
eThekwini (Durban), South Africa

Beaches

Legislation as at 2015-10-12.

FRBR URI: /akn/za-eth/act/by-law/2015/beaches/eng@2015-10-12

PDF created on 2020-03-12 at 04:22.

There may have been updates since this file was created.

[Check for updates](#)



This is a free download from the Laws.Africa Legislation Commons, a collection of African legislation that is digitised by Laws.Africa and made available for free.

www.laws.africa

info@laws.africa

There is no copyright on the legislative content of this document.

This PDF copy is licensed under a Creative Commons Attribution 4.0 License (CC BY 4.0).

Share widely and freely.

Table of Contents

Beaches By-law, 2015	3
Preamble	3
Chapter 1 Interpretations	3
1. Definitions	3
2. Interpretation	5
Chapter 2 Objects of by-law	5
3. Objects of By-law	5
Chapter 3 Application	6
4. Application of By-law	6
Chapter 4 Use of beaches by public	6
5. Areas reserved for specific recreational activities	6
6. Prohibition of bathing within certain areas	6
7. Motor-vehicles	6
8. Boats	7
9. Surf-riding or surfing	7
10. Nuisances and prohibited, indecent or offensive behaviour	7
11. Animals	9
12. Firearms	9
13. Camping	10
Chapter 5 Natural environment	10
14. Protection of the natural environment	10
15. Fishing	10
Chapter 6 Offences and penalties	11
16. Offences	11
17. Penalties	11
Chapter 7 Miscellaneous provisions	11
18. Appeals	12
19. Delegations	12
20. Repeal of laws	12
21. Short title and commencement	12
Schedule 1	14
LAWS REPEALED (in terms of Section 20 of this By-law)	14
Part A – BY-LAWS	14
Part B – NOTICES PUBLISHED IN TERMS OF BY-LAWS	14

eThekweni (Durban)
South Africa

Beaches By-law, 2015

Published in [KwaZulu-Natal Provincial Gazette no. 1523](#) on 12 October 2015

Commenced on 12 April 2016

[Up to date as at 6 March 2020]

To provide for measures to manage, control and regulate public access and behaviour at beaches and beach areas; to provide for the repeal of laws and savings; and to provide for matters incidental thereto.

Preamble

WHEREAS the Municipality has the competence in terms of Part B of Schedule 5 of the Constitution relating to beaches and amusement facilities, billboards and the display of advertisements in public places, local amenities, and traffic and parking;

AND WHEREAS there is a need to develop legislation to govern the access to and use of beaches and coastal areas within the jurisdiction of the Municipality;

NOW THEREFORE The Municipal Council of the eThekweni Metropolitan Municipality, acting in terms of section 156 read with Schedule 5 (Part B) of the Constitution of the Republic of South Africa, and read with section 11 of the Local Government: Municipal Systems Act, 2000 ([Act No. 32 of 2000](#)), hereby makes the following By-law:

Chapter 1 Interpretations

1. Definitions

In this By-law, unless the context otherwise indicates–

"admiralty reserve" means any strip of land adjoining the inland side of the high-water mark which, when the Act took effect, was state land reserved or designated on an official plan, deed or other document evidencing title or land-use rights as "admiralty reserve", "government reserve", "beach reserve", "coastal reserve" or other similar reserve;

"authorised official" means a person authorised to implement the provisions of this Bylaw, including but not limited to –

- (a) peace officers as contemplated in section 334 of the Criminal Procedure Act, 1977 ([Act No. 51 of 1977](#));
- (b) municipal or metropolitan Police Officers as contemplated in the South African Police Service Act, 1995 ([Act No. 68 of 1995](#)); and
- (c) such employees, agents, delegated nominees, representatives and service providers of the Municipality as are specifically authorised by the Municipality in this regard: Provided that for the purposes of search and seizure, where such person is not a peace officer, such person must be accompanied by a peace officer;

"bathing" means swimming or entering the beach bathing area or any swimming pool provided by the Municipality on the beach area for public use, but excludes surf-riding or surfing and paddling;

"beach area" means the beach, the beach bathing area and any part of the coastal area and its immediate surroundings, including any open space, park, road, lane, parking space, pathway, or any municipal property or public amenity located in such area;

