

**PROPOSAL FOR LEGISLATIVE AMENDMENT CONCERNING AVIATION SECURITY REGULATION
AND RELATED MATTERS**

Ryanair response (2 December 2016)

Proposal

To provide for,

An Amendment to the Irish Aviation Authority Act 1993, in Section 44 to include a new Subsection (3), as follows,

“(3) The services referred to in Subsection (1) of this Section include aviation security regulation functions of the company as set out under Section 14.

Ryanair comment

Security related charges have historically been borne directly by the State, and costs have not been imposed on other parties. This should continue, and the state funding for security related charges should be redirected to the Irish Aviation Authority.

Proposal

To provide for,

An amendment to Section 2A, Subsection (3) of the Air Navigation and Transport Act 1973, as inserted by Section 65 of the Air Navigation and Transport Act 1998, by inserting in Subsection (3) after the text 'aircraft in flight' the text ', which is either an Irish controlled aircraft in flight anywhere or an aircraft in flight next landing in the State, ', as follows,

2A. -(3) A person on board an aircraft in flight, which is either an Irish controlled aircraft in flight anywhere or an aircraft in flight next landing in the State, who engages in behaviour of a threatening, abusive or insulting nature whether by word or gesture with intent to cause a breach of the peace or being reckless as to whether a breach of the peace might be occasioned shall be guilty of an offence

Ryanair comment

Unruly passenger behaviour onboard aircraft has the potential to pose an unacceptable risk to flight safety and security which must be addressed as a matter of urgency and therefore, Ryanair welcomes and fully supports these proposed amendments. It is however, imperative that potential implications for Irish Courts and An Garda Síochána be considered as soon as reasonably practicable to minimise any delay in implementing these new provisions.

We believe that the penalties proposed are out of date and insufficient to serve as a true deterrent. These penalties should be reviewed.

It is disappointing that the proposed amendment indicates that a further review of the question of jurisdiction for the purpose of the Air Navigation and Transport Act 1973 is necessary for Ireland to proceed to ratify the Beijing Convention 2010 and the Montreal Protocol 2014. Ryanair believes that this matter should be addressed without delay:

- (i) Provisions of the Beijing Convention 2010 and the Montreal Protocol 2014 should be incorporated into this amendment of the Air Navigation and Transport Act.
- (ii) Ireland should, without delay, sign and ratify the Beijing Convention 2010 and the Montreal Protocol 2014.
- (iii) Ireland should lobby for full ratification of the Beijing Convention 2010 and the Montreal Protocol 2014 at an International level.

Proposal

To provide for,

A new Head

Disqualification from holding an airside access pass at an airport in the State upon conviction of certain offences:

- 1. Powers to airport authorities to grant or refuse applications for airside access passes based on confirmation of a conviction for a criminal offence contained in a schedule***
- 2. A system of appeals for applicants refused an airside access pass pursuant to the above.***
- 3. A new Schedule setting out the offences in the State, a conviction for which disqualifies a person from holding an airside access pass at an airport in the State***
- 4. Provision to allow for the sharing by An Garda Síochána with Airport Authorities any relevant information to the security of civil aviation in the State which pertains to an applicant for an airside access pass.***

Ryanair comment

Ryanair considered removal of such provisions from the Irish National Civil Aviation Security Programme as a retrograde and unacceptable measure and therefore we welcome this proposed amendment.

In accordance with current EU and Irish Security Regulations, the requirement to successfully complete a background check is not limited to individuals required to hold/holding an 'airside access pass'. The proposal must be amended to reflect this.

In accordance with the current National Civil Aviation Security Programme, airport operators are required to administer applications for background checks on behalf of air carriers, even in the case where the applicant does not require an airside access pass at an airport in the State. On this basis, it is vital that the provision reflects the requirement to share information with the Air Carrier/Entity.

Provision must be made for the sharing by An Garda Síochána with **air carriers** any relevant information to the security of civil aviation in the State which pertains to an applicant for an airside access pass/applicant for a background check.

Finally, these measures must apply to personnel employed by an Irish AOC Holder who require a background check regardless of their location.

Proposal

To provide for,

A new Head Offence, penalty and powers of arrest by An Garda Síochána for the unauthorised breach and trespass of a person airside at an airport in the State

'airside' means 'the movement area of an airport, adjacent terrain and buildings or portions thereof, access to which is restricted'

- (1) If any person trespasses airside of an Airport involved in civil aviation in the State, such person shall be guilty of an offence under this section.***
- (2) A person who commits an offence under this section is liable—***
 - (a) on summary conviction to a class A fine or to imprisonment for a term not exceeding 6 months or to both, or***
 - (b) on conviction on indictment—***
 - (i) where the person is an individual - to a fine not exceeding €5,000, or to imprisonment for a term not exceeding 5 years or to both, or***
 - (ii) where the person is a body corporate - to a fine not exceeding €250,000.***
- (3) Where a person is charged with an offence under this section in respect of a trespass—***
 - (a) the fact that he had not received a personal warning shall not be a ground of defence,***
 - (b) he shall not, in any case, be convicted of the offence unless the Airport Authority proves to the satisfaction of the Court that, at the date of the trespass there was affixed at the boundary or the Airport, a notice (painted on boards or printed, painted or enamelled, on iron or any other material) in legible characters warning persons not to trespass airside of the Airport.***
- (4) No person lawfully having been granted, by the relevant Airport Authority, access airside of the Airport, shall be liable to any fine under this section.***
- (5) An offence under this section may be prosecuted by the Airport Authority.***
- (6) A person found trespassing pursuant to Sub Section (1) who is has not been lawfully granted access airside of the Airport under Sub Section (4) may be arrested and detained by An Garda Síochána, for up to 5 hours for the purpose establishing the basis for a prosecution under this Section.***

Ryanair comment

Ryanair supports this proposal but it must be amended to specifically include aircraft.

Proposal

To provide for,

A new Head

Offences and penalties relating to the operation and use of drones or lasers and powers to seize items used in breach

- 1. Additional powers of enforcement including the power to seize items used in breach of the legislation, i.e. the drone or laser.***
- 2. Ability to levy small fixed notice fines with regard to minor offences.***

Ryanair comment

Ryanair supports this proposal.