4TH SCH. —*cont.*

Session and Chapter	Short Title	Extent of Repeal
6 & 7 Geo. 6. c. 17.	The Nurses Act, 1943 ...	In section two, in subsection (1), in paragraph (*a*), the words " and publication ". In section three, subsection (3). As from the date specified in relation to the roll by rules made under subsection (1) of section fifteen of this Act, in section four, in subsection (1), the words " and in respect of the retention in any year of the name of any person on the roll " and the proviso. In section five, subsection (2). Section nineteen. In the Second Schedule, in paragraph 3, the words " printed and published as "; and, as from the date specified in relation to the list by rules made under subsection (1) of section fifteen of this Act, the words " retention or ".

Table of Statutes referred to in this Act

Short Title	Session and Chapter
Nurses Registration Act, 1919	9 & 10 Geo. 5. c. 94.
Nurses Act, 1943	6 & 7 Geo. 6. c. 17.
Education Act, 1944	7 & 8 Geo. 6. c. 31.
National Health Service Act, 1946	9 & 10 Geo. 6. c. 81.

CHAPTER 74

Coast Protection Act, 1949

ARRANGEMENT OF SECTIONS

PART I

COAST PROTECTION

Coast protection authorities

Section
1. Coast protection authorities.
2. Constitution of coast protection boards.
3. Appointment of joint committees.

Execution of coast protection work

4. General powers of coast protection authorities.
5. Objections to, and approval of, proposals to carry out coast protection work.
6. Power to make schemes for carrying out work.
7. Works schemes providing for coast protection charges.

Section
8. Confirmation of works schemes.
9. Carrying out of work provided for by works schemes.
10. Recovery of coast protection charges.
11. Incidence of coast protection charges, etc.
12. General powers of maintenance and repair of works.
13. Recovery of cost of maintenance of works not constructed under works schemes.
14. Compulsory acquisition of land.
15. Provisions as to subsisting obligations to carry out coast protection work.

General and supplementary provisions relating to Part I

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

PART II

PROVISIONS FOR SAFETY OF NAVIGATION

34. Restriction of works detrimental to navigation.
35. Operations excepted from s. 34.
36. Enforcement of s. 34.

PART III

MANAGEMENT OF CROWN FORESHORE

37. Management of Crown foreshore transferred from Minister of Transport to Commissioners of Crown Lands.
38. Powers of management of Commissioners.
39. Repeals and amendments consequential on Part III.
40. Interpretation of Part III.

PART IV

SUPPLEMENTARY

41. Expenses.
42. Accounts of borough councils, coast protection boards and joint committees.
43. Penalties for offences.
44. Regulations and orders.

Section
45. Service of notices and other documents.
46. Local inquiries.
47. Savings.
48. Repeals.
49. Interpretation.
50. Short title and extent.

SCHEDULES:
First Schedule.—Procedure for making Orders and Provisions as to the validity of Orders.
Part I.—General Provisions.
Part II.—Certain Orders to be subject to Special Parliamentary Procedure.
Part III.—Provisions with respect to the validity of Orders not confirmed by Parliament.
Part IV.—Application to Scotland.
Second Schedule.—Provisions as to Orders restricting excavation of materials from the seashore.
Part I.—General Provisions.
Part II.—Interim Orders.
Part III.—Application to Scotland.
Third Schedule.—Enactments repealed.
Fourth Schedule.—Waters excluded for purposes of definitions of "sea" and "seashore".

An Act to amend the law relating to the protection of the coast of Great Britain against erosion and encroachment by the sea; to provide for the restriction and removal of works detrimental to navigation; to transfer the management of Crown foreshore from the Minister of Transport to the Commissioners of Crown Lands; and for purposes connected with the matters aforesaid. [24th November 1949.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

PART I

COAST PROTECTION

Coast protection authorities

Coast protection authorities.

1.—(1) The council of each maritime county borough or county district shall, subject to the provisions of any order under the next following section, be the coast protection authority for the county borough or county 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.

PART I —*cont.*

(3) In the application of this section to Scotland, for references to a county borough or to a county district there shall be substituted respectively references to a burgh or to a county, and in subsection (1) the words from "subject to" to "section" shall be omitted.

Constitution of coast protection boards.

2.—(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 county borough or county district any part of which is within the area for which the board is constituted, and, if the order so provides, of representatives of such one or more as may be specified in the order of the following bodies and persons, that is to say—

(*a*) the council of any county any part of which is within the area;

(*b*) any sea defence commissioners, river board or other drainage authority, harbour authority, fishery board, local fisheries committee, conservancy authority or navigation authority having any powers or duties in relation to any part of the area;

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

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

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

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

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

PART I —*cont.*

(5) An order made under this section may—

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

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

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

(*d*) 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*) in relation to a river board or other drainage authority, fishery board (other than the Tweed Commissioners) or local fisheries committee, or a harbour authority for a harbour to which the Fishery Harbours Act, 1915, applies, means the Minister and the Minister of Agriculture and Fisheries;

(*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 the British Transport Commission, means the Minister and the Minister of Transport; 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.

Appointment of joint committees.

3.—(1) Any coast protection authority may concur with any one or more other coast protection authorities in appointing a joint committee of those authorities either for the aggregate of the areas of the authorities or for any part thereof, and may delegate to the committee, with or without restrictions, as they think fit, any of their functions under this Act, except any power of issuing precepts for any payments or of borrowing money.

(2) A joint committee appointed under the last foregoing subsection shall consist of such persons, being either members of the appointing authorities or persons nominated for the purpose by any one or more of the bodies and persons mentioned in paragraphs (*a*) to (*e*) of subsection (2) of the last foregoing section, as the appointing authorities may determine:

Provided that not less than one half of the members of the committee shall consist of members of the appointing authorities.

(3) The number of members of a joint committee appointed under subsection (1) of this section, the term of office of the

PART I —*cont.*

members thereof, and any limitation of the area within which the committee is to exercise its authority, shall be fixed by the appointing authorities.

