

Status: Point in time view as at 01/04/2010.

Changes to legislation: There are currently no known outstanding effects for the Policing and Crime Act 2009, Part 1. (See end of Document for details)

SCHEDULES

SCHEDULE 6

AMENDMENT OF PART 3 OF THE AVIATION SECURITY ACT 1982

PART 1

AMENDMENTS

- 1 Part 3 of the Aviation Security Act 1982 (c. 36) (policing of aerodromes) has effect subject to the following amendments.

Commencement Information

- I1** Sch. 6 para. 1 in force at 29.1.2010 for E.W.S. by S.I. 2010/125, art. 2(s)
I2 Sch. 6 para. 1 in force at 1.4.2010 for N.I. by S.I. 2010/507, art. 5(u)

- 2 Omit section 25 (designated airports) and the cross-heading before it.

Commencement Information

- I3** Sch. 6 para. 2 in force at 29.1.2010 for E.W.S. by S.I. 2010/125, art. 2(s)
I4 Sch. 6 para. 2 in force at 1.4.2010 for N.I. by S.I. 2010/507, art. 5(u)

- 3 Omit section 25A (consultation about policing of designated airports).

Commencement Information

- I5** Sch. 6 para. 3 in force at 29.1.2010 for E.W.S. by S.I. 2010/125, art. 2(s)
I6 Sch. 6 para. 3 in force at 1.4.2010 for N.I. by S.I. 2010/507, art. 5(u)

- 4 Before section 25B (police services agreements) insert—

“Policing of aerodromes to which Part 2A applies

Relevant aerodromes

25A(1) In this Part, “relevant aerodrome” means an aerodrome to which Part 2A applies (other than an aerodrome specified in an order under subsection (2)).

(2) The Secretary of State may by order provide that a specified aerodrome to which Part 2A applies is not a relevant aerodrome for the purposes of this Part.

(3) In subsection (2) “specified” means specified in the order.

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- (4) The power to make an order under this section is exercisable by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.”

Commencement Information

- I7** Sch. 6 para. 4 in force at 29.1.2010 for E.W.S. by S.I. 2010/125, art. 2(s)
I8 Sch. 6 para. 4 in force at 1.4.2010 for N.I. by S.I. 2010/507, art. 5(u)

5 For section 25B substitute—

“25B Police services agreements

- (1) There must be a police services agreement in force in relation to a relevant aerodrome at any time when an aerodrome security plan containing policing measures is in force in relation to the aerodrome.
- (2) The requirement in subsection (1) does not apply during the period of 3 months beginning with the day when the first aerodrome security plan for the aerodrome is agreed by the members of the security executive group for the aerodrome.
- (3) A police services agreement is an agreement between the relevant persons which specifies—
 - (a) the level of policing to be provided for the aerodrome in accordance with section 26(2A) during the period for which the agreement is in force,
 - (b) whether any payments are to be made by the manager of the aerodrome in connection with that policing and, if so, the amount of the payments or the manner in which their amount is to be assessed, and
 - (c) the accommodation and facilities (if any) that are to be provided by the manager in connection with that policing.
- (4) The relevant persons are—
 - (a) the manager of the aerodrome,
 - (b) the police authority for the relevant police area, and
 - (c) the chief officer of police for that area.
- (5) If the Secretary of State so requests, the manager of a relevant aerodrome must supply the Secretary of State with a copy of any police services agreement which is in force in relation to the aerodrome.
- (6) In this section, “policing measures”, in relation to an aerodrome security plan, means the security measures specified in the plan as the measures to be taken by the chief officer of police for the relevant police area.

25C Police services agreements: duration etc.

- (1) A police services agreement must specify the period for which it is to be in force.

