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DEPARTMENT OF ENVIRONMENTAL AFFAIRS

NO. 321

20 MARCH 2020

**NATIONAL ENVIRONMENTAL MANAGEMENT: PROTECTED AREAS ACT, 2003
(ACT NO. 57 OF 2003)****DRAFT AMENDMENTS TO CERTAIN REGULATIONS GOVERNING VARIOUS MARINE
PROTECTED AREAS**

I, Barbara Dallas Creecy, Minister of Environment, Forestry and Fisheries, hereby publish draft amendments to certain regulations governing various marine protected areas in terms of section 86 of the National Environmental Management: Protected Areas Act, 2003 (Act No. 57 of 2003) as set out in the Schedule hereto, for public comments.

Any person who wishes to submit representations or comments in connection with the draft amendments is invited to do so within 60 calendar days of the publication of this notice. Comments received after this time may not be considered. All representations and comments must be submitted in writing to the Deputy Director-General of the national Department of Environmental Affairs, Branch: Oceans and Coasts:

By post to: The Deputy Director-General
 Department of Environmental Affairs
 Attention: Ms Daisy Kotsedi
 Branch: Oceans and Coasts
 Private Bag x4390
 CAPE TOWN
 8002

By hand: The Deputy Director-General
 Department of Environmental Affairs
 Attention: Ms Daisy Kotsedi
 Branch: Oceans and Coasts
 1 East Pier Building, East Pier Road
 Victoria & Alfred Waterfront, Cape Town

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Enquiries: Ms Daisy Koketso, Tel: 021 405 9490



BARBARA DALLAS CREECY
MINISTER OF ENVIRONMENT, FORESTRY AND FISHERIES

GENERAL EXPLANATORY NOTE:

[] Words in bold type in square brackets indicate omissions from existing regulations.

_____ Words underlined with a solid line indicate insertions in existing regulations.

SCHEDULE**Amendment of regulation 1 in Government Notice R. 695 in *Government Gazette* 26431 of 4 June 2004**

1. Regulation 1 of the Notice declaring the Table Mountain National Park Marine Protected Area is hereby amended—

(a) by the substitution for the definition of "personal watercraft" of the following definition:

"**personal watercraft**" means a vessel—

(a) which is less than three meters in length;

(b) which uses an inboard engine powering a water-jet pump as its primary source of propulsion; and

(c) which is designed to be operated by a person or persons sitting, standing or kneeling on, rather than within, the confines of a hull.; and

(b) by the deletion of the following definition:

["SCUBA diving business" means a commercial enterprise which involves transporting, guiding or providing SCUBA gear to SCUBA divers;].

Deletion of regulation 8 in Government Notice R. 695 in *Government Gazette* 26431 of 4 June 2004

2. Regulation 8 of the Notice declaring the Table Mountain National Park Marine Protected Area is hereby deleted.

Amendment of regulation 9 in Government Notice R. 695 in Government Gazette 26431 of 4 June 2004

3. Regulation 9 of the Notice declaring the Table Mountain National Park Marine Protected Area is hereby amended by the substitution of regulation 9 for the following regulation:

9. SCUBA diving

(1) No person may operate or attempt to operate a SCUBA diving business in the Marine Protected Area, without a permit.

(2) Application for a permit referred to in sub-regulation (1) must be made to the Minister and may be issued subject to conditions.”.

Amendment of regulation 11 in Government Notice R. 695 in Government Gazette 26431 of 4 June 2004

4. Regulation 11 of the Notice declaring the Table Mountain National Park Marine Protected Area is hereby amended by the insertion, after subregulation (4), of the following subregulations:

“ (5) No person may operate a vessel at a speed that exceeds 8 knots within 500 meters of the high-water mark within the Marine Protected Area, except where it is necessary to do so for the vessel's safety, or for launching or approaching a launch site.

(6) No person may operate or attempt to operate any vessel within the Marine Protected Area in contravention of—

(a) the Merchant Shipping Act, 1951 (Act No. 57 of 1951); or

(b) any rule, notice, directive or other prescript issued by the South African Maritime Safety Authority.”.

Amendment of regulation 1 in Government Notice R. 1108 in *Government Gazette* 31516 of 17 October 2008

5. Regulation 1 of the Stilbaai Marine Protected Area Regulations is hereby amended by the substitution for the definition of "personal watercraft" of the following definition:

"personal watercraft" means a vessel—

(a) which is less than three meters in length;

(b) which uses an inboard engine powering a water-jet pump as its primary source of propulsion; and

(c) which is designed to be operated by a person or persons sitting, standing or kneeling on, rather than within, the confines of a hull."

Amendment of regulation 6 in Government Notice R. 1108 in *Government Gazette* 31516 of 17 October 2008

6. Regulation 6 of the Stilbaai Marine Protected Area Regulations is hereby amended by the substitution of regulation 6 for the following regulation:

"9. SCUBA diving

(1) No person may operate or attempt to operate a SCUBA diving business in the Marine Protected Area, without a permit.