(4) Every member of a joint committee appointed under subsection (1) of this section, being a member of one of the appointing authorities, shall, on ceasing to be a member of that authority, also cease to be a member of the committee:

Provided that for the purposes of this subsection a person shall not be deemed to have ceased by reason of retirement to be a member of an authority, if he has been re-elected a member thereof not later than the day of his retirement.

(5) Without prejudice to the foregoing provisions of this section, a coast protection authority may concur with any one or more other authorities or persons in appointing, from among their respective members or otherwise, a joint advisory committee for the purpose of advising or assisting the coast protection authority in the exercise of their functions under this Act either generally or in relation to any particular part of their area or the carrying out of any particular coast protection work; and for the purpose aforesaid any such committee may be appointed subject to such provisions with respect to its constitution and functions as the appointing authorities or persons may jointly determine.

(6) In the application of this section to Scotland, for any reference to the bodies and persons mentioned in paragraphs (*a*) to (*e*) of subsection (2) of section two of this Act there shall be substituted a reference to the following bodies and persons, that is to say—

(*a*) any harbour authority, fishery board, conservancy authority or navigation authority having any powers or duties in relation to any part of the area within which the joint committee is to exercise its authority;

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

(*c*) the British Transport Commission, in the case of that area containing any railway, canal or inland navigation vested in that Commission and likely to be injuriously affected by the sea;

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

Execution of coast protection work

PART I —*cont.*

General powers of coast protection authorities.

4.—(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.

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

5.—(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 on any river board or other drainage authority in whose area 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.

PART I —*cont.*

(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 river board 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 Fishery Harbours Act, 1915, applies, the powers of the Minister under this subsection shall be exercised jointly with the Minister of Agriculture and Fisheries;

(*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, navigation authority or highway authority, or by the British Transport Commission, the said powers shall be exercised jointly with the Minister of Transport.

(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 in the area of any river board 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

PART I —*cont.*

give to the drainage authority, before or as soon as possible after the commencement of the work, notice of the nature of the work.

(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 river board " 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 ".

Power to make schemes for carrying out work.

6.—(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

(*b*) 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.

Works schemes providing for coast protection charges.

7.—(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

PART I —*cont.*

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

PART I —*cont.*

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.

(8) 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.

Confirmation of works schemes.

8.—(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, on any river board or other drainage authority in whose area 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

PART I —*cont.*

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:

Provided that—

(*a*) where the objection is made by a river board 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 Fishery Harbours Act, 1915, applies, the powers of the Minister under this subsection shall be exercised jointly with the Minister of Agriculture and Fisheries;

(*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, navigation authority or highway authority, or by the British Transport Commission, the said powers shall be exercised jointly with the Minister of Transport.

(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

PART I —*cont.*

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.

(8) As soon as may be after a works scheme indicating land as contributory land becomes operative, the scheme shall be registered in the prescribed manner in the register of local land charges by the appropriate officer of the council of each county borough or county district in which any of the contributory land is situated; and—

(*a*) it shall be the duty of the coast protection authority as soon as may be after the scheme has become operative to notify that fact to the appropriate officer of any other authority by whom the scheme is required to be registered as aforesaid and to furnish him with all information relating to the scheme requisite in that behalf;

PART I —*cont.*

(*b*) the power conferred by subsection (6) of section fifteen of the Land Charges Act, 1925, to make rules for giving effect to the provisions of that section shall be exercisable for giving effect to the provisions of this subsection, and in this subsection the expression "prescribed" means prescribed by rules made in exercise of that power.

(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 river board" 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.

Carrying out of work provided for by works schemes.

9.—(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.

PART I —*cont.*

Recovery of coast protection charges.

10.—(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 rate as may be determined by regulations made by the Minister.

(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:

Provided that an occupier shall not be required under this subsection to 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.

(4) 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.

PART I —*cont.*

(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.

Incidence of coast protection charges, etc.

11.—(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—

(*a*) the purposes authorised for the application of capital money by section seventy-three of the Settled Land Act, 1925, 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 Universities and College Estates Act, 1925, and the purposes authorised by section seventy-one of the

PART I —*cont.*

Settled Land Act, 1925, by that section as applied as aforesaid, and by section thirty-one of the 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*) 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 Duchy of Cornwall Management Act, 1863, 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.

General powers of maintenance and repair of works.

12.—(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.

PART I —*cont.*

(2) 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 Transport Act, 1947, have for the time being power to maintain.

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

13.—(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 the 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;

PART I —*cont.*

(*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;

PART I —*cont.*

(*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 a court of quarter sessions.

(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.

Compulsory acquisition of land.

14.—(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 Acquisition of Land (Authorisation Procedure) Act, 1946, shall apply in relation to any such compulsory purchase as 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 paragraph 15 of the First Schedule to the said Act of 1946, 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 Acquisition of Land (Authorisation Procedure) Act, 1946, and to paragraph 15 of the First Schedule thereto there shall be substituted a reference to the Acquisition of Land (Authorisation Procedure) (Scotland) Act, 1947, and to paragraph 15 of the First Schedule thereto.

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

15.—(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

PART I —*cont.*

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

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

16.—(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 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.

(5) A coast protection authority in England or Wales shall have power to institute proceedings for a contravention of subsection (1) of this section.

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

17.—(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 highway authority for the protection of a highway;

PART I —*cont.*

(*d*) by the British Transport Commission, or an Executive established by or under section five of the Transport Act, 1947, for the protection of a railway; or

(*e*) by a harbour authority.

(2) Work excluded from the operation of the last foregoing section by virtue only of paragraphs (*b*) to (*e*) of the last foregoing subsection shall not be carried out except in accordance with the following provisions of this section; and any body or person who contravenes the provisions of this subsection shall be guilty of an offence under this Act.

(3) Before carrying out any such work as aforesaid the body or person in question (in this section referred to as "the undertakers") shall give to the coast protection authority in whose area the work is to be carried out, to any coast protection authority whose area adjoins that area, and to any river board or other drainage authority whose area comprises the whole or any part of that area, not less than twenty-eight days' notice of their intention in that behalf, specifying the work to be carried out; and where notice is so given—

(*a*) the undertakers shall not carry out the work before the expiration of the notice; and

(*b*) if before the expiration of the notice any authority or board to whom the notice has been given serves notice of objection on the 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.

