CHAPTER 405

AIRPORTS AND CIVIL AVIATION (SECURITY) ACT

To give effect to certain enactments relating to aviation security.

(21st July, 1998)*

ACT XX of 1998, as amended by Legal Notice 426 of 2007; and Acts VIII of 2010, XIV of 2014 and XXIII of 2015 and XL of 2023.

ARRANGEMENT OF ACT

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See Government Notice No. 560 of 21st July, 1998.

PART I

PRELIMINARY

Short title.

1. The short title of this Act is the Airports and Civil Aviation (Security) Act.

Interpretation.
Amended by: VIII. 2010.61; XIV. 2014.2.

2. In this Act, unless the context otherwise requires, the following expressions have the following meanings respectively, that is to say -

"aircraft" means any aircraft, whether or not a Maltese controlled aircraft, other than -

(*a*) a military aircraft; or

(*b*) an aircraft which, not being a military aircraft, belongs to or is exclusively employed in the service of the Government of Malta for customs or Police purposes,

but the Minister may by order, which may be varied or revoked by a subsequent order, provide that any of the provisions of this Act shall apply with or without modifications to aircraft such as are mentioned in paragraph (*b*) of this definition;

"airport" means any area of land or water designed, equipped, set apart or commonly used for affording facilities for the take-off and landing of aircraft, and includes an air passenger terminal, an air cargo terminal and an air cargo warehouse as well as all lands and facilities pertinent to an airport;

"air navigation installation" means any building, works, apparatus or equipment used wholly or mainly for the purpose of assisting air traffic control or as an aid to air navigation, together with any land contiguous or adjacent to any such building, works, apparatus or equipment and used wholly or mainly for purposes connected therewith;

"article" includes any substance, whether in solid or liquid form or in the form of a gas or vapour;

"authorised officer" means any person authorised by the Head Aviation Security, or authorised by the Head Aviation Security on the advice of the Commissioner of Police, or the Commander, Armed Forces of Malta, or the Director General Civil Aviation, or the Chairman, Malta International Airport, to perform the duties of security guard or watchman in a restricted area;

"commander" in relation to an aircraft means the member of the crew designated as commander of that aircraft by the operator thereof, or, failing such a person, the person who is for the time being a pilot in command of the aircraft;

"explosive" has the same meaning as in article 314 of the Criminal Code;

Cap. 9.

Cap. 480.

"firearm" has the same meaning as in the Arms Act;

"Head Aviation Security" means the public officer designated by the Minister to be responsible for the overall management and control of aviation security at specified airports and includes a public officer of his department so designated by him for the

purposes of this Act. The Head Aviation Security and his department are the designated appropriate authority for Civil Aviation Security in Malta for the purpose of Article 9 of Regulation (EC) Nr. 300/2008 and of the Annex to Commission Regulation (EU) Nr. 18/2010;

"immigration officer" means the Principal Immigration Officer as defined in article 2 of the Immigration Act acting under such authority; Cap. 217.

"loss or damage" in relation to persons, has the same meaning as in the Civil Aviation Act; Cap. 232.

"Malta" has the same meaning as assigned to it by article 124 of the Constitution of Malta;

"manager", in relation to an airport, means those persons legally responsible for the organisations that are managing the operations of passengers and of the cargo terminal, and of the airside operations;

"military aircraft" means an aircraft of the naval, military or air forces of any country;

"Minister" means the Minister responsible for aviation security and, to the extent of the authority given, any person authorised in that behalf by such Minister;

"operator" in relation to any aircraft, shall have the same meaning given to it in the Aircraft Registration Act; Cap. 503.

"motor vehicle" means any type of vehicle propelled by mechanical or electrical power;

"pilot in command" in relation to an aircraft means a person who for the time being is in charge of the piloting of the aircraft without being under the direction of any other pilot in the aircraft;

"Police officer" has the same meaning assigned to it by the Police Act; Cap. 164.

"property" includes any land, buildings or works, any aircraft or vehicle and any baggage, cargo or other article of any description;

"restricted area" means an area access to which can only be obtained by authorisation from the Head Aviation Security and which may be as may be prescribed by regulations made under this Act.

PART II

REGULATION OF AVIATION SECURITY

Regulations and orders. *Amended by: XIV. 2014.3; XXIII. 2015.2.*

3. (1) The Minister may by regulations make such provision as appears to him to be requisite or expedient -

(*a*) for prescribing or making provision for any aviation security matter that is to be or may be prescribed under this Act;

(*b*) generally for securing the safety of aircraft and of persons and property carried therein, and for the detention of aircraft for any of the purposes specified

in this paragraph;

(*c*) for preventing interference with the use or effectiveness of apparatus used in connection with air navigation;

(*d*) generally for regulating security at any airport in Malta;

(*e*) prescribing fees that are to be paid by managers of airports, aircraft operators, air cargo agents and passengers in respect of the provision of security services at any airport in Malta;

(*f*) for appointing the Head Aviation Security with overall responsibility for the management and control of aviation security and for the command, co-ordination and oversight of all the security resources provided at Luqa Airport or any other designated airport in Malta;

(*g*) to establish administrative penalties for failure to comply with the provisions of this Act where such failure is not already subject to other punitive measures of a criminal nature or for the payment of administrative fines in lieu of criminal proceedings, which administrative fines shall not be in an amount of more than five thousand euro, and to establish the procedures for the imposition and collection of such administrative fines and to provide for any other administrative measures that may be taken in default of payment in respect of the person who has failed to pay.

