



Aviation: security

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This Note gives an overview of how the UK and other governments are working to secure air transport from terrorist attacks. It includes information on the responses to 9/11 and subsequent terror attacks or attempted attacks, including the restrictions on hand luggage introduced in 2006 and the introduction of body scanners at UK airports in 2010.

This note does not cover advance passenger information or changes to embarkation checks for passengers departing the UK. These issues are covered in Library notes on immigration, particularly [SN/HA/5771](#) and [RP 09/47](#). Information on other aviation matters can be found on the [Aviation Topical Page](#) of the Parliament website, and information on terrorism on the [Terrorism Topical Page](#).

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1 International framework

In the early years of civil aviation the main area of international concern was the problem of gaps in jurisdiction over offences committed aboard aircraft. Common law countries on the whole claimed territorial jurisdiction only and did not always consider their aircraft as part of their territory. Civil law countries, on the other hand, claimed jurisdiction over offences committed by their own nationals abroad to a greater or lesser extent. Some states might grant extradition only if their national law allowed but were under no international obligation to do so. Many states refused to extradite their own nationals and most states refused extradition for political offences.

Aviation security is governed by several international treaties. Although not directly security-related, the [Convention on International Civil Aviation 1944](#) ('the Chicago Convention') regulates international civil aviation generally. The [Convention on Offences and Certain Other Acts Committed on Board Aircraft 1963](#) ('the Tokyo Convention') is concerned with establishing jurisdiction over offences committed on board aircraft, and with the extradition of offenders. Its provisions on the suppression of hijacking itself are weak. Political offences are normally excluded for extradition purposes, although not if they affected the safety of the aircraft.

After the large increase in hijacking of aircraft between 1969 and 1970 the international community became active in seeking new legislation to prevent hijacking. The [Convention for the Suppression of Unlawful Seizure of Aircraft 1970](#) ('the Hague Convention') was intended as a remedy. This establishes hijacking as a crime and obliges parties to make it punishable by severe penalties. It also introduces further provisions on extradition. The [Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation 1971](#) ('the Montreal Convention') deals with the sabotage of aircraft and follows a similar model to the Hague Convention. This was supplemented by the [Montreal Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving Civil Aviation](#) signed in 1988. This protocol commits the states ratifying it to make it an offence to carry out armed attacks at international airports or to cause damage or disruption at such airports. The protocol provides for severe penalties for these offences.

One development facilitating extradition in the case of offences against aircraft and their passengers is the [European Convention on the Suppression of Terrorism](#) which takes some such offences outside the category of 'political' offences. The convention entered into force between the first three states to ratify on 4 August 1978 and for the UK on 25 October 1978 under the [Suppression of Terrorism Act 1978](#).

After the bombing of a Pan Am aircraft over Lockerbie in December 1988, the [International Civil Aviation Organisation \(ICAO\)](#) adopted an eight-point aviation security plan that became the basis for improvements in aviation security throughout the world:

- the screening of checked passengers' baggage;
- baggage reconciliation;
- screening of cargo and mail;
- control of access to sensitive areas at airports;
- carriage of items that cannot be easily opened;

- better detection of explosives;
- building security into the design of aircraft; and
- strengthening of the powers and organisation of ICAO to enable it to implement more actively the safety standards.

2 UK framework

The Tokyo Convention was originally enacted in UK legislation by the *Tokyo Convention Act 1967* which was replaced by section 92(1) of the *Civil Aviation Act 1982*. The *Civil Aviation (Amendment) Act 1996* closed a previous loophole in the 1982 Act by the insertion of section 92(1B) so that acts or omissions which take place on board UK-bound foreign aircraft should constitute offences had they occurred in, or in a part, of the UK. It also provides that proceedings may be brought in relation to any such offence on a UK-bound foreign aircraft, whether the landing of the aircraft in the UK was scheduled or not. Proceedings could not previously be brought if the aircraft had not in fact landed in the UK, or if the aircraft had landed abroad following the incident and before its arrival in the UK.

Both the hijacking provisions of the Hague Convention (which were given effect in the UK by the *Hijacking Act 1971*) and the provisions of the Montreal Convention (which were enacted in the UK by the *Protection of Aircraft Act 1973*) are now contained in the *Aviation Security Act 1982*, as amended. Under this Act offences are covered regardless of the nationality of the aircraft or the person committing the offence and the whereabouts of the aircraft; it also contains provisions that give the Secretary of State power to issue Directions to airport and aircraft operators.

The *Aviation and Maritime Security Act 1990* enabled the government to ratify the 1988 Montreal Protocol adopted after the Lockerbie bombing. The aviation security provisions of this Act were framed as amendments to the *Aviation Security Act 1982*. They widened the category of person to whom the Secretary of State could give Directions to include businesses which go on at airports. In practice this meant that catering suppliers, cleaning firms, aircraft maintenance and servicing firms and suppliers of aircraft stores were brought within the scope of the 1982 Act. The Act gave powers to aviation security inspectors to issue enforcement notices when there is a failure to comply with a direction. The Act also created new offences relating to security at aerodromes, bringing individuals within the scope of aviation security legislation so that certain acts prejudicial to aviation security became offences. For example, it became an offence for a person to give false information in answer to questions relating to baggage cargo or stores.

On 4 July 1994 it was made a legal requirement for each item of hold baggage, placed on board an aircraft for a flight outside the UK to be accounted for and authorised for carriage. This was referred to as 'Triple A', Accounting and Authorising for Carriage.¹ Previously it was a legal requirement for aircraft operators to ensure that all passengers and operating crew, whose baggage had been loaded onto an aircraft, had boarded and would travel on that aircraft. The baggage of passengers who checked in but did not board the aircraft were removed and not carried unless it was subjected to security controls.

The government has the power under section 60 of the *Civil Aviation Act 1982* to make an Order in Council to give effect to the Chicago Convention which regulates international civil

¹ DoT press notice, "New aviation security measures come into force", 4 July 1994 [PN 94/248]

aviation. Under Article 232 of the *Air Navigation Order 2009* (SI 2009/3015), the [Civil Aviation Authority \(CAA\)](#) or an authorised person may detain aircraft for reasons of airworthiness or other grounds.

