

Status: Point in time view as at 16/01/2012.

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SCHEDULES

SCHEDULE 1

Section 8.

FURTHER AMENDMENTS OF THE AVIATION SECURITY ACT 1982

Obstruction

- 1 In section 7 (powers exercisable on suspicion of intended offence under Part I) in subsection (2) for wilfully obstructs or impedes there is substituted “intentionally obstructs”.

Provision of information

- 2 (1) Section 11 (power of Secretary of State to require information) is amended as follows.
- (2) For subsection (1) there is substituted—
- “(1) The Secretary of State may, by notice in writing served on any person who—
- (a) is the operator of one or more aircraft registered or operating in the United Kingdom,
 - (b) is the manager of an aerodrome in the United Kingdom,
 - (c) occupies any land forming part of an aerodrome in the United Kingdom, or
 - (d) is permitted to have access to a restricted zone of an aerodrome for the purposes of the activities of a business carried on by him,
- require that person to provide the Secretary of State with such information specified in the notice as the Secretary of State may require in connection with the exercise by the Secretary of State of his functions under this Part of this Act.”
- (3) In subsection (2) for four weeks there is substituted “seven days”.
- (4) In subsection (3)—
- (a) for shall there is substituted “may”, and
 - (b) for paragraphs (a) and (b) there is substituted “the information previously furnished to the Secretary of State (including any information furnished in pursuance of a requirement imposed by virtue of this subsection) is rendered inaccurate by any change of circumstances (including the taking of any further measures for purposes to which this Part of this Act applies or the alteration or discontinuance of any measures already being taken)”.
- (5) In subsection (4) for the words from the further to be there is substituted “the change of circumstances occurs”.
- (6) In subsection 5(a) the words refuses or are omitted.
- (7) In subsection (6) for the words from time onwards there is substituted “time—

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- (a) be revoked by a notice in writing served on him by the Secretary of State, or
- (b) be varied by a further notice under subsection (1) above”.

Designation of restricted zones of aerodromes

3 After section 11 there is inserted—

“11A Designation of restricted zones.

- (1) The manager of an aerodrome in the United Kingdom may, and shall if so requested in writing by the Secretary of State, apply to the Secretary of State for the designation of the whole or any part of the aerodrome as a restricted zone for the purposes of this Part of this Act.
- (2) Where the aerodrome includes an air navigation installation, the manager—
 - (a) shall, before making any application under subsection (1) above, consult the authority responsible for the air navigation installation, and
 - (b) shall send a copy of the application to that authority.
- (3) An application under subsection (1) above shall be in such form, and accompanied by such plans, as the Secretary of State may require.
- (4) If the Secretary of State approves an application under subsection (1) above with or without modifications, he shall designate the restricted zone accordingly.
- (5) Before approving an application with modifications, the Secretary of State shall consult—
 - (a) the manager of the aerodrome, and
 - (b) the authority responsible for any air navigation installation which forms part of the aerodrome.
- (6) If the manager of an aerodrome is requested in writing by the Secretary of State to make an application under subsection (1) above within a specified period but fails to do so within that period, the Secretary of State may designate the whole or any part of the aerodrome as a restricted zone.
- (7) The whole or any part of an aerodrome may be designated as a restricted zone, or part of a restricted zone, for specified days or times of day only.
- (8) The Secretary of State shall give notice of any designation under this section to—
 - (a) the manager of the aerodrome, and
 - (b) the authority responsible for any air navigation installation which forms part of the aerodrome,
 and the designation of the restricted zone shall take effect on the giving of the notice.
- (9) In relation to an air navigation installation in the United Kingdom which does not form part of an aerodrome, this section has effect as if any reference to an aerodrome were a reference to such an air navigation installation and any

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reference to the manager of an aerodrome were a reference to the authority responsible for such an air navigation installation.

- (10) Where the whole or any part of an aerodrome has been designated under this section as a restricted zone—
- (a) subsections (1) to (9) above also have effect in relation to any variation of the designation, and
 - (b) the designation may at any time be revoked by the Secretary of State.”

