

*Status: Point in time view as at 01/03/1996.*

*Changes to legislation: There are currently no known outstanding effects for the Civil Aviation Act 1982, Part II. (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 II**

- 7 If any person aggrieved by the order desires to question the validity thereof, or of any provision contained therein, on the ground that it is not within the powers of the Secretary of State or that any requirement of this Act has not been complied with in relation to the order, he may, within six weeks from the time when notice that the order has been made is first published in accordance with the requirements of this Act, make an application to the High Court or in Scotland to the Court of Session; and on any such application the court—
- (a) may by interim order suspend the operation of the order or of any provision contained therein, either generally or in so far as it affects the applicant, until the final determination of the proceedings; and
  - (b) if satisfied that the order or any provision contained therein is not within the powers of the Secretary of State, or that the interests of the applicant have been substantially prejudiced by any requirement of this Act not having been complied with, may quash the order or any provision contained therein, either generally or in so far as it affects the applicant.
- 8 Subject to the provisions of paragraph 7 above, the order shall not, either before or after it has been made, be questioned in any legal proceedings whatsoever, and shall become operative on the expiration of six weeks from the date on which notice of the making of the order is first published in accordance with the requirements of this Act.
- 9 (1) Subject to sub-paragraph (2) below, this Part of this Schedule shall have effect in relation to an order to which the <sup>M1</sup>Statutory Orders (Special Procedure) Act 1945 applies—
- (a) as if in paragraph 7, for the reference to the time when notice that the order has been made is first published in accordance with the requirements of this Act there were substituted a reference to the time when the order becomes operative under that Act; and
  - (b) as if in paragraph 8, the words from “and shall become operative” to the end were omitted.
- (2) This Part of this Schedule shall not apply to an order which is confirmed by Act of Parliament under—
- (a) section 6 of the said Act of 1945; or

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- (b) under section 2(4) of that Act in its application (as set out in section 10 of that Act) to orders extending to Scotland only.

**Marginal Citations**

**M1** 1945 c. 18.

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