



the dti

Department:
Trade and Industry
REPUBLIC OF SOUTH AFRICA

PROGRAMME GUIDELINES

AQUACULTURE DEVELOPMENT AND ENHANCEMENT PROGRAMME (ADEP)

A SUB-PROGRAMME OF THE ENTERPRISE INVESTMENT PROGRAMME

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Disclaimer:

These guidelines provide the criteria for assessing applications for the Aquaculture Development and Enhancement Programme (ADEP) and the process of applying for the incentive. The guidelines are approved and issued by the Minister of Trade and Industry for purposes of ensuring clarity on the aims and requirements of the incentive programme. **the dti** reserves the right to amend these guidelines as it deems appropriate. Furthermore, **the dti** has a right to, in its sole discretion; provide rulings on the interpretation of these guidelines, in instances where guidelines seem not to be specific, revised guidelines will be published on the **the dti** website and will be of immediate effect upon publication on the website.

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Abbreviations/Acronyms

ADEP	Aquaculture Development and Enhancement Programme
ADZs	Aquaculture Development Zones
B-BBEE	Broad-Based Black Economic Empowerment
DAFF	Department of Agriculture, Forestry and Fisheries
EME	Exempted Micro-Enterprises
PFMA	Public Finance Management Act
PRECCA	Prevention and Combating of Corrupt Activities Act
SIC	Standard Industry Classification
the dti	The Department of Trade & Industry

1. Preamble

- 1.1 The purpose of this document is to detail the policy and guidelines for the Department of Trade and Industry's (**the dti's**) Aquaculture Development and Enhancement Programme (ADEP).
- 1.2 The guidelines set out in this document are intended to enable enterprises to present their applications to **the dti**, and provide a framework for **the dti** to evaluate such applications.
- 1.3 Granting of the incentive or approval of the application will only be for entities that meet the objectives of the ADEP as set out by these guidelines.
- 1.4 The guidelines may be amended from time-to-time, as deemed necessary by **the dti**. These amendments will be published on website, and will be of immediate effect upon publication thereof.
- 1.5 Where the guidelines lend themselves to varying interpretations or do not deal with specific subject matter, the interpretation of **the dti** must be requested, and such interpretation will be decisive and final; and may, from time-to-time, be published on the dti website.
- 1.6 Approval of applications will be subject to the availability of funds and compliance with the incentive guidelines and relevant provisions of the Public Finance Management Act (PFMA).

2. Services Delivered by the dti

- 2.1 No fees or charges are levied by **the dti** for the processing or evaluation of any ADEP applications or claims.
- 2.2 Applicants are welcome to contact **the dti** directly and the relevant officials will provide guidance on how to complete application or claim forms.
- 2.3 It is the responsibility of the applicant to ensure that the application submitted to **the dti** is accurate and complete.

3. Programme Description

- 3.1 The objective of the Aquaculture Development and Enhancement Programme (ADEP) is to stimulate investment by commercially viable enterprises in the aquaculture sector. The secondary objectives of ADEP are to:
- 3.1.1 Create and/or sustain jobs;
 - 3.1.2 Broaden participation;
 - 3.1.3 Increase production; and
 - 3.1.4 Geographical spread.
- 3.2 ADEP is available to South African registered entities engaged in primary, secondary and ancillary aquaculture activities in both marine and freshwater, classified under the following Standard Industry Classifications (SIC¹):
- 3.2.1 SIC 132: Fish hatcheries and fish farms, (including crocodile farms).
 - 3.2.2 SIC 301 & 30122: Production, processing and preserving of aquaculture fish.
- 3.3 The ADEP offers a reimbursable grant of up to a maximum of **twenty million rand (R20 000 000)** towards qualifying costs in:
- 3.3.1 Machinery, equipment and tools;
 - 3.3.2 Bulk infrastructure³;
 - 3.3.3 Owned land (Owned Land is only applicable to small black enterprises);
 - 3.3.4 Buildings
 - 3.3.5 Leasehold improvements;
 - 3.3.6 Aquaculture Feed;
 - 3.3.7 Commercial Vehicles; and
 - 3.3.8 Workboats;
 - 3.3.9 Competitiveness improvement activities;
 - 3.3.10 Mentorship (eligible only for small enterprises).
- 3.4 The grant is provided directly to approved applications for **new, upgrading or expanding** projects. Expansions should demonstrate an increase in production capacity.
- 3.5 These ADEP guidelines are effective from 1st of April 2019.

