

STATUTORY INSTRUMENTS

1994 No. 426 (N.I. 1)

The Airports (Northern Ireland) Order 1994 ^{F1}

- - - - - 24th February 1994

F1 functions transf. by SR 1999/481

PART I INTRODUCTORY

Title and commencement

1.—(1) This Order may be cited as the Airports (Northern Ireland) Order 1994.

(2) Subject to paragraph (3) and to Article 56(3), this Order shall come into operation on the expiration of 2 months from the day on which it is made.

(3) The following provisions shall come into operation on such day or days as the Department may by order appoint^{F2}, namely—

- (a) Part IV;
- (b) Schedule 6;
- (c) paragraphs 2, 4, 5, 7, 8, 10 to 12 and 14 of Schedule 9, and Article 71(2) so far as relating thereto.

F2 fully exercised by SR 1995/294

Interpretation

2.—(1) Subject to paragraph (4), the Interpretation Act (Northern Ireland) 1954^{F3} shall apply to Article 1 and the following provisions of this Order as it applies to a Measure of the Northern Ireland Assembly.

(2) In this Order—

“the 1982 Act” means the Civil Aviation Act 1982^{F4};

“airport” means any area of land or water designed, equipped, set apart or commonly used for affording facilities for the landing and departure of aircraft and services and facilities for use in connection with the landing and departure of aircraft and includes any area or space, whether on the ground, on the roof of a building or elsewhere, which is designed, equipped or

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to *The Airports (Northern Ireland) Order 1994*. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

set apart for affording facilities for the landing and departure of aircraft capable of descending or climbing vertically;

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

“the CAA” means the Civil Aviation Authority;

^{F5}

“the Department” means the Department of the Environment;

“licensed airport” means an airport licensed under an Order in Council under section 60 of the 1982 Act (Air Navigation Orders);

“modifications” includes additions, omissions and amendments;

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

[^{F6} “regulated airport” has the meaning given in Article 2A;]

“statutory provision” has the meaning assigned to it by section 1(f) of the Interpretation Act (Northern Ireland) 1954^{F7};

[^{F8} “subsidiary” has the same meaning as in the Companies Acts (see section 1159 of the Companies Act 2006).]

(3) For the purposes of this Order, a hovercraft within the meaning of the Hovercraft Act 1968^{F9} is not an aircraft.

(4) For the purposes of this Order, section 20(2) of the Interpretation Act (Northern Ireland) 1954 applies with the omission of the words “the liability of whose members is limited” and, where the affairs of a body corporate are managed by its members, applies in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

F3 1954 c.33 (NI)

F4 1982 c.16

F5 Art. 2(2): definition of “the Companies Order” omitted (1.10.2009) by virtue of [Companies Act 2006 \(Consequential Amendments, Transitional Provisions and Savings\) Order 2009 \(S.I. 2009/1941\)](#), art. 2(1), [Sch. 1 para. 149\(2\)\(a\)](#) (with art. 10)

F6 Words in art. 2(2) substituted (6.4.2013) by [Civil Aviation Act 2012 \(c. 19\)](#), s. 110(1), [Sch. 8 para. 7](#) (with [Sch. 8 paras. 10, 12, 17](#)); S.I. 2013/589, art. 2(1)-(3)

F7 1954 c.33 (NI)

F8 Art. 2(2): definition of “subsidiary” substituted (1.10.2009) by [Companies Act 2006 \(Consequential Amendments, Transitional Provisions and Savings\) Order 2009 \(S.I. 2009/1941\)](#), art. 2(1), [Sch. 1 para. 149\(2\)\(b\)](#) (with art. 10)

F9 1968 c.59

PART II

POWERS IN RELATION TO LAND EXERCISABLE IN CONNECTION WITH AIRPORTS

[^{F10}Regulated airports

F10 Art. 2A and cross-heading inserted (6.4.2013) by [Civil Aviation Act 2012 \(c. 19\)](#), s. 110(1), [Sch. 8 para. 8](#) (with [Sch. 8 paras. 10, 12, 15, 17](#)); [S.I. 2013/589](#), art. 2(1)-(3)

2A.—(1) In this Order “regulated airport” means an airport in respect of which a certificate has been granted under this Article (and has not been withdrawn).

(2) The CAA must grant a certificate under this Article in respect of an airport if, but only if—

- (a) the airport operator applies for a certificate (and has not withdrawn the application),
- (b) the airport operator pays the charge (if any) specified in a scheme or regulations made under section 11 of the 1982 Act, and
- (c) the CAA considers that, at the time, the airport is an eligible airport.

(3) An airport is an eligible airport if the annual turnover of the business carried on at the airport by the airport operator exceeded £1 million in at least two of the last three financial years ending before the application for the certificate is made.

(4) The Department may withdraw a certificate granted under this Article in respect of an airport if it considers that, at the time, the annual turnover of the business carried on at the airport by the airport operator in each of the last two financial years did not exceed the sum for the time being specified in paragraph (3).

(5) Before withdrawing a certificate in respect of an airport, the Department must consult—

- (a) the CAA, and
- (b) the airport operator.

(6) The withdrawal of a certificate does not affect any rights or liabilities accruing by virtue of this Part or Article 25 or 26 before it is withdrawn.

