

SEA-SHORE

[NOTICE OF 1989.]

[DATE OF COMMENCEMENT: 9 JUNE, 1989.]

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DURBAN CITY COUNCIL

DURBAN SEA-SHORE REGULATIONS

In terms of authority granted by the Administrator of Natal, notice of which was given by Notice 41 of 1989 published in *Government Gazette* 11666 dated 20 January 1989, the City Council of the City of Durban hereby makes it known that it has made the following Regulations in terms of section 10 (1) of the Sea-Shore Act, 1935 (Act No. 21 of 1935) in regard to any portion of the sea-shore and the sea situated within or adjoining the area of jurisdiction of the said City Council, which Regulations are of immediate force and effect—

1. (1) In these regulations unless inconsistent with the context—

“**advertisement**” means any visual representation of a sign, symbol, word, name, letter, figure or object, or of any abbreviation or combination of words or names, or any light is not intended solely for illumination or as a warning, which representation or light has as its object the furthering of any industry, trade, business, undertaking, activity or other interest of whatsoever nature;

“**authorised employee**” means an employee of the Council authorised by the Director either generally or specifically to exercise powers and perform functions for the purposes of these Regulations;

“**bathing**” excludes paddling;

“**bathing zone**” means an area reserved for bathing in terms of Regulation 3;

“**booth**” means any portion of the Council’s beach changerooms intended for the use of bathers for the purpose of dressing and undressing;

“**Council**” means the City Council of the City of Durban;

“**Director**” means the Director of Parks, Recreation and Beaches appointed by the Council or his Deputy and any person acting in either capacity;

“**fishing**” includes the laying or casting of nets and the setting of traps or other devices with the object of catching fish and “to fish” has a corresponding meaning;

“**licensee**” means the holder of a cafe or restaurant licence issued under the Licences and Business Hours Ordinance, 1973 (Natal);

“**Manager of Bathing Amenities**” means the officer of the Council representing the Director in the exercise of control under these regulations of sea-shore and the sea and any other area to which these regulations apply or acting in the capacity of such officer or his deputy or any employee of the Council authorised by the Director to act on behalf of such officer;

“**official lifeguard**” means a lifeguard in the employ of the Council and also includes any member of a voluntary lifesaving association or club whilst performing the duties and functions of a lifeguard on the Council’s beaches at the request and under the direction of the Manager of Bathing Amenities;

“**sail-board**” means a rudderless device which is fitted with a sail and is propelled on the surface of the sea by the action of the wind and is designed to carry one person and “to board-sail” shall mean to use such a device;

“**surf-craft**” means a device used for riding the surf which is designed for use by not more than two persons and which is propelled either by the movement of the surf or the actions of the surf-rider, without mechanical aid, or a combination of both, and includes a belly board, a body board and a paddleski but excludes a device—

- (a) of an inflatable character, or
- (b) wholly constructed of a soft, pliable material, which does not exceed two metres in length.

“**surf riding**” means the recreational activity involving the use of a surf-craft;

“**vessel**” means any boat or other thing which is capable of use as a means of transportation or movement on or under water other than a surf-craft or sail-board.

(2) Any word or expression which is defined in section 1 of the Sea-Shore Act, 1935 (Act No. 21 of 1935) shall, when used in these regulations, have the meaning assigned thereto by that section.

1A. Nondiscrimination.—(1) Subject to the provision of subsection (2) hereof, no provision of these By-laws shall be applied so as to discriminate between persons on the grounds of race, religion or gender nor shall it be so construed as to have the effect of authorising such discrimination.

(2) Notwithstanding the provisions of subsection (1) hereof, discrimination on the grounds of gender may expressly be authorised in terms of any provision of these By-laws which prescribes the wearing of appropriate apparel in a public place or imposes a restriction upon the entry of persons into public ablution, toilet and changeroom facilities or prescribes different standards for such facilities.

[R. 1A inserted by r. 28 of MN 43 of 1992.]

2. These regulations shall apply to the sea-shore and the sea situated within or adjoining the area of jurisdiction of the Council.

3. (1) Subject to the provisions of regulation 8 (a) the Council may by resolution from time to time reserve any area on or part of the seashore and the sea exclusively for a particular recreational activity.

(2) Whenever a reservation has been effected in terms of subregulation (1), such reservation and the limits of the area or part to which it relates shall be indicated by the display of notices or signs in terms of regulation 16.

