

REGULATIONS MADE IN TERMS OF

Marine Resources Act 27 of 2000

section 61(1)

Regulations relating to the Exploitation

of Marine Resources

Government Notice 241 of 2001

(GG 2657)

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[The use of italics in these regulations is inconsistent,   
but has been reproduced here as in the *Government Gazette*.]

PART I

DEFINITIONS

**Definitions**

**1.** In these regulations, any expression to which a meaning has been assigned in the Act bears that meaning and, unless the context otherwise indicates -

“adult seal” means a seal of at least three years of age;

“clubber” means a member of a sealing team equipped with a scaling club;

“fishing permit” means a permit issued under regulation 7;

“high-water line” means the line of highest astronomical tide;

“intestine” means part of the alimentary canal from the end of the stomach to the anus;

“knife” means a knife with a fixed straight and sharp blade of at least 30 mm in width and 120 mm in length;

“licensed fishing vessel” means any fishing vessel licensed in terms of section 40 of the Act;

“low-water line” means the line of lowest astronomical tide;

“marine mammal” means any individual of the taxonomic categories Sircnia, Cetacea or Pinnipedia;

“marine turtle” means any individual of the reptilian order Chelonia (Testudines), which habitually lives in the marine environment;

“nautical mile” means the international nautical mile of 1852 metres;

“pup” means a seal in its first year of life;

“recreational purposes” means for the purpose of sport, leisure or subsistence;

“red bait” means any individual of the urochordate genus Pyura;

“rifle” means a rifle which is used with ammunition capable of killing an adult seal instantaneously by penetrating the brain case and destroying the brain without exiting on the opposite side of the brain case;

“ring net” means netting attached to a ring in such a way as to catch or entangle fish when the ring is pulled from the sea bottom towards the surface of the water;

“rock lobster” means any individual of the species Jasus lalandii;

“seal” means any Cape Fur seal (Arctocephalus pusillus);

“scaling club” means a straight wooden or fibreglass club with a mass of at least 1 kg, but not exceeding 2 kg, and a length of at least 0,9 m but not exceeding 1,9 m and of which one end is thicker than the other;

“shark” means any individual of the species cow shark *(Notorynchus cepedianus),* bronze whaler *(Carcharhinus brachyurus),* spotted gullyshark *(Triakis megalopterus)* and smooth hound *(Mustelus mustelus);*

“sticker” means a member of a scaling team equipped with a knife;

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

“whole state”, in relation to a marine resource, means the natural condition of a marine resource and includes a condition after one or more of the following parts, namely, the head, tail, scales or intestines have been removed from a marine resource.

PART II

FORMS AND PROCEDURES FOR GRANTING RIGHTS OR EXPLORATORY RIGHTS, ALLOCATING QUOTAS AND ISSUING LICENCES

**Applications**

**2.** (1) An application for an exploratory right or a quota under the Act must be made to the Permanent Secretary -

(a) in respect of an exploratory right, in the form set out in Annexure B; and

(b) in respect of a quota, in the form set out in Annexure C.

[Subregulation (1) substituted by GN 93/2018]

(1A) An application for a right under section 33 of the Act, must -

(a) comply with the requirements of the notice issued under section 33(1) of the Act;

(b) be made in the forms substantially corresponding with the forms set out in Annexure A.”. and

[The markings “.”.” after the term “Annexure A” should be a semicolon.]

(c) be made to the Minister.

[Subregulation (1A) inserted by GN 93/2018]

(2) An application for a licence under section 40 of the Act must be made to the Permanent Secretary -

(a) in respect of the use of a fishing vessel for commercial purposes in Namibian waters, in the form set out in Annexure D; or

(b) in respect of the use of a Namibian flag vessel for harvesting marine resources outside Namibian waters, in the form set out in Annexure E.

(3) A request for the approval of the Minister for the transfer of a right, an exploratory right, a quota or licence under section 42 of the Act -

(a) must be made in writing to the Permanent Secretary by the holder of the right, exploratory right, quota or licence; and

(b) must be accompanied by an application by the person to whom the right, exploratory right, quota or licence is to be transferred in the forms set out in Annexures A to E, respectively.

**Licences**

**3.** A licence to use -

(a) a fishing vessel for commercial purposes in Namibian waters must be issued in the form set out in Annexure F;

(b) a Namibian flag vessel for harvesting marine resources outside Namibian waters must be issued in the form set out in Annexure G; and

(c) against payment of the fee set out in Annexure H.

**Notification**

**4.** A person who has provided information to the Ministry in terms of any requirement of the Act or these regulations, not being information to which the provisions of section 40(5) apply, must inform the Permanent Secretary of any change in respect of that information in writing within 14 days after the change takes place, if the information relates to other requirements of the Act.

PART III

FISHING FOR RECREATIONAL PURPOSES

**Permit required for harvesting for recreational purposes**

**5.** (1) A person, who for recreational purposes harvests in Namibian waters, must -

(a) be in possession of a fishing permit; and

(b) carry out such harvesting subject to the conditions prescribed by these regulations.

