



# Airports Act 1986

## 1986 CHAPTER 31

### PART V

#### STATUS OF CERTAIN AIRPORT OPERATORS AS STATUTORY UNDERTAKERS, ETC.

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

- C1** Pt. V applied (6.4.2013) by [Civil Aviation Act 2012 \(c. 19\)](#), s. 110(1), [Sch. 10 para. 10\(3\)](#) (with [Sch. 10 paras. 11, 12, 17](#)); S.I. 2013/589, art. 2(1)-(3)

##### <sup>F1</sup>57 Scope of Part 5

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##### Textual Amendments

- F1** S. 57A substituted for s. 57 (6.4.2013) by [Civil Aviation Act 2012 \(c. 19\)](#), s. 110(1), [Sch. 8 para. 2](#) (with [Sch. 10 paras. 10, 12, 17](#)); S.I. 2013/589, art. 2(1)-(3)

##### [<sup>F1</sup>57A] Scope of Part 5

- (1) In this Part “relevant airport operator” means the airport operator in the case of an airport to which this Part applies.
- (2) This Part applies to any airport in respect of which a certificate has been granted under this section (and has not been withdrawn).
- (3) The CAA must grant a certificate under this section in respect of an airport if, but only if—
  - (a) the airport operator applies for a certificate (and has not withdrawn the application),

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- (b) the airport operator pays the charge (if any) specified in a scheme or regulations made under section 11 of the 1982 Act, and
  - (c) the CAA considers that, at the time, the airport is an eligible airport.
- (4) An airport is an eligible airport if—
- (a) the annual turnover of the business carried on at the airport by the airport operator exceeded £1 million in at least two of the last three financial years ending before the application for the certificate is made, and
  - (b) the airport is not excluded by virtue of subsection (5).
- (5) The excluded airports are—
- (a) an airport owned by a principal council or jointly owned by two or more principal councils;
  - (b) an airport owned by an Integrated Transport Authority in England or jointly owned by such an Authority and one or more principal councils;
  - (c) an airport owned by a metropolitan county passenger transport authority in Scotland or jointly owned by such an authority and one or more principal councils.
- (6) The appropriate Minister may withdraw a certificate granted under this section in respect of an airport if the appropriate Minister considers that, at the time, the annual turnover of the business carried on at the airport by the airport operator in each of the last two financial years did not exceed the sum for the time being specified in subsection (4)(a).
- (7) Before withdrawing a certificate in respect of an airport, the appropriate Minister must consult—
- (a) the CAA, and
  - (b) the airport operator.
- (8) The withdrawal of a certificate does not affect any rights or liabilities accruing by virtue of this Part before it is withdrawn.
- (9) In this section—
- “annual turnover”, in relation to the business carried on at an airport by the airport operator, means the aggregate of all sums received in the course of the business during a financial year, as stated or otherwise shown in the accounts of the business, including grants from any public or local authority but excluding—
    - (a) capital receipts, and
    - (b) loans made by any person;
  - “the appropriate Minister” means—
    - (a) in relation to an airport in England or Wales, the Secretary of State, and
    - (b) in relation to an airport in Scotland, the Scottish Ministers;
  - “financial year” means a period of 12 months ending with 31 March;
  - “local authority” and “principal council” have the same meaning as in Part 2.
- (10) Where the person who is for the time being the airport operator in relation to an airport has not had its management for the whole or any part of a period relevant for the purposes of this section, references in this section to the business carried on at the airport by the airport operator include a reference to the business carried on there by

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any other person who was the airport operator in relation to the airport for the whole or any part of that period.

- (11) The Secretary of State may by order substitute a greater sum for the sum specified in subsection (4)(a).
- (12) An order under subsection (11) does not affect the validity of a certificate granted under this section before the order comes into force.]

