

AIRPORTS AND CIVIL AVIATION ACT 1987

(Chapter 10)

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GENERAL NOTE: The maximum fines in this Act are as increased by the Criminal Justice (Penalties, Etc.) Act 1993 s 1.

AN ACT

to consolidate enactments relating to airports; to confer new powers on the Department of Highways, Ports and Properties in relation to the regulation of airports and of vehicles on airports; to enable that Department to apply to the Island certain legislation of Parliament relating to civil aviation, air navigation and airports; and for connected purposes.

Establishment, operation, etc. of airports

1 Airport functions of Department of Transport

(1) The Department of Transport (in this Act referred to as 'the Department') may, subject to the provisions of this Act, establish, operate and maintain airports.

[Subs (1) amended by SD486/94.]

(2) Without prejudice to the generality of the functions conferred by sub-section (1), the Department shall have the functions specified in Schedule 1.

2 Airport byelaws

(1) The Department may make byelaws for regulating the use and operation of any airport maintained or operated by it and the conduct of all persons while within such an airport.

(2) Without prejudice to the generality of the power conferred by subsection (1), the Department may make byelaws in relation to the matters specified in Schedule 2.

(3) Byelaws made under this section shall not come into operation until they are approved by Tynwald.

3 Byelaws, etc supplementary provisions

(1) Any person contravening any byelaw made under section 2 shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £1,000.

(2) Where a person convicted of an offence against any byelaw made under section 2 is a body corporate, every person who at the time of the commission of the offence was a director or officer of the body corporate shall be deemed guilty of that offence unless he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of the offence.

(3) A constable or airport official may remove from an airport maintained or operated by the Department or any part of such an airport-

- (a) any person who, in contravention of any byelaw made under section 2, fails or refuses to leave the airport or part after being requested by the constable or official to do so;
- (b) any vehicle, animal or thing brought to or left within the airport or part in contravention of any byelaw made under section 2; and
- (c) any vehicle, animal or thing likely to cause danger or obstruction.

(4) Where any vehicle, animal or thing is removed from an airport or any part of an airport under subsection (3), any costs, charges or expenses incurred in such removal shall be recoverable as a civil debt due to the Department from the owner of such vehicle, animal or thing.

(5) A constable may without warrant arrest a person within an airport-

- (a) if he has reasonable cause to believe that the person has contravened any byelaw made under section 2 and he does not know and cannot ascertain that person's

name and address; or

- (b) if that person, in contravention of any byelaw made under section 2 fails or refuses to leave the airport or any particular part of it after being requested by the constable to do so.

4 Application of road traffic enactments

(1) The Department may by order direct that any of the road traffic enactments shall apply, with such exceptions, adaptations and modifications as appear to it to be necessary or expedient in relation to the roads which are within any airport maintained or operated by it but to which the public does not have access as they apply in relation to roads to which the public has access.

(2) An order made under this section or section 5 shall not come into operation until it is approved by Tynwald.

5 Abandoned, etc vehicles

(1) The Department may by order direct that, in their application to land within an airport maintained or operated by it, the provisions of Part I of the Local Government (Miscellaneous Provisions) Act 1984 and any regulations made under that Part shall have effect subject to such modifications as appear to it to be necessary or expedient.

(2) In relation to the provisions of sections 2 and 3 of that Act, the powers of the Department under subsection (1) shall be exercisable not only as respects the application of those provisions to roads within an airport but also as respects their application to other land within an airport.

(3) Where the provisions of that Part or regulations under that Part apply to any land within an airport those provisions shall have effect in relation to vehicles in a building on that land which is used for providing facilities for the parking of vehicles as they have effect in relation to vehicles on land in the open air.

Powers in relation to land

6 Power of Department to obtain rights over land

(1) The Department may, if it is satisfied that it is expedient to do so in order-

- (a) to secure the safe and efficient use for civil aviation purposes of land which is vested in the Department or which the Department proposes to acquire; or
- (b) to secure the provision of any services required in relation to any such land; or
- (c) to secure that civil aircraft may be navigated with safety and efficiency,

by order provide for the creation in favour of the Department of easements over land, or of other rights in or in relation to land including rights to carry out and maintain works on any land and to install and maintain structures and apparatus on, under, over or across any land.

[Subs (1) amended by GC55/88 and by Interpretation Act 1976 s 16A.]

