auctioneer;

“**wildlife translocator**” means a person who transports, conveys or otherwise translocates a live specimen of a listed threatened or protected marine animal species for commercial purposes on behalf of another person, and may include the purchasing, selling or temporary possession of such live specimen;

“**wild population**” means a group or collection of wild specimens of the same listed threatened or protected marine species;

## 2. Purpose and application of these Regulations

- (1) The purpose of these Regulations is to—
  - (a) further regulate the permit system set out in Chapter 7 of the Biodiversity Act insofar that such system applies to restricted activities involving specimens of listed threatened or protected marine species;
  - (b) provide for the registration and regulation of the following persons and facilities in respect of listed threatened or protected marine species—
    - (i) captive breeding facilities;
    - (ii) rehabilitation facilities;
    - (iii) sanctuaries;

- (iv) temporary holding facilities;
    - (vi) exhibition facilities; and
    - (vii) wildlife translocators;
  - (c) regulate the manner in which specific restricted activities may be carried out;
  - (d) prohibit the manner in which specific restricted activities may be carried out;
  - (e) provide for the regulation of boat-based whale and dolphin watching, and for white shark cage diving; and
  - (f) provide for the recognition of associations or organisations.
- (2) These Regulations apply to the carrying out of restricted activities involving specimens of marine species that have been listed as threatened or protected in terms of section 56 of the Biodiversity Act.
- (3) These Regulations must be applied alongside with—
- (a) the species listing notice;
  - (b) the CITES Regulations as far as it relates to the import, export, re-export or introduction from the sea, of specimens of listed threatened or protected marine species
  - (c) the AIS Regulations as far as it relates to the import of a specimen of a listed threatened or protected marine species; and
  - (d) any applicable norms and standards.
- (4) A person who has obtained a permit or a registration in terms of the Biodiversity Act or terms of these Regulations, is not absolved from having to obtain a permit or authorization in terms of any other applicable legislation.
- (5) When the nomenclature of a listed threatened or protected marine species is revised, the original species name will remain listed until the list is updated, and these Regulations will apply to all specimens that fitted the description at the time of listing even if a new scientific name is applied to the species or populations of the species.

### **3. Activities prescribed as restricted activities**

In addition to those activities defined in terms of section 1 of the Biodiversity Act as restricted activities, the following activities are hereby prescribed as restricted activities in respect of specimens of listed threatened or protected marine species—

- (a) harassing a specimen of a listed threatened or protected marine species;
- (b) attracting a live specimen of a listed threatened or protected marine species;
- (c) release of a live specimen of a listed threatened or protected marine species;
- (d) boat-based whale and dolphin watching;
- (e) white shark cage diving; and
- (f) feeding.

## CHAPTER 2

### PERMIT SYSTEM FOR LISTED THREATENED OR PROTECTED MARINE SPECIES

#### Part 1

#### Application for permits

#### 4. Carrying out a restricted activity

- (1) A person may carry out a restricted activity involving a specimen of a listed threatened or protected marine species, only if he or she is the holder of a permit issued—
  - (a) in accordance with Chapter 7 of the Biodiversity Act, and
  - (b) in accordance with these Regulations;unless the Minister has exempted the carrying out of such restricted activity involving such specimen in terms of section 57(4) of the Biodiversity Act.
- (2) A person contemplated in sub-regulation (1) requires a permit to carry out a restricted activity even if—
  - (a) he or she has been granted written permission by—
    - (i) the owner of land or property where the restricted activity will be carried out, or
    - (ii) the owner of the specimen in respect of which the restricted activity will be carried out; and
  - (b) the owner contemplated in paragraph (a) is in possession of a permit to carry out such restricted activity himself or herself.

**5. Types of permits**

The carrying out of a restricted activity may be authorised in terms of any of the following types of permits:

- (a) an ordinary permit contemplated in regulation 6;
- (b) a standing permit contemplated in regulation 7;
- (c) a boat-based whale and dolphin watching permit contemplated in regulation 67; or
- (d) a white shark cage diving permit contemplated in regulation 68.

**6. Ordinary permits**

- (1) An ordinary permit may be issued for the—
  - (a) once-off carrying out of a restricted activity, or a combination of restricted activities, involving one or more specimens of one or more listed threatened or protected marine species; or
  - (b) continuous carrying out of a restricted activity, or a combination of restricted activities, for a maximum period of 12 months, involving one or more specimens of one or more listed threatened or protected marine species.
  
- (2) A specific kind of ordinary permit, namely a permanent possession permit, may be issued, to authorise the possession of a specimen of a listed threatened or protected marine species that is a personal belonging and that is not intended for commercial use, and may, on discretion of the issuing authority, include the conveyance of such specimen.

**7. Standing permits**

- (1) A standing permit may be issued to authorise the continuous carrying out of a restricted activity, or a combination of restricted activities, involving one or more specimens of one or more listed threatened or protected marine species.
  
- (2) A standing permit may be issued without prior registration to—
  - (a) an official of an organ of state, for the carrying out of restricted activities in the official performance of his or her duties, whether on private land or on land under the jurisdiction of such organ of state;

- (b) the management authority of a protected area, for the carrying out of restricted activities within the protected area, that are necessary for the management of listed threatened or protected marine species; or
  - (c) an official of the National Council of Societies for the Prevention of Cruelty to Animals, in the official performance of his or her duties;
  - (d) a wildlife trader;
  - (e) a wildlife products trader;
  - (f) a taxidermist; or
  - (g) a freight agent.
- (3) A standing permit may only be issued for the following facilities or to the following persons, as the case may be, upon prior registration—
- (a) a captive breeding facility, necessary for the purpose for which that captive breeding facility is registered;
  - (b) a rehabilitation facility, sanctuary or temporary holding facility, for the carrying out of restricted activities for the purpose for which the rehabilitation facility, sanctuary or temporary holding facility is registered;
  - (c) an exhibition facility, for the purpose for which the exhibition facility is registered; or
  - (d) a wildlife translocator, for restricted activities associated with the translocation of live specimens.

## Part 2

### Permit application procedure

#### 8. Application for a permit

- (1) A person may apply for a permit by using an application form—
- (a) as set out in Annexure 1 to these Regulations; or
  - (b) provided by the issuing authority that contains, as a minimum and to the extent applicable, the information contemplated in Annexure 1.
- (2) A person applying for a permit must pay the applicable permit processing fee as set out in Annexure 3 to these Regulations.

- (3) Notwithstanding sub-regulation (2), payment of the applicable permit processing fee does not apply to an organ of state.
- (4) An application referred to in sub-regulation (1) must be accompanied by—
  - (a) a certified copy of the identity document or passport of the person who will be carrying out the restricted activity;
  - (b) written consent, if required in terms of regulation 10 of these Regulations;
  - (c) proof of payment of the applicable processing fee contemplated in sub-regulation (2);
  - (d) a risk assessment, if required in terms of regulation 13 of these Regulations;
  - (e) an identification of risk factors, if required in terms of these Regulations;
  - (f) if the person contemplated in sub-regulation (1) is a juristic person, a list of names of the natural persons in the employment of such juristic person, who will be carrying out the restricted activities (to the extent possible);
  - (g) an approved management plan, if required;
  - (h) in the case of an application for a standing permit, a certified copy of the relevant registration certificate issued in terms of these Regulations; and
  - (i) in the case of an application for a permit to possess a specimen of a listed threatened or protected marine species, proof of legal acquisition.

#### **9. Submission of permit applications**

Permit applications may be submitted—

- (a) electronically;
- (b) by post; or
- (c) delivered by hand.

#### **10. Additional information required for certain applications**

- (1) If the person contemplated in regulation 8(1) intends to carry out the restricted activity, or activities, on land of which he or she is not the owner, the applicant must—
  - (a) in the case of a listed critically endangered marine species, obtain the written consent from the owner of land where the restricted activity will be carried out, and submit such consent together with the application form contemplated in regulation 8 of these Regulations; and



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- (b) in the case of a listed endangered, vulnerable or protected marine species, obtain the written consent from the owner of land where the restricted activity will be carried out, prior to carrying out of such restricted activity.
- (2) Notwithstanding sub-regulation (1)(a), written consent in relation to a biodiversity survey involving a critically endangered marine species may be obtained from the owner of land where such biodiversity survey will be conducted, after the permit to which the application relates has been issued but prior to the conducting of such biodiversity survey.
- (3) If the applicant is a juristic person, the application form must be accompanied by the necessary written consent from such juristic person to authorise the person applying for the permit on behalf of such juristic person.
- (4) Sub-regulation (1) does not apply if the restricted activity, or activities, as the case may be, is carried out for enforcement purposes.
- (5) If the application relates to a permit in respect of a wildlife trader, taxidermist or freight agent, the following documentation and information must be submitted together with the application form—
- (a) documentation indicating legal acquisition of the specimens involved;
  - (b) current and anticipated stock to be kept;
  - (c) past, current and anticipated turnover of stock;
  - (d) information relating to record keeping; and
  - (e) security measures to prevent the escape of specimens, , or the theft of specimens.
- (6) If the application relates to a permit in respect of a rehabilitation facility, the applicant must submit a rehabilitation plan together with the application form.
- (7) The rehabilitation plan must, as a minimum, include the following information in respect of each listed threatened or protected marine species kept in the rehabilitation facility—
- (a) life stage of specimen to be released;
  - (b) season of release;

- (c) information on possible areas and sites where specimens will be released; and
- (d) any other information deemed relevant by the issuing authority.

(8) In addition to the information contemplated in this regulation, the issuing authority may request any other relevant information it deems necessary, in terms of section 88 of the Biodiversity Act.

**11. Restricted activities requiring the collection of DNA samples for genotyping**

- (1) The genotyping of a specimen of a listed threatened or protected marine species is required in relation to—
  - (a) a studbook contemplated in regulation 25(1);
  - (b) the translocation of such specimen from any particular property, where it was kept together with a specimen of another species with which it was likely to hybridize;
  - (c) the importation of a live specimen;
  - (d) if required in terms of a non-detriment finding made by the Scientific Authority.
- (2) The issuing authority may, if it deems necessary, require the genotyping of a specimen of a listed threatened or protected marine species to be done for any purpose other than the circumstances contemplated in sub-regulation (1), at the cost of the applicant, before a permit is issued.
- (3) A copy of the DNA certificate issued in respect of the genotyping contemplated in sub-regulation (1) or (2) must be made available, upon request, to the issuing authority.
- (4) The genotyping contemplated in sub-regulation (1) or (2) must be done by a scientific institution.

**12. Compulsory marking of specimens**

The breeding stock and offspring of specimens of listed threatened or protected marine species in captive breeding facilities must be marked in accordance with the method as may be determined by the issuing authority.

**13. Restricted activities requiring a risk assessment**

- (1) Before issuing a permit, the issuing authority must require a risk assessment for—
  - (a) restricted activities involving wild specimens of listed critically endangered marine species;
  - (b) restricted activities carried out in ecosystems listed as critically endangered in terms of section 52 of the Biodiversity Act; or
  - (c) release of a captive-bred or artificial propagated specimen of a listed threatened or protected marine species into a national protected area.
  
- (2) The issuing authority may require a risk assessment prior to the consideration of an application for the renewal of a permit, if the conservation status of the species to which such application relates, has deteriorated.
  