Responsibility for searching and screening baggage is divided between the airport which checks hand baggage and boarding passengers, and the airline which checks the hold baggage. Most airlines contract this function out to private companies. There have been intermittent reports over the years of lax security at airports.

The role of [Transec](#), the Department for Transport's Transport Security and Contingencies Directorate, is:

[to] protect the travelling public, transport facilities and those employed in the transport industries, primarily from acts of terrorism, and to retain public confidence in transport security, whilst not imposing requirements that impact disproportionately on the travelling public or on the effectiveness and efficiency of industry operations; and to co-ordinate the DfT's arrangements for responding to serious disruption of national life, actual or threatened, however caused.²

Transec was established in 1991, following the Lockerbie disaster, as a replacement for the Aviation Security Division of the then Department of Transport. Its responsibilities were extended to include maritime security in the 1990s, then further extended to include the Channel Tunnel. Since 2000, it has had oversight of national rail, London Underground, and the Docklands Light Railway. Since 2005, it has also had responsibility for the Glasgow Subway and the security of dangerous goods in transit.

As to Transec's budget for aviation security, the previous Labour Government said:

Government policy is that the UK aviation industry meets the costs of security—as it does other running costs—and to pass these on to the consumer as appropriate. The Department does fund the Transport Security and Contingencies Directorate (TRANSEC) which carries out the Department's regulatory responsibilities for transport security and as part of that funds a programme of research and provides training aids to encourage improvements in transport security in the UK.³

Transec's 2009-10 annual report gives the following information:

We spent £25.7m during the year. Expenditure in 2009–10 and during the previous year is summarised in Table A.1.

	2009–10 £000	2008–09 £000
Staff costs	14,713	11,417
Delivery programmes	10,486	9,145
Capital programmes	188	247
Non-cash	272	184
Total expenditure	25,659	20,993

² Transport Committee, *UK Transport Security – preliminary report* (first report of session 2005-06), HC 637, 30 November 2005, Ev 1

³ [HC Deb 19 December 2006, c1755W](#)

[...]

The increase in expenditure during 2009–10 over the previous year was due primarily to additional spending on new crosscutting work programmes, such as the Olympics transport security and the personnel security programmes, and on a comprehensive programme to improve the Directorate's compliance capabilities (the compliance improvement programme).⁴

3 Responses to specific terror attacks and threats

3.1 9/11 and its impact on international aviation security

On 9/11 2001 four civilian airliners were hijacked by 19 al-Qaeda operatives and flown into major United States landmarks, destroying the two World Trade Center towers in New York and damaging the Pentagon in Washington. The fourth plane crashed in Pennsylvania. Two thousand, nine hundred and seventy-six people were killed in the terrorist attacks.⁵

Initiatives by international bodies

The ICAO Assembly was held in Montreal from 25 September to 5 October 2001. A resolution was made directing the Council of ICAO to develop an action plan to address the threat to civil aviation, including a review of international conventions and Annex 17 of the Chicago Convention.⁶ Annex 17 of the Chicago Convention provides for such measures as:

- setting up administrative structure responsible for assessing the threat and co-ordinating action to be taken, including emergency action in the event of a hijack;
- controls designed to prevent weapons or explosives from being taken on board aircraft (strict controls on access to sensitive areas of airports, aircraft monitoring, passenger and baggage checks, freight inspections etc); and
- closer international co-operation to help prevent or deal with illegal acts.

Until the revision of Annex 17 the proposed resolution from ICAO suggested interim measures including:

- applicability of Annex 17 to domestic flights;
- a recommendation to require cockpit doors to remain locked during flight; and
- upgrading of provisions regarding airport security controls.

In 2002 ICAO adopted a comprehensive plan of action to reinforce aviation security worldwide following the events of 9/11. A high-level ministerial conference on aviation security held on 19 and 20 February 2002 endorsed a global strategy for strengthening aviation security and issued a public declaration on the subject. A central element of the strategy was an ICAO Aviation Security Plan of Action which includes regular, mandatory, systematic and harmonised audits to evaluate aviation security in place in all 188 Member States. The first audit was carried out in November 2002. The Plan also includes identification, analysis and development of an effective global response to new and emerging threats.

⁴ DfT, [TRANSEC Annual Report April 2009–March 2010](#), Cm 7941, September 2010, Annex A

⁵ for more information on international terrorism and al-Qaeda, see HC Library standard note [SN/IA/3716](#)

⁶ ICAO press notice, "[Resolution calls for international conference on aviation security](#)", 25 September 2001

In March 2002, the Council adopted standards for tighter in-flight security, including improved security around the cockpit area such as reinforced cockpit doors, as well as other on-board security measures. In June 2002, the Council approved in principle the establishment of a global aviation war risk insurance scheme, 'Globaltime', to cover the risks left open by the withdrawal of commercial insurance coverage, in whole or in part, following the events of 9/11. The deadline for States to notify their intention to participate in the scheme was 14 February 2003.⁷

At the Evian Summit (1-3 June 2003) of the [G8 leaders](#), measures to enhance air transport security were agreed under the *Enhance Transport Security and Control of Man-Portable Air Defence Systems (Manpads)* action plan. The plan proposed:

- Agreement to implement by November 2003 the new international standards for the installation of flight deck doors, as adopted by ICAO;
- Continued support for the implementation of the ICAO Universal Security Audit Programme of all ICAO Member States;
- Increased co-operation on aviation security between the G8 using ICAO and other relevant international organisations;
- To review security procedures in place to ensure that staff do not pose a threat to aviation, including, in particular, by examining the feasibility and benefits of ensuring that all staff and items carried are screened when they enter critical parts of security-restricted areas of airports;
- To encourage further work within ICAO to review and adopt the measures related to an enhanced threat level for the standard security procedures;
- To encourage all G8 members to adopt and implement as soon as possible the harmonised and supplementary provisions on flight-deck door locking issued by the ICAO and to apply these requirements both to international and domestic flights;
- To explore experience gained, inter alia, from installation of on-board TV monitoring systems to control the security inside passenger aircraft; and
- To co-ordinate aviation security capacity building efforts for non-G8 countries and to lead in donating funds and advisors to ICAO's aviation security audit programme (AVSEC).⁸

