



# GOVERNMENT GAZETTE

## OF THE

# REPUBLIC OF NAMIBIA

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WINDHOEK - 25 October 2002

No.2839

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## General Notice

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### MUNICIPALITY OF HENTIESBAAI

No. 302

2002

#### SEASHORE REGULATIONS

The Council of the Municipality of Hentiesbaai has under section 94(1) of the Local Authorities Act, 1992 (Act No. 23 of 1992), made the regulations set out in the Schedule.

#### BY ORDER OF THE COUNCIL

**J. DAMES**  
CHAIRPERSON OF THE COUNCIL

Hentiesbaai, 16 April 2002

#### SCHEDULE

#### Definitions

1. In these regulations, unless the context otherwise indicates, a word or expression to which a meaning has been assigned in the Local Authorities Act, 1992 (Act No. 23 of 1992), bears that meaning, and -

“advertisement” means a visual representation whether by means of a sign, symbol, word, name, letter, figure or object, or of an abbreviation or combination of words or names, or of a light which is not intended solely for illumination or as a warning, and

which representation or light has as its object the furthering of an industry, trade, business, undertaking, activity or other interest;

“authorised employee” means an employee of the council authorised by the chief executive officer of the council either generally or specifically to exercise powers and perform functions for the purpose of these regulations;

“bathing” excludes paddling;

“bathing zone” means an area reserved for bathing in terms of regulation 4;

“beach area” means that area in, on or from the seashore from the western beacon boundary of erf 1831 in a parallel straight line drawn at a right-angle to the low-water mark, thence generally northwards from and parallel to the low-water line to a point opposite Portion 70 of the Hentiesbaai Town and Townlands No. 133, thence in a parallel straight line drawn to the western beacon of the aforementioned portion Townlands, thence generally southwards, adjacent to the common boundaries of the sea-view properties along the dune embankments to the point of beginning;

“booth” means a portion of the council’s beach changing-rooms intended for the use of bathers for the purpose of dressing and undressing;

“council” means the local authority council of Hentiesbaai;

“director” means the director of Community Services appointed by the council or his or her deputy or a 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;

“law enforcement officer” means an officer of the council representing the director in the exercise of control under these regulations or his or her deputy or an employee of the council authorised by the director to act on behalf of such officer;

“licensee” means the holder of a valid trade license granted in terms of regulation 20 of these regulations;

“official lifeguard” means a lifeguard in the employ of the council and includes a member of a voluntary lifesaving association or club performing lifeguard duties at the request and under the direction of the director;

“sailboard” means a rudderless device fitted with a sail and propelled on the surface of the sea by the action of the wind and is designed to carry one person, and to “boardsail” means to use such a device;

“sea” means the water and the bed of the sea, including -

- (a) the seashore; and
- (b) the water and the bed of a tidal lagoon or tidal pool;

“seashore” means the water and the land between the low water and high-water marks;

“surf-craft” means a device used for riding the surf and designed for use by not more than two persons at a time and which is propelled either by the movement of the surf or the actions of the surf-rider and includes a belly-board, a body board and a paddle-ski, but excludes a device -

- (a) propelled by mechanical aid; or
- (b) of an inflatable character; or
- (c) wholly constructed of soft, pliable material, which does not exceed two meters in length;

“surf-riding” means the recreational activity of riding the surf by means of a surf-craft;

“vessel” means a boat or craft, other than a surf-craft, which is capable of being used as a means of transportation or movement on or under water.

### **Application of regulations**

2. These regulations apply to the seashore and the sea situated within the local authority area of the council.

### **Reservation of an area of the seashore and the sea by council**

3. (1) The council may by resolution from time to time reserve an area of the seashore and the sea exclusively for a particular recreational activity and for a reasonable period of time.

(2) Whenever a reservation has been effected under sub-regulation (1), such reservation and the limits of that area reserved, must be indicated through the display of notices or signs in terms of regulation 15.

(3) No person may in an area or part of an area reserved under sub-regulation (1), engage in recreational activity -

- (a) other than for which specific provision is made in terms of these regulations ; or
- (b) in contravention of a direction or prohibition conveyed by a notice or sign displayed in terms of regulation 15.