"beach bathing area" means any portion of the seashore which is demarcated as a bathing area and which may be protected from sharks by whatsoever means and under supervision of lifeguards, and includes the sea for a distance of two hundred metres seaward;

"**coastal area**" means the sea-shore and the sea for a distance of 200 metres seaward and 100 metres inland, but excluding any privately owned land and including all Admiralty Reserve and Public Roads as defined in the Road Traffic Act, 1996 ([Act 93 of 1996](#));

"**coastal zone**" means the area comprising coastal public property, the coastal protection zone, coastal access land and coastal protected areas, the seashore, coastal waters and the exclusive economic zone and includes any aspect of the environment on, in, under and above such area, as contemplated by the Act;

"**craft**" means any boat, jet-ski, ski-boat or motorised vessel, and includes a surf-craft or windsurfer;

"**fish**" means the marine living resources of the sea and the seashore, including any aquatic plant or animal whether piscine or not, and any mollusc, crustacean, coral, sponge, holothurian or other echinoderm, reptile and marine mammal, and includes their eggs and larvae at all juvenile stages, but does not include sea birds and seals;

"fishing" means—

- (a) searching for, catching, taking or harvesting fish or an attempt to engage in any such activity;
- (b) engaging in any other activity which can reasonably be expected to result in the locating, catching, taking or harvesting of fish; placing, searching for or recovering any fish aggregating device or associated gear, including radio beacons;
- (c) any operation in support of or in preparation for any activity described in this definition; or
- (d) the use of a vessel or aircraft in relation to any activity described in this definition;

"**groynes**" means a protective structure of stone or concrete or similar material that extends from shore into the water which is meant for coastal stability purposes and to prevent a beach from washing away;

"**motor-vehicle**" means any self-propelled vehicle having an engine or motor as an integral part thereof or attached thereto and which is designed or adapted to be propelled by means of such engine or motor for the purposes of transportation on the road or on water of one or more persons or any material, item, substance or object, and includes a trailer, motor-bike, quad-bike, personal watercraft or earth-moving or earth-working vehicle, but excludes any vehicle which is controlled by a pedestrian, or any vehicle with a mass not exceeding 230 kilograms which is specially designed and constructed solely for mobility of any person suffering from some physical defect or disability or a vessel;

"**municipal council**" or "council" means the eThekweni municipal council, a municipal council referred to in section 157(1) of the Constitution;

"**Municipality**" means the eThekweni Municipality, a category A municipality as envisaged in terms of section 155(1) of the Constitution of the Republic of South Africa and established in terms of PN343 of 2000 (KZN);

"**municipal manager**" means a person appointed in terms of section 54A of the Municipal Systems Act as the head of administration of the municipal council;

"**nuisance**" means any conduct or behaviour by any person or the use, keeping, producing, by-producing, harbouring or conveying, as the case may be, of any item, substance, matter, material, equipment, tool, vegetation or animal or causing or creating any situation or condition in or on private property or in a public place or anywhere in the Municipality which causes damage, annoyance, inconvenience or discomfort to the public or to any person, in the exercise of rights common to all or of any person;

"**official lifeguard**" or "lifeguard" includes any professional lifeguard or member of a voluntary lifesaving association or club or a member of the Surf Lifesaving Association of South Africa, employed as a lifeguard on the Municipality's beaches;

"**pier**" means any constructed pier situated at any of the beaches in the area of jurisdiction of the eThekweni Municipality;

"**sea-shore**" or "beach" means the area between the low-water mark and the high-water mark, or as may be determined or adjusted from time to time in respect of the coastal zone boundaries by a competent national or provincial authority in terms of the Act;

"**seine netting**" means any means of catching or entrapping fish at sea using a net or similar material or equipment;

"**surf-craft**" includes a surf board, wave-ski, jet-ski, water-ski, paddle-ski, aquaplane or other similar device or apparatus and any paddles or oars used with it, except if such is of an inflatable character or wholly constructed of a soft pliable material;

"**surf riding**" or "surfing" means any activity on or in the water with or on a surf-craft or personal watercraft which includes but not limited to the pastimes known as surfing, surf riding or surf-skiing, wind-surfing, para surfing, kite-surfing, boarding, in-board rescue boarding or rubber-ducking or any other pastime, sport or activity or calling involving the riding of the sea waves by a person with any apparatus designed specifically for that purpose, and "surf" bears an equivalent meaning;

