



## forestry, fisheries & the environment

Department:  
Forestry, Fisheries and the Environment  
REPUBLIC OF SOUTH AFRICA

# IMPORTANT NOTICE

**FOR IMMEDIATE RELEASE**

**SUBMISSION OF NOTIFICATIONS OF CHANGE IN SHAREHOLDING AND/OR MEMBERS' INTERESTS AS WELL AS STRAIGHT CONVERSIONS IN TERMS OF THE POLICY FOR THE TRANSFER OF COMMERCIAL FISHING RIGHTS: 2009**

**ATTENTION: ALL HOLDERS OF EXEMPTIONS ISSUED IN TERMS OF SECTION 81(1) OF THE MARINE LIVING RESOURCES ACT, 1998 (ACT NO. 18 OF 1998)**

On 30 November 2020, the Department issued and published a Public Notice on the Departmental website titled "Amendment to Notice Published on 23 September 2020: Submission of Applications for the Transfer of Fishing Rights ("the Notice"). In that Notice, the Department communicated that Right Holders wishing to submit applications for the Transfer of Commercial Fishing Rights, including applications for the transfer of share and/or member's interest resulting in change in control of the Company and/or Close Corporation or resulting in the Company and/or Close Corporation not being as transformed as at date of the allocation of the fishing right, and Notifications of change in Shareholding and/or Members' Interests in all fishing sectors due for re-allocation were to submit their applications no later than Friday, 11 December 2020 at 16h00 with the exception of the rights granted in the South Coast Rock Lobster sector which already expired on 30 September 2020. This was to allow the Department sufficient time to consider and process applications prior to the expiry of the rights, which were due to expire on 31 December 2020.

Despite the above Notice, there have been some enquiries from Commercial Exemption Holders intending to change their shareholding and/or members' interests as well as straight conversions or name changes. As such, this Notice supplements the Notice of 30 November 2020 to provide clarity on these matters.


Companies and/or close corporations operating under the exemption granted in terms of section 81 of the MLRA attached hereto, from having a valid right granted in terms of section 18(1) of the MLRA, are advised that applications (lodged after the expiry of the right) for transfer of shares and/or notifications of change in shareholding and/or members' interests will not be considered during the validity period of the exemption.

Where an Exemption Holder wants to implement a straight conversion from a close corporation to a company or name change (no change in shareholding/members' interest), the Exemption Holder must inform the Department in writing of such change and supply all relevant documentation. Applications for straight conversions or name change may be submitted electronically via email to: [cscapplications@environment.gov.za](mailto:cscapplications@environment.gov.za) and must comply with paragraph 7.1 of the Policy for the Transfer of Commercial Fishing Rights: 2009 (Gazette No 32449). The Department must be notified within 30 days of any straight conversion or name change, which must be approved in writing by the Department.

Applications for a straight conversion from a close corporation to a company or name change (no change in shareholding/members' interest) in the fishing sectors due for re-allocation **MUST be submitted by no later than Wednesday, 30 June 2021 at 16h00** in order to allow the Department sufficient time to consider and process these applications prior to the invitation for applications for the allocation of commercial fishing rights for the 2021 Fishing Rights Allocation Process. The Department **WILL NOT** consider any applications submitted after this date and time.

For all FRAP enquiries, contact the FRAP Call Centre on 021 402 3727 (FRAP) or via E-mail: [frapeng2020@environment.gov.za](mailto:frapeng2020@environment.gov.za)

For enquiries relating to application processes, contact the Department's Customer Service Centre on telephone number 086000 3474 or at the e-mail address [cscenquiries@environment.gov.za](mailto:cscenquiries@environment.gov.za)



Ms Sue Middleton

**DEPUTY DIRECTOR-GENERAL: FISHERIES MANAGEMENT (ACTING)**

Duly delegated with the authority in terms of section 79 of the Marine Living Resources Act, 1998 to grant approval on section 21 applications in terms of that Act

DATE: 19/04/2021

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Issued by the Department of Forestry, Fisheries and the Environment  
Branch: Fisheries Management  
Private Bag X2, Vloeberg, 8018, Foretrust Building, Martin Hammerschlag Way, Foreshore, Cape Town, 8001



## environment, forestry & fisheries

Department: Environment, Forestry  
and Fisheries  
REPUBLIC OF SOUTH AFRICA

### **EXEMPTION GRANTED FROM THE PROVISIONS OF SECTION 18 OF THE MARINE LIVING RESOURCES ACT, 1998 (ACT NO.18 OF 1998) TO ALL HOLDERS OF COMMERCIAL FISHING RIGHTS WHOSE RIGHTS EXPIRED ON 30 SEPTEMBER 2020 AND/OR ARE EXPIRING ON 31 DECEMBER 2020**

#### **Introduction**

In terms of section 18(1) of the Marine Living Resources Act, 1998 (Act No. 18 of 1998) (the "MLRA"), *"No person shall undertake commercial fishing or small-scale fishing, engage in mariculture or operate a fish processing establishment unless a right to undertake or engage in such an activity or to operate such an establishment has been granted to such a person by the Minister"*.

In terms of section 18(6) of the MLRA, *"All rights granted in terms of this section shall be valid for the period determined by the Minister, which period shall not exceed 15 years, whereafter it shall automatically terminate and revert back to the State to be reallocated in terms of the provisions of this Act relating to the allocation of such rights"*.

On Wednesday, 4 September 2019, Cabinet supported and endorsed the decision of the Minister of Forestry, Fisheries and the Environment to extend the timeframes for allocating fishing rights in twelve commercial fishing sectors which would expire on/or before 31 December 2020. The Department is currently engaged with preparations aimed at ensuring that the upcoming fishing rights allocation process is fair and legally defensible.

#### **Exemption**

All holders of Commercial Fishing Rights whose rights expired on 30 September 2020 and/or will expire on 31 December 2020 are hereby exempted in terms of section 81(1) of the MLRA from section 18(1) of that Act. The holders of Commercial Fishing Rights in the South Coast Rock Lobster, Hake Deep-sea Trawl, Small Pelagics, KZN Prawn Trawl, Hake Longline, Tuna Pole-Line, Demersal Shark, Squid, Traditional Linefish, Hake Handline, Oysters and White Mussels fishing sectors are therefore, in terms of this exemption, authorised to harvest their allocation in full for the 2020/2021 fishing season, subject to the conditions below.

All holders of this exemption must also be in possession of a valid permit issued in terms of section 13 of the MLRA or a valid exemption from the provisions of section 13 of the MLRA, in order to fish or undertake any other activity in terms of the MLRA.


This exemption does not constitute a right to fish.

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For enquiries relating to application process, contact the Department's Customer Service Centre on telephone number 08600 3474 or at the e-mail address [cscenquiries@daff.gov.za](mailto:cscenquiries@daff.gov.za)

#### VALIDITY PERIOD

This exemption is valid from 1 October 2020 to 31 December 2021.



**MS SUE MIDDLETON**

**DEPUTY DIRECTOR-GENERAL: FISHERIES MANAGEMENT (ACTING)**

Duly delegated with the authority in terms of section 79 of the Marine Living Resources Act, 1998 to issue exemptions in terms of section 81 of that Act

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Issued by the Department of Environment, Forestry and Fisheries  
Branch: Fisheries Management  
Private Bag X2, Vlaeberg, 8018. Foretrust Building, Martin Hammerschlag Way, Foreshore, Cape Town, 8001