



Civil Aviation Act 1982

1982 CHAPTER 16

PART II

AERODROMES AND OTHER LAND

Supplemental

55 Registration of orders, etc. under Part II.

- (1) The following shall be local land charges in England and Wales:—
- (a) a right in or in relation to land granted or agreed to be granted on or after 25th October 1968 and enforceable by virtue of section 43 above;
 - (b) the following instruments when operative that is to say
 - (i) an order under section 44 above;
 - (ii) an order under section 45 above, other than an order for the imposition of prohibitions or restrictions on the use of water; and
 - (iii) an order under section 46(1) above or any direction given under such an order.
- (2) A grant or agreement made as respects land in Scotland shall not be enforceable by virtue of section 43 above against a third party who shall have in good faith and for value acquired a right (whether completed by infestment or not) to the land prior to the grant or agreement being registered [^{F1}in the Land Register of Scotland] or against any person deriving title from such third party.
- (3) In Scotland where any such instrument as is mentioned in subsection (1)(b) above becomes operative it shall be registered [^{F2}as a deed in the said Land Register, and on being so registered shall be enforceable against any person having or subsequently acquiring any estate or interest][^{F2}, and on being registered shall be enforceable against any person having or subsequently acquiring any right] in the land to which the order or direction relates.
- (4) [^{F3}References in—
- (a) subsection (2) above to registering a grant or agreement, or

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- (b) subsection (3) above to registering an instrument, are to registering it in the Land Register of Scotland or, as the case may be, to recording it in the Register of Sasines.]
- (5) A right in or in relation to land in Northern Ireland granted or agreed to be granted to the CAA^{F4} or a licence holder] shall not be enforceable by virtue of section 43 above against a purchaser for money or money’s worth of any estate or interest in the land to which the grant or agreement in question relates unless before the completion of the purchase the grant or agreement is registered in the Statutory Charges Register pursuant to Part X of the^{M1} Land Registration Act (Northern Ireland) 1970; and accordingly such a grant or agreement shall be included among the matters which are required to be registered in that Register.
- (6) Where any such instrument as is mentioned in subsection (1)(b) above adversely affects land in Northern Ireland, then—
- (a) if the land is registered land to which the Land Registration Act (Northern Ireland) 1970 applies, the instrument on the lodgment by the relevant authority of a copy thereof with the Registrar of Titles shall, notwithstanding anything in the said Act or rules made thereunder, be registered as a burden affecting the land and created after the first registration of the land, and may be so registered without the concurrence of the registered owner of the land or the production of the land certificate, without prejudice, however, to the power of the registering authority to order the production of the land certificate; and
- (b) if the land is not registered land to which that Act applies, the instrument shall, on lodgment by the relevant authority of a copy thereof with the Registrar of Deeds for Northern Ireland, be registered in the Registry of Deeds, Northern Ireland, as an instrument affecting the lands to which the instrument relates.
- (7) In subsection (6) above “the relevant authority” means—
- (a) in the case of an order under section 44 above—
- (i) if the order is made in favour of the Secretary of State or Eurocontrol, the Secretary of State;^{F5} . . .
- (ii) if the order is made in favour of the CAA, the CAA; and
- [^{F6}(iii) if the order is made in favour of a licence holder, the licence holder; and]
- (b) in the case of an order under section 45 above [^{F7}, the Secretary of State]
- (c) in the case of an order under section 46(1) above or of a direction given under such an order—
- (i) if the order is made in respect of the CAA, the CAA;
- [^{F8}(ia) if the order is made in respect of a licence holder, the licence holder;] and
- (ii) in any other case, the Secretary of State.

Textual Amendments

- F1** Words in s. 55(2) repealed (S.) (8.12.2014) by Land Registration etc. (Scotland) Act 2012 (asp 5), ss. 122, 123, **Sch. 5 para. 23(a)** (with s. 121, Sch. 4 paras. 13, 16); S.S.I. 2014/127, art. 2
- F2** Words in s. 55(3) substituted (S.) (8.12.2014) by Land Registration etc. (Scotland) Act 2012 (asp 5), ss. 122, 123, **Sch. 5 para. 23(b)** (with s. 121, Sch. 4 paras. 13, 16); S.S.I. 2014/127, art. 2
- F3** S. 55(4) substituted (8.12.2014) by Land Registration etc. (Scotland) Act 2012 (asp 5), ss. 122, 123, **Sch. 5 para. 23(c)** (with s. 121, Sch. 4 paras. 13, 16); S.S.I. 2014/127, art. 2

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- F4** Words in s. 55(5) inserted (1.4.2001) by 2000 c. 38, s. 36, **Sch. 4 para. 13(2)** (with s. 106); S.I. 2001/869, **art. 2**
- F5** Word in s. 55(7)(a)(i) repealed (1.4.2001) by 2000 c. 38, s. 274, **Sch. 31 Pt. I(4)**; S.I. 2001/869, **art. 2**
- F6** S. 55(7)(a)(iii) inserted (1.4.2001) by 2000 c. 38, s. 36, **Sch. 4 para. 13(3)** (with s. 106); S.I. 2001/869, **art. 2**
- F7** Words in s. 55(7)(b) substituted for s. 55(7)(b)(i)(ii) (10.11.2011) by The Airport Charges Regulations 2011 (S.I. 2011/2491), reg. 1(1), **Sch. 2 para. 1(8)**
- F8** S. 55(7)(c)(ia) inserted (1.4.2001) by 2000 c. 38, s. 36, **Sch. 4 para. 13(4)** (with s. 106); S.I. 2001/869, **art. 2**

Marginal Citations

- M1** 1970 c. 18 (N.I.).

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