

SCHEDULE 2  
TO THIS ORDER

PROVISIONS OF THE AVIATION SECURITY ACT 1982 AS ADAPTED AND MODIFIED  
WHICH ARE EXTENDED TO ALL THE TERRITORIES SPECIFIED IN SCHEDULE 1

PART V OF THE AVIATION SECURITY ACT 1982  
MISCELLANEOUS AND GENERAL

**Offences by bodies corporate**

37.—(1) Where an offence under this Act (including any provision of Part II as applied by regulations made under section 21F of this Act) or under regulations made under section 21G of this Act has been committed by a body corporate and is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate, or any person who was purporting to act in any such capacity, he as well as the body corporate shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

(2) Where the affairs of a body corporate are managed by its members, subsection (1) above shall apply in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

**Interpretation**

38.—(1) In this Act, except in so far as the context otherwise requires—

“aerodrome” means any area of land or water designed, equipped, set apart or commonly used for affording facilities for the landing and departure of aircraft (and the buildings and works thereon) and includes—

- (a) any area or space, whether on the ground, or on the roof of a building or elsewhere, which is designed or equipped or set apart for affording facilities for the landing and departure of aircraft capable of descending or climbing vertically;
- (b) any land, building or works situated within the boundaries of an area designated, by an order made by the Governor which is for the time being in force, as constituting the area of an aerodrome for the purposes of this Act;

“air navigation installation” means any building, works, apparatus or equipment used wholly or mainly for the purpose of assisting air traffic control or as an aid to air navigation, together with any land contiguous or adjacent to any such building, works, apparatus or equipment and used wholly or mainly for purposes connected therewith;

“aircraft registered or operating in the Territory” means any aircraft which is either—

- (a) an aircraft registered in the Territory, or
- (b) an aircraft not so registered which is for the time being allocated for use on flights which (otherwise than in exceptional circumstances) include landing at or taking off from one or more aerodromes in the Territory;

“article” includes any substance, whether in solid or liquid form or in the form of a gas or a vapour;

“explosive” means any article manufactured for the purpose of producing a practical effect by explosion, or intended for that purpose by a person having the article with him;

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“firearm” includes an airgun or air pistol;

“manager”, in relation to an aerodrome, means the person (whether the Government of the Territory or any other person) by whom the aerodrome is managed;

“military service” includes naval and air force service;

“measures” (without prejudice to the generality of that expression) includes the construction, execution, alteration, demolition or removal of buildings or other works and also includes the institution or modification, and the supervision and enforcement, of any practice or procedure;

“operator”, in relation to an aircraft, means the person having the management of the aircraft for the time being or, in relation to a time, at that time;

“police officer” includes any member of the police force of the Territory and any other person having the powers and privileges of a police officer;

“property” includes any land, buildings or works, any aircraft or vehicle and any baggage, cargo or other article of any description;

“Territory” includes the territorial waters adjacent thereto;

“United Kingdom national” means an individual who is—

- (a) a British citizen, a British Dependent Territories citizen, a British National (Overseas) or a British Overseas citizen;
- (b) a person who under the British Nationality Act 1981(1) is a British subject; or
- (c) a British protected person (within the meaning of that Act).

(1A) Where any provision in the law of a Territory which is inserted in subsection (1) in accordance with Schedule 3 of the Aviation Security (Overseas Territories) Order 2000 is repealed and re-enacted, with or without modification, the reference to that provision in Schedule 3 shall be construed as a reference to the provision as so re-enacted.

(2) For the purposes of this Act and in the absence of any other authority with responsibility for an air navigation system, the manager of the aerodrome by which it is wholly or mainly used, shall be taken to be the authority responsible for that air navigation installation.

(3) For the purposes of this Act—

- (a) the period during which an aircraft is in flight shall be deemed to include any period from the moment when all its external doors are closed following embarkation until the moment when any such door is opened for disembarkation, and, in the case of a forced landing, any period until the competent authorities take over responsibility for the aircraft and for persons and property on board; and
- (b) an aircraft shall be taken to be in service during the whole of the period which begins with the pre-flight preparation of the aircraft for a flight and ends 24 hours after the aircraft lands having completed that flight, and also at any time (not falling within that period) while, in accordance with the preceding paragraph, the aircraft is in flight.

(6) Any power to give a direction under any provision of this Act shall be construed as including power to revoke or vary any such direction by a further direction.

(7) Subject to any provision of any other law relating to offences under two or more laws, Part I of this Act shall not be construed as—

- (a) conferring a right of action in any civil proceedings in respect of any contravention of this Act, or
- (b) derogating from any right of action or other remedy (whether civil or criminal) in proceedings instituted otherwise than under this Act.

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(1) 1981 c. 61.

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