



Coast Protection Act 1949

1949 CHAPTER 74 12 13 and 14 Geo 6

PART I **E+W+S**

COAST PROTECTION

General and supplementary provisions relating to Part I

16 Consent of coast protection authority required to carrying out of coast protection work. **E+W+S**

- (1) Subject to the provisions of the next following section, any person who carries out any coast protection work, other than work of maintenance or repair, without the consent in writing of the coast protection authority in whose area the work is to be carried out, or in contravention of any conditions subject to which that consent is granted, shall be guilty of an offence under this Act.
- (2) Without prejudice to any proceedings under the last foregoing subsection, where any person has constructed, altered or improved any works in contravention of that subsection or of any such condition as aforesaid, the said coast protection authority may serve a notice on him requiring him, within such period (not being less than thirty days) as may be specified in the notice, to remove the works or to make such alteration therein as may be so specified.
- (3) If within the period specified in a notice under the last foregoing subsection the person on whom the notice is served fails to comply therewith, the coast protection authority may themselves remove or alter the works, as specified in the notice, and if they do so they shall be entitled to recover the expense thereof from the person on whom the notice was served.
- (4) Where for the purposes of subsection (1) of this section application is made to a coast protection authority for their consent, they shall, before determining the application, give notice thereof to any coast protection authority whose area adjoins their area ^[F1]and to any river board or other drainage authority whose area comprises the whole or any part of their area, and shall consider any representations made by any such authority.]]^[F1]^[F2]and to the appropriate agency and to any] internal drainage board

Changes to legislation: There are currently no known outstanding effects for the Coast Protection Act 1949.
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whose district comprises the whole or any part of their area, and shall consider any representations made [^{F3}by the appropriate agency or by any] such authority or board.]

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

Textual Amendments

- F1** S. 16(4): for the words from “and to any” to “such authority” there is substituted (E.W.) the words from “and to the National Rivers Authority” to “such authority or board” by [Water Act 1989 \(c. 15, SIF 130\)](#), ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)-(10), 190, 193(1), Sch. 25 para. 11(4), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58.
- F2** Words in s. 16(4) substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(S.I. 2013/755\)](#), art. 1(2), [Sch. 2 para. 8\(2\)](#) (with Sch. 7)
- F3** Words in s. 16(4) substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(S.I. 2013/755\)](#), art. 1(2), [Sch. 2 para. 8\(3\)](#) (with Sch. 7)

Modifications etc. (not altering text)

- C2** S. 16(1) excluded by [Channel Tunnel Act 1987 \(c. 53, SIF 102\)](#), s. 44(1)
S. 16(1) excluded (18.12.1996) by 1996 c. 61, s. 38, [Sch. 10 para.4](#)
- C3** S. 16(1) excluded (24.9.2014) by [The Thames Water Utilities Limited \(Thames Tideway Tunnel\) Order 2014 \(S.I. 2014/2384\)](#), art. 1, [Sch. 19 Pt. 1 para. 10](#)

17 Notification to coast protection authority of coast protection work to be carried out by certain authorities. **E+W**

- (1) Subsection (1) of section sixteen of this Act shall not apply to the carrying out of work—
- by a coast protection authority;
 - 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;
 - by a ^{F4} . . . authority for the protection of a highway
 - by the British Transport Commission, or an Executive established by or under section five of the ^{M1}Transport Act 1947, for the protection of a railway; or
 - 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 [^{F5}that area, to the appropriate agency and to any][^{F6}internal drainage board whose district] comprises the whole or any part of that area, not less than twenty-eight days’ notice of their intention in that behalf, specifying the work to be carried out; and where notice is so given—
- the undertakers shall not carry out the work before the expiration of the notice; and

Changes to legislation: There are currently no known outstanding effects for the Coast Protection Act 1949.
Cross Heading: General and supplementary provisions relating to Part I. (See end of Document for details)

- (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.
- (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 [^{F7}which is a fishery harbour for the purposes of section 21 of the Sea Fish Industry Act 1951], means [^{F8}the Minister of Agriculture, Fisheries and Food]; and
 - (c) in any other case, means the Minister of Transport;
- and any question arising under paragraph (a) of this subsection shall be determined by the Treasury.
- (9) For the purposes of subsection (4) of this section, a Minister shall be deemed to be a Minister concerned if he is the appropriate Minister or, in a case where the notice of objection was [^{F9}served by the National Rivers Authority or any internal drainage board] and the appropriate Minister is not [^{F8}the Minister of Agriculture, Fisheries and Food], if he is the appropriate Minister or [^{F8}the Minister of Agriculture, Fisheries and Food].
- (10) In the application of this section to Scotland, paragraph (b) of the last but one foregoing subsection shall have effect as if for the words from “to which the Fishery Harbours Act” to the end of the paragraph there were substituted the words “principally used by the fishing industry [^{F10}or are a highway authority], means the Minister; and”

Changes to legislation: There are currently no known outstanding effects for the Coast Protection Act 1949.