(2) Any such order may contain such provisions as appear to the Department to be necessary or expedient for the purposes of authorising persons to enter upon land for the

purpose of carrying out, installing, maintaining or removing any works, structures or apparatus.

[Subs (2) amended by GC55/88.]

(3) Subject to subsection (4), no person shall, in the exercise of a power conferred by any such order, enter upon land which is occupied unless, not less than seven days before the day upon which the entry is made, there has been served upon the occupier of the land a notice stating that an entry will be made upon the land upon that day in the exercise of powers conferred by the order, and specifying the purposes for which the entry will be made.

(4) Nothing in subsection (3) shall restrict the right of any person to enter upon land in a case of emergency or for the purpose of performing any functions which are required to be performed from time to time in connection with the maintenance or use of any works, structures or apparatus.

(5) 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 Department, wilfully interfere with any works carried out on any land in pursuance of the order, or with anything installed on, under, over or across any land in pursuance of the order.

(6) If any person contravenes subsection (5) he shall be guilty of an offence and shall be liable, on summary conviction, to imprisonment for a term not exceeding three months or to a fine not exceeding £5,000 or to both.

(7) Any person who wilfully obstructs any person in the exercise of any power of entry conferred by an order under this section shall be guilty of an offence and shall be liable, on summary conviction, to a fine not exceeding £5,000.

(8) An order made under this section shall not come into operation until it is approved by Tynwald.

7 Power of Department to stop up and divert highways etc in interests of civil aviation

(1) The Department may if it is satisfied that it is necessary to do so in order to secure the safe and efficient use for civil aviation purposes, including the testing of aircraft, of any land vested in the Department, or of any land which the Department proposes to acquire, by order authorise the stopping up or diversion of any highway.

[Subs (1) amended by GC55/88 and by Interpretation Act 1976 s 16A.]

(2) The powers of the Department under subsection (1) 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 the provisions of this section shall not prejudice any other power to authorise the stopping up or diversion of a highway.

[Subs (2) amended by GC55/88.]

(3) An order made under this section shall not come into operation until it is approved by Tynwald.

8 Power of Department to exercise control over land in the interests of civil aviation

(1) The Department may, if it is satisfied that it is necessary to do so in order to secure the safe and efficient use for civil aviation purposes of any land, structures, works or apparatus vested in the Department or which the Department proposes to acquire or install, by order declare that any area of land specified in the order shall be subject to control by directions given in accordance with the provisions of this section.

[Subs (1) amended by GC55/88 and by Interpretation Act 1976 s 16A.]

(2) Where any such order is in force, the Department may in pursuance of any general or special authority given by the order, give directions-

- (a) for requiring the total or partial demolition of any building or structure within the area to which the order relates;
- (b) for restricting the height of trees upon any land within the area, or for requiring any tree upon any such land to be cut down or reduced in height;
- (c) for extinguishing any private right of way over land within the area;
- (d) for restricting the installation of cables, mains, pipes, wires or other apparatus upon, across, under or over any land within the area;
- (e) for extinguishing, at the expiration of such period as may be determined by the directions any subsisting right of installing or maintaining any such apparatus as aforesaid upon, across, under or over any land within the area;
- (f) for requiring that, before the expiration of such period as may be determined by the directions, any such apparatus shall be removed from any land within the area.

[Subs (2) amended by GC55/88.]

(3) Any such order may contain provisions for empowering any person authorised in that behalf by the Department to remove, pull down, cut down, or alter so as to bring into conformity with the requirements of any directions given under the order, any building, structure, tree or apparatus which contravenes those requirements.

(4) The powers of the Department under this section shall not prejudice the power of the Department 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 under this section.

[Subs (4) amended by GC55/88]

(5) An order made under this section shall not come into operation until it is approved by Tynwald.

(6) The Department shall cause not less than 28 days' public notice to be given, and also notice in writing to be given to the owners or occupiers of the area of the land specified in the Order, of the date of the sitting of Tynwald at which it is intended to apply for the approval of Tynwald to such Order, and such latter notice may be sent by recorded delivery to the last known address of such persons or addressed simply to the 'Owner' or 'Occupier' of the premises (naming them) to which the notice relates, and shall be deemed to have

been delivered when such letter would in the course of ordinary post have been delivered at such address.

[Subs (6) amended by GC55/88.]

(7) A copy of the Order shall be open to inspection by all interested persons at the principal office of the Department during the ordinary office hours when such office is open to the public, and any interested person may appear at Tynwald when such Order is being considered, and may oppose the approval of such Order.

