Coast Protection Act 1949

1949 CHAPTER 74

PART IV

SUPPLEMENTARY

49 Interpretation

(1) In this Act, except where the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:—

" catchment board " and " drainage authority " have the same meanings as in the Land Drainage Act, 1930;

" coast protection authority " has the meaning assigned to it by section one of this Act;

" coast protection charge " has the meaning assigned to it by section six of this Act;

" coast protection work " means any work of construction, alteration, improvement, repair, maintenance, demolition or removal for the purpose of the protection of any land, and includes the sowing or planting of vegetation for the said purpose;

" conservancy authority " and " harbour authority " have the same meanings as in the Merchant Shipping Act, 1894;

" constituent authority," in relation to a coast protection board, means a body or person represented on the board by virtue of an order made under section two of this Act;

" fishery board " means any such fishery board as is referred to in section forty-four of the Salmon and Freshwater Fisheries Act, 1923, and includes the Tweed Commissioners;

" functions " includes powers and duties;

" land " includes land covered by water;

" local Act " includes a provisional order confirmed by Parliament and also includes any enactment in a public general Act, being an enactment which amends a local Act;

" local fisheries committee " means a committee constituted under the Sea Fisheries Regulation Act, 1888;

" local highway authority " means a highway authority other than the Minister of Transport;

" maritime county borough or county district " means a county borough or county district any part of which adjoins the sea;

" materials " includes minerals and turf, but does not include seaweed;

" minerals " includes coal and stone and any metallic or other mineral substance;

" Minister " means the Minister of Health;

" mortgage " includes any charge or lien for securing money or money's worth, and " mortgagee " shall be construed accordingly;

" navigation authority " means any person or body of persons having powers under any enactment or statutory order to work or maintain a canal or other inland navigation, including a navigation in tidal water;

" owner ". in relation to any land means the person for the time being receiving the rackrent thereof, whether on his own account or as agent or trustee for any other person, or who would so receive that rent if the land were let at a rackrent;

" protection " means protection against erosion or encroachment by the sea;

" river board " has the same meaning as in the River Boards Act, 1948;

subject to the provisions of the next following subsection, " sea " includes the waters of any channel, creek, bay or estuary and of any river so far up that river as the tide flows;

" sea defence commissioners " means a body established by or under a local Act wholly or mainly for the purpose of carrying out coast protection work;

subject to the provisions of the next following subsection, " seashore " means the bed and shore of the sea, and of every channel, creek, bay or estuary, and of every river as far up that river as the tide flows, and any cliff, bank, barrier, dune, beach, flat or other land adjacent to the shore;

" surface," in relation to land covered by water, means the surface of the land;

" Tweed Commissioners " means the Commissioners appointed under the Tweed Fisheries Act, 1857;

" works scheme " has the meaning assigned to it by section six of this Act.

(2) For the purposes of Part I of this Act the expression " sea " shall not include any of the waters specified in the Fourth Schedule to this Act and the expression " seashore " shall not include the bed or shore of any of those waters.

(3) References in this Act to any enactment shall be construed as references to that enactment as amended by or under any subsequent enactment including this Act.

(4) In the application of this section to Scotland, for the definitions of the expressions " fishery board", " maritime county borough or county district ", " Minister " and " owner " there shall be substituted respectively the following definitions :—

"' fishery board ' means the district board for a fishery district within the meaning of the Salmon Fisheries (Scotland) Act, 1862, and includes the Tweed Commissioners";

"' maritime burgh or county ' means a burgh or county any part of which adjoins the sea";

"' Minister ' means the Secretary of State"; and

"' owner ' includes in relation to any land any person who under the Lands Clauses Acts would be enabled to sell and convey the land to the promoters of an undertaking ":";

and after the definition of the expression " functions " there shall be inserted the following definition:—

"' heritable security ' has the same meaning as in the Conveyancing (Scotland) Act, 1924, and includes a security constituted by ex facie absolute disposition, but does not include a security by way of ground annual or a real burden ad factum praestandum".