### **Demarcated bathing zones**

4. No person may bathe in the sea or from the seashore except in a zone demarcated for bathing purposes.

### **Bathing in a bathing zone**

5. No person may bathe in a bathing zone -

- (a) unless permission to do so is conveyed by a notice or sign displayed in terms of regulation 15; or
- (b) in contravention of a direction or prohibition conveyed by a notice or sign displayed in terms of regulation 15.

### **Failure by a person to cease activity prohibited in or from an area or part of that area commits an offence**

6. A person who is found engaging in activity prohibited in or from an area or part of that area, and who does not cease that activity or leave the area upon request by an official lifeguard, commits an offence.

### **Having possession or being in control of a surf-craft**

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

- (a) unless permission to do so is conveyed by a notice or a sign displayed in terms of regulation 15; or
- (b) in contravention of a direction or prohibition conveyed by a notice or a sign displayed in terms of regulation 15.

**Provisions regarding fishing, fishing equipment and bait**

8. (1) No person may fish or cast a line or a net in or from an area reserved during certain hours for bathing, board-sailing or surf riding.

(2) No person may fish from a pier, groyne or storm water outfall or have in his or her possession or control on a pier, groyne or storm water outfall any fishing tackle or equipment or other thing designed or intended for the purpose of fishing, including bait, unless permitted by and in accordance with a notice or a sign displayed in terms of regulation 15.

(3) No person may while fishing or while on the seashore or in the sea, use or permit a person under his or her control to use fishing equipment, including a rod, net, trap or other device in such a manner as to cause danger, annoyance or obstruction to a person or to cause an interference with the comfort of a person.

(4) No person may place fishing bait, fish or fishing equipment or tackle on or immediately adjacent to a seat provided for public use.

(5) Each person must clear away all his or her bait and refuse before leaving the place where he or she had been for the purpose of fishing and he or she must remove such bait and refuse from the seashore or place it in a refuse receptacle provided by the council.

**No person may allow himself or herself to be indecently exposed**

9. (1) No person may on the seashore or in the sea or other place to which these regulations apply, other than in a booth, toilet or changing room, indecently expose himself or herself, either wholly or in part, or cause himself or herself to be indecently exposed.

(2) Every person must at all times when on the seashore or in the sea or other place to which these regulations apply, cover his or her private parts with an appropriate article of opaque clothing.

**Playing games, which may cause a nuisance, or be in contravention of a notice or sign**

10. No person may play a game or indulge in a pastime -

(a) which is reasonably likely to cause nuisance, annoyance, injury or discomfort to bathers, spectators or other persons in an area to which these regulations apply after he or she has been warned by a law enforcement officer or by an official lifeguard or an authorised employee not to play such games or indulge in such pastime; or

(b) in contravention of a direction or a prohibition conveyed by a notice or a sign displayed in terms of regulation 15.

**Animals on the seashore or in the sea**

11. No person may cause or permit a dog or an animal belonging to him or her or in his or her possession, charge or custody or under his or her control to enter or be or remain on the seashore or in the sea or any other place to which these regulations apply unless -

(a) permitted to do so by a notice or a sign displayed in terms of regulation 15, or

(b) with the written permission of a law enforcement officer and in accordance with such conditions as he or she may impose.

**Entering upon piers or groynes**

12. (1) A person other than an employee or an agent of the council on duty, may only enter or be upon a pier or groyne -

- (a) when permitted in writing by the director to do so; and
  - (b) when permitted to do so by way of a notice or a sign displayed at such pier or groyne concerned in terms of regulation 15.
- (2) No person may on or from any pier or groyne -
- (a) enter the water, whether by jumping, diving or otherwise;
  - (b) have in his or her possession a surf-craft, kneel-board, body board, bicycle, other vehicle, skateboard or roller-skates or similar device or thing;
  - (c) play a physical game;
  - (d) drop, abandon or improperly discard any litter or refuse; or
  - (e) stand, sit or climb upon any railing.
- (3) No person may enter upon a pier or a groyne from the water.

**Restrictions of vehicles on the seashore**

13. (1) No person may ride, drive, introduce or be in control of a vehicle, whether self-propelled or otherwise, on the seashore or in an area to which these regulations apply except -

- (a) a perambulator or an invalid chair; or
- (b) on a public road; or
- (c) with the prior written consent of the director and in accordance with such conditions as he or she may impose, which consent may be withdrawn at any time.

