



Policing and Crime Act 2009

2009 CHAPTER 26

PART 7

AVIATION SECURITY

79 Security planning for airports

After Part 2 of the Aviation Security Act 1982 (c. 36) insert—

“PART 2A

SECURITY PLANNING FOR AERODROMES

Aerodromes to which Part 2A applies

24AA Aerodromes to which Part 2A applies

- (1) This Part applies to—
 - (a) any aerodrome in respect of which a direction under section 12, 13 or 14 to the manager of the aerodrome is in force, and
 - (b) any other aerodrome specified in an order made by the Secretary of State.
- (2) Any reference in the following provisions of this Part to an aerodrome is a reference to an aerodrome to which this Part applies.
- (3) The power to make an order under this section is exercisable by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.

Changes to legislation: There are currently no known outstanding effects for the Policing and Crime Act 2009, Part 7. (See end of Document for details)

Risk assessment at aerodromes

24AB Risk advisory groups

- (1) The manager of an aerodrome must establish a group (“a risk advisory group”) for the aerodrome.
- (2) The group is to consist of—
 - (a) an individual nominated by the manager,
 - (b) the chief officer of police for the relevant police area or an individual nominated by the chief officer, and
 - (c) the individuals (if any) nominated under subsections (3) to (6).
- (3) The manager of the aerodrome may at any time nominate one or more individuals to be members of the group (in addition to the individual nominated under subsection (2)(a)).
- (4) The chief officer of police may at any time nominate one individual to be a member of the group (in addition to the individual, if any, nominated under subsection (2)(b)).
- (5) The Commissioners for Her Majesty's Revenue and Customs may at any time nominate one individual to be a member of the group.
- (6) The Secretary of State may at any time nominate one or more individuals to be members of the group.
- (7) If the manager of the aerodrome wishes to make a nomination under subsection (3) at any time after the establishment of the group, the manager must consult the group before making the nomination.
- (8) An individual may be nominated under subsections (2) to (6) only if the individual has knowledge or experience which is relevant to the assessment of threats, or particular kinds of threats, to the security of aerodromes.
- (9) The group must permit any individuals nominated by the Secretary of State for the purposes of this subsection to attend meetings of the group as observers.

24AC Functions of risk advisory groups

- (1) The risk advisory group for an aerodrome must prepare a risk report for the aerodrome before the end of the period of 2 months beginning with the day by which the group is required to be established.
- (2) A risk report is a document containing an assessment of each threat to the security of the aerodrome.
- (3) In relation to each such threat, the risk report must also—
 - (a) contain an assessment of the effectiveness of any security measures that are being taken in relation to the aerodrome in response to the threat, and
 - (b) set out the recommendations of the group as to the security measures that should be taken, or continue to be taken, in response to the threat.

Changes to legislation: There are currently no known outstanding effects for the Policing and Crime Act 2009, Part 7. (See end of Document for details)

- (4) The group—
 - (a) must from time to time revise the assessments contained in the report so as to keep them up to date, and
 - (b) may at any time revise the recommendations.
- (5) Where the report is prepared or revised, the group must give a copy of it to the manager of the aerodrome.
- (6) The manager of the aerodrome must then give a copy of the report to each member of the security executive group for the aerodrome.
- (7) If the Secretary of State at any time requests a copy of the risk report for an aerodrome, the manager of the aerodrome must give the Secretary of State a copy of the report (or, in the case of a report which has been revised, the report as so revised).
- (8) In subsection (1), “the day by which the group is required to be established” means the day which is the relevant day in relation to the aerodrome for the purposes of section 24AL.

24AD Discharge of functions by risk advisory groups

- (1) In exercising its functions, the risk advisory group for an aerodrome must have regard to—
 - (a) any directions given under section 12, 13, 13A or 14,
 - (b) any national threat assessment, and
 - (c) any guidance given by the Secretary of State which is relevant to the group's functions.
- (2) A member of the risk advisory group may not disclose any information received by the member in the exercise of the member's functions under this Part except—
 - (a) for the purpose of any of those functions, or
 - (b) for any other purpose connected with the making of aerodrome security plans or their implementation.
- (3) In this section, “national threat assessment” means any assessment issued by the Secretary of State of a threat to the aviation industry.

