



# Aviation Security Act 1982

## 1982 CHAPTER 36

### [<sup>F1</sup>PART 2A

#### SECURITY PLANNING FOR AERODROMES

#### *[<sup>F1</sup>Disputes about security planning*

##### Textual Amendments

**F1** Pt. 2A inserted (29.1.2010 for E.W.S.) by [Policing and Crime Act 2009 \(c. 26\)](#), ss. 79, 116(1); S.I. 2010/125, art. 2(k)

#### **24AM Meaning of dispute about security planning**

- (1) This section applies for the purposes of the following provisions of this Part.
- (2) There is a dispute about security planning for an aerodrome if there is—
  - (a) a dispute about the contents of an aerodrome security plan for the aerodrome (see subsection (3)), or
  - (b) a dispute about the implementation of an aerodrome security plan for the aerodrome (see subsection (4)).
- (3) There is a dispute about the contents of an aerodrome security plan for an aerodrome if—
  - (a) there is a dispute between any of the members of the security executive group about the provisions to be included in a plan and, in consequence, there is, or there is likely to be, a breach of the requirement imposed by section 24AE(1),
  - (b) there is a dispute between any of the members of the security executive group about whether or how a plan should be varied, or
  - (c) the members of the security executive group and a relevant person who makes an objection under section 24AI are unable to reach agreement on whether

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or not a proposal by the group should be withdrawn or varied in the light of the objection.

- (4) There is a dispute about the implementation of an aerodrome security plan if a member of the security executive group for the aerodrome thinks that a relevant person in relation to the aerodrome is failing to, or has failed to, comply with the duty in section 24AE(7).

#### **24AN Power to refer dispute to Secretary of State**

- (1) If there is a dispute about the contents of an aerodrome security plan, any member of the security executive group for the aerodrome may refer the dispute to the Secretary of State.
- (2) If there is a dispute about the implementation of an aerodrome security plan, any member of the security executive group for the aerodrome may refer the dispute to the Secretary of State.

#### **24AO Powers of Secretary of State in relation to disputes**

- (1) This section applies where—
- (a) a dispute about security planning for an aerodrome is referred to the Secretary of State under section 24AN, or
  - (b) although no such reference is made, the Secretary of State thinks that there is a dispute about security planning for the aerodrome.
- (2) The Secretary of State may require—
- (a) any member of the security executive group for the aerodrome, or
  - (b) any relevant person in relation to the aerodrome,
- to take such steps as the Secretary of State thinks may assist to resolve the dispute.
- (3) The Secretary of State may require any relevant person in relation to the aerodrome to make payments in respect of any costs incurred by another person (whether or not a relevant person) in connection with the taking of the steps mentioned in subsection (2).
- (4) The payments that may be required under subsection (3) include payments in respect of any costs incurred by the Secretary of State (including any costs attributable to the work of officials of the Secretary of State).
- (5) If the Secretary of State decides not to exercise the power in subsection (2), or if the Secretary of State exercises that power but the dispute is not resolved, the Secretary of State may determine the dispute.

#### **24AP Dispute resolution: procedure**

- (1) This section applies where the Secretary of State is determining a dispute about security planning for an aerodrome.
- (2) The Secretary of State must give—
- (a) each relevant person who appears to the Secretary of State to have an interest in the matter in dispute, and
  - (b) each member of the security executive group,
- an opportunity to make representations about the matter in dispute.

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- (3) In the case of a dispute about the contents of an aerodrome security plan, the Secretary of State must have regard to the matters specified in section 24AJ(1) (so far as relevant to the matter in dispute).
- (4) Subject to subsections (2) and (3), the Secretary of State may decide the procedure for determining the dispute.
- (5) In particular, the Secretary of State may require a person mentioned in subsection (2) (a) or (b) to provide the Secretary of State or another person mentioned in that subsection with such information as the Secretary of State may specify.
- (6) Subsection (7) applies if, in determining a dispute about security planning, the Secretary of State—
  - (a) provides information to a person mentioned in subsection (2)(a) or (b), or
  - (b) requires such a person to provide information to another person under subsection (5).
- (7) The Secretary of State may require the person to whom the information is provided not to disclose the information without the consent of the Secretary of State.

#### **24AQ Dispute resolution: powers**

- (1) This section applies where the Secretary of State has considered a dispute about security planning at an aerodrome.
- (2) Where the dispute is about the contents of an aerodrome security plan, the Secretary of State may—
  - (a) make a declaration that a provision specified in the declaration is or is not to be included in the plan;
  - (b) make a declaration varying the plan.
- (3) Where the dispute is about the implementation of a plan, the Secretary of State may do any or all of the following—
  - (a) make a declaration as to how any provision of the plan is to be construed;
  - (b) make a declaration as to how any provision of the plan is to be, or ought to have been, implemented;
  - (c) make a declaration varying the plan.
- (4) In relation to any dispute, the Secretary of State may (whether or not the Secretary of State exercises any other power under this section) do either or both of the following—
  - (a) determine that a relevant person must pay to any other relevant person (“B”) a specified sum, or a sum to be assessed in a specified manner, in respect of costs reasonably incurred by B in connection with any security measures taken by B in relation to the aerodrome;
  - (b) make an order requiring a relevant person to pay costs.
- (5) Subsection (4)(a) does not apply in relation to security measures taken by the chief officer of police for the relevant police area.
- (6) In subsection (4)(b) “ costs ” means—
  - (a) the legal or other costs incurred by the Secretary of State (including costs attributable to the work of officials of the Secretary of State), and

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- (b) the legal or other costs incurred by any members of the security executive group or any of the relevant persons.

**24AR Dispute resolution: appeals and enforcement etc.**

- (1) A relevant person may appeal to the High Court against—
  - (a) any requirement imposed on the person under section 24AO(3), or
  - (b) any declaration, determination or order of the Secretary of State under section 24AQ which affects that person.
- (2) Any requirement imposed under section 24AO(3) or 24AP(7), and any declaration, determination or order made under section 24AQ, may, with the permission of the High Court, be enforced as if it were a judgment of the High Court (and may, in particular, be enforced by the use of powers in relation to contempt of court).
- (3) In the application of this section to Scotland, references to the High Court are to be read as references to the Court of Session.]

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