#### Textual Amendments

- F1** S. 57A substituted for s. 57 (6.4.2013) by [Civil Aviation Act 2012 \(c. 19\)](#), s. 110(1), [Sch. 8 para. 2](#) (with [Sch. 10 paras. 10, 12, 17](#)); [S.I. 2013/589](#), art. 2(1)-(3)

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

- C2** [S. 57A](#): power to modify conferred (6.4.2013) by [Civil Aviation Act 2012 \(c. 19\)](#), s. 110(1), [Sch. 8 para. 5\(2\)](#) (with [Sch. 10 paras. 12, 17](#)); [S.I. 2013/589](#), art. 2(1)-(3)

## 58 Application of enactments relating to statutory undertakings.

Schedule 2 shall have effect with respect to the application of the enactments mentioned in that Schedule (which relate to statutory undertakers etc.) to airports to which this part applies and to relevant airport operators.

## 59 Acquisition of land and rights over land.

- (1) The Secretary of State may authorise any relevant airport operator to acquire land in Great Britain compulsorily for any purpose connected with the performance of the operator's functions as such; and the following enactments, namely—
- (a) if the land is in England and Wales, the Acquisition of Land Act 1981, except Part VI, and
  - (b) if the land is in Scotland, the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947, except section 3,
- shall apply in relation to the compulsory purchase of land by a relevant airport operator under this section; and, in the case of the latter Act, shall so apply as if the operator were a local authority and as if this subsection were contained in an Act in force immediately before the commencement of that Act.
- (2) For the purpose of the acquisition by a relevant airport operator of land in Great Britain by agreement the following provisions shall apply, namely—
- (a) if the land is in England and Wales, the provisions of Part I of the Compulsory Purchase Act 1965 (so far as applicable) except sections 4 to 8, 27 and 31, and
  - (b) if the land is in Scotland, the provisions of the Lands Clauses Acts (so far as applicable) except sections 120 to 125, 127, 142 and 143 of the Lands Clauses Consolidation (Scotland) Act 1845.
- (3) The provisions of the 1982 Act which are specified in subsection (4) below shall apply in relation to any relevant airport operator as they apply in Great Britain to the CAA and, in the case of Schedule 10 to the 1982 Act, as if the references to an order made or proposed to be made under Part II of that Act or to the making of such an order included an order for the compulsory purchase of land by a relevant airport operator

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which the Secretary of State has confirmed or proposes to confirm or (as the case may be) the confirmation of such an order.

- (4) The provisions of the 1982 Act mentioned in subsection (3) are—
- section 44 (power to obtain rights over land);
  - section 45 (power to restrict use of land for purpose of securing safety at airports);
  - section 46 (power to exercise control over land in interests of civil aviation);
  - section 48 (power to stop up and divert highways), except subsection (9);
  - section 50 (power of entry for purposes of survey);
  - section 52 (displacements from land); and
  - Schedules 7 to 10 (supplemental provisions and provisions relating to statutory undertakers).
- (5) The power of a relevant airport operator to acquire land compulsorily under this section may be exercised for the purpose of providing or improving any highway which is to be provided or improved in pursuance of an order under section 48 of the 1982 Act, as applied by this section, or for any other purpose for which land is required in connection with such an order.
- (6) The following enactments (which refer to consecrated land and burial grounds), namely—
- (a) [<sup>F2</sup>sections 238 to 240 of the Town and Country Planning Act 1990]; and
  - (b) [<sup>F3</sup>section 197 of the Town and Country Planning (Scotland) Act 1997],
- shall have effect in relation to any land acquired by a relevant airport operator as they have effect in relation to land acquired by statutory undertakers under [<sup>F2</sup>Part IX of that Act of 1990] or (as the case may be) under [<sup>F3</sup>Part VIII of that Act of 1997].

