



Civic Government (Scotland) Act 1982

1982 CHAPTER 45

PART IX

MISCELLANEOUS AND GENERAL

The seashore etc.

122 Power to execute works on seashore.

- (1) A [^{F1}local authority] may, in accordance with this section, on any part of the seashore or in or on adjacent waters or the bed thereof, execute any works for the purpose of preserving, improving or restoring amenity.
- (2) Works may be carried out under this section only if—
 - (a) the [^{F1}authority] have complied with subsection (4) below and made such other inquiries as may be reasonably necessary to ascertain the existence and identity of each person having, in the seashore or in relation to the adjacent waters or in the bed thereof or in any salmon fishings, a proprietary interest which may be affected by the works; and
 - (b) subject to subsection (5) below—
 - (i) every such person has consented to their being carried out; [^{F2}and]
 - (ii) in the case of works by [^{F3}any local authority other than the authority for Orkney Islands, Shetland Islands or Western Isles], they have obtained the consent of the river purification board within whose area the works are to be carried out; ^{F4} . . .
 - (iii)
- (3) A [^{F1}local authority], when exercising their powers under this section, shall have regard to the need to protect and maintain any public rights under the guardianship of the Crown to use the foreshore and adjacent waters or the bed thereof.
- (4) The [^{F1}local authority] shall—
 - (a) give public notice of their proposal to carry out works under this section and of the effect of subsection (2)(b)(i) above in relation to that proposal in a

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newspaper circulating in the area where the works are proposed to be carried out; and

(b) notify the Crown Estate Commissioners [^{F5}or (as the case may be) the relevant person] of that proposal.

(5) If a [^{F1}local authority] have complied with subsections (2)(a) and (4) above but the consent of a person whose consent to the carrying out of the works is required under subsection (2)(b)(i) above cannot be obtained because his existence or identity is unknown or he cannot be found or if the consent of a person whose consent is required under subsection (2)(b) above cannot be obtained because he fails to respond in any way to a request for his consent, the [^{F1} authority] may nevertheless proceed to carry out the works but shall not so proceed earlier than one month after the date of the advertisement under subsection (4) above or, if there were more than one advertisement, the later or last of these dates.

Textual Amendments

- F1** Words in s. 122(1)(3)-(5) substituted (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 129(19)(a)-(c)**; S.I. 1996/323, **art. 4(1)(c)**
- F2** Word in s. 122(2)(b)(i) inserted (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 129(19)(b)**; S.I. 1996/323, **art. 4(1)(c)**
- F3** Words in s. 122(2)(b)(ii) substituted (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 129(19)(b)(ii) (A)**; S.I. 1996/323, **art. 4(1)(c)**
- F4** S. 122(2)(b)(iii) and the preceding “and” repealed (1.4.1996) by 1994 c. 39, s. 180(1)(2), Sch. 13 para. 129(19)(b), **Sch. 14**; S.I. 1996/323, art. 4(1)(c)(d), **Sch. 2**
- F5** Words in s. 122(4)(b) inserted (1.4.2017) by The Crown Estate Transfer Scheme 2017 (S.I. 2017/524), art. 1(2), **Sch. 5 para. 17(2)**

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 22(1)(c) repealed by [2015 asp 10 s. 65\(3\)](#)
- s. 49(9) added by [2010 asp 13 s. 200\(1\)\(b\)](#)