(2) Sub-regulation (1) does not apply to a vehicle which is being used for law enforcement or for the preservation of life or property or to a vehicle which belongs to or is used by the council, fisheries officials, the National Sea Rescue Institute, the Surf Lifesaving Association or any other person or body approved by the council, while it is in use by an employee of that body in the course and scope of the execution of his or her duties.

**Director may grant exclusive use of a portion of the seashore and the sea for the purpose of an event or contest**

14. (1) Notwithstanding anything to the contrary contained in these regulations, the director may, on application to him or her and upon such terms and conditions and for such reasonable period of time as he or she considers appropriate, grant the exclusive use of a portion of the seashore and the sea or any other area to which these regulations apply, to an organisation, body or person or class of persons and invitees thereof, for the purpose of an event or contest.

(2) A person who has been granted exclusive use under sub-regulation (1) and an employee or agent of that person who knowingly breaches or causes or permits the breach of a term or condition imposed under that sub-regulation is guilty of an offence.

(3) To the extent specified by the director when granting an application under sub-regulation (1), the provisions of regulations 4,5,6,7, and 8, do not apply to that portion of the seashore and the sea or other area to which exclusive use has been granted, for the duration of that use.

**The displaying of signs and notices**

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

(2) A sign referred to in sub-regulation (1) may take the form of a pictograph and where such a pictograph conveys a prohibition, a red diagonal must bisect it.

(3) When two or more signs or notices or both are displayed in conjunction with each other for the purpose of defining a portion of the seashore and the sea or an 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, the signs or notices or both must be so displayed as to define the limits of that portion, whether by means of arrows or otherwise.

(4) Signs or notices must for a purpose related to these regulations be displayed either by a law enforcement officer, official lifeguard or authorised employee or an employee of the council authorised by a law enforcement officer.

(5) No person other than a person referred to in sub-regulation (4) may move or remove a sign or a notice displayed or erected for the purpose of these regulations and no person may deface, obscure or willfully or negligently damage or otherwise interfere with such sign or such notice.

**Camping on the seashore**

16. (1) No person may 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 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 it is intended, designed or adapted for such purposes.

**No person may loiter, beg or be a nuisance on the seashore**

17. No person may, when in or on the seashore or any place to which these regulations apply -

- (a) loiter; or
- (b) use the seashore solely as a place for sleep; or
- (c) beg or induce others to beg for money or goods on his or her behalf; or
- (d) be in any unreasonable way a nuisance to other persons.

**Offences**

18. A person commits an offence if, on the seashore or in the sea or in any other place to which these regulations apply, he or she -

- (a) willfully or negligently damages or unlawfully removes or displaces or in any way defaces or interferes with the property of the council or any property under its control; or
- (b) willfully or negligently breaks, damages, defaces or interferes with a coin, token or key operated clothes locker or lock forming part thereof or opens or attempts to open such locker except by the insertion of the appropriate coin or token or key supplied for that purpose; or

- (c) without the prior written consent of the director, unreasonably excavates or tunnels in the sand or causes a substantial movement of sand, whether in the search for treasure trove or otherwise, or digs hazardous holes therein; or
- (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 a lifeline, lifebuoy, or other life-saving appliance or device, installed or maintained upon the seashore or in the sea or impedes the operation of any life-saving appliance or device while it is in use; or
- (e) hangs onto, sits upon or causes to sing, any safety ropes provided for the protection of bathers or surf-riders, or in any way interferes with such safety ropes or appliances provided for the assistance of distressed bathers or surf-riders except for the purpose of assisting such bathers or surf-riders; or
- (f) mounts, climbs upon, sits upon, hangs onto or in any way interferes with a building or structure of the council or any shark preventive netting or appliances, or pole, upright, structure, frame, barrier, cable or winch which is ancillary to the preventive netting or appliance; or
- (g) deposits or discharges anything or performs an act which is liable to be a nuisance or a danger to the health or safety of a person; or
- (h) introduces or erects a structure or thing, other than a structure or thing which is of a portable and temporary nature and which -
  - (i) is ancillary to the use and enjoyment of the sea or seashore; and
  - (ii) does not unreasonably interfere with the use and enjoyment of the sea or the seashore by other persons, whether by enclosing a portion of the seashore or otherwise; and
  - (iii) is removed overnight; or
- (i) displays an advertisement, except with the prior written consent of the director and in accordance with such conditions as may be imposed by him or her upon the granting of such consent; or
- (j) distributes by himself or herself or through others and whether by hand or otherwise, a hand-bill, pamphlet or other printed or written matter or places such matter on a vehicle or structure or affixes it thereto. In any legal proceedings relating to such act, it shall be presumed, until the contrary is proven that the matter was distributed, placed or affixed 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; or
- (k) abandons, drops, spills, deposits, throws or in any way disposes of 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; or
- (l) holds, convenes or organises any entertainment, display, performance, procession or 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 or her upon the granting of that consent; or
- (m) addresses a 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 or her upon the granting of that consent; or

