

South Africa

Disaster Management Act, 2002

Directions Regarding Measures to Address, Prevent and Combat the Spread of COVID-19 Relating to the Freshwater and Marine Fishing Sectors (Alert Level 3)

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Directions Regarding Measures to Address, Prevent and Combat the Spread of COVID-19 Relating to the Freshwater and Marine Fishing Sectors (Alert Level 3)

Government Notice 648 of 2020

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I, Barbara Dallas Creecy, Minister of Forestry, Fisheries and the Environment hereby issue the Directions set out in the Schedule in terms of regulation 4(10) of the Regulations issued by the Minister of Co-operath/e Governance and Traditional Affairs in terms of section 27(2) of the Disaster Management Act, 2002 ([Act No. 57 of 2002](#)) and published on 29 April 2020 in Government Notice No. R. 480 of Government Gazette No. 43258.

Barbara Dallas Creecy

Minister of Forestry, Fisheries and the Environment

1. Definitions

In these Directions, any word or expression to which a meaning has been assigned in the Regulations, the Marine Living Resources Act, and any regulations promulgated in terms of the Marine Living Resources Act, bears the meaning so assigned and, unless the context otherwise indicates—

"**charter fishing**" means fishing from a vessel carrying more than one passenger for hire that intend to undertake, or are engaged in recreational fishing;

"**estuary**" has the meaning assigned to it in section 1 of the National Environmental Management: Integrated Coastal Management Act, 2008 ([Act No. 24 of 2008](#));

"**exemption**" means an exemption granted in terms of section 81 of the Marine Living Resources Act;

"**freshwater system**" means any body of freshwater including rivers, dams and lakes excluding an estuary;

"**licence**" means a licence issued to a fishing vessel in terms of section 23(1), 39(2) or 41(1) of the Marine Living Resources Act;

"**Marine Living Resources Act**" means the Marine Living Resources Act, 1998 ([Act No. 18 of 1998](#));

"**recreational fishing**" means any fishing done in the sea, an estuary or a freshwater system for leisure or sport and not for sale, barter, earnings or gain;

"**Regulations**" means the Regulations issued in terms of section 27(2) of the Disaster Management Act and published on 29 April 2020 in Government Notice No. R. 480 of Government Gazette No. 43258, as amended by Government Notice 608 published In Government Gazette 43364 of 28 May 2020; and

"**right**" means any existing right granted in terms of section 18 of the Marine Living Resources Act.

2. Purpose

2.1 The purpose of these Directions is to curtail the threat posed by the COVID-19 pandemic and to alleviate, contain and minimise the effects of the national state of disaster, and in particular, to provide directions to the freshwater and marine fishing sectors.

3. Application

These Directions apply to—

- (a) mariculture, commercial and small-scale fishing rights, permits and exemptions;
- (b) commercial and small-scale fishing vessel licences;
- (c) fish-processing establishments' rights, permits and exemptions;
- (d) permits or exemptions to Import or export fish; and
- (e) recreational fishing.

4. Directions pertaining to all fishing activities

- 4.1 Cognisant of the health risks associated with COVID-19 but in alignment with the alleviation of certain restrictions Implemented tor public recreational activities In terms of the Regulations during Alert Level 3, all fishing is allowed during Alert Level 3, including recreational fishing, except for charter fishing.
- 4.2 Notwithstanding paragraph 5 below, recreational fishers must be In possession of a valid recreational fishing permit, obtainable from the post office for recreational fishing under the Marine Living Resources Act, and as required by the applicable legislation for freshwater fishing.
- 4.3 Recreational fishing may not occur in groups, and all the laws applicable under the Regulations including those relating to social distancing, health protocols, movement and gatherings shall continue to apply.

5. Extension of timeframes

Timeframes as contained in any right, permit, exemption or licence, or any condition with respect to such right, permit, exemption or licence, including—

- (a) timeframes with regard to validity periods as outlined in the Fisheries COVID-19 Public Notice titled "Exemption in terms of section 81 of the Marine Living Resources Act, 1998 ([Act No. 18 of 1998](#)) to all holders of licences, permits, and authorisations Issued In terms of the Marine Living Resources Act, 1998 ([Act No. 18 of 1998](#)) to operate without permits for the next ninety (90) days"; and
- (b) the second Fisheries COVID-19 Public Notice titled "Exemptions Issued to all fishing sectors in terms, of section 81 of the Marine Living Resources Act, 1998 ([Act No. 18 of 1998](#))" Issued by tile Department on 24 and 26 March 2020 respectively,

which have lapsed during the lockdown or Alert Level 4 period of the national state of disaster declared for the COVID-19 pandemic, or which will lapse during the Alert Level 3 period, are hereby extended, or deemed to be extended until the termination of Alert Level 3 in accordance with the Regulations.

6. Commencement and duration

These Directions come into effect on the date of publication in the Government Gazette, and will remain in force for the duration ofAlert Level 3.