

*Status: Point in time view as at 26/01/2009.*

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## SCHEDULES

### SCHEDULE 1

Section 2.

#### ADDITIONAL PROVISIONS RELATING TO CONSTITUTION, ETC. OF CAA

##### *Appointment and tenure of members*

- 1 It shall be the duty of the Secretary of State—
- (a) to satisfy himself, before he appoints a person to be a member, that that person will have no such financial or other interest as is likely to affect prejudicially the performance of his functions as a member; and
  - (b) to satisfy himself from time to time with respect to each member that the member has no such interest;
- and a person who is a member or whom the Secretary of State proposes to appoint as a member shall, whenever requested by the Secretary of State to do so, furnish him with such information as he may specify with a view to carrying out his duty under this paragraph.
- 2 Subject to the following provisions of this Schedule, a person shall hold and vacate office as a member or the chairman or a deputy chairman in accordance with the terms of the instrument appointing him to that office.
- 3 A person may at any time resign his office as a member or the chairman or a deputy chairman by giving to the Secretary of State a notice in writing signed by that person and stating that he resigns that office.
- 4 (1) If a member becomes or ceases to be the chairman or a deputy chairman the Secretary of State may vary the terms of the instrument appointing him to be a member so as to alter the date on which he is to vacate office as a member.
- (2) If the chairman or a deputy chairman ceases to be a member, he shall cease to be the chairman or a deputy chairman, as the case may be.
- 5 (1) If the Secretary of State is satisfied that a member—
- (a) has been absent from meetings of the CAA for a period longer than three consecutive months without the permission of the CAA, or
  - (b) has become bankrupt or made an arrangement with his creditors, or
  - (c) is incapacitated by physical or mental illness, or
  - (d) is otherwise unable or unfit to discharge the functions of a member,
- the Secretary of State may declare his office as a member to be vacant and shall notify the declaration in such manner as he thinks fit; and thereupon the office shall become vacant.
- (2) In the application of sub-paragraph (1) above to Scotland, for the references in paragraph (b) to a member's having become bankrupt and to a member's having made an arrangement with his creditors there shall be substituted respectively references to sequestration of a member's estate having been awarded and to a

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member's having made a trust deed for behoof of his creditors or a composition contract.

*Remuneration etc. of members*

- 6 The CAA shall pay each member such remuneration as the Secretary of State may determine with the consent of the Treasury.
- 7 (1) The CAA shall make such provision as may be determined by the Secretary of State with the consent of the Treasury for the payment of pensions, allowances or gratuities to or in respect of such members as may be so determined.
- (2) The Secretary of State shall as soon as possible after making a determination in pursuance of sub-paragraph (1) above lay before each House of Parliament a statement containing particulars of the determination.
- 8 Where a person ceases to be a member otherwise than on the expiry of his term of office and it appears to the Secretary of State that there are special circumstances which make it right for that person to receive compensation, the Secretary of State may with the consent of the Treasury direct the CAA to make that person a payment of such amount as the Secretary of State may determine with the consent of the Treasury.

*Proceedings*

- 9 Subject to section 7 of this Act, the quorum of the CAA and the arrangements relating to its meetings shall be such as it may determine.
- 10 (1) A member who is in any way directly or indirectly interested in a contract made or proposed to be made by the CAA, or in any other matter whatsoever which falls to be considered by the CAA, shall disclose the nature of his interest at a meeting of the CAA and the disclosure shall be recorded in the minutes of the meeting; and the member shall not—
- (a) in the case of a contract, take part in any deliberation or decision of the CAA with respect to the contract; and
- (b) in the case of any other matter, take part in any deliberation or decision of the CAA with respect to the matter if the CAA decides that the interest in question might affect prejudicially the member's consideration of the matter.
- (2) A notice given by a member at a meeting of the CAA to the effect that he is a member of a specified company or firm and is to be regarded as interested in any contract which is made after the date of the notice with the company or firm shall, for the purposes of sub-paragraph (1) above, be a sufficient disclosure of his interest in relation to any contract so made.
- (3) A member need not attend in person at a meeting of the CAA in order to make a disclosure which he is required to make under this paragraph if he takes reasonable steps to secure that the disclosure is made by a notice which is taken into consideration and read at such a meeting.
- 11 The validity of any proceedings of the CAA shall not be affected by any vacancy among the members or by any defect in the appointment of a member or by any failure to comply with the requirements of paragraph 10 above.

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### *Staff*

- 12 The CAA may appoint such officers and servants as it may determine; and any reference in this Act to an employee of the CAA is a reference to a person appointed in pursuance of this paragraph or employed by the CAA in pursuance of paragraph 14 of Schedule 1 to the <sup>M1</sup>Civil Aviation Act 1971 (existing employees to whom CAA obliged to offer employment).

#### **Marginal Citations**

**M1** 1971 c. 75.

- 13 (1) The CAA shall, in the case of such of its employees as it may determine, pay such pensions, allowances or gratuities to or in respect of them as it may determine, make such payments towards the provision of such pensions, allowances or gratuities as it may determine or provide and maintain such schemes (whether contributory or not) for the payment of such pensions, allowances or gratuities as it may determine.
- (2) If an employee of the CAA becomes a member and was by reference to his employment by the CAA a participant in a pension scheme maintained by the CAA for the benefit of any of its employees, the CAA may determine that his service as a member shall be treated for the purposes of the scheme as service as an employee of the CAA; and the benefits payable to or in respect of a person by virtue of the preceding provisions of this sub-paragraph shall be in addition to the benefits, if any, which are payable to or in respect of him by virtue of paragraph 7 above.
- 14 It shall be the duty of the CAA, except so far as it is satisfied that adequate machinery exists for achieving the purpose of this paragraph, to seek consultation with any organisation appearing to the CAA to be appropriate with a view to the conclusion between the CAA and that organisation of such agreements as appear to the parties to be desirable with respect to the establishment and maintenance of machinery for—
- (a) the settlement by negotiation of terms and conditions of employment of employees of the CAA, with provision for reference to arbitration in default of such a settlement in such cases as may be determined by or under the agreements; and
  - (b) the promotion and encouragement of measures affecting the safety, health and welfare of employees of the CAA and the discussion of other matters of mutual interest to the CAA and its employees, including efficiency in the performance of the CAA's functions.

### *Performance of functions*

- 15 Subject to section 7(1) of this Act, the CAA may authorise any member or employee of the CAA and, except so far as regulations made by the Secretary of State provide otherwise, any other person to perform on behalf of the CAA such of its functions (including the function conferred on it by this paragraph) as are specified in the authorisation.

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*Instruments and contracts*

- 16 The fixing of the common seal of the CAA shall be authenticated by the signature of the secretary of the CAA or some other person authorised by the CAA to act for that purpose.
- 17 A document purporting to be duly executed under the seal of the CAA shall be received in evidence and shall, unless the contrary is proved, be deemed to be so executed.

*Interpretation*

- 18 In this Schedule “the chairman”, “a deputy chairman” and “a member” mean respectively the chairman, a deputy chairman and a member of the CAA and “gratuities” includes a refund of contributions to a pension fund with or without interest on, or any other addition to, the contributions.

SCHEDULE 2

Section 19.

APPLICATION OF ENACTMENTS RELATING TO STATUTORY UNDERTAKERS, ETC.

- 1 <sup>F1</sup>(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 <sup>M2</sup>Public 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**  
**M2** 1897 c. 38.

2 <sup>F2</sup> .....

**Textual Amendments**  
**F2** Sch. 2 para. 2 repealed (14.11.2005) by Civil Contingencies Act 2004 (c. 36), ss. 32, 34, Sch. 3; S.I. 2005/2040, art. 3(r)

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- [<sup>F3</sup> (1) Section 93 of Schedule 3 to the <sup>M3</sup> Water Act 1945 and section 45 of Schedule 4 to the <sup>M4</sup> 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.
- (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 <sup>M5</sup> 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, [<sup>F4</sup>Scottish Water.] ]

#### Textual Amendments

- F3** 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)
- F4** Words in Sch. 2 para. 3(2)(b) substituted (S.) (14.7.2004) by The Water Industry (Scotland) Act 2002 (Consequential Modifications) Order 2004 (S.I. 2004/1822), art. 2, **Sch. para. 11**

#### 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

- F5** Words substituted by Housing (Consequential Provisions) Act 1985 (c. 71, SIF 61), s. 4, **Sch. 2 para. 52**
- F6** Sch. 2 para. 4: word in entry repealed (6.4.2006 for E. and 16.6.2006 for W.) by Housing Act 2004 (c. 34), ss. 266, 270, **Sch. 16**; S.I. 2006/1060, **art. 2(e)(iii)**; S.I. 2006/1535, **art. 2(c)(iii)**
- F7** 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**
- F8** Words repealed (S.) by Roads (Scotland) Act 1984 (c. 54, SIF 108), s. 156(1)(3), **Sch. 9 para. 85(3)(a)**, Sch. 11
- 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**
- F10** Entry relating to the Town and Country Planning (Scotland) Act 1972 in Sch. 2 para. 4 repealed (27.5.1997) by 1997 c. 11, ss. 3, 6(2), **Sch. 1 Pt. I** (with s. 5, Sch. 3)
- F11** Words added (S.) by Roads (Scotland) Act 1984 (c. 54, SIF 108), s. 156(1), **Sch. 9 para. 85(3)(b)**
- F12** 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.

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

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

- F13** 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. 1](#)
- F14** Entry relating to the Town and Country Planning (Scotland) Act 1972 in Sch. 2 para. 5 repealed (27.5.1997) by [1997 c. 11, ss. 3, 6\(2\), Sch. 1 Pt. 1](#) (with s. 5, Sch. 3)

#### Marginal Citations

- M26** 1962 c. 58.
- M27** 1968 c. 16.
- M28** 1981 c. 64.

6

F15

#### Textual Amendments

- F15** [Sch. 2 para. 6](#) repealed by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123: 1, 2\), s. 3, Sch. 1 Pt. 1](#)

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F167

#### Textual Amendments

**F16** Sch. 2 para. 7 repealed (27.5.1997) by 1997 c. 11, ss. 3, 6(2), Sch. 1 Pt. 1

## SCHEDULE 3

Section 22.

