

No. 505

12 June 2015



agriculture,
forestry & fisheries

Department:
Agriculture, Forestry and Fisheries
REPUBLIC OF SOUTH AFRICA

BRANCH: FISHERIES MANAGEMENT

**FISH PROCESSING
ESTABLISHMENT**

APPLICATION NUMBER
IDENTIFICATION NUMBER
OR
REGISTRATION NUMBER

Application form

Fishing Rights Allocation Process 2015/2016

FRAP 2015/2016

SECTIONS OF THE APPLICATION FORM TO BE COMPLETED BY APPLICANT "MARKED WITH YES"

		INDIVIDUA L	ENTITY
SECTION 1	Applicant's details (individual)	YES	YES
SECTION 2	Form of applicant (individual)	YES	YES
SECTION 3	Applicant's details (entity)	YES	YES
SECTION 4	Form of applicant (entity)	YES	YES
SECTION 5	Compliance	YES	YES
SECTION 6	Access to a suitable vessel/premises	YES	YES
SECTION 7	Fishing Processing Performance	YES	YES
SECTION 8	Transformation	YES	YES
SECTION 9	Job Creation	YES	YES
SECTION 10	Application declaration	YES	YES



agriculture,
forestry & fisheries
Department:
Agriculture, Forestry and Fisheries
REPUBLIC OF SOUTH AFRICA

APPLICATION NUMBER

IMPORTANT INFORMATION

1. This form must be completed and signed by a South African person as defined in the Marine Living Resources Act, 1998 (Act No. 18 of 1998).
2. Please read these notes carefully before completing the application form. Make sure that you read every section and that the information you provide is accurate.
3. When completing the application form, applicants are advised to read carefully the General Policy on the Allocation and Management of Fishing Rights: 2013 and the 2015 Netfish Fishery Specific Policy. These policies are available at www.daff.gov.za and at the distribution centre where this application form was collected. These policies will guide the Minister or his/her delegate when considering the application.
4. You may request a departmental official at the application centre to assist you with the understanding of the application form. Should you have any queries regarding the completion of the application form, you may ask an official to assist you with the query. Queries may also be addressed during office hours to the RAP Operations Centre Helpline at 021 402 0000
5. You or your representative may not communicate with the Minister, the delegated authority, or officials in the Department regarding your application other than at the application centre. Moreover, no reliance may be placed on any information given or obtained in any other manner.
6. The applicant must complete all sections of the application form. If any particular section does not apply to the applicant, the section may be marked "N/A." If an applicant cannot answer a section, it may be marked "Unknown." The applicant must respond in the spaces provided in the application form. Information may not be submitted by way of annexures except where applicants are specifically required to do so.
7. This application form must be completed by hand and submitted together with the required annexures. If the application is submitted in any other form, the application will be refused. Do not use a pencil. Preferably use a pen.
8. The declaration must be signed and attested before a Commissioner of Oaths by the applicant or the applicant's authorised representative. If the declaration is not signed and attested, the application will be refused.
9. One copy of the application must be made. This copy must be punched, divided and filed in the same manner as the original. The copy does not have to be certified as a true copy of the original, but it will be assumed to be the same as the original. Any discrepancy may invalidate the application.
10. The application and the copy of the application must be hand delivered at the distribution and receipting centers.
11. The application may not be submitted by post or by fax.
12. Improperly lodged applications will be refused. An application is improperly lodged if:
 - 12.1 it is received late; or
 - 12.2 the application is lodged in a manner contrary to the instructions.
13. Applications that are materially defective will be refused. An application is materially defective if:
 - 13.1 the declaration is not signed and attested by the applicant's authorised representative; or
 - 13.2 more than one application is received for a right in the same sector; or
 - 13.3 the applicant provides false information or documents, fails to disclose material information or attempt to influence the Minister or the delegated authority regarding this application.
14. Proof of payment of the application fee shall be submitted when returning the application form. Applications that are unpaid will be refused.