- (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 a 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 or her upon the granting of that consent; or
- (o) without the prior written consent of the director takes photographs or makes portraits or other life-like impressions for gain; or
- (p) gambles or plays a game for gain, whether monetary or otherwise, and whether with cards, dice, coin or instrument of chance or otherwise; or
- (q) 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 the person will become under the influence of the liquor or drug whilst he or she is still on the seashore, in the sea or in any other place to which these regulations apply; or
- (r) uses roller skates or a board or a similar device to which rollers or wheels are attached and which is commonly known as a skate board except within an area expressly set aside for that purpose by the council; or
- (s) drives, pushes, draws, propels or rides in or upon a vehicle, other than a perambulator or an invalid chair or a vehicle referred to in regulation 13 (2), upon a footpath, sidewalk or other area designed for the use of pedestrians; or
- (t) uses or drives or causes or permits to be used or driven, any homemade cart or 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 or her and in accordance with such conditions as may be imposed by him or her upon the granting of that consent; or
- (u) except with the prior written consent of the director and in accordance with such conditions as may be imposed by him or her upon the granting of that consent, launches from the seashore or sails or operates a vessel in the sea on the land-ward side of the shark nets as marked by the buoys or otherwise, or where the buoys or other markings are for any reason not visible, less than 400m from the low-water mark, but a motorised rubber inflatable vessel may be operated beyond the surf without the necessary consent of the director; or
- (v) organises a regatta or other event which will result in a vessel being launched from the seashore 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 the buoys or other markings are for any reason not visible, less than 400m from the low-water mark except with the prior written consent of the director and in accordance with such conditions as may be imposed upon the granting of that consent; or
- (w) 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 or her possession a spear-gun, crossbow, harpoon or similar device used or designed to catch fish or while on the seashore or in any other place to which these regulations apply except the sea, has in his or her possession or under his or her 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; or

- (x) throws, kicks or displaces sand so as likely to cause a nuisance or injury to another person; or
- (y) 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 that purpose and in accordance with such conditions imposed by the director when granting his or her approval; or
- (z) 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 or her upon the granting of that consent; or
- (aa) without lawful cause, discharges or uses a firearm, air or spring gun, gas pistol, catapult or bow and arrow or other dangerous weapon; or
- (bb) willfully or negligently does any act or uses a device or thing which causes discomfort to or obstructs a person or causes or is likely to cause a nuisance or danger to the health or safety of a person; or
- (cc) expectorates or relieves himself or herself by performing a natural bodily function, except in a place provided by the council for that purpose; or
- (dd) fights, argues, uses offensive or indecent language or performs an act so as to likely disturb or cause a breach of the peace or to interfere with the quiet enjoyment of the sea and the seashore, by a person; or
- (ee) willfully and without lawful cause stops, molests, hinders, obstructs, jostles or in another way unreasonably interferes with a person or his or her property; or
- (ff) carries, uses, places or leaves a surf-craft or sail-board in a manner so as to injure, obstruct or inconvenience a person, or so as to likely injure, obstruct or inconvenience a person; or
- (gg) shouts, sings, dances or makes a noise by whatever means or operates, plays, uses or activates a musical instrument, radio, television set, loudspeaker, sound amplifier or other device which produces, reproduces or amplifies sound, in an unreasonable manner or to a degree which is reasonably calculated to disturb the peace or to interfere with the quiet enjoyment of the sea and seashore by other persons or so as to reasonably cause a nuisance to a person; or
- (hh) willfully intrudes or attempts to intrude upon the privacy of a person using or occupying a booth, without the consent of that person; or
- (ii) being a person above the age of seven years, enters a booth or other facility during such time as it is reserved solely for the use of members of the opposite sex, unless being under the age of nine years, he or she is accompanied by an adult of the sex for which that booth or other facility is reserved; or
- (jj) loiters or remains without lawful cause or reasonable excuse in or in the vicinity of a booth or other similar facility; or
- (kk) occupies or uses a booth or other facility for a purpose other than for which it is intended; or
- (ll) smokes or carries a lighted cigar, cigarette or pipe into a booth or in disregard of a notice prohibiting smoking; or

