

Isle of Man Aviation Security Quality Control Programme



CP14

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Isle of Man
CIVIL AVIATION ADMINISTRATION

Isle of Man Civil Aviation Administration

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Revision history

Version	Date	Details
3	September 2017	Reissue
4	September 2018	Replacement of “Department of Economic Development” with “Department for Enterprise” Update to section 6.2.3 (Deficiency Notices)
5	January 2019	Update following Aviation Security (Application) Order 2018
6	December 2020	Update following Civil Aviation (Aviation Security) (Application) (Amendment) Order 2020
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Foreword

The development and implementation of an Isle of Man (IOM) Aviation Security Quality Control Programme (ASQCP) ensures compliance with the requirements for a National Quality Control Programme (NQCP) specified in Regulation (EC) No 300/2008¹.

The objective of the IOM ASQCP is to enable:

- verification that aviation security measures are effectively and properly implemented; and,
- determination of the level of compliance with the provisions of the Single Consolidated Direction (Aviation – Isle of Man) 1/2021, which acts as the Island’s National Civil Aviation Security Programme (NCASP).

The Aviation Security Regulator seeks to achieve compliance through the following activities:

- (a) monitoring the level of compliance by industry through a range of inspection, audit, test and survey activities which may be announced or unannounced;
- (b) assessing whether there are any new vulnerabilities within existing security programmes;
- (c) where necessary, enforcing the requirements through a ‘stepped approach’;
- (d) providing advice and guidance and giving re-assurance, where necessary, on security measures;
- (e) persuading industry to carry out recommended/best practice; and
- (f) attending the Isle of Man Airport security committee meetings to promote and clarify security requirements.

This document therefore describes the Isle of Man Civil Aviation Administration (IOM CAA) Aviation Security Regulator’s arrangements for the conduct of inspections, surveys, audits and tests of aviation security, as well as corrective activity, enforcement and penalties.

¹ Regulation (EC) No 300/2008 is applied to the Isle of Man by the Civil Aviation (Aviation Security) (Application) Order 2017 - SD 2017/0230

Interpretation

Abbreviation	Interpretation
ASQCP	Aviation Security Quality Control Programme
ASP	Airport Security Programme
ASR	Aviation Security Regulator
UK CAA	Civil Aviation Authority (UK)
DCA	Director of Civil Aviation
DDCA	Deputy Director of Civil Aviation
DFT	Department for Transport
DfE	Department for Enterprise
DN	Deficiency Notice
EN	Enforcement Notice
IOM	Isle of Man
IOM CAA	Isle of Man Civil Aviation Administration
MOU	Memorandum of Understanding
NCASP	National Civil Aviation Security Programme
NQCP	National Quality Control Programme
RA	Regulated Agent
RAP	Rectification Action Plan

1. Isle of Man Aviation Security Legislation

1.1.1 Appropriate authority and necessary powers for monitoring and enforcing the relevant regulations are provided to the Department for Enterprise (DfE) by the Aviation Security (Application) Order 2018², which applies the following aspects of United Kingdom aviation security legislation to the IOM with modification:

- (a) Aviation Security Act 1982³;
- (b) Aviation and Maritime Security Act 1990⁴;
- (c) Anti-terrorism, Crime and Security Act 2001⁵;
- (d) Aviation Security Regulations 2010⁶; and
- (e) Aviation Security Act 1982 (Civil Penalties) Regulations 2015⁷.

1.1.2 Detailed aviation security specifications are provided by the Civil Aviation (Aviation Security) (Application) Order 2017⁸ which applies the following European Union legislation to the Island with modification:

- (a) Commission Regulation (EC) No 300/2008 of the European Parliament and of the Council of 11 March 2008 on common rules in the field of civil aviation security⁹.
 - (i) Commission Regulation (EU) 18/2010 of 8 January 2010 amending Regulation (EC) No 300/2008 of the European Parliament and of the Council as far as specifications for national quality control programmes in the field of civil aviation security is concerned¹⁰.
- (b) Commission Regulation (EC) No 272/2009 of 2 April 2009 supplementing the common basic standards on civil aviation security laid down in the Annex to Regulation (EC) No 300/2008 of the European Parliament and of the Council¹¹.
 - (i) Commission Regulation (EU) No 297/2010 of 9 April 2010 amending Regulation (EC) No 272/2009 supplementing the common basic standards on civil aviation security¹².
 - (ii) Commission Regulation (EU) No 1141/2011 of 10 November 2011 amending Regulation (EC) No 272/2009 supplementing the common basic standards on civil aviation security as regards the use of security scanners at EU airports¹³.

