

SCHEDULE 1 TO  
THE AVIATION  
SECURITY ACT 1982

PROVISIONS RELATING TO COMPENSATION

1. This Schedule applies to compensation under section 22 of this Act (in this Schedule referred to as “the relevant section”).

2. No compensation to which this Schedule applies shall be payable unless the person to whom it is payable in accordance with the relevant section (or in accordance with regulations made under the following provisions of this Schedule) serves on the person by whom the measures in question were taken a notice in writing claiming compensation under that section, and that notice is served before the end of the period of two years from the completion of the measures.

3. In relation to any measures taken by any person on land outside an aerodrome or air navigation installation any reference in the relevant section to a direction or enforcement notice, or to compliance with a direction or enforcement notice, shall be construed as if subsection (6) of section 16 of this Act were omitted.

4. In calculating value for any of the purposes of the relevant section—

(a) the following rules shall apply:

(i) the value of land shall, subject as hereinafter provided, be taken to be the amount which the land if sold in the open market by a willing seller might be expected to realise;

(ii) the special suitability or adaptability of the land for any purpose shall not be taken into account if that purpose is a purpose to which it could be applied only in pursuance of statutory powers, or for which there is no market apart from the requirements of any authority possessing compulsory purchase powers;

(iii) where the value of the land is increased by reason of the use thereof or of any premises thereon in a manner which could be restrained by any court, or is contrary to law, or is detrimental to the health of the occupants of the premises or to the public health, the amount of that increase shall not be taken into account;

(b) if the interest to be valued is subject to a mortgage, it shall be treated as if it were not subject to the mortgage.

5. The Governor in Council may make Regulations—

(a) requiring compensation to which this Schedule applies, in such cases as may be specified in the regulations, to be paid to a person other than the person entitled to it in accordance with the relevant section;

(b) as to the application of any compensation to which this Schedule applies, or any part of it, in cases where the right to claim compensation is exercisable by reference to an interest in land which is subject to a mortgage, or to a rent charge, or to the trusts of a settlement, or to the purposes of a trust, or which was so subject at a time specified in the regulations; or

(c) as to any assumptions to be made, or matters to be taken into or left out of account, for the purpose of assessing any compensation to which this Schedule applies.

7. Any dispute arising under the relevant section or under this Schedule, whether as to the right to any compensation or as to the amount of any compensation or otherwise, shall be referred to and determined by the appropriate acquisition authority.