



Railways and Transport Safety Act 2003

2003 CHAPTER 20

PART 5

AVIATION: ALCOHOL AND DRUGS

General

99 Regulations

- (1) Regulations under this Part may—
 - (a) make transitional, supplemental and incidental provision;
 - (b) make provision generally or for a specified purpose only;
 - (c) make different provision for different purposes.
- (2) Regulations under this Part—
 - (a) shall be made by statutory instrument, and
 - (b) may not be made unless a draft has been laid before and approved by resolution of each House of Parliament.
- (3) Before making regulations under section 93 or 94 the Secretary of State shall consult such organisations as he thinks appropriate.

100 Crown application

- (1) This Part shall apply to a function or activity performed or carried out in relation to an aircraft which belongs to or is employed in the service of the Crown.
- (2) This section is subject to section 101.

101 Military application

- (1) This Part shall not apply to a function or activity which is performed or carried out by a member of Her Majesty's air forces, military forces or naval forces, within the

meaning given by section 225(1) of the Army Act 1955 (c. 18), acting in the course of his duties.

- (2) This Part shall not apply to a function or activity which is performed or carried out by—
 - (a) a member of a visiting force, within the meaning which that expression has in section 3 of the Visiting Forces Act 1952 (c. 67) by virtue of section 12(1) of that Act, acting in the course of his duties, or
 - (b) a member of a civilian component of a visiting force, within that meaning, acting in the course of his duties.
- (3) This Part shall not apply to a function or activity which is performed or carried out by a military or civilian member of a headquarters, within the meaning given by paragraphs 1 and 2 of the Schedule to the International Headquarters and Defence Organisations Act 1964 (c. 5), acting in the course of his duties.

102 Territorial application

- (1) This Part applies in relation to—
 - (a) a function or activity performed or carried out in the United Kingdom, and
 - (b) a flight function performed or flight activity carried out on a United Kingdom aircraft.
- (2) In subsection (1)—

“flight function” means a function falling within section 94(1)(a) to (f),

“flight activity” means an activity which for the purposes of this Part is ancillary to a flight function, and

“United Kingdom aircraft” means an aircraft which is registered, in accordance with an enactment about aircraft, in the United Kingdom.
- (3) Her Majesty may by Order in Council direct that a provision of this Part shall apply (with or without modification)—
 - (a) to a function or activity performed or carried out in any of the Channel Islands or a British overseas territory;
 - (b) to a function performed or activity carried out on an aircraft which is registered, in accordance with an enactment about aircraft, in any of the Channel Islands or a British overseas territory.
- (4) Section 98 shall not extend to Scotland.
- (5) Subsection (4) does not affect any rule of law or enactment concerning the right of a constable in Scotland to board an aircraft or enter any place for any purpose.