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

PART I —*cont.*

(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 to which the Fishery Harbours Act, 1915, applies, means the Minister of Agriculture and Fisheries; 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 served by a river board or other drainage authority and the appropriate Minister is not the Minister of Agriculture and Fisheries, if he is the appropriate Minister or the Minister of Agriculture and Fisheries.

(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, means the Minister; and ".

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

18.—(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 Minister of Transport 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 Minister under the said Part II.

PART I —*cont.*

(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 lying to seaward therefrom 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.

(7) 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) The Coast Protection Act, 1939, shall cease to have effect.

(10) Notwithstanding the repeal of the 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

PART I —*cont.*

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.

Provisions as to compensation.

19.—(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.

PART I —*cont.*

(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

(*b*) any reference to land shall include a reference to salmon fishings.

Contributions towards expenses of coast protection.

20.—(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 county district in England or Wales, the council of the county within which the county district is situated shall pay to the council of the county 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

PART I —*cont.*

county district council or to any other such council) in the same financial year, exceeds the product of a rate of one penny in the pound levied over the whole county:

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 county 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 Minister of Transport to be so attributable, shall be disregarded for the purposes of the last foregoing subsection.

(4) The council of a county in England or Wales may pay such contributions as they think fit towards any expenses incurred by any person other than the council of a county 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 county borough in England or Wales or the council of a burgh 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) The council of a county in Scotland shall pay towards the expenses incurred under this Act by the council of a small burgh in the county in respect of coast protection work carried out, in whole or in part, for the protection of a road for the maintenance and management of which the council of the county

are responsible such contributions as may be agreed between the two councils or as, in default of agreement, may be determined by the Minister.

Exchequer grants.

21.—(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 in the carrying out of coast protection work under the enactments relating to highways; or

(*c*) incurred, whether before or after the commencement of this Act, by the council of a county, county borough or county district in respect of any coast protection work begun since the fourteenth day of August, nineteen hundred and forty-five, being work carried out by that council and approved by the Minister for the purposes of this paragraph, or carried out by some other person under an agreement so approved whereby the council undertook to defray or contribute towards the expenses thereof.

(2) Subject to such conditions as aforesaid the Minister may make grants to the Seaford Urban District Council for the provision of funds for meeting expenditure incurred by the Commissioners for the Newhaven and Seaford Sea Defence Works.

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

(*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 highway authority"; and

(*b*) in paragraph (*c*) thereof for the words "county borough or county district" there shall be substituted the words "or of a burgh".

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

22.—(1) The provisions of the Local Government Act, 1933, 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.

(2) It is hereby declared that any power of the council of a county borough or county district in England or Wales, or the council of a burgh or county in Scotland, under any other enactment to provide concert halls, entertainment rooms, reading

PART I —*cont.*

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 Local Government Act, 1933, there were substituted a reference to the Local Government (Scotland) Act, 1947, and as if the words " and those provisions as applied by order under section two of this Act " were omitted.

Power of coast protection authority to sell materials.

23.—(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.

Provisions as to arbitrations.

24.—(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 section two of the Acquisition of Land (Assessment of Compensation) Act, 1919, (which provides rules for valuation on a compulsory acquisition) shall apply for the purposes of any such arbitration.

(3) For the purposes of any such arbitration, section five of the said Act of 1919 (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 ":

Provided that until sections one to three of the Lands Tribunal Act, 1949, come into force as respects Scotland the expression " the Lands Tribunal for Scotland " shall be construed as meaning an official arbiter appointed under the Acquisition of Land (Assessment of Compensation) Act, 1919, and the following

PART I —*cont.*

provisions of the said Act of 1919 that is to say, section three thereof (which relates to procedure), section five thereof (which relates to costs) as modified by sections five and ten of the said Act of 1949, but with the substitution for references to the acquiring authority of references to the coast protection authority, and section six thereof (which relates to the statement of special cases) as modified by section ten of the said Act of 1949, shall apply for the purposes of the arbitration.

Powers of entry and inspection.

25.—(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;

(*c*) 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—

(*a*) 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

PART I —*cont.*

(*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.

(7) 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 one hundred pounds or to imprisonment for a term not exceeding three months.

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

26.—(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

PART I —*cont.*

him as having an interest therein, whether as freeholder, mortgagee, owner, creditor in a heritable security, lessee or otherwise.

(2) 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 five pounds.

Acquisition by coast protection authority of right of passage for facilitating coast protection work.

27.—(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.

(3) The provisions of the Lands Clauses Acts as to the acquisition of land by agreement or compulsorily, the provisions of the Acquisition of Land (Assessment of Compensation) Act, 1919, the Acquisition of Land (Authorisation Procedure) Act, 1946, and the 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 made by the Minister apply to securing the creation of such rights as aforesaid as they apply to the acquisition of land.

(4) 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.

(5) 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 Act.

PART I —*cont.*

(6) In the application of this section to Scotland, for any reference to the Acquisition of Land (Authorisation Procedure) Act, 1946, there shall be substituted a reference to the Acquisition of Land (Authorisation Procedure) (Scotland) Act, 1947.

Power of Minister to facilitate coast protection work.

28.—(1) 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) An 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) Any 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) At any time after the Minister is satisfied that the time for serving notice of objection to an application under this section

PART I —*cont.*

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.

29.—(1) If 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) If 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 default and directing them to exercise such of their powers under this Act as may be specified in the order in such manner and within such time as may be so specified.

(3) If the authority declared to be in default by an order made under this section fail to comply with any requirement thereof, the Minister, in lieu of enforcing the order by mandamus or otherwise, may make an order transferring to himself such of the powers of the authority as he thinks fit, or may make an order transferring those powers to the council of the county in which, according to the nature of the default, they ought to be exercised:

Provided that this subsection shall not, as respects anything to be done within the area of a county borough, authorise the transfer to a county council of any powers of a coast protection authority being either the council of the borough or a coast protection board on which the council of the borough is represented.