¹ See definitions on page 21.

² Production and preservation in this document applies only to aquaculture products.

³ Limited to bulk water and electrical infrastructure

4. Qualifying Projects

4.1 Primary Aquaculture Operations:

- 4.1.1 Hatchery facilities and operations, including but not limited to broodstock, seed, spat, fry, and fingerling;
- 4.1.2 Nursery facilities and operations;
- 4.1.3 Grow-out facilities and operations, including but not limited to rafts, net closures, net pens, cages, tanks raceways and ponds; including Recirculating Aquaculture System (RAS) and Ranching.

4.2 Secondary Aquaculture Operations:

- 4.2.1 Primary processing of local aquaculture products (post-harvest handling, gutting, packing, quick freezing);
- 4.2.2 Secondary processing of local aquaculture products (filleting, portioning, packaging, setting up trader, and distribution networks);
- 4.2.3 Tertiary processing of local aquaculture products (value adding: such as curing, brining, smoking, further value adding such as terrines, roulades, pates, paters);
- 4.2.4 Waste stream handling of local aquaculture products (extraction of fish oils, protein beneficiation, organic fertilizers, pet feeds, animal feeds).

4.3 Ancillary Aquaculture Operations:

- 4.3.1 Aquaculture feed manufacturing operations;

5. Small Black Enterprises

- 5.1 For the purpose of ADEP, the definition of the small black⁴ enterprises will take into consideration the following characteristics:
 - 5.1.1 Hundred percent (100%) black-owned;
 - 5.1.2 Exercises operational and management control over the business;
 - 5.1.3 Makes a long-term commitment to the business and is a medium- to long-term investor; and
 - 5.1.4 Have investment below **five million rand (R5 000 000)**.

⁴ The definition of "black South African" as prescribed in the Constitution of South Africa, (which refers to Africans, Chinese, Coloureds and Indians, who are natural persons and citizens by birth or descent or became naturalised before 1993).

- 5.2 ADEP offers an incentive of up to fifty per cent (50%) to qualifying applicants for **new, upgrading or expanding** projects; as determined in Section 8.3 of the guidelines.
- 5.3 To qualify, projects must also meet the eligibility criterion in section 6 below.

6. Eligibility Criteria

The applicant must:

- 6.1 Be a registered legal entity in South Africa in terms of at least one of the following legislative requirements:
- 6.1.1 The Companies Act, 2008 (Act No.71 of 2008) as amended; The Companies Act, 1973 (Act No. 61 of 1973) as amended; or
 - 6.1.2 The Close Corporations Act, 1984 (Act No. 69 of 1984) as amended; The Co-operative Act, 2005 (Act No.14 of 2005) as amended; or
 - 6.1.3 A registered higher or further education institution; or
 - 6.1.4 A licensed and/or registered research institution.
- 6.2 Be compliant with applicable and relevant aquaculture legislative requirements (operating licences and/or permits), at the claim lodgment of the application. In this regard, applicants will be required to submit proof of compliance from either National or Provincial government department(s)⁵ responsible for aquaculture during the submission of the application and claim(s).
- 6.3 Be a taxpayer in good standing and must, in this regard, provide a valid tax clearance certificate before a disbursement of the grant.
- 6.3.1 In cases where entities within a group of companies are registered separately and are paying their own taxes (i.e. can produce their own tax clearance certificates), the holding company and each of its subsidiaries may, in their own right apply.
- 6.4 Must be a B-BBEE level 1 to 4 for entities with a turnover of above **ten million rand (R10 000 000)**.
- 6.4.1 Applicants with a turnover of less than **ten million rand (R10 000 000)** may submit an affidavit.

⁵ This may either be from DAFF, Provincial Departments of Agriculture, Health or Water Affairs.

- 6.5 Submit a complete ADEP application at least sixty (60) calendar days prior to commencement⁶ of the commercial use of the assets or undertaking activities being applied for.