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- (2) In the case of the first police services agreement for the aerodrome, the period specified must—
 - (a) begin on the day when the requirement in section 25B(1) first applies in relation to the aerodrome, and
 - (b) end on either the 31 March next following that day or on any subsequent 31 March specified in the plan.
- (3) In the case of any subsequent police services agreement other than one to which subsection (5) applies, the period specified must—
 - (a) begin on 1 April, and
 - (b) end on either the 31 March next following that day or on any subsequent 31 March specified in the plan.
- (4) Subsection (5) applies if—
 - (a) there is a period during which an aerodrome security plan in force in relation to the aerodrome contains no policing measures (and, accordingly, the requirement in section 25B(1) does not apply in relation to the aerodrome), but
 - (b) the plan is varied to include such measures.
- (5) The first police services agreement following the variation must—
 - (a) begin on the day when the variation comes into effect (and, accordingly, the requirement in section 25B(1) again applies in relation to the aerodrome), and
 - (b) end on either the 31 March next following that day or on any subsequent 31 March specified in the plan.
- (6) If there is a dispute about the policing of a relevant aerodrome which relates to a police services agreement which is not in force, the Secretary of State may direct that the agreement is to come into force at the beginning of a day other than that specified in subsection (2)(a), (3)(a) or (5)(a).

25D Review and variation of police services agreements

The relevant persons—

- (a) must keep a police services agreement under review, and
- (b) may vary it.

25E Discharge of functions of relevant persons in relation to police services agreements

- (1) In determining the terms of a police services agreement, and in exercising their functions under section 25D, the relevant persons must, in particular, have regard to the matters specified in subsection (2).
- (2) Those matters are—
 - (a) any aerodrome security plan which specifies that policing measures are to be taken in relation to the aerodrome during the whole or any part of the period for which the police services agreement will be in force,

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- (b) any information given to the relevant persons by the security executive group for the aerodrome which is relevant to the police services agreement,
 - (c) the extent, if any, to which the costs incurred by the police authority in connection with the policing provided for the aerodrome are, or are likely to be, met by any person other than the manager of the aerodrome, and
 - (d) any guidance given by the Secretary of State which is relevant to the discharge by the relevant persons of their functions in relation to police services agreements.
- (3) A chief officer of police may authorise another person to exercise any of the officer's functions under this Part in relation to police services agreements.
- (4) In this section, “policing measures” has the same meaning as in section 25B.”

Commencement Information

I9 Sch. 6 para. 5 in force at 29.1.2010 for E.W.S. by S.I. 2010/125, art. 2(s)

I10 Sch. 6 para. 5 in force at 1.4.2010 for N.I. by S.I. 2010/507, art. 5(u)

- 6 (1) Section 26 (exercise of police functions) is amended as follows.
- (2) In the heading for “at designated airports” substitute “ at relevant aerodromes ”.
- (3) In subsection (1) for “a designated airport” substitute “ a relevant aerodrome ”.
- (4) In subsection (2A) —
- (a) for “an aerodrome which is a designated airport” substitute “ a relevant aerodrome ”,
 - (b) omit the word “and” at the end of paragraph (a),
 - (c) in paragraph (b) for “security or policing purposes” substitute “ security purposes ”, and
 - (d) after paragraph (b) insert “; and
 (c) any aerodrome security plan for the aerodrome.”
- (5) In subsection (2C) for “an aerodrome which is a designated airport” substitute “ a relevant aerodrome ”.
- (6) After subsection (2C) insert—
- “(2CA) Unless the aerodrome was a designated airport immediately before the commencement of section 80 of the Policing and Crime Act 2009, subsection (2C) does not apply in relation to any time before the end of the period of 3 months beginning with the day on which an aerodrome security plan is first required to be in force in relation to the aerodrome (by virtue of section 24AE(1)).”
- (7) For subsection (2E) substitute—
- “(2E) For the purposes of subsection (2A)(b) a measure is taken in relation to the aerodrome for security purposes if it is taken for a purpose to which Part 2 applies or otherwise for the purpose of preventing crime or preserving the peace at the aerodrome.”

