

THE BEACH CONTROL ACT

The Beach Control (Licensing) (Amendment) Regulations, 2015

In exercise of the power conferred upon the Natural Resources Conservation Authority by section 18 of the Beach Control Act, the following Regulations are hereby made, with the approval of the Minister: –

1. These Regulations may be cited as the Beach Control (Licensing) (Amendment) Regulations, 2015, and shall be read and construed as one with the Beach Control (Licensing) Regulations, 1956 (hereinafter referred to as the “principal Regulations”) and all amendments thereto.

2. Regulation 3 of the principal Regulations is amended –

(a) by deleting the marginal note and substituting the following as the marginal note –

**“Manner
and form of
application
and issue
of licence.”.**

(b) in paragraph (2), by deleting the words “one thousand dollars” and substituting therefor the words “forty-five thousand dollars”; and

(c) by inserting next after paragraph (2) the following as paragraph (2A) –

“ (2A) Upon the approval of an application for the grant of a licence, the applicant shall be issued with a licence upon payment of the appropriate fee specified in Column 2 of the

**Second
Schedule.** Second Schedule.”.

3. Regulation 5 of the principal Regulations is amended –

(a) by deleting paragraph (1) and substituting therefor the following as paragraph

(1) –

**“Term of
Licence.**

(1) Subject to the provisions of regulation 6, the initial term of a licence shall be for a period not exceeding twelve months, expiring on the 31st day of March following the date of the grant of the licence.”

(b) by inserting next after paragraph (2), the following as paragraphs (2A) and (2B) –

“ (2A) A licensee who wishes to renew a licence shall apply in writing to the Authority in the form set out as Form A

Form A. in the First Schedule.

First

Schedule.

(2B) Upon the approval of an application for renewal of a licence, the applicant shall be issued with a licence upon payment of the appropriate fee specified in Column 3 in the

**Second
Schedule.**

Second Schedule.”.

4. The First Schedule to the principal Regulations is amended by deleting Form A and substituting therefor the following as Form A –

“

FIRST SCHEDULE

FORM A

(Regulations 3 and 5)

The Beach Control Act

The Beach Control (Licensing) Regulations, 1956

APPLICATION FOR LICENCE

(New or Renewal)

(Pursuant to section 11)

Note: Please read the following before completing the form

1. This form should be completed in triplicate in block letters and submitted along with any specified or supplemental information to:

Natural Resources Conservation Authority
C/O National Environment and Planning Agency
10 Caledonia Avenue,
Kingston 5

2. The completed form shall be accompanied by –
- (a) a layout plan of the area in which the encroachment or use of the foreshore or floor of the sea will be undertaken and the land adjoining the foreshore that will be associated with the activity. The plan should be accompanied by –
- any supporting technical documents, including engineering reports;
 - the layout of any proposed or existing buildings on the adjoining land;
 - any existing or proposed encroachment along the foreshore or floor of the sea; and
- (b) a detailed description of the project including the use or encroachment and the activity proposed on the land adjoining the foreshore.
3. Attach certified copies of all statutory approvals and planning permission granted to date and copies of all applications made and not yet determined.
4. This application form must be completed in order to avoid delay in its processing. Where attached sheets and other technical documents are utilized in *lieu* of the space provided, indicate appropriate cross-references. Paragraphs that are not applicable to your application should be marked as “N/A”.
5. If you are in doubt as to any provision of this application form, please consult with an authorized officer of the Authority before completing it.

