

2015 No. 523

COAST PROTECTION, ENGLAND

**The Coast Protection (Variation of Excluded Waters) (England)
Regulations 2015**

<i>Made</i> - - - -	<i>3rd March 2015</i>
<i>Laid before Parliament</i>	<i>6th March 2015</i>
<i>Coming into force</i> - -	<i>6th April 2015</i>

The Secretary of State makes the following Regulations in exercise of the powers conferred by paragraph 113 of the Fourth Schedule to the Coast Protection Act 1949(a) and now vested in her(b).

Title and commencement

1. These Regulations may be cited as the Coast Protection (Variation of Excluded Waters) (England) Regulations 2015 and come into force on 6th April 2015.

Variation of the Fourth Schedule to the Coast Protection Act 1949

2.—(1) The Fourth Schedule to the Coast Protection Act 1949 (“the Act”) is varied as provided in this regulation.

(2) For paragraph 7(c) (which, for the purposes of Part 1 of the Act, excludes from the definition of “sea” and “seashore” the River Wear above a line drawn from the south-eastern corner of the pilot lookout station situated on the old North Pier to the north-western corner of the seaward face of the old South Pier) there is substituted the following paragraph—

“7. The River Wear, above a line drawn from the junction of Marine Walk and the old North Pier at Ordnance Survey national grid reference point NZ4098258342 to the north-western corner of the old South Pier at Ordnance Survey national grid reference point NZ4104058242.”.

(3) For paragraph 9(d) (which, for the purposes of Part 1 of the Act, excludes from the definition of “sea” and “seashore” the River Esk (Yorkshire) above a line drawn from the southern edge of Tate Hill Pier to the southern edge of Scotch Head at Whitby) there is substituted the following paragraph—

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- (a) 1949 c. 74. See section 49(1) for the definition of “Minister”. See section 49(1) and (2) for the meaning of “sea” and “seashore”. The definitions of “sea” and “seashore” in section 49(1) were amended by the Merchant Shipping Act 1988 (c.12), section 36(1) and (7)(a) and the Marine and Coastal Access Act 2009 (c. 23), section 112(1) and Schedule 8, Part 1, paragraph 1(1) and (3).
- (b) The powers originally vested in the Minister of Health are now vested in the Secretary of State by virtue of S.I. 1951/142, 1951/1900, 1970/1681, 1985/442 and 2002/794.
- (c) Paragraph 7 was substituted by S.I. 1983/1503.
- (d) Paragraph 9 was substituted by S.I. 1997/2675.

“9. The River Esk (Yorkshire) above a line drawn from the southern edge of Tate Hill Pier to the southern edge of Scotch Head at Whitby.”.

(4) For paragraph 17a(a) (which, for the purposes of Part 1 of the Act, excludes from the definition of “sea” and “seashore” the Brightlingsea Creek, above a line drawn between St. Osyth Point and the shoreward end of the ferry landing stage) there is substituted the following paragraph—

“17A. The Brightlingsea Creek, above a line drawn between St. Osyth Point and the shoreward end of the ferry landing stage.”.

(5) For paragraph 18(b) (which, for the purposes of Part 1 of the Act, excludes from the definition of “sea” and “seashore” the River Colne, above a line drawn between Viaduct Sluice, to the west of Bateman’s Tower, and Mersea Stone) there is substituted the following paragraph—

“18. The River Colne, above a line drawn between Viaduct Sluice, to the west of Bateman’s Tower, and Mersea Stone.”.

(6) For paragraph 21(c) (which, for the purposes of Part 1 of the Act, excludes from the definition of “sea” and “seashore” the River Thames, above a line drawn from the westernmost point of Dagnam Saltings in the parish of Allhallows in the County of Kent, to Canvey Point, and thence to the westernmost point of the boundary of the County Borough of Southend, and the whole of the waters of Yantlet Creek) there is substituted the following paragraph—

“21. The River Thames, above a line drawn from the westernmost point of Dagnam Saltings in the parish of Allhallows in the County of Kent, to Canvey Point, and then to the westernmost point of the boundary of the Borough of Southend-on-Sea, and the whole of the waters of Yantlet Creek.”.

(7) For paragraphs 30, 31 and 32(d) (which, for the purposes of Part 1 of the Act, excludes from the definition of “sea” and “seashore” parts of Chichester, Langstone and Portsmouth Harbours) there are substituted the following paragraphs—

“30. Chichester Harbour, above the Chichester to Southampton railway line.

