



# Airports Act 1986

## 1986 CHAPTER 31

### PART VI

#### MISCELLANEOUS AND SUPPLEMENTARY

##### *Byelaws*

#### 63 Airport byelaws. **E+W**

- (1) Where an airport is either—
- (a) designated for the purposes of this section by an order made by the Secretary of State, or
  - (b) managed by the Secretary of State,

the airport operator (whether the Secretary of State or some other person) may make byelaws for regulating the use and operation of the airport and the conduct of all persons while within the airport.

- (2) Any such byelaws may, in particular, include byelaws—
- (a) for securing the safety of aircraft, vehicles and persons using the airport and preventing danger to the public arising from the use and operation of the airport;
  - (b) for controlling the operation of aircraft within, or directly above, the airport for the purpose of limiting or mitigating the effect of noise, vibration and atmospheric pollution caused by aircraft using the airport;
  - (c) for preventing obstruction within the airport;
  - (d) for regulating vehicular traffic anywhere within the airport, except on roads within the airport to which the road traffic enactments apply, and in particular (with that exception) for imposing speed limits on vehicles within the airport and for restricting or regulating the parking of vehicles or their use for any purpose or in any manner specified in the byelaws;
  - (e) for prohibiting waiting by hackney carriages except at standings appointed by such person as may be specified in the byelaws;

*Status: Point in time view as at 06/04/2008.*

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- (f) for prohibiting or restricting access to any part of the airport;
  - (g) for preserving order within the airport and preventing damage to property within it;
  - (h) for regulating or restricting advertising within the airport;
  - (i) for requiring any person, if so requested by a constable or airport official, to leave the airport or any particular part of it, or to state his name and address and the purpose of his being within the airport;
  - (j) for securing the safe custody and redelivery of any property which, while not in proper custody, is found within the airport or in an aircraft within the airport, and in particular—
    - (i) for requiring charges to be paid in respect of any such property before it is redelivered; and
    - (ii) for authorising the disposal of any such property if it is not redelivered before the end of such period as may be specified in the byelaws;
  - (k) for restricting the area which is to be taken as constituting the airport for the purposes of the byelaws.
- (3) In paragraph (d) of subsection (2) “the road traffic enactments” means the enactments (whether passed before or after this Act) relating to road traffic, including the lighting and parking of vehicles, and any order or other instrument having effect by virtue of any such enactment.
- (4) In paragraph (i) of subsection (2) “airport official” means a person authorised by the airport operator; and any such official shall not exercise any power under a byelaw made by virtue of that paragraph without producing written evidence of his authority if required to do so.
- (5) Byelaws made under this section by a person other than the Secretary of State shall not have effect until they are confirmed by the Secretary of State, and the provisions of Schedule 3 shall apply to any such byelaws.
- (6) Before any byelaws are made by the Secretary of State under this section, he shall take such steps as appear to him to be appropriate for giving public notice of the proposed byelaws and for affording an opportunity for representations to be made with respect to them; and the Secretary of State shall have regard to any such representations and may then make the byelaws in the form proposed or in that form with such modifications as he thinks fit.
- (7) Any byelaws made by the Secretary of State under this section shall be made by statutory instrument.
- (8) Section 236(9) of the Local Government Act 1972 and section 202(13) of the <sup>M1</sup>Local Government (Scotland) Act 1973 (notice of byelaws made by one local authority to be given to another) and section 237 of the Act of 1972 and section 203 of the Act of 1973 (penalties) shall not apply to any byelaws made by a local authority under this section.

#### Extent Information

- E1** This version of this provision extends to England and Wales only; a separate version has been created for Scotland only

#### Marginal Citations

- M1** 1973 c. 65.

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## 63 Airport byelaws. **S**

- (1) Where an airport is either—
- (a) designated for the purposes of this section by an order made by the Secretary of State, or
  - (b) managed by the Secretary of State,
- the airport operator (whether the Secretary of State or some other person) may make byelaws for regulating the use and operation of the airport and the conduct of all persons while within the airport.
- (2) Any such byelaws may, in particular, include byelaws—
- (a) for securing the safety of aircraft, vehicles and persons using the airport and preventing danger to the public arising from the use and operation of the airport;
  - (b) for controlling the operation of aircraft within, or directly above, the airport for the purpose of limiting or mitigating the effect of noise, vibration and atmospheric pollution caused by aircraft using the airport;
  - (c) for preventing obstruction within the airport;
  - (d) for regulating vehicular traffic anywhere within the airport, except on roads within the airport to which the road traffic enactments apply, and in particular (with that exception) for imposing speed limits on vehicles within the airport and for restricting or regulating the parking of vehicles or their use for any purpose or in any manner specified in the byelaws;
  - (e) for prohibiting waiting by hackney carriages except at standings appointed by such person as may be specified in the byelaws;
  - (f) for prohibiting or restricting access to any part of the airport;
  - (g) for preserving order within the airport and preventing damage to property within it;
  - (h) for regulating or restricting advertising within the airport;
  - (i) for requiring any person, if so requested by a constable or airport official, to leave the airport or any particular part of it, or to state his name and address and the purpose of his being within the airport;
  - (j) for securing the safe custody and redelivery of any property which, while not in proper custody, is found within the airport or in an aircraft within the airport, and in particular—
    - (i) for requiring charges to be paid in respect of any such property before it is redelivered; and
    - (ii) for authorising the disposal of any such property if it is not redelivered before the end of such period as may be specified in the byelaws;
  - (k) for restricting the area which is to be taken as constituting the airport for the purposes of the byelaws.
- (3) In paragraph (d) of subsection (2) “the road traffic enactments” means the enactments (whether passed before or after this Act) relating to road traffic, including the lighting and parking of vehicles, and any order or other instrument having effect by virtue of any such enactment.
- (4) In paragraph (i) of subsection (2) “airport official” means a person authorised by the airport operator; and any such official shall not exercise any power under a byelaw made by virtue of that paragraph without producing written evidence of his authority if required to do so.

