

## SCHEDULES

### SCHEDULE 5

#### AVIATION, MARITIME AND RAIL SECURITY

#### PART 2

##### DIRECTIONS ETC RELATING TO AVIATION, SHIPPING AND RAIL

##### *Amendments of the Aviation Security Act 1982: civil penalties for breach of directions*

- 11 (1) Part 2 of the Aviation Security Act 1982 (protection of aircraft etc against acts of violence) is amended as follows.
- (2) After section 22 insert—

**“22A Civil penalties for failure to provide information or comply with a direction**

- (1) The Secretary of State may make regulations imposing penalties for—
- (a) failure to comply with a requirement imposed by a notice under section 11 (notice requiring information);
  - (b) making a false statement in furnishing information required by a notice under that section;
  - (c) failure to comply with a direction under any of sections 12 to 14.
- (2) Regulations under subsection (1) may in particular make provision—
- (a) about how a penalty is to be calculated;
  - (b) about the procedure for imposing a penalty;
  - (c) about the enforcement of penalties;
  - (d) allowing for an appeal against a decision to impose a penalty;
- and the regulations may make different provision for different purposes.
- (3) Provision in the regulations about the procedure for imposing a penalty must provide for a person to be given an opportunity to object to a proposed penalty in the circumstances set out in the regulations.
- (4) The regulations must provide that no penalty may be imposed on a person for failure to comply with the requirements of a notice under section 11, or for making a false statement in furnishing information required by such a notice, where proceedings have been instituted against the person for an offence under section 11(5) in respect of the same failure or false statement.
- (5) The regulations must provide that no penalty may be imposed on a person for failure to comply with a direction under any of sections 12 to 14 where

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*Status: This is the original version (as it was originally enacted).*

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proceedings have been instituted against the person for an offence under any of those sections in respect of the same failure.

- (6) Any penalty paid by virtue of this section must be paid into the Consolidated Fund.
- (7) Regulations under this section are to be made by statutory instrument; and any such statutory instrument may not be made unless a draft of the instrument has been laid before each House of Parliament and approved by a resolution of each House.”

(3) In section 11 (power to require information), after subsection (5) insert—

“(5A) Proceedings for an offence under subsection (5) above may not be instituted against a person who has paid a penalty in respect of the same failure, or the same false statement, by virtue of regulations made under section 22A.”

(4) In section 12 (power to impose restrictions in relation to aircraft), after subsection (9) insert—

“(9A) Proceedings for an offence under subsection (9) above may not be instituted against a person who has paid a penalty in respect of the same failure by virtue of regulations made under section 22A.”

(5) In section 13 (power to require aerodrome managers to promote searches at aerodromes), after subsection (4) insert—

“(4ZA) Proceedings for an offence under subsection (4) above may not be instituted against a person who has paid a penalty in respect of the same failure by virtue of regulations made under section 22A.”

(6) In section 13A (power to require other persons to promote searches), after subsection (3) insert—

“(3A) Proceedings for an offence under subsection (3) above may not be instituted against a person who has paid a penalty in respect of the same failure by virtue of regulations made under section 22A.”

(7) In section 14 (general power to direct measures for purposes of protecting aircraft etc against acts of violence), after subsection (7) insert—

“(7ZA) Proceedings for an offence under subsection (7)(a) above may not be instituted against a person who has paid a penalty in respect of the same failure by virtue of regulations made under section 22A.”