



# Aviation Security Act 1982

## 1982 CHAPTER 36

### PART II

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

##### *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>[F1</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>[F2</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 <sup>[F3</sup>the CAA ] . ]
- (3) ..... <sup>F4</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>[F5</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>[F6</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

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authorised to carry, and should carry, firearms when carrying out the searches or taking the measures in question.]

- (6) Nothing in subsections (1) to (5) above shall be construed as limiting the generality of any of the preceding provisions of this Part of this Act.
- (7) In this section qualifications includes training and experience.
- [<sup>F7</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

- F1** or 13A inserted by [Aviation and Maritime Security Act 1990 \(c. 31, SIF 39:2\)](#) , s. 8(1) , **Sch. 1 para. 7(2)**
- F2** S. 15(2) substituted by [Aviation and Maritime Security Act 1990 \(c. 31, SIF 39:2\)](#) , s. 8(1) , **Sch. 1 para. 7(3)**
- F3** Words in s. 15(2) substituted (1.4.2014) by [Civil Aviation Act 2012 \(c. 19\)](#) , s. 110(1) , **Sch. 11 para. 11** (with [Sch. 10 paras. 12, 17](#)); [S.I. 2014/262](#) , art. 3(a)
- F4** 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**
- F5** Words substituted by [Aviation and Maritime Security Act 1990 \(c. 31, SIF 39:2\)](#) , s. 8(1) , **Sch. 1 para. 7(5)**
- F6** S. 15(5) substituted by [Aviation and Maritime Security Act 1990 \(c. 31, SIF 39:2\)](#) , s. 8(1) , **Sch. 1 para. 7(6)**
- F7** 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)

- C1** 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**
- C2** 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>F8</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

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force as is reasonable in the circumstances [<sup>F9</sup>(whether at the instance of the person to whom the direction was given or otherwise)] by a constable, or its use by any other person in the exercise of a power conferred by section 7(1) or 13(3) of this Act or by any of the following provisions of this Act.

(5) In so far as a direction requires anything to be done or not done at a place outside the United Kingdom—

- (a) it shall not have effect except in relation to aircraft registered in the United Kingdom, and
- (b) it shall not have effect so as to require anything to be done or not done in contravention of any provision of the law (whether civil or criminal) in force at that place, other than any such provision relating to breach of contract.

[<sup>F10</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>F11</sup>, 13A] or 14 of this Act.

#### Textual Amendments

- F8** Words substituted by [Aviation and Maritime Security Act 1990 \(c. 31, SIF 39:2\)](#), s. 8, **Sch. 1 para. 8(2)(a)**
- F9** Words substituted by [Aviation and Maritime Security Act 1990 \(c. 31, SIF 39:2\)](#), s. 8(1), **Sch. 1 para. 8(2)(b)**
- F10** S. 16(6) substituted by [Aviation and Maritime Security Act 1990 \(c. 31, SIF 39:2\)](#), s. 8(1), **Sch. 1 para. 8(3)**
- F11** , 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)

- C3** 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**
- C4** S. 16 : Pt. II (ss. 10-24A) applied (with modifications) (1.9.1993) by [S.I. 1993/1073](#), **reg. 11(1)**

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## **[<sup>F12</sup>16A Directions requiring national security vetting**

- (1) This section applies where a direction under any of sections 12 to 14 makes provision requiring an individual who carries on, or wishes to carry on, an activity specified or described in the direction to be subject to national security vetting by the CAA.
- (2) The CAA must make arrangements for carrying out that vetting, including—
  - (a) arrangements for renewing and withdrawing clearance, and
  - (b) arrangements for appeals.
- (3) The Secretary of State may give directions to the CAA in connection with the arrangements, including directions as to—
  - (a) steps to be included in the vetting process,
  - (b) time limits for completing such steps, and
  - (c) the period for which clearance is to remain valid.
- (4) The CAA must comply with a direction given to it under this section.
- (5) This section does not affect any other power relating to national security vetting.]