Cross Heading: General and supplementary provisions relating to Part I. (See end of Document for details)

Extent Information

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

Textual Amendments

- F4** Word in s. 17(1)(c) repealed (E.W.) by [Local Government Act 1972 \(c. 70\)](#), s. 272, **Sch. 30**
- F5** Words in s. 17(3) substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(S.I. 2013/755\)](#), art. 1(2), **Sch. 2 para. 9(2)** (with Sch. 7)
- F6** Words in s. 17(3) substituted (E.W.) by [Water Act 1989 \(c. 15\)](#), ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 25 para. 11(5)(a), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), **58**
- F7** Words in s. 17(8)(b) substituted (15.7.1992) by [Transport and Works Act 1992 \(c. 42\)](#), s. **65(2)**; S.I. 1992/1347, art. 2, **Sch.**
- F8** Words substituted by virtue of S.I. 1955/554 (1955 I, p. 1200)
- F9** Words in s. 17(9) substituted (E.W.) by [Water Act 1989 \(c. 15\)](#), ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 25 para. 11(5)(b), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), **58**
- F10** Words inserted by S.I. 1955/1955 (1955 I, p. 1205)

Modifications etc. (not altering text)

- C4** S. 17 functions transferred (24.5.2018) by [The Welsh Ministers \(Transfer of Functions\) Order 2018 \(S.I. 2018/644\)](#), arts. 1(1), **5(1)** (with art. 5(3))
- C5** Powers of British Transport Commission and Executives established by or under [Transport Act 1947 \(c. 49\)](#), s. 5, mentioned in s. 17(1) now exercisable by British Railways Board: [Transport Act 1962 \(c. 46\)](#), **Sch. 2 Pt. II para. 2**
- C6** S. 17(2) applied by [Channel Tunnel Act 1987 \(c. 53, SIF 102\)](#), s. **44(1)**
- C7** S. 17(3)–(9) applied by [Channel Tunnel Act 1987 \(c. 53, SIF 102\)](#), s. **44(1)**
- C8** S. 17(8)(b); Functions transferred (3.12.2001) by S.I. 2001/3503, **arts. 2, 3**

Marginal Citations

- M1** 1947 c. 49.

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

- (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 [^{F57}roads authority] for the protection of a [^{F57}road]
 - (d) by the British Transport Commission, or an Executive established by or under section five of the ^{M13}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.

Changes to legislation: There are currently no known outstanding effects for the Coast Protection Act 1949.
Cross Heading: General and supplementary provisions relating to Part I. (See end of Document for details)

- (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 [^{F58}Scottish Ministers] and on the undertakers, the undertakers shall not (unless the objection is withdrawn) carry out the work except in accordance with any direction given under the following provisions of this section.
- (4) Where notice of objection has been served under the last foregoing subsection and has not been withdrawn, the [^{F59}Scottish Ministers], after affording to the undertakers and to the objectors and, if the objectors are not the coast protection authority in whose area the work is to be carried out, to that authority, an opportunity of being heard by a person appointed by the [^{F60}Scottish Ministers] for the purpose, shall determine the objection.
- (5) Where an objection has been determined under the last foregoing subsection, the [^{F61}Scottish Ministers] shall either direct that the undertakers shall be at liberty to carry out the work (whether as specified in the notice given by them under subsection (3) of this section or subject to such modifications or conditions as the [^{F61}Scottish Ministers] may think fit, having regard to the determination of the objection as aforesaid) or shall direct the undertakers not to carry out the work.
- (6) A coast protection authority in England or Wales shall have power to institute proceedings for a contravention of subsection (2) of this section.
- (7) Nothing in this section shall prevent any body or person from carrying out, without the provisions of this section having been complied with, any coast protection work which appears to them or him to be urgently necessary for the protection of any land; but where any work is so carried out, being work to which subsection (2) of this section applies, the undertakers shall, before or as soon as possible after the commencement of the work, give to the coast protection authority in whose area the work is carried out notice of the nature of the work.

- ^{F62}(8)
- ^{F62}(9)
- ^{F62}(10)

Extent Information

- E3** This version of this provision extends to Scotland only; a separate version has been created for England and Wales only.
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Textual Amendments

- F57** Words in s. 17(1)(c) substituted (S.) by [Roads \(Scotland\) Act 1984 \(c. 54\), s. 156\(1\), Sch. 9 para. 38\(2\)](#).

Changes to legislation: There are currently no known outstanding effects for the Coast Protection Act 1949.
 Cross Heading: General and supplementary provisions relating to Part I. (See end of Document for details)

- F58** Words in s. 17(3)(b) substituted (1.7.1999) by S.I. 1999/1820, arts. 1(2), 4, **Sch. 2 Pt. I para. 24(2)(a)**
F59 Words in s. 17(4) substituted (1.7.1999) by S.I. 1999/1820, arts. 1(2), 4, **Sch. 2 Pt. I para. 24(2)(b)(i)**
F60 Words in s. 17(4) substituted (1.7.1999) by S.I. 1999/1820, arts. 1(2), 4, **Sch. 2 Pt. I para. 24(2)(b)(ii)**
F61 Words in s. 17(5) substituted (1.7.1999) by S.I. 1999/1820, arts. 1(2), 4, **Sch. 2 Pt. I para. 24(c)**
F62 S. 17(8)-(10) omitted (1.7.1999) by S.I. 1999/1820, arts. 1(2), 4, **Sch. 2 Pt. I para. 24(d)**

