

DEPARTMENT OF ENVIRONMENTAL AFFAIRS

NO. R. 114

03 FEBRUARY 2016

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

DRAFT REGULATIONS FOR THE MANAGEMENT OF THE ADDO ELEPHANT MARINE PROTECTED AREA

I, Bomo Edith Edna Molewa, Minister of Environmental Affairs, hereby publish for public comment, the draft Regulations for the Management of the Addo Elephant Marine Protected Area in terms of sections 48A(2) and 86(1)(a), (b), (c) and (d) of the National Environmental Management: Protected Areas Act, 2003 (Act No. 57 of 2003), as set out in the Schedule hereto.

Any person who wishes to submit representations or comments in connection with the draft regulations are invited to do so within 90 days from the date of publication in the *Government Gazette* and by no later than 16h00 on the last day. Comments received after this time may not be considered. All representations and comments must be submitted in writing to the Deputy Director-General of the Department of Environmental Affairs, Branch Oceans and Coasts:

- By post to:** **The Deputy Director-General**
 Environmental Affairs: Oceans and Coasts
 Attention: Xola Mkefe
 P. O. Box 52126, V and A Waterfront, Cape Town, 8002
- Hand deliver to:** **East Pier Building 2, East Pier Road, V and A Waterfront, Cape Town**
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BOMO EDITH EDNA MOLEWA
MINISTER OF ENVIRONMENTAL AFFAIRS

Schedule

1. Definitions

In these Regulations, unless the context indicates otherwise, a word or expression that is defined in the Act bears the same meaning in these Regulations, and in addition-

“**Act**” means the National Environmental Management: Protected Areas Act, 2003 (Act No. 57 of 2003);

“**ABZSA**” means the Algoa Bay Zone for Sustainable Aquaculture;

“**authorised official**” means -

- (a) any person appointed as a fishery control officer in terms of the Marine Living Resources Act;
- (b) an environmental management inspector appointed in terms of the National Environmental Management Act; and
- (c) all peace officers as defined in the Criminal Procedure Act.

“**BIORZ**” means the Bird Island Inshore and Off-shore Restricted Zone;

“**certificate of competence**” means a certificate of competence as defined in the National Small Vessel Safety Regulations, 2007;

“**certificate of fitness**” means a certificate of fitness as defined in the National Small Vessel Safety Regulations, 2007;

“**Controlled Zone**” means an area within a Marine Protected Area where fishing or any other activity in terms of section 48A(1) of the Act may take place if authorised in terms of these regulations as contemplated in terms of section 48A(2), and includes the CRIOCZ, SIOCZ, CPICZ, SICZ and ECZ;

“**CRIOCZ**” means the Cannon Rocks Inshore and Off-shore Controlled Zone;

“**CPICZ**” means Cape Padrone Inshore Controlled Zone;

“**demarcation buoy**” means a buoy installed to mark the boundaries of or the zones within the Marine Protected Area;

“**demarcation marker**” means a marker installed to mark the boundaries of or the zones within the Marine Protected Area;

“**dive or diving**” means to swim below the surface of the water, or to enter the water with the aid of, or use of prohibited gear;

“**environmental management inspector**” has the meaning assigned to it in the National Environmental Management Act;

“**ECZ**” means the Sunday’s River Estuary Controlled Zone;

“**EMRZ**” means the Sunday’s River Estuary Mouth Restricted Zone;

“**environment**” has the meaning assigned to it in section 1 of the National Environmental Management Act;

“**ERZ**” means the Sunday’s River Estuary Restricted Zone;

“**fish**” means any aquatic plant or animal whether piscine or not, and any mollusc, crustacean, coral, sponge, holothurian or other echinoderm, reptile and includes their eggs, larvae and all juvenile stages, but does not include sea birds, seals or any marine mammal;

“**fishing**” or to “**fish**” means—

- (a) searching for, catching, taking or harvesting fish or an attempt to any such activity;
- (b) engaging in any other activity which can reasonably be expected to result in the locating, catching, taking or harvesting of fish;
- (c) placing, searching for or recovering any fish aggregating device or associated gear, including radio beacons;
- (d) any operation in support or in preparation of any activity described in this definition; or
- (e) the use of an aircraft in relation to any activity described in this definition;

“**high-water mark**” has the meaning assigned to it in the Integrated Coastal Management Act;

“**hovercraft**” means a craft that floats on a cushion of air and is capable of traversing water;

“**Integrated Coastal Management Act**” means the National Environmental Management: Integrated Coastal Management Act, 2008 (Act No. 24 of 2008);

“**islands**” means the St Croix Island group, including St Croix, Jahleel and Brenton islands; and the Bird Island group including Bird, Seal, Stag and Black Rocks islands forming part of the Addo Elephant National Park as defined in *Government Gazette* No. 36295 of 27 March 2013;

“**jet propelled vessel**” means a vessel that uses a mechanical inboard motor powering a water jet pump as its primary source of propulsion, and is intended to carry persons sitting within the confines of its hull;

“**management authority**” means South African National Parks who is hereby formally designated as the management authority of the Marine Protected Area in terms of section 38(1)(aB) of the Act;

“**Marine Living Resources Act**” means the Marine Living Resources Act, 1998 (Act No. 18 of 1998);

“**Marine Protected Area**” means the Addo Elephant Marine Protected Area as declared by the Minister in terms of section 22A of the Act;

“**Marine Traffic Act**” means the Marine Traffic Act, 1981 (Act No. 2 of 1981);

“National Ports Authority of South Africa” shall have the meaning assigned to it in the National Ports Act, 2005 (Act No. 12 of 2005);

“National Small Vessel Safety Regulations” means the Merchant Shipping (National Small Vessel Safety) Regulations, 2007, published in terms of section 356 of the Merchant Shipping Act, 1951 (Act No. 57 of 1951) and promulgated in Government Notice No. R. 705 of 8 August 2007;

“no-wake speed” means the speed that a vessel travels with its engine just in gear and moving at the slowest possible speed necessary to maintain steerage, without causing a wake or a wave in the water;

