



Government of Jamaica

**BEACH ACCESS AND MANAGEMENT POLICY
FOR JAMAICA**

*Jamaica's beaches are managed sustainably and the natural resources
conserved for the enjoyment and benefit of all*

**March 2018
Revised March 2020**

Cover photo: Old Pera Beach

Message

Message from the Minister with responsibility for the environment to be inserted.

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Acronyms

BCA	Beach Control Act
CBO	Community-based Organization
GoJ	Government of Jamaica
MEGJC	Ministry of Economic Growth and Job Creation
NEPA	National Environment and Planning Agency
NGO	Non-Governmental Organization
NLA	National Land Agency
NRCA	Natural Resources Conservation Authority
NWA	National Works Agency
PCJ	Petroleum Corporation of Jamaica
RDC	Recreational Development Corporation
STATIN	Statistical Institute of Jamaica
TCPA	Town and Country Planning Authority
TEF	Tourism Enhancement Fund
TPD	Town Planning Department
TPDCo	Tourism Product Development Company
UDC	Urban Development Corporation
UNESCO	United Nations Educational, Scientific and Cultural Organization

1. PREFACE

The Constitution of Jamaica guarantees all Jamaicans the right to enjoy a healthy and productive environment free from the threat of injury or damage from environmental abuse and degradation of the ecological heritage.¹ Beaches provide opportunities for recreation and are of great value to Jamaica in social, environmental and economic terms, and are national assets. The beaches of Jamaica are of international renown and are one of the main factors contributing to the growth and success of the island's tourism industry.

This Policy is aligned to the tenets of the Vision 2030 Jamaica National Development Plan. Under National Outcome 13 of the Plan, finalization and implementation of the draft Beach Policy is reflected as one of the key activities of the Government.

Definition of key terms

The Beach Control Act (1956), the principal law related to beaches, does not define the term beach. The Act vests ownership of the foreshore and the floor of the sea in the Crown. The following definition of 'foreshore' was included in the amendments to the Act in 2004:

Foreshore: "that portion of land, adjacent to the sea, that lies between the ordinary high and low water marks, being alternately covered and uncovered as the tide ebbs and flows", that is the wet sand or gravel area.

In Jamaica, tidal variation is traditionally very limited, being only 30 - 40cm (12 – 16 inches). The foreshore is therefore relatively narrow, with an average width of approximately 1.5 - 2m (5 - 6 feet) depending on the topography of the shoreline. This may change over time given the expected impacts of climate change and sea level rise.

For the purposes of this Policy, beach and public beach are defined as follows:

¹ Constitution of Jamaica, Chapter III: The Charter of Fundamental Rights and Freedoms, section 13 (3) (1)

Beach means any coastal lands, whether natural or manmade, that is generally composed of sand or similar sediment and is constituted of both the foreshore and the backshore.

Public beach means any beach that is owned, managed or leased by a government entity to which the public has the right of use for lawful recreation or easement to or over the area by prescription, donation, or as per Section 14 of the Beach Control Act and has the requisite safety features (as prescribed by the Beach Control (Safety Measures) Regulations, 2006), amenities, security arrangements and meet public health standards,

In addition, the terms '**bathing beach**' and '**fishing beach**' are used to distinguish between beaches used for recreational purposes and beaches on which fishermen ply their trade.

Figures 1 and 2 depict the components of a beach.

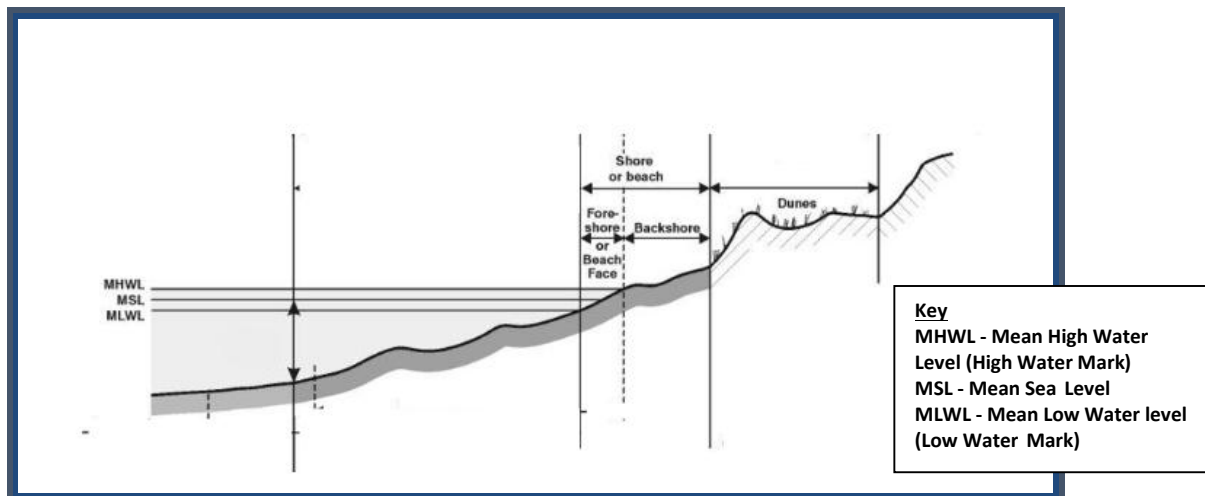


Figure 1. Diagram showing foreshore, backshore, low and high-water marks (adapted from K. Mangor)²

² Mangor, K. (2008) Definitions of coastal terms. Available from http://www.coastalwiki.org/wiki/Definitions_of_coastal_terms



Figure 2. Annotated photo showing foreshore, backshore, low and high water marks

In Jamaica, the dry sand/gravel portion of the beach beyond the foreshore may be private property, Crown land or Government land. *Crown land* means any land vested in the Commissioner of Lands of Jamaica and not leased to any person. *Government land* means public land held by public bodies, other than the Commissioner of Lands, for example the Natural Resources Conservation Authority (NRCA) and the Municipal Corporations (previously referred to as Parish Councils).

In this Policy, *access* is defined as the ability or opportunity to reach, pass through, or utilize the beaches or foreshore. There may be *vertical or perpendicular access* – that is, the means of getting to the foreshore from a road or *lateral access* – that is walking along the foreshore.

The term access in relation to this Policy with respect to entrance to and/or use of amenities on public beaches does not necessarily connote free. However, where such fees are charged, they must be reasonable and not be prohibitive to those who wish to enjoy these recreational spaces.

Access Rights

Sections 3 and 14 of the Beach Control Act, prescribe the prescriptive rights of fishermen engaged in fishing as a trade and the establishment of rights of the public to use or gain access to beaches, respectively. These rights are recognized and reflected, as appropriate, in the Policy.

Additionally, the Policy takes into account a variety of scenarios regarding the management of and proprietary interests in beaches and adjoining lands. These scenarios include:

- 1) Cases in which a private person owns or leases land extending to the high-water mark;
- 2) Cases in which a private person owns or leases land that is separated from the high-water mark by a strip of land owned by the Crown or other public entity (but falls within 91m/300ft. of the high-water mark);
- 3) Cases in which a private person purports to own land beyond the foreshore and into the water column and the floor of the sea; and
- 4) Cases where a beach is reserved as a lot for open space/amenity area within a subdivision for the exclusive use of lot/property owners as endorsed on their individual registered titles.

In such cases, where there is sufficient evidence of ownership or exclusive rights, nothing in this Policy shall infringe on the rights of these persons.

Common law principles must also be applied to determine ownership of land as a result of erosion and gradual deposits of sand.

Preparation of a Beach Policy

The Government of Jamaica (GoJ), through the Natural Resources Conservation Authority (NRCA), and in consultation with the public and private sectors as well as non-governmental organizations, carried out a review of the policies addressing beaches, the foreshore and the use of the floor of the sea with a view to developing a comprehensive and up-to-date policy, as proposed in Green Paper No. 2/97 dated September 1997. The Green Paper was subject to extensive public consultations and a revised document was prepared in 2000 incorporating the comments received from stakeholders. This document was however not finalized as a White Paper due to the lack of consensus amongst stakeholders in relation to some of the policy directives proposed. There is still however an urgent need to articulate the policy directives with respect to access to and management of the island's beaches.

One of the primary reasons for the review of the revised Green Paper was the recurring and sensitive issue of public access to the foreshore, a matter which has ramifications for tourism, beach front property owners, the recreational use of the coastal resources by the general public and economic use by the fisheries sector. This Policy sets out, *inter alia*, the Government's approach to issues related to public access to the island's beaches as well as the management and regulation of these beaches. In the formulation of this Policy, the general public, private and public sector stakeholders have been consulted at various stages.

The Policy makes reference to current policies and plans relevant to beach access and development, in particular those relating to local planning, tourism development and fisheries management. Proposals for amendments to pertinent legislation and strengthening of institutional arrangements, as well as, plans for improving management and regulation of beaches are also included in the Policy.

2. EXECUTIVE SUMMARY

In Jamaican common law, there is no right of access to the foreshore, by the public, except to pass over it for the purpose of navigation or fishing. The Beach Control Act, 1956, which is the principal legislation for the regulation of beaches, lists the instances where there are rights to the foreshore. These include the prescriptive rights of fishers where these rights existed before the date 1 June 1956. In addition, Section 4 of the BCA outlines the rights of owners or occupiers of land adjoining any part of the foreshore to utilize such lands for private domestic purposes.³

The main government entities which own, lease or manage beaches are the Municipal Corporations, the Natural Resources Conservation Authority (which carries out the functions of the Beach Control Authority), the National Fisheries Authority, the National Land Agency and the Urban Development Corporation. The funding available to these entities for the development and maintenance of these beaches has not been commensurate with the actual costs of maintaining the beaches and, as a result, many of the island's public beaches are in a state of disrepair.

In instances, public access to some beaches has been removed by virtue of their incorporation into private developments such as hotels, or as a result of road improvement projects which have resulted in the diversion of coastal roads further inland. Additionally, some access ways to beaches have not been maintained and despite existing planning guidelines and policies to preserve these, visual amenities – such as windows to the sea – have not been preserved.

The main concerns related to beach access raised by the public include:

1. The unavailability of access points to facilitate physical access by the public to the beach;
2. The lack of sufficient public beaches of a good standard for bathing and other recreational activities;

³ Private domestic purposes include bathing, fishing, and other like forms of recreation and as a means of access to the sea for such purposes.

3. Payment of fees for access to the foreshore and/or use of public beaches; and
4. The loss of physical and visual access to the sea and coastline as a result of coastal developments.

The purpose of the Beach Access and Management Policy is to increase access to the foreshore by the public and to improve the standard of the beaches available to the public. The Policy proposes to achieve this by:

- Increasing the number of public beaches of good quality⁴ which are properly maintained and accessible to the general public;
- Establishing the requirement for public consultations at the parish level to ascertain and agree on the adequacy and type of beaches to be made available to the public for recreational purposes;
- Prohibiting the sale of public beaches unless approved by Cabinet;
- Providing and maintaining access ways to the foreshore;
- Promoting good beach use practices;
- Review and promulgation of legislation to include the right of public access (physical and visual access) to the foreshore and floor of the sea;
- Streamlining the categories of beaches and the associated fees, where applicable, regulated under the Beach Control Act; and
- Rationalizing the ownership and management of fishing beaches.

⁴ Beaches which have basic amenities, environmental health and safety measures instituted, good water quality and meet other required standards for public access.

Erosion is also a major problem for beaches and poses a significant threat to the quality of the beach for bathing and other recreational activities. Climate change is a major contributing factor to beach erosion, and this issue is given consideration in the Policy.

The Vision of the Policy is, ***“Jamaica’s bathing beaches are preserved and well managed for present and future generations, and provision is made for adequate access to these beaches for the enjoyment of Jamaicans and visitors alike.”***

The four underpinning principles of the Policy are:

1. Beaches are a national asset and are important for the cultural and recreational needs of Jamaicans as well as for tourism, and must be preserved and maintained for present and future generations;
2. Coastal development should be planned and managed, taking into account the need to protect the natural resources and to adapt to the impacts of climate change, including sea level rise, ocean acidification and increases in ocean temperatures;
3. Existing public beach access opportunities should be maintained, new or increased public access provided, including in new developments; and
4. The traditional rights of fishermen to access the foreshore and the floor of the sea, and beaching rights on their return from sea should be preserved.

The Policy seeks to achieve its vision by setting out six goals and strategic actions to achieve these goals as outlined in Table 1 below.

Table 1: The Goals of the Policy and their Strategic Actions

Goal	Strategic Actions
1. Establishment of effective institutional arrangements for the regulations and management of beaches	A. Improved interagency communication and collaboration regarding decision-making on the development, management and leasing of the island's public beaches B. Clarification of the role of the NRCA in relation to bathing and fishing beaches C. Institution of a system regarding categories of licences and fees
2. Increased physical access to the foreshore, the floor of the sea and the water column above it	A. Safeguarding the right of the public to access the foreshore, the floor of the sea and the water column above it B. Institution of a programme for development and rehabilitation of access ways to the beach and foreshore (perpendicular access) C. Provision of access to scenic views
3. Expansion of beach related recreational opportunities	A. Preparation and implementation of a Beach Development and Management Programme B. Effective management of public coastal lands C. Judicious acquisition of beaches D. Management of leasing of the floor of the sea

Goal	Strategic Actions
4. Institution of measures for pollution control, waste management and safety for the protection of users of the coastal resources	<ul style="list-style-type: none"> A. Implementing safety measures B. Monitoring coastal water quality C. Addressing noise pollution D. Addressing informal settlements
5. Management of fishing beaches and protection of the traditional access rights of fishermen	<ul style="list-style-type: none"> A. Preservation of the traditional access rights of fishermen B. Management of fishing beaches C. Regulation of mariculture activities D. Establishment of fishing beaches
6. Protection of coastal resources and increasing resilience to the impacts of climate change	<ul style="list-style-type: none"> A. Use of scientific information and best practices in decision making B. Development and dissemination of public awareness material C. Coastal zone monitoring

The successful implementation of the Policy will require the collaboration of all stakeholders. In addition, increased allocations with respect to human and financial resources will be necessary to realize the goals of the Policy. Further, existing legislation will have to be amended and new legislation enacted to ensure that the NRCA as the Beach Control Authority⁵ can effectively carry out its mandate. It is also envisioned that civil society will have a greater role to play, not only during the consultative process, but through involvement in operational functions, public education, monitoring and outreach activities related to coastal zone management.

The Ministry with portfolio responsibility for the environment will be responsible for evaluating the implementation of the Policy and its review.

⁵ The role of the Beach Control Authority, established under the Beach Control Act, was assigned to the Natural Resources Control Authority (NRCA) with the enactment of the NRCA Act in 1991. As of 2001, the operations of the NRCA have been carried by the National Environment and Planning Agency.

3. INTRODUCTION

The purpose of the Beach Access and Management Policy is to increase access to the foreshore by the public and to improve the standard of the beaches available to the public.

In Jamaican common law, the public has no general rights of access to the foreshore except *to pass over it* for the purpose of navigation or fishing. There is therefore no general right of bathing, or to walk along the foreshore, except where acquired by custom or prescription, nor is there any general right to fish except as provided in Section 3(3) of the Beach Control Act, 1956 (BCA).⁶ Section 4 of the BCA outlines the rights of owners or occupiers of land adjoining any part of the foreshore to utilize such lands for private domestic purposes.⁷ It should be noted that the Act does not seek to convey general rights to the public to gain access to and use the foreshore or the floor of the sea. However, the Beach Control Authority was established to consider the needs of the public for bathing and fishing and to issue licences for the use of the foreshore.

Since the 1950s, there have been changes in the size of the population, the institutional arrangements for the management of public beaches and the development of the island in terms of the number of hotel and fishing beaches. The Beach Control Authority acquired lands for public beaches and installed sanitary and changing room facilities, built according to basic designs and funded through the Authority's capital budget. Several of these beaches were handed over to Municipal Corporations which were required to meet the costs for recurrent maintenance and staffing, with funding made available through the Ministry of Local Government. Virtually all of the facilities fell into disrepair in the 1980s when, as part of a structural adjustment programme, it was decided that public bathing and fishing beaches should be privatized.⁸ As a result, all monetary support from the Government for beach maintenance was cut off, and efforts

⁶ This right is in relation to rights in existence immediately before 1 June 1956.

