

Revised Statute from The UK Statute Law Database

Coast Protection Act 1949 (c.74)

This version of this statute is extracted from the UK Statute Law Database (SLD). **It is not necessarily in the form in which it was originally enacted** but is a revised version, which means that any subsequent amendments to the text and other effects are incorporated with annotations.

There are effects on this legislation that have not yet been applied to SLD for the following years: 2003, 2004, 2006, 2007, 2008 and 2009. See the [Tables of Legislative effects](#) and the [Update status of legislation](#) page on the SLD website.



Coast Protection Act 1949

1949 CHAPTER 74 12_13_and_14_Geo_6

CONTENTS

PART I

COAST PROTECTION

Coast protection authorities

1. Coast protection authorities (E+W)
1. Coast protection authorities (S)
2. Constitution of coast protection boards
3.

Execution of coast protection work

4. General powers of coast protection authorities
5. Objections to, and approval of, proposals to carry out coast protection work
6. Power to make schemes for carrying out work
7. Works schemes providing for coast protection charges
8. Confirmation of works schemes
9. Carrying out of work provided for by works schemes
10. Recovery of coast protection charges
11. Incidence of coast protection charges, *etc*
12. General powers of maintenance and repair of works
13. Recovery of cost of maintenance of works not constructed under works schemes
14. Compulsory acquisition of land
15. Provisions as to subsisting obligations to carry out coast protection work

General and supplementary provisions relating to Part I

16. Consent of coast protection authority required to carrying out of coast protection work
17. Notification to coast protection authority of coast protection work to be carried out by certain authorities (E+W)
17. Notification to coast protection authority of coast protection work to be carried out by certain authorities (S)
18. Prohibition of excavation *etc.*, of materials on or under the seashore
19. Provisions as to compensation
20. Contributions towards expenses of coast protection (E+W)
20. Contributions towards expenses of coast protection (S)
21. Exchequer grants
22. Power to use for incidental purposes land acquired for coast protection
23. Power of coast protection authority to sell materials
24. Provisions as to arbitrations
25. Powers of entry and inspection
26. Power of coast protection authorities to require information as to ownership of land
27. Acquisition by coast protection authority of right of passage for facilitating coast protection work
28. Power of Minister to facilitate coast protection work
29. Default powers of Minister
30. Transfer and compensation of officers, and superannuation rights
31. Repeal or amendment of local Acts
32. Application to the Crown
33. Provisions as to land belonging to ecclesiastical corporations

PART II

PROVISIONS FOR SAFETY OF NAVIGATION

34. Restriction of works detrimental to navigation
35. Operations excepted from s. 34
36. Enforcement of s. 34
- 36A. Imposition by Secretary of State of safety requirements in cases of emergency

PART III

37—40.. .. .

PART IV

SUPPLEMENTARY

41. Expenses
42.
43. Penalties for offences
44. Regulations and orders
45. Service of notices and other documents (E+W)
45. Service of notices and other documents (S+N.I.)
46. Local inquiries
47. Savings
48.

- 49. Interpretation (E+W)
- 49. Interpretation (S)
- 49. Interpretation (N.I.)
- 50. Short title and extent

FIRST SCHEDULE Procedure for making Orders and Provisions as to the validity of Orders

SECOND SCHEDULE Provisions as to Orders restricting Excavation of Materials from the Seashore

THIRD SCHEDULE

FOURTH SCHEDULE Waters excluded for purposes of definitions of "Sea" and "Seashore"

An Act to amend the law relating to the protection of the coast of Great Britain against erosion and encroachment by the sea; to provide for the restriction and removal of works detrimental to navigation; to transfer the management of Crown foreshore from the Minister of Transport to the Commissioners of Crown Lands; and for purposes connected with the matters aforesaid.

[24th November 1949]

Annotations:

Modifications etc. (not altering text)

- C1** Certain functions of the Minister of Agriculture, Fisheries and Food were transferred by S.I. 1978/272, art. 2, Sch. 1, and by S.I. 1985/442, art. 2 it is provided that the functions of the Secretary of State under this Act, so far as, immediately before the coming into operation of that 1985 S.I. (1.4.1985), entrusted to the Secretary of State for the Environment, are transferred to the Minister of Agriculture, Fisheries and Food
- C2** Act restricted by Channel Tunnel Act 1987 (c. 53, SIF 102), s. 44(4)
Act amended (1.4.1996) (E.W.S.) by 1996/593, reg. 2, Sch.1
Act: powers transferred (1.7.1999) (except as mentioned in Sch. 1 of the amending S.I.) by virtue of S.I. 1999/672, art. 2, Sch.1

Commencement Information

- I1** Act wholly in force at Royal Assent

PART I

COAST PROTECTION

Annotations:

Modifications etc. (not altering text)

- C1** Pt. I (ss. 1-33) saved (25.7.1991) by Highland Regional Council (Harbours) Order Confirmation Act 1991 (c. xii), s. 1, Sch., s. 61(1)(e)

Coast protection authorities

1 Coast protection authorities

- (1) The council of each maritime . . . **F1** district shall, subject to the provisions of any order under the next following section, be the coast protection authority for the . . . **F1** district, as the case may be.
- (2) A coast protection authority shall have such powers and perform such duties in connection with the protection of land in their area as are conferred or imposed on coast protection authorities by this Act.
- (3) **F2**

Annotations:

Amendments (Textual)

- F1** Words repealed by Local Government Act 1972 (c. 70), Sch. 30
- F2** S. 1(3) repealed by Local Government (Scotland) Act 1973 (c. 65), Sch. 29

Extent Information

- E1** This version of the provision extends to England and Wales only; a separate version has been created for Scotland only

1 Coast protection authorities

[**F1**(1) A council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 any part of whose area adjoins the sea shall be the coast protection authority for that area.]

(2) A coast protection authority shall have such powers and perform such duties in connection with the protection of land in their area as are conferred or imposed on coast protection authorities by this Act.

(3) **F2**

Annotations:

Amendments (Textual)

F1 S. 1(1) substituted (S.) (1.4.1996) by 1994 c. 39, s. 180(1), Sch. 13 para. 32(2); S.I. 1996/323, art.4(1)(c)

F2 S. 1(3) repealed by Local Government (Scotland) Act 1973 (c. 65), Sch. 29

Extent Information

E1 This version of this provision extends to Scotland only; a separate version has been created for England and Wales only

2 Constitution of coast protection boards

(1) Subject to the provisions of this section, the Minister may, where it appears to him expedient for the protection of land in any area, make an order providing for the constitution of a board, to be known as a coast protection board, which shall be the coast protection authority for that area.

(2) A coast protection board shall consist of representatives of the council of every maritime . . . **F1** district any part of which is within the area for which the board is constituted, and, if the order so provides, of representatives of such one or more as may be specified in the order of the following bodies and persons, that is to say—

(a) the council of any county [**F2**(other than one in Wales)] any part of which is within the area;

(b) [**F3** the National Rivers Authority and any sea defence commissioners, internal drainage board], harbour authority, fishery board, local fisheries committee, conservancy authority or navigation authority having any powers or duties in relation to any part of the area; harbour authority, fishery board, local fisheries committee, conservancy authority or navigation authority having any powers or duties in relation to any part of the area;

(c) any . . . **F1** authority responsible for the maintenance of any highway within the area, being a highway likely to be injuriously affected by the action of the sea;

(d) [**F4**the British Railways Board and the British Waterways Board], in the case of any area containing any railway, canal or inland navigation vested in that Commission and likely to be injuriously affected as aforesaid;

(e) any other body or person upon whom any powers or duties relating to the protection of land in the area have been conferred or imposed by or under any enactment other than this Act.

(3) An order under this section may, if it appears expedient to the Minister, be made so as to relate only to such functions under this Act as may be specified in the order, or to the exercise of such functions only in such particular case as may be so specified.

(4) An order under this section which provides for the inclusion in a coast protection board of representatives of any body mentioned in paragraphs (b) to (e) of subsection (2) of this section shall be made jointly by the Ministers concerned, and in relation to such an order the last foregoing subsection shall have effect as if, for the reference to the Minister, there were substituted a reference to the Ministers concerned.

(5) An order made under this section may—

(a) prescribe the representation of the constituent authorities on the board and make provision with respect to the appointment, tenure of office and vacation of office of members and officers and servants of the board, authorise the remuneration of such officers and servants, and make provision with respect to their pension rights;

(b) provide for the incorporation of the board with power to hold land for the purposes of their powers and duties;

(c) authorise the board to defray or contribute to expenses of carrying out coast protection work or of contributing to the cost of such work, being expenses incurred (whether before or after the commencement of this Act) by any of the constituent authorities before the

- making of the order;
 make provision for the raising, by borrowing or otherwise, of any money required by the board for the purposes of their functions and, in particular, provide for the apportionment among the constituent authorities of any expenses of the board, empower the board to issue precepts to those authorities requiring payment of the amounts apportioned to them respectively and provide for the enforcement of such precepts;
- (e) contain any incidental or consequential provisions which appear to the Minister, or the Ministers concerned, to be necessary or expedient for the purposes of the order, including, without prejudice to the generality of this paragraph, provisions as to the manner in which the expenses of a constituent authority under the last foregoing paragraph are to be defrayed and provisions applying to the board any enactment which applies to a coast protection authority, not being a coast protection board, by reason that it is a local authority as defined for the purposes of that enactment.
- (6) An order revoking an order under this section may contain such provisions for the dissolution of the board constituted by the order revoked, and for the disposal of property, rights and liabilities of that board, as appear expedient to the Minister or the Ministers concerned.
- (7) Any order made under this section shall be made in accordance with Part I of the First Schedule to this Act, and Parts II and III of that Schedule shall apply—
- (a) as to the said Part II, for the purpose of making the order subject to special parliamentary procedure in the circumstances mentioned in that Part; and
- (b) as to the said Part III, with respect to the validity of the order.
- (8) In this section the expression “the Ministers concerned”—
- (a) [\[F5in relation to the National Rivers Authority, an internal drainage board\]](#), fishery board (other than the Tweed Commissioners) or local fisheries committee, or a harbour authority for a harbour [\[F6which is a fishery harbour for the purposes of section 21 of the Sea Fish Industry Act 1951\]](#) , means the Minister and the [\[F7Minister of Agriculture, Fisheries and Food\]](#);
- (b) in relation to the Tweed Commissioners means the Minister and the Secretary of State;
- (c) in relation to any other harbour authority, or a conservancy authority, navigation authority or highway authority, or [\[F4the British Railways Board and the British Waterways Board\]](#), means the Minister and the [\[F8the Secretary of State\]](#); and
- (d) in relation to any other body, means the Minister and any other Minister concerned with the exercise by that body of their powers under the relevant enactment.
- Any question arising under paragraph (d) of this subsection shall be determined by the Treasury.
- (9) Any power conferred by this section to make an order shall be exercisable by statutory instrument.
- (10) This section shall not apply to Scotland.

Annotations:

Amendments (Textual)

- F1** Words repealed by Local Government Act 1972 (c. 70), Sch. 30
- F2** Words in s. 2(2)(a) inserted (1.4.1996) by 1994 c. 19, s. 22(5), Sch. 11 Pt. III, para. 5(1); S.I. 1996/396, art. 3, Sch.1
- F3** Words in s. 2(2)(b) substituted by Water Act 1989 (c. 15, SIF 130), ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 25 para.11(1)(a), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58
- F4** Words substituted by virtue of Transport Act 1962 (c. 46), Sch. 2 Pt. I
- F5** Words in s. 2(8)(a) substituted by Water Act 1989 (c. 15, SIF 130), ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 25 para. 11(1)(b), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58
- F6** Words in s. 2(8)(a) substituted (15.7.1992) by Transport and Works Act 1992 (c. 42), s. 65(2); S.I. 1992/1347, art. 2, Sch
- F7** Words substituted by virtue of S.I. 1955/554 (1955 I, p. 1200)
- F8** Words substituted by virtue of S.I. 1970/1681

Modifications etc. (not altering text)

- C1** S. 2(2)(d) modified as to power of appointment to replace person appointed before 1.1.1963 by Transport Act 1962 (c. 46), Sch. 2 Pt. I
- C2** S. 2(8)(a): functions transferred (3.12.2001) by S.I. 2001/3503, arts. 2, 3
- C3** S. 2(8)(a) modified by S.I. 1985/442, art. 4(3)

3 F1

Annotations:

Amendments (Textual)

- F1 S. 3 repealed by Local Government Act 1972 (c. 70), Sch. 30 and Local Government (Scotland) Act 1973 (c. 65), Sch. 29

Execution of coast protection work

4 General powers of coast protection authorities

- (1) Subject to the following provisions of this Act, a coast protection authority shall have power to carry out such coast protection work, whether within or outside their area, as may appear to them to be necessary or expedient for the protection of any land in their area.
- (2) A coast protection authority may enter into an agreement with any other person for the carrying out by that person or by the authority, on such terms as to payment or otherwise as may be specified in the agreement, of any coast protection work which the authority have power to carry out under this Part of this Act.
- (3) A coast protection authority may acquire, whether by way of purchase, feu, lease or exchange, any land, whether within or outside their area, being land—
 - (a) required by them for the purpose of carrying out thereon any coast protection work which they have power to carry out under this Part of this Act, or
 - (b) for the protection of which they propose to carry out any such work as aforesaid, not being work of maintenance or repair.
- (4) Without prejudice to the powers hereinafter conferred on coast protection authorities, the foregoing provisions of this section shall have effect only for the purpose of removing any limitation imposed by law on the capacity of such an authority by virtue of its constitution; and the said provisions shall not authorise any act or omission on the part of such an authority which apart from this section is actionable at the suit of any person on any ground other than such a limitation.

5 Objections to, and approval of, proposals to carry out coast protection work

- (1) Subject to the provisions of this Act as to works schemes, a coast protection authority proposing to carry out any coast protection work, other than work of maintenance or repair, shall publish in one or more local newspapers circulating in the area of the authority and in such other manner (if any) as may be prescribed by regulations made by the Minister or as the Minister may in any particular case direct, such notice of that proposal, including an estimate of the cost of the work and containing a sufficient indication of the effect of subsection (3) of this section, as may be so prescribed or as the Minister may so direct, and shall serve a like notice [F1 on any [F2 river authority] or other drainage authority in whose area][F1 on the National Rivers Authority and on any internal drainage board in whose district]any of the work is to be carried out.
- (2) Where regulations made by the Minister so prescribe or the Minister in any particular case so directs, a like notice shall be served on such other authorities or persons as may be specified in the regulations or direction.
- (3) Where a notice has been published by an authority under subsection (1) of this section, any person may serve on the Minister and on the authority, in the manner and within the period prescribed by regulations made by the Minister, notice of objection to the proposal.
- (4) Where notice of objection has been served under the last foregoing subsection and not withdrawn, and the ground of objection is that the proposed work will be detrimental to the protection of any land specified in the notice, or will interfere with the exercise by the objector of his functions under any enactment other than this Act, the Minister shall either cause a local inquiry to be held or shall give to the objector and to all other persons appearing to him to be affected by the proposal an opportunity of being heard by a person appointed by him for the purpose; and after considering the report of the person appointed to hold the inquiry or to hear objections, the Minister shall determine the objection:

Provided that—

- (a) where the objection is made by a [F2 river authority] or other drainage authority, fishery board (other than the Tweed Commissioners) or local fisheries committee, or by the

- harbour authority for a harbour to which the ^{M1}Fishery Harbours Act 1915 applies, the powers of the Minister under this subsection shall be exercised jointly with [^{F3}the Minister of Agriculture, Fisheries and Food]; where the objection is made by the Tweed Commissioners, the said powers shall be exercised jointly with the Secretary of State; and
- (c) where the objection is made by any other harbour authority, or by a conservancy authority, [^{F4}navigation authority or highway authority][^{F4}or navigation authority], or by the [^{F5}any of the Boards], the said powers shall be exercised jointly with the [^{F6}the Secretary of State.]
- (5) As soon as may be after the time for serving notices of objection under subsection (3) of this section has expired the Minister shall either approve the proposal or direct the authority not to carry out the proposed work or impose such modifications of the proposal or such conditions as to the carrying out of the work as he may think fit, having regard to the determination of objections as aforesaid.
- (6) Nothing in this section shall prevent a coast protection authority from carrying out, without the provisions of this section having been complied with, any coast protection work which appears to them to be urgently necessary for the protection of any land in their area; but where work is so carried out [^{F7}in the area of any [^{F2}river authority] or other drainage authority and the coast protection authority is not a board on which the drainage authority are represented, the coast protection authority shall give to the drainage authority, before or as soon as possible after the commencement of the work, notice of the nature of the work.][^{F7}the coast protection authority shall, before or as soon as possible after the commencement of the work, give notice of the nature of the work —
- (a) to the National Rivers Authority where it is not represented on the coast protection authority; and
- (b) to any internal drainage board which are not so represented and in whose district the work is to be or has been carried out.]
- (7) In the application of this section to Scotland, subsection (4) shall have effect as if in the proviso for the words from “by a [^{F2}river authority]” to “any other harbour authority” there were substituted the words “by a harbour authority other than the authority for a harbour principally used by the fishing industry”, and as if for the words “the said powers” there were substituted the words “the powers of the Minister under this subsection”.

Annotations:

Amendments (Textual)

- F1** S. 5(1) for from “on any” to “whose area” there is substituted (E.W.) “on the National Rivers Authority and on any internal drainage board in whose district” by Water Act 1989 (c. 15, SIF 130), ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 25 para. 11(2)(a), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58
- F2** Words substituted by virtue of Water Resources Act 1963 (c. 38), Sch. 3 para. 4
- F3** Words substituted by virtue of S.I. 1955/554 (1955 I, p. 1200)
- F4** Words “or navigation authority” substituted for words “navigation authority or highway authority” (S.) by S.I. 1955/1955 (1955 I, p. 1205)
- F5** Words substituted by virtue of Transport Act 1962 (c. 46), Sch. 2 Pt. I. “Any of the Boards” means any of the Boards established by s. 1 of that Act
- F6** Words substituted by virtue of S.I. 1970/1681
- F7** S. 5(6) in subsection (6) for from “in the area” onwards there is substituted (E.W.) words commencing “the coast protection” by Water Act 1989 (c. 15, SIF 130), ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 25 para. 11(2)(b), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58

Modifications etc. (not altering text)

- C1** S. 5(4) proviso modified by S.I.1985/442, art.4(4)
- C2** S. 5(4) para.(c) of the proviso amended (E.W.) by London Regional Transport Act 1984 (c. 32, SIF 126), s. 67(2), Sch. 4 para. 6(3)(b)

Marginal Citations

- M1** 1915 c. 48.

6 Power to make schemes for carrying out work

- (1) Where a coast protection authority propose that coast protection work (not being work of maintenance or repair) should be carried out on any land, and it appears to the authority—
- (a) that the work cannot be carried out except in the exercise of compulsory powers, or

that persons interested in land benefited by the carrying out of the work ought to pay to the authority charges (hereinafter referred to as "coast protection charges") in accordance with the following provisions of this Act in that behalf, the authority may prepare a scheme (hereinafter referred to as a "works scheme") for the carrying out of the work.

- (2) A works scheme shall—
 - (a) indicate the nature of any work to be carried out by the authority on land vested in them or proposed to be acquired by them for the purposes of the scheme;
 - (b) specify the work (if any) to be carried out on land not so vested or proposed to be acquired; and
 - (c) specify the estimated cost of all work comprised in the scheme.
- (3) A works scheme shall not have effect unless confirmed by the Minister in accordance with the following provisions of this Act.

7 Works schemes providing for coast protection charges

- (1) A works scheme may indicate land (hereinafter referred to as "contributory land") as land in respect of which coast protection charges are to be payable under the scheme on the ground that it will be benefited by the carrying out of the work provided for by the scheme.
- (2) Coast protection charges under a works scheme shall be levied by reference to interests in contributory land.
- (3) The coast protection charge payable by reference to any such interest shall not exceed the amount by which the value of the interest immediately after the time at which the works provided for by the scheme have been completed, calculated on the assumption that those works will in future be maintained without expense to the person entitled to the interest in question, is greater than the value of that interest would then be if the works had not been undertaken:

Provided that, if any of the work provided for by the scheme is carried out at the expense of the person entitled to the interest, the coast protection charge shall not exceed the said amount reduced by the reasonable cost of the carrying out thereof.

- (4) A works scheme which provides for the levying of coast protection charges shall either—
 - (a) specify the persons by whom such charges are to be paid, the amount of the charge to be paid by each person and the interest in land by reference to which the charge is levied upon him; or
 - (b) state that the authority by whom the scheme is prepared will, within such period after the completion of the work as may be specified in the scheme, determine the interests in land by reference to which coast protection charges are to be levied and, in the case of each of those interests, the amount of the charge leviable in respect thereof;

and in a case falling within paragraph (b) of this subsection a coast protection charge shall be payable by the person who, at the time of the determination of the interest by reference to which the charge is to be levied, is entitled to that interest.

- (5) Where a works scheme contains such a statement as is mentioned in paragraph (b) of the last foregoing subsection, the authority may, at any time within the period specified in the scheme, determine the charges to be levied thereunder as mentioned in that paragraph, and shall serve on each person upon whom a charge is leviable under the scheme a notice containing full particulars of their determination as to all the charges to be so levied.
- (6) Any person aggrieved by the determination of an authority under the last foregoing subsection may appeal to the Minister on the ground that the determination is inequitable or unduly onerous; and the Minister, after giving to the appellant and the authority and any other person appearing to him to be concerned an opportunity of being heard by a person appointed by him for the purpose, may confirm, reduce or cancel the charge levied upon the appellant as the Minister may think fit.
- (7) Any dispute arising in connection with a works scheme as to whether a charge under the scheme exceeds the amount permitted by subsection (3) of this section shall be determined by arbitration; and if on any such arbitration it is determined that the charge

exceeds that amount, the charge shall be reduced accordingly and the scheme and any notice served thereunder shall have effect as if the amount of the charge expressed therein were the amount permitted by the said subsection (3) as determined on the arbitration.

In this section—

- (a) as respects England and Wales, the expression “interest” means the fee simple or an interest under a tenancy, and the expression “tenancy” includes a tenancy under an under-lease and a tenancy under an agreement for a lease or under-lease but does not include an option to take a tenancy and does not include a mortgage;
- (b) as respects Scotland, the expression “interest” means the interest of the proprietor of the dominium utile or, in the case of land other than feudal land, of the owner, or the interest of the tenant or sub-tenant under a lease or sub-lease;

and for the purposes of this section the value of an interest which is subject to a mortgage or heritable security shall be calculated as if the interest were not subject thereto.

