



Civil Aviation Act 1971

1971 CHAPTER 75

PART I

THE CIVIL AVIATION AUTHORITY

Constitution and functions

1 Constitution of the Authority

- (1) There shall be a body corporate, to be called the Civil Aviation Authority (and hereafter in this Act referred to as "the Authority"), which shall be constituted in accordance with the following provisions of this section.
- (2) The Authority shall consist of not less than six nor more than twelve persons appointed by the Secretary of State to be members of the Authority; and the Secretary of State—
 - (a) shall appoint one member to be the chairman of the Authority; and
 - (b) may appoint not more than two other members to be deputy chairmen of the Authority.
- (3) The provisions of Schedule 1 to this Act shall have effect with respect to the Authority.
- (4) It is hereby declared that the Authority is not to be regarded as the servant or agent of the Crown or as enjoying any status, privilege or immunity of the Crown or (subject to the provisions of this Act relating to stamp duty) as exempt from any tax, duty, rate, levy or other charge whatsoever, whether general or local, and that its property is not to be regarded as property of or held on behalf of the Crown.
- (5) In Part II of Schedule 1 to the House of Commons Disqualification Act 1957, as it applies in relation to the House of Commons of the Parliament of the United Kingdom, after the entry relating to the Channel Tunnel Planning Council there shall be inserted the words "The Civil Aviation Authority"; and in the Part substituted for the said Part II by Schedule 3 to that Act in relation to the Senate and House of Commons of Northern Ireland, after the entry relating to the Central Council for Agricultural and Horticultural Co-operation there shall be inserted the words aforesaid.

Status: This is the original version (as it was originally enacted).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

2 Functions of the Authority

The functions of the Authority shall be—

- (a) the functions conferred on it by the following provisions of this Part of this Act;
- (b) the functions conferred on it by or under Part II of this Act with respect to the licensing of air transport, the licensing of the provision of accommodation in aircraft, the provision of air navigation services, the operation of aerodromes and the provision of assistance and information;
- (c) such functions as are for the time being conferred on it by or under Air Navigation Orders with respect to the registration of aircraft, the safety of air navigation and aircraft (including airworthiness), the control of air traffic, the certification of operators of aircraft and the licensing of air crews and aerodromes ;
- (d) such other functions as are for the time being conferred on it by virtue of this Act or any other enactment.

Regulation of performance by the Authority of its functions

3 General objectives, and guidance by the Secretary of State

- (1) It shall be the duty of the Authority to perform the functions conferred on it otherwise than by this section in the manner which it considers is best calculated—
 - (a) to secure that British airlines provide air transport services which satisfy all substantial categories of public demand (so far as British airlines may reasonably be expected to provide such services) at the lowest charges consistent with a high standard of safety in operating the services and an economic return to efficient operators on the sums invested in providing the services and with securing the sound development of the civil air transport industry of the United Kingdom;
 - (b) to secure that at least one major British airline which is not controlled by the British Airways Board has opportunities to participate in providing, on charter and other terms, the air transport services mentioned in the preceding paragraph ;
 - (c) subject to the preceding paragraphs, to encourage the civil air transport industry of the United Kingdom to increase the contribution which it makes towards a favourable balance of payments for the United Kingdom and towards the prosperity of the economy of the United Kingdom ; and
 - (d) subject to the preceding paragraphs, to further the reasonable interests of users of air transport services;

and in this subsection " British airline " means an undertaking having power to provide air transport services and appearing to the Authority to have its principal place of business in the United Kingdom, the Channel Islands or the Isle of Man and to be controlled by persons who either are United Kingdom nationals or are for the time being approved by the Secretary of State for the purposes of this subsection.

- (2) Subject to the following subsection, the Secretary of State may from time to time, after consultation with the Authority, give guidance to the Authority in writing with respect to the performance of the functions conferred on it otherwise than by this subsection; and it shall be the duty of the Authority to perform those functions in such a manner

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

as it considers is in accordance with the guidance for the time being given to it in pursuance of this subsection.

