



# Coast Protection Act 1949

1949 CHAPTER 74 12 13 and 14 Geo 6

## PART I

### COAST PROTECTION

#### *Execution of coast protection work*

#### **7 Works schemes providing for coast protection charges.**

- (1) A works scheme may indicate land (hereinafter referred to as “contributory land”) as land in respect of which coast protection charges are to be payable under the scheme on the ground that it will be benefited by the carrying out of the work provided for by the scheme.
- (2) Coast protection charges under a works scheme shall be levied by reference to interests in contributory land.
- (3) The coast protection charge payable by reference to any such interest shall not exceed the amount by which the value of the interest immediately after the time at which the works provided for by the scheme have been completed, calculated on the assumption that those works will in future be maintained without expense to the person entitled to the interest in question, is greater than the value of that interest would then be if the works had not been undertaken:

Provided that, if any of the work provided for by the scheme is carried out at the expense of the person entitled to the interest, the coast protection charge shall not exceed the said amount reduced by the reasonable cost of the carrying out thereof.

- (4) A works scheme which provides for the levying of coast protection charges shall either—
  - (a) specify the persons by whom such charges are to be paid, the amount of the charge to be paid by each person and the interest in land by reference to which the charge is levied upon him; or
  - (b) state that the authority by whom the scheme is prepared will, within such period after the completion of the work as may be specified in the scheme,

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*Changes to legislation: There are currently no known outstanding effects for the Coast Protection Act 1949, Section 7. (See end of Document for details)*

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determine the interests in land by reference to which coast protection charges are to be levied and, in the case of each of those interests, the amount of the charge leviable in respect thereof;

and in a case falling within paragraph (b) of this subsection a coast protection charge shall be payable by the person who, at the time of the determination of the interest by reference to which the charge is to be levied, is entitled to that interest.

- (5) Where a works scheme contains such a statement as is mentioned in paragraph (b) of the last foregoing subsection, the authority may, at any time within the period specified in the scheme, determine the charges to be levied thereunder as mentioned in that paragraph, and shall serve on each person upon whom a charge is leviable under the scheme a notice containing full particulars of their determination as to all the charges to be so levied.
- (6) Any person aggrieved by the determination of an authority under the last foregoing subsection may appeal to the Minister on the ground that the determination is inequitable or unduly onerous; and the Minister, after giving to the appellant and the authority and any other person appearing to him to be concerned an opportunity of being heard by a person appointed by him for the purpose, may confirm, reduce or cancel the charge levied upon the appellant as the Minister may think fit.
- (7) Any dispute arising in connection with a works scheme as to whether a charge under the scheme exceeds the amount permitted by subsection (3) of this section shall be determined by arbitration; and if on any such arbitration it is determined that the charge exceeds that amount, the charge shall be reduced accordingly and the scheme and any notice served thereunder shall have effect as if the amount of the charge expressed therein were the amount permitted by the said subsection (3) as determined on the arbitration.
- (8) In this section—
- (a) as respects England and Wales, the expression “interest” means the fee simple or an interest under a tenancy, and the expression “tenancy” includes a tenancy under an under-lease and a tenancy under an agreement for a lease or under-lease but does not include an option to take a tenancy and does not include a mortgage;
  - (b) as respects Scotland, the expression “interest” means the interest of the proprietor of the dominium utile or, in the case of land other than feudal land, of the owner, or the interest of the tenant or sub-tenant under a lease or sub-lease;

and for the purposes of this section the value of an interest which is subject to a mortgage or heritable security shall be calculated as if the interest were not subject thereto.

**Changes to legislation:**

There are currently no known outstanding effects for the Coast Protection Act 1949, Section 7.