

ELIZABETH II



1977 CHAPTER xiv

An Act to enable the West Midlands County Council and the Coventry City Council to make grants towards the cost of insulating dwellings against noise attributable to aircraft using certain aerodromes; to confer further powers upon those councils; and for other purposes. [22nd July 1977]

WHEREAS—

- (1) The West Midlands County (hereinafter referred to as “ the county ”) is a metropolitan county constituted under the Local Government Act 1972 and is under the management and local government of the West Midlands County Council (hereinafter referred to as “ the County Council ”): 1972 c 70.
- (2) The County Council own and manage an aerodrome within the county known as the Birmingham airport:
- (3) The Coventry City Council, being the council of one of the districts within the county, own and manage an aerodrome outside the county known as the Coventry airport:

(4) It is expedient that the County Council and the Coventry City Council should be authorised to make grants towards the cost of insulating dwellings against noise attributable to aircraft using the said aerodromes and that the other provisions in this Act in relation to the aforesaid insulation of dwellings be enacted:

(5) It is expedient that the other provisions contained in this Act be enacted:

(6) The purposes of this Act cannot be effected without the authority of Parliament:

1972 c. 70.

(7) In relation to the promotion of the Bill for this Act the requirements of section 239 of the Local Government Act 1972 have been observed:

May it therefore please Your Majesty that it may be enacted, and be it enacted, by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Short title.

1. This Act may be cited as the West Midlands County Council Act 1977.

Interpretation.

2.—(1) In this Act, unless the subject or context otherwise requires—

“the Act of 1972” means the Local Government Act 1972;

“aircraft noise” means noise attributable to aircraft using the relevant airport;

“the Birmingham airport” means the aerodrome owned and managed by the County Council in the district of Solihull and known as the Birmingham airport;

“the City Council” means the Coventry City Council;

“the Council” in relation to a byelaw, scheme or order made or applied for under this Act means the County Council or the City Council, as the case may be, making the byelaw, scheme or application for the order;

“the county” means the West Midlands County;

“the County Council” means the county council of the county;

“the Coventry airport” means the aerodrome owned and managed by the City Council in the district of Warwick and known as the Coventry airport;

“district” has the meaning assigned to it by section 270 of the Act of 1972;

“ dwelling ” means a building or part of a building occupied or intended to be occupied as a separate dwelling;

“ local authority ” has the meaning assigned to it by section 270 of the Act of 1972;

“ the relevant airport ” means in relation to the County Council the Birmingham airport and in relation to the City Council the Coventry airport.

(2) Any reference in this Act to a proper officer shall, in relation to any purpose and any local authority, be construed as a reference to an officer appointed for that purpose by that authority.

(3) Any reference in this Act to any enactment shall be construed as a reference to that enactment as applied, extended or amended by, or by virtue of, any subsequent enactment.

3.—(1) The County Council in relation to the Birmingham airport and the City Council in relation to the Coventry airport may, in accordance with a scheme made under the next succeeding section, make grants towards the cost of insulating dwellings or parts of dwellings against aircraft noise. Grants towards cost of insulating dwellings.

(2) The following enactments in the Rent Act 1968 shall have effect as if a reference to this section had been included therein, namely:—

(a) paragraph (a) of subsection (4) of section 25;

(b) paragraph (a) of section 31;

(c) paragraph (a) of subsection (1) of section 57.

4.—(1) The County Council in relation to the Birmingham airport and the City Council in relation to the Coventry airport may make a scheme or schemes providing for the making of grants under the last foregoing section in respect of dwellings in an area, or areas, within or outside the county. Schemes for grants towards cost of insulating dwellings.

(2) A scheme under this section shall specify by reference to a map the area, or areas, in which dwellings must be situated for the grants to be payable, and shall make provision as to the persons to whom, the expenditure in respect of which and the rate at which the grants are to be paid, and may make the payment of any grant dependent upon compliance with such conditions as may be specified in the scheme.

(3) A scheme under this section shall specify a date, not being less than two years after the first publication of the notice referred

to in subsection (6) of this section, not later than which an application may be submitted to the Council for the making of a grant.

(4) A scheme under this section shall require the Council in any case where an application for a grant is refused, to give to the applicant at his request a written statement of their reasons for the refusal.

(5) A scheme under this section may make different provision with respect to different areas or different circumstances and may be varied or revoked by a subsequent scheme under this section without prejudice to grants already made.

(6) (a) As soon as may be after the making of a scheme under this section the Council shall publish once at least in each of two successive weeks in one or more local newspapers circulating in the area, or areas, to which the scheme relates a notice stating the general effect of the scheme and specifying a place or places in the area, or areas, where a copy of the scheme and of the map therein referred to may be inspected by any person free of charge at all reasonable hours.

(b) A photostatic or other reproduction certified by the proper officer to be a true reproduction of a page, or part of a page, of any newspaper bearing the date of its publication and containing a notice mentioned in this subsection shall be evidence of the publication of the notice and of the date of the publication.