### **Textual Amendments**

**F12** S. 16A inserted (1.4.2014) by [Civil Aviation Act 2012 \(c. 19\)](#), ss. [78\(3\)](#), [110\(1\)](#) (with [Sch. 10 paras. 12, 17](#)); [S.I. 2014/262](#), art. 3(a)

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

- (1) A direction given to any person under section 12 [<sup>F13</sup>, 13, 13A or 14]of this Act need not be addressed to that particular person, but may be framed in general terms applicable to all persons to whom such a direction may be given or to any class of such persons to which that particular person belongs.
- (2) If it appears to the Secretary of State that an exception from any direction given under [<sup>F14</sup>any]of those sections is required as a matter of urgency in any particular case he may, by a notification given (otherwise than in writing) to the person for the time being subject to the direction, authorise that person to disregard the requirements of the direction—
  - (a) in relation to such aircraft or class of aircraft, [<sup>F15</sup>in relation to such aerodrome or part of an aerodrome, in relation to such land outside an aerodrome, in relation to such activities,]or in relation to such persons or property or such description of persons or property, and
  - (b) on such occasion or series of occasions, or for such period, as he may specify; and the direction shall have effect in that case subject to any exceptions so specified.
- (3) Any notification given to any person under subsection (2) above with respect to any direction shall cease to have effect (if it has not already done so)—
  - (a) if a direction in writing is subsequently given to that person varying or revoking the original direction; or
  - (b) if no such direction in writing is given within the period of thirty days beginning with the date on which the notification was given, at the end of that period.

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- (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

- F13** , 13, 13A or 14 substituted by [Aviation and Maritime Security Act 1990 \(c. 31, SIF 39:2\)](#) , s. 8(1) , [Sch. 1 para. 9\(2\)](#)
- F14** Word substituted by [Aviation and Maritime Security Act 1990 \(c. 31, SIF 39:2\)](#) , s. 8(1) , [Sch. 1 para. 9\(3\)\(a\)](#)
- F15** 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)

- C5** 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](#)
- C6** S. 17 : Pt. II (ss. 10-24A) applied (with modifications) (1.9.1993) by [S.I. 1993/1073](#) , [reg. 11\(1\)](#)

### [<sup>F16</sup>17A Copies of directions etc for CAA

- (1) The Secretary of State must give the CAA a copy of—
- (a) each direction under section 12, 13, 13A or 14, and
  - (b) each direction varying or revoking such a direction.
- (2) The Secretary of State must inform the CAA of each notification given under section 17. ]

#### Textual Amendments

- F16** S. 17A inserted (1.4.2014) by [Civil Aviation Act 2012 \(c. 19\)](#) , s. 110(1) , [Sch. 11 para. 12\(1\)](#) (with [Sch. 10 paras. 12, 17](#) , [Sch. 11 para. 12\(2\)](#)); [S.I. 2014/262](#) , art. 3(a)

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

- (1) This section applies to any direction given under section 14 of this Act which—
- (a) requires a person to take measures consisting of or including the construction, execution, alteration, demolition or removal of a building or other works; and
  - (b) does not contain a statement that the measures are urgently required and that accordingly the direction is to take effect immediately.
- (2) At any time before the end of the period of thirty days beginning with the date on which a direction to which this section applies is given, the person to whom the direction is given may serve on the Secretary of State a notice in writing objecting to the direction, on the grounds that the measures specified in the direction, in so far as they relate to

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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)**

**C7** 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**

**C8** S. 18 : Pt. II (ss. 10-24A) applied (with modifications) (1.9.1993) by [S.I. 1993/1073](#) , **reg. 11(1)**

**[<sup>F17</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.

<sup>F18</sup>( 3 ) .....

[ Where a person authorised in writing by the Secretary of State for the purposes of <sup>F19</sup>(4) this Part of this Act serves an enforcement notice, the Secretary of State must give the CAA a copy of the notice.