(2) Regulations made under any of the provisions of this Act may contain such incidental and supplementary provisions as appear to the Minister to be necessary or expedient for the purposes of the regulations.

Power for Minister to require information. *Amended by: L.N. 426 of 2007.*

4. (1) The Minister may, by notice in writing served on any person who is -

(*a*) the operator of one or more aircraft registered or operating in Malta, or

(*b*) an air cargo agent operating in Malta, or

(*c*) the manager of an airport in Malta,

require that person to inform the Minister of the measures, of a description specified in the notice, which are being taken in respect of aircraft registered or operating in Malta of which he is the operator or in respect of that airport, as the case may be, for purposes to which this Part of this Act applies.

(2) A notice under subarticle (1) shall specify a date (not being earlier than four weeks from the date on which the notice is served) before which the information required by the notice in accordance with subarticle (1) is to be furnished to the Minister.

(3) Any such notice shall also require the person on whom it is served, after he has furnished to the Minister the information

required by the notice in accordance with subarticle (1), to inform the Minister if at any time -

(*a*) any further measures, in respect of aircraft registered or operating in Malta of which at that time he is the operator, or in respect of the airport to which the information so furnished related, as the case may be, are taken for purposes to which this Part of this Act applies, either -

(i) by way of alteration of, or addition to, the measures specified in any information previously furnished by him under this article; or

(ii) by way of applying any measures so specified to aircraft, or to a part of the airport, not comprised in the previous information;

or

(*b*) any measures taken as mentioned in that subarticle or in paragraph (*a*) are discontinued.

(4) In so far as such a notice requires further information to be furnished to the Minister in accordance with subarticle (3), it shall require that information to be furnished to him before the end of such period, not being less than seven days from the date on which the further measures in question are taken, as is specified in the notice for the purposes of this subarticle, and where the measures are to be discontinued before they are so discontinued.

(5) Any person who -

(*a*) refuses or, without reasonable cause, fails to comply with a requirement imposed on him by a notice under this article, or

(*b*) in furnishing any information so required, makes a statement which he knows to be false in a material particular, or recklessly makes a statement which is false in a material particular,

shall be guilty of an offence and shall, on conviction, be liable to a fine (*multa*) not exceeding two thousand and three hundred and twenty-nine euro and thirty-seven cents (2,329.37) or to imprisonment for a term not exceeding two years or to both such fine and imprisonment.

(6) A notice served on a person under subarticle (1) may at any time be revoked by a further notice served on him by the Minister.

Aviation Security Committee.
Amended by: XIV. 2014.4.

5. (1) There shall be established a committee to be designated the Aviation Security Committee (hereinafter in this article to be called "the committee") composed of such members as shall be appointed by the Prime Minister from amongst public officers occupying a senior position and performing duties in the ministries responsible for matters relating to aviation and airports as well as from amongst employees occupying a senior position in the other organisations having a main concern in the management, running

and control of aviation and airports in Malta:

Provided that the Prime Minister may appoint other persons as members of the committee who appear to him to have the experience and to have shown the capacity in matters relating to the security of aviation and airports.

(2) Subject to the provisions of this Act, it shall be the duty of the committee in general to consider and advise Government and the competent authorities on all matters relating to the security of airports and aircraft, and in particular to advise the Minister -

(*a*) with regard to the development, maintenance and promotion of an efficient system of security at airports and on board aircraft; and

(*b*) with regard to the development and determination of the necessary strategies and policies to reach such objectives.

(3) The Minister responsible for Aviation Security shall be the chairman of the committee, and the Permanent Secretary responsible for Home Affairs shall be the deputy chairman; the Commissioner of Police, the Commander of the Armed Forces and the Head Aviation Security shall be *ex officio* members.

(4) The appointed members shall hold office for such term, not being more than three years, as may be specified in their letter of appointment.

(5) If any vacancy in the committee occurs during the period of appointment, on account of death, resignation or for any other cause, the Prime Minister shall, as soon as practicable, appoint another person to fill the vacancy:

Provided that the committee and the members thereof may act notwithstanding any such vacancy.

(6) The deputy chairman shall act instead of the chairman whenever the chairman is absent from a meeting of the committee or is unable to act as chairman for any reason.