7. Evaluation Criteria

- 7.1 In order to qualify for an ADEP grant, a project must:

- 7.1.1 Be economically and technically viable in terms of but not limited to production scale, technical skills, technology, species, access to markets and authorisation (applicable permits); and
- 7.1.2 Achieve a minimum score of five (5) in the following economic benefit criteria below:

Table 1: Economic Benefit Criteria

C R I T E R I A		SCORE
(i) New full time Job creation		
o 1 job per R1 million investment		1
o >1 - 2 jobs per R1 million investment		2
o >2 or more jobs per R1 million investment		3
(ii) Geographical spread		
o Aquaculture Development Zones and Special Economic Zones (IDZs, Industrial Parks, etc.) or		1
o Aquaculture establishments in areas with unemployment above 30%		2
(iii) Contribution to Broad-Based Black Economic Empowerment (B-BBEE): Achieve required status in terms of the B-BBEE Code of Good Practice as follows:		
o B-BBEE scoring from ≥ 90 but < 95 (Level 3 contributor)		1
o B-BBEE scoring from ≥ 95 but < 100 (Level 2 contributor)		2
o B-BBEE scoring ≥ 100 (Level 1 contributor)		3
(iv) Small Black Enterprises		
o Meets conditions in section 5 of the guidelines.		3
v) Broadening Participation⁷		
o 25% Women ownership		1
o Youth		1
o People with disability		1

⁶ Refers to start of production or operation for commercial purposes i.e. excludes testing and commissioning phase.

⁷ An enterprise may score on each of these criteria

8. Incentive Calculation

8.1 The investment grant on offer is capped at a maximum of **twenty million rand (R20 000 000)**.

8.2 The investment incentive is offered as follows:

Enterprise size: Qualifying assets determined as follows:	Incentive Percentage	Cap
< R5m	45%	R2.25 m
≥ R5m < R30m	40%	R12 m
≥ R30m – R200m	30%	R20 m

8.3 **the dti** may consider an additional 5% grant for small black enterprises that achieve a score of 8 and other enterprises that achieve a score of 10 in the **Economic Benefit Criteria** in Table 1 above.

9. Qualifying Costs

9.1 Acquisition of buildings at cost.

9.1.1 Acquisition of land at cost is only applicable to small black enterprises.

9.1.2 The investment in qualifying owned land and/or buildings must constitute land and/or buildings at cost, acquired for the purpose of the aquaculture project and must be owned by the applicant. The land and/or building costs must be directly associated with the purchase, renovation, or construction of an aquaculture facility for the investment project under consideration and be located on land or sea area that has been zoned for aquaculture commercial, industrial or mixed use. Expenditure incurred before the 1 April 2019 will not qualify.

9.2. Leasehold improvements capitalised in the balance sheet, where lease agreement is at least for ten (10) years.

9.2.1 Rental costs, for small black enterprises only, limited to **twenty thousand rand (R20 000)** per month and claimable at stage two (2) only.

9.3 Machinery and equipment (owned or capitalised financial lease) at costs.

- 9.4 Commercial vehicles and work boats (owned or capitalised financial lease) are only eligible if they are:
- 9.4.1 Registered in the name of the applicant (legal entity); and
 - 9.4.2 Used for commercial purposes linked to the aquaculture operation such as collection, delivery and/or distribution; and
- 9.5 The investment in such qualifying vehicles or work boats may not exceed fifty per cent (50%) of the cost of qualifying investment in land and/or buildings, leasehold improvements, machinery and equipment and bulk infrastructure.
- 9.6 Bulk infrastructure (limited to bulk water and electrical infrastructure) that is part of a defined aquaculture investment. That is, the bulk infrastructure costs should directly support the qualifying aquaculture project.
- 9.7 Aquaculture feed cost may qualify for the grant of up to a maximum of ten per cent (10%) of qualifying investment in assets and infrastructure.
- 9.7.1 Feed costs will be capped at twenty (20%) percent for small black enterprises.
- 9.8 Research and development costs (excluding salaries of employees).
- 9.9 New technology leading to energy and resource efficiency improvements⁸.
- 9.10 Competitiveness improvement activities as defined below:

FOCUS AREAS	CATEGORIES	CONSULTING FEES AND EXPENSES
Conformity Assessment	Accreditation	Costs for preparations for accreditation and pre- or initial assessment certification accreditation costs
Skills Development	Training accredited by SAQA [not longer than twelve (12) months] in: Aquaculture Development, Marketing, Financial, Information Technology (IT), Human Resources (HR), Environmental, Product and Quality Management. Business Management and Entrepreneurship for small black enterprises.	Course fees

⁸ These should be based on audit recommendation from a service provider such as the NCPC see www.ncpc.co.za

9.10.1 The maximum grant that can be approved for competitiveness improvement activities is **five hundred thousand rand (R500 000)**.