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- (5) Where a person authorised in writing by the CAA for the purposes of this Part of this Act serves an enforcement notice, the CAA must give the Secretary of State a copy of the notice. ]]

#### Textual Amendments

- F17** Ss. 18A–18E inserted by [Aviation and Maritime Security Act 1990 \(c. 31, SIF 39:2\)](#) , s. 4
- F18** S. 18A(3) omitted (1.4.2014) by virtue of [Civil Aviation Act 2012 \(c. 19\)](#), s. 110(1), **Sch. 11 para. 13(2)** (with [Sch. 10 paras. 12, 17](#)); [S.I. 2014/262](#), art. 3(a)
- F19** S. 18A(4)(5) inserted (1.4.2014) by [Civil Aviation Act 2012 \(c. 19\)](#), s. 110(1), **Sch. 11 para. 13(3)** (with [Sch. 10 paras. 12, 17](#)); [S.I. 2014/262](#), art. 3(a)

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

- C9** 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**
- C10** S. 18A : Pt. II (ss. 10-24A) applied (with modifications) (1.9.1993) by [S.I. 1993/1073](#) , **reg. 11(1)**

#### [<sup>F20</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.



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- (6) Subject to section 18E(2) of this Act, an enforcement notice requiring a person not to cause or permit anything to be done shall be construed as requiring him to take all such steps as in any particular circumstances are practicable and necessary to prevent that thing from being done.]

#### Textual Amendments

**F20** Ss. 18A–18E inserted by [Aviation and Maritime Security Act 1990 \(c. 31, SIF 39:2\)](#) , s. 4

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

- C11** 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](#)
- C12** S. 18B :Pt. II (ss. 10-24A) applied (with modifications) (1.9.1993) by [S.I. 1993/1073](#) , [reg. 11\(1\)](#)

### [<sup>F21</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 [<sup>F22</sup> £100 ] 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

- F21** Ss. 18A–18E inserted by [Aviation and Maritime Security Act 1990 \(c. 31, SIF 39:2\)](#) , s. 4
- F22** Word in s. 18C(2) substituted (29.4.2010) by [The Aviation Security Regulations 2010 \(S.I. 2010/902\)](#) , [regs. 1\(1\), 7\(e\)](#)

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

- C13** 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](#)
- C14** S. 18C : Pt. II (ss. 10-24A) applied (with modifications) (1.9.1993) by [S.I. 1993/1073](#) , [reg. 11\(1\)](#)



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- (1) The person on whom an enforcement notice is served may serve on the Secretary of State a notice in writing of his objection to the enforcement notice, specifying the grounds of the objection.
- (2) Any notice of objection under subsection (1) above must be served—
  - (a) where the enforcement notice specifies measures falling within section 18B(5)(a)(i) of this Act, before the end of the period of thirty days beginning with the date on which the enforcement notice was served, or
  - (b) in any other case, before the end of the period of seven days beginning with that date.
- (3) The grounds of objection to an enforcement notice are—
  - (a) that the general requirements of the direction which are specified in the notice for the purposes of section 18A(1)(a) of this Act have been complied with,
  - (b) that the notice purports to impose a requirement which could not have been imposed by a direction given under the provision under which the direction to which the notice relates was given, or
  - (c) that any requirement of the notice—
    - (i) is unnecessary for complying with the general requirements specified as mentioned in paragraph (a) above and should be dispensed with, or
    - (ii) having regard to the terms of those general requirements, is excessively onerous or inconvenient and should be modified in a manner specified in the notice of objection under subsection (1) above.

[ On receipt of an objection to an enforcement notice under subsection (1) the Secretary <sup>F24</sup>(3A) of State must—

- (a) give a copy of the objection to the authorised person who served the enforcement notice and the CAA ,
  - (b) consider the objection,
  - (c) allow the person making the objection and the authorised person who served the enforcement notice an opportunity to make written or oral representations to the Secretary of State or a person appointed by the Secretary of State,
  - (d) give a decision notice to the person who made the objection, and
  - (e) give a copy of the decision notice to the authorised person who served the enforcement notice and the CAA.]
- (4) [<sup>F25</sup> In this section “ decision notice ” means ] 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 [<sup>F26</sup> decision notice], 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 [<sup>F27</sup> a decision notice ], and

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- (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**