(2) A person referred to in subregulation (1), who is found without a fishing permit -

(a) is guilty of an offence; and

(b) must produce that permit within a period of 21 days from the day on which the person pays the fine prescribed in regulation 39(h)(iii) in respect of a failure to comply with subregulation (1)(a).

(3) A person, who fails to produce a fishing permit within the period of time prescribed by subregulation (2), is guilty of an offence.

**Means of harvest for recreational purposes**

**6.** A person may not for recreational purposes harvest marine resources by any means other than -

(a) a hook and line, whether operated by a rod and reel or otherwise, and using a scoop net to lift rock lobsters from the water once they have been reeled to the surface;

(b) a ring net; or

(c) diving.

**Issue of permit**

**7.** (1) A fishing permit referred to in regulation 5(a) must be issued by the Minister or by any person or authority authorised thereto by the Minister, if that person or authority has agreed to do so.

(2) A fishing permit -

(a) must be issued in the form set out in Annexure L; and

(b) may be issued for a period of either one month or one year and may be obtained upon payment of a fee determined by the Minister.

(3) A person or authority authorised under subregulation (1) to issue fishing permits must maintain records of the permits issued and the payments received for the issuing and must file reports thereon in the manner required by the Permanent Secretary.

**Daily bag limit**

**8.** (1) A person may not, for recreational purposes, in one day harvest more than -

(a) 30 fish of the species barbel;

(b) 20 fish of the species snoek;

(c) one shark.

(2) Subject to subregulation (3) and regulation 11(1),a person may for recreational purposes harvest any of the following species of fish:

(a) blacktail;

(b) galjoen;

(c) kob;

(d) West coast steenbras:

Provided that the total number of fish harvested does not exceed 10 in one day.

(3) A person may not harvest any species of fish referred to in subregulation (2), which is smaller or larger, as the case may be, than the size specified in Annexure J.

(4) A person may not -

(a) harvest more than 7 rock lobsters in one day; or

(b) accumulate or have in his or her possession more than 7 rock lobsters.

(5) A person may, without a fishing permit, harvest and retain for his or her own use any of the following types of marine resources:

(a) aquatic plants;

(b) molluscs; and

(c) seashell.

(6) A person referred to in subregulation (5) may not in any one day harvest or have in his or her possession -

(a) more than the quantity specified in Annexure Kin respect of the marine resources referred to in that Annexure; or

(b) white mussel that is able to pass through a ring with an inner diameter of 38 mm, when it is in a whole state.

(7) For the purpose of subregulation (1) -

(a) “barbel” means any individual of the species *Galeichthys feliceps;* and

(b) “snoek”, means any individual of the species *Thyrsites atun.*

(8) For the purpose of subregulation (2) -

(a) “blacktail”, also known as “dassie”, means any individual of the species *Diplodus sargus*;

(b) “galjoen”, means any individual of the species *Dichistius capensis*;

(c) “kob”, also known as “kabeljou”, means any individual of the genus *Argyrosomus;* and

(d) “West Coast steenbras”, also known as “white fish”, means any individual of the species *Lithognathus aureti.*

(9) For the purpose of subregulation (5) -

(a) “mollusc” means any species of the invertebrate phylum *Mollusca* and includes chitons, bivalves, mussels, limpets (being any species of limpet, slipper limpet or key-hole limpet of the genera *Crepidula, Diodora, Fissurella, Helcion, Patella* and *Siphonaria),* whelks, periwinkles (being any species of the gastropod molluscs of the genera *Cynisca, Gibbula, Littorina, Oxystele* and *Tricolia),* slugs, octopods, cuttlefish and squid, but excludes the ship worm *(Teredo spp.);* and

(b) “seashell” means the calcareous or chitinous exoskeleton or shell of a marine invertebrate.

**Prohibited species**

**9.** A person may not -

(a) use as bait or have in his or her possession any annelid worm;

(b) collect any red bait by cutting or in any other way dislodging the red bait from the substract, except red bait which has been washed up on the sea shore.

**Prohibited areas in respect of fishing for recreational purposes**

**10.** (1) A person may not harvest marine resources for recreational purposes within a distance of two nautical miles seaward from the high-water line in any of the following areas -

(a) from the middle of the mouth of the Kunene River at 17 degrees 14.900 minutes south to the concrete beacon marked” TB 1situated at 19 degrees 57.040 minutes south, approximately 5 km north of Terrace Bay;

(b) from the concrete beacon marked TB2 at 20 degrees 08.082 minutes south situated approximately 25 km south of Terrace Bay to the concrete beacon marked TB3 at 20 degrees 10.553 minutes south situated approximately 10 km north of Torra Bay;

(c) from the concrete beacon marked TB4 at 20 degrees 31.358 minutes south situated approximately 10 km south of Torra Bay to the southern bank of the mouth of the Ugab River at 19 degrees 57.040 minutes south;

(d) from the concrete beacon marked CCI at 21 degrees 45.300 minutes south to the concrete beacon marked CC2 at 21 degrees 51.380 minutes south;

(e) from the southern limits of the quay in the harbour of Walvis Bay at 22 degrees 57.350 minutes south, along the coastline to Pelican Point at 22 degrees 53.934 minutes south;

(f) from the concrete beacon marked SV2 at 23 degrees 08.929 minutes south situated at the northern limits of Sandwich Harbour to a concrete beacon marked RL 3 situated approximately at 26 degrees 34.167 minutes south;

(g) from a concrete beacon marked Plat 26 degrees 44.000 minutes south to a concrete beacon marked P2 at 27 degrees 12.000 minutes south;

(h) the sea shore of any of the islands along the Namibian coast.

