



# Civil Aviation Act 1982

## 1982 CHAPTER 16

### PART II

#### AERODROMES AND OTHER LAND

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

**46 Power to exercise control over land in interests of civil aviation.**

- (1) The Secretary of State may, if he is satisfied that it is necessary to do so in order to secure the safe and efficient use for civil aviation purposes (including the testing of aircraft designed for civil aviation) of any land, structures, works or apparatus vested in a relevant authority or which such an authority proposes to acquire or install, by order declare that any area of land specified in the order shall be subject to control by directions given in accordance with the provisions of this section; and in this Part of this Act that authority, in relation to the making of such an order, is referred to as the person in respect of whom the order is or, as the case may be, is to be made.
- (2) Where an order under subsection (1) above is in force, the Secretary of State may, in pursuance of any general or special authority given by the order, give directions—
  - (a) for requiring the total or partial demolition of any building or structure within the area to which the order relates;
  - (b) for restricting the height of trees upon any land within the area, or for requiring any tree upon any such land to be cut down or reduced in height;
  - (c) for extinguishing any private right of way over land within the area;
  - (d) for restricting the installation of cables, mains, [<sup>F1</sup>sewers,] pipes, wires or other apparatus upon, across, under or over any land within the area;
  - (e) for extinguishing, at the expiration of such period as may be determined by the directions, any subsisting right of installing or maintaining any such apparatus as aforesaid upon, across, under or over any land within the area;
  - (f) for requiring that, before the expiration of such period as may be determined by the directions, any such apparatus shall be removed from any land within the area.

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*Changes to legislation: There are currently no known outstanding effects for the Civil Aviation Act 1982, Section 46. (See end of Document for details)*

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- (3) An order under subsection (1) above may contain such consequential, incidental and supplemental provisions, as appear to the Secretary of State to be necessary or expedient for the purposes of the order, including, in particular, provisions for empowering any person authorised for the purpose by the Secretary of State, to remove, pull down, cut down, or alter so as to bring into conformity with the requirements of any directions given under the order, any building, structure, tree or apparatus which contravenes those requirements.
- (4) An order under subsection (1) above, other than an order relating to land in Northern Ireland, shall be subject to special parliamentary procedure.
- (5) Before making any order under this section, the Secretary of State shall consult every local authority within the area of which the whole or any part of the area of land to which the proposed order will relate is situated.
- (6) Notwithstanding anything in section 2(1) of the <sup>M1</sup>Statutory Orders (Special Procedure) Act 1945, the duty of the Secretary of State to comply with the requirements of subsection (5) above in relation to England and Wales shall not excuse him from the duty of complying with the requirements of Schedule 1 to that Act.
- (7) Subject to the special provisions of this Part of this Act relating to statutory undertakers, Schedule 9 to this Act shall have effect with respect to directions given under an order made under this section.
- (8) The powers of the Secretary of State under this section shall not prejudice his power to acquire land for the purpose of securing the observance of any requirement or restriction which might have been imposed in relation to the land under this section.
- (9) The Secretary of State may, after consultation with any local authority which appears to him to be concerned, by order repeal or amend any enactment in a local Act which appears to him to be unnecessary having regard to, or to be inconsistent with, the provisions of this Part of this Act relating to orders made or to be made under subsection (1) above in respect of a relevant authority falling with paragraph (d) of subsection (10) below.
- (10) The following are relevant authorities for the purposes of this section, that is to say—
- (a) the Secretary of State;
  - (b) Eurocontrol;
  - (c) the CAA;<sup>F2</sup> . . .
  - (d) the licensee of any aerodrome licensed under an Air Navigation Order;
  - <sup>F3</sup>(da) a person who holds a certificate under the Aerodromes Regulation authorising the operation of an aerodrome;]
  - <sup>F4</sup>and
  - (e) a licence holder (within the meaning of section 105(1) below);]
- and in this section and in Schedule 9 to this Act, references to land, structures, works or apparatus vested in or proposed to be acquired or installed by a relevant authority shall include references to land, structures, works or apparatus occupied or, as the case may be, proposed to be occupied by Eurocontrol.

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#### Textual Amendments

- F1** Word inserted by [Water Act 1989 \(c. 15, SIF 130\)](#), [ss. 58\(7\), 101\(1\)](#). 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 25 para. 67(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58

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- F2** Word in s. 46(10)(c) repealed (1.4.2001) by 2000 c. 38, s. 274, **Sch. 31 Pt. I(4)**; S.I. 2001/869, **art. 2**
- F3** S. 46(10)(da) inserted (10.1.2015) by The Air Navigation (Amendment) (No. 4) Order 2014 (S.I. 2014/3302), art. 1(1), **Sch. para. 3(5)**
- F4** S. 46(10)(e) and the preceding word “and” inserted (1.4.2001) by 2000 c. 38, s. 36, **Sch. 4 para. 5** (with s. 106); S.I. 2001/869, **art. 2**

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

- C1** Ss. 44–46 extended with modifications by Airports Act 1986 (c. 31, SIF 9), **s. 59(3)(4)**

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**Marginal Citations**

- M1** 1945 c. 18. (9 & 10 Geo. 6).

**Changes to legislation:**

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