- F23** Ss. 18A–18E inserted by [Aviation and Maritime Security Act 1990 \(c. 31, SIF 39:2\)](#) , s. 4
- F24** S. 18D(3A) inserted (1.4.2014) by [Civil Aviation Act 2012 \(c. 19\)](#), s. 110(1), **Sch. 11 para. 14(2)** (with [Sch. 10 paras. 12, 17](#)); [S.I. 2014/262](#), art. 3(a)
- F25** Words in s. 18D(4) substituted (1.4.2014) by [Civil Aviation Act 2012 \(c. 19\)](#), s. 110(1), **Sch. 11 para. 14(3)(a)** (with [Sch. 10 paras. 12, 17](#)); [S.I. 2014/262](#), art. 3(a)
- F26** Words in s. 18D(4)(b) substituted (1.4.2014) by [Civil Aviation Act 2012 \(c. 19\)](#), s. 110(1), **Sch. 11 para. 14(3)(b)** (with [Sch. 10 paras. 12, 17](#)); [S.I. 2014/262](#), art. 3(a)
- F27** Words in s. 18D(5) substituted (1.4.2014) by [Civil Aviation Act 2012 \(c. 19\)](#), s. 110(1), **Sch. 11 para. 14(4)** (with [Sch. 10 paras. 12, 17](#)); [S.I. 2014/262](#), art. 3(a)

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

- C15** 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**
- C16** S. 18D : Pt. II (ss. 10-24A) applied (with modifications) (1.9.1993) by [S.I. 1993/1073](#) , **reg. 11(1)**

#### **[<sup>F28</sup> 18E Enforcement notices: supplementary.**

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

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### Textual Amendments

**F28** Ss. 18A–18E inserted by [Aviation and Maritime Security Act 1990 \(c. 31, SIF 39:2\)](#), **s. 4**

### Modifications etc. (not altering text)

**C17** 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**

**C18** 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 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>F29</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>F30</sup>the law applicable to which] is the law of the United Kingdom or of part of the United Kingdom.

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*Changes to legislation: There are currently no known outstanding effects for the Aviation Security Act 1982, Cross Heading: Supplemental provisions with respect to directions. (See end of Document for details)*

### Textual Amendments

- F29** S. 19(4A) inserted by [Aviation and Maritime Security Act 1990 \(c. 31, SIF 39:2\)](#), s. 8(1), [Sch. 1 para. 10](#)
- F30** 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)

- C19** 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](#)
- C20** 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>F31</sup> or any enforcement notice] is being or has been complied with, [<sup>F32</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>F33</sup> or
  - (c) any land outside an aerodrome which is occupied for the purposes of a business by a person who—
    - (i) also occupies (or appears to the authorised person to be about to occupy) land within an aerodrome for the purposes of that business, or
    - (ii) is permitted (or appears to the authorised person to be about to be permitted) to have access to a [<sup>F34</sup> security restricted area ] of an aerodrome for the purposes of the activities of that business].
- (2) An authorised person inspecting an aircraft [<sup>F35</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>F36</sup> or on that land], to such tests, or
  - [<sup>F37</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>F38</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

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to an aircraft [<sup>F39</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>F40</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.]

[<sup>F41</sup>(3A) Subject to subsection (4) below, an authorised person has such powers to enter aircraft, buildings or works or to enter upon land as are necessary for the purpose of accompanying a Commission inspector on a Commission inspection.]

(4) The powers conferred by [<sup>F42</sup> subsections (3) and (3A) ] 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.

[<sup>F43</sup>(4A) For the purpose of enabling a Commission inspector to conduct a Commission inspection, the Commission inspector has such powers as an authorised person has for the purpose of an inspection under this section.]

(5) Any person who—

- <sup>F44</sup>(a) . . . . .
- (b) . . . <sup>F45</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.

[<sup>F46</sup>(6) In this section—

“Commission inspection” means an inspection conducted pursuant to Article 15 of the Framework Regulation;

“Commission inspector” means a person entitled to conduct a Commission inspection.]