### MATTERS ARISING OUT OF TRANSFER TO CAA OF AERODROMES AND OTHER PROPERTY, RIGHTS AND LIABILITIES AND STAFF

- 1 A certificate issued by the Secretary of State and stating that any property, rights or liabilities of the Crown or a government department were or were not transferred to the CAA by paragraph 1 of Schedule 2 to the <sup>M29</sup>Civil Aviation Act 1971 shall be conclusive evidence that the property, rights and liabilities in question were or were not so transferred.

#### Marginal Citations

**M29** 1971 c. 75.

- 2 (1) Any agreement and any provision in a document which is not an agreement shall, so far as may be necessary for or in consequence of the transfers effected by the said Schedule 2, continue to have effect as if references to, or to an officer of, the Crown or a government department were, or as the case may be included, references to or to an employee of the CAA.
- (2) Without prejudice to sub-paragraph (1) above, any agreement to which the Crown or a government department was a party, whether in writing or not and whether or not of such a nature that rights and liabilities under it could be assigned, shall continue to have effect, so far as may be necessary for or in consequence of the transfers effected by that Schedule, as if the CAA had been a party to the agreement.
- (3) Without prejudice to sub-paragraph (1) above, where by the operation of that Schedule any right or liability has become a right or liability of the CAA, the CAA and all other persons shall have the same rights, powers and remedies (and in particular the same rights, powers and remedies as to taking or resisting legal proceedings or the making or resisting of applications to any authority) for ascertaining, perfecting or enforcing the right or liability as they would have had if it had at all times been a right or liability of the CAA.
- 3 For the purposes of . . . <sup>F17</sup> Chapter II of Part XI of the <sup>M30</sup>Income and Corporation Taxes Act 1970 (which relates to companies' capital gains) the transfer by the said Schedule 2, of any assets shall be deemed to be a sale of those assets by the Secretary of State to the CAA in the open market at a price equal to so much of the initial debt as is determined by the Secretary of State to relate to those assets; . . . <sup>F17</sup>

#### Textual Amendments

**F17** Words repealed by Capital Allowances Act 1990 (c. 1, SIF 63:1), s. 164, Sch. 2

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**Marginal Citations**

**M30** 1970 c. 10.

- 4 The Secretary of State shall, before making a determination or issuing a certificate under any of the preceding provisions of this Schedule, consult the CAA and shall after making the determination or issuing the certificate send a copy of it to the CAA.
- 5 (1) Where after any land was transferred to the CAA under the said Schedule 2, a government department or a person acting on behalf of the Crown retained possession of any document relating to the title to that land, the department or person shall be assumed to have given to the CAA an acknowledgment in writing of the right of the CAA to the production of that document and to delivery of copies of it; and as respects land in England and Wales section 64 of the <sup>M31</sup>Law of Property Act 1925 and as respects land in Northern Ireland section 9 of the <sup>M32</sup>Conveyancing Act 1881 (which relate to the production and safe custody of documents) shall have effect accordingly and as if the acknowledgment did not contain any such expression of a contrary intention as is mentioned in the said section 64 or section 9.
- (2) In the application of sub-paragraph (1) above to Scotland, for the words from “an acknowledgment” onwards there shall be substituted the words “an undertaking to produce those documents to the CAA (on a proper receipt and undertaking to re-deliver) for the purpose of enabling the CAA to maintain and defend its rights in respect of that part of the land which has vested in it”.

**Marginal Citations**

**M31** 1925 c. 20.

**M32** 1881 c. 41.

<sup>F18</sup>6 .....

**Textual Amendments**

**F18** Sch. 3 para. 6 repealed (22.8.1996) by 1996 c. 18, ss. 242, 243, Sch. 3 Pt. I (with ss. 191-195, 202)

- 7 (1) Where a person entered the employment of the CAA on 1st April 1972 and immediately before that date was occupied in employment to which this paragraph applies, then, for the purpose of ascertaining the length of the period of his employment for the purposes of sections 1 and 2 of the <sup>M33</sup>Contracts of Employment and Redundancy Payments Act (Northern Ireland) 1965 (in this paragraph referred to as “the Act of 1965”), Schedule 1 to that Act shall have effect—
  - (a) as if, in a case where he was so occupied otherwise than under a contract of service, employment of his to which this paragraph applies in which he was occupied otherwise than as aforesaid before the said 1st April had been employment within the meaning of the Act of 1965, and, while he was occupied therein, he had been an employee within the meaning of that Act, but as if, for paragraph 4 of that Schedule, there were substituted the following paragraph—
    - “4 Any week during the whole or part of which the terms of his employment normally involve employment for twenty-one



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hours or more weekly shall count in computing a period of employment.”;

and

- (b) as if, in any case, subject to sub-paragraph (2) below, the period, ending immediately before the said 1st April, of employment of his to which this paragraph applies counted as a period of employment with the CAA (if, apart from this provision, it would not so count) and his transfer to employment with the CAA did not break the continuity of the period of employment (if, apart from this provision, the transfer would have done so).
- (2) Where, before the said 1st April, a person’s employment to which this paragraph applies was terminated and a payment made to him in respect of the termination in accordance with the <sup>M34</sup>Superannuation Act 1965 or any enactment repealed by that Act or in accordance with a scheme made under section 1 of the <sup>M35</sup>Superannuation Act 1972, or under such arrangements as were mentioned (before it was repealed) in section 41(3) of the <sup>M36</sup>Redundancy Payments Act 1965, then, whether or not he was re-employed in employment to which this paragraph applies immediately following that termination, Schedule 1 to the Act of 1965 shall have effect as if the period of his employment before that termination in employment to which this paragraph applies did not count as a period of employment with the CAA.
- (3) In the application of this paragraph 8 of Schedule 2 to the <sup>M37</sup>Industrial Relations (Northern Ireland) Order 1976 (calculation of rates of remuneration) to a person in whose case sub-paragraph (1) above applies, references in that paragraph to a former employer and a period of employment with a former employer shall be construed in accordance with the preceding sub-paragraphs, and the reference in that paragraph to Schedule 1 to the Act of 1965 shall be construed as a reference to that Schedule as it has effect by virtue of sub-paragraph (1) above.
- (4) Section 7 of the Act of 1965 (power to vary number of weekly hours of employment necessary to qualify for rights) shall have effect as if the reference therein to paragraph 4 of Schedule 1 to that Act included a reference to the paragraph substituted for that paragraph by sub-paragraph (1) above and to sub-paragraph (7) below.
- (5) For the purpose of computing, for the purposes of the Act of 1965, a period of employment of a person in whose case sub-paragraph (1) above applies, any reference in that Act to Schedule 1 to that Act or to Schedule 2 to the <sup>M38</sup>Industrial Relations (Northern Ireland) Order 1976 shall, in relation to employment of his to which this paragraph applies being employment before the said 1st April, be construed as a reference to the said Schedule 1 or the said Schedule 2, as the case may be, as it has effect by virtue of sub-paragraphs (1) to (4) above.
- (6) Where a person entered the employment of the CAA on the said 1st April and, immediately before that date, was occupied in employment to which this paragraph applies, then, for the purpose of computing a period of employment for the purposes of the said Schedule 1 as applied by Schedule 3 to the Act of 1965, a period in which he was occupied in employment to which this paragraph applies shall, notwithstanding the provisions of section 26(3) of the Act of 1965 (which excludes the application of section 11 of that Act to a person in respect of certain employment), be treated as if it had been a period in respect of which section 11 of that Act had applied.

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- (7) This paragraph applies to employment of a person in the civil service of the State and to employment of a person therein in part-time service where he gives personal service of at least twenty-one hours a week and the remuneration in respect thereof is defrayed entirely out of money provided by Parliament.

**Marginal Citations**

- M33 1965 c. 19 (N.I.).
- M34 1965 c. 74.
- M35 1972 c. 11.
- M36 1965 c. 62.
- M37 S.I. 1976/1043 (N.I. 16).
- M38 S.I. 1976/1043 (N.I. 16).

8 <sup>F19</sup>(1) . . . . .

- (2) In the application of the preceding sub-paragraph to Northern Ireland, for the reference to the said paragraph 17(2) and the references to the said section 94(1) there shall be substituted respectively a reference to paragraph 10(2) of Schedule 1 to the <sup>M39</sup>Contracts of Employment and Redundancy Payments Act (Northern Ireland) 1965 and references to section 23(1) of that Act.

**Textual Amendments**

- F19 Sch. 3 para. 8(1) repealed (22.8.1996) by 1996 c. 18, ss. 242, 243, Sch. 3 Pt. I (with ss. 191-195, 202)

**Marginal Citations**

- M39 1965 c. 19 (N.I.).

9 It is hereby declared that in this Schedule “property” includes land.

SCHEDULE 4

Section 24.

EUROCONTROL

- 1 (1) Eurocontrol shall have the legal capacity of a body corporate; and anything which may be required or authorised by law to be done by or to Eurocontrol may be done by or to the Agency on behalf of Eurocontrol.
- (2) Eurocontrol shall be entitled to the exemptions and reliefs described in paragraphs 3 to 5 of Schedule 1 to the <sup>M40</sup>International Organisations Act 1968 (rates and taxes, import duties and import and export restrictions).
- (3) Subject to sub-paragraph (4) below, [<sup>F20</sup>the inviolability which, in accordance with the 1961 Convention Articles, is accorded in respect of the official archives and premises of a diplomatic mission] shall extend to the official archives of Eurocontrol, and to premises occupied by Eurocontrol wholly or mainly for the housing of its installations; and without prejudice to the foregoing provisions, no judgment or order of any court shall be enforced by the levying of execution or by diligence upon anything forming part of any such installations.

