



agriculture, forestry & fisheries

Department:
Agriculture, Forestry and Fisheries
REPUBLIC OF SOUTH AFRICA

Reference: James Hendricks – WCND151185

THE MINISTER

REPORT IN TERMS OF REGULATION 5(3) OF THE REGULATIONS PROMULGATED UNDER THE MARINE LIVING RESOURCES ACT, 1998 (ACT No. 18 OF 1998): APPEAL IN TERMS OF SECTION 80 OF THE MARINE LIVING RESOURCES ACT, 1998 (ACT No. 18 OF 1998): JAMES HENDRICKS

1. PURPOSE

To submit a report as provided for in terms of Regulation 5(3) of the Regulations promulgated under the Marine Living Resources Act, 1998 (Act No. 18 of 1998) (“the MLRA”), with regard to an appeal by James Hendricks.

2. GROUNDS OF APPEAL

The Appellant’s first ground of appeal relates to section 5 (fishing performance). The Appellant argues that he has exercised his right every year and that can be ascertained by the permits activated for nine seasons. The Appellant therefore argues that he should get the maximum points (100%) not (66.67%) on fishing performance. The Appellant indicates that the projected score attained by the appellant for section 5 should be 35 points.

The Appellant’s second ground of appeal relates to section 6 (Transformation). The Appellant is of the opinion that section 6 should have been given a weighting as he has made efforts to donate and procure goods to majority black owned companies. The Appellant argues that she should be rewarded for going an extra mile. The Appellant indicates that she should have scored 100% for section 6.3 and 6.4 respectively as he answered yes to the question and completed the table as requested.

3. DELIBERATIONS

The Appellant was categorised as a Category A applicant, this category was for individuals who held West Coast Rock Lobster (Nearshore) fishing rights during the 2005 Long-Term Rights Allocation and Management Process (“LTRAMP2005”). The Appellant scored above the set minimum threshold of 63.1% for previous right holder applicants and accordingly was awarded a fishing right.

The Appellant attained a score of 66.67 on section 5.2 in relation to catch records based on the information provided by the applicant at the time of application. The Appellant caught 100% of his allocation within Zone D and caught 100% for 6 of 10 years with no over catch.

Section 6 is zero (0) weighted in West Coast Rock Lobster (Nearshore) as it is covered under section 1 of the application form.



BELEMANE SEMOLI
DEPUTY DIRECTOR-GENERAL (ACTING)
FISHERIES MANAGEMENT
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