



# Aviation Security Act 1982

## 1982 CHAPTER 36

### PART II

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

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

- C1** 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 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

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the <sup>M1</sup>Person Act 1861, under section 2 of the <sup>M2</sup>Explosive Substances Act 1883 or under section 1 of the <sup>M3</sup>Criminal Damage Act 1971 or, in Scotland, the offence of malicious mischief.

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

- C2** 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**
- C3** S. 10 : Pt. II (ss. 10-24A) applied (with modifications) (1.9.1993) by [S.I. 1993/1073](#) , [reg. 11\(1\)](#)

**Marginal Citations**

- M1** 1861 c. 100 .  
**M2** 1883 c. 3 .  
**M3** 1971 c. 48

*Powers of Secretary of State*

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

- [<sup>F1</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>F2</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>F3</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>F4</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 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>F5</sup>the change of circumstances occurs]) as is specified in the notice for the purposes of this subsection.
- (5) Any person who—

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- (a) . . . <sup>F6</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>F7</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**

- F1** Words substituted by [Aviation and Maritime Security Act 1990 \(c. 31, SIF 39:2\)](#), s. 8, **Sch. 1 para. 2(2)**
- F2** Words substituted by [Aviation and Maritime Security Act 1990 \(c. 31, SIF 39:2\)](#), s. 8, **Sch. 1 para. 2(3)**
- F3** Word substituted by [Aviation and Maritime Security Act 1990 \(c. 31, SIF 39:2\)](#), s. 8, **Sch. 1 para. 2(4)(a)**
- F4** 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)**
- F5** Words substituted by [Aviation and Maritime Security Act 1990 \(c. 31, SIF 39:2\)](#), s. 8, **Sch. 1 para. 2(5)**
- F6** 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**
- F7** 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)**

- C4** 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**
- C5** S. 11 : Pt. II (ss. 10-24A) applied (with modifications) (1.9.1993) by [S.I. 1993/1073](#), **reg. 11(1)**

**[<sup>F8</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.

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- (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.]

#### **Textual Amendments**

**F8** S. 11A inserted by [Aviation and Maritime Security Act 1990 \(c. 31, SIF 39\)](#) , s. 8 , [Sch. 1 para. 3](#)

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

**C6** 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](#)

**C7** 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—

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- (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 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.

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- (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>F9</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>F10</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

**F9** Words substituted by [Aviation and Maritime Security Act 1990 \(c. 31, SIF 39:2\)](#), s. 8, **Sch. 1 para. 4(2)**

**F10** 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)

**C8** 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**

**C9** S. 12 : Pt. II (ss. 10-24A) applied (with modifications) (1.9.1993) by [S.I. 1993/1073](#), **reg. 11(1)**

### 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

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- (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>F11</sup>without reasonable excuse] fails to comply with a direction given to him under this section, or
- (b) [<sup>F12</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>F13</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>F14</sup>sections 17, 24 and [<sup>F15</sup> 24A ] 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
- (c) in Northern Ireland, of [<sup>F16</sup>Articles 19, 26 and [<sup>F17</sup> 27 ][<sup>F17</sup>26A] of the Police and Criminal Evidence (Northern Ireland) Order 1989 or of section] 3 of the <sup>M4</sup>Criminal Law Act (Northern Ireland) 1967.

**Textual Amendments**

- F11** Words substituted by [Aviation and Maritime Security Act 1990 \(c. 31, SIF 39:2\)](#), s. 8, [Sch. 1 para. 5\(2\)\(a\)](#)
- F12** Words substituted by [Aviation and Maritime Security Act 1990 \(c. 31, SIF 39:2\)](#), s. 8, [Sch. 1 para. 5\(2\)\(b\)](#)
- F13** S. 13(4A) inserted (with saving) by [Aviation and Maritime Security Act 1990 \(c. 31, SIF 39:2\)](#), s. 8, [Sch. 1 para. 5\(3\)](#)

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- F14** Words substituted by [Aviation and Maritime Security Act 1990 \(c. 31, SIF 39:2\)](#), s. 8, **Sch. 1 para. 5(4)(a)**
- F15** Word in s. 13(5)(a) substituted (1.1.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), s. 178(8), **Sch. 7 para. 57**; S.I. 2005/3495, art. 2(1)(m)
- F16** Words substituted by [Aviation and Maritime Security Act 1990 \(c. 31, SIF 39:2\)](#), s. 8, **Sch. 1 para. 5(4)(b)**
- F17** Word in s. 13(5)(c) substituted (N.I.) (1.3.2007) by [The Police and Criminal Evidence \(Amendment\) \(Northern Ireland\) Order 2007 \(S.I. 2007/288\)](#), art. 1(2), **Sch. 1 para. 20(1)**

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

- C10** 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**
- C11** S. 13: Pt. II (ss. 10-24A) applied (with modifications) (1.9.1993) by [S.I. 1993/1073](#), **reg. 11(1)**

**Marginal Citations**

- M4** [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;
  - (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.]



