International comparison of disruptive passenger prevalence

Briefing note prepared for the Department for Transport by Dr A Timmis, Professor S Ison and Dr L Budd, Loughborough University

Executive Summary

- Disruptive and unruly passenger behaviour can have significant negative impacts on passenger comfort and flying experience, detrimental impacts on airline brand image, can be a flight safety hazard and cause flight delay.
- Disruptive and unruly passenger behaviour contravenes the Tokyo Convention 1963 which has been incorporated into national aviation laws internationally.
- Disruptive and unruly passenger behaviour ranges from verbal abuse (Level 1) through to attempts to breach the flight deck (Level 4).
- Internationally between 2007 and 2016 there has been a significant increase in reported events of disruptive and unruly passenger behaviour. In 2016 there were 9,837 reported incidents internationally, equivalent to 1 incident for every 1,424 flights. This has been widely recognised as an international problem not unique to one country or region. Disruptive and unruly passenger behaviour is not restricted to any particular passenger socio-economic demographic.
- The vast majority of reported incidents of disruptive and unruly passenger behaviour (98%) were Level 1 (verbal) or Level 2 (physically abusive behaviour). Alcohol intoxication is identified as the most frequently displayed behaviour in disruptive incidents.
- Reporting of disruptive and unruly passenger events are made by airlines to their relevant national aviation authorities or safety agencies. The reporting requirements vary by country with many national aviation authorities only requiring events of Level 2 severity or higher to be mandatorily reported. As such, direct country comparison as to the prevalence of such events is difficult.
- A systematic desktop comparison of international approaches has identified four common approaches to the penalties for disruptive and unruly passenger behaviour namely: fines, no-fly lists, detention, imprisonment.
- Approaches to the management of disruptive and unruly passengers requires collaboration between all aviation stakeholders (airlines, airports, retailers and regulatory and governing bodies). Addressing the issue of disruptive and unruly behaviour requires effective deterrents and preventative actions. IATA has highlighted the recently adopted UK Aviation Industry Code of Practice as a case of international best practice.

1. Introduction and scope of the briefing note

Internationally, disruptive and unruly passenger behaviour has become a growing concern and has gained increasing media attention facilitated by the spread of social media. Behaviour of this nature ranges from relatively minor infractions such as verbal abuse towards crew and other passengers and smoking, through to potentially lethal actions which threaten the safety of the entire passengers on an aircraft.

While disruptive passenger behaviour remains rare, when it does occur the impact can be significant. The results of such behaviour can result in nuisance and annoyance to other passengers and crew. In extreme cases a passenger could be removed from an aircraft (pre-departure) or during flight with an aircraft diverting to an unscheduled airport. These incidents can be costly and cause delays.

Experiences of disruptive and unruly passenger behaviour are not unique to one country or region. A brief review of international news outlets reporting such events during undertaking research for this briefing note (see Appendix A) highlights the widespread international prevalence of such disruptive events.

The purpose of this briefing note is to conduct a desktop review of the prevalence of disruptive and unruly passenger incidents. In addition, this note will also review the penalties and legal mechanisms countries use to manage such behaviour.

This briefing note is structured as follows: Section 1 defines disruptive and unruly passenger events in aviation, how the range of incidences are classified and the role of alcohol in disruptive and unruly passenger behaviour. Section 2 presents the results of the international review of disruptive and unruly passenger reports at an international aggregate level and then key individual aviation markets. Section 3 reviews the sanctions and penalties for disruptive and unruly behaviour across international jurisdictions. The briefing note conclusions form Section 4.

2. Defining Disruptive and Unruly Passengers

Disruptive and unruly passenger behaviour covers a wide range of potential situations that can occur on board an aircraft *and/or* at an airport. The terms '*disruptive*' and '*unruly*' are often used interchangeably in the reporting of such events by airline operators and the aviation industry, regulatory authorities, safety authorities, legal bodies and governments. Broadly, disruptive and unruly behaviour can be considered by the definition provided in the ICAO Annex 17 to the Convention on International Civil Aviation 1944 (the Chicago Convention[1]) *Security – Safeguarding International Civil Aviation against Acts of Unlawful Interference*:

> *A passenger who fails to respect the rules of conduct at an airport or on board an aircraft or to follow the instructions of the airport staff or crew members and thereby disturbs the good order and discipline at an airport or on board the aircraft.*

IATA[2] (2015) has produced a non-exhaustive list of examples of disruptive and unruly behaviours:

- Illegal consumption of narcotics;
- Refusal to comply with safety instructions e.g. not following cabin crew requests (fastening a seat belt, not to smoke, disrupting a safety announcement);
- Verbal confrontation with crew members or other passengers;
- Physical confrontation with crew or other passengers;
- Uncooperative passenger (interfering with the crews' duties, refusing to follow instructions to board or leave the aircraft);
- Making threats (includes all types of threats whether directed against a person, intended to cause confusion or chaos, or any threatening behaviour towards crew, passengers or aircraft);
- Sexual abuse/harassment; and
- Other type of riotous behaviour (e.g. screaming, annoying behaviour, kicking seat backs/tray tables).

2.1 ICAO Threat Classification

There is no universally accepted classification system for disruptive passenger events and therefore it is the responsibility of airlines to follow the respective guidance of their relevant regulatory authorities' regulations. The ICAO[3] Manual on the Implementation of the Security Provisions of ICAO Annex 6 contains a four-tier classification, which is a widely adopted classification system by aviation safety authorities around the world (see Table 1).