- (3) Notwithstanding sub-regulation (1), a risk assessment is not required for the carrying out of the restricted activities in the circumstances contemplated in sub-regulation (1) if,—
  - (a) the restricted activity is carried out for conservation purposes by an official of—
    - (i) the Department or a provincial conservation authority;
    - (ii) the management authority of a national, provincial or local protected area, on land under its jurisdiction; or
    - (iii) SANBI;
  - (b) a biodiversity management plan has been developed for a listed critically endangered marine species, and such biodiversity management plan contains all the information contemplated in regulation 14(2); or
  - (c) a risk assessment has been conducted previously, and the risks identified by such risk assessment have not changed.

#### **14. Risk assessment report**

- (1) The person carrying out a risk assessment contemplated in regulation 13 of these Regulations must submit a risk assessment report thereafter to the issuing authority, prior to the consideration of the application.
  
- (2) The risk assessment report contemplated in sub-regulation (1) must, as a minimum, include the following—

- (a) most recent ecological information regarding the relevant listed threatened or protected marine species, including—
  - (i) the taxonomy of the species, including the class, order, family, scientific name (genus, species and sub-species), scientific synonyms and common names of the species;
  - (ii) its conservation status;
  - (iii) the population status and trends of the species, including—
    - (aa) its current national and local population status, including abundance and distribution;
    - (bb) the size of its local population which will be affected by the restricted activity to which the application applies; and
    - (cc) its national and local population trends;
  - (iv) the geographic distribution and trends of the species, including—
    - (aa) the distribution of the natural population;
    - (bb) the distribution of any translocated and introduced populations; and
    - (cc) the geographic distribution trends;
  - (v) the requirements of the species with respect to habitat and climate;
  - (vi) the role of the species in its ecosystem, taking into account—
    - (aa) whether the species is a keystone or indicator species;
    - (bb) the level of the species in the food-chain; and
    - (cc) the functions that the species performs in its ecosystem; and
  - (vii) the major threats affecting the species nationally and locally;
- (b) information regarding the restricted activity to which the application applies, including—
  - (i) the nature of the restricted activity;
  - (ii) the reason for the restricted activity;
  - (iii) where the restricted activity is to be carried out;
  - (iv) the gender, age and number of the specimens of the species involved; and
  - (v) the intended destination of the specimens, if they are to be translocated;
- (c) any regulations, policies, norms and standards, biodiversity management plans, non-detriment findings or international agreements binding on the Republic which may be applicable to the application;

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- (d) the potential risks associated with the restricted activity to the particular listed threatened or protected marine species and a specific population of such species or to any other species or ecosystems, including—
    - (i) degradation and fragmentation of the habitat of the species;
    - (ii) creation of a significant change in an ecosystem caused by the removal or addition of keystone species;
    - (iii) over-exploitation of a species;
    - (iv) hybridization;
    - (v) out-breeding; and
    - (vi) introduction of disease;
  - (e) evaluation of the risk identified under paragraph (d) in terms of—
    - (i) the likelihood of the risk being realized; and
    - (ii) the severity of the risk and consequences of the realization of the risk for the particular species as well as for other species, habitats and ecosystems;
  - (f) any management measures that must be applied to minimize potential risks;
  - (g) management of potential risks; and
  - (h) any other information as the issuing authority may determine.
- (3) In addition to the information contemplated in sub-regulation (2), the risk assessment report must contain the following details—
- (a) the personal details and qualifications of the person carrying out the risk assessment;
  - (b) key economic, social and ecological considerations that will guide a decision on whether to issue a permit;
  - (c) a recommendation on whether or not a permit should be issued; and
  - (d) any conditions or control measures that should apply if a permit is to be issued.
- (4) The applicant must appoint the person who will be carrying out the risk assessment, at own cost, to provide the information required in sub-regulations (2) and (3).
- (5) The applicant must—

- (a) take all reasonable steps to verify whether the person who will be carrying out the risk assessment complies with the requirements of regulation 15 of these Regulations; and
- (b) provide the person who will be carrying out the risk assessment with access to all information at the disposal of the applicant regarding the application, whether or not such information is favorable to the applicant.

**15. General requirements applicable to the person who will be carrying out a risk assessment**

- (1) The person who will be carrying out a risk assessment contemplated in regulation 13 of these Regulations must—
  - (a) be independent;
  - (b) have adequate knowledge of—
    - (i) the Biodiversity Act;
    - (ii) these Regulations;
    - (iii) any norms and standards and guidelines that have relevance to the application; and
    - (iv) the species concerned, or alternatively must consult with an expert on the species concerned when conducting the risk assessment;
  - (c) be a scientist with expertise in—
    - (i) biodiversity matters; and
    - (ii) conducting risk assessments;
  - (d) conduct the risk assessment to which the application relates in an objective manner, even if such risk assessment result in views and findings not favorable to the applicant;
  - (e) comply with any applicable legal requirements;
  - (f) take into account, to the extent applicable, the matters contemplated in regulation 8 of these Regulations when carrying out the risk assessment and preparing any report relating to the application; and
  - (g) disclose to the applicant and the issuing authority all material information in his or her possession that reasonably has or may have the potential of influencing—
    - (i) any decision to be taken by the issuing authority in terms of these Regulations with respect to the permit application; or

- (ii) the objectivity of the risk assessment.
- (2) In the case where the risk assessment was carried out by a person who is registered as a candidate natural scientist or certified natural scientist in terms of the Natural Scientific Professions Act, 2003 (Act No. 27 of 2003), or the report was compiled by such person, the report must also be signed off by the registered professional natural scientist under whose supervision and control such person has performed his or her work.

#### **16. Disqualification of the risk assessment report**

- (1) If the issuing authority at any stage of considering an application has reason to believe that the person who carried out the risk assessment has not complied with the requirements of regulation 15 of these Regulations in respect of the application, the issuing authority—
  - (a) may disqualify the risk assessment report;
  - (b) must notify the applicant and the person who carried out the risk assessment—
    - (i) of the disqualification of the risk assessment report and provide reasons for such disqualification; and
    - (ii) that the application is suspended until the matter is resolved; and
  - (c) afford the applicant and the person who carried out the risk assessment an opportunity to make written representations to the issuing authority regarding the independence of the person who carried out the risk assessment.
- (2) An interested and affected party may notify the issuing authority of suspected non-compliance with regulation 15 of these Regulations by the person carrying out the risk assessment.
- (3) The notification contemplated in sub-regulation (2) must be submitted in writing to the issuing authority and must contain documentation supporting the allegation that is referred to in such notification.

- (4) Where an interested and affected party notifies the issuing authority of suspected non-compliance with regulation 15 of these Regulations, the issuing authority must investigate the allegation.
- (5) If, after considering the notification and supporting documentation contemplated in sub-regulation (3), the issuing authority is unconvinced of compliance with regulation 15 of these Regulations by the person carrying out the risk assessment, the issuing authority must, in writing, inform the applicant and such person accordingly and may—
  - (a) refuse to accept any further reports or input from such person in respect of the application in question; and
  - (b) request the applicant to—
    - (i) commission, at own cost, an external review by an independent person or persons of any reports prepared or processes conducted by the person who carried out the risk assessment in connection with the application;
    - (ii) redo any specific aspects of the work done by the previous person who carried out the risk assessment in connection with the application; and
    - (iii) complete any unfinished work in connection with the application or take such action as the issuing authority requires remedying the defects.

**17. Identification of risk factors**

- (1) The issuing authority may require an identification of risk factors as it deems necessary.
- (2) The identification of risk factors contemplated in sub-regulation (1) must include, as a minimum, the following information—
  - (a) to the extent applicable, the registered name and number of the land, onto which a specimen of a listed threatened or protected marine species is to be released;
  - (b) to the extent applicable, a list of indigenous species already occurring on the land onto which, or the waters into which, a specimen of a listed threatened or protected marine species is to be released;
  - (c) to the extent applicable, the fencing specifications of the land onto which the specimen of a listed threatened or protected marine species is to be released;



- (d) the potential risks associated with the conveyance, movement or translocation of the specific specimen, to any other species or ecosystems, or to humans, including—
    - (i) degradation and fragmentation of the habitat of the species;
    - (ii) hybridization of species;
    - (iii) spreading disease; and
    - (iv) human safety;
  - (e) evaluation of the risk identified under paragraph (d) in terms of—
    - (i) the likelihood of the risk being realized; and
    - (ii) the severity of the risk and consequences of the realization of the risk for the particular species as well as for other species, habitats and ecosystems;
  - (f) any management measures that have been implemented to minimize potential risks;
  - (g) how permissible restricted activities will be carried out to prevent or minimize potential risks;
  - (h) written consent from neighboring owners of land, if applicable; and
  - (i) any other information as the issuing authority may deem necessary.
- (3) The identification of risk factors may be done by any person, provided that such person has sufficient knowledge of the Biodiversity Act and biodiversity matters.

### Part 3

#### Consideration of permit applications

##### 18. Request by issuing authorities for additional information

- (1) If the issuing authority requires additional information in relation to a permit application, the issuing authority must request the applicant in terms of section 88(2)(a) of the Biodiversity Act, to furnish it with such additional information within 90 working days of such request.
- (2) If the additional information requested by the issuing authority in terms of sub-regulation (1) is not submitted to the issuing authority within 90 working days of such

request, the issuing authority may deem the application to have been withdrawn, and must inform the applicant accordingly.

**19. Factors to be taken into account by issuing authorities when considering permit applications**

- (1) When considering a permit application, an issuing authority must consider—
  - (a) all the information and documentation submitted by the applicant to the issuing authority in connection with the application, and
  - (b) any applicable legal requirements.
  
- (2) The issuing authority must, in addition to the provisions of sub-regulation (1) and to the extent applicable, also take into account—
  - (a) whether the species to which the application relates is listed in terms of section 56 of the Biodiversity Act as a critically endangered species, an endangered species, a vulnerable species or a protected species;
  - (b) whether the species to which the application relates is an alien species;
  - (c) the conservation status of the species;
  - (d) whether the application involves a species that will be introduced to, or taken or removed from, a wild population;
  - (e) whether the restricted activity applied for is regulated in terms of regulations 63 and 64 of these Regulations;
  - (f) whether the restricted activity is prohibited in certain circumstances in accordance with these Regulations;
  - (g) whether an environmental impact assessment has been carried out in terms of the National Environmental Management Act, and if so, must consider the findings thereof;
  - (h) whether an environmental authorization has been issued in terms of the National Environmental Management Act, and if so, must consider the conditions thereof;
  - (i) whether the carrying out of the restricted activity, or not carrying out of such restricted activity, as the case may be, in respect of which the application is submitted is likely to have a negative impact on the survival of the relevant listed threatened or protected marine species;
  - (j) any applicable approved management plan;

- (k) whether the issuing authority has deferred a decision to issue a permit in terms of section 88 of the Biodiversity Act, or has refused, cancelled or suspended any other permits issued to the applicant in terms of sections 92A, 93 or 93B respectively, of the Biodiversity Act;
- (l) any recommendation or non-detriment finding made by the Scientific Authority in terms of section 61(1)(c) or (d) of the Biodiversity Act, regarding the application;
- (m) any advice provided by SANBI in terms of section 11(1)(c) of the Biodiversity Act;
- (n) any relevant information on the database that SANBI is required to keep in terms of section 11(1)(j) of the Biodiversity Act;
- (o) whether the restricted activity will be carried out in a facility, or by a person, contemplated in these Regulations, and whether such facility or such person is registered in accordance with these Regulations;
- (p) how the breeding in captivity of a specimen of a listed threatened or protected marine species to which the application relates, will contribute to the conservation of the particular species;
- (q) whether the restricted activity will be carried out in a threatened ecosystem or protected area;
- (r) whether the applicant has been convicted of an offence in terms of the Biodiversity Act;
- (s) any objections to the application; and
- (t) any other relevant factors.

