



# Civil Aviation Act 1982

## 1982 CHAPTER 16

### PART II

#### AERODROMES AND OTHER LAND

##### *Supplemental*

#### **51 Special provisions relating to statutory undertakers.**

- (1) Subject to the provisions of this section, the compensation to be paid to a statutory undertaker—
- (a) in respect of the compulsory purchase in pursuance of this Part of this Act, otherwise than under section 30, of any land held by the undertaker for the purposes of the carrying on of his undertaking,
  - (b) in respect of the creation, by virtue of an order made under this Part of this Act, otherwise than under section 30 above, of any easement or servitude over any such land or of any other right in or in relation to any such land,
  - (c) in respect of any direction under section 46 above which affects any building, structure or apparatus held or used by him for the purposes of his undertaking, or which affects any of his rights to install or maintain apparatus for those purposes or which affects any right of way enjoyed by him for those purposes,
- shall, in default of agreement, be assessed by the [<sup>F1</sup>appropriate tribunal]; but this subsection shall not apply to any compensation payable by virtue of section 42 above.
- (2) Subject to those provisions, the amount of any compensation payable as mentioned in subsection (1) above shall be an amount calculated in accordance with the following enactments, that is to say—
- (a) if the land is in England and Wales, [<sup>F2</sup>section 280(2) to (5), (7) and (8) of the Town and Country Planning Act 1990]; and
  - (b) if the land is in Scotland, [<sup>F3</sup>section 233(2) to (5), (7) and (8) of the Town and Country Planning (Scotland) Act 1997].

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- (3) Subsection (4) below applies in relation to compensation payable as so mentioned in respect of a compulsory purchase.
- (4) If, before the expiration of two months from the date on which notice to treat is served in respect of the interest of the person by whom the statutory undertaking is carried on, that person gives notice in writing to the Secretary of State that he elects that as respects all or any of the land comprised in the purchase the compensation shall be ascertained in accordance with the enactments, other than Rule (5) of the Rules set out in section 5 of the <sup>M1</sup>Land Compensation Act 1961 and section 12(1) of the <sup>M2</sup>Land Compensation (Scotland) Act 1963, which would be applicable apart from subsection (2) above, the compensation shall be so ascertained.
- (5) [<sup>F4</sup>Subsections (2) to (5), (7) and (8) of the said section 280 and][<sup>F5</sup>subsections (2) to (5), (7) and (8) of the said section 233] shall have effect for the purposes of this section with the following modifications, that is to say—
- (a) in subsection (2)(c) of the said [<sup>F6</sup>section 280] the words “is under [<sup>F6</sup>section 279(2) or (3)] of this Act and” and in subsection (2)(c) of the said [<sup>F7</sup>section 233] the words “is under [<sup>F7</sup>section 232(2) or (3)] of this Act and” shall be omitted;
  - (b) after subsection (2)(c) of each of the said sections there shall be inserted the following paragraph:—
    - “(d) in respect of the imposition of a requirement to demolish a building or structure either wholly or in part, any expense reasonably incurred by the person carrying on the undertaking in complying with the requirement, reduced by the value to that person of any materials derived from the demolished building or structure, or from the demolished part of the building or structure, as the case may be;”;
  - (c) in [<sup>F8</sup>subsection (8) of the said section 280 and [<sup>F9</sup>subsection (8) of the said section 233]] any reference to the imposition of a requirement shall include a reference to anything which may be done by virtue of an order made, otherwise than by virtue of section 42 above, under this Part of this Act.
- (6) The preceding provisions of this section as to the assessment of compensation shall not have effect—
- (a) in the case of the compulsory purchase of land, unless the Secretary of State has, upon a representation made to him before the expiration of the time within which objections may be made to the compulsory purchase order, certified that the land is in respect of its nature or situation of such a kind that it is comparable less with the generality of land than with land held for the purpose of the carrying on of statutory undertakings;
  - (b) in the case of the creation of any easement or servitude over land or any other right in or in relation to land, unless the Secretary of State has, upon a representation made to him before the expiration of the time within which objections may be made to the order providing for the creation of that easement, servitude or right, certified that the land in question is of such a kind as aforesaid; and
  - (c) in the case of any direction which affects a building or structure, unless the Secretary of State has, upon a representation made to him before the expiration of the time within which an application may be made to the court with respect to the direction in accordance with the provisions of Part II of Schedule 7 to this Act, certified that the building or structure is in respect of its nature or

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situation comparable less with the generality of buildings or structures than with buildings or structures held for the purpose of the carrying on of statutory undertakings.