---

[1] https://www.icao.int/about-icao/History/Pages/default.aspx
[2] International Air Transport Association
[3] International Civil Aviation Organisation

Table 1: ICAO's levels of threat classification for disruptive passenger events

Level	Descriptor	Examples of behaviour

1	Disruptive behaviour (verbal)	− The use of unacceptable or profane language
		− Unacceptable behaviour towards a crew member:
		  o Communicating displeasure through voice tone or rude gesture
		  o Provoking an argument or making unreasonable demands (e.g. refusal to give up on a denied request)
		  o A display of suspicious behaviour e.g. agitated behaviour; distant and unresponsive
		  o Not following crew instructions or challenging authority
		  o Violation of a safety regulation

2	Physically abusive behaviour	− Physically abusive behaviour towards a crew member: openly or aggressively hostile action that includes physical act or contact − Obscene or lewd behaviour towards a crew member: actions of an overly sexual, lecherous or lascivious nature − Verbal threats: threatening a crew member or another passenger with physical violence or bodily harm on board or while about to board the aircraft, or making threats in an attempt to board aircraft − Tampering with any emergency or safety equipment on board the aircraft − Deliberately damaging any part of the aircraft or property on board the aircraft
3	Life-threatening behaviour (or display of a weapon)	− The threat, display or use of a weapon − Physical or sexual assault with the intent to injure (e.g. Violent, threatening, intimidating or disorderly behaviour)
4	Attempted or actual breach of the flight crew compartment	− An attempted or unauthorised intrusion into the flight deck − A credible threat of death or serious bodily injury in an attempt to gain control of the aircraft − The display, use or threat to use a weapon to breach the flight deck − Sabotage of or the attempt to sabotage an aircraft − Actions that render the aircraft incapable of flight or that are likely to endanger the safety of flight − Any attempt to unlawfully seize control of the aircraft

2.2 Legal distinctions between types of offences

As detailed in the previous section, disruptive and unruly behaviour can cover a wide range of situations. It is important to differentiate between them since different legal frameworks govern the response (IATA, 2015). There are three categories of offence:

1. **Offences classified as acts of terrorism**. This is not covered in this briefing document.
2. **Offences that are subject to the Tokyo Convention 1963.** Incidences that could endanger safety and good order on board the aircraft (see Appendix B for further detail).
3. **General offences that contravene the legal regime in the carrier's jurisdiction.**

An example as to why it is important to make the differentiation between offences can be illustrated by the act of smoking on board an aircraft. Smoking in the lavatory of an aircraft would fall under the legal framework of the Tokyo Convention whereas smoking in unauthorised zones (other than lavatories) falls under the legal framework of the carrier's jurisdiction (IATA, 2015).

3. Prevalence of Disruptive Passenger Behaviour

3.1 International

No globally comprehensive single-source database exists for the reporting of disruptive and unruly passenger incidences. However, IATA collects and reports on such events with the most comprehensive of dataset.

3.2 IATA STEADES

As part of the Global Aviation Data Management system, IATA operates the STEADES (Safety Trend Evaluation, Analysis and Data Exchange System) programme. STEADES is a global database of de-identified safety incident reports from participating airlines. The STEADES database allows for the diffusion of best practice and enables participating airlines to assess and benchmark their performance against key safety performance indicators. Annually, reporting rates to STEADES exceeds over 200,000 reports (IATA, 2018a).

3.2.1 IATA STEADES Participants

Airline participation in the STEADES programme is voluntary. However, as of June 2018, 213 airlines participate and report safety incidences (including disruptive and unruly passenger events) (IATA, 2018b). Member airlines cover the full spectrum of airline business models (FSNCs to LCCs[4]), geographic regions (see Table 2) and a significant proportion of total global passengers (see Appendix C for the full list of current STEADES participants). STEADES is a general aviation safety reporting and knowledge exchange platform and members also include dedicated cargo airlines that do not have any passenger operations (e.g. DHL Aviation and Cargolux).

Due to participant airlines and operators carrying both passengers and cargo it is difficult to fully assess what proportion of global aviation activity is covered by the STEADES programme. Additionally, due to the diverse range of airline participants and ownership models, there is limited publicly available information on annual passenger numbers for all airlines. An analysis of the FlightGlobal (2016) Airlines Ranking indicates that STEADES participants represent 75% of aviation activity of the largest 100 airlines as measured by RPKs[5] and approximately 60% of total global aviation activity[6]. Therefore, it is highly likely that the STEADES data does not include all such incidents of unruly and disruptive passenger behaviour.

---

[4] Full Service Network Carries & Low Cost Carriers respectively.
[5] Revenue Passenger Kilometres
[6] This assumes 7.5 trillion RPKs in 2017 (IATA, 2018a)

Table 2: IATA STEADES members by geographic region.

Participant Region	Number of Airlines
Africa and Indian Ocean	18
Asia Pacific	32
Commonwealth of Independent States	11
Europe	73
Latin America & The Caribbean	26
Middle East and North Africa	27
North Asia	14
North Atlantic and North America	12
Total Participation	213

There are some notable large airlines which are not participants of the IATA STEADES programme including the largest airline in Europe (Ryanair) and the third largest airline in the world (Southwest Airlines) (IATA, 2018b). Table 3 identifies non-participants of STEADES amongst the 50 largest airlines (by passenger numbers) in the world (FlightGlobal, 2016). It is unclear why airlines choose not to participate in the STEADES programme.

Table 3: Large airlines that are non-participants of IATA STEADES

Participant Region	Airlines (2016 passengers)
Asia Pacific	AirAsia (24.3m)
Europe	Alitalia (22.5m)
	Ryanair (106.4m)
North Asia	China Eastern Airlines (93.8m)
	Shenzhen Airlines (25.5m)
	Sichuan Airlines (21.2m)
North Atlantic and North America	Alaska Airlines (22.9m)
	ExpressJet (26.0m)
	SkyWest Airlines (30.1m)
	Southwest Airlines (144.6m)
	WestJet (20.3m)

3.2.2 UK Airlines STEADES participation

UK registered airlines are obligated to report safety critical incidences to the European Aviation Safety Agency (EASA) under Regulation (EU) 376/2014 (*On the Reporting, Analysis and Follow-up of Occurrences in Civil Aviation*). Disruptive and unruly passenger behaviour is outlined as a Mandatory Reporting Obligation (MRO) in Annex 1 of implementing regulation (EU) 2015/1018 and is described as "*difficulty in controlling intoxicated, violent or unruly passengers".*

Participation of the IATA STEADES programme by UK airlines is voluntary and thus reporting to it is in addition to MROs made to EASA under relevant EU law. However, a significant proportion of UK

airlines with a Type A Operating Licence[7] are participant of the IATA STEADES programme (see Table 4). Non-participants of STEADES are often small specialist operators e.g. charter operators. Notable non-participants of STEADES include Flybe (9.05m passengers; 2017) and TUI (formerly Thomson Airways) (9.22m; 2017). Additionally, there are European airlines with significant UK operations operating under licence from another member state within the European Common Aviation Area (e.g. Ryanair) who are not STEADES participants.

