

Policing of Airports Act 1974

1974 CHAPTER 41

An Act to make provision for enabling the policing of any airport designated for that purpose to be undertaken by the police force for the area in which it is wholly or mainly situated; and for connected purposes. [31st July 1974]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Designated airports.

1.—(1) The Secretary of State may by order designate for the purposes of this Act any aerodrome used for the purposes of civil aviation if he considers that the policing of that aerodrome should, in the interests of the preservation of the peace and the prevention of crime, be undertaken by constables under the direction and control of the chief officer of police for the police area in which the aerodrome is wholly or mainly situated.

(2) Before making an order under subsection (1) above in relation to any aerodrome the Secretary of State shall consult the aerodrome authority and the police authority and chief officer of police for the police area in question.

(3) The power to make an order under subsection (1) above shall be exercisable by statutory instrument and—

(*a*) any order containing a statement that it is made with the consent of the authorities mentioned in subsection (2) above shall be subject to annulment in pursuance of a resolution of either House of Parliament;

(*b*) any order not containing such a statement shall be laid before Parliament in draft and shall not be made unless the draft is approved by resolution of each House of Parliament.

(4) Any order under subsection (1) above may be revoked by a subsequent order, and subsections (2) and (3) above shall apply to any such subsequent order as they apply to an order under subsection (1) above.

(5) In this Act "designated airport" means any aerodrome for the time being designated under this section and "relevant police area" and "relevant constable", in relation to any aerodrome, mean respectively the police area in which the aerodrome is wholly or mainly situated and any constable under the direction and control of the chief officer of police for that area.

Exercise of police functions at designated airports.

2.—(1) So long as any aerodrome is a designated airport—

(*a*) any relevant constable shall, when acting in the execution of his duty and, in particular, for the purpose of exercising the powers conferred on such a constable by or under the subsequent provisions of this Act, be entitled as against the aerodrome authority to enter any part of the aerodrome; and

(*b*) no member of any aerodrome constabulary maintained by that authority shall have the powers and privileges or be liable to the duties and responsibilities of a constable on the aerodrome or exercise there any power conferred by or under any enactment on members of that constabulary or on constables generally.

(2) Paragraph (*a*) of subsection (1) above is without prejudice to any right of entry existing apart from that paragraph.

(3) The aerodrome authority of an aerodrome which is a designated airport shall—

(*a*) make to the police authority for the relevant police area such payments in respect of the policing of the aerodrome, and

(*b*) provide, for use in connection with the policing of the aerodrome, such accommodation and facilities,

as those authorities may agree or as may, in default of agreement, be determined by the Secretary of State.

(4) Where the relevant police area is the metropolitan police district, subsection (3) above shall have effect with the substitution for references to the police authority of references to the receiver for that district.

Prevention of theft at designated airports.

3.—(1) Any relevant constable may in any aerodrome which is a designated airport—

(*a*) stop, and without warrant search and arrest, any airport employee whom he has reasonable grounds to suspect of having in his possession or of conveying in any manner anything stolen or unlawfully obtained on the aerodrome; and

(*b*) if he has reasonable grounds to suspect that anything stolen or unlawfully obtained on the aerodrome may be found in or on any vehicle carrying an airport employee or in or on any aircraft, stop and without warrant search and detain the vehicle or, as the case may be, board and without warrant search the aircraft.

(2) Any relevant constable may—

(*a*) stop any person who is leaving a cargo area in an aerodrome which is a designated airport and inspect any goods carried by that person;

(*b*) stop and search any vehicle or aircraft which is leaving any such area and inspect the vehicle or aircraft and any goods carried on or in it; and

(*c*) detain in the area—

(i) any such goods as aforesaid for which there is not produced a document authorising their removal from the area signed by a person authorised in that behalf by the aerodrome authority; and

(ii) any such vehicle or aircraft as aforesaid so long as there are on or in it goods liable to detention under this paragraph.

(3) Nothing in subsection (2) above shall be construed as conferring a power to search any person.

(4) In any cargo area in an aerodrome which is a designated airport the powers of a constable under subsection (1)(*b*) above

(*a*) extend to any vehicle whether or not it is carrying an airport employee; and

(*b*) include power, not only to board and search an aircraft, but also to stop and detain it.

(5) In this section "airport employee", in relation to any aerodrome, means any person in the employment of the aerodrome authority and any person employed otherwise than by that authority to work on the aerodrome.