(4) Where any functions are transferred to a county council under this section—

(*a*) the expenses incurred by the county council in discharging those functions shall, except in so far as they may be met by any contribution made by the county council, be a debt due from the authority in default to the county council, and shall be defrayed as part of the expenses of that authority under this Act, and the authority shall have the like power of raising the money required as they have of raising money for defraying expenses incurred directly by them;

(*b*) the county council, for the purpose of the functions transferred to them, may on behalf of the authority in default borrow money subject to the like conditions,

PART I —*cont.*

in the like manner, and on the security of the like revenues as that authority might have borrowed for the purpose of those functions;

(*c*) the county council may charge the said revenues with the payment of the principal and interest of the loan, and the loan, with the interest thereon, shall be paid by the authority in default in like manner, and the charge shall have the like effect, as if the loan were lawfully raised and charged on those revenues by that authority; and

(*d*) the county council shall keep separate accounts of all receipts and expenditure in respect of the transferred functions.

(5) Where the Minister has transferred any functions to himself under this section, any expenses incurred by him in discharging those functions shall be paid in the first instance by him, but the amount of those expenses as certified by the Minister shall on demand be paid to him by the authority in default and shall be recoverable by him from them, and that authority shall have the like power of raising the money required as they have of raising money for defraying expenses incurred directly by them.

(6) Any order made under subsection (3) of this section may provide for the transfer to the Minister or the county council, as the case may be, of such of the property and liabilities of the authority in default as, in the opinion of the Minister, may be necessary or expedient; and when any such order is revoked the Minister may, either by the revoking order or by a subsequent order, make such provision as appears to him to be desirable as to any property or liabilities held by him or by the county council for the purposes of the functions transferred.

(7) In the application of this section to Scotland, subsection (3) shall have effect as if for the reference to mandamus there were substituted a reference to proceedings under section ninety-one of the Court of Session Act, 1868, and as if for the words from "or may make an order" to the end of the subsection there were substituted the words "or, if the authority declared to be in default are the council of a small burgh within the meaning of the Local Government (Scotland) Act, 1947, may make an order transferring those powers to the council of the county in which the burgh is situated."

Transfer and compensation of officers, and superannuation rights.

30.—(1) An order constituting or dissolving a coast protection board, an order under the last foregoing section transferring or retransferring functions of a coast protection authority, and an agreement setting up or dissolving a joint committee under section three of this Act, 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.

PART I —*cont.*

(2) References in the last foregoing subsection to an order constituting a coast protection board and to an agreement setting up a joint committee shall be construed respectively as including references to an order and an agreement varying the constitution of such a board or committee, as the case may be.

(3) In this section the expression " the authorities concerned " means—

(*a*) in relation to an order constituting a coast protection board or an agreement setting up a joint committee, the constituent or appointing authorities;

(*b*) in relation to an order or agreement varying the constitution of such a board or committee, the board or committee, the constituent or appointing authorities, and any authority which on the variation taking effect will be one of the constituent or appointing authorities;

(*c*) in relation to an order or agreement dissolving such a board or committee, the board or committee and the constituent or appointing authorities;

(*d*) in relation to an order under the last foregoing section, the coast protection authority and, where the order transfers or retransfers functions to or from a county council, that council.

Repeal or amendment of local Acts

31.—(1) If 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.

(2) The provisions of the First Schedule to this Act shall apply to orders made under this section:

Provided that 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*) the 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*) the order is made on the application of the commissioners, or on the application of a coast protection authority with the concurrence of the commissioners.

PART I —*cont.*

(3) Any 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) The power to make orders conferred by this section shall be exercisable by statutory instrument.

Application to the Crown.

32.—(1) Subject 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.

(2) Except 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) An order under section eighteen of this Act shall not bind the Crown if the order has effect without being confirmed by the Minister.

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

(*c*) in 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*) in 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.

PART I —*cont.*

Provisions as to land belonging to ecclesiastical corporations.

33.—(1) 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 corporation, the Church Commissioners may—

(*a*) apply any moneys or securities held by them for the corporation in discharging the whole or any part of the sums payable or recoverable;

(*b*) if the land belongs to a benefice, make grants out of their corporate funds in or towards the discharge of any such sum, 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 Clergy Residences Repair Act, 1776, and the Acts or Measures amending that Act.

(2) In this section the expression " ecclesiastical corporation " means any ecclesiastical corporation within the meaning of the 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 Act, 1936.

PART II

PROVISIONS FOR SAFETY OF NAVIGATION

Restriction of works detrimental to navigation.

34.—(1) Subject to the provisions of the next following section, no person shall without the consent in writing of the Minister of Transport carry out any of the following operations, that is to say,—

(*a*) construct, alter or improve any works on, under or over any part of the seashore lying below high water mark of ordinary spring tides,

(*b*) deposit any object or any materials on any such part of the seashore as aforesaid, or

(*c*) remove any object or any materials from any part of the seashore lying below low water mark of ordinary spring tides,

so that obstruction or danger to navigation is caused or is likely to result.

(2) The said Minister 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 he may cause notice of the application, and of the

PART II —*cont.*

time within which and the manner in which objections thereto may be made, to be published in such manner as he may consider appropriate for informing persons affected thereby, and, before granting his consent, may, if he thinks fit, direct a local inquiry to be held.

(3) If the Minister of Transport is of opinion that any operation in respect of which application is made to him under this section will cause or is likely to result in obstruction or danger to navigation, he shall either refuse his consent or give his consent subject to such conditions as he may think fit, having regard to the nature and extent of the obstruction or danger which it appears to him would otherwise be caused or be likely to result.

(4) A consent of the Minister of Transport 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.

(5) The Public Harbours Act, 1806 (which, as amended by section fifteen of the Harbours Transfer Act, 1862, and other enactments, prohibits the erection of certain works in public harbours without notice to the Minister of Transport) shall cease to have effect.

Operations excepted from s. 34.

