**KNIFE LEGISLATION AND HANDLING AT AIRPORTS**

**IN**

**PERU**

# Weapons Act

*1.1 Which knives are considered weapons under your local law?*

It should be noted that the weapons legislation that exists in Peru is made up of: (i) Law No. 30299, Law of firearms, ammunition, explosives, pyrotechnic products and related materials for civil use; and (ii) Regulation of the Law on firearms, ammunition, explosives, pyrotechnic products and related materials for civil use, approved by Supreme Decree No. 010-2017-IN. These rules, as their name implies, only regulate the use of firearms, not including knives or sharp objects.

In this sense, all knives - understood as sharp objects that can cause injuries - are considered in Peru as a knife, without differences based on their size, characteristics of the blade, among others.

In this regard, in Peruvian legislation there is no legal disposition that generally regulates the acquisition, use, commercialization and carrying of knives, there are only specific legal dispositions that prohibit their use in certain activities, such as land and air transport, participation in sporting events, inside prisons, etc., as will be detailed in the following answers.

*1.2 Is there a legal requirement to have a legitimate/justifiable reason for carrying and/or transporting a knife in the public? If so, for what kind of knives (lock knife, folding knife (depending on a special blade length or not?), fixed knife or any knife)?*

Considering that there is no general rule that regulates the use and possession of knives, our national legislation does not require a legitimate / justifiable reason to carry or transport a knife in public. However, knife users must transport them in a way that does not pose a risk, danger or damage to third parties.

However, there are specific activities and places where it is prohibited to carry knives, which are detailed in section 1.4 of this report.

*1.3 How must these concerned knives of point 1.2 be carried or transported in the public (e.g. in a closed or locked container)?*

Considering that there is no general rule that regulates the use and possession of knives, our national legislation does not regulate how knives should be carried or transported in public. However, knife users must transport them in a way that does not pose a risk, danger or damage to third parties.

However, there are specific activities and places where users are prohibited from carrying knives under any circumstances, even if they are stored in a locked or locked container, which will be detailed in the next section.

*1.4 Are there any public places which may be restricted by an authority (on certain days or at certain times) for carrying any knives or other dangerous tools (e.g. railway station, airport, market places, football stadium, event halls etc.)?*

1. Land Transportation

Regarding public land transport, our National Transport Administration Regulation, approved by Supreme Decree No. 017-2009-MTC (hereinafter, the “RNAT”), establishes in its article 42[[1]](#footnote-1), that companies that operate public transport of people at national, regional and local level are obliged to:

* Expressly place in the offices, ticket sales areas, waiting rooms of the land terminals and / or route stations that it uses and on its website the prohibition of transporting -among others- sharp materials or similar; and,
* Verify that users of the transport service do not carry - among others - sharp materials with them.

Likewise, article 76[[2]](#footnote-2) of the RNAT establishes as one of the rights of the users of land transport service of people and / or mixed transport, the power to demand that the carrier acts diligently to prevent that in the vehicles of transport of people and / or mixed transport, drugs, firearms or sharps, flammable, explosive, corrosive, poisonous or similar materials are transported.

In the same way, in article 77[[3]](#footnote-3) of the RNAT, it is established as an obligation of the user of the service of transport of people and mixed transport, not to board the vehicle carrying weapons or sharp elements.

As evidenced in the aforementioned regulations, the regulation of public land transport of people prohibits transporting sharp materials or similar. Although a list is not established, knives should be considered within this prohibition, since they constitute tools or sharp materials (regardless of the size or characteristic blade).

1. Sports events and stadium attendance

Concerning sporting events and / or attendance at stadiums, we have Law No. 30037, Law that Prevents and Punishes Violence in Sports Shows (hereinafter, “Law No. 30037”); which establishes in its article 18, the following:

* The prohibition for the entry to stadiums, venues or sports complexes of people who carry any type of blunt object, sharp, pointed weapon or firearm and all types of pyrotechnic or similar devices.
* The National Police of Peru (PNP) who is assigned to protect the security of the venues and shows, as well as the other security staff assigned for the personal safety of a public official, are excepted from the above, provided that he / she attends the show.