² SD 2018/0279 (made under the Airports and Civil Aviation Act 1987)

³ 1982 c.36: Sections 1 – 8, 10 – 14, 15, 16, 17, 18 – 20, 20B – 21G, 22A, 24, 24A, 37, 38, 41

⁴ 1990 c.31: Sections 1, 3 – 8, 53, 54, Sch 1, Sch 4

⁵ 2001 c.24: Sections 82, 84, 86, 87, 129

⁶ SI 2010/902: Regulations 1, 2, 4, 5, 6, 8 - 11

⁷ SI 2015/930: Regulation 1 - 7

⁸ SD 2017 0230

⁹ O.J. L97, 9.4.2008, p. 72-84

¹⁰ OJ L 7, 12.1.2010, p. 3-14

¹¹ OJ L 91, 3.4.2009, p. 7-13

¹² OJ L 90, 10.4.2010, p. 1-3

¹³ OJ L 293, 11.11.2011, p. 22-23

- (iii) Commission Regulation (EU) No 245/2013 of 19 March 2013 amending Regulation (EC) No 272/2009 as regards the screening of liquids, aerosols and gels at EU airports¹⁴.
- (c) Commission Implementing Regulation (EU) 2015/1998 of 5 November 2015 laying down detailed measures for the implementation of the common basic standards on aviation security¹⁵.
- (i) Commission Implementing Regulation (EU) 2015/2426 of 18 December 2015 amending Regulation (EU) 2015/1998 as regards third countries recognised as applying security standards equivalent to the common basic standards on civil aviation security¹⁶.
 - (ii) Commission Implementing Regulation (EU) 2017/815 of 12 May 2017 amending Implementing Regulation (EU) 2015/1998 as regards clarification, harmonisation and simplification of certain specific aviation security measures¹⁷.
 - (iii) Commission Implementing Regulation (EU) 2019/413 of 14 March 2019 amending Implementing Regulation (EU) 2015/1998 as regards third countries recognised as applying security standards equivalent to the common basic standards on civil aviation security¹⁸.
 - (iv) Commission Implementing Regulation (EU) 2019/1583 of 25 September 2019 amending Implementing Regulation (EU) 2015/1998 laying down detailed measures for the implementation of the common basic standards on aviation security, as regards cybersecurity measures¹⁹.
 - (v) Commission Implementing Regulation (EU) 2020/111 of 13 January 2020 amending Implementing Regulation (EU) 2015/1998 as regards the approval of civil aviation security equipment as well as third countries recognised as applying security standards equivalent to the common basic standards on civil aviation security²⁰.
 - (vi) Commission Implementing Regulation (EU) 2020/910 of 30 June 2020 amending Implementing Regulations (EU) 2015/1998, (EU) 2019/103 and (EU) 2019/1583 as regards the re-designation of airlines, operators and entities providing security controls for cargo and mail arriving from third countries, as well as the postponement of certain regulatory requirements in the area of cybersecurity, background check, explosive detection systems equipment standards, and explosive trace detection equipment, because of the COVID-19 pandemic²¹.

¹⁴ OJ L 77, 20.3.2013, p. 5–7

¹⁵ OJ L 299, 14.11.2015, p. 1–142

¹⁶ OJ L 334, 22.12.2015, p. 5–9

¹⁷ OJ L 122, 13.5.2017, p. 1–68

¹⁸ OJ L 73, 15.03.2019 p. 98

¹⁹ OJ L 246, 26.9.2019, p. 15

²⁰ OJ L 21, 27.01.2020, p. 1

²¹ OJ L 208, 1.7.2020, p. 4

1.1.3 Using powers within the Aviation Security Act 1982 (as applied to the IOM) and as permitted by Article 6 of Commission Regulation (EC) No 300/2008, the Island has issued a Single Consolidated Direction (Aviation – Isle of Man) 1/2021²² that lists the applicable EU aviation security requirements and sets out further provisions applied to the IOM. Consequently, the Direction makes up the relevant security measures that must all be complied with and acts as the NCASP.