35.—(1) 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*) the carrying out of any coast protection work approved by the Minister as mentioned in the next following subsection;

(*c*) the carrying out of any dredging operations (including the deposit of dredged materials) authorised by any local Act in accordance with the provisions thereof;

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

(*e*) any work to which the consent of the Admiralty, 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 Admiralty under section nine of the Harbours Transfer Act, 1862;

(*f*) any work which a conservancy authority or a harbour authority or a navigation authority is empowered to

PART II —*cont.*

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*) any work carried out by, or in accordance with a licence or permission granted by, such an authority in pursuance of any Act, where—

(i) the Act requires that if the approval of the Minister of Transport is not previously obtained to the work other conditions must be complied with, and

(ii) the said approval has been so obtained or the said conditions are complied with.

(2) For 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*) if 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*) if 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.

Enforcement of s. 34.

36.—(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

(*b*) fails to comply with any condition subject to which any consent of the Minister of Transport has been given under that section,

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 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 Minister of Transport has been given under that section, the said Minister 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

PART II —*cont.*

appears to the said Minister urgently necessary so to do, may himself remove or alter the works or remove the object or materials.

(3) If 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 said Minister may himself remove or alter the works or remove the object or materials as specified in the notice.

(4) Where under either of the two last foregoing subsections the said Minister himself removes or alters any works or removes any object or materials, he shall be entitled to recover the expense thereof, as certified by him, from the person by whom the works were constructed, altered or improved, or the object or materials was or were deposited.

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

PART III

MANAGEMENT OF CROWN FORESHORE

Management of Crown foreshore transferred from Minister of Transport to Commissioners of Crown Lands.

37. So much of the Crown foreshore as immediately before the appointed day was under the management of the Minister of Transport is, as from the appointed day, hereby transferred to the management of the Commissioners of Crown Lands.

Powers of management of Commissioners.

38.—(1) The enactments relating to the Commissioners of Crown Lands shall apply to the management of foreshore the management whereof is transferred to them by the last foregoing section, and to the application of moneys received by those Commissioners in the management thereof, as those enactments apply to the management of foreshore which was under the management of those Commissioners immediately before the appointed day and to the application of moneys received in the management of such foreshore.

(2) All property, rights and liabilities held or enjoyed by or incumbent on the Minister of Transport immediately before the appointed day in connection with the management of foreshore the management of which is transferred to the said Commissioners by the last foregoing section shall on the appointed day be transferred to the said Commissioners.

(3) Anything commenced by or under the authority of the Minister of Transport before the appointed day, so far as it relates to the management of foreshore the management of which is transferred to the said Commissioners by the last foregoing section, may on and after the appointed day be carried on and completed by the said Commissioners.

(4) In any instrument, contract or legal proceedings made or commenced before the appointed day the said Commissioners

PART III —*cont.*

shall be substituted, in relation to the management of foreshore the management of which is transferred to them by the last foregoing section, for the Minister of Transport.

Repeals and amendments consequential on Part III.

39.—(1) The provisions of the Crown Lands Act, 1866, and of the Crown Lands Act, 1906, specified in the Third Schedule to this Act shall cease to have effect on the appointed day.

(2) Section twenty-two of the said Act of 1866 (which confers on persons interested in certain mines and quarries power, on giving notice, to make use of the foreshore in order to carry out certain operations) shall as from the appointed day be amended by the substitution—

(*a*) for the words " under the management of the Board of Trade," of the words " the management of which was transferred to the Commissioners of Crown Lands by the Coast Protection Act, 1949 " ;

(*b*) for the words " to the Board of Trade," of the words " to the Commissioners of Crown Lands."

(3) Any notice given under the said section twenty-two before the appointed day shall thereafter have effect as if it had also been given to the Commissioners of Crown Lands.

Interpretation of Part III.

40.—(1) In this Part of this Act:—

the expression " the appointed day " means such date as the Minister of Transport may by order appoint;

the expression " Crown foreshore " means so much of the bed and shore of the sea as belongs to His Majesty in right of the Crown, and includes any right or interest in Crown foreshore.

(2) The power conferred by the last foregoing subsection to make an order shall be exercisable by statutory instrument.

PART IV

SUPPLEMENTARY

Expenses.

41.—(1) Save as expressly provided in this Act, any expenses incurred by the Minister or by the Minister of Transport or any other Minister or government department under this Act shall be defrayed out of moneys provided by Parliament.

(2) Any increase attributable to this Act in the sums payable out of moneys provided by Parliament under Parts I and II of the Local Government Act, 1948, shall be defrayed out of moneys so provided.

Accounts of borough councils, coast protection boards and joint committees.

42.—(1) The following authorities, that is to say—

(*a*) the council of every borough in England or Wales having functions under this Act,

(*b*) every coast protection board, and

PART IV —*cont.*

(*c*) every joint committee appointed under subsection (1) of section three of this Act, not being a committee in whose case all the appointing authorities are authorities in Scotland,

shall keep accounts of the sums received and expended by them in the exercise of functions under this Act, and those accounts shall be made up and audited in like manner as the accounts of a council specified in section two hundred and nineteen of the Local Government Act, 1933 (which provides for district audit) and, in the case of a borough council, shall be kept separately from their other accounts.

(2) The enactments relating to the audit of accounts by a district auditor and to the matters incidental to such audit and consequential thereon shall have effect in relation to the accounts required to be kept under this section as they have effect in relation to the accounts of the councils specified in the said section two hundred and nineteen.

Penalties for offences.

43. Save as hereinbefore 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 ten pounds and, in the case of a second or any subsequent offence thereunder, to a fine not exceeding fifty pounds.

Regulations and orders.

44.—(1) 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) Any 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.

Service of notices and other documents.

45.—(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*) by 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*) in the case of the council of a county, county borough, county district or burgh, 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*) in 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 Acquisition of Land (Authorisation Procedure) Act, 1946, or the 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.

Local inquiries.

46.—(1) The Minister or the Minister of Transport 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 Minister of Transport, as the case may be, may direct, and all persons interested shall be permitted to attend the inquiry and to be heard thereat.

(3) The provisions of subsections (2) to (5) of section two hundred and ninety of the Local Government Act, 1933 (which relate to evidence at local inquiries and to defraying the costs thereof) shall apply to all inquiries held under this Act:

Provided that subsection (4) of that section (which requires the Minister's costs of such an inquiry to be defrayed by 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.

