



Coast Protection Act 1949

1949 CHAPTER 74

PART I

COAST PROTECTION

General and supplementary provisions relating to Part I

- 17 Notification to coast protection authority of coast protection work to be carried out by certain authorities**
- (1) Subsection (1) of section sixteen of this Act shall not apply to the carrying out of work—
- (a) by a coast protection authority ;
 - (b) by any body or person upon whom any powers or duties relating to the protection of land have been conferred or imposed by or under any enactment other than this Act;
 - (c) by a highway authority for the protection of a highway ;
 - (d) by the British Transport Commission, or an Executive established by or under section five of the Transport Act, 1947, for the protection of a railway; or
 - (e) by a harbour authority.
- (2) Work excluded from the operation of the last foregoing section by virtue only of paragraphs (b) to (e) of the last foregoing subsection shall not be carried out except in accordance with the following provisions of this section ; and any body or person who contravenes the provisions of this subsection shall be guilty of an offence under this Act.
- (3) Before carrying out any such work as aforesaid the body or person in question (in this section referred to as " the undertakers ") shall give to the coast protection authority in whose area the work is to be carried out, to any coast protection authority whose area adjoins that area, and to any river board or other drainage authority whose area comprises the whole or any part of that area, not less than twenty-eight days' notice of

Status: This is the original version (as it was originally enacted).

their intention in that behalf, specifying the work to be carried out; and where notice is so given—

- (a) the undertakers shall not carry out the work before the expiration of the notice ;
and
 - (b) if before the expiration of the notice any authority or board to whom the notice has been given serves notice of objection on the Minister and on the undertakers, the undertakers shall not (unless the objection is withdrawn) carry out the work except in accordance with any direction given under the following provisions of this section.
- (4) Where notice of objection has been served under the last foregoing subsection and has not been withdrawn, the Minister and any other Minister being a Minister concerned, after affording to the undertakers and to the objectors and, if the objectors are not the coast protection authority in whose area the work is to be carried out, to that authority, an opportunity of being heard by a person appointed by the said Ministers for the purpose, shall determine the objection.
- (5) Where an objection has been determined under the last foregoing subsection, the appropriate Minister shall either direct that the undertakers shall be at liberty to carry out the work (whether as specified in the notice given by them under subsection (3) of this section or subject to such modifications or conditions as the appropriate Minister may think fit, having regard to the determination of the objection as aforesaid) or shall direct the undertakers not to carry out the work.
- (6) A coast protection authority in England or Wales shall have power to institute proceedings for a contravention of subsection (2) of this section.
- (7) Nothing in this section shall prevent any body or person from carrying out, without the provisions of this section having been complied with, any coast protection work which appears to them or him to be urgently necessary for the protection of any land; but where any work is so carried out, being work to which subsection (2) of this section applies, the undertakers shall, before or as soon as possible after the commencement of the work, give to the coast protection authority in whose area the work is carried out notice of the nature of the work.
- (8) In this section the expression " the appropriate Minister " in relation to a notice of objection served under subsection (3) thereof,—
- (a) if the undertakers are a body or person mentioned in paragraph (b) of subsection (1) of this section, means any Minister concerned with the exercise by that body or person of their or his functions under the relevant enactment;
 - (b) . if the undertakers are a harbour authority for a harbour to which the Fishery Harbours Act, 1915, applies, means the Minister of Agriculture and Fisheries;
and
 - (c) in any other case, means the Minister of Transport;
- and any question arising under paragraph (a) of this subsection shall be determined by the Treasury.
- (9) For the purposes of subsection (4) of this section, a Minister shall be deemed to be a Minister concerned if he is the appropriate Minister or, in a case where the notice of objection was served by a river board or other drainage authority and the appropriate Minister is not the Minister of Agriculture and Fisheries, if he is the appropriate Minister or the Minister of Agriculture and Fisheries.

- (10) In the application of this section to Scotland, paragraph (b) of the last but one foregoing subsection shall have effect as if for the words from " to which the Fishery Harbours Act " to the end of the paragraph there were substituted the words " principally used by the fishing industry, means the Minister; and " .