

THE BEACH CONTROL ACT

ORDERS

(under section 7)

The Beach Control (Protected Area) (Ocho Rios) Order, 1966 L N 113/66

Similar Orders made in respect of:

Port Royal L N 131/67

The Beach Control (Protected Area) (Black Coral) Order, 1979 L N 51/79

REGULATIONS

(under section 9)

The Beach Control (Crown Licences) Regulations, 1956 L N 109/56

REGULATIONS

(under section 18)

The Beach Control (Licensing) Regulations, 1956 L N 110/56
259/57
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The Beach Control (Hotel, Commercial and Public Recreational Beaches) L N 161/78
Regulations, 1978

The Beach Control (Safety Measures) Regulations, 2006 L N 185/2006
109A/2011

THE BEACH CONTROL ACT

ORDER

(under section 7)

THE BEACH CONTROL (PROTECTED AREA) (OCHO RIOS) ORDER, 1966

(Made by the Minister on the recommendation of the Authority on the 4th day of April, 1966.) L.N. 113/66

1. This Order may be cited as the Beach Control (Protected Area) (Ocho Rios) Order, 1966.

2. That part of the foreshore and of the floor of the sea within the limits set out in the Schedule, together with the water lying on such part of the floor of the sea, is hereby declared to be a protected area for the purposes of the Act and is hereinafter in this Order referred to as the protected area. Schedule.

3. The following activities shall be prohibited activities in the protected area—

- (a) fishing by means of nets, traps or spears, or by means of explosives, poisons, electrical charges or other similar methods;
- (b) the use of boats other than boats propelled by wind or oars where such boats are used for purposes other than for the doing of anything which may be lawfully done under the Harbours Act, the Marine Board Act, the Wrecks and Salvage Law, or the Pilotage Act; Cap. 419.
(1953 Edtn.)
- (c) the disposal of rubbish or any other waste matter;
- (d) water skiing, except in such parts of the protected area as may be designated by the Authority as water skiing areas;
- (e) the dredging or disturbance in any way of the floor of the sea;
- (f) the destruction or removal of coral, seafans and sedentary marine animals;
- (g) the searching for or removal of any treasure or artefact from the floor of the sea.

4. The Authority may, from time to time, appoint persons to undertake the improvement and maintenance of the protected area.

SCHEDULE

(Paragraph 2)

Starting at a point on the shoreline situated due north of the Trigonometrical Survey Pillar known as Bentley Point, and proceeding due north for a distance of 500 feet; thence due west for a distance of 14,000 feet; thence due south for a distance of 2,200 feet; thence due east to a point situated due north of the north-eastern corner of the property known as 'The Point', registered at Volume 933, Folio 450 of the Register Book of Titles; thence due south to the north-eastern corner of the property known as 'The Point', registered at Volume 933, Folio 450 of the Register Book of Titles; thence north-easterly and south-easterly along the shoreline for a distance of 200 feet; thence due north for a distance of 350 feet; thence easterly in a straight line to a point 100 feet due north of the north-eastern corner of the property occupied by the Carib Ocho Rios Hotel, formerly known as Sylvia Lawn; thence in an easterly direction in a straight line to a point 100 feet north of the northern end of the common boundary between the properties known as Samba and Pedregal on the shoreline, the latter registered at Volume 590, Folio 133 of the Register Book of Titles; thence on a true bearing of N. 78° E. to a point on the shoreline of White River Bay, approximately 450 feet from the centre of the mouth of White River; thence north-easterly, north westerly, north-easterly and easterly along the shoreline back to the starting point.

THE BEACH CONTROL ACT

ORDER
(under section 7)

THE BEACH CONTROL (PROTECTED AREA) (BLACK CORAL) ORDER, 1979

(Made by the Minister on the recommendation of the Authority L.N. 51/79
on the 5th day of March, 1979)

1. This Order may be cited as the Beach Control (Protected Area) (Black Coral) Order, 1979.
2. The foreshore and the floor of the sea within the limits of the territorial sea of Jamaica, together with the water lying on that part of the floor of the sea, is hereby declared a protected area (hereinafter referred to as the "protected area") for the purposes of the Act.
3. The destruction or removal of black coral (genus *Antipathes* and *Cirripathes*) in or from the protected area is hereby prohibited.

THE BEACH CONTROL ACT

REGULATIONS
(under section 9)

THE BEACH CONTROL (CROWN LICENCES) REGULATIONS, 1956

(Made by the Minister on the 26th day of May, 1956)

L.N. 109/56

1. These Regulations may be cited as the Beach Control (Crown Licences) Regulations, 1956.

Short title.

2. In these Regulations—

“encroachment” includes any dock, wharf, pier or jetty and any structure, apparatus or equipment pertaining to any dock, wharf, pier or jetty, encroaching on the foreshore or the floor of the sea;

Interpretation.

“licence” means a licence under subsection (2) of section 9 of the Act.

3.—(1) Any person who wishes to obtain a licence shall apply in writing to the Minister in the form set out in the Schedule.

Form and manner of application. Schedule.

