Government Gazette
Staatskoerant

REPUBLIC OF SOUTH AFRICA
REPUBLIEK VAN SUID AFRIKA

Vol. 707 3 May Mei 2024 No. 50617

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ISSN 1682-5845

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GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF FORESTRY, FISHERIES AND THE ENVIRONMENT

NO. R. 4786 **3 May 2024**

NATIONAL ENVIRONMENTAL MANAGEMENT: PROTECTED AREAS ACT, 2003 (ACT NO. 57 OF 2003)

AMENDMENTS TO CERTAIN REGULATIONS GOVERNING VARIOUS MARINE PROTECTED AREAS

I, Barbara Dallas Creecy, Minister of Forestry, Fisheries and the Environment, hereby publish amendments to certain regulations governing various marine protected areas in terms of the National Environmental Management: Protected Areas Act, 2003 (Act No. 57 of 2003) as set out in the schedule to this notice.

BARBARA DALLAS CREECY
MINISTER OF FORESTRY, FISHERIES AND THE ENVIRONMENT

GENERAL EXPLANATORY NOTE:

[ ] Words in bold type in square brackets indicate omissions from existing regulations.

_____ Words underlined with a solid line indicate insertions in existing regulations.

SCHEDULE

Amendment of regulation 1 in Government Notice R. 695 in *Government Gazette* 26431 of 4 June 2004

1. Regulation 1 of the Notice declaring the Table Mountain National Park Marine Protected Area is hereby amended—

(a) by the insertion, after the definition of "Department" of the following definition:

" "***estuary***" has the meaning assigned to it in section 1 of the National Environmental Management: Integrated Coastal Management Act, 2008 (Act No. 24 of 2008);";

(b) by the substitution for the definition of "personal watercraft" of the following definition:

" "***personal watercraft***" means a vessel—

(a) which is less than three meters in length;

(b) which uses an inboard engine powering a water-jet pump as its primary source of propulsion; and

(c) which is designed to be operated by a person or persons sitting, standing or kneeling on, rather than within, the confines of a hull;";

(c) by the deletion of the definition of "SCUBA diving business"; and

(d) by the insertion after the definition of 'speargun' of the following definition:

" ***"vessel"*** means a waterborne craft of any kind whether a surface craft or submarine, and whether self-propelled or not, and includes any moored floating structure that can be used as a means of transport by water and includes a personal watercraft and hovercraft;".

Deletion of regulation 8 in Government Notice R. 695 in *Government Gazette* 26431 of 4 June 2004

2. Regulation 8 of the Notice declaring the Table Mountain National Park Marine Protected Area is hereby deleted.

Amendment of regulation 9 in Government Notice R. 695 in *Government Gazette* 26431 of 4 June 2004

3. Regulation 9 of the Notice declaring the Table Mountain National Park Marine Protected Area is hereby amended by the substitution for regulation 9 of the following regulation:

" **9. SCUBA diving business permit**

(1) No person may operate or attempt to operate a SCUBA diving business in the Marine Protected Area without a permit.

(2) Application for a permit referred to in subregulation (1) must be made to the Manager and may be issued subject to conditions.".

Amendment of regulation 11 in Government Notice R. 695 in *Government Gazette* 26431 of 4 June 2004

4. Regulation 11 of the Notice declaring the Table Mountain National Park Marine Protected Area is hereby amended by the insertion, after subregulation (4), of the following subregulations:

"(5) Except in an estuary, no person may operate a motorised vessel at a speed that exceeds 8 knots within 500 meters of the high-water mark within the Marine Protected Area, unless it is necessary to do so in an emergency, or for launching or approaching a launch site.

(6) No person may operate or attempt to operate any vessel within the Marine Protected Area in contravention of—

(a) the Merchant Shipping Act, 1951 (Act No. 57 of 1951); or

(b) any rule, notice, directive or other prescript issued by the South African Maritime Safety Authority.".

Amendment of regulation 1 in Government Notice R. 1108 in *Government Gazette* 31516 of 17 October 2008

5. Regulation 1 of the Stilbaai Marine Protected Area Regulations is hereby amended—

(a) by the substitution for the definition of "estuary" of the following definition:

" "**estuary**" has the meaning assigned to it in section 1 of the National Environmental Management: Integrated Coastal Management Act, 2008 (Act No. 24 of 2008);";

(b) by the substitution for the definition of "personal watercraft" of the following definition:

" "**personal watercraft**" means a vessel—

(a) which is less than three meters in length;

(b) which uses an inboard engine powering a water-jet pump as its primary source of propulsion; and

(c) which is designed to be operated by a person or persons sitting, standing or kneeling on, rather than within, the confines of a hull;"; and

(c) by the insertion after the definition of "speargun" of the following definition:

" **"vessel"** means a waterborne craft of any kind whether a surface craft or submarine, and whether self-propelled or not, and includes any moored floating structure that can be used as a means of transport by water and includes a personal watercraft and hovercraft;".

Amendment of regulation 6 in Government Notice R. 1108 in *Government Gazette* 31516 of 17 October 2008

6. Regulation 6 of the Stilbaai Marine Protected Area Regulations is hereby amended by the substitution for regulation 6 of the following regulation:

" **SCUBA DIVING**

6. (1) No person may operate or attempt to operate a SCUBA diving business in the Marine Protected Area, without a permit.

(2) Application for a permit referred to in subregulation (1) must be made to the Minister and may be issued subject to conditions.

(3) Any vessel that has deployed divers in the Marine Protected Area must display an alpha flag.".

