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GOVERNMENT NOTICE

DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND TOURISM

No. 1264

8 December 2006

MARINE LIVING RESOURCES ACT NO. 18 OF 1998**NOTICE OF FEES PAYABLE IN RESPECT OF APPLICATIONS FOR, AND THE ISSUING OR GRANTING OF RIGHTS, PERMITS AND LICENCES IN TERMS OF SECTION 25 OF THE MARINE LIVING RESOURCES ACT (MLRA) (ACT NO. 18 OF 1998) FOR RECREATIONAL SCUBA DIVING IN MARINE PROTECTED AREAS**

I, Marthinus van Schalkwyk, the Minister of Environmental Affairs and Tourism, hereby give notice of the recreational scuba diving permit fees in terms of section 25 of the Marine Living Resources Act, 18 of 1998 ("the Act") for the Marine Protected Areas (MPAs) declared and published under Government Notices No.'s 694, 695, 696 and 697 of 4th JUNE 2004, which state that:

"...no person may SCUBA dive or attempt to SCUBA dive in the Marine Protected Area except on the authority of a SCUBA diving permit".

Four Marine Protected Areas (MPAs) were declared on the 4th June 2004 namely Table Mountain National Park MPA, Bird Island MPA, Pondoland MPA and Aliwal Shoal MPA. On their proclamation a number of statutory requirements were outlined. Recreational scuba diving is considered to be an activity in terms of section 43(2)(e) of the Act, which may adversely impact on the ecosystem of an MPA and is therefore classed as a prohibited activity unless authorised in terms of section 43(3) of the Act. In order to ensure the proper management of the four MPAs listed above, written permission authorising recreational scuba diving in terms of section 43(3) of the Act was granted by instituting a permitting system to regulate recreational scuba diving within the above four MPAs. Permit conditions will be reviewed annually following consultation with scuba divers.

An independent service provider was appointed to determine appropriate application and permit fees. The application and permit fees proposed will cover the administrative costs of processing applications for permits, relevant research and compliance costs by the Department. These fees will be applicable to the MPAs indicated above as of 1st January 2007, and thereafter this requirement will extend to all existing and new MPAs (where scuba diving is considered to be an activity in terms of section 43(2)(e), which may adversely impact on the ecosystem of that area).

On the 3rd July 2006 the Minister of Finance, Mr Trevor Manuel, MP, approved implementation of the proposed permit fees for individuals undertaking recreational scuba diving within the Marine Protected Areas indicated above.

The application and permit fees for annual and monthly recreational scuba diving permits are detailed below and will be required from 1st January 2007, subject to conditions. These permits are included on the recreational fishing permits and will be obtainable from post offices from 11th December 2006. Monthly permits may also be available from authorised diving operators in future. Due to representations from scuba diving businesses, scuba divers who only intend diving as a paying customer of an authorised diving business operator will be covered by that operator's exemption until 31 March 2007, or until temporary permits are available from operators (whichever occurs first).

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|--------------------|--------|
| Application Fee | R5.00 |
| Annual Permit Fee | R70.00 |
| Monthly Permit Fee | R40.00 |

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