Modifications etc. (not altering text)

- C13** Powers of British Transport Commission and Executives established by or under [Transport Act 1947 \(c. 49\), s. 5](#), mentioned in s. 17(1) now exercisable by British Railways Board: [Transport Act 1962 \(c. 46\), Sch. 2 Pt. II para. 2](#)
C14 S. 17(2) applied by [Channel Tunnel Act 1987 \(c. 53, SIF 102\), s. 44\(1\)](#)
C15 S. 17(3)–(9) applied by [Channel Tunnel Act 1987 \(c. 53, SIF 102\), s. 44\(1\)](#)

Marginal Citations

- M13** 1947 c. 49.

18 Prohibition of excavation etc., of materials on or under the seashore. **E+W+S**

- (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 [^{F11}Secretary of State] in the exercise of the powers conferred upon him by Part II of this Act, or the excavation or removal thereof by any other person in compliance with a notice served by that [^{F11}Secretary of State] under the said Part II.
- (3) A coast protection authority may make an order applying the provisions of this section to any such portion of the seashore within their area or [^{F12}of the sea–shore lying to seaward of their area but within three nautical miles of the baselines from which the breadth of the territorial sea adjacent to Great Britain is measured,] as may be described in the order:

Provided that the order may, as respects the whole of that portion of the seashore or any such part thereof as may be specified in the order, except from the provisions of subsection (1) of this section the carrying out of operations of any such class as may be so specified, and any such exception may be either unconditional or subject to such conditions as may be specified in the order.

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

Provided that a licence granted under this subsection shall not render lawful anything which would be unlawful if subsection (1) of this section had not been enacted.

*Changes to legislation: There are currently no known outstanding effects for the Coast Protection Act 1949,
Cross Heading: General and supplementary provisions relating to Part I. (See end of Document for details)*

- (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) F13
- (10) Notwithstanding the repeal of the ^{M2}said Act of 1939 any order made, or deemed for the purposes of that Act to have been made, under section one of that Act, if in force immediately before the commencement of this Act, shall continue in force and have effect as if it had been made under this section by the appropriate coast protection authority and confirmed by the Minister in accordance with the provisions of the Second Schedule to this Act, or, if it is an interim order made by virtue of the proviso to subsection (1) of section one of the [said Act of 1939,] as if it had been made by the appropriate coast protection authority as an interim order in accordance with the provisions of Part II of the said Second Schedule; and any order continued in force as aforesaid may be amended or revoked accordingly.

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

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

Textual Amendments

- F11** Words substituted by virtue of S.I. 1970/1681
F12 Words substituted by [Territorial Sea Act 1987 \(c. 49, SIF 29:1\)](#), s. 3(1), **Sch. 1 para. 1(1)**
F13 S. 18(9) repealed by [Statute Law Revision Act 1953 \(c. 5\)](#)

Modifications etc. (not altering text)

- C9** S. 18 excluded by [Channel Tunnel Act 1987 \(c. 53, SIF 102\)](#), s. 44(2)
S. 18(1) excluded by [1996 c. 61, s. 38](#), **Sch. 10 para.4**
C10 S. 18(1) excluded (24.9.2014) by [The Thames Water Utilities Limited \(Thames Tideway Tunnel\) Order 2014 \(S.I. 2014/2384\)](#), art. 1, **Sch. 19 Pt. 1 para. 10**
C11 “the said Act of 1939” in s. 18(10) means [Coast Protection Act 1939 \(c. 39\)](#)

Changes to legislation: There are currently no known outstanding effects for the Coast Protection Act 1949.
Cross Heading: General and supplementary provisions relating to Part I. (See end of Document for details)

Marginal Citations

M2 1939 c. 39.

19 Provisions as to compensation. **E+W+S**

- (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 [^{F14}coast protection authority][^{F14}coastal erosion risk management 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 [^{F14}coast protection authority][^{F14}coastal erosion risk management 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 [^{F15}coast protection authority][^{F15}coastal erosion risk management authority] within twelve months of the completion of the work, the refusal of consent, or the imposition of conditions, giving rise to the claim.
- (3) Any dispute arising under this section shall be determined by arbitration.
- (4) Where any interest in land is subject to a mortgage,—
- (a) any compensation under this section which is payable in respect of depreciation of the value of that interest shall be assessed as if the interest were not subject to the mortgage;
 - (b) a claim for any such compensation may be made by any mortgagee of the interest, but without prejudice to the making of a claim by the person entitled to the interest;
 - (c) a mortgagee shall not be entitled to claim any such compensation in respect of his interest as such; and
 - (d) the compensation payable in respect of the interest subject to the mortgage shall be paid by the coast protection authority to the mortgagee or, where there is more than one mortgagee, to the first mortgagee, and shall in either case be applied by him as if it were proceeds of sale.
- (5) In this section the expression “interest” includes any estate in or right over land.
- (6) In the application of this section to Scotland,—
- (a) for references to a mortgage, to a mortgagee and to the first mortgagee there shall be substituted respectively references to a heritable security, to a creditor in a heritable security, and to the creditor whose heritable security has priority over any other heritable securities secured on the land; and
 - (b) any reference to land shall include a reference to salmon fishings.