In the same way, Law No. 30037 establishes in its articles 16 and 17, that the Sports Safety Directorate, belonging to the Peruvian Sports Institute (IPD), will be responsible -among others- for the following:

* Regulate the security and control of sporting events at the national level;
* Coordinate the security measures of the professional sports show with the National Office of Interior Government of the Ministry of the Interior (Home Office), the National Institute of Civil Defense (INDECI) and professional sports clubs, as well as other related institutions;
* Inform the Ministry of the Interior (Home Office) of the compliance with the safety regulations established in such law for sporting events.

As a way to reinforce what is stated in Law No. 30037, a Mandatory Security Protocol for Football Sports events - Act of Commitment has been signed, signed by representatives of the Ministry of the Interior (Home Office), National Police of Peru (PNP), Peruvian Institute of Sports, Peruvian Football Federation, Football Clubs, Professional Football Sports Association, Professional Football Association, Professional Football Sports Association - Second Division, Second Division Football Clubs, Peruvian Radio and Television Society, stadium owners and the owners of boxes in stadiums.

Within such protocol, one of the common obligations is indicated to prevent the entrance to the stadiums and private boxes, to people who carry firearms or any object that can be used to cause damage or injury.

In addition to this, it should be noted that the Regulation of the Law No. 30037, approved by Supreme Decree No. 007-2016-IN, indicates in its article 11, that the organizers of professional sports events must submit to the Sports Safety Directorate of the IPD, to the PNP and the Local Governments, with an anticipation of no less than twelve (12) business days before the event takes place; the Protection and Security Plan, which constitutes the technical document in which the necessary security measures are adopted to comply with the provisions of the law and such regulations.

From the aforementioned regulations, it is appreciated that the entry of people with weapons or sharp elements such as knives, to stadiums and / or sporting events is prohibited; and this is established as a security measure that will have to be registered in the Protection and Security Plan prepared by the organizer of the professional sporting event.

1. Public Buildings

Regarding public buildings, there is no general rule that establishes the prohibition of citizens entering without carrying sharp items or tools.

However, it is noted from practice that the various public entities implement internal mechanisms to verify the entry of citizens to their facilities. In this way, we can point out that there are three scenarios:

* Some public entities, such as the Congress of the Republic of Peru, have implemented a metal sensor before entering their facilities, in addition to hiring security personnel.
* Thus, other public entities, such as District and / or Provincial Municipalities, only hire security personnel to verify the objects carried by citizens before entering their facilities.
* Even if there is no obligation for this practice, some entities do not carry out the verification of citizens' objects before entering the facilities of public buildings even though they hire security personnel.

1. Educational Centers

Regarding Educational Centers, the Regulation of Private Educational Institutions of Basic Education, approved by Supreme Decree No. 005-2021-MINEDU establishes in its articles 38, 42, 43 and 44 the following obligations:

* The obligation to indicate in the Internal Regulations of the Educational Center, among others, the following:

1. the legal dispositions destined to promote an adequate school coexistence elaborated within the framework of what is established in Law No. 29719, Law that promotes coexistence without violence in educational institutions, its Regulations and the provisions of Supreme Decree No. 004-2018 -MINEDU;
2. the procedure that the private educational institution uses to deal with cases and claims or complaints that are presented for school violence.

* Register the actions taken to deal with cases -among others- of physical violence with weapons between students, in the Incident Record Book and in the computer systems that the Ministry of Education establishes for this purpose within the corresponding deadlines.
* Have a procedure for dealing with claims or complaints in cases of prevention and care of school violence.
* Notify the competent authorities of the alleged acts of violence against children and teenagers, within a maximum period of twenty-four (24) hours after the case is detected or known.

