PRESIDENT'S OFFICE

No. 1528.
4 October 1995

NO. 74 OF 1995: SEA FISHERY AMENDMENT ACT, 1995.

It is hereby notified that the President has assented to the following Act which is hereby published for general information:-

GENERAL EXPLANATORY NOTE:

** ** Words between asterisks indicate omissions from existing enactments.

<< >> Words between pointed brackets indicate insertions in existing enactments.

ACT

To amend the Sea Fishery Act, 1988, so as to delete a definition and to amend others; to delete an obsolete provision; to further regulate the Minister's power to make regulations; to repeal certain laws; to provide that the said Act shall apply throughout the Republic; and to provide for matters connected therewith.

(Afrikaans text signed by the President.)
(Assented to 28 September 1995.)

BE IT ENACTED by the Parliament of the Republic of South Africa, as follows:-

Amendment of section 1 of Act 12 of 1988, as amended by section 1 of Act 98 of 1990, section 1 of Act 57 of 1992 and section 15 of Act 15 of 1994

1. Section 1 of the Sea Fishery Act, 1988 (hereinafter referred to as the principal Act), is hereby amended-

(a) by the deletion of the definition of "Republic";

(b) by the substitution for the definition of "sea" of the following definition:

" 'sea' means the water and the bed of the sea within the fishing zone, including the sea-shore **but excluding** <<and>> the water and the **beds of tidal rivers and tidal lagoons** <<bed of a tidal river, tidal lagoon and harbour and includes the internal waters referred to in section 3 of the Maritime Zones Act, 1994 (Act No. 15 of 1994): Provided that in the case of rivers and lagoons, internal waters shall only include tidal rivers and tidal lagoons>>;"; and

(c) by the substitution for the definition of "territorial waters" of the following definition:

" 'territorial waters' means the **sea within a distance of 12 nautical miles from the low-water mark** <<territorial waters referred to in section 4 of the Maritime Zones Act, 1994 (Act No. 15 of 1994)>>;".

Amendment of section 3 of Act 12 of 1988

2. Section 3 of the principal Act is hereby amended by substitution for paragraph (b) of the following paragraph:

"(b) the catching of fish in a tidal lagoon, tidal river or estuary along the coast of the province of <<KwaZulu>>-Natal or from the sea-shore along the said coast **excluding that part of the said coast in an area which consists of land referred to in section 21(1) of the Development Trust and Land Act, 1936 (Act No. 18 of 1936), or in a scheduled Black area as defined in section 49 of the said Act** ; or".

Amendment of section 45 of Act 12 of 1988, as amended by section 9 of Act 98 of 1990, section 17 of Act 57 of 1992 and section 66 of Act 129 of 1993

3. Section 45 of the principal Act is hereby amended by the substitution for paragraph (lB) of subsection (1) of the following paragraph:

"(lB) the prohibition that more than a specified quantity or mass of any fish, or fish belonging to a particular species or category, be caught, disturbed, possessed, <<kept, controlled>> or transported during the course of any or a specified year or any other period, in general or within a defined area, by any person or fisherman or fishing boat or by all the participants in the fishing industry jointly, except on the authority of a permit issued by the director-general and in accordance with the conditions determined by him <<or her>> in the permit <<or on the authority of, and in accordance with the conditions imposed in terms of, any other means as approved by the Minister>>;".

Repeal of laws

4. The laws mentioned in the Schedule are hereby repealed to the extent indicated in column 3 thereof.

Extension of application of Act 12 of 1988

5. The principal Act shall apply throughout the Republic.

Short title and commencement

6. This Act shall be called the Sea Fishery Amendment Act, 1995, and shall come into operation on a date fixed by the President by proclamation in the Gazette.

SCHEDULE
(SECTION 4)

No. and year of law	Short title	Extent of repeal
Decree 9 of 1992 of the former Republic of Transkei	Environmental Conservation Decree, 1992	Chapter 10
Act 10 of 1987 of the former Republic of Ciskei	Nature Conservation Act, 1987	Section 70 and Chapter 7, excluding sections 51, 52, 56, 58, 66 and 67