

*Status: Point in time view as at 01/10/2011.*

*Changes to legislation: There are currently no known outstanding effects for the Flood and Water Management Act 2010, Cross Heading: Coast Protection Act 1949. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 2

#### RISK MANAGEMENT: AMENDMENT OF OTHER ACTS

##### *Coast Protection Act 1949*

1 The Coast Protection Act 1949 is amended as follows.

##### **Commencement Information**

- I1** Sch. 2 para. 1 in force at 19.7.2011 for E. by S.I. 2011/1770, art. 3(d) (with art. 4(1))  
**I2** Sch. 2 para. 1 in force at 1.10.2011 for W. by S.I. 2011/2204, art. 3(2)(b) (with art. 5(1))

2 Section 2 (constitution of coast protection boards) is repealed.

##### **Commencement Information**

- I3** Sch. 2 para. 2 in force at 19.7.2011 for E. by S.I. 2011/1770, art. 3(d) (with art. 4(1))  
**I4** Sch. 2 para. 2 in force at 1.10.2011 for W. by S.I. 2011/2204, art. 3(2)(b) (with art. 5(1))

3 After section 2 insert—

##### **“2A Coastal erosion risk management authorities**

The following are “coastal erosion risk management authorities” for the purposes of this Act—

- (a) coast protection authorities, and
- (b) the Environment Agency.”

##### **Commencement Information**

- I5** Sch. 2 para. 3 in force at 19.7.2011 for E. by S.I. 2011/1770, art. 3(d) (with art. 4(1))  
**I6** Sch. 2 para. 3 in force at 1.10.2011 for W. by S.I. 2011/2204, art. 3(2)(b) (with art. 5(1))

4 (1) Section 4 (general powers) is amended as follows.

(2) For subsection (1) substitute—

“(1) A coast protection authority may carry out coast protection work inside or outside the authority's district if Conditions 1 and 2 are satisfied.

(1A) Condition 1 is that the authority thinks the work desirable having regard to the national flood and coastal erosion risk management strategies under sections 7 and 8 of the Flood and Water Management Act 2010.

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(1B) Condition 2 is that the purpose of the work is to manage a coastal erosion risk, within the meaning of Part 1 of the Flood and Water Management Act 2010, in the authority's district.

(1C) The Environment Agency may carry out coast protection work if it thinks the work desirable having regard to the national flood and coastal erosion risk management strategies under sections 7 and 8 of the Flood and Water Management Act 2010.”

(3) Omit subsection (2).

(4) In subsection (3) for “coast protection authority” substitute “ coastal erosion risk management authority ”.

#### Commencement Information

**I7** Sch. 2 para. 4 in force at 19.7.2011 for E. by S.I. 2011/1770, art. 3(d) (with art. 4(1))

**I8** Sch. 2 para. 4 in force at 1.10.2011 for W. by S.I. 2011/2204, art. 3(2)(b) (with art. 5(1))

5 (1) Section 5 (coast protection work: objections and approvals) is amended as follows.

(2) In subsection (1)—

- (a) for “coast protection authority” substitute “ coastal erosion risk management authority ”,
- (b) for “area of the authority” substitute “ area in which the proposed work is to take place ”, and
- (c) for the words from “on the Environment Agency” to the end substitute “ on the persons listed in subsection (1A). ”

(3) After subsection (1) insert—

“(1A) The notice shall be served—

- (a) on any internal drainage board in whose district any of the work is to be carried out, and
- (b) in the case of work proposed by a coast protection authority, on the Environment Agency.”

(4) In subsection (3) for “and on the authority” substitute “ , the authority proposing to carry out the work and, in the case of work proposed by a coast protection authority, the Environment Agency ”.

(5) In subsection (5)—

- (a) at the beginning insert “ In the case of work proposed by a coast protection authority, ” and
- (b) for “Minister” substitute “ Environment Agency ”.

(6) After subsection (5) insert—

“(5A) In the case of work proposed by the Environment Agency, the Agency—

- (a) may not begin the work before the time for serving notices of objection has expired and any objections have been determined by the Minister, and

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(b) must have regard to any determination of the Minister in deciding whether to carry out the proposed work, with or without modification.”

(7) In subsection (6)—

- (a) for “coast protection authority”, in the first place where it occurs, substitute “coastal erosion risk management authority ”,
- (b) for “the coast protection authority shall” substitute “ the authority shall ”,
- (c) in paragraph (a) for “where it is not represented on the coast protection authority” substitute “ (in the case of work carried out by a coast protection authority) ”, and
- (d) in paragraph (b) omit “which are not so represented and”.

