

1988 No. 957 (S.91)

COAST PROTECTION

**The Coast Protection (Notices) (Scotland) Regulations
1988**

<i>Made</i> - - - -	<i>20th May 1988</i>
<i>Laid before Parliament</i>	<i>10th June 1988</i>
<i>Coming into force</i>	<i>1st July 1988</i>

The Secretary of State, in exercise of the powers conferred on him by sections 5, 8 and 49 of the Coast Protection Act 1949(a) (herein referred to as "the Act") and of all other powers enabling him in that behalf, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Coast Protection (Notices) (Scotland) Regulations 1988 and shall come into force on 1st July 1988.

Notices under section 5 of the Act

2.—(1) The notice of a proposal to carry out coast protection work, other than work of maintenance or repair, shall be in or as nearly as may be in the form set out in Schedule 1 to these Regulations.

(2) In addition to the service of the notice of the proposal required by section 5(1) of the Act, there is prescribed service of a like notice on—

- (a) every district council, harbour authority, fishery board, conservancy authority and navigation authority within whose area any of the work is to be carried out, and
- (b) every other person known by the coast protection authority to have any interest in any land on which any of the work is to be carried out or which that authority considers likely to be affected by the work.

Notices under section 8 of the Act

3.—(1) The notice of a works scheme shall be in or as nearly as may be in the form set out in Schedule 2 to these Regulations.

(2) In addition to the service of copies of the scheme required by section 8(1) and (2) of the Act, there is prescribed service of copies of the scheme on the bodies and persons specified in regulation 2(2).

Publication

4. As soon as may be after publication in a local newspaper of a notice under section 5 or 8 of the Act, the coast protection authority shall publish a like notice in the Edinburgh Gazette if the estimated cost of the work exceeds £500,000.

(a) 1949 c.74; amendments of sections 5 and 8 relevant to these Regulations were made by the Water Resources Act 1963 (c.38), Schedule 3, paragraph 4 and the Water Act 1973 (c.37), section 9; section 49(4) contains a definition of "Minister" relevant to the exercise of the statutory powers under which these Regulations are made.

Notices of objection

5.—(1) Notice of objection to proposed coast protection work or to a proposed works scheme shall be served on the Secretary of State and on the coast protection authority within five weeks following the date of the first publication of the relevant notice in a local newspaper.

(2) A notice of objection shall be in writing, shall contain a statement of the grounds of objection and shall be served on the Secretary of State by addressing it to the Secretary, Scottish Development Department, St Andrew's House, Edinburgh EH1 3DE and on the coast protection authority by addressing it to the Chief Executive of the authority at its principal office.

Revocation

6. The Coast Protection (Notices) (Scotland) Regulations 1950(a) are revoked.

St Andrew's House, Edinburgh
20th May 1988

James Douglas-Hamilton
Parliamentary Under Secretary of State,
Scottish Office

(a) S.I. 1950/579.

SCHEDULE 1

Regulation 2

COAST PROTECTION ACT 1949

NOTICE OF PROPOSED COAST PROTECTION WORK

The Council hereby gives notice under section 5(1) of the above Act that they propose to carry out coast protection work at *(insert location of work)*.

The work will consist of *(describe proposed work)*.

The estimated cost of the work is £ .

Any person may serve written notice of objection to the proposal before *(specify date)* on the Secretary of State and the Council by addressing the notices of objection to the Secretary, Scottish Development Department, St Andrew's House, Edinburgh EH1 3DE and to the Chief Executive of the Council *(insert address of principal office of Council)* respectively.

Signature
(insert name of proper officer of the Council and date of signing)

SCHEDULE 2

Regulation 3

COAST PROTECTION ACT 1949

NOTICE OF WORKS SCHEME

The Council has prepared a works scheme under section 6 of the above Act. A copy of the scheme may be inspected at *(insert address of office or offices of the Council and other places where copies of the scheme will be available for public inspection)* between the hours of and *(here indicate days when these offices and other places are open to the public)*.

Any person may serve written notice of objection to the scheme before *(specify date)* on the Secretary of State and the Council by addressing the notice of objection to the Secretary, Scottish Development Department, St Andrew's House, Edinburgh EH1 3DE and to the Chief Executive of the Council *(insert address of principal office of Council)* respectively.

Signature
(insert name of proper officer of the Council and date of signing)

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations replace the Coast Protection (Notices) (Scotland) Regulations 1950. They provide forms of notices of proposed coast protection work under sections 5 and 8 of the Coast Protection Act 1949 and provide for service on additional interested parties and for service of notices of objection. The estimated cost of works which require publication of notices in the Edinburgh Gazette, as well as in a local newspaper, is increased from £50,000 to £500,000.

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