

Airports Authority Act 1965

1965 CHAPTER 16

An Act to provide for the establishment of a public authority with functions including the operation of aerodromes, for the transfer of certain aerodromes from the Minister of Aviation to the authority and for matters relating to the authority and its functions.

[2nd June, 1965]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

The Authority

1.—(1) There shall be a body corporate to be called the British Airports Authority (in this Act referred to as "the Authority") to which shall be transferred the Minister's aerodromes at Heathrow, Gatwick, Stansted and Prestwick and which shall manage those aerodromes and any other aerodrome provided or acquired by it under the following provisions of this Act. **The British Airports Authority.**

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

(3) The chairman shall be appointed by the Minister and the other members (including the deputy chairman) shall be appointed by the Minister after consultation with the chairman.

(4) The chairman, deputy chairman and other members of the Authority shall be appointed from among persons who appear to the Minister to have had wide experience of and to have shown capacity in air transport, other forms of transport, industry,

commercial or financial matters, administration, the organisation of workers or the representation of the interests of consumers.

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

(6) Schedule 1 to this Act shall have effect as respects the Authority, and Schedule 2 to this Act shall have effect as respects the transfer of the Minister's aerodromes at Heathrow, Gatwick, Stansted and Prestwick.

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

The Authority's functions.

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

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

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

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

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

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

(7) In the management and administration of any aerodrome the Authority shall provide for users of the aerodrome, for the local authorities in whose areas the aerodrome or any part

thereof is situated, for other local authorities whose areas are in the neighbourhood of the aerodrome, and for other organisations representing the interests of persons concerned with the locality in which the aerodrome is situated adequate facilities for consultation with respect to matters affecting their interests, and shall, in doing so, give effect to any direction given to it by the Minister.

(8) Any consent under this section may be given subject to such conditions as the Minister thinks fit.

Financial provisions

The Authority's financial duties.

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

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

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

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

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

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

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

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

(8) Any sums received by the Minister under this section shall be paid into the Exchequer.

The commencing capital debt.

4.—(1) The Authority shall on the vesting date assume a debt due to the Minister of such amount as he may determine by direction in writing given with the approval of the Treasury.

The said debt is in this Act referred to as the commencing capital debt.

(2) The amount of the commencing capital debt shall not exceed fifty-six million pounds.

(3) If it appears to the Minister that in determining the amount of the commencing capital debt under subsection (1) of this section he has not taken account, or has not properly taken account, of a liability or asset transferred to the Authority by this Act, the Minister may not later than two years after the vesting date by direction in writing given with the approval of the Treasury reduce or increase the amount of the commencing capital debt by such amount as appears to him appropriate.

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

(5) Any sums received by the Minister by way of interest on, or repayment of, the commencing capital debt shall be paid into the Exchequer and shall be issued out of the Consolidated Fund at such times as the Treasury may direct and applied by the Treasury as follows, that is to say—

(*a*) so much thereof as represents capital shall be applied in redeeming or paying off debt of such description as the Treasury think fit, and

(*b*) so much thereof as represents interest shall be applied towards meeting such part of the annual charges for the National Debt as represents interest.

Borrowing powers.

5.—(1) Subject to the limit in subsection (3) of this section, the Authority may borrow temporarily, by way of overdraft or otherwise, such sums as the Authority may require for meeting its obligations or discharging its functions under this Act, but

the aggregate of the amounts outstanding in respect of any temporary loans raised by the Authority under this subsection shall not exceed such limit as the Minister may for the time being have imposed on the Authority for the purposes of this subsection by a direction given to the Authority with the approval of the Treasury.

(2) Subject to the limit in subsection (3) of this section, the Authority may borrow (otherwise than by way of temporary loan) from the Minister such sums as the Authority may require for all or any of the following purposes—

(*a*) for meeting any expenses properly chargeable to capital, being expenses incurred in connection with the provision or improvement of assets in connection with the business of the Authority;

(*b*) for the provision of working capital;

(*c*) for acquiring an undertaking or part of an undertaking;

(*d*) for lending money to, or meeting a guarantee given for the benefit of, any person for the purpose of an undertaking carried on by him, or where that person is a body corporate, an undertaking carried on by a subsidiary of that body corporate;

(*e*) for subscribing for or acquiring securities of a body corporate otherwise than by way of investment;

(*f*) for the payment of interest charged to capital account under section 3(6) of this Act;

(*g*) to pay off—

(i) any part of the commencing capital debt;

(ii) any money borrowed by the Authority;

(*h*) for any purpose for which capital moneys are properly applicable (whether or not specified in the foregoing paragraphs).

(3) The aggregate amount outstanding in respect of—

(*a*) the principal of any money borrowed by the Authority under this section, and

(*b*) the commencing capital debt,

taken together shall not exceed seventy million pounds.

