



**BERMUDA  
1956 : 31**

**DEVELOPMENT OF LAND (AIRPORT APPROACHES) ACT 1956**

ARRANGEMENT OF SECTIONS

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[7 May 1956]

*[preamble and words of enactment omitted]*

**Construction and extent**

1 (1) This Act shall be construed as one with the Development and Planning Act 1974 [*title 20 item 1*], (hereinafter in this Act referred to as "the Development and Planning Act") and this Act shall supplement, and not abridge or derogate from, the Development and Planning Act.

(2) Notwithstanding anything in the Development and Planning Act the provisions of that Act and of any statutory instrument in force thereunder shall, to the extent that those provisions are applied under this Act, in furtherance of the purposes of this Act, apply and have effect in relation to any municipal area, or to any part of a municipal area, which comprises or forms part of an airport control zone within the meaning of section 3.

**Interpretation**

2 In this Act—

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"aids to aerial navigation" includes navigational lights, warning lights, obstruction lights, beacons, wireless and radar equipment, signalling equipment, and any other aids to navigation, whether carried or installed in aircraft or on the ground, and, in the latter case, whether fixed or mobile;

"airport" includes any area of land or water ordinarily used for the landing or taking off of aircraft;

"airport control zone" means an area of land, or of land and water, surrounding or adjacent to an airport and declared by an Order made under section 3 to be an airport control zone;

"building" includes any structure or erection (including a mast or pole) of whatsoever material, and in whatsoever manner constructed, and any part of a building, and also includes any artificial water catchment;

"building operation" includes the construction of any building;

"construction", used in relation to a building, includes the reconstruction and any addition to or alteration of the building.

### **Governor may declare area to be airport control zone**

3 (1) Where it is made to appear to the Governor that, in the interests of safety or of facilitating aerial navigation, it is expedient that this Act should be applied in respect of any area of land, or of land and water, surrounding or adjacent to an airport, the Governor may, by Order, declare such area to be an airport control zone; and the succeeding provisions of this Act shall apply and have effect in relation to any such airport control zone accordingly.

(2) [omitted] [covered by Interpretation Act 1951 section 35]

(3) Any Order made under this section shall be published in the Gazette and shall come into operation on the date of such publication or on such later date as may be specified in the Order.

(4) Section 6 of the Statutory Instruments Act 1977 [title 1 item 3] shall not apply to an Order made under this section.

### **Governor may make rules**

4 (1) Without prejudice to anything in the Development and Planning Act, and subject to section 5, the Governor may from time to time make rules with the object of controlling the development and use of land within any airport control zone—

(a) so as to ensure that no undue danger to persons or property is likely to arise by reason of the passage of aircraft landing at, or taking off from, the airport in

connection with which the airport control zone has been declared; and

- (b) so as to reduce interference with proper aerial navigation or with the proper working of necessary aids to aerial navigation.

(2) Without prejudice to the generality of subsection (1), provision may be made by rules under this Act—

- (a) for prohibiting building operations where the height above sea level of any part of a proposed new building, or of any alteration or addition to an existing building, exceeds a specified height;
- (b) for regulating the situation of new buildings, and for prohibiting building operations where the construction of a new building would be likely to constitute a hazard to proper aerial navigation or to cause interference with the proper working of any necessary aids to aerial navigation;
- (c) for regulating the colour, or arrangement of colours, maintained on the exterior of any existing building;
- (d) for requiring, in respect of any building, the installation, maintenance or operation of obstruction or other warning lights;
- (e) for requiring the felling or cutting of trees and the cutting of other natural growth.

(3) Rules made under this Act may provide—

- (a) for empowering such public authorities or persons as may be specified in the rules to administer or execute the rules and to make orders, impose requirements or give directions for the purposes of the rules;
- (b) for empowering such public authorities or persons as may be specified in the rules to take measures, including the entry and inspection of any land or building and the carrying out of any works or of any demolition, to secure compliance with the rules or with any order, requirement or direction made, imposed or given thereunder; and for enabling such public authorities or persons to recover expenses incurred by them in the exercise of any such power;
- (c) for the trial and punishment of persons contravening or failing to comply with any of the provisions of the rules

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or of any order, requirement or direction made, imposed or given thereunder;

(d) for the review of, or appeals from, decisions given under the rules;

(e) for adapting, applying and extending Development and Planning Rules made under the Development and Planning Act, in furtherance of the purposes of this section;

(f) for any incidental or supplementary matters necessary or expedient for the purposes of the rules.

(4) Without prejudice to subsections (1) to (3), provision may be made by rules for the payment of compensation out of public funds to any person—

(a) whose land is depreciated in value by reason of the operation of the rules; or

(b) who otherwise suffers pecuniary loss by reason of the operation of the rules.

**Parliamentary scrutiny of rules**

5 (1) [omitted] [covered by Interpretation Act 1951 section 35]

(2) The affirmative resolution procedure shall apply to rules made under this section.

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[Amended by

1968 : 221

1977 : 35]