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## SCHEDULES

### SCHEDULE 2

Section 58

#### APPLICATION OF ENACTMENTS RELATING TO STATUTORY UNDERTAKERS ETC.

##### *General application of enactments*

- 1 (1) Any airport to which this Part applies shall be deemed to be a statutory undertaking, and a relevant airport operator a statutory undertaker, for the purposes of the following enactments, namely—

the <sup>M1</sup>Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947;

The <sup>M2</sup>New Towns (Scotland) Act 1968;

<sup>F1</sup> .....

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

Part I of the <sup>M3</sup>Local Government (Miscellaneous Provisions) Act 1976;

[<sup>F3</sup>the <sup>M4</sup>Development of Rural Wales Act 1976;]

the <sup>M5</sup>New Towns Act 1981;

the <sup>M6</sup>Acquisition of Land Act 1981; and

sections 283, 296 and 611 of the <sup>M7</sup>Housing Act 1985;

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

- (2) In the following enactments namely—

<sup>F1</sup> .....

<sup>F4</sup> .....

the <sup>M8</sup>New Towns Act 1981,

“the appropriate Minister” shall, in relation to a relevant airport operator, mean

[<sup>F5</sup>the Secretary of State for Transport].

#### Textual Amendments

- F1** Words repealed by [Planning \(Consequential Provisions\) Act 1990](#) (c. 11, SIF 123:1, 2), s. 3, [Sch. 1 Pt. I](#)
- F2** Words in [Sch. 2 para. 1\(1\)](#) repealed (27.5.1997) by [1997 c. 11, ss. 3, 6\(2\)](#), [Sch. 1 Pt. I](#) (with s. 5, [Sch. 3](#))
- F3** Words in [Sch. 2 para. 1\(1\)](#) repealed (E.W.) (1.10.1998) by [1998 c. 38, s. 152](#), [Sch. 18 Pt. IV](#) (with ss. 137(1), 139(2), 143(2)); S.I. 1998/2244, [art. 4](#)
- F4** Words in [Sch. 2 para. 1\(2\)](#) repealed (27.5.1997) by [1997 c. 11, ss. 3, 6\(2\)](#), [Sch. 1 Pt. I](#) (with s. 5, [Sch. 3](#))
- F5** Words in the definition of “the appropriate Minister” in [Sch. 2 para. 1\(2\)](#) substituted (25.11.2002) by S.I. 2002/2626, [art. 20](#), [Sch. 2 para. 13](#)

#### Marginal Citations

- M1** 1947 c. 42.
- M2** 1968 c. 16.
- M3** 1976 c. 57

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- M4** 1976 c. 75.
- M5** 1981 c. 64.
- M6** 1981 c. 67.
- M7** 1985 c. 68.
- M8** 1981 c. 64.

### *Application of particular enactments*

- 2 In the <sup>M9</sup>Public Health Act 1936—
- (a) section 330 (power of certain undertakers in England and Wales to alter sewers), and
  - (b) section 333 (protection of certain such undertakers from works executed under that Act),
- shall apply in relation to a relevant airport operator and the airport in question as they apply in relation to a railway company and its railway.

#### **Marginal Citations**

- M9** 1936 c. 49.

- [<sup>F63</sup> (1) The following provisions (which relate to the protection of certain statutory undertakers), namely—
- section 93 of Schedule 3 to the <sup>M10</sup>Water Act 1945, and
  - section 45 of Schedule 4 to the <sup>M11</sup>Water (Scotland) Act 1980,
- shall apply with the necessary modifications in relation to any works which statutory water undertakers propose to execute along, upon or under any airport to which this Part applies, whether or not section 93 or section 45 has been applied to the undertakers by an order under that Act of 1945 or (as the case may be) under that Act of 1980.
- (2) In sub-paragraph (1) “statutory water undertakers” means—
- (a) in relation to England and Wales, statutory water undertakers within the meaning of the 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, a water authority within the meaning of the Water (Scotland) Act 1980.]

#### **Textual Amendments**

- F6** 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](#))

#### **Marginal Citations**

- M10** 1945 c. 42.
- M11** 1980 c. 45.

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- 4 A relevant airport operator shall be deemed to be a public undertaker for the purposes of section [F756][F7125] of the <sup>M12</sup>Housing (Scotland) Act [F71966][F71987] (demolition of obstructive buildings).

**Textual Amendments**

**F7** Words “125” and “1987” substituted (S.) for “56” and “1966” by [Housing \(Scotland\) Act 1987 \(c. 26, SIF 61\)](#), s. 339, [Sch. 23 para. 32](#)

**Marginal Citations**

**M12** 1966 c. 49.

- [F85 For the purposes of section 112 of the <sup>M13</sup>Land Drainage Act 1976 (protection of nationalised undertakings, etc.) an airport to which this Part applies shall be deemed to be an undertaking to which that section applies and the airport operator shall accordingly be deemed to be a person carrying on such an undertaking.]

**Textual Amendments**

**F8** [Sch. 2 para. 5](#) repealed (E.W.) (01.12.1991) by [Water Consolidation \(Consequential Provisions\) Act 1991 \(c. 60, SIF 132\)](#), ss. 3(1), 4(2), [Sch.3 Pt. I](#) (with [Sch. 2 paras. 10, 14\(1\), 15](#))

**Marginal Citations**

**M13** 1976 c. 70.

- 6 In the <sup>M14</sup>Building Act 1984—
- (a) section 4(1)(b) (exemption of buildings of statutory undertakers from building regulations), and
  - (b) section 59(4) (exemption of such buildings from provisions relating to drainage),
- shall apply in relation to a relevant airport operator as they apply in relation to statutory undertakers, but as if in those provisions any reference to a house included a hotel, and any reference to offices or showrooms did not include offices or showrooms on any airport to which this Part applies.

**Marginal Citations**

**M14** 1984 c. 55.

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