



# Coast Protection Act 1949

1949 CHAPTER 74 12 13 and 14 Geo 6

## PART I

### COAST PROTECTION

#### *Execution of coast protection work*

#### **8 Confirmation of works schemes.**

- (1) A [<sup>F1</sup>coast protection authority][<sup>F1</sup>coastal erosion risk management authority ]by whom a works scheme is prepared 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, a notice stating that the scheme has been prepared, naming a place where a copy thereof may be seen at all reasonable hours, and containing a sufficient indication of the effect of subsection (3) of this section, and shall serve copies of the scheme on the owner and occupier of any land, other than land vested in and occupied by the authority, on which the work provided for by the scheme is to be [<sup>F3</sup>carried out, on the appropriate agency (in the case of] a scheme prepared by a coast protection authority) and on any internal drainage board in whose district any of the work is to be carried out, and on such other authorities or persons (if any) as may be prescribed by regulations made by the Minister or as the Minister may in any particular case direct.
- (2) If the scheme provides for the levying of coast protection charges the persons on whom copies of the scheme are to be served shall include—
  - (a) where the scheme specifies the persons by whom such charges are to be paid as mentioned in paragraph (a) of subsection (4) of the last foregoing section, each of those persons;
  - (b) where the scheme contains such a statement as is mentioned in paragraph (b) of that subsection, all owners of contributory land.
- (3) Where a notice has been published by an authority under subsection (1) of this section, any person may serve on the Minister and on the authority, in the manner and within

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the period, not being less than twenty-eight days, prescribed by regulations made by the Minister, notice of objection to the scheme.

- (4) Where notice of objection has been served under the last foregoing subsection and not withdrawn, and the ground of the objection is—
- (a) that the work provided for by the scheme, or any part thereof, is unnecessary;
  - (b) that the carrying out thereof in the manner provided by the scheme would cause hardship to the objector;
  - (c) that the land indicated by the scheme as contributory land includes land which ought not to be so indicated or does not include land which ought to be so indicated;
  - (d) in the case of a scheme which specifies the persons by whom coast protection charges are to be paid as mentioned in paragraph (a) of subsection (4) of the last foregoing section, that any other provision of the scheme as to such charges is inequitable or unduly onerous; or
  - (e) that the work provided for by the scheme will be detrimental to the protection of any land specified in the notice of objection, or will interfere with the exercise by the objector of his functions under any enactment,

the Minister shall either cause a local inquiry to be held or give to the objector and to all other persons appearing to the Minister to be affected by the scheme 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 the [<sup>F5</sup>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>F6</sup>navigation authority or highway authority][<sup>F6</sup>or navigation authority], or by the [<sup>F7</sup>any of the Boards], the said powers shall be exercised jointly with the [<sup>F8</sup>Secretary of State.]
- (5) As soon as may be after the time for serving notices of objection under subsection (3) of this section has expired, the Minister shall make such order either confirming the scheme, as prepared by the authority or with modifications, or quashing the scheme, as the Minister may think fit having regard to the determination of any objections under the last foregoing subsection:

Provided that except as hereinafter mentioned the Minister shall not modify a works scheme by indicating as contributory land any land not so indicated in the scheme as prepared by the [<sup>F9</sup>coast protection authority][<sup>F9</sup>coastal erosion risk management authority] , or by specifying as a person upon whom a coast protection charge may be levied any person not so specified in the scheme as so prepared, or by increasing the amount of any such charge specified in the scheme as so prepared.

- (6) Where it appears to the Minister that a works scheme should be modified as mentioned in the proviso to the last foregoing subsection, he shall direct the authority by whom

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the scheme was prepared to serve notice of the proposed modification on the owners of the land proposed to be indicated as contributory land or the persons proposed to be specified as persons upon whom coast protection charges may be levied or whose charges are proposed to be increased, as the case may be; and any person on whom notice is served as aforesaid may object to the proposed modification, and the provisions of subsections (3) and (4) of this section as to the service of notices of objection and the determination of objections shall, so far as applicable, apply accordingly with the substitution, for references to the scheme, of references to the proposed modification.

- (7) Subject to the provisions of subsection (7) of the last foregoing section, the provisions of Part III of the First Schedule to this Act as to the validity of orders shall apply to an order made by the Minister under subsection (5) of this section:

Provided that the Minister may direct in the case of any particular order that in lieu of the provisions of the said Part III as to the publication of notices there shall be substituted such provisions as, having regard to the nature of the order, the Minister considers best suited for bringing it to the notice of persons affected.

- [<sup>F10</sup>(8) A works scheme indicating land as contributory land shall, when operative, be a local land charge as respects the contributory land.]

- (9) In the application of this section to Scotland,—

- (a) 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 for the words “the said powers” there were substituted the words “the powers of the Minister under this subsection”;
- (b) subsection (8) shall be omitted, but as soon as may be after a works scheme indicating land as contributory land becomes operative, the authority by whom it was prepared shall record it in the appropriate Register of Sasines.

#### Textual Amendments

- F1** Words in s. 8(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. 7\(1\)\(a\)](#) (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. 8(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. 7\(1\)\(b\)](#) (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** Words in s. 8(1) substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(S.I. 2013/755\)](#), art. 1(2), [Sch. 2 para. 7](#) (with Sch. 7)
- F4** Words substituted by virtue of [Water Resources Act 1963 \(c. 38\)](#), [Sch. 3 para. 4](#)
- F5** Words substituted by virtue of [S.I. 1955/554 \(1955 I, p. 1200\)](#)
- F6** Words “or navigation authority” substituted for words “navigation authority or highway authority” (S.) by [S.I. 1955/1955 \(1955 I, p. 1205\)](#)
- F7** 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
- F8** Words substituted by virtue of [S.I. 1970/1681](#)
- F9** Words in s. 8(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. 7\(2\)](#) (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))
- F10** S. 8(8) substituted (1.8.1977) by [Local Land Charges Act 1975 \(c. 76\)](#), [Sch. 1](#)

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

- C1** S. 8(4) proviso modified by [S.I. 1985/442](#), [art. 4\(4\)](#)
- C2** S. 8(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\(3\)\(b\)](#)

**Marginal Citations**

- M1** 1915 c. 48.

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