

AIR NAVIGATION ACT
(CHAPTER 6)

**AIR NAVIGATION
(AVIATION SECURITY) ORDER**

O 5

1990 Ed.

G.N. No.

S 401/99

REVISED EDITION 2000
(31.8.2000)

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(CHAPTER 6, SECTION 3 (1))

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(AVIATION SECURITY) ORDER

ARRANGEMENT OF PARAGRAPHS

Paragraph

1. Citation
2. Application
3. Definitions
4. Power of Commissioner of Police to require information
5. Power to give directions to operators of aircraft
6. Power to give directions to other persons
7. General or urgent directions under paragraph 5 or 6
8. Objections to certain directions under paragraphs 5 and 6
9. Enforcement notice
10. Contents of enforcement notice
11. Offences relating to enforcement notice
12. Objections to enforcement notice
13. Supplementary provision relating to enforcement notice
14. Inspection of aircraft and aerodrome
15. False statements relating to baggage, cargo, etc.
16. Unauthorised presence on board aircraft
17. Offences relating to authorised persons
18. Service of document

[1st October 1999]

Citation

1. This Order may be cited as the Air Navigation (Aviation Security) Order.

Application

2.—(1) This Order shall apply to any aerodrome in Singapore which is used for international civil aviation.

(2) Unless the context otherwise requires, this Order shall not apply to any aerodrome under the control of the Singapore Armed Forces.

Definitions

3. In this Order, unless the context otherwise requires —

“cargo” includes mail;

“Commissioner” means the Commissioner of Police appointed under the Police Force Act (Cap. 235) or any police officer appointed by the Commissioner to act on his behalf;

“enforcement notice” means a notice served under paragraph 9 (1);

“protected place” means any premises declared to be a protected place under the Protected Areas and Protected Places Act (Cap. 256);

“security measures” means a combination of measures and procedures to secure the safety of aircraft and of persons and property carried therein against unlawful acts of violence;

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

Power of Commissioner of Police to require information

4.—(1) The Commissioner may by notice in writing served on any person —

(a) who is the operator of one or more aircraft registered or operating in Singapore; or

(b) who carries on any business or provides any service at an aerodrome,

require that person to inform the Commissioner of the security measures, of a description specified in the notice, which are being taken in respect of aircraft registered or operating in Singapore, or in respect of the business carried on or service provided at the aerodrome, as the case may be.

(2) A notice under sub-paragraph (1) shall specify a date (not being earlier than 4 weeks from the date on which the notice is served) before which the information required by the notice under sub-paragraph (1) is to be furnished to the Commissioner.

(3) A notice under sub-paragraph (1) shall also require the person on whom it is served, after he has furnished to the Commissioner the information required by that notice, to inform the Commissioner if at any time —

(a) any further measures, in respect of aircraft registered or operating in Singapore of which at that time he is the operator, or in respect of the business carried on or service provided at the aerodrome to which the information so furnished relates, as the case may be, are taken for the purpose of this paragraph, either —

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

(ii) by way of applying any security measures so specified to the aircraft, or to the business carried on or service provided at the aerodrome, not comprised in the previous information; or

(b) any measures taken as mentioned in sub-paragraph (1) or in sub-paragraph (a) are discontinued.

(4) In so far as the notice requires further information to be furnished to the Commissioner in accordance with sub-paragraph (3), it shall require that information to be furnished to the Commissioner before the end of such period (not being less than 7 days from the date on which the further measures in question are taken or are discontinued) as is specified in the notice.

(5) Any person who —

(a) refuses or, without reasonable excuse, fails to comply with a requirement imposed on him by a notice under this paragraph; 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 be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 12 months or to both.

(6) A notice served on a person under sub-paragraph (1) may at any time be revoked by a further notice served on him by the Commissioner.

Power to give directions to operators of aircraft

5.—(1) The Commissioner may, by direction in writing served on a person who is the operator of any one or more aircraft registered or operating in Singapore, require that person to take such security measures as may be specified in the direction.

(2) The Commissioner shall inform the Authority of the directions given to the operator and consider any advice given by the Authority with respect to those directions.