Type of Application: New Renewal (In case of renewal, proceed to Part B)

A. GENERAL

1. Name of applicant: _____
2. Address of applicant: _____

3. Tax Registration Number _____ Telephone No.: _____
 Fax No.: _____ E-Mail: _____
4. Please specify name of owner of property or name and Registration No. of company, if different from applicant: _____

5. Address of owner of property or registered office of company: _____

B. GENERAL PROJECT INFORMATION

6. Location of area in respect of which licence is required. (*Applicant should state name, district and parish, distance from nearest town or village, and if located at some distance from a main road, should attach a sketch showing means of access to the area with distance from and*

location of the most convenient driving road) _____

7. Description of the area for which licence is required. (*Applicant should state clearly the boundaries of the area, the extent of the area and should furnish a sketch to a scale sufficient to indicate the necessary details of the foreshore or floor of the sea and the land adjacent thereto with particular reference to the nearest main or parochial road or path used by the public*)

 (*Applicant should furnish a plan of any proposed or existing buildings or encroachments on the foreshore or floor of the sea*).

8. Names and addresses of the owners or occupiers of any lands adjacent to the area referred to in paragraph 2 _____

9. Is the title to land registered? _____

By metes and bounds? _____

By plan? _____

Give Volume and Folio of the Certificate of Title. Volume: _____ Folio: _____

Give particulars of any incumbrances such as mortgages, leases, *etc.*, affecting the said land

10. Is the title to land unregistered? _____

By deed? _____

If deed is recorded, give Record Office reference _____

By long possession? _____

Who is in actual possession of Title Deeds, diagrams, *etc.*? _____

11. If applicant is not the owner of the fee simple of the land mentioned in this application the following information must be given _____

(a) Terms of lease or tenancy agreement or other interest _____

(b) Names and addresses of any other party or parties having an interest in the land _____

12. Does the area specified in paragraph 2 form part of enclosed land? If so, by what means is the land enclosed? _____

13. State type of enterprise previously carried on or now proposed (*all activities must be stated*).

14. State changes made or proposed (if any) for the use of the area specified in the application _____

15. State whether any right-of-way or road exists across the land adjoining the foreshore to the area for which application made _____

C. RENEWAL

- 1. Have there been any changes to the enterprise to which the licence is applicable, since the date of issue of the existing licence? Yes No

If yes, provide the details and supporting documents _____

- 2. Have the conditions of the site changed since the date of issue of the existing licence
Yes No

If yes, provide the details _____

- 3. Is there currently full compliance with the existing licence? Yes No

If no, provide details: _____

- 4. List documents attached in support of this application: _____

I hereby declare that all the information which I have given above is true to the best of my knowledge and belief.

.....
Signature of Applicant

Signed before me this _____ day of _____ 20 .

.....
Justice of the Peace

FOR OFFICIAL USE ONLY

Information attached: _____

Application Fee _____ enclosed

Comments:

Assessment Officer _____

_____/_____/_____
Date

5. The principal Regulations are amended by deleting the Second Schedule and substituting therefor the following as the Second Schedule –

“ SECOND SCHEDULE			(Regulation 5)
Column 1	Column 2	Column 3	
		Fees	
	Application for licence	Renewal of licence	
1. <u>Hotels and Guest Houses</u>			
Hotels and Guest Houses under 31 rooms	\$9,000.00	\$9,000.00	
Hotels and Guest Houses with 31 to 50 rooms	\$17,000.00	\$17,000.00	
Hotels and Guest Houses with 51 to 100 rooms	\$62,000.00	\$62,000.00	
Hotels and Guest Houses with 101 to 150 rooms	\$105,000.00	\$105,000.00	
Hotels and Guest Houses with 151 to 200 rooms	\$140,000.00	\$140,000.00	
Hotels and Guest Houses with 201 to 500 rooms	\$270,000.00	\$270,000.00	
Hotels and Guest Houses with 501 to 1000 rooms	\$600,000.00	\$600,000.00	
Hotels and Guest Houses with 1001 to 2000 rooms	\$1,200,000.00	\$1,200,000.00	
Hotels and Guest Houses with 2001 to 3000 rooms	\$2,000,000.00	\$2,000,000.00	
Hotels and Guest Houses with over 3000 rooms	\$2,400,000.00	\$2,400,000.00	
2. Commercial recreational beaches, public recreational beaches, proprietary and members' clubs with beaches	\$18,000.00	\$18,000.00	
3. Beaches used exclusively in connection with a dwelling place or building, rented for recreational purposes	\$9,000.00	\$9,000.00	
4. Commercial or industrial beaches (beach used other than for commercial recreational purposes)	\$28,000.00	\$28,000.00	
5. <u>Fishing Beaches</u>			
Major beaches (beaches with 10 or more boats or beaches with a fishing depot)	\$700.00	\$700.00	
Minor beaches (beaches with less than 10 boats)	\$350.00	\$350.00	
6. Any encroachment on the foreshore or on the floor of the sea for private purposes (including groyne, pipeline, pump, flight of steps and enclosed pool or building, but excluding encroachments to which section 9 of the Act and paragraphs 8 and 12 of this Schedule apply)	\$6,800.00	\$6,800.00	
7. Any of the following encroachments on the			