(7) Notwithstanding any other provision of this article the Prime Minister may at any time terminate the appointment of an appointed member, if, in his opinion, such appointed member is unfit to continue in office or has become incapable of properly performing his functions.

(8) The Head Aviation Security shall act as secretary of the committee.

(9) The committee shall meet as often as necessary, but in no case less frequently than once in every three calendar months.

(10) The committee shall decide on the composition and terms of reference of sub-committees or expert groups to which it can give special tasks.

(11) The committee shall regulate its own procedures.

Detention of aircraft.

6. Regulations made under any of the provisions of this Act may provide for the detention of aircraft to secure compliance with

any provision of this Act or of any regulations made thereunder, and may make such further provision as appears to the Minister to be necessary or expedient for securing such detention.

PART III

PROTECTION OF AIRCRAFT, AIRPORTS AND AIR NAVIGATION INSTALLATIONS AGAINST ACTS OF VIOLENCE

Purposes to which Part III applies.

7. (1) This Part of this Act has the purpose to provide protection against acts of violence -

(*a*) to aircraft, and to persons or property on board aircraft;

(*b*) to airports, and to such persons or property as (in the case of persons) are at any time present in any part of an airport or is at any time (whether permanently or temporarily) in any part of an airport; and

(*c*) to air navigation installations which do not form part of an airport.

(2) In this Part of this Act "act of violence" means any act (whether actual or potential, and whether done or to be done in Malta or elsewhere) which either -

(*a*) being an act done in Malta, constitutes, or

(*b*) if done in Malta would constitute,

the offences under articles 211, 212, 214, 216, 217, 218, 220 and 222A of the Criminal Code; or any act whereby an explosion of a nature likely to endanger life, or to cause serious injury to property, is maliciously caused by means of any explosive substance, whether or not any injury to persons or property is actually caused.

Cap. 9.

Endangering safety at airports.

8. (1) It is an offence for any person by means of any device, substance or weapon intentionally to commit at an airport serving civil aviation any act of violence which -

(*a*) causes or is likely to cause death or serious personal injury, and

(*b*) endangers or is likely to endanger the safe operation of the airport or the safety of persons at the airport.

(2) It is also, subject to subarticle (4), an offence for any person by means of any device, substance or weapon unlawfully and intentionally -

(*a*) to destroy or seriously damage -

(i) property used for the provision of any facilities at an airport serving civil aviation (including any apparatus or equipment so used), or

(ii) any aircraft which is at such an airport but is not in service, or

(*b*) to disrupt the services of such an airport, in such a way as to endanger or is likely to endanger the safe operation of the airport or the safety of persons at the

airport.

(3) Except as provided by subarticle (4), subarticles (1) and (2) apply whether any such act as is referred to in those subarticles is committed in Malta or elsewhere and whatever the nationality of the person committing the act.

(4) Subarticle (2)(*a*)(ii) does not apply to any act committed in relation to an aircraft used in military, customs or Police service unless -

(*a*) the act is committed in Malta, or

(*b*) where the act is committed outside Malta, the person committing it is a Maltese national.

(5) A person who commits an offence under this article shall be liable, on conviction, to imprisonment for life.

(6) For the purposes of this Act -

(*a*) the period during which an aircraft is in flight shall be deemed to include any period from the moment when all its external doors are closed following embarkation until the moment when any such door is opened for disembarkation, and, in the case of a forced landing, any period until the competent authorities take over responsibility for the aircraft and for persons and property on board; and

(*b*) an aircraft shall be taken to be in service during the whole of the period which begins with the pre-flight preparation of the aircraft for a flight and ends twenty-four hours after the aircraft lands having completed that flight, and also at any time (not falling within that period) while, in accordance with the preceding paragraph, the aircraft is in flight,

and anything done on board an aircraft in flight over any part of Malta shall be treated as done in that part of Malta.

(7) Proceedings for an offence under this article shall not be instituted in Malta except with the consent of the Attorney General.

False statements relating to baggage, cargo, etc.
Amended by: L.N. 426 of 2007.

9. (1) Subject to subarticle (3), a person commits an offence if, in answer to a question which -

(*a*) relates to any baggage, cargo or stores (whether belonging to him or to another) that is or are intended for carriage by an aircraft registered or operating in Malta, and

(*b*) is put to him for purposes to which this Part of this Act applies -

(i) by any of the persons mentioned in subarticle (2);

(ii) by any employee or agent of such a person in his capacity as employee or agent; or

(iii) by an authorised officer,

he makes a statement which he knows to be false in a material particular, or recklessly makes a statement which is false in a material particular.

