

NO. 190 OF 1993: SEASHORE AMENDMENT ACT, 1993.

STATE PRESIDENT'S OFFICE

No. 3.

5 January 1994

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It is hereby notified that the State President has assented to the following

Act which is hereby published for general information:

GENERAL EXPLANATORY NOTE:

Words in bold type indicate omissions from existing enactments.

Words in italics indicate insertions in existing enactments.

ACT

To amend the Sea-shore Act, 1935, so as to substitute a definition; and to make provision for offences and penalties and other remedies against offenders; and to make provision for matters connected therewith.

(Afrikaans text signed by the State President.)

(Assented to 22 December 1993.)

BE IT ENACTED by the State President and the Parliament of the Republic of South Africa, as follows:-

Amendment of section 1 of Act 21 of 1935, as amended by section 1 of Act 60 of 1959, section I of Act 2 of 1963, section 1 of Act 38 of 1972, section 1 of Act 21 of 1984 and section 36 of Act 9 of 1989

1. Section 1 of the Sea-shore Act, 1935 (hereinafter referred to as the principal Act), is hereby amended by the substitution for the definition of "local authority" of the following definition:

" 'local authority' means any city council, municipal council, borough or town or village council, town board, local board, village management board, divisional council, local administration and health board or health committee constituted in terms of any law, or a regional services council established under section 3 of the Regional Services Councils Act, 1985 (Act No. 109 of 1985), and includes the South African Development Trust referred to in section 4 of the Development Trust and Land Act, 1936 (Act No. 18 of 1936), the Development and Service Board constituted under the Development and Services Board Ordinance, 1941 (Ordinance No. 20 of 1941), of Natal, the Natal Parks, Game and Fish Preservation Board constituted under the Nature Conservation Ordinance, 1974 (Ordinance No. 15 of 1974), of Natal, and the Department of Nature and Environmental Conservation constituted by the Nature and Environmental Conservation Ordinance, 1974 (Ordinance No. 19 of 1974), of the Cape of Good Hope;".

Insertion of section 12A in Act 21 of 1935

2. The following section is hereby inserted in the principal Act after section 12:

"Offences and penalties

12A. (1) Any person who

- (a) uses any portion of the seashore or sea of which the State President is by section 2 declared to be the owner, for any of the purposes mentioned in section 3(1), without that portion having been leased to him for that purpose;
- (b) removes any material contemplated in section 3(2) from the sea-shore or sea of which the State President is by section 2 declared to be the owner, without a permit granted under section 3(2); or (c) contravenes or fails to comply with a condition imposed by or under section 3(1) or (2), shall be guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding two years.

(2) If a person who erected a structure in contravention of subsection (1) is convicted in respect thereof under that subsection, the court may order that person to remove that structure at his own cost and within such time as the court may determine.

(3) In the event of a conviction mentioned in subsection (1) the court may, in addition to imposing a sentence in respect of the offence and making an order under subsection (2), order the person convicted to repair any damage caused to the seashore by the act constituting the offence, to the satisfaction of the Minister or the Administrator concerned.

Short title

3. This Act shall be called the Seashore Amendment Act, 1993. \$