

CONSOLIDATED TO 30 JUNE 2012

LAWS OF SEYCHELLES

CHAPTER 14

BEACH CONTROL ACT

SUBSIDIARY LEGISLATION

THE BEACH CONTROL REGULATIONS

[7th August, 1978]

SI. 77 of 1978
G.N 358/1978.
SI. 62 of 1997
SI. 27 of 2007

ARRANGEMENT OF REGULATIONS

1. Citation.
2. Interpretation.
3. Application and extention.
4. General restriction on pleasure boats.
5. Water skiing or driving motor boats inshore prohibited.
6. Reckless operation of motor boats or water skis prohibited.
7. Licence for ski boat operations.
8. Driving under the influence or drug or liquor prohibited.
9. Safety restrictions on water skiing.
10. Restriction on driving motor boats.
11. Paragliding.
12. Licence for paragliding.
13. Reckless operation of paragliding.

14. Prohibition of skiing and paragliding.
15. Interest of safety.
16. Protection of natural resources.
17. Offence to engage in certain activities on the beach.
18. Silencers.
19. Control of beach above low water mark.
20. Appointment of beach wardens and inspectors. Powers of warden, inspectors or police officers.
21. Penalties.

1. These Regulations may be cited as the Beach Control Regulations.
2. In these regulations unless the context otherwise requires -

"pleasure boat" includes a motor boat and any craft licensed under the Control of Hire Craft Act and any type of craft used for pleasure however propelled but does not include an inflatable boat which is not propelled by an internal combustion engine or a pleasure boat whilst engaged in the saving of life or proceeding to or coming from anywhere for the purpose of saving life;

"hours of darkness" means the period extending from 6.30 p.m. to 6.30 a.m.

"restricted zone" means that area of water lying within 120 metres of the shore-line in any part of the Seychelles except as may be otherwise designated under these regulations;

"seashore" means that part of the land which is alternately covered by the sea at the highest and lowest tides;

"water ski" includes an aquaplane or similar device and the verb to water ski and its participles shall be construed accordingly;

"commercial ski boat" means any ski boat used for hire or reward;

"paragliding" means a water sports activity whereby a person harnessed to a specially constructed parachute is made airborne by being pulled behind a motor boat on the end of a tow line;

"vehicle" has the meaning assigned thereto in Section 2 of the Road Transport Act.

3 The whole of these Regulations shall apply to the beaches and inshore waters of Seychelles.

4 Any person who drives, sails or otherwise uses a pleasure boat in the inshore waters of the sea recklessly, or at speed or in any manner which is dangerous to the public or without due care and attention, shall be guilty of an offence.

5(1) No person shall water ski or drive any motor boat, whether or not with a water skier in tow, within 120 metres of the seashore in any area to which, for the time being, this regulation applies except when the motor boat or water skier is either -

- (a) approaching or leaving the seashore at the beginning and end of a ski operation except in a swimming area specifically designated by the Harbour Master;
- (b) towing a water skier in a lane clearly marked off with buoys and ropes of an approved pattern between the open sea beyond the restricted zone and the seashore; or
- (c) in distress or rendering assistance to some other person in distress.

(2) Any person who contravenes the provisions of sub- regulation (1) shall be guilty of an offence.

6(1) No person shall drive a motor boat or manipulate any water ski within the inshore waters of Seychelles -

- (a) in wilful or reckless disregard for the safety of any other person or property;
- (b) without due caution and circumspection; or
- (c) at a speed or in a manner likely to endanger life or limb of or to damage the property of or injure any person;
- (d) directly behind any skier;

- (e) unless he is of the age of 16 years or more and otherwise than in accordance with the conditions in these Regulations and a relevant licence issued in accordance with these Regulations.

(2) Any person who contravenes the provisions of subregulation (1) shall be guilty of an offence.

7(1) No person shall operate a commercial ski boat operation without a licence issued in accordance with the Licences Act. No licence may be issued unless the provisions and object of these Regulations are complied with. Without prejudice to the generality of the foregoing, the licence issued in accordance with this regulation shall be subject to such conditions as will -

- ensure the safety of a skier, boat and crew;
- ensure the safety of the public and other users of the beach and inshore waters;
- restrict or otherwise specify the area of operations;
- specify any necessary equipment including tow rope, harness, boat or safety equipment for the proper and safe operation of water skiing.

(2) No person shall operate a commercial ski boat without there being in force to the satisfaction of the Minister a valid insurance policy covering the water skier and ski boat crew for personal injury and the public for third party liability for damage and personal injury.

