

*Status: Point in time view as at 01/04/2001.*

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## SCHEDULES

### SCHEDULE 4

Section 36.

#### LICENCE HOLDERS: LAND

1 The <sup>M1</sup>Civil Aviation Act 1982 shall be amended as follows.

#### Marginal Citations

M1 1982 c. 16.

2 After section 42 (acquisition of land by CAA) insert the following—

#### “42A Acquisition of land: air traffic services licence holders.

- (1) A licence holder may be authorised by the Secretary of State to acquire land in Great Britain compulsorily for any purpose connected with the carrying out of the activities authorised by the licence.
- (2) Where a licence holder proposes to acquire, otherwise than by agreement, any land in Northern Ireland—
  - (a) which is required by the licence holder for any purpose connected with the carrying out of the activities authorised by the licence, or
  - (b) as to which it can reasonably be foreseen that it will be so required, the licence holder may apply to the Secretary of State for an order vesting the land in it, and the Secretary of State shall have power to make such an order.
- (3) The Secretary of State shall not grant an authorisation under subsection (1) or an order under subsection (2) to a licence holder in respect of land which is owned by another licence holder who—
  - (a) is using it, or
  - (b) will, in the opinion of the Secretary of State, use it at some time in the period of five years beginning with the date on which he receives the request for the authorisation or order.
- (4) A reference in subsection (3) to use of land by a licence holder is a reference to use for a purpose connected with the carrying out of the activities authorised by the licence.
- (5) The following provisions of section 42 shall apply for the purposes of this section in relation to a licence holder as they apply for the purposes of that section in relation to the CAA—
  - (a) in subsection (1), the words from “and the following enactments” to the end,
  - (b) subsection (3),
  - (c) subsection (5) (with the reference to acquisition for the purposes of the CAA’s undertaking being construed as a reference to acquisition

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- in connection with the carrying out of the activities authorised by the licence), and
- (d) subsection (6).”
- 3 In section 43(1) (rights over land to bind grantor’s successors) after paragraph (b) insert—
- “or,
- (c) for any purpose connected with the carrying out of the activities authorised by the licence, to a licence holder.”.
- 4 (1) Section 44 (power to obtain rights over land) shall be amended as follows.
- (2) In subsection (6) after paragraph (b) insert—
- “and
- (c) if the relevant authority in whose favour the order was made is a licence holder, the licence holder.”.
- (3) For subsection (7) substitute—
- “(7) The ownership of anything shall not be affected by reason only that it is placed on or under, or affixed, to, any land in pursuance of any such order.
- (7A) So long as any such order is in force, no person shall, except with the necessary consent, wilfully interfere—
- (a) with any works carried out on any land in pursuance of the order, or
- (b) with anything installed on, under, over or across any land in pursuance of the order.
- (7B) The necessary consent is—
- (a) if the relevant authority in whose favour the order is made is the Secretary of State or Eurocontrol, the consent of the Secretary of State,
- (b) if that relevant authority is the CAA, the consent of the Secretary of State or the CAA, and
- (c) if that relevant authority is a licence holder, the consent of the licence holder.”
- (4) In subsection (12) the following shall be inserted after paragraph (c)—
- “and
- (d) a licence holder;”.
- 5 In section 46(10) (control over land: relevant authorities) after paragraph (d) insert—
- “and
- (e) a licence holder (within the meaning of section 105(1) below);”.
- 6 (1) Section 48 (Secretary of State’s powers in respect of highways, &c.) shall be amended as follows.
- (2) In subsection (1) for “or the CAA” substitute (in each place) “, the CAA or a licence holder ”.
- (3) In subsection (9) after “the CAA” insert (in each place) “ or a licence holder ”.