A meeting of the European Transport Council was called on 14 September 2001 to discuss the problem of terrorist attacks using hijacked aircraft. The Commission set up an ad hoc group.⁹ A joint US-EU ministerial statement was issued on 21 September on co-operation to combat terrorism, including aviation and other transport security.¹⁰ The President of the [European Civil Aviation Conference \(ECAC\)](#) convened a special meeting of European aviation security experts on 20 September 2001 in Bordeaux. The Bordeaux group

⁷ ICAO press notice, "[Global aviation security strategy in place to boost public confidence...](#)", 10 September 2002

⁸ G8/Evian Summit, *Enhance Transport Security and Control of Man-portable Air Defence Systems- MANPADS - A G8 Action Plan*, 2003

⁹ "EU ministers agree to tighten up security in air travel", *eis transport Europe*, August/September 2001

¹⁰ Public Information Europe, 21 September 2001

established three specialised task forces to start work immediately.¹¹ The major piece of aviation security legislation subsequently passed by the EU was [Regulation 2320/2002/EC](#) (the 'Civil Aviation Security Regulation'). This Regulation provided for the establishment of common rules in the field of civil aviation security. *Inter alia*, it stated that each Member State should:

- adopt a national civil aviation security programme, as well as a corresponding quality control programme and a training programme;
- designate a single appropriate authority responsible for the coordination and the monitoring of the implementation of aviation security programmes; and
- be able to apply more stringent security measures.

In more detail, the measures included covered:

- Airport planning requirements
- Control of access to airside, other restricted areas of airports and aircraft
- Screening and search of passengers and cabin luggage
- Identification, screening and handling of hold baggage
- Controls to be applied to cargo, courier material express parcels and mail
- Screening of diplomats and other privileged persons
- Aircraft catering, stores and supplies
- Vetting and training of security staff
- Technical specification for equipment

The 2002 Regulation was implemented by three further Regulations in 2003.¹²

In September 2005 the Commission published its first report on the implementation of the Regulation. It concluded that, while there had been considerable improvements across the 25 Member States, that there remained a need for improvement in both the legislative framework and standards of application.¹³ To this end the Commission proposed a simplified and updated replacement for the Regulation.¹⁴ However, progress was slow after the European Parliament (EP) re-inserted problematic amendments in relation to the funding of security measures and the freedom of Member States to impose, if warranted, more stringent measures. Following continued negotiation, [Regulation 300/2008/EC](#) was adopted on 11 March 2008. The objectives of the new regulation, as set out in Article 1, are as follows:

¹¹ ECAC press notice, "Aviation Security Developments—ECAC Action", 20 September 2001,

¹² [Regulation 622/2003/EC](#) laid down measures for the implementation of the common basic standards on aviation security; [Regulation 1217/2003/EC](#) laid down common specifications for national civil aviation security quality control programmes; and [Regulation 1486/2003/EC](#) laid down procedures for conducting Commission inspections in the field of civil aviation security

¹³ [COM\(2005\) 428 final](#), 22 September 2005

¹⁴ [COM\(2005\) 429 final](#), 22 September 2005

1. This Regulation establishes common rules to protect civil aviation against acts of unlawful interference that jeopardise the security of civil aviation.

It also provides the basis for a common interpretation of Annex 17 to the Chicago Convention on International Civil Aviation.

2. The means of achieving the objectives set out in paragraph 1 shall be:

- (a) the setting of common rules and common basic standards on aviation security;
- (b) mechanisms for monitoring compliance.

The controversial measures regarding airport security funding are contained in Article 5.

In February 2009 the Commission published a report on the financing of aviation security, on the basis of which it adopted a proposal for a Directive on aviation security charges in Europe in May 2009. The Commission's aims are "to ensure transparency, non-discrimination and consultation of airlines when fixing the level of charges, as well as the cost-relatedness of security charges". It also proposes to establish an independent supervisory authority in each Member State.¹⁵ The European Scrutiny Committee published a number of reports on the draft Directive in 2009¹⁶ and, most recently, in March 2010.¹⁷ The previous government published a consultation paper on the proposed charges in July 2009;¹⁸ its response to the consultation set out its concerns about the proposed Directive.¹⁹ Reports in April 2010 indicated that the Council and the EP were split on the issue and no progress has been made since.²⁰

Initiatives by the UK Government

Since 9/11 the UK Government has been keen to co-operate with international organisations in establishing a hard line against terrorism. The then Home Secretary, David Blunkett, made a statement in the House of Commons on 15 October 2001. He outlined emergency legislation to combat terrorism, to include improved airport security and increased powers for the [British Transport Police \(BTP\)](#).²¹ The then Transport Minister, Derek Jamieson, provided more detail when he replied to a debate in Westminster Hall on 23 October 2001:

...An aircraft needs to be kept secure from interference on the ground, from any threat from the bags and cargo that go into the hold, and from threats posed by passengers during the flight. That is why all passenger flights from the United Kingdom operate from restricted zones designated under the Aviation Security Act 1982. Everyone and everything that enters a restricted zone is subject to security control. Some hon. Members asked what that control amounts to. Every aircraft is subject to a security check when all incoming passengers have left, to ensure that nothing suspicious has been left behind. After that check, access to the aircraft is carefully controlled to ensure that no unauthorised person gets on board. Every passenger who leaves the United Kingdom passes through a security checkpoint where they are screened by metal

¹⁵ EC press notice, "[Commission proposes a new framework to regulate aviation security charges](#)", 11 May 2009

¹⁶ European Scrutiny Committee, [Twenty-eighth report of session 2008-09](#), HC 19-xxvi, 23 September 2009, part 4; [Twenty-third report of session 2008-09](#), HC 19-xxi, 3 July 2009, part 2; and: [Twelfth report of session 2008-09](#), HC 19-xi, 27 March 2009, part 14;

¹⁷ European Scrutiny Committee, [Fourteenth report of session 2009-10](#), HC 5-xiii, 16 March 2010, part 1

¹⁸ DfT, [UK Consultation Paper on the European Commission's proposed Aviation Security Charges Directive](#), 21 July 2009

¹⁹ DfT, [UK Government response to a consultation on the European Commission's proposed Aviation Security Charges Directive](#), 26 January 2010

²⁰ "Financing security: Parliament starts making threats", [Europolitics](#), 21 April 2010

²¹ [HC Deb 15 October 2001, c925](#)

detection equipment and where many are subject to a hands-on search. They are liable to be searched again at the departure gate. Every other person, from the pilots to the cleaner, passes through a staff checkpoint where they are screened by metal detection equipment, supplemented in many cases by a hands-on search. The United Kingdom is the only country in the world where that is done (...)

