



Airports Authority Act 1975

CHAPTER 78

LONDON
HER MAJESTY'S STATIONERY OFFICE

Airports Authority Act 1975

CHAPTER 78

ARRANGEMENT OF SECTIONS

The Authority

Section

1. The British Airports Authority.
2. The Authority's functions.

Financial provisions

3. The Authority's financial duties.
4. The commencing capital debt.
5. Borrowing by the Authority.
6. Government loans to the Authority.
7. Treasury guarantees.
8. Accounts and audit.

Control and management of aerodromes

9. Byelaws.
10. Airport police.
11. Prevention of theft by persons employed at Authority's aerodromes.
12. Prevention of theft from cargo areas at Authority's aerodromes.
13. Control of road traffic.
14. Functions of Authority as respects abandoned vehicles.
15. Health control.
16. Lost property.

Acquisition and use of land, etc.

17. Land and rights over land.
18. Planning decisions given in the interests of the Authority.
19. Application of enactments relating to statutory undertakers.
20. Provisions as to telegraphic lines.

General

21. Reports and information.
22. Inquiries.
23. Interpretation.
24. Aerodromes transferred to Authority on 1st April 1966.
25. Amendments of other Acts, repeals and savings.
26. Short title, extent and commencement.

SCHEDULES:

Schedule 1—The Authority.

Schedule 2—Byelaws.

Schedule 3—Land and rights over land.

Schedule 4—Matters arising out of transfer to Authority
of aerodromes at Heathrow, Gatwick,
Stansted and Prestwick.

Schedule 5—Amendments of other Acts.

Schedule 6—Repeals.

ELIZABETH II



Airports Authority Act 1975

1975 CHAPTER 78

An Act to consolidate the Airports Authority Act 1965 and certain related enactments. [12th November 1975]

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:—

The Authority

1.—(1) There shall continue to be a body corporate called ^{The British Airports Authority.} the British Airports Authority (in this Act referred to as “the Authority”) which shall manage the aerodromes at Heathrow, Gatwick, Stansted and Prestwick transferred to it by the Act of 1965, the aerodromes at Edinburgh, Glasgow and Aberdeen acquired by it under that Act, and any other aerodrome provided or acquired by it under the following provisions of this Act.

(2) The Authority shall consist of a chairman, a deputy chairman and not more than eight nor less than four other members.

(3) The chairman shall be appointed by the Secretary of State, and the other members (including the deputy chairman) shall be appointed by the Secretary of State after consultation with the chairman.

(4) The chairman, deputy chairman and other members of the Authority shall be appointed from among persons who appear to the Secretary of State to have had wide experience of and to have shown capacity in air transport, other forms of transport, industry, commercial or financial matters, administration, the organisation of workers or the representation of the interests of consumers.

(5) The Secretary of State in appointing the members of the Authority shall ensure that there is at least one member of the Authority who has special knowledge and experience of the requirements and circumstances of Scotland.

(6) Schedule 1 to this Act shall have effect as respects the Authority.

(7) It is hereby declared that the Authority is not to be regarded as the servant or agent of the Crown, or as enjoying any status, immunity or privilege of the Crown, or as exempt from any tax, duty, rate, levy or other charge whatsoever, whether general or local, and that its property is not to be regarded as property of, or property held on behalf of, the Crown.

The
Authority's
functions.

2.—(1) It shall be the duty of the Authority to provide at its aerodromes such services and facilities as are in its opinion necessary or desirable for their operation, but the Authority shall not provide any navigation services except with the consent in writing of the Secretary of State.

(2) In carrying out that duty the Authority shall have regard to the development of air transport and to efficiency, economy and safety of operation.

(3) The Authority shall have power to do anything which is calculated to facilitate the discharge of its duties under this Act.

(4) Without prejudice to the generality of the preceding subsection, the Authority may provide, or acquire, or assume the management of, any aerodrome in Great Britain in addition to those transferred to or acquired by the Authority under the Act of 1965, but the Authority shall not exercise the powers described in this subsection without the consent in writing of the Secretary of State.

(5) Without prejudice to its powers apart from this subsection, the Authority shall have power to provide for any person technical advice or assistance, including research services, as respects any matter in which the Authority has skill or experience.

(6) The Authority shall not without the consent in writing of the Secretary of State discontinue the use of any aerodrome owned by it.

(7) The Secretary of State may, after consultation with the Authority, give to the Authority directions of a general character as to the exercise and performance by the Authority of its functions in relation to matters which appear to him to affect the national interest, and it shall be the duty of the Authority to give effect to any such directions.

(8) In the management and administration of any aerodrome the Authority shall provide for users of the aerodrome, for the local authorities in whose areas the aerodrome or any part thereof is situated, for other local authorities whose areas are in the neighbourhood of the aerodrome, and for other organisations representing the interests of persons concerned with the locality in which the aerodrome is situated adequate facilities for consultation with respect to matters affecting their interests, and shall, in doing so, give effect to any direction given to it by the Secretary of State.

(9) Any consent under this section may be given subject to such conditions as the Secretary of State thinks fit.

Financial provisions

3.—(1) The Authority shall so conduct its business as to secure that its revenue is not less than sufficient for making provision for the meeting of charges properly chargeable to revenue, taking one year with another. The Authority's financial duties.

(2) The Authority, in framing and carrying out proposals involving substantial outlay on capital account, shall act on lines settled from time to time with the approval of the Secretary of State.

(3) Subject to subsection (6) below, the Authority shall charge to revenue in every year all charges which are proper to be made to revenue, including, in particular, proper provision for the depreciation or renewal of assets and proper allocations to general reserve, and the reference in subsection (1) above and other references in this Act to charges properly chargeable to revenue shall be construed accordingly.

(4) Without prejudice to the Authority's power to establish specific reserves, the Authority shall establish and maintain a general reserve.

(5) The management by the Authority of its general reserve, the sums to be carried from time to time to the credit thereof, and the application for the purposes of the Authority of the moneys comprised therein shall be as the Authority may determine:

Provided that the Secretary of State may, with the approval of the Treasury, give to the Authority directions as to any matter relating to the establishment or management of the general reserve or the carrying of sums to the credit thereof, or the application thereof for the purposes of the Authority, and the Authority shall comply with any such directions.

(6) The Authority may, with the consent of the Secretary of State given with the approval of the Treasury, make charges to capital account representing interest on expenditure of a capital nature, being interest for any period which ends at or before the time when the project to which the expenditure relates is completed.

(7) Any excess of the revenues of the Authority in any accounting year over the total sums properly chargeable by the Authority to revenue account for that year shall be applied by the Authority in such manner as the Secretary of State, with the approval of the Treasury and after consultation with the chairman of the Authority, may direct; and the direction may require the whole or any part of the excess to be paid to the Secretary of State.

(8) Any sums received by the Secretary of State under this section shall be paid into the Consolidated Fund.

The
commencing
capital debt.

4.—(1) In this Act “the commencing capital debt” means the debt which was assumed by the Authority on 1st April 1966 under section 4 of the Act of 1965 as a debt due to the Minister of Aviation and which was subsequently reduced under subsection (3) of that section to £52·91 million.

(2) The rate of interest payable on the commencing capital debt, the arrangements for paying off the principal and the other terms of the debt shall be such as the Secretary of State may with the approval of the Treasury from time to time determine.

(3) Any sums received by the Secretary of State by way of interest on, or repayment of, the commencing capital debt shall be paid into the National Loans Fund.

Borrowing
by the
Authority.

5.—(1) Subject to the limit in subsection (4) below, the Authority may borrow temporarily, by way of overdraft or otherwise, in sterling or, with the consent of the Secretary of State (which shall require the approval of the Treasury), in currencies other than sterling, such sums as the Authority may require for meeting its obligations or discharging its functions under this Act; but the aggregate of the amounts outstanding in respect of any temporary loans raised by the Authority under this subsection shall not exceed such limit as the Secretary of State may for the time being have imposed on the Authority for the purposes of this subsection by a direction given to the Authority with the approval of the Treasury.