“no-wake zone” means that part of the Marine Protected Area that is zoned, where a vessel may only travel at “no-wake speed”;

“operate” in respect of a vessel, includes mooring in the water, drifting in the water and ascending or descending from its mooring, the shore, launch site, a buoy or a jetty;

“personal watercraft” means a vessel that uses an inboard motor powering a water jet pump as its primary source of propulsion, and is designed to be operated by a person or persons sitting, standing, or kneeling on rather than within the confines of a hull;

“port” shall have the meaning assigned to it in the Integrated Coastal Management Act;

“power-driven” means propelled by reciprocating or rotary machinery using chemicals, electricity or heat as an energy source, but does not include a water jet pump;

“prohibited gear” means goggles, diving masks, dive torches, snorkels, dive fins or flippers, wet suits or diving suits, artificial breathing apparatus, weight belts or weights, bags used for underwater collection of fish, shucking tools or any tool that could be used for the collection of fish;

“Restricted Zone” means an area within the Marine Protected Area where no fishing may take place, but where any other activity in terms of section 48A(1) of the Act may take place if authorised in terms of these regulations as contemplated in terms of section 48A(2), and includes the BIIORZ, SCORZ, SIRZ, EMRZ and ERZ;

“SCORZ” means the St. Croix Island Off shore Restricted Zone;

“SIOCZ” means the Sundays Inshore and Off shore Controlled Zone;

“spearfishing” means fishing with the use of a speargun;

“speargun” means a device by which a spear is projected by mechanical or pneumatic means;

“SICZ” means the Sundays Inshore Controlled Zone;

“SIRZ” means the Sundays Inshore Restricted Zone;

“the Manager” means the person appointed by the management authority to be the manager of the Addo Elephant Marine Protected Area;

“**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, but does not include a personal watercraft, hovercraft or a jet-propelled vessel;

vessel providing living accommodation” means any vessel including a “house boat” or a “caravan boat” or any other type of vessel equipped for overnight residence thereon;

“**water-ski**” means a person on dual skies, slalom ski, aqua boards, tube or any other device other than on another vessel, being towed by a vessel through, over or on the water;

“**water ski-zone**” means that part of the Marine Protected Area that is zoned for water skiing activities; and

“**WGS 84**” means the World Geodetic System of 1984 (G730), which is a geographic co-ordinate system.

2. Zonation within the Marine Protected Area

The Marine Protected Area consists of one (1) inshore and offshore Restricted Zone, one (1) offshore Restricted Zone, two (2) inshore and off shore Controlled Zones, one (1) inshore Restricted Zone, two (2) inshore Controlled Zones, two (2) Sunday's River Estuary Restricted Zones and one (1) Sunday's River Estuary Controlled Zone and one (1) Algoa Bay Zone for Sustainable Aquaculture, which are determined by using WGS 84 as detailed in Annexure 1 hereto as follows:

- (a) one (1) inshore and off shore Restricted Zone, indicated as BIIRZ;
- (b) one (1) off shore Restricted Zone, indicated as SCORZ;
- (c) two (2) inshore and off shore Controlled Zones, indicated as CRIOCZ and SIOCZ;
- (d) one (1) inshore Restricted Zone, indicated as SIRZ;
- (e) two (2) inshore Controlled Zones, indicated as CPICZ and SICZ;
- (f) two (2) Sunday's River Estuary Restricted Zones, indicated as EMRZ and ERZ;
- (g) one (1) Sunday's River Estuary Controlled Zone, indicated as ECZ; and
- (h) one (1) Algoa Bay Zone for Sustainable Aquaculture, indicated as ABZSA.

3. Scientific research permit

- (1) No person may undertake any scientific research within the Marine Protected Area, except on the authority of a scientific research permit issued by the Minister.
- (2) Application for a scientific research permit in terms of sub-regulation (1); must be made to the Minister in accordance with the provisions of section 83 of the Marine Living Resources Act or any regulations published under the Integrated Coastal Management Act.
- (3) No person may undertake any scientific research within the Marine Protected Area, without a scientific research permit issued by the management authority.
- (4) Application for a scientific research permit in terms of sub-regulation (3), must be made on an application form provided by the management authority.

4. General restrictions within the Marine Protected Area

- (1) No person or organ of state may fly over or cause an aircraft to fly over the Marine Protected Area at a level of less than 2500 feet above the water surface.
- (2) Sub-regulation (1) shall not apply -
 - (a) in the case of an emergency; or
 - (b) to a person acting on the written instructions of the management authority.
- (3) The management authority may in the management plan for the Marine Protected Area, an internal rule or Protected Area Notice, identify activities, except for those activities listed in section 48A(1) of the Act; which may be restricted, controlled, limited or prohibited and such areas must be indicated by demarcation buoys, demarcation markers or notice boards.
- (4) No person shall conduct or carry out any activity that is restricted, controlled, limited or prohibited in terms of sub-regulation (3).
- (5) No person shall except on the authority of the management authority, move, deface or otherwise interfere with any demarcation buoy, demarcation marker or notice-board within the Marine Protected Area.
- (6) No person shall moor, anchor or attach any vessel, to any demarcation buoy or demarcation marker within the Marine Protected Area.
- (7) No person shall within the Marine Protected Area be in possession of or have onboard a vessel, any fire-arm, air-gun, explosives or poison.
- (8) Sub-regulation (7) shall not apply to, an authorised officer, including an official of any organ of state while performing official duties within the Marine Protected Area.
- (9) For purposes of these Regulations, explosives or fire-arms do not include the following devices:
 - (a) a flare gun;
 - (b) an illuminating rocket flare;
 - (c) a Department of Transport approved projectile distress flare;
 - (d) a Department of Transport approved hand-held distress flare;
 - (e) a Department of Transport approved rocket parachute distress flare;
 - (f) a Department of Transport approved floating orange smoke distress marker; and
 - (g) a Department of Transport approved hand-held smoke distress marker.