- (mm) reserves or intends to reserve a bench or other seating accommodation provided by the council for public use, by leaving unattended any object or material on that bench or other seating accommodation; or
- (nn) calls for help when help is not needed or raises a false alarm or causes the same to be raised; or
- (oo) lands or takes off with an aircraft without the prior written consent of the director, or in breach of such conditions as may be imposed by him or her upon the granting of that consent.

#### **Council may grant a permit for the sale of refreshments on the seashore**

19. No person may sell or supply refreshments to members of the public upon the seashore or beach area except -

- (a) under the authority of a valid written permit granted by the council; and
- (b) in accordance with these regulations and such conditions as may be imposed by the council upon the granting of the permit.

#### **Application for a permit, council's discretion etc.**

20. (1) Application for a permit to sell or supply refreshments on the seashore must be made to the director on the form prescribed in Annexure A of these regulations.

(2) The council's discretion to grant or refuse a permit is absolute.

(3) The director must, where the application for a permit is granted by the council and upon payment of the fee prescribed in sub-regulation (4) hereof, issue to the applicant a permit in the form prescribed in Annexure B of these regulations.

(4) An annual fee determined by the council must be paid by the licensee for each waiter or waitress specified in terms of regulation 21(1) upon the granting of a permit in terms of these regulations and thereafter on or before the 7th January of each succeeding year during the currency of that permit and any renewal thereof.

(5) A permit in terms of this regulation remains in force for a period of one year from the date of issue, or such lesser period as may be specified in the permit, unless, in terms of these regulations or by operation of law, it lapses or is cancelled or suspended 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.

(6) Application for renewal of a permit must be made within 1 month of the date upon which the permit expires.

(7) No person who is the holder of a permit issued in terms of this regulation may employ more than the number of waiters or waitresses or both waiters and waitresses specified in such permit for the purpose of selling or supplying refreshments to the public upon the seashore or beach area.

#### **Matters relating to the hiring of waiters and waitresses**

21. (1) The director must, where the council has granted a permit to a licensee in terms of these regulations, specify the maximum number of waiters or waitresses or both waiters and waitresses which the licensee may, during the currency of the permit, be permitted to employ for the purpose of supplying refreshments on the seashore.

(2) Where the number of waiters or waitresses or both specified in terms of sub-regulation (1) exceeds four in number, the licensee must employ all such excess waiters or waitresses or both, for the sole purpose of taking orders from members of the public for the supply of refreshments.

(3) No waiter or waitress employed for the purpose referred to in sub-regulation (2) may remove refreshments from the licensed premises or carry refreshments on the seashore.

#### **Wearing of identification badges**

22. (1) A licensee who employs waiters or waitresses or both waiters and waitresses for the purpose of selling or supplying refreshments on the seashore must supply to each waiter or waitress a badge or other distinguishing mark approved by the director.

(2) A waiter or waitress employed by a licensee must at all times while engaged in the supplying of refreshments on the seashore wear the badge or mark referred to in sub-regulation (1) in a position plainly visible to the public.

#### **Use of certain receptacles for conveying refreshments on the seashore**

23. (1) No waiter or waitress employed by a licensee may use a receptacle for the purpose of conveying refreshments on the seashore unless such receptacle is of a type that has been approved by the director.