IMPORTANT INFORMATION

IF YOU CANNOT PROVIDE THE DOCUMENTS OR INFORMATION REQUESTED IN ANY OF THE SCHEDULES BELOW, YOU MAY SUBMIT AN EXPLANATION FOR THIS IN PLACE OF THAT ANNEXURE			Tick block if required documents are attached	
Sub Section	Documents or Information Required	Annexure	Applicant	Official
1.1 - 1.5	Certified true copy of first page (with photo) of the applicant's identity document.	1A-1		
1.6	Original valid South African Revenue Services (SARS) Tax Clearance Certificate.	1A-2		
1.11 - 1.14	Copy of one of the following: (a) a utility bill (water, electricity, telephone), (b) a rent agreement for a house or flat, (c) a bond agreement with a bank or (d) bank statements, e) an affidavit from a third party.	1C		
1.19	Provide a description of all your fishing activities, including involvement in other sectors and experience in the fishing industry. New entrants should demonstrate that they have the necessary skill, knowledge and ability to participate in the fish processing sector.	1E		
2.1	Provide records of fish processing permits issued from 2002 to 2014.	2A-1		
2.6	If "Yes," provide proof of shareholding/members interest in other entities that applied for fishing right during FRAP2015/16.	2A-2		
3.1 - 3.4	Provide company registration documents.	3A-1		
3.5	Original valid South African Revenue Services (SARS) Tax Clearance Certificate.	3A-2		
3.11 - 3.17	Please attach letter of authorisation from the applicant.	3C		
3.18 - 3.21	Copy of one of the following: (a) a utility bill (water, electricity, telephone), (b) a lease agreement, (c) a bond agreement with a bank or (d) bank statements, e) an affidavit from a third party.	3D		
4.1	Provide records of catch permits issued from 2007 to 2014.	4A-1		
4.4	Provide proof of entity ownership.	4A-2		
4.5 - 4.6	If "Yes," provide proof of shareholding/members interest in other entities that applied for a fishing right during FRAP2015/16.	4A-3		
4.7	Please provide financial statements for all sources.	4A-4		
5.1	If "Yes", provide details and any documentation regarding the offence including information regarding the conduct giving rise to the charge and the outcome of the criminal proceedings.	5A-1		
5.2	If "Yes", provide details and any documentation regarding the plea bargain arrangement entered into, including the conduct giving rise to the plea bargain, the dates and specifics of the plea bargain.	5A-2		
5.3	If "Yes," provide details and documentation regarding the conduct of the applicant, the date(s) of conviction, and the penalties imposed.	5A-3		
5.4	If "Yes", provide details and any documentation regarding the admission of guilt fine paid, including information regarding the conduct giving rise to the fine, the date of the offence and rand amount paid.	5A-4		
5.5	If "Yes", provide details regarding the detention, arrest or seizure, including information regarding the conduct giving rise to the proceedings, and whether a final confiscation or forfeiture order was granted under the Prevention of Organised Crime Act or the MLRA.	5A-5		
5.6	If "Yes", provide details and any documentation including the conduct of the individuals giving rise to the Section 28 proceedings.	5A-6		
6.1 - 6.3	Provide proof of vessel ownership detailing shareholding in the vessel.	6A-1		
6.4	Provide copy of vessel access agreement.	6A-2		
6.5	Provide South African Maritime Safety Authority (SAMSA) certificate and vessel specification documents.	6A-3		
8.1 - 8.2	If turnover greater than R10 million, provide BBBEE certificate. If turnover less than R10 million, provide confirmation of black ownership from registered auditors.	8A-1		
8.3	Attach the most recent employment equity profile provided to the Department of Labour, if available.	8A-2		
8.4	Provide proof in writing confirming board of directors from registered auditors.	8A-3		
8.5	If "Yes", provide proof.	8A-4		
8.6	If "Yes", provide net percentage of the total procurement for the last two years.	8A-5		
9.1 - 9.3	Provide applicant's employees Payroll.	9A-1		
9.5	If "Yes", provide proof.	9A-2		

Disclaimer: A tick by the receiving official does not confirm the authenticity of the information submitted with the application.

Section 1

Applicant's details (Individual)

1A. Identification Details																		
1.1	Surname																	
1.2	First Name(s)																	
1.3	Are you a South African citizen?													Y/N				
1.4	Identity Number										Age		Gender (M/F)					
1.5	Mark with "X" in respect of your race										Black		White		Coloured		Asian	
1.6	Income Tax number																	

1B. Contact Details														
1.7	Telephone number													
1.8	Cellphone number													
1.9	Fax number													
1.10	Email address													

1C. Residential Address														
1.11	Street number													
1.12	Street name													
1.13	Suburb													
1.14	Town/City										Postal Code			
1.15	How many years have you lived and / or worked in the area?													