(3) No person shall engage in any recreational activity in any area or part which has exclusively been reserved for another recreational activity.

(4) No person shall engage in any recreational activity other than an activity for which specific provision is made in or in terms of these regulations in contravention of any direction or prohibition conveyed by any notice or sign displayed in terms of regulation 16.

4. No person shall bathe in the sea or from the sea-shore except in a bathing zone.

5. No person shall bathe in a bathing zone—

- (a) unless permission to do so is conveyed by a notice or sign displayed in terms of regulation 16; or

- (b) in contravention of any direction or prohibition conveyed by any notice or sign displayed in terms of regulation 16.

6. Any person who is found engaging in any activity in or from any area or part in which such activity is not permitted or has been prohibited by or under of these regulations shall, upon being required to do so by any official lifeguard or an authorised employee, immediately cease such activity or leave such area or part and failure to do so shall in itself be an offence.

7. Except for the purpose of saving or attempting to save a life, no person other than an official lifeguard or an authorised employee shall surf-ride or enter or be in the sea with a surf-craft in his possession or under his control—

- (a) in or from any area unless permission to do so is conveyed by a notice or sign displayed in terms of regulation 16;
- (b) in contravention of any direction or prohibition conveyed by any notice or sign displayed in terms of regulation 16;
- (c) sea-ward of the line of the shark nets as marked by buoys or otherwise from time to time, or, where there are no shark nets or where such buoys are or other marking is for any reason not visible, more than 400m from the low-water mark.

8. No person shall board-sail or be in possession of a sail board or launch or beach the same—

- (a) in, on or from the sea-shore abutting the area between the southern boundary of Bell Street and the northern boundary of the City of Durban except that part thereof which lies between two parallel straight lines drawn at right-angles to the low water mark through the vertical center line of the stormwater outfall opposite the entrance to Argyle Road in the north and the ship anchorage beacon in the south, respectively, and such part is hereby reserved exclusively for board-sailing;
- (b) in any area other than an area reserved for board-sailing by or under these regulations except on the sea-ward side of the surf;
- (c) sea-ward of the line of the shark nets as marked by buoys or otherwise from time to time, or, where there are no shark nets or where such buoys are or other marking is for any reason not visible, more than 400m from the low-water mark.

9. (1) No person shall fish in or from any area at any time during which bathing, board-sailing or surf-riding is permitted in terms of these regulations or cast any line or net in or into any such area.

(2) No person shall fish from any pier, groyne or stormwater outfall or have in his possession or control on any pier, groyne or outfall any fishing tackle or equipment or any other thing designed or intended for use for the purpose of fishing, including bait, unless fishing from such pier, groyne or outfall or portion thereof is permitted as indicated by a notice or sign displayed in terms of regulation 16 and except between such hours as may be specified in such notice or sign and in accordance with such discretions or prohibitions as may be conveyed thereby.

(3) No person shall while fishing or while on the sea-shore or in the sea, use or permit the use of fishing equipment, including any rod, net, trap or other device in such manner as to cause danger or annoyance to any other person or in such a way as to cause an obstruction to or to interfere with the comfort of any other person.

(4) No person shall place fishing bait, fish or fishing equipment or tackle on or immediately adjacent to any seat provided for the use of the public and every person shall

clear away all bait and refuse before leaving the place where he had been for the purpose of fishing and he shall remove all such bait and refuse from the sea-shore or place it in a refuse receptacle provided by the Council.

10. (1) No person shall be on the sea-shore or in the sea or any other place to which these regulations apply, other than a booth, toilet or changeroom unless so dressed that, if a female, her nipples are concealed from view and, if a male or female, his or her private parts are concealed from view, in each case by an article of opaque clothing.

(2) No person shall on the sea-shore or in the sea or any other place to which these regulations apply, other than a booth, toilet or changeroom remove or partially remove or displace or wear any article of clothing or bathing apparel in such a manner or to such an extent that, if a female, either of or both of her nipples is or are exposed to view and, if a male or female, his or her private parts are exposed to view.

11. No person shall play any game or indulge in any pastime—

- (a) which is likely to cause nuisance, annoyance, injury or discomfort to bathers, spectators or any other persons in any area to which these regulations apply after he has been warned by the Manager of Bathing Amenities or by an official lifeguard or an authorised employee not to play such games or indulge in such pastime;
- (b) in contravention of any direction or prohibition conveyed by any notice or sign displayed in terms of regulation 16.