8(1) No person shall drive a pleasure boat within the inshore waters of Seychelles whilst he is under the influence of alcohol or a drug to such an extent as to be incapable of having proper control of the motor boat.

(2) For the purpose of this regulation any person who is found to be in charge of a pleasure boat the engine of which is running shall be deemed to be driving that pleasure boat whether or not the boat is actually in motion.

(3) Any person who contravenes the provisions of sub- regulation (1) shall be guilty of an offence.

9(1) It shall not be lawful for any person to participate in any way in water skiing in the inshore waters of Seychelles unless the following conditions are observed -

- (a) every person water skiing shall wear an approved efficient safety flotation device;

- (b) there shall be a minimum of one person of or over the age of sixteen years additional to the driver in the towing motor boat to act as a lookout;

- (c) water skiing shall not take place during the hours of darkness:

Provided that the Minister may in writing grant an exemption from all or any of the provisions of this regulation in the case of any water skiing exhibition or competition organised for public entertainment.

(2) Any person who contravenes the provisions of sub-regulation (1) shall be guilty of an offence.

10(1) Subject to the provisions of subregulation (3) it shall not be lawful for any person under the age of sixteen years to drive any pleasure boat powered with an engine rated at more than ten horse power in any area to which, for the time being, this regulation applies.

(2) Any person who contravenes the provisions of subregulation (1) and any other person who knowingly permits a person under the age of sixteen years to contravene such provisions shall be guilty of an offence.

(3) This regulation shall not apply to any person under the age of sixteen years who has satisfied an officer appointed for that purpose by the Minister by practical examination that he has the knowledge, skill and ability to navigate a pleasure boat powered with an engine rated at more than ten horse power without danger to himself or to the public; but the burden of proof that any such person has so satisfied such officer shall in any proceedings lie upon the person charged.

(4) Notwithstanding anything contained in subregulation (1) a person between the ages of fourteen and sixteen years may drive any motor boat to which that subregulation applies while under the supervision of a person of or over the age of sixteen years and no person shall be guilty of an offence under the provisions of subregulation (2) by reason of his permitting such a person to do so in such circumstances.

(5) Notwithstanding anything contained in this regulation it shall not be lawful for any person under the age of twelve years to drive any pleasure boat powered with an engine in any area to which, for the time being, this regulation applies.

11. No person shall carry out or participate in paragliding or shall operate any pleasure boat for the purpose of paragliding except when the following conditions have been complied with:-

- (a) No person shall paraglide except in an area designated for this purpose by the Harbour Master and published in the Gazette;
- (b) No boat used for the purposes of paragliding shall be less than 4.2 metres in length and shall be equipped with an outboard engine of not less than 75hp. Boats shall be V-hulled and clear of all superstructure or cabin;

- (c) Towing lines shall comprise a floating line of not less than 2000 lb. breaking point;
- (d) No more than one paragliding operator or paraglider shall be permitted in any area designated for such purposes at any one time;
- (e) Any boat operated for the purposes of para- gliding shall be provided with an observer in addition to the driver of the boat who shall be not less than 16 years old;
- (f) A ground crew comprising not less than two persons shall be available to assist in take off. Such crew shall be experienced in the operation of paragliding to the satisfaction of the Minister or an inspector appointed by him;
- (g) The minimum body weight of any paraglider shall be not less than 40 kgs;
- (h) No person under the age of 12 years shall be permitted to paraglide, or take part in the operation of paragliding;
- (i) The person in charge of paragliding operation shall have a certificate of competency to the satisfaction of the Minister or the inspector appointed by him;
- (j) Every person paragliding shall have an efficient and approved flotation device;
- (k) No paragliding shall take place between the hours of darkness;
- (l) There is in force to the satisfaction of the Minister a valid insurance policy covering the paraglider and crew for personal injury and the public for third party liability for damage and personal injury;
- (m) The harness shall be provided to the satisfaction and approval of the licensing officer.

12 No person shall operate paragliding without a licence issued in accordance with the Licences Act. No licence may be issued unless the conditions set out in regulation 11 and the provisions and object of the Act and these regulations are complied with. Without prejudice to the generality of the foregoing, a licence issued in accordance with this regulation shall be subject to such conditions as will -

- ensure the safety of the flyer and boat and land crew;
- ensure the safety of the public;
- restrict or otherwise specify the area of operation;

- specify any necessary equipment including tow rope, harness, boat equipment, and suitable engines for the proper operation of paragliding.

