

(Made on the 13th April, 1949.)

The Coast Protection Ordinance, 1949.

**(No. XII—
1949)**

The States Legislation Committee, under and by virtue of the powers conferred on them by paragraph (3) of Article 66 of the Reform (Guernsey) Law, 1948, and in pursuance of the Resolution of the States of the 13th day of April, 1949, hereby order:—

1. The Ordonnance provisoire relative aux Côtes de l'Île, of the 26th day of November, 1938, is hereby repealed. Repeal.

2. In this Ordinance the following expressions shall have the meanings hereby respectively assigned to them:— Definitions.

1949

“beach” means any place lying between the lines of high water and low water at equinoctial spring tides ;

“cartage” includes the loading into any vehicle ;

“Board” means the States Board of Administration ;

“dune” means any ridge, hillock or other accumulation composed wholly or partly of sand situate on any part of the shore other than a beach ;

“shore” means every part of a beach and so much of the surface and subjacent strata (however composed) of land as is situate within a distance, measured horizontally, of one hundred and fifty feet from the line of high water at equinoctial spring tides and is not at a level in excess of twenty feet above sea level at high water at equinoctial spring tides ;

“shore material” includes turf, peat, clay, earth, mud, sand (including black sand), gravel, shingle and every kind of stone.

Removal, etc.
of shore
material.

3. (1) A person shall not, without the written permission of the Board—
- (a) remove or attempt to remove any shore material from the shore ;
 - (b) cut or break, at any place below the line of high water mark at equinoctial spring tides, any stone or rock ;
 - (c) cart on any public road shore material removed from the shore except between sunrise and one and a half hours after sunset.
- (2) For the purposes of any legal proceedings in respect of a contravention of any of the provisions of this section it shall not be necessary to specify the kind of shore material alleged to have been removed or attempted to have been removed.

- (3) A permission given hereunder by the Board may be either conditional or unconditional, and a breach of any condition so imposed by the Board shall be deemed to be a breach of the provisions of this section. 1949
4. (1) It is forbidden, without a permit in writing so to do from the Board—
- Quarries,
sandpits, etc.
- (a) to cut, break or remove at or from any place which, not being part of a beach, forms part of the shore, any stone or rock naturally forming part of that place ; or
- (b) to open or work any stone quarry at any place forming part of the shore ; or
- (c) after the date of commencement of this Ordinance, to open or work any sandpit or gravel pit which is within a distance, measured horizontally, of two hundred feet from the line of high water at equinoctial spring tides and is not at a level in excess of twenty feet above sea-level at high water at equinoctial spring tides.
- (2) The Board may attach to the grant of a permit under this section such conditions (including a condition that the permit shall only be operative during such period as shall be therein specified) as it may deem necessary or expedient and any person failing to comply with or contravening any of the conditions attached to the grant of a permit under this section shall be deemed to have contravened this section.
- (3) A place to which a permit granted by the Board under this section applies shall not, while such permit remains operative, be

1949

deemed to form part of the shore nor shall material taken, removed or carted therefrom be deemed to be shore material.

Appeals.

5. (1) An appeal shall lie to the Royal Court sitting as a Full Court from any decision of the Board refusing to grant a permit under either of the two last preceding sections or attaching any condition to the grant of a permit thereunder.
- (2) An appeal to the Royal Court under this section shall be instituted by way of summons against the President or Acting President of the Board and such appeal shall be instituted within the ninety days next following the receipt by the appellant of notification of the decision of the Board which is appealed from.
- (3) The only grounds of appeal under this section shall be—
 - (a) that the Board have wrongly decided a question of law ; or
 - (b) that the Board have acted in a manner contrary to natural justice.

Penalty.

6. Any person contravening or assisting in or permitting the contravention of any of the provisions of this Ordinance shall be liable on conviction to a fine not exceeding one hundred pounds.

Saving of certain rights.

7. Nothing contained in this Ordinance shall
 - (a) restrict the right to prevent the removal of shore material from any place which any person may be entitled to exercise ; or
 - (b) restrict the right of any person as regards any place, other than a beach, which, for the purposes of this Ordinance, forms part of the shore, in relation to—

- (i) the cultivation of that place and any change of soil thereon which is incidental to such cultivation ; or
- (ii) the laying of the foundations of any building or the construction of any cesspit, septic tank, drain, cistern or other usual appurtenance to domestic or business premises.

8. This Ordinance shall come into force on the 14th day of April, 1949. Commence-
ment.