- (7) Schedule 10 to this Act (which broadly corresponds to [F10]sections 275 to 277 of the Town and Country Planning Act 1990] and [F11]sections 228 to 230 of the Town and Country Planning (Scotland) Act 1997]) shall have effect for the purpose of making any adjustments of the functions of statutory undertakers which may be necessary in consequence of the provisions of this Part of this Act; but in that Schedule references to an order made or proposed to be made in pursuance of this Part of the Act—
- (a) shall, in relation to an order for the compulsory purchase of land by the CAA[F12]or a licence holder], have effect as references to an order confirmed or, as the case may be, proposed to be confirmed by the Secretary of State; but
- (b) shall be deemed not to include a reference to an order made or, as the case may be, proposed to be made in pursuance of section 30 above or under any enactment conferring a power exercisable by statutory instrument.

#### Textual Amendments

- F1** Words in s. 51(1) substituted (1.6.2009) by [The Transfer of Tribunal Functions \(Lands Tribunal and Miscellaneous Amendments\) Order 2009 \(S.I. 2009/1307\)](#), art. 1, [Sch. 1 para. 155](#) (with Sch. 5)
- F2** Words substituted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\)](#), s. 4, [Sch. 2 para. 55\(2\)\(a\)](#)
- F3** Words in s. 51(2)(b) substituted (27.5.1997) by [1997 c. 11, ss. 4, 6\(2\)](#), [Sch. 2 para. 35\(2\)\(a\)](#)
- F4** Words substituted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\)](#), s. 4, [Sch. 2 para. 55\(2\)\(b\)\(i\)](#)
- F5** Words in s. 51(5) substituted (27.5.1997) by [1997 c. 11, ss. 4, 6\(2\)](#), [Sch. 2 para.35\(2\)\(b\)\(i\)](#)
- F6** Words substituted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\)](#), s. 4, [Sch. 2 para. 55\(2\)\(b\)\(ii\)](#)
- F7** Words in s. 51(5)(a) substituted (27.5.1997) by [1997 c. 11, ss. 4, 6\(2\)](#), [Sch. 2 para. 35\(2\)\(b\)\(ii\)](#)
- F8** Words substituted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\)](#), s. 4, [Sch. 2 para. 55\(2\)\(b\)\(iii\)](#)
- F9** Words in s. 51(5)(c) substituted (27.5.1997) by [1997 c. 11, ss. 4, 6\(2\)](#), [Sch. 2 para. 35\(2\)\(b\)\(iii\)](#)
- F10** Words substituted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\)](#), s. 4, [Sch. 2 para. 55\(2\)\(c\)](#)
- F11** The words “sections 222 and 224 of the Town and Country Planning (Scotland) Act 1972” in s. 51(7) substituted (27.5.1997) by [1997 c. 11, ss. 4, 6\(2\)](#), [Sch. 2 para. 35\(2\)\(c\)](#)
- F12** Words in s. 51(7)(a) inserted (1.4.2001) by [2000 c. 38, s. 36](#), [Sch. 4 para. 9](#) (with s. 106); S.I. 2001/869, [art. 2](#)

#### Modifications etc. (not altering text)

- C1** Ss. 49, 51 extended by [Electricity Act 1989 \(c. 29, SIF 44:1\)](#), s. 112(1), [Sch. 16 para. 2\(2\)\(h\)\(9\)](#)

#### Marginal Citations

- M1** 1961 c. 33.  
**M2** 1963 c. 51.

## 52 Displacements from land.

- (1) This section applies where—
- (a) the Secretary of State has acquired land for purposes connected with the exercise of his functions relating to civil aviation;

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- (b) the Secretary of State (in a case not falling within paragraph (a) above) or the Department of the Environment for Northern Ireland has acquired land in pursuance of this Part of this Act;
- (c) the CAA has acquired land for purposes connected with the discharge of its functions; or
- <sup>F13</sup>(ca) a licence holder has acquired land for purposes connected with the carrying out of the activities authorised by the licence;]
- (d) the Secretary of State gives a direction in relation to any land in pursuance of an order made under section 46(1) above;

and the use of the land by the person who has acquired it for the purpose for which he acquired it or, as the case may be, the execution of the direction will involve the displacement of persons residing in premises on the land.