**Commencement Information**

**I9** Sch. 2 para. 5 in force at 19.7.2011 for E. by S.I. 2011/1770, art. 3(d) (with art. 4(1))

**I10** Sch. 2 para. 5 in force at 1.10.2011 for W. by S.I. 2011/2204, art. 3(2)(b) (with art. 5(1))

6 In section 6 (power to make schemes for carrying out work) in subsection (1) for “coast protection authority” substitute “coastal erosion risk management authority ”.

**Commencement Information**

**I11** Sch. 2 para. 6 in force at 19.7.2011 for E. by S.I. 2011/1770, art. 3(d) (with art. 4(1))

**I12** Sch. 2 para. 6 in force at 1.10.2011 for W. by S.I. 2011/2204, art. 3(2)(b) (with art. 5(1))

7 (1) In section 8(1) (confirmation of works schemes)—

- (a) for “coast protection authority” substitute “coastal erosion risk management authority ”,
- (b) for “area of the authority” substitute “area in which the proposed work is to take place ”, and
- (c) after “Environment Agency” insert “ (in the case of a scheme prepared by a coast protection authority) ”.

(2) In section 8(5) for “coast protection authority” substitute “coastal erosion risk management authority ”.

**Commencement Information**

**I13** Sch. 2 para. 7 in force at 19.7.2011 for E. by S.I. 2011/1770, art. 3(d) (with art. 4(1))

**I14** Sch. 2 para. 7 in force at 1.10.2011 for W. by S.I. 2011/2204, art. 3(2)(b) (with art. 5(1))

8 In section 9 (carrying out of work) in subsection (4) for “coast protection authority” substitute “coastal erosion risk management authority ”.

**Commencement Information**

**I15** Sch. 2 para. 8 in force at 19.7.2011 for E. by S.I. 2011/1770, art. 3(d) (with art. 4(1))

**I16** Sch. 2 para. 8 in force at 1.10.2011 for W. by S.I. 2011/2204, art. 3(2)(b) (with art. 5(1))

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- 9 In section 10 (recovery of coast protection charges) in subsections (2), (5) and (8) for “coast protection authority” substitute “ coastal erosion risk management authority ”.

**Commencement Information**

- I17** Sch. 2 para. 9 in force at 19.7.2011 for E. by S.I. 2011/1770, art. 3(d) (with art. 4(1))  
**I18** Sch. 2 para. 9 in force at 1.10.2011 for W. by S.I. 2011/2204, art. 3(2)(b) (with art. 5(1))

- 10 In section 12 (maintenance and repair) in subsections (1) and (3) for “coast protection authority” substitute “ coastal erosion risk management authority ”.

**Commencement Information**

- I19** Sch. 2 para. 10 in force at 19.7.2011 for E. by S.I. 2011/1770, art. 3(d) (with art. 4(1))  
**I20** Sch. 2 para. 10 in force at 1.10.2011 for W. by S.I. 2011/2204, art. 3(2)(b) (with art. 5(1))

- 11 In section 13 (recovery of maintenance cost) in subsections (1), (3)(b), (4) and (6) for “coast protection authority” substitute “ coastal erosion risk management authority ”.

**Commencement Information**

- I21** Sch. 2 para. 11 in force at 19.7.2011 for E. by S.I. 2011/1770, art. 3(d) (with art. 4(1))  
**I22** Sch. 2 para. 11 in force at 1.10.2011 for W. by S.I. 2011/2204, art. 3(2)(b) (with art. 5(1))

- 12 (1) Section 14 (compulsory acquisition of land) is amended as follows.
- (2) In subsection (1)—
- (a) for “coast protection authority” insert “ coastal erosion risk management authority ”, and
- (b) omit from “Provided that” to the end.
- (3) Omit subsection (2).

**Commencement Information**

- I23** Sch. 2 para. 12 in force at 19.7.2011 for E. by S.I. 2011/1770, art. 3(d) (with art. 4(1))  
**I24** Sch. 2 para. 12 in force at 1.10.2011 for W. by S.I. 2011/2204, art. 3(2)(b) (with art. 5(1))

- 13 In section 19 (compensation for depreciation of value of an interest in land) in subsections (1) and (2) for “coast protection authority”, in each place, substitute “ coastal erosion risk management authority ”.

**Commencement Information**

- I25** Sch. 2 para. 13 in force at 19.7.2011 for E. by S.I. 2011/1770, art. 3(d) (with art. 4(1))  
**I26** Sch. 2 para. 13 in force at 1.10.2011 for W. by S.I. 2011/2204, art. 3(2)(b) (with art. 5(1))

- 14 Section 20 (contributions towards expenses) is repealed.