8 Confirmation of works schemes

- (1) A coast protection authority by whom a works scheme is prepared shall publish, in one or more local newspapers circulating in the area of the authority and in such other manner (if any) as may be prescribed by regulations made by the Minister or as the Minister may in any particular case direct, a notice stating that the scheme has been prepared, naming a place where a copy thereof may be seen at all reasonable hours, and containing a sufficient indication of the effect of subsection (3) of this section, and shall serve copies of the scheme on the owner and occupier of any land, other than land vested in and occupied by the authority, on which the work provided for by the scheme is to be carried out, [\[F1on any \[F2river authority\] or other drainage authority in whose area\]](#)[\[F1on the National Rivers Authority and on any internal drainage board in whose district\]](#)any of the work is to be carried out, and on such other authorities or persons (if any) as may be prescribed by regulations made by the Minister or as the Minister may in any particular case direct.
- (2) If the scheme provides for the levying of coast protection charges the persons on whom copies of the scheme are to be served shall include—
 - (a) where the scheme specifies the persons by whom such charges are to be paid as mentioned in paragraph (a) of subsection (4) of the last foregoing section, each of those persons;
 - (b) where the scheme contains such a statement as is mentioned in paragraph (b) of that subsection, all owners of contributory land.
- (3) Where a notice has been published by an authority under subsection (1) of this section, any person may serve on the Minister and on the authority, in the manner and within the period, not being less than twenty-eight days, prescribed by regulations made by the Minister, notice of objection to the scheme.
- (4) Where notice of objection has been served under the last foregoing subsection and not withdrawn, and the ground of the objection is—
 - (a) that the work provided for by the scheme, or any part thereof, is unnecessary;
 - (b) that the carrying out thereof in the manner provided by the scheme would cause hardship to the objector;
 - (c) that the land indicated by the scheme as contributory land includes land which ought not to be so indicated or does not include land which ought to be so indicated;
 - (d) in the case of a scheme which specifies the persons by whom coast protection charges are to be paid as mentioned in paragraph (a) of subsection (4) of the last foregoing section, that any other provision of the scheme as to such charges is inequitable or unduly onerous; or
 - (e) that the work provided for by the scheme will be detrimental to the protection of any land specified in the notice of objection, or will interfere with the exercise by the objector of his functions under any enactment,

the Minister shall either cause a local inquiry to be held or give to the objector and to all other persons appearing to the Minister to be affected by the scheme an

opportunity of being heard by a person appointed by him for the purpose; and after considering the report of the person appointed to hold the inquiry or to hear objections, the Minister shall determine the objection:

where the objection is made by a [F2river authority] or other drainage authority, fishery board (other than the Tweed Commissioners) or local fisheries committee, or by the harbour authority for a harbour to which the M1Fishery Harbours Act 1915 applies, the powers of the Minister under this subsection shall be exercised jointly with the [F3Minister of Agriculture, Fisheries and Food];

- (b) where the objection is made by the Tweed Commissioners, the said powers shall be exercised jointly with the Secretary of State; and
- (c) where the objection is made by any other harbour authority, or by a conservancy authority, [F4navigation authority or highway authority][F4or navigation authority], or by the [F5any of the Boards], the said powers shall be exercised jointly with the [F6Secretary of State.]
- (5) As soon as may be after the time for serving notices of objection under subsection (3) of this section has expired, the Minister shall make such order either confirming the scheme, as prepared by the authority or with modifications, or quashing the scheme, as the Minister may think fit having regard to the determination of any objections under the last foregoing subsection:

Provided that except as hereinafter mentioned the Minister shall not modify a works scheme by indicating as contributory land any land not so indicated in the scheme as prepared by the coast protection authority, or by specifying as a person upon whom a coast protection charge may be levied any person not so specified in the scheme as so prepared, or by increasing the amount of any such charge specified in the scheme as so prepared.

- (6) Where it appears to the Minister that a works scheme should be modified as mentioned in the proviso to the last foregoing subsection, he shall direct the authority by whom the scheme was prepared to serve notice of the proposed modification on the owners of the land proposed to be indicated as contributory land or the persons proposed to be specified as persons upon whom coast protection charges may be levied or whose charges are proposed to be increased, as the case may be; and any person on whom notice is served as aforesaid may object to the proposed modification, and the provisions of subsections (3) and (4) of this section as to the service of notices of objection and the determination of objections shall, so far as applicable, apply accordingly with the substitution, for references to the scheme, of references to the proposed modification.
- (7) Subject to the provisions of subsection (7) of the last foregoing section, the provisions of Part III of the First Schedule to this Act as to the validity of orders shall apply to an order made by the Minister under subsection (5) of this section:

Provided that the Minister may direct in the case of any particular order that in lieu of the provisions of the said Part III as to the publication of notices there shall be substituted such provisions as, having regard to the nature of the order, the Minister considers best suited for bringing it to the notice of persons affected.

[F7(8) A works scheme indicating land as contributory land shall, when operative, be a local land charge as respects the contributory land.]

- (9) In the application of this section to Scotland,—
- (a) subsection (4) shall have effect as if in the proviso for the words from “by a [F2river authority]” to “any other harbour authority” there were substituted the words “by a harbour authority other than the authority for a harbour principally used by the fishing industry”, and for the words “the said powers” there were substituted the words “the powers of the Minister under this subsection”;
- (b) subsection (8) shall be omitted, but as soon as may be after a works scheme indicating land as contributory land becomes operative, the authority by whom it was prepared shall record it in the appropriate Register of Sasines.

Annotations:

Amendments (Textual)

- F1 S. 8(1) for from “on any” to “whose area” there is substituted (E.W.) “on the National Rivers Authority and on any internal drainage board in whose district” by Water Act

1989 (c. 15, SIF 130) ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 25 para. 11(3), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58

- F2** Words substituted by virtue of Water Resources Act 1963 (c. 38), Sch. 3 para. 4
- F3** Words substituted by virtue of S.I. 1955/554 (1955 I, p. 1200)
- F4** Words “or navigation authority” substituted for words “navigation authority or highway authority” (S.) by S.I. 1955/1955 (1955 I, p. 1205)
- F5** Words substituted by virtue of Transport Act 1962 (c. 46), Sch. 2 Pt. I. “Any of the Boards” means any of the Boards established by s. 1 of that Act
- F6** Words substituted by virtue of S.I. 1970/1681
- F7** S. 8(8) substituted (1.8.1977) by Local Land Charges Act 1975 (c. 76), Sch. 1

Modifications etc. (not altering text)

- C1** S. 8(4) proviso modified by S.I. 1985/442, art. 4(4)
- C2** S. 8(4) para.(c) of the proviso amended (E.W.) by London Regional Transport Act 1984 (c. 32, SIF 126), s. 67(2), Sch. 4 para. 6(3)(b)

Marginal Citations

- M1** 1915 c. 48.

9 Carrying out of work provided for by works schemes

- (1) Subject to the provisions of the next following subsection, where a works scheme prepared by an authority is confirmed by the Minister the authority shall have power to take all necessary steps for carrying out the work provided for by the scheme.
- (2) Where a works scheme specifies work to be carried out on land neither vested in the authority nor proposed to be acquired by them for the purposes of the scheme, the owner of the land may, at any time not later than the expiration of six weeks after the confirmation of the scheme, serve a notice on the authority stating that he proposes to carry out the work; and where such a notice is served and not withdrawn, the authority shall not, except in accordance with the next following subsection, carry out that work.
- (3) Where an owner by whom a notice has been served under the last foregoing subsection fails to carry out the work to which the notice relates in accordance with the scheme, the authority may give notice to him that unless the work is so carried out within such period as may be specified in the notice the authority will themselves carry out the work; and if where such a notice has been given by the authority the work is not so carried out within the said period, the authority shall have power to take all necessary steps for carrying out the work in accordance with the scheme.
- (4) Section five of this Act shall not apply to any proposal of a coast protection authority to carry out work provided for by a works scheme.

10 Recovery of coast protection charges

- (1) A coast protection charge levied upon any person under a works scheme shall become due—
 - (a) in the case of a charge the amount of which is specified in the scheme, on the completion of the work provided for by the scheme, and
 - (b) in any other case, on the service upon him of a notice specifying the amount of the charge:

Provided that if the charge is disputed, either by any question being required to be determined by arbitration or by an appeal to the Minister in accordance with the foregoing provisions of this Act in that behalf, the charge shall not become due until the dispute is finally determined.
- (2) A coast protection authority to whom a coast protection charge is payable by any person may, if he so requires, by order declare that it shall be payable by instalments over a period specified in the order not exceeding thirty years, with interest at such [F¹rate as may be determined by regulations made by the Minister.][F¹reasonable rate as may be determined by the authority]
- (3) Any such instalment, or any part thereof, may, at any time after it has fallen due, be recovered from the person for the time being entitled to the interest in land by

reference to which the charge was levied; and where that person is the owner the instalment, or any part thereof, may be recovered from the occupier for the time being of the land, and, if recovered from the occupier, may be deducted by him from the rent of the land:

pay at any one time any sum in excess of the amount which was due from him on account of rent at, or has become due from him on account of rent since, the date on which he received a demand from the authority together with a notice requiring him not to pay rent to his landlord without deducting the sum so demanded.

An order may be made under subsection (2) of this section at any time with respect to the unpaid balance of any coast protection charge, so however that the period for repayment shall not in any case extend beyond thirty years from the time when the charge first became due.

- (5) The making of an order under the said subsection (2) as respects a coast protection charge shall not prevent the charge from being discharged at any time by the payment to the coast protection authority of the unpaid balance of the charge together with any accrued interest thereon.
- (6) Where the interest by reference to which a coast protection charge is levied is subject to a mortgage, then, at the time while the mortgagee is in possession or in receipt of the rents or profits, the charge or any instalment in respect thereof for the time being due and remaining unpaid shall be payable by the mortgagee, and not by the person entitled to the interest.
- (7) Where at a time when a coast protection charge or any instalment in respect thereof is due and remains unpaid a person is in receipt of the rents and profits of land as agent for the person entitled to the interest by reference to which the charge is levied, the charge or instalment may, subject to the next following subsection, be recovered from the agent.
- (8) Where a coast protection authority claim to recover any sum in respect of a coast protection charge from a person who proves that—
 - (a) he acts, in the capacity by reason of which the claim is made, merely as agent or trustee for some other person; and
 - (b) he has not, and since the date of the service on him of a demand for payment has not had, in his hands on behalf of that other person sufficient money to discharge the whole demand of the authority,

his liability shall be limited to the total amount of the money which he has or has had in his hands as aforesaid; but an authority who are, or would be, debarred by the foregoing provisions of this subsection from recovering the whole of any such sum from an agent or trustee may recover the whole or any unpaid balance thereof from the person on whose behalf the agent or trustee acts.

- (9) References in this section to the payment or recovery of an instalment in respect of a coast protection charge shall be construed as including references to the payment or recovery, as the case may be, of any accrued interest in respect of the charge.

Annotations:

Amendments (Textual)

- F1** S. 10(2): for the words from 'rate' to 'the Minister' there is substituted (E.W.) the words from 'reasonable' to 'the Authority' by Local Government Planning and Land Act 1980(c. 65, SIF 81:1), s. 1(6), Sch. 6 para. 5.

11 Incidence of coast protection charges, etc

- (1) Any amount paid by a mortgagee in respect of a coast protection charge or in respect of expenses incurred in carrying out work under a works scheme shall be treated as if it were secured by the mortgage, with the like priority and with interest at the same rate as the mortgage money:

Provided that, without prejudice to the recovery of interest, the said amount shall not be recoverable from the mortgagor personally.

- (2) The following provisions shall have effect as to the raising of money in particular cases for the payment of coast protection charges and of expenses incurred in carrying out work under a works scheme, that is to say—

- the purposes authorised for the application of capital money by section seventy-three of the **M1** Settled Land Act 1925, [**F1** by that section as applied by section twenty-eight of the Law of Property Act 1925, in relation to trusts for sale,] and by section twenty-six of the **M2** Universities and College Estates Act 1925, and the purposes authorised by section seventy-one of the **M3** Settled Land Act 1925, [**F1** by that section as applied as aforesaid,] and by section [**F2** thirty] of the **M4** Universities and College Estates Act 1925, as purposes for which moneys may be raised by mortgage, shall include the payment of any such charge or expenses;
- (b) any such charge or expenses which are payable by the Commissioners of Crown Lands in respect of lands under their management may, with the approval of the Treasury, be charged as a principal sum to the account of the capital of the land revenues of the Crown, but the Treasury may direct that any sum so charged shall be repaid out of the income of those revenues within such time and by such instalments as may be specified in the directions;
- (c) **M5** the purposes authorised by section twenty-five of the Act of the fifty-seventh year of King George the Third, chapter ninety-seven, for the application of moneys arising by any such sale of annuities standing in the name or to the account of the Duchy of Lancaster as is therein mentioned shall include the payment of any such charge or expenses in respect of land belonging to the said Duchy; and
- (d) the purposes authorised by section eight of the **M6** Duchy of Cornwall Management Act 1863 **M7**, as amended by section one of the Act of the thirty-first and thirty-second years of Queen Victoria, chapter thirty-five, for the advancement of parts of such gross sums as are therein mentioned shall include the payment of any such charge or expenses in respect of land forming part of the possessions of the said Duchy.
- (3) In the application of this section to Scotland, the last foregoing subsection shall have effect as if for paragraph (a) there were substituted the following paragraph—

“(a) for the purpose of paying any such charge or expenses, a trustee, a liferenter or an heir of entail in possession shall have power to expend capital money and to sell, or to borrow money on the security of, the estate or any part thereof, heritable as well as moveable;”

and as if paragraphs (c) and (d) were omitted.

Annotations:

Amendments (Textual)

- F1** Words in s. 11(2)(a) repealed (E.W.) (1.1.1997) by 1996 c. 47, s. 25(2), Sch.4; S.I. 1996/2974, art.2
- F2** Word substituted by Universities and College Estates Act 1964 (c. 51), Sch. 3 Pt. II

Marginal Citations

- M1** 1925 c. 18.
- M2** 1925 c. 24.
- M3** 1925 c. 18.
- M4** 1925 c. 24.
- M5** 1817 c. 97.
- M6** 1863 c. 49.
- M7** 1868 c. 35.

12 General powers of maintenance and repair of works

- (1) Where it appears to a coast protection authority that for the protection of land in their area any works are in need of maintenance or repair, the authority may serve on the owner and occupier of the land on which the works are situated a notice specifying the work of maintenance or repair which the authority consider to be necessary and a period after the

expiration of which the authority will carry out that work if it has not been previously completed.

If at the expiration of the period specified in a notice under the last foregoing subsection the work so specified has not been completed, the authority may take all necessary steps for carrying out the work.

- (3) If it appears to a coast protection authority to be urgently necessary for the protection of land in their area that any works should be repaired immediately, the authority may take all necessary steps for repairing them without having served any notice under subsection (1) of this section, or notwithstanding that the time for completing the work specified in any such notice has not expired.
- (4) Nothing in this section shall authorise a coast protection authority to carry out any work of maintenance or repair on works which the British Transport Commission, or an Executive established by or under section five of the **M1** Transport Act 1947, have for the time being power to maintain.

Annotations:

Modifications etc. (not altering text)

- C1** Powers of British Transport Commission and Executives established by or under Transport Act 1947 (c. 49) now exercisable by Boards established by Transport Act 1962 (c. 46) s. 1: *ibid*: Sch. 2 Pt. II para. 2

Marginal Citations

- M1** 1947 c. 49.

13 Recovery of cost of maintenance of works not constructed under works schemes

- (1) Where under the last foregoing section a coast protection authority have carried out any work of maintenance or repair on works not being works constructed, altered or improved under a works scheme and not being works in respect of which a scheme under this section has come into operation, the authority may, subject to the provisions of this section, on the completion of the work recover the reasonable cost of the carrying out of the work from the owner or occupier of the land on which the works are situated.
- (2) The right of recovery conferred by the last foregoing subsection shall not be exercisable unless a notice in respect of the work in question has been served under subsection (1) of the last foregoing section and the notice contained a statement that the works to be maintained or repaired are works to which this section applies, stated whether the authority propose to exercise their right of recovery against owner or against the occupier, and contained a sufficient indication of the effect of this section.
- (3) At any time within twenty-one days after service upon an owner or occupier of such a notice, he may complain in writing to a court of summary jurisdiction on any one or more of the following grounds, that is to say—
 - (a) that having regard to all the circumstances of the case it is equitable that the right of recovery conferred by subsection (1) of this section should be exercisable, as respects the whole or some part of the cost of carrying out the work, against whichever of the owner and the occupier is not the complainant;
 - (b) that having regard to all the circumstances of the case it is equitable that the coast protection authority should bear the whole or some part of the cost of carrying out the work;
 - (c) that any of the work specified in the notice under subsection (1) of the last foregoing section is not work of maintenance or repair; or
 - (d) that having regard to all the circumstances of the case, and in particular to the amount of the cost or the probability that there will be a recurrent need for maintenance or repair, the cost ought to be provided for by a scheme under this section.
- (4)

A summons granted on a complaint under the last foregoing subsection shall be served on the coast protection authority and, if the complaint is made on the ground specified in paragraph (a) of the last foregoing subsection, on whichever of the owner and the occupier is not the complainant.

- (5) On a complaint under subsection (3) of this section the court may, if it thinks fit, make such one or more of the following orders as may appear to the court to be appropriate, having regard to the grounds of the complaint, that is to say an order—
- (a) directing that the right of recovery conferred by subsection (1) of this section shall be exercisable, as respects the whole or such part as may be specified in the order of the cost of carrying out the work, against whichever of the owner and the occupier is not the complainant;
 - (b) debarring the authority from recovering the cost of carrying out the work or so much of that cost as may be specified in the order;
 - (c) declaring that any of the work specified in the notice under subsection (1) of the last foregoing section is not work of maintenance or repair; or
 - (d) debarring the authority from recovering the said cost but empowering them to make a scheme under this section.
- (6) Where under the last foregoing subsection the coast protection authority are empowered so to do, they may make a scheme under this section, and the provisions of sections six to eight and ten and eleven of this Act shall apply to any such scheme as they apply to a works scheme, but subject to the following modifications:—
- (a) subsections (1) and (2) of the said section six shall not apply, but the scheme shall specify the work of maintenance or repair for which provision is made by the scheme;
 - (b) in subsection (3) of section seven of this Act references to the said work shall be substituted for references to the work or works provided for by the scheme;
 - (c) in the said subsection (3) the reference to the maintenance of the works provided for by the scheme shall be construed as a reference to the maintenance of the works for whose maintenance or repair provision is made by the scheme;
 - (d) the grounds on which objection may be made to the scheme shall be that any of the work is unnecessary or that any provision of the scheme as to charges is inequitable or unduly onerous, and no other grounds, and the reference in subsection (1) of section eight of this Act to subsection (3) of that section shall be construed accordingly.
- (7) The Summary Jurisdiction Acts shall apply to the proceedings on any complaint under subsection (3) of this section; and where any party to the proceedings is aggrieved by the decision of the court on any such complaint he may appeal to [F1the Crown Court.](#)
- (8) Save as expressly provided in the last foregoing subsection, the determination by the court of a complaint under paragraph (c) of subsection (3) of this section shall be conclusive, as respects any right of recovery under this section, of the matter of the complaint.
- (9) In the application of this section to Scotland,—
- (a) for any reference to a court of summary jurisdiction there shall be substituted a reference to the sheriff, and for references to complaining, to a complainant and to a complaint there shall be substituted references to making an application, to a person making an application and to an application;
 - (b) in subsection (4) for the words “A summons granted on a complaint” there shall be substituted the words “Notice of an application made”; and
 - (c) subsection (7) shall be omitted.

Annotations:**Amendments (Textual)**

F1 Words substituted by Courts Act 1971 (c. 23), s. 56(2), Sch. 9 Pt. I

14 Compulsory acquisition of land

- (1) A coast protection authority may be authorised by the Minister to acquire by compulsory purchase any land which they are authorised by section four of this Act to acquire by agreement, and the [\[F1Acquisition of Land Act 1981\]](#), shall apply in relation to any such compulsory purchase [\[F2as if this Act had been in force immediately before the commencement of that Act\]](#):

Provided that, in relation to any such land as is mentioned in paragraph (b) of subsection (3) of the said section four, the power conferred by this subsection shall be exercisable only if it appears that the value of the land immediately after the completion of the work will be greater than it would then be if the work had not been carried out; and in estimating for the purposes of this proviso the value of the land at that time it shall be assumed, as respects the works proposed to be constructed, altered or improved, that they will in future be maintained without expense to any person entitled to an interest in the land.

- (2) Any dispute arising under the proviso to the last foregoing subsection shall, on the application of any person concerned, be determined by arbitration; and for the purposes of [\[F3section 23\(3\) of the Acquisition of Land Act 1981\]](#), as applied by the last foregoing subsection, the provisions of this subsection shall be deemed to be a requirement of that Act.
- (3) In the application of this section to Scotland, for any reference to the [\[F4Acquisition of Land Act 1981\]](#), and to [\[F5section 23\(3\) thereof\]](#) there shall be substituted a reference to the [M1Acquisition of Land \(Authorisation Procedure\) \(Scotland\) Act, 1947](#), and to paragraph 15 of the First Schedule thereto.

Annotations:**Amendments (Textual)**

- F1** S. 14(1) words substituted by Acquisition of Land Act 1981 (c. 67, SIF 28:1), s. 34(1), Sch. 4 para. 1 Table
- F2** S. 14(1) words repealed (E.W.) by Acquisition of Land Act 1981 (c. 67, SIF 28:1), s. 34(3), Sch. 6 Pt. I
- F3** Words substituted by Acquisition of Land Act 1981 (c. 67, SIF 28:1), s. 34(1), Sch. 4 para. 7(1)
- F4** Words substituted by Acquisition of Land Act 1981 (c. 67, SIF 28:1), s. 34(1), Sch. 4 para. 1 Table
- F5** Words substituted by Acquisition of Land Act 1981 (c. 67, SIF 28:1), s. 34(1), Sch. 4 para. 7(2)

Marginal Citations

M1 1947 c. 42.

15 Provisions as to subsisting obligations to carry out coast protection work

- (1) No person shall be liable, by reason only that he is subject to an obligation to which this section applies, to maintain or repair any works being either works constructed, altered or improved under a works scheme or works for whose maintenance or repair provision is made by a scheme under section thirteen of this Act.
- (2) This section applies to any obligation to carry out coast protection work to which a person would be subject by reason of tenure, custom, prescription or otherwise if this Act had not been passed.
- (3)

Subject to the provisions of subsection (1) of this section, nothing in this Part of this Act shall operate to release any person from any obligation to which this section applies.

- (4) If any person who, by reason of any such obligation as aforesaid, is liable to carry out any coast protection work fails to carry out that work, any coast protection authority in whose area the work ought to be carried out or to whom it appears that the work is necessary or expedient for the protection of any land in their area may serve a notice on the person liable to carry out the work requiring him to carry it out within such period as may be specified in the notice, and if within that period he fails to comply with the notice, the authority by whom the notice was served may carry out the work and may recover from him any expenses reasonably incurred by the authority in carrying it out.
- (5) Where it is represented to the Minister by a coast protection authority that any sea defence commissioners have failed to carry out any coast protection work which the commissioners are authorised or required by their local Act to carry out and which is necessary or expedient for the protection of land in the area of the authority, the Minister may, after giving to the commissioners an opportunity of making representations to him with respect thereto, make an order authorising the coast protection authority to carry out the work and to recover from the commissioners any expenses reasonably incurred by the authority in carrying it out or such part of those expenses as the Minister may think fit.

General and supplementary provisions relating to Part I

16 Consent of coast protection authority required to carrying out of coast protection work

- (1) Subject to the provisions of the next following section, any person who carries out any coast protection work, other than work of maintenance or repair, without the consent in writing of the coast protection authority in whose area the work is to be carried out, or in contravention of any conditions subject to which that consent is granted, shall be guilty of an offence under this Act.
- (2) Without prejudice to any proceedings under the last foregoing subsection, where any person has constructed, altered or improved any works in contravention of that subsection or of any such condition as aforesaid, the said coast protection authority may serve a notice on him requiring him, within such period (not being less than thirty days) as may be specified in the notice, to remove the works or to make such alteration therein as may be so specified.
- (3) If within the period specified in a notice under the last foregoing subsection the person on whom the notice is served fails to comply therewith, the coast protection authority may themselves remove or alter the works, as specified in the notice, and if they do so they shall be entitled to recover the expense thereof from the person on whom the notice was served.
- (4) Where for the purposes of subsection (1) of this section application is made to a coast protection authority for their consent, they shall, before determining the application, give notice thereof to any coast protection authority whose area adjoins their area ^{[F1}and to any river board or other drainage authority whose area comprises the whole or any part of their area, and shall consider any representations made by any such authority.]]^{F1}and to the National Rivers Authority and to any internal drainage board whose district comprises the whole or any part of their area, and shall consider any representations made by the National Rivers Authority or by any such authority or board.]
- (5) A coast protection authority in England or Wales shall have power to institute proceedings for a contravention of subsection (1) of this section.