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I11 Sch. 6 para. 6 in force at 29.1.2010 for E.W.S. by S.I. 2010/125, art. 2(s)

I12 Sch. 6 para. 6 in force at 1.4.2010 for N.I. by S.I. 2010/507, art. 5(u)

- 7 (1) Section 27 (prevention of theft) is amended as follows.
- (2) In the heading for “at designated airports” substitute “ at relevant aerodromes ”.
- (3) In subsection (2)(a) for “an aerodrome which is a designated airport” substitute “ a relevant aerodrome ”.

Commencement Information

I13 Sch. 6 para. 7 in force at 29.1.2010 for E.W.S. by S.I. 2010/125, art. 2(s)

I14 Sch. 6 para. 7 in force at 1.4.2010 for N.I. by S.I. 2010/507, art. 5(u)

- 8 (1) Section 28 (byelaws) is amended as follows.
- (2) In the heading for “designated airports” substitute “ relevant aerodromes ”.
- (3) In subsection (1) for “a designated airport” substitute “ a relevant aerodrome ”.
- (4) In subsection (2) for “any aerodrome which is a designated airport” substitute “ any relevant aerodrome ”.

Commencement Information

I15 Sch. 6 para. 8 in force at 29.1.2010 for E.W.S. by S.I. 2010/125, art. 2(s)

I16 Sch. 6 para. 8 in force at 1.4.2010 for N.I. by S.I. 2010/507, art. 5(u)

- 9 (1) Section 29 (control of road traffic) is amended as follows.
- (2) In the heading for “at designated airports” substitute “ at relevant aerodromes ”.
- (3) In subsection (1) for “a designated airport” substitute “ a relevant aerodrome ”.
- (4) In subsection (2) for “a designated airport” substitute “ a relevant aerodrome ”.

Commencement Information

I17 Sch. 6 para. 9 in force at 29.1.2010 for E.W.S. by S.I. 2010/125, art. 2(s)

I18 Sch. 6 para. 9 in force at 1.4.2010 for N.I. by S.I. 2010/507, art. 5(u)

- 10 For sections 29A to 29D substitute—

“29A Power to refer disputes to Secretary of State

- (1) A relevant person may refer a dispute about the policing of a relevant aerodrome to the Secretary of State.
- (2) For the purposes of this section and sections 29B to 29D, there is a dispute about the policing of a relevant aerodrome if—

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- (a) there is a dispute between any of the relevant persons about the terms to be included in a police services agreement and, in consequence, there is, or there is likely to be, a breach of the requirement imposed by section 25B(1),
 - (b) there is a dispute between any of the relevant persons about whether or how a police services agreement should be varied,
 - (c) there is a dispute between any of the relevant persons about the construction or operation of a police services agreement which is or has been in force in relation to the aerodrome, or
 - (d) there is a dispute between any of the relevant persons about the payments to be made, or the accommodation and facilities to be provided, under section 26(2C).
- (3) For the purposes of subsection (2)(c) or (d), it does not matter whether the aerodrome is a relevant aerodrome when the dispute arises.

29B Powers of Secretary of State in relation to disputes

- (1) This section applies where—
 - (a) a dispute about the policing of a relevant aerodrome is referred to the Secretary of State under section 29A, or
 - (b) although no such reference is made, the Secretary of State thinks that there is a dispute about the policing of a relevant aerodrome.
- (2) The Secretary of State may require any relevant person to take such steps as the Secretary of State thinks may assist to resolve the dispute.
- (3) The Secretary of State may require any relevant person to make payments in respect of any costs incurred by another person (whether or not a relevant person) in connection with the taking of the steps mentioned in subsection (2).
- (4) The payments that may be required under subsection (3) include payments in respect of any costs incurred by the Secretary of State (including any costs attributable to the work of officials of the Secretary of State).
- (5) If the Secretary of State decides not to exercise the power in subsection (2), or if the Secretary of State exercises that power but the dispute is not resolved, the Secretary of State may determine the dispute.

