
Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

SCHEDULES

SCHEDULE 3

LAND AND RIGHTS OVER LAND

PART II

ORDERS RELATING TO CONTROL OF LAND

Creation of rights over land, and control over civil aerodromes

- 4 (1) In section 24 of the Civil Aviation Act 1949 (hereafter in this Schedule referred to as "the Act of 1949") references to land vested in the Secretary of State or which he proposes to acquire shall include references to land vested in the Authority or which the Authority proposes to acquire, and any rights created by an order made by virtue of this paragraph shall be rights in favour of the Authority.
- (2) Any compensation payable under subsection (4) of that section or Part III of Schedule 1 to that Act in consequence of an order made by virtue of this paragraph shall be payable by the Authority instead of the Secretary of State.
- (3) In subsection (5) of that section the reference to the consent of the Secretary of State shall, in relation to an order made by virtue of this paragraph, be construed as a reference to the consent either of the Secretary of State or of the Authority.
- (4) Notwithstanding anything in subsection (9) of that section, proceedings for an offence under that section in relation to an order made by virtue of this paragraph may be instituted in England and Wales or Northern Ireland by the Authority without the consent of the Secretary of State or the Director of Public Prosecutions.
- 5 (1) In section 25 of the Act of 1949 references to any aerodrome vested in the Secretary of State or under his control shall include references to any aerodrome in the United Kingdom which is owned or managed by the Authority.
- (2) Notwithstanding anything in subsection (6) of that section, proceedings for an offence against an order under that section made by virtue of this paragraph may be instituted in England and Wales or Northern Ireland by the Authority without the consent of the Secretary of State or the Director of Public Prosecutions.
- (3) Any compensation payable under Schedule 2 to the Act of 1949 in consequence of any order made by virtue of this paragraph shall be payable by the Authority instead of the Secretary of State.
- 6 (1) For paragraph 1 of Schedule 1 to the Act of 1949, as it applies in relation to orders made by virtue of paragraph 4 or 5 of this Schedule on the application of the Authority, there shall be substituted the following paragraph:—
- “1 Before making an application for an order the Civil Aviation Authority—

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

- (a) shall publish in one or more newspapers circulating in the district in which the land is situated ; and
- (b) shall serve on every owner, lessee and occupier of any of the land and upon every local authority within whose area any of the land is situated,

a notice stating that the Authority proposes to apply for the order and the effect thereof and specifying the time (not being less than forty-two days from service of the notice) within which and the manner in which objections to the making of the order may be made”.

- (2) In the case of an order made by virtue of paragraph 4 or 5 of this Schedule, the notice to be published under paragraph 5 of the said Schedule 1 shall be published by the Authority and not by the Secretary of State.

Control over land in interests of civil aviation

- 7 (1) In section 26 of the Act of 1949 references to any land, structures, works or apparatus vested in the Secretary of State or which he proposes to acquire or install shall include references to any land, structures, works or apparatus vested in the Authority or which the Authority proposes to acquire or install.
- (2) In the case of a direction given by virtue of this paragraph, it shall be for the Authority instead of the Secretary of State to give the notices required by paragraph 1 of Schedule 3 to the Act of 1949.
- (3) Any compensation payable under that Schedule in consequence of a direction given by virtue of this paragraph shall be payable by the Authority instead of the Secretary of State.

Stopping up and diversion of highways

- 8 In section 28 of the Act of 1949 references to land vested in the Secretary of State or which he proposes to acquire shall include references to land vested in the Authority or which the Authority proposes to acquire.

Supplementary

- 9 (1) It shall be for the Authority, instead of the Secretary of State, to act under section 33(2) and (5) of the Act of 1949 (local land charges) as regards any order made or direction given by virtue of paragraph 4, 5 or 7 of this Schedule.
- (2) Paragraph 1 of this Schedule shall apply where the Secretary of State has made an order under section 24 or section 26 of the Act of 1949 by virtue of the preceding provisions of this Part of this Schedule, or has under consideration the making of any such order, as it applies where the Secretary of State has confirmed an order authorising the Authority to acquire land in Great Britain compulsorily or, as the case may be, where the Authority proposes to acquire land in Northern Ireland compulsorily ; and except as provided by that paragraph section 29 of that Act (powers of entry) shall not apply in relation to any such order under the said section 24 or 26.
- (3) Paragraph 2 of this Schedule shall apply where the Secretary of State gives a direction under section 26 of the Act of 1949 by virtue of the preceding provisions of this Part of this Schedule, being a direction the execution of which will involve the

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

displacement of persons residing in premises on the land to which the direction relates, as it applies where the Authority has acquired land for purposes connected with the discharge of its functions; and section 31 of that Act (displacements from land) shall not apply in relation to any such direction.