



## environment, forestry & fisheries

Department: Environment, Forestry  
and Fisheries  
REPUBLIC OF SOUTH AFRICA

# IMPORTANT NOTICE

### FOR IMMEDIATE RELEASE

### AMENDMENT TO NOTICE PUBLISHED ON 23 SEPTEMBER 2020: SUBMISSION OF APPLICATIONS FOR THE TRANSFER OF FISHING RIGHTS (SECTION 21 APPLICATIONS)

### ATTENTION: ALL HOLDERS OF COMMERCIAL FISHING RIGHTS ISSUED IN TERMS OF SECTION 18(1) OF THE MARINE LIVING RESOURCES ACT, 1998 (ACT NO. 18 OF 1998)

On 23 September 2020, the Department published a notice informing all holders of Commercial Fishing Rights issued in terms of section 18 of the Marine Living Resources Act, 1998, (Act No. 18 of 1998) ("the MLRA") about the decision to extend the cut-off date for the submission of applications for the Transfer of Commercial Fishing Rights including Notifications of Change in Shareholding and/or Member's Interests in all fishing sectors due for re-allocation in 2021, to Thursday, 31 December 2020 at 16h00 with the exception of the rights granted in the South Coast Rock Lobster sector which expired on 30 September 2020.

In that Notice, the Department communicated that in terms of section 18(6) of the MLRA, all fishing rights are valid for a period as determined by the Minister, whereafter it automatically terminates and reverts back to the State for reallocation. Please note, however, that only rights which have not expired, may be transferred in terms of section 21 of the MLRA. Therefore, no commercial fishing rights which expire on 31 December 2020, may lawfully be transferred after 31 December 2020.

Pending the finalisation of the 2021 fishing rights allocation process (FRAP 2021), however, commercial fishing-rights holders have been issued with an exemption in terms of section 81 of the MLRA authorising them to continue operating until 31 December 2021.

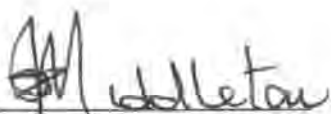
The Department has obtained legal guidance in this regard and is of the considered view that once the section 18 right expires, the right automatically terminates and reverts back to the State for reallocation. Fishing rights cannot be transferred after the rights have expired, because the right reverts back to the State to be reallocated as prescribed by section 18(6) of the MLRA. Persons undertaking fishing activities in terms of exemptions issued in terms of section 81 of the MLRA, are therefore unable to transact with a right they no longer possess, because the right has expired and has thus reverted to the State for reallocation. It therefore stands to reason that persons conducting fishing activities under exemptions are not undertaking those activities in terms of a fishing right and have no entitlement to transfer the exemption. Section 21 applications cannot be processed after the right has expired. They must be processed, considered and transferred while the right remains valid. Transfer applications for rights that have expired cannot be processed retrospectively.

Right Holders wishing to submit applications for the Transfer of Commercial Fishing Rights including Notifications of Change in Shareholding and/or Member's Interests in all fishing sectors due for re-allocation **MUST 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 is to allow the Department sufficient time to consider and process applications prior to the expiry of the rights, **which expire on 31 December 2020.**

Commercial fishing-right holders intending to transfer their commercial fishing rights may also apply online. Applications may be submitted electronically via email to: [cscapplications@daff.gov.za](mailto:cscapplications@daff.gov.za). Please note that applications submitted electronically must comply with all the requirements for *Application for the Transfer of a Right to Undertake Commercial Fishing in Terms of Section 21 of the Marine Living Resources Act, 1998 (Act No. 18 of 1998)*.

For all FRAP enquiries, contact the FRAP Call Centre on 021 402 3727 (FRAP) or via E-mail: [FRAPenq\\_2020@daff.gov.za](mailto:FRAPenq_2020@daff.gov.za)

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)



**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: 30/11/2020

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Issued by the Department of Environment, Forestry and Fisheries  
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