

**GOVERNMENT NOTICE**  
**GOEWERMENTSKENNISGEWING**

**DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND TOURISM**  
**:DEPARTEMENT VAN OMGEWINGSAKE EN TOERISME**

No. R. 1455

8 October 2003

MARINE LIVING RESOURCES ACT, 1998 (ACT NO. 18 OF 1998)

**AMENDMENT OF REGULATIONS**

The Minister of Environmental Affairs and Tourism has under Section 77 of the Marine Living Resources Act, 1998 (Act No. 18 of 1998), made the Regulations as set out in the Schedule.

**SCHEDULE**

***Definitions***

1. In this Schedule "the Regulations" means the regulations published under Government Notice No. R. 1111 of 2 September 1998, as amended by Government Notices No. A. 27 of 14 January 2000, No. 1129 of 17 November 2000, No. R. 1344 of 8 December 2000, No. R. 1428 of 29 December 2000, No. R. 375 of 4 May 2001, No. R. 1000 of 12 October 2001, No. R. 765 of 6 June 2003 and No. R. 1376 of 3 October 2003.

***Amendment of regulation 1 of the Regulations***

2. Regulation 1 of the Regulations is hereby amended by the substitution for the definition 'abalone of the following definition:

""abalone" means any species of the genus *Haliotis*;"

***Amendment of regulation 36 of the Regulations***

3. Regulation 36 of the Regulations is hereby substituted for the following regulation:

**'36. (1)** No person shall-

- (a) engage in fishing, collecting, disturbing, keeping, controlling, storing, transporting or be in possession of any abalone, except on the authority of a permit; or

- (b) transport or be in possession of any abalone that is not in the whole state, except on the authority of a permit; or
  - (c) remove abalone other than with the use of a flat implement of which the front edge is not less than 25 mm wide and not more than 35 mm wide and that has been so rounded as not to cut or damage the foot of an abalone.
- (2) No person under the age of 12 years shall be entitled to obtain a recreational abalone permit.
- (3) No person shall sell, deliver or acquire any abalone, or any part or product thereof, unless the seller issues an invoice described in subregulation (4) at the time of delivery in respect of such abalone or any part or product thereof to the person acquiring it.
- (4) An invoice referred to in subregulation (3) shall be kept for not less than 24 months by the person to whom it has been issued and shall contain at least the following details:
- (a) full particulars, including full names, identity numbers, registration numbers and physical addresses, of the parties to the sale;
  - (b) the date of delivery;
  - (c) the quantity or mass of abalone or part or product thereof sold; and
  - (d) the number and date of issue of the permit authorising the selling of the abalone."

***Amendment of regulation 37 of the Regulations***

4. Regulation 37 of the Regulations is hereby substituted for the following regulation:

"37. (1) No person shall engage in fishing, keeping or controlling of, or be in possession of, any abalone of the species *Haliotis midae* of which the shell is able to pass through a ring with an inside diameter of 114mm.

(2) No person shall engage in fishing, keeping or controlling of, or be in possession of, any abalone of the species *Haliotis spadicae* of which the shell is able to pass through a ring with an inside diameter of 32mm."

***Amendment of regulation 96 of the Regulations***

5. Regulation 96 of the Regulations is hereby substituted for the following regulation:

"96. Any person who contravenes or fails to comply with any provision of these regulations, shall be guilty of an offence and liable on conviction to a fine not exceeding R800 000-00 or to imprisonment not exceeding two years".

***Amendment of Annexure 2 of the Regulations***

6. Annexure 2 to the Regulations is hereby amended by the substitution for the expression "abalone" in item 5 for the expressions *Haliotis midae*".

***Amendment of Annexure 13 of the Regulations***

7. Annexure 13 to the Regulations is hereby amended by the deletion of the expressions "siffle, 10 (ten)".