



Civil Aviation Act 2012

2012 CHAPTER 19

PART 2

OTHER AVIATION MATTERS

Aviation security

78 Aviation security directions etc

- (1) Part 2 of the Aviation Security Act 1982 (protection of civil aviation against acts of violence and other unlawful interference) is amended as follows.
- (2) After section 14 insert—

“14A Review by CAA

- (1) The CAA must keep under review the directions under sections 12 to 14 for the time being in force.
 - (2) The CAA must, when it considers it appropriate, make recommendations to the Secretary of State about those directions and about the giving of further directions under those sections.
 - (3) The CAA must make the recommendations in the form specified by the Secretary of State.”
- (3) After section 16 insert—

“16A Directions requiring national security vetting

- (1) This section applies where a direction under any of sections 12 to 14 makes provision requiring an individual who carries on, or wishes to carry on, an activity specified or described in the direction to be subject to national security vetting by the CAA.

Changes to legislation: There are currently no known outstanding effects for the Civil Aviation Act 2012, Cross Heading: Aviation security. (See end of Document for details)

- (2) The CAA must make arrangements for carrying out that vetting, including—
 - (a) arrangements for renewing and withdrawing clearance, and
 - (b) arrangements for appeals.
 - (3) The Secretary of State may give directions to the CAA in connection with the arrangements, including directions as to—
 - (a) steps to be included in the vetting process,
 - (b) time limits for completing such steps, and
 - (c) the period for which clearance is to remain valid.
 - (4) The CAA must comply with a direction given to it under this section.
 - (5) This section does not affect any other power relating to national security vetting.”
- (4) After section 23 insert—

“23A Functions of CAA under this Part

- (1) The CAA must carry out the functions conferred on it by or under this Part of this Act with a view to achieving the purposes to which this Part of this Act applies.
- (2) If the CAA considers that there is a conflict between its duty under subsection (1) and its duty under section 4 of the Civil Aviation Act 1982 (CAA's general objectives) it must—
 - (a) consult the Secretary of State, and
 - (b) resolve the conflict in the manner directed by the Secretary of State, and doing so is to be treated for all purposes as compliance with subsection (1) of this section and section 4 of that Act.”
- (5) In section 24A(1) (interpretation)—
 - (a) for the definition of “authorised person” substitute—
 - ““authorised person” means a person authorised in writing by the Secretary of State or the CAA for the purposes of this Part of this Act,”, and
 - (b) after that definition insert—
 - ““the CAA” means the Civil Aviation Authority,”.
- (6) Schedule 11 (aviation security directions etc: minor and consequential amendments) has effect.

Commencement Information

II S. 78 in force at 1.4.2014 by S.I. 2014/262, art. 3(a)

79 Approved providers of aviation security services

- (1) Section 20A of the Aviation Security Act 1982 (aviation security services: approved providers) is amended as follows.

Changes to legislation: There are currently no known outstanding effects for the Civil Aviation Act 2012, Cross Heading: Aviation security. (See end of Document for details)

- (2) In subsection (2), for “provide for the Secretary of State to maintain a list of persons who are approved by him” substitute “ provide for the CAA to maintain a list of persons who are approved by it ”.
- (3) In subsection (3)—
- (a) before paragraph (a) insert—
 - “(za) provide for approval to be given, and persons to be listed, in respect of the provision of the aviation security service generally or only at a particular location;”,
 - (b) in paragraphs (a) and (b) for “that service” substitute “ the provision of that service generally or at the relevant location ”,
 - (c) after paragraph (d) insert—
 - “(da) make provision about factors to be taken into account when deciding whether to grant an application;”,
 - (d) after paragraph (e) insert—
 - “(ea) make provision for employees of persons who are listed in respect of the provision of an aviation security service generally or at a particular location to be treated as listed in respect of the provision of that service generally or at that location (as appropriate) in specified circumstances;”,
 - (e) in paragraph (f), after “are listed” insert “ , or employees of such persons, ”,
 - (f) after that paragraph insert—
 - “(fa) make provision about other conditions with which persons who apply to be listed or who are listed, or employees of such persons, must comply;”,
 - (g) in paragraph (g) omit “which shall include provision for appeal”, and
 - (h) in paragraph (i) after “functions” insert “ on the CAA, ”.
- (4) After subsection (3) insert—
- “(3A) The regulations must—
- (a) include provision for appeals against the refusal of applications for inclusion in a list,
 - (b) include provision for appeals against removal from a list, and
 - (c) if they make provision described in subsection (3)(f) or (fa), include provision for appeals against the conditions.”
- (5) After subsection (5) insert—
- “(5A) In subsection (5) “listed person”, in relation to an aviation security service, means a person who is listed in respect of the provision of that service generally or at the relevant location.”

