



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, Section 78. (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)

Changes to legislation:

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