Changes to legislation: There are currently no known outstanding effects for the Coast Protection Act 1949.
Cross Heading: General and supplementary provisions relating to Part I. (See end of Document for details)

Textual Amendments

- F14** Words in s. 19(1) substituted (E.W.) (19.7.2011 for E., 1.10.2011 for W.) by [Flood and Water Management Act 2010 \(c. 29\), s. 49\(3\), Sch. 2 para. 13](#) (with s. 49(1)(6)); S.I. 2011/1770, art. 3(d) (with art. 4(1)); S.I. 2011/2204, art. 3(2)(b) (with art. 5(1))
- F15** Words in s. 19(2) substituted (E.W.) (19.7.2011 for E., 1.10.2011 for W.) by [Flood and Water Management Act 2010 \(c. 29\), s. 49\(3\), Sch. 2 para. 13](#) (with s. 49(1)(6)); S.I. 2011/1770, art. 3(d) (with art. 4(1)); S.I. 2011/2204, art. 3(2)(b) (with art. 5(1))

^{F16}20 Contributions towards expenses of coast protection. **E+W**

Extent Information

- E2** This version of this provision extends to England and Wales only; a separate version has been created for Scotland only.

Textual Amendments

- F16** S. 20 repealed (E.W.) (19.7.2011 for E., 1.10.2011 for W.) by [Flood and Water Management Act 2010 \(c. 29\), s. 49\(3\), Sch. 2 para. 14](#) (with s. 49(1)(6)); S.I. 2011/1770, art. 3(d) (with art. 4(1)); S.I. 2011/2204, art. 3(2)(b) (with art. 5(1))

20 Contributions towards expenses of coast protection. **S**

- (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 [^{F63}maritime district] in England ^{F64} . . . , the council of the county within which the [^{F63}maritime district] is situated shall pay to the council of the [^{F63}maritime district] a contribution towards that expenditure of such amount and payable at such time as may be agreed between the two councils, or as, in default of agreement, may be determined by the Minister subject to the following provisions of this section.
- (2) The amount determined by the Minister under the last foregoing subsection of a contribution towards any expenditure shall not without the consent of the county council—
- (a) exceed the amount of the grant which the Minister has made, or has undertaken to make, under the next following section towards that expenditure, or
 - (b) be such that the amount of the contribution, together with the amount of any other contributions which, by virtue of any agreement or determination made under the last foregoing subsection, the county council have paid or have become liable to pay (whether to the same [^{F63}maritime district] council or to any other such council) in the same financial year, exceeds the product of a rate of [^{F65}½p] in the pound levied over the whole county

[^{F66}in respect of the financial year ending on 31st March 1990, increased or decreased in proportion to the difference between—

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

Changes to legislation: There are currently no known outstanding effects for the Coast Protection Act 1949.
Cross Heading: General and supplementary provisions relating to Part I. (See end of Document for details)

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 ^{F67}local loan made by the Treasury under section 3 of the National Loans Act 1968] 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 ^{F63}maritime district] council to be attributable to the protection of any ^{F68}roads] for which the council was the ^{F68}roads 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 ^{F69}Secretary of State] to be so attributable, shall be disregarded for the purposes of the last foregoing subsection.
- (4) The council of a county in England ^{F70}. . . may pay such contributions as they think fit towards any expenses incurred by any person other than the council of a ^{F63}maritime 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 ^{F63}maritime district] in England ^{F71}, the council of a county or county borough in Wales]. . . , 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) ^{F72}

Extent Information

- E4** This version of this provision extends to Scotland only; a separate version has been created for England and Wales only.

Textual Amendments

- F63** Words substituted by [Local Government Act 1972 \(c. 70\), Sch. 29 para. 17\(1\)](#)
- F64** Words in s. 20(1) repealed (1.4.1996) by 1994 c. 19, ss. 22(5), 66(8), Sch. 11 Pt. III para. 5(2)(a), [Sch.18](#); S.I. 1996/396, art. 4, [Sch.2](#)
- F65** Words substituted by virtue of [Decimal Currency Act 1969 \(c. 19\), s. 10\(1\)](#)
- F66** Words in s. 20(2)(b) added (21.8.1991) by S.I. 1991/1730, art. 2(2), [Sch. 2](#), Pt. I
- F67** Words in s. 20(2) substituted (25.2.2020) by [The Public Bodies \(Abolition of Public Works Loan Commissioners\) Order 2020 \(S.I. 2020/176\)](#), art. 1(2), [Sch. 1 para. 57](#) (with art. 9)
- F68** Words in s. 20(3) substituted (S.) by [Roads \(Scotland\) Act 1984 \(c. 54, SIF 108\)](#), s. 156(1), [Sch. 9 para. 38\(3\)](#)
- F69** Words substituted by virtue of [S.I. 1970/1681](#)

