

**LAWS OF DOMINICA**

**BEACH CONTROL ACT**

**CHAPTER 42:04**

**Act**  
**21 of 1966**  
**Amended by**  
**17 of 1975**  
**12 of 1990**  
**18 of 1992**

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on  
Subsidiary Legislation**

This Chapter contains no Subsidiary Legislation.

**CHAPTER 42:04****BEACH CONTROL ACT****ARRANGEMENT OF SECTIONS****SECTION**

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**CHAPTER 42:04**

**BEACH CONTROL ACT**

21 of 1966. **AN ACT for the control and protection of beaches in Dominica.**

Commencement. [17th November 1966]

Short title. **1. This Act may be cited as the –**  
**BEACH CONTROL ACT.**

Interpretation. **2. In this Act –**

“adjoining land” or “land adjoining” means lands adjoining the foreshore of the State and extending not more than fifty yards beyond the landward limit of the foreshore;

“authorised officer” means any police officer or other person duly appointed as such by the Chief Technical Officer (Works) by a Notification published in the *Gazette* and in one or more newspapers circulating in the State;

“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;

“commercial enterprise” includes –

(a) the business of carrying on an hotel or a proprietary club; and

(b) the erection, construction or maintenance of any dock, wharf, pier, jetty or other form of encroachment;

Ch. 84:01. “Corporation” means the Development and Planning Corporation established under section 3 of the Development and Planning Corporation Act and referred to in sections 4 and 38(1) of the

17 of 1975. Town and Country Planning Act;

“fishing” includes purposes incidental to fishing;

“the floor of the sea” means the soil and subsoil of the sea off the coast of Dominica between low water mark and so far out to sea as is

deemed by international law to be within the territorial sovereignty of the State;

“foreshore” or “seashore” is that portion of the land of Dominica which lies between the low water mark of the sea and the line of vegetation found thereon; or between that mark and the village boundary;

“the Minister” means the Minister responsible for State lands;

“the public” includes any class of the public.

3. Subject to section 10, all rights in and over the foreshore of Dominica and the floor of the sea are hereby declared to be vested in the State.

Foreshore and floor of the sea declared to be vested in the State.

4. (1) From and after the commencement of this Act, no person shall encroach on or use, or permit any encroachment on or use of the foreshore or the floor of the sea for any public purpose or for or in connection with any trade, business, or commercial enterprise, except as provided by section 10, without a licence granted under this Act.

Prohibition of use of the foreshore, the floor of the sea without a licence.  
[12 of 1990  
18 of 1992].

(2) Any person who contravenes subsection (1) is liable on conviction to a fine of two hundred and fifty dollars for each day during which the contravention continues and in default of payment of the fine to imprisonment for twelve months.

(3) Where a company is guilty of a contravention of subsection (1), every director, manager, agent and officer of the company in the State who is knowingly a party to the contravention, is liable to the penalty prescribed by subsection (2).

5. (1) The Corporation may, on application made in such manner as may be prescribed under section 9, grant licences for the use of the foreshore or the floor of the sea, for any public purpose or for or in connection with any trade, business or commercial enterprise, to any person, upon such conditions and in such form as it may think fit.

Corporation to grant licences for use of foreshore, floor of the sea – publication of grant or refusal.  
[17 of 1975].

(2) Every application under subsection (1) shall be published in the *Gazette* and in at least one newspaper in the State and members of the public shall be afforded an opportunity of making representations to the Corporation in respect thereof.

(3) Where an application is made for a licence under subsection (1), the Corporation shall consider what public interests in regard to

fishing, bathing or recreation or in regard to any future development of the land adjoining that part of the foreshore in respect of which the application is made, require to be protected, and it may provide for the protection of such interests by and in the terms of the licence or otherwise in accordance with this Act.

(4) Subject to such Regulations as may be made under section 9, an appeal shall lie to the Minister from a decision of the Corporation as to whether such licence should be granted or refused.