Annotations:**Amendments (Textual)**

- F1** S. 16(4): for the words from “and to any” to “such authority” there is substituted (E.W.) the words from “and to the National Rivers Authority” to “such authority or board” by Water Act 1989 (c. 15, SIF 130), ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)-(10), 190, 193(1), Sch. 25 para. 11(4), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58.

Modifications etc. (not altering text)

- C1** S. 16(1) excluded by Channel Tunnel Act 1987 (c. 53, SIF 102), s. 44(1)
S. 16(1) excluded (18.12.1996) by 1996 c. 61, s. 38, Sch. 10 para.4

17 Notification to coast protection authority of coast protection work to be carried out by certain authorities

- (1) Subsection (1) of section sixteen of this Act shall not apply to the carrying out of work—
- (a) by a coast protection authority;
 - (b) by any body or person upon whom any powers or duties relating to the protection of land have been conferred or imposed by or under any enactment other than this Act;
 - (c) by a **F1** . . . authority for the protection of a highway
 - (d) by the British Transport Commission, or an Executive established by or under section five of the **M1** Transport Act 1947, for the protection of a railway; or
 - (e) by a harbour authority.
- (2) Work excluded from the operation of the last foregoing section by virtue only of paragraphs (b) to (e) of the last foregoing subsection shall not be carried out except in accordance with the following provisions of this section; and any body or person who contravenes the provisions of this subsection shall be guilty of an offence under this Act.
- (3) Before carrying out any such work as aforesaid the body or person in question (in this section referred to as “the undertakers”) shall give to the coast protection authority in whose area the work is to be carried out, to any coast protection authority whose area adjoins that area, [**F2**to the [National Rivers Authority and to any internal drainage board whose district](#)] comprises the whole or any part of that area, not less than twenty-eight days’ notice of their intention in that behalf, specifying the work to be carried out; and where notice is so given—
- (a) the undertakers shall not carry out the work before the expiration of the notice; and
 - (b) if before the expiration of the notice any authority or board to whom the notice has been given serves notice of objection on the Minister and on the undertakers, the undertakers shall not (unless the objection is withdrawn) carry out the work except in accordance with any direction given under the following provisions of this section.
- (4) Where notice of objection has been served under the last foregoing subsection and has not been withdrawn, the Minister and any other Minister being a Minister concerned, after affording to the undertakers and to the objectors and, if the objectors are not the coast protection authority in whose area the work is to be carried out, to that authority, an opportunity of being heard by a person appointed by the said Ministers for the purpose, shall determine the objection.
- (5) Where an objection has been determined under the last

foregoing subsection, the appropriate Minister shall either direct that the undertakers shall be at liberty to carry out the work (whether as specified in the notice given by them under subsection (3) of this section or subject to such modifications or conditions as the appropriate Minister may think fit, having regard to the determination of the objection as aforesaid) or shall direct the undertakers not to carry out the work.

A coast protection authority in England or Wales shall have power to institute proceedings for a contravention of subsection (2) of this section.

- (7) Nothing in this section shall prevent any body or person from carrying out, without the provisions of this section having been complied with, any coast protection work which appears to them or him to be urgently necessary for the protection of any land; but where any work is so carried out, being work to which subsection (2) of this section applies, the undertakers shall, before or as soon as possible after the commencement of the work, give to the coast protection authority in whose area the work is carried out notice of the nature of the work.
- (8) In this section the expression “the appropriate Minister” in relation to a notice of objection served under subsection (3) thereof,—
- (a) if the undertakers are a body or person mentioned in paragraph (b) of subsection (1) of this section, means any Minister concerned with the exercise by that body or person of their or his functions under the relevant enactment;
- (b) if the undertakers are a harbour authority for a harbour [^{F3}which is a fishery harbour for the purposes of section 21 of the Sea Fish Industry Act 1951], means [^{F4}the Minister of Agriculture, Fisheries and Food]; and
- (c) in any other case, means the Minister of Transport;
- and any question arising under paragraph (a) of this subsection shall be determined by the Treasury.
- (9) For the purposes of subsection (4) of this section, a Minister shall be deemed to be a Minister concerned if he is the appropriate Minister or, in a case where the notice of objection was [^{F5}served by the National Rivers Authority or any internal drainage board] and the appropriate Minister is not [^{F4}the Minister of Agriculture, Fisheries and Food], if he is the appropriate Minister or [^{F4}the Minister of Agriculture, Fisheries and Food].
- (10) In the application of this section to Scotland, paragraph (b) of the last but one foregoing subsection shall have effect as if for the words from “to which the Fishery Harbours Act” to the end of the paragraph there were substituted the words “principally used by the fishing industry [^{F6}or are a highway authority], means the Minister; and”

Annotations:

Amendments (Textual)

- F1** Word in s. 17(1)(c) repealed (E.W.) by Local Government Act 1972 (c. 70), s. 272, Sch. 30
- F2** Words in s. 17(3) substituted (E.W.) by Water Act 1989 (c. 15), ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 25 para. 11(5)(a), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58
- F3** Words in s. 17(8)(b) substituted (15.7.1992) by Transport and Works Act 1992 (c. 42), s. 65(2); S.I. 1992/1347, art. 2, Sch.
- F4** Words substituted by virtue of S.I. 1955/554 (1955 I, p. 1200)
- F5** Words in s. 17(9) substituted (E.W.) by Water Act 1989 (c. 15), ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 25 para. 11(5)(b), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58

Words inserted by S.I. 1955/1955 (1955 I, p. 1205)

Modifications etc. (not altering text)

- C1** Powers of British Transport Commission and Executives established by or under Transport Act 1947 (c. 49), s. 5, mentioned in s. 17(1) now exercisable by British Railways Board: Transport Act 1962 (c. 46), Sch. 2 Pt. II para. 2
- C2** S. 17(2) applied by Channel Tunnel Act 1987 (c. 53, SIF 102), s. 44(1)
- C3** S. 17(3)–(9) applied by Channel Tunnel Act 1987 (c. 53, SIF 102), s. 44(1)
- C4** S. 17(8)(b); Functions transferred (3.12.2001) by S.I. 2001/3503, arts. 2, 3

Extent Information

- E1** This version of this provision extends to England and Wales only; a separate version has been created for Scotland only.

Marginal Citations

- M1** 1947 c. 49.

17 Notification to coast protection authority of coast protection work to be carried out by certain authorities

- (1) Subsection (1) of section sixteen of this Act shall not apply to the carrying out of work—
- (a) by a coast protection authority;
 - (b) by any body or person upon whom any powers or duties relating to the protection of land have been conferred or imposed by or under any enactment other than this Act;
 - (c) by a **[F1roads authority]** for the protection of a **[F1road]**
 - (d) by the British Transport Commission, or an Executive established by or under section five of the **M1** Transport Act 1947, for the protection of a railway; or
 - (e) by a harbour authority.
- (2) Work excluded from the operation of the last foregoing section by virtue only of paragraphs (b) to (e) of the last foregoing subsection shall not be carried out except in accordance with the following provisions of this section; and any body or person who contravenes the provisions of this subsection shall be guilty of an offence under this Act.
- (3) Before carrying out any such work as aforesaid the body or person in question (in this section referred to as “the undertakers”) shall give to the coast protection authority in whose area the work is to be carried out, to any coast protection authority whose area adjoins that area, and to any river board or other drainage authority whose area comprises the whole or any part of that area, not less than twenty-eight days’ notice of their intention in that behalf, specifying the work to be carried out; and where notice is so given—
- (a) the undertakers shall not carry out the work before the expiration of the notice; and
 - (b) if before the expiration of the notice any authority or board to whom the notice has been given serves notice of objection on the **[F2Scottish Ministers]** and on the undertakers, the undertakers shall not (unless the objection is withdrawn) carry out the work except in accordance with any direction given under the

following provisions of this section.

Where notice of objection has been served under the last foregoing subsection and has not been withdrawn, the [F3Scottish Ministers], after affording to the undertakers and to the objectors and, if the objectors are not the coast protection authority in whose area the work is to be carried out, to that authority, an opportunity of being heard by a person appointed by the [F4Scottish Ministers] for the purpose, shall determine the objection.

- (5) Where an objection has been determined under the last foregoing subsection, the [F5Scottish Ministers] shall either direct that the undertakers shall be at liberty to carry out the work (whether as specified in the notice given by them under subsection (3) of this section or subject to such modifications or conditions as the [F5Scottish Ministers] may think fit, having regard to the determination of the objection as aforesaid) or shall direct the undertakers not to carry out the work.
- (6) A coast protection authority in England or Wales shall have power to institute proceedings for a contravention of subsection (2) of this section.
- (7) Nothing in this section shall prevent any body or person from carrying out, without the provisions of this section having been complied with, any coast protection work which appears to them or him to be urgently necessary for the protection of any land; but where any work is so carried out, being work to which subsection (2) of this section applies, the undertakers shall, before or as soon as possible after the commencement of the work, give to the coast protection authority in whose area the work is carried out notice of the nature of the work.

F6(8)

F6(9)

F6(10)

Annotations:

Amendments (Textual)

- F1** Words in s. 17(1)(c) substituted (S.) by Roads (Scotland) Act 1984 (c. 54), s. 156(1), Sch. 9 para. 38(2).
- F2** Words in s. 17(3)(b) substituted (1.7.1999) by S.I. 1999/1820, arts. 1(2), 4, Sch. 2 Pt. I para. 24(2)(a)
- F3** Words in s. 17(4) substituted (1.7.1999) by S.I. 1999/1820, arts. 1(2), 4, Sch. 2 Pt. I para. 24(2)(b)(i)
- F4** Words in s. 17(4) substituted (1.7.1999) by S.I. 1999/1820, arts. 1(2), 4, Sch. 2 Pt. I para. 24(2)(b)(ii)
- F5** Words in s. 17(5) substituted (1.7.1999) by S.I. 1999/1820, arts. 1(2), 4, Sch. 2 Pt. I para. 24(c)
- F6** S. 17(8)-(10) omitted (1.7.1999) by S.I. 1999/1820, arts. 1(2), 4, Sch. 2 Pt. I para. 24(d)

Modifications etc. (not altering text)

- C1** Powers of British Transport Commission and Executives established by or under Transport Act 1947 (c. 49), s. 5, mentioned in s. 17(1) now exercisable by British Railways Board: Transport Act 1962 (c. 46), Sch. 2 Pt. II para. 2
- C2** S. 17(2) applied by Channel Tunnel Act 1987 (c. 53, SIF 102), s. 44(1)
- C3** S. 17(3)-(9) applied by Channel Tunnel Act 1987 (c. 53, SIF 102), s. 44(1)

Extent Information

- E1** This version of this provision extends to Scotland only; a separate version has been created for England and Wales only.

Marginal Citations

M1 1947 c. 49.

18 Prohibition of excavation etc., of materials on or under the seashore

- (1) Subject to the provisions of this section, and notwithstanding anything contained in any other enactment, it shall be unlawful to excavate or remove any materials (other than minerals more than fifty feet below the surface) on, under or forming part of any portion of the seashore to which the provisions of this section are applied.
- (2) The provisions of the last foregoing subsection shall not affect the excavation or removal of any materials by the [F1Secretary of State] in the exercise of the powers conferred upon him by Part II of this Act, or the excavation or removal thereof by any other person in compliance with a notice served by that [F1Secretary of State] under the said Part II.
- (3) A coast protection authority may make an order applying the provisions of this section to any such portion of the seashore within their area or [F2of the sea-shore lying to seaward of their area but within three nautical miles of the baselines from which the breadth of the territorial sea adjacent to Great Britain is measured,] as may be described in the order:

Provided that the order may, as respects the whole of that portion of the seashore or any such part thereof as may be specified in the order, except from the provisions of subsection (1) of this section the carrying out of operations of any such class as may be so specified, and any such exception may be either unconditional or subject to such conditions as may be specified in the order.
- (4) An order under this section shall be made in accordance with the provisions of the Second Schedule to this Act, and, subject to the provisions of Part II of that Schedule as to interim orders, shall not have effect unless confirmed by the Minister as therein mentioned.
- (5) The authority by whom an order has been made under subsection (3) of this section may grant to any person a licence, as respects any portion of the seashore described in the order, to do anything which would otherwise be a contravention of subsection (1) of this section, and any such licence may be granted subject to such conditions as the authority may determine:

Provided that a licence granted under this subsection shall not render lawful anything which would be unlawful if subsection (1) of this section had not been enacted.
- (6) An order under subsection (3) of this section may provide that this subsection shall have effect as respects any part specified in the order of the area to which the order relates, being a part of the area with which any drainage authority so specified is particularly concerned; and where an order so provides, the coast protection authority shall consult with the drainage authority before granting a licence

under the last foregoing subsection relating to land in that part of the area.

Any person who, without such a licence as aforesaid, excavates or removes any materials in contravention of subsection (1) of this section, or fails to comply with any condition subject to which any such licence was granted, shall be guilty of an offence under this Act.

- (8) It shall be the duty of a coast protection authority to enforce the provisions of this section as respects any portion of the seashore to which those provisions are applied by an order made by them.

(9) **F3**

- (10) Notwithstanding the repeal of the **M1** said Act of 1939 any order made, or deemed for the purposes of that Act to have been made, under section one of that Act, if in force immediately before the commencement of this Act, shall continue in force and have effect as if it had been made under this section by the appropriate coast protection authority and confirmed by the Minister in accordance with the provisions of the Second Schedule to this Act, or, if it is an interim order made by virtue of the proviso to subsection (1) of section one of the [said Act of 1939,] as if it had been made by the appropriate coast protection authority as an interim order in accordance with the provisions of Part II of the said Second Schedule; and any order continued in force as aforesaid may be amended or revoked accordingly.

In this subsection the expression "the appropriate coast protection authority" means the coast protection authority for the area which includes the portion of the seashore specified in the order continued in force, or, if that portion of the seashore includes the areas or parts of the areas of two or more coast protection authorities, means, as to so much of that portion of the seashore as falls within the area of any of the authorities, that authority.

- (11) Nothing in this section shall be construed as authorising a coast protection authority in Scotland to institute proceedings for any offence under this Act.

Annotations:

Amendments (Textual)

- F1** Words substituted by virtue of S.I. 1970/1681
- F2** Words substituted by Territorial Sea Act 1987 (c. 49, SIF 29:1), s. 3(1), Sch. 1 para. 1(1)
- F3** S. 18(9) repealed by Statute Law Revision Act 1953 (c. 5)

Modifications etc. (not altering text)

- C1** S. 18 excluded by Channel Tunnel Act 1987 (c. 53, SIF 102), s. 44(2)
S. 18(1) excluded by 1996 c. 61, s. 38, Sch. 10 para.4
- C2**
"the said Act of 1939" in s. 18(10) means Coast Protection Act 1939 (c. 39)

Marginal Citations

- M1** 1939 c. 39.

19 Provisions as to compensation

- (1) Where on a claim being made under this section it is shown—
- (a) that the value of an interest of any person in land has been depreciated, or that any person has suffered damage by being disturbed in his enjoyment of land, in consequence of the carrying out of coast protection work by a coast protection authority in the exercise of the powers conferred by this Part of this Act, or
 - (b) that the value of such an interest as aforesaid has been depreciated in consequence of the refusal of consent for which application has been made under section sixteen of this Act, or in consequence of the granting of such consent subject to conditions,

the coast protection authority shall pay to that person compensation equal to the amount of the depreciation or damage:

Provided that a person shall not be entitled to compensation under paragraph (a) of this subsection unless the act or omission causing the depreciation or disturbance would have been actionable at his suit if it had been done or omitted otherwise than in the exercise of statutory powers.

- (2) A claim for compensation under this section shall be made to the coast protection authority within twelve months of the completion of the work, the refusal of consent, or the imposition of conditions, giving rise to the claim.
- (3) Any dispute arising under this section shall be determined by arbitration.
- (4) Where any interest in land is subject to a mortgage,—
- (a) any compensation under this section which is payable in respect of depreciation of the value of that interest shall be assessed as if the interest were not subject to the mortgage;
 - (b) a claim for any such compensation may be made by any mortgagee of the interest, but without prejudice to the making of a claim by the person entitled to the interest;
 - (c) a mortgagee shall not be entitled to claim any such compensation in respect of his interest as such; and
 - (d) the compensation payable in respect of the interest subject to the mortgage shall be paid by the coast protection authority to the mortgagee or, where there is more than one mortgagee, to the first mortgagee, and shall in either case be applied by him as if it were proceeds of sale.
- (5) In this section the expression “interest” includes any estate in or right over land.
- (6) In the application of this section to Scotland,—
- (a) for references to a mortgage, to a mortgagee and to the first mortgagee there

shall be substituted respectively references to a heritable security, to a creditor in a heritable security, and to the creditor whose heritable security has priority over any other heritable securities secured on the land; and any reference to land shall include a reference to salmon fishings.

20 Contributions towards expenses of coast protection

- (1) Where the Minister undertakes to make, or makes, a grant under the next following section towards expenditure incurred under this Act by the council of a [F1 maritime district] in England F2. . ., the council of the county within which the [F1 maritime district] is situated shall pay to the council of the [F1 maritime district] a contribution towards that expenditure of such amount and payable at such time as may be agreed between the two councils, or as, in default of agreement, may be determined by the Minister subject to the following provisions of this section.
- (2) The amount determined by the Minister under the last foregoing subsection of a contribution towards any expenditure shall not without the consent of the county council—
- (a) exceed the amount of the grant which the Minister has made, or has undertaken to make, under the next following section towards that expenditure, or
 - (b) be such that the amount of the contribution, together with the amount of any other contributions which, by virtue of any agreement or determination made under the last foregoing subsection, the county council have paid or have become liable to pay (whether to the same [F1 maritime district] council or to any other such council) in the same financial year, exceeds the product of a rate of [F3½p] in the pound levied over the whole county [F4 in respect of the financial year ending on 31st March 1990, increased or decreased in proportion to the difference between—
- (a) the retail prices index for September of the financial year preceding that in which the contribution is payable and
 - (b) the retail prices index for September 1989.]

Provided that in the case of a contribution determined by the Minister to be of a capital nature, paragraph (b) of this subsection shall apply as if the amount thereof were the amount so determined to be the annual amount which would have to be provided for the payment of principal and interest in respect of a loan made by the Public Works Loan Commissioners to the council and repayable by twenty equal annual instalments of principal and interest combined, being a loan of an amount

equal to the actual amount of the contribution; and where this proviso has effect, then for the purposes of the said paragraph (b) (but not for any other purpose) the council shall be deemed to have become liable as aforesaid to pay, in each of the next nineteen financial years, a contribution of the amount determined as aforesaid.

So much of any contribution as is agreed between the county council and the [F1maritime district] council to be attributable to the protection of any highway for which the council was the highway authority when the relevant expenditure was incurred, or in default of such agreement so much thereof as is determined jointly by the Minister and the [F5Secretary of State] to be so attributable, shall be disregarded for the purposes of the last foregoing subsection.

- (4) The council of a county in England F6. . . may pay such contributions as they think fit towards any expenses incurred by any person other than the council of a [F1maritime district] within the county in respect of coast protection work carried out within the county or appearing to the council to be work for the protection of any land in the county.
- (5) The council of a [F1maritime district] in England [F7, the council of a county or county borough in Wales] or the council of a [F8district] in Scotland, not being a coast protection authority or a constituent authority of a coast protection board, may if they think fit defray, or contribute towards, the cost of carrying out any coast protection work which appears to the council to be necessary or expedient for the protection of any land in their area.
- (6) A coast protection authority may defray, or contribute towards, the cost of carrying out any coast protection work, whether within or outside their area, which appears to the authority to be necessary or expedient for the protection of any land in their area.
- (7) F9

Annotations:

Amendments (Textual)

- F1** Words substituted by Local Government Act 1972 (c. 70), Sch. 29 para. 17(1)
- F2** Words in s. 20(1) repealed (1.4.1996) by 1994 c. 19, ss. 22(5), 66(8), Sch. 11 Pt. III para. 5(2)(a), Sch.18; S.I. 1996/396, art. 4, Sch.2
- F3** Words substituted by virtue of Decimal Currency Act 1969 (c. 19), s. 10(1)
- F4** Words in s. 20(2)(b) added (21.8.1991) by S.I. 1991/1730, art. 2(2), Sch. 2, Pt. I
- F5** Words substituted by virtue of S.I. 1970/1681
- F6** Words in s. 20(4) repealed (1.4.1996) by 1994 c. 19, ss. 22(5), 66(8), Sch. 11 Pt. III para. 5(2)(b), Sch.18; S.I. 1996/396,

art. 4, Sch.2

- F7** Words in s. 20(5) substituted (1.4.1996) by 1994 c. 19, s. 22(5), Sch. 11 Pt. III, para. 5(2)(c); S.I. 1996/396, art. 3, Sch.1
- F8** Word substituted by Local Government (Scotland) Act 1973 (c. 65), s. 138(2)(b)
- F9** S. 20(7) repealed by Local Government (Scotland) Act 1973 (c. 65), Sch. 29

Extent Information

- E1** This version of this provision extends to England and Wales only; a separate version has been created for Scotland only.

20 Contributions towards expenses of coast protection

- (1) Where the Minister undertakes to make, or makes, a grant under the next following section towards expenditure incurred under this Act by the council of a [F1 maritime district] in England F2. . ., the council of the county within which the [F1 maritime district] is situated shall pay to the council of the [F1 maritime district] a contribution towards that expenditure of such amount and payable at such time as may be agreed between the two councils, or as, in default of agreement, may be determined by the Minister subject to the following provisions of this section.
- (2) The amount determined by the Minister under the last foregoing subsection of a contribution towards any expenditure shall not without the consent of the county council—
- (a) exceed the amount of the grant which the Minister has made, or has undertaken to make, under the next following section towards that expenditure, or
- (b) be such that the amount of the contribution, together with the amount of any other contributions which, by virtue of any agreement or determination made under the last foregoing subsection, the county council have paid or have become liable to pay (whether to the same [F1 maritime district] council or to any other such council) in the same financial year, exceeds the product of a rate of [F3 ½p] in the pound levied over the whole county
- [F4 in respect of the financial year ending on 31st March 1990, increased or decreased in proportion to the difference between—
- (a) the retail prices index for September

of the financial year preceding that in which the contribution is payable and the retail prices index for September 1989.]

Provided that in the case of a contribution determined by the Minister to be of a capital nature, paragraph (b) of this subsection shall apply as if the amount thereof were the amount so determined to be the annual amount which would have to be provided for the payment of principal and interest in respect of a loan made by the Public Works Loan Commissioners to the council and repayable by twenty equal annual instalments of principal and interest combined, being a loan of an amount equal to the actual amount of the contribution; and where this proviso has effect, then for the purposes of the said paragraph (b) (but not for any other purpose) the council shall be deemed to have become liable as aforesaid to pay, in each of the next nineteen financial years, a contribution of the amount determined as aforesaid.

- (3) So much of any contribution as is agreed between the county council and the [F1maritime district] council to be attributable to the protection of any [F5roads] for which the council was the [F5roads authority] when the relevant expenditure was incurred, or in default of such agreement so much thereof as is determined jointly by the Minister and the [F6Secretary of State] to be so attributable, shall be disregarded for the purposes of the last foregoing subsection.
- (4) The council of a county in England F7. . . may pay such contributions as they think fit towards any expenses incurred by any person other than the council of a [F1maritime district] within the county in respect of coast protection work carried out within the county or appearing to the council to be work for the protection of any land in the county.
- (5) The council of a [F1maritime district] in England [F8, the council of a county or county borough in Wales]F9. . ., not being a coast protection authority or a constituent authority of a coast protection board, may if they think fit defray, or contribute towards, the cost of carrying out any coast protection work which appears to the council to be necessary or expedient for the protection of any land in their area.
- (6) A coast protection authority may

defray, or contribute towards, the cost of carrying out any coast protection work, whether within or outside their area, which appears to the authority to be necessary or expedient for the protection of any land in their area.

