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STATUTORY INSTRUMENTS

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**1996 No. 1607**

**CIVIL AVIATION**

**The Aviation Security (Air Cargo Agents) (Amendment) Regulations 1996**

<i>Made</i>	- - - -	<i>19th June 1996</i>
<i>Laid before Parliament</i>		<i>27th June 1996</i>
<i>Coming into force</i>	- -	<i>1st August 1996</i>

The Secretary of State, in exercise of the powers conferred upon him by section 21F of the Aviation Security Act 1982<sup>(1)</sup> and of all other powers enabling him in that behalf, after consulting organisations appearing to him to represent persons affected by the Regulations, hereby makes the following Regulations:—

1. These Regulations may be cited as the Aviation Security (Air Cargo Agents) (Amendment) Regulations 1996 and shall come into force on 1st August 1996.

2. Regulation 10 of the Aviation Security (Air Cargo Agents) Regulations 1993<sup>(2)</sup> shall be amended as follows:

- (a) in paragraph (1)(c) for the word “three” in both places where it occurs there shall be substituted the word “five”;
- (b) in paragraph (1) the words “subject to paragraph (2) of this regulation” shall be omitted; and
- (c) for paragraphs (2) to (4) there shall be substituted the following paragraphs:

“(2) In a case where the Secretary of State decides to remove a security approved air cargo agent from the list of security approved air cargo agents he shall forthwith give notice to that agent of that removal and of the reasons for it and the agent may, in accordance with paragraphs (3) and (4) of this regulation, appeal to the Secretary of State against that decision.

(3) An appeal to the Secretary of State shall be made by a notice signed by or on behalf of the air cargo agent given to the Secretary of State and stating the grounds on which the appeal is based and the arguments on which the agent relies.

(4) Notice of appeal must be given within 28 days from the date of the notice referred to in paragraph (2) of this regulation.

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(1) 1982 c. 36; section 21F was inserted by the Aviation and Maritime Security Act 1990 (c. 31), section 6.  
(2) S.I.1993/1073.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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(5) The Secretary of State shall give notice to the air cargo agent of his decision to maintain the removal of that agent from the list of security approved air cargo agents or to reinstate that agent to that list. In the case of a decision to maintain the removal of that agent from that list the notice shall include the reasons for that decision.

(6) Any air cargo agent whom the Secretary of State decides to remove from the list of security approved air cargo agents for a reason within paragraph (1) of this regulation, other than sub-paragraph (c) of that paragraph, may not re-apply for inclusion in that list until after the expiry of the period of three months beginning with the date of the Secretary of State's notice under paragraph (2) or (5) of this regulation, whichever is the later.

(7) The Secretary of State shall remove a security approved air cargo agent from the list of security approved air cargo agents upon being requested to do so by that agent.”.

Signed by authority of the Secretary of State for Transport

Department of Transport  
19th June 1996

*Goschen,*  
Parliamentary Under Secretary of State,

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the Aviation Security (Air Cargo Agents) Regulations 1993. The principal changes are as follows—

- (1) Extending from every three years to every five years the period for applying to remain on the list of security approved air cargo agents (regulation 2(a)), and
- (2) Enabling the Secretary of State to remove a security approved air cargo agent from the list of security approved air cargo agents without first giving notice to the air cargo agent of a proposal to do so and considering representations before making that decision. In such a case the Secretary of State is required to give notice with reasons and the air cargo agent is afforded a right of appeal to the Secretary of State. The Secretary of State's decision on appeal must be notified to the agent and, in a case where the decision is to maintain the removal of the agent from the list, reasons for that decision must be given (regulation 2(b) and (c)).