- (2) Where this section applies, the following, that is to say—
- (a) in a case falling within paragraph (a), (b) <sup>F14</sup>, (c) or (ca)] of subsection (1) above, the person who has acquired the land,
  - (b) in a case falling within paragraph (d) of that subsection where the person in respect of whom the order was made is the Secretary of State or Eurocontrol, the Secretary of State, and
  - (c) in any other case falling within the said paragraph (d), the person in respect of whom the order was made,

shall be under a duty, in so far as there is no other residential accommodation available on reasonable terms to the persons who require it in consequence of the displacement, being residential accommodation suitable to the reasonable requirements of those persons, to secure the provision of such accommodation.

- (3) A person required under subsection (2) above to secure the provision of accommodation shall secure its provision in advance of the displacement unless—
- (a) in a case falling within paragraph (a), (c) <sup>F15</sup>, (ca)] or (d) of subsection (1) above, the Secretary of State is satisfied that for reasons of exceptional public importance it is essential that the displacement should be effected before such accommodation as aforesaid can be found; or
  - (b) in a case falling within paragraph (b) of that subsection, the Secretary of State or, as the case may be, the Department of the Environment for Northern Ireland is so satisfied.

#### Textual Amendments

**F13** S. 52(1)(ca) inserted (1.4.2001) by 2000 c. 38, s. 36, **Sch. 4 para. 10(2)** (with s. 106); S.I. 2001/869, **art. 2**

**F14** Words in s. 52(2)(a) substituted (1.4.2001) by 2000 c. 38, s. 36, **Sch. 4 para. 10(3)** (with s. 106); S.I. 2001/869, **art. 2**

**F15** Words in s. 52(3)(a) inserted (1.4.2001) by 2000 c. 38, s. 36, **Sch. 4 para. 10(4)** (with s. 106); S.I. 2001/869, **art. 2**

#### Modifications etc. (not altering text)

**C2** S. 52 extended with modifications by **Airports Act 1986 (c. 31, SIF 9), s. 59(3)(4)**

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### **53 Compensation in respect of planning decisions relating to safety of aerodromes, etc.**

- (1) A local planning authority (in this section referred to as “a planning authority”) shall be <sup>F16</sup>entitled to recover from the relevant person] a sum equal to any compensation which the planning authority has become liable to pay, if—
- (a) it has become so liable under <sup>F17</sup>section 107, 108, <sup>F18</sup>. . . 144(2) or 279(1) of the Town and Country Planning Act 1990] or <sup>F19</sup>section 76, 77, 95(2) or 232(1) of the Town and Country Planning (Scotland) Act 1997] (which relate to compensation for certain planning restrictions, for purchase notices which do not take effect and in respect of undertakers’ operational land); and
  - (b) the liability is attributable to a planning decision which would not have been taken, or, in the case of compensation under <sup>F20</sup>the said section 107] or <sup>F21</sup>the said section 76] to an order under <sup>F20</sup>section 97 of the said Act of 1990] or <sup>F21</sup>section 65 of the said Act of 1997] which would not have been made, but for the need—
    - <sup>F22</sup>(i) . . . . .
    - <sup>F22</sup>(ii) . . . . .
    - <sup>F23</sup>(iii) to secure the safe and efficient operation of apparatus which is in the possession of a licence holder and is provided for the purpose of the activities authorised by the licence.]
- (2) Where a sum equal to any compensation is payable or paid to a planning authority in pursuance of subsection (1) above, the planning authority <sup>F24</sup>shall refund to the person who paid that sum] any amount received by the planning authority in respect of the compensation under <sup>F25</sup>sections 111 and 112 of the said Act of 1990] or <sup>F26</sup>section 82 of the said Act of 1997] (which relate to the recovery of compensation on subsequent development).
- (3) Where a purchase notice is served under <sup>F27</sup>section 137 of the said Act of 1990] or <sup>F28</sup>section 88 of the said Act of 1997] in respect of a planning decision which would not have been taken but for <sup>F29</sup>a need referred to in <sup>F30</sup>subsection (1)(b)(iii)],] any local authority who are deemed under <sup>F27</sup>section 139(3) or 143(1) of the said Act of 1990] or <sup>F28</sup>section 90(3) or 94(1) of the said Act of 1997] to have served a notice to treat in respect of the interest to which the purchase notice relates may, by notice in writing <sup>F31</sup>given to the relevant person] not later than one month from the time when the amount of compensation payable by the local authority for the interest is agreed or determined, <sup>F31</sup>require the relevant person] to purchase the interest from the local authority for a sum equal to the amount of compensation so agreed or determined.
- (4) Where a notice in writing is given to <sup>F32</sup>the relevant person] under subsection (3) above, <sup>F32</sup>the relevant person] shall, subject to any agreement between it and the local authority, be deemed to have contracted with the local authority to purchase the interest at that price.
- (5) Any dispute as to whether a planning decision would not have been taken or an order under <sup>F33</sup>the said section 97] or <sup>F34</sup>the said section 65] would not have been made but for such a need as is mentioned in subsection (1) above shall be referred to and determined by the Secretary of State.
- (6) In the preceding provisions of this section “planning decision” means a decision made on an application under Part III of <sup>F35</sup>the said Act of 1990] or Part III of <sup>F36</sup>the said Act of 1997]; and references in those provisions to a local planning authority include,