(4) In the application of this section to Scotland, there shall be substituted for any reference to subsections (2) to (5) of section two hundred and ninety of the Local Government Act, 1933, a reference to subsection (2) and subsections (4) to (9) of section three hundred and fifty-five of the Local Government (Scotland) Act, 1947, and the proviso to subsection (3) of this section shall be omitted.

(5) Any 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

PART IV —*cont.*

or the Minister of Transport so directs, be held by Commissioners under the Private Legislation Procedure (Scotland) Act, 1936, and where any direction is so given—

(*a*) it shall be deemed to have been given under section two, as read with section ten, of the Statutory Orders (Special Procedure) Act, 1945;

(*b*) if 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

(*c*) the provisions of subsection (3) of this section shall not apply to such inquiry.

Savings.

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

(*a*) affect the powers conferred on the Admiralty under the Dockyard Ports Regulation Act, 1865;

(*b*) affect any powers or duties of the Postmaster-General under the provisions of the Telegraph Acts, 1863 to 1943;

(*c*) authorise or require any person—

(i) to carry out any work of alteration, improvement, repair, maintenance, demolition or removal on any works constructed or maintainable by a river board or other drainage authority, or

(ii) to carry out any work on land on which the sowing or planting of vegetation is carried out or vegetation is maintained by a river board or other drainage authority,

unless the board or authority consents or the work is to be done by, or under a scheme prepared by, a coast protection board on which the board or authority is represented and is to be carried out in the area of that coast protection board;

(*d*) authorise or require any person to carry out any work or do anything in contravention of the Ancient Monuments Acts, 1913 and 1931; or

(*e*) 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.

Repeals.

48. The enactments specified in the Third Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule, but as respects any enactment so specified which is contained in the Crown Lands Act, 1866, or the

Crown Lands Act, 1906, only as from the appointed day for the purposes of Part III of this Act. PART IV —*cont.*

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

"catchment board" and "drainage authority" have the same meanings as in the 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 protection of any land, and includes the sowing or planting of vegetation for the said purpose;

"conservancy authority" and "harbour authority" have the same meanings as in the Merchant Shipping Act, 1894;

"constituent authority," in relation to a coast protection board, means a body or person represented on the board by virtue of an order made under section two of this Act;

"fishery board" means any such fishery board as is referred to in section forty-four of the Salmon and Freshwater Fisheries Act, 1923, and includes the Tweed Commissioners;

"functions" includes powers and duties;

"land" includes land covered by water;

"local Act" includes a provisional order confirmed by Parliament and also includes any enactment in a public general Act, being an enactment which amends a local Act;

"local fisheries committee" means a committee constituted under the Sea Fisheries Regulation Act, 1888;

"local highway authority" means a highway authority other than the Minister of Transport;

"maritime county borough or county district" means a county borough or county district any part of which adjoins the sea;

"materials" includes minerals and turf, but does not include seaweed;

"minerals" includes coal and stone and any metallic or other mineral substance;

PART IV —*cont.*

" Minister " means the Minister of Health;

" mortgage " includes any charge or lien for securing money or money's worth, and " mortgagee " shall be construed accordingly;

" navigation authority " means any person or body of persons having powers under any enactment or statutory order to work or maintain a canal or other inland navigation, including a navigation in tidal water;

" owner " in relation to any land means the person for the time being receiving the rackrent thereof, whether on his own account or as agent or trustee for any other person, or who would so receive that rent if the land were let at a rackrent;

" protection " means protection against erosion or encroachment by the sea;

" river board " has the same meaning as in the River Boards Act, 1948;

subject to the provisions of the next following subsection, " sea " includes the waters of any channel, creek, bay or estuary and of any river so far up that river as the tide flows;

" sea defence commissioners " means a body established by or under a local Act wholly or mainly for the purpose of carrying out coast protection work;

subject to the provisions of the next following subsection, " seashore " means the bed and shore of the sea, and of every channel, creek, bay or estuary, and of every river as far up that river as the tide flows, and any cliff, bank, barrier, dune, beach, flat or other land adjacent to the shore;

" surface," in relation to land covered by water, means the surface of the land;

20 & 21 Vict. c. cxlviii.

" Tweed Commissioners " means the Commissioners appointed under the Tweed Fisheries Act, 1857;

" works scheme " has the meaning assigned to it by section six of this Act.

(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.

(3) 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.

PART IV —*cont.*

(4) In the application of this section to Scotland, for the definitions of the expressions "fishery board", "maritime county borough or county district", "Minister" and "owner" there shall be substituted respectively the following definitions:—

"'fishery board' means the district board for a fishery district within the meaning of the Salmon Fisheries (Scotland) Act, 1862, and includes the Tweed Commissioners";

"'maritime burgh or county' means a burgh or county any part of which adjoins the sea";

"'Minister' means the Secretary of State"; and

"'owner' includes in relation to any land any person who under the Lands Clauses Acts would be enabled to sell and convey the land to the promoters of an undertaking":

and after the definition of the expression "functions" there shall be inserted the following definition:—

"'heritable security' has the same meaning as in the Conveyancing (Scotland) Act, 1924, and includes a security constituted by ex facie absolute disposition, but does not include a security by way of ground annual or a real burden ad factum praestandum".

Short title and extent.

50.—(1) This Act may be cited as the Coast Protection Act, 1949.

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

SCHEDULES

FIRST SCHEDULE

Sections 2, 8 and 31.

PROCEDURE FOR MAKING ORDERS AND PROVISIONS AS TO THE VALIDITY OF ORDERS

PART I

General Provisions

1. 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*) on the council of every county, county borough or county district wholly or partly included in the area affected by the order;

1ST SCH. —*cont.*

(*b*) on any sea defence commissioners, coast protection board, river board 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;

(*c*) on any local highway authority known to him to be responsible for the maintenance of any highway in the area; and

(*d*) on the British Transport Commission, if the area contains any railway, canal or inland navigation vested in that Commission.

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.

3.—(1) In 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.