.....
 .. **F10**

Annotations:

Amendments (Textual)

- F1** Words substituted by Local Government Act 1972 (c. 70), Sch. 29 para. 17(1)
- F2** Words in s. 20(1) repealed (1.4.1996) by 1994 c. 19, ss. 22(5), 66(8), Sch. 11 Pt. III para. 5(2)(a), Sch.18; S.I. 1996/396, art. 4, Sch.2
- F3** Words substituted by virtue of Decimal Currency Act 1969 (c. 19), s. 10(1)
- F4** Words in s. 20(2)(b) added (21.8.1991) by S.I. 1991/1730, art. 2(2), Sch. 2, Pt. I
- F5** Words in s. 20(3) substituted (S.) by Roads (Scotland) Act 1984 (c. 54, SIF 108), s. 156(1), Sch. 9 para. 38(3)
- F6** Words substituted by virtue of S.I. 1970/1681
- F7** Words in s. 20(4) repealed (1.4.1996) by 1994 c. 19, ss.22(5), 66(8), Sch. 11 Pt. III para. 5(2)(b), Sch.18; S.I. 1996/396, art. 4, Sch.2
- F8** Words in s. 20(5) substituted (1.4.1996) by 1994 c. 19, s. 22(5), Sch. 11 Pt. III para. 5(2)(c); S.I. 1996/396, art. 3, Sch.1
- F9** Words in s. 20(5) repealed (S.) (1.4.1996) by 1994 c. 39, s. 180(1)(2), Sch. 13 para. 32(3), Sch.14; S.I. 1996/323, art. 4(1)(c)(d), Sch.2
- F10** S. 20(7) repealed by Local Government (Scotland) Act 1973 (c. 65), Sch. 29

Extent Information

- E1** This version of this provision extends to Scotland only; a separate version has been created for England and Wales only.

21 Exchequer grants

- (1) Subject to such conditions as the Treasury may determine, the Minister may make grants towards any expenditure—
- (a) incurred under this Act by a coast protection authority; or
- (b) incurred by the council of a county [**F1**or county borough] in the carrying out of coast

protection work under the enactments relating to highways; or

.....
..... F2

(2)
..... F3

(3) In the application of this section to Scotland—

[F4(za) subsection (1) shall have effect as if the words “Subject to such conditions as the Treasury may determine” were omitted;]

(a) in paragraph (b) of subsection (1) of this section for the words “incurred by the council of a county” there shall be substituted the words “incurred by a local [F5roads authority” and for the word “highways” there shall be substituted the word “roads”]; and

(b)
..... F6

Annotations:

Amendments (Textual)

F1 Words in s. 21(1)(b) inserted (1.4.1996) by 1994 c. 19, s. 22(5), Sch. 11 Pt. III, para. 5(3); S.I. 1996/396, art. 3, Sch. 1

F2 S. 21(1)(c) repealed by Local Government Act 1972 (c. 70), Sch. 30 and Local Government (Scotland) Act 1973 (c. 65), Sch. 29

F3 S. 21(2) repealed by Southern Water Authority Act 1980 (c. xxxviii), s. 18(1), Sch. 1 Pt. I

F4 S. 21(3)(za) inserted (1.7.1999) by S.I. 1999/1820, arts. 1(2), 4, Sch. 2 Pt. I para. 24(3)

F5 Words substituted (S.) by Roads (Scotland) Act 1984 (c. 54, SIF 108), s. 156(1), Sch. 9 para. 38(4)

F6 S. 21(3)(b) repealed by Local Government (Scotland) Act 1973 (c. 65), Sch. 29

Modifications etc. (not altering text)

C1 S. 21(1) applied (E.W.) (2.2.1991) by S.I. 1991/205, art. 3(1)

22 Power to use for incidental purposes land acquired for coast protection

(1) The provisions of the [F1 M1Local Government Act 1972], as to the disposal and appropriation of

land by a local authority, and those provisions as applied by order under section two of this Act, shall have effect in relation to land acquired by a coast protection authority, whether by agreement or compulsorily, being land falling within paragraph (b) of subsection (3) of section four of this Act, as the said provisions have effect in relation to land of a local authority which is not required for the purpose for which it was acquired or is being used.

It is hereby declared that any power of the council of a . . . **F2** district in England [**F3**, the council of a county or county borough in Wales], or [**F4a** council constituted under section 2 of the Local Government etc. (Scotland) Act 1994] in Scotland, under any other enactment to provide concert halls, entertainment rooms, reading rooms, pavilions, restaurants or other places for the provision of meals or refreshments, bandstands, public conveniences or other buildings on land belonging or let to them, to lay out public parks, pleasure grounds or recreation grounds on such land, or to adapt or use land for any other public purpose, shall be exercisable in relation to any land acquired by them under this Part of this Act for the purpose of carrying out thereon any coast protection work, notwithstanding that the land continues to be required for that purpose or for works constructed in the course of carrying out the work; but the said power shall not be exercised so as to interfere with the use of the land for the said purpose, or with the maintenance or repair of such works, so long as it is required for the said purpose or so long as such works are required to be maintained.

- (3) In the application of this section to Scotland, subsection (1) shall have effect as if for the reference to the [**F1** **M2**Local Government Act 1972], there were substituted a reference to the [**F5** **M3**Local Government (Scotland) Act 1973], and as if the words "and those provisions as applied by

order under section two of this Act" were omitted.

Annotations:

Amendments (Textual)

- F1** Words substituted by virtue of Interpretation Act 1889 (c. 63), s. 38(1)
- F2** Words repealed by Local Government Act 1972 (c. 70), Sch. 30
- F3** Words in s. 22(2) substituted (1.4.1996) by 1994 c. 19, s. 22(5), Sch. 11 Pt. III, para. 5(4); S.I. 1996/396, art. 3, Sch.1
- F4** Words in s. 22(2) substituted (S.) (1.4.1996) by 1994 c. 39, s. 180(1), Sch. 13, para. 32(4); S.I. 1996/323, art.4(1)(c)
- F5** Words substituted by Local Government (Scotland) Act 1973 (c. 65), s. 138(2)(c)(ii)

Marginal Citations

- M1** 1972 c. 70.
- M2** 1972 c. 70.
- M3** 1973 c. 65.

23 Power of coast protection authority to sell materials

- (1) A coast protection authority may sell any materials which have been severed by them from any land when carrying out work in the exercise of powers conferred by this Part of this Act and which are not before the expiration of fourteen days from the date of their severance claimed by the person to whom they belong.
- (2) Where a coast protection authority sell any materials under this section, they shall pay the proceeds to the person to whom the materials belonged.

24 Provisions as to arbitrations

- (1) In arbitrations as to any question which under this Part of this Act is expressly required to be determined by arbitration, the reference shall be to the Lands Tribunal.
- (2) Rules 2 to 4 of the Rules set

out in [F1section five of the M1Land Compensation Act 1961] (which provides rules for valuation on a compulsory acquisition) shall apply for the purposes of any such arbitration.

For the purposes of any such arbitration, [F1section four of the said Act of 1961] (which relates to costs) shall have effect with the substitution for the references to the acquiring authority of references to the coast protection authority.

- (4) This section shall apply to Scotland with the substitution for the words “the Lands Tribunal” in subsection (1) thereof of the words “the Lands Tribunal for Scotland”:

.....
 F2

Annotations:

Amendments (Textual)

F1 Words substituted by virtue of Interpretation Act 1889 (c. 63), s. 38(1)

F2 S. 24(4) proviso spent

Marginal Citations

M1 1961 c. 33.

25 Powers of entry and inspection

- (1) Subject to the provisions of this section, any person authorised by a coast protection authority shall, on producing, if so required, some duly authenticated document showing his authority, have a right at all reasonable hours—
- (a) to enter upon any land on which a power to carry out work is conferred on the authority by the provisions of this Act other than section four thereof;
- (b) to enter upon any land to which entry is reasonably necessary in order to obtain access to any land on which a

power to carry out work is conferred on the authority by any of the provisions of this Act;

for the purpose of determining whether, and if so in what manner, any functions of the authority under this Act are to be exercised, or whether any provision of any enactment (including this Act) relating to such functions or any notice, order, direction or byelaw served, given or made under any such enactment is being or has been complied with, to enter upon any land and inspect or survey the land;

(d) without prejudice to the generality of the last foregoing paragraph, to enter upon any land in order to estimate, for the purposes of this Part of this Act, the amount of any compensation payable thereunder or the value of any interest in the land.

(2) Section nineteen of this Act shall apply to depreciation and disturbance caused by the exercise of the powers conferred by paragraphs (a) and (b) of the last foregoing subsection as it applies to depreciation and disturbance arising as mentioned in the said section nineteen.

(3) Admission to any land used for residential purposes shall not be demanded as of right under this section unless twenty-four hours' notice of the intended entry has been given to the occupier.

(4) If it is shown to the satisfaction of a justice of the peace, or in Scotland a justice of the peace or the sheriff, on

sworn information in writing—

that admission to any land which any person is entitled to enter under this section has been refused to that person, or that refusal is apprehended, or that the land is unoccupied, or that the occupier is temporarily absent, or that the case is one of urgency; and

- (b) that there is reasonable ground for entry on the land for the purpose for which entry is required,

the justice or sheriff may by warrant under his hand authorise that person to enter on the land, if need be by force:

Provided that such a warrant shall not be issued, unless the justice or sheriff is satisfied either that notice of the intention to apply for a warrant has been given to the occupier, or that the land is unoccupied, or that the occupier is temporarily absent, or that the case is one of urgency.

- (5) Any person entitled to enter upon any land by virtue of any right of entry under this section may take with him such other persons as may be necessary, and on leaving any unoccupied land which he has entered by virtue of such right shall leave it as effectually secured as he found it.

- (6) Any power of entry conferred by paragraph (a) or (b) of subsection (1) of

this section shall include power to authorise the entry or passage of such persons, vehicles, plant and materials as may be necessary, and to authorise the carrying out of work for facilitating their passage.

Every warrant granted under this section shall continue in force until the purpose for which the entry is necessary has been satisfied.

(8) Any person who wilfully obstructs a person exercising a right conferred by or under this section shall be guilty of an offence under this Act.

(9) If—

(a) any person who in compliance with the provisions of this Act or of a warrant issued thereunder is admitted into a factory or workplace discloses, otherwise than in the performance of his duty, to any person any information obtained by him in the factory or workplace with regard to any manufacturing process or trade secret; or

(b) any member or officer of a coast protection authority to whom by reason of his official position any information obtained as aforesaid is disclosed, discloses, otherwise than in the performance of his duty, that

information to any person; he shall be liable on summary conviction to a fine not exceeding [F1level 3 on the standard scale] or to imprisonment for a term not exceeding three months.

Annotations:

Amendments (Textual)

F1 Words substituted (E.W.S.) by virtue of (E.W.) Criminal Justice Act 1982 (c. 48, SIF 39:1), ss. 38, 46 and (S.) Criminal Procedure (Scotland) Act 1975 (c.21, SIF 39:1), ss. 289F, 289G

26 Power of coast protection authorities to require information as to ownership of land

(1) A coast protection authority may, for the purpose of enabling them to perform any of their functions under this Part of this Act, require the occupier of any land, and any person who either directly or indirectly receives rent in respect of any land, to state in

writing the nature of his own interest therein and the name and address of any other person known to him as having an interest therein, whether as freeholder, mortgagee, owner, creditor in a heritable security, lessee or otherwise.

Any person who having been required by a coast protection authority in pursuance of this section to give to them any

information fails to give that information or knowingly makes any misstatement in respect thereof shall be liable on summary conviction to a fine not exceeding [\[F1level 1 on the standard scale\]](#).

Annotations:

Amendments

(Textual)

- F1** Words substituted (E.W.S.) by virtue of (E.W.) Criminal Justice Act 1982 (c. 48, SIF 39:1), ss. 38, 46 and (S.) Criminal Procedure (Scotland) Act 1975 (c.21,

SIF
39:1),
ss.
289F,
289G

**27 Acquisition
by coast
protection
authority
of right of
passage
for
facilitating
coast
protection
work**

(1) Where, for providing convenient access to land on which any coast protection work has been or is proposed to be carried out, it appears to a coast protection authority necessary to obtain a right of passage over other land, the authority may, by agreement or compulsorily, secure the creation of such a right in their favour either in perpetuity or for such term (whether fixed or determinable by notice) as they consider requisite.

(2) In this section the expression

“right of passage” means a right of passage for persons, vehicles, plant and materials, and includes a right to carry out work for facilitating their passage. The provisions of the Lands Clauses Acts as to the acquisition of land by agreement or compulsorily, the provisions of the ^{[F1} [Land Compensation Act 1961](#)], the ^{[F2} [Acquisition of Land Act 1981](#)], and the ^{M2} [Lands Tribunal Act 1949](#), and the provisions of this Act relating to the acquisition of land, shall with such adaptations, exceptions and modifications as may be prescribed by regulations

Without prejudice to the generality of the last foregoing subsection, regulations thereunder may provide—

(a) in the case of rights created for a term, for the payment of compensation either in one sum or periodically, or partly in one way and partly in the other;

(b) for authorising or requiring the coast protection authority to carry out such measures for reinstating the land as may be specified by or under the regulations, and for adjusting compensation

accordingly.

A
coast
protection
authority
may
acquire
by
agreement,
whether
by
way
of
purchase,
feu,
lease
or
exchange,
any
land
required
by
them
for
providing
convenient
access
to
land
on
which
any
coast
protection
work
has
been
or is
proposed
to
be
carried
out,
or
may
purchase
any
land
required
by
them
as
aforesaid
compulsorily
in
accordance
with
the
provisions
of
subsection
(1)
of
section
fourteen
of
this
· ·

In
the
application
of
this
section
to
Scotland,
for
any
reference
to
the
[[F2](#)Acquisition
of
Land
Act
1981],
there
shall
be
substituted
a
reference
to
the
[M3](#)Acquisition
of
Land
(Authorisation
Procedure)
(Scotland)
Act
1947.

Annotations:

Amendments (Textual)

F1 Words
substituted
by
virtue
of
Interpretation
Act
1889
(c.
63),
s.
38(1)

F2 Words
substituted
by
Acquisition
of
Land
Act
1981
(c.
67,
SIF
28:1),
s.
34(1),
Sch.
4
para.
1
Table

Marginal Citations

M1

1961

c.

33.

M2 1949

c.

42.

M3 1947

c.

42.

**Power
of
Minister
to
facilitate
coast
protection
work**

Where
a
person,
not
being
a
coast
protection
authority,
desires
to
carry
out
any
coast
protection
work
in
accordance
with
a
works
scheme
or
with
a
notice
served
under
section
twelve
of
this
Act,
and
the
work
cannot
be
carried
out
by
reason
of
any
covenant

or
other
restriction
affecting
his
power
to
carry
out
the
work,
or
of
the
objection,
absence
or
disability
of
any
person
whose
land
it
is
reasonably
necessary
to
enter
for
the
purpose
of
carrying
it
out
or
across
whose
land
it
is
reasonably
necessary,
in
order
to
obtain
access
to
the
land
on
which
it
is
to
be
carried
out,
to
exercise
the
like
rights
as
can

be
created
in
favour
of
a
coast
protection
authority
under
the
last
foregoing
section
he
may
apply
to
the
Minister
for
an
order
under
this
section
authorising
him
to
carry
out
the
work
or
to
exercise
such
rights,
as
the
case
may
be.
~~(2)~~ Where
a
coast
protection
authority
desire
to
carry
out
any
coast
protection
work
on
land
belonging
to
the
authority,
and
the
work
is
work

which
they
are
empowered
to
carry
out
by
section
four
of
this
Act
but
are
prevented
from
carrying
out
by
reason
of
any
covenant
or
other
restriction
affecting
their
enjoyment
of
the
land,
the
authority
may
apply
to
the
Minister
for
an
order
under
this
section
authorising
them
to
carry
out
the
work.
(3)
application
under
this
section
shall
contain
particulars
of
the
proposed
work
and
of

any
land
required
to
be
entered
or
across
which
the
rights
in
question
are
required
to
be
exercised
and
any
such
further
particulars
as
the
Minister
may
in
any
particular
case
require;
and
the
applicant
shall
serve
notice
of
the
application
on
any
person
known
to
him
to
be
entitled
to
enforce
any
such
covenant
or
restriction
as
aforesaid,
and,
in
the
case
of
an
application
under

subsection

(1)

of

this

section,

on

the

occupier

of

any

land

required

to

be

entered

or

across

which

the

rights

in

question

are

required

to

be

exercised

and

on

any

other

person

by

reason

of

whose

objection

the

application

is

made.

~~(4)~~

person

on

whom

notice

of

an

application

is

served

under

this

section,

may,

within

four

weeks

after

the

service

thereof,

serve

notice

of

objection

on

the
applicant
and
on
the
Minister;
and
where
such
notice
of
objection
is
served
and
not
withdrawn,
the
Minister
shall
give
to
the
objector
and
the
applicant
an
opportunity
of
being
heard
by
a
person
appointed
by
him
for
the
purpose.
(5)
any
time
after
the
Minister
is
satisfied
that
the
time
for
serving
notice
of
objection
to
an
application
under
this
section
has
expired
and
that

every
objector
has
had
an
opportunity
of
being
heard
as
aforesaid,
he
may,
after
considering
the
report
of
any
person
appointed
by
him
to
hear
objections,
make
an
order
authorising
the
applicant
to
carry
out
the
work
or
enter
on
the
land
or
exercise
the
said
rights,
as
the
case
may
be,
subject
to
such
conditions,
if
any,
as
may
be
specified
in
the
order;
and
any

such
order
may
require
the
applicant
to
pay
to
any
person
affected
such
compensation
as
may
be
provided
for
in
the
order.

**Default
powers
of
Minister**

(1)
complaint
is
made
to
the
Minister
that
a
coast
protection
authority
have
failed
to
take
sufficient
measures
for
the
protection
of
any
land
in
their
area,
or
he
is
of
the
opinion
that
an
investigation
should
be
made

into
the
need
for
any
such
measures
or
the
sufficiency
of
any
measures
so
taken,
he
may
cause
a
local
inquiry
to
be
held
into
the
matter.
(2)
after
a
local
inquiry
has
been
held
under
this
section
the
Minister
is
satisfied
that
there
has
been
such
a
failure
on
the
part
of
a
coast
protection
authority,
he
may
make
an
order
declaring
them
to
be
in

F2**Annotations:****Amendments
(Textual)**

F1 S.
29(3)—(6)
repealed
by
Local
Government
Act
1972
(c.
70),
Sch.
30
and
Local
Government
(Scotland)
Act
1973
(c.
65),
Sch.
29

F2 S.
29(7)
repealed
by
Local
Government
(Scotland)
Act
1973
(c.
65),
Sch.
29

**Transfer
and
compensation
of
officers,
and
superannuation
rights**

~~(1)~~
order
constituting
or
dissolving
a
coast
protection
board

.

F1,
shall
make
such
provision
(if
any)
as
the
Minister
may
require
as
to
the
transfer,
compensation
and
pension
rights
of
officers
and
servants
of
the
authorities
concerned.

~~(2)~~ references
in
the
last
foregoing
subsection
to
an
order
constituting
a
coast
protection
board

.

F1

shall
be
construed

.

.

.

F1

as
including
references
to
an
order

.

.

.

F1

varying
the
constitution
of
such
a
board

.

.

.

F1

(~~8~~)
this
section
the
expression
“the
authorities
concerned”
means—

(~~a~~)
relation
to
an
order
constituting
a
coast
protection
board

.

.

.

F1,

the
constituent
or
appointing
authorities;

(~~b~~)
relation
to
an
order

.

.

.

F1

varying
the
constitution
of
such
a
board

.

F1,
the
board

.

F1,
the
constituent
or
appointing
authorities,
and
any
authority
which

on
the
variation
taking
effect

will
be
one

of
the
constituent
or
appointing
authorities;

(a)
relation
to
an
order

.

F1
dissolving
such
a
board

.

F1,
the
board

.

F1
and
the
constituent
or

S.
30(4)
added
by
Local
Government
(Scotland)
Act
1973
(c.
65),
s.
138(2)(d)

**Repeal
or
amendment
of
local
Acts**

(f1)

it
appears
to
the
Minister
that
any
provision
of
a
local
Act
in
force
at
the
commencement
of
this
Act
is
inconsistent
with
any
of
the
provisions
of
this
Part
of
this
Act,
or
is
no
longer
required,
or
requires
to
be
amended,
having
regard

to
the
powers
and
duties
conferred
and
imposed
by
this
Part,
he
may
by
order
repeal
or
amend
that
provision
as
he
may
consider
appropriate;
and
any
order
under
this
section
may
contain
such
incidental,
consequential
or
supplemental
provisions
as
appear
to
the
Minister
expedient
for
the
purposes
of
the
order.
~~The~~
provisions
of
the
First
Schedule
to
this
Act
shall
apply
to
orders
made
under
this

~~Section:~~
the
provisions
of
Part
II
of
that
Schedule
shall
not
apply
so
as
to
make
an
order
under
this
section
subject
to
special
parliamentary
procedure
by
reason
of
any
objection
thereto
if—
(a)
order,
or
so
much
of
the
order
as
is
the
subject
of
the
objection,
relates
only
to
the
constitution
or
functions
of
any
sea
defence
commissioners,
or
provides
for
the
dissolution
of

any
such
commissioners;
and
~~(b)~~
order
is
made
on
the
application
of
the
commissioners,
or
on
the
application
of
a
coast
protection
authority
with
the
concurrence
of
the
commissioners.

~~(3)~~
order
under
this
section
made
after
the
expiration
of
two
years
from
the
passing
of
this
Act
shall
be
subject
to
special
parliamentary
procedure.

~~(4)~~
power
to
make
orders
conferred
by
this
section
shall
be
exercisable

by
statutory
instrument.

**Application
to
the
Crown**

~~S~~ubject
to
the
provisions
of
this
section,
this
Part
of
this
Act
shall
be
binding
on
the
Crown
and
shall
apply
in
relation
to
any
Crown
land
as
it
applies
in
relation
to
any
other
land.

~~E~~xcept
with
the
consent
of
the
appropriate
authority,
no
interest
in
Crown
land
shall
be
acquired
by
compulsory
purchase
under
this
Part

of
this
Act.
~~(3)~~
Except
with
the
consent
of
the
appropriate
authority,
nothing
in
this
Part
of
this
Act
shall
operate
so
as
to
require
the
Crown
or
that
authority
to
pay
any
coast
protection
charge
in
respect
of
any
land,
or
authorise
any
person
to
enter
upon
any
Crown
land.

~~(4)~~
order
under
section
eighteen
of
this
Act
shall
not
bind
the
Crown
if
the
order

has
effect
without
being
confirmed
by
the
Minister.
(6)
this
section
the
expression
"Crown
land"
means
land
an
interest
in
which
belongs
to
His
Majesty
in
right
of
the
Crown
or
of
the
Duchy
of
Lancaster,
or
to
the
Duchy
of
Cornwall,
or
land
an
interest
in
which
belongs
to
a
government
department
or
is
held
in
trust
for
His
Majesty
for
the
purposes
of
a
government

department;
and
the
expression
“the
appropriate
authority”
in
relation
to
any
land
means—

(a)
the
case
of
land
belonging
to
His
Majesty
in
right
of
the
Crown,
the
Commissioners
of
Crown
Lands
or
other
government
department
having
the
management
of
that
land;

(b)
the
case
of
land
belonging
to
His
Majesty
in
right
of
the
Duchy
of
Lancaster,
the
Chancellor
of
the
Duchy;

(c)
the
case

of
land
belonging
to
the
Duchy
of
Cornwall,
such
person
as
the
Duke
of
Cornwall,
or
the
possessor
for
the
time
being
of
the
Duchy
of
Cornwall,
appoints;
and
(d)
the
case
of
land
belonging
to
a
government
department
or
held
in
trust
for
His
Majesty
for
the
purposes
of
a
government
department,
the
Minister
in
charge
of
that
department;
and,
if
any
question
arises
as

to
the
authority
which
is
the
appropriate
authority
in
relation
to
any
land,
the
question
shall
be
determined
by
the
Treasury.

