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South Africa: Fishing in South Africa Waters

June 2019

P&I Associates, Club correspondents in South Africa have drawn our attention to potential problems connected with seafarers fishing, and also with the need for ships to declare the quantity of fish they have on board. P&I Associates informed us of a recent incident in the Durban area and reported as follows:

It is not uncommon for seafarers, whilst at anchorage or in a South African port, to fish off the side of their vessel. This practice is illegal unless the seafarer is in possession of a fishing permit and that any fish that are caught are within the correct catch and bag size. The authorities used to turn a blind eye to fishing but the Department of Fisheries and Forestry (DAFF) have now appointed inspectors who attend on vessels to check whether there is any illegal fish on board.

In June 2019 3 seafarers were faced with arrest and prosecution under the South African Marine Living Resources Act No. 18 of 1988.

http://www.saflii.org/za/legis/num_act/mlra1998256.pdf

Under the act, the fine can be as much as 2 million rand or up to 5 years imprisonment. In this case, correspondents were able to negotiate a quick plea deal of R5000 per seafarer to avoid the arrest of the seafarers and the obvious delay to the vessel sailing from Durban that night.

The correspondents discussed the incident with the DAFF inspectors who also advised that ALL ships calling at South African ports are also required to disclose whether they have fish products on board and where those fish products were obtained. If the master fails to make such disclosure and they find fresh fish products on board, they can detain and fine the vessel. The fine is up to 2 million rand or 5 years imprisonment.

It is believed that the authorities are cracking down on illegal fishing in South African waters and that they are looking to protect South African marine resources.

Please can you advise your membership to inform crews that no fishing is permitted in South Africa waters without a permit and that vessels must disclose whether they have fresh fish products on board. If they do, the master must disclose the origin of the fresh fish.

Whilst the above may seem trivial, if a master is arrested or the vessel is detained, for breach of the above legislation, then vessel could be delayed, taken off hire, and the financial implications as a result of any off-hire could have greater financial consequences for owners.

