

## Revised Statute from The UK Statute Law Database

### Coast Protection Act 1949 (c.74)

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## Coast Protection Act 1949

1949 CHAPTER 74 12\_13\_and\_14\_Geo\_6

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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- F1** Words repealed by Local Government Act 1972 (c. 70), Sch. 30
- F2** S. 1(3) repealed by Local Government (Scotland) Act 1973 (c. 65), Sch. 29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—
- the council of any county [**F2**(other than one in Wales)] any part of which is within the area;
  - [ **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;
  - 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;
  - [**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;
  - 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—
- 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;
  - provide for the incorporation of the board with power to hold land for the purposes of their powers and duties;
  - 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 <sup>M1</sup>Fishery Harbours Act 1915 applies, the powers of the Minister under this subsection shall be exercised jointly with [<sup>F3</sup>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, [<sup>F4</sup>navigation authority or highway authority][<sup>F4</sup>or navigation authority], or by the [<sup>F5</sup>any of the Boards], the said powers shall be exercised jointly with the [<sup>F6</sup>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 [<sup>F7</sup>in the area of any [<sup>F2</sup>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.][<sup>F7</sup>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 [<sup>F2</sup>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 [F<sup>1</sup>rate as may be determined by regulations made by the Minister.][F<sup>1</sup>reasonable 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 <sup>[F1</sup>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.]]<sup>F1</sup>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 [<sup>F3</sup>which is a fishery harbour for the purposes of section 21 of the Sea Fish Industry Act 1951], means [<sup>F4</sup>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 [<sup>F5</sup>served by the National Rivers Authority or any internal drainage board] and the appropriate Minister is not [<sup>F4</sup>the Minister of Agriculture, Fisheries and Food], if he is the appropriate Minister or [<sup>F4</sup>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 [<sup>F6</sup>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 M1Transport 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 [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
  - (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 <sup>[F1</sup> [Land Compensation Act 1961](#)], the <sup>[F2</sup> [Acquisition of Land Act 1981](#)], and the <sup>M2</sup> [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  
**M1**Clergy  
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  
**M2**Episcopal  
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  
[<sup>F1</sup>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  
[<sup>F2</sup>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  
[<sup>F3</sup>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  
[<sup>F1</sup>Secretary  
of  
State]  
under  
section  
nine  
of  
the  
<sup>M1</sup>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  
[<sup>F1</sup>Board  
of  
Trade]  
has  
been  
given  
under  
that  
section,  
shall  
be  
guilty  
of  
an  
offence  
under  
this  
Act.

<sup>F2</sup>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  
[<sup>F3</sup>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  
[<sup>F1</sup>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,  
[F1county  
borough,]  
.  
.  
F2  
district  
[F3or  
in  
Scotland  
the  
council  
of  
a  
region,  
islands  
area  
or  
district],  
or  
an  
incorporated  
company  
or  
body,  
[F4including  
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.  
~~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,  
[<sup>F1</sup>county  
borough,]  
. .  
<sup>F2</sup>  
district  
[<sup>F3</sup>or  
in  
Scotland  
[<sup>F4a</sup>  
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 [\[<sup>F1</sup>Secretary of State\]](#) 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)~~  
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)~~ of  
~~in~~ inquiries  
~~that~~  
~~to~~ section  
~~(4)~~ relating  
~~to~~ requires  
~~the~~ trusts  
~~Minister's~~  
~~shall~~  
~~apply~~  
~~to~~ such  
~~an~~  
~~in~~ inquiries  
~~to~~ be  
~~held~~  
~~under~~  
~~the~~ provisions  
~~of~~ the  
~~parties~~  
~~thereto)~~  
~~shall~~  
~~not~~  
~~apply~~  
~~in~~  
~~relation~~  
~~to~~  
~~any~~  
~~inquiry~~  
~~unless~~  
~~it~~  
~~is~~  
~~so~~  
~~directed~~  
~~by~~  
~~the~~  
~~Minister~~  
~~or~~  
~~Ministers~~  
~~at~~  
~~whose~~  
~~instance~~  
~~the~~  
~~inquiry~~  
~~is~~  
~~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  
**M2**Local  
Government  
Act  
1972],  
a  
reference  
to  
[**F3**subsection  
(2)  
and  
subsections  
(4)  
to  
(8)  
of  
section  
210  
of  
the  
**M3**Local  
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  
[<sup>F1</sup>Secretary  
of  
State]  
so  
directs,  
be  
held  
by  
Commissioners  
under  
the  
<sup>M4</sup>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  
<sup>M5</sup>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  
[<sup>F1</sup>Secretary  
of  
State]  
under  
the  
<sup>M1</sup>Dockyard  
Ports  
Regulation  
Act  
1865;

[<sup>F2</sup>—; 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;]

<sup>F3</sup>—; 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  
[<sup>F5</sup>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

"the sea" means the sea  
 adjacent to the coast  
 of the United Kingdom  
 and to the Channel Islands  
 and the Isle of Man;  
 "the shore" means the shore  
 of the sea;  
 "the coast" means the coast  
 of the United Kingdom  
 and to the Channel Islands  
 and the Isle of Man;  
 "the cliff" means a cliff  
 which is situated on the  
 coast and is of such a  
 nature as to be liable to  
 erosion or to be affected  
 by the sea;  
 "the bank" means a bank  
 of the sea;  
 "the dune" means a dune  
 situated on the coast;  
 "the beach" means a beach  
 situated on the coast;  
 "the flat" means a flat  
 situated on the coast;  
 "the other land adjacent  
 to the shore" means  
 any land situated on the  
 coast and adjacent to the  
 shore;  
 "the purposes of Part  
 I of this Act" means the  
 purposes of the provisions  
 of this Act which relate  
 to the protection of the  
 coast.