(5) Every grant or refusal of a licence by the Corporation or the Minister shall be published in the *Gazette*.

(6) The decision of the Minister as to whether such licence should be granted or refused shall be final and shall not be questioned in any legal proceeding.

Minister to determine and make provision for the needs of the public in relation to beaches.

6. (1) The Minister shall from time to time determine the needs and requirements of the public in relation to the use of any land adjoining the foreshore and the use of the foreshore itself for or in connection with bathing or any other form of lawful recreation or for the purpose of fishing as a trade or otherwise, or for any other purpose in the interest of the economic development of Dominica and of its beaches, and shall have the power to acquire in the name of the State for the use of the public, any portion of land adjoining the foreshore or any right or interest of any nature or description in or over such land, and such power of acquisition shall be exercised in accordance with section 8.

(2) The owner or other person, as the case may be, in lawful occupation of such adjoining land at the date of acquisition, shall be entitled to be paid out of moneys provided by Parliament, a sum by way of compensation in respect of any cultivation or growing crops of economic value existing on such adjoining land at the date of the acquisition aforesaid.

(3) If the owner of any adjoining land referred to in subsection (2) can prove to the satisfaction of the Minister that such adjoining land had been granted by the State to himself, or to some other person through whom he claims title to the said adjoining land, he shall be entitled, in addition to any compensation payable under subsection (2), to be paid out of moneys provided by Parliament a sum by way of compensation in respect of the loss of use of such land. The amount of compensation to be paid under this subsection shall be calculated at a rate per acre equivalent to the rate per acre paid to the State for the purpose of obtaining the grant of such adjoining land.

(4) The compensation to be paid under subsection (2) shall be assessed in the manner prescribed by Regulations made under this Act; and until such Regulations are made, such compensation shall be assessed in the manner prescribed by the Compensation for Buildings or Growing Crops Regulations.

Ch. 46:01.  
Sub. Leg.

7. (1) Subject to this section the Minister may, if he thinks fit, by agreement with the person entitled to dispose of any adjoining land, or compulsorily in accordance with section 8, acquire in the name of the State such land or any right or interest in such land for the use or benefit of the public on a year to year basis for an indefinite period.

Power to acquire  
land for indefinite  
period.

(2) The consideration or compensation payable in respect of the acquisition of any land or any right or interest in land under subsection (1) shall be an annual rent charge not exceeding one hundred and twenty-five dollars per acre, payable yearly in advance.

(3) When any right in or over land is acquired by the Minister on a year to year basis for an indefinite period –

- (a) the Minister may terminate such right on one year's notice in writing to the owner of the land subject to the right;
- (b) the owner of the land subject to the right or his nominee may at any time apply to the Minister for a licence to use that part of the foreshore and floor of the sea which such land adjoins, and the Minister shall consider the application and may grant or refuse the licence; and upon the grant of any such licence the rights of the State or of any person exercising any rights under the State in or over such land, shall cease and determine save to the extent that such rights may be expressly reserved in and by the terms of the licence.

8. Where under sections 6 or 7 power is conferred on the Minister to acquire compulsorily any land or any right or interest in or over land the power shall be exercisable for the acquisition of any particular land or any particular right or interest in land in accordance with the procedure for the compulsory acquisition of land under the Land Acquisition Act, or any Act replacing or substituted for the same, with such modifications as may be necessary or proper to adapt the same to the requirements of this Act.

Procedure for  
compulsory  
acquisition of  
land.

Ch. 53:02.

Power to make  
Regulations.