⁷ Private domestic purposes include bathing, fishing, and other like forms of recreation and as a means of access to the sea for such purposes.

⁸ Ministry paper No. 10 date April 16, 1985 from the Ministry of Local Government

to have the beaches divested failed to attract any viable proposals. Some beaches were also affected by Hurricane Gilbert in 1988. Also, in a number of cases, the facilities at public beaches were vandalized.

Access ways to the foreshore were also not maintained. Despite planning guidelines and policies, visual amenities — such as windows to the sea — have not been preserved, nor has the setback of buildings from the high water mark always been observed in order not to impede public access along the foreshore. Some facilities at beaches have been lost due to erosion and sea level rise.

Over the years, there has been public outcry as it relates to beach access and this has not been abated in recent times. In the last two years, there have been numerous articles in the media that espouse the public's belief that beach access issues in Jamaica are matters of importance and need to be addressed.

In addition, many Jamaican beaches are experiencing erosion.⁹ An islandwide assessment of the status of the island's beaches was undertaken by NEPA for the period 2007 to 2014 to determine changes in the coastline. The findings of these assessments show that there is a significant level of erosion of the country's beaches and recession of the shoreline. This situation is particularly evident along the south coast of the island. Based on the assessments, beach sites such as Rocky Point, and Jackson Bay in Clarendon and Alligator Pond in Manchester have been classified as vulnerable. Jackson Bay and Alligator Pond have lost 2.16 m and 0.35 m of foreshore respectively. At some beaches, however, there have also been accretion or at least recovery of the beach. In other cases, there are beaches which, in the absence of human intervention, experience cyclical erosion and accretion, while at others such as Alligator Pond and Font Hill, the resulting erosion is permanent. Studies have shown that overall there has been a net loss of

⁹ Natural causes include hurricanes, storm waves, sea level rise, ocean currents and changes in river discharges. Human activities that contribute to coastal erosion include illegal sand mining from beaches, sand dunes and the mouths of rivers; and shoreline alterations during development and removal of the natural defenses such as mangroves and seagrass. Statistical Institute of Jamaica (STATIN and NEPA, 2001)

land in Jamaica.¹⁰ It has recently been estimated that 70% of Caribbean beaches are eroding at rates between 0.25 and 9 m per year (Caribbean Sea Ecosystem Assessment, 2007).¹¹

Under the GOJ/EU/UNEP Climate Change Adaptation and Disaster Risk Reduction Project, Shorelock™ Technology was applied at three beaches that were impacted by erosion and the technology is currently being utilized at a hotel beach. The evaluation of the impact of the use of Shorelock™ in beach restoration in Jamaica is currently ongoing.



Hellshire Beach, St. Catherine (2016)
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Hellshire Beach, St. Catherine (2020)
© Chalene Roye

¹⁰ http://www.pioj.gov.jm/portals/0/sustainable_development/jamaica_climate_change_paper.pdf

¹¹ <https://www.cbd.int/doc/meetings/mar/rwebsa-wcar-01/other/rwebsa-wcar-01-crfm-03-en.pdf>

Emerging Issues

One emerging issue that has been affecting Jamaica's beaches, is the influx of sargassum. Sargassum is a type of brown algae and is a free-floating seaweed found in the Atlantic Ocean. Since 2011, there have been increased amounts of Sargassum floating up on to beaches in the Caribbean. The issues with Sargassum stem from the fact that beach goers will find it unsightly and as it decomposes it gives off an unpleasant odour. In addition, in excessive amounts, it may result in beach erosion.

The National Environment and Planning Agency (NEPA) has partnered with a multidisciplinary team from the Faculty of Science and Technology at The University of the West Indies, Mona, to conduct research on sargassum. The research will look at several uses of the seaweed, including its use as a fertilizer and how bioactive compounds and other valuable substances can be extracted from it, as well as sargassum's potential use in the generation of energy in biodigesters.

4. SITUATIONAL ANALYSIS



Winnifred Beach (Fairy Hill), Portland (2013)

4.1 Institutional arrangements and current legislation and policies

There are a number of laws, policies and institutions related to the ownership, divestment, management and development of beaches at the local and national levels. Information on the main government entities that own, lease or manage beaches is set out below:

- i) *The Beach Control Authority/Natural Resources Conservation Authority/National Environment and Planning Agency*

The Beach Control Act, 1955, (amended in 2004) is the main piece of legislation that prescribes the use and management of the island's beaches. The Beach Control Authority was established in 1956 under the Act "...for the purpose of controlling and regulating the use of the floor of the sea and of the foreshore and beaches of Jamaica in the interests of the public and of persons who have acquired rights therein and for purposes incidental to or connected with the matters aforesaid..."¹²

The Beach Control Authority is required to "...determine the needs and requirements of the public in relation to the use of any portion of land, whether or not such land adjoins the foreshore or not; and the foreshore, for or in connection with bathing or any other form of lawful recreation or for the purpose of fishing as a trade or otherwise or for any other purpose in the interest of the economic development of the beaches of the Island..."¹³

In terms of acquisition of lands for beaches, it was the policy of the Beach Control Authority to hand over most of the lands acquired for bathing and fishing beaches to the Municipal Corporations and the National Fisheries Authority (formerly the Fisheries Division¹⁴) of the Ministry of Agriculture or Fishermen's Cooperatives, respectively, for management.¹⁵ Some of the beach lands acquired were not developed and have been left in their natural state. The

¹² Hansard, Proceedings of the House of Representatives, November 29, 1955

¹³ Beach Control Act, Section 12(1)

¹⁴ See page 23

¹⁵ Policy statement - Acquisition and Use of Beach Lands, Ministry of Development, 11 February 1958

intention of the Beach Control Authority was to develop specific areas in accordance with a master plan.

Sections 4 and 9 of the Prescription Act and Section 14 of the Beach Control Act give the Beach Control Authority the power to lodge a plaint in or make an application to the appropriate Court with a view to establishing the right of the public to use a beach or gain access thereto, subject to the conditions outlined in the Prescription Act and the said Section of the Beach Control Act.

The role of the Beach Control Authority was assigned to the Natural Resources Conservation Authority (NRCA), hereinafter referred to as ‘the Authority’, with the enactment of the NRCA Act 1991. As such, the role and responsibilities of the Beach Control Authority have been vested in the NRCA. It should be noted, however, that the operations of the NRCA are currently undertaken by the NEPA.

The NRCA has appointed a sub-committee with representation from the relevant national and local government entities that regulate, own, lease and/or manage public bathing and recreational beaches to coordinate the development and management of these beaches, that is, the Beaches and Coastal Resources Conservation Committee (BCRCC). The BCRCC is mandated on behalf of the Authority to address matters related to the preparation of programmes for the rehabilitation and development of public bathing beaches island wide, including beach safety considerations, and also the conservation of beaches. The Committee may also consider and review policies and plans concerning the conservation of coastal resources.¹⁶ In addition to members of the NRCA and NEPA, the Committee comprises of representatives from:

- Ministry responsible for the environment
- Ministry responsible for tourism
- Ministry responsible for local government and community development

¹⁶ Beaches and Coastal Resources Conservation Committee Terms of Reference 19 May 2010

- Ministry of responsible for health
- National Fisheries Authority
- Urban Development Corporation
- Petroleum Corporation of Jamaica
- Tourism Product Development Company; and
- Tourism Enhancement Fund

The Beach Control Authority (Licensing) Regulations, 1956 sets out the requirements for applications for licences in accordance with Section 11 of the Beach Control Act for the use of the foreshore or floor of the sea for any public purpose, or in connection with any business or trade or for any other purpose (whether similar to the foregoing or not). These Regulations also set out the fees to be paid for each beach licence granted by the Authority.

The Beach Control (Crown Licences) Regulations, 1956 sets out the requirements for making applications for encroachments on the foreshore or floor of the sea. Encroachments include docks, wharves, piers, jetties and any structures pertaining to any dock, wharf, pier or jetty encroaching on the foreshore or floor of the sea.

The conduct of persons using a public recreational, commercial recreational or hotel beach is regulated by the Beach Control (Hotel, Commercial and Public Recreational Beaches) Regulations, 1978. The Beach Control (Safety Measures) Regulations, 1957 sets out the requirements for licensees which operate beaches as well as for the conduct of patrons so as not to compromise the safety of beach goers.

The NRCA pursuant to the Natural Resources Conservation (Permits and Licences) (Amendment) Regulations, 2015 administers the permits and licences regime and in the appropriate cases issues environmental permits for, among other things, the construction and operation of a hotel or resort complex.

Another sub-committee of the NRCA, the Technical Review Committee (TRC), evaluates applications and provides recommendations on same to the NRCA and the Town and Country Planning Authority (TCPA) for, *inter alia*, the following applications:

- beach licences pursuant to the Beach Control Authority Licensing (Regulations);
- beach licences pursuant to the Beach Control (Crown Licences) Regulations;
- permits and licences pursuant to the Natural Resources (Permits and Licences) Regulations; and
- planning permission pursuant to the Town and Country Planning Act, 1958

The NRCA and the TCPA utilize the recommendations of the TRC in making their decisions on the aforementioned applications. This Committee comprises members of the NRCA, representatives of Ministries, Agencies and Departments which provide recommendations to NEPA on permit and licence applications pursuant to the Natural Resources (Permits and Licences) Regulations on applications for planning permission pursuant to the Town and Country Planning Act. Additionally, the Committee may also include independent members with relevant expertise.

ii) Local Planning Authorities

Most public bathing beaches are owned or leased by the Municipal Corporations or are reservations in subdivisions and under the control of lot owners.

Development Orders prepared under the Town and Country Planning Act, 1958, include references to public access to beaches and also list existing beaches and seaside parks. Traditionally the Town Planning Department,¹⁷ in drafting Development Orders and Plans for any coastal development would collaborate with the Authority to ensure that special areas were

¹⁷ The technical and administrative functions of the Town and Country Planning Authority previously carried out by the Town Planning Department are now undertaken by the National Environment and Planning Agency.

available for use as fishing beaches, bathing beaches and seaside parks with access from the public thoroughfare as well as views of the sea.

Local sustainable development plans are currently being developed by Municipal Corporations in collaboration with NEPA and the Ministry responsible for local government and community development.

iii) *The National Fisheries Authority*

The National Fisheries Authority (formerly the Fisheries Division) of the Ministry responsible for Fisheries, regulates fishing beaches and landing sites and is responsible for the development and maintenance of infrastructure on fishing beaches. Some fishing beaches are owned by fishermen cooperatives, while others are still owned by the NRCA. There are also joint fishing and bathing beaches at some locations.

The work of the Fisheries Division was governed by the Fishing Industry Act (1975), the Fishing Industry Regulations (1976) and the Morant and Pedro Cays Act (1907). The new Fisheries Act (2018) repealed the Fishing Industry Act and established the National Fisheries Authority.¹⁸ A Fisheries and Aquaculture Policy has been drafted to address the priorities and institutional arrangements for the sector.

At the end of 2013, there were 187 fishing beaches and landing sites as well as two cays located at the Pedro Bank. A major concern of fishers is the security of tenure of fishing beaches. Several fishing communities have been relocated after having been found to be unsuitable for fishing practices, or to accommodate the development of housing, hotel development and road

¹⁸ The objects of the Fisheries Act, 2018 are to provide for and promote the efficient and effective aquaculture and any related activities in accordance with –

- (a) regionally and internationally recognized norms, standards and best practices; and
- (b) an ecosystem approach which addresses the multiple needs and desires of society without jeopardizing the options for future generations to benefit from the full range of goods and services provided by aquatic systems.

The functions of the National Fisheries Authority include, *inter alia*, the management, development, designation and zoning of fisheries waters, fishing beaches, fisheries and aquaculture activities.

expansion projects. The management of the day-to-day operations and maintenance of facilities of fishing beaches is also a problem, evidenced by the large amounts of rubbish accumulated in many places.¹⁹ A number of fish sanctuaries have been declared and management arrangements put in place involving fishermen's cooperatives, local communities and some private foundations.

iv) The Tourism Sector

The tourism sector includes the responsible Ministry as well as two agencies in particular — the Tourism Product Development Company (TPDCo) and the Tourism Enhancement Fund (TEF) — which are actively involved in beach development.

The Ministry responsible for Tourism has been very involved in the matter of beach access. The Master Plan for Sustainable Tourism Development (2002) states that:

“It is in the interest of the tourism industry to provide access to beaches for Jamaicans and non-resident (in hotel) visitors. They should work with NEPA to ensure resources are available to develop Jamaica’s beaches. In fact, it is in the mutual interest of both the tourism industry and NEPA to increase non-resident access to hotel beaches and to develop attractive commercially run beaches throughout the island. Without this, the hotel industry’s development would be confined to a narrow strip of coast with each hotel having its own beach. This will favour large hotels and hasten the disappearance of the small., the best method is to have a system of public beaches that are well maintained. The key to the future of the industry lies in encouraging the improvement of non-hotel beaches as well as opening up hotel beaches.”

Beach related activities are also addressed by the Tourist Board Act and the Tourist Water Sports Regulations, 1985 under this Act, which govern the safe operation of water sports vessels in the marine and riverine environments.

¹⁹ Draft Fisheries and Aquaculture Policy

The Tourism Product Development Company (TPDCo)

In 1989, the Government established the Recreational Development Corporation (RDC) with a view to restoring public bathing beaches with a minimum demand for public funds. It was decided in 1992 that the assets and functions of the RDC should be vested in the Tourism Product Development Company (TPDCo), established under the Ministry with responsibility for tourism, to facilitate the maintenance, development and enhancement of the tourism product.

The TPDCo has been leased several properties by the Commissioner of Lands for development as attractions, and there are various commercial beaches under private management.

The Tourism Enhancement Fund

The Tourism Enhancement Fund (TEF) was established on May 1, 2005 to support the implementation of the recommendations in the Master Plan for Sustainable Tourism Development.

Among the functions of the Fund as prescribed in the Tourism Enhancement Fund Act are to:

- (a) implement projects and programmes which impact on the growth and development of the tourism sector;
- (b) encourage better management of environmental resources in Jamaica;
- (c) enhance the overall tourist experience in Jamaica; and
- (d) provide for the sustainable development of the tourism sector

These functions allow the TEF to support the development and maintenance of the island's beaches. In 2014, the Ministry of Tourism launched a programme for the TEF in collaboration with the Urban Development Corporation and NEPA to 'safeguard at least one major beach in each parish for locals', having noted that more and more beach space was being taken up by

hotel construction with the growth of the tourism sector. The aim is for the selected beaches to operate at the best international standards.²⁰

As at December 2019, the TEF has, in consultation with NRCA/NEPA, TPDCo, UDC and other key stakeholders has spent over J\$200M to rehabilitate a number of public bathing beaches across the island including Burwood Beach, Marking Stone Beach in St. Mary, Lyssons Beach in St. Thomas and Boston Beach in Portland.

v) *The Urban Development Corporation*

The Urban Development Corporation (UDC) has development and management responsibilities for beaches that they own within their designated development areas.²¹ While the Urban Development Corporation Act, 1968, does not make specific reference to beaches, section 4 (3) (a) of the Act, states that the *Corporation “may acquire, manage and dispose of land whether within or outside a designated area”*. In addition, section 4 (3) (c) states that the Corporation *“may provide and maintain car parks, piers, public parks, public gardens and other public amenities within any designated area”*.

The UDC is currently working in a number of areas which include coastal areas. These are:

- Kingston and Port Royal;
- Ocho Rios, St. Ann;
- Falmouth, Trelawny; and
- Montego Bay, St. James

²⁰ Press release May 30, 2014 – Ministry of Tourism and Entertainment
<http://www.mot.gov.jm/content/jamaicans-benefit-greater-access-beaches>

²¹ A designated area is any area of land owned by the Urban Development Corporation or to be acquired by the Corporation under Section 14 (Urban Development Corporation Act, 1968). Section 14 of the Act states that where the Minister is satisfied, after consultation with any local authority which appears to him to be concerned, that it is expedient in the national interest that any area of land should be developed by the Corporation as an urban area, he may make an order designating that area for the purposes of the Act.

As part of the UDC's Montego Bay Re-development Programme, a state-of-the-art beach park will be constructed at Closed Harbour Beach, also known as "Dump-up Beach." The intention is to convert the 16-acre property into a world class recreational space with amenities that will allow for it to operate as a free access licenced public beach and multi-purpose park. The beach will be the starting point of a public coastal park system to include the Old Hospital Park, and Gun Point Beach.

vi) *The Commissioner of Lands*

The foreshore and the floor of the sea are vested in the Crown and therefore the responsibility of the Commissioner of Lands. Leases of the floor of the sea can be granted only by the Commissioner.