Aerodrome security planning

24AE Aerodrome security plans

- (1) There must be an aerodrome security plan in force in relation to an aerodrome at all times after the period of 9 months beginning with the day by which the security executive group for the aerodrome is required to be established.
- (2) An aerodrome security plan is a plan which specifies—
 - (a) the security measures, if any, that each relevant person is to take in relation to the aerodrome during the period for which the plan is in force, and

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- (b) the arrangements for monitoring the implementation of those measures (“monitoring arrangements”).
- (3) An aerodrome security plan may specify steps to be taken by a relevant person for the purposes of the monitoring arrangements (“monitoring steps”).
- (4) The relevant persons are—
 - (a) the manager of the aerodrome,
 - (b) the chief officer of police for the relevant police area,
 - (c) any operator of an aircraft that takes off from, or lands at, the aerodrome,
 - (d) any person who is permitted to have access to the aerodrome for the purposes of a business carried on by the person,
 - (e) any person who occupies any land forming part of the aerodrome,
 - (f) the Serious Organised Crime Agency,
 - (g) the Commissioners for Her Majesty's Revenue and Customs, and
 - (h) the Secretary of State.
- (5) If the plan specifies security measures to be taken by a person within subsection (4)(a) or (c) to (h) (“B”), the plan may also specify—
 - (a) that any other relevant person is to make payments in respect of the costs reasonably incurred by B in connection with the security measures, and
 - (b) the amount of those payments or the manner in which their amount is to be assessed.
- (6) If the plan specifies security measures to be taken by a person within subsection (4)(c) to (h), the plan may also specify that the manager of the aerodrome is to provide accommodation or facilities in connection with those measures.
- (7) A relevant person must comply with any provision of an aerodrome security plan which provides that the person is to—
 - (a) take a security measure,
 - (b) take a monitoring step, or
 - (c) make any payments or provide any accommodation or facilities.
- (8) In subsection (1), “the day by which the security executive group for the aerodrome is required to be established” means the day which is the relevant day in relation to the aerodrome for the purposes of section 24AL.

24AF Aerodrome security plans: duration etc.

- (1) An aerodrome security plan must specify the period for which it is to be in force.
- (2) In the case of the first plan for the aerodrome, the period specified must—
 - (a) begin on the day after the end of the period mentioned in section 24AE(1), and
 - (b) end on either the 31 March next following that day or on any subsequent 31 March specified in the plan.
- (3) In the case of any subsequent plan, the period specified must—

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- (a) begin on 1 April, and
 - (b) end on either the 31 March next following that day or on any subsequent 31 March specified in the plan.
- (4) An aerodrome security plan ceases to be in force if the aerodrome to which it relates ceases to be one to which this Part applies.
- (5) If there is a dispute about security planning for an aerodrome which relates to an aerodrome security plan which is not in force, the Secretary of State may direct that the plan is to come into force at the beginning of a day other than that specified in subsection (2)(a) or (3)(a).