**Provisions
as
to
land
belonging
to
ecclesiastical
corporations**

Where
under
the
foregoing
provisions
of
this
Part
of
this
Act
any
coast
protection
charge
or
instalment
of
such
a
charge,
or
any
cost
recoverable
under
subsection
(1)
of
section
thirteen
of
this
Act,
is
payable

or
recoverable
in
respect
of
land
belonging
to
an
ecclesiastical
operation,
the
Church
Commissioners
may—
~~(a)~~
any
moneys
or
securities
held
by
them
for
the
corporation
in
discharging
the
whole
or
any
part
of
the
sums
payable
or
recoverable;

~~(b)~~
the
land
belongs
to
a
benefice,
make
grants
out
of
their
corporate
funds
in
or
towards
the
discharge
of
any
such
sum,
[F1 or
make
a
loan

in
or
towards
the
discharge
thereof
as
if
the
discharge
thereof
were
included
in
the
purposes
for
which
such
a
loan
can
be
made
under
the
provisions
of
the
M1Clergy
Residences
Repair
Act
1776,
and
the
Acts
or
Measures
amending
that
Act.]
(~~1~~)
this
section
the
expression
"ecclesiastical
corporation"
means
any
ecclesiastical
corporation
within
the
meaning
of
the
M2Episcopal
and
Capitular
Estates
Act
1851,
and
includes
the

incumbent
of
a
benefice;
and
the
expression
"benefice"
has
the
meaning
assigned
to
it
by
section
forty-seven
of
the
Tithe
M3 Act
1936.

Annotations:

**Amendments
(Textual)**

F1 Words
repealed
(1.4.1978)
by
Endowments
and
Glebe
Measure
1976
(No.
4),
s.
49(2),
Sch.
8

**Marginal
Citations**

M1 1776
c.
53.

M2 1851
c.
104.

M3 1936
c.
43.

PART

II

PROVISIONS

FOR

SAFETY

OF

NAVIGATION

Annotations:

Modifications

etc.

(not

**altering
text)**

C1 Pt.
II,
except
s.
34(1)(b)
extended
by
Continental
Shelf
Act
1964
(c.
29),
s.
4(1)
to
any
part
of
the
sea
bed
in
an
area
of
designated
under
s.
1(7)
of
that
Act

**Restriction
of
works
detrimental
to
navigation**

Subject
to
the
provisions
of
the
next
following
section,
no
person
shall
without
the
consent
in
writing
of
the
[^{F1}Board
of
Trade]
carry
out
any
of
the
following

operations,
that
is
to
say,—
(a) instruct,
alter
or
improve
any
works
on,
under
or
over
any
part
of
the
seashore
lying
below
[^{F2}the
level
of
mean
high
water
springs],
(b) deposit
any
object
or
any
materials
on
any
such
part
of
the
seashore
as
aforesaid,
or
(c) move
any
object
or
any
materials
from
any
part
of
the
seashore
lying
below
[^{F3}the
level
of
mean
low
water
springs],

[**F4**if
the
operation
(whether
while
being
carried
out
or
subsequently)
causes
or
is
likely
to
result
in
obstruction
or
danger
to
navigation.]

~~(2)~~
said
[**F1**Board
of
Trade]
may,
as
a
condition
of
considering
an
application
for
consent
under
this
section,
require
to
be
furnished
with
such
plans
and
particulars
of
the
proposed
operation
as
he
may
consider
necessary;
and
on
receipt
of
any
such
application
[**F1**they]

may
cause
notice
of
the
application,
and
of
the
time
within
which
and
the
manner
in
which
objections
thereto
may
be
made,
to
be
published
in
such
manner
as
[F1they]
may
consider
appropriate
for
informing
persons
affected
thereby,
and,
before
granting
[F1their]
consent,
may,
if
[F1they
think]
fit,
direct
a
local
inquiry
to
be
held.
(8)
the
[F1Board
of
Trade
are]
of
opinion
that
any
operation
in

respect
of
which
application
is
made
to
[F1them]
under
this
section
will
cause
or
is
likely
to
result
in
obstruction
or
danger
to
navigation,
[F1they]
shall
either
refuse
[F1their]
consent
or
give
[F1their]
consent
subject
to
such
conditions
as
[F1they]
may
think
fit,
having
regard
to
the
nature
and
extent
of
the
obstruction
or
danger
which
it
appears
to
[F1them]
would
otherwise
be
caused
or
be
likely

to
result.
/F5y3A)
reference
in
subsection
(1)
or
(3)
above
to
an
operation
being
likely
to
result
in
obstruction
or
danger
to
navigation
shall,
in
the
case
of
an
operation
falling
within
subsection
(1)(a)
above,
be
construed
as
including
a
reference
to
its
being
likely
to
result
in
obstruction
or
danger
to
navigation
by
reason
of
any
use
intended
to
be
made
of
the
works
in
question

when
constructed,
altered
or
improved.]

(4)

consent

of

the

[F1Board

of

Trade]

under

this

subsection

may

be

given

so

as

to

continue

in

force,

unless

renewed,

only

if

the

operation

for

which

the

consent

is

given

is

begun

or

completed

within

such

period

as

may

be

specified

in

the

consent;

and

any

renewal

of

such

a

consent

may

be

limited

in

the

like

manner.

[F6y4A)

condition

subject
to
which
the
Secretary
of
State
has
given
his
consent
for
an
operation
falling
within
subsection
(1)(a)
of
this
section—
shall
(subject
to
paragraph
(d)
below)
either
remain
in
force
for
a
specified
period
or
remain
in
force
without
limit
of
time;
shall
(in
addition
to
binding
the
person
to
whom
the
consent
is
given)
bind,
so
far
as
is
appropriate,
any
other
person
who

for
the
time
being
owns,
occupies,
or
enjoys
any
use
of,
the
works
in
question;
may,
if
the
condition
relates—

to
the
provision
of
any
lights,
signals
or
other
aids
to
navigation,
or

to)
the
stationing
of
guard
ships
in
the
vicinity
of
the
works
in
question
or
to
the
taking
of
any
other
measures
for
the
purpose
of,
or
in
connection
with,
controlling
the
movements

be varied by the Secretary of State: inorks, the interests of the safety of navigation (whether or not the operation has been completed) in such manner as he thinks fit for the purpose of enhancing the effectiveness of any such aids or measures as are mentioned in sub-paragraph (i) or (ii) above; and may, if the Secretary of State thinks fit, be revoked by him.]

(5)

F7

Annotations:

**Amendments
(Textual)**

F1 Words substituted by virtue of S.I. 1965/145. Powers of Board of Trade exercisable concurrently by Secretary of State: S.I. 1970/1537

F2 Words substituted by Merchant Shipping Act 1988 (c. 12, SIF 111), s. 36(2)(a), Sch. 8 para.

- 1
- F3** Words substituted by Merchant Shipping Act 1988 (c. 12, SIF 111), s. 36(2)(c), Sch. 8 para. 1
- F4** Words substituted by Merchant Shipping Act 1988 (c. 12, SIF 111), s. 36(2)(c), Sch. 8 para. 1
- F5** S. 34(3A) inserted by Merchant Shipping Act 1988 (c. 12, SIF 111), s. 36(3), Sch. 8 para. 1
- F6** S. 34(4A) inserted by Merchant Shipping Act 1988 (c. 12, SIF 111), s. 36(4), Sch. 8 para. 1
- F7** S. 34(5) repealed by

Statute
Law
Revision
Act
1953
(c.
5)

Modifications

etc.

**(not
altering
text)**

- C1** S.
34
power
to
exclude
s.
34
conferred
by
Merchant
Shipping
Act
1988
(c.
12,
SIF
111),
s.
37(1),
Sch.
8
para.
1
- C2** S.
34
saved
(25.7.1991)
by
Highland
Regional
Council
(Harbours)
Order
Confirmation
Act
1991
(c.
xii),
s.
1,
Sch.,
s.
61(1)(e)
- C3** S.
34(1)
excluded
by
Channel
Tunnel
Act
1987
(c.
53,
SIF
102),
s.
44(3)
S.
34(1)
excluded
by
1996
c.

61,
s.
38,
Sch.
10
para.4

C4 S.
34(1)
by
S.I.
1983/1127,
art.
2(4)
it
is
directed
that
the
civil
aviation
and
shipping
functions
of
the
Board
of
Trade
which
at
11.8.1983
were
exercisable
concurrently
with
any
other
Minister
of
the
Crown
should
cease
to
be
exercisable
by
the
Board
of
Trade

C5 S.
34(2)(3)
by
S.I.
1983/1127,
art.
2(4)
it
is
directed
that
the
civil
aviation
and
shipping
functions
of
the
Board
of
Trade
which
at
11.8.1983

were
 exercisable
 concurrently
 with
 any
 other
 Minister
 of
 the
 Crown
 should
 cease
 to
 be
 exercisable
 by
 the
 Board
 of
 Trade

C6 S.
 34(4)
 by
 S.I.
 1983/1127,
 art.
 2(4)
 it
 is
 directed
 that
 the
 civil
 aviation
 and
 shipping
 functions
 of
 the
 Board
 of
 Trade
 which
 at
 11.8.1983
 were
 exercisable
 concurrently
 with
 any
 other
 Minister
 of
 the
 Crown
 should
 cease
 to
 be
 exercisable
 by
 the
 Board
 of
 Trade

**Operations
 excepted
 from
 s.
 34**
 (The

following
operations
shall
be
excepted
from
the
restriction
imposed
by
subsection
(1)
of
the
last
foregoing
section,
that
is
to
say—
~~(a)~~ anything
done
on,
under
or
over
a
part
of
the
seashore
lying
within
any
area
closed
by
a
lock
or
other
artificial
means
against
the
regular
action
of
the
tide;
~~(b)~~
carrying
out
of
any
coast
protection
work
approved
by
the
Minister
as
mentioned
in

the
next
following
subsection;
~~(b)~~
carrying
out
of
any
dredging
operations
(including
the
deposit
of
dredged
materials)
authorised
by
any
local
Act
in
accordance
with
the
provisions
thereof;

~~(c)~~
construction,
alteration
or
improvement
of
any
works
more
than
fifty
feet
below
the
surface
in
connection
with
the
getting
of
minerals;

~~(d)~~
work
to
which
the
consent
of
the
[\[F1 Secretary
of
State\]](#),
either
alone
or
jointly
with

any
other
government
department,
is
required
by
virtue
of
any
local
Act,
or
by
virtue
of
such
Act
and
any
notice
given
and
published
by
the
[^{F1}Secretary
of
State]
under
section
nine
of
the
^{M1}Harbours
Transfer
Act
1862;
~~(f)~~y
work
which
a
conservancy
authority
or
a
harbour
authority
or
a
navigation
authority
is
empowered
to
carry
out
for
the
removal
of
any
vessel
sunk
or
stranded
or

of
anything
causing
or
likely
to
cause
obstruction
or
danger
to
navigation;
~~(g)~~
work
carried
out
by,
or
in
accordance
with
a
licence
or
permission
granted
by,
such
an
authority
in
pursuance
of
any
Act,
where—
~~(h)~~
Act
requires
that
if
the
approval
of
the
[F2Board
of
Trade]
is
not
previously
obtained
to
the
work
other
conditions
must
be
complied
with,
and
~~(i)~~
said
approval
has

been
so
obtained
or
the
said
conditions
are
complied
with.

~~F3~~(h)
operations
authorised
by
an
order
under
section
1
or
3
of
the
Transport
and
Works
Act
1992.]

any
~~F4~~operations
authorised
by
an
order
under
section
14
or
16
of
the
Harbours
Act
1964.]

~~F2~~r
the
purposes
of
paragraph
(b)
of
the
last
foregoing
subsection,
any
coast
protection
work
shall
be
deemed
to
have
been
approved

by
the
Minister—
(a)
an
objection
to
the
proposal
to
carry
out
the
work
was
determined
under
the
provisions
of
Part
I
of
this
Act
and
the
work
does
not
contravene
any
directions
given
or
modifications
or
conditions
imposed
by
the
Minister
under
those
provisions,
or
if
the
work
is
carried
out
in
accordance
with
a
works
scheme;

(b)
the
Minister
has
made,
or
agreed
to

make,
a
grant
under
the
said
Part
I
towards
expenditure
incurred
or
to
be
incurred
in
carrying
out
the
work
or
has
consented
to
the
borrowing
of
money
by
a
coast
protection
authority
for
the
purpose
of
defraying
or
contributing
to
expenditure
so
incurred
or
to
be
incurred.

Annotations:**Amendments
(Textual)**

F1 Words
substituted
by
virtue
of
Defence
(Transfer
of
Functions)
Act
1964
(c.
15),
s.
3(2)

F2 Words
substituted
by

virtue
of
S.I.
1965/145.
Powers
of
Board
of
Trade
exercisable
concurrently
by
Secretary
of
State:
S.I.
1970/1537

F3 S.
35(1)(h)
added
(1.1.1993)
by
Transport
and
Works
Act
1992
(c.
42),
s.19;
S.I.
1992/2784,
art.
2(a),
Sch.
1

F4 S.
35(1)(i)
added
(15.7.1992)
by
Transport
and
Works
Act
1992
(c.
42),
s.
63(3);
S.I.
1992/1347,
art.
2,
Sch.

Marginal Citations

M1 1862
c.
69.

Enforcement of s. 34

(1) Any
person
who—
(a) carries
out

any
operation
in
contravention
of
the
provisions
of
subsection
(1)
of
section
thirty-four
of
this
Act,
or
fails
to
comply
with
any
condition
subject
to
which
any
consent
of
the
[^{F1}Board
of
Trade]
has
been
given
under
that
section,
shall
be
guilty
of
an
offence
under
this
Act.

^{F2}here
a
person
is
bound
by
any
condition
subject
to
which
any
such
consent
has
been
given
under

that
section
but
is
not
the
person
to
whom
the
consent
was
given,
then,
for
the
purposes
of
subsection
(1)
of
this
section,
he
shall
not
be
taken
to
have
failed
to
comply
with
the
condition
unless—
he
has
been
served
by
the
Secretary
of
State
with
a
notice
requiring
him
to
comply
with
the
condition
within
such
period
(not
being
less
than
thirty
days)
as
may

be
specified
in
the
notice;
and
he
has
failed
to
comply
with
the
condition
within
that
period]

~~(2)~~ Without
prejudice
to
any
proceedings
under
[^{F3}subsection
(1)
of
this
section],
where
any
person
has
constructed,
altered
or
improved
any
works
or
deposited
any
object
or
materials
on
the
seashore
in
contravention
of
the
said
section
thirty-four
or
has
failed
to
comply
with
any
condition
subject
to
which
any

consent
of
the
[F1Board
of
Trade]
has
been
given
under
that
section,
the
[F1Board
of
Trade]
may
serve
a
notice
on
that
person
requiring
him,
within
such
period
(not
being
less
than
thirty
days)
as
may
be
specified
in
the
notice,
to
remove
the
works
or
to
make
such
alterations
therein
as
may
be
so
specified
or
to
remove
the
object
or
materials,
as
the
case
may

be,
or,
if
it
appears
to
the
[F1Board
of
Trade]
urgently
necessary
so
to
do,
may
[F1themselves]
remove
or
alter
the
works
or
remove
the
object
or
materials.
(8)
within
the
period
specified
in
any
notice
under
the
last
foregoing
subsection
the
person
upon
whom
the
notice
is
served
fails
to
comply
therewith,
the
[F1Board
of
Trade]
may
[F1themselves]
remove
or
alter
the
works
or
remove
the

object
or
materials
as
specified
in
the
notice.
~~Where~~
under
either
of
the
two
last
foregoing
subsections
the
[F1Board
of
Trade
themselves
remove
or
alter]
any
works
or
removes
any
object
or
materials,
[F1they]
shall
be
entitled
to
recover
the
expense
thereof,
as
certified
by
[F1them]
from
the
person
[F4on
whom
the
notice
was
served
under
subsection
(2)
of
this
section
or
(if
no
such
notice
was

served)
 from
 the
 person]
 by
 whom
 the
 works
 were
 constructed,
 altered
 or
 improved,
 or
 the
 object
 or
 materials
 was
 or
 were
 deposited.

(5)
 harbour
 authority
 in
 England
 or
 Wales
 shall
 have
 power
 to
 enforce
 the
 provisions
 of
 section
 thirty-four
 of
 this
 Act.

Annotations:

Amendments (Textual)

- F1** Words substituted by virtue of S.I. 1965/145. Powers of Board of Trade exercisable concurrently by Secretary of State: S.I. 1970/1537
- F2** S. 36(1A) inserted by

Merchant
Shipping
Act
1988
(c.
12,
SIF
111),
s.
36(5)(a),
Sch.
8
para.
1

F3 Words substituted by Merchant Shipping Act 1988 (c. 12, SIF 111), s. 36(5)(b), Sch. 8 para. 1

F4 Words inserted by Merchant Shipping Act 1988 (c. 12, SIF 111), s. 36(5)(c), Sch. 8 para. 1

**Modifications
etc.
(not
altering
text)**

C1 S. 36 saved (25.7.1991) by Highland Regional Council (Harbours) Order Confirmation Act 1991 (c. xii), s. 1, Sch., s. 61(1)(e)

C2 S. 36(1)(b)

by
S.I.
1983/1127,
art.
2(4)
it
is
directed
that
the
civil
aviation
and
shipping
functions
of
the
Board
of
Trade
which
at
11.8.1983
were
exercisable
concurrently
with
any
other
Minister
of
the
Crown
should
cease
to
be
exercisable
by
the
Board
of
Trade

C3 S.
36(2)(3)
by
S.I.
1983/1127,
art.
2(4)
it
is
directed
that
the
civil
aviation
and
shipping
functions
of
the
Board
of
Trade
which
at
11.8.1983
were
exercisable
concurrently
with
any
other
Minister
of

the
Crown
should
cease
to
be
exercisable
by
the
Board
of
Trade

C4 S.
36(4)
by
S.I.
1983/1127,
art.
2(4)
it
is
directed
that
the
civil
aviation
and
shipping
functions
of
the
Board
of
Trade
which
at
11.8.1983
were
exercisable
concurrently
with
any
other
Minister
of
the
Crown
should
cease
to
be
exercisable
by
the
Board
of
Trade

Position
by
Secretary
of
State
of
safety
requirements
in
cases
of
emergency

Where

at
any
time
after
the
Secretary
of
State
has
given
his
consent
for
an
operation
falling
within
section
34(1)(a)
of
this
Act
("the
relevant
consent"),
it
appears
to
him—
that
any
danger
to
navigation
has
arisen
by
reason
of—
any
substantial
damage
to
any
works
to
which
that
consent
relates,
or
any
other
substantial
and
unforeseen
change
in
the
state
or
position
of
any
such
works,

and
that
it
is
urgently
necessary
to
do
so
in
the
interests
of
the
safety
of
navigation,

he
may,
by
notice
served
on
the
person
to
whom
the
consent
was
given,
impose
on
that
person
such
requirements
as
he
thinks
fit
with
respect
to
any
of
the
matters
referred
to
in
subsection
(2)
below.

Those
matters
are—
the
provision
on,
or
in
the
vicinity
of,
the

works
in
question
of
any
lights,
signals
or
other
aids
to
navigation,
and
the
stationing
of
guard
ships
in
the
vicinity
of
those
works.

Where
the
person
on
whom
a
notice
is
served
under
subsection
(1)
above
fails
to
comply
with
any
requirements
of
the
notice
within
the
period
of
24
hours
beginning
with
the
time
when
it
is
served
on
him
or
as
soon
after

the
end
of
that
period
as
is
reasonably
practicable,
the
Secretary
of
State
may
make
such
arrangements
as
he
thinks
fit
for
the
purpose
of
securing
that
those
requirements
are
implemented.
Where
under
subsection
(3)
above
the
Secretary
of
State
makes
any
such
arrangements,
he
shall
be
entitled
to
recover
the
cost,
as
certified
by
him,
of
making
those
arrangements
from
such
one
or
more
of
the

following,
namely—
the
person
to
whom
the
relevant
consent
was
given,
and
any
other
person
or
persons
who
is
or
are,
in
accordance
with
section
34(4A)(b)
of
this
Act,
bound
by
any
condition
subject
to
which
that
consent
was
given,
as
he
thinks
fit.
Once
the
requirements
of
a
notice
under
subsection
(1)
above
have
been
complied
with
by
the
person
on
whom
it
was
served,

or
implemented
in
accordance
with
arrangements
made
by
the
Secretary
of
State
under
subsection
(3)
above,
those
requirements
shall,
subject
to
subsection
(6)
below,
be
treated
for
the
purposes
of
this
Part
of
this
Act
as
conditions
subject
to
which
the
relevant
consent
was
given.
Section
34(4A)
(a)
and
(d)
of
this
Act
shall
not
apply
to
any
such
requirements;
but
if
it
appears
to
the
Secretary

of
State
(whether
on
the
application
of
any
person
or
otherwise)
that
the
circumstances
giving
rise
to
the
urgent
necessity
for
the
imposition
of
the
requirements
no
longer
exist,
he
shall
revoke
them
by
notice
served
on
the
person
to
whom
the
relevant
consent
was
given.
Where
the
Secretary
of
State
has
served
a
notice
under
subsection
(1)
above
in
respect
of
any
particular
circumstances,
subsection
(5)

above
shall
not
preclude
him
from
serving
a
further
notice
under
subsection
(1)
in
respect
of
those
circumstances.

A)
notice
may
be
served
by
the
Secretary
of
State
under
subsection
(1)
above
whether
or
not—

the
operation
in
question
has
been
completed,
or

any
condition
was
imposed
by
him,
on
giving
the
relevant
consent,
with
respect
to
any
of
the
matters
referred
to
in
subsection
(2)

repealed
by
Crown
Estate
Act
1961
(c.
55),
Sch.
3
Pt.
I

PART IV

SUPPLEMENTARY

Expenses

~~Save~~
as
expressly
provided
in
this
Act,
any
expenses
incurred
by
the
Minister
or
by
the
[^{F1}Secretary
of
State]
or
any
other
Minister
or
government
department
under
this
Act
shall
be
defrayed
out
of
moneys
provided
by
Parliament.

~~(2)~~
increase
attributable
to
this
Act
in

the
 sums
 payable
 out
 of
 moneys
 provided
 by
 Parliament
 under
 [F2Part
 |
 of
 the
 M1Local
 Government
 Act
 1974
 or
 Part
 |
 of
 the
 M2Local
 Government
 (Scotland)
 Act
 1966],
 shall
 be
 defrayed
 out
 of
 moneys
 so
 provided.

Annotations:

Amendments (Textual)

- F1** Words substituted by virtue of S.I. 1970/1681
- F2** Words substituted by virtue of Interpretation Act 1889 (c. 63), s. 38(1)

Marginal Citations

- M1** 1974
 c.
 7.
- M2** 1966
 c.
 51.

expressly
provided,
any
person
committing
an
offence
under
any
provision
of
this
Act
shall
be
liable
on
summary
conviction,
in
the
case
of
a
first
offence
under
that
provision,
to
a
fine
not
exceeding
[F1ten
pounds]
[F1level
3
on
the
standard
scale]
and,
in
the
case
of
a
second
or
any
subsequent
offence
thereunder,
to
a
fine
not
exceeding
[F1fifty
pounds]
[F1level
3
on
the
standard
scale].