Table 4: UK Airlines and STEADES participation

Participant of STEADES	Non-participant of STEADES
BA Cityflyer Ltd	2Excel Aviation Ltd
Bristow Helicopters Ltd	Air Kilroe Ltd (trading as Eastern Airways)
British Airways plc	Air Tanker Services Ltd
DHL Air Ltd	BAe Systems (Corporate Air Travel) Ltd
EasyJet UK Limited	British Midland Regional Ltd
Jet2.com Ltd	CargoLogicAir Ltd[*]
Norwegian Air UK Ltd	Cello Aviation Ltd
Thomas Cook Airlines Ltd	Flybe Ltd
Virgin Atlantic Airways Ltd[a]	Jota Aviation Ltd
Virgin Atlantic International Ltd[a]	Loganair Ltd
Wizz Air UK Limited	RVL Aviation Ltd
West Atlantic UK Ltd[*b]	TAG Aviation (UK) Ltd
	TUI Airways Ltd
	Titan Airways Ltd

Table Notes

[*] Cargo operator

[a] Report as Virgin Atlantic to STEADES

[b] Parent group West Atlantic is a participant of STEADES

3.2.3 STEADES Reported Incidents

Reporting requirements of unruly and disruptive passenger incidences vary between the different national civil aviation authorities. However, IATA (2015) has introduced a standardised *Unruly Passenger Incident Form*. Data captured includes: level of interference (see ICAO Threat Classification), description of the passenger, location, actions taken (e.g. notification warning card issued, restraints applied), medical assistance provided, detail of law enforcement involvement, witness details and statements, and the statement/observations of the crew members involved. Thus, the data captured by STEADES offers the most comparable dataset of such events worldwide.

---

[7] A Type A Operating Licence is required by operators of aircraft with 20 or more seats

Due to the potentially sensitive nature of the reported incidences, access to the raw data of safety incidences is restricted to those employees in a safety critical role within participating airlines. IATA in their Annual Safety Report reports aggregate annual statistics.

Since 2007 there has been a significant increase in the total number of reported incidences (see Figure 1). Even when accounting for the growth in international passenger numbers there has been a significant increase in the prevalence of such events (as measured by reports per 1000 flights) over the last decade. Summary analysis of STEADES data highlights that unruly and disruptive passenger behaviour is a global issue affecting all regions.
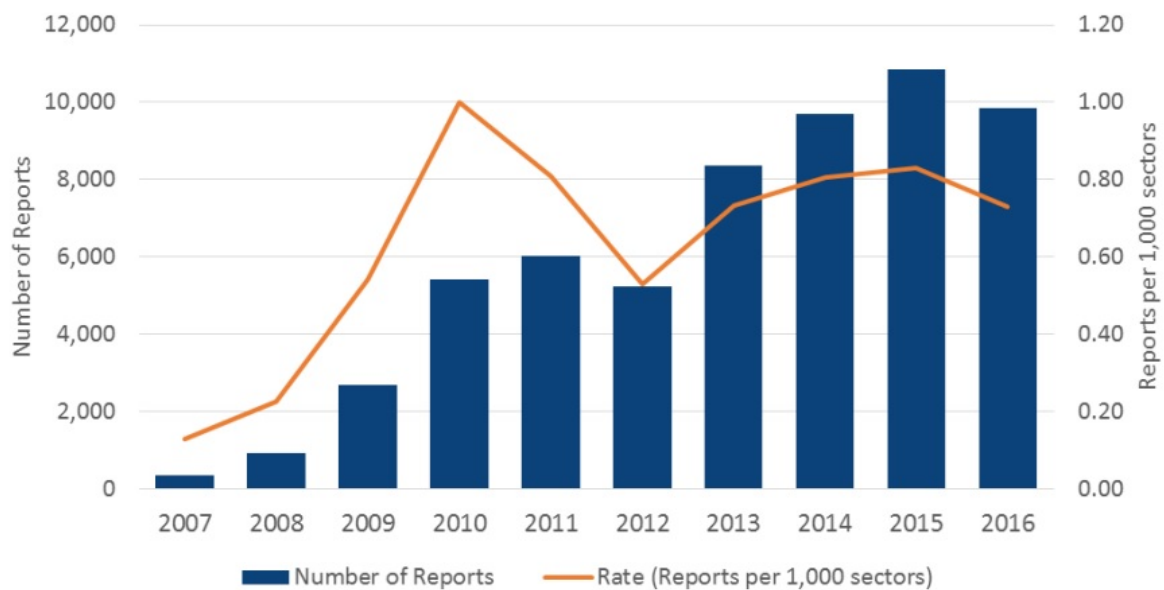

Figure 1: Disruptive and unruly passenger reports to IATA STEADES 2007-2016 (IATA, 2018a)

In 2016 there were 9,837 incidents reported to IATA, a decrease compared to the 10,854 incidents that were reported in 2015. In 2016 this was equivalent to 1 incident for every 1,424 flights compared to 1 incident per 1,205 flights in 2015. The vast majority of reported incidents were Level 1 (86%) and Level 2 (12%) and less than 1% were life-threatening safety-critical incidences or attempts to breach the flight-deck door (see previous section for level descriptors) (IATA, 2018a).

It is unclear why there has been a significant increase in reported cases of disruptive and unruly passenger behaviour within the reporting period (particularly between 2007 and 2010) in both absolute terms and the relative prevalence per 1,000 sectors. The 2007 data appears significantly low in comparison to other data sources available from individual countries, and thus may under represent the true scale of such incidents. In the United States in 2007 there were 153 reports of FAA Enforcement Actions in relation to 'unruly passengers' (FAA, 2018), which is a very narrow definition of disruptive and unruly passenger behaviour (discussed later in *Reporting Gaps*). In the UK alone in the reporting period 2007/08 there were reports of 2,702 incidents (DfT, 2010). Therefore, low historic report rates within the IATA STEADES data and the subsequent observed increase could be the result of:

- Increased participation of the IATA STEADES programme (increasing aggregate total reports);
- More fastidious reporting of incidents of disruptive behaviour by member airlines (increasing the relative frequency of reports);

- Or an increase in the prevalence of reportable events.

3.2.4 Behaviour demonstrated and contributing factors

As previously highlighted, disruptive and unruly passengers may cover a broad range of behaviours. For 2016 (the last year of full reporting available) incidents reported to STEADES demonstrated the following behaviour types (Table 5) (IATA, 2018a). It should be noted that in some reported incidents passengers may display more than one behaviour type. For example, a disruptive and unruly passenger incident could include intoxication, a dispute with another passenger and inappropriate behaviour.

