



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

30 Special provisions relating to statutory undertakers

- (1) Subject to the provisions of this section, the compensation to be paid to a statutory undertaker—
- (a) in respect of the compulsory purchase, in pursuance of this Part of this Act, otherwise than under section nineteen, of any land held by the undertaker for the purposes of the carrying on of his undertaking;
 - (b) in respect of the creation, by virtue of an order made under this Part of this Act, otherwise than under section nineteen, of any easement over any such land or of any other right in or in relation to such land;
 - (c) in respect of any direction under section twenty-six of this Act which affects any building, structure or apparatus held or used by him for the purposes of his undertaking, or which affects any of his rights to instal or maintain apparatus for those purposes, or which affects any right of way enjoyed by him for those purposes;

shall in default of agreement be assessed by the arbitration of the tribunal constituted in accordance with the provisions of Part II of the Fourth Schedule to the Town and Country Planning Act, 1944, and the amount of the compensation shall be an amount calculated in accordance with the provisions of paragraph 2 of that Schedule:

Provided that, as respects compensation in respect of a compulsory purchase, if, before the expiration of two months from the date on which notice to treat is served in respect of the interest of the person by whom the statutory undertaking is carried on, that person gives notice in writing to the Minister by whom the order was made that he elects that, as respects all or any of the land comprised in the purchase, the compensation shall be ascertained in accordance with the enactments, other than Rule

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- (5) of the Rules set out in section two of the Acquisition of Land (Assessment of Compensation) Act, 1919, which would be applicable apart from the provisions of this subsection, the compensation shall be so ascertained.
- (2) The said paragraph 2 shall have effect for the purposes of this section as if, in sub-paragraph (1) thereof, the words " under section twenty-five of this Act" were omitted, as if, at the end of the said sub-paragraph, there were inserted the following words—
- “(e) in the case of compensation in respect of the imposition of a requirement to demolish a building or structure either wholly or in part, any expense reasonably incurred by the person carrying on the undertaking in complying with the requirement, reduced by the value to that person of any materials derived from the demolished building or structure, or from the demolished part of the building or structure, as the case may be;”
- and as if, in sub-paragraph (4) thereof, any reference to the imposition of a requirement included a reference to anything which may be done by virtue of an order made under this Part of this Act.
- (3) The foregoing provisions of this section as to the assessment of compensation shall not have effect—
- (a) in the case of the compulsory purchase of land, unless the appropriate Minister has, upon a representation made to him before the expiration of the time within which objections may be made to the compulsory purchase order, certified that the land is in respect of its nature or situation of such a kind that it is comparable less with the generality of land than with land held for the purpose of the carrying on of statutory undertakings;
 - (b) in the case of the creation of any easement over land or any other right in or in relation to land, unless the appropriate Minister has, upon a representation made to him before the expiration of the time within which objections may be made to the order providing for the creation of that easement or right, certified that the land in question is of such a kind as aforesaid ; and
 - (c) in the case of any direction which affects a building or structure, unless the appropriate Minister has, upon a representation made to him before the expiration of the time within which an application may be made to the court with respect to the direction in accordance with the provisions of Part II of the First Schedule to this Act, certified that the building or structure is in respect of its nature or situation comparable less with the generality of buildings or structures than with buildings or structures held for the purpose of the carrying on of statutory undertakings.
- (4) The provisions of the Fourth Schedule to this Act (being provisions substantially corresponding to sections twenty-six and twenty-seven of the Town and Country Planning Act, 1944 and to sections twenty-five and twenty-six of the Town and Country Planning (Scotland) Act, 1945) shall have effect for the purpose of making any adjustments of the functions of statutory undertakers which may be necessary in consequence Of the provisions of this Part of this Act:

Provided that the references in that Schedule to an order made in pursuance of this Part of this Act shall not include a reference to any order made in pursuance of subsection (2) of section nineteen.

- (5) In the application of this section to Scotland references to the Town and Country Planning (Scotland) Act, shall be substituted for references to the Town and Country Planning Act, 1945, but the references to enactments therein shall be the same except

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that in subsection (2) of this section for the words " section twenty-five " there shall be substituted the words " section twenty-four ".

(6) This section shall not extend to Northern Ireland.