29C Dispute resolution: procedure

- (1) This section applies where the Secretary of State is determining a dispute about the policing of a relevant aerodrome.
- (2) The Secretary of State must give the relevant persons an opportunity to make representations.
- (3) If the dispute falls within section 29A(2)(a) or (b), the Secretary of State must have regard to the matters mentioned in section 25E(2).
- (4) Subject to subsections (2) and (3), the Secretary of State may decide the procedure for determining the dispute.

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- (5) In particular, the Secretary of State may require a relevant person to provide such information as the Secretary of State may specify to—
 - (a) the Secretary of State, or
 - (b) another relevant person.
- (6) Subsection (7) applies if, in determining a dispute about the policing of a relevant aerodrome, the Secretary of State—
 - (a) provides information to a relevant person, or
 - (b) requires a relevant person to provide information to another relevant person.
- (7) The Secretary of State may require the person to whom the information is provided not to disclose the information without the consent of the Secretary of State.

29D Dispute resolution: powers

- (1) This section applies where the Secretary of State has considered a dispute about the policing of a relevant aerodrome.
- (2) Where the dispute is within section 29A(2)(a), the Secretary of State—
 - (a) must make a declaration as to the terms which are to have effect as the terms of a police services agreement between the relevant persons, and
 - (b) may make an order as to costs.
- (3) Where a declaration is made under subsection (2)(a), references in this Part to a police services agreement are to have effect, so far as necessary, as references to the terms which the declaration provides are to have effect as the terms of a police services agreement.
- (4) Where the dispute is within section 29A(2)(b), the Secretary of State may—
 - (a) make a declaration varying the police services agreement;
 - (b) determine that the manager of the aerodrome is obliged to pay to the police authority for the relevant police area a specified sum or a sum to be assessed in a specified manner;
 - (c) determine that the police authority for the relevant police area is obliged to pay to the manager of the aerodrome a specified sum or a sum to be assessed in a specified manner;
 - (d) determine that the manager of the aerodrome is obliged to provide specified accommodation and facilities for use in connection with the policing provided for the aerodrome;
 - (e) make an order as to costs.
- (5) Where the dispute is within section 29A(2)(c), the Secretary of State may—
 - (a) make a declaration as to how any term of the police services agreement is to be construed;
 - (b) make a declaration as to how any term of the agreement is to be, or ought to have been, operated;
 - (c) make a declaration varying the agreement;

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- (d) determine that the manager of the aerodrome is obliged to pay to the police authority for the relevant police area a specified sum or a sum to be assessed in a specified manner;
 - (e) determine that the police authority for the relevant police area is obliged to pay to the manager of the aerodrome a specified sum or a sum to be assessed in a specified manner;
 - (f) determine that the manager of the aerodrome is obliged to provide specified accommodation and facilities for use in connection with the policing provided for the aerodrome;
 - (g) make an order as to costs.
- (6) Where the dispute is within section 29A(2)(d), the Secretary of State may—
- (a) determine that the manager of the aerodrome is obliged to pay to the police authority for the relevant police area a specified sum or a sum to be assessed in a specified manner;
 - (b) determine that the police authority for the relevant police area is obliged to pay to the manager of the aerodrome a specified sum or a sum to be assessed in a specified manner;
 - (c) determine that the manager of the aerodrome is obliged to provide specified accommodation and facilities for use in connection with the policing provided for the aerodrome;
 - (d) make an order as to costs.
- (7) In this section, “costs” means—
- (a) the legal or other costs incurred by the Secretary of State (including costs attributable to the work of officials of the Secretary of State), and
 - (b) the legal or other costs incurred by any of the relevant persons.

29E Dispute resolution: appeals and enforcement etc.