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- (4) Sub-paragraph (3) above (except so far as it relates to execution or diligence) shall not preclude access to any premises or the inspection of any record or document [<sup>F21</sup>where the Director-General of the Agency is given advance notice of the exercise of the power conferred by this sub-paragraph and the access or inspection is]—
- (a) by a constable or other person acting in the execution of a warrant or other legal process;
  - (b) by a Court of Inquiry or an Inspector of Accidents acting in pursuance of regulations made under section 75 of this Act; or
  - (c) by a constable having reason to believe that an offence has been or is being or is about to be committed on the premises.
- [<sup>F22</sup>(4A) Without prejudice to the preceding provisions of this paragraph, the property and assets of Eurocontrol shall be immune from the exercise by any person of any right or power without the leave of a court to seize or otherwise interfere with such property or assets.
- (4B) No court or tribunal in the United Kingdom shall have jurisdiction in respect of any matter involving Eurocontrol and any of its officers or servants, being a matter which by virtue of any international agreement to which the United Kingdom is a party is within the exclusive jurisdiction of the Administrative Tribunal of the International Labour Organisation.
- (4C) For the purposes of sub-paragraph (4B) above, a certificate of the Secretary of State that any matter is or is not, as mentioned in that sub-paragraph, within the exclusive jurisdiction of the Administrative Tribunal of the International Labour Organisation shall be conclusive of what is certified.]
- (5) In this paragraph—
- “the Agency” means the Air Traffic Services Agency comprised in Eurocontrol;
- “installations” means apparatus for locating, directing, affording navigational aid to, or otherwise communicating with, aircraft in flight, including apparatus for recording or processing material received or transmitted by such apparatus, and any other apparatus for use in connection with any such apparatus as aforesaid;
- [<sup>F23</sup>“the 1961 Convention Articles” means the Articles (being certain Articles of the Convention on Diplomatic Relations signed in 1961) which are set out in Schedule 1 to the Diplomatic Privileges Act 1964;]
- <sup>F24</sup>  
. . .
- [<sup>F25</sup>(6) For the purposes of this paragraph a record includes (in addition to a record in writing)—
- (a) a disc, tape, sound-track or other device in which sounds or signals are embodied so as to be capable of being reproduced from it (with or without the aid of some other instrument);
  - (b) a film, tape or other device in which visual images are embodied so as to be capable of being reproduced from it (with or without the aid of some other instrument);
  - (c) a photograph.]

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#### Textual Amendments

- F20** Words substituted by [Civil Aviation \(Eurocontrol\) Act 1983 \(c. 11, SIF 9\), s. 2\(1\)\(2\)](#)
- F21** Words inserted by [Civil Aviation \(Eurocontrol\) Act 1983 \(c. 11, SIF 9\), s. 2\(1\)\(3\)](#)
- F22** [Sch. 4\(4A\)\(4B\)\(4C\)](#) inserted by [Civil Aviation \(Eurocontrol\) Act 1983 \(c. 11, SIF 9\), s. 2\(1\), \(4\)](#)
- F23** Definition inserted by [Civil Aviation \(Eurocontrol\) Act 1983 \(c. 11, SIF 9\), s. 2\(1\)\(5\)](#)
- F24** [Sch. 4 para. 1\(5\)](#): definition of “record” repealed (1.4.2001) by 2000 c. 38, ss. 97, 274, [Sch. 8 Pt. III para. 8\(2\)](#), [Sch. 31 Pt. I\(2\)](#) (with s. 106); S.I. 2001/869, [art. 2](#)
- F25** [Sch. 4 para. 1\(6\)](#) inserted (1.4.2001) by 2000 c. 38, s. 97, [Sch. 8 Pt. III para. 8\(3\)](#) (with s. 106); S.I. 2001/869, [art. 2](#)

#### Marginal Citations

- M40** 1968 c. 48.

- 2 (1) The Secretary of State may from time to time pay to Eurocontrol such sums on account of its expenses as he may with the consent of the Treasury determine, being sums for the payment of which Her Majesty’s Government in the United Kingdom are liable under the Eurocontrol Convention.
- (2) The Secretary of State may provide for Eurocontrol any land, premises, installations, equipment or services (including the services of personnel), whether within or without the United Kingdom which may be required for the purposes of or in connection with the functions of Eurocontrol under the Eurocontrol Convention.
- (3) Any sums received from Eurocontrol by the Secretary of State in consideration of anything done under this paragraph shall be paid into the Consolidated Fund.
- 3 (1) Subject to [<sup>F26</sup>paragraph 1 above and] sub-paragraph (2) below, a court in any part of the United Kingdom shall have jurisdiction to hear and determine a claim against Eurocontrol for damages in respect of any wrongful act, neglect or default, notwithstanding that the act, neglect or default did not take place within the jurisdiction of the court or that Eurocontrol is not present within the jurisdiction of the court.
- (2) A court shall not have jurisdiction by virtue of sub-paragraph (1) above in respect of damage or injury sustained wholly within or over a country to which the provisions of this Act relating to Eurocontrol do not extend.

#### Textual Amendments

- F26** Words inserted by [Civil Aviation \(Eurocontrol\) Act 1983 \(c. 11, SIF 9\), s. 2\(1\)\(6\)](#)

### F27F27 SCHEDULE 5

#### Textual Amendments

- F27** [Sch. 5](#) repealed by [Airports Act 1986 \(c. 31, SIF 9\), s. 83\(5\)](#), [Sch. 6 Pt. II](#)

*Status: Point in time view as at 26/01/2009.*

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## SCHEDULE 6

Section 42.

### MODIFICATIONS OF SCHEDULE 6 TO THE LOCAL GOVERNMENT ACT (NORTHERN IRELAND) 1972

- 1 For references to the department concerned there shall be substituted references to the Secretary of State.
- 2 For references to a district council there shall be substituted references to the Civil Aviation Authority [<sup>F28</sup>or as the case may be) the licence holder].

#### Textual Amendments

**F28** Words in Sch. 6 para. 2 inserted (1.4.2001) by 2000 c. 38, s. 36, Sch. 4 para. 15(a) (with s. 106); S.I. 2001/869, art. 2

- 3 References to Schedule 6 to the <sup>M41</sup>Local Government Act (Northern Ireland) 1972 shall be construed as references to that Schedule as modified by this Schedule.

#### Marginal Citations

**M41** 1972 c. 9 (N.I.).

- 4 For paragraph 1 there shall be substituted the following paragraph—
  - “1 An application by the Civil Aviation Authority [<sup>F29</sup>or a person who holds a licence under Chapter I of Part I of the Transport Act 2000 (“a licence holder”)] to the Secretary of State for a vesting order shall be in the prescribed form.”.

#### Textual Amendments

**F29** Words in Sch. 6 para. 4 inserted (1.4.2001) by 2000 c. 38, s. 36, Sch. 4 para. 15(b) (with s. 106); S.I. 2001/869, art. 2

- 5 For sub-paragraph (2) of paragraph 6 there shall be substituted the following sub-paragraph—
  - “(2) To the extent to which compensation is payable in accordance with the provisions of this Schedule, as from the date of vesting the rights and claims of all persons in respect of any land acquired by the vesting order shall be transferred and attached to the funds of the Civil Aviation Authority [<sup>F30</sup>or (as the case may be) the licence holder] (in this Schedule referred to as “the compensation fund”) and shall be discharged by payments made by the Civil Aviation Authority [<sup>F30</sup>or (as the case may be) the licence holder].”.

#### Textual Amendments

**F30** Words in Sch. 6 para. 5 inserted (1.4.2001) by 2000 c. 38, s. 36, Sch. 4 para. 15(c) (with s. 106); S.I. 2001/869, art. 2

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- 6 In paragraph 12(2) for the words “the clerk of the council” there shall be substituted the words “such person as may be designated for the purposes of this Schedule by the Civil Aviation Authority [<sup>F31</sup>or (as the case may be) the licence holder]”.

#### Textual Amendments

**F31** Words in Sch. 6 para. 6 inserted (1.4.2001) by 2000 c. 38, s. 36, Sch. 4 para. 15(c) (with s. 106); S.I. 2001/869, art. 2

- 7 Paragraph 20(2) shall be omitted.

## SCHEDULE 7

Sections 44, 45 and 51 and Schedules 8  
and 9.

### 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>F32</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>F32</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>F33</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

**F32** 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

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**F33** 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.
- 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 or in the case of an order under section 45 of this Act made in respect of an aerodrome owned or managed by the CAA;<sup>F34</sup> . . .
  - <sup>F35</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

**F34** 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

**F35** 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.

## 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

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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>M42</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
- (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**

M42 1945 c. 18.

### **PART III**

10 (1) Any person having an interest in land the value of which is diminished in consequence of the coming into operation of the order shall be entitled to recover compensation for the diminution from the appropriate person; and the provisions of the Land Compensation Act shall have effect accordingly.

(2) In this paragraph “the appropriate person” has the same meaning as in paragraph 5 above.

11 (1) Where any interest in land is subject to a mortgage or, in Scotland, to a heritable security—

- (a) any compensation payable under the preceding provisions of this Schedule in respect of the diminution in the value of the interest shall be assessed as if the interest were not subject to the mortgage or heritable security;



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- (b) a claim for any such compensation may be made by any mortgagee of the interest or, in Scotland, by any creditor in a heritable security of the interest, but without prejudice to the making of a claim by the person entitled to the interest;
- (c) a mortgagee or, in Scotland, a creditor in a heritable security shall not be entitled to claim compensation under the said provisions in respect of his interest as such; and
- (d) the compensation payable in respect of the interest subject to the mortgage or heritable security may be paid to such of the claimants as the Secretary of State thinks proper, and shall be applied by that claimant in such manner as the parties interested may agree, or, in default of such agreement, as may be determined by arbitration.

(2) In this paragraph—

“mortgage” includes an equitable charge and any other encumbrance, and includes a sub-mortgage, and the expression “mortgagee” shall be construed accordingly;

“heritable security” means a heritable security within the meaning of the <sup>M43</sup>Conveyancing (Scotland) Act 1924, exclusive of a security by way of ground annual and a real burden ad factum praestandum, but inclusive of a security constituted by ex facie absolute disposition.

#### Marginal Citations

**M43** 1924 c. 27.

- 12 (1) Where the order provides for the creation of any easement or servitude over land in England and Wales or Scotland held by a statutory undertaker for the purposes of the carrying on of his undertaking, or of any right in or in relation to such land, the undertaker shall be entitled to recover compensation in accordance with the special provisions of Part II of this Act relating to statutory undertakers in any case in which those provisions apply; and shall not, in any such case, be entitled to recover compensation under the preceding paragraphs of this Schedule.
- (2) Compensation recoverable by virtue of sub-paragraph (1) above shall be recoverable—
- (a) from the Secretary of State in the case of an order made otherwise than in favour of [<sup>F36</sup>the CAA or a licence holder];
  - (b) from the CAA in the case of an order made in favour of the CAA.
  - [<sup>F37</sup>(c) from the licence holder in the case of an order made in favour of a licence holder.]

