

---

*Status: Point in time view as at 01/01/2006.*

*Changes to legislation: The Airports (Northern Ireland) Order 1994 is up to date with all changes known to be in force on or before 19 October 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

---

---

## STATUTORY INSTRUMENTS

---

# 1994 No. 426 (N.I. 1)

## The Airports (Northern Ireland) Order 1994 <sup>F1</sup>

- - - - 24th February 1994

### THE AIRPORTS (NORTHERN IRELAND) ORDER 1994

#### PART I

#### INTRODUCTORY

1. Title and commencement
2. Interpretation

#### PART II

#### POWERS IN RELATION TO LAND EXERCISABLE IN CONNECTION WITH AIRPORTS

##### *Compulsory acquisition*

3. Power to acquire land compulsorily
4. Power of entry in connection with compulsory acquisition of land
5. Disposal of compulsorily acquired land
6. Protection of land from compulsory acquisition

##### *Other powers*

7. Power to obtain rights over land
8. Power to exercise control over land
9. Power to indicate presence of obstructions near airports
10. Power to stop up and divert roads
11. Power to control traffic in interests of safety of aircraft

##### *Supplementary*

12. Provisions as to electronic communications apparatus
13. Compensation payable by airport operators
14. Compensation in respect of planning decisions relating to safety of airports
15. Concurrent proceedings
16. Application to Crown land

**Status:** Point in time view as at 01/01/2006.

**Changes to legislation:** The Airports (Northern Ireland) Order 1994 is up to date with all changes known to be in force on or before 19 October 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

### PART III

#### MANAGEMENT OF AIRPORTS

17. Power of district councils to provide and maintain airports
18. Airport byelaws
19. Appointment of constables for an airport
20. Facilities for consultation at airports
21. Control of noise at airports
22. Grants towards cost of soundproofing buildings
23. Power of airport operators to detain and sell aircraft for unpaid airport charges
24. Financial assistance for airport operators
25. Status of certain airport operators as statutory undertakers
26. Power to dispose of land to airport operators

### PART IV

#### ECONOMIC REGULATION OF AIRPORTS

##### *Preliminary*

27. Interpretation of this Part

##### *Permissions*

28. Airports subject to economic regulation: requirement for permission to levy airport charges
29. Grant or refusal of permissions

##### *Conditions*

30. Imposition of conditions by CAA
31. Mandatory conditions in case of designated airports
- 31A Designation of certain regulated airports
- 31B Market power examinations
32. Discretionary conditions
33. Discretionary conditions: supplementary provisions

##### *References to Commission*

34. References to Commission in relation to imposition or modification of conditions
35. Supplementary provisions relating to references
- 35A References under Article 34: time limits
- 35B References under Article 34: powers of investigation
36. Reports on references
37. Imposition or modification of conditions following Commission's report
38. Charges to be paid by airport operators in respect of Commission's expenses

##### *Enforcement of conditions*

39. Breach of conditions other than accounts conditions: complaints and compliance orders
40. Validity and effect of compliance orders
41. Breach of accounts conditions: criminal penalties, etc.

**Status:** Point in time view as at 01/01/2006.

**Changes to legislation:** The Airports (Northern Ireland) Order 1994 is up to date with all changes known to be in force on or before 19 October 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

### *Supplementary*

42. Supplementary provisions relating to conditions
43. Special provisions relating to groups of airports
44. Functions in relation to permissions and conditions initially exercisable by the Department
45. Orders under the 1973 Act or 1980 Act modifying or revoking conditions
46. Application of Part IV to associated companies of airport operators
47. Co-ordination of exercise of functions by CAA and Director General of Fair Trading
48. Furnishing of information, etc. to CAA
49. Restriction on disclosure of information

### PART V

## TRANSFER OF UNDERTAKING OF NORTHERN IRELAND AIRPORTS LIMITED

### *Introductory*

50. Interpretation of this Part
51. The successor company

### *Reorganisation of certain assets and liabilities of NIAL and the Holding Company*

52. The reorganisation scheme
53. Functions of the Department in relation to the reorganisation scheme

### *Transfer of certain assets and liabilities of NIAL and the Holding Company*

54. The transfer scheme
55. Functions of the Department in relation to the transfer scheme
56. Powers of Department and the Holding Company after transfer

### *Ownership of the successor company*

57. Initial Government holding in the successor company
58. Government investment in securities of the successor company
59. Exercise of functions through nominees

### *Finances of the successor company*

60. Statutory reserves
61. Statutory accounts
62. Temporary restrictions on borrowings, etc.
63. Government lending to the successor company
64. Government guarantees for loans made to the successor company
65. Conversion or discharge of certain loans or advances, etc.
66. Financial limits on borrowings, etc.

