

Summary of regulations on the use of off-road vehicles on beaches

The use of off-road vehicles for recreational purposes on South Africa's coast is widespread and has increased dramatically during the course of the last two or three decades. The absence of regulations which control off-road vehicle use and apply uniformly to the entire coast is resulting in damage to ecologically sensitive coastal areas. Off-road vehicle use also poses a threat to the safety of people engaged in various recreational activities and generally diminishes the enjoyment derived from such activities. The main features of the regulations are discussed below.

1. The regulations impose a general prohibition on the recreational use of vehicles in the coastal zone. However, certain non-recreational uses of vehicles within the coastal zone are permissible. These uses do not require an application to be made in terms of the regulations. They include the use of a vehicle on a public road, in an emergency situation in order to safeguard human life or health or by an employee of any organ of state for the purposes of performing the public duties of that organ of state (regulation 4).
2. Subject to an application procedure, vehicles may only be used in the coastal zone for the following specified purposes:
 - in recreational use areas which may be designated by the Director-General at his discretion;
 - within demarcated boat launching sites;
 - for purposes of scientific research, commercial fishing and tourism businesses conducted by a tour operator; and
 - in order to access properties where there is no reasonable road access.
3. The National Environmental Management Act's procedures for carrying out environmental impact assessments must be followed before a permit application can be approved.

The Minister may exempt an applicant from the requirements of the regulations if he is satisfied that this is in the public interest, in the interest of providing equitable access by any physically disabled person to any part of the coastal zone, or in the interests of protecting the environment.

The regulations provide strict penalties to deter transgressors, including the seizure of vehicles used illegally. The provision of strict penalties to act as a deterrent is essential due to the lack of capacity of the South African Police Services and the relevant environmental departments to rigorously enforce the regulations.