24AG Security executive groups

- (1) The manager of an aerodrome must establish a group (“the security executive group”) for the aerodrome.
- (2) The group is to consist of—
- (a) a representative of the manager of the aerodrome,
 - (b) the chief officer of police for the relevant police area or a representative of the chief officer,
 - (c) a representative of the police authority for the relevant police area,
 - (d) if the Commissioners for Her Majesty's Revenue and Customs so request, a representative of the Commissioners,
 - (e) if the Serious Organised Crime Agency so request, a representative of the Agency,
 - (f) the individual nominated under subsection (3), and
 - (g) any individuals nominated under subsections (4) to (6).
- (3) The manager of the aerodrome must nominate as a member of the group an individual who appears to the manager to represent the interests of the operators of aircraft that take off from, or land at, the aerodrome.
- (4) The Secretary of State may at any time nominate as a member of the group an official of the Secretary of State who exercises functions relating to immigration.
- (5) The manager of the aerodrome or the Secretary of State may at any time nominate as a member of the group an individual who is, or who appears to the manager or (as the case may be) the Secretary of State to represent the interests of, a particular relevant person within section 24AE(4)(c) to (e).
- (6) The manager of the aerodrome or the Secretary of State may at any time nominate as a member of the group an individual who appears to the manager or (as the case may be) the Secretary of State to represent the interests of any description of relevant persons within section 24AE(4)(c) to (e).
- (7) More than one individual may be nominated under subsection (5) or (6) (but not in relation to the same relevant person or description of relevant persons).
- (8) The group must permit any individuals nominated by the Secretary of State for the purposes of this subsection to attend meetings of the group as observers.

Changes to legislation: There are currently no known outstanding effects for the Policing and Crime Act 2009, Part 7. (See end of Document for details)

24AH Functions of security executive groups

- (1) The security executive group for an aerodrome must—
 - (a) decide the contents of each aerodrome security plan for the aerodrome, and
 - (b) keep the contents of each plan under review and decide whether (and, if so, how) they should be varied.
- (2) No provision may be included in an aerodrome security plan unless all the members of the group unanimously agree that it should be included.
- (3) An aerodrome security plan may not be varied unless all the members of the group unanimously agree to the variation.
- (4) But the agreement of a member is not required for the purposes of subsection (2) or (3) if the member unreasonably fails to inform the other members of the group whether the member agrees or disagrees to the inclusion of the provision or (as the case may be) to the variation.
- (5) If the Secretary of State at any time requests a copy of an aerodrome security plan, the manager of the aerodrome must give a copy of the plan to the Secretary of State.

24AI Objections to proposals by security executive groups

- (1) The security executive group for an aerodrome must notify a person to whom this section applies if—
 - (a) the group proposes to include a provision in an aerodrome security plan or to vary a provision in a plan, and
 - (b) the provision (or the provision as varied) would by virtue of section 24AE require the person to—
 - (i) take a security measure,
 - (ii) take a monitoring step, or
 - (iii) make any payments.
- (2) This section applies to—
 - (a) any relevant person within section 24AE(4)(c) to (e), other than such a person who is represented on the security executive group by virtue of section 24AG(5),
 - (b) the Commissioners for Her Majesty's Revenue and Customs, unless the Commissioners are represented on the group,
 - (c) the Serious Organised Crime Agency, unless the Agency is represented on the group,
 - (d) the Secretary of State, unless the Secretary of State has made a nomination under section 24AG(4).
- (3) A person notified under subsection (1) may object to the proposal by informing the group that the person objects.
- (4) The person must give the group the reasons for the objection.

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- (5) The objection must be made before the end of the period of 30 days beginning with the day on which the person was notified of the proposal (“the 30 day period”).
- (6) The group must consider an objection made by a person in accordance with this section.
- (7) If the members of the group and the person are unable to reach agreement on whether or not the proposal should be withdrawn or varied in the light of the objection, the member of the group who represents the manager of the aerodrome must refer the matter under section 24AN(1) (disputes about security plans).
- (8) A provision mentioned in subsection (1) may not be included in an aerodrome security plan or (as the case may be) may not be varied before the end of the 30 day period.
- (9) If an objection is made in accordance with this section before the end of the 30 day period the provision may not be included in the plan or (as the case may be) may not be varied unless—
 - (a) the members of the group and the person who objected agree that it may be included or varied, or
 - (b) it is included or varied by virtue of section 24AQ (powers in relation to disputes about security plans).