- (10) The owner, skipper or operator of a vessel shall not enter or operate a vessel in the Marine Protected Area without a valid certificate of competence and certificate of fitness issued in respect of such vessel, and such original certificates must be available for inspection at all times.
- (11) A vessel shall not enter the Marine Protected Area unless the marking approved for that vessel in accordance with the provisions of the Merchant Shipping Act, 1951 (Act No. 57 of 1951), is displayed on the vessel at all times while the vessel is inside the Marine Protected Area.
- (12) The owner, skipper or operator of a vessel shall not enter or operate a vessel in the Marine Protected Area unless such vessel and any other equipment or contents of such vessel, comply with the safety and other requirements specified in the Merchant Shipping Act, 1951 (Act No. 57 of 1951) for such vessel.

5. Use of vessels

- (1) No person may use or attempt to use any personal watercraft, jet propelled vessel or hovercraft within the Marine Protected Area.
- (2) A motorized vessel may only launch from a launch site authorised in terms of the Management of Public Launch Site Regulations GNR 497 of 27 June 2014 published in terms of the Integrated Coastal Management Act.
- (3) Subject to sub-regulation (5) and (6), no person may moor or anchor any vessel in a Restricted Zone of the Marine Protected Area except—
 - (a) under conditions of *force majeure*; or
 - (b) for the use of a vessel by an employee of the Department or any other organ of state acting in the course and scope of their employment or mandate.
- (4) Subject to sub-regulation (5) and (6), no person may moor or anchor any vessel over 500 tons in a Controlled Zone of the Marine Protected Area.
- (5) Sub-regulations (3) and (4) shall not apply to a vessel moored or anchored in a recognized and approved mooring or anchoring site in terms of the Marine Traffic Act, for a vessel that is waiting to berth in a port, and authorization has been granted by the National Ports Authority of South Africa for such vessel to moor and anchor at such site.
- (6) Despite sub-regulation (3) or (4), the management authority may on application and on such conditions as it may deem appropriate, authorise the anchoring or mooring of a vessel in the following circumstances-
 - (a) in an emergency; or
 - (b) where the management authority may deem it to be necessary in order to ensure the proper management of the Marine Protected Area.

- (7) The management authority may verbally authorise a vessel to moor or anchor within the Marine Protected Area as contemplated in sub-regulation (6), which verbal authorisation must be confirmed in writing within 3 working days.
- (8) No person shall water ski or operate, use, attempt to use or operate a vessel or occupy the driver's seat of such vessel, within the Marine Protected Area, while his or her blood contains more than 0.05 grams of alcohol per 100 millilitres of blood or while under the influence of illegal narcotic substances.
- (9) No person shall fish or attempt to fish or operate a vessel closer than three hundred (300) meters to any African Penguin or Cape Gannet while they are feeding out at sea.

6. Restriction of activities

No person may undertake any activity in the Marine Protected Area, listed in section 48A(1) of the Act, unless specifically authorised in terms of these regulations.

7. Control of activities in Restricted Zones

- (1) No person shall fish, or attempt to fish, in a Restricted Zone of the Marine Protected Area.
- (2) Fishing gear onboard a vessel or in possession of any person that enters or is present in a Restricted Zone must be stowed in accordance with sub-regulation (3).
- (3) Fishing gear shall be stowed in the following manner -
 - (a) In the case of line fishing –
 - (i) from a vessel, all hooks, lures, and weights are disconnected from the line, all the line is reeled onto the reel or rolled up, and that rolled up line, hooks, lures, bait and weights on the vessel are placed away in the cabin, wheel house or console of the vessel.
 - (ii) from the shore, all hooks, lures, and weights are disconnected from the line, all the line is reeled onto the reel or rolled up, and that rolled up line, hooks, lures, bait and weights are placed away in a bag or container.
 - (b) in the case of purse-seine fishing—
 - (i) the boom shall be lowered as far as possible so that the vessel cannot be used for fishing but so that the skiff is accessible for use in emergency situations;
 - (ii) the aircraft, if any, shall be tied down; and
 - (iii) launches shall be secured;
 - (c) in the case of a trawl fishing, all nets, trawl boards and weights shall be disconnected from their towing or hauling wires, ropes or rigid frames and either

stowed below deck or securely lashed to some part of the superstructure of the fishing vessel;

- (d) in the case of rock lobster fishing—
 - (i) all traps shall be on board and tied down; and
 - (ii) all dinghies shall be on board and securely lashed to some part of the superstructure of the fishing vessel;
 - (e) in the case of fishing with traps other than rock lobster traps, all traps shall be on board and tied down; and
 - (f) in the case of longline fishing, all gear shall be covered and the cover secured;
- (4) No person shall undertake spearfishing or attempt to undertake spearfishing or be in possession of a speargun in a Restricted Zone.
- (5) Subject to sub-regulation (7), no person shall engage in diving, in the BIIRZ and SIRZ .
- (6) Subject to sub-regulation (7), no person shall be in possession of or have onboard any vessel, prohibited gear in the BIIRZ and SIRZ.
- (7) Any person who undertakes –
- (a) scientific research and monitoring;
 - (b) white shark-cage diving;
 - (c) salvage operations;
 - (d) maintenance of legal underwater infrastructure;
 - (e) underwater photography; or
 - (f) any other activity authorized in terms of legislation,
- must apply to the management authority for a permit to engage in diving or be in possession of prohibited gear in the BIIRZ and SIRZ.
- (8) No person shall operate a vessel above a no-wake speed inside the ERZ.
- (9) No person shall water-ski inside the EMRZ and ERZ.
- (10) No person or vessel shall enter, attempt to enter or be present in the SIRZ, without a permit from the management authority.
- (11) No person shall, allow any dog, cat or any other domesticated animal or pet belonging to, or under the care or control of such person, to enter or remain in the SIRZ and ERZ, without a permit from the management authority

- (12) No person shall, allow any dog, cat, pet or any other domesticated animal belonging to, or under the care or control of such person, to enter or remain in the EMRZ unless such dog is on a leash, cat, pet or any other domesticated animal is under such person's physical control.