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in relation to England and Wales, references to any authority to whom functions of a local planning authority are delegated.

(7) Where by reason of a planning decision taken under the Planning Acts (Northern Ireland) 1931 and 1944 by a planning authority in Northern Ireland or under the <sup>M3</sup>Planning (Northern Ireland) Order [<sup>F37</sup>1991] by the Department of the Environment for Northern Ireland or the Planning Appeals Commission—

(a) the Department of the Environment for Northern Ireland becomes liable to pay compensation to any person; and

[<sup>F38</sup>(b) the decision would not have been taken but for the need to secure the safe and efficient operation of apparatus which is in the possession of a licence holder and is provided for the purpose of the activities authorised by the licence, the Department shall be entitled to recover from the licence holder a sum equal to that compensation.]

(8) Where a sum equal to any compensation is payable or paid to the said Department in pursuance of subsection (7) above, the Department shall pay [<sup>F39</sup>the licence holder] any amount received by the Department in respect of the compensation under section 24 of the <sup>M4</sup>Land Development Values (Compensation) Act (Northern Ireland) 1965 (which relates to the recovery of compensation on subsequent development).

(9) In subsection (7) above, “planning decision” includes a revocation or modification of planning permission under section 3 of the <sup>M5</sup>Planning (Interim Development) Act (Northern Ireland) 1944.

[<sup>F40</sup>(10) The relevant person for the purposes of this section is—

<sup>F41</sup>(a) .....

(b) in a case to which subsection (1)(b)(iii) applies, the licence holder.]

#### Textual Amendments

- F16** Words in s. 53(1) substituted (1.4.2001) by 2000 c. 38, s. 36, **Sch. 4 para. 11(2)(a)** (with s. 106); S.I. 2001/869, **art. 2**
- F17** Words substituted by **Planning (Consequential Provisions) Act 1990** (c. 11, SIF 123:1, 2), s. 4, **Sch. 2 para. 55(3)(a)(i)**
- F18** Figure "114," in s. 53(1)(a) repealed (E.W.) (25.9.1991) by **Planning and Compensation Act 1991** (c. 34, SIF 28:1, 23:1), ss. 31(4), 84(6), Sch. 6 para. 6, **Sch. 19**, Pt. II (with s. 84(5)); S.I. 1991/2067, **art. 3**
- F19** Words in s. 53(1)(a) substituted (27.5.1997) by 1997 c. 11, ss. 4, 6(2), **Sch. 2 para. 35(3)(a)(i)**
- F20** Words substituted by **Planning (Consequential Provisions) Act 1990** (c. 11, SIF 123:1, 2), s. 4, **Sch. 2 para. 55(3)(a)(ii)**
- F21** Words in s. 53(1)(b) substituted (27.5.1997) by 1997 c. 11, ss. 4, 6(2), **Sch. 2 para. 35(3)(a)(ii)**
- F22** S. 53(1)(b)(i)(ii) omitted (10.11.2011) by virtue of **The Airport Charges Regulations 2011** (S.I. 2011/2491), reg. 1(1), **Sch. 2 para. 1(7)(a)**
- F23** S. 53(1)(b)(iii) substituted (1.4.2001) by 2000 c. 38, s. 36, **Sch. 4 para. 11(2)(b)** (with s. 106); S.I. 2001/869, **art. 2**
- F24** Words in s. 53(2) substituted (1.4.2001) by 2000 c. 38, s. 36, **Sch. 4 para. 11(3)** (with s. 106); S.I. 2001/869, **art. 2**
- F25** Words substituted by **Planning (Consequential Provisions) Act 1990** (c. 11, SIF 123:1, 2), s. 4, **Sch. 2 para. 55(3)(b)**
- F26** Words in s. 53(2) substituted (27.5.1997) by 1997 c. 11, ss. 4, 6(2), **Sch. 2 para. 35(3)(b)**
- F27** Words substituted by **Planning (Consequential Provisions) Act 1990** (c. 11, SIF 123:1, 2), s. 4, **Sch. 2 para. 55(3)(c)**