- (3) No guidance shall be given to the Authority in pursuance of the preceding subsection unless a draft of the document containing it has been approved by a resolution of each House of Parliament.

4 Secretary of State's directions in national interest etc.

- (1) In time of war, whether actual or imminent, or of great national emergency, the Secretary of State may by order require that all or any property or rights of or under the control of the Authority shall be placed at the disposal of the Secretary of State; and while an order under this subsection is in force—

- (a) the Secretary of State may give to the Authority such directions as the Secretary of State thinks fit; and
- (b) in so far as any directions given in pursuance of this subsection conflict with any requirements of this Act apart from this subsection those requirements shall be disregarded.

- (2) Section 28 of the Air Corporations Act 1967 (which also relates to the Secretary of State's powers in case of emergency) shall have effect as if any reference in subsections (3) to (5) of that section to an order under that section included a reference to an order under the preceding subsection.

- (3) The Secretary of State may, after consultation with the Authority, give to the Authority directions to do a particular thing which it has power to do or refrain from doing a particular thing if the Secretary of State considers it appropriate to give such directions—

- (a) in the interests of national security; or
- (b) in connection with any matter appearing to the Secretary of State to affect the relations of the United Kingdom with a country or territory outside the United Kingdom; or
- (c) in order to discharge or facilitate the discharge of an obligation binding on the United Kingdom by virtue of its being a member of an international organisation or a party to an international agreement; or
- (d) in order to attain or facilitate the attainment of any other object the attainment of which is in the opinion of the Secretary of State appropriate in view of the fact that the United Kingdom is a member of an international organisation or a party to an international agreement; or
- (e) in order to enable the United Kingdom to become a member of an international organisation or a party to an international agreement; or
- (f) in order to prevent or deal with noise, vibration, pollution or other disturbance attributable to aircraft used for the purpose of civil aviation ;

and in so far as any directions given in pursuance of this subsection conflict with the requirements of any provision of this Act except subsections (1) and (2) of this section those requirements shall be disregarded.

5 Special provisions as respects certain functions

- (1) Such functions of the Authority as may be prescribed for the purposes of this subsection shall not be performed on behalf of the Authority by any other person; and regulations may provide that for the purpose of performing a function prescribed

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

in pursuance of this subsection the quorum of the Authority shall be such as may be prescribed.

- (2) Regulations may provide for regulating the conduct of the Authority and other persons, including the procedure to be followed by them, in connection with the performance by the Authority of such of its functions as may be prescribed for the purposes of this subsection; and, without prejudice to the generality of the preceding provisions of this subsection, regulations made in pursuance of this subsection may include provision—
 - (a) requiring or entitling the Authority, notwithstanding any rule of law, to withhold from any person (hereafter in this paragraph referred to as "the prospective recipient") information which is furnished to the Authority by another person in connection with any function so prescribed and which in the opinion of the Authority relates to the commercial or financial affairs of the other person and cannot be disclosed to the prospective recipient without disadvantage to the other person which, by comparison with the advantage to the public and the prospective recipient of its disclosure to him, is unwarranted;
 - (b) for the imposition on summary conviction of a fine of an amount not exceeding £100 for any contravention of the regulations.
- (3) The Tribunals and Inquiries Act 1971 shall have effect as if—
 - (a) the Authority were a tribunal specified in Part I of Schedule 1 to that Act (which lists the tribunals of which among other things the workings and constitutions are to be kept under review and reported on by the Council on Tribunals); and
 - (b) section 8 of that Act (under which certain consents are required for the removal of members of tribunals) did not apply to the Authority; and
 - (c) the functions of the Authority were confined to those prescribed for the purposes of the preceding subsection.

Financial provisions

6 General financial duties

- (1) It shall be the duty of the Authority so to conduct its affairs as to secure that its revenue (including any grant towards revenue made to it in pursuance of section 10(1) of this Act) is not less than sufficient to meet charges properly chargeable to revenue account, taking one year with another.
- (2) It shall be the duty of the Authority, in framing and carrying out proposals involving it in substantial outlay on capital account, to act on lines settled from time to time with the approval of the Secretary of State; and it shall also be the duty of the Authority to secure that any subsidiary of the Authority acts on those lines in framing and carrying out proposals involving the subsidiary in such an outlay.
- (3) The Secretary of State may, with the approval of the Treasury, give to the Authority a direction as to any matter relating to the establishment or management of reserves or the carrying of sums to the credit of any reserves or the application of any reserves for the purposes of the Authority.

