



An Bille Aerloingseoireachta agus Aeriompair (Leasú), 2026
Air Navigation and Transport (Amendment) Bill 2026

Mar a tionscnaíodh

As initiated



AN BILLE AERLOINGSEOIREACHTA AGUS AERIOMPAIR (LEASÚ), 2026
AIR NAVIGATION AND TRANSPORT (AMENDMENT) BILL 2026

Mar a tionscnaíodh

As initiated

CONTENTS

Section

1. Amendment of Air Navigation and Transport Act 1946
2. Revocation of Air Navigation (Foreign Military Aircraft) Order 1952
3. Short title, collective citation and commencement

ACTS REFERRED TO

Air Navigation Acts 1936 to 2022

Air Navigation and Transport Act 1946 (No. 23)

Air Navigation and Transport Acts 1936 to 2022

European Convention on Human Rights Act 2003 (No. 20)



AN BILLE AERLOINGSEOIREACHTA AGUS AERIOMPAIR (LEASÚ), 2026
AIR NAVIGATION AND TRANSPORT (AMENDMENT) BILL 2026

Bill

entitled

An Act to amend the Air Navigation and Transport Act 1946 for the purpose of giving further effect to the Convention on International Civil Aviation opened for signature at Chicago on 7 December 1946 and to provide for related matters. 5

Be it enacted by the Oireachtas as follows:

Amendment of Air Navigation and Transport Act 1946

1. The Air Navigation and Transport Act 1946 is amended— 10

(a) in section 3, by inserting the following subsections after subsection (2):

“(3) No State aircraft of a state other than the State shall fly over or land in the State save on the express invitation or with the express permission of the Minister.

(4) (a) Every State aircraft of a state other than the State flying over or landing in the State on the express invitation or with the express permission of the Minister shall comply with such stipulations as the Minister may make in relation to such aircraft. 15

(b) For the purposes of paragraph (a) and with effect from the commencement of the Air Navigation and Transport (Amendment) Act 2026, it shall be an express stipulation of any invitation or permission to so fly or land (irrespective of when that invitation or permission was made or granted) that— 20

(i) human rights and equality would be upheld aboard that aircraft, and 25

(ii) all persons aboard that aircraft will be treated with fairness, dignity and respect.

(5) Subsections (3) and (4) shall not apply to any State aircraft of a state other than the State which is engaged in searching for an aircraft in distress or in rescuing survivors of an aircraft accident but, while so engaged or searching— 30

(a) that aircraft shall not enter any area appointed as a prohibited area under or by virtue of an order made under Part II of this Act, and

- (b) that aircraft shall comply with such stipulations as the Minister may make in relation to it.
- (6) In this section, ‘human rights’ means—
- (a) the rights, liberties and freedoms conferred on, or guaranteed to, persons by the Constitution, 5
 - (b) the rights liberties or freedoms conferred on, or guaranteed to, persons by any agreement, treaty or convention to which the State is a party and which has been given the force of law in the State, or by a provision of any such agreement, treaty or convention which has been given such force, and 10
 - (c) the rights, liberties and freedoms conferred on, or guaranteed to, by the Convention provisions within the meaning of the European Convention on Human Rights Act 2003”,
- and
- (b) by inserting the following section after section 12: 15
- “Inspection of aircraft**
- 12A.** (1) For the purpose of ensuring compliance by an aircraft with the Chicago Convention, the Air Navigation Acts 1936 to 2022 or any orders made thereunder, an authorised person has the following functions: 20
- (a) to enter any aircraft at any airport and inspect the aircraft;
 - (b) to detain for the purposes of this section any aircraft for such time as is required for the exercise of functions under this section;
 - (c) to require the operator of the aircraft concerned to furnish within such time as the authorised person may specify such information as that person considers necessary for the purposes of an inspection referred to in paragraph (a); 25
 - (d) to carry out a direction of the Minister under subsection (2).
- (2) The Minister may direct an authorised person to carry out, or cause to be carried out under such person’s supervision, an inspection in relation to any aircraft in or over the State concerning the misuse of civil aviation for purposes inconsistent with the Chicago Convention, this Act or any orders made thereunder and the operator or the pilot-in-command of that aircraft shall facilitate the carrying out by an authorised person of such direction. 30 35
- (3) Where it appears, either to the Minister or to an authorised person, that an aircraft is intended or likely to be flown in such circumstances that the flight would be in contravention of this section or the carrying out of any direction thereunder, then the Minister or the authorised person may give to the operator or the pilot-in-command of the aircraft such instructions, and take such steps (by way of detention of the aircraft or otherwise) as appear to the Minister or authorised person to be 40

necessary, in order to prevent the flight, and the person so instructed shall comply with such instructions.