9.11 Environmental impact assessments and permits, authorisation and permit costs (eligible only for Small Black enterprises).

9.12 Mentoring (eligible only for Small Black enterprises).

9.12.1 Mentorship will be limited to **two hundred Rands (R200)** per hour, eight hours per day with a maximum of **two hundred thousand Rands (R200 000)** per approval.

9.12.2 A signed mentoring plan by both the applicant and mentor should be submitted to **the dti** outlining relevant activities, time-frames and costs to be incurred; included should be detailed Curriculum Vitae of the Mentor.

9.12.3 The mentorship plan will be evaluated in terms of criteria that will include amongst others skills, qualifications, experience, deliverables, timeframes, etc.

9.12.4 Only on-site mentorship will be considered.

9.13 Privately owned aquaculture veterinary and food safety services (farm inspections, disease surveillance and control, histopathological analysis, etc.) specifically for the aquaculture industry.

10. Non-Qualifying Costs

10.1 Operational costs, i.e. electricity, salaries, etc.

10.2 Costs related to non-cultured fishing activities such as catching or harvesting of species from their natural habitat.

10.3 Administration offices, change rooms and human resource offices.

11. Exclusions and Limitations

11.1 Costs incurred by projects where parastatals, government entities or enterprises, government or its agencies are either the major shareholder/s or have a majority representation on the board of directors, maybe considered for approval under ADEP if they provide an exit plan or strategy for the project.

- 11.2 Applicants receiving financial *grant support* from other government source(s) for the same assets as those for which assistance is sought from the ADEP will be excluded.

12. Application for the Incentive

- 12.1 The applicant must submit the following documents to the Programme Manager at **the dti**:

- 12.1.1 A fully completed official application form including the following:

- 12.1.1.1 Latest available audited financial statements signed by an independent registered auditor or independent external accredited⁹ person for the entity and authorised management accounts for the project, (this condition is not applicable to new projects);
- 12.1.1.2 Incorporation certificate;
- 12.1.1.3 Tax Clearance Certificate
- 12.1.1.4 Business Plan;
- 12.1.1.5 A valid B-BBEE certificate of compliance (i.e. B-BBEE levels 1 to 4) with an application and claim(s), for entities with a turnover of above **ten million rand (R10 000 000)**;
- 12.1.1.6 Applicants with a turnover of less than **ten million rand (R10 000 000)** may submit financial statements verified by an independent external auditor or accredited person;
- 12.1.1.7 Any other such information and documents as may be required by **the dti**.

13. Incentive Payment/Disbursement

- 13.1 The incentive is disbursed over two (2) payment periods based on a contract period, subject to the approved applicant meeting all the requirements of the economic benefit criteria and performance requirements.

⁹ Accredited person: Person/agency that performs/undertakes a systematic, independent and documented process for obtaining audit evidence and evaluating it objectively.

14. Claims Submission

14.1 To claim for the ADEP incentive, the entity must submit the following documents to **the dti**:

14.1.1 A completed original claim (no copies) form duly signed by the entity and an independent external auditor or accredited person;

14.1.2 Financial statements verified by an independent external auditor or accredited person for the entity and authorised management accounts for the project; only on stage 2.

14.1.3 Detailed itemised list(s) of total assets of the project verified by an independent external auditor or accredited person;

14.1.4 An original valid Tax Clearance Certificate of the entity;

14.1.5 A cancelled cheque and a Credit Order Instruction, as written confirmation of the bank details where payment must be made; and

14.1.6 Submit a valid B-BBEE certificate of compliance (i.e. B-BBEE levels 1 to 4) with an application and claim(s), for entities with a turnover of above **ten million rand (R10 000 000)**.

