CABINET

CIVIL AVIATION BILL

Memorandum by the Parliamentary Secretary to the Ministry of Civil Aviation

In the absence abroad of my Minister I submit (appended to this Paper) the draft Civil Aviation Bill. This Bill was referred to in the Legislative Programme as the Air Transport Bill.

2. The proposals in the Bill were submitted to the Lord President's Committee in L.P.(46) 14 and received the general approval of that Committee on 25th January (L.P.(46) 3rd Meeting, Minute 2).

3. I ask for permission to introduce the Bill in the House of Commons during the present month or the first week of April. If the Bill is approved I also ask to be allowed to make any amendments of a minor or drafting nature which may be found desirable after it has been approved and before its introduction.

Scope of the Bill

4. The Bill has two main purposes, the first to reserve scheduled air services to three statutory corporations, and the second to authorise the Minister of Civil Aviation to acquire aerodromes for use, primarily, by these statutory corporations and in particular cases by foreign air lines also. Certain supplementary provisions relating to matters connected with air transport services and the use of aerodromes have been included in the Bill.

Summary of the provisions of the Bill

Part I - Air Services

5. The three statutory corporations to which scheduled services are to be entrusted are:

(i) The existing British Overseas Airways Corporation, established under the British Overseas Airways Act, 1939. This corporation will operate services within the British Commonwealth and Empire and to the Far East. Its maximum capital is to be fifty million pounds.

(ii) A new corporation, to be called the British European Airways Corporation. It will operate services in Europe including the internal services of the British Isles. Its maximum capital is to be twenty million pounds.
(iii) Another new corporation, to be called the British South American Airways Corporation. This will operate services between the United Kingdom and South America. Its maximum capital is to be ten million pounds.

6. The continuity of the British Overseas Airways Corporation is not to be interrupted and accordingly the Act of 1939 is not being repealed, although certain of its provisions are cancelled or modified by the Bill. The two new corporations are to be modelled upon that corporation.

7. Part I of the Bill is based upon the Act of 1939, the chief alteration being the reservation (by Clause 22) of scheduled air services for the three corporations. Other important modifications are (i) the wider powers of control given to the Minister in Clause 3, (ii) the provision in Clause 18 that each corporation should set up joint consultative machinery for settling terms and conditions of employment, and (iii) the provision in Clause 19 that the Minister may require the three corporations to establish for their employees joint pension schemes and other benefit schemes, to which members of the existing B.O.A.C. schemes will be allowed to transfer.

8. Provision is made for Exchequer grants up to 31st March 1956, the maximum aggregate figures being, for all the corporations, ten million pounds for the period to 31st March 1947 and also for the year ending 31st March 1948, and eight million pounds for each year thereafter.

9. The spheres of operation of the corporations are not defined in the Bill. They may overlap in certain areas and it is intended that the allocation of routes and services shall be made by the Minister.

10. Foreign operators will be allowed to run scheduled air services to the United Kingdom in accordance with the terms of inter-governmental agreements.

11. The functions of the corporations are to provide scheduled air services and to do all other forms of aerial work, including work on charter terms.

12. A general power is given to each corporation to do whatever is necessary for facilitating the discharge of its functions. In view, however, of the need for giving some indication of the principal powers included in the general power, twenty-one of those powers have been specified in Clause 2 (2) of the Bill. The exercise of these powers will be subject to the Minister’s control—see paragraph 17 below.

13. In accordance with policy announced in the White Paper on British Air Services (Cmd. 6712), aerial charter work is not reserved in the Bill to the statutory corporations. Independent operators are at liberty to compete with the corporations in that field, provided that they maintain terms and conditions of employment in accordance with a formula recommended by the Ministry of Labour and National Service. Clause 38 is based on that formula.

14. Much care has had to be given to defining the border line between scheduled air services, which are reserved to the corporations, and charter work, in which the corporations will compete with other operators. The chief task has been to ensure that an independent operator will not be able to run a regular service under the guise of charter work.
15. Clause 22 of the Bill attempts to solve the problem by imposing two conditions on journeys by aircraft for hire or reward. The conditions are, firstly, that no person other than the corporations shall be allowed to make advance announcements concerning the time of departure or the destination of his aircraft and, secondly, that no person or group of persons shall be allowed to contract for the hire of less than the whole capacity of an aircraft which is not operated by the corporations. Power to obtain information for the purpose of enforcing these conditions is provided for in Clause 23.

16. The Minister, to whom clauses 22 and 23 have been telegraphed, has asked for his position to be reserved until he has had an opportunity of studying them on his return on the 19th March.

17. The Minister is given general powers of control over the activities of the corporations. Clause 3 (1) enables him to limit the powers of the corporations by an order which will not be laid before Parliament, but will be published in accordance with the appropriate procedure proposed in the Statutory Instruments Bill. Clause 3 (2) enables him to give directions, without formal instrument, to any of the corporations after consultation with the chairman of the corporation. Clause 3 (2) is modelled on the corresponding provision in the Bank of England Act. The members of the British Overseas Airways Corporations (other than the Chairman, who is abroad) have been consulted about Clause 3 and have accepted its provisions, although they felt that the Minister's powers of control were too wide.

Part II - Land

18. This part of the Bill is designed to give to the Minister power to acquire all the aerodromes necessary for use by the statutory corporations and such other land, away from aerodromes, as may be required for radio installations for air navigation purposes.

19. Provision is also made (Clauses 27 and 29) for powers to acquire rights over land in the vicinity of those aerodromes and to restrict the use of such land so far as is necessary to ensure the safety of aircraft approaching or leaving and also, in the case of radio installations, to ensure absence of local interference with the transmissions from such installations.

20. Clause 28 of the Bill gives to the Minister of Transport powers to stop up or divert and to reprovide highways which cross, or are made dangerous by the use of, aerodromes vested in the Minister of Civil Aviation. I understand that he has agreed to exercise these powers, provided that the cost is borne on the Ministry of Civil Aviation vote.

21. Re-housing of tenants evicted from houses on land acquired for aerodromes is dealt with in Clause 32, which requires the Minister of Civil Aviation to provide or arrange for housing accommodation if he thinks such action desirable. I understand that the Minister of Health has no power to ensure that such persons will be re-housed and that he does not object to the provisions of Clause 32.
22. I must point out to the Cabinet the extremely wide nature of the powers conferred by clauses 27 to 29, and also by Clause 30 (which relates to the removal of burial grounds) clause 31 (which gives a power of entry for the purpose of survey) and clause 32. Some or all of these powers will be required not only in connection with Heathrow aerodrome, but also in connection with other State aerodromes. The issue to be decided, therefore, is whether these powers should be taken generally in a public bill, or acquired piecemeal by a series of bills relating to particular aerodromes. I seek the approval of the Cabinet for the principle that they should be taken generally, once for all.

23. I am advised that the powers contained in Part II of the Bill will be sufficient for the purpose of acquiring and developing the London Airport at Heathrow and that if they are granted by Parliament the Heathrow (Acquisition of Land) Bill, listed in the Legislative Programme, will not be necessary. On the assumption that the Civil Aviation Bill goes forward in its present general form it is proposed to drop the Heathrow Bill.

24. Where land is compulsorily acquired for the purposes of Part II of the Bill the procedure closely resembles that laid down in the Distribution of Industry Act, 1945, and the Acquisition of Land (Authorisation Procedure) Bill. In the case of land of statutory undertakers, local authorities and the National Trust, compulsory acquisition will be by order subject to special Parliamentary procedure.

25. Compensation for the compulsory purchase of land will be assessed in accordance with the relevant provisions of the Acquisition of Land (Assessment of Compensation) Act 1919, the Town and Country Planning Act 1944 and the Requisitioned Land and War Works Act 1945.

Part III - Miscellaneous

26. In Part III, I must direct special attention to Clause 36, under which the Minister is to be given power to impose restrictions on flying from aerodromes in the vicinity of State aerodromes. The Air Navigation Act, 1920 gives the Minister a power to license aerodromes, and refusal of such a licence would not attract compensation. But this power is conferred solely for the purposes of the Paris Convention, and I do not think it could properly be used for the purpose of protecting a State aerodrome. I have therefore thought it right to seek a new power for this purpose and to provide that aerodrome owners whose interests are injured by the exercise of the power should receive compensation, except where the aerodrome was established after the passing of the Bill and without the Minister’s consent.

27. The establishment of an Air Transport Advisory Council is provided for in Clause 35. This Council will not itself fix fares and freight rates but will make recommendations to the Minister on these and other matters relating to air transport. The Minister will decide whether effect is to be given to the Council’s recommendations.

28. The provisions of the Bill cover England and Wales, Scotland and Northern Ireland, and will be extended to the Channel Islands and the Isle of Man by Orders in Council. The Channel Island representatives pressed, on constitutional
grounds, for this course to be taken, although they affirmed their willingness to be brought within the reservation of scheduled air services and other provisions of the Bill; and the Manx representatives took the same line.

A SPECIAL POINT ON THE BILL

29. Clause 4 (1) requires the three corporations to use aircraft, airframes and aero-engines designed and manufactured within His Majesty's Dominions unless the Minister waives that requirement. The President of the Board of Trade feels that the enactment into law of such a provision would be very unfortunate at the present time, since it would be regarded abroad as foreshadowing a policy of extreme protection for British manufactures and 100 per cent. preference to Empire manufacture by nationalised enterprises at a time when we are about to embark on an international Conference on Trade and Employment on the basis of the United States proposals with which His Majesty's Government have declared themselves to be 'in full agreement on all important points'. He asks for the substitution of a sub-clause requiring the corporations to obtain the Minister's consent to their acquisition of aircraft and components generally; it would then be open to the Minister to give a general permit to the corporation to acquire aircraft manufactured in the Empire, while his specific approval would still have to be obtained for foreign acquisitions.

30. It is laid down in the White Paper "British Air Services", (Cmd. 6712) paragraph 27, that "it will be the general policy of His Majesty's Government to require the Corporations to use British aircraft types". The industry will certainly expect this policy to be translated into law.

31. I propose that "United Kingdom" be substituted for "His Majesty's Dominions" in Clause 4 (1). This should go some way towards meeting the President of the Board of Trade, but apart from this modification I feel bound to press for the Clause as it stands.

I.T.

Ministry of Civil Aviation,
Ariel House, W.C.2.

14th March, 1945.
ARRANGEMENT OF CLAUSES.

PART I.

THE THREE CORPORATIONS.

The British European Airways Corporation and the British South American Airways Corporation.

Clause.
1. Establishment and constitution of British European Airways Corporation and British South American Airways Corporation.

Functions of the three corporations.
2. Functions of the three corporations.
3. Limitation of powers of corporations and control of corporations by the Minister.
4. Employment of Empire goods and personnel.
5. Saving for licensing provisions of 26 Geo. 5 & 1 Edw. 8. c. 44.

Borrowing powers.
7. Provisions as to stock of the new corporations.
8. Power of Treasury to guarantee stock and temporary loans of the new corporations.
9. Limitation of borrowing powers of the three corporations.

Exchequer grants.
10. Initial Exchequer grants to the three corporations.
11. Further Exchequer grants to the three corporations.
12. Revision of Exchequer grants to the three corporations.
13. Exchequer grants to associates of the three corporations.
15. Expenses and receipts of Minister.

General financial provisions.
16. Reserve funds.
17. Application of revenues.
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Staff, wages, pensions, etc.

Clause.
18. Employment of staff, and terms and conditions of employment.
19. Pensions, etc.

Accounts, reports and information.
20. Accounts and audit.

Reservation of certain air services to the three corporations and their associates.
22. Reservation of certain air services to the three corporations and their associates.
23. Power of Minister to require information.

Powers of the Minister in case of emergency.
24. Powers of the Minister in case of emergency.

Amendments and adaptations of the British Overseas Airways Act, 1939.
25. Amendments and adaptations of 2 & 3 Geo. 6. c. 61.

PART II.