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- F28** Words in s. 53(3) substituted (27.5.1997) by 1997 c. 11, ss. 4, 6(2), **Sch. 2 para. 35(3)(c)**
- F29** Words in s. 53(3) substituted (1.4.2001) by 2000 c. 38, s. 36, **Sch. 4 para. 11(4)(a)** (with s. 106); S.I. 2001/869, **art. 2**
- F30** Words in s. 53(3) substituted (10.11.2011) by The Airport Charges Regulations 2011 (S.I. 2011/2491), reg. 1(1), **Sch. 2 para. 1(7)(b)**
- F31** Words in s. 53(3) substituted (1.4.2001) by 2000 c. 38, s. 36, **Sch. 4 para. 11(4)(b)(c)** (with s. 106); S.I. 2001/869, **art. 2**
- F32** Words in s. 53(4) substituted (1.4.2001) by 2000 c. 38, s. 36, **Sch. 4 para. 11(5)** (with s. 106); S.I. 2001/869, **art. 2**
- F33** Words substituted by Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1, 2), s. 4, **Sch. 2 para. 55(3)(d)**
- F34** Words in s. 53(5) substituted (27.5.1997) by 1997 c. 11, ss. 4, 6(2), **Sch. 2 para. 35(3)(d)**
- F35** Words substituted by Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1, 2), s. 4, **Sch. 2 para. 55(3)(e)**
- F36** Words in s. 53(6) substituted (27.5.1997) by 1997 c. 11, ss. 4, 6(2), **Sch. 2 para. 35(3)(e)**
- F37** Words in s. 53(7) substituted (21.8.1991) by S.I. 1991/1220 (N.I. 11), art. 133(1), **Sch. 5**
- F38** S. 53(7)(b) and the words following it substituted (1.4.2001) by 2000 c. 38, s. 36, **Sch. 4 para. 11(6)** (with s. 106); S.I. 2001/869, **art. 2**
- F39** Words in s. 53(8) substituted (1.4.2001) by 2000 c. 38, s. 36, **Sch. 4 para. 11(7)** (with s. 106); S.I. 2001/869, **art. 2**
- F40** S. 53(10) inserted (1.4.2001) by 2000 c. 38, s. 36, **Sch. 4 para. 11(8)** (with s. 106); S.I. 2001/869, **art. 2**
- F41** S. 53(10)(a) and word "and" omitted (10.11.2011) by virtue of The Airport Charges Regulations 2011 (S.I. 2011/2491), reg. 1(1), **Sch. 2 para. 1(7)(c)**

#### **Modifications etc. (not altering text)**

- C3** S. 53 extended by Electricity Act 1989 (c. 29, SIF 44:1), s. 112(1), **Sch. 16 para. 1(1)(xxxv)**

#### **Marginal Citations**

- M3** S.I. 1972/1634 (N.I.17).  
**M4** 1965 c. 23 (N.I.).  
**M5** 1944 c. 3 (N.I.).