In terms of land divestment, the Policy Framework and Procedures Manual for the Divestment of Government-owned Lands, 2015 was developed with a view to harmonize the various mechanisms and procedures that now obtain in several public sector entities, which are custodians of Government lands. The Policy Framework specifies that: '*Leasing shall be the preferred mode of divestment for agricultural and mineral-bearing lands, beaches and attractions.*'

4.2 The Current Situation and Issues

Jamaica has 795 km (494 miles) of shoreline of which approximately 45% and 35% is characterized as sandy beach and rocky (pebble) shore, respectively. About 4.5 km of the shoreline are designated as public beaches and another 2.88 km are used in association with hotels. However, with increased tourist and residential development along the coastal strip, fewer good beaches are being left available for development for public use.

Many of the island's beaches have remained in a state of disrepair and some beaches which were once used by the public have since been included in hotel developments or have been privatized

otherwise. There have also been cases of disputes between communities and government agencies as it regards development plans for beaches used by the community. Several fishing communities have also been relocated after having been found to be unsuitable for fishing or to accommodate the development of housing and hotel projects, as well as expansion of the road network.

There have been various initiatives by Municipal Corporations, the NRCA and the TPDCo to develop new beaches as well as to rehabilitate some public beaches. The cost of maintenance of bathing beaches and the lack of strong interest by private interests in developing and/or operating public beaches have been major constraints to rehabilitation efforts. For example, the estimated annual cost to the NRCA to effect basic maintenance of nine of its beaches is \$5.4 million Jamaican dollars²² (this cost includes maintenance and provision of utilities such as water and electricity). In addition, the government entities which own beaches do not have a set allocation for maintaining beaches. The Tourism Enhancement Fund (TEF) has provided significant support to the public bodies that manage or own public beaches in their efforts to rehabilitate same. The support provided by the TEF is based on the principle that there should be at least one public beach of good quality in each parish which is accessible to the public.

Some public entities which own beaches have in recent times leased such beaches to private interests due to the high costs of maintenance. In some cases, entry to these beaches had remained free of charge with fees charged for amenities. In other cases, there is a fee for both entry and amenities. These private sector interests, in ensuring a return on investment, have had to charge fees which may prohibit some persons from accessing these beaches.

The Salem Beach (also known as ‘Sharkies’) in St. Ann is an example of a public bathing beach which is managed by a private entity through a lease arrangement by the NRCA for which access by the public, that is, entrance and use of amenities are free of charge.

²² Amount budgeted for FY 2018-2019

The NRCA developed a Beach Management Programme in 2014 which included recommendations on the potential for development of the beaches owned or leased by the Authority.

The Jamaica Beach Guide webpage²³ developed by NEPA provides information on beaches, the Adopt-a-Beach Programme, Beach Clean-up and other related matters.

Concerns re: access

The main concerns related to beach access may be noted as:

1. The lack of adequate access points to facilitate physical access to the beach;
2. The lack of sufficient public beaches of a good standard for bathing and other recreational activities;
3. Objection by some members of the public to the payment of fees for access to the foreshore and/or use of amenities at public beaches; and
4. Loss of physical and visual access to the sea and coastline as a result of coastal development in a number of areas.

The Policy seeks to address these matters and has proposed a number of measures, including:

- ✚ Increasing the number of public bathing beaches of a good quality which meet required standards and are properly maintained;
- ✚ The need for consultations at the community and parish levels to ascertain and agree on the adequacy and type of beaches to be made available for the public;
- ✚ Prohibition of the sale of public beaches unless approved by Cabinet;
- ✚ Provision and maintenance of access ways to the foreshore;
- ✚ Promotion of good practices in beach use by the public;

²³ https://www.nepa.gov.jm/new/services_products/subsites/beach_guide/index.php

- ✚ Review and revision of legislation to include the right of the public to walk along the foreshore;
- ✚ Clarification of the categories of public bathing beaches and the associated fees, where applicable, regulated under the Beach Control Act; and
- ✚ Rationalization of the ownership and management of fishing beaches

5. BEACH ACCESS AND MANAGEMENT POLICY



Jackson Bay, Clarendon (2016)
© Chalene Roye

5.1 *Vision*

Jamaica's bathing beaches are preserved and well managed for present and future generations, and provision is made for adequate access to these beaches for the enjoyment of Jamaicans and visitors alike.

5.2 *Principles*

1. Beaches are a national asset, important for the cultural and recreational needs of Jamaicans as well as for tourism and must be preserved and maintained for present and future generations.
2. Coastal development should be planned and managed taking into account the need to protect the natural resources and to adapt to the impacts of climate change, including sea level rise and erosion.
3. Existing public beach access opportunities should be maintained, new or increased public access provided, including in new developments.
4. The traditional rights of fishermen to access the foreshore and the floor of the sea, and beaching rights on their return from sea should be preserved.

5.3 *Goals*

The goals of the Beach Access and Management Policy are:

- 1) Establishment of effective institutional arrangements for the regulation and management of bathing beaches;

- 2) Increased physical access to the foreshore, the floor of the sea and water column above it by all stakeholders;
- 3) Expansion of beach-related recreational opportunities;
- 4) Institution of measures for pollution control, waste management and safety for the protection of users of the coastal resources;
- 5) Management of fishing beaches and protection of the traditional access rights of fishermen; and
- 6) Protection of coastal resources and increasing resilience to the impacts of climate change.

Goal 1. Establishment of effective institutional arrangements for the regulation and management of beaches









Strategic actions

A. Improved inter-agency communication and collaboration regarding decision-making on the development, management and leasing of the island's public bathing and recreational beaches

1. The NRCA has appointed a sub-committee with representation from the relevant national and local government entities that regulate, own, lease and/or manage public bathing and recreational beaches to coordinate the development and management of these beaches, that is, the Beaches and Coastal Resources Conservation Committee. In addition to members of the NRCA and NEPA, the Committee comprises of representation from:



Ministry responsible for the environment

-  Ministry responsible for tourism
-  Ministry responsible for local government and community development
-  Ministry of Health
-  National Fisheries Authority
-  Urban Development Corporation
-  Petroleum Corporation of Jamaica
-  Tourism Product Development Company; and
-  Tourism Enhancement Fund

Administrative arrangements will be made to increase linkages with the local planning authorities and parish development committees to coordinate the development and management of public bathing beaches within their respective parishes.

2. The capacity of the NRCA to regulate and monitor the island's beaches will be increased including the possible establishment of a specialized unit within the NEPA which would have as its mandate the management of the island's bathing beaches, cays and other coastal and marine related issues. This is in keeping with the tenets of the draft Cays Management Policy.
3. NEPA in its Annual Reports,²⁴ which are tabled in the Parliament, will be required to include a detailed report on the status of the island's public bathing and recreational beaches and any initiatives, plans or programmes to improve same.
4. The TPDCo and the TEF will continue to collaborate with public entities that own, manage or lease bathing beaches to identify and prioritize those beaches that should be rehabilitated to allow for increased access by the public.

²⁴ Public entities for public recreational and public bathing beaches will be required to submit information to the NRCA/NEPA to inform the preparation of the annual reports.

B. Clarification of the role of the NRCA in relation to bathing and fishing beaches

In relation to fishing beaches, the NRCA will maintain the provisions in the BCA to acquire lands for fishing beaches and pursue the establishment of prescriptive rights as per Sections 12 and 14 of the Act, respectively. Once lands are acquired under Section 12 by the Authority, the ownership and management of these beaches will become the remit of the National Fisheries Authority under the Ministry with portfolio responsibility for fisheries. These recommendations should be considered in the finalization of the draft Fisheries and Aquaculture Policy and the Fisheries Bill.

C. Review of categories of beach licences and fees

1. The categories of beaches for licensing purposes will be streamlined for more effective administration. The BAC will be amended to outline the different categories of beaches available to the public. The terminology in the Act and in its regulations will be harmonized as follows:

*i. **Public bathing beaches** are those beaches that are owned, managed or leased by a public entity and are free of charge to the public;*

*ii. **Public recreational beaches** are those beaches which are owned, managed or leased by a public entity and for which a fee is charged for entry and/or use of the facilities. These beaches will be gazetted under Section 52 of the Beach Control Act which requires that the NRCA and the relevant Municipal Corporations be consulted in the setting of fees;*

*iii. **Commercial recreational beaches** are those beaches which are owned by a private entity for which a fee is charged for entry and/or use of facilities;*

iv. **Hotel beaches** are those beaches operated in conjunction with hotels, guest-houses and villas;

v. **Fishing beaches** are those beaches where fishermen are engaged in fishing as a trade;

vi. **Beaches reserved exclusively for the use of schools, churches, the Uniformed Youth Groups that are recognized by the Ministry with responsibility for youth, the Red Cross, Friendly Societies or bodies for charitable or educational purposes**

The existing categories of beaches as outlined in the Beach Control (Licensing) Regulations, 1956, will be rescinded and replaced with the categories listed above. The beaches referred to at items (i), (ii), and (v) will be published in the Jamaica Gazette.

The Government will review the licensing fees for beaches under the Beach Control Authority (Licensing) Regulations, 1956 with a view to increasing the fees.

In addition to the categories of beaches outlined above, **Seaside Parks** may be developed by the Government or other stakeholders. **Seaside Parks** are defined as areas located along the coasts with interesting natural features and views and provide public access to the coast as well as places for relaxation. Amenities may or may not be provided at these locations and bathing will not be encouraged. The declaration of Seaside Parks will be gazetted and their management regulated by the Authority and/or the TPDCo.

2. The NRCA/NEPA will maintain the Jamaica Beach Guide webpage which provides information to the public on all of the island's beaches including the category of beach, location, licences/permits issued by the NRCA and/or other public authorities, availability of amenities, any fees charged and ownership or management arrangements.

In addition, a link to the Jamaica Beach Guide will be posted on the websites of key public agencies and ministries including the respective Ministries with portfolio responsibility for environment, local government and tourism. The Municipal Corporations and the Negril Green Island Local Planning Authority will also maintain a database of the public bathing and public recreational beaches in their respective jurisdictions. These databases will be publicized and made accessible to the public.

3. Fees for public recreational beaches will be fixed by the NRCA in consultation with the owner or any person exercising control thereof or receiving any such fee, and the local planning authority of the parish in which the beach is situated.
4. In relation to commercial recreational beaches, the fees charged by the owner/operator of such beaches will be set or revised, as appropriate, in consultation with the NRCA. This will be included as a condition of the beach licences for these entities.
5. Hotels will be encouraged to implement a beach pass system to facilitate access by the public to hotel beaches, at a reasonable fee, to persons who are not guests of the hotel. The owner/operator of each hotel instituting such a system will consult with the NEPA in determining the fee structure.
6. In accordance with Section 11 (6) of the Beach Control Act, all licences issued and applications refused by the Authority, including those to hotels, guest houses and villas, will be included in a register developed by the Authority which will be accessible for inspection by the public.
7. Adequate funding will be provided to for the acquisition, upgrading and maintenance of beaches (including subsidization by the government). The long-term funding for the maintenance of public beaches will be the remit of the responsible government entities (Municipal Corporations, NRCA/NEPA, UDC, etc.) which own and/or manage the

beach. The costs of acquisition, upgrading as well as the annual costs to maintain public beaches will be derived from various sources including: taxes (e.g. the Environmental Levy, property taxes), dedicated annual government subvention to these entities, fundraising events/activities held at the sites, entrance fees (which should be nominal) and lease arrangements with private entities. These costs will include the provision of sewage treatment facilities, potable water, garbage collection and disposal and the general maintenance of the facilities.

Goal 2. Increased physical access to the foreshore, the floor of the sea and the water column above it by all stakeholders

A. Safeguarding the right of the public to access the foreshore, the floor of the sea and the water column above it

1. The rights of the public to walk along the foreshore (lateral access) and to bathe in the sea are to be provided through an amendment to the Beach Control Act. These rights will be a qualified right as there will be obligations for both the public and, where applicable, licensees. The rights of the public within a licensed area will be subject to the conditions of the licence and the rules governing the area – such conditions are to be determined by the NRCA, whereas the rules will be determined by the licensee in consultation with the NRCA (for example, the number of people using the area, manner of dress, garbage disposal, behaviour). The Government assumes no liability for persons who bathe in areas not licensed under the Beach Control Act.

Members of the public accessing the foreshore and the floor of the sea in front of private property must have due regard to the rights of the property owner to peacefully enjoy the use of his/her property.²⁵ The public must take all reasonable steps to safeguard their life

²⁵ It is of note that Section 4 of the BCA specifies that owners or occupiers of land adjoining the foreshore are entitled to use that part of the foreshore adjoining his land for private domestic purposes, that is to say, for bathing, fishing, and other like forms of recreation and as a means of access to the sea for such purposes.

and property while using that area, and must also be cognizant of the fact that the private property owner and the Government of Jamaica assume no liability for any harm or damage to members of the public in the area. The Occupier's Liability Act will have to be amended to address the liability of the owner/occupier of the private land to persons exercising their rights to access in respect of risks arising from natural features of the landscape.²⁶ Liability arising from anything done intentionally or recklessly by the owner/occupier will be excluded from this provision.

2. Access to the coast should be planned and managed to protect the coastal resources as well as public safety. While the right of the public to have access to the foreshore is to be included as an amendment to the Beach Control Act, this right can be suspended, with due notification, for the safety of the public (e.g. in the case of a of natural or anthropogenic hazards) in keeping with specific provisions of the Disaster Risk Management Act, 2015, particularly Sections 26 and 27.
3. In the development of land adjoining the foreshore, where such lands are publicly owned, no building or other permanent structure may be placed within a strip of land immediately adjoining the foreshore at a minimum distance of between 8 to 30 m (26.2 to 98.4 feet)²⁷ to allow for public access. Buildings may be setback a further distance to maintain privacy where this is desired or as required by the Local Planning Authority.²⁸

²⁶ In England and Wales, section 13 of the Countryside and Rights of Way Act, 2000 addressed the issue of liability. Section 13 amends the Occupier's Liability Act, 1957 so as to reduce the liability owed to those exercising the statutory right of access to the same level which would be owed to trespassers. The Act further provides (by amending the Occupiers Liability Act 1984) that, at any time when the right is exercisable, owners of access land, will owe no liability to those exercising the rights of access, not to trespassers, in respect of risks arising from: natural features of the landscape; any river, stream, ditch or pond; and the passage of any person across a wall, fence, or gate (except by proper use of a gate or stile). Natural features are defined so as to include any plant, shrub or tree. Liability is not excluded in any of these circumstances if the risk arises from anything done intentionally or recklessly by the occupier.

²⁷ The setback is dependent on the slope of the land or other certain circumstances as prescribed by the relevant authorities.

²⁸ Development and Investment Manual

4. Public beaches shall not be sold unless approved by Cabinet. In **exceptional** circumstances, where Cabinet approves the divestment of public beaches by way of sale, the developer will be required to provide, **at his/her own expense**, an easily accessible beach of good quality in the same geographic area, **to be designated as a public bathing or public recreational beach**. Public consultations with respect to divestment of public beaches will be mandatory and shall be conducted in keeping with the requirements set out in NEPA's *Public Consultations Guidelines for Environmental Impact Assessments*²⁹. In all cases, as required by law,³⁰ the historical use of such beaches by the public and the existence of any prescriptive or other rights shall be taken into account in considering any beach licence applications as well as the associated permissions including environmental permits and licences, planning permission and building permission. **Developers will be required to incorporate the proposed alternative beach for public use as part of their application to the Authorities.**
5. Exclusive use of the foreshore (including *de facto* exclusive use³¹) will not be approved whether by lease or licence, except: (i) as per the registered title, (ii) in the interest of public health and safety, (iii) in the case of port and harbour facilities and oil platforms which require exclusive use with respect to international obligations due to safety and control, or (iv) for overwater structures where security considerations may need to be taken into account.
6. Where beaches are privately owned, the Authority may, taking into account the need for public access to the beach, seek to acquire from the owner, such access for the public in accordance with Section 12 of the Act.

