

Coast Protection Act 1949

1949 CHAPTER 74 12 13 and 14 Geo 6

PART IV

SUPPLEMENTARY

49 Interpretation. E+W

(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:—

[F1"appropriate agency" means—

- (a) the Environment Agency in relation to work in England;
- (b) the Natural Resources Body for Wales in relation to work in Wales;]

F2["drainage authority" [F3means the Environment Agency, the Natural Resources Body for Wales or] an internal drainage board;]

"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;

[F4ccoast protection work" means any of the following done for the purpose of managing a coastal erosion risk (within the meaning of Part 1 of the Flood and Water Management Act 2010)—

- (a) anything done to construct, alter, repair, maintain or remove works;
- (b) anything done for the purpose of maintaining or restoring natural processes;
- (c) planting vegetation.]

"conservancy authority" and "harbour authority" have the same meanings as in the [F5Merchant Shipping Act 1995];

"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;

[F1":England" includes the territorial sea adjacent to England not forming any part of Wales;]

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

"functions" includes powers and duties;

[F6ccinshore fisheries and conservation authority" means the authority for an inshore fisheries and conservation district established under section 149 of the Marine and Coastal Access Act 2009;]

"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;

F7...

"local highway authority" means a highway authority other than the [F8Secretary of State];

"maritime . . . F9 district" means a . . . F9 district [F10 or Welsh county or county borough] 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 [F11Secretary of State];

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

[F12" nautical miles" means international nautical miles of 1,852 metres;]

"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;

subject to the provisions of [F14[F15]subsection (2)] of this section]"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 [F14[F15] subsection (2)] of this section] "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 M2Tweed Fisheries Act 1857;

[F1"Wales" has the meaning given by section 158 of the Government of Wales Act 2006;]

"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.

F16(2A)	١.																

- (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", . . . ^{F17}, "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"

F18

"'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"

Extent Information

E1 This version of this provision extends to England and Wales only; separate versions have been created for Scotland only and for Northern Ireland only.

Textual Amendments

- F1 Words in s. 49(1) inserted (1.4.2013) by The Natural Resources Body for Wales (Functions) Order 2013 (S.I. 2013/755), art. 1(2), Sch. 2 para. 12(2) (with Sch. 7)
- F2 Definitions in s. 49(1) substituted (E.W.) (1.12.1991) by Water Consolidation (Consequential Provisions) Act 1991 (c. 60, SIF 130), ss. 2(1), 4(2), Sch. 1, para. 6
- **F3** Words in s. 49(1) substituted (1.4.2013) by The Natural Resources Body for Wales (Functions) Order 2013 (S.I. 2013/755), art. 1(2), **Sch. 2 para. 12(3)** (with Sch. 7)
- F4 Words in s. 49 substituted (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. 24 (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))
- F5 S. 49: Words in definition substituted (1.1.1996) by 1995 c. 21, ss. 314(2), 316(2), **Sch. 13 para. 25**
- Words in s. 49(1) inserted (1.4.2011) by Marine and Coastal Access Act 2009 (c. 23), s. 324(3), Sch. 14 para. 4; S.I. 2011/556, art. 2(2)(k)
- F7 Words in s. 49(1) 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. 2011/556, art. 2(2)(o), (with art. 2(3))
- F8 Words substituted by virtue of S.I. 1970/1681
- F9 Words repealed by Local Government Act 1972 (c. 70), Sch. 30
- **F10** S. 49: Words in definition inserted (1.4.1996) by 1994 c. 19, s. 22(5), **Sch. 11 Pt. III para. 5(6)**; S.I. 1996/396, art. 3, **Sch.1**

- F11 Words substituted by virtue of S.I. 1951/142, 1900 (1951 I, pp. 1348, 1347), (W.) 1965/319 and (E.) 1970/1681
- F12 S. 49(1) definition of "nautical miles" inserted by Territorial Sea Act 1987 (c. 49, SIF 29:1), s. 3(1), Sch. 1 para. 1(2)
- F13 Definition of "river board" repealed by Water Resources Act 1963 (c. 38), Sch. 14 Pt. I
- F14 S. 49(1) in the definitions of "sea" and "seashore" words substituted (E.W.S.) by Merchant Shipping Act 1988 (c. 12, SIF 111), s. 36(7)(a), Sch. 8 para. 1
- **F15** Words in s. 49(1) substituted (E.W.) (6.4.2011) by Marine and Coastal Access Act 2009 (c. 23), s. 324(3), **Sch. 8 para. 1(3)** (with s. 111); S.I. 2011/556, art. 3(2)(a)
- F16 S. 49(2A) repealed (E.W.) (6.4.2011) by Marine and Coastal Access Act 2009 (c. 23), s. 324(3), Sch. 22 Pt. 2; S.I. 2011/556, art. 3(2)(d)
- F17 Words repealed by Local Government (Scotland) Act 1973 (c. 65), Sch. 29
- F18 Definition of "maritime burgh or county" repealed by Local Government (Scotland) Act 1973 (c. 65), Sch. 29

