



Operational Safety Instruction

Detention of Aircraft

03rd July 2020

ASGrOps_OSI_036

V2.0

It is the responsibility of all employers to ensure that relevant OSIs are brought to the attention of their staff. However, individuals remain responsible for their own actions and those who are in any doubt should consult their Supervisor or Manager.

1. Introduction

- 1.1** Heathrow Airport Limited (HAL) has the legal powers to detain, or assist in the detention of, any aircraft at Heathrow. This may be for a variety of reasons including but not limited to;
- Financial purposes (non-payment of charges)
 - Aviation safety or security
- 1.2** HAL will carry out the detention under powers granted in; the Civil Aviation Act, the Civil Aviation Regulations, the Aviation Security Act, or on behalf of the Civil Aviation Authority, or in support of a Court Order.
- 1.3** Circumstances for the detention of any aircraft are laid out in this instruction.
- 1.4** OSI ASGrOps_OSI_036 v1.0 is hereby cancelled.

2. Definitions

Abbreviation	Description
HAL	Heathrow Airport Limited
AfDM	Airfield Duty Manager
CAA	Civil Aviation Authority
ATC	Air Traffic Control



3. Means of Detention

- 3.1** The detention of an aircraft will usually be carried out by the AfDM acting on behalf of the Heathrow Operations Director, the CAA, or under direction from a Court Official. The AfDM will, if possible, leave the appropriate detention notice attached to the aircraft and provide copies to relevant parties.
- 3.2** If the AfDM considers it necessary to prevent the unlawful departure of a detained aircraft, the AfDM may put measures in place to physically obstruct the ground movement of an aircraft.
- 3.3** On no account will the AfDM, or anyone acting on their behalf, tamper with the aircraft or its systems.

4. Grounds for Detention

4.1 Enforcement of Court Order

HAL can be asked to assist with the enforcement of a Court Order. Such Court Orders are usually served on the interested party by a person of some legal standing (such as a solicitor or court official). The AfDM will support the process to enable the Order to be served.

4.2 Financial on behalf of Heathrow Airport Limited

Section 88 of the Civil Aviation Act grants airport companies the right to detain aircraft for non-payment of airport charges. This is included within the Heathrow Airport Limited 'Conditions of Use'.

Section 88 allows for the detention of either: -

- (i) the aircraft in respect of which the charges were incurred (whether or not they were incurred by the person who is the operator of the aircraft at the time when the detention begins)
- (ii) any other aircraft of which the person in default is the operator at the time when the detention begins.

4.3 Financial on behalf of the Civil Aviation Authority (CAA) or Euro Control

The CAA can request the detention of an aircraft for non-payment of air navigation charges under The Civil Aviation Regulations 2001 (Regulation 3 & 4). Under powers delegated by the CAA, HAL has the authority to carry out the detention on behalf of the CAA. The CAA may act on behalf of Euro Control.



4.4 Flight Safety concerns (with the authorisation of the Civil Aviation Authority)

It may be brought to the attention of Heathrow Airport Limited that an aircraft has a fault, defect or damage that may affect flight safety. Following discussions with the aircraft operator, it may be necessary to report the concerns to the Civil Aviation Authority (CAA). The CAA may then give written authority to the AfDM to detain the aircraft pending the arrival of a CAA Inspector. The AfDM will also advise ATC to refuse flight clearance under the same CAA authority.

4.5 Threat against the aircraft or against any person or property on board the aircraft

HAL may delay the departure or detain an aircraft if a threat has been made against the aircraft or any persons on board. An authorised person (a person who has been given permission by the Secretary of State) may detain an aircraft through issuing a detention direction in accordance with the terms of Section 20B of the Aviation Security Act 1982.

4.6 Non-compliance with a directive concerning the searching of passengers and their property

HAL may delay the departure of any aircraft if there is reasonable cause to believe that a passenger(s) and/or their baggage have not been searched in accordance with the terms of Section 12 to 15 of the Aviation Security Act 1982.

4.7 Contravention of night noise legislation

HAL has a legal responsibility to prohibit aircraft from operating against the night flight restrictions under section 78(3) of the Civil Aviation Act 1982.

HAL is therefore granted powers under section 78(5) of the Act to detain aircraft if necessary. These powers are stated in ASEnv_OSI_038 Administration & Enforcement of the Night Aircraft Movement & Quota Limits.

The AfDM can exercise these powers if necessary. However, it is usual for the AfDM to advise the airline that the flight cannot arrive/depart and if necessary request ATC to advise the flight crew that to do so would contravene the Act.

4.8 Breaches of Air Service Agreements

HAL will act under instructions from the Department for Transport (DfT) as appropriate.



5. References

Air Navigation Order 2016

Aviation Security Act 1982

Civil Aviation Act 1982

ASEnv_OSI_038 Administration & Enforcement of the Night Aircraft Movement & Quota Limits

6. References

Air Navigation Order 2016

Aviation Security Act 1982

Civil Aviation Act 1982

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7. Enquiries

Any questions regarding this Instruction should be addressed to the Airfield Duty Manager, email airfield.duty.manager@heathrow.com



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