



Anti-terrorism, Crime and Security Act 2001

2001 CHAPTER 24

PART 9

AVIATION SECURITY

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;
 - (d) make provision about application for inclusion in the list (including provision about fees);

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- (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.”

Changes to legislation:

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