Additionally, we have the "Guidelines for the Management of School Coexistence, Prevention and Attention to Violence Against Girls, Boys and Teenagers" which were approved by Supreme Decree No. 004-2018-MINEDU (hereinafter, the “School Coexistence Guidelines”).

Within the general provisions, it is established in point 8.3.1. the measures for the prevention of violence against girls, boys and teenagers, in which it is detailed that preventive actions address all types of violence that threaten the physical, psychological or sexual integrity of girls, boys and teenagers, both types of violence that occur inside and outside the educational institution.

As can be seen, the regulations contain general provisions that hold school administrators responsible for avoiding violent incidents in their facilities, as well as informing and punishing when this occurs. However, there are no express provisions that prohibit the entry of knives or other sharp items into educational centers.

However, as part of the duty of care that the administrators of the educational centers have, it is strictly recommended that those measures that sanction violent actions that threaten or threaten the physical integrity of the students of an educational center, are within the Internal Regulations of each Educational Institution, indicating the prohibition to enter with sharp or similar elements that may cause damage to other students or administrative personnel.

1. Air transport

The specific regulation of air transport is developed in section II of this document.

1. Prisons

The regulation on prohibitions for entering prisons is found in the Peruvian Penal Code, approved by Legislative Decree No. 635, which establishes the following criminal prohibitions (relevant for this questionnaire):

* For those in charge and anyone who wishes to enter the prison: entering, attempting to enter or allowing the entry of a firearm or knife (such as knives), ammunition or explosive, flammable, asphyxiating or toxic materials for the use of the prisoner.
* For persons deprived of liberty who are in a detention or confinement center: possess or carry a firearm or knife (such as knives), ammunition or explosive, flammable, asphyxiating or toxic materials.

1. Consumer contracts

If a consumer contract is involved concerning the situations described above, it is necessary to take into consideration that, in several of these contracts (including electronic contracts such as the acceptance of Terms Conditions), the prohibition of access to these places carrying sharp objects is stipulated.

In this sense, one of the conditions for access to a sporting event is not to carry this type of object and, in case of carrying it, the supplier may prohibit the entry of the consumer if he does not want to get rid of the object.

However, it is necessary to take into account that in these cases the consumer could not file any claim or complaint, as long as the prohibition is stipulated in the consumer contract and / or is regulated by a specific legal disposition.

On the other hand, it is also necessary to take into account that claims and complaints may be filed by users when consumers disregard the corresponding legal provisions and may cause a breach of the consumer contract. An example of this would be if, due to an unfortunate incident caused by allowing a consumer to enter a football game with a sharp object, the game has to be cancelled before it even starts, which would be detrimental to the consumer's right, not because the consumer was allowed to enter with the sharp object, but because of the consequences derived from that event.

*1.5 How is the blade length measured (only the cutting blade or including the blade shank)?*



This issue is not regulated in Peruvian legislation.

*1.6 Are there any further dangerous objects which also fall under the Weapons Act?*

We reiterate that in general Peruvian legislation there is no specific rule on knives or other sharp objects.

The dangerous objects included in the Peruvian legislation that regulates weapons are:

* Firearms
* Ammunition
* Explosives
* Pyrotechnic products and related materials for civil use.

*1.7 Are there any exceptions?*

To the extent that the general rule in Peru is not to restrict the possession of knives and sharp objects, the exceptions are those activities and facilities where it is prohibited (and which we have described in section 1.4 of this Report).

*1.8 What are the consequences for a legal offense?*

1. Land Transportation
2. Consequences for land transport operators

In the field of public transport, if the carrier does not place in the offices, ticket sales areas, waiting rooms of the land terminals and / or route stations that it uses and on its website, information directed to the user regarding the prohibition of transporting, among others, sharp material and / or if it is not diligent in verifying that sharp elements are transported; incurs in the offense typified by Code C.4c of the Table of Non-compliance with the Conditions of Access and Permanence and its Consequences, which is part of the RNAT as Exhibit 1 and receives the following sanctions:

* Suspension of the authorization to provide the ground transportation service for 60 days.
* Preventive measures applicable as appropriate: precautionary suspension of the authorization to provide transport services on the route or the special personnel service, or the private transport service for people or the service in the case of freight or mixed transport.