POWERS OF MINISTERS IN RELATION TO LAND.
26. Powers of Minister as to acquisition of land, etc.
27. Power of Minister to acquire rights over land.
28. Power of Minister of Transport to stop up and divert highways, etc., in the interests of civil aviation.
29. Power of Minister to impose restrictions on land in the interest of civil aviation.
30. Supplementary powers of Ministers in relation to land.
32. Provision of housing accommodation for persons displaced on the acquisition of land for civil aviation purposes.
33. Special provisions relating to statutory undertakers.
34. Expenses.

PART III.

GENERAL, MISCELLANEOUS AND SUPPLEMENTAL PROVISIONS.
Air Transport Advisory Council.
35. Air Transport Advisory Council.
Aerodromes.

Clause.
36. Power of Minister to prohibit or restrict use of aerodromes.
37. Sanitary control services at aerodromes.

Miscellaneous provisions.
38. Terms and conditions of employment of persons employed in air transport undertakings.
39. Recording and registration of births and deaths on aircraft.
40. Power to appoint special constables.
41. Custody and disposal of lost property.
42. Amendment of 26 Geo. 5. and 1 Edw. 8. c. 44.

Supplemental.
43. Provisions as to offences.
44. Registration of certain orders in the register of local land charges.
45. Variation and revocation of orders.
46. Interpretation.
47. Application to Scotland.
48. Application to Northern Ireland.
49. Application to Channel Islands and Isle of Man.
50. Short title.

Schedules.
First Schedule.—Supplementary provisions as to the three corporations.
Second Schedule.—Provisions of the British Overseas Airways Act, 1939, which are to cease to have effect.
Third Schedule.—Compulsory Purchase Orders.
Fourth Schedule.—Adjustments of the functions of statutory undertakers.
DRAFT OF A BILL

Make further provision with respect to civil aviation, and, in particular, to secure the development of air transport services by corporations operating under public control.

BE it enacted by the King'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.

THE THREE CORPORATIONS.

The British European Airways Corporation and the British South American Airways Corporation.

1.—(1) With a view to securing the more efficient execution of the national policy for providing civil air services in various parts of the world, and, in particular, in Europe (including the British Islands) and upon routes between the United Kingdom and South America, there shall forthwith be established two corporations to be known respectively as "the British European Airways Corporation" and "the British South American Airways Corporation."

The said corporations are hereinafter referred to jointly as "the new corporations" and severally as "the new corporation"; and the new corporations and the British Overseas Airways Corporation are hereinafter referred to as "the three corporations".

(2) The new corporation shall consist of a chairman, a deputy chairman, and such number of other members, not being less
PART I. —cont.

Functions of the three corporations.

2.—(1) Each of the three corporations shall, subject to the provisions of this Act, have power to provide air transport services and to carry out all other forms of aerial work, and may provide such services or carry out such work, whether on charter terms or otherwise, in any part of the world; and it shall be the duty of each of the said corporations to exercise those powers so as to secure that the air services which they have power to provide are developed to the best advantage, and, in particular, to exercise those powers so as to secure that the services provided by the corporation are provided at reasonable charges.

(2) Each of the three corporations shall have power, subject as hereinafter provided, to do anything which is calculated to facilitate the discharge of their functions under the preceding subsection, or is incidental or conducive thereto, including in particular, but without prejudice to the generality of this provision, power—

(i) to acquire aircraft, parts of aircraft and aircraft equipment and accessories;

(ii) to acquire or construct buildings and repair shops;

(iii) to acquire ground plant and ground equipment, including lights, beacons and ground wireless installations;

(iv) to sell, let or otherwise dispose of any property belonging to them;

(v) to manufacture aircraft equipment and accessories;

(vi) to carry out repairs to aircraft, to aero-engines and to aircraft equipment and accessories;

(vii) for the purpose of carrying out any such repairs, to manufacture parts of air-frames and of aero-engines;

(viii) to enter into arrangements for the establishment or maintenance of air transport services to be operated, in
collaboration with the corporation or otherwise, by other persons, or any arrangement for the pooling of receipts or profits with other persons operating air transport services;

(ix) to act as agents for any other undertaking engaged in the provision of air transport services, or engaged in other activities of a kind which the corporation have power to carry on;

(x) to establish and maintain hotels, restaurants and other establishments for the provision of lodging and refreshment;

(xi) to provide housing or other accommodation for employees of the corporation;

(xii) to provide facilities for the transport of passengers to or from aerodromes and for the collection, delivery and storage of baggage and freight;

(xiii) to make, with persons carrying on the business of providing any facilities for passengers or freight in connection with transport services, arrangements for the provision of such facilities;

(xiv) to acquire any undertaking constituted for the purpose of providing air transport services or of engaging in any other activities of a kind which the corporation have power to carry on, or to acquire, hold or have any shares or stock of, or any financial interest in, any such undertaking;

(xv) to promote the formation of any such undertaking as is mentioned in the last preceding paragraph;

(xvi) to lend money to, or enter into guarantees for the benefit of, any such undertaking as is mentioned in the last two preceding paragraphs;

(xvii) to carry out experimental work, and conduct, promote and encourage education and research in connection with the operation of air transport services;

(xviii) to make arrangements, either alone or in collaboration with other undertakings, for the giving of instruction and training in the duties of air crews and the operation of air transport services;

(xix) to appoint advisory boards or committees and local boards or committees to assist in the discharge of the functions of the corporation, and to remunerate the members of such boards and committees;

(xx) to enter into agreements with the government of any country;

(xxi) to promote Bills in Parliament.
A.D. 1946.

PART I.

Limitation of powers of corporations and control of corporations by the Minister.

(3) Save as expressly provided in the preceding provisions of this section, none of the three corporations shall have power to manufacture air-frames or aero-engines or parts of air-frames or aero-engines.

3.—(1) The Minister may, by an order relating to any of the three corporations, limit the powers of the corporation, to such extent as he thinks desirable in the public interest, by providing that any power of the corporation specified in the order shall not be exercisable except in accordance with a general or special authority given by him.

(2) It shall be the duty of each of the three corporations to exercise the functions of the corporation in accordance with such directions as may from time to time be given to the corporation by the Minister after consultation with the chairman of the corporation, being directions which the Minister thinks necessary in the public interest; and, without prejudice to the generality of this provision, the Minister may in particular, if he thinks it necessary in the public interest so to do, direct any of the three corporations to undertake or discontinue any activity which they have power to undertake:

Provided that in the case of any activity which would require the grant or variation of a licence under any Order in Council made under section five of the Air Navigation Act, 1936 (which relates to the licensing of air transport and commercial flying), any direction of the Minister to undertake that activity shall in the first instance be a direction to apply for the necessary licence or variation.

Employment of Empire goods and personnel.

4.—(1) None of the three corporations shall, except with the approval of the Minister or in accordance with the terms of any general authority given by him, use in connection with any service operated by them any aircraft, airframes or aero-engines designed or manufactured outside His Majesty’s dominions, or any aircraft accessories so manufactured or any equipment so manufactured.

(2) Without prejudice to their general duty to comply with directions given by the Minister under this Part of this Act, each of the three corporations shall in particular comply with such directions as may from time to time be given by the Minister for securing that, to such extent and in such cases as may be specified in the directions, aircraft used by the corporation in connection with any service operated by them shall be registered in some part of His Majesty’s dominions, and for securing that pilots and other persons employed in any capacity by the corporation shall be British subjects and shall have, or have had, such connection with the armed forces of His Majesty as may be so specified.

5. Nothing in this Act shall be construed as exempting any of the three corporations, or any person employed by any of those corporations, from compliance with the provisions of any Order in Council made under section five of the Air Navigation Act, 1936.
Borrowing powers.

6.—(1) The new corporation may, with the consent of the Treasury, or in accordance with the terms of any general authority given by the Treasury, borrow temporarily, by way of overdraft or otherwise, such sums as they may require for meeting their obligations and discharging their functions under this Act.

(2) Subject to the provisions of this Act, the new corporation may, with the consent of the Treasury, borrow money by the issue of stock for all or any of the following purposes, that is to say—

(a) the provision of working capital;
(b) the promotion of other undertakings, the acquisition of other undertakings or of shares or stock of other undertakings, and the making of loans to, and the fulfilment of guarantees given for the benefit of, other undertakings;
(c) the redemption of any stock which they are required or entitled to redeem; and
(d) any other expenditure properly chargeable to capital account, including the repayment of any money temporarily borrowed, under subsection (1) of this section, for any of the purposes mentioned in the preceding paragraphs of this subsection.

7.—(1) The new corporation may create and issue any stock required for the purpose of exercising their powers under the last preceding section, and may also, with the consent of the Treasury, create and issue stock which is to be allotted as consideration for the acquisition of other undertakings or of shares or stock in other undertakings.

(2) Stock issued by the new corporation and the interest thereon shall be charged on the undertaking and all property and revenues of the corporation.

(3) Subject to the provisions of this Act, the stock of the new corporation shall be issued, transferred, dealt with and redeemed upon such terms and in accordance with such regulations as the Minister, with the approval of the Treasury, may prescribe, and any such regulations may, in relation to any such stock, apply with or without modifications any provisions of the Local Loans Act, 1875, or of any enactment relating to stock issued by a local authority.

8.—(1) The Treasury may guarantee, in such manner and on such conditions as they think fit, the redemption or repayment of, and the payment of any interest on, any stock issued, or temporary loan raised, by the new corporation under this Act.

Power of Treasury to guarantee stock and temporary loan.
PART I.

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loans of the
new corpor-
ations.

(2) Any sums required by the Treasury for fulfilling a guarantee given under this section shall be charged on and issued out of the Consolidated Fund of the United Kingdom, or the growing produce thereof (hereinafter referred to as "the Consolidated Fund"), and any sums received by way of repayment of any sums so issued, or by way of interest thereon, shall be paid into the Exchequer.

(3) The undertaking and all property and revenues of the new corporation shall be charged with the repayment of any sums so issued out of the Consolidated Fund, including interest thereon at such rates as the Treasury may determine; and any such charge shall rank—

(a) where the charge is a charge for the repayment of sums issued out of the Consolidated Fund in respect of stock, next after the principal and interest of the stock and any sums which the corporation are bound to set aside towards the repayment of the stock, and in priority to any other charge not existing at the date of the issue of the stock; and

(b) where the charge is a charge for the repayment of sums issued out of the Consolidated Fund in respect of a temporary loan, next after the principal and interest of the loan, and in priority to any other charge not existing at the date of the raising of the loan.

(4) Immediately after any guarantee is given under this section, the Treasury shall lay a statement of the guarantee before each House of Parliament.

(5) Where any sum is issued out of the Consolidated Fund under this section, 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 an account of that sum and of any sums received, before the end of the financial year which ended last before the laying of the account, by way of repayment thereof or by way of interest thereon.

9.—(1) Subject as hereinafter provided, the aggregate of the amounts outstanding in respect of the principal of any stock issued and of any temporary loans raised by the British European Airways Corporation shall not at any time exceed twenty million pounds.

(2) Subject as hereinafter provided, the aggregate of the amounts outstanding in respect of the principal of any stock issued and of any temporary loans raised by the British South American Airways Corporation shall not at any time exceed ten million pounds.
Subject as hereinafter provided, the aggregate of the amounts outstanding in respect of the principal of any Airways Stock issued and of any temporary loans raised by the British Overseas Airways Corporation shall not at any time exceed £50 million pounds.

Nothing in this section shall prevent any of the three corporations from borrowing in excess of the limit prescribed by the preceding provisions of this section for the purpose of redeeming any stock of the corporation which they are required or entitled to redeem, or of paying off any temporary loan.

Exchequer grants.

10.—(1) If the Minister is satisfied that the expenditure of any of the three corporations on revenue account, during the period beginning with the passing of this Act and ending with the thirty-first day of March, nineteen hundred and forty-seven, has exceeded the revenue of the corporation during that period, he may, with the consent of the Treasury, make to the corporation a grant not exceeding the amount of the excess:

Provided that the total amount of the grants made by the Minister under this subsection to all three corporations shall not exceed ten million pounds.