8 SCUBA diving

- (1) No person may –
- (a) SCUBA dive or attempt to SCUBA dive in the Marine Protected Area except in the CRIOCZ and SIOCZ and only with a permit; or
 - (b) operate or attempt to operate a SCUBA diving business in the Marine Protected Area except in the SCORZ, CRIOCZ, and SIOCZ and only with a permit.
- (2) Application for a permit referred to in sub-regulation (1) must be made to the management authority, which permit may be issued subject to conditions.
- (3) Any vessel that has deployed divers in the SCORZ, CRIOCZ, and SIOCZ must display an alpha flag.

9. Control of activities in Controlled Zones

- (1) No person shall in any Controlled Zone, fish or attempt to fish, from a vessel or the shore unless they are in possession of a valid fishing permit issued in terms of the Marine Living Resources Act and such permit authorises fishing within a Controlled Zone of the Marine Protected Area.
- (2) No person shall fish, or attempt to fish, from a vessel in the SICZ and CPICZ
- (3) Subject to sub-regulation (5), no person shall engage in diving, in the SICZ and CPICZ.
- (4) Subject to sub-regulation (5), no person shall be in possession of or have onboard any vessel, prohibited gear in the CPICZ.
- (5) Any person who undertakes –
- (a) scientific research and monitoring;
 - (b) white shark-cage diving;
 - (c) salvage operations;
 - (d) maintenance of legal underwater infrastructure;
 - (e) underwater photography; or
 - (f) any other activity authorized in terms of legislation;

must apply to the management authority for a permit to engage in diving or be in possession of prohibited gear in the CPICZ.

- (6) No person shall undertake spearfishing or attempt to undertake spearfishing or be in possession of a speargun in the CPICZ, SICZ, SIOCZ and CRIOCZ.
- (7) No person shall, allow any dog, cat, pet or any other domesticated animal belonging to, or under the care or control of such person, to enter or remain in the CRIOCZ, SIOCZ and SICZ, unless such dog is on a leash, cat, pet or any other domesticated animal is under such person's physical control.
- (8) No person shall allow any dog, cat or any other domesticated animal or pet belonging to, or under the care or control of such person, to enter or remain in the CPICZ, without a permit from the management authority.
- (9) No person shall fish from a bridge over the ECZ.
- (10) No person shall leave a fishing line unattended in or near a navigation channel in the ECZ.

10. Control of aquaculture activities in the SIOCZ

- (1) The Minister may authorize marine aquaculture activities within a portion of the SIOCZ, named the ABZSA and no person may undertake any marine aquaculture activity within the ABZSA without a permit issued by the Minister.
- (2) Application for a permit referred to in sub-regulation (1) must be made to the Minister, which permit may be issued subject to conditions.
- (3) Marine aquaculture within the Marine Protected Area may only be authorised within the ABZSA and, the maximum size of marine aquaculture activities, shall not exceed 10 square kilometers (1000 Ha) cumulatively, and no part of any marine aquaculture activity shall be located in a water depth shallower than 25m.
- (4) All marine aquaculture activities within the ABZSA shall be aligned with international best practice for such activities.
- (5) The Minister may authorise in any permit issued in terms of sub-regulation (1), any activities which have been prohibited or restricted in terms of regulations 4, 5 or 6 of these regulations, where such activities are necessary for the proper conduct or management of marine aquaculture activities or of the ABZSA.

Control of vessels and other activities in the Sunday's River Estuary Zones

11. Registration permits for vessels

- (1) No person shall in the Sunday's River Estuary Zones of the Marine Protected Area operate -
 - (a) a power-driven vessel,

- (b) a sailing vessel; or
- (c) any other vessel with an overall length of 4 meters or more, excluding sailboards, canoes and paddle-ski's;

without a vessel registration permit issued by the management authority and shall display the identification number allocated by the management authority on such vessel.

(2) No vessel registration permit may be issued for-

- (a) a vessel providing living accommodation;
- (b) any vessel used for commercial purposes; or
- (c) a vessel exceeding six point six (6.6) meters in overall length;

in the Sunday's River Estuary Zones, unless a vessel accommodation permit has been issued in terms of sub-regulation (3).

- (3) No person shall operate or keep any vessel providing living accommodation, any vessel used for commercial purposes, or a vessel exceeding six point six (6.6) meters in overall length in the Sunday's River Estuary Zones, without a vessel accommodation permit issued by the management authority.
- (4) Application for a vessel registration permit or vessel accommodation permit shall be made on an application form provided by the management authority and subject to a fee if determined by the management authority.
- (5) A vessel registration permit or vessel accommodation permit may be issued subject to conditions.
- (6) The management authority may limit the number of vessel registration permits issued per person.
- (7) The management authority may limit the total number of vessel registration permits issued in the Sunday's River Estuary Zones.
- (8) The fee payable in respect of such registration permit shall be as determined by the management authority from time to time.

12. Rules of travel

- (1) The skipper of a power-driven vessel shall adhere to a general safety rule of "keep right" while under way.
- (2) The skipper of a power-driven vessel shall keep out of the way of, and give right of way to a sailing vessel and any vessel propelled by oars or paddles.
- (3) When two sailing vessels approach each other they shall operate as follows:

- (a) a vessel that is running free shall keep out of the way of a vessel that is close-hauled;
 - (b) a vessel that is close-hauled on the port tack shall keep out of the way of a vessel that is close-hauled on a starboard tack;
 - (c) when both vessels are running free, with the wind on the same side, the vessel that is to windward shall keep out of the way of the vessel that is to leeward; and
 - (d) sailing vessels and sail-vessels shall not alter course immediately in front of any other vessel.
- (4) The skipper of a power-driven vessel shall maintain a direct course when passing a sailing vessel.
 - (5) When two power-driven vessels are approaching head on, the operator of each vessel shall alter course to starboard (right) so that each vessel shall pass on the port (left) side of the other.
 - (6) The skipper of a vessel overtaking another vessel shall overtake the vessel on the port (left) side and shall keep the vessel out of the way of the vessel being overtaken.
 - (7) The skipper of a vessel approaching a jetty or slipway shall give right of way to any departing vessel.
 - (8) The skipper of a vessel shall not change course without first determining that it is safe to do so without risk of collision with another vessel or person in the water.

