



Civil Aviation Act 1971

1971 CHAPTER 75

PART I

THE CIVIL AVIATION AUTHORITY

Transfer and use of property etc.

14 Acquisition of land etc.

- (1) The provisions of Schedule 2 to this Act shall have effect with respect to the transfer to the Authority of the: aerodromes mentioned in that Schedule and the other property, rights and liabilities there mentioned.
- (2) The Authority may be authorised by the Secretary of State to acquire land compulsorily for any purpose connected with the performance of its functions, and the provisions of the Acquisition of Land (Authorisation Procedure) Act 1946 other than section 3 shall apply in relation to the compulsory purchase of land by the Authority as if the Authority were a local authority and as if this subsection were contained in an Act in force immediately before the commencement of that Act.
- (3) For the purpose of the acquisition by the Authority of land by agreement the provisions of Part I of the Compulsory Purchase Act 1965 (so far as applicable), other than sections 4 to 8, 27 and 31, shall apply.
- (4) The provisions of Part I of Schedule 3 to this Act shall have effect as respects the acquisition of land by the Authority.
- (5) The provisions of Part II of Schedule 3 to this Act shall have effect as respects the application of the following provisions of the Civil Aviation Act 1949—
 - (a) section 24 (acquisition of rights over land);
 - (b) section 25 (imposition of restrictions on use of aerodromes);
 - (c) section 26 (control over land); and
 - (d) section 28 (stopping up of highways).

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- (6) The Authority's power of acquiring land compulsorily under this section or the following 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 the said section 28 as applied by this section or for any other purpose for which land is required in connection with such an order ; and subsections (1) and (2) of section 158 of the Town and Country Planning Act 1962 (which relate to telegraphic lines of the Post Office affected by the stopping up, diversion or improvement of a highway in pursuance of an order under section 153 of that Act) shall have effect as if references to an order under section 153 of that Act included references to an order under the said section 28 as applied by this section.
- (7) Section 82 of the Town and Country Planning Act 1962 (consecrated land and burial grounds) shall have effect in relation to any land acquired by the Authority as it has effect in relation to land acquired by statutory undertakers under Part V of that Act.
- (8) Any land vested in the Authority by virtue of this section or the following section shall be deemed for all purposes to have been acquired by the Authority for the purposes of its undertaking.
- (9) In the application of this section to Scotland—
- (a) in subsection (2), for the references to the Acquisition of Land (Authorisation Procedure) Act 1946 and to section 3 of that Act there shall be substituted respectively references to the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 and to section 3 of that Act;
 - (b) in subsection (3), for the references to Part I of the Compulsory Purchase Act 1965 and to sections 4 to 8, 27 and 31 of that Act there shall be substituted respectively references to the Lands Clauses Consolidation (Scotland) Act 1845 and to sections 120 to 125, 127, 142 and 143 of that Act;
 - (c) in subsection (6), the reference to a highway shall include a reference to any public right of way, and for the references to subsections (1) and (2) of section 158 of the Town and Country Planning Act 1962 and to section 153 of that Act there shall be substituted respectively references to subsections (2) and (3) of section 111 of the Town and Country Planning (Scotland) Act 1947 and to section 46 of that Act;
 - (d) in subsection (7), for the references to section 82 of the Town and Country Planning Act 1962 and to Part V of that Act there shall be substituted respectively references to section 27 of the Town and Country Planning (Scotland) Act 1945 and to Part III of the Town and Country Planning (Scotland) Act 1947 ;

and in the application of subsection (6) of this section to Northern Ireland for the references to subsections (1) and (2) of section 158 of the Town and Country Planning Act 1962 and to section 153 of that Act there shall be substituted respectively references to subsection (2) of section 41 of the Roads Act (Northern Ireland) 1948 and to section 17 of that Act.

15 Compulsory purchase of land in Northern Ireland

- (1) Where the Authority proposes to acquire, otherwise than by agreement, any land in Northern Ireland required by it for any purpose connected with the performance of its functions or as to which it can reasonably be foreseen that it will be so required, it may apply to the Secretary of State for an order vesting that land in it, and the Secretary of State shall have power to make such an order.

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- (2) For the purposes of the acquisition of land by means of a vesting order under this section, Schedules 5 and 6 to the Roads Act (Northern Ireland) 1948 (as amended by any enactment of the Parliament of Northern Ireland passed before the passing of this Act) are hereby incorporated in this Act subject to the modifications specified in Schedule 4 to this Act.
- (3) The Acquisition of Land (Assessment of Compensation) Act 1919 shall, in its application to any land vested in the Authority by an order made under this section, have effect as amended by the Lands Tribunal and Compensation Act (Northern Ireland) 1964.
- (4) In this section, Schedule 4 to this Act and the said Schedule 5 as incorporated in this Act, " land " has the meaning assigned to it by section 45(1) (a) of the Interpretation Act (Northern Ireland) 1954, and in Schedule 4 to this Act and the said Schedule 5 as so incorporated " estate " has the meaning assigned to it by section 45(2) of that Act.
- (5) Subsections (2) and (3) of the preceding section shall not apply to land in Northern Ireland.

