



# Civil Aviation Act 1982

## 1982 CHAPTER 16

### PART II

#### AERODROMES AND OTHER LAND

*Powers in relation to land exercisable in connection with civil aviation*

- 47 Warning of presence of obstructions near licensed [<sup>F1</sup> or authorised] aerodromes.**
- (1) Subject to the provisions of this section, if the Secretary of State is satisfied with respect to any building, structure or erection in the vicinity of a licensed [<sup>F2</sup> or authorised] aerodrome that, in order to avoid danger to aircraft flying in that vicinity in darkness or conditions of poor visibility, provision ought to be made (whether by lighting or otherwise) for giving to such aircraft warning of the presence of that building, structure or erection, he may by order authorise (subject to any conditions specified in the order) the proprietor of the aerodrome, and any person acting under the proprietor's instructions—
- (a) to execute, install, maintain, operate and, as occasion requires, to repair and alter, such works and apparatus as may be necessary for enabling such warning to be given in the manner specified in the order; and
  - (b) so far as may be necessary for exercising any of the powers conferred by the order to enter upon and pass over (with or without vehicles) any such land as may be specified in the order.
- (2) An order shall not be made under this section in relation to any building, structure or erection if it appears to the Secretary of State that there have been made, and are being carried out, satisfactory arrangements for the giving of such warning as aforesaid of the presence of the building, structure or erection.
- (3) The Secretary of State shall, before making an order under this section—
- (a) cause to be published, in such manner as he thinks best for informing persons concerned, notice of the proposal to make the order and of the place where copies of the draft order may be obtained free of charge; and

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(b) take into consideration any representations with respect to the order which may, within such period not being less than two months after the publication of the notice as may be specified therein, be made to him by any person appearing to him to have an interest in any land which would be affected by the order; and at the end of that period the order may, subject to the provisions of this section, be made with such modifications (if any) of the original draft as the Secretary of State thinks proper.

(4) Every order under this section shall provide—

(a) that, except in a case of emergency, no works shall be executed on any land in pursuance of the order, unless, at least fourteen days previously, the proprietor of the aerodrome to which the order relates has served in the manner specified in the order on the occupier of that land, and on every other person known by the proprietor to have an interest therein, a written notice containing such particulars of the nature of the proposed works, and the manner in which and the time at which it is proposed to execute them, as may be specified in or in accordance with the order; and

(b) that if, within fourteen days after service of the said notice on any person having such an interest, the proprietor of the aerodrome receives a written intimation of objection on the part of that person to the proposals contained in the notice, being an intimation which specifies the grounds of objection, then unless and except in so far as the objection is withdrawn, no steps shall be taken in pursuance of the notice without the specific sanction of the Secretary of State;

and shall also provide for requiring the proprietor of the aerodrome to which the order relates to pay to any person having an interest in any land affected by the order such compensation for any loss or damage which that person may suffer in consequence of the order as may, in default of agreement, be determined from time to time by a single arbitrator appointed by the Lord Chief Justice or, in Scotland, by a single arbiter appointed by the Lord President of the Court of Session.

(5) For the purposes of subsection (4) above, any expense reasonably incurred in connection with the lawful removal of any apparatus installed in pursuance of an order under this section, and so much of any expense incurred in connection with the repair, alteration, demolition or removal of any building, structure or erection to which such an order relates as is attributable to the operation of the order, shall be deemed to be loss or damage suffered in consequence of the order.

(6) The ownership of anything shall not be taken to be affected by reason only that it is placed in, or affixed to, any land in pursuance of an order under this section; and (subject to the provisions of subsection (8) below) so long as any such order in respect of an aerodrome is in force, no person shall, except with the consent of the proprietor of the aerodrome, wilfully interfere with any works or things which, to the knowledge of that person, are works or things executed or placed, in, on or over any land in pursuance of the order.

(7) If any person contravenes the provisions of subsection (6) above, he shall be liable, on summary conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding [<sup>F3</sup>level 4 on the standard scale] or to both; and every person who wilfully obstructs a person in the exercise of any of the powers conferred by an order under this section shall be liable, on summary conviction, to a fine not exceeding [<sup>F4</sup>level 3 on the standard scale].

