



agriculture, forestry & fisheries

Department:
Agriculture, Forestry and Fisheries
REPUBLIC OF SOUTH AFRICA

Reference: Gert Saulus Simon – WCNB15572

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): GERT SAULUS SIMON

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 Gert Saulus Simon.

2. GROUNDS OF APPEAL

The Appellant’s first ground of appeal relates to section 5 (fishing performance). The Appellant argues that he has exercised her right every year and that can be ascertained by the permits activated for nine seasons. The Appellant therefore argues that he should get the maximum points (100%) not (66.67%) on fishing performance. The Appellant indicates that the projected score attained by the appellant for section 5 should be 35 points.

The Appellant further indicates that he is reliant on the income from fishing industry and he has invested on a vessel. The Appellant is of the view that his score will then be adjusted to 87 points.

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 66.67 on section 5.2 in relation to catch records based on the information provided by the applicant at the time of application. The Appellant caught 85% of his allocation within Zone B and caught 100% for 8 of 10 years with no over catch.



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