(2) The Minister may advance to any of the three corporations such sums as he thinks fit on account of grants which may ultimately become payable to the corporation under the preceding subsection:

Provided that any such advance shall be provisional only, and when it is ascertained whether any and if so what grant falls to be paid to the corporation under the preceding subsection, such adjustments shall be made, either by way of payments by the corporation to the Minister or otherwise, as are necessary to secure that the sums ultimately received by the corporation under this section are no greater than they would have been if no such advance had been made.

11.—(1) In respect of the financial year beginning with the first day of April, nineteen hundred and forty-seven, and each subsequent financial year which expires before the first day of April, nineteen hundred and fifty-six, each of the three corporations shall, at such time before the beginning of the year as the Minister may direct, submit to the Minister—

(a) a programme of the air transport services which the corporation propose to provide during that year and of the other activities in which the corporation propose to engage during that year; and
(b) an estimate of the revenue to be received by the corporation during that year and of the expenditure to be incurred by them on revenue account during that year.

(2) Every programme and estimate so submitted shall be in such form and shall contain such particulars, and every estimate so submitted shall be made upon such basis, as the Minister may, with the approval of the Treasury, direct.

(3) The Minister shall, in consultation with the corporation concerned, consider every programme and estimate so submitted to him, and may require modifications to be made to any such programme or estimate.

(4) If the Minister is satisfied with any such programme and estimate (whether as originally submitted to him or as modified in pursuance of any requirement made by him), he may, with the consent of the Treasury, approve that programme and estimate for the purposes of this section.

(5) Where the Minister has approved an estimate for the purposes of this section, and it appears from the estimate that the expenditure on revenue account of the corporation concerned during the financial year to which the estimate relates will be in excess of their revenue during that year, the Minister and the Treasury shall determine whether any Exchequer grant should be made to the corporation concerned for the year in question, and, if such a grant is to be made, the basis on which the amount thereof is to be calculated; and the Minister shall, at the conclusion of the year, make to the corporation such grant, if any, as falls to be made upon that basis.

(6) If having regard to any estimate approved by him for the purposes of this section it appears to the Minister to be expedient so to do he may, notwithstanding that the year to which the estimate relates is not yet ended, make to the corporation concerned such payments as the Treasury may approve on account of any grant which he may subsequently become authorised to make to the corporation for that year under the preceding provisions of this section.

Any such payment shall be provisional only, and, when it is determined whether any and if so what grant ultimately falls to be made to the corporation for the year under the preceding provisions of this section, shall be subject to adjustment, either by way of payments to the corporation by the Minister, or payments to the Minister by the corporation, as the case may require.

(7) In this section—
   (a) the expression "revenue" does not include any grant which may be made by the Minister under this Act; and
(6) the expression "expenditure" in relation to any estimate, includes any sum thereby proposed to be set aside or allocated for any purpose, other than a sum which would fall to be charged to capital account.

5 12.—(1) If, after the Minister and the Treasury have made any revision of determination for the purposes of subsection (5) of the last preceding section, it appears that any material assumption is, or is likely to be, at variance with the facts, the corporation concerned may, and shall if the Minister so requires, submit to the Minister a statement giving particulars of the discrepancy.

In this subsection the expression "material assumption", in relation to any determination, means any of the assumptions which were made for the purpose of arriving at the estimate of revenue and expenditure upon which the determination was based.

(2) If having regard to any such statement, and to any information furnished to him in connection therewith, the Minister is satisfied that any determination made for the purposes of subsection (5) of the last preceding section ought to be revised, he may, with the consent of the Treasury, revise the determination, and the amount of the grant to be made to the corporation for the financial year in question shall be increased or reduced accordingly.

(3) Where any such increase or reduction is made, such adjustments shall be made, whether by way of payments to the corporation by the Minister, or payments to the Minister by the corporation, as are necessary to give effect to the increase or reduction.

(4) Where any such determination has been so revised as aforesaid, the determination may be further revised in accordance with the provisions of this section, and the said provisions shall have effect for the purposes of any such further revision as they have effect for the purposes of a first revision.

13.—(1) The Minister may, with the approval of the Treasury, make grants out of moneys provided by Parliament to any associate of any of the three corporations in consideration of promises made by the associate with respect to the performance of functions which any of the three corporations have power to perform.

(2) It shall be a term of every agreement made by the Minister to make grants in pursuance of this section that no grants shall be payable under the agreement unless the associate comply with such requirements as may be imposed by the Minister for securing that one or more directors of the associate shall be a person or persons nominated by him.
A.D. 1946.

PART I.
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Limitation of Exchequer grants.

14.—(1) The total amount of the grants made by the Minister under the preceding provisions of this Part of this Act in respect of the year beginning with the first day of April, nineteen hundred and forty-seven, shall not exceed ten million pounds.

(2) The total amount of the grants made by the Minister under the preceding provisions of this Part of this Act in respect of the year beginning with the first day of April, nineteen hundred and forty-eight, and in respect of each subsequent financial year, shall not exceed eight million pounds.

Expenses and receipts of Minister.

15. All sums payable by the Minister in accordance with the preceding provisions of this Act shall be defrayed out of moneys provided by Parliament; and any sums received by him in accordance with those provisions shall be paid into the Exchequer.

General financial provisions.

16.—(1) Each of the three corporations shall establish a reserve fund, and shall, at such times as the Minister, with the approval of the Treasury, may direct, carry to the credit of that fund out of their revenues such sums as he may so direct.

(2) The reserve fund of each of the three corporations shall be managed in such manner and applied for such purposes as the Minister, with the approval of the Treasury, may direct.

Application of revenues.

17.—(1) Any excess of the revenues of any of the three corporations for any financial year over their expenditure and provisions properly chargeable to revenue account for that year, including in such provisions (without prejudice to the generality of that expression) sums credited under the last preceding section to the reserve fund of the corporation, shall be applied by the corporation in such manner as the Minister, with the approval of the Treasury and after consultation with the chairman of the corporation, may direct.

(2) Any direction given under the preceding subsection may require the whole or any part of any such excess as aforesaid to be paid into the Exchequer.

Staff, wages, pensions, etc.

18.—(1) Subject to the provisions of this Act, each of the three corporations may appoint such officers, agents and servants, on such terms as to remuneration and otherwise, as the corporation may determine.
(2) It shall be the duty of each of the three corporations to enter into consultation with organisations appearing to them to be representative of persons in their employment or of any class of those persons with a view to the conclusion of agreements providing for—

(a) the establishment and maintenance of joint machinery for—

(i) the settlement by negotiation of questions as to the terms and conditions of employment of persons employed by the corporation, and of other questions arising between the corporation and such persons in connection with the employment of such persons; and

(ii) the reference of any such question to arbitration where negotiations for the settlement of the question have failed and the parties concerned agree that the question should be so referred; and

(b) the discussion of matters affecting the safety, health and welfare of persons employed by the corporation, and of other matters of mutual interest to the corporation and such persons.

(3) Where any of the three corporations conclude such an agreement as is mentioned in the last preceding subsection, or any variation is made in such an agreement, the corporation concerned shall forthwith transmit particulars of the agreement or the variation to the Minister and the Minister of Labour and National Service.

19.—(1) The Minister may by regulations provide for the establishment and maintenance of one or more joint pension schemes for the purpose of providing pensions and other similar benefits in respect of the service of persons employed by any of the three corporations; and the Minister may by such regulations in particular provide for securing benefits in the case of injury or death.

(2) No person shall be a member of any fund or scheme established before the date of the passing of this Act under section forty of the British Overseas Airways Act, 1939, unless he was a member of that fund or scheme immediately before that date.

(3) Regulations made under this section may make such provision as the Minister thinks necessary for enabling any person who is a member of any such fund or scheme as aforesaid, or who is for the time being participating in any such scheme as is mentioned in the Sixth Schedule to the said Act of 1939, to withdraw from that fund or scheme in consideration of being admitted, upon such terms as may be provided for by the regulations, to any scheme established under subsection (4) of this section.
A.D. 1946.

PART I. —cont.

LIMITATION OF EXCHEQUER GRANTS.

14.—(1) The total amount of the grants made by the Minister under the preceding provisions of this Part of this Act in respect of the year beginning with the first day of April, nineteen hundred and forty-seven, shall not exceed ten million pounds.

(2) The total amount of the grants made by the Minister under the preceding provisions of this Part of this Act in respect of the year beginning with the first day of April, nineteen hundred and forty-eight, and in respect of each subsequent financial year, shall not exceed eight million pounds.

EXPENSES AND RECEIPTS OF MINISTER.

15. All sums payable by the Minister in accordance with the preceding provisions of this Act shall be defrayed out of moneys provided by Parliament; and any sums received by him in accordance with those provisions shall be paid into the Exchequer.

GENERAL FINANCIAL PROVISIONS.

16.—(1) Each of the three corporations shall establish a reserve fund, and shall, at such times as the Minister, with the approval of the Treasury, may direct, carry to the credit of that fund out of their revenues such sums as he may so direct.

(2) The reserve fund of each of the three corporations shall be managed in such manner and applied for such purposes as the Minister, with the approval of the Treasury, may direct.

APPLICATION OF REVENUES.

17.—(1) Any excess of the revenues of any of the three corporations for any financial year over their expenditure and provisions properly chargeable to revenue account for that year, including in such provisions (without prejudice to the generality of that expression) sums credited under the last preceding section to the reserve fund of the corporation, shall be applied by the corporation in such manner as the Minister, with the approval of the Treasury and after consultation with the chairman of the corporation, may direct.

(2) Any direction given under the preceding subsection may require the whole or any part of any such excess as aforesaid to be paid into the Exchequer.

STAFF, WAGES, PENSIONS, ETC.

18.—(1) Subject to the provisions of this Act, each of the three corporations may appoint such officers, agents and servants, on such terms as to remuneration and otherwise, as the corporation may determine.
(2) It shall be the duty of each of the three corporations to enter into consultation with organisations appearing to them to be representative of persons in their employment or of any class of those persons with a view to the conclusion of agreements providing for—

(a) the establishment and maintenance of joint machinery for—

(i) the settlement by negotiation of questions as to the terms and conditions of employment of persons employed by the corporation, and of other questions arising between the corporation and such persons in connection with the employment of such persons; and

(ii) the reference of any such question to arbitration where negotiations for the settlement of the question have failed and the parties concerned agree that the question should be so referred; and

(b) the discussion of matters affecting the safety, health and welfare of persons employed by the corporation, and of other matters of mutual interest to the corporation and such persons.

(3) Where any of the three corporations conclude such an agreement as is mentioned in the last preceding subsection, or any variation is made in such an agreement, the corporation concerned shall forthwith transmit particulars of the agreement or the variation to the Minister and the Minister of Labour and National Service.

19.—(1) The Minister may by regulations provide for the establishment and maintenance of one or more joint pension schemes for the purpose of providing pensions and other similar benefits in respect of the service of persons employed by any of the three corporations; and the Minister may by such regulations in particular provide for securing benefits in the case of injury or death.

(2) No person shall be a member of any fund or scheme established before the date of the passing of this Act under section forty of the British Overseas Airways Act, 1939, unless he was a member of that fund or scheme immediately before that date.

(3) Regulations made under this section may make such provision as the Minister thinks necessary for enabling any person who is a member of any such fund or scheme as aforesaid, or who is for the time being participating in any such scheme as is mentioned in the Sixth Schedule to the said Act of 1939, to withdraw from that fund or scheme in consideration of being admitted, upon such terms as may be provided for by the regulations, to any scheme established under subsection (1) of this section.
A.D. 1946.

**PART I.**

---cont.

(4) No fund or scheme shall be established under the said section forty after the passing of this Act.