Marginal Citations

M1 1923 c. 16.

M2 1857 c. cxlviii.

49 Interpretation. S

(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:—

[F1"appropriate agency" means—

- (a) the Environment Agency in relation to work in England;
- (b) the Natural Resources Body for Wales in relation to work in Wales;

"catchment board" and "drainage authority" have the same meanings as in the M3Land 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 [F19Merchant Shipping Act 1995];

"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;

[F1"England" includes the territorial sea adjacent to England not forming any part of Wales;]

"fishery board" means any such fishery board as is referred to in section forty-four of the M4Salmon and Freshwater Fisheries Act 1923, and includes the Tweed Commissioners;

"functions" includes powers and duties;

[F6: inshore fisheries and conservation authority" means the authority for an inshore fisheries and conservation district established under section 149 of the Marine and Coastal Access Act 2009;]

"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;

[F7: local fisheries committee" means a committee constituted under the M5[F20 Sea Fisheries Regulation Act 1966];]

"local highway authority" means a highway authority other than the $[^{F21}$ Secretary of State];

"maritime . . . F22 district" means a . . . F22 district [F23 or Welsh county or county borough] 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 [F24Secretary of State];

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

[F25" nautical miles" means international nautical miles of 1,852 metres;]

"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	ı agaınst erosion or enc	croachment by the sea
	F26	

subject to the provisions of [F27] subsections (2) and (2A) of this section] "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 [F27] subsections (2) and (2A) of this section] "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 M6Tweed Fisheries Act 1857;

[F1":Wales" has the meaning given by section 158 of the Government of Wales Act 2006;]

"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.

F28(2A)											
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- (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", ... F29, "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"

F30

"'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"

[F31] and the following definitions shall be inserted in the alphabetically appropriate place—

"local roads authority" has the meaning given to it by section 151(1) of the Roads (Scotland) Act 1984;

"road" has the meaning given to it by section 151(1) of the Roads (Scotland) Act 1984;

Extent Information

E2 This version of this provision extends to Scotland only; separate versions have been created for England and Wales only and for Northern Ireland only.

Textual Amendments

- F1 Words in s. 49(1) inserted (1.4.2013) by The Natural Resources Body for Wales (Functions) Order 2013 (S.I. 2013/755), art. 1(2), Sch. 2 para. 12(2) (with Sch. 7)
- **F6** Words in s. 49(1) inserted (1.4.2011) by Marine and Coastal Access Act 2009 (c. 23), s. 324(3), **Sch.** 14 para. 4; S.I. 2011/556, art. 2(2)(k)
- F7 Words in s. 49(1) 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. 2011/556, art. 2(2)(o), (with art. 2(3))
- F19 S. 49(1): Words in definition substituted (1.1.1996) by 1995 c. 21, ss. 314(2), 316(2), Sch. 13 para. 25
- F20 Words substituted by virtue of Interpretation Act 1889 (c. 63), s. 38(1)
- **F21** Words substituted by virtue of S.I. 1970/1681
- F22 Words repealed by Local Government Act 1972 (c. 70), Sch. 30
- **F23** S.49(1): Words in definition inserted (1.4.1996) by 1994 c. 19, s. 22(5), **Sch. 11 Pt. III**, para. 5(6); S.I. 1996/396, **art. 3 Sch.1**
- **F24** Words substituted by virtue of S.I. 1951/142, 1900 (1951 I, pp. 1348, 1347), (W.) 1965/319 and (E.) 1970/1681
- F25 S. 49(1) definition of "nautical miles" inserted by Territorial Sea Act 1987 (c. 49, SIF 29:1), s. 3(1), Sch. 1 para. 1(2)
- F26 Definition of "river board" repealed by Water Resources Act 1963 (c. 38), Sch. 14 Pt. I

