



# Airports Act 1986

## 1986 CHAPTER 31

**U.K.**

An Act to provide for the dissolution of the British Airports Authority and the vesting of its property, rights and liabilities in a company nominated by the Secretary of State; to provide for the reorganisation of other airport undertakings in the public sector; to provide for the regulation of the use of airports and for the imposition of economic controls at certain airports; to make other amendments of the law relating to airports; to make provision with respect to the control of capital expenditure by local authority airport undertakings; and for connected purposes. [8th July 1986]

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:—

### PART I **U.K.**

#### TRANSFER OF UNDERTAKING OF BRITISH AIRPORTS AUTHORITY

##### *Preliminary*

<sup>F1</sup> **Power to direct reorganisation of BAA's undertaking prior to appointed day.** **E**  
**+W+S**

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#### Textual Amendments

**F1** Ss. 1-3 repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#), [Sch. 1 Pt. 4](#)

*Status: Point in time view as at 16/10/2015.*

*Changes to legislation: Airports Act 1986 is up to date with all changes known to be in force on or before 03 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

*Dissolution of BAA and vesting of its property etc. in a successor company*

**F12** **Dissolution of BAA and vesting of its property etc. in a successor company.** **U.K.**

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**Textual Amendments**  
F1 Ss. 1-3 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), Sch. 1 Pt. 4

**F13** **Cancellation of liabilities of BAA to the Secretary of State.** **E+W+S**

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**Textual Amendments**  
F1 Ss. 1-3 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), Sch. 1 Pt. 4

**4** **Initial Government holding in the successor company.** **E+W+S**

- F2(1) .....
- F2(2) .....
- F2(3) .....
- F2(4) .....

(5) The Secretary of State may not exercise any power conferred on him by this section, or dispose of any securities issued or of any rights to securities initially allotted to him in pursuance of this section, without the consent of the Treasury.

(6) Any dividends or other sums received by the Treasury or the Secretary of State in right of, or on the disposal of, any securities or rights acquired by virtue of this section shall be paid into the Consolidated Fund.

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**Textual Amendments**  
F2 S. 4(1)-(4) repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), Sch. 1 Pt. 4

**F35** **Government investment in securities of the successor company.** **E+W+S**

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**Textual Amendments**  
F3 S. 5 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), Sch. 1 Pt. 4

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## 6 Exercise or functions through nominees. **E+W+S**

- (1) The Treasury or, with the consent of the Treasury, the Secretary of State may, for the purposes of section 4 or 5, appoint any person to act as the nominee, or one of the nominees, of the Treasury or the Secretary of State; and—
  - (a) securities of the successor company may be issued under section 4 to any nominee of the Treasury or the Secretary of State appointed for the purposes of that section or to any person entitled to require the issue of the securities following their initial allotment to any such nominee, and
  - (b) any such nominee appointed for the purposes of section 5 may acquire securities or rights under that section,  
  
in accordance with directions given from time to time by the Treasury or, with the consent of the Treasury, by the Secretary of State.
- (2) Any person holding any securities or rights as a nominee of the Treasury or the Secretary of State by virtue of subsection (1) shall hold and deal with them (or any of them) on such terms and in such manner as the Treasury or, with the consent of the Treasury, the Secretary of State may direct.

## 7 Target investment limit for Government shareholding. **E+W+S**

- (1) As soon after the date when the successor company ceases to be wholly owned by the Crown as he considers expedient, and in any case not later than six months after that date, the Secretary of State shall by order fix a target investment limit in relation to the shares for the time being held in the successor company by virtue of any provision of this Part by the Treasury and their nominees and by the Secretary of State and his nominees (“the Government shareholding”).
- (2) The target investment limit shall be expressed as a proportion of the voting rights which are exercisable in all circumstances at general meetings of the successor company (“the ordinary voting rights”).
- (3) The first target investment limit fixed under this section shall be equal to the proportion of the ordinary voting rights which is carried by the Government shareholding at the time when the order fixing the limit is made.
- (4) The Secretary of State may from time to time by order fix a new target investment limit in place of the one previously in force under this section; but—
  - (a) any new limit must be lower than the one it replaces; and
  - (b) an order under this section may only be revoked by an order fixing a new limit.
- (5) It shall be the duty of the Treasury and of the Secretary of State so to exercise—
  - (a) their powers under section 5 and any power to dispose of any shares held by virtue of any provision of this Part, and
  - (b) their power to give directions to their respective nominees,  
  
as to secure that the Government shareholding does not carry a proportion of the ordinary voting rights exceeding any target investment limit for the time being in force under this section.
- (6) Notwithstanding subsection (5), the Treasury or the Secretary of State may take up, or direct any of their respective nominees to take up, any rights for the time being available to them or him, or to that nominee, as an existing holder of shares or other securities of the successor company; but if, as a result, the proportion of the ordinary

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voting rights carried by the Government shareholding at any time exceeds the target investment limit, it shall be the duty of the Treasury or (as the case may be) the Secretary of State to comply with subsection (5) as soon after that time as is reasonably practicable.

- (7) For the purposes of this section the temporary suspension of any of the ordinary voting rights shall be disregarded.

## 8 Financial structure of the successor company. **E+W+S**

- (1) If the Secretary of State so directs at any time before the successor company ceases to be wholly owned by the Crown, such sum (not exceeding the accumulated realised profits of the BAA) as may be specified in the direction shall be carried by the successor company to a reserve (“the statutory reserve”).
- (2) The statutory reserve may only be applied by the successor company in paying up unissued shares of the company to be allotted to members of the company as fully paid bonus shares.
- (3) Notwithstanding subsection (2), the statutory reserve shall not count as an undistributable reserve of the successor company for the purposes of [F<sup>4</sup>section 831(4)(d) of the Companies Act 2006] ; but, for the purpose of determining under that section whether the successor company may make a distribution at any time, any amount for the time being standing to the credit of the statutory reserve shall be treated for the purposes of [F<sup>5</sup>section 831(4)(c)] as if it were unrealised profits of the company.
- (4) For the purposes of any statutory accounts of the successor company, the value of any asset and the amount of any liability of the BAA vesting in the successor company on the appointed day shall be taken to be the value or (as the case may be) the amount assigned to that asset or liability for the purposes of the corresponding statement of accounts prepared by the successor company under this Act for the period from the end of that dealt with in the last annual statement of accounts published by the BAA down to the appointed day.
- (5) For the purposes of any statutory accounts of the successor company the amount to be included in respect of any item shall be determined as if anything done by the BAA (whether by way of acquiring, revaluing or disposing of any asset or incurring, revaluing or discharging any liability, or by carrying any amount to any provision or reserve, or otherwise) had been done by the successor company.

Accordingly (but without prejudice to the generality of the preceding provision) the amount to be included from time to time in any reserves of the successor company as representing its accumulated realised profits shall be determined as if any profits realised and retained by the BAA had been realised and retained by the successor company.

- (6) References in this section to the statutory accounts of the successor company are references to any accounts prepared by the successor company for the purposes of any provision of [F<sup>6</sup>the Companies Act 2006] (including group accounts).

### Textual Amendments

- F4** Words in s. 8(3) substituted (6.4.2008) by [The Companies Act 2006 \(Consequential Amendments etc\) Order 2008 \(S.I. 2008/948\)](#), art. 2(2), [Sch. 1 para. 97\(2\)\(a\)\(i\)](#) (with arts. 6, 11, 12)

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- F5** Words in s. 8(3) substituted (6.4.2008) by [The Companies Act 2006 \(Consequential Amendments etc\) Order 2008 \(S.I. 2008/948\)](#), art. 2(2), [Sch. 1 para. 97\(2\)\(a\)\(ii\)](#) (with arts. 6, 11, 12)
- F6** Words in s. 8(6) substituted (6.4.2008) by [The Companies Act 2006 \(Consequential Amendments etc\) Order 2008 \(S.I. 2008/948\)](#), art. 2(2), [Sch. 1 para. 97\(2\)\(b\)](#) (with arts. 6, 11, 12)

**F7<sup>9</sup> Temporary restrictions on successor company’s borrowings etc.** **E+W+S**

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**Textual Amendments**

- F7** S. 9 repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#), [Sch. 1 Pt. 4](#)

*Supplementary*

**10** ..... **F8<sup>8</sup> E+W+S**

**Textual Amendments**

- F8** S. 10 repealed by [Financial Services Act 1986 \(c. 60, SIF 69\)](#), s. 212(3), [Sch. 17](#)

**F9<sup>11</sup> Application of Trustee Investments Act 1961 in relation to investment in the successor company.** **E+W+S**

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**Textual Amendments**

- F9** S. 11 repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#), [Sch. 1 Pt. 4](#)

**PART II** **E+W+S**

TRANSFER OF AIRPORT UNDERTAKINGS OF LOCAL AUTHORITIES

*Preliminary*

**12 Interpretation of Part II.** **E+W**

(1) In this Part—

“local authority”—

- (a) in relation to England <sup>F10</sup> . . . , means a local authority within the meaning of the Local Government Act 1972 or the Common Council of the City of London; and

[<sup>F11</sup>(aa) in relation to Wales, means the council of a county or of a county borough;]

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- (b) in relation to Scotland, has the same meaning as in the Local Government (Scotland) Act, 1973; and
- “principal council”—
- (a) in relation to England and Wales, means the council of a non-metropolitan county, of a district, or of a London borough; and
- (b) in relation to Scotland, means a regional or islands council.
- (2) References in this Part to—
- (a) a public airport company;
- (b) the controlling authority of a public airport company;
- (c) a composite authority;
- (d) constituent councils of a composite authority; or
- (e) an associated company,
- shall be read in accordance with the relevant provisions of section 16.
- (3) For the purposes of this Part an airport shall be treated as controlled by a principal council or (as the case may be) be two or more principal councils jointly if it is for the time being owned—
- (a) by the council or jointly by those councils; or
- (b) by a subsidiary of that council or those councils; or
- (c) by the council or those councils jointly with any such subsidiary.
- (4) Any reference in this Part, in relation to two or more principal councils, to a subsidiary of those councils shall be read as a reference to a body corporate which would, if those councils were a single body corporate, be a subsidiary of that body corporate.

#### Extent Information

- E1** This version of this provision extends to England and Wales only; a separate version has been created for Scotland only

#### Textual Amendments

- F10** Words in s. 12(1)(a) repealed (1.4.1996) by 1994 c. 19, s. 66(6)(8), Sch. 16 para. 77, **Sch. 18** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, **Sch. 2**
- F11** S. 12(1)(aa) inserted (1.4.1996) by 1994 c. 19, s. 66(6), **Sch. 16 para. 77** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, **Sch. 2**

## 12 Interpretation of Part II. **S**

- (1) In this Part—
- “local authority”—
- (a) in relation to England <sup>F148</sup> . . . , means a local authority within the meaning of the Local Government Act 1972 or the Common Council of the City of London; and
- [<sup>F149</sup>(aa) in relation to Wales, means the council of a county or of a county borough;]
- (b) in relation to Scotland, [<sup>F150</sup>means a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994]; and
- “principal council”—

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- (a) in relation to England and Wales, means the council of a non-metropolitan county, of a district, or of a London borough; and
  - (b) in relation to Scotland, means a [<sup>F151</sup>local authority].
- (2) References in this Part to—
- (a) a public airport company;
  - (b) the controlling authority of a public airport company;
  - (c) a composite authority;
  - (d) constituent councils of a composite authority; or
  - (e) an associated company,
- shall be read in accordance with the relevant provisions of section 16.
- (3) For the purposes of this Part an airport shall be treated as controlled by a principal council or (as the case may be) be two or more principal councils jointly if it is for the time being owned—
- (a) by the council or jointly by those councils; or
  - (b) by a subsidiary of that council or those councils; or
  - (c) by the council or those councils jointly with any such subsidiary.
- (4) Any reference in this Part, in relation to two or more principal councils, to a subsidiary of those councils shall be read as a reference to a body corporate which would, if those councils were a single body corporate, be a subsidiary of that body corporate.

#### Extent Information

- E4** This version of this provision extends to Scotland only; a separate version has been created for England and Wales only

#### Textual Amendments

- F148** Words in s. 12(1)(a) repealed (1.4.1996) by 1994 c. 19, s. 66(6)(8), Sch. 16 para. 77, Sch. 18 (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, Sch. 2
- F149** S. 12(1)(aa) inserted (1.4.1996) by 1994 c. 19, s. 66(6), Sch. 16 para. 77 (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 2
- F150** Words in s. 12(1) substituted (S.) (1.4.1996) by 1994 c. 39, s. 180(1), Sch. 13 para. 147(a); S.I. 1996/323, art. 4(1)
- F151** Words in s. 12(1) substituted (S.) (1.4.1996) by 1994 c. 39, s. 180(1), Sch. 13 para. 147(b); S.I. 1996/323, art. 4(1)

### *Transfer of airport undertakings of local authorities*

## 13 **Transfer of airport undertakings of local authorities to companies owned by such authorities.** **E+W+S**

- (1) The Secretary of State may give to any principal council who control (whether alone or jointly with one or more other principal councils) an airport to which this section applies in accordance with section 14, a direction requiring the council to form a company for the purpose of carrying on—
- (a) the business of operating the airport as a commercial undertaking; and
  - (b) any activities which appear to the council to be incidental to or connected with carrying on that business.

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- (2) The company shall be a company limited by shares and registered under [<sup>F12</sup>the Companies Act 2006] , and shall be formed by the council before such date as the Secretary of State may specify in his direction under subsection (1).
- (3) In the case of an airport which is jointly controlled by two or more principal councils the Secretary of State may give a direction under subsection (1) to such one of those councils as he thinks fit; but in any such case the council to whom the direction is given must consult the other principal council or councils before forming a company in accordance with the direction.
- (4) The Secretary of State may revoke a direction given by him under subsection (1) at any time before a company has been formed in accordance with the direction.
- (5) References in subsection (1) to carrying on the business of operating an airport as a commercial undertaking include references to carrying on any activities which, at the time when the direction in question is given, are carried on at the airport or on airport land—
- (a) by the principal council, or (as the case may be) any of the principal councils, who control the airport,
  - (b) by any subsidiary by whom the airport is owned as mentioned in section 12(3),
  - (c) by any person managing the airport under the terms of any lease or other arrangement made by or on behalf of the principal council or councils who control it or by any such subsidiary, or
  - (d) by any person who has been granted a right to carry on activities there by any council, subsidiary or person falling within any of the preceding paragraphs,
- with the exception of any activities which the Secretary of State has, before the date referred to in subsection (2), agreed with the principal council or councils who control the airport should not be carried on by the company to be formed in pursuance of the direction.
- (6) In subsection (5) “airport land”, in relation to an airport, means land which is attached to the airport and was on 1st April 1986 administered with the airport as a single unit.
- (7) This section and section 15 (together with section 12(3) and (4)) shall apply to [<sup>F13</sup>a metropolitan county passenger transport authority][<sup>F13</sup>an Integrated Transport Authority for an integrated transport area in England] as they apply to a principal council.

#### Textual Amendments

- F12** Words in s. 13(2) substituted (1.10.2009) by [The Companies Act 2006 \(Consequential Amendments, Transitional Provisions and Savings\) Order 2009 \(S.I. 2009/1941\)](#), art. 1(2), **Sch. 1 para. 68(2)** (with art. 10)
- F13** Words in s. 13(7) substituted (E.W.) (9.2.2009) by [Local Transport Act 2008 \(c. 26\)](#), s. 134(4), **Sch. 4 para. 54(2)**; S.I. 2009/107, art. 2(1), Sch. 1 Pt. 1

## 14 Airports to which s. 13 applies. **E+W+S**

- (1) Section 13 applies to an airport if the annual turnover of the business carried on at the airport by the airport operator exceeded £1 million in the case of at least two of the last three financial years ending before the relevant date.



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- (2) In subsection (1)—
- “Annual turnover”, in relation to the business carried on at an airport by the airport operator, means the aggregate, as stated or otherwise shown in the accounts of the business, of all sums received in the course of the business during a financial year, including grants from any public or local authority but excluding—
- (a) capital receipts; and
  - (b) loans made by any person;
- “financial year” means a period of twelve months ending with 31st March; and
- “the relevant date”, in relation to an airport, means the date of any direction given by the Secretary of State in respect of the airport under section 13(1).
- (3) The Secretary of State may by order substitute for the sum for the time being specified in subsection (1) such greater sum as may be specified in the order.
- (4) An order under subsection (3) shall not affect the validity of any direction in force under section 13(1) immediately before the coming into operation of the order.

## 15 **Transfer schemes.** **E+W+S**

- (1) Where a principal council have formed a company in pursuance of section 13, the council shall, before such date as the Secretary of State may specify in a direction given to the council, submit to the Secretary of State a scheme providing for the transfer to the company of any property, rights or liabilities of the council, or of any subsidiary of theirs, which it appears to the council to be appropriate to transfer to that company.
- (2) In preparing a scheme in pursuance of subsection (1) a council shall take into account any advice given by the Secretary of State as to the provisions he regards as appropriate for inclusion in the scheme (and in particular any advice as to the description of property, rights and liabilities which it is in his view appropriate to transfer to the company).
- (3) A scheme under subsection (1) shall not come into force until it has been approved by the Secretary of State or until such date as the Secretary of State may, in giving his approval, specify; and the Secretary of State may approve a scheme either without modifications or with such modifications as he thinks fit after consulting the council who submitted the scheme.
- (4) If it appears to the Secretary of State that a scheme submitted under subsection (1) does not accord with any advice given by him as mentioned in subsection (2), he may do one or other of the following things, as he thinks fit, namely—
- (a) approve the scheme under subsection (3) with modifications, or
  - (b) after consulting the council who submitted the scheme, substitute for it a scheme of his own, to come into force on such date as may be specified in the scheme.
- (5) In the case of a scheme relating to an airport which is jointly controlled by two or more principal councils (“the relevant authorities”) the authority required to submit the scheme under subsection (1) must consult the other relevant authority or authorities before submitting the scheme under that subsection; and the Secretary of State shall not approve the scheme (whether with or without modifications), or substitute a scheme of his own, unless—

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- (a) he has given that other authority or (as the case may be) those other authorities an opportunity of making, within such time as he may allow for the purpose, written representations with respect to the scheme; and
  - (b) he has considered any such representations made to him within that time.
- (6) In relation to a scheme relating to any such airport, subsection (1) shall be read as if—
- (a) the reference to any property, rights or liabilities of the council submitting the scheme were a reference to any property, rights or liabilities vested in, or in any person on behalf of, the relevant authorities; and
  - (b) the reference to any subsidiary of the council submitting the scheme were a reference to any subsidiary of the relevant authorities.
- (7) On the coming into force of a scheme under this section the property, rights and liabilities affected by the scheme shall, subject to section 75(3), be transferred and vest in accordance with the scheme.
- (8) The Secretary of State may, if he thinks fit, give a council a direction specifying a date under subsection (1) above at the same time as he gives the council a direction under section 13(1); and the Secretary of State may revoke any direction given by him under subsection (1) above at any time before any property, rights or liabilities vest in any company by virtue of this section.
- (9) Section 13(7) applies for the purposes of this section.

#### *Public airport companies*

### 16 **Public airport companies and their controlling authorities.** E+W+S

- (1) References in this Part to a public airport company are references to a company (whether formed under section 13 or not) which carries on the business of operating an airport as a commercial undertaking and is for the time being either—
- (a) a subsidiary of a single principal council, or
  - (b) a subsidiary of two or more such councils.
- (2) In this Part of this Act—
- (a) references to the controlling authority of a public airport company are references to the principal council or principal councils of whom it is for the time being a subsidiary as mentioned in subsection (1); and
  - (b) references to a composite authority are references to a controlling authority consisting of two or more principal councils, the councils concerned being referred to as the constituent councils of that authority.
- (3) For the purposes of this Part a public airport company is an associated company of a principal council if that council are its controlling authority or one of the constituent councils of a composite authority who are its controlling authority.

### 17 **Control over constitution and activities of public airport companies.** E+W+S

- (1) Subject to subsection (2), it shall be the duty of the controlling authority of a public airport company to exercise their control over the company so as to ensure that at least three of the directors of the company, or at least one-quarter of their number (whichever is less), are full-time employees of the company who are suitably qualified to act as directors of the company by virtue of their experience in airport management.

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- (2) Where at any time it appears to the Secretary of State—
- (a) that a public airport company has made arrangements for the management of the airport operated by it to be carried on otherwise than through its officers or employees, and
  - (b) that any such arrangements are adequate to secure that those participating in the management of the airport under the arrangements are suitably qualified to do so by virtue of their experience in airport management,

the Secretary of State may direct that subsection (1) shall not apply in relation to that company.