Table 5: Behaviours observed in 2016 STEADES reported incidences

Behaviour Type	% of total reports (2016)
Alcohol/intoxication	31
Compliance with smoking regulations	26
Compliance with other regulations	17
Dispute between passengers	8
Compliance with fasten seatbelt signs	7
Child/infant	4
Inappropriate behaviour	4
Security threat or suspicious behaviour	2
Pet/emotional support animal	1

3.3 Individual country reporting

The following results (Table 6) collate the findings of the systematic desktop review of reported disruptive and unruly behaviour incidents in key aviation markets. It should be noted that there is no standardised approach to the reporting of incidents to aviation authorities nor the reporting of annual statistics of such events by authorities. Safety critical events are usually exempt from Freedom of Information requests as the information is deemed sensitive and unsuitable for the public domain. Detailed publication of reported disruptive and unruly passenger incidents in the public domain is very limited. The following table contains countries where data has been identified.

Table 6: Reports of incidences by individual country

Country	Reported Incidences	Of which alcohol a reported factor	Reporting Authority	Source
European	2505 (2012-2016) Approx. 626/yr	Unknown	European Aviation Safety Agency	Annual Safety Review 2017 (EASA, 2017)
Hong Kong	2 successful prosecutions (2016)	Unknown	Civil Aviation Department	Annual Report 2016-2017 (CAD, 2017)
Ireland	7 (2016)	Unknown	Irish Aviation Authority	Annual Safety Performance Review 2016 (IAA, 2017)
UK	418 (2016)	Unknown	CAA/EASA	Website (CAA, 2018)
New Zealand	57 (2016)	7 [Boarded aircraft while intoxicated] 9 [Became intoxicated on aircraft]	Civil Aviation Authority of New Zealand	Annual Report 2016/17 CAA Regulatory Investigations Unit (CAAoNZ, 2017)
USA	87 (2017) Only 1 in 6 have resulted in fines between 09-13	Unknown	FAA (for interfering with the duties of crew) Transportation Security Administration (for security violations)	FAA Enforcement Actions (2018) (FAA, 2018)

3.4 Reporting gap

When comparing the relative prevalence of unruly and disruptive passenger behaviour between countries it is important to bear in mind the different reporting regimes that operate in each country.

The absence of data or relatively low reported incidences of disruptive behaviour cannot be interpreted as a lack of such situations occurring. Incidences of disruptive passenger behaviour onboard an aircraft that have been successfully de-escalated by aircrew may not be reported. Furthermore, what constitutes disruptive and unruly passenger behaviour varies between countries. For example, incidences reported to the Federal Aviation Authority in the United States (see Table 6) are only those where enforcement action has been taken in relation to Federal Aviation Regulations 91.11, 121.580, 135.120. These regulations give a very narrow definition of what constitutes disruptive behaviour:

> *"No person may assault, threaten, intimidate, or interfere with a crewmember in the performance of the crewmember's duties aboard an aircraft being operated."*

Thus, reports to the FAA are restricted to those events of Level 2 classification and higher rather than capturing a broader definition of passenger anti-social behaviour. Disruptive and unruly passenger behaviour in the airport is the responsibility of the Transportation Security Administration (TSA) and reported separately, data for which is publicly disclosed. However, unruly passenger behaviour in the airport has been recognised as a significant issue by the TSA and new initiatives have been recently launched (discussed in Section 4).

Mandatory reporting by Canadian Airlines to Transport Canada and Indian Airlines to the Directorate General of Civil Aviation are limited to events classified as Level 2 or higher. Level 1 reports (verbal disruptive behaviour) are voluntary. It is unclear why Level 1 offences remain voluntary.

Additionally, there is recognition that the reporting of incidences of disruptive and unruly passenger behaviour may be limited due to the administrative burden or futile as many state's legal systems do not include jurisdiction to charge a person for an offence, which has not taken place within its own territory. The Association of Asia Pacific Airlines (2014) identifies that crew may be unwilling to report incidences due to lengthy legal proceedings and that the administrative process could be unappealing after a long-haul flight.

4. Punishments and Penalties

4.1 Individual country approaches

Individual country punishment and penalties for disruptive and unruly passenger behaviour is presented over the following pages. Countries selected cover major international aviation markets.

Country	Fine	No-fly lists	Detention[a]	Imprisonment	Description	Source
Australia	●				Passengers displaying offensive and disorderly behaviour may be charged 50 penalty units (PU). Passengers entering an aircraft intoxicated may be charged 5 PUs. The value of penalty units varies by Sate and are re-valued periodically e.g. Western Australia $50 (£29)/PU through to Tasmania $159 (£90)/PU. For federal offences the value of a penalty unit is AUD $210 (£120) (*Crimes Act 1914*).	Civil Aviation Regulations 1988 256 *Intoxicated persons not to act as pilots etc or to be carried on aircraft* 256AA *Offensive and disorderly behaviour*
Canada	●	●			Sanctions and penalties are identified for "disruptive behaviour". Alcohol intoxication is not specifically identified. **State**: Fine of up to CAD$5000 (£2900) **Airline**: Within airline tariffs (conditions of carriage) prohibited conduct is outlined and sanctions include: *Removal of the passenger at any point* *Probation* – the carrier may stipulate certain probationary conditions on passenger behaviour for any length of time. *Refuse to transport the passenger* – from a one-time to an indefinite lifetime ban.	Transport Canada Advisory Circular (AC) No.700-010 Air Canada *International Tariff General Rules* *Aeronautics Act 1985* *Canadian Aviation Regulations* 602.46
China	●		●		Disruptive behaviour can result in 5-10 days of administrative detention and a fine of 500 RMB (£55). If the behaviour constitutes a crime the individual will also be subject to normal Chinese criminal law. Individuals are also liable for any damage against any individuals or property.	Civil Aviation Law of the People's Republic of China (1995)
Hong Kong	●			●	Unruly behaviour offences maximum penalties range from a fine of HKD$10,000 (£970) (Level 3 fine) and 6-month imprisonment under summary conviction (which includes intoxication) to a fine of HKD$100,000 (£9700) and a 5-year imprisonment under conviction or indictment (for safety critical incidences).	Aviation Security (Amendment) Ordinance 2005

