

ANNEXURE

CASE NUMBER: _____

COUNT NUMBER: _____

THE STATE VERSUS:

Accused no 1: _____

Accused no 2: _____

Accused no 3: _____

Accused no 4: _____

Accused no 5: _____

Accused no 6: _____

(Hereafter called the accused)

Driftnet Fishing

That the accused is/are guilty of a contravention of Section 47 read with Section 58 (3) of the Marine Living Resources Act, Act 18 of 1998, also read with Section 1 and of the said Act, and read with Section 250 of the Criminal Procedures Act, Act 51 of 1977.

In that the accused on or about _____

and at or near _____

in the district /regional division of _____

wrongfully and unlawfully

(a) used a vessel for driftnet fishing activities / used a vessel to assist in driftnet fishing activities; and/or

(b) engaged or assisted in driftnet fishing activities; and/or

(c) was in possession of a driftnet or part thereof while on board a local or foreign fishing vessel in respect of which a foreign fishing vessel licence had been issued; without a permit issued by the Minister.

Maximum penalty:

A fine not exceeding R5 million.

Other relevant provisions:

Section 34(5)-(11), read with Schedule 3, of the National Environmental Management Act, Act 107 of 1998 (liability of employers, directors, managers, agents and employees)

Other applicable provisions at sentencing:

Section 34(1)- (4), read with Schedule 3, of the National Environmental Management Act, Act 107 of 1998 (enquiries and additional orders)