



LETTER OF INTENT TO AMEND THE AIR NAVIGATION ORDER 2005 TO MAKE IT ILLEGAL FOR A PERSON TO DIRECT OR SHINE LASERS OR HIGH-POWERED LIGHTS AGAINST AIRCRAFT

ISSUE

Since the implementation of the Mandatory Occurrence Reporting scheme the CAA has received a total of 522 reports of laser or high-powered light incidents affecting aircraft in flight. The last 12 months has seen a significant increase in reporting with an average of one incident per day. Laser incidents are varied in their circumstances but generally fall into two categories: those affecting aircraft on final approach and those affecting aircraft flying at lower levels such as emergency services operations. A number of these incidents could have seriously affected the flight crew and endangered safe flight. The proliferation of laser incidents, both with on-task police helicopters and perhaps more alarmingly normal aerodrome take-offs and landings, raises the real possibilities of an accident.

It is proposed to amend an Air Navigation Order (ANO) article that specifically deals with such incidents. At present, there are two such articles which have been used in support of a prosecution for shining a laser/high-powered light at an aircraft.

Article 73 "Endangering" has been used in a number of successful prosecutions but it is difficult for laymen to interpret the effect that such light sources can have on an aircraft, especially when the aircraft concerned in many of these cases has been a police helicopter shining its own high-powered light. The tariff associated with this offence can be viewed by the judiciary as overly harsh with the consequence that penalties have varied greatly.

Article 135 "Dangerous Lights" has also been used in such cases but this article was written for cases where the intent of use for such lights was not to maliciously interfere with aircraft operations, such as light displays.

The CAA therefore intends to expand Article 135 to make it an offence to shine lights at aircraft using the text given in the Annex to this Letter.

CONSULTATION

The proposed amendment will not lead to costs or savings for business, the public sector, third sector organisations, regulators or consumers. The change to the ANO would be cost neutral to the Regulator, and would only impact those found guilty of said offence. It is therefore considered that no consultation is necessary.

INTENTION TO PROCEED

The CAA will now recommend to the Secretary of State that Article 135 be amended.

Chester Armstrong
Manager Flight Operations Inspectorate (Helicopters)

6 July 2009

PROPOSED AMENDMENT TO ARTICLE 135

Dangerous lights

135(A) A person shall not direct or shine any light in the United Kingdom at any aircraft in flight so as to dazzle or distract the pilot of the aircraft.