31. Langstone Harbour, above the Chichester to Southampton railway line.

32. Portsmouth Harbour, above the Chichester to Southampton railway line.”.

(8) For paragraph 33(e) (which, for the purposes of Part 1 of the Act, excludes from the definition of “sea” and “seashore” most of Southampton Water) there are substituted the following paragraphs—

“33. The Rivers Test and Blackwater above the railway bridge at Totton.

33A. Bartley Water, above the toll bridge at Eling.

33B. The River Itchen, above the weir at Woodmill.

33C. The River Hamble, above the railway bridge, northeast of Bursledon.”.

(9) For paragraph 35(f) (which, for the purposes of Part 1 of the Act, excludes from the definition of “sea” and “seashore” the Lymington River, above the road bridge between Lymington and Portmore) there is substituted the following paragraph—

“35. The Lymington River, above the road bridge between Lymington and Portmore.”.

(a) Paragraph 17a was substituted by S.I. 1958/2146.
(b) Paragraph 18 was substituted by S.I. 1958/2146.
(c) Paragraph 21 was substituted by S.I. 1965/204.
(d) Paragraphs 30, 31 and 32 were substituted by S.I. 1992/1549.
(e) Paragraph 33 was substituted by S.I. 1993/1149.
(f) Paragraph 35 was substituted by S.I. 1993/1149.

(10) For paragraph 45(a) (which, for the purposes of Part 1 of the Act, excludes from the definition of “sea” and “seashore” the River Exe, above latitude 50° 39’ 50” North) there is substituted the following paragraph—

“45. The River Exe, above latitude 50° 39’ 50” North.”.

(11) For paragraph 48(b) (which, for the purposes of Part 1 of the Act, excludes from the definition of “sea” and “seashore” part of Salcombe Harbour) there is substituted the following paragraph—

“48. At Salcombe—

- (a) Batson Creek, above latitude 50° 14’ 23” North;
- (b) Kingsbridge Estuary, above latitude 50° 14’ 25” North; and
- (c) Southpool Creek, above longitude 3° 45’ 17” West.”.

(12) For paragraph 91(c) (which, for the purposes of Part 1 of the Act, excludes from the definition of “sea” and “seashore” the River Mersey, above a line drawn from the south corner of Royal Seaforth Dock to the point where the north side of the Seacombe Ferry Landing Stage meets the Mersey River Wall) there is substituted the following paragraph—

“91. The River Mersey, above a line drawn from the south corner of Royal Seaforth Dock to the point where the north side of the Seacombe Ferry Landing Stage meets the Mersey River Wall.”.

Revocations

3. The Regulations specified in the Schedule are revoked.

3rd March 2015

Dan Rogerson
Parliamentary Under Secretary of State
Department for Environment, Food and Rural Affairs

SCHEDULE

Regulation 3

Revocations

<i>Title</i>	<i>Reference</i>
The Coast Protection (Variation of Excluded Waters) Regulations 1958	S.I. 1958/2146
The Coast Protection (Variation of Excluded Waters) Regulations 1965	S.I. 1965/204
The Coast Protection (Variation of Excluded Waters) Regulations 1975	S.I. 1975/1365
The Coast Protection (Variation of Excluded Waters) (River Mersey) Regulations 1983	S.I. 1983/1203
The Coast Protection (Variation of Excluded Waters) (River Wear) Regulations 1983	S.I. 1983/1503
The Coast Protection (Variation of Excluded Waters) Regulations 1992	S.I. 1992/1549

- (a) Paragraph 45 was substituted by S.I. 1958/2146.
- (b) Paragraph 48 was substituted by S.I. 1975/1365.
- (c) Paragraph 91 was substituted by S.I. 1983/1203.

Waters) (Chichester, Langstone and Portsmouth
Harbours) Regulations 1992
The Coast Protection (Variation of Excluded S.I. 1993/1149
Waters) Regulations 1993
The Coast Protection (Variation of Excluded S.I. 1997/2675
Waters) Regulations 1997

EXPLANATORY NOTE

(This note is not part of the Regulations)

The Fourth Schedule to the Coast Protection Act 1949 (c.74) specifies waters which, for the purposes of Part 1 of the Act (coast protection) are not included in the expressions “sea” and “seashore” as defined in section 49 of the Act.

These Regulations vary the paragraph of the Fourth Schedule that applies to the River Wear and remake regulations applying in England which have previously varied other paragraphs of that Schedule (*regulation 2*). They revoke the regulations specified in the Schedule to the Regulations (*regulation 3*).

An impact assessment has not been produced for this instrument as no impact is foreseen on the private, voluntary or public sectors. The Explanatory Memorandum is available at www.legislation.gov.uk.

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