Commencement Information

12 S. 79 in force at 1.4.2014 by S.I. 2014/262, art. 3(b)

80 Advice and assistance in connection with aviation security

After section 21G of the Aviation Security Act 1982 insert—

Changes to legislation: There are currently no known outstanding effects for the Civil Aviation Act 2012, Cross Heading: Aviation security. (See end of Document for details)

“Advice and assistance

21H Provision of advice and assistance to Secretary of State

- (1) The CAA must provide such advice and assistance to the Secretary of State as the Secretary of State requires in connection with matters relevant to the purposes to which this Part of this Act applies.
- (2) A requirement under subsection (1) may be expressed so as to operate as a continuing requirement on the CAA.
- (3) Nothing in this section affects the generality of section 16 of the Civil Aviation Act 1982 (provision by CAA of assistance etc for Secretary of State and others).

21I Provision of advice and assistance to other persons

- (1) The CAA must provide such advice and assistance to the persons listed in subsection (3) as it considers appropriate having regard to the purposes to which this Part of this Act applies.
- (2) The CAA may, in particular, provide advice and assistance to such persons in connection with measures that they are required to take by directions under sections 12 to 14.
- (3) Those persons are—
 - (a) managers of aerodromes in the United Kingdom,
 - (b) authorities responsible for air navigation installations in the United Kingdom,
 - (c) operators of aircraft registered or operating in the United Kingdom,
 - (d) persons occupying land forming part of an aerodrome or air navigation installation in the United Kingdom,
 - (e) persons permitted to have access to a security restricted area of such an aerodrome or air navigation installation for the purposes of carrying on a business, and
 - (f) any other persons carrying on activities at or in connection with such an aerodrome or air navigation installation, or considering doing so, who are of a description notified to the CAA by the Secretary of State for the purposes of this section.
- (4) The Secretary of State may provide such advice and assistance to the persons listed in subsection (3) as the Secretary of State considers appropriate having regard to—
 - (a) the purposes to which this Part of this Act applies, and
 - (b) any advice and assistance provided to those persons by the CAA.”

Commencement Information

I3 S. 80 in force at 1.4.2014 by S.I. 2014/262, art. 3(c)

Changes to legislation: There are currently no known outstanding effects for the Civil Aviation Act 2012, Cross Heading: Aviation security. (See end of Document for details)

81 Power to modify functions of CAA etc relating to aviation security

After section 21I of the Aviation Security Act 1982 (inserted by section 80) insert—

“21J Power to modify functions of CAA etc relating to aviation security

- (1) The Secretary of State may by regulations modify—
 - (a) the functions of the CAA relating to the purposes to which this Part of this Act applies, and
 - (b) the functions under this Part of this Act of persons authorised in writing by the CAA for the purposes of this Part.
- (2) Regulations under this section may, in particular—
 - (a) confer powers, or impose duties, on the CAA or persons mentioned in subsection (1)(b),
 - (b) remove or restrict powers or duties of the CAA or such persons,
 - (c) require the CAA to comply with directions given by the Secretary of State when carrying out a function conferred by the regulations,
 - (d) make different provision for different cases,
 - (e) amend or repeal an enactment (whenever passed), including a provision of this Part of this Act, and amend or revoke a provision of an instrument made under an enactment (whenever made), and
 - (f) include consequential, supplementary, incidental, transitional, transitory and saving provision.
- (3) The Secretary of State must consult the CAA before making regulations under this section.
- (4) The regulations must be made by statutory instrument.
- (5) A statutory instrument containing the regulations may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.”

Commencement Information

I4 S. 81 in force at 1.4.2014 by S.I. 2014/262, art. 3(d)

82 Transfer schemes

- (1) The Secretary of State may make one or more schemes for the transfer to the Civil Aviation Authority (“the CAA”) of—
 - (a) rights, powers, duties and liabilities of the Crown in connection with individuals employed in the civil service of the Crown, and
 - (b) other property, rights and liabilities of the Crown.
- (2) A scheme may transfer only such property, rights, powers, duties and liabilities as the Secretary of State considers appropriate having regard to—
 - (a) the functions conferred on the CAA by or under Part 2 of the Aviation Security Act 1982 (as amended by sections 78 to 81 and Schedule 11), and
 - (b) the functions of persons authorised by the CAA for the purposes of that Part (as so amended).

Changes to legislation: There are currently no known outstanding effects for the Civil Aviation Act 2012, Cross Heading: Aviation security. (See end of Document for details)

- (3) Before making a scheme under this section the Secretary of State must consult the CAA.
- (4) Schedule 12 (aviation security: further provision about transfer schemes) has effect.

Commencement Information

I5 [S. 82](#) in force at 11.3.2014 by [S.I. 2014/262](#), [art. 2](#)

Changes to legislation:

There are currently no known outstanding effects for the Civil Aviation Act 2012, Cross
Heading: Aviation security.