



# agriculture, forestry & fisheries

Department:  
Agriculture, forestry & fisheries  
REPUBLIC OF SOUTH AFRICA

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**MOLAPONG AQUACULTURE (PTY) LTD**  
P.O. BOX 6030  
ROGGEBAAI  
8012

**RIGHT NUMBER: MAQUA 1033**

**RIGHT TO ENGAGE IN MARINE AQUACULTURE IN TERMS OF SECTION 18 OF THE MARINE LIVING RESOURCES ACT, 1998 (ACT NO. 18 OF 1998)**

## 1. INTRODUCTION

The Minister of Agriculture, Forestry and Fisheries ("Minister") delegated the authority, in terms of section 79 (1) of the Marine Living Resources Act, 1998 (Act No. 18 of 1998), to allocate Marine Aquaculture Rights to the Chief Director: Aquaculture and Economic Development ("the Delegated Authority") of the Department of Agriculture, Forestry and Fisheries ("the Department").

## 2. GRANTING OF THE RIGHT

The Delegated Authority granted a Right to **Molapong Aquaculture (Pty) Ltd**, with details below, a Marine Aquaculture Right.

**Company Name:** Molapong Aquaculture (Pty) Ltd  
**Company Registration Number:** 2004/000946/07  
**Postal Address:** P.O. Box 6030  
Roggebaai  
8012

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**Physical Address:** South Arm 4  
Table Bay Harbour  
Cape Town  
8001

### 3. DURATION OF THE RIGHT

The Right is allocated for a period of fifteen (15) years, commencing on 01 June 2016 and terminating on 31 May 2032.

### 4. SPECIES AND SITES ALLOCATED

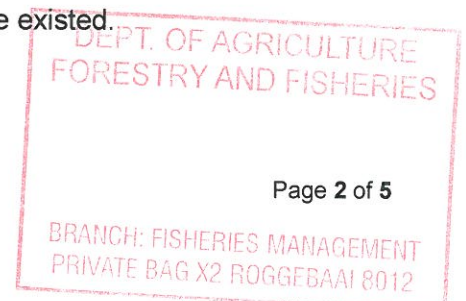
- 4.1 The Right Holder is allocated a Right for the further on-growing of rainbow trout (*Oncorhynchus mykiss*), atlantic salmon (*Salmo salar*), brown trout (*Salmo trutta*), king salmon (*Oncorhynchus tshawytschia*) and coho salmon (*Oncorhynchus kisutch*)
- 4.2 The Right Holder must only exercise the Right in the following site at
- Sea-based sites in Saldanha Bay comprised of 1 hectare near Jutten Island and 4 hectares near Langebaan

### 5. TRANSFER OF THE RIGHT

- 5.1 The Right Holder may not transfer or assign the Right to any other natural or juristic person without prior written approval of the Delegated Authority.
- 5.2 The Delegated Authority will consider an application to transfer the Right provided that the new applicant undertakes to utilize the Right subject to the prescribed criteria of the Right Allocation process.

### 6. AMENDMENT OF THE RIGHT

- 6.1 This notice sets out the entire basis for the allocation and granting of a Right, and takes the place of any earlier notices, discussions or understandings that may have existed.



6.2 No amendment of, or any addition to this notice shall be valid unless it is in writing and signed by the Minister or Delegated Authority.

## 7. OBLIGATIONS OF THE RIGHT HOLDER

7.1 The Right Holder may not engage in Marine Aquaculture:

7.1.1 without a valid permit issued in terms of section 13 (1) of the Marine Living Resources Act, 1998 (Act No.18 of 1998) ; or

7.1.2 after the expiry date of the said permit, authorizing the Right Holder to engage in marine aquaculture; or

7.1.3 of any other species not approved by the Department.

7.2 The Right Holder is obliged to:

7.2.1 pay any other applicable fees, as determined by the **Minister** from time to time, such payments to be made to the Department;

7.2.2 comply strictly with all applicable provisions of the Act and the Regulations Promulgated under the Act;

7.2.3 only exercise the Right in the following sea-based site in **Saldanha Bay, Western Cape:**

7.2.4 comply with the Code of Conduct for Marine Aquaculture in South Africa in terms of a signed written undertaking. Such Code of Conduct shall be developed by the Department in consultation with the marine aquaculture industry;

7.2.5 comply with all permit conditions; and

7.2.6 furnish the Department with such information , as indicated in the permit or any other information that may be requested in relation to the right, including financial information and furthermore, to submit, on request, information with regard to the membership/shareholding of its enterprise .

## 8. BREACH BY THE RIGHT HOLDER

8.1 In the event of the Right Holder breaching any of its above obligations, or the warranty in clause 11 below, the **Delegated Authority** shall be entitled to give notice to the Right Holder suspending, revoking or cancelling this Right.

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8.2 In the event that the Right is suspended, revoked or cancelled, in terms of paragraph 8.1 above, the Right Holder shall not engage in marine aquaculture.

## 9. CHANGE OF ADDRESS

9.1 The Right Holder must give written notice of any change of address to the Department's **Customer Service Centre (Attention: Sustainable Aquaculture Management, Ground Floor, Foretrust Building, Foreshore, Cape Town)** within 30 calendar days of such change. Failing such notice, the address of the Right Holder mentioned in paragraph 2 above, will remain valid for purposes of any notices.

## 10. DOMICILE AND NOTICES

10.1 All notices and other communications must be in writing and signed by the Right Holder or on behalf of the Department/Right Holder and such notice must be delivered or sent to the other party at its address, as set out in paragraphs 2.

10.2 A notice directed to the address of a party, shall, for purposes of this notice, be taken to have been received by that party:

10.2.1 on the same day, if delivered by hand at the address during normal business hours;

10.2.2 on the next day, if sent by telefax or E-mail to the address; or

10.2.3 on the 10<sup>th</sup> day after posting, if sent by registered mail to the address.

## 11. WARRANTY AND VERIFICATION

11.1 This Right is granted on the assumption and condition that all material information furnished by the Right Holder to the **Minister or Delegated Authority** in connection with the granting of this Right, is complete, true and correct in all material respects.

11.2 Random verification checks will be undertaken to ensure that information provided by the Right Holder to the Department is complete, true and correct. If this is found not to be the case, the Right may be altered, suspended, cancelled or revoked.

## 12. PERFORMANCE REVIEW

A performance review on the Right Holder may be conducted by the Department during the period of this Right. The Right Holder undertakes to cooperate with the Department during the performance review process.

## 13. INDULGENCE BY MINISTER

No indulgence or leniency shown by the Minister or Delegated Authority towards the Right Holder, will in any way affect the Rights and powers of the Minister or Delegated Authority or the obligations of the Right Holder, as set out herein.

## 14. SPECIAL CONDITIONS

14.1 This Right is subject to the application and issuing of permits authorizing the Right Holder to engage in Marine Aquaculture.



**MR BELEMANE SEMOLI**

**CHIEF DIRECTOR: AQUACULTURE DEVELOPMENT**

**DATE:** 08/June/2016