"**the Act**" means the National Environmental Management: Integrated Coastal Management Act, 2008 ([Act No. 24 of 2008](#));

"**vessel**" means a waterborne craft of any kind, whether self-propelled or not, but does not include a personal watercraft or any moored floating structure that is not used as a means of transport by water; and

"**waste**" means any substance, whether or not that substance can be reduced, re-used, recycled and recovered –

- (a) that is surplus, unwanted, rejected, discarded, abandoned or disposed of;
- (b) which the generator has no further use of for the purposes of production;
- (c) that must be treated or disposed of; or
- (d) that is identified as a waste by the Minister of Environmental Affairs by notice in the Gazette, and includes waste generated by the mining, medical or other sector. Provided that, a byproduct is not considered waste and any portion of waste, once re-used, recycled and recovered, ceases to be waste.

2. Interpretation

If there is a conflict of interpretation between the English version of this By-law and a translated version, the English version prevails.

Chapter 2 Objects of by-law

3. Objects of By-law

The objects of this By-law are to –

- (a) create an effective system for the managing and controlling of public access to beaches and beach areas;
- (b) provide measures to regulate conduct on beaches and beach areas and to prohibit certain activities or conduct on beaches and beach areas;
- (c) provide measures to control and regulate access to and the use of public amenities on the beach and beach areas;
- (d) provide penalties for the breach of its provisions; and
- (e) provide for related matters.

Chapter 3 Application

4. Application of By-law

- (1) This By-law applies to all beaches located or situated on the coastal area which falls under the jurisdiction of the eThekweni Municipality and is binding on all persons to the extent applicable.

Chapter 4 Use of beaches by public

5. Areas reserved for specific recreational activities

- (1) The Municipality may, in the beach area, indicate by means of suitable notices or signage erected at designated access points or other suitable sites, where specific activities may be allowed, limited, controlled or prohibited.
- (2) The Municipality may reserve any part of the beach area exclusively for a particular recreational activity.
- (3) No person may engage or partake in any recreational activity on any part of the beach area other than that for which that part of the beach has been exclusively reserved by a notice or signage or by any other manner.
- (4) No person may engage in any recreational activity in any part of the beach area in contravention of any—
 - (a) provision of this By-law or any legislation;
 - (b) direction or prohibition conveyed by any notice or signage displayed on any part of the beach area; or
 - (c) instruction, direction or warning given by an authorised official in respect of any part of the beach area.

6. Prohibition of bathing within certain areas

- (1) The Municipality may by a displayed notice or signage or in any other manner, permanently or temporarily prohibit bathing in any part of the beach.
- (2) An authorised official may prohibit bathing in any part of the beach at any time for as long as the conditions of the sea appear in his or her discretion to be unsafe.
- (3) Any permanent or temporary prohibition under this section must be indicated by means of a notice or signage erected and displayed at both ends of the prohibited area.
- (4) No person may bathe in any part of the beach where bathing is prohibited in terms of this section.
- (5) No person may, while such a life-saving appliance or device is in use, perform an act which impairs or impedes or is likely in any manner to impair or impede its efficient operation.

7. Motor-vehicles

- (1) No person may enter onto the beach using a motor-vehicle or bring or drive a motorvehicle on any part thereof in contravention of any legislation or Regulations made in terms of any applicable legislation .
- (2) The provisions of subsection (1) do not apply to any—
 - (a) motor-vehicle used by an authorised official in the course of his or her duties;
 - (b) authorised emergency or rescue motor-vehicle;
 - (c) motor-vehicle driven by a person authorised to implement the provisions of any legislation;

- (d) ordinary motor-vehicle involved in a bona fide emergency situation;
 - (e) off-road vehicles used in terms of relevant legislation; or
 - (f) motor-vehicle authorised by the Municipality or any other sphere of government in terms of any law.
- (3) No person may in any part of the beach area–
- (a) drive a motor-vehicle recklessly or dangerously or in such a manner as to endanger the safety of any person;
 - (b) race a motor-vehicle, or drive a motor-vehicle at a speed in excess of the limit imposed by the Municipality in any part of the beach except during a bona fide emergency situation or if authorised to do so in terms of any law;
 - (c) drive a motor-vehicle whilst under the influence of alcohol, drugs or any dependence producing substance;
 - (d) drive a motor-vehicle without a valid driver's licence;
 - (e) drive or park a motor-vehicle in a prohibited area;
 - (f) drive a motor-vehicle in contravention of a notice or signage erected on the beach or any instruction or direction given by an authorised official;
 - (g) tow objects or persons behind a motor-vehicle; or
 - (h) repair or wash a motor-vehicle.