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- (5) Byelaws made under this section by a person other than the Secretary of State shall not have effect until they are confirmed by the Secretary of State, and the provisions of Schedule 3 shall apply to any such byelaws.
- (6) Before any byelaws are made by the Secretary of State under this section, he shall take such steps as appear to him to be appropriate for giving public notice of the proposed byelaws and for affording an opportunity for representations to be made with respect to them; and the Secretary of State shall have regard to any such representations and may then make the byelaws in the form proposed or in that form with such modifications as he thinks fit.
- (7) Any byelaws made by the Secretary of State under this section shall be made by statutory instrument.
- (8) Section 236(9) of the Local Government Act 1972 <sup>F46</sup> . . . (notice of byelaws made by one local authority to be given to another) and section 237 of [<sup>F47</sup> that Act and section 203 of the Local Government (Scotland) Act 1973] (penalties) shall not apply to any byelaws made by a local authority under this section.

#### Extent Information

- E2** This version of this provision extends to Scotland only; a separate version has been created for England and Wales only

#### Textual Amendments

- F46** Words in s. 63(8) repealed (1.4.1996) by S.I. 1996/739, art. 7(1), Sch. 1 Pt. 1 para. 7(a), Sch. 2
- F47** Words in s. 63(8) substituted (1.4.1996) by S.I. 1996/739, art. 7(1), Sch. 1 Pt. 1 para. 7(b)

## 64 Byelaws: penalties and power to revoke in certain cases.

- (1) Any person contravening any byelaws made under section 63 shall be liable on summary conviction to a fine not exceeding such amount as, subject to subsection (2) of this section, may be specified by the byelaws in relation to the contravention.
- (2) The maximum fines that byelaws may specify by virtue of subsection (1) are fines of an amount at the fourth level on the standard scale or of a lower amount.
- (3) Where any person other than the Secretary of State has made any byelaw in relation to any airport by virtue of section 63(2)(b), the Secretary of State may, after consulting that person, by order—
  - (a) revoke or vary that byelaw if the Secretary of State considers it appropriate to do so by reason of his having designated the airport for the purposes of section 78 of the 1982 Act (regulation of noise and vibration from aircraft); or
  - (b) revoke or vary that byelaw to the extent that it appears to the Secretary of State to be inconsistent with the safety of persons or vehicles using the airport, of aircraft or of the general public or to be inconsistent with any international obligation of the United Kingdom.

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### *Other provisions relating to airports*

#### **65 Control of road traffic at designated airports.**

- (1) Subject to the provisions of this section, the road traffic enactments shall apply in relation to roads which are within a designated airport but to which the public does not have access as they apply in relation to roads to which the public has access.
- (2) The Secretary of State may by order direct that in their application to roads within such an airport the road traffic enactments shall have effect subject to such modifications as appear to him necessary or expedient for the purpose of, or in consequence of, conferring—
  - (a) on the airport operator functions exercisable under those enactments by a highway authority or local authority; or
  - (b) on the chief officer of any airport constabulary functions so exercisable by a chief officer of police.
- (3) An order under subsection (2) may exempt from the application of the road traffic enactments particular roads or lengths of road to which the public does not have access and may require the airport operator to indicate the roads or lengths of roads so exempted in such manner as may be specified in the order.
- (4) Before making an order under this section in relation to any airport (other than one managed by the Secretary of State) the Secretary of State shall consult the airport operator.
- (5) Any road or place within an airport in the metropolitan police district shall be deemed to be a street or place within the meaning of section 35 of the London Hackney Carriage Act 1831.
- (6) In this section—

“airport constabulary” means, in relation to an airport owned or managed by the Secretary of State, the special constables appointed under section 57 of the 1982 Act and, in relation to any airport owned or managed by a local authority, any body of constables which the authority have power to maintain at that airport;

“designated airport” means an airport which is designated for the purposes of this section by an order made by the Secretary of State; and

“the road traffic enactments” has the meaning given by section 63(3).
- (7) In the application of subsection (2) to Scotland, for “highway authority or local authority” there shall be substituted “roads authority as defined in section 151(1) of the Roads (Scotland) Act 1984”.

#### **66 Functions of operators of designated airports as respects abandoned vehicles.**

- (1) The Secretary of State may by order direct that, in their application to land within any designated airport, the provisions of—
  - (a) sections 3, 4 and 5 of the Refuse Disposal (Amenity) Act 1978 (powers and duties of local authorities to remove and dispose of vehicles abandoned on land in their area) and section 8 of that Act (powers of entry etc.) so far as relating to section 3 of that Act, and
  - (b) any regulations for the time being in force under any of those sections,

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shall have effect subject to such modifications as appear to him necessary or expedient for the purpose of, or in consequence of, conferring on the airport operator the functions exercisable under those provisions by local authorities or local authorities of any description.

(2) In relation to the provisions of—

- (a) sections 99 to 102 of the Road Traffic Regulation Act 1984 (removal of vehicles from roads if illegally, obstructively or dangerously parked or broken down, and from roads or open land if abandoned), and
- (b) any regulations for the time being in force under any of those sections,

the powers of the Secretary of State under section 65(2) shall be exercisable not only as respects the application of those provisions to roads within an airport but also as respects their application to other land within the airport.

