

## SCHEDULES

### SCHEDULE 11

Section 78

#### AVIATION SECURITY DIRECTIONS ETC: MINOR AND CONSEQUENTIAL AMENDMENTS

##### *Civil Aviation Act 1982 (c. 16)*

- 1 Part 1 of the Civil Aviation Act 1982 (administration) is amended as follows.
- 2 In section 11 (charges by CAA) at the end insert—
  - “(8) References in this section to functions of the CAA include functions conferred by or under Part 2 of the Aviation Security Act 1982 on authorised persons (as defined in that Part) to the extent that the functions are carried out by persons authorised by the CAA.”
- 3 In section 20 (supplementary provisions with respect to functions of the CAA) at the end insert—
  - “(5) References in this section to functions of the CAA include functions conferred by or under Part 2 of the Aviation Security Act 1982 on authorised persons (as defined in that Part) to the extent that the functions are carried out by persons authorised by the CAA.”

##### *Aviation Security Act 1982 (c. 36)*

- 4 Part 2 of the Aviation Security Act 1982 (protection of civil aviation against acts of violence and other unlawful interference) is amended as follows.
- 5 For the heading before section 11 substitute “Information”.
- 6 (1) Section 11 (power to require information) is amended as follows.
  - (2) In subsection (1)—
    - (a) for “The Secretary of State” substitute “A relevant authority”,
    - (b) for “the Secretary of State”, in each place, substitute “the authority”, and
    - (c) for “his functions” substitute “functions conferred by or”.
  - (3) After that subsection insert—
    - “(1A) Each of the following is a relevant authority for the purposes of this section—
      - (a) the Secretary of State, and
      - (b) the CAA.”
  - (4) In subsections (2) to (4) and (6) for “Secretary of State”, in each place, substitute “relevant authority”.
  - (5) In subsection (4) for “him” substitute “the authority”.
  - (6) In subsection (6)—

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- (a) after “person” insert “by a relevant authority”, and
- (b) after “varied” insert “by the relevant authority”.

(7) Accordingly, in the heading of that section omit “for Secretary of State”.

7 Before section 11A insert—

*“Designation of security restricted areas”.*

8 (1) Section 11A (designation of security restricted area) is amended as follows.

(2) After subsection (4) insert—

“(4A) Before approving an application without modifications the Secretary of State shall consult the CAA.”

(3) In subsection (5), before paragraph (a) insert—

“(za) the CAA,”.

(4) In subsection (8), before paragraph (a) insert—

“(za) the CAA,”.

9 Before section 12 insert—

*“Directions”.*

10 In section 12(3) (power to impose restrictions in relation to aircraft)—

- (a) for “the Civil Aviation Authority” substitute “the CAA”, and
- (b) for “that Authority” substitute “the CAA”.

11 In section 15(2) (matters which may be included in directions under section 12) for “the Civil Aviation Authority” substitute “the CAA”.

12 (1) After section 17 insert—

**“17A Copies of directions etc for CAA**

(1) The Secretary of State must give the CAA a copy of—

- (a) each direction under section 12, 13, 13A or 14, and
- (b) each direction varying or revoking such a direction.

(2) The Secretary of State must inform the CAA of each notification given under section 17.”

(2) The amendment made by sub-paragraph (1) applies only in relation to directions and notifications given on or after the day on which this paragraph comes into force.

13 (1) Section 18A (enforcement notices) is amended as follows.

(2) Omit subsection (3).

(3) After that subsection insert—

“(4) Where a person authorised in writing by the Secretary of State for the purposes of this Part of this Act serves an enforcement notice, the Secretary of State must give the CAA a copy of the notice.

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- (5) Where a person authorised in writing by the CAA for the purposes of this Part of this Act serves an enforcement notice, the CAA must give the Secretary of State a copy of the notice.”
- 14 (1) Section 18D (objections to enforcement notices) is amended as follows.
- (2) After subsection (3) insert—
- “(3A) On receipt of an objection to an enforcement notice under subsection (1) the Secretary of State must—
- (a) give a copy of the objection to the authorised person who served the enforcement notice and the CAA,
  - (b) consider the objection,
  - (c) allow the person making the objection and the authorised person who served the enforcement notice an opportunity to make written or oral representations to the Secretary of State or a person appointed by the Secretary of State,
  - (d) give a decision notice to the person who made the objection, and
  - (e) give a copy of the decision notice to the authorised person who served the enforcement notice and the CAA.”
- (3) In subsection (4)—
- (a) for the words from the beginning to “on the objector” substitute “In this section “decision notice” means”, and
  - (b) in paragraph (b) for “notice under this subsection” substitute “decision notice”.
- (4) In subsection (5) for “a notice under subsection (4) above”, in both places, substitute “a decision notice”.
- 15 (1) Section 20B (detention directions) is amended as follows.
- (2) After subsection (2) insert—
- “(2A) Where a person authorised in writing by the Secretary of State for the purposes of this Part of this Act gives a detention direction, the Secretary of State must give the CAA a copy of the direction.
- (2B) Where a person authorised in writing by the CAA for the purposes of this Part of this Act gives a detention direction, the CAA must give the Secretary of State a copy of the direction.”
- (3) In subsection (5)—
- (a) before paragraph (a) insert—
    - “(za) give a copy of the objection to the authorised person who gave the direction and the CAA,”,
  - (b) omit “and” at the end of paragraph (c),
  - (c) in paragraph (d) omit “and the authorised person who gave the direction”, and
  - (d) after that paragraph insert “, and
    - (e) give a copy of the notice to the authorised person who gave the direction and the CAA.”

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- 16 In section 21 (application of provisions to air navigation installations), in subsection (7)—
- (a) after “in section” insert “14A, 16A,”, and
  - (b) after “17,” insert “17A,”.
- 17 (1) Section 21G (duty to report certain occurrences) is amended as follows.
- (2) In subsection (1) after “to him” insert “or the CAA”.
  - (3) In subsection (2) after “consult” insert “—
    - (a) the CAA, and
    - (b)”.

*Application of Part 3 of Regulatory Enforcement and Sanctions Act 2008 (“the RESA 2008”)*

- 18 The offences under section 11 of the Aviation Security Act 1982 (as amended by this Schedule) (“the ASA 1982”) in connection with providing, or failing to provide, information to the Civil Aviation Authority are to be treated for the purposes of Part 3 of the RESA 2008 (civil sanctions) as contained in Part 2 of the ASA 1982 immediately before the day on which the RESA 2008 was passed.