

Changes to legislation: There are currently no known outstanding effects for the Civil Aviation Act 1982, SCHEDULE 3. (See end of Document for details)

SCHEDULES

SCHEDULE 3

Section 22.

MATTERS ARISING OUT OF TRANSFER TO CAA OF AERODROMES AND OTHER PROPERTY, RIGHTS AND LIABILITIES AND STAFF

- 1 A certificate issued by the Secretary of State and stating that any property, rights or liabilities of the Crown or a government department were or were not transferred to the CAA by paragraph 1 of Schedule 2 to the ^{M1}Civil Aviation Act 1971 shall be conclusive evidence that the property, rights and liabilities in question were or were not so transferred.

Marginal Citations

M1 1971 c. 75.

- 2 (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 the said Schedule 2, continue to 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 [^{F1} a general employee] of the CAA.
- (2) Without prejudice to sub-paragraph (1) above, any agreement to which the Crown or a government department was 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 continue to have effect, so far as may be necessary for or in consequence of the transfers effected by that Schedule, as if the CAA had been a party to the agreement.
- (3) Without prejudice to sub-paragraph (1) above, where by the operation of that Schedule any right or liability has become a right or liability of the CAA, the CAA 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 CAA.

Textual Amendments

F1 Words in Sch. 3 para. 2(1) substituted (19.2.2013) by [Civil Aviation Act 2012 \(c. 19\)](#), ss. 97(5), 110(3) (c) (with Sch. 10 paras. 12, 17)

- 3 For the purposes of . . . ^{F2} Chapter II of Part XI of the ^{M2}Income and Corporation Taxes Act 1970 (which relates to companies' capital gains) the transfer by the said Schedule 2, of any assets shall be deemed to be a sale of those assets by the Secretary of State to the CAA 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; . . . ^{F2}

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Textual Amendments

F2 Words repealed by [Capital Allowances Act 1990 \(c. 1, SIF 63:1\)](#), s. 164, [Sch. 2](#)

Marginal Citations

M2 [1970 c. 10](#).

- 4 The Secretary of State shall, before making a determination or issuing a certificate under any of the preceding provisions of this Schedule, consult the CAA and shall after making the determination or issuing the certificate send a copy of it to the CAA.
- 5 (1) Where after any land was transferred to the CAA under the said Schedule 2, a government department or a person acting on behalf of the Crown retained possession of any document relating to the title to that land, the department or person shall be assumed to have given to the CAA an acknowledgment in writing of the right of the CAA to the production of that document and to delivery of copies of it; and as respects land in England and Wales section 64 of the ^{M3}Law of Property Act 1925 and as respects land in Northern Ireland section 9 of the ^{M4}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.
- (2) In the application of sub-paragraph (1) above to Scotland, for the words from “an acknowledgment” onwards there shall be substituted the words “an undertaking to produce those documents to the CAA (on a proper receipt and undertaking to re-deliver) for the purpose of enabling the CAA to maintain and defend its rights in respect of that part of the land which has vested in it”.

Marginal Citations

M3 [1925 c. 20](#).

M4 [1881 c. 41](#).

^{F3}6

Textual Amendments

F3 [Sch. 3 para. 6](#) repealed (22.8.1996) by [1996 c. 18, ss. 242, 243](#), [Sch. 3 Pt. I](#) (with ss. 191-195, 202)

- 7 (1) Where a person entered the employment of the CAA on 1st April 1972 and immediately before that date 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 ^{M5}Contracts of Employment and Redundancy Payments Act (Northern Ireland) 1965 (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 said 1st April 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

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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 sub-paragraph (2) below, the period, ending immediately before the said 1st April, of employment of his to which this paragraph applies counted as a period of employment with the CAA (if, apart from this provision, it would not so count) and his transfer to employment with the CAA did not break the continuity of the period of employment (if, apart from this provision, the transfer would have done so).
- (2) Where, before the said 1st April, 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 ^{M6}Superannuation Act 1965 or any enactment repealed by that Act or in accordance with a scheme made under section 1 of the ^{M7}Superannuation Act 1972, or under such arrangements as were mentioned (before it was repealed) in section 41(3) of the ^{M8}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 CAA.
- (3) In the application of this paragraph 8 of Schedule 2 to the ^{M9}Industrial Relations (Northern Ireland) Order 1976 (calculation of rates of remuneration) to a person in whose case sub-paragraph (1) above 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 Schedule 1 to the Act of 1965 shall be construed as a reference to that Schedule as it has effect by virtue of sub-paragraph (1) above.
- (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) above and to sub-paragraph (7) below.
- (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) above applies, any reference in that Act to Schedule 1 to that Act or to Schedule 2 to the ^{M10}Industrial Relations (Northern Ireland) Order 1976 shall, in relation to employment of his to which this paragraph applies being employment before the said 1st April, be construed as a reference to the said Schedule 1 or the said Schedule 2, as the case may be, as it has effect by virtue of sub-paragraphs (1) to (4) above.
- (6) Where a person entered the employment of the CAA on the said 1st April and, immediately before that date, 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

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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 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.

Marginal Citations

- M5** 1965 c. 19 (N.I.).
- M6** 1965 c. 74.
- M7** 1972 c. 11.
- M8** 1965 c. 62.
- M9** S.I. 1976/1043 (N.I. 16).
- M10** S.I. 1976/1043 (N.I. 16).

8 ^{F4}(1)

- (2) In the application of the preceding sub-paragraph to Northern Ireland, for the reference to the said paragraph 17(2) and the references to the said section 94(1) there shall be substituted respectively a reference to paragraph 10(2) of Schedule 1 to the ^{M11}Contracts of Employment and Redundancy Payments Act (Northern Ireland) 1965 and references to section 23(1) of that Act.

Textual Amendments

- F4** Sch. 3 para. 8(1) repealed (22.8.1996) by 1996 c. 18, ss. 242, 243, Sch. 3 Pt. I (with ss. 191-195, 202)

Marginal Citations

- M11** 1965 c. 19 (N.I.).

9 It is hereby declared that in this Schedule “property” includes land.

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