

*Draft Order laid before Parliament under section 277(3) of the Transport Act 2000, for approval by resolution of each House of Parliament.*

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DRAFT STATUTORY INSTRUMENTS

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**2004 No.**

**CIVIL AVIATION**

**The Transport Act 2000 (Consequential  
Amendment) Order 2004**

<i>Made</i>	- - - -	2004
<i>Coming into force</i>	- -	2004

Whereas a draft of this Order has been laid before Parliament and approved by each House of Parliament in pursuance of section 277(3) of the Transport Act 2000<sup>(1)</sup>.

Now, therefore the Secretary of State for Transport, in exercise of the powers conferred by section 277(1) of that Act, hereby makes the following Order:

**Citation and commencement**

1. This Order may be cited as the Transport Act 2000 (Consequential Amendment) Order 2004 and shall come into force on the day after the day on which it is made.

**Amendment of section 44 of the Civil Aviation Act 1982**

2. In section 44(10) of the Civil Aviation Act 1982<sup>(2)</sup> for “(7)” there is substituted “(7A)”.

Signed by authority of the Secretary of State for Transport

Parliamentary Under-Secretary of State,  
Department for Transport

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(1) 2000 c. 38.  
(2) 1982 c. 16.

## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order amends section 44(10) of the Civil Aviation Act 1982 in consequence of the amendments to subsection (7) of that section effected by Part I of the Transport Act 2000.

Section 44 of the Civil Aviation Act 1982 gives the Secretary of State power to obtain by order rights over land to secure the safe and efficient use of any land for civil aviation purposes. As originally enacted, section 44(7) of the Civil Aviation Act 1982 stated that the ownership of anything placed on or under, or affixed to any land subject to an order under section 44 would not be affected by reason of the order and prohibited unauthorised interference with any works on such land. Subsection (10) set out the penalties for any contravention of subsection (7).

Subsection (7) of section 44 of the Civil Aviation Act 1982 was amended by Section 36 of and paragraph 4 of Schedule 4 to the Transport Act 2000. That part of subsection (7) which prohibited unauthorised interference with any works on land subject to an order under section 44 was put into a new subsection: subsection (7A).