(7) In this Article—

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

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

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

“public body” means a body established by or under a statutory provision.

(8) Where the person who is for the time being the airport operator in relation to an airport has not had its management for the whole or any part of a period relevant for the purposes of this Article, references in this Article to the business carried on at the airport by the airport operator include a reference to the business carried on there by any other person who was the airport operator in relation to the airport for the whole or any part of that period.

(9) The Department may, by order made with the consent of the Department of Finance and Personnel, substitute a greater sum for the sum specified in paragraph (3).

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to *The Airports (Northern Ireland) Order 1994*. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

(10) An order under paragraph (9) does not affect the validity of a certificate granted under this Article before the order comes into force.]

Modifications etc. (not altering text)

C1 Art. 2A power to modify conferred (6.4.2013) by [Civil Aviation Act 2012 \(c. 19\)](#), s. 110(1), [Sch. 8 para. 11](#) (with [Sch. 10 paras. 12, 17](#)); [S.I. 2013/589](#), [art. 2\(1\)-\(3\)](#)

Compulsory acquisition

Power to acquire land compulsorily

3.—(1) This Article applies to any regulated airport, other than a regulated airport managed by a district council under Article 17.

(2) The airport operator of an airport to which this Article applies may for any purpose connected with the safe and efficient performance of his functions as such acquire land compulsorily.

(3) The power of an airport operator to acquire land compulsorily under this Article may be exercised for the purpose of providing or improving any road which is to be provided or improved in pursuance of an order under Article 10 or for any other purpose for which land is required in connection with such an order.

(4) The power of an airport operator to acquire land compulsorily under this Article includes power to acquire, by the creation of a new right, an easement or other right over land.

(5) Where an airport operator proposes to acquire land compulsorily under this Article, the operator may apply to the Department for an order (“a vesting order”) vesting that land in the operator and the Department shall have power to make a vesting order.

(6) Schedule 6 to the Local Government Act (Northern Ireland) 1972^{F11} shall apply for the purposes of the acquisition of land by means of a vesting order made under this Article in the same manner as it applies to the acquisition of land by means of a vesting order made under that Act subject to the following modifications—

- (a) for any reference to the council there shall be substituted a reference to the airport operator;
- (b) for any reference to the Department concerned there shall be substituted a reference to the Department;
- (c) for any reference to that Act there shall be substituted a reference to this Order;
- (d) in paragraph 6(2) for the words from “the fund” onwards there shall be substituted “funds of the airport operator (in this Schedule referred to as “the compensation fund”), and shall be discharged by payments made by the airport operator”; and
- (e) in paragraph 12(2) for “the clerk of the council” there shall be substituted “such person as may be designated for the purposes of this Schedule by the airport operator”.

(7) The power to make a vesting order under this Article in respect of land—

- (a) which is the property of any public body which has power under any statutory provision to acquire land compulsorily; or
- (b) which is declared by or under any statutory provision to be inalienable,

shall not, where representations objecting to the proposal for making the order have been duly made by the owner of the land and have not been withdrawn, be exercised in relation to that land unless the proposal for making the order has been approved by a resolution of the Assembly.

(8) In paragraph (7) “public body” means a body established by or under any statutory provision.

F11 1972 c.9 (NI)

Power of entry in connection with compulsory acquisition of land

4.—(1) Where an airport operator proposes to make an application to the Department for a vesting order under Article 3 in respect of any land, a person authorised in writing by the operator may, at any reasonable time, enter the land in order to make a survey for the purpose of determining whether the application should be made.

(2) A person authorised to enter any land under this Article shall not demand to do so as of right unless—

- (a) 14 days notice of the intended entry has been given to the occupier; and
- (b) if required to do so, he has produced evidence of his authority.

(3) Any person who intentionally obstructs a person acting in the exercise of a power conferred by this Article shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Disposal of compulsorily acquired land

5.—(1) This Article applies to the disposal of any land—

- (a) which was acquired compulsorily by the airport operator of any airport to which Article 3 applies or any predecessor in title of his under Article 3 or any other statutory provision; and
- (b) which, at the time of the disposal, forms part of an airport or is attached to an airport and administered with it as a single unit or has, at any time since the date of its acquisition, formed part of an airport or been so attached and administered.

(2) An airport operator shall not dispose of any land to which this Article applies, or any estate in such land, within the period of 25 years beginning with the date of its acquisition as mentioned in paragraph (1), unless—

- (a) the disposal is for the purposes of the provision of any of the services and facilities associated with the operation of an airport; or
- (b) the disposal is of a leasehold interest in the land for a term of less than 7 years; or
- (c) the Department consents to the disposal.

(3) Any consent of the Department under this Article may be given subject to such conditions as it thinks fit.

Protection of land from compulsory acquisition

6. Where—

- (a) an application for a vesting order is made by a person with power to acquire land compulsorily (other than an airport operator) in respect of land which includes land belonging to the airport operator of an airport to which Article 3 applies and used for any purpose connected with the performance of his functions as such; and
- (b) that airport operator has made a representation to the Department concerned before the expiration of one month from the date of the last publication of the notice mentioned in paragraph 2(a) of Schedule 6 to the Local Government Act (Northern Ireland) 1972^{F12},

the Department concerned shall not make the vesting order unless the Department has certified—