- (3) Any direction given by the Secretary of State under subsection (2) may provide—
- (a) that it is to have effect only for such period, or in such circumstances, as may be specified in it, or
  - (b) that its continuation in force is to be subject to compliance with such conditions specified in it as the Secretary of State thinks fit.
- (4) It shall be the duty of the controlling authority of a public airport company to exercise their control over the company so as to ensure that the company does not—
- (a) engage in activities in which the controlling authority have no power to engage, or
  - (b) permit any subsidiary of the company to engage in any such activities.

- (5) Where the controlling authority of a public airport company are a composite authority, the duties imposed by subsections (1) and (4) are joint duties of both or all of the constituent councils of that authority; and subsection (4) shall apply in any such case as if it referred to activities in which none of the constituent councils have power to engage.

[<sup>F14</sup>(6) In subsection (4)—

- (a) paragraph (a) does not apply in relation to any activity which is a permitted activity in relation to the company by virtue of regulations under section 17A, and
- (b) paragraph (b) does not apply in relation to any activity which is a permitted activity in relation to the subsidiary by virtue of any such regulations.]

#### Textual Amendments

**F14** S. 17(6) inserted (E.W.) (1.3.2007) by [Civil Aviation Act 2006 \(c. 34\)](#), ss. **5(2)**, 14(3); S.I. 2007/598, art. 2, Sch. 1

#### [<sup>F15</sup>**17A Additional activities of public airport companies** **E+W**

- (1) The Secretary of State may by regulations provide for any activity specified in the regulations to be a “permitted activity” in relation to—
- (a) a public airport company, or
  - (b) a subsidiary of a public airport company,
- for the purposes of section 17(6).

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- (2) Any activity so specified must be an activity which appears to the Secretary of State to be incidental to, or connected with, carrying on the business of operating an airport as a commercial undertaking.
- (3) Regulations under this section may provide for an activity to be a permitted activity only if—
  - (a) it is carried on in such countries or territories as are specified in the regulations;
  - (b) any conditions as are so specified are complied with.
- (4) Such conditions may include, in particular, conditions requiring agreements relating to the provision of services in the carrying on of the activity to include provision for the payment of proper commercial charges in respect of those services.
- (5) Regulations under this section may be made so as to apply to—
  - (a) public airport companies or subsidiaries of such companies generally;
  - (b) public airport companies of a particular description or subsidiaries of any such companies;
  - (c) a particular public airport company;
  - (d) subsidiaries, or a particular subsidiary, of a particular public airport company;
 and may make different provision for different cases.
- (6) For the purposes of this section—
  - (a) “activity” includes one that involves participating in, or making financial contributions towards, an activity carried on by, or jointly with, other persons; and
  - (b) “airport” is not limited to one operated by a public airport company.
- (7) This section applies only in relation to—
  - (a) public airport companies which are subsidiaries of controlling authorities in England or Wales, or
  - (b) subsidiaries of such companies.]

#### Textual Amendments

**F15** S. 17A inserted (E.W.) (1.3.2007) by [Civil Aviation Act 2006 \(c. 34\)](#), **ss. 5(3), 14(3)**; S.I. 2007/598, art. 2, Sch. 1

## 18 Disabilities of directors of public airport companies. **E+W+S**

- (1) A director of a public airport company who is paid for acting as such, or who is an employee of the company or of a subsidiary of the company, shall be disqualified for being elected, or being, a member—
  - (a) where the company’s controlling authority is a single principal council, of that council; or
  - (b) where the company’s controlling authority are a composite authority, of any of the councils who are the constituent councils of that authority.
- (2) Where a director of a public airport company is a member of any such council as is mentioned in subsection (1)(a) or (b) he shall not at any meeting of the council—

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- (a) take part in the consideration or discussion of any contract or proposed contract between the company or a subsidiary of the company and the council;  
or
  - (b) vote on any question with respect to any contract or proposed contract between the company or a subsidiary of the company and—
    - (i) the council, or
    - (ii) (if they are a constituent council), any of the constituent councils,  
or with respect to any other matter relating to the activities of the company or such a subsidiary.
- [<sup>F16</sup>(2A) Where a director of a public airport company is a member of the executive of any such council as is mentioned in subsection (1)(a) or (b) above which are operating executive arrangements under Part II of the Local Government Act 2000, he shall not, in the course of the discharge of any function that is the responsibility of that executive, take any action in the consideration, or the making of any decision with respect to—
- (a) any contract or proposed contract between the company or a subsidiary of the company and the council; or
  - (b) any matter relating to the activities of the company or such a subsidiary.]
- (3) Any person who contravenes paragraph (a) or (b) of subsection (2) [<sup>F17</sup>or any person who contravenes subsection (2A)] shall be guilty of an offence and liable on summary conviction to a fine not exceeding the fourth level on the standard scale, unless he proves that he did not know that the matter in relation to which the contravention occurred was such a contract or proposed contract as is mentioned in that paragraph or (as the case may be) was a matter otherwise relating to the activities of the company or subsidiary concerned.
- (4) A prosecution for an offence under this section shall not, in England and Wales, be instituted except by or on behalf of the Director of Public Prosecutions.
- (5) A principal council who are the controlling authority of a public airport company or one of the constituent councils of such an authority may by standing orders provide for the exclusion of a member of the council who is a director of the company from a meeting of the council while there is under consideration by the council—
- (a) any contract or proposed contract between the company or a subsidiary of the company and the council, or
  - (b) any other matter relating to the activities of the company or such a subsidiary.
- (6) Subsections (2) and (5) above shall apply in relation to members of—
- (a) a committee of any principal council who are the controlling authority of a public airport company or one of the constituent councils of such an authority,  
or
  - (b) a joint committee of two or more local authorities one or more of whom are such a council,
- (including, in either case, a sub-committee) as they apply in relation to members of any such council, but with the substitution of references to meetings of any such committee for references to meetings of the council.
- (7) This section shall apply in relation to a director of a subsidiary of a public airport company as it applies in relation to a director of such a company.

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#### Textual Amendments

- F16** S. 18(2A) inserted (E.W.) (11.7.2001 for E., 21.3.2002 for W.) by S.I. 2001/2237, arts. 2, 16(a) and S.I. 2002/808, arts. 2, 15(a)
- F17** Words in s. 18(3) inserted (E.W.) (11.7.2001 for E., 21.3.2002 for W.) by S.I. 2001/2237, arts. 2, 16(b) and S.I. 2002/808, arts. 2, 15(b)

### 19 Prohibition on employment by public airport company of officers etc. of controlling authority. **E+W+S**

- (1) No person who is a full-time officer or employee of a principal council shall hold any office or employment under an associated company except as a director who is not also an employee of the company.
- (2) Any person who contravenes subsection (1) shall be guilty of an offence and liable on summary conviction to a fine not exceeding the fourth level on the standard scale.

### 20 Powers of investment and disposal in relation to public airport companies. **E+W+S**

- (1) Without prejudice to the powers of a principal council—
  - (a) to subscribe for shares on the formation of a company formed by them in pursuance of section 13, or
  - (b) to acquire any shares in or other securities of a company formed in pursuance of that section by way of consideration for any transfer of property, rights and liabilities to that company under section 15(7),
 a principal council shall have power at any time to subscribe for, take up or acquire (as the case may be) any securities of any associated company.
- (2) A principal council shall have power to provide for the disposal, in such manner as they think fit, of any such securities.
- (3) A local authority shall have power, with the consent of the Secretary of State, to acquire securities of any company which carries on the business of operating an airport as a commercial undertaking and is not an associated company (whether or not it is a public airport company or was formed in pursuance of section 13).
- (4) Subsections (1) and (3) are without prejudice to the operation of section 30(1)(a) of the 1982 Act (need for consent of Secretary of State to the maintenance of airports by local authorities).
- (5) A principal council who are the controlling authority of a public airport company, or (as the case may be) both or all of the constituent councils of a composite authority who are such a controlling authority, may, in exercising their power under subsection (2) in relation to the disposal of any securities of the company, provide for an employees' share scheme to be established in respect of the company; and any such scheme may provide for the transfer of shares without consideration.
- (6) In subsection (5) "employees' share scheme" means a scheme for encouraging or facilitating the holding of shares or debentures in a public airport company by or for the benefit of—
  - (a) the bona fide employees or former employees of the company or of a subsidiary of the company; or

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- (b) the wives, husbands, widows, widowers [<sup>F18</sup>, civil partners, surviving civil partners ] or children or step-children under the age of 18 of such employees or former employees.

**Textual Amendments**

**F18** Words in s. 20(6)(b) inserted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), s. 263(10)(b), [Sch. 27 para. 111](#); [S.I. 2005/3175](#), art. 2(2)

**21 Capital controls relating to investment in public airport companies by local authorities in England and Wales. E+W+S**

<sup>F19</sup>(1) . . . . .

(4) . . . <sup>F20</sup>this section and section 22 apply to England and Wales only.

**Textual Amendments**

**F19** Ss. 21(1)–(3), 22(1)–(4) and 71 repealed by [Local Government and Housing Act 1989 \(c. 42, SIF 81:1\)](#), s. 194(2), [Sch. 12 Pt. I](#)

**F20** Words repealed by [Local Government and Housing Act 1989 \(c. 42, SIF 81:1\)](#), s. 194(2), [Sch. 12](#) . Pt. I

**22 Other local authority capital controls in England and Wales. E+W+S**

(1) . . . . . <sup>F21</sup>

[<sup>F22</sup>(5) In a case where the controlling authority of a public airport company are—

- (a) a county council or county borough council in Wales, or
- (b) a composite authority of which both or all the constituent councils are county councils or county borough councils in Wales,

it shall be the duty of the controlling authority to exercise their control over the public airport company so as to ensure that the company appoints as auditors of the company only persons who, in addition to meeting the requirements of Part 42 of the Companies Act 2006 (statutory auditors), are approved for appointment as such auditors by the Auditor General for Wales.

(5A) In any other case, it shall be the duty of the controlling authority of a public airport company to exercise their control over the company so as to ensure that the company appoints as auditors of the company only persons who meet the requirements of Part 42 of the Companies Act 2006 (statutory auditors).]

(6) Where the controlling authority of a public airport company are a composite authority, the duty imposed by subsection (5) [<sup>F23</sup>or (as the case may be) (5A)] is a joint duty of both or all of the constituent councils of that authority.

(7) Section 21(4) applies for the purposes of this section.

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#### Textual Amendments

- F21** Ss. 21(1)–(3), 22(1)–(4) and 71 repealed by [Local Government and Housing Act 1989 \(c. 42, SIF 81:1\)](#), s. 194(2), [Sch. 12 Pt. I](#)
- F22** S. 22(5)(5A) substituted for s. 22(5) (1.4.2015) by [Local Audit and Accountability Act 2014 \(c. 2\)](#), s. 49(1), [Sch. 12 para. 17\(2\)](#); S.I. 2015/841, art. 3(x) (with [Sch. para. 1](#)) (as amended (27.6.2016) by S.I. 2016/675, art. 2)
- F23** Words in s. 22(6) inserted (1.4.2015) by [Local Audit and Accountability Act 2014 \(c. 2\)](#), s. 49(1), [Sch. 12 para. 17\(3\)](#); S.I. 2015/841, art. 3(x) (with [Sch. para. 1](#)) (as amended (27.6.2016) by S.I. 2016/675, art. 2)

### 23 Local authority capital controls in Scotland. **E+W+S**

- (1) Any liability to meet capital expenses incurred by a public airport company, or by a subsidiary of such a company, shall, in the case of a company whose controlling authority are an authority to whom section 94 of the Local Government (Scotland) Act 1973 (consent of Secretary of State required for the incurring of liability to meet capital expenses) applies, be treated for the purposes of that section as a liability to meet capital expenses incurred by the company's controlling authority.
- (2) It shall be the duty of the controlling authority of a public airport company to exercise their control over the company so as to ensure that the company appoints as auditors of the company only persons who, in addition to <sup>F24</sup>meeting the requirements of Part 42 of the Companies Act 2006 (statutory auditors)], are approved for appointment as such auditors by the Commission for Local Authority Accounts in Scotland.
- (3) This section applies to Scotland only.

#### Textual Amendments

- F24** Words in s. 23(2) substituted (6.4.2008) by [The Companies Act 2006 \(Consequential Amendments etc\) Order 2008 \(S.I. 2008/948\)](#), art. 2(2), [Sch. 1 para. 12\(3\)](#) (with arts. 6, 11, 12)

### 24 Provision of services for public airport companies. **E+W**

- (1) A principal council shall have power to enter into an agreement with any associated company, or with any subsidiary of an associated company, for the provision by the council for that company or (as the case may be) for that s subsidiary of any administrative, professional or technical services.
- (2) Any agreement under this section shall include provision for payment of proper commercial charges in respect of services to be provided under the agreement.
- (3) Where a principal council have entered into an agreement under this section, the accounts of that council shall include a separate account in respect of that agreement and—
  - (a) in England <sup>F25</sup>..., [<sup>F26</sup>section 25 of the Local Audit and Accountability Act 2014 (inspection of statements of accounts etc)] shall apply in relation to any such separate account as it applies in relation to any statement of accounts prepared by the council pursuant to [<sup>F27</sup>section 3(3)] of that Act; and



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- [<sup>F28</sup>(aa) in Wales, section 29 of the Public Audit (Wales) Act 2004 (rights of inspection) shall apply in relation to any such separate account as it applies in relation to any statement of accounts prepared by the council pursuant to regulations under section 39 of that Act;]
- (b) in Scotland, sections 101 and 105 of the Local Government (Scotland) Act 1973 (rights of inspection and regulations as to accounts) shall have effect as if any reference to an abstract of the accounts of an authority included a reference to any such separate account.

#### Extent Information

- E2** This version of this provision extends to England and Wales only; a separate version has been created for Scotland only

#### Textual Amendments

- F25** Words in s. 24(3)(a) repealed (E.W.) (1.4.2005) by [Public Audit \(Wales\) Act 2004 \(c. 23\), s. 73, Sch. 2 para. 7\(3\), Sch. 4; S.I. 2005/558, art. 2, Sch. 1](#)
- F26** Words in s. 24(3)(a) substituted (1.4.2015) by [Local Audit and Accountability Act 2014 \(c. 2\), s. 49\(1\), Sch. 12 para. 18\(a\); S.I. 2015/841, art. 3\(x\)](#)
- F27** Words in s. 24(3)(a) substituted (1.4.2015) by [Local Audit and Accountability Act 2014 \(c. 2\), s. 49\(1\), Sch. 12 para. 18\(b\); S.I. 2015/841, art. 3\(x\)](#)
- F28** S. 24(3)(aa) inserted (E.W.) (1.4.2005) by [Public Audit \(Wales\) Act 2004 \(c. 23\), s. 73, Sch. 2 para. 7\(3\); S.I. 2005/558, art. 2, Sch. 1](#)

## 24 Provision of services for public airport companies. **S**

- (1) A principal council shall have power to enter into an agreement with any associated company, or with any subsidiary of an associated company, for the provision by the council for that company or (as the case may be) for that s subsidiary of any administrative, professional or technical services.
- (2) Any agreement under this section shall include provision for payment of proper commercial charges in respect of services to be provided under the agreement.
- (3) Where a principal council have entered into an agreement under this section, the accounts of that council shall include a separate account in respect of that agreement and—
- (a) in England <sup>F25</sup>..., [<sup>F26</sup>section 25 of the Local Audit and Accountability Act 2014 (inspection of statements of accounts etc)] shall apply in relation to any such separate account as it applies in relation to any statement of accounts prepared by the council pursuant to [<sup>F27</sup>section 3(3)] of that Act; and
- [<sup>F28</sup>(aa) in Wales, section 29 of the Public Audit (Wales) Act 2004 (rights of inspection) shall apply in relation to any such separate account as it applies in relation to any statement of accounts prepared by the council pursuant to regulations under section 39 of that Act;]
- (b) in Scotland, sections 101 and 105 of the Local Government (Scotland) Act 1973 (rights of inspection and regulations as to accounts) shall have effect as if any reference to an abstract of the accounts of an authority included a reference to any such separate account.

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#### Extent Information

- E5** This version of this provision extends to Scotland only; a separate version has been created for England and Wales only

#### Textual Amendments

- F25** Words in s. 24(3)(a) repealed (E.W.) (1.4.2005) by [Public Audit \(Wales\) Act 2004 \(c. 23\), s. 73, Sch. 2 para. 7\(3\), Sch. 4; S.I. 2005/558, art. 2, Sch. 1](#)
- F26** Words in s. 24(3)(a) substituted (1.4.2015) by [Local Audit and Accountability Act 2014 \(c. 2\), s. 49\(1\), Sch. 12 para. 18\(a\); S.I. 2015/841, art. 3\(x\)](#)
- F27** Words in s. 24(3)(a) substituted (1.4.2015) by [Local Audit and Accountability Act 2014 \(c. 2\), s. 49\(1\), Sch. 12 para. 18\(b\); S.I. 2015/841, art. 3\(x\)](#)
- F28** S. 24(3)(aa) inserted (E.W.) (1.4.2005) by [Public Audit \(Wales\) Act 2004 \(c. 23\), s. 73, Sch. 2 para. 7\(3\); S.I. 2005/558, art. 2, Sch. 1](#)

## 25 **Financial backing for establishment and operations of public airport companies.** **E+W+S**

- (1) A principal council shall have power to make loans to any associated company, or to guarantee loans made to any associated company by any other person, for the provision of working capital.
- (2) The reference in subsection (1) to guaranteeing loans is a reference to guaranteeing the repayment of the principal of, the payment of interest on, and the discharge of any other financial obligation in connection with, the loans.
- (3) A principal council shall have power to make loans—
  - (a) to any associated company, or
  - (b) to any subsidiary of an associated company,
 for the purpose of meeting any expenses incurred or to be incurred by that company or subsidiary in connection with the provision or improvement of assets in connection with its business.
- (4) Any loan under subsection (1) or (3) must be made on terms, both as to rates of interest and otherwise, no more favourable than the terms on which the council making the loan would themselves be able to borrow at the time when the loan is made.
- (5) A principal council shall have power to give any guarantees and do any other things which appear to the council to be necessary or expedient for the purpose of or in connection with—
  - (a) any disposal authorised under section 20(2); or
  - (b) any disposal by any associated company of the whole or any part of that company's undertaking, or of any property, rights or liabilities of that company.
- (6) A principal council shall have power to provide financial assistance by way of grants, loans or guarantees for any associated company which has incurred losses affecting the viability of its business.
- (7) A principal council shall have power, where on the winding up of any associated company the assets of the company are not sufficient to meet the company's liabilities, to make to the creditors of the company such payments as may be necessary to meet the

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balance of those liabilities (and may accordingly give to persons dealing or proposing to deal with any such company such guarantees with respect to the exercise of their power under this subsection in relation to the company as they think fit).

### Supplementary

## 26 Avoidance of restrictions on transfer of securities of public airport companies. **E+W+S**

- (1) Any provision to which this section applies shall be void in so far as it operates—
- (a) to preclude the holder of any securities of a public airport company from disposing of those securities or
  - (b) to require the holder of any such securities to dispose, or offer to dispose, of those securities to particular persons or to particular classes of persons, or
  - (c) to preclude the holder of any such securities from disposing of those securities except—
    - (i) at a particular time or at particular times, or
    - (ii) on the fulfilment of particular conditions or in other particular circumstances
- (2) This section applies to any provision relating to any securities of a public airport company and contained in—
- (a) the [<sup>F29</sup>articles of association] of the company or any other instrument purporting to regulate to any extent the respective rights and liabilities of the members of the company,
  - (b) any resolution of the company, or
  - (c) any instrument issued by the company and embodying terms and conditions on which any such securities are to be held by persons for the time being holding them.

### Textual Amendments

**F29** Words in s. 26(2)(a) substituted (1.10.2009) by [The Companies Act 2006 \(Consequential Amendments, Transitional Provisions and Savings\) Order 2009 \(S.I. 2009/1941\)](#), art. 1(2), [Sch. 1 para. 68\(3\)](#) (with art. 10)

## 27 Consents under s. 30 of the 1982 Act. **E+W+S**

Where any airport controlled by a principal council, or jointly by two or more principal councils, comes into the ownership of a public airport company as a result of a transfer under section 15(7), any consent given to that council or (as the case may be) to any of those councils under section 30(1)(a) of the 1982 Act, or any consent having effect as if so given, shall (together with any conditions to which it is subject) continue in force so as to enable the council in question, through the company, to maintain that airport; but that council may not by virtue of the consent establish or maintain (whether directly or indirectly) any other airport.