(2) Notwithstanding subregulation (1), the Permanent Secretary may on application and subject to such conditions as the Permanent Secretary may determine, grant an exemption in writing to any person in respect of the harvest of marine resources within any prohibited area referred to in that subregulation.

(3) An exemption granted in terms of subregulation (2) must specify the name of the person to whom it is granted, the period and the area for which it is granted and the applicable conditions, if any.

**Possession and transport of marine resources**

**11.** (1) A person may not have in his or her possession or transport in a vehicle or vessel any quantity of marine resources caught for recreational purposes -

(a) which exceeds the accumulated bag limit of three days in respect of the fish referred to in regulation 8(1)and (2): Provided that, in respect of regulation 8(2), the accumulated bag of 30 fish does not contain more than 10 fish of one particular species of fish; and

(b) without being in possession of a fishing permit.

(2) A person may have in his or her possession or transport in a vehicle or vessel fish referred to in regulation 8(1) and (2), or rock lobsters referred to in regulation 8(4), on behalf of another person, if the person, on whose behalf the fish or rock lobsters are being kept or transported, is present and is in possession of a fishing permit.

(3) A person may not have in his or her possession or transport in a vehicle or vessel fish, which is not in a whole state, if that fish is subject to the size limits referred to in regulation 8(3).

PART IV

CONSERVATION MEASURES

**Control of fishing gear used for harvesting for commercial purposes**

**12.** (1) A person who engages in the harvest of marine resources for commercial purposes in Namibian waters may not use any fishing gear that is not authorised by a right, exploratory right, quota or licence.

(2) The master of a licensed fishing vessel which carries on board fishing gear not authorised by a right, exploratory right, quota or licence must -

(a) declare such fishing gear -

(i) prior to the departure of the vessel from a Namibian port; and

(ii) after the entry of the vessel into a Namibian port,

to the fisheries inspector in charge of operations at that port; and

(b) must keep the fishing gear securely stowed away at all times.

**Clearance of fishing vessels**

**13.** The master of a licensed fishing vessel must ensure that the vessel -

(a) is inspected before leaving a Namibian port; and

(b) does not leave the port, unless the master of the vessel is issued with a clearance certificate by the fisheries inspector in charge of operations at that port, certifying that the vessel, all fishing gear, holds and documents on board meet the requirements of the Act and these regulations.

**Trawling**

**14.** (1) A person may not, without an authorisation in writing by the Permanent Secretary, use or have on board a fishing vessel -

(a) any beam trawl net, being a net of which the mouth is held open by means of a rigid horizontal cross beam of any material;

(b) subject to the provisions of subregulation (2), any bottom trawl with a cod-end mesh size measuring less than 110 mm;

(c) any midwater trawl with a cod-end mesh size of less than 60 mm.

(2) Notwithstanding paragraph (b) of subregulation (1), a bottom trawl with a cod-end mesh size of not less than 75 mm may be used from, or carried on board, a fishing vessel, if such vessel was on 31 December 1990 licensed in terms of the repealed Sea Fisheries Act, 1973 (Act No. 58 of 1973) to catch any species of demersal fish and such vessel -

(a) is less than 32 metres in length overall;

(b) has a gross registered tonnage of less than 180 tons; or

(c) is propelled by an engine or engines with a total capacity of less than 800 h.p..

(3) Not more than two fishing vessels may at any time be engaged in trawling in formation by keeping the same bearing, travelling at the same speed and keeping a distance of less than one nautical mile from each other.

**Measurement of meshes**

**15.** (1) If the mesh size of a net is to be measured -

(a) the measurement must be made -

(i) while the net is still wet after use or after it has been immersed in seawater for at least 10 minutes; and

(ii) with the net stretched in the direction of the long diagonal of the meshes; and

(b) the meshes must be measured -

(i) in the case of a net other than a purse seine, from inside of knot or joint to inside of knot or joint;

(ii) in the case of a purse-seine, from knot-centre to knot-centre.

(2) The instrument to be used for measuring the mesh size of a net must -

(a) in the case of a net other than a purse-seine, be a gauge which -

(i) is 2 mm thick, flat, of durable and non-corrodible material and capable of retaining its shape;

(ii) has tapering edges with a taper of one to eight;

(iii) has a hole at the narrowest extremity; and

(iv) has the width inscribed at regular intervals.

(b) in the case of a purse-seine, be a Vernier calliper or micrometer.

(3) Measurements by means of a gauge referred to in paragraph (a) of subregulation (2), must be taken by inserting the gauge by its narrowest extremity into the mesh opening in a direction perpendicular to the plan of the net while the gauge is subject to a pressure or pull corresponding to 5 kg.