#### Textual Amendments

**F36** Words in Sch. 7 para. 12(2)(a) 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

**F37** Sch. 7 para. 12(2)(c) inserted (1.4.2001) by 2000 c. 38, s. 36, Sch. 4 para. 16(4) (with s. 106); S.I. 2001/869, art. 2

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## SCHEDULE 8

Section 45.

## PROVISIONS RELATING TO ORDERS UNDER SECTION 45

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

**C2** Schs. 7–10 extended with modifications by [Airports Act 1986 \(c. 31, SIF 9\), s. 59\(3\)\(4\)](#)

- 1 Any person having an interest in land to which the order relates shall, if the value of the interest is diminished by the coming into operation of the order, be entitled to recover compensation for the diminution—
- (a) from the Secretary of State, if the order is made in respect of an aerodrome vested in or under the control of the Secretary of State; and
  - (b) from the CAA, if it is made in respect of an aerodrome owned or managed by the CAA.
- 2 Paragraph 11 of Schedule 7 to this Act shall have effect in relation to any compensation payable under paragraph 1 above as it has effect in relation to any such compensation as is mentioned in the said paragraph 11.
- 3 Any person who sustains damage by being disturbed in the use of land or water by reason of the coming into operation of the order (not being damage which consists of the diminution in the value of an interest in land) shall be entitled to recover compensation for the damage—
- (a) from the Secretary of State, if the order is made in respect of an aerodrome vested in or under the control of the Secretary of State; and
  - (b) from the CAA, if it is made in respect of an aerodrome owned or managed by the CAA.
- 4 For the purpose of assessing compensation under this Schedule, in so far as it is payable in respect of the diminution in the value of an interest in land, section 5 of the <sup>M44</sup>Land Compensation Act 1961, section 12 of the <sup>M45</sup>Land Compensation (Scotland) Act 1963 or section 2 of the <sup>M46</sup>Acquisition of Land (Assessment of Compensation) Act 1919 (which contain rules for assessing compensation) shall (according as the land is in England and Wales, Scotland or Northern Ireland), so far as applicable and subject to any necessary modifications, have effect as it has effect for the purpose of assessing compensation for the compulsory acquisition of land.

**Marginal Citations**

**M44** 1961 c. 33.

**M45** 1963 c. 51.

**M46** 1919 c. 57.

- 5 Where any dispute arises as to whether compensation is payable under this Schedule, or as to the amount of any such compensation or as to the persons to whom it is payable, the dispute shall be referred to and determined by the Lands Tribunal.

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## SCHEDULE 9

Section 46.

### PROVISIONS RELATING TO DIRECTIONS UNDER SECTION 46

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

- C3** Schs. 7–10 extended with modifications by Airports Act 1986 (c. 31, SIF 9), s. 59(3)(4)  
**C4** Sch. 9 extended by Electricity Act 1989 (c. 29, SIF 44:1), s. 112(1), Sch. 16 para. 2(2)(h)(9)

#### PART I

- 1 (1) Immediately after the Secretary of State has given the direction, the appropriate person shall publish in one or more newspapers circulating in the locality a notice stating that the direction has been given, and shall also serve notice of the direction upon the persons mentioned in sub-paragraph (2) below.
- (2) The said persons are—
- (a) in the case of a direction given for the purpose specified in paragraph (c) of subsection (2) of section 46 of this Act, every owner, lessee and occupier of any land to which the right of way is appurtenant or, in Scotland, if the dominant tenement and every local authority in whose area any of that land is situated;
  - (b) in the case of a direction given for any other purpose specified in that subsection, every owner, lessee and occupier of the land to which the direction relates and every local authority in whose area any of that land is situated;
  - (c) in the case of a direction restricting the installation of apparatus or extinguishing rights to install or maintain apparatus, every person whose rights to install or maintain apparatus are affected by the direction; and
  - (d) in the case of a direction requiring the removal of any apparatus, the person entitled to maintain the apparatus required to be removed under the direction.
- (3) Any notice given with respect to any direction for the purpose of complying with the requirements of this paragraph shall state the effect of the direction.
- 2 The provisions of Part II of Schedule 7 to this Act shall, with the necessary modifications, have effect in relation to the direction as they have effect in relation to orders made under section 44 of this Act.

#### PART II

- 3 Any person having an interest in land the value of which is diminished in consequence of the coming into operation of the direction shall be entitled to recover compensation for the diminution from the appropriate person.
- 4 Paragraph 11 of Schedule 7 to this Act shall have effect in relation to any compensation payable under paragraph 3 of this Schedule as it has effect in relation to any such compensation as is mentioned in the said paragraph 11.
- 5 Any person who sustains damage by being disturbed in the enjoyment of any right in or over land in consequence of the coming into operation of the direction (not being damage which consists of the diminution in the value of an interest in land)

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shall be intitled to recover compensation from the appropriate person in respect of that damage.

- 6 The appropriate person shall pay compensation in respect of any expenditure reasonably incurred by any person for the purpose of carrying out work which is required to be carried out by the direction.
- 7 The compensation payable to any person by virtue of the preceding provisions of this Schedule shall be reduced by the value to him of any timber, apparatus or other materials removed for the purposes of complying with the direction.
- 8 For the purpose of assessing compensation under this Schedule, in so far as it is payable in respect of the diminution in the value of an interest in land, section 5 of the <sup>M47</sup>Land Compensation Act 1961, section 12 of the <sup>M48</sup>Land Compensation (Scotland) Act 1963 or section 2 of the <sup>M49</sup>Acquisition of Land (Assessment of Compensation) Act 1919 (which contain rules for assessing compensation) shall (according as the land is in England and Wales, Scotland or Northern Ireland), so far as applicable and subject to any necessary modifications, have effect as it has effect for the purpose of assessing compensation for the compulsory acquisition of land.

#### Marginal Citations

**M47** 1961 c. 33.

**M48** 1963 c. 51.

**M49** 1919 c. 57.

- 9 Where any dispute arises as to whether compensation is payable under this Schedule, or as to the amount of any such compensation, or as to the persons to whom it is payable, the dispute shall be referred to and determined by the Lands Tribunal.
- 10 Where the direction affects any building, structure, or apparatus held or used by a statutory undertaker for the purposes of his undertaking, or affects any of the rights of a statutory undertaker to install or maintain apparatus for those purposes, or effects any right of way enjoyed by a statutory undertaker for those purposes, the undertaker shall be entitled to recover compensation from the appropriate person in accordance with the special provisions of Part II of this Act relating to statutory undertakers in any case in which those provisions apply, and shall not, in any such case, be entitled to recover compensation under the preceding paragraphs of this Schedule.

### PART III

- 11 In this Schedule—
- “the appropriate person” means—
- (a) except where the order was made in respect of Eurocontrol, the person in respect of whom the order was made; and
- (b) where the order was made in respect of Eurocontrol, the Secretary of State;
- “the order”, in relation to a direction, means the order in pursuance of which the direction is given;
- “owner” has the same meaning as in section 56 of this Act.

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SCHEDULE 10

Section 51.

ADJUSTMENTS OF THE FUNCTIONS OF STATUTORY UNDERTAKERS

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

**C5** 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>F38</sup>section 278 of the Town and Country Planning Act 1990] and [<sup>F39</sup>section 231 of the Town and Country Planning (Scotland) Act 1997] shall have effect as if—
  - (a) references in the [<sup>F40</sup>the said section 278 to section 275 or 276 of the said Act of 1990],  
[<sup>F41</sup>and]
  - (b) references in the said [<sup>F42</sup>section 231 to section 228 of the said Act of 1997],  
<sup>F43</sup> . . . .
  - <sup>F43</sup>(c) . . . . .

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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**

- F38** Words substituted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\), s. 4, Sch. 2 para. 55\(5\)\(a\)\(i\)](#)
- F39** Words in [Sch. 10 para. 4](#) substituted (27.5.1997) by [1997 c. 11, ss. 4, 6\(2\), Sch. 2 para. 35\(5\)\(a\)\(i\)](#)
- F40** Words substituted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\), s. 4, Sch. 2 para. 55\(5\)\(a\)\(ii\)](#)
- F41** Word in [Sch. 10 para. 4](#) inserted (27.5.1997) by [1997 c. 11, ss. 4, 6\(2\), Sch. 2 para. 35\(5\)\(a\)\(ii\)](#)
- F42** Words in [Sch. 10 para. 4\(b\)](#) substituted (27.5.1997) by [1997 c. 11, ss. 4, 6\(2\), Sch. 2 para. 35\(5\)\(a\)\(iii\)](#)
- F43** [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>F44</sup>section 278 of the Town and Country Planning Act 1990] and [<sup>F45</sup>section 231 of the Town and Country Planning (Scotland) Act 1997] shall have effect as if—

- (a) references in [<sup>F46</sup>the said section 278 to section 277 of the said Act of 1990].  
[<sup>F47</sup>and]
- (b) references in the said [<sup>F48</sup>section 231 to section 230 of the said Act of 1997],  
<sup>F49</sup> . . .
- <sup>F49</sup>(c) . . . . .

*Status: Point in time view as at 26/01/2009.*

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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

- F44 Words substituted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\), s. 4, Sch. 2 para. 55\(5\)\(b\)\(i\)](#)
- F45 Words in [Sch. 10 para. 8](#) substituted (27.5.1997) by [1997 c. 11, ss. 4, 6\(2\), Sch. 2 para. 35\(5\)\(b\)\(i\)](#)
- F46 Words substituted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\), s. 4, Sch. 2 para. 55\(5\)\(b\)\(ii\)](#)
- F47 Word in [Sch. 10 para. 8](#) inserted (27.5.1997) by [1997 c. 11, ss. 4, 6\(2\), Sch. 2 para. 35\(5\)\(b\)\(ii\)](#)
- F48 Words in [Sch. 10 para. 8\(b\)](#) substituted (27.5.1997) by [1997 c. 11, ss. 4, 6\(2\), Sch. 2 para. 35\(5\)\(b\)\(iii\)](#)
- F49 [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.

## F50F50 SCHEDULE 11

#### Textual Amendments

- F50 [Sch. 11](#) repealed (16.2.2004) by [The Aviation Safety Regulations 2004 \(S.I. 2004/77\), reg. 2\(4\)](#)

## SCHEDULE 12

Section 89.

