

DEPARTMENT OF FORESTRY, FISHERIES AND THE ENVIRONMENT

NO. 5861

14 February 2025

MARINE LIVING RESOURCES ACT, 1998 (ACT NO. 18 OF 1998)

DRAFT AMENDMENTS TO THE REGULATIONS FOR THE PROTECTION OF WILD ABALONE, 2008

I, Dr Dion George, Minister of Forestry, Fisheries and the Environment, hereby publish for public comment, draft regulations to amend the Regulations for the Protection of Wild Abalone (*Haliotis*) published in GN R. 62 in *Government Gazette* 30716 of 1 February 2008, in terms of sections 77(1)(b) and (2)(y) of the Marine Living Resources Act, 1998 (Act No. 18 of 1998). The draft amendments are set out in the schedule to this notice.

Due to the prevalence of poaching in the Suiderstrand area, on 7 July 2023 an amendment was published for public comment, to extend the current no-dive zone, which spans from Quoin Point to Gansbaai Harbour, so that the no-dive zone will, in future, span from Quoin Point to the Struisbaai Harbour Breakwater. As a result of public comment received, the proposed amendments were revised. The draft amendments now seek to close a smaller area extending to 1 kilometer from the shore, described in Paragraph 2 of Annexure A, and to open this and certain other listed closed areas to permitted scuba diving operators. This excludes areas which form part of closed marine protected areas. These operators would be able to obtain a permit in terms of these regulations. GPS coordinates for each closed area have also been inserted for clarity.

Members of the public are invited to submit written comments within 30 days from the date of the publication of this notice in the *Government Gazette* or newspaper advert, whichever date is later, to any of the following addresses:

Department of Forestry, Fisheries and the Environment
Attention: Director: Monitoring, Control and Surveillance
Private Bag X2
VLAEBERG
8018

By hand: 4th Floor Foretrust Building, Martin Hammerschlag Way, Foreshore, Cape Town
By email: abaloneprotectionregs@dffe.gov.za
Telephone queries – Ms Fatima Savel – 021 402 3539

Comments or inputs received after the closing date may not be considered.

The Department of Forestry, Fisheries and the Environment complies with the Protection of Personal Information Act, 2013 (Act No. 4 of 2013). Comments received from the public and the departmental responses to those comments are collated into a comments and response report which will be made available to the public as part of the consultation process. If a commenting party has any objection to their name, or the name of the represented company/organisation, being made publicly available in the comments and responses report, that objection should be highlighted in bold as part of the comments submitted in response to this notice.


DR DION GEORGE
MINISTER OF FORESTRY, FISHERIES AND THE ENVIRONMENT

SCHEDULE

Definitions

1. In these regulations, unless the context indicates otherwise, a word or expression that is defined in the Act has the same meaning in these regulations, and in addition, "the Regulations" means the Regulations for the Protection of Wild Abalone (*Haliotis*) published in Government Notice R. 62 in Government Gazette 30716 of 1 February 2008.

Amendment of regulation 1 of the Regulations

2. Regulation 1 of the Regulations is hereby amended—
 - (a) by the substitution for the fullstop at the end of the definition of "prohibited gear" of a semi-colon; and
 - (b) the insertion after the definition of "prohibited gear" of the following definition:
" 'SCUBA Diving' means swimming below the surface of the water, with the aid of compressed or pumped air or other gasses."

Amendment of regulation 3 of the Regulations

3. Regulation 3 of the Regulations is hereby amended by the insertion in sub-regulation (3) after paragraph (e) of the following paragraph:
"(eA) SCUBA diving business operations, except in listed areas 1 and 4;"

Insertion of regulation 3A in the Regulations

4. The following regulation is hereby inserted in the Regulations after regulation 3:
"3A Factors to be considered for permit applications

The Minister must consider all relevant factors when assessing an application for a permit in terms of regulation 3(3), including the following:
 - (a) whether the applicant, or a director or member of the applicant, has been convicted of an offence in terms of the Act; and
 - (b) whether the applicant, or a director or member of the applicant, has had a permit suspended, revoked, cancelled, altered or reduced in terms of the Act."

Amendment of Annexure 1 to the Regulations

5. Annexure 1 of the Regulations is hereby amended by the substitution for Annexure 1 of the following annexure:

"Annexure 1

LISTED AREAS

1. Bird Island Offshore Restricted Zone determined in Annexure 1 to the Regulations for the Management of the Addo Elephant National Park Marine Protected Area published in Government Notice No. R. 777 in *Government Gazette* No. 42479 of 23 May 2019.
2. The west bank of the Ratel River (-34.771257 S; 19.746449 E), extending 1km seaward from the high-water mark to the Southern Tip of Africa at Cape Agulhas (-34.833135S; 19.999960 E). At both the Ratel River and the Southern Tip of Africa, the seaward direction must be taken as southward.
3. Dyer Island extending 1 nautical mile from the high watermark.
4. Venus Pool (-34.295733 S; 18.466912 E) to Cape Point and from Cape Point to Olifantsbospunt (-34.271667 S; 18.380367 E), extending 2 nautical miles seaward from the high-water mark, but excluding Bellows Rock (-34.389167 S; 18.490667 E); and the area within 300m radius from it. At Venus Pool and Olifantsbospunt, the seaward direction must be taken as eastwards and westwards respectively.
5. Gansbaai Harbour's West Breakwater (-34.585333 S; 19.340833 E), extending 2 nautical miles seaward from the high-water mark, to the west bank of the Ratel River (-34.771257 S; 19.746449 E). At Gansbaai Breakwater, the seaward direction must be taken as westward, at the Ratel River southward.
6. Robben Island, extending 1 nautical mile from the high-water mark.

Name	Label	Latitude	Longitude	Paragraph reference
Gansbaai Harbour (west breakwater)	A	-34.585333	19.340833	5
Ratel River (west bank)	B	-34.771257	19.746449	2 and 5
Southern Tip of Africa (Cape Agulhas)	C	-34.833135	19.999960	2
Venus Pool	D	-34.295733	18.466912	4
Olifantsbospunt	E	-34.271667	18.380367	4
Bellows Rock	F	-34.389167	18.490667	4



