

Beach Authority (Traders' Licence) Regulations 2004

GN No. 91 of 2004

THE BEACH AUTHORITY ACT 2002

Regulations made by the Minister under section 22 of the Beach Authority Act 2002

1. These regulations may be cited as the **Beach Authority (Traders' Licence) Regulations 2004**.

2. In these regulations -

"Act" means the Beach Authority Act 2002;

"authorised officer" means a person designated by the Authority;

"designated area" means an area designated by the Authority for the carrying on of a trade;

"financial year" means the period starting on 1 July and ending on 30 June in the next year;

"licensee" means a person who has been granted a licence under regulation 7;

"trade" means the distribution, sale or other dealing in goods or services specified in the First Schedule, whether for money or money's worth.

3. No person shall carry on any trade in any place on a public beach, other than in a designated area.

4. No person shall carry on -

(a) any trade on a public beach unless he is the holder of a licence granted under regulation 7;

(b) more than one trade unless he is the holder of a separate licence in respect of each trade.

5. (1) Any person who wishes to carry on any trade on the public beach shall apply for a licence to the Authority.

(2) An application for a licence under this regulation shall be made in the form specified in the Second Schedule.

6. (1) The Authority may, on receipt of an application under regulation 5, request the applicant to furnish such additional information or document as it may reasonably require in relation to the application.
 - (2) No licence shall be issued in respect of -
 - (a) a trade specified in Class I of the First Schedule to these regulations -
 - (i) unless the approval of the Permanent Secretary, Ministry of Health and the Commissioner of Police has first been obtained by the applicant; and
 - (ii) the applicant holds a Food Handler's Certificate issued under regulation 47 of the Food Regulations 1999.
 - (b) a trade specified in Class II of the First Schedule to these regulations, unless the approval of the Commissioner of Police has first been obtained by the applicant.
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7. (1) After considering the application and any information submitted in relation to an application under regulation 6, the Authority may-
 - (a) grant to the applicant a licence substantially in the form specified in the Third Schedule and subject to-
 - (i) the conditions specified in that Schedule;
 - (ii) the payment of an annual fee of 5,000 rupees; and
 - (iii) such other terms and conditions as the Authority deems necessary.
 - (b) reject the application where it is satisfied that -
 - (i) the applicant has not complied with these regulations;
 - (ii) any information given to it by the applicant for the purpose of obtaining a licence under these regulations was, at the time the information was given, false in a material particular; or
 - (iii) the applicant is not otherwise a fit and proper person to be granted a licence.
 - (2) A licence granted under this regulation -

- (a) shall be valid from the date of its issue up to the end of the financial year; and
 - (b) may, subject to paragraph (3), be renewed for a further financial year.
- (3) An application for the renewal of a licence shall be made in the form specified in the Fourth Schedule by the licensee to the Authority at least 30 days before the expiry of the licence.
- (4) The Authority may, on receipt of an application submitted under paragraph (3) apply the provisions of regulation 6.
- (5) After considering an application for renewal submitted under paragraph (3), the Authority may-
- (a) renew the licence subject to the payment of an annual fee of 5,000 rupees and issue a licence in the form specified in the Third Schedule on such terms and conditions as the Authority deems necessary; or
 - (b) reject the application for renewal where-
 - (i) it is satisfied that the licensee has not complied with the Act or regulations made under it;
 - (ii) any information given to it by the applicant for the purpose of obtaining a licence under these regulations was, at the time the information was given, false in a material particular; or
 - (iii) the applicant is no longer a fit and proper person to be granted a licence.
- (6) The payment of the annual fee of 5,000 rupees required under paragraph (1)(a)(ii) and (5)(b) shall become due on the date of issue of the licence and may, where a licence is issued before the 31 July of a year, be paid in two instalments, the first to be paid on or before the 31 July of that year and the second instalment on or before the 31 January of the following year.
- (7) A surcharge of 50 percent shall be levied on any amount of the annual fee unpaid as at 31 January.
- (8) A licensee shall comply with the terms and conditions of a licence.

8. Where the licensee has contravened the provisions of these regulations or breached any conditions of his licence, the Authority shall by a notice in writing require the licensee to show cause why his licence should not be revoked, and if the Authority is satisfied that, having regard to all circumstances of the case, it is expedient to do so, it may revoke the licence.