1D. Postal Address														
1.16	Street number/PO Box													
1.17	Suburb													
1.18	Town/City										Postal Code			

1E. Fishing processing experience														
1.19	How many years have you been involved in the fishing processing sector?													
1.20	What work did you do before you became involved in fish processing? (enter details below)													

Section 2

Form of application (individual)

2A. Right allocation records

2.1	Were you awarded a fish processing right during the Medium Term Rights Allocation and Management Process: 2001?	Y/N
2.2	Have you applied for any other fishing rights during the Fishing Rights Allocation Process: 2015/16 (FRAP 2015/16)?	Y/N
2.3	If "Yes," in "2.2" complete the table below for all fishing rights applied for (including this application) in order of preference:	

Name of Applicant for other right	Fishery	Application Number

2.4	Is there any other family member in the same household who has applied for any fishing right?	Y/N
2.5	If "Yes," in "2.4" complete the table below in respect of family member applicant:	

Name of Applicant for other right applied for	Application number	Relationship to you (i.e. wife, husband, brother, cousin, mother, etc)	Fishery

2.6	Are you a member, director or shareholder of a company or close corporation that applied for a fishing right in any other fishing sector during FRAP 2015/16?	Y/N
2.7	If "Yes," in "2.6" complete the table below for all fishing rights applied for (including this application) in order of preference	

Name of a company or close corporation or co-operative or trust	Application number	Applicants percentage shareholding or Membership interests	Fishery

Section 3

Application details (entity)

3A. Identification Details									
3.1	Registered Name								
3.2	Trading Name								
3.3	Type of entity (mark with an "X")	Company		Close corporation		Co-operatives		Trust	
3.4	Registration Number:								
3.6	Percentage Black ownership				%				
3.5	Income Tax number								

3B. Contact Details									
3.7	Telephone number								
3.8	Cellphone number								
3.9	Fax number								
3.10	Email address								

3C. Details of Authorised contact person									
3.11	Contact Name								
3.12	Identity number								
3.13	Work telephone number								
3.14	Cellphone number								
3.15	Fax number								
3.16	Email address								
3.17	Position held/relation to applicant								

3D. Physical Address									
3.18	Street number								
3.19	Street name								
3.20	Suburb								
3.21	Town/City							Postal Code	
3.22	How many years have the entity operated in the area?								

FOR COLLEGE STUDENTS

3.23 Street number/PO Box

3.24 Suburb

3.25 Town/City

Postal Code

Formed Excellent Entry

4.1	Were you awarded a fish processing right during the Medium Term Rights Allocation and Management Process: 2001?	Y/N
4.2	Have you applied for any other fishing rights during the Fishing Rights Allocation Process: 2015/16 (FRAP 2015/16)?	Y/N
4.3	If "Yes," in "4.2" complete the table below for all fishing rights applied for (including this application) in order of preference:	Y/N

Name of Applicant for other right

Fishery

Application Number

4.4	Is the applicant more than 50% South African owned?	Y/N
-----	---	-----

4.5	Does the applicant hold any share(s) /membership interest in any other legal entity that is applying for a fish processing right? If "Yes", complete table below	Y/N
-----	--	-----

Name of applicant

Fishery

**Applicant's
percentage
shareholding or
membership
interests**

Application number



agriculture,
forestry & fisheries

APPLICATION NUMBER

Reference for Kent County

Section 5

Compliance

5.1	Have you been charged with an offence under the MLRA, or the regulations or permit conditions during the medium term right period?	Y/N	
5.2	Have you entered into a plea bargain under the Criminal Procedure Act 51 of 1977, for a contravention of the MLRA, or the regulations, or permit conditions during the medium term right period?	Y/N	
5.3	Have you been convicted of a contravention of the MLRA, or the regulations, or permit conditions during the medium term right period?	Y/N	
5.4	Have you paid an admission of guilt fine for a contravention of the MLRA, the regulations, or the permit conditions during the medium term right period?	Y/N	
5.5	Has your fishing vessel, motor vehicle, premises or any of your assets been detained, arrested or seized under the MLRA or restrained, preserved, confiscated or forfeited under the Prevention of Organised Crime Act 121 of 1998 during the medium term right period?	Y/N	
5.6	Was your right or permit suspended, revoked, cancelled, reduced or altered under section 28 of the MLRA during the medium term right period?	Y/N	