1. Consequences for knife users

Users of public land transport are prohibited from transporting or carrying -among others- sharp material or similar, as indicated in article 42 of the RNAT. Consequently, the person could stop receiving the transportation service if it is verified that he or she violates this prohibition, without any claim or reimbursement by the transportation company.

Likewise, if the possession of a knife or firearm is used to commit a crime, it will be punished according to the corresponding crime in the Peruvian Penal Code.

1. Sports events and stadium attendance
2. Consequences for professional sports clubs or organizers of sports events

If a professional sports club or organizer of sports events does not prohibit the entry of people who carry sharp objects or does not supervise compliance with such provision, it commits a serious offense according to article 20 of Law No. 30037 and is sanctioned with a fine from 10 to 50 Tax Units - UIT (approximately between US $ 11,200 to US $ 56,500). The exact amount will be determined by verifying the damage actually generated.

Regarding consumer relations, please refer to the last paragraph of point 1.4.7.

1. Consequences for knife users

If an attendee to a sporting event tries to enter or enters with sharp objects, the following consequences will be verified:

* He or she will be prohibited from entering with the sharp object, without a claim or refund of the paid ticket.
* If the person manages to enter the sports show and it is discovered that he/she has a knife, it is considered a serious offense and, if he or she is a team supporter, the professional sports club to which he or she is attached suspends his/her rights for a period of between 6 to 24 months.
* If a crime is committed with the sharp object, it will be punished in accordance with the Penal Code.

1. Public Buildings

According to what is indicated in point 1.4.3. of this document, while there is no regulation regarding the obligation to verify the elements or objects that enter public spaces, there are no penalties for this.

However, it should be noted that if the possession of the knife is used to commit a crime, it will be punished according to the corresponding crime in the Peruvian Penal Code.

1. Educational Centers
2. Consequences for administrators of Educational Centers

The consequences regarding the obligations indicated in point 1.4.4. of this report, are the following in accordance with article 71 of the Basic Private Educational Institutions Regulations.

For the offenses indicated in point 1.4.4. of this report, which are classified as serious infractions; correspond to a fine from 10 to 50 Tax Units - UIT (approximately between US $ 11,200 to US $ 56,500). The exact amount will be determined by verifying the damage actually generated.

In this sense, if it is verified that the educational center did not consign in its internal regulations the prohibition of entering with sharp objects or allowed the students to enter with such objects and that puts other students at risk or harm, it would receive the fine indicated above.

Regarding consumer relations, please refer to the last paragraph of point 1.4.7.

1. Consequences for knife users

The administrator of the Educational Centers has the power not to allow the entry, suspension or expulsion of students / teachers who use knives, in accordance with the obligations indicated in point 1.4.4. of this document.

If the possession of a knife or firearm is used to commit a crime, it will be punished according to the corresponding crime in the Peruvian Penal Code.

1. Air transport

The consequences for users of airport services who do not comply with the applicable regulations are found in the final part of section II of this document.

1. Prisons
2. Consequences for those who allow or make possible the entry of knives to a penitentiary center

For people who improperly enter, attempt to enter or allow entry to a detention or confinement center, a firearm or knife (such as knives) -among others- will be punished with a custodial sentence of no less than eight (8) or older than fifteen (15) years, in accordance with article 368-E[[4]](#footnote-4) of the Peruvian Penal Code.

1. Consequences for knife users

For people who are deprived of liberty in a detention or confinement center, who possesses or carries a firearm or knife (such as knives) -among others- will be punished with a custodial sentence of no less than eight (8) or older than fifteen (15) years, according to article 368-D[[5]](#footnote-5) of the Peruvian Penal Code.