13. Operation of vessels

- (1) The owner of a power-driven vessel shall not allow any person under the age of sixteen (16) years of age to operate or control such vessel.
- (2) No person shall operate a vessel, unless his or her vision both ahead and astern is not obstructed either by passengers or any other object.
- (3) No person shall operate a power-driven vessel in the Sunday's River Estuary Zones above a no-wake speed, when:
 - (a) operating a vessel in a no-wake zone;
 - (b) passing closer than ten (10) meters from a person in the water;
 - (c) passing closer than ten (10) meters to any stationary or moving vessel, jetty, mooring or slipway;
 - (d) closer than ten (10) meters to the boundary of a swimming or bathing area;
 - (e) closer than ten (10) meters from the shore; or
 - (f) operating a vessel after sunset and before sunrise.

- (4) After sunset and before sunrise-
 - (a) no person shall operate a vessel in the Sunday's River Estuary Zones without a forward facing red port light, forward facing green starboard light and white navigation light, being switched on;
 - (b) no person shall anchor a vessel in the Sunday's River Estuary Zones without at least having a single white light switched on and which is visible for 360 degrees.
- (5) The skipper and owner of a vessel shall ensure, that children under five (5) years of age and anyone on the vessel who cannot swim wear a life jacket at all times while onboard such vessel.
- (6) No person shall arrange, organize, or participate in any rowing or yachting race or regattas unless such rave or regatta has been authorized by the management authority in writing.
- (7) The skipper of a vessel shall not leave or enter the Sunday's river mouth without the occupants of the vessel wearing the suitable life jackets bearing the mark of the South African Bureau of Standards.

14. Water-skiing

- (1) No person shall water-ski after sunset and before sunrise.
- (2) No vessel towing a water skier shall pass closer than 10 meters to-
 - (a) any other vessel which is stationary or moving; or
 - (b) a jetty or slipway except when dropping off a water-skier.
- (3) The skipper of a vessel shall not follow closer than one hundred (100) meters in the wake of another vessel towing a water-skier.
- (4) No person shall use a metal cable or steel wire to tow a water-skier behind a vessel.
- (5) No water-skier shall drop or kick out a water ski, unless it is safe to do so and it does not constitute a danger to any other vessel or person.
- (6) If a water-skier falls into the water, the skipper of the vessel shall raise a red flag 300 mm x 300 mm until the water skier boards the vessel, or continues to water ski.
- (7) No person shall pull a water-ski rope behind a vessel when such vessel is not being used for water skiing activities.
- (8) The skipper of the vessel shall not allow any person to water-ski unless such person is wearing suitable personal buoyancy.
- (9) The skipper of a vessel shall not allow any person to water-ski outside the demarcated water-ski zone.

15. Suspension, amendment and cancellation of permits

- (1) Subject to sub-regulation (2) or (3), a permit issued under these regulations may at any time be suspended, cancelled or amended.
- (2) A permit issued in terms of these regulations may be suspended, cancelled or amended, if—
 - (a) the management authority is satisfied on the basis of information that was not considered when the permit was issued, that it is necessary or desirable to suspend, cancel or amend the permit to prevent deterioration or further deterioration of the environment within the Marine Protected Area;
 - (b) other similar permits held by other persons have also been reviewed and the suspension, cancellation or amendment does not unfairly discriminate against the holder in relation to other holders of similar permits;
 - (c) the permit holder is in breach of a condition contained in the permit;
 - (d) the permit holder provided incorrect or false information in the application for the permit;
 - (e) the holder of a permit has been convicted of an offence in terms of the Act, the National Environmental Management Act or a specific environmental management act or any regulations issued thereunder; or
 - (f) the reason for the issuing of the permit no longer exists.
- (3) A permit issued in terms of these regulations may be amended—
 - (a) if an error needs to be corrected or rectified;
 - (b) at the request of the applicant;
 - (c) for the proper management and implementation of these regulations; or
 - (d) where the conditions or circumstances have changed since the original permit was issued.

16. Offences and penalties

- (1) In addition to any offence in terms of section 89 of the Act, any person who contravenes or fails to comply with—
 - (a) regulations 3(1), 3(3), 4(1), 4(4) to 4(7), 4(10) to 4(12), 5(1) to 5(4), 5(8), 5(9), 6, 7, 8(1), 8(4), 9, 10(1), 10(4), 11(1) to 11(3), 12, 13 or 14;
 - (b) a condition mentioned in a permit issued in terms of these regulations; or

- (c) a prohibition, instruction, rule or order imposed, given or issued under these regulations;

is guilty of an offence and liable in the case of a first conviction to a fine not exceeding R5 million or to imprisonment for a period not exceeding five years and in the case of a second or subsequent conviction to a fine not exceeding R10 million or imprisonment for a period not exceeding 10 years or in both instances to both a fine and such imprisonment.

