



# Civil Aviation (Amendment) Act 1996

## 1996 CHAPTER 39

An Act to amend the Civil Aviation Act 1982 so as to provide for the prosecution of persons committing offences on foreign aircraft while in flight to the United Kingdom; and for connected purposes. [18th July 1996]

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 Application of criminal law to United Kingdom-bound foreign aircraft**

- (1) Section 92 of the Civil Aviation Act 1982 (application of criminal law to aircraft) shall be amended as follows.
- (2) In subsection (1), after “British-controlled aircraft” there shall be inserted “or (subject to subsection (1A) below) a foreign aircraft”.
- (3) After that subsection there shall be inserted—
  - “(1A) Subsection (1) above shall only apply to an act or omission which takes place on board a foreign aircraft where—
    - (a) the next landing of the aircraft is in the United Kingdom, and
    - (b) in the case of an aircraft registered in a country other than the United Kingdom, the act or omission would, if taking place there, also constitute an offence under the law in force in that country.
  - (1B) Any act or omission punishable under the law in force in any country is an offence under that law for the purposes of subsection (1A) above, however it is described in that law.”
- (4) After subsection (2) there shall be inserted—
  - “(2A) The requirement in subsection (1A)(b) above shall be taken to be met unless, not later than the rules of court may provide, the defence serve on the prosecution a notice—

- (a) stating that, on the facts as alleged with respect to the act or omission, the requirement is not in their opinion met;
  - (b) showing the grounds for their opinion; and
  - (c) requiring the prosecution to prove that it is met.
- (2B) The court, if it thinks fit, may permit the defence to require the prosecution to prove that the requirement is met without the prior service of a notice under subsection (2A) above.
- (2C) In the Crown Court the question whether the requirement is met is to be decided by the judge alone.”
- (5) In subsection (5), after the definition of “British-controlled aircraft” there shall be inserted—
  - ““foreign aircraft” means any aircraft other than a British-controlled aircraft;”.

## **2 Inquiry by consular officer**

- (1) Section 95 of the Civil Aviation Act 1982 (provisions as to evidence in connection with aircraft) shall be amended as follows.
- (2) In subsection (4), for the words from “any” to “Kingdom” there shall be substituted “—
  - (a) any offence has been committed on a British-controlled aircraft while in flight elsewhere than in or over the United Kingdom, or
  - (b) there has taken place on board a foreign aircraft an act or omission which constitutes an offence by virtue of section 92(1) above,”.

## **3 Short title and extent**

- (1) This Act may be cited as the Civil Aviation (Amendment) Act 1996.
- (2) This Act extends to Northern Ireland.