(4) The meshes to be measured must be at least 10 meshes from any lacings or ropes and at least 10 meshes from the cod line.

(5) The mesh size of a net must be expressed in millimetres and must be determined as the average, subject to subregulation (6), of one or more series of 20 consecutive meshes lengthwise of the net or, if, the cod-end has fewer than 20 meshes lengthwise, a series with the maximum number of meshes.

(6) Meshes which are mended or broken or have attachments of the net fixed to them may not be measured.

**Maintenance of mesh openings**

**16.** A person may not use any device or have any construction of a net or netting by means of which the meshes that are required to be of a specified size are obstructed or drawn together while fishing or which in any other way causes the openings of such meshes and, accordingly, the selectivity of the net or netting to be reduced.

**Attachments to trawl nets**

**17.** (1) Subject to the provisions of subregulation (2), a person may not attach any canvas, netting or other material to the cod-end of a trawl net.

(2) Notwithstanding the provisions of subregulation (1) -

(a) a piece of net, known as a bottom-side chaffer, may be attached to the underside of the cod-end of a trawl net in order to reduce wear and tear, provided such a piece of net is attached to the underside and side edges of the cod-end only;

(b) a person may use a Polish top side chafer, being a rectangular piece of netting attached to the rear portion of the upperside of the cod-end, if such netting -

(i) is of the same twine material and fibber diameter as that of the cod-end of the material of the cod-end;

(ii) has a mesh size at least double that of the cod-end;

(iii) is fastened to the cod-end along the forward, lateral and rear edges of the cod-end in such a way that the chaffer exactly overlap the meshes of the cod-end;

(c) not more than one flapper, being a piece of netting fastened inside a trawl in such a way that it allows fish to pass from the front to the rear of the trawl but limiting their possibility of return, may be used, if -

(i) it is fastened mesh by mesh across the upper half and to the inside of the cod-end;

(ii) the mesh size of the flapper is not less than the mesh size of the cod-end; and

(iii) the distance between the point where the flapper is fastened and the codline is at least three times the length of the flapper, but not less than 8 metres.

(3) Subject to subregulation (4), a person may not use any round straps on a trawl net, unless -

(a) the distance separating two successive round straps is at least one metre;

(b) the round straps are fastened across the outside of the cod-end of the net in at least two places;

(c) the total length of any round strap is not less than 50 percent of the circumference of the cod-end, measured at the point where the round strap is fastened to the cod-end, the circumference being determined by measuring a length of at least ten stretched meshes in the direction of the circumference and from the knot-centre of the first mesh being measured to the knot-centre of the last mesh being measured, dividing the result thus obtained by the number of meshes measured and multiplying the figure obtained by the total number of continuous meshes counted in the circumference.

(4) Notwithstanding the provisions of subregulation (3), a single round strap (“back strap”) of a length shorter than 50 percent of the circumference of the cod-end may be used on a trawl net, if it is attached to the net not more than 700 mm from the position where the codline is fastened, measured when the meshes are stretched lengthwise.

(5) A person may not use a piece of net in the cod-end of a trawl net (“skirt”) to prevent fish from escaping through the knot in the codline.

**Protected species**

**18.** (1) Except in terms of a right, an exploratory right or an exemption granted under section 62(1)(a) of the Act, a person may not -

(a) harvest any species of marine mammal other than the Cape fur seal (Arctocephalus pusillus pusillus) or any species of marine turtle.

(b) kill, disturb or maim any penguin (Spheniscidae), grebe (Podicipedidae), albatross (Diomedeidae), petrel, shearwater or prion (Procellariidae), storm petrel (Oceanitidae), pelican (Pelecanidae), gannet (Sulidae), cormorant (Phalacrocoracidae), darter (Anhingidae), heron, egret or bittern (Ardeidae), ibis or spoonbill (Plataleidae), flamingo (Phoenicopteridae), duck or goose (Anatidae), rail, crake, moorhen or coot (Rallidae), jacana (Jacanidae), oystercatcher (Haematopodidae), plover (Charadriidae), turnstone, sandpiper, stint, snipe, curlew or phalarope (Scolopacisae), avocet or stilt (Recurvirostridae) or skua, gull or tern (Laridae) or the eggs of any of those marine resources; or

(c) on any island, rock or guano platform or in Namibian waters or on the shore seaward of the high-water mark or in the air above such areas, harvest any bird;

(d) kill or maim any great white shark (Carcharodon carcharias).

(2) A person who accidentally harvests or otherwise takes a marine resource referred to in subregulation (1) must return it immediately to the sea, or to any other place from which it was harvested or taken, with as little injury as possible.

(3) A person referred to in subregulation (2) or person who accidentally kills or maims a marine resource referred to in subregulation (1) must as soon as possible after the incident submit a report in writing to the inspectorate office at the port of entry containing the following information:

(a) the harvesting or killing;

(b) the species and number of marine resources harvested or killed; and

(c) the circumstances under which the harvesting or killing occurred.

