



Civil Aviation Act 1980

1980 CHAPTER 60

PART II

MISCELLANEOUS AMENDMENTS OF THE LAW RELATING TO CIVIL AVIATION

Emergency powers

11 Secretary of State's powers over British air transport businesses in case of emergency

- (1) In time of war, whether actual or imminent, or of great national emergency, the Secretary of State may by order made by statutory instrument require that—
- (a) the whole or any part of the relevant undertaking of any British air transport business; or
 - (b) all or any property or rights of or under the control of any such business which appertain to that undertaking ;
- shall be placed at the disposal of the Secretary of State.

- (2) References in this section to a British air transport business are references to any person or body appearing to the Secretary of State to have his or its principal place of business in the United Kingdom whose business includes the provision of commercial air transport services; and in relation to any such business "the relevant undertaking" in subsection (1)(a) above means that part of its undertaking which consists of the provision of commercial air transport services.

In this subsection " commercial air transport services " means services for the carriage by air of passengers or cargo (including mail) for hire or reward.

- (3) While an order under this section is in force with respect to any British air transport business, the Secretary of State may give to the persons managing that business such directions as he thinks fit for conducting, managing or dealing with any part of its undertaking, or any property or rights, placed at his disposal by virtue of the order; and it shall be the duty of those persons to comply with those directions.

Status: This is the original version (as it was originally enacted).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

- (4) An order under this section may, for the purpose of securing compliance with its provisions, provide for the imposition—
- (a) on summary conviction, of a fine not exceeding the statutory maximum; and
 - (b) on conviction on indictment, of a fine or imprisonment for a term not exceeding two years or both.
- (5) In subsection (4) above, " the statutory maximum" means—
- (a) in England and Wales and Northern Ireland, the prescribed sum within the meaning of section 32 of the Magistrates' Courts Act 1980 (that is to say, £1,000 or another sum fixed by order under section 143(1) of that Act to take account of changes in the value of money); and
 - (b) in Scotland, the prescribed sum within the meaning of section 289B of the Criminal Procedure (Scotland) Act 1975 (that is to say, £1,000 or another sum fixed by order under section 289D of that Act for that purpose);
- and for the purposes of the application of this definition in Northern Ireland the provisions of the Magistrates' Courts Act 1980 which relate to the sum mentioned in paragraph (a) above shall extend to Northern Ireland.
- (6) Any order under this section may provide for the detention of aircraft to secure compliance with the order, and may make such further provision as appears to the Secretary of State to be necessary or expedient for securing such detention.
- (7) Any person who suffers direct injury or loss owing to the operation of an order under this section shall be entitled to receive compensation from the Secretary of State of which the amount shall be fixed, in default of agreement, by the appropriate tribunal; and the principles of the Land Compensation Act shall, with the necessary modifications, apply where possession is taken of any land.
- (8) In subsection (7) above—
- (a) in relation to England and Wales, "the appropriate tribunal" means the Lands Tribunal and " the Land Compensation Act" means the Land Compensation Act 1961;
 - (b) in relation to Scotland, "the appropriate tribunal" means the Lands Tribunal for Scotland and " the Land Compensation Act" means the Land Compensation (Scotland) Act 1963 ; and
 - (c) in relation to Northern Ireland, "the appropriate tribunal" means the Lands Tribunal for Northern Ireland and "the Land Compensation Act" means the Acquisition of Land (Assessment of Compensation) Act 1919.
- (9) For subsection (2) of section 4 of the Act of 1971 (power of Secretary of State over property, etc., of Civil Aviation Authority in case of emergency) there shall be substituted the following subsection—
- “(2) Subsections (4), (6) and (7) of section 11 of the Civil Aviation Act 1980 (which also relates to the Secretary of State's powers in case of emergency) shall have effect as if any reference in those subsections to an order under that section included a reference to an order under subsection (1) of this section.”
- (10) Any expense incurred by the Secretary of State in the exercise of his powers under this section shall be paid out of moneys provided by Parliament.

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- (11) Until the coming into force of the Magistrates' Courts Act 1980 any reference in subsection (5) above to any provision of that Act shall be construed as a reference to the corresponding provision of the Criminal Law Act 1977.