*1.9 Are there any legislative developments? If so what do they concern?*

No, it has not been informed or advised regarding legislative developments related to knives or sharp objects.

# Airports

* 1. *According to the Official Journal of the European Union laying down detailed measures for the implementation of the common basic standards in aviation security, any pointed or sharp objects which may cause serious injury, including a knife with a blade more than 6cm are not allowed to be taken into the security restricted areas or on board of an aircraft.* 
     1. *Are there any further national regulations to be considered in this respect?*

Yes, the specific Peruvian regulation on the handling of knives at airports is contained in Directorial Resolution No. 656-2019-MTC/12, Peruvian Aeronautical Regulation - RAP 107 “Civil Aviation Security Measures (Aviation Security) for the Aerodrome Operator and the Air Traffic Service Provider”- New Edition, Revision 001 (RAP 107), developed in the following section 2.2.

* + 1. *If your country is outside the EU, what are the corresponding local regulations?*

Our national legislation indicates in article 1[[6]](#footnote-6) of Law No. 27261, Peruvian Civil Aeronautics Law (hereinafter, the “Civil Aeronautics Law”); that Civil Aeronautics is governed by the Political Constitution of Peru, by current international instruments, by what is stated in such law, its regulations and technical exhibits, the Aeronautical Regulations of Peru and other complementary standards.

Based on this, and in relation to the specific national regulation on the handling of knives at airports, there is Directorial Resolution No. 656-2019-MTC/12, Peruvian Aeronautical Regulation - RAP 107 "Aviation Security Measures Civil (Aviation Security) for the Aerodrome Operator and the Air Traffic Service Provider”- New Edition, Revision 001 (hereinafter, RAP 107).

Thus, RAP 107 indicates in its article 107.299, subsection a)[[7]](#footnote-7) that the items to be detected during the inspection by the aerodrome operator and therefore prevented from entering the Restricted Security Zone (ZSR) of the airports are those described in Appendix 1 of such regulation, except for exceptions provided in (i) such regulation or (ii) in the Aerodrome Operator Safety Program (PSA).

Before continuing with the analysis, the definitions of ZSR and PSA that are established in article 107.005 of RAP 107 should be noted:

* Restricted Security Zone (ZSR): Those areas of the aeronautical part of an aerodrome identified as priority risk areas in which, in addition to access control, and inspecting people, articles and vehicles that enter such areas, apply other security checks. Such areas will normally include, among other things, all commercial aviation passenger departure areas between the inspection point and the aircraft; the platform; baggage loading preparation premises, including areas where aircraft enter service and inspected baggage and cargo are present; the passenger arrival and baggage claim areas; the cargo or fuel depots, the mail centers and the premises of the aeronautical part of food provision services.
* Aerodrome Operator Security Program (PSA): Document required from the aerodrome operator, approved by the General Directorate of Civil Aeronautics, which includes the security measures to protect civil aviation against acts of unlawful interference.

Taking this into account, Appendix 1 of RAP 107 must be observed, which indicates the prohibition of having pointed objects or with sharp edges that can cause serious injuries such as pocket knives, knives, objects to cut and shred, among others, in the Zone of Restricted Security (ZSR) of the airport, as evidenced below:

*"APPENDIX 1*

*Prohibited Items in the Airport ZSR*

*For aviation security reasons, the items listed below are prohibited in restricted security areas of aerodromes:*

*(…)*

*c) Sharp-edged or pointed objects that can be used to cause serious injury, such as:*

*● Objects to cut and shred, such as axes, hatchets and knives;*

*● Axes and ice grapples;*

*● Pocket knives;*

*● Knives;*

*● Scissors with blades longer than 6 cm measured from the junction point (axial screw) of the two shafts;*

*● Martial arts equipment with pointed objects or sharp edges; and*

*● Swords and sabers.”*

It should be noted that in RAP 107 itself, an exception is indicated in article 107.299 which establishes the following:

* It is possible that the aerodrome operator authorizes the entry of the prohibited articles indicated in the preceding paragraph provided that it implements in its Security Program (PSA), the procedure to control the entry of such articles to the Restricted Security Zone (ZSR) and the verification that they are removed at the end of the authorized work or, failing that, that they are kept under control and out of the reach of passengers or crew.
* The aerodrome operator who authorizes the entry of prohibited items into the sterile area by the establishments that operate there, such as restaurants, shops, etc.; must carry out at least one monthly inspection of such establishments in order to confirm that these authorized articles remain under control and evidence this action at the request of the inspectors of the General Directorate of Civil Aeronautics (DGAC) of the Ministry of Transport and Communications (MTC).
* In addition to the above, it is established that the aerodrome operator may use prohibited items for the training of its personnel. In this case, the aerodrome operator is responsible for controlling that each of the prohibited items are kept under control while they are in the Restricted Security Zone (ZSR).

And, regarding the internal regulation of the airport; the exceptions will be indicated in their respective Security Programs. In this regard, we must point out that not all airport operators' Safety Programs are available as they do not constitute public information. Nevertheless, we emphasize that such programs are based on the provisions of RAP 107.

Thus, with respect to the Jorge Chávez International Airport (Peru's main airport), the concessionaire Lima Airport Partners S.R.L. (LAP), has established in its Security Program a list of prohibited items such as hand luggage restrictions[[8]](#footnote-8) applicable to national and international flights (validated by the General Directorate of Civil Aeronautics); within which the following are prohibited:

* Scissors of any type or any length,
* Knives, blender blades, pocket knives, multipurpose knives or other sharp items of any length,
* Tools of any size (except those necessary to assemble mobility aid equipment),
* Lighters, common matches.

However, exceptions (allowed) are established: (i) articles for personal care such as nail files, tweezers, cuticle cutters, tupo pin (metal or wood), razors and their spare parts; (ii) tools such as corkscrew or can opener (blade less than or equal to 06 cm), cigar cutter, letter opener, barber's razor and sulfur bars; (iii) dental instruments, reflex medical hammer, bandage scissors; (iv) pricker / shredder machine, blender blades, French, English or Stilson wrench, open-end, crown or mixed wrenches (less than or equal to 10 cm), tools with a blade length less than or equal to 06 cm, weaving tools (knitting and crochet needles), fork, hexagonal keys or Allen keys (less than or equal to 10 cm), nail clippers (less than or equal to 06 cm); and (v) compass (drawing).

* 1. *May the airports/airlines in your country issue any further (stricter) regulations for forbidden items?*

Yes, it is possible.

In the case of airport operators, they have the power to do so according to article 107.299 of RAP 107; which allows them to point out exceptions with respect to the prohibited articles of the Restricted Security Zone contained in RAP 107.

In the case of Peruvian airlines, they may establish stricter internal rules on prohibited items in accordance with their freedom of enterprise protected by article 59 of the Political Constitution[[9]](#footnote-9). However, it should be noted that the above must be in accordance with the general provisions of the Peruvian legal system and the applicable international rules such as Decision 619 of the Andean Community, the Montreal Convention of 1999 and the Convention on International Civil Aviation of 1944.

* 1. *May a pair of scissors or a saw be included in a pocket knife with a blade of max. 6cm? If so, is the size of the pair of scissors or the length of the saw of relevance?*

Scissors for bandages and tools with a blade length less than or equal to 6 cm may be carried as carry-on baggage.