Every piece of cargo going into an aircraft hold has been subjected to security controls and every aircraft meal is supplied by a caterer whose security processes have been inspected or approved. Those measures are carried out only in the United Kingdom(...)

The people who operate the screening machines were also mentioned. The screeners operate for only 20 minutes at a time, with at least a 40-minute break between such periods. It is a difficult and exacting job, requiring a high degree of concentration, which is why those measures are in place. Staff employed as X-ray operators, who are operators of other screen technology, are trained to a very high standard by the DTLR training providers. That training is supplemented by regular refresher training. We are introducing a new screening methodology, which incorporates threat image protection. That not only improves screening but amounts to continuous on-the-job training.

Since January 2001 it has been a legal requirement for security-screened passengers to be separated from arriving passengers. However, while UK airports have agreed time scales to achieve that, it is not done at all airports. In the meantime, compensatory measures, such as extra gate searching, are in place (...)

On data protection, an interdepartmental group is examining the feasibility of checking staff and passenger details against information that could be stored on a master database, so that potential undesirables might be identified. The group will examine any legal implications arising from, for example, data protection legislation. I hope that that is of some comfort.

On aerodromes, under recommendations issued by the European civil aviation conference, the receiving airport should be notified of any aircraft, including general aviation, to which security controls were not applied at the airport of departure. On landing, such aircraft would be made secure. We shall further investigate how that recommendation is being implemented.²²

The main piece of domestic legislation passed in the immediate aftermath of 9/11 was the *Anti-terrorism, Crime and Security Act 2001* which improved the enforcement of aviation security requirements and the ability of the police to deal with potentially dangerous situations at airports and on board aircraft. The government also set up a special committee to consider what improvements were needed to aviation security in recognition of the new threat posed suicide bombers and hijackers.

Immediately following the terrorist attacks on 9/11 Transec instructed the aviation industry in the UK to introduce the enhanced security measures designed for high threat situations. That level of security was not, however, designed to be in place for more than a few days. Heightened Security Measures were therefore brought into effect on 18 September as a long-term enhancement to the baseline (i.e. permanent) security measures.²³ These were:

- random searching of hold baggage for flights to the USA or Canada prior to, or immediately after, check-in;

²² [HC Deb 23 October 2001, cc1-20WH](#)

²³ in looking at these additional measures it must be borne in mind that the UK baseline measures at the time already exceeded both international requirements and what was in place in almost every other country in the world

- more searching by hand of passengers and their cabin baggage upon entry to the Restricted Zone, plus a regime of secondary searching at the departure gate for flights to the US and Canada and in terminals where arriving and departing passengers are not physically segregated;
- an expanded list of articles which, as potential weapons, cannot be taken into the Restricted Zone or the aircraft cabin;
- screening or searching of goods for retail upon entry to the Restricted Zone;
- guards within the Restricted Zone for aircraft departing to the USA or Canada;
- additional mobile patrols within the Restricted Zone; and
- tighter rules on the transportation of cargo, especially when going to the US and Canada.²⁴

On 30 October 2002 the government published the introduction, findings and recommendations of the independent report on airport security prepared by Sir John Wheeler.²⁵ Sir John was appointed in May 2002 by the then Secretary of State for Transport and the then Home Secretary to undertake a review of aviation security. The Labour Government accepted, in principle, all of the report's recommendations, and work on their implementation has been taken forward largely by the Department for Transport and the Home Office, in concert with other Government Departments, and the aviation industry. The report's recommendations are summarised below:

- The Home Office should lead multi-agency analytical work on the level of the threat of **serious and organised crime** to airport security. Other participants should include the Security Service, NCIS, the National Crime Squad, the Immigration Service, HMCE, ACPO, and the aviation industry.²⁶
- There should be better **strategic direction and co-ordination**, involving changes by the DfT to the National Aviation Security Committee and supporting Airport Security Committees; a single lead within the Home Office to cover issues relating to ports policing and other associated changes; work by the Border Agencies Directors' Group to consider whether it could provide joined-up representation for the border agencies at a point of senior interface with the DfT; further consideration to be given to whether additional organisational changes are necessary, particularly in relation to the intelligence flow; and the Ministerial Committee on Protective and Preventative Security to receive regular reports on progress in implementing any agreed recommendations.²⁷
- The **designation of airports for policing purposes** should be placed on a 'more rational' basis. founded on agreed local multi-agency risk assessments, and local Airport Security Plans. Where these indicate a necessity for the airport to be policed by uniformed constables, the Secretary of State should consider designating it (or confirming its designation) under the *Aviation Security Act 1982*. The new

²⁴ also, since 18 September 2001, the CAA has required all cockpit doors on UK-registered aircraft to be kept locked during flight

²⁵ DfT, *Airport Security: Report by Rt Hon Sir John Wheeler JP DL*, 2002; the report is not in the public domain

²⁶ *ibid.*, paras 1 and 2

²⁷ *ibid.*, paras 3-8

arrangements could be piloted at two or three airports of contrasting size and risk profile.²⁸

- The **powers available to police officers at airports** should be simplified so that one set of powers applies airside. The police and the airport operator should include agreement on exit searches as part of their joint response to crime prevention at airports. The DfT should take an early view on whether a Direction is required at Heathrow to clarify powers of search on exit from the cargo area.²⁹
- The National Co-ordinator of Ports Policing should consider how closer **working with Special Branch** officers could be arranged. Even if the systems are not the same, there should be equivalent systems of funding in England, Wales, Scotland and Northern Ireland that enable a similar response to be made, in providing a policing response to changed judgements about the terrorist threat to airports.³⁰
- The DfT should survey **CCTV** installation at airports and disseminate good practice. A similar approach, with an agreed multi-agency user requirement, should be applied to the installation and use of **ANPR**.³¹ For the installation of future systems, the Border Agencies Working Group should address the question of shared funding from the border agencies.³²
- A new **searching regime for staff** should be agreed as soon as possible and private security companies working at airports should be better regulated. The DfT should include criteria that would reward those security companies with a properly developed integrity strategy for their staff.³³