#### **Part 4**

#### **Issuing of permits**

#### **20. Circumstances in which permits must be refused**

- (1) The issuing authority must refuse to issue a permit if the—
  - (a) applicant has not signed the application form;
  - (b) applicant has failed to pay the applicable processing fee as set out in Annexure 3 to these Regulations;
  - (c) application is not accompanied by the information contemplated in regulation 8(4) of these Regulations; or

- (d) the carrying out of a restricted activity is prohibited in terms of section 57(2) of the Biodiversity Act; or
  - (e) registration of a facility is compulsory in terms of Chapter 3 of these Regulations, and the facility to which the application relates is not registered.
- (2) In addition to the factors in sub-regulation (1), the issuing authority must refuse to issue a permit if the application relates to breeding in a sanctuary.
- (3) In addition to the factors contemplated in sub-regulation (1), the issuing authority must refuse to issue a permit if it relates to—
- (a) swimming with dolphins; or
  - (b) advertising an experience to swim with dolphins;
- whether or not it will be done for commercial purposes.

**21. Decision on permit applications and issuance of permits**

- (1) On receipt of an application submitted in terms of these Regulations, the issuing authority must consider and decide on the application within 30 working days of receipt of the application.
- (2) On receipt of the additional information requested in terms of regulation 18, the issuing authority must consider and decide on the application within 30 working days of receipt of the additional information.
- (3) If the decision of the issuing authority is to issue the permit subject to certain conditions, the issuing authority must—
- (a) give reasons for the decision to the applicant, if required by the applicant; and
  - (b) inform the applicant of his or her right to appeal against the decision and the appeal procedure to be followed in accordance with the national Appeals Regulations.
- (4) If the decision of the issuing authority is to refuse the application, the issuing authority must in addition to the requirement set out in terms of section 88(5) of the Biodiversity Act inform the applicant of his or her right to appeal against the decision of the issuing

authority and the appeal procedure to be followed in accordance with the national Appeal Regulations.

- (5) If the issuing authority is unable to comply with the timeframes contemplated in sub-regulations (1) and (2), the issuing authority must provide reasons in writing to the applicant, prior to the lapsing of such timeframe, as to why it is unable to comply with such timeframe.
- (6) Notwithstanding sub-regulation(1), the issuing authority may determine the timeframe for applications to which the genotyping of specimens of listed threatened or protected marine species relate, as contemplated in these Regulations.
- (7) The failure to make a decision within the prescribed time frames contemplated in sub-regulations (1) and (2) does not render the carrying out of the restricted activity, or restricted activities, as the case may be, by the applicant as lawful.
- (8) The issuing authority may issue a permit with retrospective effect if deemed necessary.

## **22. Contents of permits**

- (1) The issuing authority must issue a permit in the name of the person who will be carrying out the restricted activity.
- (2) A permit, must, to the extent applicable, contain the following information—
  - (a) The name, identity number or passport number, postal address and physical address of the person carrying out the restricted activity;
  - (b) the name of the issuing authority;
  - (c) the permit number and date of issue;
  - (d) particulars of the specimen in respect of which the permit is issued, including the scientific and the common name if any, of the species, sub-species or variation involved;
  - (e) particulars of the restricted activity in respect of which the permit is issued, including specific requirements relating to how the restricted activity may be carried out by the permit-holder;
  - (f) the number of specimens involved, and their sex (if applicable);

- (g) the markings of the specimen (where applicable);
  - (h) the period of validity;
  - (i) where applicable -
    - (i) the name and physical address of a person appointed by the applicant as an agent for purposes of obtaining the permit on the applicant's behalf;
    - (ii) the name and physical address of the consignee or consignor, in the case of an export or import permit;
    - (iii) the name and physical address of the seller or supplier, in the case of a permit authorising the purchase or acquisition of a specimen of a listed threatened or protected species;
    - (iv) the name and physical address of the person purchasing or acquiring the specimen of a listed threatened or protected marine species, in the case of a permit authorising the sale or supply of such a species;
    - (v) the location and other relevant particulars of the place where the restricted activity is to be carried out (where applicable);
    - (vi) in the case of a standing permit for a person or facility contemplated in these Regulations—
      - (aa) the physical address of the premises where the restricted activities will be carried out;
      - (bb) a unique registration number; and
  - (j) the specific conditions subject to which the permit is issued.
- (3) To the extent possible, if the permit is issued to a juristic person, all the names of the natural persons who will be carrying out the restricted activities authorised in the permit, must be listed in the permit.

**23. Compulsory permit conditions applicable to the holder of a permit**

- (1) If it is the decision of the issuing authority to issue a permit, such permit must be issued subject to the condition that the holder thereof—
- (a) may not transfer the permit to any other person;
  - (b) may not make any alteration to the permit, in which case the permit will be rendered invalid; and

- (c) is bound by any norms and standards that apply to the restricted activity or species for which the permit is issued, and that the permit-holder must act in accordance with those norms and standards when carrying out the restricted activity to which the permit applies.
- (2) In addition to the compulsory conditions contemplated in sub-regulation (1), all ordinary permits issued for the maximum period of validity, and all standing permits, must be issued subject to a condition that the permit-holder must—
- (a) keep a register containing the information contemplated in sub-regulation (3), and
  - (b) report such information in writing to the issuing authority—
    - (i) within 30 working days of the expiry of an ordinary permit; or
    - (ii) at the end of each calendar year for the period of validity of a standing permit, if it was issued for a period in excess of 12 months.
- (3) The register contemplated in sub-regulation (2)(a) must contain the following information—
- (a) the name of the permit-holder;
  - (b) the facility to which the registration applies (if applicable);
  - (c) the unique number to which the registration applies (if applicable);
  - (d) the restricted activity or activities that have been carried out in terms of the permit;
  - (e) the date on which the restricted activity or activities contemplated in paragraph (d) have been carried out;
  - (f) the common and scientific names of the species to which the restricted activity or activities contemplated in paragraph (d) relate;
  - (g) the number and sexes of specimens involved;
  - (h) the markings of specimens involved (if applicable);
  - (i) if the permit relates to purchasing, the name, physical address and permit number of the seller;
  - (j) if the permit relates to selling, the name, physical address and permit number of the purchaser; and

- (k) if the permit relates to the transport and export of a specimen, and to the extent applicable, the name and physical address of the person where the specimen has been transported or exported to.
- (4) In addition to the information contemplated in sub-regulation (3), the register must contain the following information in respect of a captive breeding facility—
- (a) evidence of legal acquisition of new stock acquired during the validity period of the permit,
  - (b) details of current stock, including the numbers, sex and age of offspring produced during the validity of the permit;
  - (c) mortalities (percentage and number) and sexes of specimens in the different age groups during the validity of the permit;
  - (d) past, current (during the validity of the permit) and expected annual production of offspring and, where possible, information on the number of females producing offspring each year, and
  - (e) plans for the disposal of offspring.

**24. Compulsory conditions applicable to captive breeding facilities, rehabilitation facilities, temporary holding facilities and exhibition facilities**

- (1) In addition to the conditions contemplated in regulation 23(1) and (2), a permit in respect of a captive breeding facility, rehabilitation facility, temporary holding facility or an exhibition facility must be issued subject to a condition that the permit-holder must—
- (a) prevent hybridisation and inbreeding;
  - (b) participate in any national or regional studbook approved by the department, including the—
    - (i) marking of specimens; and
    - (ii) collection of DNA samples for genotyping to determine the parental lineation;
  - (c) keep a stock book, in the case where a studbook for the species to which the permit relates, is not available;
  - (d) provide information contemplated in paragraphs (a), (b) and (c) in writing to the issuing authority prior to the expiry of the ordinary permit or standing permit;



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- (e) make the information contemplated in paragraph (d) available upon request to the issuing authority; and
  - (f) in the case of a captive breeding facility or exhibition facility that no specimens of the following listed threatened or protected marine species originating from wild populations may be introduced in an exhibition facility or captive breeding facility—
    - (i) dolphins;
    - (ii) whales;
    - (iii) seals;
    - (iv) sea birds;
    - (v) saw fish;
    - (vi) coelacanth; and
    - (vii) white sharks, basking sharks and whale sharks.
- (2) Notwithstanding sub-regulation (1)(a), inbreeding may be permitted in a captive breeding facility for conservation purposes, only in accordance with a conservation strategy approved by the issuing authority, provided that—
- (a) a studbook contemplated in sub-regulation (1)(b) is kept; and
  - (b) a stock book contemplated in sub-regulation (1)(c) is kept.
- (3) A permit issued in respect of a rehabilitation facility must be subject to a condition that a specimen of a listed threatened or protected marine species, to the extent possible, may not be kept for a period that exceeds the period that is reasonably required for the rehabilitation of such specimen.
- (4) If a specimen of a listed threatened or protected marine species contemplated in sub-regulation (3) would be incapable of becoming self-sustainable upon release from the rehabilitation facility, such specimen must be transferred to a registered sanctuary or must be euthanized.
- (5) The stock book contemplated in sub-regulation (1)(c) must contain the following information—

- (a) quantities and sex of specimens acquired, whether such specimens were born in the facility, purchased, received as a donation or a new loan, or a loan returned;
  - (b) quantities and sex of specimens kept;
  - (c) quantities and sex of specimens disposed of, whether such specimens died, were sold, or given as a donation or a loan.
- (6) The issuing authority may determine the conditions relating to the fate of a specimen of a listed threatened or protected marine species where the rehabilitation of such specimen is not possible.

**25. Compulsory conditions applicable to sanctuaries**

- (1) In addition to the conditions contemplated in regulation 24(1) and (2), a permit in respect of a sanctuary must be issued subject to the condition that the permit-holder, in order to prevent breeding in the sanctuary—
- (a) must take appropriate measures to prevent natural reproduction in the sanctuary, except for conservation purposes; and
  - (b) may not perform artificial insemination, or allow the procedure to be performed, in the sanctuary.
- (2) Notwithstanding sub-regulation (1)(a), appropriate measures to prevent reproduction do not apply in the case of a female specimen that is already in gestation at the time of being introduced into the sanctuary, provided that the date of birth is included in the report contemplated in regulation 24(2) of these Regulations.

**26. Compulsory conditions applicable to permits for scientific purposes**

- (1) In addition to any conditions that may be issued in terms of any research permit referred to in regulation 66, such permit must be issued subject to a condition that the permit-holder must submit to the issuing authority—
- (a) a report on the progress of a particular research project upon expiry of the permit; and
  - (b) a report of the research findings, upon completion of such research project.

**27. Area of validity of permits**

If a permit is issued by the Minister or his or her delegated official in accordance with section 87A(1)(a) of the Biodiversity Act, such permit applies throughout the Republic, unless otherwise indicated in the permit.

**28. Period of validity of permits**

- (1) An ordinary permit contemplated in regulation 6(1) of these Regulations may be issued up to a maximum period of 12 months.
- (2) Notwithstanding the provision of sub-regulation (1), a permanent possession permit contemplated in regulation 6(2), may be issued for a period not exceeding 10 years.
- (3) A standing permit contemplated in regulation 7 of these Regulations may be issued for a period not exceeding 36 months.
- (4) Notwithstanding sub-regulation (3), a standing permit issued to—
  - (a) an organ of state or the management authority of a protected area may be issued for a period not exceeding 48 months; and
  - (b) an official of the Department or an official of a provincial conservation authority for the carrying out of restricted activities in the official performance of such official's duties remains valid until the employment of the holder of such permit is terminated, whether or not terminated on initiative of the employer or the permit-holder.

