



# GOVERNMENT GAZETTE

## OF THE

# REPUBLIC OF NAMIBIA

N\$4.00

WINDHOEK - 30 March 2012

No. 4914

### CONTENTS

*Page*

#### GOVERNMENT NOTICE

No. 88	Marine Resources Act, 2000: Determination of quota fees and the rate of interest payable on late payments .....	1
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## Government Notice

### MINISTRY OF FISHERIES AND MARINE RESOURCES

No. 88 2012

#### MARINE RESOURCES ACT, 2000: DETERMINATION OF QUOTA FEES AND THE RATE OF INTEREST PAYABLE ON LATE PAYMENTS

Under -

- (a) subsection (1) of section 44 of the Marine Resources Act, 2000 (Act No. 27 of 2000), and with the approval of the Minister of Finance, I -
- (i) determine that the fees which shall be payable in respect of the harvesting of marine resources are as set out in the Schedule; and
  - (ii) repeal Government Notice No. 134 of 30 June 2004; and
- (b) subsection (6) of section 44 of that Act, and with the approval of the Minister of Finance, I determine that the rate of interest payable on late payment of fees is as set out in paragraph 7 of the Schedule.

**B. ESAU**  
**MINISTER OF FISHERIES AND MARINE RESOURCES**

Windhoek, 7 March 2012

**SCHEDULE**

1. In this notice any word or expression to which a meaning has been assigned in the Marine Resources Act, 2000 (Act No. 27 of 2000), has that meaning and, unless the context otherwise indicates -

“hake” means any fish of the species *Merluccius capensis* or *Merluccius para-doxus*;

“horse mackerel” means any fish of the genus *Trachurus*;

“pilchard” means any fish of the species *Sardinops ocellata*;

“monk” means any fish of the species *Lophius vomerinus*;

“crab” means any crab of the species *Chaceon maritae* and *Lithodes serox*;

“tuna” means any fish of the genus *Thunnus* and *Xiphias gladius*;

“orange roughy” means any fish of the species *Hoplostethus atlanticus*;

“Namibian vessel”, except a Midwater Trawl Industry vessel, means a fishing vessel -

- (a) which is registered or licensed under the Merchant Shipping Act, 1951 (Act No. 57 of 1951);
- (b) which is permanently based in Namibia;
- (c) which flies the Namibian flag;
- (d) of which at least 51% of the beneficial ownership is held by Namibian citizens; and
- (e) of which at least 90% of the crew on board, at all times while the vessel is operating under the quota, are Namibian citizens;

“Namibian-based vessel”, except a Midwater Trawl Industry vessel, means a fishing vessel -

- (a) which is registered or licensed under the Merchant Shipping Act, 1951 (Act No. 57 of 1951);
- (b) which is permanently based in Namibia;
- (c) which flies the Namibian flag;
- (d) of which at least 51% of the beneficial ownership is held by Namibian citizens; and
- (e) of which the crew includes Namibian citizens but being less than 90% of the crew; or
- (f) other than a Namibian vessel with at least 90% Namibian crew;

“Namibian vessel”, in relation to a Midwater Trawl Industry vessel, means a fishing vessel -

- (a) which is registered or licensed under the Merchant Shipping Act, 1951 (Act No. 57 of 1951);
- (b) which is permanently based in Namibia;
- (c) which flies the Namibian flag;
- (d) of which at least 51% of the beneficial ownership is held by Namibian citizens; and
- (e) of which 55% of the crew on board, at all times while the vessel is operating under the quota, are Namibian citizens;

“Namibian-based vessel”, in relation to a Midwater Trawl Industry vessel, means a fishing vessel -

- (a) which is registered or licensed under the Merchant Shipping Act, 1951 (Act No. 57 of 1951);

- (b) which is permanently based in Namibia;
- (c) which flies the Namibian flag;
- (d) of which at least 51% of the beneficial ownership is held by Namibian citizens;
- (e) of which the crew includes Namibian citizens but being less than 55% of the crew; or
- (f) other than a Namibian vessel with at least 55% Namibian crew;

“the Act” means the Marine Resources Act, 2000 (Act No. 27 of 2000).