Annotations:**Amendments****(Textual)**

F1 S.
43
for
“ten
pounds”
and
“fifty
pounds”
there
is
substituted
(S.)
in
each
case
“level
3
on
the
standard
scale”
by
virtue
of
Criminal
Procedure
(Scotland)
Act
1975
(c.
21,
SIF
39:1),
ss.
289E–289G

Modifications**etc.****(not
altering
text)**

C1 S.
43
Criminal
Justice
Act
1982
(c.
48,
SIF
39:1),
ss.
35
(in
relation
to
liability
on
first
and
subsequent
convictions),
38
(increase
of
fines)
and
46
(substitution
of
references
to
levels
on

the
standard
scale)
apply
(E.W.)

C2

S.
43
S.I.
1984/703
(N.I.3),
arts.
5
(substitution
of
references
to
levels
on
the
standard
scale)
6
(increase
of
fines)
and
9
(in
relation
to
liability
on
first
and
subsequent
convictions)
apply
(N.I.)

Regulations and orders

Any
power
conferred
on
the
Minister
by
this
Act
to
make
regulations
shall
be
exercisable
by
statutory
instrument;
and
every
such
instrument
shall
be
subject
to

annulment
in
pursuance
of
a
resolution
of
either
House
of
Parliament.

~~(2)~~
power
conferred
by
this
Act
on
the
Minister
or
on
Ministers
or
on
a
coast
protection
authority
to
make
an
order
or
give
any
directions
shall
include
a
power,
exercisable
in
the
like
manner
and
subject
to
the
like
conditions,
to
revoke
or
vary
the
order
or
directions.

Annotations:

**Modifications
etc.
(not
altering
text)**

C1 S.

44(2)
applied
(E.W.)
(2.2.1991)
by
S.I.
1991/205,
art.
3(2)

**Service
of
notices
and
other
documents**

~~Any~~
notice
or
other
document
which
is
required
or
authorised
by
or
under
this
Act
to
be
served
on
any
person
may
be
served
either—

~~(a)~~
delivering
it
to
that
person,
or
leaving
it
or
sending
it
in
a
prepaid
letter
to
him
at
his
usual
or
last-known
address;

or
(b)
the
case
of
the
council
of
a
county,
[^{F1}county
borough,]
.
.
F2
district
[^{F3}or
in
Scotland
the
council
of
a
region,
islands
area
or
district],
or
an
incorporated
company
or
body,
[^{F4}including
the
National
Rivers
Authority
and
an
internal
drainage
board,
or
a
coast
protection
board],
fishery
board,
local
fisheries
committee,
conservancy
authority,
highway
authority,
navigation
authority,
harbour
authority
or
sea
defence
commissioners,

not
being
an
incorporated
body,
by
delivering
it
to
their
clerk
or
secretary
at
their
registered
or
principal
office,
or
by
sending
it
in
a
prepaid
letter
addressed
to
him
at
that
office;
or
(c)
the
case
of
a
notice
or
document
to
be
served
on
any
person
as
having
any
interest
in
land,
if
it
is
not
practicable
after
reasonable
inquiry
to
ascertain
his
name
and

address,
by
addressing
it
to
him
by
the
description
of
the
person
having
that
interest
in
the
land
(naming
it),
and
delivering
it
to
some
responsible
person
on
the
land
or
affixing
it,
or
a
copy
of
it,
to
some
conspicuous
object
on
the
land.
~~(2)~~
The
provisions
of
this
section
shall
not
apply
to
the
service
of
any
notice
required
or
authorised
to
be
served
under
the

First
Schedule
to
the
M1 Acquisition
of
Land
(Authorisation
Procedure)
Act
1946,
or
the
M2 Acquisition
of
Land
(Authorisation
Procedure)
(Scotland)
Act
1947,
as
applied
by
or
under
this
Act
to
the
compulsory
purchase
of
land
by
a
coast
protection
authority
or
to
the
creation
of
such
rights
as
are
mentioned
in
section
twenty-seven
of
this
Act.

Annotations:**Amendments
(Textual)**

F1 Words
in
s.
45(1)(b)
inserted
(1.4.1996)
by
1994
c.
19,

s.
22(5),
Sch.
11
Pt.
III
para.
5(5);
S.I.
1996/396,
art.
3,
Sch.1

F2 Words repealed by Local Government Act 1972 (c. 70), Sch. 30

F3 Words substituted by Local Government (Scotland) Act 1973 (c. 65), s. 138(2)(e)

F4 Words substituted by Water Act 1989 (c. 15, SIF 130), ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 25 para. 11(6), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58

Extent

Information

E1 This version of this provision

extends
to
England
and
Wales
only;
a
seperate
version
has
been
created
for
Scotland
only.

Marginal Citations

M1 1946
c.
49.

M2 1947
c.
42.

Service of notices and other documents

(1) Any
notice
or
other
document
which
is
required
or
authorised
by
or
under
this
Act
to
be
served
on
any
person
may
be
served
either—

(a) delivering
it
to
that
person,
or
leaving
it
or
sending

it
in
a
prepaid
letter
to
him
at
his
usual
or
last-known
address;
or
(b)
the
case
of
the
council
of
a
county,
[^{F1}county
borough,]
. .
^{F2}
district
[^{F3}or
in
Scotland
[^{F4a}
council
constituted
under
section
2
of
the
Local
Government
etc.
(Scotland)
Act
1994]],
or
an
incorporated
company
or
body, or
a
coast
protection
board,
river
board
or
other
drainage
authority,
fishery
board,
local
fisheries

committee,
conservancy
authority,
highway
authority,
navigation
authority,
harbour
authority
or
sea
defence
commissioners,
not
being
an
incorporated
body,
by
delivering
it
to
their
clerk
or
secretary
at
their
registered
or
principal
office,
or
by
sending
it
in
a
prepaid
letter
addressed
to
him
at
that
office;
or
(c)
the
case
of
a
notice
or
document
to
be
served
on
any
person
as
having
any
interest
in
land,

if
it
is
not
practicable
after
reasonable
inquiry
to
ascertain
his
name
and
address,
by
addressing
it
to
him
by
the
description
of
the
person
having
that
interest
in
the
land
(naming
it),
and
delivering
it
to
some
responsible
person
on
the
land
or
affixing
it,
or
a
copy
of
it,
to
some
conspicuous
object
on
the
land.
~~(2)~~
The
provisions
of
this
section
shall
not
apply
to

the
service
of
any
notice
required
or
authorised
to
be
served
under
the
First
Schedule
to
the
M1 Acquisition
of
Land
(Authorisation
Procedure)
Act
1946,
or
the
M2 Acquisition
of
Land
(Authorisation
Procedure)
(Scotland)
Act
1947,
as
applied
by
or
under
this
Act
to
the
compulsory
purchase
of
land
by
a
coast
protection
authority
or
to
the
creation
of
such
rights
as
are
mentioned
in
section
twenty-seven
of
this

Act.

Annotations:

Amendments

(Textual)

- F1** Words
in
s.
45(1)(b)
inserted
(1.4.1996)
by
1994
c.
19,
s.
22(5),
Sch.
11
Pt.
III
para.
5(5);
S.I.
1996/396,
art.
3,
Sch.1
- F2** Words
repealed
by
Local
Government
Act
1972
(c.
70),
Sch.
30
- F3** Words
substituted
by
Local
Government
(Scotland)
Act
1973
(c.
65),
s.
138(2)(e)
- F4** Words
in
s.
45(1)(b)
substituted
(S.)
(1.4.1996)
by
1994
c.
39,
s.
180(1),
Sch.
13,
para.
32(5);
S.I.
1996/323,
art.4(1)(c)

Extent

Information

- E1** This
version
of

this provision extends to Scotland and Northern Ireland only: a separate version has been created for England and Wales only.

Marginal Citations

M1 1946
c.
49.

M2 1947
c.
42.

Local inquiries

~~The~~ Minister or the [\[F1 Secretary of State\]](#) may cause a local inquiry to be held in any case where it appears to him to be advisable to do so in connection with any matter arising under

this
Act.
(2) Notice
of
any
such
inquiry
shall
be
given
in
such
manner
as
the
Minister,
or
the
[F1 Secretary
of
State],
as
the
case
may
be,
may
direct,
and
all
persons
interested
shall
be
permitted
to
attend
the
inquiry
and
to
be
heard
thereat.

(3) The
provisions
of
subsections
(2)
to
(5)
of
[F2 section
two
hundred
and
fifty
of
the
M1 Local
Government
Act
1972]
(which
relate
to

~~that~~ evidence
~~at~~ subsection
~~(4)~~ (4)
~~of~~ inquiries
~~that~~
~~to~~ section
~~(4)~~ (4) relating
~~to~~ requires
~~the~~ trusts
~~Minister's~~ Minister's
~~shall~~ shall
~~apply~~ apply
~~to~~ such
~~all~~
~~inquiries~~ inquiries
~~to~~ held
~~be~~ held
~~to~~ be held
~~by~~ by
~~the~~ the
~~parties~~ parties
~~thereto)~~ thereto)
~~shall~~ shall
~~not~~ not
~~apply~~ apply
~~in~~ in
~~relation~~ relation
~~to~~ to
~~any~~ any
~~inquiry~~ inquiry
~~unless~~ unless
~~it~~ it
~~is~~ is
~~so~~ so
~~directed~~ directed
~~by~~ by
~~the~~ the
~~Minister~~ Minister
~~or~~ or
~~Ministers~~ Ministers
~~at~~ at
~~whose~~ whose
~~instance~~ instance
~~the~~ the
~~inquiry~~ inquiry
~~is~~ is
~~held.~~ held.

(A)
 the
 application
 of
 this
 section
 to
 Scotland,
 there
 shall
 be
 substituted
 for
 any
 reference
 to
 subsections
 (2)
 to

(5)
of
[**F2**section
two
hundred
and
fifty
of
the
M2Local
Government
Act
1972],
a
reference
to
[**F3**subsection
(2)
and
subsections
(4)
to
(8)
of
section
210
of
the
M3Local
Government
(Scotland)
Act
1973],
and
the
proviso
to
subsection
(3)
of
this
section
shall
be
omitted.
~~(5)~~
inquiry
in
relation
to
an
order
under
this
Act
affecting
Scotland
only,
and
which
becomes
in
certain
circumstances
subject
to
special

parliamentary
procedure,
shall,
if
the
Minister
or
the
[^{F1}Secretary
of
State]
so
directs,
be
held
by
Commissioners
under
the
^{M4}Private
Legislation
Procedure
(Scotland)
Act
1936,
and
where
any
direction
is
so
given—
(a)
shall
be
deemed
to
have
been
given
under
section
two,
as
read
with
section
ten,
of
the
^{M5}Statutory
Orders
(Special
Procedure)
Act
1945;
(b)
publication
of
notice
in
accordance
with
paragraph
1
of

the
First
Schedule
to
this
Act
or
paragraph
1
of
the
Second
Schedule
thereto,
as
the
case
may
be,
has
been
made,
the
provisions
of
subsection
(1)
of
the
aforesaid
section
two
with
regard
to
advertisement
of
notice
shall
be
deemed
to
have
been
complied
with;
and
~~to~~
provisions
of
subsection
(3)
of
this
section
shall
not
apply
to
such
inquiry.

Annotations:**Amendments
(Textual)**

F1 Words
substituted
by

virtue
of
S.I.
1970/1681

F2 Words substituted by virtue of Interpretation Act 1889 (c. 63), s. 38(1)

F3 Words substituted by Local Government (Scotland) Act 1973 (c. 65), s. 138(2)(f)

Modifications

**etc.
(not altering text)**

C1 S. 46 extended by Continental Shelf Act 1964 (c. 29), s. 4

Marginal Citations

M1 1972 c. 70.

M2 1972 c. 70.

M3 1973 c. 65.

M4 1936 c. 52.

M5 1945 c. 18 (9 & 10 Geo. 6).

Savings

Nothing
in
this
Act
or
in
any
order
made
thereunder
shall—

~~it~~ affect
the
powers
conferred
on
the
[^{F1}Secretary
of
State]
under
the
^{M1}Dockyard
Ports
Regulation
Act
1865;

[^{F2}—; affect
any
right
conferred
by
or
in
accordance
with
the
telecommunications
code
on
the
operator
of
a
telecommunications
code
system
or
any
duty
of
any
such
operator
under
that
code;]

^{F3}—; or
require
any
person—
to
carry
out

any
work
of
alteration,
improvement,
repair,
maintenance,
demolition
or
removal
on
any
works
constructed
or
maintainable
by
a
[F4river
authority]
or
other
drainage
authority,
or
to)
carry
out
any
work
on
land
on
which
the
sowing
or
planting
of
vegetation
is
carried
out
or
vegetation
is
maintained
by
a
[F4river
authority]
or
other
drainage
authority,
unless
the
[F4river
authority
or
other]
authority
consents
or
the
work

is
to
be
done
by,
or
under
a
scheme
prepared
by,
a
coast
protection
board
on
which
the
[F4river
authority
or
other]
authority
is
represented
and
is
to
be
carried
out
in
the
area
of
that
coast
protection
board;]
[F3]horise
or
require
any
person—
to
carry
out
any
work
of
alteration,
improvement,
repair,
maintenance,
demolition
or
removal
on
any
works
constructed
or
maintainable
by
the
National

Rivers
Authority
or
an
internal
drainage
board,
or]
(i)
carry
out
any
work
on
land
on
which
the
sowing
or
planting
of
vegetation
is
carried
out
or
vegetation
is
maintained
by
the
National
Rivers
Authority
or
an
internal
drainage
board,
unless
the
National
Rivers
Authority
or
the
internal
drainage
board
consents
or
the
work
is
done
by,
or
under
a
scheme
prepared
by,
a
coast
protection

board
on
which
the
National
Rivers
Authority
or
the
internal
drainage
board
is
represented
and
is
to
be
carried
out
in
the
area
of
that
coast
protection
board;
(a) authorise
or
require
any
person
to
carry
out
any
work
or
do
anything
in
contravention
of
the
[^{F5}the
Ancient
Monuments
and
Archaeological
Areas
Act
1979];
or
(a) authorise
or
require
any
person
to
carry
out
any
work
of
alteration,

improvement,
repair,
maintenance,
demolition
or
removal
on
any
works
constructed
for
the
drainage
of
agricultural
land
in
Scotland,
unless
the
Secretary
of
State
consents.

Annotations:**Amendments****(Textual)**

- F1** Words substituted by virtue of Defence (Transfer of Functions) Act 1964 (c. 15), s. 3(2)
- F2** S. 47(b) substituted by Telecommunications Act 1984 (c. 12, SIF 96), ss. 2, 109, 110(2), Sch. 4 para. 27
- F3** S. 47(c) substituted (E.W.) by Water Act 1989 (c. 15, SIF

130),
 ss.
 58(7),
 101(1),
 141(6),
 160(1)
 (2)(4),
 163,
 189(4)–(10),
 190,
 193(1),
 Sch.
 25
 para.
 11(7),
 Sch.
 26
 paras.
 3(1)(2),
 17,
 40(4),
 57(6),
 58

F4 Words substituted by virtue of Water Resources Act 1963 (c. 38), Sch. 3 para. 4

F5 Words substituted by virtue of Ancient Monuments and Archaeological Areas Act 1979 (c. 46, SIF 3), s. 64(2), Sch. 4 para. 2

Marginal Citations

M1 1865 c. 125.

48

.
 .
 .
 .
 .

is
to
say:—

[
F1“drainage
authority”
means
the
National
Rivers
Authority
or
an
internal
drainage
board;]

“coast
protection
authority”
has
the
meaning
assigned
to
it
by
section
one
of
this
Act;

“coast
protection
charge”
has
the
meaning
assigned
to
it
by
section
six
of
this
Act;

“coast
protection
work”
means
any
work
of
construction,
alteration,
improvement,
repair,
maintenance,
demolition
or
removal
for
the
purpose
of
the
protection
of
any

“sea”
shall
not
include
any
of
the
waters
specified
in
the
Fourth
Schedule
to
this
Act
and
the
expression
“seashore”
shall
not
include
the
bed
or
shore
of
any
of
those
waters.
[F11](#)(2A)
the
purposes
of
Part
II
of
this
Act
the
expression
“sea”includes
any
part
of
the
sea
within
the
seaward
limits
of
the
territorial
sea
of
the
United
Kingdom,
and
the
expression
“seashore”
shall
be

construed
accordingly.]

References
in
this
Act
to
any
enactment
shall
be
construed
as
references
to
that
enactment
as
amended
by
or
under
any
subsequent
enactment
including
this
Act.

(A)
the
application
of
this
section
to
Scotland,
for
the
definitions
of
the
expressions
“fishery
board”,

.

.

F12,
“Minister”
and
“owner”
there
shall
be
substituted
respectively
the
following
definitions:—

“Minister”
means
the
Secretary
of
State;
“owner”
means

“conveyances”
 the
 shall
 be
 inserted
 the
 following
 definition:—
 “heritable
 security’s
 hasotland)
 the:
 same;
 meaning
 as:ludes
 ineuld
 theeed
 Conveyancingrs”
 (Scotland)
 Act
 1924,
 andvey
 includes
 and
 security
 F13stituted
 bymoters
 ex
 facie
 absoluteing”;
 disposition,
 but
 does
 not
 include
 a
 security
 by
 way
 of
 ground
 annual
 or
 a
 real
 burden
 ad
 factum
 praestandum”

Annotations:

Amendments

(Textual)

- | | |
|----|---|
| F1 | Definitions
in
s.
49(1)
substituted
(E.W.)
(1.12.1991)
by
Water
Consolidation
(Consequential
Provisions)
Act
1991
(c.
60,
SIF |
|----|---|

130),
ss.
2(1),
4(2),
Sch.
1,
para.
6

- F2** S.
49:
Words
in
definition
substituted
(1.1.1996)
by
1995
c.
21,
ss.
314(2),
316(2),
Sch.
13
para.
25
- F3** Words
substituted
by
virtue
of
Interpretation
Act
1889
(c.
63),
s.
38(1)
- F4** Words
substituted
by
virtue
of
S.I.
1970/1681
- F5** Words
repealed
by
Local
Government
Act
1972
(c.
70),
Sch.
30
- F6** S.
49:
Words
in
definition
inserted
(1.4.1996)
by
1994
c.
19,
s.
22(5),
Sch.
11
Pt.
III
para.
5(6);

- S.I.
1996/396,
art.
3,
Sch.1
- F7** Words substituted by virtue of S.I. 1951/142, 1900 (1951 I, pp. 1348, 1347), (W.) 1965/319 and (E.) 1970/1681
- F8** S. 49(1) definition of "nautical miles" inserted by Territorial Sea Act 1987 (c. 49, SIF 29:1), s. 3(1), Sch. 1 para. 1(2)
- F9** Definition of "river board" repealed by Water Resources Act 1963 (c. 38), Sch. 14 Pt. I
- F10** S. 49(1) in the definitions of "sea" and "seashore" words substituted (E.W.S.) by Merchant

Shipping
Act
1988
(c.
12,
SIF
111),
s.
36(7)(a),
Sch.
8
para.
1

F11 S.
49(2A)
inserted
(E.W.S.)
by
Merchant
Shipping
Act
1988
(c.
12,
SIF
111),
s.
36(7)(b),
Sch.
8
para.
1

F12 Words
repealed
by
Local
Government
(Scotland)
Act
1973
(c.
65),
Sch.
29

F13 Definition
of
"maritime
burgh
or
county"
repealed
by
Local
Government
(Scotland)
Act
1973
(c.
65),
Sch.
29

Extent Information

E1 This
version
of
this
provision
extends
to
England
and
Wales
only;
separate

versions
have
been
created
for
Scotland
only
and
for
Northern
Ireland
only.

Marginal Citations

M1	1923 c. 16.
M2	1966 c. 38.
M3	1857 c. cxlviii.

Interpretation

(n)
this
Act,
except
where
the
context
otherwise
requires,
the
following
expressions
have
the
meanings
hereby
respectively
assigned
to
them,
that
is
to
say:—

“catchment
board”
and
“drainage
authority”
have
the
same
meanings
as
in
the
M1 Land
Drainage
Act
1930;

“coast
protection
authority”
has
the
meaning
assigned
to
it
by
section
one
of
this
Act;

“coast
protection
charge”
has
the
meaning
assigned
to
it
by
section
six
of
this
Act;

“coast
protection
work”
means
any
work
of
construction,
alteration,
improvement,
repair,
maintenance,
demolition
or
removal
for
the
purpose
of
the

“sea”
shall
not
include
any
of
the
waters
specified
in
the
Fourth
Schedule
to
this
Act
and
the
expression
“seashore”
shall
not
include
the
bed
or
shore
of
any
of
those
waters.
[F10](#)(2A)
the
purposes
of
Part
II
of
this
Act
the
expression
“sea”includes
any
part
of
the
sea
within
the
seaward
limits
of
the
territorial
sea
of
the
United
Kingdom,
and
the
expression
“seashore”
shall
be

construed
accordingly.]

References
in
this
Act
to
any
enactment
shall
be
construed
as
references
to
that
enactment
as
amended
by
or
under
any
subsequent
enactment
including
this
Act.

(A)
the
application
of
this
section
to
Scotland,
for
the
definitions
of
the
expressions
“fishery
board”,
.

.
.
.
F11,
“Minister”
and
“owner”
there
shall
be
substituted
respectively
the
following
definitions:—

F13 and r'
the
following
definitions
shall
be
inserted

in which
 there is
 alphabetically
 appropriate
 place—
 the
 following
 definition:—
 “heritable
 security’s
 hasotland)
 the:
 same;
 meaning
 as;ludes
 ineuld
 theeed
 Conveyancingrs”
 (Scotland)
 Act
 1924,
 andvey
 includes
 and
 security
 F12
 constituted
 bymoters
 ex
 facie
 absoluteing”;
 disposition,
 but
 does
 not
 include
 a
 security
 by
 way
 of
 ground
 annual
 or
 a
 real
 burden
 ad
 factum
 praestandum”
 “local
 roads
 authority”
 has
 the
 meaning
 given
 to
 it
 by
 section
 151(1)
 of
 the
 Roads
 (Scotland)
 Act

the³⁴;
 meaning
 given
 to
 it
 by
 section
 151(1)
 of
 the
 Roads
 (Scotland)
 Act
 1984;]

Annotations:

Amendments (Textual)

- F1** S.
 49(1):
 Words
 in
 definition
 substituted
 (1.1.1996)
 by
 1995
 c.
 21,
 ss.
 314(2),
 316(2),
 Sch.
 13
 para.
 25
- F2** Words
 substituted
 by
 virtue
 of
 Interpretation
 Act
 1889
 (c.
 63),
 s.
 38(1)
- F3** Words
 substituted
 by
 virtue
 of
 S.I.
 1970/1681
- F4** Words
 repealed
 by
 Local
 Government
 Act
 1972
 (c.
 70),
 Sch.
 30
- F5** S.49(1):
 Words
 in
 definition
 inserted
 (1.4.1996)
 by

1994
c.
19,
s.
22(5),
Sch.
11
Pt.
III,
para.
5(6);
S.I.
1996/396,
art.
3
Sch.1

F6 Words substituted by virtue of S.I. 1951/142, 1900 (1951 I, pp. 1348, 1347), (W.) 1965/319 and (E.) 1970/1681

F7 S. 49(1) definition of "nautical miles" inserted by Territorial Sea Act 1987 (c. 49, SIF 29:1), s. 3(1), Sch. 1 para. 1(2)

F8 Definition of "river board" repealed by Water Resources Act 1963 (c. 38), Sch. 14 Pt. I

F9 S. 49(1) in

the
definitions
of
“sea”
and
“seashore”
words
substituted
(E.W.S.)
by
Merchant
Shipping
Act
1988
(c.
12,
SIF
111),
s.
36(7)(a),
Sch.
8
para.
1

F10 S.
49(2A)
inserted
(E.W.S.)
by
Merchant
Shipping
Act
1988
(c.
12,
SIF
111),
s.
36(7)(b),
Sch.
8
para.
1

F11 Words
repealed
by
Local
Government
(Scotland)
Act
1973
(c.
65),
Sch.
29

F12 Definition
of
“maritime
burgh
or
county”
repealed
by
Local
Government
(Scotland)
Act
1973
(c.
65),
Sch.
29

F13 S.
49(4)
definitions

inserted
(S.)
by
Roads
(Scotland)
Act
1984
(c.
54,
SIF
108),
s.
156(1),
Sch.
9
para.
38(5)

Extent Information

E1 This version of this provision extends to Scotland only; separate versions have been created for England and Wales only and for Northern Ireland only.

