

THE BEACH CONTROL ACT

REGULATIONS
(under section 18)

THE BEACH CONTROL AUTHORITY (LICENSING) REGULATIONS, 1956

(Made by the Authority on the 5th day of May, 1956. Approved by
the Minister on the 29th day of May, 1956)

L.N. 110/56
Amd:
L.N. 259/57
38/59
112/60

1. These Regulations may be cited as the Beach Control Authority (Licensing) Regulations, 1956. Short title.

2. In these Regulations "licence" means a licence under section 11 of the Act. Interpretation.

3.—(1) An applicant for the grant of a licence shall apply in writing to the Authority in the Form A set out in the First Schedule. Manner and form of application.

(2) The form shall be signed by the applicant in the presence of a Justice of the Peace and forwarded to the Authority together with an application fee of fifty cents and in no case shall any such fee be refunded. Form A First Schedule.

(3) The applicant for the licence shall furnish the Authority with any information and particulars and any maps, plans or sketches which the Authority may require for the purpose of considering the application.

4.—(1) Every applicant for a licence shall exhibit for a period of at least one month after the application has been received by the Authority notices in the Form B set out in the First Schedule in a conspicuous place on that part of the foreshore mentioned in the application and on any land adjacent thereto and under the control of the applicant. Notice of application. Form B First Schedule.

(2) The notice on the foreshore shall face and be visible from the sea and that on the adjacent land shall be placed on the verge thereof which is nearest to a main or parochial road or path used by the public and shall if possible face and be visible from such road or path.

(3) The applicant shall serve, either personally or by registered post, a copy of the notice on every person who is the owner of any land adjacent to the area defined in paragraph 2 of the application, so.

however, that failure to comply with the provisions of this paragraph shall not be deemed to invalidate any licence granted by the Authority.

(4) Every such notice shall be clearly printed or painted in letters and figures not less than one inch high.

Term of
licence fees
payable.

Second
Schedule.

5.—(1) Subject to the provisions of regulation 6 the initial term of a licence shall be for a period not exceeding twelve months expiring on the 31st day of March following the date of the grant of the licence and the appropriate fee specified in the Second Schedule shall be paid therefor and in respect of each renewal thereof.

(2) Where a licence is granted in respect of a period commencing on or after the first day of October in any year the fee payable therefor shall be one-half of the appropriate fee specified in the Second Schedule except where any fee specified in the said Second Schedule is expressed to be payable in full notwithstanding the provisions of this paragraph.

(3) A licensee shall be entitled to the renewal of the licence held by him for further periods of not more than twelve months at a time expiring on the 31st day of March in each year:

Provided that—

- (a) all fees or other sums due under the licence to the Authority have been paid;
- (b) the conditions of the said licence have been observed and no breach exists at the time of the application for renewal;
- (c) renewal is not contrary to the best interests of the public and of the Island.

Special
licences.

6. A licence may in any particular case be granted for such period and subject to such terms and conditions (including the payment of an annual fee) as the Authority may think fit.

Publication.

7. As soon as may be thereafter, notice of the grant, surrender or determination of any licence with particulars of the licence and of the area concerned shall be published in the *Gazette*.

Powers of
members
and
authorized
officers.

8. Any member of the Authority or any officer of the Authority authorized in writing by the Authority in that behalf—

- (a) may enter upon and inspect any part of the area to which an application for a licence relates and any land adjacent to such area provided the applicant has the control thereof;
- (b) may require the applicant for the licence to furnish such information in respect to the application as may be required by the Authority.

9. It shall be a condition of the grant of a licence that any member of the Authority or any officer of the Authority authorized in writing by the Authority in that behalf may, during the continuance of the licence, make such periodical inspections of and investigations concerning the area in respect of which the licence has been granted and of the land adjacent to such area within the control of the licensee as may be necessary for the purpose of ascertaining whether the terms and conditions of the licence are being observed or not.

Special
condition
of grant of
licence.

FIRST SCHEDULE

(Regulation 3)

FORM A

The Beach Control Authority (Licensing) Regulations, 1956

APPLICATION FOR LICENCE

I.....
(Name of applicant in block letters)

.....of.....
(occupation)

in the parish of.....hereby apply for a licence to
use the foreshore and/or floor of the sea situated at.....
in the parish of.....

1. Location of area in respect of which licence is required. (Applicant should state name, district and parish, distance from nearest town or village, and if located at some distance from a main road should attach a sketch showing means of access to the area with distance from and location of the most convenient driving road).....

2. Description of the area for which licence is required. (Applicant should state clearly the boundaries of the area, the extent of the area and should furnish a sketch to a scale sufficient to indicate the necessary details of the foreshore and/or floor of the sea and the land adjacent thereto with particular reference to the nearest main or parochial road or path used by the public)

(Applicant should furnish a plan of any proposed or existing buildings and/or encroachments on the foreshore and/or floor of the sea).

3. Names and addresses of the owners and/or occupiers of any lands adjacent to the area referred to in paragraph 2.....

4. Is Title registered?.....

By metes and bounds?.....

By plan?.....

Give volume and folio of the Certificate of Title.....

Give particulars of any incumbrances such as mortgages, leases, etc., affecting the said land.....