Country	Fine	No-fly lists	Detention[a]	Imprisonment	Description	Source
India		●			Airline conditions of carriage outline unruly and disruptive behaviour that is prohibited under the *Aircraft Rules 1937*. Punishments and sanctions vary by offence severity but include passenger inclusion on the national No-Fly List maintained by the DGCA Level 1 up to three months Level 2 up to six months Level 3 for a minimum period of 2 years or more without limit For subsequent offences, the person will be banned for twice the period of the previous ban	Aircraft Rules 1937 Aircraft (Security) Rules 2011 Civil Aviation Requirements Section 3 – Air Transport Series M Part VI
Ireland	●			●	A person on board an aircraft in flight who is intoxicated to such extent as to give rise to a reasonable apprehension that he or she is likely to endanger the safety of himself or herself or the safety of others on board the aircraft shall be guilty of an offence. On summary conviction they could be liable to a fine not exceeding €500 (£450). A person on board an aircraft in flight 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. On summary conviction they could be liable to a fine not exceeding €700 (£630) or to imprisonment for a term not exceeding 4 months.	Air Navigation and Transport (Amendment) Act, 1998
Malaysia	●			●	The penalties for disruptive behaviour is dependent upon the severity as outlined in the Sixteenth Schedule of Regulation 188. A Part A offence (e.g. smoking on aircraft) may result in a fine of RM25,000 (£4750) or to imprisonment not exceeding one year or to both. A Part B offence (including endangering the safety of the aircraft or person or property and drunkenness on an aircraft) may result in a fine of RM50,000 (£9500) or to imprisonment not exceeding three years or to both	Civil Aviation Act 1969 Regulation 188

Country	Fine	No-fly lists	Detention[a]	Imprisonment	Description	Source
					Where an offence is against a corporate body the fines can be double those listed above.	
New Zealand	●			●	Section 65 of the Civil Aviation Act (1990) outlines fines and sanctions for a wide range of disruptive passenger behaviour. Acts of disruption which interfere with the performance of the crew may result in fines of NZD$10,000 (£5200) and 2 years imprisonment. Specific references to alcohol: Offences: 65l(1)(a): Is intoxicated and boards an aircraft is liable on conviction to a fine not exceeding NZD$5,000 (£2600) 65l(1)(b): becomes intoxicated on an aircraft is liable on conviction to a fine not exceeding NZD$3,000 (£1560) Alternatively, a passenger may be awarded an infringement notice: 65l(1)(a) NZD$1000 (£520) 65l(1)(b) NZD$600 (£312)	Civil Aviation Act 1990
Russia	●	●	●		Airlines have the right to deny boarding to passengers displaying disruptive behaviour. This can include inclusion on a flying blacklist for up to a year. Administrative detention for acts of disruption range from 10-15 days and fines can range from 30,000-50,000 RUB (£360-600) Passengers are also liable under the Criminal Code including article 213 ("Hooliganism").	The Aviation Code of the Russian Federation (1997) Amendment No.376-FZ
United Kingdom	●			●	The penalties for disruptive behaviour is dependent upon the severity of the behaviour as outlined in the Civil Aviation Act 1983 Section 61. On summary conviction of any offence, it may result in any term of imprisonment or of a fine exceeding the statutory maximum (i.e. over £5000)	Civil Aviation Act 1983 Section 61 Aviation (Offences) Act 2003 The Air Navigation Order 2016 No. 765, Part 10, Chapter 1

Country	Fine	No-fly lists	Detention[a]	Imprisonment	Description	Source
					On conviction or indictment of an offence, a term of imprisonment exceeding two years.	
United States	●				Up to $25,000 (£19,500) per violation of Federal Aviation Regulations: "no person may assault, threaten, intimidate, or interfere with a crewmember in the performance of the crewmember's duties aboard an aircraft being operated.". Passengers can also be prosecuted on criminal charges.	Federal Aviation Regulations 91.11, 121.580, 135.120 FAA Reauthorization Bill (April, 2000)

Currency conversions

NZD $1	£0.52		HKD $1	£0.097	RUB ₽1	£0.012	MYR RM1	£0.19
RMB ¥1	£0.11		AUD $1	£0.57	CAD $1	£0.58	USD $1	£0.78
EUR €1	£0.90					

Table notes
[a] Otherwise known as 'Administrative Detention'. This form of punishment involves arrest and detention *without* trial.

5. Additional Identified Initiatives

5.1 United States

Disruptive and unruly passenger behaviour has been the focus of US Government action for some period of time. Since 2000 the FAA, TSA and airlines have maintained a 'zero-tolerance' approach to disruptive and unruly passenger behaviour that violates Federal Aviation Regulations 91.11, 121.580, 135.120. In April 2000, as part of the FAA Reauthorization Bill, the maximum fine for a violation was raised to $25,000 from $1,000. Since the early 2000s there has been a considerable decrease in reported disruptive events (see Figure 2). In 2004 the number of FAA enforcement actions totalled 310, in 2017 there were only 87 FAA enforcement actions taken.
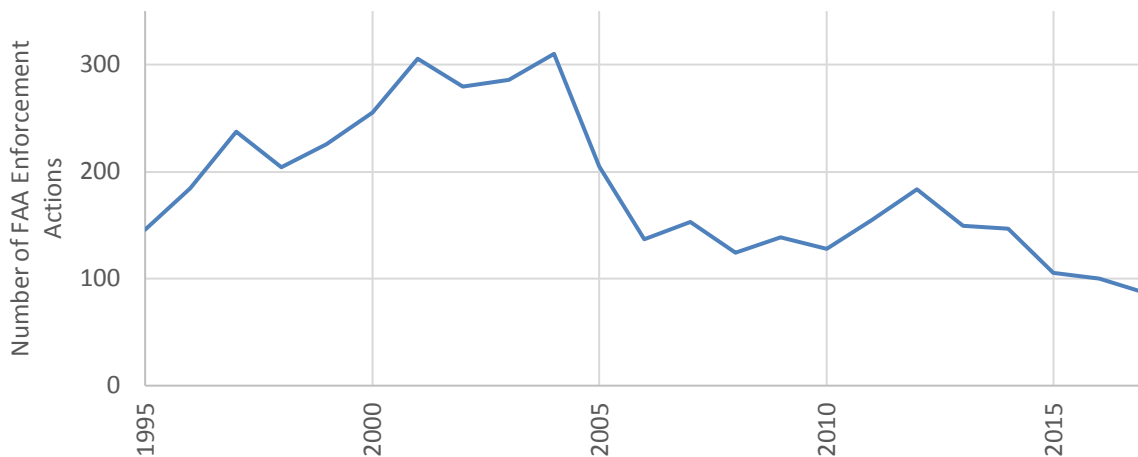