(2) Subject to the limit in subsection (4) below, the Authority may borrow, otherwise than by way of temporary loan—

- (a) in sterling from the Secretary of State ; or
- (b) with the consent of the Secretary of State (which shall require the approval of the Treasury), in sterling from the Commission of the European Communities or from the European Investment Bank ; or
- (c) with the consent of the Secretary of State (which shall require the approval of the Treasury), in any currency other than sterling from a person other than the Secretary of State,

such sums as the Authority may require for all or any of the purposes mentioned in the following subsection.

(3) The said purposes are—

- (a) for meeting any expenses properly chargeable to capital, being expenses incurred in connection with the provision or improvement of assets in connection with the business of the Authority ;
- (b) for the provision of working capital ;
- (c) for acquiring an undertaking or part of an undertaking ;
- (d) for lending money to, or meeting a guarantee given for the benefit of, any person for the purpose of an undertaking carried on by him, or where that person is a body corporate, an undertaking carried on by a subsidiary of that body corporate ;
- (e) for subscribing for or acquiring securities of a body corporate otherwise than by way of investment ;
- (f) for the payment of interest charged to capital account under section 3(6) of this Act ;
- (g) to pay off—
 - (i) any part of the commencing capital debt ;
 - (ii) any money borrowed by the Authority ;
- (h) for any purpose for which capital moneys are properly applicable (whether or not specified in the preceding paragraphs).

(4) The aggregate amount outstanding in respect of—

- (a) the principal of any money borrowed by the Authority under this section ; and
- (b) the principal of any money lent to the Authority under section 12 of the Civil Aviation Act 1968 1968 c. 61. (financial assistance for certain aerodromes) ; and
- (c) the commencing capital debt,

taken together shall not exceed £125 million.

(5) The Authority shall not have power to borrow money except in accordance with this section.

(6) References in this section to borrowing do not include the receipt or use by the Authority of money of a pension fund established for the purposes of a pension scheme in which the employees of the Authority participate.

Government
loans to the
Authority.

6.—(1) Subject to this Act, the Secretary of State may with the approval of the Treasury lend to the Authority any sums which the Authority has power to borrow from him under section 5(2) of this Act.

(2) Any loans which the Secretary of State makes under this section shall be repaid to him at such times and by such methods, and interest thereon shall be paid to him at such rates and at such times, as he may with the approval of the Treasury from time to time direct.

(3) The Treasury may issue out of the National Loans Fund to the Secretary of State such sums as are necessary to enable him to make loans under this section.

(4) Any sums received by the Secretary of State under subsection (2) above shall be paid into the National Loans Fund.

Treasury
guarantees.

7.—(1) The Treasury may guarantee, in such manner and on such conditions as they may think fit, the repayment of the principal of, and the payment of interest on, any sums which the Authority borrows from a person other than the Secretary of State.

(2) Immediately after any guarantee is given under this section the Treasury shall lay a statement of the guarantee before each House of Parliament, and where any sum is issued for fulfilling such a guarantee the Treasury shall, as soon as possible after the end of each financial year, beginning with that in which the sum is issued and ending with that in which all liability in respect of the principal of the sum and in respect of interest thereon is finally discharged, lay before each House of Parliament a statement relating to that sum.

(3) Any sums required by the Treasury for fulfilling any guarantee under this section shall be charged on and issued out of the Consolidated Fund.

(4) If any sums are issued in fulfilment of any guarantee given under this section, the Authority shall make to the Treasury, at such times and in such manner as the Treasury

may from time to time direct, payments of such amounts as the Treasury may so direct in or towards repayment of the sums so issued, and payments of interest on what is outstanding for the time being in respect of sums so issued at such rate as the Treasury may so direct.

(5) Any sums received by the Treasury under the preceding subsection shall be paid into the Consolidated Fund.

8.—(1) The Authority shall keep proper accounts and proper Accounts records in relation to the accounts and shall prepare in respect and audit. of each accounting year a statement of accounts in such form as the Secretary of State, with the approval of the Treasury, may direct, being a form which shall conform to the best commercial standards.

(2) The accounts of the Authority shall be audited by auditors appointed by the Secretary of State after consultation with the Authority, and a person shall not be qualified to be so appointed unless he is a member of one or more of the following bodies—

the Institute of Chartered Accountants in England and Wales ;

the Institute of Chartered Accountants of Scotland ;

the Association of Certified Accountants ;

the Institute of Chartered Accountants in Ireland ;

any other body of accountants established in the United Kingdom and for the time being recognised for the purposes of section 161(1)(a) of the Companies Act 1948 c. 38. 1948 by the Secretary of State ;

but a Scottish firm may be so appointed if each of the partners is qualified to be so appointed.

(3) The Secretary of State shall, as respects each financial year, prepare in such form and manner as the Treasury may direct an account of sums issued to him under section 6 of this Act and of any sums to be paid into the Consolidated Fund or the National Loans Fund under that section or under section 3 or 4 of this Act, and of the disposal by him of those sums respectively, and send it to the Comptroller and Auditor General not later than the end of November following the year ; and the Comptroller and Auditor General shall examine, certify and report on the account and lay copies of it, together with his report, before each House of Parliament.

Control and management of aerodromes

9.—(1) The Authority may, in respect of any aerodrome Byelaws. owned or managed by it, make byelaws for regulating the

use and operation of the aerodrome and the conduct of all persons while within the aerodrome, and in particular byelaws—

- (a) for securing the safety of aircraft, vehicles and persons using the aerodrome and preventing danger to the public arising from the use and operation of the aerodrome ;
- (b) for preventing obstruction within the aerodrome ;
- (c) for regulating vehicular traffic anywhere within the aerodrome except on roads therein to which the road traffic enactments apply, and in particular (with that exception) for imposing speed limits on vehicles therein and for restricting or regulating the parking of vehicles or their use for any purpose or in any manner specified in the byelaws ;
- (d) for prohibiting waiting by hackney carriages except at standings appointed by the Authority ;
- (e) for prohibiting or restricting access to any part of the aerodrome ;
- (f) for preserving order within the aerodrome and preventing damage to property therein ;
- (g) for regulating or restricting advertising within the aerodrome ;
- (h) for requiring any person, if so requested by a constable appointed under this Act, to leave the aerodrome or any particular part of it ;
- (i) for restricting the area which is to be taken as constituting the aerodrome for the purposes of the byelaws.

(2) Byelaws made under this section shall bind the Crown.

(3) Any person contravening any byelaws made under this section shall be liable on summary conviction to a fine not exceeding such amount as may be specified by the byelaws in relation to the contravention, but no amount so specified shall exceed £100.

(4) Byelaws made under this section shall not have effect until they are confirmed by the Secretary of State, and the provisions of Schedule 2 to this Act shall apply to any such byelaws.

(5) A constable appointed under this Act may remove from any aerodrome owned or managed by the Authority, or from any part of such an aerodrome—

- (a) any person who, in contravention of any byelaws made under this section, fails or refuses to leave the aerodrome or part after being requested by such a constable to do so ;

- (b) any vehicle, animal or thing brought to or left within the aerodrome or part in contravention of any byelaws made under this section and any vehicle, animal or thing likely to cause danger or obstruction.

(6) A constable appointed under this Act may without warrant arrest a person within any aerodrome owned or managed by the Authority—

- (a) if he has reasonable cause to believe that that person has contravened any byelaws made under this section and he does not know and cannot ascertain that person's name and address ; or
- (b) if that person, in contravention of any byelaws made under this section, fails or refuses to leave the aerodrome or any particular part thereof after being requested by such a constable to do so.

10.—(1) The Authority may appoint persons to be constables Airport
police.
in accordance with this section.