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- (8) Nothing in this section shall operate, in relation to any building, structure or erection, so as to restrict the doing of any work for the purpose of repairing, altering, demolishing or removing the building, structure or erection if—
- (a) notice of the doing of that work is given as soon as may be to the proprietor of the aerodrome; and
  - (b) the giving of warning of the presence of the building, structure or erection in the manner provided by any order under this section in force in relation thereto is not interrupted.
- (9) The following provisions shall have effect, without prejudice to the general application of subsections (4) and (5) above, for the protection of statutory undertakers—
- (a) any order made under this section affecting any property held by such undertakers for the purposes of their undertaking shall be so framed as to avoid interference with the proper carrying on of the undertaking;
  - (b) no person shall, except in a case of emergency, enter, in pursuance of such an order, upon any land held by such undertakers for the purposes of their undertaking, unless he has given to the undertakers at least three clear days' notice of his intention so to do, and any person so entering on any such land shall comply with any reasonable directions given to him by or on behalf of the undertakers for preventing interference with the proper carrying on of the undertaking;
  - (c) if any such undertakers show that, by reason of the operation of such an order, they have been obliged to take special measures for the purpose of ensuring the safety of persons so entering on any such land or otherwise acting under the order in relation to any property of the undertakers, the amount of any expenses reasonably incurred by the undertakers in taking such measures shall be paid to them by the proprietor of the aerodrome to which the order relates, and any dispute as to whether any sum is payable under this paragraph, or as to the amount of any sum so payable, shall unless the parties otherwise agree, be referred for determination to a single arbitrator appointed by the Lord Chief Justice or, in Scotland, to a single arbiter appointed by the Lord President of the Court of Session.

(10) In this section—

[<sup>F5</sup>“authorised aerodrome” means any aerodrome for the time being authorised to operate by a certificate under the Aerodromes Regulation, but does not include any premises belonging to the Secretary of State;]

“licensed aerodrome” means any premises which, by virtue of an Air Navigation Order, are for the time being licensed as an aerodrome for public use, but does not include any premises belonging to the Secretary of State;

“proprietor of the aerodrome” means, in relation to any premises used or appropriated for use as an aerodrome, the person carrying on or entitled to carry on the business of an aerodrome in those premises;

and nothing in section 104(1) below shall affect the construction of [<sup>F6</sup>the references in the definitions of “authorised aerodrome” and “licensed aerodrome] to premises belonging to the Secretary of State.

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#### Textual Amendments

- F1** Words in s. 47 heading inserted (10.1.2015) by [The Air Navigation \(Amendment\) \(No. 4\) Order 2014 \(S.I. 2014/3302\)](#), art. 1(1), [Sch. para. 3\(6\)\(a\)](#)

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- F2** Words in s. 47(1) inserted (10.1.2015) by The Air Navigation (Amendment) (No. 4) Order 2014 (S.I. 2014/3302), art. 1(1), **Sch. para. 3(6)(b)**
- F3** Words substituted by virtue of (E.W.) Criminal Justice Act 1982 (c. 48, SIF 39:1), **ss. 38, 46** and (S.) Criminal Procedure (Scotland) Act 1975 (c.21, SIF 39:1), **ss. 289F, 289G** and (N.I.) by S.I. 1984/703 (N.I. 3), **arts. 5, 6**
- F4** Words substituted by virtue of (E.W.) Criminal Justice Act 1982 (c. 48, SIF 39:1), **s. 46** and (S.) Criminal Procedure (Scotland) Act 1975 (c.21, SIF 39:1), **s. 289G** and (N.I.) by S.I. 1984/703 (N.I. 3), **arts. 5, 6**
- F5** Words in s. 47(10) inserted (10.1.2015) by The Air Navigation (Amendment) (No. 4) Order 2014 (S.I. 2014/3302), art. 1(1), **Sch. para. 3(6)(c)(i)**
- F6** Words in s. 47(10) substituted (10.1.2015) by The Air Navigation (Amendment) (No. 4) Order 2014 (S.I. 2014/3302), art. 1(1), **Sch. para. 3(6)(c)(ii)**

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**Modifications etc. (not altering text)**

- C1** S. 47, 48 extended by Electricity Act 1989 (c. 29, SIF 44:1), s. 112(1), **Sch. 16 para. 2(2)(h)(9)**
- C2** S. 47 modified (1.4.1992) by S.I. 1992/231 (N.I. 1), art. 95(1), **Sch. 12 para. 3(a)**; S.R. 1992/117, **art. 3(1)**.
- C3** S. 47 extended (overseas territories) (with modifications) (26.5.2021) by The Civil Aviation Act 1982 (Overseas Territories) Order 2021 (S.I. 2021/477), arts. 1(1), 2, **Sch.**
- C4** S. 47(1)-(8) extended (Anguilla) (with modifications) (8.5.2019) by The Civil Aviation Act 1982 (Anguilla) Order 2019 (S.I. 2019/756), arts. 1, 2, **Sch.**
- C5** S. 47(10) extended (Anguilla) (with modifications) (8.5.2019) by The Civil Aviation Act 1982 (Anguilla) Order 2019 (S.I. 2019/756), arts. 1, 2, **Sch.**

**Changes to legislation:**

There are currently no known outstanding effects for the Civil Aviation Act 1982, Section 47.