8. Boats

- (1) No person may, at or on the beach–
- (a) launch, land, keep, use, let or hire a boat, surf-ski or craft of whatever kind, except at places set aside for that purpose by the Municipality, unless authorised or required to do so at any other place in terms of any law;
 - (b) use or operate a boat, surf-ski or craft of whatever kind in such a manner as to cause danger or annoyance to any person;
 - (c) use or operate a boat, surf-ski or craft at a speed in excess of the limit imposed by the Municipality in any part of the beach, except when a vessel is used in an emergency or for life-saving operations; or
 - (d) repair any boat, or watercraft.

9. Surf-riding or surfing

- (1) No person may without the authorisation of the Municipality engage in surf-riding or surfing within any part of the beach which is designated as a swimming area, unless it is an inboard rescue boat.
- (2) An authorised official may permanently or temporarily prohibit surf-riding or surfing on the grounds that it is unsafe or is likely to cause discomfort or injury to other users of the beach.

10. Nuisances and prohibited, indecent or offensive behaviour

- (1) No person may while on the beach area –
- (a) remain, bathe or sun-bathe in any part of the beach if in the nude or while clad indecently or improperly: Provided that this provision does not apply to the act of breastfeeding a child;
 - (b) hang onto, sit upon or cause to sink safety ropes provided for the protection of bathers or in any

- way tamper or interfere with those safety ropes or other appliances provided for the assistance of bathers;
- (c) enter or remain in any part of the beach contrary to a prohibition by an authorised official, or any notice or signage to that effect or otherwise fail to observe the terms of notices or signage displayed by the Municipality on any part of the beach;
 - (d) swim in any part of the beach where no official lifeguards are present or contrary to the times designated for swimming or remaining in any part of the beach, or bathe at night;
 - (e) throw, deposit, dump, leave or discharge any litter or waste or any material of any kind whatsoever, other than in receptacles provided for that purpose by the Municipality, or do so in any manner that causes a nuisance or detracts from the cleanliness or attractiveness of the beach;
 - (f) leave charcoal, ashes, firewood, bones, pieces of meat, or other foodstuff on the beach other than in receptacles provided by the Municipality for waste and litter;
 - (g) leave or dump any unused or excess fishing equipment or other items such as but not limited to bait, fish hooks and fishing nets, other than in receptacles provided by the Municipality for waste and litter.
 - (h) use obscene, offensive, indecent or foul language or otherwise behave in an offensive, improper or disorderly manner;
 - (i) wilfully or negligently do anything which may cause danger, discomfort or inconvenience to any person or in any way cause a nuisance in any part of the beach;
 - (j) obstruct or interfere with any authorised official in the execution of his or her duties;
 - (k) interfere with, misuse or damage any building, structure, item, facility or any amenity provided for use by the public, or any property of the Municipality, or otherwise disregard or contravene directions as to the use to which any public amenity may be put;
 - (l) other than any authorised official, except in an emergency, handle, touch or in any way make use of, or tamper or fiddle with, a lifeline, a lifebuoy, torpedo buoy or any other lifesaving appliance or device installed or placed in any part of the beach or beach area, or perform an act which impairs or impedes or is likely in any manner to impair or impede its efficient operation;
 - (m) move, deface or otherwise interfere with any notice board, notice, signage or marker erected, posted or placed on the beach;
 - (n) jump or leap from any pier, groyne or structure erected for the protection of the beach or attempt to enter upon a pier or groyne from the water;
 - (o) play any game or indulge in any pastime which is likely to cause nuisance, annoyance, injury or discomfort to any person in any part of the beach;
 - (p) offer for sale, market or hawk any illegal goods or services in contravention of the Municipality's By-laws dealing with informal trading or any other applicable legislation;
 - (q) display any advertisement or notice without the written permission of the Municipality;
 - (r) enter or be in or on the beach and coastal area for the purpose of sleeping or so sleep therein;
 - (s) beg or introduce others to beg for money or goods on his or her behalf;
 - (t) hold, convene or organise any entertainment, display, performance, procession, public meeting, recreation, or event on the beach without the permission of the Municipality or do so in contravention of any condition attached to any such authorisation;
 - (u) address any gathering of persons or seek by any means and for any purpose to attract or convene a gathering of persons on the beach without the permission of the Municipality;
 - (v) consume any alcohol except on licenced premises or where temporary authorisation has been