Directions by Secretary of State

- 4 (1) Section 12 (power to impose restrictions in relation to aircraft) is amended as follows.
- (2) In subsection (9) for refuses or there is substituted “, without reasonable excuse,”.
- (3) After subsection (9) there is inserted—
- “(10) Where a person is convicted of an offence under subsection (9) above, then, if without reasonable excuse the failure in respect of which he was convicted is continued after the conviction, he shall be guilty of a further offence and liable on summary conviction to a fine not exceeding one-tenth of level 5 on the standard scale for each day on which the failure continues.”
- 5 (1) Section 13 (power to require aerodrome managers to promote searches at aerodromes) is amended as follows.
- (2) In subsection (4)—
- (a) in paragraph (a) for refuses or there is substituted “ without reasonable excuse,”, and
 - (b) in paragraph (b) for wilfully obstructs or impedes there is substituted “ intentionally obstructs ”.
- (3) After subsection (4) there is inserted—
- “(4A) Where a person is convicted of an offence under subsection (4)(a) above, then, if without reasonable excuse the failure in respect of which he was convicted is continued after the conviction, he shall be guilty of a further offence and liable on summary conviction to a fine not exceeding one-tenth of level 5 on the standard scale for each day on which the failure continues.”
- (4) In subsection (5)—
- (a) in paragraph (a) for the words from section 2 to that Act there is substituted “ sections 17, 24 and 25 of the Police and Criminal Evidence Act 1984 (which confer power to arrest without warrant and to enter premises for the purpose of making an arrest) or of section 3 of the Criminal Law Act 1967 ”, and
 - (b) in paragraph (c) for section 2 or there is substituted “ Articles 19, 26 and 27 of the Police and Criminal Evidence (Northern Ireland) Order 1989 or of section ”.
- 6 (1) Section 14 (general power to direct measures to be taken for purposes to which Part II applies) is amended as follows.
- (2) In subsection (7)—
- (a) in paragraph (a) the words refuses or are omitted, and

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(b) in paragraph (b) for wilfully there is substituted “ intentionally ”.

(3) After subsection (7) there is inserted—

“(7A) Where a person is convicted of an offence under subsection (7)(a) above, then, if without reasonable excuse the failure in respect of which he was convicted is continued after the conviction, he shall be guilty of a further offence and liable on summary conviction to a fine not exceeding one-tenth of level 5 on the standard scale for each day on which the failure continues.”

Supplemental provisions with respect to directions

7 (1) Section 15 (matters which may be included in directions under sections 12 to 14) is amended as follows.

(2) In subsection (1) after 13 there is inserted “ or 13A ”.

(3) For subsection (2) there is substituted—

“(2) A direction under subsection (2) of section 12 of this Act must require all the persons carrying out any modifications or alterations, or the installation of any additional apparatus or equipment, to be persons approved by the Civil Aviation Authority.”

(4) Subsection (3) is omitted.

(5) In subsection (4)(a) for the words from an operator to aerodrome there is substituted “ the person to whom it is given ”.

(6) For subsection (5) there is substituted—

“(5) Where a direction under any of the preceding provisions of this Part of this Act requires searches to be carried out, or other measures to be taken, by constables, the direction may require the person to whom it is given to inform the chief officer of police for the police area in which the searches are to be carried out or the other measures taken that the Secretary of State considers it appropriate that constables should be duly authorised to carry, and should carry, firearms when carrying out the searches or taking the measures in question.”

(7) After subsection (7) there is inserted—

“(8) In the application of this section to Northern Ireland for the words in subsection (5) above from chief officer to measures taken there are substituted the words “ chief constable of the Royal Ulster Constabulary ”.”

8 (1) Section 16 (limitations on scope of directions under sections 12 to 14) is amended as follows.

(2) In subsection (4)—

(a) for the words from the operator to or agent of such an operator or manager there is substituted “ the person to whom the direction was given, or any person acting as his employee or agent ”, and

(b) for (whether at the instance of such an operator or manager or otherwise) there is substituted “ (whether at the instance of the person to whom the direction was given or otherwise) ”.