(2) The application shall be accompanied by—

(a) six copies of a site plan prepared by a duly qualified surveyor showing the boundaries of the area from which the encroachment is to be projected, the outline of the encroachment and the boundaries of any lands within or adjoining or adjacent to the area and specifying the particulars of ownership of such lands;

(b) four copies of a plan showing constructional details of any encroachment to be projected together with such notes on the construction of the encroachment as will enable the Minister and his technical advisers to give proper consideration to the application.

4.—(1) There shall be paid periodically in advance to the Commissioner of Lands or to such other public officer as the Minister may from time to time direct, such amount as may be agreed as the consideration for the grant of the licence.

Fees.

(2) It shall be a condition of the licence that if the licensee fails to pay any amount due as consideration for the grant of the licence within thirty days after the date on which such amount becomes due the Minister shall be entitled to revoke the licence at any time after expiration of a further period of thirty days from the date upon which a notice in writing demanding payment of such amount has been served on the licensee unless such amount is sooner paid.

5. Every licence shall contain provisions—

- (a) giving the Minister the right, if the licensee contravenes or fails to comply with any of the provisions of the licence, to require the licensee, by notice in writing, to demolish any encroachment specified in the notice within a specified period;
- (b) giving a right to any person acting on behalf of the Minister to enter upon any premises of the licensee for the purpose of demolishing and removing any encroachment if the licensee fails to demolish and remove such encroachment after being lawfully required to do so;
- (c) requiring all costs and expenses incurred in demolishing and removing any encroachment to be borne by the licensee;
- (d) requiring the approval of the Minister to be obtained for all alterations to or variations from the original specifications relating to the encroachment;
- (e) requiring the dates of commencement and completion of every encroachment to be reported to the Minister in writing;
- (f) giving the Minister the right to inspect or to authorize any person to inspect on his behalf any encroachment during and after construction thereof;
- (g) prohibiting the licensee from using the encroachment or permitting it to be used for any purpose not authorized by the licence,

and such other provisions, whether incidental to the foregoing or not, as the Minister may think proper to include in the licence.

Provisions
of licence.

SCHEDULE

(Regulation 3)

THE BEACH CONTROL (CROWN LICENCES) REGULATIONS, 1956

Application for Licence

TO THE MINISTER OF MINING AND NATURAL RESOURCES:

Date of receipt by the Minister.....

- 1. Name of applicant.....
- 2. Nationality of applicant.....
- 3. Names and Nationality of directors, partners or managing committee, if the applicant is a company, partnership or other body of persons.....
.....
- 4. Address in Jamaica at which notices, etc., may be served—
.....
- 5. Name and situation of property from which encroachment is to be projected.....
- 6. Property registered at Volume.....Folio.....
- 7. Length of term for which licence desired.....
- 8. Nature of encroachment.....
- 9. Purpose for which encroachment desired.....
.....
- 10. Any other detail in connection with the encroachment.....
.....

Six copies of site plan as required by the regulations are attached hereto.

Four copies of plan showing constructional details as required by the regulations are attached hereto.

.....
Signature of Applicant

.....
Address

.....
Date

THE BEACH CONTROL ACT

REGULATIONS

(under section 18)

THE BEACH CONTROL (LICENSING) REGULATIONS, 1956

*(Made by the Authority on the 5th day of May, 1956. Approved by
the Minister on the 29th day of May, 1956)*L N 110/56
Amd:
L N 259/57
38/59
112/60
17/93
121/99

1. These Regulations may be cited as the Beach Control (Licensing) Regulations, 1956. Short title

2. In these Regulations "licence" means a licence under section 11 of the Act. Interpretation.

3.—(1) An applicant for the grant of a licence shall apply in writing to the Authority in the Form A set out in the First Schedule. Manner and form of application.

(2) The form shall be signed by the applicant in the presence of a Justice of the Peace and forwarded to the Authority together with an application fee of one thousand dollars and in no case shall any such fee be refunded. First Schedule. Form A.

(3) The applicant for the licence shall furnish the Authority with any information and particulars and any maps, plans or sketches which the Authority may require for the purpose of considering the application.

4.—(1) Every applicant for a licence shall exhibit for a period of at least one month after the application has been received by the Authority notices in the Form B set out in the First Schedule in a conspicuous place on that part of the foreshore mentioned in the application and on any land adjacent thereto and under the control of the applicant. Notice of application. Form B.

(2) The notice on the foreshore shall face and be visible from the sea and that on the adjacent land shall be placed on the verge thereof which is nearest to a main or parochial road or path used by the public and shall if possible face and be visible from such road or path.

(3) The applicant shall serve, either personally or by registered post, a copy of the notice on every person who is the owner of any land adjacent to the

area defined in paragraph 2 of the application, so, however, that failure to comply with the provisions of this paragraph shall not be deemed to invalidate any licence granted by the Authority.

(4) Every such notice shall be clearly printed or painted in letters and figures not less than one inch high.

Term of
licence fees
payable

5.—(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 and the appropriate fee specified in the Second Schedule shall be paid therefor and in respect of each renewal thereof.

