

*Status: Point in time view as at 23/03/2015.*

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

## SCHEDULES

### SCHEDULE 7

#### PROVISIONS RELATING TO CERTAIN ORDERS UNDER PART II

##### 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 (1) Before making the order, the Secretary of State shall, unless the order is to be made on the application of [<sup>F1</sup>the CAA or a licence holder]—
- (a) publish in one or more newspapers circulating in the locality in which the land is situated, and
  - (b) serve on every owner, lessee and occupier of any of the land and upon every local authority within whose area any of the land is situated,
- a notice stating that the Secretary of State proposes to make the order and the effect thereof, and specifying the time (not being less than 28 days from the service of the notice) within which, and the manner in which, objections to the making of the order may be made.
- (2) Before making an application for an order, [<sup>F1</sup>the CAA or a licence holder] shall—
- (a) publish in one or more newspapers circulating in the locality in which the land is situated, and
  - (b) serve on every owner, lessee and occupier of any of the land and upon every local authority within whose area any of the land is situated,
- a notice stating that [<sup>F2</sup>the CAA or the licence holder] proposes to apply for the order and the effect thereof and specifying the time (not being less than 42 days from service of the notice) within which, and the manner in which, objections to the making of the order may be made.

##### Textual Amendments

- F1** Words in [Sch. 7 para. 1\(1\)\(2\)](#) substituted (1.4.2001) by [2000 c. 38, s. 36, Sch. 4 para. 16\(2\)\(a\)](#) (with s. 106); [S.I. 2001/869, art. 2](#)
- F2** Words in [Sch. 7 para. 1\(2\)](#) substituted (1.4.2001) by [2000 c. 38, s. 36, Sch. 4 para. 16\(2\)\(b\)](#) (with s. 106); [S.I. 2001/869, art. 2](#)

- 2 If no objection is duly made by any such local authority, owner, lessee or occupier as is mentioned in paragraph 1 above or if all objections so made are withdrawn, the Secretary of State may, if he thinks fit, make the order.

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- 3 If any objection duly made as aforesaid is not withdrawn, the Secretary of State shall, before making the order, either cause a public local inquiry to be held or afford to any person by whom any objection has been duly made as aforesaid and not withdrawn an opportunity of appearing before and being heard by a person appointed by the Secretary of State for the purpose, and after considering the objection and the report of the person who held the inquiry or the person appointed as aforesaid, may, if he thinks fit, make the order.
- 4 Notwithstanding anything in paragraphs 2 and 3 above, the Secretary of State may require any person who has made an objection to state in writing the grounds of his objection, and may disregard the objection for the purposes of those paragraphs if he is satisfied that the objection relates exclusively to matters which can be dealt with by the tribunal by whom the compensation is to be assessed.
- 5 (1) Immediately after the order has been made the appropriate person shall publish in one or more newspapers circulating in the locality in which the land is situated 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 on every person who, having duly objected to the order, has not withdrawn his objection.
- (2) In this paragraph “the appropriate person” means—
- (a) the CAA in the case of an order under section 44 of this Act made in favour of the CAA<sup>F3</sup> ...; <sup>F4</sup> . . .
  - [<sup>F5</sup>(aa) the licence holder in the case of an order under section 44 of this Act made in favour of a licence holder;]
  - (b) the Secretary of State in any other case.

#### Textual Amendments

- F3** Words in Sch. 7 para. 5(2)(a) omitted (10.11.2011) by virtue of [The Airport Charges Regulations 2011 \(S.I. 2011/2491\)](#), reg. 1(1), **Sch. 2 para. 1(9)**
- F4** Word in Sch. 7 para. 5(2)(a) repealed (1.4.2001) by [2000 c. 38, s. 274](#), **Sch. 31 Pt. I(4)** (with s. 106); [S.I. 2001/869](#), **art. 2**
- F5** Sch. 7 para. 5(2)(aa) inserted (1.4.2001) by [2000 c. 38, s. 36](#), **Sch. 4 para. 16(3)** (with s. 106); [S.I. 2001/869](#), **art. 2**

- 6 In this Part of this Schedule “owner” has the same meaning as in section 56 of this Act.

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