Civil Aviation Authority

Aviation Security: An Overview

May 2017

Background

The Civil Aviation Act 2012 (the 'CAA 2012') amends Part 2 of the Aviation Security Act 1982 (the 'ASA 1982') by conferring certain aviation security functions on the Civil Aviation Authority (CAA). The provisions of the CAA 2012 relating to the aviation security transfer scheme came into force on 11 March 2014: the remaining aviation security provisions of the CAA 2012 came into force on 1 April 2014, at which time the Department for Transport's (DfT) aviation security Regulation and Compliance teams transferred to the CAA. Those functions were previously discharged by the DfT, and the respective present roles of the DfT and CAA in the aviation security field are documented in a Memorandum of Understanding and its annexed Statement of Responsibilities.

Responsibilities

The CAA Aviation Security Regulation team develops detailed regulatory requirements and guidance to support UK aviation security policy, providing advice and guidance to the DfT as required. The CAA Aviation Security Compliance team undertakes the monitoring and enforcement of the industry's compliance with EU and UK aviation security requirements. The Secretary of State remains responsible for aviation security policy and some specific areas including threat analysis, international relations and the making of aviation security directions under Part 2 of the ASA 1982 ('aviation security directions').

The Secretary of State remains the UK's Appropriate Authority responsible for aviation security matters under international law (the Convention on International Civil Aviation, or the 'Chicago Convention'), Regulation (EC) 300/2008 and as designated under Regulation 2 of the Aviation Security Regulations 2010 (SI 2010/902). The Secretary of State is accountable to Parliament, and within Government, for aviation security matters and is responsible for discharging the UK's Appropriate Authority obligations to ICAO and to the European Union.

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Secretary of State (DfT) Responsibilities

The Secretary of State (in practice the DfT), remains responsible for:

- Overall policy and strategy on aviation security
- Ensuring the development and implementation of the National Aviation Security Programme (NASP)
- Ensuring the development and implementation of the National Quality Control Programme (NQCP)
- Intelligence-based assessments of risk to aviation which underpin the NASP and NQCP
- Representing the UK in international fora, deciding, promoting and defending the UK position in international negotiations and being responsible as the Appropriate Authority for the discharge of the UK's international aviation security obligations
- Relations with foreign states, including the provision of assistance
- Engagement with other Government Departments and agencies having an interest in aviation security matters
- The formulation of UK legislation on aviation security matters, including making directions under Part 2 of the ASA 1982
- Commissioning and playing an active part in research relating to aviation security
- Incident management - the overall management of significant aviation security incidents[1]

CAA Responsibilities

The CAA has certain aviation security functions, including:

- Regulation - the CAA reviews all aviation security directions currently in force and makes recommendations to the Secretary of State about those directions and about the giving of further directions. Under this function the CAA, for example, prepares draft directions for the Secretary of State to consider and prepares guidance on directions (new section 14A of the ASA 1982, as inserted by section 78(2) of the CAA 2012)
- Compliance and enforcement - the CAA appoints authorised persons (i.e. Auditors) to carry out observations, inspections, audits and tests, and takes enforcement action if necessary (section 24A(1) of the ASA 1982)
- Advice and assistance to the Secretary of State - the CAA provides such advice and assistance to the Secretary of State as he may require, in connection with matters relevant to the purposes of Part 2 of the ASA 1982 (which is, essentially, the protection of civil aviation against acts of violence). This includes, for example, assisting with the delivery of, and changes to, the UK's NASP and NQCP and providing expert advice and assistance to support the Secretary of State in international negotiations (e.g. ICAO and EU) (new section of 21H of the ASA 1982)
- Advice and assistance to other persons - the CAA provides advice and assistance to those persons listed in subsection (3) of new section 21I of the ASA 1982 (e.g. managers of UK aerodromes and operators of aircraft registered or operating in the UK) as the CAA considers appropriate, having regard to the purposes to which Part 2 of the ASA 1982 applies (new section of 21I of the ASA 1982)

1 Incidents which may have an impact on aviation security or where immediate security advice, or a decision on a variation from normal security practice to meet the immediate circumstances, may be needed. Such incidents range from demonstrations, diplomatic conferences through to actual terrorist incidents.

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