

All UK Aerodrome Managers  
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5<sup>th</sup> March 2012

Dear Colleague

## **AVIATION SECURITY - SECURING AN EXEMPTION FROM SIA LICENSING**

Further to my letter of 17<sup>th</sup> February, this correspondence seeks to clarify issues relevant to the Department's application for an exemption from the requirement of some aviation security staff to obtain a Security Industry Authority (SIA) licence. The purpose of applying for an exemption is to regularise the situation whereby some sectors of the aviation security industry are presently in breach of SIA licensing requirements, and to maintain a single regulatory framework.

For an exemption request to be successful, 'suitable alternative arrangements' must be in place that are equivalent for all practical purposes, so far as protection of the public is concerned, to those applying for and granted licenses. These arrangements relate to vetting, training and monitoring of aviation security personnel. In order to meet the exemption requirements, aviation security staff located outside airport Security Restricted Areas (SRAs) and undertaking functions regulated in the National Aviation Security Programme (NASP) will be required to successfully complete a background check, which includes a Criminal Records Check (CRC) at basic disclosure level. This requirement will be introduced via a More Stringent Measure (MSM) to the Department's Single Consolidated Direction (SCD). **The MSM will take effect on Weds 6<sup>th</sup> June 2012.**

An updated list of aviation security roles/functions conducted outside the SRA is attached at Annex A. This has been moderately revised since my letter of 17<sup>th</sup> February following exchanges with an Industry Working Group and further consideration internally. Greater clarity is provided in respect of Known Consignor and Regulated Agent status (including, in respect of the latter, a distinction between 'handling' and 'guarding' of known screened cargo). General Aviation activities also now fall substantively within Section 3 (licensable by the SIA). For the avoidance of doubt, the table should be interpreted as follows:

- Section 1 - Defines NASP-regulated functions (otherwise licensable by the SIA where undertaken under contract – see later paragraph) that DfT will seek an exemption in respect of. **Background checks/CRCs will therefore be required in respect of any contract to supply services**, mandated by the above MSM, in order to satisfy the requirements for exemption.
- Section 2 – Defines NASP-regulated functions that the SIA does not regulate; hence there is no need for DfT to seek an exemption. Current baseline vetting requirements (pre-employment checks) will continue to be valid, **i.e. no background checks/CRCs are required at this stage.**

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*\*Note that some cargo roles listed in Section 1 (where not undertaken under any contract to supply services) and Section 2 may in future be subject to mandatory CRCs, dependent on the outcome of an ongoing review of cargo security and subject to risk/impact assessment.*

- Section 3 – Defines functions not regulated under the NASP, but which are regulated by the Private Security Industry Act 2001 (“the 2001 Act”). **These roles are licensable by the SIA.**

To clarify the exemption criteria, an individual who carries out designated activities (such as manned guarding) in connection with any contract to supply services to the consumer would be carrying out licensable conduct for the purposes of the 2001 Act. In other words, the SIA legislation requires a person to be licensed if employed or supplied on contract to carry out front line or non-front line licensable activities. For further information on SIA licensing provisions, please contact Jackie Munn (SIA) - [jackie.munn@sia.gsi.gov.uk](mailto:jackie.munn@sia.gsi.gov.uk)

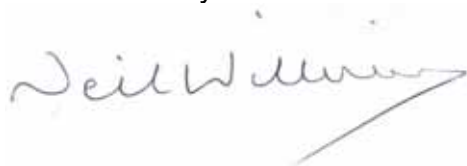
In meeting the requirements for the exemption, CRCs should be undertaken in accordance with the extant NASP provisions. They are currently valid for 5 years and should be renewed prior to expiry. Where staff have already successfully undertaken a CRC, there will be no need to conduct a further check until the current CRC expires.

Regarding disqualifying offences, a person who fails to provide a valid CRC cannot successfully complete a background check. A person shall fail the CRC where it reveals a conviction for a disqualifying offence has been received in the timescales and conditions set out in Schedule 11-1 of the Department's SCD (displayed on DfT's website and replicated at Annex B), and where the Secretary of State has not issued a Certificate of Disregard. This is consistent with arrangements for conducting CRCs in respect of personnel working inside the SRA.

In terms of next steps, DfT will shortly submit a formal application for exemption to the SIA. The application for exemption will then be submitted to the SIA Board for approval and, following the SIA Board's approval, forwarded to DfT and Home Office Ministers for final decision. DfT will, in the meantime, work on drafting the MSM imposing the CRC requirement. The Home Office, in conjunction with the SIA, lead on drafting and laying before Parliament the Statutory Instrument (SI) that will provide the exemption. Subject to the above, it is expected that the SI will come into force by July.