- (1) A relevant person may appeal to the High Court against—
 - (a) any requirement imposed on the person under section 29B(3), or
 - (b) any declaration, determination or order of the Secretary of State under section 29D.
- (2) Any requirement imposed under section 29B(3) or 29C(7), and any declaration, determination or order made under section 29D may, with the permission of the High Court, be enforced as if it were a judgment of the High Court (and may, in particular, be enforced by the use of powers in relation to contempt of court).
- (3) In the application of this section to Scotland, references to the High Court are to be read as references to the Court of Session.”

Commencement Information

I19 Sch. 6 para. 10 in force at 29.1.2010 for E.W.S. by S.I. 2010/125, art. 2(s)

I20 Sch. 6 para. 10 in force at 1.4.2010 for N.I. by S.I. 2010/507, art. 5(u)

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Commencement Information

I21 Sch. 6 para. 11 in force at 29.1.2010 for E.W.S. by S.I. 2010/125, art. 2(s)

I22 Sch. 6 para. 11 in force at 1.4.2010 for N.I. by S.I. 2010/507, art. 5(u)

- 12 (1) Section 31 (interpretation etc.) is amended as follows.
- (2) In subsection (1)—
- (a) after the definition of aerodrome constabulary insert—
- “ “aerodrome security plan”, in relation to any aerodrome, has the same meaning as in Part 2A;”,
- (b) omit the definition of “designated airport”,
- (c) before the definition of “immigration officer” insert—
- “ “dispute about the policing of a relevant aerodrome” has the meaning given by section 29A(2);”,
- (d) in the definition of “police services agreement” for “section 29D(7)” substitute “ section 29D(3) ”,
- (e) after the definition of “police services agreement” insert—
- “ “relevant aerodrome” has the meaning given by section 25AA;”,
- (f) in the definition of “relevant persons”, for “section 25B(10)” substitute “ section 25B(4) ”, and
- (g) after the definitions of “relevant police area” and “relevant constable” insert—
- “ “security executive group” and “security measures” have the same meaning as in Part 2A;”.
- (3) After subsection (1) insert—
- “(1A) If an aerodrome ceases to be a relevant aerodrome, but subsequently becomes such an aerodrome again, this Part applies in relation to the aerodrome with the following modifications—
- (a) section 25B(2) applies as if the reference to the first aerodrome security plan were a reference to the first aerodrome security plan after the time when the aerodrome becomes a relevant aerodrome again,
- (b) section 25C applies as if the reference in subsection (2) to the first police services agreement were a reference to the first police services agreement after the time when the aerodrome becomes a relevant aerodrome again, and
- (c) section 26(2CA) applies as if the reference to the time when an aerodrome security plan is first required to be in force were a reference to the time when an aerodrome security plan is first required to be in force by virtue of the aerodrome becoming a relevant aerodrome again.”
- (4) For subsection (2) substitute—
- “(2) In the application of this Part to Scotland—

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- (a) references to the chief officer of police for the relevant police area shall be construed as references to the chief constable of the police force for that area, and
- (b) references to the police authority for the relevant police area shall, where a joint police board is constituted for that area in accordance with an amalgamation scheme made under the Police (Scotland) Act 1967 (c. 77), be construed as references to that joint police board.”

(5) In subsection (3)(a) for “the references in section 25(1) of this Act and” substitute “ the reference in ”.

Commencement Information

I23 Sch. 6 para. 12 in force at 29.1.2010 for E.W.S. by S.I. 2010/125, art. 2(s)

I24 Sch. 6 para. 12 in force at 1.4.2010 for N.I. by S.I. 2010/507, art. 5(u)

13 In section 39 (extension of Act outside United Kingdom), in subsection (3), after “provisions of” (in the words in brackets) insert “ Part 2A or ”.

Commencement Information

I25 Sch. 6 para. 13 in force at 29.1.2010 for E.W.S. by S.I. 2010/125, art. 2(s)

I26 Sch. 6 para. 13 in force at 1.4.2010 for N.I. by S.I. 2010/507, art. 5(u)

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