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

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

Exchequer loans.

6.—(1) Subject to this Act, the Minister may with the approval of the Treasury lend to the Authority any sums which the Authority has power to borrow under subsection (2) of the last foregoing section.

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

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

(4) For the purpose of providing sums to be issued under the last foregoing subsection or of providing for the replacement of sums so issued, the Treasury may at any time, if they think fit, raise money in any manner in which they are authorised to raise money under the National Loans Act 1939, and any securities created and issued to raise money under this subsection shall be deemed for all purposes to have been created and issued under that Act.

1939 c. 117.

(5) Any sums received by the Minister under subsection (2) of this section shall be paid into the Exchequer and shall be issued out of the Consolidated Fund at such times as the Treasury may direct, and shall be applied by the Treasury as follows, that is to say—

(*a*) so much thereof as represents principal shall be applied in redeeming or paying off debt of such description as the Treasury think fit, and

(*b*) so much thereof as represents interest shall be applied towards meeting such part of the annual charges for the National Debt as represents interest.

Treasury guarantees.

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

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

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

(4) If any sums are issued in fulfilment of any guarantee given under this section, the Authority shall make to the Treasury, at such times and in such manner as the Treasury may from time to time direct, payments of such amounts as the Treasury may so direct in or towards repayment of the sums so issued, and payments of interest on what is outstanding for the time being in respect of sums so issued at such rate as the Treasury may so direct.

(5) Any sums received by the Treasury under the last foregoing subsection shall be paid into the Exchequer.

Accounts and audit.

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

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

the Institute of Chartered Accountants in England and Wales;

the Institute of Chartered Accountants of Scotland;

the Association of Certified and Corporate Accountants;

the Institute of Chartered Accountants in Ireland;

any other body of accountants established in the United Kingdom and for the time being recognised for the purposes of section 161 (1) (*a*) of the Companies Act 1948 by the Board of Trade;

1948 c. 38.

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

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

Control and management of aerodromes

Byelaws.

9.—(1) The Authority may, in respect of any aerodrome owned or managed by it, make byelaws for regulating the use and operation of the aerodrome and the conduct of all persons while within the aerodrome, and in particular byelaws—

(*a*) for securing the safety of aircraft, vehicles and persons using the aerodrome and preventing danger to the public arising from the use and operation of the aerodrome;

(*b*) for preventing obstruction within the aerodrome;

(*c*) for regulating vehicular traffic anywhere within the aerodrome except on roads therein to which the road traffic enactments apply, and in particular (with that exception) for imposing speed limits on vehicles therein and for restricting or regulating the parking of vehicles or their use for any purpose or in any manner specified in the byelaws;

(*d*) for prohibiting waiting by hackney carriages except at standings appointed by the Authority;

(*e*) for prohibiting or restricting access to any part of the aerodrome;

(*f*) for preserving order within the aerodrome and preventing damage to property therein;

(*g*) for regulating or restricting advertising within the aerodrome;

(*h*) for requiring any person, if so requested by a constable appointed under this Act, to leave the aerodrome or any particular part of it;

(*i*) for restricting the area which is to be taken as constituting the aerodrome for the purposes of the byelaws.

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

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

(4) Byelaws made under this section shall not have effect until they are confirmed by the Minister, and the provisions of Schedule 3 to this Act shall apply to any such byelaws.

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

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

(*b*) any vehicle, animal or thing brought to or left within the aerodrome or part in contravention of any byelaws

made under this section and any vehicle, animal or thing likely to cause danger or obstruction.

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

(*a*) if he has reasonable cause to believe that that person has contravened any byelaws made under this section and he does not know and cannot ascertain that person's name and address; or

(*b*) if that person, in contravention of any byelaws made under this section, fails or refuses to leave the aerodrome or any particular part thereof after being requested by such a constable to do so.

(7) Any byelaws under Part II of the Military Lands Act 1892 which are in force immediately before the vesting date and relate to any of the aerodromes mentioned in section 1(6) of this Act shall, in so far as they could have been made by the Authority under this section, continue in force and have effect as if so made. 1892 c. 43.

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

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

(*a*) on each of the aerodromes owned or managed by the Authority; and

(*b*) elsewhere, for the purpose of arresting any person whom he has followed from any such aerodrome, in circumstances where he could have arrested that person on the aerodrome.

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

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

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

(6) If and so long as the Authority maintains a constabulary under this section, the Authority shall arrange for the establishment of a conference consisting of representatives of the Authority and of members of the constabulary, to which all questions relating to rates of pay, hours of duty and conditions of service of members of the constabulary shall be referred.

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

(8) If before the vesting date the Authority appoints a constable under this section as from that date, and—

(*a*) at the time when he is so appointed that person is a special constable appointed and sworn in under section 37 of the Civil Aviation Act 1949, and continues to be such until immediately before that date; and

1949 c. 67.