[Subs (7) amended by Statute Law Revision Act 1997 Sch 1.]

9 Power of entry for purposes of survey

(1) Where the Department has made an order under this Act-

- (a) providing for the creation in favour of the Department of easements over land or of other rights in or in relation to land; or
- (b) declaring that any area of land shall be subject to control by directions;

or has under consideration the making of any such order, any person authorised in writing by the Department may, subject to subsection (2), at all reasonable times, on producing, if so required, evidence of his authority in that behalf, enter upon any of that land in order to make any survey which the Department requires to be made for the purpose of any steps to be taken in consequence of the order or, as the case may be, for the purpose of determining whether the order should be made.

[Subs (1) amended by GC55/88.]

(2) Admission shall not, by virtue of subsection (1), be demanded as of right to any land which is occupied unless twenty-four hours' notice of the intended entry has been served on the occupier.

(3) 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 £5,000.

10 Compensation for land damaged

(1) Where any land is damaged in the exercise of any power under or in pursuance of any order made by the Department for the purposes of the provisions of this Act, the Department shall pay such compensation to the persons interested in the land as may be just.

[Subs (1) amended by GC55/88.]

(2) Where any dispute arises as to whether compensation is payable under this section, or as to the amount of any such compensation, or as to the persons to whom it is payable, the dispute shall be determined in accordance with Part III of the Acquisition of Land Act 1984.

Power to apply civil aviation, etc. legislation

11 Application to Island of civil aviation, etc legislation

(1) The Department may, after consultation with the Secretary of State, by order apply to the Island as part of the law of the Island, subject to such exceptions, adaptations and modifications as may be specified in the order, any legislation of the United Kingdom to which this section applies.

(2) An order under this section may include provision repealing or amending any provision of any enactment (other than this section) which is inconsistent with, or is unnecessary or requires modification in consequence of any legislation of the United Kingdom applied to the Island by the order.

(3) This section applies to the following legislation of the United Kingdom-

- (a) the Carriage by Air Act 1961;
- (b) the Carriage by Air (Supplementary Provisions) Act 1962;
- (c) the Tokyo Convention Act 1967;
- (d) the Civil Aviation Act 1982;
- (e) the Aviation Security Act 1982;
- (f) the Airports Act 1986;
- (g) any provision of an Act of Parliament, or of any instrument of a legislative character made under an Act of Parliament, amending or varying, directly or indirectly, any of the Acts of Parliament mentioned in paragraphs (a) to (f);
- (h) any instrument of a legislative character made or having effect as if made under any of the Acts of Parliament mentioned in paragraphs (a) to (f);
- (i) any provision of an Act of Parliament, or of any instrument of a legislative character made under an Act of Parliament, which relates, directly or indirectly, to civil aviation, air navigation or airports.

(4) An order made under this section shall not come into operation until it is approved by Tynwald.

(5) The Department shall, as soon as practical after the coming into operation of an order made under this section cause a text to be prepared of the legislation of the United Kingdom applied by the order, incorporating the exceptions, adaptations and modifications specified in the order.

(6) The Department shall supply a copy of the text prepared under subsection (5) to any person requesting the same, at such reasonable charge as the Department may determine.

11A Application to Island of Community instruments

(1) Notwithstanding the provisions of any other enactment, the Department may by order apply to the Island as part of the law of the Island, subject to such exceptions, adaptations and modifications as may be specified in the order, any provision of any Community instrument (within the meaning of section 1(1) of the European Communities (Isle of Man)

Act 1973) which has effect in the United Kingdom and concerns, directly or indirectly-

- (a) airports;
- (b) air traffic control;
- (c) air safety;
- (d) air navigation;
- (e) air routes;
- (f) aircraft and their operation;
- (g) the effect on the environment of airports and civil aviation;
- (h) air crew;
- (i) carriage by air of passengers, luggage and cargo; or
- (j) civil aviation.

(2) An order under subsection (1), may include provision repealing or amending any provision of any enactment (other than this section) which is inconsistent with, or is unnecessary or requires modification in consequence of any Community instrument applied to the Island by the order.

(3) An order under subsection (1) may-

- (a) specify the exceptions, adaptations and modifications subject to which the Community instrument applies to the Island; or
- (b) set out the Community instrument applied by the order, incorporating the exceptions, adaptations and modifications subject to which it applies to the Island.

