

POLICING AND CRIME ACT 2009

EXPLANATORY NOTES

TERRITORIAL EXTENT AND APPLICATION

Part 7 – Aviation Security

Section 79 Security planning for airports

Section 24AA Aerodromes to which Part 2A applies

385. This section sets out which aerodromes will be subject to the new provisions.

Directed aerodromes

386. The new provisions will apply to an aerodrome at any time when a direction under section 12, 13, or 14 of the ASA to the manager of the aerodrome is in force. In practice, a directed aerodrome will be one that is subject to the NASP.

387. Sections 12, 13, 13A and 14 of the ASA provide the Secretary of State with powers to direct those security measures which must, as a minimum, be carried out at an aerodrome. Broadly, directions made under these sections are made for the purposes of mitigating threats to aviation from acts of violence. Parties generally directed under these sections include aerodrome managers, airline operators, cargo and catering companies. The police may not be directed. All directions issued under the ASA are brought together, with guidance, to form the NASP. The NASP is concerned with aviation generally and has a primary aim to ‘safeguard passengers, crew, ground personnel and the general public against acts of unlawful interference perpetrated in flight or within the confines of an aerodrome’.

388. The number of UK aerodromes directed in accordance with these sections will vary in accordance with day to day operations, but presently this amounts to around 60 UK aerodromes.

Other aerodromes

389. Subsection (1)(b) allows the Secretary of State, by order, to bring additional aerodromes within the new provisions. This power is subject to negative resolution procedure. In practical terms, this power might be used in the event of intelligence suggesting that other, non-directed aerodromes might benefit from the security planning provisions contained in the Act. Non directed aerodromes which could, for example, be made subject to the provisions might include those dealing solely with general aviation. In this context, ‘general aviation’ refers to a civil aircraft operation other than a military, scheduled or charter public transport service. Examples of general aviation would include private aircraft and microlights.

Meaning of aerodrome

390. Section 38(1) of the ASA defines the term ‘aerodrome’ for the purposes of the ASA. Any use of the word ‘aerodrome’ in the amendments to the ASA made by section 77 is therefore subject to the same definition. The effect of the definition contained at section 38(1) is that ‘aerodrome’ means the following:

*These notes refer to the Policing and Crime Act 2009
(c.26) which received Royal Assent on 12 November 2009*

- the land, buildings and works comprised in an area of land or water that is designed, equipped, set apart or commonly used for affording facilities for the landing and departure, and/or vertical landing and departure, of aircraft; and
- any other land, building or works situated within the boundaries of an area designated in an order made by the Secretary of State as constituting the area of an aerodrome.