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## 28 Compensation for loss of diminution of pension rights. **E+W+S**

- (1) The Secretary of State may provide by regulations for the payment, by such persons as may be prescribed by or determined under the regulations, in such cases and to such extent as may be so prescribed or determined, of pensions, allowances or gratuities by way of compensation to or in respect of persons who have suffered loss or diminution of pension rights by reason of—
- (a) any transfer of property, rights and liabilities under section 15(7), or
  - (b) the disposal under section 20(2) of any interests held by a principal council in a public airport company.
- (2) Regulations under this section may—
- (a) include provision as to the manner in which and the persons to whom any claim for compensation is to be made, and for the determination of all questions arising under the regulations;
  - (b) make or authorise the Secretary of State to make exceptions and conditions in relation to any classes of persons or any circumstances to which the regulations apply; and
  - (c) be framed so as to have effect from a date earlier than the making of the regulations;
- but regulations having effect from a date earlier than their making shall not place any individual who is qualified to participate in the benefits for which the regulations provide in a worse position than he would have been in if the regulations had been framed so as to have effect only from the date of their making.
- (3) Regulations under this section may include either or both of the following provisions, namely—
- (a) provision authorising the payment, without probate (or, in Scotland, confirmation) and without other proof of title, of any sum due under the regulations in respect of a person who has died to his personal representatives or such other persons as may be prescribed by the regulations; and
  - (b) provision rendering void any assignment of (or, in Scotland, assignation of) or charge on, or any agreement to assign or charge, any benefit under the regulations, and provision that on the bankruptcy of a person entitled to such a benefit (or, in Scotland, sequestration of the estate of, or granting of a trust deed for creditors by, such a person) no part of it shall pass to any trustee or other person acting on behalf of the creditors, except in accordance with an order made by a court in pursuance of any enactment specified in the regulations.
- (4) Subject to subsection (5), where regulations under this section have made provision for the payment of pensions, allowances or gratuities as mentioned in subsection (1), compensation in respect of any such loss or diminution of pension rights as is mentioned in that subsection shall be paid only in accordance with those regulations in any case to which those regulations apply; and accordingly such compensation shall not be paid under any other statutory provision, by virtue of any provision in a contract or otherwise.
- (5) Subsection (4) shall not prevent the payment of any sum to which a person is entitled by virtue of contractual rights acquired by him before such date as the Secretary of State may by order specify.

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(6) Any regulations or order made under this section by the Secretary of State may make different provision for different cases to which those regulations or that order apply or applies, as the case may be, and may in particular make different provision as respects different areas.

(7) In this section—

“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) a gratuity so payable;
- (b) a return of contributions to a pension fund, with or without interest on or any other addition to those contributions; and
- (c) any sums payable on or in respect of the death of that person;

“pension rights” includes, in relation to any person, all forms of right to or eligibility for the present or future payment of a pension, and any expectation of the accruer of a pension under any customary practice, and includes a right of allocation in respect of the present or future payment of a pension.

### PART III U.K.

#### REGULATION OF USE OF AIRPORTS, ETC.

#### 29 Interpretation of Part III, etc. U.K.

(1) In this Part—

“air transport licensing functions” means the functions conferred on the CAA in relation to the grant of such licences as are referred to in section 64(1) (a) of the 1982 Act and in relation to the revocation, suspension or variation of such licences (whether on the application of any person or otherwise);

“movement”, in relation to an airport, means a take-off or landing by an aircraft at the airport.

[<sup>F30</sup>“route licensing functions” means the functions conferred on the CAA in relation to the grant of such licences as are referred to in section 69A(1)(a) of the 1982 Act and in relation to the revocation, suspension or variation of such licences (whether on the application of any person or otherwise).

(2) For the purposes of this Part any class or description may be framed by reference to any matters or circumstances whatever.]

#### Textual Amendments

**F30** Definition in s. 29(1) added (1.1.1993) by S.I. 1992/2992, reg. 23, Sch. 2 para.1.

#### 30 Directions to airport operators in the interests of national security etc. U.K.

(1) The Secretary of State may give to any airport operator or to airport operators generally such directions of a general character as appear to the Secretary of State to be necessary or expedient in the interests of national security or of relations with a country or territory outside the United Kingdom.

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- (2) The Secretary of State may give to any airport operator a direction requiring him (according to the circumstances of the case) to do, or not to do, a particular thing specified in the direction, if the Secretary of State considers it necessary or expedient to give such a direction in the interests of national security.
- (3) The Secretary of State may give to the appropriate person in relation to any airport a direction requiring that person (according to the circumstances of the case)—
- (a) to do, or not to do, in connection with any operational activities relating to the airport a particular thing specified in the direction, or
  - (b) to secure that a particular thing specified in the direction is done or not done in connection with any such activities,

if the Secretary of State considers it necessary or expedient to give such a direction in order to discharge or facilitate the discharge of any international obligation of the United Kingdom.

- (4) In subsection(3)—

“the appropriate person”, in relation to an airport, means—

- (a) the airport operator, or
  - (b) an associated company of the airport operator; and
- “operational activities”, in relation to an airport, means any activities—
- (a) which are carried on wholly or mainly for the benefit of users of the airport, or
  - (b) the revenues from which are wholly or mainly attributable to payments by such users;

but the Secretary of State may by order make such modifications of the definition of “operational activities” as he thinks necessary or expedient having regard to any international obligation of the United Kingdom.

[<sup>F31</sup>(4A) In so far as any direction applying to an airport operator by virtue of subsection (1), (2) or (3) conflicts with the requirements of section 93 of the Transport Act 2000 or of an order under section 94 of that Act, the direction shall be disregarded.]

- (5) In so far as any direction applying to an airport operator by virtue of subsection (1), (2) or (3) conflicts with the requirements of any other enactment or instrument having effect in relation to him as an airport operator [<sup>F32</sup>(other than section 93 of the Transport Act 2000 or an order under section 94 of that Act)], those requirements shall be disregarded; and it is hereby declared that nothing in <sup>F33</sup>... [<sup>F34</sup> Part 1 of the Civil Aviation Act 2012] is to be construed as prejudicing the generality of subsection (3).
- (6) The Secretary of State shall lay before each House of Parliament a copy of every direction given under this section unless he is of the opinion that disclosure of the direction is against the interests of national security or of relations with a country or territory outside the United Kingdom, or against the commercial interests of any person.
- (7) A person shall not disclose, or be required by virtue of any enactment or otherwise to disclose, any direction given or other thing done by virtue of this section if the Secretary of State has notified him that the Secretary of State is of the opinion that disclosure of that direction or thing is against the interests of national security or of relations with a country or territory outside the United Kingdom, or against the commercial interests of some other person.

*Status: Point in time view as at 16/10/2015.*

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- (8) Any person who in contravention of subsection (7) discloses any direction given, or other thing done, by virtue of this section shall be guilty of an offence and liable—
- (a) on summary conviction, to a fine not exceeding the statutory maximum;
  - (b) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine, or to both.
- (9) Before giving any direction or directions under this section to a particular person the Secretary of State shall consult that person; and before giving any directions under subsection (1) to airport operators generally the Secretary of State shall consult such of the following, namely—
- (a) airport operators who appear to him to be likely to be affected by the directions, and
  - (b) organisations representing airport operators,
- as he considers appropriate.

#### Textual Amendments

- F31** S. 30(4A) inserted (1.2.2001) by 2000 c. 38, s. 97, **Sch. 8 Pt. V para. 19(2)** (with s. 106); S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to transitional provisions in Sch. 2 Pt. II)
- F32** Words in s. 30(5) inserted (1.2.2001) by 2000 c. 38, s. 97, **Sch. 8 Pt. V para. 19(3)** (with s. 106); S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (subject to transitional provisions in Sch. 2 Pt. II)
- F33** Words in s. 30(5) omitted (1.4.2014) by virtue of **The Civil Aviation Act 2012 (Regulation of Operators of Dominant Airports) (Consequential Amendments) Regulations 2013** (S.I. 2013/610), reg. 1(3), **Sch. 2 para. 1**
- F34** Words in s. 30(5) inserted (6.4.2013) by **The Civil Aviation Act 2012 (Regulation of Operators of Dominant Airports) (Consequential Amendments) Regulations 2013** (S.I. 2013/610), reg. 1(2), **Sch. 1 para. 1(a)**

## 31 Traffic distribution rules. **U.K.**

- (1) Where—
- (a) it appears to the Secretary of State that two or more airports are airports serving the same area in the United Kingdom, and
  - (b) he considers it appropriate to do so,
- he may in accordance with this section make rules (to be known as traffic distribution rules) providing for air traffic, or any class or description of air traffic, to be distributed between those airports in such manner as he thinks fit.
- (2) It shall be the duty of the CAA so to perform its air transport licensing functions [<sup>F35</sup>and its route licensing functions] as to secure that any traffic distribution rules in force under this section are complied with.
- (3) Traffic distribution rules may do any of the following things (and no more), namely—
- (a) specify classes or descriptions of air traffic that are permitted under the rules to use any of the airports concerned;
  - (b) impose prohibitions or restrictions in relation to the use of any of those airports by air traffic of any class or description specified in the rules;
  - (c) provide for the rules to come into operation (in whole or in part) at such time or in such circumstances as may be specified in the rules.

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- (4) Before making any traffic distribution rules the Secretary of State shall consult the CAA who shall in turn, before giving advice to the Secretary of State, consult such of the following namely—
- (a) airport operators who appear to it to be likely to be affected by the rules,
  - (b) operators of aircraft who appear to it to be likely to be so affected, and
  - (c) organisations representing airport operators or operators or aircraft,
- as it considers appropriate.
- (5) Where—
- (a) the subject-matter of any particular rules made by the Secretary of State under this section is a matter in relation to which the CAA has given advice to the Secretary of State (whether before or after the passing of this Act), and
  - (b) those rules are so made not later than five years after the giving of that advice,
- the requirements of subsection (4) shall be taken to have been satisfied with respect to those rules.
- (6) In subsection (1) the reference to airports serving the same area in the United Kingdom is a reference to airports in the case of which a substantial number of the passengers departing from, or arriving at, the airports by air (other than those interrupting their flights there or transferring from one flight to a nother) have as their original points of departure, or (as the case may be) as their ultimate destinations, places situated within the same area in the United Kingdom.

#### Textual Amendments

**F35** Words in s. 31(2) inserted (1.1.1993) by S.I. 1992/2992, reg. 23, Sch. 2 para.2.

## 32 Power to limit aircraft movements at certain airports. **U.K.**

- (1) The Secretary of State may, if he considers it appropriate to do so in the case of a particular airport to which this section applies, make an order in accordance with this section which does either or both of the following things, namely—
- (a) imposes an overall limit on the number of occasions on which, during any period specified in the order, aircraft may take off or land at the airport,
  - (b) imposes such other limit or limits applying to the taking off or landing of aircraft at the airport during any such period in circumstances or cases specified in the order as the Secretary of State thinks fit.
- (2) This section applies to an airport if it appears to the Secretary of State that the existing runway capacity of the airport is not fully utilised for a substantial proportion of the time during which its runway or runways is or are available for the take-off or landing of aircraft.
- (3) It shall be the duty of the airport operator to secure that any limit imposed under this section is complied with; and in performing its air transport licensing functions [<sup>F36</sup>and its route licensing functions] the CAA shall have regard to the existence of any such limit.
- (4) An order under this section may—



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- (a) provide for aircraft taking off or landing at the airport in circumstances or cases specified in the order to be disregarded for the purposes of any specified limit falling within subsection (1)(a) or (b) or for the purposes of every such limit imposed by the order;
  - (b) provide for the number of occasions on which aircraft of any description specified in the order take off or land at the airport in any period so specified to be determined, for any such purposes as are mentioned in paragraph (a), in any manner so specified (whether or not involving the counting of two or more such occasions as a single occasion).
- (5) The Secretary of State shall not make an order under this section imposing any limit in relation to a particular period by virtue of which the level of the movements to be permitted at the airport during that period is lower than—
- (a) the highest level of any corresponding movements at the airport occurring during any equivalent period within the three years preceding the making of the order, or
  - (b) where any limit is for the time being in force under this section in relation to any corresponding movements at the airport during an equivalent period, the level of such movements permitted during that period by virtue of that limit.
- (6) Before making an order under this section the Secretary of State shall consult the CAA, the airport operator affected by the order and such of the following, namely—
- (a) operators of aircraft who appear to the Secretary of State to be likely to be affected by the order,
  - (b) organisations representing operators of aircraft, and
  - (c) any local authority or authorities who appear to the Secretary of State to be affected by operations at the airport,
- as the Secretary of State considers appropriate.
- (7) In subsection (6) “local authority”—
- (a) in relation to England, Wales and Scotland, has the meaning given by section 12(1);
  - (b) in relation to Northern Ireland, means a district council established under the Local Government Act (Northern Ireland) 1972.

#### Textual Amendments

**F36** Words in s. 32(3) inserted (1.1.1993) by S.I. 1992/2992, reg. 23, Sch. 2 para.3.

### 33 Schemes for allocating capacity at airports. **U.K.**

- (1) Where—
- (a) an order is for the time being in force in relation to an airport under section 32, or
  - (b) it appears to the Secretary of State that the demand for the use of an airport exceeds, or is likely in the near future to exceed, the operational capacity of the airport, and as a result he considers it appropriate that a scheme under this section should apply in relation to the airport,

the Secretary of State may give the CAA a direction requiring it to prepare and submit for his approval a scheme under this section in relation to the airport.

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- (2) Any direction of the Secretary of State under subsection (1) shall specify the matters which are to be dealt with in the scheme; and the Secretary of State shall consult the CAA before giving it any such direction.
- (3) A scheme under this section in relation to an airport may do either or both of the following things, namely—
  - (a) provide for an aircraft to be precluded from performing a movement at the airport unless (in addition to satisfying any requirements or conditions having effect otherwise than under the scheme) the operator of the aircraft has acquired a right under the scheme to cause it to perform that movement;
  - (b) provide for special charges to be payable to the airport operator by operators of aircraft in respect of the performance by the aircraft of movements at the airport.
- (4) A scheme under this section may—
  - (a) where it provides for the acquisition of rights in pursuance of subsection (3) (a), provide—
    - (i) for the allocation of such rights on such basis or by such method as may be specified in the scheme,
    - (ii) for such rights to be framed by reference to particular times or periods of time,
    - (iii) for such rights to be transferable,
    - (iv) for such rights to be subject to such conditions as may be specified in the scheme;
  - (b) where it provides for the payment of special charges in pursuance of subsection (3)(b), provide for different charges to apply in the case of operators of different classes or descriptions, or in different circumstances;
  - (c) in either case, provide for provisions of the scheme not to apply to operators, or to movements, of any specified class or description.
- (5) A scheme under this section shall not come into force until it has been approved by the Secretary of State or until such date as the Secretary of State may, in giving his approval, specify; and the Secretary of State may approve a scheme either without modifications or with such modifications as, after consulting the CAA, he thinks fit.
- (6) Before submitting a scheme under this section for the approval of the Secretary of State, the CAA shall consult the airport operator and such of the following, namely—
  - (a) operators of aircraft who appear to it to be likely to be affected by the scheme, and
  - (b) organisations representing airport operators or operators of aircraft,as it considers appropriate.
- (7) Where a scheme under this section is in force in relation to an airport it shall be the duty of the airport operator to give effect to the scheme.
- (8) A scheme under this section in relation to an airport—
  - (a) may be varied or revoked by any subsequent such scheme; and
  - (b) may, with the approval of the Secretary of State, be revoked by the CAA otherwise than in connection with its replacement by any such scheme;

and where any such scheme was prepared in pursuance of a direction given by virtue of subsection (1)(a), the scheme shall in any event cease to have effect if the airport

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ceases to be subject to such an order as is mentioned in that provision (but without prejudice to the power of the Secretary of State to give a further direction in relation to the airport by virtue of subsection (1)(b)).

- (9) The revocation or termination of a scheme as mentioned in subsection (8) shall be without prejudice to the recovery of sums already owing to the airport operator.

### **34 Matters to be taken into account by CAA. U.K.**

- (1) This section applies to the following functions of the CAA, namely—
- (a) the function of giving advice to the Secretary of State on being consulted by him under any of sections 31 to 33, and
  - (b) the function of preparing a scheme under section 33 where directed to do so under that section.
- (2) Section 4 of the 1982 Act (general objectives of the CAA) shall not apply to any function to which this section applies; and instead, in performing any such function, the CAA shall take into account—
- (a) such of the international obligations of the United Kingdom as the Secretary of State may notify to it for the purposes of this section; and
  - (b) any advice received from the Secretary of State with respect to the relations of the United Kingdom with a country or territory outside the United Kingdom;
- and, subject to that, shall have regard to the matters referred to in subsection (3).
- (3) Those matters are—
- (a) the need to secure the sound development of civil aviation throughout the United Kingdom;
  - (b) the reasonable interests of users of air transport services; and
  - (c) such policy considerations as the Secretary of State may notify to the CAA for the purposes of this section.

### **35 Regulation of availability of airports by reference to airport licences. U.K.**

An Order in Council under section 60 of the 1982 Act (Air Navigation Orders) may provide for regulating the availability of an airport for the take-off or landing of aircraft, or of aircraft of any specified class or description, by reference to the nature of the licence for the time being in force in respect of the airport by virtue of subsection (3)(c) of that section.

#### **Modifications etc. (not altering text)**

**C1** [S. 35](#) extended (Jersey) (19.4.2000) by [S.I. 2000/1111](#), [art. 2](#)

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## <sup>F37</sup>PART IV **E+W+S**

### ECONOMIC REGULATION OF AIRPORTS

#### Textual Amendments

**F37** Pt. IV repealed (6.4.2013 for the repeal of ss. 37(2)-(7)(9)(10), 38, 40A, 40B, 41(1), 53, 1.4.2014 in so far as not already in force) by [Civil Aviation Act 2012 \(c. 19\)](#), **ss. 76(1), 110(1)** (with s. 77(1)-(3), Sch. 10 paras. 12, 17); S.I. 2013/589, arts. 2(1)-(3), 5(1)(a) (with arts. 3, 6)

#### Modifications etc. (not altering text)

**C2** Pt. IV modified (temp. until 31.3.2014) (6.4.2013) by [The Civil Aviation Act 2012 \(Commencement No. 1, Transitional, Transitory and Saving Provisions\) Order 2013 \(S.I. 2013/589\)](#), arts. 1(2), **3(1)** (with art. 3(2))

#### *Preliminary*

**36 Interpretation of Part IV, etc.** **E+W+S**

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#### *Permissions*

**37 Airports subject to economic regulation; requirement for permission to levy airport charges.** **E+W+S**

.....

**38 Grant or refusal of permissions.** **E+W+S**

.....

#### *Conditions*

**39 Imposition of conditions by CAA.** **E+W+S**

.....

**40 Mandatory conditions in case of designated airports.** **E+W+S**

.....

**40A Designation of certain regulated airports** **E+W+S**

.....

**40B Market power examinations** **E+W+S**

.....

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**41 Discretionary conditions. E+W+S**

.....

**42 Discretionary conditions: supplementary provisions. E+W+S**

.....

*References to Commission*

**43 References to Commission in relation to imposition or modification of conditions. E+W+S**

.....

**44 Supplementary provisions relating to references. E+W+S**

.....

**44A References under section 43: time limits E+W+S**

.....

**44B References under section 43: powers of investigation E+W+S**

.....

**45 Reports on references. E+W+S**

.....

**46 Imposition or modification of conditions following Commission's report. E+W+S**

.....

**47 Charges to be paid by airport operators in respect of Commission's expenses. E+W+S**

.....

*Enforcement of conditions*

**48 Breach of conditions other than accounts conditions: complaints and compliance orders. E+W+S**

.....

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**49 Validity and effect of compliance orders. E+W+S**

.....

**50 Breach of accounts conditions: criminal penalties etc. E+W+S**

.....

*Supplementary*

**51 Supplementary provisions relating to conditions. E+W+S**

.....

**52 Special provisions relating to groups of airports. E+W+S**

.....

**53 Functions in relation to permissions and conditions initially exercisable by Secretary of State. E+W+S**

.....

**54 Orders under the 1973 Act or 1980 Act modifying or revoking conditions. E+W+S**

.....

**55 Application of Part IV to associated companies of airport operators. E+W+S**

.....

**56 Co-ordination of exercise of functions by CAA and Director General of Fair Trading. E+W+S**

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**PART V E+W+S**

STATUS OF CERTAIN AIRPORT OPERATORS AS STATUTORY UNDERTAKERS, ETC.