(3) Where the provisions of—

- (a) section 3 of the Refuse Disposal (Amenity) Act 1978,
- (b) section 99, 100 or 102 of the Road Traffic Regulation Act 1984, or
- (c) any regulations for the time being in force under any of those sections,

apply to any land within any airport in accordance with an order made under or by virtue of this section, those provisions shall have effect in relation to vehicles in a building on that land which is used for providing facilities for the parking of vehicles as they have effect in relation to vehicles on land in the open air.

(4) Before making an order under subsection (1) in relation to an airport (other than one managed by the Secretary of State) the Secretary of State shall consult the airport operator.

(5) In this section—

“designated airport” means an airport which is designated for the purposes of this section by an order made by the Secretary of State; and

“the road traffic enactments” has the meaning given by section 63(3).

## **67 Provision of special accommodation at airports.**

(1) The Secretary of State may, in the case of any airport—

- (a) give the airport operator a direction requiring him to make available for the exclusive use of designated persons using the airport such special accommodation and any associated facilities as may be specified in the directions;
- (b) give the airport operator a direction requiring him to take such steps as may be specified in the direction for the purposes of, or in connection with, the use of such accommodation and facilities by such persons;
- (c) where it appears to the Secretary of State that the airport lacks special accommodation and associated facilities suitable for being made available as mentioned in paragraph (a), give the airport operator a direction requiring him to take such steps as may be specified in the direction for the purpose of, or in connection with, securing the provision at the airport of such accommodation and facilities.

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- (2) In subsection (1) “designated persons”, in relation to an airport, means such persons, or classes of persons, as may from time to time be notified to the airport operator by the Secretary of State for the purposes of this section.
- (3) Without prejudice to the generality of subsection (1)(c), a direction given by virtue of that provision may require an airport operator to carry out works of construction or alteration, and may specify the manner in which the accommodation in question is to be equipped in any respect.
- (4) The Secretary of State may, with the consent of the Treasury, make grants to airport operators for the purpose of defraying or contributing towards expenses incurred by them in complying with directions given to them under this section.
- (5) Before giving a direction under this section the Secretary of State shall consult the airport operator concerned.

## **68 Monitoring of aircraft movements.**

- (1) Where an airport is designated for the purposes of section 78 of the 1982 Act (regulation of noise and vibration from aircraft), the Secretary of State may, after consultation with the airport operator, by order require him—
  - (a) to provide, maintain and operate such equipment as is specified in the order (in accordance with any instructions so specified) for the purpose of monitoring the movements, within an area so specified, of aircraft on flights to and from the airport, and
  - (b) to make to the Secretary of State such reports as are so specified with respect to the movements monitored by the equipment in pursuance of paragraph (a), and to permit any person authorised by the Secretary of State for the purpose to inspect the equipment on demand at any time;

and it shall be the duty of the airport operator to comply with the requirements of the order.

- (2) Any reference in subsection (1) to the movements of aircraft shall be read as a reference to the routes taken by them measured by reference to both direction and height.
- (3) Subsections (9) and (10) of the said section 78 (enforcement) shall apply for the purposes of this section as if, in subsection (9) of that section, any reference to subsection (8) of that section were a reference to subsection (1) of this section.

## **69 Duty of CAA with respect to implementation of recommendations concerning airport capacity.**

- (1) If, after considering any recommendations made to him by the CAA in pursuance of section 16(2) of the 1982 Act (recommendations concerning airport capacity), the Secretary of State so directs, the CAA shall take such steps as it considers appropriate for the purpose of encouraging or facilitating the provision (whether by an airport operator or any other person) of any facilities or services that are necessary for the implementation of those recommendations.
- (2) The steps taken by the CAA in pursuance of subsection (1)—

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- (a) may, without prejudice to the generality of that subsection, include the furnishing of information, the provision of assistance to persons requesting it and the provision of advice (whether or not requested); but
  - (b) shall not include the carrying out of any works of construction or alteration or the defraying of, or the making of any contribution towards, expenses incurred by any other person in carrying out any such works.
- (3) Before embarking on the performance of its duty under subsection (1) with respect to any recommendations the CAA shall consult the airport operator in the case of any relevant airport as to the manner in which that duty is to be performed by the CAA.
- (4) Without prejudice to the generality of section 11 of the 1982 Act, a scheme or regulations under that section may make provision for charges to be paid in respect of the performance by the CAA of its duty under subsection (1) above with respect to any recommendations, and for such charges to be paid by—
- (a) the airport operator in the case of any relevant airport, and
  - (b) any person for whom assistance or advice has, at his request, been provided by the CAA in pursuance of that duty;
- but if such provision is not made by any such scheme or regulations the CAA shall be entitled to recover an amount or amounts in respect of any expenses reasonably incurred by it in performing that duty from such one or more persons falling within paragraphs (a) and (b) above as the CAA considers appropriate.
- (5) An airport is a relevant airport for the purposes of subsection (3) or (4) if—
- (a) the recommendations referred to in that subsection relate to the airport, or
  - (b) the airport is subject to economic regulation under Part IV, and it and any new airport to which those recommendations relate would be airports serving the same area in the United Kingdom;
- and the reference in paragraph (b) above to airports serving the same area in the United Kingdom shall be construed in accordance with section 31(6),
- (6) Section 4 of the 1982 Act applies in relation to the performance by the CAA of its functions under this section.

