

POLICING AND CRIME ACT 2009

EXPLANATORY NOTES

TERRITORIAL EXTENT AND APPLICATION

Part 7 – Aviation Security

Section 80 Policing at airports and Schedule 6 Amendment of Part 3 of the Aviation Security Act 1982

Section 29B Powers of Secretary of State in relation to disputes

499. Section 29B(2) provides the Secretary of State with powers to compel parties to take such actions as he or she considers will assist in the resolution of a dispute. These powers provide the Secretary of State with a means of acting to resolve a dispute without providing a full determination as provided for under the terms of section 29C.
500. In practice, it is likely that the requirements imposed under section 29B(2) will primarily be used to ensure that participants in a dispute take action that might assist in the resolution of a dispute. These might include actions such as completing the required security analysis, and attending meetings with supporting materials so that officials can facilitate agreement over the levels of policing resources required at an airport. However, the nature of the provision means that the examples set out above are not exhaustive.
501. Subsections (3) and (4) provide the Secretary of State with a power to require parties involved in a dispute over a PSA to make payments in respect of costs incurred through use of the mechanism described in paragraphs 499 to 500 above. In practice, persons who might be employed by the Secretary of State to facilitate the resolution of a dispute in this regard might include legal professionals, or Her Majesty's Inspectorate of Constabulary. Subsection (4) also provides the Secretary of State with a power to recover costs incurred through officials' involvement in attempts to resolve a dispute. The Secretary of State might use such power to recover costs where he or she considered that it would be inappropriate for the full extent of costs relating to the determination of the dispute to fall to the public purse.