*Changes to legislation: There are currently no known outstanding effects for the Coast Protection Act 1949.
Cross Heading: General and supplementary provisions relating to Part I. (See end of Document for details)*

- F70** Words in s. 20(4) repealed (1.4.1996) by 1994 c. 19, ss.22(5), 66(8), Sch. 11 Pt. III para. 5(2)(b), **Sch.18**; S.I. 1996/396, art. 4, **Sch.2**
- F71** Words in s. 20(5) substituted (1.4.1996) by 1994 c. 19, s. 22(5), **Sch. 11 Pt. III para. 5(2)(c)**; S.I. 1996/396, art. 3, **Sch.1**
- F72** S. 20(7) repealed by **Local Government (Scotland) Act 1973 (c. 65), Sch. 29**

21 Exchequer grants. **E+W+S**

- [^{F17}(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 [^{F18}or county borough] in the carrying out of coast protection work under the enactments relating to highways; or
 - (c)^{F19}
- (2)^{F20}
- (3) In the application of this section to Scotland—
- [^{F21}(za) subsection (1) shall have effect as if the words “Subject to such conditions as the Treasury may determine” were omitted;]
 - (a) in paragraph (b) of subsection (1) of this section for the words “incurred by the council of a county” there shall be substituted the words “incurred by a local [^{F22}roads authority” and for the word “highways” there shall be substituted the word “roads”]; and
 - (b)]^{F23}

Textual Amendments

- F17** S. 21 repealed (E.W.) (19.7.2011 for E., 1.10.2011 for W.) by **Flood and Water Management Act 2010 (c. 29)**, s. 49(3), **Sch. 2 para. 15** (with s. 49(1)(6)); S.I. 2011/1770, art. 3(d) (with art. 4(1)); S.I. 2011/2204, art. 3(2)(b) (with art. 5(1))
- F18** Words in s. 21(1)(b) inserted (1.4.1996) by 1994 c. 19, s. 22(5), **Sch. 11 Pt. III**, para. 5(3); S.I. 1996/396, art. 3, **Sch. 1**
- F19** S. 21(1)(c) repealed by **Local Government Act 1972 (c. 70), Sch. 30** and **Local Government (Scotland) Act 1973 (c. 65), Sch. 29**
- F20** S. 21(2) repealed by **Southern Water Authority Act 1980 (c.xxxviii)**, s. 18(1), **Sch. 1 Pt. I**
- F21** S. 21(3)(za) inserted (1.7.1999) by S.I. 1999/1820, arts. 1(2), 4, **Sch. 2 Pt. I para. 24(3)**
- F22** Words substituted (S.) by **Roads (Scotland) Act 1984 (c. 54, SIF 108)**, s. 156(1), **Sch. 9 para. 38(4)**
- F23** S. 21(3)(b) repealed by **Local Government (Scotland) Act 1973 (c. 65), Sch. 29**

Modifications etc. (not altering text)

- C12** S. 21(1) applied (E.W.) (2.2.1991) by S.I. 1991/205, **art. 3(1)**

22 Power to use for incidental purposes land acquired for coast protection. **E+W+S**

- (1) The provisions of the ^{M3}[^{F24}Local Government Act 1972], as to the disposal and appropriation of land by a local authority, and those provisions as applied by order under section two of this Act, shall have effect in relation to land acquired by a coast protection authority, whether by agreement or compulsorily, being land falling within paragraph (b) of subsection (3) of section four of this Act, as the said provisions have

Changes to legislation: There are currently no known outstanding effects for the Coast Protection Act 1949.
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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 . . . ^{F25} district in England [^{F26}, the council of a county or county borough in Wales], or [^{F27}a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994] in Scotland, under any other enactment to provide concert halls, entertainment rooms, reading rooms, pavilions, restaurants or other places for the provision of meals or refreshments, bandstands, public conveniences or other buildings on land belonging or let to them, to lay out public parks, pleasure grounds or recreation grounds on such land, or to adapt or use land for any other public purpose, shall be exercisable in relation to any land acquired by them under this Part of this Act for the purpose of carrying out thereon any coast protection work, notwithstanding that the land continues to be required for that purpose or for works constructed in the course of carrying out the work; but the said power shall not be exercised so as to interfere with the use of the land for the said purpose, or with the maintenance or repair of such works, so long as it is required for the said purpose or so long as such works are required to be maintained.
- (3) In the application of this section to Scotland, subsection (1) shall have effect as if for the reference to the ^{M4}[^{F24}Local Government Act 1972], there were substituted a reference to the ^{M5}[^{F28}Local Government (Scotland) Act 1973], and as if the words “and those provisions as applied by order under section two of this Act” were omitted.