(*b*) the Minister has before that date agreed to his appointment by the Authority,

that person's appointment under the said section 37 shall be deemed to have been terminated by the Minister immediately before that date, and he shall be deemed for the purposes of this section to have made a declaration in accordance with subsection (2) thereof.

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

Thefts by persons employed at aerodromes.

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

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

(*a*) stop, and without a warrant search and arrest any person to whom this section applies whom he has reasonable grounds to suspect of having in his possession or conveying in any manner anything stolen or unlawfully obtained on any such aerodrome; and

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

Control of road traffic.

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

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

(3) An order under this section may exempt from the application of the road traffic enactments particular roads or lengths of roads to which the public does not have access and may require the Authority 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 the Minister of Transport shall consult the Authority.

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

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

(7) In the application of this section to Scotland, for any reference to the Minister of Transport there shall be substituted a reference to the Secretary of State.

Health control.

13.—(1) Without prejudice to his general duties under any Act of Parliament or otherwise, it shall be the duty of the Minister of Health and, to such extent as he may direct, of

the Authority, to make such arrangements as appear to him to be necessary—

(*a*) for preventing danger to public health from aircraft arriving at any aerodrome owned or managed by the Authority, and

(*b*) for preventing the spread of infection by means of any aircraft leaving any such aerodrome, so far as may be necessary or expedient for the purpose of carrying out any treaty, convention, arrangement or engagement with any country.

(2) A local authority may, and shall if the Minister of Health so requires, undertake duties in connection with the execution of any such arrangements as aforesaid, and the Minister of Health shall pay to the local authority such charges as the local authority may reasonably require to be paid in respect of expenses incurred and services provided by the local authority in the performance of such duties.

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

1936 c. 49.

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

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

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

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

(*a*) for any reference to the Minister of Health there shall be substituted a reference to the Secretary of State;

(*b*) in subsection (2), "local authority" means any local authority for the purposes of the Public Health (Scotland) Act 1945 and any port local authority as defined in section 172 of the Public Health (Scotland) Act 1897;

1945 c. 15 (9 & 10 Geo. 6.).

1897 c. 38.

(*c*) subsection (3) shall not apply;

(*d*) in subsection (4), for the reference to section 143 of the Public Health Act 1936 there shall be substituted a

reference to section 1 of the Public Health (Scotland) Act 1945, and in paragraph (*a*) of that subsection for the reference to the Minister there shall be substituted a reference to the Secretary of State. 1945 c. 15 (9 & 10 Geo. 6.).

Control of noise.

14. The Authority shall take such measures as the Minister may direct for limiting noise and vibration or mitigating their effect and, in particular, for restricting the use of any aerodrome owned or managed by the Authority to aircraft and persons complying with the Minister's requirements in that behalf.

Grants towards cost of sound-proofing dwellings.

15.—(1) If it appears to the Minister that dwellings near an aerodrome owned or managed by the Authority require further protection from noise and vibration attributable to the use of the aerodrome than can be given by measures taken or to be taken in pursuance of section 14 of this Act he may by statutory instrument make a scheme requiring the Authority to make grants towards the cost of insulating such dwellings or parts of such dwellings against noise.

(2) A scheme under this section shall specify the area or areas in which dwellings must be situated for the grants to be payable, and the persons to whom, the expenditure in respect of which and the rate at which the grants are to be paid, and may make the payment of any grant dependent upon compliance with such conditions as may be specified in the scheme.

(3) A scheme under this section may require the Authority, in any case where an application for a grant is refused, to give the applicant at his request a written statement of its reasons for the refusal.

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

(5) A scheme under this section may make different provision with respect to different areas or different circumstances and may be varied or revoked by a subsequent scheme under this section.

(6) Before making a scheme under this section the Minister shall consult the Authority.

(7) Any statutory instrument made under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Lost property. 1949 c. 67.

16. Section 56 of the Civil Aviation Act 1949 (custody and disposal of lost property) shall apply to, and to aircraft on, any premises belonging to the Authority or under the control of the Authority as they apply to, and to aircraft on, any premises

belonging to or under the control of the Minister; and for the purposes of that section any vehicle, animal or thing found within an aerodrome owned or managed by the Authority and removed under section 9(5) of this Act shall be treated as having been so found while not in proper custody.

Acquisition and use of land, etc.

Land and rights over land. 1946 c. 49.

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

(2) For the purpose of the acquisition by the Authority of land by agreement the Lands Clauses Acts shall be incorporated with this Act except for sections 127 to 133 (sale of superfluous land), and sections 150 and 151 (access to the special Act) of the Lands Clauses Consolidation Act 1845. 1845 c. 18.

