Coast Protection Act 1949

1949 CHAPTER 74 12 13 and 14 Geo 6

PART I

COAST PROTECTION

Coast protection authorities

1 Coast protection authorities. E+W

(1) The council of each maritime . . . [F1] district shall, subject to the provisions of any order under the next following section, be the coast protection authority for the . . . [F1] district, as the case may be.

(2) A coast protection authority shall have such powers and perform such duties in connection with the protection of land in their area as are conferred or imposed on coast protection authorities by this Act.

(3) . . . . . [F2]

Extent Information

E1 This version of the provision extends to England and Wales only; a separate version has been created for Scotland only

Textual Amendments

F1 Words repealed by Local Government Act 1972 (c. 70), **Sch. 30**

F2 S. 1(3) repealed by Local Government (Scotland) Act 1973 (c. 65), **Sch. 29**

1 Coast protection authorities. S

[[F24](1) A council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 any part of whose area adjoins the sea shall be the coast protection authority for that area.**]**

(2) A coast protection authority shall have such powers and perform such duties in connection with the protection of land in their area as are conferred or imposed on coast protection authorities by this Act.

(3) . . . . . [F25]

Extent Information

E2 This version of this provision extends to Scotland only; a seperate version has been created for England and Wales only

Textual Amendments

F24 S. 1(1) substituted (S.) (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 32(2)**; S.I. 1996/323, **art.4(1)(c)**

F25 S. 1(3) repealed by Local Government (Scotland) Act 1973 (c. 65), **Sch. 29**

2 Constitution of coast protection boards.

[[F3](1) Subject to the provisions of this section, the Minister may, where it appears to him expedient for the protection of land in any area, make an order providing for the constitution of a board, to be known as a coast protection board, which shall be the coast protection authority for that area.

(2) [F4]A coast protection board shall consist of representatives of the council of every maritime . . . district any part of which is within the area for which the board is constituted, and, if the order so provides, of representatives of such one or more as may be specified in the order of the following bodies and persons, that is to say—

(a) the council of any county **[**[F5](other than one in Wales)**]** any part of which is within the area;

(b) **[**[F6] the National Rivers Authority and any sea defence commissioners, internal drainage board**]**, harbour authority, fishery board, **[**[F7] inshore fisheries and conservation authority, **][**[F8]local fisheries committee,**]** conservancy authority or navigation authority having any powers or duties in relation to any part of the area;,harbour authority, fishery board, **[**[F8]local fisheries committee,**]** conservancy authority or navigation authority having any powers or duties in relation to any part of the area;

[[F9](ba) the Welsh Ministers, in relation to any powers or duties they have in relation to fishing and fisheries in any part of the area;**]**

(c) any . . . [F4] authority responsible for the maintenance of any highway within the area, being a highway likely to be injuriously affected by the action of the sea;

(d) **[**[F10]the British Railways Board and the British Waterways Board**]**, in the case of any area containing any railway, canal or inland navigation vested in that Commission and likely to be injuriously affected as aforesaid;

(e) any other body or person upon whom any powers or duties relating to the protection of land in the area have been conferred or imposed by or under any enactment other than this Act.

(3) An order under this section may, if it appears expedient to the Minister, be made so as to relate only to such functions under this Act as may be specified in the order, or to the exercise of such functions only in such particular case as may be so specified.

(4) An order under this section which provides for the inclusion in a coast protection board of representatives of any body mentioned in paragraphs (b) to (e) of subsection (2) of this section shall be made jointly by the Ministers concerned, and in relation to such an order the last foregoing subsection shall have effect as if, for the reference to the Minister, there were substituted a reference to the Ministers concerned.