13(1) No person shall carry out paragliding within any part of the inshore waters of Seychelles -

- (a) in wilful or reckless disregard for the safety of any other person or property;
- (b) without due caution and circumspection;
- (c) at a speed or in a manner likely to endanger life or limb or to damage property or to injure any person;
- (d) otherwise than in accordance with the conditions of these Regulations and a relevant licence issued in accordance with these Regulations.

(2) Any person who contravenes the provisions of subregulation (1) shall be guilty of an offence.

14 When it appears to the officer designated by the Minister for the purpose of these Regulations that in the interest of the public and for the safety of life and property that weather conditions on any day are unsuitable for water skiing and paragliding he may prohibit the operation of either water skiing or paragliding on that day, and shall announce his decision in the most appropriate manner

15(1) For the general convenience of the public and in the interests of safety and in order to allocate priorities between different users of the beach and inshore waters of the sea, the Minister may -

- (a) specify certain areas to be set aside for different categories of activities including bathing, water skiing, paragliding, fishing and other water sports including mooring and anchorage points for pleasure boats;
- (b) determine specific days and times by which all or any such activity shall be carried out. Such days and times shall be notified in the Gazette and by such other notice in the press, on the beach or at any harbour or marina as the Minister may determine.

(2) The specified areas shall be demarcated in such manner as in the opinion of the Harbour Master will conveniently draw thereto the attention of persons using the beach and the inshore waters of the sea and as shall be notified by publication of a notice in the Gazette provided that where the whole of the water adjacent to a beach are so set aside for any category of user it shall be sufficient for the Harbour Master to post a notice to that effect in any conspicuous place upon the beach.

(3) Any person who without reasonable cause or excuse fails to observe the requirements of any specified area or causes or permits to be brought into or used in any area reserved for bathers

any pleasure boat, other than at an approved mooring or anchorage, or any surfboard or water ski, shall be guilty of an offence.

16 The Minister shall take into account the traditional interests of fishermen when considering what beach and inshore activities shall be permitted within the inshore waters of Seychelles. He shall also have regard to the requirements of conservation, the preservation of the ecology and the tourist resources of the country.

17 Any person who -

- (a) without the prior written consent of the Commissioner of Police, engages in or plays on a beach any game, sport or other activity likely to endanger, obstruct, inconvenience or annoy any other person using the beach;
- (b) fails to comply with a condition subject to which the written consent of the Commissioner of Police is granted,

shall be guilty of an offence.

18 Any person who causes or permits to be used any pleasure boat within the inshore waters of the sea propelled by an internal combustion engine which is not fitted with a silencer, expansion chamber or other contrivance, in good and working order, suitable and sufficient for reducing as far as may be reasonable the noise caused by the escape of exhaust gases from the engine shall be guilty of an offence.

19(1) The Commissioner of Police may make such arrangements as he considers necessary for the parking of vehicles adjacent to the beach, for the control of refuse and generally for ensuring the cleanliness and good order of the beach foreshore.

(2) Any person who :-

- (a) without the prior written consent of the Commissioner of Police, or other than in an emergency, drives or parks any vehicle on the beach;
- (b) without the prior written consent of the Commissioner of Police, erects any temporary booth, tent, shed, stand, stall or other structure upon the beach;
- (c) other than in receptacles provided for that purpose, throws down, drops, leaves or otherwise deposits on a beach or inshore waters of the sea anything whatsoever in such circumstances as to cause, contribute to or tend to lead to defacement by litter of that beach or the inshore water of the sea;
- (d) begs, solicits or in any way importunes the public or any person on the beach and the inshore waters to which these regulations apply,

shall be guilty of an offence.

20(1) The Minister or any person delegated by him may appoint such beach wardens and inspectors as he may consider necessary to ensure the proper observance of these Regulations.

(2) A warden or inspector appointed under these Regulations or a police officer who has reason stop and go on board any pleasure boat which appears to him to have been used in the commission of any such offence and may require any person whom he suspects of having committed such offence and any other person in or belonging to the pleasure boat to declare to him immediately that persons true name and address.

(3) If any person refuses to declare his name and address or fails to give his true name and address when thereto required under the provisions of and for the purposes of these regulations he shall be guilty of an offence, and an inspector or a police officer may apprehend without warrant any person who so refuses to declare his name and address or of intending to abscond.

21(1) Any person guilty of an offence under these regulations shall subject to subregulation (3) be liable on conviction to imprisonment for a period not exceeding two years or to a fine not exceeding R.5,000 or to both such imprisonment and fine.