17. Short title and commencement

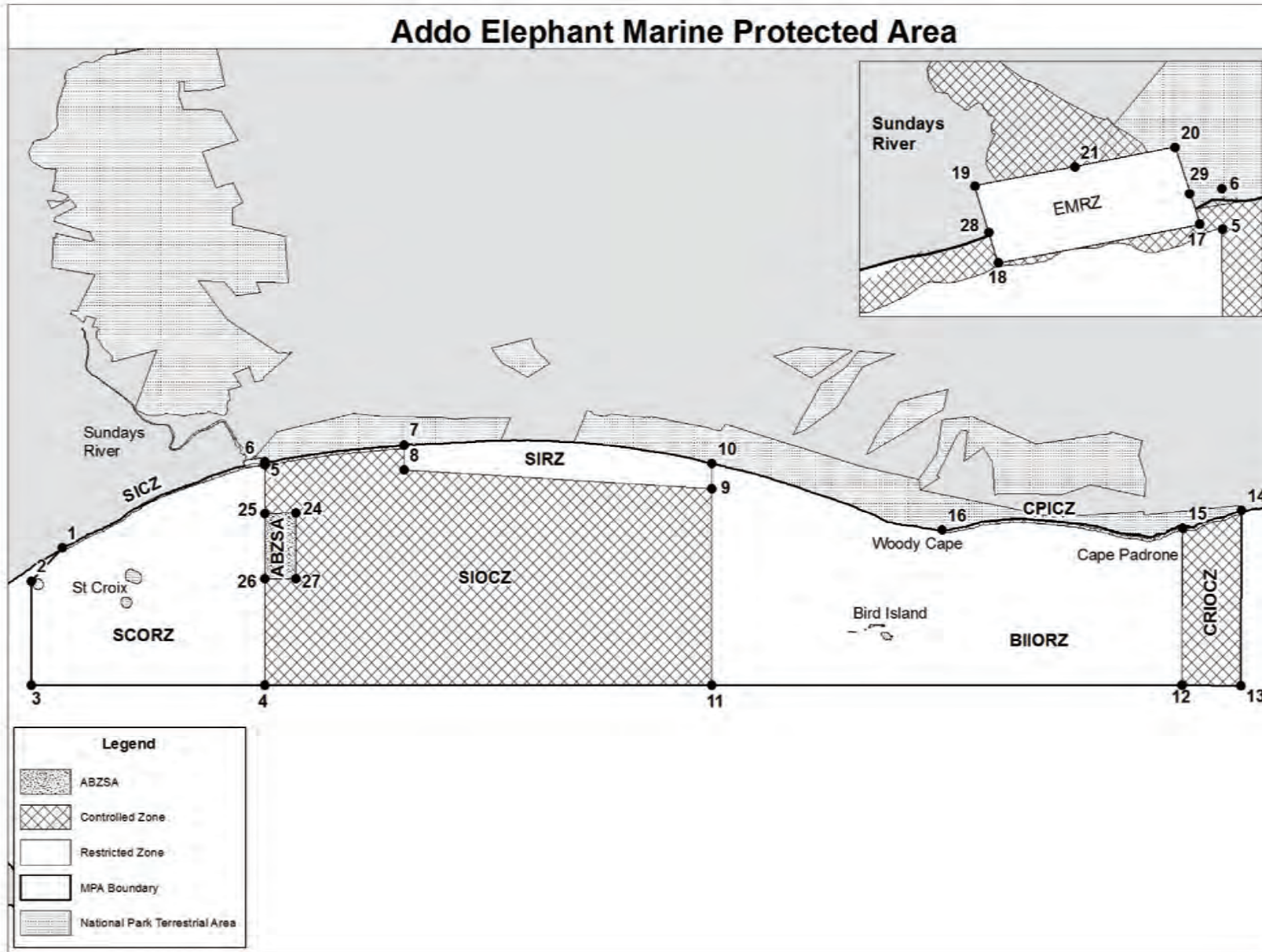
These regulations are called the Addo Elephant Marine Protected Area Regulations and commence upon date of publication in the *Gazette*.