Section 6

6.1	Do you own a suitable vessel (>50% ownership)?		Y/N
6.2	Do you have a 50% ownership in a suitable vessel?		Y/N
6.3	Do you have part-ownership in a suitable vessel (<50%)?		Y/N
6.4	Do you have an access agreement in a suitable vessel (e.g. catching agreement, credit guarantees, sponsorship etc.)?		Y/N
6.5	Do you own or have a 50% ownership or part-ownership or an access agreement in a suitable vessel (e.g. catching agreement, credit guarantees, sponsorship etc.)?		Y/N
6.6	Vessel Details (complete vessel details below)		
If answered "No" in above (6.5), please stipulate the number of years operating as a fish processing establishment			
Is the proposed or existing activity vessel based or land based?			
NOTE: Full details regarding the vessel(s) to be utilised by the Applicant in engaging in fish processing are to be submitted. Where more than one vessel is to be utilised, the required details must be provided in respect of each vessel separately. This section must be answered even if the vessel is not owned by the Applicant.			
Name of vessel:		Area Number:	
Official Number (SAMSA)		Year of build:	
Registered Owner:		ID Number of Vessel Owner:	
Registered length as per Safety Certificate:		Registered Tonnage as per Safety Certificate if >25 tons	
Number of crew as per Safety Certificate:		Shaft Power kW:	
Hold capacity tons:		Radio Call Sign:	
6.7	Please tick category below of product currently being processed or intended for processing.	Indicate with a ✓	Please specify species and common name below of product intended for processing or being processed.
	Shellfish		
	Finfish		
	Crustaceans		
	Seaweeds		
6.8	Do you have a NCRS (SABS) establishment number for your each of your vessels and land based premises? If "Yes", please provide proof thereof.		Y/N
6.9	Do you own or have a 50% ownership or part-ownership or an access agreement to a suitable land based premises (e.g. lease agreement, credit guarantees, sponsorship etc.)?		Y/N
6.10	Do you have access to a legal supply of fish and fish products to sustain the land based fish processing establishment.		Y/N
Note: An applicant applying for a right to operate a land based processing establishment must provide proof of ownership of site or lease of site, environmental authorization, water quality reports, coastal waters discharge permit and details of waters discharges, supply and processing agreements, where applicable.			

Section 7**Fishing Performance**

7.1	Did you utilise your fish processing right for at least five years during the period 2002 to 2014?						Y/N
7.2	Complete the table below in relation to your fish processing records						
Year	Fish processing permit applied for? (Y/N)	Right Number (e.g. FPE)	Name(s) of vessel(s)	Number of crew allocated	Individual TAC (Right holder quantum)	Did you process any fish? (Y/N)	Actual mass of fish processed in kilograms
2002							
2003							
2004							
2005							
2006							
2007							
2008							
2009							
2010							
2011							
2012							
2013							
2014							

Section 8**Transformation**

8A. Management and Employment Equity			
8.1	Complete the table below in respect of shareholding/membership interest held by black persons		
Year	Percentage shareholding/ Membership interest held by black persons	Percentage Voting Rights Held by Black Persons	Percentage of Dividends Black Shareholders are Entitled To
2001 (as in 2001 application form)			
2015 (at date of application)			

Section 8

Transformation

8.2 Complete the table below in respect of the applicant's transformation profile.

%Black shareholding in 2005	%Black shareholding in 2014	%Black shareholding at application date

8.3 Complete the following table in relation to the applicant's most recent employment equity profile.

B=Black, C=Coloured, A=Asians, W=White and F=Females

Occupational Levels	Gender	B No.	B%	C No.	C%	A No.	A%	W No.	W%	Total	
										BC A%	F %
Top management	Male										
	Female										
Senior management	Male										
	Female										
Professionally qualified and experienced specialists and mid-management	Male										
	Female										
Skilled technical and academically qualified workers, junior management, supervisors, foremen, and superintendents	Male										
	Female										
Semi-skilled and discretionary decision making	Male										
	Female										
Unskilled and defined decision making	Male										
	Female										
TOTAL EMPLOYEES (add females and males)	Permanent										
	Temporal										

NOTE: For the purpose of this part "historically disadvantaged persons" ("HDP") means those persons or categories of persons, who prior to the new democratic dispensation marked by the adoption and coming into force of the Constitution of the Republic of South Africa Act, 1996 (Act No. 108 of 1996), were disadvantaged by unfair discrimination on the basis of their race and includes juristic persons or associations owned and controlled by such persons.