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F27 S. 49(1) in the definitions of "sea" and "seashore" words substituted (E.W.S.) by Merchant Shipping Act 1988 (c. 12, SIF 111), s. 36(7)(a), Sch. 8 para. 1
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- F28 S. 49(2A) repealed (S.) (6.4.2011) by Marine (Scotland) Act 2010 (asp 5), s. 168(1), sch. 4 para. 1(b) (with s. 162); S.S.I. 2011/58, art. 3(d)
- F29 Words repealed by Local Government (Scotland) Act 1973 (c. 65), Sch. 29
- F30 Definition of "maritime burgh or county" repealed by Local Government (Scotland) Act 1973 (c. 65), Sch. 29
- F31 S. 49(4) definitions inserted (S.) by Roads (Scotland) Act 1984 (c. 54, SIF 108), s. 156(1), Sch. 9 para. 38(5)

Marginal Citations

M3 1930 c. 44.

M4 1923 c. 16.

M5 1966 c. 38.

M6 1857 c. cxlviii.

49 Interpretation. N.I.

(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:—

[F1"appropriate agency" means—

- (a) the Environment Agency in relation to work in England;
- (b) the Natural Resources Body for Wales in relation to work in Wales;]

"catchment board" and "drainage authority" have the same meanings as in the M7Land 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 [F32Merchant Shipping Act 1995];

"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;

[F1"England" includes the territorial sea adjacent to England not forming any part of Wales;]

"fishery board" means any such fishery board as is referred to in section forty-four of the M8Salmon and Freshwater Fisheries Act 1923, and includes the Tweed Commissioners;

"functions" includes powers and duties:

[F6" inshore fisheries and conservation authority" means the authority for an inshore fisheries and conservation district established under section 149 of the Marine and Coastal Access Act 2009;]

"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;

 $[^{F7::}local$ fisheries committee" means a committee constituted under the $^{M5}[^{F20}Sea$ Fisheries Regulation Act 1966];]

"local highway authority" means a highway authority other than the Γ^{F33} Secretary of State];

"maritime . . . ^{F34} district" means a . . . ^{F34} district [F35] or Welsh county or county borough 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 [F36Secretary of State];

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

[F37" nautical miles" means international nautical miles of 1,852 metres;]

"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; $_{\rm F38}$

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 M9 Tweed Fisheries Act 1857;

[F1: Wales" has the meaning given by section 158 of the Government of Wales Act 2006;]

"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", . . . ^{F39}, "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"

F40

"'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"

Extent Information

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- F7 Words in s. 49(1) 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. 2011/556, art. 2(2)(o), (with art. 2(3))
- F20 Words substituted by virtue of Interpretation Act 1889 (c. 63), s. 38(1)
- **F32** Words in s. 49(1) substituted (1.1.1996) by 1995 c. 21, ss. 314(2), 316, **Sch. 13 para. 25**
- F33 Words substituted by virtue of S.I. 1970/1681
- F34 Words repealed by Local Government Act 1972 (c. 70), Sch. 30
- **F35** Words in s. 49 inserted (1.4.1996) by 1994 c. 19, s. 22(5), **Sch. 11 Pt. III para. 5(6)**; S.I. 1996/396, art.3, **Sch.**
- **F36** Words substituted by virtue of S.I. 1951/142, 1900 (1951 I, pp. 1348, 1347), (W.) 1965/319 and (E.) 1970/1681
- F37 S. 49(1) definition of "nautical miles" inserted by Territorial Sea Act 1987 (c. 49, SIF 29:1), s. 3(1), Sch. 1 para. 1(2)
- F38 Definition of "river board" repealed by Water Resources Act 1963 (c. 38), Sch. 14 Pt. I
- F39 Words repealed by Local Government (Scotland) Act 1973 (c. 65), Sch. 29
- **F40** Definition of "maritime burgh or county" repealed by Local Government (Scotland) Act 1973 (c. 65), **Sch. 29**

Marginal Citations

- **M5** 1966 c. 38.
- M7 1930 c. 44.
- M8 1923 c. 16.
- **M9** 1857 c. exlviii.

Status:

There are multiple versions of this provision on screen. These apply to different geographical extents.

Skip to:

- E+W England and Wales extent
- S Scotland extent
- N.I. Northern Ireland extent

Changes to legislation:

There are currently no known outstanding effects for the Coast Protection Act 1949, Section 49.