(2) Every constable appointed under this section shall on appointment be attested as a constable by making a declaration before a justice of the peace or, in Scotland, before a sheriff, justice of the peace or burgh magistrate, that he will duly execute the office of a constable ; and when he has made such a declaration he shall, while his appointment continues, have the powers and privileges and be liable to the duties and responsibilities of a constable—

- (a) on each of the aerodromes owned or managed by the Authority ; and
- (b) elsewhere, for the purpose of arresting any person whom he has followed from any such aerodrome, in circumstances where he could have arrested that person on the aerodrome.

(3) The constabulary maintained under this section shall be under the exclusive control of the Authority, and the Authority shall have power to suspend or terminate the appointment of any of its constables.

(4) The Authority shall be liable in respect of torts committed by members of that constabulary in the performance or purported performance of their functions in like manner as a master is liable in respect of torts committed by his servants in the course of their employment, and accordingly shall in respect of any such tort be treated for all purposes as a joint tortfeasor.

(5) If and so long as the Authority maintains a constabulary under this section, the Authority shall arrange for the establishment of a conference consisting of representatives of the Autho-

rity and of members of the constabulary, to which all questions relating to rates of pay, hours of duty and conditions of service of members of the constabulary shall be referred.

(6) In the event of disagreement between the two sides of a conference established under subsection (5) above, an independent chairman shall be appointed with power to give decisions which shall have effect as decisions of the conference, the said chairman to be chosen by mutual agreement or, failing agreement, to be nominated by the Secretary of State.

(7) Every constable appointed under this section shall, in Scotland, be exempt from serving on any jury while his appointment continues.

(8) In the application of subsection (4) above to Scotland there shall be substituted, for any reference to a tort, a reference to a wrongful act or a negligent act or omission, and, for any reference to a joint tortfeasor, a reference to a person who has been or might be held liable, jointly and severally with one or more other persons, for loss or damage arising from any such act or omission.

Prevention
of theft by
persons
employed at
Authority's
aerodromes.

11.—(1) This section applies to all persons in the employment of the Authority, and to all persons employed otherwise than by the Authority to work on any aerodrome owned or managed by the Authority.

(2) Any constable appointed under this Act may on any such aerodrome—

- (a) stop, and without a warrant search and arrest any person to whom this section applies whom he has reasonable grounds to suspect of having in his possession or conveying in any manner anything stolen or unlawfully obtained on any such aerodrome ; and
- (b) if he has reasonable grounds to suspect that anything stolen or unlawfully obtained on any such aerodrome may be found in or on any vehicle carrying a person to whom this section applies or in or on any aircraft, stop and without a warrant search and detain the vehicle or, as the case may be, board and without a warrant search the aircraft.

Prevention
of theft
from cargo
areas at
Authority's
aerodromes.

12.—(1) The Secretary of State may by order designate for the purposes of this section any area appearing to him to be used wholly or mainly for the storage or handling of cargo in any aerodrome owned or managed by the Authority.

(2) Any constable appointed under this Act may—

- (a) stop any person who is leaving an area designated for the purposes of this section and inspect any goods carried by that person ;

(b) stop and search any vehicle or aircraft which is leaving any such area and inspect the vehicle or aircraft and any goods carried on or in it ; and

(c) detain in the area—

(i) any such goods as aforesaid for which there is not produced a document authorising their removal from the area signed by a person authorised in that behalf by the Authority ; and

(ii) any such vehicle or aircraft aforesaid so long as there are on or in it goods liable to detention under this paragraph.

(3) Nothing in subsection (2) above shall be construed as conferring a power to search any person.

(4) In any area designated for the purposes of this section the powers of a constable under subsection (2)(b) of section 11 of this Act shall—

(a) extend to any vehicle whether or not it is carrying a person to whom that section applies ; and

(b) include power, not only to board and search an aircraft, but also to stop and detain it.

(5) Any order under this section shall be made by statutory instrument, which shall be subject to annulment in pursuance of a resolution of either House of Parliament, and may be varied or revoked by a subsequent order under this section.

13.—(1) Subject to the provisions of this section, the road traffic enactments shall apply in relation to roads which are within aerodromes owned or managed by the Authority but to which the public does not have access as they apply in relation to roads to which the public has access. Control of road traffic.

(2) The Secretary of State may by order direct that in their application to roads within such aerodromes the road traffic enactments shall have effect subject to such exceptions, adaptations or modifications as appear to him necessary or expedient for the purpose or in consequence of conferring on the Authority functions exercisable under those enactments by a highway authority or local authority and on the chief officer of the constabulary maintained by the Authority functions so exercisable by a chief officer of police.

(3) An order under subsection (2) above may exempt from the application of the road traffic enactments such roads or lengths of road to which the public does not have access as the Authority may for the time being identify as being so exempted by means of a sign of a type or character specified in the order.

(4) For the purpose of enabling persons appointed by the Authority to discharge in relation to the aerodromes owned or managed by the Authority functions discharged elsewhere by traffic wardens appointed by police authorities, the Secretary of State may by order apply in relation to the Authority, subject to such adaptations and modifications as appear to him to be necessary or expedient, any enactment relating to traffic wardens which is for the time being in force (whether passed before or after the commencement of this Act) and any order or other instrument having effect by virtue of any such enactment.

(5) Before making an order under subsection (2) above the Secretary of State shall consult the Authority.

(6) Any order under this section shall be made by statutory instrument, which shall be subject to annulment in pursuance of a resolution of either House of Parliament, and may be varied or revoked by a subsequent order.

1831 c. 22. (7) Any road or place within an aerodrome in the metropolitan police district which is owned or managed by the Authority shall be deemed to be a street or place within the meaning of section 35 of the London Hackney Carriage Act 1831.

1970 c. 20. (8) In the application of subsection (2) above to Scotland, for the words "or local authority" there shall be substituted the words "as defined in section 50(1) of the Roads (Scotland) Act 1970".

Functions of
Authority as
respects
abandoned
vehicles.
1967 c. 69.

14.—(1) The Secretary of State may by order direct that, in their application to land in any aerodrome owned or managed by the Authority, the provisions of—

(a) section 20, section 21 and section 22 of the Civic Amenities Act 1967 (powers and duties of local authorities to remove and dispose of vehicles abandoned on land in their area) and section 28 of that Act (powers of entry etc.) so far as relating to the said section 20; and

(b) any regulations for the time being in force under any of those sections,

shall have effect subject to such exceptions, adaptations or modifications as appear to him necessary or expedient for the purpose or in consequence of transferring to the Authority the powers and duties conferred or imposed by those provisions on local authorities or local authorities of any description.

(2) In relation to the provisions of—

1967 c. 76. (a) sections 20, 52 and 53 of the Road Traffic Regulation Act 1967 (removal of vehicles from roads if illegally,

obstructively or dangerously parked or broken down, and from roads or open land if abandoned) ; and

- (b) any regulations for the time being in force under any of those sections,

the powers of the Secretary of State under section 13(2) of this Act shall be exercisable not only as respects the application of those provisions to roads within aerodromes owned or managed by the Authority but also as respects their application to other land within those aerodromes.

- (3) Where the provisions of—

- (a) section 20 of the Civic Amenities Act 1967 ; 1967 c. 69.
(b) section 20 or 52 of the Road Traffic Regulation Act 1967 c. 76. 1967 ; or
(c) any regulations for the time being in force under any of those sections,

apply to land in any aerodrome in accordance with an order made under or by virtue of this section, those provisions shall have effect in relation to vehicles in a building on that land which is used for providing facilities for the parking of vehicles as they have effect in relation to vehicles on land in the open air.

(4) Before making an order under subsection (1) above the Secretary of State shall consult the Authority ; and any such order shall be made by statutory instrument, which shall be subject to annulment in pursuance of a resolution of either House of Parliament, and may be varied or revoked by a subsequent order.

15.—(1) Without prejudice to his general duties under any Health Act of Parliament or otherwise, it shall be the duty of the Secretary of State and, to such extent as he may direct, of the Authority, to make such arrangements as appear to him to be necessary—

- (a) for preventing danger to public health from aircraft arriving at any aerodrome owned or managed by the Authority ; and
(b) for preventing the spread of infection by means of any aircraft leaving any such aerodrome, so far as may be necessary or expedient for the purpose of carrying out any treaty, convention, arrangement or engagement with any country.

