



# Aviation and Maritime Security Act 1990

## 1990 CHAPTER 31

### PART IV

#### MISCELLANEOUS AND GENERAL

##### *Miscellaneous*

#### **48 Powers in relation to certain aircraft.**

- (1) Except as provided by subsection (2) below, this section applies to any aircraft which—
  - (a) is registered in, or owned by, any State which appears to the Secretary of State to be contravening any international agreement relating to civil aviation to which that State and the United Kingdom are parties—
    - (i) by prohibiting any one or more aircraft registered in the United Kingdom from flying over its territory, or
    - (ii) by prohibiting any one or more such aircraft from landing in its territory, or
  - (b) is being operated under the direction of nationals of such a State.
- (2) This section does not apply to any aircraft by reason only of any prohibition which affects only aircraft belonging to or exclusively employed in the service of the Crown.
- (3) For the purposes of this section a State which has taken steps to prevent certain aircraft from flying over or landing in its territory is to be taken to prohibit them from doing so.
- (4) Subsection (5) below applies where an aircraft to which this section applies—
  - (a) has landed in the United Kingdom and is situated at an aerodrome,
  - (b) has landed on any land in the United Kingdom outside an aerodrome, with the consent of the occupier of that land, and is situated on that land, or
  - (c) has landed in the United Kingdom and is situated on land outside an aerodrome to which it has been moved with the consent of the occupier of that land,

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but that subsection does not apply where the aircraft has landed in the United Kingdom in accordance with permission granted by the Secretary of State under any enactment.

- (5) Where this subsection applies, the Secretary of State may give a direction, in a case falling within subsection (4)(a) above to the manager of the aerodrome or in a case falling within subsection (4)(b) or (c) above to the occupier of the land, requiring him to take all such steps as may be reasonably practicable to prevent any person, other than a constable, from gaining access to the aircraft unless—
  - (a) it is necessary for that person to do so for the purpose of preparing the aircraft for a flight out of the United Kingdom (either directly or following an intermediate stop elsewhere in the United Kingdom for non-traffic purposes),
  - (b) that person is acting—
    - (i) with the permission of a constable, or
    - (ii) in the exercise of powers conferred by subsection (7) below or by or under any other enactment, or
  - (c) that person is a person specified in the direction acting in circumstances so specified.
- (6) A direction under subsection (5) above may also prohibit the person to whom it is given from gaining access to the aircraft except in such circumstances as may be specified in the direction.
- (7) Where a direction has been given under subsection (5) above, a constable or any other person specified for the purposes of this subsection in the direction—
  - (a) may, for the purpose of ascertaining whether the direction is being complied with or, if the direction so provides, for the purpose of moving the aircraft as mentioned in paragraph (b) below or causing it to be so moved—
    - (i) enter any part of the aerodrome or other land concerned (including any building or works in that aerodrome or on that land), and
    - (ii) go into or onto the aircraft, if need be by force,
  - (b) may, if the direction so provides, move the aircraft or cause it to be moved—
    - (i) in a case falling within subsection (4)(a) above, to such other part of the aerodrome concerned as is specified in the direction, for the purpose of preventing any interference with the functioning of the aerodrome, or
    - (ii) in a case falling within subsection (4)(b) or (c) above, to any aerodrome specified in the direction, for the purpose of facilitating the preparation of the aircraft for a flight out of the United Kingdom,
  - (c) may require—
    - (i) the commander of the aircraft, or
    - (ii) in the absence of the commander, any other person who the person making the requirement has reason to believe has in his possession documents relating to the aircraft,to produce any such documents, and
  - (d) may remove and detain any such documents.
- (8) Subject to subsection (9) below, a direction under subsection (5) above shall have effect notwithstanding anything contained in any contract (whether a United Kingdom contract or not) or contained in, or having effect by virtue of, any other enactment or rule of law; and accordingly no proceedings (whether civil or criminal) shall lie

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against any person in any United Kingdom court by reason of anything done or not done by him or on his behalf in compliance with a direction.

- (9) The giving of a direction under subsection (5) above does not affect—
- (a) any liability to pay airport charges incurred in respect of the aircraft to which the direction relates, or
  - (b) the exercise of any power arising under section 88 of the <sup>M1</sup>Civil Aviation Act 1982 (detention and sale of aircraft for unpaid airport charges).
- (10) If a person who has removed and detained any documents under subsection (7)(d) above is satisfied that the aircraft is being prepared for a flight out of the United Kingdom (either directly or following an intermediate stop elsewhere in the United Kingdom for non-traffic purposes), he shall return them to the commander of the aircraft.
- (11) A person commits an offence if—
- (a) without reasonable excuse, he fails to comply with a direction given to him under subsection (5) above,
  - (b) he intentionally obstructs a person acting in the exercise of a power conferred by subsection (7) above, or
  - (c) knowing that a direction under subsection (5) above has effect in relation to an aircraft, he gains access to the aircraft without lawful authority or reasonable excuse and otherwise than in accordance with the direction.
- (12) A person guilty of an offence under subsection (11) above is liable—
- (a) on summary conviction, to a fine not exceeding the statutory maximum;
  - (b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years or to both.
- (13) In this section—
- aerodrome has the same meaning as in the <sup>M2</sup>Civil Aviation Act 1982,
  - airport charges has the same meaning as in section 88 of the Civil Aviation Act 1982,
  - commander, in relation to an aircraft, has the same meaning as in section 94 of the Civil Aviation Act 1982,
  - manager, in relation to an aerodrome, has the same meaning as in the <sup>M3</sup>Aviation Security Act 1982,
  - reward has the same meaning as in the Civil Aviation Act 1982,
  - stop for non-traffic purposes means a landing for any purpose other than the taking on board or discharging of passengers carried for reward or of cargo so carried, and
  - United Kingdom court and United Kingdom contract have the same meaning as in section 19 of the Aviation Security Act 1982;
- and for the purposes of this section a person gains access to an aircraft if, and only if, he goes into or onto the aircraft, carries out any work on the aircraft or delivers anything to the aircraft or to persons on board the aircraft.

#### Marginal Citations

- M1** 1982 c. 16.  
**M2** 1982 c. 16.

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Aviation and Maritime Security Act 1990, Section 48. (See end of Document for details)

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**M3** 1982 c. 36.

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