



# Coast Protection Act 1949

1949 CHAPTER 74 12 13 and 14 Geo 6

## PART I

### COAST PROTECTION

#### *Execution of coast protection work*

#### **5 Objections to, and approval of, proposals to carry out coast protection work.**

- (1) Subject to the provisions of this Act as to works schemes, a [<sup>F1</sup>coast protection authority][<sup>F1</sup>coastal erosion risk management authority] proposing to carry out any coast protection work, other than work of maintenance or repair, shall publish in one or more local newspapers circulating in the [<sup>F2</sup>area of the authority][<sup>F2</sup>area in which the proposed work is to take place] and in such other manner (if any) as may be prescribed by regulations made by the Minister or as the Minister may in any particular case direct, such notice of that proposal, including an estimate of the cost of the work and containing a sufficient indication of the effect of subsection (3) of this section, as may be so prescribed or as the Minister may so direct, and shall serve a like notice [<sup>F3</sup>on any [<sup>F4</sup>river authority] or other drainage authority in whose area][<sup>F5</sup>[<sup>F3</sup>on the National Rivers Authority and on any internal drainage board in whose district]any of the work is to be carried out][<sup>F5</sup>on the persons listed in subsection (1A)].

[<sup>F6</sup>(1A) The notice shall be served—

- (a) on any internal drainage board in whose district any of the work is to be carried out, and
  - (b) in the case of work proposed by a coast protection authority, on the [<sup>F7</sup>appropriate agency].]
- (2) Where regulations made by the Minister so prescribe or the Minister in any particular case so directs, a like notice shall be served on such other authorities or persons as may be specified in the regulations or direction.
- (3) Where a notice has been published by an authority under subsection (1) of this section, any person may serve on the Minister [<sup>F8</sup>and on the authority][<sup>F8</sup>, the authority

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proposing to carry out the work and, in the case of work proposed by a coast protection authority, the <sup>F9</sup>appropriate agency]], in the manner and within the period prescribed by regulations made by the Minister, notice of objection to the proposal.

- (4) Where notice of objection has been served under the last foregoing subsection and not withdrawn, and the ground of objection is that the proposed work will be detrimental to the protection of any land specified in the notice, or will interfere with the exercise by the objector of his functions under any enactment other than this Act, the Minister shall either cause a local inquiry to be held or shall give to the objector and to all other persons appearing to him to be affected by the proposal an opportunity of being heard by a person appointed by him for the purpose; and after considering the report of the person appointed to hold the inquiry or to hear objections, the Minister shall determine the objection:

Provided that—

- (a) where the objection is made by a <sup>F4</sup>river authority] or other drainage authority, fishery board (other than the Tweed Commissioners) or local fisheries committee, or by the harbour authority for a harbour to which the <sup>M1</sup>Fishery Harbours Act 1915 applies, the powers of the Minister under this subsection shall be exercised jointly with <sup>F10</sup>the Minister of Agriculture, Fisheries and Food];
  - (b) where the objection is made by the Tweed Commissioners, the said powers shall be exercised jointly with the Secretary of State; and
  - (c) where the objection is made by any other harbour authority, or by a conservancy authority, <sup>F11</sup>navigation authority or highway authority]]<sup>F11</sup>or navigation authority], or by <sup>F12</sup>any of the Boards], the said powers shall be exercised jointly with the <sup>F13</sup>the Secretary of State.]
- (5) <sup>F14</sup>In the case of work proposed by a coast protection authority,] As soon as may be after the time for serving notices of objection under subsection (3) of this section has expired the <sup>F15</sup>Minister]]<sup>F16</sup>appropriate agency] shall either approve the proposal or direct the authority not to carry out the proposed work or impose such modifications of the proposal or such conditions as to the carrying out of the work as he may think fit, having regard to the determination of objections as aforesaid.
- <sup>F17</sup>(5A) In the case of work proposed by the Environment Agency <sup>F18</sup>or the Natural Resources Body for Wales], the Agency <sup>F19</sup>or the Body] —
- (a) may not begin the work before the time for serving notices of objection has expired and any objections have been determined by the Minister, and
  - (b) must have regard to any determination of the Minister in deciding whether to carry out the proposed work, with or without modification.]
- (6) Nothing in this section shall prevent a <sup>F20</sup>coast protection authority]]<sup>F20</sup>coastal erosion risk management authority] from carrying out, without the provisions of this section having been complied with, any coast protection work which appears to them to be urgently necessary for the protection of any land in their area; but where work is so carried out <sup>F21</sup>in the area of any <sup>F4</sup>river authority] or other drainage authority and the coast protection authority is not a board on which the drainage authority are represented, <sup>F22</sup>the coast protection authority shall]]<sup>F22</sup>the authority shall] give to the drainage authority, before or as soon as possible after the commencement of the work, notice of the nature of the work.]]<sup>F21</sup>the coast protection authority shall, before or as soon as possible after the commencement of the work, give notice of the nature of the work —

