

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: information and directions

- 9 (1) The Aviation Security Act 1982 is amended as follows.
- (2) In section 11 (power to require information)—
- (a) in subsection (2), for the words from “a date” to “before” substitute “a period before the end of”;
 - (b) in subsection (4) omit “(not being less than seven days from the date on which the change of circumstances occurs)”.
- (3) In section 12 (power to impose restrictions in relation to aircraft), in subsection (1) (b), for “fly unless such searches of the aircraft” substitute “fly in or into the United Kingdom unless such searches (of persons or property or of the aircraft itself)”.
- (4) In section 16 (limitations on scope of directions under sections 12 to 14), in subsection (5), for paragraph (a) (including the word “and” at the end) substitute—
- “(a) it shall have effect only in relation to—
 - (i) aircraft registered in the United Kingdom, or
 - (ii) a requirement not to cause or permit an aircraft to fly in or into the United Kingdom unless certain things have, or have not, been done, and”.
- (5) In section 24 (service of documents)—
- (a) at the end of subsection (2) insert “, or
 - (f) in the case of a person who is required by regulations to be able to accept service electronically in a manner and form specified in the regulations, in that manner and form.”;
 - (b) after subsection (9) insert—
 - “(10) 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, and

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- (d) shall be subject to annulment in pursuance of a resolution of either House of Parliament.”
- (6) In section 38(1) (interpretation), in paragraph (b) of the definition of “aircraft registered or operating in the United Kingdom”, for the words from “flights” to “aerodromes” substitute “a flight any part of which is”.
- 10 In consequence of the amendments made by paragraph 9(2), in Schedule 1 to the Aviation and Maritime Security Act 1990 (amendments of the Aviation Security Act 1982) omit paragraph 2(3) and (5).

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 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.

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- (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.”

Amendments of the Aviation and Maritime Security Act 1990: information and directions

- 12 (1) Part 3 of the Aviation and Maritime Security Act 1990 (protection of ships and harbour areas against acts of violence) is amended as follows.
- (2) In section 19 (power of Secretary of State to require information)—
- (a) in subsection (2), for the words from “a date” to “before” substitute “a period before the end of”;
- (b) in subsection (4), omit “(not being less than seven days from the date on which the change of circumstances occurs)”.
- (3) In section 21 (power to impose restrictions in relation to ships), in subsection (1)—
- (a) in the opening words, after “is in” insert “, or appears to the Secretary of State to be likely to enter,”;

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- (b) in paragraph (b), for “go to sea unless such searches of the ship” substitute “enter or (as the case may be) to leave a harbour area unless such searches (of persons or property or of the ship itself)”.
- (4) In section 26 (limitations on scope of directions under sections 21 to 24), in subsection (5), for paragraph (a) (including the word “and” at the end) substitute—
- “(a) it shall have effect only in relation to—
 - (i) British ships, or
 - (ii) a requirement not to cause or permit a ship to enter a harbour area unless certain things have, or have not, been done, and”.
- (5) In section 45 (service of documents)—
- (a) at the end of subsection (2) insert “, or
 - (f) in the case of a person who is required by regulations to be able to accept service electronically in a manner and form specified in the regulations, in that manner and form.”;
 - (b) after subsection (9) insert—
 - “(9A) Regulations under subsection (2)(f)—
 - (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, and
 - (d) shall be subject to annulment in pursuance of a resolution of either House of Parliament.”

Amendments of the Channel Tunnel (Security) Order 1994: information and directions

- 13 (1) Part 3 of the Channel Tunnel (Security) Order 1994 ([S.I. 1994/570](#)) (protection of Channel Tunnel trains and the tunnel system against acts of violence) is amended as follows.
- (2) In article 11 (powers of Secretary of State to require information)—
- (a) in paragraph (2), for the words from “a date” to “before” substitute “a period before the end of”;
 - (b) in paragraph (4) omit “(not being less than seven days from the date on which the change of circumstances occurs)”.
- (3) In article 13 (power to impose restrictions in relation to Channel Tunnel trains), in paragraph (1)(b), for “unless such searches of the train” substitute “in or into the United Kingdom unless such searches (of persons or property or of the train itself)”.
- (4) In article 36 (service of documents)—
- (a) at the end of paragraph (2) insert “, or
 - (f) in the case of a person who is required by regulations to be able to accept service electronically in a manner and form specified in the regulations, in that manner and form.”;
 - (b) after paragraph (8) insert—
 - “(9) Regulations under paragraph (2)(f)—

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- (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, and
- (d) shall be subject to annulment in pursuance of a resolution of either House of Parliament.”

14 The amendments made by paragraph 13 do not affect the power to make further subordinate legislation amending or revoking the amended provisions.