4. In this Part of this Schedule the expression " the area affected by the order "—

(*a*) in 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*) in 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*) in 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*) in 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

5. 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

6. After the making of an order the Minister shall publish in the London Gazette, and in such other manner as he thinks best adapted for informing persons affected, a notice stating that the order has been made, and naming a place where a copy thereof may be seen at all reasonable hours:

Provided that in the case of an order to which Part II of this Schedule applies the said notice shall not be published until the expiration of the period of twenty-eight days referred to in that Part, and the notice shall state whether or not the order is to be subject to special parliamentary procedure.

7. If any person aggrieved by an 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 of the first publication of the said notice, make an application for the purpose to the High Court, and if any such application is duly made the court, if satisfied that the order is not within the powers of this Act or that the interests of 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:

Provided that this paragraph shall not apply to an order which is confirmed by Act of Parliament under section six of the Statutory Orders (Special Procedure) Act, 1945, and shall have effect in relation to any other order which is subject to special parliamentary procedure by virtue of Part II of this Schedule as if for the reference to the date of the publication of the notice there were substituted a reference to the date on which the order becomes operative under the said Act.

PART IV

Application to Scotland

8. In the application of this Schedule to Scotland—

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

(*b*) for references to the London Gazette and to a county borough or county district there shall be substituted respectively references to the Edinburgh Gazette and to a burgh; and

1ST SCH. —*cont.*

(*c*) for sub-paragraph (2) of paragraph 3 there shall be substituted the following sub-paragraph—

"(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 conservancy authority or a navigation authority or by a harbour authority, other than the authority for a harbour principally used by the fishing industry, or by a body mentioned in paragraph (*c*) or (*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 Minister and the Minister of Transport, instead of by the Minister;" and

(*d*) for the words "section six of the 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".

Section 18.

SECOND SCHEDULE

PROVISIONS AS TO ORDERS RESTRICTING EXCAVATION OF MATERIALS FROM THE SEASHORE

PART I

General Provisions

1. 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.

2. Where the coast protection authority cause notice to be published under the foregoing paragraph, they shall serve a like notice on any catchment board, external drainage board, conservancy authority, harbour authority, navigation authority or river board whose area comprises land to which the draft order relates.

3. In 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 river board.

4. If 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.

5.—(1) If 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.

(2) 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*) in the case of an objection made by a catchment board, external drainage board or river board, or by the harbour authority for a harbour to which the Fishery Harbours Act, 1915, applies, as references to the Minister and the Minister of Agriculture and Fisheries, and

(*b*) in 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 Minister of Transport.

6. 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.

7. If objection is duly made—

(*a*) by 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*) by 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.

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

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

10. 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

2ND SCH. —*cont.*

of the order is published in accordance with the last foregoing paragraph, make an application for the purpose to the High Court; and if any such application is duly made the court, if satisfied that the order is not within the powers of this Act or that the interests of 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 any property of the applicant; but except as aforesaid the order shall not at any time be questioned by prohibition or certiorari or in any proceedings whatsoever:

Provided that this paragraph shall not apply to an order which is confirmed by Act of Parliament under section six of the Statutory Orders (Special Procedure) Act, 1945, and shall have effect in relation to any other order which is subject to special parliamentary procedure by virtue of paragraph 7 of this Schedule as if for the reference to the date of the publication of the notice there were substituted a reference to the date on which the order becomes operative under the said Act.

PART II

Interim Orders

11. 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.

12. As 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 any catchment board, external drainage board, conservancy authority, harbour authority, navigation authority or river board whose area comprises land to which the interim order relates.

13. Any 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.

14. Subject to the last foregoing paragraph an interim order shall remain in force until the expiration of a period of six months after the making thereof and no longer:

Provided that if before the expiration of that period an order 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.

15. 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

16. In the application of this Schedule to Scotland—

(*a*) for 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*) for sub-paragraph (2) of paragraph 5 there shall be substituted the following sub-paragraph—

"(2) 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 Minister of Transport;" and

(*c*) for the words "section six of the 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".

THIRD SCHEDULE

Section 48.

ENACTMENTS REPEALED

Session and Chapter	Short title	Extent of Repeal
46 Geo. 3. c. 153	The Public Harbours Act, 1806.	The whole Act.
25 & 26 Vict. c. 69.	The Harbours Transfer Act, 1862.	Section fifteen.
29 & 30 Vict. c. 62.	The Crown Lands Act, 1866.	Sections seven to fifteen; sections seventeen to twenty-one.
6 Edw. 7. c. 28	The Crown Lands Act, 1906.	Section two; in section three, in subsection (1) the words "the Board of Trade" and "the Board of Trade or" and in subsection (2) the words "the Board of Trade or"; in section ten the words "the Board of Trade".
2 & 3 Geo. 6. c. 39.	The Coast Protection Act, 1939.	The whole Act.

Section 48.

FOURTH SCHEDULE

WATERS EXCLUDED FOR PURPOSES OF DEFINITIONS OF "SEA" AND "SEASHORE"

1. The River Tweed, above a line drawn from the north end of Spittal Point to the seaward end of the Harbour Breakwater.

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

3. 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.

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

5. 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.

6. The River Tyne, above a line drawn across the Narrows from Lloyd's Hailing Station to the Commissioners' Staiths.

7. The River Wear, above a line drawn from the seaward end of the Roker Pier to the seaward end of the South West Breakwater Pier.

8. 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.

9. The River Esk (Yorkshire), above a line drawn from the seaward end of the West Pier to the seaward end of the East Pier at Whitby.

10. 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.

11. 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.

12. The River Yare above a line drawn between the seaward ends of the piers at the entrance to the Haven at Great Yarmouth.

13. Oulton 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.

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

15. The River Alde, above Slaughden Ferry.

16. The River Deben, above a line drawn due east from the ferry quay at Felixstowe Ferry.

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

4TH SCH. —*cont.*

18. The River Colne, above a line drawn between St. Osyth Point and Mersea Point.

19. The River Blackwater, above Longitude 0° 55′ East.

20. The Rivers Crouch and Roach, above Longitude 0° 47′ East.

21. The River Thames, above a line drawn from the London Stone, North Level, Isle of Grain, to the westernmost point of the boundary of the County Borough of Southend.

22. 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.

23. The River Swale, above the Harty Ferry.

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

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

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

27. 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.

