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**Changes to legislation:** Airports Act 1986, SCHEDULE 5 is up to date with all changes known to be in force on or before 09 April 2024. 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) View outstanding changes

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## SCHEDULES

### SCHEDULE 5

Section 83(4).

#### TRANSITIONAL PROVISIONS

##### *Supplementary provisions as to vesting of property etc. of BAA*

- 1 Any agreement made, transaction effected or other thing done by, to or in relation to the BAA which is in force or effective immediately before the appointed day shall have effect as from that day as if made, effected or done by, to or in relation to the successor company, in all respects as if the successor company were the same person, in law, as the BAA; and accordingly references to the BAA—
  - (a) in any agreement (whether or not in writing) and in any deed, bond or instrument,
  - (b) in any process or other document issued, prepared or employed for the purpose of any proceeding before any court or other tribunal or authority, and
  - (c) in any other document whatever (other than an enactment) relating to or affecting any property, right or liability of the BAA which vests by virtue of section 2 in the successor company,shall be taken as from the appointed day as referring to the successor company.
- 2 Where immediately before the appointed day there is in force an agreement which—
  - (a) confers or imposes on the BAA any rights or liabilities which vest in the successor company by virtue of section 2, and
  - (b) refers (in whatever terms and whether expressly or by implication) to a member or officer of the BAA.the agreement shall have effect, in relation to anything falling to be done on or after that day, as if for that reference there were substituted a reference to such person as that company may appoint or, in default of appointment, to the officer of that company who corresponds as nearly as may be to the member or officer of the BAA in question.
- 3 It is hereby declared for the avoidance of doubt that—
  - (a) the effect of section 2 in relation to any contract of employment with the BAA in force immediately before the appointed day is merely to modify the contract (as from that day) by substituting the successor company as the employer (and not to terminate the contract or vary it in any other way); and
  - (b) that section is effective to vest the rights and liabilities of the BAA under any agreement or arrangement for the payment of pensions, allowances or gratuities in the successor company along with all other rights and liabilities of the BAA;and accordingly for the purposes of any such agreement or arrangement (as it has effect by virtue of paragraph 1 in relation to employment with the successor

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company) any period of employment with the BAA shall count as employment with the successor company.

#### *Financial provisions*

- 4 The terms which, by virtue of section 4(2) of the 1975 Act, are applicable immediately before the appointed day to any such liability of the BAA as is mentioned in section 3(2) of this Act shall continue to apply to that liability after it becomes a liability of the successor company by virtue of section 2 of this Act, and section 4(3) of that Act shall continue to apply to sums received by the Secretary of State from the successor company by virtue of this paragraph.
- 5 The terms which, by virtue of section 6(2) of the 1975 Act, are applicable immediately before the appointed day to any such liability of the BAA as is mentioned in section 3(3) of this Act shall continue to apply to that liability after it becomes a liability of the successor company by virtue of section 2 of this Act, and section 6(4) of that Act shall continue to apply to sums received by the Secretary of State from the successor company by virtue of this paragraph.
- 6 Subsections (2) to (5) of section 7 of the 1975 Act (Treasury guarantees) shall continue to apply in relation to any guarantee given by the Treasury under that section with respect to a liability of the BAA which becomes a liability of the successor company by virtue of section 2 of this Act, but as if the reference to the BAA in subsection (4) of that section were a reference to the successor company.

#### *Final statements of accounts etc.*

<sup>F17</sup> .....

##### **Textual Amendments**

**F1** Sch. 5 paras. 7-9 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), Sch. 1 Pt. 4

<sup>F18</sup> .....

##### **Textual Amendments**

**F1** Sch. 5 paras. 7-9 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), Sch. 1 Pt. 4

<sup>F19</sup> .....

##### **Textual Amendments**

**F1** Sch. 5 paras. 7-9 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), Sch. 1 Pt. 4

#### *Compulsory purchase orders*

- 10 A compulsory purchase order made under section 17 of the 1975 Act which is in force immediately before the appointed day shall have effect as if made under section 59 of this Act; and the provisions of section 59 shall apply accordingly.

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*Byelaws and regulations relating to airports*

- 11 (1) Any byelaws made or having effect as if made under section 9 of the 1975 Act and in force in relation to any airport immediately before the appointed day shall, as from that day, have effect as if they were byelaws made under section 63 of this Act and the airport were an airport designated for the purposes of that section.
- (2) The provisions of any regulations made or having effect as if made under section 58 of the 1982 Act, as applied by section 16 of the 1975 Act, and in force in relation to any airport immediately before the appointed day shall as from that day, have effect (with any necessary modifications) as if they were contained in byelaws made under subsection (2)(j) of section 63 of this Act and the airport were an airport designated for the purposes of that section; and any such provisions may accordingly be varied or revoked by byelaws so made.

*Control of road traffic*

- 12 Where immediately before the appointed day section 13 of the 1975 Act (control of road traffic) applies to any airport, then, as from that day and until such time as the airport is designated by an order under section 65 of this Act—
- (a) the airport shall be deemed to be an airport designated for the purposes of that section, and
  - (b) any order which, immediately before that day, is in force in relation to the airport under section 13(2) of the 1975 Act shall have effect as if made under section 65(2) of this Act.

*Abandoned vehicles*

- 13 Where immediately before the appointed day any order is in force in relation to an airport under section 14 of the 1975 Act (functions of BAA as respects abandoned vehicles) then, as from that day and until such time as the airport is designated by an order under section 66 of this Act—
- (a) the airport shall be deemed to be an airport designated for the purposes of that section, and
  - (b) the order shall have effect as if made under section 66(1).

*Cargo areas*

- 14 Notwithstanding the repeal by this Act of section 12 of the 1975 Act (prevention of theft from cargo areas at BAA's airports) any area which, immediately before the appointed day, is to be treated as a cargo area for the purposes of section 27 of the <sup>M1</sup>Aviation Security Act 1982 (prevention of thefts at designated airports) in accordance with subsection (7) of that section shall continue to be so treated as if this Act had not been passed.

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**Marginal Citations**

M1 [1982 c. 36](#)

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*Extension of Shops (Airports) Act 1962*

[<sup>F2</sup>15 Any order designating an airport for the purposes of the <sup>M2</sup>Shops (Airports) Act 1962 and in force at the commencement of section 70 of this Act shall, as from that commencement, be treated as designating that airport for the purposes of that Act as amended by this Act.]

**Textual Amendments**

**F2** [Sch. 5 para. 15](#) repealed (E.W.) (26.8.1994) by [1994 c. 20, s. 9\(2\)](#), [Sch. 5](#); S.I. 1994/1841, [art. 2](#)

**Marginal Citations**

**M2** [1962 c. 35](#).

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**Changes and effects yet to be applied to :**

- Sch. 5 para. 15 repealed (EW) by [1994 c. 20 s. 9\(2\)](#)[Sch. 5](#)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

- Act saved (6.5.1999) by [1998 c. 46 s. 30](#) [Sch. 5 Pt. 2 s. E4\(f\)](#)
- Act textual by [S.I. 2001/2237 art. 2](#)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 12(1) (defn. of "principal council") para. (aa) added (prosp.) by [1994 c. 19 s. 66\(6\)](#)[Sch. 16 para. 77](#)
- s. 12(1) (defns. "local authority""principal council") para. (b) amended (S) by [1994 c. 39 Sch. 13 para. 147](#)
- s. 12(1) (defn. of "principal council") para. (a) repealed in part (prosp.) by [1994 c. 19 s. 66\(6\)\(8\)](#)[Sch. 16 para. 77](#)[Sch. 18](#)