#### Textual Amendments

- F31** Words inserted by [Aviation and Maritime Security Act 1990 \(c. 31, SIF 39:2\)](#), s. 8(1), **Sch. 1 para. 11(2)(a)**
- F32** Words substituted by [Aviation and Maritime Security Act 1990 \(c. 31, SIF 39:2\)](#), s. 8(1), **Sch. 1 para. 11(2)(b)**
- F33** Words inserted by [Aviation and Maritime Security Act 1990 \(c. 31, SIF 39:2\)](#), s. 8(1), **Sch. 1 para. 11(2)(c)**
- F34** Words in s. 20(1)(c)(ii) substituted (29.4.2010) by [The Aviation Security Regulations 2010 \(S.I. 2010/902\)](#), regs. 1(1), **9(e)**
- F35** Words substituted by [Aviation and Maritime Security Act 1990 \(c. 31, SIF 39:2\)](#), s. 8(1), **Sch. 1 para. 11(3)(a)**

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- F36** Words inserted by Aviation and Maritime Security Act 1990 (c. 31, SIF 39:2) , s. 8(1) , **Sch. 1 para. 11(3)(b)**
- F37** 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)**
- F38** Words substituted by Aviation and Maritime Security Act 1990 (c. 31, SIF 39:2) , s. 8(1) , **Sch. 1 para. 11(3)(d)**
- F39** Words substituted by Aviation and Maritime Security Act 1990 (c. 31, SIF 39:2) , s. 8(1) , **Sch. 1 para. 11(4)(a)**
- F40** Words inserted by Aviation and Maritime Security Act 1990 (c. 31, SIF 39:2) , s. 8(1) , **Sch. 1 para. 11(4)(b)**
- F41** S. 20(3A) inserted (29.4.2010) by The Aviation Security Regulations 2010 (S.I. 2010/902), regs. 1(1), **5(a)**
- F42** Words in s. 20(4) substituted (29.4.2010) by The Aviation Security Regulations 2010 (S.I. 2010/902), regs. 1(1), **5(b)**
- F43** S. 20(4A) inserted (29.4.2010) by The Aviation Security Regulations 2010 (S.I. 2010/902), regs. 1(1), **5(c)**
- F44** 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**
- F45** 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**
- F46** S. 20(6) added (29.4.2010) by The Aviation Security Regulations 2010 (S.I. 2010/902), regs. 1(1), **5(d)**

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

- C21** 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**
- C22** S. 20 : Pt. II (ss. 10-24A) applied (with modifications) (1.9.1993) by S.I. 1993/1073 , **reg. 11(1)**

**[<sup>F47</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 [<sup>F48</sup> provide for the CAA to maintain a list of persons who are approved by it ] for the provision of a particular aviation security service.
- (3) The regulations may—
- <sup>F49</sup>(za) [ provide for approval to be given, and persons to be listed, in respect of the provision of the aviation security service generally or only at a particular location;]
    - (a) prohibit the provision of an aviation security service by a person who is not listed in respect of [<sup>F50</sup> the provision of that service generally or at the relevant location ];
    - (b) prohibit the use or engagement for the provision of an aviation security service of a person who is not listed in respect of [<sup>F51</sup> the provision of that service generally or at the relevant location ];
    - (c) create a criminal offence;
    - (d) make provision about application for inclusion in the list (including provision about fees);

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- [ make provision about factors to be taken into account when deciding whether to grant an application;]
- <sup>F52</sup>(da) (e) make provision about the duration and renewal of entries on the list (including provision about fees);
- [ make provision for employees of persons who are listed in respect of the provision of an aviation security service generally or at a particular location to be treated as listed in respect of the provision of that service generally or at that location (as appropriate) in specified circumstances;]
- <sup>F53</sup>(ea) (f) make provision about training or qualifications which persons who apply to be listed or who are listed [<sup>F54</sup>, or employees of such persons, ] are required to undergo or possess;
- [ make provision about other conditions with which persons who apply to be listed or who are listed, or employees of such persons, must comply;]
- <sup>F55</sup>(fa) (g) make provision about removal from the list <sup>F56</sup>...;
- (h) make provision about the inspection of activities carried out by listed persons;
- (i) confer functions [<sup>F57</sup> on the CAA , ] on the Secretary of State or on a specified person;
- (j) confer jurisdiction on a court.
- [ The regulations must—
- <sup>F58</sup>(3A) (a) include provision for appeals against the refusal of applications for inclusion in a list,
- (b) include provision for appeals against removal from a list, and
- (c) if they make provision described in subsection (3)(f) or (fa), include provision for appeals against the conditions.]
- (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.
- [ In subsection (5) “ listed person ”, in relation to an aviation security service, means
- <sup>F59</sup>(5A) a person who is listed in respect of the provision of that service generally or at the relevant location. ]
- (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,