(2) A receptacle used for the purpose of supplying refreshments on the seashore must -

- (a) be so constructed as to facilitate its cleansing and to adequately protect and safeguard all foodstuffs contained therein from the sun and from contamination from dust, sand, dirt, flies and other obnoxious or harmful matter or things; and
- (b) be kept in a clean and sanitary condition at all times; and
- (c) be made of a material other than metal or glass and be approved by the director for that purpose.

#### **Director may suspend a waiter or waitress**

24. The director may by written notice to a licensee, and for such a period as he or she considers appropriate, suspend a waiter or waitress in the employ of that licensee, if that waiter or waitress has been found guilty of a breach of any of the provisions of regulations 21(3), 22(2) and 23. During the period of suspension the licensee may not employ the suspended waiter or waitress for the purpose of supplying refreshments on the seashore.

#### **Director may suspend or revoke a permit granted for the selling of refreshments**

25. A permit granted in terms of regulation 20 -

- (a) may at any time be suspended or revoked by the director in the event of a breach of these regulations by the licensee; and
- (b) will automatically lapse on the third conviction of the licensee for a breach of any of the provisions of regulations 19 to 22.

**Offenses relating to official lifeguards or authorized employees**

26. A person, not being an official lifeguard or authorised employee, who –
- (a) by words, conduct or demeanor falsely pretends that he or she is an official lifeguard or authorized employee; or
  - (b) wears an uniform or part thereof or an insignia intended to be worn or used by an official lifeguard or authorised employee; or
  - (c) induces or attempts to induce an official lifeguard or authorised employee to omit to carry out his or her duties or to commit an act in conflict with his or her duty; or
  - (d) resists, obstructs, delays or interferes with an official lifeguard or authorised employee in the exercise of his or her powers or performance of his or her duties or attempts to do so,

commits an offence.

**Director may reserve an area for exclusive use by a Governmental department**

27. (1) Notwithstanding any provision to the contrary contained in these regulations, the director may, at the request of a Government department reserve for a reasonable period of time a portion of the beach area within the local authority area of the council, for the exclusive use by that Government department, and must notify all interested parties in any manner or by any means he or she may consider appropriate.

(2) No person other than a person from the Government department concerned, an official lifeguard, authorized employee or other person permitted by the director to do so, may make use of or enter upon a portion of the beach reserved in terms of sub-regulation (1).

**Penalty clause**

28. A person who -
- (a) contravenes a 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; or
  - (c) fails to comply with the terms of a notice served on him or her or with a notice or sign displayed in terms of these regulations; or
  - (d) fails to obey an instruction or direction given to him or her in terms of these regulations,

commits an offence and is liable upon conviction, to a fine not exceeding N\$ 2000,00 or in default of such fine, to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

**Fees and fines**

29. All fees and fines payable or imposed and recovered under these regulations accrue to the council.

**Repeal of regulations and saving**

30. The regulations published under Government Notice No.140 of 1969 are hereby repealed.

ANNEXURE A

APPLICATION FOR PERMIT/RENEWAL OF PERMIT TO SELL OR SUPPLY  
REFRESHMENTS ON THE SEASHORE

Name of applicant: .....

Address of licensed premises: .....

Nature of licenses held: .....

Restriction on licenses (if any): .....

.....

.....

Number of waiters or waitresses or both: .....

Portion of the seashore to be served: .....

.....

Period for which permit is required: .....

.....  
Signature of applicant

*For office use only*

Amount enclosed: .....

Receipt No.: .....

No. of waiters or waitresses or both: .....

ANNEXURE B

PERMIT ISSUED IN TERMS OF REGULATION 20 OF THE HENTIESBAAI SEASHORE REGULATIONS

Subject to regulation 24 of the Hentiesbaai Seashore Regulations and to payment of the annual prescribed fee, authority is granted to:..... of:.....to employ (in terms of regulation 21 of the Regulations).....waiters or waitresses or both for the purpose of selling refreshments on the seashore and ..... waiters or waitresses or both, for the purpose of taking and supplying orders for refreshments on the seashore.

For the purposes of this permit, authority is granted for the portion of the seashore lying between ..... and ..... The permission hereby granted is for the period ..... to .....

..... Director, Community Services

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