Second
Schedule

(2) Where a licence is granted in respect of a period commencing on or after the first day of October in any year the fee payable therefor shall be one-half of the appropriate fee specified in the Second Schedule except where any fee specified in the said Second Schedule is expressed to be payable in full notwithstanding the provisions of this paragraph.

(3) A licensee shall be entitled to the renewal of the licence held by him for further periods of not more than twelve months at a time expiring on the 31st day of March in each year:

Provided that—

- (a) all fees or other sums due under the licence to the Authority have been paid;
- (b) the conditions of the said licence have been observed and no breach exists at the time of the application for renewal;
- (c) renewal is not contrary to the best interest of the public and of the Island.

Special
licences

6. A licence may in any particular case be granted for such period and subject to such terms and conditions (including the payment of an annual fee) as the Authority may think fit.

Publication

7. As soon as may be thereafter, notice of the grant, surrender or determination of any licence with particulars of the licence and of the area concerned shall be published in the *Gazette*.

Powers of
members
and
authorized
officers

8. Any member of the Authority or any officer of the Authority authorized in writing by the Authority in that behalf—

- (a) may enter upon and inspect any part of the area to which an application for a licence relates and any land adjacent to such area provided the applicant has the control thereof;
- (b) may require the applicant for the licence to furnish such information in respect to the application as may be required by the Authority.

9. It shall be a condition of the grant of a licence that any member of the Authority or any officer of the Authority authorized in writing by the Authority in that behalf may, during the continuance of the licence, make such periodical inspections of and investigations concerning the area in respect of which the licence has been granted and of the land adjacent to such area within the control of the licensee as may be necessary for the purpose of ascertaining whether the terms and conditions of the licence are being observed or not.

Special
condition
of grant of
licence.

THE BEACH CONTROL AUTHORITY (LICENSING) REGULATIONS, 1956

FIRST SCHEDULE (Regulations 3 and 4)

FORM A

The Beach Control Authority (Licensing) Regulations, 1956

APPLICATION FOR LICENCE

I.....
(Name of applicant in block letters)

.....of.....
(occupation)

in the parish of.....hereby apply for a licence to
use the foreshore and/or floor of the sea situated at.....

in the parish of.....

1. 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).....

2. 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 and/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 and/or encroachments on the foreshore and/or floor of the sea).

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

4. Is Title registered?.....

By metes and bounds?.....

By plan?.....

Give volume and folio of the Certificate of Title.....

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

FIRST SCHEDULE, contd
FORM A contd

5. Is the Title Common Law?

By deed?

If deed is recorded give Record Office reference

By long possession?

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

6. If applicant is not the owner of the fee simple of the land mentioned in the application the following information must be given—

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

(b) Name and address of any other party or parties having any interest in the land

7. Does the area specified in paragraph 2 form part of enclosed land, if so by what means is the land enclosed

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

9. State charges made or proposed (if any) for the use of the area specified in the application

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

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

Signed before me this _____ day of _____ 19 _____
Date

Justice of the Peace

Application fee of _____ is enclosed.

FORM B

(Regulation 4)

The Beach Control Authority (Licensing) Regulations, 1956

NOTICE OF APPLICATION

I, _____ (name of applicant in block letters) _____ (occupation)

of _____ in the parish of _____

have applied to the Beach Control Authority for a licence to encroach on and/or use that part of the foreshore and/or floor of the sea.....
(here insert description of area)

for the purpose of .

Dated the _____ day of _____ 19 _____

Signature of Applicant

SECOND SCHEDULE

(Regulation 5)

FEEES

1	<i>Hotels</i>		
	Hotels with 201 rooms and over	..	\$ 150,000 00
	Hotels with 151 to 200 rooms	..	\$ 100,000 00
	Hotels with 101 to 150 rooms	..	\$ 75,000 00
	Hotels with 51 to 100 rooms	..	\$ 45,000 00
	Hotels with 31 to 50 rooms	..	\$ 12,000 00
	Hotels with under 31 rooms	..	\$ 6,000 00
2	<i>Guest houses</i>		
	Guest houses with 31 to 50 rooms	..	\$ 12,000 00
	Guest houses with under 31 rooms	..	\$ 6,000.00
3	Commercial recreational beaches, public recreational beaches, proprietary and members' clubs with beaches	..	\$ 13,000.00
4	Beaches used exclusively in connection with a dwelling place or building, rented for recreational purposes	..	\$ 6,000 00
5	Commercial or industrial beaches (beaches used other than for commercial recreational purposes)	..	\$ 20,000.00
6	<i>Fishing Beaches</i>		
	Major beaches (beaches with 10 or more boats or beaches with a fish depot)...	..	\$ 500 00
	Minor beaches (beaches with less than 10 boats)	..	\$ 250 00
7	Encroachments 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)	..	\$ 5,000.00
8.	The following encroachments on the foreshore or on the floor of the sea for any public purpose or for or in connection with any trade or business or commercial enterprises, that is to say—		
	(a) groyne	}	an initial fee of \$25,000.00 payable in full on any application whenever made notwithstanding the provision of paragraph (2) of regulation 5 and thereafter \$10,000.00 per annum.
	(b) breakwater		
	(c) pipeline, duct or flume		
	(d) slipway	..	\$ 3,000.00
	(e) enclosed pool	..	\$ 3,000.00
	(f) building	..	\$ 4,500.00
	(g) fence	..	\$ 2,500.00
	(h) flight of steps	..	\$ 2,500.00