The Wheeler Review concluded that multi-agency analytical work on the threat of serious and organised crime to airport security was required in order to develop a more holistic approach. This recommendation led to the establishment of the Multi-Agency Threat and Risk Assessment (MATRA) process at UK airports. Under MATRA, those with a stake in the security of the airport work together to agree a risk register and identify further actions required to mitigate risks to an acceptable level, which ultimately leads to an airport security plan. This voluntary process is supported by a cross-departmental secretariat, which promotes best practice and monitors progress. According to the government, MATRA “created greater mutual familiarity between stakeholders for each other's responsibilities, ways of working, issues and concerns”.³⁴ In its 2009-10 annual report, Transec reported:

Since 2003 Multi Agency Threat and Risk Assessments (MATRAs) have been produced jointly by all security stakeholders at airports, the regulatory authorities and industry. These assessments identify the threats to airports from terrorism and crime, and the roles and responsibilities the different agencies have for addressing them. This has established a culture of more effective joint working. The Policing and Crime Act 2009 builds on these arrangements with the creation of risk advisory groups whose risk

²⁸ *ibid.*, paras 9-12

²⁹ *ibid.*, paras 13-15

³⁰ *ibid.*, paras 16 and 17

³¹ Automatic Number Plate Recognition, for more information see HC Library standard note [SN4181](#)

³² *op cit.*, *Airport Security: Report by Rt Hon Sir John Wheeler JP DL*, paras 18-21

³³ *ibid.*, paras 22 and 23

³⁴ *op cit.*, *UK Transport Security – preliminary report*, Ev 7

reports are considered by security executive groups in the formulation of each airport security plan.³⁵

In March 2011 the Transport Minister, Theresa Villiers, stated that the government is exploring how the UK's domestic requirements for air crew security procedures might be “delivered via a more outcome-focused, risk-based regime, which would give airports more flexibility to determine local processes for delivering aviation security”. A public consultation on this issue will be launched “in due course”.³⁶

3.2 12 August 2006 and restrictions on hand luggage

In the early hours of Thursday 10 August, police acted to stop a suspected plot to blow up several planes leaving the UK, possibly using liquid explosives carried on-board in hand-luggage. More than 20 people were arrested – a few of whom would subsequently be released without charge – and the Joint Terrorism Assessment Centre (JTAC) upgraded the UK security threat level to ‘critical’, indicating that they believed an attack to be imminent.³⁷

Immediate restrictions on hand luggage were introduced, with passengers only being allowed to carry a small range of essential items, such as prescription medicines in necessary quantities for the flight, and infant formula, onto aircraft. The sudden introduction of these restrictions caused widespread disruption to flights departing from all UK airports, including the cancellation of many flights. On 14 August, the security threat was downgraded from ‘critical’ to ‘severe’ and passengers were allowed to take one small bag, not containing any liquids or gels, onto their flight. However, the large airports operated by BAA were unable to implement the new restrictions until the following day.³⁸ On 22 September, the restrictions were further relaxed. The maximum permitted size of cabin baggage was increased and musical instruments and solid cosmetics were also allowed to be taken on board.³⁹

The Transport Select Committee looked at airport security as part of its inquiry into passengers’ experiences of air travel and published a report in July 2007. In the report the Committee relayed its concerns about the ongoing problems of non-compliance with the carry-on restrictions for liquids almost a year after the August 2006 alert.⁴⁰

Section 93(9) of the *Transport Act 2000* (Control in time of hostilities etc.) entitles any person other than the CAA who has suffered direct loss as a result of complying with a direction made by the Secretary of State given “in any time of actual or imminent hostilities or of severe international tension or of great national emergency” to compensation. Invoking the provision does not imply that there has been any negligence or maladministration in the issuing of the direction or the way in which it is implemented. There was talk of Ryanair making such a claim at the time.⁴¹

³⁵ op cit., *TRANSEC Annual Report April 2009–March 2010*, para C.13

³⁶ [HC Deb 2 March 2011, c460W](#)

³⁷ see, for example: “London terror attack drama”, *London Evening Standard*, 10 August 2006; “Air bomb plot failed, say police”, *Financial Times*, 11 August 2006; “[Anger, frustration and chaos as hundreds of flights are cancelled](#)”, *The Guardian*, 11 August 2006

³⁸ see, for example: “[Ban on hand luggage lifted as BAA cuts flights](#)”, *The Guardian*, 14 August 2006; “Pressure mounts to end airport chaos”, *Financial Times*, 14 August 2006

³⁹ see, for example: “[Restrictions eased on air passengers’ hand luggage](#)”, *The Guardian*, 22 September 2006

⁴⁰ Transport Committee, *Passengers’ experiences of air travel* (eighth report of session 2006-07), HC 435, 26 July 2007, paras 110 and 113

⁴¹ Ryanair press notice, “[We must not be moved by terrorists](#)”, 25 August 2006 and “[Ryanair’s £3m claim against government to go to high court](#)”, *The Guardian*, 24 September 2006

The effects of the alert on airports and airlines were summarised by the Transport Committee in their July 2007 report. It concluded that for airports passenger throughput at central search areas had fallen by 25 to 30 per cent as a result of the restrictions on liquids while time taken to pass through queues at peak periods in airports had doubled in many cases, with peak processing periods typically of the order of 20 minutes or longer. Meanwhile the cost to British airlines of the additional security measures was approximately £50 million per day.⁴²

[Restrictions on carry-on luggage](#), including the carriage of liquids, introduced after 9/11 are set to continue until 2013. *Europolitcs* reported in April 2010:

The new EU regulation prolonging, until April 2013, the partial ban on liquids in cabin baggage entered into force on 29 April. The regulation, adopted under the comitology procedure to implement Regulation 300/2008 on common rules in the field of civil aviation safety, establishes that, by 29 April 2013, all EU airports must be equipped with machines that detect explosive liquids. From that time, air passengers will once again be allowed to take beverages, shaving gels, toothpaste and perfume in their hand luggage. A transitional scheme is planned for liquids bought at third-country airports or in non-EU aircraft, which will be accepted in cabin baggage, with conditions, from April 2011.⁴³