## [<sup>F1</sup>70] Extension of Shops (Airports) Act 1962.

Section 1 of the Shops (Airports) Act 1962 (exemption of traders at certain airports from restrictions under Part I of the <sup>M2</sup>Shops Act 1950 on hours of closing) shall have effect in relation to the provisions of Part IV of the Shops Act 1950 (Sunday trading) as well as in relation to the provisions of Part I of that Act; and accordingly, in subsection (1) of that section, after “hours of closing)” there shall be inserted “and of Part IV of that Act (which relates to Sunday trading)”.]

### Textual Amendments

**F1** S. 70 repealed (E.W.) (26.8.1994) by 1994 c. 20, s. 9(2), Sch. 5; S.I. 1994/1841, art. 2

### Marginal Citations

**M2** 1950 c. 28.



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71 ..... F2

**Textual Amendments**

**F2** Ss. 21(1)–(3), 22(1)–(4) and 71 repealed by [Local Government and Housing Act 1989 \(c. 42, SIF 81:1\)](#), s. 194(2), [Sch. 12 Pt. I](#)

*Constitution of CAA*

**72 Increase in maximum number of members of CAA.**

In section 2(2) of the 1982 Act (which provides that the CAA shall consist of not less than six nor more than twelve members), for “twelve” there shall be substituted “sixteen”.

*Supplementary*

**73 Furnishing of information etc. to CAA.**

- (1) The CAA may by notice in writing served on any person require him at such time or times as may be specified in the notice—
  - (a) to produce to the CAA such documents or descriptions of documents specified in the notice, and
  - (b) to furnish to the CAA, in such form as may be specified in the notice, such accounts, estimates, returns or other information,as the CAA may reasonably require for the purpose of performing its functions under this Act or for the purpose of giving any advice, assistance or information to the Secretary of State in connection with the performance by him of any functions under this Act.
- (2) A person shall not by virtue of subsection (1) be compelled—
  - (a) to produce any documents which he could not be compelled to produce in civil proceedings before the High Court or (in Scotland) the Court of Sessions, or
  - (b) in complying with any requirement for the furnishing of information, to give any information which he could not be compelled to give in evidence in such proceedings.
- (3) Any person who fails without reasonable excuse to comply with the requirements of a notice served on him under subsection (1) shall be guilty of an offence and liable on summary conviction to a fine not exceeding the fifth level on the standard scale.
- (4) Any person who, in purported compliance with the requirements of any such notice, knowingly or recklessly furnishes information which is false in a material particular shall be guilty of an offence and liable—
  - (a) on summary conviction, to a fine not exceeding the statutory maximum;
  - (b) on conviction on indictment, to a fine.

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## 74 Restriction on disclosure of information.

- (1) Subject to the following provisions of this section, no information with respect to any particular business which has been obtained under or by virtue of the provisions of this Act shall, so long as the business continues to be carried on, be disclosed without the consent of the person for the time being carrying it on.
- (2) Subsection (1) does not apply to any disclosure of information which is made—
- (a) for the purpose of facilitating the performance of any functions under this Act or any of the enactments [<sup>F3</sup>or subordinate legislation] specified in subsection (3) of any Minister, any Northern Ireland department, the head of any such department, the CAA, the Commission, [<sup>F4</sup>the Office of Fair Trading][<sup>F5</sup>the Water Services Regulation Authority][<sup>F6</sup>the Director General of Electricity Supply][<sup>F7</sup>the Director General of Electricity Supply for Northern Ireland][<sup>F8</sup>or the Director General of Gas for Northern Ireland][<sup>F9</sup>the [<sup>F10</sup>Office of Rail Regulation]] or a local weights and measures authority in Great Britain;
  - (b) in connection with the investigation of any criminal offence or for the purposes of any criminal proceedings;
  - (c) for the purposes of any civil proceedings brought under or by virtue of this Act or any of the enactments [<sup>F3</sup>or subordinate legislation] specified in subsection (3);
  - (d) in pursuance of any Community obligation.
- (3) The enactments [<sup>F11</sup>and subordinate legislation] referred to in subsection (2) are—
- (a) the <sup>M3</sup>Trade Descriptions Act 1968;
  - (b) the <sup>M4</sup>Fair Trading Act 1973;
  - (c) the <sup>M5</sup>Consumer Credit Act 1974;
  - <sup>F12</sup>(d) .....
  - <sup>F12</sup>(e) .....
  - (f) the <sup>M6</sup>Estate Agents Act 1979;
  - (g) the <sup>M7</sup>Competition Act 1980; . . . <sup>F13</sup>
  - (h) the 1982 Act and any Order in Council made under section 60 of that Act (Air Navigation Orders).
  - <sup>F14</sup>(i) the <sup>M8</sup>Consumer Protection Act 1987.]
  - <sup>F15</sup>(j) the Control of Misleading Advertisements Regulations 1988.]
  - <sup>F16</sup>(k) the <sup>M9</sup>Water Act 1989 [<sup>F17</sup>the Water Industry Act 1991 or any of the other consolidation Acts (within the meaning of section 206 of that Act of 1991)][<sup>F18</sup>, or the Water Act 2003] .]
  - <sup>F19</sup>(l) the <sup>M10</sup>Electricity Act 1989.]
  - <sup>F20</sup>(ll) Part IV of the Airports (Northern Ireland) Order 1994;]
  - <sup>F21</sup>(m) the Electricity (Northern Ireland) Order 1992]
  - <sup>F22</sup>(mm) the Gas (Northern Ireland) Order 1996;]
  - <sup>F23</sup>(n) the Railways Act 1993]
  - <sup>F24</sup>(o) .....
  - <sup>F25</sup>(p) the Competition Act 1998.]
  - <sup>F26</sup>(q) Part I of the Transport Act 2000.]
  - <sup>F27</sup>(r) the Enterprise Act 2002]
  - <sup>F28</sup>(s) the Railways Act 2005.]

