



Airports Act 1986

1986 CHAPTER 31

PART V

STATUS OF CERTAIN AIRPORT OPERATORS AS STATUTORY UNDERTAKERS, ETC.

57 **Scope of Part V**

- (1) Subject to subsection (3), this Part applies to—
 - (a) any airport in respect of which a permission to levy airport charges is in force under Part IV, or in respect of which there subsists a pending application for such a permission made in accordance with section 38, other than an airport excluded by virtue of subsection (2); and
 - (b) any airport which is owned or managed by any subsidiary of the CAA.
- (2) The airports excluded by virtue of this subsection are—
 - (a) any airport owned by the BAA, and
 - (b) any airport owned by a principal council (within the meaning of Part II of this Act) or by a metropolitan county passenger transport authority or jointly owned by two or more principal councils or by such an authority and one or more such councils.
- (3) During the period beginning with the coming into force of this section and ending with the coming into force of section 37 this Part applies to—
 - (a) any airport which is managed by a company to which any property, rights or liabilities have been transferred in pursuance of a scheme made under section 1 or 15 ; and
 - (b) any such airport as is mentioned in subsection (1)(b) above.
- (4) In this Part " relevant airport operator " means the airport operator in the case of an airport to which this Part applies.

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 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) section 128 of the Town and Country Planning Act 1971; and
- (b) section 118 of the Town and Country Planning (Scotland) Act 1972,

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 Part VI of that Act of 1971 or (as the case may be) under Part VI of that Act of 1972.

60 Disposal of compulsorily acquired land, 61. Compensation in respect of planning decisions relating to safety of airports etc.

(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.

(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 section 164, 165, 169, 187(2), or 237(1) of the Town and Country Planning Act 1971 ("the 1971 Act") or under section 153, 154, 158, 176(2) or 226(1) of the Town and Country Planning (Scotland) Act 1972 ("the 1972 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 section 164 of the 1971 Act or section 153 of the 1972 Act) to an order under section 45 of the 1971 Act or section 42 of the 1972 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

Status: This is the original version (as it was originally enacted).

- (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 section 168 of the 1971 Act or section 157 of the 1972 Act (which relate to the recovery of compensation on subsequent development).
- (3) Where a purchase notice is served under section 180 of the 1971 Act or section 169 of the 1972 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 section 181(2) or 186(1) of the 1971 Act or section 170(2) or 175(1) of the 1972 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 section 45 of the 1971 Act or section 42 of the 1972 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.
- (6) In the preceding provisions of this section "planning decision" means a decision made on an application under Part III of the 1971 Act or Part III of the 1972 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.

62 Provisions as to telecommunication apparatus

- (1) Paragraph 23 of the telecommunications 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 telecommunications 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
 - (b) unless the highway is a trunk road, for the improvement of the highway,
- and immediately before the order comes into operation any telecommunication apparatus is kept installed for the purposes of a telecommunications code system under, in, on, over, along or across the highway.
- (3) Subject to the preceding provisions of this section, the operator of a telecommunications code system shall, in a case falling within subsection (2)(a), have the same rights in respect of any apparatus kept installed for the purposes of that system as if the order had not come into operation.
 - (4) Paragraph 23 of the telecommunications code shall not apply by virtue of subsection (2)(b) in relation to the alteration of any telecommunication apparatus where the alteration is for the purpose of authority's works as defined in Part II of the Public Utilities Street Works Act 1950.
 - (5) Sub-paragraph (8) of paragraph 23 (offence) shall be deemed to be omitted for the purposes of the application by this section of that paragraph to the Secretary of State.
 - (6) Paragraph 1(2) of the telecommunications 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) Paragraph 21 of the telecommunications code (restriction on removal of apparatus) shall apply in relation to any entitlement conferred by this section to require the alteration, moving or replacement of any telecommunication apparatus as it applies in relation to an entitlement to require the removal of any such apparatus.
 - (8) In this section " the telecommunications code " and other expressions defined by paragraph 1(1) of Schedule 4 to the Telecommunications Act 1984 shall be construed in accordance with that provision.
 - (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.