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- (a) [<sup>F23</sup>to the appropriate agency][<sup>F24</sup>where it is not represented on the coast protection authority][<sup>F24</sup>(in the case of work carried out by a coast protection authority)]; and
- (b) to any internal drainage board [<sup>F25</sup>which are not so represented and] in whose district the work is to be or has been carried out.]
- (7) In the application of this section to Scotland, subsection (4) shall have effect as if in the proviso for the words from “by a [<sup>F4</sup>river authority]” to “any other harbour authority” there were substituted the words “by a harbour authority other than the authority for a harbour principally used by the fishing industry”, and as if for the words “the said powers” there were substituted the words “the powers of the Minister under this subsection”.

### Textual Amendments

- F1** Words in s. 5(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. 5\(2\)\(a\)](#) (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))
- F2** Words in s. 5(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. 5\(2\)\(b\)](#) (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))
- F3** S. 5(1) for from “on any” to “whose area” there is substituted (E.W.) “on the National Rivers Authority and on any internal drainage board in whose district” 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\(2\)\(a\), Sch. 26 paras. 3\(1\)\(2\), 17, 40\(4\), 57\(6\), 58](#)
- F4** Words substituted by virtue of [Water Resources Act 1963 \(c. 38\), Sch. 3 para. 4](#)
- F5** Words in s. 5(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. 5\(2\)\(c\)](#) (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)) [Editorial note: references to the National Rivers Authority are to be construed as references to the Environment Agency by virtue of S.I. 1996/593, reg. 2, Sch. 1]
- F6** S. 5(1A) inserted (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. 5\(3\)](#) (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))
- F7** Words in s. 5(1A) substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(S.I. 2013/755\), art. 1\(2\), Sch. 2 para. 6\(2\)](#) (with Sch. 7)
- F8** Words in s. 5(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. 5\(4\)](#) (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))
- F9** Words in s. 5(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. 6\(2\)](#) (with Sch. 7)
- F10** Words substituted by virtue of [S.I. 1955/554 \(1955 I, p. 1200\)](#)
- F11** Words “or navigation authority” substituted for words “navigation authority or highway authority” (S.) by [S.I. 1955/1955 \(1955 I, p. 1205\)](#)
- F12** Words substituted by virtue of [Transport Act 1962 \(c. 46\), Sch. 2 Pt. I](#). “Any of the Boards” means any of the Boards established by s. 1 of that Act
- F13** Words substituted by virtue of [S.I. 1970/1681](#)
- F14** Words in s. 5(5) inserted (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. 5\(5\)\(a\)](#) (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. 5(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. 5\(5\)\(b\)](#) (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))

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- F16** Words in s. 5(5) substituted (1.4.2013) by The Natural Resources Body for Wales (Functions) Order 2013 (S.I. 2013/755), art. 1(2), **Sch. 2 para. 6(2)** (with Sch. 7)
- F17** S. 5(5A) inserted (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. 5(6)** (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. 5(5A) inserted (1.4.2013) by The Natural Resources Body for Wales (Functions) Order 2013 (S.I. 2013/755), art. 1(2), **Sch. 2 para. 6(3)(a)** (with Sch. 7)
- F19** Words in s. 5(5A) inserted (1.4.2013) by The Natural Resources Body for Wales (Functions) Order 2013 (S.I. 2013/755), art. 1(2), **Sch. 2 para. 6(3)(b)** (with Sch. 7)
- F20** Words in s. 5(6) 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. 5(7)(a)** (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))
- F21** S. 5(6) in subsection (6) for from “in the area” onwards there is substituted (E.W.) words commencing “the coast protection” 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(2)(b), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), **58**
- F22** Words in s. 5(6) 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. 5(7)(b)** (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))
- F23** Words in s. 5(6)(a) substituted (1.4.2013) by The Natural Resources Body for Wales (Functions) Order 2013 (S.I. 2013/755), art. 1(2), **Sch. 2 para. 6(4)** (with Sch. 7)
- F24** Words in s. 5(6)(a) 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. 5(7)(c)** (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))
- F25** Words in s. 5(6)(b) omitted (E.W.) (19.7.2011 for E., 1.10.2011 for W.) by virtue of Flood and Water Management Act 2010 (c. 29), s. 49(3), **Sch. 2 para. 5(7)(d)** (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))

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**Modifications etc. (not altering text)**

- C1** S. 5(4) proviso modified by S.I.1985/442, **art.4(4)**
- C2** S. 5(4) para.(c) of the proviso amended (E.W.) by London Regional Transport Act 1984 (c. 32, SIF 126), s. 67(2), **Sch. 4 para. 6(3)(b)**
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**Marginal Citations**

- M1** 1915 c. 48.

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