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- [<sup>F29</sup>(t) the Water and Sewerage Services (Northern Ireland) Order 2006.]
- (4) Nothing in subsection (1) shall be construed—
- (a) as limiting the matters which may be included in, or made public as part of, a report of the Commission under section 45; or
  - (b) as applying to any information which has been made public as part of such a report.
- (5) Any person who discloses any information in contravention of this section shall be guilty of an offence and liable—
- (a) on summary conviction, to a fine not exceeding the statutory maximum;
  - (b) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine, or to both.
- (6) In this section “the Commission” means the [<sup>F30</sup>Competition] Commission.

#### Textual Amendments

- F3** Words inserted by S.I. 1988/915, reg. 7(6)(g)(i)
- F4** Words in s. 74(2) substituted (1.4.2003) by Enterprise Act 2002 (c. 40), s. 279, Sch. 25 para. 14(6)(a); S.I. 2003/766, art. 2, Sch. (with art. 3) (as amended (20.7.2007) by S.I. 2007/1846, reg. 3(2), Sch.)
- F5** Words in s. 74(2)(a) substituted (1.4.2006) by Water Act 2003 (c. 37), s. 105(3), Sch. 7 para. 24(a); S.I. 2005/2714, art. 4(f)
- F6** Words inserted (E.W.S.) by Electricity Act 1989 (c. 29, SIF 44:1), s. 112(1), Sch. 16 para. 33
- F7** Words in s. 74(2)(a) inserted (1.4.1992) by S.I. 1992/231 (N.I. 1), art. 95(1), Sch. 12 para. 30(a); S.R. 1992/117, art. 3(1).
- F8** Words in s. 74(2)(a) inserted (10.6.1996) by S.I. 1996/275 (N.I. 2) art. 71(1), Sch. 6 (with Sch. 7 paras. 2, 3(2)); S.R. 1996/216, art. 2
- F9** Words in s. 74(2)(a) inserted (6.1.1994) by 1993 c. 43, ss. 150(1)(o), 152(1), Sch. 12 para. 23(1); S.I. 1993/3237, art. 2(2).
- F10** Words in s. 74 substituted (5.7.2004) by Railways and Transport Safety Act 2003 (c. 20), Sch. 2 para. 19(i); S.I. 2004/827, art. 4(g)
- F11** Words inserted by S.I. 1988/915, reg. 7(6)(g)(ii)
- F12** S. 74(3)(d)(e) repealed (1.3.2000) by S.I. 2000/311, art. 17(2)
- F13** Word repealed by Consumer Protection Act 1987 (c. 43, SIF 109:1), s. 48, Sch. 5
- F14** Para. inserted by Consumer Protection Act 1987 (c. 43, SIF 109:1), s. 48, Sch. 4 para. 10
- F15** Para. inserted by S.I. 1988/915, reg. 7(6)(g)(ii)
- F16** Para. inserted (E.W.) by Water Act 1989 (c. 15, SIF 130), s. 190(1), Sch. 25 para. 76(b) (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), 57(6), 58)
- F17** Words in s. 74(3)(k) inserted (E.W.) (01.12.1991) by Water Consolidation (Consequential Provisions) Act 1991 (c. 60, SIF 132), ss. 2(1), 4(2), Sch. 1 para. 44
- F18** Words in s. 74(3)(k) inserted (1.4.2004) by Water Act 2003 (c. 37), s. 105(3), Sch. 7 para. 24(b); S.I. 2004/641, art. 3(y), Sch. 2 (with Sch. 3 para. 7)
- F19** Para. inserted (E.W.S.) by Electricity Act 1989 (c. 29, SIF 44:1), s. 112, Sch. 16 para. 33
- F20** S. 74(3)(ll) inserted (1.9.1995) by S.I. 1996/426 (N.I. 1), art. 71(2), Sch. 9 para. 10 (with art. 2(3), 16); S.R. 1995/294, art. 2, Sch.
- F21** S. 74(3)(m) inserted (1.4.1992) by S.I. 1992/231 (N.I. 1), art. 95(1), Sch. 12 para. 30(b); S.R. 1992/117, art. 3(1).
- F22** S. 74(3)(mm) inserted (10.6.1996) by S.I. 1996/275 (N.I. 2) art. 71(1), Sch. 6 (with Sch. 7 paras. 2, 3(2)); S.R. 1996/216, art. 2
- F23** S. 74(3)(n) added (6.1.1994) by 1993 c. 43, ss. 150(1)(o), 152(1), Sch. 12 para. 23(2); S. I. 1993/3237, art. 2(2).

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- F24** S. 74(3)(o) repealed (20.7.2007) by [The EC Competition Law \(Articles 84 and 85\) Enforcement \(Revocation\) Regulations 2007 \(S.I. 2007/1846\)](#), reg. 1, **Sch.**
- F25** S. 74(3)(p) inserted (1.4.1999) by [S.I. 1999/506](#), **art. 19(b)**
- F26** S. 74(3)(q) inserted (21.12.2001) by [S.I. 2001/4050](#), art. 2, **Sch. Pt. IV para. 18**
- F27** S. 74(3)(r) inserted (1.4.2003) by [Enterprise Act 2002 \(c. 40\)](#), s. 279, **Sch. 25 para. 14(6)(b)**; [S.I. 2003/766](#), art. 2, **Sch.** (with art. 3) (as amended (20.7.2007) by [S.I. 2007/1846](#), reg. 3(2), **Sch.**)
- F28** S. 74(3)(s) inserted (E.W.S.) (8.6.2005) by [Railways Act 2005 \(c. 14\)](#), s. 60(2), **Sch. 12 para. 9**; [S.I. 2005/1444](#), art. 2(1), **Sch. 1**
- F29** S. 74(3)(t) added (N.I.) (1.4.2007) by [The Water and Sewerage Services \(Northern Ireland\) Order 2006 \(S.I. 2006/3336\)](#), art. 1(2), **Sch. 12 para. 23** (with arts. 8(8), 121(3), 307); [S.R. 2007/194](#), art. 2(2), **Sch. Pt. 2** (with **Sch. 2**)
- F30** Word in s. 74(6) substituted (1.4.1999) by [S.I. 1999/506](#), **art. 19(c)**

