

Beaches Regulations
made under Section 13 of the
Beaches Act

R.S.N.S. 1989, c. 32

O.I.C. 89-580 (effective May 17, 1989), N.S. Reg. 70/1989
amended to O.I.C. 2015-96 (effective April 1, 2015), N.S. Reg. 75/2015

Citation

1 These regulations may be cited as the “Beaches Regulations”.

Definitions

2 In the Act and these regulations

- (a) “Act” means the [*Beaches Act*](#);
- (b) “beach attendant” means a person appointed pursuant to [Section 3](#);
- (c) “develop” means the construction of a path, trail or road on a beach or the erection or placement on a beach of a building, structure or other manmade feature not indigenous to the site;
- (d) “Department” means the Department of Lands and Forests;
- (e) “Minister” means the Minister of Lands and Forests;
- (f) “mean high water mark” means
 - (i) the line on the seashore reached by the average of the mean high tides of the sea between the spring and neap tides in each quarter of a lunar revolution during the year excluding only extraordinary catastrophes or overflows, or
 - (ii) the line on the shore of a lake or river usually reached by the water after the great flow of the spring has abated and the lake or river is in its ordinary state, and
 - (iii) for the purposes of determining the boundaries of a parcel of land at a place in respect to which there is no record of tides extending at least over one year, the visible high water mark, that is, the point fixed by signs on the ground such as the state of vegetation and accumulation of debris;
- (g) “structure” includes a building, camp, trailer, tent, houseboat, raft, wharf, post, fence or wall.

Administration

- 3 The Minister may appoint a person, including a casual employee of the Department, as a beach attendant to perform on one or more beaches such duties as may be assigned from time to time by the Department.

Management of lands adjacent to a beach

- 4 The Minister may enter into a management agreement with the owner or occupier of land adjacent to a beach.

Removal of beach aggregate

- 5 (1) The Minister may issue a permit to a person for the removal for personal or domestic purposes approved by the Department of sand, stone or other material from a beach, provided the permit states
- (a) the purpose for which the material is to be used;
 - (b) the amount of material to be removed;
 - (c) the type of material to be removed;
 - (d) the location from which the material is to be removed;
 - (e) the means by which the material is to be removed;
 - (f) the period of time during which the material is to be removed; and
 - (g) the condition in which the beach is to be left after the material is removed.
- (2) The fee to be charged by the Minister for a permit for the removal of sand, gravel, stone or other material from a beach shall be as follows:
- (a) an administration fee of \$24.91 for 10 cubic yards or less when used for personal or domestic purposes approved by the Department;
 - (b) an administration fee of \$24.91 plus a charge of \$0.54 per cubic yard/\$0.71 per cubic metre or \$0.37 per ton/\$0.41 per tonne for more than 10 cubic yards when used for personal or domestic purposes.

Development of a beach

- 6 No person shall develop a beach without the prior written authorization and approval of the Minister.

Restricted activities

- 7 Except as provided in the Act or with a permit from the Minister, no person shall, while on a beach,

- (a) wilfully remove, deface or injure any natural object, tree, shrub, plant or grass;
- (b) wilfully remove, deface, damage or destroy a signboard, sign or notice placed on a beach or adjacent to a beach;
- (c) wilfully remove or displace any rock, mineral, fossil, sand, gravel or other aggregate or object of natural curiosity or interest;
- (d) display a sign or advertisement;
- (e) sell or offer for sale an article or service or thing or carry on a business;
- (f) alter, damage or destroy any watercourse; or
- (g) leave a fire unattended until it is completely extinguished.

Domestic animals

- 8** (1) No person who owns or is in control of a domestic animal shall permit it to be at large on a beach where a sign or notice is posted by the Department that domestic animals are to be kept on a leash.
- (2) For the purpose of subsection (1), a domestic animal is deemed to be at large unless the animal is on a leash which does not exceed six feet in length and which is hand-held or securely tied and restricts the animal from running loose.
- (3) Except with a permit from the Minister, which will prescribe appropriate restrictions relative to time, area and conditions, no person shall ride or walk a horse on a beach.
- (4) No person who owns or is in control of a domestic animal shall fail to clean up any animal excrement or mess left on a beach by that animal.