**CHAPTER 3**

**REGISTRATION OF CAPTIVE BREEDING FACILITIES, REHABILITATION FACILITIES,  
SANCTUARIES, TEMPORARY HOLDING FACILITIES, EXHIBITION FACILITIES AND WILDLIFE  
TRANSLOCATORS**

**Part 1**

**Registration of persons or facilities**

**29 Compulsory registration of captive breeding facilities, rehabilitation facilities,  
sanctuaries, temporary holding facilities, exhibition facilities and wildlife translocators**

- (1) No person may operate—

(a) a captive breeding facility, rehabilitation facility, sanctuary, temporary holding facility, or exhibition facility; or

(b) as a wildlife translocator;

unless such facility or person is registered with the issuing authority in terms of this chapter.

- (2) The registration of a facility or a person in terms of this chapter does not absolve the holder of the registration from the obligation to obtain a permit in terms of these Regulations prior to the carrying out of a restricted activity.

**30. Issuing authorities for registration of persons or facilities**

(1) The Minister is the issuing authority responsible for deciding an application and issuing a registration certificate in respect of specimens of listed threatened or protected marine species.

(2) Notwithstanding sub-regulation (1), the Minister and the MEC for Environmental Affairs may in writing agree that any application for registration contemplated in sub-regulation (1) may be decided by the MEC for Environmental Affairs.

**31. Application for registration**

(1) A person may apply for registration on an application form provided by the issuing authority, which contains, as a minimum, the information as set out in sub-regulation (2).

(2) An application form contemplated in sub-regulation (1) must, to the extent applicable, make provision for the following information—

(a) the applicant's details, including—

(i) the applicant's name;

(ii) the name of the owner of the property, facility or venture, as the case may be, if the applicant is not the owner;

(iii) identity or passport number;

(iv) telephone number;

(v) cell phone number;

(vi) fax number;

- (vii) e-mail address;
    - (viii) postal address; and
    - (ix) physical address;
  - (b) details of the facility including the—
    - (i) name of the facility;
    - (ii) kind of facility;
    - (iii) size of the facility;
    - (iv) date of establishment of the facility;
    - (v) physical address where the restricted activities will be carried out; and
    - (vi) farm name and registration number;
  - (c) details of the species involved, including—
    - (i) scientific name (genus, species, and to the extent applicable the sub-species);
    - (ii) common name (if any);
    - (iii) quantity per species;
    - (iv) sex of the specimens;
    - (v) size or age of the specimens; and
    - (vi) markings of the specimens.
- (3) A person applying for registration must pay the applicable processing fee as set out in Annexure 3 to these Regulations.
- (4) Notwithstanding sub-regulation (3), payment of the applicable processing fee as set out in Annexure 3 to these Regulations does not apply to organs of state.

### **32. Submission of applications for registration**

Applications for registration may be submitted—

- (a) electronically;
- (b) by post; or
- (c) delivered by hand.

### **33. Additional information required for the registration of a captive breeding facility**

In addition to the information contemplated in regulation 31(2) of these Regulations, an application for the registration of a captive breeding facility must, to the extent applicable, include the following information—

- (a) details of the number, sex and age of the parental breeding stock;
- (b) evidence of legal acquisition of the parental breeding stock;
- (c) an assessment of the anticipated need for, and source of, additional specimens to supplement the breeding stock to increase the genetic pool of the captive population in order to avoid harmful inbreeding;
- (d) a detailed description of the marking methods to be used for the parental breeding stock and offspring;
- (e) a description of the strategies used by the breeding operation, or other activities, that contribute to improving the conservation status of wild populations of the species;
- (f) a description and schematic diagram of the facility to house the current and expected stock;
- (g) the security measures to prevent escape or thefts;
- (h) the number and size of breeding enclosures, rearing enclosures and egg incubators, where appropriate;
- (i) food production or supply;
- (j) removal of waste; and
- (k) the availability of veterinary services.

**34. Additional information required for the registration of a sanctuary, rehabilitation facility, temporary holding facility or exhibition facility**

- (1) In addition to the information contemplated in regulation 31(2) of these Regulations, an application for the registration of a rehabilitation facility, sanctuary, a temporary holding facility or exhibition facility must, to the extent applicable, include the following information—
- (a) a description and schematic diagram of the facility to house the current and expected stock, including rearing enclosures and egg incubators and the number and size of keeping enclosures;
  - (b) security measures to prevent escapes or thefts;
  - (c) water and food production or supply;
  - (d) removal of waste;
  - (e) availability of veterinary services;

- (f) detail of current stock, including details of the numbers, sex and age of the individual specimens; and
  - (g) evidence of legal acquisition of the specimens or copies of permits issued.
- (2) In addition to the information contemplated in sub-regulation (1), an application for the registration of a sanctuary must include information relating to measures to prevent breeding in such sanctuary.

**35. Additional information required for the registration as a wildlife translocator**

- (1) In addition to the information contemplated in regulation 31(2) of these Regulations, an application for the registration as a wildlife translocator must include the following information—
- (a) information relating to record keeping; and
  - (b) information relating to the translocation equipment to be used by the applicant.
- (2) If the application for the registration of a wildlife translocator also involves temporary holding facilities, the following information must be submitted with the application—
- (a) a description and schematic diagram of the facility to temporarily house the translocated specimens;
  - (b) security measures to prevent escapes or thefts;
  - (c) water and food production or supply;
  - (d) removal of waste; and
  - (e) availability of veterinary services.

**36. Additional information required by the issuing authority**

- (1) The issuing authority may request any additional relevant information necessary in order for it to decide on the application.
- (2) If the issuing authority requires any additional information contemplated in sub-regulation (1), the issuing authority must request the applicant to furnish it with such additional information within 90 working days of the request.

- (3) If the additional information requested by the issuing authority in terms of sub-regulation (1) is not submitted to the issuing authority within 90 working days of such request, the issuing authority may deem the application to have been withdrawn, and must inform the applicant accordingly.

## **Part 2**

### **Consideration of registration applications**

#### **37. Factors to be taken into account by issuing authorities when considering registration applications**

- (1) When considering an application for registration, an issuing authority must consider—
- (a) all the information and documentation submitted by the applicant to the issuing authority in connection with the application, including any additional information requested;
  - (b) whether all applicable legal requirements have been complied with;
  - (c) whether an applicant is under investigation for, or has been convicted of, an offence in terms of the Biodiversity Act; and
  - (d) whether an application for registration has previously been refused or cancelled.
- (2) The issuing authority must, in addition to the provisions of sub-regulation (1) and to the extent applicable, also take into account—
- (a) whether the species to which the application relates is listed in terms of section 56 of the Biodiversity Act as a critically endangered species, an endangered species, a vulnerable species or a protected species;
  - (b) the purpose for which the captive breeding facility, rehabilitation facility, sanctuary, temporary holding facility or exhibition facility, is conducted;
  - (c) whether the applicant is prepared to micro-chip or mark, where appropriate, each specimen of the listed threatened or protected marine species bred or kept at the relevant facility or specimens associated with operating as a wildlife translocator;
  - (d) how the breeding in captivity of a specimen of a listed threatened or protected marine species to which the application relates, will contribute to the conservation of the particular species; and



- (e) all other relevant factors.

**38. Time frames for issuing authority**

- (1) On receipt of an application for registration, the issuing authority must, within 60 working days—
  - (a) conduct an inspection of the premises in respect of which the application has been submitted, and
  - (b) consider and decide on the application.
  
- (2) On receipt of the additional information requested in terms of these Regulations, the issuing authority must consider and decide on the application, within 30 working days of receipt of the additional information.
  
- (3) If the decision of the issuing authority is to issue the registration certificate subject to certain conditions, the issuing authority must—
  - (a) give reasons for the decision to the applicant, if required by the applicant; and
  - (b) inform the applicant of his or her right to appeal against the decision and the appeal procedure to be followed in accordance with the national Appeals Regulations.
  
- (4) If the decision of the issuing authority is to refuse the application, the issuing authority must give reasons for the decision and inform the applicant of his or her right to appeal against the decision of the issuing authority and the appeal procedure to be followed in accordance with the national Appeal Regulations.
  
- (5) If the issuing authority is unable to comply with the timeframes contemplated in sub-regulations (1) and (2), the issuing authority must provide reasons in writing to the applicant, prior to the lapsing of such timeframe, as to why it is unable to comply with such timeframe.
  
- (6) The failure to make a decision within the prescribed time frames contemplated in sub-regulations (1) and (2) does not render the carrying out of the restricted activity, or restricted activities, as the case may be, by the applicant as lawful.

- (7) The issuing authority may issue a registration certificate with retrospective effect, only as contemplated in regulation 51(5).

### **Part 3**

#### **Issuing of registration certificates**

#### **39. Contents of registration certificates**

A registration certificate issued in terms of these Regulations must, to the extent applicable, contain the following information—

- (a) the name, identity number or passport number and physical address of the person to whom the certificate is issued;
- (b) the physical address of the premises where the registered facility or person will be conducted or operating from;
- (c) the name of the issuing authority;
- (d) the registration certificate number and date of issue;
- (e) particulars of the species and specimens in respect of which the registration certificate is issued, including the scientific, and the common name if any, of the species, sub-species or variation involved;
- (f) the specific conditions that the registration is subject to, if any; and
- (g) the period of validity of the registration certificate.

#### **40. Compulsory conditions to be included on a registration certificate**

Any registration certificate must be issued subject to the condition that—

- (a) the registration is not transferable;
- (b) any unauthorised alteration to the registration certificate will render the registration certificate invalid; and
- (c) the holder of the registration is bound by any norms and standards that apply to the registered facility or person and that the holder of the registration must comply with such norms and standards.

#### **41. Validity of registrations**

A registration certificate issued by the Minister is valid throughout the Republic.

#### **42. Period of validity of registrations**

A registration certificate remains valid until it is cancelled, either upon request of the holder thereof, or by the issuing authority in accordance with these Regulations.

## CHAPTER 4 DUTIES OF HOLDERS OF PERMITS AND REGISTRATIONS

### 43. Duties of permit-holders

- (1) The holder of any permit contemplated in these Regulations must—
  - (a) verify that the information contained in the permit is correct, prior to carrying out the restricted activities authorised by the permit;
  - (b) comply with all the conditions as specified on the permit by the issuing authority;
  - (c) obtain a permit from the issuing authority if he or she intends to carry out any additional restricted activity not authorised by the permit, prior to carrying out such additional restricted activity;
  - (d) obtain a permit from the issuing authority if he or she intends to carry out a restricted activity involving a specimen of a listed threatened or protected marine species not included in the permit, prior to carrying out a restricted activity involving such specimen; and
  - (e) apply for renewal of an ordinary or standing permit prior to the lapsing thereof.
  
- (2) The holder of an ordinary permit issued for the maximum period of validity, and the holder of a standing permit, must—
  - (a) keep a register containing the information contemplated in regulation 23(3), and to the extent applicable regulation 23(4), of these Regulations, and
  - (b) must submit a written report on the information to the issuing authority as contemplated in regulation 23(2)(b).
  
- (3) If any norms and standards apply to the restricted activity for which a permit is issued, the permit-holder must comply with such norms and standards when carrying out the restricted activity authorised by the permit.