2. Every person to whom a quota is allocated under section 39(3) of the Act shall, in respect of any of the species of fish mentioned below, pay in respect of every metric ton of the species of fish so allocated, the appropriate fee specified opposite to such species set out below:

<b>Species of fish</b>	<b>Fee per metric ton</b>
(a) Hake,	
Wetfish -	
(i) allocated to Namibian vessels	N\$ 300,00;
(ii) allocated to Namibian-based vessels	N\$ 600,00;
(iii) allocated to foreign vessel	N\$1 200,00;
Frozen -	
(i) allocated to Namibian vessels	N\$ 550,00;
(ii) allocated to Namibian-based vessels	N\$ 850,00;
(iii) allocated to foreign flag vessels	N\$1 450,00;
(b) Horse mackerel, excluding horse mackerel caught by purse seine method,	
Processed at sea -	
(i) allocated to Namibian vessels	N\$ 80,00;
(ii) allocated to Namibian-based vessels	N\$ 120,00;
(iii) allocated to foreign flag vessels	N\$ 180,00;
Processed on land -	
(i) allocated to Namibian vessels	N\$ 60,00;
(ii) allocated to Namibian-based vessels	N\$ 80,00;
(iii) allocated to foreign flag vessels	N\$ 100,00;
For processing fish-meal	N\$ 27,50;
(c) Pilchard -	
(i) allocated to Namibian vessels	N\$ 110,00;
(ii) allocated to Namibian-based vessels	N\$ 165,00;
For processing fish-meal	N\$ 27,50;
(d) Crab -	
(i) allocated to Namibian vessels	N\$ 400,00;
(ii) allocated to Namibian-based vessels	N\$ 650,00;
(iii) allocated to foreign flag vessels	N\$1 100,00;

## (e) Rock Lobster -

(i)	allocated to Namibian vessels	N\$ 5 000,00;
(ii)	allocated to Namibian-based vessels	N\$ 8 500,00;
(iii)	allocated to foreign flag vessels	N\$14 000,00;

(A rebate of the full quota fee per metric ton shall be applicable in respect of the first eight (8) metric ton of rock lobster quota for Namibian vessels.);

## (f) Tuna -

(i)	allocated to Namibian vessels	N\$ 350,00;
(ii)	allocated to Namibian-based vessels	N\$ 550,00;
(iii)	allocated to foreign flag vessels	N\$ 950,00;

## (g) Monk,

## Wetfish -

(i)	allocated to Namibian vessels	N\$ 400,00;
(ii)	allocated to Namibian-based vessels	N\$ 800,00;
(iii)	allocated to foreign flag vessels	N\$ 1 600,00;

## Frozen -

(i)	allocated to Namibian vessels	N\$ 750,00;
(ii)	allocated to Namibian-based vessels	N\$ 1 150,00;
(iii)	allocated to foreign flag vessels	N\$ 1 950,00;

## (h) Orange Roughy -

(i)	allocated to Namibian vessels	N\$ 1 000,00;
(ii)	allocated to Namibian-based vessels	N\$ 1 500,00;
(iii)	allocated to foreign flag vessels	N\$ 2 900,00;

## (i) Seals -

(i)	bulls	N\$ 6,00;
(ii)	pups	N\$ 2,00.

3. The quota fee payable in terms of paragraph 2, in respect of the year for which the quota has been allocated, shall be paid to the Permanent Secretary: Fisheries and Marine Resources, Private Bag 13355, Windhoek, in four equal installments, calculated in accordance with the formula set out in paragraph 4, which installments shall be paid in respect of -

- (a) the first installment, not later than the 15<sup>th</sup> day in the last month of the first quarter;
- (b) the second installment, not later than the 15<sup>th</sup> day in the last month of the second quarter;
- (c) the third installment, not later than the 15<sup>th</sup> day in the last month of the third quarter; and
- (d) the fourth installment, not later than the last day of the fourth quarter of the year for which the quota has been allocated.

4. For the purposes of calculating the amount of the installments referred to in paragraph 3, the following formula shall be applied:

$$\frac{Q \times F}{4} \quad \text{where}$$

Q = the total quota allocation in metric tons;  
F = the quota fee applicable in terms of paragraph 2.

5. Each payment made in terms of paragraph 3 shall be accompanied by appropriate documentary proof of -
- (a) the category of vessel used; and
  - (b) the quantity of fish landed in Namibia,
- countersigned by a fishery control officer.
6. If a person to whom a quota is allocated under section 39(3) of the Act -
- (a) utilizes a foreign vessel in addition to any other vessel for the purpose of catching the allocated quota, he or she shall pay the fee applicable to a foreign vessel in respect of any uncaught portion of the allocated quota;
  - (b) does not fall in the category contemplated in paragraph (a) and utilizes a Namibian-based vessel in addition to a Namibian vessel, he or she shall pay the fee applicable to a Namibian-based vessel in respect of any uncaught portion of the allocated quota;
  - (c) utilizes only Namibian vessels for the purpose of catching the allocated quota, he or she shall pay the fee applicable to a Namibian vessel in respect of any uncaught portion of the allocated quota.
7. The interest payable for late payment of fees payable in terms of this notice shall be at the rate of 12% of the accrued late payment and shall be effective from March 2012.
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