**Modifications etc. (not altering text)**

C3 Pt. V applied (6.4.2013) by Civil Aviation Act 2012 (c. 19), s. 110(1), **Sch. 10 para. 10(3)** (with Sch. 10 paras. 11, 12, 17); S.I. 2013/589, art. 2(1)-(3)

<sup>F38</sup>**57 Scope of Part 5 E+W+S**

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### Textual Amendments

**F38** S. 57A substituted for s. 57 (6.4.2013) by [Civil Aviation Act 2012 \(c. 19\)](#), s. 110(1), [Sch. 8 para. 2](#) (with [Sch. 10 paras. 10, 12, 17](#)); [S.I. 2013/589](#), art. 2(1)-(3)

## [<sup>F38</sup> 57A Scope of Part 5 **E+W+S**

- (1) In this Part “relevant airport operator” means the airport operator in the case of an airport to which this Part applies.
- (2) This Part applies to any airport in respect of which a certificate has been granted under this section (and has not been withdrawn).
- (3) The CAA must grant a certificate under this section in respect of an airport if, but only if—
  - (a) the airport operator applies for a certificate (and has not withdrawn the application),
  - (b) the airport operator pays the charge (if any) specified in a scheme or regulations made under section 11 of the 1982 Act, and
  - (c) the CAA considers that, at the time, the airport is an eligible airport.
- (4) An airport is an eligible airport if—
  - (a) the annual turnover of the business carried on at the airport by the airport operator exceeded £1 million in at least two of the last three financial years ending before the application for the certificate is made, and
  - (b) the airport is not excluded by virtue of subsection (5).
- (5) The excluded airports are—
  - (a) an airport owned by a principal council or jointly owned by two or more principal councils;
  - (b) an airport owned by an Integrated Transport Authority in England or jointly owned by such an Authority and one or more principal councils;
  - (c) an airport owned by a metropolitan county passenger transport authority in Scotland or jointly owned by such an authority and one or more principal councils.
- (6) The appropriate Minister may withdraw a certificate granted under this section in respect of an airport if the appropriate Minister considers that, at the time, the annual turnover of the business carried on at the airport by the airport operator in each of the last two financial years did not exceed the sum for the time being specified in subsection (4)(a).
- (7) Before withdrawing a certificate in respect of an airport, the appropriate Minister must consult—
  - (a) the CAA, and
  - (b) the airport operator.
- (8) The withdrawal of a certificate does not affect any rights or liabilities accruing by virtue of this Part before it is withdrawn.
- (9) In this section—

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“annual turnover”, in relation to the business carried on at an airport by the airport operator, means the aggregate of all sums received in the course of the business during a financial year, as stated or otherwise shown in the accounts of the business, including grants from any public or local authority but excluding—

- (a) capital receipts, and
- (b) loans made by any person;

“the appropriate Minister” means—

- (a) in relation to an airport in England or Wales, the Secretary of State, and
- (b) in relation to an airport in Scotland, the Scottish Ministers;

“financial year” means a period of 12 months ending with 31 March;

“local authority” and “principal council” have the same meaning as in Part 2.

- (10) Where the person who is for the time being the airport operator in relation to an airport has not had its management for the whole or any part of a period relevant for the purposes of this section, references in this section to the business carried on at the airport by the airport operator include a reference to the business carried on there by any other person who was the airport operator in relation to the airport for the whole or any part of that period.
- (11) The Secretary of State may by order substitute a greater sum for the sum specified in subsection (4)(a).
- (12) An order under subsection (11) does not affect the validity of a certificate granted under this section before the order comes into force.]

#### Textual Amendments

**F38** S. 57A substituted for s. 57 (6.4.2013) by [Civil Aviation Act 2012 \(c. 19\)](#), s. 110(1), [Sch. 8 para. 2](#) (with [Sch. 10 paras. 10, 12, 17](#)); S.I. 2013/589, art. 2(1)-(3)

#### Modifications etc. (not altering text)

**C4** S. 57A: power to modify conferred (6.4.2013) by [Civil Aviation Act 2012 \(c. 19\)](#), s. 110(1), [Sch. 8 para. 5\(2\)](#) (with [Sch. 10 paras. 12, 17](#)); S.I. 2013/589, art. 2(1)-(3)

### 58 Application of enactments relating to statutory undertakings. **E+W+S**

Schedule 2 shall have effect with respect to the application of the enactments mentioned in that Schedule (which relate to statutory undertakers etc.) to airports to which this part applies and to relevant airport operators.

### 59 Acquisition of land and rights over land. **E+W+S**

- (1) The Secretary of State may authorise any relevant airport operator to acquire land in Great Britain compulsorily for any purpose connected with the performance of the operator’s functions as such; and the following enactments, namely—
  - (a) if the land is in England and Wales, the Acquisition of Land Act 1981, except Part VI, and
  - (b) if the land is in Scotland, the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947, except section 3,



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shall apply in relation to the compulsory purchase of land by a relevant airport operator under this section; and, in the case of the latter Act, shall so apply as if the operator were a local authority and as if this subsection were contained in an Act in force immediately before the commencement of that Act.

- (2) For the purpose of the acquisition by a relevant airport operator of land in Great Britain by agreement the following provisions shall apply, namely—
- (a) if the land is in England and Wales, the provisions of Part I of the Compulsory Purchase Act 1965 (so far as applicable) except sections 4 to 8, 27 and 31, and
  - (b) if the land is in Scotland, the provisions of the Lands Clauses Acts (so far as applicable) except sections 120 to 125, 127, 142 and 143 of the Lands Clauses Consolidation (Scotland) Act 1845.
- (3) The provisions of the 1982 Act which are specified in subsection (4) below shall apply in relation to any relevant airport operator as they apply in Great Britain to the CAA and, in the case of Schedule 10 to the 1982 Act, as if the references to an order made or proposed to be made under Part II of that Act or to the making of such an order included an order for the compulsory purchase of land by a relevant airport operator which the Secretary of State has confirmed or proposes to confirm or (as the case may be) the confirmation of such an order.
- (4) The provisions of the 1982 Act mentioned in subsection (3) are—
- section 44 (power to obtain rights over land);
  - section 45 (power to restrict use of land for purpose of securing safety at airports);
  - section 46 (power to exercise control over land in interests of civil aviation);
  - section 48 (power to stop up and divert highways), except subsection (9);
  - section 50 (power of entry for purposes of survey);
  - section 52 (displacements from land); and
  - Schedules 7 to 10 (supplemental provisions and provisions relating to statutory undertakers).
- (5) The power of a relevant airport operator to acquire 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 section 48 of the 1982 Act, as applied by this section, or for any other purpose for which land is required in connection with such an order.
- (6) The following enactments (which refer to consecrated land and burial grounds), namely—
- (a) [<sup>F39</sup>sections 238 to 240 of the Town and Country Planning Act 1990]; and
  - (b) [<sup>F40</sup>section 197 of the Town and Country Planning (Scotland) Act 1997],
- shall have effect in relation to any land acquired by a relevant airport operator as they have effect in relation to land acquired by statutory undertakers under [<sup>F39</sup>Part IX of that Act of 1990] or (as the case may be) under [<sup>F40</sup>Part VIII of that Act of 1997].

#### Textual Amendments

**F39** Words substituted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\), s. 4, Sch. 2 para. 73\(1\)](#)

**F40** Words in s. 59(6)(b) substituted (27.5.1997) by [1997 c. 11, ss. 4, 6\(2\), Sch. 2 para. 39\(1\)](#)

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## 60 Disposal of compulsorily acquired land. **E+W+S**

- (1) This section applies to the disposal of any land—
  - (a) which was acquired compulsorily by a relevant airport operator or any predecessor in title of his under section 59(1) or any other enactment; and
  - (b) which, at the time of the disposal, forms part of an airport or is attached to an airport and administered with it as a single unit or has, at any time since the date of its acquisition, formed part of an airport or been so attached and administered.
- (2) A relevant airport operator shall not dispose of any land to which this section applies, or any interest or right in or over such land, within the period of 25 years beginning with the date of its acquisition as mentioned in subsection (1), unless—
  - (a) the disposal is for the purposes of the provision of any of the services and facilities associated with the operation of an airport; or
  - (b) the disposal is of a leasehold interest in the land for a term of less than 7 years; or
  - (c) the Secretary of State consents to the disposal.
- (3) Any consent of the Secretary of State under this section may be given subject to such conditions as he thinks fit.

## 61 Compensation in respect of planning decisions relating to safety of airports etc. **E+W+S**

- (1) In the case of an airport to which this Part applies, a local planning authority (“a planning authority”) shall be entitled to recover from the airport operator a sum equal to any compensation which the planning authority has become liable to pay, if—
  - (a) it has become so liable under [<sup>F41</sup>section 107, 108, <sup>F42</sup> . . . 144(2) or 279(1) of the Town and Country Planning Act 1990 (“the 1990 Act”)] or under [<sup>F43</sup>section 76, 77, 95(2) or 232(1) of the Town and Country Planning (Scotland) Act 1997 (“the 1997 Act”)] (which relate to compensation for certain planning restrictions, for purchase notices which do not take effect and in respect of undertakers’ operational land); and
  - (b) the liability is attributable to a planning decision which would not have been taken, or (in the case of compensation under [<sup>F44</sup>section 107 of the 1990 Act or [<sup>F45</sup>section 76 of the 1997 Act]]) to an order under [<sup>F44</sup>section 97 of the 1990 Act] or [<sup>F45</sup>section 65 of the 1997 Act] which would not have been made, but for the need—
    - (i) to secure the safe and efficient operation of the airport, or
    - (ii) to prevent persons or buildings from being struck by aircraft using the airport, or
    - (iii) to secure the safe and efficient operation of apparatus owned by the airport operator and provided for the purpose of assisting air traffic control or as an aid to air navigation.
- (2) Where a sum equal to any compensation is payable or paid to a planning authority by an airport operator in pursuance of subsection (1), the planning authority shall pay the airport operator any amount received by the planning authority in respect of the compensation under [<sup>F46</sup>sections 111 and 112 of the 1990 Act] or [<sup>F47</sup>section 82 of the 1997 Act] (which relate to the recovery of compensation on subsequent development).

*Status: Point in time view as at 16/10/2015.*

*Changes to legislation: Airports Act 1986 is up to date with all changes known to be in force on or before 03 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (3) where a purchase notice is served under [F48section 137 of the 1990 Act] or [F49section 88 of the 1997 Act] in respect of a planning decision which would not have been taken but for such a need as is mentioned in subsection (1) in the case of any airport to which this Part applies, any local authority who are deemed under [F48section 139(3) or 143(1) of the 1990 Act] or [F49section 90(3) or 94(1) of the 1997 Act] 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 airport operator 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 airport operator to purchase the interest from the local authority for a sum equal to the amount of compensation so agreed or determined.
- (4) Where a notice in writing is given to an airport operator under subsection (3) he shall, subject to any agreement between him and the local authority, be deemed to have contracted with the local authority to purchase the interest at that price.
- (5) Any dispute as to whether a planning decision would not have been taken, or an order under [F50section 97 of the 1990 Act] or [F51section 65 of the 1997 Act] would not have been made, but for such a need as is mentioned in subsection (1) shall be referred to and determined by the Secretary of State.
- (6) In the preceding provisions of this section “planning decision” means a decision made on an application under Part III of [F52the 1990 Act] or Part III of [F53the 1997 Act]; and references in those provisions to a local planning authority shall be construed—
- in relation to England and Wales, as including references to any authority to whom functions of a local planning authority are delegated; and
  - in relation to Scotland, as references to a planning authority.

#### Textual Amendments

- F41** Words substituted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\), s. 4, Sch. 2 para. 73\(2\)\(a\)\(i\)](#)
- F42** Word repealed (E.W.) (25.09.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 28:1,2, 123:1,2\), ss. 31\(4\), 84\(4\)\(6\), Sch. 6 para. 7, Sch. 19 Pt. II \(with s. 84\(5\)\); S.I. 1991/2067, art. 3.](#)
- F43** Words in s. 61(1)(a) substituted (27.5.1997) by 1997 c. 11, ss. 4, 6(2), [Sch. 2 para. 39\(2\)\(a\)\(i\)](#)
- F44** Words substituted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\), s. 4, Sch. 2 para. 73\(2\)\(a\)\(ii\)](#)
- F45** Words in s. 61(1)(b) substituted (27.5.1997) by 1997 c. 11, ss. 4, 6(2), [Sch. 2 para. 39\(2\)\(a\)\(ii\)](#)
- F46** Words substituted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\), s. 4, Sch. 2 para. 73\(2\)\(b\)](#)
- F47** Words in s. 61(2) substituted (27.5.1997) by 1997 C. 11, SS. 4, 6(2), Sch. 39 para. 39(2)(b)
- F48** Words substituted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\), s. 4, Sch. 2 para. 73\(2\)\(c\)](#)
- F49** Words in s. 61(3) substituted (27.5.1997) by 1997 c. 11, ss. 4, 6(2), [Sch. 39 para. 39\(2\)\(c\)](#)
- F50** Words substituted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\), s. 4, Sch. 2 para. 73\(2\)\(d\)](#)
- F51** Words in s. 61(5) substituted (27.5.1997) by 1997 c. 11, ss. 4, 6(2), [Sch. 2 para. 39\(2\)\(d\)](#)
- F52** Words substituted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\), s. 4, Sch. 2 para. 73\(2\)\(e\)](#)
- F53** Words in s. 61(6) substituted (27.5.1997) by 1997 c. 11, ss. 4, 6(1), [Sch. 2 para. 39\(2\)\(e\)](#)

*Status: Point in time view as at 16/10/2015.*

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**62 Provisions as to [F54electronic communications apparatus]. E+W+S**

- (1) Paragraph 23 of [F55the electronic communications code] (undertakers’ works) shall apply for the purposes—
  - (a) of any work in pursuance of an order or direction under section 44 or 46 of the 1982 Act, as applied by section 59 above, and
  - (b) of anything done with respect to a highway in pursuance of an order under section 48 of the 1982 Act (as so applied) to which subsection (2) below applies.

to the person doing that work or, as the case may be, the highway authority; and, in the case of any such order as is mentioned in paragraph (b), any person entitled to land over which the highway passes shall be entitled to require the alteration of the [F54electronic communications apparatus] in question.

- (2) This subsection applies to an order under section 48 of the 1982 Act where the order provides—
  - (a) for the stopping up or diversion of the highway, or
  - <sup>F56</sup>(b) for the improvement of the highway where the Secretary of State is not the highway authority,

and immediately before the order comes into operation any [F54electronic communications apparatus] is kept installed for the purposes of [F57an electronic communications code network] under, in, on, over, along or across the highway.

- (3) Subject to the preceding provisions of this section, the operator of [F57an electronic communications code network] shall, in a case falling within subsection (2)(a), have the same rights in respect of any apparatus kept installed for the purposes of [F58that network] as if the order had not come into operation.

- (4) Paragraph 23 of [F55the electronic communications code] shall not apply by virtue of subsection (2)(b) in relation to the alteration of any [F54electronic communications apparatus] where the alteration is for the purpose of [F59major highway works, major bridge works or major transport works within the meaning of Part III of the New Roads and Street Works Act 1991 or, in Scotland, major works for roads purposes, major bridge works or major transport works within the meaning of Part IV of that Act].

- (5) Sub-paragraph (8) of paragraph 23 (offence) shall be deemed to be omitted for the purposes of the application by this section of that paragraph to the Secretary of State.

- (6) Paragraph 1(2) of [F55the electronic communications code] (alteration of apparatus to include moving, removal or replacement of apparatus) shall apply for the purposes of the preceding provisions of this section as it applies for the purposes of the code.

- (7) Paragraph 21 of [F55the electronic communications code] (restriction on removal of apparatus) shall apply in relation to any entitlement conferred by this section to require the alteration, moving or replacement of any [F54electronic communications apparatus] as it applies in relation to an entitlement to require the removal of any such apparatus.

<sup>F60</sup>(8) . . . . .

- (9) In the application of this section to Scotland, the reference to the highway authority shall be read as a reference to the roads authority as defined by section 151(1) of the Roads (Scotland) Act 1984, and any reference to a highway shall be read as a reference to a road as defined in that provision.

*Status: Point in time view as at 16/10/2015.*

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### Textual Amendments

- F54** Words in s. 62 substituted (25.7.2003 for specified purposes, 29.12.2003 in so far as not already in force) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), [Sch. 17 para. 80\(b\)](#) (with [Sch. 18](#)); [S.I. 2003/1900](#), arts. 1(2), 2(1), [Sch. 1](#) (with [art. 3](#)) (as amended by [S.I. 2003/3142](#), art. 1(3)); [S.I. 2003/3142](#), art. 3(2) (with [art. 11](#))
- F55** Words in s. 62 substituted (25.7.2003 for specified purposes, 29.12.2003 in so far as not already in force) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), [Sch. 17 para. 80\(a\)](#) (with [Sch. 18](#)); [S.I. 2003/1900](#), arts. 1(2), 2(1), [Sch. 1](#) (with [art. 3](#)) (as amended by [S.I. 2003/3142](#), art. 1(3)); [S.I. 2003/3142](#), art. 3(2) (with [art. 11](#))
- F56** S. 62(2)(b) substituted (1.11.1991) by [New Roads and Street Works Act 1991 \(c. 22, SIF 59, 108\)](#), ss. 168(1), 170(1), [Sch. 8 para. 118\(2\)](#); [S.I. 1991/2288](#), art. 3, [Sch.](#)
- F57** Words in s. 62 substituted (25.7.2003 for specified purposes, 29.12.2003 in so far as not already in force) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), [Sch. 17 para. 80\(c\)](#) (with [Sch. 18](#)); [S.I. 2003/1900](#), arts. 1(2), 2(1), [Sch. 1](#) (with [art. 3](#)) (as amended by [S.I. 2003/3142](#), art. 1(3)); [S.I. 2003/3142](#), art. 3(2) (with [art. 11](#))
- F58** Words in s. 62(3) substituted (25.7.2003 for specified purposes, 29.12.2003 in so far as not already in force) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), [Sch. 17 para. 80\(d\)](#) (with [Sch. 18](#)); [S.I. 2003/1900](#), arts. 1(2), 2(1), [Sch. 1](#) (with [art. 3](#)) (as amended by [S.I. 2003/3142](#), art. 1(3)); [S.I. 2003/3142](#), art. 3(2) (with [art. 11](#))
- F59** Words in s. 62(4) substituted (1.1.1993) by [New Roads and Street Works Act 1991 \(c. 22, SIF 59, 108\)](#), s. 168(1), [Sch. 8 para. 118\(3\)](#); (E.W.) [S.I. 1992/2984](#), art. 2(2), [Sch.2](#) and (S.) [S.I. 1992/2990](#), art. 2(2), [Sch.2](#).
- F60** S. 62(8) repealed (25.7.2003 for specified purposes, 29.12.2003 in so far as not already in force) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), [Sch. 19\(1\)](#) Note 1 (with [Sch. 18](#)); [S.I. 2003/1900](#), arts. 1(2), 2(1), [Sch. 1](#) (with [art. 3](#)) (as amended by [S.I. 2003/3142](#), art. 1(3)); [S.I. 2003/3142](#), art. 3(2) (with [art. 11](#))

## PART VI U.K.

### MISCELLANEOUS AND SUPPLEMENTARY

#### *Byelaws*

#### 63 Airport byelaws. **E+W**

- (1) Where an airport is either—
- designated for the purposes of this section by an order made by the Secretary of State, or
  - managed by the Secretary of State,
- the airport operator (whether the Secretary of State or some other person) may make byelaws for regulating the use and operation of the airport and the conduct of all persons while within the airport.
- (2) Any such byelaws may, in particular, include byelaws—
- for securing the safety of aircraft, vehicles and persons using the airport and preventing danger to the public arising from the use and operation of the airport;

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- (b) for controlling the operation of aircraft within, or directly above, the airport for the purpose of limiting or mitigating the effect of noise, vibration and atmospheric pollution caused by aircraft using the airport;
  - (c) for preventing obstruction within the airport;
  - (d) for regulating vehicular traffic anywhere within the airport, except on roads within the airport to which the road traffic enactments apply, and in particular (with that exception) for imposing speed limits on vehicles within the airport and for restricting or regulating the parking of vehicles or their use for any purpose or in any manner specified in the byelaws;
  - (e) for prohibiting waiting by hackney carriages except at standings appointed by such person as may be specified in the byelaws;
  - (f) for prohibiting or restricting access to any part of the airport;
  - (g) for preserving order within the airport and preventing damage to property within it;
  - (h) for regulating or restricting advertising within the airport;
  - (i) for requiring any person, if so requested by a constable or airport official, to leave the airport or any particular part of it, or to state his name and address and the purpose of his being within the airport;
  - (j) for securing the safe custody and redelivery of any property which, while not in proper custody, is found within the airport or in an aircraft within the airport, and in particular—
    - (i) for requiring charges to be paid in respect of any such property before it is redelivered; and
    - (ii) for authorising the disposal of any such property if it is not redelivered before the end of such period as may be specified in the byelaws;
  - (k) for restricting the area which is to be taken as constituting the airport for the purposes of the byelaws.
- (3) In paragraph (d) of subsection (2) “the road traffic enactments” means the enactments (whether passed before or after 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.
- (4) In paragraph (i) of subsection (2) “airport official” means a person authorised by the airport operator; and any such official shall not exercise any power under a byelaw made by virtue of that paragraph without producing written evidence of his authority if required to do so.
- (5) Byelaws made under this section by a person other than the Secretary of State shall not have effect until they are confirmed by the Secretary of State, and the provisions of Schedule 3 shall apply to any such byelaws.
- (6) Before any byelaws are made by the Secretary of State under this section, he shall take such steps as appear to him to be appropriate for giving public notice of the proposed byelaws and for affording an opportunity for representations to be made with respect to them; and the Secretary of State shall have regard to any such representations and may then make the byelaws in the form proposed or in that form with such modifications as he thinks fit.
- (7) Any byelaws made by the Secretary of State under this section shall be made by statutory instrument.