(2) The persons referred to in subarticle (1)(*b*) are:

(*a*) the manager of an airport in Malta;

(*b*) the operator of one or more aircraft registered or operating in Malta; and

(*c*) any person who -

(i) is permitted to have access to a restricted zone of an airport for the purposes of the activities of a business carried on by him; and

(ii) has control in that restricted zone over the baggage, cargo or stores to which the question relates.

(3) A person guilty of an offence under subarticle (1) shall be liable, on conviction, to a fine (*multa*) not exceeding four thousand and six hundred and fifty-eight euro and seventy-five cents (4,658.75) or to imprisonment for a term not exceeding two years or to both such fine and imprisonment.

(4) In this article -

"cargo" includes stores and mail; and

"stores" means any goods intended for sale or use on an aircraft, including tax-free goods, spare parts and other articles of equipment, whether or not for immediate fitting.

False statements in connection with identity documents. *Amended by: L.N. 426 of 2007; XIV. 2014.5.*

10. (1) Subject to subarticle (4), a person commits an offence if -

(*a*) for the purpose of, or in connection with, an application made by him or another for the issue of an identity document to which this subarticle applies; or

(*b*) in connection with the continued holding by him or another of any such document which has already been issued,

he makes to any of the persons specified in subarticle (3), to any employee or agent of such a person or to an authorised officer, a statement which he knows to be false in a material particular, or recklessly makes to any of those persons, to any such employee or agent or to an authorised officer, a statement which is false in a material particular.

(2) Subarticle (1) applies to any identity document which is to be or has been issued by any of the persons specified in subarticle (3) in accordance with arrangements the maintenance of which is required by a direction given by the Minister.

(3) The persons referred to in subarticle (1) are:

(*a*) the Head Aviation Security;

(*b*) the manager of an airport in Malta;

(*c*) the authority responsible for an air navigation installation in Malta;

(*d*) the operator of one or more aircraft registered or operating in Malta; and

(*e*) any person who is permitted to have access to a restricted zone of an airport or air navigation installation for the purposes of the activities of a business carried on by him.

(4) A person guilty of an offence under subarticle (1) shall be liable, on conviction, to a fine (*multa*) not exceeding four thousand and six hundred and fifty-eight euro and seventy-five cents (4,658.75) or to imprisonment for a term not exceeding two years or to both such fine and imprisonment.

Unauthorised presence in restricted area. *Amended by: XIV. 2014.6.*

11. (1) A person shall not -

(*a*) enter, with or without a vehicle, into any part of a restricted area of -

(i) an airport, or

(ii) an air navigation installation which does not form part of an airport,

except with the permission of the Head Aviation Security, and the authority responsible for the air navigation installation or a person acting on behalf of that Head or authority, and in accordance with any conditions subject to which that permission is for the time being granted, or

(*b*) remain on any part of such a restricted area after being requested to leave by the Head Aviation Security, or the authority responsible for the air navigation installation or a person acting on behalf of that Head or authority:

Provided that the Head Aviation Security may at any time enter into any part of such restricted area or remain thereat notwithstanding the opposition of the authority responsible for the air navigation installation.

(2) Subarticle (1)(*a*) does not apply unless it is proved that, at the material time, notices stating that the area concerned was a restricted area were posted so as to be readily seen and read by persons entering the restricted area.

Access to restricted areas. *Amended by: XIV. 2014.7.*

12. (1) No person shall enter a restricted area unless he is in possession of a security pass or a temporary authorisation in writing issued by the Head Aviation Security:

Provided that where the exigencies of the moment so require, a member of the Police Force or of the Armed Forces of Malta may, in pursuance of his duty, enter a restricted area without the security pass mentioned above, but shall in such cases produce their service identity card and upon demand by the Head Aviation Security:

Provided further that the Head Aviation Security may allow any person to enter into a restricted area without a security pass or temporary authorisation in writing whenever he deems it expedient to do so.

(2) A security pass or a temporary authorisation in writing shall be issued in such form, for such time and under such conditions as the Head Aviation Security may deem expedient. Any such security pass or written authorisation shall be returned to the Head Aviation Security on its expiry.

(3) Security passes shall be displayed in a prominent position on the person in whose name they are issued as may be specified by the Head Aviation Security. Temporary authorisations in writing and identity cards shall be produced on demand when so requested by an authorised officer.

(4) A person holding a security pass issued under this article shall return it to the Head Aviation Security upon its expiry or when the person to whom it is issued ceases to be in the employment in connection with which the pass has been issued, or upon a simple demand by the Head Aviation Security, and the person employing such employee shall immediately inform the Head Aviation Security of the cessation, for any cause, of such employment.

Motor vehicles to have authorisation for restricted areas. *Amended by: XIV. 2014.8 Act XL of 2023.*

13. (1) No motor vehicle shall enter or be driven in a restricted area without the written authorisation of the Head Aviation Security, and under such conditions as may be specified therein:

Provided that the Head Aviation Security may allow any motor vehicle to enter or be driven into a restricted area without his written authorisation whenever he deems it expedient to do so, subject to any conditions he may impose.

