



# Coast Protection Act 1949

1949 CHAPTER 74 12 13 and 14 Geo 6

## PART IV

### SUPPLEMENTARY

#### 46 Local inquiries.

- (1) The Minister or the [<sup>F1</sup>Secretary of State] may cause a local inquiry to be held in any case where it appears to him to be advisable to do so in connection with any matter arising under this Act.
- (2) Notice of any such inquiry shall be given in such manner as the Minister, or the [<sup>F1</sup>Secretary of State], as the case may be, may direct, and all persons interested shall be permitted to attend the inquiry and to be heard thereat.
- (3) The provisions of subsections (2) to (5) of [<sup>F2</sup>section two hundred and fifty of the <sup>M1</sup>Local Government Act 1972] (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 [<sup>F2</sup>section two hundred and fifty of the <sup>M2</sup>Local Government Act 1972], a reference to [<sup>F3</sup>subsection (2) and subsections (4) to (8) of section 210 of the <sup>M3</sup>Local Government (Scotland) Act 1973], 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 or the [<sup>F1</sup>Secretary of State] so directs, be held by Commissioners under the <sup>M4</sup>Private Legislation Procedure (Scotland) Act 1936, and where any direction is so given—

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*Changes to legislation: There are currently no known outstanding effects for the Coast Protection Act 1949, Section 46. (See end of Document for details)*

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- (a) it shall be deemed to have been given under section two, as read with section ten, of the <sup>M5</sup>Statutory Orders (Special Procedure) Act 1945;
- (b) 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.

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#### **Textual Amendments**

- F1** Words substituted by virtue of [S.I. 1970/1681](#)
  - F2** Words substituted by virtue of [Interpretation Act 1889 \(c. 63\), s. 38\(1\)](#)
  - F3** Words substituted by [Local Government \(Scotland\) Act 1973 \(c. 65\)](#). s. 138(2)(f)
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#### **Modifications etc. (not altering text)**

- C1** S. 46 extended by [Continental Shelf Act 1964 \(c. 29\), s. 4](#)
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#### **Marginal Citations**

- M1** [1972 c. 70.](#)
- M2** [1972 c. 70.](#)
- M3** [1973 c. 65.](#)
- M4** [1936 c. 52.](#)
- M5** [1945 c. 18 \(9 & 10 Geo. 6\).](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Coast Protection Act 1949, Section 46.