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- (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 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;

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- (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 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.

*Status: Point in time view as at 01/03/2007.*

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

**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)**

- C14** 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](#)
- C15** S. 14 : Pt. II (ss. 10-24A) applied (with modifications) (1.9.1993) by [S.I. 1993/1073](#) , [reg. 11\(1\)](#)
- C16** 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.
- [<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.]

*Status: Point in time view as at 01/03/2007.*

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

- (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)

- C17** 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**
- C18** 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.
- (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.

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- (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)**

- C19** 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**
- C20** 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.

*Status: Point in time view as at 01/03/2007.*

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

- (2) If it appears to the Secretary of State that an exception from any direction given under [F36 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, [F37; 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)**

**C21** S. 17 extended (with modifications) (Jersey) (12.6.1993) by [S.I. 1993/1251](#) , art. 2(1) , [Sch. 1 Pt. I](#)  
 S. 17 extended (with modifications) (Guernsey) (17.1.1998) by [S.I. 1997/2989](#) , art. 2(1) , [Sch. 1 Pt I , II](#)

**C22** 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

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- (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)**

- C23** 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](#)
- C24** 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
- (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.

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- (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)**

- C25** 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](#)
- C26** 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—
    - (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



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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)**

- C27** 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](#)
- C28** 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)**

- C29** S. 18C extended (with modifications) (Jersey) (12.6.1993) by [S.I. 1993/1251](#) , art. 2(1) , [Sch. 1 Pt. I](#)  
S. 18C extended (with modifications) (Guernsey) (17.1.1998) by [S.I. 1997/2989](#) , art. 2(1) , [Sch. 1 Pt. I, II](#)
- C30** 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—

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- (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.]

#### **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)**

**C31** 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**

**C32** S. 18D : Pt. II (ss. 10-24A) applied (with modifications) (1.9.1993) by [S.I. 1993/1073](#) , **reg. 11(1)**

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- (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)**

**C33** 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**

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

**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

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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)

**C35** 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](#)

**C36** S. 19 : Pt. II (ss. 10-24A) applied (with modifications) (1.9.1993) by [S.I. 1993/1073](#) , [reg. 11\(1\)](#)

## 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—

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- (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>
  - (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.

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### 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)

- C37** 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**
- C38** 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.
- (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);

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- (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.]

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**Textual Amendments**

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

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

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**Textual Amendments**

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

*Status: Point in time view as at 01/03/2007.*

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

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## **[<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—
  - (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—



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- (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—
- (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,

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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.

#### 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)**

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

**C39** S. 21 extended (with modifications) (Jersey) (12.6.1993) by [S.I. 1993/1251](#), art. 2(1), **Sch. 1 Pt. I**

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

**C40** S. 21 : 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 01/03/2007.**Changes to legislation: There are currently no known outstanding effects for the Aviation Security Act 1982, Part II. (See end of Document for details)**[<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

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.]

*Status: Point in time view as at 01/03/2007.*

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

#### **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)**

**C41** S. 21A : Pt. II (ss. 10-24A) applied (with modifications) (1.9.1993) by [S.I. 1993/1073](#) , **reg. 11(1)**

**C42** 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.
- (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.]

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(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)****C45** 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****C46** S. 21C : 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 01/03/2007.*

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**[<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)**

**C47** 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**

**C48** 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**

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

**C49** 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**

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**C50** 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.
- (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

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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—

cargoincludes stores and mail; and

storesmeans 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)**

**C51** 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**

**C52** 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 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.



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- (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)**

- C53** 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**
- C54** 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 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,

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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)

- C55** 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**
- C56** 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 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

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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)

- C57** 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, <sup>F88</sup> or
  - (e) where—
    - (i) an address for service using electronic communications has been given by that person and not withdrawn in accordance with subsection (2E), and
    - (ii) that person has agreed to accept service by electronic communications of documents in a certain form and has not withdrawn that agreement in accordance with that subsection,
 by using electronic communications to send the document in that form to that person at that address. ]

[ A document given to or served on a person in accordance with subsection (2)(e) must <sup>F89</sup>( 2A) be in a form sufficiently permanent to be used for subsequent reference.