12. (1) No person shall cause or permit any dog, belonging to him or in his possession, charge or custody or under his control to enter or be or remain in or on the sea-shore or the sea or any other place to which these regulations apply unless permitted to do so by any notice or sign displayed in terms of regulation 16.

(2) No person shall cause or permit an animal (other than a dog) belonging to him or in his charge or custody or under his control to enter or remain upon the sea-shore or in the sea or in any other place to which these regulations apply except with the permission of the Manager of Bathing Amenities in writing and in accordance with such conditions as he may impose.

13. (1) No person other than an employee or agent of the Council on duty shall enter or be upon any pier or groyne except when permitted by notice or sign displayed at the pier or groyne concerned by the Director or an authorised employee and except in accordance with such directions or prohibitions as may be conveyed by such notice or sign.

(2) No person shall on or from any pier or groyne—

- (a) enter the water, whether by jumping, diving or otherwise;
- (b) have in his possession any surfcraft, kneelboard, body board or similar device or thing or any bicycle, other vehicle or any skateboard or rollerskates;
- (c) play any game or indulge in any pastime;
- (d) drop, discard or abandon any litter or refuse;
- (e) stand or sit on or climb upon any railing;

and no person shall enter upon a pier or groyne from the water.

14. No person shall ride, drive, introduce or be in control of any vehicle, whether self-propelled or otherwise, except a perambulator or invalid chair, on the sea-shore or in any area to which these regulations apply, except on a public road, save with the prior written consent of the Director and in accordance with such conditions as he may impose,

which consent may be withdrawn at any time; provided that this regulation shall not apply to a vehicle which his being used in any emergency, for law enforcement or for the preservation of life or property or to a vehicle which belongs to or is used by the Council, the Natal Provincial Administration, the Natal Parks, Game and Fish Preservation Board, the National Sea Rescue Institute of South Africa, the Surf Lifesaving Association of South Africa, or the Natal Shark Measures Board or any other person or body approved by the Council for the purpose, while it is in use by an employee of such body in the course of the execution of his duties.

15. (1) Notwithstanding anything to the contrary in these regulations contained, the Director may , on application to him, upon such terms and conditions as he deems fit, grant the exclusive use of a portion of the sea-shore and the sea and any other area to which these regulations apply to any organisation, body or person or class of persons and invitees thereof for the purpose of any event or contest.

(2) Any person who has been granted exclusive use in terms of subregulation (1) and any employee or agent of such person who knowingly breaches or cause or permits the breach of a term or condition imposed under that sub-regulation shall be guilty of an offence.

(3) To the extent specified by the Director when granting an application in terms of sub-regulation (1), the provisions of regulations 4, 5, 6, 7, 8 and 9 shall not apply to the portion of the sea-shore and the sea or other area of which exclusive use has been granted, for the duration of such use, in relation to persons on the sea-shore or in the sea for the purposes of such exclusive use.

16. (1) Signs for the purpose of conveying that an act, activity or thing is permitted or prohibited under any provision of these regulations shall be displayed in accordance with the provisions of this regulation.

(2) A sign referred to in subregulation (1) may take the form of a pictograph and where any sign conveys a prohibition, it shall be bisected by a red diagonal.

(3) When two or more signs or notices are displayed in conjunction with each other for the purposes of defining a portion of the sea-shore and the sea or any area wherein or wherefrom a particular act, activity or thing is either prohibited or permitted, or which has been reserved in terms of regulation 3, they shall be so displayed as to define the limits of such portion, whether by means of arrows or otherwise.

(4) Signs and notices may for any purpose related to these regulations be displayed either by the Manager of Bathing Amenities or by an official lifeguard or authorised employee or an employee of the council authorised by the Manager of Bathing Amenities.

(5) No person other than a person, referred to in subregulation (4) shall move any sign or notice displayed or erected for the purpose of these regulations and no person shall deface, obscure or wilfully or negligently damage or otherwise interfere with any such sign or notice.

17. (1) No person shall without the prior written permission of the Director camp on the seashore or in any other area to which these regulations apply or use any part thereof for the purpose of sleeping or habitation.

(2) For the purpose of this regulation, **“camp”** includes the use of a vessel, vehicle, caravan or temporary structure for habitation or sleeping purposes, whether or not is intended, designed or adapted for such purpose.