SECOND SCHEDULE, *contd*

FEES

(i)	pylon		\$ 5.000 00
(j)	anchored raft		\$ 3.000 00
(k)	water slide		\$ 2.000 00
(l)	spring-board		\$ 2.000 00
(m)	cable	}	an initial fee of \$25,000 00 payable in full on any application whenever made notwithstanding the provision of paragraph (2) of regulation 5 and thereafter \$10,000.00 per annum
(n)	seawall		
(o)	platform		
(p)	capital dredging—		
	for the first 100,000 cubic metres..		\$ 50.00 per cubic metre
	for the next 100,000 cubic metres..		\$ 25 00 per cubic metre
	for the next 100,000 cubic metres ..		\$ 15.00 per cubic metre
	for the next 100,000 cubic metres ..		\$ 10 00 per cubic metre
	for any additional cubic metres	\$ 5 00 per cubic metre
(q)	maintenance dredging		
	for the first 100,000 cubic metres...	.	\$ 25.00 per cubic metre
	for the next 100,000 cubic metres...		\$ 12.50 per cubic metre
	for the next 100,000 cubic metres...		\$ 7.50 per cubic metre
	for the next 100,000 cubic metres...		\$ 5.00 per cubic metre
	for any additional cubic metres	\$ 2 50 per cubic metre
(r)	dredging by the Port Authority	...	Amount as agreed between the Natural Resources Conservation Authority and the Port Authority.

SECOND SCHEDULE, *contd*

(s) reclamation (coastline or wetlands)—		
	for the first 100,000 cubic metres	\$ 50 00 per cubic metre
	for the next 100,000 cubic metres .	\$ 25 00 per cubic metre
	for the next 100,000 cubic metres	\$ 15 00 per cubic metre
	for the next 100,000 cubic metres	\$ 10.00 per cubic metre
	for any additional cubic metre	\$ 5 00 per cubic metre
(t)	artificial reef	\$ 5,000 00 each
9 Moorings on the foreshore or on the floor of the sea for any purpose (excluding those to which section 9 of the Act applies)—		
	1-5 moorings	\$ 200 00
	6-50 moorings	\$1,000.00
	51-100 moorings	\$5,000 00
	over 100 moorings	\$5,000.00 for every 100 in addition to the first 100
10 Beach reserved exclusively for the use of owners of lots in a subdivision		
		\$ 500 00 per developed lot
11 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		
		\$ 200 00
12. The following encroachments on the foreshore or on the floor of the sea for private purposes—		
(a)	Seawall	} an initial fee of \$25,000.00 payable in full on any application whenever made, notwithstanding the provisions of paragraph (2) of regulation 5 and thereafter \$10,000.00 per annum
(b)	Platform	

THE BEACH CONTROL ACT

REGULATIONS
(under section 18)

THE BEACH CONTROL (HOTEL, COMMERCIAL AND PUBLIC RECREATIONAL BEACHES) REGULATIONS, 1978

(Made by the Authority on the 8th day of December, 1978 and approved by the Minister on the 9th day of December, 1978)

L.N. 161/78

1. These Regulations may be cited as the Beach Control (Hotel, Commercial and Public Recreational Beaches) Regulations, 1978.

2. In these Regulations “beach” or “licensed area” means the area (including the area covered by water) which is comprised in a licence granted under section 11 of the Act in relation to a hotel, commercial or public recreational beach.

3. Every person entering or using a beach shall conduct himself in an orderly manner and shall be decently clothed.

4. Every person using the showers, change rooms or sanitary or other facilities of a beach shall so use the same as to ensure that they are kept in good and cleanly condition.

5. All empty bottles, cartons or other litter or rubbish shall be placed in the containers provided for the purpose and shall not be left lying on a beach.

6. A person shall not, except with the prior permission in writing of the licensee of a beach, erect or place on the beach any bath-house, hut, booth, tent, shed, stand or stall (whether fixed or movable).

7. A person shall not use a beach for the purpose of fishing or setting or pulling seines or other fishing nets or pots.

8.—(1) The licensee of a beach shall exhibit in a prominent place on or near the beach a notice indicating the hours during which the beach is open to the public.

(2) A person shall not swim in a licensed area except during the hours specified in a notice under paragraph (1) relating to such licensed area.

9. A person shall not enter or leave a beach other than through the gates, passages or openings appointed for this purpose.

10. A person shall not after being made acquainted with any directions by the licensee regulating the route of animals, carriages, motor vehicles and other vehicles through the beach, wilfully disregard the same.