(5) Paragraph 6 of Part I of the Sixth Schedule to the British Overseas Airways Act, 1939, and paragraph 7 of Part II of that Schedule, are hereby repealed.

**Accounts, reports and information.**

**Accounts and audit.**

20.—(1) Each of the three corporations shall keep proper accounts and proper records in relation thereto, and shall prepare in respect of each financial year a statement of accounts in such form as the Minister may, with the approval of the Treasury, direct.

(2) The statement of accounts prepared in respect of any financial year by any of the three corporations shall contain such particulars with respect to any undertaking which at any time during that year was an associate of the corporation as the Minister may direct.

(3) The accounts of each of the three corporations shall be audited by auditors appointed annually by the Minister.

(4) As soon as the accounts of any of the three corporations for any financial year have been audited, the corporation shall send to the Minister a copy of the statement of accounts prepared by them for that year in accordance with this section, together with a copy of any report made by the auditors on that statement or on the accounts of the corporation.

(5) The Minister shall lay a copy of every such statement and report before each House of Parliament.

**Annual report and periodical returns.**

21.—(1) Each of the three corporations shall, as soon as possible after the end of each financial year, make to the Minister a report dealing generally with the operations of the corporation during that year and containing such information with respect to the proceedings and policy of the corporation as can be made public without detriment to the interests of the undertaking of the corporation.

(2) The Minister shall lay a copy of every such report before each House of Parliament.

(3) Each of the three corporations shall, in respect of each planning period, as defined for the purposes of this section, and at such time before the beginning of that period as the Minister may direct, submit to the Minister—

(a) a programme of the air transport services which the corporation propose to provide during that period and
of the other activities in which the corporation propose to engage during that period; and

(b) an estimate of the receipts during that period, and of the expenditure, whether on revenue account or on capital account, to be incurred by them during that period.

(4) In respect of the financial year beginning with the first day of April, nineteen hundred and forty-seven, and each subsequent financial year, each of the three corporations shall, at such time before the beginning of the year as the Minister may direct, submit to the Minister an estimate of the expenditure to be incurred by the corporation on capital account during the year.

(5) Without prejudice to their duties under the preceding provisions of this Act, each of the three corporations shall provide the Minister—

(a) with such information relating to the undertaking of the corporation and to the undertaking of any associate of the corporation (including information relating to any activities proposed to be undertaken by the corporation or any such associate) as the Minister may from time to time require; and

(b) with such financial and statistical returns relating to any such undertaking as aforesaid as the Minister may from time to time require.

(6) For the purpose of providing the Minister with any information which he may require in accordance with the provisions of the last preceding subsection, each of the three corporations shall permit any person authorised by the Minister in that behalf to inspect and make copies of the accounts, books, documents or papers of the corporation, and shall afford such explanation thereof as that person or the Minister may reasonably require.

(7) In this section—

(a) the expression "planning period" means the period of three financial years beginning with the first day of April, nineteen hundred and forty-seven, and every period of three financial years which follows immediately upon the end of a planning period;

(b) the expression "revenue" does not include any grant which may be made by the Minister under this Act; and

(c) the expression "expenditure", in relation to any estimate, includes any sum thereby proposed to be set aside or allocated for any purpose.
A.D. 1946.  Reservation of certain air services to the three corporations and their associates.

PART I.  —cont.

22.—(1) Subject to the provisions of this section, it shall not be lawful for any person except the three corporations, their associates, and the servants or agents of the three corporations and their associates, to carry passengers or goods by air for valuable consideration between any two places of which at least one is in the United Kingdom, except upon a journey which complies with the two statutory conditions.

(2) The first statutory condition is that the journey is not a scheduled journey.

For the purposes of this subsection, a journey shall be deemed to be a scheduled journey if, and only if, a person who contracts to make facilities available for the carriage of passengers or goods on the journey, or any intermediary seeking business for such a person, has, with a view to the making of such a contract, made or authorised any announcement calculated to give information as to the time when, or the place to which, the journey is to be made:

Provided that for the purposes of any proceedings for a contravention of this section a journey shall not be deemed to be a scheduled journey by virtue of any such announcement if the defendant proves that the announcement was solicited in the course of negotiations for the making of such a contract as aforesaid.

(3) The second statutory condition is that either—

(a) any facilities for transport available on the journey are actually used, in pursuance of a contractual right, by not more than one person; or

(b) all persons who actually use those facilities in pursuance of a contractual right have obtained that right simultaneously.

In this subsection the expression "facilities for transport" means facilities for travel as a passenger and facilities for the carriage of goods, and the expression "goods" does not include any articles required only for the personal use of the crew of the aircraft on the journey, or any articles forming part of the equipment or stores of the aircraft.

(4) Nothing in this section shall restrict the right of any person—

(a) to carry passengers for the sole purpose of giving instruction in flying and the duties of aircrews; or

(b) to carry passengers or goods for the sole purpose of providing an air ambulance or rescue service.
(5) Nothing in this section shall restrict the right of any person to carry passengers upon any journey which, without intermediate stops, begins and ends at the same place.

(6) Nothing in this section shall restrict the right of any person, for the purposes of any air transport undertaking of which the principal place of business is outside the United Kingdom, to provide transport for passengers or goods, in accordance with the terms of any international agreement for the time being in force between His Majesty's Government in the United Kingdom and the Government of any other country.

(7) A person who carries a passenger, or carries any goods, in contravention of the provisions of this section shall be liable in respect of each offence—

(a) on summary conviction thereof, to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding three months, or to both such fine and such imprisonment; and

(b) on conviction thereof on indictment, to a fine not exceeding one thousand pounds, or to imprisonment for a term not exceeding two years, or to both such fine and such imprisonment.

23.—(1) For the purpose of securing the enforcement of the provisions of this Act reserving certain air services to the three corporations and their associates, the Minister, or any person acting under his authority, may require any person who travels upon any journey by air between two places of which at least one is in the United Kingdom, or who consigns goods upon any such journey, or who makes facilities for any such travel or consignment available, whether by providing an aircraft or negotiating a contract or otherwise, to provide the Minister with such information and documents relating to the journey as may be specified in the requirement:

Provided that no person shall be required by virtue of this subsection to provide information or documents in relation to any journey which—

(a) is performed in an aircraft provided by any of the three corporations, or is undertaken on behalf of, or with the authority of, any of the three corporations; or

(b) is performed in an aircraft provided by an air transport undertaking of which the principal place of business is outside the United Kingdom.

(2) Any person having information or documents in his possession who fails to comply with any requirement relating to that information or those documents, being a requirement duly made under the preceding subsection, shall be liable on summary conviction to a fine not exceeding one hundred pounds.
Powers of the Minister in case of emergency.

24.—(1) In time of war, whether actual or imminent, or of great national emergency, the Minister may by order require that the whole or any part of the undertaking of, or of any property and rights of, or under the control of, any of the three corporations shall be placed at the disposal of the Minister, or of such persons as may be provided by the order; and the provisions of subsections (2), (3) and (4) of section seven of the Air Navigation Act, 1920, shall have effect in relation to an order made under this section as if it were made under the powers conferred by that section, but with the substitution for references to the Secretary of State of references to the Minister.

(2) Any order made by virtue of section thirty-two of the British Overseas Airways Act, 1939, and in force at the passing of this Act, shall be deemed to have been made under this section, and shall continue in force and may be varied or revoked accordingly.

Amendments and adaptations of the British Overseas Airways Act, 1939.

25.—(1) The supplementary provisions contained in the First Schedule to this Act shall have effect in relation to the British Overseas Airways Corporation in lieu of any corresponding provisions made by or under the British Overseas Airways Act, 1939; and accordingly any reference in the said Schedule to the corporation shall be construed as including a reference to the British Overseas Airways Corporation.

(2) Subsection (2) of section one of the British Overseas Airways Act, 1939 (which determines the number of members of the British Overseas Airways Corporation) shall have effect as if for the word “nine” there were substituted the word “five”, and as if for the word “fifteen” there were substituted the word “nine”.

(3) The provisions of the British Overseas Airways Act, 1939, specified in the Second Schedule to this Act, and so much of the Schedule to the Ministry of Civil Aviation Act, 1945, as relates to section thirty-two of the said Act of 1939, shall cease to have effect.

PART II.

POWERS OF MINISTERS IN RELATION TO LAND.

26.—(1) The Minister may be authorised, by a compulsory purchase order made by him, to purchase land compulsorily for any purpose connected with the discharge of his functions.

(2) A compulsory purchase order made under this section shall be made in accordance with the Third Schedule to this Act, and the provisions of that Schedule shall have effect with respect to such orders accordingly.
(3) After the passing of this Act, the Minister shall not be authorised to purchase land compulsorily under the Military Lands Acts, 1892 to 1903.

(4) For the purposes of section fifteen of the Air Navigation Act, 1920 (which relates to the acquisition and management of land by the Minister) the expression "purposes of civil aviation" shall be deemed to include any purpose connected with the discharge of the functions of the Minister.

(5) Without prejudice to his powers to acquire land by agreement under the Military Lands Acts, 1892 to 1903, the Minister may acquire land by agreement otherwise than under those Acts.

(6) Subsection (3) of the said section fifteen is hereby repealed.

27.—(1) The Minister may, if he is satisfied that it is expedient so to do in order to secure the safe and efficient use for civil aviation purposes of any land which is vested in him or which he proposes to acquire, or in order to secure the provision of any services required in relation to any such land, or in order to secure that civil aircraft may be navigated with safety and efficiency, by order provide for the creation in his favour, or for the vesting in him, of easements over land, or of rights to instal and maintain structures, works and apparatus on, under, over or across any land.

(2) Any such order may contain such consequential, incidental and supplemental provisions as appear to the Minister to be necessary or expedient for the purposes of the order, including, in particular, provisions for authorising persons to enter upon land for the purpose of installing, maintaining or removing any structures, works or apparatus.

(3) The ownership of anything shall not be affected by reason only that it is placed on or under, or affixed to, any land in pursuance of any such order; and, so long as any such order is in force, no person shall, except with the consent of the Minister, wilfully interfere with any structures, works or apparatus installed on, under, over or across any land in pursuance of the order.

If any person contravenes the preceding provisions of this subsection, he shall be liable, on summary conviction, to imprisonment for a term not exceeding three months or to a fine not exceeding five hundred pounds or to both such imprisonment and such fine; and every person who wilfully obstructs any person in the exercise of any power of entry conferred by such an order as aforesaid shall be liable, on summary conviction, to a fine not exceeding one hundred pounds.

(4) Any person whose land is injuriously affected by an order made under this section shall be entitled to recover compensation from the Minister in respect of the injurious affection; and,
subject to the provisions of this Act, the provisions of the Acquisition of Land (Assessment of Compensation) Act, 1919, shall have effect for the purpose of assessing such compensation accordingly.

(5) Any such order shall be subject to special parliamentary procedure. A copy of the notice required to be given in relation to any such order by the Minister under paragraph 1 of the First Schedule to the Statutory Orders (Special Procedure) Act, 1945, shall be served upon every owner, lessee and occupier (except tenants for a month or a less period than a month) of any of the land to which the proposed order relates, and the provisions of paragraphs 2 to 4 of that Schedule shall have effect accordingly.

28.—(1) The Minister of Transport may, if he is satisfied that it is necessary so to do in order to secure the safe and efficient use for civil aviation purposes of any land vested in the Minister of Civil Aviation, or of any land which the Minister of Civil Aviation proposes to acquire, by order authorise the stopping up or diversion of any highway or provide for the extinguishment of any public right of way.

