WELSH STATUTORY INSTRUMENTS

2003 No. 1847 (W.197)

COAST PROTECTION, WALES

The Coast Protection (Notices) (Wales) Regulations 2003

Made - - - -	*16th July 2003*
Coming into force - -	*31st July 2003*

The National Assembly for Wales ("the National Assembly"), in exercise of the powers conferred upon "the Minister" by section 5(1), (2) and (3) and section 44 of the Coast Protection Act 1949(**1**), and now exercisable by the National Assembly in relation to Wales(**2**), hereby makes the following Regulations:

Citation, commencement and application

1.—(1) These Regulations may be cited as the Coast Protection (Notices) (Wales) Regulations 2003 and come into force on the 31st July 2003.

(2) These Regulations apply to Wales.

Interpretation

2. In these Regulations—

"the Act" ("*y Ddeddf*") means the Coast Protection Act 1949;

"electronic communication" ("*cyfathrebiad electronig*") has the meaning assigned to that term in section 15(1) of the Electronic Communications Act 2000(**3**);

"local authority" ("*awdurdod lleol*") means, in relation to Wales, a county or county borough council, or, in relation to England, a county, district or borough council;

"notice of a proposal to carry out coast protection work" ("*hysbysiad o gynllun i wneud gwaith diogelu'r arfordir*") means a notice which a coast protection authority is required to publish under section 5(1) of the Act.

(**1**) 1949 c. 74. Section 5(1) was amended by the Water Act 1989 (c. 15), section 190(1) and Schedule 25, paragraph 1 and by the Environment Act 1995 (Consequential Amendments) Regulations 1996 (S.I.1996/593), regulation 2 and Schedule 1.

(**2**) The powers of "the Minister" under section 5 of the Act were transferred to the National Assembly for Wales, so far as exercisable in relation to Wales, by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672), article 2 and Schedule 1.

(**3**) 2000 c. 7.

Form of notice of a proposal to carry out coast protection work

3. A notice of a proposal to carry out coast protection work must be in the bilingual form set out in the Schedule to these Regulations or in a form substantially to the same effect.

Service of a notice of a proposal to carry out coast protection work

4. A copy of a notice of a proposal to carry out coast protection work must, as well as being served on the bodies specified in section 5(1) of the Act, be served on:

(a) any local authority whose area is likely to be affected by the work to which the notice relates;

(b) any harbour authority, navigation authority, conservancy authority, or local fisheries committee whose area includes the area where the work to which the notice relates is to be carried out or is otherwise likely to be affected by that work;

(c) the Countryside Council for Wales;

(d) if the work to which the notice relates is likely to affect any part of England or of the sea adjacent to England, English Nature, the Historic Buildings and Monuments Commission for England and the Countryside Agency; and

(e) any other person who has an interest in any land on which the work to which the notice relates is to be carried out, or which is likely to be affected by the work, unless the identity of that person is not known to, and cannot reasonably be ascertained by, the coast protection authority.

Notice of objection

5.—(1) A notice of objection under section 5(3) of the Act to a proposal to carry out coast protection work of which notice has been published under section 5(1) of the Act must be in writing and copies must be served on the National Assembly and on the coast protection authority within such period as is specified in the notice published under section 5(1), which period must not be less than 28 days after the publication of that notice.

(2) A notice of objection under section 5(3) of the Act must state the grounds of the objection.

(3) The copy of the notice of objection required by paragraph (1) to be served on the National Assembly must be addressed to the Environmental Protection Division, Welsh Assembly Government, Cathays Park, Cardiff CF10 3NQ.

(4) The copy of the notice of objection required by paragraph (1) to be served on the coast protection authority must be addressed to the Chief Executive of that authority at its principal office.

Use of electronic communication

6.—(1) Any document to which this regulation applies may, in addition to any other method of service authorised by the Act, be served by means of electronic communication and any reference in these Regulations to writing, however expressed, in relation to such a document, is to be construed as including a reference to a form capable of being stored on a computer, transmitted to and from a computer, and read by means of a computer.

(2) This regulation applies to:

(a) any copy of a notice of objection under section 5(3) of the Act; and

(b) any copy of a notice of a proposal to carry out coast protection work, if the person on whom it is required to be served agrees to accept service of that document by electronic means.

Revocation

7. The Coast Protection (Notices) Regulations 1950(**4**) are hereby revoked in relation to Wales.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(**5**)

D. Elis-Thomas
16th July 2003 Presiding Officer of the National Assembly

(**4**) S.I. 1950/124, which has already been revoked, in relation to England, by S.I. 2002/1278.
(**5**) 1998 c. 38.