11. A person shall not indecently expose his or her person on a beach.

12. A person shall not on a beach, except with the permission of the licensee—

- (a) sell, distribute or expose for sale any goods, wares, merchandise or animal;
- (b) clean or dress any animal;
- (c) hew, saw, bore or cut any timber or stone;
- (d) make, dress up or paint any article or material.

13. A person shall not on a beach—

- (a) use any threatening or abusive language to any other person ;
- (b) conduct himself in an unseemly or disorderly manner or in such way as to provoke a breach of the peace;
- (c) insult, abuse, threaten, assault or molest the licensee of the beach or any person acting as the servant or agent of such licensee;
- (d) wantonly discharge any firearm;
- (e) throw or set any fireworks or throw or discharge any stone or other missile;
- (f) make any fire other than in a stove or grill.

14. A person shall not, except with the permission of the licensee of a licensed area and under the supervision of a swimming instructor approved by such licensee, use in the licensed area any inflated tube life preserver, water ring or other device for the purpose of artificially holding himself or any other person afloat.

15. Any person who contravenes these Regulations shall be guilty of an offence and liable on summary conviction before the Resident Magistrate to a fine not exceeding fifty dollars, or to imprisonment with or without hard labour for a term not exceeding three months.

THE BEACH CONTROL ACT

REGULATIONS
(under section 18)

THE BEACH CONTROL (SAFETY MEASURES) REGULATIONS, 2006

(Made by the Authority and approved by the Minister on the 4th day of
October, 2006)

L N 185/2006
Amdt
109A/2011

PART I. Preliminary

1. These Regulations may be cited as the Beach Control (Safety Measures) Regulations, 2006.

Citation

2. In these Regulations—

Interpretation

“competent training organization” means an organization which offers training to lifeguards and is designated as such by the Authority;

“beach or licensed area” means the area which is specified in a licence granted under section 11 of the Act in relation to a hotel, guest house, boarding house, proprietary or members club with a beach, or a commercial or public recreational beach;

“beach licence” means a licence granted under section 11 of the Act in respect of the use of the foreshore, water column or the floor of the sea;

“lifeguard” means a person employed as such by the licensee of a beach or licensed area who is skilled as a swimmer and properly trained to assist in emergencies and in the procedure for rescuing and resuscitating a person who is drowning;

“lifeguard licence” means a licence issued under regulation 5;

“life-saving devices” includes life rings, oxygen tanks, spinal boards, first-aid kits, reaching assists, communication equipment, alert devices and pocket masks and such other devices as may be prescribed by the Authority;

“vessel” includes every description of water craft, including non-displacement craft, seaplanes and jet ski equipped with an inboard, or outboard motor, or any other means of conveyance used or capable of being used as a means of transportation on water.

PART II. *Licensing of Lifeguards*

Conditions
for operating
as lifeguard

3.—(1) No person shall operate as a lifeguard unless he—

- (a) is certified as such by a competent training organization; and
- (b) holds a current lifeguard licence issued by the Authority.

(2) Where a person satisfies the Authority that he has alternative equivalent certification, that person may be exempt from the requirements of paragraph (1)(a) so however, that no exemption shall be granted in respect of paragraph (1)(b).

Application
for lifeguard
licence
First
Schedule
Second
Schedule

4.—(1) Every person who is desirous of operating as a lifeguard shall apply to the Authority in the form specified as Form A in the First Schedule for a licence so to do.

(2) An application for a lifeguard licence under paragraph (1) shall—

- (a) pay the application fee specified in the Second Schedule;
- (b) sit the lifeguard competence exam administered by the Authority; and
- (c) provide such certificates, documents or information as may be required by the Authority.

(3) An applicant who does not pass the lifeguard competence examination may resit the examination on payment of the resit fee specified in the Second Schedule.

Authority
may grant
licence

5.—(1) Where an application is made under these Regulations, the Authority may grant or refuse to grant a licence.

(2) The Authority shall grant a licence to the applicant where it is satisfied that the applicant—

- (a) in respect of lifeguard training—
 - (i) has successfully completed a course of training offered by a competent training organization and is the holder of certification specified in regulation 3(1)(a); or

(ii) has alternative equivalent certification and the Authority has exempted the applicant from the requirements of regulation 3(1)(a);

(b) has passed a lifeguard competence examination administered by the Authority; and

(c) has paid the licence fee for a lifeguard licence specified in the Second Schedule. Second
Schedule

(3) Where a licence is granted under paragraph (2), the Authority shall assign a unique licence number to the applicant.

(4) Every licence issued under these Regulations shall—

(a) be in the form specified as Form B in the First Schedule; First
Schedule
Form B

(b) be valid for a period of twelve months from the date of issue;

(c) have the photograph of the applicant affixed to it.

6. The Authority shall refuse to grant or renew a licence— Refusal of
licence

(a) if it is satisfied that the applicant is incapable, by reason of a mental or physical condition or disability, of carrying out the functions of a lifeguard;

(b) where an application contains information which is false in a material particular;

(c) to an individual who is under the age of eighteen years.