(3) The security measures that may be specified in a direction under sub-paragraph (1) include measures for —

- (a) preventing or deterring the unlawful carriage on any aircraft of any firearm, ammunition, weapon, incendiary device or explosive, or other substance or thing that, by reason of its nature or condition, may endanger the safety of the aircraft or the safety of persons or property on board the aircraft;
- (b) preventing any person from having unlawful access to any aircraft;
- (c) ensuring that all baggage, mail and other cargo to be taken on board any aircraft is accepted for that purpose only by an employee, or other duly authorised agent or representative, of the operator;
- (d) preventing baggage, mail and other cargo from being taken on board any aircraft except in accordance with the specified security measures; and
- (e) the protection of aircraft, and of persons and property on board the aircraft, against damage or injury in the event that, because of a threat or warning having been received or otherwise, there is reason to believe that there exists a danger to the safety of the aircraft or to the safety of those persons or that property.

(4) The operator of aircraft referred to in sub-paragraph (1) shall appoint a person to be responsible for planning, developing and implementing the security measures required to be taken under this paragraph and inform the Commissioner of his particulars.

(5) A direction under sub-paragraph (1) shall specify a date (not being earlier than 4 weeks from the date on which the direction is served) before which the operator is required to comply with the direction.

(6) Any person who refuses or, without reasonable excuse, fails to comply with a direction imposed on him under this paragraph shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 12 months or to both.

(7) A direction served on a person under sub-paragraph (1) may at any time be revoked by a further direction served on him by the Commissioner.

Power to give directions to other persons

6.—(1) The Commissioner may by direction in writing served on a person —

- (a) who carries on any business or provides any service at an aerodrome; or
- (b) who has access to a protected place in such an aerodrome for the purposes of the business carried on or service provided by him,

require that person to take such security measures as may be specified in the direction.

(2) The Commissioner shall inform the Authority on the directions given to the owner of a business and take account of any advice given by the Authority with respect to those directions.

(3) A direction under sub-paragraph (1) shall specify a date (not being earlier than 4 weeks from the date on which the direction is served) before which the person is required to comply with the direction.

(4) Any person who refuses or, without reasonable excuse, fails to comply with a direction imposed on him under this paragraph shall

be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 12 months or to both.

(5) A direction served on a person under sub-paragraph (1) may at any time be revoked by a further direction served on him by the Commissioner.

General or urgent directions under paragraph 5 or 6

7.—(1) A direction given to any person under paragraph 5 or 6 need not be addressed to that particular person, but may be framed in general terms applicable to all persons to whom such a direction may be given or to any class of such persons to which that particular person belongs.

(2) If it appears to the Commissioner that an exception from any direction given under paragraph 5 or 6 is required as a matter of urgency in any particular case, the Commissioner may, by a notification given (otherwise than in writing) to the person for the time being subject to the direction, authorise that person to disregard the requirements of the direction —

(a) in relation to such aircraft or class of aircraft, or in relation to such persons or property or such description of persons or property; and

(b) on such occasion or series of occasions, or for such period, as the Commissioner may specify; and the direction shall have effect in that case subject to any exceptions so specified.

(3) Any notification given to any person under sub-paragraph (2) with respect to any direction shall cease to have effect (if it has not already done so) —

(a) if a direction in writing is subsequently given by the Commissioner to that person varying or revoking the original direction; or

(b) if no such direction in writing is given by the Commissioner within the period of 4 weeks beginning with the date on which the notification was given, at the end of that period.

(4) Any notification given under sub-paragraph (2) shall be regarded as given to the person to whom it is directed if it is given —

- (a) to any person authorised by that person to receive any such direction or notification;
- (b) where that person is a body corporate, to the secretary, clerk or similar officer of the body corporate; and
- (c) in any other case, to anyone holding a comparable office or position in that person's employment.

Objections to certain directions under paragraphs 5 and 6

8.—(1) This paragraph shall apply to any direction given under paragraphs 5 and 6 which does not contain a statement that the security measures are urgently required and that accordingly the direction is to take effect immediately.

(2) At any time before the end of the period of 4 weeks beginning with the date on which a direction to which this paragraph applies is given, the person to whom the direction is given may serve on the Commissioner a notice in writing objecting to the direction, on the grounds that the security measures specified in the direction are excessively onerous or inconvenient and should be modified in a manner specified in the notice.

(3) Where a person serves a notice under sub-paragraph (2) objecting to the direction, the Commissioner shall consider the grounds of the objection and if so required by the objector, shall afford to him an opportunity of appearing before, and being heard by, a person other than a police officer appointed by the Commissioner for the purpose.