### 44. Duties of holders of registrations

- (1) The holder of a registration certificate issued in terms of these Regulations must—

- (a) verify that the information contained in the registration certificate is correct;
  - (b) ensure that the facility is not conducted for a purpose, or a person does not operate in a manner, other than to what the registration relates; and
  - (c) comply with all the conditions of the registration.
- (2) Prior to the conveyance, movement or otherwise translocation of a specimen or consignment of specimens of listed threatened or protected marine species by a registered wildlife translocator, such registered wildlife translocator must have—
- (a) proof of legal acquisition of the specimen/s to be conveyed, moved or otherwise translocated; and
  - (b) written permission from the owner of the specimen or specimens to convey, move or otherwise translocate such specimen/s on behalf of the owner.
- (3) If any norms and standards apply to a registered facility or person, the holder of the registration must comply with such norms and standards.

## CHAPTER 5

### RENEWAL, AMENDMENT AND CANCELLATION OF PERMITS AND REGISTRATIONS

#### Part 1

##### Renewal and amendment of permits and registrations

#### 45. Renewal of permits

- (1) The holder of a permit must apply in writing, prior to the lapsing of such permit, to the issuing authority that issued the permit, for the renewal of such permit, if he or she intends to continue with the carrying out of the restricted activity to which the permit relates.
- (2) An application contemplated in sub-regulation (1) must be accompanied by—
  - (a) the reasons for the application; and
  - (b) the applicable processing fee set out in Annexure 3 to these Regulations.

#### 46. Consideration of and decision on renewal of permit applications

- (1) On receipt of an application for renewal of a permit, an issuing authority must—

- (a) consider the application in accordance with the provisions of Part 3 of Chapter 2 of these Regulations; and
  - (b) make a decision in accordance with the provisions of Part 4 of Chapter 2 of these Regulations.
- (2) When considering an application for the renewal of a permit, the issuing authority must consider whether it has previously cancelled any permit of the applicant, in accordance with these Regulations.
- (3) Notwithstanding sub-regulation (1), the issuing authority must consider—
  - (a) the provisions of regulation 43 of these Regulations and all conditions subject to which the permit was issued, were complied with;
  - (b) whether there is evidence that the permit-holder carried out the restricted activities in a manner that is detrimental to the species kept by the permit-holder; and
  - (c) whether the conservation status of the species to which the permit relates has not deteriorated, or the legislation that affects the continuation of the permit has not changed.
- (4) If the issuing authority decides to renew a permit to which the application contemplated in sub-regulation (1) relates, the issuing authority must issue a new permit.

#### **47. Amendment of permits or registrations**

- (1) The issuing authority may amend a permit or registration certificate—
  - (a) on application by the holder of the permit or registration certificate; or
  - (b) on own initiative.
- (2) A permit or registration certificate may be amended by—
  - (a) removing a condition;
  - (b) changing a condition;
  - (c) adding a condition;
  - (d) updating or changing any detail on the permit or registration certificate; or
  - (e) correcting a technical or editorial error on the permit or registration certificate.

**48. Applications for amendment by holders of permits or registrations**

- (1) The holder of a permit or registration certificate may at any time apply to the issuing authority for an amendment of the permit or registration certificate.
- (2) An application contemplated in sub-regulation (1) must be—
  - (a) on an official application form determined by, and obtainable from, the issuing authority, and must contain, as a minimum, the information set out in Annexure 2 to these Regulations; and
  - (b) accompanied by the applicable processing fee set out in Annexure 3 to these Regulations.
- (3) The payment of a processing fee contemplated in sub-regulation (2) does not apply in the case where a permit or registration certificate has to be amended due to an error made by the issuing authority.

**49. Consideration of and decision on applications for amendment**

- (1) On receipt of an amendment application, the issuing authority must—
  - (a) in the case of a non-substantive amendment of a permit or registration, consider and decide on the application and issue an amended permit or registration certificate within 10 working days of receipt of such application; and
  - (b) in the case of a substantive amendment of a permit or registration, consider the factors contemplated in Chapters 2 and 3 of these Regulations, and consider and decide the application within the time frames contemplated in regulations 18, 22, 36 and 38 respectively, of these Regulations.
- (2) The issuing authority may request additional information to be furnished by the applicant.
- (3) The issuing authority must, if the application is refused—
  - (a) give reasons for the refusal to the applicant; and
  - (b) inform the applicant of his right to appeal against the decision and the appeal procedure to be followed in accordance with the applicable appeals regulations.

**50. Amendment of permits or registrations on initiative of issuing authorities**

- (1) The issuing authority may on own initiative amend a permit or registration if it is necessary—
  - (a) for the more effective protection of the listed threatened or protected marine species to which the permit or registration relates;
  - (b) for the more effective enforcement of the provisions of the Biodiversity Act or these Regulations;
  - (c) to give effect to any relevant norms and standards that apply to the holder of the permit or registration; or
  - (d) to correct technical or editorial errors on the permit or registration certificate.
  
- (2) The issuing authority must—
  - (a) notify the holder of the relevant permit or registration, in writing, of—
    - (i) the proposed amendment; and
    - (ii) the reasons for the proposed amendment; and
  - (b) afford the holder of the permit or registration a reasonable opportunity to submit representations regarding the proposed amendment.

**Part 2****Cancellation of permits and registrations****51. Cancellation of permits or registrations**

- (1) An issuing authority may cancel a permit, or a registration relating to a facility or person, if—
  - (a) the holder of the permit or registration certificate has breached a condition subject to which the permit or registration certificate was issued;
  - (b) the holder of a permit or registration operates in a manner which is—
    - (i) detrimental to the specimens being bred, reared, propagated, traded or kept at such facility or by such person; or
    - (ii) not in accordance with any information provided to the issuing authority;
  - (c) any of the circumstances subject to which the permit or registration has been issued, has changed; or

- (d) there is a change in the conservation status of the species involved being bred, reared, propagated, traded or kept by a permit-holder or at such facility that affects the continuation of the permit or registration.
- (2) In addition to the provisions of sub-regulation (1), the issuing authority may cancel a permit or registration if the holder of such registration has been convicted of an offence in terms of the Biodiversity Act.
- (3) An issuing authority considering the cancellation of a permit or a registration in terms of sub-regulation (1) or (2) must—
- (a) notify the holder of such permit or registration that cancellation of the permit or registration is being considered, together with the reasons for the proposed cancellation; and
  - (b) afford the holder of the permit or registration a reasonable opportunity to submit representations regarding the proposed cancellation in terms of the provisions of the Promotion of Administrative Justice Act, Act No. 3 of 2000.
- (4) After having reached a decision on the cancellation of the permit or registration, the issuing authority must—
- (a) notify the holder of the permit or registration in writing of the decision; and
  - (b) if the decision is to cancel the permit or registration—
    - (i) instruct the holder of the permit or registration to return the permit or registration certificate within 30 days; and
    - (ii) inform the applicant of his right to appeal against the decision and the appeal procedure to be followed in accordance with the national Appeal Regulations.
- (5) In the case that a registration is cancelled by the issuing authority, the holder of such cancelled registration must be provided the opportunity to rectify the circumstances that have caused the registration to be cancelled, and to apply for the re-issuance of the registration within 90 working days of the cancellation, in which case the issuing authority may issue the registration with retrospective effect.



- (1) The holder of a permit or registration that has been cancelled, must return the permit or registration certificate to the issuing authority within 30 days after the date of having been informed of the cancellation.
- (2) Any failure by the holder of a permit or registration to return a cancelled permit or registration certificate in accordance with sub-regulation (1) must be taken into account by an issuing authority when considering any future application from such person submitted in terms of these Regulations.

**53. Permits or registrations may not be transferred**

- (1) A permit or registration may not be transferred to any other person.
- (2) In the event that ownership of a facility or operation changes, the holder of the permit or registration must apply for an amendment of such permit or registration, which amendment must not unreasonably be withheld by the issuing authority.

**54. Lost or stolen permits or registration certificates**

An issuing authority may, upon written request of the holder of a permit or registration, issue a replacement of that permit or registration certificate if the original permit or certificate was lost or stolen, provided that such request is accompanied by—

- (a) proof that the original permit or certificate was lost or stolen or an affidavit by the holder of that permit or registration, stating that the permit or certificate was lost or stolen; and
- (b) the applicable processing fee specified in Annexure 3 to these Regulations.

**Part 3**

**Reporting on permits by Issuing Authorities**

**55. Register to be established and maintained by issuing authorities**

- (1) The issuing authority must—
  - (a) establish and maintain a register of—
    - (i) all applications for permits or registrations received;
    - (ii) all permits, including integrated permits, issued, renewed or amended by that issuing authority;

- (iii) all permits that were refused;
- (iv) all permits issued by that issuing authority that were subsequently cancelled; and
- (b) record in the register contemplated in sub-regulation (1)(a)—
  - (i) in the case of applications that were granted, the number assigned to each permit;
  - (ii) the scientific, and the common name if any, of the species for which the permit was issued, refused or cancelled;
  - (iii) whether the species was subjected to a risk assessment;
  - (iv) the restricted activity for which the permit was issued;
  - (v) any conditions subject to which the permit was issued;
  - (vi) the date on which the permit was issued;
  - (vii) the period of validity of the permit; and
  - (viii) the location where the restricted activity is to be carried out.

## CHAPTER 6

### ASSOCIATIONS OR ORGANISATIONS INVOLVED IN THE UTILISATION OF LISTED THREATENED OR PROTECTED MARINE SPECIES

#### 56. Recognition of associations or organizations

- (1) Any association or organization representing persons or facilities involved in the utilization of listed threatened or protected marine species, including but not limited to facilities or operations contemplated in regulation 2 of these Regulations, wishing to be considered for any dispensation in terms of the Biodiversity Act or these Regulations, may apply in writing to the Director-General of the Department for recognition.
- (2) An application contemplated in sub-regulation (1) may be approved if the applicant—
  - (a) is a juristic person;
  - (b) can provide proof that it represents a substantial proportion of its sector on a national level;
  - (c) can provide proof that it will be able to perform a function or provide support to the relevant sector to the same standard as the issuing authority or delegated entity;
  - (d) has adopted a code of responsible conduct and good practices, which is—

- (i) ascribed to by its members;
    - (ii) aligned with the objectives of the Biodiversity Act; and
    - (iii) acceptable to the Director-General of the Department;
  - (e) gives a written undertaking to the Director-General of the Department that it will—
    - (i) enforce its code of responsible conduct and good practices against members who breach the code; and
    - (ii) report to the issuing authority any case of alleged criminal conduct by any of its members involving the carrying out of a restricted activity or a breach of any conditions subject to which any permit was granted to such member; and
  - (f) has a clear policy on broad-based black economic empowerment to include persons from disadvantage communities as members.
- (3) The Director-General must inform an associations in writing of the outcome of their application in terms of sub-regulation (1) and (2), and provide reasons if the decision is to not recognize such association.

#### **57. Codes of responsible conduct and good practice**

The code of responsible conduct and good practices of any recognised association or organization contemplated in these Regulations must—

- (a) require its members to act in strict compliance with—
  - (i) the provisions of such code of responsible conduct and good practice;
  - (ii) applicable legal requirements; and
  - (iii) any conditions subject to which permits relating to listed threatened or protected marine species are granted;
- (b) where appropriate, define a set of criteria that will foster the sustainable utilization of specimens of listed threatened or protected marine species; and
- (c) provide for disciplinary steps against any member who breaches a provision of the code, which should include steps for the suspension or expulsion of such member from the association or organization.