This correspondence is intended to clarify the key issues relevant to meeting the requirements associated with an exemption from SIA licensing, and will shortly be published on DfT's website. **I should be grateful, in the meantime, if Directed parties would disseminate the contents of this letter to their contractors and interested stakeholders.** As before, please get in touch if you have any questions.

Yours faithfully



**NEIL WILLIAMS**

**Security Industry Authority**  
**Private Security Industry Act 2001 & National Aviation Security Programme (NASP)**  
**Aviation Security Job Roles & Functions - Outside Airport Security Restricted Areas (SRAs)**

	<b>Roles &amp; Functions DfT and SIA Regulate</b>	<b>NASP Regulatory Ref</b>
<b>1</b>	<b><i>Proposed to be made exempt (subject to broad equivalence demonstrated in respect of vetting and training, i.e. staff must have successfully completed Criminal Records Checks)</i></b>	
1.1	Screening and security controls for in-flight supplies	EU 185/2010 (185) 11.1.2; 11.2.3.3; & 11.2.3.10
1.2	Screening and security controls for airport supplies	185 – 11.1.2; 11.2.3.3; & 11.2.3.10
1.3	Supervisors (screening and security controls for in-flight/airport supplies)	185 – 11.1.2; 11.2.3.3; 11.2.3.10; & 11.2.4
1.4	Security managers (screening and security controls for in-flight/airport supplies)	185 – 11.1.2 & 11.2.5
1.5	Regulated Agents: Screening and security controls for cargo and mail (including their managers and supervisors)	185 – 11.1.2; 11.2.3.2; 11.2.3.3; & 11.2.4
1.6	Regulated Agents: Screening and security controls for air carrier mail and materials (including their managers and supervisors)	185 – 11.1.2; 11.2.3.3; & 11.2.4
1.7	Regulated Agents: Handlers of known screened cargo (working in a security controlled area) – where a <b>guarding</b> function is undertaken	185 – 11.1.2 & 11.2.3.9
1.8	Staff operating Gatehouse Access control posts for cargo/non-cargo operations	185 – 1.2; 11.1.2 & 11.2.3.9
1.9	Known Consignor Security Manager	185 – 11.1.2 & 6.4.1.3
1.10	Regulated Agent staff completing Security Consignment Certificates/Declarations	185 – 11.1.2 & 11.2.3
1.11	Regulated Agent drivers and supervisors responsible for securing, protecting and transporting known cargo (e.g. via road vehicles – where they are conducting or applying a security function)	185 – 11.1.2 & 11.2.3.9

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1.12	Haulier drivers who have access to, or are protecting, known cargo (secured by third party) as part of a haulier agreement	185 - 11.1.2; 11.2.3.9; & SCD – Chapter 6 (Part A): 6.6.1.1(b)
1.13	Airport authority senior management (providing security)	185 – 11.1.2
1.14	Security patrols (landside), i.e. terminal buildings, forecourts, grounds, car parks	185 – 1.5.1; 11.1.2; & 11.2.3.5
1.15	Regulated Agent - CCTV security operatives (for cargo)	185 – 1.5; 11.1.2; & SCD – Chapter 6 (Part C): 8 – 10
1.16	CCTV security operatives – surveillance and patrols regarding access control to the SRA	185 – 1.5 & SCD – Chapter 1 (Part C): 6 – 8
1.17	Behavioural detection officers (security patrollers with additional training on detection of suspicious behaviour)	185 – 1.5 & SCD – Chapter 1 (Part C): 6 – 8
1.18	Aircraft security search (when conducted outside SRA)	185 – 11.1.2; 11.2.3.6; & SCD – Chapter 3 (Part B): 4
1.19	Aircraft security check (when conducted outside SRA)	185 – 11.1.2 & 11.2.3.7
<b>2</b>	<b>Not licensable by the SIA (on description supplied)</b>	
2.1	Known Consignor staff with access to known cargo for consignment by air	185 – 6.4.1.3
2.2	Staff with access to secure Regulated Agent sites who are able to access known screened cargo – <u>including those who handle cargo, but are <b>not</b> responsible for guarding that cargo</u>	185 – 11.1.2 & 11.2.3.9
2.3	Staff checking passengers' boarding cards on entry to security check-point (SRA access control)	185 – 11.1.2 & 11.2.3.5
2.4	Independent validators approved and recognised by the UK Appropriate Authority, where they are operating within the UK (e.g. undertaking security assessments of companies seeking Known Consignor status)	185 – 11.5.1 & 11.5.2
2.5	Staff issuing airport ID cards, airside or vehicle passes	185 – 11.1.2
2.6	Staff conducting background/pre-employment checks	185 – 11.1.2
2.7	CTC counter signatories	185 – 11.1.2
2.8	IT staff who manage access control systems	185 – 11.1.2 & 11.2.3.5

