



Coast Protection Act 1949

1949 CHAPTER 74

PART II

PROVISIONS FOR SAFETY OF NAVIGATION

34 Restriction of works detrimental to navigation

- (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 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.

Status: This is the original version (as it was originally enacted).

- (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.

35 Operations excepted from s. 34

- (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 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.

36 Enforcement of s. 34

- (1) Any person who—
 - (a) carries out any operation in contravention of the provisions of subsection (1) of section thirty-four of this Act, or
 - (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 appears to the said Minister urgently necessary so to do, may himself remove or alter the works or remove the object or materials.
- (3) K 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.