



# Anti-terrorism, Crime and Security Act 2001

## 2001 CHAPTER 24

### PART 9

#### AVIATION SECURITY

#### 86 Detention of aircraft

- (1) After section 20A of the Aviation Security Act 1982 (c. 36) (aviation security services) (inserted by section 85)) insert—

*“Detention of aircraft*

#### **20B Detention direction**

- (1) An authorised person may give a detention direction in respect of an aircraft if he is of the opinion that—
- (a) a person has failed to comply or is likely to fail to comply with a requirement of a direction under section 12 or 14 of this Act in respect of the aircraft,
  - (b) a person has failed to comply with a requirement of an enforcement notice in respect of the aircraft,
  - (c) a threat has been made to commit an act of violence against the aircraft or against any person or property on board the aircraft, or
  - (d) an act of violence is likely to be committed against the aircraft or against any person or property on board the aircraft.
- (2) A detention direction in respect of an aircraft—
- (a) shall be given in writing to the operator of the aircraft, and
  - (b) shall require him to take steps to ensure that the aircraft does not fly while the direction is in force.

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*Status: This is the original version (as it was originally enacted).*

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- (3) An authorised person who has given a detention direction in respect of an aircraft may do anything which he considers necessary or expedient for the purpose of ensuring that the aircraft does not fly while the direction is in force; in particular, the authorised person may—
  - (a) enter the aircraft;
  - (b) arrange for another person to enter the aircraft;
  - (c) arrange for a person or thing to be removed from the aircraft;
  - (d) use reasonable force;
  - (e) authorise the use of reasonable force by another person.
- (4) The operator of an aircraft in respect of which a detention direction is given may object to the direction in writing to the Secretary of State.
- (5) On receipt of an objection to a detention direction under subsection (4) the Secretary of State shall—
  - (a) consider the objection,
  - (b) allow the person making the objection and the authorised person who gave the direction an opportunity to make written or oral representations to the Secretary of State or to a person appointed by him,
  - (c) confirm, vary or cancel the direction, and
  - (d) give notice of his decision in writing to the person who made the objection and to the authorised person who gave the direction.
- (6) A detention direction in respect of an aircraft shall continue in force until—
  - (a) an authorised person cancels it by notice in writing to the operator of the aircraft, or
  - (b) the Secretary of State cancels it under subsection (5)(c).
- (7) A person commits an offence if—
  - (a) without reasonable excuse he fails to comply with a requirement of a detention direction, or
  - (b) he intentionally obstructs a person acting in accordance with subsection (3).
- (8) A person who is guilty of an offence under subsection (7) shall be liable—
  - (a) on summary conviction, to a fine not exceeding the statutory maximum, or
  - (b) on conviction on indictment, to a fine, to imprisonment for a term not exceeding two years or to both.
- (9) A detention direction may be given in respect of—
  - (a) any aircraft in the United Kingdom, and
  - (b) any aircraft registered or operating in the United Kingdom.
- (10) A detention direction may be given in respect of a class of aircraft; and for that purpose—
  - (a) a reference to “the aircraft” in subsection (1) shall be treated as a reference to all or any of the aircraft within the class, and
  - (b) subsections (2) to (9) shall apply as if the direction were given in respect of each aircraft within the class.”

- (2) In section 23 of the Aviation Security Act 1982 (c. 36) (annual report)—
- (a) in subsection (1) after “enforcement notices” insert “and detention directions”,  
and
  - (b) in subsection (2) for “and enforcement notices” substitute “, enforcement notices and detention directions”.
- (3) At the end of section 24 of that Act add—
- “(9) Subsections (6) to (8) above shall apply to a detention direction as they apply to an enforcement notice.”