#### Textual Amendments

- F2** Words substituted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\), s. 4, Sch. 2 para. 73\(1\)](#)
- F3** Words in s. 59(6)(b) substituted (27.5.1997) by [1997 c. 11, ss. 4, 6\(2\), Sch. 2 para. 39\(1\)](#)

## 60 Disposal of compulsorily acquired land.

- (1) This section applies to the disposal of any land—
- (a) which was acquired compulsorily by a relevant airport operator or any predecessor in title of his under section 59(1) or any other enactment; and
  - (b) which, at the time of the disposal, forms part of an airport or is attached to an airport and administered with it as a single unit or has, at any time since the date of its acquisition, formed part of an airport or been so attached and administered.
- (2) A relevant airport operator shall not dispose of any land to which this section applies, or any interest or right in or over such land, within the period of 25 years beginning with the date of its acquisition as mentioned in subsection (1), unless—
- (a) the disposal is for the purposes of the provision of any of the services and facilities associated with the operation of an airport; or
  - (b) the disposal is of a leasehold interest in the land for a term of less than 7 years; or
  - (c) the Secretary of State consents to the disposal.

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- (3) Any consent of the Secretary of State under this section may be given subject to such conditions as he thinks fit.

## **61 Compensation in respect of planning decisions relating to safety of airports etc.**

- (1) In the case of an airport to which this Part applies, a local planning authority (“a planning authority”) shall be entitled to recover from the airport operator a sum equal to any compensation which the planning authority has become liable to pay, if—
- (a) it has become so liable under [<sup>F4</sup>section 107, 108, <sup>F5</sup> . . . 144(2) or 279(1) of the Town and Country Planning Act 1990 (“the 1990 Act”)] or under [<sup>F6</sup>section 76, 77, 95(2) or 232(1) of the Town and Country Planning (Scotland) Act 1997 (“the 1997 Act”)] (which relate to compensation for certain planning restrictions, for purchase notices which do not take effect and in respect of undertakers’ operational land); and
  - (b) the liability is attributable to a planning decision which would not have been taken, or (in the case of compensation under [<sup>F7</sup>section 107 of the 1990 Act or [<sup>F8</sup>section 76 of the 1997 Act]]) to an order under [<sup>F7</sup>section 97 of the 1990 Act] or [<sup>F8</sup>section 65 of the 1997 Act] which would not have been made, but for the need—
    - (i) to secure the safe and efficient operation of the airport, or
    - (ii) to prevent persons or buildings from being struck by aircraft using the airport, or
    - (iii) to secure the safe and efficient operation of apparatus owned by the airport operator and provided for the purpose of assisting air traffic control or as an aid to air navigation.
- (2) Where a sum equal to any compensation is payable or paid to a planning authority by an airport operator in pursuance of subsection (1), the planning authority shall pay the airport operator any amount received by the planning authority in respect of the compensation under [<sup>F9</sup>sections 111 and 112 of the 1990 Act] or [<sup>F10</sup>section 82 of the 1997 Act] (which relate to the recovery of compensation on subsequent development).
- (3) where a purchase notice is served under [<sup>F11</sup>section 137 of the 1990 Act] or [<sup>F12</sup>section 88 of the 1997 Act] in respect of a planning decision which would not have been taken but for such a need as is mentioned in subsection (1) in the case of any airport to which this Part applies, any local authority who are deemed under [<sup>F11</sup>section 139(3) or 143(1) of the 1990 Act] or [<sup>F12</sup>section 90(3) or 94(1) of the 1997 Act] to have served a notice to treat in respect of the interest to which the purchase notice relates may, by notice in writing given to the airport operator not later than one month from the time when the amount of compensation payable by the local authority for the interest is agreed or determined, require the airport operator to purchase the interest from the local authority for a sum equal to the amount of compensation so agreed or determined.
- (4) Where a notice in writing is given to an airport operator under subsection (3) he shall, subject to any agreement between him and the local authority, be deemed to have contracted with the local authority to purchase the interest at that price.
- (5) Any dispute as to whether a planning decision would not have been taken, or an order under [<sup>F13</sup>section 97 of the 1990 Act] or [<sup>F14</sup>section 65 of the 1997 Act] would not have been made, but for such a need as is mentioned in subsection (1) shall be referred to and determined by the Secretary of State.

