



MONTSERRAT

CHAPTER 12.04

Revised Edition

showing the law as at 1 January 2013

This is a revised edition of the law, prepared by the Law Revision Commissioner under the authority of the Revised Edition of the Laws Act.

This edition contains a consolidation of the following laws—

BEACH PROTECTION ACT

Act 9 of 1970 .. in force 13 April 1970

Amended by Acts: 24 of 1980

9 of 2011 .. in force 27 September 2011 (S.R.O. 40/2011)

Page

3



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Page
3

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BEACH PROTECTION ACT

ARRANGEMENT OF SECTIONS

SECTION

1. Short title
 2. Interpretation
 3. Removal of sand, etc., from seashore prohibited
 4. Fouling of seashore prohibited
 5. Arrest of offenders
 6. Production of permit
 7. Revocation of permit
 8. Limitation of hours
 9. Regulations
- SCHEDULE: Permit

CHAPTER 12.04

BEACH PROTECTION ACT

(Acts 9 of 1970, 24 of 1980 and 9 of 2011)

AN ACT TO REGULATE THE REMOVAL OF SAND, STONES, SHINGLE OR GRAVEL FROM BEACHES AND SEASHORE IN MONTSERRAT, AND TO PROHIBIT THE FOULING THEREOF.

Commencement

[13 April 1970]

Short title

1. This Act may be cited as the Beach Protection Act.

Interpretation

2. In this Act—

“**motor vehicle**” means any mechanically propelled vehicle intended or adapted for use on roads.

Removal of sand, etc., from seashore prohibited

3. (1) Subject to the provisions of this Act, it shall not be lawful for any person to use or cause or permit to be used a motor vehicle for the removal of sand, stones, shingle or gravel from any part of any beach, seashore or foreshore, unless there is in force in relation to the motor vehicle a written permit issued by the Permanent Secretary to the Minister responsible for beach protection matters and works or by any person acting under his authority and subject to such terms and conditions as are therein stipulated.

(2) If a person acts in contravention of this section or of any condition attached to a permit issued under subsection (1), he shall be liable on summary conviction to a fine of \$2,000 or to imprisonment for a term of three months.

(3) Every permit shall be in the form in the Schedule to this Act, shall relate only to the beach or beaches therein specified and to the amounts of material therein specified, and shall hold good for the period therein mentioned.

(4) This section shall not apply to a motor vehicle owned by the Government of Montserrat whilst the vehicle is being used for the purpose of Government.

(Amended by Act 24 of 1980)

Fouling of seashore prohibited

4. If any person shall on any part of the seashore of Montserrat deposit any offal, garbage, litter, waste or any other matter or substance likely to be offensive, he shall be guilty of an offence, and shall be liable on summary conviction to a fine of \$2,000 or to imprisonment for a term of three months.

(Amended by Act 24 of 1980)

Arrest of offenders

5. It shall be lawful for any member of the Police Service with or without a warrant to arrest any person who may be found contravening the provisions of section 3 or 4 or of any condition attached to a permit issued under section 3(1) and, with all convenient speed, to take such person before the Magistrate to be dealt with according to the provisions of this Act.

(Amended by Acts 24 of 1980 and 9 of 2011)

Production of permit

6. The owner or driver of a motor vehicle which is being used to remove sand, stones, shingle or gravel for which a permit is necessary under the provisions of this Act shall, on being so required by a member of the Police Service, produce the permit for examination and if he fails to do so, shall be liable on summary conviction to a fine of \$200 or to a term of imprisonment of one month:

Provided that, if, within forty eight hours after the production of the permit was required, the owner or driver produces the permit in person at such police stations as may be specified at the time its production was required, he shall not be charged under this section.

(Amended by Acts 24 of 1980 and 9 of 2011)

Revocation of permit

7. The Permanent Secretary to the Minister responsible for beach protection matters may at any time revoke a permit issued under section 3(1) if he is satisfied either that the holder of such permit has acted in breach of any condition attached to such permit or that the revocation of such permit is necessary in order to preserve any beach from erosion or spoliation.

(Amended by Act 24 of 1980)

Limitation of hours

8. (1) Notwithstanding anything contained in any permit issued under this Act or any other provision of this Act, it shall be an offence for any person by any means whatsoever to remove any sand, stones, shingle or gravel from any part of any beach, seashore or foreshore between the hours of 6 p.m. and 6 a.m.

(2) If a person acts in contravention of this section he shall be liable on summary conviction to a fine of \$2,000 or to imprisonment for a term of three months.

Regulations

9. The Governor acting on the advice of Cabinet may make regulations relating to the issue and revocation of permits issued under this Act, to their duration and application, to the conditions to be attached to such permits and to other matters not inconsistent with the provisions of this Act, including the fees if any to be paid for the issue or renewal of any such permit.

(Amended by Acts 24 of 1980 and 9 of 2011)

SCHEDULE

(Section 3(3))

(Amended by Act 24 of 1980)

GOVERNMENT OF MONTSEERRAT

BEACH PROTECTION ACT PERMIT

Permission is hereby granted to
of to use Motor Vehicle No. owned
by of
to take and carry away from the beach/seashore/foreshore,
sand/stones/gravel on the terms and conditions stated hereunder until the day
of, 20..... .

.....
Permanent Secretary

Dated:
