STATUTORY INSTRUMENTS

1978 No. 769

CIVIL AVIATION

The Aviation Security Fund Regulations 1978

Laid before Parliament in draft

Made - - - -	26*th May* 1978
Coming into Operation	31*st May* 1978

The Secretary of State, in exercise of his powers under section 2 of the Civil Aviation Act 1978**(a)** and of all other powers enabling him in that behalf and with the consent of the Treasury in respect of Regulation 3(3), hereby makes the following Regulations, a draft of which has been laid before and approved by a resolution of each House of Parliament in accordance with subsection (9) of the said section 2.

1. These Regulations may be cited as the Aviation Security Fund Regulations 1978 and shall come into operation on 31st May 1978.

2.—(1) In these Regulations—

"aerodrome" means an aerodrome—

(*a*) (i) which is owned or managed by the Civil Aviation Authority, or

(ii) which is licensed for public use on 1st March 1978 within the meaning of the Air Navigation Order 1976**(b)** as amended**(c)**; and

(*b*) at which in the calendar year 1976 the total number of

(i) passengers who arrived by air at the aerodrome, and

(ii) passengers who departed by air from it,

exceeded 50,000;

"maximum total weight authorised" has the same meaning as in the Air Navigation Order 1976;

"period"means a period of one month commencing on the first day of each month;

"the sum" means a sum of 80p;

and other expressions have the same meanings as in the Protection of Aircraft Act 1973**(d)**.

(a) 1978 c. 8.
(b) S.I. 1976/1783.
(c) The relevant amending Order is S.I. 1977/2160.
(d) 1973 c. 47.

(2) In Regulations 3 and 4 "passengers" means passengers of all descriptions except

(*a*) persons on aircraft not operating for hire or reward;

(*b*) children under three years of age;

(*c*) persons employed or engaged in an aircraft in flight on the business of the aircraft;

(*d*) persons carried on an aircraft which returns to the aerodrome from which it departed without landing at any other place;

(*e*) persons carried on an aircraft of which the maximum total weight authorised does not exceed 5,000 kg;

(*f*) persons who depart from the aerodrome in the aircraft in which they arrived without having meanwhile left the aerodrome.

(3) The Interpretation Act 1889(a) shall apply for the interpretation of these Regulations as it applies for the interpretation of an Act of Parliament.

3.—(1) Every aerodrome authority shall pay to the Secretary of State in respect of every period for any aerodrome managed by it a contribution to the Aviation Security Fund of an amount ascertained by multiplying the sum by the number of passengers in excess of 2,000 who during that period arrived by air at that aerodrome, the first period beginning on 1st April 1978.

(2) Contributions required by paragraph (1) above shall be paid to the Secretary of State not more than three months after the end of the period to which they relate.

(3) Interest at the rate of 10 per cent. per annum, from the date of expiry of the time within which contributions are required to be paid under paragraph (2) above, shall be payable to the Secretary of State on so much of any contribution required by paragraph (1) above as is not paid within that time.

4.—(1) Every aerodrome authority shall furnish to the Secretary of State

(*a*) not more than three months after the end of each period particulars of the number of passengers who have during that period arrived by air at each aerodrome under its management; and

(*b*) not later than the end of the month of June in 1979 and in each subsequent year particulars of the number of passengers who have during the year ending on the previous 31st March arrived by air at each aerodrome under its management and those particulars shall be certified as correct by auditors appointed by that aerodrome authority.

(2) Any aerodrome authority who contravenes the provisions of this Regulation shall be guilty of an offence and liable on summary conviction to a fine not exceeding £1,000 and on conviction on indictment to a fine.

Stanley Clinton Davis,
Parliamentary Under-Secretary of State,
Department of Trade.

26th May 1978.

(a) 1889 c. 63.

We consent to the making of Regulation 3(3) of these Regulations.

T. M. Cox,
T. E. Graham,
Lords Commissioners of
Her Majesty's Treasury.

25th May 1978.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations require certain aerodrome authorities to pay to the Secretary of State contributions to an Aviation Security Fund, out of which payments are defrayed that fall to be made under section 23 of the Protection of Aircraft Act 1973 and section 7 of the Policing of Airports Act 1974 (c. 41). Under these provisions the Secretary of State may reimburse aircraft operators, aerodrome authorities and others the cost of the security measures therein specified.

Contributions are required to be made in respect of 28 aerodromes which are owned or managed by the Civil Aviation Authority or licensed by them for public use on 1st March 1978 and which had more than 50,000 passengers in 1976. These aerodromes are as follows:

Aberdeen	Gatwick	Newcastle
Belfast	Glasgow	Norwich
Birmingham	Heathrow	Prestwick
Blackpool	Inverness	Southampton
Bournemouth	Kirkwall	Southend
Bristol	Leeds/Bradford	Stansted
Cardiff-Wales	Liverpool	Sumburgh
East Midlands	Luton	Tees-side
Edinburgh	Lydd	
Exeter	Manchester	

The Regulations provide that the contribution in respect of each aerodrome shall be calculated by multiplying 80 pence by the number of passengers in excess of 2,000 a month arriving on flights by aircraft operating for hire or reward of which the maximum total weight authorised is over 5 tonnes. Certain classes of passengers are excluded from the calculation, including those under three years of age. Contributions are payable monthly from April 1978, not more than three months after the end of each month. Aerodrome authorities must report the number of passengers who arrive each month, and the figures must be certified annually by auditors. Interest at the rate of 10% per annum is payable on any overdue contributions.

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