



# Aviation Security Act 1982

## 1982 CHAPTER 36

### PART V

#### MISCELLANEOUS AND GENERAL

#### 37 Offences by bodies corporate.

- (1) Where an offence under this Act [<sup>F1</sup>(including any provision of Part II as applied by regulations made under section 21F of this Act) or under regulations made under section 21G.]of this Act has been committed by a body corporate and is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate, or any person who was purporting to act in any such capacity, he as well as the body corporate shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.
- (2) Where the affairs of a body corporate are managed by its members, subsection (1) above shall apply in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

#### Textual Amendments

- F1** Words substituted by [Aviation and Maritime Security Act 1990 \(c. 31, SIF 39:2\)](#), s. 8, [Sch. 1 para. 18](#)

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

- C1** S. 37 extended (with modifications) (Jersey) (12.6.1993) by [S.I. 1993/1251](#), art. 2(1), [Sch. 1 Pt. I](#)  
S.37 extended (with modifications) (Guernsey) (17.1.1998) by [S.I. 1997/2989](#), art. 2(1), [Sch. 1 Pt. I](#),  
[II](#)  
S. 37 applied (with modifications) (6.12.2000) by [S.I. 2000/3059](#), art. 3(1), [Schs. 2](#), [3](#) (as amended (1.5.2016) by [The Aviation Security and Piracy \(Overseas Territories\) \(Amendment\) Order 2016 \(S.I. 2016/369\)](#), [arts. 3](#), 4)

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**38 Interpretation etc.**

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

<sup>F2</sup>  
.....

aerodrome means the aggregate of the land, buildings and works comprised in an aerodrome within the meaning of the <sup>M1</sup> Civil Aviation Act 1982 and (if and so far as not comprised in an aerodrome as defined in that Act) any land, building or works situated within the boundaries of an area designated, by an order made by the Secretary of State which is for the time being in force, as constituting the area of an aerodrome for the purposes of this Act;

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

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

- (a) an aircraft registered in the United Kingdom, or
- (b) an aircraft not so registered which is for the time being allocated for use on [<sup>F3</sup>a flight any part of which is] in the United Kingdom;

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

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

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

firearm includes an airgun or air pistol;

manager, in relation to an aerodrome, means the person (whether . . . <sup>F4</sup> the Civil Aviation Authority, a local authority or any other person) by whom the aerodrome is managed;

military service includes naval and air force service;

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

operator has the same meaning as in the <sup>M2</sup> Civil Aviation Act 1982;

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

<sup>F5</sup>  
.....

United Kingdom national means an individual who is—

- (a) a British citizen, a British Dependent Territories citizen [<sup>F6</sup> a British National (Overseas)] or a British Overseas citizen;
- (b) a person who under the <sup>M3</sup> British Nationality Act 1981 is a British subject; or
- (c) a British protected person (within the meaning of that Act).

[<sup>F7</sup>(1A) Subject to subsection (1D), a reference in this Act to an aircraft includes a reference to a medium-range rocket.

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- (1B) In subsection (1A) “rocket” means a projectile of mainly cylindrical or similar shape that can be propelled from or above the earth by combustion of its fuel (or fuel and oxidant).
- (1C) For the purposes of subsection (1A) a rocket is a “medium-range” rocket if—
- (a) the total impulse of its motor or combination of motors exceeds 160 Newton-seconds, but
  - (b) it is not capable of operating above the stratosphere.
- (1D) The Secretary of State may by order—
- (a) provide that subsection (1A) does not apply to any specified provisions of this Act;
  - (b) provide for any provision of this Act, as it has effect by virtue of subsection (1A), to apply with specified modifications.]
- (2) For the purposes of this Act—
- (a) in the case of an air navigation installation provided by, or used wholly or mainly by, the Civil Aviation Authority, that Authority, and
  - (b) in the case of any other air navigation installation, [<sup>F8</sup>the person] by whom it is provided, or by whom it is wholly or mainly used,
- shall be taken to be the authority responsible for that air navigation installation.
- (3) For the purposes of this Act—
- (a) the period during which an aircraft is in flight shall be deemed to include any period from the moment when all its external doors are closed following embarkation until the moment when any such door is opened for disembarkation, and, in the case of a forced landing, any period until the competent authorities take over responsibility for the aircraft and for persons and property on board; and
  - (b) an aircraft shall be taken to be in service during the whole of the period which begins with the pre-flight preparation of the aircraft for a flight and ends 24 hours after the aircraft lands having completed that flight, and also at any time (not falling within that period) while, in accordance with the preceding paragraph, the aircraft is in flight,
- and anything done on board an aircraft while in flight over any part of the United Kingdom shall be treated as done in that part of the United Kingdom.
- (4) For the purposes of this Act the territorial waters adjacent to any part of the United Kingdom shall be treated as included in that part of the United Kingdom.
- (5) Any power to make an order under subsection (1) [<sup>F9</sup>or (1D)] above shall be exercisable by statutory instrument; and any statutory instrument containing any such order shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (6) Any power to give a direction under any provision of this Act shall be construed as including power to revoke or vary any such direction by a further direction . . . <sup>F10</sup> .
- (7) Subject to section 18 of the <sup>M4</sup> Interpretation Act 1978 (which relates to offences under two or more laws), Part I of this Act shall not be construed as—
- (a) conferring a right of action in any civil proceedings in respect of any contravention of this Act, or