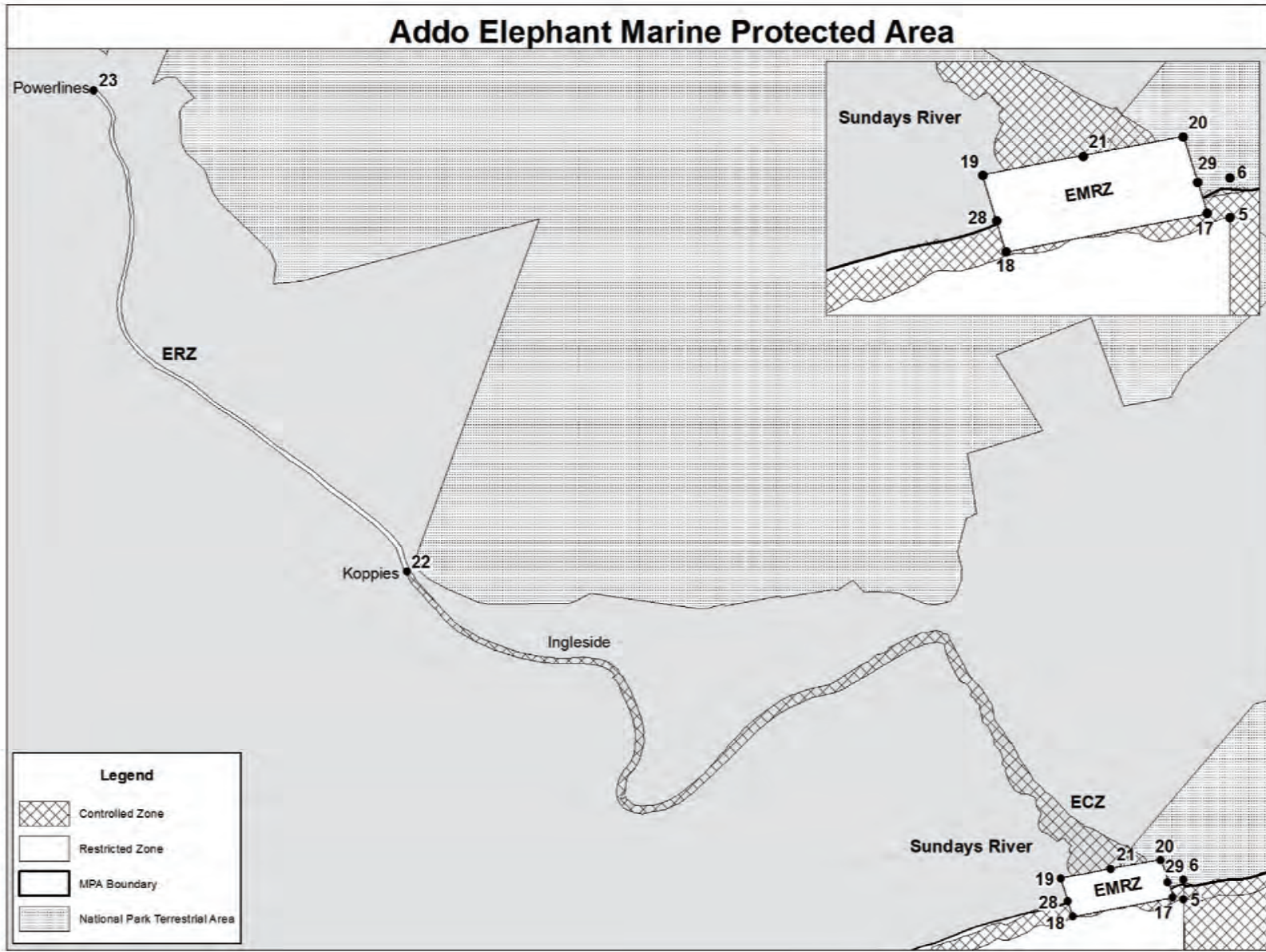
Annexure 1

(Numbers in brackets are indicated on the map)

- (1) **St. Croix Island Off shore Restricted Zone (SCORZ)** is defined, as the northern / landward boundary, is 200 m seawards from the high water mark on and along the shore line from point (1) 33°46.792'S; 025°43.273'E to point (5) 33°43.325'S; 025°51.607'E, as the eastern boundary a straight line between the point (5) 33°43.325'S; 025°51.607'E and (4) 33°52.500'S; 025°51.607'E, the southern boundary a straight line between the points (4) 33°52.500'S; 025°51.607'E and (3) 33°52.500'S; 025°42.000'E and the western boundary a straight line from the points (3) 33°52.500'S; 025°42.000'E to (2) 33°48.167'S; 025°42.000'E and then to the point (1) 33°46.792'S; 025°43.273'E.
- (2) **Bird Island inshore and Off shore Restricted Zone (BIORZ)** is defined, as the northern / landward boundary, the high-water mark from point (10) 33°43.257'S; 026°09.1636'E to point (16) 33°46.037'S; 026°19.458'E the rest of the northern / landward boundary is 200 m seawards from the high water mark on and along the shore line from point (16) 33°46.037'S; 026°19.458'E to point (15) 33°45.951'S; 026°29.350'E, as the eastern boundary a straight line between the point (15) 33°45.951'S; 026°29.350'E and (12) 33°52.500'S; 026°29.350'E, the southern boundary a straight line between the points (12) 33°52.500'S; 026°29.350'E and (11) 33°52.500'S; 026°10.000'E and the western boundary a straight line between the points (11) 33°52.500'S; 026°10.000'E and (10) 33°43.257'S; 026°09.1636'E.
- (3) **Sundays inshore and Off shore Controlled Zone (SIOCZ)** is defined, as the northern / landward boundary, the high-water mark from point (6) 33°43.188'S; 025°51.607'E to point (7) 33°42.491'S; 025°57.350'E, the rest of the northern / landward boundary, is the southern boundary of the SIRZ that is a straight line between the points (8) 33°43.541'S; 025°57.350'E and (9) 33°44.328'S; 026°10.000'E, as the eastern boundary a straight line between the points (9) 33°44.328'S; 026°10.000'E and (11) 33°52.500'S; 026°10.000'E, the southern boundary a straight line between the points (11) 33°52.500'S; 026°10.000'E and (4) 33°52.500'S; 025°51.607'E and the western boundary a straight line between the points (4) 33°52.500'S; 025°51.607'E and (6) 33°43.188'S; 025°51.607'E.
- (4) **Cannon Rocks inshore and Off shore Controlled Zone (CRIOCZ)** is defined, as the northern / landward boundary, the high-water mark along the shoreline between points (15) 33°45.951'S; 026°29.350'E and (14) 33°45.202'S; 026°31.772'E. The eastern boundary a straight line between the point (14) 33°45.202'S; 026°31.772'E and (13) 33°52.500'S; 026°31.772'E, the southern boundary a straight line between the points (13) 33°52.500'S; 026°31.772'E and (12) 33°52.500'S; 026°29.350'E and the western boundary a straight line between the points (12) 33°52.500'S; 026°29.350'E and (15) 33°45.951'S; 026°29.350'E.
- (5) **Sundays inshore Controlled Zone (SICZ)** includes the shore line between Hougam Park in the West, from point (1) 33°46.792'S; 025°43.273'E, to point (28) 33°43.336'S; 025°50.810'E west of the Sundays river mouth, and the shore line from point (29) 33°43.204'S; 025°51.497'E east of the Sundays river mouth to a point (6) 33°43.188'S; 025°51.607'E and a distance of 200m seawards of the high water mark, but excludes the shore line and seawater between point (28) 33°43.336'S; 025°50.810'E that is west of the Sundays river mouth and point (29) 33°43.204'S; 025°51.497'E that is east of the Sundays river mouth, that is part of the EMRZ.