(2) Application for a permit referred to in sub-regulation (1) must be made to the Minister and may be issued subject to conditions.

(3) Any vessel that has deployed divers in the Marine Protected Area must display an alpha flag."

Amendment of regulation 8 in Government Notice R. 1108 in *Government Gazette* 31516 of 17 October 2008

7. Regulation 8 of the Stilbaai Marine Protected Area Regulations is hereby amended by the insertion, after subregulation (4), of the following subregulations:

" (5) No person may operate a vessel at a speed that exceeds 8 knots within 500 meters of the high-water mark, within the Marine Protected Area, except where it is necessary to do so for the vessel's safety, or for launching or approaching a launch site.

(6) No person may operate or attempt to operate any vessel within the Marine Protected Area in contravention of—

(a) the Merchant Shipping Act, 1951 (Act No. 57 of 1951); or

(b) any rule, notice, directive or other prescript issued by the South African Maritime Safety Authority."

Amendment of regulation 1 in Government Notice R. 694 in *Government Gazette* 26430 of 4 June 2004

8. Regulation 1 of the Notice declaring the Pondoland Marine Protected Area is hereby amended by—

- (a) the substitution for the definition of "personal watercraft" of the following definition:

" **personal watercraft** means a vessel—

(a) which is less than three meters in length;

(b) which uses an inboard engine powering a water-jet pump as its primary source of propulsion; and

(c) which is designed to be operated by a person or persons sitting, standing or kneeling on, rather than within, the confines of a hull.;" and

- (b) by the deletion of the following definition:

["SCUBA diving business" means a commercial enterprise which involves transporting, guiding or providing SCUBA gear to SCUBA divers;]

Deletion of regulation 8 in Government Notice R. 694 in *Government Gazette* 26430 of 4 June 2004

9. Regulation 8 of the Notice declaring the Pondoland Marine Protected Area is hereby deleted.

Amendment of regulation 9 in Government Notice R. 694 in *Government Gazette* 26430 of 4 June 2004

10. Regulation 9 of the Notice declaring the Pondoland Marine Protected Area is hereby amended by the substituted of regulation 9 for the following regulation:

9. SCUBA diving

- (1) No person may operate or attempt to operate a SCUBA diving business in the Marine Protected Area, without a permit.
- (2) Application for a permit referred to in sub-regulation (1) must be made to the Minister and may be issued subject to conditions."

Amendment of regulation 11 in Government Notice R. 694 in *Government Gazette* 26430 of 4 June 2004

11. Regulation 11 of the Notice declaring the Pondoland Marine Protected Area is hereby amended by the insertion, after subregulation (4), of the following subregulations:

- " (5) No person may operate a vessel at a speed that exceeds 8 knots within 500 meters of the high-water mark, within the Marine Protected Area, except where it is necessary to do so for the vessel's safety, or for launching or approaching a launch site.
- (6) No person may operate or attempt to operate any vessel within the Marine Protected Area in contravention of—
- (a) the Merchant Shipping Act, 1951 (Act No. 57 of 1951); or
- (b) any rule, notice, directive or other prescript issued by the South African Maritime Safety Authority."

Amendments of regulation 1 in Government Notice R. 1074 in *Government Gazette* 39379 of 6 November 2015

12. Regulation 1 of the Dwesa-Cwebe Marine Protected Area Regulations is hereby amended by the substitution for the definition of "personal watercraft" of the following definition:

"personal watercraft" means a vessel—

(a) which is less than three meters in length;

(b) which uses an inboard engine powering a water-jet pump as its primary source of propulsion; and

(c) which is designed to be operated by a person or persons sitting, standing or kneeling on, rather than within, the confines of a hull."

Amendment of regulation 10 in Government Notice R. 1074 in *Government Gazette* 39379 of 6 November 2015

13. Regulation 10 of the Dwesa-Cwebe Marine Protected Area Regulations is hereby amended by the insertion, after subregulation (5), of the following subregulations:

(6) No person may operate a vessel at a speed that exceeds 8 knots within 500 meters of the high-water mark, within the Marine Protected Area, except where it is necessary to do so for the vessel's safety, or for launching or approaching a launch site.

(7) No person may operate or attempt to operate any vessel within the Marine Protected Area in contravention of—

(a) the Merchant Shipping Act, 1951 (Act No. 57 of 1951); and

(b) any rule, notice, directive or other prescript issued by the South African Maritime Safety Authority."

Amendment of regulation 4 in Government Notice R. 731 in *Government Gazette* 34596 of 16 September 2011

14. Regulation 4 of the Amathole Marine Protected Area Regulations is hereby amended by the substitution of regulation 4 for the following regulation:

9. SCUBA diving

- (1) No person may operate or attempt to operate a SCUBA diving business in the Marine Protected Area, without a permit.
- (2) Application for a permit referred to in sub-regulation (1) must be made to the Minister and may be issued subject to conditions.
- (3) Any vessel that has deployed divers in the Marine Protected Area must display an alpha flag.”

Commencement

15. These regulations take effect on the date of its publication in the *Gazette*.