### PATENT CLAIMS AGAINST AIRCRAFT NOT PROTECTED UNDER CHICAGO CONVENTION

- 1 Where it is alleged by any person interested that a foreign aircraft which is not an aircraft to which section 89 of this Act applies, and which is making a passage through or over the United Kingdom, infringes in itself or in any part of it any invention, design or model which is entitled to protection in the United Kingdom, it shall be lawful, subject to and in accordance with rules of court, to detain the aircraft until the owner thereof deposits or secures in respect of the alleged infringement a sum (in this Schedule referred to as “the deposited sum”); and thereupon the aircraft shall not during the continuance or in the course of the passage be subject to any lien, arrest, detention or prohibition (whether be order of a court or otherwise) in respect or on account of the alleged infringement.
- 2 The deposited sum shall be such sum as may be agreed between the parties interested or, in default of agreement, fixed by the Secretary of State or some person duly authorised on his behalf; and payment thereof shall be made or secured to the Secretary of State in such manner as the Secretary of State shall approve.

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- 3 The deposited sum shall be dealt with by such tribunal and in accordance with such procedure as may be specified by rules of court, and such rules may provide generally for carrying this Schedule into effect.
- 4 For the purposes of this Schedule—  
     “owner” shall include the actual owner of an aircraft and any person claiming through or under him; and  
     “passage” shall include all reasonable landings and stoppages in the course or for the purpose of the passage.

## SCHEDULE 13

Section 102.

### SUBORDINATE INSTRUMENTS

#### PART I

##### POWERS NOT EXERCISABLE BY STATUTORY INSTRUMENT

Section 31 (order authorising local authority to carry on ancillary business).

Section 42(2) (order vesting land in CAA).

[<sup>F51</sup> Section 42A(2) (order vesting land in licence holder).]

#### Textual Amendments

**F51** Sch. 13 Pt. I: entry inserted (1.4.2001) by 2000 c. 38, s. 36, Sch. 4 para. 17 (with s. 106); S.I. 2001/869, art. 2

Section 44 (order for creation of rights over land).

Section 45 (order restricting use of land).

Section 46 (order for control of land).

Section 47 (order requiring warnings on land).

Section 48(1) (order for stopping-up or diversion of a highway).

Part I or Part II of Schedule 10 (orders with respect to functions of a statutory undertaker).

#### PART II

##### PROVISIONS APPLYING TO CERTAIN POWERS

Provision of Act	General Description	Parliamentary control	Supplementary powers
Section 5(3).	Orders designating aerodromes for purposes of section 5.	Subject to the negative resolution procedure.	Paragraphs 1 and 2 of Part III apply.



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Section 7.	Regulations with respect to performance of CAA's functions.	Subject to the negative resolution procedure.	Paragraphs 1 and 2 of Part III apply.
Section 11(2).	Regulations prescribing manner of publishing scheme for charges.	Subject to the negative resolution procedure.	Paragraphs 1 and 2 of Part III apply.
Section 11(3).	Regulations for determining charges to be paid to CAA.	Subject to the negative resolution procedure.	Paragraphs 1 and 2 of Part III apply.
Section 15(3).	Order modifying or repealing section 15(1)(c) and (2).	Subject to the negative resolution procedure.	Paragraphs 1 and 2 of Part III apply.
Section 20(4).	Regulations about mode of giving evidence of instruments and publications of CAA.	Subject to the negative resolution procedure.	Paragraphs 1 and 2 of Part III apply.
...	...	...	...
F52	F52	F52	F52
...	...	...	...
F52	F52	F52	F52
Section 35(1).	Order designating aerodrome for purposes of requiring consultation.	Subject to the negative resolution procedure where the order revokes or amends a previous order under section 35(1).	
...	...	...	...
F52	F52	F52	F52
[ <sup>F53</sup> 38(4)]	Order directing aerodrome authority to fix charges by reference to noise factors.	Subject to the negative resolution procedure.	Paragraph 2 of Part III applies.
[ <sup>F54</sup> Section 38B(2)(a)]	Order specifying area in relation to aerodrome for purpose of noise control schemes	Subject to the negative resolution procedure	Paragraphs 1 and 2 of Part 3 apply.]
...	...	...	...
F52	F52	F52	F52

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Section 41(2)(b).	Order in Council extending Acquisition of Land Act 1981 to Northern Ireland.	Subject to the negative resolution procedure.	Paragraphs 2 and 3 of Part III apply.
Section 46(9).	Order repealing or amending local enactment.	Subject to the negative resolution procedure.	Paragraph 2 of Part III applies.
Section 60.	An Air Navigation Order.	Subject to the affirmative resolution procedure where the Order makes provision for any such matter as is mentioned in section 60(3)(r) and subject to the negative resolution procedure in any other case.	Paragraphs 2, 3, 4 [F55, 6 and 7] of Part III apply.
...	...	...	...
F52	F52	F52	F52
F56	F56	F56	F56
...	...	...	...
F56	F56	F56	F56
...	...	...	...
Section 64(3).	Regulations prescribing manner of publishing instruments under section 64(2)(a) and (b).	Subject to the negative resolution procedure.	Paragraphs 1 and 2 of Part III apply.
Section 65(1) or (6).	Regulations prescribing manner of publishing certain notices.	Subject to the negative resolution procedure.	Paragraphs 1 and 2 of Part III apply.
Section 66(1).	Regulations prescribing persons who may apply for revocation, suspension or variation of an air transport licence.	Subject to the negative resolution procedure.	Paragraphs 1 and 2 of Part III apply.
Section 66(4).	Regulations prescribing manner of serving certain notices.	Subject to the negative resolution procedure.	Paragraphs 1 and 2 of Part III apply.

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Section 67.	Regulations making supplementary provision in respect of air transport licensing.	Subject to the negative resolution procedure.	Paragraphs 1 and 2 of Part III apply.
Section 71.	Regulations with respect to provision of accommodation in aircraft.	Subject to the negative resolution procedure.	Paragraphs 1 and 2 of Part III apply.
[ <sup>F57</sup> Section 71A	Regulations requiring persons to make contributions to the Air Travel Trust	Subject to the negative resolution procedure	Paragraphs 1 and 2 of Part 3 apply.]
F58	F58	F58	F58
...	...	...	...
Section 75.	Regulations with respect to the investigation of aircraft accidents.	Subject to the negative resolution procedure.	Paragraphs 4 and 6 of Part III apply.
Section 78(1), (3), (4) or (5).	Regulations prescribing manner of publishing certain notices.	Subject to the negative resolution procedure.	Paragraphs 1 and 2 of Part III apply.
Section 78(8).	Order requiring provision and maintenance of noise measuring equipment etc.	Subject to the negative resolution procedure.	Paragraphs 1 and 2 of Part III apply.
Section 78(11).	Order repealing local enactment.	Subject to the negative resolution procedure.	Paragraphs 1 and 2 of Part III apply.
Section 80.	Order designating aerodrome for purposes of noise, etc. provisions.	Subject to the negative resolution procedure.	Paragraphs 1 and 2 of Part III apply.
Section 82(1).	Regulations permitting aerial advertising.	Subject to the negative resolution procedure.	Paragraphs 1 and 2 of Part III apply.
Section 84.	Regulations with respect to supply of information.	Subject to the negative resolution procedure.	Paragraphs 1 and 2 of Part III apply.
F59	F59	F59	F59
Section 86.	Order in Council making provision with respect to	Subject to the negative resolution procedure.	Paragraphs 2 and 5 of Part III apply.

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	mortgaging of aircraft.		
Section 87.	Order in Council applying law of wreck or salvage to aircraft.	Subject to the negative resolution procedure.	Paragraphs 2, 3, 4 and 6 of Part III apply.
[ <sup>F60</sup> Section 88 (6)(d)]	[ <sup>F60</sup> Priority of charges]	[ <sup>F60</sup> Subject to the negative resolution procedure]	
<sup>F60</sup> Section 88(10).	Order designating aerodrome for purposes of section 88.	Subject to the negative resolution procedure.	
Section 88(11).	Order repealing local enactment.	Subject to the negative resolution procedure.	Paragraph 2 of Part III apply.
Section 89(4).	Order in Council with respect to seizure of aircraft on patent claims.	Subject to the negative resolution procedure.	Paragraphs 2, 3, 4 and 6 of Part III apply.
Section 90.	Order in Council giving effect to Convention on rights in aircraft.	Subject to the negative resolution procedure.	Paragraphs 2 and 5 of Part III apply.
Section 91.	Order in Council with respect to civil jurisdiction in proceedings involving aircraft.	Subject to the negative resolution procedure.	Paragraphs 2, 3, 4 and 6 of Part III apply.
Section 96.	Regulations designating person for purposes of section 96(1) or (2).	Subject to the negative resolution procedure.	
Section 101.	Order in Council extending provisions of Act to Crown aircraft.	Subject to the negative resolution procedure in the case of an Order made by virtue of section 10(1)(a).	Paragraphs 2, 3, 4 and 6 of Part III apply in the case of an Order made by virtue of section 101(1)(a).
Section 107(2).	Order in Council adapting provisions of Act in their application to Northern Ireland.	Subject to the negative resolution procedure.	Paragraphs 2, 3, 4 and 6 of part III apply.
Section 108(1).	Order in Council extending provisions		Paragraph 2 of Part III applies.

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	of Act to relevant overseas territory.		
Section 108(2).	Order in Council extending provisions of Act to aircraft registered in a relevant overseas territory.		Paragraphs 1 and 2 of Part III apply.
Paragraph 15 of Schedule 1.	Regulations with respect to the sub-delegation of the CAA's functions.	Subject to the negative resolution procedure.	Paragraphs 1 and 2 of Part III apply.
Schedule 2.	Regulations in connection with the application of enactments relating to statutory undertakers.	Subject to the negative resolution procedure.	Paragraphs 1 and 2 of Part III apply.