7. Where the Authority refuses to grant a licence, it shall notify the applicant in writing within fourteen days of such refusal and state the reasons therefor. Applicant
to be
notified

8. A licence granted under these Regulations shall be subject to such conditions as are specified therein and shall not be transferable. Licence
not
transferable

Licence
renewable

9.—(1) A licence granted under these Regulations may, on its expiration, be renewed by the Authority on the application of the holder thereof.

(2) An application for the renewal of a licence shall be—

(a) made not later than thirty days before the date of expiration of that licence;

First
Schedule
Form C

(b) in the form specified as Form C in the First Schedule;

(c) accompanied by—

Second Schedule

(i) the application fee for renewal of a lifeguard licence specified in the Second Schedule;

(ii) a current training certificate from a competent training organization; and

(iii) any other document the Authority considers necessary.

(3) A person who submits an application for the renewal of his licence after the expiration thereof shall pay a late application processing fee as set out in the Second Schedule.

Replacement of
licence

9A. Where a lifeguard licence is defaced, damaged, destroyed or lost, the Authority shall at the request of the holder thereof and on payment of the fee for replacement of a lifeguard licence specified in the Second Schedule re-issue the lifeguard licence to that person.

Suspension
of licence

10.—(1) The Authority may suspend a licence for a breach of any provision of these Regulations or for a breach of any condition subject to which the licence is granted.

(2) Before suspending a licence, the Authority shall notify the licensee in writing—

(a) stating the breach which gave rise to the proposed suspension;

(b) requiring the licensee to remedy the breach;

(c) stating the time within which the breach is to be remedied and the time within which the Authority shall be notified thereof; and

(d) stating the time within which the licence shall be returned to the Authority.

(3) Where the licensee has, within the time specified by the Authority under paragraph (2)(c), remedied a breach, he shall inform the Authority.

(4) Where the Authority is satisfied that the breach is remedied, it shall forthwith revoke any proposed suspension or reinstate the licence as the case may require.

11.—(1) The Authority may revoke a licence if it is satisfied that—

Revocation
of licence

- (a) in making the application for the licence, the applicant has supplied information which is false or misleading, in any material particular;
- (b) changes in the circumstances of the holder of the licence have occurred, which justify such revocation;
- (c) the licensee has failed to remedy the breach which gave rise to the licence being suspended under regulation 10, within the time specified.

(2) Where a licence is revoked under paragraph (1) the Authority shall inform the licensee, in writing, of the reason therefor and the licensee shall forthwith return the licence to the Authority.

11A.—(1) The Authority shall maintain a register of lifeguards which shall contain—

Register of
Lifeguards

- (a) the name, address and licence number of each person to whom a lifeguard licence is granted;
- (b) the number of applications received and the name of each applicant;
- (c) the number of lifeguard licences—
 - (i) granted or refused and the reasons for such refusal;
 - (ii) suspended or revoked and the reasons therefor;

- (d) information on the status of each lifeguard licence granted; and
- (e) any other information the Authority thinks necessary.

(2) Every register under paragraph (1) shall be open for inspection by the public at the offices of the Authority during office hours, free of charge.

Second Schedule

(3) The Authority shall cause to be made, on payment of the fee for copy of a registry entry specified in the Second Schedule by any person, copies of any entry in the register.

PART III. Duties of Lifeguards

Lifeguard to secure persons using beach

12. Every lifeguard shall keep watch for and take all possible steps to secure the safety of every person using the beach or licensed area in relation to which he is employed.

Lifeguard to report accidents or injuries

13. Where an accident or injury occurs on a beach or licensed area, the lifeguard on duty shall, within seven days after the accident or injury, submit a report in writing to the Authority.

PART IV. Duties of Licensee of Beach or Licensed Area

Duties of licensee of beach or licensed area

14. The licensee of every beach or licensed area, or his agent, shall—

- (a) post in a conspicuous position at the entrance to the beach or licensed area, a notice stating the opening and closing hours of the beach or licensed area;
- (b) ensure that no child under twelve years of age is permitted to use the beach or licensed area unless he is accompanied by an adult, so however, that it shall be a defence in any case, for the licensee to show that he has taken all reasonable steps to ensure that children under twelve years of age are accompanied by an adult;
- (c) ensure that fishing in the licensed area is not carried out within any area buoyed for swimming;

- (d) provide lifeguards with uniforms clearly marked “Lifeguard”;
- (e) provide clearly distinguishable lifeguard stands for the beach or licensed area at such distances and in such number and dimensions as may be directed by the Authority;
- (f) employ such number of lifeguards for the beach or licensed area as may be directed by the Authority and as stated in any beach licence issued to him;
- (g) in a conspicuous place on the beach or licensed area, erect a sign, notifying users of the beach or licensed area of the periods when the lifeguard is not on duty;
- (h) not permit any person to use the beach for the purpose of bathing or otherwise unless such lifeguard, attired in uniform is in attendance and on duty;
- (i) ensure that the beach or licensed area is adequately manned at all times by a lifeguard as provided for in the beach licence.