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- 7 In section 49 (acquisition of land for purpose related to highway) after subsection (3) insert—
- “(3A) A licence holder’s power of acquiring land compulsorily under this Act may be exercised for the purpose of providing or improving any highway which is to be provided or improved in pursuance of an order made under section 48(1) above in relation to land which is vested in the licence holder or which the licence holder proposes to acquire or for any other purpose for which land is required in connection with such an order.”
- 8 (1) Section 50 (powers of entry) shall be amended as follows.
- (2) In subsection (1)(a), (b) and (c) after “the CAA” insert “ or a licence holder ”.
- (3) In subsection (1)(d) after “the CAA” insert “ , a licence holder (within the meaning of section 105(1) below) ”.
- (4) In subsection (3)(a), (b) and (c) for “or the CAA” substitute “ , the CAA or a licence holder ”.
- (5) In subsection (7) for paragraph (a) substitute—
- “(a) in a case falling within subsection (1)(a) to (c) above in respect of the CAA, the CAA,
- (aa) in a case falling within subsection (1)(a) to (c) above in respect of a licence holder, the licence holder.”
- 9 In section 51(7)(a) (statutory undertakers) after “the CAA” insert “ or a licence holder ”.
- 10 (1) Section 52 (displacements from land) shall be amended as follows.
- (2) After subsection (1)(c) (and before the word “or”) insert—
- “(ca) a licence holder has acquired land for purposes connected with the carrying out of the activities authorised by the licence;”.
- (3) In subsection (2)(a) for “or (c)” substitute “ , (c) or (ca) ”.
- (4) In subsection (3)(a) after “(c)” insert “ , (ca) ”.
- 11 (1) Section 53 (planning decisions: compensation) shall be amended as follows.
- (2) In subsection (1)—
- (a) for “entitled to recover from the CAA” substitute “ entitled to recover from the relevant person ”,
- (b) for paragraph (b)(iii) substitute—
- “(iii) to secure the safe and efficient operation of apparatus which is in the possession of a licence holder and is provided for the purpose of the activities authorised by the licence.”
- (3) In subsection (2) for “shall pay the CAA” substitute “ shall refund to the person who paid that sum ”.
- (4) In subsection (3)—
- (a) for “such a need as aforesaid in respect of an aerodrome or apparatus owned by the CAA,” substitute “ a need referred to in subsection (1)(b)(i) to (iii), ”,
- (b) for “given to the CAA” substitute “ given to the relevant person ”, and

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- (c) for “require the CAA” substitute “ require the relevant person ”.
- (5) In subsection (4) for “the CAA” substitute (in each place) “ the relevant person ”.
- (6) In subsection (7) for paragraph (b) and the words following it substitute—
- “(b) the decision would not have been taken but for the need to secure the safe and efficient operation of apparatus which is in the possession of a licence holder and is provided for the purpose of the activities authorised by the licence,
- the Department shall be entitled to recover from the licence holder a sum equal to that compensation. ”
- (7) In subsection (8) for “the CAA” substitute “ the licence holder ”.
- (8) After subsection (9) insert—
- “(10) The relevant person for the purposes of this section is—
- (a) in a case to which subsection (1)(b)(i) or (ii) applies, the CAA, and
- (b) in a case to which subsection (1)(b)(iii) applies, the licence holder.”
- 12 In section 54(2) (consecrated land and burial grounds) for “in relation to any land acquired by the CAA” substitute “in relation to any land—
- (a) acquired by the CAA, or
- (b) acquired by a licence holder for purposes connected with the carrying out of the activities authorised by the licence,”.
- 13 (1) Section 55 (registration of orders, &c.) shall be amended as follows.
- (2) In subsection (5) after “the CAA” insert “ or a licence holder ”.
- (3) In subsection (7)(a) after sub-paragraph (ii) (and after the word “and”) insert—
- “(iii) if the order is made in favour of a licence holder, the licence holder; and”.
- (4) In subsection (7)(c) after sub-paragraph (i) (and before the word “and”) insert—
- “(ia) if the order is made in respect of a licence holder, the licence holder;”.
- 14 In section 105(1) (interpretation) after the definition of “the Lands Tribunal” insert—
- ““licence holder” means a person who holds a licence under Chapter I of Part I of the Transport Act 2000 (air traffic services);”.
- 15 In Schedule 6 (modifications of Schedule 6 to the <sup>M2</sup>Local Government Act (Northern Ireland) 1972)—
- (a) in paragraph 2 after “Civil Aviation Authority” insert “ or (as the case may be) the licence holder ”,
- (b) in paragraph 4 after “Civil Aviation Authority” insert “ or a person who holds a licence under Chapter I of Part I of the Transport Act 2000 (“a licence holder”) ”, and
- (c) in paragraphs 5 and 6 after “Civil Aviation Authority” (in each place) insert “ or (as the case may be) the licence holder ”.

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**M2** 1972 c. 9 (N.I.).

- 16 (1) Schedule 7 (certain orders under Part II: supplementary) shall be amended as follows.
- (2) For the words “the CAA”—
- (a) substitute “ the CAA or a licence holder ” in paragraph 1(1), in the first place where the words appear in paragraph 1(2), and in paragraph 12(2)(a), and
  - (b) substitute “ the CAA or the licence holder ” in the second place where the words appear in paragraph 1(2).
- (3) After paragraph 5(2)(a) insert—
- “(aa) the licence holder in the case of an order under section 44 of this Act made in favour of a licence holder;”.
- (4) After paragraph 12(2)(b) insert—
- “(c) from the licence holder in the case of an order made in favour of a licence holder.”
- 17 In Schedule 13 (subordinate instruments), in Part I after the entry for section 42(2) insert—
- “Section 42A(2) (order vesting land in licence holder).”

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