foreshore or on the floor of the sea for any public purpose or for in connection with any trade or business or commercial enterprise, that is to say –

(a) groyne	An initial fee of \$34,000.00 payable in full on any application whenever made, notwithstanding regulation 5(2), and thereafter \$20,000.00 <i>per annum</i>	An initial fee of \$34,000.00 payable in full on any application whenever made, notwithstanding regulation 5(2), and thereafter \$20,000.00 <i>per annum</i>
(b) breakwater	An initial fee of \$34,000.00 payable in full on any application whenever made, notwithstanding regulation 5(2), and thereafter \$20,000.00 <i>per annum</i>	An initial fee of \$34,000.00 payable in full on any application whenever made, notwithstanding regulation 5(2), and thereafter \$20,000.00 <i>per annum</i>
(c) pipeline, duct or flume	An initial fee of \$34,000.00 payable in full on any application whenever made, notwithstanding regulation 5(2), and thereafter \$20,000.00 <i>per annum</i>	An initial fee of \$34,000.00 payable in full on any application whenever made, notwithstanding regulation 5(2), and thereafter \$20,000.00 <i>per annum</i>
(d) slipway	\$4,000.00	\$4,000.00
(e) enclosed pool	\$4,000.00	\$4,000.00
(f) building	\$6,200.00	\$6,200.00
(g) fence	\$3,400.00	\$3,400.00
(h) flight of steps	\$3,400.00	\$3,400.00
(i) pylon	\$6,800.00	\$6,800.00
(j) anchored raft	\$2,750.00	\$2,750.00
(k) water slide	\$2,750.00	\$2,750.00
(l) spring board	\$2,750.00	\$2,750.00
(m) cable	An initial fee of \$34,000.00 payable in full on any	An initial fee of \$34,000.00 payable in full on

		application whenever made, notwithstanding regulation 5(2), and thereafter \$20,000.00 <i>per annum</i>	any application whenever made, notwithstanding regulation 5(2), and thereafter \$20,000.00 <i>per annum</i>
(n)	seawall	An initial fee of \$34,000.00 payable in full on any application whenever made, notwithstanding regulation 5(2), and thereafter \$20,000.00 <i>per annum</i>	An initial fee of \$34,000.00 payable in full on any application whenever made, notwithstanding regulation 5(2), and thereafter \$20,000.00 <i>per annum</i>
(o)	platform	An initial fee of \$34,000.00 payable in full on any application whenever made, notwithstanding regulation 5(2), and thereafter \$20,000.00 <i>per annum</i>	An initial fee of \$34,000.00 payable in full on any application whenever made, notwithstanding regulation 5(2), and thereafter \$20,000.00 <i>per annum</i>
(p)	capital dredging (cubic metres) –		
	for the first 100,000 cubic metres	\$70.00 <i>per cubic metre</i>	\$70.00 <i>per cubic metre</i>
	for the next 100,000 cubic metres above 100,000 cubic metres	\$34.00 <i>per cubic metre</i>	\$34.00 <i>per cubic metre</i>
	for the next 100,000 cubic metres above 200,000 cubic metres	\$20.00 <i>per cubic metre</i>	\$20.00 <i>per cubic metre</i>
	for the next 100,000 cubic metres above 300,000 cubic metres	\$14.00 <i>per cubic metre</i>	\$14.00 <i>per cubic metre</i>
	for any additional cubic metre	\$7.00 <i>per cubic metre</i>	\$7.00 <i>per cubic metre</i>
(q)	maintenance dredging (cubic metres) –		
	for the first 100,000 cubic metres	\$34.00 <i>per cubic metre</i>	\$34.00 <i>per cubic metre</i>
	for the next 100,000 cubic metres above 100,000 cubic metres	\$17.00 <i>per cubic metre</i>	\$17.00 <i>per cubic metre</i>
	for the next 100,000 cubic metres above 200,000 cubic metres	\$11.00 <i>per cubic metre</i>	\$11.00 <i>per cubic metre</i>
	for the next 100,000 cubic metres above 300,000 cubic metres	\$7.00 <i>per cubic metre</i>	\$7.00 <i>per cubic metre</i>

