



# Anti-terrorism, Crime and Security Act 2001

## 2001 CHAPTER 24

### PART 9

#### AVIATION SECURITY

#### 82 Arrest without warrant

- (1) At the end of section 24(2) of the Police and Criminal Evidence Act 1984 (c. 60) (arrest without warrant: particular offences) insert—
  - “(u) an offence under section 21C(1) or 21D(1) of the Aviation Security Act 1982 (c. 36) (unauthorised presence in restricted zone or on aircraft);
  - (v) an offence under section 39(1) of the Civil Aviation Act 1982 (c. 16) (trespass on aerodrome).”
- (2) At the end of Article 26(2) of the Police and Criminal Evidence (Northern Ireland) Order 1989 (S.I. 1989/1341 (N.I. 12)) (arrest without warrant: particular offences) insert—
  - “(j) an offence under section 21C(1) or 21D(1) of the Aviation Security Act 1982 (unauthorised presence in restricted zone or on aircraft);
  - (k) an offence under section 39(1) of the Civil Aviation Act 1982 (trespass on aerodrome).”
- (3) Where, in Scotland, a constable has reasonable grounds for suspecting that a person has committed—
  - (a) an offence under section 21C(1) or 21D(1) of the Aviation Security Act 1982 (unauthorised presence in restricted zone or on aircraft);
  - (b) an offence under section 39(1) of the Civil Aviation Act 1982 (trespass on aerodrome),he may arrest that person without warrant.

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*Status: Point in time view as at 14/02/2002.*

*Changes to legislation: There are currently no known outstanding effects for the Anti-terrorism, Crime and Security Act 2001, Part 9. (See end of Document for details)*

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- (4) This section shall have effect in relation to an offence committed or alleged to have been committed after the end of the period of two months beginning with the day on which this Act is passed.

### **83 Trespass on aerodrome: penalty**

- (1) In section 39(1) of the Civil Aviation Act 1982 (trespass on aerodrome) for “level 1 on the standard scale” substitute “level 3 on the standard scale”.
- (2) This section shall have effect in relation to an offence committed after the end of the period of two months beginning with the day on which this Act is passed.

### **84 Removal of intruder**

- (1) At the end of section 21C of the Aviation Security Act 1982 (unauthorised presence in aerodrome) add—
- “(4) A constable, the manager of an aerodrome or a person acting on his behalf may use reasonable force to remove a person who fails to comply with a request under subsection (1)(b) above.”
- (2) At the end of section 21D of that Act (unauthorised presence on aircraft) add—
- “(3) A constable, the operator of an aircraft or a person acting on his behalf may use reasonable force to remove a person who fails to comply with a request under subsection (1)(b) above.”

### **85 Aviation security services**

After section 20 of the Aviation Security Act 1982 (c. 36) (security directions: inspection) insert—

#### **“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 provide for the Secretary of State to maintain a list of persons who are approved by him for the provision of a particular aviation security service.
- (3) The regulations may—
- (a) prohibit the provision of an aviation security service by a person who is not listed in respect of that service;
  - (b) prohibit the use or engagement for the provision of an aviation security service of a person who is not listed in respect of that service;
  - (c) create a criminal offence;

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- (d) make provision about application for inclusion in the list (including provision about fees);
  - (e) make provision about the duration and renewal of entries on the list (including provision about fees);
  - (f) make provision about training or qualifications which persons who apply to be listed or who are listed are required to undergo or possess;
  - (g) make provision about removal from the list which shall include provision for appeal;
  - (h) make provision about the inspection of activities carried out by listed persons;
  - (i) confer functions on the Secretary of State or on a specified person;
  - (j) confer jurisdiction on a court.
- (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.
- (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,
  - (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.”