Amendment of regulation 8 in Government Notice R. 1108 in *Government Gazette* 31516 of 17 October 2008

7. Regulation 8 of the Stilbaai Marine Protected Area Regulations is hereby amended by the insertion, after subregulation (4), of the following subregulations:

" (5) Except in the Goukou estuary, no person may operate a motorised vessel at a speed that exceeds 8 knots within 500 meters of the high-water mark within the Marine Protected Area unless it is necessary to do so in an emergency or for launching or approaching a launch site.

(6) No person may operate or attempt to operate any vessel within the Marine Protected Area in contravention of—

(a) the Merchant Shipping Act, 1951 (Act No. 57 of 1951); or

(b) any rule, notice, directive or other prescript issued by the South African Maritime Safety Authority.".

Amendment of regulation 1 in Government Notice No. 694 in *Government Gazette* 26430 of 4 June 2004

8. Regulation 1 of the Notice declaring the Pondoland Marine Protected Area is hereby amended by—

(a) by the substitution for the definition of "estuary" of the following definition:

" "***estuary***" has the meaning assigned to it in section 1 of the National Environmental Management: Integrated Coastal Management Act, 2008 (Act No. 24 of 2008);";

(b) the substitution for the definition of "personal watercraft" of the following definition:

" "***personal watercraft"*** means a vessel—

(a) which is less than three meters in length;

(b) which uses an inboard engine powering a water-jet pump as its primary source of propulsion; and

(c) which is designed to be operated by a person or persons sitting, standing or kneeling on, rather than within, the confines of a hull;";

(c) by the deletion of the definition of "SCUBA diving business"; and

(d) by the insertion after the definition of "speargun" of the following definition:

" "***vessel***" means a waterborne craft of any kind whether a surface craft or submarine, and whether self-propelled or not, and includes any moored floating structure that can be used as a means of transport by water and includes a personal watercraft and hovercraft;".

Deletion of regulation 8 in Government Notice R. 694 in *Government Gazette* 26430 of 4 June 2004

9. Regulation 8 of the Notice declaring the Pondoland Marine Protected Area is hereby deleted.

Amendment of regulation 9 in Government Notice No. 694 in *Government Gazette* 26430 of 4 June 2004

10. Regulation 9 of the Notice declaring the Pondoland Marine Protected Area is hereby amended by the substitution for regulation 9 of the following regulation:

"**SCUBA diving**

9. (1) No person may operate or attempt to operate a SCUBA diving business in the Marine Protected Area without a permit.

(2) Application for a permit referred to in sub-regulation (1) must be made to the Minister and may be issued subject to conditions.".

Amendment of regulation 11 in Government Notice No. 694 in *Government Gazette* 26430 of 4 June 2004

11. Regulation 11 of the Notice declaring the Pondoland Marine Protected Area is hereby amended by the insertion, after subregulation (4), of the following subregulations:

" (5) Except in an estuary, no person may operate a motorised vessel at a speed that exceeds 8 knots within 500 meters of the high-water mark within the Marine Protected Area, unless it is necessary to do so in an emergency, or for launching or approaching a launch site.

(6) No person may operate or attempt to operate any vessel within the Marine Protected Area in contravention of—

(a) the Merchant Shipping Act, 1951 (Act No. 57 of 1951); or

(b) any rule, notice, directive or other prescript issued by the South African Maritime Safety Authority.".

Amendment of regulation 1 in Government Notice No. 1074 in *Government Gazette* 39379 of 6 November 2015

12. Regulation 1 of the Dwesa-Cwebe Marine Protected Area Regulations is hereby amended by the substitution for the definition of "personal watercraft" of the following definition:

" "**personal watercraft**" means a vessel—

(a) which is less than three meters in length;

(b) which uses an inboard engine powering a water-jet pump as its primary source of propulsion; and

(c) which is designed to be operated by a person or persons sitting, standing or kneeling on, rather than within, the confines of a hull;".

Amendment of regulation 10 in Government Notice No. 1074 in *Government Gazette* 39379 of 6 November 2015

13. Regulation 10 of the Dwesa-Cwebe Marine Protected Area Regulations is hereby amended by the insertion, after subregulation (5), of the following subregulations:

"(6) Except in an estuary, no person may operate a motorised vessel at a speed that exceeds 8 knots within 500 meters of the high-water mark within the Marine Protected Area, unless it is necessary to do so in an emergency, or for launching or approaching a launch site.

(7) No person may operate or attempt to operate any vessel within the Marine Protected Area in contravention of—

(a) the Merchant Shipping Act, 1951 (Act No. 57 of 1951); and

(b) any rule, notice, directive or other prescript issued by the South African Maritime Safety Authority.".

Amendment of regulation 4 in Government Notice R. 731 in *Government Gazette* 34596 of 16 September 2011

14. Regulation 4 of the Amathole Marine Protected Area Regulations is hereby amended by the substitution for regulation 4 of the following regulation:

" **4. SCUBA diving**

(1) No person may operate or attempt to operate a SCUBA diving business in the Marine Protected Area without a permit.

(2) Application for a permit referred to in subregulation (1) must be made to the Minister and may be issued subject to conditions.

(3) Any vessel that has deployed divers in the Marine Protected Area must display an alpha flag.".

Commencement

15. These regulations take effect on the date of its publication in the *Gazette*.

Printed by and obtainable from the Government Printer, Bosman Street, Private Bag X85, Pretoria, 0001
Contact Centre Tel: 012-748 6200. eMail: info.egazette@gpw.gov.za
Publications: Tel: (012) 748 6053, 748 6061, 748 6065

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