

Laser Misuse (Vehicles) Bill [HL]

EXPLANATORY NOTES

Explanatory notes to the Bill, prepared by the Department for Transport, are published separately as HL Bill 75 – EN.

EUROPEAN CONVENTION ON HUMAN RIGHTS

Baroness Sugg 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.

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TO

Make provision creating a new offence of shining or directing a laser beam towards a vehicle.

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 on a journey, 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) In this Act “vehicle” means an aircraft, motor vehicle, pedal cycle, train, vessel, hovercraft or submarine. 10
- (7) In relation to a motor vehicle or pedal cycle, the reference in subsection (1)(a) to a journey is to a journey made on a road.
- (8) In relation to an aircraft, the reference in subsection (1)(b) to “a person with control of the vehicle” is a reference to any pilot engaged in controlling, or in monitoring the controlling of, the aircraft. 15
- (9) 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.
- (10) In this Act –
- “aircraft” means any thing used for travel by air; 20
- “motor vehicle” means a mechanically propelled vehicle intended or adapted for use on roads;
- “road” –
- (a) in relation to England and Wales and Scotland, has the meaning given by section 192(1) of the Road Traffic Act 1988; 25
- (b) in relation to Northern Ireland, has the meaning given by Article 2(1) of the Road Traffic (Northern Ireland) Order 1981 (S.I. 1981/154 (N.I. 1));
- “train” includes a locomotive which is not coupled to anything;
- “vessel” has the meaning given by section 255(1) of the Merchant Shipping Act 1995. 30

2 Extent, commencement and short title

- (1) This Act extends to England and Wales, Scotland and Northern Ireland.
- (2) This Act 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. 35
- (3) This Act 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; 40
- (b) in relation to other vehicles, on such day as the Secretary of State may by regulations made by statutory instrument appoint.
- (4) Different days may be appointed under subsection (3)(b) for different purposes.
- (5) This Act may be cited as the Laser Misuse (Vehicles) Act 2018. 45

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To make provision creating a new offence of shining or directing a laser beam towards a vehicle.

Baroness Sugg

Ordered to be Printed, 19th December 2017

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