(4) The Department shall, as soon as is practical after the coming into operation of an order to which subsection (3)(a) applies cause a text to be prepared of the Community instrument applied by the order, incorporating the exceptions, adaptations and modifications specified in the order.

(5) The Department shall supply a copy of the text prepared under subsection (4) to any person requesting the same, at such reasonable charge as the Department may determine.

(6) An order under subsection (1) shall not come into operation until it is approved by Tynwald.

[S 11A inserted by Airports and Civil Aviation (Amendment) Act 2001 s 1.]

12 Interpretation

(1) In this Act-

'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 includes-

- (a) any area or space, whether on the ground, on the roof of a building or elsewhere,

which is designed, equipped or set apart for affording facilities for the landing and departure of aircraft capable of descending or climbing vertically; and

(b) any associated land, buildings and works;

'**airport official**' means a person authorised for the purposes of this Act by the Department;

'**the Department**' has the meaning given by section 1(1);

'**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;

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

(2) Any reference in this Act to the carrying out of works on land shall be construed as including a reference to the making of excavations on the land or to the carrying out of levelling operations on the land, and references to the maintenance of works or to interference with works shall be construed accordingly.

13 Expenses

Any expenses incurred under this Act shall be defrayed out of moneys provided by Tynwald.

14

[S 14 repealed by Statute Law Revision Act 1992 Sch 2.]

15 Short title

This Act may be cited as the Airports and Civil Aviation Act 1987.

Schedule 1 Functions of the Department of Transport in Relation to Airports

[Heading amended by SD486/94.]

1. To provide and erect, purchase, lease or otherwise acquire airports and accommodation for or in relation to air transport services for the carriage by air of passengers, mails and freight.
2. To promote aviation meetings and exhibitions, and to give prizes and awards for persons taking part therein.
3. To enter into any arrangements with any Government or authorities that may be conducive to any object of the Department under this Act and to obtain from any such Government or authority any rights, privileges and concessions which the Department might think it desirable to obtain, and to carry out, exercise and comply with any such

arrangements, rights, privileges and concessions.

4. To carry on the business of restaurant keepers, farmers and market gardeners, and any other business which can be conveniently carried on in connection with any object of the Department under this Act which may seem to be calculated to render profitable any property or rights of the Department for the time being.

5. To construct, improve, maintain, develop, work, manage, or control any real and personal property vested in or held by the Department, which may seem calculated directly or indirectly to advance any of the objects of the Department whether under this or any other statutory provision.

Schedule 2

Matters in Relation to which Byelaws may be Made

[Sch 2 amended by Road Transport Act 2001 Sch 3.]

Byelaws under section 2 may include provision-

- (a) for securing the safety of aircraft, vehicles and persons using the airport and preventing danger to the public arising from the use and operation of the airport;
- (b) for controlling the operation of aircraft within, directly above, or in the vicinity of, the airport for the purpose of limiting or mitigating the effect of noise, vibration and atmospheric pollution caused by aircraft using the airport;
- (c) for preventing obstruction within the airport;
- (d) for regulating vehicular traffic anywhere within the airport, except on roads within the airport to which the road traffic enactments apply, and in particular (with that exception) for imposing speed limits on vehicles within the airport and for restricting or regulating the parking of vehicles or their use for any purpose or in any manner specified in the byelaws;
- (e) for prohibiting waiting by public passenger vehicles except at standings appointed by such person as may be specified in the byelaws;

[Para (e) amended by Road Transport Act 2001 Sch 3.]

- (f) for prohibiting or restricting access to any part of the airport;
- (g) for preserving order within the airport and preventing damage to property within it;
- (h) for regulating or restricting advertising within the airport;
- (i) for requiring any person, if so requested by a constable or airport official, to leave the airport or any particular part of it, or to state his name and address and the purpose of his being within the airport;
- (j) for securing the safe custody and redelivery of any property which, while not in proper custody, is found within the airport or in an aircraft within the airport, and in particular-
 - (i) for requiring charges to be paid in respect of any such property before it is

redelivered; and

- (ii) for authorising the disposal of any such property if it is not redelivered before the end of such period as may be specified in the byelaws;
- (k) for defining or restricting the area which is to be taken as constituting the airport for the purposes of the byelaws.

In paragraph (e) 'public passenger vehicle' has the same meaning as in the Road Transport Act 2001.

Schedule 3

[Sch 3 repealed by Statute Law Revision Act 1992 Sch 2.]