



# Aviation Security Act 1982

## 1982 CHAPTER 36

An Act to consolidate certain enactments relating to aviation security. [23rd July, 1982]

### Commencement Information

**II** Act wholly in force at 23.10.1982, see [s. 41\(2\)](#)

## PART I

### OFFENCES AGAINST THE SAFETY OF AIRCRAFT ETC.

### Modifications etc. (not altering text)

**C1** Pt. I applied (with modifications) (6.12.2000) by [S.I. 2000/3059](#), art. 3(1), Schs. 2, 3 (as amended (1.5.2016) by [The Aviation Security and Piracy \(Overseas Territories\) \(Amendment\) Order 2016](#) (S.I. 2016/369), arts. 3, 4)

## 1 Hijacking.

- (1) A person on board an aircraft in flight who unlawfully, by the use of force or by threats of any kind, seizes the aircraft or exercises control of it commits the offence of hijacking, whatever his nationality, whatever the State in which the aircraft is registered and whether the aircraft is in the United Kingdom or elsewhere, but subject to subsection (2) below.
- (2) If—
  - (a) the aircraft is used in military, customs or police service, or
  - (b) both the place of take-off and the place of landing are in the territory of the State in which the aircraft is registered,subsection (1) above shall not apply unless—

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- (i) the person seizing or exercising control of the aircraft is a United Kingdom national; or
  - (ii) his act is committed in the United Kingdom; or
  - (iii) the aircraft is registered in the United Kingdom or is used in the military or customs service of the United Kingdom or in the service of any police force in the United Kingdom.
- (3) A person who commits the offence of hijacking shall be liable, on conviction on indictment, to imprisonment for life.
- (4) If the Secretary of State by order made by statutory instrument declares—
- (a) that any two or more States named in the order have established an organisation or agency which operates aircraft; and
  - (b) that one of those States has been designated as exercising, for aircraft so operated, the powers of the State of registration,
- the State declared under paragraph (b) of this subsection shall be deemed for the purposes of this section to be the State in which any aircraft so operated is registered; but in relation to such an aircraft subsection (2)(b) above shall have effect as if it referred to the territory of any one of the States named in the order.
- (5) For the purposes of this section the territorial waters of any State shall be treated as part of its territory.

**Modifications etc. (not altering text)**

- C2** S. 1 extended (with modifications) (Jersey) (12.6.1993) by [S.I. 1993/1251](#) , [art. 2\(1\)](#) , [Sch. 1 Pt. I](#)  
 S. 1 extended (with modifications) (Guernsey) (17.1.1998) by [S.I. 1997/2989](#) , [art. 2\(1\)](#) , [Sch. 1 Pt. I](#) ,  
[II](#)

**2 Destroying, damaging or endangering safety of aircraft.**

- (1) It shall, subject to subsection (4) below, be an offence for any person unlawfully and intentionally—
- (a) to destroy an aircraft in service or so to damage such an aircraft as to render it incapable of flight or as to be likely to endanger its safety in flight; or
  - (b) to commit on board an aircraft in flight any act of violence which is likely to endanger the safety of the aircraft.
- (2) It shall also, subject to subsection (4) below, be an offence for any person unlawfully and intentionally to place, or cause to be placed, on an aircraft in service any device or substance which is likely to destroy the aircraft, or is likely so to damage it as to render it incapable of flight or as to be likely to endanger its safety in flight; but nothing in this subsection shall be construed as limiting the circumstances in which the commission of any act—
- (a) may constitute an offence under subsection (1) above, or
  - (b) may constitute attempting or conspiring to commit, or aiding, abetting, counselling or procuring, or being art and part in, the commission of such an offence.
- (3) Except as provided by subsection (4) below, subsections (1) and (2) above shall apply whether any such act as is therein mentioned is committed in the United Kingdom or

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elsewhere, whatever the nationality of the person committing the act and whatever the State in which the aircraft is registered.

- (4) Subsections (1) and (2) above shall not apply to any act committed in relation to an aircraft used in military, customs or police service unless—
- (a) the act is committed in the United Kingdom, or
  - (b) where the act is committed outside the United Kingdom, the person committing it is a United Kingdom national.
- (5) A person who commits an offence under this section shall be liable, on conviction on indictment, to imprisonment for life.
- (6) In this section unlawfully—
- (a) in relation to the commission of an act in the United Kingdom, means so as (apart from this Act) to constitute an offence under the law of the part of the United Kingdom in which the act is committed, and
  - (b) in relation to the commission of an act outside the United Kingdom, means so that the commission of the act would (apart from this Act) have been an offence under the law of England and Wales if it had been committed in England and Wales or of Scotland if it had been committed in Scotland.
- (7) In this section act of violence means—
- (a) any act done in the United Kingdom which constitutes the offence of murder, attempted murder, manslaughter, culpable homicide or assault or an offence under section 18, 20, 21, 22, 23, 24, 28 or 29 of the Offences against the <sup>M1</sup>Person Act 1861 or under section 2 of the <sup>M2</sup>Explosive Substances Act 1883, and
  - (b) any act done outside the United Kingdom which, if done in the United Kingdom, would constitute such an offence as is mentioned in paragraph (a) above.

**Modifications etc. (not altering text)**

- C3** S. 2 extended (with modifications) (Jersey) (12.6.1993) by [S.I. 1993/1251](#) , art. 2(1) , [Sch. 1 Pt.I](#)  
S. 2 extended (with modifications) (Guernsey) (17.1.1998) by [S.I. 1997/2989](#) , art. 2(1) , [Sch. 1 Pt. I](#) ,  
[II](#)

**Marginal Citations**

- M1** [1861 c. 100](#) .  
**M2** [1883 c. 3](#) .

**3 Other acts endangering or likely to endanger safety of aircraft.**

- (1) It shall, subject to subsections (5) and (6) below, be an offence for any person unlawfully and intentionally to destroy or damage any property to which this subsection applies, or to interfere with the operation of any such property, where the destruction, damage or interference is likely to endanger the safety of aircraft in flight.
- (2) Subsection (1) above applies to any property used for the provision of air navigation facilities, including any land, building or ship so used, and including any apparatus or equipment so used, whether it is on board an aircraft or elsewhere.

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- (3) It shall also, subject to subsections (4) and (5) below, be an offence for any person intentionally to communicate any information which is false, misleading or deceptive in a material particular, where the communication of the information endangers the safety of an aircraft in flight or is likely to endanger the safety of aircraft in flight.
- (4) It shall be a defence for a person charged with an offence under subsection (3) above to prove—
- (a) that he believed, and had reasonable grounds for believing, that the information was true; or
  - (b) that, when he communicated the information, he was lawfully employed to perform duties which consisted of or included the communication of information and that he communicated the information in good faith in the performance of those duties.
- (5) Subsections (1) and (3) above shall not apply to the commission of any act unless either the act is committed in the United Kingdom, or, where it is committed outside the United Kingdom—
- (a) the person committing it is a United Kingdom national; or
  - (b) the commission of the act endangers or is likely to endanger the safety in flight of a civil aircraft registered in the United Kingdom or chartered by demise to a lessee whose principal place of business, or (if he has no place of business) whose permanent residence, is in the United Kingdom; or
  - (c) the act is committed on board a civil aircraft which is so registered or so chartered; or
  - (d) the act is committed on board a civil aircraft which lands in the United Kingdom with the person who committed the act still on board.
- (6) Subsection (1) above shall also not apply to any act committed outside the United Kingdom and so committed in relation to property which is situated outside the United Kingdom and is not used for the provision of air navigation facilities in connection with international air navigation, unless the person committing the act is a United Kingdom national.
- (7) A person who commits an offence under this section shall be liable, on conviction on indictment, to imprisonment for life.
- (8) In this section civil aircraft means any aircraft other than an aircraft used in military, customs or police service and unlawfully has the same meaning as in section 2 of this Act.

**Modifications etc. (not altering text)**

- C4** S. 3 extended (with modifications) (Jersey) (12.6.1993) by S.I. 1993/1251 , art. 2(1) , **Sch. 1 Pt.I**  
 S. 3 extended (with modifications) (Guernsey) (17.1.1998) by S.I. 1997/2989 , art. 2(1) , **Sch. 1 Pt. I , II**

**4 Offences in relation to certain dangerous articles.**

- (1) It shall be an offence for any person without lawful authority or reasonable excuse (the proof of which shall lie on him) to have with him—
- (a) in any aircraft registered in the United Kingdom, whether at a time when the aircraft is in the United Kingdom or not, or

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- (b) in any other aircraft at a time when it is in, or in flight over, the United Kingdom, or
  - (c) in any part of an aerodrome in the United Kingdom, or
  - (d) in any air navigation installation in the United Kingdom which does not form part of an aerodrome,
- any article to which this section applies.
- (2) This section applies to the following articles, that is to say—
- (a) any firearm, or any article having the appearance of being a firearm, whether capable of being discharged or not;
  - (b) any explosive, any article manufactured or adapted (whether in the form of a bomb, grenade or otherwise) so as to have the appearance of being an explosive, whether it is capable of producing a practical effect by explosion or not, or any article marked or labelled so as to indicate that it is or contains an explosive; and
  - (c) any article (not falling within either of the preceding paragraphs) made or adapted for use for causing injury to or incapacitating a person or for destroying or damaging property, or intended by the person having it with him for such use, whether by him or by any other person.
- (3) For the purposes of this section a person who is for the time being in an aircraft, or in part of an aerodrome, shall be treated as having with him in the aircraft, or in that part of the aerodrome, as the case may be, an article to which this section applies if—
- (a) where he is in an aircraft, the article, or an article in which it is contained, is in the aircraft and has been caused (whether by him or by any other person) to be brought there as being, or as forming part of, his baggage on a flight in the aircraft or has been caused by him to be brought there as being, or as forming part of, any other property to be carried on such a flight, or
  - (b) where he is in part of an aerodrome (otherwise than in an aircraft), the article, or an article in which it is contained, is in that or any other part of the aerodrome and has been caused (whether by him or by any other person) to be brought into the aerodrome as being, or as forming part of, his baggage on a flight from that aerodrome or has been caused by him to be brought there as being, or as forming part of, any other property to be carried on such a flight on which he is also to be carried.
- notwithstanding that the circumstances may be such that (apart from this subsection) he would not be regarded as having the article with him in the aircraft or in a part of the aerodrome, as the case may be.
- (4) A person guilty of an offence under this section shall be liable—
- (a) on summary conviction, to a fine not exceeding the statutory maximum or to imprisonment for a term not exceeding three months or to both;
  - (b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding five years or to both.
- (5) Nothing in subsection (3) above shall be construed as limiting the circumstances in which a person would, apart from that subsection, be regarded as having an article with him as mentioned in subsection (1) above.

**Modifications etc. (not altering text)**

C5 S. 4 extended (with modifications) (Jersey) (12.6.1993) by S.I. 1993/1251, art. 2(1), Sch. 1 Pt.I

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S. 4 extended (with modifications) (Guernsey) (17.1.1998) by S.I. 1997/2989 , art. 2(1) , Sch. 1 Pt. I ,  
 II

## 5 Jurisdiction of courts in respect of air piracy.

- (1) Any court in the United Kingdom having jurisdiction in respect of piracy committed on the high seas shall have jurisdiction in respect of piracy committed by or against an aircraft, wherever that piracy is committed.
- (2) in subsection (1) above, aircraft has the same meaning as in section 92 of the <sup>M3</sup>Civil Aviation Act 1982 (application of criminal law to aircraft); and, for the purposes of this definition, section 101 of that Act (Crown aircraft) shall apply to this section as it applies to the said section 92.

### Modifications etc. (not altering text)

- C6** S. 5 extended (with modifications) (Jersey) (12.6.1993) by S.I. 1993/1251 , art. 2(1) , Sch. 1 Pt.I  
 S. 5 extended (with modifications) (Guernsey) (17.1.1998) by S.I. 1997/2989 , art. 2(1) , Sch. 1 Pt. I ,  
 II

### Marginal Citations

- M3** 1982 c. 16 .

## 6 Ancillary offences.

- (1) Without prejudice to section 92 of the <sup>M4</sup>Civil Aviation Act 1982 (application of criminal law to aircraft) or to section 2(1)(b) of this act, where a person (of whatever nationality) does on board any aircraft (wherever registered) and while outside the United Kingdom any act which, if done in the United Kingdom would constitute the offence of murder, attempted murder, manslaughter, culpable homicide or assault or an offence under section 18, 20, 21, 22, 23, 28 or 29 of the Offences against the <sup>M5</sup>Person Act 1861 or section 2 of the <sup>M6</sup>Explosive Substances Act 1883, his act shall constitute that offence if it is done in connection with the offence of hijacking committed or attempted by him on board that aircraft.
- (2) It shall be an offence for any person in the United Kingdom to induce or assist the commission outside the United Kingdom of any act which—
  - (a) would, but for subsection (2) of section 1 of this Act, be an offence under that section; or
  - (b) would, but for subsection (4) of section 2 of this Act, be an offence under that section; or
  - (c) would, but for subsection (5) or (6) of section 3 of this Act, be an offence under that section.
- (3) A person who commits an offence under subsection (2) above shall be liable, on conviction on indictment, to imprisonment for life.
- (4) Subsection (2) above shall have effect without prejudice to the operation, in relation to any offence under section 1, 2 or 3 of this Act—
  - (a) in England and Wales, or in Northern Ireland, of section 8 of the <sup>M7</sup>Accessories and Abettors Act 1861; or
  - (b) in Scotland, of any rule of law relating to art and part guilt.

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#### Modifications etc. (not altering text)

- C7** S. 6 extended (with modifications) (Jersey) (12.6.1993) by [S.I. 1993/1251](#) , art. 2(1) , [Sch. 1 Pt.I](#)  
S. 6 extended (with modifications) (Guernsey) (17.1.1998) by [S.I. 1997/2989](#) , art. 2(1) , [Sch. 1 Pt. I](#) ,  
[II](#)

#### Marginal Citations

- M4** 1982 c. 16 .  
**M5** 1861 c. 100 .  
**M6** 1883 c. 3 .  
**M7** 1861 c. 94 .

## 7 Powers exercisable on suspicion of intended offence under Part I.

- (1) Where a constable has reasonable cause to suspect that a person about to embark on an aircraft in the United Kingdom, or a person on board such an aircraft, intends to commit, in relation to the aircraft, an offence under any of the preceding provisions of this Part of this Act (other than section 4), the constable may prohibit him from travelling on board the aircraft, and for the purpose of enforcing that prohibition the constable—
- may prevent him from embarking on the aircraft or, as the case may be, may remove him from the aircraft; and
  - may arrest him without warrant and detain him for so long as may be necessary for that purpose.
- (2) Any person who [<sup>F1</sup>intentionally obstructs]a person acting in the exercise of a power conferred on him by subsection (1) above shall be guilty of an offence and liable—
- on summary conviction, to a fine not exceeding the statutory maximum;
  - on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years or to both.
- (3) Subsection (1) above shall have effect without prejudice to the operation in relation to any offence under this Act—
- in England and Wales, of section 2 of the <sup>M8</sup>Criminal Law Act 1967 (which confers power to arrest without warrant) or of section 3 of that Act (use of force in making arrest etc.); or
  - in Scotland, of any rule of law relating to power to arrest without warrant; or
  - in Northern Ireland, of section 2 or 3 of the <sup>M9</sup>Criminal Law Act (Northern Ireland) 1967.

#### Textual Amendments

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

#### Modifications etc. (not altering text)

- C8** S. 7 extended (with modifications) (Jersey) (12.6.1993) by [S.I. 1993/1251](#) , art. 2(1) , [Sch. 1 Pt.I](#)  
S. 7 extended (with modifications) (Guernsey) (17.1.1998) by [S.I. 1997/2989](#) , art. 2(1) , [Sch. 1 Pt. I](#) ,  
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#### **Marginal Citations**

- M8** 1967 c. 58 .  
**M9** 1967 c. 18 (N.I.)

### **8 Prosecution of offences and proceedings.**

- (1) Proceedings for an offence under any of the preceding provisions of this Part of this Act (other than sections 4 and 7) shall not be instituted—
- (a) in England and Wales, except by, or with the consent of, the Attorney General; and
  - (b) in Northern Ireland, except by, or with the consent of, the Attorney General for Northern Ireland.
- (2) As respects Scotland, for the purpose of conferring on the sheriff jurisdiction to entertain proceedings for an offence under or by virtue of section 2, 3 or 6(2)(b) or (c) of this Act, any such offence shall, without prejudice to any jurisdiction exercisable apart from this subsection, be deemed to have been committed in any place in Scotland where the offender may for the time being be.

9 ..... F2

#### **Textual Amendments**

- F2** S. 9 repealed by [Extradition Act 1989 \(c. 33, SIF 48\)](#) , s. 37 , [sch. 2](#)

## **PART II**

### PROTECTION OF AIRCRAFT, AERODROMES AND AIR NAVIGATION INSTALLATIONS AGAINST ACTS OF VIOLENCE

#### **Modifications etc. (not altering text)**

- C9** Pt. II (ss. 10-24A) applied (with modifications) (1.9.1993) by [S.I. 1993/1073](#) , reg. 11  
 Pt. II applied (with modifications) (6.12.2000) by [S.I. 2000/3059](#) , art. 3(1), [Schs. 2, 3](#) (as amended (1.5.2016) by [The Aviation Security and Piracy \(Overseas Territories\) \(Amendment\) Order 2016 \(S.I. 2016/369\)](#), [arts. 3, 4](#))

#### *General purposes*

### **10 Purposes to which Part II applies.**

- (1) The purposes to which this Part of this Act applies are the protection against acts of violence—
- (a) of aircraft, and of persons or property on board aircraft;
  - (b) of aerodromes, and of such persons or property as (in the case of persons) are at any time present in any part of an aerodrome or (in the case of



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- property) forms part of an aerodrome or is at any time (whether permanently or temporarily) in any part of an aerodrome; and
- (c) of air navigation installations which do not form part of an aerodrome.
- (2) In this Part of this Act act of violence means any act (whether actual or potential, and whether done or to be done in the United Kingdom or elsewhere) which either—
- (a) being an act done in Great Britain, constitutes, or
- (b) if done in Great Britain would constitute,
- the offence of murder, attempted murder, manslaughter, culpable homicide or assault, or an offence under section 18, 20, 21, 22, 23, 24, 28 or 29 of the Offences against the <sup>M10</sup>Person Act 1861, under section 2 of the <sup>M11</sup>Explosive Substances Act 1883 or under section 1 of the <sup>M12</sup>Criminal Damage Act 1971 or, in Scotland, the offence of malicious mischief.

**Modifications etc. (not altering text)**

- C10** S. 10 extended (with modifications) (Jersey) (12.6.1993) by [S.I. 1993/1251](#) , [art. 2\(1\)](#) , [Sch. 1 Pt.I](#)
- S. 10 extended (with modifications) (Guernsey) (17.1.1998) by [S.I. 1997/2989](#) , [art. 2\(1\)](#) , [Sch. 1 Pt. I](#) , [II](#)
- C11** S. 10 : Pt. II (ss. 10-24A) applied (with modifications) (1.9.1993) by [S.I. 1993/1073](#) , [reg. 11\(1\)](#)

**Marginal Citations**

- M10** [1861 c. 100](#) .
- M11** [1883 c. 3](#) .
- M12** [1971 c. 48](#)

*Powers of Secretary of State***11 Power for Secretary of State to require information.**

- [<sup>F3</sup>(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.]
- (2) A notice under subsection (1) above shall specify a date (not being earlier than [<sup>F4</sup>seven days]from the date on which the notice is served) before which the information required by the notice in accordance with subsection (1) above is to be furnished to the Secretary of State.
- (3) Any such notice [<sup>F5</sup>may]also require the person on whom it is served, after he has furnished to the Secretary of State the information required by the notice in accordance with subsection (1) above, to inform the Secretary of State if at any time [<sup>F6</sup>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

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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)].

- (4) In so far as such a notice requires further information to be furnished to the Secretary of State in accordance with subsection (3) above, it shall require that information to be furnished to him before the end of such period (not being less than seven days from the date on which [<sup>F7</sup>the change of circumstances occurs]) as is specified in the notice for the purposes of this subsection.
- (5) Any person who—
- (a) . . . <sup>F8</sup>, without reasonable excuse, fails to comply with a requirement imposed on him by a notice under this section, or
  - (b) in furnishing any information so required, makes a statement which he knows to be false in a material particular, or recklessly makes a statement which is false in a material particular,
- shall be guilty of an offence and liable—
- (i) on summary conviction, to a fine not exceeding the statutory maximum;
  - (ii) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years or to both.
- (6) A notice served on a person under subsection (1) above may at any [<sup>F9</sup>time—
- (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].

#### Textual Amendments

- F3** Words substituted by [Aviation and Maritime Security Act 1990 \(c. 31, SIF 39:2\)](#), s. 8, **Sch. 1 para. 2(2)**
- F4** Words substituted by [Aviation and Maritime Security Act 1990 \(c. 31, SIF 39:2\)](#), s. 8, **Sch. 1 para. 2(3)**
- F5** Word substituted by [Aviation and Maritime Security Act 1990 \(c. 31, SIF 39:2\)](#), s. 8, **Sch. 1 para. 2(4)(a)**
- F6** Words substituted for paragraphs (a) and (b) by [Aviation and Maritime Security Act 1990 \(c. 31, SIF 39\)](#), s. 8, **Sch. 1 para. 2(4)(b)**
- F7** Words substituted by [Aviation and Maritime Security Act 1990 \(c. 31, SIF 39:2\)](#), s. 8, **Sch. 1 para. 2(5)**
- F8** Words repealed by [Aviation and Maritime Security Act 1990 \(c. 31, SIF 39:2\)](#), ss. 8, 53(2), **Sch. 1 para. 2(6)**, **Sch. 4**
- F9** Words substituted by [Aviation and Maritime Security Act 1990 \(c. 31, SIF 39:2\)](#), s. 8, **Sch. 1 para. 2(7)**

#### Modifications etc. (not altering text)

- C12** S. 11 extended (with modifications) (Jersey) (12.6.1993) by [S.I. 1993/1251](#), art. 2(1), **Sch. 1 Pt. I**  
 S. 11 extended (with modifications) (Guernsey) (17.1.1998) by [S.I. 1997/2989](#), art. 2(1), **Sch. 1 Pt. I, II**
- C13** S. 11 : Pt. II (ss. 10-24A) applied (with modifications) (1.9.1993) by [S.I. 1993/1073](#), **reg. 11(1)**

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**[<sup>F10</sup>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 the 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 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.]

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**Textual Amendments**

**F10** S. 11A inserted by [Aviation and Maritime Security Act 1990 \(c. 31, SIF 39\)](#), s. 8, [Sch. 1 para. 3](#)

*Status: Point in time view as at 21/11/2005.*

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

**Modifications etc. (not altering text)**

- C14** S. 11A extended (with modifications) (Jersey) (12.6.1993) by [S.I. 1993/1251](#) , [art. 2\(1\)](#) , [Sch. 1 Pt.I](#)  
S. 11A extended (with modifications) (Guernsey) (17.1.1998) by [S.I. 1997/2989](#) , [art. 2\(1\)](#) , [Sch. 1 Pt. I, II](#)
- C15** S. 11A : Pt. II (ss. 10-24A) applied (with modifications) (1.9.1993) by [S.I. 1993/1073](#) , [reg. 11\(1\)](#)

**12 Power to impose restrictions in relation to aircraft.**

- (1) For purposes to which this Part of this Act applies, the Secretary of State may give a direction in writing to the operator of any one or more aircraft registered or operating in the United Kingdom, or to the manager of any aerodrome in the United Kingdom, requiring him—
- (a) not to cause or permit persons or property to go or be taken on board any aircraft to which the direction relates, or to come or be brought into proximity to any such aircraft, unless such searches of those persons or that property as are specified in the direction have been carried out by constables or by other persons of a description specified in the direction, or
  - (b) not to cause or permit any such aircraft to fly unless such searches of the aircraft as are specified in the direction have been carried out by constables or by other persons of a description so specified.
- (2) Subject to subsection (3) below, the Secretary of State may give a direction in writing to the operator of any one or more aircraft registered in the United Kingdom requiring him not to cause or permit the aircraft to fly unless such modifications or alterations of the aircraft, or of apparatus or equipment installed in the aircraft, as are specified in the direction have first been carried out, or such additional apparatus or equipment as is so specified is first installed in the aircraft.
- (3) Before giving any direction under subsection (2) above, the Secretary of State shall inform the Civil Aviation Authority of the modifications, alterations or additional apparatus or equipment proposed to be required, and shall take account of any advice given to him by that Authority with respect to those proposals.
- (4) In giving any direction under subsection (2) above, the Secretary of State shall allow, and shall specify in the direction, such period as appears to him to be reasonably required for carrying out the modifications or alterations or installing the additional apparatus or equipment in question; and the direction shall not take effect before the end of the period so specified.
- (5) Subject to the following provisions of this Part of this Act, a direction given to an operator of aircraft under subsection (1) above may be given so as to relate—
- (a) either to all the aircraft registered or operating in the United Kingdom of which at the time when the direction is given or at any subsequent time he is the operator or only to one or more such aircraft, or to a class of such aircraft, specified in the direction;
  - (b) either to all persons or only to one or more persons, or persons of one or more descriptions, specified in the direction; and
  - (c) either to property of every description or only to particular property, or property of one or more descriptions, specified in the direction;
- and a direction given to an operator of aircraft under subsection (2) above may be given so as to relate either to all aircraft registered in the United Kingdom of which at

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the time when the direction is given or at any subsequent time he is the operator or only to one or more such aircraft, or to a class of such aircraft, specified in the direction.

- (6) Subject to the following provisions of this Part of this Act, a direction given to the manager of an aerodrome under subsection (1) above may be given so as to relate—
- (a) either to all aircraft which at the time when the direction is given or at any subsequent time are in any part of the aerodrome, or to a class of such aircraft specified in the direction;
  - (b) either to all persons or only to one or more persons, or persons of one or more descriptions, specified in the direction; and
  - (c) either to property of every description or only to particular property, or property of one or more descriptions, specified in the direction.
- (7) Subject to the following provisions of this Part of this Act, any direction given under this section to any person not to cause or permit anything to be done shall be construed as requiring him to take all such steps as in any particular circumstances are practicable and necessary to prevent that thing from being done.
- (8) A direction may be given under this section to a person appearing to the Secretary of State to be about to become—
- (a) such an operator as is mentioned in subsection (1) or (2) above; or
  - (b) such a manager as is mentioned in subsection (1) above;
- but a direction given to a person by virtue of this subsection shall not take effect until he becomes such an operator or manager, and, in relation to a direction so given, the preceding provisions of this section shall apply with the necessary modifications.
- (9) Any person who <sup>[F11]</sup>, without reasonable excuse, fails to comply with a direction given to him under this section shall be guilty of an offence and liable—
- (a) on summary conviction, to a fine not exceeding the statutory maximum;
  - (b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years or to both.

<sup>[F12]</sup>(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.]

#### Textual Amendments

- F11** Words substituted by [Aviation and Maritime Security Act 1990 \(c. 31, SIF 39:2\)](#), s. 8, [Sch. 1 para. 4\(2\)](#)
- F12** S. 12(10) inserted (with saving) by [Aviation and Maritime Security Act 1990 \(c. 31, SIF 39:2\)](#), s. 8, [Sch. 1 para. 4\(3\)](#)

#### Modifications etc. (not altering text)

- C16** S. 12 extended (with modifications) (Jersey) (12.6.1993) by [S.I. 1993/1251](#), art. 2(1), [Sch. 1 Pt. I](#)  
S. 12 extended (with modifications) (Guernsey) (17.1.1998) by [S.I. 1997/2989](#), art. 2(1), [Sch. 1 Pt. I](#), [II](#)
- C17** S. 12 : Pt. II (ss. 10-24A) applied (with modifications) (1.9.1993) by [S.I. 1993/1073](#), [reg. 11\(1\)](#)

*Status: Point in time view as at 21/11/2005.*

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

### **13 Power to require aerodrome managers to promote searches at aerodromes.**

- (1) For purposes to which this Part of this Act applies, the Secretary of State may give a direction in writing to the manager of any aerodrome in the United Kingdom requiring him to use his best endeavours to secure that such searches to which this section applies as are specified in the direction are carried out by constables or by other persons of a description specified in the direction.
  - (2) The searches to which this section applies, in relation to an aerodrome, are searches—
    - (a) of the aerodrome or any part of it;
    - (b) of any aircraft which at the time when the direction is given or at any subsequent time is in any part of the aerodrome; and
    - (c) of persons or property (other than aircraft) which may at any such time be in any part of the aerodrome.
  - (3) Without prejudice to section 7(1) of this Act, where a direction given under this section to the manager of an aerodrome is for the time being in force, then if a constable, or any other person specified in the direction in accordance with this section, has reasonable cause to suspect that an article to which section 4 of this Act applies is in, or may be brought into, any part of the aerodrome, he may, by virtue of this subsection and without a warrant, search any part of the aerodrome or any aircraft, vehicle, goods or other moveable property of any description which, or any person who, is for the time being in any part of the aerodrome, and for that purpose—
    - (a) may enter any building or works in the aerodrome, or enter upon any land in the aerodrome, if need be by force, and
    - (b) may stop any such aircraft, vehicle, goods, property or person and detain it or him for so long as may be necessary for that purpose.
  - (4) Any person who—
    - (a) [<sup>F13</sup>without reasonable excuse] fails to comply with a direction given to him under this section, or
    - (b) [<sup>F14</sup>intentionally obstructs] a person acting in the exercise of a power conferred on him by subsection (3) above,
 shall be guilty of an offence and liable—
    - (i) on summary conviction, to a fine not exceeding the statutory maximum;
    - (ii) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years or to both.
- [<sup>F15</sup>(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.]
- (5) Subsection (3) above shall have effect without prejudice to the operation, in relation to any offence under this Act—
    - (a) in England and Wales, of [<sup>F16</sup>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](use of force in making arrest etc.); or
    - (b) in Scotland, of any rule of law relating to power to arrest without warrant; or

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- (c) in Northern Ireland, of <sup>F17</sup>Articles 19, 26 and 27 of the Police and Criminal Evidence (Northern Ireland) Order 1989 or of section <sup>M13</sup>3 of the Criminal Law Act (Northern Ireland) 1967.

**Textual Amendments**

- F13** Words substituted by [Aviation and Maritime Security Act 1990 \(c. 31, SIF 39:2\)](#), s. 8, **Sch. 1 para. 5(2)(a)**
- F14** Words substituted by [Aviation and Maritime Security Act 1990 \(c. 31, SIF 39:2\)](#), s. 8, **Sch. 1 para. 5(2)(b)**
- F15** S. 13(4A) inserted (with saving) by [Aviation and Maritime Security Act 1990 \(c. 31, SIF 39:2\)](#), s. 8, **Sch. 1 para. 5(3)**
- F16** Words substituted by [Aviation and Maritime Security Act 1990 \(c. 31, SIF 39:2\)](#), s. 8, **Sch. 1 para. 5(4)(a)**
- F17** Words substituted by [Aviation and Maritime Security Act 1990 \(c. 31, SIF 39:2\)](#), s. 8, **Sch. 1 para. 5(4)(b)**

**Modifications etc. (not altering text)**

- C18** S. 13 extended (with modifications) (Jersey) (12.6.1993) by [S.I. 1993/1251](#), art. 2(1), **Sch. 1 Pt. I**  
S. 13 extended (with modifications) (Guernsey) (17.1.1998) by [S.I. 1997/2989](#), art. 2(1), **Sch. 1 Pt. I, II**
- C19** S. 13: Pt. II (ss. 10-24A) applied (with modifications) (1.9.1993) by [S.I. 1993/1073](#), **reg. 11(1)**

**Marginal Citations**

- M13** [1967 c. 18 \(N.I.\)](#)

**<sup>F18</sup>13A Power to require other persons to promote searches.**

- (1) For purposes to which this Part of this Act applies, the Secretary of State may give a direction in writing to any person (other than the manager of an aerodrome) who—
- (a) occupies any land forming part of an aerodrome in the United Kingdom, or
  - (b) is permitted to have access to a restricted zone of such an aerodrome for the purposes of the activities of a business carried on by him,
- requiring him to use his best endeavours to secure that such searches to which this section applies as are specified in the direction are carried out by constables or by other persons of a description specified in the direction.
- (2) The searches to which this section applies are—
- (a) in relation to a person falling within subsection (1)(a) above, searches—
    - (i) of the land which he occupies within the aerodrome, and
    - (ii) of persons or property which may at any time be on that land; and
  - (b) in relation to a person falling within subsection (1)(b) above, searches—
    - (i) of any land which he occupies outside the aerodrome for the purposes of his business, and
    - (ii) of persons or property which may at any time be on that land.
- (3) Any person who, without reasonable excuse, fails to comply with a direction given to him under this section shall be guilty of an offence and liable—
- (a) on summary conviction, to a fine not exceeding the statutory maximum;



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- (b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years, or to both.
- (4) Where a person is convicted of an offence under subsection (3) 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.]

#### **Textual Amendments**

**F18** S. 13A inserted by [Aviation and Maritime Security Act 1990 \(c. 31, SIF 39:2\)](#) , **s. 2**

#### **Modifications etc. (not altering text)**

**C20** S. 13A extended (with modifications) (Jersey) (12.6.1993) by [S.I. 1993/1251](#) , **art. 2(1)** , **Sch. 1 Pt. I**

S. 13A extended (with modifications) (Guernsey) (17.1.1998) by [S.I. 1997/2989](#) , **art. 2(1)** , **Sch. 1 Pt. I, II**

**C21** S. 13A : Pt. II (ss. 10-24A) applied (with modifications) (1.9.1993) by [S.I. 1993/1073](#) , **reg. 11(1)**

## **14 General power to direct measures to be taken for purposes to which Part II applies.**

[<sup>F19</sup>(1) Subsection (1A) below applies to 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 such an aerodrome for the purposes of the activities of a business carried on by him.

(1A) Subject to the following provisions of this section, the Secretary of State may give a direction in writing to any person to whom this subsection applies requiring him to take such measures for purposes to which this Part of this Act applies as are specified in the direction—

- (a) in the case of a direction given to a person as the operator of any aircraft, in respect of all the aircraft registered or operating in the United Kingdom of which (at the time when the direction is given or at any subsequent time) he is the operator, or in respect of any such aircraft, or any class of such aircraft, specified in the direction;
- (b) in the case of a direction given to a person as the manager of an aerodrome, in respect of that aerodrome;
- (c) in the case of a direction given to a person as a person occupying any land forming part of an aerodrome, in respect of any such land as is specified in the direction; and
- (d) in the case of a direction given to a person as a person who is permitted to have access to a restricted zone as mentioned in subsection (1)(d) above, in respect of such activities carried on by that person in that zone as are specified in the direction.

(2) Without prejudice to the generality of subsection (1A) above, the measures to be specified in a direction given under this section to any person to whom that subsection

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applies may include the provision by that person of persons charged with the duty (at such times as may be specified in the direction)—

- (a) where the direction is given to a person as the operator of aircraft, of guarding the aircraft against acts of violence;
- (b) where the direction is given to a person as the manager of an aerodrome, of guarding the aerodrome, or persons or property (including aircraft) in any part of the aerodrome, against acts of violence;
- (c) where the direction is given to a person as falling within subsection (1)(c) above, of guarding against acts of violence any aircraft in the aerodrome which is for the time being under his control; or
- (d) where the direction is given to a person as falling within subsection (1)(d) above, of guarding—
  - (i) any land outside the aerodrome occupied by him for the purposes of his business, any vehicles or equipment used for those purposes and any goods which are in his possession for those purposes, and
  - (ii) any aircraft which is for the time being under his control,
 for purposes to which this Part of this Act applies.]

(3) A direction given under this section may be either of a general or of a specific character, and may require any measures specified in the direction to be taken at such time or within such period as may be so specified.

(4) ..... <sup>F20</sup>

(5) A direction under this section—

- (a) shall not require any search (whether of persons or of property), and
- (b) shall not require the modification or alteration of any aircraft, or of any of its apparatus or equipment, or the installation of additional apparatus or equipment, or prohibit any aircraft from being caused or permitted to fly without some modification or alteration of the aircraft or its apparatus or equipment or the installation of additional apparatus or equipment.

(6) A direction may be given under this section to a person appearing to the Secretary of State to be about to become [<sup>F21</sup>a person to whom subsection (1A) above applies], but a direction given to a person by virtue of this subsection shall not take effect until he becomes such [<sup>F21</sup>a person], and, in relation to a direction so given, the preceding provisions of this section shall apply with the necessary modifications.

(7) Any person—

- (a) who . . . <sup>F22</sup>, without reasonable excuse, fails to comply with a direction given to him under this section, or
- (b) [<sup>F23</sup>intentionally]interferes with any building constructed or works executed on any land in compliance with a direction under this section or with anything installed on, under, over or across any land in compliance with such a direction,

shall be guilty of an offence and liable—

- (i) on summary conviction, to a fine not exceeding the statutory maximum;
- (ii) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years or to both.

[<sup>F24</sup>(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

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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.]

- (8) The ownership of any property shall not be affected by reason only that it is placed on or under, or affixed to, any land in compliance with a direction under this section.

#### **Textual Amendments**

- F19** S. 14(1)(1A)(2) substituted for S. 14(1)(2) by [Aviation and Maritime Security Act 1990 \(c. 31, SIF 39:2\)](#) , **s. 3(1)**
- F20** S. 14(4) repealed by [Aviation and Maritime Security Act 1990 \(c. 31, SIF 39:2\)](#) , ss. 3(2) , 53(2) , **Sch. 4**
- F21** Words substituted by [Aviation and Maritime Security Act 1990 \(c. 31, SIF 39:2\)](#) , **s. 3(3)**
- F22** Words repealed by [Aviation and Maritime Security Act 1990 \(c. 31, SIF 39:2\)](#) , ss. 8(1) , 53(2) , **Sch. 1 para. 6(2)(a)** , **Sch. 4**
- F23** Word substituted by [Aviation and Maritime Security Act 1990 \(c. 31, SIF 39:2\)](#) , s. 8(1) , **Sch. 1 para. 6(2)(b)**
- F24** S. 14(7A) inserted by [Aviation and Maritime Security Act 1990 \(c. 31, SIF 39:2\)](#) , s. 8 , **Sch. 1 para. 6(3)**

#### **Modifications etc. (not altering text)**

- C22** S. 14 extended (with modifications) (Jersey) (12.6.1993) by [S.I. 1993/1251](#) , art. 2(1) , **Sch. 1 Pt. I**  
 S. 14 extended (with modifications) (Guernsey) (17.1.1998) by [S.I. 1997/2989](#) , art. 2(1) , **Sch. 1 Pt. I , II**
- C23** S. 14 : Pt. II (ss. 10-24A) applied (with modifications) (1.9.1993) by [S.I. 1993/1073](#) , **reg. 11(1)**
- C24** S. 14(1A)(d) applied (with modifications) (1.9.1993) by [S.I. 1993/1073](#) , **reg. 11(2)**

#### *Supplemental provisions with respect to directions*

### **15 Matters which may be included in directions under ss. 12 to 14.**

- (1) A direction under subsection (1) of section 12 or under section 13 [<sup>F25</sup>or 13A]of this Act may specify the minimum number of persons by whom any search to which the direction relates is to be carried out, the qualifications which persons carrying out any such search are to have, the manner in which any such search is to be carried out, and any apparatus, equipment or other aids to be used for the purpose of carrying out any such search.
- [<sup>F26</sup>(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.]
- (3) ..... <sup>F27</sup>
- (4) A direction under section 14 of this Act may specify—
- (a) the minimum number of persons to be employed for the purposes of any measures required by the direction to be taken by [<sup>F28</sup>the person to whom it is given], and the qualifications which persons employed for those purposes are to have, and
  - (b) any apparatus, equipment or other aids to be used for those purposes.

*Status: Point in time view as at 21/11/2005.**Changes to legislation: There are currently no known outstanding effects for the Aviation Security Act 1982. (See end of Document for details)*

- [<sup>F29</sup>(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.]
- (6) Nothing in subsections (1) to (5) above shall be construed as limiting the generality of any of the preceding provisions of this Part of this Act.
- (7) In this section qualifications includes training and experience.
- [<sup>F30</sup>(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.]

**Textual Amendments**

- F25** or 13A inserted by [Aviation and Maritime Security Act 1990 \(c. 31, SIF 39:2\)](#), s. 8(1), **Sch. 1 para. 7(2)**
- F26** S. 15(2) substituted by [Aviation and Maritime Security Act 1990 \(c. 31, SIF 39:2\)](#), s. 8(1), **Sch. 1 para. 7(3)**
- F27** S. 15(3) repealed by [Aviation and Maritime Security Act 1990 \(c. 31, SIF 39:2\)](#), ss. 8(1), 53(2), **Sch. 1 para. 7(4)**, **Sch. 4**
- F28** Words substituted by [Aviation and Maritime Security Act 1990 \(c. 31, SIF 39:2\)](#), s. 8(1), **Sch. 1 para. 7(5)**
- F29** S. 15(5) substituted by [Aviation and Maritime Security Act 1990 \(c. 31, SIF 39:2\)](#), s. 8(1), **Sch. 1 para. 7(6)**
- F30** S. 15(8) inserted by [Aviation and Maritime Security Act 1990 \(c. 31, SIF 39:2\)](#), s. 8(1), **Sch. 1 para. 7(7)**

**Modifications etc. (not altering text)**

- C25** S. 15 extended (with modifications) (Jersey) (12.6.1993) by [S.I. 1993/1251](#), art. 2(1), **Sch. 1 Pt. I**  
S. 15 extended (with modifications) (Guernsey) (17.1.1998) by [S.I. 1997/2989](#), art. 2(1), **Sch. 1 Pt. I, II**
- C26** S. 15 : Pt. II (ss. 10-24A) applied (with modifications) (1.9.1993) by [S.I. 1993/1073](#), **reg. 11(1)**

**16 Limitations on scope of directions under ss. 12 to 14.**

- (1) Without prejudice to subsection (5) of section 15 of this Act, a direction shall not require or authorise any person to carry a firearm.
- (2) A direction shall not have effect in relation to any aircraft used in military, customs or police service.
- (3) A direction shall not have effect in relation to any aircraft of which the operator is the Government of a country outside the United Kingdom, or is a department or agency of such a Government, except at a time when any such aircraft is being used for the carriage of passengers or cargo for reward or is for the time being allocated by that Government, department or agency for such use.

*Status: Point in time view as at 21/11/2005.*

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- (4) A direction (except in so far as it requires any building or other works to be constructed, executed, altered, demolished or removed) shall not be construed as requiring or authorising [<sup>F31</sup>the person to whom the direction was given, or any person acting as his employee or agent], to do anything which, apart from the direction, would constitute an act of violence; but nothing in this subsection shall restrict the use of such force as is reasonable in the circumstances [<sup>F32</sup>(whether at the instance of the person to whom the direction was given or otherwise)] by a constable, or its use by any other person in the exercise of a power conferred by section 7(1) or 13(3) of this Act or by any of the following provisions of this Act.
- (5) In so far as a direction requires anything to be done or not done at a place outside the United Kingdom—
- (a) it shall not have effect except in relation to aircraft registered in the United Kingdom, and
  - (b) it shall not have effect so as to require anything to be done or not done in contravention of any provision of the law (whether civil or criminal) in force at that place, other than any such provision relating to breach of contract.
- [<sup>F33</sup>(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.]
- (7) Nothing in this section shall be construed as derogating from any exemption or immunity of the Crown in relation to the provisions of this Part of this Act.
- (8) In this section direction means a direction under section 12, 13 [<sup>F34</sup>, 13A] or 14 of this Act.

#### Textual Amendments

- F31** Words substituted by [Aviation and Maritime Security Act 1990 \(c. 31, SIF 39:2\)](#), s. 8, **Sch. 1 para. 8(2)(a)**
- F32** Words substituted by [Aviation and Maritime Security Act 1990 \(c. 31, SIF 39:2\)](#), s. 8(1), **Sch. 1 para. 8(2)(b)**
- F33** S. 16(6) substituted by [Aviation and Maritime Security Act 1990 \(c. 31, SIF 39:2\)](#), s. 8(1), **Sch. 1 para. 8(3)**
- F34** , 13A inserted by [Aviation and Maritime Security Act 1990 \(c. 31, SIF 39:2\)](#), s. 8(1), **Sch. 1 para. 8(4)**

#### Modifications etc. (not altering text)

- C27** S. 16 extended (with modifications) (Jersey) (12.6.1993) by [S.I. 1993/1251](#), art. 2(1), **Sch. 1 Pt. I**  
 S. 16 extended (with modifications) (Guernsey) (17.1.1998) by [S.I. 1997/2989](#), art. 2(1), **Sch. 1 Pt. I, II**

*Status: Point in time view as at 21/11/2005.**Changes to legislation: There are currently no known outstanding effects for the Aviation Security Act 1982. (See end of Document for details)*

**C28** S. 16 : Pt. II (ss. 10-24A) applied (with modifications) (1.9.1993) by [S.I. 1993/1073](#) , [reg. 11\(1\)](#)

## 17 General or urgent directions under ss. 12 and 14.

- (1) A direction given to any person under section 12 [<sup>F35</sup>, 13, 13A or 14] of this Act need not be addressed to that particular person, but may be framed in general terms applicable to all persons to whom such a direction may be given or to any class of such persons to which that particular person belongs.
- (2) If it appears to the Secretary of State that an exception from any direction given under [<sup>F36</sup>any] of those sections is required as a matter of urgency in any particular case he may, by a notification given (otherwise than in writing) to the person for the time being subject to the direction, authorise that person to disregard the requirements of the direction—
  - (a) in relation to such aircraft or class of aircraft, [<sup>F37</sup>in relation to such aerodrome or part of an aerodrome, in relation to such land outside an aerodrome, in relation to such activities,] or in relation to such persons or property or such description of persons or property, and
  - (b) on such occasion or series of occasions, or for such period, as he may specify; and the direction shall have effect in that case subject to any exceptions so specified.
- (3) Any notification given to any person under subsection (2) above with respect to any direction shall cease to have effect (if it has not already done so)—
  - (a) if a direction in writing is subsequently given to that person varying or revoking the original direction; or
  - (b) if no such direction in writing is given within the period of thirty days beginning with the date on which the notification was given, at the end of that period.
- (4) Any notification given under subsection (2) above shall be regarded as given to the person to whom it is directed if it is given—
  - (a) to any person authorised by that person to receive any such direction or notification;
  - (b) where that person is a body corporate, to the secretary, clerk or similar officer of the body corporate; and
  - (c) in any other case, to anyone holding a comparable office or position in that person's employment.

### Textual Amendments

- F35** , 13, 13A or 14 substituted by [Aviation and Maritime Security Act 1990 \(c. 31, SIF 39:2\)](#) , s. 8(1) , [Sch. 1 para. 9\(2\)](#)
- F36** Word substituted by [Aviation and Maritime Security Act 1990 \(c. 31, SIF 39:2\)](#) , s. 8(1) , [Sch. 1 para. 9\(3\)\(a\)](#)
- F37** Words inserted by [Aviation and Maritime Security Act 1990 \(c. 31, SIF 39:2\)](#) , s. 8 , [Sch. 1 para. 9\(3\)\(b\)](#)

### Modifications etc. (not altering text)

- C29** S. 17 extended (with modifications) (Jersey) (12.6.1993) by [S.I. 1993/1251](#) , art. 2(1) , [Sch. 1 Pt.I](#)

*Status: Point in time view as at 21/11/2005.*

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

S. 17 extended (with modifications) (Guernsey) (17.1.1998) by [S.I. 1997/2989](#) , art. 2(1) , Sch. 1 Pt I , II  
**C30** S. 17 : Pt. II (ss. 10-24A) applied (with modifications) (1.9.1993) by [S.I. 1993/1073](#) , reg. 11(1)

## 18 Objections to certain directions under s. 14.

- (1) This section applies to any direction given under section 14 of this Act which—
- (a) requires a person to take measures consisting of or including the construction, execution, alteration, demolition or removal of a building or other works; and
  - (b) does not contain a statement that the measures are urgently required and that accordingly the direction is to take effect immediately.
- (2) At any time before the end of the period of thirty days beginning with the date on which a direction to which this section applies is given, the person to whom the direction is given may serve on the Secretary of State a notice in writing objecting to the direction, on the grounds that the measures specified in the direction, in so far as they relate to the construction, execution, alteration, demolition or removal of a building or other works—
- (a) are unnecessary and should be dispensed with; or
  - (b) are excessively onerous or inconvenient and should be modified in a manner specified in the notice.
- (3) Where the person to whom such a direction is given serves a notice under subsection (2) above objecting to the direction, the Secretary of State shall consider the grounds of the objection and, if so required by the objector, shall afford to him an opportunity of appearing before, and being heard by, a person appointed by the Secretary of State for the purpose, and shall then serve on the objector a notice in writing either—
- (a) confirming the direction as originally given; or
  - (b) confirming it subject to one or more modifications specified in the notice under this subsection; or
  - (c) withdrawing the direction;
- and the direction shall not take effect until it has been confirmed (with or without modifications) by a notice served under this subsection.

### Modifications etc. (not altering text)

**C31** S. 18 extended (with modifications) (Jersey) (12.6.1993) by [S.I. 1993/1251](#) , art. 2(1) , Sch. 1 Pt. I  
S. 18 extended (with modifications) (Guernsey) (17.1.1998) by [S.I. 1997/2989](#) , art. 2(1) , Sch. 1 Pt. I , II  
**C32** S. 18 : Pt. II (ss. 10-24A) applied (with modifications) (1.9.1993) by [S.I. 1993/1073](#) , reg. 11(1)

## <sup>F38</sup>18A Enforcement notices.

- (1) Where an authorised person is of the opinion that any person has failed to comply with any general requirement of a direction given to him under section 12, 13, 13A or 14 of this Act, the authorised person may serve on that person a notice (in this Part of this Act referred to as an enforcement notice)—
- (a) specifying those general requirements of the direction with which he has, in the opinion of the authorised person, failed to comply, and



*Status: Point in time view as at 21/11/2005.**Changes to legislation: There are currently no known outstanding effects for the Aviation Security Act 1982. (See end of Document for details)*

- (b) specifying, subject to section 18B of this Act, the measures that ought to be taken in order to comply with those requirements.
- (2) For the purposes of this section a requirement of a direction given by the Secretary of State under section 12, 13, 13A or 14 of this Act is a general requirement if the provision imposing the requirement—
- (a) has been included in two or more directions given to different persons (whether or not at the same time), and
- (b) is framed in general terms applicable to all the persons to whom those directions are given.
- (3) Before serving any enforcement notice which relates to a direction given under section 12(2) of this Act, the authorised person shall inform the Civil Aviation Authority of the measures proposed to be specified in the notice, and shall take account of any advice given to him by that Authority with respect to those proposals.]

**Textual Amendments**

**F38** Ss. 18A–18E inserted by [Aviation and Maritime Security Act 1990 \(c. 31, SIF 39:2\)](#), s. 4

**Modifications etc. (not altering text)**

**C33** S. 18A extended (with modifications) (Jersey) (12.6.1993) by [S.I. 1993/1251](#), art. 2(1), [Sch. 1 Pt. I](#)

S. 18A extended (with modifications) (Guernsey) (17.1.1998) by [S.I. 1997/2989](#), art. 2(1), [Sch. 1 Pt. I, II](#)

**C34** S. 18A : Pt. II (ss. 10-24A) applied (with modifications) (1.9.1993) by [S.I. 1993/1073](#), [reg. 11\(1\)](#)

**[<sup>F39</sup>18B Contents of enforcement notice.**

- (1) An enforcement notice may specify in greater detail measures which are described in general terms in those provisions of the direction to which it relates which impose general requirements, but may not impose any requirement which could not have been imposed by a direction given by the Secretary of State under the provision under which the direction was given.
- (2) An enforcement notice may be framed so as to afford the person on whom it is served a choice between different ways of complying with the specified general requirements of the direction.
- (3) Subject to subsection (4) below, an enforcement notice which relates to a direction given under section 12 of this Act must require the person to whom the direction was given not to cause or permit things to be done as mentioned in subsection (1)(a) or (b) or (2) of that section, as the case requires, until the specified measures have been taken.
- (4) In serving an enforcement notice which relates to a direction under section 12(2) of this Act, the authorised person shall allow, and shall specify in the notice, such period as appears to him to be reasonably required for taking the measures specified in the notice; and the notice shall not take effect before the end of the period so specified.
- (5) An enforcement notice which relates to a direction given under section 13, 13A or 14 of this Act must either—
- (a) require the person to whom the direction was given to take the specified measures within a specified period which—

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- (i) where the measures consist of or include the construction, execution, alteration, demolition or removal of a building or other works, must not be less than thirty days beginning with the date of service of the notice, and
  - (ii) in any other case, must not be less than seven days beginning with that date; or
  - (b) require him not to do specified things, or cause or permit specified things to be done, until the specified measures have been taken.
- (6) Subject to section 18E(2) of this Act, an enforcement notice requiring a person not to cause or permit anything to be done shall be construed as requiring him to take all such steps as in any particular circumstances are practicable and necessary to prevent that thing from being done.]

#### Textual Amendments

**F39** Ss. 18A–18E inserted by [Aviation and Maritime Security Act 1990 \(c. 31, SIF 39:2\)](#) , s. 4

#### Modifications etc. (not altering text)

- C35** S. 18B extended (with modifications) (Jersey) (12.6.1993) by [S.I. 1993/1251](#) , art. 2(1) , [Sch. 1 Pt. I](#)  
S. 18B extended (with modifications) (Guernsey) (17.1.1998) by [S.I. 1997/2989](#) , art. 2(1) , [Sch. 1 Pt. I, II](#)
- C36** S. 18B :Pt. II (ss. 10-24A) applied (with modifications) (1.9.1993) by [S.I. 1993/1073](#) , [reg. 11\(1\)](#)

#### [<sup>F40</sup>18C Offences relating to enforcement notices.

- (1) Any person who, without reasonable excuse, fails to comply with an enforcement notice served on him shall be guilty of an offence and liable—
  - (a) on summary conviction, to a fine not exceeding the statutory maximum;
  - (b) on conviction on indictment, to a fine.
- (2) Where a person is convicted of an offence under subsection (1) 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.
- (3) Any person who intentionally interferes with any building constructed or works executed on any land in compliance with an enforcement notice or with anything installed on, under, over or across any land in compliance with such notice shall be guilty of an offence and liable—
  - (a) on summary conviction, to a fine not exceeding the statutory maximum;
  - (b) on conviction on indictment, to a fine.]

#### Textual Amendments

**F40** Ss. 18A–18E inserted by [Aviation and Maritime Security Act 1990 \(c. 31, SIF 39:2\)](#) , s. 4

#### Modifications etc. (not altering text)

- C37** S. 18C extended (with modifications) (Jersey) (12.6.1993) by [S.I. 1993/1251](#) , art. 2(1) , [Sch. 1 Pt. I](#)

*Status: Point in time view as at 21/11/2005.**Changes to legislation: There are currently no known outstanding effects for the Aviation Security Act 1982. (See end of Document for details)*

S. 18C extended (with modifications) (Guernsey) (17.1.1998) by [S.I. 1997/2989](#) , art. 2(1) , Sch. 1 Pt. I, II

**C38** S. 18C : Pt. II (ss. 10-24A) applied (with modifications) (1.9.1993) by [S.I. 1993/1073](#) , reg. 11(1)

#### [<sup>F41</sup>18D **Objections to enforcement notices.**

- (1) The person on whom an enforcement notice is served may serve on the Secretary of State a notice in writing of his objection to the enforcement notice, specifying the grounds of the objection.
- (2) Any notice of objection under subsection (1) above must be served—
  - (a) where the enforcement notice specifies measures falling within section 18B(5)(a)(i) of this Act, before the end of the period of thirty days beginning with the date on which the enforcement notice was served, or
  - (b) in any other case, before the end of the period of seven days beginning with that date.
- (3) The grounds of objection to an enforcement notice are—
  - (a) that the general requirements of the direction which are specified in the notice for the purposes of section 18A(1)(a) of this Act have been complied with,
  - (b) that the notice purports to impose a requirement which could not have been imposed by a direction given under the provision under which the direction to which the notice relates was given, or
  - (c) that any requirement of the notice—
    - (i) is unnecessary for complying with the general requirements specified as mentioned in paragraph (a) above and should be dispensed with, or
    - (ii) having regard to the terms of those general requirements, is excessively onerous or inconvenient and should be modified in a manner specified in the notice of objection under subsection (1) above.
- (4) Where the person on whom an enforcement notice is served serves a notice under subsection (1) above objecting to the enforcement notice, the Secretary of State shall consider the grounds of the objection and, if so required by the objector, shall afford to him an opportunity of appearing before and being heard by a person appointed by the Secretary of State for the purpose, and shall then serve on the objector a notice in writing either —
  - (a) confirming the enforcement notice as originally served, or
  - (b) confirming it subject to one or more modifications specified in the notice under this subsection, or
  - (c) cancelling the enforcement notice.
- (5) An enforcement notice to which an objection has been made under subsection (1) above —
  - (a) if it contains such a requirement as is mentioned in section 18B(3) or (5)(b) of this Act, shall continue to have effect as originally served until it has been cancelled, or it has been confirmed subject to modification by a notice under subsection (4) above, and
  - (b) in any other case, shall not take effect until it has been confirmed (with or without modification) by a notice under subsection (4) above.]

*Status: Point in time view as at 21/11/2005.*

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#### Textual Amendments

**F41** Ss. 18A–18E inserted by [Aviation and Maritime Security Act 1990 \(c. 31, SIF 39:2\)](#) , **s. 4**

#### Modifications etc. (not altering text)

**C39** S. 18D extended (with modifications) (Jersey) (12.6.1993) by [S.I. 1993/1251](#) , [art. 2\(1\)](#) , **Sch. 1 Pt. I**  
 S. 18D extended (with modifications) (Guernsey) (17.1.1998) by [S.I. 1997/2989](#) , [art. 2\(1\)](#) , **Sch. 1 Pt. I, II**

**C40** S. 18D : Pt. II (ss. 10-24A) applied (with modifications) (1.9.1993) by [S.I. 1993/1073](#) , **reg. 11(1)**

### [<sup>F42</sup>18E Enforcement notices: supplementary.

- (1) An enforcement notice served on any person—
  - (a) may be revoked by a notice served on him by an authorised person, and
  - (b) may be varied by a further enforcement notice.
- (2) Sections 15 and 16 of this Act apply to an enforcement notice as they apply to the direction to which the notice relates.
- (3) The ownership of any property shall not be affected by reason only that it is placed on or under or affixed to, any land in compliance with an enforcement notice.
- (4) Where an authorised person has served an enforcement notice specifying the general requirements of a direction with which the person on whom it is served has, in the opinion of the authorised person, failed to comply, the person on whom the notice is served shall not be taken, for the purposes of section 12(9), 13(4), 13A(3) or 14(7) of this Act, to have failed to comply with the direction by reason of the matters specified in the notice.
- (5) Subsection (4) above does not apply in relation to any proceedings commenced before the service of the enforcement notice.
- (6) Where an enforcement notice has been served in relation to a direction, the fact that the notice specifies certain general requirements of the direction as those with which the person on whom the notice is served has, in the opinion of the authorised person, failed to comply shall not in any proceedings be evidence that any other requirement of the direction has been complied with.
- (7) In this section direction means a direction under section 12, 13, 13A or 14 of this Act.]

#### Textual Amendments

**F42** Ss. 18A–18E inserted by [Aviation and Maritime Security Act 1990 \(c. 31, SIF 39:2\)](#) , **s. 4**

#### Modifications etc. (not altering text)

**C41** S. 18E extended (Jersey) (12.6.1993) by [S.I. 1993/1251](#) , [art. 2\(1\)](#) , **Sch. 1 Pt. I**  
 S. 18E extended (with modifications) (Guernsey) (17.1.1998) by [S.I. 1997/2989](#) , [art. 2\(1\)](#) , **Sch. 1 Pt. I, II**

**C42** S. 18E : Pt. II (ss. 10-24A) applied (with modifications) (1.9.1993) by [S.I. 1993/1073](#) , **reg. 11(1)**

*Status: Point in time view as at 21/11/2005.**Changes to legislation: There are currently no known outstanding effects for the Aviation Security Act 1982. (See end of Document for details)***19 Operation of directions under Part II in relation to rights and duties under other laws.**

(1) The following provisions of this section, where they refer to a direction under any of the preceding provisions of this Part of this Act, shall be construed as referring to that direction as it has effect subject to any limitation imposed on its operation—

- (a) by section 16 of this Act, or
- (b) by any exemption or immunity of the Crown;

and any reference in those provisions to compliance with such a direction shall be construed as a reference to compliance with it subject to any limitation so imposed.

(2) In so far as any such direction requires anything to be done or not done in the United Kingdom, the direction shall have effect notwithstanding anything contained in any contract (whether a United Kingdom contract or not) or contained in, or having effect by virtue of, any other Act or any rule of law; and accordingly no proceedings (whether civil or criminal) shall lie against any person in any United Kingdom court by reason of anything done or not done by him or on his behalf in compliance with such a direction.

(3) In so far as such a direction requires anything to be done or not done at a place outside the United Kingdom, the direction shall have effect notwithstanding anything contained in any contract (whether a United Kingdom contract or not); and accordingly, where such a direction is inconsistent with anything in such a contract, it shall (without prejudice to any proceedings in a court other than a United Kingdom court) be construed as requiring compliance with the direction notwithstanding that compliance would be in breach of that contract.

(4) No proceedings for breach of contract shall lie against any person in a United Kingdom court by reason of anything done or not done by him or on his behalf at a place outside the United Kingdom in compliance with any such direction, if the contract in question is a United Kingdom contract.

[<sup>F43</sup>(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.]

(5) In this section United Kingdom court means a court exercising jurisdiction in any part of the United Kingdom under the law of the United Kingdom or of part of the United Kingdom, and United Kingdom contract means a contract which is either expressed to have effect in accordance with the law of the United Kingdom or of part of the United Kingdom or (not being so expressed) is a contract [<sup>F44</sup>the law applicable to which] is the law of the United Kingdom or of part of the United Kingdom.

**Textual Amendments**

**F43** S. 19(4A) inserted by [Aviation and Maritime Security Act 1990 \(c. 31, SIF 39:2\)](#), s. 8(1), [Sch. 1 para. 10](#)

**F44** Words in s. 19(5) substituted (1.4.1991) by [Contracts \(Applicable Law\) Act 1990 \(c. 36, SIF 30\)](#), s. 5, [Sch. 4 para. 5](#); S.I. 1991/707, [art. 2](#)

**Modifications etc. (not altering text)**

**C43** S. 19 extended (with modifications) (Jersey) (12.6.1993) by [S.I. 1993/1251](#), [art. 2\(1\)](#), [Sch. 1 Pt. I](#)

S. 19 extended (with modifications) (Guernsey) (17.1.1998) by [S.I. 1997/2989](#), [art. 2\(1\)](#), [Sch. 1 Pt. I, II](#)

**C44** S. 19 : Pt. II (ss. 10-24A) applied (with modifications) (1.9.1993) by [S.I. 1993/1073](#), [reg. 11\(1\)](#)

*Status: Point in time view as at 21/11/2005.*

*Changes to legislation: There are currently no known outstanding effects  
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## 20 Inspection of aircraft and aerodromes.

- (1) For the purpose of enabling the Secretary of State to determine whether to give a direction to any person under any of the preceding provisions of this Part of this Act, or of ascertaining whether any such direction [<sup>F45</sup>or any enforcement notice] is being or has been complied with, [<sup>F46</sup>an authorised person] shall have power, on production (if required) of his credentials, to inspect—
- (a) any aircraft registered or operating in the United Kingdom, at a time when it is in the United Kingdom, or
  - (b) any part of any aerodrome in the United Kingdom [<sup>F47</sup>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].
- (2) An authorised person inspecting an aircraft [<sup>F48</sup>, any part of an aerodrome or any land outside an aerodrome] under subsection (1) above shall have power—
- (a) to subject any property found by him in the aircraft (but not the aircraft itself or any apparatus or equipment installed in it) or, as the case may be, to subject that part of the aerodrome or any property found by him there [<sup>F49</sup>or on that land], to such tests, or
  - [<sup>F50</sup>(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,]
    - (b) to require the operator of the aircraft, [<sup>F51</sup>the manager of the aerodrome or the occupier of the land], to furnish to him such information,  
as the authorised person may consider necessary for the purpose for which the inspection is carried out.
- (3) Subject to subsection (4) below, an authorised person, for the purpose of exercising any power conferred on him by the preceding provisions of this section in relation to an aircraft [<sup>F52</sup>, in relation to an aerodrome or in relation to any land outside an aerodrome], shall have power—
- (a) for the purpose of inspecting an aircraft, to enter it and to take all such steps as are necessary to detain it, or
  - (b) for the purpose of inspecting any part of an aerodrome, to enter any building or works in the aerodrome or enter upon any land in the aerodrome [<sup>F53</sup>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.]
- (4) The powers conferred by subsection (3) above shall not include power for an authorised person to use force for the purpose of entering any aircraft, building or works or entering upon any land.
- (5) Any person who—
- (a) ..... <sup>F54</sup>

*Status: Point in time view as at 21/11/2005.**Changes to legislation: There are currently no known outstanding effects for the Aviation Security Act 1982. (See end of Document for details)*

- (b) . . . <sup>F55</sup>, without reasonable excuse, fails to comply with a requirement imposed on him under subsection (2)(b) above, or
- (c) in furnishing any information so required, makes a statement which he knows to be false in a material particular, or recklessly makes a statement which is false in a material particular,
- shall be guilty of an offence and liable—
- (i) on summary conviction, to a fine not exceeding the statutory maximum;
- (ii) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years or to both.

**Textual Amendments**

- F45** Words inserted by [Aviation and Maritime Security Act 1990 \(c. 31, SIF 39:2\)](#), s. 8(1), **Sch. 1 para. 11(2)(a)**
- F46** Words substituted by [Aviation and Maritime Security Act 1990 \(c. 31, SIF 39:2\)](#), s. 8(1), **Sch. 1 para. 11(2)(b)**
- F47** Words inserted by [Aviation and Maritime Security Act 1990 \(c. 31, SIF 39:2\)](#), s. 8(1), **Sch. 1 para. 11(2)(c)**
- F48** Words substituted by [Aviation and Maritime Security Act 1990 \(c. 31, SIF 39:2\)](#), s. 8(1), **Sch. 1 para. 11(3)(a)**
- F49** Words inserted by [Aviation and Maritime Security Act 1990 \(c. 31, SIF 39:2\)](#), s. 8(1), **Sch. 1 para. 11(3)(b)**
- F50** S. 20(2)(aa) inserted by [Aviation and Maritime Security Act 1990 \(c. 31, SIF 39:2\)](#), s. 8(1), **Sch. 1 para. 11(3)(c)**
- F51** Words substituted by [Aviation and Maritime Security Act 1990 \(c. 31, SIF 39:2\)](#), s. 8(1), **Sch. 1 para. 11(3)(d)**
- F52** Words substituted by [Aviation and Maritime Security Act 1990 \(c. 31, SIF 39:2\)](#), s. 8(1), **Sch. 1 para. 11(4)(a)**
- F53** Words inserted by [Aviation and Maritime Security Act 1990 \(c. 31, SIF 39:2\)](#), s. 8(1), **Sch. 1 para. 11(4)(b)**
- F54** S. 20(5)(a) and the word or repealed by [Aviation and Maritime Security Act 1990 \(c. 31, SIF 39:2\)](#), ss. 8(1), 53(2), **Sch. 1 para. 11(5)**, **Sch. 4**
- F55** Words repealed by [Aviation and Maritime Security Act 1990 \(c. 31, SIF 39:2\)](#), ss. 8(1), 53(2), **Sch. 1 para. 11(5)**, **Sch. 4**

**Modifications etc. (not altering text)**

- C45** S. 20 extended (with modifications) (Jersey) (12.6.1993) by [S.I. 1993/1251](#), art. 2(1), **Sch. 1 Pt. I**  
S. 20 extended (with modifications) (Guernsey) (17.1.1998) by [S.I. 1997/2989](#), art. 2(1), **Sch. 1 Pt. I, II**
- C46** S. 20 : Pt. II (ss. 10-24A) applied (with modifications) (1.9.1993) by [S.I. 1993/1073](#), **reg. 11(1)**

**[<sup>F56</sup>20A Aviation security services: approved providers**

- (1) In this section aviation security service means a process or activity carried out for the purpose of—
- (a) complying with a requirement of a direction under any of sections 12 to 14, or
- (b) facilitating a person's compliance with a requirement of a direction under any of those sections.
- (2) Regulations may provide for the Secretary of State to maintain a list of persons who are approved by him for the provision of a particular aviation security service.



*Status: Point in time view as at 21/11/2005.*

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

- (3) The regulations may—
- (a) prohibit the provision of an aviation security service by a person who is not listed in respect of that service;
  - (b) prohibit the use or engagement for the provision of an aviation security service of a person who is not listed in respect of that service;
  - (c) create a criminal offence;
  - (d) make provision about application for inclusion in the list (including provision about fees);
  - (e) make provision about the duration and renewal of entries on the list (including provision about fees);
  - (f) make provision about training or qualifications which persons who apply to be listed or who are listed are required to undergo or possess;
  - (g) make provision about removal from the list which shall include provision for appeal;
  - (h) make provision about the inspection of activities carried out by listed persons;
  - (i) confer functions on the Secretary of State or on a specified person;
  - (j) confer jurisdiction on a court.
- (4) Regulations under subsection (3)(c)—
- (a) may not provide for a penalty on summary conviction greater than a fine not exceeding the statutory maximum,
  - (b) may not provide for a penalty of imprisonment on conviction on indictment greater than imprisonment for a term not exceeding two years (whether or not accompanied by a fine), and
  - (c) may create a criminal offence of purporting, with intent to deceive, to do something as a listed person or of doing something, with intent to deceive, which purports to be done by a listed person.
- (5) A direction under any of sections 12 to 14 may—
- (a) include a requirement to use a listed person for the provision of an aviation security service;
  - (b) provide for all or part of the direction not to apply or to apply with modified effect where a listed person provides an aviation security service.
- (6) Regulations under this section—
- (a) may make different provision for different cases,
  - (b) may include incidental, supplemental or transitional provision,
  - (c) shall be made by the Secretary of State by statutory instrument,
  - (d) shall not be made unless the Secretary of State has consulted organisations appearing to him to represent persons affected by the regulations, and
  - (e) shall be subject to annulment in pursuance of a resolution of either House of Parliament.]

**Textual Amendments**

**F56** S. 20A inserted (14.12.2001) by 2001 c. 24, s. 85

*[<sup>F57</sup>Detention of aircraft]*

*Status: Point in time view as at 21/11/2005.*

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

### Textual Amendments

**F57** S. 20B and preceding crossheading inserted (14.12.2001) by 2001 c. 24 , s. 86(1)

### [<sup>F58</sup> 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.
- (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—

*Status: Point in time view as at 21/11/2005.*

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

- (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.]

#### **Textual Amendments**

**F58** S. 20B and preceding crossheading inserted (14.12.2001) by 2001 c. 24 , s. 86(1)

### *Air navigation installations*

#### **21 Application of provisions of Part II to air navigation installations.**

- (1) Sections 11, 13, [<sup>F59</sup>13A,]14, 15, 16 and 20 of this Act shall have effect in relation to air navigation installations in the United Kingdom in accordance with the following provisions of this section.
- (2) In relation to any such air navigation installation which does not form part of an aerodrome, those sections shall have effect, subject to subsection (5) below, as if in them any reference to an aerodrome were a reference to such an air navigation installation and any reference to the manager of an aerodrome were a reference to the authority responsible for such an air navigation installation.
- (3) Where an air navigation installation forms part of an aerodrome in the United Kingdom, those sections shall have effect, subject to subsection (5) below, as if in them any reference to an aerodrome were a reference either—
  - (a) to an aerodrome, or
  - (b) to an air navigation installation which forms part of an aerodrome, or
  - (c) to so much of an aerodrome as does not consist of an air navigation installation;
 and accordingly a notice under section 11 of this Act or a direction under section 13 or 14 of this Act may be served or given either in respect of the whole of the aerodrome, or in respect of the air navigation installation separately, or in respect of so much of the aerodrome as does not consist of an air navigation installation.

- (4) For the purposes—

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

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- (a) of the service of a notice or the giving of a direction under section 11, 13 or 14 of this Act as modified by subsection (3) above, where the notice is to be served or the direction given in respect of an air navigation installation separately, and
- (b) of the operation of section 16 (6) of this Act in relation to a direction so given, any reference in any of those sections to the manager of the aerodrome shall be construed as a reference to any person who is either the manager of the aerodrome or the authority responsible for the air navigation installation.
- (5) Subsections (2) and (3) above shall not apply to section 13(3) of this Act; but where a direction given under section 13 of this Act, as applied or modified by the preceding provisions of this section, is for the time being in force—
- (a) if it is a direction given in respect of an air navigation installation separately (whether that installation forms part of an aerodrome or not), the said section 13 (3) shall have effect in relation to that direction as if the air navigation installation were an aerodrome and, where the direction was given to the authority responsible for the air navigation installation, as if it had been given to the manager of that aerodrome;
- (b) if it is a direction given in respect of so much of an aerodrome as does not consist of an air navigation installation, the said section 13 (3) shall have effect in relation to that direction as if any air navigation installation comprised in the aerodrome did not form part of the aerodrome.
- (6) A direction under section 14 of this Act, as applied or modified by the preceding provisions of this section, may be given to the authority responsible for one or more air navigation installations so as to relate, either—
- (a) to all air navigation installations in the United Kingdom for which it is responsible at the time when the direction is given or at any subsequent time, or
- (b) only to one or more such air navigation installations, or to a class of such air navigation installations, specified in the direction.
- (7) Any reference in section 17, 18 (1) <sup>F60</sup>, 18A, 18B, 18E] or 19 (1) of this Act to a direction given under a provision therein mentioned shall be construed as including a reference to a direction given under that provision as applied or modified by the preceding provisions of this section.
- (8) Notwithstanding anything in subsection (2)(a) of section 20 of this Act, a person inspecting an air navigation installation under that section (or under that section as applied or modified by the preceding provisions of this section) shall not be empowered thereby to test any apparatus or equipment which constitutes or forms part of the air navigation installation.

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#### Textual Amendments

**F59** 13A, inserted by [Aviation and Maritime Security Act 1990 \(c. 31, SIF 39:2\)](#), s. 8(1), **Sch. 1 para. 12(2)**

**F60** ,18A, 18B, 18E inserted by [Aviation and Maritime Security Act 1990 \(c. 31, SIF 39:2\)](#), s. 8(1), **Sch. 1 para. 12(3)**

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#### Modifications etc. (not altering text)

**C47** S. 21 extended (with modifications) (Jersey) (12.6.1993) by [S.I. 1993/1251](#), art. 2(1), **Sch. 1 Pt.I**

*Status: Point in time view as at 21/11/2005.*

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

S. 21 extended (with modifications) (Guernsey) (17.1.1998) by S.I. 1997/2989 , art. 2(1) , Sch. 1 Pt. I , II  
**C48** S. 21 : Pt. II (ss. 10-24A) applied (with modifications) (1.9.1993) by S.I. 1993/1073 , reg. 11(1)

*[<sup>F61</sup> Offences relating to security at aerodromes etc.]*

#### **Textual Amendments**

**F61** Ss. 21A–21G inserted by [Aviation and Maritime Security Act 1990 \(c. 31, SIF 39:2\)](#) , ss. 5–7

#### **[21A <sup>F62</sup>False statements relating to baggage, cargo etc.**

- (1) Subject to subsection (3) below, a person commits an offence if, in answer to a question which—
- (a) relates to any baggage, cargo or stores (whether belonging to him or to another) that is or are intended for carriage by a civil aircraft registered or operating in the United Kingdom, and
  - (b) is put to him for purposes to which this Part of this Act applies—
    - (i) by any of the persons mentioned in subsection (2) below,
    - (ii) by any employee or agent of such a person in his capacity as employee or agent, or
    - (iii) by a constable,
 he makes a statement which he knows to be false in a material particular, or recklessly makes a statement which is false in a material particular.
- (2) The persons referred to in subsection (1)(b) above are—
- (a) the manager of an aerodrome in the United Kingdom,
  - (b) the operator of one or more aircraft registered or operating in the United Kingdom, <sup>F63</sup> . . .
  - (c) any person who—
    - (i) 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, and
    - (ii) has control in that restricted zone over the baggage, cargo or stores to which the question relates.
- <sup>F64</sup>and
- (d) any air cargo agent who is included on the list of security approved air cargo agents maintained by the Secretary of State pursuant to regulations made under section 21F of this Act.]
- (3) Subsection (1) above does not apply in relation to any statement made by an authorised person in the exercise of the power conferred by section 20(2)(aa) of this Act.
- (4) A person guilty of an offence under subsection (1) above shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (5) In this section—
- cargo includes mail;
- civil aircraft has the same meaning as in section 3 of this Act; and

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stores means any goods intended for sale or use on an aircraft, including spare parts and other articles of equipment, whether or not for immediate fitting.]

**Textual Amendments**

**F62** Ss. 21A-21G inserted by [Aviation and Maritime Security Act 1990 \(c. 31, SIF 39:2\)](#) , [ss. 5-7](#)

**F63** Word in s. 21A(2)(b) omitted (1.9.1993) by virtue of [S.I. 1993/1073](#) , [reg. 12\(1\)\(a\)](#)

**F64** S. 21A(2)(d) and 'and' preceding it added (1.9.1993) by [S.I. 1993/1073](#) , [reg. 12\(1\)\(b\)](#)

**Modifications etc. (not altering text)**

**C49** S. 21A : Pt. II (ss. 10-24A) applied (with modifications) (1.9.1993) by [S.I. 1993/1073](#) , [reg. 11\(1\)](#)

**C50** S. 21A extended (with modifications) (Jersey) (12.6.1993) by [S.I. 1993/1251](#) , [art. 2\(1\)](#) , [Sch. 1 Pt. I](#)

S. 21A extended (with modifications) (Guernsey) (17.1.1998) by [S.I. 1997/2989](#) , [art. 2\(1\)](#) , [Sch. 1 Pt. I, II](#)

**[<sup>F65</sup>21B False statements in connection with identity documents.**

- (1) Subject to subsection (4) below, a person commits an offence if—
  - (a) for the purpose of, or in connection with, an application made by him or another for the issue of an identity document to which this subsection applies, or
  - (b) in connection with the continued holding by him or another of any such document which has already been issued,

he makes to any of the persons specified in subsection (3) below, to any employee or agent of such a person or to a constable, a statement which he knows to be false in a material particular, or recklessly makes to any of those persons, to any such employee or agent or to a constable, a statement which is false in a material particular.
- (2) Subsection (1) above applies to any identity document which is to be or has been issued by any of the persons specified in subsection (3) below in accordance with arrangements the maintenance of which is required by a direction given by the Secretary of State under section 14 of this Act.
- (3) The persons referred to in subsection (1) above are—
  - (a) the manager of an aerodrome in the United Kingdom,
  - (b) the authority responsible for an air navigation installation in the United Kingdom,
  - (c) the operator of one or more aircraft registered or operating in the United Kingdom, <sup>F66</sup> . . .
  - (d) any person who is permitted to have access to a restricted zone of an aerodrome or air navigation installation for the purposes of the activities of a business carried on by him.

[<sup>F67</sup>and

  - (e) any air cargo agent who is included on the list of security approved air cargo agents maintained by the Secretary of State pursuant to regulations made under section 21F of this Act.]
- (4) Subsection (1) above does not apply in relation to any statement made by an authorised person in the exercise of the power conferred by section 20(2)(aa) of this Act.

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

- (5) A person guilty of an offence under subsection (1) above shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.]

**Textual Amendments**

- F65** Ss. 21A–21G inserted by [Aviation and Maritime Security Act 1990 \(c. 31, SIF 39:2\)](#) , **ss. 5–7**  
**F66** Word in s. 21B(3)(c) omitted (1.9.1993) by virtue of [S.I. 1993/1073](#) , **reg. 12(2)(a)**  
**F67** S. 21B(3)(e) and 'and' preceding it added (1.9.1993) by [S.I. 1993/1073](#) , **reg. 12(2)(b)**

**Modifications etc. (not altering text)**

- C51** S. 21B extended (with modifications) (Jersey) (12.6.1993) by [S.I. 1993/1251](#) , **art. 2(1)** , **Sch. 1 Pt. I**  
S. 21B extended (with modifications) (Guernsey) (17.1.1998) by [S.I. 1997/2989](#) , **art. 2(1)** , **Sch. 1 Pt. I, II**  
**C52** S. 21B : Pt. II (ss. 10-24A) applied (with modifications) (1.9.1993) by [S.I. 1993/1073](#) , **reg. 11(1)**

[<sup>F68</sup>**21C** **Unauthorised presence in restricted zone.**

- (1) A person shall not—
- (a) go, with or without a vehicle, onto any part of a restricted zone of—
    - (i) an aerodrome, or
    - (ii) an air navigation installation which does not form part of an aerodrome,

except with the permission of the manager of the aerodrome, the authority responsible for the air navigation installation or a person acting on behalf of that manager or authority, and in accordance with any conditions subject to which that permission is for the time being granted, or
  - (b) remain on any part of such a restricted zone after being requested to leave by the manager of the aerodrome, the authority responsible for the air navigation installation or a person acting on behalf of that manager or authority.
- (2) Subsection (1)(a) above does not apply unless it is proved that, at the material time, notices stating that the area concerned was a restricted zone were posted so as to be readily seen and read by persons entering the restricted zone.
- (3) A person who contravenes subsection (1) above without lawful authority or reasonable excuse shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.]
- [<sup>F69</sup>(4) A constable, the manager of an aerodrome or a person acting on his behalf may use reasonable force to remove a person who fails to comply with a request under subsection (1)(b) above.]

**Textual Amendments**

- F68** Ss. 21A–21G inserted by [Aviation and Maritime Security Act 1990 \(c. 31, SIF 39:2\)](#) , **ss. 5–7**  
**F69** S. 21C(4) added (14.2.2002) by [2001 c. 24](#) , **ss. 84(1)** , 127(3)

**Modifications etc. (not altering text)**

- C53** S. 21C extended (with modifications) (Jersey) (12.6.1993) by [S.I. 1993/1251](#) , **art. 2(1)** , **Sch. 1 Pt. I**  
S. 21C extended (with modifications) (Guernsey) (17.1.1998) by [S.I. 1997/2989](#) , **art. 2(1)** , **Sch. 1 Pt. I, II**



*Status: Point in time view as at 21/11/2005.*

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

**C54** S. 21C : Pt. II (ss. 10-24A) applied (with modifications) (1.9.1993) by [S.I. 1993/1073](#) , [reg. 11\(1\)](#)

[<sup>F70</sup> **21D Unauthorised presence on board aircraft.**

- (1) A person shall not—
- (a) get into or onto an aircraft at an aerodrome in the United Kingdom except with the permission of the operator of the aircraft or a person acting on his behalf, or
  - (b) remain on an aircraft at such an aerodrome after being requested to leave by the operator of the aircraft or a person acting on his behalf.
- (2) A person who contravenes subsection (1) above without lawful authority or reasonable excuse shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.]

[<sup>F71</sup>(3) A constable, the operator of an aircraft or a person acting on his behalf may use reasonable force to remove a person who fails to comply with a request under subsection (1)(b) above.]

**Textual Amendments**

**F70** Ss. 21A–21G inserted by [Aviation and Maritime Security Act 1990 \(c. 31, SIF 39:2\)](#) , [ss. 5–7](#)

**F71** S. 21D(3) added (14.2.2002) by [2001 c. 24](#) , [ss. 84\(2\)](#) , [127\(3\)](#)

**Modifications etc. (not altering text)**

**C55** S. 21D extended (with modifications) (Jersey) (12.6.1993) by [S.I. 1993/1251](#) , [art. 2\(1\)](#) , [Sch. 1 Pt. I](#)  
S. 21D extended (with modifications) (Guernsey) (17.1.1998) by [S.I. 1997/2989](#) , [art. 2\(1\)](#) , [Sch. 1 Pt. I, II](#)

**C56** S. 21D : Pt. II (ss. 10-24A) applied (with modifications) (1.9.1993) by [S.I. 1993/1073](#) , [reg. 11\(1\)](#)

[<sup>F72</sup> **21E Offences relating to authorised persons.**

- (1) A person who—
- (a) intentionally obstructs an authorised person acting in the exercise of a power conferred on him by or under this Part of this Act, or
  - (b) falsely pretends to be an authorised person,
- commits an offence.
- (2) A person guilty of an offence under subsection (1)(a) above shall be liable—
- (a) on summary conviction, to a fine not exceeding the statutory maximum;
  - (b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years or to both.
- (3) A person guilty of an offence under subsection (1)(b) above shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.]

**Textual Amendments**

**F72** Ss. 21A–21G inserted by [Aviation and Maritime Security Act 1990 \(c. 31, SIF 39:2\)](#) , [ss. 5–7](#)

*Status: Point in time view as at 21/11/2005.*

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

**Modifications etc. (not altering text)**

- C57** S. 21E extended (with modifications) (Jersey) (12.6.1993) by [S.I. 1993/1251](#) , art. 2(1) , [Sch. 1 Pt.I](#)  
 S. 21E extended (with modifications) (Guernsey) (17.1.1998) by [S.I. 1997/2989](#) , art. 2(1) , [Sch. 1 Pt. I](#)  
 , [II](#)
- C58** S. 21E : Pt. II (ss. 10-24A) applied (with modifications) (1.9.1993) by [S.I. 1993/1073](#) , [reg. 11\(1\)](#)

[<sup>F73</sup> *Air cargo agents*]

**Textual Amendments**

- F73** Ss. 21A-21G inserted by [Aviation and Maritime Security Act 1990 \(c. 31, SIF 39:2\)](#) , [ss. 5-7](#)

[<sup>F74</sup> **21F Air cargo agents.**

- (1) The Secretary of State may by regulations made by statutory instrument make provision, for purposes to which this Part of this Act applies, in relation to persons (in this section referred to as air cargo agents) who carry on a business of handling cargo which is to be delivered (whether by them or any other person) to the operator of any aircraft for carriage from any aerodrome in the United Kingdom by a civil aircraft.
- (2) Regulations under this section may, in particular—
  - (a) enable the Secretary of State to maintain a list of air cargo agents who are approved by him for purposes related to aviation security, to include the name of an air cargo agent on that list, on application being made to the Secretary of State in accordance with the regulations, if he is satisfied as to such matters as are specified in the regulations, and to remove the name of any person from that list in such circumstances as are so specified,
  - (b) provide that any provision of this Part of this Act which applies in relation to persons who are permitted to have access to a restricted zone of an aerodrome for the purposes of the activities of a business (including any such provision which creates a criminal offence) shall also apply, with such modifications as are specified in the regulations, in relation to air cargo agents included on any such list,
  - (c) amend sections 21A(2), 21B(3) and 32(2) of this Act by including references to air cargo agents included on any such list,
  - (d) make provision (including any such provision as is mentioned in paragraphs (a) to (c) above) relating to a class of air cargo agents specified in the regulations and not to other air cargo agents,
  - (e) make different provision for different cases, and
  - (f) make such incidental, supplementary or transitional provision as the Secretary of State considers necessary or expedient in consequence of any provision made by the regulations.
- (3) Before making any regulations under this section the Secretary of State shall consult organisations appearing to him to represent persons affected by the proposed regulations.
- (4) Any statutory instrument containing regulations under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

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- (5) Without prejudice to the generality of sections 12 and 14 of this Act, the exemptions that may be included in any direction given to an operator of aircraft under section 12 or 14 which requires the carrying out of searches of cargo, or the taking of any other measures in relation to cargo, include exemptions from such requirements in relation to cargo received from any air cargo agent included on any list maintained by the Secretary of State under regulations under this section or from any air cargo agent falling within a class of such air cargo agents specified in the direction.
- (6) In this section—  
     cargo includes stores and mail; and  
     stores means any goods intended for sale or use on an aircraft, including spare parts and other articles of equipment, whether or not for immediate fitting.]

**Textual Amendments**

**F74** Ss. 21A–21G inserted by [Aviation and Maritime Security Act 1990 \(c. 31, SIF 39:2\)](#) , **ss. 5–7**

**Modifications etc. (not altering text)**

- C59** S. 21F extended (with modifications) (Jersey) (12.6.1993) by [S.I. 1993/1251](#) , art. 2(1) , **Sch. 1 Pt. I**  
     S. 21F extended (with modifications) (Guernsey) (17.1.1998) by [S.I. 1997/2989](#) , art. 2(1) , **Sch. 1 Pt. I**  
     , **II**
- C60** S. 21F : Pt. II (ss. 10-24A) applied (with modifications) (1.9.1993) by [S.I. 1993/1073](#) , **reg. 11(1)**

**[<sup>F75</sup>21FA Air cargo agents: documents**

- (1) A person commits an offence if with intent to deceive he issues a document which purports to be issued by a person on a list of approved air cargo agents maintained under section 21F(2)(a) of this Act.
- (2) A person guilty of an offence under subsection (1) shall be liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding level 5 on the standard scale or to both.]

**Textual Amendments**

**F75** S. 21FA inserted (14.2.2002) by [2001 c. 24](#) , **ss. 87** , **127(3)**

*[<sup>F76</sup> Reporting of certain occurrences relating to aviation security]***Textual Amendments**

**F76** Ss. 21A-21G inserted by [Aviation and Maritime Security Act 1990 \(c. 31, SIF 39:2\)](#) , **ss. 5-7**

**[<sup>F77</sup>21G Duty to report certain occurrences.**

- (1) For purposes to which this Part of this Act applies, the Secretary of State may by regulations made by statutory instrument require such persons as are specified in the

*Status: Point in time view as at 21/11/2005.*

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

regulations to make a report to him, in such manner and within such period as are so specified, of any occurrence of a description so specified.

- (2) Before making any regulations under this section, the Secretary of State shall consult organisations appearing to him to represent persons affected by the proposed regulations.
- (3) Regulations under this section may—
  - (a) provide that any person who, in making a report required by the regulations, makes a statement which he knows to be false in a material particular, or recklessly makes a statement which is false in a material particular, is to be guilty of an offence and liable—
    - (i) on summary conviction, to a fine not exceeding the statutory maximum;
    - (ii) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years or to both, and
  - (b) provide for persons to be guilty of an offence in such other circumstances as may be specified in the regulations and to be liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (4) Regulations under this section may require the reporting of occurrences taking place outside the United Kingdom only if those occurrences relate to aircraft registered in the United Kingdom.
- (5) Any statutory instrument containing regulations under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.]

#### **Textual Amendments**

**F77** Ss. 21A–21G inserted by [Aviation and Maritime Security Act 1990 \(c. 31, SIF 39:2\)](#) , **ss. 5–7**

#### **Modifications etc. (not altering text)**

- C61** S. 21G extended (with modifications) (Jersey) (12.6.1993) by [S.I. 1993/1251](#) , **art. 2(1)** , **Sch. 1 Pt. I**  
 S. 21G extended (with modifications) (Guernsey) (17.1.1998) by [S.I. 1997/2989](#) , **art. 2(1)** , **Sch. 1 Pt. I, II**
- C62** S. 21G : Pt. II (ss. 10-24A) applied (with modifications) (1.9.1993) by [S.I. 1993/1073](#) , **reg. 11(1)**

#### *Miscellaneous supplemental provisions*

## **22 Compensation in respect of certain measures taken under Part II.**

- (1) The provisions of this section shall have effect where, in compliance with a direction under section 14 of this Act or under that section as applied or modified by section 21 of this Act, [<sup>F78</sup>or in compliance with an enforcement notice, the person to whom the direction was given or on whom the notice was served]takes any measures consisting of the construction, execution, alteration, demolition or removal of a building or other works on land either within or outside [<sup>F79</sup>an aerodrome or]air navigation installation, as the case may be.
- (2) If the value of any interest in that land to which a person is entitled is depreciated in consequence of the taking of those measures, or the person having such an interest suffers loss in consequence of them by being disturbed in his enjoyment of any of

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that land, he shall be entitled to compensation equal to the amount of the depreciation or loss.

- (3) If any land other than the land on which the measures are taken is injuriously affected by the taking of those measures, any person having an interest in that other land, who suffers loss in consequence of its being injuriously affected, shall be entitled to compensation equal to the amount of the loss.
- (4) Any compensation to which a person is entitled under this section shall be payable to him by the person . . . <sup>F80</sup>by whom the measures in question were taken.
- (5) The provisions of Schedule 1 to this Act shall have effect for the purposes of this section; and the preceding provisions of this section shall have effect subject to the provisions of that Schedule.

**Textual Amendments**

- F78** Words substituted by [Aviation and Maritime Security Act 1990 \(c. 31, SIF 39:2\)](#), s. 8(1), **Sch. 1 para. 13(2)(a)**
- F79** Words substituted by [Aviation and Maritime Security Act 1990 \(c. 31, SIF 39:2\)](#), s. 8(1), **Sch. 1 para. 13(2)(b)**
- F80** Words repealed by [Aviation and Maritime Security Act 1990 \(c. 31, SIF 39:2\)](#), ss. 8(1), 53(2), **Sch. 1 para. 13(3)**, **Sch. 4**

**Modifications etc. (not altering text)**

- C63** S. 22 extended (with modifications) (Jersey) (12.6.1993) by [S.I. 1993/1251](#), art. 2(1), **Sch. 1 Pt. I**  
S. 22 extended (with modifications) (Guernsey) (17.1.1998) by [S.I. 1997/2989](#), art. 2(1), **Sch. 1 Pt. I, II**
- C64** S. 22 : Pt. II (ss. 10-24A) applied (with modifications) (1.9.1993) by [S.I. 1993/1073](#), **reg. 11(1)**

**23 Annual report by Secretary of State as to notices and directions under Part II.**

- (1) The Secretary of State shall, on or before 31st January in each year, lay before each House of Parliament a report stating the number of notices served by him under section 11 of this Act [<sup>F81</sup>, the number of directions given by him under sections 12, 13, 13A and 14 of this Act and enforcement notices [<sup>F82</sup>and detention directions] served by authorised persons] during the period of twelve months which expired with the preceding December.
  - (2) Each such report shall deal separately with notices served under section 11, directions given under section 12, directions given under section 13 [<sup>F83</sup>, directions given under section 13A and directions given under section 14 of this Act] [<sup>F84</sup>, enforcement notices and detention directions], and, in relation to each of those matters, shall show separately—
    - (a) the number of notices or directions which, during the period to which the report relates, were served on or given to persons as being, or as appearing to the Secretary of State to be about to become, operators of aircraft;
    - (b) 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, managers of aerodromes; and
- [<sup>F85</sup>(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

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- 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;]
- (c) 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, authorities responsible for air navigation installations.
- (3) In this section any reference to section 11, 13 [<sup>F86</sup>, 13A] or 14 of this Act shall be construed as including a reference to that section as applied or modified by section 21 of this Act.

#### Textual Amendments

- F81** Words substituted by [Aviation and Maritime Security Act 1990 \(c. 31, SIF 39:2\)](#), s. 8(1), [Sch. 1 para. 14\(2\)](#)
- F82** Words in s. 23(1) inserted (14.12.2001) by [2001 c. 24](#), s. [86\(2\)\(a\)](#)
- F83** Words substituted by [Aviation and Maritime Security Act 1990 \(c. 31, SIF 39:2\)](#), s. 8(1), [Sch. 1 para. 14\(3\)\(a\)](#)
- F84** Words in s. 23(2) substituted (14.12.2001) by [2001 c. 24](#), s. [86\(2\)\(b\)](#)
- F85** S. 23(2)(bb) ,(bc) inserted by [Aviation and Maritime Security Act 1990 \(c. 31, SIF 39:2\)](#), s. 8(1), [Sch. 1 para. 14\(3\)\(b\)](#)
- F86** Word inserted by [Aviation and Maritime Security Act 1990 \(c. 31, SIF 39:2\)](#), s. 8(1), [Sch. 1 para. 14\(4\)](#)

#### Modifications etc. (not altering text)

- C65** S. 23 : Pt. II (ss. 10-24A) applied (with modifications) (1.9.1993) by [S.I. 1993/1073](#), [reg. 11\(1\)](#)

#### [<sup>F87</sup>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

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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 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.]
- [<sup>F88</sup>(9) Subsections (6) to (8) above shall apply to a detention direction as they apply to an enforcement notice.]

#### Textual Amendments

**F87** S. 24 substituted by [Aviation and Maritime Security Act 1990 \(c. 31, SIF 39:2\)](#), s. 8(1), [Sch. 1 para. 15](#)

**F88** S. 24(9) added (14.12.2001) by [2001 c. 24](#), s. [86\(3\)](#)

#### Modifications etc. (not altering text)

**C66** S. 24 extended (with modifications) (Jersey) (12.6.1993) by [S.I. 1993/1251](#), art. 2(1), [Sch. 1 Pt. I](#)  
S. 24 extended (with modifications) (Guernsey) (17.1.1998) by [S.I. 1997/2989](#), art. 2(1), [Sch. 1 Pt. I](#), [II](#)

**C67** S. 24: Pt. II (ss. 10-24A) applied (with modifications) (1.9.1993) by [S.I. 1993/1073](#), [reg. 11\(1\)](#)  
S. 24 applied (1.9.1993) by [S.I. 1993/1073](#), [reg. 2\(2\)](#)

#### [<sup>F89</sup> 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



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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.]

#### Textual Amendments

**F89** S. 24A inserted by [Aviation and Maritime Security Act 1990 \(c. 31, SIF 39:2\)](#), s. 8(1), [Sch. 1 para. 16](#)

#### Modifications etc. (not altering text)

- C68** S. 24A extended (with modifications) (Jersey) (12.6.1993) by [S.I. 1993/1251](#), art. 2(1), [Sch. 1 Pt. I](#)  
S. 24A extended (with modifications) (Guernsey) (17.1.1998) by [S.I. 1997/2989](#), art. 2(1), [Sch. 1 Pt. I, II](#)
- C69** S. 24A: Pt. II (ss. 10-24A) applied (with modifications) (1.9.1993) by [S.I. 1993/1073](#), [reg. 11\(1\)](#)

## PART III

### POLICING OF AIRPORTS

#### 25 Designated airports.

- (1) The Secretary of State may by order designate for the purposes of this Part of this Act any aerodrome used for the purposes of civil aviation if he considers that the policing of that aerodrome should, in the interests of the preservation of the peace and the prevention of crime, be undertaken by constables under the direction and control of the chief officer of police for the police area in which the aerodrome is wholly or mainly situated.
- (2) Before making an order under subsection (1) above in relation to any aerodrome the Secretary of State shall consult the manager of the aerodrome and the police authority and chief officer of police for the police area in question.
- (3) The power to make an order under subsection (1) above shall be exercisable by statutory instrument and—
- (a) any order containing a statement that it is made with the consent of the manager and the authority mentioned in subsection (2) above shall be subject to annulment in pursuance of a resolution of either House of Parliament;
  - (b) any order not containing such a statement shall be laid before Parliament in draft and shall not be made unless the draft is approved by resolution of each House of Parliament.

#### 26 Exercise of police functions at designated airports.

- (1) So long as any aerodrome is a designated airport—
- (a) any relevant constable shall, when acting in the execution of his duty and, in particular, for the purpose of exercising the powers conferred on such a

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constable by or under the following provisions of this Part of this Act, be entitled as against the manager of the aerodrome to enter any part of the aerodrome; and

- (b) no member of any aerodrome constabulary maintained by the manager shall have the powers and privileges or be liable to the duties and responsibilities of a constable on the aerodrome or exercise there any power conferred by or under any enactment on members of that constabulary or on constables generally.

(2) Paragraph (a) of subsection (1) above is without prejudice to any right of entry existing apart from that paragraph.

[<sup>F90</sup>(2A) The chief officer of police for the relevant police area shall, in making arrangements for the policing of an aerodrome which is a designated airport, secure that the level of policing provided under the arrangements takes account of—

- (a) any measures required to be taken pursuant to directions given under section 12, 13, 13A or 14 of this Act; and
- (b) any other measures taken in relation to the aerodrome for security or policing purposes by immigration officers or officers of Revenue and Customs or by the manager of the aerodrome.

(2B) In relation to any time when a police services agreement is in force in relation to an aerodrome under section 25B of this Act, the manager of the aerodrome—

- (a) shall make to the police authority for the relevant police area such payments in respect of the policing provided for the aerodrome as fall to be made under the agreement, and
- (b) shall secure that accommodation and facilities are provided in accordance with the agreement for use in connection with that policing.

(2C) In relation to any time when no police services agreement is in force in relation to an aerodrome which is a designated airport, the manager of the aerodrome—

- (a) shall make to the police authority for the relevant police area such payments as are necessary to reimburse the authority in respect of the costs reasonably incurred by it in connection with the policing provided for the aerodrome, and
- (b) shall secure that suitable accommodation and facilities are provided for use in connection with that policing.

(2D) Subsection (2C)(a) above does not require the manager to pay any costs incurred by the police authority to the extent that those costs are defrayed by payments made by any other person to the police authority in respect of the policing provided for the aerodrome.

(2E) In this section “policing purposes” has the same meaning as in section 25A of this Act. ]

<sup>F91</sup>(3) . . . . .

<sup>F92</sup>(4) . . . . .

**Textual Amendments**

**F90** S. 26(2A)-(2E) inserted (21.11.2005 retrospectively for specified purposes) by [Civil Aviation Act 2006 \(c. 34\)](#), s. 14(2), [Sch. 1 paras. 3\(2\), 6](#)

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- F91** S. 26(3) omitted (21.11.2005 retrospectively for specified purposes) by virtue of [Civil Aviation Act 2006 \(c. 34\)](#), s. 14(2), [Sch. 1 paras. 3\(3\), 6](#) (with [Sch. 1 para. 6\(3\)\(b\)](#))
- F92** S. 26(4) repealed (3.7.2000) by [1999 c. 29](#), ss. 325, 423, [Sch. 27 para. 46\(2\)](#), [Sch. 34 Pt. VII](#) (with [Sch. 12 para. 9\(1\)](#)); [S.I. 2000/1648](#), art. 2, [Sch.](#)

## 27 Prevention of theft at designated airports.

- (1) Any relevant constable may in any aerodrome which is a designated airport—
- (a) stop, and without warrant search and arrest, any airport employee whom he has reasonable grounds to suspect of having in his possession or of conveying in any manner anything stolen or unlawfully obtained on the aerodrome; and
  - (b) if he has reasonable grounds to suspect that anything stolen or unlawfully obtained on the aerodrome may be found in or on any vehicle carrying an airport employee or in or on any aircraft, stop and without warrant search and detain the vehicle or, as the case may be, board and without warrant search the aircraft.
- (2) Any relevant constable may—
- (a) stop any person who is leaving a cargo area in an aerodrome which is a designated airport and inspect any goods carried by that person;
  - (b) stop and search any vehicle or aircraft which is leaving any such area and inspect the vehicle or aircraft and any goods carried on or in it; and
  - (c) detain in the area—
    - (i) any such goods as aforesaid for which there is not produced a document authorising their removal from the area signed by a person authorised in that behalf by the manager of the aerodrome; and
    - (ii) any such vehicle or aircraft as aforesaid so long as there are on or in it goods liable to detention under this paragraph.
- (3) Nothing in subsection (2) above shall be construed as conferring a power to search any person.
- (4) In any cargo area in an aerodrome which is a designated airport the powers of a constable under subsection (1)(b) above—
- (a) extend to any vehicle whether or not it is carrying an airport employee; and
  - (b) include power, not only to board and search an aircraft, but also to stop and detain it.
- (5) In this section airport employee, in relation to any aerodrome, means any person in the employment of the manager of the aerodrome and any person employed otherwise than by the manager to work on the aerodrome.
- (6) In this section cargo area means, subject to subsection (7) below, any area which appears to the Secretary of State to be used wholly or mainly for the storage or handling of cargo in an aerodrome and is designated by an order made by him for the purposes of this section.
- (7) ..... <sup>F93</sup>
- (8) Any power to make an order under this section shall be exercisable by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.

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- (9) The powers conferred by this section on a relevant constable are without prejudice to any powers exercisable by him apart from this section.

#### Subordinate Legislation Made

**P1** S. 27(6): s. 27(6) power exercised (05. 12. 1991) by [S.I.1991/2750](#) .

#### Textual Amendments

**F93** S. 27(7) repealed (1.8.1986) by [Airports Act 1986 \(c. 31\)](#) , s. 83(5) , [Sch. 6 Pt. I](#)

## 28 Byelaws for designated airports.

- (1) So long as any aerodrome is a designated airport any power of the manager of the aerodrome to make aerodrome byelaws shall, if it would not otherwise do so—
- extend to the making of byelaws in respect of the whole of the aerodrome; and
  - include power to make byelaws requiring any person, if so requested by a relevant constable, to leave the aerodrome or any particular part of it or to state his name and address and the purpose of his being on the aerodrome.
- (2) A relevant constable may remove from any aerodrome which is a designated airport, or from any part of it—
- any person who, in contravention of any aerodrome byelaws, fails or refuses to leave the aerodrome or part after being requested by the constable to do so;
  - any vehicle, animal or thing brought to or left within the aerodrome or part in contravention of any aerodrome byelaws and any vehicle, animal or thing likely to cause danger or obstruction.
- (3) A relevant constable may without warrant arrest a person within any aerodrome which is a designated airport—
- if he has reasonable cause to believe that the person has contravened any aerodrome byelaws and he does not know and cannot ascertain that person's name and address; or
  - if that person, in contravention of any aerodrome byelaws, fails or refuses to leave the aerodrome or any particular part of it after being requested by the constable to do so.

## 29 Control of road traffic at designated airports.

- (1) So long as any aerodrome is a designated airport, the functions of a chief officer of police under any provisions applying in relation to the aerodrome under [<sup>F94</sup>section 65 of the Airports Act 1986](application to certain aerodromes of provisions relating to road traffic) shall, notwithstanding any order under [<sup>F94</sup>that section], be exercisable by that officer to the exclusion of the chief officer of any aerodrome constabulary; and for the purposes of any functions of a chief officer of police under those provisions any part of the aerodrome which is not within the relevant police area shall be treated as if it were.
- (2) So long as any aerodrome is a designated airport—
- traffic wardens appointed by the police authority for the relevant police area <sup>F95</sup> . . . may exercise their functions on the aerodrome and shall be entitled, as against the manager of the aerodrome, to enter the aerodrome accordingly;

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(b) ..... F96

F97(3) .....

#### Textual Amendments

- F94** Words in s. 29(1) substituted (1.8.1986) by [Airports Act 1986 \(c. 31, SIF 9\)](#) , ss. 83(1), 85(3) , [Sch. 4 para. 9](#) (a); S.I. 1986/2228, art. 5
- F95** Words in s. 29(2)(a) repealed (3.7.2000) by [1999 c. 29](#) , ss. 325, 423, Sch. 27 para. 46(3), Sch. 34 Pt. VII (with Sch. 12 para. 9(1)); [S.I. 2000/1648](#) , art. 2 , [Sch.](#)
- F96** S. 29(2)(b) repealed (1.8.1986) by [Airports Act 1986 \(c. 31, SIF 9\)](#) , ss. 83(5), 85(3) , [Sch. 6 Pt. I](#) ; S.I. 1986/2228, art. 5
- F97** S. 29(3) repealed (3.7.2000) by [1999 c. 29](#) , ss. 423, [Sch. 34 Pt. VII](#) (with Sch. 12 para. 9(1) ); [S.I. 2000/1648](#) , art. 2, [Sch.](#)

#### [<sup>F98</sup>29A References to Secretary of State

- (1) Any of the relevant persons may refer to the Secretary of State a matter to which subsection (2) or (3) below applies.
- (2) This subsection applies to a dispute between the manager of an aerodrome which is (or has been) a designated airport and the police authority, or the chief officer of police, for the relevant police area—
  - (a) about the terms, construction or operation of a police services agreement which is (or has been) in force in relation to the aerodrome, or
  - (b) about the payments to be made, or the accommodation and facilities to be provided, under section 26(2C) of this Act.
- (3) This subsection applies to a failure by the relevant persons to enter into a police services agreement in a case where section 25B(2) of this Act requires such an agreement to be in force.