(4) Where the objector appears before and is heard by a person appointed by the Commissioner under sub-paragraph (3), the person so appointed shall submit to the Commissioner his opinion in writing to enable the Commissioner to come to a decision on the objections.

(5) The Commissioner shall, after considering the grounds of objection and, if applicable, the written opinion of the person appointed to hear the objector under sub-paragraph (3), then serve on the objector a notice in writing either —

- (a) confirming the direction as originally given;
- (b) confirming it subject to one or more modifications specified in the notice under this sub-paragraph; or
- (c) withdrawing the direction.

(6) The direction shall not take effect until it has been confirmed (with or without modifications) by a notice served under sub-paragraph (5).

Enforcement notice

9.—(1) Where the Commissioner is of the opinion that any person has failed to comply with any general requirement of a direction given to him under paragraph 5 or 6, the Commissioner may serve on that person a notice —

- (a) specifying those general requirements of the direction with which he has, in the opinion of the Commissioner, failed to comply; and
- (b) specifying, subject to paragraph 10, the measures that ought to be taken in order to comply with those requirements.

(2) For the purposes of this paragraph, a requirement of a direction given by the Commissioner under paragraph 5 or 6 is a general requirement if the provision imposing the requirement —

- (a) has been included in 2 or more directions given to different persons (whether or not at the same time); and
- (b) is framed in general terms applicable to all persons to whom those directions are given.

(3) Before serving any enforcement notice which relates to a direction given under paragraph 5 or 6, the Commissioner shall inform the Authority of the security measures to be specified in the notice, and take account of any advice given by the Authority with respect to those security measures.

Contents of enforcement notice

10.—(1) An enforcement notice may specify in greater detail the measures which are described in general terms in those provisions of the direction to which it relates which impose general requirements, but may not impose any requirement which could not have been imposed by a direction given by the Commissioner under the provision under which the direction was given.

(2) An enforcement notice may be framed so as to afford the person on whom it is served a choice between different ways of complying with the specified general requirements of the direction.

(3) In serving an enforcement notice which relates to a direction under paragraph 5 or 6, the Commissioner shall specify in the notice, such period as appears to be reasonably required for taking the measures specified in the notice; and the notice shall not take effect before the end of the period so specified.

(4) An enforcement notice requiring a person not to cause or permit anything to be done shall be construed as requiring him to take all such steps as in any particular circumstance are practicable and necessary to prevent that thing from being done.

Offences relating to enforcement notice

11. Any person who, without reasonable excuse, fails to comply with an enforcement notice served on him, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 12 months or to both.

Objections to enforcement notice

12.—(1) The person on whom an enforcement notice is served may serve on the Commissioner a notice in writing of his objection to the enforcement notice, specifying the grounds of the objection.

(2) Any notice of objection under sub-paragraph (1) must be served before the end of the period so specified in the enforcement notice given under paragraph 10 (3).

(3) The grounds of objection to an enforcement notice are —

(a) that the general requirements of the direction which are specified in the notice for the purposes of paragraph 9 (1) have been complied with;

(b) that the notice purports to impose a requirement which could not have been imposed by a direction given under the provision under which the direction to which the notice relates was given; or

(c) that any requirement of the notice —

(i) is unnecessary for complying with the general requirements specified in sub-paragraph (a) and should be dispensed with; or

- (ii) having regard to terms of those general requirements, is excessively onerous or inconvenient and should be modified in a manner specified in the notice of objection under sub-paragraph (1).

(4) Where a person serves a notice under sub-paragraph (1) objecting to the enforcement notice, the Commissioner shall consider the grounds of the objection and if so required by the objector, shall afford to him an opportunity of appearing before, and being heard by, a person other than a police officer appointed by the Commissioner for the purpose.

(5) Where the objector appears before and is heard by a person appointed by the Commissioner under sub-paragraph (4), the person so appointed shall submit to the Commissioner his opinion in writing to enable the Commissioner to come to a decision on the objections.

(6) The Commissioner shall, after considering the grounds of objection and, if applicable, the written opinion of the person appointed to hear the objector under sub-paragraph (4), then serve on the objector a notice in writing either —

- (a) confirming the direction as originally given;
- (b) confirming it subject to one or more modifications specified in the notice under this sub-paragraph; or
- (c) withdrawing the direction.

(7) The direction shall not take effect until it has been confirmed (with or without modifications) by a notice served under sub-paragraph (6).