(2) A local authority may, and shall if the Secretary of State so requires, undertake duties in connection with the execution of any such arrangements as aforesaid, and the Secretary of State shall pay to the local authority such charges as the local

authority may reasonably require to be paid in respect of expenses incurred and services provided by the local authority in the performance of such duties.

1936 c. 49. (3) In subsection (2) above "local authority" means any local authority for the purposes of the Public Health Act 1936, any county council and any port health authority, and also any joint board of which all the constituent authorities are such authorities or councils as aforesaid.

(4) Section 143 of the Public Health Act 1936 (health regulations) shall have effect in relation to aerodromes owned or managed by the Authority, and in relation to persons and aircraft arriving at or departing from such aerodromes, subject to the following modifications, that is to say—

(a) in subsection (3) for the words from "shall specify the authorities" to "enforced and executed" there shall be substituted the words "may provide for their enforcement and execution by officers designated for that purpose by the Secretary of State"; and

(b) in subsection (4) for the words "Authorised officers of any such authority" there shall be substituted the words "Officers so designated as aforesaid".

(5) In the application of this section to Scotland—

1945 c. 15
(9 & 10
Geo. 6).
1897 c. 38. (a) in subsection (2), "local authority" means any local authority for the purposes of the Public Health (Scotland) Act 1945 and any port local authority as defined in section 172 of the Public Health (Scotland) Act 1897;

(b) subsection (3) shall not apply;

(c) in subsection (4), for the reference to section 143 of the Public Health Act 1936 there shall be substituted a reference to section 1 of the Public Health (Scotland) Act 1945.

Lost property.
1949 c. 67. **16.** Section 56 of the Civil Aviation Act 1949 (custody and disposal of lost property) shall apply to, and to aircraft on, any premises belonging to the Authority or under the control of the Authority as they apply to, and to aircraft on, any premises belonging to or under the control of the Secretary of State; and for the purposes of that section any vehicle, animal or thing found within an aerodrome owned or managed by the Authority and removed under section 9(5) of this Act shall be treated as having been so found while not in proper custody.

Acquisition and use of land, etc.

17.—(1) The Authority may be authorised by the Secretary of Land and State to acquire land compulsorily for any purpose connected with the discharge of its functions, and the provisions of the Acquisition of Land (Authorisation Procedure) Act 1946 other than section 3 shall apply in relation to the compulsory purchase of land by the Authority as if the Authority were a local authority and as if this section were contained in an Act in force immediately before the commencement of that Act.

(2) For the purpose of the acquisition by the Authority of land by agreement the provisions of Part I of the Compulsory Purchase Act 1965 (so far as applicable), other than sections 4 to 8, 27 and 31, shall apply.

(3) Part I of Schedule 3 to this Act shall have effect as respects the acquisition of land by the Authority.

(4) Part II of Schedule 3 to this Act shall have effect as respects the application of the following provisions of the Civil Aviation Act 1949—

- (a) section 24 (acquisition of rights over land),
- (b) section 25 (imposition of restrictions on use of aerodromes),
- (c) section 26 (control over land), and
- (d) section 28 (stopping up of highways).

(5) The Authority's power of acquiring land compulsorily under this section may be exercised for the purpose of providing or improving any highway which is to be provided or improved in pursuance of an order under the said section 28 as applied by this section or for any other purpose for which land is required in connection with such an order.

(6) Section 128 of the Town and Country Planning Act 1971 (consecrated land and burial grounds) shall have effect in relation to any land acquired by the Authority as it has effect in relation to land acquired by a statutory undertaking under Part VI of that Act.

(7) In the application of this section to Scotland—

- (a) in subsection (1), for the references to the Acquisition of Land (Authorisation Procedure) Act 1946 and to section 3 of that Act there shall be substituted respectively references to the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 and to section 3 of that Act;

- (b) for subsection (2) there shall be substituted—

“ (2) For the purpose of the acquisition by the Authority of land by agreement the Lands Clauses

- 1845 c. 19. Acts shall be incorporated with this Act, except for sections 120 to 125 and 127 (sale of superfluous land) and sections 142 and 143 (access to the special Act) of the Lands Clauses Consolidation (Scotland) Act 1845.”;
- (c) in subsection (5), the reference to a highway shall include a reference to any public right of way ;
- 1971 c. 78. (d) in subsection (6), for the references to section 128 of the Town and Country Planning Act 1971 and to Part VI of that Act there shall be substituted references to section 118 of the Town and Country Planning (Scotland) Act 1972 and to Part VI of that Act.
- 1972 c. 52.

Planning decisions given in the interests of the Authority.

18.—(1) A local planning authority shall be entitled to recover from the Authority a sum equal to any compensation payable by the local planning authority—

- (a) under sections 164 and 165 of the Act of 1971 or sections 153 and 154 of the Act of 1972 (revocation of planning permission) ; or
- (b) under section 169 of the Act of 1971 or section 158 of the Act of 1972 (planning decisions not affecting new development) ; or
- (c) under section 237(1) of the Act of 1971 or section 226(1) of the Act of 1972 (undertakers’ operational land) ; or
- (d) under section 187(2) of the Act of 1971 or section 176(2) of the Act of 1972 (purchase notices which do not take effect),

if the liability to pay compensation is attributable to a planning decision which would not have been taken, or, in the case of compensation under the said section 164 or the said section 153, to an order under section 45 of the Act of 1971 or section 42 of the Act of 1972 which would not have been made, but for the need to secure the safe and efficient operation of an aerodrome owned by the Authority or the protection of persons or buildings from aircraft using such an aerodrome.

(2) Where a purchase notice is served under section 180 of the Act of 1971 or section 169 of the Act of 1972 in respect of a planning decision which would not have been taken but for the need to secure the safe and efficient operation of an aerodrome owned by the Authority or the protection of persons or buildings from aircraft using such an aerodrome, any local authority who are deemed under section 181(2) or 186(1) of the Act of 1971 or section 170(2) or 175(1) of the Act of 1972 to have served a notice to treat in respect of the interest to which the purchase notice relates may, by notice in writing given to the Authority not later than one month from the time when the

amount of compensation payable by the local authority for the interest is agreed or determined, require the Authority to purchase that interest from the local authority for a sum equal to the amount of compensation so agreed or determined ; and, subject to any agreement between the local authority and the Authority, on the giving of the notice the Authority shall be deemed to have contracted with the local authority for the purchase of the interest at that price.

(3) Where a sum equal to any compensation payable by a local planning authority has under subsection (1) above become recoverable from the Authority, the local planning authority shall pay to the Authority any amount received by the local planning authority in respect of that compensation under section 168 of the Act of 1971 or section 157 of the Act of 1972.

(4) Any dispute as to whether a planning decision would not have been taken, or as to whether an order under section 45 of the Act of 1971 or section 42 of the Act of 1972 would not have been made, but for the need to secure the safe and efficient operation of an aerodrome owned by the Authority or the protection of persons or buildings from aircraft using such an aerodrome shall be referred to and determined by the Secretary of State for Trade and the Secretary of State for the time being having general responsibility in planning matters in relation to England, Wales or Scotland, as the case may be, acting jointly.

(5) In this section—

“ the Act of 1971 ” means the Town and Country Planning 1971 c. 78. Act 1971 ;

“ the Act of 1972 ” means the Town and Country Planning 1972 c. 52. (Scotland) Act 1972 ;

“ planning decision ” means a decision made on an application under Part III of the Act of 1971 or Part III of the Act of 1972.

(6) References in this section to a local planning authority include, in relation to Greater London, references to any authority to whom the functions of a local planning authority are delegated.

(7) For references in this section to a local planning authority there shall, in relation to Scotland, be substituted references to a planning authority.

