



Civil Aviation Act 1982

1982 CHAPTER 16

PART II

AERODROMES AND OTHER LAND

Supplemental

51 Special provisions relating to statutory undertakers.

- (1) Subject to the provisions of this section, the compensation to be paid to a statutory undertaker—
- (a) in respect of the compulsory purchase in pursuance of this Part of this Act, otherwise than under section 30, of any land held by the undertaker for the purposes of the carrying on of his undertaking,
 - (b) in respect of the creation, by virtue of an order made under this Part of this Act, otherwise than under section 30 above, of any easement or servitude over any such land or of any other right in or in relation to any such land,
 - (c) in respect of any direction under section 46 above which affects any building, structure or apparatus held or used by him for the purposes of his undertaking, or which affects any of his rights to install or maintain apparatus for those purposes or which affects any right of way enjoyed by him for those purposes,
- shall, in default of agreement, be assessed by the [^{F1}appropriate tribunal]; but this subsection shall not apply to any compensation payable by virtue of section 42 above.
- (2) Subject to those provisions, the amount of any compensation payable as mentioned in subsection (1) above shall be an amount calculated in accordance with the following enactments, that is to say—
- (a) if the land is in England and Wales, [^{F2}section 280(2) to (5), (7) and (8) of the Town and Country Planning Act 1990]; and
 - (b) if the land is in Scotland, [^{F3}section 233(2) to (5), (7) and (8) of the Town and Country Planning (Scotland) Act 1997].

Changes to legislation: There are currently no known outstanding effects for the Civil Aviation Act 1982, Section 51. (See end of Document for details)

- (3) Subsection (4) below applies in relation to compensation payable as so mentioned in respect of a compulsory purchase.
- (4) If, before the expiration of two months from the date on which notice to treat is served in respect of the interest of the person by whom the statutory undertaking is carried on, that person gives notice in writing to the Secretary of State that he elects that as respects all or any of the land comprised in the purchase the compensation shall be ascertained in accordance with the enactments, other than Rule (5) of the Rules set out in section 5 of the ^{M1}Land Compensation Act 1961 and section 12(1) of the ^{M2}Land Compensation (Scotland) Act 1963, which would be applicable apart from subsection (2) above, the compensation shall be so ascertained.
- (5) [^{F4}Subsections (2) to (5), (7) and (8) of the said section 280 and] [^{F5}subsections (2) to (5), (7) and (8) of the said section 233] shall have effect for the purposes of this section with the following modifications, that is to say—
- (a) in subsection (2)(c) of the said [^{F6}section 280] the words “is under [^{F6}section 279(2) or (3)] of this Act and” and in subsection (2)(c) of the said [^{F7}section 233] the words “is under [^{F7}section 232(2) or (3)] of this Act and” shall be omitted;
 - (b) after subsection (2)(c) of each of the said sections there shall be inserted the following paragraph:—
 - “(d) in respect of the imposition of a requirement to demolish a building or structure either wholly or in part, any expense reasonably incurred by the person carrying on the undertaking in complying with the requirement, reduced by the value to that person of any materials derived from the demolished building or structure, or from the demolished part of the building or structure, as the case may be;”;
 - (c) in [^{F8}subsection (8) of the said section 280 and [^{F9}subsection (8) of the said section 233]] any reference to the imposition of a requirement shall include a reference to anything which may be done by virtue of an order made, otherwise than by virtue of section 42 above, under this Part of this Act.
- (6) The preceding provisions of this section as to the assessment of compensation shall not have effect—
- (a) in the case of the compulsory purchase of land, unless the Secretary of State has, upon a representation made to him before the expiration of the time within which objections may be made to the compulsory purchase order, certified that the land is in respect of its nature or situation of such a kind that it is comparable less with the generality of land than with land held for the purpose of the carrying on of statutory undertakings;
 - (b) in the case of the creation of any easement or servitude over land or any other right in or in relation to land, unless the Secretary of State has, upon a representation made to him before the expiration of the time within which objections may be made to the order providing for the creation of that easement, servitude or right, certified that the land in question is of such a kind as aforesaid; and
 - (c) in the case of any direction which affects a building or structure, unless the Secretary of State has, upon a representation made to him before the expiration of the time within which an application may be made to the court with respect to the direction in accordance with the provisions of Part II of Schedule 7 to this Act, certified that the building or structure is in respect of its nature or

Changes to legislation: There are currently no known outstanding effects for the Civil Aviation Act 1982, Section 51. (See end of Document for details)

situation comparable less with the generality of buildings or structures than with buildings or structures held for the purpose of the carrying on of statutory undertakings.