16 Rights granted to the Authority over land to bind grantor's successors

- (1) Subject to the provisions of this section, where any person having an interest in land (hereafter in this subsection referred to as " the grantor ") grants or agrees to grant to the Authority any right (whether in perpetuity or for any other period and whether capable of subsisting as a legal estate or not) in or in relation to the land (including a right to enter upon the land, a right to carry out and maintain works on the land, a right to instal or maintain structures or apparatus on, under, over or across the land, and a right restrictive of the user of the land), the grant or agreement shall be binding upon any person deriving title or otherwise claiming under the grantor to the same extent as it is binding upon the grantor, notwithstanding that it would not have been binding upon that person apart from the provisions of this subsection.
- (2) A right in or in relation to land in England or Wales granted or agreed to be granted to the Authority shall not be enforceable by virtue of the preceding subsection against a purchaser for money or money's worth of a legal estate in any land to which the grant or agreement in question relates unless before the completion of the purchase the grant or agreement has been registered in the prescribed manner in the register of local land charges of the local authority in whose area the land, or any part of the land, to which the grant or agreement relates is situated.
- (3) The power conferred by subsection (6) of section 15 of the Land Charges Act 1925 to make rules for giving effect to the provisions of that section shall be exercisable for giving effect to the preceding subsection; and in that subsection " prescribed " means prescribed by rules made in the exercise of that power.
- (4) In subsection (2) of this section " local authority " means the council of a county district, county borough or London borough and the Common Council of the City of London, and " purchaser " has the same meaning as in the said Act of 1925.
- (5) A grant or agreement made as respects land in Scotland shall not be enforceable by virtue of subsection (1) of this section against a third party who shall have in good faith and for value acquired right (whether completed by infestment or not) to the land prior to the grant or agreement being recorded in the Register of Sasines, or against any person deriving title from such third party; and in the application of the said

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subsection (1) to Scotland for the reference to a legal estate there shall be substituted a reference to an estate.

- (6) A right in or in relation to land in Northern Ireland granted or agreed to be granted to the Authority shall not be enforceable by virtue of subsection (1) of this section 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 Land Registration Act (Northern Ireland) 1970; and accordingly—
- (a) such a grant or agreement shall be included among the matters which are required to be registered in that Register ; and
 - (b) the following paragraph shall be added at the end of Schedule 11 to the said Act of 1970, that is to say—

“(24) A grant or agreement referred to in section 16(6) of the Civil Aviation Act 1971”.

17 Compensation in respect of planning decisions relating to safety of aerodromes etc.

- (1) Where a local planning authority (hereafter in this subsection referred to as a " planning authority ") become liable to pay compensation under section 118, 119, 123, 134(2) or 170(1) of the Town and Country Planning Act 1962 or sections 18 or 20 of or paragraph 1 of Schedule 5 to the Town and Country Planning (Scotland) Act 1947 (which relate to compensation for certain planning restrictions, for purchase notices which do not take effect and in respect of undertakers' operational land) and the liability is attributable to a planning decision which would not have been taken, or in the case of compensation under the said section 118 or the said section 20 to an order under section 27 of the said Act of 1962 or section 19 of the said Act of 1947 which would not have been made, but for the need to secure the safe and efficient operation of an aerodrome owned by the Authority or to prevent persons or buildings from being struck by aircraft using such an aerodrome or the need to secure the safe and efficient operation of apparatus owned by the Authority and provided for the purpose of assisting air traffic control or as an aid to air navigation, the planning authority shall be entitled to recover from the Authority a sum equal to the compensation.
- (2) Where a sum equal to any compensation is payable or paid to a planning authority in pursuance of the preceding subsection, the planning authority shall pay to the Authority any amount received by the planning authority in respect of the compensation under section 122 of the said Act of 1962 or section 43 of the Town and Country Planning (Scotland) Act 1954 (which relate to the recovery of compensation on subsequent development).
- (3) Where a purchase notice is served under section 129 of the said Act of 1962 or section 17 of the said Act of 1947 in respect of a planning decision which would not have been taken but for such a need as aforesaid in respect of an aerodrome or apparatus owned by the Authority, any local authority who are deemed under section 130(2) or 133(1) of the said Act of 1962 or subsection (1B) or (2) of the said section 17 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 Authority 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 Authority to purchase the interest from the local authority for a sum equal to the amount of compensation so agreed or determined; and where such a notice in writing is given the Authority shall,

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subject to any agreement between the local authority and the Authority, be deemed to have contracted with the local authority to purchase the interest at that price.

- (4) Any dispute as to whether a planning decision would not have been taken or an order under the said section 27 or the said section 19 would not have been made but for such a need as aforesaid shall be referred to and determined by the Secretary of State.
- (5) In the preceding provisions of this section " planning decision " means a decision made on an application under Part III of the said Act of 1962 or Part II of the said Act of 1947; and references in those provisions to a local planning authority include, in relation to England and Wales, references to any authority to whom functions of a local planning authority are delegated.
- (6) Where by reason of a planning decision taken under the Planning Acts (Northern Ireland) 1931 and 1944 by a planning authority in Northern Ireland—
 - (a) the Ministry of Development for Northern Ireland becomes liable to pay compensation to any person ; and
 - (b) the decision would not have been taken but for the need to secure the safe and efficient operation of apparatus owned by the Authority and provided for the purpose of assisting air traffic control or as an aid to air navigation,

the said Ministry shall be entitled to recover from the Authority a sum equal to that compensation ; and where a sum equal to any compensation is payable or paid to the said Ministry in pursuance of the preceding provisions of this subsection, the Ministry shall pay to the Authority any amount received by the Ministry in respect of the compensation under section 24 of the Land Development Values (Compensation) Act (Northern Ireland) 1965 (which relates to the recovery of compensation on subsequent development).

In this subsection " planning decision " includes a revocation or modification of planning permission under section 3 of the Planning (Interim Development) Act (Northern Ireland) 1944.