(5) An order made under this section may—

(a) prescribe the representation of the constituent authorities on the board and make provision with respect to the appointment, tenure of office and vacation of office of members and officers and servants of the board, authorise the remuneration of such officers and servants, and make provision with respect to their pension rights;

(b) provide for the incorporation of the board with power to hold land for the purposes of their powers and duties;

(c) authorise the board to defray or contribute to expenses of carrying out coast protection work or of contributing to the cost of such work, being expenses incurred (whether before or after the commencement of this Act) by any of the constituent authorities before the making of the order;

(d) make provision for the raising, by borrowing or otherwise, of any money required by the board for the purposes of their functions and, in particular, provide for the apportionment among the constituent authorities of any expenses of the board, empower the board to issue precepts to those authorities requiring payment of the amounts apportioned to them respectively and provide for the enforcement of such precepts;

(e) contain any incidental or consequential provisions which appear to the Minister, or the Ministers concerned, to be necessary or expedient for the purposes of the order, including, without prejudice to the generality of this paragraph, provisions as to the manner in which the expenses of a constituent authority under the last foregoing paragraph are to be defrayed and provisions applying to the board any enactment which applies to a coast protection authority, not being a coast protection board, by reason that it is a local authority as defined for the purposes of that enactment.

(6) An order revoking an order under this section may contain such provisions for the dissolution of the board constituted by the order revoked, and for the disposal of property, rights and liabilities of that board, as appear expedient to the Minister or the Ministers concerned.

(7) Any order made under this section shall be made in accordance with Part I of the First Schedule to this Act, and Parts II and III of that Schedule shall apply—

(a) as to the said Part II, for the purpose of making the order subject to special parliamentary procedure in the circumstances mentioned in that Part; and

(b) as to the said Part III, with respect to the validity of the order.

(8) In this section the expression "the Ministers concerned"—

(a) **[**[F11]in relation to the National Rivers Authority, an internal drainage board**]**, fishery board (other than the Tweed Commissioners) **[**[F12] , inshore fisheries and conservation authority **][**[F13]or local fisheries committee,**]** or a harbour authority for a harbour **[**[F14]which is a fishery harbour for the purposes of section 21 of the Sea Fish Industry Act 1951**]** ,**[**[F15] or the Welsh Ministers, **]** means the Minister and the **[**[F16]Minister of Agriculture, Fisheries and Food**]**;

(b) in relation to the Tweed Commissioners means the Minister and the Secretary of State;

(c) in relation to any other harbour authority, or a conservancy authority, navigation authority or highway authority, or **[**[F10]the British Railways Board and the British Waterways Board**]**, means the Minister and the **[**[F17]the Secretary of State**]**; and

(d) in relation to any other body, means the Minister and any other Minister concerned with the exercise by that body of their powers under the relevant enactment.

Any question arising under paragraph (d) of this subsection shall be determined by the Treasury.

(9) Any power conferred by this section to make an order shall be exercisable by statutory instrument.

(10) This section shall not apply to Scotland.**]**

Textual Amendments

F3 S. 2 repealed (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. 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))

F4 Words repealed by Local Government Act 1972 (c. 70), **Sch. 30**

F5 Words in s. 2(2)(a) inserted (1.4.1996) by 1994 c. 19, s. 22(5), **Sch. 11 Pt. III**, para. 5(1); S.I. 1996/396, art. 3, **Sch.1**

F6 Words in s. 2(2)(*b*) substituted 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(1)(a), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), **58**

F7 Words in s. 2(2)(b) inserted (1.4.2011) by Marine and Coastal Access Act 2009 (c. 23), s. 324(3), **Sch. 14 para. 2(a)**; S.I. 2011/556, art. 2(2)(k)

F8 Words in s. 2(2)(b) repealed (1.4.2010 for W., 1.4.2011 for E.) by Marine and Coastal Access Act 2009 (c. 23), s. 324(3), **Sch. 22 Pt. 4**; S.I. 2010/630, art. 3(b) (with arts. 8, 12); S.I. 2011/566, art. 2(2)(o), (with art. 2(3))