²⁹ https://www.nepa.gov.jm/centre/guidelines/public_consultation_eia.pdf

³⁰ Beach Control Act section 11

³¹ Beaches which may have characteristics that preclude access by the general public. Such characteristics may include (but are not limited to) the following:

- a. Extending barriers (fences, walls, barricades etc.) up to and beyond the high water mark.
- b. Excessive fees for entry or parking.
- c. Implementing other rules of operation that indirectly or unreasonably prevent persons from accessing the beach.

7. All beaches in which the NRCA has an interest, whether equitable or not, shall be accessible to the public. The Government will provide and maintain at least one beach in each parish which is affordable to the average Jamaican and accessible to the public for recreational purposes, which observes cultural traditions and norms, such as persons taking their own food for a picnic on the beach.
8. All public beaches will be reserved in the Development Orders prepared in accordance with the Town and Country Planning Act.

B. Institution of a programme for development and rehabilitation of access ways to beaches and the foreshore (perpendicular access)

1. A programme for the development and rehabilitation of access ways to the beach and foreshore will be instituted. This will include:
 - (a) Development of a beach access inventory and plan for each parish;
 - (b) Declaration of access ways under the BCA and publication in the *Gazette*;
 - (c) Posting of signs by the relevant public authorities communicating the location of access ways;
 - (d) Reservation of beach access points for the public in close proximity to the beach when divesting public lands;
 - (e) Acquisition of appropriate access points whether by easement, lease or purchase to facilitate the public having access to the foreshore where no suitable route exists.
 - (f) Information on access ways made readily available to the public; and
 - (g) A requirement that the NRCA provides reasons for its decision to the public within 30 days, where they fail to pursue prescriptive rights in the Court as an amendment to Section (14) (1) of the Beach Control Act

2. Beach access inventory: A detailed access inventory of the entire coastline will be undertaken by the NRCA in consultation with the local planning authorities and other local stakeholders. This inventory should identify and describe all known access points, and identify beach areas considered accessible and inaccessible, as well as adjoining properties, whether private or public, that separate beaches from public roads and rights of way. The inventory should identify access points that could be protected under the Prescription Act.
3. Beach access plan: A beach access plan for each parish will be developed based on the beach access inventory. The Plan will be designed so as to facilitate maximum feasible access to the coast by the general public, including consideration of the need for acquisition of land or rights-of-way by the Government. Old access roads and trails to public beaches will be identified and those access ways which are blocked will be re-opened in collaboration with the local planning authorities, the National Works Agency and the Urban Development Corporation, as appropriate.
4. Provision of access points: The Government, through the NRCA, will reserve beach access points for the public in close proximity to the beach when leasing public beachfront property. The NRCA shall acquire, where necessary, appropriate access points whether by easement, lease or purchase to facilitate the public having access to the foreshore where no suitable route exists.
5. Publication of information on access ways: Existing access ways to beaches are to be publicized and signs erected. New access ways should be developed as appropriate by the NRCA in consultation with the local planning authorities.

All public access ways identified in each parish will be declared under the Beach Control Act and published in the *Gazette* and included in the relevant Development Orders. These access ways shall not be divested by the Government, but be retained for the use of the public in perpetuity. These access ways will be jointly maintained by the NRCA and the relevant local municipal corporation. Information on public access ways will be published on the NEPA's

website and made available at the respective local planning authorities.

6. Education and awareness regarding public access including the mechanism by which the public can pursue prescriptive rights shall be promoted. If the NRCA decides not to pursue prescriptive rights in accordance with Section 14 (1) of the Beach Control Act, the Authority shall, by means of a public meeting within 30 days of the decision, inform the petitioners of the reasons for its decision. In this regard, the Beach Control Act will be amended to reflect this requirement.
7. The NRCA will undertake a review, on a periodic basis, to determine the availability of access to and facilities for the physically disabled at all beaches licensed by the Authority.

C. Provision of access to scenic views

1. The diversion of coastal roads to create exclusive access for development should be avoided. Where a coastal road has been diverted and it is feasible for it to be maintained as an alternative scenic route, this should be done.
2. Development on the seaward side of coastal main roads should be so arranged that there is provision for views of the sea.³² Windows to the sea should be preserved within mega hotel developments or where ribbon developments are proposed along the coast. In addition, construction of roadways should include the provision of appropriate lay-bys at vantage points along the coast.
3. The siting and design of developments along the coast should allow the public physical and/or visual access to the coast. The Town and Country Planning Authority, in consultation with the NRCA and the local planning authorities, will determine the allowable heights, densities and distances between buildings as well as setback limits from the coast and main roads. These specifications shall be reflected in the Development

³² See Development Orders

Orders and observed by the planning authorities in the issuing of licences/permits for coastal developments. The height of facilities provided at bathing and fishing beaches should not exceed two storeys as per the Development and Investment Manual (2007).

4. Where no area for a beach has been reserved in subdivisions sited along the coast, an area for a seaside park should be provided between the high water mark and the nearest row of lots.
5. Seaside parks to provide access to the sea and lookout points to provide views of the sea will be developed. The height and density of buildings along the coast should be in keeping with the requirements of Development Orders such that the views are not obstructed.
6. The divestment of seaside parks owned by public entities shall be by leasehold only. Admission to seaside parks owned, managed and/or leased by public entities will be free or at a minimal cost to the public. All seaside parks in each parish shall be identified by the local planning authorities and the information submitted to the NRCA. Signage related to seaside parks shall be erected by the owner/operator with the approval of the local planning authority and in consultation with the NRCA/NEPA.

Goal 3. Expansion of beach-related recreational opportunities

A. Preparation and implementation of a Beach Development and Management Programme

1. A National Beach Management Programme will be developed through the NRCA in collaboration with the relevant public sector agencies that regulate, own and/or manage bathing beaches. This Programme will specify bathing beaches for further development and restoration/rehabilitation, where necessary. Parish-specific beach management

programmes will be developed, taking into account the National Programme, and will be coordinated at the parish level by the local authorities in consultation with local stakeholders. Under these programmes, beaches will be developed to ensure their usefulness and safety without destroying their natural beauty. As such, beaches will not be overdeveloped.

2. Civil society, particularly local community-based organizations (CBOs) and benevolent societies, will be actively engaged in the management and sustainable use of bathing beaches. There will be consultative processes at the community and parish levels to guide decision-making with respect to the adequacy and type of beaches to be made accessible to the public. CBOs with activities focused on coastal resources management will be supported and encouraged through the provision of financial and technical assistance from the Government, where possible and as appropriate.
3. Opportunities to lease bathing beaches owned by the Government to the private sector and community-based organizations will be provided. Such beaches are to be properly maintained and managed at a high quality and must meet the minimum criteria established by the NRCA for bathing beaches as well as allow for continued access to the beach by the public. Action will be taken to protect designated recreational and fishing beaches from unplanned/unauthorized development and incompatible/inappropriate uses.
4. The NRCA will identify and take steps to upgrade the beaches which it owns, including those which may potentially be leased to commercial interests on terms to be agreed. The Authority will also develop or assist in the development of beaches for which no payment may be required for entry and/or use of the amenities. Other government entities which own beaches will be encouraged to upgrade their beaches to allow for public access.
5. Where a public beach is to be acquired for use by a commercial entity, the right of the public to access the beach should be preserved and a licence granted under the Beach Control Act rather than a lease. Where leases are granted, such leases shall not exceed 25

years and will be subject to review every 5 years. Prior to the lease of Crown/Government beach properties to commercial interests, consultations must be held with the NRCA, local communities and other interested stakeholders regarding the possible leasing of these properties as well as their management, development and upgrade. The conditions of the lease and any amendments thereof should not adversely affect public access.

B. Effective Management of Public Coastal lands

1. No offshore coastal properties, including banks, rocks, islands and cays, owned by the Crown shall be sold. No offshore coastal properties shall be leased and/or developed without prior consultation with the NRCA and the relevant public sector agencies including the Commissioner of Lands, local planning authorities, the National Fisheries Authority³³, the Port Authority of Jamaica and the Maritime Authority of Jamaica. All applications for leases or major developments should be accompanied by a management plan for review, approval, refusal or modification by the NRCA.
2. All coastal lands currently held by the Government or vested in the Crown, if being divested, will not provide for private property rights for an area 30 m wide inland from the high water mark. Coastal Crown lands are to be held in trust for the people of Jamaica. Any alienation must be done with the consent of the Authority. The recognition that such lands are held in trust for the people of Jamaica should be included in all leasehold and divestment instruments issued in relation to coastal Crown lands. In addition, the public trust should be recognized and endorsed as covenants on the Certificates of Titles for these lands.

³³ With the passage of the Fisheries Bill, 2018 a National Fisheries Authority was established to replace the Fisheries Division.

C. Judicious acquisition of beaches

1. The NRCA, in collaboration with the Town and Country Planning Authority, the local planning authorities, the National Land Agency and other government agencies/bodies, will continue to pursue the policy of reservation of beach properties in subdivisions, direct acquisition, or acceptance of donations of properties from private property owners. This policy of reservation will be pursued generally, but specifically in those areas where developmental pressures are greatest and the types of development are so large as to limit access over significant portions of the coastline.
2. In keeping with Section 12 of the Beach Control Act, the Authority will identify and acquire suitable properties in the public interest for use as beaches and/or seaside parks whenever opportunities arise and/or where the ecological sensitivity demands it. These properties once acquired, will be developed where appropriate, to conform to the categories of beaches elucidated in this Policy (see Goal 1, Strategic Action C). This requirement does not prevent the Authority from designating points of access in lieu of the acquisition of property.

D. Management of leasing of the floor of the sea

1. The Government shall retain ownership of the foreshore, the floor of the sea and the water column above it and ensure effective management of the area. Management and control of the water column should never be divested and should only be transferred by virtue of a licence issued by the Authority.
2. Specific planning and/or building approval will be required for the deployment of structures below the high water mark (overwater structures) in order to ensure that such structures are not deployed on sensitive resources on the sea floor such as coral reefs and

seagrass beds and that they do not become hazards in high seas or to users of the sea. The Planning Policy Guidelines for Overwater Structures shall specify such requirements.

Goal 4. Institution of measures for pollution control, waste management and safety for the protection of users of the coastal resources

The relevant regulatory authorities, particularly the NRCA, will ensure that the use of public beaches is kept under constant review and management. Reviews will assess, among other things, the environmental impact of increased beach usage including any possible loss or reduction in the quality of sand, health of coastal resources (seagrass, coral reefs, mangroves), and any activities that may negatively impact the quality of the beach (for e.g. squatting and illegal fires) as well as the measures to mitigate any negative impacts.

Strategic Actions

A. Safety

1. Beach licences renewed, suspended or revoked will be published in the register of licences in accordance with Section 11(6) of the Beach Control Act. In addition, beach areas subject to Court orders under Section 19³⁴ of the Beach Control Act will be published. The register shall be made available to the public for inspection. The Beach Control Act will be amended accordingly to reflect this provision.
2. The NRCA, in consultation with the respective local health departments and the local planning authorities, will ensure that warning signs are placed at conspicuous places on public beaches advising of any hazards (including consistent and extreme wind or wave action) that may pose a risk to public safety in the use of the beach.

³⁴ Section 19 of the Beach Control act lists the circumstances under which the Authority may apply to the Court for an order inter alia, prohibiting use of the foreshore or floor of the sea within or in contravention of a licence, requiring removal of encroachments, closure of beaches and rehabilitation of the foreshore or floor of the sea where it has been damaged.

3. All public sector agencies which own, manage or lease beaches will develop and implement a public awareness programme regarding beach safety including rip currents and dangerous coastal features.
4. The NRCA will continue to monitor beach activities to ensure that the Beach Safety Regulations are observed.
5. The Water Sports Regulations, 1985 will be amended with the revision of the Jamaica Tourist Board Act. The Ministry of Tourism has also developed a Water Sports Policy (draft) which addresses issues related to the regulation of vessels used in water sports and the safety of users of the marine and riverine environments where these vessels operate. This Policy is being developed by the Ministry of Tourism in collaboration with other key stakeholders including the: TPDCo, Maritime Authority of Jamaica, Port Authority of Jamaica, NEPA and the Marine Police.

B. Coastal Water Quality

1. The regulatory and resource management agencies of central and local government will develop partnerships with stakeholders and civil society groups to improve monitoring and enforcement of coastal water quality standards.
2. Coastal water quality monitoring plans will be developed and implemented by owners/operators of beaches. Water quality sampling points will be established based on the nature and dynamics of the coastal environment and sampling conducted where the concentration of bathers is highest and at points of potential pollution sources (such as streams, rivers or other inlets entering the beach). At least one sampling point should coincide with a sampling point of the wider coastal water sampling programme of the regulatory body, where such a programme exists. The frequency and location of sampling

is to be determined by the NRCA/NEPA. The results of these water quality monitoring exercises should be published periodically on NEPA's beaches webpage. Operators of public bathing, public recreational, commercial recreational and hotel beaches should keep results of water quality monitoring exercises on site and provide these on request to patrons of their respective beaches. Where the water quality in any area has deteriorated below approved standards for coastal recreational waters, the MOH and NEPA will be required to inform the public of same.

The dumping of solid waste within the nearshore, on beaches, dunes, or in wetlands is prohibited. All the relevant provisions in the National Solid Waste Management Authority Act (2001) as well as the respective Public Health Garbage Collection and Disposal Regulations for each parish must be observed at all coastal lands. Waste disposal and recycling bins/receptacles should be provided and garbage regularly collected by owners/operators of beaches. This requirement will apply to all beaches that are regularly visited by the public.

Where it has been deemed unsafe for persons to use beaches due to a deterioration in water quality below approved standards for coastal recreational waters, or due to other issues related to public health, the Ministry of Health will impose the appropriate sanctions on the owner/operator of the beach. This may include closure of the facility until the water quality is of a standard that is acceptable for public bathing.

3. The existing guidelines and standards for activities on bathing and fishing beaches will be reviewed and refined by the NRCA/NEPA in consultation with the National Fisheries Authority and the local planning authorities, as appropriate.
4. NEPA will continue to ensure that operators of beaches and other coastal developments assume responsibility for ensuring that no liquid or solid waste is discharged to or accumulates on the beach site and that all waste is disposed of in an appropriate manner.

These requirements will be included as conditions in licenses issued under the Beach Control Act.

5. The Public Health Authorities, as per their mandate under the Public Health Act and the relevant Regulations, will be required to institute and implement a recreational water quality monitoring programme with specific emphasis on the water quality at public bathing and recreational beaches. The results of the water quality monitoring programme will be made available to the public on a periodic basis.
6. Licensees will be required to report to the NRCA, in accordance with their licences, any incident of pollution, which may affect the beach or water quality at the site or cause harm to users of the beach.
7. Only service animals will be allowed on public bathing, public recreational and fishing beaches. The handlers of these animals will be required to clean up and safely dispose of the animal droppings. Access to other licensed beaches by horses, dogs and other domestic animals will only be permitted through the conditions of beach licences issued by the Authority. Where dogs and other domestic animals are allowed on other categories of beaches they should always be leashed and their handlers are also required to clean up and safely dispose of the animal droppings.
8. Where unsanitary conditions exist or the minimum standards are not met, the Local Health Authority should take steps to have remedial action taken or where necessary beaches should be closed.
9. The NRCA will continue to clean its beaches and initiate and support coastal clean-up days and adopt-a-beach programmes in collaboration with communities, non-governmental organizations and the private sector.

10. The institution of an internationally recognized warning system for pollution or safety risks with respect to bathing beaches such as a flag system will be explored by the NRCA.
11. The NRCA will conduct regular environmental audits of beach facilities to ascertain whether the beaches are in compliance with the relevant regulations and best practices for the operation of the facilities.

C. Noise Pollution

1. Owners and operators of beaches shall ensure that beach users do not create noise at such a level that disturbs either those persons at the beach or the neighboring properties or wildlife on the coast. The playing of music at beaches should be done in a way that the activity does not result in any breach of the Noise Abatement Act.
2. Subject to the relevant approvals and/or permits from the Jamaica Constabulary Force, noise levels at functions held on public bathing and public recreational beaches with a duration of more than five hours should not exceed 70 dB. This provision will be enforced through an amendment of the Noise Abatement Act.
3. The Authority will suspend or revoke beach licenses where there have been breaches of the Noise Abatement Act (1997) by licensees.