18. (1) No person who leads a vagrant life and who has no ascertainable and lawful means of livelihood or who leads an idle, dissolute or disorderly life shall enter upon or be on the sea-shore referred to, or enter or be in any other place to which these regulations apply.

(2) No person who habitually sleeps in a public street or public place shall enter or be in or on the sea-shore or any place to which these regulations apply for the purpose of sleeping or shall sleep therein.

(3) No person who habitually begs for money or goods shall enter or be in or on the sea-shore or any other place to which these regulations apply for the purpose of begging or shall so beg, and any such person who is found in any such area shall be deemed to have entered or to be therein for the purpose of begging until the contrary is proved.

(4) No person shall induce others to beg for money or goods on his behalf and no person shall enter or be in or on the sea-shore or any other place to which these regulations apply for the purposes of so doing.

19. A person commits an offence if, on the sea-shore or in the sea or in any other place to which these regulations apply, he—

- (a) wilfully or negligently damages or injures or unlawfully removes or displaces or in any way defaces or interferes with any property of the Council or under its control;
- (b) wilfully or negligently breaks, damages, defaces or interferes with any coin or token operated clothes locker or lock forming part thereof or opens or attempts to open such locker save by means of the insertion of the appropriate coin or token and the use of the key supplied for the purpose, or attempts to do any of the aforesaid things;
- (c) without the prior written consent of the Director, removes any material or thing the property of or under the control of the Council or excavates or tunnels in the sand or causes any substantial movement of sand, whether in the search for treasure trove or otherwise, or digs hazardous holes therein;
- (d) not being an official lifeguard or authorised employee except for the purpose of saving or attempting to save a life, touches, handles or in any way makes use of or damages any life-line, lifebuoy, or any other life-saving appliance or device, installed or maintained upon the sea-shore or in the sea or impairs or impedes the operation of any life-saving appliance or device while it is in use;
- (e) hangs on to, sits upon or causes to sink any safety ropes provided for the protection of bathers or surfriders, or in any way interferes with such safety ropes or any appliances provided for the assistance of distressed bathers or surfriders except for the purpose of assisting such bathers or surfriders;
- (f) mounts, climbs upon, sits upon, hangs onto or in any way interferes with any building or structure of the Council, or any shark preventive netting or appliance or any pole, upright, structure, frame, barrier, cable or winch which is ancillary to such shark preventive netting or appliance;
- (g) deposits or discharges anything liable to be a nuisance or a danger to health or safety or performs any act which is so liable;
- (h) introduces or erects any structure or thing other than a structure or thing which is of a portable and temporary nature and which—
 - (a) is ancillary to the use and enjoyment of the sea or sea-shore; and
 - (b) does not interfere with the use and enjoyment of the sea or the sea-shore by other persons, whether by enclosing portion of the sea-shore or otherwise, and
 - (c) is removed overnight;

- (i) displays any advertisement except with the prior written consent of the Director and in accordance with such conditions as may be imposed by him upon the grant of such consent;
- (j) distributes by himself or through others and whether by hand or otherwise any hand-bill, pamphlet or other printed or written matter or places any such matter on any vehicle or structure or affixes it thereto and in any legal proceedings relating to such act it shall be presumed until the contrary is proved that the matter was distributed, placed or fixed by or at the instance of the person sponsoring, promoting, organising or in control of the subject matter thereof or by or at the instance of the person who is reflected as being the author thereof, as the case may be;
- (k) abandons, drops, spills, deposits, throws or in any other way disposes of any refuse or rubbish or other discarded or waste material or thing whether liquid or solid, except in a receptacle designed for the disposal thereof which is provided by or on behalf of the Council;
- (l) holds, convenes or organises any entertainment, display, performance, procession, public meeting, recreation or event except with the prior written consent of the Director and in accordance with such conditions as may be imposed by him upon the grant of such consent;
- (m) addresses any gathering of persons or seeks by any means and for any purpose to attract or convene a gathering of persons except with the prior written consent of the Director and in accordance with such conditions as may be imposed by him upon the grant of such consent;
- (n) offers or exposes or causes to be offered or exposed for sale any article, material or service or canvasses or touts for business or carries on any trade, business, calling or other activity not expressly permitted by these regulations, except with the prior written consent of the Director and in accordance with such conditions as may be imposed by him upon the grant of such consent;
- (o) without the prior written consent of the Director takes photographs or make portraits or other life-like impressions for gain;
- (p) begs for money or asks for other favours whether by word, gesture, demeanour or otherwise;
- (q) gambles or plays any game for gain, whether monetary or otherwise, and whether with cards, dice, coin or instrument of chance or otherwise;
- (r) is under the influence of intoxicating liquor or a drug having a narcotic effect, or imbibes or ingests such liquor or drug in circumstances which, in the opinion of an official lifeguard or an authorised employee, render it likely that such person will become under the influence of such liquor or drug whilst he is still on the sea-shore, in the sea or in any other place to which these regulations apply;
- (s) uses roller skates or a board or any similar device to which rollers or wheels are attached and which is commonly known as a skate board or causes or permits the same to be used except within an area expressly set aside for the purpose by the Council;
- (t) drives, draws, propels or rides in or upon any vehicle other than a perambulator or invalid chair or a vehicle referred to in the proviso to section 14 while in use for the purpose by the persons referred to in that proviso, upon any footpath, sidewalk or other area designed for the use of pedestrians;