19.—(1) The undertaking represented by the aerodromes owned by the Authority shall be deemed a statutory undertaking and the Authority a statutory undertaker for the purposes of the enactments in which “ statutory undertakers ” or “ statutory undertaking ” has the meaning assigned to it by—

section 54(1) of the New Towns Act 1965,

Application of enactments relating to statutory undertakers.
1965 c. 59.

- 1968 c. 16. section 47(1) of the New Towns (Scotland) Act 1968,
 1946 c. 49. section 8(1) of the Acquisition of Land (Authorisation
 Procedure) Act 1946,
 1947 c. 42. section 7(1) of the Acquisition of Land (Authorisation Pro-
 cedure) (Scotland) Act 1947,
 1971 c. 78. section 290(1) of the Town and Country Planning Act
 1971, or
 1972 c. 52. section 275(1) of the Town and Country Planning (Scotland)
 Act 1972.

1936 c. 49. (2) Subsection (3) of section 39 of the Public Health Act 1936 (which exempts buildings belonging to statutory undertakers from certain drainage requirements) shall apply in relation to the Authority as it applies in relation to statutory undertakers, but as if in the proviso to the said subsection (3) (which excludes from the exemption houses and buildings used as offices or showrooms) the reference to houses included hotels and the references to offices or showrooms did not include offices or showrooms on any aerodrome owned by the Authority.

(3) Section 330 of the Public Health Act 1936 (power of certain undertakers in England and Wales to alter sewers) and section 333 of that Act (protection of certain undertakers in England and Wales from works executed under that Act) shall apply in relation to the Authority and any aerodrome owned by the Authority as they apply in relation to a railway company and its railway.

1945 c. 42. (4) Section 93 (protection of certain statutory undertakers) of
 1946 c. 42. Schedule 3 to the Water Act 1945 and section 45 (protection of
 certain statutory undertakers) of Schedule 4 to the Water (Scotland) Act 1946 shall, with the necessary modifications, apply in relation to any works along, upon or under any aerodrome 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.

In this subsection "statutory water undertakers", as respects England and Wales, means 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 as respects Scotland, means a water authority within the meaning of section 148 of the Local Government (Scotland) Act 1973.

1957 c. 56. (5) The Authority shall be deemed to be a statutory undertaker for the purposes of Part III of the Housing Act 1957 and a

public undertaker for the purposes of section 56 of the Housing 1966 c. 49. (Scotland) Act 1966.

20.—(1) Section 7 of the Telegraph Act 1878 (alteration of telegraphic lines in the execution of undertakings authorised by Act of Parliament) shall with the necessary modifications apply in relation to any alteration of a telegraphic line belonging to or used by the Post Office which—

(a) is or is likely to be involved in any work proposed to be done or done by any person in pursuance of an order or direction under section 24 or 26 of the Civil Aviation Act 1949 as applied by section 17 of this Act; or

(b) is, in the case of an order made with respect to a highway under section 28 of that Act as so applied, and in the circumstances mentioned in subsection (2) below, required by the highway authority or a person entitled to land over which a highway passes,

as if references to undertakers included references to the person by whom the work is done or proposed to be done or the alteration is required.

(2) The said circumstances are that the order provides—

(a) for the stopping up or diversion of the highway; or

(b) unless the highway is a trunk road, for the improvement of the highway,

and immediately before the order comes into operation the telegraphic line is under, in, on, over, along or across the highway.

(3) Subject to the preceding provisions of this section, the Post Office shall have the same powers in respect of the line in the case mentioned in subsection (2)(a) above as if the order had not come into operation.

(4) The said section 7 shall not apply by virtue of subsection (2)(b) above to the alteration of a telegraphic line for the purpose of authority's works as defined in Part II of the Public Utilities Street Works Act 1950.

(5) In this section "telegraphic line" and "alteration" have the same meanings as in the Telegraph Act 1878.

General

21.—(1) The Authority shall as soon as possible after the end of each accounting year make to the Secretary of State a report on the performance of its functions during that year.

(2) The report for any accounting year—

(a) shall set out any direction given to the Authority under section 2(7) of this Act during that year, unless the Secretary of State has notified to the Authority his opinion that it is against the national interest to do so ; and

(b) shall include such information relating to the plans, and past and present activities, of the Authority and the financial position of the Authority, as the Secretary of State may from time to time direct.

(3) There shall be attached to the report for each accounting year a copy of the statement of accounts in respect of that year and a copy of any report made on the statement by the auditors.

(4) The Secretary of State shall lay a copy of each report made to him under the preceding provisions of this section, and of the statements attached thereto, before each House of Parliament.

(5) The Authority shall, in addition to the information to be given under the preceding provisions of this section, furnish to the Secretary of State such returns or other information relating to the property, financial position, activities or proposed activities of the Authority as the Secretary of State may from time to time require.

Inquiries. **22.** The Secretary of State may hold local inquiries for the purposes of his functions under this Act, and—

1972 c. 70. (a) subsections (2) to (5) of section 250 of the Local Government Act 1972 (evidence and costs at local inquiries), except so much of subsection (4) as provides for the payment of costs by a local authority which is not a party to the inquiry, shall apply to any inquiry held under this section in England or Wales as if it were an inquiry held in pursuance of subsection (1) of that section ; and

1973 c. 65. (b) subsections (2) to (9) of section 210 of the Local Government (Scotland) Act 1973 (provisions as to local inquiries), except so much of subsection (7) as provides for the payment of expenses by a local authority which is not a party to the inquiry, shall apply to any inquiry held under this section in Scotland as if it were an inquiry held in pursuance of subsection (1) of that section.

Interpretation. **23.—(1)** In this Act, unless the context otherwise requires—
“ accounting year ”, in relation to the Authority, includes, if the Authority changes its accounting year, any accounting period (whether shorter or longer than a year) employed to give effect to the change ;

- “ the Act of 1965 ” means the Airports Authority Act 1965 c. 16. 1965 ;
- “ aerodrome ” means any area of land or water designed, equipped, set apart or commonly used for affording facilities for the landing and departure of aircraft and includes any area or space, whether on the ground, on the roof of a building or elsewhere, which is designed, equipped or set apart for affording facilities for the landing and departure of aircraft capable of descending or climbing vertically ;
- “ land ” includes any estate or other interest in land and any easement or servitude ;
- “ local authority ”, except in section 15, means, in relation to England and Wales, a district council, a London borough council, the Greater London Council or the Common Council of the City of London, and, in relation to Scotland, a regional, islands or district council ;
- “ navigation services ” includes information, directions and other facilities furnished, issued or provided for the purposes of or in connection with the navigation or movement of aircraft and also the control of movement of vehicles in any part of an aerodrome used for the movement of aircraft ;
- “ pension ”, in relation to a person, means a pension, whether contributory or not, of any kind whatsoever payable to or in respect of him, and includes a gratuity so payable and a return of contributions to a pension fund, with or without interest thereon or any other addition thereto, and any sums payable on or in respect of the death of that person ;
- “ the road traffic enactments ” means the enactments (whether passed before or after the commencement of this Act) relating to road traffic, including the lighting and parking of vehicles, and any order or other instrument having effect by virtue of any such enactment.

(2) Any reference in this Act to any other enactment shall be construed as a reference to that enactment as amended, and as including a reference thereto as extended or applied, by or under any other enactment, including, except where the context otherwise requires, this Act.

24. Schedule 4 to this Act shall have effect in relation to the matters there dealt with, being matters arising out of the transfer to the Authority of the aerodromes at Heathrow, Gatwick, Stansted and Prestwick which were transferred to it on 1st April 1966 by the Act of 1965. Aerodromes transferred to Authority on 1st April 1966.

Amendments
of other Acts,
repeals and
savings.
1971 c. 75.

25.—(1) In the Civil Aviation Act 1971, after section 29 there shall be inserted as section 29A the section set out in Part I of Schedule 5 to this Act (which re-enacts section 15 of the Act of 1965 as amended by paragraph 11 of Schedule 10 to the Civil Aviation Act 1971); and subsections (7) and (8) below shall operate in relation to the said section 29A as if it were a section of this Act.