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- (2B) Where a document is given to or served on a person in accordance with subsection (2) (e), the document is, unless the contrary is proved, to be deemed to have been given to or served on that person at the time at which the electronic communication is transmitted except where transmission is made outside that person's normal business hours, in which case it is to be taken to have been given or served on the next working day, and in this subsection, "working day" means any day other than—
- (a) a Saturday or a Sunday;
  - (b) Christmas Day or Good Friday; or
  - (c) a day which is a bank holiday under the Banking and Financial Dealings Act 1971 (c. 80) in any part of the United Kingdom.
- (2C) A document authorised or required to be given to or served on a person by the Secretary of State or an authorised person is also to be treated as given or served where—
- (a) that person and the Secretary of State or (as the case may be) the authorised person have agreed to his having access to documents of a particular description and in a certain form on a web site (instead of their being given to or served on him in any other way specified in subsection (2));
  - (b) that person has not withdrawn his agreement in accordance with subsection (2F);
  - (c) the document in question is a document to which the agreement applies;
  - (d) the Secretary of State or the authorised person has given that person a notice, in a manner agreed between them for the purpose—
    - (i) stating that the document has been published on a web site maintained by or on behalf of the Secretary of State;
    - (ii) setting out the address of that web site; and
    - (iii) setting out the place on that web site where the document may be accessed and how it may be accessed by that person; and
  - (e) the published document is in a form sufficiently permanent to be used for subsequent reference.
- (2D) Where a document is given to or served on a person in accordance with subsection (2C), the document is, unless the contrary is proved, to be deemed to have been given to or served on that person at the same time as the notice required to be given under subsection (2C)(d) is given.
- (2E) A person who has supplied another person with an address for service using electronic communications and has agreed to accept service of documents in a certain form in accordance with subsection (2)(e) may give notice withdrawing that address or that agreement or both.
- (2F) A person who has an agreement with the Secretary of State or an authorised person under subsection (2C)(a) may give notice withdrawing that agreement.
- (2G) A withdrawal under subsection (2E) or (2F) shall take effect on the later of—
- (a) the date specified by the person in the notice; and
  - (b) the date which is fourteen days after the date on which the notice is given.
- (2H) A notice under subsection (2E) or (2F) must be given to the person to whom the address was supplied or with whom the agreement was made.
- (2I) Oral notice is not sufficient for the purposes of subsections (2E) or (2F). ]

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- [<sup>F90</sup>(3) Any document authorised to be given to or served on a body corporate may be given to or served on the secretary, clerk or similar officer of that body. ]
- (4) For the purposes of this section and section 7 of the Interpretation Act 1978 (service of documents by post) in its application to this section, the proper address of any person to whom or on whom any document is to be given or served is his usual or last known address or place of business (whether in the United Kingdom or elsewhere), except that in the case of a body corporate or its secretary, clerk or similar officer, it shall be the address of the registered or principal office of that body in the United Kingdom (or, if it has no office in the United Kingdom, of its principal office, wherever it may be).
- (5) If the person to or on whom any document mentioned in subsection (1) above is to be given or served has notified the Secretary of State of an address within the United Kingdom, other than his proper address within the meaning 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>F91</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(2)(e) and word inserted (30.9.2006) by [Transport Security \(Electronic Communications\) Order 2006 \(S.I. 2006/2190\)](#) , arts. 1(1) , **2(2)**
- F89** S. 24(2A)-(2I) inserted (30.9.2006) by [Transport Security \(Electronic Communications\) Order 2006 \(S.I. 2006/2190\)](#) , arts. 1(1) , **2(3)**
- F90** S. 24(3) substituted (30.9.2006) by [Transport Security \(Electronic Communications\) Order 2006 \(S.I. 2006/2190\)](#) , arts. 1(1) , **2(4)**
- F91** S. 24(9) added (14.12.2001) by [2001 c. 24](#) , s. **86(3)**

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

- C58** S. 24 extended (with modifications) (Jersey) (12.6.1993) by [S.I. 1993/1251](#) , art. 2(1) , **Sch. 1 Pt. I**

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- S. 24 extended (with modifications) (Guernsey) (17.1.1998) by [S.I. 1997/2989](#) , art. 2(1) , Sch. 1 Pt. I , **II**
- C59** 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>F92</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,
- [<sup>F93</sup> "address", in relation to electronic communications, means any number or address used for the purposes of such communications, ]
- "authorised person" means a person authorised in writing by the Secretary of State for the purposes of this Part of this Act,
- [<sup>F93</sup> "electronic communication" has the same meaning as in the Electronic Communications Act 2000 (c. 7) , ]
- "employee" in relation to a body corporate, includes officer,
- "enforcement notice" has the meaning given by section 18A(1) of this Act,
- and
- "restricted zone", in relation to an aerodrome or air navigation installation, means any part of the aerodrome or installation designated under section 11A of this Act or, where the whole of the aerodrome or installation is so designated, that aerodrome or installation.
- (2) For the purposes of this Part of this Act a person is permitted to have access to a restricted zone of an aerodrome or air navigation installation if he is permitted to enter that zone or if arrangements exist for permitting any of his employees or agents to enter that zone.]

**Textual Amendments**

- F92** S. 24A inserted by [Aviation and Maritime Security Act 1990 \(c. 31, SIF 39:2\)](#), s. 8(1), **Sch. 1 para. 16**
- F93** Words in s. 24A(1) inserted (30.9.2006) by [Transport Security \(Electronic Communications\) Order 2006 \(S.I. 2006/2190\)](#), arts. 1(1), **3(2)**

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

- C60** 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**
- C61** S. 24A: 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 01/03/2007.

**Changes to legislation:**

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