

LEGAL SUPPLEMENT

to the Government Gazette of Mauritius No. 64 of 3 July 2004

Government Notice No. 90 of 2004.

THE BEACH AUTHORITY ACT 2002

Regulations made by the Minister under section 22 of the Beach Authority Act 2002

1. These regulations may be cited as the Beach Authority (Use of Public Beach) Regulations 2004.

2. In these regulations -

“Act” means the Beach Authority Act 2002;

“authorised officer” means a person designated by the Authority;

“buffer zone” means a zone specified in regulation 9 (b);

“public entertainment” means dancing, singing or playing music, charity bazaars, stage plays or performances, cinematographic exhibitions given or held indoors or outdoors;

“public gathering” means a public meeting or a public procession;

“public meeting”-

(a) means any meeting held or to be held on a public beach and includes a meeting for a public entertainment; or

(b) includes a meeting of school children, a sports meeting and a meeting for public entertainment;

“public procession” means a procession in, to or from, a public beach consisting of 12 or more persons proceeding on foot or in more than one vehicle;

“structure” includes a building, houseboat, raft, wharf, post, fence, wall, sign, water, jetty, buoy, float or mooring;

“swimming zone” means that part of the sea which is designated as such under regulation 9 (a);

“vessel” means any boat or other watercraft and includes any non-displacement craft and seaplane used or capable of being used as a means of transportation on water.

3. (1) No person shall hold on any public beach, any public gathering, any public entertainment or any activity to which the public is convened or, is entitled or permitted to have access, whether on payment or otherwise, unless he holds an authorisation granted by the Authority under regulation 6.

(2) Any person who wishes to hold on any public beach, any public gathering, any public entertainment or any activity to which the public is convened or, is entitled or permitted to have access, whether on payment or otherwise, shall make an application to the Authority.

4. An application under regulation 3 shall be made to the Authority in the form specified in the First Schedule at least 21 days before the holding of the public gathering, public entertainment or activity.

5. The Authority may, on receipt of an application under regulation 4 -

- (a) consult such person or authority as it considers necessary;
- (b) request the applicant to furnish such additional information or document as it may reasonably require in relation to the application.

6. (1) After considering the application and any information submitted in relation to an application under regulation 3, the Authority may -

- (a) grant to the application and issue an authorisation in the form specified in the Second Schedule and subject to –
 - (i) the payment of a deposit of 3,000 rupees;
 - (ii) the payment of a daily fee of 1,000 rupees;and
 - (iii) such terms and conditions as the Authority may deem necessary;.
- (b) reject the application where it is satisfied that the applicant -
 - (i) has knowingly made, in the application for an authorisation or in the course of any enquiry, any statement, or furnished any information which is false or misleading in a material particular; or
 - (ii) is not otherwise a fit and proper person to be granted an authorisation.

(2) Notwithstanding regulation 6(1)(a), the Authority may, where it considers it expedient, exempt the applicant from the payment of the deposit and the fee.

7. The Authority may cancel, revoke or suspend any authorisation granted under these regulations -

- (a) where it is satisfied that the person to whom the authorisation has been granted has –
 - (i) contravened the Act or any regulations made under the Act;
 - (ii) breached any condition attached to the authorisation;
 - (iii) not complied with a direction given to him under regulation 14;
- (b) on any of the grounds on which it would have been entitled to refuse to grant an authorisation under regulation 6(1)(b).

8. The person to whom an authorisation has been granted shall -

- (a) at all times carry a copy, or the original, of the authorisation; and
- (b) show such copy or original of the authorisation when so requested by-
 - (i) an authorised officer who exhibits his authority by means of an identification card issued by the Authority; or
 - (ii) a police officer.

9. The Authority may designate -

- (a) by means of yellow coloured floats and buoys, a reasonable space within a public beach to be a swimming zone; and
- (c) by means of red coloured floats and buoys, a zone which shall be of a distance of 10 metres from the edge of the swimming zone to be a buffer zone.

10. No person shall, in a swimming zone or in a buffer zone, operate a pedalo, kayak, surfboard, or any other similar apparatus, contraption or device.

11. (1) Subject to paragraph (3), no vessel shall be moored on any part of the public beach except in places specifically designated for that purpose;

(2) A mooring zone shall be demarcated at sea with white mooring buoys;

(3) A vessel may be moored or kept on the public beach when cyclone warnings have been issued.

12. (1) No dog or any other domestic animal shall be allowed on the public beach unless it is kept in leash of not more than 2 metres and of such strength that would prevent the animal from releasing itself from the leash.

(2) No person shall ride a horse for training or leisure purposes, unless he holds a written authorisation granted by the Authority.

(3) Any person who wishes to ride a horse for training or leisure purposes shall apply for a written authorisation from the Authority.

(4) The Authority may, on receipt of an application under paragraph (3), grant the authorisation-

(a) on such terms and conditions as it deems necessary; and

(b) upon payment of a monthly fee of 3,000 rupees per horse.

13. (1) No person shall erect or place any structure or display or cause to be displayed any writing on any public beach, unless he holds a written authorisation from the Authority.

(2) The Authority may, on receipt of an application under paragraph (1), allow any writing to be displayed, or any other structure to be erected on a public beach on such terms and conditions as the Authority may deem necessary.

(3) An authorisation under this regulation shall be required in addition to any licence, permit or authorisation required under any other enactment.