*Status: Point in time view as at 16/10/2015.*

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- (8) Section 236(9) of the Local Government Act 1972 and section 202(13) of the <sup>M1</sup>Local Government (Scotland) Act 1973 (notice of byelaws made by one local authority to be given to another) and section 237 of the Act of 1972 and section 203 of the Act of 1973 (penalties) shall not apply to any byelaws made by a local authority under this section.

#### Extent Information

- E3** This version of this provision extends to England and Wales only; a separate version has been created for Scotland only

#### Marginal Citations

- M1** 1973 c. 65.

## 63 Airport byelaws. **S**

- (1) Where an airport is either—

- (a) designated for the purposes of this section by an order made by the Secretary of State, or
- (b) managed by the Secretary of State,

the airport operator (whether the Secretary of State or some other person) may make byelaws for regulating the use and operation of the airport and the conduct of all persons while within the airport.

- (2) Any such byelaws may, in particular, include byelaws—

- (a) for securing the safety of aircraft, vehicles and persons using the airport and preventing danger to the public arising from the use and operation of the airport;
- (b) for controlling the operation of aircraft within, or directly above, the airport for the purpose of limiting or mitigating the effect of noise, vibration and atmospheric pollution caused by aircraft using the airport;
- (c) for preventing obstruction within the airport;
- (d) for regulating vehicular traffic anywhere within the airport, except on roads within the airport to which the road traffic enactments apply, and in particular (with that exception) for imposing speed limits on vehicles within the airport and for restricting or regulating the parking of vehicles or their use for any purpose or in any manner specified in the byelaws;
- (e) for prohibiting waiting by hackney carriages except at standings appointed by such person as may be specified in the byelaws;
- (f) for prohibiting or restricting access to any part of the airport;
- (g) for preserving order within the airport and preventing damage to property within it;
- (h) for regulating or restricting advertising within the airport;
- (i) for requiring any person, if so requested by a constable or airport official, to leave the airport or any particular part of it, or to state his name and address and the purpose of his being within the airport;
- (j) for securing the safe custody and redelivery of any property which, while not in proper custody, is found within the airport or in an aircraft within the airport, and in particular—

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- (i) for requiring charges to be paid in respect of any such property before it is redelivered; and
  - (ii) for authorising the disposal of any such property if it is not redelivered before the end of such period as may be specified in the byelaws;
  - (k) for restricting the area which is to be taken as constituting the airport for the purposes of the byelaws.
- (3) In paragraph (d) of subsection (2) “the road traffic enactments” means the enactments (whether passed before or after 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.
- (4) In paragraph (i) of subsection (2) “airport official” means a person authorised by the airport operator; and any such official shall not exercise any power under a byelaw made by virtue of that paragraph without producing written evidence of his authority if required to do so.
- (5) Byelaws made under this section by a person other than the Secretary of State shall not have effect until they are confirmed by the Secretary of State, and the provisions of Schedule 3 shall apply to any such byelaws.
- (6) Before any byelaws are made by the Secretary of State under this section, he shall take such steps as appear to him to be appropriate for giving public notice of the proposed byelaws and for affording an opportunity for representations to be made with respect to them; and the Secretary of State shall have regard to any such representations and may then make the byelaws in the form proposed or in that form with such modifications as he thinks fit.
- (7) Any byelaws made by the Secretary of State under this section shall be made by statutory instrument.
- (8) Section 236(9) of the Local Government Act 1972 <sup>F152</sup> . . . (notice of byelaws made by one local authority to be given to another) and section 237 of [<sup>F153</sup>that Act and section 203 of the Local Government (Scotland) Act 1973] (penalties) shall not apply to any byelaws made by a local authority under this section.

#### Extent Information

**E6** This version of this provision extends to Scotland only; a separate version has been created for England and Wales only

#### Textual Amendments

**F152** Words in s. 63(8) repealed (1.4.1996) by S.I. 1996/739, art. 7(1), Sch. 1 Pt. 1 para. 7(a), Sch. 2

**F153** Words in s. 63(8) substituted (1.4.1996) by S.I. 1996/739, art. 7(1), Sch. 1 Pt. 1 para. 7(b)

## 64 Byelaws: penalties and power to revoke in certain cases. **E+W+S**

- (1) Any person contravening any byelaws made under section 63 shall be liable on summary conviction to a fine not exceeding such amount as, subject to subsection (2) of this section, may be specified by the byelaws in relation to the contravention.
- (2) The maximum fines that byelaws may specify by virtue of subsection (1) are fines of an amount at the fourth level on the standard scale or of a lower amount.



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- (3) Where any person other than the Secretary of State has made any byelaw in relation to any airport by virtue of section 63(2)(b), the Secretary of State may, after consulting that person, by order—
  - (a) revoke or vary that byelaw if the Secretary of State considers it appropriate to do so by reason of his having designated the airport for the purposes of section 78 of the 1982 Act (regulation of noise and vibration from aircraft); or
  - (b) revoke or vary that byelaw to the extent that it appears to the Secretary of State to be inconsistent with the safety of persons or vehicles using the airport, of aircraft or of the general public or to be inconsistent with any international obligation of the United Kingdom.

*Other provisions relating to airports*

**65 Control of road traffic at designated airports. E+W+S**

- (1) Subject to the provisions of this section, the road traffic enactments shall apply in relation to roads which are within a designated airport but to which the public does not have access as they apply in relation to roads to which the public has access.
- (2) The Secretary of State may by order direct that in their application to roads within such an airport the road traffic enactments shall have effect subject to such modifications as appear to him necessary or expedient for the purpose of, or in consequence of, conferring—
  - (a) on the airport operator functions exercisable under those enactments by a highway authority or local authority; or
  - (b) on the chief officer of any airport constabulary functions so exercisable by a chief officer of police.
- (3) An order under subsection (2) may exempt from the application of the road traffic enactments particular roads or lengths of road to which the public does not have access and may require the airport operator to indicate the roads or lengths of roads so exempted in such manner as may be specified in the order.
- (4) Before making an order under this section in relation to any airport (other than one managed by the Secretary of State) the Secretary of State shall consult the airport operator.
- (5) Any road or place within an airport in the metropolitan police district shall be deemed to be a street or place within the meaning of section 35 of the London Hackney Carriage Act 1831.
- (6) In this section—

“airport constabulary” means, in relation to an airport owned or managed by the Secretary of State, the special constables appointed under section 57 of the 1982 Act and, in relation to any airport owned or managed by a local authority, any body of constables which the authority have power to maintain at that airport;

“designated airport” means an airport which is designated for the purposes of this section by an order made by the Secretary of State; and

“the road traffic enactments” has the meaning given by section 63(3).

*Status: Point in time view as at 16/10/2015.*

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- (7) In the application of subsection (2) to Scotland, for “highway authority or local authority” there shall be substituted “roads authority as defined in section 151(1) of the Roads (Scotland) Act 1984”.

**66 Functions of operators of designated airports as respects abandoned vehicles**  
[<sup>F61</sup>etc.] . **E+W**

- (1) The Secretary of State may by order direct that, in their application to land within any designated airport, the provisions of—

- (a) sections 3, 4 and 5 of the Refuse Disposal (Amenity) Act 1978 (powers and duties of local authorities to remove and dispose of vehicles abandoned on land in their area) and section 8 of that Act (powers of entry etc.) so far as relating to section 3 of that Act, and
- (b) any regulations for the time being in force under any of those sections,

shall have effect subject to such modifications as appear to him necessary or expedient for the purpose of, or in consequence of, conferring on the airport operator the functions exercisable under those provisions by local authorities or local authorities of any description.

- (2) In relation to the provisions of—

- (a) sections 99 to 102 of the Road Traffic Regulation Act 1984 (removal of vehicles [<sup>F62</sup>from roads if illegally, obstructively or dangerously parked or broken down, and from roads or open land if abandoned][<sup>F62</sup>illegally, obstructively or dangerously parked, or abandoned or broken down] ), and
- (b) any regulations for the time being in force under any of those sections,

the powers of the Secretary of State under section 65(2) shall be exercisable not only as respects the application of those provisions to roads within an airport but also as respects their application to other land within the airport.

- (3) Where the provisions of—

- (a) section 3 of the Refuse Disposal (Amenity) Act 1978,
- (b) [<sup>F63</sup>section 99, 100 or 102 of the Road Traffic Regulation Act 1984,] or
- (c) any regulations for the time being in force under [<sup>F64</sup>any of those sections][<sup>F64</sup>that section] ,

apply to any land within any airport 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) in relation to an airport (other than one managed by the Secretary of State) the Secretary of State shall consult the airport operator.

- (5) In this section—

“designated airport” means an airport which is designated for the purposes of this section by an order made by the Secretary of State; and

“the road traffic enactments” has the meaning given by section 63(3).

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### Textual Amendments

- F61** Word in s. 66 heading inserted (E.W.) (1.10.2012) by [Protection of Freedoms Act 2012 \(c. 9\), s. 120, Sch. 9 para. 19\(4\)](#) (with s. 97); S.I. 2012/2075, art. 3(g)
- F62** Words in s. 66(2)(a) substituted (E.W.) (1.10.2012) by [Protection of Freedoms Act 2012 \(c. 9\), s. 120, Sch. 9 para. 19\(2\)](#) (with s. 97); S.I. 2012/2075, art. 3(g)
- F63** S. 66(3)(b) repealed (E.W.) (1.10.2012) by [Protection of Freedoms Act 2012 \(c. 9\), s. 120, Sch. 9 para. 19\(3\)\(a\), Sch. 10 Pt. 3](#) (with s. 97); S.I. 2012/2075, art. 3(g)
- F64** Words in s. 66(3)(c) substituted (E.W.) (1.10.2012) by [Protection of Freedoms Act 2012 \(c. 9\), s. 120, Sch. 9 para. 19\(3\)\(b\)](#) (with s. 97); S.I. 2012/2075, art. 3(g)

## 67 Provision of special accommodation at airports. **E+W+S**

- (1) The Secretary of State may, in the case of any airport—
- give the airport operator a direction requiring him to make available for the exclusive use of designated persons using the airport such special accommodation and any associated facilities as may be specified in the directions;
  - give the airport operator a direction requiring him to take such steps as may be specified in the direction for the purposes of, or in connection with, the use of such accommodation and facilities by such persons;
  - where it appears to the Secretary of State that the airport lacks special accommodation and associated facilities suitable for being made available as mentioned in paragraph (a), give the airport operator a direction requiring him to take such steps as may be specified in the direction for the purpose of, or in connection with, securing the provision at the airport of such accommodation and facilities.
- (2) In subsection (1) “designated persons”, in relation to an airport, means such persons, or classes of persons, as may from time to time be notified to the airport operator by the Secretary of State for the purposes of this section.
- (3) Without prejudice to the generality of subsection (1)(c), a direction given by virtue of that provision may require an airport operator to carry out works of construction or alteration, and may specify the manner in which the accommodation in question is to be equipped in any respect.
- (4) The Secretary of State may, with the consent of the Treasury, make grants to airport operators for the purpose of defraying or contributing towards expenses incurred by them in complying with directions given to them under this section.
- (5) Before giving a direction under this section the Secretary of State shall consult the airport operator concerned.

## 68 Monitoring of aircraft movements. **U.K.**

- (1) Where an airport is designated for the purposes of section 78 of the 1982 Act (regulation of noise and vibration from aircraft), the Secretary of State may, after consultation with the airport operator, by order require him—
- to provide, maintain and operate such equipment as is specified in the order (in accordance with any instructions so specified) for the purpose of monitoring

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the movements, within an area so specified, of aircraft on flights to and from the airport, and

- (b) to make to the Secretary of State such reports as are so specified with respect to the movements monitored by the equipment in pursuance of paragraph (a), and to permit any person authorised by the Secretary of State for the purpose to inspect the equipment on demand at any time;

and it shall be the duty of the airport operator to comply with the requirements of the order.

- (2) Any reference in subsection (1) to the movements of aircraft shall be read as a reference to the routes taken by them measured by reference to both direction and height.
- (3) Subsections (9) and (10) of the said section 78 (enforcement) shall apply for the purposes of this section as if, in subsection (9) of that section, any reference to subsection (8) of that section were a reference to subsection (1) of this section.

#### **69 Duty of CAA with respect to implementation of recommendations concerning airport capacity. E+W+S**

- (1) If, after considering any recommendations made to him by the CAA in pursuance of section 16(2) of the 1982 Act (recommendations concerning airport capacity), the Secretary of State so directs, the CAA shall take such steps as it considers appropriate for the purpose of encouraging or facilitating the provision (whether by an airport operator or any other person) of any facilities or services that are necessary for the implementation of those recommendations.
- (2) The steps taken by the CAA in pursuance of subsection (1)—
  - (a) may, without prejudice to the generality of that subsection, include the furnishing of information, the provision of assistance to persons requesting it and the provision of advice (whether or not requested); but
  - (b) shall not include the carrying out of any works of construction or alteration or the defraying of, or the making of any contribution towards, expenses incurred by any other person in carrying out any such works.
- (3) Before embarking on the performance of its duty under subsection (1) with respect to any recommendations the CAA shall consult the airport operator in the case of any relevant airport as to the manner in which that duty is to be performed by the CAA.
- (4) Without prejudice to the generality of section 11 of the 1982 Act, a scheme or regulations under that section may make provision for charges to be paid in respect of the performance by the CAA of its duty under subsection (1) above with respect to any recommendations, and for such charges to be paid by—
  - (a) the airport operator in the case of any relevant airport, and
  - (b) any person for whom assistance or advice has, at his request, been provided by the CAA in pursuance of that duty;

but if such provision is not made by any such scheme or regulations the CAA shall be entitled to recover an amount or amounts in respect of any expenses reasonably incurred by it in performing that duty from such one or more persons falling within paragraphs (a) and (b) above as the CAA considers appropriate.

- (5) An airport is a relevant airport for the purposes of subsection (3) or (4) if—

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- (a) the recommendations referred to in that subsection relate to the airport, or
- (b) the airport is [<sup>F65</sup>an airport to which Part 5 applies], and it and any new airport to which those recommendations relate would be airports serving the same area in the United Kingdom;

and the reference in paragraph (b) above to airports serving the same area in the United Kingdom shall be construed in accordance with section 31(6),

- (6) Section 4 of the 1982 Act applies in relation to the performance by the CAA of its functions under this section.

**Textual Amendments**

**F65** Words in s. 69(5)(b) substituted (6.4.2013) by [The Civil Aviation Act 2012 \(Regulation of Operators of Dominant Airports\) \(Consequential Amendments\) Regulations 2013 \(S.I. 2013/610\), reg. 1\(2\), Sch. 1 para. 1\(b\)](#)

[<sup>F66</sup>**70** **Extension of Shops (Airports) Act 1962.** **S**]

Section 1 of the Shops (Airports) Act 1962 (exemption of traders at certain airports from restrictions under Part I of the <sup>M2</sup>Shops Act 1950 on hours of closing) shall have effect in relation to the provisions of Part IV of the Shops Act 1950 (Sunday trading) as well as in relation to the provisions of Part I of that Act; and accordingly, in subsection (1) of that section, after “hours of closing” there shall be inserted “and of Part IV of that Act (which relates to Sunday trading)”.]

**Textual Amendments**

**F66** [S. 70](#) repealed (E.W.) (26.8.1994) by [1994 c. 20, s. 9\(2\), Sch. 5; S.I. 1994/1841, art. 2](#)

**Marginal Citations**

**M2** [1950 c. 28.](#)

**71** ..... <sup>F67</sup> **E+W+S**

**Textual Amendments**

**F67** [Ss. 21\(1\)–\(3\), 22\(1\)–\(4\) and 71](#) repealed by [Local Government and Housing Act 1989 \(c. 42, SIF 81:1\), s. 194\(2\), Sch. 12 Pt. I](#)

*Constitution of CAA*

**72** **Increase in maximum number of members of CAA.** **U.K.**

In section 2(2) of the 1982 Act (which provides that the CAA shall consist of not less than six nor more than twelve members), for “twelve” there shall be substituted “sixteen”.

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### Supplementary

#### 73 **Furnishing of information etc. to CAA.** **U.K.**

- (1) The CAA may by notice in writing served on any person require him at such time or times as may be specified in the notice—
- (a) to produce to the CAA such documents or descriptions of documents specified in the notice, and
  - (b) to furnish to the CAA, in such form as may be specified in the notice, such accounts, estimates, returns or other information,
- as the CAA may reasonably require for the purpose of performing its functions under this Act or for the purpose of giving any advice, assistance or information to the Secretary of State in connection with the performance by him of any functions under this Act.
- (2) A person shall not by virtue of subsection (1) be compelled—
- (a) to produce any documents which he could not be compelled to produce in civil proceedings before the High Court or (in Scotland) the Court of Sessions, or
  - (b) in complying with any requirement for the furnishing of information, to give any information which he could not be compelled to give in evidence in such proceedings.
- (3) Any person who fails without reasonable excuse to comply with the requirements of a notice served on him under subsection (1) shall be guilty of an offence and liable on summary conviction to a fine not exceeding the fifth level on the standard scale.
- (4) Any person who, in purported compliance with the requirements of any such notice, knowingly or recklessly furnishes information which is false in a material particular shall be guilty of an offence and liable—
- (a) on summary conviction, to a fine not exceeding the statutory maximum;
  - (b) on conviction on indictment, to a fine.

#### **Modifications etc. (not altering text)**

- C5** S. 73 modified (10.11.2011) by [The Airport Charges Regulations 2011 \(S.I. 2011/2491\)](#), regs. 1(1), **30(1)**
- C6** S. 73(3)(4) applied (10.11.2011) by [The Airport Charges Regulations 2011 \(S.I. 2011/2491\)](#), regs. 1(1), **5(7)**

#### 74 **Restriction on disclosure of information.** **U.K.**

- (1) Subject to the following provisions of this section, no information with respect to any particular business which has been obtained under or by virtue of the provisions of this Act shall, so long as the business continues to be carried on, be disclosed without the consent of the person for the time being carrying it on.
- (2) Subsection (1) does not apply to any disclosure of information which is made—
- (a) for the purpose of facilitating the performance of any functions under this Act or any of the enactments [<sup>F68</sup>or subordinate legislation] specified in subsection (3) of any Minister, any Northern Ireland department, the head of any such department, the CAA, [<sup>F69</sup>the Competition and Markets Authority][<sup>F70</sup>the Water Services Regulation Authority][<sup>F71</sup>the Director

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- General of Electricity Supply]<sup>F72</sup>the Director General of Electricity Supply for Northern Ireland]<sup>F73</sup>or the Director General of Gas for Northern Ireland]<sup>F74</sup>[<sup>F75</sup>the [<sup>F76</sup>Office of Rail Regulation]]]<sup>F74</sup>the Office of Rail and Road] or a local weights and measures authority in Great Britain;
- (b) in connection with the investigation of any criminal offence or for the purposes of any criminal proceedings;
  - (c) for the purposes of any civil proceedings brought under or by virtue of this Act or any of the enactments [<sup>F68</sup>or subordinate legislation] specified in subsection (3);
  - (d) in pursuance of any [<sup>F77</sup>EU] obligation.
- (3) The enactments [<sup>F78</sup>and subordinate legislation] referred to in subsection (2) are—
- (a) the <sup>M3</sup>Trade Descriptions Act 1968;
  - (b) the <sup>M4</sup>Fair Trading Act 1973;
  - (c) the <sup>M5</sup>Consumer Credit Act 1974;
  - <sup>F79</sup>(d) .....
  - <sup>F79</sup>(e) .....
  - (f) the <sup>M6</sup>Estate Agents Act 1979;
  - (g) the <sup>M7</sup>Competition Act 1980; . . . <sup>F80</sup>
  - (h) the 1982 Act and any Order in Council made under section 60 of that Act (Air Navigation Orders).
  - <sup>F81</sup>(i) the <sup>M8</sup>Consumer Protection Act 1987.]
  - <sup>F82</sup>(j) .....
  - <sup>F83</sup>(k) the <sup>M9</sup>Water Act 1989 [<sup>F84</sup>the Water Industry Act 1991 or any of the other consolidation Acts (within the meaning of section 206 of that Act of 1991)]<sup>F85</sup>, or the Water Act 2003].]
  - <sup>F86</sup>(l) the <sup>M10</sup>Electricity Act 1989.]
  - <sup>F87</sup>(ll) .....
  - <sup>F88</sup>(m) the Electricity (Northern Ireland) Order 1992]
  - <sup>F89</sup>(mm) the Gas (Northern Ireland) Order 1996;]
  - <sup>F90</sup>(n) the Railways Act 1993]
  - <sup>F91</sup>(o) .....
  - <sup>F92</sup>(p) the Competition Act 1998.]
  - <sup>F93</sup>(q) Part I of the Transport Act 2000.]
  - <sup>F94</sup>(r) the Enterprise Act 2002]
  - <sup>F95</sup>(s) the Railways Act 2005.]
  - <sup>F96</sup>(t) the Water and Sewerage Services (Northern Ireland) Order 2006.]
  - <sup>F97</sup>(u) the Business Protection from Misleading Marketing Regulations 2008;
  - (v) the Consumer Protection from Unfair Trading Regulations 2008.]
  - <sup>F98</sup>(w) the Airport Charges Regulations 2011.]
  - <sup>F99</sup>(x) Part 1 of the Civil Aviation Act 2012]
  - <sup>F100</sup>(y) Parts 3 and 4 of the Enterprise and Regulatory Reform Act 2013]
- (4) Nothing in subsection (1) shall be construed—
- <sup>F101</sup>(a) .....
  - (b) as applying to any information which has been made public as part of [<sup>F102</sup>a report of the Competition Commission under section 45]<sup>F103</sup>(prior to the

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abolition of the Competition Commission by section 26 of the Enterprise and Regulatory Reform Act 2013)].