- (u) uses or drives or causes or permits to be used or driven any cart of the type known as the "soap box cart" or any other vehicle of a like nature without the prior consent of the Director granted in connection with any organised sports, games or races approved by him and in accordance with such conditions as may be imposed by him upon the grant of such consent;
- (v) launches from the sea-shore or sails or operates or permits the presence of any vessel in the sea on the land-ward side of the shark nets as marked by buoys or otherwise from time to time or where there are no shark nets or where such buoys are or other marking is for any reason not visible, less than 400m from the low-water mark or causes the same to be done except with the prior written permission of the Director and in accordance with such conditions as may be imposed by him upon the grant of such permission; provided that a motorised rubber inflatable vessel may be operated beyond the surf without such permission;
- (w) organises any regatta or other event which will result in any vessel being launched from the sea-shore or being in the sea on the land-ward side of the shark nets as marked by buoys or otherwise from time to time or where there are no shark nets or where such buoys are or other marking is for any reason not visible, less than 400 m from the low-water mark except with the prior written permission of the Director and in accordance with such conditions as may be imposed upon the grant of such permission.
- (x) while in a bathing zone or an area reserved exclusively for surf-riding or while in an area in which bathing or surf-riding is permitted in terms of these regulations, uses or has in his possession a speargun, crossbow, harpoon or similar device used or designed for use to catch fish or while on the sea-shore or in any other place to which these regulations apply except the sea, has in his possession or under his control such a device which is cocked, loaded or so prepared as to be capable of instant discharge or which does not have its point covered by a sheath or other protective device;
- (y) throws, kicks or displaces sand so as to be likely to cause a nuisance or injury to another person;
- (z) makes or lights a fire whether for cooking food or otherwise except within a device provided by the Council or approved by the Director for the purpose and in accordance with conditions imposed by the Director when granting his approval;
- (aa) discharges a firework or rocket other than an emergency rocket except with the prior written consent of the Director and in accordance with such conditions as may be imposed by him upon the grant of such consent;
- (bb) without lawful cause discharges or uses a firearm, air or spring gun, gas pistol, catapult or bow and arrow or other dangerous weapon;
- (cc) whilst suffering from any cutaneous disease which is infectious or contagious enters or is on the sea-shore or any area of beach sand or in the sea;
- (dd) wilfully or negligently does any act or uses any device or thing which causes discomfort to or obstructs any other person or causes or is likely to cause a nuisance or a danger to health or safety;
- (ee) expectorates or relieves himself by performing a natural bodily function, except in a place provided by the Council for the purpose;