granted by the Municipality;

- (w) use or consume any dependence producing drug or substance or smoke or inhale any substance using a hubbly bubbly or tobacco water pipe or similar apparatus;
 - (x) swim or enter the bathing area or any part of the beach while under the influence of alcohol, drugs or any other dependence producing substance;
 - (y) use roller skates or a board or any similar device to which rollers or wheels are attached, except where permitted by a notice displayed by the Municipality;
 - (z) discharge fireworks or flares, or start or keep any fire unless for the purposes of making a braai in an area where such activity is permitted, unless that person is authorised to discharge such fireworks or flares or to make and keep such fire by the Municipality or in terms of any law; or
 - (aa) urinate or defecate anywhere other than in a toilet provided by the Municipality for public use.
- (2) No person may bathe in any part of the beach area whilst suffering from any cutaneous condition which is infectious or contagious.

11. Animals

- (1) No person may bring any animal onto any part of the beach area except—
- (a) with the written permission of the Municipality;
 - (b) where a notice is displayed allowing such animal to be on such part of the beach area;
 - (c) where a person is authorised by the Municipality to bring such animal for the purposes of ritual slaughter; or
 - (d) any person who suffers from a visual impairment and requires the assistance of a guide dog.
- (2) The following persons are exempted from the application of subsection (1): Provided that they are acting within the course and scope of their employment—
- (a) an authorised member of the South African Police Service;
 - (b) an authorised member of the Metropolitan Police Office;
 - (c) an authorised member of the South African National Defence Force;
 - (d) authorised and registered security officer; or
 - (e) any other person permitted by the Municipality or in terms of any law.
- (3) The provisions of subsection (1) do not apply to any animal that is kept inside a motorvehicle or other suitable enclosure, and is not released therefrom.
- (4) Any animal that is permitted to be brought in or on the beach area must be brought, handled or controlled in such a manner as not to cause a nuisance, discomfort or danger to any person in accordance with the Animals By-law of the Municipality.
- (5) Any animal, which is not under the control or apparently not under the control of any person may, if found on any part of the beach area, be impounded by an authorised official and thereafter be dealt with in accordance with the Animals By-law of the Municipality.
- (6) The person in control of a dog must pick up all excrement of such dog made on the beach area as contemplated in the Animals By-law of the Municipality.

12. Firearms

- (1) No person may possess or discharge a firearm in any part of the beach area in contravention of any applicable law.

- (2) Subsection (1) does not apply in the case of the firing of blank cartridges during competitions organised by lifeguards or other authorised persons during approved sports meetings or events taking place in any part of the beach area.

13. Camping

No person may stay, sleep or camp overnight in any part of the beach area or erect a tent or structure for the purpose of staying overnight other than in a designated area.