2. Organisational structure, Responsibilities and Resources

- 2.1.1 By delegation from the DfE Minister, the IOM Director of Civil Aviation (DCA) is empowered to exercise the Department's functions under any provision of an Act, or any instrument of a legislative character made under an Act, that relates, directly or indirectly, to civil aviation, air navigation or airports. As such, the DCA is the Island's Aviation Security Regulator (ASR), independent from the operational management of Government operated regulated services.
- 2.1.2 The Deputy Director of Civil Aviation (DDCA) is responsible to the DCA for the operational day to day management of the Island's aviation security regulatory activities.
- 2.1.3 Aviation security regulatory activities in the IOM are undertaken in accordance with a Memorandum of Understanding (MoU) between the UK Department for Transport (DfT) and the DCA. This MoU includes the following:
- (a) The UK ratification of the Chicago Convention extends to the IOM; therefore, the UK has an obligation to ensure the provisions of the Convention are implemented and has resultant oversight responsibilities.
 - (b) That the UK Civil Aviation Authority (UK CAA) will provide routine security assessments in the IOM.
 - (c) IOM Regulated Agents (RA) will be assessed, approved, listed and provided with ongoing oversight by the UK CAA on behalf of the ASR as per the process for UK RA.
- 2.1.4 The organisational structure pertaining to IOM aviation security is shown in Figure 1.

