



Aviation Security Act 1982

1982 CHAPTER 36

PART IV

THE AVIATION SECURITY FUND

32 The Aviation Security Fund.

- (1) There shall continue to be, under the control and management of the Secretary of State, a fund called the Aviation Security Fund out of which payments shall be made in accordance with this section.
- (2) The Secretary of State may, out of the Aviation Security Fund, reimburse to any person who is—
 - (a) the operator of one or more aircraft registered or operating in the United Kingdom, or
 - (b) the manager of an aerodrome in the United Kingdom, or
 - (c) the authority responsible for an air navigation installation in the United Kingdom, ^[F1] or
 - (d) a person to whom a direction has been or could be given by the Secretary of State under section 14 of this Act by virtue of subsection (1)(c) or (d) of that section,]

the whole or part of any expenses which, for purposes to which Part II of this Act applies, ^[F2] have, in the case of a person mentioned in paragraph (a), (b) or (c) above, been at any time on or after 1st June 1972 or, in the case of a person mentioned in paragraph (d) above, been at any time after the passing of the Aviation and Maritime Security Act 1990, incurred or may, in any case, be incurred by any such person in relation to those aircraft, to that aerodrome or air navigation installation or to the land or activities concerned,] as the case may be, whether or not the expenses have been or are incurred in consequence of a direction given under Part II of this Act.

- (3) For the purposes of this section any expenses incurred in paying compensation under section 22 of this Act shall be treated as being expenses incurred as mentioned in subsection (2) above.

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- (4) The Secretary of State may, out of the Aviation Security Fund, reimburse to the manager of an aerodrome such part as he may determine of—
- (a) any payments made or other expenses incurred by the manager under section 26(3) of this Act;
 - (b) any payments made by the manager by virtue of any order under section 30 of this Act.
- (5) If the Secretary of State certifies that any payment which, but for this subsection, would be paid out of the Aviation Security Fund under the preceding provisions of this section is of an exceptional nature, that payment may, with the consent of the Treasury, be paid out of money provided by Parliament instead of out of the Fund.
- (6) Any money in the Aviation Security Fund which appears to the Secretary of State not to be immediately required for the purposes of the Fund may be deposited by him with the Bank of England or with a recognised bank or licensed institution within the meaning of the ^{M1}Banking Act 1979, and any interest received by the Secretary of State in respect of money so deposited shall be paid by him into the Fund.
- (7) There shall be paid out of the Aviation Security Fund into the Consolidated Fund sums equal to the amount of any expenses incurred by the Secretary of State in the management and control of the first-mentioned Fund.

Textual Amendments

- F1** Words inserted by [Aviation and Maritime Security Act 1990 \(c. 31, SIF 39\)](#), s. 8, **Sch. 1 para. 17(a)**
- F2** Words substituted by [Aviation and Maritime Security Act 1990 \(c. 31, SIF 39:2\)](#), s. 8, **Sch. 1 para. 17(b)**

Modifications etc. (not altering text)

- C1** By [S.I. 1983/1644](#), **art. 2** it is declared that the winding up of the Aviation Security Fund was completed on 31.10.1983 and therefore ss. 32(1)(5)–(7), 33 and 36(2) ceased to have effect on 31.10.1983

Marginal Citations

- M1** [1979 c. 37](#).

33 Contributions to the Fund.

- (1) The Secretary of State may make regulations containing such provisions as he considers appropriate for requiring managers of aerodromes to pay him, in respect of all aerodromes or of aerodromes of a prescribed class, contributions to the Aviation Security Fund calculated in accordance with the following provisions of this section.
- (2) Those contributions shall be payable in respect of prescribed periods and the contribution payable for any aerodrome in respect of each such period shall be one of the following amounts, or if the regulations so provide, the aggregate of those amounts, that is to say—
- (a) an amount ascertained by multiplying a prescribed sum by the number of passengers, or passengers of a prescribed description, who during that period arrived by air at or departed by air from that aerodrome or the number of such passengers in excess of a prescribed limit;

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- (b) an amount ascertained by multiplying a prescribed sum by the total prescribed units of weight of each aircraft, or aircraft of a prescribed description, which during that period arrived at or departed from that aerodrome.
- (3) Without prejudice to the generality of subsection (1) above, regulations under this section may—
- (a) prescribe the time when any contribution is to be paid;
 - (b) charge interest at a rate prescribed with the consent of the Treasury on so much of any contribution as is overdue;
 - (c) require managers of aerodromes, in relation to the aerodromes under their management, to furnish the Secretary of State with such information, to keep such records and to make such returns to him about the matters mentioned in subsection (2) above as may be prescribed;
 - (d) provide that contravention of any prescribed provision of the regulations (other than a failure to pay a contribution or interest on any overdue contribution) shall be an offence, either triable on indictment or summarily or triable only summarily, and punishable in each case with a fine, not exceeding, in the case of a summary conviction—
 - (i) in Great Britain, the statutory maximum if the offence is also triable on indictment or £1,000 if it is not;
 - (ii) in Northern Ireland, £1,000;
 - (e) make such incidental, supplemental and transitional provision as the Secretary of State thinks fit; and
 - (f) make different provision for different cases.
- (4) The Secretary of State shall pay into the Aviation Security Fund all money received by him by virtue of regulations made under this section.
- (5) The power to make regulations under this section shall be exercisable by statutory instrument; and regulations shall not be made under this section unless a draft of the regulations has been laid before Parliament and approved by a resolution of each House of Parliament.
- (6) In this section prescribed means prescribed by regulations under this section.

Modifications etc. (not altering text)

C2 By [S.I. 1983/1644](#), [art. 2](#) it is declared that the winding up of the Aviation Security Fund was completed on 31.10.1983 and therefore ss. 32(1)(5)–(7), 33 and 36(2) ceased to have effect on 31.10.1983

34 F3

Textual Amendments

F3 Ss. 34, 35 repealed by [Aviation and Maritime Security Act 1990 \(c. 31, SIF 39:2\)](#), s. 53(2), [Sch. 4](#)

35 F4

Changes to legislation: There are currently no known outstanding effects for the Aviation Security Act 1982, Part IV. (See end of Document for details)

Textual Amendments

F4 Ss. 34, 35 repealed by [Aviation and Maritime Security Act 1990 \(c. 31, SIF 39:2\)](#), s. 53(2), **Sch. 4**

36 Power to wind up the fund.

^{F5}(1)

(2) On such day as is declared by the Secretary of State by order to be that on which the winding up was completed sections 32(1), (5), (6) and (7) and 33 of this Act shall cease to have effect, and as from that day subsections (2) and (4) of section 32 of this Act shall have effect as if—

- (a) all payments under those subsections fell to be defrayed out of money provided by Parliament, instead of out of the Aviation Security Fund; and
- (b) the consent of the Treasury were required for all such payments.

^{F6}(3)

Textual Amendments

F5 S. 36(1) repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#) , **Sch. 1 Pt. 4**

F6 S. 36(3) repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#) , **Sch. 1 Pt. 4**

Modifications etc. (not altering text)

C3 By [S.I. 1983/1644](#) , **art. 2** it is declared that the winding up of the Aviation Security Fund was completed on 31.10.1983 and therefore ss. 32(1)(5)–(7), 33 and 36(2) ceased to have effect on 31.10.1983

Changes to legislation:

There are currently no known outstanding effects for the Aviation Security Act 1982, Part IV.