Supplementary provision relating to enforcement notice

13.—(1) An enforcement notice served on any person —

- (a) may be revoked by a notice served on him by the Commissioner; and
- (b) may be varied by a further enforcement notice.

(2) Where the Commissioner has served an enforcement notice specifying the general requirements of a direction with which the person on whom it is served has, in the opinion of the Commissioner, failed to comply, the person on whom the notice is served shall not be

taken, for the purposes of paragraph 5 (6) or 6 (4), to have failed to comply with the direction by reason of the matters specified in the notice.

(3) Sub-paragraph (2) does not apply in relation to any proceedings commenced before the service of the enforcement notice.

(4) Where an enforcement notice has been served in relation to a direction, the fact that the notice specifies certain general requirements of the direction as those with which the person on whom the notice is served has, in the opinion of the Commissioner, failed to comply shall not in any proceedings be evidence that any other requirement of the direction has been complied with.

(5) In this paragraph, “direction” means a direction under paragraph 5 or 6.

Inspection of aircraft and aerodrome

14.—(1) For the purpose of enabling the Commissioner to determine whether to give a direction to any person under paragraph 5 or 6, or of ascertaining whether any such direction is being or has been complied with, any person authorised in writing by the Commissioner (referred to in this paragraph as an authorised person) shall have power, on production (if required) of his credentials, to inspect —

- (a) any aircraft registered or operating in Singapore, at a time when it is in Singapore; or
- (b) any part of any aerodrome in Singapore.

(2) An authorised person inspecting an aircraft or any part of an aerodrome under sub-paragraph (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 aerodrome or any property found by him there, to such tests; or
- (b) to require the operator of the aircraft, or any person carrying on any business or providing any service at the aerodrome, 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 sub-paragraph (4), an authorised person, for the purpose of exercising any power conferred on him by sub-paragraphs (2) and (3) in relation to an aircraft or in relation to an aerodrome, 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 aerodrome, to enter any building or works in the aerodrome or enter upon any land in the aerodrome.

(4) The powers conferred by sub-paragraph (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 paragraph;
- (b) refuses or, without reasonable excuse, fails to comply with a requirement imposed on him under sub-paragraph (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 \$5,000 or to imprisonment for a term not exceeding 12 months or to both.

False statements relating to baggage, cargo, etc.

15.—(1) Subject to sub-paragraph (3), a person shall be guilty of 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 Singapore; and
- (b) is put to him by any of the persons mentioned in sub-paragraph (2),

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 sub-paragraph (1) (b) are —
- (a) any police officer;
 - (b) any officer of customs appointed under the Customs Act (Cap. 70);
 - (c) any immigration officer appointed under the Immigration Act (Cap. 133);
 - (d) any officer, employee or agent of the Authority;
 - (e) the operator of one or more aircraft registered or operating in Singapore or any employee or agent of such a person in his capacity as employee or agent; and
 - (f) any person who —
 - (i) is permitted to have access to a protected place in an aerodrome for the purposes of any business carried on or service provided by him; and
 - (ii) has control in that restricted zone over the baggage, cargo or stores to which the question relates,or any employee or agent of such a person in his capacity as employee or agent.

(3) A person guilty of an offence under sub-paragraph (1) shall be liable on conviction to a fine not exceeding \$2,000.

Unauthorised presence on board aircraft

16.—(1) A person shall not —

- (a) get into or onto an aircraft at an aerodrome in Singapore 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 aerodrome after being requested to leave by the operator of the aircraft or a person acting on his behalf.

(2) A person who contravenes sub-paragraph (1) without lawful authority or reasonable excuse shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 12 months or to both.

Offences relating to authorised persons

17. A person who —

- (a) intentionally obstructs an authorised person acting in exercise of a power conferred on him by this Order; or
- (b) falsely pretends to be an authorised person,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 12 months or to both.

Service of document

18. Any notice or document containing a direction and any other document required or authorised by any provision of this Order to be served on or given to any person may be served or given —

- (a) by delivering it to him;
- (b) by sending it to him by post at his usual or last known place of residence or place of business, whether in Singapore or elsewhere; or
- (c) in the case of a body corporate, by delivering it to the secretary, clerk or similar officer of the body corporate at its registered or principal office in Singapore (or, if it has no office in Singapore, at its principal office, wherever it may be) or sending it by post to the secretary, clerk or similar officer of the body corporate at that office.

[G.N. No. S 401/99]
