



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

26 Power to exercise control over land in the interests of civil aviation

- (1) The Minister may, if he is satisfied that it is necessary so to do in order to secure the safe and efficient use for civil aviation purposes of any land, structures, works or apparatus vested in him, or which he proposes to acquire or instal, by order declare that any area of land specified in the order shall be subject to control by directions given in accordance with the provisions of this section.
- (2) Where any such order is in force, the Minister may, in pursuance of any general or special authority given by the order, give directions—
 - (a) for requiring the total or partial demolition of any building or structure within the area to which the order relates ;
 - (b) for restricting the height of trees upon any land within the area, or for requiring any tree upon any such land to be cut down or reduced in height;
 - (c) for extinguishing any private right of way over land within the area;
 - (d) for restricting the installation of cables, mains, pipes, wires or other apparatus upon, across, under or over any land within the area ;
 - (e) for extinguishing, at the expiration of such period as may be determined by the directions, any subsisting right of installing or maintaining any such apparatus as aforesaid upon, across, under or over any land within the area;
 - (f) for requiring that, before the expiration of such period as may be determined by the directions, any such apparatus shall be removed from any land within the area.
- (3) Any such order may contain such consequential, incidental and supplemental provisions as appear to the Minister to be necessary or expedient for the purposes of

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the order, including, in particular, provisions for empowering any person authorised in that behalf by the Minister, to remove, pull down, cut down, or alter so as to bring into conformity with the requirements of any directions given under the order, any building, structure, tree or apparatus which contravenes those requirements.

- (4) Any such order, other than an order relating to land in Northern Ireland, shall be subject to special parliamentary procedure.
- (5) Before making any order under this section, the Minister shall consult, every local authority within the area of which the whole or any part of the area of land to which the proposed order will relate is situated.

Notwithstanding anything in subsection (1) of section two of the Statutory Orders (Special Procedure) Act, 1945, the duty of the Minister to comply with the requirements of this subsection in relation to England or Wales shall not excuse him from the duty of complying with the requirements of the First Schedule to that Act.

- (6) Subject to the special provisions of this Part of this Act relating to statutory undertakers, the provisions of the Third Schedule to this Act shall have effect with respect to directions given under an order made under this section.
- (7) The powers of the Minister under this section shall not prejudice his power to acquire land for the purpose of securing the observance of any requirement or restriction which might have been imposed in relation to the land under this section.