- 9.** (1) No licensee shall assign or transfer his licence.
- (2) A licensee who wishes to cease carrying on a trade shall give written notice of at least one month of his intention to do so, to the Authority and he shall surrender his licence at latest 15 days after the date of cessation of his trade.
- 10.** Where a licensee dies, his widow or heirs, as the case may be, may with the written consent of the Authority carry on his business for the remaining period of the licence either personally or by an agent approved by the Authority and that person shall comply with these regulations and with all the conditions specified in the licence.
- 11.** Every licensee shall -
- (a) where the trade is carried on from premises including a stall, affix the licence in a conspicuous place in the premises or at the stall; and
 - (b) in every other case, produce on demand the original licence to an authorised officer or a police officer.
- 12.** (1) Where a licence is lost, defaced or rendered illegible, the Authority shall, on an application made by the licence holder, issue a duplicate licence on payment of a fee of 100 rupees.
- (2) Where a licence which has been lost is subsequently found, the licensee shall forthwith surrender any duplicate licence issued under this regulation to the Authority.
- 13.** Any person who -
- (a) in connection with an application for a licence makes any statement which he knows or should have known to be false, or is misleading in any material particular;
 - (b) assigns or transfers a licence; or
 - (c) contravenes any of these regulations,
- shall commit an offence and shall, on conviction, be liable to a fine not exceeding 10,000 rupees and to imprisonment for a term not exceeding one year.
- 14.** These regulations shall come into operation on the 2 July 2004.

FIRST SCHEDULE

(regulation 2)

LIST OF TRADES ALLOWED ON PUBLIC BEACHES

CLASS I

1. Selling of fruits (other than coconut)
2. Selling of coconuts
3. Selling of ice cream or ice lollies
4. Selling of cooked food
5. Selling of "dholl puri" and cakes
6. Selling of non-alcoholic beverages and juices
7. Selling of pre-packed snacks and confectionery
(other than canned foods)

CLASS II

1. Selling of ready-made garments
2. Selling of handicraft, artisanal and fancy products

SECOND SCHEDULE

(regulation 5(2))

APPLICATION FOR BEACH TRADER LICENCE

Name of Applicant: Mr/Mrs./Miss.....

Address of Applicant:.....

Phone number (if any):.....NIC No.....

Trade which applicant proposes to carry on:.....

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Address and location of premises at which it is proposed to carry on the trade and name of landlord (if applicable)

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Expected no. of workers, including applicant:.....
Horse Power (if machinery is to be used):.....
No. of previous licence (if any):.....
Other particulars.....

Date:.....

.....
Signature of Applicant

THIRD SCHEDULE
(regulation 7(1)and (5))

LICENCE FOR BEACH TRADER

Business No:.....
Applicant No.:.....
Name of licensee:.....
Nature of trade:.....
Date of issue / Renewal of licence:.....
Date of expiry of licence:.....
Receipt No.:.....
Date:..... Signature of Issuing Authority:.....

CONDITIONS ATTACHED TO LICENCE:

1. The licensee shall at all times comply with the Beach Authority Act and Food Act and any regulations made under these Acts.
2. This licence is valid from the issue date up to the end of this financial year.
3. This licence is neither transferable nor assignable.
4. (a) This licence should be exhibited in a conspicuous place on the premises.

- (b) Where it is not practicable to exhibit this licence as required under (a), the licensee shall, whilst trading, keep his licence in his possession and produce it, on demand, to an authorised officer or a police officer.
- 5. Any licensee intending to cease business should notify the Beach Authority at least ONE MONTH before the proposed cessation of business.
- 6. Cigarettes should not be sold to a minor of less than 18 years of age.
- 7. Where the trade is carried from premises or a stall, a litter bin shall be provided by the licensee.

FOURTH SCHEDULE

(regulation 7(3))

APPLICATION FOR RENEWAL OF BEACH TRADER LICENCE

Name of Applicant: Mr/Mrs./Miss.....

Address of Applicant:.....

Phone number (if any):.....NIC No.....

Trade carried on by applicant:.....

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Address and location of premises at which trade is being carried on:.....

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No. of workers including applicant:.....

Horse Power (if machinery is being used):.....

No. of previous licence (if any):.....

Other particulars.....

Date:.....

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Signature of Applicant