- (7) Schedule 10 to this Act (which broadly corresponds to ^[F10]sections 275 to 277 of the Town and Country Planning Act 1990] and ^[F11]sections 228 to 230 of the Town and Country Planning (Scotland) Act 1997]) shall have effect for the purpose of making any adjustments of the functions of statutory undertakers which may be necessary in consequence of the provisions of this Part of this Act; but in that Schedule references to an order made or proposed to be made in pursuance of this Part of the Act—
- (a) shall, in relation to an order for the compulsory purchase of land by the CAA^[F12] or a licence holder], have effect as references to an order confirmed or, as the case may be, proposed to be confirmed by the Secretary of State; but
- (b) shall be deemed not to include a reference to an order made or, as the case may be, proposed to be made in pursuance of section 30 above or under any enactment conferring a power exercisable by statutory instrument.

Textual Amendments

- F1** Words in s. 51(1) substituted (1.6.2009) by [The Transfer of Tribunal Functions \(Lands Tribunal and Miscellaneous Amendments\) Order 2009 \(S.I. 2009/1307\)](#), art. 1, [Sch. 1 para. 155](#) (with Sch. 5)
- F2** Words substituted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\)](#), s. 4, [Sch. 2 para. 55\(2\)\(a\)](#)
- F3** Words in s. 51(2)(b) substituted (27.5.1997) by 1997 c. 11, ss. 4, 6(2), [Sch. 2 para. 35\(2\)\(a\)](#)
- F4** Words substituted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\)](#), s. 4, [Sch. 2 para. 55\(2\)\(b\)\(i\)](#)
- F5** Words in s. 51(5) substituted (27.5.1997) by 1997 c. 11, ss. 4, 6(2), [Sch. 2 para. 35\(2\)\(b\)\(i\)](#)
- F6** Words substituted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\)](#), s. 4, [Sch. 2 para. 55\(2\)\(b\)\(ii\)](#)
- F7** Words in s. 51(5)(a) substituted (27.5.1997) by 1997 c. 11, ss. 4, 6(2), [Sch. 2 para. 35\(2\)\(b\)\(ii\)](#)
- F8** Words substituted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\)](#), s. 4, [Sch. 2 para. 55\(2\)\(b\)\(iii\)](#)
- F9** Words in s. 51(5)(c) substituted (27.5.1997) by 1997 c. 11, ss. 4, 6(2), [Sch. 2 para. 35\(2\)\(b\)\(iii\)](#)
- F10** Words substituted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\)](#), s. 4, [Sch. 2 para. 55\(2\)\(c\)](#)
- F11** The words “sections 222 and 224 of the Town and Country Planning (Scotland) Act 1972” in s. 51(7) substituted (27.5.1997) by 1997 c. 11, ss. 4, 6(2), [Sch. 2 para. 35\(2\)\(c\)](#)
- F12** Words in s. 51(7)(a) inserted (1.4.2001) by 2000 c. 38, s. 36, [Sch. 4 para. 9](#) (with s. 106); S.I. 2001/869, [art. 2](#)

Modifications etc. (not altering text)

- C1** Ss. 49, 51 extended by [Electricity Act 1989 \(c. 29, SIF 44:1\)](#), s. 112(1), [Sch. 16 para. 2\(2\)\(h\)\(9\)](#)

Marginal Citations

- M1** 1961 c. 33.
M2 1963 c. 51.

Changes to legislation:

There are currently no known outstanding effects for the Civil Aviation Act 1982, Section 51.