

Aviation (Offences) Bill

EXPLANATORY NOTES

Explanatory notes to the Bill, prepared by the Department for Transport with the consent of Mr Frank Roy, the Member in Charge of the Bill, are published separately as Bill 23-EN.

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TO

Make provision about the enforcement of certain offences connected with aviation.

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 Arrest without warrant

- (1) The following shall be inserted after paragraph 11 of Schedule 1A to the Police and Criminal Evidence Act 1984 (c. 60) (arrestable offences) —

“11A An offence of contravening a provision of an Order in Council under section 60 of that Act (air navigation order) where the offence relates to— 5

- (a) a provision which prohibits specified behaviour by a person in an aircraft towards or in relation to a member of the crew, or
(b) a provision which prohibits a person from being drunk in an aircraft, in so far as it applies to passengers.” 10

- (2) The following shall be inserted at the end of Article 26(2) of the Police and Criminal Evidence (Northern Ireland) Order 1989 (S.I. 1989/1341 (N.I. 12)) (arrestable offences) —

“(1) an offence of contravening a provision of an Order in Council under section 60 of that Act (air navigation order) where the offence relates to— 15

- (i) a provision which prohibits specified behaviour by a person in an aircraft towards or in relation to a member of the crew, or
(ii) a provision which prohibits a person from being drunk in an aircraft, in so far as it applies to passengers.” 20

- (3) The following shall be inserted after section 82(3) of the Anti-terrorism, Crime and Security Act 2001 (c. 24) (aviation security: arrest in Scotland without warrant) –

“(3A) Where, in Scotland, a constable has reasonable grounds for suspecting that a person has committed an offence of contravening a provision of an Order in Council made under section 60 of the Civil Aviation Act 1982 (Air Navigation Orders) and the offence relates to – 5

(a) a provision which prohibits specified behaviour by a person in an aircraft towards a member of the crew of the aircraft, or

(b) a provision which prohibits a person from being drunk in an aircraft, in so far as the provision applies to passengers, 10

the constable may arrest that person without warrant.”

2 Penalties

The following shall be inserted after section 61(2) of the Civil Aviation Act 1982 (c. 16) (air navigation order: offence: maximum penalty) – 15

“(2A) Subsection (2)(c) above shall have effect with the substitution of “five years” for “two years” in the case of a provision about endangering an aircraft or a person in an aircraft.”

3 Commencement

This Act shall have effect in relation to an offence committed or alleged to have been committed after the end of the period of two months beginning with the day on which it is passed. 20

4 Extent

This Act extends to Northern Ireland.

5 Short Title

This Act may be cited as the Aviation (Offences) Act 2003. 25

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*Presented by Mr Frank Roy
supported by
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