This gradual lifting of the restrictions, beginning for transiting passengers in April 2011, has not happened in a number of countries including the UK, France and the Netherlands. The UK Government decided not to relax the rules and wrote to UK airport operators informing them of this decision. This means that transiting passengers going through some EU airports are allowed carry on liquids but those travelling through others – including the main transit hubs of London Heathrow, Paris Charles de Gaulle and Amsterdam Schiphol – are not.⁴⁴

3.3 25 December 2009 and introduction of body scanners

On 25 December 2009, on a Northwest Airlines flight from Schiphol Airport in the Netherlands to Detroit Metropolitan Airport in the United States, Umar Farouk Abdulmutallab used a syringe to combine a liquid with powdered chemicals strapped to his thigh, causing a fire to break out on the plane 20 minutes from landing in Detroit.⁴⁵ On 28 December, President Obama stated that the US would “examine all screening policies, technologies and procedures related to air travel”.⁴⁶ On 3 January 2010 the Transportation Security Administration (TSA) issued new security directives to all United States and international air carriers with inbound flights to the US, effective from 4 January 2010. This mandated that every individual flying into the US from anywhere in the world traveling from or through nations that are state sponsors of terrorism or other countries of interest would be required to go through enhanced screening.⁴⁷

On *The Andrew Marr Show* on 3 January 2010 the then Prime Minister, Gordon Brown, indicated that the UK would introduce full body scanners at its airports.⁴⁸ In a statement to

⁴² op cit., [Passengers' experiences of air travel](#), paras 95-96

⁴³ [“New regulation on carry-on liquids enters into force”](#), *Europolitcs*, 29 April 2010

⁴⁴ [“Airport confusion likely after EU revolt on liquids”](#), *Financial Times*, 28 April 2011; and: [“UK refuses to relax airline liquid ban”](#), *The Guardian*, 13 April 2011

⁴⁵ [“Hell, are you trying to kill all of us? Passengers heard a popping sound and saw flames - and jumped on the would-be bomber”](#), *The Sunday Times*, 27 December 2009

⁴⁶ [“The President Addresses the Public on the Attempted Terrorist Attack”](#), *The White House blog*, 28 December 2009

⁴⁷ TSA press notice, [“TSA Statement on New Security Measures for International Flights to the U.S.”](#), 3 January 2010

⁴⁸ [Gordon Brown on *The Andrew Marr Show*](#), 3 January 2010 [transcript]

the House on 5 January 2010, the then Home Secretary, Alan Johnson, confirmed that there would be increased use of body scanners at UK airports; beginning with a roll out of scanners at Heathrow by the end of January.⁴⁹ On 1 February the then Secretary of State for Transport, Lord Adonis, made a further statement setting out the policy towards the deployment and the use of body scanners at UK airports. He stated:

The requirement to deploy AIT [advanced imaging technology] machines at Heathrow and Manchester airports comes into effect today and I expect additional scanners to be deployed at these airports and to be introduced at Birmingham Airport over the course of this month. This will be followed by a nationwide rollout of scanners in the coming months. These scanners are designed to give airport security staff a much better chance of detecting explosives or other potentially harmful items hidden on a passenger's body.

The Department for Transport has introduced an interim code of practice covering privacy, health and safety, data protection and equality issues. The code will require airports to undertake scanning sensitively, having regard to the rights of passengers [...]

Given the current security threat level, the Government believe it essential to start introducing scanners immediately. However I wish to consult widely on the long-term regime for their use, taking full account of the experience of the initial deployment. The department will, therefore, shortly be launching a full public consultation on the requirements relating to the use of scanners as set out in the interim code of practice, and will consider all representations carefully before preparing a final code of practice later in the year. I am grateful for the representations already received from the Equality and Human Rights Commission.

In the immediate future, only a small proportion of airline passengers will be selected for scanning. If a passenger is selected for scanning, and declines, they will not be permitted to fly. However, the interim code of practice stipulates: "Passengers must not be selected on the basis of personal characteristics (ie on a basis that may constitute discrimination such as gender, age, race or ethnic origin)".⁵⁰

Further information, including the interim code of practice mentioned above and the consultation document can be found on the [Department for Transport website](#). The code (based on the underlying European rules in [Regulation 300/2008/EC](#)) has proved controversial with the Sikh community because of the requirement to search religious headgear by hand whenever a passenger or member of staff triggers a walk-through metal-detector alarm or is selected at random for a search when entering a secure restricted area. The government is working to secure changes to the Regulation, following the introduction of a voluntary alternative screening methods trial at some UK airports.⁵¹

Separately, there are moves at EU level to standardise the use of body scanners. This issue was discussed at the meeting of EU Transport Ministers on 12 February.⁵² There was a further meeting on 24 June 2010 where the issue was discussed. The new Secretary of State for Transport, Philip Hammond, reported to the House:

⁴⁹ [HC Deb 5 January 2010, cc29-30](#)

⁵⁰ [HL Deb 1 February 2010, c1WS](#); the Home Affairs Select Committee reported on the introduction of body scanners to UK airports in March 2010, they welcomed the introduction but issued a word of caution on current effectiveness rates and the danger of focusing too much on one technological solution to terrorist threats, see: Home Affairs Committee, [Counter-Terrorism Measures in British Airports](#) (ninth report of session 2009-10), HC 311, 24 March 2010, paras 5-11

⁵¹ [HC Deb 26 April 2011, c69WH](#)

Following the Detroit terrorist incident at the end of 2009, the Commission presented its Communication on the use of security scanners at EU airports. I stated that EU restrictions which currently prevented the effective and efficient use of security scanners needed to be removed and urged the Commission to bring forward the necessary legislative proposals to facilitate this, in order to allow scanners to be used as a primary method of screening at UK airports.⁵³

Europolitics reported that the Commission would present a proposal in 2011.⁵⁴ None has yet materialised, but the European Parliament voiced its support for such a proposal in late 2010.⁵⁵

As to the use of body scanning technology at international airports outside the UK, a summary can be found in a June 2010 European Commission study on the use of security scanners at EU airports.⁵⁶ Information on the use of body scanners in the US can be found in a March 2010 report by the US Government Accountability Office and a January 2011 brief by the Congressional Research Service.⁵⁷

4 Air cargo security

Changes to the air cargo security regime were announced on 8 August 1996.⁵⁸ The *Aviation Security (Air Cargo Agents) Regulations 1993 (SI 1993/1073)*, as amended, provide for the Secretary of State to establish and maintain a list of security approved cargo agents. To be included on this list, an agent must be able to satisfy the Department about the security standards of his operations. The air cargo security regime came into effect in August 1994 but under amending regulations the Secretary of State can remove an air cargo agent from the list. Listed agents are now prevented from passing on known cargo once they have been proposed for delisting, until such time as any appeal against delisting has been accepted.