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

7 The initial debt

- (1) The Authority shall assume, in accordance with the following provisions of this section, debts to the Secretary of State (hereafter in this Act referred to collectively as the "initial debt") in respect of the property and rights transferred to the Authority by virtue of Schedule 2 to this Act.
- (2) The Secretary of State may, with the approval of the Treasury, give to the Authority a notice in writing specifying any property or right which is to be or has been transferred to the Authority by virtue of the said Schedule 2 and stating the amount of the debt which the Authority is to assume in respect of that property or right as from the date which in relation to it is the vesting date for the purposes of that Schedule, and the Authority shall accordingly assume as from that date a debt of the amount specified in the notice; and a notice given in pursuance of this subsection with respect to any property or right shall be so given either before or as soon as possible after the date aforesaid.
- (3) It shall be the duty of the Secretary of State, as soon as possible after the transfer of property, rights and liabilities in pursuance of the said Schedule 2 has been completed, to give to the Authority a notice in writing specifying the aggregate amount of the initial debt.
- (4) The aggregate amount of the initial debt shall not exceed £50 million.
- (5) If it appears to the Secretary of State that in determining the amount of any debt specified in a notice given in pursuance of subsection (2) of this section he has not taken account, or not properly taken account, of any property, right or liability by reference to which that amount should have been or was calculated, he may with the approval of the Treasury, at any time before the expiration of the period of two years beginning with the date on which notice was given in pursuance of subsection (3) of this section, give notice in writing to the Authority reducing or, subject to the preceding subsection, increasing the amount of the initial debt by an amount specified in the notice.
- (6) The rate of interest payable on the initial debt, the arrangements for paying off the principal and the other terms of the debt shall be such as the Secretary of State may from time to time determine with the approval of the Treasury.
- (7) Any sums received by the Secretary of State by way of interest on or repayment of the initial debt shall be paid into the National Loans Fund.
- (8) In relation to any period before notice is given in pursuance of subsection (3) of this section, references in subsections (6) and (7) of this section to the initial debt include references to any part of that debt.

8 Borrowing powers

- (1) Subject to subsection (5) of this section, the Authority may, with the consent of or in accordance with a general authorisation given by the Secretary of State, borrow temporarily by overdraft or otherwise such sums in sterling as the Authority may require for performing its functions.
- (2) Subject to subsection (5) of this section, the Authority may borrow from the Secretary of State otherwise than by way of temporary loan such sums in sterling as the Authority may require for capital purposes or for fulfilling a guarantee entered into by the Authority.

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

- (3) Subject to subsection (5) of this section, the Authority may with the consent of the Secretary of State borrow in currency other than sterling, from such persons and on such terms as the Secretary of State may from time to time specify, any sum which the Authority has power to borrow in sterling in pursuance of subsection (1) or (2) of this section.
- (4) The Secretary of State shall not give consent or an authorisation or specify any person or terms in pursuance of the preceding provisions of this section except with the approval of the Treasury.
- (5) The aggregate amount outstanding in respect of the principal of any money borrowed by the Authority under this section and the initial debt shall not exceed £75 million.