(2) The enactments specified in Part II of Schedule 5 to this Act shall have effect subject to the amendments there specified, being amendments consequential upon the provisions of this Act.

(3) The enactments specified in Schedule 6 to this Act are hereby repealed to the extent specified in the third column of that Schedule.

1930 c. 44.

(4) Section 61(1)(f) of the Land Drainage Act 1930 (which was added by section 19(2) of the Act of 1965) shall continue in force notwithstanding the repeal of the said section 19(2) by this Act.

(5) Without prejudice to subsection (7) below, nothing in this Act shall invalidate any order made under section 12 of the Act of 1965 before 1st March 1975, and any such order may be varied or revoked under section 13 of this Act as if it had been made under that section.

(6) The repeal by this Act of paragraph 2 of Schedule 2 to the Act of 1965 (which enabled directions under that paragraph to create rights in favour of the Minister of Aviation) shall not affect any direction given under that paragraph.

(7) In so far as any instrument made, or any other thing done, under or by virtue of any enactment repealed by this Act could have been made or done under or by virtue of a corresponding enactment in this Act, it shall not be invalidated by the repeal effected by this section but shall have effect as if it had been made or done under or by virtue of that corresponding enactment.

(8) Without prejudice to subsections (1) and (2) above, any enactment or other document whatever referring to any enactment repealed by this Act shall, as far as may be necessary for preserving its effect, be construed as referring (or including a reference) to the corresponding enactment in this Act.

1889 c. 63.

(9) Nothing in the preceding provisions of this section shall prejudice the general application of section 38 of the Interpretation Act 1889 (which relates to repeals).

1936 c. 49.

(10) So long as section 71 of the Public Health Act 1936 remains in force section 19(2) of this Act shall have effect as if the references to section 39(3) of that Act included references to the said section 71.

(11) So long as section 33(2) of the Civil Aviation Act 1949 1949 c. 67. (local land charges) remains in force it shall be for the Authority, instead of the Secretary of State, to act thereunder as regards any order or direction made or given by virtue of paragraph 4, 5 or 7 of Schedule 3 to this Act.

26.—(1) This Act may be cited as the Airports Authority Act 1975. Short title, commencement

(2) This Act shall come into force at the end of the period of one month beginning with the date on which it is passed. and extent.

(3) This Act does not extend to Northern Ireland.

Section 1.

SCHEDULES

SCHEDULE 1

THE AUTHORITY

Members

1.—(1) A member of the Authority shall hold and vacate his office in accordance with the terms of his appointment and shall, on ceasing to be a member, be eligible for re-appointment.

(2) Any member may at any time by notice in writing to the Secretary of State resign his office.

2.—(1) Before appointing a person to be a member of the Authority the Secretary of State shall satisfy himself that that person will have no such financial or other interest as is likely to affect prejudicially the discharge by him of his functions as a member of the Authority, and the Secretary of State shall also satisfy himself from time to time with respect to every member of the Authority that he has no such interest; and any person who is, or whom the Secretary of State proposes to appoint to be, a member of the Authority shall, whenever requested by the Secretary of State so to do, furnish to him such information as the Secretary of State considers necessary for the performance by the Secretary of State of his duties under this paragraph.

(2) A member of the Authority who is in any way directly or indirectly interested in a contract made or proposed to be made by the Authority shall disclose the nature of his interest at a meeting of the Authority; and the disclosure shall be recorded in the minutes of the Authority, and the member shall not take any part in any deliberation or decision of the Authority with respect to that contract.

(3) For the purposes of the preceding sub-paragraph a general notice given at a meeting of the Authority by a member of the Authority to the effect that he is a member of a specified company or firm and is to be regarded as interested in any contract which may, after the date of the notice, be made with the company or firm, shall be regarded as a sufficient disclosure of his interest in relation to any contract so made.

(4) A member of the Authority need not attend in person at a meeting of the Authority in order to make any disclosure which he is required to make under this paragraph if he takes reasonable steps to secure that the disclosure is made by a notice which is brought up and read at the meeting.

3.—(1) The Authority—

(a) shall pay to the members thereof such salaries or fees, and such allowances, as the Secretary of State may, with the approval of the Minister for the Civil Service, determine, and

- (b) as regards any members in whose case the Secretary of State may so determine with the approval of the said Minister, shall make provision for or pay to or in respect of them such pensions as may be so determined ;

SCH. 1

and if a person ceases to be a member of the Authority and it appears to the Secretary of State that there are special circumstances which make it right that that person should receive compensation, the Secretary of State may, with the approval of the said Minister, require the Authority to pay to that person a sum of such amount as the Secretary of State may with the approval of the said Minister determine.

(2) The Secretary of State shall, as soon as possible after the first appointment of any person as a member of the Authority, lay before each House of Parliament a statement of the salary or fees and of the allowances that are or will be payable under this paragraph ; and if any subsequent determination by him under this paragraph involves a departure from the terms of that statement, or if a determination by him under this paragraph relates to the payment of, or of payment towards the provision of, a pension to or in respect of, a member of the Authority, the Secretary of State shall, as soon as possible after the determination, lay a statement thereof before each House of Parliament.

4.—(1) If the Secretary of State is satisfied that a member of the Authority—

- (a) has been absent from meetings of the Authority for a period longer than three consecutive months without the permission of the Authority, or
- (b) has become bankrupt or made an arrangement with his creditors, or
- (c) is incapacitated by physical or mental illness, or
- (d) is otherwise unable or unfit to discharge the functions of a member,

the Secretary of State may declare his office as a member of the Authority to be vacant and shall notify the fact in such manner as the Secretary of State thinks fit ; and thereupon the office shall become vacant.

(2) In the application of this paragraph to Scotland, for the references in sub-paragraph (1)(b) to a member having become bankrupt and to a member having made an arrangement with his creditors there shall be substituted respectively references to sequestration of a member's estate having been awarded and to a member having made a trust deed for behoof of his creditors or a composition contract.

Proceedings

5. The validity of any proceedings of the Authority shall not be affected by any vacancy among the members or by any defect in the appointment of any member.

SCH. 1 6. The quorum of the Authority and the arrangements relating to meetings of the Authority shall be such as the Authority may determine.

7.—(1) The Authority shall have a common seal, and the fixing of the seal shall be authenticated by the signature of the secretary of the Authority or some other person authorised by the Authority, either generally or specially, to act for that purpose.

(2) Any document purporting to be a document duly executed under the seal of the Authority shall be received in evidence and shall, unless the contrary is proved, be deemed to be a document so executed.

Staff

8.—(1) The Authority shall, in the case of such of its officers and such persons employed by it as may be determined by the Authority, pay to or in respect of them such pensions, or provide and maintain for them such pension schemes (whether contributory or not) as may be so determined.

(2) Where any officer or person employed by the Authority, being a participant in any pension scheme applicable to his office or employment, becomes a member of the Authority, he may be treated for the purposes of the pension scheme as if his service as a member of the Authority were service as an officer or person employed by the Authority, and his rights under the scheme shall not be affected by paragraph 3(1)(b) above.

9.—(1) It shall be the duty of the Authority, except so far as it is satisfied that adequate machinery exists for achieving the purpose of this paragraph, to seek consultation with any organisation appearing to the Authority to be appropriate, with a view to the conclusion between the Authority and that organisation of such agreements as appear to the parties to be desirable with respect to the establishment and maintenance of machinery for—

(a) the settlement by negotiation of terms and conditions of employment of persons employed by the Authority, with provision for reference to arbitration in default of such settlement in such cases as may be determined by or under the agreements; and

(b) the promotion and encouragement of measures affecting the safety, health and welfare of persons employed by the Authority and the discussion of other matters of mutual interest to the Authority and such persons, including efficiency in the operation of the Authority's services.

(2) Where the Authority concludes such an agreement as is mentioned in the preceding sub-paragraph or any variation is made in such an agreement, the Authority shall forthwith transmit particulars of the agreement or the variation to the Secretary of State.