Transec summarised the UK's air cargo security regime in its 2007-08 annual report:

The UK's air cargo security regime now comprises over 400 regulated agents at 850 sites and 1400 known consignors, inspected annually by independent validators. This model continues to attract great interest abroad ... Revision of the EC air cargo security regulations [are] used as a model by others, notably the US, in the development of their cargo procedures. Work has also continued on the seventeen projects in the air cargo security strategy, to develop further the UK's regime. This has included: gathering best practice material to produce guidance on ensuring cargo security during road haulage; a comprehensive revision of the cargo training regime for industry staff; preparations for the development and trials of new screening technologies; and an improved operating protocol for the Remote Air Sampling for Canine Olfaction (RASCO) technique (an innovative use of sniffer dogs).⁵⁹

⁵² [HC Deb 22 February 2010, c4WS](#)

⁵³ [HC Deb 1 July 2010, cc51-52WS](#)

⁵⁴ ["Body scanners: Commission to present proposals in 2011"](#), *Europolitics*, 15 June 2010

⁵⁵ EP press notice, ["Body scanners: MEPs insist on EU rules to protect passengers"](#), 10 November 2010

⁵⁶ [COM\(2010\) 311 final](#), 15 June 2010, paras 9-11 & 40-42

⁵⁷ GAO, [Aviation Security: TSA Is Increasing Procurement and Deployment of the Advanced Imaging Technology, but Challenges to This Effort and Other Areas of Aviation Security Remain](#), 17 March 2010; and: CRS, [Changes in Airport Passenger Screening Technologies and Procedures: Frequently Asked Questions](#), 26 January 2011

⁵⁸ DoT press notice, ["Security enhanced in UK air cargo rules"](#), 8 August 1996

⁵⁹ Transec, [Transport Security Directorate \(TRANSEC\) Annual Report to the Secretary of State for Transport, April 2007 - March 2008](#), September 2008, pp7-8

In its 2008-09 report, Transec stated that a new single direction on cargo (SDOC) would be issued by mid-2009 and that a known consignor extranet should be operational in 2010.⁶⁰

On 1 November 2010 the Home Secretary, Theresa May, announced changes to the UK air cargo security regime, including suspending unaccompanied air freight from unstable regimes such as Somalia and Yemen:

Following the Detroit incident [in December 2009], Ministers in the last Government took the decision to stop all direct passenger and cargo aircraft flying from Yemen to and through the UK. Over the weekend, we took the further step of stopping all unaccompanied air freight to this country from Yemen. That will include air freight from Yemen both carried on courier flights and hold-loaded in passenger aircraft. The small number of items in transit prior to that direction have been subject to rigorous investigation on arrival in the UK, and no further suspicious items have been discovered.

We are now taking further steps to maintain our security. I can confirm to the House that we will review all aspects of air freight security and work with international partners to make sure that our defences are as robust as possible. We will update the guidance given to airport security personnel based on what we have learned to enable them to identify similar packages in future.

From midnight tonight, we will extend the suspension of unaccompanied air freight to this country from not just Yemen but Somalia. This decision has been made as a precautionary measure and it will be reviewed in the coming weeks. It is based on possible contact between al-Qaeda in Yemen and terrorist groups in Somalia, as well as on concern about airport security in Mogadishu.

From midnight tonight, we will suspend the carriage of toner cartridges larger than 500 grams in passengers' hand baggage on flights departing from UK airports. Also from midnight tonight, we will prohibit the carriage of these items by air cargo into, via or from the UK unless they originate from a known consignor—a regular shipper with security arrangements approved by the Department for Transport.

We intend that these final two measures will be in place initially for one month. During that time, we will work closely with the aviation industry, screening equipment manufacturers and others, to devise a sustainable, proportionate, long-term security regime to address the threat. Department for Transport officials are already in technical discussions with the industry, and my right hon. Friend the Secretary of State for Transport will chair a high-level industry meeting later this week to discuss next steps.⁶¹

Air cargo security was discussed at both the European Transport and Justice and Home Affairs Councils in December 2010. A high-level group produced a report setting out ways to strengthen the security regime around air cargo coming into the EU. The Secretary of State, Mr Hammond, reported that “the UK broadly welcomed the report and the associated action plan. The presidency concluded orally that the Council had a “positive appreciation” of the report, and asked the Commission and member states to ensure a speedy implementation of the action plan”.⁶²

⁶⁰ DfT, *TRANSEC Annual Report April 2008–March 2009*, Cm 7658, July 2009, paras 2.15-2.16; a summary of the UK’s air cargo security can be found in the DfT archive, see: DfT, *Changes to the UK Air Cargo Security Regime* [accessed 14 June 2011]

⁶¹ [HC Deb 1 November 2010, cc632-33](#)

⁶² [HC Deb 13 December 2010, c81WS](#); this action plan is not in the public domain

The Transport Committee took quite a bit of evidence on transport security in 2005 and 2006 and published a volume of evidence in January 2008. In evidence to the Committee Chief Superintendent Savill of the Metropolitan Police expressed concerns about the lower level of security in cargo areas at airports than passenger areas.⁶³ By way of comparison, the US Congressional Research Service published a report on air cargo security in December 2010 giving an overview of the general challenges facing the industry and governments as well as outlining actions being undertaken in the US.⁶⁴

5 Policing at airports

Nine UK airports—Heathrow, Gatwick, Stansted, Aberdeen, Prestwick, Edinburgh, Glasgow, Birmingham and Manchester—are ‘designated’ for policing purposes under section 25 of the [Aviation Security Act 1982](#). This means that responsibility for policing the airport lies with the local Chief Constable. The 2002 Wheeler Review found the system of designation lacked credibility, being based on decisions taken a long time ago on an *ad hoc* basis.⁶⁵ The Review recommended that the system be overhauled, with a clear set of criteria for designation, based on local multi-agency risk assessments.