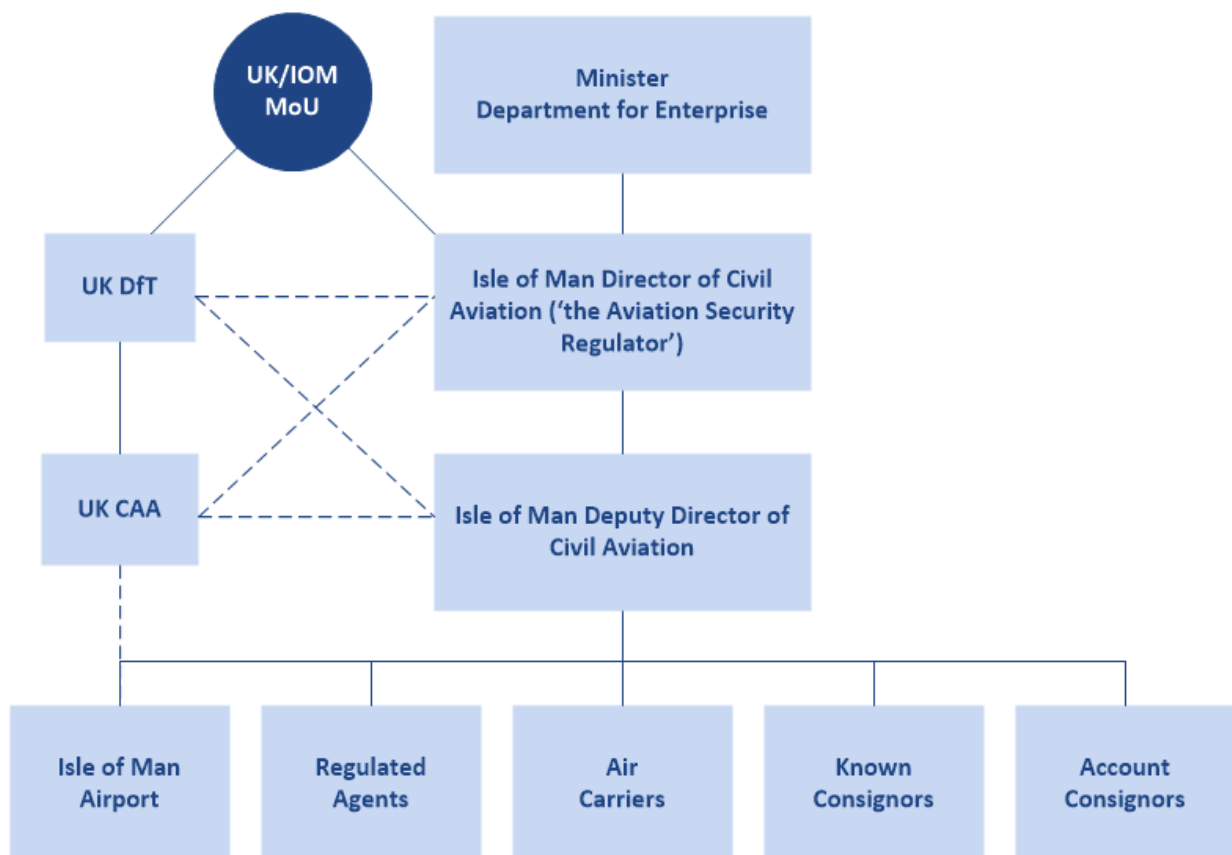


Figure 1

3. Auditors

3.1 Job descriptions and qualifications

- 3.1.1 The IOM uses only the services of the UK CAA security inspectors to perform formal inspections and audits. Consequently their approval, job descriptions, qualifications, competencies, experience and recurrent training requirements are detailed within the UK NQCP and associated UK CAA documentation.
- 3.1.2 The use of UK CAA auditors ensures sufficient availability and that they are free from any contractual or pecuniary obligations to the airport, aircraft operator or any entity to be monitored.

3.2 Powers

- 3.2.1 UK CAA auditors are “authorised persons” and they will carry proof of identity and formal authorisations, to be produced if required, enabling them to exercise their powers including:
- (a) to inspect any aircraft registered or operating in the Isle of Man, at any time when it is in the Isle of Man;
 - (b) to inspect any part of any aerodrome in the Isle of Man;
 - (c) to subject any property found to tests;
 - (d) to investigate and test the effectiveness of security practices and procedures;
 - (e) to require an aircraft operator, the manager of the aerodrome, the Regulated Agent or other entity as appropriate to provide information relevant to the audit, inspection, survey or test;
 - (f) to detain an aircraft for the purpose of inspecting it;
 - (g) to recommend the ASR issue an enforcement notice;
 - (h) to recommend the ASR detain an aircraft; and
 - (i) to enter on any land or buildings within an aerodrome in the Isle of Man for the purpose of inspection.
- 3.2.2 As a consequence of the powers conferred on auditors, the ASR will act in accordance with section 6.2 in the following cases:
- (a) intentional obstruction or impediment of an auditor;
 - (b) failure or refusal to supply information requested by an auditor;
 - (c) when false or misleading information is supplied to an auditor with intent to deceive; and
 - (d) impersonation of an auditor with intent to deceive.

4. Compliance Monitoring

4.1 Overview

- 4.1.1 The ASR is responsible for ensuring that compliance with the NCASP by the Operator of the Airport, aircraft operators, regulated agents and other entities as appropriate is regularly monitored. Such monitoring processes comprise a tasked system of programmed announced and unannounced inspections, surveys, audits and tests of airports, aircraft operators and other entities, including the assessment of the implementation and effectiveness of internal quality control measures.
- 4.1.2 The objectives of the programme are to:
- (a) ensure that proactive and reactive compliance monitoring activities are conducted to:
 - (i) provide a comprehensive overview of the implementation of security measures in the field;
 - (ii) maintain and, where necessary, enhance standards of security;
 - (iii) ensure the swift detection and correction of failures;
 - (iv) enable timely action to be taken, in line with the stepped approach, where deficiencies are identified;
 - (b) engage with industry at all levels to influence its strategic and tactical thinking so that security forms part of the business planning and decision-making process; and
 - (c) encourage industry to take ownership and responsibility for security and adapt its quality assurance activities accordingly.
- 4.1.3 The tasking and setting of priorities of the monitoring programme is undertaken by the ASR in close coordination with the UK CAA, taking into consideration the threat level, type and nature of the operations, standard of implementation, results of internal quality control of airports, aircraft operators and entities and other factors and assessments. Detailed planning, preparation, on site activity, classification of findings and report completion is conducted by the UK CAA in accordance with the UK NQCP. These processes ensure that the management of monitoring activities is independent from the implementation of the measures taken by those entities with operational aviation security responsibilities.