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- (3) For subsection (6) there is substituted—
- “(6) In so far as a direction given to the manager of an aerodrome or to any person mentioned in section 14(1)(c) or (d) of this Act requires a building or other works to be constructed, executed, altered, demolished or removed on land outside the aerodrome, or requires any other measures to be taken on such land, the direction shall not confer on the person to whom it is given any rights as against a person having—
- (a) an interest in that land, or
 - (b) a right to occupy that land, or
 - (c) a right restrictive of its use;
- and accordingly, the direction shall not be construed as requiring the person to whom it is given to do anything which would be actionable at the suit or instance of a person having such interest or right in his capacity as a person having that interest or right.”
- (4) In subsection (8) after 13 there is inserted “ , 13A ”.
- 9 (1) Section 17 of that Act (general or urgent directions under sections 12 and 14) is amended as follows.
- (2) In subsection (1) for or 14 there is substituted “ , 13, 13A or 14 ”.
- (3) In subsection (2)—
- (a) for either there is substituted “ any ”, and
 - (b) in paragraph (a) after class of aircraft, there is inserted “ in relation to such aerodrome or part of an aerodrome, in relation to such land outside an aerodrome, in relation to such activities, ”.
- 10 In section 19 (operation of directions under Part II in relation to rights and duties under other laws) after subsection (4) there is inserted—
- “(4A) Any reference in this section to a direction under any of the preceding provisions of this Part of this Act includes a reference to an enforcement notice.”
- 11 (1) Section 20 (inspection of aircraft and aerodromes) is amended as follows.
- (2) In subsection (1)—
- (a) after any such direction there is inserted “ or any enforcement notice ”,
 - (b) for the words from any person authorised to authorised person) there is substituted “ an authorised person ”, and
 - (c) at the end there is inserted “or
 - (c) any land outside an aerodrome which is occupied for the purposes of a business by a person who—
 - (i) also occupies (or appears to the authorised person to be about to occupy) land within an aerodrome for the purposes of that business, or
 - (ii) is permitted (or appears to the authorised person to be about to be permitted) to have access to a restricted zone of an aerodrome for the purposes of the activities of that business”.
- (3) In subsection (2)—

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- (a) for or any part of an aerodrome there is substituted “ , any part of an aerodrome or any land outside an aerodrome ”,
 - (b) in paragraph (a) after there there is inserted “ or on that land ”,
 - (c) after paragraph (a) there is inserted the following paragraph—
 - “(aa) to take such steps—
 - (i) to ascertain what practices or procedures are being followed in relation to security, or
 - (ii) to test the effectiveness of any practice or procedure relating to security,” and
 - (d) in paragraph (b) for or the manager of the aerodrome there is substituted “ the manager of the aerodrome or the occupier of the land ”.
- (4) In subsection (3)—
- (a) for or in relation to an aerodrome there is substituted “ , in relation to an aerodrome or in relation to any land outside an aerodrome ”, and
 - (b) at the end there is inserted “or
 - (c) for the purpose of inspecting any land outside an aerodrome, to enter upon the land and to enter any building or works on the land.”
- (5) In subsection (5), paragraph (a) and, in paragraph (b), the words refuses or are omitted.

Air navigation installations

- 12 (1) Section 21 (air navigation installations) is amended as follows.
- (2) In subsection (1) after 13, there is inserted “ 13A, ”.
- (3) In subsection (7) after 18(1) there is inserted “ , 18A, 18B, 18E ”.

Compensation

- 13 (1) Section 22 (compensation in respect of certain measures taken under Part II) is amended as follows.
- (2) In subsection (1)—
- (a) for the words from the manager to an air navigation installation there is substituted “ or in compliance with an enforcement notice, the person to whom the direction was given or on whom the notice was served ”, and
 - (b) for the aerodrome or that there is substituted “ an aerodrome or ”.
- (3) In subsection (4) the words from (whether to installation) are omitted.

Annual report by Secretary of State

- 14 (1) Section 23 (annual report by Secretary of State as to notices and directions under Part II) is amended as follows.
- (2) In subsection (1) for the words from and the number to 14 of this Act there is substituted “ , the number of directions given by him under sections 12, 13, 13A and 14 of this Act and the number of enforcement notices served by authorised persons ”.

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- (3) In subsection (2)—
- (a) for and directions given under section 14 of this Act there is substituted “, directions given under section 13A and directions given under section 14 of this Act and enforcement notices ”, and
 - (b) after paragraph (b) there is inserted—
 - “(bb) the number of notices or directions which during that period were served on or given to persons as being, or as appearing to the Secretary of State to be about to become, persons occupying land forming part of an aerodrome or air navigation installation;
 - (bc) the number of notices or directions which during that period were served on or given to persons as being, or as appearing to the Secretary of State to be about to become, persons permitted to have access to a restricted zone of an aerodrome or air navigation installation for the purposes of the activities of a business;”.
- (4) In subsection (3) after 13 there is inserted “, 13A ”.