9 Charges

- (1) The Authority may, after consultation with the Secretary of State, make a scheme for determining the charges which are to be paid to the Authority in respect of the performance of such of its functions as are specified in the scheme ; and a scheme under this section may as respects any of those functions—
 - (a) specify the amount of the charge or a scale of charges by reference to which that amount is to be ascertained or provide that the charges shall be of such amount, not exceeding that specified in the scheme, as may be decided by the Authority having regard to the expense incurred by the Authority in performing the function in question and to such other factors (if any) as may be so specified ;
 - (b) provide for different charges for cases of such different descriptions as may be so specified ;
 - (c) specify the manner in which, the time at which and the person by whom any charge is to be paid.
- (2) A scheme under this section shall come into force on such day as may be specified in the scheme, not being earlier than the expiration of the period of sixty days beginning with the day on which the scheme is published in the prescribed manner; and a scheme made under this section may vary or revoke a previous scheme so made.
- (3) Regulations may make provision for determining the charges which are to be paid to the Authority, or for securing that no charge is payable to the Authority, in respect of such of its functions as may be prescribed; and regulations for determining the said charges may—
 - (a) prescribe the amount of a charge or the maximum or minimum amount of a charge or a scale of charges by reference to which those amounts are to be ascertained ;
 - (b) prescribe the manner in which, the time at which and the person by whom a charge is to be paid.
- (4) In so far as a scheme and regulations under this section make different provision with respect to the same matter the provision made by the scheme shall be disregarded.
- (5) Where as respects any function of the Authority provision for a charge to be paid is made by virtue of this section it shall be the duty of the Authority to charge accordingly, except that the Authority may if it thinks fit to do so in a particular case waive the whole or part of the charge; and any charge payable by virtue of this section may be recovered by the Authority in any court of competent jurisdiction.

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

- (6) Nothing in the preceding provisions of this section shall be construed as derogating from the power of the Authority to enter into an agreement for the payment to the Authority of charges of such amounts as may be determined in pursuance of the agreement in respect of the performance by the Authority of any of its functions, other than a function in respect of which provision is made in pursuance of those provisions for the making of a charge or of no charge.
- (7) Charges shall not be determined in pursuance of this section, or by the Authority in exercise of the power mentioned in the preceding subsection, in respect of the provision of air navigation services ; and provision shall not be made by or under an Air Navigation Order for the payment of fees to the Authority.

10 Grants and loans by Secretary of State

- (1) The Secretary of State may—
 - (a) make to the Authority out of money provided by Parliament grants of such amounts as the Secretary of State thinks fit;
 - (b) give the Authority a direction providing that the whole or part of a grant made in pursuance of the preceding paragraph is not to be used by the Authority otherwise than for the purposes of such of the Authority's functions as are specified in the direction.
- (2) The Secretary of State may, with the approval of the Treasury, lend to the Authority any sums which the Authority has power to borrow by virtue of section 8(2) of this Act.
- (3) Any loan which the Secretary of State makes in pursuance of the preceding subsection shall be repaid to him at such times and by such methods, and interest on the loan shall be paid to him at such rates and at such times, as the Secretary of State may with the approval of the Treasury from time to time determine.
- (4) The Treasury may issue out of the National Loans Fund to the Secretary of State such sums as are necessary to enable him to make loans in pursuance of subsection (2) of this section ; and any sums received by the Secretary of State in pursuance of the preceding subsection shall be paid into that Fund.

11 Payments to Secretary of State

- (1) Any excess of the revenues of the Authority for any accounting year over the total sums properly chargeable by the Authority to revenue account for that year shall be applied by the Authority in such manner as the Secretary of State may direct with the approval of the Treasury and after consultation with the Authority; and the direction may require the whole or part of the excess to be paid to the Secretary of State.
- (2) The Secretary of State may, with the approval of the Treasury and after consultation with the Authority, direct the Authority to pay to the Secretary of State the whole or part of the sums for the time being standing to the credit of any reserves of the Authority.
- (3) Any sums received by the Secretary of State in pursuance of this section shall be paid into the Consolidated Fund.