4.2 Methodology, structures, responsibilities and resources

- 4.2.1 Monitoring processes will be conducted, on behalf of the ASR, by auditors from the UK CAA in accordance with UK CAA process.
- 4.2.2 A UK CAA Lead Auditor will be allocated for each activity who will provide the ASR with a detailed report regarding all aviation security compliance issues identified.
- 4.2.3 Auditors may ask questions about aviation security of any person they consider may assist them in assessing the standard of security or the implementation of security procedures. In doing so, they will take reasonable steps not to distract people unnecessarily from their primary duties. It is

recognised that such questioning can reveal misconceptions held by staff; therefore, verification of such information from a third party is generally part of the compliance monitoring process. The ASR will generally not take action on information obtained from members of staff without having first discussed it with the management of the company concerned.

4.2.4 Auditors may take into the Security Restricted Area(s) of Isle of Man Airport, and use any equipment necessary to their duties, including (as examples) cameras, audio and video recorders. They may observe operations through use of CCTV systems and review pre-recorded tapes/media.

4.2.5 When carrying out aviation security programmed inspections, audits, surveys and tests, auditors will:

- (a) observe security requirements and use normal channels of access and egress, except where to do so will inhibit them in the execution of their duty;
- (b) comply with safety regulations pertaining to the site;
- (c) not use force to gain access to any aircraft, building, works or land;
- (d) not open external aircraft doors, touch any control surfaces or enter aircraft flight decks unless accompanied by a responsible officer of the airline or its agent;
- (e) not advise, correct or instruct security staff. Nor will they take any direct operational action, such as dealing with passengers, staff or traffic. Whenever necessary, however, they will identify deficiencies to supervisors or relevant industry managers and seek rectification of them.

4.3 Audits

4.3.1 A security audit is an in-depth examination of:

- (a) all security measures at an airport; aircraft operator or entity; or
- (b) a particular part of the NCASP and/or the Airport Security Programme (ASP);

in order to determine if they are being fully implemented on a continual basis.

4.3.2 Audits will be organised and controlled by a designated UK CAA Team Leader/Lead Auditor and will be conducted over a period to be agreed between the ASR, UK CAA, and the audited airport/ aircraft operator/entity. Audits may involve inspection during silent hours and weekends.

4.3.3 Isle of Man Airport will be audited at least once every four years or at shorter intervals as decreed by the ASR taking into account the factors specified at 4.1.3.

4.3.4 Audits shall consist of the following elements:

- (a) Pre-announcement of the audit and provision of a pre-audit questionnaire to be completed by the audited airport/ aircraft operator/entity in advance. Regardless of the information requested in advance, it will be incumbent upon organisations to ensure that all information and documentation that may be required during the audit is made available to auditors. An office for the audit team, with appropriate facilities, will also need to be provided.

- (b) Preparation phase including auditor examination of the completed pre-audit questionnaire.
- (c) Entry briefing with the airport/ aircraft operator/entity representatives prior to beginning on site monitoring activity.
- (d) On site activity, which may include:
 - (i) examination of documents;
 - (ii) observations;
 - (iii) interviews;
 - (iv) verifications.
- (e) Debriefing. On completion, the UK CAA Team Leader/Lead Auditor, normally accompanied by either the DCA/DDCA, will present a compliance summary to the audited airport/ aircraft operator/entity at a pre-arranged meeting. As well as the security manager, it is expected that senior management of the airport/ aircraft operator/entity attend in order to gain first-hand knowledge of the audit outcome and be apprised of next steps. As appropriate, representatives of other entities may also be invited to attend.
- (f) Reporting. A concise, comprehensive compliance report will be prepared and sent to the ASR and the airport/ aircraft operator/entity.
- (g) Corrective action. Where deficiencies are identified, the airport/ aircraft operator/entity will prepare a Rectification Action Plan (RAP) to the satisfaction of the DCA/DDCA. The RAP will be sent by the ASR to the UK DfT and UK CAA within 15 working days of the receipt of the report. The ASR, in co-ordination with the Team Leader/Lead Auditor will manage the monitoring of rectification action against the RAP, with support from others as required. The aim is to achieve full and sustainable rectification in as short a time as is reasonably practical.