14. (1) Subject to paragraph (4), no person shall operate a vessel in a buffer zone or a swimming zone.

(2) No person shall enter the seawaters of a public beach with a vessel except along a passage, where such passage is demarcated by the Authority.

(3) An authorised officer or a police officer may give directions to any person operating a vessel for the purpose of avoiding inconvenience or risk of danger to persons having access to any part within the 100 metres of the water edge and any part of the public beach, and that person shall comply with those directions.

(4) (a) A person may enter with a vessel in a buffer zone, or a swimming zone, or pass outside a demarcated passage where his life is in peril, or for the purposes of attending to another person whose life is in peril at sea.

(b) Any person operating a vessel in the circumstances specified in paragraph (a) shall take all reasonable precautions so as not to cause injury or damage to any other person or property.

15. No person shall-

- (a) drive, ride or park a vehicle including a motorcycle, autocytle, bicycle on the public beach; or
- (b) play football or volleyball on the public beach,

except in such places as may be designated for that purpose by the Authority.

16. (1) No person shall-

- (a) damage, or interfere with any flora, including trees and grasses on a public beach;
- (b) remove, deface, damage or destroy any sign or post placed on a public beach;
- (c) light a fire outside a place designated by the Authority;
- (d) leave a fire unattended at such designated place until the fire is completely extinguished;
- (e) deposit or leave any object, including any rubbish or litter on the public beach, except in receptacle or within an area provided for that purpose;
- (f) deposit or dispose of any waste or rubbish, oily liquid, acid or other chemical or toxic or polluting substance into the marine environment on a public beach;
- (g) subject to regulation 15, on a public beach engage in any game or activity which is likely to cause danger to any other person or damage to any property;
- (h) abandon a vessel, motor vehicle or any other property on a public beach;
- (i) damage, remove or otherwise interfere with any floats or buoys.

(2) No person shall erect any sign or structure, display or cause to display any writing on a public beach, except with the written authorisation of the Authority given under regulation 13.

17. When determining whether a vessel, a motor vehicle or other property is abandoned for the purposes of these regulations, regard shall be had, *inter alia*, to -

- (a) whether the vessel or motor vehicle is registered;
- (b) the state of the vessel, motor vehicle or other property;
- (c) the period of time the vessel, motor vehicle or other property has been left unattended.

18. (1) An authorised officer or a police officer may, at any time, issue a notice of contravention in the form set out in the Third Schedule to a person, where he is satisfied that any of these regulations is likely to be or is being contravened, or any conditions imposed in any authorisation granted to the person under these regulations, are not being complied.

- (2) (a) A notice of contravention shall not be a bar to a prosecution for the offence in respect of which the notice has been served.
- (b) No contravention for an offence specified in the notice shall be established during the currency of the notice.

19. Any person who-

- (a) contravenes these regulations;
- (b) fails to comply with any conditions of an authorisation granted under these regulations;
- (c) fails to comply with a notice of contravention; or
- (d) fails to comply with any direction given by an authorised officer or a police officer under regulation 14,

shall commit an offence and shall, on conviction, be liable to a fine not exceeding 10,000 rupees and to imprisonment for a term not exceeding one year.

20. The Local Government (Public Beaches) Regulations 1992, are revoked.

Made by the Minister on 2 July 2004.

FIRST SCHEDULE

(regulation 4)

APPLICATION FOR AUTHORISATION TO USE PUBLIC BEACH

- (a) Name of Applicant:.....
- (b) Address of Applicant:
- (c) Telephone No.:..... Fax No. (if any)
- (d) Registered/Not Registered:Registration No.:.....
Date of registration.....
- (e) Nature of undertaking: Government/Commercial/Social/Other:.....
- (f) Public Beach for which authorisation to use is sought:.....
- (g) Date, time and duration of activities:
- (h) Location on beach where activities will be held:.....
- (i) Description of activities:
.....
.....
- (j) Approximate beach area proposed to be used:
.....
- (k) Measures proposed to ensure that no damage will be caused to the amenities, beach, trees and the environment generally:.....
.....
.....

Date:

Signature of Applicant:.....

SECOND SCHEDULE

(regulation 6)

AUTHORISATION FOR USE OF PUBLIC BEACH

1. M/sof
.....is
hereby authorised to use
(Approximate area and name of public beach)
for
.....
.....on
(Description of activities) (Date)
for a period of
(Duration)

2. **Particulars of authorisation**

- (a) Authorisation No:
(b) Exempted/Deposit: Rs 3,000 (Three thousand rupees)*

3. **Conditions of authorisation**

- (a) Compliance with the provisions of the Beach Authority Act 2002 and the Beach Authority (Use of Public Beach) Regulations 2004; and
(b) Deposit refundable subject to the beach being reinstated to its former state after the activity to the satisfaction of the Authority.

Date: The Authority:.....

*Delete as appropriate

THIRD SCHEDULE

(regulation 18)

NOTICE OF CONTRAVENTION

No:.....

To:.....

NOTICE is hereby given to you that I have ascertained that regulation(s) has or have been / is or are being contravened / conditions of the authorisation granted to you is / are not being complied at public beach, in the district of

PARTICULARS:

.....
.....
.....

NOW you are hereby required, within a period of from the date on which this NOTICE is served upon you to

.....
.....
.....

and if you fail to comply with this notice, you shall commit an offence.

Date:

Time:

.....
Authorised Officer / Police Officer