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- I27** Sch. 2 para. 14 in force at 19.7.2011 for E. by S.I. 2011/1770, art. 3(d) (with art. 4(1))  
**I28** Sch. 2 para. 14 in force at 1.10.2011 for W. by S.I. 2011/2204, art. 3(2)(b) (with art. 5(1))

15 Section 21 (grants to coast protection authorities) is repealed.

**Commencement Information**

- I29** Sch. 2 para. 15 in force at 19.7.2011 for E. by S.I. 2011/1770, art. 3(d) (with art. 4(1))  
**I30** Sch. 2 para. 15 in force at 1.10.2011 for W. by S.I. 2011/2204, art. 3(2)(b) (with art. 5(1))

16 In section 23 (power to sell materials) in subsections (1) and (2) for “coast protection authority” substitute “coastal erosion risk management authority”.

**Commencement Information**

- I31** Sch. 2 para. 16 in force at 19.7.2011 for E. by S.I. 2011/1770, art. 3(d) (with art. 4(1))  
**I32** Sch. 2 para. 16 in force at 1.10.2011 for W. by S.I. 2011/2204, art. 3(2)(b) (with art. 5(1))

17 In section 24 (arbitrations) in subsection (3) for “coast protection authority” substitute “coastal erosion risk management authority”.

**Commencement Information**

- I33** Sch. 2 para. 17 in force at 19.7.2011 for E. by S.I. 2011/1770, art. 3(d) (with art. 4(1))  
**I34** Sch. 2 para. 17 in force at 1.10.2011 for W. by S.I. 2011/2204, art. 3(2)(b) (with art. 5(1))

18 In section 25 (powers of entry and inspection) in subsections (1) and (9)(b) for “coast protection authority” substitute “coastal erosion risk management authority”.

**Commencement Information**

- I35** Sch. 2 para. 18 in force at 19.7.2011 for E. by S.I. 2011/1770, art. 3(d) (with art. 4(1))  
**I36** Sch. 2 para. 18 in force at 1.10.2011 for W. by S.I. 2011/2204, art. 3(2)(b) (with art. 5(1))

19 In section 26 (power to require information) in subsections (1) and (2) for “coast protection authority” substitute “coastal erosion risk management authority”.

**Commencement Information**

- I37** Sch. 2 para. 19 in force at 19.7.2011 for E. by S.I. 2011/1770, art. 3(d) (with art. 4(1))  
**I38** Sch. 2 para. 19 in force at 1.10.2011 for W. by S.I. 2011/2204, art. 3(2)(b) (with art. 5(1))

20 In section 27 (acquisition of right of passage) in subsections (1), (4)(b) and (5) for “coast protection authority” substitute “coastal erosion risk management authority”.

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- I39** Sch. 2 para. 20 in force at 19.7.2011 for E. by S.I. 2011/1770, **art. 3(d)** (with art. 4(1))  
**I40** Sch. 2 para. 20 in force at 1.10.2011 for W. by S.I. 2011/2204, **art. 3(2)(b)** (with art. 5(1))

- 21 In section 28 (power of Minister to facilitate coast protection work) in subsections (1) and (2) for “coast protection authority”, in each place, substitute “ coastal erosion risk management authority ”.

**Commencement Information**

- I41** Sch. 2 para. 21 in force at 19.7.2011 for E. by S.I. 2011/1770, **art. 3(d)** (with art. 4(1))  
**I42** Sch. 2 para. 21 in force at 1.10.2011 for W. by S.I. 2011/2204, **art. 3(2)(b)** (with art. 5(1))

- 22 In section 44 (regulations and orders) in subsection (2) for “coast protection authority” substitute “ coastal erosion risk management authority ”.

**Commencement Information**

- I43** Sch. 2 para. 22 in force at 19.7.2011 for E. by S.I. 2011/1770, **art. 3(d)** (with art. 4(1))  
**I44** Sch. 2 para. 22 in force at 1.10.2011 for W. by S.I. 2011/2204, **art. 3(2)(b)** (with art. 5(1))

- 23 In section 45 (service) in subsection (2) for “coast protection authority” substitute “ coastal erosion risk management authority ”.

**Commencement Information**

- I45** Sch. 2 para. 23 in force at 19.7.2011 for E. by S.I. 2011/1770, **art. 3(d)** (with art. 4(1))  
**I46** Sch. 2 para. 23 in force at 1.10.2011 for W. by S.I. 2011/2204, **art. 3(2)(b)** (with art. 5(1))

- 24 In section 49 (interpretation) for the definition of “coast protection work” substitute—

““coast protection work” means any of the following done for the purpose of managing a coastal erosion risk (within the meaning of Part 1 of the Flood and Water Management Act 2010)—

- (a) anything done to construct, alter, repair, maintain or remove works;
- (b) anything done for the purpose of maintaining or restoring natural processes;
- (c) planting vegetation.”

**Commencement Information**

- I47** Sch. 2 para. 24 in force at 19.7.2011 for E. by S.I. 2011/1770, **art. 3(d)** (with art. 4(1))  
**I48** Sch. 2 para. 24 in force at 1.10.2011 for W. by S.I. 2011/2204, **art. 3(2)(b)** (with art. 5(1))

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