#### **58. Withdrawal of recognition of associations or organizations**

- (1) The Director-General of the Department may withdraw the recognition of a recognised association or organisation if it fails to honour its written undertaking given to the Director-General of the Department in terms of these Regulations.
- (2) The Director-General of the Department must—
  - (a) notify the association or organization in writing that withdrawal of its recognition is being considered, together with the reasons for the proposed withdrawal; and
  - (b) afford the association or organization a reasonable opportunity to submit written representations regarding the proposed withdrawal of its recognition.

## CHAPTER 7

### PROHIBITION OF SPECIFIC RESTRICTED ACTIVITIES UNDER CERTAIN CIRCUMSTANCES

#### **59. Prohibition of the conveyance, movement or translocation of a listed threatened or protected marine animal species under certain circumstances**

- (1) Unless the conveyance, movement or otherwise translocation of a specimen of a listed threatened or protected marine species is necessary for the conservation of the particular species, a person may not convey, move or otherwise translocate such specimen to a national protected area, if—
  - (a) such national protected area falls outside the natural distribution range of the particular species; or
  - (b) the genetic make-up or integrity—
    - (i) of the specimen to be conveyed, moved or otherwise translocated has in any way been compromised; or
    - (ii) of the species already occurring in the national protected area has the potential to be compromised in any way as a result of such conveyance, movement or translocation.
- (2) A person may not convey, move or otherwise translocate a live specimen of a listed threatened or protected marine species from a particular property, if such specimen is kept on such property together with another specimen of a species with which it is likely to hybridize, unless—
  - (a) the genotyping of such specimen has been done in accordance with these Regulations; and

- (b) the DNA certificate confirms that such specimen is not a hybrid.

**60. General circumstances relating to the prohibition to import, export, re-export or introduce from the sea a specimen of a listed threatened or protected marine species**

- (1) A person may not import or introduce from the sea, a specimen of a listed threatened or protected marine species, unless it is authorised—
- (a) by a permit issued in accordance with these Regulations; and
  - (b) to the extent applicable, in terms of the CITES Regulations.
- (2) A person may not import, export, re-export or introduce from the sea, a specimen of a listed threatened or protected marine species through a port of exit or entry other than the following—
- (a) land ports—
    - (i) Beit Bridge border post;
    - (ii) Golela border post
    - (iii) Jeppes Reef border post;
    - (iv) Lebombo border post;
    - (v) Maseru border post;
    - (vi) NaKop border post;
    - (vii) Ramatlabama border post;
    - (viii) Vioolsdrift border post; or
  - (b) airports and harbours—
    - (i) Cape Town International Airport;
    - (ii) O.R. Tambo International Airport;
    - (iii) King Shaka International Airport;
    - (iv) Port Elizabeth International Airport;
    - (v) Kruger – Mpumalanga International Airport;
    - (vi) Cape Town Harbour;
    - (vii) Durban Harbour; or
    - (viii) Port Elizabeth Harbour.
- (3) Notwithstanding sub-regulation (1), a live specimen of a listed threatened or protected marine species may not be imported unless a blood sample of such specimen has

been collected for genotyping and the results of such genotyping are made available to the issuing authority.

**61. Specific circumstances relating to the prohibition to possess and trade in specimens of listed protected marine species that are also included in Appendix 1 of CITES**

- (1) A person may not possess—
  - (a) an imported specimen of a listed threatened or protected marine species that is also included in Appendix 1 of CITES; or
  - (b) the off-spring of a specimen contemplated in paragraph (a);unless such person is authorised by a permit issued in accordance with these Regulations to possess such imported specimen or the off-spring of such imported specimen.
- (2) A person may not sell or donate an imported specimen contemplated in sub-regulation (1)(a), unless—
  - (a) such imported specimen originates from a commercial captive breeding facility that has been registered with the CITES Secretariat; and
  - (b) the selling or donation of such specimen is authorised by a permit issued in accordance with these Regulations.

**62. Specific restricted activities by registered exhibition facilities, captive breeding, rehabilitation facilities and sanctuaries involving a listed threatened or protected marine species prohibited under certain circumstances**

- (1) When issuing a permit to an exhibition or captive breeding facility, the issuing authority must issue such permit subject to the condition that the holder thereof may not catch or receive a specimen of a listed threatened or protected cetacean, marine turtle, seabird, shorebird or seal species originating from a wild population.
- (2) When issuing a permit to an exhibition or captive breeding facility, the issuing authority must issue such permit subject to the condition that the holder thereof may only be in possession of a specimen of a listed threatened or protected cetacean, marine turtle, seabird, shorebird or seal species, if such specimen has been bred in captivity, or has been kept in captivity prior to the commencement of these Regulations.

- (3) When issuing a permit to a sanctuary, the issuing authority must issue such permit subject to the condition that the holder thereof may only be in possession of a specimen of a listed threatened or protected cetacean, marine turtle, seabird, shorebird or seal species, if such specimen is unable to be released back into the wild.

## CHAPTER 8

### THE REGULATION OF SPECIFIC RESTRICTED ACTIVITIES INVOLVING CERTAIN LISTED THREATENED OR PROTECTED MARINE SPECIES

#### 63. Regulation of restricted activities involving listed threatened or protected marine species

- (1) The issuing authority may, to achieve the objectives of disease control, or to manage conflict between individuals of listed threatened or protected marine species, issue permits for the carrying out of the following activities—
  - (a) removal and relocation of specimens of listed threatened or protected species of seabirds or seals from one location to another location;
  - (b) the humane killing of specimens of listed threatened or protected species of seabirds or seals in accordance with sub-regulation (3);
  - (c) the burning of carcasses of specimens of listed threatened or protected species of seabirds or seals;
  - (d) the use of reproductive control measures; or
  - (e) any other activity which is necessary in the opinion of the issuing authority to combat or manage disease amongst listed threatened or protected species of seabirds and seals or conserve and manage populations.
- (2) In authorising any of the activities contemplated in sub-regulation (1), the issuing authority must give preference to authorising those activities which effectively achieve the objectives of conservation and management with the least disruptive impact on specimens of listed threatened or protected species of seabirds and seals and their habitats.
- (3) The issuing authority may only authorise the killing of a specimen of any listed threatened or protected species of seabirds or seals contemplated in sub-regulation (1)(b), if no reasonable possibility exists that any other activity will effectively achieve

the objective of conservation and management of listed threatened or protected species of seabirds and seals.

**64. Catch, release and killing of listed threatened or protected marine species**

- (1) A permit to authorise the catching, capturing or release of a specimen of a listed threatened or protected marine species is not required if such specimen has been caught—
  - (a) as by-catch;
  - (b) such specimen is released alive in the water from which it has been caught; and
  - (c) while a person is in possession of a valid permit issued under the Marine Living Resources Act to fish for a marine fish species whether or not that fish species is a listed threatened or protected marine fish species.
  
- (2) No person may carry out a restricted activity in respect of any stranded or entangled listed threatened or protected cetacean, turtle, seal or seabird except as provided for in these Regulations.
  
- (3) The issuing authority may authorise the killing of any stranded or entangled listed threatened or protected marine species contemplated in sub-regulation (2), after consideration of all relevant factors, including, but not limited to—
  - (a) weather and ocean conditions;
  - (b) human safety;
  - (c) the number and size of animals involved;
  - (d) available equipment;
  - (e) the condition of the animals involved;
  - (f) veterinary advice;
  - (g) whether rehabilitation is feasible; and
  - (h) the age and sex of the animal.

**CHAPTER 10**  
**RESEARCH ACTIVITIES**

**65. The Scientific Authority**



The Scientific Authority shall have the powers and functions in respect of listed threatened or protected marine species as provided for in the Biodiversity Act and these regulations.

**66. Restricted activities for scientific purposes**

- (1) Any person or juristic person which intends carrying out a restricted activity for scientific purposes involving a listed threatened or protected marine species, must lodge an application with the Minister in accordance with the provisions of section 83 of the Marine Living Resources Act, or any regulations published under the National Environmental Management: Integrated Coastal Management Act, 2008 (Act No. 24 of 2008).
- (2) Subject to regulation 26, these regulations do not apply to any person or scientific institution with respect to registration or requiring a permit for scientific purposes, or any restricted activity which is carried out for scientific purposes, in respect of any listed threatened or protected marine species.

**CHAPTER 11**

**PERMITS FOR BOAT-BASED WHALE AND DOLPHIN WATCHING AND WHITE SHARK CAGE DIVING**

**67. Boat-based whale and dolphin watching permits**

- (1) A boat-based whale and dolphin watching permit may be issued to a person who carries out the restricted activity of boat-based whale and dolphin watching as prescribed in these Regulations.
- (2) The issuing authority may issue permits for boat-based whale and dolphin watching in the areas contemplated in Annexure 6 to these Regulations.
- (3) The Minister may determine the number of permits that may be issued by the issuing authority in each area for boat-based whale and dolphin watching, based on the best available scientific evidence and having regard to the precautionary principle.
- (4) A person may apply for a boat-based whale watching permit following an invitation published by the Minister.

**68. White shark cage diving permits**

- (1) A white shark cage diving permit may be issued to a person who carries out the restricted activity of white shark cage diving as prescribed in these Regulations.
- (2) The issuing authority may issue permits for white shark cage diving in the areas contemplated in Annexure 7 to these Regulations.
- (3) The Minister may determine the number of permits that may be issued by the issuing authority in each area for white shark cage diving, based on the best available scientific evidence and having regard to the precautionary principle.
- (4) A person may apply for a white shark cage diving permit following an invitation published by the Minister.

**69. Permit applications**

- (1) An application for a boat-based whale and dolphin watching permit must, in addition to the requirements contemplated in regulation 8, be accompanied by—
  - (a) an operational plan;
  - (b) proof that the applicant—
    - (i) is a South African citizen; and
    - (ii) has access to a boat-based whale and dolphin watching vessel; and
  - (c) an undertaking that the applicant has employed, or will employ—
    - (i) one or more registered tourist guides; and
    - (ii) a qualified skipper certified by SAMSA as capable of skippering the nominated boat-based whale and dolphin watching vessel; and
  - (d) a copy of adequate liability insurance or an undertaking that the applicant will obtain such insurance; and
  - (e) any other additional information deemed relevant by the issuing authority or required by any policy.
- (2) An application for a white shark diving permit must in addition to the requirements in regulation 8, be accompanied by—
  - (a) an operational plan;

- (b) proof that the applicant—
  - (i) is a South African citizen; and
  - (ii) has access to a white shark cage diving vessel;
- (c) an undertaking that the applicant has employed, or will employ—
  - (i) one or more registered tourist guides;
  - (ii) a qualified diving master; and
  - (iii) a qualified skipper certified by SAMSA as capable of skippering the nominated white shark cage diving vessel; and
- (d) a copy of adequate liability insurance or an undertaking that the applicant will obtain such insurance; and
- (e) any other additional information deemed relevant by the issuing authority or required by any policy.

**70. Timeframes for issuing authorities**

The timeframes set out in regulation 18 and 22 do not apply to applications relating to boat-based whale and dolphin watching permits, or white shark cage diving permits.

