

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations specify aviation and marine functions for the purposes of section 93A(3A) and (3B) of the Armed Forces Act 2006 (c. 52).

Section 93(3A) and (3B) give commanding officers the power to require persons under their command to cooperate with preliminary breath, impairment and drugs tests following an accident involving an aircraft or ship. The requirement can be imposed under section 93(3A) on any person who was carrying out an aviation function in relation to the aircraft or a marine function in relation to the ship at the time of the accident. The requirement can also be imposed under section 93(3B) on those who carried out such functions before an accident if the accident resulted in death, injury, damage to property or environmental harm or created a risk that any of these things might occur. However, the requirement may only be imposed on a person under section 93(3B) if the carrying out of an aviation or marine function by that person may have caused or contributed to the occurrence of the accident, any death, injury, damage to property or environmental harm resulting from the accident, or any risk of death or of such injury, damage or harm created by it.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.