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

- C1** S. 74 restricted (31.10.2003) by [Railways and Transport Safety Act 2003 \(c. 20\)](#), **s. 115**; [S.I. 2003/2681](#), art. 2(b)
- C2** S. 74(2): Disclosure powers extended (14.12.2001) by [2001 c. 24](#), ss. 17, 127(2), **Sch. 4 para. 25**

#### Marginal Citations

- M3** [1968 c.29\(109:1\)](#).
- M4** [1973 c.41\(124:1\)](#).
- M5** [1974 c.39\(60\)](#).
- M6** [1979 c.38\(124:4\)](#).
- M7** [1980 c.21\(124:1\)](#).
- M8** [1987 c.43\(109:1\)](#).
- M9** [1989 c.15\(130\)](#).
- M10** [1989 c.29\(44:1\)](#).

## 75 Supplementary provisions relating to transfer schemes.

- (1) A scheme under section <sup>F31</sup>... 15 may define the property, rights and liabilities to be transferred by the scheme—
- by specifying the property, rights and liabilities in question, or
  - by referring to all the property, rights and liabilities comprised in the whole or any specified part of the transferor's undertaking,
- (or partly in one way and partly in the other) and may contain such supplementary, incidental and consequential provisions as may appear to the authority making the scheme to be necessary or expedient (including, in particular, provision with respect to the consideration to be furnished by the transferee for any transfer under the scheme, whether <sup>F31</sup>... it is to be furnished to the transferor or to any other person).
- (2) A scheme under section <sup>F32</sup>... 15 may—
- provide that any functions of the transferor under any statutory provision not contained in this Act shall, to the extent to which that provision relates—
    - to property transferred by the scheme, or
    - to any undertaking of the transferor, or part of such an undertaking, so transferred,
 be transferred to the transferee under the scheme; and
  - define any such functions—
    - by specifying the statutory provision in question,

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- (ii) by referring to all the statutory provisions (not contained in this Act) which relate to the property, or to the undertaking or part of the undertaking, to be transferred by the scheme, or
  - (iii) by referring to all the statutory provisions within sub-paragraph (ii), but specifying certain excepted provisions.
- (3) Subject to the following provisions of this section, Schedule 4 to the Transport Act 1968 (supplementary provisions as to certain transfers of property, rights and liabilities) shall apply to any transfer under section <sup>F33</sup>... 15(7); and each of those provisions shall have effect subject to the provisions of that Schedule.
- (4) In Schedule 4 to that Act as it applies by virtue of subsection (3)—
- (a) any reference to a transfer by, or a vesting by virtue of, that Act shall be read as a reference to a transfer by, or a vesting by virtue of, the scheme in question;
  - (b) the reference in paragraph 8 to any of the transferred rights and liabilities shall be read as including a reference to any property or functions transferred by the scheme;
  - (c) the reference in paragraph 10, in relation to pending legal proceedings or applications, to any transferred property, right or liability shall be read as including a reference to any functions transferred by the scheme; and
  - (d) the reference in paragraph 13(5) to the relevant provisions of that Act shall be read as including a reference to the relevant provisions of this Act.
- (5) The Secretary of State may by order make modifications in Schedule 4 for the purposes of its application to transfers under section <sup>F34</sup>... 15(7) of this Act.
- (6) For the purposes of this Act, and of Schedule 4 as it applies by virtue of subsection (3), the granting of a lease of any property by a scheme under section <sup>F35</sup>... 15 to the transferee under the scheme shall be regarded as a transfer of that property to him by the scheme.
- (7) In this section “statutory provision” means any provision (whether of a general or special nature) contained in, or having effect under, any Act (whether public general or local).

#### Textual Amendments

- F31** Words in s. 75(1) repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), Sch. 1 Pt. 4
- F32** Words in s. 75(2) repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), Sch. 1 Pt. 4
- F33** Words in s. 75(3) repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), Sch. 1 Pt. 4
- F34** Words in s. 75(5) repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), Sch. 1 Pt. 4
- F35** Words in s. 75(6) repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), Sch. 1 Pt. 4

## 76 Stamp duty.

<sup>F36</sup>(1) .....

- (3) Stamp duty shall not be chargeable—
- (a) on any scheme made under section <sup>F37</sup>... 15; or
  - (b) on any instrument which is certified to the Commissioners of Inland Revenue by the transferring authority, or (as the case may be) by both or all of the transferring authorities, as having been made or executed in pursuance of

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Schedule 4 to the Transport Act 1968 as it applies in relation to any such scheme by virtue of section 75(3).

- (4) An instrument such as is mentioned in subsection (3)(b) shall not be treated as duly stamped unless it is stamped with the duty to which it would be liable but for subsection (3), or it has, in accordance with section 12 of the Stamp Act 1891, been stamped with a particular stamp denoting that it is not chargeable with any duty or that it is duly stamped.