**71. Additional factors to be taken into account by the issuing authority when considering applications for boat-based whale and dolphin watching permits and applications for white shark cage diving permits**

- (1) When considering an application for a boat-based whale and dolphin watching permit or an application for a white shark cage diving permit, the issuing authority must, in addition to the factors contemplated in regulation 19 of these Regulations, also take the following general factors into consideration—
  - (a) promoting the economic growth of the boat-based whale and dolphin watching, and the white shark cage diving industries and the sustainable non-consumptive use of whales, dolphins and white sharks, particularly for eco-tourism, through—
    - (i) the allocation of the optimal number of permits that could be safely issued; and
    - (ii) the allocation of permits to persons who will be able to beneficially exercise the allocation;
  - (b) the need to improve the regulatory and compliance framework pertaining to the boat-based whale watching and white shark cage diving industries;

- (c) the need to address transformation of these industries;
  - (d) the need to provide for control over diving to view white sharks or the boat-based viewing of white sharks, in order for these activities to take place in a manner that does not threaten the safety of divers or the protection and conservation of white sharks; and
  - (e) the need to provide for control over the number of boat-based whale and dolphin watching and white shark cage diving permit-holders in order to manage any adverse impact on whale, dolphin and white shark behaviour and to protect whales, dolphins and white sharks.
- (2) When considering an application for boat-based whale and dolphin watching and white shark cage diving permits, the issuing authority must, in addition to the factors contemplated in sub-regulation (1) and regulation 19 of these Regulations, also take the following specific criteria for each individual application into consideration—
- (a) whether the applicant, while in possession of an existing permit or exemption, optimally utilised the rights contained in the permit or exemption;
  - (b) whether the applicant has been convicted of any offence related to the permit or any other environmental legislation and the seriousness thereof;
  - (c) the extent to which the applicant invested or participated in the boat-based whale and dolphin watching or white shark cage diving industries;
  - (d) the number, working conditions of and opportunities for the employees of the applicant;
  - (e) whether the nominated vessels have a vessel monitoring system;
  - (f) any other factor that may be relevant to boat-based whale or dolphin watching or white shark cage diving or specific areas of operations; and
  - (g) any other factors or criteria determined in any policy related to boat-based whale and dolphin watching and white shark cage diving.

## **72. Circumstances in which permits must be refused**

In addition to the factors contemplated in regulation 20, the issuing authority must refuse to issue permits for boat-based whale and dolphin watching and for white shark cage diving—

- (a) if the applicant—
  - (i) has failed to attest to the declaration in the application form;
  - (ii) fails to demonstrate access to—

- (aa) a boat-based whale and dolphin watching vessel ; or
  - (bb) a white shark cage diving vessel, (including a cage);
  - (iii) fails to employ or demonstrate that the applicant will employ one or more registered tourist guides;
  - (iv) fails to employ, or fails to demonstrate that the applicant will employ a qualified skipper certified by SAMSA; or
  - (v) is not a South African citizen.
- (b) in areas where boat-based whale and dolphin watching, and white shark cage diving are not permissible; or
- (c) if the maximum number of boat-based whale and dolphin watching permits, and white shark cage diving permits, have already been issued.

**73. Compulsory permit conditions applicable to the holder of a boat-based whale and dolphin watching permit or a white shark cage diving permit**

- (1) In addition to the compulsory conditions contemplated in regulation 23(1), boat-based whale and dolphin watching permit must be issued subject to the following additional conditions—
- (a) a person under the control or supervision of the permit-holder may not feed or swim with whales or dolphins;
  - (b) the permit-holder, or a crew member or client under the control or supervision of the permit-holder, may not enter a closed or restricted area;
  - (c) boat-based whale and dolphin watching may only be undertaken on a boat-based whale and dolphin watching vessel;
  - (d) the permit-holder may only use the vessel or vessels specified on the permit, and may not use more than one vessel at a time;
  - (e) if the permit-holder intends to use a different vessel or vessels from what has been specified on the permit, he or she must obtain written permission from the issuing authority to change the nominated vessel;
  - (f) the permit-holder must display the permit in a visible place on the vessel when engaging in operations or services; and
  - (g) when advertising boat-based whale and dolphin watching operations or services, reference must be made to the permit number.

- (2) In addition to the compulsory conditions contemplated in regulation 23(1), a white shark cage diving permit must be issued subject to the following additional conditions—
- (a) the permit-holder may not take a person to free-dive with white sharks without a permit specifically authorising such free diving;
  - (b) the permit-holder, or a crew member or client under the control or supervision of the permit-holder, may not dump any material into the sea other than to attract sharks in the manner provided for in the permit;
  - (c) the permit-holder, or a crew member or client under the control or supervision of the permit-holder, may not dive outside the cage, touch, tag or interfere with any sharks;
  - (d) when attracting a white shark for the purpose of this permit, the permit-holder, or a crew member or client under the control or supervision of the permit-holder, may not allow a shark to take the bait;
  - (e) attracting may only be conducted within the areas stipulated in the permit;
  - (f) white shark cage diving may only be undertaken on a white shark cage diving vessel;
  - (g) the permit-holder may only use the vessel or vessels specified on the permit, and may not use more than one vessel at a time;
  - (h) if the permit-holder intends to use a different vessel from what has been specified on the permit, he or she must obtain written permission from the issuing authority to change the nominated vessel;
  - (i) the permit-holder must display the permit in a visible place on the vessel when engaging in operations or services; and
  - (j) when advertising white shark cage diving reference must be made to the permit number.

**74. Period of validity of a boat-based whale and dolphin watching permit or a white shark cage diving permit**

In addition to the validity periods determined in regulation 28 for an ordinary permit and a standing permit for all other restricted activities relating to listed threatened or protected marine species, a boat-based whale and dolphin watching permit and a white shark cage diving permit, may be issued for a period not exceeding 10 years.

**75. Renewal of a boat-based whale and dolphin watching permit or a white shark cage diving permit**

- (1) Notwithstanding regulation 45, a boat-based whale and dolphin watching permit and a white shark cage diving permit are not renewable and are subject to an allocation process. On the expiry of the validity period of these permits, the Minister will invite persons, to submit new applications.
- (2) If a new allocation process has not been completed in terms of sub-regulation (1), prior to the expiry of a boat-based whale and dolphin watching permit or a white shark cage diving permit, such permit may be renewed for a period not exceeding two years.
- (3) Notwithstanding regulation 45, a boat-based whale and dolphin watching permit or a white shark cage diving permit may be renewed in terms of sub-regulation (2), at the discretion of the issuing authority prior to the completion of a new allocation process, provided that the permit-holder has complied with all the provisions of the Biodiversity Act and these Regulations where applicable, and with all previous permit conditions.

**76. Regulation of restricted activities involving boat-based whale and dolphin watching and white shark cage diving**

- (1) The Minister may determine the areas where boat-based whale and dolphin watching or white shark cage diving may take place and the number of boat-based whale and dolphin watching permits, or white shark cage diving permits, to be issued, in order to ensure the sustainable non-consumptive use of whales, dolphins and white sharks for eco-tourism purposes.
- (2) The current areas where boat-based whale and dolphin watching is permissible are listed in Annexure 6 to these Regulations.
- (3) The current areas where white shark cage diving is permissible, are listed in Annexure 7 to these Regulations.

**TRANSITIONAL PROVISIONS**

**CHAPTER 12**

**PERMITS AND RESTRICTED ACTIVITIES IN TERMS OF THE PREVIOUS REGULATIONS**

**77. Continuation of restricted activities carried out, and permits and registration certificates issued, under the previous Regulations**

- (1) Anything done in terms of the previous Regulations and which can be done in terms of these Regulations must be regarded as having been done in terms of these Regulations.
- (2) Any permit, including a personal effects permit, a boat-based whale and dolphin watching permit and a white shark cage diving permit or registration issued in terms of the previous Regulations that has not expired on the date of coming into effect of these Regulations, must, despite the repeal of the previous Regulations, be regarded as having been issued in terms of these Regulations, and remains valid until the expiry date indicated on such permit or registration certificate.
- (3) Notwithstanding regulation 45 and 75, a boat-based whale and dolphin watching permit or a white shark cage diving permit issued in terms of the Marine Living Resources Act, may be renewed in terms of these Regulations, at the discretion of the issuing authority prior to the first allocation process initiated in terms of these Regulations, provided that the permit-holder has complied with all the provisions of the Biodiversity Act and these Regulations where applicable, and with all previous permit conditions. Such permit may be renewed for the period until the first allocation process in terms of these Regulations have been concluded.

**78. Pending applications for permits, registration certificates and appeals**

- (1) An application for a permit or registration submitted in terms of the previous Regulations and which is pending when these Regulations come into effect must be dispensed with in terms of these Regulations.
- (2) An appeal lodged in terms of the previous Regulations, and which is pending on the date of coming into effect of these Regulations, must be dispensed with in terms of the national Appeal Regulations.
- (3) Any process commenced prior to the commencement of these Regulations, in terms of the Marine Living Resources Act for the allocation of boat-based whale and dolphin



watching or white shark cage diving permits and which is pending when these Regulations come into effect, must be concluded in terms of these Regulations.

**79. Criminal prosecution in terms of the previous Regulations**

A criminal prosecution instituted in terms of the previous Regulations, and which is pending on the date of coming into effect of these Regulations, must be dispensed with in terms of the previous Regulations as if the previous Regulations were not repealed.

**CHAPTER 13  
OFFENCES AND PENALTIES**

**80. Offences**

- (1) A person is guilty of an offence if that person—
  - (a) contravenes any provision of these Regulations; or
  - (b) carries out any restricted activity in conflict with information provided in the management plan to which the permit application or registration application was subject.
- (2) A person is guilty of an offence if such person permits, facilitates or allows any other person to contravene any of the provisions of these Regulations.

**81. Penalties**

- (1) A person convicted of an offence in terms of these Regulations is liable upon conviction to—
  - (a) imprisonment for a period not exceeding 5 years; or
  - (b) a fine not exceeding R5 million; or
  - (c) both a fine and such imprisonment; and
  - (d) in the case of a second or subsequent conviction, a fine not exceeding R10 million or imprisonment for a period not exceeding 10 years, or both such fine and imprisonment.

**82. Repeal of the previous Regulations**

The previous Regulations are hereby repealed.

**83. Short title and commencement of these Regulations**

These regulations are called the Threatened or Protected Marine Species Regulations, 2017, and take effect on the date of publication in the *Gazette*.