Textual Amendments

- F24** Words substituted by virtue of [Interpretation Act 1889 \(c. 63\), s. 38\(1\)](#)
- F25** Words repealed by [Local Government Act 1972 \(c. 70\), Sch. 30](#)
- F26** Words in s. 22(2) substituted (1.4.1996) by 1994 c. 19, s. 22(5), [Sch. 11 Pt. III, para. 5\(4\)](#); S.I. 1996/396, art. 3, [Sch.1](#)
- F27** Words in s. 22(2) substituted (S.) (1.4.1996) by 1994 c. 39, s. 180(1), [Sch. 13, para. 32\(4\)](#); S.I. 1996/323, [art.4\(1\)\(c\)](#)
- F28** Words substituted by [Local Government \(Scotland\) Act 1973 \(c. 65\), s. 138\(2\)\(c\)\(ii\)](#)

Marginal Citations

- M3** 1972 c. 70.
- M4** 1972 c. 70.
- M5** 1973 c. 65.

23 Power of coast protection authority to sell materials. **E+W+S**

- (1) A [^{F29}coast protection authority][^{F29} coastal erosion risk management 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 [^{F30}coast protection authority][^{F30} coastal erosion risk management authority] sell any materials under this section, they shall pay the proceeds to the person to whom the materials belonged.

Changes to legislation: There are currently no known outstanding effects for the Coast Protection Act 1949.
Cross Heading: General and supplementary provisions relating to Part I. (See end of Document for details)

Textual Amendments

- F29** Words in s. 23(1) substituted (E.W.) (19.7.2011 for E., 1.10.2011 for W.) by [Flood and Water Management Act 2010 \(c. 29\), s. 49\(3\), Sch. 2 para. 16](#) (with s. 49(1)(6)); S.I. 2011/1770, art. 3(d) (with art. 4(1)); S.I. 2011/2204, art. 3(2)(b) (with art. 5(1))
- F30** Words in s. 23(2) substituted (E.W.) (19.7.2011 for E., 1.10.2011 for W.) by [Flood and Water Management Act 2010 \(c. 29\), s. 49\(3\), Sch. 2 para. 16](#) (with s. 49(1)(6)); S.I. 2011/1770, art. 3(d) (with art. 4(1)); S.I. 2011/2204, art. 3(2)(b) (with art. 5(1))

24 Provisions as to arbitrations. **E+W+S**

- (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 [^{F31}appropriate tribunal].
- (2) Rules 2 to 4 of the Rules set out in [^{F32}section five of the ^{M6}Land Compensation Act 1961] (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, [^{F32}section four of the said Act of 1961] (which relates to costs) shall have effect with the substitution for the references to the acquiring authority of references to the [^{F33}coast protection authority][^{F33}coastal erosion risk management authority].
- (4) [^{F34}In subsection (1) “the appropriate tribunal” means—
 - (a) in the application of this Act to England and Wales, the Upper Tribunal;
 - (b) in the application of this Act to Scotland, the Lands Tribunal for Scotland.]

F35

Textual Amendments

- F31** Words in s. 24(1) substituted (1.6.2009) by [The Transfer of Tribunal Functions \(Lands Tribunal and Miscellaneous Amendments\) Order 2009 \(S.I. 2009/1307\), art. 1, Sch. 1 para. 18\(a\)](#) (with Sch. 5)
- F32** Words substituted by virtue of [Interpretation Act 1889 \(c. 63\), s. 38\(1\)](#)
- F33** Words in s. 24(3) substituted (E.W.) (19.7.2011 for E., 1.10.2011 for W.) by [Flood and Water Management Act 2010 \(c. 29\), s. 49\(3\), Sch. 2 para. 17](#) (with s. 49(1)(6)); S.I. 2011/1770, art. 3(d) (with art. 4(1)); S.I. 2011/2204, art. 3(2)(b) (with art. 5(1))
- F34** S. 24(4) substituted (1.6.2009) by [The Transfer of Tribunal Functions \(Lands Tribunal and Miscellaneous Amendments\) Order 2009 \(S.I. 2009/1307\), art. 1, Sch. 1 para. 18\(b\)](#) (with Sch. 5)
- F35** S. 24(4) proviso spent

Marginal Citations

- M6** 1961 c. 33.

25 Powers of entry and inspection. **E+W+S**

- (1) Subject to the provisions of this section, any person authorised by a [^{F36}coast protection authority][^{F36}coastal erosion risk management authority] shall, on producing, if so required, some duly authenticated document showing his authority, have a right at all reasonable hours—

Changes to legislation: There are currently no known outstanding effects for the Coast Protection Act 1949.

Cross Heading: General and supplementary provisions relating to Part I. (See end of Document for details)

- (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.

[^{F37}(1A) A person may not be authorised under subsection (1) to enter and survey or value land in England and Wales in connection with a proposal to acquire an interest in or a right over land (but see section 172 of the Housing and Planning Act 2016).]

- (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
 - (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.

*Changes to legislation: There are currently no known outstanding effects for the Coast Protection Act 1949,
Cross Heading: General and supplementary provisions relating to Part I. (See end of Document for details)*

- (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 [^{F38}coast protection authority][^{F38}coastal erosion risk management 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 [^{F39}level 3 on the standard scale] or to imprisonment for a term not exceeding three months.