4.4 Inspections

- 4.4.1 An inspection is an examination of the implementation of security measures and procedures in order to determine whether they are being carried out effectively and to the required standards and to identify any deficiencies. The scope of an inspection shall cover at least one set of directly linked security measures and the corresponding implementing acts²³.
- 4.4.2 Inspections of the airport/ aircraft operator/entities may be conducted at any time, including weekends, public holidays and during silent hours. Inspections will contain the same elements as detailed for audits at 4.3.3; however, whilst prior notice of the inspections will normally be given,

²³ A set of directly linked security measures is a set of two or more requirements as referred to in Annex I to Commission Regulation (EC) No 300/2008 and the corresponding implementing acts which impact on each other so closely that achievement of the objective cannot be adequately assessed unless they are considered together. These sets shall include those listed in Appendix I to Commission Regulation (EC) No 300/2008.

they may also be conducted at no notice. A representative of the organisation being inspected may accompany an auditor when the latter considers this will facilitate the inspection.

4.4.3 Inspections of Isle of Man Airport will be scheduled at least three times per year or at shorter intervals taking into account the factors specified at 4.1.3.

4.5 Tests of Aviation Security

4.5.1 Audits, inspections and surveys can establish only whether security measures are being implemented, they cannot establish without some degree of subjectivity whether those measures will achieve their purpose. This can be established only by realistic covert tests of aviation security. A test is a trial of aviation security measures, where the appropriate authority simulates intent to commit an act of unlawful interference for the purpose of examining the effectiveness of the implementation of existing security measures.

4.5.2 Tests may be carried out to examine the effectiveness of the implementation of at least the following security measures:

- (a) access control to security restricted areas;
- (b) aircraft protection;
- (c) screening of passengers and cabin baggage;
- (d) screening of staff and items carried;
- (e) screening of cargo or mail;
- (f) protection of hold baggage;
- (g) protection of cargo and mail.

4.5.3 The ASR does not operate a routine schedule of testing; however, such activities will be initiated where there is a need to gain enhanced assurance on the security performance of airport/ aircraft operator or entity. In such circumstances the ASR will contract the UK CAA to carry out such tests on his behalf. Such tests shall be conducted in accordance with a test protocol which includes the methodology used taking into consideration the legal, safety and operational requirements. The methodology shall address the following elements:

- (a) preparation phase;
- (b) on-site activity;
- (c) a debrief, depending on the frequency and the results of the monitoring activities;
- (d) reporting/recording;

correction process and the associated monitoring.

4.5.4 Section 4 of the Aviation Security Act 1982 (as applied to the Isle of Man) makes it an offence for a person without “lawful authority or reasonable excuse” to have with him/her certain prohibited articles whilst in any part of an aerodrome in the Isle of Man. However, covert testing undertaken

by Isle of Man Airport or its contracted staff is considered by the ASR to be an activity conducted with lawful authority and reasonable excuse under the 1982 Act, subject to the following conditions:

- (a) The Director of Ports is responsible for ensuring that only appropriately trained personnel are used as the Test Controller and to undertake the covert test.
 - (b) A Test Controller shall be appointed who is responsible for the safe and effective conduct of the test in accordance with this Policy and any additional requirements of the Isle of Man Airport Aviation Security Plan. The Test Controller shall:
 - (i) Devise the test process to ensure that public alarm is not generated.
 - (ii) Compile a test schedule which shall include:
 - the name of the Test Controller;
 - names of personnel undertaking the test;
 - details of the test pieces used;
 - process and procedures for the conduct of the test.
 - (iii) Ensure that personnel conducting covert tests are appropriately pre briefed on its conduct and the procedures that are to be followed.
 - (iv) Pre notify the Ports Standards Manager or Airport Duty Officer (Security Officer).*
 - (v) Send the test schedule in advance of the test by secure email to the Director of Ports and the Deputy Director of Civil Aviation.*
- * *A minimum 24 hours' notice is to be provided, increased as necessary to ensure that such notice does not fall on a weekend.*
- (vi) Compile a record of the outcome of the test and any relevant information.
- (c) Where it is necessary to use firearms to conduct covert tests, only replica firearms or deactivated firearms for which a firearms certificate is not required shall be used. However, deactivation certificates must be carried.
- (d) Where it is necessary to simulate explosive or incendiary devices, only wholly inert devices containing no explosive or incendiary materials will be used. However, for certain tests, minute traces of real explosives may be used. Each simulated explosive device will have been subjected to trials to ensure that the stimulant used in it provides a signature appropriate to the technology being tested.
- (e) When test pieces are carried in public places, they will be concealed to avoid causing alarm.

4.6 Surveys

4.6.1 Surveys will be carried out whenever the ASR recognises a need to re-evaluate operations in order to identify and address any vulnerability. Where vulnerability is identified, the ASR will specify the protective measures to be implemented commensurate with the threat.

5. Reporting and correction

5.1 Reporting

5.1.1 Compliance monitoring activity reports are to be reported in a standardised format which allows for an ongoing analysis of trends. The following elements will be included:

- (a) type of activity;
- (b) airport, aircraft operator or entity monitored;
- (c) date and time of the activity;
- (d) name of the auditors conducting the activity;
- (e) scope of the activity;
- (f) findings with the corresponding provisions of the National Civil Aviation Security Programme;
- (g) classification of compliance;
- (h) recommendations for remedial actions, where appropriate;
- (i) time frame for correction, where appropriate.

5.1.2 Reports of monitoring activities completed by the UK CAA on behalf of the ASR will be in accordance with the UK NQCP and included in the UK data.

5.1.3 The data provided by compliance monitoring reports will be used by the ASR to decide on tasking for future inspections and other compliance-related activity.

5.2 Classification of compliance

5.2.1 Compliance monitoring activities shall assess compliance with the NCASP using the harmonised classification system of compliance at Figure 2.

	Security audit	Inspection	Test
Fully compliant	✓	✓	✓
Compliant, but improvement desirable	✓	✓	✓
Not compliant	✓	✓	✓
Not compliant, with serious deficiencies	✓	✓	✓
Not applicable	✓	✓	
Not confirmed	✓	✓	✓

Figure 2

5.3 Correction of deficiencies

5.3.1 A deficiency may be a:

- (a) failure to comply with a statutory requirement; or
- (b) failure to follow a (non-statutory) formal recommendation; or
- (c) failure to take account of unique or exceptional circumstances which, although outside the NCASP, may expose an airport, airline, regulated agent or other entity as appropriate to risk.

5.3.2 Where deficiencies are identified, the auditor will report the relevant findings to the airport, aircraft operators or entities subjected to monitoring and will require them to demonstrate the prompt implementation of corrective measures to identified deficiencies. Where the correction cannot take place promptly, the implementation of compensatory measures shall be required.

5.3.3 Airports, aircraft operators or entities subjected to compliance monitoring activities shall submit for ASR agreement an action plan addressing any deficiencies outlined in the compliance monitoring report together with a timeframe for implementation of the remedial actions and to provide confirmation when the correction process has been completed. The ASR will verify the implementation of the remedial actions either at the next routine compliance monitoring activity or, where deemed necessary due to the assessment of the threat, by the most relevant additional monitoring method.

6. Enforcement

6.1 Overview

- 6.1.1 A graduated and proportionate approach known as the 'Stepped Approach' (see below) is used regarding deficiency correction activities and enforcement measures. This approach consists of progressive steps to be followed until correction is achieved.
- 6.1.2 The ASRs primary aim is to seek rectification of deficiencies through advice and persuasion, rather than through recourse to law wherever possible. However, the ASR may omit one or more of these steps, especially where the deficiency is serious or recurring.