- (ff) fights, argues, uses any offensive or indecent language or performs any act so as to or to be likely to disturb or cause a breach of the peace or to interfere with the quiet enjoyment by any other person of the sea and sea-shore;
- (gg) wilfully and without lawful cause stops, molests, hinders, importunes, obstructs, jostles or in any other way interferes with any other person or his property;
- (hh) so uses, places, or leaves a surf-craft or sail-boat or so carries it as to injure, obstruct or inconvenience any other person, or so as to be likely to do so;
- (ii) shouts, sings, dances or makes any noise by any means whatsoever or operates, plays, uses or activates any musical instrument, radio, gramophone, television set, loudspeaker, sound amplifier or any other device which produces, reproduces or amplifies sound, so as to, or in a manner or to a degree which is calculated to disturb the peace or to interfere with the quiet enjoyment by other persons of the sea and sea-shore or so as to cause a nuisance to any person;
- (jj) after using or after quitting any booth, loiters or remains without lawful cause or reasonable excuse in any passage leading to or from any booth;
- (kk) enters or attempts to enter any booth which is designed for use by one person and which is already occupied by another person without the consent of such person or otherwise wilfully intrudes upon the privacy of any other person using or occupying such a booth;
- (ll) being a male person above the age of seven years enters any booth or other facility during such time as it is appropriated solely for the use of members of the female sex unless, being under the age nine years, he is accompanied by an adult of that sex;
- (mm) being a female person above the age of seven years enters any booth or other facility during such time as it is appropriated solely for the use of members of the male sex unless, being under the age of nine years, she is accompanied by an adult of that sex;
- (nn) loiters in or in the vicinity of a booth or other facility exclusively reserved for the use of members of the other sex;
- (oo) occupies or uses any booth or other facility at any one time for a period exceeding twenty minutes;
- (pp) smokes or carries a lighted cigar, cigarette or pipe in any booth or in disregard of any notice prohibiting smoking;
- (qq) leaves unattended any object or material on a bench or other seating accommodation provided by the Council for the use of the public;
- (rr) calls for help when help is not needed or raises a false alarm or causes the same to be raised;
- (ss) lands or takes off with an aircraft without the prior written consent of the Director and in accordance with such conditions as may be imposed by him upon the grant of such consent.

20. (1) No person shall sell or supply refreshments to members of the public upon the sea-shore or any area of beach sand except under the authority of a valid written permit granted by the Council and in accordance with the provision of these regulations and such conditions as may be imposed by the Council upon the grant of the permit. The Council's discretion to grant or refuse a permit shall be absolute.

(2) No person, other than a licensee who holds a valid business licence issued in terms of the Licences and Business Hours Ordinance 1973 (Natal) and whose premises are situated on the seaward side of the upper Marine Parade and Snell Parade, shall be authorised in terms of sub-regulation (1) hereof to sell or supply refreshments on that portion of the sea-shore lying between Camperdown Road and the South bank of the Umgeni River.

21. (1) Application for a permit to sell or supply refreshments on the sea-shore shall be made to the Director on the form prescribed in Schedule 1 of these regulations.

(2) The Director shall, where the application for a permit is granted by the Council and upon payment of the fee prescribed in subregulation (3) hereof issue to the applicant a permit in the form prescribed in Schedule 2 of these regulations.

(3) An annual fee determined by the Council shall be paid by the licensee for each waiter specified in terms of regulation 22 (1) upon the grant of a permit in terms of these regulations and thereafter on or before the 7 January of each succeeding year during the currency of the permit and any renewal thereof.

(4) A permit issued in terms of this regulation shall remain in force for a period of one year from the 1 January immediately preceding the date of issue, or such lesser period as be may specified in the permit, unless in terms of these regulations or by operation of law, it lapses or is cancelled or terminated and the Director may on application made to him prior to the expiry of a permit grant a renewal of the permit for a period not exceeding one year at a time.

(5) Application for renewal of a permit shall be made not earlier than one month before the expiration of the current permit.

(6) No person who is the holder of a permit issued in terms of this regulation shall employ more than the number of waiters specified in such permit for the purpose of selling or supplying refreshments to the public upon the sea-shore or any area of beach sand.

22. (1) The Director shall, where the Council has granted a permit to a licensee in terms of these regulations, specify the maximum number of waiters that the licensee shall, during the currency of the permit, be permitted to employ for the purposes of supplying refreshments on the seashore.

(2) Where the number of waiters specified in terms of sub-regulation (1) exceeds four in number the licensee shall employ all waiters employed by him in excess of four for the sole purpose of taking orders from members of the public for the supply of refreshments. No waiter employed for such purpose shall remove refreshments from the licensed premises or carry refreshments on the sea-shore except in fulfilment of an order previously given.

23. (1) Every licensee who employs waiters for the purposes of selling or supplying refreshments on the sea-shore in terms of a permit issued under regulation 21 shall supply to every such waiter a badge or other distinguishing mark approved by the Director and shall ensure that such badge or mark is worn by the waiter while on duty so as to be visible to other persons at all times.

(2) Every waiter employed by a licensee to whom a permit has been issued under regulation 21 shall at all times while engaged in supplying refreshments on the sea-shore wear the badge or mark referred to in subregulation (1) in a position plainly visible to the public.