(2) A person who is driving or who is in charge of a motor vehicle for which a written authorisation has been so granted shall produce such authorisation on demand to an authorised officer.

(3) Motor vehicles driven in a restricted area shall comply with the Air Navigation Act, or any Act amending or substituting the same. Cap. 641.

Persons and motor vehicles to comply with conditions of security pass.

14. (1) Any person authorised under this Act to enter a restricted area or to drive a motor vehicle therein shall comply with the conditions so specified in the security pass or authorisation, as the case may be, and with such other directives as may be given by an authorised officer.

(2) An authorised officer may detain and search any person or motor vehicle in a restricted area or while entering or leaving such area.

(3) Any person who contravenes the provisions of subarticle (1) may be removed from a restricted area by any authorised officer without prejudice to any criminal proceedings which may be instituted against him.

Weapons and explosives prohibited in restricted area. *Amended by: XIV. 2014.9.*

15. No weapon or explosive material shall be introduced, kept or taken out of a restricted area by any person or in any vehicle without the written authorisation of the Head Aviation Security:

Provided that this shall not apply to authorised officers being members of the Armed Forces of Malta or the Malta Police Force and motor vehicles used by them in the course of their lawful duties.

Special powers of the Head Aviation Security. *Amended by: XIV. 2014.10.*

16. The Head Aviation Security may, by notice in the Gazette, declare any part of a restricted area to be exempt from all or any one of the provisions of this Act for such time and under such conditions as may be specified in that notice.

Offences relating to articles 11 to 14. *Amended by: L.N. 426 of 2007.*

17. (1) Any person who contravenes the provisions of article 11(1), article 12(1) or (4), article 13(1) or article 14(1) shall be guilty of an offence and, on conviction, shall be liable to a fine (*multa*) of not less than two thousand and three hundred and twenty-nine euro and thirty-seven cents (2,329.37) and not exceeding six thousand and nine hundred and eighty-eight euro and twelve cents (6,988.12), or to imprisonment for a term not exceeding two years or to both such fine and imprisonment.

(2) Any person who contravenes the provisions of article 12(3) or of article 13(2) shall be guilty of an offence and, on conviction, shall be liable to a fine (*multa*) not exceeding one thousand and one hundred and sixty-four euro and sixty-nine cents (1,164.69).

(3) Any person who contravenes the provisions of article 15 shall be guilty of an offence, and, on conviction, shall be liable to a fine (*multa*) of not less than nine thousand and three hundred and seventeen euro and forty-nine cents (9,317.49) but not exceeding eighteen thousand and six hundred and thirty-four euro and ninety-nine cents (18,634.99), or to imprisonment of not less than three months but not exceeding two years or to both such fine and imprisonment.

(4) The provisions of this article establishing offences and punishments in respect thereof shall not affect the operation of any other law establishing offences and punishments in respect of the same acts or omissions, and shall not, in particular, affect the application of any higher punishment under any other law.

Unauthorised presence on board aircraft. *Amended by: L.N. 426 of 2007.*

18. (1) A person shall not without lawful authority or reasonable excuse -

(*a*) get into or onto an aircraft at an airport in Malta except with the permission of the operator of the aircraft or a person acting on his behalf; or

(*b*) remain on an aircraft at such an airport after being requested to leave by the operator of the aircraft or a person acting on his behalf.

(2) A person who contravenes subarticle (1) shall be guilty of an offence and liable, on conviction, to a fine (*multa*) not exceeding two thousand and three hundred and twenty-nine euro and thirty-seven cents (2,329.37), or imprisonment for a term not exceeding two years or to both such fine and imprisonment.

Obstruction of authorised persons. *Amended by: L.N. 426 of 2007.*

19. (1) A person shall be guilty of an offence if he -

(*a*) intentionally obstructs an authorised officer acting in the exercise of a power conferred on him by or under this Part of this Act; or

(*b*) falsely pretends to be an authorised person.

(2) A person guilty of an offence under subarticle (1)(*a*) shall be liable to a fine (*multa*) not exceeding three thousand and four hundred and ninety-four euro and six cents (3,494.06), or to imprisonment for a term not exceeding two years or to both such fine and imprisonment.

(3) A person guilty of an offence under subarticle (1)(*b*) shall be liable, on conviction, to a fine not exceeding two thousand and three hundred and twenty-nine euro and thirty-seven cents (2,329.37), or to imprisonment for a term not exceeding two years or to both such fine and imprisonment.

Air cargo agents.

20. (1) The Minister may, by regulations, make provision, for purposes to which this Part of this Act applies, in relation to persons (in this article referred to as "air cargo agents") who carry on a business of handling cargo which is to be delivered (whether by them or any other person) to the operator of any aircraft for carriage from any airport in Malta by an aircraft.