- (5) ..... <sup>F36</sup>

#### Textual Amendments

**F36** S. 76(1)(2)(5) repealed by [Finance Act 1988 \(c. 39, SIF 114\)](#), s. 148, [Sch. 14 Pt. XI](#)

**F37** Words in [s. 76\(3\)\(a\)](#) repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#), [Sch. 1 Pt. 4](#)

### [<sup>F38</sup>76A. Stamp duty land tax

- (1) A land transaction which—
- is effected by or in pursuance of a scheme under section 15, or
  - is entered into in pursuance of Schedule 4 to the Transport Act 1968 as it applies in relation to any such scheme by virtue of section 75(3),
- is exempt from charge for the purposes of stamp duty land tax.
- (2) Relief under this section must be claimed in a land transaction return or an amendment of such a return.
- (3) In this section—
- “land transaction” has the meaning given by section 43(1) of the Finance Act 2003;
- “land transaction return” has the meaning given by section 76(1) of that Act.]

#### Textual Amendments

**F38** [S. 76A](#) inserted (1.12.2003) by [The Stamp Duty Land Tax \(Consequential Amendment of Enactments\) Regulations 2003 \(S.I. 2003/2867\)](#), reg. 1, [Sch. para. 13](#)

### 77 Corporation Tax.

- (1) Subject to subsection (2), the successor company shall be treated for all purposes of corporation tax as if it were the same person as the BAA.
- (2) The successor company shall not by virtue of subsection (1) be regarded as a body falling within section [<sup>F39</sup>170(12) of the Taxation of Chargeable Gains Act 1992] (bodies established for carrying on industries or undertakings under national ownership or control).
- [<sup>F40</sup>(3) For the purposes of Part VI of the <sup>M11</sup>Income and Corporation Taxes Act 1988 (company distributions) and Chapter II of Part IV of the Finance Act 1996 (loan relationships), any debentures of the company issued in pursuance of section 4 shall be

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treated as having been issued for new consideration equal to the principal sum payable under the debenture.]

- (4) For the avoidance of doubt it is hereby declared that—
- (a) any issue of shares in pursuance of section 4 is to be regarded as a subscription for shares for the purposes of section [F41 400(9) of the 1988 Act] (write-off of government investment: restriction of tax losses); and
  - (b) where any debentures are issued in pursuance of section 4, the principal sums payable under the debentures are to be regarded as money lent for those purposes.
- (5) Where in the case of a claim of group relief—
- (a) the claimant company is the BAA or the successor company and the surrendering company is a company to whom property, rights or liabilities have been transferred by a scheme made under section 1, and
  - (b) the claim relates to the accounting period of the surrendering company first ending after that transfer, and
  - (c) the corresponding accounting period of the claimant company ends with the same date as that accounting period,

then, for the purposes of section [F41 408(2) of the 1988 Act] (corresponding accounting periods) as it applies in relation to the claim, those accounting periods shall be taken to coincide and, for the purposes of section [F41 409(1) of that Act] (companies joining or leaving group) as it so applies, the claimant company and the surrendering company shall be taken to have been members of the same group throughout each of those periods (notwithstanding anything in section [F41 409(2)] and (3) of that Act).

- (6) In this section “the [F41 1988] Act” means the Income and Corporation Taxes Act [F41 1988], and in subsection (5) above expressions used in sections [F41 Chapter IV of Part X] of that Act (group relief) have the same meanings as in those sections.

#### Textual Amendments

- F39** Words in s. 77(2) substituted (6.3.1992 with effect as mentioned in s. 289(1)(2) of the amending Act) by [Taxation of Chargeable Gains Act 1992 \(c. 12\)](#), ss. 289, 290(1), **Sch. 10 para. 12** (with ss. 60, 101(1) and 201(3)).
- F40** S. 77(3) substituted (29.4.1996) by 1996 c. 8, s. 104, **Sch. 14 para. 3** (with s. 80-105 Pt. IV Ch. II)
- F41** Words substituted by [Income and Corporation Taxes Act 1988 \(c. 1, SIF 63:1\)](#), s. 844, **Sch. 29 para. 32**

#### Marginal Citations

- M11** 1988 c. 1.

## 78 Offences by bodies corporate.

- (1) Where a body corporate is guilty of an offence under this Act and that offence is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate or any person who was purporting to act in any such capacity he, as well as the body corporate, shall be guilty of an offence and shall be liable to be proceeded against and punished accordingly.

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- (2) Where the affairs of a body corporate are managed by its members, subsection (1) shall apply in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

## 79 Orders and regulations.

- (1) Any power conferred on the Secretary of State by this Act to make an order or regulations shall be exercisable by statutory instrument.
- (2) Any statutory instrument containing—
- (a) an order made by the Secretary of State under this Act, other than an order appointing a day or an order under section <sup>F42</sup>... 32, or
  - (b) any regulations under this Act,
- shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (3) No order shall be made under section 32 unless a draft of the order has been laid before and approved by a resolution of each House of Parliament.
- (4) A draft of an order under that section which would, apart from the provisions of this subsection, be treated for the purposes of the Standing Orders of either House of Parliament as a hybrid instrument shall proceed in that House as if it were not such an instrument.
- (5) Any regulations under section 28 or order under section 64(3) <sup>F43</sup>... may make such transitional, incidental or supplementary provision as appears to the Secretary of State to be necessary or expedient.

### Textual Amendments

**F42** Words in s. 79(2)(a) repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), Sch. 1 Pt. 4

**F43** Words in s. 79(5) repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), Sch. 1 Pt. 4

## 80 Directions etc.

- (1) It shall be the duty of any person to whom the Secretary of State gives directions under this Act to give effect to those directions.
- (2) Subject to any express provision contained in this Act, any direction given by the Secretary of State under a provision of this Act may be varied or revoked by a subsequent direction given under that provision.
- (3) Any determination made by the Secretary of State under this Act shall be notified by him to such persons appearing to him to be likely to be affected by it as he considers appropriate.
- (4) Any direction or notification given under this Act shall be in writing.

