



agriculture, forestry & fisheries

Department:
Agriculture, Forestry and Fisheries
REPUBLIC OF SOUTH AFRICA

Reference: Estelle Rachel Heyns – WCNB15209

THE MINISTER

REPORT IN TERMS OF REGULATION 5(3) OF THE REGULATIONS PROMULGATED UNDER THE MARINE LIVING RESOURCES ACT, 1998 (ACT No. 18 OF 1998): APPEAL IN TERMS OF SECTION 80 OF THE MARINE LIVING RESOURCES ACT, 1998 (ACT No. 18 OF 1998): ESTELLE RACHEL HEYNS

1. PURPOSE

To submit a report as provided for in terms of Regulation 5(3) of the Regulations promulgated under the Marine Living Resources Act, 1998 (Act No. 18 of 1998) (“the MLRA”), with regard to an appeal by Estelle Rachel Heyns.

2. GROUNDS OF APPEAL

The Appellant’s first ground of appeal relates to section 4 (Access to a Suitable Vessel). In this regard, the Appellant argues that in section 4 she was scored zero (0) and in section 4.2 on the scoresheet it is written “No valid SAMSA certificate provided”. The Appellant argues that a SAMSA certificate for the vessel *DTS 3701 E* that expired on 07/06/2016 showing Mrs E Heynes as the owner. The Appellant argues that she should be awarded 20 points for this section.

The Appellant’s second ground of appeal relates to section 6 (Transformation). The Appellant is of the view that section 6 should have been given a weight as he has donated and procured goods to majority black owned companies. The Appellant argues that she should be rewarded for going an extra mile. The Appellant indicates that she should have scored 100% for section 6.3 and 6.4 respectively.

3. DELIBERATIONS

The Appellant was categorised as a Category A applicant, this category was for individuals who held West Coast Rock Lobster (Nearshore) fishing rights during the 2005 Long-Term Rights Allocation and Management Process (“LTRAMP2005”). The Appellant scored above the set minimum threshold of 40% for previous right holder applicants and accordingly was awarded a fishing right.

The Appellant attained a score of 0 on section 4 (access to a suitable vessel). Paragraph 7.2(e) of the Policy on the Allocation and Management of Commercial Fishing Rights in the West Coast Rock Lobster (Nearshore) Fishery: 2015 (“the Sector Specific Policy”) stipulates that an applicant will be required to demonstrate a right of access to a vessel suitable for harvesting in the West Coast Rock Lobster (Nearshore) Fishery. Access may be in the form of ownership, part-ownership, a catch agreement, a charter agreement, or a bank guarantee for sufficient capital to purchase or build a vessel.

The Appellant indicated in his application form that she owns a suitable vessel, the Appellant also did provide a valid SAMSA Certificate at the time of the application. Therefore, the Appellant should be awarded points for vessel ownership.

Section 6 is zero (0) weighted in West Coast Rock Lobster (Nearshore) as it is covered under section 1 of the application form.



BELEMANE SEMOLI
DEPUTY DIRECTOR-GENERAL (ACTING)
FISHERIES MANAGEMENT
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