(2) An order under subsection (1) of this section may provide for all or any of the following matters, that is to say—

(a) for securing the provision or improvement of any highway so far as the Minister of Transport thinks such provision or improvement necessary in consequence of any such stopping up, diversion or extinguishment as aforesaid;

(b) for directing that any highway to be provided or improved in pursuance of the order shall be repairable by the inhabitants at large, and for specifying the authority which is to be the highway authority therefor;

(c) for directing that any highway to be provided or improved in consequence of the stopping up or diversion of a trunk road under the order shall itself be a trunk road for all or any of the purposes of the enactments relating to trunk roads;

(d) for the retention or removal of any cables, mains, pipes, wires or similar apparatus placed along, across, over or under any highway stopped up or diverted under the order, and for the extinguishment, modification or preservation of any rights as to the use or maintenance of that apparatus;

(e) if any highway is to be provided or improved under the order, for authorising or requiring the provision of any such apparatus as aforesaid along, across, over or under that highway, in lieu of any apparatus removed from a highway in pursuance of the order and for conferring rights as to the use or maintenance of apparatus so provided;
(f) for requiring, out of moneys provided by Parliament or by specified authorities or persons—

(i) the payment of, or the making of contributions in respect of, the cost of doing any work provided for by the order or any increased expenditure to be incurred which is ascribable to the doing of any such work; or

(ii) the repayment of, or the making of contributions in respect of, any compensation paid by the highway authority in respect of restrictions imposed under section one or section two of the Restriction of Ribbon Development Act, 1935, as respects any highway stopped up under the order.

(3) An order under subsection (1) of this section may contain such consequential, incidental and supplemental provisions as appear to the Minister of Transport to be necessary or expedient for the purposes of the order.

(4) Any such order shall be subject to special parliamentary procedure.

A copy of the notice required to be given in relation to any such order by the Minister of Transport under paragraph 1 of the First Schedule to the Statutory Orders (Special Procedure) Act, 1945, shall be served upon every local authority which, in its capacity as a highway authority, would be affected by the provisions of the order, and upon any person whose apparatus, or whose rights in relation to apparatus, would be so affected; and the provisions of paragraphs 2 to 4 of that Schedule shall have effect accordingly.

(5) The powers of the Minister of Transport under subsection (1) of this section shall include power to make an order authorising the stopping up or diversion of any highway which is temporarily stopped up or diverted under any other enactment, and to make an order providing for the extinguishment of any public right of way the exercise of which is for the time being prohibited or restricted under any other enactment.

(6) The Minister of Transport may be authorised, by a compulsory purchase order made by him, to purchase land compulsorily for the purpose of providing or improving any highway which is to be provided or improved in pursuance of an order under subsection (1) of this section; and any such compulsory purchase order shall be made in accordance with the Third Schedule to this Act, and the provisions of that Schedule shall have effect with respect to such orders accordingly, with the substitution of references to the Minister of Transport for references to the Minister.
29.—(1) The Minister may, if he is satisfied that it is necessary so to do in order to secure the safe and efficient use for civil aviation purposes of any land, structures, works or apparatus vested in him, or which he proposes to acquire, by order provide—

(a) for requiring the total or partial demolition of buildings or structures within such areas as may be so specified;

(b) for restricting the height of trees within such areas as may be so specified;

(c) for restricting the installation of cables, mains, pipes, wires or similar apparatus within such areas as may be so specified;

(d) for extinguishing, at the expiration of such period as may be determined by or under the order, any subsisting right of installing or maintaining any such apparatus as aforesaid upon, across, under or over any such land as may be so determined;

(e) for requiring that, before the expiration of such period as may be so determined, any such apparatus shall be removed from any such land as may be so determined.

(2) Any such order may contain such consequential, incidental and supplemental provisions as appear to the Minister to be necessary or expedient for the purposes of the order, including, in particular, provisions for empowering any person authorised in that behalf by the Minister, to remove, pull down, cut down, or alter so as to bring into conformity with the requirements of the order, any building, structure, tree or apparatus which contravenes those requirements.

(3) Any person whose land or apparatus, or whose right to maintain or install apparatus, is injuriously affected by an order made under this section shall be entitled to recover compensation from the Minister in respect of the injurious affectation; and, subject to the provisions of this Act, any question of disputed compensation under this subsection shall be determined in the same manner as compensation on the acquisition of land falls to be determined under the Acquisition of Land (Assessment of Compensation) Act, 1919, and sections one, three, five and six of that Act shall, with any necessary modifications, have effect accordingly.

(4) Any such order shall be subject to special parliamentary procedure.

A copy of the notice required to be given in relation to any such order by the Minister under paragraph 1 of the First Schedule to the Statutory Orders (Special Procedure) Act, 1945, shall be served upon every owner, lessee and occupier (except tenants for a month or a less period than a month) of any land to which the proposed order relates and upon any other person.
whose rights would, in the opinion of the Minister, be affected by the order, and the provisions of paragraphs 2 to 4 of that Schedule shall have effect accordingly.

(5) The powers of the Minister under this section shall not prejudice his power to acquire land for the purpose of securing the observance of any requirement or restriction which might have been imposed in relation to the land by an order under this section.

30.—(1) Section twenty-eight of the Town and Country Planning Act, 1944 (which relates to consecrated land and burial grounds) shall have effect in relation to any land acquired by the Minister as if the Minister had acquired that land under Part I of that Act:

Provided that the power of making regulations for the purposes of that section as applied by this section shall be exercisable by the Minister, and accordingly the references in subsection (3) of that section to “the Minister” shall be construed as references to the Minister of Civil Aviation.

(2) Any regulations made by the Minister by virtue of the last preceding subsection shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(3) When land has been acquired by the Minister of Transport under this Part of this Act, the preceding provisions of this section shall have effect as if the land had been acquired by the Minister of Civil Aviation, but with the substitution of references to the Minister of Transport for references to the Minister of Civil Aviation.

31.—(1) Where a Minister is authorised to purchase any land compulsorily under this Part of this Act, or has under consideration the purchase of any land as aforesaid, any person authorised in writing by that Minister may at all reasonable times, on producing, if so required, evidence of his authority in that behalf, enter on the land for the purpose of surveying or estimating the value of the land:

Provided that admission shall not, by virtue of this subsection, be demanded as of right to any land which is occupied unless twenty-four hours’ notice of the intended entry has been given to the occupier.

(2) If any person obstructs a person so authorised as aforesaid in the exercise of any power conferred by this section, he shall be liable on summary conviction to a fine not exceeding twenty pounds.

32. Where the Minister has acquired or proposes to acquire land for civil aviation purposes, and it appears to him to be desirable that he should provide or arrange for the provision of
housing accommodation for persons occupying houses on that
land who have been or are to be displaced in consequence of the
appropriation of the land for civil aviation purposes, he shall
provide or arrange for the provision of such accommodation
upon such terms as he thinks appropriate having regard, in
particular, to any rents charged or proposed to be charged by
local authorities in the neighbourhood for houses provided by
them.

33.—(1) The compensation to be paid—

(a) in respect of the compulsory purchase under this Part 10
of this Act of any land held for the purposes of carrying
on a statutory undertaking;

(b) in respect of the acquisition, by virtue of an order made
under this Part of this Act, of any easement over land
vested in a statutory undertaker for the purposes of 15
his undertaking, or of any other right in relation to
such land;

(c) in respect of any prohibition, restriction or requirement
imposed by virtue of an order made under this Part of
this Act in relation to buildings, structures, works or 20
apparatus vested in a statutory undertaker for the
purposes of his undertaking;

shall in default of agreement be assessed by the arbitration of
the tribunal constituted in accordance with the provisions of
Part II of the Fourth Schedule to the Town and Country Planning 25
Act, 1944, and the amount of the compensation shall be an
amount calculated in accordance with the provisions of para-
graph 2 of that Schedule:

Provided that, as respects compensation in respect of a com-
pulsory purchase, if, before the expiration of two months from
the date on which notice to treat is served in respect of the
interest of the person by whom the statutory undertaking is
carried on, that person gives notice in writing to the Minister
by whom the order was made that he elects that, as respects all
or any of the land comprised in the purchase, the compensation
shall be ascertained in accordance with the enactments, other
than Rule (5) of the Rules set out in section two of the Acqui-
sition of Land (Assessment of Compensation) Act, 1919, which
would be applicable apart from the provisions of this subsection,
the compensation shall be so ascertained.

(2) In sub-paragraph (4) of the said paragraph 2, as it has
effect by virtue of this section, any reference to the imposition
of a requirement shall be construed as including a reference to
anything which may be done by virtue of an order made under
this Part of this Act.
(3) The provisions of the Fourth Schedule to this Act (being provisions substantially corresponding to sections twenty-six and twenty-seven of the Town and Country Planning Act, 1944) shall have effect for the purpose of making any adjustments of the functions of statutory undertakers which may be necessary in consequence of the provisions of this Part of this Act.

34. Any expenses incurred by the Minister or the Minister of Transport in consequence of the passing of this Part of this Act, and any additional sums which, in consequence of the passing of this Part of this Act, fall to be defrayed out of moneys provided by Parliament under the Fourth Schedule to the Town and Country Planning Act, 1944, shall be defrayed out of moneys provided by Parliament.

PART III.

GENERAL, MISCELLANEOUS AND SUPPLEMENTAL PROVISIONS.

Air Transport Advisory Council.

35.—(1) His Majesty may by Order in Council provide for the constitution of an Air Transport Advisory Council consisting of such number of members appointed by the Minister as may be determined in accordance with the Order, and for securing that the members of the Council so constituted have such qualifications as His Majesty thinks necessary for the performance of the duties imposed on the Council by this section.

(2) It shall be the duty of the Air Transport Advisory Council—

(a) to consider any question relating to facilities for transport by air in any part of the world, or relating to the charges for such facilities, which may be referred to the Council by the Minister;

(b) subject to any conditions or exceptions for which provision may be made by an Order made under this section, to receive and consider representations from any quarter with respect to any such facilities and charges as aforesaid and to afford to persons interested the opportunity of being heard in connection with such representations; and

(c) when the Council have considered any question referred to them by the Minister, or have considered any such representations as aforesaid, to report to the Minister upon their conclusions, and to make such recommendations to the Minister in connection with those conclusions as they think expedient:
Provided that the Council shall not be required to hear representations from members of the public with respect to any matter which is for the time being regulated by an international agreement to which His Majesty's Government in the United Kingdom is a party.

(3) Any Order made under this section may contain such incidental and consequential provisions, including provisions for the payment of remuneration to members of the Council out of moneys provided by Parliament, and provisions for determining the procedure of the Council, as His Majesty thinks expedient.

(4) The Council shall be furnished by the Minister with such clerks, officers and staff as appear to him, with the concurrence of the Treasury as to numbers, to be requisite for the proper discharge of their functions, and the Minister shall, out of moneys provided by Parliament, pay to the clerks, officers and staff of the Council such remuneration and allowances as he may with the approval of the Treasury determine.

(5) The Minister shall provide the Council with such information and other assistance as he thinks expedient for the purpose of assisting the Council to discharge their functions.

(6) The Council shall make an annual report to the Minister of their proceedings, and the Minister shall lay the report before each House of Parliament together with a statement of any action which has been taken by him in consequence of any recommendations submitted to him by the Council during the period to which the report relates.

Aerodromes.

36.—(1) The Minister may by order prohibit or restrict the use of any civil aerodrome to such extent as he thinks expedient for the purpose of securing that aircraft may land and depart with safety from any aerodrome vested in him.

(2) Any person whose rights in relation to an aerodrome are injuriously affected by an order made under this section shall be entitled to recover compensation from the Minister in respect of the injurious affection; and any question of disputed compensation under this subsection shall be determined in the same manner as compensation on the acquisition of land falls to be determined under the Acquisition of Land (Assessment of Compensation) Act, 1919, and sections one, three, five and six of that Act shall, with any necessary modifications, have effect accordingly:
Provided that where any aerodrome or any part of an aerodrome was first provided after the passing of this Act, no compensation shall be payable under this subsection in respect of that aerodrome or in respect of that part thereof, as the case may be, unless it was provided with the consent of the Minister.