(2) Regulations under this article may, in particular -

(*a*) enable the Minister to maintain a list of air cargo agents who are approved by him for purposes related to aviation security, to include the name of an air cargo agent on that list, on application being made to the Minister in accordance with such regulations, if he is satisfied as to such matters as are specified in the regulations, and to remove the name of any person from that list in such circumstances as may be so specified;

(*b*) provide that any provision of this Part of this Act which applies in relation to persons who are permitted to have access to a restricted zone of an airport for the purposes of the activities of a business (including any such provision which creates a criminal offence) shall also apply, with such modifications as may be specified in the regulations, in relation to air cargo agents included on any such list;

(*c*) make provision (including any such provision as is mentioned in paragraphs (*a*) and (*b*)) relating to a class of air cargo agents as may be specified in the regulations and not to other air cargo agents;

(*d*) make different provision for different cases; and

(*e*) make such incidental, supplementary or transitional provision as the Minister considers necessary or expedient in consequence of any provision made by the regulations.

(3) In this article -

"cargo" includes stores and mail; and

"stores" means any goods intended for sale or use on an aircraft, including tax-free goods, spare parts and other articles of equipment, whether or not for immediate fitting.

Power to impose restrictions in relation to aircraft. *Amended by: L.N. 426 of 2007; XIV. 2014.11.*

21. (1) For the purposes of this Part of this Act, the Minister may give a direction in writing to the operator of any one or more aircraft registered or operating in Malta, or to the Head Aviation Security, or to the manager of any airport in Malta requiring him -

(*a*) not to cause or permit persons or property to go or be taken on board any aircraft to which the direction relates, or to come or be brought into proximity to any such aircraft, unless such searches of those persons or that property as are specified in the direction have been carried out by authorised officers or by other persons of a description specified in the direction; or

(*b*) not to cause or permit any such aircraft to fly unless such searches of the aircraft as are specified in the direction have been carried out by authorised officers or by other persons of a description so specified.

(2) Subject to the following provisions of this Part of this Act, a direction given to the Head Aviation Security or to the manager of an airport under subarticle (1) may be given so as to relate -

(*a*) either to all aircraft which at the time when the direction is given or at any subsequent time are in any part of the airport, or to a class of such aircraft specified in the direction;

(*b*) either to all persons or only to one or more persons, or persons of one or more descriptions, specified in the direction; and

(*c*) either to property of every description or only to particular property, or property of one or more descriptions, specified in the direction.

(3) Any person who refuses or fails to comply with a direction given to him under this article shall be guilty of an offence and shall be liable, on conviction, to a fine (*multa*) not exceeding two thousand and three hundred and twenty-nine euro and thirty- seven cents (2,329.37), or to imprisonment for a term not exceeding two years or to both such fine and imprisonment.

Power to require airport managers to promote searches at airport. *Amended by: L.N. 426 of 2007; XIV. 2014.12.*

22. (1) For the purposes of this Part of this Act, the Minister may give a direction in writing to the Head Aviation Security or to the manager of any airport in Malta requiring him to secure that such searches to which this article applies as are specified in the direction are carried out by other persons of such a description as may be specified in the direction.

(2) The searches to which this article applies, in relation to an airport, are searches -

(*a*) of the airport or any part of it;

(*b*) of any aircraft which at the time when the direction is given or at any subsequent time is in any part of the airport; and

(*c*) of persons or property (other than aircraft) which may at any such time be in any part of the airport.

(3) Where a direction given under this article to the manager of an airport is for the time being in force, then, if a member of the Armed Forces of Malta or of the Malta Police Force, or any other person specified in the direction in accordance with this article, has reasonable cause to suspect that an article to which article 28 applies is in, or may be brought into, any part of the airport, he may, by virtue of this subarticle and without a warrant, search any part of the airport or any aircraft, vehicle, goods or other moveable property of any description which, or any person who, is for the time being in any part of the airport, and for that purpose -

(*a*) may enter any building or works in the airport, or enter upon any land in the airport, if need be by force; and

(*b*) may stop any such aircraft, vehicle, goods, property or person and detain it or him for so long as may be necessary for that purpose.

(4) Any person who -

(*a*) refuses or fails to comply with a direction given to him under this article; or

(*b*) wilfully obstructs or impedes a person acting in the exercise of a power conferred on him by subarticle (3),

shall be guilty of an offence and shall be liable, on conviction, to a fine (*multa*) not exceeding two thousand and three hundred and twenty-nine euro and thirty-seven cents (2,329.37), or to imprisonment for a term not exceeding two years or to both such fine and imprisonment.

Inspection of aircraft and airports. *Amended by: L.N. 426 of 2007.*

23. (1) Any person authorised in writing by the Minister (in this article referred to as an "authorised officer") shall have power, on production (if required) of his credentials, to inspect -

(*a*) any aircraft registered or operating in Malta at a time when it is in Malta; or

(*b*) any part of any airport in Malta.

