Draft Regulations laid before Parliament under section 373(3) of the Armed Forces Act 2006, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2013 No.

DEFENCE

The Armed Forces (Alcohol Limits for Prescribed Safety-Critical Duties) Regulations 2013

Made - - - -	****2013*
Coming into force - -	*1st November 2013*

The Defence Council, in exercise of the powers conferred by sections 20A(4) and 93F(4) of the Armed Forces Act 2006(**1**), makes the following regulations:

In accordance with section 373(3)(d)(**2**) of the Armed Forces Act 2006 a draft of this instrument was laid before, and approved by resolution of, each House of Parliament.

Citation and commencement

1. These Regulations may be cited as the Armed Forces (Alcohol Limits for Prescribed Safety-Critical Duties) Regulations 2013 and shall come into force on 1st November 2013.

Interpretation

2. In these Regulations—

"the Act" means the Armed Forces Act 2006;

"afloat" means not on shore;

"air traffic controller" means a person directing or controlling the direction of aircraft in flight, taking off or landing;

"firearm" means a lethal barrelled weapon of any description from which any shot, bullet or other missile can be discharged;

"hazardous seamanship evolution" means manoeuvring alongside another vessel or fixed or moving object, leaving harbour, launching or recovery of boats, replenishment at sea, towing operations or salvage operations;

(**1**) 2006 c. 52. Section 20A was inserted by section 10, and section 93F was inserted by section 11(1), of the Armed Forces Act 2011 (c. 18).

(**2**) Section 373(3)(d) was amended by section 30 of, and paragraph 14 of Schedule 4 to, the Armed Forces Act 2011.

"Her Majesty's ships" means all ships belonging to or used for the purposes of any of Her Majesty's forces, and "Her Majesty's submarines" shall be construed accordingly;

"maritime lifting operation" means the lifting or lowering of a load between one of Her Majesty's ships and the shore using lifting equipment.

Alcohol limits for prescribed safety-critical duties

3.—(1) In relation to a duty prescribed in regulation 4, the relevant limit is—

(a) in the case of breath, 35 microgrammes of alcohol in 100 millilitres;

(b) in the case of blood, 80 milligrammes of alcohol in 100 millilitres; and

(c) in the case of urine, 107 milligrammes of alcohol in 100 millilitres.

(2) In respect of a duty prescribed in regulation 5, the relevant limit is—

(a) in the case of breath, 9 microgrammes of alcohol in 100 millilitres;

(b) in the case of blood, 20 milligrammes of alcohol in 100 millilitres; and

(c) in the case of urine, 27 milligrammes of alcohol in 100 millilitres.

Duties subject to the limit in regulation 3(1)

4. The duties prescribed in this regulation are any duty—

(a) of an officer of one of Her Majesty's ships afloat to secure the safe conduct of the ship;

(b) of the quartermaster, bosun's mate, helmsman or planesman of one of Her Majesty's ships afloat to execute, or secure the execution of, orders as to the navigation of the ship;

(c) of a member of the crew of any of the following which belongs to, or is being used for the purpose of, any of Her Majesty's forces—

(i) hovercraft;

(ii) landing craft;

(iii) rigid-hulled inflatable boats;

(iv) raiding craft;

(v) any other vessel, if it belongs to one of Her Majesty's ships afloat;

(d) as the ship control officer of the watch of one of Her Majesty's submarines afloat;

(e) as a member of the standing sea emergency party of one of Her Majesty's ships afloat;

(f) as a member of the harbour duty watch of one of Her Majesty's ships';

(g) as a member of the strategic weapons system harbour duty watch of one of Her Majesty's submarines;

(h) to supervise a hazardous seamanship evolution;

(i) to supervise a maritime lifting operation;

(j) as a member of a boarding party;

(k) as a member of the flight deck crew of one of Her Majesty's ships;

(l) as a diver;

(m) to supervise a diver;

(n) as a driver or commander of a mechanically propelled vehicle;

(o) to supervise, certify or carry out maintenance on an aircraft;

(p) to authorise a military flight.