

*Status: Point in time view as at 10/01/2015.*

*Changes to legislation: There are currently no known outstanding effects for the Civil Aviation Act 1982, SCHEDULE 10. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 10

Section 51.

#### ADJUSTMENTS OF THE FUNCTIONS OF STATUTORY UNDERTAKERS

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

**C1** Schs. 7–10 extended with modifications by [Airports Act 1986 \(c. 31, SIF 9\), s. 59\(3\)\(4\)](#)

#### **PART I**

- 1 Where it appears to the Secretary of State, upon a representation made by the person carrying on a statutory undertaking, that in order to facilitate any adjustment of the carrying on of the undertaking necessitated by any order made or proposed to be made under or in pursuance of Part II of this Act, or by any direction given or proposed to be given in pursuance of the said Part II, it is expedient that the powers and duties of the said person in relation to the carrying on of the undertaking should be extended or modified, the Secretary of State may by order provide for such extension or modification of the said powers and duties as appears to him to be requisite for facilitating the adjustment.
- 2 Without prejudice to the generality of paragraph 1 above, an order under this Part of this Schedule may provide—
  - (a) for empowering the person carrying on the undertaking to acquire, whether compulsorily or by agreement, any land specified in the order and to erect or construct any buildings or works so specified;
  - (b) for applying in relation to the acquisition of such land and the construction of such works enactments relating to the acquisition of land and the construction of works;and for such incidental and supplemental matters as appear to the Secretary of State to be expedient for the purposes of the order.
- 3 As soon as may be after the making of a representation under this part of this Schedule, the person carrying on the undertaking shall publish, in such form and manner as may be directed by the Secretary of State, a notice giving such particulars as may be so directed of the matters to which the representation relates and specifying the time within which, and the manner in which, objections to the making of an order on the representation may be made, and shall also, if it is so directed by the Secretary of State, serve a like notice on such persons, or persons of such classes, as may be so directed.
- 4 The provisions of [<sup>F1</sup>section 278 of the Town and Country Planning Act 1990] and [<sup>F2</sup>section 231 of the Town and Country Planning (Scotland) Act 1997] shall have effect as if—
  - (a) references in the [<sup>F3</sup>the said section 278 to section 275 or 276 of the said Act of 1990],

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[<sup>F4</sup>and]

(b) references in the said [<sup>F5</sup>section 231 to section 228 of the said Act of 1997],  
<sup>F6</sup> . . .

<sup>F6</sup>(c) . . . . .

included references to this Part of this Schedule; and subject to those provisions in a case in which they have effect, the Secretary of State may, if he thinks fit, make an order.

**Textual Amendments**

- F1** Words substituted by Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1, 2), s. 4, **Sch. 2 para. 55(5)(a)(i)**
- F2** Words in Sch. 10 para. 4 substituted (27.5.1997) by 1997 c. 11, ss. 4, 6(2), **Sch. 2 para. 35(5)(a)(i)**
- F3** Words substituted by Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1, 2), s. 4, **Sch. 2 para. 55(5)(a)(ii)**
- F4** Word in Sch. 10 para. 4 inserted (27.5.1997) by 1997 c. 11, ss. 4, 6(2), **Sch. 2 para. 35(5)(a)(ii)**
- F5** Words in Sch. 10 para. 4(b) substituted (27.5.1997) by 1997 c. 11, ss. 4, 6(2), **Sch. 2 para. 35(5)(a)(iii)**
- F6** Sch. 10 para. 4(c) and the preceding “and” repealed (27.5.1997) by 1997 c. 11, ss. 3, 6(2), **Sch. 1 Pt. I**

5 An order under this Part of this Schedule shall be subject to special parliamentary procedure.

**PART II**

6 Where on a representation made for the purpose by the person carrying on a statutory undertaking the Secretary of State is satisfied that the making of any order under or in pursuance of Part II of this Act or the giving of any direction in pursuance of the said Part II has rendered impracticable the fulfilment of any obligation of that person incurred in connection with the carrying on of the undertaking, the Secretary of State may by order direct that that person shall be relieved of the fulfilment of the obligation either absolutely or to such extent as may be specified in the order.

7 As soon as may be after the making of a representation to the Secretary of State under paragraph 6 above the person carrying on the undertaking in question shall, as may be directed by the Secretary of State, do one or both of the following, that is to say—

- (a) in such manner as may be so directed, a notice giving such particulars as may be so directed of the matters to which the representation relates and specifying the time within which, and the manner in which, objections to the making of an order on the representation may be made; and
- (b) serve such a notice on such persons, or persons of such classes, as may be so directed.

8 The provisions of [<sup>F7</sup>section 278 of the Town and Country Planning Act 1990] and [<sup>F8</sup>section 231 of the Town and Country Planning (Scotland) Act 1997] shall have effect as if—

(a) references in [<sup>F9</sup>the said section 278 to section 277 of the said Act of 1990].

[<sup>F10</sup>and]

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(b) references in the said [<sup>F11</sup>section 231 to section 230 of the said Act of 1997],  
<sup>F12</sup> . . .

<sup>F12</sup>(c) . . . . .

included references to this Part of this Schedule; and, subject to those provisions in a case in which they have effect, the Secretary of State may, if he thinks fit, make an order.

**Textual Amendments**

- F7** Words substituted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\)](#), s. 4, **Sch. 2 para. 55(5)(b)(i)**
- F8** Words in [Sch. 10 para. 8](#) substituted (27.5.1997) by 1997 c. 11, ss. 4, 6(2), **Sch. 2 para. 35(5)(b)(i)**
- F9** Words substituted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\)](#), s. 4, **Sch. 2 para. 55(5)(b)(ii)**
- F10** Word in [Sch. 10 para. 8](#) inserted (27.5.1997) by 1997 c. 11, ss. 4, 6(2), **Sch. 2 para. 35(5)(b)(ii)**
- F11** Words in [Sch. 10 para. 8\(b\)](#) substituted (27.5.1997) by 1997 c. 11, ss. 4, 6(2), **Sch. 2 para. 35(5)(b)(iii)**
- F12** [Sch. 10 para. 8\(c\)](#) and the preceding “and” repealed (27.5.1997) by 1997 c. 11, ss. 3, 6(2), **Sch. 1 Pt. I**

9 If any objection to the making of an order under this Part of this Schedule is made and is not withdrawn before the making of the order, the order shall be subject to special parliamentary procedure.

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