



# Coast Protection Act 1949

## 1949 CHAPTER 74

### PART I

#### COAST PROTECTION

##### *Coast protection authorities*

#### **1 Coast protection authorities**

- (1) The council of each maritime county borough or county district shall, subject to the provisions of any order under the next following section, be the coast protection authority for the county borough or county 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) In the application of this section to Scotland, for references to a county borough or to a county district there shall be substituted respectively references to a burgh or to a county, and in subsection (1) the words from " subject to " to " section " shall be omitted.

#### **2 Constitution of coast protection boards**

- (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) A coast protection board shall consist of representatives of the council of every maritime county borough or county 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—

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- (a) the council of any county any part of which is within the area;
  - (b) any sea defence commissioners, river board or other drainage authority, harbour authority, fishery board, local fisheries committee, conservancy authority or navigation authority having any powers or duties in relation to any part of the area;
  - (c) any local highway 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) the British Transport Commission, 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) in relation to a river board or other drainage authority, fishery board (other than the Tweed Commissioners) or local fisheries committee, or a harbour authority for a harbour to which the Fishery Harbours Act, 1915, applies, means the Minister and the Minister of Agriculture and Fisheries;
  - (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 the British Transport Commission, means the Minister and the Minister of Transport; 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.

### **3 Appointment of joint committees**

- (1) Any coast protection authority may concur with any one or more other coast protection authorities in appointing a joint committee of those authorities either for the aggregate of the areas of the authorities or for any part thereof, and may delegate to the committee, with or without restrictions, as they think fit, any of their functions under this Act, except any power of issuing precepts for any payments or of borrowing money.
- (2) A joint committee appointed under the last foregoing subsection shall consist of such persons, being either members of the appointing authorities or persons nominated for the purpose by any one or more of the bodies and persons mentioned in paragraphs (a) to (e) of subsection (2) of the last foregoing section, as the appointing authorities may determine:
- Provided that not less than one half of the members of the committee shall consist of members of the appointing authorities.
- (3) The number of members of a joint committee appointed under subsection (1) of this section, the term of office of the members thereof, and any limitation of the area

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within which the committee is to exercise its authority, shall be fixed by the appointing authorities.

- (4) Every member of a joint committee appointed under subsection (1) of this section, being a member of one of the appointing authorities, shall, on ceasing to be a member of that authority, also cease to be a member of the committee:

Provided that for the purposes of this subsection a person shall not be deemed to have ceased by reason of retirement to be a member of an authority, if he has been re-elected a member thereof not later than the day of his retirement.

- (5) Without prejudice to the foregoing provisions of this section, a coast protection authority may concur with any one or more other authorities or persons in appointing, from among their respective members or otherwise, a joint advisory committee for the purpose of advising or assisting the coast protection authority in the exercise of their functions under this Act either generally or in relation to any particular part of their area or the carrying out of any particular coast protection work; and for the purpose aforesaid any such committee may be appointed subject to such provisions with respect to its constitution and functions as the appointing authorities or persons may jointly determine.
- (6) In the application of this section to Scotland, for any reference to the bodies and persons mentioned in paragraphs (a) to (e) of subsection (2) of section two of this Act there shall be substituted a reference to the following bodies and persons, that is to say—
- (a) any harbour authority, fishery board, conservancy authority or navigation authority having any powers or duties in relation to any part of the area within which the joint committee is to exercise its authority;
  - (b) any local highway authority responsible for the maintenance of any highway within that area, being a highway likely to be injuriously affected by the action of the sea;
  - (c) the British Transport Commission, in the case of that area containing any railway, canal or inland navigation vested in that Commission and likely to be injuriously affected by the sea;
  - (d) any other body or person on whom any powers or duties relating to the protection of land in that area have been conferred or imposed by or under any enactment other than this Act.