



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Status: This is the original version (as it was originally enacted).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