14.1.6.1 EME applicants with a turnover of less than **ten million rand (R10 000 000)** may submit financial statements verified by an independent external auditor or accredited person.

14.1.6.2 Relevant operating licences, permits, rights or proof of compliance from either a national or provincial government department responsible.

14.1.7 Relevant operating licences, permits, rights or proof of compliance from either a national or provincial government department responsible.

14.2 To enable speedy and correct processing of the investment incentive, the applicant should provide complete and accurate information to **the dti**.

14.3 Claim submissions for small black enterprises

14.3.1 A completed original claim (no copies) form duly signed by the entity and an independent external auditor or accredited person;

14.3.2 Relevant operating licences, permits, rights or proof of compliance from either a national or provincial government department responsible.

14.3.3 Training certificate(s) and/or attendance register(s) for training and a signed mentorship report, confirming delivery of approved activities, by both the applicant and trainer/supervisor should be submitted to **the dti** outlining relevant training provided.

NB. If the grant applicant does not fully comply with the requirements of this incentive, the contract will be terminated.

14.4 Schedule of Claims.

14.4.1 The earliest that the first (1) claim can be submitted is at the start of commercial operation.

14.4.2 The earliest that the second (2) claim can be submitted is at the end of first full financial year.

14.5 Conditions for Cancellation of Claims

14.5.1 Applicants are required to submit the first claim six (6) months from the start of commercial operation.

14.5.2 If a second claim is not submitted six (6) months after the end of the first full financial year, the approved grant will be cancelled.

14.5.3 If all minimum requirements are not met in stage two (2), the project approval will be cancelled.

14.6 For claim forms submitted by companies or in respect of projects of companies, the factual findings report shall be provided by the independent registered auditor of the company.

15. Additional Legal Conditions

15.1 The following are, inter alia, considered a circumvention of ADEP guidelines, and will lead to the rejection of an application or a claim:

15.1.1 Changing the business set-up, composition, structure or operations, processes or products in order to make the project qualify.

15.1.2 Manipulation of inter-company assets, business units (This relates splitting of an application into different applications) products, services and processes, and any other action that, in the sole discretion of **the dti**, can be regarded as

circumvention to allow the entity, which otherwise would not have qualified, to qualify.

16. Decision Review Process

- 16.1 Any dispute relating to a decision (including the rejection of an application) taken by **the dti** is limited to one adjudication committee review per application and/or claim lodged within such time as set out in the letter of notification.

17. Criminal, Misleading, Dishonest and/or Irregular Activities

- 17.1 **the dti** may, upon actual offence or suspicion of contravention of any act/ investigation/ pending litigation any such activities, suspend payments that may be due or may become due to an applicant. **the dti** shall not be liable for any damages or interest, pending the finalisation of any forensic investigation and any criminal proceedings brought as a result of the investigation;
- 17.2 Findings of a forensic investigation indicating such activities will be sufficient to allow **the dti** to cease all payments and reclaim any payments already made, with *mora* interest.
- 17.3 **the dti** subscribes to the principles set out in the Prevention and Combating of Corrupt Activities Act, 12 of 2004 (PRECCA). Applicants are requested to contact **the dti** fraud hotline on 0800 701 701, should they wish to report any suspicious behaviour;
- 17.4 A duty rests on the applicant and/any other person that may benefit from the scheme to disclose everything that may have an influence on the adjudication of the application and/or claim. Failure thereof will lead to termination or cancellation or suspension of the application/claim and criminal prosecution and or civil claim.

18. Monitoring and Evaluation Reporting

- 18.1 Approved applicants may be required to submit performance reports during the period of the incentive as well as post the incentive period as and when required by the department.