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- (b) derogating from any right of action or other remedy (whether civil or criminal) in proceedings instituted otherwise than under this Act.
- (8) References in this Act to enactments (including the reference to Acts in section 30(2) (a) of this Act) shall include references to Northern Ireland enactments, that is to say, to any enactment contained in an Act of the Parliament of Northern Ireland or a Measure of the Northern Ireland Assembly, and without prejudice to the provisions of the Interpretation Act 1978, in the application of this Act to Northern Ireland, any reference to a Northern Ireland enactment or to an enactment which the Parliament of Northern Ireland had power to amend—
- (a) shall be construed as including a reference to any Northern Ireland enactment passed after this Act and re-enacting the said enactment with or without modifications, and
- (b) shall, except in so far as the context otherwise requires, be construed as a reference to that enactment as amended by any enactment, whether passed before or after this Act, and as including a reference thereto as extended or applied by or under any other enactment, including this Act.

#### Textual Amendments

- F2** Definition of act of violence repealed by [Aviation and Maritime Security Act 1990 \(c. 31, SIF 39:2\)](#) , s. 53(2) , **Sch. 4**
- F3** Words in s. 38(1) substituted (12.2.2015) by [Counter-Terrorism and Security Act 2015 \(c. 6\)](#) , s. 52(5), **Sch. 5 para. 9(6)**
- F4** Words repealed by [Airports Act 1986 \(c. 31, SIF 9\)](#) , s. 83(5) , **Sch. 6 Pt. I**
- F5** In s. 38(1) definition of "the statutory maximum" repealed (5.11.1993) by [1993 c. 50](#) , s. 1(1) , **Sch. 1 Pt. XIV** Group 1
- F6** Words inserted by [S.I. 1986/948](#) , art. 8 , **Sch.**
- F7** S. 38(1A)-(1D) inserted (29.7.2021) by [Space Industry Act 2018 \(c. 5\)](#) , s. 70(1), **Sch. 12 para. 4(2)**; [S.I. 2021/817](#) , reg. 2, **Sch. para. 117** (with reg. 3)
- F8** Words in s. 38(2)(b) substituted (21.4.2002) by 2001/4050, art. 2, Sch. Pt. I para. 1
- F9** Words in s. 38(5) inserted (29.7.2021) by [Space Industry Act 2018 \(c. 5\)](#) , s. 70(1), **Sch. 12 para. 4(3)**; [S.I. 2021/817](#) , reg. 2, **Sch. para. 117** (with reg. 3)
- F10** Words repealed by [Aviation and Maritime Security Act 1990 \(c. 31, SIF 39:2\)](#) , ss. 8(1) , 53(2) , **Sch. 1 para. 19** , **Sch. 4**

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

- C2** S. 38 extended (with modifications) (Jersey) (12.6.1993) by [S.I. 1993/1251](#) , art. 2(1) , **Sch. 1 Pt. I**  
S. 38 extended (with modifications) (Guernsey) (17.1.1998) by [S.I. 1997/2989](#) , art. 2(1) , **Sch. 1 Pt. I , II**  
S. 38 applied (with modifications) (6.12.2000) by [S.I. 2000/3059](#) , art. 3(1) , **Schs. 2 , 3** (as amended (1.5.2016) by [The Aviation Security and Piracy \(Overseas Territories\) \(Amendment\) Order 2016 \(S.I. 2016/369\)](#) , **arts. 3, 4**)
- C3** S. 38(3) ( b ) , (4) extended by [Aviation and Maritime Security Act 1990 \(c. 31, SIF 39:2\)](#) , s. 1(6)
- C4** S. 38(7) amended by [Aviation and Maritime Security Act 1990 \(c. 31, SIF 39:2\)](#) , s. 1(6)

#### Marginal Citations

- M1** 1982 c. 16 .
- M2** 1982 c. 16 .
- M3** 1981 c. 61 .
- M4** 1978 c. 30 .