SECOND SCHEDULE

(Regulations 3 and 5)

*Fees*1. *Hotels and Guest Houses with Beaches*

| | | | | |
|------------------------------|-----|-----|-----|----------|
| Class A Hotel or Guest House | ... | ... | ... | \$100.00 |
| Class B Hotel or Guest House | ... | ... | ... | \$ 50.00 |
| Class C Hotel or Guest House | ... | ... | ... | \$ 30.00 |

A Hotel or Guest House wherein the highest daily rate in respect of a single room to any one guest is:

- (a) not less than \$10.00 for a room and board or not less than \$6.00 for room without board shall be classified as a Class A Hotel or Guest House;
- (b) less than \$10.00 but not less than \$5.00 for room and board or is less than \$6.00 but not less than \$3.00 for room without board shall be classified as a Class B Hotel or Guest House;
- (c) less than \$5.00 but not less than \$2.50 for room and board or is less than \$3.00 but not less than \$1.00 for room without board shall be classified as a Class C Hotel or Guest House:

Provided that where a hotel or Guest House appears to the Authority to fall into two classes, it shall be regarded as falling exclusively within the higher class.

2. *Boarding Houses with Beaches*

| | | | | |
|------------------------|-----|-----|-----|---------|
| Class A Boarding House | ... | ... | ... | \$10.00 |
| Class B Boarding House | ... | ... | ... | \$ 6.00 |
| Class C Boarding House | ... | ... | ... | \$ 4.00 |

A Boarding House wherein the highest weekly rate in respect of a single room for any one guest exclusive of any surcharge is—

- (a) less than \$17.50 but not less than \$10 for room and board or is less than \$7.00 but not less than \$5.00 for room without board shall be classified as a Class A Boarding House;
- (b) less than \$10.00 but not less than \$5.00 for room and board or is less than \$5.00 but not less than \$2.50 for room without board shall be classified as a Class B Boarding House;
- (c) less than \$5.00 for room and board or is less than \$2.50 for room without board shall be classified as a Class C Boarding House:

Provided that where a Boarding House appears to fall into two classes it shall be regarded as falling exclusively within the higher class.

3. Commercial recreational beaches, public recreational beaches, proprietary and members clubs with beaches \$20.00
4. Beach used exclusively in connection with a dwelling-house, or building, rented for recreational purposes \$10.00
5. Commercial or industrial beaches (beaches used other than for commercial recreational purposes) \$20.00
6. *Fishing Beaches*

| | | | | |
|--|-----|-----|-----|--------|
| Major beaches (beaches with 10 or more boats or beaches with a fish depot) | ... | ... | ... | \$2.00 |
| Minor beaches (beaches with less than 10 boats) | ... | ... | ... | \$0.50 |
7. Encroachments on the foreshore or on the floor of the sea for private purposes (including groyne, pipeline, pump, flight of steps and enclosed pool or building but excluding encroachments to which section 9 of the Act and paragraphs 12 and 15 of this Schedule apply) \$0.50

SECOND SCHEDULE, *contd.*

8. The following encroachments on the foreshore or on the floor of the sea for any public purpose or for or in connection with any trade or business or commercial enterprise, that is to say—

| | | | |
|-----------------------------|-----|---|-------|
| (a) groyne | } | an initial fee of \$10.00 payable in full on any application whenever made notwithstanding the provisions of paragraph (2) of regulation 5 and thereafter \$1.00 per annum. | |
| (b) breakwater | | | |
| (c) pipeline, duct or flume | | | |
| | | | \$ c. |
| (d) slipway | .. | ... | 10.00 |
| (e) enclosed pool | ... | ... | 10.00 |
| (f) building | ... | ... | 2.00 |
| (g) fence | ... | ... | 1.00 |
| (h) flight of steps | ... | ... | 1.00 |
| (i) pylon | ... | ... | 10 |
| (j) anchored raft | ... | ... | 50 |
| (k) water slide | ... | ... | 1.00 |
| (l) spring-board | ... | ... | 1.00 |
| (m) cable | } | an initial fee of \$10.00 payable in full on any application whenever made notwithstanding the provisions of paragraph (2) of regulation 5 and thereafter \$1.00 per annum. | |
| (n) seawall | | | |
| (o) platform | | | |

9. Moorings on the foreshore or the floor of the sea for any purpose (excluding those to which section 9 of the Act applies)—

| | | | |
|-------------------|-----|-----|--|
| 1—5 moorings | ... | ... | \$ c |
| 6—50 moorings | ... | ... | 25 |
| 51—100 moorings | ... | ... | 2.00 |
| over 100 moorings | ... | ... | 4.00 |
| | | | 1.00 for every 100 in addition to the first 100. |

10. Beach reserved for the use of owners of lots in a subdivision exclusively.

\$ c
20.00

11. Beach reserved exclusively for the use of schools, churches, the Boy Scouts' and Girl Guides' Associations, Friendly Societies or other bodies or by other persons or bodies for charitable or educational purposes.

\$ c
50

12. The following encroachments on the foreshore or on the floor of the sea for private purposes—

| | | | |
|--------------|---|--|--|
| (a) Seawall | } | an initial fee of \$10.00 payable on any application whenever made notwithstanding the provisions of paragraph (2) of regulation 5 and thereafter 50c per annum. | |
| (b) Platform | | | |