## **54 Consecrated land and burial grounds.**

- (1) Subject to subsection (2) below, [<sup>F42</sup>sections 238 to 240 of the Town and Country Planning Act 1990] and [<sup>F43</sup>section 197 of the Town and Country Planning (Scotland) Act 1997] (consecrated land and burial grounds) shall have effect in relation—
- to land acquired by the Secretary of State for purposes connected with the exercise of his functions relating to civil aviation, and
  - to land acquired by the Secretary of State in pursuance of this Part of this Act and otherwise than as mentioned in paragraph (a) above,
- as if the Secretary of State had acquired that land under [<sup>F42</sup>Part IX of the said Act of 1990] or, as the case may be, [<sup>F43</sup>Part VIII of the said Act of 1997].
- (2) [<sup>F44</sup>The said sections 238 to 240][<sup>F45</sup>and 197] shall have effect [<sup>F46</sup>in relation to any land—
- acquired by the CAA, or
  - acquired by a licence holder for purposes connected with the carrying out of the activities authorised by the licence,]

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as they have effect in relation to land acquired by statutory undertakers under [F44Part IX of the said Act of 1990] or, as the case may be, [F45Part VIII of the said Act of 1997].

#### Textual Amendments

- F42** Words substituted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\), s. 4, Sch. 2 para. 55\(4\)\(a\)](#)
- F43** Words in s. 54(1) substituted (27.5.1997) by [1997 c. 11, ss. 4, 6\(2\), Sch. 2 para. 35\(4\)\(a\)](#)
- F44** Words substituted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\), s. 4, Sch. 2 para. 55\(4\)\(b\)](#)
- F45** Words in s. 54(2) substituted (27.5.1997) by [1997 c. 11, ss. 4, 6\(2\), Sch. 2 para. 35\(4\)\(b\)](#)
- F46** Words in s. 54(2) and s. 54(2)(a)(b) substituted (1.4.2001) for words in s. 54(2) by [2000 c. 38, s. 36, Sch. 4 para. 12 \(with s. 106\); S.I. 2001/869, art. 2](#)

## 55 Registration of orders, etc. under Part II.

- (1) The following shall be local land charges in England and Wales:—
- (a) a right in or in relation to land granted or agreed to be granted on or after 25th October 1968 and enforceable by virtue of section 43 above;
  - (b) the following instruments when operative that is to say
    - (i) an order under section 44 above;
    - (ii) an order under section 45 above, other than an order for the imposition of prohibitions or restrictions on the use of water; and
    - (iii) an order under section 46(1) above or any direction given under such an order.
- (2) A grant or agreement made as respects land in Scotland shall not be enforceable by virtue of section 43 above against a third party who shall have in good faith and for value acquired a right (whether completed by infetment or not) to the land prior to the grant or agreement being registered [F47in the Land Register of Scotland] or against any person deriving title from such third party.
- (3) In Scotland where any such instrument as is mentioned in subsection (1)(b) above becomes operative it shall be registered [F48as a deed in the said Land Register, and on being so registered shall be enforceable against any person having or subsequently acquiring any estate or interest][F48, and on being registered shall be enforceable against any person having or subsequently acquiring any right] in the land to which the order or direction relates.
- (4) [F49References in—
- (a) subsection (2) above to registering a grant or agreement, or
  - (b) subsection (3) above to registering an instrument,
- are to registering it in the Land Register of Scotland or, as the case may be, to recording it in the Register of Sasines.]
- (5) A right in or in relation to land in Northern Ireland granted or agreed to be granted to the CAA [F50or a licence holder] shall not be enforceable by virtue of section 43 above against a purchaser for money or money's worth of any estate or interest in the land to which the grant or agreement in question relates unless before the completion of the purchase the grant or agreement is registered in the Statutory Charges Register pursuant to Part X of the <sup>M6</sup>Land Registration Act (Northern Ireland) 1970; and



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accordingly such a grant or agreement shall be included among the matters which are required to be registered in that Register.