Chapter 5 Natural environment

14. Protection of the natural environment

- (1) The Municipality may take all reasonable measures within its powers, and to the extent allowed by law, to protect the natural environment of the coastal area within its jurisdiction.
- (2) No person may–
- (a) wilfully or negligently pollute the sea, coastal area, or surrounding terrain with fuels, oils, offal, bilge water, sewage, waste, wastewater, refuse, rubble or any objectionable or unlawful discharge of any substance whatsoever;
 - (b) pick, uproot, fell or damage or attempt to pick, uproot, fell or damage a plant growing in the coastal area;
 - (c) break, damage, destroy or remove an egg from a nest; or disturb or attempt to disturb a bird or the nesting site of a bird, or disturb, harvest, remove or in any way interfere with the fauna and flora in the coastal area;
 - (d) injure, disturb or kill or attempt to injure, disturb or kill a wild animal unless that action is authorised by means of a permit, or unless the health and welfare of the public is endangered by that animal;
 - (e) collect, harvest or take any fish species, mussels, or any other species whatsoever from the sea or any part of the beach without being authorised to do so;
 - (f) without the prior written authorisation of the Municipality, remove any material or thing which is the property of or under the control of the Municipality, or excavate, or tunnel in the sand or cause any substantial movement of sand, : Provided that the reasonable digging of holes by children or beachgoers in the use and enjoyment of the beach is not prohibited;
 - (g) except in places and where amenities are provided by the Municipality for such purpose, start a fire in the coastal area without the prior written permission of the Municipality, which permission may be subject to the conditions which the Municipality may deem fit to impose;
 - (h) bring or erect any structure or thing other than that which is of a portable and temporary nature and which is ancillary to the use and enjoyment of the beach and coastal area, and which does not interfere with the use and enjoyment of the beach and coastal area by other persons; or
 - (i) otherwise do anything which detrimentally affects the natural environment of the coastal area.

15. Fishing

- (1) No person may–
- (a) engage in fishing at the beach from any pier, groyne or storm water outfall; or
 - (b) have in his or her possession or control on any pier, groyne or outfall any fishing tackle or equipment or any other thing designed or intended for use for the purpose of fishing, including bait, unless fishing from such pier, groyne or outfall or portion thereof is permitted as indicated by

a notice or signage erected by the Municipality or in terms of any other law.

- (2) Any fishing which is permitted as contemplated in subsection (1) may only take place between such hours as may be specified in a notice or signage erected by the Municipality or other authorisation to that effect, and in accordance with such conditions as may be conveyed thereby.
- (3) No person may, while fishing, or while on the beach use or permit the use of fishing equipment, including any rod, net, trap or other device in such manner as to cause danger or annoyance to any other person or in such a way as to cause an obstruction to or to interfere with the comfort or personal privacy of any other person.
- (4) No person may place fishing bait, fish or fishing equipment or tackle on or immediately adjacent to any seat provided for the use of the public.
- (5) Every person must clear away all bait, refuse and any fishing equipment, other equipment and items before leaving the place where that person had been for the purpose of fishing and take any such bait, refuse, and any fishing equipment and other items with him or her, or place these in a refuse receptacle provided by the Municipality.
- (6) No person may do seine netting or fish for commercial purposes in any beach without a written permission issued by the relevant department of government dealing with fisheries or any other empowered statutory entity.
- (7) No motor-vehicles may enter any part of beach for the purposes of seine netting or commercial fishing without written permission in terms of, and in compliance with, the Regulations pertaining to Vehicles in the Coastal Zone issued in terms of the National Environmental Management Act, 1998 ([Act No. 107 of 1998](#)) or any other applicable legislation, which written permission must be produced to any authorised official on demand.

Chapter 6 Offences and penalties

16. Offences

- (1) A person commits an offence if he or she—
 - (a) contravenes any provision of this By-law;
 - (b) contravenes any conditions, restrictions or prohibitions imposed in terms of this By-law;
 - (c) fails to comply with the terms of any notice or signage displayed in terms of this Bylaw;
 - (d) obstructs, hinders, or in any manner interferes with an authorised official who is acting or entitled to act in terms of this By-law; or
 - (e) fails to obey any lawful instruction or direction given to him or her in terms of this Bylaw.
- (2) A person is guilty of a continuing offence if he or she continues with an offence after notice has been served on him or her in terms of this By-law requiring him or her to cease committing such offence, or after he or she has been convicted of such offence.

17. Penalties

- (1) Any person who is convicted of an offence under this By-law is liable to a fine of an amount not exceeding R40 000 or to imprisonment for a period not exceeding 2 years, or to both such fine and imprisonment.
- (2) In the case of a continuing offence, an additional fine of an amount not exceeding R100 or imprisonment for a period not exceeding 10 days, for each day on which such offence continues or both such fine and imprisonment, will be imposed.

