

THE BEACH CONTROL ACT

REGULATIONS
(under section 18)

THE BEACH CONTROL (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
17/93
121/99

1. These Regulations may be cited as the Beach Control (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. First Schedule. Form A.

(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 one thousand dollars and in no case shall any such fee be refunded.

(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.

(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 interest 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

(Regulations 3 and 4)

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.....

5. Is the Title Common Law?.....
By deed?
If deed is recorded give Record Office reference.....
By long possession?
Who is in actual possession of Title Deeds, diagrams, etc.?.....

(a) Terms of lease or tenancy agreement; or other interest.....

(b) Name and address of any other party or parties having any interest in the land.....

8. State type of enterprise previously carried on or now proposed (all activities must be stated).

10. State whether any right-of-way or road exists across the land adjoining the foreshore to the area for which application is made

Signed before me this day of 19 .

.....
Date

.....
Justice of the Peace

Application fee of _____ is enclosed.

FORM B

(Regulation 4)

The Beach Control Authority (Licensing) Regulations, 1956

NOTICE OF APPLICATION

1.
(name of applicant in block letters) (occupation)

of..... in the parish of

have applied to the Beach Control Authority for a licence to encroach on and/or use that part of the foreshore and/or floor of the sea.....

(here insert description of area)

for the purpose of.....

Dated the _____ day of _____ 19____

.....
Signature of Applicant

SECOND SCHEDULE

(Regulation 5)

FEES

1. *Hotels*

Hotels with 201 rooms and over	...	...	...	\$ 150,000.00
Hotels with 151 to 200 rooms	...	...	...	\$ 100,000.00
Hotels with 101 to 150 rooms	...	...	...	\$ 75,000.00
Hotels with 51 to 100 rooms	...	...	...	\$ 45,000.00
Hotels with 31 to 50 rooms	...	...	...	\$ 12,000.00
Hotels with under 31 rooms	...	...	...	\$ 6,000.00
2. *Guest houses*

Guest houses with 31 to 50 rooms	...	...	...	\$ 12,000.00
Guest houses with under 31 rooms	...	...	...	\$ 6,000.00
3. Commercial recreational beaches, public recreational beaches, proprietary and members' clubs with beaches

	...	...	...	\$ 13,000.00
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4. Beaches used exclusively in connection with a dwelling place, or building, rented for recreational purposes

	...	...	...	\$ 6,000.00
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5. Commercial or industrial beaches (beaches used other than for commercial recreational purposes)

	...	...	...	\$ 20,000.00
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6. *Fishing Beaches*

Major beaches (beaches with 10 or more boats or beaches with a fish depot)...	...	...	...	\$ 500.00
Minor beaches (beaches with less than 10 boats)	...	...	...	\$ 250.00
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 8 and 12 of this Schedule apply)

	...	...	...	\$ 5,000.00
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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 enterprises, that is to say—

(a) groyne (b) breakwater (c) pipeline, duct or flume	}	an initial fee of \$25,000.00 payable in full on any application whenever made notwithstanding the provision of paragraph (2) of regulation 5 and thereafter \$10,000.00 per annum.	
(d) slipway (e) enclosed pool (f) building (g) fence (h) flight of steps	...		\$ 3,000.00 \$ 3,000.00 \$ 4,500.00 \$ 2,500.00 \$ 2,500.00

SECOND SCHEDULE, *contd.*

FEES

(i)	pylon ...	...	...	\$ 5,000.00
(j)	anchored raft	...	...	\$ 3,000.00
(k)	water slide	...	...	\$ 2,000.00
(l)	spring-board	...	...	\$ 2,000.00
(m)	cable	}	an initial fee of \$25,000.00 payable in full on any application whenever made notwithstanding the provision of paragraph (2) of regulation 5 and thereafter \$10,000.00 per annum.	
(n)	seawall			
(o)	platform			
(p)	capital dredging—			
	for the first 100,000 cubic metres...	...		\$ 50.00 per cubic metre
	for the next 100,000 cubic metres...	...		\$ 25.00 per cubic metre
	for the next 100,000 cubic metres...	...		\$ 15.00 per cubic metre
	for the next 100,000 cubic metres...	...		\$ 10.00 per cubic metre
	for any additional cubic metres ...	...		\$ 5.00 per cubic metre
(q)	maintenance dredging			
	for the first 100,000 cubic metres...	...		\$ 25.00 per cubic metre
	for the next 100,000 cubic metres...	...		\$ 12.50 per cubic metre
	for the next 100,000 cubic metres...	...		\$ 7.50 per cubic metre
	for the next 100,000 cubic metres...	...		\$ 5.00 per cubic metre
	for any additional cubic metres ...	...		\$ 2.50 per cubic metre
(r)	dredging by the Port Authority	...	Amount as agreed between the Natural Resources Conservation Authority and the Port Authority.	

SECOND SCHEDULE, *contd.*

(s) reclamation (coastline or wetlands)—			
for the first 100,000 cubic metres...	...	\$	50.00 per cubic metre
for the next 100,000 cubic metres...	...	\$	25.00 per cubic metre
for the next 100,000 cubic metres...	...	\$	15.00 per cubic metre
for the next 100,000 cubic metres...	...	\$	10.00 per cubic metre
for any additional cubic metre	...	\$	5.00 per cubic metre
(t) artificial reef	...	\$	5,000.00 each

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

1-5 moorings	...	\$	200.00
6-50 moorings	...	\$	1,000.00
51-100 moorings	...	\$	5,000.00
over 100 moorings	...	\$	5,000.00 for every 100 in addition to the first 100

10. Beach reserved exclusively for the use of owners of lots in a subdivision ... \$ 500.00 per developed lot

11. Beach reserved exclusively for the use of schools, churches, the Boy Scouts' and Girls Guides' Associations, Friendly Societies or bodies for charitable or educational purposes ... \$ 200.00

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

- | | | |
|--------------|---|---|
| (a) Seawall | } | an initial fee of \$25,000.00 payable in full on any application whenever made, notwithstanding the provisions of paragraph (2) of regulation 5 and thereafter \$10,000.00 per annum. |
| (b) Platform | | |