D. Informal Settlements

Informal settlements on beach properties are not to be condoned. Wherever and whenever such settlements are identified, they will be brought to the attention of the relevant authorities including the Ministries with portfolio responsibility for housing and fisheries for appropriate action. Matters related to squatting on beaches or coastal lands will be fully articulated in the Squatter Management Policy which is being developed by the Ministry with portfolio responsibility for housing.

E. Beach Sand Quarrying

Beach erosion is a major issue in Jamaica which has been further exacerbated with the impacts of climate change. The illegal removal of beach sand for beach nourishment has become a major concern. In relation to beach sand, the NRCA has developed Guidelines for the Quarrying of Beach Sand. These Guidelines will inform the Authority's deliberations and decisions with respect to applications for the dredging and quarrying of coastal sand and beach nourishment pursuant to the Beach Control Act and the NRCA Permits and Licences Regulations.

Goal 5. Management of fishing beaches and protection of the traditional access rights of fishermen

Strategic Actions

A. Preservation of the traditional access rights of Fishermen

1. The prescriptive rights of fishermen will be preserved by the NRCA in accordance with the relevant provisions of the BCA.
2. The need for safe harbour by fishermen must be paramount in the consideration of applications for a licence for use of the foreshore. The rights of fishermen to moor their vessels on any beach during an emergency will be preserved.
3. The National Fisheries Authority will work in conjunction with the NRCA and other relevant Government bodies or NGOs to secure the tenure of fishers on designated fishing beaches.

B. Management of Fishing Beaches

1. The National Fisheries Authority, as per the Fisheries Act, 2018 will promulgate regulations prescribing measures for the management and development of fishing beaches.
2. Fishers will be encouraged by the National Fisheries Authority to establish fisher groups/ organizations/cooperatives/friendly societies and these groupings will be encouraged to apply for licences under the Fishing Industry Act and assume management responsibilities for those sections of the coast designated as fishing beaches.
3. The National Fisheries Authority in consultation with NRCA/NEPA shall make provisions for conflict resolution that arises from time to time related to fishing communities as it relates to displacement issues, land tenure, and conflicting uses of the beach.
4. Co-management strategies shall be employed where there are joint fishing and bathing beaches, with a view to providing an environment for cooperation and harmony. In respect of joint fishing and bathing beaches, access for bathing and recreational purposes will be limited to areas designated for such uses for the safety of both fishers and bathers alike.
5. The Public Health Department and the National Fisheries Authority will continue to monitor fishing beaches and ensure that appropriate sanitary conveniences are in place.

C. Regulation of mariculture activities

1. The growth of the mariculture segment of fisheries has generated questions regarding the regulation of the use of the water column and seabed for commercial purposes. A mariculture policy is in its final stages of development by the National Fisheries Authority in consultation with key stakeholders.

2. Areas will be delineated and licences will be issued by the relevant authorities for the types of activities that may be allowed within such areas. The extent of the "licensed area" will be carefully considered so as not to impede the activities of traditional fishermen or the public. In considering applications for licenses for mariculture activities, consideration must be given to the potential effects on natural beach functions and biota and the utilization of best management practices. Access to mariculture grounds or sites may be from land and may necessitate access to the beach. Boats therefore have to be moored and/or fish landed using the beach at designated area(s). Zoning plans for areas to be used for mariculture activities will be prepared by the National Fisheries Authority in consultation with the NRCA and other relevant stakeholders.
3. Guidelines for the development and management of mariculture activity in Jamaica will be included in a management plan for the mariculture industry to be prepared by the National Fisheries Authority and the appropriate legislation enacted.

D. Establishment of fishing beaches

1. The number of beaches designated as fishing beaches will be gradually reduced for practical management purposes and will be strategically rationalized. No new fishing beaches will be created. The landing of fish will not be allowed on the shores of non-fishing areas and areas not so zoned in Marine Parks and Marine Protected Areas.³⁵ The landing of fish will only be allowed in designated areas that are suitably equipped for good occupational health and food safety standards.
2. Through the cooperation of various Ministries and other agencies involved in managing coastal areas, the Government will establish rules for the tenure of fishing beaches and promote improved conditions of fisherfolk operating on such beaches.

³⁵ Draft Fisheries and Aquaculture Policy

Goal 6 Protection of coastal resources and increasing resilience to the impacts of climate change

Strategic Actions

A. Use of scientific information and best practices in decision making

1. The ecosystem based approach will be utilized in the management of beaches. Management strategies shall take into consideration activities within the environs that may impact the beach. Areas of high ecological value should be protected, enhanced and rehabilitated where necessary. Steps should be taken when designing and locating access paths and tracks to avoid sensitive areas. The resilience of coastal resources (seagrass, coral reefs) should be strengthened. The protection and establishment of coastal forests (mangroves), where possible, should be promoted and the destruction and removal of these coastal ecosystems should be avoided. Dune systems should be protected and dune vegetation maintained, enhanced or restored, where necessary.
2. Projections of the impact of climate change on the beaches of Jamaica will be taken into account in the planning of beach development(s). The impact of increasing storm activity, sea level rise and associated coastal erosion as threats to beach development will be factored into coastal planning. At a minimum, the following issues will be evaluated:
 - (a) sediment budget;
 - (b) gradual sea level rise as a longer-term factor; and
 - (c) potential increase in storm intensities
3. Climate change projections and water circulation modeling are among the tools that may be utilized, as appropriate, in assessing and forecasting beach erosion rates.
4. Structures above the mean high water mark shall be located behind the natural sand dune/ordinary line of vegetation in order to achieve:

- a) maintenance of public access along beaches;
 - b) maintaining the natural ability of the coastline to recover from storm events;
 - c) maintaining or enhancing natural beach and beach vegetation conditions to promote turtle nesting where this exists; and
 - d) adaptation to erosion and sea level rise
5. Coastal developments, including resorts and attractions, should be sited with consideration of projected climate change impacts. For example, consideration should be given to locating such developments on the landward side of roadways and in a manner that minimizes the need for future erosion protection works.
 6. Shoreline erosion management plans shall be prepared where there is a potential threat to beaches or infrastructure located on government coastal lands.
 7. The Coastal Management and Beach Restoration Guidelines for Jamaica³⁶ should be utilized when planning, designing and managing coastal management and beach restoration interventions.
 8. NEPA will continue to evaluate the use of ShoreLockTM for the protection and restoration of eroding coastlines. Where possible, other available technologies will also be evaluated.
 9. Research will be conducted and data collected to determine the potential impact of ocean acidification on beaches and coastal resources.

³⁶https://www.nepa.gov.jm/new/services_products/guidelines/docs/coastal_management_and_beach_restoration_guidelines_jamaica.pdf

B. Development and dissemination of public awareness material

1. Public awareness material shall be developed by NEPA for distribution on good coastal practices. This material will assist coastal communities to address the challenges arising from storms, floods, sea level rise, and climate change as part of a proactive approach to coastal hazard mitigation and preparedness.
2. Public education materials will be posted on the websites of the relevant Ministries, Departments and Agencies, including the Ministries with portfolio responsibility for Environment, Climate Change and Tourism respectively, NEPA, National Fisheries Authority, TPDCo, UDC and the Jamaica Information Service (JIS). Owners and operators of public bathing and recreational beaches will be required to post or have available public education material for dissemination at the beaches. In addition, NGOs and CBOs will be requested to assist the government in the development (and update as necessary) and dissemination of these materials to a wide audience.

C. Coastal zone monitoring

1. A systematic programme will be put in place to preserve the island's beaches taking into account the impacts of climate change. Schools and communities will be encouraged to become involved in beach monitoring activities, for example adopting Sandwatch.³⁷ Beach profiles should be monitored to contribute to better understanding of the dynamics of beach accretion and erosion. Special emphasis will be placed on those beaches across the island that exhibit significant rates of erosion.

³⁷ Sandwatch is an educational process through which school students, teachers and local communities work together in the field to monitor their coastal environments; identify and evaluate the threats, problems and conflicts facing them; and develop sustainable approaches to address them. Sandwatch groups can select to investigate different aspects of the beach such as: beach erosion and accretion, sediment composition and impact of human activities on the beach. <http://www.unesco.org/new/en/natural-sciences/priority-areas/sids/sandwatch/>

2. Setbacks will be monitored with the assistance of the Ministry with portfolio responsibility for Local Government, through the local planning authorities, to ensure there is no encroachment within these setback limits. The adoption of erosion rate-based construction setback rules shall be implemented, where applicable.

5.4 Implementation and Review Process

5.4.1 Role of Government

The Ministry with portfolio responsibility for the environment will be responsible for evaluating the implementation of this Policy and its revision as appropriate. The overall implementation of the Policy as well as the enforcement of the BCA and its regulations is the responsibility of the NRCA in its capacity as the Beach Control Authority. In this regard, the state of the island's beaches will be included as a component of the State of the Environment Reports and annual reports prepared by NEPA and submitted to Cabinet and the Parliament.

Government through the NRCA will set up procedures through which funds generated from:

- (i) the issuance of beach licences under the BCA,
- (ii) the leasing of public bathing beaches to commercial operators³⁸,
- (iii) a dedicated annual allocation from the TEF, and
- (iv) taxes, for example the Environmental Levy

will be used to assist in the development and management of public bathing beaches. Where a public entity manages a public recreational beach, all funds generated from all commercial activities undertaken at the beach, entrance fees and fees for the use of amenities must be utilized in the maintenance of the property.

³⁸ These beaches will be gazetted as public recreational beaches under the Beach Control Act.

It is recognized that the implementation of this Policy will require fundamental changes and additional human and financial resource demands. The key activities to be undertaken have been included in the five year implementation plan included in this Policy (see page 62)

Existing legislation will be reviewed and new legislation introduced to ensure that the NRCA has the authority and the capacity to monitor and enforce regulations pertaining to beach and coastal zone conditions and access.

Fishermen co-operatives, resort boards, marine parks as well as local planning authorities, will be encouraged to actively participate in the management of beaches and seek to obtain assistance from the private sector and NGOs in their respective parishes to this end.

5.4.2 Role of Civil Society including Community-based Organizations

1. Civil society will have a crucial role to play in the implementation of this Policy. Their input is vital in any consultation process in designing and implementing local beach management programmes. They can assist in the gathering of data and distribution of information and their involvement in monitoring could result in a reduction in the costs and need for enforcement. Involving them in the management of beach and coastal resources will lead to greater community stewardship due to a sense of ownership and an understanding of the value and benefits of these resources.
2. Community-based organizations will be encouraged to take on management functions, public education, monitoring and outreach activities related to coastal zone management.

10. IMPLEMENTATION PLAN

Policy Objective	Strategy	Key Activities	Indicators	Timelines	Responsible Agencies	Indicative Costs
Establishment of effective institutional arrangements for the regulation and management of beaches	Improved interagency communication and collaboration regarding decision-making on the development, management and leasing of the island's public bathing and recreational beaches	1. Increase linkages between the NRCA and Municipal Corporations and PDCs to coordinate the development and management of public bathing beaches within their respective parishes.	# of MOUs between NRCA, Municipal Corporations and PDCs	Yrs 1 to 5	Lead – NRCA/NEPA Supporting – LPAs and PDCs	Staff time
		2. Increase the capacity of the NRCA to regulate and monitor the island's beaches.	# of officers assigned to regulate and monitor the island's beaches	Yrs 1 to 5	Lead – NRCA/NEPA Supporting – MRE, MOF	\$10,000,00-
		3. Inclusion of a detailed report on the status of the island's public bathing and recreational beaches and any initiatives, plans or programmes to improve same in NEPA's Annual Reports.	Inclusion of report in NEPA's Annual Reports	Yrs 1 to 5	Lead – NRCA/NEPA Supporting – MRE, TPDCo, UDC, LPAs, NLA, PCJ	Staff time
		4. Continue the collaboration between the TPDCo and TEF and relevant public entities and prioritize those beaches that should be rehabilitated to allow for increased access by the public	# of beaches rehabilitated by the TEF, TPDCo and the NRCA	Yrs 1 to 3	Lead – TPDCo, TEF, NRCA/NEPA Support – Public entities that own beaches	To be determined based on the particular beaches
	Clarification of the role of the NRCA in relation to bathing and fishing beaches	1. The NRCA will maintain the provisions in the BCA to acquire lands for fishing beaches and pursue the establishment of prescriptive rights as per Sections 12 and 14 of the Act respectively.	Provisions in the BCA to acquire lands for fishing beaches and pursue the establishment of prescriptive rights as per Sections 12 and 14 of the Act maintained by the NRCA	Yrs 1 to 5	Lead: NRCA/NEPA Support: National Fisheries Authority	Staff time
		2. Land acquired under Section 12 by the Authority will become the remit of (ownership and management) the National Fisheries Authority under the Ministry with portfolio responsibility for Fisheries	Land acquired under Section 12 by the Authority owned and managed National Fisheries Authority under the Ministry with portfolio responsibility for Fisheries	Yrs 1 to 5	Lead: NRCA/NEPA, Fisheries	Staff time

Policy Objective	Strategy	Key Activities	Indicators	Timelines	Responsible Agencies	Indicative Costs
		3. Inclusion of recommendations that land acquired under Section 12 by the Authority will become the remit of (ownership and management) the National Fisheries Authority included in the draft Fisheries and Aquaculture and amendments in to the Fisheries Act.	Recommendations that land acquired under Section 12 by the Authority will become the remit of (ownership and management) the National Fisheries Authority included in the draft Fisheries and Aquaculture and amendments in to the Fisheries Act.	Yrs 1 to 5	Lead: Fisheries Support: NRCA/NEPA	Staff time
	Institution of a system regarding categories of licences and fees	1. Amendment to the Beach Control Act and the Beach Control (Licensing) Regulations to amend the categories of beaches.	Publication of amended Act and Regulations in the Jamaica Gazette	Yrs 1 to 3	Lead: MRE Support: NRCA/NEPA, CPC	Staff time
		2. Publication in Gazette of public bathing beaches, public recreational beaches and beaches reserved exclusively for the use of schools, churches, the Uniformed Youth Groups that are recognized by the Ministry with responsibility for Youth, the Red Cross, Friendly Societies or bodies for charitable or educational purposes.	List of public bathing beaches, public recreational beaches and beaches reserved exclusively for the use of schools, churches, the Uniformed Youth Groups that are recognized by the Ministry with responsibility for Youth, the Red Cross, Friendly Societies or bodies for charitable or educational purposes published in the Jamaica Gazette	Yrs 1 to 5	Lead: MRE Support: NRCA/NEPA, LPAs, UDC, PCJ, NLA	Staff time
		3. Establish and maintain a database accessible to the public of public bathing, public recreational and commercial recreational beaches in each parish.	Database established and maintained	Yrs 1 to 5	Lead: NRCA/NEPA Support: LPAs, UDC, MLG, Ministry of Tourism	Staff time
		4. Establish and maintain a webpage to provide the public with information on the island's beaches including: the category of beach, location, licenses/permits issued by government authorities, availability of amenities, fees, and ownership or management arrangements.	# of hits on webpage	Yrs 1 to 5	Lead: NRCA/NEPA	\$1,000,000

Policy Objective	Strategy	Key Activities	Indicators	Timelines	Responsible Agencies	Indicative Costs
		5. Fixing of fees for public recreational beaches.	Fees for public recreational beaches published in the Jamaica Gazette	Yrs 1 to 5	Lead: NRCA/NEPA Support: LPAs	Staff time
		6. Set/revise fees for commercial recreational beaches in consultation with owner or person exercising control of the beach or receiving any such fee.	# of consultations	Yrs 1 to 5	Lead: NRCA/NEPA Support: LPAs	Staff time
		7. Encourage hotels to institute a beach pass system and have hotels who opt for such a system to consult with NEPA in determining the fee structure.	# of hotels with beach pass system instituted in consultation with NEPA	Yrs 1 to 5	Lead: NRCA/NEPA	Staff time
		8. Develop and maintain register that lists all licenses issued and applications refused by the Authority and make register accessible to the public.	Register of licenses issues and applications refused accessed by the public	Yrs 1 to 5	Lead: NRCA/NEPA	Staff time
		9. Provide adequate funding to ensure that public beaches are maintained and standards are met.	Beaches meet public health and safety standards	Yrs 1 to 5	Lead: MOF Support: NRCA/NEPA, UDC, TEF, TPDCo, LPAs,	To be determined
Increase physical access to the foreshore, the floor of the sea and the water column above it by all stakeholders	Safeguarding the right of the public to access the foreshore, the floor of the sea and the water column above it	1. Amend Beach Control act to provide the public with the right to walk along the foreshore (lateral access) and to bathe in the sea.	Publication of amended Act in the Jamaica Gazette	Yrs 1 to 3	Lead: MRE Support: NRCA, CPC	Staff time
		2. Amend Occupier's Liability Act to reduce liability of owner/occupier of private land to persons exercising their right to access the foreshore to the same level as those of trespassers.	Publication of amended Act the Jamaica Gazette	Yrs 1 to 3	Lead: MoJ Support: CPC	Staff time