- (6) Where any such instrument as is mentioned in subsection (1)(b) above adversely affects land in Northern Ireland, then—
- (a) if the land is registered land to which the Land Registration Act (Northern Ireland) 1970 applies, the instrument on the lodgment by the relevant authority of a copy thereof with the Registrar of Titles shall, notwithstanding anything in the said Act or rules made thereunder, be registered as a burden affecting the land and created after the first registration of the land, and may be so registered without the concurrence of the registered owner of the land or the production of the land certificate, without prejudice, however, to the power of the registering authority to order the production of the land certificate; and
  - (b) if the land is not registered land to which that Act applies, the instrument shall, on lodgment by the relevant authority of a copy thereof with the Registrar of Deeds for Northern Ireland, be registered in the Registry of Deeds, Northern Ireland, as an instrument affecting the lands to which the instrument relates.
- (7) In subsection (6) above “the relevant authority” means—
- (a) in the case of an order under section 44 above—
    - (i) if the order is made in favour of the Secretary of State or Eurocontrol, the Secretary of State; <sup>F51</sup> . . .
    - (ii) if the order is made in favour of the CAA, the CAA; and
    - <sup>F52</sup>(iii) if the order is made in favour of a licence holder, the licence holder; and]
  - (b) in the case of an order under section 45 above [<sup>F53</sup>, the Secretary of State]
  - (c) in the case of an order under section 46(1) above or of a direction given under such an order—
    - (i) if the order is made in respect of the CAA, the CAA;
    - <sup>F54</sup>(ia) if the order is made in respect of a licence holder, the licence holder;]
    - and
    - (ii) in any other case, the Secretary of State.

#### Textual Amendments

- F47** Words in s. 55(2) repealed (S.) (8.12.2014) by [Land Registration etc. \(Scotland\) Act 2012 \(asp 5\)](#), ss. 122, 123, [Sch. 5 para. 23\(a\)](#) (with s. 121, Sch. 4 paras. 13, 16); S.S.I. 2014/127, art. 2
- F48** Words in s. 55(3) substituted (S.) (8.12.2014) by [Land Registration etc. \(Scotland\) Act 2012 \(asp 5\)](#), ss. 122, 123, [Sch. 5 para. 23\(b\)](#) (with s. 121, Sch. 4 paras. 13, 16); S.S.I. 2014/127, art. 2
- F49** S. 55(4) substituted (8.12.2014) by [Land Registration etc. \(Scotland\) Act 2012 \(asp 5\)](#), ss. 122, 123, [Sch. 5 para. 23\(c\)](#) (with s. 121, Sch. 4 paras. 13, 16); S.S.I. 2014/127, art. 2
- F50** Words in s. 55(5) inserted (1.4.2001) by 2000 c. 38, s. 36, [Sch. 4 para. 13\(2\)](#) (with s. 106); S.I. 2001/869, [art. 2](#)
- F51** Word in s. 55(7)(a)(i) repealed (1.4.2001) by 2000 c. 38, s. 274, [Sch. 31 Pt. I\(4\)](#); S.I. 2001/869, [art. 2](#)
- F52** S. 55(7)(a)(iii) inserted (1.4.2001) by 2000 c. 38, s. 36, [Sch. 4 para. 13\(3\)](#) (with s. 106); S.I. 2001/869, [art. 2](#)
- F53** Words in s. 55(7)(b) substituted for s. 55(7)(b)(i)(ii) (10.11.2011) by [The Airport Charges Regulations 2011 \(S.I. 2011/2491\)](#), reg. 1(1), [Sch. 2 para. 1\(8\)](#)
- F54** S. 55(7)(c)(ia) inserted (1.4.2001) by 2000 c. 38, s. 36, [Sch. 4 para. 13\(4\)](#) (with s. 106); S.I. 2001/869, [art. 2](#)

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#### Marginal Citations

M6 1970 c. 18 (N.I.).