- (5) Any person who discloses any information in contravention of this section shall be guilty of an offence and liable—
- (a) on summary conviction, to a fine not exceeding the statutory maximum;
  - (b) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine, or to both.

<sup>F104</sup>(6) .....

### Textual Amendments

- F68** Words inserted by S.I. 1988/915, reg. 7(6)(g)(i)
- F69** Words in s. 74(2)(a) substituted (1.4.2014) by The Enterprise and Regulatory Reform Act 2013 (Competition) (Consequential, Transitional and Saving Provisions) Order 2014 (S.I. 2014/892), art. 1(1), Sch. 1 para. 43(2) (with art. 3)
- F70** Words in s. 74(2)(a) substituted (1.4.2006) by Water Act 2003 (c. 37), s. 105(3), Sch. 7 para. 24(a); S.I. 2005/2714, art. 4(f)
- F71** Words inserted (E.W.S.) by Electricity Act 1989 (c. 29, SIF 44:1), s. 112(1), Sch. 16 para. 33
- F72** Words in s. 74(2)(a) inserted (1.4.1992) by S.I. 1992/231 (N.I. 1), art. 95(1), Sch. 12 para. 30(a); S.R. 1992/117, art. 3(1).
- F73** Words in s. 74(2)(a) inserted (10.6.1996) by S.I. 1996/275 (N.I. 2) art. 71(1), Sch. 6 (with Sch. 7 paras. 2, 3(2)); S.R. 1996/216, art. 2
- F74** Words in s. 74(2)(a) substituted (E.W.S.) (16.10.2015) by The Office of Rail Regulation (Change of Name) Regulations 2015 (S.I. 2015/1682), reg. 1(2), Sch. para. 4(g)
- F75** Words in s. 74(2)(a) inserted (6.1.1994) by 1993 c. 43, ss. 150(1)(o), 152(1), Sch. 12 para. 23(1); S.I. 1993/3237, art. 2(2).
- F76** Words in s. 74 substituted (5.7.2004) by Railways and Transport Safety Act 2003 (c. 20), Sch. 2 para. 19(i); S.I. 2004/827, art. 4(g)
- F77** Word in Act substituted (22.4.2011) by The Treaty of Lisbon (Changes in Terminology) Order 2011 (S.I. 2011/1043), arts. 2, 3, 6 (with arts. 3(2)(3), 4(2), 6(4)(5))
- F78** Words inserted by S.I. 1988/915, reg. 7(6)(g)(ii)
- F79** S. 74(3)(d)(e) repealed (1.3.2000) by S.I. 2000/311, art. 17(2)
- F80** Word repealed by Consumer Protection Act 1987 (c. 43, SIF 109:1), s. 48, Sch. 5
- F81** Para. inserted by Consumer Protection Act 1987 (c. 43, SIF 109:1), s. 48, Sch. 4 para. 10
- F82** S. 74(3)(j) repealed (26.5.2008) by The Consumer Protection from Unfair Trading Regulations 2008 (S.I. 2008/1277), reg. 1, Sch. 2 para. 32(a), Sch. 4 Pt. 1 (with reg. 28(2)(3))
- F83** Para. inserted (E.W.) by Water Act 1989 (c. 15, SIF 130), s. 190(1), Sch. 25 para. 76(b) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1) Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58)
- F84** Words in s. 74(3)(k) inserted (E.W.) (01.12.1991) by Water Consolidation (Consequential Provisions) Act 1991 (c. 60, SIF 132), ss. 2(1), 4(2), Sch. 1 para. 44
- F85** Words in s. 74(3)(k) inserted (1.4.2004) by Water Act 2003 (c. 37), s. 105(3), Sch. 7 para. 24(b); S.I. 2004/641, art. 3(y), Sch. 2 (with Sch. 3 para. 7)
- F86** Para. inserted (E.W.S.) by Electricity Act 1989 (c. 29, SIF 44:1), s. 112, Sch. 16 para. 33
- F87** S. 74(3)(ll) omitted (1.4.2014) by virtue of Civil Aviation Act 2012 (c. 19), s. 110(1), Sch. 9 para. 3(2)(a) (with Sch. 10 paras. 12, 17); S.I. 2013/589, art. 5(1)(b)
- F88** S. 74(3)(m) inserted (1.4.1992) by S.I. 1992/231 (N.I. 1), art. 95(1), Sch. 12 para. 30(b); S.R. 1992/117, art. 3(1).
- F89** S. 74(3)(mm) inserted (10.6.1996) by S.I. 1996/275 (N.I. 2) art. 71(1), Sch. 6 (with Sch. 7 paras. 2, 3(2)); S.R. 1996/216, art. 2



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- F90** S. 74(3)(n) added (6.1.1994) by 1993 c. 43, ss. 150(1)(o), 152(1), **Sch. 12 para. 23(2)**; S. I. 1993/3237, **art. 2(2)**.
- F91** S. 74(3)(o) repealed (20.7.2007) by The EC Competition Law (Articles 84 and 85) Enforcement (Revocation) Regulations 2007 (S.I. 2007/1846), reg. 1, **Sch.**
- F92** S. 74(3)(p) inserted (1.4.1999) by S.I. 1999/506, **art. 19(b)**
- F93** S. 74(3)(q) inserted (21.12.2001) by S.I. 2001/4050, art. 2, **Sch. Pt. IV para. 18**
- F94** S. 74(3)(r) inserted (1.4.2003) by Enterprise Act 2002 (c. 40), s. 279, **Sch. 25 para. 14(6)(b)**; S.I. 2003/766, art. 2, **Sch.** (with art. 3) (as amended (20.7.2007) by S.I. 2007/1846, reg. 3(2), **Sch.**)
- F95** S. 74(3)(s) inserted (E.W.S.) (8.6.2005) by Railways Act 2005 (c. 14), s. 60(2), **Sch. 12 para. 9**; S.I. 2005/1444, art. 2(1), **Sch. 1**
- F96** S. 74(3)(t) added (N.I.) (1.4.2007) by The Water and Sewerage Services (Northern Ireland) Order 2006 (S.I. 2006/3336), art. 1(2), **Sch. 12 para. 23** (with arts. 8(8), 121(3), 307); S.R. 2007/194, art. 2(2), **Sch. Pt. 2** (with **Sch. 2**)
- F97** S. 74(3)(u)(v) inserted (26.5.2008) by The Consumer Protection from Unfair Trading Regulations 2008 (S.I. 2008/1277), reg. 1, **Sch. 2 para. 32(b)** (with reg. 28(2)(3))
- F98** S. 74(3)(w) inserted (10.11.2011) by The Airport Charges Regulations 2011 (S.I. 2011/2491), reg. 1(1), **Sch. 3 para. 2**
- F99** S. 74(3)(x) inserted (6.4.2013) by Civil Aviation Act 2012 (c. 19), s. 110(1), **Sch. 9 para. 3(2)(b)** (with **Sch. 10 paras. 12, 17**); S.I. 2013/589, art. 2(3)
- F100** S. 74(3)(y) inserted (1.4.2014) by The Enterprise and Regulatory Reform Act 2013 (Competition) (Consequential, Transitional and Saving Provisions) Order 2014 (S.I. 2014/892), art. 1(1), **Sch. 1 para. 43(3)** (with art. 3)
- F101** S. 74(4)(a) repealed (1.4.2014) by Civil Aviation Act 2012 (c. 19), s. 110(1), **Sch. 9 para. 3(3)(a)** (with **Sch. 10 paras. 12, 17**); S.I. 2013/589, art. 5(1)(b)
- F102** Words in s. 74(4)(b) substituted (6.4.2013) by Civil Aviation Act 2012 (c. 19), s. 110(1), **Sch. 9 para. 3(3)(b)** (with **Sch. 10 paras. 12, 17**); S.I. 2013/589, art. 2(3)
- F103** Words in s. 74(4)(b) inserted (1.4.2014) by The Enterprise and Regulatory Reform Act 2013 (Competition) (Consequential, Transitional and Saving Provisions) Order 2014 (S.I. 2014/892), art. 1(1), **Sch. 1 para. 43(4)** (with art. 3)
- F104** S. 74(6) omitted (1.4.2014) by virtue of The Enterprise and Regulatory Reform Act 2013 (Competition) (Consequential, Transitional and Saving Provisions) Order 2014 (S.I. 2014/892), art. 1(1), **Sch. 1 para. 43(5)** (with art. 3)

#### Modifications etc. (not altering text)

- C7** S. 74 restricted (31.10.2003) by Railways and Transport Safety Act 2003 (c. 20), s. 115; S.I. 2003/2681, art. 2(b)
- C8** S. 74 applied (10.11.2011) by The Airport Charges Regulations 2011 (S.I. 2011/2491), reg. 1(1), **Sch. 3 para. 1**
- C9** S. 74(2): Disclosure powers extended (14.12.2001) by 2001 c. 24, ss. 17, 127(2), **Sch. 4 para. 25**

#### Marginal Citations

- M3** 1968 c.29(109:1).
- M4** 1973 c.41(124:1).
- M5** 1974 c.39(60).
- M6** 1979 c.38(124:4).
- M7** 1980 c.21(124:1).
- M8** 1987 c.43(109:1).
- M9** 1989 c.15(130).
- M10** 1989 c.29(44:1).

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## 75 **Supplementary provisions relating to transfer schemes.** **E+W+S**

- (1) A scheme under section <sup>F105</sup>... 15 may define the property, rights and liabilities to be transferred by the scheme—
- (a) by specifying the property, rights and liabilities in question, or
  - (b) by referring to all the property, rights and liabilities comprised in the whole or any specified part of the transferor's undertaking,
- (or partly in one way and partly in the other) and may contain such supplementary, incidental and consequential provisions as may appear to the authority making the scheme to be necessary or expedient (including, in particular, provision with respect to the consideration to be furnished by the transferee for any transfer under the scheme, whether <sup>F105</sup>... it is to be furnished to the transferor or to any other person).
- (2) A scheme under section <sup>F106</sup>... 15 may—
- (a) provide that any functions of the transferor under any statutory provision not contained in this Act shall, to the extent to which that provision relates—
    - (i) to property transferred by the scheme, or
    - (ii) to any undertaking of the transferor, or part of such an undertaking, so transferred,
 be transferred to the transferee under the scheme; and
  - (b) define any such functions—
    - (i) by specifying the statutory provision in question,
    - (ii) by referring to all the statutory provisions (not contained in this Act) which relate to the property, or to the undertaking or part of the undertaking, to be transferred by the scheme, or
    - (iii) by referring to all the statutory provisions within sub-paragraph (ii), but specifying certain excepted provisions.
- (3) Subject to the following provisions of this section, Schedule 4 to the Transport Act 1968 (supplementary provisions as to certain transfers of property, rights and liabilities) shall apply to any transfer under section <sup>F107</sup>... 15(7); and each of those provisions shall have effect subject to the provisions of that Schedule.
- (4) In Schedule 4 to that Act as it applies by virtue of subsection (3)—
- (a) any reference to a transfer by, or a vesting by virtue of, that Act shall be read as a reference to a transfer by, or a vesting by virtue of, the scheme in question;
  - (b) the reference in paragraph 8 to any of the transferred rights and liabilities shall be read as including a reference to any property or functions transferred by the scheme;
  - (c) the reference in paragraph 10, in relation to pending legal proceedings or applications, to any transferred property, right or liability shall be read as including a reference to any functions transferred by the scheme; and
  - (d) the reference in paragraph 13(5) to the relevant provisions of that Act shall be read as including a reference to the relevant provisions of this Act.
- (5) The Secretary of State may by order make modifications in Schedule 4 for the purposes of its application to transfers under section <sup>F108</sup>... 15(7) of this Act.
- (6) For the purposes of this Act, and of Schedule 4 as it applies by virtue of subsection (3), the granting of a lease of any property by a scheme under section <sup>F109</sup>... 15 to the transferee under the scheme shall be regarded as a transfer of that property to him by the scheme.

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- (7) In this section “statutory provision” means any provision (whether of a general or special nature) contained in, or having effect under, any Act (whether public general or local).

**Textual Amendments**

- F105** Words in s. 75(1) repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), Sch. 1 Pt. 4  
**F106** Words in s. 75(2) repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), Sch. 1 Pt. 4  
**F107** Words in s. 75(3) repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), Sch. 1 Pt. 4  
**F108** Words in s. 75(5) repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), Sch. 1 Pt. 4  
**F109** Words in s. 75(6) repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), Sch. 1 Pt. 4

**76 Stamp duty. E+W+S**

<sup>F110</sup>(1) .....

- (3) Stamp duty shall not be chargeable—
- (a) on any scheme made under section <sup>F111</sup>... 15; or
  - (b) on any instrument which is certified to the Commissioners of Inland Revenue by the transferring authority, or (as the case may be) by both or all of the transferring authorities, as having been made or executed in pursuance of Schedule 4 to the Transport Act 1968 as it applies in relation to any such scheme by virtue of section 75(3).
- (4) An instrument such as is mentioned in subsection (3)(b) shall not be treated as duly stamped unless it is stamped with the duty to which it would be liable but for subsection (3), or it has, in accordance with section 12 of the Stamp Act 1891, been stamped with a particular stamp denoting that it is not chargeable with any duty or that it is duly stamped.

(5) ..... <sup>F110</sup>

**Textual Amendments**

- F110** S. 76(1)(2)(5) repealed by Finance Act 1988 (c. 39, SIF 114), s. 148, Sch. 14 Pt. XI  
**F111** Words in s. 76(3)(a) repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), Sch. 1 Pt. 4

[<sup>F112</sup>76A. Stamp duty land tax U.K.]

- (1) A land transaction which—
- (a) is effected by or in pursuance of a scheme under section 15, or
  - (b) is entered into in pursuance of Schedule 4 to the Transport Act 1968 as it applies in relation to any such scheme by virtue of section 75(3),
- is exempt from charge for the purposes of stamp duty land tax.
- (2) Relief under this section must be claimed in a land transaction return or an amendment of such a return.
- (3) In this section—
- “land transaction” has the meaning given by section 43(1) of the Finance Act 2003;

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“land transaction return” has the meaning given by section 76(1) of that Act.]

#### Textual Amendments

**F112** S. 76A inserted (1.12.2003) by [The Stamp Duty Land Tax \(Consequential Amendment of Enactments\) Regulations 2003 \(S.I. 2003/2867\)](#), reg. 1, [Sch. para. 13](#)

## 77 Corporation Tax. **E+W+S**

- (1) Subject to subsection (2), the successor company shall be treated for all purposes of corporation tax as if it were the same person as the BAA.
- (2) The successor company shall not by virtue of subsection (1) be regarded as a body falling within section [F113]170(12) of the Taxation of Chargeable Gains Act 1992] (bodies established for carrying on industries or undertakings under national ownership or control).
- [F114](3) For the purposes of Part VI of the <sup>M11</sup>Income and Corporation Taxes Act 1988 (company distributions) and [F115]Part 5 of the Corporation Tax Act 2009] (loan relationships), any debentures of the company issued in pursuance of section 4 shall be treated as having been issued for new consideration equal to the principal sum payable under the debenture.]
- (4) For the avoidance of doubt it is hereby declared that—
  - (a) any issue of shares in pursuance of section 4 is to be regarded as a subscription for shares for the purposes of section [F116]400(9) of the 1988 Act] (write-off of government investment: restriction of tax losses); and
  - (b) where any debentures are issued in pursuance of section 4, the principal sums payable under the debentures are to be regarded as money lent for those purposes.
- (5) Where in the case of a claim of group relief—
  - (a) the claimant company is the BAA or the successor company and the surrendering company is a company to whom property, rights or liabilities have been transferred by a scheme made under section 1, and
  - (b) the claim relates to the accounting period of the surrendering company first ending after that transfer, and
  - (c) the corresponding accounting period of the claimant company ends with the same date as that accounting period,

then, for the purposes of section [F116]408(2) of the 1988 Act] (corresponding accounting periods) as it applies in relation to the claim, those accounting periods shall be taken to coincide and, for the purposes of section [F116]409(1) of that Act] (companies joining or leaving group) as it so applies, the claimant company and the surrendering company shall be taken to have been members of the same group throughout each of those periods (notwithstanding anything in section [F116]409(2)] and (3) of that Act).
- (6) In this section “the [F116]1988] Act” means the Income and Corporation Taxes Act [F116]1988], and in subsection (5) above expressions used in sections [F116]Chapter IV of Part X] of that Act (group relief) have the same meanings as in those sections.

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#### Textual Amendments

- F113** Words in s. 77(2) substituted (6.3.1992 with effect as mentioned in s. 289(1)(2) of the amending Act) by [Taxation of Chargeable Gains Act 1992 \(c. 12\)](#), ss. 289, 290(1), [Sch. 10 para. 12](#) (with ss. 60, 101(1) and 201(3)).
- F114** S. 77(3) substituted (29.4.1996) by 1996 c. 8, s. 104, [Sch. 14 para. 3](#) (with s. 80-105 Pt. IV Ch. II)
- F115** Words in s. 77(3) substituted (1.4.2009 with effect in accordance with s. 1329(1) of the amending Act) by [Corporation Tax Act 2009 \(c. 4\)](#), s. 1329(1), [Sch. 1 para. 321](#) (with Sch. 2 Pts. 1, 2)
- F116** Words substituted by [Income and Corporation Taxes Act 1988 \(c. 1, SIF 63:1\)](#), s. 844, [Sch. 29 para. 32](#)

#### Marginal Citations

- M11** 1988 c. 1.

### 78 Offences by bodies corporate. **U.K.**

- (1) Where a body corporate is guilty of an offence under this Act and that offence is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate or any person who was purporting to act in any such capacity he, as well as the body corporate, shall be guilty of an offence and shall be liable to be proceeded against and punished accordingly.
- (2) Where the affairs of a body corporate are managed by its members, subsection (1) shall apply in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

### 79 Orders and regulations. **U.K.**

- (1) Any power conferred on the Secretary of State by this Act to make an order or regulations shall be exercisable by statutory instrument.
- (2) Any statutory instrument containing—
  - (a) an order made by the Secretary of State under this Act, other than an order appointing a day or an order under section <sup>F117</sup>... 32, or
  - (b) any regulations under this Act,shall be subject to annulment in pursuance of a resolution of either House of Parliament [<sup>F118</sup>, unless it is an instrument described in subsection (4A)] .
- (3) No order shall be made under section 32 unless a draft of the order has been laid before and approved by a resolution of each House of Parliament.
- (4) A draft of an order under that section which would, apart from the provisions of this subsection, be treated for the purposes of the Standing Orders of either House of Parliament as a hybrid instrument shall proceed in that House as if it were not such an instrument.

[<sup>F119</sup>(4A) A statutory instrument that contains (whether alone or with other provision) an order under section 57A(11) increasing the specified sum by more than is necessary to reflect changes in the value of money may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.]

