

Laser Misuse (Vehicles) Bill [HL]

EXPLANATORY NOTES

Explanatory notes to the Bill, prepared by the Department for Transport, are published separately as Bill 177 – EN.

EUROPEAN CONVENTION ON HUMAN RIGHTS

Secretary Chris Grayling has made the following statement under section 19(1)(a) of the Human Rights Act 1998:

In my view the provisions of the Laser Misuse (Vehicles) Bill [HL] are compatible with the Convention rights.

Laser Misuse (Vehicles) Bill [HL]

CONTENTS

- 1 Offence of shining or directing a laser beam towards a vehicle
- 2 Offences relating to air traffic services
- 3 Interpretation
- 4 Extent, commencement and short title

A
B I L L

TO

Make provision creating new offences of shining or directing a laser beam towards a vehicle or air traffic facility; and for connected purposes.

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1 Offence of shining or directing a laser beam towards a vehicle

- (1) A person commits an offence if—
- (a) the person shines or directs a laser beam towards a vehicle which is moving or ready to move, and
 - (b) the laser beam dazzles or distracts, or is likely to dazzle or distract, a person with control of the vehicle. 5
- (2) It is a defence to show—
- (a) that the person had a reasonable excuse for shining or directing the laser beam towards the vehicle, or
 - (b) that the person— 10
 - (i) did not intend to shine or direct the laser beam towards the vehicle, and
 - (ii) exercised all due diligence and took all reasonable precautions to avoid doing so.
- (3) A person is taken to have shown a fact mentioned in subsection (2) if— 15
- (a) sufficient evidence is adduced to raise an issue with respect to it, and
 - (b) the contrary is not proved beyond reasonable doubt.
- (4) A person who commits an offence under this section is liable—
- (a) on summary conviction in England and Wales, to imprisonment for a term not exceeding 12 months, to a fine or to both; 20
 - (b) on summary conviction in Scotland, to imprisonment for a term not exceeding 12 months, to a fine not exceeding the statutory maximum or to both;

- (c) on summary conviction in Northern Ireland, to imprisonment for a term not exceeding six months, to a fine not exceeding the statutory maximum or to both;
 - (d) on conviction on indictment, to imprisonment for a term not exceeding five years, to a fine or to both. 5
- (5) In relation to an offence committed before the coming into force of section 154(1) of the Criminal Justice Act 2003, the reference in subsection (4)(a) to 12 months is to be read as a reference to six months.
- (6) A mechanically propelled vehicle which is not moving or ready to move but whose engine or motor is running is to be treated for the purposes of subsection (1)(a) as ready to move. 10
- (7) In relation to an aircraft, the reference in subsection (1)(b) to “a person with control of the vehicle” is a reference to any person on the aircraft who is engaged in controlling it, or in monitoring the controlling of it.
- (8) In relation to a vessel, hovercraft or submarine, the reference in subsection (1)(b) to “a person with control of the vehicle” is a reference to the master, the pilot or any person engaged in navigating the vessel, hovercraft or submarine. 15

2 Offences relating to air traffic services

- (1) A person commits an offence if—
- (a) the person shines or directs a laser beam— 20
 - (i) towards an air traffic facility, or
 - (ii) towards a person providing air traffic services, and
 - (b) the laser beam dazzles or distracts, or is likely to dazzle or distract, a person providing air traffic services.
- (2) It is a defence to show— 25
- (a) that the person had a reasonable excuse for shining or directing the laser beam towards the facility or person, or
 - (b) that the person—
 - (i) did not intend to shine or direct the laser beam towards the facility or person, and 30
 - (ii) exercised all due diligence and took all reasonable precautions to avoid doing so.
- (3) A person is taken to have shown a fact mentioned in subsection (2) if—
- (a) sufficient evidence is adduced to raise an issue with respect to it, and
 - (b) the contrary is not proved beyond reasonable doubt. 35
- (4) A person who commits an offence under this section is liable—
- (a) on summary conviction in England and Wales, to imprisonment for a term not exceeding 12 months, to a fine or to both;
 - (b) on summary conviction in Scotland, to imprisonment for a term not exceeding 12 months, to a fine not exceeding the statutory maximum or to both; 40
 - (c) on summary conviction in Northern Ireland, to imprisonment for a term not exceeding six months, to a fine not exceeding the statutory maximum or to both;
 - (d) on conviction on indictment, to imprisonment for a term not exceeding five years, to a fine or to both. 45

(5) In relation to an offence committed before the coming into force of section 154(1) of the Criminal Justice Act 2003, the reference in subsection (4)(a) to 12 months is to be read as a reference to six months.

(6) In this section –
 “air traffic facility” means any building, structure, vehicle or other place from which air traffic services are provided; 5
 “air traffic services” has the meaning given by section 98(1) of the Transport Act 2000.

3 Interpretation

In this Act – 10
 “aircraft” means any vehicle used for travel by air;
 “laser beam” means a beam of coherent light produced by a device of any kind;
 “vehicle” means any vehicle used for travel by land, water or air;
 “vessel” has the meaning given by section 255(1) of the Merchant Shipping Act 1995. 15

4 Extent, commencement and short title

- (1) This Act extends to England and Wales, Scotland and Northern Ireland.
- (2) This section and section 3 come into force on the day on which this Act is passed. 20
- (3) Section 1 comes into force, so far as extending to England and Wales and Scotland, at the end of the period of two months beginning with the day on which this Act is passed.
- (4) Section 1 comes into force, so far as extending to Northern Ireland –
 (a) in relation to aircraft, vessels, hovercraft and submarines, at the end of the period of two months beginning with the day on which this Act is passed; 25
 (b) in relation to other vehicles, on such day as the Secretary of State may by regulations made by statutory instrument appoint.
- (5) Section 2 comes into force at the end of the period of two months beginning with the day on which this Act is passed. 30
- (6) Different days may be appointed under subsection (4)(b) for different purposes.
- (7) This Act may be cited as the Laser Misuse (Vehicles) Act 2018.

Laser Misuse (Vehicles) Bill [HL]

A

B I L L

To make provision creating new offences of shining or directing a laser beam towards a vehicle or air traffic facility; and for connected purposes.

Brought in from the Lords, 7 March 2018.

*Ordered, by the House of Commons, to be
Printed 7 March 2018.*

© Parliamentary copyright House of Lords and House of Commons 2018
*This publication may be reproduced under the terms of the Open Parliament Licence, which is published at
www.parliament.uk/site-information/copyright*

PUBLISHED BY AUTHORITY OF THE HOUSE OF LORDS AND HOUSE OF COMMONS