In November 2005, the then Secretary of State, Alistair Darling, announced that the government had decided to bring forward amendments to the *Civil Aviation Bill 2005-06* to amend the 1982 Act in order to clarify the respective responsibilities of airport managers, airport operators and others carrying out security facilities directed by the Secretary of State under the Act.⁶⁶ Among other things, the various parties would be required to set up a ‘police services agreement’ (PSA) determining the level of police resources required in coming years.⁶⁷ The PSA stipulates the level of policing to be provided for the aerodrome; the payments to be made by the aerodrome in connection with that policing; and the accommodation and facilities (if any) that are to be provided by the aerodrome in connection with that policing. If the responsible authorities are unable to reach agreement in relation to the terms of a PSA, it must be referred to the Secretary of State.

In the same statement in November 2005, the then Secretary of State announced that he was intending to commission an independent, wide-ranging review of policing at airports; in a further statement on 10 January 2006 he announced that Stephen Boys-Smith would be appointed to lead the review.⁶⁸ Mr Boys Smith reported to the Department and the then Secretary of State, Douglas Alexander, made a statement in July 2006 highlighting the key recommendations of the report:

It endorses the principle of joint accountability for airport security and the concept of airports as “communities” where stakeholders must work together in full partnership to protect against a range of threats.

It recommends continued and enhanced liaison between key stakeholders, including Government Departments, the Police Service and airport operators at both national and local level to maintain a consistent understanding of and response to threats and risks.

⁶³ Transport Committee, [Transport security: travelling without fear](#) (oral and written evidence), HC 191, 9 January 2008

⁶⁴ CRS, [Screening and Securing Air Cargo: Background and Issues for Congress](#), 2 December 2010; see also: CRS, [Air Cargo Security](#), 30 July 2007

⁶⁵ op cit, [Airport Security: Report by Rt Hon Sir John Wheeler JP DL](#), paras 5.36–5.39

⁶⁶ [HC Deb 21 November 2005, c97WS](#)

⁶⁷ now section 6 of the [Civil Aviation Act 2006](#)

⁶⁸ terms of reference also given in the statement: [HC Deb 10 January 2006, c8WS](#)

It endorses the current Multi-Agency Threat and Risk Assessment (MATRA) approach already in place at UK airports and recommends that it is strengthened further.

It recommends the system of “designation” is discontinued and that policing costs should generally be met by the industry on the basis that policing forms part of an agreed airport “community” response, that costs are clear and transparent, and that policing at airports is brought within the mainstream policing agenda.⁶⁹

The policy of successive governments has been that the cost of transport security should be borne by those that use the transport systems rather than by the general taxpayer. Thus, the costs of providing security measures on the ground fall to each transport industry, and are passed on to the end user, the passenger, as appropriate. The manager of a designated airport must make such payments in respect of policing the airport as he may agree with the Chief Constable. Where they cannot agree on the level of payment, the Secretary of State may be called on to determine the level. The Wheeler Report argued that some airport operators felt they were paying twice for policing: once through business rates and again under the 1982 Act.

Industry is not required to meet the costs of security regulation or compliance monitoring. The government and police also pick up much of the cost of developing new technologies and other systems to support the industries.⁷⁰ When Mr Darling gave evidence to the Transport Select Committee in November 2005, he stated that, where the government had issued security directions to the transport industry, they had never been met by refusal on the grounds of cost. He gave the example of the requirement to separate incoming and outgoing passengers at airports, which is expensive but with which airport operators nonetheless complied.⁷¹

In July 2008 the Department for Transport published a consultation paper on proposals to deliver more effective policing and security planning arrangements at airports.⁷² On 18 December 2008 the then Minister for Transport, Lord Adonis, announced that legislative proposals would be enhanced to provide for ministerial determination of disputes; and ensure that the legislation would be sufficiently flexible and scalable to apply to airports whatever their size.⁷³ On 5 January 2009 the government published its detailed response to the consultation. This stated:

Ministers have decided that they, rather than an independent expert panel, should take responsibility for resolving disputes over the contents or implementation of Airport Security Plans (ASPs) and Police Service Agreements (PSAs).

As well as this substantive change to the proposals, amendments have also been made to the draft legislation to provide for a more flexible and saleable framework which can be applied to airports both large and small. We have also reflected respondents' views on the membership of Risk Assessment Groups (RAGs) and Security Executive Groups (SEGs) in the draft legislative provisions to ensure that these groups work logically at all airports.

(...) The legislation only sets the framework within which the new process will operate; guidance will fill in the gaps – suggesting how stakeholders might implement the

⁶⁹ [HC Deb 20 July 2006, cc56-57WS](#); the report is not in the public domain

⁷⁰ *op cit.*, [UK Transport Security – preliminary report](#), Ev 4

⁷¹ *ibid.*, Qq 18–21

⁷² [HC Deb 16 July 2008, c34WS](#); and DfT, [Airport Policing, Funding and Security Planning: A Consultation Paper](#), July 2008

⁷³ [HL Deb 18 December 2008, c129WS](#)

process to ensure the greatest returns. The draft guidance will be updated extensively to address areas that respondents felt ought to be covered ... It is worth noting here that the guidance will be issued on a restricted basis to airport security stakeholders and will not be made publicly available.⁷⁴

Part 7 and Schedule 6 of the *Policing and Crime Act 2009* make changes to airport security and policing by heavily amending Parts 2 and 3 of the *Aviation Security Act 1982*.⁷⁵ A summary of the Airport Security Planning framework set out in the 2009 Act is available on the DfT website.⁷⁶

⁷⁴ DfT, *Government response to consultation on airport policing, funding and security planning*, 5 January 2009

⁷⁵ details of the airports policing provisions of the Act can be found in section VII of HC Library Research Paper RP 09/04 and section III.G of RP 09/39

⁷⁶ DfT, *Airport Security Planning Quick Guide*, 1 April 2010