“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<br>in<br>s.<br>49(1)<br>substituted<br>(E.W.)<br>(1.12.1991)<br>by<br>Water<br>Consolidation<br>(Consequential<br>Provisions)<br>Act<br>1991<br>(c.<br>60,<br>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**

|           |                        |
|-----------|------------------------|
| <b>M1</b> | 1923<br>c.<br>16.      |
| <b>M2</b> | 1966<br>c.<br>38.      |
| <b>M3</b> | 1857<br>c.<br>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

"beach" means any part of the foreshore or beach, whether or not it is covered by water, and includes any bank, 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.  
[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

the<sup>34</sup>;  
 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

“the sea”

shall mean

(1) the sea

within the mean

high water mark

of the coast

within the

territory of the

United Kingdom;

(2) the sea

within the

territory of the

United Kingdom

within the

territory of the

United Kingdom

within the

territory of the

United Kingdom

within the

territory of the

United Kingdom

within the

territory of the

United Kingdom

within the

territory of the

United Kingdom

within the

territory of the

United Kingdom

within the

territory of the

United Kingdom

within the

territory of the

United Kingdom

within the

territory of the

United Kingdom

within the

territory of the

United Kingdom

within the

territory of the

United Kingdom

within the

territory of the

United Kingdom

within the

territory of the

United Kingdom

within the

territory of the

United Kingdom

within the

territory of the

United Kingdom

within the

territory of the

United Kingdom

within the

territory of the

United Kingdom

within the

territory of the

United Kingdom

within the

territory of the

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**

|           |                        |
|-----------|------------------------|
| <b>M1</b> | 1930<br>c.<br>44.      |
| <b>M2</b> | 1923<br>c.<br>16.      |
| <b>M3</b> | 1966<br>c.<br>38.      |
| <b>M4</b> | 1857<br>c.<br>cxlviii. |

**Short title and extent**

This Act may be cited as the Coast Protection Act 1949.

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  
[<sup>F1</sup>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  
[<sup>F1</sup>county  
borough,]

.  
.

<sup>F2</sup>  
or  
county  
district  
wholly  
or  
partly  
included  
in  
the  
area  
affected  
by  
the  
order;

(b)  
any  
sea  
defence  
commissioners,  
coast  
protection  
board,  
[<sup>F3</sup>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.  
~~¶~~  
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~~  
~~adapted~~  
for  
~~whom~~ing  
Persons  
affected,  
of  
~~this~~ice  
State  
~~applies~~  
the  
~~order~~  
~~has~~ice  
~~been~~  
made,  
~~and~~  
~~published~~  
until  
~~the~~ce  
~~expiration~~  
of  
~~the~~y  
~~period~~  
of  
~~twenty-eight~~  
~~days~~  
~~is~~ferred  
~~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

[<sup>F3</sup>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  
 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  
[<sup>F1</sup>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  
 [F<sup>2</sup>river  
 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

[<sup>F1</sup>river  
authority],

or

by

the

harbour

authority

for

a

harbour

to

which

the

<sup>M1</sup>Fishery

Harbours

Act,

1915,

applies,

as

references

to

the

Minister

and

[<sup>F2</sup>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.

**S**ubject  
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.

**A**s  
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  
 any  
 quash  
 the  
 reference  
 generally  
 the  
 date  
 of  
 the  
 publication  
 of  
 the  
 notice  
 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  
[<sup>F1</sup>any  
catchment  
board,  
external  
drainage  
board,  
conservancy  
authority,  
harbour  
authority,  
navigation  
authority  
or  
[<sup>F2</sup>river  
authority]  
whose  
area][<sup>F1</sup>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  
[<sup>F1</sup>Secretary  
of  
State];”  
and  
(o)  
the  
words  
“section  
six  
of  
the  
<sup>M1</sup>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.<br>17aadded<br>by<br>S.I.<br>1958/2146<br>(1958<br>I,<br>p.<br>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.<br>21<br>substituted<br>by<br>S.I.<br>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

**F1**ngstone  
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

**F1**rtsmouth  
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.](#)

~~F1e35~~  
[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.<br>45<br>substituted<br>by<br>S.I.<br>1958/2146<br>(1958<br>I,<br>p.<br>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.

~~By~~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.  
~~72e~~  
River  
Parrett,  
above  
a  
line  
drawn  
due  
west  
from  
Island  
Farm  
Point.

~~73e~~  
River  
Brue,  
above  
Longitude  
2°  
59'  
45"  
West.

~~74e~~  
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.

~~75e~~  
River  
Avon  
(Bristol),  
above  
Latitude  
51°  
29'  
40"  
North.

~~76e~~  
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  
Avan,  
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.