(6) In this section "cargo area" means, subject to subsection (7) below, any area which appears to the Secretary of State to be used wholly or mainly for the storage or handling of cargo in an aerodrome and is designated by an order made by him for the purposes of this section.

(7) Where an aerodrome owned or managed by the British Airports Authority becomes a designated airport at a time when an area in that aerodrome is designated for the purposes of section 11 of the Civil Aviation Act 1968 (which makes provision corresponding to subsections (2) to (4) above) that area shall, unless the Secretary of State by order otherwise directs, be treated as a cargo area for the purposes of this section.

1968 c. 61.

(8) Any power to make an order under this section includes power to vary or revoke a previous order and shall be exercisable by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.

(9) The powers conferred by this section on a relevant constable are without prejudice to any powers exercisable by him apart from this section.

Byelaws for designated airports.

4.—(1) So long as any aerodrome is a designated airport any power of the aerodrome authority to make aerodrome byelaws shall, if it would not otherwise do so—

(*a*) extend to the making of byelaws in respect of the whole of the aerodrome; and

(*b*) include power to make byelaws requiring any person, if so requested by a relevant constable, to leave the aerodrome or any particular part of it or to state his name and address and the purpose of his being on the aerodrome.

(2) A relevant constable may remove from any aerodrome which is a designated airport, or from any part of it—

(*a*) any person who, in contravention of any aerodrome byelaws, fails or refuses to leave the aerodrome or part after being requested by the constable to do so;

(*b*) any vehicle, animal or thing brought to or left within the aerodrome or part in contravention of any aerodrome byelaws and any vehicle, animal or thing likely to cause danger or obstruction.

(3) A relevant constable may without warrant arrest a person within any aerodrome which is a designated airport—

(*a*) if he has reasonable cause to believe that the person has contravened any aerodrome byelaws and he does not know and cannot ascertain that person's name and address; or

(*b*) if that person, in contravention of any aerodrome byelaws, fails or refuses to leave the aerodrome or any particular part of it after being requested by the constable to do so.

Control of road traffic at designated airports. 1965 c. 16. 1968 c. 61.

5.—(1) So long as any aerodrome is a designated airport, the functions of a chief officer of police under any provisions applying in relation to the aerodrome under section 12 of the Airports Authority Act 1965 or section 1 of the Civil Aviation Act 1968 (application to certain aerodromes of provisions relating to road traffic) shall, notwithstanding any order under those sections, be exercisable by that officer to the exclusion of the chief officer of any aerodrome constabulary; and for the purposes of any functions of a chief officer of police under those provisions any part of the aerodrome which is not within the relevant police area shall be treated as if it were.

(2) So long as any aerodrome is a designated airport—

(*a*) traffic wardens appointed by the police authority for the relevant police area (or, if that area is the metropolitan police district, by the commissioner of police of the metropolis) may exercise their functions on the aerodrome and shall be entitled, as against the aerodrome authority, to enter the aerodrome accordingly;

(*b*) if the aerodrome is owned or managed by the British Airports Authority, no person employed by the Authority shall exercise in relation to the aerodrome any such functions as are mentioned in section 9 of the said Act of 1968 (appointment of traffic wardens by the Authority).

(3) The reference in subsection (1) above to section 12 of the said Act of 1965 includes a reference to that section as extended by section 10(2) of the said Act of 1968 (functions as respects abandoned vehicles); and subsection (2)(*a*) above has effect whether or not the whole of the aerodrome is in the relevant police area.

Supplementary orders.

6.—(1) The Secretary of State may by order make such provision as appears to him to be necessary or expedient in connection with, or in consequence of, any aerodrome becoming or ceasing to be a designated airport.

(2) Without prejudice to the generality of subsection (1) above and to the foregoing provisions of this Act, any order under this section may in particular—

(*a*) modify or suspend the operation of any local Act in so far as it makes provision in relation to the policing of the aerodrome;

(*b*) amend any aerodrome byelaws for the purpose of transferring to relevant constables any functions conferred thereby on members of an aerodrome constabulary, of extending the byelaws to the whole of the aerodrome or of including in them any such requirement as is mentioned in section 4(1)(*b*) above;

(*c*) make provision for any such transfers of officers and staff as are mentioned in subsection (3) below;

(*d*) make provision in respect of the pension rights of officers and staff so transferred, whether by requiring the making of payments, by modifying or revoking, or transferring or extinguishing liabilities or obligations under, any pension scheme, by transferring or winding up any pension fund or otherwise;

(*e*) require the aerodrome authority to make payments by way of compensation to or in respect of persons who suffer any loss of office or employment or loss or diminution of emoluments which is attributable to the aerodrome becoming a designated airport, being payments of such amount and on such terms and conditions as may be specified by or determined in accordance with the order;

(*f*) exclude any part of the aerodrome from the right of entry conferred by section 2(1)(*a*) or 5(2)(*a*) above.