#### Textual Amendments

- F98** Ss. 29A-29D inserted (21.11.2005 retrospectively for specified purposes) by [Civil Aviation Act 2006 \(c. 34\)](#) , s. 14(2), [Sch. 1 paras. 4, 6](#)

#### 29B Appointment of independent experts

- (1) This section applies where a matter has been referred to the Secretary of State under section 29A of this Act.
- (2) The Secretary of State shall notify to each of the relevant persons the name of an independent expert who he proposes should deal with the matter.
- (3) The Secretary of State shall appoint that independent expert to deal with the matter if, within the initial appointment period, all the relevant persons agree to the appointment.
- (4) In default of agreement under subsection (3) above—
  - (a) the manager of the aerodrome, and
  - (b) the police authority for the relevant police area and the chief officer of police for that area, acting jointly,

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shall each appoint an independent expert within the period of fourteen days beginning with the date following that on which the initial appointment period ends.

- (5) The two independent experts so appointed shall appoint a third independent expert to act as chairman.
- (6) The three independent experts so appointed shall deal with the matter.
- (7) An appointment under subsection (5) above shall be made within the period of fourteen days beginning with the date on which the second of the two independent experts is appointed (or, if both independent experts are appointed on the same date, within the period of fourteen days beginning with that date).
- (8) In this section “ the initial appointment period ” means the period of fourteen days beginning with the date on which the Secretary of State notifies the relevant parties under subsection (2) above.
- (9) In this section and section 29C of this Act “ independent expert ”, in relation to a matter referred to the Secretary of State under section 29A of this Act, means a person—
  - (a) who is independent of the relevant persons and the Secretary of State,
  - (b) who has no previous connection with the matter in question, and
  - (c) who has relevant legal experience or knowledge or experience which is relevant to the matter in question.

#### **Textual Amendments**

**F98** Ss. 29A-29D inserted (21.11.2005 retrospectively for specified purposes) by [Civil Aviation Act 2006](#) (c. 34), s. 14(2), [Sch. 1 paras. 4, 6](#)

### **29C Removal and replacement etc. of independent experts**

- (1) On the application of any of the relevant persons, the Secretary of State may—
  - (a) remove an independent expert on any of the grounds specified in subsection (2) below;
  - (b) appoint an independent expert to replace one who has been removed under paragraph (a) above or who has died or resigned;
  - (c) make any appointment which should have (but has not) been made under section 29B(4) or (5) of this Act.
- (2) The grounds specified in this subsection are—
  - (a) that circumstances exist that give rise to justifiable doubts as to the expert's impartiality;
  - (b) that he does not possess the qualifications required by paragraphs (a) to (c) of section 29B(9) of this Act;
  - (c) that he is physically or mentally incapable of dealing with the matter in question or there are justifiable doubts as to his capacity to do so;
  - (d) that he has refused or failed—
    - (i) properly to deal with the matter, or
    - (ii) to use all reasonable despatch in dealing with the matter,and that substantial injustice has been or will be caused to the applicant.

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- (3) The independent experts may not continue to deal with the matter while an application to the Secretary of State under subsection (1)(a) above is pending.
- (4) The Secretary of State may not remove an independent expert under subsection (1)(a) above without first giving him the opportunity to make representations.

#### Textual Amendments

**F98** Ss. 29A-29D inserted (21.11.2005 retrospectively for specified purposes) by [Civil Aviation Act 2006](#) (c. 34), s. 14(2), [Sch. 1 paras. 4, 6](#)

### 29D Determination of matters referred under section 29A

- (1) This section applies where section 29B of this Act requires—
  - (a) an independent expert, or
  - (b) three independent experts,
 to deal with a matter referred to the Secretary of State under section 29A of this Act (and in this section the independent expert or experts are referred to as “the tribunal”).
- (2) The tribunal shall determine the procedure to be followed in dealing with the matter.
- (3) In particular, the tribunal—
  - (a) where it consists of three independent experts, may take decisions by a majority vote,
  - (b) shall give each of the relevant persons and the Secretary of State an opportunity to make representations about the matter in question,
  - (c) may appoint legal advisers to report to it and the relevant persons,
  - (d) may appoint assessors to assist it on technical matters,
  - (e) may allow any legal adviser or assessor appointed under paragraph (c) or (d) above to attend any meetings of the tribunal held for the purposes of dealing with the matter, and
  - (f) shall give each of the relevant persons and the Secretary of State a reasonable opportunity to comment on any information, opinion or advice offered by any such person.
- (4) In relation to a matter to which section 29A(2) of this Act applies, the tribunal may—
  - (a) make a declaration as to how a provision of a police services agreement is to be construed or operate;
  - (b) make a declaration varying the terms of a police services agreement;
  - (c) determine that the manager of the aerodrome is obliged to pay to the police authority for the relevant police area a specified sum, or a sum to be assessed in a specified manner;
  - (d) determine that the manager of the aerodrome is obliged to provide specified accommodation and facilities for use in connection with the policing provided for the aerodrome;
  - (e) make an order about costs.
- (5) In dealing with a matter to which section 29A(3) of this Act applies, the tribunal shall have regard (in particular) to—
  - (a) the matters specified in paragraphs (a) to (d) of section 25A(2) of this Act, and



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- (b) the extent (if any) to which the costs incurred by the police authority in connection with the policing provided for the aerodrome are (or are likely to be) defrayed by payments made in respect of that policing by any person other than the manager of the aerodrome.
- (6) In relation to such a matter, the tribunal—
  - (a) shall make a declaration as to the terms which are to have effect as between the relevant parties as the terms of a police services agreement;
  - (b) may make an order about costs.
- (7) Where a declaration is made under subsection (6)(a) above, references in this Part to a police services agreement shall have effect, so far as necessary, as references to the terms which have effect as the terms of a police services agreement.
- (8) A relevant person may appeal to the High Court against any decision of the tribunal under this section.
- (9) Any declaration, determination or order made under this section may, with the permission of the High Court, be enforced as if it were a judgment of the High Court (and may, in particular, be enforced by the use of powers in relation to contempt of court).
- (10) In the application of this section to Scotland, references in subsections (8) and (9) to the High Court shall be read as references to the Court of Session.
- (11) In this section “ costs ” means—
  - (a) the fees and expenses of the tribunal,
  - (b) the fees and expenses of any legal advisers or assessors appointed by the tribunal, and
  - (c) the legal or other costs of the relevant persons.]

#### **Textual Amendments**

**F98** Ss. 29A-29D inserted (21.11.2005 retrospectively for specified purposes) by [Civil Aviation Act 2006](#) (c. 34), s. 14(2), [Sch. 1 paras. 4, 6](#)

### **30 Supplementary orders.**

- (1) The Secretary of State may by order make such provision as appears to him to be necessary or expedient in connection with, or in consequence of, any aerodrome becoming or ceasing to be a designated airport.
- (2) Without prejudice to the generality of subsection (1) above and to the preceding provisions of this Part of this Act, any order under this section may in particular—
  - (a) modify or suspend the operation of any local Act in so far as it makes provision in relation to the policing of the aerodrome;
  - (b) amend any aerodrome byelaws for the purpose of transferring to relevant constables any functions conferred thereby on members of an aerodrome constabulary, of extending the byelaws to the whole of the aerodrome or of including in them any such requirement as is mentioned in section 28(1)(b) of this Act;
  - (c) make provision for any such transfers of officers and staff as are mentioned in subsection (3) below;

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- (d) make provision in respect of the pension rights of officers and staff so transferred, whether by requiring the making of payments, by modifying or revoking, or transferring or extinguishing liabilities or obligations under, any pension scheme, by transferring or winding up any pension fund or otherwise;
  - (e) require the manager of the aerodrome to make payments by way of compensation to or in respect of persons who suffer any loss of office or employment or loss or diminution of emoluments which is attributable to the aerodrome becoming a designated airport, being payments of such amount and on such terms and conditions as may be specified by or determined in accordance with the order;
  - (f) exclude any part of the aerodrome from the right of entry conferred by section 26(1)(a) or 29(2)(a) of this Act.
- (3) The transfers for which provision may be made under this section are transfers, with the consent of the persons to be transferred, of—
- (a) members of any aerodrome constabulary maintained by the manager of the aerodrome to the police force for the relevant police area;
  - (b) .....<sup>F99</sup>
  - (c) other persons employed by the manager of the aerodrome for police purposes to employment by the police authority for the relevant police area [<sup>F100</sup>or, if that area is a county, to employment by the police authority or the county council]. . . .
- (4) Any member of an aerodrome constabulary transferred by virtue of an order under this section to the police force for the relevant police area shall be deemed to have been duly appointed as a member of that force and to have been duly attested as such and, unless the order otherwise provides, shall hold in that force the same rank as he held in the aerodrome constabulary.
- (5) Any amendment of aerodrome byelaws by an order under this section shall have effect as if duly made by the manager of the aerodrome and confirmed under the enactment authorising the manager of the aerodrome to make aerodrome byelaws.
- (6) Before making an order under this section in relation to any aerodrome the Secretary of State shall consult the manager of the aerodrome and the police authority and chief officer of police for the relevant police area.
- (7) The power to make an order under this section shall be exercisable by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.

#### Textual Amendments

**F99** S. 30(3)(b) repealed by [Airports Act 1986 \(c. 31, SIF 9\)](#), s. 83(5), [Sch. 6 Pt. I](#)

**F100** Words in s. 30(3)(c) repealed (1.4.1995) (so far as they relate to enactments as they apply in England and Wales and otherwise(*prosp.*) by [1994 c. 29, s. 93](#), [Sch. 9 Pt. I](#); [S.I. 1994/3262, art. 4\(1\)](#), [Sch.](#)

### 31 Interpretation and application of Part III to Scotland and Northern Ireland.

- (1) In this Part of this Act, subject to the following provisions of this section—

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aerodrome byelaws means, in relation to any aerodrome, byelaws having effect under any enactment authorising the manager of the aerodrome to make byelaws in respect of the whole or any part of the aerodrome;

aerodrome constabulary means, in relation to any aerodrome, any body of constables which the manager of the aerodrome has power to maintain at the aerodrome;

designated airport means any aerodrome for the time being designated under section 25 of this Act;

[<sup>F101</sup> “ immigration officer ” means a person who is an immigration officer within the meaning of the Immigration Act 1971; ]

<sup>F102</sup> ...

[<sup>F101</sup> “ police services agreement ” has the meaning given by section 25B(3) of this Act (but this is subject to section 29D(7) of this Act); ]

[<sup>F101</sup> “ the relevant persons ” has the meaning given by section 25B(10) of this Act; ]

relevant police area and relevant constable, in relation to any aerodrome, mean respectively the police area in which the aerodrome is wholly or mainly situated and any constable under the direction and control of the chief officer of police for that area.

- (2) In the application of this Part of this Act to Scotland—
- (a) references to the police authority shall, where the relevant police area is a combined area, be construed as references to the joint police committee; and
  - (b) for the words in paragraph (c) of section 30(3) of this Act [<sup>F103</sup>following area or,] there shall be substituted the words by any local authority exercising functions for that area or any part of that area.
- (3) In the application of this Part of this Act to Northern Ireland—
- (a) the references in section 25(1) of this Act and subsection (1) above to constables or any constable under the direction and control of the chief officer of police for the area there mentioned shall be construed as references to members or any member of the Royal Ulster Constabulary or the Royal Ulster Constabulary Reserve;
  - (b) references in other provisions to a chief officer of police shall be construed as references to the Chief Constable of the Royal Ulster Constabulary; and
  - (c) references in any provision to the police authority or police force for a police area shall be construed respectively as references to the [<sup>F104</sup>Northern Ireland Policing Board] and the Royal Ulster Constabulary.

#### Textual Amendments

**F101** Words in s. 31(1) inserted (21.11.2005 retrospectively for specified purposes) by [Civil Aviation Act 2006 \(c. 34\)](#), s. 14(2), [Sch. 1 paras. 5, 6](#)

**F102** Words in s. 31(1) repealed (3.7.2000) by [1999 c. 29](#), ss. 325, 423, [Sch. 27 para. 46\(5\)](#), [Sch. 34 Pt. VII](#) (with [Sch. 12 para.\(1\)](#)); [S.I. 2000/1648](#), art. 2, [Sch.](#)

**F103** Words in s. 31(2)(b) substituted (1.4.1995) by [1994 c. 29](#), s. 44, [Sch. 5 Pt. II para. 23](#); [S.I. 1994/3262](#), art. 4(1), [Sch.](#)

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**F104** Words in s. 31(3)(c) substituted (4.11.2001) by 2000 c. 32 , s. 78(1) , Sch. 6 para. 8

## 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, <sup>F105</sup>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, <sup>F106</sup>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.
- (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 <sup>M14</sup>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.

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- (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

**F105** Words inserted by [Aviation and Maritime Security Act 1990 \(c. 31, SIF 39\)](#), s. 8, **Sch. 1 para. 17(a)**

**F106** 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)

**C70** 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

**M14** [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—
- 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;
  - 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—
- prescribe the time when any contribution is to be paid;
  - charge interest at a rate prescribed with the consent of the Treasury on so much of any contribution as is overdue;
  - 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;
  - 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—

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- (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)**

**C71** 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** ..... **F107**

**Textual Amendments**

**F107** Ss. 34, 35 repealed by [Aviation and Maritime Security Act 1990 \(c. 31, SIF 39:2\)](#), s. 53(2), [Sch. 4](#)

**35** ..... **F108**

**Textual Amendments**

**F108** 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.**

**F109**(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.

**F110**(3) .....

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#### Textual Amendments

**F109** S. 36(1) repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#) , [Sch. 1 Pt. 4](#)

**F110** S. 36(3) repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#) , [Sch. 1 Pt. 4](#)

#### Modifications etc. (not altering text)

**C72** 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

## PART V

### MISCELLANEOUS AND GENERAL

#### 37 Offences by bodies corporate.

- (1) Where an offence under this Act [<sup>F111</sup>(including any provision of Part II as applied by regulations made under section 21F of this Act) or under regulations made under section 21G.]of this Act has been committed by a body corporate and is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate, or any person who was purporting to act in any such capacity, he as well as the body corporate shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.
- (2) Where the affairs of a body corporate are managed by its members, subsection (1) above shall apply in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

#### Textual Amendments

**F111** Words substituted by [Aviation and Maritime Security Act 1990 \(c. 31, SIF 39:2\)](#) , [s. 8](#) , [Sch. 1 para. 18](#)

#### Modifications etc. (not altering text)

**C73** S. 37 extended (with modifications) (Jersey) (12.6.1993) by [S.I. 1993/1251](#) , [art. 2\(1\)](#) , [Sch. 1 Pt. I](#)  
S.37 extended (with modifications) (Guernsey) (17.1.1998) by [S.I. 1997/2989](#) , [art. 2\(1\)](#) , [Sch. 1 Pt. I](#) ,  
**II**  
S. 37 applied (with modifications) (6.12.2000) by [S.I. 2000/3059](#) , [art. 3\(1\)](#) , [Schs. 2](#) , [3](#) (as amended (1.5.2016) by [The Aviation Security and Piracy \(Overseas Territories\) \(Amendment\) Order 2016 \(S.I. 2016/369\)](#) , [arts. 3](#) , [4](#))

#### 38 Interpretation etc.

- (1) In this Act, except in so far as the context otherwise requires—

<sup>F112</sup>

aerodrome means the aggregate of the land, buildings and works comprised in an aerodrome within the meaning of the <sup>M15</sup>Civil Aviation Act 1982 and (if and so far as not comprised in an aerodrome as defined in that Act) any land, building or works situated within the boundaries of an area designated, by an order made



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by the Secretary of State which is for the time being in force, as constituting the area of an aerodrome for the purposes of this Act;

air navigation installation means any building, works, apparatus or equipment used wholly or mainly for the purpose of assisting air traffic control or as an aid to air navigation, together with any land contiguous or adjacent to any such building, works, apparatus or equipment and used wholly or mainly for purposes connected therewith;

aircraft registered or operating in the United Kingdom means any aircraft which is either—

- (a) an aircraft registered in the United Kingdom, or
- (b) an aircraft not so registered which is for the time being allocated for use on flights which (otherwise than in exceptional circumstances) include landing at or taking off from one or more aerodromes in the United Kingdom;

article includes any substance, whether in solid or liquid form or in the form of a gas or vapour;

constable includes any person having the powers and privileges of a constable;

explosive means any article manufactured for the purpose of producing a practical effect by explosion, or intended for that purpose by a person having the article with him;

firearm includes an airgun or air pistol;

manager, in relation to an aerodrome, means the person (whether . . .  
<sup>F113</sup>the Civil Aviation Authority, a local authority or any other person) by whom the aerodrome is managed;

military service includes naval and air force service;

measures (without prejudice to the generality of that expression) includes the construction, execution, alteration, demolition or removal of buildings or other works and also includes the institution or modification, and the supervision and enforcement, of any practice or procedure;

operator has the same meaning as in the <sup>M16</sup>Civil Aviation Act 1982;

property includes any land, buildings or works, any aircraft or vehicle and any baggage, cargo or other article of any description;

<sup>F114</sup> . . .

United Kingdom national means an individual who is—

- (a) a British citizen, a British Dependent Territories citizen [<sup>F115</sup>, a British National (Overseas)] or a British Overseas citizen;
- (b) a person who under the <sup>M17</sup>British Nationality Act 1981 is a British subject; or
- (c) a British protected person (within the meaning of that Act).

(2) For the purposes of this Act—

- (a) in the case of an air navigation installation provided by, or used wholly or mainly by, the Civil Aviation Authority, that Authority, and
- (b) in the case of any other air navigation installation, [<sup>F116</sup>the person] by whom it is provided, or by whom it is wholly or mainly used,

shall be taken to be the authority responsible for that air navigation installation.

