



# Aviation Security Act 1982

## 1982 CHAPTER 36

### PART II

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

##### *Powers of Secretary of State*

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

- (1) For purposes to which this Part of this Act applies, the Secretary of State may give a direction in writing to the operator of any one or more aircraft registered or operating in the United Kingdom, or to the manager of any aerodrome in the United Kingdom, requiring him—
  - (a) not to cause or permit persons or property to go or be taken on board any aircraft to which the direction relates, or to come or be brought into proximity to any such aircraft, unless such searches of those persons or that property as are specified in the direction have been carried out by constables or by other persons of a description specified in the direction, or
  - (b) not to cause or permit any such aircraft to fly unless such searches of the aircraft as are specified in the direction have been carried out by constables or by other persons of a description so specified.
- (2) Subject to subsection (3) below, the Secretary of State may give a direction in writing to the operator of any one or more aircraft registered in the United Kingdom requiring him not to cause or permit the aircraft to fly unless such modifications or alterations of the aircraft, or of apparatus or equipment installed in the aircraft, as are specified in the direction have first been carried out, or such additional apparatus or equipment as is so specified is first installed in the aircraft.
- (3) Before giving any direction under subsection (2) above, the Secretary of State shall inform the Civil Aviation Authority of the modifications, alterations or additional apparatus or equipment proposed to be required, and shall take account of any advice given to him by that Authority with respect to those proposals.

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*Status: Point in time view as at 01/02/1991. This version of this provision has been superseded.*

*Changes to legislation: There are currently no known outstanding effects for the Aviation Security Act 1982, Section 12. (See end of Document for details)*

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- (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.
- (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>[F1]</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>[F2]</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

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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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#### **Textual Amendments**

- F1** Words substituted by [Aviation and Maritime Security Act 1990 \(c. 31, SIF 39:2\)](#) , s. 8 , **Sch. 1 para. 4(2)**
- F2** 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)**

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

- C1** 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**
- C2** S. 12 : Pt. II (ss. 10-24A) applied (with modifications) (1.9.1993) by [S.I. 1993/1073](#) , **reg. 11(1)**

**Status:**

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**Changes to legislation:**

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