Textual Amendments

- F36** Words in s. 25(1) substituted (E.W.) (19.7.2011 for E., 1.10.2011 for W.) by [Flood and Water Management Act 2010 \(c. 29\)](#), s. 49(3), [Sch. 2 para. 18](#) (with s. 49(1)(6)); S.I. 2011/1770, art. 3(d) (with art. 4(1)); S.I. 2011/2204, art. 3(2)(b) (with art. 5(1))
- F37** S. 25(1A) inserted (13.7.2016) by [Housing and Planning Act 2016 \(c. 22\)](#), s. 216(3), [Sch. 14 para. 2](#); S.I. 2016/733, reg. 3(h) (with reg. 6)
- F38** Words in s. 25(9)(b) substituted (E.W.) (19.7.2011 for E., 1.10.2011 for W.) by [Flood and Water Management Act 2010 \(c. 29\)](#), s. 49(3), [Sch. 2 para. 18](#) (with s. 49(1)(6)); S.I. 2011/1770, art. 3(d) (with art. 4(1)); S.I. 2011/2204, art. 3(2)(b) (with art. 5(1))
- F39** Words substituted (E.W.S.) by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), ss. 38, 46 and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c.21, SIF 39:1\)](#), ss. 289F, 289G

26 Power of coast protection authorities to require information as to ownership of land. **E+W+S**

- (1) A [^{F40}coast protection authority][^{F40}coastal erosion risk management authority] may, for the purpose of enabling them to perform any of their functions under this Part of this Act, require the occupier of any land, and any person who either directly or indirectly receives rent in respect of any land, to state in writing the nature of his own interest therein and the name and address of any other person known to him as having an interest therein, whether as freeholder, mortgagee, owner, creditor in a heritable security, lessee or otherwise.
- (2) Any person who having been required by a [^{F41}coast protection authority][^{F41}coastal erosion risk management 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 [^{F42}level 1 on the standard scale].

Changes to legislation: There are currently no known outstanding effects for the Coast Protection Act 1949.

Cross Heading: General and supplementary provisions relating to Part I. (See end of Document for details)

Textual Amendments

- F40** Words in s. 26(1) substituted (E.W.) (19.7.2011 for E., 1.10.2011 for W.) by [Flood and Water Management Act 2010 \(c. 29\), s. 49\(3\), Sch. 2 para. 19](#) (with s. 49(1)(6)); S.I. 2011/1770, art. 3(d) (with art. 4(1)); S.I. 2011/2204, art. 3(2)(b) (with art. 5(1))
- F41** Words in s. 26(2) substituted (E.W.) (19.7.2011 for E., 1.10.2011 for W.) by [Flood and Water Management Act 2010 \(c. 29\), s. 49\(3\), Sch. 2 para. 19](#) (with s. 49(1)(6)); S.I. 2011/1770, art. 3(d) (with art. 4(1)); S.I. 2011/2204, art. 3(2)(b) (with art. 5(1))
- F42** Words substituted (E.W.S.) by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\), ss. 38, 46](#) and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c.21, SIF 39:1\), ss. 289F, 289G](#)

27 Acquisition by coast protection authority of right of passage for facilitating coast protection work. **E+W+S**

- (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 ^{F43}coast protection authority^{F43} 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 ^{M7}^{F44}Land Compensation Act 1961^{F44}, the ^{F45}Acquisition of Land Act 1981^{F45}, and the ^{M8}Lands Tribunal Act 1949^{M8}, 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 ^{F46}coast protection authority^{F46} 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 ^{F47}coast protection authority^{F47} 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.
- (6) In the application of this section to Scotland, for any reference to the ^{F45}Acquisition of Land Act 1981^{F45}, there shall be substituted a reference to the ^{M9}Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947^{M9}.

*Changes to legislation: There are currently no known outstanding effects for the Coast Protection Act 1949.
Cross Heading: General and supplementary provisions relating to Part I. (See end of Document for details)*

Textual Amendments

- F43** Words in s. 27(1) substituted (E.W.) (19.7.2011 for E., 1.10.2011 for W.) by [Flood and Water Management Act 2010 \(c. 29\), s. 49\(3\), Sch. 2 para. 20](#) (with s. 49(1)(6)); S.I. 2011/1770, art. 3(d) (with art. 4(1)); S.I. 2011/2204, art. 3(2)(b) (with art. 5(1))
- F44** Words substituted by virtue of [Interpretation Act 1889 \(c. 63\), s. 38\(1\)](#)
- F45** Words substituted by [Acquisition of Land Act 1981 \(c. 67, SIF 28:1\), s. 34\(1\), Sch. 4 para. 1](#) Table
- F46** Words in s. 27(4)(b) substituted (E.W.) (19.7.2011 for E., 1.10.2011 for W.) by [Flood and Water Management Act 2010 \(c. 29\), s. 49\(3\), Sch. 2 para. 20](#) (with s. 49(1)(6)); S.I. 2011/1770, art. 3(d) (with art. 4(1)); S.I. 2011/2204, art. 3(2)(b) (with art. 5(1))
- F47** Words in s. 27(5) substituted (E.W.) (19.7.2011 for E., 1.10.2011 for W.) by [Flood and Water Management Act 2010 \(c. 29\), s. 49\(3\), Sch. 2 para. 20](#) (with s. 49(1)(6)); S.I. 2011/1770, art. 3(d) (with art. 4(1)); S.I. 2011/2204, art. 3(2)(b) (with art. 5(1))

Marginal Citations

- M7** 1961 c. 33.
M8 1949 c. 42.
M9 1947 c. 42.