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

12 Guarantees

- (1) The Treasury may guarantee, in such manner and on such conditions as they think fit, the repayment of the principal of and the payment of interest on any sums which the Authority borrows from a person other than the Secretary of State.
- (2) Immediately after a guarantee is given under this section the Treasury shall lay a statement of the guarantee before each House of Parliament; and where any sum is issued for fulfilling a guarantee so given the Treasury shall, as soon as possible after the end of each financial year (beginning with that in which the sum is issued and ending with that in which all liability in respect of the principal of the sum and in respect of interest thereon is finally discharged), lay before each House of Parliament a statement relating to that sum.
- (3) Any sums required by the Treasury for fulfilling a guarantee under this section shall be charged on and issued out of the Consolidated Fund.
- (4) If any sums are issued in fulfilment of a guarantee given under this section, the Authority shall make to the Treasury, at such times and in such manner as the Treasury from time to time direct, payments of such amounts as the Treasury so direct in or towards repayment of the sums so issued and payments of interest, at such rate as the Treasury so direct, on what is outstanding for the time being in respect of sums so issued.
- (5) Any sums received by the Treasury in pursuance of the preceding subsection shall be paid into the Consolidated Fund.

13 Accounts and audit

- (1) It shall be the duty of the Authority—
 - (a) to keep proper accounts and proper records in relation to the accounts;
 - (b) to prepare in respect of each accounting year a statement of accounts, in such form as the Secretary of State may direct with the approval of the Treasury, showing the state of affairs and the profit or loss of the Authority; and
 - (c) to send copies of the statement to the Secretary of State and the Comptroller and Auditor General before the end of the month of November next following the accounting year to which the statement relates.
- (2) The Comptroller and Auditor General shall examine, certify and report on each statement received by him in pursuance of the preceding subsection and shall lay copies of the statement and of his report on it before each House of Parliament.
- (3) The Secretary of State may by order made with the consent of the Treasury modify or repeal paragraph (c) of subsection (1) of this section and the preceding subsection as for the time being in force.
- (4) It shall be the duty of the Secretary of State as respects each financial year—
 - (a) to prepare, in such form and manner as the Treasury may direct, an account of sums issued to the Secretary of State in pursuance of subsection (4) of section 10 of this Act and of any sums required to be paid into the National Loans Fund in pursuance of that subsection or section 7 of this Act or into the Consolidated Fund in pursuance of section 11 of this Act and of the disposal by the Secretary of State of those sums respectively; and

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

(b) to send a copy of the account to the Comptroller and Auditor General not later than the end of the month of November next following that year; and the Comptroller and Auditor General shall examine, certify and report on the account and shall lay copies of it and of his report on it before each House of Parliament.

Transfer and use of property etc.

14 Acquisition of land etc.

- (1) The provisions of Schedule 2 to this Act shall have effect with respect to the transfer to the Authority of the: aerodromes mentioned in that Schedule and the other property, rights and liabilities there mentioned.
- (2) The Authority may be authorised by the Secretary of State to acquire land compulsorily for any purpose connected with the performance of its functions, and the provisions of the Acquisition of Land (Authorisation Procedure) Act 1946 other than section 3 shall apply in relation to the compulsory purchase of land by the Authority as if the Authority were a local authority and as if this subsection were contained in an Act in force immediately before the commencement of that Act.
- (3) For the purpose of the acquisition by the Authority of land by agreement the provisions of Part I of the Compulsory Purchase Act 1965 (so far as applicable), other than sections 4 to 8, 27 and 31, shall apply.
- (4) The provisions of Part I of Schedule 3 to this Act shall have effect as respects the acquisition of land by the Authority.
- (5) The provisions of Part II of Schedule 3 to this Act shall have effect as respects the application of the following provisions of the Civil Aviation Act 1949—
 - (a) section 24 (acquisition of rights over land);
 - (b) section 25 (imposition of restrictions on use of aerodromes);
 - (c) section 26 (control over land); and
 - (d) section 28 (stopping up of highways).
- (6) The Authority's power of acquiring land compulsorily under this section or the following section may be exercised for the purpose of providing or improving any highway which is to be provided or improved in pursuance of an order under the said section 28 as applied by this section or for any other purpose for which land is required in connection with such an order; and subsections (1) and (2) of section 158 of the Town and Country Planning Act 1962 (which relate to telegraphic lines of the Post Office affected by the stopping up, diversion or improvement of a highway in pursuance of an order under section 153 of that Act) shall have effect as if references to an order under section 153 of that Act included references to an order under the said section 28 as applied by this section.
- (7) Section 82 of the Town and Country Planning Act 1962 (consecrated land and burial grounds) shall have effect in relation to any land acquired by the Authority as it has effect in relation to land acquired by statutory undertakers under Part V of that Act.
- (8) Any land vested in the Authority by virtue of this section or the following section shall be deemed for all purposes to have been acquired by the Authority for the purposes of its undertaking.

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

(9) In the application of this section to Scotland—

- (a) in subsection (2), for the references to the Acquisition of Land (Authorisation Procedure) Act 1946 and to section 3 of that Act there shall be substituted respectively references to the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 and to section 3 of that Act;
- (b) in subsection (3), for the references to Part I of the Compulsory Purchase Act 1965 and to sections 4 to 8, 27 and 31 of that Act there shall be substituted respectively references to the Lands Clauses Consolidation (Scotland) Act 1845 and to sections 120 to 125, 127, 142 and 143 of that Act;
- (c) in subsection (6), the reference to a highway shall include a reference to any public right of way, and for the references to subsections (1) and (2) of section 158 of the Town and Country Planning Act 1962 and to section 153 of that Act there shall be substituted respectively references to subsections (2) and (3) of section 111 of the Town and Country Planning (Scotland) Act 1947 and to section 46 of that Act;
- (d) in subsection (7), for the references to section 82 of the Town and Country Planning Act 1962 and to Part V of that Act there shall be substituted respectively references to section 27 of the Town and Country Planning (Scotland) Act 1945 and to Part III of the Town and Country Planning (Scotland) Act 1947 ;

and in the application of subsection (6) of this section to Northern Ireland for the references to subsections (1) and (2) of section 158 of the Town and Country Planning Act 1962 and to section 153 of that Act there shall be substituted respectively references to subsection (2) of section 41 of the Roads Act (Northern Ireland) 1948 and to section 17 of that Act.

15 Compulsory purchase of land in Northern Ireland

- (1) Where the Authority proposes to acquire, otherwise than by agreement, any land in Northern Ireland required by it for any purpose connected with the performance of its functions or as to which it can reasonably be foreseen that it will be so required, it may apply to the Secretary of State for an order vesting that land in it, and the Secretary of State shall have power to make such an order.
- (2) For the purposes of the acquisition of land by means of a vesting order under this section, Schedules 5 and 6 to the Roads Act (Northern Ireland) 1948 (as amended by any enactment of the Parliament of Northern Ireland passed before the passing of this Act) are hereby incorporated in this Act subject to the modifications specified in Schedule 4 to this Act.
- (3) The Acquisition of Land (Assessment of Compensation) Act 1919 shall, in its application to any land vested in the Authority by an order made under this section, have effect as amended by the Lands Tribunal and Compensation Act (Northern Ireland) 1964.
- (4) In this section, Schedule 4 to this Act and the said Schedule 5 as incorporated in this Act, " land " has the meaning assigned to it by section 45(1) (a) of the Interpretation Act (Northern Ireland) 1954, and in Schedule 4 to this Act and the said Schedule 5 as so incorporated " estate " has the meaning assigned to it by section 45(2) of that Act.
- (5) Subsections (2) and (3) of the preceding section shall not apply to land in Northern Ireland.

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

16 Rights granted to the Authority over land to bind grantor's successors

- (1) Subject to the provisions of this section, where any person having an interest in land (hereafter in this subsection referred to as " the grantor ") grants or agrees to grant to the Authority 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 the land (including a right to enter upon the land, a right to carry out and maintain works on the land, a right to instal or maintain structures or apparatus on, under, over or across the land, and a right restrictive of the user of the 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.
- (2) A right in or in relation to land in England or Wales granted or agreed to be granted to the Authority shall not be enforceable by virtue of the preceding subsection against a purchaser for money or money's worth of a legal estate in any land to which the grant or agreement in question relates unless before the completion of the purchase the grant or agreement has been registered in the prescribed manner in the register of local land charges of the local authority in whose area the land, or any part of the land, to which the grant or agreement relates is situated.
- (3) The power conferred by subsection (6) of section 15 of the Land Charges Act 1925 to make rules for giving effect to the provisions of that section shall be exercisable for giving effect to the preceding subsection; and in that subsection " prescribed " means prescribed by rules made in the exercise of that power.
- (4) In subsection (2) of this section " local authority " means the council of a county district, county borough or London borough and the Common Council of the City of London, and " purchaser " has the same meaning as in the said Act of 1925.
- (5) A grant or agreement made as respects land in Scotland shall not be enforceable by virtue of subsection (1) of this section against a third party who shall have in good faith and for value acquired right (whether completed by infetment or not) to the land prior to the grant or agreement being recorded in the Register of Sasines, or against any person deriving title from such third party; and in the application of the said subsection (1) to Scotland for the reference to a legal estate there shall be substituted a reference to an estate.
- (6) A right in or in relation to land in Northern Ireland granted or agreed to be granted to the Authority shall not be enforceable by virtue of subsection (1) of this section against a purchaser for money or money's worth of any estate or interest in the land to which the grant or agreement in question relates unless before the completion of the purchase the grant or agreement is registered in the Statutory Charges Register pursuant to Part X of the Land Registration Act (Northern Ireland) 1970; and accordingly—
 - (a) such a grant or agreement shall be included among the matters which are required to be registered in that Register ; and
 - (b) the following paragraph shall be added at the end of Schedule 11 to the said Act of 1970, that is to say—

“(24) A grant or agreement referred to in section 16(6) of the Civil Aviation Act 1971”.

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

17 Compensation in respect of planning decisions relating to safety of aerodromes etc.

- (1) Where a local planning authority (hereafter in this subsection referred to as a "planning authority") become liable to pay compensation under section 118, 119, 123, 134(2) or 170(1) of the Town and Country Planning Act 1962 or sections 18 or 20 of or paragraph 1 of Schedule 5 to the Town and Country Planning (Scotland) Act 1947 (which relate to compensation for certain planning restrictions, for purchase notices which do not take effect and in respect of undertakers' operational land) and the liability is attributable to a planning decision which would not have been taken, or in the case of compensation under the said section 118 or the said section 20 to an order under section 27 of the said Act of 1962 or section 19 of the said Act of 1947 which would not have been made, but for the need to secure the safe and efficient operation of an aerodrome owned by the Authority or to prevent persons or buildings from being struck by aircraft using such an aerodrome or the need to secure the safe and efficient operation of apparatus owned by the Authority and provided for the purpose of assisting air traffic control or as an aid to air navigation, the planning authority shall be entitled to recover from the Authority a sum equal to the compensation.
- (2) Where a sum equal to any compensation is payable or paid to a planning authority in pursuance of the preceding subsection, the planning authority shall pay to the Authority any amount received by the planning authority in respect of the compensation under section 122 of the said Act of 1962 or section 43 of the Town and Country Planning (Scotland) Act 1954 (which relate to the recovery of compensation on subsequent development).
- (3) Where a purchase notice is served under section 129 of the said Act of 1962 or section 17 of the said Act of 1947 in respect of a planning decision which would not have been taken but for such a need as aforesaid in respect of an aerodrome or apparatus owned by the Authority, any local authority who are deemed under section 130(2) or 133(1) of the said Act of 1962 or subsection (1B) or (2) of the said section 17 to have served a notice to treat in respect of the interest to which the purchase notice relates may, by notice in writing given to the Authority not later than one month from the time when the amount of compensation payable by the local authority for the interest is agreed or determined, require the Authority to purchase the interest from the local authority for a sum equal to the amount of compensation so agreed or determined; and where such a notice in writing is given the Authority shall, subject to any agreement between the local authority and the Authority, be deemed to have contracted with the local authority to purchase the interest at that price.
- (4) Any dispute as to whether a planning decision would not have been taken or an order under the said section 27 or the said section 19 would not have been made but for such a need as aforesaid shall be referred to and determined by the Secretary of State.
- (5) In the preceding provisions of this section "planning decision" means a decision made on an application under Part III of the said Act of 1962 or Part II of the said Act of 1947; and references in those provisions to a local planning authority include, in relation to England and Wales, references to any authority to whom functions of a local planning authority are delegated.
- (6) Where by reason of a planning decision taken under the Planning Acts (Northern Ireland) 1931 and 1944 by a planning authority in Northern Ireland—
 - (a) the Ministry of Development for Northern Ireland becomes liable to pay compensation to any person; and