24AJ Discharge of functions by security executive groups

- (1) In exercising its functions, the security executive group for an aerodrome must have regard to—
 - (a) any directions given under section 12, 13, 13A or 14,
 - (b) the risk report for the aerodrome,
 - (c) any national threat assessment, and
 - (d) any guidance given by the Secretary of State which is relevant to the group's functions.
- (2) The group must—
 - (a) consider each recommendation in the risk report, and
 - (b) ensure that a record of its decision whether to accept or reject the recommendation, together with the reasons for the decision, is appended to an aerodrome security plan.
- (3) A member of the security executive group may not disclose any information received by the member in the exercise of the member's functions under this Part except—
 - (a) for the purpose of any of those functions, or
 - (b) for any other purpose connected with the making of aerodrome security plans or their implementation.
- (4) In this section, “national threat assessment” means any assessment issued by the Secretary of State of a threat to the aviation industry.

Changes to legislation: There are currently no known outstanding effects for the Policing and Crime Act 2009, Part 7. (See end of Document for details)

Aerodrome security groups: general

24AK Aerodrome groups: supplemental

- (1) An individual may be a member of both the risk advisory group and the security executive group for an aerodrome.
- (2) The manager of the aerodrome may at any time—
 - (a) revoke a nomination under section 24AB(2)(a) or 24AG(3), and
 - (b) make another nomination under that provision.
- (3) A person who makes a nomination under section 24AB(2)(b) or (3) to (6) or (9) or section 24AG(4) to (6) or (8) may at any time revoke the nomination (whether or not the person makes another nomination under the provision in question).
- (4) Except as provided by this Part, risk advisory groups and security executive groups may decide their own procedures (and, in particular, may allow individuals who are not members of the groups to attend meetings and take part in discussions).
- (5) The manager of an aerodrome must ensure that the risk advisory group and the security executive group for the aerodrome have such accommodation and facilities as are necessary to enable them to discharge their functions.

24AL Period for establishment of aerodrome groups

- (1) The risk advisory group and the security executive group for an aerodrome must each be established before the relevant day.
- (2) In the case of an aerodrome to which this Part applies on the commencement date, the relevant day is —
 - (a) in relation to the risk advisory group, the end of the period of 1 month beginning with the commencement date, and
 - (b) in relation to the security executive group, the end of the period of 3 months beginning with the commencement date.
- (3) In subsection (2), “commencement date” means the date on which section 79 of the Policing and Crime Act 2009 comes into force.
- (4) In the case of any other aerodrome to which this Part applies, the relevant day is—
 - (a) in relation to the risk advisory group, the end of the period of 1 month beginning with the date on which the aerodrome becomes one to which this Part applies, and
 - (b) in relation to the security executive group, the end of the period of 3 months beginning with that date.

Changes to legislation: There are currently no known outstanding effects for the Policing and Crime Act 2009, Part 7. (See end of Document for details)

Disputes about security planning

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 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,

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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.
- (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.

Changes to legislation: There are currently no known outstanding effects for the Policing and Crime Act 2009, Part 7. (See end of Document for details)

- (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
 - (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.

Changes to legislation: There are currently no known outstanding effects for the Policing and Crime Act 2009, Part 7. (See end of Document for details)

General and supplemental

24AS Power to exempt or modify

- (1) The Secretary of State may by order provide that this Part—
 - (a) does not apply in relation to a specified aerodrome in respect of which any directions under section 12, 13, 13A or 14 are in force, or
 - (b) applies in relation to such an aerodrome with specified modifications.
- (2) In subsection (1) “specified” means specified in the order.
- (3) The power to make an order under this section is exercisable by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.