## 81 Financial provisions.

There shall be paid out of money provided by Parliament—



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- (a) any administrative expenses incurred by the Secretary of State in consequence of the provisions of this Act;
- (b) any sums required by him for making grants under section 67; and
- (c) any increase attributable to this Act in the sums payable out of money so provided under any other Act.

## 82 General interpretation.

### (1) In this Act—

“<sup>M12</sup>the 1975 Act” means the Airports Authority Act 1975;

“the 1982 Act” means the Civil Aviation Act 1982;

“airport” means the aggregate of the land, buildings and works comprised in an aerodrome within the meaning of the 1982 Act;

“airport operator” means the person for the time being having the management of an airport, or, in relation to a particular airport, the management of that airport;

“air transport services” means services for the carriage by air of passengers or cargo;

“the appointed day” means the day appointed under section 2(1);

“the BAA” means the British Airports Authority;

“the CAA” means the Civil Aviation Authority;

“cargo” includes mail;

“debenture” includes debenture stock;

“functions” includes powers and duties;

“modifications” includes additions, omissions and amendments;

“operator”, in relation to an aircraft, means the person for the time being having the management of the aircraft;

“the registrar of companies” has the same meaning as in the Companies Act 1985;

“securities”, in relation to a company, includes shares, debentures, bonds and other securities of the company, whether or not constituting a charge on the assets of the company;

“shares” includes stock;

“subordinate legislation” has the same meaning as in the <sup>M13</sup>Interpretation Act 1978;

“subsidiary” [<sup>F44</sup>has the meaning given by section 736 of] the Companies Act 1985;

“the successor company” means the company nominated for the purposes of section 2;

“user”, in relation to an airport, means—

- (a) a person for whom any services or facilities falling within the definition of “relevant activities” in section 36(1) are provided at the airport, or
- (b) a person using any of the air transport services operating from the airport.

### (2) A company shall be regarded for the purposes of this Act as wholly owned by the Crown at any time when each of the issued shares in the company is held by, or by a nominee of, the Treasury or the Secretary of State.

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- (3) Any reference in section 14 or 37 to the business carried on at any airport by the airport operator shall, in a case where the person for the time being having the management of the airport has not had its management for the whole or any part of any period relevant for the purposes of that section, be construed as including a reference to the business carried on there by any other person who had the management of the airport for the whole or any part of that period.
- (4) For the purposes of this Act a body corporate shall be treated as an associated company of an airport operator if either that body or the airport operator is a body corporate of which the other is a subsidiary or if both of them are subsidiaries of one and the same body corporate.

#### Textual Amendments

**F44** Words substituted by [Companies Act 1989 \(c. 40, SIF 27\)](#), s. 144(4), [Sch. 18](#)

#### Marginal Citations

**M12** [1985 c. 6.](#)

**M13** [1978 c. 30.](#)

### 83 Amendments, transitional provisions and repeals.

- (1) The enactments mentioned in Schedule 4 shall have effect subject to the amendments there specified (being amendments consequential on the preceding provisions of this Act).
- (2) The Secretary of State may by order make such consequential modifications of any provision contained in any Act (whether public general or local) passed, or subordinate legislation made, before the appointed day as appear to him to be necessary or expedient in respect of any reference in that Act or subordinate legislation to the BAA.
- (3) The Secretary of State may, after consulting any local authority which appears to him to be concerned, by order repeal or amend any enactment in a local Act which appears to him to be unnecessary having regard to the provisions of this Act or to be inconsistent with any provision of this Act.
- (4) The transitional provisions and savings contained in Schedule 5 shall have effect; but nothing in that Schedule shall be taken as prejudicing the operation of sections 16 and 17 of the <sup>M14</sup>Interpretation Act 1978 (which relate to repeals).
- (5) The enactments mentioned in Schedule 6 are hereby repealed to the extent specified in the third column of that Schedule.

#### Marginal Citations

**M14** [1978 c. 30.](#)

### 84 Application of provisions of Act to certain overseas territories.

- (1) Her Majesty may by Order in Council direct that any of the following, namely—
  - (a) sections 30 and 35, and

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(b) any provision of section 78, 80 or 82,

shall extend, with such modifications (if any) as may be specified in the Order, to any of the Channel Islands or to any colony.

(2) An Order in Council under this section may make such transitional, incidental or supplementary provision as appears to Her Majesty to be necessary or expedient.

## 85 Short title, commencement and extent.

(1) This Act may be cited as the Airports Act 1986.

<sup>F45</sup>(2) .....

<sup>F45</sup>(3) .....

<sup>F45</sup>(4) .....

<sup>F45</sup>(5) .....

<sup>F45</sup>(6) .....

(7) With the exception of the provisions mentioned in subsection (8), this Act does not extend to Northern Ireland.

(8) Those provisions are—

section 2(4);

Part III;

section 68;

sections 72 to 74;

sections 78 to 82;

section 83(1) and (5) and Schedules 4 and 6 so far as they amend or repeal any enactment extending to Northern Ireland; and

this section.

### Subordinate Legislation Made

**P1** S. 85(5) powers of appointment conferred by s. 85(5), fully exercised: [S.I. 1986/1228](#), 1487

### Textual Amendments

**F45** S. 85(2)-(6) repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#), [Sch. 1 Pt. 4](#)

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