



Coast Protection Act 1949

1949 CHAPTER 74 12 13 and 14 Geo 6

PART I

COAST PROTECTION

General and supplementary provisions relating to Part I

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

- (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 [^{F1}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 [^{F1}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 [^{F2}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

Status: Point in time view as at 01/06/2009.

Changes to legislation: There are currently no known outstanding effects for the Coast Protection Act 1949, Section 18. (See end of Document for details)

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) F3

- (10) Notwithstanding the repeal of the ^{M1}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

- F1** Words substituted by virtue of S.I. 1970/1681
- F2** Words substituted by Territorial Sea Act 1987 (c. 49, SIF 29:1), s. 3(1), **Sch. 1 para. 1(1)**
- F3** S. 18(9) repealed by Statute Law Revision Act 1953 (c. 5)

Status: Point in time view as at 01/06/2009.

Changes to legislation: There are currently no known outstanding effects for the Coast Protection Act 1949, Section 18. (See end of Document for details)

Modifications etc. (not altering text)

- C1** 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**
- C2** 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**
- C3** “the said Act of 1939” in s. 18(10) means [Coast Protection Act 1939 \(c. 39\)](#)

Marginal Citations

- M1** [1939 c. 39](#).

Status:

Point in time view as at 01/06/2009.

Changes to legislation:

There are currently no known outstanding effects for the Coast Protection Act 1949, Section 18.