Figure 2: FAA Enforcement Actions per annum (FAA, 2018)

However, media reports of FAA documentation, obtained under the Freedom of Information Act (Penzenstadler, 2015), suggest that fines towards the upper end of the scale are rarely levied. Between 2009 and 2013 only 1 in 6 reported violations of disruptive passenger behaviour resulted in a fine. Where a fine was levied, two thirds of unruly passengers were able to negotiate reductions. In 62 incidents, fines that passengers ultimately paid were less than 50% of the original penalty. Three passengers negotiated the fine down to $0.

Recent news reports have highlighted a previously undisclosed TSA initiative to create a watch list of passengers who may become disruptive and unruly based on past behaviour (Nixon, 2018). Inclusion on the watchlist does not bar members of the public from flying nor impose additional security screening but may allow airport members to monitor and track potential agitators.

Industry Initiatives

The UK aviation sector has been identified by IATA (2016) as demonstrating components of best practice in the management of disruptive and unruly passenger behaviour. Effective management of such incidents involves both prevention and management, and enhanced deterrence. Aviation stakeholders have developed the *UK Aviation Industry Code of Practice on Disruptive Passengers* (AOA, *nd*). The commitments of the code cover:

16

Commitment	Detail
1. Our approach to disruptive behaviour	Signatories to this Code take a zero-tolerance approach to disruptive behaviour.
2. Supporting employees	Signatories to this Code will train, empower and support their staff to identify, pre-empt, de-escalate and manage disruptive passenger behaviour.
3. The sale and consumption of alcohol	Signatories will practice the responsible and controlled selling or supplying of alcohol and encourage the responsible consumption of alcohol by passengers.
4. Educating and communicating with passengers	Promote responsible and considerate behaviour among air passengers; communicate to passengers what disruptive behaviour is and why it is unacceptable.

Signatories to the industry code include: the Airport Operators Association, Airlines UK, the Airport Police Commanders Group, the Association of Licensed Multiple Retailers (ALMR), the UK Travel Retail Forum, major UK airports[8] and airlines[9].

5.2 *UK Aviation Sector – 'One Too Many'*

The UK industry has recently launched a promotional campaign 6th August 2018 (IATA, 2018d) across airports, airlines and social media highlighting the impacts of disruptive behaviour with an emphasis on the role alcohol plays.

Figure 3*:* **Example media from the 'One too Many' campaign'**

---

5. Conclusion

A desktop review of the available data has identified that disruptive and unruly passenger behaviour is not unique to the UK. Internationally reported incidences of such behaviour have been increasing, partly because of the increase in air travel demand and potentially because of airlines more consistently reporting such events. Direct comparisons between countries is difficult due to differences in the reporting of incidents to national aviation agencies, and the availability of annual statistics in the public domain. Internationally, alcohol has been identified as the most significant contributary factor to disruptive behaviour. The UK penalties and sanctions for disruptive behaviour are reasonably comprehensive by international comparison. However, it has been identified that effective management requires both deterrents consistent preventative actions.

6. References

Airport Operators Association (AOA) (*nd*) *UK Aviation Industry Code of Practice on Disruptive Passengers*. [pdf] Airport Operators Association. Available: [https://www.aoa.org.uk/wp-content/uploads/2016/07/The-UK-Aviation-Industry-Code-of-Practice-on-Disruptive-Passengers-FINAL.pdf] [Accessed 29 August 2018]

Association of Asia Pacific Airlines (2014) *Joint Position Paper on Unruly Passengers*. [pdf] Association of Asia Pacific Airlines. Available: [http://aapairlines.org/resource_centre/AAPA_Unruly_Passengers_30Sep14.pdf] [Accessed 21 August 2018]

Civil Aviation Authority (2018) *Disruptive Passengers*. [online] Available at: [https://www.caa.co.uk/Passengers/On-board/Disruptive-passengers/] [Accessed 29 August 2018]

Civil Aviation Authority of New Zealand (CAAoNZ) (2017) *Annual Report 2016/17 – CAA Regulatory Investigations Unit*. [pdf] Civil Aviation Authority of New Zealand. Available: [https://www.caa.govt.nz/assets/legacy/publicinfo/2017-riu-annual-report.pdf] [Accessed 29 August 2018]

Civil Aviation Department (CAD) (2017) *Annual Report 2016-2017*. [pdf] Civil Aviation Department. Available: [https://www.cad.gov.hk/reports/an2016-2017/16-17-full.pdf] [Accessed 29 August 2018]

Colehan, T (2014) Unruly Passengers: The Airline Industry Perspective on the Revision of the Tokyo Convention. *Journal of Aviation Management,* 2014, 9-21.

Department for Transport (DfT) (2010) *Disruptive Behaviour On Board UK Aircraft 2008/09*. [pdf] Department for Transport. Available: [http://webarchive.nationalarchives.gov.uk/20100916051852/http://www.dft.gov.uk/pgr/statistics/datatablespublications/aviation/db/] [Accessed 21 August 2018]

European Aviation Safety Agency (EASA) (2017) *Annual Safety Review 2017*. [pdf] European Aviation Safety Agency. Available: [https://www.easa.europa.eu/sites/default/files/dfu/209735_EASA_ASR_MAIN_REPORT_3.0.pdf] [Accessed 29 August 2018]

Federal Aviation Authority (FAA) (2018) *Passengers & Cargo: Unruly Passengers.* [online] Available at: [https://www.faa.gov/data_research/passengers_cargo/unruly_passengers/] [Accessed 29 August 2018]

FlightGlobal (2016) *World Airline Rankings 2016.* [pdf] FlightGlobal Available: [https://www.flightglobal.com/asset/12670] [Accessed 22 August 2018]

Irish Aviation Authority (2017) *Review of Aviation Safety Performance in Ireland 2016.* [pdf] Irish Aviation Authority. Available at: [https://www.iaa.ie/docs/default-source/publications/corporate-publications/performance/annual-safety-performance-review-2016.pdf?sfvrsn=4] [Accessed 29 August 2018]

IATA (2015) *Guidance on Unruly Passenger Prevention and Management.* [online] Available at: [https://www.iata.org/policy/Documents/2015-Guidance-on-Unruly-Passenger-Prevention-and-Management.pdf] [Accessed 01 August 2018]

IATA (2016) *Unruly Passengers – A global problem. What can be done?.* [pdf] International Air Transport Association. Available at: [https://www.icao.int/Meetings/LegalSeminar/Documents/TC_State%20of%20the%20Issue%20of%20Unruly%20Passengers.pdf] [Accessed 01 August 2018]

IATA (2018a) *Safety Report 2017.* Montreal: International Air Transport Association.