Policy Objective	Strategy	Key Activities	Indicators	Timelines	Responsible Agencies	Indicative Costs
		3. Access to the coast (visual and physical), prescriptive rights, the protection of coastal resources including use of setbacks will be taken into consideration in planning developments and in the development approval process.	% of applications approved in keeping with Policy Guidelines	Yrs 1 to 5	Lead: TCPA/NEPA, LPAs Support: NRCA, Ministry of Tourism, Ministry with responsibility for Housing and Infrastructure	Staff time
		4. No approvals for exclusive use of the foreshore to be given, except in special circumstances as outlined in the Policy.	% of refusals for applications for exclusive use	Yrs 1 to 5	Lead: NRCA, NLA	Staff time
		5. Acquisition of private beaches where there is a need for public access.	# of beaches acquired	Yrs 1 to 5	Lead: NRCA Support: NLA	To be determined
		6. Ensure NRCA beaches remain accessible to the public.	% of NRCA beaches accessible to the public	Yrs 1 to 54	Lead: NRCA	To be determined
		7. Provide and maintain at least one beach in each parish which is accessible to the public for recreational purposes with respects cultural traditions, for example, persons taking their own food.	# of public recreational beaches available per parish	Yrs 1 to 5	Lead: NEPA/NRCA, LPAs Support: TEF, MoF	\$500,000,000
	Institution of a programme for development and rehabilitation of access ways to the beach and the foreshore (perpendicular access)	Institution of a programme for the development and rehabilitation of access ways with ongoing review.	Programme for access ways instituted and mechanism for periodic review established	Yrs 1 to 2	Lead: NRCA/NEPA, LPAs Support: MRE, NWA, UDC, TPCA	\$25,000,000
	Provision of access to scenic views	1. Avoid diversion of coastal roads to create exclusive access for development. Where a coastal road has been diverted and it is feasible, it to be maintained as an alternative scenic route.	# of coastal roads diverted	Yrs 1 to 5	Lead: NWA	Staff time

Policy Objective	Strategy	Key Activities	Indicators	Timelines	Responsible Agencies	Indicative Costs
		2. Provision of views of the sea through proper planning, design and siting of developments and the provision of lay-bys, seaside parks and look out points at vantage points along coastal roads.	# of access points created and maintained	Yrs 1 to 5	Lead: TCPA, LPAs, NRCA/NEPA	To be determined
		3. Provide area for seaside park where no area for a beach has been reserved in subdivisions sited along the coast.	# of seaside parks provided	Yrs 1 to 5	Lead: TCPA/NEPA, LPAs Support: NWA, Ministry of Tourism, Ministry with responsibility for Infrastructure	To be determined
Expansion of beach related recreational opportunities	Preparation and implementation of a Beach Development and Management Programme	1. Development of a National Beach Management Programme.	National Beach Management Programme implemented	Yrs 1 to 5	Lead: NRCA/NEPA Support: LPAs, UDC, TPDCo, NLA, PCJ	To be determined
		2. Collaboration with civil society for the management and sustainable use of bathing beaches.	# of MOUs developed and executed	Yrs 1 to 5	Lead: NRCA/NEPA Support: LPAs, UDC, TEF, MoF	To be determined
		3. Creation of opportunities to lease public bathing beaches to private sector and CBOs.	# of RFPs issued and successfully implemented	Yrs 1 to 5	Lead: NRCA/NEPA, LPAs, UDC, NLA, TPDCo Support: Ministry with responsibility for Land, MoF	Staff time
		4. Upgrading of public bathing beaches including NRCA beaches	# of beaches rehabilitated	Yrs 1 to 5	Lead: NRCA/NEPA	To be determined
		5. Right of public to access preserved for public beaches leased by commercial entities	Right preserved in divestment instrument governing the acquisition	Yrs 1 to 5	Lead: NRCA/NEPA	Staff time
		Effective Management of Public Coastal lands	1. All coastal lands held by the Government or the Crown which will be divested will not provide for private property rights for an area 30 m wide inland from the high water mark.	# of titles issued after promulgation of policy including this stipulation	Yrs 1 to 5	Lead: NLA Support:

Policy Objective	Strategy	Key Activities	Indicators	Timelines	Responsible Agencies	Indicative Costs
		2. Coastal Crown lands are to be held in trust for the people of Jamaica. This recognition should be included in all leasehold and divestment instruments issued in relation to coastal Crown lands. The public trust should be recognized and endorsed on the Certificates of Titles for these lands.	# titles for coastal crown lands endorsed with public trust doctrine	Yrs 1 to 5	Lead: NLA Support:	Staff time
	Judicious acquisition of beaches	1. Continue to pursue the policy of reservation of beach properties in subdivisions, direct acquisition, or acceptance of donations of properties from private property owners.	# of beaches	Yrs 1 to 5	Lead: NRCA/NEPA Support: LPA, TCPA, NLA	Staff time
		2. Identify, acquire (under Section 12 of the Beach Control Act) and develop suitable properties for use as beaches and/or seaside parks.	# of beaches/properties acquired and developed as beaches and/or seaside parks	Yrs 1 to 5	Lead: NRCA, Support: NLA, LPA, MoF	To be determined
	Management of leasing of the floor of the sea	1. The Government shall retain ownership of the foreshore, the floor of the sea and the water column above it and ensure effective management of the area. Management and control of the water column should never be divested.	NLA ensures that ownership of the foreshore, the floor of the sea and the water column remains government owned.	Yrs 1 to 5	Lead: NLA	Staff time
Institution of measures for pollution control and safety for the protection of users of the coastal resources	Implement Safety Measures	1. Publish beach licenses renewed suspended or revoked in a register in accordance with Section 11(6) of the Beach Control Act.	Register established and accessible by public	Yrs 1 to 5	Lead: NRCA/NEPA	Staff time
		2. Amend the Beach Control Act to include in the register above, areas subject to Court Orders under Section 19 of the Act.	Amendments to Beach Control Act published in Jamaica Gazette	Yrs 1 to 5	Lead: MRE, NRCA/NEPA	Staff time

Policy Objective	Strategy	Key Activities	Indicators	Timelines	Responsible Agencies	Indicative Costs
		3. Install warning signs on public beaches advising hazards (including consistent and extreme wind or wave action) that may pose a risk to public safety in the use of the beach.	Warning signs installed	Yrs 1 to 5	Lead: NRCA/NEPA Support: MoH, LPAs, LHAs, UDC,	\$10,000,000
		4. Implementation of public awareness programme regarding beach safety including rip currents.	Public awareness programmes implemented	Yrs 1 to 5	Lead: NRCA/NEPA, UDC, PCJ, LPAs, NLA	\$5,000,000
		5. Continued monitoring of beaches to ensure that the Beach Safety Regulations are observed.	Monitoring programme established and monitoring reports made periodically available to the BCRCC	Yrs 1 to 5	Lead: NRCA/NEPA	Staff time
		6. Amendment of the Water Sports Regulations, 1985 with the revision of the Jamaica Tourist Board Act.	Amendment published in the Jamaica Gazette	Yrs 1 to 5	Lead: Ministry of Tourism	Staff time
	Improving and maintaining safe Coastal Water Quality	1. Development of partnerships between regulatory and resource management agencies of central and local governments with stakeholders and civil society groups to improve monitoring and enforcement of coastal water quality standards.	# of MOUs	Yrs 1 to 5	Lead: NRCA/NEPA, MOH Support: UDC, LPAs, Jamaica Hotel and Tourist Association	Staff time
	2. Development of coastal water quality monitoring plans by owners/operators of beaches.	# of coastal water quality monitoring plans developed	Yrs 1 to 5	Lead: NRCA/NEPA, UDC, LPAs, private beach owners	Staff time	
	3. Enforcement of NSWMA Act	# of tickets, fines etc. under the NSWMA Act in relation to beaches	Yrs 1 to 5	Lead: JCF, NSWMA, MOH	Staff time	
	4. Imposition of sanctions on owners/operators of beaches where it has been deemed unsafe for persons to use beaches due to deterioration in water quality beyond established safety standards or due to other issues related to public health.	# of sanctions issued	Yrs 1 to 5	Lead: MOH	Staff time	

Policy Objective	Strategy	Key Activities	Indicators	Timelines	Responsible Agencies	Indicative Costs
		5. Review of existing guidelines and standards for activities on bathing and fishing beaches.	Guidelines prepared and periodically updated.	Yrs 1 to 2	Lead: NRCA/NEPA	Staff time
		6. Implementation of recreational water quality monitoring programme with specific emphasis on the water quality at public bathing and recreational beaches.	Programme implemented	Yrs 1 to 2	Lead: NRCA/NEPA Support: Fisheries Authority, MOH, LPAs	Staff time
		7. Exploration of the institution of an internationally recognized warning system for pollution or safety risks with respect to bathing beaches such as a flag system.	Report prepared with recommendations on what warning system should be implemented	Yrs 1 to 3	Lead: NRCA/NEPA Support: MOH	Staff time
		8. Conduct regular environmental audits of beach facilities to ensure compliance.	# of audits carried out	Yrs 1 to 5	Lead: NRCA/NEPA Support: MoH, LPAs	To be determined
	Noise Pollution	1. Owners and Operators of beaches will ensure that patrons do not disturb others or neighbouring properties and that there are no breaches of the Noise Abatement act.	# of breaches of Noise Abatement Act	Yrs 1 to 5	Lead: Beach owners and operators Support: JCF	-
		2. Necessary permits for hosting events at beaches should be obtained and the relevant conditions and laws enforced.	permits for hosting events at beaches obtained and the relevant conditions and laws enforced	Yrs 1 to 5	Lead: LPA, JCF	Staff time
		3. Where breaches of the Noise Abatement Act occur, beach licences will be suspended or revoked.	# of licences suspended or revoked	Yrs 1 to 5	Lead: NRCA/NEPA Support: JCF	Staff time
	Informal Settlements	If informal settlements are identified, these will be brought to the attention of the relevant authorities.	Detailed report prepared on squatting at beaches and submitted to the Squatter Management Unit for action.	Yrs 1 to 5	Lead: NRCA/NEPA	Staff time
	Beach Sand Quarrying	Utilize the Guidelines for the Quarrying of Beach Sand in deliberations on applications for the dredging and quarrying or coastal sand and beach nourishment.	Guidelines used in deliberations on applications for the dredging and quarrying or coastal sand and beach nourishment.	Yrs 1 to 2	Lead: NRCA/NEPA	Staff time

Policy Objective	Strategy	Key Activities	Indicators	Timelines	Responsible Agencies	Indicative Costs	
Management of fishing beaches and protection of the traditional access rights of fishermen	Preservation of the traditional access rights of Fishermen	1. Preservation of the prescriptive rights of fishermen, their need for safe harbour and their rights to moor vessels on any beach during an emergency.	Prescriptive rights maintained.	Yrs 1 to 5	Lead: NRCA/NEPA Support: Fisheries Authority	Staff time	
		2. Secure tenure of fishers on designated fishing beaches.	No fishers disenfranchised on designated fishing beaches	Yrs 1 to 5	Lead: Fisheries Authority Support: NRCA/NEPA	Staff time	
	Management of Fishing Beaches	1. Amendment of Beach Control (Licensing) Regulations to removed references to fishing beaches.	Amendments to Beach Control (Licensing) Regulations published in the Jamaica Gazette	Yrs 1 to 3	Lead: MRE Support: NRCA/NEPA, CPC	Staff time	
		2. Co-management strategies will be employed at joint fishing and bathing beaches.	# of MOUs/co-management agreements	Yrs 1 to 3	Lead: Fisheries, NRCA/NEPA, LPAs	Staff time	
	Regulation of mariculture activities	1. Development of a mariculture policy.	Mariculture policy developed	Yrs 2 to 4	Lead: Fisheries Authority Support: NRCA, MOH	Staff time	
		2. Preparation of marine spatial plans where necessary.	# of marine spatial plans prepared	Yrs 1 to 5	Lead: NRCA/NEPA	Staff time	
	Establishment of fishing beaches	1. Reduction in number of beaches designated as fishing beaches.	# of beaches designated as fishing beaches compared to baseline	Yrs 1 to 5	Lead: Fisheries Authority Support: NRCA/NEPA	Staff time	
		2. Establishment of rules for tenure of fishing beaches and promote improved conditions of fisherfolk operating on said beaches	Rules established	Yrs 2 to 4	Lead: Fisheries Authority Support: NRCA/NEPA, Ministry with responsibility for Local Government, Ministry of Health, Ministry with responsibility for water	Staff time	
	Protection of coastal resources and increasing resilience to the	Use of scientific information and best practices in decision	1. Use of ecosystem approach in management of beaches.	Ecosystem approach being utilized	Yrs 1 to 5	Lead: NRCA/NEPA	

Policy Objective	Strategy	Key Activities	Indicators	Timelines	Responsible Agencies	Indicative Costs
impacts of climate change	making	2. Coastal planning to take into account climate change projections and evaluate sediment budget, gradual sea level rise as a longer term factor, potential increase in storm intensities, climate change and water circulation models.	Development Orders, Parish Development Plans etc. take into account climate change projections and evaluate sediment budget, gradual sea level rise as a longer term factor, potential increase in storm intensities, climate change and water circulation models	Yrs 1 to 5	Lead: TCPA, NRCA, NEPA Support: Ministry with responsibility for Development Planning	Staff time
		3. Implementation of setbacks.	Setbacks implemented	Yrs 1 to 5	Lead: NRCA/NEPA, TCPA Support: MEGJC (ERMB and NDPPB)	Staff time
		4. Preparation of shoreline erosion management plans.	# of shoreline erosion management plans prepared	Yrs 1 to 5	Lead: NRCA/NEPA Support: NWA	Staff time
	Development and dissemination of public awareness material	1. Development and dissemination of public awareness material on good coastal practices.	Public awareness on good coastal practices developed and distributed widely	Yrs 1 to 5	Lead: NRCA/NEPA Support: MRE, Fisheries, TPDCo, UDC, JIS	\$10,000,000
	Coastal zone monitoring	1. Implementation of a systemic programme to preserve the island's beaches taking into account the impacts of climate change.	Programme implemented	Yrs 1 to 5	Lead: NRCA/NEPA Support: MEGJC- CCD	To be determined
		2. Monitoring and Enforcement of setbacks.	Setbacks enforced	Yrs 1 to 5	Lead: NRCA/NEPA, Municipal Corporations	Staff time

11. MONITORING AND EVALUATION FRAMEWORK

	SUMMARY/Objectives	INDICATORS	MEANS OF VERIFICATION	ASSUMPTIONS
Goal 1	Establishment of effective institutional arrangements for the regulation and management of bathing beaches			
Outcomes	1.1 Improved interagency communication and collaboration regarding decision-making on the development, management and leasing of the island's public bathing and recreational beaches	# of MOUs approved and signed	MOU documents	Agencies will agree to enter into MOUs
	1.2 Review of categories of beach licences and fees	Categories of beach licences and fees reviewed	Amendment to Regulations published in <i>Gazette</i>	Parliament approves amendments
Outputs	1.1.1 Number of officers assigned to regulate and monitor the island's beaches increased by 5%	# of officers assigned	NEPA employee work plans	Funding provided and personnel engaged
	1.1.2 NEPA Annual reports include detailed reports on the status of the island's public bathing beaches and any initiatives, plans or programmes to improve same	Annual reports tabled in Parliament	NEPA Annual Reports	Information/data made readily available from key stakeholders to NEPA to facilitate the preparation of the report
	1.1.3 Prioritization of beaches that should be rehabilitated to allow for increased access by the public	# of beaches	NEPA Annual Reports	Funding will be provided for the rehabilitation of priority beaches.
	1.2.1 Acquisition/retention (through pursuit of establishment of prescriptive rights as per s. 12 and s. 14 of the Act) of lands for fishing beaches	# of cases	Titles Court documents	Information regarding these situations is brought to the relevant authorities
	1.3.1 Amendment to the Beach Control Act and the Beach Control (Licensing) Regulations	Amendments published in <i>Gazette</i>	Jamaica Gazette	Proposed amendments are approved

