

## SCHEDULES

### SECOND SCHEDULE

Section 18.

#### PROVISIONS AS TO ORDERS RESTRICTING EXCAVATION OF MATERIALS FROM THE SEASHORE

##### PART I

###### GENERAL PROVISIONS

- 1 Before making an order under section eighteen of this Act, the coast protection authority shall prepare a draft order and shall cause notice of their intention to make the order, and of the place where copies of the draft order may be inspected at all reasonable hours, and of the time within which, and the manner in which, objections to the draft order may be made, to be published, in two successive weeks, in the London Gazette and in one or more local newspapers circulating in the locality.
- 2 Where the coast protection authority cause notice to be published under the foregoing paragraph, they shall serve a like notice on any catchment board, external drainage board, conservancy authority, harbour authority, navigation authority or river board whose area comprises land to which the draft order relates.
- 3 In this Schedule the expression " external drainage board" means a drainage board whose area, or any part of whose area, is not comprised in the area of any catchment board and is not for the time being comprised in the area of any river board.
- 4 If no objection is duly made, or if all objections so made are withdrawn, the Minister, on being satisfied that the proper notices have been published, may confirm the order with or without modifications.
- 5 (1) If an objection duly made is not withdrawn, the Minister shall, before the order is confirmed, either cause a local inquiry to be held or afford to any person by whom objection has been duly made and not withdrawn an opportunity of being heard by a person appointed by him for the purpose.  
(2) Where the objection is made by any such body as is mentioned in paragraph 2 of this Schedule, references in the last foregoing sub-paragraph to the Minister shall be construed—
  - (a) in the case of an objection made by a catchment board, external drainage board or river board, or by the harbour authority for a harbour to which the Fishery Harbours Act, 1915, applies, as references to the Minister and the Minister of Agriculture and Fisheries, and
  - (b) in the case of an objection made by any other harbour authority, or by a conservancy authority or navigation authority, as references to the Minister and the Minister of Transport.
- 6 If any person by whom an objection has been made avails himself of the opportunity of being heard, the Minister or Ministers concerned shall afford to the coast protection authority, and to any other persons to whom it appears to him or them expedient to afford it, an opportunity of being heard on the same occasion.

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

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- 7 If objection is duly made—
- (a) by any person on the ground that the order would interfere with the exercise of his functions under any enactment other than this Act, or
  - (b) by any person having an interest, right or privilege conferred on him by any local or private Act, on the ground that any such interest, right or privilege of his specified in the objection would be affected by the order,
- and the objection is not withdrawn, the order shall be subject to special parliamentary procedure.

8 Subject to the last foregoing paragraph, the Minister may confirm the order with or without modifications as he may think fit having regard to the determination of any objections and to the report of any person appointed to hold an inquiry or to hear objections.

9 As soon as may be after the order has been confirmed the coast protection authority shall publish in the London Gazette and in one or more local newspapers circulating in the locality a notice stating that the order has been confirmed and naming a place where a copy thereof as confirmed may be inspected at all reasonable hours, and shall serve a like notice on any board or authority on whom a notice was required to be served by paragraph 2 of this Schedule.

10 If any person aggrieved by the order desires to question its validity on the ground that it is not within the powers of this Act or that any requirement of this Act has not been complied with, he may, within six weeks after the date on which notice of the confirmation of the order is published in accordance with the last foregoing paragraph, make an application for the purpose to the High Court; and if any such application is duly made the court, if satisfied that the order is not within the powers of this Act or that the interests of the applicant have been substantially prejudiced by any requirement of this Act not having been complied with, may quash the order either generally or in so far as it affects any property of the applicant; but except as aforesaid the order shall not at any time be questioned by prohibition or certiorari or in any proceedings whatsoever:

Provided that this paragraph shall not apply to an order which is confirmed by Act of Parliament under section six of the Statutory Orders (Special Procedure) Act, 1945, and shall have effect in relation to any other order which is subject to special parliamentary procedure by virtue of paragraph 7 of this Schedule as if for the reference to the date of the publication of the notice there were substituted a reference to the date on which the order becomes operative under the said Act.

## PART II

### INTERIM ORDERS

11 Where it appears to a coast protection authority that by reason of emergency it is urgently necessary for the protection of any land that an order should be made applying the provisions of section eighteen of this Act to any portion of the seashore in their area or lying to seaward therefrom, the authority may make an interim order applying those provisions accordingly.

12 As soon as may be after the making of an interim order under the last foregoing paragraph the authority shall in two successive weeks publish in the London Gazette and in one or more local newspapers circulating in the locality a notice stating that the order has been made, and naming a place where a copy thereof

may be inspected at all reasonable hours, and shall serve a like notice on any catchment board, external drainage board, conservancy authority, harbour authority, navigation authority or river board whose area comprises land to which the interim order relates.

- 13 Any person who objects to an interim order may serve notice of objection on the Minister and on the authority by whom the order was made; and the Minister, after holding a local inquiry or affording to the objector and the authority and any other persons appearing to him to be concerned an opportunity of being heard by a person appointed by him for the purpose, may, if he thinks fit, revoke the order.
- 14 Subject to the last foregoing paragraph an interim order shall remain in force until the expiration of a period of six months after the making thereof and no longer:
- Provided that if before the expiration of that period an order under section eighteen of this Act is made and confirmed in accordance with Part I of this Schedule with respect to the portion of the seashore to which the interim order applies, the interim order shall cease to have effect on the coming into operation of that order.
- 15 The provisions of paragraph 10 of this Schedule, other than the proviso to that paragraph, shall apply to an interim order as they apply to an order made in accordance with Part I of this Schedule, with the substitution of a reference to the date of the first publication of the notice under paragraph 12 of this Schedule for the reference to the date of publication of the notice of the confirmation of the order.

### PART III

#### APPLICATION TO SCOTLAND

- 16 In the application of this Schedule to Scotland—
- (a) for references to the High Court and to the London Gazette there shall be substituted respectively references to the Court of Session and to the Edinburgh Gazette;
  - (b) for sub-paragraph (2) of paragraph 5 there shall be substituted the following sub-paragraph—

“(2) Where the objection is made by a conservancy authority or a navigation authority or by a harbour authority, other than the authority for a harbour principally used by the fishing industry, any reference in the foregoing sub-paragraph to the Minister shall be construed as references to the Minister and the Minister of Transport;”and
  - (c) for the words " section she of the Statutory Orders (Special Procedure) Act, 1945 ", there shall be substituted the words " subsection (4) of section two, as read with section ten, of the Statutory Orders (Special Procedure) Act, 1945, or under section six of that Act ".