PART V. *General*

15.—(1) The licensee of every beach or licensed area, or his agent, shall—

- (a) keep in good order and condition, such number and description of life-saving devices as may be stated in the relevant beach licence or as may be otherwise directed by the Authority;
- (b) keep all life-saving devices in such manner as may be stated in the beach licence or as may be otherwise directed by the Authority;
- (c) ensure that all life-saving devices are available and fit to be utilized by the lifeguards in the performance of their functions;
- (d) permit the Authority, or any person authorized by the Authority, to enter the beach or licensed area at all reasonable times to inspect the life-saving devices;
- (e) buoy to the satisfaction of the Authority an area for swimming using white buoys each with a red band.

Life-saving
devices to be
kept

(2) No vessel shall be operated in the areas licensed for swimming and buoyed pursuant to paragraph (1)(e).

16.—(1) Every area licensed for swimming shall have a ten-metre buffer around it within which no vessel shall be operated at a speed exceeding three knots.

Speed limit of
3 knots

(2) Where a licensee has vessels operating in a licensed area, he shall buoy to the satisfaction of the Authority a suitable passage through which vessels may proceed to and from shore, and where an area has been buoyed for swimming (where applicable) the passage shall be on one side of the area and not in the middle.

(3) For the purpose of paragraph (2), red buoys with a white band shall be used on the right side of the passage and green buoys with a white band on the left side in the direction facing shore.

17. [Deleted by L.N. 109A/2011]

PART VI. OFFENCES

Operating
without a
lifeguard
licence

18. Any person who operates as a lifeguard without a licence commits an offence and shall be liable, on summary conviction before a Resident Magistrate, to a fine not exceeding one hundred thousand dollars or to imprisonment for a term not exceeding six months or to both such fine and imprisonment.

Assaulting a
lifeguard, etc

19. Any person who assaults a lifeguard or prevents him from performing his duties commits an offence and shall be liable, on summary conviction before a Resident Magistrate, to a fine not exceeding one hundred thousand dollars or to imprisonment for a term not exceeding six months or to both such fine and imprisonment.

Damage, etc.,
to life-saving
device

20. Any person who deliberately damages or destroys any life-saving device commits an offence and shall be liable, on summary conviction before a Resident Magistrate, to a fine not exceeding two hundred thousand dollars or to imprisonment for a term not exceeding twelve months or to both such fine and imprisonment.

FORM C

THE BEACH CONTROL ACT
NATURAL RESOURCES CONSERVATION AUTHORITY

Application for Renewal of Licence

Licence Number _____

Name of Licensee _____

Address _____

Telephone _____ Facsimile _____

E-mail _____

Current Training Certificate _____

Date of medical examination _____

Signature of Licensee

FOR OFFICE USE

Documents submitted

Fees paid _____

Remarks _____

Recommendation _____

Authorized Officer

commits an offence and shall be liable, on summary conviction before a Resident Magistrate, to a fine not exceeding fifty thousand dollars or to imprisonment for a term not exceeding three months or to both such fine and imprisonment.

Performing routine maintenance or refueling outside of specially designated area.

26. Any person who performs routine maintenance of (including in-water cleaning of hulls) or refueling of vessels in the sea except in areas specifically designated for that purpose and within one hundred metres of a licensed area commits an offence and shall be liable, on summary conviction before a Resident Magistrate, to a fine not exceeding two hundred and fifty thousand dollars or to imprisonment for a term not exceeding twelve months or to both such fine and imprisonment.

Operating vessel at over 3 knots in 10-metre buffer area.

27. Any person who operates a vessel at a speed exceeding three knots within the buffer area referred to in regulation 16 commits an offence and shall be liable, on summary conviction before a Resident Magistrate, to a fine not exceeding two hundred and fifty thousand dollars or to imprisonment for a term not exceeding twelve months or to both such fine and imprisonment.

Operating beach without mandated equipment

28. Any person who operates a beach without keeping life-saving devices as required under these regulations commits an offence and shall be liable, on summary conviction before a Resident Magistrate, to a fine not exceeding five hundred thousand dollars or to imprisonment for a term not exceeding twelve months or to both such fine and imprisonment.

Operating beach without required lifeguards.

29. Any person who operates a beach without the mandated number of lifeguards as required in the relevant beach licence and any directions issued by the Authority commits an offence and shall be liable, on summary conviction before a Resident Magistrate, to a fine not exceeding five hundred thousand dollars or to imprisonment for a term not exceeding twelve months or to both such fine and imprisonment.

PART VII. *Appeal*

Appeal.

30.—(1) Where the Authority refuses to grant or renew, or revokes a lifeguard licence, the applicant or holder, as the case may be, may, after giving notice to the Authority of his intention so to do, appeal to the Minister by notice in writing within twenty-eight days of the date of notification of the decision of the Authority.

(2) The notice of appeal shall set out clearly the grounds of the appeal and there shall be attached to the notice, copies of any correspondence, document or statement relevant to the appeal.

(3) A copy of the notice of appeal together with copies of any relevant correspondence, document or statement shall be served on the Authority who shall forthwith transmit those documents to the Minister.

