



Civil Aviation Act 1982

1982 CHAPTER 16

PART II U.K.

AERODROMES AND OTHER LAND

Powers in relation to land exercisable in connection with civil aviation

50 Power of entry for purposes of survey. U.K.

(1) This section applies—

- (a) where the Secretary of State has confirmed or is considering the confirmation of an order authorising the CAA^[F1] or a licence holder] to acquire land in Great Britain compulsorily;
- (b) where the CAA^[F1] or a licence holder] proposes to acquire land in Northern Ireland compulsorily;
- (c) where the Secretary of State has made or has under consideration the making of an order under section 44 above providing for the creation in favour of the CAA^[F1] or a licence holder] of easements or servitudes over land or of other rights in or in relation to land;
- (d) where the Secretary of State has made, or has under consideration the making of, an order under section 46(1) above in respect of the CAA^[F2], a licence holder (within the meaning of section 105(1)^[F3] below),] or the licensee of an aerodrome licensed under an Air Navigation Order^[F4] or a person who holds a certificate under the Aerodromes Regulation authorising the operation of an aerodrome], being an order declaring that an area of land shall be subject to control by directions; and
- (e) in any case not falling within paragraphs (a) to (d) above where the Secretary of State has made, or has under consideration the making of, an order under or in pursuance of this Part of this Act, being—
 - (i) an order authorising the compulsory purchase of land; or

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- (ii) an order providing for the creation in favour of a particular person of easements or servitudes over land or of other rights in or in relation to land; or
 - (iii) an order declaring that an area of land shall be subject to control by directions.
- (2) Where this section applies any person authorised in writing by the Secretary of State may at all reasonable times on producing if so required evidence of his authority for the purpose enter upon any of the land in question in order to make a relevant survey.
- (3) In subsection (2) above “a relevant survey” means—
- (a) in a case falling within subsection (1)(a) above, any survey which the Secretary of State [^{F5}, the CAA or a licence holder] requires to be made for the purpose of any steps to be taken in consequence of the order, or, as the case may be, for the purpose of determining whether the order should be confirmed;
 - (b) in a case falling within subsection (1)(b) above, any survey which the Secretary of State [^{F5}, the CAA or a licence holder] requires to be made for the purpose of ascertaining whether the land would be suitable for the purposes for which it is proposed to acquire it;
 - (c) in a case falling within subsection (1)(c) above, any survey which the Secretary of State [^{F5}, the CAA or a licence holder] requires to be made for the purpose of any steps to be taken in consequence of the order or, as the case may be, for the purpose of determining whether the order should be made;
 - (d) In a case falling within subsection (1)(d) above, any survey which the Secretary of State or the person in respect of whom the order under the said section 46(1) has been, or is to be, made requires to be made for the purpose of any steps to be taken in consequence of that order or, as the case may be, for the purpose of determining whether the order should be made;
 - (e) in a case falling within subsection (1)(e) above, any survey which the Secretary of State requires to be made for the purpose of any steps to be taken in consequence of the order in question or, as the case may be, for the purpose of determining whether the order should be made.
- (4) Admission shall not, by virtue of subsection (2) above, be demanded as of right to any land which is occupied unless the following notice of the intended entry has been served on the occupier, that is to say—
- (a) in a case falling within subsection (1) (a) to (d) above, eight days’ notice; and
 - (b) in a case falling within subsection (1)(e) above, twenty-four hours’ notice.
- (5) If any person obstructs a person authorised as mentioned in subsection (2) above in the exercise of any power conferred by this section he shall be liable on summary conviction to a fine not exceeding [^{F6}level 2 on the standard scale].
- (6) Proceedings for an offence under this section shall not be instituted—
- (a) in England and Wales, except by or with the consent of the Secretary of State or by or with the consent of the Director of Public Prosecutions;
 - (b) in Northern Ireland, except by or with the consent of the Secretary of State or by the Attorney General for Northern Ireland,
- except that in England and Wales and in Northern Ireland such proceedings may be instituted without such consent, in a case falling within subsection (1)(a) to (c) above,

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by the CAA and, in a case falling within subsection (1)(d) above, by the person in respect of whom the order in question has been, or is to be, made.

(7) Where any land is damaged in the exercise of a power of entry conferred in pursuance of an authority given under this section, or in the making of any survey for the purpose of which any such power of entry has been conferred—

[^{F7}(a) in a case falling within subsection (1)(a) to (c) above in respect of the CAA, the CAA,

(aa) in a case falling within subsection (1)(a) to (c) above in respect of a licence holder, the licence holder,]

(b) in a case falling within subsection (1)(d) above, the person in respect of whom the order in question has been, or is to be, made,

(c) in a case falling within subsection (1)(e) above, the Secretary of State,

shall pay such compensation to the persons interested in the land as may be just; and where any dispute arises as to whether compensation is payable under this subsection, 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 [^{F8}appropriate tribunal].

Textual Amendments

F1 Words in s. 50(1)(a)(b)(c) inserted (1.4.2001) by 2000 c. 38, s. 36, **Sch. 4 para. 8(2)** (with s. 106); S.I. 2001/869, **art. 2**

F2 Words in s. 50(1)(d) inserted (1.4.2001) by 2000 c. 38, s. 36, **Sch. 4 para. 8(3)** (with s. 106); S.I. 2001/869, **art. 2**

F3 Word in s. 50(1)(d) substituted (10.1.2015) by The Air Navigation (Amendment) (No. 4) Order 2014 (S.I. 2014/3302), **art. 1(1)**, **Sch. para. 3(7)(a)**

F4 Words in s. 50(1)(d) inserted (10.1.2015) by The Air Navigation (Amendment) (No. 4) Order 2014 (S.I. 2014/3302), **art. 1(1)**, **Sch. para. 3(7)(b)**

F5 Words in s. 50(3)(a)(b)(c) substituted (1.4.2001) by 2000 c. 38, s. 36, **Sch. 4 para. 8(4)** (with s. 106); S.I. 2001/869, **art. 2**

F6 Words substituted by virtue of (E.W.) Criminal Justice Act 1982 (c. 48, SIF 39:1), **s. 46**, (S.) Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), **s. 289G** and (N.I.) S.I. 1984/703 (N.I. 3), **art. 5**

F7 S. 50(7)(a)(aa) substituted (1.4.2001) for s. 50(7)(a) by 2000 c. 38, s. 36, **Sch. 4 para. 8(5)** (with s. 106); S.I. 2001/869, **art. 2**

F8 Words in s. 50(7) substituted (1.6.2009) by The Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009 (S.I. 2009/1307), **art. 1**, **Sch. 1 para. 154** (with Sch. 5)

Modifications etc. (not altering text)

C1 S. 50 extended with modifications by Airports Act 1986 (c. 31, SIF 9), **s. 59(3)(4)**

C2 S. 50(2): Functions transferred (S.) (1.7.1999) by S.I. 1999/1750, **art. 2**, **Sch. 1**

Status:

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Changes to legislation:

There are currently no known outstanding effects for the Civil Aviation Act 1982, Section 50.