28 Power of Minister to facilitate coast protection work. **E+W+S**

- (1) Where a person, not being a ^{F48}coast protection authority^{F48} coastal erosion risk management 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 ^{F48}coast protection authority^{F48} coastal erosion risk management 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 ^{F49}coast protection authority^{F49} coastal erosion risk management 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

*Changes to legislation: There are currently no known outstanding effects for the Coast Protection Act 1949.
Cross Heading: General and supplementary provisions relating to Part I. (See end of Document for details)*

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 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.

Textual Amendments

- F48** Words in s. 28(1) substituted (E.W.) (19.7.2011 for E., 1.10.2011 for W.) by [Flood and Water Management Act 2010 \(c. 29\)](#), s. 49(3), [Sch. 2 para. 21](#) (with s. 49(1)(6)); S.I. 2011/1770, art. 3(d) (with art. 4(1)); S.I. 2011/2204, art. 3(2)(b) (with art. 5(1))
- F49** Words in s. 28(2) substituted (E.W.) (19.7.2011 for E., 1.10.2011 for W.) by [Flood and Water Management Act 2010 \(c. 29\)](#), s. 49(3), [Sch. 2 para. 21](#) (with s. 49(1)(6)); S.I. 2011/1770, art. 3(d) (with art. 4(1)); S.I. 2011/2204, art. 3(2)(b) (with art. 5(1))

29 Default powers of Minister. **E+W+S**

- (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) **F50**
- (7) **F51**

Textual Amendments

- F50** S. 29(3)—(6) repealed by [Local Government Act 1972 \(c. 70\)](#), [Sch. 30](#) and [Local Government \(Scotland\) Act 1973 \(c. 65\)](#), [Sch. 29](#)
- F51** S. 29(7) repealed by [Local Government \(Scotland\) Act 1973 \(c. 65\)](#), [Sch. 29](#)

30 Transfer and compensation of officers, and superannuation rights. **E+W+S**

- (1) An order constituting or dissolving a coast protection board . . . ^{F52}, 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.

Changes to legislation: There are currently no known outstanding effects for the Coast Protection Act 1949.
Cross Heading: General and supplementary provisions relating to Part I. (See end of Document for details)

- (2) References in the last foregoing subsection to an order constituting a coast protection board . . . ^{F52} shall be construed . . . ^{F52} as including references to an order . . . ^{F52} varying the constitution of such a board . . . ^{F52}
- (3) In this section the expression “the authorities concerned” means—
- (a) in relation to an order constituting a coast protection board . . . ^{F52}, the constituent or appointing authorities;
 - (b) in relation to an order . . . ^{F52} varying the constitution of such a board . . . ^{F52}, the board . . . ^{F52}, 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 . . . ^{F52} dissolving such a board . . . ^{F52}, the board . . . ^{F52} and the constituent or appointing authorities;
 - (d) ^{F53}
- [^{F54}(4) This section shall not apply to Scotland.]

Textual Amendments

- F52** Words repealed by [Local Government Act 1972 \(c. 70\)](#), **Sch. 30**
- F53** S. 30(3)(d) repealed by [Local Government Act 1972 \(c. 70\)](#), **Sch. 30**
- F54** S. 30(4) added by [Local Government \(Scotland\) Act 1973 \(c. 65\)](#), **s. 138(2)(d)**

31 Repeal or amendment of local Acts. E+W+S

- (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.
- (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.

Changes to legislation: There are currently no known outstanding effects for the Coast Protection Act 1949.

Cross Heading: General and supplementary provisions relating to Part I. (See end of Document for details)

32 Application to the Crown. **E+W+S**

- (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.

33 Provisions as to land belonging to ecclesiastical corporations. **E+W+S**

- (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) ^[F55]if the land belongs to a benefice, make grants out of their corporate funds in or towards the discharge of any such sum, ^[F56]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 ^{M10}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 ^{M11}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 ^{M12}Tithe Act 1936.

Changes to legislation: There are currently no known outstanding effects for the Coast Protection Act 1949.
Cross Heading: General and supplementary provisions relating to Part I. (See end of Document for details)

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Textual Amendments

- F55** S. 33(1)(b) omitted (E.) (1.10.2006) by virtue of [Church of England \(Miscellaneous Provisions\) Measure 2006 \(No. 1\)](#), s. 16(2), **Sch. 5 para. 3**; S.I. 2006/2, Instrument made by Archbishops
- F56** Words repealed (1.4.1978) by [Endowments and Glebe Measure 1976 \(No. 4\)](#), s. 49(2), **Sch. 8**
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Marginal Citations

- M10** 1776 c. 53.
M11 1851 c. 104.
M12 1936 c. 43.

Changes to legislation:

There are currently no known outstanding effects for the Coast Protection Act 1949, Cross
Heading: General and supplementary provisions relating to Part I.