(2) An authorised officer inspecting an aircraft or any part of an airport under subarticle (1) shall have power -

(*a*) to subject any property found by him in the aircraft (but not the aircraft itself or any apparatus or equipment installed in it) or, as the case may be, to subject that part of the airport or any property found by him there, to such tests; or

(*b*) to require the operator of the aircraft, or the manager of the airport, to furnish to him such information,

as the authorised person may consider necessary for the purpose for which the inspection is carried out.

(3) Subject to subarticle (4), an authorised person, for the purpose of exercising any power conferred on him by the preceding provisions of this article in relation to an aircraft or in relation to an airport, shall have power -

(*a*) for the purpose of inspecting an aircraft, to enter it and to take all such steps as are necessary to detain it; or

(*b*) for the purpose of inspecting any part of an airport, to enter any building or works in the airport or enter upon any land in the airport.

(4) The powers conferred by subarticle (3) shall not include power for an authorised person to use force for the purpose of entering any aircraft, building or works or entering upon any land.

(5) Any person who -

(*a*) wilfully obstructs or impedes a person acting in the exercise of a power conferred on him by or under this article; or

(*b*) refuses or, without reasonable excuse, fails to comply with a requirement imposed on him under, subarticle (2)(*b*); or

(*c*) in furnishing any information so required, makes a statement which he knows to be false in a material particular, or recklessly makes a statement which is false in a material particular,

shall be guilty of an offence and shall be liable, on conviction, to a fine not exceeding two thousand and three hundred and twenty-nine euro and thirty-seven cents (2,329.37), or to imprisonment for a term not exceeding two years or to both such fine and imprisonment.

Application of provisions of Parts II and III to air navigation installations.

24. (1) Sections 4, 22 and 23 of this Act shall have effect in relation to air navigation installations in Malta in accordance with the following provisions of this article.

(2) In relation to any such air navigation installation which does not form part of an airport, those articles shall have effect, subject to subarticle (5), as if in them any reference to an airport were a reference to such an air navigation installation and any reference to the manager of an airport were a reference to the authority responsible for such an air navigation installation.

(3) Where an air navigation installation forms part of an airport in Malta, those articles shall have effect, subject to subarticle (5), as if in them any reference to an airport were a reference either -

(*a*) to an airport; or

(*b*) to an air navigation installation which forms part of an airport; or

(*c*) to so much of an airport as does not consist of an air navigation installation,

and accordingly a notice under article 4 or a direction under article 22 or 23 may be served or given either in respect of the whole of the airport, or in respect of so much of the airport as does not consist of an air navigation installation.

(4) For the purposes of the service of a notice or the giving of a direction under article 4 or 22 as modified by subarticle (3), where the notice is to be served, or the direction given, in respect of an air navigation installation separately, any reference in any of those articles to the manager of the airport shall be construed as a reference to any person who is either the manager of the airport or the authority responsible for the air navigation installation.

(5) Subarticles (2) and (3) shall not apply to article 22(3); but where a direction given under article 22, as applied or modified by the preceding provisions of this article, is for the time being in force -

(*a*) if it is a direction given in respect of an air navigation installation separately (whether that installation forms part of an airport or not), the said article 22 shall have effect in relation to that direction as if the air navigation installation were an airport and, where the direction was given to the authority responsible for the air navigation installation, as if it had been given to the manager of that airport;

(*b*) if it is a direction given in respect of so much of an airport as does not consist of an air navigation installation, the said article 22(3) shall have effect in relation to that direction as if any air navigation installation comprised in the airport did not form part of the airport.

PART IV

OFFENCES AGAINST THE SAFETY OF AIRCRAFT, ETC.

Offences in relation to certain dangerous articles. *Amended by: L.N. 426 of 2007.*

25. (1) It shall be an offence for any person without lawful authority or reasonable excuse (the proof of which shall lie on him) to have with him any article to which this article applies -

(*a*) in any aircraft registered in Malta, whether at a time when the aircraft is in Malta or not; or

(*b*) in any other aircraft at a time when it is in, or in flight over, Malta; or

(*c*) in any part of an airport in Malta; or

(*d*) in any air navigation installation in Malta which does not form part of an airport.

(2) This article applies to the following articles, that is to say:

(*a*) any firearm, or any article having the appearance of being a firearm, whether capable of being discharged or not;

(*b*) any explosive, any article manufactured or adapted (whether in the form of a bomb, grenade or otherwise)

so as to have the appearance of being an explosive, whether it is capable of producing a practical effect by explosion or not, or any article marked or labelled so as to indicate that it is or contains an explosive; and

(*c*) any article (not falling within either of the preceding paragraphs) made or adapted for use for causing injury to or incapacitating a person or for destroying or damaging property, or intended by the person having it with him for such use, whether by him or by any other person.