(3) Part I of Schedule 4 to this Act shall have effect as respects the acquisition of land by the Authority.

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

(*a*) section 24 (acquisition of rights over land),

(*b*) section 25 (imposition of restrictions on use of aerodromes),

(*c*) section 26 (control over land), and

(*d*) section 28 (stopping up of highways).

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

(6) Section 82 of the Town and Country Planning Act 1962 (consecrated land and burial grounds) shall have effect in relation to any land acquired by the Authority as it has effect in relation to land acquired by a statutory undertaking under Part V of that Act. 1962 c. 38.

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

(*a*) in subsection (1), for the references to the Acquisition of Land (Authorisation Procedure) Act 1946 and to section 3 of that Act there shall be substituted respectively references to the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 and to section 3 of that Act; 1946 c. 49. 1947 c. 42.

(*b*) in subsection (2), for the references to sections 127 to 133, and to sections 150 and 151, of the Lands Clauses Consolidation Act 1845 there shall be substituted respectively references to sections 120 to 125 and 127, and to sections 142 and 143, of the Lands Clauses Consolidation (Scotland) Act 1845; 1845 c. 18. 1845 c. 19.

(*c*) in subsection (5), the reference to a highway shall include a reference to any public right of way;

(*d*) in subsection (6), for the references to section 82 of the Town and Country Planning Act 1962 and to Part V of that Act there shall be substituted respectively references to section 27 of the Town and Country Planning (Scotland) Act 1945 and to Part III of the Town and Country Planning (Scotland) Act 1947. 1962 c. 38. 1945 c. 33. 1947 c. 53.

Planning decisions given in the interests of the Authority.

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

(*a*) under sections 118 and 119 of the Act of 1962 or section 20 of the Act of 1947 (revocation of planning permission), or

(*b*) under section 123 of the Act of 1962 or section 18 (1) of the Act of 1947 (planning decisions not affecting new development), or

(*c*) under section 170 (1) of the Act of 1962 or Schedule 5, paragraph 1, of the Act of 1947 (undertakers' operational land), or

(*d*) under section 134 (2) of the Act of 1962 or section 18 (3) of the Act of 1947 (purchase notices which do not take effect),

if the liability to pay compensation is attributable to a planning decision which would not have been taken but for the need to secure the safe and efficient operation of an aerodrome owned by the Authority or the protection of persons or buildings from aircraft using such an aerodrome.

(2) Where a purchase notice is served under section 129 of the Act of 1962 or section 17 of the Act of 1947 in respect of a planning decision which would not have been taken but for the need to secure the safe and efficient operation of an aerodrome owned by the Authority or the protection of persons or buildings from aircraft using such an aerodrome, any local authority who are deemed under section 130(2) or 133(1) of the Act of 1962 or subsection (1B) or (2) of the said section 17 to have served a notice to treat in respect of the interest to which the purchase notice relates may, by notice in writing given to the Authority not later than one month from the time when the amount of compensation payable by the local authority for the interest is agreed or determined, require the Authority to purchase that

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

(3) Where a sum equal to any compensation payable by a local planning authority has under subsection (1) of this section become recoverable from the Authority, the local planning authority shall pay to the Authority any amount received by the local planning authority in respect of that compensation under section 122 of the Act of 1962 or section 43 of the Town and Country Planning (Scotland) Act 1954.

1954 c. 73.

(4) Any dispute as to whether a planning decision would not have been taken but for the need to secure the safe and efficient operation of an aerodrome owned by the Authority or the protection of persons or buildings from aircraft using such an aerodrome shall be referred to and determined by the Minister and the Minister of Housing and Local Government or the Secretary of State acting jointly.

(5) In this section—

1962 c. 38.

" the Act of 1962 " means the Town and Country Planning Act 1962;

1947 c. 53.

" the Act of 1947 " means the Town and Country Planning (Scotland) Act 1947;

" planning decision " means a decision made on an application under Part III of the Act of 1962 or Part II of the Act of 1947.

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

Application of enactments relating to statutory undertakers.

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

1944 c. 47. 1946 c. 68.

section 13 (7) of the Town and Country Planning Act 1944 as applied by the New Towns Act 1946,

1945 c. 33.

section 13 (7) of the Town and Country Planning (Scotland) Act 1945 as applied by the New Towns Act 1946,

1946 c. 49.

section 8 (1) of the Acquisition of Land (Authorisation Procedure) Act 1946,

1947 c. 42.

section 7 (1) of the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947,

section 113 (1) of the Town and Country Planning (Scotland) Act 1947,

section 221 (1) of the Town and Country Planning Act 1962,

and in those enactments "the appropriate Minister" shall, in relation to the Authority, mean the Minister.