IATA (2018b) *STEADES Members List – Last updated in June 2018.* [pdf] International Air Transport Association. Available at: [https://www.iata.org/services/statistics/gadm/steades/Documents/STEADES-members.pdf] [Accessed 29 August 2018]

IATA (2018c) Air Passenger Market Analysis - May 2018. Available: [https://www.iata.org/publications/economics/Reports/pax-monthly-analysis/passenger-analysis-may-2018.pdf] [Accessed 17 July 2018]

IATA (2018d) *IATA Launches 'One Too Many' Campaign in the UK.* [online] Available at: [https://airlines.iata.org/news/iata-launches-one-too-many-campaign-in-the-uk] [Accessed 29 August 2018]

Nixon, R. (2018) Watch List Shields T.S.A Screeners from Threatening, and Unruly Travellers. *The New York Times*, [online] Available at: [https://www.nytimes.com/2018/05/17/us/politics/new-watch-list-tsa-screeners-.html] [Accessed 20 August 2018]

Penzenstadler, N. (2018) FAA rarely wields hefty penalty hammer with air rage. *USA Today,* [online] Available at: [https://eu.usatoday.com/story/news/2015/01/30/faa-big-fines-rare-in-air-rage-cases/22479715/] [Accessed 20 August 2018]

Appendix A –

International examples of disruptive behaviour

Date	Airline	Flight	Details	Impact	Source
08 Jun 2018	Jet2	Belfast (BFS) to Ibiza (IBZ)	A male passenger, travelling as part of bachelor party, became verbally abusive to flight crew after being refused service of alcohol. The passenger was also consuming alcohol brought onto the aircraft from duty free.	The aircraft was diverted to Toulouse Airport, France which caused a three-hour delay	BBC News (2018)
30 Dec 2016	Air New Zealand	Melbourne (MEL) to Wellington (WLG)	Male passenger causes unrest amongst passengers after continually accusing parents of an upset child of "child abuse" and "child torture". Crew move passenger and threaten to restrain him.	Passenger served with $500 NZD infringement notice	Stuff (2018)
08 Jun 2018	Virgin Australia	Melbourne (MEL) to Perth (PER)	A female passenger became disruptive to other passengers and crew by making death threats	Flight was diverted to Adelaide, Australia causing a delay.	Newshub (2018)
26 Jun 2018	Delta Airlines	Miami (MIA) to Atlanta (ATL)	A man, wearing only his underwear, jumped a security fence at Hartsfield-Jackson International Airport and ran onto Runway 27 and jumped onto the wing of the recently landed aircraft.	Airport officials closed the runway redirecting air traffic to use other runways	San Antonio Express-News (2018)
23 Jun 2018	Delta Airlines	Calgary (YYC) to Chicago (ORD)	Guilherme Alves De Melo, a Brazilian passenger on the aircraft, became verbally and physically disruptive to other passengers and flight crew and ate part of his boarding-pass. He was restrained due to his interfering with the crews' ability to carry out their duties.	The flight was diverted to Cedar Rapids, Iowa to deplane the passenger.	Gazette (2018)
24 Apr 2018	Jet Airways	Mumbai (BOM) to Kolkata (CCU)	A highly intoxicated male passenger became disruptive and interfered with the pre-take off safety demonstration. It is thought the passenger had drank significant amounts of alcohol after the airport security screening before boarding the aircraft.	The aircraft returned to the stand to deplane the customer. The flight was delayed by 40-minutes.	Times of India (2018)
30 Apr 2018	All Nippon Airways	Tokyo Narita (NRT) to Los Angeles (LAX)	Before the aircraft had taken off a physical fight broke out between two passengers. In trying to de-escalate the situation a member of the flight crew is struck several times.	The aircraft returned to stand where one of the passengers was deplaned and charged with assault. The flight was delayed by 90-minutes.	Washington Post (2018)

Appendix B –

***The Convention on Offences and Certain Other Acts Committed on Board Aircraft* (The Tokyo Convention, 1963)**

The Convention on Offences and Certain Other Acts Committed on Board Aircraft is more commonly known as the Tokyo Convention. The convention makes it unlawful to commit "*acts which, whether or not they are offences [against the penal law of a State], may or do jeopardize the safety of the aircraft or of persons or property therein or which jeopardize good order and discipline on board*". It is this convention which has been enacted into the national civil aviation law analysed in Section 4 of this briefing note.

The Convention gives the State of aircraft registration jurisdiction over offences committed on board an aircraft. Two other notable features of The Convention are that it gives the Pilot-in-Command the powers to disembark or deliver a passenger to law enforcement and it grants immunity to cabin crew members from legal proceedings for actions taken against the perpetrator.

Various limitations of the Tokyo Convention have been identified (Colehan, 2014):

- Jurisdictional issues – In many instances the offending passenger may disembark in a State that does not have jurisdiction to prosecute. The State of landing may be different to the State of registration.
- Definition of offences – The Convention does not define what constitutes a criminal offence.
- Right of Recourse – Unscheduled landings and diversions can lead to airlines incurring large costs. The Convention does not give carriers a legal mechanism to recover incurred costs.
- Temporal scope – The Convention only applies to when the aircraft is "*in flight*", which is considered to be "*from the moment when power is applied for the purpose of take-off until the moment when the landing run ends*".