Marginal Citations

M1 1930
c.
44.

M2 1923
c.
16.

M3 1966
c.
38.

M4 1857
c.
cxlviii.

Interpretation

(n)
this
Act,
except
where
the
context
otherwise
requires,
the

following
expressions
have
the
meanings
hereby
respectively
assigned
to
them,
that
is
to
say:—

“catchment
board”
and
“drainage
authority”
have
the
same
meanings
as
in
the
M1 Land
Drainage
Act
1930;

“coast
protection
authority”
has
the
meaning
assigned
to
it
by
section
one
of
this
Act;

“coast
protection
charge”
has
the
meaning
assigned
to
it
by
section
six
of
this
Act;

“coast
protection
work”
means
any
work
of
construction,
alteration,
improvement,
repair,
maintenance,
demolition
or
removal
for
the
purpose
of
the

"sea" shall mean the sea, including any tidal flow, and any bank, barrier, dune, beach, flat or other land adjacent to the shore;

(2) for the purposes of Part I of this Act the expression "sea" shall

not
include
any
of
the
waters
specified
in
the
Fourth
Schedule
to
this
Act
and
the
expression
"seashore"
shall
not
include
the
bed
or
shore
of
any
of
those
waters.

~~References~~
in
this
Act
to
any
enactment
shall
be
construed
as
references
to
that
enactment
as
amended
by
or
under
any
subsequent
enactment
including
this
Act.

~~(A)~~
the
application
of
this
section
to
Scotland,
for
the

“Minister’s
 after
 the
 Secretary
 of State”,
 and
 “functions”
 includes
 F9
 “heritable
 security’s
 has
 the
 same
 meanings:
 as
 in
 the
 Conveyancing
 (Scotland)
 Act
 1924,
 and
 includes
 and
 security
 F10
 by
 ex
 facie
 absolute
 disposition,
 but
 does
 not
 include
 a
 security
 by
 way
 of
 ground
 annual
 or
 a
 real
 burden
 ad
 factum
 praestandum”

Annotations:

Amendments (Textual)

- F1 Words
 in
 s.
 49(1)
 substituted
 (1.1.1996)
 by
 1995
 c.

21,
ss.
314(2),
316,
Sch.
13
para.
25

F2 Words substituted by virtue of Interpretation Act 1889 (c. 63), s. 38(1)

F3 Words substituted by virtue of S.I. 1970/1681

F4 Words repealed by Local Government Act 1972 (c. 70), Sch. 30

F5 Words in s. 49 inserted (1.4.1996) by 1994 c. 19, s. 22(5), Sch. 11 Pt. III para. 5(6); S.I. 1996/396, art.3, Sch.

F6 Words substituted by virtue of S.I. 1951/142, 1900 (1951 I, pp. 1348, 1347), (W.) 1965/319

and
(E.)
1970/1681

- F7** S.
49(1)
definition
of
“nautical
miles”
inserted
by
Territorial
Sea
Act
1987
(c.
49,
SIF
29:1),
s.
3(1),
Sch.
1
para.
1(2)
- F8** Definition
of
“river
board”
repealed
by
Water
Resources
Act
1963
(c.
38),
Sch.
14
Pt.
I
- F9** Words
repealed
by
Local
Government
(Scotland)
Act
1973
(c.
65),
Sch.
29
- F10** Definition
of
“maritime
burgh
or
county”
repealed
by
Local
Government
(Scotland)
Act
1973
(c.
65),
Sch.
29

Extent**Information**

- E1** This
version
of

this provision extends to Northern Ireland only; separate versions have been created for England and Wales only and for Scotland only.

Marginal Citations

M1	1930 c. 44.
M2	1923 c. 16.
M3	1966 c. 38.
M4	1857 c. cxlviii.

Short title and extent

~~(1)~~ This Act may be cited as the Coast Protection Act 1949.

~~(2)~~ Parts I and II of this Act shall not extend to Northern Ireland.

SCHEDULES

~~PROVISIONS~~

~~2~~
SCHEDULE

~~8~~

and

31.

PROCEDURE

FOR

MAKING

ORDERS

AND

PROVISIONS

AS

TO

THE

VALIDITY

OF

ORDERS

PART

I

General

Provisions

Before

making

an

order

the

Minister

shall

prepare

a

draft

order

and

shall

cause

notice

of

the

intention

to

make

the

order

and

of

the

place

where

copies

of

the
draft
order
may
be
inspected,
and
of
the
time
(not
being
less
than
twenty-eight
days)
within
which,
and
the
manner
in
which,
objections
to
the
draft
order
may
be
made,
to
be
published
in
the
London
Gazette
and
in
such
other
manner
as
he
may
think
best
adapted
for
informing
persons
affected,
and
to
be
served—
(~~a~~)
the
council
of
every
county
[^{F1}county
borough,]
.
.

.
F2
or
county
district
wholly
or
partly
included
in
the
area
affected
by
the
order;
[**F3**on
the
National
Rivers
Authority
and
on
any
sea
defence
commissioners,
coast
protection
board,
internal
drainage
board],
harbour
authority,
fishery
board,
local
fisheries
committee,
conservancy
authority
or
navigation
authority
known
to
the
Minister
to
be
exercising
jurisdiction
within
that
area;
(~~or~~)
any
local
. .
F2
authority
known
to

him
to
be
responsible
for
the
maintenance
of
any
highway
in
the
area;
and
~~(it)~~
the
[F4British
Railways
Board
or
the
British
Waterways
Board],
if
the
area
contains
any
railway,
canal
or
inland
navigation
vested
in
[F4the
Board.]

Annotations:

Amendments (Textual)

- F1** Words
in
Sch.
1
para.
1(a)
inserted
(1.4.1996)
by
1994
c.
19,
s.
22(5),
Sch.
11
Pt.
III
para.
5(6);
S.I.
1996/396,
art.
3,
Sch.1
- F2** Words
repealed
by
Local

Government
Act
1972
(c.
70),
Sch.
30

- F3** Words
in
Sch.
1
para.1(*b*)
substituted
(E.W.)
by
Water
Act
1989
(c.
15,
SIF
130),
ss.
58(7),
101(1),
141(6),
160(1)
(2)(4),
163,
189(4)–(10),
190,
193(1),
Sch.
25
para.
11(8),
Sch.
26
paras.
3(1)(2),
17,
40(4),
57(6),
58

- F4** Words
substituted
by
virtue
of
Transport
Act
1962
(c.
46),
Sch.
2
Pt.
I

Extent

Information

- E1** This
version
of
this
provision
extends
to
England
and
Wales
only;
a
separate
version
has

been
created
for
Scotland
only.

Before
making
an
order
the
Minister
shall
prepare
a
draft
order
and
shall
cause
notice
of
the
intention
to
make
the
order
and
of
the
place
where
copies
of
the
draft
order
may
be
inspected,
and
of
the
time
(not
being
less
than
twenty-eight
days)
within
which,
and
the
manner
in
which,
objections
to
the
draft
order
may
be
made,

to
be
published
in
the
London
Gazette
and
in
such
other
manner
as
he
may
think
best
adapted
for
informing
persons
affected,
and
to
be
served—
(a)
the
council
of
every
county
[^{F1}county
borough,]
.
.
.
F2
or
county
district
wholly
or
partly
included
in
the
area
affected
by
the
order;
(b)
any
sea
defence
commissioners,
coast
protection
board,
[^{F3}river
authority]
or
other
drainage
authority,

harbour
authority,
fishery
board,
local
fisheries
committee,
conservancy
authority
or
navigation
authority
known
to
the
Minister
to
be
exercising
jurisdiction
within
that
area;
(~~it~~)
any
local

.

.

F2
authority
known
to
him
to
be
responsible
for
the
maintenance
of
any
highway
in
the
area;
and

(~~it~~)
the
[^{F4}British
Railways
Board
or
the
British
Waterways
Board],
if
the
area
contains
any
railway,
canal
or
inland

navigation
vested
in

[[F4](#)the
[Board.](#)]

Annotations:

Amendments

(Textual)

- F1** Words
in
Sch.
1
para.
1(a)
inserted
(1.4.1996)
by
1994
c.
19,
s.
22(5),
Sch.
11
Pt.
III
para.
5(6);
S.I.
1996/396,
art.
3,
Sch.1
- F2** Words
repealed
by
Local
Government
Act
1972
(c.
70),
Sch.
30
- F3** Words
substituted
by
virtue
of
Water
Resources
Act
1963
(c.
38),
Sch.
3
para.
4
- F4** Words
substituted
by
virtue
of
Transport
Act
1962
(c.
46),
Sch.
2
Pt.
I

Extent

Information

E1 This version of this provision extends to Scotland only; a separate version has been created for England and Wales only.

2—Before making an order the Minister shall consider any objections which may be duly made to the draft order and may in any case cause a local inquiry to be held with respect to any objections to the draft order.

~~(1)~~
the case of an order

which
by
virtue
of
the
provisions
of
this
Act
is
required
to
be
made
jointly
by
the
Ministers
concerned,
references
in
the
foregoing
paragraphs
to
the
Minister
shall
be
construed
as
references
to
the
Ministers
concerned.
~~(2)~~ Where,
in
the
case
of
an
order
not
falling
within
the
last
foregoing
sub-paragraph,
objection
to
the
draft
order
is
duly
made
by
a
body
mentioned
in
paragraphs
(b)
to
(d)

of
paragraph
1
of
this
Schedule,
the
last
foregoing
paragraph
shall
have
effect
as
if
it
required
the
objection
to
be
considered,
and
authorised
a
local
inquiry
to
be
promoted,
by
the
Ministers
concerned
instead
of
by
the
Minister.
~~It~~
this
Part
of
this
Schedule
the
expression
“the
area
affected
by
the
order” —
(a)
the
case
of
an
order
providing
for
the
constitution
of
a
coast

protection
board,
means
the
area
for
which
the
board
will
be
the
coast
protection
authority;
(b)
the
case
of
an
order
varying
the
constitution
of
a
coast
protection
board,
but
not
altering
the
area
for
which
the
board
is
the
coast
protection
authority,
means
that
area;
(c)
the
case
of
an
order
altering
the
area
of
a
coast
protection
board,
means
that
area
and
any
other

area
proposed
by
the
order
to
be
included
in
the
area
of
the
board;
and
(d)
the
case
of
an
order
repealing
or
amending
any
provision
of
a
local
Act,
means
any
area
in
relation
to
which
any
power
or
duty
conferred
or
imposed
by
that
provision
is
exercisable;
and
the
expression
"the
Ministers
concerned"
has
the
meaning
assigned
to
it
by
subsection
(8)
of
section

two
of
this
Act
and
the
power
of
determination
conferred
on
the
Treasury
by
that
subsection
shall
apply
accordingly.

PART II

*Certain
Orders
to
be
subject
to
Special
Parliamentary
Procedure*

After
an
order
has
been
made,
the
Minister
shall,
if
an
objection
has
been
made
under
Part
I
of
this
Schedule
by
any
body
on
whom
notice
is
required

to
be
served
under
that
Part
and
has
not
been
withdrawn,
give
notice
of
the
making
of
the
order
and
the
effect
thereof
to
every
such
body
who
have
made
such
an
objection
which
has
not
been
withdrawn,
and
in
that
case
the
order
shall
not
have
effect
before
the
expiration
of
twenty-eight
days
from
the
date
of
the
said
notice;
and
if
within
that
period
any

such
body
give
notice
to
the
Minister
that
they
object
to
the
order
and
the
objection
is
not
withdrawn,
the
order
shall
be
subject
to
special
parliamentary
procedure.

PART III

*Provisions
with
respect
to
the
validity
of
Orders
not
confirmed
by
Parliament*

After
the
making
of
an
order
the
Minister
shall
publish
in
the
London
Gazette,
and
in
such

~~the~~
in manner
~~the~~
base
~~thinks~~
best
~~advised~~
for
~~whom~~ing
Persons
affected,
of
this
State
~~the~~ applies
the
~~order~~
has
~~been~~
made,
~~and~~
published
until
the
~~expiration~~
of
~~the~~ period
of
~~twenty-eight~~
~~days~~
~~is~~ referred
~~to~~
reasonable
~~hours~~:
Part,
and
the
notice
shall
state
whether
or
not
the
order
is
to
be
subject
to
special
parliamentary
procedure.
If
any
person
aggrieved
by
an
order
desires
to
question
its
validity

that
 this
 paragraph
 shall
 not
 apply
 to
 within
 the
 powers
 of
 confirmed
 Act
 that
 Parliament
 requirement
 section
 this
 Act
 has
 M1 Statutory
 Orders
 (Special
 Procedure)
 Act
 1945,
 which
 shall
 have
 effect
 the
 date
 of
 the
 first
 publication
 which
 is
 subject
 to
 notice,
 special
 parliamentary
 procedure
 for
 the
 purpose
 of
 the
 High
 Court,
 Schedule
 is
 any
 such
 application
 in
 reference
 to
 the
 date
 of
 the
 court,
 the
 publication
 of
 the
 notice
 there

not
substituted
the
reference
of
this
Act
on
which
the
interests
becomes
operative
the applicant
have
been
substantially
prejudiced
by
any
requirement
of
this
Act
not
having
been
complied
with,
may
quash
the
order
either
generally
or
in
so
far
as
it
affects
the
applicant;
but
except
as
aforesaid
the
order
shall
not
at
any
time
be
questioned
by
prohibition
or
certiorari
or
in
any
proceedings
whatsoever:

Annotations:

**Marginal
Citations**

M1 1945
c.
18
(9
&
10
Geo.
6).

**PART
IV***Application
to
Scotland*

8
the
application
of
this
Schedule
to
Scotland—

(a)
references
to
the
High
Court
there
shall
be
substituted
references
to
the
Court
of
Session;

f1(b)
references
to
the
London
Gazette
and
to
[F2a
council
of]a
county
or
county
district
there
shall
be
substituted
respectively

references

to

the

Edinburgh

Gazette

and

to a

[^{F3}council

constituted

under

section

2

of

the

Local

Government

etc.

(Scotland)

Act

1994]]

(o)

sub-paragraph

(2)

of

paragraph

3

there

shall

be

substituted

the

following

sub-paragraph—

Where,

in

the

case

of

an

order

not

falling

within

the

last

foregoing

sub-paragraph,

objection

to

the

draft

order

is

duly

made

by

a

conservancy

authority

or

a

navigation

authority

or

by

a

harbour
authority,
other
than
the
authority
for
a
harbour
principally
used
by
the
fishing
industry,
[F4or
by
the
British
Railways
Board
or
the
British
Waterways
Board],
the
last
foregoing
paragraph
shall
have
effect
as
if
it
required
the
objection
to
be
considered,
and
authorised
a
local
inquiry
to
be
promoted,
by
the
Minister
and
the
[F5Secretary
of
State],
instead
of
by
the
Minister;"
and
(d)
the
words

“section
 six
 of
 the
 the
 M1 Statutory
 Orders
 (Special
 Procedure)
 Act
 1945”,
 there
 shall
 be
 substituted
 the
 words
 “subsection
 (4)
 of
 section
 two,
 as
 read
 with
 section
 ten,
 of
 the
 the
 Statutory
 Orders
 (Special
 Procedure)
 Act
 1945,
 or
 under
 section
 six
 of
 that
 Act”.

Annotations:

Amendments

(Textual)

- F1** Para.
 8(b)
 substituted
 by
 Local
 Government
 (Scotland)
 Act
 1973
 (c.
 65),
 s.
 138(2)(g)
- F2** Words
 in
 Sch.
 1,
 para.8(b)
 inserted
 (S.)
 (1.4.1996)
 by
 1994
 c.
 39,
 s.

180(1),
Sch.
13,
para.
32(6)(a);
S.I.
1996/323,
art.4(1)(c)

F3 Words
in
Sch.
1
para.
8(b)
substituted
(S.)
(1.4.1996)
by
1994
c.
39,
s.
180(1),
Sch.
13,
para.
32(6)(b);
S.I.
1996/323,
art.4(1)(c)

F4 Words
substituted
by
virtue
of
Transport
Act
1962
(c.
46),
Sch.
2
Pt.
I

F5 Words
substituted
by
virtue
of
S.I.
1970/1681

**Marginal
Citations**

M1 1945
c.
18
(9
&
10
Geo.
6).

SECOND
SCHEDULE
PROVISIONS
AS
TO

ORDERS
RESTRICTING
EXCAVATION
OF
MATERIALS
FROM
THE
SEASHORE

PART
I

*General
Provisions*

Before making an order under section eighteen of this Act, the coast protection authority shall prepare a draft order and shall cause notice of their intention to make the order, and of the place where copies of the draft order may be inspected at all reasonable hours, and of

the
time
within
which,
and
the
manner
in
which,
objections
to
the
draft
order
may
be
made,
to
be
published,
in
two
successive
weeks,
in
the
London
Gazette
and
in
one
or
more
local
newspapers
circulating
in
the
locality.
~~Where~~
the
coast
protection
authority
cause
notice
to
be
published
under
the
foregoing
paragraph,
they
shall
serve
a
like
notice
on
[^{F1}any
catchment
board,
external
drainage
board,
conservancy

authority,
 harbour
 authority,
 navigation
 authority
 or
 [F2river
 authority]
 whose
 area][F1the
 National
 Rivers
 Authority
 and
 on
 any
 catchment
 board,
 conservancy
 authority,
 harbour
 authority
 or
 navigation
 authority
 whose
 area,
 and
 on
 any
 internal
 drainage
 board
 whose
 district,]
 comprises
 land
 to
 which
 the
 draft
 order
 relates.

Annotations:

Amendments

(Textual)

- | | |
|----|--|
| F1 | Sch.
2
para.2
for
from
"any
catchment"
to
"whose
area"
there
is
substituted
(E.W.)
"the
National
Rivers
Authority
and
on
any
catchment
board,
conservancy |
|----|--|

authority,
 harbour
 authority
 or
 navigation
 authority
 whose
 area,
 and
 on
 any
 internal
 drainage
 board
 whose
 district,"
 by
 Water
 Act
 1989
 (c.
 15,
 SIF
 130),
 ss.
 58(7),
 101(1),
 141(6),
 160(1)
 (2)(4),
 163,
 189(4)–(10),
 190,
 193(1),
 Sch.
 25
 para.
 11(9),
 Sch.
 26
 paras.
 3(1)(2),
 17,
 40(4),
 57(6),
 58

F2 Words
 substituted
 by
 virtue
 of
 Water
 Resources
 Act
 1963
 (c.
 38),
 Sch.
 3
 para.
 4

F1 3
 this
 Schedule
 the
 expression
 "external
 drainage
 board"
 means
 a
 drainage

board
 whose
 area,
 or
 any
 part
 of
 whose
 area,
 is
 not
 comprised
 in
 the
 area
 of
 any
 catchment
 board
 and
 is
 not
 for
 the
 time
 being
 comprised
 in
 the
 area
 of
 any
 [F²river
 authority.]]

Annotations:

Amendments (Textual)

F1 Sch.
 2
 para.3
 repealed
 (E.W.)
 by
 Water
 Act
 1989
 (c.
 15,
 SIF
 130),
 ss.
 58(7),
 101(1),
 141(6),
 160(1)
 (2)(4),
 163,
 189(4)–(10),
 190,
 193(1),
 Sch.
 26
 paras.
 3(1)(2),
 17,
 40(4),
 41(1),
 57(6),
 58,
 Sch.
 27

pt.
1

F2 Words substituted by virtue of Water Resources Act 1963 (c. 38), Sch. 3 para. 4

¶
no objection is duly made, or if all objections so made are withdrawn, the Minister, on being satisfied that the proper notices have been published, may confirm the order with or without modifications.

¶
an objection duly made is not withdrawn, the Minister shall, before the order is

confirmed,
either
cause
a
local
inquiry
to
be
held
or
afford
to
any
person
by
whom
objection
has
been
duly
made
and
not
withdrawn
an
opportunity
of
being
heard
by
a
person
appointed
by
him
for
the
purpose.
~~Where~~
the
objection
is
made
by
any
such
body
as
is
mentioned
in
paragraph
2
of
this
Schedule,
references
in
the
last
foregoing
sub-paragraph
to
the
Minister
shall
be

construed—

(a)

the

case

of

an

objection

made

by

a

catchment

board,

external

drainage

board

or

[^{F1}river
authority],

or

by

the

harbour

authority

for

a

harbour

to

which

the

^{M1}Fishery

Harbours

Act,

1915,

applies,

as

references

to

the

Minister

and

[^{F2}the

Minister

of

Agriculture,

Fisheries

and

Food]

and

(b)

the

case

of

an

objection

made

by

any

other

harbour

authority,

or

by

a

conservancy

authority

or

navigation
 authority,
 as
 references
 to
 the
 Minister
 and
 the
 the
 [F3Secretary
 of
 State.]

Annotations:

**Amendments
 (Textual)**

- F1** Words substituted by virtue of Water Resources Act 1963 (c. 38), Sch. 3 para. 4
- F2** Words substituted by virtue of S.I. 1955/554 (1955 I, p. 1200)
- F3** Words substituted by virtue of S.I. 1970/1681

Modifications

etc.
 (not
 altering
 text)

- C1** Sch. 2 para.5 modified by S.I.1985/442, art.4(5)

**Marginal
 Citations**

- M1** 1915 c. 18

if
 any
 person
 by

whom
an
objection
has
been
made
avails
himself
of
the
opportunity
of
being
heard,
the
Minister
or
Ministers
concerned
shall
afford
to
the
coast
protection
authority,
and
to
any
other
persons
to
whom
it
appears
to
him
or
them
expedient
to
afford
it,
an
opportunity
of
being
heard
on
the
same
occasion.
~~if~~
objection
is
duly
made—
~~(a)~~
any
person
on
the
ground
that
the
order

would
interfere
with
the
exercise
of
his
functions
under
any
enactment
other
than
this
Act,
or
(b)
any
person
having
an
interest,
right
or
privilege
conferred
on
him
by
any
local
or
private
Act,
on
the
ground
that
any
such
interest,
right
or
privilege
of
his
specified
in
the
objection
would
be
affected
by
the
order,
and
the
objection
is
not
withdrawn,
the
order
shall
be

subject
to
special
parliamentary
procedure.

Subject
to
the
last
foregoing
paragraph,
the
Minister
may
confirm
the
order
with
or
without
modifications
as
he
may
think
fit
having
regard
to
the
determination
of
any
objections
and
to
the
report
of
any
person
appointed
to
hold
an
inquiry
or
to
hear
objections.