(3) Nothing in this paragraph shall be construed as prohibiting the Authority from taking part together with other employers in the establishment and maintenance of machinery for the settlement

of terms and conditions of employment, and the promotion and encouragement of measures affecting the health, safety and welfare of their workers and the discussion of other matters of mutual interest to them and their workers.

SCH. 1

SCHEDULE 2

Section 9.

BYELAWS

1. The byelaws shall be made under the common seal of the Authority.

2. At least one month before application for confirmation of the byelaws is made, notice of the intention to apply for confirmation shall be given—

(a) in the London Gazette or, if the aerodrome to which the byelaws relate is situated in Scotland, the Edinburgh Gazette ; and

(b) in one or more local newspapers circulating in the locality in which that aerodrome is situated or, if the byelaws relate to more than one aerodrome, circulating respectively in the several localities in which those aerodromes are situated ;

and the notice shall specify a period of not less than one month during which representations on the byelaws may be made to the Secretary of State.

3. For at least one month before application for confirmation is made, a copy of the byelaws shall be deposited at the offices of the Authority at each aerodrome to which the byelaws relate, and shall at all reasonable hours be open to public inspection without payment.

4. The Authority shall, on application made by any person before the byelaws are confirmed, furnish to him a copy of the byelaws, or of any part of them, on payment of such sum, not exceeding 2½p for every hundred words contained in the copy, as the Authority may determine.

5. The Secretary of State may confirm with or without modification, or refuse to confirm, any byelaw submitted to him for confirmation, and may fix the date on which the byelaw is to come into operation, and if no date is so fixed the byelaw shall come into operation at the expiration of one month beginning with the day on which it is confirmed.

6. A copy of the byelaws, when confirmed, shall be printed and deposited at the offices of the Authority at each aerodrome to which the byelaws relate, and shall at all reasonable hours be open to public inspection without payment ; and a copy thereof shall, on application, be furnished to any person on payment of such sum, not exceeding 5p for every copy, as the Authority may determine.

7. The production of a printed copy of a byelaw purporting to be made by the Authority upon which is endorsed a certificate pur-

SCH. 2 porting to be signed by a person authorised in that behalf by the Authority stating—

- (a) that the byelaw was made by the Authority,
- (b) that the copy is a true copy of the byelaw,
- (c) that on a specified date the byelaw was confirmed by the Secretary of State,
- (d) the date, if any, fixed by the Secretary of State for the coming into operation of the byelaw,

shall be evidence, and in Scotland sufficient evidence, of the facts stated in the certificate, without proof of the handwriting or authorisation of the person by whom it purports to be signed.

Section 17.

SCHEDULE 3

LAND AND RIGHTS OVER LAND

PART I

ACQUISITION OF LAND BY AUTHORITY

Entry for purposes of survey

1.—(1) Where the Secretary of State has confirmed an order authorising the Authority to acquire land compulsorily, or is considering the confirmation of such an order, any person authorised in writing by the Secretary of State may at all reasonable times, on producing, if so required, evidence of his authority in that behalf, enter upon any of the land in order to make any survey which the Secretary of State or the Authority requires to be made for the purpose of any steps to be taken in consequence of the order or, as the case may be, for the purpose of determining whether the order should be confirmed:

Provided that admission shall not, by virtue of this sub-paragraph, be demanded as of right to any land which is occupied unless eight days' notice of the intended entry has been served on the occupier.

1949 c. 67.

(2) Subsections (2) to (5) of section 29 of the Civil Aviation Act 1949 (in this Schedule referred to as "the Act of 1949") shall apply with any necessary modifications in relation to the preceding sub-paragraph as they apply in relation to subsection (1) of that section, but any proceedings for an offence under subsection (2) of that section, as so applied, may be instituted in England and Wales by the Authority without the consent of the Secretary of State or the Director of Public Prosecutions and any compensation payable under subsection (5) of that section, as so applied, shall be paid by the Authority instead of the Secretary of State.

Displacements from land

2.—(1) Where the Authority has acquired land for purposes connected with the discharge of its functions, and the use of the land by the Authority for those purposes will involve the displacement of persons residing in premises on the land, it shall be the

duty of the Authority, in so far as there is no other residential accommodation available on reasonable terms to the persons who require it in consequence of the displacement, being residential accommodation suitable to the reasonable requirements of those persons, to secure the provision of such accommodation.

SCH. 3

(2) The Authority shall secure the provision of the accommodation in advance of the displacement, unless the Secretary of State is satisfied that for reasons of exceptional public importance it is essential that the displacement should be effected before such accommodation as aforesaid can be found.

Statutory undertakers' land

3. Schedule 4 to the Act of 1949 shall apply in relation to any order for the compulsory purchase of land by the Authority which the Secretary of State has confirmed or proposes to confirm as it applies to an order made or proposed to be made under Part III of that Act.

PART II

ORDERS RELATING TO CONTROL OF LAND

Creation of rights over land and control of civil aerodromes

4.—(1) In section 24 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, 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 paid 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 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 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 owned or managed by the Authority.

(2) Notwithstanding 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 by the

SCH. 3 Authority without the consent of the Secretary of State or the Director of Public Prosecutions.

(3) Any compensation payable under Schedule 2 to that Act in consequence of any order made by virtue of this paragraph shall be paid 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 above on the application of the Authority there shall be substituted the following paragraph—

“ 1. Before making an application for an order the Authority—

(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 twenty-eight 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 above, 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 paid 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

SCH. 3

9.—(1) Paragraph 1 above 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 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 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.

(2) Paragraph 2 above 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 Schedule, being a direction the execution of which will involve the 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, except as provided by that paragraph, section 31 of that Act (displacements from land) shall not apply in relation to any such direction.

SCHEDULE 4

Section 24.

MATTERS ARISING OUT OF TRANSFER TO AUTHORITY OF AERODROMES
AT HEATHROW, GATWICK, STANSTED AND PRESTWICK

1.—(1) This paragraph applies to any document relating to the title to any part of any land transferred under the Act of 1965 to the Authority, being a document of which the Minister of Aviation retained possession after 1st April 1966.

(2) The said Minister shall be assumed to have given to the Authority an acknowledgement in writing of the right of the Authority to production of the document and to delivery of copies thereof and, so far as relates to land in England, section 64 of the Law of Property Act 1925 shall have effect accordingly, and on the basis that the acknowledgement did not contain any such expression of contrary intention as is mentioned in that section. 1925 c. 20.

(3) In its application to Scotland, the preceding sub-paragraph shall have effect as if for the words from “an acknowledgement in writing” to the end there were substituted the words “an undertaking to produce the document to the Authority (on a proper receipt and undertaking to re-deliver) for the purpose of enabling the Authority to maintain and defend its rights in respect of that part of the land which has vested in it.”

2.—(1) A certificate issued by the Secretary of State to the effect that any of the Minister of Aviation’s property, rights or liabilities were or were not transferred to the Authority by paragraph 1 of Schedule 2 to the Act of 1965 shall be conclusive evidence that the property, rights or liabilities were or were not so transferred.

(2) The Secretary of State shall consult the Authority before issuing a certificate under this paragraph.

(3) A certificate under this paragraph shall be in writing, and the Secretary of State shall send a copy of any such certificate to the Authority.

SCH. 4 3.—(1) Any statutory provision, any agreement, and any provision in any document not being an agreement shall, so far as may be necessary for or in consequence of the transfers effected by Schedule 2 to the Act of 1965, have effect as if references to the Minister of Aviation were, or as the case may be included, references to the Authority.

(2) Without prejudice to sub-paragraph (1) above, any agreement to which that Minister was a party, whether in writing or not, and whether or not of such a nature that rights and liabilities thereunder could be assigned by the Minister, shall have effect, so far as may be necessary for or in consequence of the transfers effected by that Schedule, as if the Authority had been a party to the agreement.