24AT Interpretation

- (1) In this Part—
 - “aerodrome” is to be construed in accordance with section 24AA(2);
 - “aerodrome security plan” has the meaning given by section 24AE(2);
 - “dispute about security planning for an aerodrome”, “dispute about the contents of an aerodrome security plan” and “dispute about the implementation of an aerodrome security plan” have the meanings given by section 24AM(2) to (4);
 - “relevant persons”, in relation to an aerodrome, means the persons mentioned in section 24AE(4);
 - “relevant police area”, in relation to an aerodrome, means the police area in which the aerodrome is wholly or mainly situated;
 - “risk advisory group”, in relation to an aerodrome, means the group established for the aerodrome in accordance with section 24AB;
 - “risk report”, in relation to an aerodrome, has the meaning given by section 24AC(2);
 - “security executive group”, in relation to an aerodrome, means the group established for the aerodrome in accordance with section 24AG;
 - “security measure”, in relation to an aerodrome, means any measure taken for a purpose to which Part 2 applies (protection of aerodromes etc. against acts of violence) or otherwise for the purpose of preventing crime or preserving the peace at the aerodrome, but it does not include—
 - (a) any measure specified in a direction under Part 2, or
 - (b) any measure which an officer of Revenue and Customs or an official of the Secretary of State exercising functions in relation to immigration is required to take by virtue of any enactment.
- (2) Any reference in this Part to the security of an aerodrome includes a reference to the preservation of the peace at the aerodrome (and any reference to a threat to the security of the aerodrome is to be construed accordingly).

Changes to legislation: There are currently no known outstanding effects for the Policing and Crime Act 2009, Part 7. (See end of Document for details)

- (3) Any reference in the preceding provisions of this Part to a person nominated under a provision of this Part is a reference to a person who has been nominated under that provision and accepts that nomination (unless the context otherwise requires).
- (4) If an aerodrome to which this Part applies—
- (a) ceases to be such an aerodrome, but
 - (b) subsequently becomes such an aerodrome again,
- this Part applies in relation to the aerodrome as if it had become an aerodrome to which this Part applies for the first time.
- (5) For the purposes of this Part the risk advisory group for an aerodrome is to be treated as established when both of the following conditions are first met—
- (a) the person nominated by the manager of the aerodrome under section 24AB(2)(a) accepts the nomination;
 - (b) the chief officer of police for the relevant police area informs the manager of the aerodrome that either the chief officer will serve as a member of the group or that a person nominated by the chief officer for the purposes of section 24AB(2)(b) has accepted the nomination.
- (6) For the purposes of this Part the security executive group for an aerodrome is to be treated as established when all of the following conditions are first met—
- (a) the manager of the aerodrome appoints a representative under section 24AG(2)(a);
 - (b) the chief officer of police for the relevant police area informs the manager of the aerodrome that either the chief officer will serve as a member of the group or that the chief officer has appointed a representative for the purposes of section 24AG(2)(b);
 - (c) the police authority for the relevant police area informs the manager of the aerodrome that the police authority has appointed a representative for the purposes of section 24AG(2)(c);
 - (d) a person nominated by the manager of the aerodrome under section 24AG(3) accepts the nomination.
- (7) In the application of this Part to Scotland—
- (a) references to the chief officer of police for the relevant police area are to be read as references to the chief constable of the police force for that area, and
 - (b) references to the police authority for the relevant police area are, where a joint police board is constituted for that area in accordance with an amalgamation scheme made under the Police (Scotland) Act 1967 (c. 77), to be read as references to that joint police board.
- (8) In the application of this Part to Northern Ireland—
- (a) references to the chief officer of police for the relevant police area are to be read as references to the Chief Constable of the Police Service of Northern Ireland, and
 - (b) references to the police authority for the relevant police area are to be read as references to the Northern Ireland Policing Board.”

Changes to legislation: There are currently no known outstanding effects for the Policing and Crime Act 2009, Part 7. (See end of Document for details)

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Commencement Information

- I1** S. 79 in force at 29.1.2010 for E.W.S. by S.I. 2010/125, **art. 2(k)**
- I2** S. 79 in force at 1.4.2010 for N.I. by S.I. 2010/507, **art. 5(m)**

80 Policing at airports

Schedule 6 (which amends Part 3 of the Aviation Security Act 1982 (c. 36) and makes transitional and saving provision) has effect.

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Commencement Information

- I3** S. 80 in force at 29.1.2010 for E.W.S. by S.I. 2010/125, **art. 2(l)**
- I4** S. 80 in force at 1.4.2010 for N.I. by S.I. 2010/507, **art. 5(n)**

Changes to legislation:

There are currently no known outstanding effects for the Policing and Crime Act 2009, Part 7.