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- (6) In the preceding provisions of this section “planning decision” means a decision made on an application under Part III of [<sup>F15</sup>the 1990 Act] or Part III of [<sup>F16</sup>the 1997 Act]; and references in those provisions to a local planning authority shall be construed—
- (a) in relation to England and Wales, as including references to any authority to whom functions of a local planning authority are delegated; and
  - (b) in relation to Scotland, as references to a planning authority.

#### Textual Amendments

- F4** Words substituted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\), s. 4, Sch. 2 para. 73\(2\)\(a\)\(i\)](#)
- F5** Word repealed (E.W.) (25.09.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 28:1,2, 123:1,2\), ss. 31\(4\), 84\(4\)\(6\), Sch. 6 para. 7, Sch. 19 Pt. II \(with s. 84\(5\)\); S.I. 1991/2067, art. 3.](#)
- F6** Words in s. 61(1)(a) substituted (27.5.1997) by [1997 c. 11, ss. 4, 6\(2\), Sch. 2 para. 39\(2\)\(a\)\(i\)](#)
- F7** Words substituted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\), s. 4, Sch. 2 para. 73\(2\)\(a\)\(ii\)](#)
- F8** Words in s. 61(1)(b) substituted (27.5.1997) by [1997 c. 11, ss. 4, 6\(2\), Sch. 2 para. 39\(2\)\(a\)\(ii\)](#)
- F9** Words substituted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\), s. 4, Sch. 2 para. 73\(2\)\(b\)](#)
- F10** Words in s. 61(2) substituted (27.5.1997) by [1997 C. 11, SS. 4, 6\(2\), Sch. 39 para. 39\(2\)\(b\)](#)
- F11** Words substituted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\), s. 4, Sch. 2 para. 73\(2\)\(c\)](#)
- F12** Words in s. 61(3) substituted (27.5.1997) by [1997 c. 11, ss. 4, 6\(2\), Sch. 39 para. 39\(2\)\(c\)](#)
- F13** Words substituted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\), s. 4, Sch. 2 para. 73\(2\)\(d\)](#)
- F14** Words in s. 61(5) substituted (27.5.1997) by [1997 c. 11, ss. 4, 6\(2\), Sch. 2 para. 39\(2\)\(d\)](#)
- F15** Words substituted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\), s. 4, Sch. 2 para. 73\(2\)\(e\)](#)
- F16** Words in s. 61(6) substituted (27.5.1997) by [1997 c. 11, ss. 4, 6\(1\), Sch. 2 para. 39\(2\)\(e\)](#)

## 62 Provisions as to [<sup>F17</sup>electronic communications apparatus].

- (1) [<sup>F18</sup>Part 10 of Schedule 3A of the Communications Act 2003 (the electronic communications code)] (undertakers’ works) shall apply for the purposes—
- (a) of any work in pursuance of an order or direction under section 44 or 46 of the 1982 Act, as applied by section 59 above, and
  - (b) of anything done with respect to a highway in pursuance of an order under section 48 of the 1982 Act (as so applied) to which subsection (2) below applies.

to the person doing that work or, as the case may be, the highway authority; and, in the case of any such order as is mentioned in paragraph (b), any person entitled to land over which the highway passes shall be entitled to require the alteration of the [<sup>F17</sup>electronic communications apparatus] in question.

- (2) This subsection applies to an order under section 48 of the 1982 Act where the order provides—
- (a) for the stopping up or diversion of the highway, or
  - <sup>F19</sup>[(b) for the improvement of the highway where the Secretary of State is not the highway authority,]

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and immediately before the order comes into operation any [<sup>F17</sup>electronic communications apparatus] is kept installed for the purposes of [<sup>F20</sup>an electronic communications code network] under, in, on, over, along or across the highway.