## 56 Notices.

- (1) Any notice required to be served on any person for the purposes of any provision to which this section applies may be served on him either by delivering it to him or by leaving it at his proper address, or by post, so however that the notice shall not be duly served by post unless it is sent by registered letter or by the recorded delivery service.
- (2) Any such notice required to be served upon an incorporated company or body shall be duly served if it is served on the secretary or clerk of the company or body.
- (3) For the purposes of this section and of section 7 of the <sup>M7</sup>Interpretation Act 1978, the proper address of any person upon whom any such notice is to be served shall, in the case of the secretary or clerk of any incorporated company or body, be that of the registered or principal office of the company or body and in any other case be the last known address of the person to be served, except that, where the person to be served has furnished an address for service, that address shall be his proper address for those purposes.
- (4) If it is not practicable after reasonable inquiry to ascertain the name or address of any owner, lessee or occupier of land on whom any such notice is to be served, the notice may be served by addressing it to him by the description of “owner”, “lessee” or “occupier” of the land (describing it) to which the notice relates, and by delivering it to some person on the premises or, if there is no person on the premises to whom it can be delivered, by affixing it, or a copy of it, to some conspicuous part of the premises.
- (5) In the application to Scotland of any provision to which this section applies and which requires notice to be served on the owners, lessees or occupiers of any land, that requirement shall be deemed to be complied with if notice is served on all the persons appearing from the valuation roll to have an interest in the land, and any reference in this Part of this Act to “owners”, “lessees” or “occupiers” shall be construed accordingly.
- (6) Service of a notice under subsection (5) above on any person appearing from the valuation roll to have an interest in land may be effected by sending the notice either—
  - (a) in a registered letter addressed to him at his address as entered in that roll; or
  - (b) by the recorded delivery service to him at that address.
- (7) This section applies to any provision of this Part of this Act except section 42 above and so much of section 50 above as relates to the service of a notice under the said section 50 otherwise than by the Secretary of State.
- (8) In this section “owner”—
  - (a) in relation to any land in England and Wales, means a person, other than a mortgagee not in possession, who is for the time being entitled to dispose of the fee simple of the land, whether in possession or in reversion, and includes also a person holding or entitled to the rents and profits under a lease or agreement, the unexpired term whereof exceeds three years;
  - (b) in relation to any land in Scotland or Northern Ireland, includes any person who under the Lands Clauses Acts would be enabled to sell and convey the

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land to the promoters of an undertaking and includes also a lessee under a lease the unexpired period of which exceeds three years.

**Marginal Citations**

M7 1978 c. 30.

**57 Power to appoint special constables.**

- (1) Any two justices of the peace may appoint such persons as may be nominated for the purpose by the Secretary of State to be special constables on any premises for the time being vested in or under the control of the Secretary of State.
- (2) Every person so appointed shall be sworn in by the justices duly to execute the office of a constable on those premises and when so sworn in shall, on those premises, have the powers and privileges and be liable to the duties and responsibilities of a constable.
- (3) Special constables appointed under this section shall be under the exclusive control of the Secretary of State, and the Secretary of State shall have power to suspend or terminate the appointment of any such special constable.
- (4) In the application of this section to Scotland references to two justices of the peace shall be construed as references to a single justice of the peace, and references to swearing in shall be construed as references to making a declaration in the terms prescribed under <sup>F55</sup>section 10 of the Police and Fire Reform (Scotland) Act 2012].

**Textual Amendments**

**F55** Words in s. 57(4) substituted (1.4.2013) by [The Police and Fire Reform \(Scotland\) Act 2012 \(Consequential Provisions and Modifications\) Order 2013 \(S.I. 2013/602\)](#), art. 1(2), **Sch. 2 para. 17**

**58** ..... <sup>F56</sup>

**Textual Amendments**

**F56** Ss. 58, 60(3)(o), 61(6) repealed by [Airports Act 1986 \(c. 31, SIF 9\)](#), s. 83(5), **Sch. 6 Pt. II**

**59 Expenses and stamp duty.**

- (1) Any expenses incurred by the Department of the Environment for Northern Ireland under this Part of this Act shall, to such extent as the Treasury may direct, be defrayed by the Secretary of State.
- (2) Stamp duty shall not be payable on any conveyance of land, or on any instrument creating or disposing of any right in or in relation to land being a conveyance or instrument to which the Secretary of State is a party if he certifies that the duty would fall to be defrayed as part of his expenses and either—
  - (a) that the expenses as part of which the duty would fall to be defrayed are his expenses in connection with the performance of his functions relating to civil aviation; or

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- (b) in a case not falling within paragraph (a) above of a conveyance of land, that the conveyance is made for the purpose of this Part of this Act.
- (3) Stamp duty shall not be payable on any conveyance of land to which the Department of the Environment for Northern Ireland is a party if that Department certifies that the conveyance is made for the purpose of this Part of this Act and that the duty would fall to be defrayed as part of that Department's expenses.

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