As
soon
as
may
be
after
the
order
has
been
confirmed
the
coast
protection
authority
shall

publish
in
the
London
Gazette
and
in
one
or
more
local
newspapers
circulating
in
the
locality
a
notice
stating
that
the
order
has
been
confirmed
and
naming
a
place
where
a
copy
thereof
as
confirmed
may
be
inspected
at
all
reasonable
hours,
and
shall
serve
a
like
notice
on
any
board
or
authority
on
whom
a
notice
was
required
to
be
served
by
paragraph
2
of
this

Schedule.
If
any
person
aggrieved
by
the
order
desires
to
question
its
validity
on
the
ground
that
it
is
not
within
the
powers
of
this
Act
or
that
any
requirement
of
this
Act
has
not
been
complied
with,
he
may,
within
six
weeks
after
the
date
on
which
notice
of
the
confirmation
of
the
order
is
published
in
accordance
with
the
last
foregoing
paragraph,
make
an
application

that
 this
 paragraph
 shall
 the
 High
 Court;
 and
 order
 which
 such
 application
 is
 duly
 made
 Parliament
 order
 section
 satisfied
 that
 the
 M1 Statutory
 Orders
 (Special
 Procedure)
 the
 powers
 and
 shall
 have
 effect
 that
 the
 interests
 of
 the
 applicant
 have
 been
 substantially
 prejudiced
 special
 parliamentary
 procedure
 by
 the
 Act
 paragraph
 having
 been
 complied
 with
 the
 day
 to
 be
 the
 reference
 generally
 the
 date
 of
 the
 publication
 of
 the
 notice
 in
 the
 property

~~where~~
~~the~~ substituted
 applicant;
~~reference~~
~~except~~
~~the~~
~~of~~ said
~~the~~
~~which~~
~~the~~
~~order~~
 becomes
 operative
~~under~~
~~the~~
 questioned
 Act.
 prohibition
 or
 certiorari
 or
 in
 any
 proceedings
 whatsoever:

Annotations:

**Marginal
Citations**

M1 1945
 c.
 18
 (9
 &
 10
 Geo.
 6).

**PART
II**

*Interim
Orders*

~~Where~~
 it
 appears
 to
 a
 coast
 protection
 authority
 that
 by
 reason
 of
 emergency
 it
 is
 urgently
 necessary
 for
 the
 protection

of
any
land
that
an
order
should
be
made
applying
the
provisions
of
section
eighteen
of
this
Act
to
any
portion
of
the
seashore
in
their
area
or
lying
to
seaward
therefrom,
the
authority
may
make
an
interim
order
applying
those
provisions
accordingly.
A2
soon
as
may
be
after
the
making
of
an
interim
order
under
the
last
foregoing
paragraph
the
authority
shall
in
two
successive
weeks

publish
in
the
London
Gazette
and
in
one
or
more
local
newspapers
circulating
in
the
locality
a
notice
stating
that
the
order
has
been
made,
and
naming
a
place
where
a
copy
thereof
may
be
inspected
at
all
reasonable
hours,
and
shall
serve
a
like
notice
on
[F1]any
catchment
board,
external
drainage
board,
conservancy
authority,
harbour
authority,
navigation
authority
or
[F2]river
authority]
whose
area][F1]the
National
Rivers
Authority

and
 on
 any
 catchment
 board,
 conservancy
 authority,
 harbour
 authority
 or
 navigation
 authority
 whose
 area,
 and
 on
 any
 internal
 drainage
 board
 whose
 district,]
 comprises
 land
 to
 which
 the
 interim
 order
 relates.

Annotations:

**Amendments
 (Textual)**

F1 Sch.
 2
 para.12
 for
 from
 "any
 catchment"
 to
 "whose
 area"
 there
 is
 substituted
 (E.W.)
 "the
 National
 Rivers
 Authority
 and
 on
 any
 catchment
 board,
 conservancy
 authority,
 harbour
 authority
 or
 navigation
 authority
 whose
 area,
 and
 on
 any
 internal
 drainage
 board
 whose

district,"
 by
 Water
 Act
 1989
 (c.
 15,
 SIF
 130),
 ss.
 58(7),
 101(1),
 141(6),
 160(1)
 (2)(4),
 163,
 189(4)–(10),
 190,
 193(1),
 Sch.
 25
 para.
 11(9),
 Sch.
 26
 paras.
 3(1)(2),
 17,
 40(4),
 57(6),
 58

F2 Words
 substituted
 by
 virtue
 of
 Water
 Resources
 Act
 1963
 (c.
 38),
 Sch.
 3
 para.
 4

By
 person
 who
 objects
 to
 an
 interim
 order
 may
 serve
 notice
 of
 objection
 on
 the
 Minister
 and
 on
 the
 authority
 by
 whom
 the
 order

was
made;
and
the
Minister,
after
holding
a
local
inquiry
or
affording
to
the
objector
and
the
authority
and
any
other
persons
appearing
to
him
to
be
concerned
an
opportunity
of
being
heard
by
a
person
appointed
by
him
for
the
purpose,
may,
if
he
thinks
fit,
revoke
the
order.
~~S~~ubject
to
the
last
foregoing
paragraph
an
interim
order
shall
remain
in
force
until
the
expiration
of

that
period
before
the
expiration
after
that
period
thereof
and
under
section
eighteen
of
this
Act
is
made
and
confirmed
in
accordance
with
Part
I
of
this
Schedule
with
respect
to
the
portion
of
the
seashore
to
which
the
interim
order
applies,
the
interim
order
shall
cease
to
have
effect
on
the
coming
into
operation
of
that
order.

The
provisions
of
paragraph
10
of
this
Schedule,

other
than
the
proviso
to
that
paragraph,
shall
apply
to
an
interim
order
as
they
apply
to
an
order
made
in
accordance
with
Part
I
of
this
Schedule,
with
the
substitution
of
a
reference
to
the
date
of
the
first
publication
of
the
notice
under
paragraph
12
of
this
Schedule
for
the
reference
to
the
date
of
publication
of
the
notice
of
the
confirmation
of
the
order.

PART
III

*Application
to
Scotland*

116
the
application
of
this
Schedule
to
Scotland—

(a)
references
to
the
High
Court
and
to
the
London
Gazette
there
shall
be
substituted
respectively
references
to
the
Court
of
Session
and
to
the
Edinburgh
Gazette;

(b)
sub-paragraph
(2)
of
paragraph
5
there
shall
be
substituted
the
following
sub-paragraph—

**Where
the
objection
is
made
by
a**

conservancy
authority
or
a
navigation
authority
or
by
a
harbour
authority,
other
than
the
authority
for
a
harbour
principally
used
by
the
fishing
industry,
any
reference
in
the
foregoing
sub-paragraph
to
the
Minister
shall
be
construed
as
references
to
the
Minister
and
the
[^{F1}Secretary
of
State];”
and
(o)
the
words
“section
six
of
the
^{M1}Statutory
Orders
(Special
Procedure)
Act
1945”,
there
shall
be
substituted
the
words
“subsection

to
the
seaward
end
of
the
Harbour
Breakwater.

The
River
Aln,
above
the
bridge
carrying
the
road
from
Alnmouth
to
Alnmouth
railway
station.

The
River
Coquet,
above
a
line
drawn
from
the
seaward
end
of
the
north
breakwater
to
the
seaward
end
of
the
south
breakwater
at
Amble.

The
River
Wansbeck,
above
the
ferry
between
Cambois
and
North
Seaton.

The
River
Blyth
(Northumberland),
above
a
line

drawn
from
the
seaward
end
of
the
eastern
pier
to
the
seaward
end
of
the
western
pier
at
the
harbour
entrance.
The
River
Tyne,
above
a
line
drawn
across
the
Narrows
from
Lloyd's
Hailing
Station
to
the
Commissioners'
Staiths.

~~The~~
River
Wear,
above
a
line
drawn
from
the
south-
eastern
corner
of
the
pilot
lookout
station
situated
on
the
old
North
Pier
to
the
north-
western

corner
of
the
seaward
face
of
the
old
South
Pier.]

Annotations:

**Amendments
(Textual)**

F1 Sch.
4
para.7
substituted
by
S.I.
1983/1503,
reg.
2

The
River
Tees,
above
a
line
drawn
from
the
seaward
end
of
the
North
Gare
breakwater
to
the
seaward
end
of
the
South
Gare
breakwater.

F1e)
River
Esk
(Yorkshire)
above
a
line
drawn
from
the
southern
edge
of
Tate
Hill
Pier
to
the

southern
edge
of
Scotch
Head
at
Whitby.]

Annotations:**Amendments
(Textual)**

F1 Sch.
4
para.
9
substituted
(12.12.1997)
by
1997/2675,
reg.2

The
River
Humber,
above
a
line
drawn
from
Hawkins
Point
to
the
point
where
the
north-
western
boundary
of
the
Borough
of
Cleethorpes
crosses
high
water
mark
of
ordinary
spring
tides.

The
Wash,
south-west
of
a
line
drawn
through
the
point
where
the
northern
boundary
of

the
parish
of
Wainfleet
Saint
Mary
in
the
County
of
Lincoln,
Parts
of
Lindsey,
crosses
high
water
mark
of
ordinary
spring
tides
and
the
north
corner
of
Beach
House
in
the
parish
of
Snettisham
in
the
rural
district
of
Docking.
The
River
Yare
above
a
line
drawn
between
the
seaward
ends
of
the
piers
at
the
entrance
to
the
Haven
at
Great
Yarmouth.
Olton
Broad
and

Lake
Lothing,
above
a
line
drawn
between
the
seaward
end
of
the
old
north
pier
and
the
seaward
end
of
the
south
pier
at
Lowestoft.

~~The~~
River
Blyth
(Suffolk),
above
the
seaward
end
of
the
northern
breakwater
and
the
seaward
end
of
the
southern
breakwater
at
the
Harbour,
Walberswick.

~~The~~
River
Alde,
above
Slaughden
Ferry.

~~The~~
River
Deben,
above
a
line
drawn
due
east
from
the

ferry
quay
at
Felixstowe
Ferry.
The
Rivers
Orwell
and
Stour,
above
the
ferry
between
Felixstowe
Pier
and
Harwich
Landing
Stage.

~~F1~~el 7a
Brightlingsea
Creek,
above
a
line
drawn
between
St.
Osyth
Point
and
the
shoreward
end
of
the
ferry
landing
stage.]

Annotations:

Amendments

(Textual)

F1	Para. 17aadded by S.I. 1958/2146 (1958 I, p. 351)
----	---

~~F1~~el 8
River
Colne,
above
a
line
drawn
between
Viaduct
Sluice,
to
the
west

of
 Bateman's
 Tower,
 and
 Mersea
 Stone.]

Annotations:

**Amendments
 (Textual)**

F1 Para.
 18
 substituted
 by
 S.I.
 1958/2146
 (1958
 I,
 p.
 351)

~~The~~
 River
 Blackwater,
 above
 Longitude
 0°
 55'
 East.

~~The~~
 Rivers
 Crouch
 and
 Roach,
 above
 Longitude
 0°
 47'
 East.

~~F1e21~~
 River
 Thames,
 above
 a
 line
 drawn
 from
 the
 westernmost
 point
 of
 Dagnum
 Saltings
 in
 the
 parish
 of
 Allhallows
 in
 the
 County
 of
 Kent,
 to
 Canvey
 Point,
 and

thence
to
the
westernmost
point
of
the
boundary
of
the
County
Borough
of
Southend,
and
the
whole
of
the
waters
of
Yantlet
Creek.]

Annotations:

Amendments

(Textual)

F1	Para. 21 substituted by S.I. 1965/204
----	--

~~The~~
River
Medway,
above
a
line
drawn
from
the
fixed
green
navigation
light
at
the
extreme
north-west
corner
of
Queenborough
Railway
Pier
to
Horseshoe
Point,
Isle
of
Grain.

~~The~~
River
Swale,
above
the

Harty
Ferry.
~~The~~
River
Stour
(Kent),
above
the
confluence
of
Stonar
Cut
and
Flagstaff
Reach.

~~The~~
River
Rother,
above
a
line
drawn
from
the
seaward
end
of
the
eastern
breakwater
to
the
seaward
end
of
the
western
breakwater.

~~The~~
River
Cuckmere,
above
the
point
where
it
passes
through
the
sea
wall
between
the
cliff
near
the
Coastguard
Station
and
Cliff
End.

~~The~~
River
Ouse
(Sussex),
above

a
line
drawn
from
the
seaward
end
of
the
western
breakwater
to
the
seaward
end
of
the
eastern
pier
at
Newhaven
Harbour.
~~The~~
River
Adur,
above
the
Old
Shoreham
Bridge.

~~The~~
River
Arun,
above
a
line
drawn
from
the
seaward
end
of
the
eastern
pier
to
the
seaward
end
of
the
western
pier
at
Littlehampton.

[Chichester](#)
Harbour,
above
the
Chichester
to
Southampton
railway
line.]

Annotations:
Amendments

(Textual)

F1 Sch.
4
para.
30
substituted
(4.8.1992)
by
S.I.
1992/1549,
reg.2

F1ngstone
Harbour,
above
the
Chichester
to
Southampton
railway
line.]

Annotations:**Amendments****(Textual)**

F1 Sch.
4
para.
31
substituted
(4.8.1992)
by
S.I.
1992/1549,
reg.2

F1rtsmouth
Harbour,
above
the
Chichester
to
Southampton
railway
line.]

Annotations:**Amendments****(Textual)**

F1 Sch.
4
para.
32
substituted
(4.8.1992)
by
S.I.
1992/1549,
reg.2

(F1) 33
the
Rivers
Test
and
Blackwater
above
the

[railway](#)
[bridge](#)
[at](#)
[Totton;](#)
[Bartley](#)
[Water,](#)
[above](#)
[the](#)
[toll](#)
[bridge](#)
[at](#)
[Eling;](#)

[the](#)
[River](#)
[Itchen,](#)
[above](#)
[the](#)
[weir](#)
[at](#)
[Woodmill;](#)

[the](#)
[River](#)
[Hamble,](#)
[above](#)
[the](#)
[railway](#)
[bridge,](#)
[northeast](#)
[of](#)
[Bursledon.\]](#)

Annotations:

Amendments (Textual)

F1 Sch.
 4
 para.
 33
 substituted
 (28.5.1993)
 by
 S.I.
 1993/1149,
 regs.
 1,2.

~~The~~
[Beaulieu](#)
[River,](#)
[above](#)
[Latitude](#)
[50°](#)
[47'](#)
[30"](#)
[North.](#)

~~F1~~
[Lymington](#)
[River,](#)
[above](#)
[the](#)
[road](#)
[bridge](#)
[between](#)
[Lymington](#)
[and](#)
[Portmore.\]](#)

Annotations:**Amendments****(Textual)**

F1 Sch.
4
para.
35
substituted
(28.5.1993)
by
S.I.
1993/1149,
regs.
1,2.

~~The~~
River
Yar
(Eastern),
above
the
road
bridge
on
the
Toll
Road
at
the
west
end
of
Brading
Harbour
in
the
Isle
of
Wight.

~~The~~
River
Medina,
above
the
Medina
Road
Ferry
in
the
Isle
of
Wight.

~~The~~
River
Yar
(Western),
above
the
road
bridge
between
Yarmouth
and
Totland
in
the

Isle
of
Wight.
~~The~~
River
Stour
(Hampshire),
above
a
line
drawn
due
west
from
Grimbury
Point.

~~The~~
River
Wey,
above
a
line
drawn
from
the
seaward
end
of
the
north
pier
to
the
seaward
end
of
the
south
pier
at
the
mouth
of
the
river.

~~The~~
River
Brit,
above
a
line
drawn
from
the
seaward
end
of
the
west
pier
to
the
seaward
end
of
the

east
 pier
 at
 the
 harbour
 entrance.

~~The~~
 River
 Axe,
 above
 the
 Axmouth
 Bridge.

~~The~~
 River
 Sid,
 above
 the
 Alma
 Bridge.

~~The~~
 River
 Otter,
 above
 the
 road
 bridge
 south
 of
 "The
 Warren".

~~F1e15~~
 River
 Exe,
 above
 latitude
 50°
 39'
 50"
 North.]

Annotations:

Amendments (Textual)

F1	Para. 45 substituted by S.I. 1958/2146 (1958 I, p. 351)
----	--

~~The~~
 River
 Teign,
 above
 the
 road
 bridge
 at
 the
 west
 end

of
 "The
 Salty".
~~The~~
 River
 Dart,
 above
 a
 line
 drawn
 from
 the
 Kingswear
 Station
 ferry
 landing
 stage
 to
 the
 ferry
 pier
 at
 Dartmouth.

~~A8~~
 Salcombe—

~~B2~~
 atson
 Creek,
 above
 latitude
 50°
 14'
 23"
 North;

~~K~~
 Kingsbridge
 Estuary,
 above
 latitude
 50°
 14'
 25"
 North;
 and

~~S~~
 outhpool
 Creek,
 above
 longitude
 3°
 45'
 17"
 West.

~~T~~
 River
 Avon
 (Devon),
 above
 the
 ferry
 nearest
 to
 the
 sea
 at
 Bantham.

~~T~~

River
Erme,
above
the
ford
near
Efford
House.

~~The~~
River
Yealm,
above
the
ferry
at
Warren
Point.

~~The~~ mouth
Sound.
The
Hamoaze,
above
the
Cremyll
Ferry.
The
Cattewater,
above
the
ferry
between
Phoenix
Wharf
and
Mount
Batten
landing
stage.

~~The~~
River
Fowey,
above
the
ferry
between
Fowey
and
Polruan.

~~The~~
River
Porthcuel,
above
a
line
drawn
east
from
Polvarth
Point.

~~The~~
River
Fal,
above
a
line

between
Pill
Point
and
Turnawdre
Point.
~~56~~ Restronguet
Creek,
above
the
ferry
near
Restronguet
Point.

~~57~~
The
River
Penryn,
above
the
easternmost
ferry
between
Falmouth
and
Flushing.

~~58~~
The
River
Helford,
above
the
ferry
at
Helford.

~~59~~
The
River
Camel,
above
Longitude
4°
54'
West.

~~60~~
The
River
Torridge,
above
the
ferry
between
Appledore
and
the
quay
at
Instow.

~~61~~
The
River
Taw,
above
a
line
drawn
due
north
from
Penhill

Point.
~~The~~
River
Parrett,
above
a
line
drawn
due
west
from
Island
Farm
Point.

~~The~~
River
Brue,
above
Longitude
2°
59'
45"
West.

~~The~~
River
Yeo,
above
a
line
drawn
from
the
south-
eastern
end
of
the
Wick
Sea
Wall
to
the
south-
eastern
end
of
the
Kingston
Seymour
Sea
Wall.

~~The~~
River
Avon
(Bristol),
above
Latitude
51°
29'
40"
North.

~~The~~
River
Severn,
above

the
railway
bridge
at
Sharpness.

~~The~~
River
Wye,
above
a
line
drawn
due
west
from
Ewens
Rock.

~~The~~
River
Usk,
above
Latitude
51°
33'
10"
North.

~~The~~
River
Ebbw,
above
Latitude
51°
33'
10"
North.

~~The~~
River
Taff,
above
Clarence
Bridge.

~~The~~
River
Ely,
above
the
line
of
the
subway
at
Penarth
Dock.

~~The~~
River
Avon,
above
a
line
drawn
from
the
seaward
end
of

the
North
Pier
to
the
seaward
end
of
the
breakwater
at
the
south
of
the
river.

78e
River
Neath,
above
Latitude
51°
38'
North.

78e
River
Tawe,
above
a
line
drawn
from
the
seaward
end
of
the
west
pier
to
the
seaward
end
of
the
east
pier
at
the
river
mouth.

78e
River
Loughor,
above
the
railway
bridge,
north-west
of
Loughor
Station.

78e
Gwendraeth
Fawr,
above

the
railway
bridge
between
Burry
Port
and
Kidwelly.

~~The~~
Gwendraeth
Fach,
above
the
railway
bridge
near
Kidwelly
Station.

~~The~~
River
Towy,
above
the
ferry
near
Ferryside
Station.

~~The~~
River
Taf,
above
the
Ferry
at
Black
Scar
Point.

~~The~~
Daucleddau,
above
Pembroke
Ferry.

~~The~~
River
Gwaun,
above
the
road
bridge
between
Fishguard
and
Lower
Town.

~~The~~
River
Nevern,
above
the
road
bridge
between
Newport
and
Berry

Hill.
The
River
Teifi,
above
the
ferry
north
of
St.
Dogmells.

The
River
Aeron,
above
the
westernmost
road
bridge
at
Aberayron.

The
River
Dovey,
above
the
railway
bridge
near
Dovey
Junction.

The
River
Dwryd,
above
the
railway
bridge
south-east
of
Penrhyndeudraeth
Station.

The
River
Glaslyn,
above
the
road
bridge
at
Portmadoc.

The
River
Conway,
above
Talycafn
Bridge.

The
River
Clwyd,
above
the
Foryd
Road

Bridge,
Rhyl.
~~The~~
River
Dee,
above
a
line
drawn
through
the
points
where
the
southern
boundary
of
the
Borough
of
Flint
and
the
north-
western
boundary
of
the
Neston
Urban
District
cross
high-water
mark
of
ordinary
spring
tides.

[F1] The
River
Mersey,
above
a
line
drawn
from
the
south
corner
of
Royal
Seaforth
Dock
to
the
point
where
the
north
side
of
the
Seacombe
Ferry
Landing
Stage

meets
the
Mersey
River
Wall.]

Annotations:

**Amendments
(Textual)**

F1 Sch.
4
para.91
substituted
by
S.I.
1983/1203,
reg.
2

~~The~~
Rivers
Ribble
and
Douglas,
above
a
line
drawn
due
south
from
the
Naze.

~~The~~
River
Wyre,
above
a
line
drawn
from
the
Fleetwood
ferry
pier
to
the
Knott
End
ferry
pier.

~~The~~
River
Lune,
above
a
line
drawn
due
north
from
the
northernmost
part
of
Fishnet
Point.

The
River
Kent,
above
the
railway
viaduct
at
Arnside.

The
River
Leven,
above
the
railway
viaduct
between
Cark
and
Ulverston.

The
River
Duddon,
above
the
railway
viaduct
between
Foxfield
Station
and
Green
Road
Station.

The
River
Esk,
South,
(Cumberland),
above
the
railway
bridge
north
of
Eskmeals
Station.

The
River
Mite,
above
the
railway
bridge
north-west
of
Ravenglass
Station.

The
River
Irt,
above
the
railway
bridge,

south-east
of
Drigg
Station.
~~The~~
River
Calder,
above
the
railway
bridge
south-east
of
Sellafield
Station.

~~The~~
River
Derwent,
above
a
line
drawn
from
the
seaward
end
of
the
New
Pier
and
the
seaward
end
of
the
North
Jetty
at
Workington
Harbour.

~~The~~
River
Ellen,
above
a
line
drawn
from
the
seaward
end
of
the
southern
pier
and
the
seaward
end
of
the
northern
pier
at
Maryport

Harbour.

T04

River
Waver,
above
Latitude
54°
52'
North.

T05

River
Wampool,
above
the
ford
at
Anthorn.

T06

Rivers
Eden
and
Esk,
above
Longitude
3°
5'
West.

T07

River
Clyde,
above
a
line
drawn
from
the
seaward
or
western
end
of
the
Princes
Pier,
Greenock,
to
the
seaward
end
of
Craigendoran
Pier.

T08

River
Dee
(Aberdeenshire),
above
a
line
joining
the
seaward
end
of
the

south
breakwater
and
the
seaward
end
of
the
north
pier
at
Aberdeen
Harbour.

~~The~~
River
Forth,
above
a
line
drawn
between
Hound
Point
on
the
south
bank
and
Hopeward
Point
on
the
north
bank.

~~The~~
Water
of
Leith,
above
a
line
drawn
from
the
seaward
end
of
the
east
breakwater
to
the
seaward
end
of
the
west
breakwater
at
the
entrance
to
the
harbour
and
docks

of
Leith.
~~The~~
River
Tay,
above
a
line
drawn
from
the
northern
end
of
the
east
pier
at
Tayport
Harbour
to
the
point
where
the
centre
line
of
Strips
of
Craigie
Road,
Dundee,
produced
in
a
southerly
direction
crosses
high-water
mark
of
ordinary
spring
tides.

~~The~~
waters
of
any
river
flowing
into
the
waters
specified
in
the
foregoing
paragraphs
of
this
Schedule
above
the
limits
therein

specified.
~~The~~
Minister
may
by
regulation
vary
the
foregoing
provisions
of
this
Schedule
either
by
the
inclusion
of
any
waters
not
for
the
time
being
specified
therein
or
by
the
exclusion
of
any
waters
for
the
time
being
so
specified.