### *Miscellaneous*

67. Exercise of certain functions of Department under this Part

### PART VI

## SUPPLEMENTARY

68. Directions

**Status:** Point in time view as at 01/01/2006.

**Changes to legislation:** The Airports (Northern Ireland) Order 1994 is up to date with all changes known to be in force on or before 19 October 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

69. Stamp duty
70. Regulations and orders
71. Transitional provisions, amendments and repeals

---

## SCHEDULES

### SCHEDULE 1 — PROVISIONS RELATING TO ORDERS UNDER ARTICLES 7 TO 11

#### — Procedure for making of orders

1. (1) Before making the order the Department shall publish in the Belfast Gazette and once...
2. The Department shall, not later than the date on which the notice referred to in...
3. (1) If, before the expiration of the period referred to in paragraph 1(c), the Department...
4. After considering— (a) any objections duly made to the proposed order; and (b) in a...
5. Immediately after the order is made, the Department shall publish in at least one newspaper...
6. The Department shall serve a copy of the notice referred to in paragraph 5 on...
7. Any expenses incurred by the Department in exercising, in relation to an order in respect...  
— Challenging validity of order
8. If any person aggrieved by the order desires to question the validity thereof, or of...
9. Subject to the provisions of paragraph 8, the order shall not, either before or after...

### SCHEDULE 2 — PROVISIONS RELATING TO DIRECTIONS UNDER ARTICLE 8

#### — Notice of giving of directions

1. (1) Immediately after the Department has given the direction, it shall publish in the Belfast...  
— Challenging validity of direction
2. If any person aggrieved by the direction desires to question the validity thereof, or of...
3. Subject to the provisions of paragraph 2, the direction shall not, either before or after...

### SCHEDULE 3 — COMPENSATION PAYABLE BY AIRPORT OPERATORS

#### — Compensation where property damaged

1. Where any property is damaged— (a) in the exercise by a person authorised by an...  
— Compensation for disturbance
2. Where any person is disturbed in the enjoyment of any property in consequence of— (a)...  
— Compensation for diminution in value of land
3. (1) Any person having an estate in land the value of which is diminished in...  
— Compensation for expenditure incurred
4. An airport operator shall pay compensation in respect of any expenditure reasonably incurred by any...

**Status:** Point in time view as at 01/01/2006.

**Changes to legislation:** The Airports (Northern Ireland) Order 1994 is up to date with all changes known to be in force on or before 19 October 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- Reduction of compensation
- 5. The compensation payable to any person by virtue of paragraph 1(c), 2(c) or 3(1)(b) in...
- Disputes as to compensation
- 6. (1) Where any dispute arises as to whether compensation is payable under this Schedule, or...

#### SCHEDULE 4 — AIRPORT BYELAWS MADE BY AIRPORT OPERATOR OTHER THAN A DISTRICT COUNCIL

- Penalties for contravention of byelaws
- 1. The byelaws may provide that a person contravening them shall be guilty of an offence...
- Making and confirmation of byelaws
- 2. Where the airport operator is a body corporate, the byelaws shall be made under its...
- 3. The byelaws shall not have effect until they are confirmed by the Department.
- 4. At least one month before application for confirmation of the byelaws is made to the...
- 5. For at least one month before application for confirmation is made, a copy of the...
- 6. The airport operator shall, on application made by any person before the byelaws are confirmed,...
- 7. The Department may confirm with or without modifications, or refuse to confirm, any byelaw submitted...
- Publication of byelaws
- 8. A copy of the byelaws, when confirmed, shall be printed and deposited at the offices...
- Evidence of byelaws
- 9. The production of a printed copy of a byelaw purporting to be made by an...

