

*These notes refer to the Armed Forces Act 2006 (c.52)
which received Royal Assent on 8 November 2006*

ARMED FORCES ACT 2006

EXPLANATORY NOTES

COMMENTARY

First Group of Parts – Discipline

Part 1 – Offences

Ships and aircraft

Section 33: Dangerous flying etc

102. Under this section it is an offence for a member of the Armed Forces to do something when flying or using an aircraft, or in relation to an aircraft or aircraft material, which causes, or is likely to cause, death or injury, if he intends to cause, or is reckless or negligent about causing, death or injury. But he is not guilty of the offence if he acts intentionally, but with lawful excuse (for example, to prevent an aircraft falling into the hands of the enemy). Aircraft material includes parts, accessories and armaments.
103. The section is not limited to service aircraft. It applies, for example, to service personnel who fly a private aircraft, possibly for recreation.
104. The maximum penalty is life imprisonment if the offender intended, or was reckless about, death or injury. The maximum is two years' imprisonment if he was negligent.