

DETERMINATION OF ADMISSION OF GUILT FINES
SECTION 57(5) (a) OF THE CRIMINAL PROCEDURE ACT (ACT 51 OF 1977)

The magistrate for the district of DURBAN has determined the admission of guilt fines as specified hereunder in terms of the provisions described below.

THESE ADMISSION OF GUILT FINES ARE DETERMINED IN TERMS OF THE MARINE LIVING RESOURCES ACT (ACT 18 OF 1998) AS PUBLISHED IN GOVERNMENT GAZETTE NO. 747 DATE 27TH MAY 1998, READ WITH REGULATIONS IN TERMS OF THE MARINE LIVING RESOURCES ACT 18 OF 1998 AS PUBLISHED IN GOVERNMENT NOTICE R1111 DATED 2ND SEPTEMBER 1998 AND REGULATION 3 OF THE REGULATIONS FOR THE CONTROL OF VEHICLES IN THE COASTAL ZONE, AS AMMENDED, PUBLISHED IN THE GOVERNMENT NOTICE NO. 1426 AS PROMULGATED IN GOVERNMENT GAZETTE NO. 27066 OF 7 DECEMBER 2004 I.T.O. SECTION 44 OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT 107 OF 1998, READ WITH REGULATIONS 1, 17, 18 AND SECTION 1 OF THAT ACT.

SECTION		AG FINE	CODE
13(1)	Recreational fishing without a permit	R1,000-00	7006
13(3)	Failing to have a permit available for inspection whilst fishing	R500-00	7007

REGULATION		AG FINE	CODE
8(1)	Fail to submit fishing returns.	R500-00 per consecutive month to R2, 500-00 thereafter to Court.	720
9	Without a permit, possess, engage in fishing for, keep or control any Shad during closed season 1 September to 30 November.	R500-00 for each fish to a maximum of five. Exceeding five fish – no a/g.	7022
9	Without a permit, engage in fishing for, keep or control any Galjoen during closed season 15 October to last day of February.	500-00 for each fish to a maximum of five. Exceeding five fish – no a/g.	7023
9	Without a permit, possess, engage in fishing for, keep or control any East Coast Rock Lobster during closed season 1 November to last day of February.	R500-00 for each rock lobster to a maximum of five. Exceeding five - no a/g.	7024

	REGULATION	AG FINE	CODE
21(1)	Without a permit, engage in fishing with more than 10 hooks attached to gear	R1,000-00	7029
22 (2)	A recreational fishing permit holder shall not sell fish caught on the authority of a recreational fishing permit.	R500-00 for each fish to a maximum of five. Exceeding five fish – no a/g.	
22 (7) (a)	The holder of a recreational fishing permit shall not engage in fishing for, or be in possession of any fish smaller than, or of a mass less than, the size-limits listed in respect of each species in the Permitted Species List of Annexure 7	R500-00 for each fish to a maximum of five. Exceeding five fish – no a/g.	
22 (7) (b)	The holder of a recreational fishing permit shall not engage in fishing for, or be in possession of any fish during the closed-season listed in respect of each species in the Permitted Species List of Annexure 7	R500-00 for each fish to a maximum of five. Exceeding five fish – no a/g.	
22 (7) (c)	The holder of a recreational fishing permit shall not engage in fishing for, or be in possession of more fish than the bag limit listed in respect of each species in the Permitted Species List of Annexure 7 on any one day	R500-00 for each fish to a maximum of five. Exceeding five fish – no a/g.	
22 (7) (d)	The holder of a recreational fishing permit shall not engage in fishing for, or be in possession of more than 1 specimen per species of cartilaginous fish on any one day	R500-00 for each fish to a maximum of five. Exceeding five fish – no a/g.	

	REGULATION	AG FINE	CODE
22 (7) (e)	The holder of a recreational fishing permit shall not engage in fishing for, or be in possession of more than 5 specimens per species of Rock Cod (family <i>Serranidae</i>) not listed in the Permitted Species List of Annexure 7 on any one day; and	R500-00 for each fish to a maximum of five. Exceeding five fish – no a/g.	
22 (7) (f)	The holder of a recreational fishing permit shall not engage in fishing for, or be in possession of more than ten fish irrespective of the species caught, provided that this limit does not apply to those species listed with no bag limit, and to those species with a bag limit exceeding ten.	R500-00 for each fish to a maximum of five. Exceeding five fish – no a/g.	
22[3]	Sell, deliver or acquire any line fish or any part or product thereof without the seller issuing an invoice at the time of delivery.	R1,000-00	7031
23[a]	Without a permit, use any artificial respiratory apparatus, except a snorkel, while fishing.	R2500-00	7039
23[b]	Without a permit, engage in fishing, collection or disturbing of any fish by means of a gaff, club, nail, stick, stone or similar implement.	R500-00	7040
23[c]	Without a permit, engage in fishing, collection or disturbing of any fish, except for octopus, cuttlefish or squid, by the jerking of a hook or jigging.	R500-00	7041

	REGULATION	AG FINE	CODE
23[d]	Without a permit, engage in fishing, collection or disturbing any Kingklip by means of a trap.	R500-00	7042
23[e]	Without a permit, engage in fishing, collection or disturbing of any fish by means of a spear.	R1,000-00	7043
23[f]	Without a permit, engage in fishing, collection or disturbing of any fish by means of a fish trap.	R2500-00	7044
23[g]	Without a permit, engage in fishing, collection or disturbing of any fish with a speargun in a tidal river or tidal lagoon.	R1,000-00	7045
24[[1]	Without a permit, engage in fishing, collecting marine aquarium fish, or keep such fish in an aquarium for any purpose.	R1,000-00	
25[a]	Without a permit, possess, engage in fishing for, keep, control of any fish, of a size or mass smaller than those as set out in annexure 10.	500-00 for each fish to a maximum of five. Exceeding five fish – no a/g.	7048
25[b]	Without a permit, land fish in a condition where it cannot be established whether the fish conforms to the minimum size.	500-00 for each fish to a maximum of five. Exceeding five fish – no a/g.	7049
27[1][d]	Sell any aquatic plant without a permit.	R500-00	7054
41[a]	Using an illegal implement/ method to collect oysters.	R500-00	7060
41[b]	Engage in fishing for or collecting oysters between sunset on one day and sunrise on the following day.	R500-00	7061