28. The River Adur, above the Old Shoreham Bridge.

29. 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.

30. Chichester Harbour, above Latitude 50° 47′ 30″ North.

31. Langstone Harbour, above Latitude 50° 47′ 30″ North.

32. Portsmouth Harbour, above the Ferry at Portsmouth Harbour Station.

33. Southampton Water, north of Latitude 50° 50′ North.

34. The Beaulieu River, above Latitude 50° 47′ 30″ North.

35. The Lymington River, above the railway bridge south-west of Lymington Station.

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

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

38. The River Yar (Western), above the road bridge between Yarmouth and Totland in the Isle of Wight.

39. The River Stour (Hampshire), above a line drawn due west from Grimbury Point.

40. 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.

4TH SCH. —*cont.*

41. 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.

42. The River Axe, above the Axmouth Bridge.

43. The River Sid, above the Alma Bridge.

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

45. The River Exe, above a line drawn due west from the westernmost end of The Point, Exmouth.

46. The River Teign, above the road bridge at the west end of " The Salty ".

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

48. Salcombe Harbour, above the ferry between Salcombe and East Postlemouth.

49. The River Avon (Devon), above the ferry nearest to the sea at Bantham.

50. The River Erme, above the ford near Efford House.

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

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

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

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

55. 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.

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

63. The River Brue, above Longitude 2° 59′ 45″ West.

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

65. The River Avon (Bristol), above Latitude 51° 29′ 40″ North.

66. The River Severn, above the railway bridge at Sharpness.

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

68. The River Usk, above Latitude 51° 33′ 10″ North.

69. The River Ebbw, above Latitude 51° 33′ 10″ North.

4TH SCH. —*cont.*

70. The River Taff, above Clarence Bridge.

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

72. 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.

73. The River Neath, above Latitude 51° 38′ North.

74. The 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.

75. The River Loughor, above the railway bridge, north-west of Loughor Station.

76. The Gwendraeth Fawr, above the railway bridge between Burry Port and Kidwelly.

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

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

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

80. The Daucleddau, above Pembroke Ferry.

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

82. The River Nevern, above the road bridge between Newport and Berry Hill.

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

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

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

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

87. The River Glaslyn, above the road bridge at Portmadoc.

88. The River Conway, above Talycafn Bridge.

89. The River Clwyd, above the Foryd Road Bridge, Rhyl.

90. 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.

91. The River Mersey, above a line drawn from the seaward end of the New Brighton Ferry pier to the point where the southern boundary of the Borough of Crosby crosses high-water mark of ordinary spring tides.

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

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

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

4TH SCH. —*cont.*

95. The River Kent, above the railway viaduct at Arnside.

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

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

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

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

100. The River Irt, above the railway bridge, south-east of Drigg Station.

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

102. 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.

103. 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.

104. The River Waver, above Latitude 54° 52′ North.

105. The River Wampool, above the ford at Anthorn.

106. The Rivers Eden and Esk, above Longitude 3° 5′ West.

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

108. The 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.

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

110. 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.

111. 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.

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

113. 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.

Table of Statutes referred to in this Act

Short Title	Session and Chapter
Clergy Residences Repair Act, 1776	17 Geo. 3. c. 53.
Public Harbours Act, 1806	46 Geo. 3. c. 153.
Episcopal and Capitular Estates Act, 1851	14 & 15 Vict. c. 104.
Tweed Fisheries Act, 1857	20 & 21 Vict. c. cxlviii.
Harbours Transfer Act, 1862	25 & 26 Vict. c. 69.
Salmon Fisheries (Scotland) Act, 1862	25 & 26 Vict. c. 97.
Duchy of Cornwall Management Act, 1863 ...	26 & 27 Vict. c. 49.
Dockyard Ports Regulation Act, 1865	28 & 29 Vict. c. 125.
Crown Lands Act, 1866	29 & 30 Vict. c. 62.
Court of Session Act, 1868	31 & 32 Vict. c. 100.
Sea Fisheries Regulation Act, 1888	51 & 52 Vict. c. 54.
Merchant Shipping Act, 1894	57 & 58 Vict. c. 60.
Crown Lands Act, 1906	6 Edw. 7. c. 28.
Fishery Harbours Act, 1915	5 & 6 Geo. 5. c. 48.
Acquisition of Land (Assessment of Compensation) Act, 1919	9 & 10 Geo. 5. c. 57.
Salmon and Freshwater Fisheries Act, 1923 ...	13 & 14 Geo. 5. c. 16.
Conveyancing (Scotland) Act, 1924	14 & 15 Geo. 5. c. 27.
Settled Land Act, 1925	15 & 16 Geo. 5. c. 18.
Law of Property Act, 1925	15 & 16 Geo. 5. c. 20.
Land Charges Act, 1925	15 & 16 Geo. 5. c. 22.
Universities and College Estates Act, 1925 ...	15 & 16 Geo. 5. c. 24.
Land Drainage Act, 1930	20 & 21 Geo. 5. c. 44.
Local Government Act, 1933	23 & 24 Geo. 5. c. 51.
Tithe Act, 1936	26 Geo. 5. & 1 Edw. 8. c. 43.
Private Legislation Procedure (Scotland) Act, 1936	26 Geo. 5. & 1 Edw. 8. c. 52.
Coast Protection Act, 1939	2 & 3 Geo. 6. c. 39.
Statutory Orders (Special Procedure) Act, 1945 ...	9 & 10 Geo. 6. c. 18.
Acquisition of Land (Authorisation Procedure) Act, 1946	9 & 10 Geo. 6. c. 49.
Acquisition of Land (Authorisation Procedure) (Scotland) Act, 1947	10 & 11 Geo. 6. c. 42.
Local Government (Scotland) Act, 1947	10 & 11 Geo. 6. c. 43.
Transport Act, 1947	10 & 11 Geo. 6. c. 49.
Local Government Act, 1948	11 & 12 Geo. 6. c. 26.
River Boards Act, 1948	11 & 12 Geo. 6. c. 32.
Lands Tribunal Act, 1949	12 & 13 Geo. 6. c. 42.