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- (5) Any regulations under section 28 or order under section 64(3) <sup>F120</sup>... may make such transitional, incidental or supplementary provision as appears to the Secretary of State to be necessary or expedient.

#### Textual Amendments

- F117** Words in s. 79(2)(a) repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\), Sch. 1 Pt. 4](#)
- F118** Words in s. 79(2) inserted (6.4.2013) by [Civil Aviation Act 2012 \(c. 19\), s. 110\(1\), Sch. 8 para. 3\(2\)](#) (with [Sch. 10 paras. 12, 17](#)); [S.I. 2013/589, art. 2\(1\)-\(3\)](#)
- F119** [S. 79\(4A\)](#) inserted (6.4.2013) by [Civil Aviation Act 2012 \(c. 19\), s. 110\(1\), Sch. 8 para. 3\(3\)](#) (with [Sch. 10 paras. 12, 17](#)); [S.I. 2013/589, art. 2\(1\)-\(3\)](#)
- F120** Words in s. 79(5) repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\), Sch. 1 Pt. 4](#)

#### 80 Directions etc. **U.K.**

- (1) It shall be the duty of any person to whom the Secretary of State gives directions under this Act to give effect to those directions.
- (2) Subject to any express provision contained in this Act, any direction given by the Secretary of State under a provision of this Act may be varied or revoked by a subsequent direction given under that provision.
- (3) Any determination made by the Secretary of State under this Act shall be notified by him to such persons appearing to him to be likely to be affected by it as he considers appropriate.
- (4) Any direction or notification given under this Act shall be in writing.

#### 81 Financial provisions. **U.K.**

There shall be paid out of money provided by Parliament—

- (a) any administrative expenses incurred by the Secretary of State in consequence of the provisions of this Act;
- (b) any sums required by him for making grants under section 67; and
- (c) any increase attributable to this Act in the sums payable out of money so provided under any other Act.

#### 82 General interpretation. **U.K.**

- (1) In this Act—

“<sup>M12</sup>the 1975 Act” means the Airports Authority Act 1975;

“the 1982 Act” means the Civil Aviation Act 1982;

“airport” means the aggregate of the land, buildings and works comprised in an aerodrome within the meaning of the 1982 Act;

“airport operator” means the person for the time being having the management of an airport, or, in relation to a particular airport, the management of that airport;

“air transport services” means services for the carriage by air of passengers or cargo;

“the appointed day” means the day appointed under section 2(1);

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“the BAA” means the British Airports Authority;

“the CAA” means the Civil Aviation Authority;

“cargo” includes mail;

“debenture” includes debenture stock;

“functions” includes powers and duties;

“modifications” includes additions, omissions and amendments;

“operator”, in relation to an aircraft, means the person for the time being having the management of the aircraft;

“the registrar of companies” has the same meaning as in [<sup>F121</sup>the Companies Acts (see section 1060 of the Companies Act 2006)];

“securities”, in relation to a company, includes shares, debentures, bonds and other securities of the company, whether or not constituting a charge on the assets of the company;

“shares” includes stock;

“subordinate legislation” has the same meaning as in the <sup>M13</sup>Interpretation Act 1978;

“subsidiary” has the meaning given by [<sup>F122</sup>section 1159 of the Companies Act 2006];

“the successor company” means the company nominated for the purposes of section 2;

“user”, in relation to an airport, means—

- (a) a person for whom any services or facilities falling within [<sup>F123</sup>subsection (1A)] are provided at the airport, or
- (b) a person using any of the air transport services operating from the airport.

[<sup>F124</sup>(1A) The services and facilities mentioned in the definition of “user” in subsection (1) are services or facilities provided at an airport for the purposes of—

- (a) the landing, parking or taking off of aircraft,
- (b) the servicing of aircraft (including the supply of fuel), or
- (c) the handling of passengers or their baggage or of cargo at all stages while on airport premises.

(1B) The services and facilities mentioned in subsection (1A)(c)—

- (a) include services and facilities provided for the purposes of the transfer of passengers, their baggage or cargo to and from aircraft, but
- (b) do not include facilities for car parking, for the refreshment of passengers or for the supply of consumer goods or services.]

(2) A company shall be regarded for the purposes of this Act as wholly owned by the Crown at any time when each of the issued shares in the company is held by, or by a nominee of, the Treasury or the Secretary of State.

(3) Any reference in section 14 <sup>F125</sup>... to the business carried on at any airport by the airport operator shall, in a case where the person for the time being having the management of the airport has not had its management for the whole or any part of any period relevant for the purposes of that section, be construed as including a reference to the business carried on there by any other person who had the management of the airport for the whole or any part of that period.

(4) For the purposes of this Act a body corporate shall be treated as an associated company of an airport operator if either that body or the airport operator is a body corporate

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of which the other is a subsidiary or if both of them are subsidiaries of one and the same body corporate.

#### Textual Amendments

- F121** Words in s. 82(1) substituted (1.10.2009) by [The Companies Act 2006 \(Consequential Amendments, Transitional Provisions and Savings\) Order 2009 \(S.I. 2009/1941\)](#), art. 1(2), **Sch. 1 para. 68(5)(a)** (with art. 10)
- F122** Words in s. 82(1) substituted (1.10.2009) by [The Companies Act 2006 \(Consequential Amendments, Transitional Provisions and Savings\) Order 2009 \(S.I. 2009/1941\)](#), art. 1(2), **Sch. 1 para. 68(5)(b)** (with art. 10)
- F123** Words in s. 82(1) substituted (1.4.2014) by [Civil Aviation Act 2012 \(c. 19\)](#), s. 110(1), **Sch. 9 para. 4(2)** (with [Sch. 10 paras. 12, 17](#)); S.I. 2013/589, art. 5(1)(b)
- F124** S. 82(1A)(1B) inserted (1.4.2014) by [Civil Aviation Act 2012 \(c. 19\)](#), s. 110(1), **Sch. 9 para. 4(3)** (with [Sch. 10 paras. 12, 17](#)); S.I. 2013/589, art. 5(1)(b)
- F125** Words in s. 82(3) omitted (1.4.2014) by virtue of [Civil Aviation Act 2012 \(c. 19\)](#), s. 110(1), **Sch. 9 para. 4(4)** (with [Sch. 10 paras. 12, 17](#)); S.I. 2013/589, art. 5(1)(b)

#### Marginal Citations

- M12** 1985 c. 6.  
**M13** 1978 c. 30.

### 83 Amendments, transitional provisions and repeals. **U.K.**

- (1) The enactments mentioned in Schedule 4 shall have effect subject to the amendments there specified (being amendments consequential on the preceding provisions of this Act).
- (2) The Secretary of State may by order make such consequential modifications of any provision contained in any Act (whether public general or local) passed, or subordinate legislation made, before the appointed day as appear to him to be necessary or expedient in respect of any reference in that Act or subordinate legislation to the BAA.
- (3) The Secretary of State may, after consulting any local authority which appears to him to be concerned, by order repeal or amend any enactment in a local Act which appears to him to be unnecessary having regard to the provisions of this Act or to be inconsistent with any provision of this Act.
- (4) The transitional provisions and savings contained in Schedule 5 shall have effect; but nothing in that Schedule shall be taken as prejudicing the operation of sections 16 and 17 of the <sup>M14</sup>Interpretation Act 1978 (which relate to repeals).
- (5) The enactments mentioned in Schedule 6 are hereby repealed to the extent specified in the third column of that Schedule.

#### Marginal Citations

- M14** 1978 c. 30.

### 84 Application of provisions of Act to certain overseas territories. **E+W+S**

- (1) Her Majesty may by Order in Council direct that any of the following, namely—



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- (a) sections 30 and 35, and
- (b) any provision of section 78, 80 or 82,

shall extend, with such modifications (if any) as may be specified in the Order, to any of the Channel Islands or to any colony.

- (2) An Order in Council under this section may make such transitional, incidental or supplementary provision as appears to Her Majesty to be necessary or expedient.

**85 Short title, commencement and extent. U.K.**

- (1) This Act may be cited as the Airports Act 1986.

<sup>F126</sup>(2) .....

<sup>F126</sup>(3) .....

<sup>F126</sup>(4) .....

<sup>F126</sup>(5) .....

<sup>F126</sup>(6) .....

- (7) With the exception of the provisions mentioned in subsection (8), this Act does not extend to Northern Ireland.

- (8) Those provisions are—
  - section 2(4);
  - Part III;
  - section 68;
  - sections 72 to 74;
  - sections 78 to 82;
  - section 83(1) and (5) and Schedules 4 and 6 so far as they amend or repeal any enactment extending to Northern Ireland; and
  - this section.

**Subordinate Legislation Made**

**P1** S. 85(5) powers of appointment conferred by s. 85(5), fully exercised: [S.I. 1986/1228](#), 1487

**Textual Amendments**

**F126** [S. 85\(2\)-\(6\)](#) repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#), [Sch. 1 Pt. 4](#)

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## SCHEDULES

### SCHEDULE 1 E+W+S

Section 55.

#### APPLICATION OF PART IV TO ASSOCIATED COMPANIES OF AIRPORT OPERATORS

##### *Preliminary*

- 1 This Schedule has effect for the purpose of authorising or requiring the imposition by the CAA under this Part (as it applies in accordance with this Schedule) of the following conditions in relation to an airport, namely—
- (a) conditions under section 40(1) or 41(1) with respect to the accounts of an associated company of the airport operator, and
  - (b) conditions under section 41(2) or 46(2) in respect of a course of conduct pursued by such a company,
- and for related purposes; and in this Schedule any such conditions are referred to as “subsidiary conditions”.

##### *Section 39*

- 2 Section 39(1) and (4) shall apply to any subsidiary conditions for the time being in force in relation to an airport as if—
- (a) references to the airport operator were references to the associated company of the airport operator with respect to whose accounts the conditions were imposed or (as the case may be) that pursued the course of conduct in respect of which the conditions were imposed, and
  - (b) references to any such conditions as are mentioned in section 39(1) were references to any such conditions as are mentioned above.
- 3 (1) Where an associated company of the airport operator in the case of any airport either carries on operational activities relating to the airport or is entitled to grant rights by virtue of which any such activities may be carried on by other persons, section 40(2) shall have effect in relation to the airport with the modifications specified in subparagraphs (2) to (4) below.
- (2) After paragraph (a) there shall be inserted the following paragraph—
- “(aa) such conditions as the CAA considers appropriate to secure that the accounts of any associated company of the airport operator, being a company which either carries on operational activities relating to the airport or is entitled to grant rights by virtue of which any such activities may be carried on by other persons, disclose—
    - (i) any subsidy furnished (whether by the making of loans on non-commercial terms or otherwise) by any person or authority to the company in connection with its business so far as consisting of the carrying on of operational activities relating to the airport, and the identity of any such person or authority,

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- (ii) any subsidy so furnished to that business by the company out of funds attributable to any other activities carried on by it, and
  - (iii) the aggregate income and expenditure of the company attributable to any such operational activities (whether carried on by the company or by some other person); and”.
- (3) After “the airport operator” where it occurs in paragraph (b) there shall be inserted “or the associated company”.
- (4) After “the airport operator” where it last occurs there shall be inserted “or in paragraph (aa) to the accounts of any associated company of the airport operator”.
- (5) Where—
  - (a) sub-paragraph (1) above does not apply to an airport at the time when conditions are imposed in relation to the airport under section 40(1)(a) or (b), but
  - (b) at any later time it appears to the CAA that that sub-paragraph then applies to the airport,

the CAA shall thereupon impose in relation to the airport such conditions as are mentioned in paragraphs (aa) and (b) of section 40(2) as modified by this paragraph.

- 4 In section 41—
- (a) in subsection (1), the reference to section 40(2) shall be construed as including, in relation to an airport to which sub-paragraph (1) of paragraph 3 above applies, a reference to section 40(2) as modified by that paragraph,
  - (b) in subsections (2), (3)(a) and (b) and (6), references to the airport operator shall be construed as including references to an associated company of the airport operator, and
  - (c) in relation to such a company—
    - (i) the reference in subsection (2) to subsection (3) shall be construed as a reference to subsection (3)(a) and (b) (as modified by paragraph (b) above), and
    - (ii) the reference in subsection (6) to subsection (3)(a), (b) or (c) shall be construed as a reference to subsection (3)(a) or (b) (as so modified).

#### *Section 42*

- 5 In section 42(2) and (3)—
- (a) references to an airport operator shall be construed as including references to an associated company of an airport operator, and
  - (b) in relation to such a company, references to any provision of section 41 shall be construed as references to that provision as modified by paragraph 4 above.

#### *Section 43*

- 6 (1) Where an associated company of the airport operator in the case of any airport either carries on operational activities relating to the airport or is entitled to grant rights by virtue of which any such activities may be carried on by other persons, section 43(2)

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shall have effect in relation to any reference under section 43(1) with respect to the airport with the insertion after paragraph (a) of the following paragraph—

- “(aa) whether any associated company of the airport operator has, at any time during the relevant period, pursued—
- (i) in relation to any operational activities carried on by the company and relating to the airport, or
  - (ii) in relation to the granting of a right by virtue of which any operational activities relating to the airport may be carried on by any other person or persons,
- a course of conduct which has operated or might be expected to operate against the public interest; and”.
- (2) In section 43(3), as it applies in relation to an associated company of an airport operator in accordance with this Schedule, the reference to the airport operator shall be construed as a reference to the associated company in question.

#### *Section 44*

- 7 (1) In relation to any reference to which paragraph 6(1) above applies, section 44(1) (a) shall have effect with the insertion at the end of sub-paragraph (ii) of “and any course of conduct which, in its opinion, has been pursued by an associated company of the airport operator in relation to any of the matters specified in subsection (2) (aa) of that section and has operated, or might be expected to operate, against the public interest.”.
- (2) in section 44(4) the reference to the airport operator concerned shall—
- (a) in the case of a reference or variation under section 43 relating only to a course of conduct pursued by an associated company of an airport operator, be construed as a reference to that company, and
  - (b) in the case of a reference or variation under that section relating to courses of conduct pursued by an airport operator and such a company respectively, be construed as a reference to both the airport operator and the company.

#### *Section 45*

- 8 (1) In section 45(3) the reference to an airport operator shall, in the case of a reference under section 43 relating wholly or in part to a course of conduct pursued by an associated company of an airport operator, be construed as, or as including, a reference to any such company (as the case may require).
- (2) In section 45(6) the reference to the airport operator concerned shall be construed as mentioned in paragraph 7(2) above according to the nature of the reference under section 43.

#### *Section 48*

- 9 (1) In section 48(1)(a) the reference to the airport operator in relation to an airport shall be construed as including a reference to an associated company of the airport operator.
- (2) Section 48(3), (5), (6) and (7) shall have effect in relation to any complaint against an associated company of an airport operator made by virtue of sub-paragraph (1) above as if any reference to an airport operator or to the airport operator concerned

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were a reference to any such company or to the company against which the complaint is made (as the case may require).

#### *Section 49*

- 10 (1) In section 49(1) and (9) any reference to an airport operator shall be construed as including a reference to an associated company of an airport operator.
- (2) Where the permission for the time being in force in respect of an airport is revoked under section 49(9) (as it applies in accordance with sub-paragraph (1) above) by reason of an associated company's contravention of a compliance order, then (notwithstanding section 38(4)) a permission shall not again be granted under this Part in respect of that airport unless it appears to the CAA that, if the CAA were to impose in relation to the airport any condition corresponding to the one whose breach gave rise to the making of the compliance order, that condition would be complied with by the person (whether the airport operator or an associated company of the airport operator) to whose activities any such condition would relate.
- (3) In this paragraph "compliance order" and "contravention" shall be construed in accordance with section 49(11).

#### *Section 50*

- 11 (1) In section 50 any reference to an airport operator shall be construed as including a reference to an associated company of an airport operator.
- (2) In that section, as it applies to any such company in accordance with sub-paragraph (1)—
- (a) in subsection (1), the reference to section 40(2)(a) shall be construed as a reference to paragraph (aa) of section 40(2) (as modified by paragraph 3(2) and (4) above),
  - (b) in subsection (2), the reference to section 40(2)(b) shall be construed as a reference to that provision as modified by paragraph 3(3), and
  - (c) the references to section 39(1) and section 41(1) shall be construed as references to those provisions as modified by paragraph 2 and paragraph 4(a) above.

#### *Section 51*

- 12 (1) Section 51(3) shall apply in relation to any subsidiary conditions as if the reference to section 40(2) were a reference to that provision as modified by paragraph 3 above.
- (2) Section 51(5) shall apply in relation to any subsidiary conditions as if—
- (a) references to the airport operator concerned were references to the associated company of the airport operator that pursued the course of conduct in respect of which the conditions were imposed; and
  - (b) the reference to section 41(3)(a), (b) or (c) were a reference to section 41(3) (a) or (b) (as modified by paragraph 4(b) above).
- (3) Section 51(7) shall apply in relation to any subsidiary conditions as if the reference to the airport operator were a reference to the associated company with respect to whose accounts the conditions were imposed of (as the case may be) that pursued the course of conduct in respect of which the conditions were imposed.

*Status: Point in time view as at 16/10/2015.*

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### Section 54

- 13 In [<sup>F127</sup>section 54(1A)], [<sup>F128</sup>references] to an airport operator shall be construed as including [<sup>F129</sup>references] to an associated company of an airport operator engaged in carrying on any operational activities relating to one or more airports.

#### Textual Amendments

- F127** Words in Sch. 1 para. 13 substituted (20.6.2003) by Enterprise Act 2002 (c. 40), s. 279, **Sch. 9 para. 3(a)**; S.I. 2003/1397, art. 2(1), Sch.
- F128** Word in Sch. 1 para. 13 substituted (20.6.2003) by Enterprise Act 2002 (c. 40), s. 279, **Sch. 9 para. 3(b)**; S.I. 2003/1397, art. 2(1), Sch.
- F129** Word in Sch. 1 para. 13 substituted (20.6.2003) by Enterprise Act 2002 (c. 40), s. 279, **Sch. 9 para. 3(c)**; S.I. 2003/1397, art. 2(1), Sch.

## SCHEDULE 2 E+W+S

Section 58

### APPLICATION OF ENACTMENTS RELATING TO STATUTORY UNDERTAKERS ETC.

#### *General application of enactments*

- 1 (1) Any airport to which this Part applies shall be deemed to be a statutory undertaking, and a relevant airport operator a statutory undertaker, for the purposes of the following enactments, namely—
- the <sup>M15</sup>Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947;
  - The <sup>M16</sup>New Towns (Scotland) Act 1968;
  - <sup>F130</sup> .....
  - <sup>F131</sup> .....
  - Part I of the <sup>M17</sup>Local Government (Miscellaneous Provisions) Act 1976;
  - [<sup>F132</sup>the <sup>M18</sup>Development of Rural Wales Act 1976;]
  - the <sup>M19</sup>New Towns Act 1981;
  - the <sup>M20</sup>Acquisition of Land Act 1981; and
  - sections <sup>F133</sup>... 296 and 611 of the <sup>M21</sup>Housing Act 1985;
  - <sup>F131</sup> .....
- (2) In the following enactments namely—
- <sup>F130</sup> .....
  - <sup>F134</sup> .....
  - the <sup>M22</sup>New Towns Act 1981,
  - “the appropriate Minister” shall, in relation to a relevant airport operator, mean [<sup>F135</sup>the Secretary of State for Transport].

#### Textual Amendments

- F130** Words repealed by Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1, 2), s. 3, **Sch. 1 Pt. I**
- F131** Words in Sch. 2 para. 1(1) repealed (27.5.1997) by 1997 c. 11, ss. 3, 6(2), **Sch. 1 Pt. I** (with s. 5, Sch. 3)

*Status: Point in time view as at 16/10/2015.*

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- F132** Words in Sch. 2 para. 1(1) repealed (E.W.) (1.10.1998) by 1998 c. 38, s. 152, **Sch. 18 Pt. IV** (with ss. 137(1), 139(2), 143(2)); S.I. 1998/2244, **art. 4**
- F133** Word in Sch. 2 para. 1(1) repealed (6.4.2006 for E., 16.6.2006 for W.) by Housing Act 2004 (c. 34), s. 270(4)(5)(f), **Sch. 16**; S.I. 2006/1060, art. 2(1)(e) (with Sch.); S.I. 2006/1535, art. 2(c) (with Sch.)
- F134** Words in Sch. 2 para. 1(2) repealed (27.5.1997) by 1997 c. 11, ss. 3, 6(2), **Sch. 1 Pt. I** (with s. 5, Sch. 3)
- F135** Words in the definition of "the appropriate Minister" in Sch. 2 para. 1(2) substituted (25.11.2002) by S.I. 2002/2626, art. 20, **Sch. 2 para. 13**

#### Marginal Citations

- M15** 1947 c. 42.  
**M16** 1968 c. 16.  
**M17** 1976 c. 57  
**M18** 1976 c. 75.  
**M19** 1981 c. 64.  
**M20** 1981 c. 67.  
**M21** 1985 c. 68.  
**M22** 1981 c. 64.