	SUMMARY/Objectives	INDICATORS	MEANS OF VERIFICATION	ASSUMPTIONS
	1.3.2 Gazette Notice listing public bathing beaches, public recreational beaches and beaches reserved exclusively for the use of schools, churches, the Uniformed Youth Groups that are recognized by the Ministry with responsibility for Youth, the Red Cross, Friendly Societies or bodies for charitable or educational purposes	# of notices	Jamaica Gazette	Information is sent to the Jamaica Printing Service for publication and information is published in the Gazette
	1.3.3 Fees determined for public recreational beaches	Fees determined for public recreational beaches	Process in place to enforce requirements as set out in the BCA regarding the determination fixing of the fees	There is consensus between among the BCA, local planning authority and the operator of the beaches on the fees to be established.
	1.3.4 Fees set/revised for commercial recreational beaches in consultation with owner or person exercising control of the beach or receiving any such fee	Consultation held with owner or person exercising control of the beach or receiving any such fee and fees set after these consultations	Process in place for consultations	Process is utilized
Activities	1.1.1 Hire additional staff and/or increase the number of employees who are assigned to regulate and monitor the island's beaches	# of staff members	Records of number of employees Employee work plans	Funding available for new hires Existing staff available to carry out these
	1.1.2 Include detailed reports on the status of the island's public bathing and recreational beaches and any initiatives, plans or programmes to improve same in NEPA's Annual reports	# of reports	NEPA Annual Reports	Funding and manpower to conduct inspections and complete the report is available
	1.1.3 TPDCo, TEF and public entities that own/manage beaches to meet and determine list of beaches to be prioritized for rehabilitation to allow for increased access by the public	Priority list completed	Minutes of meetings Priority list	Consensus can be reached on list of beaches to be prioritized
	1.2.1 Purchase of lands for fishing beaches where required	# of acquisitions	Sale agreements Titles	NRCA has the necessary funding to purchase lands.
	1.2.2 File suit where prescriptive rights need to be established	# of suits filed	Court documents	Requirements for obtaining prescriptive rights as outlined in the relevant legislation can be met
	1.3.1 Amend Beach Control Act and Regulations	Beach Control Act and Regulations amended	Jamaica Gazette	Proposed amendments approved
	1.3.2 Submit list of beaches to Jamaica Printing Service for publication in the Gazette	List of beaches published in <i>Gazette</i>	Jamaica Gazette	Information is provided to the Ministry

	SUMMARY/Objectives	INDICATORS	MEANS OF VERIFICATION	ASSUMPTIONS
	1.3.3 Establishment of fee structure for public beaches	Fee structure established	Publication of fee structure	Public entities agree with proposed structure
	1.3.4 Establish fee structure for commercial recreational beaches	Fee structure established	Publication of fee structure	Consensus achieved with owners and operators of these beaches
	1.3.5 Host consultations and information session for hotels	# of consultations/info sessions held	Consultation reports	Hotel representatives available for consultation sessions
	1.3.6 Make allocations in budgets of public entities for maintenance of public bathing and recreational beaches	Value of allocation	Budgets	Funding approved by MoF
Goal 2	Increase physical access to the foreshore, the floor of the sea and the water column above it by all stakeholders			
Outcomes	2.1 Institution of a programme for development and rehabilitation of access ways to the beach and the foreshore (perpendicular access)	Programme for development and rehabilitation of access ways to the beach and the foreshore (perpendicular access) instituted	Reports on implementation of programme	Funding available for the development and rehabilitation of the access ways
	2.2 Provision of access to scenic views	# of scenic views provided	Drawings Contracts for works related to the provision of scenic views End of contract reports	Funding available for the provision of scenic views
Outputs	2.1.1 Private beaches acquired where there is need for public access	# of beaches	Titles	Funding available to acquire beaches
	2.1.2 NRCA beaches remain accessible to the public	# of beaches	NRCA meeting minutes/ policy documents outlining this	New members and Secretary of the NRCA are briefed on the Policy
	2.1.3 At least one beach in each parish provided and maintained which is access to the public for recreational purposes which respects cultural traditions, for example, persons taking their own food	# of beaches	Register of beaches Beaches website	Funding available for the maintenance and operation of the beaches
	2.2.1 Programme for development and rehabilitation of access to the beach and foreshore implemented	Programme implemented for development and rehabilitation of access to the beach and foreshore # of access ways	Listing of access ways	Funding available for the development of the programme and its implementation
	2.2.2 Diverted coastal roads maintained as alternative scenic routes where diversion could not be avoided	# of scenic routes maintained	Documentation from the National Works Agency	No issues exist that would prevent the coastal roads from being maintained as alternative scenic routes
	2.2.3 Lay-bys, seaside parks and look out points are provided at vantage points along coastal roads	# of lay bays, seaside parks, and look out points provided	Listing of lay bays, seaside parks, and look out points	Funding available for providing this and these features are taken into account in the design of coastal roads

	SUMMARY/Objectives	INDICATORS	MEANS OF VERIFICATION	ASSUMPTIONS
	2.2.4 Seaside park provided in coastal subdivisions where no area for a beach has been reserved	# of seaside parks	Approved subdivision plans	The need for the provision of seaside parks is taken into consideration in the design of subdivisions and the evaluation of the application once submitted to the Planning Authority.
	2.1.1 Conduct sensitization sessions with NEPA, NRCA, TCPA, LPAs, JAMPRO regarding the considerations to be taken in reviewing applications for development along the coast	# of sensitization sessions	Reports of sensitization sessions	Entities available for sensitization sessions
	2.1.2 Implement policy whereby no approvals for exclusive use of the foreshore will be given except in special circumstances	# of approvals for exclusive use	Register of beach licences	Policy makers are in support of this Policy New members and Secretary of the NRCA are briefed on the Policy
	2.1.3 NRCA to implement Policy whereby its beaches remain accessible to the public	# of NRCA beaches available for public use	Meeting minutes and decisions	Policy is carried forward by subsequent Authorities
	2.2.1 Conduct inventory of existing access ways and their status	# of access ways	Inventory report	Funding and staffing available to complete inventory
	2.2.2 Determine where additional access ways are required	# of additional access ways identified	Report detailing where additional access ways are required	Personnel available to do inspections etc.
	2.2.3 Rehabilitate access ways in need of rehabilitation	# of access ways rehabilitated	Reports detailing work for the rehabilitation of access ways	Funding available to rehabilitate access ways
	2.2.4 Acquire land where necessary for new access ways	# of acquisitions	Titles	Funding available to acquire land
	2.2.5 Do required physical works to install new access ways	# of access ways	Certificates of completion	Funding available
	2.2.6 Post signs at all access ways	# of signs	Signs	Funding available to design, manufacture and erect signs
	2.3.1 Adopt policy that the diversion of coastal roads be avoided and where this is not possible that the diverted coastal roads are maintained as an alternative scenic route	# of roads	Policy document	Policy is supported by decision makers
	2.3.2 Sensitize NEPA, NRCA, TCPA, LPAs, JAMPRO to ensure that coastal developments provide views of the sea	# of sensitization sessions	Reports from sensitization sessions	Entities are available for sensitization sessions
	2.3.3 Conduct studies to determine appropriate locations for lay-bys, seaside parks and look out points at vantage points along coastal roads	# of studies	Studies	Funding and personnel available to carry out studies

	SUMMARY/Objectives	INDICATORS	MEANS OF VERIFICATION	ASSUMPTIONS
	2.3.4 Planning Authorities to include condition in approvals for coastal subdivisions that where no area for a beach has been reserved, a seaside park is to be provided	# of approvals	Approval documents	Planning Authorities carry out the requisite due diligence
Goal 3	Expansion of beach related recreational opportunities			
Outcomes	3.1 Beach Development and Management Programme prepared and implemented	Beach Development and Management Programme implemented	Reports on Beach Development and Management Programme	Funding available for the development and implementation of the programme
Outputs	3.1.1 National Beach Management Programme			
	3.1.2 Upgraded NRCA beaches	# of beaches	Progress reports on upgrading works Media releases on completion	Funding available to carry out upgrades
	3.1.3 Suitable properties developed for use as beaches and/or seaside parks	# of properties	Report on works carried out Completion reports Media releases	Funding available to develop these properties
Activities	3.1.1 Draft Programme prepared, and consultations held with stakeholders to finalize the document	# of consultations	Programme document Consultation reports	Stakeholders will attend consultations
	3.1.2 Disseminate finalized programme to relevant stakeholders for implementation		Letters/Emails to stakeholders	
	3.1.3 Carry out rehabilitation works as needed at NRCA beaches	# of beaches rehabilitated	Reports on rehabilitation works	Funding available to carry out rehabilitation works
	3.1.4 Sensitize relevant government agencies as to the need to include stipulations regarding public access to government owned beaches in agreements and other relevant legal documents where these beaches will be leased to commercial entities	# of sessions held	Reports of sessions held	Human resources (and funding where required) available to carry out sessions
	3.1.5 Continue policy of reservation of beach properties in subdivisions, direct acquisition or acceptance of donations of properties from private property owners	# of properties reserved	Documentation to support reservation	Planning authorities ensure that beach properties are reserved in subdivisions General public is awareness that beach properties can be donated to the NRCA etc. Funding available to acquire new properties

	SUMMARY/Objectives	INDICATORS	MEANS OF VERIFICATION	ASSUMPTIONS
Goal 4	4. Institution of measures for pollution control and safety for the protection of users of the coastal resources			
Outcomes	4.1 Safety measures implemented	Safety measures are implemented	Inspection reports	Resources available to carry out inspections
	4.2 Improved, safe Coastal Water Quality	Coastal Water Quality improved over baseline	Water quality monitoring reports from NEPA and MOH	Resources available for coastal water quality monitoring
	4.4 Utilization of Guidelines for Beach Sand Quarrying	Guidelines utilized in the processing of applications for beach sand quarrying	Submissions for applications	Beach Sand Quarrying Guidelines approved
Outputs	4.1.1 Beach licences renewed, suspended or revoked published in a register in accordance with Section 11(6) of the Beach Control Act	# of licences in register	Register	Human resources available to populate register
	4.1.2 Warning signs installed at public beaches advising of hazards that may pose a risk to public safety in the use of the beach	# of signs	Signs in place	Funding and human resources available to design, manufacture and install signs
	4.1.3 Public awareness programme regarding beach safety including rip currents	# of sessions held	Reports of public awareness sessions held	Funding and human resources available to complete and implement programme
	4.1.4 Monitoring reports	# of reports	Monitoring reports	Funding and human resources available to complete monitoring activities
	4.1.5 Amendment to Water Sports Regulations, 1985 with the revision of the Jamaica Tourist Board Act	Amendments published in <i>Gazette</i>	Jamaica Gazette	Amendments approved
	4.2.1 Coastal Water Quality Monitoring plans	# of plans	Coastal Water Quality Monitoring plans	Funding and human resources available to complete plans
	4.2.2 Sanctions on owners and operators of beaches where it has been deemed unsafe for persons to use beaches due to deterioration in water quality beyond established safety standards or due to other issues related to public health	# of sanctions	Documentation to effect sanctions	Funding and human resources available to complete inspections and analysis of water quality
	4.2.3 Existing guidelines and standards reviewed for activities on bathing and fishing beaches	# of guidelines and standards reviewed	Guideline and standard documents	Funding and human resources available to complete review

	SUMMARY/Objectives	INDICATORS	MEANS OF VERIFICATION	ASSUMPTIONS
	4.2.4 Recreational Water Quality Monitoring Programme with specific emphasis on the water quality at public bathing and recreational beaches	% of programme completed	Recreational Water Quality Monitoring Programme document	Funding and human resources available across government and with support from civil society and private sector to develop and implement the programme
	4.2.5 Environmental audits of beach facilities to ensure compliance	# of audits % of facilities audited	Audit reports	Funding and human resources available to complete audits
Activities	4.1.1 Establish register for beach licences, renewed, suspended or revoked	% completeness of the registry	Registry	Funding and human resources available to complete registry
	4.1.2 Install warning signs at public beaches advising of hazards that may pose a risk to public safety in the use of the beach	# of signs	Signs	Funding is available to pay for the design, manufacture and installation of signs
	4.1.3 Design and implement public awareness programme regarding beach safety including rip currents	% of programme completed	Public Awareness Programme Document Reports from outreach activities Media reports Outreach material	Funding and human resources available to design and implement programme
	4.2.1 Develop coastal water quality monitoring plans	# of plans developed	Plans	Funding and human resources available to develop plans
	4.2.2 Review and update where necessary existing guidelines and standards for activities on bathing and fishing beaches	# of guidelines/standards reviewed	Guideline documents Standards	Funding and human resources available to carry out review
Goal 5	5. Management of fishing beaches and protection of the traditional access rights of fishermen			
Outcomes	5.1 Preservation of the traditional rights of fishermen	Fishermen are not denied access in accordance with the BCA	Reports from National Fisheries Authorities	
	5.2 Properly managed fishing beaches	# of beaches meeting required standards	MOH reports National Fisheries Authority reports NRCA/NEPA reports	Funding and human resources available to facilitate proper management and enforcement of the relevant standards for fishing beaches
Outputs	5.1.1 Prescriptive rights of fishermen preserved	# court rulings	Court documents supporting this	Fishers/users of beaches will meet requirements set out by law
	5.2.2 Employment of co-management strategies at joint bathing and fishing beaches	# of co-management strategies developed	Agreed co-management documents	NRCA and Fisheries agree on how co-management will work for each beach in question
Activities	5.2.1 Establishment of co-management strategies at joint bathing and fishing beaches	# of co-management strategies established	Agreed co-management documents	NRCA and Fisheries agree on how co-management will work for each beach in question

	SUMMARY/Objectives	INDICATORS	MEANS OF VERIFICATION	ASSUMPTIONS
Goal 6	Protection of coastal resources and increasing resilience to the impacts of climate change			
Outcomes	6.1 Use of scientific information and best practices in decision making	Scientific information and best practices used in decision making	Reports	Information readily available to inform decisions
	6.2 Increased public awareness	% increase over baseline from KAPB survey	KAPB survey	Funding available to undertake KAPB survey
	6.3 Increased coastal zone monitoring	# of monitoring reports	Monitoring reports	Funding and human resources are available to develop and prepare the plans
Outputs	6.1.1 Coastal plans which take into account climate change projections and evaluate sediment budget, gradual sea level rise as a longer term factor, potential increase in storm intensities, climate change and water circulation models	# of coastal plans prepared	Coastal plans	Funding and human resources are available to develop and prepare the plans
	6.1.2 Shoreline erosion management plans	# of plans prepared	plans	Funding and human resources are available to develop and prepare the plans
	6.2.1 Public awareness material on good coastal practices	# of type of material developed # of type of media utilized	Public awareness material produced Social media platforms	Funding and human resources are available to develop and prepare the material
Activities	6.2.1 Develop public awareness material on good coastal practices	Public awareness material on good coastal practices developed	Public awareness material produced Social media platforms	Funding and human resources are available to develop and prepare the material
	6.3.1 Monitoring of coastal zone to identify changes and possible causes for these changes	Coastal zone monitored to identify changes and possible causes for these changes	Monitoring reports	Funding and human resources are available to carry out monitoring activities
	6.3.2 Monitoring and enforcement of setbacks	# of monitoring reports	Monitoring reports	Funding and human resources are available to carry out monitoring activities

Appendix 1 List of Bathing Beaches in Jamaica

St. Elizabeth (8)

Great Bay
Fort Charles
Calabash Bay
Parrottee
Crane Road/Fullerwswood
Galleon
Font Hill
Billy's Bay

Westmoreland (4)

Norman Manley Beach
Bluefields Beach
Long Bay Beach 1 and 2
Old Fort

Hanover (6)

Orchard Beach
Tryall Beach
Bloody Bay
Watson Taylor Park
Bulls Bay
Lances Bay

St. James (7)

Walter Fletcher Beach
Doctor's Cave Beach
Sunset Beach
Rose Hall Est. Sec 23A/Success Beach
Rose Hall Est. Sec 22
Barrett Hall
Closed Harbour Beach

Trelawny (9)