(3) The transfers for which provision may be made under this section are transfers, with the consent of the persons to be transferred, of—

(*a*) members of any aerodrome constabulary maintained by the aerodrome authority to the police force for the relevant police area;

(*b*) persons employed by the British Airports Authority to discharge such functions as are mentioned in section 9 of the Civil Aviation Act 1968 to employment as traffic wardens by the police authority for the relevant police area or, if that area is the metropolitan police district, by the commissioner of police of the metropolis.

1968 c. 61.

(c) other persons employed by the aerodrome authority for police purposes to employment by the police authority for the relevant police area or, if that area is a county, to employment by the police authority or the county council or, if that area is the metropolitan police district, to employment as members of the metropolitan civil staffs.

(4) Any member of an aerodrome constabulary transferred by virtue of an order under this section to the police force for the relevant police area shall be deemed to have been duly appointed as a member of that force and to have been duly attested as such and, unless the order otherwise provides, shall hold in that force the same rank as he held in the aerodrome constabulary.

(5) Any amendment of aerodrome byelaws by an order under this section shall have effect as if duly made by the aerodrome authority and confirmed under the enactment authorising the authority to make aerodrome byelaws.

(6) Before making an order under this section in relation to any aerodrome the Secretary of State shall consult the aerodrome authority and the police authority and chief officer of police for the relevant police area.

(7) The power to make an order under this section includes power to vary or revoke a previous order and shall be exercisable by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.

Contribution by Secretary of State to expenses of aerodrome authorities.

7. The Secretary of State may, out of moneys provided by Parliament, reimburse to any aerodrome authority such part as he may with the consent of the Treasury determine of—

(*a*) any payments made or other expenses incurred by the authority under section 2(3) above;

(*b*) any payments made by the authority by virtue of any order under section 6 above.

Application to Scotland.

8.—(1) Subsections (2) and (3) below shall have effect with respect to the application of this Act to Scotland.

(2) Where the relevant police area is a combined area, references in this Act to the police authority shall be construed as references to the joint police committee.

(3) In section 6(3)(*c*), for the words from "if that area is a county" to the end there shall be substituted the words "by any local authority exercising functions for that area or any part of that area".

Application to Northern Ireland.

9.—(1) Subsections (2) to (4) below shall have effect with respect to the application of this Act to Northern Ireland.

(2) The references in section 1(1) and (5) to constables or any constable under the direction and control of the chief officer of police for the area there mentioned shall be construed as references to members or any member of the Royal Ulster Constabulary or the Royal Ulster Constabulary Reserve; and references in other provisions to a chief officer of police shall be construed as references to the Chief Constable of the Royal Ulster Constabulary.

(3) References to the police authority or police force for a police area shall respectively be construed as references to the Police Authority for Northern Ireland and the Royal Ulster Constabulary.

(4) Any reference to any enactment (including the reference to Acts in section 6(2)(*a*)) shall include a reference to enactments of the Parliament of Northern Ireland and Measures of the Northern Ireland Assembly.

Short title and interpretation.

10.—(1) This Act may be cited as the Policing of Airports Act 1974.

(2) In this Act—

"aerodrome authority" means, in relation to any aerodrome, the person (whether the British Airports Authority, the Civil Aviation Authority, a local authority or any other person) by whom the aerodrome is managed;

"aerodrome byelaws" means, in relation to any aerodrome, byelaws having effect under any enactment authorising the aerodrome authority to make byelaws in respect of the whole or any part of the aerodrome;

"aerodrome constabulary" means, in relation to any aerodrome, any body of constables which the aerodrome authority has power to maintain at the aerodrome;

"designated airport" has the meaning given in section 1(5) above;

"members of the metropolitan civil staffs" means persons who are employed under the commissioner of police of the metropolis or the receiver for the metropolitan police district and are not constables and whose salaries are paid out of the metropolitan police fund;

"relevant constable" has the meaning given in section 1(5) above;

"relevant police area" has the meaning given in section 1(5) above.

(3) For the purposes of this Act, an aerodrome which is a designated airport shall include any land, building or works for the time being included in that aerodrome for the purposes of the Protection of Aircraft Act 1973. 1973 c. 47.