(2) In subsection (1) of section 61 of the Land Drainage Act 1930 c. 44.
1930 (which protects certain undertakings from works executed under that Act) after paragraph (*e*) there shall be added—

"(*f*) the undertaking of the British Airports Authority."

(3) Subsection (3) of section 39 of the Public Health Act 1936 c. 49.
1936 (which exempts buildings belonging to statutory undertakers from certain drainage requirements) and section 71 of that Act (which exempts such buildings from building regulations) shall apply in relation to the Authority as they apply in relation to statutory undertakers, but as if in the proviso to the said subsection (3) and the proviso to the said section 71 (which exclude from the exemptions houses and buildings used as offices or showrooms) the reference to houses included hotels and the references to offices or showrooms did not include offices or showrooms on any aerodrome owned by the Authority.

(4) Section 330 of the said Act of 1936 (power of certain undertakers in England and Wales to alter sewers) section 333 of that Act (protection of certain undertakings in England and Wales from works executed under that Act) and section 107 of the Public Health (Scotland) Act 1897 (protection of certain 1897 c. 38.
undertakings in Scotland from works connected with sewers) shall apply in relation to the Authority and any aerodrome owned by the Authority as they apply in relation to a railway company and its railway.

(5) Section 93 (protection of certain statutory undertakers) of Schedule 3 to the Water Act 1945 and section 45 (protection 1945 c. 42.
of certain statutory undertakers) of Schedule 4 to the Water 1946 c. 42.
(Scotland) Act 1946 shall, with the necessary modifications, apply in relation to any works along, upon or under any aerodrome owned by the Authority which statutory water undertakers propose to execute, whether or not the said section 93 or the said section 45 has been applied to the undertakers by an order under the said Act of 1945 or the said Act of 1946.

In this subsection "statutory water undertakers", as respects England and Wales, means statutory water undertakers within the meaning of the said Act of 1945 other than a local authority or board supplying water under the Public Health Act 1936 and includes a person authorised to construct works by an order under section 23 of the said Act of 1945; and as respects Scotland, means a local water authority within the meaning of the said Act of 1946.

(6) The Authority shall be deemed to be a statutory undertaker for the purposes of Part III of the Housing Act 1957 and 1957 c. 56.
a public undertaker for the purposes of Part III of the Housing 1950 c. 34.
(Scotland) Act 1950.

Provisions as to telegraphic lines. 1878 c. 76.

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

(*a*) is or is likely to be involved in any work proposed to be done or done by any person in pursuance of an order or direction under section 24 or 26 of the Civil Aviation Act 1949 as applied by section 17 of this Act; or 1949 c. 67.

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

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

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

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

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

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

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

(4) The said section 7 shall not apply by virtue of subsection (2)(*b*) of this section to the alteration of a telegraphic line for the purpose of authority's works as defined in Part II of the Public Utilities Street Works Act 1950. 1950 c. 39.

(5) In this section "telegraphic line" and "alteration" have the same meanings as in the Telegraph Act 1878. 1878 c. 76.

General

Reports and information.

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

(2) The report for any accounting year—

(*a*) shall set out any direction given to the Authority under section 2(6) of this Act during that year, unless the

Minister has notified to the Authority his opinion that it is against the national interest to do so; and

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

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

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

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

Inquiries.

22. The Minister may hold local inquiries for the purposes of his functions under this Act and—

(*a*) subsections (2) to (5) of section 290 of the Local Government Act 1933 (evidence and costs at local inquiries) except so much of subsection (4) as provides for the payment of costs by a local authority which is not a party to the inquiry shall apply to any inquiry held under this section in England or Wales as if it were an inquiry held in pursuance of subsection (1) of that section and as if the Minister were a department as defined in that section; and **1933 c. 51.**

(*b*) subsections (2) to (9) of section 355 of the Local Government (Scotland) Act 1947 (provisions as to local inquiries) except so much of subsection (8) as provides for the payment of expenses by a local authority which is not a party to the inquiry shall apply to any inquiry held under this section in Scotland as if it were an inquiry held in pursuance of subsection (1) of that section. **1947 c. 43.**

Interpretation.

23.—(1) In this Act, unless the context otherwise requires—

"accounting year", in relation to the Authority, includes the Authority's first accounting period, whether shorter or longer than a year and, if the Authority changes its accounting year, includes any accounting period (whether shorter or longer than a year) employed to give effect to the change;

"aerodrome" includes any area or space, whether on the ground, on the roof of a building or elsewhere, which is designed, equipped or set apart for affording facilities for the landing and departure of aircraft capable of descending or climbing vertically;

"land" includes any estate or other interest in land and any easement or servitude;

"local authority", except in section 13, means, in relation to England and Wales, the council of a county, county borough, London borough, or county district, the Greater London Council or the Common Council of the City of London, and in relation to Scotland, any county or town council;

"the Minister" means the Minister of Aviation;

"navigation services" includes information, directions and other facilities furnished, issued or provided for the purposes of or in connection with the navigation or movement of aircraft and also the control of movement of vehicles in any part of an aerodrome used for the movement of aircraft;

"the road traffic enactments" means the enactments (whether passed before or after the commencement of this Act) relating to road traffic, including the lighting and parking of vehicles, and any order or other instrument having effect by virtue of any such enactment;

"vesting date" has the meaning assigned to it by paragraph 1 of Schedule 2 to this Act.