All other knives that do not have these characteristics cannot be included as carry-on baggage, since - as pointed out in point 2.2. of this document - Appendix 1 of RAP 107 establishes the prohibition of having sharp objects or objects with sharp edges that may cause serious injuries in the Restricted Security Zone (RSZ) of the airport, such as the following:

* Cutting and chopping objects, such as axes, hatchets and cleavers;
* Axes and ice hooks;
* Razors;
* Knives;
* Scissors with blades longer than 6 cm measured from the junction point (axial screw) of the two shafts;
* Martial arts equipment with sharp objects or sharp edges; and
* Swords and sabers

It should be noted that the standard only provides this list as an example, as it does not rule out other items or tools that may be considered as "sharp or sharp-edged objects that can cause serious injury". Well, this will be determined by the aerodrome operators in their respective Safety Programs and evaluated by the General Directorate of Civil Aeronautics – DGAC.

Taking this into account, and as stated in section 2.2., it is observed that, with respect to Jorge Chávez International Airport (Peru's main airport), the concessionaire Lima Airport Partners S.R.L. (LAP), has established in its Safety Program for the airport in the following section. (LAP), has established in its Security Program a list of items prohibited as carry-on baggage restrictions applicable to domestic and international flights (validated by the General Directorate of Civil Aeronautics); within which the following are prohibited:

* Scissors of any type or any length.
* Knives, blender blades, razors, utility knives or other sharp elements of any length.
* Tools of any size (except those necessary to assemble mobility aids).
* Lighters, common matches.

However, this airport operator has established as exceptions (permitted) -among other items-: bandage scissors and tools with a blade length less than or equal to 6 cm.

* 1. *What is considered as a sharp object besides knives?*

According to what is regulated by Appendix 1 of RAP 107, in addition to knives, the following are considered as pointed objects or with sharp edges that can be used to cause serious injuries:

* Objects to cut and shred, such as axes, hatchets and knives;
* Ice axes and grapples;
* Knives;
* Scissors with blades longer than 6 cm measured from the junction point (axial screw) of the two shafts;
* Martial arts equipment with pointed objects or sharp edges; and,
* Swords and sabers.

It should be noted that the standard only provides this list as an example, as it does not rule out other elements or tools that may be considered as "sharp or sharp-edged objects that may cause serious injuries". This will be determined by the aerodrome operators in their respective Safety Programs and evaluated by the Directorate General of Civil Aeronautics – DGAC.

* 1. *Are there any further aviation security regulations with respect to the Victorinox (pocket) knives to be observed?*

No, there are no additional air safety regulations for knives other than those indicated in this Report.

* 1. *Are there any changes intended in the near future? If so what do they concern?*

No, no changes have been foreseen for the near future.

Likewise, although it is not part of the questionnaire, it is important to inform you that if a user of knives carries them without following the indications or prohibitions indicated in sections 2.2, 2.4 and 2.5 of this Report, he may be sanctioned in accordance with the Aeronautical Infractions and Sanctions Regulations.

Thus, said regulation has Chapter IX related to Infractions of Disruptive Passengers, which points out as infractions of a serious nature the following:

* Persons who deliberately conceal in their body, in checked baggage or carry-on baggage in the cargo, or hide in the aircraft any dangerous article or merchandise that may jeopardize safety.

The penalty for these violations is the prohibition of the user to be transported by air for a period of not less than one (1) month and not more than three (3) months.

Also, if the possession of a knife or firearm is used to commit a crime, it will be punished according to the corresponding crime in the Peruvian Penal Code.

Ibach, Switzerland, 23 June 2021

\* \* \*

1. Article 42.- Specific operating conditions that must be complied with in order to provide public passenger transportation service, under the regular transportation modality

   42.1 The specific conditions of operation in the public transportation service of persons provided under the modality of regular transportation of national and regional scope are the following:

   (...)

   42.1.9 To place in the offices, ticket sales areas, waiting rooms of the land terminals and/or route stations it uses and on its website, information addressed to the user regarding:

   (...)

   42.1.9.4 The prohibition of carrying firearms or sharp materials and/or flammable, explosive, corrosive, poisonous or similar products.

   (...)

   42.1.19 Verify that the users of the transportation service do not carry firearms or sharp, inflammable, explosive, corrosive, poisonous or similar materials. This verification may be delegated by the carrier to the owner or operator of the complementary transportation infrastructure, and there must be evidence to prove it.

