

# **AVIATION (OFFENCES) BILL**

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## **EXPLANATORY NOTES**

### **INTRODUCTION**

1. These explanatory notes relate to the Aviation (Offences) Bill as introduced in the House of Commons on 11 December 2002. They have been provided by the Department for Transport, with the consent of Frank Roy MP, the Member in charge of the Bill, in order to assist the reader of the Bill and to help inform debate on it.
2. The notes need to be read in conjunction with the Bill. They are not, and are not meant to be, a comprehensive description of the Bill. So where a clause or part of a clause does not seem to require any explanation or comment, none is given.

### **SUMMARY**

3. The Bill introduces police powers of arrest to deal with drunk or disruptive passengers on aircraft and allows for an increase in the penalty for endangering the safety of an aircraft or a person in an aircraft.

### **COMMENTARY**

#### **Clause 1 : Arrest without warrant**

4. Clause 1 provides for certain offences to be inserted after paragraph 11 of Schedule 1A to the Police and Criminal Evidence Act 1984 (PACE). An arrest by a police constable without a warrant can only be made if the alleged offence committed is classified as being an arrestable offence. Section 24(1) of PACE defines "arrestable offence" generally as any offence for which the sentence is fixed by law, i.e. murder or treason, or for which a person of twenty-one years of age or over (not previously convicted) may be sentenced to imprisonment for a term of five years. In addition, all offences listed in Schedule 1A to PACE are classified as "arrestable". As the maximum penalty for the offences cited is two years imprisonment, at present the police would not normally have powers of arrest. Their insertion in Schedule 1A will therefore have the effect of making the offences arrestable.

5. Since PACE only covers England and Wales, in order to make the offences arrestable in Northern Ireland and Scotland, the offences are inserted at the end of Article 26(2) of the Police and Criminal Evidence (Northern Ireland) Order 1989, and an equivalent provision for Scotland is inserted after section 82(3) of the Anti-terrorism, Crime and Security Act 2001.

**Clause 2 : Penalties**

6. Clause 2 changes section 61(2) of the Civil Aviation Act 1982 to allow the possibility of introducing a maximum penalty of five years, through an Air Navigation Order, for an offence relating to endangering an aircraft or a person in an aircraft.

**EFFECTS OF THE BILL ON PUBLIC SERVICE FINANCES AND MANPOWER**

7. Any effect on police manpower or finances will be negligible.

**SUMMARY OF THE REGULATORY APPRAISAL**

8. The Bill will have no impact on businesses.

**COMMENCEMENT**

9. The Act would 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 the Act is passed.