REGULATION		AG FINE	CODE
43[1]	Holder of a recreational fishing permit shall not on any one day engage in fishing, collecting, keeping, controlling, landing or be in possession of more than 25 oysters.	R500-00 for 1-10, R1, 000-00 for 11-20, R2000-00 for 31-35, R2500-00 for 36-40 over the limit; thereafter to court.	7063
43[2]	Holder of a subsistence fishing permit shall not on any one day engage in fishing, collecting, keeping, controlling, landing, selling or be in possession of more than 25 oysters.	R500-00 for 1-10, R1, 000-00 for 11-20, R2000-00 for 31-35, R2500-00 for 36-40 over the limit; thereafter to court.	7064
44[1][a]	Without a permit, engage in fishing, collecting, keeping, storing, possession, control or transport rock lobster without a permit.	R500-00 per rock lobster to a maximum of R2, 500-00, thereafter to court.	7065
44[1][b]	Without a permit, return to the sea any dead rock lobster or any part or offal thereof.	R500-00 per rock lobster to a maximum of R2, 500-00 thereafter to court.	7066
44[1][c]	Engage in fishing, collecting, disturbing rock lobster which is in berry, about to cast off its shell, in a soft condition, carrying eggs or showing signs of being stripped of its eggs.	R1, 000-00 per rock lobster to a maximum of R2000-00, thereafter to court.	7044
55[2]	Without a recreational permit, collecting, transporting, keeping, controlling, possession at any one time more than the quantity or mass of fish set out in annexure 13.	R500-00 for 1-10, R1, 000-00 for 11-20, R2000-00 for 31-35, R2500-00 for 36-40 over the quantity/mass limit; thereafter to court.	7089
55[3]	Without a subsistence permit, collecting, transporting, keeping, controlling, possessing at any one time more than the quantity or mass of fish set out in annexure 13.	R500-00 for 1-10, R1, 000-00 for 11-20, R2000-00 for 31-35, R2500-00 for 36-40 over the quantity/mass limit; thereafter to court.	7090

	REGULATION	AG FINE	CODE
56[1][b]	Mud crab – carapace less than 14mm.	R500-00 per crab to a maximum of R2, 500-00 thereafter to court.	7092
56[2][a]	Engage in fishing, collect or disturb any rock mussel, mud or sand prawns, red bait other than by hand, approved pump or implement with blade/ flat edge not exceeding 12mm in width.	R1,000-00	7094
56[2][c]	Without a permit, engage in fishing, collecting or disturbing, mud crabs by means of a trap or net.	R1,000-00	7098
56[4]	Without a permit, engage in fishing, collecting or disturbing any mole crab other than by hand or a triangular trap.	R1,000-00	7099
44[6]	Sell, or deliver or acquire any rock lobster or any parts or products thereof without the seller issuing an invoice.	R2500-00	7071
44[7]	Failure to keep such invoice, 44[6] – for 24 months.	R2500-00	7072
52[a]	Engage in fishing, collecting, disturb or in possession of east coast rock lobster with carapace less than 65mm.	R500-00 per rock lobster to a maximum of R2500-00, thereafter to court.	7076
52[b]	Possession of east coast rock lobster with 2 nd segment of tail less than 22mm.	R500-00 per rock lobster (or tail) to a maximum of R2, 500-00, thereafter to court.	7077
53[1][b]	Fishing for east coast rock lobster other than with approved implement.	R1,000-00	7079

	REGULATION	AG FINE	CODE
53[2][a]	Holder of a recreational east coast rock lobster permit - engage in fishing, collecting, keeping or controlling of more than 8 east coast rock lobster per day.	R500-00 per rock lobster to a maximum of R2500-00, thereafter to Court.	7080
53[2][b]	Holder of a recreational east coast rock lobster permit - possession of more than 8 east coast rock lobster at any one time.	R500-00 per rock lobster to a maximum of R2500-00, thereafter to Court.	7081
53[3][a]	Holder of a subsistence fishing permit - engage in fishing, collecting, keeping or controlling, landing of more than 8 east coast rock lobster per day.	R500-00 per rock lobster to a maximum of R2500-00, thereafter to Court.	7082
53[3][b]	Holder of subsistence fishing permit - transport, or sell, or be in possession of more than 8 east coast rock lobsters at any one time.	R500-00 per rock lobster to a maximum of R2500-00, thereafter to Court.	7083
55[1]	Without a permit, engage in fishing, collecting, disturbing, keeping, controlling, selling or possess any invertebrate fish.	R500-00 for each fish to a maximum of five. Exceeding five fish – no a/g.	7088

OFFENCE		AMOUNT
1.	Contravening the General prohibition of use of vehicles in the coastal Zone - National Environmental Management Act 107 of 1998 – USE ANY VEHICLE IN COASTAL ZONE.	R2000-00

The abovementioned determination of admission of guilt fines will be effective from 01 October 2009. Any previous determination in respect of any offence herein referred to shall be substituted by the present determination.

MAGISTRATE: DURBAN
DATE: