

SCHEDULES

SCHEDULE 1

Section 1(3).

ADDITIONAL PROVISIONS RELATING TO CONSTITUTION ETC OF CIVIL AVIATION AUTHORITY

Appointment and tenure of members

- 1 It shall be the duty of the Secretary of State—
- (a) to satisfy himself, before he appoints a person to be a member, that that person will have no such financial or other interest as is likely to affect prejudicially the performance of his functions as a member ; and
 - (b) to satisfy himself from time to time with respect to each member that the member has no such interest;
- and a person who is a member or whom the Secretary of State proposes to appoint as a member shall, whenever requested by the Secretary of State to do so, furnish him with such information as he may specify with a view to carrying out his duty under this paragraph.
- 2 Subject to the following provisions of this Schedule, a person shall hold and vacate office as a member or the chairman or a deputy chairman in accordance with the terms of the instrument appointing him to that office.
- 3 A person may at any time resign his office as a member or the chairman or a deputy chairman by giving to the Secretary of State a notice in writing signed by that person and stating that he resigns that office.
- 4 (1) If a member becomes or ceases to be the chairman or a deputy chairman the Secretary of State may vary the terms of the instrument appointing him to be a member so as to alter the date on which he is to vacate office as a member.
- (2) If the chairman or a deputy chairman ceases to be a member, he shall cease to be the chairman or a deputy chairman, as the case may be.
- 5 (1) If the Secretary of State is satisfied that a member—
- (a) has been absent from meetings of the Authority for a period longer than three consecutive months without the permission of the Authority ; or
 - (b) has become bankrupt or made an arrangement with his creditors ; or
 - (c) is incapacitated by physical or mental illness ; or
 - (d) is otherwise unable or unfit to discharge the functions of a member,
- the Secretary of State may declare his office as a member to be vacant and shall notify the declaration in such manner as the Secretary of State thinks fit; and thereupon the office shall become vacant.
- (2) In the application of the preceding sub-paragraph to Scotland for the references in paragraph (b) to a member's having become bankrupt and to a member's having made an arrangement with his creditors there shall be substituted respectively references to sequestration of a member's estate having been awarded and to a member's having made a trust deed for behoof of his creditors or a composition contract.

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Remuneration etc. of members

- 6 The Authority shall pay to each member such remuneration as the Secretary of State may determine with the consent of the Minister for the Civil Service.
- 7 (1) The Authority shall make such provision as may be determined by the Secretary of State with the consent of the said Minister for the payment of pensions, allowances or gratuities to or in respect of such members as may be so determined.
- (2) The Secretary of State shall as soon as possible after making a determination in pursuance of the preceding sub-paragraph lay before each House of Parliament a statement containing particulars of the determination.
- 8 Where a person ceases to be a member otherwise than on the expiry of his term of office and it appears to the Secretary of State that there are special circumstances which make it right for that person to receive compensation, the Secretary of State may with the consent of the said Minister direct the Authority to make to that person a payment of such amount as the Secretary of State may determine with the consent of the said Minister.

Proceedings

- 9 Subject to section 5 of this Act, the quorum of the Authority and the arrangements relating to meetings of the Authority shall be such as the Authority may determine.
- 10 (1) A member who is in any way directly or indirectly interested in a contract made or proposed to be made by the Authority, or in any other matter whatsoever which falls to be considered by the Authority, shall disclose the nature of his interest at a meeting of the Authority and the disclosure shall be recorded in the minutes of the meeting ; and the member shall not—
- (a) in the case of a contract, take part in any deliberation or decision of the Authority with respect to the contract; and
- (b) in the case of any other matter, take part in any deliberation or decision of the Authority with respect to the matter if the Authority decides that the interest in question might affect prejudicially the member's consideration of the matter.
- (2) A notice given by a member at a meeting of the Authority to the effect that he is a member of a specified company or firm and is to be regarded as interested in any contract which is made after the date of the notice with the company or firm shall, for the purposes of the preceding sub-paragraph, be a sufficient disclosure of his interest in relation to any contract so made.
- (3) A member need not attend in person at a meeting of the Authority in order to make a disclosure which he is required to make under this paragraph if he takes reasonable steps to secure that the disclosure is made by a notice which is taken into consideration and read at such a meeting.
- 11 The validity of any proceedings of the Authority shall not be affected by any vacancy among the members or by any defect in the appointment of a member or by any failure to comply with the requirements of the preceding paragraph.

Staff

- 12 (1) The Authority may appoint such officers and servants as it may determine with the consent of the Secretary of State as to numbers and remuneration; and any reference

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in this Act to an employee of the Authority is a reference to a person appointed in pursuance of this sub-paragraph or employed by the Authority in pursuance of paragraph 14 of this Schedule.

- (2) If before such date as the Secretary of State may determine for the purposes of this sub-paragraph the Authority makes a contract with any person for his employment by the Authority, the contract shall be of no effect unless its terms have been approved by the Secretary of State; and before the Secretary of State approves in pursuance of this sub-paragraph the terms of a contract to be offered to a person employed in employment to which paragraph 1 of Schedule 9 to this Act applies it shall be the duty of the Secretary of State to satisfy himself that those terms, taken as a whole, are not less favourable to that person than the terms on which he is employed as aforesaid on the date when the offer is made.
 - (3) Different numbers, remuneration and dates may be determined in pursuance of this paragraph in relation to employees or proposed employees of different categories.
 - (4) The Secretary of State shall not give his consent in pursuance of sub-paragraph (1) of this paragraph except with the approval of the Minister for the Civil Service.
- 13
 - (1) The Authority shall, in the case of such of its employees as may be determined by the Secretary of State with the approval of the Minister for the Civil Service, pay such pensions, allowances or gratuities to or in respect of them as may be so determined, make such payments towards the provision of such pensions, allowances or gratuities as may be so determined or provide and maintain such schemes (whether contributory or not) for the payment of such pensions, allowances or gratuities as may be so determined,
 - (2) If an employee of the Authority becomes a member and was by reference to his employment by the Authority a participant in a pension scheme maintained by the Authority for the benefit of any of its employees, the Authority may determine that his service as a member shall be treated for the purposes of the scheme as service as an employee of the Authority ; and the benefits payable to or in respect of a person by virtue of the preceding provisions of this sub-paragraph shall be in addition to the benefits, if any, which are payable to or in respect of him by virtue of paragraph 7 of this Schedule.
- 14
 - (1) Notwithstanding anything in the last two preceding paragraphs, it shall be the duty of the Authority to make, to each person who at the passing of this Act and on such subsequent date as the Secretary of State may determine is employed by a relevant body, an offer of employment by the Authority on terms which, taken as a whole, are not less favourable to that person than the terms on which he is employed by the relevant body on the date when the offer is made ; and an offer made in pursuance of this paragraph shall not be revocable during the period of three months beginning with the date on which the offer is made.
 - (2) In the preceding sub-paragraph " relevant body " means a body which by virtue of section 27(1) of this Act is to cease or has ceased to have functions conferred on it in pursuance of section 7 of the Civil Aviation Act 1949.
- 15

It shall be the duty of the Authority, except so far as it is satisfied that adequate machinery exists for achieving the purpose of this paragraph, to seek consultation with any organisation appearing to the Authority to be appropriate with a view to the conclusion between the Authority and that organisation of such agreements as appear to the parties to be desirable with respect to the establishment and maintenance of machinery for—

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- (a) the settlement by negotiation of terms and conditions of employment of employees of the Authority, with provision for reference to arbitration in default of such a settlement in such cases as may be determined by or under the agreements ; and
- (b) the promotion and encouragement of measures affecting the safety, health and welfare of employees of the Authority and the discussion of other matters of mutual interest to the Authority and its employees, including efficiency in the performance of the Authority's functions.

Performance of functions

- 16 Subject to section 5(1) of this Act, the Authority may authorise any member or employee of the Authority and, except so far as regulations provide otherwise, any other person to perform on behalf of the Authority such of the Authority's functions (including the function conferred on the Authority by this paragraph) as are specified in the authorisation.

Instruments and contracts

- 17 The fixing of the common seal of the Authority shall be authenticated by the signature of the secretary of the Authority or some other person authorised by the Authority to act for that purpose.
- 18 A document purporting to be duly executed under the seal of the Authority shall be received in evidence and shall, unless the contrary is proved, be deemed to be so executed.

Interpretation

- 19 In this Schedule "the chairman", "a deputy chairman" and " a member " mean respectively the chairman, a deputy chairman and a member of the Authority, and " gratuities " includes a refund of contributions to a pension fund with or without interest on or any other addition to the contributions.

SCHEDULE 2

Sections 7, 14(1).

TRANSFER OF PROPERTY, RIGHTS AND LIABILITIES TO THE AUTHORITY

- 1 (1) Subject to the following paragraphs of this Schedule, there shall by virtue of this paragraph be transferred to and vest in the Authority on the vesting date—
- (a) the property, rights and liabilities of the Board of Trade which immediately before that date were comprised in the undertakings represented by the aerodromes at Aberdeen, Benbecula, Inverness, Islay (Port Ellen), Kirkwall, Storno-way, Sumburgh, Tiree and Wick ;
 - (b) the property, rights and liabilities of the Board of Trade which immediately before that date were comprised in the following undertakings, namely, the National Air Traffic Services, the Civil Aviation Flying Unit, the Fire Service Training School at Stansted, the Secretary of State's medical unit at Heathrow and the unit of the Directorate of Operational Research and Analysis at Heathrow ;

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- (c) the property, rights and liabilities of the Secretary of State for Trade and Industry which immediately before that date were comprised in any of the undertakings mentioned in the preceding paragraph ; and
 - (d) all other property, rights and liabilities of the Board of Trade which are specified in a notice in writing given by the Secretary of State to the Authority before that date as being—
 - (i) property used and rights enjoyed by the Board of Trade for the purposes of functions of a kind which the Secretary of State considers that the Authority will or may perform by virtue of this Act and he will cease to perform in consequence of this Act, and
 - (ii) liabilities to which the Board of Trade are subject in connection with such functions,and which immediately before that date are property, rights and liabilities of the Board of Trade.
- (2) Any reference in the preceding sub-paragraph to property and rights of the Board of Trade includes a reference to property and rights of the Crown or a government department other than the department of the Board of Trade which immediately before the relevant vesting date were being managed by the Secretary of State (other than property and rights of his which were then included in an undertaking mentioned in paragraph (b) of the preceding sub-paragraph), and any reference in that sub-paragraph to liabilities of the Board of Trade includes a reference to liabilities of the Crown or such a government department which immediately before that date were being discharged on behalf of the Crown or the department by the Secretary of State (other than liabilities which were then included in such an undertaking).
- 2 (1) The preceding paragraph shall not apply to such property, rights or liabilities as the Secretary of State may by a determination in writing designate as property or rights required for the purposes of the Crown or any government department or as liabilities to which it is appropriate for the Crown or a government department to be subject.
- (2) A determination under the preceding sub-paragraph may provide for the creation in favour of the Crown or a government department of such rights, whether or not capable of subsisting as legal estates in land, as the Secretary of State considers are appropriate for the purpose of facilitating the use of any property designated by such a determination.
- (3) In the application of the preceding sub-paragraph to Scotland, for the reference to legal estates in land there shall be substituted a reference to estates in land.
- 3 (1) The Secretary of State may make a determination in writing applying or excluding paragraph 1 of this Schedule to such extent as he considers is appropriate—
- (a) for the purpose of making minor adjustments of the property, rights and liabilities to which that paragraph applies so as to facilitate the performance by the Authority of its functions ; or
 - (b) for the purpose of removing uncertainty as to the application of that paragraph to any property, rights or liabilities or of facilitating the registration under the Land Registration Act 1925 or the Land Registration Act (Northern Ireland) 1970 of the Authority's title to any land in England or Wales or Northern Ireland which is transferred by that paragraph ;
- and a determination under this paragraph may in particular provide for dividing or apportioning any property, rights or liabilities between the Crown, government departments and the Authority.

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- (2) In the application of the preceding sub-paragraph to Scotland, for the words from " or of facilitating " to " that paragraph " there shall be substituted the words "or of facilitating the completion of the title of the Authority to any land as heritable rights in Scotland transferred by that paragraph".
- 4 A determination under paragraph 2 or 3 of this Schedule with respect to any property, rights or liabilities shall not be made after the expiration of the period of twelve months beginning with the day which is the vesting date in relation to that property or those rights or liabilities.
- 5 (1) The Secretary of State may issue a certificate stating that any property, rights and liabilities of the Crown or a government department were or were not transferred to the Authority by this Schedule; and any such certificate shall be conclusive evidence that the property, rights and liabilities in question were or were not so transferred.
- (2) The issue of a certificate under the preceding sub-paragraph shall not prevent the making of a subsequent determination under paragraph 2 or 3 of this Schedule relating to the property, rights or liabilities to which the certificate relates.
- 6 The Secretary of State shall, before making a determination or issuing a certificate under this Schedule, consult the Authority and shall, after making a determination or issuing a certificate under this Schedule, send a copy of it to the Authority.
- 7 (1) Any agreement and any provision in a document which is not an agreement shall, so far as may be necessary for or in consequence of the transfers effected by this Schedule, have effect as if references to, or to an officer of, the Crown or a government department were, or as the case may be included, references to or to an employee of the Authority.
- (2) Without prejudice to the preceding sub-paragraph, any agreement to which the Crown or a government department were a party, whether in writing or not and whether or not of such a nature that rights and liabilities under it could be assigned, shall have effect, so far as may be necessary for or in consequence of the transfers effected by this Schedule, as if the Authority had been a party to the agreement.
- (3) Without prejudice to sub-paragraph (1) of this paragraph, where by the operation of this Schedule any right or liability becomes a right or liability of the Authority, the Authority and all other persons shall have the same rights, powers and remedies (and in particular the same rights, powers and remedies as to taking or resisting legal proceedings or the making or resisting of applications to any authority) for ascertaining, perfecting or enforcing the right or liability as they would have had if it had at all times been a right or liability of the Authority ; and any legal proceedings or applications pending at the relevant vesting date by or against the Crown or a government department, in so far as they relate to any property, right or liability transferred to the Authority by this Schedule or to any agreement or document which has effect in accordance with this Schedule, shall be continued by or against the Authority to the exclusion of the Crown or department.
- 8 (1) Nothing in section 12 of the Finance Act 1895 (which requires certain Acts to be stamped as conveyances on sale) including that section as it applies in Northern Ireland and nothing in section 52 of the Finance Act 1946 (which exempts from stamp duty certain documents connected with nationalisation schemes) shall apply to this Act or a determination in writing under paragraph 2 or 3 of this Schedule, and stamp duty shall not be payable on such a determination.

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- (2) Section 9 of the Finance Act (Northern Ireland) 1936 (which relates to the furnishing to the Ministry of Finance of particulars relating to transfers of land) shall not apply in relation to any vesting of an estate or interest in land in the Authority which is effected by or under this Act.
- 9 For the purposes of the Capital Allowances Act 1968 (which confers relief from income tax in respect of certain capital expenditure) and Chapter II of Part XI of the Income and Corporation Taxes Act 1970 (which relates to companies' capital gains) the transfer by this Schedule of any assets shall be deemed to be a sale of those assets by the Secretary of State to the Authority in the open market at a price equal to so much of the initial debt as is determined by the Secretary of State to relate to those assets; but no initial allowance shall be made under the said Act of 1968 in respect of any of those assets.
- 10 (1) In this Schedule " the vesting date " means such day as the Secretary of State may by order appoint; and it is hereby declared that in this Schedule " property " includes land.
- (2) Different days may be appointed in pursuance of the preceding sub-paragraph in relation to different property, rights or liabilities.
- (3) Where a government department or a person acting on behalf of the Crown retains possession of any document relating to the title to any land transferred to the Authority by this Schedule, the department or person shall be assumed to have given to the Authority an acknowledgment in writing of the right of the Authority to the production of that document and to delivery of copies of it; and as respects land in England or Wales section 64 of the Law of Property Act 1925 and as respects land in Northern Ireland section 9 of the Conveyancing Act 1881 (which relate to the production and safe custody of documents) shall have effect accordingly and as if the acknowledgment did not contain any such expression of a contrary intention as is mentioned in the said section 64 or section 9.
- (4) In the application of the preceding sub-paragraph to Scotland, for the words from " an acknowledgment " onwards there shall be substituted the words " an undertaking to produce those documents to the Authority (on a proper receipt and undertaking to re-deliver) for the purpose of enabling the Authority to maintain and defend its rights in respect of that part of the land which has vested in it ".

SCHEDULE 3

Section 14.

LAND AND RIGHTS OVER LAND

PART I

ACQUISITION OF LAND BY THE AUTHORITY

Entry for purposes of survey

- 1 (1) Where the Secretary of State has confirmed an order authorising the Authority to acquire land in Great Britain compulsorily or is considering the confirmation of such an order, any person authorised in writing by the Secretary of State may at

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all reasonable times, on producing if so required evidence of his authority in that behalf, enter upon any of the land in order to make any survey which the Secretary of State or the Authority requires to be made for the purpose of any steps to be taken in consequence of the order or, as the case may be, for the purpose of determining whether the order should be confirmed; but admission shall not by virtue of this sub-paragraph be demanded as of right to any land which is occupied unless eight days' notice of the intended entry has been served on the occupier.

- (2) Where the Authority proposes to acquire land in Northern Ireland compulsorily, any person authorised in writing by the Secretary of State may at all reasonable times, on producing if so required evidence of his authority in that behalf, enter upon any of the land in order to make any survey which the Secretary of State or the Authority requires to be made for the purpose of ascertaining whether the land would be suitable for the purposes for which it is proposed to acquire it; but admission shall not by virtue of this sub-paragraph be demanded as of right to any land which is occupied unless eight days' notice of the intended entry has been served on the occupier.
- (3) Subsections (2) to (5) of section 29 of the Civil Aviation Act 1949 (which contains supplementary provisions relating to entry for the purposes of survey) shall apply with any necessary modifications in relation to the preceding sub-paragraphs as they apply in relation to subsection (1) of that section, but any proceedings for an offence under subsection (2) of that section as so applied may be instituted in England and Wales or Northern Ireland by the Authority without the consent of the Secretary of State or the Director of Public Prosecutions and any compensation payable under subsection (5) of that section as so applied shall be paid by the Authority instead of the Secretary of State.

Displacements from land

- 2 (1) Where the Authority has acquired land for purposes connected with the discharge of its functions and the use of the land by the Authority for those purposes will involve the displacement of persons residing in premises on the land, it shall be the duty of the Authority, in so far as there is no other residential accommodation available on reasonable terms to the persons who require it in consequence of the displacement, being residential accommodation suitable to the reasonable requirements of those persons, to secure the provision of such accommodation.
- (2) The Authority shall secure the provision of the accommodation in advance of the displacement unless the Secretary of State is satisfied that for reasons of exceptional public importance it is essential that the displacement should be effected before such accommodation as aforesaid can be found.

Adjustment of functions of statutory undertakers

- 3 Schedule 4 to the said Act of 1949 (which provides for the adjustment of statutory undertakers' functions) shall apply in relation to any order for the compulsory purchase of land by the Authority which the Secretary of State has confirmed or proposes to confirm as it applies to an order made or proposed to be made under Part III of that Act.

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PART II

ORDERS RELATING TO CONTROL OF LAND

Creation of rights over land, and control over civil aerodromes

- 4 (1) In section 24 of the Civil Aviation Act 1949 (hereafter in this Schedule referred to as "the Act of 1949") references to land vested in the Secretary of State or which he proposes to acquire shall include references to land vested in the Authority or which the Authority proposes to acquire, and any rights created by an order made by virtue of this paragraph shall be rights in favour of the Authority.
- (2) Any compensation payable under subsection (4) of that section or Part III of Schedule 1 to that Act in consequence of an order made by virtue of this paragraph shall be payable by the Authority instead of the Secretary of State.
- (3) In subsection (5) of that section the reference to the consent of the Secretary of State shall, in relation to an order made by virtue of this paragraph, be construed as a reference to the consent either of the Secretary of State or of the Authority.
- (4) Notwithstanding anything in subsection (9) of that section, proceedings for an offence under that section in relation to an order made by virtue of this paragraph may be instituted in England and Wales or Northern Ireland by the Authority without the consent of the Secretary of State or the Director of Public Prosecutions.
- 5 (1) In section 25 of the Act of 1949 references to any aerodrome vested in the Secretary of State or under his control shall include references to any aerodrome in the United Kingdom which is owned or managed by the Authority.
- (2) Notwithstanding anything in subsection (6) of that section, proceedings for an offence against an order under that section made by virtue of this paragraph may be instituted in England and Wales or Northern Ireland by the Authority without the consent of the Secretary of State or the Director of Public Prosecutions.
- (3) Any compensation payable under Schedule 2 to the Act of 1949 in consequence of any order made by virtue of this paragraph shall be payable by the Authority instead of the Secretary of State.
- 6 (1) For paragraph 1 of Schedule 1 to the Act of 1949, as it applies in relation to orders made by virtue of paragraph 4 or 5 of this Schedule on the application of the Authority, there shall be substituted the following paragraph:—
- “1 Before making an application for an order the Civil Aviation Authority—
- (a) shall publish in one or more newspapers circulating in the district in which the land is situated ; and
- (b) shall serve on every owner, lessee and occupier of any of the land and upon every local authority within whose area any of the land is situated,
- a notice stating that the Authority proposes to apply for the order and the effect thereof and specifying the time (not being less than forty-two days from service of the notice) within which and the manner in which objections to the making of the order may be made”.

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- (2) In the case of an order made by virtue of paragraph 4 or 5 of this Schedule, the notice to be published under paragraph 5 of the said Schedule 1 shall be published by the Authority and not by the Secretary of State.

Control over land in interests of civil aviation

- 7 (1) In section 26 of the Act of 1949 references to any land, structures, works or apparatus vested in the Secretary of State or which he proposes to acquire or install shall include references to any land, structures, works or apparatus vested in the Authority or which the Authority proposes to acquire or install.
- (2) In the case of a direction given by virtue of this paragraph, it shall be for the Authority instead of the Secretary of State to give the notices required by paragraph 1 of Schedule 3 to the Act of 1949.
- (3) Any compensation payable under that Schedule in consequence of a direction given by virtue of this paragraph shall be payable by the Authority instead of the Secretary of State.

Stopping up and diversion of highways

- 8 In section 28 of the Act of 1949 references to land vested in the Secretary of State or which he proposes to acquire shall include references to land vested in the Authority or which the Authority proposes to acquire.

Supplementary

- 9 (1) It shall be for the Authority, instead of the Secretary of State, to act under section 33(2) and (5) of the Act of 1949 (local land charges) as regards any order made or direction given by virtue of paragraph 4, 5 or 7 of this Schedule.
- (2) Paragraph 1 of this Schedule shall apply where the Secretary of State has made an order under section 24 or section 26 of the Act of 1949 by virtue of the preceding provisions of this Part of this Schedule, or has under consideration the making of any such order, as it applies where the Secretary of State has confirmed an order authorising the Authority to acquire land in Great Britain compulsorily or, as the case may be, where the Authority proposes to acquire land in Northern Ireland compulsorily ; and except as provided by that paragraph section 29 of that Act (powers of entry) shall not apply in relation to any such order under the said section 24 or 26.
- (3) Paragraph 2 of this Schedule shall apply where the Secretary of State gives a direction under section 26 of the Act of 1949 by virtue of the preceding provisions of this Part of this Schedule, being a direction the execution of which will involve the displacement of persons residing in premises on the land to which the direction relates, as it applies where the Authority has acquired land for purposes connected with the discharge of its functions; and section 31 of that Act (displacements from land) shall not apply in relation to any such direction.

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SCHEDULE 4

Section 15.

MODIFICATIONS OF SCHEDULES 5 AND 6 TO THE ROADS ACT (NORTHERN IRELAND) 1948

- 1 For any reference in Schedule 5 to the Roads Act (Northern Ireland) 1948 to an authority or a local authority or to the functions of a local authority as a road authority there shall be substituted a reference to the Civil Aviation Authority or to the functions of the Civil Aviation Authority as the case may require.
- 2 For any reference in Schedules 5 and 6 to the said Act of 1948 to the Ministry within the meaning of that Act there shall be substituted a reference to the Secretary of State.
- 3 (1) Paragraph 2(2) of the said Schedule 5 shall be omitted.
(2) In paragraph 2(3)(c) of the said Schedule 5, after the word " served", there shall be inserted the words "by post by means of the recorded delivery service".
- 4 For any reference in the said Schedules 5 and 6 to the said Act of 1948 there shall be substituted a reference to this Act.
- 5 (1) For the purposes of a vesting order in respect of an estate in land, being an estate less than a fee simple, the said Schedule 5 shall have effect with such modifications as may be necessary to enable such an estate to be acquired by means of the vesting order and to enable compensation in respect thereof to be duly paid or discharged and (without prejudice to the generality of the preceding provisions of this sub-paragraph) shall have effect as if for the words in paragraph 5 of the said Schedule 5 from " A vesting order " to " under this Schedule " there were substituted the following words—

“A vesting order shall operate, without further assurance, to vest in the Civil Aviation Authority, as from the date on which the vesting order becomes operative (in this Schedule referred to as " the date of vesting "), all such estates in, to or over the land to which the order relates as are specified in the order, freed and discharged from all the estates of any other person whosoever therein except in so far as is otherwise expressly provided in the order, and the rights and claims of any such other person in respect of an estate so vested shall as from the date of vesting be transferred and attached, to the extent to which compensation may be payable in accordance with this Schedule, to the funds of the Civil Aviation Authority (in this Schedule referred to as " the compensation fund ") and shall be discharged by payments made by the Civil Aviation Authority”.
- (2) In the said paragraph 5, for the words from "be the date" onwards there shall be substituted the words "be the date on which the vesting order becomes operative or the date of the lodgment of the vesting order with the registering authority under that Act, whichever is the later".
- 6 In paragraph 10 of the said Schedule 5, for the words from " signed " to the end of sub-paragraph (b) there shall be substituted the words "signed by such person as may be designated for the purposes of this Schedule by the Civil Aviation Authority".

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SCHEDULE 5

Section 18(1).

APPLICATION OF ENACTMENTS RELATING TO STATUTORY UNDERTAKERS ETC.

- 1 In section 61(1) of the Land Drainage Act 1930 (which protects certain undertakings from works executed under that Act), after paragraph (g) there shall be added the following paragraph—
- “(h) the undertaking of the Civil Aviation Authority.”
- 2 (1) Subsection (3) of section 39 of the Public Health Act 1936 (which exempts buildings belonging to statutory undertakers from certain drainage requirements) and section 71 of that Act (which exempts such buildings from building regulations) shall apply in relation to the Authority as they apply in relation to statutory undertakers but as if in the proviso to the said subsection (3) and the proviso to the said section 71 (which exclude from the exemptions houses and buildings used as offices or showrooms) the references to offices or showrooms did not include offices or showrooms on any aerodrome owned by the Authority.
- (2) Section 330 of the said Act of 1936 (power of certain undertakers in England and Wales to alter sewers), section 333 of that Act (protection of certain undertakings in England and Wales from works executed under that Act) and section 107 of the Public Health (Scotland) Act 1897 (protection of certain undertakings in Scotland from works connected with sewers) shall apply in relation to the Authority and any property owned by the Authority as they apply in relation to a railway company and its railway.
- 3 The Authority shall be deemed to be public utility undertakers and its undertaking a public utility undertaking for the purposes of the provisions of the Civil Defence Act 1939 other than paragraphs (a) to (c) of section 7(6) and section 9(4); and in that Act "appropriate department" shall, in relation to the Authority, mean the Secretary of State.
- 4 (1) Section 93 of Schedule 3 to the Water Act 1945 and section 45 of Schedule 4 to the Water (Scotland) Act 1946 (which relate to the protection of certain statutory undertakers) shall apply with the necessary modifications in relation to any works along, upon or under any property owned by the Authority which statutory water undertakers propose to execute, whether or not the said section 93 or the said section 45 has been applied to the undertakers by an order under the said Act of 1945 or the said Act of 1946.
- (2) In the preceding sub-paragraph "statutory water undertakers" means—
- (a) in relation to England and Wales, statutory water undertakers within the meaning of the said Act of 1945 other than a local authority or board supplying water under the Public Health Act 1936 and includes a person authorised to construct works by an order under section 23 of the said Act of 1945 ; and
- (b) in relation to Scotland, a regional water board within the meaning of the Water (Scotland) Act 1967.
- 5 The Authority shall be deemed to be statutory undertakers and its undertaking a statutory undertaking for the purposes of the following enactments, that is to say—
- (a) sections 23 to 26 of and Schedule 4 to the Town and Country Planning (Scotland) Act 1945 ;
- (b) the Acquisition of Land (Authorisation Procedure) Act 1946 ;
- (c) the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 ;

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- (d) sections 10, 17, 32(1), (2) and (4), 42(4) and (5), 94 and 99(9) of and Schedule 5 to the Town and Country Planning (Scotland) Act 1947 ;
- (e) section 4 of the Requisitioned Land and War Works Act 1948;
- (f) the Civil Aviation Act 1949 ;
- (g) the National Parks and Access to the Countryside Act 1949 ;
- (h) the Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951 ;
- (i) the Landlord and Tenant Act 1954 ;
- (j) section 19 of the Town and Country Planning (Scotland) Act 1954 ;
- (k) Part III of the Housing Act 1957 ;
- (l) section 39(6)(b) of the Opencast Coal Act 1958 ;
- (m) sections 152 and 223 of and Schedule 7 to the Highways Act 1959 ;
- (n) sections 31 and 38 of and paragraph 2(6) of Schedule 5 to the Town and Country Planning (Scotland) Act 1959 ;
- (o) section 11 of the Land Compensation Act 1961 ;
- (p) section 3(4) of the Flood Prevention (Scotland) Act 1961;
- (q) sections 12, 41, 70(2), 81, 82, 83, 103, 130 to 133, 138 and 148(6), Part X and sections 179(7)(b), 189 and 212(6)(b) of the Town and Country Planning Act 1962 (except section 164 of that Act as applied by section 13 of the Opencast Coal Act 1958);
- (r) the Pipe-lines Act 1962 ;
- (s) section 18 of the Land Compensation (Scotland) Act 1963 ;
- (t) Schedules 3 and 5 to the Harbours Act 1964 ;
- (u) Schedule 6 to the Gas Act 1965 ;
- (v) section 10(4) of the Highlands and Islands Development (Scotland) Act 1965 ;
- (w) the New Towns Act 1965 ;
- (x) sections 11(5)(f), 54(6) and 75(4) of and Schedule 3 to the Countryside (Scotland) Act 1967:
- (y) the New Towns (Scotland) Act 1968 ;
- (z) paragraph 6 of Schedule 2 to the Countryside Act 1968 ;
- (aa) section 22 of the Sewerage (Scotland) Act 1968 ;
- (bb) sections 33(1), 62, 63, 69 to 73, 90, 93(3), 94(3) and 97(1) of, and paragraphs 13, 14 and 15 of Schedule 5, Schedules 6 and 7 and paragraph 6 of Schedule 9 to, the Town and Country Planning Act 1968;
- (cc) sections 34(1), 62, 63, 70 to 74, 89, 92(3) and 93(2) of, and paragraphs 12, 13, and 14 of Schedule 4, Schedules 5 to 7 and paragraph 5 of Schedule 9 to, the Town and Country Planning (Scotland) Act 1969 ;
- (dd) section 39 of the Roads (Scotland) Act 1970 ;
- (ee) section 65 of the Highways Act 1971.

6 In the following enactments, that is to say—

- (a) sections 24 to 26 of the Town and Country Planning (Scotland) Act 1945 ;
- (b) the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 ;
- (c) sections 42 and 99 of and Schedule 5 to the Town and Country Planning (Scotland) Act 1947 ;
- (d) section 39(6)(b) of the Opencast Coal Act 1958 ;
- (e) paragraph 2(6) of Schedule 5 to the Town and Country Planning (Scotland) Act 1959 ;

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- (f) section 148(6), section 182, Part X and section 212(6)(b) of the Town and Country Planning Act 1962 ;
- (g) Schedule 6 to the Gas Act 1965 ;
- (h) section 10(4) of the Highlands and Islands Development (Scotland) Act 1965 ;
- (i) the New Towns Act 1965 ;
- (j) section 75(4) of the Countryside (Scotland) Act 1967 ;
- (k) the New Towns (Scotland) Act 1968 ;
- (l) section 73(5) of and Schedule 6 and paragraph 4 of Schedule 7 to the Town and Country Planning Act 1968 ; and
- (m) section 74(5) of and Schedule 5 and paragraph 4 of Schedule 7 to the Town and Country Planning (Scotland) Act 1969,

" the appropriate Minister " shall, in relation to the Authority, mean the Secretary of State.

7 In the following enactments, that is to say—

- (a) section 19 of the Town and Country Planning (Scotland) Act 1945 ;
- (b) section 32 of and Schedule 5 to the Town and Country Planning (Scotland) Act 1947 ;
- (c) section 103(3) and Part X of the Town and Country Planning Act 1962 ;
- (d) section 13 of the Pipe-lines Act 1962 ;
- (e) the New Towns Act 1965 ;
- (f) the New Towns (Scotland) Act 1968 ;
- (g) sections 70 and 71 of and Schedule 6 to the Town and Country Planning Act 1968 ; and
- (h) sections 71 and 72 of and Schedule 5 to the Town and Country Planning (Scotland) Act 1969,

" operational land " shall, in relation to the Authority, mean land of the Authority's of any such class as may be prescribed ; and—

- (i) the definition of a class of land for the purposes of regulations made in pursuance of this paragraph may be framed by reference to any circumstances whatsoever ; and
- (ii) without prejudice to section 63(4)(a) of this Act, regulations so made may prescribe different classes of land for the purposes of different enactments mentioned in the preceding provisions of this paragraph ; and
- (iii) if any question arises whether land of the Authority's falls within a class prescribed in pursuance of this paragraph, it shall be determined by the Secretary of State.

- 8 (1) Where an interest in land is held by the Authority, section 69. of the Town and Country Planning Act 1968 shall not apply for the purpose of determining whether the land is operational land in relation to the Authority for the purposes of the Town and Country Planning Act 1962.
- (2) Section 70(2) of the said Act of 1968 (which specifies the circumstances in which special provisions relating to planning applications and appeals by statutory undertakers are to apply to land which is not operational land of the undertakers) shall have effect in relation to the Authority as if for the reference to development involving the use of the land for the purpose of carrying on the Authority's

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undertaking there were substituted a reference to development involving the use of the land for such of the purposes of carrying on that undertaking as may be prescribed.

- (3) In paragraph 6 of Schedule 9 to the said Act of 1968 (construction of certain statutory references to the acquisition of land and to the land acquired), the reference in paragraph (a) to any enactment other than the principal Act and that Act and the reference in paragraph (b) to any statutory provision shall include a reference to section 14(2) of this Act.
- 9
- (1) Where an interest in land is held by the Authority, section 70. of the Town and Country Planning (Scotland) Act 1969 shall not apply for the purpose of determining whether the land is operational land in relation to the Authority for the purposes of the Town and Country Planning (Scotland) Act 1947.
 - (2) Section 71(2) of the said Act of 1969 (which specifies the circumstances in which special provisions relating to planning applications and appeals by statutory undertakers are to apply to land which is not operational land of the undertakers) shall have effect in relation to the Authority as if for the reference to development involving the use of the land for the purpose of carrying on the Authority's undertaking there were substituted a reference to development involving the use of the land for such of the purposes of carrying on that undertaking as may be prescribed.
 - (3) In paragraph 5 of Schedule 9 to the said Act of 1969 (construction of certain statutory references to the acquisition of land and to the land acquired), the reference in paragraph (a) to any enactment other than the said Act of 1947 and that Act and the reference in paragraph (b) to any statutory provision shall include a reference to section 14(2) of this Act.

SCHEDULE 6

Section 27(5).

ADDITIONAL PROVISIONS RELATING TO AIRWORTHINESS REQUIREMENTS BOARD

Tenure of members

- 1 (1) A person shall hold and vacate office as a member or the chairman in accordance with the terms of the instrument appointing him to that office.
- (2) A person may at any time resign his office as a member or the chairman by giving to the Authority a notice in writing signed by him and stating that he resigns that office.
- (3) If the Authority is satisfied that a member—
 - (a) has been absent from meetings of the board for a period longer than three consecutive months without the permission of the board ; or
 - (b) has become bankrupt or made an arrangement with his creditors ; or
 - (c) is incapacitated by physical or mental illness ; or
 - (d) is otherwise unable or unfit to discharge the functions of a member,the Authority may declare his office as a member to be vacant and shall notify the declaration in such manner as it thinks fit; and thereupon the office shall become vacant.
- (4) In the application of the preceding sub-paragraph to Scotland, for the references in paragraph (b) to a member's having become bankrupt and to a member's having made

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an arrangement with his creditors there shall be substituted respectively references to sequestration of a member's estate having been awarded and to a member's having made a trust deed for behoof of his creditors or a composition contract.

2 If the chairman ceases to be a member he shall also cease to be the chairman.

Procedure

3 The procedure of the board (including the quorum) shall be such as the board may determine.

Supplemental

4 It shall be the duty of the Authority—

- (a) to provide the board with such staff and other facilities as the Authority after consultation with the board considers appropriate for enabling the board to perform its functions ; and
- (b) to pay to any member such travelling and subsistence allowances as the Authority considers appropriate in connection with his functions as a member.

5 In this Schedule—

- " the board " means the Airworthiness Requirements Board;
- " the chairman " means the chairman of the board ; and
- " member " means member of the board.

SCHEDULE 7

Section 31(3).

BYELAWS

1 The byelaws shall be made under the common seal of the Authority.

2 At least one month before application for confirmation of the byelaws is made, notice of the intention to apply for confirmation shall be given by the Authority in one or more local newspapers circulating in the locality in which the aerodrome to which the byelaws relate is situated or, if the byelaws relate to more than one aerodrome, circulating respectively in the several localities in which those aerodromes are situated; and the notice shall specify a period of not less than one month during which representations on the byelaws may be made to the Secretary of State.

3 For at least one month before application for confirmation is made a copy of the byelaws shall be deposited at the offices of the Authority at each aerodrome to which the byelaws relate and shall at all reasonable hours be open to public inspection free of charge.

4 The Authority shall, on application made by any person before the byelaws are confirmed, furnish to him a copy of the byelaws or of any part of them on payment of such sum, not exceeding five new pence for every hundred words contained in the copy, as the Authority may determine.

5 The Secretary of State may confirm with or without modifications, or refuse to confirm, any byelaw submitted to him for confirmation, and may fix the date on

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which a byelaw confirmed by him is to come into operation ; and if no date is so fixed the byelaw shall come into operation at the expiration of one month beginning with the day on which it is confirmed.

- 6 A copy of the byelaws, when confirmed, shall be printed and deposited at the offices of the Authority at each aerodrome to which the byelaws relate and shall at all reasonable hours be open to public inspection free of charge ; and a copy of the byelaws shall on application be furnished to any person on payment of such sum, not exceeding ten new pence for every copy, as the Authority may determine.
- 7 The production of a printed copy of a byelaw purporting to be made by the Authority upon which is endorsed a certificate purporting to be signed by a person authorised in that behalf by the Authority stating—
- (a) that the byelaw was made by the Authority ;
 - (b) that the copy is a true copy of the byelaw ;
 - (c) that on a specified date the byelaw was confirmed by the Secretary of State ; and
 - (d) the date, if any, fixed by the Secretary of State for the coming into operation of the byelaw,
- shall be evidence, and in Scotland sufficient evidence, of the facts stated in the certificate, without proof of the handwriting or authorisation of the person by whom it purports to be signed.

SCHEDULE 8

Section 37(3).

ADDITIONAL PROVISIONS RELATING TO CONSTITUTION ETC OF BRITISH AIRWAYS BOARD

Appointment and tenure of members

- 1 It shall be the duty of the Secretary of State—
- (a) to satisfy himself, before he appoints a person to be a member, that that person will have no such financial or other interest as is likely to affect prejudicially the performance of his functions as a member ; and
 - (b) to satisfy himself from time to time with respect to each member that he has no such interest;
- and a person who is a member or whom the Secretary of State proposes to appoint as a member shall, whenever requested by the Secretary of State to do so, furnish the Secretary of State with such information as he may specify with a view to carrying out his duty under this paragraph.
- 2 Subject to the following provisions of this Schedule, a person shall hold and vacate office as a member or the chairman or a deputy chairman in accordance with the terms of the instrument appointing him to that office.
- 3 A person may at any time resign his office as a member or the chairman or a deputy chairman by giving to the Secretary of State a notice in writing signed by the person in question and stating that he resigns that office.
- 4 Where—
- (a) a member becomes or ceases to be the chairman or a deputy chairman ; or

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- (b) a member who is also chairman of one of the corporations ceases to be chairman of that corporation,
- the Secretary of State may, after consultation with the chairman of the Board in a case falling within sub-paragraph (b) of this paragraph, vary the terms of the instrument appointing the person in question to be a member so as to alter the date on which he is to vacate office as a member.
- 5 If the chairman or a deputy chairman ceases to be a member, he shall cease to be the chairman or a deputy chairman, as the case may be.
- 6 (1) If the Secretary of State is satisfied that a member—
- (a) has been absent from meetings of the Board for a period longer than three consecutive months without the permission of the Board ; or
- (b) has become bankrupt or made an arrangement with his creditors ; or
- (c) is incapacitated by physical or mental illness ; or
- (d) is otherwise unable or unfit to discharge the functions of a member,
- the Secretary of State may declare his office as a member to be vacant and shall notify the declaration in such manner as he thinks fit; and thereupon the office shall become vacant.
- (2) In the application of the preceding sub-paragraph to Scotland, for the references in paragraph (b) to a member's having become bankrupt and to a member's having made an arrangement with his creditors there shall be substituted respectively references to sequestration of a member's estate having been awarded and to a member's having made a trust deed for behoof of his creditors or a composition contract.
- Remuneration etc.*
- 7 It shall be the duty of the Board to secure that the aggregate of the remuneration of a particular member in respect of his office as such and in respect of all other offices held by him as a member or a director or an employee of a member of the group is at such rate as the Secretary of State may determine with the consent of the Minister for the Civil Service.
- 8 (1) The Board shall make such provision as may be determined by the Secretary of State with the approval of the said Minister for the payment of pensions, allowances or gratuities to or in respect of such members of the Board as may be so determined ; and any provision made in relation to a member in pursuance of this sub-paragraph shall be in addition to the provision, if any, made in relation to him by virtue of section 56 of this Act.
- (2) The Secretary of State shall as soon as possible after making a determination in pursuance of the preceding sub-paragraph lay before each House of Parliament a statement containing particulars of the determination.
- 9 Where a person ceases to be a member otherwise than on the expiry of his term of office and it appears to the Secretary of State that there are special circumstances which make it right for that person to receive compensation, the Secretary of State may with the approval of the said Minister direct the Board to make to that person a payment of such amount as the Secretary of State may determine with the approval of the said Minister.

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Proceedings

- 10 The quorum of the Board and the arrangements relating to meetings of the Board shall be such as the Board may determine.
- 11 (1) A member who is in any way directly or indirectly interested in a contract made or proposed to be made by the Board shall disclose the nature of his interest at a meeting of the Board ; and the disclosure shall be recorded in the minutes of the meeting and the member shall not take part in any deliberation or decision of the Board with respect to that contract.
- (2) A notice given by a member at a meeting of the Board to the effect that he is a member of a specified company or firm and is to be regarded as interested in any contract which is made after the date of the notice with the company or firm shall, for the purposes of the preceding sub-paragraph, be a sufficient disclosure of his interest in relation to any contract so made.
- (3) A member need not attend in person at a meeting of the Board in order to make a disclosure which he is required to make under this paragraph if he takes reasonable steps to secure that the disclosure is made by a notice which is taken into consideration and read at such a meeting.
- 12 The validity of any proceedings of the Board shall not be affected by any vacancy among the members or by any defect in the appointment of a member or by any failure to comply with the requirements of the preceding paragraph.

Instruments and contracts

- 13 The fixing of the common seal of the Board shall be authenticated by the signature of the secretary of the Board or some other person authorised by the Board to act for that purpose.
- 14 A document purporting to be duly executed under the seal of the Board shall be received in evidence and shall, unless the contrary is proved, be deemed to be so executed.

Interpretation

- 15 In this Schedule, except where the context otherwise requires, " the chairman ", " a deputy chairman " and " a member " mean respectively the chairman, a deputy chairman and a member of the Board and " gratuities " includes a refund of contributions to a pension fund with or without interest on or any other addition to the contributions.

SCHEDULE 9

Section 68(1).

TRANSITIONAL PROVISIONS

- 1 (1) Where a person enters the employment of the Authority on the appointed day and immediately before that day was occupied in employment to which this paragraph applies, then, for the purpose of ascertaining the length of the period of his employment for the purposes of sections 1 and 2 of the Contracts of Employment Act 1963, Schedule 1 to that Act shall have effect—

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- (a) as if, in a case where he was so occupied otherwise than under a contract of service, employment of his to which this paragraph applies in which he was occupied otherwise than as aforesaid before the appointed day had been employment within the meaning of the said Act of 1963, and, while he was occupied therein, he had been an employee within the meaning of that Act, but as if for paragraph 4 of that Schedule there were substituted the following paragraph:—
- “4 Any week during the whole or part of which the terms of his employment normally involve employment for twenty-one hours or more weekly shall count in computing a period of employment”; and
- (b) as if, in any case, subject to the following sub-paragraph, the period, ending immediately before the appointed day, of employment of his to which this paragraph applies counted as a period of employment with the Authority (if, apart from this provision, it would not so count) and his transfer to employment with the Authority did not break the continuity of the period of employment (if, apart from this provision, the transfer would do so).
- (2) Where, before the appointed day, a person's employment to which this paragraph applies was terminated and a payment made to him in respect of the termination in accordance with the Superannuation Act 1965 or any enactment repealed by that Act, or under such arrangements as are mentioned in section 41(3) of the Redundancy Payments Act 1965, then, whether or not he was re-employed in employment to which this paragraph applies immediately following that termination, Schedule 1 to the said Act of 1963 shall have effect as if the period of his employment before that termination in employment to which this paragraph applies did not count as a period of employment with the Authority.
- (3) In the application of paragraph 7 of Schedule 2 to the said Act of 1963 (calculation of rates of remuneration) to a person in whose case sub-paragraph (1) of this paragraph applies, references in that paragraph to a former employer and a period of employment with a former employer shall be construed in accordance with the preceding sub-paragraphs, and the reference in that paragraph to paragraph 10 of Schedule 1 to that Act shall include a reference to paragraph (b) of the said sub-paragraph (1).
- (4) Section 7 of the said Act of 1963 (power to vary number of weekly hours of employment necessary to qualify for rights) shall have effect as if the references to paragraph 4 of Schedule 1 to that Act included references to the paragraph substituted for that paragraph by sub-paragraph (1) of this paragraph and to the following sub-paragraph.
- (5) This paragraph applies to employment of a person in the civil service of the State in an established or unestablished capacity within the meaning of the Superannuation Act 1965, and to employment of a person therein in part-time service, where he gives personal service of at least twenty-one hours a week and the remuneration in respect thereof is defrayed entirely out of money provided by Parliament.
- 2 (1) For the purpose of computing, for the purposes of the Redundancy Payments Act 1965, a period of employment of a person in whose case sub-paragraph (1) of the preceding paragraph applies, any reference in that Act to Schedule 1 or 2 to the Contracts of Employment Act 1963 shall, in relation to employment of his to which the preceding paragraph applies, being employment before the appointed day, be

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construed as a reference to the said Schedule 1 or 2, as the case may be, as it has effect by virtue of the preceding paragraph.

- (2) Where a person enters the employment of the Authority on the appointed day and immediately before that day was occupied in employment to which the preceding paragraph applies, then, for the purposes of computing a period of employment for the purposes of Schedule 1 to the said Act of 1963 as applied by the said Act of 1965, a period in which he was occupied in employment to which the preceding paragraph applies shall, notwithstanding the provisions of section 16(4) of the said Act of 1965 (which excludes the application of section 1 of that Act to a person in respect of certain employment) be treated as if it had been a period in respect of which section 1 of that Act had applied.
- 3
 - (1) Where a person enters the employment of the Authority on the appointed day and immediately before that day was occupied in employment to which this paragraph applies, then, for the purpose of ascertaining the length of the period of his employment for the purposes of sections 1 and 2 of the Contracts of Employment and Redundancy Payments Act (Northern Ireland) 1965 (hereafter in this paragraph referred to as " the Act of 1965 "), Schedule 1 to that Act shall have effect—
 - (a) as if, in a case where he was so occupied otherwise than under a contract of service, employment of his to which this paragraph applies in which he was occupied otherwise than as aforesaid before the appointed day had been employment within the meaning of the Act of 1965, and, while he was occupied therein, he had been an employee within the meaning of that Act, but as if, for paragraph 4 of that Schedule, there were substituted the following paragraph:—

“4 Any week during the whole or a part of which the terms of his employment normally involve employment for twenty-one hours or more weekly shall count in computing a period of employment”; and
 - (b) as if, in any case, subject to the following sub-paragraph, the period, ending immediately before the appointed day, of employment of his to which this paragraph applies counted as a period of employment with the Authority (if, apart from this provision, it would not so count) and his transfer to employment with the Authority did not break the continuity of the period of employment (if, apart from this provision, the transfer would do so).
 - (2) Where, before the appointed day, a person's employment to which this paragraph applies was terminated and a payment made to him in respect of the termination in accordance with the Superannuation Act 1965 or any enactment repealed by that Act, or under such arrangements as are mentioned in section 41(3) of the Redundancy Payments Act 1965, then, whether or not he was re-employed in employment to which this paragraph applies immediately following that termination, Schedule 1 to the Act of 1965 shall have effect as if the period of his employment before that termination in employment to which this paragraph applies did not count as a period of employment with the Authority.
 - (3) In the application of paragraph 7 of Schedule 2 to the Act of 1965 (calculation of rates of remuneration) to a person in whose case sub-paragraph (1) of this paragraph applies, references in that paragraph to a former employer and a period of employment with a former employer shall be construed in accordance with the preceding sub-paragraphs, and the reference in that paragraph to paragraph 10 of

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Schedule 1 to that Act shall include a reference to paragraph (b) of the said sub-paragraph (1).

- (4) Section 7 of the Act of 1965 (power to vary number of weekly hours of employment necessary to qualify for rights) shall have effect as if the reference therein to paragraph 4 of Schedule 1 to that Act included a reference to the paragraph substituted for that paragraph by sub-paragraph (1) of this paragraph and to sub-paragraph (7) of this paragraph.
 - (5) For the purpose of computing, for the purposes of the Act of 1965, a period of employment of a person in whose case sub-paragraph (1) of this paragraph applies, any reference in that Act to Schedule 1 or 2 to that Act shall, in relation to employment of his to which this paragraph applies being employment before the appointed day, be construed as a reference to the said Schedule 1 or 2, as the case may be, as it has effect by virtue of sub-paragraphs (1) to (4) of this paragraph.
 - (6) Where a person enters the employment of the Authority on the appointed day and, immediately before that day, was occupied in employment to which this paragraph applies, then, for the purpose of computing a period of employment for the purposes of the said Schedule 1 as applied by Schedule 3 to the Act of 1965, a period in which he was occupied in employment to which this paragraph applies shall, notwithstanding the provisions of section 26(3) of the Act of 1965 (which excludes the application of section 11 of that Act to a person in respect of certain employment), be treated as if it had been a period in respect of which section 11 of that Act had applied.
 - (7) This paragraph applies to employment of a person in the civil service of the State in an established or unestablished capacity within the meaning of the Superannuation Act 1965, and to employment of a person therein in part-time service where he gives personal service of at least twenty-one hours a week and the remuneration in respect thereof is defrayed entirely out of money provided by Parliament.
- 4 (1) For the purposes of paragraph 10(2) of Schedule 1 to the Contracts of Employment Act 1963 and section 13(1) of the Redundancy Payments Act 1965 (which relate to changes of ownership of businesses), there shall be deemed to be transferred to the Authority on the appointed day the business of any body which by virtue of section 27(1) of this Act is to cease or has ceased to have functions conferred on it in pursuance of section 7 of the Civil Aviation Act 1949 ; and a body whose business is deemed for those purposes to be transferred by virtue of this paragraph shall on the appointed day be deemed for the purposes of the said section 13(1) to terminate in connection with the transfer its contracts of employment with persons employed by it immediately before the appointed day.
- (2) In the application of the preceding sub-paragraph to Northern Ireland, for the reference to the said Act of 1963 and the references to section 13(1) of the said Act of 1965 there shall be substituted respectively a reference to the Contracts of Employment and Redundancy Payments Act (Northern Ireland) 1965 and references to section 23(1) of the last-mentioned Act.
- 5 (1) If, in the case of a hereditament vested in the Authority by virtue of section 14(1) of this Act, there is, in compliance with section 37(1) of the General Rate Act 1967, entered in the valuation list immediately before the appointed day, as representing the rateable value of the hereditament, the value upon which is computed any contribution made by the Crown in lieu of rates, then there shall be ascribed in that

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- list to the hereditament under section 19 of that Act a net annual value equal to the value so entered.
- (2) Where alterations fall to be made in a valuation list in consequence of the preceding sub-paragraph, the valuation officer shall cause those alterations to be made in the list without any proposal under section 69 of the General Rate Act 1967, and section 87 of that Act (duty of rating authority to give effect to directions as to alteration of a valuation list) shall have effect in relation to this paragraph as it has effect in relation to any provision of that Act.
- (3) Expressions used in this paragraph and in the General Rate Act 1967 have the same meaning in this paragraph as in that Act.
- 6 (1) If, in the case of lands and heritages vested in the Authority by virtue of section 14(1) of this Act, there is entered in the valuation roll immediately before the appointed day, as representing the rateable value of the lands and heritages, the value upon which is computed any contribution made by the Crown in lieu of rates, then the rateable value of the lands and heritages on the appointed day shall be taken to be the value so entered in the valuation roll.
- (2) This paragraph extends to Scotland only.
- 7 (1) If, in the case of a hereditament vested in the Authority by virtue of section 14(1) of this Act, there is entered in the valuation lists immediately before the appointed day, as representing the net annual value of the hereditament, the amount upon which is computed any contribution made by the Crown in lieu of rates, then the net annual value of the hereditament on the appointed day shall be taken to be the amount so entered in the valuation lists.
- (2) A hereditament vested in the Authority by virtue of section 14(1) of this Act, which, immediately before the appointed day, was, under section 2 of the Valuation (Ireland) Act 1854, distinguished as exempt from rates shall, as from that day, be deemed not to be so distinguished.
- (3) The Commissioner of Valuation for Northern Ireland shall not, during the period beginning with the appointed day and ending with the 31st March next following, make any interim revision of the net annual value of any hereditament vested in the Authority by virtue of section 14(1) of this Act unless during that period the Authority ceases to occupy the hereditament or there is a change in the use of the hereditament by the Authority.
- (4) In this paragraph "interim revision" means a revision under section 13 of the Local Government (Finance) Act (Northern Ireland) 1936 or section 4 of the Valuation Acts Amendment Act (Northern Ireland) 1953.
- (5) This paragraph extends to Northern Ireland only.
- 8 In relation to an application for an operator's licence under Part V of the Transport Act 1968 which is made by the Authority before the appointed day and is accompanied by a certificate of the Secretary of State certifying that the vehicles proposed to be used under the licence are in use by him, that Act shall have effect as if section 63 (which relates to objections to the grant of licences) were omitted and in section 64(1) (which relates to decisions on applications for licences) for the words from "paragraphs (a) to (d)" onwards there were substituted the words paragraphs (a) and (d) of subsection (2) of this section are satisfied".

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- 9 In this Schedule " the appointed day " means such day as the Secretary of State may by order appoint; and different days may be appointed in pursuance of this paragraph for different provisions of this Schedule.

SCHEDULE 10

Section 69(1).

MINOR AND CONSEQUENTIAL AMENDMENTS OF ENACTMENTS

The Ministry of Supply Act 1939

- 1 In section 19 of the Ministry of Supply Act 1939, in paragraph (i) of the definition of " articles required for the public service ", after the word " Authority " there shall be inserted the words "the Civil Aviation Authority".

The Civil Aviation Act 1949

- 2 In section 55 of the Civil Aviation Act 1949 (which relates to the recording and registration of births and deaths), in subsection (1) for the word " him " where it first occurs there shall be substituted the words "the Civil Aviation Authority (hereafter in this section referred to as "the Authority ") " and for the word " him " in the second place where it occurs there shall be substituted the words "the Authority ; and for the words " in his Department" and " in the Department of the Minister " wherever they occur in that section there shall be substituted the words "by the Authority".
- 3 In paragraph 1(2) of Schedule 11 to that Act (which provides for the modification of section 143 of the Public Health Act 1936) for the words " persons in aircraft" there shall be substituted the words "persons and aircraft".

The Public Records Act 1958

- 4 In the second column of Part I of the Table at the end of paragraph 3 of Schedule 1 to the Public Records Act 1958 (which contains a list of bodies and establishments which are under government departments and whose administrative and departmental records are public records for the purposes of that Act) after the entry relating to the Air Registration Board there shall be inserted the following entries:—
- Airworthiness Requirements Board
Civil Aviation Authority.

The Civil Aviation (Licensing) Act 1960

- 5 In section 6(6) and (7) of the Civil Aviation (Licensing) Act 1960 (which relate to offences under that section and are applied by the following section) for the words " this section" there shall be substituted the words "the following section".

The Civil Aviation (Eurocontrol) Act 1962

- 6 (1) In section 4 of the Civil Aviation (Eurocontrol) Act 1962 (which relates to charges for air navigation services) for subsection (1) there shall be substituted the following subsections:—

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“(1) The Minister may by statutory instrument make regulations for requiring the payment to the Organisation or the Minister or the Civil Aviation Authority (hereafter in this section referred to as " the Authority") of charges, of such amounts and in such currencies as may be prescribed by the regulations, in respect of navigation services which, either in pursuance of international arrangements or otherwise, are provided for aircraft by the Organisation, the Minister, the Authority or any other person or by any persons jointly ; and regulations under this section may provide for charges payable by virtue of the regulations to be so payable elsewhere than in the United Kingdom and to be recoverable in the United Kingdom wherever they are payable (without prejudice to the recovery of them elsewhere) and may include such incidental and supplementary provisions as the Minister considers appropriate for the purposes of the regulations.

(1A) Any sum received by the Minister by virtue of regulations under this section shall be paid into the Consolidated Fund; and regulations under this section may contain provision for regulating the disposal by the Authority of sums received by it by virtue of the regulations.”

(2) In subsection (2) of that section after the words " the operators " there shall be inserted the words "or owners", after the words " the aircraft)" there shall be inserted the words "or upon those operators and owners" and after the words " those operators " there shall be inserted the words "or owners or operators and owners".

(3) In subsection (3) of that section, for the words " approved under the Convention " there shall be substituted the words

“which are either—

(i) approved under any international agreement to which the United Kingdom is a party, or

(ii) in the opinion of the Minister likely to be approved, before or within one month after the date when the regulations come into force, under any international agreement to which the United Kingdom is likely to be a party before or within one month after that date ;”

after the word " Minister " where it first occurs in paragraph (b) there shall be inserted the words "or the Authority" and after the word " circumstances " there shall be inserted the words ", may provide for the payment, with any charges or separately, of interest on the charges in respect of any period during which the charges were due but unpaid".

(4) In subsection (4) of that section, after the word " Minister " in paragraph (b) there shall be inserted the words "or of the Authority" and after the word "Minister" in paragraph (c) there shall be inserted the words "or to the Authority".

(5) Any regulations in force under that Act immediately before the date when the preceding sub-paragraphs come into force shall, in so far as the regulations were made by virtue of any provision of that Act which is amended by any of those sub-paragraphs, be deemed on and after that date to be made by virtue of that provision as so amended.

7 In section 7(3)(a) of that Act (which relates to the recovery of charges for air navigation services which are payable to the Minister) after the word " charges " there shall be inserted the words "or interest" and after the word " Minister " there shall be inserted the words "or the Organisation or the Civil Aviation Authority".

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- 8 In section 8(1) of that Act (which relates to interpretation), in the definition of "manager", for the words from " or holds" onwards there shall be substituted the words "it or holds a licence granted in respect of it by virtue of section 8 of the Civil Aviation Act 1949".

The Airports Authority Act 1965

- 9 In section 9(3) of the Airports Authority Act 1965 (under which a contravention of byelaws under that section may be punished by a fine of an amount not exceeding twenty-five pounds) for the words " twenty-five pounds " there shall be substituted the words "one hundred pounds".
- 10 In section 13(4) of that Act (which provides for the modification of section 143 of the Public Health Act 1936) for the words " persons in aircraft" there shall be substituted the words "persons and aircraft".
- 11 In section 15 of that Act (which provides for grants towards the cost of sound-proofing buildings)—
- (a) for the words " an aerodrome owned or managed by the Authority " in subsection (1) there shall be substituted the words "a designated aerodrome within the meaning of section 29 of the Civil Aviation Act 1971";
 - (b) for the words from " by measures " to " Act " in subsection (1) there shall be substituted the words "by virtue of that section";
 - (c) for the words " Authority to " in subsection (1) there shall be substituted the words "person for the time being managing the aerodrome (hereafter in this section referred to as" the relevant manager ") to " ;
 - (d) for the word " Authority " in each place where it occurs in subsections (3), (4) and (6) there shall be substituted the words "relevant manager";
 - (e) for the word " its " in subsection (3) there shall be substituted the words "the relevant manager's"; and
 - (f) after the word " section " in subsection (6) there shall be inserted the words "relating to an aerodrome".
- 12 (1) In subsection (1) of section 18 of that Act (which relates to planning decisions given in the interests of the British Airports Authority) after the words " been taken " there shall be inserted the words ", or in the case of compensation under the said section 118 or the said section 20 to an order under section 27 of the Act of 1962 or section 19 of the Act of 1947 which would not have been made,".
- (2) In subsection (4) of that section, after the word " taken " there shall be inserted the words "or as to whether an order under section 27 of the Act of 1962 or section 19 of the Act of 1947 would not have been made".

The Selective Employment Payments Act 1966

- 13 At the end of Part I of Schedule 1 to the Selective Employment Payments Act 1966 (which lists the bodies to which section 3 of that Act applies) there shall be inserted the following paragraphs:—
- “26 The Civil Aviation Authority.
- 27 The British Airways Board.”

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The Selective Employment Payments Act (Northern Ireland) 1966

- 14 In Schedule 1 to the Selective Employment Payments Act (Northern Ireland) 1966 (which lists bodies to which section 4 of that Act applies) there shall be inserted at the appropriate places in alphabetical order the words "The British Airways Board" and " The Civil Aviation Authority ".

The Industrial Development Act 1966

- 15 Schedule 2 to the Industrial Development Act 1966 (which specifies bodies not eligible for certain grants under Part I of that Act) shall have effect as if the Authority and the Board were included among the bodies there specified.

The Air Corporations Act 1967

- 16 In the Air Corporations Act 1967, except sections 23, 24, 28, 30(2) and 31(1) (which relate respectively to terms of employment, pensions, great national emergencies, pension schemes and statutory instruments), " the Board " shall mean the British Airways Board ; and accordingly in section 2(1) of that Act for the words from " as the" to "the Board")" there shall be substituted the words "as the British Airways Board" and in section 33(1) of that Act at the end of the definition of " the Board" there shall be inserted the words "in sections 23, 24, 28, 30(2) and 31(1) of this Act and means the British Airways Board in any other provision of this Act".
- 17 In section 2(3) of that Act (which provides that the supplementary provisions contained in Schedule 1 to that Act shall have effect) after the word " shall" there shall be inserted the words ", subject to the provisions of the Civil Aviation Act 1971 and in particular of section 38(1)(d) of that Act,".
- 18 (1) In section 3 of that Act (which relates to the functions of the corporations), in subsection (1) after the word " Act" there shall be inserted the words "and the Civil Aviation Act 1971".
- (2) In subsection (2) of that section after the word "Act" there shall be inserted the words "or the said Act of 1971".
- (3) In subsection (3) of that section for the words " under this subsection " there shall be substituted the words "by the Secretary of State by statutory instrument".
- (4) In subsection (4) of that section for the words from the beginning to "provided" there shall be substituted the words "Notwithstanding anything in the preceding provisions of this section, each of the corporations shall have power with, but only with, the consent of the Board" and at the end of that subsection there shall be inserted the words "and the Board shall not give its consent in pursuance of this subsection except with the general or special consent of the Secretary of State, so however that his consent shall not be required in respect of a loan to the Board or the other corporation".
- 19 (1) In section 7 of that Act (which relates to the borrowing powers of the corporations), in subsection (1) for the words " sections 16 and 22 of this Act" there shall be substituted the words "section 46 of the Civil Aviation Act 1971" and for the words from " as " to " discharging " there shall be substituted the words "in sterling or other currencies as the corporation may require for performing".
- (2) For subsection (2) of that section there shall be substituted the following subsections—

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- “(1A) The Board shall not give its consent in pursuance of the preceding subsection for any borrowing except either with the consent of the Secretary of State given with the approval of the Treasury or in accordance with a general authority issued to it by the Secretary of State with the said approval.
- (2) Each of the corporations may borrow from the Board such sums as the corporation may require for performing their functions.”
- (3) In subsection (3) of that section after the word "with" there shall be inserted the words "the consent of the Secretary of State given with" and for the words from "required" onwards there shall be substituted the words "required by the corporation for performing their functions".
- (4) Any sum borrowed in pursuance of any provision of the said section 7 and outstanding at the time when the preceding sub-paragraphs come into force shall after that time be deemed to be duly borrowed in pursuance of that provision of that section as modified by those sub-paragraphs.
- 20 In subsection (7) of section 24 of that Act (which provides for consultation in connection with the making in pursuance of that section of certain regulations relating to pensions) the words from "in respect of relevant" to the end of paragraph (b) shall be omitted and at the end of that subsection there shall be inserted the words "and with the British Airways Board".
- 21 (1) In section 25 of that Act (which relates to accounts and audit), in subsection (1) for the words from "approval" onwards there shall be substituted the words "consent of the Secretary of State given with the approval of the Treasury direct, showing the state of affairs and profit or loss of the corporation and its subsidiaries".
- (2) At the end of subsection (2) of that section there shall be added the words "with the consent of the Secretary of State given with the approval of the Treasury".
- (3) At the end of subsection (3) of that section there shall be added the words
- “with the approval of the Secretary of State, and a person shall not be qualified to be so appointed unless he is a member of one or more of the following bodies—
- the Institute of Chartered Accountants in England and Wales ;
the Institute of Chartered Accountants of Scotland ;
the Association of Certified Accountants ;
the Institute of Chartered Accountants in Ireland ;
any other body of accountants established in the United Kingdom and for the time being recognised for the purposes of section 161(1)(a) of the Companies Act 1948 by the Secretary of State,
- but a Scottish firm may be so appointed if each of the partners therein is qualified to be so appointed”.
- 22 (1) In section 28 of that Act (which relates to great national emergencies), in subsection (1) for the words "either of the corporations" there shall be substituted the words "the British Airways Board" and the words from "or of such persons" onwards shall be omitted.
- (2) In subsection (2) of that section for the words "a corporation" and "them" there shall be substituted the words "the British Airways Board" and "it" respectively and the words "or under the direction of" shall be omitted.

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- 23 In section 35(1) of that Act (which relate to the Channel Islands and the Isle of Man) the proviso shall cease to have effect.
- 24 (1) In Schedule 1 to that Act, in paragraph 7 (which relates to the remuneration of members of the corporations) after the word " thereof" there shall be inserted the words "(except a member who is also a member of the Board)" and for the words from " with " onwards there shall be substituted the word "determine".
- (2) In paragraph 8(1) of that Schedule (which relates to pensions for members) after the word " pensions " there shall be inserted the words ", allowances or gratuities" and for the words from " with the " onwards there shall be substituted the words "determine and any provision made in relation to a member in pursuance of this paragraph shall be in addition to the provision, if any, made in relation to him by virtue of section 24(6) of this Act.
- In this sub-paragraph " gratuities " includes a refund of contributions to a pension fund with or without interest on or any other addition to the contributions".
- (3) In paragraph 9 of that Schedule (which relates to the payment of compensation to members) for the words from " the Board may" onwards there shall be substituted the words "the Board may require the corporation to make to that person a payment of such amount as the Board may determine".

The Hovercraft Act 1968

- 25 The enactments and instruments with respect to which provision may be made by Order in Council in pursuance of section 1(1)(h) of the Hovercraft Act 1968 shall include this Act and any instrument made under it.

The Civil Aviation Act 1968

- 26 In section 5 of the Civil Aviation Act 1968 (under which a contravention of byelaws under that Act may be punished by a fine of an amount not exceeding twenty-five pounds) for the words " twenty-five pounds" there shall be inserted the words "one hundred pounds".
- 27 In section 15(2)(a) of that Act (which adapts provisions amended by paragraph 6(3) of this Schedule) for the words " under the Convention relating to that Organisation" there shall be substituted the words "or likely to be approved under any such agreement as is there mentioned" and for the words " and Convention " there shall be substituted the words "and any such agreement".

SCHEDULE 11

Section 69(2).

REPEALS

Chapter	Short title	Extent of repeal
12 & 13 Geo. 6. c. 67.	The Civil Aviation Act 1949.	Section 7. In section 8(6), in paragraph (b) the words from " other " onwards.

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Chapter	Short title	Extent of repeal
5 & 6 Eliz. 2. c. 20.	The House of Commons Disqualification Act 1957.	Section 14. In Part II of Schedule 1, and in the Part substituted for Part II by Schedule 3, the words "The Air Transport Licensing Board".
8 & 9 Eliz. 2. c. 38.	The Civil Aviation (Licensing) Act 1960.	The whole Act except sections 5(3) and (4), 6(6) and (7), 7, 10 and 12. In section 7(2) the words from " and subsections " onwards. In section 10 the definitions of all expressions except " the Minister " and " prescribed." Section 12(3).
10 & 11 Eliz. 2. c. 1.	The Tanganyika Independence Act 1961.	In Schedule 2, paragraph 12.
10 & 11 Eliz. 2. c. 8.	The Civil Aviation (Euro-control) Act 1962.	Section 8(3).
10 & 11 Eliz. 2. c. 40.	The Jamaica Independence Act 1962.	In Schedule 2, paragraph 12.
10 & 11 Eliz. 2. c. 54.	The Trinidad and Tobago Independence Act 1962.	In Schedule 2, paragraph 12.
10 & 11 Eliz. 2. c. 57.	The Uganda Independence Act 1962.	In Schedule 3, paragraph 12.
1963 c. 35.	The Malaysia Act 1963.	In Schedule 2, paragraph 2.
1963 c. 54.	The Kenya Independence Act 1963.	In Schedule 2, paragraph 12.
1963 c. 55.	The Zanzibar Act 1963.	In Schedule 1, paragraph 12.
1964 c. 46.	The Malawi Independence Act 1964.	In Schedule 2, paragraph 12.
1964 c. 65.	The Zambia Independence Act 1964.	In paragraph 12 of Schedule 1, subparagraph (b) and the word " and " at the end of subparagraph (a).
1964 c. 86.	The Malta Independence Act 1964.	In Schedule 2, paragraph 12.
1964 c. 93.	The Gambia Independence Act 1964.	In Schedule 2, paragraph 11.

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Chapter	Short title	Extent of repeal
1965 c. 16.	The Airports Authority Act 1965.	Section 14.
1966 c. 14.	The Guyana Independence Act 1966.	In Schedule 2, paragraph 11.
1966 c. 23.	The Botswana Independence Act 1966.	In paragraph 11 of the Schedule, sub-paragraph (b) and the word " and" at the end of sub-paragraph (a)
1966 c. 24.	The Lesotho Independence Act 1966.	In paragraph 12 of the Schedule the words from " and section " to " 1960 ".
1966 c. 37.	The Barbados Independence Act 1966.	In Schedule 2, paragraph 11.
1967 c. 13.	The Parliamentary Commissioner Act 1967.	In Schedule 2, paragraph 5 of the notes.
1967 c. 33.	The Air Corporations Act 1967.	In section 3, in subsection (1) the words from " and it " onwards, subsection (3) except the words from " Save " onwards, and subsection (5). Sections 4 and 5. In section 7(1) the words from "and the" to "Treasury" where it secondly occurs. Sections 8, 9 and 12 to 22. In section 24(7) the words from " in respect of relevant " to the end of paragraph (b). Sections 25(5), 26(2) and (3) and 27. In section 28, in subsection (1) the words from " or of such" onwards, and in subsection (2) the words " or under the direction of". In section 31(2) the words " other than section 19(2) " and the words from " or in " onwards. Section 32. In section 35(1), the proviso.

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Chapter	Short title	Extent of repeal
		In Schedule 1, paragraph 8(2).
		In Schedule 2, paragraph 2 and in paragraph 3 the words " 9 or ".
1968 c. 8.	The Mauritius Independence Act 1968.	In Schedule 2, paragraph 11.
1969 c. 43.	The Air Corporations Act 1969.	Sections 1(2) to (7), 2 and 3.
1971 c. 5.	The Air Corporations Act 1971.	The whole Act.
1971 c. 6.	The Civil Aviation (Declaratory Provisions) Act 1971.	The whole Act.