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

Expenses.

24. There shall be paid out of moneys provided by Parliament any expenses incurred by any Minister under this Act and any increase attributable to this Act in the sums so payable under any other Act.

Short title and extent.

25.—(1) This Act may be cited as the Airports Authority Act 1965.

(2) This Act, except paragraph 5 of Schedule 1, does not extend to Northern Ireland.

SCHEDULES

SCHEDULE 1

Section 1.

THE AUTHORITY

Members

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

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

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

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

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

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

3.—(1) The Authority—

(*a*) shall pay to the members thereof such salaries or fees, and such allowances, as the Minister may, with the approval of the Treasury, determine, and

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

and if a person ceases to be a member of the Authority and it appears to the Minister that there are special circumstances which

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make it right that that person should receive compensation the Minister may, with the approval of the Treasury, require the Authority to pay to that person a sum of such amount as the Minister may with the approval of the Treasury determine.

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

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

(*a*) has been absent from meetings of the Authority for a period longer than three consecutive months without the permission of the Authority, or

(*b*) has become bankrupt or made an arrangement with his creditors, or

(*c*) is incapacitated by physical or mental illness, or

(*d*) is otherwise unable or unfit to discharge the functions of a member,

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

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

1957 c. 20.

5. In Part II of Schedule 1 to the House of Commons Disqualification Act 1957 (which specifies the bodies of which the members are disqualified under that Act) in its application to the House of Commons of the Parliament of the United Kingdom, before the entry relating to the British European Airways Corporation there shall be inserted the words " The British Airports Authority ".

Proceedings

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

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

8.—(1) The Authority shall have a common seal, and the fixing of the seal shall be authenticated by the signatures of—

(*a*) the chairman of the Authority or some other member thereof authorised either generally or specially by the Authority to act in his stead for that purpose, and

(*b*) some other person authorised by the Authority, either generally or specially, to act for that purpose.

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

Staff

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

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

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

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

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

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

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

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

Stamp duty

1930 c. 28.

11. For the purposes of section 42 of the Finance Act 1930 (which relates to stamp duty on transfers between associated companies) the Authority shall be deemed to be a company with limited liability.

Section 1.

SCHEDULE 2

TRANSFER OF THE FOUR AERODROMES

1.—(1) Subject to this Schedule, on such date as the Minister may by order contained in a statutory instrument appoint (in this Act referred to as " the vesting date ") all the Minister's land and other property, rights and liabilities comprised in the undertakings represented by the aerodromes mentioned in section 1(6) of this Act (in this Schedule referred to as the four aerodromes) shall by virtue of this Act be transferred to and vest in the Authority in accordance with this Schedule.

(2) Without prejudice to the generality of the foregoing sub-paragraph, the rights of the Minister under any order having effect under Part III of the Civil Aviation Act 1949 and relating to any of the four aerodromes shall by virtue of this Act be transferred to and vest in the Authority.

1949 c. 67.

(3) The reference in sub-paragraph (1) of this paragraph to the Minister's land includes a reference to any land held in right of the Crown or held on trust for the Crown by a Government department, being land which immediately before the vesting date is being managed by the Minister, and references in this Schedule to the Minister's property shall be construed accordingly.

(4) Where the Minister retains possession of any documents relating to the title to any part of any land transferred under this Act to the Authority, the Minister shall be assumed to have given to the Authority an acknowledgment in writing of the right of the Authority to production of that document and to delivery of copies thereof and, so far as relates to land in England, section 64 of the Law of Property Act 1925 shall have effect accordingly, and on the basis that the acknowledgment did not contain any such expression of contrary intention as is mentioned in that section.

1925 c. 20.

(5) In relation to the transfer under this paragraph (or otherwise under this Act) of any land or heritable rights in Scotland the following provisions shall have effect :—

(*a*) for the purposes of any enactment relating to the completion of title to heritable property this paragraph shall have effect as if it were a general disposition, or, as the case may require, a general assignation, granted on the vesting date by the Minister in favour of the Authority and applying to the land or heritable rights so transferred ;

(*b*) sub-paragraph (4) of this paragraph shall have effect as if for the words from " an acknowledgment in writing " to

the end there were substituted the words " an undertaking to produce those documents to the Authority (on a proper receipt and undertaking to re-deliver) for the purpose of enabling the Authority to maintain and defend its rights in respect of that part of the land which has vested in it."