**Rock lobster**

**19.** (1) A person may not, in any manner or for any purpose, harvest rock lobster within any of the following areas -

(a) the area within 15 nautical miles from the high water-line, bounded in the north by a line drawn due west from a concrete beacon marked RL 1 situated at Danger Point and in the south by a line drawn due west from a concrete beacon marked RL 2 situated at Douglas Point;

(b) the area bounded by a line drawn from Diaz Point to a point north of Lüderitz Bay, where the 26° 34′ south latitude intersects the high water-line and which is marked with a concrete beacon marked RL 3.

(2) A person may not harvest rock lobster -

(a) during the period 1 May to 31 October, both days included;

(b) of which the carapace is less than 65 mm in length, measured in a straight line along the middle dorsal line of the carapace, from the centre of the posterior edge of the carapace, being the hard edge excluding any fringe or hair, to the tip of the rostrum or middle anterior spine.

(3) A person may not have in his or her possession, transport, sell or purchase -

(a) any rock lobster in berry or showing signs of having been stripped of the berry;

(b) any rock lobster tail which has been severed from the body, if the second segment of such rock lobster tail, counted from the junction of the tail with the body, is less than 16,6 mm in length, measured in a straight line along the middle dorsal line from the anterior edge to the posterior edge of that segment.

(4) A person who harvests rock lobster may not, subject to subregulation (3)(b), land such rock lobster or bring it ashore other than in a whole state.

(5) A person may not harvest any rock lobster -

(a) if for recreational purposes, by means other than -

(i) diving from the sea shore without the use of any artificial breathing apparatus, except a snorkel, or

(ii) a ring net;

(iii) a hook and line and using a scoop net to lift rock lobster from the water once the rock lobster has been reeled to the surface;

(b) if for commercial purposes, by means other than a trap or a ring net.

(6) A person may not harvest any rock lobster between sunset and sunrise by the means referred to in subregulation (5)(a).

(7) Any rock lobster harvested -

(a) for a purpose other than commercial purposes must be measured individually not later than 15 minutes after it is caught and at the place where it is caught;

(b) for commercial purposes and taken on board a fishing vessel must be sorted not later than 15 minutes after the trap or ring net comes out of the water.

(8) A person who harvests or comes into possession of any rock lobster which does not conform to the size requirements prescribed by subregulations (2)(b) and (3)(b) or which is in berry or shows signs of having been stripped of the berry or which is harvested in contravention of any other provision of these regulations, must return that rock lobster without delay to the sea or any other place from which it was taken.

**Seals**

**20.** (1) Seals must be harvested in the presence of at least one fisheries inspector.

(2) A holder of a right relating to the harvest of seals must identify a group of pups to be harvested, which must be driven away from the sea and allowed to settle down before clubbing begins, care being taken to facilitate the escape of adult seals.

(3) After the identified pups have settled down, they must be harvested as follows:

(a) a group of pups must be released from the group referred to in subregulation (2) in the direction of the sea;

(b) a clubber must kill a pup by clubbing it on the top of the head with a sealing club, when a group released in terms of paragraph (a) moves past the clubbers;

(c) the inspector overseeing the harvest must be satisfied that a pup, which has been clubbed, is dead;

(d) a sticker must pierce the heart of the pup with a knife, after the pup has been clubbed;

(4) Adult seals selected for harvesting must -

(a) be killed on land by shooting the seal with a rifle in the head so that the bullet immediately kills the seal;

(b) the inspector overseeing the harvest must be satisfied that a seal, which has been shot, is dead.

**Conservation measures in respect of hake**

**20A.** (1) The depth restriction for the casting of nets to harvest hake in the areas -

(a) south of 25° S is 300 metres for wetfish trawlers and 350 metres for freezer trawlers; and

(b) north of 25° S is 200 metres for wetfish and freezer trawlers.

(2) The month of October is a closed season for all vessels harvesting hake

[regulation 20A inserted by GN 63/2015]

**Conservation measures in respect of Kabeljou**

**20B.** A person may not harvest Kabeljou (*Argyrosomus Hololepidotus*) within –

(a) the area of Pelican Point at 22 degrees 53.934 minutes South along the coastline to a concrete beacon marked SV 1 at 23 degrees 19.216 minutes South and extending to two nautical miles offshore from the high-water mark; and

(b) the period from January to March of each year.

[Regulation 20B is inserted by GN 55/2016. The full stop after the regulation   
number is missing in the *Government Gazette* but has been inserted here.]

**Importation of live marine resources**

**21.** (1) A person may not import any live marine resource, except on a written authorisation by the Minister.

(2) An application for authorisation by the Minister as contemplated in subregulation (1), must be addressed to the Permanent Secretary and must be in the form set out in Annexure I.

(3) For the purpose of this regulation, “live marine resource” means species of marine vertebrates, marine invertebrates, marine algae and marine micro-organisms.

**Marine reserves**

**22.** A person may not enter or remain in any marine reserve declared by the Minister in terms of section 51 of the Act, except in the performance of his or her duties under the Act or these regulations or on a written authorisation by the Minister.

