



# Civil Aviation Act 1949

1949 CHAPTER 67 12 13 and 14 Geo 6

## PART III

### AERODROMES AND OTHER LAND

#### *Ministers' power over land in connection with civil aviation*

#### **23 Power to acquire and manage land**

- (1) The Minister shall for purposes of civil aviation and any purpose connected with the discharge of his functions have the like power to acquire land or any right in or over land by agreement under the Military Lands Acts, 1892 to 1903, as has a Secretary of State, and those Acts shall have effect accordingly with the necessary modifications, and in particular as though references to a military purpose included references to any such purposes as aforesaid.
- (2) The Minister may also acquire by agreement otherwise than under the said Acts any land, any estate or other interest in land, or any right in or in relation to land.
- (3) The Minister may be authorised to acquire land compulsorily for any purpose connected with the discharge of his functions, and the Acquisition of Land (Authorisation Procedure) Act, 1946, shall have effect with respect to the compulsory purchase of land in England or Wales by the Minister under this section as if in subsection (1) of section one of that Act, after paragraph (b) thereof, there were inserted the following paragraph:—
  - “(c) by the Minister of Civil Aviation under section twenty-three of the Civil Aviation Act, 1949:”;

Provided that section three of that Act shall not have effect in relation to land acquired or proposed to be acquired by the Minister.

In this subsection the expression " land " includes any estate or other interest in land and any easement.

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*Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.*

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(4) For the purpose of the compulsory purchase by the Minister, under the last foregoing subsection, of land in Northern Ireland, His Majesty may by Order in Council provide for extending the Acquisition of Land (Authorisation Procedure) Act, 1946, to Northern Ireland, subject to any adaptations, modifications and exceptions which may be provided for by the Order.

(5) The Minister shall have power to manage, sell, let or exchange any land vested in him and to pay or receive money in respect of equality of exchange :

Provided that nothing in this subsection shall be taken to affect the operation of section five of the Defence of the Realm (Acquisition of Land) Act, 1916 (which confers on a person from whom land was acquired under that Act a right of pre-emption in the case of the subsequent sale of that land) as respects any land acquired under that Act.

(6) The Minister shall have power to manage and (subject to the terms of the lease) to sublet any land taken on lease by him or assign the lease.

(7) Where any person having an interest in land (hereinafter referred to as " the grantor ") grants or agrees to grant to the Minister any right (whether in perpetuity or for any other period and whether capable of subsisting as a legal estate or not) in or in relation to that land (including a right to enter upon that land, a right to carry out and maintain works on that land, a right to instal or maintain structures or apparatus on, under, over or across that land, and a right restrictive of the user of that land), the grant or agreement shall be binding upon any person deriving title or otherwise claiming under the grantor to the same extent as it is binding upon the grantor, notwithstanding that it would not have been binding upon that person apart from the provisions of this subsection.

This subsection shall, in its application to Scotland, have effect as if after the words " the grant or agreement shall" there were inserted the words " on being recorded in the appropriate register of sasines

(8) His Majesty may by Order in Council apply in relation to the Minister, with any necessary modifications or adaptations, the enactments specified in subsection (9) of this section so as to confer on the Minister all such powers, rights and privileges—

- (a) in relation to the acquisition and holding of land for the purpose of discharging any of his functions, and
- (b) in relation to the management, use and disposal in any manner of land acquired for that purpose,

as under the said enactments are, by virtue of any Order in Council made under section thirteen of the Air Force (Constitution) Act, 1917, for the time being vested in the Secretary of State for Air in relation to the acquisition and holding of land for the use of the Air Force or for air force services or purposes and, in relation to the management, use and disposal of land acquired for use of the Air Force or for air force services or purposes.

(9) The said enactments are—

- (a) section six of the Defence Act, 1842 ;
- (b) sections two and five of the Ordnance Board Transfer Act, 1855;
- (c) the Defence Acts Amendment Act, 1873 ;
- (d) section two hundred and fifty-four of the Municipal Corporations Act, 1882;
- (e) Part II of the Military Lands Act, 1892.

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- (10) An Order in Council made under subsection (8) of this section may provide that any enactment applied by the Order shall be deemed always to have been so applied.
- (11) Part VI of this Act applies to this section.