



Tuvalu

FORESHORE LICENCE REGULATIONS

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1 Citation

These regulations may be cited as the Foreshore Licence Regulations.

2 Application for licence

- (1) An application under the provisions of section 3(2) of the Foreshore and Land Reclamation Act for a licence to remove substances from the foreshore of any island or islet shall be made to the Failautusi ote Kaupule in whose area of authority such island or islet lies.
- (2) Every application shall be in writing and shall state the name, occupation and address of the applicant, the substance to be removed, the place from which and the purpose for which it is to be removed, the method of its removal and the number of men to be employed, the approximate amount of material it is proposed to remove, and the period for which the licence is required.

3 Power of Kaupule

- (1) The Failautusi ote Kaupule shall refer every application for a licence to the Kaupule in question, and shall only issue a licence on the instructions of the Kaupule to do so.
- (2) The Kaupule may refuse to authorise the issue of any licence if satisfied that the grant of it would lead to erosion of the shoreline or other detrimental effects on the adjacent land, and may impose reasonable conditions to avoid such effects. The Kaupule may also for good cause impose general conditions upon or refuse to authorise the grant of any licence:

Provided that an applicant for a licence may appeal to the Minister against the refusal of or conditions imposed upon the grant of any licence, and the Minister's decision shall be final.

- (3) The Kaupule may cause any licence to be amended or cancelled, with a refund of any fee paid if necessary, for the purpose of preserving adjacent land as aforesaid.

4 Form of licences

Every licence shall be in the form set out in the Schedule and shall specify the period for which it is valid, the substance which may be removed, the amount thereof and the purpose for which it may be used, the place from which and the hours during which it may be removed:

Provided that where a Kaupule has by resolution fixed the fee payable under the provisions of regulation 5(1) the form may (if necessary) be amended to take account of the provisions of the resolution fixing the method of assessment of the fee.

5 Fees for licences

- (1) The fee payable for every licence granted under these regulations shall, subject to the provisions of the regulations, be such sum and relating to such period or collection of such quantity or substance as shall be fixed by the Kaupule in whose area of authority the foreshore in question lies:

Provided that if no resolution is made under the provisions of this paragraph then the fee payable shall be \$1.00 per week for each person employed or engaged in the removal of substances under the licence.

- (2) Fees received for foreshore licences shall be paid into the general revenue fund of the Kaupule.

6 Special provisions for Kaupules and Government

- (1) No fee shall be payable by a Kaupule wishing to remove substances from the foreshore within its own area of authority, but such Kaupule shall obtain a licence and shall observe any general or specific directions made by the Minister in respect of any part of the foreshore.
- (2) No fee shall be payable by any person or body wishing to remove substances from the foreshore under the general or specific authority of a Minister, acting in his capacity as such, but such person or body shall obtain a licence and shall observe any general or specific directions made by the Minister in respect of any part of the foreshore.

SCHEDULE

(Regulation 4)

FORESHORE AND LAND RECLAMATION ACT

FORESHORE LICENCE

1. Authority is hereby granted to (name) of (address)..... to remove sand/gravel/stones (or as may be; specify) from the foreshore between high and low water marks fronting the land situate at
2. The removal of such substance is restricted to the hours of 6.00 a.m. to 6.00 p.m. Monday to Saturday, and may only be effected by means of (specify equipment).....
3. This licence covers the employment ofpersons in the removal of substances, which are to be used for the purpose of (specify)
4. This licence expires on theday of20....unless renewed.
5. A fee of \$ has been collected on RR No

DATED

SIGNED

Failautusi ote Kaupule

ENDNOTES

¹ LN 17/1979, LN 7/1982
