



# 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.

#### **Commencement Information**

**II** [S. 99](#) in force at 30.3.2004 by [S.I. 2004/827](#), [art. 3\(v\)](#)

#### **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.

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*Changes to legislation: There are currently no known outstanding effects for the Railways and Transport Safety Act 2003, Cross Heading: General. (See end of Document for details)*

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### Commencement Information

**I2** S. 100 in force at 30.3.2004 by S.I. 2004/827, art. 3(w)

## 101 Military application

- (1) This Part shall not apply to a function or activity which is performed or carried out by a member of [<sup>F1</sup>any of Her Majesty's forces (within the meaning of the Armed Forces Act 2006) ], 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.

### Textual Amendments

**F1** Words in s. 101(1) substituted (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 16 para. 199](#); S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4

### Commencement Information

**I3** S. 101 in force at 30.3.2004 by S.I. 2004/827, art. 3(x)

## 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;

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**Changes to legislation:** There are currently no known outstanding effects for the Railways and Transport Safety Act 2003, Cross Heading: General. (See end of Document for details)

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- (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.

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**Commencement Information**

**I4** [S. 102](#) in force at 30.3.2004 by [S.I. 2004/827](#), [art. 3\(y\)](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Railways and Transport Safety Act 2003, Cross Heading: General.