(4) Any person who contravenes the provisions of any such order shall be liable in respect of each offence—

(a) on summary conviction to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding three months or to both such fine and to such imprisonment; and

(b) on conviction on indictment, to a fine not exceeding one thousand pounds or to imprisonment for a period not exceeding two years or to both such fine and such imprisonment.

(5) In this section the expression "civil aerodrome" means any area of land or water designed, equipped or set apart for affording facilities for the landing and departure of civil aircraft.

37.—(1) Without prejudice to their general duties under any Act of Parliament or otherwise, it shall be the duty of the Minister of Health and the Minister of Civil Aviation to make arrangements for securing satisfactory sanitary control services at aerodromes for the time being vested in the Minister of Civil Aviation.

(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 upon such terms as may be agreed upon between the Minister of Health and the authority, or, in default of agreement, as the Minister of Health may determine.

(3) Section one hundred and forty-three of the Public Health Act, 1936, (which empowers the Minister of Health to make regulations with a view to the treatment of certain diseases and for preventing the spread of such diseases) shall have effect in relation to aerodromes for the time being vested in the Minister of Civil Aviation subject to the following modifications, that is to say—

(a) in subsection (3) thereof, after the words "for their enforcement and execution" there shall be inserted the words "by officers designated for that purpose by the Minister or the Minister of Civil Aviation, and";
(b) in subsection (4), after the word "authority" there shall be inserted the words "officers so designated as aforesaid";

and the provisions of the said Act of 1936 shall have effect accordingly.

(4) Any expenses of the Minister of Health and the Minister of Civil Aviation in executing the provisions of this section shall be defrayed out of moneys provided by Parliament.

(5) In this section the expression "local authority" means any local authority for the purposes of the Public Health Act, 1936, and includes a county council and a port health authority.

Miscellaneous provisions.

Terms and conditions of employment of persons employed in air transport undertakings.

38.—(1) The provisions of this section shall have effect for the purpose of securing that the terms and conditions of employment of persons employed by any independent undertaking constituted for the purpose of providing air transport services or of carrying out other forms of aerial work shall, except in so far as they comply—

(a) with any requirements imposed by or under any enactment for the regulation of such terms and conditions; or

(b) with the requirements of an agreement made between the undertaking and organisations representative of the persons employed; or

(c) with any decision of a tribunal having authority to settle those terms or conditions;

not be less favourable than the least favourable of the terms and conditions settled, for persons engaged in comparable work, in pursuance of the provisions of this Act providing for the regulation of the terms and conditions of employment of persons employed by the three corporations.

(2) If any dispute arises as to what terms and conditions ought to be observed for the purpose specified in the preceding subsection, the dispute may, if not otherwise disposed of, be referred by the Minister to the Industrial Court for settlement.

(3) Where any award has been made by the Industrial Court upon a dispute referred to that Court under this section, then, as from the date of the award or from such other date as the Court may direct, it shall be an implied term of the contract between the employer and workers to whom the award applies.
that the terms and conditions of employment to be observed under the contract shall, until varied in accordance with the provisions of this section, be in accordance with the award.

No direction given by the Court for the purposes of the preceding provisions of this section shall have the effect of making any award retrospective to a date earlier than the date on which the dispute to which the award relates first arose.

(4) Section twenty-seven of the Air Navigation Act, 1936, is hereby repealed; but any award made under that section and in force immediately before the commencement of this Act shall be deemed to have been made on a reference under this section, and may be enforced or varied accordingly.

(5) In this section the expression "independent undertaking" means any undertaking other than the three corporations.

39.—(1) The Minister may by regulations provide for requiring such persons as may be specified in the regulations to keep records and make returns to him—

(a) of births and deaths occurring in any part of the world in any aircraft registered in Great Britain and Northern Ireland; and

(b) of the death, outside the United Kingdom, of any person who, being a traveller on such an aircraft, is killed on the journey in consequence of an accident;

and for the keeping in his Department of a record of any returns made to him in accordance with any such requirement as aforesaid.

Any person who fails to comply with any such requirement shall be liable on summary conviction to a fine not exceeding twenty pounds.

(2) Where any such regulations provide for the keeping of records in the Department of the Minister in accordance with the preceding subsection, they shall also provide for the transmission of certified copies of those records to the Registrar General of Births, Deaths and Marriages in England, the Registrar General of Births, Deaths and Marriages in Scotland, or the Registrar General for Northern Ireland, as the case may require.

(3) The Registrar General to whom any such certified copies are sent shall cause them to be filed and preserved in a book to be kept by him for the purpose, and to be called the Air Register Book of Births and Deaths.
PART III.
—cont.

(4) Regulations made under subsection (1) of this section shall also provide for the rectification of any records kept in the Department of the Minister in pursuance of the regulations and for the transmission of certified copies of any corrected entry in the records to the Registrar General of Births, Deaths and Marriages in England, the Registrar General of Births, Deaths and Marriages in Scotland, or the Registrar General for Northern Ireland, as the case may require.

(5) The Registrar General to whom a certified copy of any such corrected entry is sent in accordance with the regulations shall cause the corrected entry to be substituted for the corresponding entry for the time being made in the Air Register Book of Births and Deaths.

(6) The enactments relating to the registration of births and deaths in England, Scotland and Northern Ireland shall have effect as if the Air Register Book of Births and Deaths were a certified copy transmitted to the Registrar General in accordance with those enactments.

(7) The Minister may by regulations provide—

(a) for the keeping in his Department of a record of persons with respect to whom there are reasonable grounds for believing that they are missing in consequence of an accident in an aircraft registered in Great Britain or Northern Ireland;

(b) for the rectification of any such record; and

(c) for the transmission of information as to the matters for the time being entered on the record to the Registrar General of Births, Deaths and Marriages in England, the Registrar General of Births, Deaths and Marriages in Scotland or the Registrar General for Northern Ireland, as the case may require.

40.—(1) Any two justices of the peace may appoint such persons as may be nominated for the purpose by the Minister—

(a) to be special constables on, and within five miles of, any premises for the time being vested in the Minister or under his control; and

(b) to be special constables for the purpose of performing, outside the places and limits aforesaid, such duties as the Minister may from time to time require to be performed in connection with accidents to aircraft.

(2) Every person so appointed shall be sworn in by the justices duly to execute the office of a constable in the premises and within the limits and for the purposes aforesaid, and when so sworn in...
shall, in those premises and within those limits and for those purposes, have the powers and privileges and be liable to the duties and responsibilities of a constable.

(3) Special constables appointed under this section shall be under the exclusive control of the Minister, and the Minister shall have power to suspend or terminate the appointment of any such special constable.

41. The Minister may by regulations make provision for the custody and re-delivery of any property which, having been accidentally left, is found on any premises belonging to him or in any aircraft on those premises; and any such regulations may in particular—
   (a) provide for requiring charges to be paid in respect of any such property before it is re-delivered; and
   (b) provide for authorising the disposal of any such property if it is not re-delivered before the expiration of such period as may be specified in the regulations.

42.—(1) In sub-paragraph (2) of paragraph 7 of the Third Schedule to the Air Navigation Act, 1936 (which relates to deposits in respect of third party risks), for the words “Secretary of State” there shall be substituted the words “Minister of Civil Aviation”.

(2) Any rules made by the Secretary of State under the said sub-paragraph (2) before the passing of this Act and in force at that time shall thereafter be deemed to have been made by the Minister of Civil Aviation, and shall have effect, and may be varied or revoked, accordingly.

Supplemental.

43.—(1) Proceedings for an offence against this Act shall not, in England, be instituted except by or with the consent of the Minister or by or with the consent of the Director of Public Prosecutions.

(2) Where an offence against this Act has been committed by a body corporate, every person who at the time of the commission of the offence was a director or officer of the body corporate, or was purporting to act in any such capacity, shall be deemed to be guilty of that offence, unless he proves that the offence was committed without his consent or connivance and that he exercised all such diligence to prevent the commission of the offence as he ought to have exercised having regard to the nature of his functions in that capacity and to all the circumstances.

A.D. 1946.

Part III.
—cont.
PART III.

Registration of certain orders in the register of local land charges.

44.—(1) As soon as may be after any of the following orders, that is to say—

(a) an order under section twenty-seven of this Act;

(b) an order under section twenty-nine of this Act which restricts the height of trees or the installation of apparatus; or

(c) an order under section thirty-five of this Act;

becomes operative, it shall be registered in the prescribed manner in the register of local land charges by the proper officer of the local authority in the area of which the land to which the order relates, or any part of that land, is situated.

In this subsection the expression “local authority” means the council of a county borough or county district, the common council of the City of London, and the London County Council.

(2) As soon as may be after such an order has become operative it shall be the duty of the Minister to notify that fact to the proper officer of the local authority by whom the order is required to be registered as aforesaid, and to furnish to him all necessary information relating to the order.

(3) The power conferred by subsection (6) of section fifteen of the Land Charges Act, 1925, to make rules for giving effect to the provisions of that section shall be exercisable for giving effect to the provisions of this section, and in this section the expression “prescribed” means prescribed by rules made in the exercise of that power.

Variation and revocation of orders.

45. Any power conferred by this Act to make any Order in Council or order shall be construed as including a power, exercisable in the like manner and subject to the like conditions, if any, to vary or revoke the Order in Council or order.

Interpretation.

46.—(1) In this Act, except where the context otherwise requires or where it is otherwise expressly provided, the following expressions have the meanings hereby respectively assigned to them, that is to say—

“air transport service” means a service for the carriage by air of passengers, mails or other freight;

“associate”, in relation to any of the three corporations, means any undertaking constituted for the purpose of providing air transport services or of engaging in any other activities of a kind which the corporation have power to carry on, being an undertaking of which shares or stock are held by the corporation;
“director” includes any person occupying the position of director, by whatever name called;

“financial year”, in relation to any of the three corporations, means a period of twelve months beginning on the first day of April;

“land” includes any estate or interest in land;

“owner”, in relation to any land, means a person, other than a mortgagee not in possession, who is for the time being entitled to dispose of the fee simple of the land, whether in possession or in reversion, and includes also a person holding or entitled to the rents and profits of the land under a lease or agreement, the unexpired term whereof exceeds three years.

“revenue”, in relation to any of the three corporations includes grants made by the Minister to the corporation under this Act;

“statutory undertaker” means any person (including a local authority) authorised by any Act (whether public general or local), or by any order or scheme made under or confirmed by any Act, to construct, work or carry on any railway, light railway, tramway, road transport, water transport, canal, inland navigation, dock, harbour, pier, or lighthouse undertaking, or any undertaking for the supply of electricity, gas, hydraulic power or water, and the expression “statutory undertaking” shall be construed accordingly.

(2) References in this Act to any enactment shall be construed as including references to that enactment as amended by or under any other enactment, including this Act.
PART III. —cont.

Application to Northern Ireland.

Application to Channel Islands and Isle of Man.

49. His Majesty may by Order in Council direct that any of the provisions of this Act shall extend, with such exceptions, adaptations and modifications, if any, as may be specified in the Order, to any of the Channel Islands or to the Isle of Man.

50. This Act may be cited as the Civil Aviation Act, 1946.
SCHEDULES.

FIRST SCHEDULE
SUPPLEMENTARY PROVISIONS AS TO THE THREE CORPORATIONS.

Tenure and Vacation of Office.

1. Subject as hereinafter provided, a member of the corporation shall hold and vacate office as such in accordance with the terms of the instrument appointing him to be a member:

Provided that—

(a) where a member becomes or ceases to be chairman or deputy chairman of the corporation, the Minister may vary the terms of the instrument appointing him to be a member of the corporation, so far as they relate to the date on which he is to vacate office as such; and

(b) a member of the corporation may at any time, by notice in writing under his hand addressed to the Minister, resign his membership.

3. Subject as hereinafter provided, the chairman of the corporation and the deputy chairman of the corporation shall hold and vacate office in accordance with the instruments respectively appointing them:

Provided that the chairman or deputy chairman may at any time, by a notice in writing under his hand addressed to the Minister, resign his office as such.

