



# Aviation and Maritime Security Act 1990

## 1990 CHAPTER 31

### PART I

#### AVIATION SECURITY

##### *Endangering safety at aerodromes*

#### **1 Endangering safety at aerodromes**

- (1) It is an offence for any person by means of any device, substance or weapon intentionally to commit at an aerodrome serving international civil aviation any act of violence which—
  - (a) causes or is likely to cause death or serious personal injury, and
  - (b) endangers or is likely to endanger the safe operation of the aerodrome or the safety of persons at the aerodrome.
- (2) It is also, subject to subsection (4) below, an offence for any person by means of any device, substance or weapon unlawfully and intentionally—
  - (a) to destroy or seriously to damage—
    - (i) property used for the provision of any facilities at an aerodrome serving international civil aviation (including any apparatus or equipment so used), or
    - (ii) any aircraft which is at such an aerodrome but is not in service, or
  - (b) to disrupt the services of such an aerodrome,  
in such a way as to endanger or be likely to endanger the safe operation of the aerodrome or the safety of persons at the aerodrome.
- (3) Except as provided by subsection (4) below, subsections (1) and (2) above apply whether any such act as is referred to in those subsections is committed in the United Kingdom or elsewhere and whatever the nationality of the person committing the act.
- (4) Subsection (2)(a)(ii) above does not apply to any act committed in relation to an aircraft used in military, customs or police service unless—

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- (a) the act is committed in the United Kingdom, or
  - (b) where the act is committed outside the United Kingdom, the person committing it is a United Kingdom national.
- (5) A person who commits an offence under this section is liable on conviction on indictment to imprisonment for life.
- (6) Sections 38(3)(b) (period during which aircraft in service) and 38(4) (territorial waters) of the Aviation Security Act 1982 apply for the purposes of this section as they apply for the purposes of that Act; and the references in section 38(7) of that Act (other proceedings) to Part I of that Act and to that Act include references to this section.
- (7) Proceedings for an offence under this section shall not be instituted—
- (a) in England and Wales, except by, or with the consent of, the Attorney General, and
  - (b) in Northern Ireland, except by, or with the consent of, the Attorney General for Northern Ireland.
- (8) As respects Scotland, for the purpose of conferring on the sheriff jurisdiction to entertain proceedings for an offence under this section, any such offence shall, without prejudice to any jurisdiction exercisable apart from this subsection, be deemed to have been committed in any place in Scotland where the offender may for the time being be.
- (9) In this section—
- “act of violence” means—
  - (a) any act done in the United Kingdom which constitutes 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 the Person Act 1861 or under section 2 of the Explosive Substances Act 1883, and
  - (b) any act done outside the United Kingdom which, if done in the United Kingdom, would constitute such an offence as is mentioned in paragraph (a) above;
  - “aerodrome” has the same meaning as in the Civil Aviation Act 1982;
  - “military service” and “United Kingdom national” have the same meaning as in the Aviation Security Act 1982; and
  - “unlawfully”—
  - (a) in relation to the commission of an act in the United Kingdom, means so as (apart from this section) to constitute an offence under the law of the part of the United Kingdom in which the act is committed, and
  - (b) in relation to the commission of an act outside the United Kingdom, means so that the commission of the act would (apart from this section) have been an offence under the law of England and Wales if it had been committed in England and Wales or of Scotland if it had been committed in Scotland.

*Powers of Secretary of State and authorised persons*

**2 Extension of power to require promotion of searches**

After section 13 of the Aviation Security Act 1982 there is inserted—

**“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.”

**3 Extension of Secretary of State’s powers under section 14 of Aviation Security Act 1982**

- (1) In section 14 of the Aviation Security Act 1982, for subsections (1) and (2) there is substituted—
  - “(1) Subsection (1A) below applies to 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

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- (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;
  - (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.”
- (2) Subsection (4) of that section is omitted.
- (3) In subsection (6) of that section—
- (a) for the words from “such an operator”, in the first place where those words occur, to “subsection (1) above”, there is substituted “a person to whom subsection (1A) above applies”, and
  - (b) for the words “an operator or manager”, in the second place where they occur, there is substituted “a person”.

#### **4 Enforcement notices in respect of directions under Part II of Aviation Security Act 1982**

In the Aviation Security Act 1982 after section 18 there is inserted—

##### **“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.
- (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.

##### **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 such steps as in any particular circumstances are practicable and necessary to prevent that thing from being done.

### **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 a 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.

### **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—
- (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

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- (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.

### **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.

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- (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.”

*Offences relating to security at aerodromes etc.*

## **5 Offences relating to security at aerodromes etc**

After section 21 of the Aviation Security Act 1982 there is inserted—

*“Offences relating to security at aerodromes etc.*

### **21A 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, and
  - (c) any person who—



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- (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.
- (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.

#### **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, and
  - (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.
- (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.

### **21C Unauthorised presence in restricted zone**

- (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.

### **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.

### **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.”

*Air cargo agents*

**6 Air cargo agents**

After section 21E of the Aviation Security Act 1982 there is inserted—

*“Air cargo agents*

**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.

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- (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 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—
  - “cargo” includes stores and mail; 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.”

#### *Reporting of certain occurrences*

### 7 **Duty to report certain occurrences**

After section 21F of the Aviation Security Act 1982 there is inserted—

#### *“Reporting of certain occurrences relating to aviation security*

#### **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.
- (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.”

*Other amendments*

**8 Other amendments of Aviation Security Act 1982**

- (1) The further amendments of the Aviation Security Act 1982 specified in Schedule 1 to this Act have effect.
- (2) Paragraphs 4(3), 5(3) and 6(3) of that Schedule do not have effect in any case where the relevant conviction of an offence under section 12(9), 13(4)(a) or 14(7)(a) of the Aviation Security Act 1982 occurred before the commencement of those paragraphs.