#### *Application of particular enactments*

- 2 In the <sup>M23</sup>Public Health Act 1936—
- (a) section 330 (power of certain undertakers in England and Wales to alter sewers), and
- (b) section 333 (protection of certain such undertakers from works executed under that Act),
- shall apply in relation to a relevant airport operator and the airport in question as they apply in relation to a railway company and its railway.

#### Marginal Citations

- M23** 1936 c. 49.

- [<sup>F136</sup> (1) The following provisions (which relate to the protection of certain statutory undertakers), namely—
- section 93 of Schedule 3 to the <sup>M24</sup>Water Act 1945, and
- section 45 of Schedule 4 to the <sup>M25</sup>Water (Scotland) Act 1980,
- shall apply with the necessary modifications in relation to any works which statutory water undertakers propose to execute along, upon or under any airport to which this Part applies, whether or not section 93 or section 45 has been applied to the undertakers by an order under that Act of 1945 or (as the case may be) under that Act of 1980.
- (2) In sub-paragraph (1) “statutory water undertakers” means—
- (a) in relation to England and Wales, statutory water undertakers within the meaning of the Water Act 1973 and includes a person authorised to construct works by an order under section 23 of the Water Act 1945; and
- (b) in relation to Scotland, [<sup>F137</sup>Scottish Water] .]

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#### Textual Amendments

**F136** Sch. 2 para. 3 repealed (E.W.) by [Water Act 1989 \(c.15, SIF 130\)](#), s. 190(3), **Sch. 27** (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 41(1), 57(6), 58)

**F137** Words in Sch. 2 para. 3(2)(b) substituted (S.) (14.7.2004) by [The Water Industry \(Scotland\) Act 2002 \(Consequential Modifications\) Order 2004 \(S.I. 2004/1822\)](#), art. 1(1), **Sch. para. 13**

#### Marginal Citations

**M24** 1945 c. 42.

**M25** 1980 c. 45.

- 4 A relevant airport operator shall be deemed to be a public undertaker for the purposes of section [<sup>F138</sup>56][<sup>F138</sup>125] of the <sup>M26</sup>Housing (Scotland) Act [<sup>F138</sup>1966][<sup>F138</sup>1987] (demolition of obstructive buildings).

#### Textual Amendments

**F138** Words “125” and “1987” substituted (S.) for “56” and “1966” by [Housing \(Scotland\) Act 1987 \(c. 26, SIF 61\)](#), s. 339, **Sch. 23 para. 32**

#### Marginal Citations

**M26** 1966 c. 49.

- [<sup>F139</sup>5 For the purposes of section 112 of the <sup>M27</sup>Land Drainage Act 1976 (protection of nationalised undertakings, etc.) an airport to which this Part applies shall be deemed to be an undertaking to which that section applies and the airport operator shall accordingly be deemed to be a person carrying on such an undertaking.]

#### Textual Amendments

**F139** Sch. 2 para. 5 repealed (E.W.) (01.12.1991) by [Water Consolidation \(Consequential Provisions\) Act 1991 \(c. 60, SIF 132\)](#), ss. 3(1), 4(2), **Sch.3 Pt. I** (with Sch. 2 paras. 10, 14(1), 15)

#### Marginal Citations

**M27** 1976 c. 70.

- 6 In the <sup>M28</sup>Building Act 1984—
- (a) section 4(1)(b) (exemption of buildings of statutory undertakers from building regulations), and
  - (b) section 59(4) (exemption of such buildings from provisions relating to drainage),
- shall apply in relation to a relevant airport operator as they apply in relation to statutory undertakers, but as if in those provisions any reference to a house included a hotel, and any reference to offices or showrooms did not include offices or showrooms on any airport to which this Part applies.



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#### Marginal Citations

M28 1984 c. 55.

## SCHEDULE 3 E+W+S

Section 63(5).

### AIRPORT BYELAWS MADE BY PERSONS OTHER THAN THE SECRETARY OF STATE

- 1 References in this Schedule to the airport operator in relation to any byelaws are references to the person making those byelaws as mentioned in section 63(5).
- 2 Where the airport operator is a body corporate, the byelaws shall be made under its common seal.
- 3 At least one month before application for confirmation of the byelaws is made to the Secretary of State, notice of the intention to apply for confirmation shall be given by the airport operator in one or more local newspapers circulating in the locality in which the airport to which the byelaws relate is situated or (if the byelaws relate to more than one airport) circulating respectively in the several localities in which those airports 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.
- 4 For at least one month before application for confirmation is made, a copy of the byelaws shall be deposited at the offices of the airport operator at each airport to which the byelaws relate and shall, at all reasonable hours, be open to public inspection free of charge.
- 5 The airport operator shall, on application made by any person before the byelaws are confirmed, furnish him with a copy of the byelaws or of any part of them on payment of such reasonable fee as the airport operator may determine.
- 6 The Secretary of State may confirm with or without modifications, or refuse to confirm, any byelaw submitted to him for confirmation, and may fix the date on which a byelaw confirmed by him is to come into operation; and if no date is so fixed, the byelaw shall come into operation at the end of the period of one month beginning with the day on which it is confirmed.
- 7 A copy of the byelaws, when confirmed, shall be printed and deposited at the offices of the airport operator at each airport to which they relate and shall, at all reasonable hours, be open to public inspection free of charge; and a copy of the byelaws shall on application be furnished to any person on payment of such reasonable fee as the airport operator may determine.
- 8 The production of a printed copy of a byelaw purporting to be made by an airport operator upon which is endorsed a certificate purporting to be signed by a person authorised for the purpose by the airport operator and stating—
  - (a) that the byelaw was made by the airport operator,
  - (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, and
  - (d) the date, if any, fixed by the Secretary of State for the coming into operation of the byelaw,

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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.

SCHEDULE 4 **U.K.**

Section 83(1).

CONSEQUENTIAL AMENDMENTS

1 ..... **F140**

**Textual Amendments**

**F140** Sch. 4 para. 1 repealed by Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1, 2), s. 3, **Sch. 1 Pt. 1**

*Town and Country Planning (Scotland) Act 1972 (c. 52)*

**F141**<sub>2</sub> .....

**Textual Amendments**

**F141** Sch. 4 para. 2 repealed (27.5.1997) by 1997 c. 11, ss. 3, 6(2), **Sch. 1 Pt. 1** (with s. 5, Sch. 3)

*Fair Trading Act 1973 (c. 41)*

**F142**<sub>3</sub> .....

**Textual Amendments**

**F142** Sch. 4 para. 3 repealed (20.6.2003) by Enterprise Act 2002 (c. 40), s. 279, **Sch. 26**; S.I. 2003/1397, art. 2(1), Sch. (with arts. 3(1), 8)

*Consumer Credit Act 1974 (c. 39)*

**F143**<sub>4</sub> .....

**Textual Amendments**

**F143** Sch. 4 para. 4 repealed (20.6.2003) by Enterprise Act 2002 (c. 40), s. 279, **Sch. 26**; S.I. 2003/1397, art. 2(1), Sch. (with arts. 3(1), 8)

*Restrictive Trade Practices Act 1976 (c. 34)*

5 In section 41(1)(a) (disclosure of information), after “the Director General of Gas Supply,” insert “the Civil Aviation Authority,” and after “the Gas Act 1986” insert “or the Airports Act 1986”.

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*Estate Agents Act 1979 (c. 38)*

F144<sup>6</sup> .....

**Textual Amendments**

**F144** Sch. 4 para. 6 repealed (20.6.2003) by Enterprise Act 2002 (c. 40), s. 279, Sch. 26; S.I. 2003/1397, art. 2(1), Sch. (with arts. 3(1), 8)

*Competition Act 1980 (c. 21)*

F145<sup>7</sup> .....

**Textual Amendments**

**F145** Sch. 4 para. 7 repealed (20.6.2003) by Enterprise Act 2002 (c. 40), s. 279, Sch. 26; S.I. 2003/1397, art. 2(1), Sch. (with arts. 3(1), 8)

*Civil Aviation Act 1982 (c. 16)*

- 8 (1) In section 23(6) (disclosure of information), for “28 and 29” substitute “and 28”.
- (2) In section 108(1) (extension of 1982 Act outside United Kingdom), for “27, 32 to 35, 37,” substitute “34, 35,”.

*Aviation Security Act 1982 (c. 36)*

- 9 In section 29 (control of road traffic at designated airports)—
- (a) in subsection (1), for the words from “section 13(1) to (3)” to “1982” substitute “section 65 of the Airports Act 1986” and for “those sections” substitute “that section”; and
  - (b) in subsection (3), for the words from “section 13(1) to (3)” to “thereof” substitute “section 65 of the Airports Act 1986 includes a reference to subsection (2) of that section as extended by section 66(2) of that Act”.

*Local Government Act 1985 (c. 51)*

- 10 In section 40(3) (airports), for “to 33, 35, 37(3), (4) and (5), 60(3)(o)” substitute “, 31, 35”.

SCHEDULE 5 **E+W+S**

Section 83(4).

TRANSITIONAL PROVISIONS

*Supplementary provisions as to vesting of property etc. of BAA*

- 1 Any agreement made, transaction effected or other thing done by, to or in relation to the BAA which is in force or effective immediately before the appointed day shall have effect as from that day as if made, effected or done by, to or in relation to

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the successor company, in all respects as if the successor company were the same person, in law, as the BAA; and accordingly references to the BAA—

- (a) in any agreement (whether or not in writing) and in any deed, bond or instrument,
- (b) in any process or other document issued, prepared or employed for the purpose of any proceeding before any court or other tribunal or authority, and
- (c) in any other document whatever (other than an enactment) relating to or affecting any property, right or liability of the BAA which vests by virtue of section 2 in the successor company,

shall be taken as from the appointed day as referring to the successor company.

2 Where immediately before the appointed day there is in force an agreement which—

- (a) confers or imposes on the BAA any rights or liabilities which vest in the successor company by virtue of section 2, and
- (b) refers (in whatever terms and whether expressly or by implication) to a member or officer of the BAA.

the agreement shall have effect, in relation to anything falling to be done on or after that day, as if for that reference there were substituted a reference to such person as that company may appoint or, in default of appointment, to the officer of that company who corresponds as nearly as may be to the member or officer of the BAA in question.

3 It is hereby declared for the avoidance of doubt that—

- (a) the effect of section 2 in relation to any contract of employment with the BAA in force immediately before the appointed day is merely to modify the contract (as from that day) by substituting the successor company as the employer (and not to terminate the contract or vary it in any other way); and
- (b) that section is effective to vest the rights and liabilities of the BAA under any agreement or arrangement for the payment of pensions, allowances or gratuities in the successor company along with all other rights and liabilities of the BAA;

and accordingly for the purposes of any such agreement or arrangement (as it has effect by virtue of paragraph 1 in relation to employment with the successor company) any period of employment with the BAA shall count as employment with the successor company.

#### *Financial provisions*

4 The terms which, by virtue of section 4(2) of the 1975 Act, are applicable immediately before the appointed day to any such liability of the BAA as is mentioned in section 3(2) of this Act shall continue to apply to that liability after it becomes a liability of the successor company by virtue of section 2 of this Act, and section 4(3) of that Act shall continue to apply to sums received by the Secretary of State from the successor company by virtue of this paragraph.

5 The terms which, by virtue of section 6(2) of the 1975 Act, are applicable immediately before the appointed day to any such liability of the BAA as is mentioned in section 3(3) of this Act shall continue to apply to that liability after it becomes a liability of the successor company by virtue of section 2 of this Act, and

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section 6(4) of that Act shall continue to apply to sums received by the Secretary of State from the successor company by virtue of this paragraph.

- 6 Subsections (2) to (5) of section 7 of the 1975 Act (Treasury guarantees) shall continue to apply in relation to any guarantee given by the Treasury under that section with respect to a liability of the BAA which becomes a liability of the successor company by virtue of section 2 of this Act, but as if the reference to the BAA in subsection (4) of that section were a reference to the successor company.

*Final statements of accounts etc.*

F1467 .....

**Textual Amendments**

**F146** Sch. 5 paras. 7-9 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), Sch. 1 Pt. 4

F1468 .....

**Textual Amendments**

**F146** Sch. 5 paras. 7-9 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), Sch. 1 Pt. 4

F1469 .....

**Textual Amendments**

**F146** Sch. 5 paras. 7-9 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), Sch. 1 Pt. 4

*Compulsory purchase orders*

- 10 A compulsory purchase order made under section 17 of the 1975 Act which is in force immediately before the appointed day shall have effect as if made under section 59 of this Act; and the provisions of section 59 shall apply accordingly.

*Byelaws and regulations relating to airports*

- 11 (1) Any byelaws made or having effect as if made under section 9 of the 1975 Act and in force in relation to any airport immediately before the appointed day shall, as from that day, have effect as if they were byelaws made under section 63 of this Act and the airport were an airport designated for the purposes of that section.
- (2) The provisions of any regulations made or having effect as if made under section 58 of the 1982 Act, as applied by section 16 of the 1975 Act, and in force in relation to any airport immediately before the appointed day shall as from that day, have effect (with any necessary modifications) as if they were contained in byelaws made under subsection (2)(j) of section 63 of this Act and the airport were an airport designated for the purposes of that section; and any such provisions may accordingly be varied or revoked by byelaws so made.

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### *Control of road traffic*

- 12 Where immediately before the appointed day section 13 of the 1975 Act (control of road traffic) applies to any airport, then, as from that day and until such time as the airport is designated by an order under section 65 of this Act—
- (a) the airport shall be deemed to be an airport designated for the purposes of that section, and
  - (b) any order which, immediately before that day, is in force in relation to the airport under section 13(2) of the 1975 Act shall have effect as if made under section 65(2) of this Act.

### *Abandoned vehicles*

- 13 Where immediately before the appointed day any order is in force in relation to an airport under section 14 of the 1975 Act (functions of BAA as respects abandoned vehicles) then, as from that day and until such time as the airport is designated by an order under section 66 of this Act—
- (a) the airport shall be deemed to be an airport designated for the purposes of that section, and
  - (b) the order shall have effect as if made under section 66(1).

### *Cargo areas*

- 14 Notwithstanding the repeal by this Act of section 12 of the 1975 Act (prevention of theft from cargo areas at BAA's airports) any area which, immediately before the appointed day, is to be treated as a cargo area for the purposes of section 27 of the <sup>M29</sup>Aviation Security Act 1982 (prevention of thefts at designated airports) in accordance with subsection (7) of that section shall continue to be so treated as if this Act had not been passed.

#### **Marginal Citations**

**M29** 1982 c. 36

### *Extension of Shops (Airports) Act 1962*

- [<sup>F147</sup>15 Any order designating an airport for the purposes of the <sup>M30</sup>Shops (Airports) Act 1962 and in force at the commencement of section 70 of this Act shall, as from that commencement, be treated as designating that airport for the purposes of that Act as amended by this Act.]

#### **Textual Amendments**

**F147** Sch. 5 para. 15 repealed (E.W.) (26.8.1994) by 1994 c. 20, s. 9(2), Sch. 5; S.I. 1994/1841, art. 2

#### **Marginal Citations**

**M30** 1962 c. 35.

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## SCHEDULE 6 **U.K.**

Section 83(5).

### REPEALS

#### PART I **U.K.**

##### REPEALS COMING INTO FORCE ON THE APPOINTED DAY

Chapter	Short title	Extent of repeal
1966 c. 34.	Industrial Development Act 1966.	In Schedule 2, the entry relating to the British Airports Authority.
1971 c. 78.	Town and Country Planning Act 1971.	In section 224(1)(c), the words “the British Airports Authority or”
1972 c. 52.	Town and Country Planning (Scotland) Act 1972.	In section 213(1)(c), the words “the British Airports Authority or”.
1975 c. 24.	House of Commons Disqualification Act 1975.	In Part II of Schedule 1, the entry relating to the British Airports Authority.
1975 c. 78.	Airports Authority Act 1975.	The whole Act.
1976 c. 57.	Local Government (Miscellaneous Provisions) Act 1976.	In section 15(3), the words “the British Airports Authority,”.
1976 c. 70.	Land Drainage Act 1976.	In section 112(2), the words “the British Airports Authority,”.
1976 c. 75.	Development of Rural Wales Act 1976.	In section 34(1), in the definition of “statutory undertakers”, the words “the British Airports Authority,”.
1978 c. 3.	Refuse Disposal (Amenity) Act 1978.	Section 12(1). Schedule 1.
1978 c. 8.	Civil Aviation Act 1978.	Section 8. In Schedule 1, paragraph 7.
1979 c. 46.	Ancient Monuments and Archaeological Areas Act 1979.	In section 61(2)(b), the words “the British Airports Authority,”.
1980 c. 60.	Civil Aviation Act 1980.	Sections 24 and 25.
1980 c. 65.	Local Government, Planning and Land Act 1980.	In section 108(i)(b), the words “British Airports Authority,”. In section 120(3),

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		in the definition of “statutory undertakers”, the words “the British Airports Authority,”.In section 170(1)(b), the words “the British Airports Authority,”.In Schedule 16, paragraph 10.
1981 c. 64.	New Towns Act 1981.	In section 78(1)(c), the words “the British Airports Authority or”.  In section 79(1)(b), the words “or the British Airports Authority”.  In Schedule 12, paragraph 19.
1981 c. 67.	Acquisition of Land Act 1981.	In section 8, in subsection (1)(b), the words “the British Airports Authority or”, and subsection (2).  In section 32(8), the words from “section 17(1)” to the end.  In Schedule 4, paragraph 25.
1982 c. 1.	Civil Aviation (Amendment) Act 1982.	Section 1.
1982 c. 16.	Civil Aviation Act 1982.	Section 34(2).  In section 35(1), the words “is managed by a person other than the BAA and”.  In section 88(10), the words “, the BAA”.  In section 105(1), the definition of the BAA.  In Schedule 15, paragraph 17.
1982 c. 36.	Aviation Security Act 1982.	Section 27(7).  Section 29(2)(b).  Section 30(3)(b).  In section 38(1), in the definition of “manager”, the words “the British Airports Authority,”.
1982 c. 48.	Criminal Justice Act 1982.	Section 44.  In section 81(3), the words “section 44”.



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1983 c. 44.	National Audit Act 1983.	In Part I of Schedule 4, the entry relating to the British Airports Authority.
1984 c. 12.	Telecommunications Act 1984.	In Schedule 4, paragraph 64.
1984 c. 22.	Public Health (Control of Disease) Act 1984.	In section 14(1), the words “or the British Airports Authority”.
1984 c. 27.	Road Traffic Regulation Act 1984.	In section 43(1), the words “and no such regulations” onwards. In Schedule 13, paragraph 33.
1984 c. 55.	Building Act 1984.	In section 4(1)(b) the words “, the British Airports Authority”, in subparagraph (i) the words “or in the case of the British Airports Authority a house or a hotel,”, and in subparagraph (ii) the words “the British Airports Authority or” and “in question”. In section 59(4), the words “, the British Airports Authority”, in paragraph (a) the words “or in the case of the British Airports Authority a house or a hotel,”, and in paragraph (b) the words “the British Airports Authority or” and “in question”.
1985 c. 71.	Housing (Consequential Provisions) Act 1985.	In Schedule 2, paragraph 29.

## PART II U.K.

### REPEALS COMING INTO FORCE ON A DATE APPOINTED UNDER SECTION 85(5)

Chapter	Short title	Extent of repeal
1973 c. 41.	Fair Trading Act 1973.	In Part II of Schedule 7, paragraph 13.
1980 c. 65.	Local Government, Planning and Land Act 1980.	Section 72(4)(iii).
1982 c. 16.	Civil Aviation Act 1982.	Section 27. Section 29.

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*Status: Point in time view as at 16/10/2015.*

*Changes to legislation: Airports Act 1986 is up to date with all changes known to be in force on or before 03 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

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Sections 32 and 33.

Section 37.

In section 38(2), the words  
“Without prejudice to  
section 60(3)(o),”.

Section 40.

Section 58.

Section 60(3)(o).

Section 61(6).

Section 99(5)(a).

Schedule 5.

In Part II of Schedule 13, the  
entries relating to sections  
32(5), 33(1), 37, 40(2) and  
61(6) of the 1982 Act.

In Schedule 14, paragraph  
5(1).

1982 c. 48.

Criminal Justice Act 1982.

Section 45.

In section 81(5), the words  
“section 45”.

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**Status:**

Point in time view as at 16/10/2015.

**Changes to legislation:**

Airports Act 1986 is up to date with all changes known to be in force on or before 03 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.