**9.** The Minister may make Regulations generally for the proper carrying out of the purposes and provisions of this Act and in particular but without prejudice to the generality of the foregoing may make Regulations –

- (a) with respect to the form and manner of application for licences to be granted under this Act, the fees to be paid in respect of such licences, and the grant or refusal of such licences;
- (b) providing for the registration of all persons licensed under section 5 for the manner and method of registration and the particulars to be registered;
- (c) for securing the observance of sanitary and cleanly conditions and practices at and in respect of parts of the foreshore and adjoining lands and parts of the sea to which members of the public habitually resort;
- (d) providing for the prevention of danger, obstruction or annoyance to members of the public using any part of the foreshore or adjoining land;
- (e) for the preservation of order and good conduct among members of the public using the foreshore or adjoining land;
- (f) for controlling the erection or placing on any beach or adjoining land to which the public habitually resort, bath-houses or huts, booths, tents, sheds, stands and stalls (whether fixed or movable); and
- (g) with respect to the form and manner of making appeals under section 5(4) and any fees to be paid in respect thereof.

Saving.

**10.** Nothing contained in this Act shall be deemed to affect –

- (a) any land used for agriculture;
- (b) any profit, interest or user enjoyed by any person where such profit, interest or user existed immediately before the commencement of this Act in or over any harbour, or in or over the foreshore or any adjoining land in Dominica;



- (c) any rights enjoyed by fishermen under the Protection of Fishermen Act in or over any foreshore or adjoining land which were granted before the commencement of this Act or which may be granted under that Act; Ch. 61:61.
- (d) the enjoyment by such fishermen of the use of any part of the foreshore adjoining any beach or land in or over which any rights have been enjoyed by them up to the commencement of this Act.

### BEACH PROTECTION

11. The Chief Technical Officer (Works) may, with the approval of the Minister, from time to time appoint authorised officers for and in respect of any parish in the State for the purpose of issuing permits under section 12. Appointment of authorised officers.

12. (1) Subject to the provisions of this section, and notwithstanding any law to the contrary, any person who – Removal of sand, etc., from beach or seashore. [18 of 1992].

(a) excavates or removes or aids or assists in excavating or removing for any purpose any sand, stone, shingle or gravel from any beach or seashore in the State declared by Order under subsection (4) to be a prohibited area; or

(b) excavates, removes, conveys or aids or assists in excavating, removing or conveying for building or construction purposes or for the purpose of providing ballast for vessels any sand, stone, shingle or gravel from any beach or seashore in the State, except under and in accordance with the terms and conditions of a written permit from the Chief Technical Officer (Works) or an authorised officer,

commits an offence.

(2) Every permit issued under subsection (1)(b) shall be in the form set out in the Schedule and is valid for a period not exceeding one month. Schedule.

(3) No permit shall be granted unless the Chief Technical Officer (Works) or an authorised officer is satisfied that the sand, stone, shingle or gravel is required for –

(a) building purposes;

- (b) construction purposes; or
- (c) providing ballast for ships.

(4) The Minister may by Order declare any beach or seashore in the State to be a prohibited area.

(5) Any person who contravenes –

(a) subsection (1)(a) is liable on conviction to a fine of one thousand five hundred dollars and twelve months imprisonment; or

(b) subsection (1)(b) is liable on conviction to a fine of one thousand dollars and eight months imprisonment.

Time when sand, etc., may be conveyed on public road. [18 of 1992].

13. (1) No sand, stone, shingle or gravel the digging or removal of which has been authorised for building or construction purposes or for the purpose of providing ballast for vessels by a permit as provided in section 12, 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.

(2) Any person who contravenes subsection (1) is liable on conviction to a fine of five hundred dollars and three months imprisonment.

Disposal of penalties.

14. All fines and penalties imposed under this Act may be recovered in a summary manner before a Magistrate on complaint of any person and one half thereof shall be paid to the person who has given information leading to the conviction of the offender and the other half shall be paid into the Treasury to the credit of the general revenue of the State.

(Section 12(2)).

SCHEDULE

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

Quantity

This permit shall hold good for a period of .....

\*Chief Technical Officer (Works).

\*Authorised Officer.

..... 19 .....

(\*Delete where inapplicable.)