- (4) A person commits an offence if the person does any of the following:
- (a) obstructs or impedes an authorised person in exercising powers under this section; 5
 - (b) assaults an authorised person in exercising powers under this section;
 - (c) refuses, or without reasonable excuse fails, to furnish to an authorised person information required by the authorised person to enable the exercise of powers under this section; 10
 - (d) refuses, or without reasonable excuse fails—
 - (i) to comply with an instruction under subsection (3), or
 - (ii) to take any steps so instructed to take under that subsection;
 - (e) makes a statement to an authorised person knowing it to be false in a material particular; 15
 - (f) recklessly makes a statement to an authorised person which is false in a material particular.
- (5) A person who commits an offence under this section is liable—
- (a) on summary conviction, to a fine not exceeding a class A fine or to imprisonment for a term not exceeding 6 months, or, at the discretion of the Court, to both such fine and such imprisonment, or 20
 - (b) on conviction on indictment, to a fine, or to imprisonment for a term not exceeding 7 years, or, at the discretion of the Court, to both such fine and such imprisonment.
- (6) The Minister shall, from time to time and at least once a year following the year in which this section is commenced, cause a copy of a report (in this section referred to as the annual report) assessing the number of inspections carried out under this section to be laid before both Houses of the Oireachtas. 25
- (7) Without prejudice to the generality of subsection (5), the annual report shall be accompanied by a statement of the Minister's reasons for requesting inspections in accordance with subsection (2). 30
- (8) In this section, 'authorised person' means—
- (a) any person, or any person belonging to a class of persons, authorised in writing by the Minister to exercise the powers conferred on an authorised person under this section, or 35
 - (b) a member of An Garda Síochána.”.

Revocation of Air Navigation (Foreign Military Aircraft) Order 1952

2. The Air Navigation (Foreign Military Aircraft) Order 1952 (S.I. No. 74 of 1952) is revoked.

Short title, collective citation and commencement

3. (1) This Act may be cited as the Air Navigation and Transport (Amendment) Act 2026. 5
- (2) The Air Navigation and Transport Acts 1936 to 2022 and this Act (other than *sections 2 and 3*) may be cited together as the Air Navigation and Transport Acts 1936 to 2026.
- (3) This Act comes into operation on the day after its passing.

An Bille Aerloingseoireachta agus
Aeriompair (Leasú), 2026

BILLE

(mar a tionscnaíodh)

dá ngairtear

Acht do leasú an Achta Aerloingseoireachta agus Aeriompair, 1946 chun tuilleadh éifeachta a thabhairt don Choinbhinsiún ar Eitlíocht Shibhialta Idirnáisiúnta a osclaíodh lena shíniú in Chicago an 7 Nollaig 1946; agus do dhéanamh socrú i dtaobh nithe gaolmhara.

Na Seanadóirí Patricia Stephenson, Ailís-Máire Ní Uiginn, Proinséas Ní Dhuibh, Laura Harmon, Nessa Cosgrove, Lynn Ní Ruáin agus Malcolm Noonan a thug isteach,

27 Bealtaine, 2026

Air Navigation and Transport (Amendment)
Bill 2026

BILL

(as initiated)

entitled

An Act to amend the Air Navigation and Transport Act 1946 for the purpose of giving further effect to the Convention on International Civil Aviation opened for signature at Chicago on 7 December 1946; and to provide for related matters.

Introduced by Senators Patricia Stephenson, Alice-Mary Higgins, Frances Black, Laura Harmon, Nessa Cosgrove, Lynn Ruane and Malcolm Noonan,

27th May, 2026

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR

Le ceannach díreach ó

FOILSEACHÁIN RIALTAIS,
BÓTHAR BHAILE UÍ BHEOLÁIN, CILL MHAIGHNEANN,
BAILE ÁTHA CLIATH 8, D08 XAO6.

Teil: 046 942 3100

r-phost: publications@opw.ie

nó trí aon díoltóir leabhar.

DUBLIN
PUBLISHED BY THE STATIONERY OFFICE

To be purchased from

GOVERNMENT PUBLICATIONS,
MOUNTSHANNON ROAD, KILMAINHAM,
DUBLIN, D08 XAO6.

Tel: 046 942 3100

Email: publications@opw.ie

or through any bookseller.

€1.27



9 781399 342544