(2) A court before whom a person is convicted of an offence under these Regulations may, in addition to any penalty imposed under sub-regulation (1) of this Regulation, cancel or suspend for such period as may be determined any licence to operate a boat or a water sports activity under these or any other Regulations.

(3) The master or owner of any boat or craft moored or anchored other than to a mooring buoy is guilty of an offence and shall be liable, on conviction, to a fine of R 10,000

SCHEDULE

Beau Vallon swimming areas: zones A,B,C

1. Swimming

Zone A is demarcated by an imaginary line commencing' at a green concrete marker set in position latitude 4 dg 36' 24.71" S, longitude 55 dg. 25' 54.68" E, thence running on a true bearing of 30S dg. (T) for a distance 120 metres to a moored green buoy,thence in a South Westerly direction parallel to the beachline along the high water mark for a distance of 330 metres to a red moored buoy thence on a bearing of 145 dg. (T) for a distance of 120 metres to a red concrete marker set in position latitude 4 dg. 36' 34.07"S longitude 55 dg 25' 48.02"E.

Zone B is demarcated by an imaginary line commencing at avgreen concrete marker set in position latitude 4 dg. 36' 35.27"S longitude 55 dg. 25' 47.04" E, thence running on a true bearing of 325 dg. (T) for a distance of 120 metres to a moored green buoy, thence in a South Westerly direction parallel to the beachline along the high water mark for a distance of 180 metres to a red moored buoy thence on a bearing of 145 dg. (T) for a

distance of 120 metres to a red concrete marker set in position latitude 4 dg. 36' 39.26"S longitude 55 dg. 25'42.S9"E.

Zone C is demarcated by an imaginary line commencing at a green concrete marker set in position latitude 4 dg. 36' 42.84"S longitude 55 dg. 25' 38.01" E, thence running on a true bearing of 305 dg. (T) for a distance of 120 metres to a moored green buoy, thence in South Westerly direction parallel to the beachline along the high water mark for a distance of 135 metres to a red moored buoy thence on a true bearing of 125 dg. (T) for a distance of 120 metres to a red concrete marker set in position latitude 4 dg. 36' 45.33"S longitude 55 dg. 25' 33.87"E.

2. Anchorage and Mooring of Pleasure Boats and Other Boats

Beau Vallon: Mooring Areas

Area 1 is demarcated by an imaginary line commencing at a Buoy No: 1 at position latitude 4dg 36'05" S longitude 55dg 25'7E, thence running West to a Buoy No: 2 at position latitude 4dg 36' S longitude 55dg 25'63E thence running North to a Buoy No: 3 at position 4dg 36'36.5S longitude 55dg 25.63E thence running East to Buoy No: 4 at position latitude 4dg 36'36.5S longitude 55dg 25'77E.

Area 2 is demarcated by an imaginary line commencing at a Buoy No: 1 at position latitude 4dg 36'75 S longitude 55dg 25' 47E, thence running West to a Buoy No: 2 at position latitude 4dg 36'75 S longitude 55dg 25'33.5E thence running North to a Buoy No: 3 at position 4dg 36'61.5S longitude 55dg 25.335E thence running East to Buoy No: 4 at position latitude 4dg 36' 61.5S longitude 55dg 25'47.0E.

Boats shall moor only on the mooring buoys situated on or within the perimeters of the above-mentioned areas subject to such conditions as the Harbour Master may from time to time make.

Hire-craft licensed to operate in Beau Vallon shall provide their own mooring buoys subject to the approval of the Harbour Master. Boats shall moor at their own risk, and the person in command of the boat shall at all times inspect the mooring buoy for functional integrity and to ensure that the buoy is holding the boat. Any boat found moored or anchored other than to a mooring buoy may be removed by direction of the Harbour Master and held until the expenses incurred in such removal are paid in full.

Note: In accordance with S.I 27 of 2007, prohibition on the mooring and anchorage of pleasure boats did not apply to pleasure boats in Beau Vallon Bay taking part in the Regatta 2007 organised by the Seychelles Round Table during the period commencing 0001 hours of Saturday 1st September 2007 ending at 2359 hours on Sunday 2nd September 2007

3. Waterskiing

Between the hours of darkness and twelve noon no person shall water-ski or use any pleasure boat for the purposes of water skiing in that part of the inshore water of the sea

bounded on the north by North Point and on the west by the mouth of the Dan Iles No. I or Moustache River."

The Government Notice 358/1978 is hereby revoked.
