

South Africa - Warnings Over Crew Fishing

5th June 2019

We are grateful to our representatives in South Africa [P&I Associates \(Pty\) Ltd](#) for this warning about potential action by the authorities over fishing by crew:

It is not uncommon for seafarers, whilst at anchorage or in one of our ports, 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.

Three seafarers were faced with arrest and prosecution yesterday under our Marine Living Resources Act No. 18 of 1988. A copy of the Act can be found [here](#).

Under the act, the fine can be as much as 2 million Rand or up to 5 years imprisonment. We 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.

We discussed the incident with the DAFF inspectors who also informed us that ALL ships calling at South African ports were 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. Again, the fine is up to 2 million Rand or 5 years imprisonment.

We understand that the authorities are cracking down on illegal fishing in South African waters and that they are looking to protect our marine resources.

Crews should be informed 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.

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