#### Textual Amendments

- F52** Entries repealed by [Airports Act 1986 \(c. 31, SIF 9\)](#), s. 83(5), **Sch. 6 Pt. II**
- F53** [Sch. 13 Pt. II](#): words in entry relating to s. 38 substituted (1.3. 2007) by [Civil Aviation Act 2006 \(c. 34\)](#), ss. 13, 14, **Sch. 2 para. 4(2)**; S.I. 2007/598, **art. 2**, Sch. 1
- F54** Entry relating to s. 38B(2)(a) inserted (1.3.2007) by [Civil Aviation Act 2006 \(c. 34\)](#), ss. 13, 14, **Sch. 2 para. 4(3)**; S.I. 2007/598, **art. 2**, Sch. 1
- F55** [Sch. 13 Pt. II](#): words in entry substituted (5.10.2004) by [Energy Act 2004 \(c. 20\)](#), **ss. 101(2)**, 198(2); S.I. 2004/2575, **art. 2(1)**, Sch. 1
- F56** [Sch. 13 Pt. II](#): entries omitted (21.12.2001) by virtue of S.I. 2001/4050, **art. 2**, **Sch. Pt. V para. 26(d)(i)**
- F57** Entry relating to s. 71A inserted (1.3.2007) by [Civil Aviation Act 2006 \(c. 34\)](#), ss. 13, 14, **Sch. 2 para. 4(4)**; S.I. 2007/598 {art. 2}, Sch. 1
- F58** [Sch. 13 Pt. II](#): entry repealed (1.4.2001) by 2000 c. 38, s. 274, **Sch. 31 Pt. I(2)**; S.I. 2001/869, **art. 2**
- F59** [Sch. 13 Pt. II](#): entry repealed (16.2.2004) by [The Aviation Safety Regulations 2004 \(S.I. 2004/77\)](#), **reg. 2(5)**
- F60** [Sch. 13 Pt. II](#): entry inserted (1.4.2001) by 2000 c. 38, s. 97, **Sch. 8 Pt. III para. 9** (with s. 106); S.I. 2001/869, **art. 2**

### PART III

#### SUPPLEMENTAL POWERS

##### *Different provision for different cases*

- (1) A power to which this paragraph applies shall include power to make different provision for different circumstances.
- (2) Sub-paragraph (1) above is without prejudice to the generality of any provision of this Act conferring a power to which this paragraph does not apply.

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*Incidental supplementary and transitional provision*

- 2 A power to which this paragraph applies shall include power to make such incidental, supplementary or transitional provision as the authority exercising the power thinks fit.

*Power to authorise making of regulations*

- 3 (1) An Order in Council made in pursuance of a power to which this paragraph applies may authorise the Secretary of State to make regulations for carrying out the purposes of the Order in respect of such matters as may be specified in the Order.
- (2) Paragraphs 2, 4 and 6 of this Part of this Schedule apply to any power to make regulations conferred by virtue of sub-paragraph (1) above.

*Power to provide for detention of aircraft*

- 4 (1) Any Order in Council, order or regulations made, in relation to aircraft, in pursuance of any power to which this paragraph applies may provide for the detention of aircraft to secure compliance with the Order in Council, order or regulations, as the case may be, or with any enactment which is mentioned in sub-paragraph (2) below, and in connection with which the Order in Council, order or regulations is or are made, and may make such further provision as appears to the authority exercising the power to be necessary or expedient for securing such detention.
- (2) The enactments referred to in sub-paragraph (1) above are the enactments contained in sections <sup>F61</sup> . . . 76, 81, 89 and 97 of this Act and the enactments conferring powers to which this paragraph applies.

**Textual Amendments**

**F61** Words in [Sch. 13 Pt. III para. 4\(2\)](#) omitted (21.12.2001) by virtue of [S.I. 2001/4050, art. 2, Sch. Pt. V para. 26\(d\)\(ii\)](#)

*Crown aircraft*

- 5 Without prejudice to section 101 of this Act, an Order in Council made in pursuance of a power to which this paragraph applies may apply in such cases and to such extent as appears to Her Majesty in Council to be expedient to aircraft belonging to or employed in the service of Her Majesty.

*Extra-territorial provisions*

- 6 (1) Notwithstanding that an Order in Council or regulation made in pursuance of a power to which this paragraph applies has effect only as part of the law of the United Kingdom, no provision contained in the Order or regulation shall, on the ground that it would have extra-territorial operation, be deemed to be invalid in so far as it applies to aircraft registered in the United Kingdom, wherever they may be, or prohibits, requires or regulates—
- (a) the doing of anything by persons in, or any of the personnel of, such aircraft, wherever they may be; or

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- (b) the doing of anything in relation to such aircraft by other persons, being Commonwealth citizens, or citizens of the Republic of Ireland, wherever they may be.
- (2) Nothing in sub-paragraph (1) above shall affect subsection (1) of section 3 of the <sup>M50</sup>British Nationality Act 1948 (which limits the criminal liability of certain persons).
- (3) For the purposes of sub-paragraph (1) above, the personnel of an aircraft shall be deemed to include the commander or other person in charge of the aircraft and all other members of the crew of the aircraft.
- (4) Without prejudice to [<sup>F62</sup>sub-paragraphs (5) and (7)] below, in the application of this paragraph to the power to make an Air Navigation Order or to make regulations by virtue of paragraph 3 above under such an Order, the references in sub-paragraph (1) above to aircraft registered in the United Kingdom shall have effect as if they included references to any aircraft which is not so registered but is for the time being under the management of a person who, or of persons each of whom, is qualified to be the owner of a legal or beneficial interest in an aircraft registered in the United Kingdom.
- (5) So far as relates to any provision of an Order in Council or regulation concerning aircraft on or in the neighbourhood of offshore installations, within the meaning of the <sup>M51</sup>Mineral Workings (Offshore Installations) Act 1971, this paragraph shall apply to all aircraft and not only to aircraft registered in the United Kingdom and shall apply to the doing of anything in relation to any aircraft by any person irrespective of nationality or, in the case of a body corporate, of the law under which it was incorporated.
- (6) Sub-paragraph (5) above shall apply to installations notwithstanding that they are for the time being in transit.
- [<sup>F63</sup>(7) So far as relates to a provision of an Order in Council or regulation concerning aircraft on or in the neighbourhood of a renewable energy installation, this paragraph—
- (a) shall apply to all aircraft, and not only to aircraft registered in the United Kingdom; and
- (b) shall apply to the doing of anything in relation to an aircraft by any person, irrespective of nationality, or (in the case of a body corporate) of the law under which it was incorporated.
- (8) For the purposes of sub-paragraphs (5) and (7) the neighbourhood of an installation includes anywhere within 500 metres of that installation.
- (9) In this paragraph “renewable energy installation” has the same meaning as in Chapter 2 of Part 2 of the Energy Act 2004.]

#### Textual Amendments

- F62** Words in Sch. 13 Pt. 3 para. 6(4) substituted (5.10.2004) by [Energy Act 2004 \(c. 20\), ss. 101\(3\), 198\(2\); S.I. 2004/2575, art. 2\(1\), Sch. 1](#)
- F63** Sch. 13 Pt. 3 para. 6(7)-(9) inserted (5.10.2004) by [Energy Act 2004 \(c. 20\), ss. 101\(4\), 198\(2\); S.I. 2004/2575, art. 2\(1\), Sch. 1](#)

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

- C6** Sch. 13 Pt. III para. 6(5) restricted by Oil and Gas Enterprise Act 1982 (c. 23, SIF 86), s. 27(1)(c)(2)–(5) Sch. 13 Pt. III para. 6(5) restricted (15.2.1999) by 1998 c. 17, s. 12(2)(b)(3) (with s. 9(1)(2), Sch. 3 para. 5(1)); S.I. 1999/161, art. 2

#### Marginal Citations

- M50** 1948 c. 56.  
**M51** 1971 c. 61.

- [<sup>F647</sup> (1) Without prejudice to paragraph 6 above, an Air Navigation Order may make provision in relation to renewable energy installations located within a Renewable Energy Zone as if those installations were located in a part of the United Kingdom.
- (2) Such provision may apply to any person irrespective of nationality or (in the case of a body corporate) of the law under which it was incorporated.
- (3) In this paragraph “renewable energy installation” and “Renewable Energy Zone” have the same meanings as in Chapter 2 of Part 2 of the Energy Act 2004.]

#### Textual Amendments

- F64** Sch. 13 Pt. 3 para. 7 inserted (5.10.2004) by Energy Act 2004 (c. 20), ss. 101(5), 198(2); S.I. 2004/2575, art. 2(1), Sch. 1

## SCHEDULE 14

Section 109.

### TRANSITIONAL AND TRANSITORY PROVISIONS AND SAVINGS

#### *General*

- 1 Where any enactment has been repealed (whether by this Act or otherwise) but, by virtue of any provision of the Act making the repeal (including a provision delaying the coming into force of the repeal), continues on and after the operative date to have effect for any purpose, then any other enactment repealed by this Act which, but for its repeal, would have effect for the purpose of construing or otherwise giving effect to the first mentioned enactment shall, notwithstanding its repeal, continue to have effect in relation to that provision for that purpose.
- 2 (1) Subject to sub-paragraph (2) below, where any period of time specified in an enactment re-enacted by this Act is current on the operative date, this Act shall have effect as if the provision of this Act re-enacting that enactment had been in force when that period began to run.
- (2) A person shall not, by virtue of sub-paragraph (1) above, be liable in respect of any offence which continues or continued during any period beginning before the operative date to any penalty greater than that which might have been imposed on him apart from this Act; and accordingly the maximum penalty for such an offence shall be determined in accordance with the law in force immediately before the operative date.



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- 3 Where anything was done before the operative date for the purposes of any enactment which is re-enacted by any provision of this Act the doing of that thing shall, on and after that date, have effect so far as may be necessary for giving the doing of that thing continuing effect as if that provision had been in force when the thing was done and as if the thing had been done for the purposes of that provision.

*Extra-territorial provisions*

- 4 (1) The repeals made by this Act shall not affect the law in force in any country or territory which is outside the United Kingdom and is not a relevant overseas territory.
- (2) The provisions of this Act, including the repeal of any power by Order in Council to extend any enactment to a relevant overseas territory or of any enactment which has been so extended, do not extend to any such territory except in so far as they are extended to that territory by an Order in Council under section 108(1) of this Act.
- (3) Subsection (2) of section 59 of the <sup>M52</sup>Civil Aviation Act 1949 shall continue to have effect for the purposes of any Order in Council made under that subsection and in force before the coming into operation of Schedule 1 to the <sup>M53</sup>Civil Aviation (Amendment) Act 1982, and for the purpose of varying or revoking such an Order.