Annexure A: Glossary of Terms and Definitions

1. **ADEP Agreement:** "A document containing an offer from the dti to the applicant setting out the terms and conditions of the ADEP incentive being offered to the applicant, which will by implication include the terms and conditions set out in these guidelines ('implied terms');"
2. **Accredited person:** "A person/agency that performs/undertakes a systematic, independent and documented process for obtaining audit evidence and evaluating it objectively";
3. **Adjudication Committee:** "An independent body, established by the Minister to adjudicate applications under the ADEP";
4. **Applicant:** "An entity applying for the ADEP matching grant. Note that the word 'applicant' is used interchangeably with entity depending on its appropriateness";
5. **Aquaculture:** "the farming of aquatic organisms, including crocodiles, in controlled or selected aquatic environments (marine, brackish or freshwater), involving:
 - 5.1.1 a degree of human intervention in the rearing process to enhance production which may include propagation, breeding¹⁰, regular stocking, feeding or protection from predators and harvesting of cultured aquatic organisms; and
 - 5.1.2 individual or corporate ownership of the stock being farmed; and includes ranching but does not include stock enhancement¹¹;
6. **Broaden participation:** "This refers to government initiative(s) aimed at promoting economic transformation that provides meaningful participation of previously disadvantaged individuals in the economy by ensuring, among others, broad-based and effective right to equality, increased employment, more equitable income distribution, equal opportunity and access to services";
7. **Connected party/persons/non-arm's length transactions:** "Connected, as described in the Income Tax Act, No. 58 of 1962, which, as at April 2007, reads as follows: in relation to a natural person – any relative; and any trust of which such natural person or such relative is a beneficiary; And in relation to this definition, "arm's length transactions" will mean the opposite";
8. **Date of application:** "The date an application is received by the dti";
9. **Date of Production:** "The date at which the actually farming or processing begins"
10. **Entity:** "A business registered as a legal entity in South Africa. The word entity is used here to refer to a business applying, or one that has qualified for the incentives, or is claiming ADEP incentive";
11. **Fair market value (FMV):** "Is an estimate of the market value of a property or asset, based on what a knowledgeable, willing, and unpressured buyer would probably pay to a knowledgeable, willing, and unpressured seller in the market".
12. **Financial year:** "Period referred to in the entity's financial statements and as is registered with the Companies and Intellectual Property Commission (CIPC), irrespective of the calendar period thereof";
13. **Fish:** "For the purpose of this document the term is used as a collective, i.e. it includes finfish, shellfish, molluscs, crustaceans and any aquatic animal/plant which is harvested for human consumption";
14. **Full-time Equivalent Jobs:** "A job (contract/seasonal/temporary) or 1 920 hours worked per year, which is an equivalent of one full-time job";

¹⁰"Display" has not been included as suggested as it does not relate to farming which is the focus of the definition. The definition does not limit the uses to which aquaculture products will/can be put.

¹¹ The definition of aquaculture does not specify the purpose for which the aquaculture is being undertaken. Therefore, regulation of aquaculture in the Bill encompasses the farming of aquatic organisms for consumption as well as for ornamental, display and therapeutic use.

15. *Jobs*: "Persons who work a minimum of forty (40) hours a week for the same employer and are on the employer's payroll i.e. direct jobs";
16. **Material Changes**: "Changes that, if known at application stage, could have affected approval of the project e.g. changes business setup; composition; structure of operations; location; processes or products";
17. **Operational costs**: "The day-to-day expenses incurred in running an enterprise (business), which includes both fixed costs and variable costs. Fixed costs such as overhead – remain the same regardless of the number of products produced; variable costs such as raw materials – vary according to how much/many products are produced";
18. **Shareholding**: "Includes reference to shareholding in a Company; membership in a Closed Corporation; members or owners in a Cooperative";
19. **SIC 132**: "the operation of fish hatcheries (breeding, rearing, cultivation) producing oyster spat, mussel and other mollusc seeds, post larvae shrimp, crustacean seeds, fish fry and fingerlings. This refers also to fish farming and service activities to operators of fish hatcheries or fish farms";
20. **SIC 3012**: "the preserving of fish and fish products by processors such as drying, smoking, curing, salting, immersing in brine, dehydrating, quick freezing and the production of fresh, chilled or frozen fish fillets or roe, including caviar and caviar substitutes";
21. **Small Black Enterprises**: "An entity with 100% Black-ownership and management, with a with a projected investment size of **five million rand (R5 000 000)** and below, engaged in aquaculture operations as defined in section 4".
22. **Work boat**: "a fishing boat or a vessel for fishing; often has a well to keep the catch alive. In other words, it's a boat used for work such as commercial fishing or transporting fish freight (rather than for sport, for passenger or naval services)".

Dr. Rob Davies, MP

Minister: **the dti**

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