



Civil Aviation Act 1982

1982 CHAPTER 16

PART II

AERODROMES AND OTHER LAND

Powers in relation to land exercisable in connection with civil aviation

45 Power to restrict use of land for purpose of securing safety at aerodromes.

- (1) Subject to subsection (2) below, the Secretary of State may by order impose such prohibitions or restrictions on the use of any area of land or water as a place for the arrival and departure of civil aircraft as he thinks expedient for the purpose of securing that aircraft may arrive and depart with safety at any aerodrome vested in him or under his control ^{F1}....
- (2) Nothing in subsection (1) above shall authorise the imposition of any such prohibition or restriction in relation to tidal waters beyond those of the territorial waters adjacent to the United Kingdom.
- (3) Part I of Schedule 7 to this Act shall have effect in relation to any order made under this section other than an order for the imposition of prohibitions or restrictions on the use of water; and in the case of an order for the imposition of prohibitions or restrictions on the use of water the Secretary of State—
 - (a) shall, before making the order, publish notice of his intention to make the order in such manner as he thinks best calculated to bring his intention to the notice of persons who will be affected thereby; and
 - (b) shall, immediately after the order has been made, publish in one or more newspapers circulating in the locality to which the order relates a notice stating that the order has been made and naming a place where a copy of the order may be seen at all reasonable hours, and shall serve a like notice upon any person who in his opinion will be affected thereby.
- (4) Part II of Schedule 7 to this Act and Schedule 8 to this Act shall have effect with respect to orders under this section; but where any aerodrome was first established as

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such after 31st July 1946 no compensation shall be payable by reason of the imposition under this section of prohibitions or restrictions upon the use of that aerodrome unless it was so established with the consent of the Secretary of State.

- (5) Any person who contravenes the provisions of any order under this section shall be liable in respect of each offence—
- (a) on summary conviction to a fine which shall not exceed the statutory maximum or to imprisonment for a term not exceeding three months or to both; and
 - (b) on conviction on indictment to a fine or to imprisonment for a term not exceeding two years or to both.
- (6) Any offence against any order under this section committed on tidal waters outside the ordinary jurisdiction of a court of summary jurisdiction may be tried and punished by such a court as if it had been committed in the nearest part of the United Kingdom which is within the ordinary jurisdiction of such a court; but nothing in this subsection shall in its application to Scotland be construed as conferring jurisdiction on any court of summary jurisdiction other than the sheriff court.
- (7) Proceedings for an offence against any order under this section shall not be instituted—
- (a) in England and Wales, except by or with the consent of the Secretary of State or by or with the consent of the Director of Public Prosecutions;
 - (b) in Northern Ireland, except by or with the consent of the Secretary of State or by the Attorney General for Northern Ireland;
- F2 ...
- (8) In this section “aerodrome” includes part of an aerodrome; and, without prejudice to section 105(3) below, the reference in subsection (4) above to the Secretary of State shall, in relation to any time before the passing of this Act, have effect as a reference to whoever at that time was charged with exercising the functions which by virtue of this section are vested in the Secretary of State.

Textual Amendments

- F1** Words in s. 45(1) omitted (10.11.2011) by virtue of [The Airport Charges Regulations 2011 \(S.I. 2011/2491\)](#), reg. 1(1), **Sch. 2 para. 1(6)(a)**
- F2** Words in s. 45(7) omitted (10.11.2011) by virtue of [The Airport Charges Regulations 2011 \(S.I. 2011/2491\)](#), reg. 1(1), **Sch. 2 para. 1(6)(b)**
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Modifications etc. (not altering text)

- C1** Ss. 44–46 extended with modifications by [Airports Act 1986 \(c. 31, SIF 9\)](#), s. 59(3)(4)

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