(4) The Minister shall, within seven days of the receipt of a notice of appeal under paragraph (1) request the Authority to furnish him with a statement in writing setting out the reasons for its decision.

(5) The Minister may order that any correspondence, document or statement relating to the appeal which is in the possession of the Authority or the person aggrieved, be produced at the hearing of the appeal.

31. The Minister shall cause each party to the appeal to be informed—

Parties to be informed.

- (a) of the date, time and place of the hearing of the appeal;
- (b) that he may appear himself or by his attorney-at-law; and
- (c) that he may summon witnesses in his cause.

32. Where, upon any appeal, the Minister is satisfied that the refusal, or revocation as the case may be—

Minister may uphold or rescind decision of Authority.

- (a) is justified, he shall uphold the decision of the Authority;
- (b) is not justified, he may rescind the refusal, or revocation as the case may be, and may order that the licence be granted or restored as the case may require; or
- (c) make such other order as he thinks fit.

FIRST SCHEDULE

(Regulations 4, 5 and 9)

FORM A

THE BEACH CONTROL ACT

Natural Resources Conservation Authority
Lifeguard Examination Application Form

(Please Print)

Date:					Lifeguard Licence #:				
PERSONAL INFORMATION									
Applicant's Last Name			First:		Middle:		<input type="checkbox"/> Mr. <input type="checkbox"/> Miss <input type="checkbox"/> Mrs.		
Birth Date:				Sex: <input type="checkbox"/> M <input type="checkbox"/> F					
Place of Birth:				Parish of Birth:					
Street Address:				Home Phone No.:					
				Cell Phone No.:					
Town:			Parish:			Post Office:			
Email Address:									
Employer:					Employer's Phone No.:				
Employer's Address:									
QUALIFICATION INFORMATION									
Competent Training Organization:							Expiry date of Lifeguard Certificate:		
Certificate No.:									
INSTRUCTIONS FOR DELIVERY OF LICENCE									
<input type="checkbox"/> SEND TO MAILING ADDRESS ABOVE			<input type="checkbox"/> SEND TO EMPLOYER			<input type="checkbox"/> DELIVER BY			
COURIER TO ADDRESS ABOVE (CASH ON DELIVERY)									
<input type="checkbox"/> I WILL COLLECT IN PERSON			<input type="checkbox"/> SPECIAL DELIVERY INSTRUCTIONS (Write in the space below and be sure to include alternative delivery address)						
I hereby declare that the information provided by me above is accurate and true to the best of my knowledge. I further declare that, to the best of my knowledge I am physically and mentally capable of participating in the lifeguard examination.									
Applicant's Signature					Date				
FOR OFFICIAL USE ONLY									
Fees Paid	Pass/Fail	Lifeguard Licence No.			Database updated		Processing Officer		
					<input type="checkbox"/> Yes <input type="checkbox"/> No				

INSTRUCTIONS FOR APPLICANT

To participate in the examination, candidates must:

- be at least 18 years old
- be able to swim well
- be able to read and write
- have successfully attended a lifeguard training session prior to the examination and be in possession of a valid and current Lifeguard Certificate
- present valid photo I.D. (any of the following—driver's licence, national I.D., a passport-size photograph certified by a Justice of the Peace)
- pay the examination fee

NB: ONLY persons in possession of a valid lifeguard competence certificate will be examined

Notes:

The licence authorizes the licensee to operate as a lifeguard in Jamaica and is granted subject to any condition that may be deemed appropriate by the Natural Resources Conservation Authority.

The licence is the property of the Authority, and must be produced for inspection on demand by authorized personnel. It is not transferable and must be returned upon request.

The licence is valid for a period of one year from the date of issue.

Information on the competent training organization is available from the National Environment and Planning Agency.

FORM B

THE BEACH CONTROL ACT

NATURAL RESOURCES CONSERVATION AUTHORITY

Licence to Operate as a Lifeguard

Name of Licensee:

Licence No.:

CTO Number:

Expiry Date:

Signature:

Authorized Officer
National Environment and Planning Agency

Authorized Officer
Certified Training Organization (CTO)

FORM C

THE BEACH CONTROL ACT
NATURAL RESOURCES CONSERVATION AUTHORITY

Application for Renewal of Licence

Licence Number _____

Name of Licensee _____

Address _____

Telephone _____ Facsimile _____

E-mail _____

Current Training Certificate _____

Date of medical examination _____

Signature of Licensee

FOR OFFICE USE

Documents submitted

Fees paid _____

Remarks _____

Recommendation _____

Authorized Officer

SECOND SCHEDULE

(Regulations 4(2) 4(3),
5(2), 9(2), 9(3), 9A and
11A(3))*Fees*

Application for lifeguard licence	—	\$1 000 00
Application for renewal of lifeguard licence	—	\$800 00
Fee for resit of lifeguard competency examination	—	\$500.00
Fee for lifeguard licence	—	\$2,000.00
Fee for processing of late applications	—	\$500.00
Fee for replacement of lifeguard licence	—	\$1,500.00
Fee for each copy of lifeguard registry entry	—	\$500.00