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### 39 Extension of Act outside United Kingdom.

- (1) . . . . . <sup>F11</sup>
- [<sup>F12</sup>(2) Subsection (4) of section 26 of the Merchant Shipping and Maritime Security Act 1997 (power to extend provisions about piracy to Isle of Man, Channel Islands and colonies) shall apply to section 5 of this Act as it applies to the provisions mentioned in that subsection.]
- <sup>F13</sup>(3) Her Majesty may by Order in Council make provision for extending any of the provisions of [<sup>F13</sup> Part 2A or ] this Act (other than the provisions to which subsection (1) or (2) above applies and the provisions of Part III) with such exceptions, adaptations or modifications as may be specified in the Order, to any of the Channel Islands, the Isle of Man, any colony, . . . <sup>F14</sup>
- (4) Except in pursuance of subsection (1), <sup>F15</sup> . . . or (3) above, the provisions of this Act and, in particular, the repeal of the provisions which those subsections re-enact do not affect the law of any country or territory outside the United Kingdom.

#### Textual Amendments

- F11** S.39(1) repealed (27.9.1989) by [Extradition Act 1989 \(c. 33\)](#) , s. 37 , [Sch. 2](#)
- F12** S. 39(2) substituted (17.7.1997) by [1997 \(c. 28\)](#) , s. [26\(5\)\(6\)](#) ; S.I. 1997/1539 , art. 2 , [Sch.](#)
- F13** Words in s. 39(3) inserted (29.1.2010 for E.W.S., 1.4.2010 for N.I.) by [Policing and Crime Act 2009 \(c. 26\)](#) , s. [116\(1\)](#) , [Sch. 6 para. 13](#) ; S.I. 2010/125 , art. 2(s) ; S.I. 2010/507 , art. 5(u)
- F14** Words in s. 39(3) repealed (26.7.1990) by [Aviation and Maritime Security Act 1990 \(c. 31\)](#) , s. 53(2) , [Sch. 4](#)
- F15** Word in s. 39(4) repealed (17.7.1997) by [1997 \(c. 28\)](#) , s. 29(2) , [Sch. 7 Pt. I](#) ; S.I. 1997/1539 , art. 2 , [Sch.](#)

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

- C5** S. 39(3) : applied (14.12.2001) by [2001 \(c. 24\)](#) , s. [88\(2\)](#)
- C6** S. 39(3) modified (12.2.2015) by [Counter-Terrorism and Security Act 2015 \(c. 6\)](#) , [ss. 51\(6\)](#) , [52\(5\)](#)

### 40 Consequential amendments, savings and repeals.

- (1) Schedule 2 to this Act (which contains consequential amendments and savings) shall have effect; and the provisions of that Schedule are without prejudice to sections 16 and 17 of the <sup>M5</sup> Interpretation Act 1978 (which relate to repeals).
- (2) Subject to the provisions of Schedule 2 to this Act, the enactments specified in Schedule 3 to this Act are hereby repealed to the extent specified in the third column of Schedule 3.

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

- C7** S. 40 extended (Jersey) (12.6.1993) by S.I. 1993/1251 , art. 2(1) , [Sch. 1 Pt. I](#)  
S. 40 extended (with modifications) (Guernsey) (17.1.1998) by S.I. 1997/2989 , art. 2(1) , [Sch. 1 Pt. I](#) , [II](#)

#### Marginal Citations

- M5** [1978 c. 30](#) .

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

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

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

- C8** S. 41 extended (with modifications) (Jersey) (12.6.1993) by [S.I. 1993/1251](#) , art. 2(1) , [Sch. 1 Pt.I](#)  
S. 41 extended (with modifications) (Guernsey) (17.1.1998) by [S.I. 1997/2989](#) , art. 2(1) , Sch. 1 Pt. I ,  
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