Vehicles

- 9** (1) Except with a permit from the Minister, it shall be an offence to have or use a vehicle on a beach.
- (2) Subsection (1) does not apply to a vehicle used to launch a vessel on a beach.

Vessels

- 10** Except with a permit from the Minister, no person shall operate a vessel in excess of five miles per hour within 200 feet of a beach when another person is known by the operator of the vessel to be present on the beach.

Production of permit

- 11 Every person issued a permit under the Act or [these] regulations shall produce the same for inspection when requested to do so by the Minister, a peace officer or beach attendant.

Signs/notices

- 12 (1) The Minister may cause to be marked or erected a sign, notice, map or other device to permit, restrict or prohibit an activity on a beach.
- (2) It shall be an offence for a person to fail to comply with a sign, notice, map or other device erected pursuant to subsection (1).

Penalty

- 13 A person convicted of any violation of the[se] regulations shall incur a penalty of not less than fifty dollars nor more than two thousand dollars.

Repeal of old regulations

- 14 Regulations made by Order in Council 76-622 dated the 25th of May, 1976, are rescinded as and from the 17th day of May, 1989.

Effective date of new regulations

- 15 These regulations shall come into force on and after the 17th day of May, 1989.

Legislative History Reference Tables

Beaches Regulations
Beaches Act

N.S. Reg. 70/1989

Note: The information in these tables does not form part of the regulations and is compiled by the Office of the Registrar of Regulations for reference only.

Source Law

The current consolidation of the *Beaches Regulations* made under the [Beaches Act](#) includes all of the following regulations:

N.S. Regulation	In force date*	How in force	Royal Gazette Part II Issue
70/1989	May 17, 1989	date specified	Jun 1, 1989
47/2004	Apr 1, 2004	date specified	Apr 6, 2004
81/2007	Apr 1, 2007	date specified	Mar 30, 2007

N.S. Regulation	In force date*	How in force	Royal Gazette Part II Issue
136/2008	Apr 1, 2008	date specified	Apr 18, 2008
78/2009	Apr 1, 2009	date specified	Apr 14, 2009
51/2011	Apr 1, 2011	date specified	Apr 15, 2011
77/2013	Apr 1, 2013	date specified	Apr 12, 2013
75/2015	Apr 1, 2015	date specified	Apr 8, 2015

The following regulations are not yet in force and are not included in the current consolidation:

N.S. Regulation	In force date*	How in force	Royal Gazette Part II Issue
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*See subsection 3(6) of the [Regulations Act](#) for rules about in force dates of regulations.

Amendments by Provision

ad. = added
am. = amended

fc. = fee change
ra. = reassigned

rep. = repealed
rs. = repealed and substituted

Provision affected	How affected
5(2)(i).....	fc. 47/2004, 81/2007; ra. as 5(2)(a) 136/2008
5(2)(ii).....	fc. 47/2004, 81/2007; ra. as 5(2)(b) 136/2008
5(2)(a).....	ra. from 5(2)(i) 136/2008; fc. 136/2008, 78/2009, 51/2011, 77/2013, 75/2015
5(2)(b).....	ra. from 5(2)(ii) 136/2008; fc. 136/2008, 78/2009, 51/2011; rs. 77/2013, 75/2015

Note that changes to headings are not included in the above table.

Editorial Notes and Corrections:

Note	Effective date
1 References in clauses 2(d) and (e) to the Department of Lands and Forests and Minister of Lands and Forests should be read as references to the Department of Natural Resources and Minister of Natural Resources in accordance with Order in Council 1991-1 under the Public Service Act, R.S.N.S. 1989, c. 376 .	Sep 16, 1991
2 References in clauses 2(d) and (e) to the Department of Lands and	Jul 5, 2018

Note	Effective date
<p>Forests and Minister of Lands and Forests should be read as references to the Department of Lands and Forestry and Minister of Lands and Forestry in accordance with Order in Council 2018-188 under the Public Service Act, R.S.N.S. 1989, c. 376.</p>	

Repealed and Superseded:

N.S.	Title	In force date	Repealed date
45/1976	Beaches Preservation and Protection Act Regulations	May 25, 1976	May 17, 1989

Note: Only regulations that are specifically repealed and replaced appear in this table. It may not reflect the entire history of regulations on this subject matter.