4. If the chairman or deputy chairman of the corporation ceases to be a member of the corporation, he shall cease to be chairman or deputy chairman, as the case may be.

5. A person shall be disqualified for being a member of the corporation if and so long as he is a member of the Commons House of Parliament.

6. If the Minister is satisfied that a member of the corporation—

(a) has been absent from meetings of the corporation for a period longer than three consecutive months without the permission of the corporation; 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 corporation to be vacant and shall notify the fact in such manner as the Minister thinks fit; and thereupon the office shall become vacant.

7. A member of the corporation who ceases to be a member shall be eligible for re-appointment unless he is disqualified for membership.

8. The validity of any proceeding of the corporation shall not be affected by any vacancy amongst the members thereof, or by any defect in the appointment of a member thereof, or by the fact that any member thereof is disqualified from being a member of the corporation.

Remuneration.

9. The corporation shall pay to each member thereof, in respect of his office as such, such remuneration as may be determined by the Minister with the consent of the Treasury, and shall pay to the chairman and deputy chairman thereof, in respect of his office as such, such remuneration (in addition to any remuneration to which he may be entitled in respect of his office as a member) as may be so determined.

10. If any member of the corporation is employed about the affairs of the corporation otherwise than as a member thereof, the corporation may pay to that member such remuneration (in addition to any remuneration to which he may be entitled in respect of his office as a member) as the corporation may determine.

Meetings and proceedings.

11. The quorum of the corporation and the arrangements relating to meetings thereof shall, subject to any regulations made by the Minister, be such as the corporation may determine.

The common seal.

12. The corporation shall have a common seal, and the fixing of the seal shall be authenticated by the signatures of—

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

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

Instruments of the corporation.

13. Any contract or instrument which, if entered into or executed by a person not being a body corporate, would not be required to be under seal, may be entered into or executed on behalf of the corporation by any person generally or specially authorised by them for that purpose.
14. Any document purporting to be a document duly executed under the seal of the corporation shall be received in evidence and shall, unless the contrary is proved, be deemed to be a document so executed.

Power to hold land.

15. The corporation shall have power to hold land for the purposes of their functions without licence in mortmain.

SECOND SCHEDULE.

PROVISIONS OF THE BRITISH OVERSEAS AIRWAYS ACT, 1939. WHICH ARE TO CEASE TO HAVE EFFECT.

In subsection (2) of section one, the words from "and the proceedings" to the end of the subsection.

Subsections (4) to (7) of section one.

Sections two to seven.

Section fifteen.

Sections seventeen to twenty-six.

Sections twenty-eight and twenty-nine.

Sections thirty-one to thirty-seven.

The First, Second and Fifth Schedules.

THIRD SCHEDULE.

COMPULSORY PURCHASE ORDERS.

PART I.

Procedure for authorising compulsory purchase.

1. A compulsory purchase order shall incorporate, subject to the modifications set out in Part IV of this Schedule, and to any necessary adaptations, the Lands Clauses Acts, section seventy-seven of the Railways Clauses Consolidation Act, 1845, and sections seventy-eight to eighty-five of that Act (as originally enacted and not as amended for certain purposes by section fifteen of the Mines (Working Facilities and Support) Act, 1923), and shall describe by reference to a map the land to which it relates, and subject as aforesaid shall be in such form as the Minister may determine.
A.D. 1946.

3RD SCH. —cont.

2.—(1) Where the Minister proposes to make a compulsory purchase order with respect to any land he shall prepare a draft of the order, and shall—

(a) publish in one or more newspapers circulating in the district in which the land is situated a notice stating that he proposes to make a compulsory purchase order and describing the land and naming a place where a copy of the draft of the order and of the map referred to therein may be seen at all reasonable hours;

(b) serve on every owner, lessee and occupier (except tenants for a month or a less period than a month) of any of the land a notice stating that the Minister proposes to make a compulsory purchase order, and the effect thereof, and specifying the time within which, and the manner in which, objections to the proposal may be made.

(2) Where under this paragraph any notice is required to be served on an owner of land, and the land is ecclesiastical property, a like notice shall be served on the Ecclesiastical Commissioners.

(3) In this paragraph the expression "ecclesiastical property" means land belonging to any ecclesiastical benefice, or being or forming part of a church subject to the jurisdiction of the bishop of any diocese or the site of such a church, or being or forming part of a burial ground subject to such jurisdiction.

3.—(1) If no objection is duly made by any persons upon whom notices are required to be served or by any local authority in whose area the land to which the draft of the order relates is situated, or if all objections so made are withdrawn, the Minister may, if he thinks fit, make an order either in accordance with the draft or with any modification thereof except, unless all persons interested consent, a modification extending the order to any land not designated by the draft.

(2) In any other case the Minister shall, before making an order, cause a public local inquiry to be held, and shall consider any objection not withdrawn and the report of the person who held the inquiry and may then make an order as aforesaid:

Provided that the Minister may require any person who has made an objection to state in writing the grounds thereof, and may make an order without causing a public local inquiry to be held if he is satisfied that every objection duly made relates exclusively to matters which can be dealt with by the arbitrator by whom the compensation has to be assessed.

(3) Subsections (2) and (3) of section two hundred and ninety of the Local Government Act, 1933 (which relate to the giving of evidence at local inquiries) shall apply to local inquiries held in pursuance of this paragraph as they apply to the local inquiries mentioned in subsection (1) of the said section two hundred and ninety.
PART II.

Validity and Operation of Compulsory Purchase Orders.

4. Immediately after a compulsory purchase order has been made, the Minister shall publish in one or more newspapers circulating in the district in which the land is situated a notice stating that the order has been made, and naming a place where a copy of the order and the map referred to therein may be seen at all reasonable hours, and shall serve a like notice on every person who, having duly given notice of his objection to the making of the order, appeared at the public local inquiry in support of his objection.

5.—(1) If any person aggrieved by a compulsory purchase order desires to question the validity thereof, or of any provision contained therein, on the ground that it is not within the powers of this Act or that any requirement of this Act has not been complied with in relation to the order, he may, within six weeks from the time when notice of the making of the order is first published, make an application to the High Court, and on any such application the Court—

(a) may by interim order suspend the operation of the order or any provision contained therein, either generally or in so far as it affects any property of the applicant, until the final determination of the proceedings; and

(b) if satisfied that the order or any provision contained therein is not within the powers of this Act, or that the interests of the applicant have been substantially prejudiced by any requirement of this Act not having been complied with, may quash an order or any provision contained therein, either generally or in so far as it affects any property of the applicant.

(2) Except by leave of the Court of Appeal, no appeal shall lie to the House of Lords from a decision of the Court of Appeal under the last foregoing sub-paragraph.

6. Subject to the provisions of the last foregoing paragraph, a compulsory purchase order shall not, either before or after it has been made, be questioned in any legal proceedings whatsoever, and shall become operative on the expiration of six weeks from the date on which notice of the making of the order is published in accordance with the provisions of this Part of this Schedule.

7. The preceding provisions of this Part of this Schedule shall not apply to an order which is confirmed by an Act of Parliament under section six of the Statutory Orders (Special Procedure) Act, 1945, but except as aforesaid shall have effect in relation to a compulsory purchase order to which that Act applies as if, in sub-paragraph (1) of paragraph 5, for the reference to the time when notice of the making of the order is first published there were substituted a reference to the time when the order becomes operative under the Statutory Orders (Special Procedure) Act, 1945, and as if, in paragraph 6, the words from "and shall become operative " to the end were omitted.

8. Any power conferred by this Act to make a compulsory purchase order in relation to any land shall be exercisable notwithstanding any other enactment providing that the land shall be inalienable.
2.—(1) Where the Minister proposes to make a compulsory purchase order with respect to any land he shall prepare a draft of the order, and shall—

(a) publish in one or more newspapers circulating in the district in which the land is situated a notice stating that he proposes to make a compulsory purchase order and describing the land and naming a place where a copy of the draft of the order and of the map referred to therein may be seen at all reasonable hours;

(b) serve on every owner, lessee and occupier (except tenants for a month or a less period than a month) of any of the land a notice stating that the Minister proposes to make a compulsory purchase order, and the effect thereof, and specifying the time within which, and the manner in which, objections to the proposal may be made.

(2) Where under this paragraph any notice is required to be served on an owner of land, and the land is ecclesiastical property, a like notice shall be served on the Ecclesiastical Commissioners.

(3) In this paragraph the expression “ecclesiastical property” means land belonging to any ecclesiastical benefice, or being or forming part of a church subject to the jurisdiction of the bishop of any diocese or the site of such a church, or being or forming part of a burial ground subject to such jurisdiction.

3.—(1) If no objection is duly made by any persons upon whom notices are required to be served or by any local authority in whose area the land to which the draft of the order relates is situated, or if all objections so made are withdrawn, the Minister may, if he thinks fit, make an order either in accordance with the draft or with any modification thereof except, unless all persons interested consent, a modification extending the order to any land not designated by the draft.

(2) In any other case the Minister shall, before making an order, cause a public local inquiry to be held, and shall consider any objection not withdrawn and the report of the person who held the inquiry and may then make an order as aforesaid:

Provided that the Minister may require any person who has made an objection to state in writing the grounds thereof, and may make an order without causing a public local inquiry to be held if he is satisfied that every objection duly made relates exclusively to matters which can be dealt with by the arbitrator by whom the compensation has to be assessed.

(3) Subsections (2) and (3) of section two hundred and ninety of the Local Government Act, 1933 (which relate to the giving of evidence at local inquiries) shall apply to local inquiries held in pursuance of this paragraph as they apply to the local inquiries mentioned in subsection (1) of the said section two hundred and ninety.
PART II.

Validity and Operation of Compulsory Purchase Orders.

4. Immediately after a compulsory purchase order has been made, the Minister shall publish in one or more newspapers circulating in the district in which the land is situated a notice stating that the order has been made, and naming a place where a copy of the order and the map referred to therein may be seen at all reasonable hours, and shall serve a like notice on every person who, having duly given notice of his objection to the making of the order, appeared at the public local inquiry in support of his objection.

5.—(1) If any person aggrieved by a compulsory purchase order desires to question the validity thereof, or of any provision contained therein, on the ground that it is not within the powers of this Act or that any requirement of this Act has not been complied with in relation to the order, he may, within six weeks from the time when notice of the making of the order is first published, make an application to the High Court, and on any such application the Court—

(a) may by interim order suspend the operation of the order or any provision contained therein, either generally or in so far as it affects any property of the applicant, until the final determination of the proceedings; and

(b) if satisfied that the order or any provision contained therein is not within the powers of this Act, or that the interests of the applicant have been substantially prejudiced by any requirement of this Act not having been complied with, may quash an order or any provision contained therein, either generally or in so far as it affects any property of the applicant.

(2) Except by leave of the Court of Appeal, no appeal shall lie to the House of Lords from a decision of the Court of Appeal under the last foregoing sub-paragraph.

6. Subject to the provisions of the last foregoing paragraph, a compulsory purchase order shall not, either before or after it has been made, be questioned in any legal proceedings whatsoever, and shall become operative on the expiration of six weeks from the date on which notice of the making of the order is published in accordance with the provisions of this Part of this Schedule.

7. The preceding provisions of this Part of this Schedule shall not apply to an order which is confirmed by an Act of Parliament under section six of the Statutory Orders (Special Procedure) Act, 1945, but except as aforesaid shall have effect in relation to a compulsory purchase order to which that Act applies as if, in sub-paragraph (f) of paragraph 5, for the reference to the time when notice of the making of the order is first published there were substituted a reference to the time when the order becomes operative under the Statutory Orders (Special Procedure) Act, 1945; and as if, in paragraph 6, the words from "and shall become operative" to the end were omitted.

8. Any power conferred by this Act to make a compulsory purchase order in relation to any land shall be exercisable notwithstanding any other enactment providing that the land shall be inalienable.
PART III.