6.2 The Stepped Approach

6.2.1 Step 1: Advice

- 6.2.1.1 Advice will be provided explaining precisely how the organisation is failing to meet the NCASP requirements. Possible solutions may be offered, but the fundamental responsibility for addressing the deficiency rests with the organisation in question. The first step allows the organisation to take the initiative in meeting their responsibilities.

6.2.2 Step 2: Persuasion

- 6.2.2.1 The organisation will be persuaded to comply, outlining the organisation's responsibilities towards the safety of its passengers (as appropriate) and highlighting the vulnerabilities which might arise if it fails to take the appropriate action. It may also be pointed out that continued failure to comply may result in the issuing of a Deficiency Notice and subsequent serving of an Enforcement Notice (see below). Advice may be confirmed in writing.

6.2.3 Step 3: Issuing of a Deficiency Notice (DN)

- 6.2.3.1 A DN identifying any apparent breaches of NCASP requirements may be issued to the Director of the company concerned on completion of an inspection activity when it is considered that prompt rectification activity is required. The DN will outline the precise area in which an organisation's security arrangements are deficient and a timeframe within which the Director of the company concerned is required to submit confirmation of rectification actions.

6.2.4 Step 4: Formal Interview

- 6.2.4.1 Where the deficiency identified is considered to be serious, the ASR can request a meeting with the accountable manager for the organisation concerned. The purpose will be to advise them of their responsibilities, to stress the importance of compliance and prompt, effective, rectification, and to point out the likely consequences of continued non-compliance, such as the serving of an Enforcement Notice.

6.2.5 Step 5: Serving of a Direction

- 6.2.5.1 The Minister DfE is empowered by legislation²⁴ to issue a Direction to an aircraft operator, aerodrome operator, or person who is permitted access to an aerodrome, requiring him to take specified measures which are aimed at ensuring compliance with the NCASP. This should not,

²⁴ Section 14 of the Aviation Security Act 1982 (as amended and as applied to the IOM).

however, be seen as the essential prelude to prosecution. It obliges a person upon whom it is served to comply with all the requirements specified in the Direction. In practice, such a step is only likely to be taken in a case where there are serious and/or persistent deficiencies in compliance by an organisation, or where remedial actions required by the ASR or promised by the organisation have not in fact been delivered effectively. The Direction may specify that particular operations are to be halted until the breach has been rectified.

6.2.5.2 Failure to meet the requirements of a Direction renders a company liable to prosecution. Once the Direction has been formally served, the role of the ASR will be to continue inspecting the operation in question and to assess whether a satisfactory basis for continuing compliance has been established. Only then will the Direction be lifted.

6.2.5.3 The ASR may request that the UK CAA remove a company from the approved list of regulated air cargo agents in the case of serious or recurring security deficiencies.

6.2.6 Step 6: Serving of an Enforcement Notice

6.2.6.1 Where an authorised person is of the opinion that any person has failed to comply with any general requirement of a Direction, the DfE Minister may serve on that person an Enforcement Notice (EN)²⁵. An EN may specify in greater detail measures which are described in general terms in the Direction, but may not impose any requirement which could not have been imposed by a Direction.

6.2.6.2 Any person who, without reasonable excuse, fails to comply with an enforcement notice served on him shall be guilty of an offence. The person on whom an enforcement notice is served may serve on the Minister a notice in writing of his objection to the enforcement notice, specifying the grounds of the objection.

6.2.6.3 The ASR may request that the UK CAA remove a company from the approved list of regulated air cargo agents in the case of serious or recurring security deficiencies.

6.2.7 Step 7: Prosecution

6.2.7.1 Any person who refuses or fails to comply with an EN issued in the form of a Direction under the provisions of the Aviation Security Act 1982 (as applied to the Isle of Man) is guilty of an offence and liable to prosecution. The decision on whether or not to prosecute will fall to the DfE Minister on the basis of evidence collated by the ASR.

²⁵ Section 18A of the Aviation Security Act 1982 (as amended and as applied to the IOM).