   (...). [↑](#footnote-ref-1)
2. Article 76.- Right of the users

   (...)

   76.2 The user of the land transportation service of persons and/or mixed transport has the following rights:

   (...)

   76.2.3 To demand that the carrier act diligently to prevent drugs, firearms or sharp materials, flammable, explosive, corrosive, poisonous or similar materials from being transported in the passenger and/or mixed transport vehicles.

   (...). [↑](#footnote-ref-2)
3. Article 77.- Obligations of the users

   77.1 The user of the passenger and mixed transportation service is obliged to:

   (...)

   77.1.3 Not to board the vehicle under the influence of narcotic substances, in a state of drunkenness or carrying firearms or sharp weapons,

   (...). [↑](#footnote-ref-3)
4. Article 368-E.- Undue entry of firearms, ammunition or explosive, flammable, asphyxiating or toxic materials in penitentiary establishments.

   Whoever unduly enters, attempts to enter or allows the entry of a firearm or knife, ammunition or explosive, flammable, asphyxiating or toxic materials for the use of the inmate into a detention or confinement center, shall be sentenced to not less than eight nor more than fifteen years of imprisonment.

   If the agent uses a minor or his status as an authority, defense attorney, public servant or official to commit or permit the commission of the punishable act described, the penalty shall be not less than ten nor more than twenty years and disqualification, pursuant to article 36, paragraphs 1 and 2, of this Code. [↑](#footnote-ref-4)
5. Article 368-D.- Improper possession of cell phones or weapons, ammunition or explosive, inflammable, asphyxiating or toxic materials in penitentiary establishments.

   The person deprived of liberty in a detention or confinement center, who possesses or carries a firearm or knife, ammunition or explosive, flammable, asphyxiating or toxic materials, shall be punished with deprivation of liberty for not less than eight nor more than fifteen years.

   If the agent possesses, carries, uses or traffics in a cellular or fixed telephone or any of its accessories that is not expressly authorized, the penalty of deprivation of liberty shall be not less than three nor more than eight years.

   If it is proven that from the use of these devices a criminal offense was committed or attempted, the penalty shall be not less than ten nor more than fifteen years. [↑](#footnote-ref-5)
6. Article 1.- Rules governing Civil Aeronautics

   1.1 Civil Aeronautics is governed by the Political Constitution of Peru, by the international instruments in force, by the present Law, its regulations and technical exhibits, the Peruvian Aeronautical Regulations and other complementary norms.

   1.2 The technical and operational aspects of civil aeronautical activities are regulated by the technical annexes of the Regulations of this Law, approved by the Ministry of Transportation, Communications, Housing and Construction, as well as by the Peruvian Aeronautical Regulations approved by the General Directorate of Civil Aeronautics.

   1.3 Matters not provided for in the aeronautical legislation shall be resolved by the general principles of aeronautical law and by the uses and customs of international aeronautical activity or, in the absence thereof, by analogous laws and by the general principles of common law. [↑](#footnote-ref-6)
7. 107.299 Articles Prohibited in the Airport's ZSR

   (a) Items prohibited from being detected during an inspection by the aerodrome operator and therefore prevented from entering the airport's ZSR are those items described in Appendix 1 of this regulation, except as otherwise provided in this regulation or the PSA. [↑](#footnote-ref-7)
8. You can see it in the following link: <https://www.lima-airport.com/esp/para-pasajeros/informacion-para-viaje/restricciones-de-equipaje>. [↑](#footnote-ref-8)
9. Article 59.- Economic Role of the State

   The State stimulates the creation of wealth and guarantees freedom of work and freedom of enterprise, commerce and industry. The exercise of these freedoms shall not be detrimental to public morals, health or safety. The State provides opportunities for improvement to the sectors that suffer any inequality; in this sense, it promotes small businesses in all their forms. [↑](#footnote-ref-9)