STATUTORY INSTRUMENTS

2009 No. 1094

DEFENCE

The Armed Forces (Prescribed Air Navigation Order Offences) Order 2009

Made - - - -	*28th April 2009*
Laid before Parliament	*30th April 2009*
Coming into force - -	*31st October 2009*

The Secretary of State makes the following Order in exercise of the powers conferred on him by sections 49(1) and (4) of the Armed Forces Act 2006(**a**):

Citation and commencement

1. This Order may be cited as the Armed Forces (Prescribed Air Navigation Order Offences) Order 2009 and comes into force on the 31st October 2009.

Interpretation

2. In this Order—

"the Act" means the Armed Forces Act 2006;

"the Order" means the Air Navigation Order 2005(**b**).

Prescribed Air Navigation Order offences

3. The following Air Navigation Order offences are prescribed Air Navigation Order offences for the purposes of section 49(1) and (4) of the Act—

(a) recklessly or negligently acting in a manner likely to endanger an aircraft, or any person in the aircraft, under article 73 of the Order;

(b) recklessly or negligently causing or permitting an aircraft to endanger any person or property under article 74 of the Order;

(c) entering an aircraft when drunk, or being drunk in an aircraft, under article 75(1) of the Order;

(d) when acting as a member of the crew of an aircraft or while carried in an aircraft for the purpose of so acting, being under the influence of drink or a drug to such an extent as to impair his capacity so to act, under article 75(2) of the Order;

(e) while in an aircraft, failing to obey a lawful command which the commander of an aircraft may give for the purpose of securing the safety of the aircraft and of persons or

(**a**) 2006 c. 52
(**b**) S.I. 2005/1970 to which there are amendments not relevant to this Order.

property carried in it, or the safety, efficiency or regularity of air navigation, under article 77 of the Order;

(f) while in an aircraft, using threatening, abusive or insulting words towards a member of the crew of the aircraft under article 78(a) of the Order;

(g) while in an aircraft, behaving in a threatening, abusive, insulting or disorderly manner towards a member of the crew of the aircraft under article 78(b) of the Order; and

(h) while in an aircraft, intentionally interfering with the performance by a member of the crew of the aircraft of his duties under article 78(c) of the Order.

Kevan Jones
Parliamentary Under Secretary of State
Ministry of Defence

28th April 2009

EXPLANATORY NOTE

(This note is not part of the Order)

The Air Navigation Order 2005 does not generally apply to military aircraft.

Section 49 of the Armed Forces Act 2006 provides that if a person subject to service law or a civilian subject to service discipline does in or in relation to a military aircraft an act which would be a prescribed Air Navigation Order offence if done in relation to a civil aircraft, the act shall be treated as punishable under the law of England and Wales. Article 3 of this Order lists the offences under the Air Navigation Order that are, for the purposes of section 49 of the Act, to be prescribed Air Navigation Order offences. Civilians are subject to service discipline while on a military aircraft in flight by virtue of section 370 of, and paragraph 1 of Schedule 15 to, the Armed Forces Act 2006.

© Crown copyright 2009

Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Carol Tullo, Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament.

£4.00

E4213 5/2009 194213T 19585