Service of documents

15 For section 24 there is substituted—

“24 Service of documents.

- (1) This section has effect in relation to any notice, any document containing a direction and any other document authorised or required by any provision of this Part of this Act to be served on or given to any person.
- (2) Any such document may be given to or served on any person—
 - (a) by delivering it to him, or
 - (b) by leaving it at his proper address, or
 - (c) by sending it by post to him at that address, or
 - (d) by sending it to him at that address by telex or other similar means which produce a document containing the text of the communication.
- (3) Any such document may, in the case of a body corporate, be given to or served on the secretary, clerk or similar officer of that body.
- (4) For the purposes of this section and section 7 of the Interpretation Act 1978 (service of documents by post) in its application to this section, the proper address of any person to whom or on whom any document is to be given or served is his usual or last known address or place of business (whether in the United Kingdom or elsewhere), except that in the case of a body corporate or its secretary, clerk or similar officer, it shall be the address of the registered or principal office of that body in the United Kingdom (or, if it has no office in the United Kingdom, of its principal office, wherever it may be).
- (5) If the person to or on whom any document mentioned in subsection (1) above is to be given or served has notified the Secretary of State of an address within the United Kingdom, other than his proper address within the meaning

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of subsection (4) above, as the one at which he or someone else on his behalf will accept documents of the same description as that document, that address shall also be treated for the purposes of this section and section 7 of the Interpretation Act 1978 as his proper address.

- (6) Where an authorised person—
- (a) intends to serve an enforcement notice on any person (the intended recipient), and
 - (b) is of the opinion that all the requirements of the notice could be complied with by an employee or agent of the intended recipient, the authorised person may, after consulting that employee or agent, serve the notice on the intended recipient by delivering it to that employee or agent or by sending it to that employee or agent at the proper address of the employee or agent by such means as are mentioned in subsection (2)(d) above.
- (7) An authorised person who serves an enforcement notice under subsection (6) above on an employee or agent of the intended recipient shall serve a copy of the notice on the intended recipient.
- (8) Nothing in subsection (6) above shall be taken to impose on the employee or agent to whom the enforcement notice is delivered or sent any obligation to comply with it.”

Interpretation

16 After section 24 there is inserted—

“24A Interpretation of Part II.

- (1) In this Part of this Act, except in so far as the context otherwise requires—
- act of violence has the meaning given by section 10(2) of this Act,
 - authorised person means a person authorised in writing by the Secretary of State for the purposes of this Part of this Act,
 - employee, in relation to a body corporate, includes officer,
 - enforcement notice has the meaning given by section 18A(1) of this Act, and
 - restricted zone, in relation to an aerodrome or air navigation installation, means any part of the aerodrome or installation designated under section 11A of this Act or, where the whole of the aerodrome or installation is so designated, that aerodrome or installation.
- (2) For the purposes of this Part of this Act a person is permitted to have access to a restricted zone of an aerodrome or air navigation installation if he is permitted to enter that zone or if arrangements exist for permitting any of his employees or agents to enter that zone.”

Reimbursement of expenses

17 In section 32(2) of that Act (which enables the Secretary of State, out of money provided by Parliament, to reimburse certain expenses incurred in relation to aviation security)—

- (a) after paragraph (c) there is inserted “or

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- (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,” and
- (b) for the words from have at any time to installation there is substituted “ 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, ”.

Offences by bodies corporate

- 18 In section 37 of that Act (offences by bodies corporate) for or under regulations made under section 33 there is substituted “ (including any provision of Part II as applied by regulations made under section 21F of this Act) or under regulations made under section 21G. ”

Revocation and variation of directions

- 19 In section 38(6) of that Act (revocation and variation of directions) the words given under that provision are omitted.

Provisions relating to compensation

- 20 (1) Schedule 1 is amended as follows.
- (2) In paragraph 2 for the words manager of the aerodrome there is substituted “ person ”.
- (3) In paragraph 3—
- (a) for the words from the manager to the aerodrome there is substituted “ any person on land outside an aerodrome or air navigation installation ”, and
 - (b) after direction (in both places) there is inserted “ or enforcement notice ”.
- (4) Paragraph 8 is omitted.

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