



Reference: West Coast Rock Lobster (Offshore) Appeals

**THE MINISTER**

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**REPORT IN TERMS OF REGULATION 5(3) OF THE REGULATIONS  
PROMULGATED UNDER THE MARINE LIVING RESOURCES ACT, 1998 (ACT No.  
18 OF 1998) ("THE MLRA"): APPEAL IN TERMS OF SECTION 80 OF THE MLRA:  
WEST COAST ROCK LOBSTER (OFFSHORE) FISHERY: CATEGORY B  
APPELLANTS**

**1. PURPOSE**

- 1.1 To submit a report as provided for in terms of Regulation 5(3) of the Regulations promulgated under the MLRA, with regard to an appeal by 34 Appellants in the West Coast Rock Lobster (Offshore) Fishery ("the Appellants").
- 1.2 The 34 Appellant's details are attached to this report as Appendix 1.

**2. GROUNDS OF APPEAL**

- 2.1 The grounds of appeal by 34 Appellants relates to the decision of the Delegated Authority not to allow Category B Applicants into the West Coast Rock Lobster (Offshore) fishing sector.

**3. DELIBERATIONS**

- 3.1 The Department received 3423 applications in the West Coast Rock Lobster (Nearshore) fishing sector and 637 applications in the Offshore sector. Section 6(b) of the General Policy on the Allocation and Management of Fishing Rights: 2013 ("the General Policy") indicates that the Department expects a large number of applications for fishing rights and anticipates that, given the current

limits on catch and effort in all the fisheries, not all applicants will be granted rights.

- 3.2 From the outset it was clear that number of applicants could not be accommodated in the fishery, particularly given Government's priority for the need to set aside meaningful allocations to the Small-scale sector and the fact that the fishery is over-subscribed.
- 3.3 The Delegated Authority noted the many comments received during the comment period regarding the general unhappiness around the decision to allocate 90% of the Nearshore TAC to the Small-scale sector. The Delegated Authority therefore reviewed her decision and decided to allocate 20% of the Offshore TAC to the Small-scale sector. This adjustment increased the number of successful Category A Applicants from 75 to 410. However, this still meant that a number of previous right holders would become unsuccessful in FRAP2015/16.
- 3.4 In order to accommodate the larger number of Category A Applicants (from 75 to 410), and in order to provide meaningful allocations to the Small-scale sector, the Delegated Authority decided not to allow Category B Applicants into the West Coast Rock Lobster (Offshore) sector. This decision was confirmed when the final lists for the Offshore sector were published on 31 July 2017.
- 3.5 It is therefore recommended that the Delegated Authority's decision not to allow Category B Applicants into the West Coast Rock Lobster (Offshore) fishing sector be upheld.



**BELEMANE SEMOLI**  
**DEPUTY DIRECTOR-GENERAL (ACTING)**  
**FISHERIES MANAGEMENT**  
**DATE: 21 AUGUST 2018**

**Appendix 1**

West Coast Rock Lobster (Offshore) Fishery: Category B Applicants

<b>No.</b>	<b>Name</b>	<b>Application Number</b>
1.	Big Blue Fishing and Charters CC	WCOM150843
2.	Noordkaap Visserman Onderneming (Pty) Ltd	WCOM150337
3.	Sunny Seas Fisheries (Pty) Ltd	WCOM151435
4.	Raaff Fisheries CC	WCOM151402
5.	Fantique Trade 627 CC	WCOM153776
6.	Hentiq 1676 (Pty) Ltd	WCOM151412
7.	Picture Perfect Trading 26 (Pty) Ltd	WCOM151364
8.	ADD-X Trading 386 CC	WCOM151423
9.	Sheatrade 34 CC	WCOM150871
10.	Wild Benguela Harvest (Pty) Ltd	WCOM150818
11.	Hacky Fishing (Pty) Ltd	WCOM150807
12.	Fantastic Investments 3 CC	WCOM151356
13.	Unathi-Wena Fishing CC	WCOM153610
14.	A Penglides (Pty) Ltd	WCOM153576
15.	E W Smith Fishing (Pty) Ltd	WCOM153552
16.	Sisonke Fishing CC	WCOM150060
17.	E H Walters Trawling (Pty) Ltd	WCOM150607
18.	Kleinbegin Community Development CC	WCOM150621
19.	Raaff Dive Operations CC	WCOM151206
20.	Nascimento Fishing CC	WCOM150642
21.	Precious Prospect Trading 110 (Pty) Ltd	WCOM153562
22.	Sea Pirates Fishing CC	WCOM151208
23.	Moniz Fisheries (Pty) Ltd	WCOM150755
24.	Columbia Fishing CC	WCOM151245
25.	Chapman's Seafood Company (Pty) Ltd	WCOM150863
26.	Inyanga Fishing (Pty) Ltd	WCOM150823
27.	Crystal Cave Trading 122 CC	WCOM150805
28.	Shazul Trading and Investments CC	WCOM150865

29	82 Boundary Road CC	WCOM153525
30	Great Octave Trading 124 CC	WCOM150806
31	Siyazakha Fishing CC	WCOM150811
32	Fantastic Investments 2 CC	WCOM152907
33	Fantastic Investments 5 CC	WCOM152901
34	Sceptre Fishing (Pty) Ltd	WCOM150454