(3) For the purposes of this Act—

- (a) the period during which an aircraft is in flight shall be deemed to include any period from the moment when all its external doors are closed

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following embarkation until the moment when any such door is opened for disembarkation, and, in the case of a forced landing, any period until the competent authorities take over responsibility for the aircraft and for persons and property on board; and

- (b) an aircraft shall be taken to be in service during the whole of the period which begins with the pre-flight preparation of the aircraft for a flight and ends 24 hours after the aircraft lands having completed that flight, and also at any time (not falling within that period) while, in accordance with the preceding paragraph, the aircraft is in flight,

and anything done on board an aircraft while in flight over any part of the United Kingdom shall be treated as done in that part of the United Kingdom.

- (4) For the purposes of this Act the territorial waters adjacent to any part of the United Kingdom shall be treated as included in that part of the United Kingdom.
- (5) Any power to make an order under subsection (1) above shall be exercisable by statutory instrument; and any statutory instrument containing any such order shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (6) Any power to give a direction under any provision of this Act shall be construed as including power to revoke or vary any such direction by a further direction . . . <sup>F117</sup>.
- (7) Subject to section 18 of the <sup>M18</sup>Interpretation Act 1978 (which relates to offences under two or more laws), Part I of this Act shall not be construed as—
- (a) conferring a right of action in any civil proceedings in respect of any contravention of this Act, or
- (b) derogating from any right of action or other remedy (whether civil or criminal) in proceedings instituted otherwise than under this Act.
- (8) References in this Act to enactments (including the reference to Acts in section 30(2) (a) of this Act) shall include references to Northern Ireland enactments, that is to say, to any enactment contained in an Act of the Parliament of Northern Ireland or a Measure of the Northern Ireland Assembly, and without prejudice to the provisions of the Interpretation Act 1978, in the application of this Act to Northern Ireland, any reference to a Northern Ireland enactment or to an enactment which the Parliament of Northern Ireland had power to amend—
- (a) shall be construed as including a reference to any Northern Ireland enactment passed after this Act and re-enacting the said enactment with or without modifications, and
- (b) shall, except in so far as the context otherwise requires, be construed as a reference to that enactment as amended by any enactment, whether passed before or after this Act, and as including a reference thereto as extended or applied by or under any other enactment, including this Act.

#### Textual Amendments

**F112** Definition of act of violence repealed by [Aviation and Maritime Security Act 1990 \(c. 31, SIF 39:2\)](#) , s. 53(2) , [Sch. 4](#)

**F113** Words repealed by [Airports Act 1986 \(c. 31, SIF 9\)](#) , s. 83(5) , [Sch. 6 Pt. I](#)

**F114** In s. 38(1) definition of "the statutory maximum" repealed (5.11.1993) by [1993 c. 50](#) , s. 1(1) , [Sch. 1 Pt. XIV](#) Group 1

**F115** Words inserted by [S.I. 1986/948](#) , [art. 8](#) , [Sch.](#)

**F116** Words in s. 38(2)(b) substituted (21.4.2002) by [2001/4050](#) , [art. 2](#) , [Sch. Pt. I para. 1](#)

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**F117** Words repealed by [Aviation and Maritime Security Act 1990 \(c. 31, SIF 39:2\)](#) , ss. 8(1) , 53(2) , Sch. 1 para. 19 , **Sch. 4**

#### Modifications etc. (not altering text)

- C74** S. 38 extended (with modifications) (Jersey) (12.6.1993) by [S.I. 1993/1251](#) , art. 2(1) , **Sch. 1 Pt. I**  
S. 38 extended (with modifications) (Guernsey) (17.1.1998) by [S.I. 1997/2989](#) , art. 2(1) , Sch. 1 Pt. I , **II**  
S. 38 applied (with modifications) (6.12.2000) by [S.I. 2000/3059](#) , art. 3(1) , Schs. 2 , 3 (as amended (1.5.2016) by [The Aviation Security and Piracy \(Overseas Territories\) \(Amendment\) Order 2016 \(S.I. 2016/369\)](#) , arts. 3, 4)
- C75** S. 38(3) ( *b* ) , (4) extended by [Aviation and Maritime Security Act 1990 \(c. 31, SIF 39:2\)](#) , s. 1(6)
- C76** S. 38(7) amended by [Aviation and Maritime Security Act 1990 \(c. 31, SIF 39:2\)](#) , s. 1(6)

#### Marginal Citations

- M15** 1982 c. 16 .  
**M16** 1982 c. 16 .  
**M17** 1981 c. 61 .  
**M18** 1978 c. 30 .

### 39 Extension of Act outside United Kingdom.

- (1) . . . . . <sup>F118</sup>
- [<sup>F119</sup>(2) Subsection (4) of section 26 of the Merchant Shipping and Maritime Security Act 1997 (power to extend provisions about piracy to Isle of Man, Channel Islands and colonies) shall apply to section 5 of this Act as it applies to the provisions mentioned in that subsection.]
- (3) Her Majesty may by Order in Council make provision for extending any of the provisions of this Act (other than the provisions to which subsection (1) or (2) above applies and the provisions of Part III) with such exceptions, adaptations or modifications as may be specified in the Order, to any of the Channel Islands, the Isle of Man, any colony, . . . <sup>F120</sup>
- (4) Except in pursuance of subsection (1), <sup>F121</sup> . . . or (3) above, the provisions of this Act and, in particular, the repeal of the provisions which those subsections re-enact do not affect the law of any country or territory outside the United Kingdom.

#### Textual Amendments

- F118** S.39(1) repealed (27.9.1989) by [Extradition Act 1989 \(c. 33\)](#) , s. 37 , **Sch. 2**
- F119** S. 39(2) substituted (17.7.1997) by [1997 \(c. 28\)](#) , s. 26(5)(6) ; [S.I. 1997/1539](#) , art. 2 , **Sch.**
- F120** Words in s. 39(3) repealed (26.7.1990) by [Aviation and Maritime Security Act 1990 \(c. 31\)](#) , s. 53(2) , **Sch. 4**
- F121** Word in s. 39(4) repealed (17.7.1997) by [1997 \(c. 28\)](#) , s. 29(2) , **Sch. 7 Pt. I** ; [S.I. 1997/1539](#) , art. 2 , **Sch.**

#### Modifications etc. (not altering text)

- C77** S. 39(3) : applied (14.12.2001) by [2001 \(c. 24\)](#) , s. 88(2)

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#### **40 Consequential amendments, savings and repeals.**

- (1) Schedule 2 to this Act (which contains consequential amendments and savings) shall have effect; and the provisions of that Schedule are without prejudice to sections 16 and 17 of the <sup>M19</sup>Interpretation Act 1978 (which relate to repeals).
- (2) Subject to the provisions of Schedule 2 to this Act, the enactments specified in Schedule 3 to this Act are hereby repealed to the extent specified in the third column of Schedule 3.

##### **Modifications etc. (not altering text)**

- C78** S. 40 extended (Jersey) (12.6.1993) by [S.I. 1993/1251](#) , [art. 2\(1\)](#) , [Sch. 1 Pt. I](#)  
S. 40 extended (with modifications) (Guernsey) (17.1.1998) by [S.I. 1997/2989](#) , [art. 2\(1\)](#) , [Sch. 1 Pt. I](#) ,  
[II](#)

##### **Marginal Citations**

- M19** [1978 c. 30](#) .

#### **41 Short title and commencement.**

- (1) This Act may be cited as the Aviation Security Act 1982.
- (2) This Act shall come into force on the expiration of the period of three months beginning with its passing.

##### **Modifications etc. (not altering text)**

- C79** S. 41 extended (with modifications) (Jersey) (12.6.1993) by [S.I. 1993/1251](#) , [art. 2\(1\)](#) , [Sch. 1 Pt.I](#)  
S. 41 extended (with modifications) (Guernsey) (17.1.1998) by [S.I. 1997/2989](#) , [art. 2\(1\)](#) , [Sch. 1 Pt. I](#) ,  
[II](#)

*Status: Point in time view as at 21/11/2005.*

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

## SCHEDULES

### SCHEDULE 1

Section 22.

#### PROVISIONS RELATING TO COMPENSATION

**Modifications etc. (not altering text)**

**C80** Sch. 1 extended (with modifications) (Jersey) (12.6.1993) by S.I. 1993/1251, art. 2(1), **Sch. 1 Pt.I**  
 Sch. 1 applied (with modifications) (6.12.2000) by S.I. 2000/3059, art. 3(1), Schs. 2, 3

- 1 This Schedule applies to compensation under section 22 of this Act (in this Schedule referred to as the relevant section).
- 2 No compensation to which this Schedule applies shall be payable unless the person to whom it is payable in accordance with the relevant section (or in accordance with regulations made under the following provisions of this Schedule) serves on the <sup>F122</sup>person] by whom the measures in question were taken a notice in writing claiming compensation under that section, and that notice is served before the end of the period of two years from the completion of the measures.

**Textual Amendments**

**F122** Words substituted by [Aviation and Maritime Security Act 1990 \(c. 31, SIF 39:2\)](#), s. 8, **Sch. 1 para. 20(2)**

- 3 In relation to any measures taken by <sup>F123</sup>any person on land outside an aerodrome or air navigation installation], any reference in the relevant section to a direction <sup>F124</sup>or enforcement notice], or to compliance with a direction <sup>F124</sup>or enforcement notice], shall be construed as if subsection (6) of section 16 of this Act were omitted.

**Textual Amendments**

**F123** Words substituted by [Aviation and Maritime Security Act 1990 \(c. 31, SIF 39:2\)](#), s. 8(1), **Sch. 1 para. 20(3)(a)**

**F124** Words inserted by [Aviation and Maritime Security Act 1990 \(c. 31, SIF 39:2\)](#), s. 8(1), **Sch. 1 para. 20(3)(b)**

- 4 In calculating value for any of the purposes of the relevant section—
  - (a) rules (2) to (4) of the rules set out in section 5 of the <sup>M20</sup>Land Compensation Act 1961 shall apply with the necessary modifications, and
  - (b) if the interest to be valued is subject to a mortgage, it shall be treated as if it were not subject to the mortgage.

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

**Marginal Citations**

**M20** 1961 c. 33.

- 5 Regulations made by the Secretary of State by statutory instrument may make provision—
- (a) requiring compensation to which this Schedule applies, in such cases as may be specified in the regulations, to be paid to a person other than the person entitled to it in accordance with the relevant section;
  - (b) as to the application of any compensation to which this Schedule applies, or any part of it, in cases where the right to claim compensation is exercisable by reference to an interest in land which is subject to a mortgage, or to a rentcharge, or to the trusts of a settlement, or, in Scotland, [<sup>F125</sup>to a feuduty or ground annual or] to the purposes of a trust, or which was so subject at a time specified in the regulations; or
  - (c) as to any assumptions to be made, or matters to be taken into or left out of account, for the purpose of assessing any compensation to which this Schedule applies.

**Textual Amendments**

**F125** Words in Sch. 1 para. 5(b) repealed (S.) (28.11.2004) by [Title Conditions \(Scotland\) Act 2003 \(asp 9\)](#), ss. 122(1), 129(2), [Sch. 15](#) (with ss. 119, 121) (see S.S.I. 2003/456, art. 2)

- 6 A statutory instrument containing regulations made under paragraph 5 of this Schedule shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- 7 Any dispute arising under the relevant section or under this Schedule, whether as to the right to any compensation or as to the amount of any compensation or otherwise, shall be referred to and determined by the Lands Tribunal.
- 8 ..... <sup>F126</sup>

**Textual Amendments**

**F126** [Sch. 1 para. 8](#) repealed by [Aviation and Maritime Security Act 1990 \(c. 31, SIF 39:2\)](#), ss. 8(1), 53(2), [Sch. 1 para. 20\(4\)](#), [Sch. 4](#)

- 9 In the application of this Schedule to Scotland—
- (a) the reference in paragraph 4(a) to section 5 of the <sup>M21</sup>Land Compensation Act 1961 shall be construed as a reference to section 12 of the <sup>M22</sup>Land Compensation (Scotland) Act 1963, and
  - (b) the reference in paragraph 7 to the Lands Tribunal shall be construed as a reference to the Lands Tribunal for Scotland.

**Marginal Citations**

**M21** 1961 c. 33.  
**M22** 1963 c. 51.

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- 10 In the application of this Schedule to Northern Ireland—
- (a) the reference in paragraph 4(a) to section 5 of the Land Compensation Act 1961 shall be construed, notwithstanding paragraph 4 of Schedule 1 to the <sup>M23</sup>Land Compensation (Northern Ireland) Order 1982 (which confines the operation of that Order to matters within the legislative competence of the Parliament of Northern Ireland), as a reference to Article 6(1) of that Order; and
  - (b) the reference in paragraph 7 to the Lands Tribunal shall be construed as a reference to the Lands Tribunal for Northern Ireland.

**Marginal Citations**

**M23** [S.I. 1982/712 \(N.I. 9\)](#)

- 11 In this Schedule mortgage includes any charge or lien on any property for securing money or money's worth, and any heritable security within the meaning of section 9(8) of the <sup>M24</sup>Conveyancing and Feudal Reform (Scotland) Act 1970.

**Marginal Citations**

**M24** [1970 c. 35.](#)

SCHEDULE 2

Section 40.

CONSEQUENTIAL AMENDMENTS AND SAVINGS

**Modifications etc. (not altering text)**

**C81** [Schedule 2](#) extended (with modifications) (Jersey) (12.6.1993) by [S.I. 1993/1251](#), art. 2(1), [Sch. 1 Pt. I](#)

*Periods running at commencement*

- 1 Where any period of time specified in or for the purposes of any enactment re-enacted by this Act is current at the commencement of this Act, this Act shall have effect as if the provision of this Act re-enacting that enactment had been in force when that period began to run.

*Past offences*

- 2 This Act (and, in particular, the following provisions of this Schedule) shall not affect the law applicable to, or to proceedings in respect of, an offence committed before the commencement of this Act under any enactment repealed by this Act.

*The Visiting Forces Act 1952*

- 3 Section 3 of the <sup>M25</sup>Visiting Forces Act 1952, as amended by the <sup>M26</sup>Protection of Aircraft Act 1973, shall, after the commencement of this Act, continue to have



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effect as so amended notwithstanding the repeal of the said Act of 1973 but subject to the substitution in subsection (1)—

- (a) for the words section 1(4)(b) of the <sup>M27</sup>Hijacking Act 1971 of the words section 6(2)(a) of the Aviation Security Act 1982;
- (b) for the words section 1 or section 2 of the Protection of Aircraft Act 1973 of the words section 2 or section 3 of that Act; and
- (c) for the words section 3(1) of the words section 6(2)(b) and (c).

**Marginal Citations**

- M25** 1952 c. 67.
- M26** 1973 c. 47.
- M27** 1971 c. 70.

*The Protection of Aircraft Act 1973*

- 4 Where before the commencement of this Act any land, building or works was or were, by virtue of an order under section 26 of the <sup>M28</sup>Protection of Aircraft Act 1973, included in an aerodrome for the purposes of that Act, the land, building or works shall, to the extent that that order has effect on or after the commencement of this Act, be treated as included in that aerodrome not only for the purposes of the provisions of this Act re-enacting provisions of that Act but also for the purposes of the other provisions of this Act.

**Marginal Citations**

- M28** 1973 c. 47.

*The Criminal Jurisdiction Act 1975*

- 5 In paragraph 11 of Schedule 1 to the Criminal Jurisdiction Act 1975, for the words the Hijacking Act 1971 there shall be substituted the words “ the Aviation Security Act 1982 ”.

**Modifications etc. (not altering text)**

- C82** The text of Sch. 2 paras. 5–7 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

*The Northern Ireland (Emergency Provisions) Act 1978*

<sup>F127</sup>6 .....

**Textual Amendments**

- F127** Sch. 2 para. 6 repealed (28.6.1991) by Northern Ireland (Emergency Provisions) Act 1991 (c. 24, SIF 39:1), ss. 69(1), 70(4), **Schedule 8 Part I**

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

*The Suppression of Terrorism Act 1978*

7 For paragraphs 18 and 19 of Schedule 1 to the Suppression of Terrorism Act 1978 there shall be substituted the following paragraph—

“18 An offence under Part I of the Aviation Security Act 1982 (other than an offence under section 4 or 7 of that Act)”.

**Modifications etc. (not altering text)**

**C83** The text of Sch. 2 paras. 5–7 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

*The British Nationality Act 1981*

F128g .....

**Textual Amendments**

**F128** Sch. 2 para. 8 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), Sch. 1 Pt. 4

SCHEDULE 3

Section 40.

REPEALS

**Modifications etc. (not altering text)**

**C84** The text of Sch. 3 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

**C85** Sch. 3 extended (with modifications) (Jersey) (12.6.1993) by S.I. 1993/1251, art. 2(1), Sch. 1 Pt. I

Chapter	Short title	Extent of repeal
1967 c. 52.	The Tokyo Convention Act 1967.	In section 4, the words from and any such court onwards.  In section 7(1), the words from except where to the said section 92.
1971 c. 70.	The Hijacking Act 1971.	The whole Act.
1973 c. 47.	The Protection of Aircraft Act 1973.	The whole Act.
1974 c. 41.	The Policing of Airports Act 1974.	The whole Act.
1975 c. 78.	The Airports Authority Act 1975.	In Part II of Schedule 5, paragraph 7.

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

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1978 c. 8.	The Civil Aviation Act 1978.	Sections 1 to 4.  In section 13, in subsection (1) the words from other to regulations, in subsection (2) the words or to make regulations, and in subsection (3) the words (including an Order in Council).  Section 16(3) and (4).
1980 c. 43.	The Magistrates' Courts Act 1980.	In Schedule 7, paragraph 156.
1980 c. 60.	The Civil Aviation Act 1980.	Sections 22 and 23.
1981 c. 61.	The British Nationality Act 1981.	In Schedule 7, the entries relating to the Hijacking Act 1971 and the Protection of Aircraft Act 1973.
1982 c. 16.	The Civil Aviation Act 1982.	In Schedule 14, paragraph 10.  In Schedule 15, in paragraph 6 the words from for the definitions to the said section 92; and paragraphs 10, 13, 15 and 20(3).

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**Status:**

Point in time view as at 21/11/2005.

**Changes to legislation:**

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