



Coast Protection Act 1949

1949 CHAPTER 74

PART I

COAST PROTECTION

General and supplementary provisions relating to Part I

19 Provisions as to compensation

- (1) Where on a claim being made under this section it is shown—
- (a) that the value of an interest of any person in land has been depreciated, or that any person has suffered damage by being disturbed in his enjoyment of land, in consequence of the carrying out of coast protection work by a coast protection authority in the exercise of the powers conferred by this Part of this Act, or
 - (b) that the value of such an interest as aforesaid has been depreciated in consequence of the refusal of consent for which application has been made under section sixteen of this Act, or in consequence of the granting of such consent subject to conditions,

the coast protection authority shall pay to that person compensation equal to the amount of the depreciation or damage:

Provided that a person shall not be entitled to compensation under paragraph (a) of this subsection unless the act or omission causing the depreciation or disturbance would have been actionable at his suit if it had been done or omitted otherwise than in the exercise of statutory powers.

- (2) A claim for compensation under this section shall be made to the coast protection authority within twelve months of the completion of the work, the refusal of consent, or the imposition of conditions, giving rise to the claim.
- (3) Any dispute arising under this section shall be determined by arbitration.
- (4) Where any interest in land is subject to a mortgage.—

Status: This is the original version (as it was originally enacted).

- (a) any compensation under this section which is payable in respect of depreciation of the value of that interest shall be assessed as if the interest were not subject to the mortgage;
 - (b) a claim for any such compensation may be made by any mortgagee of the interest, but without prejudice to the making of a claim by the person entitled to the interest;
 - (c) a mortgagee shall not be entitled to claim any such compensation in respect of his interest as such ; and
 - (d) the compensation payable in respect of the interest subject to the mortgage shall be paid by the coast protection authority to the mortgagee or, where there is more than one mortgagee, to the first mortgagee, and shall in either case be applied by him as if it were proceeds of sale.
- (5) In this section the expression " interest" includes any estate in or right over land.
- (6) In the application of this section to Scotland.—
- (a) for references to a mortgage, to a mortgagee and to the first mortgagee there shall be substituted respectively references to a heritable security, to a creditor in a heritable security, and to the creditor whose heritable security has priority over any other heritable securities secured on the land; and
 - (b) any reference to land shall include a reference to salmon fishings.