

*Draft Order laid before Parliament under section 277(3) of the Transport Act 2000, for approval by resolution of each House of Parliament.*

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DRAFT STATUTORY INSTRUMENTS

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**2006 No. XXX (S. )**

**CIVIL AVIATION, SCOTLAND**

**The Transport Act 2000 (Consequential  
Amendments) (Scotland) Order 2006**

<i>Made</i>	-	-	-	-	2006
<i>Coming into force</i>	-	-			2006

The Secretary of State for Transport makes the following Order in exercise of the powers conferred by section 277(1) of the Transport Act 2000<sup>(1)</sup>.

In accordance with section 277(3) of that Act, this Order has been laid before Parliament and approved by each House of Parliament.

**Citation, commencement and extent**

1.—(1) This Order may be cited as the Transport Act 2000 (Consequential Amendments) (Scotland) Order 2006 and shall come into force on the day after the day on which it is made.

(2) This Order extends to Scotland only.

**Consequential amendments**

2. The enactments specified in the Schedule to this Order are amended as specified in the Schedule.

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(1) 2000 c. 38.

Signed by authority of the Secretary of State for Transport

2006

Parliamentary Under Secretary of State  
Department for Transport

## SCHEDULE

## Article 2

### *Town and Country Planning (Scotland) Act 1997*

1. In section 216(8)(2) of the Town and Country Planning (Scotland) Act 1997 (cases in which land is to be treated as not being operational land)—

(a) for “the Civil Aviation Authority” there shall be substituted—

“(a) the Civil Aviation Authority;

(b) a person who holds a licence under Chapter 1 of Part 1 of the Transport Act 2000; or

(c) a company associated with such a person,” and

(b) after “the Authority” there shall be inserted, “person or company”.

### *Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984*

2. In the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984, in regulation 2 (interpretation)(3)—

(a) in paragraph (1) in the definition of “statutory undertakers” and “statutory undertaking” after the “Civil Aviation Authority,” there shall be inserted “a person who holds a licence under Chapter 1 of Part 1 of the Transport Act 2000 (air traffic services),”; and

(b) after paragraph (1) there shall be inserted—

“(1A) For the purposes of these Regulations—

(a) a person who holds a licence under Chapter 1 of Part 1 of the Transport Act 2000 shall not be considered to be a statutory undertaker unless the person is carrying out activities authorised by the licence; and

(b) the person’s undertaking shall not be considered to be a statutory undertaking except to the extent that it is the person’s undertaking as licence holder.”.

### *Town and Country Planning (General Permitted Development) (Scotland) Order 1992*

3. In the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 in Schedule 1 (classes of permitted development)(4), in Part 14 (aviation development)—

(a) the heading and content of class 45 (air navigation development at an airport) shall be substituted by—

#### **“Air traffic services development at an airport**

**Class 45.** The carrying out on operational land within the perimeter of a relevant airport by a relevant airport operator or its agent of development in connection with the provision of air traffic services.”;

(b) the heading and content of class 46 (air navigation development near an airport) shall be substituted by—

#### **“Air traffic services development near an airport**

**Class 46.—**

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(2) 1997 c. 8. There have been amendments to section 216 which are not relevant to this Order.

(3) S.I.1984/467. There is an amendment to regulation 2 which is not relevant to this Order.

(4) S.I. 1992/223. There have been amendments to Schedule 1 which are not relevant to this Order.