PART v

PROTECTION OF THE MARINE ENVIRONMENT

**Fishing gear and other non-biodegradable objects**

**23.** (1) A person may not, without a written authorisation by the Minister, leave any fishing gear or any other non-biodegradable object utilised for harvesting marine resources on or in the sea or on the sea shore on the termination of harvesting.

(2) A person who leaves the fishing gear or any other non-biodegradable object referred to in subregulation (1) on or in the sea or on the sea shore must obtain a written permission from the Minister before removing such gear or object.

(3) The Minister may cause fishing gear or any other non-biodegradable object referred to in subregulation (1) and left on or in the sea or on the sea shore to be removed by any other person designated by the Minister for that purpose.

(4) Any costs incurred in connection with the removal of any fishing gear or any other non-biodegradable object contemplated in subregulation (3) may be recovered from the person by whom the gear or object was left on or in the sea or on the sea shore, which costs constitute a debt owing to the State.

**Waste**

**24.** (1) A person may not discharge waste generated on a fishing vessel into the sea, except biodegradable household waste or fish offal.

(2) Waste, other than biodegradable household waste or fish offal, must be taken back to port and disposed of in a manner satisfactory to the authority responsible for the disposal of waste in the port in which such waste is landed.

(3) Biodegradable household waste or fish offal may be dumped into the sea beyond a distance of two nautical miles from the low-water line.

(4) A person may not discard any marine resources harvested, or taken as by-catch during harvesting, for commercial purposes and -

(a) for which the Minister has determined a total allowable catch in terms of section 38 of the Act;

(b) which are subject to measures in terms of section 39 of the Act; or

(c) for the discarding of which the Minister has granted an exemption in terms of section 62 of the Act.

(5) For the purposes of subregulations (1), (2) and (3), “fish offal” means viscera, which are the internal organs of the body, head and fins of a fish.

PART VI

DOCUMENTS AND MEASURING OF MASS

**Logbooks**

**25.** (1) Every holder of a licence in respect of a fishing vessel must maintain or cause to be maintained on such fishing vessel such logbooks or other records as may be required by the Minister and in a form determined by the Minister and obtainable from the Permanent Secretary.

(2) Any logbook or other record referred to in subregulation (1) must be kept in a place in which it is protected from damage and from which it is readily available for inspection on the request of a fisheries inspector or any other person acting on a written authorisation by the Minister.

(3) On returning from each fishing journey the holder of a licence in respect of a fishing vessel or the master of a licensed fishing vessel must, not later than 24 hours after completion of the landing of the catch, submit such copies of a logbook or other record maintained in accordance with subregulation (1) as the Permanent Secretary may require to be submitted to the inspectorate office at the port of entry.

(4) The holder of a licence in respect of a fishing vessel must keep copies of any logbook or other record referred to in subregulation (1) for at least two years after the last entry was made in that log book or record.

**Returns**

**26.** (1) Every holder of a right, an exploratory right or a quota must submit, on or before the seventh day of each month, a return to the inspectorate office at the port of entry and in a form determined by the Minister.

(2) Every holder of a right, an exploratory right or a quota must submit, on or before the 28th day of each month, to the Permanent Secretary and in a form determined by the Minister, data relating to -

(a) the harvesting;

(b) the processing;

(c) the transport; and

(d) the disposition,

of marine resources, in respect of the calendar month preceding the month during which the data must be submitted.

(3) Every holder of a right, an exploratory right or a quota must submit, on or before 31 March in each year, to the Permanent Secretary and in a form determined by the Minister, data relating to the annual income derived from, and expenditure incurred in connection with, activities in terms of the right, exploratory right or quota during the calendar year preceding the year during which the data must be submitted.

**Documents to be carried on board a fishing vessel**

**27.** (1) The master of a licensed fishing vessel must ensure that there is carried on board that fishing vessel -

(a) documents issued by a competent authority of the flag state of such vessel, showing -

(i) the name of the vessel;

(ii) the letter or letters of the port or district in which, and the number under which, the vessel is registered;

(iii) the international radio call sign of the vessel;

(iv) the name and address of the owner of the vessel;

(v) all technical specifications pertaining to the vessel as are specified in the relevant application for a licence in respect of the vessel;

(b) documents containing up-to-date drawings or descriptions of the layout of the vessel, certified by a competent authority of the flag state of the vessel and specifying in particular the number of fish holds of the vessel with an indication of their storage capacity expressed in cubic metres;

(c) if modifications were made to the characteristics of the vessel with respect to the overall length of the vessel, its gross registered tonnage, the horsepower of its main engine or engines and its hold capacity, a certificate by a competent authority of the flag state of the vessel describing the nature of modifications,;

[The comma which precedes the semicolon at the end of paragraph (c) is superfluous.]

(d) a copy of the Act and of any regulations made under the Act;

(e) the licence issued in respect of the fishing vessel, or a certified copy thereof, which must at all times be kept in a place in which it is protected from damage and in which it can be readily examined.

(2) For the purpose of this regulation, “flag state” means the country where a vessel is registered and whose flag it is entitled to fly.

