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## SCHEDULES

### SCHEDULE 5

Section 18(1).

#### APPLICATION OF ENACTMENTS RELATING TO STATUTORY UNDERTAKERS ETC.

- 1 In section 61(1) of the Land Drainage Act 1930 (which protects certain undertakings from works executed under that Act), after paragraph (g) there shall be added the following paragraph—

“(h) the undertaking of the Civil Aviation Authority.”
- 2 (1) Subsection (3) of section 39 of the Public Health Act 1936 (which exempts buildings belonging to statutory undertakers from certain drainage requirements) and section 71 of that Act (which exempts such buildings from building regulations) shall apply in relation to the Authority as they apply in relation to statutory undertakers but as if in the proviso to the said subsection (3) and the proviso to the said section 71 (which exclude from the exemptions houses and buildings used as offices or showrooms) the references to offices or showrooms did not include offices or showrooms on any aerodrome owned by the Authority.
- (2) Section 330 of the said Act of 1936 (power of certain undertakers in England and Wales to alter sewers), section 333 of that Act (protection of certain undertakings in England and Wales from works executed under that Act) and section 107 of the Public Health (Scotland) Act 1897 (protection of certain undertakings in Scotland from works connected with sewers) shall apply in relation to the Authority and any property owned by the Authority as they apply in relation to a railway company and its railway.
- 3 The Authority shall be deemed to be public utility undertakers and its undertaking a public utility undertaking for the purposes of the provisions of the Civil Defence Act 1939 other than paragraphs (a) to (c) of section 7(6) and section 9(4); and in that Act "appropriate department" shall, in relation to the Authority, mean the Secretary of State.
- 4 (1) Section 93 of Schedule 3 to the Water Act 1945 and section 45 of Schedule 4 to the Water (Scotland) Act 1946 (which relate to the protection of certain statutory undertakers) shall apply with the necessary modifications in relation to any works along, upon or under any property owned by the Authority which statutory water undertakers propose to execute, whether or not the said section 93 or the said section 45 has been applied to the undertakers by an order under the said Act of 1945 or the said Act of 1946.
- (2) In the preceding sub-paragraph "statutory water undertakers" means—
  - (a) in relation to England and Wales, statutory water undertakers within the meaning of the said Act of 1945 other than a local authority or board supplying water under the Public Health Act 1936 and includes a person authorised to construct works by an order under section 23 of the said Act of 1945; and
  - (b) in relation to Scotland, a regional water board within the meaning of the Water (Scotland) Act 1967.

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- 5 The Authority shall be deemed to be statutory undertakers and its undertaking a statutory undertaking for the purposes of the following enactments, that is to say—
- (a) sections 23 to 26 of and Schedule 4 to the Town and Country Planning (Scotland) Act 1945 ;
  - (b) the Acquisition of Land (Authorisation Procedure) Act 1946 ;
  - (c) the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 ;
  - (d) sections 10, 17, 32(1), (2) and (4), 42(4) and (5), 94 and 99(9) of and Schedule 5 to the Town and Country Planning (Scotland) Act 1947 ;
  - (e) section 4 of the Requisitioned Land and War Works Act 1948;
  - (f) the Civil Aviation Act 1949 ;
  - (g) the National Parks and Access to the Countryside Act 1949 ;
  - (h) the Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951 ;
  - (i) the Landlord and Tenant Act 1954 ;
  - (j) section 19 of the Town and Country Planning (Scotland) Act 1954 ;
  - (k) Part III of the Housing Act 1957 ;
  - (l) section 39(6)(b) of the Opencast Coal Act 1958 ;
  - (m) sections 152 and 223 of and Schedule 7 to the Highways Act 1959 ;
  - (n) sections 31 and 38 of and paragraph 2(6) of Schedule 5 to the Town and Country Planning (Scotland) Act 1959 ;
  - (o) section 11 of the Land Compensation Act 1961 ;
  - (p) section 3(4) of the Flood Prevention (Scotland) Act 1961;
  - (q) sections 12, 41, 70(2), 81, 82, 83, 103, 130 to 133, 138 and 148(6), Part X and sections 179(7)(b), 189 and 212(6)(b) of the Town and Country Planning Act 1962 (except section 164 of that Act as applied by section 13 of the Opencast Coal Act 1958);
  - (r) the Pipe-lines Act 1962 ;
  - (s) section 18 of the Land Compensation (Scotland) Act 1963 ;
  - (t) Schedules 3 and 5 to the Harbours Act 1964 ;
  - (u) Schedule 6 to the Gas Act 1965 ;
  - (v) section 10(4) of the Highlands and Islands Development (Scotland) Act 1965 ;
  - (w) the New Towns Act 1965 ;
  - (x) sections 11(5)(f), 54(6) and 75(4) of and Schedule 3 to the Countryside (Scotland) Act 1967;
  - (y) the New Towns (Scotland) Act 1968 ;
  - (z) paragraph 6 of Schedule 2 to the Countryside Act 1968 ;
  - (aa) section 22 of the Sewerage (Scotland) Act 1968 ;
  - (bb) sections 33(1), 62, 63, 69 to 73, 90, 93(3), 94(3) and 97(1) of, and paragraphs 13, 14 and 15 of Schedule 5, Schedules 6 and 7 and paragraph 6 of Schedule 9 to, the Town and Country Planning Act 1968;
  - (cc) sections 34(1), 62, 63, 70 to 74, 89, 92(3) and 93(2) of, and paragraphs 12, 13, and 14 of Schedule 4, Schedules 5 to 7 and paragraph 5 of Schedule 9 to, the Town and Country Planning (Scotland) Act 1969 ;
  - (dd) section 39 of the Roads (Scotland) Act 1970 ;
  - (ee) section 65 of the Highways Act 1971.
- 6 In the following enactments, that is to say—
- (a) sections 24 to 26 of the Town and Country Planning (Scotland) Act 1945 ;