F9 S. 2(2)(ba) inserted (E.W.) (12.1.2010) by Marine and Coastal Access Act 2009 (c. 23), **ss. 193(2)**, 324(2)(c)

F10 Words substituted by virtue of Transport Act 1962 (c. 46), **Sch. 2 Pt. I**

F11 Words in s. 2(8)(*a*) substituted 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(1)(b), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), **58**

F12 Words in s. 2(8)(a) inserted (1.4.2011) by Marine and Coastal Access Act 2009 (c. 23), s. 324(3), **Sch. 14 para. 2(b)**; S.I. 2011/556, art. 2(2)(k)

F13 Words in s. 2(8)(a) repealed (1.4.2010 for W., 1.4.2011 for E.) by Marine and Coastal Access Act 2009 (c. 23), s. 324(3), **Sch. 22 Pt. 4**; S.I. 2010/630, art. 3(b) (with arts. 8, 12); S.I. 2011/566, art. 2(2)(o), (with art. 2(3))

F14 Words in s. 2(8)(a) substituted (15.7.1992) by Transport and Works Act 1992 (c. 42), **s. 65(2)**; S.I. 1992/1347, art. 2, **Sch**

F15 Words in s. 2(8)(a) inserted (E.W.) (12.1.2010) by Marine and Coastal Access Act 2009 (c. 23), **ss. 193(3)**, 324(2)(c)

F16 Words substituted by virtue of S.I. 1955/554 (1955 I, p. 1200)

F17 Words substituted by virtue of S.I. 1970/1681

Modifications etc. (not altering text)

C2 S. 2(2)(d) modified as to power of appointment to replace person appointed before 1.1.1963 by Transport Act 1962 (c. 46), **Sch. 2 Pt. I**

C3 S. 2(8)(a): functions transferred (3.12.2001) by S.I. 2001/3503, **arts. 2**, 3
C4 S. 2(8)(*a*) modified by S.I. 1985/442, **art. 4(3)**

[F18 2A Coastal erosion risk management authorities

F19 (1) **[** The following are "coastal erosion risk management authorities" for the purposes of this Act—

(a) coast protection authorities, F20...

[F21 (b) the Environment Agency, in relation to coastal erosion risks in England, and

(c) the Natural Resources Body for Wales, in relation to coastal erosion risks in Wales.**]**

F22 (2) **[** In this Part, references to the area of a coastal erosion risk management authority are—

(a) in relation to the Environment Agency, references to England, and

(b) in relation to the Natural Resources Body for Wales, references to Wales.**]]**

Textual Amendments

F18 S. 2A inserted (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. 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))

F19 S. 2A(1): s. 2A renumbered s. 2A(1) (1.4.2013) by The Natural Resources Body for Wales (Functions) Order 2013 (S.I. 2013/755), art. 1(2), **Sch. 2 para. 4(2)** (with Sch. 7)

F20 Word in s. 2A(1)(a) omitted (1.4.2013) by virtue of The Natural Resources Body for Wales (Functions) Order 2013 (S.I. 2013/755), art. 1(2), **Sch. 2 para. 4(3)(a)** (with Sch. 7)

F21 S. 2A(1)(b)(c) substituted for s. 2A(1)(b) (1.4.2013) by The Natural Resources Body for Wales (Functions) Order 2013 (S.I. 2013/755), art. 1(2), **Sch. 2 para. 4(3)(b)** (with Sch. 7)

F22 S. 2A(2) inserted (1.4.2013) by The Natural Resources Body for Wales (Functions) Order 2013 (S.I. 2013/755), art. 1(2), **Sch. 2 para. 4(4)** (with Sch. 7)

3 . . . . . F23

Textual Amendments

F23 S. 3 repealed by Local Government Act 1972 (c. 70), **Sch. 30** and Local Government (Scotland) Act 1973 (c. 65), **Sch. 29**

Changes to legislation:
There are currently no known outstanding effects for the Coast Protection Act 1949, Cross Heading: Coast protection authorities.