Chapter 7

Miscellaneous provisions

18. Appeals

- (1) A person whose rights are affected by a decision taken by the Municipality in terms of this By-law may appeal against that decision in terms of the Appeals provision contained in the Local Government: Municipal Systems Act, 2000 ([Act No. 32 of 2000](#)) by giving written notice of the appeal and reasons thereof to the municipal manager within 21 days of the date of the notification of the decision.
- (2) The municipal manager must promptly submit the appeal to the appropriate appeal authority.
- (3) The appeal authority must commence with an appeal within 6 weeks and decide the appeal within a reasonable period.
- (4) The appeal authority must confirm, vary or revoke the decision, but no such variation or revocation of a decision may detract from any rights which may have accrued as a result of the decision.
- (5) The appeal authority must furnish written reasons for its decision on all appeal matters.
- (6) All appeals lodged are done so in terms of the Local Government: Municipal Systems Act, 2000 ([Act No. 32 of 2000](#)) and not in terms of this By-law.
- (7) Where a conviction has been affirmed by a court of law and the accused wishes to appeal such conviction, the appeal must take place in terms of the court's appeal process and not in terms of subsections (1) to (5).

19. Delegations

- (1) Subject to the Constitution and applicable national and provincial laws, any –
 - (a) power, excluding a power referred to in section 160(2) of the Constitution;
 - (b) function; or
 - (c) duty conferred, in terms of this By-law, upon the Council, or on any of the Municipality's other political structures, political office bearers, councilors or staff members, may be delegated or subdelegated by such political structure, political office bearer, councilor, or staff member, to an entity within, or a staff member employed by, the Municipality.
- (2) The delegation in terms of subsection (1) must be effected in accordance with the system of delegation adopted by the Council in accordance with section 59(1) of the Local Government: Municipal Systems Act, 2000 ([Act No.32 of 2000](#)), subject to the criteria set out in section 59(2) of said Act.
- (3) Any delegation contemplated in this section must be recorded in the Register of Delegations, which must contain information on the –
 - (a) entity or person issuing the delegation or sub-delegation;
 - (b) recipient of the delegation or sub-delegation; and
 - (c) conditions attached to the delegation or sub-delegation.

20. Repeal of laws

The By-laws and Notices listed in the Schedule to this By-law are hereby repealed to the extent mentioned in the third column of the Schedule.

21. Short title and commencement

- (1) This By-law is called the Beaches By-law, 2015, and takes effect six months from the date of publication thereof in the Provincial Gazette or on such earlier date as may be determined by the publication of a commencement notice in the Provincial Gazette.

Schedule 1
LAWS REPEALED (in terms of Section 20 of this By-law)

Part A – BY-LAWS

Number and year of law	Title	Extent of repeal
Provincial Notice No. 31 of 1963 published in Provincial Gazette No. 3135 dated 24 January, 1963.	Borough of Amanzimtoti By-law Relating to Tariff of Charges for Beach Amenities	The whole
Provincial Notice No. 285 of 1955 published in the Provincial Gazette No. 2620 dated 16 June, 1955	Borough of Amanzimtoti By-law Relating to Beach Nuisances	The Whole
Provincial Notice No. 285 of 1955 published in Provincial Gazette No. 2620 dated 16 June, 1955.	Borough of Isipingo By-law Relating to Beach Nuisances	The whole
Provincial Notice No. 442 of 1965 published in Provincial Gazette No. 3294 dated 28 October, 1965.	Township of Umkomaas By-laws Relating to Parks, Gardens, Beaches, Swimming Baths, Sports Grounds and Public Places	The whole
Municipal Notice No. 96 of 1999 published in Provincial Gazette No. 5399 dated 23 December, 1999.	Umkomaas Transitional Local Council Regulations Governing Vehicles on the Sea-shore	
Provincial Notice 30 of 1954 published in Provincial Gazette No. 2520 dated 28 January, 1954.	City of Durban Yacht Bank By-laws	The whole

Part B – NOTICES PUBLISHED IN TERMS OF BY-LAWS

Number and year of law	Title	Extent of repeal
Provincial Notice No. 221 of 1989 published in Provincial Gazette No. 4702 dated 27 July, 1989.	Borough of Kingsburgh Sea- Shore Notice	The whole
Notice 41 of 1989 published in Government Gazette No. 11919 dated 9 June, 1989	Durban Seashore Regulations	The whole