

ARRANGEMENT OF SECTIONS

Section

- 1. Short title.
- 2. Preservation of beach.
- 3. Application for permission to dig and take sand.
- 4. Time for conveying of sand etc.
- 5. Exemption.
- 6. Fouling of foreshore.
- 7. Offences.
- 8. Arrest without warrant.
- 9. Delegation.
- 10. Repeal of Cap. 208.
- 11. Commencement.

I Assent

D. R. BARWICK,
Governor,
12th July, 1985

VIRGIN ISLANDS

No. 12 of 1985

An Ordinance to provide for the preservation and protection of beaches in the Virgin Islands and related matters.

[Gazetted 25th July, 1985]

ENACTED by the Legislature of the Virgin Islands as follows:

- 1. This Ordinance may be cited as the Beach Protection Ordinance, 1985. Short title.
- 2. (1) Subject to section 5, no person shall Preservation of beach.
 - (a) remove or assist in the removing of any natural barrier against the sea; or
 - (b) dig and take away or assist in the digging and taking away of any deposit of sand, stone, gravel or shingle from any land that is part of the foreshore,

in the Territory except under the authority of a permit granted him by the Minister in writing in such form as the Minister approves.

 - (2) Without affecting the operation of subsection (1), no person shall in the Territory, remove from any land (whether the title thereto is vested in himself or otherwise) any deposit of sand, stone, gravel or shingle if the removal thereof is likely to result in inroads being made into that land or any other land, by the sea.
- 3. (1) A permit to dig and take away sand, stone, gravel or shingle is obtainable by making application therefor in writing to the Minister in such form as he approves and the application form must contain Application for permission to dig and take sand.
 - (a) the name and address of the applicant;
 - (b) the location of the place from which the sand, stone, gravel or shingle is to be dug and taken;

(c) the purpose for which the sand, stone, gravel or shingle is to be used; and

(d) the quantity of sand, stone, gravel or shingle required to be dug and taken.

(2) the Minister shall consider all applications made to him under subsection (1) and may grant the permit applied for upon such terms (including as to the quantity of sand, stone, gravel or shingle to be taken) as he thinks fit or he may refuse the application.

(3) Every applicant shall be notified in writing of the result of his application; but, if he receives no notification within 15 days immediately following the date of the making of the application, the applicant shall be deemed to have been refused.

4. No sand, stone, gravel or shingle shall be dug, taken or transported from a beach between the hour of 7 o'clock in the evening of one day and the hour of 5 o'clock in the morning of the following day.

5. Sections 2 to 4 do not apply if the quantity of sand, stone, gravel or shingle being taken is of such a small quantity that it can be conveyed without use being made of an animal-drawn vehicle or a motor vehicle or wheelbarrow.

6. No person shall, in the Territory, foul any part of the foreshore or any land adjoining the foreshore whether by depositing thereon offal, garbage or other waste or in any other manner.

7. Any person who

(a) removes any natural barrier against the sea;

(b) digs and takes or assists in digging or taking sand, stone, gravel or shingle in contravention of section 2;

(c) contravenes section 4; or

(d) contravenes section 6,

is guilty of an offence and is liable on summary conviction to a fine of \$500 or to imprisonment for a term of 6 months or both; and, in addition thereto, any boat, vehicle or animal used in connection with the commission of an offence under paragraph (a) or (b) is liable to forfeiture.

8. Any person found committing an offence specified in paragraph (a) or (b) of section 7 may be arrested by a member of the Police Force without a warrant.

9. The Minister may, in writing, delegate to the Development Control Authority established under section 3 of the Land Development Control Authority Ordinance, 1969 or any body replacing that Authority, any of his functions under this Ordinance.

Delegation No. 3 of 1969.

10. The Beach Protection Ordinance is repealed.

Repeal of cap. 208.

11. This Ordinance comes into operation on such day as the Governor appoints by Proclamation.

Commencement.

Passed the Legislative Council this 4th day of July, 1985.

K. L. FLAX,
Speaker,

M. G. BORDE,
Clerk of the Legislative Council.

Time for conveying of sand etc.

Exemption.

Outing of foreshore.

Offences.

Arrest without warrant.