Jacob Taylor Beach (Silver Sands)
Duncan's Bay Beach
Burwood
Half Moon Beach (Beach Control Authority)

Braco Beach
Blue Waters Beach Club
Rio Bueno
Flamingo
Bamboo Beach Club

St. Ann (9)

Puerto Seco Beach
Cardiff Hall Beach/Flavours
Priory Beach/Fantasy Beach
Salem Beach
Dunns River Beach
Swallow Hole
Turtle Beach/Ocho Rios Bay Beach
Roxborough Beach
Lot 17 Bengal

St. Mary (6)

James Bond Beach
Annotto Bay Beach/Marking Stone
Pagee Beach
Jervis Beach
Rio Nuevo
Murdock Beach

Portland (12)

Frenchman's Cove
Boston Beach
Long Bay
Winnifred Beach
Wyndam
Innis Bay
Hope Bay
San San Beach
Blue Hole (Friendship Lot 15A and 18A)
Spring Garden
Hermitage
Drapers

St. Thomas (3)

Lysson's Beach
Prospect
Rocky Point

St. Catherine (3)

Fort Clarence
Marine Terminal
Half Moon Bay Beach

Clarendon (2)

Jackson Bay
Farquhar's Beach

Manchester (3)

Ward's Beach
Alligator Pond
Guts River

St. Andrew (4)

Copacabana
Cable Hut Beach
Wickie Wackie on the Reef
Bob Marley Beach

Appendix 2 Designated Fishing Beaches and Landing Sites

WESTMORELAND (16)

Scotts Cove
Whitehouse
Brighton
Auchindown
Mount Edgecombe
Belmont
Cave
St. Ann
Smithfield
St. Mary
Hope Wharf
Salmon Point
Little Bay
Orange Hill
Ironshore
Negril

HANOVER (11)

Bloody Bay
Orange Bay
Green Island
Cousins Cove
Lances Bay
Orange Cove
Lucea Harbour
Paradise Cove
Sandy Bay
Hopewell
Orchard

ST. JAMES (7)

Great River
Spring Garden
Railway Beach
Whitehouse
Rosehall
Success Farm
Grange Pen

TRELAWNY (10)

Salt Marsh
Gentles
Seaboard Street
Charlotte Street (Victoria's Park)
Rock
Coopers (Good Hope)
Stewart Castle
Silver Sands
Braco
Rio Bueno

ST. ANN (9)

Old Folly (Alloah)
Discovery Bay
Swallow Hole
Salem
Priory
Roxborough
St. Ann's Bay (Brown's Wharf)
Mammee Bay
Sailors Hole

ST. MARY (9)

White River
Rio Nuevo
Carlton
Oracabessa
Pagee
Robin's Bay (Marleys)
Annotto Bay
Stewart Town
Dover

PORTLAND (17)

Buff Bay
Orange Bay
Hope Bay
St. Margaret's Bay
Bryan's Bay
Norwich
Port Antonio (East Harbour)
Drapers
Fairy Hill
Blue Hole
Priestman's River
Boston
Long Bay (Fair Prospect)
Sirocco Bay
Manchioneal
Innis Bay
Hectors River

ST. THOMAS (14)

Holland Bay
Dalvey
Rocky Point
Pera
Port Morant
Prospect
Lyssons
Morant Bay
Duhaney Pen
White Horses
Yallahs
Grant's Pen
Cow Bay
Nine Miles

ST. ANDREW (5)

Seven Mile
Rae Town
Greenwich Town
Hunts Bay
Port Royal

ST. CATHERINE (3)

Port Henderson
Hellshire
Old Harbour Bay

CLARENDON (8)

Welcome
Mitchell Town
Barmouth
Barneswell Dale
Jackson Bay
Rocky Point
Beauchamp
Farquhars

MANCHESTER (3)

Guts River
Hudson Bay
Alligator Pond

ST. ELIZABETH (9)

Great Bay
Calabash Bay
Frenchman's Bay
Billy's Bay
Fort Charles
Parottee
Galleon
Black River (Heavy Sands)
Hodges

Appendix 3 Proposed Legislative Amendments

In order to effectively implement this Policy, legislative amendments are proposed to the:

- The Beach Control Act, 1956
- The Beach Control (Licensing) Regulations, 1956
- The Beach Control (Hotel, Commercial and Public Recreational Beaches), Regulations, 1978
- The Beach Control (Safety Measures) Regulations, 2016
- Development Orders
- The Occupiers' Liability Act, 1969
- Town and Communities Act, 1843
- The Noise Abatement Act,

The details of these proposed amendments are outlined below:

The Beach Control Act, 1956

The Beach Control Act does not include a definition for beach. The Policy proposes that the Act be amended to include the definition for beach as outlined in this Policy. In addition, a provision should be included in the Act which gives the public the right to access the backshore, foreshore, to walk along it and to bathe in the sea. This right will be a qualified right as there will be obligations for both the public and, where applicable, licensees.

A requirement is to be included that, where the Authority fails to pursue prescriptive rights in accordance with Section 14(1) of the Act, the petitioners should be informed by way of a public meeting within 30 days of the decision.

A provision is to be included that beach areas subject to Court orders under Section 19 of the Beach Control Act will be published in the register mentioned in Section 11 (6).

The Beach Control (Licensing) Regulations, 1956

The Policy also proposes amendments to the Beach Control (Licensing) Regulations to reduce the categories of beaches for which licences may be obtained. The categories envisaged are as follows:

- i. Public bathing beaches are those beaches that are owned, managed or leased by a public entity and are free of charge to the public;
- ii. Public recreational beaches are those beaches which are owned, managed or leased by a public entity and for which a fee is charged for entry and/or use of facilities. These beaches will be gazetted under Section 52 of the Beach Control Act;
- iii. Commercial recreational beaches are those beaches which are owned by a private entity for which a fee is charged for entry and/or use of facilities;
- iv. Hotel beaches (beaches operated in conjunction with hotels, guesthouses and villas);
- v. Seaside parks are defined as areas located along the coasts with interesting natural features and views and provide public access to the coast as well as places for relaxation. Amenities may or may not be provided at these locales. Bathing will not be encouraged. All seaside parks in each parish should be identified by the local planning authorities and included in the Development Orders;
- vi. Beaches reserved exclusively for the use of schools, churches, the Uniformed Youth Groups that are recognized by the Ministry with responsibility for youth, the Red Cross, Friendly Societies or bodies for charitable or educational purposes

The Beach Control (Hotel, Commercial and Public Recreational Beaches), Regulations, 1978

Proposed amendments to the Beach Control (Hotel, Commercial and Public Recreational Beaches), Regulations, 1978 are:

- Including soliciting and harassment as offences. An assessment is required to determine whether Section 3 should be amended, if it is decided that a provision should be included to allow for topless/nude bathing. This will have to be complimented by

amendments to the Town and Communities Act. Topless bathing will only be allowed at hotel beaches so licensed by TPDCo.

- Inclusion of provisions to mandate the licensee to carry out/provide/determine/stipulate the conditions which govern:
 - Water quality testing by licensees
 - Signs/flags to indicate safety (water quality, sea conditions), code of conduct, acceptable and unacceptable behavior (for e.g. no smoking; no topless bathing etc.), opening hours
 - Solid waste management and disposal
 - Treatment of wastewater to the required standards stipulated by law
 - Adequate parking (where required)
 - Maintenance of the beach and its facilities
 - Carrying capacity
 - Beach free of pets (except for guide dogs for the blind) or other animals
 - Access for the disabled
 - Use of motorized and non-motorized watersports equipment
 - Noise level/nuisance to other persons on the beach
 - Signage
 - Considerations where these beaches are bordered by fishing beaches
- Provision of prescribed minimum standards for beaches and their maintenance.

The Beach Control (Safety Measures) Regulations, 2016

These Regulations should be amended to include provisions:

- mandating the NRCA, in consultation with the Local Authorities, to ensure that warning signs are placed at conspicuous places on public beaches advising the public of any hazards that may pose a risk to public safety.
- requiring all public sector agencies which own, manage or lease beaches to develop and implement a public awareness programme regarding beach safety, including rip currents and dangerous coastal features.

Development Orders under the Town and Country Planning Authority Act

The Development Orders should specify the access points to the foreshore in each parish bearing in mind requirements for safety and security.

Fisheries Act, 2018

Where necessary amendments may also be required to be made to the Fisheries Act.

The Occupiers' Liability Act, 1969

Section 3 of the Occupier's Liability Act should be amended to reduce the liability of the owner/occupier of the private land to persons exercising their right to access the foreshore to the same level of those of trespassers. Liability arising from anything done intentionally or recklessly by the owner/occupier will be excluded from this provision.

Town and Communities Act, 1843

An amendment to Section 3 (k) will be required to allow for topless or nude bathing at hotel beaches **only**, if this will be pursued.

Noise Abatement Act, 1997

The Noise Abatement Act will be amended to indicate that Subject to the relevant approvals and/or permits from the Jamaica Constabulary Force, noise levels at functions held on public bathing and public recreational beaches with a duration of more than five hours should not exceed 70 dB.

Appendix 4 Safety Considerations

Beach goers and operators must to be mindful of the following safety considerations relating to beach use.

Physical and topographical features (such as the slope of the sea floor or the existence of strong currents)

Some traditional bathing places (e.g. Palisadoes, off Port Royal and Cable Hut in St. Andrew) have a steeply sloping foreshore and non-swimmers can get out of their depth suddenly and unexpectedly, sometimes with tragic results. In other places (e.g. Holland Bay in St. Thomas; Engine Head Bay in St. Catherine; and Long Bay in Portland) strong currents may take swimmers away from the shoreline. It is proposed that for areas without rip currents, the maximum allowable distance seaward for non-swimmers will be set by the Authority. The maximum distance seaward allowable for swimmers is to be no more than 50m so as to allow for the possibility of successful rescue by lifeguards, if necessary. In addition, signs will be posted at these beaches to indicate to visitors the risks associated with bathing and other recreational activities as a result of the topography of the area.

Beach water quality

Water quality criteria for safety at beaches should be guided by the Ministry of Health Recreational Bathing Water Guidelines. In general, however, there should be no direct discharge of industrial or sewage effluent or storm water to beaches used for recreational purposes. Some microbiological, biological, physical and chemical parameters are monitored to assess water quality for protection of health during swimming, while others such as nitrate and phosphate parameters are monitored to assess water quality in relation to the protection of coral reefs.

Sanitation

Access to safe drinking water, the safe disposal of excreta and solid waste all contribute to an overall safe experience in any public facility. All beaches licensed by the NRCA under the Beach

Control Act must meet the minimum sanitation criteria as prescribed under the Public Health Act. Beaches without such amenities should not be assigned official public beach status and the public should be informed accordingly.

Mechanisms (including zoning)³⁹ to ensure that boats, jet-skis, kayaks, surfers, fishers and windsurfers are not permitted in the vicinity of bathers

Guidelines and restrictions need to be in place as regards to the areas on the beach used by the public.

- ***safety equipment, which must be in place and available***

For example, marker buoys defining bathing limits, manned lifeguard stands, life rings with 12 meter nylon ropes, first-aid equipment, warning signs where necessary in areas that are unsafe.

- ***the certification, licensing, employment, proper identification and equipping of lifeguards.***

Lifeguards have primary responsibility for safety in the water, basic first aid and CPR, but since operations on a beach involve other issues of safety and orderliness, measures may be employed by licensees including the hiring of additional personnel, to monitor beach activities.

³⁹ Zoning Plans for the Marine Parks that have been declared have been prepared.

Appendix 5 Glossary

Access: the ability or opportunity to reach, pass through, or utilize the beaches or foreshore. There may be **vertical or perpendicular access** – that is, the means of getting to the foreshore from a road or **lateral access** – that is walking along the foreshore.

Access way: a path, route, etc. that provides access to a beach or seaside park.

Artificial beach: a man-made beach created by removing excavating the material (not sand) present at the location and subsequently filling with sand or fine gravel.

Backshore: The upper part of the active beach above the normal reach of the tides (high water), but affected by large waves occurring during high atmospheric pressure. (High pressure generates stronger winds which causes the waves to be higher and go further inland).⁴⁰

Bathing beach: a beach used for bathing or recreation (term used in Development Orders).

Beach: any coastal lands, whether natural or manmade, that is generally composed of sand or similar sediment and is constituted of both the foreshore and the backshore.

Beach erosion: the carrying away of beach material by wave action, tidal currents, littoral currents or wind.⁴¹

Beach lands: lands adjoining a beach.

Carrying Capacity: the level of use that can be sustained by a natural resource without endangering the quality of that resource.

⁴⁰ http://www.ecy.wa.gov/programs/sea/swces/products/publications/glossary/words/D_G.htm#E

⁴¹ http://www.ecy.wa.gov/programs/sea/swces/products/publications/glossary/words/D_G.htm#E

Cay: A cay is typically a small, low elevation, sandy island formed on the surface of coral reefs. Some of the smaller cays often appear to be no more than a sandbar, while larger or older cays will have trees and other foliage. Cays are dynamic, much modified or even completely obliterated by storms and hurricanes. Sand cays are usually built on the edge of the coral platform, opposite the direction from which the prevailing winds blow. (Cays Policy)

Commercial Recreational Beach: beach owned by private entity which is open and accessible to the public and for which a fee is charged for entry and/or use of the amenities.

Common Law: law derived from custom and judicial precedent rather than statutes.

Divestment: The term divestment when used in this Policy is to be understood to include all the types of transactions in which government assets are transferred to private ownership in whole or part, including transfers by way of:

- i. Sale (assets or shares);
- ii. Lease;
- iii. Concession;
- iv. Management contract; or

any other modality that transfers significant management control, risk or both, to a private firm (outsourcing and PPP Contracts).⁴²

Equitable access: access available to all regardless of age, sex, socioeconomic status, physical limitations, etc.

⁴² Government of Jamaica (2012), Policy Framework and Procedures Manual For the Privatisation of Government Assets: The Privatisation Policy

Fishing beach: a beach on which fishermen ply their trade.

Fish sanctuary: a coastal area where no fishing is allowed so that fish (and other sea life) have a sea haven to breed and grow to increase the fish stock and keep it healthy.⁴³

Foreshore: means that portion of land adjacent to the sea, that lies between the ordinary high and low water marks, being alternately covered and uncovered as the tide ebbs and flows.⁴⁴

Hotel beach: beaches operated in conjunction with hotels, guesthouses and villas.

Landing site: an area off the coastline from which fishing vessels may be boarded and catch, equipment and gear offloaded

Natural beach: Beach formed by waves depositing sand and other sediment on the shore and wind pushing these sediments inland. This creates an area of sand particles, sometimes with dunes behind them.

Prescriptive Right: the right given for the continued use or possession of a property by virtue of uninterrupted use of the same for an extended period of time (usually 20 years or more by law).

Public (beach) access: the ability or opportunity to reach, pass through, or utilize the beaches or foreshore (of Jamaica).

Public beach: any beach that is owned, managed or leased by a government entity, used for lawful recreation, to which the public has the right of use for lawful recreation or easement to or over the area by prescription, donation, or as per Section 14 of the Beach Control Act and has the requisite amenities, security arrangements and meet public health standards (as prescribed by the

⁴³ http://www.ecy.wa.gov/programs/sea/swces/products/publications/glossary/words/D_G.htm#F

⁴⁴ Beach Control Act

Beach Control Authority and the Public Health Act) and safety features as prescribed by the Beach Control (Safety Measures) Regulations, 2006.

Public recreational beach: those beaches which are owned, managed or leased by a public entity and for which a fee is charged for entry and/or use of the facilities. These beaches will be gazetted under Section 52 of the Beach Control Act.

Public trust doctrine: a legal principle that land is owned by the state and is held by the state in trust for the benefit of the public. Thus, the management, use or sale of the land must be in the public interest.

Sanitary facilities: rooms in a public place with a toilet and sink.⁴⁵

Seaside Park: area located along coasts with interesting natural features and views and provide public access to the coast as well as placed for relaxation. Amenities may or may not be provided at these locales. Bathing will not be encouraged at seaside parks.

Traditional rights: those rights of use of the shoreline that are part of the traditional-historic life of Jamaicans, for example fishing rights.

Visual amenities: natural views and/or landscapes.

Water Column: the water body between the sea surface and the seafloor.

⁴⁵ <https://www.merriam-webster.com/dictionary/sanitary%20facilities>