

I ASSENT

[L.S.]

FREDERICK J. CLARKE,
Governor.

26th May, 1967.

SAINT LUCIA**No. 2 of 1967**

AN ACT to provide for the protection and control of beaches and the seashore and for purposes connected therewith.

[27th May, 1967.]

BE IT ENACTED by the Queen's Most Excellent Majesty by and with the advice and consent of the House of Assembly of Saint Lucia, and by the authority of the same as follows :—

1. This Act may be cited as the Beach Protection Short title.
Act 1967.

2. In this Act—

“ authorized officer ” means any member of the Interpretation.
Royal Saint Lucia Police Force established by
the Police Ordinance, 1965 or other person

duly appointed as such by the Director of Public Works by a notification published in the *Gazette* and in one or more newspapers circulating in Saint Lucia ;

“ building or construction purposes ” includes the erecting and improving of, and the adding to, and the repairing of buildings, and the constructing or repairing of any road ;

“ Director of Public Works ” means the person for the time being performing the duties of Director of Public Works of Saint Lucia ;

“ the floor of the sea ” means the soil and subsoil of the sea off the coast of Saint Lucia between low water mark and so far out to sea as is deemed by international law to be within the territorial sovereignty of the Crown.

Appointment of authorized officers.

3. The Director of Public Works may, from time to time, appoint authorized officers for and in respect of any Quarter in Saint Lucia for the purpose of issuing permits under section 4 of this Act.

Removal of sand, etc., from seashore for certain purposes prohibited.

4.—(1) It shall not be lawful for any person to—

(a) dig, take or carry away, or aid or assist in digging, taking or carrying away for building or construction purposes or for the purpose of providing ballast for vessels any sand, stone, shingle or gravel from any beach, seashore or the floor of the sea in Saint Lucia ; or

(b) convey or move for building or construction purposes or for the purpose of providing ballast for vessels any such sand, stone, shingle or gravel along any public road,

except under and in accordance with a written permit from the Director of Public Works or an authorised officer and subject to such terms and conditions as are therein specified.

(2) Every such permit shall be in the form in the Schedule to this Act and shall hold good for the period therein mentioned, such period not to exceed three months.

(3) No such permit shall be granted unless the Director of Public Works or an authorised officer is satisfied that the said sand, stone, shingle or gravel is required for building or construction purposes or for the purpose of providing ballast for vessels.

(4) Any person who contravenes the provisions of subsection (1) of this section shall be guilty of an offence and liable on summary conviction to—

- (a) a fine not exceeding fifty dollars or to imprisonment for a term not exceeding three months ; and
- (b) for a second or subsequent offence, to a fine not exceeding five hundred dollars or to imprisonment for a period not exceeding six months.

5.—(1) No sand, stone, shingle or gravel the digging or removal of which has been authorized for building or construction purposes or for the purpose of providing ballast for vessels by a permit as provided in section 4 of this Act, shall be conveyed or moved along any public road between the hours of six o'clock in the evening and five o'clock in the morning.

Time when sand etc., may be conveyed on public road.

(2) Any person who contravenes the provisions of subsection (1) of this section shall be guilty of an offence and liable on summary conviction to a fine not exceeding fifty dollars or to imprisonment for a term not exceeding three months.

6. It shall be lawful for any person with or without a warrant to apprehend any person who contrary to the provisions of this Act is found—

Power of arrest.

- (i) digging, taking or carrying away or aiding or assisting in digging, taking or carrying away any sand, stone, shingle or gravel in contravention of paragraph (a) of section 4(1) of this Act ; or
- (ii) conveying or moving for building or construction purposes or for the purpose of providing ballast for vessels any sand, stone, shingle or gravel in contravention of paragraph (b) of section 4(1) of this Act

and with all convenient speed to take him to the nearest police station to be dealt with.

Seizure and
forfeiture of
boats
conveyances
and animals.

7.—(1) All boats, conveyances and animals used for the removal of any sand, stone, shingle or gravel in contravention of paragraph (b) of section 4 (1) of this Act shall be forfeited.

(2) All boats, conveyances and animals liable to forfeiture under subsection (1) of this section may at any time be seized by an authorised officer and shall be forthwith taken and delivered to the Director of Public Works who shall secure the same and after the expiration of twenty-one days cause the same to be sold by public auction to the highest bidder.

Owner may
inform Director
of Public Works
that thing seized
not liable to
forfeiture.

8. Where anything has been seized as forfeited under this Act, the owner may within 14 days of the seizure by notice in writing inform the Director of Public Works that such thing is not liable to forfeiture and upon such written notice being given, the Director of Public Works shall postpone the sale until the matter is adjudicated upon by a Magistrate.

Adjudication by
Magistrate.

9. In all cases where a notice is given to the Director of Public Works as aforesaid, the Director within seven days after such notice shall cause a complaint to be preferred for the adjudication of such forfeiture before a Magistrate, and if it is made to appear by the owner to the satisfaction of the Magistrate that such thing was not liable to forfeiture, the Magistrate shall adjudge such thing to be restored, but if the Magistrate is not satisfied, or if the owner fails to prove that such thing was not liable to forfeiture, the Magistrate shall confirm the seizure and thereupon the same shall be sold as hereinbefore directed.

Authorised
officer may stop
and search any
boat,
conveyance or
animal.

10. An authorised officer may stop and search any boat, conveyance or animal which he reasonably suspects of carrying any sand, stone, shingle or gravel in contravention of paragraph (b) of section 4 (1) of this Act.

Fouling of
seashore
prohibited.

11. If any person shall foul any part of the seashore of Saint Lucia by the deposit of offal, garbage or other waste, or in any other manner whatsoever, such person

shall be guilty of an offence and shall, on summary conviction thereof, be liable to a fine not exceeding fifty dollars or to imprisonment for a term not exceeding three months.

12. This Act shall be binding on the Crown.

Act binding on Crown.

13. It is hereby expressly declared that this Act and any permit issued or granted thereunder shall not in any way whatsoever affect and shall in all respects be subject to the exercise by Her Majesty, Her Heirs and Successors of their rights title and interest in and over that part of the domain of the Crown known as the Queen's Chain.

The Queen's Chain not affected by this Act.

14. The Beach Protection Ordinance, 1963 is hereby repealed.

Repeal No. 21 of 1963.

SCHEDULE

Section 4(2).

Permission is hereby granted to
of to dig, take and carry away from
in the Quarter of
sand*/stone*/shingle*/gravel*
in the quantities hereunder and to convey the same to
Quantity

This permit shall hold good for a period of

**Director of Public Works*

**Authorised Officer.*

.....19.....

**Delete where inapplicable.*

W. St. C. DANIEL,
Speaker.

Passed in the House of Assembly this 19th day of May, 1967.

U. RAVENEAU,
Clerk of the House of Assembly.