Orders for
insulating
new buildings.

5.—(1) Where the Council have made a scheme under section 4 (Schemes for grants towards cost of insulating dwellings) of this Act in respect of any area, or areas, they may apply to the Secretary of State for an order requiring provision for insulation against aircraft noise to be made in any dwelling erected after a date specified in the order (or in any extension of or alteration to any dwelling made after that date) in the area, or areas, defined in the order by reference to a map, which area, or areas, may comprise the whole or part of the area, or areas, to which the scheme relates.

(2) An application for an order under this section shall be accompanied by a draft of the order which the Council desire the Secretary of State to make and a map defining the area, or areas, to which the draft order relates.

(3) Before making application to the Secretary of State for an order under this section the Council shall publish in each of two successive weeks in one or more local newspapers circulating in the area, or areas, proposed to be comprised in the order a notice—

(a) stating the general effect of the order;

- (b) specifying a place in the said area, or areas, where a copy of the draft order and of the relevant map may be inspected by any person free of charge at all reasonable hours during a period of twenty-eight days from the date of the first publication of the notice;
- (c) stating that within the said period any person may by notice to the Secretary of State object to the application.

(4) Any person claiming to be affected by the application may object thereto by sending notice of his objection and of the grounds thereof to the Secretary of State within the period specified in the notice and by sending a copy of the objection and of the grounds thereof to the Council.

(5) The Secretary of State may make the order in the terms of the draft or in those terms as modified in such manner as he thinks fit:

Provided that if any objection is duly made as aforesaid by any person appearing to the Secretary of State to be affected by the application and is not withdrawn, the Secretary of State shall not make the order unless he has caused a public local inquiry to be held into the proposed order and has considered the report of the person who held the inquiry.

(6) (a) If the Secretary of State makes an order under this section the Council shall give notice of the making and of the effect of the order by publishing the same in one or more local newspapers circulating in the area, or areas, to which the order relates.

(b) An order under this section shall be a local land charge.

(7) Where plans for the erection, extension or alteration of a dwelling in an area to which an order made under this section relates are, in accordance with building regulations, deposited with a local authority, the local authority shall reject the plans unless it is shown to them—

- (a) that satisfactory provision will be made for insulating the dwelling (or as the case may be the extension or alteration of the dwelling) against aircraft noise; or
- (b) that in the case of an extension or alteration no such insulation is necessary.

Byelaws as to operation of aircraft at relevant airport.

6.—(1) The County Council in relation to the Birmingham airport and the City Council in relation to the Coventry airport may make byelaws for controlling the operation of aircraft within the relevant airport for the purpose of mitigating the effect of or preventing aircraft noise.

(2) Any person contravening a byelaw made under this section shall be liable on summary conviction to a fine not exceeding five hundred pounds:

Provided that any departure from such a byelaw to the extent necessary for the purposes of securing the safety of aircraft in flight or the safety of aircraft, persons or property on the ground shall be deemed not to contravene any byelaw made under this section.

(3) (a) If the Secretary of State is satisfied that any byelaw made under this section is inconsistent with the safety of aircraft or the safety of vehicles or persons using the relevant airport or public safety or with any international obligation assumed by the Government of the United Kingdom he may for the purpose of removing such inconsistency and after consulting the Council by order revoke or modify the byelaw.

(b) Any byelaw modified by the Secretary of State under this subsection shall have effect as if it had been duly made by the Council and confirmed by the Secretary of State.

(4) In this section " aircraft noise " includes vibration.

Transfer of powers.

7. In the event of the control of the Coventry airport being transferred to the County Council the County Council shall, as from the date of the transfer and during such subsequent period as the control of the Coventry airport remains with the County Council, have and may exercise all or any of the powers conferred upon the City Council by this Act but subject to the restrictions, liabilities and obligations to which the City Council are subject under this Act and accordingly as from the date of such transfer and during such subsequent period as aforesaid—

(1) references in this Act, or in any scheme, order or byelaws made under this Act, to the City Council shall be construed as references to the County Council;

(2) any scheme or byelaws made by the City Council under this Act shall be deemed to have been made by the County Council and shall until revoked, altered or repealed, or until their expiration continue in force and effect.

8.—(1) The Secretary of State may cause such local inquiries Local to be held as he may consider necessary for the purpose of any inquiries. of his functions under this Act.

(2) Subsections (2) to (5) of section 250 of the Act of 1972 shall apply in relation to any such inquiry.

9. The enactments specified in the Schedule to this Act are Repeals. hereby repealed to the extent specified in that schedule.

Section 9.

SCHEDULE**ENACTMENTS REPEALED**

Chapter	Short title	Extent of repeal
25 & 26 Geo. 5 c. cxxii	Birmingham Corporation Act 1935	Section 100 (Aerodrome undertaking)
26 Geo. 5 & 1 Edw. 8 c. cix	Coventry Corporation Act 1936	Section 78 (As to aerodrome under- taking)

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CHAPTER xiv

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SCHEDULE—Enactments repealed.