**Marginal Citations**

**M52** 1949 c. 67.

**M53** 1982 c. 1.

*Byelaws*

- 5 (1) ..... <sup>F65</sup>
- (2) Section 97(6)(b) of this Act shall not affect the validity of any byelaws made before the end of July 1936.

**Textual Amendments**

**F65** Sch. 14 para. 5(1) repealed by Airports Act 1986 (c. 31, SIF 9), s. 83(5), Sch. 6 Pt. II

*Section 6 of the Civil Aviation Act 1949*

- 6 Notwithstanding the repeal of section 6 of the <sup>M54</sup>Civil Aviation Act 1949, a certificate under subsection (3) of that section shall continue to be conclusive of the matters certified.

**Marginal Citations**

**M54** 1949 c. 67.

*Lighthouse authorities*

- 7 The rights, powers and privileges of any general or local lighthouse authority shall not be prejudiced by, or by an instrument under, any of the following provisions

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of this Act, that is to say, sections 39, 41, 43, 47, 60, 62, 73 to 77, 81, 87, 89, 96, 97 and 107(2).

*The Hovercraft Act 1968*

8 The enactments and instruments with respect to which provision may be made by Order in Council in pursuance of section 1(1)(h) of the <sup>M55</sup>Hovercraft Act 1968 shall, notwithstanding the repeal by this Act of paragraph 49 of Schedule 1 to the <sup>M56</sup>Civil Aviation (Amendment) Act 1982, continue to include the <sup>M57</sup>Civil Aviation Act 1980 and any instrument made under that Act.

**Marginal Citations**

- M55 1968 c. 59.
- M56 1982 c. 1.
- M57 1980 c. 60.

*Schedule 9 to the Civil Aviation Act 1971*

9 The repeal by this Act of Schedule 9 to the <sup>M58</sup>Civil Aviation Act 1971 shall not affect the validity of—

- (a) any alteration in a valuation list made in consequence of paragraph 5 of that Schedule; or
- (b) any operator’s licence issued under Part V of the <sup>M59</sup>Transport Act 1968 in pursuance of an application in relation to which paragraph 8 of that Schedule applied;

and notwithstanding that repeal, the valuation roll and valuation lists to which paragraphs 6(1) and 7 respectively of that Schedule applied shall continue to have effect as modified by virtue of those paragraphs.

**Marginal Citations**

- M58 1971 c. 75.
- M59 1968 c. 73.

*Section 1 of the Civil Aviation Act 1978*

10 ..... <sup>F66</sup>

**Textual Amendments**

- F66 Sch. 14 para. 10 repealed by Aviation Security Act 1982 (c. 36, SIF 9), s. 40, Sch. 3

*Section 7 of the Civil Aviation Act 1978*

<sup>F67</sup>11 .....

*Status: Point in time view as at 26/01/2009.*

*Changes to legislation: Civil Aviation Act 1982 is up to date with all changes known to be in force on or before 15 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

**Textual Amendments**

**F67** Sch. 14 para. 11 repealed (8.11.1995) by 1995 c. 44, s. 1, Sch. 1 Pt. V

*The British Nationality Act 1981*

12 **F68** .....

**Textual Amendments**

**F68** Sch. 14 para. 12 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(1), Sch. 1 Pt. 4

*Interpretation*

13 In this Schedule “the operative date” means the date of the coming into force of this Act.

SCHEDULE 15

Section 109.

CONSEQUENTIAL AMENDMENTS

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

**C7** The text of Sch. 15 is in the form in which it was originally enacted: it was not wholly reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

*<sup>M60</sup>The Law of Property Act 1925*

**Marginal Citations**

**M60** 1925 c. 20.

1 For paragraph (b) of section 84(11) of the Law of Property Act 1925 there shall be substituted the following paragraph:—

“(b) for civil aviation purposes under the powers of the Air Navigation Act 1920, of section 19 or 23 of the Civil Aviation Act 1949 or of section 30 or 41 of the Civil Aviation Act 1982.”

*<sup>M61</sup>The Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947*

**Marginal Citations**

**M61** 1947 c. 42.

*Status: Point in time view as at 26/01/2009.*

*Changes to legislation: Civil Aviation Act 1982 is up to date with all changes known to be in force on or before 15 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- 2 (1) In section 1(1) of the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947, for paragraphs (b) and (c) there shall be substituted the following paragraph—  
“(b) by the Secretary of State under section 41 or 49 of the Civil Aviation Act 1982.”
- (2) In section 3(7) of that Act, for the words from “by the” onwards there shall be substituted the words “by the Secretary of State under section 41 of the Civil Aviation Act 1982.”

*The Public Records Act 1958*

- 3 The Table at the end of paragraph 3 of Schedule 1 to the <sup>M62</sup>Public Records Act 1958 shall continue to have effect with the inclusion in the second column of Part I after the entry relating to the Air Registration Board of the following entries— “  
Airworthiness Requirements Board,Civil Aviation Authority. ”

.....

**Marginal Citations**  
M62 1958 c. 51.

<sup>M63</sup>*The Harbours Act 1964*

.....

**Marginal Citations**  
M63 1964 c. 40.

- 4 In section 37 of the Harbours Act 1964—  
(a) for the words “section 8(2) of the <sup>M64</sup>Civil Aviation Act 1949” there shall be substituted the words “section 60 of the Civil Aviation Act 1982” ; and  
(b) for the words “that subsection” there shall be substituted the words “subsection (3) of that section”.

.....

**Marginal Citations**  
M64 1949 c. 67.

*The Industrial Development Act 1966*

<sup>F69</sup>5 .....

.....

**Textual Amendments**  
F69 In Sch. 15 para. 5 repealed (5.11.1993) by 1993 c. 50, s. 1(1), Sch. 1 Pt. IX Group 2

*The Tokyo Convention Act 1967*

6 <sup>F70</sup> .....

*Status: Point in time view as at 26/01/2009.*

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**Textual Amendments**

**F70** Sch. 15 para. 6 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(1), Sch. 1 Pt. 4

7 ..... **F71**

**Textual Amendments**

**F71** Sch. 15 para. 7 repealed by Statute Law (Repeals) Act 1989 (c. 43), s. 1(1), Sch. 1 Pt. II

*<sup>M65</sup>The Land Registration Act (Northern Ireland) 1970*

**Marginal Citations**

**M65** 1970 c. 18. (N.I.)

8 In Schedule 11 to the Land Registration Act (Northern Ireland) 1970, for paragraph (24) there shall be substituted the following paragraph:—

“24 A grant or agreement referred to in section 55(5) of Civil Aviation Act 1982.”

*<sup>M66</sup>The Rolls Royce (Purchase) Act 1971*

**Marginal Citations**

**M66** 1971 c. 9.

<sup>F72</sup>9 .....

**Textual Amendments**

**F72** Sch. 15 para. 9 repealed (5.11.1993) by 1993 c. 50, s. 1(1), Sch. 1 Pt. IX Group 1

10 ..... **F73**

**Textual Amendments**

**F73** Sch. 15 paras. 10, 13, 15, 20(3) repealed by Aviation Security Act 1982 (c. 36, SIF 9), s. 40, Sch. 3

*<sup>M67</sup>The Local Government Act 1972*

**Marginal Citations**

**M67** 1972 c. 70.

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- 11 In section 236(2) of the Local Government Act 1972, for the words “section 31 of the <sup>M68</sup>Civil Aviation Act 1971” there shall be substituted the words “section 29 of the Civil Aviation Act 1982”.

**Marginal Citations**

**M68** 1971 c. 75.

*<sup>M69</sup>The Land Compensation Act 1973*

**Marginal Citations**

**M69** 1973 c. 26.

- 12 (1) In section 1(6) of the Land Compensation Act 1973, for the words “section 41(2) of the Civil Aviation Act 1949” there shall be substituted the words “section 77(2) of the Civil Aviation Act 1982”.
- (2) In section 4(3)(a) of that Act, after the words “section 29A of the Civil Aviation Act 1971” there shall be inserted the words “, section 79 of the Civil Aviation Act 1982”.
- (3) In section 87(1) of that Act, for the definition of “aerodrome” there shall be substituted the following definition—
- ““aerodrome” has the same meaning as in the Civil Aviation Act 1982 ;”.

- 13 ..... <sup>F74</sup>

**Textual Amendments**

**F74** Sch. 15 paras. 10, 13, 15, 20(3) repealed by Aviation Security Act 1982 (c. 36, SIF 9), s. 40, Sch. 3

*<sup>M70</sup>The Land Compensation (Scotland) Act 1973*

**Marginal Citations**

**M70** 1973 c. 56.

- 14 (1) In section 1(6) of the Land Compensation (Scotland) Act 1973, for the words “section 41(2) of the Civil Aviation Act 1949” there shall be substituted the words “section 77(2) of the Civil Aviation Act 1982”.
- (2) In section 4(3)(a) of that Act, after the words “section 29A of the <sup>M71</sup>Civil Aviation Act 1971” there shall be inserted the words “section 79 of the Civil Aviation Act 1982”.
- (3) In section 80(1) of that Act, for the definition of “aerodrome” there shall be substituted the following definition—
- ““aerodrome” has the same meaning as in the Civil Aviation Act 1982 ;”.

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**Changes to legislation:** Civil Aviation Act 1982 is up to date with all changes known to be in force on or before 15 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

**Marginal Citations**

**M71** 1971 c. 75.

15 ..... **F75**

**Textual Amendments**

**F75** Sch. 15 paras. 10, 13, 15, 20(3) repealed by Aviation Security Act 1982 (c. 36, SIF 9), s. 40, **Sch. 3**

*<sup>M72</sup>The Air Travel Reserve Fund Act 1975*

**Marginal Citations**

**M72** 1975 c. 36.

16 ..... **F76**

**Textual Amendments**

**F76** Sch. 15 para. 16 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(1), **Sch. 1 Pt. 4**

17 ..... **F77**

**Textual Amendments**

**F77** Sch. 15 para. 17 repealed by Airports Act 1986 (c. 31, SIF 9), s. 83(5), **Sch. 6 Pt. I**

*<sup>M73</sup>The Aircraft and Shipbuilding Industries Act 1977*

**Marginal Citations**

**M73** 1977 c. 3.

18 In subsection (1) of section 56 of the Aircraft and Shipbuilding Industries Act 1977, in the definition of “works”, for the words “section 64(1) of the <sup>M74</sup>Civil Aviation Act 1971” there shall be substituted the words “section 105(1) of the Civil Aviation Act 1982”.