(3) No licensee shall sell or supply refreshments to the public on the sea-shore through the agency of any person to whom he has not previously supplied an approved badge or distinguishing mark in terms of this regulation.

24. (1) No waiter employed by a licensee to whom a permit has been issued under regulation 21 shall use any receptacle for the purpose of conveying refreshments on the sea-shore unless such receptacle is of a type which has been approved by the City Medical Officer of Health of the Council or his Deputy.

(2) Any receptacle used for the purpose of supplying refreshments on the sea-shore shall—

- (a) be so constructed as to facilitate cleansing and to protect and safeguard adequately all foodstuffs confined therein from the sun and from contamination from dust, sand, dirt, flies and other obnoxious or harmful matter or thing; and
- (b) be kept in a clean and sanitary condition at all times.

(3) No waiter employed by a licensee to whom a permit has been issued under regulation 21 shall use any bottle or other glass or metal container for the purposes of conveying refreshments on or to the sea-shore.

25. The Director may by written notice to a licensee suspend a waiter in his employ who has been guilty of a breach of any of the provisions of regulation 22, 23 and 24 for such period as he deems fit and during that period the licensee shall not employ the waiter for the purpose of actually supplying refreshments on the sea-shore.

26. A permit granted in terms of regulation 21 may at any time be suspended or revoked by the Director in the event of a breach of these regulations by the licensee or a waiter in his employ and shall automatically lapse on the third conviction of the licensee for a breach of any of the provisions of regulations 20 to 23.

27. Any person, not being an official lifeguard or authorised employee, who—

- (a) by words, conduct or demeanour falsely pretends that he is an official lifeguard or such employee;
- (b) wears a uniform or part thereof or an insignia intended to be worn or used by an official lifeguard or authorised employee;
- (c) agrees with or induces or attempts to induce any official lifeguard or authorised employee to omit to carry out his duties or to do any act in conflict with his duty; or
- (d) in any way resists, obstructs, delays or interferes with an official lifeguard or authorised employee in the exercise of his powers or performance of his duties or attempts to do so;

shall be guilty of an offence.

28. (1) Notwithstanding any provision to the contrary contained in these Regulations, the Director may, at the request of any Government department reserve—

- (a) the beach within or abutting the area of jurisdiction of the Council; or
- (b) any portion of such beach

for the exclusive use of any such Government department and shall notify all interested parties in any manner or by any means he may deem most expedient accordingly.

(2) No person other than the Government department concerned, shall make use of or enter upon the beach or any portion thereof reserved in terms of subsection (1) for the exclusive use of any such Government department.

29. Any person who—

- (a) contravenes any provision of these regulations; or

- (b) contravenes any conditions imposed upon the granting of any application, consent, approval, concession, relaxation, permit or authority in terms of these regulations;
- (c) fails to comply with the terms of any notice served on him or with any notice or sign displayed in terms of these regulations, or
- (d) fails to obey any instruction or direction given to him in terms of these regulations;

shall be guilty of an offence and liable, upon conviction, to a fine not exceeding R500 or in default of payment of any fine imposed to imprisonment for any period not exceeding one year or to both such fine and such imprisonment.

30. All fees and fines payable or imposed and recovered under these regulations shall accrue to the Council.

SCHEDULE 1

**APPLICATION FOR PERMIT/RENEWAL OR PERMIT TO SELL OR SUPPLY
REFRESHMENTS ON THE SEA-SHORE**

Style of Firm Name of Applicant
.....

Address of Licensed Premises
.....

Nature of Licences Held
.....

Restriction on Licences (if any)
.....

Number of Waiters in respect of which authority is sought
.....

Portion of Sea-Shore to be Served
.....

Period for which permit is required
.....

.....
Signature of Applicant

For office use only

Amount enclosed

Receipt No

No. of waiters

SCHEDULE 2

**PERMIT ISSUED IN TERMS OF REGULATION 21 OF THE DURBAN SEA-SHORE
REGULATIONS**

Authority is hereby granted to
of
to employ waiters for the purpose of selling refreshments and
..... waiters for the purpose of taking and supplying orders for refreshments on that
portion of the sea-shore lying between and
..... subject to the provisions of regulation 26 of the Durban
Sea-Shore Regulations and to the payment by the permit holder of the annual prescribed fee. The

permission hereby granted is for the period ending

.....

Director, Parks, Recreation and Beaches