Ownership profile of applicant:

Category	Numbers		Asset value in Rands	
	Total	HDP's	Total	HDP's part
Owners				
Directors				
Shareholders				
Members				
Beneficiaries				

8.4 Complete the table below in respect of the applicant's board of director's (if a company) or members (if a close corporation) as at date of application.

	Director / Member Name (Initial & Surname)	Years of Service	Black (Y/N)	Gender (M/F)	Age	Disability (Y/N)	Identity Number
1							

8D. Local Economic Development				
8.7	Complete the table below in respect to harbours where catch has been landed and processed			
Year	Harbour name	Quantity landed (kilograms)	Factory name	Quantity processed (kilograms)
2010				

2011				
2012				
2013				
2014				
8.8	Complete the table below in respect to harbours where catch is to be landed and processed Rank by order of usage from 1 – 3 (3 being the highest)			
Harbour Name	Frequency of usage	Factory name	Frequency of usage	

Section 9

Job creation

9.1	Do you provide permanent employment? If "Yes" please indicate the percentage permanent, temporary, seasonal below (must add up to 100%).	Y/N	
9.1(a)	Percentage permanent employees	%	
9.1(b)	Percentage temporary employees	%	
9.1(c)	Percentage seasonal employees	%	
9.2	Do you contribute towards medical aid for more than 50% of your employees?	Y/N	
9.3	Do you contribute towards pension/provident fund for more than 50% of your employees?	Y/N	
9.4	Do you provide all your employees with safe working conditions at sea?	Y/N	
9.5	Do you provide an employee share scheme for your employees?	Y/N	

Section 10

I, the undersigned, do hereby make oath and declare that:

- (a) I have read the instructions set out in this application form.
- (b) the information submitted with and in this Application is true and correct and complete.
- (c) I accept that if any information in this Application is not true or complete, or if false information is provided, or material information is not disclosed, this may lead to the Application being refused, or to the revocation, suspension, cancellation, alteration or reduction of any right, license or permit granted on the strength of this Application, in terms of Section 28 of the Marine Living Resources Act 18 of 1998.
- (d) In order to allow for the proper verification of information submitted I hereby authorise any institution, organ of state, person or body, who possesses or acquires any information relevant to my application, to disclose or make the information available to the Minister, his/her delegate or an official of the Department of Agriculture Forestry and Fisheries or the Fishing Rights Verification Team.
- (e) I undertake to co-operate with any investigators by timeously submitting responses to written requests for information or explanations, by attending meetings with investigators, by answering questions satisfactorily at such meetings and where necessary, by granting investigators access to premises, vessels and documents. I accept that failure to co-operate in this regard will constitute an independent ground for refusing an application.
- (f) I accept that any attempt to influence the decision of the delegated authority or appellant authority on the allocation of a right or quantum or effort, in any manner other than provided for in the relevant Sector Specific Policy or in this application form, will result in the application being refused

Signed
at : _____

This _____ day of _____ 2015

Signature of
applicant: _____

Applicant's full name _____

The deponent declares that he/she knows and understands the contents and implications of the above declaration.

Commissioner of Oaths

Full name _____

Designation _____

Physical Address _____

If the application is prepared or compiled by, or in consultation with or on the advice of any person or entity the following information must be provided:

Why was the application prepared by a person or entity other than the Applicant or why was someone consulted for advice? What fee or other remuneration was paid, or was promised for the assistance?

If assisted, please provide full details of the consultant / advisor that prepared this application

Details of the person who completed the form.

Contact Name _____

Identity number _____

Work telephone number _____

Cellphone number _____

Fax number _____

Email address _____

Position held/relation to applicant _____



APPLICATION NUMBER _____