Restrictions on Compulsory Purchase of Certain Lands.

9.—(1) In so far as a compulsory purchase order authorises the purchase of any land forming part of a common, open space or fuel or field garden allotment, the order shall be subject to special parliamentary procedure unless the Minister of Agriculture and Fisheries (in the case of a common or of a fuel or field garden allotment) or the Minister of Town and Country Planning (in the case of an open space not being a common or such an allotment) is satisfied that there has been or will be given in exchange for such land other land, not being less in area and being equally advantageous to the persons, if any, entitled to rights of common or other rights, and to the public, and that the land given in exchange has been or will be vested in the persons in whom the land purchased was vested, and subject to the like rights, trusts and incidents as attach to the land purchased, and, being so satisfied, certifies accordingly.

(2) Where it is proposed to give a certificate under this paragraph, the Minister having jurisdiction to give the certificate shall give public notice of his intention so to do, and—

(a) after affording an opportunity to all persons interested to make representations and objections in relation thereto, and

(b) after causing a local inquiry to be held in any case where it appears to him to be expedient so to do, having regard to any representations or objections made,

the said Minister may, after considering any representations and objections made and, after an inquiry has been held, the report of the person who held the inquiry, give the certificate.

(3) A compulsory purchase order may provide for vesting land given in exchange as mentioned in sub-paragraph (1) of this paragraph, in the persons, and subject to the rights, trusts and incidents therein mentioned, and for discharging the land purchased from all rights, trusts and incidents, to which it was previously subject.

(4) As soon as may be after the giving of a certificate under this paragraph, the Minister of Civil Aviation shall publish in one or more local newspapers circulating in the locality in which the land comprised in the order is situated a notice in the prescribed form stating that the certificate has been given.

10. A compulsory purchase order, in so far as it authorises the purchase of land being, or being the site of, an ancient monument or other object of archaeological interest, shall be subject to special parliamentary procedure.

11. A compulsory purchase order, in so far as it authorises the purchase of land belonging to the National Trust which is held by the Trust inalienably, shall be subject to special parliamentary procedure.

12. A compulsory purchase order shall, in so far as it authorises the compulsory purchase of land which is the property of a local authority, or land which is the property of statutory undertakers and has been acquired by the undertakers for the purpose of their undertaking, be subject to special parliamentary procedure.
13. In this Part of this Schedule, the following expressions have the meanings hereby assigned to them respectively, that is to say—

- **ancient monument** has the same meaning as in the Ancient Monuments Acts, 1913 and 1931;
- **common** includes any land subject to be enclosed under the Enclosure Acts, 1845 to 1882, and any town or village green;
- **fuel or field garden allotment** means any allotment set out as a fuel allotment or a field garden allotment, under an Enclosure Act;
- **held inalienably** in relation to land belonging to the National Trust, means that the land is inalienable under section twenty-one of the National Trust Act, 1907, or section eight of the National Trust Act, 1939;
- **local authority** means the council of a county, county borough, metropolitan borough or county district, the common council of the City of London, and any other local authority within the meaning of the Local Loans Act, 1875, and includes any drainage board and any joint board or joint committee if all the constituent authorities are such local authorities as aforesaid;
- **National Trust** means the National Trust for Places of Historic Interest or Natural Beauty, incorporated by the said Act of 1907;
- **open space** means any land laid out as a public garden or used for the purpose of public recreation, or land being a disused burial ground.

**PART IV.**

Modifications of Lands Clauses Acts and Acquisition of Land (Assessment of Compensation) Act, 1919, for purposes of this Act.

**The Lands Clauses Acts.**

14. In construing the Lands Clauses Acts as incorporated with a compulsory purchase order,—

(a) this Act, together with the compulsory purchase order in question, shall be deemed to be the special Act;

(b) references to the promoters of the undertaking shall be construed as references to the Minister;

(c) references to the execution of the works shall be construed as references to any erection or carrying out by the Minister of buildings or works authorised by this Act.

15. The following sections of the Lands Clauses Consolidation Act, 8 & 9 Vict. 1845, shall be excepted from incorporation with a compulsory purchase order, that is to say,—

(a) sections one hundred and twenty-seven to one hundred and thirty-two (which relate to the sale of superfluous land);

(b) section one hundred and thirty-three (which relates to promoters making good deficiencies in land tax and rates);

(c) sections one hundred and fifty and one hundred and fifty-one (which relate to access to the special Act).

16.—(x) Where the Minister has served notice to treat on every owner of any land, he may at any time thereafter serve a notice on
every owner and occupier of any of the land, describing the land to which the notice relates and stating his intention to enter on that land and take possession thereof at the expiration of such period (not being less than fourteen days) from the date on which the notice is served as may be therein specified.

(2) At the expiration of the period specified in such a notice (or, where two or more such notices are required, and the periods specified in the several notices do not expire at the same time, at the expiration of the last of those periods to expire), or at any time thereafter, the Minister may enter on and take possession of the land without previous consent or compliance with sections eighty-four to ninety of the Lands Clauses Consolidation Act, 1845, but subject to the payment of the like compensation for the land of which possession is taken, and interest on the compensation agreed or awarded, as he would have been required to pay if those provisions had been complied with.

17. The following provisions shall have effect in substitution for the provisions of section ninety-two of the Lands Clauses Consolidation Act, 1845, that is to say, no person shall be required to sell a part only of any house, if he is willing and able to sell the whole of the house, building, manufactury, park or garden, unless the arbitrator determines that, in the case of a house, building or manufactury, such part as is proposed to be taken can be taken without material detriment to the house, building or manufactury, or, in the case of a park or garden, that such part as aforesaid can be taken without seriously affecting the amenity or convenience of the house, and, if he so determines, he shall award compensation in respect of any loss due to the severance of the part so proposed to be taken, in addition to the value of that part, and thereupon the party interested shall be required to sell to the Minister that part of the house, building, manufactury, park or garden.

18. Where glebe land or other land belonging to an ecclesiastical benefice is purchased compulsorily, or compensation falls to be paid for damage sustained by the owner of such land by reason of severance or injury affecting the land, sums agreed upon or awarded for the purchase, severance or injury shall not be paid as directed by the Lands Clauses Acts, but shall be paid to the Ecclesiastical Commissioners to be applied for the purposes for which the proceeds of a sale by agreement of the land would be applicable under any enactment or Measure authorising such a sale.

19.—(1) Any notice required to be served by the Minister may, notwithstanding anything in section nineteen of the Lands Clauses Consolidation Act, 1845, be served on any person either by delivering it to him, or by leaving it at his proper address, or by post, so however that the notice shall not be duly served by post unless it is sent by registered letter.

(2) Any such notice required or authorised to be served upon an incorporated company or body shall be duly served if it is served on the secretary or clerk of the company or body.

(3) For the purposes of this paragraph and of section twenty-six of the Interpretation Act, 1889, the proper address of any person upon whom any such notice as aforesaid is to be served shall, in the
case of the secretary or clerk of any incorporated company or body, be that of the registered or principal office of the company or body, and in any other case be the last known address of the person to be served:

Provided that where the person to be served has furnished an address for service, his proper address for the purposes aforesaid shall be the address furnished.

(4) If it is not practicable after reasonable enquiry to ascertain the name or address of an owner, lessee or occupier of land on whom any such notice as aforesaid is to be served, the notice may be served by addressing it to him by the description of “owner”, “lessee” or “occupier” of the land (describing it) to which it relates, and by delivering it to some person on the premises or, if there is no person on the premises to whom it can be delivered, by affixing it, or a copy of it, to some conspicuous part of the premises.

Acquisition of Land (Assessment of Compensation) Act, 1919.

20. Where compensation falls to be assessed under the Acquisition of Land (Assessment of Compensation) Act, 1919, the arbitrator shall not take into account any interest in land, or any enhancement of the value of any interest in land by reason of any building erected, work done or improvement or alteration made, whether on the land purchased or on any other land with which the claimant is, or was at the time of the erection, doing or making of the building, work, improvement or alteration, directly or indirectly concerned, if the arbitrator is satisfied that the creation of the interest, the erection of the building, the doing of the work, or the making of the improvement or alteration, as the case may be, was not reasonably necessary and was undertaken with a view to obtaining compensation or increased compensation.

FOURTH SCHEDULE.

ADJUSTMENTS OF THE FUNCTIONS OF STATUTORY UNDERTAKERS.

PART I.

1. Where it appears to the Minister and the appropriate Minister, upon a representation made by the person carrying on a statutory undertaking, that in order to facilitate any adjustment of the carrying on of the undertaking necessitated by any order made or proposed to be made under Part II of this Act, it is expedient that the powers and duties of the said person in relation to the carrying on of the undertaking should be extended or modified, the Minister and the appropriate Minister may by order provide for such extension or modification of the said powers and duties as appears to them to be requisite for facilitating the adjustment.

2. Without prejudice to the generality of the provisions of the preceding paragraph, an order under this Part of this Schedule may provide—

(a) for empowering the person carrying on the undertaking to acquire, whether compulsorily or by agreement, any land
specified in the order and to erect or construct any buildings or works so specified;

(b) for applying in relation to the acquisition of such land and the construction of such works enactments relating to the acquisition of land and the construction of works (including the Acquisition of Land (Assessment of Compensation) Act, 1919);

and for such incidental and supplemental matters as appear to the Minister and the appropriate Minister to be expedient for the purposes of the order.

3. As soon as may be after the making of a representation under this Part of this Schedule, the person carrying on the undertaking shall publish, in such form and manner as may be directed by the Minister and the appropriate Minister, a notice giving such particulars as may be so directed of the matters to which the representation relates and specifying the time within which, and the manner in which, objections to the making of an order on the representation may be made, and shall also, if it is so directed by the Minister and the appropriate Minister, serve a like notice on such persons, or persons of such classes, as may be so directed.

4. If any objection is duly made to the making of an order on any such representation as aforesaid, the provisions of the First Schedule to the Town and Country Planning Act, 1944, shall have effect as if the order were an order under section twenty-six of that Act.

5. An order under this Part of this Schedule shall be subject to special parliamentary procedure.

PART II.

6. Where on a representation in that behalf made by the person carrying on a statutory undertaking the appropriate Minister is satisfied that the making of any order under the said Part II of this Act has rendered impracticable the fulfilment of any obligation of the said person incurred in connection with the carrying on of the undertaking, the appropriate Minister may by order direct that the said person shall be relieved of the fulfilment of the obligation either absolutely or to such extent as may be specified in the order.

7. As soon as may be after the making of a representation to the appropriate Minister under the preceding paragraph, the person carrying on the undertaking in question shall, as may be directed by the appropriate Minister, publish, in such manner as may be so directed, a notice giving such particulars as may be so directed of the matters to which the representation relates and specifying the time within which, and the manner in which, objections to the making of an order on the representation may be made, or serve such a notice on such persons, or persons of such classes, as may be so directed, or both publish and serve such notices.

8. The provisions of the First Schedule to the Town and Country Planning Act, 1944, shall have effect in relation to the making of an order under this Part of this Schedule if any objection thereto is duly made, as if the order were an order under section twenty-seven of that Act.
Act, and subject to those provisions in a case in which they have effect, the appropriate Minister may, if he thinks fit, make an order.

9. If any objection to the making of an order under this Part of this Schedule is made and is not withdrawn before the making of the order, the order shall be subject to special parliamentary procedure.

PART III.

10. In this Schedule the expression "the appropriate Minister" means—

(a) in relation to a railway, light railway, tramway, road transport, water transport, canal, inland navigation, dock, harbour, pier or lighthouse undertaking, the Minister of Transport;

(b) in relation to an undertaking for the supply of electricity, gas or hydraulic power, the Minister of Fuel and Power; and

(c) in relation to an undertaking for the supply of water, the Minister of Health.
Draft of a Bill

To make further provision with respect to civil aviation, and, in particular, to secure the development of air transport services by corporations operating under public control.

14th March 1946.