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

(b) the decision would not have been taken but for the need to secure the safe and efficient operation of apparatus owned by the Authority and provided for the purpose of assisting air traffic control or as an aid to air navigation, the said Ministry shall be entitled to recover from the Authority a sum equal to that compensation ; and where a sum equal to any compensation is payable or paid to the said Ministry in pursuance of the preceding provisions of this subsection, the Ministry shall pay to the Authority any amount received by the Ministry in respect of the compensation under section 24 of the Land Development Values (Compensation) Act (Northern Ireland) 1965 (which relates to the recovery of compensation on subsequent development).

In this subsection " planning decision " includes a revocation or modification of planning permission under section 3 of the Planning (Interim Development) Act (Northern Ireland) 1944.

Supplemental

18 Application of enactments relating to statutory undertakers etc.

- (1) The provisions of Schedule 5 to this Act shall have effect as respects the application of the enactments mentioned in that Schedule (which relate to statutory undertakers, statutory undertakings and related matters).
- (2) For the purposes of the law relating to rating the undertaking of the Authority shall be treated as not being a public utility undertaking.

19 Supplementary provisions with respect to the functions of the Authority

- (1) The Authority—
 - (a) shall, without prejudice to its powers apart from this paragraph but subject to the following paragraph, have power to do anything which is calculated to facilitate, or is conducive or incidental to, the performance of any of the Authority's functions (including a function conferred on the Authority by virtue of this paragraph); but
 - (b) shall not without the consent in writing of the Secretary of State promote the formation of, acquire or acquire a financial interest in a body corporate or lend money to or enter into a guarantee for the benefit of a body corporate;and it is hereby declared that the Authority has power to do elsewhere than in the United Kingdom such things as it considers appropriate for the purpose of performing any of its functions.
- (2) Notwithstanding anything in section 1(4) of this Act, the Authority shall act on behalf of the Crown—
 - (a) in performing any function which the Authority is authorised by an Air Navigation Order to perform and which in pursuance of, or of an Annex to, or of an amendment for the time being in force of, the Chicago Convention mentioned in section 8 of the Civil Aviation Act 1949 falls to be performed on behalf of the Crown; and
 - (b) in performing such of its other functions as Her Majesty may by Order in Council require it to perform on behalf of the Crown as being functions appearing to Her to relate to the exercise of powers or the discharge of obligations of the United Kingdom under an international agreement;

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

and an Order in Council made for the purposes of this subsection may be revoked or varied by a subsequent Order so made.

- (3) It shall be the duty of the Authority to comply with any direction given to it by the Secretary of State in pursuance of any provision of this Act.
- (4) Provision may be made by regulations as to the mode of giving evidence of—
 - (a) any instrument made by the Authority ; and
 - (b) the publication by the Authority of any matter.

20 Annual report

- (1) It shall be the duty of the Authority to make to the Secretary of State, as soon as possible after the end of each accounting year, a report on the performance of its functions during that year.
- (2) The report for any accounting year—
 - (a) shall set out any direction given to the Authority in pursuance of section 4 or section 24(2) or section 28(2) of this Act during that year except a direction or part of a direction in pursuance of section 4 or 28(2) as to which the Secretary of State has notified the Authority that in his opinion it is against the national interest to set it out in the report;
 - (b) shall include particulars of any case in which during that year the Authority has decided not to proceed in accordance with advice given to it in pursuance of section 27(3)(a)(i) of this Act; and
 - (c) shall include such information as the Secretary of State may from time to time specify with respect to the plans and the past and present activities of the Authority and the financial position of the Authority.
- (3) The Secretary of State shall lay before each House of Parliament a copy of every report made to him in pursuance of this section.