**Language of records and communication**

**28.** All logbooks, records, returns, reports, notifications or communication required to be maintained or made in terms of the Act or these regulations must be in English.

**Requirements for mass meters**

**29.** The mass of marine resources harvested must be determined with an appropriate mass meter approved by the Minister of Trade and Industry.

**Conversion factors**

**30.** For the purpose of determining the mass of any processed marine resource in live (round) weight, the conversion factors set out in Annexure M apply.

PART VII

LANDING OF BY-CATCHES

**Fee payable in respect of by-catches**

**31.** (1) A holder of a right who takes by-catches while harvesting under a quota must pay a fee determined by the Minister from time to time in respect of the different species of by-catches.

(2) A holder of a right referred to in subregulation (1) must pay the fee contemplated in that subregulation as specified in and in accordance with the conditions appended to a quota, which conditions may stipulate, as the Minister may determine -

(a) the species and quantity of by-catches on which the fee is payable;

(b) the method of determining the mass of by-catches;

(c) information which must be furnished by the holder of the right in respect of the payment of the fee;

(d) the time and the place at which the fee is payable;

(e) the interest on fees not paid within the time stipulated in the conditions.

PART VIII

COMPLIANCE CONTROL

**Signal for stopping vessel**

**32.** (1) A fisheries inspector may stop a fishing vessel by using an international maritime signal.

(2) For the purpose of stopping a fishing vessel in terms of subregulation (1) -

(a) a day-time stop signal must be the Flag “L” of the International Code of Signals flown conspicuously in the rigging of the signalling boat;

(b) a night-time stop signal must be the letter “L” of the alphabet flashed clearly and repeatedly by the signalling boat in Morse code by means of a white light.

**Inspection and carrying on board of authorised persons**

**33.** (1) The master of a licensed fishing vessel must promptly provide a fisheries inspector safe and convenient access to the vessel at any time that the fisheries inspector seeks to board that vessel in the exercise of his or her powers in terms of the Act, including a suitable boarding ladder.

(2) The master of a licensed fishing vessel must, while in Namibian waters, allow a fisheries inspector, fisheries observer or any other person designated by the Minister for a specific purpose, to board and remain on board such fishing vessel and must without charge -

(a) allow the inspector, observer or other designated person full access to all equipment, including navigation and communication equipment, records and documents and to any marine resources on board the vessel as may be necessary to carry out his or her duties;

(b) allow the inspector, observer or other designated person to make tests, observations and records and to take and remove such samples as he or she may reasonably require in connection with the vessel’s activities in terms of the licence; and

(c) provide the inspector, observer or other designated person food and accommodation at least equivalent to that provided to officers of the vessel.

**Reporting requirements with regard to movements and operations of licensed fishing vessels**

**34.** (1) The master of a licensed fishing vessel intending to enter or leave a port in Namibia must notify the fisheries inspector in charge of operations in that port in writing, and as may further be determined by the Permanent Secretary, at least 48 hours before entering or before leaving the port.

(2) The master of a licensed fishing vessel intending to enter or leave Namibian waters must, unless otherwise authorised in writing by the Permanent Secretary, forward a report of entry into or departure from Namibian waters to the Permanent Secretary by means of telefax, and as may further be determined by the Permanent Secretary, not earlier than 48 hours and not later than 24 hours prior to such entry or departure, providing the following pieces of information:

(a) the name of the vessel;

(b) the licence number;

(c) the geographical position at which it will enter or depart from Namibian waters;

(d) if harvesting operations are to be carried out in Namibian waters, the geographical position at which such operations are to commence and, if such operations have already been carried out in Namibian waters, the geographical position at which such operations ceased; and

(e) the quantity of marine resources carried on board expressed in metric tonnes by species and product form.

**Catch control**

**35.** The master of a licensed fishing vessel carrying marine resources that have been harvested within Namibian waters must seek permission from the Permanent Secretary for the vessel to leave Namibian waters, unless the marine resources aboard that vessel have been inspected and no further harvesting operations have been carried out from that vessel since the inspection took place.

**Landing and transhipment**

**36.** (1) A person who intends to land marine resources in any port in Namibia must give a 48 hours’ advance notice before such landing to the fisheries inspector responsible for the inspection of landings at the port or to any other person designated by the Permanent Secretary for that purpose.

(2) Except in accordance with conditions attached to a licence or with a written authorisation by the Permanent Secretary, no transhipment of any marine resources from or to any fishing vessel or any other vessel may be carried out at any place other than inside a port in Namibia and under the supervision of a fisheries inspector or any other person designated by the Permanent Secretary for that purpose.

(3) Any costs of transport, accommodation or other expenditure pertaining to the performance of the duties of fisheries inspectors or other persons designated by the Permanent Secretary in respect of the supervision of a transhipment of marine resources outside a port in Namibia must be borne by the holder of the licence relating to the vessel from which the landing or transhipment is undertaken.

**Marking of fishing vessels**

**37.** The holder of a licence under which a fishing vessel operates must ensure that identification markings assigned to the vessel in accordance with the specifications set out in Annexure N are, in addition to any markings and carvings prescribed by any other law, displayed on the vessel at all times while the vessel is in Namibian waters.