2.—(1) The foregoing paragraph shall not apply to such property as the Minister may by a direction designate as required by him for the provision of navigation services.

(2) A direction under this paragraph may provide for the creation in favour of the Minister of such rights, whether or not capable of subsisting as legal estates in land, as may appear to the Minister expedient for the purpose of facilitating the use and operation of the buildings, works, apparatus and equipment comprised in any direction under this paragraph.

(3) A direction under this paragraph shall not be given more than three months after the vesting date.

(4) In the application of this paragraph to Scotland, in subparagraph (2) for the reference to legal estates in land there shall be substituted a reference to estates in land.

3.—(1) The Minister may give such directions applying or excluding the provisions of paragraph 1 of this Schedule as appear to him expedient—

(*a*) for the purpose of making minor adjustments of the property, rights and liabilities to which it applies in order to facilitate the discharge by the Authority of its functions under this Act, or

(*b*) for the purpose of removing uncertainty as to the application of that paragraph to any property, rights or liabilities and of facilitating registration under the Land Registration Act 1925 of the Authority's title to any land in England transferred by this Schedule. 1925 c. 21.

(2) A direction under this paragraph may provide in particular for dividing and apportioning any rights or liabilities between the Minister and the Authority.

(3) A direction under this paragraph shall not be given more than three months after the vesting date.

(4) In the application of this paragraph to Scotland, in subparagraph (1)(*b*) for the words from " and of facilitating registration " to the end there shall be substituted the words " and of facilitating the completion of the title of the Authority to any land or heritable rights in Scotland transferred by this Schedule ".

4.—(1) A certificate issued by the Minister to the effect that any of the Minister's property, rights or liabilities were or were not transferred to the Authority by paragraph 1 of this Schedule shall be conclusive evidence that the property, rights or liabilities were or were not so transferred.

(2) The issue of a certificate under this paragraph shall not prevent a subsequent direction under paragraph 2 or paragraph 3 of this Schedule relating to the property, rights or liabilities to which the certificate relates.

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5.—(1) The Minister shall consult the Authority before giving a direction or issuing a certificate under this Schedule.

(2) A direction or certificate under this Schedule shall be in writing, and the Minister shall send a copy of any such direction or certificate to the Authority.

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

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

(3) Without prejudice to sub-paragraph (1) of this paragraph, where, by the operation of this Schedule, any right or liability becomes a right or liability of the Authority, the Authority and all other persons shall, as from the vesting date, have the same rights, powers and remedies (and in particular the same rights, powers and remedies as to taking or resisting legal proceedings or the making or resisting of applications to any authority) for ascertaining, perfecting or enforcing any right or liability as they would have had if it had at all times been the right or liability of the Authority, and any legal proceedings or applications pending at the vesting date by or against the Minister, in so far as they relate to any property, right or liability transferred to the Authority under this Schedule, or to any agreement, instrument or document which has effect in accordance with this Schedule, shall be continued by or against the Authority to the exclusion of the Minister.

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

1895 c. 16.
1946 c. 64.

7. Nothing in section 12 of the Finance Act 1895 (which requires certain Acts to be stamped as conveyances on sale), or in section 52 of the Finance Act 1946 (which exempts from stamp duty certain documents connected with nationalisation schemes), shall be taken as applying to this Act.

1952 c. 10.

8. For the purposes of Part X of the Income Tax Act 1952 (which confers relief from income tax in respect of certain capital expenditure) the transfer by this Schedule of any assets shall be deemed to be a sale thereof by the Minister to the Authority in the open market at prices equal to the net book value of those assets (that is to say, the values after deducting depreciation) as shown in the books by reference to which the final accounts of the four aerodromes are made up by the Minister; but no initial allowance shall be made under any of the provisions of the said Part X in respect of any of those assets.

SCHEDULE 3

Section 9.

BYELAWS

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

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

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

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

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

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

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

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

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

7. The production of a printed copy of a byelaw purporting to be made by the Authority upon which is endorsed a certificate purporting to be signed by a person authorised in that behalf by the Authority stating—

(*a*) that the byelaw was made by the Authority,

(*b*) that the copy is a true copy of the byelaw,

(*c*) that on a specified date the byelaw was confirmed by the Minister,

(*d*) the date, if any, fixed by the Minister for the coming into operation of the byelaw,

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

Section 17.

SCHEDULE 4

LAND AND RIGHTS OVER LAND

PART I

ACQUISITION OF LAND BY AUTHORITY

Entry for purposes of survey

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

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

1949 c. 67.