- (3) Subject to the preceding provisions of this section, the operator of [<sup>F20</sup>an electronic communications code network] shall, in a case falling within subsection (2)(a), have the same rights in respect of any apparatus kept installed for the purposes of [<sup>F21</sup>that network] as if the order had not come into operation.
- (4) [<sup>F22</sup>Part 10] of [<sup>F23</sup>the electronic communications code] shall not apply by virtue of subsection (2)(b) in relation to the alteration of any [<sup>F17</sup>electronic communications apparatus] where the alteration is for the purpose of [<sup>F24</sup>major highway works, major bridge works or major transport works within the meaning of Part III of the New Roads and Street Works Act 1991 or, in Scotland, major works for roads purposes, major bridge works or major transport works within the meaning of Part IV of that Act].
- (5) [<sup>F25</sup>Paragraph 68] (offence) shall be deemed to be omitted for the purposes of the application by this section of [<sup>F26</sup>Part 10 of the code] to the Secretary of State.
- (6) Paragraph [<sup>F27</sup>108(2)] of [<sup>F23</sup>the electronic communications code] (alteration of apparatus to include moving, removal or replacement of apparatus) shall apply for the purposes of the preceding provisions of this section as it applies for the purposes of the code.
- (7) [<sup>F28</sup>Part 6 of the electronic communications code (rights to require removal of apparatus)] shall apply in relation to any entitlement conferred by this section to require the alteration, moving or replacement of any [<sup>F17</sup>electronic communications apparatus] as it applies in relation to an entitlement to require the removal of any such apparatus.
- <sup>F29</sup>(8) .....
- (9) In the application of this section to Scotland, the reference to the highway authority shall be read as a reference to the roads authority as defined by section 151(1) of the Roads (Scotland) Act 1984, and any reference to a highway shall be read as a reference to a road as defined in that provision.

#### Textual Amendments

- F17** Words in s. 62 substituted (25.7.2003 for specified purposes, 29.12.2003 in so far as not already in force) by [Communications Act 2003 \(c. 21\), s. 411\(2\), Sch. 17 para. 80\(b\)](#) (with [Sch. 18](#)); [S.I. 2003/1900, arts. 1\(2\), 2\(1\), Sch. 1](#) (with art. 3) (as amended by [S.I. 2003/3142, art. 1\(3\)](#)); [S.I. 2003/3142, art. 3\(2\)](#) (with art. 11)
- F18** Words in s. 62(1) substituted (28.12.2017) by [Digital Economy Act 2017 \(c. 30\), s. 118\(6\), Sch. 3 para. 25\(2\)](#); [S.I. 2017/1286, reg. 2\(d\)](#)
- F19** S. 62(2)(b) substituted (1.11.1991) by [New Roads and Street Works Act 1991 \(c. 22, SIF 59, 108\), ss. 168\(1\), 170\(1\), Sch. 8 para. 118\(2\)](#); [S.I. 1991/2288, art. 3, Sch.](#)
- F20** Words in s. 62 substituted (25.7.2003 for specified purposes, 29.12.2003 in so far as not already in force) by [Communications Act 2003 \(c. 21\), s. 411\(2\), Sch. 17 para. 80\(c\)](#) (with [Sch. 18](#)); [S.I. 2003/1900, arts. 1\(2\), 2\(1\), Sch. 1](#) (with art. 3) (as amended by [S.I. 2003/3142, art. 1\(3\)](#)); [S.I. 2003/3142, art. 3\(2\)](#) (with art. 11)
- F21** Words in s. 62(3) substituted (25.7.2003 for specified purposes, 29.12.2003 in so far as not already in force) by [Communications Act 2003 \(c. 21\), s. 411\(2\), Sch. 17 para. 80\(d\)](#) (with [Sch. 18](#)); [S.I. 2003/1900, arts. 1\(2\), 2\(1\), Sch. 1](#) (with art. 3) (as amended by [S.I. 2003/3142, art. 1\(3\)](#)); [S.I. 2003/3142, art. 3\(2\)](#) (with art. 11)