(3) Without prejudice to sub-paragraph (1) above, where, by the operation of that Schedule, any right or liability has become a right or liability of the Authority, the Authority and all other persons shall have the same rights, powers and remedies (and in particular the same rights, powers and remedies as to taking or resisting legal proceedings or the making or resisting of applications to any authority) for ascertaining, perfecting or enforcing any right or liability as they would have had if it had at all times been the right or liability of the Authority.

(4) In this paragraph “statutory provision” means a provision, whether of a general or of a special nature, contained in, or in any document made or issued under, any Act, whether of a general or a special nature.

1952 c. 10.
1968 c. 3. 4. For the purposes of Part X of the Income Tax Act 1952 and of the Capital Allowances Act 1968 (relief from income tax and corporation tax in respect of certain capital expenditure) the transfer by Schedule 2 to the Act of 1965 of any assets shall be deemed to have been a sale thereof by the Minister of Aviation to the Authority in the open market at prices equal to the net book value of those assets (that is to say, the values after deducting depreciation) as shown in the books by reference to which the final accounts of that Minister’s aerodromes at Heathrow, Gatwick, Stansted and Prestwick were made up by that Minister; but no initial allowance shall be made under any of the provisions of the said Part X or of the said Act of 1968 in respect of any of those assets.

Section 25.

SCHEDULE 5

AMENDMENTS OF OTHER ACTS

PART I

1971 c. 75.

NEW SECTION 29A TO BE INSERTED IN CIVIL AVIATION ACT 1971

Grants towards cost of sound-proofing buildings. 29A.—(1) If it appears to the Secretary of State that buildings near a designated aerodrome within the meaning of section 29 of this Act require further protection from noise and vibration attributable to the use of the aerodrome than can be given by virtue of that section,

he may by statutory instrument make a scheme requiring the person for the time being managing the aerodrome (hereafter in this section referred to as "the relevant manager") to make grants towards the cost of insulating such buildings or parts of such buildings against noise; but a scheme under this section need apply only to such classes of buildings as the Secretary of State thinks fit.

(2) A scheme under this section shall specify the area or areas in which buildings must be situated for the grants to be payable, and 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 may require the relevant manager, in any case where an application for a grant is refused, to give the applicant at his request a written statement of the relevant manager's reasons for the refusal.

(4) A scheme under this section may authorise or require local authorities to act as agents of the relevant manager in dealing with applications for and payments of grants and may provide for the making by the relevant manager of payments to local authorities in respect of anything done by them as such agents.

(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.

(6) Before making a scheme under this section relating to an aerodrome the Secretary of State shall consult the relevant manager.

(7) In this section "local authority" means, in relation to England and Wales, a district council, a London borough council, the Greater London Council or the Common Council of the City of London, and in relation to Scotland, a regional, islands or district council.

PART II

CONSEQUENTIAL AMENDMENTS

Rent Act 1968 (c. 23)

1. In the Rent Act 1968, in sections 25(4)(a), 31(a) and 57(1)(a), after "Airports Authority Act 1965" insert "or section 29A of the Civil Aviation Act 1971".

Sewerage (Scotland) Act 1968 (c. 47)

2. In section 22(4) of the Sewerage (Scotland) Act 1968, for "section 113(1) of the Town and Country Planning

SCH. 5

(Scotland) Act 1947” substitute “section 275(1) of the Town and Country Planning (Scotland) Act 1972”.

Rent (Scotland) Act 1971 (c. 28)

3. In the Rent (Scotland) Act 1971, in sections 24(4)(a)(i) and 29(a)(i), after “Airports Authority Act 1965” insert “or section 29A of the Civil Aviation Act 1971”.

Civil Aviation Act 1971 (c. 75)

4. In the Civil Aviation Act 1971—

(a) in section 29(10), for “section 15 of the Airports Authority Act 1965” substitute “section 29A of this Act”;

(b) in section 63(4), for “section 15” substitute “sections 15 and 29A”.

Land Compensation Act 1973 (c. 26)

5. In the Land Compensation Act 1973, in section 4(3)(a), after “Airports Authority Act 1965” insert “, section 29A of the Civil Aviation Act 1971”.

Land Compensation (Scotland) Act 1973 (c. 56)

6. In the Land Compensation (Scotland) Act 1973, in section 4(3)(a), after “Airports Authority Act 1965” insert “, section 29A of the Civil Aviation Act 1971”.

Policing of Airports Act 1974 (c. 41)

7.—(1) The Policing of Airports Act 1974 shall be amended as follows.

(2) In section 3(7), for “section 11 of the Civil Aviation Act 1968” substitute “section 12 of the Airports Authority Act 1975”.

(3) In section 5—

(a) in subsection (1), for “section 12 of the Airports Authority Act 1965” substitute “section 13(1) to (3) of the Airports Authority Act 1975”;

(b) in subsection (2)(b), for “section 9 of the said Act of 1968” substitute “section 13(4) of the Airports Authority Act 1975”;

(c) in subsection (3), for the words from “section 12” to “1968” substitute “section 13(1) to (3) of the Airports Authority Act 1975 includes a reference to section 13(2) of that Act as extended by section 14(2) thereof”.

(4) In section 6(3)(b), for “section 9 of the Civil Aviation Act 1968” substitute “section 13(4) of the Airports Authority Act 1975”.

SCHEDULE 6

Section 25.

REPEALS

| Chapter | Short title | Extent of repeal |
|-------------|---|---|
| 1965 c. 16. | Airports Authority Act 1965. | The whole Act. |
| 1965 c. 56. | Compulsory Purchase Act 1965. | In Schedule 6, the entry relating to the Airports Authority Act 1965. |
| 1968 c. 13. | National Loans Act 1968. | In Schedule 1, the entries relating to the Airports Authority Act 1965. |
| 1968 c. 61. | Civil Aviation Act 1968. | Sections 9 to 11. In section 12(2), the words from "and for the purposes" to the end of the subsection. In section 24, the words "the British Airports Authority and", the word "each", and the words "the Authority or, as the case may be,". Section 25. |
| 1969 c. 48. | Post Office Act 1969. | In Schedule 4, paragraph 76. |
| 1971 c. 75. | Civil Aviation Act 1971. | In Schedule 10, paragraphs 9 to 12. |
| 1971 c. 78. | Town and Country Planning Act 1971. | In Schedule 23, the entries in Part II relating to the Airports Authority Act 1965. |
| 1972 c. 8. | Airports Authority Act 1972. | The whole Act. |
| 1972 c. 11. | Superannuation Act 1972. | In Schedule 4, the entry relating to the Authority. |
| 1972 c. 52. | Town and Country Planning (Scotland) Act 1972. | In Schedule 21, the entries in Part II relating to the Airports Authority Act 1965. |
| 1972 c. 70. | Local Government Act 1972. | In Schedule 22, paragraph 23. |
| 1973 c. 26. | Land Compensation Act 1973. | Section 21. |
| 1973 c. 56. | Land Compensation (Scotland) Act 1973. | Section 19. |
| 1973 c. 65. | Local Government (Scotland) Act 1973. | In Schedule 27, paragraphs 156 and 157. |
| 1974 c. 8. | Statutory Corporations (Financial Provisions) Act 1974. | In Schedule 2, paragraph 5. |
| 1974 c. 50. | Road Traffic Act 1974. | In Schedule 6, paragraph 3. |
| 1975 c. 55. | Statutory Corporations (Financial Provisions) Act 1975. | In Schedule 2, the words "The British Airports Authority". In Schedule 4, paragraph 7. |

PRINTED IN ENGLAND BY HAROLD GLOVER

Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament

(382787)

HER MAJESTY'S STATIONERY OFFICE

Government Bookshops

49 High Holborn, London WC1V 6HB
13a Castle Street, Edinburgh EH2 3AR
41 The Hayes, Cardiff CF1 1JW
Brazennose Street, Manchester M60 8AS
Southey House, Wine Street, Bristol BS1 2BQ
258 Broad Street, Birmingham B1 2HE
80 Chichester Street, Belfast BT1 4JY

*Government publications are also available
through booksellers*

ISBN 0 10 547875 X