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2.9	Covert/overt employees undertaking a security function (predominantly employees undertaking covert testing of airport security)	185 – 11.1.2
2.10	Retailers protecting Security Tamper Evident Bags (STEBs)	185 – 11.1.2
<b>3</b>	<b>SIA to address/licence (not regulated by DfT)</b>	
3.1	Airline check-in staff (where airlines accept hold baggage and staff are instructed to ask passengers security questions)	Non-NASP regulated
3.2	US Transportation Security Administration (and other international) profilers	Non-NASP regulated
3.3	Retail security staff (including inside the SRA)	Non-NASP regulated
3.4	General Aviation - Cargo loader (onto aircraft)	Wholly or partly derogated*
3.5	General Aviation - In-flight supplies loader	Wholly or partly derogated*
3.6	General Aviation – Searching/checking aircraft	Wholly or partly derogated*
3.7	General Aviation - Aircraft protection	Wholly or partly derogated*

\*Flight categories covered by a DfT derogation (in whole or in part) at any airport, including flights operating in a demarcated area.

## **Disqualifying Convictions**

A person shall fail the criminal records check where it reveals a conviction for a disqualifying offence which has been received within:

- The last five years where the disposal was other than a term of imprisonment.
- The last seven years where the disposal was a prison term of six months or less.
- The last ten years where the disposal was a prison term of between six months and two and a half years.
- Within any time period where the disposal was a prison term of more than two and a half years.

Disqualifying convictions shall include but shall not be limited to convictions for the type of offences listed below.

### **Terrorism**

Assisting terrorism

Committing terrorism

Directing terrorist acts

Failing to disclose information of material assistance in preventing terrorism

Possessing articles or information likely to be useful to terrorism

Using money or property for the purposes of terrorism

### **Offences against the person**

Administering poison

Assault occasioning actual bodily harm

Assault with intent to resist arrest

Assaulting a police officer

Attempted murder

Attempting to choke

Causing bodily injury by explosives

Child abduction

Cruelty to a child

Endangering safety of railway passengers

Endangering the safety of an aircraft

False Imprisonment

Grievous bodily harm

Ill treatment of a mental patient

Kidnapping

Manslaughter

Murder

Sending explosive substances

Threats to kill  
Unlawful wounding

### **Theft & Dishonesty**

Aggravated burglary  
Aggravated vehicle taking  
Assault with intent to rob  
Blackmail  
Burglary  
Dishonest representation for obtaining a benefit or advantage  
Dishonestly retaining a wrongful credit  
Evasion of liability by deception  
False accounting  
Forgery  
Handling stolen goods  
Making off without payment  
Obtaining pecuniary advantage by deception  
Obtaining property or services by deception  
Robbery  
Theft

### **Sexual offences**

Abuse of children through prostitution or pornography  
Attempted rape  
Exploitation of prostitution  
Indecency with a child  
Indecent assault  
Living on the earnings of prostitution  
Procuration of a woman to become a prostitute  
Rape  
Taking or making indecent photographs or pseudo photographs of children  
Trafficking for sexual exploitation  
Sexual activity, assault or rape of a child  
Unlawful sexual intercourse

### **Controlled or illegal drugs**

Assisting the production, supply, import or export of controlled or illegal drugs  
Import or export of controlled or illegal drugs  
Production or supply of controlled or illegal drugs

### **Criminal damage**

Arson  
Attempt to cause explosion  
Causing an explosion likely to endanger life or property  
Conspiracy to cause explosion  
Destroying or damaging property

Making or possession of explosive  
Threats to destroy or damage

### **Firearms**

Carrying any loaded firearm in a public place  
Non-compliance with conditions of firearm certificate or licence  
Possession of a firearm without a certificate or licence  
Selling firearm to person without a certificate or licence  
Shortening a shotgun or other smooth bore gun  
Trading in firearms without being registered as a firearms dealer

### **Immigration**

Assisting unlawful immigration  
Unlawful immigration

### **Bomb and threat hoaxes**

Communicating false information alleging the presence of bombs or threats  
Placing or dispatching articles to cause bomb or threat hoax

### **Offensive weapons**

Manufacture or distribution of offensive weapons  
Possession of an offensive weapon