**ANNEXURE 1  
PERMIT APPLICATION FORM**

A. Applicant details:

<b>NAME OF APPLICANT:</b>	
<b>NAME OF PERSON WHO WILL CARRY OUT THE RESTRICTED ACTIVITY: (if not the same as the applicant):</b>	
<b>IDENTITY OR PASSPORT NO: APPLICANT:</b>	
<b>PERSON WHO WILL CARRY OUT THE RESTRICTED ACTIVITY: (if not the same)</b>	
<b>TEL NO:</b>	<b>CELLULAR NO:</b>
<b>FAX NO:</b>	
<b>E-MAIL:</b>	
<b>POSTAL ADDRESS:</b>	<b>PHYSICAL ADDRESS:</b>

B. Facility details:

<b>NAME OF FACILITY:</b>
<b>KIND OF FACILITY:</b>
<b>DATE OF ESTABLISHMENT OF FACILITY:</b>
<b>PHYSICAL ADDRESS OF FACILITY:</b>

C. Kind of Permit Applied for (Tick off)

<b>ORDINARY</b>	<b>STANDING</b>	<b>PERMANENT POSSESSION</b>	
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<b>NEW</b>		<b>RENEWAL</b>		<b>AMENDMENT</b>	
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D. If the Application applies to a Standing Permit (Tick off)

	<b>CAPTIVE BREEDING OPERATION</b>	<b>SANCTUARY</b>	
	<b>TEMPORARY HOLDING FACILITY</b> <b>TEMPORARY HOLDING FACILITY</b>	<b>SCIENTIFIC INSTITUTION</b>	
	<b>COMMERCIAL EXHIBITION FACILITY</b>	<b>NURSERY</b>	
	<b>GAME FARM</b>	<b>WILDLIFE TRADER</b>	
	<b>REHABILITATION FACILITY</b>	<b>TAXIDERMIST</b>	
	<b>WILDLIFE TRANSLOCATOR</b>	<b>FREIGHT AGENT</b>	

E. Kind of restricted activity applied for (see section G in the case of a hunt):

E.g. Possession / Hunt / Catch / Capture / Gather / Growing / Breeding / Other Applicable  
Restricted Activity:

<b>HUNT</b>		<b>CATCH</b>		<b>KILL</b>	
<b>GATHER</b>		<b>COLLECT</b>		<b>PLUCK</b>	
<b>PICK</b>		<b>CUT</b>		<b>CHOP OFF</b>	
<b>UPROOT</b>		<b>DAMAGE</b>		<b>DESTROY</b>	
<b>IMPORT</b>		<b>EXPORT</b>		<b>RE-EXPORT</b>	<b>INTRODUCE FROM THE SEA</b>
<b>POSSESSION/ EXERCISE PHYSICAL CONTROL</b>					
<b>GROW</b>		<b>BREED</b>		<b>PROPAGATE</b>	
<b>CONVEY/ MOVE/ TRANSLOCATE</b>					
<b>SELL</b>		<b>BUY</b>		<b>RECEIVE</b>	
<b>GIVE</b>		<b>DONATE</b>		<b>ACCEPT AS A GIFT</b>	
<b>RELEASE</b>		<b>ANGLING</b>		<b>DART</b>	

F. Property where restricted activity will take place  
(if not the same as provided in B):

<b>PHYSICAL ADDRESS:</b>	<b>POSTAL ADDRESS</b>

G. In the case of transport/ export / import / sell / purchase:

<b>NAME OF SELLER:</b>	<b>NAME OF PURCHASER:</b>
<b>PHYSICAL ADDRESS (SELLER/ TRANSPORT FROM OR EXPORT FROM):</b>	<b>PHYSICAL ADDRESS (PURCHASER/ TRANSPORT TO):</b>

H. Species Involved:

<b>SCIENTIFIC NAME</b>	<b>COMMON NAME</b>	<b>QUANTITY</b>	<b>PARTICULARS OF SPECIMEN (Such as sex, size, age, markings, derivatives etc)</b>

I. Additional Information for Hunt:

(i) Hunting Client and Applicant Details: (If applicable)

<b>HUNTING CLIENT AND NAME:</b>
<b>PASSPORT NUMBER:</b>
<b>PHYSICAL ADDRESS:</b>

(ii) Hunting Outfitter and Professional Hunting Details: (if applicable)

<b>HUNTING OUTFITTER</b>	<b>PROFESSIONAL HUNTER</b>
<b>NAME:</b>	<b>NAME:</b>

<b>TEL NO:</b>	<b>TEL NO:</b>
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(iii) Duration of Hunting Trip

<b>ARRIVAL DATE: (dd/mm/year)</b>	<b>DEPARTURE DATE: (dd/mm/year)</b>

(iv) Weapon and Method of Hunt

<b>WEAPON</b>	<b>METHOD</b>

J. Additional Information for Standing Permits

<b>REGISTRATION NUMBER:</b>	
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.....  
Signature of applicant

.....  
Date

K. Official Use

<b>NAME OF INSPECTION OFFICIAL</b>	<b>SIGNATURE OF INSPECTION OFFICIAL</b>	<b>DATE</b>	<b>APPROVED/REFUSED</b>
<b>REASONS FOR REFUSAL:</b>			

L. Period of Validity of Permit

<b>FROM: (dd/mm/year)</b>	<b>TO: (dd/mm/year)</b>

**ANNEXURE 2****APPLICATIONS FOR RENEWAL OF PERMITS;  
APPLICATIONS FOR AMENDMENT OF PERMITS OR REGISTRATIONS**

- A. Applicant details, including name, identity no, telephone no, fax no, cell phone no, e-mail, postal address and physical address;
- B. Details of current permit or registered facility, including the kind of facility, the name of the permit-holder or facility, the address of the permit-holder or facility, the permit number or registration certificate number and the date it was issued; and
- C. Details of renewal/ amendment applied for and reasons (if appropriate)

**ANNEXURE 3  
PROCESSING FEES**

PERMIT	FEE
Ordinary permit – new, renewal or amendment	International import / export / re-export permit application – R50.00 Hunting/catching/killing – R100.00 Gathering/plucking/collecting – R50.00 Conveying/moving/translocation – R50.00 Growing/breeding/propagating – R50.00 Selling/buying/receiving/giving/donating – R50.00 Permanent possession permit – R50.00
Registration	R 1 000.00
Standing permit	R 1 000.00
Renewal of a standing permit	R1000.00
Amendment of a standing permit or registration certificate	R200.00
Lost/stolen Permit	R50.00
Permits to officials of organs of state	No application fee applicable
Boat-based whale and dolphin watching permits	<u>Application Fees</u> Application fees for undertaking boat-based whale and dolphin watching is R9,123.00  <u>Permit Fees</u> Permit fees to conduct boat-based whale and dolphin watching are the following: (i) Vessels licenced in terms of the relevant legislation and registered by SAMSA to carry five passengers or less is R4,199.00 (ii) Vessels licenced in terms of the relevant legislation and registered by SAMSA to



	<p>carry six (6) to ten (10) passengers is R8,249.00</p> <p>(iii) Vessels licenced in terms of the relevant legislation and registered by SAMSA to carry eleven (11) to twenty (20) passengers is – a base fee of R8,249.00 plus R2,410.00 for each additional paying passenger over and above ten (10) that the vessel is registered to carry</p> <p>(iv) Vessels licenced in terms of the relevant legislation and registered by SAMSA to carry 21 or more passengers is R37,993.00</p>
White shark cage diving permits	<p><u>Application Fees</u></p> <p>Application fees for undertaking white shark cage diving is R9,123.00</p> <p><u>Permit Fees</u></p> <p>Permit fees to conduct white shark cage diving are the following:</p> <p>(i) Vessels licenced in terms of the relevant legislation and registered by SAMSA to carry twelve (12) or less passengers is R23,496.00</p> <p>(ii) Vessels licenced in terms of the relevant legislation and registered by SAMSA to carry more than 12 paying passengers - a base fee of R23,496.00 plus R1,861.00 for each paying passenger over and above twelve (12) that the vessel is registered to carry</p>

Annexure 4

**ORDINARY PERMIT**

Issued in terms of the provisions of the  
National Environmental Management:  
Biodiversity Act, 2004 (Act No. 10 of  
2004)

NAME OF ISSUING AUTHORITY	
NAME	
ADDRESS	
PROVINCE	

DETAIL OF PERMIT-HOLDER			
NAME		ID NO.	
SURNAME		PASSPORT NO.	
	POSTAL ADDRESS	RESIDENTIAL ADDRESS	
ADDRESS			
ADDRESS			
ADDRESS			
TOWN			
POSTAL CODE			
PROVINCE			

DETAIL OF SPECIES INVOLVED				
SPECIES		SEX (if known)	QUANTITY	MARKING (if applicable)
COMMON NAME	SCIENTIFIC NAME			

DETAIL OF RESTRICTED ACTIVITIES INVOLVED

NAME AND SURNAME OF PURCHASER/ SELLER	
RESIDENTIAL ADDRESS OF PURCHASER/ SELLER	

IN THE CASE OF INTERNATIONAL IMPORT/ EXPORT:	
NAME AND SURNAME OF CONSIGNEE/ CONSIGNOR	
RESIDENTIAL ADDRESS OF CONSIGNEE/ CONSIGNOR	

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<b>IN THE CASE OF A HUNT:</b>	
<b>NAME AND SURNAME OF HUNTING CLIENT (if applicable)</b>	
<b>NAME AND SURNAME OF PROFESSIONAL HUNTER (if applicable)</b>	
<b>NAME AND SURNAME OF HUNTING OUTFITTER (if applicable)</b>	
<b>WEAPON AND METHOD OF HUNTING</b>	

<b>IN THE CASE OF POSSESSION OF ELEPHANT IVORY OR RHINOCEROS HORN:</b>	
<b>WEIGHT OF EACH PIECE APPLIED FOR</b>	
<b>LENGTH OF THE ELEPHANT IVORY</b>	
<b>BASE CIRCUMFERENCE OF ELEPHANT IVORY OR RHINOCEROS HORN</b>	
<b>REGISTRATION NUMBER</b>	
<b>MICROCHIP NUMBER</b>	

<b>PERMIT VALIDATION</b>			
<b>PERIOD OF VALIDITY</b>	<b>FROM:</b>		<b>TO:</b>
<b>RECEIPT NUMBER</b>			
<b>SIGNATURE ISSUING OFFICER</b>		<b>SIGNATURE PERMIT-HOLDER</b>	
<b>DATE STAMP:</b>			

Annexure 5



**STANDING PERMIT**

Issued in terms of the provisions of the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004)

NAME OF ISSUING AUTHORITY	
NAME	
ADDRESS	
PROVINCE	

PROVINCIAL DEPARTMENT PROTECTED AREA MANAGEMENT AUTHORITY	NATIONAL DEPARTMENT VETERINARIAN
REGISTERED CAPTIVE BREEDING OPERATION	REGISTERED SCIENTIFIC INSTITUTION
REGISTERED SANCTUARY	REGISTERED REHABILITATION FACILITY
REGISTERED COMMERCIAL EXHIBITION FACILITY	REGISTERED GAME FARM
REGISTERED WILDLIFE TRADER	REGISTERED NURSERY
UNIQUE REGISTRATION NUMBER	

DETAIL OF PERMIT-HOLDER			
NAME		ID NO.	
SURNAME		PASSPORT NO.	
	POSTAL ADDRESS	RESIDENTIAL ADDRESS	
ADDRESS			
ADDRESS			
ADDRESS			
TOWN			
POSTAL CODE			
PROVINCE			

DETAIL OF SPECIES INVOLVED				
SPECIES		SEX (if known)	QUANTITY	MARKING (if applicable)
COMMON NAME	SCIENTIFIC NAME			

DETAIL OF RESTRICTED ACTIVITIES INVOLVED

<b>PERMIT VALIDATION</b>			
<b>PERIOD OF VALIDITY</b>	<b>FROM:</b>		<b>TO:</b>
<b>RECEIPT NUMBER</b>			
<b>SIGNATURE ISSUING OFFICER</b>		<b>SIGNATURE PERMIT-HOLDER</b>	
<b>DATE STAMP:</b>			

## ANNEXURE 6

## AREAS FOR BOAT-BASED WHALE AND DOLPHIN WATCHING

<b>Areas</b>
Port Nolloth
Lambert's Bay
St Helena Bay – Sandy Point
Saldanha Bay
Cape Town
Hout Bay
Cape Point - Kalkbaai
Gordons Bay
Hermanus
Gans Bay
Kleinbaai
Arniston and Struis Bay
Stilbaai
Mossel Bay
Knysna
Plettenberg Bay
Cape St Francis
Port Elizabeth
Kenton on Sea
Port Alfred
East London
Kei – Umgazi rivers
Umgazi – Umtanvuna rivers
Shelley Beach
Durban
Richards Bay
St Lucia
Sodwana Bay

**ANNEXURE 7****AREAS FOR WHITE SHARK CAGE DIVING**

<b>Areas</b>
Seal Island, False Bay
Dyer Island, Gansbaai
Quoin Rock, Quoin Point
Seal Island, Mossel Bay
Algoa Bay, Port Elizabeth