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- (d) shall not be made unless the Secretary of State has consulted organisations appearing to him to represent persons affected by the regulations, and
- (e) shall be subject to annulment in pursuance of a resolution of either House of Parliament.]

#### **Textual Amendments**

- F47** S. 20A inserted (14.12.2001) by 2001 c. 24 , s. 85
- F48** Words in s. 20A(2) substituted (1.4.2014) by Civil Aviation Act 2012 (c. 19), ss. 79(2), 110(1) (with Sch. 10 paras. 12, 17); S.I. 2014/262, art. 3(b)
- F49** S. 20A(3)(za) inserted (1.4.2014) by Civil Aviation Act 2012 (c. 19), ss. 79(3)(a), 110(1) (with Sch. 10 paras. 12, 17); S.I. 2014/262, art. 3(b)
- F50** Words in s. 20A(3)(a) substituted (1.4.2014) by Civil Aviation Act 2012 (c. 19), ss. 79(3)(b), 110(1) (with Sch. 10 paras. 12, 17); S.I. 2014/262, art. 3(b)
- F51** Words in s. 20A(3)(b) substituted (1.4.2014) by Civil Aviation Act 2012 (c. 19), ss. 79(3)(b), 110(1) (with Sch. 10 paras. 12, 17); S.I. 2014/262, art. 3(b)
- F52** S. 20A(3)(da) inserted (1.4.2014) by Civil Aviation Act 2012 (c. 19), ss. 79(3)(c), 110(1) (with Sch. 10 paras. 12, 17); S.I. 2014/262, art. 3(b)
- F53** S. 20A(3)(ea) inserted (1.4.2014) by Civil Aviation Act 2012 (c. 19), ss. 79(3)(d), 110(1) (with Sch. 10 paras. 12, 17); S.I. 2014/262, art. 3(b)
- F54** Words in s. 20A(3)(f) inserted (1.4.2014) by Civil Aviation Act 2012 (c. 19), ss. 79(3)(e), 110(1) (with Sch. 10 paras. 12, 17); S.I. 2014/262, art. 3(b)
- F55** S. 20A(3)(fa) inserted (1.4.2014) by Civil Aviation Act 2012 (c. 19), ss. 79(3)(f), 110(1) (with Sch. 10 paras. 12, 17); S.I. 2014/262, art. 3(b)
- F56** Words in s. 20A(3)(g) omitted (1.4.2014) by virtue of Civil Aviation Act 2012 (c. 19), ss. 79(3)(g), 110(1) (with Sch. 10 paras. 12, 17); S.I. 2014/262, art. 3(b)
- F57** Words in s. 20A(3)(i) inserted (1.4.2014) by Civil Aviation Act 2012 (c. 19), ss. 79(3)(h), 110(1) (with Sch. 10 para. 1217); S.I. 2014/262, art. 3(b)
- F58** S. 20A(3A) inserted (1.4.2014) by Civil Aviation Act 2012 (c. 19), ss. 79(4), 110(1) (with Sch. 10 paras. 12, 17); S.I. 2014/262, art. 3(b)
- F59** S. 20A(5A) inserted (1.4.2014) by Civil Aviation Act 2012 (c. 19), ss. 79(5), 110(1) (with Sch. 10 paras. 12, 17); S.I. 2014/262, art. 3(b)

**Status:**

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**Changes to legislation:**

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