



Civil Aviation Act 1949

1949 CHAPTER 67 12 13 and 14 Geo 6

PART III

AERODROMES AND OTHER LAND

Ministers' power over land in connection with civil aviation

25 Power to prohibit or restrict use of civil aerodromes

- (1) The Minister may by order impose such prohibitions or restrictions on the use of any area of land or water as a place for the arrival and departure of civil aircraft as he thinks expedient for the purpose of securing that aircraft may arrive and depart with safety at any aerodrome vested in him or under his control:

Provided that nothing in this subsection shall authorise the imposition of any such prohibition or restriction in relation to tidal waters beyond those of the territorial waters of His Majesty's dominions which are adjacent to the United Kingdom.

- (2) The provisions of Part I of the First Schedule to this Act shall have effect in relation to any order made under this section other than an order for the imposition of prohibitions or restrictions on the use of water; and in the case of an order for the imposition of prohibitions or restrictions on the use of water—
- (a) the Minister shall, before making the order, publish notice of his intention to make the order in such manner as he thinks best calculated to bring his intention to the notice of persons who will be affected thereby; and
 - (b) the Minister shall, immediately after the order has been made, publish in one or more newspapers circulating in the district to which the order relates a notice stating that the order has been made and naming a place where a copy of the order may be seen at all reasonable hours, and shall serve a like notice upon any person who in his opinion will be affected thereby.
- (3) The provisions of Part II of the First Schedule to this Act and the provisions of the Second Schedule to this Act shall have effect with respect to orders under this section :

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Provided that where any aerodrome was first established as such after the passing of the Civil Aviation Act, 1946 (that is to say, the first day of August, nineteen hundred and forty-six), no compensation shall be payable by reason of the imposition under this section of prohibitions or restrictions upon the use of that aerodrome unless it was so established with the consent of the Minister.

- (4) Any person who contravenes the provisions of any order under this section shall be liable in respect of each offence—
- (a) on summary conviction thereof to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding three months or to both; and
 - (b) on conviction thereof on indictment, to a fine not exceeding one thousand pounds or to imprisonment for a period not exceeding two years or to both.
- (5) Any offence against any order under this section committed on tidal waters outside the ordinary jurisdiction of a court of summary jurisdiction may be tried and punished by such a court as if it had been committed in the nearest part of the United Kingdom which is within the ordinary jurisdiction of such a court:

Provided that nothing in this subsection shall in its application to Scotland be construed as conferring jurisdiction on any court of summary jurisdiction other than the sheriff court.

- (6) Proceedings for an offence against any order under this section shall not, in England or Wales be instituted except by or with the consent of the Minister or by or with the consent of the Director of Public Prosecutions, and shall not, in Northern Ireland be instituted except by or with the consent of the Minister, or by the Attorney-General for Northern Ireland.
- (7) Where such an offence as aforesaid has been committed by a body corporate, every person who at the time of the commission of the offence was a director, general manager, secretary or other similar officer of the body corporate, or was purporting to act in any such capacity, shall be deemed to be guilty of that offence, unless he proves that the offence was committed without his consent or connivance and that he exercised all such diligence to prevent the commission of the offence as he ought to have exercised having regard to the nature of his functions in that capacity and to all the circumstances.

In this subsection the expression "director" includes any person occupying the position of director, by whatever name called.

- (8) In this section the expression "aerodrome" includes part of an aerodrome.