

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Civil Aviation Act 1982, SCHEDULE 2. (See end of Document for details)

SCHEDULES

SCHEDULE 2

Section 19.

APPLICATION OF ENACTMENTS RELATING TO STATUTORY UNDERTAKERS, ETC.

- 1 [F1(1) Section 39(3) of the Public Health Act 1936 (which exempts buildings belonging to statutory undertakers from certain drainage requirements) shall apply in relation to the CAA as it applies in relation to statutory undertakers but as if in the proviso to the said section 39(3) (which excludes from exemption houses and buildings used as offices and showrooms)the references to offices or showrooms did not include offices or showrooms on any aerodrome owned by the CAA.]
- (2) Section 330 of the said Act of 1936 (power of certain undertakers in England and Wales to alter sewers), section 333 of that Act (protection of certain undertakings in England and Wales from works executed under that Act) and section 107 of the M1Public Health (Scotland) Act 1897 (protection of certain undertakings in Scotland from works connected with sewers) shall apply in relation to the CAA and any property owned by the CAA as they apply in relation to a railway company and its railway.

Textual Amendments

F1 Sch. 2 para. 1(1) repealed (E.W.) by Building Act 1984 (c. 55, SIF 15), s. 133(2), Sch. 7

Marginal Citations

M1 1897 c. 38.

- 2 The CAA shall be deemed to be public utility undertakers and its undertaking a public utility undertaking for the purposes of the provisions of the M2Civil Defence Act 1939 other than paragraphs (a) to (c) of section 7(6) and section 9(4); and in that Act “appropriate department” shall, in relation to the CAA, mean the Secretary of State.

Marginal Citations

M2 1939 c. 31.

- [F23 (1) Section 93 of Schedule 3 to the M3 Water Act 1945 and section 45 of Schedule 4 to the M4 Water (Scotland) Act 1980 which relate to the protection of certain statutory undertakers) shall apply with the necessary modifications in relation to any works along, upon or under any property owned by the CAA which statutory water undertakers propose to execute, whether or not the said section 93 or the said section 45 has been applied to the undertakers by an order under the said Act of 1945 or the said Act of 1980.

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- (2) In sub-paragraph (1) above “statutory water undertakers” means—
- (a) in relation to England and Wales, statutory water undertakers within the meaning of the ^{M5} Water Act 1973 and includes a person authorised to construct works by an order under section 23 of the Water Act 1945; and
 - (b) in relation to Scotland, a water authority within the meaning of the Water (Scotland) Act 1980.]

Textual Amendments

- F2** Sch. 2 para. 3 repealed (E.W.) by [Water Act 1989 \(c.15, SIF 130\)](#), s. 190(3), **Sch. 27** (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)-(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 41(1), 57(6), 58)

Marginal Citations

- M3** 1945 c. 42.
M4 1980 c. 45.
M5 1973 c. 37.

- 4 The CAA shall be deemed to be statutory undertakers and its undertaking a statutory undertaking for the purposes of the following enactments, that is to say—

Textual Amendments

- F3** Words substituted by [Housing \(Consequential Provisions\) Act 1985 \(c. 71, SIF 61\)](#), s. 4, **Sch. 2 para. 52**
F4 Words repealed (E.W.S) (1.4.1991) by [Enterprise and New Towns \(Scotland\) Act 1990 \(c. 35, SIF 64\)](#), s. 38(2), **Sch. 5 Pt. III**
F5 Words repealed (S.) by [Roads \(Scotland\) Act 1984 \(c. 54, SIF 108\)](#), s. 156(1)(3), **Sch. 9 para. 85(3)(a)**, Sch. 11
F6 Entries relating to the Town and Country Planning Act 1971 repealed by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\)](#), s. 3, **Sch. 1 Pt. I**
F7 Words added (S.) by [Roads \(Scotland\) Act 1984 \(c. 54, SIF 108\)](#), s. 156(1), **Sch. 9 para. 85(3)(b)**
F8 Words added (1.4.1991) (E.W.S) by [Enterprise and New Towns \(Scotland\) Act 1990 \(c. 35, SIF 64\)](#), s. 38(1), **Sch. 4 para. 12**

Marginal Citations

- M6** 1947 c. 42.
M7 1948 c. 17.
M8 1949 c. 97.
M9 1951 c. 65.
M10 1954 c. 56.
M11 1985 c. 68.
M12 1958 c. 69.
M13 1961 c. 33.
M14 1961 c. 41.
M15 1962 c. 58.
M16 1963 c. 51.
M17 1981 c. 56.
M18 1964 c. 40.
M19 1965 c. 36.

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- M20** 1965 c. 46.
- M21** 1967 c. 86.
- M22** 1968 c. 16.
- M23** 1968 c. 41.
- M24** 1968 c. 47.
- M25** 1970 c. 20.
- M26** 1972 c. 52.

5 In the following enactments, that is to say—

“operational land” shall, in relation to the CAA, means land of the CAA's of any such class as may be prescribed; and—

- (a) the definition of a class of land for the purposes of regulations made in pursuance of this paragraph may be framed by reference to any circumstances whatsoever; and
- (b) without prejudice to paragraph 1 of Part III of Schedule 13 to this Act, regulations so made may prescribe different classes of land for the purposes of different enactments mentioned in the preceding provisions of this paragraph; and
- (c) if any question arises whether land of the CAA's falls within a class prescribed in pursuance of this paragraph, it shall be determined by the Secretary of State.

Textual Amendments

- F9** Entries relating to the Town and Country Planning Act 1971 repealed by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\)](#), s. 3, [Sch. 1 Pt. I](#)

Marginal Citations

- M27** 1962 c. 58.
- M28** 1968 c. 16.
- M29** 1972 c. 52.
- M30** 1981 c. 64.

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F10

Textual Amendments

- F10** [Sch. 2 para. 6](#) repealed by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123: 1, 2\)](#), s. 3, [Sch. 1 Pt. I](#)

- 7 (1) Where an interest in land is held by the CAA, section 212 of the ^{M31}Town and Country Planning (Scotland) Act 1972 shall not apply for the purpose of determining whether the land is operational land in relation to the CAA for the purposes of that Act.
- (2) Section 214(2)(b) of the said Act of 1972 (which specifies the circumstances in which special provisions relating to planning applications and appeals by statutory undertakers are to apply to land which is not operational land of the undertakers) shall have effect in relation to the CAA as if for the reference to development involving

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the use of the land for the purpose of carrying on the CAA's undertaking there were substituted a reference to development involving the use of land for such of the purposes of carrying on that undertaking as may be prescribed.

Marginal Citations

M31 1972 c. 52.

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