	for any additional cubic metre	\$4.00 <i>per</i> cubic metre	\$4.00 <i>per</i> cubic metre
(r)	dredging by the Port Authority	Amount as agreed between the Natural Resources Conservation Authority and the Port Authority	Amount as agreed between the Natural Resources Conservation Authority and the Port Authority
(s)	reclamation (coastline or wetlands) –		
	for the first 100,000 cubic metres	\$70.00 <i>per</i> cubic metre	\$70.00 <i>per</i> cubic metre
	for the next 100,000 cubic metres above 100,000 cubic metres	\$34.00 <i>per</i> cubic metre	\$34.00 <i>per</i> cubic metre
	for the next 100,000 cubic metres above 200,000 cubic metres	\$20.00 <i>per</i> cubic metre	\$20.00 <i>per</i> cubic metre
	for the next 100,000 cubic metres above 300,000 cubic metres	\$15.00 <i>per</i> cubic metre	\$15.00 <i>per</i> cubic metre
	for any additional cubic metre	\$7.00 <i>per</i> cubic metre	\$7.00 <i>per</i> cubic metre
(t)	artificial reef	\$7,000.00 each	\$7,000.00 each
8.	Mooring on the foreshore or on the floor of the sea for any purpose (excluding those to which section 9 of the Act applies) –		
	1 to 5 moorings	\$5,000.00 <i>per</i> mooring	\$5,000.00 <i>per</i> mooring
	6 to 50 moorings	\$4,000.00 <i>per</i> mooring	\$4,000.00 <i>per</i> mooring
	51 to 100 moorings	\$3,000.00 <i>per</i> mooring	\$3,000.00 <i>per</i> mooring
	over 100 moorings	\$2,000.00 <i>per</i> mooring	\$2,000.00 <i>per</i> mooring
9.	Beach reserved exclusively for the use of owners of lots in a subdivision	\$700.00 <i>per</i> lot	\$700.00 <i>per</i> lot
10.	Beach reserved exclusively for the use of schools, churches, the Boy Scouts and Girls Guides Associations, Friendly Societies or bodies for charitable or educational purposes	\$275.00	\$275.00
11.	Any of the following encroachments on the foreshore or on the floor of the sea for private purposes –		
(a)	seawall	An initial fee of \$34,000.00 payable in full on any	An initial fee of \$34,000.00 payable in full on

application whenever made, notwithstanding regulation 5(2), and thereafter \$20,000.00 per annum

any application whenever made, notwithstanding regulation 5(2), and thereafter \$20,000.00 per annum

(b) platform

An initial fee of \$34,000.00 payable in full on any application whenever made, notwithstanding regulation 5(2), and thereafter \$20,000.00 per annum.

An initial fee of \$34,000.00 payable in full on any application whenever made, notwithstanding regulation 5(2), and thereafter \$20,000.00 per annum."

Dated this 1st day of April, 2015.

**Chairman
Natural Resources Conservation
Authority**

Approved:

**Minister of Water, Land,
Environment and Climate Change**