

### SCHEDULE 3

#### EXCLUSIONS OF SECTION 4(2)(a) AND (b) OF THE ACT

##### **National security**

6.—(1) Any question asked by or on behalf of—

- (a) the Crown, the United Kingdom Atomic Energy Authority, the Financial Services Authority or a universal service provider within the meaning of section 65 of the Postal Services Act 2011<sup>(1)</sup>, in order to assess, for the purpose of safeguarding national security, the suitability of the person to whom the question relates or of any other person for any office or employment;
- (b) the Civil Aviation Authority;
- (c) any other person authorised to provide air traffic services under section 4 or 5 of the Transport Act 2000<sup>(2)</sup> (in any case where such person is a company, an “authorised company”); or
- (d) subject to sub-paragraph (3)—
  - (i) any company which is a subsidiary, within the meaning given by section 1159(1) of the Companies Act 2006<sup>(3)</sup>, of an authorised company; and
  - (ii) any company of which an authorised company is a subsidiary,

in the circumstances set out in sub-paragraph (2).

(2) The circumstances are that the question is put in order to assess, for the purpose of safeguarding national security, the suitability of the person to whom the question relates or of any other person for any office or employment.

(3) Where the question is put on behalf of a company mentioned in sub-paragraph (1)(d), this paragraph applies only where the question is put in relation to the provision of air traffic services.

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(1) 2011 c.5.

(2) 2000 c.38. Section 5 was amended by the Companies Act 2006 (Consequential Amendments, Transitional Provisions and Savings) Order 2009 (S.I. 2009/1941), Schedule 1, paragraph 184(2); and by the Transport Act 2000 (Amendment of section 5(4)) Regulations 2011 (S.I. 2011/205), regulation 2.

(3) 2006 c.46.