***Protocol to amend the Convention on Offences and Certain Other Acts Committed on Board Aircraft* (The Montreal Protocol, 2014 "MP14")**

As a result of the identified limitations of the Tokyo Convention, and the increasing prevalence of the disruptive and unruly passenger behaviour, a new Protocol to amend *The Convention on Offences and Certain Other Acts Committed on Board Aircraft* has been put forward by ICAO. This is commonly known as The Montreal Protocol MP14. The key changes of MP 14 include:

- Extension of jurisdiction – Jurisdiction is to be extended to the State of landing or to a third state if the aircraft is diverted from the original State of landing.
- Definition of offences – The Protocol clarifies certain behaviours deemed to be an offence.
- Right of recourse – Airlines will have the right to seek compensation from disruptive and unruly passengers.

Appendix C – IATA STEADES participant airlines

Africa and Indian Ocean	Airline
Aero Contractors Company of Nigeria	Ethiopian Airlines
Africa World Airlines	Groupe TRANSAIR
Air Botswana	Kenya Airways
Air Madagascar	LAM Mozambique Airlines
Air Zimbabwe	Safair
Asky Airlines	South African Airways
CemAir	South African Express Airways
Comair Limited	TAAG Angola Airways
Congo Airways	Top Brass Aviation

Asia Pacific	Airline
Air India	Pakistan International Airlines
Air India Express	Philippine Airlines
Air New Zealand	Qantas
All Nippon Airways - ANA	QantasLink – Eastern Australia Airlines Pty.Ltd
Asiana Airlines	QantasLink – Sunstate Airlines (QLD) PTY.Ltd
Batik Air	Royal Brunei Airlines
Blue Dart Aviation	Scoot Tigerair Pte Ltd
Fiji Airways (Air Pacific)	SFS Aviation
Garuda Indonesia	Singapore Airlines
IndiGo	SriLankan Airlines
Japan Airlines	Thai Airways International
Jet Airways	Thai Lion Mentari Co. Ltd
Korean Air	Vietnam Airlines
Lion Mentari Airlines	Virgin Australia Airlines
Malaysia Airlines	Vistara
Malindo Airlines	Wings Abadi Air

Commonwealth of Independent States	Airline
Aeroflot	Siberia Airlines
Air Astana	Somon Air
Air Moldova	Ukraine International Airlines
AirBridge Cargo Airlines	UTair
Azerbaijan Airlines	Volga -Dnepr Airlines
Belavia Belarusian Airlines	

Europe	Airline
Adria Airways	Farnair Switzerland AG
Aegean Airways	Finnair
Aer Lingus	Freebird Airlines
Aigle Azur	IBERIA
Air Atalanta Icelandic	Icelandair
Air Baltic	Israir
Air Berlin	Izair
Air Europa	Jet2
Air Europa Express (Aeronova)	KLM
Air France	KLM Cityhopper
Air Greenland	LOT Polish Airlines
Air Malta	Lufthansa

Air Nostrum	Lufthansa Cargo
Arkia Israeli Airlines	Luxair
Aurigny Air Services	Montenegro Airlines
Austrian Airlines	Neos Air
Azores Airlines (SATA International)	Nextjet
Azur Air	Nordic Regional Airline OY (Flybe Finland OY)
BA CityFlyer	Norwegian Air UK
Blue Air – Airline Management Solutions	Pegasus Airlines
BMI Regional	Portugalia Airlines
Bond Offshore Helicopters Limited	PrivatAir
Bristow Helicopters Group Inc.	Privilege Style
British Airways	SAS Scandinavian Airlines
Brussels Airlines	Smartlynx Airlines
CAL Cargo Airlines	SunExpress
Cargolux Airlines International S.A.	Swiss International Air Lines
Cobat Air	TAP Portugal
Condor Berlin GmbH	TAROM
Corendon Airlines	Thomas Cook Airlines
Croatia Airlines	Turkish Airlines
Czech Airlines	Virgin Atlantic
DHL Air Ltd	Volotea
EasyJet	Vueling Airlines
EL AL	West Atlantic Sweden
European Air Transport	Wizz Air
Evelop Airlines	

Latin America & The Caribbean	Airline
Aerolineas Argentinas	Interjet – ABC Aerolineas, S.A. de C.V.
Aeromexico (Aerovias de Mexico)	LATAM Airlines Group (LAN Airlines)
Aeromexico Connect	LATAM Airlines Argentina (LAN Argentina)
Austral Airlines	LATAM Airlines Brasil (TAMA Airlines)
AVIANCA	LATAM Cargo Brasil (ABSA Cargo Airline)
Avianca Brasil (Ocean Air)	LATAM Cargo Chile (LAN Cargo)
Avianca Costa Rica (LACSA)	LATAM Cargo Mexico (MasAir)
Avianca El Salvador (TACA)	LATAM Ecuador (LAN Ecuador)
Avianca Peru (TACA Peru)	LATAM Express (LAN Express)
Copa Airlines	LATAM Peru (LAN Peru)
COPA Airlines Colombia (Aero Republica)	TAME – Linea Aerea del Equador
Easyfly	TAR Aerolineas
GOL Transportes Aereas (VRG Linhas Aereas)	Volaris
Aerolineas Argentinas	Interjet – ABC Aerolineas, S.A. de C.V.

Middle East and North Africa	Airline
Afriqiyah Airways	Middle East Airlines
Air Algerie	Nesma Airlines
Air Arabia	Nile Air
Air Cairo	Nova Airways
DHL Aviation EEMEA B.S.C.	Oman Air
Egyptair	Qatar Airways
Emirates	Royal Air Maroc
Etihad Airways	Royal Jordanian
Gulf Air	Saudi Arabian Airlines
Iraqi Airways	Sudan Airways
Jordan Aviation	Tassilli Airlines

Kuwait Airways
Libyan Airlines
Maximus Air Cargo

Yemen Airways
Zagros Airlines

North Asia	**Airline**
Air China	Hainan Airlines
Air Macau	Hong Kong Airlines
Capital Airlines	Hong Kong Air Cargo Carrier Limited
Cathay Pacific Airways Limited	Hong Kong Dragon Airlines
China Airlines	Hong Kong Express Airways
China Southern Airlines	Okay Airways
EVA AIR	XiamenAir (Xiamen Airlines)

North Atlantic and North America	**Airline**
Air Canada	Hawaiian Airlines
Air Transat	JetBlue
American Airlines	Polar Air Cargo
Atlas Air	Southern Air
CommutAir	Sunwing Airlines
Delta Airlines	United Airlines