#### SCHEDULE 5 — APPLICATION OF STATUTORY PROVISIONS RELATING TO STATUTORY UNDERTAKERS

- The Access to the Countryside (Northern Ireland) Order 1983 (NI 8)
- 1. In Article 2(2) in the definition of “statutory undertakers” at the end add “and the...”
- The Planning (Northern Ireland) Order 1991 (NI 1)
- 2. In Article 2(2) in the definition of “statutory undertaker” at the end add “or the...”

#### SCHEDULE 6 — APPLICATION OF PART IV TO ASSOCIATED COMPANIES OF AIRPORT OPERATORS

- Preliminary
- 1. This Schedule has effect for the purpose of authorising or requiring the imposition by the...
- Article 30
- 2. Article 30(1) and (4) shall apply to any subsidiary conditions for the time being in...
- Article 31
- 3. (1) Where an associated company of the airport operator in the case of any airport...
- Article 32

**Status:** Point in time view as at 01/01/2006.

**Changes to legislation:** The Airports (Northern Ireland) Order 1994 is up to date with all changes known to be in force on or before 19 October 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

4. In Article 32— (a) in paragraph (1), the reference to Article 31(2) shall be construed...  
— Article 33
5. In Article 33(2) and (3)— (a) references to an airport operator shall be construed as...  
— Article 34
6. (1) Where an associated company of the airport operator in the case of any airport...  
— Article 35
7. (1) In relation to any reference to which paragraph 6(1) above applies, Article 35(1)(a) shall...  
— Article 36
8. (1) In Article 36(3) the reference to an airport operator shall, in the case of...  
— Article 39
9. (1) In Article 39(1)(a) the reference to the airport operator in relation to an airport...  
— Article 40
10. (1) In Article 40(1) and (9) any reference to an airport operator shall be construed...  
— Article 41
11. (1) In Article 41 any reference to an airport operator shall be construed as including...  
— Article 42
12. (1) Article 42(3) shall apply in relation to any subsidiary conditions as if the reference...  
— Article 45
13. In Article 45(1A) references to an airport operator shall be construed as including references to...

#### SCHEDULE 7 — TRANSFERS UNDER ARTICLE 54

- Variation of transfers under the scheme
1. (1) If at any time before the end of the period of 12 months from...  
— Right to production of documents of title
2. Where the transferee under a transfer effected under Article 54 (“transferee A”) is entitled...  
— Proof of title by certificate
3. A certificate issued by the Department that— (a) any asset specified in the certificate; (b)...  
— Third parties affected by transfers
4. (1) If in consequence of any transfers effected under Article 54— (a) the rights or...

#### SCHEDULE 8 — TRANSITIONAL PROVISIONS

- Provisions relating to Parts II and III
1. (1) Until the coming into operation of Article 28, references in Articles 3, 7, 10,...
2. Where, immediately before the coming into operation of Article 18, byelaws are in operation under...  
— Provisions relating to Part V
3. (1) Any agreement made, transaction effected or other thing done by, to or in relation...

**Changes to legislation:** The Airports (Northern Ireland) Order 1994 is up to date with all changes known to be in force on or before 19 October 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

4. Where the rights and liabilities of NIAL under any agreement, scheme or arrangement for the...
5. (1) It shall be the duty of NIAL and the transferee to take, as and...
6. Where by virtue of anything done before the transfer date, any statutory provision amended by...
7. (1) Without prejudice to the powers conferred by Article 71(3), every provision contained in subordinate...
8. (1) Where a distribution is proposed to be declared during the accounting reference period of...
9. Expressions used in paragraphs 4 to 8 and in Part V have the same meaning...
  - Supplementary
10. The Department may by order make such other transitional provision in relation to the coming...
11. The provisions of this Schedule and any order under paragraph 10 shall have effect without...

— Schedule 9—Amendments

— Schedule 10—Repeals

**Status:**

Point in time view as at 01/01/2006.

**Changes to legislation:**

The Airports (Northern Ireland) Order 1994 is up to date with all changes known to be in force on or before 19 October 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.