**Marking of fishing gear**

**38.** The holder of a licence under which a fishing vessel operates must ensure that all fishing gear set in the sea and not attached to the fishing vessel is clearly marked in accordance with the requirements set out in Annexure 0.

PART IX

OFFENCES AND PENALTIES AND REPEAL OF REGULATIONS

**Offences and penalties**

**39.** (1) Any person who contravenes or fails to comply with any provision of these regulations is guilty of an offence and liable on conviction -

(a) in the case of subregulation (6) of regulation 8 and in respect of -

(i) aquatic plants other than brown seaweed;

(ii) brown seaweed;

(iii) limpets;

(iv) molluscs other than black mussel, limpet, periwinkle or white mussel; or

(v) sea shells,

to a fine not exceeding N$10 for each marine resource or each kilogram of a marine resource, as the case may be, harvested in excess of the quantity or mass prescribed by that subregulation;

(b) in the case of subregulation (6) of regulation 8 and in respect of black mussels, to a fine not exceeding N$15 for each black mussel harvested in excess of the quantity of black mussels prescribed by that subregulation;

(c) in the case of subregulation (6) of regulation 8 and in respect of white mussels, to a fine not exceeding N$20 for each white mussel harvested in excess of the quantity of white mussels prescribed by that subregulation;

(d) in the case of subregulations (1) and (2) of regulation 8, to a fine not exceeding N$50 in respect of each fish harvested in excess of the quantity of fish prescribed by these subregulations;

(e) in the case of -

(i) subregulation (3) of regulation 8 and in respect of the prescribed minimum size of fish, to a fine not exceeding N$100 in respect of each fish harvested in contravention of that subregulation;

(ii) subregulation (3) of regulation 8 and in respect of the prescribed maximum size of kob, to a fine not exceeding N$100 in respect of each kob harvested in contravention of that subregulation;

(iii) subregulation (1) of regulation 11, to a fine not exceeding N$100 in respect of each fish, which a person has in his or her possession or transports in excess of the quantity of fish prescribed by that subregulation;

(f) in the case of subregulation (3) of regulation 8 and in respect of the prescribed maximum size of West Coast steenbras, to a fine not exceeding N$200 in respect of each West Coast steenbras harvested in contravention of that subregulation;

(g) in the case of subregulation (4) of regulation 8, to a fine not exceeding N$200 in respect of each rock lobster harvested in excess of the quantity of rock lobsters prescribed by that subregulation;

(h) in the case of -

(i) regulation 6, 9(b), 12(2), 13, 14(1)(b) or (c), 14(3), 16, 17(1), (2), (3) or (4), 18, 19(4), (7) or (8), 20(2), (3) or (4)(a), 25(1), (2) or (3), 27(1)(d), 28, 33, 34, 36 or 37, to a fine not exceeding N$300;

(ii) paragraph (b) of regulation 19(2) to a fine not exceeding N$300 for each rock lobster harvested in contraventioin of that paragraph;

[The word “contravention” is misspelt in the *Government Gazette*, as reproduced above.]

(iii) paragraph (a) of regulation 5(1), to a fine not exceeding N$300;

(iv) paragraph (b) of regulation 5(2), to a fine not exceeding N$300;

(v) paragraph (a) of regulation 19(3), to a fine not exceeding N$300 for each rock lobster, which the person has in his or her possession, transports, sells or purchases in contravention of that paragraph;

(vi) paragraph (b) of regulation 19(3), to a fine not exceeding N$300 for each rock lobster tail of a size less than that prescribed by that paragraph;

(vii) regulation 19(8) and in respect of failing to return to the sea without delay rock lobster, which is in berry or shows signs of having been stripped of the berry, to a fine not exceeding N$300 in respect of each rock lobster not returned to the sea;

(viii) paragraph (e) of regulation 27(1), to a fine not exceeding N$300;

(ix) regulation 38, to a fine not exceeding N$300 in respect of each fishing gear not marked in accordance with the requirements prescribed by that regulation;

(i) in the case of regulation 26(2) -

(i) to a fine not exceeding N$2000 or to imprisonment not exceeding a period of six months or to both such fine and such imprisonment; and

(ii) an additional fine of N$2000 for each month or part of a month during which the offence has continued after the 28th day of the month concerned;

(j) in the case of regulation 26(3) -

(i) to a fine not exceeding N$2000 or to imprisonment not exceeding a period of six months or to both such fine and such imprisonment; and

(ii) an additional fine of N$2000 for each month or part of a month during which the offence has continued after 31 March in the year concerned;

(k) in the case of any other provision of these regulations, to a fine not exceeding N$500 000 or to imprisonment not exceeding a period of 10 years or to both such fine and such imprisonment.

**Repeal of regulations**

**40.** The regulations promulgated by Government Notice No. 153 of 1 August 2001 are repealed.

ANNEXURES

To view content without printing, scroll down.

To print at full scale (A4), double-click the icon below.

 

[Annexure A is substituted by GN 93/2018.]

[Annexure A is substituted by GN 93/2018.]