## **86 Detention of aircraft**

- (1) After section 20A of the Aviation Security Act 1982 (c. 36) (aviation security services) (inserted by section 85) insert—

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*“Detention of aircraft*

**20B Detention direction**

- (1) An authorised person may give a detention direction in respect of an aircraft if he is of the opinion that—
  - (a) a person has failed to comply or is likely to fail to comply with a requirement of a direction under section 12 or 14 of this Act in respect of the aircraft,
  - (b) a person has failed to comply with a requirement of an enforcement notice in respect of the aircraft,
  - (c) a threat has been made to commit an act of violence against the aircraft or against any person or property on board the aircraft, or
  - (d) an act of violence is likely to be committed against the aircraft or against any person or property on board the aircraft.
- (2) A detention direction in respect of an aircraft—
  - (a) shall be given in writing to the operator of the aircraft, and
  - (b) shall require him to take steps to ensure that the aircraft does not fly while the direction is in force.
- (3) An authorised person who has given a detention direction in respect of an aircraft may do anything which he considers necessary or expedient for the purpose of ensuring that the aircraft does not fly while the direction is in force; in particular, the authorised person may—
  - (a) enter the aircraft;
  - (b) arrange for another person to enter the aircraft;
  - (c) arrange for a person or thing to be removed from the aircraft;
  - (d) use reasonable force;
  - (e) authorise the use of reasonable force by another person.
- (4) The operator of an aircraft in respect of which a detention direction is given may object to the direction in writing to the Secretary of State.
- (5) On receipt of an objection to a detention direction under subsection (4) the Secretary of State shall—
  - (a) consider the objection,
  - (b) allow the person making the objection and the authorised person who gave the direction an opportunity to make written or oral representations to the Secretary of State or to a person appointed by him,
  - (c) confirm, vary or cancel the direction, and
  - (d) give notice of his decision in writing to the person who made the objection and to the authorised person who gave the direction.
- (6) A detention direction in respect of an aircraft shall continue in force until—
  - (a) an authorised person cancels it by notice in writing to the operator of the aircraft, or
  - (b) the Secretary of State cancels it under subsection (5)(c).

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- (7) A person commits an offence if—
- (a) without reasonable excuse he fails to comply with a requirement of a detention direction, or
  - (b) he intentionally obstructs a person acting in accordance with subsection (3).
- (8) A person who is guilty of an offence under subsection (7) shall be liable—
- (a) on summary conviction, to a fine not exceeding the statutory maximum, or
  - (b) on conviction on indictment, to a fine, to imprisonment for a term not exceeding two years or to both.
- (9) A detention direction may be given in respect of—
- (a) any aircraft in the United Kingdom, and
  - (b) any aircraft registered or operating in the United Kingdom.
- (10) A detention direction may be given in respect of a class of aircraft; and for that purpose—
- (a) a reference to “the aircraft” in subsection (1) shall be treated as a reference to all or any of the aircraft within the class, and
  - (b) subsections (2) to (9) shall apply as if the direction were given in respect of each aircraft within the class.”
- (2) In section 23 of the Aviation Security Act 1982 (c. 36) (annual report)—
- (a) in subsection (1) after “enforcement notices” insert “ and detention directions ”, and
  - (b) in subsection (2) for “and enforcement notices” substitute “ , enforcement notices and detention directions ”.
- (3) At the end of section 24 of that Act add—
- “(9) Subsections (6) to (8) above shall apply to a detention direction as they apply to an enforcement notice.”

## **87 Air cargo agent: documents**

After section 21F of the Aviation Security Act 1982 (air cargo agents) insert—

### **“21F A Air cargo agents: documents**

- (1) A person commits an offence if with intent to deceive he issues a document which purports to be issued by a person on a list of approved air cargo agents maintained under section 21F(2)(a) of this Act.
- (2) A person guilty of an offence under subsection (1) shall be liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding level 5 on the standard scale or to both.”

## **88 Extent outside United Kingdom**

- (1) The powers in section 108(1) and (2) of the Civil Aviation Act 1982 (c. 16) (extension outside United Kingdom) apply to provisions of this Part which amend that Act.

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- (2) The powers in section 39(3) of the Aviation Security Act 1982 (extension outside United Kingdom) apply to provisions of this Part which amend that Act.

**Status:**

Point in time view as at 14/02/2002.

**Changes to legislation:**

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