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

Displacements from land

2.—(1) Where the Authority has acquired land for purposes connected with the discharge of its functions, and the use of the land by the Authority for those purposes will involve the displacement of persons residing in premises on the land, it shall be the duty of the Authority, in so far as there is no other residential accommodation available on reasonable terms to the persons who require it in consequence of the displacement, being residential accommodation suitable to the reasonable requirements of those persons, to secure the provision of such accommodation.

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

(3) Subsection (3) of section 31 of the Act of 1949 shall apply in relation to any person displaced as mentioned in sub-paragraph (1) of this paragraph as it applies in relation to any person displaced as mentioned in that subsection, but as if references to the Minister were references to the Authority.

Statutory undertakers' land

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

PART II SCH. 4

ORDERS RELATING TO CONTROL OF LAND

Creation of rights over land and control of civil aerodromes

4.—(1) In section 24 of the Act of 1949 references to land vested in the Minister or which he proposes to acquire shall include references to land vested in the Authority or which the Authority proposes to acquire, and any rights created by an order made by virtue of this paragraph shall be rights in favour of the Authority.

(2) Any compensation payable under subsection (4) of that section or Part III of Schedule 1 to that Act in consequence of an order made by virtue of this paragraph shall be paid by the Authority instead of the Minister.

(3) In subsection (5) of that section the reference to the consent of the Minister shall, in relation to an order made by virtue of this paragraph, be construed as a reference to the consent either of the Minister or of the Authority.

(4) Notwithstanding subsection (9) of that section, proceedings for an offence under that section in relation to an order made by virtue of this paragraph may be instituted in England and Wales by the Authority without the consent of the Minister or the Director of Public Prosecutions.

5.—(1) In section 25 of the Act of 1949 references to any aerodrome vested in the Minister or under his control shall include references to any aerodrome owned or managed by the Authority.

(2) Notwithstanding subsection (6) of that section, proceedings for an offence against an order under that section made by virtue of this paragraph may be instituted in England and Wales by the Authority without the consent of the Minister or the Director of Public Prosecutions.

(3) Any compensation payable under Schedule 2 to that Act in consequence of any order made by virtue of this paragraph shall be paid by the Authority instead of the Minister.

6.—(1) For paragraph 1 of Schedule 1 to the Act of 1949 as it applies in relation to orders made by virtue of paragraph 4 or 5 of this Schedule on the application of the Authority there shall be substituted the following paragraph—

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

(*a*) shall publish in one or more newspapers circulating in the district in which the land is situated, and

(*b*) shall serve on every owner, lessee and occupier of any of the land and upon every local authority within whose area any of the land is situated,

a notice stating that the Authority proposes to apply for the order and the effect thereof and specifying the time (not being less than twenty-eight days from service of the notice) within which and the manner in which objections to the making of the order may be made."

SCH. 4

(2) In the case of an order made by virtue of paragraph 4 or 5 of this Schedule, the notice to be published under paragraph 5 of the said Schedule 1 shall be published by the Authority and not by the Minister.

Control over land in interests of civil aviation

7.—(1) In section 26 of the Act of 1949 references to any land, structures, works or apparatus vested in the Minister or which he proposes to acquire or install shall include references to any land, structures, works or apparatus vested in the Authority or which the Authority proposes to acquire or install.

(2) In the case of a direction given by virtue of this paragraph, it shall be for the Authority instead of the Minister to give the notices required by paragraph 1 of Schedule 3 to the Act of 1949.

(3) Any compensation payable under that Schedule in consequence of a direction given by virtue of this paragraph shall be paid by the Authority instead of the Minister.

Stopping up and diversion of highways

8. In section 28 of the Act of 1949 references to land vested in the Minister or which he proposes to acquire shall include references to land vested in the Authority or which the Authority proposes to acquire.

Supplementary

9.—(1) It shall be for the Authority, instead of the Minister, to act under section 33(2) of the Act of 1949 (local land charges) as regards any order or direction made or given by virtue of paragraph 4, 5 or 7 of this Schedule.

(2) Paragraph 1 of this Schedule shall apply where the Minister has made an order under section 24 or section 26 of the Act of 1949 by virtue of the foregoing provisions of this Schedule, or has under consideration the making of any such order, as it applies where the Minister has confirmed an order authorising the Authority to acquire land compulsorily and, except as provided by that paragraph, section 29 of that Act (powers of entry) shall not apply in relation to any such order under the said section 24 or 26.

(3) Paragraph 2 of this Schedule shall apply where the Minister gives a direction under section 26 of the Act of 1949 by virtue of the foregoing provisions of this Schedule, being a direction the execution of which will involve the displacement of persons residing in premises on the land to which the direction relates, as it applies where the Authority has acquired land for purposes connected with the discharge of its functions and, except as provided by that paragraph, section 31 of that Act (displacements from land) shall not apply in relation to any such direction.