(3) For the purposes of this article a person who is for the time being in an aircraft, or in part of an airport, shall be treated as having with him in an aircraft, or in that part of the airport, as the case may be, an article to which this article applies if -

(*a*) where he is in an aircraft, the article, or an article in which it is contained, is in the aircraft and has been caused (whether by him or by any other person) to be brought there as being, or as forming part of, his baggage on a flight in the aircraft or has been caused by him to be brought there as being, or as forming part of, any other property to be carried on such a flight; or

(*b*) where he is in part of an airport (otherwise than in an aircraft), the article, or an article in which it is contained, is in that or any other part of the airport and has been caused (whether by him or by any other person) to be brought into the airport as being, or as forming part of, his baggage on a flight from that airport or otherwise or has been caused by him to be brought there as being, or as forming part of, any other property to be carried on such a flight on which he is also to be carried, or otherwise,

notwithstanding that the circumstances may be such that (apart from this subarticle) he would not be regarded as having the article with him in the aircraft or in a part of the airport, as the case may be.

(4) Any person who contravenes any of the provisions of this article shall be guilty of an offence and shall be liable, on conviction, to a fine not exceeding four thousand and six hundred and fifty-eight euro and seventy-five cents (4,658.75), or to imprisonment for a term not exceeding five years, or to both such fine and imprisonment, provided that if the offence is against the provision found in subarticle (1)(*b*) the person found so guilty shall be liable to the punishments prescribed in article 313 of the Criminal Code.

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(5) Nothing in subarticle (3) shall be construed as limiting the circumstances in which a person would, apart from that subarticle, be regarded as having an article with him as mentioned in subarticle (1).

Powers exercisable on suspicion of intended offence under Part IV. *Amended by: L.N. 426 of 2007; XIV. 2014.13.*

26. (1) Where the Head Aviation Security has reasonable cause to suspect that a person about to embark on an aircraft in Malta, or a person on board such an aircraft, intends to commit, in relation to the aircraft, offences under any of the preceding provisions of this Part of this Act, the Head Aviation Security may prohibit him from travelling on board the aircraft, and for the purpose of enforcing that prohibition the Head Aviation Security -

(*a*) may prevent him from embarking on the aircraft or, as the case may be, may remove him from the aircraft; and

(*b*) may arrest him without warrant and detain him for so long as may be necessary for that purpose.

(2) Any person who wilfully obstructs or impedes a person acting in the exercise of a power conferred on him by subarticle (1) shall be guilty of an offence and shall be liable, on conviction, to a fine not exceeding three thousand and four hundred and ninety-four euro and six cents (3,494.06), or to imprisonment for a term not exceeding two years, or to both such fine and imprisonment.

Prosecution of offences and proceedings.

27. Proceedings for an offence under any of the preceding provisions of this Part of this Act shall not be instituted in Malta, except with the consent of the Attorney General.

PART V

POLICING OF AIRPORTS

Designated airports. *Amended by: XIV. 2014.14.*

28. (1) The Minister may by order designate any airport used for the purposes of civil aviation for the purposes of this Part of this Act if he considers that the policing of that airport should be undertaken by members of the Malta Police Force or members of the Armed Forces of Malta under the direction and control of the Commissioner of Police or the Commander Armed Forces of Malta respectively in the interests of the preservation of the peace and the prevention of crime.

(2) Before making an order under subarticle (1) in relation to any airport, the Minister shall consult the Minister responsible for Civil Aviation, the Head Aviation Security and the members of the Airport Security Committee.

(3) The power to make an order under subarticle (1) shall be exercisable by Legal Notice:

Provided that any order which has not been consented to by the authorities mentioned in subarticle (2) shall be laid before Parliament in draft and shall not be made unless the draft is approved by resolution of the House of Representatives.

Prevention of theft at designated airports.

29. (1) Any relevant authorised officer may in any airport which is a designated airport -

(*a*) stop, and without warrant search, any airport employee in order to ensure that such employee does not have in his possession or is not conveying in any manner anything stolen or unlawfully obtained on the airport;

and

(*b*) in order to ensure that anything stolen or unlawfully obtained on the airport is not in or on any vehicle inside or going out of an airport 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 authorised officer may -

(*a*) stop any person who is leaving a cargo area in an airport which is a designated airport and inspect any goods carried by or on 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 operator of the aircraft; 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) In any cargo area in an airport which is a designated airport the powers of an authorised officer under subarticle (1)(*b*) -

(*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.

(4) In this article "airport employee", in relation to any airport, means any person in the employment of the manager of the airport and any person employed otherwise than by the manager to work on the airport.

(5) In this article "cargo area" means any area which appears to the Minister to be wholly or mainly intended or used for the storage or handling of cargo in an airport and is designated by an order made by him for the purposes of this article.