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- (b) the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 ;
- (c) sections 42 and 99 of and Schedule 5 to the Town and Country Planning (Scotland) Act 1947 ;
- (d) section 39(6)(b) of the Opencast Coal Act 1958 ;
- (e) paragraph 2(6) of Schedule 5 to the Town and Country Planning (Scotland) Act 1959 ;
- (f) section 148(6), section 182, Part X and section 212(6)(b) of the Town and Country Planning Act 1962 ;
- (g) Schedule 6 to the Gas Act 1965 ;
- (h) section 10(4) of the Highlands and Islands Development (Scotland) Act 1965 ;
- (i) the New Towns Act 1965 ;
- (j) section 75(4) of the Countryside (Scotland) Act 1967 ;
- (k) the New Towns (Scotland) Act 1968 ;
- (l) section 73(5) of and Schedule 6 and paragraph 4 of Schedule 7 to the Town and Country Planning Act 1968 ; and
- (m) section 74(5) of and Schedule 5 and paragraph 4 of Schedule 7 to the Town and Country Planning (Scotland) Act 1969,

" the appropriate Minister " shall, in relation to the Authority, mean the Secretary of State.

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In the following enactments, that is to say—

- (a) section 19 of the Town and Country Planning (Scotland) Act 1945 ;
- (b) section 32 of and Schedule 5 to the Town and Country Planning (Scotland) Act 1947 ;
- (c) section 103(3) and Part X of the Town and Country Planning Act 1962 ;
- (d) section 13 of the Pipe-lines Act 1962 ;
- (e) the New Towns Act 1965 ;
- (f) the New Towns (Scotland) Act 1968 ;
- (g) sections 70 and 71 of and Schedule 6 to the Town and Country Planning Act 1968 ; and
- (h) sections 71 and 72 of and Schedule 5 to the Town and Country Planning (Scotland) Act 1969,

" operational land " shall, in relation to the Authority, mean land of the Authority's of any such class as may be prescribed ; and—

- (i) the definition of a class of land for the purposes of regulations made in pursuance of this paragraph may be framed by reference to any circumstances whatsoever ; and
- (ii) without prejudice to section 63(4)(a) of this Act, regulations so made may prescribe different classes of land for the purposes of different enactments mentioned in the preceding provisions of this paragraph ; and
- (iii) if any question arises whether land of the Authority's falls within a class prescribed in pursuance of this paragraph, it shall be determined by the Secretary of State.

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- (1) Where an interest in land is held by the Authority, section 69. of the Town and Country Planning Act 1968 shall not apply for the purpose of determining whether the land is operational land in relation to the Authority for the purposes of the Town and Country Planning Act 1962.

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- (2) Section 70(2) of the said Act of 1968 (which specifies the circumstances in which special provisions relating to planning applications and appeals by statutory undertakers are to apply to land which is not operational land of the undertakers) shall have effect in relation to the Authority as if for the reference to development involving the use of the land for the purpose of carrying on the Authority's undertaking there were substituted a reference to development involving the use of the land for such of the purposes of carrying on that undertaking as may be prescribed.
  - (3) In paragraph 6 of Schedule 9 to the said Act of 1968 (construction of certain statutory references to the acquisition of land and to the land acquired), the reference in paragraph (a) to any enactment other than the principal Act and that Act and the reference in paragraph (b) to any statutory provision shall include a reference to section 14(2) of this Act.
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  - (1) Where an interest in land is held by the Authority, section 70. of the Town and Country Planning (Scotland) Act 1969 shall not apply for the purpose of determining whether the land is operational land in relation to the Authority for the purposes of the Town and Country Planning (Scotland) Act 1947.
  - (2) Section 71(2) of the said Act of 1969 (which specifies the circumstances in which special provisions relating to planning applications and appeals by statutory undertakers are to apply to land which is not operational land of the undertakers) shall have effect in relation to the Authority as if for the reference to development involving the use of the land for the purpose of carrying on the Authority's undertaking there were substituted a reference to development involving the use of the land for such of the purposes of carrying on that undertaking as may be prescribed.
  - (3) In paragraph 5 of Schedule 9 to the said Act of 1969 (construction of certain statutory references to the acquisition of land and to the land acquired), the reference in paragraph (a) to any enactment other than the said Act of 1947 and that Act and the reference in paragraph (b) to any statutory provision shall include a reference to section 14(2) of this Act.