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- F22** Words in s. 62(4) substituted (28.12.2017) by Digital Economy Act 2017 (c. 30), s. 118(6), **Sch. 3 para. 25(3)**; S.I. 2017/1286, reg. 2(d)
- F23** Words in s. 62 substituted (25.7.2003 for specified purposes, 29.12.2003 in so far as not already in force) by Communications Act 2003 (c. 21), s. 411(2), **Sch. 17 para. 80(a)** (with Sch. 18); S.I. 2003/1900, arts. 1(2), 2(1), Sch. 1 (with art. 3) (as amended by S.I. 2003/3142, art. 1(3)); S.I. 2003/3142, art. 3(2) (with art. 11)
- F24** Words in s. 62(4) substituted (1.1.1993) by New Roads and Street Works Act 1991 (c. 22, SIF 59, 108), s. 168(1), **Sch. 8 para. 118(3)**; (E.W.) S.I. 1992/2984, art. 2(2), **Sch.2** and (S.) S.I. 1992/2990, art. 2(2), **Sch.2**.
- F25** Words in s. 62(5) substituted (28.12.2017) by Digital Economy Act 2017 (c. 30), s. 118(6), **Sch. 3 para. 25(4)(a)**; S.I. 2017/1286, reg. 2(d)
- F26** Words in s. 62(5) substituted (28.12.2017) by Digital Economy Act 2017 (c. 30), s. 118(6), **Sch. 3 para. 25(4)(b)**; S.I. 2017/1286, reg. 2(d)
- F27** Word in s. 62(6) substituted (28.12.2017 immediately after Digital Economy Act 2017 (c. 30), Sch. 3 comes into force) by The Communications Act 2003 and the Digital Economy Act 2017 (Consequential Amendments to Primary Legislation) Regulations 2017 (S.I. 2017/1285), reg. 1(1)(2), **Sch. 1 para. 5(2)**
- F28** Words in s. 62(7) substituted (28.12.2017) by Digital Economy Act 2017 (c. 30), s. 118(6), **Sch. 3 para. 25(6)**; S.I. 2017/1286, reg. 2(d)
- F29** S. 62(8) repealed (25.7.2003 for specified purposes, 29.12.2003 in so far as not already in force) by Communications Act 2003 (c. 21), s. 411(2), **Sch. 19(1)** Note 1 (with Sch. 18); S.I. 2003/1900, arts. 1(2), 2(1), Sch. 1 (with art. 3) (as amended by S.I. 2003/3142, art. 1(3)); S.I. 2003/3142, art. 3(2) (with art. 11)



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**Changes and effects yet to be applied to :**

- s. 57-62 (Pt. 5) (defn. of "relevant airport operator") applied by [1997 c. 8 s. 214\(1\)\(2\)](#)
- s. 57-62 (Pt. 5) (defn. of "relevant airport operator") applied by [1997 c. 8 s. 217\(1\)\(a\)](#)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

- Act saved (6.5.1999) by [1998 c. 46 s. 30 Sch. 5 Pt. 2 s. E4\(f\)](#)
- Act textual by [S.I. 2001/2237 art. 2](#)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 12(1) (defn. of "principal council") para. (aa) added (prosp.) by [1994 c. 19 s. 66\(6\)Sch. 16 para. 77](#)
- s. 12(1) (defns. "local authority""principal council") para. (b) amended (S) by [1994 c. 39 Sch. 13 para. 147](#)
- s. 12(1) (defn. of "principal council") para. (a) repealed in part (prosp.) by [1994 c. 19 s. 66\(6\)\(8\)Sch. 16 para. 77Sch. 18](#)