- (6) **Sundays inshore Restricted Zone (SIRZ)** is defined, as the northern / landward boundary, the high-water mark between points (7) 33°42.491'S; 025°57.35'E to (10) 33°43.257'S; 026°09.1636'E. The eastern boundary a straight line between the point (10) 33°43.257'S; 026°09.1636'E and (9) 33°44.328'S; 026°10.000'E, the southern boundary a straight line between the points (9) 33°44.328'S; 026°10.000'E and (8) 33°43.541'S; 025°57.350'E, and the western boundary a straight line between the points (8) 33°43.541'S; 025°57.350'E and (7) 33°42.491'S; 025°57.35'E.
- (7) **Sunday's River Estuary Mouth Restricted Zone (EMRZ)** is a rectangle surrounding the Sunday's River Estuary Mouth, with the northern boundary a straight line between the points (19) 33°43.179'S; 025°50.762'E and (20) 33°43.048'S; 025°51.447'E, the eastern boundary a straight line between the points (20) 33°43.048'S; 025°51.447'E and (17) 33°43.309'S; 025°51.530'E, the southern boundary a straight line between the points (17) 33°43.309'S; 025°51.530'E and (18) 33°43.441'S; 025°50.843'E and the western boundary a straight line between the points (18) 33°43.441'S; 025°50.843'E and (19) 33°43.179'S; 025°50.762'E.
- (8) **Cape Padrone inshore Controlled Zone (CPICZ)** includes the shore line, along the high water mark between Woody Cape in the West, from point (16) 33°46.037'S; 026°19.458'E, to the point (15) 33°45.951'S; 026°29.350'E east of Cape Padrone and a distance of 200m seawards of the high water mark.
- (9) **Sunday's River Estuary Controlled Zone (ECZ)** is defined, as that part of the Estuary up until the high water mark, from the northern boundary line of the EMRZ at point (21) 33°43.114'S; 025°51.105'E, upstream to the north western boundary of Ingleside town, at the Koppies, at point (22) 33°41.029'S; 025°46.248'E.
- (10) **Sunday's River Estuary Restricted Zone (ERZ)** is defined, as that part of the Estuary up until the high water mark, that starts at the north western boundary of Ingleside town, at the Koppies, at point (22) 33°41.029'S; 025°46.248'E and runs upstream to point (23) 33°37.665'S; 025°44.082'E where power lines are crossing the estuary.
- (11) **Algoa Bay Zone for Sustainable Aquaculture (ABZSA)** is a rectangle within the SIOCZ, with the northern boundary a straight line between points (25) 33°45.3383' S; 25°51.6075' E and (24) 33°45.3383' S; 25°52.88052' E, the eastern boundary a straight line between the points (24) 33°45.3383' S; 25°52.88052' E and (27) 33°48.07272' S; 25°52.88052' E, the southern boundary a straight line between the points (27) 33°48.07272' S; 25°52.88052' E, and (26) 33°48.0783' S; 25°51.6075' E, and the western boundary a straight line between the points (26) 33°48.0783' S; 25°51.6075' E, and (25) 33°45.3383' S; 25°51.6075' E.





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Table 1: Coordinates of points for the Addo Elephant Marine Protected Area

Point	Degrees Minutes Seconds		Decimal Degrees		Degrees Minutes	
	Latitude	Longitude	Latitude	Longitude	Latitude	Longitude
1	33°46' 47.52" S	25°43' 16.38" E	-33.77986667	25.72121667	33°46.792' S	25°43.273' E
2	33°48' 10.02" S	25°42' 0" E	-33.80278333	25.7	33°48.167' S	25°42.000' E
3	33°52' 30" S	25°42' 0" E	-33.875	25.7	33°52.500' S	25°42.000' E
4	33°52' 30" S	25°51' 36.45" E	-33.875	25.860125	33°52.500' S	25°51.607' E
5	33°43' 19.5" S	25°51' 36.45" E	-33.72208333	25.860125	33°43.325' S	25°51.607' E
6	33°43' 11.28" S	25°51' 36.42" E	-33.7198	25.86011667	33°43.188' S	25°51.607' E
7	33°42' 29.46" S	25°57' 21" E	-33.70818333	25.95583333	33°42.491' S	25°57.350' E
8	33°43' 32.46" S	25°57' 21" E	-33.72568333	25.95583333	33°43.541' S	25°57.350' E
9	33°44' 19.68" S	26°10' 0" E	-33.7388	26.16666667	33°44.328' S	26°10.000' E
10	33°43' 15.42" S	26°9' 9.82" E	-33.72095	26.15272778	33°43.257' S	26°09.1636' E
11	33°52' 30" S	26°10' 0" E	-33.875	26.16666667	33°52.500' S	26°10.000' E
12	33°52' 30" S	26°29' 21" E	-33.875	26.48916667	33°52.500' S	26°29.350' E
13	33°52' 30" S	26°31' 46.32" E	-33.875	26.52953333	33°52.500' S	26°31.772' E
14	33°45' 12.12" S	26°31' 46.32" E	-33.75336667	26.52953333	33°45.202' S	26°31.772' E
15	33°45' 57.06" S	26°29'21" E	-33.76585	26.48916667	33°45.951' S	26°29.350' E
16	33°46' 2.219999" S	26°19' 27.48" E	-33.76728333	26.3243	33°46.037' S	26°19.458' E
17	33°43' 18.54" S	25°51' 31.8" E	-33.72181667	25.85883333	33° 43.309'S	25° 51.530'E
18	33°43' 26.46" S	25°50' 50.58" E	-33.72401667	25.84738333	33° 43.441'S	25° 50.843'E
19	33°43' 10.74" S	25°50' 45.72" E	-33.71965	25.84603333	33° 43.179'S	25° 50.762'E
20	33°43' 2.88" S	25°51' 26.82" E	-33.71746667	25.85745	33° 43.048'S	25° 51.447'E
21	33°43' 6.84" S	25°51' 6.3" E	-33.71856667	25.85175	33° 43.114'S	25° 51.105'E
22	33°41' 1.74" S	25°46' 14.88" E	-33.68381667	25.7708	33° 41.029'S	25° 46.248'E
23	33°37' 39.9" S	25°44' 4.92" E	-33.62775	25.7347	33° 37.665'S	25° 44.082'E
24	33°45' 20.3" S	25°52' 52.8312" E	-33.75563889	25.881342	33°45.33833'S	25°52.88052'E
25	33°45' 20.3" S	25°51' 36.45" E	-33.75563889	25.860125	33°45.3383'S	25°51.6075'E
26	33°48' 4.7" S	25°51' 36.45" E	-33.80130556	25.860125	33°48.0783' S	25°51.6075' E
27	33°48' 4.3632" S	25°52' 52.8312" E	-33.801212	25.881342	33°48.07272' S	25°52.88052' E
28	33°43' 20.16" S	25°50' 48.6" E	-33.72226667	25.84683333	33°43.336'S	25°50.81'E
29	33°43' 12.24" S	25°51' 29.82" E	-33.72006667	25.85828333	33°43.204'S	25°51.497'E