



Civil Aviation Act 1982

1982 CHAPTER 16

PART III

REGULATION OF CIVIL AVIATION

War and emergencies

62 Control of aviation in time of war or emergency.

- (1) In time of war, whether actual or imminent, or of great national emergency, the Secretary of State—
 - (a) may by order regulate or prohibit, either absolutely or subject to such conditions as may be contained in the order and notwithstanding the provisions of any enactment relating to civil aviation or any Order in Council or regulations made thereunder, the navigation of all or any descriptions of aircraft over the United Kingdom or any portion thereof or over any area of sea specified in the order; and
 - (b) may by order provide for taking possession of and using for the purposes of Her Majesty's naval, military or air forces any aerodrome, or any aircraft, machinery, plant, material or things found therein or thereon, and for regulating or prohibiting the use, erection, building, maintenance or establishment of any aerodrome, or flying school, or any class or description thereof.
- (2) An order under this section may make, for the purposes of the order, such provision as an Air Navigation Order may make by virtue of subsection (1) of section 61 above for the purpose of securing compliance with provisions thereof having effect by virtue of paragraph (1) of subsection (3) of section 60 above.
- (3) Any person who suffers direct injury or loss, owing to the operation of an order of the Secretary of State under this section, shall be entitled to receive compensation from the Secretary of State, the amount thereof to be fixed in default of agreement by the Lands Tribunal.

Status: Point in time view as at 01/07/1999.

Changes to legislation: There are currently no known outstanding effects for the Civil Aviation Act 1982, Cross Heading: War and emergencies. (See end of Document for details)

- (4) The principles of the Land Compensation Act shall, with the necessary modifications, apply for the purpose of subsection (3) above where possession is taken of any land; but no compensation shall be payable by reason of the operation of a general order under this section prohibiting flying in the United Kingdom or any part thereof or over any area of sea.

63 Control of CAA and air transport undertakings in time of war or emergency.

- (1) In time of war, whether actual or imminent, or of great national emergency, the Secretary of State may by order require that—
- (a) all or any property or rights of or under the control of the CAA.
 - (b) the whole or any part of the relevant undertaking of any British air transport business,
 - (c) all or any property or rights of or under the control of any such business which appertain to that undertaking,

shall be placed at the disposal of the Secretary of State.

- (2) References in this section to a British air transport business are references to any person or body appearing to the Secretary of State to have his or its principal place of business in the United Kingdom whose business includes the provision of commercial air transport services; and in relation to any such business “the relevant undertaking” in subsection (1)(b) above means that part of its undertaking which consists of the provision of commercial air transport services.

In this subsection “commercial air transport services” means services for the carriage by air of passengers or cargo for hire or reward.

- (3) While an order under this section is in force with respect to the CAA—
- (a) the Secretary of State may give the CAA such directions as he thinks fit; and
 - (b) in so far as any directions given in pursuance of this subsection conflict with the requirements of any enactment or instrument relating to the CAA, apart from the preceding provisions of this section, those requirements shall be disregarded.
- (4) While an order under this section is in force with respect to any British air transport business, the Secretary of State may give to the persons managing that business such directions as he thinks fit for conducting, managing or dealing with any part of its undertaking, or any property or rights, placed at his disposal by virtue of the order; and it shall be the duty of those persons to comply with those directions.
- (5) An order under this section may, for the purpose of securing compliance with its provisions, provide for the imposition—
- (a) on summary conviction of a fine not exceeding the statutory maximum; and
 - (b) on conviction on indictment of a fine or imprisonment for a term not exceeding two years or both.
- (6) Any person who suffers direct injury or loss owing to the operation of an order under this section shall be entitled to receive compensation from the Secretary of State of which the amount shall be fixed, in default of agreement, by the Lands Tribunal; and the principles of the Land Compensation Act shall, with the necessary modifications, apply where possession is taken of any land.

Status:

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