**Marginal Citations**

**M74** 1971 c. 75

*Status: Point in time view as at 26/01/2009.*

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### *M75 The Patents Act 1977*

#### **Marginal Citations**

**M75** 1977 c. 37.

- 19 In section 60(7) of the Patents Act 1977, in the definition of “exempted aircraft” for the words “section 53 of the Civil Aviation Act 1949” there shall be substituted the words “section 89 of the Civil Aviation Act 1982”.

### *M76 The Civil Aviation Act 1978*

#### **Marginal Citations**

**M76** 1978 c. 8.

- F78** 20 .....

#### **Textual Amendments**

**F78** Sch. 15 para. 20 repealed (8.11.1995) by 1995 c. 44, s. 1, Sch. 1 Pt. V

### *M77 The Suppression of Terrorism Act 1978*

#### **Marginal Citations**

**M77** 1978 c. 26.

- 21 In subsection (7) of section 4 of the Suppression of Terrorism Act 1978, for the words from “and section” onwards there shall be substituted the words “and subsection (4) of section 92 of the Civil Aviation Act 1982 (definition of “in flight” or, as applied to hovercraft, “in journey”) shall apply for the purposes of this subsection as it applies for the purposes of that section.”

### *M78 The National Health Service (Scotland) Act 1978*

#### **Marginal Citations**

**M78** 1978 c. 29.

- 22 In paragraph 19 of Schedule 1 to the National Health Service (Scotland) Act 1978—
- (a) for the words “paragraph 1 of Schedule 9 to the <sup>M79</sup>Civil Aviation Act 1971” there shall be substituted the words “paragraph 6 of Schedule 3 to the Civil Aviation Act 1982”, and
  - (b) for the words “the said paragraph 1” there shall be substituted the words “the said paragraph 6”.



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**Marginal Citations**

**M79** 1971 c. 75

*<sup>M80</sup>The Customs and Excise Management Act 1979*

**Marginal Citations**

**M80** 1979 c. 2.

- 23 In section 21(7) of the Customs and Excise Management Act 1979 for the words “section 8 of the <sup>M81</sup>Civil Aviation Act 1949” there shall be substituted the words “section 60 of the Civil Aviation Act 1982”.

**Marginal Citations**

**M81** 1949 c. 67.

*<sup>M82</sup>The Highlands and Islands Air Services (Scotland) Act 1980*

**Marginal Citations**

**M82** 1980 c. 19.

- 24 In section 3 of the Highlands and Islands Air Services (Scotland) Act 1980, in the definition of “air services” for the words from “or under” to “that Act” there shall be substituted the words “or section 65 of the Civil Aviation Act 1982 or under the authority of an instrument made under section 21(2) of the said Act of 1971 or section 64(2) of the said Act of 1982”.

*<sup>M83</sup>The Supreme Court 1981*

**Marginal Citations**

**M83** 1981 c. 54.

- 25 In subsections (2)(j) and (6) of section 20 of the Supreme Court Act 1981, for the words “section 51 of the Civil Aviation Act 1949” there shall be substituted the words “section 87 of the Civil Aviation Act 1982”.

*<sup>M84</sup>The New Towns Act 1981*

**Marginal Citations**

**M84** 1981 c. 64.

*Status: Point in time view as at 26/01/2009.*

**Changes to legislation:** Civil Aviation Act 1982 is up to date with all changes known to be in force on or before 15 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- 26 In section 79(3)(b) of the New Towns Act 1981, for the words “paragraph 7 of Schedule 5 to the Civil Aviation Act 1971” there shall be substituted the words “paragraph 5 of Schedule 2 to the Civil Aviation Act 1982”.

<sup>M85</sup>*The Acquisition of Land Act 1981*

**Marginal Citations**

**M85** 1981 c. 67.

- 27 In section 32(8) of the Acquisition of Land Act 1981, for the words from “section 23(3)” to “1971” there shall be substituted the words “section 41 or 42 of the Civil Aviation Act 1982”.

SCHEDULE 16

Section 109.

REPEALS

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

- C8** The text of s. 109(2), Sch. 16 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Chapter or Number	Short title	Extent of repeal
12, 13 & 14 Geo. 6. c. 67.	The Civil Aviation Act 1949.	Section 1. Section 6. Sections 8 to 11. Section 16(1) and (2). Sections 17 to 20. Sections 23 to 35. Sections 37 to 41. Section 49. Sections 51 to 53. Sections 55 to 58. Section 59(1). Sections 60 to 65. Sections 69 to 71. Schedules 1 to 4. Schedules 8 and 9.

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		Schedule 11.
2 & 3 Eliz. 2. c. 64.	The Transport Charges &c (Miscellaneous Provisions) Act 1954.	Section 7(4).
8 & 9 Eliz. 2. c. 38.	The Civil Aviation (Licensing) Act 1960.	Section 5(3) and (4).  Section 6(6), (6A) and (7). Section 7. Section 10. Section 12.
10 & 11 Eliz. 2. c. 8.	The Civil Aviation (Euro-control) Act 1962.	Sections 1 to 4.  Section 5(1) and (3). Sections 6 to 10.
10 & 11 Eliz. 2. c. 38.	The Town and Country Planning Act 1962.	In Schedule 12, the entry relating to the Civil Aviation Act 1949.
1965 c. 56.	The Compulsory Purchase Act 1965.	In Schedule 6, the entry relating to the Civil Aviation Act 1949.
1967 c. 52.	The Tokyo Convention Act 1967.	Sections 1 to 3.  Sections 5 and 6.  In section 7, in subsection (1) the definitions of “commander”, “Convention country”, “military aircraft”, “operator”, “pilot in command” and “Tokyo Convention”, subsection (2), in subsection (3) the words from “and references” onwards and subsection (4).  In section 8(1), the words “other than section 2”.
1968 c. 48.	The International Organisations Act 1968.	Section 9(2).  In section 12, subsection (1).
1968 c. 61.	The Civil Aviation Act 1968.	Sections 1 to 6.  Section 8. Section 12.  Section 13(2) and (3).

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		Sections 14 to 23.
		Sections 26 to 28.
1969 c. 48.	The Post Office Act 1969.	In Schedule 4, paragraph 46 and in paragraph 93 subparagraphs (1)(ix) and (2e).
1969 c. 59.	The Law of Property Act 1969.	Section 28(8).
1971 c. 61.	The Mineral Workings (Offshore Installations) Act 1971.	Section 8(4).
1971 c. 68.	The Finance Act 1971.	In Schedule 8, paragraph 16(10).
1971 c. 75.	The Civil Aviation Act 1971.	Sections 1 to 36. Sections 61 to 70. Schedules 1 to 7. Schedules 9 to 11.
1971 c. 78.	The Town and Country Planning Act 1971.	In Part II of Schedule 23, the entry relating to the Civil Aviation Act 1949 and the entry relating to the Civil Aviation Act 1971.
1972 c. 11.	The Superannuation Act 1972.	In Schedule 6, paragraphs 94 and 95.
1972 c. 52.	The Town and Country Planning (Scotland) Act 1972.	In Part II of Schedule 21, the entry relating to the Civil Aviation Act 1949 and the entry relating to the Civil Aviation Act 1971.
1973 c. 65.	The Local Government (Scotland) Act 1973.	Section 152.  In Part II of Schedule 27, paragraphs 97, 98, 188 to 190 and 201.
1975 c. 76	The Local Land Charges Act 1975.	In Schedule 1, the entry relating to the Civil Aviation Act 1949, the entry relating to the Civil Aviation Act 1968 and the entry relating to the Civil Aviation Act 1971.
1975 c. 78.	The Airports Authority Act 1975.	In section 25, subsection (1).  Schedule 3.

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		In Schedule 5, Part I and in Part II paragraph 4.
1978 c. 8.	The Civil Aviation Act 1978.	Sections 6 and 7. In section 8, in subsection (2) paragraphs (a) to (d). Sections 9 to 11. In section 14, in subsection (1) paragraph (b) and the word “and” immediately preceding it and subsection (3). In section 15, subsection (1). In Schedule 1, in Part I paragraphs 1 to 3, 6 and 7(2) and Part II.
1978 c. 44.	The Employment Protection (Consolidation) Act 1978.	In Schedule 16, paragraph 12.
1979 c. 2.	The Customs and Excise Management Act 1979.	In Schedule 4, in Part I of the Table in paragraph 12, the entry relating to the Civil Aviation Act 1949 and the entry relating to the Civil Aviation Act 1968.
1979 c. 33.	The Land Registration (Scotland) Act 1979.	In section 28(1), in the definition of “deed”, the words from “and includes” to “1949”.
1980 c. 45.	The Water (Scotland) Act 1980.	In Schedule 10, the entry to the Civil Aviation Act 1971.
1980 c. 60.	The Civil Aviation Act 1980.	Sections 11 to 19. Section 21. Section 26.
1981 c. 38.	The British Telecommunications Act 1981.	In Schedule 3, paragraphs 10(1)(e), 11(1)(c) and 29.
1981 c. 61.	The British Nationality Act 1981.	In Schedule 7, the entry relating to the Civil Aviation Act 1971.
1981 c. 64.	The New Towns Act 1981.	In Schedule 12, paragraph 6.
1981 c. 67.	The Acquisition of Land Act 1981.	In Schedule 4, paragraphs 6 and 20.
1982 c. 1.	The Civil Aviation (Amendment) Act 1982.	Section 4.

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		Schedules 1 and 2.
S.I. 1973 No. 2095.	The Local Government Reorganisation (Consequential Provisions) (Northern Ireland) Order 1973.	In Schedule 1, paragraph 11.
S.I. 1980 No. 1085 (N.I. 11).	The Roads (Northern Ireland) Order 1980.	In the table in paragraph 3 of Schedule 8, the entry relating to the Civil Aviation Act 1949.

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**Status:**

Point in time view as at 26/01/2009.

**Changes to legislation:**

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